



ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

EIGHTEENTH CONGRESS—FIRST SESSION.

THE
DEBATES AND PROCEEDINGS
IN THE
CONGRESS OF THE UNITED STATES;
WITH
AN APPENDIX,
CONTAINING
IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,
AND ALL
THE LAWS OF A PUBLIC NATURE;
WITH A COPIOUS INDEX.

EIGHTEENTH CONGRESS.—FIRST SESSION:
COMPRISING THE PERIOD FROM DECEMBER 1, 1823, TO MAY 27, 1824,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

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PROCEEDINGS AND DEBATES

OF

THE SENATE OF THE UNITED STATES,

AT THE FIRST SESSION OF THE EIGHTEENTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 1, 1823.

MONDAY, December 1, 1823.

The First Session of the Eighteenth Congress, conformably to the Constitution of the United States, commenced this day at the City of Washington, and the Senate assembled.

PRESENT:

SAMUEL BELL and JOHN F. PARROTT, from New Hampshire.

JAMES LLOYD, from Massachusetts.

HENRY W. EDWARDS and JAMES LANMAN, from Connecticut.

NEHEMIAH R. KNIGHT, from Rhode Island.

WILLIAM A. PALMER and HORATIO SEYMOUR, from Vermont.

RUFUS KING and MARTIN VAN BUREN, from New York.

MAHLON DICKERSON and JOSEPH McILVAINE, from New Jersey.

WALTER LOWRIE and WILLIAM FINDLAY, from Pennsylvania.

SAMUEL SMITH, from Maryland.

JAMES BARBOUR, from Virginia.

NATHANIEL MACON, from North Carolina.

JOHN GAILLARD and ROBERT Y. HAYNE, from South Carolina.

JOHN ELLIOTT, from Georgia.

ISHAM TALBOT, from Kentucky.

BENJAMIN RUGGLES, from Ohio.

JAMES BROWN and HENRY JOHNSON, from Louisiana.

DAVID HOLMES, from Mississippi.

JAMES NOBLE and WALLER TAYLOR, from Indiana.

JESSE B. THOMAS, from Illinois.

JOHN CHANDLER and JOHN HOLMES, from Maine.

DAVID BARTON and THOMAS H. BENTON, from Missouri.

JOHN GAILLARD, President *pro tempore*, resumed the Chair.

SAMUEL BELL, appointed a Senator by the Legislature of the State of New Hampshire, for the term of six years, commencing on the fourth day of March last; HENRY W. EDWARDS, appointed a Senator by the Executive of the State of Con-

necticut, in the place of ELIJAH BOARDMAN, deceased; JAMES LLOYD, appointed a Senator by the Legislature of Massachusetts, for the term of six years, commencing on the fourth day of March last; JOSEPH McILVAINE, appointed a Senator by the Legislature of the State of New Jersey, to supply the vacancy occasioned by the resignation of SAMUEL L. SOUTHARD; ROBERT Y. HAYNE, appointed a Senator by the Legislature of the State of South Carolina, for the term of six years, commencing on the fourth day of March last; HENRY JOHNSON, appointed a Senator by the Legislature of the State of Louisiana, for the term of six years, commencing on the fourth day of March last; and JESSE B. THOMAS, appointed a Senator by the Legislature of the State of Illinois, for the term of six years, commencing on the fourth day of March last,—respectively produced their credentials, which were read; and the oath prescribed by law was administered to them, and they took their seats in the Senate.

The credentials of THOMAS H. WILLIAMS, appointed a Senator by the Legislature of the State of Mississippi, for the term of six years, commencing on the fourth day of March last, were read.

The oath was also administered to Mr. CHANDLER, Mr. KNIGHT, and Mr. DICKERSON—their credentials having been read and filed during the last session.

On motion of Mr. BARBOUR, it was agreed that when the Senate adjourn, it be to half after one o'clock, P. M.; and, on motion, the Senate adjourned.

Half after one o'clock, P. M.

The usual orders for the appointment of Chaplains; for supplying the members with newspapers; and for the appointment of joint committees on enrolled bills,—were severally passed.

Messrs. BARBOUR and MACON were appointed a committee, jointly, with such as the House may appoint, to wait upon the President of the United States, and inform him of the organization of the two Houses, and of their readiness to receive any communication from him; and then the Senate adjourned to 11 o'clock to-morrow.

SENATE.

President's Annual Message.

DECEMBER, 1823.

TUESDAY, December 2.

EDWARD LLOYD, from the State of Maryland; and, also, ETHAN ALLEN BROWN, from the State of Ohio, severally attended.

JOHN BRANCH, appointed a Senator by the Legislature of the State of North Carolina, for the term of six years, commencing on the fourth day of March last, produced his credentials, which were read, and the oath prescribed by law was administered to him; and the oath was also administered to Mr. WILLIAMS, whose credentials were read yesterday; and they took their seats in the Senate.

Mr. BARBOUR, of the joint committee appointed to wait upon the PRESIDENT, and inform him of the organization of the two Houses, and their readiness to receive any communication from him, reported, that the Committee had attended to the duties assigned them; and that the President was pleased to say, that he would communicate with the two Houses, by Message, this day.

On motion of Mr. CHANDLER, it was agreed that the Senate will meet at twelve o'clock on each day of its session, until otherwise ordered.

Mr. LANMAN submitted the following resolution for consideration:

Resolved, That Mountjoy Bayly, Doorkeeper and Sergeant-at-Arms to the Senate, be, and he hereby is, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper of the Senate, which expense shall be paid out of the contingent fund.

The resolution was read twice by unanimous consent, and considered as in Committee of the Whole; and on the question, "Shall this resolution be engrossed and read a third time?" it was determined in the affirmative.

The PRESIDENT communicated a letter from the Secretary of the Senate, with the statements made in obedience to a joint "Resolution requiring from the Secretary of the Senate and Clerk of the House of Representatives, an annual statement of the expenditures from the contingent fund of the two Houses," approved March 1st, 1823; which were read.

REVOLUTIONARY PENSIONERS, &c.

The following communications, received from the Secretary of War, were read, and ordered, with the accompanying papers, to be printed:

WAR DEPARTMENT, December 1, 1823.

SIR: Agreeably to the resolution of the Senate of the United States, passed on the 1st of March last, directing the Secretary of War to report, during the first week of the present session of Congress, the number of Revolutionary pensioners in each State, at this time on the list, and the amount of money received or receivable in each State, on account of Revolutionary pensioners, I herewith transmit a statement showing the number of such pensioners in each State and Territory of the United States, and the sum receivable annually in each on account of said pensioners.

I have the honor to be, &c.

J. C. CALHOUN.

Hon. J. GAILLARD,
President, pro tem, Senate U. S.

Statement of the number of Pensioners, and the sums receivable by them in the several States and Territories, as follows:

Maine	-	-	-	1,208	\$123,024
New Hampshire	-	-	-	836	85,584
Massachusetts	-	-	-	1,677	175,680
Connecticut	-	-	-	859	87,504
Rhode Island	-	-	-	245	26,688
Vermont	-	-	-	1,000	102,912
New York	-	-	-	2,948	302,448
New Jersey	-	-	-	423	44,208
Pennsylvania	-	-	-	947	98,688
Delaware	-	-	-	27	2,736
Maryland	-	-	-	222	23,184
Virginia	-	-	-	667	67,200
North Carolina	-	-	-	236	23,520
South Carolina	-	-	-	111	11,232
Georgia	-	-	-	42	4,608
Kentucky	-	-	-	452	46,704
East Tennessee	-	-	-	96	9,504
West Tennessee	-	-	-	111	11,520
Ohio	-	-	-	661	67,776
Louisiana	-	-	-	3	288
Indiana	-	-	-	106	10,464
Illinois	-	-	-	14	1,344
Missouri	-	-	-	7	816
Alabama	-	-	-	9	1,008
Mississippi	-	-	-	8	912
Michigan	-	-	-	8	912
Columbia	-	-	-	38	4,324
Total	-	-	-	13,961	\$1,334,788

DEPARTMENT OF WAR,
March 3, 1823.

SIR: In compliance with a resolution of the Senate, directing the "Secretary to inform the Senate of the original amount of a judgment, lately obtained by the United States, in the district court of the Eastern District of Pennsylvania, against Colonel William Duane, and what credits have been allowed to the defendant since the date of the judgment, the dates of such credits, by whom given, and under what authority," I have the honor to transmit, herewith, reports of the Third and Fifth Auditors, which furnish the information required.

I have the honor to be, &c.

J. C. CALHOUN.

To the PRESIDENT of the Senate U. S.

The resolution directing the supply of newspapers, having been reported by the committee correctly engrossed, was read a third time, and passed.

PRESIDENT'S MESSAGE.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Fellow-citizens of the Senate and House of Representatives:

Many important subjects will claim your attention during the present session, of which I shall endeavor to give, in aid of your deliberations, a just idea in this communication. I undertake this duty with diffidence, from the vast extent of the interests on which I have to treat, and of their great importance to every portion of our Union. I enter on it with zeal, from a thorough conviction that there never was a period, since the establishment of our Revolution, when, regarding the condition of the civilized world, and its bearing on

DECEMBER, 1823.

President's Annual Message.

SENATE.

us, there was greater necessity for devotion in the public servants to their respective duties, or for virtue, patriotism, and union, in our constituents.

Meeting in you a new Congress, I deem it proper to present this view of public affairs in greater detail than might otherwise be necessary. I do it, however, with peculiar satisfaction, from a knowledge that, in this respect, I shall comply more fully with the sound principles of our Government. The people being with us exclusively the sovereign, it is indispensable that full information be laid before them on all important subjects, to enable them to exercise that high power with complete effect. If kept in the dark, they must be incompetent to it. We are all liable to error, and those who are engaged in the management of public affairs are more subject to excitement, and to be led astray by their particular interests and passions, than the great body of our constituents, who, living at home, in the pursuit of their ordinary avocations, are calm but deeply interested spectators of events, and of the conduct of those who are parties to them. To the people, every Department of the Government, and every individual in each, are responsible, and the more full their information, the better they can judge of the wisdom of the policy pursued, and of the conduct of each in regard to it. From their dispassionate judgment, much aid may always be obtained, while their approbation will form the greatest incentive, and most gratifying reward, for virtuous actions, and the dread of their censure the best security against the abuse of their confidence. Their interests, in all vital questions, are the same, and the bond by sentiment, as well as by interest, will be proportionably strengthened as they are better informed of the real state of public affairs, especially in difficult conjunctures. It is by such knowledge that local prejudices and jealousies are surmounted, and that a national policy, extending its fostering care and protection to all the great interests of our Union, is formed and steadily adhered to.

A precise knowledge of our relations with foreign Powers, as respects our negotiations and transactions with each, is thought to be particularly necessary. Equally necessary is it, that we should form a just estimate of our resources, revenue, and progress in every kind of improvement connected with the national prosperity and public defence. It is by rendering justice to other nations, that we may expect it from them. It is by our ability to resent injuries, and redress wrongs, that we may avoid them.

The Commissioners under the fifth article of the Treaty of Ghent, having disagreed in their opinions respecting that portion of the boundary between the territories of the United States and of Great Britain, the establishment of which had been submitted to them, have made their respective reports, in compliance with that article, that the same might be referred to the decision of a friendly Power. It being manifest, however, that it would be difficult, if not impossible, for any Power to perform that office, without great delay and much inconvenience to itself, a proposal has been made by this Government, and acceded to by that of Great Britain, to endeavor to establish that boundary by amicable negotiation. It appearing, from long experience, that no satisfactory arrangement could be formed of the commercial intercourse between the United States and the British colonies in this hemisphere, by legislative acts, while each party pursued its own course, without agreement or concert with the other, a proposal has been made to the British Govern-

ment to regulate this commerce by treaty, as it has been to arrange, in like manner, the just claim of the citizens of the United States inhabiting the States and Territories bordering on the lakes and rivers which empty into the St. Lawrence, to the navigation of that river to the ocean. For these and other objects, of high importance to the interests of both parties, a negotiation has been opened with the British Government which, it is hoped, will have a satisfactory result.

The Commissioners under the sixth and seventh articles of the Treaty of Ghent, having successfully closed their labors in relation to the sixth, have proceeded to the discharge of those relating to the seventh. Their progress in the extensive survey, required for the performance of their duties, justifies the presumption that it will be completed in the ensuing year.

The negotiation which had been long depending with the French Government on several important subjects, and particularly for a just indemnity for losses sustained in the late wars by the citizens of the United States, under unjustifiable seizures and confiscations of their property, has not, as yet, had the desired effect. As this claim rests on the same principle with others which have been admitted by the French Government, it is not perceived on what just ground it can be rejected. A Minister will be immediately appointed to proceed to France, and resume the negotiation on this and other subjects which may arise between the two nations.

At the proposal of the Russian Imperial Government, made through the Minister of the Emperor residing here, a full power and instructions have been transmitted to the Minister of the United States at St. Petersburg, to arrange, by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power.

Since the close of the last session of Congress, the commissioners and arbitrators for ascertaining and determining the amount of indemnification which may be due to citizens of the United States, under the decision of His Imperial Majesty the Emperor of Russia, in conformity to the convention concluded at St. Petersburg, on the twelfth of July, one thousand eight hundred and twenty-two, have assembled in this city, and organized themselves as a board for the performance of the duties assigned to them by that treaty. The commission constituted under the eleventh article of the treaty of twenty-second February, one thousand eight hundred and nineteen, between the United States and Spain, is also in session here; and as the term of three years, limited by the treaty for the execution of the trust, will expire before the period of the

next regular meeting of Congress, the attention of the Legislature will be drawn to the measures which may be necessary to accomplish the objects for which the commission was instituted.

In compliance with a resolution of the House of Representatives, adopted at their last session, instructions have been given to all the Ministers of the United States accredited to the Powers of Europe and America, to propose the proscription of the African slave trade, by classing it under the denomination, and inflicting on its perpetrators the punishment of piracy. Should this proposal be acceded to, it is not doubted that this odious and criminal practice will be promptly and entirely suppressed. It is earnestly hoped that it will be acceded to, from a firm belief that it is the most effectual expedient that can be adopted for the purpose.

At the commencement of the recent war between France and Spain, it was declared by the French Government that it would grant no commission to privateers, and that neither the commerce of Spain herself, nor of neutral nations, should be molested by the naval force of France, except in the breach of a lawful blockade. This declaration, which appears to have been faithfully carried into effect, concurring with principles proclaimed and cherished by the United States, from the first establishment of their independence, suggested the hope that the time had arrived when the proposal for adopting it as a permanent and invariable rule in all future maritime wars might meet the favorable consideration of the great European Powers. Instructions have accordingly been given to our Ministers with France, Russia, and Great Britain, to make those proposals to their respective Governments; and, when the friends of humanity reflect on the essential amelioration to the condition of the human race, which would result from the abolition of private war on the sea, and on the great facility by which it might be accomplished, requiring only the consent of a few sovereigns, an earnest hope is indulged that these overtures will meet with an attention, animated by the spirit in which they were made, and that they will ultimately be successful.

The Ministers who were appointed to the Republics of Colombia and Buenos Ayres during the last session of Congress, proceeded, shortly afterwards, to their destinations. Of their arrival there, official intelligence has not yet been received. The Minister appointed to the Republic of Chili will sail in a few days. An early appointment will also be made to Mexico. A Minister has been received from Colombia, and the other Governments have been informed that Ministers, or diplomatic agents of inferior grade, would be received from each, accordingly as they might prefer the one or the other.

The Minister appointed to Spain proceeded, soon after his appointment, for Cadiz, the residence of the Sovereign to whom he was accredited. In approaching that port, the frigate which conveyed him was warned off by the commander of the French squadron, by which it was blockaded, and not permitted to enter, although apprized, by the captain of the frigate, of the public character of the person whom he had on board, the landing of whom was the sole object of his proposed entry. This act, being considered an infringement of the rights of ambassadors and of nations, will form a just cause of complaint to the Government of France, against the officer by whom it was committed.

The actual condition of the public finances more than realizes the favorable anticipations that were entertained of it at the opening of the last session of Congress. On the first of January there was a balance in the Treasury of four millions two hundred and thirty-seven thousand four hundred and twenty-seven dollars and fifty-five cents. From that time to the thirtieth of September, the receipts amounted to upwards of sixteen millions one hundred thousand dollars, and the expenditures to eleven millions four hundred thousand dollars. During the fourth quarter of the year, it is estimated that the receipts will at least equal the expenditures, and that there will remain in the Treasury, on the first day of January next, a surplus of nearly nine millions of dollars.

On the first of January, eighteen hundred and twenty-five, a large amount of the war debt, and a part of the Revolutionary debt, become redeemable. Additional portions of the former will continue to become redeemable, annually, until the year eighteen hundred and thirty-five. It is believed, however, that, if the United States remain at peace, the whole of that debt may be redeemed by the ordinary revenue of those years, during that period, under the provision of the act of March third, eighteen hundred and seventeen, creating the Sinking Fund; and in that case the only part of the debt that will remain, after the year eighteen hundred and thirty-five, will be the seven millions of five per cent. stock subscribed to the Bank of the United States, and the three per cent. Revolutionary debt, amounting to thirteen millions two hundred and ninety-six thousand and ninety-nine dollars and six cents, both of which are redeemable at the pleasure of the Government.

The state of the Army, and its organization and discipline, has been gradually improving for several years, and has now attained a high degree of perfection. The military disbursements have been regularly made, and the accounts regularly and promptly rendered for settlement. The supplies of various descriptions have been of good quality, and regularly issued at all of the posts. A system of economy and accountability has been introduced into every branch of the service, which admits of little additional improvement. This desirable state has been attained by the act reorganizing the staff of the Army, passed on the fourteenth of April, eighteen hundred and eighteen.

The moneys appropriated for fortifications have been regularly and economically applied, and all the works advanced as rapidly as the amount appropriated would admit. Three important works will be completed in the course of the year; that is, Fort Washington, Fort Delaware, and the fort at the Rigolets, in Louisiana.

The Board of Engineers, and the Topographical corps, have been in constant and active service, in surveying the coast, and projecting the works necessary for its defence.

The Military Academy has attained a degree of perfection in its discipline and instruction, equal, it is believed, to any institution of its kind in any country.

The money appropriated for the use of the Ordnance department has been regularly and economically applied. The fabrication of arms at the national armories, and by contract with the department, has been gradually improving in quality and cheapness. It is believed that their quality is now such as to admit of but little improvement.

The completion of the fortifications renders it ne-

cessary that there should be a suitable appropriation for the purpose of fabricating the cannon and carriages necessary for those works.

Under the appropriation of five thousand dollars for exploring the Western waters for the location of a site for a Western armory, a commission was instituted, consisting of Colonel McRee, Colonel Lee, and Captain Talcott, who have been engaged in exploring the country. They have not yet reported the result of their labors, but it is believed that they will be prepared to do it at an early part of the session of Congress.

During the month of June last, General Ashley and his party, who were trading under a license from the Government, were attacked by the Ricarees while peaceably trading with the Indians, at their request. Several of the party were killed and wounded, and their property taken or destroyed.

Colonel Leavenworth, who commanded Fort Atkinson, at the Council Bluffs, the most western post, apprehending that the hostile spirit of the Ricarees would extend to other tribes in that quarter, and that thereby the lives of the traders on the Missouri, and the peace of the frontier, would be endangered, took immediate measures to check the evil.

With a detachment of the regiment stationed at the Bluffs, he successfully attacked the Ricaree village, and it is hoped that such an impression has been made on them, as well as on the other tribes on the Missouri, as will prevent a recurrence of future hostility.

The report of the Secretary of War, which is herewith transmitted, will exhibit, in greater detail, the condition of the department in its various branches, and the progress which has been made in its administration, during the three first quarters of the year.

I transmit a return of the militia of the several States, according to the last reports which have been made by the proper officers in each, to the Department of War. By reference to this return, it will be seen that it is not complete, although great exertions have been made to make it so. As the defence, and even the liberties of the country, must depend, in times of imminent danger, on the militia, it is of the highest importance, that it be well organized, armed, and disciplined, throughout the Union. The report of the Secretary of War shows the progress made during the three first quarters of the present year, by the application of the fund appropriated for arming the militia. Much difficulty is found in distributing the arms according to the act of Congress providing for it, from the failure of the proper departments in many of the States, to make regular returns. The act of May the twelfth, one thousand eight hundred and twenty, provides that the system of tactics and regulations of the various corps of the regular Army, shall be extended to the militia. This act has been very imperfectly executed, from the want of uniformity in the organization of the militia, proceeding from the defects of the system itself, and especially in its application to that main arm of the public defence. It is thought that this important subject, in all its branches, merits the attention of Congress.

The report of the Secretary of the Navy, which is now communicated, furnishes an account of the administration of that department, for the three first quarters of the present year, with the progress made in augmenting the Navy, and the manner in which the vessels in commission have been employed.

The usual force has been maintained in the Mediterranean sea, the Pacific ocean, and along the Atlantic coast, and has afforded the necessary protection to our commerce in those seas.

In the West Indies and the Gulf of Mexico, our naval force has been augmented, by the addition of several small vessels, provided for by the "act authorizing an additional naval force for the suppression of piracy," passed by Congress at their last session. That armament has been eminently successful in the accomplishment of its object. The piracies by which our commerce in the neighborhood of the Island of Cuba had been afflicted, have been repressed, and the confidence of our merchants, in a great measure, restored.

The patriotic zeal and enterprise of Commodore Porter, to whom the command of the expedition was confided, has been fully seconded by the officers and men under his command. And, in reflecting with high satisfaction, on the honorable manner in which they have sustained the reputation of their country and its Navy, the sentiment is alloyed only by a concern, that, in the fulfilment of that arduous service, the diseases incident to the season, and to the climate in which it was discharged, have deprived the nation of many useful lives, and among them of several officers of great promise.

In the month of August, a very malignant fever made its appearance at Thompson's Island, which threatened the destruction of our station there. Many perished, and the commanding officer was severely attacked. Uncertain as to his fate, and knowing that most of the medical officers had been rendered incapable of discharging their duties, it was thought expedient to send to that post an officer of rank and experience, with several skilful surgeons, to ascertain the origin of the fever, and the probability of its recurrence there in future seasons; to furnish every assistance to those who were suffering, and, if practicable, to avoid the necessity of abandoning so important a station. Commodore Rodgers, with a promptitude which did him honor, cheerfully accepted that trust, and has discharged it in the manner anticipated from his skill and patriotism. Before his arrival, Commodore Porter, with the greater part of the squadron, had removed from the island, and returned to the United States, in consequence of the prevailing sickness. Much useful information has however been obtained, as to the state of the island, and great relief afforded to those who had been necessarily left there.

Although our expedition, co-operating with an invigorated administration of the government of the Island of Cuba, and with the corresponding active exertions of a British naval force in the same seas, have almost entirely destroyed the unlicensed piracies from that island, the success of our exertions has not been equally effectual to suppress the same crime, under other pretences and colors, in the neighboring island of Porto Rico. They have been committed there under the abusive issue of Spanish commissions. At an early period of the present year, remonstrances were made to the Governor of that island, by an agent, who was sent for the purpose, against those outrages on the peaceful commerce of the United States, of which many had occurred. That officer, professing his own want of authority to make satisfaction for our just complaints, answered only by a reference of them to the Government of Spain. The Minister of the United States to that Court was specially instructed to

urge the necessity of the immediate and effectual interposition of that Government, directing restitution and indemnity for wrongs already committed, and interdicting the repetition of them. The Minister, as has been seen, was debarred access to the Spanish Government, and, in the mean time, several new cases of flagrant outrage have occurred, and citizens of the United States in the Island of Porto Rico have suffered, and others been threatened with assassination, for asserting their unquestionable rights, even before the lawful tribunals of the country.

The usual orders have been given to all our public ships, to seize American vessels engaged in the slave trade, and bring them in for adjudication, and I have the gratification to state, that not one so employed has been discovered, and there is good reason to believe that our flag is now seldom, if at all, disgraced by that traffic.

It is a source of great satisfaction, that we are always enabled to recur to the conduct of our Navy with pride and commendation. As a means of national defence, it enjoys the public confidence, and is steadily assuming additional importance. It is submitted, whether a more efficient and equally economical organization of it might not, in several respects, be effected. It is supposed that higher grades than now exist by law, would be useful. They would afford well-merited rewards to those who have long and faithfully served their country; present the best incentives to good conduct, and the best means of insuring a proper discipline; destroy the inequality in that respect between military and naval services; and relieve our officers from many inconveniences and mortifications, which occur when our vessels meet those of other nations—ours being the only service in which such grades do not exist.

A report of the Postmaster General, which accompanies this communication, will show the present state of the Post Office Department, and its general operations for some years past.

There is established by law eighty-eight thousand six hundred miles of post roads, on which the mail is now transported eighty-five thousand seven hundred miles; and contracts have been made for its transportation on all the established routes, with one or two exceptions. There are five thousand two hundred and forty post offices in the Union, and as many postmasters. The gross amount of postage which accrued from the first of July, one thousand eight hundred and twenty-two, to the first of July, one thousand eight hundred and twenty-three, was one million one hundred and fourteen thousand three hundred and forty-five dollars and twelve cents. During the same period, the expenditures of the Post Office Department amounted to one million one hundred and sixty-nine thousand eight hundred and eighty-five dollars and fifty-one cents; and consisted of the following items: compensation to postmasters, three hundred and fifty-three thousand nine hundred and ninety-five dollars and ninety-eight cents; incidental expenses, thirty thousand eight hundred and sixty-six dollars and thirty-seven cents; transportation of the mail, seven hundred and eighty-four thousand six hundred dollars and eight cents; payments into the Treasury, four hundred and twenty-three dollars and eight cents. On the first of July last, there was due to the Department, from postmasters, one hundred and thirty-five thousand two hundred and forty-five dollars and twenty-eight cents; from late postmasters and contractors,

two hundred and fifty-six thousand seven hundred and forty-nine dollars and thirty-one cents; making a total amount of balances due to the Department, of three hundred and ninety-one thousand nine hundred and ninety-four dollars and fifty-nine cents. These balances embrace all delinquencies of postmasters and contractors, which have taken place since the organization of the Department. There was due by the Department to contractors on the first day of July last, twenty-six thousand five hundred and forty-eight dollars and sixty-four cents.

The transportation of the mail, within five years past, has been greatly extended, and the expenditures of the Department proportionably increased. Although the postage, which has accrued within the last three years, has fallen short of the expenditures two hundred and sixty-two thousand eight hundred and twenty-one dollars and forty-six cents, it appears that collections have been made, from the outstanding balances, to meet the principal part of the current demands.

It is estimated that not more than two hundred and fifty thousand dollars of the above balances can be collected, and that a considerable part of this sum can only be realized by a resort to legal process. Some improvement in the receipts for postage, is expected. A prompt attention to the collection of moneys received by postmasters, it is believed, will enable the Department to continue its operations without aid from the Treasury, unless the expenditure shall be increased by the establishment of new mail routes.

A revision of some parts of the post office law may be necessary; and it is submitted, whether it would not be proper to provide for the appointment of postmasters, where the compensation exceeds a certain amount, by nomination to the Senate, as other officers of the General Government are appointed.

Having communicated my views to Congress, at the commencement of the last session, respecting the encouragement which ought to be given to our manufactures, and the principle on which it should be founded, I have only to add, that those views remain unchanged, and that the present state of those countries with which we have the most immediate political relations, and greatest commercial intercourse, tends to confirm them. Under this impression, I recommend a review of the tariff, for the purpose of affording such additional protection to those articles which we are prepared to manufacture, or which are more immediately connected with for defence and independence of the country.

The actual state of the public accounts, furnishes additional evidence of the efficiency of the present system of accountability, in relation to the public expenditure. Of the moneys drawn from the Treasury, since the fourth of March, one thousand eight hundred and seventeen, the sum remaining unaccounted for, on the thirtieth of September last, is more than a million and a half of dollars less than on the thirtieth of September preceding; and during the same period, a reduction of nearly a million of dollars has been made in the amount of the unsettled accounts for moneys advanced previously to the fourth of March, one thousand eight hundred and seventeen. It will be obvious that, in proportion as the mass of accounts of the latter description is diminished, by settlement, the difficulty of settling the residue is increased, from the consideration, that, in many instances, it can be obtained only by legal process. For more precise details on this subject, I refer to a report from the First Comptroller of the Treasury.

The sum which was appropriated at the last session, for the repair of the Cumberland road, has been applied with good effect to that object. A final report has not been received from the agent who was appointed to superintend it. As soon as it is received, it shall be communicated to Congress.

Many patriotic and enlightened citizens, who have made the subject an object of particular investigation, have suggested an improvement of still greater importance. They are of opinion that the waters of the Chesapeake and Ohio may be connected together, by one continued canal, and at an expense far short of the value and importance of the object to be obtained. If this could be accomplished, it is impossible to calculate the beneficial consequences which would result from it. A great portion of the produce of the very fertile country through which it will pass, would find a market through that channel. Troops might be moved with great facility in war, with cannon, and every kind of munition, and in either direction. Connecting the Atlantic with the Western country, in a line passing through the Seat of the National Government, it would contribute essentially to strengthen the bond of union itself. Believing, as I do, that Congress have the right to appropriate money for such a national object, (the jurisdiction remaining to the States through which the canal would pass,) I submit it to your consideration whether it may not be advisable to authorize, by an adequate appropriation, the employment of a suitable number of the officers of the corps of engineers, to examine the unexplored ground, during the next season, and to report their opinion thereon. It will likewise be proper to extend their examination to the several routes through which the waters of the Ohio may be connected, by canals, with those of Lake Erie.

As the Cumberland road will require annual repairs, and Congress have not thought it expedient to recommend to the States an amendment to the Constitution, for the purpose of vesting in the United States a power to adopt and execute a system of internal improvement, it is also submitted to your consideration, whether it may not be expedient to authorize the Executive to enter into an arrangement with the several States through which the road passes, to establish tolls, each within its limits, for the purpose of defraying the expense of future repairs, and of providing, also, by suitable penalties, for its protection against future injuries.

The act of Congress of the seventh of May, one thousand eight hundred and twenty-two, appropriated the sum of twenty-two thousand seven hundred dollars for the purpose of erecting two piers as a shelter for vessels from ice, near Cape Henlopen, Delaware Bay. To effect the object of the act, the officers of the Board of Engineers, with Commodore Bainbridge, were directed to prepare plans and estimates of piers sufficient to answer the purpose intended by the act. It appears by their report, which accompanies the documents from the War Department, that the appropriation is not adequate to the purpose intended; and, as the piers would be of great service, both to the navigation of the Delaware Bay, and the protection of vessels on the adjacent parts of the coast, I submit to the consideration of Congress whether additional and sufficient appropriation should not be made.

The Board of Engineers were also directed to examine and survey the entrance of the harbor of the

port of Presque Isle, in Pennsylvania, in order to make an estimate of the expense of removing the obstructions to the entrance, with a plan of the best mode of effecting the same, under the appropriation for that purpose, by act of Congress, passed the 3d of March last. The report of the board accompanies the papers from the War Department, and is submitted for the consideration of Congress.

A strong hope has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare. Although no Power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers, which might, ere this, have overwhelmed any other people. The ordinary calculations of interest, and of acquisition, with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation. That she may obtain that rank, is the object of our most ardent wishes.

It was stated at the commencement of the last session, that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked, that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly, in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European Powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded, or seriously menaced, that we resent injuries, or make preparation for our defence. With the movements in this hemisphere, we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied Powers is essentially different, in this respect, from that of America. This difference proceeds from that which exists in their respective Governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those Powers, to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power, we have not interfered, and shall not interfere. But, with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition

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for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States. In the war between those new Governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur, which, in the judgment of the competent authorities of this Government, shall make a corresponding change, on the part of the United States, indispensable to their security.

The late events in Spain and Portugal, show that Europe is still unsettled. Of this important fact, no stronger proof can be adduced than that the allied Powers should have thought it proper, on any principle satisfactory to themselves, to have interposed, by force, in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question, in which all independent Powers, whose Governments differ from theirs, are interested; even those most remote, and surely none more so than the United States. Our policy, in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its Powers; to consider the Government *de facto* as the legitimate Government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy; meeting, in all instances, the just claims of every Power; submitting to injuries from none. But, in regard to those continents, circumstances are eminently and conspicuously different. It is impossible that the allied Powers should extend their political system to any portion of either continent, without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other Powers will pursue the same course.

If we compare the present condition of our Union with its actual state at the close of our Revolution, the history of the world furnishes no example of a progress, in improvement in all the important circumstances which constitute the happiness of a nation, which bears any resemblance to it. At the first epoch, our population did not exceed three millions. By the last census, it amounted to about ten millions, and, what is more extraordinary, it is almost altogether native; for the emigration from other countries has been inconsiderable. At the first epoch, half the territory within our acknowledged limits was uninhabited and a wilderness. Since then, new territory has been acquired, of vast extent, comprising within it many rivers, particularly the Mississippi, the navigation of which to the ocean was of the highest importance to the original States. Over this territory our population has expanded in every direction, and new States have been established, almost equal in number to those which formed the first bond of our Union. This expansion of our population, and accession of new States to our Union, have had the happiest effect on all its

highest interests. That it has eminently augmented our resources, and added to our strength and respectability as a Power, is admitted by all. But it is not in these important circumstances only that this happy effect is felt. It is manifest that, by enlarging the basis of our system and increasing the number of States, the system itself has been greatly strengthened in both its branches. Consolidation and disunion have thereby been rendered equally impracticable. Each Government, confiding in its own strength, has less to apprehend from the other; and, in consequence, each enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted. It is unnecessary to treat, here, of the vast improvement made in the system itself, by the adoption of this Constitution, and of its happy effect in elevating the character, and in protecting the rights of the nation, as well as of individuals. To what then do we owe these blessings? It is known to all that we derive them from the excellence of our institutions. Ought we not then to adopt every measure which may be necessary to perpetuate them?

JAMES MONROE.

WASHINGTON, December 2, 1823.

The Message and accompanying documents were read, and, on motion by Mr. HOLMES, of Maine, fifteen hundred copies thereof, and fifteen hundred additional copies of the Message, were ordered to be printed for the use of the Senate.

WEDNESDAY, December 3.

The resolution authorizing Mountjoy Bayly to employ an assistant and horses for the use of the Senate, was read a third time, and passed.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the Senate will, on Friday next, at twelve o'clock, proceed to the appointment of the standing committees of this House.

Mr. DICKERSON submitted the following motion for consideration:

Resolved, That a committee of three members be appointed, who, with three members of the House of Representatives, to be appointed by that House, shall have the direction of the money appropriated to the purchase of books and maps, for the use of the two Houses of Congress.

The Senate adjourned to Friday.

FRIDAY, December 5.

JOHN H. EATON, from the State of Tennessee; JAMES D'WOLF, from the State of Rhode Island and Providence Plantations; and NINIAN EDWARDS, from the State of Illinois, severally attended.

ANDREW JACKSON, appointed a Senator by the Legislature of the State of Tennessee, for the term of six years, commencing on the fourth day of March last, produced his credentials, was qualified, and he took his seat in the Senate.

The PRESIDENT communicated a report of the Secretary of the Treasury, made in obedience to a resolution of the Senate, of the 1st of March last, furnishing the information required in rela-

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tion "to the amount of interest received or receivable in each State on the public debt; the amount of dividends paid or payable in each State by the Bank of the United States; all in reference to the year 1823; and the amount of duties on tonnage and imports, received during the year ending on the 30th September, 1823; and the amount of the direct taxes still due and unpaid in each State of the United States." The report and accompanying documents were read, and ordered to be printed for the use of the Senate.

On motion, by Mr. LANMAN,

Resolved, unanimously, That the members of the Senate wear the usual mourning, for thirty days, as a mark of respect to the memory of the Hon. ELIJAH BOARDMAN, a Senator from Connecticut, who has deceased since the last session.

The Senate resumed the motion for the appointment of the Standing Committees of the House; and the further consideration thereof was postponed until Monday next.

Mr. EATON submitted the following resolution for consideration, which was read:

Resolved, That five persons shall be chosen, by ballot of the Senate, on the — day of each session, who shall act as chairmen of the Committee of Foreign Relations, of Finance, of Commerce and Manufactures, Military Affairs, and of the Judiciary, as the persons elected may themselves arrange; and as early as practicable thereafter they shall appoint four members, to serve in each of said committees; and proceed also to appoint the rest of the committees, required by the thirtieth rule for conducting business in the Senate, and make report thereof to the Senate.

Ordered, That it pass to the second reading.

Mr. BARBOUR submitted the following resolution for consideration; which was read:

Resolved, That all committees be appointed by the presiding officer of this House, unless specially ordered otherwise by the Senate.

Ordered, That it pass to the second reading.

The Senate resumed the consideration of the resolution for the appointment of a joint Library Committee, and agreed thereto.

The Senate adjourned to Monday.

MONDAY, December 8.

RICHARD M. JOHNSON, appointed a Senator by the Legislature of the State of Kentucky, for the term of six years, commencing on the 4th day of March last, stated, that he had neglected bringing his credentials with him, expecting they would be forwarded by the proper authority of the State, and which he still supposed would speedily be done: Whereupon, the oath prescribed by law was administered to him, and he took his seat in the Senate.

The Senate proceeded to consider the motion submitted the third instant, for the appointment of the Standing Committees; and it was ordered to lie on the table.

The resolution offered by Mr. EATON, on Friday last, was taken up for consideration. It provided for the choice, by ballot, of five members, to act as chairmen of the five most important commit-

tees, with power to fill up their own, and select the members of the remaining committees. Mr. BARBOUR proposed to amend Mr. EATON's resolution, so as to give the power of appointing committees to the presiding officer of the Senate. This amendment was agreed to, and the resolution, as amended, was ordered to a third reading.

[The Rule of the Senate has, heretofore, been to elect its Standing Committees, at the commencement of each session, by ballot. Inconveniences have been found to attend this mode of election; and it is now proposed that the Senate adopt the practice of the House of Representatives, and give the selection of its Standing Committees to the presiding officer.]

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

By the act of the last session of Congress, it was made the duty of the accounting officers of the Treasury to adjust and settle the accounts of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States. The accounting officers have, in compliance with this act, reported to me a balance of \$35,190, in favor of Governor Tompkins, which report I have had under consideration, together with his claim to an additional allowance, and should have decided on the same before the present time, had I not delayed my decision at his request. From the view which I have taken of the subject, I am satisfied, considering all the circumstances of the case, that a larger sum ought to be allowed him than that reported by the accounting officers of the Treasury. No appropriation, however, having been made by the act, and it appearing, by recent information from him, that the sum reported would afford him an essential accommodation at this time, the subject is submitted to the consideration of Congress, with a view to that object.

JAMES MONROE.

WASHINGTON CITY, Dec. 7, 1823.

The Message was read, and after the consideration of Executive business, the Senate adjourned.

TUESDAY, December 9.

The resolution to amend the *thirty-first* rule for conducting business in the Senate, was read a third time, and passed, as follows:

Resolved, That the 31st rule for conducting business in the Senate be so amended as to read: All committees shall be appointed by the presiding officer of this House, unless specially ordered otherwise by the Senate.

Mr. BROWN, of Ohio, submitted the following motion for consideration:

Resolved, That a select committee be appointed on Roads and Canals, with leave to report by bill or otherwise.

Mr. JOHNSON, of Kentucky, submitted the following motion for consideration:

Resolved, That a select committee, of five members, be appointed, to inquire into the expediency of abolishing imprisonment for debt, and to report by bill or otherwise.

Mr. MACON presented the petition of Hanson Kelly, praying the payment of his account for rations furnished the United States, agreeably to his contract with Beverly Daniel, marshal of the District of North Carolina; and the petition was read, and referred to the Committee of Claims.

STANDING COMMITTEES.

On motion, by Mr. BARBOUR, it was agreed, that the Standing Committees be now appointed: Whereupon, the following Committees were appointed:

On Foreign Relations.—Messrs. Barbour, King of New York, Macon, Jackson, and Elliott.

On Finance.—Messrs. Smith, Macon, King of New York, Holmes of Maine, and Lowrie.

On Commerce and Manufactures.—Messrs. Dickerson, Ruggles, D'Wolf, Findlay, and Lloyd of Mass.

On Military Affairs.—Messrs. Jackson, Benton, Chandler, Taylor of Indiana, and Johnson of Kentucky.

On the Militia.—Messrs. Chandler, Findlay, Knight, Branch, and Bell.

On Naval Affairs.—Messrs. Lloyd of Massachusetts, Williams, Parrott, Lloyd of Maryland, and Hayne.

On Public Lands.—Messrs. Barton, Thomas, Williams, Eaton, and Lowrie.

On Indian Affairs.—Messrs. Benton, Edwards of Illinois, Johnson of Louisiana, Elliott, and Edwards of Connecticut.

On Claims.—Messrs. Ruggles, Holmes of Mississippi, Palmer, Bell, and Melvaine.

On the Judiciary.—Messrs. Van Buren, Holmes of Maine, Talbot, Brown of Ohio, and Seymour.

On the Post Office and Post Roads.—Messrs. Lanman, Johnson of Kentucky, Holmes of Mississippi, Knight, and Melvaine.

On Pensions.—Messrs. Noble, Talbot, Johnson of Louisiana, Lanman, and Branch.

On the District of Columbia.—Messrs. Lloyd of Maryland, Barbour, Noble, Eaton and Parrott.

Of Accounts.—Messrs. Seymour, Edwards of Connecticut, and Hayne.

On the Library.—Messrs. Dickerson, Elliott, and Williams.

WEDNESDAY, December 10.

A letter was received from the Hon. James Brown, (recently appointed Minister to France,) resigning his seat in the Senate; and, on motion of Mr. JOHNSON, of Louisiana, the President of the Senate was requested to give notice of this resignation to the Executive of the State of Louisiana.

Mr. BARBOUR stated that sundry claims, for advances during the late war, had existed in favor of the State of Virginia, against the General Government, the principal part of which had been allowed by the department to which belonged the adjustment of such claims; but, as there were still several items of the account which the accounting officers did not think it within their province to allow, he had been instructed to endeavor to obtain the passage of an act of Congress in relation to these claims. He, therefore, submitted the following resolution, which was read and laid over for consideration:

Resolved. That the Committee on Military Affairs

be instructed to inquire into the expediency of passing a law, authorizing the proper department to settle, on equitable terms the claims of Virginia against the Government of the United States, arising from advances made by Virginia during the late war.

Mr. JOHNSON, of Kentucky, said he had made a fruitless attempt, at the last session, to obtain information through a committee, concerning the expediency of a new organization of the judiciary powers of the country—that the measure was then thought to be premature; but recent events had proved that it was not so. He thought it the duty of Congress to remedy the defect which he believed to exist in this department of the Government—that tremendous evils might result to the country, from the powers imparted to its judiciary, when a whole State, and a State that had always been loyal to the Government, might be convulsed to its very centre by a judicial decision. He did not mean these remarks as reflecting upon the conduct of the judges, for he believed them to be highly enlightened and intelligent. But whatever degree of talent or integrity might be possessed by the judges, Mr. J. said he considered, in this case, only the tenure of their offices, and their responsibility. Some remedy for the defect to which he had alluded, he believed must ere long be adopted, to preserve the purity of our political institutions. Mr. J. then offered the following resolution, which was read, and laid over for consideration:

Resolved. That the Committee on the Judiciary be instructed to inquire into the expediency of forming and constituting three additional judicial circuits, to be added to the present number, with an additional judge to each, viz: one to be composed of the States of Tennessee and Alabama; one of Mississippi and Louisiana, and one of Illinois and Missouri—also, to inquire into the expediency of amending the law respecting the Judiciary of the United States, so as to require a concurrence of at least seven judges in any opinion, which may involve the validity of the laws of the United States, or of the States respectively.

Mr. DICKERSON submitted the following motion for consideration:

Resolved. That a committee of three be appointed, who, with a committee to be appointed on the part of the House of Representatives, shall make such distribution of the rooms of the centre building of the Capitol, as the business and convenience of the two Houses of Congress may require.

Mr. LOWRIE presented the petition of William Hill, stating that, being confined in the jail of Allegany county, by virtue of a process from the District Court of the United States for the western district of Pennsylvania, he has applied for the benefit of the act of Congress, of January 6th, 1800; but that, owing to the absence of the judge, who has been advised to remove to a warmer climate, as the only means of preserving his life, he cannot avail himself of the provisions of said act; and praying relief. The petition was read, and referred to the Committee on the Judiciary.

Mr. LOWRIE presented the petition of Jonathan H. Lambdin, stating that, owing to the absence of the Judge of the District Court of the United States for the western district of Pennsylvania, he

is prevented from availing himself of the provisions of the act of January 6th 1800, for the benefit of debtors confined in jail; and praying relief.

The petition was read, and referred to the Committee on the Judiciary.

Mr. LOWRIE presented the petition of Abraham V. Matson, stating that, owing to the absence of the judge of the district court of the United States for the western district of Pennsylvania, he cannot avail himself of the provisions of the act of January 6th, 1800, and must remain in close confinement until the return of the judge, or the appointment of his successor; and praying relief. The petition was read, and referred to the Committee on the Judiciary.

Mr. DICKERSON presented the petition of Frederick W. Smith, a lieutenant in the Navy of the United States, stating that, whilst employed on board the sloop of war Ontario, he lost overboard, in a gale of wind, a pocket-book, containing money and vouchers to the amount of eight hundred dollars; that he has been thereby prevented from adjusting his accounts at the proper department; and praying the passage of an act for his relief. The petition was read, and referred to the Committee of Claims.

Mr. LLOYD, of Massachusetts, presented the memorial of Henry Gray and William Gray, of Boston, representing that they have sustained great loss by the illegal condemnation of their vessel and cargo, at Porto Rico; that, in the capture of the same, their private rights have been invaded, and the flag and authority of the United States contemned; and praying the adoption of such measures as may secure the rights of the citizen, and tend to the safety of the future commerce of the country. The memorial was read, and referred to the Committee on Naval Affairs.

Mr. BARTON presented the petition of Eleanor Tansy, stating that her son, a private in the corps of Missouri Rangers, during the late war, received a wound, of which he died, leaving the petitioner unable, from age and infirmity, to procure a subsistence by her own exertions; and praying a pension. The petition was read, and referred to the Committee on Pensions.

The Senate resumed the consideration of the motion of the ninth instant, for the appointment of a Committee on Roads and Canals, which was amended, and agreed to, as follows:

Resolved. That a select committee, of five members, be appointed on Roads and Canals, with leave to report by bill or otherwise.

MESSRS. BROWN, EDWARDS, of Illinois, PALMER, SMITH, and McILVAINE, were appointed the said committee.

The Senate resumed the consideration of the motion of the ninth instant, for the appointment of a select committee to inquire into the expediency of abolishing imprisonment for debt, and agreed thereto; and Messrs. JOHNSON, of Kentucky, BARTON, VAN BUREN, HOLMES, of Maine, and BELL, were appointed the said committee.

Mr. BENTON gave notice, that, to-morrow, he should ask leave to introduce a resolution pro-

posing an amendment to the Constitution of the United States.

PRESIDENT'S MESSAGE.

On motion, by Mr. BARBOUR, so much of the Message of the President of the United States as concerns our relations with foreign Powers, was referred to the Committee on Foreign Relations.

On motion, of Mr. LLOYD, of Massachusetts, so much of the President's Message as relates to the Navy of the United States, was referred to the Committee on Naval Affairs.

On motion, by Mr. DICKERSON, so much of the Message of the President of the United States as relates to commerce, and to the encouragement which ought to be given to manufactures, was referred to the Committee on Commerce and Manufactures.

ELECTION OF CHAPLAINS.

A message was received from the House of Representatives, informing the Senate of the concurrence of the House in the resolutions from the Senate, for a joint committee on enrolled bills, and for the appointment of two Chaplains of different denominations; and that the House had made choice, on their part, of the Rev. HENRY B. BASCOM, of the Methodist Episcopal Church, as their Chaplain.

On motion of Mr. HOLMES, of Maine, the Senate then proceeded to the election of a Chaplain on their part. On the first ballot, no choice was made, the votes being as follows:

Whole number 38; necessary to a choice 20.	
Rev. Dr. Staughton	17
Rev. Mr. Melvaine	9
Rev. Mr. Post	8
Rev. Mr. Allen	4

On the second balloting, the votes were as follows:

Whole number 39; necessary to a choice 20.	
Rev. Dr. Staughton	22
Rev. Mr. Melvaine	8
Rev. Mr. Post	7
Rev. Mr. Allen	2

And the Rev. Dr. STAUGHTON was declared to be elected Chaplain of the Senate, for the present session.

THURSDAY, December 11.

Mr. HOLMES, of Maine, submitted the following motion for consideration:

Resolved. That the Committee on Finance be instructed to inquire whether any further provisions are necessary to prevent frauds on the revenue, on the Eastern frontier of the United States.

Mr. BARTON submitted the following motion for consideration:

Resolved. That the Committee on Public Lands inquire into the expediency of making further provisions by law for the final decision of incomplete titles to lands held under the authority of France or Spain, in the State of Missouri and Territory of Arkansas.

And also, into the expediency of making further provision by law to perfect the titles to lands located

by virtue of warrants issued under the act of Congress, of the 17th of February, 1815, entitled, "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes."

Mr. EATON submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the settlement, on principles of equity, of the accounts of the late Robert Seacy, Paymaster for West Tennessee, in the years 1816, 1817, and 1818, and of extending to him such other and farther relief as to said Committee he may seem to be entitled.

Mr. BARTON submitted the following motion for consideration:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing the claim of Samuel Gilbert, of the State of Missouri, for property taken from him, by the Sac Indians, in 1815, after they had notice of the treaty of peace with Great Britain, but before the treaty of peace was concluded with those Indians, in 1816, by the second article of which, they were bound to restore that property; but were afterwards released, by the United States, from that obligation.

Mr. HAYNE gave notice that, on Monday next, he should ask leave to introduce a resolution proposing an amendment to the Constitution of the United States, so as to secure the election of President and Vice President of the United States by the Electors, and to prevent those elections from devolving, in any event, on the Senate and House of Representatives.

Mr. RUGGLES presented the petition of J. L. Skinner, stating that he became interested in a contract, entered into by the Government with one George Paul, for the construction of a part of the Cumberland Road, at a stipulated price per mile; that, soon after the commencement of the work, the mode of constructing it was materially varied by the Superintendent, by which he has been subjected to great additional expense; for which, and other departures from the contract, he prays compensation. The petition was read, and referred to the Committee on Roads and Canals.

Mr. FINDLAY presented the memorial of Joseph S. McPherson, a Master Commandant in the Navy of the United States, representing that, owing to the loss of his portable writing desk, containing his vouchers for the expenditure of the public moneys placed in his hands, stolen by a certain Thomas Wingate, and for which the said Wingate has been tried and found guilty, he has been prevented from settling his accounts, and praying the passage of an act for his relief. The memorial was read, and referred to the Committee of Claims.

Mr. NOBLE presented the petition of Israel T. Canby, executor of Ann Sprigg, praying compensation for a wagon and four horses impressed into the service of the United States during the late war with Great Britain. The petition was read, and referred to the Committee of Claims.

Mr. VAN BUREN presented the petition of Archibald Gracie, of New York, stating that prop-

erty belonging to the petitioner was seized by the French, at Hamburg, in the year 1807; that the capture was without ground, and that the property, without any trial, or civil process whatever, was appropriated to the purposes of the French Government; that the claim is one of a nature the most manifest, and praying the assistance of the Government to obtain its allowance; which petition was referred to the Committee on Foreign Relations.

On motion by Mr. SMITH, so much of the Message of the President of the United States, of the 2d instant, as relates to the revenue and finances of the United States, was referred to the Committee on Finance.

On motion by Mr. CHANDLER, so much of the Message of the President of the United States, of the 2d instant, as relates to the militia, was referred to the Committee on the Militia.

Mr. BARBOUR presented a communication from the Governor of Virginia, on the subject of the claim of that State for advances during the late war; which was read.

The resolution offered yesterday by Mr. JOHNSON, of Kentucky, instructing the Committee on the Judiciary to inquire into the expediency of establishing three new judicial districts; and of requiring the united opinion of seven judges, on any question involving the validity of a law of the United States, or of the States, respectively, was again read.

On motion of Mr. BARBOUR, the resolution was so amended as to require that, in the cases contemplated in the latter part of this resolution, the opinions of the judges should be given separately, and recorded. The resolution was then, on motion of Mr. EATON, ordered to lie on the table.

The Senate resumed the consideration of the motion, submitted yesterday, for the appointment of a joint committee to distribute the rooms in the centre building of the Capitol, and agreed thereto; and Messrs. DICKERSON, D'WOLF, and LLOYD, of Maryland, were appointed the said committee.

AMENDMENT TO THE CONSTITUTION.

In pursuance of notice given yesterday, Mr. BENTON asked and obtained leave to introduce the following resolution, which passed to a second reading, and was ordered to be printed:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following amendment of the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the whole number of States, shall be valid, to all intents and purposes, as part of the said Constitution:

That, for the purpose of electing a President and Vice President of the United States, each State shall be divided, by the Legislature thereof, into a number of districts equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress; each district shall be composed of contiguous territory, and shall contain, as nearly as may be, an equal number of persons entitled, by the Constitution, to be represented, and on such days as

Congress shall determine, which days shall be the same throughout the United States; the citizens of each State, who may be qualified to vote for a Representative in Congress, shall meet at such places within their respective districts, as the Legislature of each State shall appoint; and each, in his proper person, shall vote for President and Vice President, one of whom, at the least, shall not be an inhabitant of the same State with himself; and separate triplicate lists shall be kept of all the voters, and of all the votes given for each person as President, and for each as Vice President. All the votes, so given in each district, shall be collected forthwith, in such manner as the Legislature of the State may direct, at some one convenient place within the district; and the votes given for each candidate shall be added together, and the person having the greatest number of votes for President; and the one having the greatest number of votes for Vice President, shall be certified as duly preferred in said district, and shall be entitled to one vote each for the respective offices for which they are candidates; but, if two or more persons shall have an equal number of votes in such district election, for the same office, then the returning officers shall decide between them, and certify accordingly. Triplicate certificates of the whole number of votes given for each candidate shall be made out, and transmitted, in such manner as Congress may direct, to the Seat of Government of the United States, addressed to the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be equal to a majority of the whole number of electoral votes within the United States; and if no person have such majority, then the President shall be chosen by the House of Representatives, from the three having the greatest number of votes for President, in the manner now prescribed by the Constitution.

The person having the greatest number of votes for Vice President shall be the Vice President, if such number be equal to a majority of the whole number of electoral districts, and if no person have such majority, then the Vice President shall be chosen by the Senate, from the two persons having the greatest number of votes for that office, in the manner now prescribed by the Constitution.

CLAIMS OF VIRGINIA.

The resolution offered yesterday by Mr. BARBOUR, instructing the Committee on Military Affairs to inquire into the propriety of allowing certain claims of the State of Virginia for moneys advanced on account of the General Government, during the late war, was again read for consideration. A letter from the Governor of Virginia, in relation to the claim, was also read.

Mr. SMITH understood the resolution to have reference, more particularly, to a claim for interest on moneys advanced during the war, by the State of Virginia. He said he should have no objection to the resolution, provided it were made a general one, to reach all claims of a like nature. The State of Maryland, and many corporations and individuals, hold claims of a similar kind, and the principle upon which this motion was predicated, Mr. S. thought, should extend to them all.

Mr. BARBOUR said the case of the State of Virginia, concerning which the resolution proposed an inquiry, was one of a peculiar nature. Although it was a general principle of the Government not to allow interest on claims for services during the war, yet this case he thought different from most others. Although the Government of the United States had been repeatedly called upon to furnish the money expended in the State of Virginia, yet such was the state of the public Treasury at that time, that the means were not provided. The State was compelled to depend entirely upon her own resources; the taxes upon the people were very oppressive, but they were cheerfully borne. These taxes were not sufficient to meet the necessary expenditures. The State was compelled to borrow money, and to pay interest for it; this was done for the benefit of the Government, and the interest thus paid, certainly ought to be reimbursed. There could be no doubt that Government was bound, in time of war, to make advances of the funds required for the defence of the country; if the Government was not able to make such advances, and they were made by the State, in which such advances became necessary, common justice requires that, when the Government becomes able, not only the principal, but the interest also, should be reimbursed. He had now presented this case, as he had been instructed, on the part of the State of Virginia, and did not see the propriety of a copartnership with any other claim, whether of a similar nature or not. He wished his own claim decided on its own merits; other cases, when brought forward, might be referred to the same committee, and, if alike in their nature, a general bill might be made to meet them all; but Mr. B. said he did not now wish to associate his claim with any other; he hoped, therefore, that his case would be presented to the committee by itself.

Mr. LLOYD, of Maryland, said he did not understand the distinction between the claims of the State of Virginia, and many others which exist. He presumed they were for interest on moneys advanced for the service of the country; the State of Maryland had claims of precisely the same nature; she had advanced moneys which were expended for arms, equipments, and compensation for militia services. He considered this the same ground; when acting on a general principle, the same provision should be extended to all cases that come within its limits. Mr. L. had no hostility to the claim of Virginia, but thought the case of Maryland was equally as strong, and hoped the resolution would be so modified as to meet all cases of a similar nature.

Mr. BARBOUR said he did not mean to question the claim of the State of Maryland, but he did not wish it to be associated with that which he had presented at this time; his was an insulated proposition, and not affecting any other. If Maryland was entitled to similar relief, let the gentleman from that State present the subject entire, and he should not object to it. It was not interest alone, Mr. B. said, that constituted the items of the claim of Virginia; but the resolution contem-

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plated to give power to the proper department to settle, upon equitable principles, the whole claim. We were, at that time, unacquainted with the forms necessary to be observed in a state of war; and, although *bona fide* expenditures of the money had been made, yet the proper documents could not always be produced; in many instances the technicality required at the offices could not be complied with—although the claim might be allowed to be just, yet, in many cases, the vouchers are wanting. He therefore hoped the resolution would pass.

Mr. SMITH made some further remarks, and concluded by moving that the resolution be ordered to lie on the table, which was agreed to.

FRIDAY, December 12.

Mr. LOWRIE presented the memorial of Martin Thomas, and others, of the city and county of Philadelphia, praying a modification of the tariff, and additional protection to the manufactures of the United States. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. LOWRIE presented the petition of Richard O'Brien, late Consul General at Algiers, praying the passage of an act to authorize the equitable settlement of his accounts. The petition was read, and referred to the Committee on Foreign Relations.

Mr. NOBLE presented the petition of Eliza Dill, one of the daughters of the late General Arthur St. Clair, praying the payment of a balance alleged to be due to her deceased father. The petition was read, and referred to the Committee of Claims.

Mr. JOHNSON, of Louisiana, presented the petition of Marie Louise de la Gautrais, widow of François Gonsonlin, deceased, praying the confirmation of her title to a tract of land in Louisiana. The petition was read, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Louisiana, presented sundry documents in support of the claim of Thaddeus Mayhew, for compensation for damages sustained in consequence of the occupation of his houses as military depositories, during the late war; and also for property taken for the use of the American Army.—Referred to the Committee of Claims.

Mr. BARTON presented the petition of Isaac Clark, of Missouri, praying further time to enable him to comply with the provisions of the act of 1818, for the relief of purchasers of public lands. The petition was read, and referred to the Committee on Public Lands.

The Senate resumed the consideration of the motion of the 11th instant, that the Committee on Military Affairs inquire into the expediency of authorizing the equitable settlement of the accounts of the late Robert Seacy; and, on motion, it was laid on the table.

The resolution offered yesterday by Mr. HOLMES, of Maine, instructing the Committee of Finance to inquire whether any further provisions are necessary to prevent frauds in the revenue, on the

eastern frontier of the United States, was again read, and passed.

The resolution submitted yesterday by Mr. BARTON, concerning the French and Spanish titles to lands in Missouri and Arkansas, was again read, and passed.

Another resolution offered yesterday by Mr. BARTON, respecting the claim of Samuel Gilbert, of Missouri, was taken up, and passed.

The joint resolution offered yesterday by Mr. BENTON, proposing an amendment of the Constitution, so as to give the election of President and Vice President to the people, in primary assemblies, received its second reading.

On motion of Mr. MACON, it was ordered that, hereafter, when the Senate adjourns on Fridays, it will adjourn till the ensuing Monday, unless otherwise ordered; and the Senate then adjourned till Monday next, at twelve o'clock.

MONDAY, December 15.

ELIJAH MILLS, from the State of Massachusetts, attended.

The PRESIDENT communicated a report of the Secretary for the Department of War, made in pursuance of an act of Congress, of the 6th May, 1822, together with an abstract of all licenses granted by the superintendent and agents of Indian affairs, to trade with the Indians, showing by and to whom, when and where granted, with the amount of the bonds and capital employed, as far as the same can be ascertained from the returns which have been made. The report was read, and referred to the Committee on Indian Affairs.

Mr. EATON presented the petition of Charles B. Davis, stating that, in the year 1814, whilst he was from home, on a tour of militia duty, the building erected by the United States, and in which he resided as a messenger in the Treasury Department, was, with the public offices, destroyed by fire, together with his furniture and apparel; and praying remuneration for the loss thereby sustained. The petition was read, and referred to the Committee of Claims.

Mr. FINDLAY presented the memorial of Chandler Price, President of the United States Insurance Company, and others, merchants, of Philadelphia, stating that they have claims against the Government of France, for property captured and sold, without the forms of a legal adjudication, and in violation of the terms of an existing treaty; that payment for the same has been withheld, on the pretext, that the United States have not carried into effect the 8th article of the Louisiana Treaty; and praying that their case may be taken into consideration, and such relief granted as to Congress may seem proper. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. FINDLAY presented the memorial of Elijah Earl, and others, citizens of the United States, and resident merchants of the city of Philadelphia, stating that, in the year 1809, a large amount of property, owned by the memorialists, was ille-

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gally captured and sold; the proceeds of which have been placed in the Treasury of France; that they have since been unable to obtain compensation for the same, and praying such relief as to Congress may seem proper. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. LOWRIE presented the memorial of Way and Gideon, stating that they have commenced the publication of an edition of the Journals of the Old Congress, and praying a subscription to the same, in behalf of the United States. The memorial was read, and referred to the Committee on the Library.

Mr. LOWRIE presented the memorial of Edward de Kraft, of the City of Washington, praying a subscription, in behalf of the United States, for one thousand sets of the Journals of the Old Congress, an edition of which he proposes to publish. The memorial was read, and referred to the Committee on the Library.

Mr. KNIGHT presented a petition of Zachariah Allen, and others, citizens of the United States, residing in the State of Rhode Island, praying an additional duty, of twelve and an half per centum, may be imposed on imported manufactures of foreign wool. The petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. BARTON presented the petition of Morris James, of Missouri, praying compensation for the use and destruction of his timber, by a cantonment of United States troops. The petition was read, and referred to the Committee of Claims.

Mr. PARROTT submitted the following resolution for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of authorizing an additional number of sloops of war to be built and equipped for the service of the United States.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing, by law, for the final decision of all claims to land, in that part of the State of Louisiana, situated east of the Mississippi river and island of New Orleans, derived from the French, British, and Spanish Governments, which have not been confirmed by the United States.

On motion, by Mr. JACKSON, so much of the President's Message, of the 2d instant, as relates to the army, fortifications, military academy, foundries, and arsenals, was referred to the Committee on Military Affairs.

On motion, by Mr. BENTON, so much of the Message of the President of the United States, of the 2d instant, as relates to the Indians, was referred to the Committee on Indian Affairs.

On motion, by Mr. KNIGHT, so much of the Message of the President of the United States, of the 2d instant, as relates to the General Post Office, was referred to the Committee on the Post Office and Post Roads.

Mr. VAN BUREN, from the Committee on the

Judiciary, to which were referred, on the 10th instant, the petitions of Jonathan H. Lambdin, William Hill, and Abraham V. Matson, reported a bill, supplementary to the act, entitled "An act for the relief of persons imprisoned for debt;" and the bill was read twice, by unanimous consent.

Mr. LLOYD, of Maryland, submitted the following motion for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of passing a law authorizing the proper department to settle, on equitable terms, the claims of Maryland against the Government of the United States, arising from advances made by Maryland during the late war.

On motion, by Mr. BARBOUR, the Senate resumed the consideration of the motion of the 10th instant, in relation to the claims of the State of Virginia for advances during the late war; and agreed thereto.

The Senate resumed the consideration of the motion of Mr. JOHNSON, of Kentucky, of the 10th instant, to instruct the Committee on the Judiciary to inquire into the expediency of constituting three additional judicial circuits, which, having been further amended, was agreed to, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of forming and constituting three additional judicial circuits, to be added to the present number, with an additional judge to each, viz: One to be composed of the States of Tennessee and Alabama; one of Mississippi and Louisiana; and one of Indiana, Illinois, and Missouri; also, to inquire into the expediency of amending the laws respecting the judiciary of the United States, so as to require a concurrence of at least seven judges in any opinion which may involve the validity of the laws of the United States, or of the States, respectively; and, in such cases, of requiring the judges present to give, and have spread on the record, their opinions, respectively:

And likewise into the expediency of so reforming the courts of the United States, as to make the Supreme Court separate and distinct from the circuit courts.

The Senate resumed, as in Committee of the Whole, the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of President and Vice President of the United States, and the election of Representatives in the Congress of the United States; and, on motion, it was ordered to lie on the table.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the military bounty lands lying within the same;" a bill, entitled "An act appropriating a certain amount of money for the relief of Daniel D. Tompkins;" also, a bill, entitled "An act to alter the times of holding the district court at Mobile, in the district of Alabama;" in which bills they request the concurrence of the Senate.

The three bills brought up for concurrence were read, and respectively passed to the second reading.

The bill, entitled "An act appropriating a certain sum of money for the relief of Daniel D. Tompkins," was read the second time, by unanimous consent, and referred to the Committee of Claims.

AMENDMENT TO THE CONSTITUTION.

In pursuance of a notice given on Friday last, Mr. HAYNE rose to ask leave to offer a resolution to propose to the Legislatures of the several States an amendment to the Constitution of the United States, so as to provide for the election of President and Vice President by the Electors, and to prevent the election from devolving, in any event, upon the House of Representatives. Mr. H. said that, in introducing this resolution, he would ask the indulgence of the Senate while he should briefly state his views on the subject. The number of amendments which had already been proposed, and others which are contemplated, call the attention of Congress strongly towards this important point. He did not deny that visionary schemes, proposing alterations in our systems of government, were but too common—he was opposed, in habit and principle, to rash innovations. But, though it certainly is not proper to change the Constitution for light and frivolous causes, yet the necessity certainly may exist to authorize such changes as will tend to the future security of the country. The necessity of some change, at present, is too obvious to be disregarded. It is the duty of nations, as well as of individuals, by foresight, to guard against impending evils. What rational being would not provide against an approaching tempest that was threatening to destroy him? And what nation, when its enemy was at the door, would not provide for defence against him? When the storm is impending it is time to close the avenues against it. If we fold our arms, and wait until the evils come upon us, it will then be too late to provide the remedy—we may then, in the spirit of the Roman Senate, wrap ourselves in our robes, and submit to our fate. But we shall be subject to reproach for not having exerted ourselves to avert the causes of those evils. It is worthy of the deepest reflection, that this period is a safe one to institute such improvement as is deemed necessary. The moment of actual suffering is certainly not the most propitious for change; nor, when there is a perfect calm in the political concerns of the country. But, when the dreaded evils are clearly foreseen, and are yet at a distance; when no prejudices are yet aroused to prevent deliberate judgment on the subject—then is the time to provide against them. That propitious moment is the present. The public mind is awake to the subject, and the favorable period may not again come. That some amendment is necessary—some provision against this defect in the Constitution—is admitted on all hands. Even his venerable friend, Mr. H. said, who had stood here for thirty years to defend the integrity of the Constitution, (alluding probably to Mr. MAÇON,) yielded to the conviction that some alteration was necessary in this part of that instrument. Two classes of amendment had been suggested—the one, relating to the mode of choosing the Electors, and the other, to the mode of choice by the Electors. So many different propositions had been offered in regard to the manner of choosing Electors, that it had been thought proper to waive that subject. But, certainly, Mr. H. thought it infinitely more important that some provision should be made to secure the election, actually and in spirit, by the Electors. In all the modes by which the Electors are chosen, they represent the true feelings and views of the people. But this truly popular mode of election may fail, because the choice does not happen to be made at the first balloting. The election ought not to come to the House of Representatives or the Senate; for they are but the representatives of the States in such an election, and it may happen that a small minority may give a President to the nation. By such a course the country might be involved in great difficulty. The remedy appeared so obvious, and so immediately upon the surface of the subject, Mr. H. was surprised that it had not yet been suggested—it is only to apply the same rule to this that is applied to all other elections. On the failure of the first balloting to produce a choice, proceed to the second, and continue until the election is effected. Mr. H. said his resolution proposed that the Electors should not be discharged until they had fulfilled their commission; that, after the first balloting, if the choice was not made, they should be again convened, by proclamation of the President, in their respective States, or at the Seat of Government. We cannot shut our eyes to the fact that the country is rapidly increasing, and that the probability of effecting an election at the first balloting of the Electors will continue to diminish. In the State elections, there is often a failure to elect their officers at the first balloting; but the power is not then transferred to other hands. The consequences which this amendment provides against must happen, if something is not done to prevent them. If it is adopted, the President will then be, emphatically, the man of the people's choice; the door will then be shut against fraud and corruption, and all improper combinations will be prevented. Should Congress agree to the resolution, and the people adopt the amendment, it would not be too late for its application to the ensuing election. In seventeen of the States, the Legislatures will be in session in time to act upon it; and, in the others, the sessions may be anticipated for a few weeks for the purpose. But the merits of his proposition, Mr. H. observed, did not depend upon its effect on the ensuing election—it was intended for the future benefit of our country, whose liberties, he trusted, were founded on a basis so solid as to resist all encroachments, but those of time itself.

Leave was then granted to Mr. HAYNE to introduce the following resolution; which was read, passed to a second reading, and ordered to be printed:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the said Constitution:

"If no person voted for, according to the Constitution, as President of the United States, shall have a majority of the votes of the whole number of Electors, then the President of the United States shall forthwith issue his proclamation, calling upon the Electors to convene at —, on the — day of — thereafter, for the purpose of choosing a President; that the Electors, when so convened, shall choose, immediately, by ballot, a President of the United States, and a majority of the whole number of Electors shall be necessary to a choice.

"And should no person voted for, according to the Constitution, as Vice President of the United States, have a majority of the votes of the whole number of Electors, then the President of the United States shall forthwith issue his proclamation, calling upon the Electors to convene at —, on the — day of — thereafter, for the purpose of choosing a Vice President; that the Electors, when so convened, shall choose, immediately, by ballot, a Vice President of the United States, and a majority of the whole number of Electors shall be necessary to a choice."

After the resolution of Mr. HAYNE was read, Mr. MAÇON moved that all the resolutions proposing amendments to the Constitution, as well those offered at the last session as at the present, should be printed in a pamphlet; in order that the Senate might have one view of the whole. Mr. DICKERSON then gave notice that he should, to-morrow, call up the proposition to amend the Constitution, which he proposed the last session. Mr. HOLMES, of Maine, gave similar notice in regard to a resolution which he had offered; and Mr. LLOYD, of Massachusetts, in relation to an amendment, which he said was proposed by the honored and venerable gentleman from Virginia, (Mr. TAYLOR,) who had not taken his seat the present session. The motion for printing, proposed by Mr. MAÇON, was therefore postponed until to-morrow.

TUESDAY, December 16.

WILLIAM KELLY, from the State of Alabama, attended.

Mr. HOLMES, of Mississippi, presented a petition of John McAllister, praying the confirmation of his title to a tract of a land. The petition was read, and referred to the Committee on Public Lands.

Mr. RUGGLES presented the petition of Joseph Wood, praying compensation for his services rendered as receiver of a land office, the duties of which he performed during a vacancy in that office, in the year 1817. The petition was read, and referred to the Committee on Public Lands.

Mr. FINDLAY presented the memorial of a number of the citizens of the city and county of Phila-

delphia, praying a revision of the tariff, with a view to the protection of the manufactures of the United States; and the petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. JOHNSON, of Louisiana, presented the petition of William Wilson, praying a proportion of the proceeds of a vessel and cargo, condemned, on his information, for a violation of the embargo laws. The petition was read, and referred to the Committee of Claims.

Mr. JOHNSON, of Louisiana, presented the petition of George de Passau, praying the confirmation of his title to a tract of land. The petition was read, and referred to the Committee on Public Lands.

Mr. LLOYD, of Maryland, presented a memorial of Robert Young and Richard Bland Lee, judges of the orphans' courts, in the District of Columbia, praying amendments to the testamentary laws of said District; and the memorial was read, and referred to the Committee on the District of Columbia.

Mr. HAYNE presented the petition of Lewis A. Petray and Just Viel, praying the remission of duties on sugar and brandy, shipped at St. Augustine, when an American port, and landed at Charleston, in the State of South Carolina. The petition was read, and referred to the Committee on Finance.

Mr. D'WOLF submitted the following motion for consideration:

Resolved, That the Committee on Commerce and Manufactures be instructed to inquire into the expediency of allowing drawbacks on all articles of domestic manufacture, the raw material of which is of foreign growth; with leave to report by bill or otherwise.

Mr. EATON submitted the following motion for consideration:

Resolved, That the Judiciary Committee inquire if any, and what, amendments are necessary to an act entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices of both President and Vice President," passed the first of March, 1792.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Commissioner of the General Land Office be instructed to lay before the Senate all communications received by him, from the Register of the Land Office and Receiver of Public Moneys at St. Helena courthouse, in the State of Louisiana, touching their official duties, not heretofore communicated; and that he communicate all the information in his possession as to the causes which have delayed the adjustment of the land claims in said district.

A letter from the Hon. Mr. KING, of New York, stating that ill health would prevent his attendance on the meetings of the Committee on Foreign Relations, and requesting to be excused from serving on that committee, was received and read, and Mr. K. was accordingly excused.

The resolution offered yesterday by Mr. JOHNSON, of Louisiana, instructing an inquiry into the expediency of providing, by law, for the final deci-

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sion of certain unconfirmed claims, under French, British, and Spanish titles, to lands in the State of Louisiana, was again read, and adopted.

The resolution submitted yesterday by Mr. PARROTT, instructing an inquiry into the expediency of authorizing an additional number of sloops-of-war to be built, was again read and adopted.

The resolution offered yesterday by Mr. LLOYD, of Maryland, instructing an inquiry into the expediency of authorizing the settlement, on equitable terms, of the claims of Maryland against the Government of the United States, arising from advances during the late war, was again read and adopted.

The bill from the House of Representatives, to alter the time of holding the circuit court in the State of Alabama, was twice read, and referred to the Committee on the Judiciary.

The bill from the House of Representatives, authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the Military Bounty Lands, lying within the same, was twice read, and referred to the Committee on Public Lands.

The bill supplementary to an act to relieve persons imprisoned for debt, was taken up in Committee of the Whole, reported without amendment, and ordered to be engrossed, and read a third time.

AMENDMENTS TO THE CONSTITUTION.

Agreeably to notice, Mr. DICKERSON asked and obtained leave to introduce the following resolution, which was twice read, and referred to a select committee of five members; and Messrs. BENTON, HAYNE, DICKERSON, HOLMES of Maine, and KELLY, were appointed the committee:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the said Constitution:

"That, for the purpose of choosing Representatives in the Congress of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the number of Representatives to which such State may be entitled. The districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of persons entitled, by the Constitution, to be represented, or of persons qualified to vote for members of the most numerous branch of the State Legislature. In each district the persons qualified to vote shall choose one Representative.

"That, for the purpose of choosing Electors of President and Vice President of the United States, the persons qualified to vote for Representatives, in each district, shall choose one Elector; and, at the same time, the two additional Electors to which each State is entitled, shall be chosen by the persons so qualified to vote, in such manner as the Legislature of the State shall direct. The Electors, when convened at the time and place prescribed by law, for the purpose of

voting for President and Vice President of the United States, shall have power, in case any of them shall fail to attend, to choose an Elector or Electors, in place of him or them so failing to attend. The division of States into districts, as hereby provided for, shall take place immediately after this amendment shall be adopted, and immediately after every future census and apportionment of Representatives, under the same; and such districts shall not be altered until a subsequent census shall have been taken, and an apportionment of Representatives under it shall have been made.

"That, when the lists of all persons voted for as President and Vice President, and the number of votes for each, shall have been transmitted to the seat of Government, as required by the Constitution, the Senate and House of Representatives shall form a joint meeting, in which the President of the Senate shall preside, who shall then open all the certificates, and the votes shall be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such a majority, then, from the highest numbers, not exceeding three, on the list of those voted for as President, the joint meeting shall, immediately, by ballot, choose the President. A majority of the votes of all the members present shall be necessary to a choice on the first ballot; after which, a plurality of votes only shall be necessary to a choice. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed; if no person have such a majority, then he shall be chosen by the Senate, as directed by the Constitution.

"That no person, who has been twice elected President of the United States, shall again be eligible to that office."

Agreeably to notice, Mr. HOLMES, of Maine, asked and obtained leave to introduce the following resolution, which was read twice, by unanimous consent, and referred to the committee last mentioned:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the whole number of States, shall be valid, to all intents and purposes, as part of said Constitution:

"Questions of the validity of the election of President, shall be determined by the Senators and Representatives, in joint ballot. The President of the Senate shall preside; and a majority of each House shall constitute a quorum. The rules of proceeding shall be determined by law; but no rules shall have effect until two years after they shall have been made."

The resolution proposing an amendment to the Constitution of the United States, as it respects the election of President and Vice President of the United States, was read the second time, and referred to the select committee last appointed, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the resolution proposing an amendment

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to the Constitution of the United States, as it respects the choice of Electors of President and Vice President of the United States, and the election of Representatives in the Congress of the United States; and it was referred to the committee last appointed, to consider and report thereon.

Ordered, That the resolutions of the last and present session, proposing amendments to the Constitution of the United States, be printed for the use of the Senate.

The resolutions proposed by Mr. TAYLOR, of Virginia, at the last session, were as follows:

"IN SENATE OF THE UNITED STATES,
January 10, 1823.

Agreeably to notice given, Mr. TAYLOR, of Virginia, asked and obtained leave to introduce the following resolution, which was read, and passed to the second reading.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment of the Constitution of the United States be proposed to the Legislatures of the several States:

"The Electors of a President and Vice President shall meet on the — day of — next preceding the expiration of the time for which the existing President may have been appointed, vote for a President and Vice President, according to the Constitution, and make two lists of all persons voted for, to be signed and certified by them; one to be delivered, sealed, to the President of the United States, within — days thereafter, to be opened and examined by him; and, if it shall appear that no person has received the votes of a majority of the Electors appointed, the President of the United States shall, forthwith, by proclamation, and also by notifications to the Executives of each State, publish the number of votes given to each person as President, whereupon the said Electors shall again meet on the — day of — next succeeding their first meeting, and vote for one of the two persons as President, who shall have received at their first meeting the greatest number of votes for that office; or if it should happen that more persons than two should have received the greatest number, and also an equal number of votes, the said Electors shall vote for one of them as President. The said Electors shall transmit one of the lists to be made at their first meeting, and also that to be made at their second, should it take place, to be proceeded upon as the Constitution has prescribed, except that the person having the greatest number of votes at the second meeting of the said Electors shall be the President. But, if two or more persons shall have received the greatest and an equal number of votes, at the second meeting of the said Electors, the House of Representatives shall choose one of them for President, in the mode prescribed by the Constitution."

"January 28, 1823.

Mr. TAYLOR, of Virginia, from the Committee to which was referred a resolution proposing an amendment to the Constitution of the United States, as it respects the election of President and Vice President of the United States, reported the following new draught as a substitute therefor; which was read, and ordered to be printed for the use of the Senate.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress

assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths thereof, shall be a part of the said Constitution:

"The Electors of a President and Vice President shall meet on the — day of — next preceding the expiration of the time for which the existing President may have been appointed; vote for a President and Vice President, and make two lists of the persons voted for to fill each office, to be signed and certified by them; one to be delivered, sealed, to the President of the United States, or, if there is no President, to the person exercising the powers of the said office, within — days thereafter, to be opened and examined by him; and if it shall appear that no person has received the votes of a majority of the Electors appointed, the President of the United States, or the person exercising the powers of the said office, shall, forthwith, by proclamation, and by notifications to the Executives of each State, publish the number of votes given to each person as President; whereupon, the said Electors shall again meet on the — day of — next succeeding their first meeting, and vote for one of the two persons, as President, who shall have received the greatest number of votes for that office, at their first meeting; or, if it should happen that more persons than two shall have received the greatest number, and also an equal number of votes, the said Electors shall vote for one of them as President. The said Electors shall transmit the other list of votes for a President and Vice President, at their first meeting, and also the list of the votes for a President, at their second meeting, if it should take place, to the Seat of Government of the United States, signed and certified, under seal; directed to the President of the Senate, who shall open the said lists in the presence of the Senate and House of Representatives; and, if it shall appear that any person has been duly elected President of the United States, according to the Constitution, such person shall be the President; if not, and it shall appear that any person shall have received the greatest number, and also a majority of the votes of the said Electors, at their second meeting, he shall be the President. But, if it shall happen that no person is duly elected President of the United States, either at the first or second meeting of the said Electors, then the Senate and House of Representatives shall immediately, by ballot, each member of both Houses giving one vote, proceed to elect a President from the persons duly voted for at the second meeting of the said Electors. A majority of all the members present at the said joint meeting of the Senate and House of Representatives shall be necessary to a choice of the President of the United States, on the first ballot; after which, a plurality of said votes shall decide the election. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed; and if no person shall have such majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President, as provided for by the Constitution."

WEDNESDAY, December 17.

Mr. KING, re-elected a Senator from the State of Alabama, appeared, was qualified, and took his seat.

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Mr. RUGGLES, from the Committee of Claims, to which was referred, on the 15th instant, the bill entitled "An act appropriating a sum of money for the relief of Daniel D. Tompkins," reported the same without amendment.

Mr. BENTON presented the memorial of the Legislature of the State of Missouri, praying the organization of a tribunal for the adjudication of unconfirmed claims to lands, and that a duty may be imposed on imported lead. The memorial was read, and referred to the Committee on Public Lands.

Mr. B. presented a memorial of the Legislature of the Territory of Arkansas, praying a modification of their western boundary line, for reasons stated in the memorial; which was read, and referred to a select committee, to consider and report thereon; and Mr. BENTON, Mr. KING, of Alabama, and Mr. LOWRIE, were appointed the said committee.

Mr. EATON presented the petition of James Jackson, and J. C. McLemore, of Tennessee, securities for the late Robert Seacy, Paymaster in the Army, for West Tennessee, praying an act may pass authorizing the equitable settlement of his accounts. The petition was read, and referred to the Committee on Military Affairs.

Mr. LOWRIE presented the memorial of the Synod of Philadelphia, expressing their views in relation to the civilization of the Indians, and their earnest hope that the appropriations made for that object may be continued. The memorial was read.

Mr. HOLMES, of Maine, presented the petition of Comfort Smith, praying that a pension may be granted to her husband, Noah Smith, a soldier of the Revolution, whose insanity has been the sole reason for his not obtaining it. The petition was read, and referred to the Committee on Pensions.

Mr. HAYNE presented the petition of Francis Henderson, in behalf of himself and the heirs of Colonel John Laurens, deceased, praying that certain errors, alleged to have been committed in the settlement of the accounts of the said Laurens, may be corrected, and that the balance due may be paid. The petition was read, and referred to the Committee on Foreign Relations, to consider and report thereon.

Mr. LLOYD, of Maryland, presented the petition of Joseph Forrest, praying indemnification for the loss of a vessel, chartered by the Government, and condemned in consequence of her improper detention by its agent. The petition was read, and referred to the Committee of Claims.

The bill, supplementary to the act, entitled "An act for the relief of persons imprisoned for debt," was read a third time, and passed.

Resolved, That the bill pass, and that the title thereof be, "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt.'"

The Senate resumed the consideration of the motion of the 16th instant, to inquire into the expediency of allowing drawbacks on all articles of domestic manufacture, the raw material of which is of foreign growth; and agreed thereto.

On motion, by Mr. DICKERSON, two members were added to the committee to which was referred the resolutions proposing amendments to the Constitution of the United States; and Mr. KING, of New York, and Mr. MACON, were accordingly appointed.

The Senate resumed the consideration of the motion of the 16th instant, requiring information from the Commissioner of the General Land Office; and agreed thereto.

The Senate resumed the consideration of the motion of the 16th instant, to inquire into the expediency of amending the "Act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices of both President and Vice President," passed the first of March, 1792; and agreed thereto.

Mr. BENTON gave notice that he should ask leave to introduce a bill for the relief of Taylor Berry.

Mr. MILLS was appointed a member of the Committee on Foreign Relations, in the place of Mr. KING, of New York, who, at his own request, was excused from acting on that committee.

THURSDAY, December 18.

Mr. JOHNSON, of Louisiana, presented the memorial of Charles Morgan, praying the confirmation of his title to a tract of land. The memorial was read, and referred to the Committee on Public Lands.

Mr. HAYNE presented the memorial of a number of the banking institutions of Charleston, South Carolina, and others, praying the repeal of the 14th section of the act incorporating the Bank of the United States.—The memorial was read, and referred to the Committee on Finance.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, submitted a report on the petition of William and Henry Gray, of Boston, who ask the interposition of Government in their favor, in the case of the capture of the brig Otter, and her condemnation by the Spanish authorities at Porto Rico. The committee, after stating the facts in connexion with the case, recommend its reference to the Department of State, that such measures may be taken thereon as the rights of the citizens of the United States, and the interests and dignity of the Government, may to the Executive appear to require.

Mr. JOHNSON, of Kentucky, presented the petition of John Frank, praying remuneration for the loss of his property, occasioned by the conflagration of the building occupied by him as a messenger, and owned by the United States, in the year 1814. The petition was read, and referred to the Committee of Claims.

Mr. LLOYD, of Maryland, submitted the following motion for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of regulating, or prohibiting, by law, the transportation of gold, silver, or jewels, in the armed vessels of the United States.

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On motion, two members were added to the committee to which was referred, on the 17th instant, the memorial of the Legislature of the Territory of Arkansas, on the subject of their boundary line; and Messrs. JACKSON and MILLS were appointed accordingly.

DANIEL D. TOMPKINS.

The bill for the relief of Daniel D. Tompkins was taken up in Committee of the Whole. Mr. RUGGLES, chairman of the Committee on Claims, stated that this bill merely provided an appropriation of \$35,190, which had been found, by the proper accounting officers, under an act of the last session of Congress, to be due to Mr. Tompkins; that the accounts had come under the revision of the President, and that he had signified his opinion on the subject by a special message to Congress. In that message, it would be recollected, that a further sum was supposed to be due to Mr. Tompkins, the investigation of the accounts having been delayed at his own request.

The bill was then reported without amendment, and ordered to be read a third time. On motion of Mr. SMITH, the bill received its third reading, by general consent, and was passed.

FRIDAY, December 19.

Mr. D'WOLF presented the memorial of the President and Directors of the Merchants' Bank of Newport, Rhode Island, praying that a portion of the stamp duties paid by that institution into the Treasury, in the year 1817, may be refunded, for reasons stated in the memorial; which was read, and referred to the Committee on Finance.

Mr. NOBLE presented the memorial of the General Assembly of the State of Indiana, praying the organization of an additional circuit, of which that State shall form a part; or, that the said State may be attached to the circuit, of which Ohio and Kentucky are component parts.—The memorial was read, and referred to the Committee on the Judiciary.

On motion, by Mr. BENTON, the memorial of the General Assembly of the State of Missouri, relative to the extinguishment of the Indian title to lands within that State, accompanying the Message of the President of the United States of the 7th of February, 1823, was referred to the Committee on Indian Affairs, to consider and report thereon.

Mr. EATON presented the memorial of William Williamson, and others, officers engaged in the expedition against the Seminole Indians in the year 1818, representing that an erroneous construction has been given, by the accounting officers of the Treasury Department, to an act of Congress of May 4, 1822, intended for their benefit, and praying relief.—The memorial was read, and referred to the Committee on Military Affairs.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with a resolution of the Senate, of 28th January, 1818, I herewith transmit to Congress

the report of the Commissioner of Public Buildings, showing the expenditures on public buildings, and other objects committed to his care, during the present year.

JAMES MONROE.

The Message was read, and referred to the Committee on the District of Columbia.

The Senate resumed the consideration of the motion of the 18th instant, to inquire into the expediency of regulating, or prohibiting, by law, the transportation of gold, silver, or jewels, in the armed vessels of the United States; which was amended, and agreed to as follows:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of regulating, or prohibiting, by law, the transportation of gold, silver, or jewels, or carrying of passengers, in the armed vessels of the United States.

The Senate proceeded to consider the report of the Committee on Naval Affairs, on the memorial of Henry Gray and William Gray; and, in concurrence therewith, the memorial was referred to the Department of State, in order that such measures may be taken thereon as the rights of the citizens of the United States, and the interests and dignity of the Government, may to the Executive appear to require.

MONDAY, December 22.

The PRESIDENT communicated a report of the Commissioner of the General Land Office, made in compliance with a resolution of the Senate of the 17th December, instant, in relation to the delay which has arisen in the adjustment of land claims in the St. Helena land district.—The report was read, and referred to the Committee on Public Lands.

Mr. FINDLAY presented the memorial of the President and Directors of the Chesapeake and Delaware Canal Company, praying the aid of the General Government to the undertaking in which they are engaged.—The memorial was read, and referred to the Committee on Roads and Canals.

Mr. EDWARDS presented the petition of William Eaton, praying an act may pass authorizing the equitable settlement of his accounts.—The petition was read, and referred to the Committee of Claims.

Mr. MACON presented the petition of Hadrianus Van Noorden, stating that he has claims against the Government of France for the illegal capture of two vessels, in the years 1796 and 1797, and praying relief.—The petition was read, and laid on file.

Mr. LOWRIE presented the memorial of Daniel Smith, president of the Insurance Company of Pennsylvania, and others, stating that they have suffered extensive losses by captures, seizures, and condemnations, under the authority of the French Government, for which they have hitherto been unable to obtain indemnity, and praying the interposition of the General Government in their behalf.—The memorial was read, and referred to the Committee on Foreign Relations.

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Mr. JOHNSON, of Louisiana, presented the memorial of Isaac A. Smith, and others, of Florida, praying that the right of pre-emption may be extended to certain settlers on the lands of the United States.—The memorial was read, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Louisiana, presented the memorial of William W. Montgomery, praying that a balance on the books of the Treasury, in favor of Michael Reynolds, as late marshal of the United States for the Louisiana district, who has died insolvent, may be paid to the memorialist, or applied to the discharge of claims for which he is liable, as the surety of the said Reynolds, for the faithful performance of his official duties.—The memorial was read, and referred to the Committee of Claims.

Mr. SMITH, of Maryland, submitted the following motion for consideration.

Resolved, That the Secretary of the Treasury be directed to lay before the Senate a statement, showing the exact amount which will be due and payable to the Commissioners of the Sinking Fund, on the first day of February, 1825.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Charles M. Collier," in which they request the concurrence of the Senate.

Mr. RUGGLES, from the Committee of Claims, to which was referred, on the 9th instant, the petition of Hanson Kelly, made a report, together with a resolution, that the prayer of the petitioner ought not to be granted.

TUESDAY, December 23.

Mr. SMITH presented the petition of George Greer, praying a pension. The petition was read, and referred to the Committee on Pensions.

Mr. HOLMES, of Maine, presented the petition of Joseph Leland and others, merchants, ship-owners, and ship-masters, interested in the navigation of Saco river, in the State of Maine, praying that a pier may be erected, and buoys placed, at the mouth of said river. The petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. BARTON, from the committee to which was referred, on the 18th instant, the bill, entitled "An act authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the military bounty lands lying within the same," reported it without amendment.

Mr. JOHNSON, of Louisiana, presented the memorial of Thomas Shields, purser in the Navy of the United States, praying a release from the United States of their moiety of the proceeds of a prize cargo, captured, and prosecuted to condemnation at his expense. The memorial was read, and referred to the Committee on Naval Affairs.

Mr. BENTON presented the petition of Taylor Berry, praying that he may be allowed to release his title to a tract of land, in Missouri, derived from the United States, but contested at law; and

that he may enter, in lieu thereof, an equal quantity of public land. The petition was read, and referred to the Committee on Public Lands.

Mr. SMITH gave notice that, to-morrow, he should ask leave to bring in a bill to revive, and continue in force, An act, passed on the 3d March, 1815, entitled "An act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty on tonnage, between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States;" and, An act, passed 20th April, 1818, entitled "An act concerning tonnage and discriminating duties in certain cases;" and, An act in addition thereto, passed on the third day of March, 1819.

The bill, entitled "An act for the relief of Charles M. Collier," was read the second time, and referred to the Committee of Claims.

The resolution submitted yesterday by Mr. SMITH, of Maryland, directing the Secretary of the Treasury to lay before the Senate a statement of the exact amount that will be due and payable to the Commissioners of the Sinking Fund, on the first day of January, 1825, was read for consideration.

Mr. SMITH said, that, as the first loan made during the late war, became due at the time named in his resolution, he wished to know what amount the Treasury would be bound to pay to the Commissioners of the Sinking Fund on that day. The President had stated, that there would be nine millions of dollars in the Treasury at that time. Many gentlemen, perhaps, suppose that sum to be yet unappropriated; but Mr. S. believed a considerable part of it would fall due to the Sinking Fund, and he wished to know the exact amount.

The resolution was agreed to.

The report of the Committee of Claims, unfavorable to the petition of Hanson Kelly, was taken up.

Mr. MACON moved to reverse the report: which motion was supported by himself and by Messrs. SMITH and BRANCH; and was opposed by Mr. RUGGLES. On motion of Mr. HAYNE, the report was laid on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I herewith transmit to Congress a statement, by William Lambert, explanatory of his astronomical calculations, with a view to establish the longitude of the Capitol.

JAMES MONROE.

WASHINGTON, December 23, 1823.

The Message and document therein referred to were read.

WEDNESDAY, December 24.

Agreeably to notice, Mr. SMITH asked and obtained leave to bring in a bill to revive and con-

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tinue in force certain acts relative to discriminating duties on imports and tonnage; which was read twice, by unanimous consent, and referred to the Committee on Finance.

Mr. HOLMES, of Maine, presented the petition of Josiah Hook, collector of the port of Penobscot, praying to be indemnified against a judgment obtained against him for the seizure of provisions, with which it was attempted to supply the enemy during the late war. The petition was read, and referred to the Committee on the Judiciary.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the military bounty lands lying within the same;" and, no amendment having been made, it was reported to the House, and ordered to a third reading.

Mr. VAN BUREN gave notice that, on Monday next, he should ask leave to introduce a joint resolution, proposing an amendment to the Constitution of the United States, in relation to the election of President and Vice President.

The Senate adjourned to Friday.

FRIDAY, December 26.

A message from the House of Representatives informed the Senate that the House have passed the bill from the Senate, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt,' with an amendment, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act for the relief of Jeremiah Manning, of New Jersey;" also, a bill, entitled "An act for the relief of Thomas W. Bacot;" in which they request the concurrence of the Senate.

The bill, entitled "An act for the relief of Jeremiah Manning, of New Jersey," was read twice, by unanimous consent, and referred to the Committee of Claims.

The bill, entitled "An act for the relief of Thomas W. Bacot," was read twice, by unanimous consent, and referred to the Committee on the Post Office and Post Roads.

Mr. RUGGLES, from the Committee of Claims, to which was referred, on the 23d instant, the bill, entitled "An act for the relief of Charles M. Collier," reported it without amendment.

Mr. SMITH, from the Committee on Finance, to which was referred, on the 24th instant, the bill "to revive and continue in force certain acts relative to discriminating duties on imports and tonnage," reported the same, with amendments; which were read.

Mr. BARTON submitted the following resolution for consideration:

Resolved, That the Committee on Public Lands inquire into the expediency of exposing to public sale the lead mines and salines of the United States; and, if such sales be deemed expedient, that they then inquire whether any further provision by law be necessary for the purpose of acquiring and diffusing among the people of the United States a more general know-

ledge of the situation and value of those mines and salines, prior to such sales.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Postmaster General be instructed to communicate to the Senate all the information in his possession, as to the condition of the National road, commencing at Madisonville, in the State of Louisiana, and terminating at Florence, on the Tennessee river; and as to the expediency of transporting the mails to and from New Orleans on the said route.

Mr. EATON submitted the following motions for consideration:

Resolved, That, where any vacancy happens in any of the offices of the Senate, the vacancy shall be supplied by ballot of the members present.

Resolved, That the Senate will, on the — day of —, by ballot, elect the Secretary of the Senate, the Sergeant-at-Arms, and Doorkeeper, Assistant Doorkeeper, together with the principal and other clerks; and on the third day of each and every Congress they will, in like manner, appoint those officers.

Mr. KING, of New York, presented the petition of Mitchener Cadwallader, stating that he is engaged in the publication of a periodical journal, entitled "The Archives," and praying authority to take copies for the same, of all State papers under the control of Congress, and such other facilities towards the prosecution of his design, as may be deemed expedient. The petition was read, and referred to the Committee on the Library.

Mr. JOHNSON, of Louisiana, presented the memorial of Walter S. Chandler, a citizen of the United States, praying the payment of five final settlement certificates, burnt in the year 1790, while in his possession.—Referred to the Committee of Claims.

Mr. KING, of Alabama, presented the petition of Andrew Henshaw, deputy surveyor of the public lands, praying the payment of an account for services in that capacity, the amount of which has been wrongfully withheld by the late surveyor of the lands of the United States south of Tennessee. The petition was read, and referred to the Committee on Public Lands.

The Senate proceeded to the consideration of the amendment of the House of Representatives to the bill, entitled "An act supplementary to an act, entitled 'An act for the relief of persons imprisoned for debt;'" and it was referred to the Committee on the Judiciary.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of Hanson Kelly, together with the amendment proposed thereto; and, on motion by Mr. CHANDLER, it was recommitted to the Committee of Claims, with instructions to inquire whether it was not the duty of the marshal to call on the contractor for the district to furnish rations for the prisoners of war, during the late war; and whether there was not a contractor for furnishing rations for the district of North Carolina; and whether the marshal was authorized to contract for rations for prisoners of war, where there was such a contractor; and whether the contract between

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the marshal of North Carolina and Hanson Kelly was a written contract; and to obtain from the commissary of prisoners and Secretary of War such other information relating to said contract as they may be able to give.

The bill, entitled "An act authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the military bounty lands lying within the same," was read a third time, and passed.

Mr. MILLS gave notice that, on Monday next, he should ask leave to introduce a joint resolution, proposing an amendment to the Constitution of the United States, in relation to the election of President and Vice President.

MONDAY, December 29.

Mr. FINDLAY presented the petition of John Meen, and others, citizens of Philadelphia and its vicinity, praying a modification of the tariff, for the purpose of protecting the manufactures of the United States. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. SMITH presented the memorial of John Holling, president of the Maryland Insurance Company, and others, underwriters and merchants of the city of Baltimore, stating that they have claims against France for the illegal seizure and sequestration of property, to a large amount, and praying the interposition of the Government in their behalf. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. KING, of Alabama, presented the petition of John Forbes and Company, praying the confirmation of their title to a tract of land, situated on the Tensa river. The petition was read, and referred to the Committee on Public Lands.

Mr. KING, of Alabama, presented the petition of Nicholas Cook, agent for the heirs of Nicholas Baudin, praying the confirmation of their title to a tract of land. The petition was read, and referred to the Committee on Public Lands.

Mr. KING, of Alabama, presented the memorial of the heirs of Joseph Chastang, praying the confirmation of their title to a tract of land. The memorial was read, and referred to the Committee on Public Lands.

Mr. BARTON presented the petition of John Hall, representing that he is confined in jail on a judgment rendered against him at the suit of the United States, in the district of Missouri; and praying to be discharged from imprisonment. The petition was read, and referred to the Committee on the Judiciary.

On motion by Mr. MACON, the petition of Hadrianus Van Noorden, presented on the 22d inst., was referred to the Committee on Foreign Relations, to consider and report thereon.

Mr. LANMAN, from the Committee on the Post Office and Post Roads, to which was referred the bill, entitled "An act for the relief of Thomas W. Bacot," reported the same without amendment.

Mr. HAYNE submitted the following motion for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a navy yard at Charleston, South Carolina, for the building and repairing of sloops of war of an inferior class.

Mr. KING, of Alabama, submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting a pre-emption to one quarter section of land to each of the counties of Bibb, Conecuh, Henry, Pike, and Covington, in the State of Alabama, for the location of their respective seats of justice.

The resolution offered on Friday last, by Mr. BARTON, proposing inquiry into the expediency of exposing to public sale the lead mines and salines belonging to the United States, was again read, and agreed to.

The resolution offered on Friday, by Mr. EATON, providing for the biennial elections of the officers of the Senate, was postponed till to-morrow.

The resolution submitted on Friday last, by Mr. JOHNSON, of Louisiana, calling upon the Postmaster General for information respecting "the condition of the National road, commencing at Madisonville, in the State of Louisiana, and terminating at Florence, on the Tennessee river, and as to the expediency of transporting the mails to and from New Orleans, on the said route," was again read, and agreed to.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service;" a bill, entitled "An act for the relief of Brintnel Robbins;" also, a bill, entitled "An act for the relief of Loudon Case;" in which they request the concurrence of the Senate.

The bill, entitled "An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service," was read twice, by unanimous consent, and referred to the Committee on Naval Affairs.

The bill, entitled "An act for the relief of Brintnel Robbins," was read twice, by unanimous consent, and referred to the Committee of Claims.

The bill, entitled "An act for the relief of Loudon Case," was read twice, by unanimous consent, and referred to the Committee of Claims.

DUTIES ON IMPORTS AND TONNAGE.

The bill to revive and continue in force certain acts relative to duties on imports and tonnage, was taken up for consideration.

Mr. SMITH, from the Committee of Finance, rose to state to the Senate the objects of this bill. He said the subject was probably generally understood by members; but, as some might not have had the time to pay that attention to the subject which its importance required, he hoped to be pardoned for attempting to explain it. On the adoption of the Constitution of the United States, it was soon perceived that the navigation of the country was prostrated; and that our trade

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was carried on, almost exclusively, by foreign shipping. Under these circumstances, it became necessary that Congress should adopt some measure to give encouragement to our own shipping; and a law, proposing to give our commerce the necessary advantages over that of foreign nations, in our own ports, was passed. This law established a tonnage duty of six cents on the American vessel, and fifty cents on the foreign, and also an import duty of 10 per cent. in favor of the shipping of the United States. These two provisions, it was then believed, would operate so favorably as to induce American merchants to build vessels, and this expectation was abundantly realized. The commerce of the country made such rapid progress under the system, as to render it very little necessary. All the expected advantages were reaped from this law, so long as the principle remained untouched by foreign nations. But, their attention was finally turned towards it. England observed the great advantages that resulted from our discriminating duties; and, in a subsequent treaty with us, she reserved to herself the right to countervail these duties, which she afterwards did. At the time she instituted her countervailing duties, our then Minister in England wrote a letter to the Government, suggesting the propriety of taking some measures on the subject, before England had time to taste the sweets of this policy. About the year 1801, the subject was brought forward in Congress, and the necessity of doing away all countervailing duties, by admitting, on terms of reciprocity, the vessels of all nations who were willing to adopt the same policy in regard to us, was explained. But the attempt did not succeed; people could not be made to extend their views to the time when the European wars should cease, and the nations left free to retort upon us, for our discriminating system. But, at last, the peace of Amiens took place, and that event opened the eyes of our people. It showed us that British ships would get all the employment, while we retained our discriminating law. They could carry goods the whole amount of freight cheaper than our vessels. War again commenced; and, so long as it continued, our system did us no harm. But when peace again returned, it was soon found what would be the result of our policy. It was in 1815 that the act passed repealing all discriminating duties on the vessels of those nations which would admit ours on terms of reciprocity. Mr. S. enumerated subsequent laws which had passed, defining the operation of the act, in relation to our trade with the colonies of other countries, with the Hanse towns, &c. In the last act they had all been continued in operation till the 1st of January, 1824, and the law now before the Senate proposed still to continue them in force. The law which was passed, introducing the principle of reciprocity in regard to the Netherlands, was met by their Government with a corresponding spirit; but they have since made a law of a discriminating nature, from the supposition that we intended to give up the system of reciprocity. But, Mr. S. said, he had been informed by their chargé d'affaires

that the revival of this act on our part would produce the repeal of their late law. The importance of acting immediately on this subject, in consequence of the proximity of the period when the former acts in relation to it would expire, Mr. S. said, had induced him to present the objects of the bill to the Senate at this time.

Mr. LLOYD, of Massachusetts, said he regretted extremely the necessity of acting with so much haste upon a subject of this importance. The acts proposed to be continued in force, he knew, provided for the admission of the commerce of foreign nations upon the same footing as they admit ours. But, the amendments which had been proposed to this act, by the committee to whom it was referred, Mr. L. had not seen until he found them on his table this morning. He did not know that they would go any further than had been stated by the honorable gentleman from Maryland. If they went no further than to continue in force the present acts of reciprocity, he would cheerfully vote for them; but, of one part of the proposed bill, he felt a little doubtful. Mr. L. read a clause of the bill, which he thought would require that the trade with the colonies of foreign nations should be placed on the same footing as the trade to the mother countries. This provision he was averse to, as the trade to the colonies had always been regulated by the Governments to which they belonged. The law of 1815, was a very just and proper law; that law only made it the duty of the Executive to ascertain upon what terms our commerce was admitted by other nations, and then to reciprocate those terms and abolish the discriminating system. The view which the gentleman from Maryland had taken was correct. It was true that, at the end of the Revolutionary war, our commerce was prostrated, or rather that it was non-existent. We had, with the utmost exertion, thrown off the trammels of the mother country; and we came out of that struggle in a state of exhaustion. In this state we were left to feel our own way—we were without experience. It was not wonderful, then, that our commerce was paralyzed—it could hardly be otherwise. Among other expedients to give it life, the system of discriminating duties was adopted. Our commerce began to flourish, and unrivalled success attended it. Very shortly after, indeed almost at the same moment, the French revolution took place, a revolution which convulsed the whole world. This event threw a very great proportion of trade immediately into our hands. Mr. L. thought this a greater cause of the prosperity of our commerce, than any discriminating duties laid by us. Afterwards it had been thought proper to renounce the discriminating system and to adopt a fair and broad principle of reciprocity. The expediency of this measure had been fully proved—there could be no doubt of it—experience had tested it. Into that system Great Britain had reluctantly entered. Notwithstanding the equal terms upon which her ships were admitted to our ports, not one in twenty of the vessels which arrive with foreign goods are foreign vessels. She would not have adopted it,

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unless she had gained corresponding advantages in her trade with us. Mr. L. said he would agree to the bill now proposed, if it only went so far as to continue the former acts of reciprocity; but he feared it went further; that it required not only the trade to the European, but to the colonial ports also, to accord with its principles. To this requisition neither Great Britain nor France would submit; and it would only have a tendency to bring upon us a vexatious war of discriminating duties.

Mr. SMITH briefly replied. He did not think the words of the bill would warrant the conclusion drawn by the gentleman from Massachusetts.

Mr. KING, of New York, made some few remarks on the subject, which were not heard distinctly.

Mr. HAYNE returned his thanks to the gentleman from Maryland for his able remarks upon the commercial history of the country; but confessed that he felt unprepared to act on this subject at this moment. He had only seen the bill for the first time this morning. He moved, therefore, that the subject should be postponed until to-morrow; and, in the meantime, the honorable member from Massachusetts would have an opportunity to satisfy his doubts upon the tendency of the bill, and he himself would have time for further inquiry.

Mr. HAYNE's motion prevailed, and the further consideration of the subject was postponed till to-morrow.

AMENDMENT TO THE CONSTITUTION.

Mr. MILLS, of Massachusetts, rose to ask leave, in pursuance of notice which he had given on Friday last, to introduce a joint resolution, proposing an amendment to the Constitution of the United States, in regard to the election of President and Vice President. Previously, however, to the question, on granting leave being put, Mr. M. said he would, by the indulgence of the Senate, state the substance of his proposition, and, very briefly, some of the reasons which had induced him to offer it. The Constitution should be approached with great caution. He deprecated too frequent attempts to amend it, as calculated to derange its nicely adjusted powers, and to lessen the respect and veneration which all should cherish for that instrument. It was the work of men's hands, and therefore not perfect; but still ought not to be subjected to all the varying changes which temporary inconvenience may suggest, nor should alterations be made as an expedient to effect a momentary and perhaps imaginary good. For several successive sessions of Congress, Mr. M. said, efforts had been made to procure amendments in relation to this subject, and at the present session, those efforts had been renewed with increased zeal, and multiplied beyond all former example. After the various propositions which have been submitted to the Senate, it would be almost impossible to present any project which should bear the stamp of novelty, or which had not before occurred to others. He had, therefore, not attempted it, nor had he relied upon his own

wisdom or invention in the amendment he was about to propose; but had resorted to the united wisdom of that illustrious band of patriots and statesmen, who devised and framed the excellent form of Government, under which we have enjoyed so much prosperity and happiness; and which, by a wise and prudent administration of our rulers, and intelligence and integrity among the people, was calculated to continue and perpetuate those blessings. He wished then, to return to the good old ways of our political fathers, and to reinstate in the Constitution its original provision for the choice of President and Vice President of the United States. This, Mr. M. said, was the whole of his proposition. It had met the sanction of the enlightened assembly to which he had alluded, and the conventions of the several States; it had been tested by experience, and seemed better calculated in time to come to effect a choice by the Electors appointed for that purpose, and above all, to secure for the second office in the Government those qualifications and endowments, which, in a good degree, fit him for the first. The illustrious body of men who framed our Constitution, had difficulties of no small magnitude to encounter; local prejudices were to be removed; conflicting interests to be reconciled; the jealousy of the small States assuaged, and the power and influence of the large States restrained, and it was only by mutual sacrifices for the common good, that a system of compromise and concession was at length effected. Among those difficulties, the organization of the Executive department, the powers with which it should be invested, the number of which it should be composed, and the manner which it should be appointed, were not the least formidable. Upon this subject, they moved in a new and untried path, and were to be guided only by the light of their own minds, and a knowledge of the institutions of their country. The history of other republics, ancient or modern, afforded them no aid; for, although confederacies of free States had existed in different ages of the world, both in ancient and modern times, yet, in none of them had there existed a common permanent head, vested with Executive powers only, for the administration of the civil as well as military part of the Government, and appointed in any manner adapted to the genius of our people. This part of their duty, therefore, had called forth the most minute investigation and full discussion in that body. A recurrence to the history of those times, and to the journals of that Convention, would show that the plan adopted was not the only one submitted to their consideration; that various projects were offered, both in relation to the organization and duration of the office; that, at one time, it was proposed he should be elected by the Governors of the States, and that, for a long time after the first draught of the Constitution was submitted, it seemed to be determined that the Executive should be chosen by the Legislative branch of the Government; and this plan remained unaltered until about the time the Constitution was reported in its final shape. Until near this time, too, it was un-

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decided by what number of individuals the Executive power should be exercised—whether by one or more; whether such an office as that of Vice President should be created, or what should be his duties. From the various projects which were before them, and surrounded as they were with such numerous difficulties, the authors of the Constitution devised a plan for the election of President and Vice President, which secured the hearty concurrence of the people. For, although almost every other part of that instrument met with the warmest opposition, and particularly the powers vested in the Executive, yet it is believed that his mode of appointment escaped even the animadversion of its enemies.

For what purpose, asked Mr. M., was the office of Vice President created? Was it that he might preside over the meetings of this House? No sir. If that had been the case, we should be left, like most other legislative bodies, to appoint our own presiding officer. The Constitution had in view that he might be called upon, in certain events, to exercise the high and important functions of the chief Executive Magistrate. Hence, it provided that he should be voted for as President of the United States, from among the candidates for that high office. This mode of election clearly shows that his business in the Government, and the chief reason of his appointment, was not merely to conduct the deliberations of the Senate. The first officer in the Government might be arrested in the midst of his career, by the arm of death; sickness might destroy his faculties; the visitation of Providence might prostrate in ruins his intellectual powers; he might be removed by impeachment, or voluntarily retire from his arduous duties. In either of these events, the Executive authority must be administered by some individual, and the mode of election pointed out by the Constitution, as it originally stood, would always secure to the country, in the second office of the Government, the services of an enlightened citizen, elected with a view to his qualifications for the first office, and presumed to be capable of discharging its high and important duties. If this was the object for which he was elected, Mr. M. contended, that, reasoning *a priori*, that object would be much more likely to be effected, and with greater facility and security, in the mode originally pointed out in the Constitution. To accomplish the end in view, the Convention had provided, that the Electors should meet in their respective States, and vote for two persons, one of whom, at least, should not be an inhabitant of the same State with themselves; that the person having a majority of the votes of the Electors should be the President, and the person having the next highest number of votes should be the Vice President; presuming, that, as both would be voted for, without designation, as President, both would be worthy of the office, and competent to perform its duties. Experience has sanctioned the correctness of this theory, and proved the conclusion of their reasoning to be well founded. So long as that provision remained a part of the Constitution, and two persons were voted for, without designation or distinction, the

person filling the office of Vice President was, invariably, at a subsequent election, elevated to the Executive chair. But, since that provision has been altered, and the Electors have been called upon to designate, by their votes, a person for a secondary and inferior office, other views and other considerations, have influenced his selection—without the hope or expectation of any further advancement.

But, Mr. M. said, the propriety of the original mode of election was not only evident from the deductions of reasoning, and the voice of experience, but it was fully confirmed by the prospect of the future, and especially by the prospect immediately before the nation. An election is rapidly approaching; and, although a constellation of worthies have been for months, and, he might say, for years, presented to the people, as candidates for the Presidential chair, what single individual has yet been seriously named to fill the office of Vice President? While no small excitement exists in the public mind in relation to the one, there was, as far as he knew, an utter apathy and indifference in relation to the other. What, then, Mr. M. asked, would be the probable result of the two modes, at the approaching election? Suppose all these distinguished personages should be candidates, one only could be chosen to office; because, the friends of neither, under the present system, would probably consent that their favorite candidate for the Presidency should be held up, *eo nomine*, for the Vice Presidency. But, if the Constitution had remained in its original form, in all probability, two of them might be elected—one to the first, and another to the second office. You would then have a person for Vice President, capable, at least in the opinion of a plurality of the Electors, of discharging the duties incumbent on the President, and who had received their suffrages as such.

The leading object avowed by gentlemen who now propose amendments to the Constitution, is to prevent the election of President from devolving on the House of Representatives.

Mr. M. said that, if the view he had just presented was correct, the event, so much and so justly deprecated, would be much less likely to occur, under the Constitution as originally adopted, than in its present shape. In the various combinations of ballots which would result from voting for two persons for the same office, it would be almost certain that one of them would be elected President, and as the person having the next highest number, though not a majority, would be deemed to have a sufficient support to entitle him to the second office, as standing second in the confidence of the people, the election of both would be secured. Surely this would be a much better arrangement than that half a dozen candidates should be contending for the first office alone, neither of whom could have the second, and that, too, with very little prospect of either succeeding by the Electoral vote. Mr. M. put it to the Senate, whether this was not a fair view of the prospect immediately before us. Should the approaching election be conducted in the mode

pointed out by the amendment which he was about to submit, very little doubt would be entertained that a choice would be effected, without the intervention of the House of Representatives. But, under the present mode, there was not, he said, probably, an honorable gentleman in the Senate who indulged a reasonable hope that this would be the result. To those, therefore, who wish to avoid so disastrous event, Mr. M. appealed for their support of the proposition he was about to submit, and to unite with him in restoring the Constitution to its original form.

Mr. M. said, that the object which he mainly had in view, was to reinstate in the Constitution the mode originally prescribed for the Electors to give in their votes. If this object should meet the countenance of the Senate, some of the amendments which have been proposed by other gentleman, may, nevertheless, be engrafted upon it. He did not intend, nor perhaps would it be proper, to go into an argument respecting other propositions which had been offered, and which were now before the Senate. He begged leave, however, to submit a few remarks upon those parts of other plans which might be connected with or are hostile to his own proposition. The districting system, if approved, might be incorporated with the plan he was about to propose. But Mr. M. thought there were strong arguments against the amendment which proposed to district the whole country for the choice of Electors. One of its professed objects is, to secure the choice of Electors to the people, without any control of the States. If the election of the Federal Executive is to be made by the popular will, it is obvious that justice requires that the people in every part of the Union should be placed upon the basis of equality, so that the citizens of one State should enjoy as great a share of this privilege, as the citizens of another. Widely different, however, would be the operation of this system. Great inequality would be produced. The State of Rhode Island, for instance, with a population of a little over eighty thousand, is entitled to four Electors, and would, therefore, be divided into four districts, each district containing about twenty thousand; while the State of New York, entitled to thirty-six Electors, and divided into thirty-six Electoral districts, would have a population of forty thousand in each district. The argument, therefore, is fallacious and delusive, which holds this system as one of equality. There would, in fact, be as much inequality in this mode, as in an election by the House of Representatives; or, at least, a proportional inequality; for, it is obvious that a majority of the Electors might be chosen by a minority of the people.

So in regard to the amendment proposed by the honorable member from Missouri, (Mr. BEN-
ron,) giving the election of President and Vice President immediately to the people, by which each State is to be divided into districts, and each district to have one vote, and that vote to be decided by a majority of the people, in their primary assemblies. By this plan, too, a minority of the people may not only govern the votes of a State, but determine the election of a President. Mr.

M. said that, to illustrate the truth of this position, the more familiarly, he would again take the example of a small State. The State of Delaware would be divided into three districts, each district having one vote. Suppose that each of these districts should contain one thousand voters; that in one district they should be unanimous for A; that in the two other districts A should have four hundred and fifty votes, and B five hundred and fifty. Here, then, the people of the State of Delaware would cast nineteen hundred votes for A, and eleven hundred only for B; and yet, B would count two votes for President, in Delaware, and A only one. In addition to this objection, it would always be productive of great public excitement, if the election should be given immediately to the people, without the intervention of Electors. Experience has proved the truth of this remark. In those large States of the Union, where the Executive is elected by the people, and especially if his term is of more than one year's duration, there is much more public excitement, animosity, and bitterness produced, than in small States, where the office is of less importance.

The proposition of the honorable gentleman from South Carolina, (Mr. HAYNE,) Mr. M. said, had many reasons to recommend it. But there was one provision in that amendment, to which he could not yield his assent. It provides that, when the choice is not effected by the Electors, at their first balloting in their respective States, the power of electing shall again return to them, all of whom, for this purpose, shall be convened in one place. Here would be the same opportunity for intrigue, cabal, and corruption, and the same inconveniences which attend an election by the House of Representatives. Mr. MILLS begged pardon of the Senate for any apparent transgression of Parliamentary rule, by even the slight consideration which he had given to the former propositions for amendment, which he had done only for reasons before stated. Believing, however, as he did, that the restoration of the Constitution to its original form, in regard to this important subject, would add to the stability of the Union, enhance the respectability of the Executive, by securing to the people the services of two of her most respected citizens in the two highest officers of the Government, and have a strong tendency to prevent the necessity of an election by the House of Representatives, he asked leave to introduce a joint resolution to that effect.

Leave was accordingly granted, and Mr. MILLS introduced the resolution as follows:

Resolved, &c., That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of said Constitution:

The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit,

sealed, to the Seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors, shall be the Vice President. But, if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

Mr. VAN BUREN, of New York, rose and said, that pursuant to the notice he had heretofore given, he would now ask leave to introduce a resolution proposing an amendment of the Constitution of the United States on the subject of the election of President and Vice President of the United States. Should the permission he asked be granted, it was his intention further to move that the resolution he offered be referred to the select committee already appointed on similar propositions. To enable that committee better to appreciate his views, as well as to explain the motives which had induced him to add to the number of propositions on the same subject already before them, he would, in the remarks he intended to make, refer to those propositions, and notice their respective contents. He would do this, not for the purpose of full discussion, but only so far as was necessary to mark the difference between them and the one he designed to offer, and for a brief explanation of the principles upon which that difference is founded. Before he proceeded to that object, he would add his humble testimony to the justice of the remark, that the extreme difficulty which is experienced in every attempt to improve the present Constitution, afforded the most striking evidence of the great wisdom and care which presided over the deliberation and governed the decision of those who made it. He would further add, that, although he felt much reluctance in originating a proposition of this character, he had not witnessed the frequent unsuccessful attempts at amendment which had been made with as much regret and dissatisfaction as was expressed by some. On the contrary, thinking as he did that as yet no improvident amendment of the original instrument had been made; and, believing, from the slow and scrutinizing process through which all amendments must pass, that there was little danger that any of equivocal character would obtain, he was induced to regard the frequent unsuccessful attempts to

alter the present system as productive of much good, by strengthening and confirming the confidence of the people in the wisdom of its provision, and by increasing and perpetuating our gratitude for the services and respect for the memories of those illustrious men who formed it. That such had been their effect, he had no doubt.

There are, said Mr. VAN BUREN, already before the Senate, three distinct propositions on this subject, viz: One introduced by a Senator from Missouri; one by a Senator from New Jersey; and one by a Senator from North Carolina: to which, one had, that moment, been added, by a Senator from Massachusetts—the three first of which he would briefly notice. The last had, for its object, a course entirely different, as well from the one he intended to introduce, as those before it. The plan of the gentleman from Missouri proposes to divide the different States into districts, not for the choice of Electors of President and Vice President, but to take the votes of the people directly for those officers, allowing to each State as many votes as they are now entitled to, rendering a majority of all the votes necessary to a choice, and in the event of no election, on the first vote, by the people, the same to be made by the House of Representatives, each State having but one vote, as is now provided by the Constitution. The only remark he would now make, on that feature of the resolution which dispenses with the agency of intermediate Electors, was, that inasmuch as, with reference to the condition of the representation in particular States, secured to them by the Constitution, it does not profess to give the choice to a majority of the people, and, as it renders a resort to the House of Representatives almost indispensable, in the event of there being no choice in the first instance, he was not now prepared to give his assent to it. To judge of the propriety of so much of the different propositions as provide for a division of the several States into districts, a very brief inquiry into their operation and motive becomes both necessary and proper. It has been said, that that mode would effect the double purpose of bringing the election nearer to the people, by securing to them, in every State, the immediate choice of the Electors; and of protecting the right of the minorities in the different States. But when it is considered that, by the Constitution, each State has now the power of securing to its citizens those objects, when and as the people of those States represented in their State Legislatures may think proper to do it, he was disinclined to believe that a desire, on the part of any one State, to interfere in these respects with the internal condition of another, constituted the motive which induced them to urge the measure under consideration. The object which would be effected by it was of a different character. With regard to one effect, which it was calculated to produce on the different States, there was not, in the discussion on this floor last year, the least reserve, and, he presumed, there would not be any now. The alteration of the system, if adopted, can only be effected by consent of the parties to the present compact, and gentlemen, representing

States differently situated, do but exercise a right, of which no one can complain, in proposing such terms as are most acceptable to, and will best subserve the interest of, their immediate constituents. It is well understood, that the tendency of this measure will be to reduce greatly the present weight of the large States in the general scale, by subjecting them to the full operation of the political divisions which are supposed to be more peculiar to them, and thereby preventing them from bringing their consolidated strength to bear upon the Presidential question. It is proposed to do this on the plan of the gentleman from Missouri, without concession of any description on the part of those States who would be benefited by the change. To decide whether the consent of the large States can, with reason, be expected to this change, it is proper to look for a moment to the present relative conditions of the States, on the score of influence, in the existing plan of Government. As he had not, as yet, heard any thing upon this subject, either now or at the last session, he would remark, that he made the reference he proposed under the full influence of those frank and liberal feelings which had characterized every thing that had hitherto been said or done on this subject. His design was to look at things as they were, without any other motive or feeling than a simple desire to ascertain, by a reference to facts, whether, if any alteration in the Constitution, in this particular, ought to be made, what that alteration should in justice be. It was to him a source of great satisfaction that a subject, so delicate in its character, had hitherto been commented upon in this House with so much freedom, and yet without the least asperity. It clearly showed, if proof of that could be necessary, that the objects of all were only such as, in their different views of the matter, ought, in justice, to be obtained.

The great departments of the Government were, the Legislative, Executive, and Judicial. The latter is organized by the two former, and the influence of the respective States, in its organization, is of course the same as it is in the other two. In the choice of the Executive, and in the popular branch of the Legislature, each State has a representation proportioned to its representative members, with this exception, that, in the choice of the Executive, an addition of two votes was given to each State, without regard to its numbers, or the amount of its contribution to the public Treasury. But in this branch of the Legislature the case is widely different. Here, in consequence of the peculiarity of our condition, at the time of the adoption of the Constitution, the equitable principle of representation, founded on population and contribution, has been entirely disregarded. Here, each State, on the score of its sovereign character, has equal weight; and what, he asked, was the relative importance of this branch in the Government? He would not say it was that by which all the efficient power of the Government was controlled, but he would say, that but a slight consideration of the Constitution was necessary to show that this branch did

so more than any other. With the single exception of originating revenue bills, its legislative powers were coextensive with the popular branch. No law could pass without the assent of the Senate. Almost all the important proceedings of the Executive are subject to its revision. All appointments require its approbation, unless its assent is first obtained to a law providing a different mode. The consent of two thirds of this body is necessary to the validity of all treaties; and it has the sole power to try impeachments of all the high officers of the Government, as well executive as judicial. In a branch of the Government possessing such extensive powers, the small but patriotic State of Illinois, with a population of fifty-five thousand, has a representation equal to that of Pennsylvania, with a population of one million and fifty thousand. The five largest States in the Confederacy, viz: Ohio, Pennsylvania, Virginia, North Carolina, and New York, with a population of four millions eight hundred thousand, have a representation but equal to the five smallest States, with a population of three hundred and fifty-three thousand. Nearly one half the nation, residing in the five largest States, has a representation but equal to the one twenty-seventh part, residing in the five smallest States. About one-half the whole people, residing in five States, are represented here by ten voices, whilst the other half are represented by thirty-four voices. The disproportion of the relative influence of the several States, having reference to their population, as a just basis of representation, cannot fail to strike every mind. The same inequality existed at the adoption of the Constitution, but in a much less degree. Then, taking an average of the population of the States, and considering those as small, who do not come up to it, the large States were in a majority; now, by the admission of new States, with assent of the old, they are in a minority. There were, at that period, eight large and five small States. Now, by the same criterion, there would be found to be but ten large, and fourteen small States. Still, this was all right; it was according to the compact into which all the States had voluntarily entered; and he fervently hoped, for the peace and happiness of the people of these States, that the day might be far distant, when even a desire should be entertained to alter it. But, when it is proposed so to change the Constitution, as to reduce still more the relative weight of the large States, in the general scale, it surely becomes proper to reflect on the existing condition of things. And in view of that, he asked, whether it was reasonable to expect the large States will ever assent to the proposition made by the gentleman from Missouri, reducing their political weight in the Confederacy, without concession of any kind, on the part of the other States? He thought not. Still, as one of the representatives of one of the large States he would give his assent to the measure proposed, of dividing the States into districts for the choice of Electors, provided it was done in the spirit which produced the Constitution, that is, a spirit of mutual concession. He was willing,

for one, to make concessions for general harmony; and all he asked was, that they should be reciprocal; and those, he thought could, with care and justice, be made.

By the present Constitution, in the event of no one person having a majority, for the office of President, of the votes of the Electors, on the first ballot, the choice devolves on the House of Representatives; and, in such choice, each State has an equal vote. It is believed that, at the time of the adoption of the Constitution, the contingency on which this result was made to depend was not thought likely to happen. And it is supposed that from the great number of small States since admitted into the Confederacy, and from other causes, its occurrence for the future may be frequently expected. It is reasonable to suppose, that, inasmuch as it was evidently the leading design of the Constitution, that, in the choice of President and Vice President, the States should be represented, with the exception already noticed, according to their relative numbers, and, as they deem it but just, that such would be the case, this feature in the Constitution is, by the large States, considered inequitable. But, what is of greater importance, the provision bringing the election to the House of Representatives is deemed objectionable by all the States, on the ground that it jeopardizes the purity of the election, and exposes the whole system to danger, by affording facilities to the corruption of a part. If this wide-spread apprehension is well founded, and how far was so, was a point he would not at this moment discuss, it surely was one which addressed itself alike to all the States, whether great or small, and certainly not with the least force to the latter. All then that he asked, as a concession for harmony and the general good, was, that if the States were districted, the ultimate choice of President should be placed elsewhere, and decided upon more equitable principles. If that was conceded, and from the temper manifested by the Senate last year, he had every reason to hope it would, the next question would be, as to the least objectionable mode. He was not favorably inclined to that proposed by the Senator from New Jersey, because, although it provides for the ultimate choice, so far as it respects the relative weights of the States upon just principles, it does not effect what he considered at least an equal if not a greater object, the removal of the decision from the House of Representatives. Such as it was, however, coming from the Senator of a small State, it marked the just and liberal views which governed his conduct. He would prefer a different mode from that proposed by the Senator from South Carolina; for, although that contained much that was desirable, both in its principle, and as it respects the weight of the respective States in the decision, and as removing it at all events from the House of Representatives, still he feared that the project of sending the question back, under the same circumstances, to the Electors, from time to time, until they made a choice, would be found in practice extremely difficult, if not very dangerous. He would not now remark on the circumstance, that this proposition

did not provide for districting the States, without which he did not hope that the small States would consent. He presumed that it was intended by the honorable mover to connect it with some proposition for that purpose, as he had, in the Senate, expressed his entire willingness to do. Under such views of the subject, he would ask leave to introduce a proposition essentially different from those on their table: one which, if not entirely just, was, he thought, liable to the fewest objections. In doing so, it was proper that he should state, and he was quite certain that he would thereby secure for the proposition a degree of consideration which it might not otherwise obtain, that the plan he offered was the same in principle with that heretofore proposed by a venerable Senator from Virginia, who was now, to Mr. V. B.'s great regret, and the public misfortune, prevented from attending. He said the principle was the same; his own humble effort had been solely directed to the object of rendering it more simple in its form and operation. How far he had succeeded in that, the Senate would judge, when the subject came under their particular consideration.

Having said this much upon that branch of the subject, Mr. V. B. would proceed to state briefly another point in which the proposition he offered differed essentially from the others proposed, and in which difference was involved a principle in the Government, as important, in his view, as any which had for some time been discussed on that floor. In doing so, it was a subject of gratification to him, that this principle had no reference to the relative and conflicting interest of the States in the Confederacy, but looked equally to the welfare and security of all. To a correct understanding of the point, he wished to present, it became necessary to take a brief view of the principle upon, and the circumstance under which, our present form of Government was established. Under the Articles of Confederation, the representation of each State in the General Government was equal. The Union was in all respects purely Federal, a league of sovereign States upon equal terms. To remedy certain defects, by supplying certain powers, the Convention which framed the present Constitution was called. That Convention, it is now well known, was immediately divided into parties, on the interesting question of the extent of power to be given to the new governments: whether it should be Federal or National; whether dependent upon or independent of the State governments. It is equally well known that that point, after having several times arrested the proceedings of the Convention, and threatened a dissolution of the Confederation, subsequently divided the people of the States on the question of ratification. He might add, that with the superadded question of what powers have been given by the Constitution to the General Government, to the agitation of which the feelings which sprung out in the Convention greatly contributed, it had continued to divide the people of this country down to the present period. The party in the Convention in favor of a more energetic Government, being unable to carry, or, if able, unwilling to

hazard the success of the plan with the States, a middle course was agreed upon. That was, that the Government should be neither Federal nor National, but a mixture of both. That of the Legislative Department, one branch, the power of representation, should be wholly National, and the other, the Senate, wholly Federal. That, in the choice of the Executive, both interests should be regarded, and that the Judicial should be organized by the other two. But, to quiet effectually the apprehensions of the advocates for the rights and interest of the States, it was provided that the General Government should be made entirely dependent for its continuance, on the will and pleasure of the State governments. Hence, it was decided that the House of Representatives should be apportioned among the States, with reference to their population, and chosen by the people; and power was given to Congress to regulate and secure their choice, independent of, and beyond the control of the State governments. That the Senate should be chosen exclusively by the State Legislatures, and that the choice of the Electors of President and Vice President, although the principle of their apportionment was established by the Constitution, should, in all respects, except the time of their appointment and of their meeting, be under the exclusive control of the Legislatures of the several States. The scheme of Government thus formed, was submitted to the people of the respective States, through their Legislatures, for ratification. For a season its ratification was warmly opposed in almost every State. Although the control over the choice of but one branch of one department of the Government was vested in Congress, danger to the rights of the States was everywhere apprehended, and the question of the ratification of the Constitution rendered extremely doubtful.

To stem this torrent of opposition, the most distinguished commentators on the proposed plan (the authors of the *Federalist*) placed strongly and truly before the people of the States, the fact of the dependence of the General upon the State Governments, and the Constitutional right of those Governments, or even a majority of them, if the power they had conferred should be abused, to discontinue the new Government by withholding its Senate and Chief Magistrate. Among other things they said—

"The State Governments may be regarded as constituent and essential parts of the Federal Government, while the latter is no wise essential to the operation or organization of the power. Without the intervention of the State Legislatures, the President of the United States cannot be elected at all. They must in all cases have a great share in his appointment, and will perhaps, in most cases, themselves determine it. The Senate will be elected absolutely and exclusively by the State Legislatures. Even the House of Representatives, though drawn immediately from the people, will be chosen very much under the influence of that class of men whose influence over the people obtains for themselves an election into the State Legislatures. Thus each of the principal branches of the Federal Government will owe its existence, more or less, to the favor of State Governments, and

must consequently feel a dependence which is much more likely to beget a disposition too obsequious, than too overbearing toward them."

The ratification by a sufficient number of the States was obtained. On reference, however, to the proceedings of the State conventions, it will be seen that, in several of the States, the control by Congress, over the choice of Representatives merely, was strongly remonstrated against. That amendments were proposed for its qualification by the States of South Carolina, North Carolina, Virginia, Massachusetts, New Hampshire, Rhode Island, and New York. That most of them resolved that it should be a standing instruction to their Delegates in Congress to endeavor to effect that and other amendments proposed. The proposition of the gentleman from New Jersey, to which Mr. VAN BUREN had alluded, would, if adopted, break an important link in the chain of dependency of the General upon the State Governments. It would surrender to the General Government all control over the election of President and Vice President, by placing the choice of Electors on the same footing with that of Representatives. It would at this time be premature to go into a minute examination of the provisions of the resolution alluded to, to show that such would be its effects. Upon examination, it will be found that such would be its construction. That it does in substance what another proposition, upon their table, originating in the other House, does in words. But even was there doubt upon that subject, that doubt should be removed by an express provision, reserving to the States their present control over the election, except as to what is particularly provided for in the resolution now proposed. If it is fit to take from the States their control over the choice of Electors of President and Vice President, and give it to the Federal Government, it would be equally proper, under the popular idea of giving their election to the people, to divide the States into districts for the choice of Senators, as was proposed in the Convention, and give to Congress the control over their election also. If the system be once broken in upon in this respect, the other measure will naturally follow, and we will then have what was so much dreaded by those who have gone before us, and what he feared would be so much regretted by those who come after—a completely consolidated Government—a Government in which the State Governments would be not otherwise known or felt than as it became necessary to control them. To all this, Mr. VAN BUREN was opposed. He was so, because it was a matter not necessary or fitly connected with the subject under consideration; that being a question between the States themselves, as to their relative interest—a question which might and ought to be settled, and leave their relation to the Federal Government as it stands at present. The other is a question between the States, collectively, and the Federal Government, affecting most materially the relation they now bear to each other. But, even if it were presented under different circumstances, he would oppose it.

Because, however ardent his attachment to the Federal Government, and however anxious he might be to sustain it, in the exercise of the powers given to it by the Constitution—and, in that respect, he would, he trusted, go as far as any man ought to go—he was unwilling to destroy or even release its dependence on the State Governments. At the time of the adoption of the Federal Constitution, it was a question of much speculation and discussion, which of the two Governments would be most in danger from the accumulation of influence by the operation of the powers distributed by the Constitution. That discussion was founded on the assumption that they were, in several respects, rival powers, and that such powers would always be found in collision. The best lights which could then be thrown upon the subject, were derived from the examples afforded by the fates of several of the Governments of the Old World, which were deemed to be, in some respects, similar to ours. But the Governments in question having operated upon, and been administered by, people whose habits, characters, tempers, and conditions, were essentially different from ours; the inferences to be derived from that source were, at best, unsatisfactory.

Mr. V. B. thought that experience (the only unerring criterion by which matters of this description could be tested) had settled for us the general point of the operation of the powers conferred by the Constitution upon the relative strength and influence of the respective Governments. It was, in his judgment, susceptible of entire demonstration, that the Federal Constitution had worked a gradual, if not an undue increase of the strength and control of the General Government, and a correspondent reduction of the influence, and consequently of the respectability of the State governments. The evidence in support of this position was abundant, and, if the matter should come under full discussion, could be readily afforded. He thought, further, that existing causes, which were every day gaining force, would, for the future, more rapidly increase that operation. He considered the qualified dependence of the General upon the State Governments as their strong arm of defence to protect them against future abuses. Under that view of the subject, he was opposed to so material a change of the present condition of the respective governments as would be produced by the amendment to which he objected. He was in favor of leaving matters, in that respect, as they stood. Under this impression, Mr. V. B. had prepared a resolution which avoided the defect attaching to that of the gentleman from New Jersey—requiring the contemplated division of the States into districts, to be coextensive with the number of Electors instead of Representatives, and at the same time secured the great object upon which he had been commenting.

Mr. VAN BUREN then introduced the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following amendment of the Constitution of the United States be proposed to the Legislatures of the several States:

The Electors of President and Vice President of the United States shall be chosen by the people of the several States, in districts equal in number to the number of Electors to which each State is entitled, to be composed of contiguous territory, and, as near as may be, equal in the number of persons to be represented, or of persons qualified to vote for members of the most numerous branch of the State Legislature. The qualification of the voters at such election shall be the same as is required of Electors for the most numerous branch of the State Legislature. The Electors of President and Vice President, convened at the time and place appointed by law, for the purpose of giving in their votes, shall have power, in case any of them fail to attend, to choose an Elector or Electors, in the place of him or them so failing to attend. Congress may determine the time of choosing the Electors, the day or days on which they shall give their votes, which shall be the same throughout the United States. But the authority to divide the States into districts, for the choice of Electors; to direct the election to be held; to prosecute the manner thereof, except as to the time of holding the same, and the qualifications of the voters; and the place of meeting of the Electors aforesaid,—is reserved, exclusively, to the Legislatures of the several States.

If, upon counting the votes for President and Vice President, in the manner directed by the Constitution, it shall appear that no person has a majority of the whole number of the Electors chosen, it shall be the duty of the President of the Senate forthwith to notify the President of the United States thereof; who shall immediately by proclamation, and also by notification to the Executives of the several States, publish the number of votes given to each person as President. Whereupon, the Electors shall again meet on the day which shall have been by law appointed for that purpose, with the like power of supplying vacancies, and vote for one of the two persons as President who shall have received at the first meeting of the Electors the greatest number of votes for such office. Or, if it should happen that more than two persons have received the greatest; and also an equal number of votes, the said Electors shall vote for one of them as President. The said Electors shall thereupon transmit one of the lists, to be made at their first meeting, and also that made at their second meeting, signed and certified by them, to the Seat of the Government of the United States, directed to the President of the Senate, to be proceeded upon as the Constitution has prescribed, except that the person having the greatest number of votes at the second meeting of the said Electors shall be the President. But, if two or more persons shall have received the greatest and an equal number of votes at the second meeting of the said Electors, the House of Representatives shall choose one of them for the President of the United States, as now prescribed by the Constitution.

Both the resolutions were referred to the same committee to whom the other propositions for amending the Constitution have been referred.

TUESDAY, December 30.

Mr. RUGGLES, from the Committee of Claims, to which was referred, on the 10th instant, the

petition of Frederick W. Smith, a lieutenant in the Navy of the United States, made a report, together with a resolution, that the prayer of the petitioner ought not to be granted.

Mr. RUGGLES, from the Committee of Claims, to which was referred the bill, entitled "An act for the relief of Jeremiah Manning, of New Jersey," reported it without amendment.

Mr. KING, of New York, presented the petition of William Vaughn, a sailing-master in the Navy of the United States, praying to be allowed prize money for two vessels captured during the late war. The petition was read, and referred to the Committee on Naval Affairs.

Mr. HOLMES, of Maine, presented the petition of Dean Weymouth, praying an increase of pension.—Referred to the Committee on Pensions.

Mr. ELLIOTT presented the petition of James Hunter and John P. Williamson, of Savannah, Georgia, sureties of Benjamin Wall, late Marshal of the District of Georgia, praying an act may pass authorizing the equitable settlement of his accounts.—Referred to the Committee on the Judiciary.

The Senate proceeded to the consideration of the motions of the 26th instant, respecting the election of the officers of the Senate; and, on motion, by Mr. EATON, they were modified, as follows:

Resolved, That, when any vacancy happens in any of the offices of the Senate, the vacancy shall be supplied by ballot of the members present.

Resolved, That the Senate will, on the — day of the first session of the next Congress, elect, by ballot, the Secretary of the Senate, the Sergeant-at-Arms and Doorkeeper, and the Assistant Doorkeeper, together with the principal and engrossing Clerks; and on the third day of the first session of each and every Congress, thereafter, they shall, in like manner, appoint those officers.

The further consideration of the resolution was postponed until to-morrow.

The Senate resumed the consideration of the motion of Mr. HAYNE, of the 29th instant, to inquire into the expediency of establishing a navy yard at Charleston; and agreed thereto.

The resolution offered yesterday by Mr. KING, of Alabama, proposing an inquiry concerning the expediency of granting a pre-emption to the quarter section of land each to several counties in the State of Alabama, for the location of their respective seats of justice, was again read, and agreed to.

Mr. ELLIOTT submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause an application to be made to the British Government, through our Minister at that Court, for a correct list of the names of such persons as may have been paid, with the sums received by each, for lands held by them in the Floridas, previous to the treaty of 1783, and of which they were deprived, on the transfer of that territory, by Spain, by virtue of the said convention.

The bill for the relief of Thomas W. Bacot, the Postmaster at Charleston, South Carolina, was taken up in Committee of the Whole. Mr.

HAYNE stated that the object of the bill was merely to refund to the Postmaster the sum of \$300, which he had paid as a reward for the arrest of a mail robber, and which he could not receive from the proper department, because the expenditure did not come within the strict letter of his instructions. This bill passed the Senate at the last session, but was not acted upon in the House. It had now passed that body, and, Mr. H. trusted, would meet with no opposition in the Senate. The bill was then reported to the Senate without amendment, and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Charles M. Collier," and the further consideration thereof was postponed until to-morrow.

DUTIES ON IMPORTS AND TONNAGE.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to revive and continue in force certain acts relative to discriminating duties on imports and tonnage, together with the amendments reported thereto; and having agreed to the said amendments, and further amended the bill, it was reported to the House, and the amendments were concurred in.

Some discussion took place in regard to the details of the bill, in which Messrs. MACON, HOLMES of Maine, SMITH, BENTON, BARBOUR, LLOYD of Massachusetts, BROWN, and HAYNE, participated.

On motion by Mr. MACON, further to amend the bill, by inserting, section 4, line 3, after the word "nation," "whose independence the United States have recognised," it was determined in the negative—yeas 12, nays 26, as follows:

YEAS—Messrs. Barbour, Benton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Jackson, Kelly, Maccon, Noble, Taylor of Indiana, and Williams.

NAYS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards of Connecticut, Edwards of Illinois, Findlay, Holmes of Maine, Johnson of Louisiana, King of Alabama, King of New York, Knight, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, McIlvaine, Mills, Palmer, Parrott, Seymour, Smith, Talbot, and Thomas.

On the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative. The bill was then read a third time, by unanimous consent, and passed.

WEDNESDAY, December 31.

Mr. EATON presented the memorial of Rezin Rawlings and John Locke, executors of Daniel Rawlings, praying compensation for the transportation of a quantity of corn to various military posts on the Tennessee river during the late war with the Creek Indians. The memorial was read, and referred to the Committee of Claims.

Mr. CHANDLER presented the petition of Joseph C. Boyd, a division paymaster at Castine during the late war, stating that on account of the loss of papers, he is prevented from settling his accounts with the War Department; and praying an act of Congress for his relief.—Referred to the Committee on Claims.

Mr. VAN BUREN, from the Committee on the Judiciary, reported the bill supplementary to an act to relieve certain persons from prison, with the amendment thereto, as adopted by the House of Representatives.

Mr. BARBOUR, from the Committee on Foreign Relations, submitted a report on the petition of Francis Henderson, jr., with a bill for his relief. The petitioner, for himself and family, claims compensation for certain military and diplomatic services rendered to this Government by his grandfather, the late Colonel John Laurens. The bill reported by the committee grants the sum of \$23,500, in full for those services. The report was read, and ordered to be printed.

Mr. JOHNSON, of Louisiana, called up the petition of Colonel Alexander A. White, which was presented at the last session; and, on motion of Mr. J., the same was referred to the Committee on Public Lands.

Mr. MILLS presented the memorial of Amasa Stetson, stating that he was a deputy commissary during the late war; that, in the performance of the duties appertaining to his office, he had, at different times, advanced moneys from his own funds, for the use of the Government, and prays that he may be allowed interest on such advances, and also that he may be indemnified for losses which he sustained by the depreciation of Treasury notes received from the Government.—Referred to the Committee on Claims.

Mr. KNIGHT submitted a resolution, instructing the Committee on the Post Office and Post Roads to inquire into the expediency of providing by law for an additional compensation to postmasters for stamping ship letters; which was read, and laid over for consideration.

The bill from the other House, for the relief of Thomas W. Bacot, Postmaster at Charleston, South Carolina, was read the third time, and passed.

The bill from the other House, for the relief of Charles M. Collier, was taken up in Committee of the Whole, reported to the Senate without amendment, and passed to a third reading.

The bill for the relief of Jeremiah Manning, of New Jersey, was postponed till Friday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Jacob Babbitt," a bill, entitled "An act to repeal, in part, an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned,'" also, a bill, entitled "An act for the relief of William Bartlett and John Stearns, owners of the schooner Angler, and Nathaniel Carver, owner of the schooner Harmony, and others;" in which bills they request the concurrence of the Senate.

The three bills last brought up for consideration were severally read, and passed to the second reading.

The bill entitled "An act for the relief of Jacob Babbitt," was read the second time, by unanimous consent, and referred to the Committee of Claims.

The bill entitled "An act to repeal, in part, an

act, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned," was read the second time, by unanimous consent, and referred to the Committee on the Judiciary.

The bill entitled "An act for the relief of William Bartlett and John Stearns, owners of the schooner Angler, and Nathaniel Carver, owner of the schooner Harmony, and others," was read the second time, by unanimous consent, and referred to the Committee on Finance.

It was ordered, that, when the Senate adjourn, it will adjourn till Friday next.

OFFICERS OF THE SENATE.

The resolutions, proposed some days since, by Mr. EATON, respecting the election of the officers of the Senate, were taken up for consideration. The first resolution, which provides for filling, by ballot of the Senate, such of the offices as may hereafter become vacant, was agreed to. The second, which provides for the biennial election of the Secretary of the Senate, Sergeant-at-Arms, and Doorkeeper, Assistant Doorkeeper, together with the principal and engrossing Clerks, gave rise to some discussion. Mr. E. stated, generally, the grounds which induced him to move this resolution. He thought the trouble of electing its officers was not a sufficient excuse to the Senate for not exercising this important trust. He considered it important to the proper transaction of the business of the Senate, that its officers should be elective; that the best men would be most likely to be obtained in that way. And as a still stronger argument in favor of his motion, Mr. E. urged the Constitutional requisition that the Senate should elect its own officers. Messrs. LANMAN, ELLIOTT, MILLS, HOLMES of Maine, BARBOUR, BROWN of Ohio, KING of Alabama, and EDWARDS of Illinois, remarked upon the resolution; which was, subsequently, postponed till Friday next.

Mr. BARBOUR submitted a resolution providing for the appointment of a joint committee of both Houses, to present to their respective Houses all such acts of Congress as may expire during the session, and which the public service may require to be renewed; which resolution was read, and laid over for consideration.

FLORIDA LAND TITLES.

The following resolution, submitted yesterday by Mr. ELLIOTT, was again read for consideration:

Resolved, That the President of the United States be requested to cause an application to be made to the British Government, through our Minister at that Court, for a correct list of the names of such persons as may have been paid, with the sums received by each, for lands held by them in the Floridas previous to the treaty of 1783, and of which they were deprived, on the transfer of that territory to Spain, by virtue of the said Convention."

Mr. ELLIOTT said that the object of his resolution would probably be apparent to the Senate; that it would be recollected that the Floridas were formerly in possession of the British Government, while we were colonies of that country; that,

upon the transfer of the Floridas to Spain, it had been stipulated that such British subjects as chose to remain there, should be permitted to do so; but that a great proportion of those subjects had abandoned that country, and removed to Great Britain; and had since been compensated for the property they left there. But some others had removed to the United States, preferring to share the difficulties of our Revolution, and the subsequent blessings of our Government. Some of these persons had never received any compensation for the property they left, and it had now become necessary to decide upon their claims to lands in Florida. This could not be done correctly, without the information referred to in the resolution which was now under consideration. The heirs of many of these persons had come forward with their claims, and this information was wanted, to guard against imposition.

The resolution was agreed to.

FRIDAY, January 2, 1824.

Mr. LOWRIE presented the memorial of John Miller and others, and the memorial of Stetson Lobdell and others, citizens of the city and county of Philadelphia, praying a revision of the tariff, for the purpose of affording additional protection to the manufactures of the United States. The memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. JOHNSON, of Louisiana, presented a document in support of the claim of Robert Shaw, for the value of a horse lost in the service of the United States; which was read, and referred to the Committee of Claims.

Mr. LLOYD, of Maryland, presented the petition of Sarah Easton and Dorothy Storer, stating that their father, the late Colonel Robert H. Harrison, remained in the service of the United States as aid-de-camp and private secretary of General Washington, from the year 1775 to 1781; and praying to be allowed, in consideration thereof, the commutation of half pay, and the bounty in land, received by the officers and soldiers of the Revolutionary army. The petition was read, and referred to the Committee of Claims.

Mr. SMITH submitted the following motion for consideration:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of requesting the President to employ a part of the engineer corps in exploring the country between the waters of the Alleghany and Susquehanna, and in ascertaining whether they can be connected by canals, so as to afford a navigation from one of those rivers to the other; and whether the streams so connected would afford means of transport; and the depth of water each connecting stream would furnish at different seasons of the year; what would be the probable cost of such canal, or canals, and what obstacle would be in the way of perfecting them.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the select committee on roads and canals be instructed to inquire into the expediency of

modifying the act of Congress, entitled "An act to authorize the appointment of commissioners to lay out the road therein mentioned," in such manner that the road named in the said act shall be laid out through Columbus, Indianapolis, and Vandalia, the seats of government of the States of Ohio, Indiana, and Illinois; and to inquire also into the expediency of making a further appropriation for the purpose of completing the location of said road.

Mr. HAYNE communicated the following resolutions passed by the Senate and House of Representatives of the State of South Carolina:

"IN THE SENATE, Dec. 19, 1823.

Resolved, That the State of South Carolina regards with deep interest the noble and patriotic struggle of the modern Greeks to rescue from the foot of the infidel and the barbarian the hallowed land of Leonidas and Socrates; and would hail with pleasure the recognition, by the American Government, of the independence of Greece.

Resolved, That a copy of this resolution be transmitted to our Senators and Representatives at Washington.

Ordered, That the resolutions be sent to the House of Representatives for concurrence.

"By order of the Senate.

"WM. D. MARTIN, C. S."

"IN THE HOUSE, Dec. 20, 1823.

Resolved, That the House do concur in the resolutions.

Ordered, That they be returned to Senate.

"By order of the House.

"R. ANDERSON, C. H. R."

The resolutions were read, ordered to lie on the table, and be printed for the use of the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Sarah Chitwood;" a bill, entitled "An act for the relief of certain distillers within the county of Berks, in the State of Pennsylvania;" also, a bill, entitled "An act for the relief of William Kendall;" in which bills they request the concurrence of the Senate.

The three bills brought up for concurrence were severally read, and passed to the second reading.

Mr. RUGGLES, from the Committee on Claims, reported a bill for the relief of Samuel Gilbert, providing payment for property taken from him by the Sac Indians, the claim to which was relinquished by a treaty with that tribe. The bill was read, and passed to a second reading.

Mr. RUGGLES, from the same committee, reported the bill for the relief of Loudon Case, without amendment.

Mr. HOLMES, of Maine, from the Committee on the Judiciary, made a report on the case of Josiah Hook, junior, accompanied by a bill for his relief; which was read.

The bill, entitled "An act for the relief of Charles M. Collier," was read a third time, and passed.

The Senate resumed the consideration of the amendment of the House of Representatives to the bill, entitled "An act supplementary to the

act, entitled "An act for the relief of persons imprisoned for debt;" and the further consideration thereof was postponed until Monday next.

The bill for the relief of Francis Henderson, junior, was read the second time.

The Senate proceeded to the consideration of the report of the Committee of Claims on the petition of Frederick W. Smith; and the further consideration thereof was postponed to Monday next.

The resolution for the appointment of a joint committee to present such acts as may expire, and in their opinion, require being continued in force, was read the second time, and ordered to lie on the table.

Mr. JOHNSON, of Louisiana, presented the petition of Alexander A. White, of Louisiana, praying the right of pre-emption to a tract of land on which he has settled, so as to include his improvements. The petition was read, and referred to the Committee on Public Lands.

The resolution submitted by Mr. EATON, providing for the biennial election of the officers of the Senate, was again taken up for consideration. Mr. LANMAN moved to strike out from the resolution that part which provides for the election of the principal and engrossing clerks. Without deciding on this motion, the further consideration of the resolution was postponed till Monday next.

The resolution submitted on Wednesday by Mr. KNIGHT, instructing inquiry into the expediency of providing, by law, some compensation to postmasters for marking ship letters, was again read; and, after some explanatory remarks by Mr. KNIGHT, the resolution was agreed to.

Mr. HOLMES, of Maine, gave notice that, on Monday next, he should ask leave to introduce a bill, the better to secure the accountability of public officers.

The bill from the other House for the relief of Jeremiah Manning, of New Jersey, providing payment for a quantity of hay, furnished to the troops of the United States during the late war, was taken up as in Committee of the Whole—

Mr. RUGGLES stated the grounds upon which the claim was predicated. The bill was then reported to the Senate without amendment, and passed to a third reading.

PORTRAIT OF COLUMBUS.

The following communication was received from the Department of State:

DEPARTMENT OF STATE,
Washington, January 1, 1824.

To the President of the Senate of the United States:

SIR: I have the honor of enclosing, herewith, a copy of a letter received at this department, from George G. Barrell, Consul of the United States at Malaga, and informing you that the picture mentioned in it, is at the office of this department, subject to such disposal of it as Congress may direct.

Having been some time retained at New York, to which place it was shipped by Mr. Barrell, it has very recently been received here in a frame, upon which is engraved the following inscription:

"Columbus."

"Presented to the nation, by G. G. Barrell, United States Consul at Malaga. The frame presented by Parker & Clover, picture framers, New York, A. D. 1823."

I avail myself of this occasion to state, that an exact fac simile, engraved on copperplate, has been made by direction of this department, of the original copy of the Declaration of Independence, engrossed on parchment, and signed by all the members of Congress on the 2d of August, 1776, as appears by the secret journal of that day. Two hundred copies have been struck off from this plate, and are now at the office of the department, subject to the disposal of Congress.

I am, with great respect, &c.

JOHN QUINCY ADAMS.

Copy of a letter from GEORGE G. BARRELL, United States Consul at Malaga, to the Secretary of State:

MALAGA, February 21, 1823.

SIR: A few days since I delivered to Charles A. Davis, Esq., a portrait of Columbus, in half length, which I obtained from Seville, and directed him to forward it to your Excellency, for the purpose of having it placed among the portraits of other distinguished men in the Capitol. You will find, by the certificate which accompanies it, that it was supposed to be by the same hand which painted the celebrated one in the Escorial, and only having undergone some retouches, of a trifling nature, to prevent its decay. If it is worthy of a place in the Capitol, it will afford me infinite pleasure, and if not, I can only say, my admiration for that extraordinary man led me to think an original likeness of him might be considered as a small mark of the veneration and love I bear my country.

With great respect, &c.

GEORGE G. BARRELL.

J. Q. ADAMS, Esq., Sec'y of State.

This communication, with the accompanying letter, was read and referred to the select committee appointed to make the proper disposition of the rooms in the centre building of the Capitol.

MONDAY, January 5

The PRESIDENT communicated a report of the Secretary of the Treasury, on the state of the finances, prepared in obedience to the act "supplementary to the act to establish the Treasury Department," and fifteen hundred copies thereof were ordered to be printed for the use of the Senate.

Agreeably to notice, Mr. HOLMES, of Maine, asked and obtained leave to bring in a bill better to secure the accountability of public officers, and others; which was twice read, by unanimous consent, and referred to the Committee on Finance.

Mr. BARBOUR presented the memorial of Nathaniel Wattles, President of the Marine Insurance Company of Alexandria, and others, stating that their claims against the Government of France, for illegal seizures and condemnations, have been yielded up by the convention of 1800; and praying the payment thereof, or to be restored to the state in which they were anterior to the convention. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. LOWRIE presented the memorial of the Philadelphia Chamber of Commerce, praying the passing of an act to establish an uniform system of bankruptcy throughout the United States; which was read, and referred to the Committee on the Judiciary.

Mr. FINDLAY presented the memorial of Charles Waters, and others, of the city and county of Philadelphia, praying a revision of the tariff, for the purpose of affording additional protection to the manufactures of the United States; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. SMITH presented the petition of John S. Stiles, executor of George Stiles, stating that he has been aggrieved by the construction given to the act for the relief of sundry merchants of the city of Baltimore, and praying the interposition of Congress in his behalf. The petition was read, and referred to the Committee on the Judiciary.

Mr. KELLY presented the petition of Charles Parent, in behalf of the heirs and legal representatives of Charles Parent, deceased, praying authority to enter, at the proper land office, and at the usual rate, two quarter sections of land, including a plantation owned, occupied, and cultivated by the said Charles Parent, in his life time. The petition was read, and referred to the Committee on Public Lands.

Mr. KELLY presented the petition of Peter H. Hobart, and Lewis Judson, praying the confirmation of their claim to a tract of land in the State of Alabama; which was read, and referred to the Committee on Public Lands.

Mr. JACKSON presented the memorial of Josiah Watson and wife, the aged parents of the late Lieutenant Watson of the Navy, stating that they are aged and infirm, and, from misfortunes, have been reduced to poverty; that their late deceased son was the only prop of their declining years, and part of his pay their only support; by his death they are reduced to want; that they now throw themselves upon the humanity of that country, in whose service their son died, and pray to be provided for in the same manner that other persons have been whose sons have died in the naval service. Referred to the Committee on Pensions.

Mr. HAYNE presented the petition of Napier, Rapelye, and Bennett, citizens and merchants of Charleston, South Carolina, praying the remission of duties on a quantity of sugar shipped from St. Augustine, after its cession to the United States, and landed at Charleston, on which sugar duties had been previously paid to the Spanish authorities, on its importation into St. Augustine. The petition was read, and referred to the Committee on Finance.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration, which was read:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of requesting the President to cause a survey to be made, by some duly qualified officer or officers of the Engineer or Topographical corps, of the best route for opening a navigable communication between Buzzard's bay

and Barnstable bay; and to report on the practicability of constructing a canal through the isthmus which separates the said bays, of sufficient depth and size to admit vessels of war to pass the same; on the obstacles thereto, and the estimated expense thereof; and on the benefits that would result to the public interests, in time of war, and to the domestic or coasting trade of the United States, in time of peace, from the construction of such a canal; which, after the completion of the Chesapeake and Delaware and Raritan canals, would extend an inland water communication from Albemarle sound to Massachusetts bay, passing, in its progress, through the territory, or along the borders of ten of the Atlantic States.

Mr. HOLMES, of Maine, submitted the following motions for consideration, which were read:

Resolved, That the Secretary of State be directed to report to the Senate, by the first day of February next, all such laws as will expire before the second week in the next session of Congress.

Resolved, That the Secretary of State be requested to report to the Senate, in the first week in each session, all such laws as will expire before the second week in the next succeeding session.

Mr. KING, of Alabama, submitted the following motion for consideration, which was read:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of extending the provisions of the first and fourth sections of an act, passed on the second day of March, 1821, for the relief of purchasers of public lands prior to the first day of July, 1820, so as to enable the holders of certificates (on which an extended credit has been allowed) to relinquish the same; or, by making cash payments, to receive a deduction of thirty-seven and a half per cent. on the amount so paid.

Mr. SMITH, from the Committee on Finance, to whom was referred the bill, entitled "An act for the relief of William Bartlett and John Stearns, owners of the schooner Angler, and Nathaniel Carver, owner of the schooner Harmony, and others," reported it without amendment.

Mr. EATON gave notice that he should ask leave to bring in a bill, to regulate the manner of choosing the Secretary of the Senate and Principal Clerk and Engrossing Clerks, Sergeant-at-Arms and Doorkeeper, and Assistant Doorkeeper; also, the Clerk of the House of Representatives, and the clerks and other officers of that House.

On motion, Mr. LOWRIE was excused from serving on the Committee on Public Lands; and Mr. KING, of Alabama, was appointed in his stead.

The bill, entitled "An act for the relief of Jeremiah Manning, of New Jersey," was read a third time, and passed.

The bill for the relief of Josiah Hook, jun., was read the second time.

The bill for the relief of Samuel Gilbert was read the second time.

The bill, entitled "An act for the relief of William Kendall," was read the second time, and referred to the Committee on Public Lands.

The bill, entitled "An act for the relief of Sarah Chitwood," was read the second time, and referred to the Committee on Pensions.

The bill, entitled "An act for the relief of cer-

tain distillers, within the county of Berks, in the State of Pennsylvania," was read the second time, and referred to the Committee on Finance.

The Senate resumed the consideration of the motion of the 26th ultimo, respecting the election of the officers of the Senate; and it was ordered to lie on the table.

The amendment made in the other House to the bill to relieve certain persons from prison, was agreed to.

The resolution proposed on Friday by Mr. SMITH, respecting the expediency of exploring the country between the Alleghany and Susquehannah rivers, with a view to the connexion of those rivers by a canal, was again read, and, on motion of Mr. S., laid on the table.

The resolution submitted on Friday by Mr. NOBLE, instructing an inquiry into the expediency of amending the act, entitled "An act to lay out the road therein named," so as to provide that the said road may be laid out through Columbus, Indianapolis, and Vandalia, was again read, and agreed to.

The report of the Committee of Claims, unfavorable to the petition of Frederick W. Smith, a Lieutenant in the Navy, who prays remuneration for money belonging to the Government, lost while in service, was taken up for consideration. Mr. DICKERSON, in a few remarks, opposed the report of the committee, and concluded by moving to reverse it. Mr. RUGGLES stated the reasons which governed the committee in framing their report. The amendment proposed by Mr. DICKERSON was rejected, and the report concurred in.

The bill from the other House, for the relief of Loudon Case, providing payment for a yoke of oxen taken into the service of the United States during the late war, was taken up in Committee of the Whole. Mr. RUGGLES stated the facts connected with the case. The bill was reported to the Senate without amendment, and passed to a third reading.

CASE OF FRANCIS HENDERSON, JR.

The bill reported by the Committee on Foreign Relations, for the relief of Francis Henderson, jr., was taken up in Committee of the Whole. This bill provides for the payment "to Francis Henderson, jr., the grandson of the late Lieutenant Colonel John Laurens, of South Carolina, the sum of \$23,500, in full for all claims of the legal representative of Colonel Laurens against the United States." The following is the report of the Committee on Foreign Relations:

Lieutenant Colonel John Laurens, the ancestor whose services, civil and military, occupy a brilliant page in the history of the Revolution, entered the Army of the United States, as aid to the Commander-in-Chief, in August, 1777. In this situation, he displayed a zeal, courage, and devotedness, not surpassed by any of his compatriots. He conciliated the esteem of his commander, and of his brother soldiers, and, for his distinguished services, frequently received the thanks of Congress. In 1780, he had acquired so much of the confidence of his country, as to induce Congress, unanimously, to appoint him a special Minister to France, on a most important service. Such

was his success in this mission, as again to call forth the public thanks of that body. He returned to this country in September, 1781, and at his special request Congress permitted him to join the Army, then conducting the siege of Yorktown, in Virginia, where fresh laurels awaited him. He finally fell, on the 27th August, 1782, in the lap of honor, fighting the battles of his country. His death was a national misfortune. He left an orphan daughter to the gratitude and to the protection of his country. A disinterestedness, even to carelessness, was a distinguished trait among his other qualities. Hence, for his long and important services, and the expenses attending the same, he seems neither to have kept an account, nor to have received any advances, except a small sum, to which hereafter a more particular reference will be made.

The father dead—his only child an infant and an orphan—and the grandfather, Henry Laurens, in captivity in England—there was no one to assert her claims.

Eventually, the grandfather returned from Europe, and, in 1784, as the guardian of the child, presented her case to Congress, who came to the following resolution:

"*Resolved*, That, in settling the accounts of the late Lieutenant Colonel John Laurens, as special Minister to the Court of Versailles, he be allowed the same pay that was given at this period to the Ministers Plenipotentiary of the United States at foreign Courts, from the time of his appointment to that embassy, until his return; and that the balance remaining due for his services as Minister be paid to his representatives."

This resolution was not acted upon till 1790. The accounts of the father, Colonel Laurens, in both characters, as Colonel and as Minister, were settled. But it is objected by his legal representative, the petitioner, (who intermarried with Frances Eleanor Laurens, the only child of Colonel John Laurens,) and, in the opinion of the committee, justly, that in the settlement no allowance was made for the expenses of Colonel Laurens while on his foreign mission, although, at that time, no advances being made our foreign Ministers as an outfit, it was the usage of the Government to pay their expenses; and more especially, too, as Congress had expressly directed that, in the adjustment of the account, his compensation should be the same as that of other Ministers.

No account having been kept by Colonel Laurens of his expenses, the committee have, of course, no certain data by which to ascertain the amount; in the absence of which, they have been compelled to resort to other circumstances, for the purpose of arriving at any satisfactory result. These are, 1st. That it is in proof Colonel Laurens paid his own expenses, as well as those of his suite. 2dly. He took up, at Nantes, on the credit of his father, £1,000 sterling, equal to \$4,444 44. 3dly. He received from Dr. Franklin, the then resident Minister in France, \$2,171 42; and, 4thly, on his return to the United States he received, at Boston, where he landed, \$720 from the Superintendent of Finance, to enable him to join the army before Yorktown, in Virginia. The committee, therefore, have assumed these sums, as furnishing the probable amount of his expenses; in which they have the more readily acquiesced, as it was about equal to the sum, in proportion to the time, allowed Silas Deane, a contemporary Minister at that Court, for his expenses.

The claim for \$101 85, results from the improper

application of the scale of depreciation to the item for rations, in the military account of Colonel Laurens, who, unconnected with any State regiment, would be deprived of the compensation which his brother officers received, if it be not awarded by Congress; and, therefore, the committee deemed it reasonable to allow it. The claim for \$104 70 is obviously just, as it arises from an omission in extending and adding up the account. Uniting these two sums with his diplomatic expenses, produces an amount of \$7,542 41, which, with interest, at five per cent. from the fifth September, 1781, the day of his return from Europe, is equal to \$23,500. In allowing the charge for interest, from the above period, the committee have been guided by the resolution of Congress above referred to, and the report on which it was founded, which directs that the child of Colonel Laurens should receive whatever was, in equity and justice, due the father; and for the further reason, that the grandfather, in fixing the portion of the daughter of John Laurens, by his will, deducts therefrom the advances made the son, of which the sum taken up by him at Nantes is a part, with interest from the time of such advances.

The committee, in reporting a bill directing the money to be paid to Francis Henderson, jr., the only grandchild of Colonel Laurens, has, independently of its fitness, conformed to the consent of Francis Henderson, the elder, signified by a letter from him, and among the documents.

Mr. BARBOUR stated the grounds of this claim, and commented feelingly and eloquently upon the distinguished services which Colonel Laurens had rendered the country. In the appropriation of the sum named in the bill, Mr. B. said the committee had not estimated the interest on the moneys which were justly due a long time since to Colonel Laurens. He thought this ought, in justice, to be added to the amount to be granted; and therefore moved that the sum of \$23,500 be stricken out from the bill, and the sum of \$26,700 inserted in its stead.

The allowance of interest was opposed by Messrs. LANMAN, HOLMES, of Maine, MACON, and VAN BUREN, on the ground that the claim had not been before presented, and that the same principle which had been adopted in the settlement of other claims, of a similar nature, should be preserved in this case.

The question having been divided, the motion for striking out \$23,500 prevailed; but, before the question was taken on inserting the sum proposed by Mr. BARBOUR, the bill was ordered, on motion of Mr. VAN BUREN, to lie on the table.

TUESDAY, January 6.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act appropriating a sum of money to Benjamin Huffman, of the State of Indiana;" a bill, entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida;" also a bill, entitled "An act for the relief of Samuel Wharton;" in which bills they request the concurrence of the Senate.

The three bills brought up for concurrence were read, and severally passed to the second reading.

Mr. JOHNSON, of Louisiana, presented the petition of Celestin Moreau, of the State of Louisiana, praying the confirmation of his title to a tract of land, purchased in the year 1792, and of which, since that time, he has had quiet and undisturbed possession. The petition was read, and referred to the Committee on Public Lands.

Mr. LLOYD, of Massachusetts, presented the memorial of Oliver Keating, a respectable merchant of Boston, stating that, in 1807, he loaded a vessel exclusively with the produce of the American fisheries, for Marseilles; that, on approaching the port, the vessel was spoken by a British vessel of war, and, on entering the harbor of Marseilles, was taken possession of by a French national ship, and both vessel and cargo were condemned, contrary to the faith of treaties, and the law of nations, under the Berlin and Milan decrees, issued after the sailing of his vessel, and praying Congress to grant such relief as he may be entitled to receive, and they may think proper to grant. Referred to the Committee on Foreign Relations.

Mr. KNIGHT presented the memorial of Samuel Slater, and others, a committee appointed by the manufacturers of cotton, and others interested in the manufacture of that article, in the State of Rhode Island, representing the embarrassments to which they are subjected by the provisions of the act to regulate the collection of duties on imports and tonnage; and praying a revision of the tariff of duties, with a view to the encouragement of the manufactures of the United States. The memorial was read, and referred to the Committee on Commerce and Manufactures, to consider and report therein.

Mr. DICKERSON presented the memorial of Benjamin Jones, and others, of the city of Philadelphia, praying additional duties on foreign iron imported, and on certain manufactures thereof. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. FINDLAY submitted the following motion for consideration; which was read:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of requesting the President to employ part of the engineer corps in ascertaining whether it be practicable to make a canal navigation from the River Delaware or Schuylkill, at or near the city of Philadelphia, by the city of Lancaster, to the River Susquehanna, and to connect, by canals, the waters of Alleghany River and Lake Erie, and to ascertain the quantity of water each connecting stream would furnish, at different seasons of the year, making an estimate of the expense of completing the canals respectively, and noting other necessary circumstances in relation to the object.

Mr. JOHNSON, of Kentucky, submitted the following motion for consideration; which was read:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of providing by law for the distribution of the public documents, journals, reports, and laws of Congress, annually, to the several incorporated libraries within the United States.

Mr. RUGGLES, from the Committee of Claims,

to whom was referred, on the 30th ultimo, the petition of Joseph C. Boyd, reported a bill for the relief of Joseph C. Boyd, which was read, and passed to the second reading.

Mr. R., from the Committee of Claims, to whom was referred, on the 31st ultimo, the bill entitled "An act for the relief of Jacob Babbit," reported the same without amendment.

Agreeably to notice, Mr. EATON asked and obtained leave to bring in a bill to revive and continue in force "An act fixing the compensation of the Secretary of the Senate and Clerk of the House of Representatives, and of the clerks employed in their offices, and of the librarian," passed the 18th of April, 1818; which was twice read, by unanimous consent.

The bill entitled "An act for the relief of London Case," was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Josiah Hook, junior; and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Francis Henderson, junior; and the further consideration thereof was postponed until to-morrow.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred, on the 29th ultimo, the bill entitled "An act further extending the term of half pay pensions to the widows and children of officers, seamen, and marines, who died in the public service," reported it with an amendment; which was read.

The resolution offered yesterday, by Mr. LLOYD, of Massachusetts, proposing an inquiry into the expediency of causing a survey of the best route for opening a navigable communication between Buzzard's Bay and Barnstable Bay, was again read and agreed to.

The resolutions offered yesterday by Mr. HOLMES, of Maine, directing the Secretary of State to report to the Senate all such acts as will expire before the second week of the next session of Congress; and to report, in the first week of each session, all such laws as will expire before the second week in the next succeeding session, were again read, and gave rise to some discussion as to the department from which the information should be required. Some members thought it appropriate to the Department of State, others to the Attorney General, and others to a Committee of the Senate. Messrs. MACON, ELLIOTT, BARBOUR, HOLMES, of Maine, FINDLAY, SMITH, RUGGLES, and MILLS, severally remarked upon the subject, and the resolutions were then, on motion of Mr. HOLMES, of Maine, referred to the Committee on the Judiciary.

The following resolution, submitted yesterday by Mr. KING, of Alabama, was read for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of extending the provisions of the 1st and 4th sections of an act, passed 2d March, 1821, for the relief of purchasers of public lands, prior to the 1st of July, 1820, so as to enable the holders of certificates (on which an ex-

tended credit has been allowed) to relinquish the same; or by making cash payments to receive a deduction of 37½ per cent. on the amount so paid."

After a few remarks from Mr. K., stating the provisions of the sections of the act proposed to be extended, the resolution was agreed to.

The resolution offered a few days since, by Mr. SMITH, instructing an inquiry into the expediency of exploring, by the Engineer Corps, the country between the Alleghany and Susquehanna rivers, with a view to their connexion by a canal, was called up for consideration. Mr. FINDLAY submitted an amendment, which he afterwards withdrew, and offered in the form of a separate resolution. Mr. KING, of New York, made a few observations, against carrying the policy of making roads and canals, from the public funds, to the extent contemplated by this and similar propositions. The resolution was agreed to.

The bill from the House of Representatives, for the relief of William Bartlett and John Stearns, was taken up as in Committee of the Whole. The object of this bill is, to grant the bounty to two fishing vessels belonging to Plymouth, Massachusetts, which were shipwrecked, and therefore unable to comply with all the requisitions of the law allowing a bounty to vessels engaged in the fishing trade. Mr. SMITH stated the view which the Committee on Finance took of this subject. Messrs. LLOYD, of Massachusetts, LANMAN, and MILLS, advocated, and Messrs. HOLMES, of Maine, and MACON, opposed the bill; and, on motion of Mr. LANMAN, it was laid on the table.

SAMUEL GILBERT.

The bill for the relief of Samuel Gilbert was taken up in Committee of the Whole.

Mr. RUGGLES, from the Committee on Claims, stated that the bill provided compensation for property taken by the Sac Indians, after they had been informed of the Treaty of Peace between the United States and Great Britain; that, although the tribe was bound, by treaty, to make restitution of the property so taken, yet, from motives of policy, the Government had seen fit to release them from the obligation to restore it.

Mr. EDWARDS, of Illinois, gave some information as to the terms of the treaty, by which the claim to this property was relinquished.

Mr. CHANDLER thought that this claim partook somewhat of the nature of a great many others now before Congress, and that its passage might involve the allowance of all claims to property taken from citizens of the United States, the claim to which was afterwards surrendered by treaty.

Mr. SMITH thought the reason, advanced by the gentleman from Maine, the very one which should urge the allowance of this claim. He believed the Government ought to make restitution for the property of its citizens surrendered by treaty.

Mr. BARBOUR said, if the bill involved so important a principle as that intimated by the gentleman from Maine, it ought not to be acted upon by the Senate without further reflection. He therefore moved its postponement to this day week.

Mr. KING, of New York, remarked upon the nature of claims upon the Government for property captured by foreign nations, &c. He considered it the duty of a nation, a duty which it owed to itself and to its citizens, to exert all the means in its power to obtain recompense for private property captured by other nations—but, when those means had been exhausted, that nation was no longer bound to withhold from the completion of a treaty, nor to provide payment for all claims for property so captured, &c.

Mr. SMITH coincided perfectly with the rule laid down by the member from New York—but, he considered, that, where a foreign nation agreed, by treaty, to make restitution for property captured, and afterwards our Government had consented, for a valuable consideration, to strike out that article from the treaty, they were bound to compensate the citizens having such claims.

The motion of Mr. BARBOUR, to postpone the bill to this day week, prevailed.

WEDNESDAY, January 7.

The PRESIDENT laid before the Senate a report of the Secretary of the Navy, transmitting an abstract exhibiting the expenditures, under the head of "Contingent Expenses," from the first of October, 1822, to the 30th of September, 1823, prepared in obedience to the act of Congress, passed 3d of March, 1809; which was read.

Mr. RUGGLES, from the Committee of Claims, to whom was referred, on the 15th December, the petition of Charles B. Davis, made a report, together with a resolution, that the prayer of the petitioner ought not to be granted.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration; which was read:

Resolved, That the Committee on Finance be directed to inquire into the expediency of revising the act of Congress entitled "An act further to establish the compensations of officers of the customs, and to alter the collection districts, and for other purposes," passed 7th May, 1822, and making such amendments thereto, as a change of circumstances may have rendered necessary and proper.

Mr. BARBOUR submitted the following motion for consideration: which was read:

Resolved, That the President of the United States be requested to lay before the Senate (if in his opinion it can be done without injury to the public interest) such information as will show the state of the relations between Spain and the United States, from the ratification of the Florida treaty up to the present time; and the effect produced on those relations by the United States having established diplomatic intercourse with the independent Governments of South and North America.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act to authorize the surveying and making a road from a point opposite to Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas;" in which they request the concurrence of the Senate.

The bill from the House of Representatives

entitled "An act to authorize the surveying and making a road from a point opposite to Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas;" was twice read, by unanimous consent, and referred to the Committee on Roads and Canals.

The Senate proceeded to consider the motion, of the 6th instant, relative to a canal from the River Delaware, or Schuylkill, at or near the city of Philadelphia, by the city of Lancaster, to the River Susquehanna; and it was ordered to lie on the table.

The Senate proceeded to consider the motion, of the 6th instant, to inquire into the expediency of providing by law for the distribution of the public documents, journals, and laws, to the several incorporated libraries within the United States; and it was ordered to lie on the table.

A bill for the relief of Joseph C. Boyd was read the second time.

The bill, entitled "An act appropriating a certain sum of money to Benjamin Huffman, of the State of Indiana," was read the second time.

A bill, entitled "An act authorizing the laying out and opening certain public roads, in Florida," was read the second time.

The bill, entitled "An act for the relief of Samuel Wharton," was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of William Bartlett and John Stearns, owners of the schooner Angler, and Nathaniel Carver, owner of the schooner Harmony, and others," and, no amendment having been made, it was reported to the House, and passed to a third reading.

CASE OF FRANCIS HENDERSON, JR.

The bill reported in Senate, by the Committee on Foreign Relations, for the relief of Francis Henderson, jun., the grandson of the late Colonel John Laurens, was again taken up for consideration, in Committee of the Whole. The question was upon inserting \$26,700, as the sum to be granted, instead of \$23,500, the sum reported by the committee—the addition proposed being for interest on the sum which the committee states to be due for the services of Colonel Laurens. On the allowance of interest, a further discussion took place, in which Mr. BARBOUR supported, and Messrs. HOLMES, of Maine, SMITH, MACON, HAYNE, and BENTON, opposed the allowance.

Mr. HAYNE said that, as the name of Laurens had been mentioned, and his services had been alluded to, in debate, he could not, with justice to his own feelings, refrain from adding his feeble tribute of respect for the virtues, and admiration of the character, of that distinguished man. He felt that he would be indulged by the Senate when they remembered that he represented the State which had been honored by giving birth to that illustrious hero, and which had been still more honored in being the scene of his glorious death.

Colonel John Laurens, said Mr. HAYNE, was the Bayard of America. Of him, if of any man

who ever lived, it could, with truth, be said, "he was without fear and without reproach!" He brought to the service of his country a Roman form, and more than a Roman soul. If you sought for him in the day of battle, he was found at the post of danger; if at any other moment, he was found at the post of duty. The love of his country controlled every other feeling of his heart; it might almost be said to be that "in which he lived, and moved, and had his being." It had been supposed, said Mr. HAYNE, that Colonel Laurens was a rash man, wholly reckless of life; who rushed, with the instinct of the lion, on his foe, and who was regardless because he was insensible of danger. Some countenance had indeed been given to this idea by the historians of the day. But Mr. H. was strongly impressed with the belief that injustice had, in this respect, been done to the character of Laurens, and that his ardent enterprise and heroic courage had been mistaken for thoughtless desperation.

Laurens possessed a highly cultivated mind. He was a man of thought as well as of action; "as great in counsel as in high resolve." It is not to be supposed, therefore, that such a man could have been insensible to danger. Mr. H. was satisfied, from facts within his own knowledge, that, although Colonel Laurens always felt himself compelled, by his noble nature and high sense of duty, to seek danger in his country's service, wherever it was to be found, yet he duly estimated the hazards of such conduct, and considered as probable the event by which he finally sealed, with his blood, his devotion to his country. When entering on his last campaign, he confided, to the care of a friend, a precious jewel, the gift of Louis XVI., with directions how it should be disposed of in the event of his fall. No, sir, said Mr. H., Colonel Laurens was neither insensible to danger nor indifferent to life. It was only when, to borrow the language of the immortal poet,

"He set Honor in one eye, and Death in t'other,
That he did look on Death indifferently."

The field of battle was not the only sphere in which Colonel Laurens displayed great talents and rare qualities. He was no less able as a negotiator than distinguished as a soldier. At the most critical period of the Revolution, Congress found it necessary to send to France for succor and support. They sought out Laurens in the camp, and confided to him a special mission to the Court of Versailles. His conduct on that mission was as striking and peculiar as it was eminently successful. He stamped his own high character on a transaction unexampled in the whole history of diplomacy. Arrived at the French Court, he trampled at once on all official forms, and, in the simple garb of an American soldier, pressed instantly into the presence of the Sovereign, eloquently and fearlessly explained the situation of his country, clearly pointed out the duty and interest of France, and demanded assistance. Patriotism and eloquence were signally triumphant. Laurens prevailed. He obtained at once

that relief which was perhaps essential to the accomplishment of American independence, and which, if it had not been wholly denied to the usual course of tardy negotiation, might have come too late to produce the desired effect. Thus was the work of years accomplished in a few short weeks. But a few months had elapsed since Laurens had been seen in the ranks of the American Army, "in the thickest of the fight." And, now, (having, in the mean time, thrice crossed the Atlantic, and concluded a most important negotiation,) he was again on his native shores, bringing with him immense treasures, the fruits of his labors, and furnishing pay and clothing to the suffering soldiery. In a few days after his arrival, he was again found in the camp, marshalling to glory the soldiers of liberty. Mr. H. said, he would not attempt to follow him further in his glorious course. We all know that he fell at the head of his troops, gallantly fighting for the liberties of his country and the rights of mankind. It is delightful, said Mr. H., to reflect, that he fell "in the last of our fields," as if Providence, who had preserved him through so many perils, had permitted his career to be closed only when there were no more battles to be won.

It will hardly be believed by posterity that the hero, who fills so large a space in the annals of his country, died in his youth, not having yet attained his twenty-seventh year. As nearly connected with this subject, said Mr. H., it is worthy of remark, that Colonel Laurens was the purest and most disinterested of human beings. His political creed was that, in the hour of calamity, the life and fortune of the citizen is the property of his country, and that his services should be rendered gratuitously. Laurens received no pay, kept no private accounts, and most certainly never intended to demand, nor would have consented to receive any compensation for his invaluable services, military and diplomatic. It was in the same spirit that, on one occasion, he declined a commission in the Army, tendered him as a reward for his gallantry; not, assuredly, from insensibility to its value, (for military glory was the idol of his soul, and promotion the very reward for which his heart panted,) but because, as he himself declared, his promotion might give offence to older officers, and thus be injurious to the public service. Mr. H. said, he knew not how better to combine in one view the various traits which marked the character of John Laurens, than by adopting the eloquent language of the American historian:

"Nature had adorned him with a profusion of her choicest gifts, to which education had added its most useful as well as its most elegant improvements. Acting from the most honorable principles; uniting the bravery and other talents of a great officer, with the knowledge of a complete soldier, and the engaging manners of a well-bred gentleman—he was the idol of his country, the glory of the army, and the ornament of human nature."

Mr. BENTON opposed, not only the allowance of the interest, but of the principal, also, as proposed to be granted by this bill. He thought, as

the daughter of Colonel Laurens was still alive, that she was the only person who had a just claim to the money proposed to be paid; and, if the bill were to pass, it should be in her favor.

Mr. HOLMES, of Maine, moved the recommitment of the bill, for the purpose of providing that the money shall be paid to the daughter of Colonel Laurens, or her assignee. But a motion to lay the bill on the table prevailed.

THURSDAY, January 8.

The PRESIDENT communicated a letter from the Secretary of War, transmitting a copy of the Army Register, for each member of the Senate, conformably to a resolution of the Senate, of December 13th, 1815.

Mr. RUGGLES, from the Committee of Claims, to whom was referred, on the 29th December, the bill, entitled "An act for the relief of Brintnel Robbins, reported it without amendment.

Mr. EDWARDS, of Connecticut, submitted the following motion:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing, by joint resolution, that there be prepared and published, under the direction of the Secretary of State, with the index now required by the resolution of the 3d March, 1818, a statement of the acts and parts of acts, and joint resolutions, of a public nature, which are limited in their duration, specifying the time or contingency by which their duration is limited; and, also, into the expediency of providing, as aforesaid, that there be prepared and published, as aforesaid, with the laws of the present session of Congress, a statement of the acts and joint resolutions, of a public nature, not yet expired, passed since the organization of the present Government, which are limited in their duration, specifying the time or contingency by which their duration is limited.

Mr. EDWARDS stated that his intention was to obtain, in a more correct manner, the object proposed in a resolution offered a few days since by a member from Maine. Instead of calling upon the Secretary of State to report to Congress, session after session, the acts which are about to expire, Mr. E. thought such information might be obtained in a much more simple and expeditious way, if it were attached to the index usually published with the laws—that the additional labor of specifying, in this way, the particular time when the laws expire, could not be great; and, also, where the expiration of the law depends upon any contingency, that such contingency should be expressed in the same way. This method would have the effect to furnish the information, not only to the Representatives of the people, but to the people at large—and all interested in the laws might avail themselves of the information.

The resolution was laid over for consideration.

Mr. LLOYD, of Maryland, presented the petition of Mary Davis and Solomon Davis, heirs and representatives of Solomon Davis, deceased, stating that a contract was made between the Commissioner of the Public Buildings and the said Solomon Davis, for the supply of a quantity of Seneca

stone; that a part of the stone delivered has been rejected by the Commissioner; and praying payment for the same, and the fulfilment of the contract on the part of the United States. The petition was read, and referred to the Committee of Claims.

Mr. JOHNSON, of Louisiana, presented the petition of Francis Larche, of New Orleans, praying compensation for a negro man, who was impressed into the public service, and killed, during the invasion of Louisiana by the British. The petition was read, and referred to the Committee of Claims.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of William Kendall," reported it without amendment.

Mr. BARTON, from the Committee on Public Lands, to whom was referred, on the 16th December, the petition of George De Passau, made a report, together with a resolution, that the prayer of the petitioner ought not to be granted.

The bill, entitled "An act for the relief of William Bartlett and John Stearns, owners of the schooner Angler, and Nathaniel Carver, owner of the schooner Harmony, and others," was read a third time, and passed.

The Senate proceeded to consider the report of the Committee of Claims on the petition of Charles B. Davis, and it was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Josiah Hook, jr., and it was ordered to lie on the table.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred a resolution directing the Secretary of State, to report to Congress concerning the expiration of laws, reported the following resolution; which was read and passed to a second reading:

Resolved, That there be added to the Standing Committees, consisting of five members each, directed to be appointed at the commencement of each session, with leave to report by bill or otherwise, the following:

"A Committee of Revision, whose special duty it shall be to report to the Senate, before the first day of March next, all such laws as expire before the close of the next session of Congress; and to make a similar report, on or before the first day of January, in each year."

The resolution submitted on Tuesday last, by Mr. JOHNSON, of Kentucky, instructing an inquiry "into the expediency of providing, by law, for the distribution of the Public Documents, Journals, Reports, and Laws of Congress, annually, to the several incorporated Libraries within the United States," was again read for consideration.

After some suggestions on the subject, from Mr. LLOYD, of Massachusetts, Mr. LOWRIE, and Mr. HOLMES, of Maine, Mr. JOHNSON consented to modify his proposition, so as to make a general inquiry into the expediency of a further distribution of public documents; and, in this shape, it was agreed to.

The following resolution, offered yesterday by Mr. BARBOUR, was again read for consideration:

Resolved, That the President of the United States be requested to lay before the Senate, (if, in his opin-

ion, it can be done, without injury to the public interest,) such information as will show the state of the relations between Spain and the United States, from the ratification of the Florida Treaty, up to the present time, and the effect produced on those relations, by the United States having established diplomatic intercourse with the independent Governments of South and North America."

Mr. BARBOUR stated, in a few words, the reasons that induced him to offer this resolution; and it was then agreed to.

OFFICERS OF THE CUSTOMS.

The resolution offered yesterday by Mr. JOHNSON, of Louisiana, directing an inquiry into the expediency of revising and amending the act of Congress, entitled "An act further to establish the compensation of officers of the customs, and to alter certain collection districts, and for other purposes," passed the 7th May, 1822, was again read for consideration.

Mr. JOHNSON, in support of his motion, said it had been fully shown, by experience, that the law in question absolutely required some amendment; in its present operation at New Orleans, and he believed at other places, it was certainly injurious to the interests of the country. In consequence of the reduction of his salary, the deputy collector at New Orleans had resigned his office; that office is now vacant, and likely to continue so; and it was apprehended that the collector would also resign his office; that, from the small salary allowed him, he was obliged to pay the contingent expenses of his office, which were considerable; leaving for himself but a small compensation for his services. When the unhealthiness of the climate, and the arduous nature of the duties of these officers, was considered, Mr. J. thought the propriety of some increase of their salaries must be evident. But, as the resolution merely proposed inquiry, he presumed there would be no objection to it.

The resolution was agreed to.

CASE OF FRANCIS HENDERSON, JR.

The Senate then resumed, as in Committee of the Whole, the consideration of the bill for the relief of Francis Henderson, jr. This bill proposes to grant a sum of money to Francis Henderson, jr., in full for services rendered to the country, by his grandfather, Colonel John Laurens. The question before the Committee was upon a motion by Mr. HOLMES, of Maine, to recommit the bill for the purpose of altering it, so far as to grant the money to Mrs. Henderson, the daughter of Colonel Laurens. This motion, at the request of Mr. BARBOUR, was withdrawn.

Mr. BARBOUR, after some further remarks on the nature of this claim, and in confirmation of those which he had previously made in Committee of the Whole, moved that the blank in the bill should be filled with the sum which the Committee originally reported to be due for the expenses incurred by Colonel Laurens.

Mr. LOWRIE said, that he had paid great attention to this subject, and he felt, after full investigation, that he could not vote for the bill, in any shape. As the subject had been discussed two

days, he would now, in order to try the sense of the Senate, move its indefinite postponement.

Mr. ELLIOTT opposed the motion to postpone indefinitely. He said there could be no doubt that Colonel Laurens had really expended the moneys which the bill proposed to reimburse, and that the claim fairly came under the provision of Congress, existing at that time for the payment of the expenses of their foreign Ministers. The property left by Colonel Laurens to his family, had been diminished by these expenses; and it appeared no more than just that they should be paid. The circumstances under which the daughter was situated were such, that Mr. E. thought the money ought not to be given to her—he did not, therefore, see any impropriety in voting it to her son.

Mr. LLOYD, of Maryland, said he understood the question, as to passing the present bill, not to turn upon the justice of the claim, but, whether the person, whose name was mentioned in the bill, was fairly and legally authorized to receive the money. It was not asked as a bounty, but as a remuneration for services rendered, and expenses incurred; and it was imperative upon the Government to pay its just debts; but it was also important to know who has the just claim to it. If Colonel Laurens had any claim upon the Government when he died, his daughter undoubtedly became the heir to that claim. When she married Mr. Henderson, he acquired the right to the claim. If the claim rests on the law, it is certainly highly important to know to whom it now belongs. If Congress were to pay it now, wrongfully, they would be bound, by every principle of justice, to pay it again hereafter, provided the proper person came forward to claim it. If Mr. Henderson were now separated from his wife, by covenant or contract, it became necessary to inquire how far that separation would affect the claim. What is the nature of that separation? Does it secure the right in this claim to Henderson? Until he could see some evidence on this subject, Mr. L. said he could not say what right the grandson had to receive this money. No one, Mr. L. remarked, could be more ready than himself to extend a fostering hand to those, and to the descendants of those who had rendered distinguished services to the country, and no one was more sensible of the importance of the services rendered by Colonel Laurens; but he wished, before he was called upon to vote on this subject, to know to whom the money was due, and who had a legal claim to it—suppose, by a contract with his wife, that Henderson had been prohibited from receiving the amount of this claim—under such circumstances, how could he transfer a right to his son, which he did not himself possess? If it were paid to the son, in such a case, Congress might be called upon, by the wife of Henderson, to pay it again. These reasons, Mr. L. said, would induce him to vote for postponement, reserving it to the justice of the country to recognise the claim, when it came forward in a less dubious shape.

Mr. LANMAN made some inquiry as to the items in Colonel Laurens's account, which had been

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allowed by the Government; in answer to which, Mr. BARBOUR furnished the information required.

Mr. EDWARDS, of Illinois, believed that nothing less than an absolute divorce could deprive Mr. Henderson, the father, of the right to receive this claim. As no divorce had taken place, he surely retained that right; and, if so, he could transfer it to his son. If nothing more than a separation, without a divorce, had taken place, it did not vitiate the right of Mr. Henderson; and, as he had assented to the grant being made in favor of his son, there was no doubt in his mind, Mr. E. said, that the son of Henderson had a fair claim.

Mr. BARBOUR intimated his wish, provided the motion to postpone indefinitely were withdrawn, to propose an amendment to the bill, so as to require the relinquishment of all claims by Francis Henderson the father, and Frances E. Henderson the mother, previous to the payment of the money to Francis Henderson, junior.

Mr. LOWRIE accordingly withdrew his motion for indefinite postponement, in order to admit the amendment.

Mr. LLOYD, of Massachusetts, was in favor of the allowance of the claim; for, he believed that a wise liberality in conducting the affairs of the nation, was the most proper economy; he would not agree that one dollar of this money should go to the husband, or to the wife, in this case; but he felt perfectly willing to give it to the son, for his own exclusive use and benefit; he, therefore, proposed an amendment to strengthen the expressions used in that which was offered by Mr. BARBOUR.

Mr. EDWARDS, of Connecticut, expressed his reluctance to legislate at all on this subject, at this time, and renewed the motion for its indefinite postponement.

Mr. HAYNE opposed the postponement; he could see no good reason for refusing to act upon the claim. There could be no doubt, he thought, in the mind of any gentleman present, that there did exist an equitable claim for the services of Colonel Laurens; he had left a daughter; that daughter had married, and her husband was living; they had a son. Now, either the daughter, her husband, or her son, or all of them together, were entitled to this money; and to one, or to all of them, it ought to be paid. In the strict sense of the law, no one could recover it. It was left to the equity of Congress to pay it; and, whichever of the persons in question were to receive it, Congress could never be expected to pay it a second time. Mr. H. thought the son the most proper person to receive it. There could be no doubt that the blood of Colonel Laurens flowed in his veins; he was now about twenty-five years of age, and just entering upon a professional life. In the morning of his days, this money would be of the utmost importance to him.

Mr. CHANDLER believed the gentleman from South Carolina was mistaken, when he said that no man doubted the justice of this claim—he, for one, did not believe this money to be due—he believed that Colonel Laurens had received all the pay he had expected, or wished, from the Gov-

ernment—and there had not been sufficient evidence produced to convince him that this debt was due. He should, therefore, feel compelled to vote against it. He had no doubt that Colonel Laurens had rendered very essential services to the country; nor did he wish to diminish their importance—but he did not believe the present claim to be founded in justice.

On motion of Mr. KELLY, the bill was ordered to lie on the table.

AMENDMENTS TO THE CONSTITUTION.

Mr. BENTON, from the Select Committee, to whom was referred the several resolutions proposing amendments to the Constitution, in regard to the election of President and Vice President, reported the following resolutions; which were read, and ordered to be printed:

Resolved, &c., That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be a part of the said Constitution:

"For the purpose of choosing Representatives in the Congress of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the number of Representatives to which such State may be entitled. These districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of persons entitled by the Constitution to be represented. In each of these districts, the persons qualified to vote for the most numerous branch of the State Legislature, shall choose one Representative.

"For the purpose of choosing Electors of President and Vice President of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress of the United States; which districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of persons entitled by the Constitution to be represented. The persons qualified to vote for the most numerous branch of the State Legislature, in each of these districts, shall choose one Elector.

"The Electors, when convened on the day and at the place prescribed by law for the purpose of voting for President and Vice President, shall have power, in case any of them shall fail to attend before noon of such day, to choose an Elector or Electors in place of him or them so failing to attend.

"The division of States into districts, as hereby provided for, shall take place immediately after this amendment shall have been adopted, and immediately after every future census, and apportionment of Representatives under the same. And such districts shall not be altered, until another census shall have been taken, and an apportionment of Representatives under it, shall have been made.

"When the lists of all persons voted for as President and Vice President, and the number of votes for each, shall have been signed, certified, and transmitted, sealed, to the Seat of Government, as required by the Constitution, the Senate and House of Representatives shall form a joint meeting, in which the President of the Senate shall preside, who shall open all certificates, and the votes shall then be counted.

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The person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then, from the highest numbers, not exceeding three, on the list of those voted for as President, the joint meeting shall immediately, by ballot, choose the President. A majority of the votes of all the members present shall be necessary to a choice on the first ballot, after which a plurality of votes only shall be necessary to a choice. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed. If no person have that majority, then he shall be chosen by the Senate, as directed by the Constitution.

Resolved, That no person, having been twice elected to the office of President of the United States, shall again be eligible to that office."

Mr. BENTON gave notice that he should call up the preceding resolutions, for consideration, a week from the next Monday.

FRIDAY, January 9.

Mr. LANMAN presented the petition of Samuel Peters, stating, he has become the purchaser of the title of the late Jonathan Carver to a tract of land at the Falls of St. Anthony, granted to him by two Sachems of the Sioux tribes, in the year 1767; and praying authority to take possession of the same. The petition was read, and referred to the Committee on Public Lands.

Mr. D'WOLF presented the petition of David Melville, of Newport, Rhode Island, stating that, in pursuance of an advertisement of the Fifth Auditor of the Treasury, he offered proposals for supplying the lighthouse establishment of the United States with oil, and keeping the lamps and apparatus in repair, which proposals were more favorable to the Government than those accepted, and praying such relief as may appear just and proper. The petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. KELLY presented the petition of James Edington, of Alabama, praying an act may pass to authorize his children to enter at the proper land office a section of land, at the minimum price, for reasons set forth in the petition; which was read, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Kentucky, from the committee appointed on the subject, on the 10th ultimo, reported a bill to abolish imprisonment for debt; which was read, and passed to the second reading.

Mr. MILLS presented the petition of Ebenezer Oliver, and others, of Massachusetts, stating that, conformably to the provisions of the act "providing for the indemnification of certain claimants of public lands," they released to the United States their claims to certain lands; but that the commissioners appointed to investigate their title, having erroneous information of the laws of Georgia, did not award to them the indemnity provided in the act; and praying to be allowed the in-

demnity, or to be reinstated in their title to the lands released. The petition was read, and referred to the Committee on the Judiciary.

On motion of Mr. D'WOLF, it was ordered, that the petition of Samuel Slater and others, manufacturers of cotton, in the State of Rhode Island, heretofore presented, be printed for the use of the Senate.

Mr. BARTON, from the Committee on Public Lands, to whom was referred, on the 16th instant, the petition of Joseph Wood, reported a bill for the relief of Joseph Wood, of Ohio; which was read, and passed to the second reading.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred, on the 29th ultimo, the petition of John Hall, made a report, together with a resolution, that the prayer of the petitioner ought not to be granted.

The bill for the relief of Joseph C. Boyd, reported by the Committee on Claims, was taken up in Committee of the Whole, reported to the Senate, and passed to be engrossed and read a third time.

The bills from the other House for the relief of Brintnel Robbins, and for the relief of William Kendall, were severally taken up in Committee of the Whole, reported without amendment, and passed to a third reading.

On motion, the report of the committee, to whom was referred the several resolutions, proposing amendments to the Constitution of the United States, was recommitted.

The report of the Committee on Public Lands, unfavorable to the petition of George de Passu, was taken up for consideration. Mr. BARTON stated that the report was founded on the total want of evidence of the petitioner's title to the tract of land which he claims. The report was agreed to.

The resolution submitted yesterday by Mr. EDWARDS, of Connecticut, instructing an inquiry into the expediency of publishing, with the index to the Laws, a statement of the acts, parts of acts, and joint resolutions, of a public nature, which are limited in their duration, specifying the time or contingency by which their duration is limited; was again read, and agreed to.

The resolutions reported yesterday by the Committee on the Judiciary, providing for the appointment of a committee of revision, to report such laws as expire previous to the first of January, in each year, was again read, and laid upon the table.

The bill for the relief of Josiah Hook, junior, reported by the Committee on the Judiciary, was taken up, as in Committee of the Whole. The bill provides for the payment of \$1,165 to Josiah Hook, junior, collector of the port of Penobscot, in Maine, as indemnification for a judgment obtained against him, for the seizure of some cattle, within his district, during the late war, which he had reason to suppose were intended to be smuggled for the use of the enemy. Some observations upon the ground and merits of this claim were made by Messrs. HOLMES, of Maine, EATON VAN BUREN, and MILLS. The bill was then re-

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ported to the Senate, and passed to be engrossed, and read the third time.

The bill from the House of Representatives, for the relief of Jacob Babbit, of Bristol, Rhode Island, was taken up as in Committee of the Whole. Mr. RUGGLES explained the grounds of the bill. It provides that the interest of the duties upon a large quantity of sugar destroyed by the great storm in September, 1805, shall be remitted. The payment of the duties having been delayed, in consequence of the loss sustained by the owners, the bill proposes to release them from the interest on the same. The bill was reported to the Senate, without amendment, and passed to a third reading.

Mr. HAYNE gave notice that, on Wednesday next, he should call up the resolutions proposing amendments to the Constitution of the United States, in relation to the election of President and Vice President; in order that members who wish to propose amendments to the resolutions may have an opportunity to do so.

The Senate resumed, as in Committee of the Whole, the bill to revive and continue in force an act, entitled "An act fixing the compensation of the Secretary of the Senate, and Clerk of the House of Representatives, and of the clerks employed in their offices, and of the Librarian," passed 18th April, 1818; and the further consideration thereof was postponed to Monday next.

Mr. SEYMOUR submitted the following motion for consideration; which was read:

Resolved, That the Secretary of the Senate be authorized to employ in his office an additional engrossing clerk, during the continuance of the sickness of Samuel Turner, junior; and that the person so employed shall be allowed and paid, out of the contingent fund of the Senate, at the rate of four dollars per day.

Mr. BENTON, from the Committee to whom was referred the resolution, introduced by Mr. DICKERSON, proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of a President and Vice President of the United States, reported the same with an amendment; which was read, and ordered to be printed for the use of the Senate.

Mr. BENTON, from the same committee, reported a resolution proposing an amendment to the Constitution of the United States, as it respects the election of the President of the United States; which was read, and passed to a second reading.

On motion, by Mr. BENTON, the Committee to whom were referred, on the 16th December, the several resolutions proposing amendments to the Constitution, was discharged from the further consideration of the resolutions which have not been reported on.

NAVY PENSION FUND.

The amendment proposed by the Committee on Naval Affairs, to the bill from the House of Representatives, further extending the term of half pay pensions to the widows and children of officers, seamen, and marines, who died in the

public service, was taken up in Committee of the Whole.

Mr. LLOYD, of Massachusetts said, that the object proposed by the bill, as it came from the House of Representatives, was to extend the time of certain pensions which had been already granted on the Navy Pension Fund; and that the amendment, reported by the committee, was intended to repeal another law, now in existence, in relation to the same fund; that, in order to enable the Senate to judge correctly whether it were proper to concur in the bill on the table, or to amend it as proposed by the Committee, it might be useful that he should briefly advert to the origin of the fund, its present state and situation, and the future prospects which were supposed to attend it. The Navy Pension Fund had its date in 1800. Prior to that time, during the Revolutionary war, and the early periods of the Federal Government, pensions had been occasionally granted to distinguished and meritorious Army and Navy officers, but no distinct fund had existed for the payment of those pensions, prior to the year 1800. At that time, Congress passed a law in which the prize money that had accrued during the *quasi* war with France, in 1798, and all money that should thereafter accrue to the United States from the sale of prizes, should, forever, be appropriated as a pension fund, for the purpose of providing for those officers, seamen, and marines, who had been disabled in the line of their duty, and become entitled thereto; and the faith of the United States was expressly pledged, if the fund should be found insufficient for this purpose, to make good the deficiency from its other sources of revenue; but, in case there should be a surplus income from the fund, beyond the charges on it, that then such surplus should be applied to making further provision for the disabled officers, seamen, and marines, and for such as, by a course of long continued and faithful services, might merit the gratitude of their country.

This was the origin of the pension fund, in 1800, but the law of that year no further applied to the cases now under consideration, than that it shows the commencement and object of the fund; that it was to be perpetual; that the faith of the Government was pledged to supply any deficiency; and that part of the original appropriation constituted a part of the existing fund at the present time, and carried along with it all the provisions of the original law.

Thus the fund rested until after the commencement of the late war between the United States and Great Britain, when, in January 1813, an act was passed, providing that, if any officer of the Navy or marines should be killed, or die by reason of a wound received in the line of his duty, the widow or child of such officer should be entitled to receive a pension for five years, equal to the half monthly pay of such deceased officer. The next year, 1814, the same provision was extended to seamen and marines; the pensions under both of these acts expired in course; and, in 1818 and 1819, other acts were passed, giving to those who enjoyed them an extended term of five

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years, making the pension for ten years instead of five; they have now again expired, or are about expiring, and the purpose of the present bill is to give them an extended operation of five years more, making the term of fifteen years instead of ten, as last provided.

In determining this question, the only interesting point with regard to it was, whether the income of the fund was sufficient for this charge upon it; for if it were not, as the faith of the Government was pledged to make up any deficiency, an inconvenient claim might be made upon its other resources. It had been endeavored, therefore, to ascertain this with precision, and Mr. L. believed he could very nearly, if not exactly, show the situation of the fund, even so late as the first of the present month.

There were then, as he understood, on the Navy pension list, three hundred and sixty-five male pensioners, receiving -	\$27,282
Sixty-nine widows and orphans, of whom there were, as he believed, only three children, receiving -	10,130
	<hr/> \$37,412

To which might be added, the salary of the secretary of the fund, and some contingent expenses, probably making the aggregate disbursement for the past year, amount to \$38,000.

Against this was to be placed the income of the fund, which consisted of \$781,411, invested in the most secure fund on the face of the earth, the funded debt of the United States—which gave an interest this year of \$45,934.

Ninety-nine thousand five hundred and two dollars, most unfortunately invested in the stock of one of the local banks, which, for the last six months, gave no dividend, and probably would not, for a considerable time to come; and, on which investment, if the stock were now sold, a loss would be sustained by the fund, of \$70,000. And \$29,000 of other bank stock, of better credit, in the District, which he would estimate as yielding, annually, a full rate interest of six per cent. per annum; thus giving, as the gross product of the fund, about \$48,000—and leaving a balance in favor thereof, of \$10,934.

This, Mr. L. said, was a cheering view of the subject, the unfortunate investment notwithstanding; and, recollecting that the fund has been created by the gallant enterprise of those whose descendants enjoyed it, that it was abundant for the purpose, and the pensioners to whom it was to be given had been selected heretofore as being worthy of the patronage, and entitled to the gratitude of their country, as the representatives of those who had nobly offered up their lives on the altar of patriotism, and had splendidly illustrated the naval character of their country, in every quarter of the globe, there could be no hesitancy in giving the extended term proposed, and in concurring with the bill from the House of Representatives, which the Committee unanimously recommended.

The section proposed to be added to the bill,

and which provided for a repeal of part of the present system, remained to be considered. The law referred to, was that of 1817, to amend and explain an act for giving pensions to the orphans and widows of persons slain in the public and private armed vessels of the United States; which, probably, originated under the influence of one of those impulses of humanity, which do so much honor to nations as well as individuals, but which was so broad and naked in its provisions, that, when understood—and a knowledge of it was now, he believed, fast extending—as to absorb, if acted on according to its letter, not only any surplus which the fund might give, but also to make a heavy tax on the public Treasury. The act provides that, if any officer, seaman, or marine, belonging to the Navy of the United States, shall die, (the expression gives a prospective operation, and the law is unlimited as to duration,) or shall have died, since 1812, in consequence of disease contracted, or of casualties, or of injuries, received while in the line of his duty—his widow or child shall be entitled to a half monthly pension for five years; and under the wording of this act, it is contended that, admitting men are received into service in good health, scarcely a death can occur, but what may be traced or attributed to some disease, casualty, or injury, received in the course of his duty; and the marine, perhaps a loose or itinerant member of society, who enlisted yesterday, if killed last night, while on duty as a sentinel round the Capitol, by the fall of a tile from its roof, or who, from patrolling its damp arcades, caught a catarrhal affection, producing consumption and terminating in death—the seamen who died in the Congress frigate off Manila, or at the Havana, those who were sufferers under Captain Spence on the coast of Africa, and the victims to the epidemic at Thompson's Island the last Summer, are all of them entitled to give to their widows, or children, if they have them, a right to the claim of a pension or half monthly allowance of five years, under the present act. This, he would observe, is not an idle apprehension; cases have occurred under it, and are increasing, while the commissioners, unwilling to admit a construction which they do not believe was ever contemplated, are still precluded by the letter of the law, from decisively rejecting the claims which have already arisen, and which cannot but rapidly multiply.

It never was, nor could have been, in the contemplation of the Government to give to every common seaman or marine, who, in time of peace, might die by disease contracted, or casualty occurring in the course of his duty, a right, after a day or month's service, to place his widow or his child on the pension list for five years; it was a perversion of the pension act, although the literal construction was a correct one, as he understood, in the opinion of the commissioners, as well as others; and to prevent the extension of this evil, after most scrupulously guarding the rights of all those who had received pensions, and of all those also who might, by possibility, be entitled to them up to the date of the repeal of the act, the amend-

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ment now offered was recommended, and in this recommendation the committee were also unanimous. The effect of it, if adopted, would be, to restore the pension fund to its original and legitimate uses; one of which, and perhaps the most important, was to excite to deeds of noble daring, and chivalrous achievement, the officers and seamen of our country, by the assurance which was given them that, if superannuated after long and faithful services, or if disabled, they would receive succor from their Government; or if slain, or dying from honorable wounds, that their widows and orphans should receive support, at least for a term of five years, from the proceeds of a fund, which ought sacredly to be preserved for these most useful purposes; leaving new or individual cases which may occur hereafter, to be provided for according to their merits.

These, Mr. LLOYD said, were the views which influenced the Committee, and which he had thought it respectful to the Senate to communicate.

On motion of Mr. JOHNSON, of Kentucky, who also offered some remarks on the subject, the further consideration of the bill was postponed to Monday next.

MONDAY, January 12.

The PRESIDENT communicated a letter from the Secretary of the Navy, transmitting a report of the Commissioners of the Sinking Fund, in obedience to the act for the better government of the Navy of the United States; and the letter and report were read.

The PRESIDENT laid before the Senate a report of the Postmaster General, communicating in obedience to a resolution of the Senate, of the 29th December, all the information in his possession as to the condition of the National road, commencing in Madisonville, in the State of Louisiana, and terminating in Florence, on the Tennessee river, and as to the expediency of transporting the mails to and from New Orleans on the said route; and the report was read, and referred to the Committee on the Post Office and Post Roads.

Mr. SMITH presented the memorial of the Chamber of Commerce of the city of Baltimore, praying the passage of an act establishing an uniform system of bankruptcy. The memorial was read, and referred to the Committee on the Judiciary.

Mr. BARBOUR presented the memorial of Thos. Maybury, and others, of Botetourt county, in Virginia, praying an additional duty on foreign iron imported, and on certain manufactures thereof.

Mr. FINDLAY presented the memorial of Robert Jenkins, and others, praying an additional duty on foreign iron imported, and on certain manufactures thereof.

Mr. DICKERSON presented the memorial of John Moore, and others; the memorial of Charles Baker, and others; and the memorial of Abram Sharples, and others; severally praying an additional duty on foreign iron imported, and on certain manufactures thereof.

The five last mentioned memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. BARBOUR presented the petition of persons claiming indemnification for property captured by the French, previous to the year 1800—their claim having been abandoned by this Government in the convention with France.

Mr. SMITH presented a petition of a similar nature, and moved their reference to a select committee of the Senate. This motion gave rise to some debate, as to the propriety of raising a select committee, or referring them to the Committee on Foreign Relations, (the latter course being suggested by Mr. KING, of New York,) in which Messrs. SMITH, BARBOUR, KING of New York, LANMAN, LOWRIE of Maryland, and LLOYD of Massachusetts, engaged. The great amount of these claims, and the general importance of the subject, was urged as a reason for raising a special committee. The motion, however, was lost; and the petitions were referred to the Committee on Foreign Relations.

Mr. LLOYD, of Massachusetts, presented the memorial of Paul Gardener and Sons, and others; the memorial of William Pearce, and others, merchants, of Gloucester, Massachusetts; the memorial of Joseph Peabody, and others, merchants of Salem; and the memorial of P. C. Brooks, and others, merchants and underwriters of Boston, severally praying indemnification for depredations committed by the public and private armed vessels of France, from the year 1793 to 1800; and the memorials were read, and respectively referred to the Committee on Foreign Relations.

Mr. HOLMES, of Maine, presented the memorial of James Miller, and Robert Miller, of Belfast, Maine; the memorial of James Perkins and Sons, of Kennebunk; the memorial of Joseph Emerson, and others, of Scarborough; the memorial of Otis Little, and others, of Castine; and the memorial of John Crosby, severally praying indemnification for the seizure and condemnation of their property, from the year 1793 to 1800, under the authority of the Government of France. The memorials were read, and severally referred to the Committee on Foreign Relations.

Mr. LANMAN presented the memorial of Justice Riley, of Wethersfield, Connecticut; the memorial of John Caldwell, and others, merchants and underwriters, of Hartford; and the memorial of Jabez Huntington, and others, merchants, of Norwich; severally praying indemnification for the seizure and condemnation of their property, from the year 1793 to 1800, under the authority of the French Government. The memorials were read, and referred to the Committee on Foreign Relations.

Mr. VAN BUREN presented the memorial of Frederick De Peyster and Company, and others, merchants and underwriters, of the city of New York, praying indemnification for the illegal seizure and condemnation of their property, from the year 1793 to 1800, under the authority of the French Government. The memorial was read,

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and referred to the Committee on Foreign Relations.

Mr. KNIGHT presented the memorial of Richard Jackson, and others, merchants and underwriters, of Providence, Rhode Island, praying an indemnity for depredations committed under the authority of the Government of France, from the year 1793 to 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. EDWARDS, of Connecticut, presented the memorial of James Goodrich, and others, praying indemnification for the illegal seizure and condemnation of their property, from the year 1793 to 1800, under the authority of the Government of France. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. HAYNE presented the petition of Banister Jones, praying to be released from his responsibility, as surety, under a contract first entered into by Elias Earle, and afterwards transferred to Adam Carruth, for supplying the United States with a quantity of small arms. The petition was read, and referred to the Committee on Military Affairs.

Mr. KING, of Alabama, presented the petition of Obadiah Jones, receiver of public moneys at Huntsville, Alabama, praying to be exonerated from the payment of a sum of money, belonging to the United States, of which he was robbed. The petition was read, and referred to the Committee on Claims.

Mr. BARTON presented the petition of Thomas F. Riddick, stating that he has been deprived of the possession of a tract of land in Missouri, of which he is proprietor, by reason of certain treaties with Indians, fixing their boundaries; and praying permission to convey to the United States his right and title to the same, and in consideration thereof to be allowed to locate a like quantity on any public lands in the said State. The petition was read, and referred to the Committee on Public Lands.

Mr. SMITH, from the Committee on Finance, to whom was referred, on the fifth instant, the bill, entitled "An act for the relief of certain distillers within the county of Berks, in the State of Pennsylvania," reported the same without amendment.

Mr. LANMAN, from the Committee on the Post Office and Post Roads, reported a bill to authorize the Postmaster General to discontinue the transportation of the mail in certain cases; which was read, and passed to the second reading.

Mr. JACKSON, from the Committee on Military Affairs, to whom was referred, on the 19th December, the memorial of Thomas Williamson, and others, made a report, together with a bill, explanatory of the act, entitled "An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians," passed the 4th of May, 1822; and the report and bill were read; and, on motion, the bill was read the second time, by unanimous consent, and the report ordered to be printed for the use of the Senate.

Mr. SMITH, from the Committee on Finance, reported a bill making a partial appropriation for

the support of Government, during the year 1824; which was read, and passed to a second reading.

Mr. BARTON, from the Committee on Public Lands, to whom was referred, on the 23d December, the petition of Taylor Berry, reported a bill for the relief of the legal representatives of Firman Le Sieur; which was read, and passed to the second reading.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom the subject was referred on the 30th December, reported a bill, granting to the State of Alabama the right of pre-emption to certain quarter sections of land; which was read, and passed to the second reading.

The bill for the relief of Joseph C. Boyd was read a third time, the title amended, and the bill passed.

The bill for the relief of Josiah Hook, jr., was read a time, and passed.

The bill entitled "An act for the relief of Jacob Babbit" was read a third time, and passed.

The bill entitled "An act for the relief of Brintnel Robbins" was read a third time, and passed.

The bill entitled "An act for the relief of William Kendall" was read a third time, and passed.

On motion of Mr. RUGGLES, the Senate proceeded to consider the report of the Committee on Claims, unfavorable to the petition of Charles B. Davis. This petitioner claims remuneration for the loss of furniture destroyed by the enemy at Washington. He states that he was a messenger in the service of the Treasury Department; that a cart and wagon had been prepared for the removal of his furniture, but that they were impressed into the public service, and his property thereby destroyed. Messrs. EATON, JOHNSON, of Kentucky, and LANMAN, opposed the report, and Messrs. RUGGLES and CHANDLER, supported it. A motion, by Mr. EATON, to reverse the report, was lost, and the report was agreed to.

The report of the Judiciary Committee, unfavorable to the petition of John Hall, was taken up for consideration. Mr. VAN BUREN stated that the petitioner was a paymaster in the service of the United States; that he had become a defaulter to a considerable amount, and was now imprisoned in the State of Missouri; that the committee could see no particular reasons for extending relief in this case; and, as the subject was now within the power of the Executive, were of opinion that it was unnecessary for Congress to act upon this subject. The report was then agreed to.

The bill to abolish imprisonment for debt was read the second time.

The bill for the relief of Joseph Wood, of Ohio, was read the second time.

The resolution proposing an amendment to the Constitution of the United States, as it respects the election of President of the United States, was read the second time.

The resolution to authorize the Secretary of the Senate to employ an additional clerk, during the indisposition of Samuel Turner, jun., was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House

of Representatives, further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service, with the amendment proposed thereto by the Naval Committee of the Senate. The amendment was agreed to, the bill reported to the Senate, and passed, as amended, to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, together with the amendment reported thereto; and it was postponed to, and made the order of the day for, Wednesday next.

The bill, which originated in the Senate, to revive and continue in force an act providing compensation for the Secretary of the Senate and Clerk of the House of Representatives, and for other purposes, was taken up for consideration. On motion of Mr. EATON, the bill was amended, by the substitution of a new one for it; and, subsequently, it was referred, on motion of Mr. LAMMAN, to the Committee on the Contingent Expenses of the Senate.

TUESDAY, January 13.

The PRESIDENT laid before the Senate a report of the Secretary of War, made in pursuance of a resolution of the Senate, of the 17th January, 1821, in relation to a military road from Fort St. Philip to the English Turn. The report was read, and referred to the Committee on Military Affairs.

Mr. PARROTT presented the memorial of a number of merchants of Portsmouth, New Hampshire, praying indemnity for depredations committed by the public and private armed vessels of France, from the year 1793 to 1800; which was read, and referred to the Committee on Foreign Relations.

Mr. HAYNE presented the memorial of a number of merchants and underwriters of the city of Charleston, South Carolina, praying indemnity for depredations on their property, by the public and private armed vessels of France, during the years 1793 and 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. FINDLAY presented the memorial of Samuel Potts, of Berks county, Pennsylvania, praying an additional duty on foreign iron imported, and on certain manufactures thereof. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. NOBLE, from the Committee on Pensions, to whom was referred, on the 5th instant, the bill, entitled "An act for the relief of Sarah Chitwood," reported it without amendment.

Mr. BARTON, from the Committee on Public Lands, to whom was referred, on the 2d instant, the petition of Alexander A. White, made a report, together with a resolution that the prayer of the petitioner ought not to be granted.

The amendment to the bill, entitled "An act further extending the term of half-pay pensions to

the widows and children of officers, seamen, and marines, who died in the public service," having been reported by the committee, correctly engrossed, the bill was read a third time, as amended, and passed.

On motion, by Mr. VAN BUREN, the Committee on the Judiciary, who were instructed by a resolution of the Senate, of the 9th instant, to inquire into the expediency of certain additions to the index to the laws, were discharged from the further consideration thereof.

The bill for the relief of the legal representative of Firman Le Sieur was read the second time.

The bill granting to the State of Alabama the right of pre-emption to certain quarter sections of land was read the second time.

The bill to authorize the Postmaster General to discontinue the transportation of the mail in certain cases was read the second time.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Samuel Gilbert; and the further consideration thereof was postponed to Monday next.

The bill from the other House for the relief of certain distillers in the county of Berks, in the State of Pennsylvania, was taken up, as in Committee of the Whole. This bill provides remuneration for an excess of excise duties on their stills, paid to the United States by the persons in whose favor it is draughted, in consequence of a misconstruction of the law, on the part of the supervisor. Mr. SMITH stated the object of the bill. It was then reported to the Senate without amendment, and passed to a third reading.

The bill to abolish imprisonment for debt, reported by a select committee of the Senate, was taken up, in course, and having received an amendment, was, on motion of Mr. JOHNSON, of Kentucky, postponed to Monday of the week after next.

The bill making partial appropriations for the support of Government, during the year 1824, was on motion of Mr. SMITH, and by general consent, taken up for consideration, as in Committee of the Whole. The bill makes appropriation for the payment of the Senators and Representatives in Congress, and for the officers, clerks, and servants of both Houses. It was reported to the Senate, and passed to be engrossed and read the third time.

The bill reported in the Senate, by the Committee on Public Lands, for the relief of Joseph Wood, of Ohio, was taken up as in Committee of the Whole. Mr. BARTON stated that the bill merely provided payment for the services of Mr. Wood, as receiver of public moneys, for a short time, during a vacancy of that office.

Mr. LOWRIE opposed the bill, on the ground of an unwillingness to give an officer double pay for services not great, and, in this case, very little additional trouble, &c.

Mr. RUGGLES explained, and spoke in favor of the bill, and it was then reported to the Senate without amendment, and passed to be engrossed and read a third time.

Mr. LLOYD, of Massachusetts, from the Com-

mittee on Naval Affairs, to whom was referred a resolution (introduced some time ago by Mr. PARROTT) to inquire into the expediency of increasing the number of sloops of war, made a report thereon, accompanied by the following bill:

Be it enacted, &c. That the President of the United States be, and he is hereby, authorized to cause to be built, in addition to the present naval force of the United States, a number of sloops of war, of the first class, not exceeding ten, to carry not less than twenty guns each, of such description and weight of metal as the President may direct, and that the sum of eight hundred and fifty thousand dollars be, and the same is hereby, appropriated for the purpose aforesaid, out of any moneys in the Treasury not otherwise appropriated.

The bill had two several readings, and the documents accompanying it were ordered to be printed.

WEDNESDAY, January 14.

NICHOLAS VAN DYKE, appointed a Senator by the Legislature of the State of Delaware, for the term of six years, commencing on the fourth day of March last, produced his credentials, was qualified, and he took his seat in the Senate.

The PRESIDENT communicated a report of the Secretary of the Navy, made in conformity to the 9th section of an act, "to regulate and fix the compensation of the clerks in the different offices," exhibiting the names of the clerks employed in the Navy Department, and in the office of Navy Commissioners, during the year 1823.

Mr. HOLMES, of Maine, presented the petition of Nahum Morrill, and others, residing in the vicinity of Wells, in the State of Maine, praying the erection of a pier at the entrance of that harbor, for reasons stated in the petition; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. LOWRIE presented the memorial of the Chamber of Commerce of the city of Philadelphia, praying the construction of an artificial harbor, near the Capes of the Delaware, for reasons stated at large in the memorial; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. CHANDLER presented the memorial of Abiel Wood, and others, of Wiscasset, in the State of Maine, praying indemnification for the illegal seizure and condemnation of their property, under the authority of the Government of France, from the year 1793 to 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. LOWRIE presented the memorial of John Brooke, and others, of the city and county of Philadelphia; the memorial of Thomas Phipps, and others; and the memorial of John Innes, and others; severally praying a revision of the tariff, for the purpose of affording additional protection to the manufactures of the United States. The memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. DICKERSON presented the memorial of John Clarke, and others, of Bridgetown, New Jersey; and the memorial of Lewis Mulford, and others,

of Cumberland county, New Jersey; severally praying an additional duty on the importation of foreign iron, and on certain manufactures of that article. The memorials were read, and severally referred to the Committee on Commerce and Manufactures.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida;" a bill, entitled "An act for the relief of Garrett Fountain;" also a bill, entitled "An act making a partial appropriation for the year 1824;" in which bills they request the concurrence of the Senate.

Mr. BROWN, from the Committee on Roads and Canals, to whom was referred, on the 7th instant, the bill, entitled "An act to authorize the surveying and making a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas," reported it without amendment.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the petition of Celestin Moreau, reported a bill for the relief of Celestin Moreau; which was read, and passed to the second reading.

On motion by Mr. BARTON, the Committee on Public Lands, to whom was referred, on the 9th instant, the petition of James Edington, were discharged from the further consideration thereof.

A motion was made by Mr. NOBLE, that the Committee on Pensions be discharged from the further consideration of the petition of Dean Weymouth, referred to that committee on the 30th of December. Whereupon, the motion was ordered to lie on the table.

Mr. PARROTT submitted the following motion for consideration; which was read:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of continuing the pensions heretofore granted by law to the widows and orphans of persons slain in the private-armed vessels of the United States, or who may have died in consequence of any accident or casualty which occurred on board such vessels during the late war.

Mr. HAYNE, for the purpose of bringing the whole subject embraced by the bill of Mr. EATON, yesterday referred to a standing committee, laid on the table the following resolution:

Resolved, That the Committee on the Contingent Expenses of the Senate be instructed to inquire into the expediency of providing for the election, at stated periods, of the Secretary of the Senate, the principal and engrossing clerks, the Sergeant-at-Arms, and Doorkeeper of the Senate.

The bill from the House of Representatives, entitled "An act making a partial appropriation for the year 1824," was twice read, by unanimous consent, and considered as in Committee of the Whole; and having been amended, it was reported to the House accordingly; and the amendment being concurred in, it was ordered to be engrossed, and the bill be read a third time.

The bill from the House of Representatives,

entitled "An act for the relief of Garrett Fountain," was twice read by unanimous consent, and referred to the Committee of Claims.

THURSDAY, January 15.

THOMAS CLAYTON, appointed a Senator by the Legislature of the State of Delaware, to fill the vacancy occasioned by the resignation of CESAR A. RODNEY, produced his credentials, was qualified, and took his seat in the Senate.

Mr. KELLY presented the memorial of the General Assembly of the State of Alabama, praying the right of pre-emption to a quarter section of land may be granted, in the mode suggested, to each of the counties therein mentioned, for the location of their seats of justice. The memorial was read, and referred to the Committee on Public Lands.

Mr. BARTON presented the petition of John Rush and Samuel Conway, of Missouri, praying the grant to each of one or more quarter sections of land, in consideration of their services during the Revolutionary war. The petition was read, and referred to the Committee on Public Lands.

Mr. FINDLAY presented the memorial of William Bowen, and others, praying an additional duty on imported iron, and on certain manufactures of that article. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. FINDLAY presented the petition of Robert McBride and Stephen Kerr, administrators of Andrew Mitchell, stating that the said Andrew Mitchell, being a captain of a volunteer rifle company, was called into service during the late war, and thereby prevented from using a still, for which he had obtained a license, and praying that the sum paid for said license may be refunded. The petition was read, and referred to the Committee of Claims.

Mr. BRANCH presented the memorial of J. G. Blount and others, merchants of Washington, North Carolina, praying indemnification for the illegal seizure and condemnation of their property, under the authority of the Government of France, from the year 1793 to the year 1800; and the memorial was read, and referred to the Committee on Foreign Relations.

Mr. BRANCH presented the memorial of John Hogg and others, merchants of Fayetteville, North Carolina, praying indemnification for the illegal seizure and condemnation of their property, under the authority of the Government of France, from the year 1793 to the year 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. ELLIOTT presented the petition of Samuel J. Axson, of Georgia, praying compensation for his services as a surgeon, in the first regiment of South Carolina, in which capacity he continued to the close of the Revolutionary war, without having received any emolument whatever. The petition was read, and referred to the Committee on Military Affairs.

The bill entitled "An act to extend the time

limited for the settlement of private land claims in the Territory of Florida," was twice read, by unanimous consent, and referred to the Committee on Public Lands.

The amendment to the bill, entitled "An act making a partial appropriation for the year 1824," having been reported by the committee correctly engrossed, the bill was read a third time as amended, and passed.

The bill entitled "An act for the relief of certain distillers within the county of Berks, in the State of Pennsylvania," was read a third time, and passed.

The engrossed bill for the relief of Joseph Wood, of Ohio, was read a third time, and passed.

The engrossed bill making a partial appropriation for the support of Government for the year 1824 was read a third time, and ordered to lie on the table.

The bill for the relief of Celestin Moreau, of Louisiana, was read the second time.

The report of the Committee of Claims, unfavorable to the petition of Alexander A. White, was taken up; and on motion of Mr. Jounson, of Louisiana, (who intimated an intention to oppose the report,) it was postponed until to-morrow.

The Senate proceeded to consider the motion of the 14th instant to inquire into the expediency of continuing certain pensions, and agreed thereto.

The Senate proceeded to consider the motion of the 14th instant to inquire into the expediency of electing, at stated periods, the Secretary and other officers of the Senate; which was amended, and agreed to, as follows:

Resolved, That the Committee on the Contingent Expenses of the Senate be instructed to inquire into the expediency of providing for the election, at stated periods, of the Secretary of the Senate, the principal and engrossing clerks, the Sergeant-at-Arms, and Doorkeeper, and Assistant Doorkeeper, of the Senate.

The Senate then proceeded to the consideration of the report of the select committee, on the several amendments proposed to the Constitution of the United States.

This report proposed a substitute for the amendment offered by Mr. DICKERSON.

Mr. BENTON now submitted an amendment proposing, as a substitute, the proposition offered by him on the 9th instant, to the Constitution; and then moved that the subject be postponed to Wednesday next; which motion was agreed to.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution reported by the committee, proposing an amendment to the Constitution of the United States, as it respects the election of the President of the United States; and, on motion, the further consideration thereof was postponed to, and made the order of the day for, Wednesday next.

The Senate resumed, as in Committee of the Whole, the bill explanatory of an act, entitled "An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians," passed the fourth day of May, 1822; and on motion, it was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the resolution to authorize the Secretary of the Senate to employ an additional engrossing clerk, during the continuance of the indisposition of Samuel Turner, junior; and it was referred to the Committee on the Contingent Expenses of the Senate.

The bill for the relief of Sarah Chitwood was taken up in Committee of the Whole, and after some explanatory remarks in its favor by Mr. NOBLE, it was, on motion of Mr. EATON, ordered to lie on the table.

The bill for the relief of the representatives of Firman Le Sieur was taken up, and after some explanation of the circumstances of the case, by Mr. BARTON, and some discussion of the merits of the claim, by Messrs. CHANDLER, SMITH, BENTON, LOWRIE, KING, of New York, EATON, and HAYNE, the bill was laid over to Monday.

Mr. KING, of New York, submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury report to the Senate what progress has been made in preparing the maps directed to be made and laid before the Senate, by their resolution of the 28th day of February last; and in case the maps are not completed, whether additional assistance be requisite to enable the Commissioner of the General Land Office to complete the same.

Mr. KING, of New York, submitted the following resolution for consideration, which was read:

Resolved, That there be added to the rules of the Senate the following:

The presiding officer of the Senate shall examine and correct the Journals, before they are read, and shall have the regulation of such parts of the Capitol, and of its passages, as are or may be set apart for the use of the Senate and its officers.

On motion by Mr. RUGGLES, David Cooper had leave to withdraw the documents in support of his claim, presented at the last session.

The bill granting to the State of Alabama the right of pre-emption to a quarter section of land in each of three or four counties of that State, was taken up in Committee of the Whole.

Mr. KING, of Alabama, and Mr. KELLY, explained severally the grounds on which the State asked this pre-emption, and the expediency of granting it, both as relates to the interests of the United States, and the convenience of the people of the State; and Mr. Brown subjoined some remarks on the subject, favorable to the object of the bill. The bill was then reported to the Senate, and ordered to be engrossed for a third reading.

ROAD FROM MEMPHIS TO LITTLE ROCK.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to authorize the surveying and making a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas, and making an appropriation of \$15,000 therefor.

Mr. BROWN made some remarks on the expediency of authorizing this connecting link between

the old States and the Territory of Arkansas, the convenience of it to the people, and its value to the public interests, &c.

Mr. KELLY described the country through which the road would probably pass, the facilities or difficulties which would be found in making it; its advantages, &c.

Mr. KING, of New York, wished the bill to be laid on the table. There was not before the Senate sufficient information at present, to authorize its acting on the subject; there was a want of particularity as to the probable cost of the road, its length, advantages, &c., which ought to be had before the Senate passed this bill. It was probable, moreover, that the question as to the construction of roads by the Government, would soon come before the Senate in a more enlarged and general form, which it was proper to consider first, and decide, whether it was expedient for this nation to commence the system of internal improvement, and the employment of the public treasure in the construction of roads, &c. Mr. K. made a number of remarks on the subject, indistinctly heard, but understood to indicate that he was opposed to the application of the resources of the Union to the purpose of making roads, &c. He concluded by moving that the bill be laid on the table for the present; which motion prevailed—ayes 22.

TRANSPORTATION OF THE MAIL.

The Senate took up, in Committee of the Whole, the bill authorizing the Postmaster General to discontinue, at his discretion, the transportation of the mail on any post routes where the net proceeds of such route shall not exceed per centum of the expenses thereon.

Mr. LANMAN moved to fill the blank with one-third.

Mr. JOHNSON, of Louisiana, opposed the bill at some length, chiefly on the ground of its total inexpediency, and particularly of the hardness of its operation on Louisiana, and other parts of the Union thinly inhabited, where the transportation of the mail was expensive, in consequence of wide water courses, &c., and where they would scarcely have a mail at all, if the bill passed. He dissented, also, from the propriety of giving to the Postmaster General a power so great, and affecting so seriously the convenience of the people of all the new States. He should disapprove of the bill in any shape, but especially with the blank filled as proposed, as, with such a limitation, it would deprive Louisiana of many of her post routes, although a single city in that State yielded probably revenue enough from postages to pay for transporting all the mails of the State.

The bill was also opposed by Mr. HOLMES, of Maine, and Mr. KING, of Alabama, on grounds similar to those of Mr. J.; they thinking that a general law on the subject would operate with unjust severity on certain sections of the country; and for the purpose of destroying the bill, Mr. K. moved its indefinite postponement.

Mr. BARBOUR opposed the bill on principle, it being, as he contended, at war with the duty of

the Government and the highest interest of a Republic—the diffusion of knowledge among the people. The small expense, he argued, ought not to be considered in comparison with such an object; and if it was for the purpose of economy that the measure was introduced, he thought the pepper-corn which would be saved by it was not worth gaining in this way—if retrenchment was necessary it should be resorted to in the great branches of expenditure, the military and naval establishments, &c., not by curtailing the diffusion of information amongst the people because they were remote or thinly settled, &c.

Mr. LANMAN replied and justified the expediency of the bill, on the ground of the necessity which existed for economising the revenue of the Post Office Department, the expenditure of which was, in consequence of the existence of so many unproductive post routes, greater than its receipts. He admitted the great importance and value of diffusing information among all the citizens of the Republic, but this was a privilege which might be paid for too dearly, and he thought the measure would be expedient. He moved, instead of the indefinite postponement, that the bill be laid on the table; which was carried.

FRIDAY, January 16.

Mr. EDWARDS, of Connecticut, presented the memorial of a number of manufacturers, mechanics, and friends of national industry, of the State of Connecticut, praying the revision of the tariff, an additional duty on woollens, fine cottons, and iron, and a duty on sales at auction. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. FINDLAY presented the memorial of William J. Young, and others, of the city and county of Philadelphia, praying additional protection to the manufactures of the United States. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. DICKERSON presented the memorial of Joseph Jackson, and others, of Morris county, New Jersey; the memorial of Peter Van Horne, and others; the memorial of Lewis Baker, and others; the memorial of Henry Mooney, and others; the memorial of John C. Doughty, and others; the memorial of William Patterson, and others; the memorial of James Quinby, and others; the memorial of Thomas Harris, and others; the memorial of William Hunt, and others; the memorial of Ephraim Adams, and others; the memorial of Henry Harrison, and others; also, the memorial of William Gordon, and others; severally praying additional specific duties on the articles therein enumerated, for the protection of the manufactures of the United States. The memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. LLOYD, of Maryland, presented the memorial of Samuel G. Kennard, and others, merchants of Chestertown, Maryland, praying indemnification for the illegal seizure and condemnation of their property, under the authority of the Gov-

ernment of France, from 1793 to the year 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. JOHNSON, of Louisiana, presented the petition of Calvin Smith, praying the confirmation of his title to a tract of land in the State of Mississippi, containing thirteen hundred and twenty arpens. The petition was read, and referred to the Committee on Public Lands.

Mr. PARROTT presented the petition of Reuben Shapley, stating that the schooner John and cargo belonging to the petitioner were captured by His Britannic Majesty's ship of war Talbot, in 1815, within the time limited by the Treaty of Peace for the restoration of captured vessels; that the said vessel and cargo were lost on the Island of Cuba, through the misconduct or negligence of the captors; and that he has been unable to obtain indemnity from the British Government; and praying such relief as to Congress may seem meet. The petition was read, and referred to the Committee on Foreign Relations.

Mr. LLOYD, of Maryland, presented the memorial of the Common Council of Alexandria, praying certain amendments to their charter. The memorial was read, and referred to the Committee on the District of Columbia.

Mr. BARTON, from the Committee on Public Lands, to whom was referred, on the 17th of December, the memorial of the Legislature of Missouri, reported a bill for the final adjustment of land claims in the State of Missouri and Territory of Arkansas, derived from the Governments of France and Spain; which was read and passed to the second reading.

On motion by Mr. BARTON, the Committee on Public Lands were discharged from the further consideration of the memorial of the General Assembly of the State of Alabama, referred to the committee on the 15th instant.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States in the year 1824," in which bill they request the concurrence of the Senate.

The bill last brought up for concurrence was twice read, by unanimous consent, and referred to the Committee on Finance.

Mr. EATON submitted the following motion for consideration:

Resolved, That the Committee on the District of Columbia inquire if any, and what, amendments, alterations, and improvements, are necessary in the judicial code of said District.

Mr. WILLIAMS submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury be directed to prepare for the Senate a list of all pursers and navy agents who are in arrears to the United States, and the amount of such arrearage in each case, and the sum which is likely to be lost ultimately by the Government.

The bill granting to the State of Alabama the right of pre-emption to certain quarter sections of

land having been reported by the committee, correctly engrossed, was read a third time and passed.

THE RIGHT OF PRE-EMPTION.

The Senate resumed the consideration of the report of the Committee on Public Lands unfavorable to the petition of Colonel Alexander A. White, who petitioned Congress to grant him the right of pre-emption to a small tract of public land, which he had settled, on the west bank of the Mississippi river.

Mr. JOHNSON, of Louisiana, moved to reverse the report, and, in support of this motion, he explained the nature of the claim, and offered his views at some length. It appears, from his statement, and from the papers which he read, that the petitioner was a distinguished officer of the late war; that, when disbanded in 1815, being unable to purchase lands, and not knowing that the act of Congress, granting the right of pre-emption to settlers on the public lands in Louisiana, had expired, he settled on a tract of land belonging to the United States, situated on the Mississippi river, in the parish of West Baton Rouge, and had built houses, drained lands, and made considerable improvements thereon; that he had made a public road, and a levee, for near three miles in front of the land, which had reclaimed a considerable portion of the public lands from the inundation of the river, and added greatly to the value of the public lands in the vicinity. He prayed that Congress would grant him a donation, or pre-emption right to the land in question.

Mr. J. said, that the committee had reported against the claim, on the ground that the petitioner had settled in violation of the act of Congress of 1807, prohibiting settlements upon the public lands. He contended, that the act alluded to was passed to meet one or two cases of extraordinary character, and not to prevent emigration to the West, and that Congress had, in numerous instances, since that act passed, granted the pre-emption right to settlers in the new States and Territories; that sound policy required that the practice should still be continued; that it should be the object of the Government to strengthen the most exposed parts of the Union, by a dense white population; that such a population was particularly required in Louisiana, to protect the country against internal commotion and external invasion; and he argued to show, that such a course would operate even to the advantage of the Government, in a pecuniary point of view, as it would add to the value of the public lands in the neighborhood. He complained of the delay, on the part of the Government, in not surveying and bringing into market the public lands in Louisiana, in consequence of which, those who had removed to that country had not been afforded an opportunity of purchasing public lands: and that emigration had been repelled from the country. Mr. J. contended, that, from the circumstances he had stated, this was one of the strongest cases which could occur; that the petitioner had been an officer of distinguished merit; that he had enlisted a company of men, and served with great reputation throughout the

Creek war; that, at New Orleans, in an attack on the enemy, he was severely wounded, in consideration of which, and for his gallant conduct on that occasion, he was brevetted to the rank of a Lieutenant Colonel. Mr. J. said that, if distinguished services, if gallant conduct in action, if wounds received in fighting the battles of the country, give claims upon the favorable consideration of the Government, Colonel White was entitled to that consideration. He concluded by remarking, that the honorable member who commanded at New Orleans, (alluding to General Jackson,) would, he was persuaded, testify to the gallantry and distinguished services of Colonel White.

Mr. JACKSON confirmed the representation which had been made of the meritorious conduct of Colonel White, in the campaign at New Orleans, where he was, in the battle of the 23d December, severally wounded; and Mr. J. observed, that, if gallant conduct, meritorious services, and severe sufferings, entitled any man to the boon he asked for from the Government, no one could have stronger claims than Colonel White, and he, for one, should give the petitioner his vote.

A debate ensued on this subject which, from the number and talents of the gentlemen who engaged in it, and the earnestness and ability displayed, rendered it interesting, and would have entitled it to a full report, had the principle involved not repeatedly, heretofore, been the subject of the deliberations and acts of Congress.

Besides the gentlemen above named, the application of the petitioner was advocated by Messrs. SMITH, LANMAN, BENTON, and BROWN; and it was opposed by Messrs. BARTON, LOWRIE, VAN DYKE, CHANDLER, BARBOUR, KING, of New York, and MACON. In support of the claim were urged principally the reasons stated above—the merits and services, and poverty, of the petitioner; the worthless quality of the land, in its natural condition, before the petitioner had reclaimed it by his labor, by the erection of embankments to keep the river from overflowing it, &c.; the additional value which this settlement and the improvements gave to neighboring public lands; the propriety of granting pre-emptive rights to encourage the settlement of the waste public lands; former exceptions made by Congress to the law, &c. On the other hand, were urged the settled policy of the nation, solemnly adopted by Congress, in the passage of an act, forbidding all persons from settling down on any of the public lands; the impropriety of holding out encouragement to persons to violate the law by granting pre-emption to this petitioner who had, contrary to law, established himself on the public lands; that in acting on such a case the merits of the individual (which all acknowledged) ought not to be taken into consideration; that if the prohibitory law was wrong, it ought to be repealed, but while in existence it ought to be rigidly enforced, and not have impunity and encouragement held out to disregard and violate it, &c.

The debate continued, with much animation, until three o'clock.

The question being taken on Mr. JOHNSON'S motion to reverse the report and grant the prayer of the petitioner, it was decided by yeas and nays, as follows:

YEAS—Messrs. Benton, Brown, Edwards of Connecticut, Hayne, Jackson, Johnson of Louisiana, Kelly, King of Ala., Lanman, Smith, and Talbot—11.

NAYS—Messrs. Barbour, Barton, Bell, Branch, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, King of New York, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, Melvaine, Macon, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Taylor of Indiana, Thomas, Van Buren, Van Dyke, and Williams—32.

The report of the committee was then agreed to.

MONDAY, January 19.

NICHOLAS WARE, from the State of Georgia, whose credentials were read and filed during the last session, attended, was qualified, and took his seat in the Senate.

The PRESIDENT laid before the Senate a report of the Secretary of the Treasury, made in pursuance of an act "to regulate and fix the compensation of clerks in the different offices," exhibiting the amount received by each clerk in the several offices of the Treasury Department, for services rendered during the year 1823.

The PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the Director of the Mint, giving the result of sundry assays, made in pursuance of instructions from that Department.

The PRESIDENT communicated a letter signed William H. Jones, soliciting the patronage of the Senate to Lucas's Universal Atlas.

Mr. LOWRIE presented the memorial of James C. Fisher, and others, merchants and underwriters, of the city of Philadelphia, stating that their claims against the Government of France for illegal seizures and condemnations, were released by the convention of 1800; and praying the payment of the same, or to be restored to the state in which they were anterior to the convention. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. BARBOUR presented the memorial of Alexander Wilson, and others, merchants and underwriters, of Norfolk and Portsmouth, in the State of Virginia, stating that their claims against the Government of France, for the illegal seizure and condemnation of their property, were released by the convention of 1800; and praying the payment thereof, or to be restored to the state in which they were anterior to the convention. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. SMITH presented the memorial of a number of merchants, manufacturers, and property-holders, of the city of Baltimore, representing the injurious tendency of the auction system, and praying a duty of ten per centum may be imposed on sales by auction, excepting the effects of bankrupts, of deceased persons, goods sold for the benefit of un-

derwriters, shipping, and real estate. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. DICKERSON presented the memorial of Samuel J. Read, and others, and the memorial of William Russell, and others, praying an additional duty on the importation of foreign iron, and on certain manufactures thereof. The memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. HOLMES, of Maine, said that, by an act of Congress, the sum of \$10,000 per annum, was appropriated for the purpose of civilizing the Indian tribes in the vicinity of the United States; that it had been apprehended, by the wording of that act, that the sum, thus appropriated, could be applied to the civilization only of such tribes of Indians as are located on the frontiers of the country; that several of the States had Indian tribes within their limits, who were as fit subjects for the provisions of the act as any others, and whose situation promises as much success in any attempt at improving their condition; that, in the State of Maine, there were two of this kind, the Penobscot and the Passamaquoddy tribes. Mr. H. remarked, that the law required an annual exhibition to Congress, of the expenditure of the sum appropriated; but that he had not seen such a statement. His present object, however, was to inquire whether the act might not be so modified as to extend the benefits of its provisions to other Indians than those situated on the frontiers. He therefore submitted the following resolution, which was read, and laid over for consideration:

Resolved, That the Committee on Indian Affairs be instructed to inquire whether any alterations are necessary, in the act "making provision for the civilization of the Indian tribes adjoining the frontier settlements," so as to authorize a part of the fund, provided by the act, to be applied to the instruction and civilization of the Indians in the State of Maine, or any other State where such Indians are not adjoining "frontier settlements."

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of repealing the act of Congress, entitled "An act to prevent settlements being made on lands ceded to the United States, until authorized by law," passed the 3d of March, 1807.

Mr. SMITH submitted the following motion for consideration:

Resolved, That the Secretary of the Senate be, and hereby is, authorized to purchase five copies of Lucas's Universal Atlas, for the use of the Senate.

Mr. SMITH, from the Committee on Finance, to whom was referred, on the 19th of December, the memorial of the President and Directors of the Merchants' Bank of Newport, Rhode Island, made a report; which was read, and ordered to be printed for the use of the Senate.

Mr. RUGGLES, from the Committee of Claims, to whom was recommitted, on the 26th December, the report of said committee on the petition

of Hanson Kelly, with certain instructions, made a report; which was read.

Mr. MILLS, from the Committee on Foreign Relations, to whom was referred, on the 12th of December, the petition of Richard O'Brien, made a report; which was read, and ordered to be printed for the use of the Senate.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to alter the times of holding the district court at Mobile, in the district of Maine," reported it with an amendment; which was read, and ordered to be printed for the use of the Senate.

Mr. BARTON presented sundry documents, relating to the petition of Thomas F. Riddick, presented on the 12th instant; and they were referred to the Committee on Public Lands.

On motion, by Mr. ELLIOTT, Daniel W. Coxé had leave to withdraw his memorial and documents.

Mr. JOHNSON, of Kentucky, gave notice that he should ask leave to bring in a bill for the relief of James Johnson.

The Senate proceeded to consider the motion of the 15th instant, in relation to the progress made in preparing maps, directed to be made and laid before the Senate, by their resolution of the 28th day of February last; and agreed thereto.

The resolution offered on Friday last, by Mr. WILLIAMS, directing the Secretary of the Treasury to prepare, for the Senate, a list of all pursers and navy agents, who are in arrears to the United States, with the amount of arrearages, and the sum likely to be lost by the Government, was again read, and agreed to.

The resolution offered on Friday last, by Mr. EATON, directing an inquiry, whether any, and, if any, what amendments, alterations, and improvements, are necessary in the judicial code of the District of Columbia, was again read, and agreed to.

The bill for the final adjustment of land claims, in the State of Missouri and Territory of Arkansas, derived from the Governments of France and Spain, was read the second time.

Mr. SMITH, from the Committee on Finance, reported a bill which came from the other House, "authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States in the year 1824," with a trifling amendment.

On motion of Mr. S., the bill was taken up for consideration in Committee of the Whole, reported to the Senate, and passed to a third reading. Subsequently, by general consent, the bill had its third reading, was passed as amended, and sent back to the other House.

On motion of Mr. JACKSON, the Senate, as in Committee of the Whole, proceeded to consider the bill reported by the Military Committee of the Senate, explanatory of an act, entitled "An act for the relief of the officers, volunteers, and other persons engaged in the late campaign against the Seminole Indians, passed the 4th of May, 1822."

This bill provides for the payment for horses and equipages lost by the volunteer officers engaged

in that campaign, and for the payment of the value of horses and equipages lost in battle, by the volunteer officers and soldiers in the said campaign. A discussion of some length took place upon the propriety of passing this bill; in which Messrs. JACKSON, CHANDLER, EATON, JOHNSON of Kentucky, LOWRIE, LANMAN, BENTON, RUGGLES, HOLMES of Maine, and HAYNE, engaged. The bill was then reported to the Senate without amendment, and passed to be engrossed and read the third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to authorize the surveying and making a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas;" and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The resolution proposing an additional rule for conducting business in the Senate was read the second time.

TUESDAY, January 20.

Mr. RUGGLES presented the petition of Jesse Camp, of Ohio, praying a pension, in consideration of his services during the Revolutionary war. The petition was read, and referred to the Committee on Pensions.

Mr. BROWN presented the petition of John Pritchard, of Ohio, surviving brother and heir at law of Samuel and William Pritchard, who were soldiers in the Revolutionary army, praying the bounty in land to which his brothers were entitled, or an equivalent in money.—Referred to the Committee on Military Affairs.

Mr. D'WOLF presented the memorial of Audley Clarke and others, merchants of Newport, Rhode Island, praying indemnity for depredations committed under the authority of the Government of France, from 1793 to the year 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Agreeably to notice, Mr. JOHNSON, of Kentucky, asked and obtained leave to introduce a bill for the relief of James Johnson; which was read, and passed to the second reading.

Mr. JOHNSON, of Kentucky, submitted a document in relation to the settlement of the accounts of James Johnson.

Mr. RUGGLES from the Committee of Claims, to whom was referred, on the 14th instant, the bill entitled "An act for the relief of Garrett Fountain," reported it without amendment.

The Committee of Claims were discharged from the further consideration of the petition of John Frank, referred to the committee on the 18th December.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred, on the 7th instant, the bill, entitled "An act for the relief of Samuel Wharton," reported it without amendment.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, to whom was referred, on the 13th instant, the petition of Banister Stone,

made a report, together with a resolution, that the prayer of the petitioner ought not to be granted.

The Committee on Public Lands were discharged from the further consideration of the petition of John Rush and Samuel Conway, referred to the committee on the 15th instant.

The bill explanatory of an act, entitled "An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians," was read a third time, and, on motion, amended, by unanimous consent, and passed.

Mr. VAN BUREN gave notice that he should ask leave, on Thursday next, to introduce a joint resolution, proposing an amendment of the Constitution of the United States, on the subject of the power of Congress to make roads and canals.

Mr. HOLMES, of Maine, gave notice that he should ask leave to bring in a bill to provide for the security of public money in the hands of attorneys, clerks of courts, and marshals, and their deputies.

Mr. SMITH submitted the following motion for consideration:

Resolved, That the President be requested to cause information to be given to the Senate of the progress made for fixing sites for fortifications at St. Mary's and Patuxent rivers; in preparing plans for the same; and in estimating the cost of each fortification; conformably with the resolution of the Senate of the 20th of February, 1823.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act concerning invalid pensions;" in which they request the concurrence of the Senate.

The report of the Committee on Claims, unfavorable to the petition of Hanson Kelly, of North Carolina, was taken up for consideration. This petitioner claims an additional sum of money, which he states to be due him, under a contract with the marshal of North Carolina, for supplying rations to prisoners during the late war. Mr. RUGGLES stated the views of the committee on the subject. Messrs. BRANCH, MACON, BELL, EDWARDS, of Illinois, KELLY, CHANDLER, SMITH, VAN DYKE, and LANMAN, spoke upon the allowance of the claim. A motion of Mr. MACON, to reverse the report of the committee, prevailed; and the report was recommitted, with instructions to prepare a bill for the relief of the petitioner.

WEDNESDAY, January 21.

DANIEL D. TOMPKINS, Vice President of the United States, and President of the Senate, attended.

Mr. LANMAN presented the petition of Cornelius Huson, stating that, during the late war, he was impressed, together with his sleigh and horses, into the service of the United States; that, while in this service, in attempting to cross the ice, at Sackett's Harbor, his horses and sleigh were lost, and himself severely wounded; and praying relief. The petition was read, and referred to the Committee on Pensions.

Mr. LLOYD, of Maryland, presented the memorial of the President and Directors of Columbia Turnpike Road Company, praying an augmentation of the tolls authorized by the act of incorporation. The memorial was read, and referred to the Committee on the District of Columbia.

Mr. HOLMES, of Maine, presented the petition of George Ulmer, stating that, during the late war, a transport ship, belonging to the enemy, having been run on shore, and abandoned, a quantity of ordnance on board was preserved, and delivered to an officer of the United States, through the exertions of the petitioner and a company of United States troops and volunteers, under his command; and praying compensation for the same. The petition was read, and referred to the Committee on Naval Affairs.

Mr. D'WOLF presented the memorial of John T. Child, and others, merchants and underwriters, of Warren, Rhode Island, praying indemnity for the seizure and condemnation of their property, under the authority of the Government of France, from 1793 to 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. LOWRIE presented the memorial of Joseph Old, and others, praying an additional duty on imported iron, and on certain manufactures thereof. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. EATON presented the petition of Henry M. Johnson, praying compensation for his services in surveying and marking a road from Reynoldsburgh, on the Tennessee river, to intersect the Natchez old road. The petition was read, and referred to the Committee of Claims.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the petition of William Vaughan, reported a bill rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy; which was read, and passed to the second reading.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom the subject was referred, on the 19th December, reported a bill regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise in the public vessels of the United States; which was read, and passed to a second reading.

Mr. RUGGLES, from the Committee of Claims, agreeably to instructions, reported a bill for the relief of Hanson Kelly; which was read, and passed to a second reading.

Mr. D'WOLF, from the Committee on Commerce and Manufactures, to whom the subject was referred, on the 17th December, reported a bill allowing a drawback on the exportation of cordage manufactured in the United States, from foreign hemp; which was read, and passed to a second reading.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration:

Resolved, That the Secretary of the Navy be requested to communicate to the Senate, so far as can be ascertained from the accounts in the Navy Depart-

ment, the quantity of cordage, manufactured from hemp of domestic growth, which has been used in the service of the Navy since the year 1812; and the reasons, if any, why cordage manufactured from domestic hemp cannot be used as advantageously, and as economically, for the Navy of the United States, as cordage manufactured from imported hemp.

Mr. EATON, from the Committee on Public Lands, to whom was referred the bill entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," reported it with an amendment; which was read.

On motion, by Mr. LANMAN, the Senate resumed the consideration of the motion, of the 14th instant, to discharge the Committee on Pensions from the further consideration of the petition of Dean Weymouth, and it was determined in the negative.

The Senate proceeded to consider the motion of the 20th instant, to authorize the purchase of five copies of Lucas's Atlas; and it was referred to the Committee on the Library.

The Senate proceeded to consider the motion, of the 20th instant, relative to the progress made in fixing sites for fortifications at St. Mary's and Patuxent rivers; and agreed thereto.

A message from the House of Representatives informed the Senate that the House have passed a resolution in relation to an intended visit of the Marquis de Lafayette to the United States; in which they request the concurrence of the Senate.

The resolution was received, and twice read by general consent; when Mr. HAYNE moved that the resolution be referred to a select committee. On this motion some conversation took place, not on the merits of the resolution, but on the questions whether it was best to refer it at all, and, if so, to what committee; on which points there was some diversity of opinion, but none in regard to the feelings of respect and affection for Lafayette, for whom all the gentlemen expressed these sentiments in warm terms. Messrs. KING, of New York, BRANCH, HOLMES, of Maine, CHANDLER, JOHNSON, of Kentucky, LANMAN, and HAYNE, took part in this discussion, which resulted in the reference of the resolution to a select committee of five members; and Messrs. HAYNE, KING, of New York, MACON, SMITH, and JACKSON, were appointed the said committee.

The bill entitled "An act concerning invalid pensions" was read, and passed to the second reading.

The bill for the relief of James Johnson was read the second time, and referred to the Committee on Military Affairs.

The Senate proceeded to consider the report of the Committee on Military Affairs, on the petition of Banister Stone; and it was ordered to lie on the table, and be printed for the use of the Senate.

The bill from the House of Representatives making an appropriation for opening a road from opposite Memphis, on the Mississippi, to Little Rock, in the Territory of Arkansas, was taken up.

Mr. CHANDLER, conceiving that the decision on this bill would in effect settle what the sense of

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the Government is, in the long agitated question of internal improvements, said he should ask for the yeas and nays on its passage.

Mr. BROWN said if this bill could settle that question, it had been settled long since, as similar acts had been passed, &c. The question was then taken on ordering the bill to a third reading, and was carried.

Agreeably to the order of the day, the Senate resumed, as in Committee of the Whole, the consideration of the resolution, introduced by Mr. DICKERSON, proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of President and Vice President of the United States, together with the amendment reported thereto; and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The report of the Committee on Foreign Relations, unfavorable to the petition of Richard O'Brien, was taken up and agreed to.

The report of the Committee on Finance, unfavorable to the memorial of the Merchants' Bank of Newport, Rhode Island, was taken up for consideration. The petitioners pray that certain stamp duties, which they paid on the notes of their bank, in the year 1817, may be refunded, for certain reasons stated in their petition. Mr. D'WOLF opposed the report, and moved an amendment, so as to reverse the effect of the report. Messrs. SMITH, HOLMES, of Maine, and LLOYD, of Massachusetts, also spoke against the report. The motion of Mr. D'WOLF prevailed, and the report was recommitted, with instructions to bring in a bill.

The resolution submitted yesterday by Mr. HOLMES, of Maine, proposing an inquiry into the expediency of extending the provisions of an act for the civilization of the Indians on the frontiers, to the tribe of Indians within the United States, was again read and agreed to.

SETTLEMENTS ON PUBLIC LANDS.

The resolution proposed yesterday by Mr. JOHNSON, of Louisiana, proposing an inquiry into the expediency of repealing the act of Congress, "preventing settlements being made on the public lands, until authorized by law," was again read for consideration.

Mr. JOHNSON, in support of the resolution, said that, in the discussion which had taken place a few days since, upon the claim of Colonel White, the act mentioned in this resolution had frequently been alluded to, and several members had expressed their opinion that it ought to be repealed. Being of the same opinion himself, knowing that the operation of the law was very injurious to the interests of the State of Louisiana, and believing that it could never be the true policy of the Government to prevent the settlement of its lands; he had proposed an inquiry into the propriety of repealing that law. He thought that, so far from preventing the settlement of these lands, the Government should do all in its power to encourage it. Vast tracts of lands in the State of Louisiana

yet remain unsettled, and it is not in the power of the State, under the present circumstances, to do any thing towards their settlement. Many of the lands in question had not even been surveyed. The power of the United States to hold such lands, waste and useless to the State in which they are situated, is doubted by many of the most enlightened and intelligent men. It was an opinion entertained, Mr. J. said, by many persons, who were highly competent to judge in such a case, that when the State was admitted into the Union, with all the privileges and powers belonging to the other States, that it had a right to the control over these lands—at any rate, to whomsoever this power belongs, it is obvious that the settlement of lands ought to be facilitated, and with a view to that object, he had submitted this resolution; as it merely proposed an inquiry into the expediency of repealing the law, he trusted it would not be objected to.

Mr. KING, of New York thought it an unusual course to refer a subject of this kind to a committee; as it could as well be settled by the Senate, without such reference. He dissented entirely from the opinions advanced by the gentleman from Louisiana—he thought the true policy of the country was, to prohibit, by all possible means, the unlawful settlement of its lands. These lands had been purchased of the Indians, with money from the public Treasury—surveys had been instituted, at great expense to the nation—and the prices, which the Government now puts upon its lands, are so very low, that no reasonable man can require that they should be less. The terms upon which they are offered are highly advantageous to every one who is desirous to go there, and make settlement. Although the policy of France and Spain had been different, in regard to the settlement of public lands, yet, Mr. K. thought our policy far the most unexceptionable, as it provides for a regular, just, and moral settlement, by fair and legal titles. Every one who wished to become the possessor of a portion of the land in question, could easily acquire a sure title to it. If such a regular and orderly settlement was to be produced, it could only be done by adhering to the system which the Government has adopted. Mr. K. asked gentlemen to consider, if the public lands were thrown open to every one who saw fit to settle upon them, without price and without title, whether there could be any guarantee for the security of property, in such a settlement.

If those extensive tracts of country of which the gentleman had spoken, were settled in that way, men would be sent to Congress to make laws for the people, who had themselves entirely disregarded the laws and the rights of property. Such a state of things would be deplorable indeed. The only men who are fit to make laws for the people, are those who hold their property by a just and fair title. He believed that Congress had ever been willing to do, and had done, every thing that was fair and equitable, to encourage the settlement of the public lands; and he had always thought that the system now acted on had greatly advanced that object. The greatest difficulties which

had been encountered in the business, had arisen from the uncertainty of the French and Spanish titles. If this law, which is so necessary to the credit and the happiness of the country, were repealed, such a repeal would have a strong tendency to subvert the proper settlement of the lands belonging to the Government.

Mr. JOHNSON briefly replied to Mr. KING. Messrs. HOLMES, of Maine, and BENTON, made a few remarks on the subject; and the resolution was negatived by a considerable majority.

THURSDAY, January 22.

Mr. SMITH presented the petition of Thomas Evans and William Coppuck, stating that, in the execution of their contract with the United States for building a lighthouse, and the appendages thereto, at the mouth of the Patapsco river, they have been compelled by sickness, and other casualties, to expend a greater sum than that to which, under their contract, they are entitled; and praying to be indemnified from loss.—The petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. SMITH presented the memorial of William F. Chesley and others, securities of Thomas Evans and William Coppuck, praying to be reimbursed a sum by them advanced to the said Thomas Evans and William Coppuck, for the purpose of enabling them to fulfil their contract with the United States for the erection of a lighthouse and other buildings.—The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of Amasa Stetson, made a report, together with a bill for the relief of Amasa Stetson.—The report and bill were read, and the bill passed to the second reading.

Mr. BELL, from the Committee of Claims, to whom was referred, on the 31st December, the petition of Rezin Rawlings and John Locke, executors of Daniel Rawlings, deceased, made a report, together with a resolution, that the prayer of the petitioners ought not to be granted.

Mr. SEYMOUR, from the Committee on the Contingent Expenses of the Senate, to whom was referred a resolution to authorize the employment of an additional engrossing clerk during the indisposition of Samuel Turner, jr., reported the same with an amendment.

Mr. KELLY communicated a resolution of the Legislature of the State of Alabama, requesting their Senators and Representatives in Congress to convey to that body the anxiety felt that a law may pass to authorize the holding of the district court of the United States at some place in the northern portion of the State.—The resolution was read, and laid on the table.

Mr. KING, of Alabama, communicated a resolution of the Legislature of the State of Alabama, requesting their Senators and Representatives in Congress to use their best exertions to obtain such a modification of existing laws as will enable that

State to effect the improvement of its navigable waters; and particularly to obtain the consent of the United States to two acts, passed by the Legislature of the said State: the one, entitled "An act to improve the navigation of the Coosa river, and to aid in its connexion with the Tennessee waters;" the other, "An act to improve the navigation of the Tennessee river."—The resolution was read, and referred to the Committee on the Judiciary.

Mr. KELLY presented the memorial of the General Assembly of the State of Alabama, praying relief to certain purchasers of public lands, who have been aggrieved by the construction given to the act of 1821.—The memorial was read, and referred to the Committee on Public Lands.

The Senate proceeded to consider the motion of the 21st instant, relative to cordage manufactured from hemp of domestic growth, which has been used in the service of the Navy since the year 1812, and agreed thereto.

The bill rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy, was read the second time.

The bill entitled "An act concerning invalid pensioners," was read the second time, and referred to the Committee on Pensions.

The bill for the relief of Hanson Kelly was read the second time.

On motion, by Mr. EATON, the Senate resumed, as in Committee of the Whole, the bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," together with the amendment reported thereto; and it was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the bill authorizing the building of an additional number of sloops of war for the naval service of the United States; and the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of President and Vice President of the United States, together with the amendment reported thereto; and the further consideration thereof was postponed to, and made the order of the day for, Thursday next.

The Senate resumed, as in Committee of the Whole, the bill for the relief of William Gilbert; and it was referred to the Committee on Foreign Relations.

The Senate resumed, as in Committee of the Whole, the bill for the relief of the legal representatives of Firman Le Sieur; and, no amendment having been made, it was reported to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Celestin Moreau, of Louisiana; and no amendment having been made thereto, it was reported

to the House, and ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to alter the times of holding the district court at Mobile, in the district of Alabama;" and the further consideration thereof was postponed until to-morrow.

The Senate resumed the consideration of the resolution submitted on the 15th instant, proposing an additional rule for conducting business in the Senate, and agreed thereto.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Samuel Wharton; and it was ordered to lie on the table.

AMENDMENT TO THE CONSTITUTION.

Mr. VAN BUREN rose, in pursuance of notice given on Wednesday last, to ask leave to introduce a joint resolution, proposing an amendment to the Constitution of the United States, on the subject of the power of Congress to make roads and canals. He said he was as much opposed as any man, to frequent alterations of the form of government under which we live, but he would make no apology for bringing this matter before the Senate, in so imposing a form as that of an amendment to the Constitution. He would not do so, because he was entirely convinced that no one could dispassionately consider the present state of the question, to which his resolution relates, without feeling the imperious necessity of some Constitutional provision on the subject. It was not his intention, at this time, to enter into the discussion of the matter; he would only submit one or two general remarks in relation to it. Of the importance of the question, it was not necessary to speak. Suffice it to say, that, in its scope, it embraces the funds of the nation to an unlimited extent, and in its result must affect, as far as the agency of the Federal Government was concerned, the future internal improvement of a great and flourishing country. Is the power to make roads and canals, within the States, now vested in the Federal Government? Individuals, said Mr. V. B., may give their impressions, with their reasons for the various ingenious constructions they put upon the different parts of the Constitution, to make out that this power exists; but all candid men will admit that there are few questions more unsettled. Whilst, in some States, the power is universally conceded, and its exercise loudly required, in others, its existence is as generally denied, and its exercise as ardently resisted. Is there cause to believe that, as the Constitution now stands, a construction will obtain, which will be so far acquiesced in as to be regarded and enforced as one of the established powers of the General Government? He thought there was not. For about twenty years, this subject had been one of constant and earnest discussion. Efforts have at various times been made in Congress to exercise the power in question. They have met sometimes with more, and sometimes with less, favor. Bills, containing the assertion, and directing the exercise of this power, have passed the two Houses, and been returned, with objec-

tions, by two successive Presidents, and failed for want of the Constitutional majority. The last Congress and the Executive were arrayed against each other, upon the question, and as far as a recent vote of the other House may be regarded as evidence of the present opinion of Congress, there is every reason to believe that such is now the case.

The Government has now been in operation rising of thirty years; and although the subject has always been a matter of interest, no law clearly embracing the power has ever yet been passed. There is, therefore, but little reason to hope, that, without some Constitutional provision, the question will ever be settled. If the General Government has not now the power, Mr. V. B. said, that he for one, thought that, under suitable restrictions, they ought to have it. As to what those restrictions ought to be, there might, and probably would, be diversity of opinion. But, as to the abstract proposition, that as much of the funds of the nation as could be raised, without oppression, and as are not necessary to the discharge of existing and indispensable demands upon the Government, should be expended upon internal improvements, under restrictions regarding the sovereignty and securing the equal interest of the States, he presumed there would be little difference of opinion. He could not but hope, that those who think the better construction of the Constitution is, that Congress now have the power, would also consent to some amendment. They must, at all events, admit that it is far from being a clear, and certainly not a settled matter, and in view of the danger always attending the exercise of a doubtful right by the Federal Government against the persevering opposition of the several States, they would decide whether, instead of contesting this matter as it has been done for so many years, it would not be more for the interest of the nation, as well as the credit of the Government, to place the matter on well defined ground. There were many strong reasons why he thought this course ought to be pursued, and which, at the proper time, he would take the liberty to urge. For the present, he would simply add, that, independent of the collisions of State interests, which this power is more likely than any other to produce, the exercise of it in the present state of the Constitution, and with an Executive whose reading of it should be different from that of the present, and the two who last preceded him, could not fail to be grossly unequal among the States; because it is well known that there were some States who have invariably, and who will, as long as they prefer the inviolability of the Constitution to their local interest, continue to oppose the exercise of this power with them. Without, therefore, the ability to prevent, they would be excluded from the benefits of its exercise. The course now proposed had been earnestly recommended to the last Congress by the present Executive, and, when the subject came up for discussion, he would endeavor to show that its adoption was called for by the best interests of the nation.

Leave was then granted, and Mr. VAN BUREN

offered the following resolution, which was read, and passed to a second reading:

Resolved, &c., That the following amendment of the Constitution of the United States be proposed to the Legislatures of the several States:

"Congress shall have power to make roads and canals; but all money appropriated for this purpose, shall be apportioned among the several States according to the last enumeration of their respective numbers, and applied to the making and repairing of roads and canals within the several States, as Congress may direct; but any State may consent to the appropriation by Congress of its quota of such appropriation in the making or repairing of roads and canals, without its own limits; no such road or canal shall, however, be made within any State, without the consent of the Legislature thereof, and all such money shall be so expended under their direction."

The joint resolution reported by a select committee of the Senate, proposing an amendment of the Constitution in regard to the election of President and Vice President, was taken up, and, on motion of Mr. BARBOUR, was postponed, and made the order of the day for Thursday next.

The Senate resumed, as in Committee of the Whole, the bill for the final adjustment of land claims in the State of Missouri and Territory of Arkansas, derived from the Governments of France and Spain; and, on motion, the Senate adjourned.

FRIDAY, January 23.

The PRESIDENT communicated a memorial of the General Assembly of the State of Indiana, praying the co-operation of the General Government in effecting a canal communication to unite the River Wabash with Lake Erie. The memorial was read, and referred to the Committee on Roads and Canals.

Mr. KNIGHT presented the petition of Israel R. Potter, of Providence, Rhode Island, praying to be placed on the roll of Revolutionary pensioners. The petition was read, and referred to the Committee on Pensions.

Mr. MILLS presented the memorial of Josiah White, representing the expediency of an additional duty on the importation of linseed oil into the United States. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. DICKERSON presented the memorial of James Rowland and others, of Philadelphia; the memorial of Andrew Jack and others, of Lancaster, Pennsylvania; the memorial of Stephen Denton and others, of Morris county, New Jersey; the memorial of David Allen and others, of New Jersey; and the memorial of Charles Hoff and others, severally praying an additional duty on the importation of foreign iron, and on certain manufactures thereof. The memorials were read, and referred to the Committee on Commerce and Manufactures.

Mr. DICKERSON presented the memorial of M. Rowland, and others, of Philadelphia, praying a revision of the tariff, for the purpose of protecting the manufactures of the United States. The me-

morial was read, and referred to the Committee on Commerce and Manufactures.

The bill for the relief of the legal representatives of Firman Le Sieur, was read a third time, and passed.

The bill for the relief of Celestin Moreau, of Louisiana, was read a third time, and passed.

The bill from the House of Representatives authorizing a road to be made from Memphis, in Tennessee, to Little Rock, in the Territory of Arkansas, was read the third time, and, upon the question of passing it, Mr. CHANDLER said that, as he doubted the power of Congress to pass this act, he requested the privilege of recording his name against it. He, therefore, called for the yeas and nays on the question; which were as follows:

YEAS—Messrs. Barbour, Barton, Brown, Clayton, Dickerson, Eaton, Edwards of Connecticut, Elliott, Hayne, Holmes of Mississippi, Jackson, Johnson of Louisiana, Kelly, King of Alabama, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, Noble, Palmer, Parrott, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Thomas, Van Dyke, and Williams—29.

NAYS—Messrs. Bell, Chandler, D'Wolf, Holmes of Maine, King of New York, Knight, Macon, and Mills—18.

So the bill was passed.

Mr. SMITH, from the Committee on Finance, to whom was recommitted the report of the Committee on the memorial of the President, Directors, and Company, of the Merchants' Bank, in Providence, Rhode Island, reported a bill for their relief; which was read, and passed to the second reading.

On motion, by Mr. BARTON, the Committee on Public Lands were discharged from the further consideration of the memorial of Isaac A. Smith, and others, of Florida, presented the 22d December.

On motion, by Mr. BARTON, that the Committee on Public Lands be discharged from the further consideration of the petition of Charles Morgan, presented on the 18th of December, it was ordered that the motion lie on the table.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred, on the 29th December, the memorial of the heirs of Joseph Chastang, and the petition of Nicholas Cook, agent for the heirs of Nicholas Baudin, reported a bill confirming the claims of the heirs of Nicholas Baudin, and the heirs of Joseph Chastang, to certain tracts of land, which was read, and passed to the second reading.

Mr. JACKSON, from the Committee on Military Affairs, to whom was referred, on the 13th instant, a report of the Secretary of War, in relation to a military road from Fort St. Philip to the English Turn, made a report, together with a bill to authorize the President of the United States to cause to be made a military road from Fort St. Philip, on the river Mississippi, to the English Turn, as an auxiliary to the defence of New Orleans. The report and bill were read, and the bill passed to the second reading, and the report

and documents ordered to be printed for the use of the Senate.

The Senate proceeded to consider the report of the Committee of Claims on the petition of Rezin Rawlings and John Locke, executors of Daniel Rawlings, and the further consideration thereof was postponed to Monday next, and the report ordered to be printed for the use of the Senate.

The bill for the relief of Amasa Stetson was read the second time.

The resolution proposing an amendment to the Constitution of the United States in relation to roads and canals, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the final adjustment of land claims in the State of Missouri and Territory of Arkansas, derived from the Governments of France and Spain; and the further consideration thereof was postponed to, and made the order of the day for, Monday next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to alter the times of holding the district court at Mobile, in the District of Alabama," together with the amendment reported thereto; and the further consideration thereof was postponed to, and made the order of the day for, Monday next.

The Senate resumed, as in Committee of the Whole, the resolution to authorize the Secretary of the Senate to employ an additional engrossing clerk, during the indisposition of Samuel Turner, jun., together with the amendment reported thereto; and the amendment being agreed to, the resolution was reported to the House, and ordered to be engrossed, and read a third time, as amended.

The bill for the relief of Garrett Fountain was taken up, in Committee of the Whole. It provides payment for the rent of a store occupied by the Government, in St. Louis. Mr. RUGGLES stated the grounds of the claim. The bill was then reported to the Senate, and passed to be engrossed, and read the third time.

The bill reported by the Committee on Naval Affairs, for the payment of prize money to Lieutenant Francis H. Gregory, and others, the officers and crew of two boats which captured a British gunboat upon Lake Ontario, was taken up in Committee of the Whole. Mr. LLOYD, of Massachusetts, stated the circumstances of the case, and remarked upon the gallantry of the exploit. Messrs. BENTON and LLOYD, of Maryland, made some remarks upon the bill. It was then reported to the Senate, and passed to be engrossed, and read the third time.

SLOOPS OF WAR.

The Senate then proceeded to consider, as in Committee of the Whole, the bill authorizing the building of an additional number of sloops of war for the naval service of the United States.

Mr. PARROTT said that, upon examination into this subject, he had found that the Government had, at different times, built twelve or thirteen vessels of the description proposed to be built, under this act; that this class of vessels were of the greatest use, both in peace and war; that the ex-

perience of the last year furnishes proof enough of their utility. The outrages committed by the pirates in the West Indian seas had shown the necessity of vessels of such a size as were best fitted to protect our commerce. In 1803 Congress had authorized the building of four vessels of sixteen guns, in 1804 two others were built, and in 1813 six additional vessels of the same class—making, in the whole, twelve vessels. By shipwreck, decay, and disaster, a considerable portion of these vessels were lost; and there now only remained three or four of them, and those not of the best kind. By passing this act, Congress would only restore the former number of sloops of war. The great amount of our trade to the West Indies, requiring the protection of the Government, could be protected in no better way than by this class of vessels; and when their general utility and efficiency were considered, Mr. P. hoped the bill would not be opposed. He said if the bill should pass, that probably all the vessels would not be built this year, and that the money would not be called for immediately; probably three years would elapse before the ten vessels, authorized by the bill, would be completed.

Mr. CHANDLER had no objection to this class of vessels; but he thought the Navy, both in respect to the large and the small vessels, was about to be increased beyond what the circumstances of the country require. He believed that if five vessels, of the class proposed in the bill, were built, it would be amply sufficient. He, therefore, moved to strike out the word "ten" from the bill.

Mr. LLOYD, of Massachusetts, read a letter from the Secretary of the Navy to the Committee on Naval Affairs, stating it as his opinion that the economy and convenience of the service required an addition of as many as ten vessels of this class. Mr. L. made some few remarks in support of the bill. He said that the small number of navy yards on our seacoast rendered it probable that not more than five or six of the vessels would be built the present year, if the act passed in its present shape; and, consequently, that not more than \$400,000 or \$500,000 of the money would be wanted within the year, and that economy in building them would be promoted by this delay, as the timber could be purchased, and time allowed for it to season.

Mr. SMITH thought the Senate ought to have some regard to the finances of the country, while acting upon bills of this kind, and to recollect that this specific appropriation was over and above the annual appropriation of \$500,000 for the increase of the Navy; that not only the cost of building these vessels should be taken into view, but also the annual expense of supporting them afterwards; that the great demands upon the Treasury, for the disbursement of the public debt and other purposes, should be considered. He hoped, if the bill should pass, that the building of these vessels would not be confined to those places where the navy yards were established, but that contracts would be made in other ports, in order to give their mechanics a share of the business. He concluded by moving the postponement of the bill till Tuesday next.

Mr. LLOYD, of Massachusetts, did not rise for the purpose of opposing the postponement of the bill, for he was always in favor of giving time for inquiry, but he wished to raise his voice against building any public vessels by contract; he would not vote one dollar to build by contract. The pernicious effects of this mode of building had been sufficiently proved. In Great Britain public vessels built by contract had frequently rotted before they were off the stocks.

Messrs. HOLMES of Maine, LLOYD of Maryland, MACON, and LOWRIE, each made a few remarks upon the subject, and the motion to postpone, to Tuesday next, prevailed.

OFFICERS OF CONGRESS.

Mr. SEYMOUR, from the Committee on the Contingent Expenses of the Senate, to whom was referred, on the 12th instant, the bill to revive and continue in force an act, entitled "An act fixing the compensation of the Secretary of the Senate and Clerk of the House of Representatives, and of the Clerks employed in their offices, and of the Librarian," passed April 18, 1818, together with the amendment proposed thereto, reported the same with an amendment; which was read.

Mr. SEYMOUR, from the Committee on the Contingent Expenses of the Senate, to whom was referred, on the 15th instant, a resolution directing an inquiry into the expediency of electing, at stated periods, the Secretary of the Senate, the Principal and Engrossing Clerks, the Sergeant-at-Arms, and Doorkeeper, and the Assistant Doorkeeper of the Senate, made a report, together with the following resolutions:

Resolved, That the Secretary of the Senate shall be chosen by the Senate on the second Monday of the first session of the Nineteenth Congress, and on the second Monday of the first session of every Congress thereafter.

Resolved, That the Sergeant-at-Arms and Doorkeeper, and Assistant Doorkeeper of the Senate, shall be chosen by the Senate on the second Monday of the first session of the Nineteenth Congress, and on the second Monday of the first session of every Congress thereafter.

The report and resolutions were read, and on motion the Senate adjourned.

MONDAY, January 26.

Under authority of a resolution, introduced some days ago by Mr. KING, of New York, and subsequently passed by the Senate, the Vice President announced, to-day, from the Chair, that he had adopted the following regulations:

All persons, except members of Congress, and the Secretary of the Senate, and Clerk of the House of Representatives, and their officers and assistants, are excluded from the Secretary's office.

The picture room, adjacent to the office of the Secretary of the Senate, to be closed while the Senate are sitting.

All persons offering fruit and refreshments, are excluded from the passages leading to the Senate, and from the rooms set, or to be set apart for their use.

No persons, except members of the Senate, of the

House of Representatives, and the Heads of the Departments, be allowed a place under the gallery, and with the exception of the members of the House, the Heads of Departments, officers of the Senate, and stenographers, that no person be allowed a place upon the floor of the Senate, unless introduced by a Senator.

The PRESIDENT laid before the Senate a report of the Secretary of War, transmitting a statement of the expenditures of the appropriation, made by the act of 1819, for the civilization of the Indian tribes adjoining the frontiers; and the report was read.

The PRESIDENT laid before the Senate a report of the Secretary of the Department of War, made in pursuance of an act of Congress, passed 20th of April, 1818, exhibiting the names of the clerks employed in that Department during the year 1823, and the amount received by each; and the report was read.

The PRESIDENT laid before the Senate a report of the Secretary for the Department of War, made in conformity to the 5th section of the act of Congress of the 3d March, 1809, showing the expenditure of the moneys appropriated for the contingent expenses of the Military Establishment, for the year 1823; and the report was read.

Mr. FINDLAY presented the memorial of Benjamin Mears, and others, praying an additional duty on imported iron, and on certain manufactures thereof; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. NOBLE presented the petition of John Montgomery, praying compensation for a boat impressed into the service of the United States, during the late war. The petition was read, and referred to the Committee on Claims.

Mr. LANMAN presented the petition of Thomas Staniford, who was appointed an Assistant Deputy Paymaster General during the late war, stating that, owing to the destruction of his vouchers by fire, in the year 1817, he has been prevented from obtaining a credit for the sums expended in the public service, and praying the passing of an act to authorize the equitable settlement of his accounts. The petition was read, and referred to the Committee on Claims.

Mr. HOLMES, of Maine, from the Committee on Finance, to whom was referred the bill better to secure the accountability of public officers, and others, reported it, with amendments; which were read.

Mr. RUGGLES, from the Committee of Claims, to whom was referred, on the 17th December, the petition of Joseph Forrest, reported a bill for the relief of Joseph Forrest; which was read, and passed to the second reading.

Mr. LOWRIE submitted the following motion for consideration:

Resolved, That the Committee on Pensions be instructed to inquire into the propriety of placing James Morrow, a wounded soldier of the late war, upon the pension list.

The bill, entitled "An act for the relief of Garrett Fountain," was read a third time, and passed.

The bill rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy, was read a third time, and passed.

The resolution authorizing the temporary employment of an additional engrossing clerk, in the office of the Secretary of the Senate, was read a third time, and passed.

The Senate proceeded to consider the report of the Committee of Claims, on the petition of Rezin Rawlings and John Locke, executors of Daniel Rawlings, deceased; and it was laid on the table.

The bill allowing a drawback on the exportation of cordage, manufactured in the United States from foreign hemp, was read the second time.

The bill regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise in the public vessels of the United States, was read the second time.

The bill to authorize the President of the United States to cause to be made a military road from Fort St. Philip, on the river Mississippi to the English Turn, as an auxiliary to the defence of New Orleans, was read the second time.

The bill for the relief of the President, Directors, and Company, of the Merchants' Bank in Newport, Rhode Island, was read the second time.

The bill confirming the claims of the heirs of Nicholas Baudin, and the heirs of Joseph Chastang, to certain tracts of land, was read the second time.

The Senate, as in Committee of the Whole, proceeded to consider the bill, reported by the Committee on Public Lands for the final adjustment of land claims in the State of Missouri, and Territory of Arkansas. Mr. BARTON stated the principles of the bill. Messrs. CHANDLER and LOWRIE made some remarks upon it, and it was postponed until to-morrow.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of authorizing the present register of the land office at Opelousas, Louisiana, to make to the Secretary of the Treasury a report of all the land claims filed in his office, in pursuance of the provisions of the act of Congress, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," passed 11th of May, 1820, and to perform such other duties, in relation to the said claims, as should have been performed by the former register of the said land claims.

The bill to alter the time of holding the district court in Mobile, in the State of Alabama, was taken up in Committee of the Whole. Mr. KELLY proposed some amendments in the details of the bill; which were remarked upon by Mr. KING of New York, and Mr. BARBOUR, and agreed to by the Senate. Mr. KELLY then stated the propriety of passing this bill, as being necessary for the judicial convenience of the people of

the State of Alabama. The bill was reported to the Senate, and passed to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida; and on motion, by Mr. EATON, it was re-committed to the Committee on Public Lands.

The resolution reported by the Committee on the Contingent Fund, providing for the biennial election of the officers of the Senate, was taken up for consideration. Some remarks were made upon it by Messrs. LANMAN, MILLS, and HOLMES of Maine. A motion by Mr. LANMAN to postpone the subject indefinitely was lost; and the resolution was agreed to.

Mr. SMITH gave notice that he should ask leave to bring in a bill for the gradual supply of cannon, bombs, and howitzers, for the fortifications.

On motion, by Mr. MILLS, the report of the Committee of Claims, on the petition of Amasa Stetson, and the documents relating thereto, were ordered to be printed for the use of the Senate.

THE MARQUIS DE LAFAYETTE.

Mr. HAYNE, of South Carolina, from the select committee to whom was referred the resolution in relation to an intended visit of the Marquis De Lafayette to the United States, reported the following amended resolutions:

The Marquis De Lafayette having expressed his intention to revisit this country:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be requested to communicate to him the assurances of grateful and affectionate attachment still cherished for him by the Government and people of the United States.

And be it further resolved, That, whenever the President shall be informed of the time when the Marquis may be ready to embark, that a national ship (with suitable accommodation) be employed to bring him to the United States.

The resolution having been read—

Mr. HAYNE said, that the committee, to whom these resolutions were referred, had directed him to report them in a shape which, it is believed, will meet the wishes, and accord with the views, of every gentleman in this House. I may, said he, be permitted, individually, to indulge this hope, not only from the character of the proposition, but also from the unanimity which prevailed in the committee, composed, as it was, with the single exception of him who now addresses you, of statesmen and soldiers of the Revolution; men who have fought and bled, or suffered, in the cause of their country, and whose opinions are entitled to the highest respect.

I have seldom, said Mr. HAYNE, had a more delightful duty to perform, than that of reporting these resolutions in honor of the Marquis De Lafayette—resolutions intended to give expression to the feelings of veneration and attachment which the people of the United States have always cherished for that gallant soldier and devoted patriot.

After an absence from this country of nearly half a century, his services are still "freshly remembered," while his virtues are enshrined in every American heart. There are men still left among us, who were his companions in arms, or who, from their high stations in the public service, witnessed his exertions in the field. I behold some of them now around me, occupying seats in this Hall, and honoring, by their presence, the councils of their country; men, whose heads have indeed been bleached by the revolution of many Winters, but whose hearts time has had no power to chill. Their bosoms still swell with patriotic emotions, and the warm current of unbroken affection rushes strongly towards the friends of their youth, and their old companions in arms. Perhaps there exists no stronger tie than that which binds the patriot and soldier to those with whom he has shared common dangers, and achieved common victories. Such men, said Mr. H., will excuse me, the members of this honorable body will indulge me, while I dwell, for a few moments, on the character and services of the gallant Lafayette. We are, it is true, no strangers to his history, yet we may recall some of the incidents of his life with perfect satisfaction, as few men have ever exhibited so much purity in motive, and so much virtue in conduct.

The era of the American Revolution found the Marquis Lafayette a young man, (only nineteen years of age,) in attendance at the Court of his sovereign, the King of France. A nobleman by birth, of a distinguished family, and the heir to a large fortune, he might be said, in the language of Lord Byron, to have been "bred an aristocrat." That the earliest reflections of such a man should have made him aspire to the character of the benefactor of mankind; that his very first step should have placed him by the side of patriots and heroes who were fighting the battles of freedom, establishes beyond all question that he was a man "cast in no common mould." While other noblemen of his age and standing were swelling the pomp and pageantry of power, he resisted the blandishments of the Court; closed his breast against the influence of pleasure; tore himself from his kindred and his native land, to vindicate, in America, the rights of man. It is recorded by the historians of the day, that the American Commissioners at Paris, in consequence of an unfavorable turn in the tide of our affairs, strongly dissuaded the youthful soldier from taking that decisive step, and it is positively asserted, that the French Monarch, so far from encouraging the enterprise, actually issued orders for his arrest. They were unavailing; for what obstacles are insuperable to the noble in soul—the firm in heart—the steadfast in purpose? Lafayette fitted out an expedition at his own private expense, and embarked himself and his fortunes in the cause of freedom. He arrived at Charleston early in 1777, and notwithstanding his extreme youth, was immediately appointed by Congress a Major General in the American Army. From that period to the termination of the contest, he performed, with extraordinary zeal and fidelity, all the duties incident to his exalted station, and proved himself, on all oc-

casions, a high-minded and accomplished gentleman, a gallant soldier, and a consummate Captain. At the battle of Brandywine, he freely shed his blood in our service, and in the campaign of 1781, he was intrusted by WASHINGTON with the command of a separate army for the defence of Virginia. He fulfilled that high duty to the perfect satisfaction of the Commander-in-Chief, and to the admiration of the whole country. It is sufficient praise to say that, on that occasion, he, with a very inferior force, baffled the skill, and frustrated the plans of the "all-accomplished Cornwallis."

All who knew Lafayette during the Revolution, bear united testimony to his uncommon merit. The histories of that day are filled with instances of his gallantry and good conduct. But why multiply proofs? His best eulogy was embraced in a single sentence: *WASHINGTON was his friend!* Witness the letter written by his own hand while President of the United States, to the Emperor of Germany, (soliciting the release of the Marquis from the prison into which he had been thrown,) breathing in every line a brotherly affection; and in which he declares, "that his friendship for the Marquis Lafayette has been constant and sincere." WASHINGTON never forgot—he never ceased to love him; and his last will affords evidence that he cherished for him feelings which not even the prospect of death could extinguish. Lafayette did not leave our shores until he had seen us a free and independent nation: and from that moment to the present, he has claimed, as the proudest of his titles, that of an American citizen.

I will pass over the troubles in which he has been constantly involved since his return to France, with the single remark, that it will be recorded by the candid historian of this eventful age, that, amidst scenes of blood, in which unhappy France has been steeped, the hands of Lafayette were unstained; and though surrounded by temptations, before which the best hearts and best minds of Europe have fallen, he has "held fast his integrity to the end." The United States have at no period been unmindful of the debt which they owe to the Marquis Lafayette. They have recorded their gratitude, not merely by repeated votes of thanks, but by more substantial deeds; nor should it ever be forgotten, that it was an American citizen who opened the doors of his dungeon at Olmutz.

Let it not be supposed that these resolutions are superfluous, or that they add nothing to the expressions of the national gratitude. The moral effect of measures of this character is very great. They act on public opinion, (that lever by which the modern world is moved;) they purify public feeling and ennoble public sentiment, teaching the rising generation the great lessons of patriotism and of duty. Republics have been charged with ingratitude, and Europeans, ignorant of the whole structure of our Government and the course of our policy, have supposed that the charge is justified by our own example. But, when it shall, at some future period, come to be known abroad how the United States have, on all occasions, acted

towards the Marquis Lafayette; when it shall be understood that, in addition to the other proofs of our gratitude, (which I am not disposed here to enumerate,) we approached him in his old age with the expressions of our affectionate attachment; it may perhaps be acknowledged that there can be no better inheritance than the gratitude of a free people.

There is another view of this subject, said Mr. H., entitled to some weight. It is the moral effect of the proposed measure on our own country. No one acquainted with the American character, can doubt that the Marquis Lafayette will meet with such a reception here as is due to the friend of WASHINGTON. He will be met by the few survivors of the Revolution, (his former companions in arms,) with the warmth of an old and tried affection; he will find in the hands of some of them the treasured memorials of his ancient friendship; he will be greeted with enthusiasm by millions of freemen. How enviable will be the feelings of that venerable man, when, in traversing this great Republic, he shall behold every where the triumph of order, peace, political and religious liberty, unexampled prosperity, and unequalled happiness? and when he shall feel, and know, and hear it every where acknowledged, that these blessings are in part the fruit of his efforts!

The Marquis Lafayette has signified his wish to visit our country. He must not be suffered to approach it as an undistinguished stranger. He must come protected by the flag under which he has so often fought, and so often conquered.

These resolutions are worthy of the National Legislature; they will find a response in every American bosom. I hope, I trust, they will pass the Senate as they have done the House of Representatives, by a unanimous vote.

The happiest moment in the life of the Marquis Lafayette was probably that when, finding that France had acknowledged the independence of the United States, he rushed into the presence of WASHINGTON, and throwing himself on the bosom of his friend, burst into a flood of patriotic tears. But, should we pass this resolution, he is destined to experience still more exalted happiness, when he shall be assured, by the unanimous vote of the American Congress, "of the grateful and affectionate attachment still cherished for him by the Government and people of the United States," and when he shall be hailed by ten millions of freemen as their benefactor.

Mr. CHANDLER expressed his assent to the resolution as reported by the select committee. It was unanimously passed to be engrossed, and read the third time; and, subsequently, had its third reading, by general consent, and passed.

TUESDAY, January 27.

The PRESIDENT laid before the Senate a report of the Secretary for the Department of State, prepared in pursuance of a resolution of the Senate of the first of March last, exhibiting the factories, in each State, employed in manufacturing for sale such articles as would be liable to duties

if imported from foreign countries. The report was read, and ordered to be printed for the use of the Senate.

Mr. FINDLAY presented the memorial of James Kilton, and others, the memorial of Matthew Davis, and others; the memorial of Cyrus Jacobs, and others; the memorial of Aaron Erwin, and others; also, the memorial of John Dowlen, and others; severally praying additional duties on imported iron, and on certain manufactures thereof. The memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. VAN BUREN presented the petition of Conrad Ten Eyck, of Detroit, in the Territory of Michigan, praying indemnification for a quantity of merchandise, of which he was plundered by the Chippewa Indians, during the late war; and for which it was their intention to provide, by a supplemental article of a treaty, concluded between the said Indians and the Commissioner acting on behalf of the United States. The petition was read, and referred to the Committee of Claims.

Mr. DICKERSON presented the petition of Elizabeth McFarland, praying relief, in consideration of the wounds received by her husband at the battle of Chippewa, and of which he has since died.

Mr. RUGGLES, from the Committee of Claims, to whom was referred, on the 26th December, the memorial of Walter S. Chandler, reported a bill for the relief of Walter S. Chandler; which was read, and passed to the second reading.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred, on the fifth January, the petition of Peter H. Hobart and Lewis Judson, reported a bill confirming the claim of Peter H. Hobart and Lewis Judson to a certain tract of land; which was read, and passed to the second reading.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred, on the 5th instant, the petition of Charles Parent, reported a bill confirming the claim of the heirs and legal representatives of Charles Parent to two tracts of land; which was read, and passed to the second reading.

On motion, by Mr. VAN BUREN, the Committee on the Judiciary were discharged from the further consideration of the petition of James Hunter and John P. Williamson, presented and referred on the 30th December.

Mr. SMITH asked and obtained leave to bring in a bill for the gradual supply of cannon, bombs, and howitz, for the fortifications; which was read, and passed to the second reading.

The Senate proceeded to consider the motion of the 26th instant, to instruct the Committee on Pensions to inquire into the expediency of placing James Morrow upon the pension list; and agreed thereto.

The bill for the relief of Joseph Forrest was read the second time.

Agreeably to the order of the day, the Senate resumed, as in Committee of the Whole, the con-

sideration of the bill to abolish imprisonment for debt; and, on motion by Mr. MILLS, the further consideration thereof was postponed to, and made the order of the day for, Friday next.

The bill to alter the time of holding the district court in Mobile, in the State of Alabama, was read the third time, and passed.

The bill for the final adjustment of land claims in the State of Missouri, and Territory of Arkansas, under French and Spanish titles, was taken up in Committee of the Whole. After some debate, in which Messrs. BARTON, CHANDLER, KING, of New York, LOWRIE, and BENTON, took part, the bill was reported to the Senate, and passed to be engrossed, and read the third time.

LAND CLAIMS IN LOUISIANA.

The following resolution, proposed yesterday by Mr. JOHNSON, of Louisiana, was taken up for consideration:

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of authorizing the present register of the land office at Opelousas, Louisiana, to make, to the Secretary of the Treasury, a report of all the land claims filed in his office, in pursuance of the provisions of an act of Congress, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," passed 11th May, 1820; and to perform such other duties in relation to said claims, as should have been performed by the former register of the said land office."

Mr. JOHNSON, in support of his resolution, remarked, that, by the act of 1820, the registers of the land offices at New Orleans, Opelousas, and Ouachita, in the State of Louisiana, were required to receive notices, in writing, of all land claims in their respective districts, which had not previously been filed and acted on, with such evidence as might be offered, with respect to them; and to make, to the Secretary of the Treasury, on the first day of January thereafter, a report of all the claims filed in pursuance of the provisions of the said act. He said, that the registers at New Orleans, and at Ouachita, faithfully performed the duties required of them by the law alluded to, and that their reports were acted upon by Congress at the last session. But he regretted that he was constrained to say, that the former register at Opelousas had grossly violated his duty, and that the people of the district had, in consequence, been subjected to great inconvenience. No report had yet been received from him; and as he was, some time since, appointed to another office, it is believed, by the Secretary of the Treasury, that the register now in office is not authorized to make the report contemplated by the act alluded to. The object of his resolution, therefore, he said, is, to obtain an act giving the necessary authority to the present register.

The resolution was then agreed to.

SLOOPS OF WAR.

The Senate proceeded, as in Committee of the Whole, to consider the bill authorizing an additional number of sloops of war, for the naval ser-

vice of the United States. On motion of Mr. LLOYD, of Massachusetts, the bill was amended, by inserting the words, "as soon as suitable materials can be procured," and, also, by striking out the clause respecting the sum to be appropriated.

Mr. LLOYD, of Massachusetts, rose in support of the bill. He went generally into a consideration of the merits of the bill, and gave, at length, an illustration of the usefulness and gallantry of the Navy of the United States, and of the expediency of increasing the Naval Establishment, by the addition of the ten sloops of war proposed in the bill, whether considered in reference to a due apportionment, or classification, of the naval force of the United States; as a school for the preparation of officers for higher and more important commands; and as a measure of economy, to prevent the employment of the larger vessels for the protection of our commerce, on our own coasts, in the Mediterranean, and in the Pacific; and concluded by expressing his hope, that as many of the sloops of war should be authorized to be built forthwith, as suitable materials can be provided for; and that preparation be made for building the remainder, not exceeding ten, the year ensuing.

Mr. CHANDLER was still opposed to this bill—he had no objection to an augmentation of the naval force, so far as it was necessary—but he thought it better not to build vessels faster than the service required; and that five vessels would be as many as were, at this time, necessary.

Mr. SMITH had no objection to providing that the materials for building the vessels in question, should be prepared—for he thought it highly necessary that the timber should be seasoned—and he presumed the attention of the Navy Department would be confined to the purchase of the timber only, at present. He thought it was not necessary, at this time, to go into a consideration of the services rendered by the Navy. Those who were once opposed to the Navy, had now become its friends. At one time, there had been a general antipathy towards a Navy; particularly among the persons then composing one of the great parties in the country; he, himself, had always been in favor of it. A short time before the war, the subject was brought before Congress: and a very able investigation was made. He had no doubt, at that time, but the general voice of the nation was in favor of a navy; but still an antipathy was, in some parts of the country, entertained against it. But nearly all had now become friendly to it. The late war had obviously shown the necessity of a Navy. By that war, it had been fully confirmed that, when we met on equal terms, we were fully competent to cope with any enemy, on the ocean. The battles on Lake Erie and Champlain had fully refuted all theories against a naval force. The principal part of our glory in that war, was gained upon the water. He believed the description of vessels referred to in this act was very useful—that they furnish employment for our young officers, which he considered a very important circumstance. Our seamen are always ready for service—but not so with the officers—they require practice, and knowledge of seaman-

ship, and to be accustomed to command—these qualifications are only to be obtained in service. In this way they are prepared for maintaining the glory which the country has already obtained.

But still it is possible we may go too far in the business of increasing the Navy. It is always an indispensable duty to keep an eye on the finances of the country. Congress should not go to such expenditures on account of the Navy, as to make that unpopular, which was now popular. This consideration had induced him to make the remarks on this subject, which he made to the Senate the other day. And he felt glad that the gentleman from Massachusetts had seen fit to amend the bill, so as to take the sense of the Senate upon his view. Mr. S. said, he did not precisely agree with the honorable member, in regard to the situation of the financial concerns of the country. The probable balances in the Treasury could not always be considered as being at the disposal of Congress. When certain sums are appropriated for expenditures, they may be spent within the year; and, therefore, future balances cannot be safely calculated upon. It was stated that there would not be more than nine millions in the Treasury on the 1st January, 1825. If the law for purchasing seven per cent. stock should be taken advantage of by the holders of the stock, these purchases would require a part of that amount. The Commissioners of the Sinking Fund will have a right to demand nine millions from the Treasury. To meet all the demands, at least fifteen millions will be necessary, on the 1st January, 1825; and, to raise this sum, a loan may be necessary. If the present appropriation were reduced to one-half the amount at first proposed, he thought it probable not more than half this reduced sum would be required, during the present year; and, thus modified, he should be willing to vote for the bill.

Mr. LOWRIE said, he had not yet obtained the information to which he had alluded, when this subject was before the Senate some days since, and was not quite satisfied to vote for the bill. He wished to know what disposition was to be made of these vessels, if built. He believed those which we had already, of the same class, had been, for a considerable part of the time since the war, out of employ; and, if this were the case, it certainly could not be necessary to increase the number. If the vessels were absolutely requisite, for the good of the service, he would be willing to vote for building them; even if it was necessary to borrow money for the purpose. He thought, however, that bills of this nature, making large appropriations, ought to originate in the other House.

Mr. PARROTT made a few remarks in favor of the bill, and in confirmation of his observations, when the bill was before under consideration.

On motion of Mr. HAYNE, the bill was postponed to Friday next, and made the order of the day.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Isaac Kelly; and, on motion, the Senate adjourned.

WEDNESDAY, January 28.

When the Senate came to order, the VICE PRESIDENT stated that a melancholy event which had occurred since the session yesterday, (the death of a relative of his family,) would prevent his attendance this day—and Mr. GAILLARD was called to the Chair.

Mr. NOBLE presented the petition of George Sutton, and others, foreigners, stating their intention to become citizens of the United States, and praying, for certain reasons, that their naturalization may be accelerated.—Referred to the Committee on the Judiciary.

The PRESIDENT laid before the Senate a report of the Secretary of the Treasury, made in obedience to a resolution of the Senate, of the 19th instant, transmitting a communication from the Commissioner of the General Land Office, in relation to the progress made in completing the maps required by a former resolution of the Senate.

Mr. PARROTT presented the memorial of the President and Directors of the Alexandria Turnpike Company, praying authority to collect toll from foot passengers. The memorial was read, and referred to the Committee on the District of Columbia.

Mr. FINDLAY presented the memorial of Joshua Garsed, of Frankford, Pennsylvania, praying additional duties on the importation of certain articles, of which flax is the material of chief value.—The memorial was read, and referred to the Committee on Commerce and Manufactures.

The bill for the gradual supply of cannon, bombs, and howitz, for the fortifications, was read the second time, and referred to the Committee on Military Affairs.

The bill for the relief of Walter S. Chandler was read the second time.

The bill confirming the claim of the heirs and legal representatives of Charles Parent to two tracts of land was read the second time.

The bill confirming the claim of Peter S. Hobart and Lewis Judson, to a certain tract of land, was read the second time.

The Senate resumed, as in Committee of the Whole, the bill to revive and continue in force an act, entitled "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, of the clerks employed in their offices, and of the Librarian," passed 18th April, 1818, together with the amendment reported thereto; and, on motion, it was laid on the table.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Amasa Stetson; and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the resolution proposing an amendment to the Constitution of the United States, in relation to roads and canals; and it was ordered to lie on the table.

The Senate then proceeded, as in Committee of the Whole, to consider the bill the better to secure the accountability of public officers. Mr. HOLMES,

of Maine, stated the object of the bill in detail; and, on motion of Mr. PARROTT, it was postponed, and made the order of the day for Monday next.

The bill for the relief of Hanson Kelly was taken up, as in Committee of the Whole, reported to the Senate without amendment, and passed to be engrossed and read the third time.

The Senate resumed, as in Committee of the Whole, the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and the further consideration thereof was postponed to, and made the order of the day for, Tuesday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of the legal representatives of John Michael, deceased;" in which they request the concurrence of the Senate.

The Senate resumed, as in Committee of the Whole, the bill regulating the transportation of gold and silver bullion, specie, and jewels, and to prohibit the receipt of merchandise, in the public vessels of the United States; and the further consideration thereof was postponed to, and made the order of the day for, Tuesday next.

The bill for the relief of the Merchants' Bank of Newport, Rhode Island; the bill to confirm the title of Nicholas Baudin and Joseph Chastang to a certain tract of land; and the bill for the relief of Samuel Wharton, were severally taken up in Committee of the Whole, reported to the Senate without amendment, and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Joseph Forrest; and it was ordered to lie on the table.

The bill from the House of Representatives, entitled "An act for the relief of the legal representatives of John Michael, deceased," was read, and passed to a second reading.

The bill for the final adjustment of land claims in the State of Missouri and Territory of Arkansas, derived from the Governments of France and Spain, had its third reading. On the question of passing the bill, Mr. LOWRIE called for the yeas and nays, which were as follows:

YEAS—Messrs. Barbour, Barton, Benton, Brown, D'Wolf, Elliott, Gaillard, Holmes of Mississippi, Jackson, Johnson of Louisiana, Knight, Lloyd of Massachusetts, Macon, Noble, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Thomas, Van Dyke—21.

NAYS—Messrs. Bell, Chandler, Clayton, Dickerson, Edwards of Connecticut, Findlay, Hayne, Holmes of Maine, King of New York, Lanman, Lowrie, Mills, Palmer, and Van Buren—14.

So the bill was passed.

MILITARY ROAD.

The bill to authorize the President of the United States to cause to be made a military road from Fort St. Philip, on the river Mississippi, to the English Turn, as an auxiliary to the defence of New Orleans, was taken up for consideration. A considerable debate took place, in which Messrs. CHANDLER, JACKSON, JOHNSON, of Louisiana,

KING, of New York, HOLMES, of Maine, SMITH, MILLS, MACON, BENTON, and BROWN, engaged. The bill was supported on the ground that the road contemplated is absolutely necessary to render Fort St. Philip useful as a means of defence; that fortification being at present accessible only by water, which mode of communication is found extremely inconvenient for the transportation of cannon and other munitions of war, and renders the garrison peculiarly defenceless in time of war. It was also contended that this bill, proposing the construction of a road for purposes purely and solely military, does not come within the purview of the great question of Constitutional power, on the part of Congress, to construct roads and canals. On the other hand, it was argued that, if the road were indeed for military purposes exclusively, it should be constructed by the troops of the United States, or from the proceeds of the public lands contiguous to it, without calling for appropriations from the Treasury. The bill was objected to as immediately involving the question upon the power of Congress to make roads; as, in its course, it was contemplated to pass, for a considerable distance, through lands belonging to individual citizens of the State of Louisiana; and it was thought best by some members that the consideration of it should be postponed until the question of Constitutional power should, in some shape, be decided. The bill was finally laid upon the table.

THURSDAY, January 29.

The PRESIDENT communicated a letter from the Governor of the Territory of Florida, transmitting a copy of the laws passed at the last session of the Legislative Council of that Territory; which was read.

The bill for the relief of Hanson Kelly; the bill for the relief of the President, Directors, and Company of the Merchants' Bank of Newport, Rhode Island; the bill confirming the claim of the heirs of Nicholas Baudin and Joseph Chastang to a certain tract of land; and the bill for the relief of Samuel Wharton, were severally read the third time, and passed.

Mr. BROWN, from the select committee on Roads and Canals, to whom was referred the bill, entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida," reported it without amendment.

The bill from the House of Representatives, entitled "An act for the relief of the legal representatives of John Michael, deceased," was read the second time, and referred to the Committee on the Judiciary.

The bill from the House of Representatives, entitled "An act for the relief of Samuel Wharton," was read the third time, and passed.

Mr. KING, of New York, presented the petition of Samuel Ward, praying the passage of a law authorizing the renewal of a final settlement certificate, alleged to have been lost. The petition was read, and referred to the Committee of Claims.

Mr. FINDLAY presented the petition of Samuel White, of Pennsylvania, praying indemnification for losses sustained and expenses incurred, whilst performing military duty in the late war with Great Britain, as a Captain in the fifth regiment of Pennsylvania militia; the petition was read, and referred to the Committee of Claims.

On motion by Mr. KING, the bill for the relief of Walter S. Chandler was recommitted to the Committee of Claims, further to consider and report thereon.

Mr. DICKERSON, from the Committee on the Library, to whom was referred the resolution proposing the purchase of five copies of Lucas's Universal Atlas, reported a resolution, authorizing the purchase of one copy of that work.

On motion by Mr. KING, of New York, the report of the Secretary of the Treasury, received yesterday, respecting the progress made in completing certain maps, required by a resolution of the Senate, was referred to the Committee on Public Lands.

Mr. CHANDLER presented the petition of Moses Wing, of Maine, praying an increase of pension; the petition was read, and referred to the Committee on Pensions.

Agreeably to the order of the day, the Senate resumed, as in Committee of the Whole, the consideration of the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of the President and Vice President of the United States, together with the amendment reported thereto by the select committee, Mr. LANMAN in the Chair; and, on motion, the consideration thereof was further postponed to, and made the order of the day for, to-morrow.

AMENDMENTS TO THE CONSTITUTION.

The resolution reported by the select committee on the several amendments to the Constitution, which provide that no person shall be eligible to the Presidency for more than eight years, was taken up for consideration, in Committee of the Whole, Mr. LANMAN in the Chair.

Mr. DICKERSON observed that the amendment now proposed, he had the honor to offer to the Senate, near the close of the last session, in connexion with another proposed amendment, as it respected the choice of Electors of President and Vice President of the United States. It has been deemed more correct to separate these propositions, that each may be discussed on its own merits. At the last session, the amendment now under consideration underwent some discussion, and appeared to meet with no opposition from any quarter, although, for want of time, no decision was had upon it. And the committee of seven, to which it was lately submitted, were unanimously in favor of its adoption. It must appear strange that the principle of this amendment was not adopted in the original Constitution. That it was not, is owing to circumstances which it would be difficult, and perhaps not very important, to explain.

In the Federal Convention, there was probably

no question of more intrinsic difficulty, than that of giving to the Chief Executive that exact degree of power which the interest and safety of the country might require, without infringing upon the rigid principles of Republican Government. On this subject, the opinions of gentlemen were at opposite points. Some were for an Executive during good behavior, or for life, with extensive powers, that would have made our Government an elective monarchy. Others were for restricting his powers, according to the maxims of Roman jealousy. The course adopted was an intermediate one.

No adequate limitation being fixed as to the time or extent of the authority of the Supreme Executive, the natural tendency of our system is to increase and perpetuate power in that branch of our Government. That this result has not been practically felt, is not to be attributed to our Constitution, but to the virtues of the illustrious statesmen who have presided over the councils of this nation.

We should always be fearful of introducing new principles into our Constitution; but there is nothing new in the amendment now proposed. It is as old at least as the Constitution itself. Mr. Randolph, of Virginia, in the Convention, proposed that no person should be elected President of the United States a second time. The term of service then in contemplation was seven years. This proposition was adopted—eight States voting for it, one against it, and one divided. The proposition of Mr. Paterson, of New Jersey, contained a similar provision.

On the 6th of August, 1787, a Committee of the Convention reported a draught of a Constitution, containing this provision. This draught was re-committed, and in a month afterwards, reported as an amended draught; but this important provision, for some mysterious cause, had disappeared—and is no more to be found in the journals of the Convention.

A proposition had been submitted by a delegate from New York, that must have created a great sensation in the Convention. It was, that the Senate and Chief Executive should be elected to serve during good behavior, that is, for life. The Chief Executive to be vested with extensive powers—so as to make him an elective monarch. It is to be presumed that this plan met with but little countenance in the Convention, but the delegate from New York would not have made his proposition, without an assurance of some support.* It probably served to defeat the views of those who were anxious to limit the term of service of the Chief Executive. The plan adopted avoided both extremes—leaving one party to hope that, by some

*On the 17th July, 1787, on a motion to strike out the words seven years, (the term of service proposed for the Chief Executive,) and insert during good behavior, it was decided in the negative: New Jersey, Pennsylvania, Delaware, and Virginia, voting in favor of it; and Massachusetts, Connecticut, Maryland, North Carolina, South Carolina, and Georgia against it.—*Journals of Convention*, page 185.

future amendment, the principle they advocated might be adopted. The other to hope that our system of Government, from its natural tendency, would in time become in substance, if not in form, an elective monarchy.

On the ratification of the Constitution by the States, several of them proposed amendments. Virginia proposed that no person should be capable of serving as President of the United States more than eight years in sixteen. North Carolina proposed the same. New York proposed that no person should be eligible a third time as President of the United States; which is precisely what is now proposed.

The illustrious example of Washington, Jefferson, and Madison, of retiring to the walks of private life, after filling, for eight years, the most important office within the gift of the people, has acquired, in some degree, the force of law; and this is strengthened by all the weight of public opinion. But neither illustrious example, nor public opinion, can restrain ambition, when combined with power. They are not law, but may point out most distinctly what the law should be. And they do, in the most impressive manner, admonish us, while the danger is yet remote, to adopt the proposed amendment, as a permanent part of our Constitution.

In many of the States, their Executive can serve but for limited periods. And this regulation has been found sound in principle and safe in practice. The State Executives, thus limited, possess but little power; yet the President of the United States, with his immense patronage, is not restrained by this salutary limitation. In some parts of our Constitution, we may see traces of the jealous maxims of the ancient Republics; but in the election and power of our Chief Magistrate, where the application of such maxims was most wanted, we perceive nothing of the kind.

A candidate for the Presidency must be a native citizen, or a citizen at the adoption of the Constitution; must be thirty-five years old, and a resident within the United States fourteen years previously to the election. No further conditions are required.

A General, at the head of our armies, may be a candidate for the Presidency, and no doubt will be so, at some future period, when our army, from its numbers, shall be dangerous to our liberties.

In Rome, during the time of the Republic, two consuls were elected, each a check upon the other. They were chosen for a single year. No one could be elected before the age of forty-two. But a law, to which Rome was indebted for ages for her liberty, was this, that no one could sue for the consulship unless personally present, and in a private capacity.

Pompey suffered a law to pass, by which Julius Cæsar was permitted to sue for the consulship while absent, and at the head of a victorious and powerful army, and Cicero lent the aid of his eloquence in favor of this measure. Pompey soon discovered his error, and endeavored to counteract the effects of his rashness, but it was too late. He

was overwhelmed, and the liberties of Rome forever lost.

This period of the Roman history furnishes us with the most instructive lessons, and none more so than the profound dissimulation of Octavius Cæsar, in his insidious and successful march to monarchy. When he had subdued all his enemies, and had under his command an army that could instantly crush any resistance to his power, he professed a willingness to relinquish his authority, and restore the ancient Republic; and the honest Agrippa, to whom he was more indebted for success than to any other man, advised him to do so. But he listened with more complacency to the advice of his friend Macænas, who persuaded him that he ought to consult the advantage of the country, rather than his own repose, and that he could not lay down his power with safety to the country or to himself.

In the Senate he absolutely offered to resign his authority, modestly alleging that to govern such an Empire was a task to which the Gods alone were equal. The Senate, as he knew they would do, besought him not to relinquish the administration. He yielded to their solicitation, and consented to be considered as Prince of the Senate for ten years, and to administer the affairs of the Government with them for that period, by which time, it was presumed, peace and prosperity would be restored to the commonwealth; and this ridiculous farce of relinquishing his power was acted over and over, at the expiration of every ten years, during his long reign, and he was persuaded to retain his authority by Senators who held their lives and fortunes at his will and pleasure. Even the detested and gloomy tyrant Tiberius made a show of resigning his power, but the Senate entreated him, in the most humble manner, to accept the administration of the Government, and not reject a task to which he alone was equal. Tiberius, overcome by the importunities of all around him, yielded to their entreaties, and condescended to take upon him the labor of the Government, purely to satisfy their wishes, and not his own; adding, that he would keep it only till they should think fit to give repose to his old age. He was then fifty-six years old. He soon found an infamous repose for his old age in the island of Capræ; but he never resigned his power but with his breath. Modern history would furnish us with lessons equally impressive, were it necessary to cite them.

Although there seems to be no opposition to this resolution, yet, by some, it may be thought unnecessary; that the principle it contains is so firmly established as not to need the aid of a Constitutional provision. The illustrious example of WASHINGTON, JEFFERSON, and MADISON, has acquired the moral but not the absolute force of law—a force that will yield to the first pressure of ambition and power. Our Presidents have retired from power after holding their important offices for eight years. Their characters afford the most positive assurance that, in this, they were governed by patriotic motives—motives which would have produced the same determinations at much

earlier periods of their lives, under similar circumstances. It is, however, a fact, that no one of them has retired before the age of sixty-four or sixty-five. Ambition, it is to be hoped, begins to subside at this period, and the approach of the infirmities of old age admonish us to retire from the bustle and care of public life. But suppose a young, ardent, ambitious man to be elected President, at the age of thirty-six—his eight years would expire at the age of forty-four—precisely at that period of life when he could be most useful to his country and to his friends—would he willingly follow the example of our illustrious Chief Magistrates? If he did, it would probably be by retiring, not at the expiration of eight years' service, but on his reaching the age of sixty-four or sixty-five years. He would be easily persuaded by his friends that the good of his country absolutely required that he should remain in office; and if he possessed talents to make the most of his patronage and power, he would secure his reelection as often as he should think proper. And this rule, once broken, although consecrated by the example of WASHINGTON, JEFFERSON, and MADISON, would never after have the least effect.

Mr. HOLMES, of Maine, thought there could be no danger in adopting an amendment like this, which goes to restrain power, whatever objection might be urged against increasing the authority of Government. At this time it was peculiarly proper to consider such a subject, when there is no danger from the want of this restraint. When we have a President, popular, young, ambitious, and with all the influence attached to his office, he might offer imaginary dangers, as an excuse for attempt at re-election. The restriction he considered a salutary one.

Mr. BARBOUR did not rise to oppose the amendment, for he thought favorably of it, but he rose to express the views which he believed were entertained by those who proposed the amendment. It would be perceived that the resolution, at present, proposed that no person, after having been twice elected President, shall be again eligible. Mr. B. made some remarks upon this restriction, and concluded by moving to amend the amendment, so as to provide that no person should be elected for more than two terms successively. This provision, he thought, would sufficiently do away the apprehension of any danger from continuity in office.

Mr. DICKERSON opposed the amendment of Mr. BARBOUR. He thought that no individual ought to be elected to the highest office of the Government, in any case, for more than two terms.

Mr. BARBOUR replied. He contended that, after one election, and a subsequent return to private life, the individual ought not to be disfranchised, and deprived of the right to be elected. He instanced the examples of the distinguished individuals, at present living, who have filled the office; living, too, as far as he could ascertain, from his intimate knowledge, of all but one of those individuals, and from having read the public writings of the other, with their mental powers unimpaired by the ravages of time. Such men,

he thought, ought not to be proscribed from a reelection.

Some further debate took place between Messrs. DICKERSON, BARBOUR, and HOLMES, of Maine.

Mr. MACON said, the example of the illustrious men who had filled the office of President, clearly showed their opinions on this subject; that several of them had been solicited to take the office again, but had declined it; that all men who rendered great services to their country, would inevitably meet with the love and gratitude of the people; that there was a time in the life of men advanced in years, when they begin to fear a failure in their faculties, but, when that time has passed, they lose all doubt of their capacity and competency. For this reason there ought to be restraints in the Constitution, as to the time for which persons shall be eligible to the office of President. Mr. M. was in favor of the resolution as reported by the committee, in preference to the amendment proposed by the gentleman from Virginia.

The question was then taken on Mr. BARBOUR's amendment, which was lost.

The original resolution was then reported to the Senate, without amendment, and passed to be engrossed, and read the third time.

FRIDAY, January 30.

Mr. RUGGLES, from the Committee on Claims, reported unfavorably on the petition of William W. Wilson. The report was read, and ordered to be printed.

Mr. TAYLOR, of Indiana, from the Committee on Military Affairs, reported the bill for the relief of James Johnson, without amendment. The report, accompanying the bill, was ordered to be printed.

Mr. LOWRIE presented the memorial of David Potts, and others, praying that additional duties be imposed on imported iron and steel, and on all manufactures thereof; he also presented the memorial of James Lambert and others, of Roger Foster and others, of John Saunderland and others, of William King and others, of John Gaunt and others, and of James McEwen and others, all of the city and county of Philadelphia, severally praying that the tariff may be so modified as to afford that protection to manufactures which is afforded to commerce. The memorials were severally read, and referred to the Committee on Commerce and Manufactures.

Mr. EATON, from the Committee on Public Lands, to whom was referred the bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," reported it without amendment; which was ordered to be printed for the use of the Senate.

Mr. E., from the same committee, to whom was referred, on the 29th of December last, the petition of John Forbes and Company, reported a bill, releasing a certain tract of land to the heirs and legal representatives of John Forbes; and the bill was read, and passed to a second reading.

The Senate resumed, as in Committee of the Whole, the bill to abolish imprisonment for debt;

and, on motion by Mr. JOHNSON, of Kentucky, the consideration thereof was further postponed to, and made the order of the day for, Monday next.

The Senate resumed, as in Committee of the Whole, the bill to authorize the building of an additional number of sloops of war for the naval service of the United States; and, on motion by Mr. HAYNE, the consideration thereof was further postponed to, and made the order of the day for, Tuesday next.

AMENDMENT TO THE CONSTITUTION.

The resolution proposing an amendment to the Constitution of the United States, so as to provide "that no person, having been twice elected to the office of President, shall again be eligible to that office," was read the third time, and the question on passing the same was decided by yeas and nays, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Benton, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Johnson of Louisiana, Kelly, King of Alabama, Lanman, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Ruggles, Smith, Talbot, Taylor of Indiana, Thomas, Van Buren, Van Dyke, Ware, and Williams—36.

NAYS—Messrs. Edwards of Connecticut, Knight, and Seymour—3.

So it was resolved, two-thirds of the Senators present concurring, that this resolution pass, and that the title thereof be, a "Resolution proposing an amendment to the Constitution of the United States, as it respects the election of the President of the United States."

The resolution reported by a select committee of the Senate, proposing an amendment of the Constitution of the United States in relation to the election of President and Vice President, and of Representatives in Congress, was taken up for consideration, as in Committee of the Whole.

The question was declared to be upon a resolution proposed by Mr. BENTON, as an amendment to that reported by the select committee. Mr. B.'s amendment proposes to divide the country into districts, each district having a vote for President and Vice President, that vote to be decided by the ballots of the people, in primary assemblies, without any intermediate Electors; and in case of no choice by the people, then to be decided by the House of Representatives, as at present.

Mr. B. went into an able argument in consideration of the various other modes of election, and in support of that contained in his resolution. Before Mr. B. had concluded, the Senate, on motion of Mr. MILLS, (made in consequence of the apparent fatigue of the Speaker,) adjourned to Monday next.

MONDAY, February 2.

Agreeably to notice given, Mr. HOLMES, of Maine, asked and obtained leave to bring in a bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals,

and their deputies; and the bill was read, and passed to a second reading.

The PRESIDENT communicated a letter from the Navy Department, transmitting copies of the Navy Register, for the use of the Senate; which was read.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration:

Resolved, That the Committee on Naval Affairs, of the Senate, be instructed to inquire into the present state and circumstances of the Navy Hospital Fund; and whether any, and, if any, what, further provision is necessary to carry into effect the wise and humane objects of the Government, in relation to the said fund; with leave to report thereon by bill or otherwise.

Mr. EDWARDS, of Connecticut, presented the memorial of George Hallam, and others, merchants, and underwriters, of New London, in Connecticut, praying indemnification for depredations committed on their commerce by the public and private armed vessels of France, from the year 1793 to 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. MACON presented the memorial of Henry Harvey, and others, of Newbern, and of John Macarylan, of Wilmington, North Carolina, severally praying indemnification for depredations committed on their commerce by the public and private armed vessels of France, from the year 1793 to 1800. The memorials were read, and referred to the Committee on Foreign Relations.

Mr. SMITH presented the memorial of Harrison and Sterret, and others, auctioneers, of the city of Baltimore, praying that no duty may be imposed on sales by auction of British or other foreign manufactures; which was read. He also presented the memorial of William Lorman, and others, manufacturers and mechanics, of the city of Baltimore, praying an increase of duty on certain imported fabrics, and a duty of ten per cent. on foreign fabrics, when sold at auction; which was read.—The memorials were referred to the Committee on Commerce and Manufactures.

Mr. S. presented the petition of Julius Willerd and Thomas Childs, representing that they have invented a gun, called "Infantry," of great efficiency in an army as an instrument of offence or defence; and praying Congress to authorize the purchase of their patent for the use of the Government; which was read, and referred to the Committee on Military Affairs.

Mr. MILLS presented the memorial of William Davis, and others, of Plymouth, and of William Bartlett, and others, of Newburyport, Massachusetts, praying indemnification for depredations committed on their commerce by the public and private armed vessels of France, from the year 1793 to 1800. The memorials were read, and referred to the Committee on Foreign Relations.

Mr. FINDLAY presented the memorial of Nehemiah Sleeper, and others, umbrella manufacturers, of Philadelphia, praying a drawback of duties on the exportation of umbrellas; which was read, and referred to the Committee on Commerce and Manufactures.

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Mr. LOWRIE presented the memorial of John Greemer, and others, of the city and county of Philadelphia, praying that a duty of ten per cent. may be imposed on sales at auction; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. CHANDLER, from the Committee on Military Affairs, to whom was referred, on the 20th ultimo, the petition of John Pritchard, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

Mr. BARTON, from the Committee on Public Lands, reported a bill to regulate the surveying of the public and private lands in the southern part of Alabama; which was read, and passed to a second reading.

Mr. BARTON, from the same committee, to whom was referred, on the 26th December last, the petition of Andrew Henshaw, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

The report and resolution were read, and ordered to be printed for the use of the Senate.

Mr. BARTON, from the same committee, to whom was referred the petition of Thomas F. Riddick, reported a bill for the relief of Thomas F. Riddick, of the State of Missouri; and the bill was read, and passed to a second reading.

Mr. BARTON, from the same committee, to whom the subject was referred, by resolution of the Senate of 12th December last, reported a bill supplementary to "An act to perfect certain locations in Missouri," passed April 26, 1822; and the bill was read, and passed to a second reading. The Senate proceeded to consider the report of the Committee of Claims on the petition of William Wilson; and it was postponed until tomorrow.

The bill releasing a certain tract of land to the heirs and legal representatives of John Forbes, was read the second time.

PRIVATEER PENSION FUND.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom the subject was referred on the 15th ultimo, by a resolution of the Senate, made a report, accompanied by a bill extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty on board the private armed ships of the United States, during the late war; and the report and bill were read, and the bill passed to a second reading. The report was ordered to be printed for the use of the Senate. It is as follows:

That, by a law of the United States, passed June 26, 1812, entitled "An act concerning letters of marque, prizes, and prize goods," it was enacted that two per centum on the net amount, after deducting all charges and expenditures of the prize money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes, recaptured by the private armed vessels of the United States, shall be secured and paid over to the collector,

if such captured or recaptured vessel may arrive in the United States, or to the consul or public agent of the United States, residing at the port or place not within the United States, at which such captured or recaptured vessels may arrive; and the money arising therefrom shall be held, and is hereby pledged, by the Government of the United States as a fund for the support and maintenance of such persons as may be wounded or disabled on board the private armed vessels of the United States, in any engagement with the enemy, to be assigned and distributed in such manner as may, thereafter, be by law provided; that, by a law of the United States, passed February 13, 1813, entitled "An act regulating pensions to persons on board of private armed ships," the Secretary of the Navy was required to place on the pension list, under the like regulations and restrictions as are used in relation to the Navy of the United States, any officer, seaman, or marine, who, on board any private armed ship or vessel, bearing a commission of letter of marque, shall have been wounded, or otherwise disabled in any engagement with the enemy, and to allow certain rates of pensions, therein prescribed, payable from the said fund, and from no other; which said last mentioned act was explained by an act passed August 2, 1813, entitled "An act to amend and explain the act regulating pensions to persons on board private armed vessels;" and that, by another act, passed March 3, 1814, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," pensions were authorized to be granted, for the term of five years, to the widows, and, in certain cases, the children, of those who shall die, or shall have died since June 18, 1812, by reason of a wound received in the line of their duty; which said term of five years was extended to a further term of five additional years, by an act passed April 16, 1818, entitled "An act, in addition to an act giving pensions to the orphans and widows of persons slain in the private armed vessels of the United States," in which further provision was also made for the widows or children of any officer, seaman, or marine, who should have died since June 18, 1812, in consequence of an accident or casualty which occurred while in the line of his duty on board a private armed vessel of the United States.

And the committee further report that the pensions granted or continued, under the aforesaid acts of March 3, 1814, and April 16, 1818, have now expired, or are about expiring; that the fund has its origin exclusively from the retention of a property which would otherwise have belonged to the parties, or their connexions, receiving the benefit of it; that the faith or responsibility of the Government is not otherwise implicated, with regard to this fund, than that it should become its curator or guardian, from a principle of providence and benevolence, for the purpose of affording a shelter and support to those of the brave and hardy seamen of the United States, who, in time of war, may jeopard their lives in battle on the mountain wave, and thus, although in private armed vessels, promote the general interests of their country, by distressing the commerce, and by impairing the mercantile, if not naval, marine of its enemy; that the faith of the nation is not, in any degree, pledged for the sufficiency, nor for any appropriation for the maintenance of this fund; that, by a faithful administration of its concerns, and a distribution of its proceeds, as far as they will meet the objects for which they were provided, the Government will have fulfilled all its

duties in relation to those who are interested in it, and that those duties will have honorably expired with the extinction of the means in which they originated.

And the committee further report that, from information obtained from the Navy Department, it appears there are, at this time, on the Privateer Pension Fund, so called, and which is the fund herein referred to, ninety-seven invalids, disabled in action in the line of their duty, and that there are also ninety-nine widows, or orphans, of persons slain or lost in private armed vessels, who now derive relief therefrom; that the aggregate annual amount of their pensions is \$17,608; that the principal of the fund consists of \$131,369 64 of the six per cent. funded debt of the United States, giving an annual income of \$7,882 17, leaving a deficit, including expenses, of about \$10,000, which has been, and must be, supplied as occasion may require, by a sale of part of the stock belonging to the fund, involving a consequent diminution thereof, and which it has, heretofore, been indispensable to make, as will more fully appear from the letter of the Secretary of the Privateer Pension Fund, bearing date January 24, 1814, accompanying this report, and which the committee request may be received and considered as part thereof, leaving, however, more than a sufficient amount to provide for, and meet a still further extension of the pensions already granted, for the term of five years, in addition to the present term allowed by law: and the committee, therefore, respectfully ask leave to bring in a bill for that purpose.

NAVY DEPARTMENT, Jan. 24, 1824.

SIR: In the absence of the Secretary of the Navy, I have the honor to reply to your letter of the 22d instant, inquiring into "the present state of the Privateer Pension Fund, as regards the principal and income thereof, and the number of pensioners upon it, with the amount of their pensions;" and I beg leave respectfully to state, for the information of the Committee on Naval Affairs of the Senate, that the Privateer Pension Fund consists solely of six per cent. stock of the United States, to the amount of \$131,369 64, yielding an annual income of \$7,882 17. Ninety-seven invalids, disabled in action, or in the line of their duty, and the widows or children of ninety-nine persons, slain or lost in private armed vessels, derive relief from the fund, and are authorized to receive, annually, the amount of \$17,608, viz: the ninety-seven disabled persons are entitled to receive \$6,664, and the ninety-nine widows, or their orphans, at the rate, per annum, of \$10,944.

The pensions to the persons disabled are granted during the continuance of their disability, and those to the widows or orphans for the term of ten years. The commencement of the pensions, respectively, takes place at different periods between the 18th of June, 1812, and the termination of the late war with Great Britain; and all the pensions granted to widows and orphans will expire between this and the 1st day of April, 1825. The number of invalid pensioners has been considerably diminished by death; and of the ninety-seven still retained on the list, several have not, for several years past, claimed their pensions. It is probable some of them are dead; some have recovered from the effects of the injuries they had sustained; and others are absent from the United States.

Pensions, to the annual amount of \$20,568, have been granted to the widows or orphans of one hundred and ninety-seven persons, slain or lost in private armed

vessels; and ninety-eight of these pensions, amounting, annually, to \$9,624, have expired; some by the limitation of their term; some by death, and others by the intermarriage of the widows, without leaving children who had been under sixteen years of age at the time of their parent's decease.

The money which accrued to the Privateer Pension Fund, and by which it is constituted, arising from a deduction of two per centum on the net proceeds of prize money from captured vessels and their cargoes, and also on the salvage of vessels and cargoes recaptured by the private armed vessels of the United States, was, successively, on its receipt into the Treasury, invested in stock of the United States. The amount of stock thus acquired, was, at one time, \$209,580 65; but the interest on this sum, \$12,574 84, proving insufficient for the discharge of the numerous claims admitted under the different acts authorizing the issue of pensions, especially under the act approved the 16th of April, 1818, it became indispensable either to sell part of the principal, or apply to Congress for a special appropriation in aid of the fund. The former course was preferred, and stock, to the value of \$87,451 30, has been sold, at various times, since June, 1819; and, to meet the semi-annual payments, which will become due on the first days of January and July, every year, further sales of the principal will be inevitable, until, at least, the whole of the pensions granted to the widows and orphans shall have been liquidated.

Should the honorable committee, of which you are chairman, desire more particular information in relation to the Privateer Pension Fund, I would respectfully refer you to a detailed report on the subject, made by the Secretary of the Navy, on the 27th of March, 1820, to the honorable the Speaker of the House of Representatives.

With the highest respect, I have the honor to be, sir, your most obedient servant,

JOHN BOYLE,

Sec'y Privateer Pension Fund.

Hon. JOHN LLOYD, Chairman, &c.

AMENDMENT TO THE CONSTITUTION.

In pursuance of the order of the day, the joint resolution reported by a select committee of the Senate, proposing an amendment of the Constitution, in regard to the election of President and Vice President, was taken up for consideration, in Committee of the Whole, Mr. SMITH in the Chair. The first question was upon adopting the amendment submitted by Mr. BENTON, in the shape of a new resolution, proposing a division of the country into districts; each district to have one vote for President and Vice President; that vote to be decided by the ballots of the people, in their primary assemblies; and when no election is made by the people, that the choice shall go to the House of Representatives, as now provided by the Constitution.

Mr. BENTON being entitled to the floor, resumed his remarks in support of his proposition; and before he had concluded, the Senate, on motion of Mr. VAN BUREN, adjourned.

TUESDAY, February 3.

The PRESIDENT communicated a report from the Secretary of War, transmitting a statement of

the appropriations for the service of the year 1812, showing the amount appropriated under each specific head, the amount expended under each, and the balance remaining unexpended in the Treasury, on the 31st December, 1823.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, communicated a letter from the Navy Department, showing the annual expense of maintaining the present Naval Establishment, with information relative to a future Peace Establishment; which was read, and the letter and accompanying documents were ordered to be printed for the use of the Senate.

Mr. RUGGLES, from the Committee of Claims, to whom was recommitted the bill for the relief of Walter S. Chandler, reported it with an amendment.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to repeal, in part, an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned,'" reported it with an amendment.

Mr. VAN BUREN, from the same committee, to whom was referred the bill, entitled "An act for the relief of the legal representatives of John Michael, deceased," reported it without amendment.

Mr. BELL, from the Committee of Claims, to whom was referred the petition of Sarah Easton and Dorothy Storer, made a report, accompanied by a resolution, that the prayer of the petitioners ought not to be granted. The report and resolution were read; and ordered to be printed for the use of the Senate.

Mr. BARTON, from the Committee on Public Lands, to whom the subject was referred, reported a bill to enable the holders of French, British, and Spanish titles to lands, within that part of the State of Louisiana situate to the east of the Mississippi river and island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof; and the bill was read, and passed to a second reading.

Mr. KELLY presented the petition of Alfred Moore and Sterling Orgain, praying the payment of their account against the United States. The petition was read, and referred to the Committee on Military Affairs.

The Senate proceeded to consider the motion of yesterday, to instruct the Committee on Naval Affairs respecting the Navy Hospital Fund; and agreed thereto.

Mr. BARTON submitted the following motion for consideration:

Resolved, That the Committee on Public Lands inquire into the expediency of making further provision, by law, to prevent frauds in surveying the public lands, and in making certificates of such surveys.

The Senate proceeded to consider the report of the Committee on Military Affairs on the petition of John Pritchard; and, in concurrence therewith, resolved, that the prayer of the petition ought not to be granted.

SENATE.

Amendment to the Constitution.

FEBRUARY, 1824.

The Senate proceeded to consider the report of the Committee on Public Lands, on the petition of Andrew Henshaw; and it was postponed until to-morrow.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of William Wilson; and, on motion, by Mr. JOHNSON, of Louisiana, it was ordered to lie on the table.

The bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies; the bill to regulate the surveying of the public and private lands in the southern part of Alabama; the bill for the relief of Thomas F. Riddick, of the State of Missouri; the bill supplementary to "An act to perfect certain locations, and sales of the public lands, in Missouri," passed April 26, 1822; and the bill extending the term of pensions, granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war; were severally read the second time.

AMENDMENT TO THE CONSTITUTION.

The order of the day, being the proposition submitted by Mr. BENTON, to amend the Constitution of the United States, in regard to the election of President and Vice President, was again taken up. Mr. BENTON resumed, and concluded his remarks on the subject, as given entire as follows:

Mr. BENTON said, he would offer no apology for attempting to amend the Constitution. It was his right, and, if sincere in his belief of its necessity, it was his duty to do so. He apprehended no evil from the multitude of amendments proposed, but thought it more probable that beneficial amendments would be rejected than that injurious propositions would be adopted. It was no easy thing now to effect an alteration in the Constitution. The difficulty of carrying an amendment through the process of ratification, presented a great obstacle, and the temper of the American people presented another, not less formidable. Though full of law-making, even to superfluity, upon subjects of ordinary policy, the people discover no disposition to make alterations in their fundamental code. On this point they seemed disposed to answer, like the old English Parliaments, when preparations were made to change the common law, "*Nolumus leges anglie mutari.*" Applauding this sentiment, Mr. B. said, it behooved him to justify himself to the Senate for having submitted a proposition of amendment. The justification could be readily made. It would be found in the fact, that the case had occurred which the framers of the Constitution had foreseen, and for which they had provided a remedy by providing the means of amendment. These great men knew that it was one thing to lay down a plan of Government upon paper, and another to put that Government into practical operation. They knew that the theory might be perfect, and the practice vicious; that experience was the only

infallible test of good or bad institutions; and, despising the arrogance of an overweening confidence in the perfection of their own work, they not only provided the means of amending the Constitution, but they relied upon this capability of amendment as one of the chief arguments in favor of the adoption of the instrument itself. Their language was, "experience must guide our labor; time must bring it to perfection; and the feeling of inconvenience must correct the mistakes into which we inevitably fall in our first trials and experiments."—(*Federalist*, No. 85.) In this spirit they provided a mode for reforming the Constitution, and gave the power of originating the reform both to the Federal and the State Governments, that neither might be dependent upon the other for the exercise of a power on which its own preservation might depend. In fixing upon the manner of making amendments, they flattered themselves that they had hit upon a mode equally remote from that extreme facility which would make the Constitution too mutable, and that extreme difficulty which would give perpetuity to its detected defaults. And, if they have erred in this judgment, they have erred upon the safer side; upon the side of difficulty, and not of facility, in changing the principles of our fundamental code.

The amendment submitted applies to that part of the Constitution which relates to the election of President and Vice President of the United States. Stripped of formal phrases, and minute provisions, and it presents four distinct propositions to the consideration of the Senate:

1. To divide the United States into Electoral districts.
2. To discontinue the use of intermediate Electors.
3. To commit the election to a direct vote of the people.
4. To continue the umpirage of the House of Representatives, in all cases, in which no candidate has received a majority of the whole number of votes.

The first of these propositions has often been before the Senate; the second and third are now considered new, because it is forgotten that they were offered and discussed in the Convention which framed the Constitution; and the fourth is strictly defensive, intended to sustain a part of the Constitution now in force.

Mr. BENTON proceeded to argue the propositions in the order laid down.

First: To divide the United States into Electoral districts.

We are struck with the want of uniformity in the manner of choosing Electors in different parts of the Union. Seven States, entitled to seventy Electors, choose them by districts; seven others, entitled to seventy-one Electors, choose them by a legislative ballot; and the remaining ten, entitled to one hundred and twenty, choose them by a general ticket. In the old monarchies of Europe, a want of uniformity in the operation of the Government is natural, because they are composed of conquered provinces, badly amalgamated, and

FEBRUARY, 1824.

Amendment to the Constitution.

SENATE.

each retaining a part of its former laws and customs; but, in the United States, composed of sovereignties voluntarily united, and all acting under the same clause of the same Constitution, made by themselves, such deviations are most unnatural, and imply a great fault in the Constitution itself, or in its administration by the State Legislatures. The evil of a want of uniformity in the choice of Presidential Electors, is not limited to its disfiguring effect upon the face of our Government, but goes to endanger the rights of the people, by permitting sudden alterations on the eve of an election, and to annihilate the right of the small States, by enabling the large ones to combine, and to throw all their votes into the scale of a particular candidate. These obvious evils make it certain that any uniform rule would be preferable to the present state of things. But, in fixing on one, it is the duty of statesmen to select that which is calculated to give to every portion of the Union its due share in the choice of the Chief Magistrate, and to every individual citizen a fair opportunity of voting according to his will. This would be effected by adopting the *District System*. It would divide every State into districts, equal to the whole number of votes to be given, and the people of each district would be governed by its own majority, and not by a majority existing in some remote part of the State. This would be agreeable to the rights of individuals: for, in entering into society, and submitting to be bound by the decision of the majority, each individual retained the right of voting for himself wherever it was practicable, and of being governed by a majority of the vicinage, and not by majorities brought from remote sections to overwhelm him with their accumulated numbers. It would be agreeable to the interests of all parts of the States; for each State may have different interests in different parts; one part may be agricultural, another manufacturing, another commercial; and it would be unjust that the strongest should govern, or that two should combine and sacrifice the third. The district system would be agreeable to the intention of our present Constitution, which, in giving to each Elector a separate vote, instead of giving to each State a consolidated vote, composed of all its Electoral suffrages, clearly intended that each mass of persons entitled to one Elector, should have the right of giving one vote, according to their own sense of their own interests.

The general ticket system, now existing in ten States, was the offspring of policy, and not of any disposition to give fair play to the will of the people. It was adopted by the leading men of those States, to enable them to consolidate the vote of the State. It would be easy to prove this by referring to facts of historical notoriety. It contributes to give power and consequence to the leaders who manage the elections, but it is a departure from the intention of the Constitution; violates the rights of the minorities, and is attended with many other evils. The intention of the Constitution is violated, because it was the intention of that instrument to give to each mass of persons, entitled to one Elector, the power of giving that

Electoral vote to any candidate they preferred. The rights of minorities are violated, because a majority of one will carry the vote of the whole State. This principle is the same, whether the Elector is chosen by general ticket or by legislative ballot; a majority of one, in either case, carries the vote of the whole State. In New York, thirty-six Electors are chosen; nineteen is a majority, and the candidate receiving this majority is fairly entitled to count nineteen votes; but he counts, in reality, thirty-six; because the minority of seventeen are added to the majority. These seventeen votes belong to seventeen masses of people, of forty thousand souls each, in all six hundred and eighty thousand people, whose votes are seized upon, taken away, and presented to whom the majority pleases. Extend the calculation to the seventeen States now choosing Electors by general ticket or legislative ballot, and it will show that three millions of souls, a population equal to that which carried us through the Revolution, may have their votes taken from them in the same way. To lose their votes, is the fate of all minorities, and it is their duty to submit; but this is not a case of votes lost, but of votes taken away, added to those of the majority, and given to a person to whom the minority is opposed.

Mr. B. would be unwilling to use a harsh epithet, but he considered this case as amounting to an impressment of civil rights, more dangerous to our liberties than the impressment of our bodies by British ships of war. Free elections are the corner stones of all our institutions, and our citizens are sufficiently sensible to all attempts to destroy that freedom by violence. The violation of the right of one single vote, by a military force, would excite the indignation of the whole continent, and the disbandment of our six thousand men would not be enough to relieve us from future apprehension. Yet legislative enactments may be equally fatal, and are, in reality, more dangerous, to the United States, because less dreaded.

A further mischief of the general ticket system is, in segregating the States, drawing them up against one another, like hostile ships in battle. Out of this system has sprung the anti-social words of modern invention—"effective votes," "operative votes"—as if the States were contending with Turks or Russians. This alienates the States from each other, and fills them with hostile feelings, and the President elected must become the President of the States which choose him, and look with coldness and resentment upon those which opposed him.

The choice of Electors by legislative ballot is subject to all the objections which apply to the general ticket system, and to others of the gravest kind. In the first place, it seems to me to be a direct infraction of the Constitution of the United States, and an open usurpation of the rights of the people.

The words of the Constitution are: "Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and

'Representatives to which the State may be entitled in the Congress,' &c.

The analysis of this clause shows that two powers are required to act: first, the Legislature, which is to direct the manner; and, secondly, the State, which is to appoint the Electors.

Are the words "State" and "Legislature" synonymous?

The word State is a comprehensive term. It takes in all sorts and sizes of government, but always requires three constituent principles, to wit: people, territory, and sovereignty. In the Constitution of the United States, it has a precise meaning, too obvious to be insisted upon here. It is never confounded with the words "Convention" or "Legislature." When the "State" is to do a thing, the people of the State are to do it, and a legislative body is not competent to act, because it is not the State, but a department of it. The constitutions of all the States declare the legislative body to be a department only. Whenever the Constitution of the United States intended the Legislatures of the States to do an act, independent of the people, it has expressed its intention in terms wholly unequivocal, as in the appointment of Senators in Congress—"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years," &c. In the mode of ratifying amendments to the Constitution, the distinctions are again explicit: "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, &c., which shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the States, or by conventions in three-fourths thereof." It would be absurd to admit the Legislature to be the State, for, in that case, there would be no State when the Legislature was not in session. Certainly, it seems to be a loss of time to employ words upon a difference so palpable; but it is necessary to mark it; for the question now to be decided turns upon the distinction between the appointing power of the State, and the directorial power of the Legislature, over the forms of the election.

No argument in favor of this legislative pretension can be bottomed on the word "appoint." Literally, it may refer to the act of any number. In common parlance, it refers to the act of an individual, and that individual a superior, as "the King appoints his Ministers." In the Constitution, it is used synonymously with *elect* and *choose*. It is so used in an after clause of this same article, and in reference to this identical appointment of Electors—"Congress may determine the time of choosing the Electors, and the day on which they shall give their votes," &c. In fine, the word "appoint" was evidently used to avoid that figure of speech which the rhetoricians call tautophony, that ungraceful repetition of sound which would be produced by saying "elect Electors."

The word "manner" can imply nothing but

form—as the mode of conducting the election, taking the votes, certifying the returns, &c.

The word "direct," is less susceptible of misconstruction than any one in the clause; and, above all others, has been farthest deviated from. It always implies an address to a third party, and never to one's self. It is incapable of being so used. A man may regulate his own conduct, but he directs that of others. A parent directs his child; a tutor directs his pupil; a General directs the operations of his army; a legislative body may direct the people how to go through the forms of an election; but a man cannot direct himself; a legislative body cannot direct itself. There is not a book in the English language which uses the word in this sense; not one, from the little primer, that comes to us in company with the birchen rod, up to the ponderous folio of Johnson. No man acquainted with the power of language would so use it; much less the eminent men who framed the Constitution with so much ability, both as scholars and statesmen, and with such scrupulous regard to the precise meaning of every word admitted into that important instrument. But the Legislatures of seven States have so used it, and the question is, not whether they are right or wrong, but whether they have the right to alter the fixed meaning of a plain English word, for the purpose of investing themselves with a power which the Constitution had given to the people of the States?

Mr. B. asserted the obvious meaning of the clause to be the same as if it had been conceived in the following words: "The people of each State shall elect, in such form as the Legislature thereof may prescribe, a number of Electors, equal," &c. Instead of which, the Legislatures referred to had practised under it as if written: "The Legislature of each State shall elect, in such manner as they and each of them shall severally please, a number of Electors, equal," &c.

Thus, upon the words of the Constitution, it is clear that the people of the States, and not the Legislatures of the States, have the right to choose Electors of President and Vice President.

The construction put upon the Constitution, at the time of its adoption, proves the same thing.

Mr. Madison, in the Virginia convention, said, "The people choose the Electors."

The Federalist says the same thing, in twenty places. No. 68 repeats it four times. It describes the Electors as "men chosen by the people, for the special purpose" of choosing the President. It describes them as "a small number of persons selected by their fellow-citizens from the general mass." It says, the Constitution has "referred the election of the President, in the first instance, to an immediate act of the people of America, to be exerted in the choice of persons for the temporary and sole purpose of making the appointment." And it speaks again of the Electors as "a special body of representatives, deputed by the society for the single purpose of making the important choice."

To this list of authorities may be added the Legislatures of seventeen States, which have pre-

scribed the forms of choosing Electors, and left it to the people themselves to make the choice.

Having quoted these constructions of the Constitution to prevent misapprehension, Mr. J. would give his opinion upon the effect which they should have upon the decision of the Senate.

He did not admit that any Senator, or any other officer whose duty it became to expound the Constitution, was bound by a previous construction. He did not admit that they were in the condition of judges, construing a statute, and tied down by respect to their brothers, and the practice of a thousand years, to obey the previous decisions in analogous cases. Their duty depended upon a peculiar obligation to be found in the Constitution itself. All legislators have been anxious to perpetuate their work, and all have had recourse to the security of oaths. Lysurgus swore the Spartans to maintain his laws until his return; then went abroad, died, and had his ashes scattered in the air. The framers of the American Constitution invoked the aid of the same security, but without limitation of time or circumstance. In Article 6 they have required that—

"The Senators and Representatives in Congress, the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution."

Upon this oath, each person intrusted with the great duty of expounding the Constitution, is bound to go back to the words of the instrument itself, whenever a question of construction arises. He may and ought to consult the opinions of others, in order to enlighten his own. He may quote the opinions of others to give greater weight to his own; but he cannot surrender his own in favor of another, which he believes to be wrong, without disregarding the obligation by which he has bound himself to support this Constitution.

The reasons which induced the Convention of 1787 to institute an intermediate body of Electors, the attributes which they were to possess, and the dangers from which they were to be free, will equally show that legislative bodies were not intended to choose the Electors, much less to erect themselves into Electoral colleges. These reasons, attributes, and apprehended dangers, will be found stated in the Federalist, No. 68, but, for the sake of brevity and perspicuity, will be presented to the Senate under the heads to which they belong:

1. The Electors are to be chosen within thirty-four days before the first Wednesday in December.
2. They are to be chosen for the sole purpose of electing the President and Vice President.
3. They are to meet on the same day throughout the Union.
4. They are to sit but one day.
5. The Electoral colleges are not to be subject to caballing.
6. They are not to be pre-existing bodies.

In bringing the legislative bodies to the test of these reasons and attributes, they will not only be considered in their apparent capacity of electors

of Electors, but in their real character of Electors of the President of the United States.

First. The Electors are to be chosen within thirty-four days before the day of electing the President.

The reason for fixing an interval so short is sufficiently obvious. In the first place, it delays the choice of Electors until there is full time for all the Presidential candidates to be known. In the second place, it allows no time for combinations to be formed between the Electors of different States, or for the Electors themselves to be bribed or intrigued with. Yet the members of the Legislatures, in the seven States referred to, are elected, one, two, three, and even four years before the day of electing the President. None of them are chosen for a shorter time than one year, most of them for two, and the Senators of several are chosen for four years! The whole of them are obnoxious to the objections against which the Constitution intended to guard. There is ample time for intrigue, for corruption, and for combinations. The voice of the people has but an indirect operation when the members of the Legislature are chosen one year before, and none when they are chosen two, three, or four; for, at that time, the names of the candidates are unknown, and the Presidential election unthought of by the body of the people.

Secondly. The Electors are to be chosen for the sole purpose of electing a President and Vice President.

The reason of this qualification needs no illustration. It was clearly intended to close the door against the possibility of bartering votes by giving to the Electors but one single subject to vote upon. How will the legislative bodies stand the test of this reason? When chosen within some months, or a year, before the time of electing the President, they are chosen partly for that purpose and partly for many other purposes. Some knowing ones, some furious partisans, and some equally furious enemies, may surrender all considerations for the single object of getting in a man who will be for or against a particular candidate for the Presidency; but with the body of the people, the legislative duties will be the first consideration, and the Presidential election, nothing but an ingredient, mixing itself in different proportions in the main inquiry. This is the best aspect of the question, and must be confined to elections which take place within some months, or within a year before the President is chosen. To those which come on two, three, or four years before, the Presidential election is entirely out of view. So far from being chosen for the sole purpose, the members of the Legislature are not even thought of for the purpose of electing the President. Strong as this case is, there is still a more flagrant point of view in which to exhibit it. It is the case of a legislative body, elected purely for legislative purposes, and afterwards repealing the laws which directed the people how to go through the forms of the election, and seizing into their own hands the whole power of appointing the Electors. This is not an imaginary case. It has repeatedly hap-

pened. It is sufficient to name one instance; that of New Jersey, in the year 1812, in which the Legislature thus invested itself with the power of appointing Electors about three days before the people would have exercised it. When met in the Legislature, innumerable are the opportunities and temptations to barter votes. Judges, generals, governors, and many other State officers are to be elected. Towns are to be laid off, peradventure on some member's land. New counties are to be erected for the benefit of a clerk, a sheriff, and a colonel; peradventure, also, members at the time. Many other local interests are to be accommodated. The members interested in all these domestic questions, are laid under violent temptations to exchange votes with the friends of a Presidential candidate.

Thirdly. The Electors are to meet on the same day, throughout the Union, and to vote for President and Vice President.

The Legislatures meet on the days fixed by the State constitutions, or on the days which they themselves fix by law. In neither case are they governed by the Constitution of the United States. When met, the Legislature, at any time that it pleases, enters upon the business of choosing a President; and, when the choice is made, a farce is got up to appease the manes of the Constitution. Nominal Electors are chosen, and sent to the place where the votes of the State are to be counted. Instead of going to vote for President, they carry the votes in their pockets, the same which they have received from the legislative body. These votes are shown and counted, and the form of an election is gone through, but no more of the substance than there is of a wedding in the annual marriage of the Doge of Venice with the Adriatic Sea. The real election was held weeks or months before, when the legislative body selected their candidate; and the nominal Electors are nothing but messengers, trusted to bring the votes to the place of counting, and without any more power over them than the messenger afterwards employed by themselves to take up these same legislative votes, and bring them on to the Seat of Government.

Fourthly. The Electoral Colleges are to sit but one day.

The reason for limiting the Electors to this transient existence, was to prevent the possibility of intrigues and corrupt practices, by denying the time that would be necessary to carry them into effect. But the sittings of the legislative bodies are not under the control of this limitation. They sit as long as they please—usually several months—and, during all that time, it is beset, like a besieged fortress, by armies of intriguers; cannonaded with books and with pamphlets; bombarded with newspapers; perforated with the rifle shot of private and confidential letters; and undermined by the silent operations of sappers and miners.

Fifthly. The Electoral Colleges were not to be subject to caballing.

The framers of the Constitution sought to protect the Presidential election from the influence

of that occult management which is the bane of republican councils. They thought they had succeeded when they instituted Colleges of Electors, composed of few persons, selected for their elevated character; brought together suddenly; confined to the discharge of one single duty, and dispersed in the short space of twenty-four hours. But legislative bodies are the reverse of all this. They are the true field for caballing; the theatre adapted to the talents of such men as the five Cabinet Ministers of Charles the Second; to the initials of whose names, combined with their characters, the world is indebted for the political signification of the Hebrew word *cabal*. The Legislature of Pennsylvania afforded a signal example in the year 1800. The two Houses differed in the choice of President. They would neither pass a law to direct the people how to hold the election, nor would they vote together. There was a majority of "two" in the Senate, and this lean majority, in the leanest branch of the Legislature, paralyzed the power of the State, and forced a compromise with the other branch, by which the elective power of the people, like the spoil of a vanquished enemy, was divided between themselves, each naming one-half the Electors!

Sixthly. The Electoral Colleges were not pre-existing bodies.

For the obvious reason that they might not be tampered with, beforehand, to prostitute their votes. Yet, the legislative bodies are pre-existent, to the extent of one, two, three, and even four years; and, during all this time, are subject to the danger from which it was the intention of the Constitution that the Electors of the President should be free.

Upon each of these reasons the legislative pretension to choose Electors is condemned. But there is one more argument to be brought against them; an argument not invented, but found; not taken from the head, but drawn from the page of American history; from the Journal of the Convention of 1787, from the act of the great men, who framed the Constitution. An argument of that conclusive nature which only requires to be stated to silence opposition.

[Here Mr. B. read from the Journal of the Convention, pages 92, 190, 324, 333, to show that it was proposed, at one time, to have Electors chosen by the Congress; at another to have them appointed by the Governors of the States; at another, to vest the power of choosing them in the Legislatures of the different States; that this latter proposition was actually adopted at one time, on the 19th of July, and remained in the plan of the Constitution until the 6th day of September following, when it was struck out by a vote of nine States against two. New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and Georgia, in favor of striking out; North and South Carolina in favor of retaining the clause.]

Mr. B. believed that all attempts to amplify such an argument as this, would only weaken it. He had tried the legislative pretension by the words of the Constitution; by its contemporane-

ous construction; by all the reasons which led to the institution of Electoral Colleges, and by the vote of the Convention passing upon the identical point in question; and, upon every trial, the pretension was condemned, and stood before the Senate as a direct infraction of the Constitution, and an open usurpation of the rights of the people.

Nothing has been said to justify it. On the contrary, the excuses and apologies for the general ticket and legislative systems, have turned upon the admission of their impropriety. The Senator from New York, (Mr. VAN BUREN,) in that spirit of amity, concession, and mutual deference, which cannot be too much admired, has even proposed to surrender both these systems, upon condition, nevertheless, that the small States should surrender their right to an eventual vote for President, by States, in the House of Representatives. He has called this a compromise, and has certainly urged it upon the Senate with unaffected and becoming seriousness. But the proposition cannot be met. The terms are not equivalent. On the part of the great States, it is proposed to relinquish a power, usurped from the people, in violation of the Constitution; on the part of the small States, it is proposed to surrender a Constitutional right: the one growing out of ambition and schemes of domination; the other granted to the small States for the preservation and security of their rights. Others place the apology upon different grounds. They run over a list of the States which have adopted these modes, and then say, they must adopt the same, by way of self-defence, and that they will discontinue it when the rest will do so. Thus, these States take the attitude of Cæsar and Pompey, each declining to disband his army first. They prefer to violate the Constitution, and to outrage the rights of the people, rather than be the first to set an example of justice and moderation.

Two questions, of great delicacy, now present themselves:

1. If Electors are not appointed according to the Constitution, can their votes be counted?
2. If objected to, who shall judge them?

It is the duty of the two Houses of Congress to count the votes. Can they count unconstitutional votes? If they cannot, shall they not judge every vote before it is counted?

Mr. B. would not debate these questions. He hoped that the time might never arrive when it should be necessary to debate, much less to decide them. The country had seen the agitation of 1800, and the still greater agitation of 1820; yet these were nothing but gentle breezes, dead calms, compared to what might be expected if Congress should sit in judgment upon the votes of seven States. Yet, if it shall become their duty, shall they hesitate? Shall they flinch from the defence of the Constitution which they have sworn to defend, because seven States may stand ready to light up the flames of civil war, if not permitted to violate that sacred instrument according to their own will and pleasure? He spoke hypothetically, and with all the respect for

the States referred to, which was compatible with the undissembled expression of his own opinion. It was not his intention to start a new discussion, or to excite feeling, but to have the advantage of a new and powerful consideration in favor of the district system—in favor of some uniform mode of choosing the President; and thus bringing back these States to the path of the Constitution, by the gentle means of an amendment, pointing at no one in particular, and bearing upon all alike.

Mr. B. proceeded to argue the SECOND PROPOSITION, which he had submitted to the consideration of the Senate, to wit: to discontinue the use of an intermediate body of Electors in the choice of President and Vice President of the United States. He read from the Federalist, No. 68, to show the views with which Electors were instituted:

"It was equally desirable that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances most favorable to deliberation, and to a judicious combination of all the reasons and inducements that were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite in so complicated an investigation."

By the Constitution it was intended that the electoral office should be one of the first dignity in the Republic. The Electors were to be selected; men, chosen by the people on account of their superior virtue and intelligence, and left to make choice of a President, according to their own enlightened understandings, without the slightest control from the less informed multitude. This was the intention, but the plan has wholly failed in the execution. The Electors are not independent; they have no superior intelligence; they are not left to their own judgment in the choice of President; they are not above the control of the people; on the contrary, every Elector is pledged, before he is chosen, to give his vote according to the will of those who choose him. He is nothing but an agent, tied down to the execution of a precise trust. Every reason which induced the Convention to institute Electors has failed. They are no longer of any use, and may be dangerous to the liberties of the people. They are not useful, because they have no power over their own vote, and because the people can vote for a President as easily as they can vote for an Elector. They are dangerous to the liberties of the people, because, in the first place, they introduce extraneous considerations into the election of President; and, in the second place, they may sell the vote which is intrusted to their keeping. They introduce extraneous considerations, by bringing their own character and their own exertions into the Presidential canvass. Every one sees this. Candidates for Electors are now selected, not for the reasons mentioned in the Federalist, but for their devotion to a particular party; for their popular manners, and their talent at electioneering.

The Elector may betray the liberties of the people, by selling his vote. The operation is easy,

because he votes by ballot; detection is impossible, because he does not sign his vote; the restraint is nothing but his own conscience, for there is no legal punishment for his breach of trust. If a swindler defrauds you out of a few dollars in property or money, he is whipped and pilloried, and rendered infamous in the eye of the law; but, if an Elector should defraud forty thousand people out of their vote, there is no remedy but to abuse him in the newspapers, where the best men in the country may be abused, as much as Benedict Arnold or Judas Iscariot. Every reason for instituting Electors has failed, and every consideration of prudence requires them to be discontinued. They are nothing but agents, in a case which requires no agent; and no prudent man would, or ought, to employ an agent to take care of his money, his property, or his liberty, when he is equally capable to take care of them himself.

But, if the plan of the Constitution had not failed—if we were now deriving from Electors all the advantages expected from their institution—I, for one, said Mr. B., would still be in favor of getting rid of them. I should esteem the incorruptibility of the people, their disinterested desire to get the best man for President, to be more than a counterpoise to all the advantages which might be derived from the superior intelligence of a more enlightened, but smaller, and, therefore, more corruptible body. I should be opposed to the intervention of Electors, because the double process of electing a man to elect a man, would paralyze the spirit of the people, and destroy the life of the election itself. Doubtless this machinery was introduced into our Constitution for the purpose of softening the action of the democratic element; but it also softens the interest of the people in the result of the election itself. It places them at too great a distance from their first servant. It interposes a body of men between the people and the object of their choice, and gives a false direction to the gratitude of the President elected. He feels himself indebted to the Electors, who collected the votes of the people, and not to the people, who gave their votes to the Electors. It enables a few men to govern many, and, in time, it will transfer the whole power of the election into the hands of a few, leaving to the people the humble occupation of confirming what has been done by superior authority.

Mr. B. referred to historical examples, to prove the correctness of his opinion.

He mentioned the Constitution of the French Republic, of the year III, of French liberty. The people to choose Electors; these to choose the Councils of Five Hundred, and of Ancients; and these, by a further process of filtration, to choose the Five Directors. The effect was, that the people had no concern in the election of their Chief Magistrates, and felt no interest in their fate. They saw them enter and expel each other from the political theatre, with the same indifference with which they would see the entrance and the exit of so many players on a stage. It was the same thing in all the subaltern Republics of which

the French armies were delivered, while overturning the thrones of Europe. The constitutions of the Ligurian, Cisalpine, and Parthenopean Republics, were all duplicates of the mother institution, at Paris; and all shared the same fate. The French consular constitution, of the year VIII, (the last year of French liberty,) preserved all the vices of the Electoral system; and from this fact, alone, that profound observer, Neckar, from the bosom of his retreat, in the midst of the Alps, predicted and proclaimed the death of liberty in France. He wrote a book to prove that, "Liberty would be ruined by providing any kind of Substitute for Popular Elections," and the result verified his prediction, in four years. But the strangest of all arguments against the use of Electors, the fact which goes farther than all others to prove them to be dangerous to the rights of the people, is, that they are continued in France, at this time, under the charter of Louis XVIII. The people choose Electors, as under the constitutions of the years III and VIII; and these Electors choose the deputies to the legislative body. Heretofore, the Court party contented itself with a majority, but the signs of liberty shown by the minority, in opposing the Spanish war, has determined it to have the entire body devoted to the Crown; and the last advices inform us, that the Chamber would be dissolved to make room for this change, which would be openly effected by bribing the Electors.

Mr. B. regretted that the young Republic of Colombia had adopted the Electoral system, both in the choice of representatives in the Cortes, and in the election of the Supreme Executive. Doubtless they proceeded upon the idea, that the people were not sufficiently enlightened for the practice of self-government; but the body of the people are always sincerely devoted to the interest of their country, and their honest mistakes are less dangerous to liberty than may be the artful designs of a small and select body.

He referred to the era of the adoption of the American Constitution, to show, that many enlightened statesmen were then opposed to the use of Electors. From the debates in the Virginia Convention, he read several passages from speeches delivered by Mr. Monroe; among others, the following:

"He (the President) is to be elected in a manner perfectly dissatisfactory to my mind. I believe that he will owe his election, in fact, to the State Governments, and not to the people at large." "A combination among the Electors might easily happen, which would fix on a man every way improper. Contemplate this in all its consequences. Foreign nations, by their intrigues, may have great influence, in each State, in the election of President. Will not the influence of the President himself have great weight on his re-election? The variety of the offices at his disposal, will acquire him the favor and attachment of those who aspire after them, and of their friends. He will have some connexion with the members of the different branches of the Government. They will esteem him, be-

cause they will be acquainted with him, live in the same town, and often dine with him. This familiar and frequent intercourse will secure him great influence. I presume, when once he is elected, he may be re-elected forever."

THIRD PROPOSITION: To commit the election of President to a direct vote of the American people.

This is not a new project. It was presented and discussed in the Convention of 1787, was twice put to the vote, and supported by the States of Pennsylvania and Delaware, then represented by some of the ablest men that any age or country has produced. These representatives were—

For Pennsylvania—

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimmons,
Jared Ingersoll,
James Wilson, and
Gouverneur Morris.

For Delaware—

George Read,
Gunning Bedford,
John Dickinson,
Richard Basset, and
Jacob Broom.

Mr. B. took a pride in reviving the proposition of these great men. He felt himself treading upon safe ground, when he could say to the American people, "I am endeavoring to carry into effect the plan of Benjamin Franklin, and of the eminent statesmen whose names have been just read." And, instead of being called upon for an argument in support of a plan so congenial to the principles of our Government, he would suppose that the American people would call for the reasons which prevented its adoption when first proposed. These reasons will be found in the *Federalist*, in No. 68, and reduce themselves to objections growing out of—

1. The extent of the country;
2. The difference of population;
3. Danger of foreign interference;
4. Danger of corruption;
5. Want of intelligence in the people;
6. Danger of tumults and popular commotions.

Without inquiring into the validity of these objections, at the time that they were urged, it will be sufficient to consider them now, and to show that, with the experience which has been acquired since the adoption of the Constitution, and in the present condition of America, there is not one of them which does not admit of a prompt and satisfactory answer.

First. The extent of the country. This objection would be fatal, if the American citizens, like the Romans, were called from all parts of the Republic to vote at the Seat of Government. But they will continue to vote where they now do, in their respective counties, wards, and townships; the time only will be fixed by Congress to make the day of the election the same throughout the Union; but all the forms will be regulated by the State Legislatures.

Second. Difference of population. This objection would be fatal if the votes were to be consolidated in one general return. In that case the slaveholding States would lose the three votes

in five which they now give for their black population. Doubtless it would be well for them if they could lose them by getting rid of their black population. The race of whites would take their place, and five would count five, instead of counting three, as it now does. It is the peculiar misfortune of those States that, to all the evils incident to the possession of slaves, is superadded a loss of political weight by this method of counting five persons for three. But the objection would be equally fatal if all the States were non-slaveholding. The qualifications of voters differ in each. In some the right of suffrage is universal; in others it is limited to those who have paid a tax; in others to those who hold a house, or possess real estate; and in all a residence of greater or less duration is required. In each of these the same mass of population would give different numbers of votes. But this objection is avoided, and the relative weight of the States is preserved, precisely as fixed by the Constitution. Instead of a consolidated vote, the election will be decided by districts. Each district will give one vote, as it now chooses one Elector; and the candidate preferred in the district will be entitled to that vote. To the result, it will be wholly immaterial whether the district containing a given number of souls, say 40,000, shall contain one thousand or seven thousand persons, entitled to vote for members in the most numerous branch of the State Legislature. It is to persons thus entitled that the privilege of voting for President is proposed to be extended; and it will depend upon the State constitutions, not upon Congress, or the Federal Constitution, to restrain or enlarge this privilege.

Third. Danger of foreign interference. That there is reason to apprehend such interference is readily admitted. The histories of all elective Governments are full of examples. Our own contains one instance of open and avowed interference, that of Genet's proclamation, in the year 1795. But it is denied that the people are most subject to be influenced by this interference. By what means do foreign nations interfere in elections? First, by troops; secondly, by money. Our local position frees us from apprehension of the first; and, as for money, it must come through the hands of the diplomatic corps; and must be distributed to the persons with whom they congregate. Who are these? American farmers? No. Foreign Ministers are not seen in the interior of the States, at the houses of the farmers, offering gold for votes; and, if they should ever attempt it, they would find many to answer, with the incorruptible George Reed, "The King, your master, is not rich enough to buy me;" and not a few whose answer would stop forever the advance of the Minister. No, sir, foreign agents go to small bodies of men; to a Polish diet; to a Germanic college; to a conclave of holy cardinals; and we know how they go. In the time of Francis and Charles, they went to the German Electors, followed by long trains of mules, packed with bags of gold and silver; but, since the introduction of bills of exchange, the company of

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the long-eared animals is dispensed with. A scrip of paper is equally efficacious, and avoids the scandal of a public display. If foreign gold shall ever be brought to influence our elections, it will go to the Electors, or to the legislative bodies, which have usurped the power of choosing the President, and not to the people at large. We have seen the time when tens of millions would have been given by either of the great belligerents of Europe to have elevated a man to the Presidency who would have involved the Republic in the war, as one of their allies; and these times may be seen again, when the virtue of public men shall be less stern than it has been. The authors of the Federalist were unfortunate; they were absolutely unlucky in the application of this objection. It is an argument for, instead of against the people, and recoils with overwhelming force upon a small body of Electors.

Fourth. Danger of corrupting the people. This objection is taken from the history of small States, composed of one or two cities; or, from the history of great ones, where the political power resided in the inhabitants of the capital. But, examples thus derived, have no application to the state and condition of the American people. What would be the means of corruption in the United States? They have already been exhibited in the speech of our present Chief Magistrate, delivered in the Virginia Convention, in the year 1788, and quoted in the beginning of this argument. Offices, loans, contracts, and entertainments, constitute those means. Apply them to the people. Of offices, there would not be one for a thousand; of loans, not one in an hundred thousand would have any money to lend on terms, either good or bad; of contracts, there would not be ten in the thousand who would want them, nor one in the thousand who could get them. The great extent of the Republic, and the dispersed situation of the inhabitants, would render it impossible to entertain them *en masse*, as Cæsar did the Roman citizens upon his return from Gaul. The twenty-two thousand tables, spread by that conqueror, for the dregs of a degenerate city, could not be stretched from Maine to Florida, from the Atlantic to the Mississippi. But, change the direction of these engines of corruption. Address the offices, loans, contracts, and dinners, to a College of Electors! Do you see this book? said Mr. B., (holding up an octavo volume bound in blue and gold.) It is the brother to this, (holding up another much less,) and two years younger, but, contrary to the laws of nature, the younger is one fourth the largest. These books are compiled under a resolution of Congress, and directed to be laid upon our tables on the first day of January of each new Congress. The one which was due on the first day of January last, has not yet appeared. I was anxious to have had it, and to have compared it to its elder brethren, for I am much mistaken if the new born infant, from the moment of its birth, will not exceed all his family in size, and that the increase will be the same, in each succeeding member of the family, until, in form and dimensions, a monster shall be produced. This book, the last that

has appeared, came forth on the 1st day of January, 1822.

It contains two hundred and fifty seven pages, every page contains forty names, every name fills an office, and every office draws an annual salary out of the public Treasury, varying in all degrees from nine thousand dollars down to a unit. The whole is in the gift of the Executive. It is the book of Executive patronage, the Blue Book of the Republic, the Red and Gold Book of the monarchies of Europe. But this book cannot corrupt the people. The ten thousand offices it contains, could effect nothing among ten millions of people. Nine millions nine hundred thousand would remain without offices, and uncorrupted. But apply it to an Electoral college of two hundred and sixty-one members, or to a small Legislative body, and there would be places, by dozens, for themselves and their friends. The virtue and simplicity of this day must pass away. The time will come, when political power will be bought, and when the money of the people will be taken to pay the price. The time will come, when the wifeless and childless bachelor shall not look out for a successor to his estate, with more anxious solicitude than the incumbent President shall look out for a successor to his Presidential power. The time will come, when the American President, like the Roman Emperors, will select his successor, take him by the hand, exhibit him to the people, place him upon the heights and eminences in the Republic, display him in every amiable, every attractive point of view, make him the channel of all favor, and draw the whole tribe of parasites and office hunters to the feet of the favorite. We know it is written, that more nations worship the rising than the setting sun; but, let the two suns appear above the horizon at once; let their rays be drawn to a focus upon an Electoral college or Legislative assembly; yes, let their concentrated rays fall at once upon the double ranks of their united worshippers; let two Blue Books be displayed at once, the actual President paying down his ten thousand offices, and the heir apparent giving his note for ten thousand more, due and payable on the fourth day of March then next ensuing! What virtue could stand such trials? The effect must be overwhelming upon a small body of two or three hundred Electors; but all these temptations would become insignificant when scattered and dispersed among the millions of people which fill the Republic. The candidate for their favor could derive no benefit from his long list of offices. He must come, with a list, not of offices to be given, but of services performed, in the field or the cabinet. He must come, like the elder Cato, to reform the manners of a degenerate age, by an example of simplicity and economy in his own person—like Appius Claudius, to improve and adorn the interior of his country—like Cicero, to crush conspirators by the thunder of his eloquence—like Scipio, to expunge the rival nation from the face of the earth—like Marius, scarred with innumerable wounds, received from the public enemy—he must come, like our own great Washington, not to pillage his country, but to

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serve her, and to retire from her service, through the portals of everlasting fame.

Mr. B. took up the *Fifth* objection.—Want of sufficient intelligence in the people to enable them to make a judicious choice of President.

He said, this objection had a weight in the year 1787, to which it is not entitled in the year 1824. Our Government was then young, schools and colleges were scarce, political science was then confined to few, and the means of diffusing intelligence, were both inadequate and uncertain. The experiment of a popular government was just beginning; the people had been just released from subjection to an hereditary King, and were not yet practised in the art of choosing a temporary chief for themselves. But, thirty-six years have reversed this picture. Thirty-six years, which have produced so many wonderful changes in America, have accomplished the work of many centuries upon the intelligence of its inhabitants. Within that period, schools, colleges, and universities, have multiplied to an amazing extent. The means of diffusing intelligence have been wonderfully augmented by the establishment of six hundred newspapers, and upwards of five thousand post offices. The whole course of an American's life, civil, social, and religious, has become one continued scene of intellectual and of moral improvement. Once in every week, more than eleven thousand men, eminent for learning and for piety, perform the double task of amending the hearts, and enlightening the understandings, of more than eleven thousand congregations of people. Under the benign influence of a free Government, both our public institutions and private pursuits, our juries, elections, courts of justice, the liberal professions, and the mechanic arts, have each become a school of political science and of mental improvement. The Federal Legislature, in the annual message of the President, in reports from heads of Departments, and committees of Congress, and speeches of members, pours forth a flood of intelligence which carries its waves to the remotest confines of the Republic. In the different States, twenty-four State Executives, and State Legislatures, are annually repeating the same process within a more limited sphere. The habit of universal travelling, and the practice of universal interchange of thought, are continually circulating the intelligence of the country, and augmenting its mass. The face of our country itself, its vast extent, its grand and varied features, contribute to expand the human intellect and to magnify its power. Less than half a century of the enjoyment of liberty has given practical evidence of the great moral truth, that, under a free Government, the power of the intellect is the only power which rules the affairs of men; and virtue and intelligence the only durable passports to honor and preferment. The conviction of this great truth has created an universal taste for learning and for reading, and has convinced every parent that the endowments of the mind and the virtues of the heart are the only imperishable, the only inestimable riches which he can leave to his posterity. I believe the American people, said Mr. B., to be the

most enlightened upon earth; and I say this, with the full recollection of the ridicule attempted to be cast on the Federal Legislature, some ten years ago, for an imputed design to decree itself the wisest assembly in the world; which, if it had done, I, for one, should have placed the resolve in the chapter of decrees, true in themselves, but unseasonably proclaimed. I repeat the expression of my belief, with the full knowledge of the fact that, within three years past it has been tauntingly demanded, "who, in the four quarters of the globe, reads an American book?" And I know, that this supercilious interrogatory was put by the luminaries of the first city of a kingdom, the populace of whose second city, within that period, yes, within two years past, in open day, in the presence of the magistrates, in defiance of the laws, in masses of tens of thousands, rose upon a poor man, their countryman and fellow townsman, a maker of paints by trade, and demolished his house, destroyed his property, and were proceeding to put himself to death, when the arrival of dragoons and the blows of sabres released the victim; and all this, because this enlightened populace of the second city in the kingdom, had taken it into their illuminated heads to believe that the poor paintmaker compounded his red paints of little children's blood, whom he caught and killed for that purpose! And now, I would ask a question in my turn. I would ask, if there is a village in the most obscure part of the Republic in which even a mob of ten year old boys could have been raised upon such an absurd vile fabrication? But, I will answer the Edinburg question. I will tell these reviewers who it is, in the four quarters of the world, that reads an American book; and I will say that, wherever liberty exists, in whatsoever clime she has a temple and a votary, on whatsoever portion of the earth the hands of freemen are employed in laying the foundations of a new empire, or in repairing the ruins of an old one, whether it is in Europe or in Asia, in North or in South America, there American books are read, and not only read, but they bear away the palm from all that was ever written by the Lockes and Montesquieus of England and France, by the Platos and Solons of Greece and of Rome.

But, whether the objection to the intelligence of the people was well or ill founded in the year 1787, it was at least consistent with the intention of the Constitution at that time. It was the intention of that day that the people should not select the President; that they should limit themselves to the choice of Electors, to whose superior information and discernment the election of the Chief Magistrate should be entirely committed. But this intention has failed in practice. The people now select the candidate for the Presidency, and then choose an Elector pledged to support their choice. An objection to the intelligence of the people would, at this time, be both unfounded in fact, and inconsistent with established practice. The advocate for the objection would find himself in a dilemma, and I am curious to see upon which horn of it he would choose to hang himself in the face of the American people.

Sixth. Danger of tumults and popular commotions. This objection is taken from the history of the ancient republics; from the tumultuary elections of Rome and Greece. But the justness of the example is denied. There is nothing in the laws of physiology which admits a parallel between the vindictive Italian, the volatile Greek, and the phlegmatic American. There is nothing in the state of the respective countries, or in their manner of voting, which makes one an example for the other. The Romans voted in mass, at a single voting place, even when the qualified voters amounted to four millions of persons. They came to the polls armed, and divided into classes, and voted, not by heads, but by centuries. In the Grecian republics all the voters were brought together in one great city, and decided the contest in one great struggle. In such assemblages, both the inducement to violence, and the means of committing it, were prepared by the Government itself. In the United States all this is different. The voters are assembled in small bodies, at innumerable voting places, distributed over a vast extent of country. They come to the polls without arms, without odious distinctions, without any temptation to violence, and with every inducement to harmony. If heated during the day of election, they cool off upon returning to their homes, and resuming their ordinary occupations. A month afterwards, when the result of a Presidential election would be known, the body of the people would be too much occupied with their own concerns, and too sensible to the voice of reason, to think of taking up arms in favor of an unsuccessful candidate. The party, defeated at an election, must fight upon the spot, or never. Sleep and dispersion rapidly cool their belligerent passions. Instead of violence, it is apathy which we have to dread in our Presidential elections. There is too much apathy at this time upon the subject of the impending election. The intemperance of some newspapers, the heat of some cities, and the fury of some partisans furnish, no criterion for estimating the temper of the continent. The tranquillity of the American people is not affected by these local agitations. Some citizens confine themselves to the inquiry: "Who will you give us for President?" The question implying the humiliating fact that an American citizen has no weight in the choice of the first officer of the Republic. Others are quietly looking out for the best man to administer their affairs, and all agree in holding in the uttermost contempt every effort to impose upon their judgment, whether the fraud shall be exhibited in the shape of poisonous detraction, or of fulsome adulation.

But let us admit the truth of the objection. Let us admit that the American people would be as tumultuary at their Presidential elections, as were the citizens of the ancient Republics at the election of their Chief Magistrates. What then? Are we thence to infer the inferiority of the officers thus elected, and the consequent degradation of the countries over which they presided? I answer no. So far from it, that I assert the superiority of these officers over all others ever ob-

tained for the same countries, either by hereditary succession, or the most select mode of election. I affirm those periods of history to be the most glorious in arms, the most renowned in arts, the most celebrated in letters, the most useful in practice, and the most happy in the condition of the people, in which the whole body of the citizens voted direct for the chief officer of their country. Take the history of that Commonwealth which yet shines as the leading star in the firmament of nations. Of the twenty-five centuries that the Roman State has existed, to what period do we look for the generals and statesmen, the poets and orators, the philosophers and historians, the sculptors, painters, and architects, whose immortal works have fixed upon their country the admiring eyes of all succeeding ages? Is it to the reigns of the seven first Kings?—to the reigns of the Emperors, proclaimed by the prætorian bands?—to the reigns of the Sovereign Pontiffs, chosen by a select body of electors in a conclave of most holy cardinals? No—we look to none of these, but to that short interval of four centuries and a half which lies between the expulsion of the Tarquins and the re-establishment of monarchy in the person of Octavius Cæsar. It is to this short period, during which the consuls, tribunes, and prætors, were annually elected by a direct vote of the people, to which we look ourselves, and to which we direct the infant minds of our children, for all the works and monuments of Roman greatness; for roads, bridges, and aqueducts, constructed; for victories gained, nations vanquished, commerce extended, treasure imported, libraries founded, learning encouraged, the arts flourishing, the city embellished, and the Kings of the earth humbly suing to be admitted into the friendship, and taken under the protection of the Roman people. It was of this magnificent period that Cicero spoke, when he proclaimed the people of Rome to be the masters of Kings, and the conquerors and commanders of all the nations of the earth. And, what is wonderful, during the whole period, in a succession of four hundred and fifty annual elections, the people never once preferred a citizen to the consulship who did not carry the prosperity and glory of the Republic to a point beyond that at which he had found it.

It is the same with the Grecian Republics. Thirty centuries have elapsed since they were founded; yet it is to an ephemeral period of one hundred and fifty years only, the period of popular elections, which intervened between the dispersion of a cloud of petty tyrants and the coming of a great one in the person of Philip, King of Macedon, that we are to look for that galaxy of names which shed so much lustre upon their country, and in which we are to find the first cause of that intense sympathy which now burns in our bosoms at the name of Greece.

These short and brilliant periods exhibit the great triumph of popular elections; often tumultuary, often stained with blood, but always ending gloriously for the country. Then the right of suffrage was enjoyed; the sovereignty of the people was no fiction. Then a sublime spectacle

was seen, when the Roman citizen advanced to the polls and proclaimed: "I vote for Cato to be Consul;" the Athenian, "I vote for Aristides to be Archon;" the Theban, "I vote for Pelopidas to be Bæotarch;" the Lacedæmonian, "I vote for Leonidas to be first of the Ephori." And why cannot an American citizen do the same? Why may not he go up to the poll and proclaim, "I vote for Thomas Jefferson to be President of the United States?" Why is he compelled to put his vote in the hands of another, and to incur all the hazards of an irresponsible agency, when he himself could immediately give his vote for his own chosen candidate, without the slightest assistance from agents or managers?

But, said Mr. B., I have other objections to these intermediate Electors. They are the peculiar and favorite institution of aristocratic republics, and elective monarchies. I refer the Senate to the late Republics of Venice and Genoa; of France, and her litter; to the kingdom of Poland; the Empire of Germany, and the Pontificate of Rome. On the contrary, a direct vote by the people is the peculiar and favorite institution of democratic republics; as we have just seen in the Governments of Rome, Athens, Thebes, and Sparta; to which may be added the principal cities of the Amphyctionic and Achæan leagues, and the renowned Republic of Carthage when the rival of Rome.

I have now answered the objections which were brought forward in the year '87. I ask for no judgment upon their validity at that day, but I affirm them to be without force or reason in the year 1824. Time and experience have so decided. Yes, time and experience, the only infallible tests of good or bad institutions, have now shown that the continuance of the Electoral system will be both useless and dangerous to the liberties of the people, and that "the only effectual mode of preserving our Government from the corruptions which have undermined the liberty of so many nations, is, to confide the election of our Chief Magistrate to those who are farthest removed from the influence of his patronage;"* that is to say, to the whole body of American citizens!

One other objection yet remains to be named and answered, an objection of recent origin, stated for the first time on this floor, by the Senator from New York, (Mr. VAN BUREN.) In substance it is this, that, by giving the election to the people in districts, the votes for President would be more apt to scatter among various candidates, less apt to concentrate upon one or two; and thereby the chances of an eventual reference to the House of Representatives would be increased.

The analysis of this objection shows it to be an objection purely and simply to the district system, as the votes would be liable to scatter precisely as much in choosing Electors by districts, as in voting for President by districts. In either case the majority would lose the power of impressing

* Report of the Committee of H. R. by Mr. McDuffie.

the minority; and that they ought to lose it, has, in my opinion, been sufficiently shown in the beginning of this argument. But it is not admitted that the result would be as apprehended by the Senator from New York. In the first place, the candidates for the Presidency, be their number what it may in the first stages of the canvass, will always reduce themselves, or be reduced, by the force of circumstances, to two or three individuals, before the day of election comes round. In the second place, admitting that the votes of one State may scatter, yet the votes of all the others may scatter likewise; and what is lost by a particular candidate in one State may be gained by him in another.

FOURTH.—To continue the umpirage in the House of Representatives, in all cases in which no candidate receives a majority of the whole number of votes.

This is the last proposition, said Mr. B., which I have had the honor to submit to the consideration of the Senate. In taking it up I have to regret that I shall find myself separating in opinion from those from whom I can never divide without a painful apprehension that I am going into error. My sensibility to this unpleasant sensation is increased upon this occasion, because, in dividing from so many whose judgments I reverence, I seem to take the direct road which leads to the interest of my own State. But, notwithstanding the embarrassing effect of this appearance, I will cheerfully throw myself upon the candor of the Senate while I briefly show that the real interest of Missouri, in this question, is directly opposite to what it seems to be.

This infant State is now called small; but she contains all the elements of future greatness. She has sixty thousand square miles of territory, and a soil and climate adapted to the support of the heaviest population. Her mines and salines will give rise to great manufacturing establishments. Her geographical position, in the centre of the valley of the Mississippi, will give her great political weight, and in war her whole force will be disposable, because she, herself, will be inattackable. The wonderful phenomenon of thirty thousand miles of navigable water, uniting in her centre, and flowing, by one channel, to the Gulf of Mexico, will give her commercial advantages unequalled by any other interior part of the globe. On the basis of the ordinary population of old countries, one hundred and fifty to the square mile, she will be able to contain nine millions of souls, equal to the entire white population of the United States at this day. Looking to these facts, and it is clear that the permanent interest of Missouri lies with the powerful, not with the weak States. But, leaving out of view all considerations of this kind; placed on a theatre which is elevated far above the atmosphere of local interests; charged with the sacred duty of legislating for the whole American people, I claim for myself no more than I freely grant to every member of the Senate, a sincere desire to perpetuate our republican institutions, and to save that union of the States upon which will depend the happiness

and prosperity of our descendants, when we ourselves shall be beyond the reach of any earthly government, either good or bad.

The amendment reported by the committee proposes to take away from the House of Representatives the eventual right of voting by States for President, and to vest it in both Houses of Congress, voting by heads. The effect of this amendment would be to give the election of President, unconditionally and absolutely, to the powerful States.

I am opposed to the *principle* of this amendment, because it goes to the subversion of the Government under which we live.

The Constitution of '87, reposes upon two principles: one federative, depending upon the States; the other representative, depending upon population. Both are combined throughout the whole frame of the General Government. The most inconsiderable bill cannot become a law of Congress, without submitting to the authority of each of these principles. It must receive the double ratification, once by a majority of people in the House of Representatives, and once by a majority of States in this chamber. The two principles are absolute in their application to every measure of the Federal Legislature; but, in the election of President, the federative principle is contingent, and contingent too upon the will of those who have the inclination and the power to prevent the contingency from ever happening.

Before the adoption of the Constitution, the federative principle alone operated. There was but one House of Congress, each State had but one vote, and the majority of States decided every question.

The Constitution itself, was formed in the same way, in a convention voting by States, and the majority of States deciding every question.

The great difficulty in the convention was, to fix upon the mode in which votes should be counted upon national subjects; the large States wishing that a majority of population should prevail, and the small ones, that a majority of States should govern. The result was a compromise, by which both principles were brought into operation, each as a check upon the other.

The combination was new and happy. No example in any previous confederacy, nor any writer in theory, had furnished the hint. The world is indebted for it to the great men who framed the American Constitution, and, beyond all doubt, it will give a duration to our Government which could not be expected from a simple confederation, voting by States, nor from a consolidated republic deciding every question by the majority of numbers.

But no human institution is perfect, nor are there any two principles upon earth which can precisely balance each other. One must be the weakest, from the beginning; and, in practice, the weak must become weaker, and the strong more powerful, until the absolute mastery of one, and the absolute subserviency of the other, is completely established.

In the plan of our Government, the federative

principle is the weak; the representative, the strong one. The federative, rests upon the States, which are few; the representative, upon the people, who are numerous. In time, the most powerful must master the other; and the attack has now begun.

The amendment reported by the committee, is an attack upon this principle, not in its whole extent, but in one point. What is this point? It is called "an election of President by the House of Representatives."

In researches after truth, it is important to use accurate expressions. This phrase is not accurate. The House of Representatives have no power to "elect," a President. They have no elective faculty, no power of choice; they are limited to the humble occupation of preferring one out of three, each of whom may be obnoxious to them. They are nothing but arbitrators, referred to as mutual friends, to settle a question of mutual interest. A reference to the House of Representatives, is clearly a case of a nomination of three candidates by the people, and the acceptance of one by the States; with the important qualification that the people only nominate to the States when they cannot agree among themselves. It is not a case of "election;" but a sort of substitute for the gold and silver balls in the choice of a Doge of Venice.

Before we examine the objections to the main question, we will stop a moment to examine the case of 1800, the example always referred to as the one to be dreaded, and to avoid the repetition of which, is one of the main arguments in favor of amending the Constitution. Now, the fact is, the case of 1800 cannot possibly happen again. It was not for want of a majority that the decision then went to the House of Representatives; for two candidates had each a majority, and that majority was the same; 73 for Mr. Jefferson, and 73 for Mr. Burr. It was not for want of a majority, but for want of designation, that the question went to the House; and this can never happen again, for the Constitution has been amended, and the votes given for President, and Vice President, are now designated in the ballots. The fact of that case can never happen again, nor the excitement which it produced. What was the cause of that excitement; of that indignation and rage which inflamed the country? It was the fact that a man who had not received one vote for President was about to be made President over the man who had received a majority of the people's votes; it was because a candidate, preferred by one party to the second office in the Republic, was taken up by the opposite party, turned upon his old friends, and made the instrument of crushing their success in the moment of enjoyment; it was because the people were to be cheated out of their choice by what they believed to be a fraudulent and treasonable combination against them. If the thirty-six ballotings had been between Mr. Adams and Mr. Jefferson, there would have been no talk of a civil war, no menace of marching troops. Both these gentlemen had been voted for as President; the country was nearly divided between them, and the defeated party would have

taken their defeat tranquilly, because it would have been fair. The case of 1800 can never happen again, neither in point of fact, nor in the excitement which it produced, and I protest against it as an argument in favor of altering the Constitution.

Mr. B. then proceeded to the objections brought against the continuance of this power in the House of Representatives. These were of two kinds: one of principle, because it levelled the power of the States; the other of detail, because the House of Representatives is held to be an unfit depository of this principle.

To show the possible operation of this principle, a table has been exhibited in all the newspapers, demonstrating that thirty-one members of Congress, from thirteen of the smallest States, may be able to decide the election. The table is not new. It was exhibited in the Convention of '87, and in the Virginia Convention, which ratified the Constitution; and produced, at that time, a result still more astounding; for, according to these tables, fifteen members, from the seven smallest States, were to effect the election. I refer to these old calculations for the purpose of showing that the evil now so much dreaded is not a new discovery, but was perfectly understood before the adoption of the Constitution; and, though urged in its most imposing form, was not sufficient to prevent its adoption in a single State. It was then considered, as it now must be, as the mere calculation of a possible case which can never happen. So many States, so widely dispersed, (for the table takes in Maine and Louisiana, Delaware and Missouri, Rhode Island and Alabama, and many others equally remote from each other,) so many States, without community of interest or feeling, can never unite in a common object, still less to effect their purpose by the miraculous coincidence of a majority of one in thirteen successive instances; and without this miraculous concurrence of the same majority, the table loses all its imposing effect, and would show thirteen States, having forty-five representatives, and entitled to seventy-one electoral votes, uniting in one object, and deciding the election. Mr. B. said he would exhibit another table to the Senate, which he believed to be new, and not only possible, but probable.

The whole number of electoral votes at present is two hundred and sixty-one; of these, one hundred and thirty-two are given by six States, which choose their Electors either by general ticket or legislative ballot. The same candidate may be taken up by the dominant party in each of these States, and may succeed in each by a bare majority, say a majority of one; he will then have seventy-two voluntary votes, and sixty impressed ones. All the other States may be against him, yet he is elected; elected by six States against the eighteen; by seventy-two votes against one hundred and eighty-nine; by two million eight hundred thousand people against seven million two hundred thousand! Yet this is called an election by the people, an election by the majority, when it is shown that it may be the work of one-fourth

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part of the States, one-fourth part of the votes, and one-fourth part of the people! But, it may be said, that this is a mere case of possibility, which can never happen. I answer, to the letter it is not expected to happen, but, in effect, it not only can happen, but is extremely probable. The six States referred to are proximate to each other, and can easily combine. They may differ about the individual they would prefer for President, but they are all united in one wish, one design, one interest, in keeping the decision from the States in the House of Representatives. They all have the same horror at the idea of seeing themselves balanced on a final vote by the single representative from Illinois, Delaware, Mississippi, and Missouri; and there is no knowing to what compromises this community of feeling, and this joint horror, may lead. Certainly, while the Electors continue to be chosen by general ticket and legislative ballot, it is a farce to talk about the will of the people; and with every disposition to treat the subject candidly, I think the majority of the people have about as good a chance for succeeding in the House of Representatives, as they have in a vote by Electors thus chosen.

I have said that the principle of the amendment reported by the committee, goes to the subversion of the Government under which we live. That principle is, that the majority of the people ought to govern. Certainly this is correct in a consolidated Republic; but apply it to the equal representation of the States in the Senate Chamber. There are twenty-six Senators from thirteen States, containing a population of two millions; that is, a majority of Senators representing one-fifth of the population! Apply it to the ratification of treaties. Eighteen Senators from nine States, containing a population of one million of inhabitants, may prevent the ratification of a treaty supported by thirty Senators, representing nine millions of people! Apply it to the mode of amending the Constitution, which requires a concurrence of three-fourths, and the result may show you fourteen Senators from seven States, containing six hundred and forty thousand souls, preventing the adoption of an amendment against the vote of thirty-four Senators representing nine and a half millions of people! But, it will be said, there is no danger of any attack upon the Senate. I answer, that thirty years ago there was no visible danger of any attack upon the rights of the States in the eventual vote for President, and twenty years hence the class of small States, now so much the most numerous, will become the smallest number. At present we count eighteen small and six great States, but in this count the estimate turns upon population, which is constantly varying, and not upon the size of the States, which is fixed and permanent. All the Western States now in existence, will be of the largest class. Those to be created will also be of the largest size. They will wish it, to gratify their pride, and it will be granted them, to lessen their relative weight in the Senate. Five new States of the largest class, must be admitted within some years: Florida 48,000 square miles, Arkansas 60,-

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000, and three more in the Northwest Territory, between the State of Illinois and Lake Superior, averaging 50,000 square miles each. The relative proportions of great and small States will then be reversed, and a proposition which cannot be defended by any one now, will then be as popular as is the present attack upon the eventual right of the States to decide a Presidential election.

Gentlemen say there is no danger of any attack upon the equal representation of the States in the Senate. But I ask if there are no "private griefs" even now upon this subject? The Holy Scriptures tell us, that out of the fulness of the heart the mouth speaketh; and hath not the mouth spoken, and the heart betrayed its fulness upon this very subject, within a few short days past?

[Here Mr. BENTON read the following extract from Mr. VAN BUREN's speech in the Senate, December 29th.]

"The great Departments of the Government were, the Legislative, Executive, and Judicial. The latter is organized by the two former, and the influence of the respective States, in its organization, is of course the same as it is in the other two. In the choice of the Executive, and in the popular branch of the Legislature, each State has a representation proportioned to its representative numbers, with this exception, that, in the choice of the Executive, an addition of two votes was given to each State, without regard to its numbers, or the amount of its contribution to the public Treasury. But in this branch of the Legislature the case is widely different. Here, in consequence of the peculiarity of our condition, at the time of the adoption of the Constitution, the equitable principle of representation, founded on population and contribution, has been entirely disregarded. Here each State, on the score of its sovereign character, has equal weight; and what, he asked, was the relative importance of this branch in the Government? He would not say it was that by which all the efficient power of the Government was controlled, but he would say, that but a slight consideration of the Constitution was necessary to show that this branch did so more than any other. With the single exception of originating revenue bills, its legislative powers were coextensive with the popular branch. No law could pass without the assent of the Senate. Almost all the important proceedings of the Executive are subject to its revision. All appointments require its approbation, unless its assent is first obtained to a law providing a different mode. The consent of two-thirds of this body is necessary to the validity of all treaties; and it has the sole power to try impeachments of all the high officers of the Government, as well Executive as Judicial. In a branch of the Government possessing such extensive powers, the small but patriotic State of Illinois, with a population of fifty-five thousand, has a representation equal to that of Pennsylvania, with a population of one million and fifty thousand. The five largest States in the Confederacy, viz: Ohio, Pennsylvania, Virginia, North Carolina, and New York, with a population of four millions eight hundred thousand, have a representation but equal to the five smallest States, with a population of three hundred and fifty-three thousand. Nearly one-half the nation, residing in the five largest States, has a representation but equal to the one twenty-seventh part residing in the five smallest States. About one-half the whole

people, residing in five States, are represented here by ten voices, whilst the other half are represented by thirty-four voices. The disproportion of the relative influence of the several States, having reference to their population as a just basis of representation, cannot fail to strike every mind. The same inequality existed at the adoption of the Constitution, but in a much less degree. Then, taking an average of the population of the States, and considering those as small who do not come up to it, the large States were in a majority; now, by the admission of new States, with assent of the old, they are in a minority. There were, at that period, eight large and five small States. Now, by the same criterion, there would be found to be but ten large and fourteen small States. Still this was all right; it was according to the compact into which all the States had voluntarily entered; and he fervently hoped, for the peace and happiness of the people of these States, that the day might be far distant, when even a desire should be entertained, to alter it."

[Mr. B. also read the following extracts from Mr. McDUFFIE's speech in the House of Representatives, January 16th.]

"Now, said Mr. McDUFFIE, there is no political principle more undeniable than that the deliberate opinion and settled conviction of a majority of the people, (in a government recognising in them the right and the capacity of self-government,) ought to prevail over the will of the minority, even in relation to the Constitution. Why, then, it may be asked, does that instrument require, for an amendment, the concurrence of more than a majority? I answer for the very wisest of purposes; but not surely to give the permanent ascendancy to the opinion of the minority. This requirement was intended for no other purpose, than to prevent hasty and inconsiderate changes, and to give time for reflection and deliberation. But when the sense of a decided majority of the community is permanently and unalterably settled down in favor of any amendment, the end of this provision is answered, and the minority ought to yield. I will not say that they have not the Constitutional right, as well as power, to oppose the will of the majority; but I contend that it is their moral duty, as well as their undoubted interest, to yield, under such circumstances."

"The small States are the favorites of the Constitution, and, even under the proposed amendment, would be eminently so. A very slight examination will make this apparent. There are seven States in the Union which, together, contain a population smaller than that of North Carolina. What is their relative power? They have fourteen votes in the Senate, a co-ordinate branch of the Legislature, while North Carolina has but two! This, too, is a power of which they can never be deprived. And yet we are told that the small States are in danger of oppression!"

"The seven States to which I have alluded, are entitled to twenty-six electoral votes, while North Carolina, with a larger population, is entitled to fifteen only. States having but a single Representative are entitled to three Electors for a population of forty thousand, whereas the large States are entitled to but little more than one Elector for the same population."

Mr. B. did not read these extracts for the purpose of arguing against them. He read them as a solemn warning to the small States, as proof that all their rights were in danger, their equal

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representation upon this floor, and their existence in the Constitution itself, which, it is openly contended, ought to be amended by a bare majority of population, without any regard to the sovereignty of the States which composed it. Let it not be said that the Constitution will protect the rights of the small States. The Constitution itself may be amended, not at this moment, while the small States are the majority, but some twenty or thirty years hence, when there shall be eighteen or twenty large States, and no more than eight or ten small ones. The knowledge of this ultimate and approaching danger should warn the small States, at this moment, to stand together, and to resist this attack upon their rights. They have already lost one half of the privilege secured to them by the Constitution of 1787. By the Constitution of that day the States in the House of Representatives had the privilege of choosing a President from the five highest on the list of candidates; by the amendment of 1803, they are reduced to a choice out of three. The range of selection is narrowed one half by this first amendment, and now, by a second amendment, it is proposed to take away the right altogether. It is thus that the federative principle, the weak principle of our Government, is sinking under the attacks of the representative principle, by which it must eventually be overpowered and destroyed.

The amendment reported by the committee reposes upon a false principle. It is made to depend upon the present unequal population of the States; and the argument in support of it is, that it is unjust that Missouri, Illinois, Mississippi, Alabama, Louisiana, and Indiana, should have as much weight as New York, Pennsylvania, Virginia, Ohio, North Carolina, and Massachusetts, in the decision of the Presidential election. Now, the six States objected to, as small, contain 300,000 square miles, while the six referred to, as large, contain but 245,000. The first six, upon every principle of relative power, will be the most powerful in the lapse of some years. They have the greatest number of square miles; they are capable of sustaining the heaviest population; they are interior States, and their whole force will be disposable in time of war. Admitting them to be correctly classed among small States, at present, on account of their population, yet this classification is temporary, and is altering itself every day, and it is false policy to alter a permanent instrument, the Constitution of the Republic, for a temporary evil, which will correct itself in the course of a few years.

The amendment of the committee turns upon a false principle, again, in assuming, as probable, what has not yet happened under the Constitution, and, in all probability, will not happen for an age to come. It turns upon the probability of carrying the Presidential election to the House of Representatives, for want of a majority of votes in favor of any one candidate. This is a contingency which has not yet happened. The case of Burr and Jefferson, so constantly quoted, is not a case in point. It was not for want of a majority that these gentlemen appeared before the House

of Representatives, but for want of discrimination, and that is now provided against by the amendment to the Constitution, which requires the Electors to vote separately for President and Vice President. The Constitution has been in force thirty-six years; nine elections have taken place; a majority of electoral votes has always been given to some one candidate; and, in the case of Jefferson and Burr, a majority was given to two candidates. No election has gone to the House of Representatives for want of a majority, and it now depends upon the act of those States, half a dozen in number, which have the will and the power to prevent it, whether the pending election, or any future one, shall go there for that cause; and, when we look to the increased sensibilities of these States upon this point, the prospect of such an occurrence becomes a most remote and improbable contingency.

Mr. B. was opposed to the committee's amendment, because it went to unsettle one of the compromises upon which the Constitution reposes. He quoted a part of Mr. Madison's speech in the Virginia Convention, to prove the right in question to have been a compromise between the great and small States:

"As to the eventual voting (for President) by States," said Mr. Madison, "it has my approbation. The lesser States, and some larger ones, will be pleased by that mode. The deputies from the small States argued, and there was some force in their reasoning, that, when the people voted, the large States evidently had the advantage, and, without varying the mode, the interest of the small States might be neglected or sacrificed. Here is a compromise."

Everybody knows that, without compromise, the Constitution of 1787 could not have been framed; and it is a fair inference that, unless these compromises are preserved inviolate, the Constitution must perish. It was a compromise between the slave-holding and non-slave-holding States to admit a qualified representation of the black population; it was a compromise between the large and small States which produced an equality of representation in the Senate; and it was a compromise between the same large and small States which gave the election of President, in the first trial, to the people; and, if they failed to make a choice, then referred to the States. Destroy either of these compromises, and one of the pillars is taken away which now supports the edifice of the Constitution.

I know that it is the fashion to cry down the House of Representatives, but there are positive advantages in referring the election, upon the second trial, to that House. In the first place, it is necessary to the safety and respectability of the small States that they should stand for something in the Presidential election. In a mere vote of numbers, they are lost. No President, or candidate for the Presidency, would court their good will, even by doing them justice. Their most meritorious citizens would apply in vain for the humblest appointment. All the Executive favors would flow into the great States in reward of past services, or to induce new exertions. In the

second place, it imposes a salutary restraint upon the ambition and violence of the great States. The House of Representatives stands before them *in terrorem*. They are constantly admonished to act with moderation, good faith, and harmony, by the danger of seeing the election slip out of their hands. It compels the Electors, also, to vote in good faith. They are to have but one trial. There is no room for experimental voting; no room for combinations; no room for false runnings upon different candidates. It deranges any scheme of corruption, by changing both the Electors and the mode of voting. It conforms to the will of the people; for the Representatives in Congress are now chosen with an eye to their contingent faculty of Electors of President; and care is taken to elect those only who will obey the wishes of their constituents. In addition to all these reasons, the House of Representatives is a safer depository of the elective privilege than any other body of equal numbers which either exists at this time or can be created under the Constitution of the United States. Who composes the House of Representatives? Aged men, and men in the meridian of life, who have filled the first offices in their own States, or under the General Government, whose integrity has been tested by a long course of public service and of devotion to the people's interest; young men, appearing above the political horizon, their bosoms filled with noble aspiration, looking forward to the first honors of their country, and looked to by their country as the future leaders of the Republic. If it is said that there may be some bad material in the House, I will ask for the body of equal numbers in which there is so little. And I will maintain that the House of Representatives has ever been, now is, and while the Republic lives it must continue to be, for talent, for integrity, and for elevation of character, the first body of men of equal numbers which either exists in our own or in any other country in the world. To my mind, therefore, there is no place more safe for depositing the right of the States to decide the Presidential election, than this House is. Still this is a detail. The great principle for which I contend is, that, after one trial by the people, the next shall be by the States. The States may have the benefit of this principle in more ways than one.

Some gentlemen are in favor of remanding the election to the Electoral Colleges. Much as I am opposed to that mode of proceeding, my objections would be half diminished, if, in this second trial, the Electors were required to vote by States—the Electors of each State giving one vote. Still I would prefer the House of Representatives, for the reasons already mentioned, and for another which had great weight with the framers of our Constitution. It is already seen, by looking to the powers of the Senate, and to the powers of the House of Representatives, how much the former exceed the latter. The Senate have all powers which belong to the House, except the faculty of originating money bills, and of preferring impeachments; but, even in these exceptions,

the power of the Senate is still predominant; for the money bill cannot raise a dollar, nor the impeachment remove one delinquent from office, without the consent of the Senate.

Besides a concurrent power in legislation, the Senate is clothed with the extraordinary powers which in monarchies belong to the King, or to an hereditary body of nobles. In its power over the ratification of treaties, it controls the legislation of the whole Union. It controls the President, in his strong arm, in his power of appointment to office. It presides in some degree over the administration of justice, in its power of appointment and removal of the federal judges. It is the judge of the President himself—can try him for an imputed misdemeanor, and pronounce the forfeiture of his office. To this accumulation of powers is superadded a duration in office longer than is enjoyed by any other officer of the State or National Governments. The framers of the Constitution foresaw that, in the presence of a body thus constituted, the House of Representatives—the popular branch of the Legislature, and the peculiar depository of the republican principle—would be in danger of dwindling into comparative insignificance, unless armed with some prerogative peculiar to itself. Hence was conferred upon it the right to originate revenue bills, to institute impeachments, and to act as umpire, in the last resort, between the leading candidates for the Presidential Chair.

Mr. B. confirmed this view by reading a part of the sixty-seventh number of the *Federalist*, in which it is stated expressly, that as a counterpoise to the extraordinary powers of the Senate, and to secure the equilibrium of the House of Representatives, the three prerogatives enumerated were conferred upon it, and the last particularly relied upon:

"The House of Representatives will be the umpire in all elections of the President which do not unite the suffrages of a majority of the whole number of Electors—a case which it cannot be doubted will sometimes, if not frequently, happen. The constant possibility of the thing must be a fruitful source of influence to that body. The more it is contemplated, the more important will appear this ultimate, this contingent power, of deciding the competitions of the most illustrious citizens of the Union for the first office in it. It would not perhaps be rash to predict that, as a mean of influence, it will be found to outweigh all the peculiar attributes of the Senate."

Upon this exposition, Mr. B. submitted it to the Senate to say whether it was not highly objectionable to strip the House of Representatives of a power given to it as a counterpoise to the Senate, and particularly so for the Senate itself to commence this work of spoliation?

It has been seen that every argument that can be urged in favor of taking from the small States their eventual chance to act a part in the Presidential election, may be carried forward and urged with greater force in favor of depriving them of their equal representation in the Senate. Let it be supposed, then, that the present attempt has succeeded; what next? Why, an open attack

upon the constitution of the Senate. Speakers of portentous ability, like the Senator from New York, (Mr. VAN BUREN,) and the Representative from South Carolina, (Mr. McDUFFIE,) whose sentiments have been already quoted, will display the enormity of the principle which gives to the eighty thousand inhabitants of Rhode Island as many Senators as belong to the million and a half of New York. Hundreds of presses, and a thousand subaltern orators will repeat, that, in a Republic, the majority ought to govern. All the powerful States will adopt this principle, and eventually the representation of the Senate will be bottomed upon population and not upon States. What, then, will be the condition of the Republic? Consolidation! It is in vain to say that the States will still have their territorial limits, their Governors, and local Legislatures. Russia, and even Turkey, have their provinces, their governors, and provincial governments. Our Federal Government will be changed from a federation of States, into a Republic "one and indivisible," in which the majority of numbers will decide every question. The two Houses of Congress, like the council of five hundred, and the council of two hundred and fifty, will rest upon numbers, and the Representatives from the most populous sections of the Union, being a majority in both Houses, will decide all questions to suit the interest of their own section. Could the United States stand this? All the books answer, no. The framers of the Constitution said, no. The experience of thirty-six years answers, no. The Missouri question gives the same answer. And what would be the result if the tariff, now depending, could be regulated by either of the three great interests of agriculture, commerce, or manufactures? We all profess an abhorrence of consolidation, but we disagree in the definition. In my opinion the consolidation of our Federal Government would be complete when a majority of numbers shall govern in both branches of the Legislature. The powerful States, the populous sections, the predominating interests, would then prevail; the weak States, the less populous divisions, the inferior interests, would be sacrificed. In opposing this state of things, I am not pleading for myself, for my own State; nor for the section from which I come. I belong to the Valley of the Mississippi, great in extent, indivisible in policy, capable of sustaining an hundred millions of people. Sectionally I have nothing to fear from a consolidation of the federal power; as a lover of the Union, I fear every thing. I fear for the small States, and, in their fate, for the Union itself. Not for the small States of the West, for they will be great; but for the small States of the Atlantic board, part of the old thirteen, to whose heroic efforts in the war of the Revolution—to whose confiding spirit in the Convention of 1787, we are indebted for the privilege of sitting, this day, in consultation upon their rights. Which are these small States? They are Massachusetts, with 8,000 square miles; New Hampshire, 10,000; Vermont, 10,000; Rhode Island, 1,360; Connecticut, 4,600; New Jersey, 7,000; Delaware, 2,000;

Maryland, 11,000; Maine, 30,000; South Carolina, 30,000. Let not these two last object to this classification. They have but half the superficial content of the States of the first magnitude. They are border States, and will have no disposable force in time of war. In spite of their noble spirit, their intellectual and moral worth, they are condemned by the inexorable voice of their boundary lines, to take their permanent place in the class of the small States. These are the States which are to suffer by yielding the election of President to the populous States, by giving to all the States a representation according to population in the Senate; in fine, by carrying into effect the principle that, in the Federal Government, the majority of numbers shall decide every question. Under the operation of that principle, the confederation of the States would degenerate into an alliance between the weak and the strong, without any check in favor of the weak; a sort of alliance which, in all ages, and in all countries, has been nothing but the realities of the fabled alliance between the giant and the dwarf. Look to the Amphictyonic league, composed of thirty members, yet only three known to history: Thebes, Sparta, and Athens, each predominating by turns, and governing and chastising the weaker cities as they pleased. The Germanic confederation, consisting of three hundred members, yet the whole power usurped by nine Electors; the small States summoned before the Imperial Diet, placed under the ban of the empire, and their territories given up to pillage and military occupation. The seven United Provinces, in which the province of Holland alone decided upon peace and war, loans and taxes, and dragooned the inferior provinces into acquiescence. The Swiss confederacy, the large cantons making war upon the small ones on account of their religion, and calling in the Dukes of Savoy to assist in the chastisement. The framers of the Constitution had these examples before their eyes, and we have had another, a real history of the giant and the dwarfs; the Confederation of the Rhine, in which the petty princes of Germany, uniting with Napoleon the Great, to get their heads broken in every corner of Europe, and to see their Lilliputian territories ravaged by strange men from the confines of Asia. The principle that the majority ought to govern, so correct when applied to the government of the respective States, is false and ruinous when applied to the Federal Government of the United States. The Union could not have been formed on that principle, nor could it now exist under it if introduced. The federative principle yielded all that can be yielded, in the Convention of 1787. To attack that principle now, is, in my opinion, to attack the existence of the small States, and the continuance of the Union. For one, I should deem it my sacred duty to resist these attacks in any situation, but more especially in this chamber, instituted for the express purpose of preserving to the small States the remnants of sovereignty which were left to them by the Convention of 1787.

The peculiar faculty of the American Senate is

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conservative. It is formed upon the principle of the Roman Tribune, to preserve, not Plebians against Patricians, but the weak against the powerful States. Yes, Senators, you are the Tribunes of the States; you are the barrier between the weak—the adamant wall, behind which the most feeble States shall repose in safety, before which the most powerful shall beat in vain. And will you act contrary to the principle of your institution? Will you begin with surrendering that which you are created to defend? Will you set the example of destroying that which you were instituted to preserve? Will you subtract from the strength of the weak, and add to the power of the powerful; and this too, in the face of the fact, that these powerful States refused to adopt the district system because it will lessen their capacity to dominate over their feeble neighbors? I trust that the Senate will not act thus; and I think that the great States ought not to ask it. They should remember that this Constitution was formed by States, each giving one vote; that a Congress of States was then in existence, under the Articles of Confederation, deciding every question by States, each giving one vote. They should consider how much was surrendered by the small States, when they voluntarily relinquished this condition of equality, and submitted to have all their rights and interests controlled by the superior population of the great States in the House of Representatives, and to have the National Executive subject to be elected by the same population, and often as half a dozen powerful States could agree among themselves. In addition to these sacrifices upon the altar of compromise, they should consider how much more has been taken by the natural tendency of the strong to encroach upon the weak; and they should ask themselves if it is right to unsettle the compromises of the year 1787—to attack the privileges then left to the small States—to assert a principle which goes to the subversion of the Federal Government—and to promote that system of consolidation which is wrapped up in the doctrine of giving the power of the Federal Government to those sections of the Union which have the majority of population? I can well conceive that it would be mortifying to Virginia, New York, and Pennsylvania, to see themselves balanced on a final vote for President, by Missouri, Illinois, and Mississippi; but they should reflect that the sting of their mortification would be transitory, while the benefit of the Constitution is permanent. Missouri, Illinois, and Mississippi, and I may add Indiana, Alabama, and Louisiana, are rapidly advancing to the point when it will be no disparagement to the greatest States to admit their equality. In the mean time it would be impertinent in me, a Senator from the youngest State in the Union, to offer advice to those which are old and powerful; but it may be useful to remind them of the counsel given to them by the most eminent of their own citizens, at a time when the good will of the small States was of more account than it seems to be at present:

"A common government, with powers equal to its objects, is called for by the voice, and still more loudly

by the political situation of America. A government founded on principles more consonant to the wishes of the larger States is not likely to be obtained from the smaller States. The only option, then, for the former, lies between the proposed government and a government still more objectionable. Under this alternative, the advice of prudence must be, to embrace the lesser evil, and instead of indulging a fruitless anticipation of the possible evils which may ensue, to contemplate rather the advantageous consequences which may qualify the sacrifice."—*Federalist*, No. 62.

Mr. B. concluded with an expression of his extreme gratitude for the indulgent attention with which he had been heard by the Senate. He would not trespass longer upon their patience by delivering any thing in the form of recapitulation. He limited himself to saying, that, until the contrary should be shown, he held the four propositions, with which he sat out, to be completely established.

When Mr. BENTON had concluded—

On motion of Mr. EATON, the further consideration of the resolution was postponed till Monday next.

WEDNESDAY, February 4.

Mr. HOLMES, of Maine, from the Committee on the Judiciary, to whom was referred the petition of George Sutton, and others, reported a bill in further addition to "An act to establish a uniform rule of Naturalization;" and the bill was read, and passed to the second reading.

Mr. EATON presented the petition of William Venable and wife, and Jonathan Morgan and Jane his wife, and daughter of said Venable, stating, that one Peter Woolsey, who had been a private in the Army, during the late war, and now deceased, bequeathed to the wife of William Venable the military bounty land to which he was entitled, and to the wife of Jonathan Morgan the arrears of pay and pension due to him at the time of his decease, and which they cannot receive unless by the authority of Congress; and praying relief. The petition was read, and referred to the Committee on Public Lands.

Mr. LLOYD, of Maryland, presented the memorial and remonstrance of Mark Butts, and others, citizens of Alexandria, in the District of Columbia, praying that no law may be enacted vesting in the Common Council of Alexandria the power of appointing flour and tobacco inspectors, or of regulating the inspection of flour or tobacco; which was read, and referred to the Committee on the District of Columbia.

Mr. FINDLAY presented the memorial of Thomas Stevenson, and others, tallow-chandlers and soap-boilers, of the city of Philadelphia, praying that no additional duty may be laid on imported tallow; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. LLOYD, of Maryland, presented the petition of Hezekiah Langley, praying the payment of his account for his materials and labor in fitting up a room in the City Hall for the accommodation of the circuit court of the District of Columbia, in

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Florida Land Claims.

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the county of Washington; which was read, and referred to the Committee on the District of Columbia.

Mr. JOHNSON, of Louisiana, presented the petition of Charles Olivier Devezin, praying to be confirmed in his title to a tract of land in Louisiana; which was read, and referred to the Committee on Public Lands.

Mr. BARTON, from the Committee on Public Lands, to whom the subject was referred, by a resolution of the Senate, of the 27th ultimo, reported a bill authorizing the register of the land office for the western district of the State of Louisiana to report upon certain land claims within the said district; and the bill was read, and passed to a second reading.

The PRESIDENT communicated a report from the Secretary of War, transmitting statements, showing the contracts made by the Department of War in the year 1823; which was read.

The Senate proceeded to consider the report of the Committee of Claims on the petition of Sarah Easton and Dorothy Storer; and it was postponed to and made the order of the day for Monday next.

The Senate proceeded to consider the motion of yesterday, to instruct the Committee on Public Lands to inquire into the expediency of making further provision, by law, to prevent frauds in surveying the public lands; and agreed thereto.

The Senate resumed the consideration of the report of the Committee on Public Lands on the petition of Andrew Henshaw; and it was further postponed until to-morrow.

The bill to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana situate to the east of the Mississippi river and island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, was read the second time.

FLORIDA LAND CLAIMS.

The bill, from the House of Representatives, to extend the time for the settlement of private land claims in the Territory of Florida, with the amendment thereto, proposed by the Committee on Public Lands, in the Senate, was taken up as in Committee of the Whole, Mr. MACON in the chair.

This bill proposes to extend, to the first of January next, the time to which the commissioners, appointed under the act of Congress for ascertaining claims and titles to lands in the Territory of Florida, were limited in the reception of the evidence of such claims. The amendment proposed by the Committee on Public Lands merely defines the kind of evidence of title to be received; the compensation to the secretary of the commissioners, and some other details. A debate arose on the subject, in which Messrs. EATON, CHANDLER, LLOYD, of Maryland; LOWRIE, LLOYD, of Massachusetts; MILLS, FINDLAY, SMITH, BARTON, and BELL, took part.

A motion to postpone the subject, indefinitely,

made by Mr. CHANDLER, was lost, as was also a motion, by Mr. LLOYD, of Maryland, to amend the bill so as to reduce the jurisdiction of the commissioners from claims of three thousand five hundred acres, to those which comprise only one thousand acres.

On motion of Mr. FINDLAY, the section which requires the secretaries of the Board of Commissioners, who have received salaries, to refund any fees which they may have received from claimants, for making record of their claims, was stricken out. The bill was then reported to the Senate, with the amendments.

Mr. LLOYD, of Maryland, moved to restore the section which was stricken out, on motion of Mr. FINDLAY, in Committee of the Whole, which was agreed to; and the bill, as amended, passed to a third reading.

THURSDAY, February 5.

The amendments to the bill from the House of Representatives, entitled "An act to extend the time limited for the settlement of private land claims, in the Territory of Florida," having been reported by the committee correctly engrossed, the bill was read the third time as amended, and passed.

Mr. JOHNSON, of Louisiana, called up the petition of Daniel Brown, presented at the last session, praying the equitable settlement of his accounts; and it was referred to the Committee of Claims.

Mr. LLOYD, of Massachusetts, presented the memorial of William Bartlett, and others, of Newburyport, praying indemnification for depredations committed on their commerce by the private and public armed vessels of France, from the year 1793 to 1800; which was read, and referred to the Committee on Foreign Relations.

Mr. FINDLAY presented the memorial of Peter Hill and others, of Ebenezer Ferguson and others, and of Joseph Bishop and others, of the city and county of Philadelphia, severally praying that the tariff may be so modified, as to afford that protection to manufactures which is extended to commerce. The memorials were read, and referred to the Committee on Commerce and Manufactures, to consider and report thereon.

Mr. HAYNE presented the petition of the Chamber of Commerce of the city of Charleston, South Carolina, praying the establishment of an uniform system of bankruptcy throughout the United States; which was read, and referred to the Committee on the Judiciary.

On motion, by Mr. NOBLE, the Committee on Pensions were discharged from the further consideration of the petition of Elizabeth McFarland, and she had leave to withdraw her petition and papers.

The bill in further addition to "An act to establish a uniform rule of naturalization;" and the bill authorizing the register of the land office for the western district of the State of Louisiana to report upon certain land claims, within the said district, were severally read the second time.

The Senate proceeded to consider the report of the Committee on Public Lands, unfavorable to the petition of Andrew Henshaw. This petitioner claims of the Government \$930 82, for surveying performed by him as deputy under a surveyor of the United States lands south of Tennessee. He had, according to custom, given to the surveyor his receipt for this amount, (without, in fact, receiving the money,) in order that the papers might be forwarded to the General Land Office. In the meanwhile, the surveyor died, and, at the time of his decease, was in arrears to the Government. The deputy surveyor now prays that he may be paid for his services. The report was opposed by Messrs. KING of Alabama, and KELLY, and supported by Messrs. EATON and BARTON. A motion, by Mr. KING, to reverse the report, was lost; the report of the committee was agreed to; and, on motion of Mr. KING, the petitioner had leave to withdraw his papers.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration, which was read:

Resolved, That the Secretary of the Senate pay to the widow of Samuel Turner, jr., deceased, late principal clerk in his office, the sum of — dollars, out of the contingent fund, for the purpose of defraying the expenses of his funeral.

The resolution passed to a second reading.

PENNSYLVANIA RESOLUTIONS—TARIFF.

Mr. FINDLAY communicated the following preamble and resolutions from the Legislature of the State of Pennsylvania, viz:

"To provide for the common defence, and promote the general welfare of the people of the United States, are the great objects for which the Government of the Union is instituted. Among the diversified measures adopted by Congress, in the prosecution of these objects, the present tariff was established, with a partial view to encourage and protect national industry, the principal source of public wealth. But, in the progress of events, experience has fully demonstrated the inadequacy of the present rate of imposts to protect domestic manufactures against a foreign competition, enjoying the advantages of capital and experience, matured skill, and the artificial encouragements of premiums and bounties; and that, without additional protection from the General Government, the country must continue indebted to foreign supply, for even many articles of manufacture immediately connected with the defence and independence of the nation. Believing it to be the duty of the General Government to cherish and foster internal industry, as the means of promoting the general welfare; that it would be wise policy in Congress to countervail, by protecting duties, the political regulations of foreign Governments which operate injuriously on the commercial and agricultural interests of the country; and that it is the interest of the United States, under existing circumstances, to become independent of foreign Powers for every national and domestic purpose; and earnestly impressed with the conviction that, not only the wealth, but the independence and security of the country are materially connected with the prosperity of manufactures, and that the establishment of them, by the adop-

tion of a sound tariff, would increase the general stock of useful and productive labor, secure a steady and more extensive domestic market for the surplus produce of the soil, and improve the state, and advance the interests of agriculture, thereby promoting the general prosperity of the nation, and strengthening the bond of union by the ties of mutual interest and dependence: Therefore,

"Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Senators of this State in the Senate of the United States be, and they are hereby, instructed, and the Representatives of this State in Congress be, and they are hereby, requested, to exert their influence, in establishing a tariff for the protection of our domestic manufactures and agricultural interests.

"Be it further resolved, That the Governor be, and he is hereby, requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress."

The preamble and resolutions were read, and ordered to lie on the table.

INDIANA RESOLUTIONS—ROAD.

Mr. NOBLE communicated the following preamble and resolutions from the Legislature of Indiana, viz:

"Whereas the construction of the National road from Wheeling to the river Mississippi, and the completion of the same, would greatly tend to the union of the States, and would also be of great and lasting benefit to this State, and to the several States through which the same is intended to run; and whereas we believe, that the completion of said road would enhance the value of the lands owned by the General Government in the Western States, and would add to the importance of those States, and form the best and brightest link in the chain which binds us together: Wherefore,

"Be it resolved by the General Assembly of the State of Indiana, That the completion of the National road, from Wheeling to the Mississippi river, is a work of great and general importance to the Union, and to the Western States.

"Resolved, That our Representatives in Congress be requested, and our Senators instructed, to use their exertions to effect the completion of said road, by obtaining from Congress a donation of land, or appropriation of money, for that purpose: and that his Excellency the Governor be requested to forward a copy of the foregoing preamble and resolutions to the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress."

The preamble and resolutions were read, and referred to the select Committee on Roads and Canals.

MILITARY ROAD.

On motion of Mr. JACKSON, the Senate, as in Committee of the Whole, Mr. RUGGLES in the Chair, took up for consideration the bill to authorize the making of a military road from Fort St. Philip, on the river Mississippi, to the English Turn, as an auxiliary to the defence of New Orleans.

Mr. JACKSON said that, as it was objected to this bill, when it was before under discussion,

that it involved the question of the Constitutional power of Congress to make roads, he was, therefore, about to propose an amendment which would obviate the objection. He believed that the right of Congress to make roads upon its own lands, for military purposes, could hardly be doubted. It was as evident as the right of any individual to dispose of his property for his own purposes. Mr. J. then submitted an amendment, proposing to limit the road to Johnson's plantation, instead of extending it to the English Turn; thus confining it to the lands owned by the United States.

The bill was then, on motion of Mr. HOLMES of Maine, postponed, and made the order of the day for to-morrow.

OFFICERS OF CONGRESS.

On motion of Mr. SEYMOUR, the bill reported by the Committee on the Contingent Fund of the Senate, as an amendment to that introduced by Mr. EATON, to revive and continue in force an act fixing the compensation of the officers of the Senate and House of Representatives, was taken up in Committee of the Whole. The amendment proposes that the Clerks in the office of the Secretary of the Senate shall be appointed in such manner as the Senate may, from time to time, prescribe; instead of vesting the appointment, by law, as it has been, in the hands of the Secretary. After a long discussion, on this point, by Messrs. SEYMOUR, HAYNE, LOWRIE, JOHNSON of Kentucky, HOLMES of Maine, LANMAN, MILLS, CHANDLER, PARROTT, BROWN of Ohio, and LLOYD of Massachusetts, this part of the amendment was rejected.

In the course of the remarks made by Mr. LOWRIE, he took occasion to express himself in terms of high commendation in regard to the present clerks in the Secretary's office. He had very frequently had occasion to call upon them, for the examination of the journals and documents appertaining to their office, and he had as frequently witnessed the assiduity and propriety with which their duties were performed.

After some further remarks by Mr. EATON, the bill, as amended, was reported to the Senate, and ordered to a third reading.

The Senate resumed, as in Committee of the Whole, the bill to authorize the building of an additional number of sloops of war for the naval service of the United States, together with the amendments proposed thereto; Mr. RUGGLES, in the Chair; and, on motion, the Senate adjourned.

FRIDAY, February 6.

Mr. LLOYD, of Maryland, from the Committee on the District of Columbia, to whom was referred the memorial of the President and Directors of the Washington and Alexandria Turnpike Company, reported a bill to amend an act, entitled "An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia;" which was read, and passed to a second reading.

The resolution submitted yesterday, by Mr.

LLOYD, of Maryland, directing the Secretary of the Senate to pay the funeral expenses of Mr. Samuel Turner, jr., the late principal clerk in the Secretary's office, was read the second time. Mr. L. stated, that it had been the usual practice of both Houses of Congress to pay the expenses attending the interment of their officers. He moved to fill the blank in the resolution with "one hundred dollars;" which was agreed to, and the resolution passed to be engrossed and read the third time.

ADDITIONAL SLOOPS OF WAR.

The Senate then resumed the consideration of the bill to authorize the building of ten additional sloops of war. The question was stated to be, upon filling the blank for the appropriation, with "\$425,000, annually, for two years."

Mr. BARBOUR rose in support of the bill. He believed the Senate could not, at present, feel any listlessness in regard to the Navy of the country. There had formerly been a difference of opinion on the subject of the United States becoming a maritime Power; and Mr. B. said he did justice to the honorable member from Maryland (Mr. SMITH) for the firmness he had always evinced, in his uniform support of the Navy, although that course had, at one time, separated him from the party with which he was accustomed to act. But it was due to those who had formerly differed in opinion from that honorable gentleman, to say, that experience had not then proved the necessity of a naval force; that, upon recurring to the history of other nations, particularly of that nation with whom we were then, unhappily, involved in difficulties, it was then hardly to be hoped that any effort of ours would be sufficient to enable us to make any stand, among the nations of the earth, as a naval Power; and it was firmly believed, by those who then opposed the progress of our Navy, that we should only build vessels to be captured. But, in the progress of time, the war came on; it furnished a trial of our capacity, as a maritime Power; and the decision has been such as to produce an uniform opinion, in the nation, that it is the duty of the Government to cherish this important means of our defence. In the brilliancy and the glory of its exploits, the Navy had far exceeded the utmost anticipation of its friends, and certainly it had surpassed the expectations of its opponents. While it had been thought that the land alone would be the theatre of our victories, it became sometimes the scene of our defeat, and even of our disgrace. And, where it was expected that we should meet with nothing but disaster, there the national character had been elevated. It was ascertained, in that war, that our Navy would furnish us with the greatest means of annoyance against an enemy, and that it would carry an impression of our power more than any other force we could furnish, and consequently the feeling towards it had been changed. Attachment to the Navy was now, Mr. B. said, confined to no particular part of the country—it was universal. Immediately after the war, at a moment when the nation was laboring under all the embarrassments

resulting from the contest; when, individually and collectively, the country was distressed in its financial concerns; in April, 1816, a law was passed appropriating one million annually to the gradual increase of the Navy. Mr. B. said he had mentioned that fact, only to call the attention of the Senate to the circumstances of the Government at that time. If a million of dollars, annually, was then appropriated, when the nation was embarrassed, and individuals were involved in pecuniary distress, surely at this time, when our debt is diminished, and our population increased, we may provide for the increase of the Navy proposed by this bill. Either the appropriation at that time was the most unwise prodigality, or the bill proposed at this time could not fairly be objected to. Another fact might be stated. About three years since, in 1821, instead of the annual appropriation of a million of dollars, only five hundred thousand dollars were appropriated. This diminution did not grow out of any hostility to the Navy, but from the peculiar exigency in which the nation was situated at that time. We were constrained to borrow money for the ordinary expenditures of the Government. But that exigency has now passed away, and the circumstances that then existed have passed away with it. If, then, the question were now to be decided, whether the appropriation of a million a year, for eight years, should be made, as in 1816; if that question were before an American Senate, would there be any difference of opinion in regard to it? Has the public mind undergone any change in favor of a different policy? Is the increase of the Navy less desirable than at that time? Do not the same reasons that influenced the Government then, operate as strongly now; or is any one prepared to say that our Navy is as large as is desirable?

Mr. B. said he well recollected the reasons that were urged in favor of an increase of the Navy then, and he believed them fit and proper to be adverted to at this time. If there was really any change in public sentiment, it might not be improper to look back and consider whether those reasons might not produce the same effects now. Let us not think that we shall always enjoy peace. This may have a benumbing influence upon the country. If it is true that it is not necessary to make any expenditures more than your present service requires, all that you have done since the war is in vain; your fortifications, your cannon, the increase of your Navy, is all a useless waste of the public money, and it is better to stop instantly; but if the necessity of preparing for our defence continues as strong as it has been, it is better not to fold our arms, and cry peace, peace, when, peradventure, there is no peace. It was then contended that, if any country ought to cherish its navy, the United States ought to do so; that the extent of its maritime coast, the numerous tributary streams that intersect the country in every direction, furnishing facilities for the attacks of an enemy, required this means of defence. When the geographical situation of the country was considered, it was necessary. During the late war, Mr. B. said, his situation had brought

the importance of this subject particularly to his view. The State of Virginia was intersected by numerous and large rivers, contributing to the beneficial intercourse of the inhabitants, in time of peace, but in war, furnishing high roads to the enemy from which to make their incursions upon the country. Thousands of the citizens of that State were detailed to protect its shores. The enemy was constantly changing his position, and rendered any defence almost impossible. One single ship, at the mouth of the Potomac, hermetically sealed the commerce of Virginia, Maryland, and a part of North Carolina. The expense of the protection of that part of the country was much greater than if it had been protected by a competent maritime force, independently of the thousands of our valuable citizens who perished in garrison. Mr. B. said he was better informed of the situation of Virginia, at that time, than of any other State; but he believed that other maritime States were in a similar situation. In another war, the same horrors might be sustained, if this arm of national defence were not strengthened.

It was said, furthermore, at that time, that, when reference was had to the particular genius of our Government, encouragement should be extended to the growth of the Navy. It would have a tendency to do away, in some measure, the necessity of standing armies. The whole history of nations has shown that standing armies were the surest enemies of liberty. England is indebted for the liberty and the extensive commerce which she enjoys to her naval, rather than her land forces. In every nation in which standing armies had been confided in, the liberties of the people had been subverted; and when maritime force had been relied upon, the contrary effect had generally been produced; and so, when we return to the United States, the necessity is obvious, of employing this species of force in preference to any other.

A third topic upon which encouragement of the Navy was defended, was, that it was friendly to the union of the States. It had been his misfortune, Mr. B. said, to hear subjects discussed there, which were exceedingly unpleasant; and, in which, one part of the Union had been set in contradistinction to another, as having been the theatre of signal victories; but, as it regards the Navy, these invidious distinctions cannot take place. The Navy is the property of the Union; and in whatever part of the Union we are situated we all share in its glory. All participate in the victories of the ocean. It does away all local considerations; and when the Navy grows up, as he trusted it would, to become a means of great annoyance to any enemy that might attack us, its advantages will be so obvious that every man will consider it as national property; and, in such a point of view, it would operate as a strong inducement to every State to preserve its connexion with the Union. These points were urged in favor of the Navy, at the close of the war; and the money was cheerfully voted to increase it. Then, our naval victories were fresh in recollec-

tion. We felt what a powerful annoyance it was to the enemy; and considered it a duty to appropriate money for its increase. And should we then, for the sake of saving a little money, say that the Navy had arrived at that point, beyond which its increase was unnecessary and prodigal? When the geographical situation, the policy, and a reference to our political connexion, point out its importance? These were the reasons that were then urged in favor of extending the naval system. But, whatever might have been the opinions of gentlemen upon the general view of the subject, Mr. B. trusted they would not fail to agree to this special increase of the Navy. Early in the present session a resolution had been submitted calling for information on the subject. The Secretary of the Navy, the organ of the Government, aided by three gentlemen of high standing in that department, had expressed his opinion in favor of the necessity of building the vessels provided for in this act; it was stated that the good of the service required them; that they furnished the best means of educating and instructing our officers; and that they were requisite to answer peculiar purposes for which vessels are, at present, wanted. These reasons were furnished from the head of the Navy Department, and the distinguished men who assist in the duties of that office; and coming from such authority, they ought to have great weight. They are also supported by the opinions of gentlemen whose particular situation furnishes the means of practical knowledge on the subject, and who are better advised upon it than others who have not had occasion to inquire into it. We learn, therefore, from persons entitled to respect, the necessity that these vessels should be built. An honorable member from Maine has asserted that we are called upon to-day to build small vessels, and to-morrow large ones; so that we keep increasing our Navy, while the only reason assigned is, that we want vessels of a different size. Mr. B. apprehended that, in building the vessels contemplated by this act, the Government would only restore this class of vessels to its original number, as it stood formerly. At one time we had thirteen of them, and now there were only four. If it was proper, then, that there should be thirteen vessels of this class, how much more necessary is it now, when the proportion of large vessels is increased? If gentlemen would advert to the navies of other nations, particularly to that of Great Britain, they would find the proportion of large vessels to be only about one-half. Of upwards of seven hundred vessels in the British Navy, more than one-half are of smaller grade than frigates. In the United States Navy, the small vessels bear no proportion to the large ones. If, therefore, we are governed by the naval policy of Great Britain, we shall keep up the proportion of small vessels; and this act merely proposes to maintain that due proportion which ought always to exist. These smaller class of vessels furnish a fine theatre for our masters commandant to prepare for the command of vessels of a larger size. If we neglect to build them, we shall be left, in time of war, to regret

the want of them; and, instead of victory, to weep over our defeat. No one, Mr. B. said, was more disposed to a wise economy than himself; he had not now to learn that money was a necessary sinew of war; and, therefore, a proper economy would always have his support. But, he conceived that there was a difference between such economy, and withholding the necessary means for the defence of the country. The gentleman from Pennsylvania had said, that he was not willing to go to this extent, in the increase of the Navy, in time of peace; but, if we do not increase it in time of peace, when shall we do it? When the nation is involved in war, it is surely a most improvident time to do it. If, then, we are not to increase our naval force in time of peace, and it is not proper to do it in war, there is an end of the Navy at once. He would ask his honorable friend, what was the result of experience on this subject?

Mr. LOWRIE rose to explain. He had been misunderstood, both by the gentleman from Virginia, and, the other day, by the gentleman from South Carolina. They had attributed to him sentiments which he did not entertain. He had said that he was not willing, in a single year, and in time of peace, to build as many as ten vessels of this class, merely to be used in time of war. He would not appropriate so much money in one year, if the vessels were wanted for war only. He was quite willing to fill the chasm which existed in this class of vessels, but not to do it at once, when the finances of the country were in no better situation than at present.

Mr. BARBOUR resumed. He had no disposition to misrepresent the gentleman. He thought the present, however, the most acceptable time for building the vessels in question. He wished to call the attention of the Senate to the experience furnished by the last war. It was made a matter of boasting, that in sixty days the trees of the forest were converted into vessels, and floating upon the water. And what was the result? The Secretary of the Navy now tells you how worthless they were. If the necessity of this kind of force had been felt previous to the war, the materials might have been properly selected, and prepared, and the vessels have been still in existence, and fit for service; but, as it was, they perished almost as soon as built. Six weeks brought them into existence, and six weeks carried them to the bottom of the Lakes, or rendered them useless. In time of war, there are no surplus funds to build vessels with. All the funds that the nation can raise, are put in requisition for other purposes. And before the vessels are built, the necessity which called for them may have passed away. These vessels are wanted for a particular service. Under the necessity of the case, the last Congress passed an act for the purchase of additional vessels. They were not of suitable kind for the service. The men were exposed on board of them to the diseases of the climate in which they were used, and perished in large numbers. They proved so many graves for the men employed in them; and, in the language of the Secretary, they were

unfavorable to discipline. This particular kind of vessels, therefore, is necessary in the service. It will actually promote economy, instead of being an useless expense, to build them. They are superior, in point of size, for the service. We send ships-of-the-line, or frigates, on distant service, to carry Ministers, &c., where these vessels would answer the purpose equally as well, and be supported at much less expense. In wars with the pirates, they are particularly serviceable. It is said that the pirates are put down; but the seeds remain there still; although they are partly suppressed, yet, as evil weeds grow up apace, so may they appear again. In reference to particular waters which they occupy, this smaller class of vessels is called for, to exterminate these frightful banditti. But we are told that we shall have to borrow money. A gentleman who stands in a near relation to the Treasury, as chairman of the Committee of Finance, says that we shall have to borrow money, if we vote this appropriation. Although I appreciate his services, yet this statement has almost counteracted the support which he gave to the bill. It will be difficult to quiet the alarm caused by such an assertion. But, Mr. B. thought, there could be no danger of being obliged to borrow—that, there was a balance in the Treasury of \$9,000,000, on the first of January. Subject this sum to what deductions you can, there will still be an excess of many millions, beyond our ordinary expenditures, which are to be applied to the payment of the national debt.

If we vote these \$425,000 for two years, we shall not have so much to pay on account of our debts, to be sure; but why have to borrow money? We shall only pay so much the less—and are your creditors very anxious to be paid? No: There is not an individual who holds your scrip, that would not wish that you should keep the money. So long as your stock is ten per cent. above par, who will ask you for payment? The question, then, is whether these vessels will advance the interests of the country, equal to the sacrifice they require. Are we willing the growth of the Navy should go on? If we build ships, we must pay the money for them. His honorable friend from North Carolina, who often told plain truth there, had told an anecdote, which, Mr. B. said, now recurred to his recollection, of a man who was determined to become a man of quality—but he did not like to spare the money necessary for such a purpose; his wife, who understood the business better, told him, that, if he would be quality he must buy the silver spoons. Now, if we will be a maritime Power, we must spare the money necessary for it. If we believe that our geographical situation and our political relations require this sort of force—if we recollect the brilliant achievements of the war, and think that a navy is necessary to protect the country, and sustain its reputation, it is in vain to tell of the money it will require. There is no need of prodigality, when we can peaceably and silently increase our naval force. We do not wish to place it on a footing with that of Great Britain, but only that it should gradually "grow with our growth, and strengthen with our strength"—that

it should increase with the resources of the country. To so interesting an object as this, what is the \$425,000, annually? If Great Britain had been governed by such considerations, would she ever have had a navy, which has almost enabled her to hold the destinies of the world in her hand? No nation has ever held such power as she has acquired by means of her navy. If Great Britain says that Greece shall be free, she will probably be so. If she says that the Allied Powers must not interfere with the concerns of South America, is there one of them that will dare to do it? Wherever the winds blow, and the waters flow, her naval power is felt. But, Mr. B. said, he did not wish to be understood as advocating an increase of our Navy to that extent.

He understood the question now to be, upon filling the blank in the bill, with an appropriation of \$425,000, annually, for two years. He thought it would be advantageous to make the appropriation, and leave the business in the hands of the Secretary of the Navy, with a view to give time for purchasing and preparing the materials—that the timber might be seasoned, &c. If \$425,000, for one year only, were voted, it would build but five vessels; and in a short time, Congress would be called upon to pass another act on the subject. He hoped the motion to fill the blank would prevail, and the whole appropriation be made.

Mr. HAYNE, of South Carolina, said he had regretted that the bill now under consideration had been so long delayed, as he had feared that the strong impression made by the arguments of the honorable chairman (and his colleagues) of the Committee on Naval Affairs, might, by that delay, have lost something of its force. But, since he had heard the able and eloquent speech of the gentleman from Virginia, (Mr. BARBOUR,) in support of the bill, he felt that we had been amply compensated for the delay which had taken place. Mr. H. said he felt it to be his duty to yield his support, (however feeble it might be,) to this bill, because he had not only advocated it in the committee of which he was a member, but most cordially approved of the policy on which it was founded; and though he was not destined to partake largely in the honors of victory, (should the measure succeed,) yet he would certainly feel his full share of mortification at its defeat. He trusted, therefore, that the Senate would bear with him while he endeavored to remove some of the objections which had been urged against the bill, and to show, affirmatively, the policy of building the proposed number of sloops of war, as soon as materials could be prepared for that purpose.

The first objection against the bill was advanced by the honorable gentleman from Maine, (Mr. CHANDLER.) He had endeavored to give our little fleet "a shot between wind and water." He had attacked it with satire, which, in a skillful hand, is sometimes a better weapon than argument. He tells us that the friends of the Navy, at one moment, insist "that we have too few ships of the line—the next, that we have too few frigates"—and then we are told that we have too few 'sloops of war;' and then, that, in the

increase of our Navy, we are travelling in a circle to which there is no end. With all due deference to that honorable gentleman, (said Mr. H.) I submit that the course of which he complains, is the only one which could have been pursued, or by which we can ever arrive at a suitable Naval Establishment. A navy is, in its very nature, progressive; this great engine of national defence can be constructed only by gradual means. It must "grow with our growth and strengthen with our strength." It has been well asked, by my honorable friend from Massachusetts, whether the gentleman who makes this objection would, in the construction of his dwelling, expect that the chambers and the garret would be built at the same moment with the cellar? And I, (said Mr. H.) will put another case, and ask whether, if he employed an agent to improve a farm, he would object that he had first prepared for cultivation a small field, and then a large one—or whether he would not discover, in this gradual and progressive improvement, the evidence of increasing wealth and prosperity? But, if the honorable gentleman's objections really be not to the increase of the Navy, but only to the manner in which that object was accomplished, he would suggest that he ought not to oppose the bill, but should offer to amend it, so as to embrace the construction of vessels of every class at the same time. Mr. H. feared, however, that such a proposition would never meet with the approbation of the gentleman from Maine, much less that it would be proposed by him.

A further objection had been advanced by the honorable member from Maine, (Mr. HOLMES,) in the form of a complaint, "that money was never suffered to remain long in the Treasury;" and he tells us "that the Navy is the key by which the Treasury is unlocked." It is a golden key, sir, said Mr. H., which, if it unlocks the Treasury, also opens the door to national glory. May the Treasury never be unlocked for any purpose less conducive to the welfare and honor of our country! I have never, said Mr. H., been able to comprehend the nature of the satisfaction which gentlemen appear to feel in the contemplation of the Treasury, filled with gold and silver, and locked up from the public use. I prefer, said Mr. H., to see the public money expended in great national improvements; in establishments calculated to advance the true interests and welfare of the whole people. The gentleman has himself urged an argument which makes against his position. He says, it is the habit of the country to exhaust every dollar which comes into the Treasury, and that this always has been, and ever will be the case. If this be true, ought we not, by a judicious and timely appropriation of the balances in the Treasury, to prevent a worse use from being made of it? If we are in the habit of spending all our money, it is certainly best to spend it for wise purposes. If money is to remain idle in the Treasury, Mr. H. thought it had better have remained in the pockets of the citizens.

The next objection comes from the honorable chairman of the Committee of Finance, (Mr.

SMITH,) a gentleman entitled to the highest respect, as well from his situation, as the guardian of our finances, as from his great experience. While I return him, said Mr. H., my thanks for the good feeling he has expressed towards the Navy, I cannot but regret that he has urged an objection which, I fear, may go to the destruction of this bill. He has drawn rather a gloomy picture of the condition of our finances, and seems to think that we are not in a situation to afford the appropriation called for by this bill. The honorable gentleman began by stating emphatically that "money is power," an axiom which, I fear, has had more influence on his mind, on the present occasion, than it is probably entitled to. The celebrated aphorism of Lord Bacon, that "knowledge is power," if applied to nations, would seem to teach us to seek for national power, not in the accumulation of silver or of gold, but in the improvement, the intelligence, and virtue—in short, in the moral character of the people. Spain, with the mines of Mexico and Peru at her command, was poor and powerless, while Great Britain, overwhelmed with debt, and incapable of converting her paper into gold, was rich in her great national institutions, and in the prosperous condition of her agriculture, her commerce, and her manufactures. No, sir, it is not money, it is not in the mere accumulation of cash in the Treasury, but it is the resources of a nation which constitute national power. These consist in the prosperous condition of all the great national institutions of a country, in the accumulated capital in the hands of individuals, in the productive labor of the country, in the improvements in science and the arts, and, above all, in the moral habits and principles of the people. Money, converted into ships of war, is, said Mr. H., of more real value than money locked up in the Treasury. The gentleman from Massachusetts assures us that, should we turn merchants, and sell our ships, they would bring more than they cost. But, in a national point of view, as the source of power, vessels of war, built, equipped, and ready for service, are much more valuable than money. A navy contains more of the elements of strength, and is every way superior to money, as it contributes more to the character of the nation abroad, and its dignity at home, and affords greater protection to the property and persons of our citizens.

But, said Mr. H., let us look, for a moment, into the actual state of our finances, and see if it offers any obstacle to the passage of this bill. The President, in his Message, informed us that there was a surplus in the Treasury of nine millions of dollars. It is true that the Secretary of the Treasury reduces this balance to six millions, on the ground that there were appropriations to the amount of three millions, which had not been called for. We are not informed of the items which compose the sum, and it is very probable that a great portion of it may never be called for. But, should it be otherwise, it must be recollected, there always must be a part of the appropriations of every year unexpended at the end of the year. The gentleman himself had informed us, that this

had been uniformly the case for twenty years. Mr. H. submitted, therefore, that it was not altogether correct to say that we might be compelled to borrow money for the current expenses of the next year, when the calculations were predicated on the idea, that the whole amount of the appropriations, for that year, as well as the unexpended appropriations of the last year, would be expended within the year, when, in point of fact, no such occurrence had taken place for the last twenty years, nor, indeed, in the whole history of the Government. With respect to the act which has been passed during the present session, for the redemption of the seven per cent. stock, Mr. H. conceived that it would of course be proper to redeem it by the issue, whenever called for, of an equal amount of five per cent. stock. The debt was not yet due, and if, in consequence of our having, at this time, an unemployed surplus in the Treasury, we proposed to redeem this stock now, that surely could not be urged as a proof of a deficiency in the revenue. The public debt, at this time, exceeds eighty millions, and, by redeeming it before it becomes due, we might deprive ourselves of the means of paying the ordinary expenses of the Government. You may apply the surplus in the Treasury to redeem your stock before it is redeemable, and, by premiums, (as in this case,) may induce the holders to surrender it; but you will take this step with the understanding that stock to the same amount, but bearing a less interest, must be issued when the exigencies of the country shall demand it. Mr. H. said, he was not perfectly satisfied with the estimate made by the Secretary of the Treasury, as to the revenue of the present year. He had estimated the receipts by customs at sixteen millions and a half, while the receipts, during the last year, from the same source, had been twenty-one millions, and he did not think the reasons given were very satisfactory, as they would go to prove that, in a few years, we would have no revenue at all. But perhaps it was wise, in estimating revenue, to take the worst view of the subject. But, Mr. H. said, he would not enter further into calculations on a subject with which he did not profess to be well acquainted. There can be no doubt, said he, that the United States can afford to build ten sloops of war at a time when we are anticipating the payment of our debts; and your creditors, so far from pressing their demands, are entreating you to suffer their money to remain in your hands. If this bill, therefore, be expedient; if its passage be called for by the interests of the country, he had no fears but that the means would be very easily provided. He would put the bill into the hands of the chairman of the Committee of Finance, and call on him to provide the money. He knew that it was a call which would be complied with.

I come now, said Mr. H., to examine the argument of the honorable gentleman from Pennsylvania, (Mr. LOWRIE.) He had asked if these sloops of war were wanted for immediate service? and had stated that, on looking back to the reports of the Secretary of the Navy, for several years

past, he had discovered that all our sloops of war had not been constantly in commission; from which fact, he seems to doubt the necessity of adding to the number, at this time, or at least of building so many as ten. In answer to this objection, I would remark, said Mr. H., that every well ordered Naval Establishment must consist of vessels in commission and vessels in ordinary—of ships to be employed in time of peace, and those to be employed in time of war. The number of vessels necessary for service, even in peace, must always exceed the number usually kept in commission at any one time. The Peace Establishment must be equal to all the exigencies of commerce. We must be prepared to send a fleet to the Mediterranean, to South America, to the Northwest coast, to India, and to the West Indies, though the service of this year, or the next, may not require all these stations to be occupied. The present year calls for the service of all our sloops of war, and they are all in commission—the last year one of them was in ordinary. But, if the number always kept in actual service, is to be the standard, our Navy would be small indeed. The last year, for instance, we had in service only one seventy-four, and two frigates; and this year we will not have more. This is no test, however, of the number necessary for a Peace Establishment. But the honorable gentleman says he is willing to increase the Navy, but he thinks this bill ought to be engrafted on the general bill on that subject. This, sir, said Mr. H., is, in substance, exactly what we propose to do. The laws already provide for building seventy-fours and frigates, and we propose now to make a similar provision for sloops of war. This bill, said Mr. H., will make the system complete. He hoped, after having gone so far in the good work of providing an efficient Navy, we would not now stop short. It was from small beginnings, that the greatest results were often produced. I recollect, said Mr. H., in the course of my early reading, to have been forcibly struck by a remark of Lord Coke, in which he congratulates the English nation on two things, which, he says, constitute their pride and their glory; the first was, in the possession of their "Virgin Queen—the Queen," as he quaintly expresses it, "of 'roseate beauty,' in whose cheeks were united the white rose and the red—as she united in her person the conflicting claims of the 'houses of York and Lancaster.'" The second was, in their magnificent fleet, which, said he, "consists of no less than thirty-three ships." Such, said Mr. H., was the British navy in the days of Queen Elizabeth—and what is it now!

I proceed now, (continued Mr. H.,) to show the propriety of passing this bill. This will naturally lead to a brief examination of the policy on which it is founded, as well as of its particular details. I admit, sir, said Mr. H., that this is not a war measure, and that our proposition is not founded on the present aspect of our foreign relations. I trust that, were we now about to adopt a system of measures looking to a war with any European Power, the nature and extent of our preparations would bear some proportion to the magnitude of

the object. The Naval Committee would not, in such a case, merely propose to build ten sloops of war. When America speaks in the language of warning or defiance, she must be heard; when she acts, she must be felt. There was a time, sir, when the complaints of our country were heard in Europe with coldness, nay, with contempt, and when our threatenings were received with incredulity. Yes; it was incredible in Europe, that the United States could be urged by injuries or insults to support our commerce, to protect our citizens, or to vindicate our honor. The last war has happily wiped off that stain from our character. There is a debt of gratitude which we will never be able to pay, due to the Legislators who declared that war—to the statesmen who conducted it—but, above all, to the heroes who, on the land and the sea, brightened our path by their victories, in the darkest hour of our national history. Ten years ago, we had a character to gain—now, we have one to support.

But though, said Mr. H., I admit that this bill is not founded on the expectation of any immediate change of the peaceful relations of the United States with foreign Powers, yet the present state of the world seems to admonish us to look carefully into all our institutions; to rectify abuses; to purify and strengthen our establishments; to make them all soul—all energy. When war is waged by the confederated monarchs against liberal principles, all over the earth; when free institutions are everywhere proscribed, and human rights and human happiness are trampled in the dust, can "the last Republic" be an indifferent spectator of the scene? We are not yet called upon, it is true, "to put on our armor, or assume an attitude" for war, but it certainly behooves us to examine our Military and Naval Establishments; to introduce stricter and more perfect discipline; to establish order, economy, and accountability; to give harmony and proportion to all the parts; in short, to make them more useful in peace, and more efficient in war. This bill is the first of a series which have been reported by the Naval Committee, having in view these objects. If it be admitted that ours is a naval policy, it seems to follow, that our establishment should be rendered as perfect as possible.

That it is the true policy of the United States "to provide and maintain a navy," (to be limited in its extent only by the wants and resources of the country,) seems now to be too generally admitted, to require proof by elaborate argument. The doubts which once existed on this subject, have been dispelled by experience, and the Navy has "fought itself into favor." I will trespass, however, said Mr. H., so far on the patience of the Senate, as to recall some of the considerations by which the wisdom of our naval policy is demonstrated. The United States of America must always be a commercial country. With a sea-coast of two thousand miles, and numerous and large rivers, (opening the channels of commerce almost to the mountains,) with a vast quantity of rich and uncultivated lands—our great facilities for trade—and, above all, the character and hab-

its of the people—how can our pursuits be other than commercial? But commerce invites aggression, and requires protection; and that protection can only be afforded by a navy. In proof of these positions, I will offer only two arguments. The first is found in the deliberate opinion of General WASHINGTON, who, in his last speech, made to Congress in 1797, declares, "that, to an active external commerce, the protection of a naval force is indispensable;" and concludes his argument by the remark, "that these considerations invite the United States to look to the means, and to set about the gradual creation of a navy." My second argument is found in depredations committed on our commerce, from the period of the French Revolution down to the year 1812. The President informs us that the amount of property lost by us during that period, is "incalculable;" whole fleets were captured and confiscated. I hazard little, sir, in declaring that the millions which we have lost by these depredations, could have furnished a navy which would have afforded adequate protection to our trade. The opinion of General WASHINGTON, with these facts added to it, would seem sufficient to convince us of the necessity of a navy. A navy is also necessary for defence; it is our most efficient mode of defence. Your fortifications are stationary; but the naval force can be moved from place to place, as it is wanted. Its moveable character renders it most powerful and effectual. A navy, in case of war, will enable you to carry the contest into the enemy's country—to attack him on the ocean. With the exception of Canada, how are we to invade the territory of any nation? It is only by means of a navy that you can make Europe feel your force. The history of the world, from the days of Scipio and Hannibal, to those of Napoleon, fully proves that the wisest of all policy, in war, is to remove it from your own shores. This furnishes an essential use for a navy. History would afford some valuable lessons on this subject. But, sir, I have not time to dwell upon them. If we look into the history of Genoa, of Venice, of Holland, and of England, and seek the causes of their power, their navies will be found to have been eminently instrumental in its acquisition and preservation. Where would Great Britain have been, at this time, if it had not been for her navy? She would have been subdued by the arms of France.

The growing Powers of South America, also, demand our attention. They will, undoubtedly, build up navies, and our future concerns with them may require that we should pursue the same policy.

I come now, said Mr. H., to consider the particular provision of this bill, which proposes to add to our Navy ten sloops of war. This measure is necessary to preserve a due proportion between our large and small vessels. The laws now provide for twelve ships-of-the-line, fifteen frigates, and only four sloops of war. In the year 1813, four seventy-fours, six forty-fours, and six sloops were authorized to be built. In 1816, the number of seventy-fours was increased to twelve, and the

frigates to fifteen, but no provision was made for sloops of war. The object of the present bill is to remedy that defect. It cannot be doubted that the number of our sloops of war should, at least, equal that of our frigates. Such is the state of the British navy, the result of the experience of the greatest naval Power in the world. The passage of this bill is also recommended by a due regard to economy. The Secretary of the Navy informs us "that sloops of war are competent to most of the objects for which our Navy is employed in time of peace, and often save the necessity of keeping in commission vessels of a larger class." Nearly four sloops of war can be built for the cost of one ship-of-the-line, and three of the former can be nearly supported for what it costs to maintain the latter. It is true economy, therefore, to build sloops of war, as it will enable us to lay up in ordinary our larger vessels. It is said that the appropriation called for is too large to be made in a single year, or even in two years. Sir, we know that all of these vessels cannot be built in one, perhaps in two years. But, if we are convinced that the number of vessels is not too large, why not make the appropriation at once? The appropriation of the money will not cause a premature expenditure of it. If the vessels cannot be built immediately, the means will be afforded to make contracts, and to provide and prepare the materials. We cannot tell, precisely, how many may be built within the year; but, if a sufficient sum of money be appropriated, they can be completed as may be found convenient. The last and most important consideration remains. These vessels are highly necessary for the improvement of that valuable class of our officers, the masters commandant, of which we have about thirty. These men constitute our best resource in times of emergency. Your post captains are prepared at any time for command, but the masters commandant are kept only in subordinate situations, and have not the opportunity to acquire experience in the duties which they may be called in time of war to perform. What constitutes a Navy? Is it the ships? Is it the mere timber, iron, and sails? No. It is the skill and experience of the officers, and the character of our sailors. The seamen, indeed, may acquire a knowledge of their duties in the ordinary course of trade, but it is not so with your officers.

In time of war your masters commandant will be promoted, and will you give them the command of your frigates when they have not been accustomed to separate commands? What was the situation of Bonaparte in this respect? He wanted a navy; he could have built ships with the resources of the Continent at his command; but he could not create officers and seamen. He was, therefore, constantly controlled in all his operations by the British navy. It is the best policy to make these officers perfect in skill and in discipline. They are men of high character and chivalrous spirit; they are already disciplined as far as their opportunities permit; but they are not accustomed to independent command. In this point of view the building of these vessels is of

importance to the nation; sloops of war will give command to your masters commandant.

I need not repeat the remarks of the honorable member from Massachusetts, on the superior value of this kind of vessels, in certain branches of the service. He has sufficiently shown their peculiar application to the West India service, and their use in hovering about the coasts of an enemy in time of war. It will be recollected in what manner the Wasp kept the British channel during the late war, in defiance of the whole British navy; and the services of the Argus cannot be forgotten. Nor have the services of sloops of war been less important in building up the naval glory of the country. The picture drawn by the gentleman from Massachusetts, on this subject, might be injured, but could not be improved, by any thing I could say. But, in relation to the effect produced abroad by the exploits of our Navy, he would take the liberty of mentioning an anecdote to be found in the history of the French Emperor. While a prisoner at St. Helena, a conversation took place between Napoleon and the British surgeon, which turned on the American navy—a navy which had once been described as a "few fir-built ships, with bits of striped bunting at the mast-head." The Emperor expressed his deliberate conviction, founded on the events of the late war, that the American navy was superior to the British. This, the surgeon, with a becoming *esprit du corps*, firmly denied, but his arguments could not shake the strong impression which had been made on the mind of the Emperor by our naval battles. The probability of a war between the United States and Spain next became the subject of conversation, when the English officer, (released from the trammels of professional opinion,) declared, in his turn, that there was no doubt that an American frigate was superior to a Spanish seventy-four.

Ought we not, then, (said Mr. H.,) to cherish our navy? which not only affords protection in peace, and defence in war, but which has elevated, in the eyes of the world, our national character.

Mr. CHANDLER said, that if he had not laid it down as a rule that his judgment should not be carried away by the impulses of feeling, he should certainly go with the gentleman from South Carolina, in voting for the bill now before the Senate. But, admitting it were the object to build as many as ten of these vessels, he could not possibly see the necessity of appropriating all the money at this time. The timber for the vessels can only be got in the Winter season. The present Winter is too far advanced to do any thing towards it. Nothing can be done, as to procuring the materials, until the next Winter; and the building cannot be commenced until the Summer following. Before the materials can be collected, Congress will be again in session. If ten sloops of war are necessary, let them be built. But, Mr. C. said, he was not afraid to trust a future session of Congress, to judge according to the circumstances that might then exist. He was willing to fill up the blank with such a sum as would be adequate to the purchase of the timber.

Mr. SMITH rose.—He said he was aware of the

disadvantage which a speaker was subjected to, who rose after a powerful display of eloquence; and he felt the inconvenience of following the gentleman from South Carolina. That gentleman, said Mr. S., has treated this subject in a masterly manner; and I have listened to him with peculiar attention. But, sir, who is there in this Senate, or in the United States, that is opposed to a navy? Who, that does not join, heart and hand, in its support? It has been before determined that this country shall be a naval Power. There is, surely, no necessity to impress the utility of a navy now. If a stranger were listening to our debates, he might be led, by the speeches of the gentleman from Virginia and South Carolina, to believe that there were some members of the Senate opposed to a navy—to this bulwark and defence of the country. It requires no eloquence to speak of its usefulness. It is a self-evident proposition. Every body perceives it; and yet gentlemen think it necessary to display their eloquence upon the subject. It might be thought, from some of the remarks that have fallen from the gentlemen, that I was opposed to this bill. Sir, I have always been in favor of a navy. It became my duty, as Chairman of the Committee on Finance, when a large sum of money was about to be appropriated, to state the situation of our finances. It was my duty to show that this large sum might perplex the finances of the country unnecessarily. The gentleman from Massachusetts had stated that there was a surplus in the Treasury, every year; and I thought it but fair to give to the Senate all the information I possessed on the subject. I do not agree with the gentleman, that we ought to count upon such a surplus. We know not how far the appropriations may be called for. We ought not to reckon upon a surplus, which is liable to be drawn out of the Treasury at any moment. With this opinion, I believed it my duty to take a brief view of the finances of the country, when so large a sum as \$800,000 was to be appropriated, and to consider whether it would create any difficulty in the money concerns of the nation; and the view which I took has had some effect: for, it has induced the honorable Chairman of the Committee on Naval Affairs to change the amount of his appropriation for the present year. If he will reduce it yet further, in order that it may come within the financial means of the year, I will vote for building the whole number of vessels proposed. The gentleman from Massachusetts has stated that vessels built by contract will rot. And so, sir, will vessels built in any other way. Why, then, should we appropriate a sum of money, to build so many as ten vessels, in one year? Why should we appropriate it, when there can be no use for it? I wish the bill to be amended, so as to authorize the timber suitable for the vessels to be procured. If you say materials for the vessels, that includes cordage, nails, copper, &c. Those things can be purchased at any time; but the timber ought to be obtained, in order that it may be seasoned. I am in favor of building the ten vessels of this class, and have not the least objection to appropriate the money, as fast as they can be built. If it can be

shown, that the money will be wanted within the present year, I am willing to vote it now. But, sir, you have no timber on hand, adequate to this object. If the timber for the ten ships is procured, we shall have the subject before us; and when we are told that the timber is ready, shall we not appropriate the money to build the vessels? I am confident of such a vote, and am willing to trust to its decision hereafter. I agree perfectly with the remarks on the necessity of these vessels, as furnishing the means of instruction to our young officers. Perhaps it would have been better, if the gentleman had not mentioned the number of those officers; for, it may, possibly, be objected by some, that we keep thirty masters commandant in service, and are now obliged to build vessels for them. There certainly could have been no better course than that which was adopted after the war, for the gradual increase of the Navy. In 1820, our finances became embarrassed; and the Secretary of the Navy himself proposed that the annual appropriation should be diminished. He stated that the Department could do with a less sum than a million of dollars; and it was, accordingly, reduced to five hundred thousand. In that act, there was no hostility evinced towards the Navy. The reduction took place in consequence of the situation of the country.

Mr. BARBOUR rose to explain. He certainly had not intended to impute the change of the appropriation, which took place in 1820, to any hostility to the Navy; he was aware that it grew out of the then embarrassed state of the national finances. But he thought a change of circumstances authorized a change of the policy which they called forth.

Mr. SMITH resumed. I believe all the members of the Senate agree upon the principle of this bill; some think that as many as ten vessels ought to be built; others, that five will be sufficient. As I was not opposed to the general principle, I had not prepared to discuss the subject; but hope gentlemen will consider these views of it. If the vessels are built quick they will rot, notwithstanding all the care that may be taken of them.

I do not intend to enter into a contest with the gentleman from South Carolina, in regard to the remark, that money is power. But, suppose you get your ships, sir, how can you manage them without money? Money is power; because it furnishes the means of building, manning, and supplying ships. I stated that, with the balance due to the Sinking Fund, there would be a deficiency of one million of dollars, on the first of January, 1825; but, sir, that was no argument against building these vessels; because, if they are really wanted, the money can be found to build them; but, then, there is no necessity of appropriating it, unless it is to be used. I believe the amount of money proposed cannot be used in one or two years; then why should it be appropriated? Sir, I admire the ardor and the zeal of the gentleman from South Carolina, but we must look at our means as we go along. The gentleman believes the Secretary has erred, on the side of prudence, in calculating that the revenue of the year will be

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less than that of the preceding year; and he has corrected the statement.

Mr. HAYNE explained. He only said, or intended to say, that he had reason to suppose that the revenue would exceed the calculations of the Secretary of the Treasury.

Mr. SMITH continued. Some years since I examined the calculations of the Secretary, in regard to the revenue of the succeeding year, and convinced myself that he had much underrated it. And, what was still more unfortunate, sir, I succeeded in convincing the House of Representatives that he had underrated it. But the result proved that the calculation of the Secretary, at that time, rather exceeded the amount which was actually received into the Treasury. The fact is, that it is wholly impossible to make any correct estimate, when the revenue depends upon so many contingencies. But the safest way is to take the calculations of the Secretary of the Treasury. If the holders of the seven per cent. stock receive the payment proposed in the law passed this session, and my construction of the law in relation to the Sinking Fund is correct, there will be a deficiency in the revenue in 1825. Upon the construction of that law there are different opinions; if mine is false, then the Treasury will have ample means to meet all the demands against it; if correct, there will be a deficiency. The honorable gentleman charges me with taking the worst view of the subject; but, if my opinion of that law is right, it is the correct view, whether worst or not. Sir, I never, for the sake of opposition, take any view which I do not think correct. The gentleman says that Bonaparte was anxious to establish a navy, but could not do it for want of men; and may we not, possibly, find some difficulty in that respect? May we not be obliged to resort to other means, than are at present found necessary, to obtain men? Let us not follow the example of Great Britain, with her eight hundred ships of war. The comparison between Great Britain and our own country does not hold good. She has immense foreign possessions; her very heart's blood is away from her own shores. We ought not to think of fitting out a navy, to compete with the Powers of Europe. But we can establish such a navy as will be sufficient for our own protection; such an one as will enable us to speak a language that will be understood; such an one as will lead other nations to be cautious how they tread upon us; such an one, as, in case of war between France and England, will give Great Britain to know that we may even turn the scale against her. Our enterprise is equal to that of any other nation, and, for these purposes, our Navy may be a powerful instrument in our hands. I was unprepared, sir, to enter into this argument. If it is shown that the sum proposed to fill the blank in this bill, can really be spent for the contemplated purpose, I shall be willing to agree to the bill as it is.

Mr. MACON rose. He could not say, like the gentleman from Maryland, that he had always been in the right, in regard to this question respecting a navy; nor with the gentleman from Virginia, that he was yet quite convinced upon

the subject. Changes of circumstances would be constantly occurring; we are sometimes very rich, and sometimes very poor. It is true the nation appears to be decidedly in favor of a navy. To be useful, a navy must be strong enough to make itself felt; it must be able to meet that of any other nation. I am not willing, said Mr. M., to join stocks with any nation. I am for standing solely upon American ground, and upon no other. I believe, in time of war, your navy will not be able to go on, without impressment. You must resort to impressment; you must embarrass your commerce; you must stop your privateering, in another war. The history of nations will show that their freedom had done more towards their success than any thing else. It was the freedom of England, more than the bayonets of Russia, that put down the Emperor of France. The character of one part of this country, to be sure, is commercial, and that of the other is not so. How long we shall continue a commercial people, we cannot tell. I fear the tariff, and some other projects, will convert us to something else. We are told that Lord Coke spoke of two great blessings which England possessed—her Queen and her Navy. We possess two greater blessings than these. We are as free as any people can be in civilized society, and every man has plenty to eat. I wish I could say that every one in the country was out of debt. I do not believe we are in such good circumstances as the gentleman from Virginia has described. The failure of the banks has been a great evil in the country. In all countries, I believe, (though I was never in any but my own,) nothing is so pleasing as military glory. I well remember, sir, how I loved, in my youth, to listen to stories of battles. It is the delight of men, and women too. This ardor for military glory is the bane of Republics. All history demonstrates that too much war has proved their destruction. I do not pretend to know much of military affairs; but I believe that men have a particular gift of God to perform great actions; it is a special gift, like that with which poets, and orators, and other celebrated men, are endowed. Men must have a natural turn of mind towards it in order to excel in any business. It is said that our extensive seacoast requires a navy. Great Britain has an extensive seacoast, and do we wish to have as much starvation and heavy taxes as she has? I had much rather that our people should have plenty to eat, than a brilliant navy. I entertain no hostility towards England; but, with all her enterprise and ingenuity, by water and by land, we still find her involved with a heavy debt. It is said that navies have added to the glory of nations. All the naval Powers that have existed, have fallen, with the exception of old John Bull. His landholders, and his handicraftsmen, have yet succeeded in keeping him up, and he is more free than any of them. Although I have never voted for a navy, not for a rope or a nail of it, yet I am willing to defend its honor; I was of that opinion, in regard to the affair of the Chesapeake. When any other nation attacks one of our ships, I would give them blow for blow.

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I do not like long appropriations, for I am quite willing to leave the business of voting money for future purposes, to our successors. It must be admitted that the naval question was settled by the late war. An appropriation was made for the increase of the Navy; and we had to reduce that appropriation one-half. We had better leave this business to those who come after us. We had that appropriation to reduce; and we may have to reduce this also. No navy can supersede the necessity of an army. Your fortifications must be kept in order, and manned. If any reverse in our situation takes place, we shall be compelled to resort to loans. No man can calculate what demands we may have for money. I shall use no hard words towards the Holy Alliance; hard words do not hurt them, and they do us no good. I am willing to be at peace with all the world, and not to abuse anybody.

Sir, I have heard of economy ever since I came into Congress, and every year we spend more and more money. I don't know but this all right, but I think the people are not as free from debt as they were in the days of Washington, and I believe the Government owes more than it did then. The gentleman from Virginia has alluded to my anecdote about the old man and his silver spoons. It might have been right for the old man to have the spoons, but, then, he had the money to buy them with. Some few years ago, sir, I was travelling in the southern part of the country, in a circuit through a part of South Carolina and Georgia—the land is not quite so poor there as it is with us, but still, no one, who had not seen it, would believe there was any land quite so poor upon earth. I stopped at a very miserable tavern; there were three or four persons present engaged in conversation. They were full of a Spanish war, and all in a rage for taking Cuba. They said, "we had beaten Great Britain once in a seven years' war; and again, in two years, and that it would be but a job before breakfast, to whip Spain and take Cuba from her." It is a very easy thing to get into a war. The people may be a little unwilling for it, at first, but some leading spirits get up an excitement, and then it is easily kept up. We are always trying some experiment. When the gunboat system was proposed, I was no advocate for it. I recollect making the remark, upon the occasion, that one British frigate would run over them all, as a fine race horse would run over a litter of Guinea pigs.

Mr. LLOYD, of Massachusetts, was gratified to find that no objection had been yet urged against building the ships provided for in this bill. The only objection seemed to be to the amount of the appropriation. The Naval Committee certainly have no desire to press the subject upon the Senate. It is no child of theirs. An honorable member introduced a resolution, early in the session, proposing an inquiry into the expediency of building an additional number of sloops of war. In compliance with the instructions contained in that resolve, the committee proceeded to make the necessary inquiries. They communicated with

the head of the Navy Department on the subject. It was his peculiar province to know what number was necessary. He answered to the question of the committee, that ten would be the proper number. This number did not originate with the committee. They inquired, also, what would be the expense, and they were told eighty-five thousand dollars for each vessel. They therefore framed a bill providing for ten vessels, and inserted in it the highest cost of building them. The committee do not wish to press the bill. It was said that there was no need of making the whole appropriation at once; that the timber could not be all procured within the present year, and that, consequently, the money would not all be wanted. To satisfy that objection, I moved you, sir, in behalf of the committee, that the appropriation should be divided, one-half for the present, and the other for the next year; and I am ready, if the Senate think it proper, to move for a further reduction of the appropriation. But why should you vote to build ten sloops of war, without furnishing the means to do it? I understand that some part of the timber necessary for building these vessels is already on hand. It is true that some kinds of timber can only be cut in the Winter, when the sap is down, but some of it may be obtained as well in the Summer. The committee have permitted the bill to lie upon the table for ten days, in order to obtain information from the Department. It is found that \$425,000, for the present year, will not be too large an appropriation.

I do not wish said he, to trouble the Senate any further on the subject, but only to make a single remark. It is said that we may find difficulty in procuring seamen for our vessels. Because Great Britain, with her seven hundred ships, cannot obtain seamen without impressment, surely is no reason that we cannot find men for our twenty or thirty vessels. If this bill should pass the Senate, it will undergo a discussion in the other House, and will probably be postponed there, by other business. If anything is done this year, towards building the vessels, it is necessary it should be done soon. I, therefore, hope the bill will meet the acceptance of the Senate.

Mr. BARBOUR said he was willing to modify the bill, so as to meet the wishes of the gentleman from Maryland, if that object could be obtained; by dividing the appropriation between three or four successive years; whatever sum might be thought necessary for each year, had better be appropriated. So that the ten ships were built, he did not care whether it was in one, two, or three years.

Mr. LLOYD, of Massachusetts, withdrew the motion which he had made, to fill the blank in the bill with four hundred and twenty-five thousand dollars annually, for two years.

Mr. HOLMES, of Maine, then moved to amend the bill, so as to provide for procuring the materials for building the vessels; and on motion of Mr. KING, of New York, the Senate adjourned till Monday next.

MONDAY, February 9.

JOHN TAYLOR, from the State of Virginia, whose credentials were filed during the last session, appeared, was qualified, and took his seat in the Senate.

Mr. KING, of New York, presented the memorial of the Chamber of Commerce of the city of New York, remonstrating against any increase of the existing tariff of duties, and, particularly, against the passage of the bill now before Congress on that subject, in its present shape. The memorial was read, and ordered to be printed for the use of the Senate.

Mr. LLOYD, of Massachusetts, presented the memorial of William Davis, and others, of Plymouth, praying indemnification for depredations committed on their commerce by the public and private armed vessels of France, from the year 1793 to 1800; which was read, and referred to the Committee on Foreign Relations.

Mr. JOHNSON, of Kentucky, presented the memorial of William Thornton, Superintendent of the Patent Office, praying to be reinstated in the receipt of the salary allowed to him by the Secretary of State in the year 1810, which he alleges has since been reduced by mistake; and that the privilege of franking letters to and from his office, may be granted to him. The memorial was read, and referred to the Committee on Finance.

The bill to revive and continue in force an act, entitled "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, of the clerks employed in their offices, and of the Librarian;" passed the 18th of April, 1818, was read the third time, and passed.

The resolution authorizing the payment of the funeral expenses of Samuel Turner, junior, deceased, was read the third time, and passed as follows:

Resolved, That the Secretary of the Senate pay to the widow of Samuel Turner, junior, deceased, late principal clerk in his office, the sum of one hundred dollars, out of the contingent fund, for the purpose of defraying the expenses of his funeral.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of Sarah Easton and Dorothy Storer; and it was further postponed to Wednesday next.

ADDITIONAL SLOOPS OF WAR.

The Senate resumed the unfinished business of Friday last, being the bill reported by the Committee on Naval Affairs, authorizing the building of an additional number of sloops of war for the naval service of the United States. Mr. RUGGLES in the Chair. The question was upon the amendment submitted by Mr. HOLMES, of Maine, proposing merely to authorize the materials for building the vessels to be provided.

Mr. HOLMES, of Maine, supported his amendment upon the ground that the timber for the vessels could not be procured until the next Winter, as no contracts could be made early enough to get out the timber this Winter; and, that it was unnecessary to appropriate the money when the ves-

sels could not possibly be built within the year. In considering the financial concerns of the country, in relation to the demands upon the Treasury, he thought the whole appropriation ought not now to be made.

Mr. LOWRIE could not see the necessity of building so many vessels immediately—he doubted the expediency of making so large an appropriation, confined to one or two years. It is said that the vessels are wanted for the suppression of piracy. Mr. L. said he thought that subject was at rest. Congress had authorized the purchase of vessels for that purpose, at the last session; and we have been told, from the proper Department, that the enterprise was successful, and that piracy was suppressed. If this is the case, that exigency does not now exist—of course, there is less necessity to complete these vessels immediately. On the ground that in peace we ought to prepare for war, Mr. L. was willing to vote for the whole number of vessels proposed by this bill. He conceived the only question now to be, at what time the money should be paid. He was in favor of amending the bill so as to appropriate \$250,000 for the present year, and \$150,000 annually for the four succeeding years. He thought a permanent appropriation better than an annual one, as such a course would place the subject before the Navy Board, to proceed according to their judgment and knowledge of the business. He was not opposed to the support of a Navy, to a certain extent. He considered that our present naval force, with the addition of the vessels proposed by this bill, would be quite large enough; and, if the act of Congress providing for the gradual increase of the Navy had contained a provision for ten sloops of war, he should have opposed any further increase; but he believed some small vessels were necessary, and was willing to vote for the bill provided the building of the vessels was not hurried.

Mr. BARBOUR made some remarks, in which he expressed his opinion in favor of a gradual increase of the Navy, and his opposition to the amendment proposed by the honorable gentleman from Maine.

After some further remarks by Messrs. HOLMES, of Maine, LLOYD, of Massachusetts, and SMITH, the question was taken on the amendment of Mr. HOLMES, and lost—yeas 11, nays 21.

In pursuance of a suggestion which had been made by Mr. SMITH, Mr. BARBOUR moved to fill the blank for the appropriation with "two hundred and fifty thousand dollars for the present year, and two hundred thousand dollars annually for the three succeeding years." This was agreed to—yeas 24, nays 13, as follows:

YEAS—Messrs. Barbour, Barton, Benton, Clayton, D'Wolf, Eaton, Edwards of Connecticut, Elliott, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Johnson of Louisiana, Kelly, King of New York, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Parrott, Seymour, Smith, Taylor of Virginia, Thomas, and Williams—24.

NAYS—Messrs. Bell, Branch, Brown, Chandler, Dickerson, Findlay, Gaillard, Holmes of Maine, Lowrie, Macon, Noble, Ruggles, and Ware—13.

The bill was then ordered to be engrossed, and read a third time.

TUESDAY, February 10.

The PRESIDENT communicated the annual report of the Commissioners of the Sinking Fund, stating the measures which have been authorized by the board, subsequent to the last report, of the 6th February, 1823.

The PRESIDENT communicated a report from the Secretary of State, transmitting a statement containing an abstract of all the returns to that Department by the collectors of the different ports, of American seamen, for the year 1823; and the report was read.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of Robert McBride and Stephen Kerr, administrators of Andrew Mitchell, reported a bill for the relief of the legal representatives of Andrew Mitchell, deceased; and the bill was read, and passed to a second reading.

Mr. JOHNSON, of Louisiana, gave notice that he would, to-morrow, ask leave to introduce a bill, explanatory of an act, entitled "An act for the confirmation of certain claims to land in the western district of the State of Louisiana, and the Territory of Missouri," passed 29th of April, 1816.

Mr. BARTON, from the Committee on Public Lands, to whom was referred, on the 29th of January last, a report of the Secretary of the Treasury, on the subject, reported a bill to authorize the employing of certain assistants in the General Land Office; and the bill was read, and passed to a second reading.

On motion, by Mr. BARTON, the Committee on Public Lands were discharged from the consideration of the petition of Calvin Smith.

Mr. VAN BUREN presented the petition of Thos. W. Clerke, and others, aliens, in New York, and of R. Riker, and others, also of New York, praying a modification of the law prescribing the terms of naturalization; which were read, and referred to the Committee on the Judiciary.

Mr. LLOYD, of Maryland, presented the memorial of the trustees of the Columbian College in the District of Columbia, praying a loan of money from the Government, to enable them to perfect the institution; which was read, and referred to the Committee on the District of Columbia.

Mr. CHANDLER presented the petition of Peter H. Green, praying a settlement of his accounts against the Government, upon equitable principles; which was read, and referred to the Committee of Claims.

Mr. FINDLAY presented the memorial of William Bombergin, and others; of Joseph Ripka, and others; of Samuel Chapin, and others; of T. W. Dyott, and others; of William Jamieson, and others; of James Baker, and others; of John Ashmead, and others; and of Daniel Benneville, and others, all of the city and county of Philadelphia, severally praying that the tariff of duties may be so modified, as to afford to manufactures

that protection which is extended to commerce. The memorials were read, and referred to the Committee on Commerce and Manufactures.

The bill to amend an act entitled "An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia," was read the second time.

The bill authorizing the building of an additional number of sloops of war for the naval service of the United States, was read the third time, and passed.

MISSISSIPPI LAND COMPANY.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the petition of Ebenezer Oliver and others, directors of a corporation called the New England Mississippi Land Company, &c., reported as follows:

1st. That, by the articles of agreement and cession of the 24th of April, 1802, between the United States and the State of Georgia, it was agreed that the United States might (in such manner as not to interfere with the payment to be made to the State of Georgia, or with the satisfaction of certain land claims agreed to be confirmed by the United States) appropriate not exceeding five millions of acres for satisfying certain claims on the land then ceded to the United States, commonly called the Yazoo claims; provided the act of Congress making such appropriation was passed within one year.

2dly. That, by the act entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States, passed the 3d of March, 1803," so much as should be found necessary of the five millions of acres, reserved, as before stated, were appropriated to the purpose for which they had been reserved. But it was provided by that act, "that no other claims shall be embraced by this appropriation but those the evidence of which shall have, on or before the first day of January next, been exhibited by the claimants to the Secretary of State, and recorded in books to be kept in his office for that purpose," &c.

3dly. That, pursuant to the provisions of the last mentioned act, the claims to the said lands were exhibited to the Secretary of State, including those now in question, but the passage of the final act providing for their adjustment and satisfaction, was delayed until the year 1814.

4thly. That many of the claims, so exhibited, were found to conflict with each other, and also with rights which had been acquired by the United States in consequence of surrenders made to the State of Georgia, and which, by virtue of the cession, inured to the United States.

5thly. That, to make the indemnity and provide for the adjustment of the claims in question, the act of the 3d of March, 1814, was passed, by which—

1st. The President was authorized and required to cause to be issued from the Treasury of the United States, to such claimants, respectively, as had exhibited their claims agreeably to the act of 1803, certificates of stock, payable out of moneys arising from the sale of said public land, and, among other companies, to the persons claiming in the name or under the Georgia Mississippi Company, a sum not exceeding, in the whole, one million five hundred and fifty thousand dollars.

2d. That the claimants of the lands might file, in

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the office of the Secretary of State, a release of all their claims to the United States, and an assignment and transfer to the United States of their claim to any money deposited or paid to the State of Georgia, such release and assignment to take effect on the indemnification of the claimants, according to the provisions of that act.

3d. Commissioners were to be, and were, accordingly, appointed "to adjudge and finally determine upon all controversies arising from such claims so released as aforesaid, which may be found to conflict with and be adverse to each other, and also to adjudge and determine upon all such claims, under the aforesaid act or pretended act of the State of Georgia, as may be found to have accrued to the United States by the State of Georgia."

6thly. That the provisions of the act of 1814 were, in all respects, pursuant to a compromise made in behalf of the United States with the claimants, including the present petitioners, and that the release, required by the said act, was made by them.

7thly. That, before the commissioners, the petitioners, as trustees of the New England Mississippi Land Company, claimed, as the persons entitled to the one million five hundred and fifty thousand dollars directed to be issued to the Georgia Mississippi Land Company, their claim to indemnity for 957,600 acres, amounting to \$130,425, was resisted in behalf of the Georgia Mississippi Company, on the ground that the consideration money for said lands had not been paid, and that therefore they were in equity entitled to the indemnity provided by the act of Congress. The commissioners decided in favor of the Georgia Mississippi Company, and the \$130,425 were deducted from the amount awarded to the New England Mississippi Land Company, and distributed as follows: \$50,608 48 to individual members of the Georgia Mississippi Company, who had released to the United States under the act of 1814, to whom the same has accordingly been paid; \$79,816 52 was reserved to the United States, as being the shares of those claimants who, not having been paid the consideration money by the persons who had purchased of them, claimed to be still the legal and bona fide owners of said lands, and, as such, had availed themselves of the provision of the repealing act of the State of Georgia, and obtained the repayment of the consideration money by surrendering their titles to the State.

8thly. The petitioners object to this decision as erroneous, and they ask to have the \$130,425 paid to them by the United States, or their release to the extent of the 957,600 acres cancelled, so that they may assert their title to the lands in a court of law. The Supreme Court of the United States, in the case of Brown and Gilman, 4 Wheaton, 256, have decided that the grant from the Georgia Mississippi Land Company to the individuals who afterwards constituted and composed the New England Mississippi Land Company, conveyed the legal estate, notwithstanding the act of Georgia prohibiting the deeds for the same from being recorded; and that, by the terms of the contract and the law of the land, the grantors had no lien on the lands for the consideration money, and that therefore the decree of the commissioners, in that respect, was erroneous. For the grounds of that decision, its operation upon the interests of the petitioners, and those they represent, and for a more particular statement of the facts and circumstances connected with the whole transaction, the committee refer

to the case of Brown and Gilman, to the decree of the commissioners accompanying this report, to the accompanying certificates of two of the commissioners, and to a more particular statement made by the petitioners to the Judiciary Committee, and adopted by them in their report last year on the same petition.

9thly. The Committee acquiesce in the correctness of the decision of the Supreme Court, and believe that the decision of the commissioners, on the point of law raised before them, was erroneous; but, as their decree was agreed and declared by the law to be final and conclusive on the rights of all the parties, and as they have not found any circumstances in the case requiring that the same should be opened, but many strong reasons against the propriety of doing so, a majority of the committee are of opinion that the prayer of the petitioners ought not to be granted.

The report and resolution were read, and ordered to be printed.

ACCOUNTABILITY OF PUBLIC OFFICERS.

The Senate, as in Committee of the Whole, Mr. RUGGLES in the chair, proceeded to consider the bill better to secure the accountability of public officers and others; which was introduced under leave obtained by Mr. HOLMES of Maine, and reported by the Committee on Finance.

[The first section of the bill provides, that no salary, compensation, or emolument, shall be paid to any person who is, or shall be, indebted to the United States, until such person has accounted for, and paid into the Treasury all sums for which he may be so indebted.

The second section makes it the duty of every accountable officer who, in making payment to the United States, is, by law, authorized to retain his fees, or salary, out of the money for which he is accountable, and who is indebted to the United States, to pay over, at the time required by law for his payments and accountability, all his fees and emoluments, until he shall have discharged the sums for which he is indebted; and makes it the duty of the Treasury Department, at a certain time in each year, to give notice to such officers, of the sums due from them; and makes it the duty of collectors, and other officers, to withhold the pay of the persons employed by them, until their debts to the Government are discharged.

The third section provides that no person shall be appointed to any office, which entitles him, in any way, to receive, and makes it his duty to account for, public moneys, who shall, at the time of such appointment, be indebted to the United States.

The fourth section makes it the duty of the President of the United States to communicate to Congress, in the first week of each session, the names of persons whose pay is withheld under the provisions of this act, with the amount due, &c., with a proviso, that in all cases where the pay of any person is withheld, it shall be the duty of the accounting officers of the Treasury, if demanded by the person, to report, forthwith, to the agent of the Treasury Department, the balance; and it shall be the duty of such agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.]

Mr. HOLMES, of Maine, briefly recapitulated the provisions of the bill, with the remark, that its principles were such as, he conceived, ought to be adopted into the government of the country.

FEBRUARY, 1824.

Accountability of Public Officers.

SENATE.

Mr. MILLS objected to the first section of the bill; he was willing to go as far as any man, to secure the accountability of those who are intrusted with the public money—but he knew very well, that, in a variety of instances, balances were reputed to be due, when, in truth, on a fair adjustment of accounts, nothing at all was found to be due. But perhaps this third section of the bill might extend, in its operation, further than the gentleman who proposed it had contemplated. It would apply to every officer who was a receiver of public money. In case of a foreign Minister, for instance, who had received his money for outfits, and was charged therewith. It would not be in the power of Government to exchange him to another Court, if it should become necessary, until he had accounted for moneys paid to him—previous to his nomination to the Senate, his account must be settled up or his appointment could not take place. A person might be distant from the Seat of Government, at the expiration of his term of service, and unable to adjust the balance against him, and yet he could not be re-appointed, however otherwise fit for the office, because of the balance, which it was not in his power to settle. Mr. M. said, he could not perceive the particular necessity of any part of the bill—but this section of it, he thought, ought not to be passed—he, therefore, moved to strike out the third section of the bill.

Mr. BRANCH believed the objection of the gentleman from Massachusetts, in regard to the application of the third section of the bill, to foreign Ministers, would not hold good, because the outfit of the Minister became due him instantly on his appointment, and was not an item of charge to him, nor one for the expenditure of which he was bound to account to the Government.

Mr. HOLMES, of Maine, read the act already existing in regard to the disbursement of public moneys, and which prescribes rules, in order to ascertain who is indebted to the Government. He said, that an officer who received money, to be paid out on account of the Government, was not considered as being indebted to the Government, until the time at which he is bound to account for that money. The law allows him ample time to settle his account; the officer is entitled to hold his money until a certain period, and he is not considered as being indebted until that time arrives. The word "indebted" applied only to those who failed to account at the time prescribed, or where the person was found to be an absolute defaulter. It had been thought best, by some, to introduce a provision into the bill to dismiss from office such as were found deficient in the settlement of their accounts; but the right to do so was doubted. Certainly the right was vested in Congress to prevent the reappointment of defaulters. The whole bill goes upon the general principle, that men shall not be retained in the service of the Government who are defaulters. It is a rule of common life, never to trust persons in such situation in regard to private concerns; and it is much easier to avoid any evils arising from their employment in private than in

public concerns. He believed there was no provision which would do more good than this. As to foreign Ministers, if they are intrusted with the public money, it is always in the power of the President to prescribe the time at which they are to account for it. There could never be any difficulty on account of public Ministers—the President would always give them sufficient latitude for the settlement of their accounts.

Mr. MILLS believed, after hearing the statements of the gentleman from Maine, and the law he had read, that there had already been enough of legislation on this subject. He considered that law a very salutary one; but the provision in the third section of this bill was going to impose restraint on the power of the Senate, to appoint officers, which ought not to be imposed. Cases might occur in which the President was satisfied that the person ought to be reappointed to his office, and yet he could not be appointed, in consequence of this section in the bill. The most honorable public officer might become a defaulter by loss of documents, or from other causes. The Department might tell him that his account could not be settled for want of his vouchers; his term of service might expire before he could apply to Congress for relief. The President could not nominate him, although perfectly satisfied that he was not indebted to the Government; and, by this means, although best qualified for it, the person might lose his chance for reappointment.

Mr. JOHNSON, of Louisiana, said it had often happened, it might again, that the vouchers of persons residing in a remote part of the Government may be lost or mislaid in transmission by mail. If the third section of this bill is agreed to, it will be imperative; and will prevent the appointment to public office of any person who is in arrears to the Government, from whatever cause. He had known an instance of a gentleman who was reported as a defaulter to the Government to the amount of \$30,000, who did not, in fact, owe the Government one cent. He had known several other instances of a similar nature. Those men, of course, from no fault of their own, would be prevented from being candidates for office, if this bill were passed in its present shape. Instances are every day occurring of loss of documents. He thought the former law amply sufficient in this respect, and that the veto which the Senate has upon all appointments was security enough. It requires great experience to become acquainted with all the rules prescribed for the settlement of accounts in the different departments; there was great liability to difficulty in the business; they were frequently sent back for further explanation; great injustice might be done to individuals by the bill now proposed. They receive money to be disbursed for the public account, which is charged to them; and thus they become indebted to the Government, although they are not defaulters; or, they may not have been able to disburse the money, and render their accounts, within the time prescribed. He thought the law which before existed was sufficiently guarded in this respect.

Mr. SMITH said, that this discussion had suggested an idea to him which might be worth consideration. He did not know that the Senate could restrain the President in the appointment of any person to an office. Suppose the law should pass, and the President should appoint to office a person indebted to the Government. The Senate has a right to reject a person, when nominated, if he is indebted to the Government—but has Congress any right to impose rules for the Executive in this respect? Mr. S. said that he himself had once been stated to be a great public defaulter, although he never had any money concerns with the Government. He had a power of attorney to receive money for another person, which had been paid to him, and remitted to the person to whom it belonged; the money had been charged to him on the Treasury books, and he was reported as a defaulter, although he did not owe the Government a cent. If the President had seen fit to nominate him for any office, which probably had never entered his mind, he could not have done it, under this section of the bill, from his being stated as a public defaulter. Mr. S. did not see the necessity of this provision, as the Senate had already a right to reject any nomination which might be made.

Mr. LOWRIE thought the arguments which had been urged against the third section of this bill would apply equally well to the first and second sections. If it is imperative to withhold the appointment to office of those who are in arrears to the Government, it is also imperative to withhold their salaries while they are in the offices.

Mr. L. did not think the supposed cases of hardship could often occur. Many persons might have public moneys in their hands for certain purposes, and yet not be indebted to the Government. By fixing this qualification, the Senate would be relieved from great difficulties in investigating these subjects. He was, therefore, decidedly in favor of the bill as it now stood.

Mr. LANMAN appreciated as much as many could do the principle of this section of the bill, so far as it went to the protection of the Treasury. He was in favor of every provision which would go to preserve the purity of the modes in which money was to pass from the Treasury, and to prescribe accountability to public agents. He was willing to consent to the third section of this bill, if it went no further than the provision of which he had spoken: but he feared it involved something more than that—that it contained a disfranchisement of a great part of our fellow-citizens from office. A man might have been indebted to the Government, fifteen years ago, to the amount of a thousand dollars; and being unable to pay, from want of evidence to prove his having paid the money, for the purpose to which he ought to have applied it, he would be thus disfranchised from holding any office under the Government. He asked if this could be done under the Constitution? It would operate in a criminal and penal point of view. Upon these grounds, he would be compelled to vote against it, although he was

willing to vote for any fair provision for the protection of the Treasury.

Mr. HOLMES, of Maine, said he really had not expected a Constitutional objection to the disqualification of a public defaulter from being any longer a receiver of public moneys. He thought Congress had a right to prescribe qualifications for the officers appointed under the laws. Is there no right to prescribe that the Judges of the Supreme Court shall consist of persons learned in the law? or that no foreigner shall be employed in any department of the Government? Have we a right to prescribe these qualifications, and yet no right to prevent delinquents from holding offices of trust? If a collector becomes a delinquent, not from his own fault, his appointment can always be suspended until he has time to correct the evil. If the collector denied, the bill provides that it shall be the duty of the agents of the Government to institute a suit to try the case. In the present mode of appointment, the persons who hold the offices do not know what rules the Senate prescribes in acting upon Executive nominations; but, if the provisions of this law are adopted, the rule will be known and provided against by those who wish to be appointed. He apprehended that the Constitutional objection was not well founded.

Mr. PARROTT inquired if there was any precedent to authorize the prescribing rules to the Executive, in regard to appointments to office. He believed this section of the bill to be unconstitutional.

Mr. MILLS thought the question of the right to prescribe qualifications for offices, a very important one; and one which ought to be well considered before it was acted upon. The Constitution does not require that any officer, except the President and Vice President, shall be native born citizens of the United States. The Constitution provides certain qualifications for Senators and Representatives in Congress. Will it be contended that we have the right to add any qualifications to those already required by the Constitution for those officers? We have no more right to prescribe rules to the Executive, for nominations and appointments, than to the people, with regard to their Senators and Representatives. Have we a right to say that the Executive shall not nominate a person for any office, who is not forty years old, or who is not worth thirty thousand dollars, for the office of Collector? But, Mr. M. said, he objected to this provision on the ground of expediency alone; he thought we ought not to make too much regulation on this subject; that if this law had existed from its first establishment, it would have deprived the Government of the services of some of its best citizens. Among other instances, he mentioned the case of Captain O'Brien, our former Consul General to the Barbary Powers, who had been reported a defaulter, in consequence of the manner in which he was obliged to settle his accounts in Tunis—and of General Lincoln, the venerable Collector of the port of Boston, who had formerly been an agent to make a treaty with the Creek Indians, and stood charged on the

WEDNESDAY, February 11.

The PRESIDENT communicated a report of the Secretary of the Treasury, made in obedience to a resolution of the Senate of the 19th ultimo, accompanied by two statements, showing the names of those Purser and Navy Agents who are in arrears to the United States; and the report was read, and ordered to be printed.

Mr. LOWRIE presented the petition of William L. Fisher, and others, of Germantown, Pennsylvania, praying that no additional duty be imposed on imported wool; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. KING, of New York, presented the petition of M. Hoffman, and others, auctioneers, of the city of New York, praying that no duty be imposed upon sales at auction; which was read, and referred to the Committee on Commerce and Manufactures.

On motion of Mr. KING, of New York, the memorial of the Chamber of Commerce of the city of New York, presented on the 9th instant, was referred to the Committee of Commerce and Manufactures, to consider and report thereon.

Mr. JACKSON, from the Committee on Military Affairs, to whom was referred the bill for the gradual supply of cannon, bombs, and howitz, for the fortifications, reported the same with amendments; which were read.

The bill for the relief of the legal representatives of Andrew Mitchell, deceased; and the bill to authorize the employing of certain assistants in the General Land Office, were, severally, read the second time.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of Sarah Easton and Dorothy Storer; and it was further postponed to Monday next.

The bill better to secure the accountability of public officers, and others, was read the third time, and the title amended, to read, "An act to secure the accountability of public officers, and others." The bill was then passed.

Agreeably to the order of the day, the Senate resumed, as in Committee of the Whole, the consideration of the bill to abolish imprisonment for debt, and it was ordered to lie on the table.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act to procure the necessary surveys, plans, and estimates, upon the subject of Roads and Canals;" "An act to authorize the issuing of letters patent to Samuel Brown;" and, "An act to define the boundary line between the Edwardsville and Springfield land districts, in the State of Illinois;" in which bills they request the concurrence of the Senate.

The three bills last brought up for concurrence were severally read, and passed to a second reading.

On motion, the bill, entitled "An act to authorize the issuing of letters patent to Samuel Brown," was read the second time, by unanimous consent; and referred to the Committee on the Judiciary.

The Senate resumed, as in Committee of the Whole, the consideration of the bill regulating the

public books with property distributed as presents to the Indians.

Mr. BRANCH said that Congress could have no right to prescribe qualifications for those offices which were fixed by the Constitution—but on the qualifications of the under officers of the Government, the Constitution was silent; we had no right to superadd to the Constitutional powers; but, where none are prescribed by that instrument, Congress has the right to make them. We have certainly the right to see that the duties of these offices are discharged faithfully and vigilantly, and to keep delinquents from them.

Mr. KING, of New York, said that in all the accounting offices, the laws prescribed qualifications for the persons who fill them. Where Congress has the right to create the offices, it has also the right to prescribe the requisite character of those persons by whom they are to be filled. For the collection of revenue, the imposition of taxes, &c., Congress has a right to make laws, and to provide for the appointment of the necessary officers, under those laws, and to prescribe the qualifications for them. If the officer is created by the law, he is subject to such regulation as the wisdom of Congress may impose. The older governments grow, the more lax they are apt to become, in their provisions for the accountability of their officers. Great sums of money must, necessarily, be paid out, through individual agents, and the object is, to protect the nation against the appropriation of the money to the private purposes of the agents. Corruption of public officers had been the greatest bane of governments. The fact whether a person really was a public defaulter, or not, Mr. K. conceived to be easily ascertainable, and, if he were so, he ought not to be appointed to any office. It had been the custom, upon nominations from the Executive, to reject such as were known to be public defaulters. Great benefit had resulted from this practice. In some cases, the provision in this bill might operate against persons who were not, in fact, indebted; but those instances would be rare, and others, equally qualified, might then be appointed to the offices—men, as good, as efficient, and as honest. On the whole, he thought no great public disadvantage could arise from the passage of the bill; and, on the contrary, that it would be of great benefit to the Government; that bad administration and bad morality were encouraged by laxity in this respect. If the case of a public officer were suspicious, it would always be better to get a man who was not so circumstanced.

Mr. HOLMES made some further remarks on the subject.

The motion of Mr. MILLS, to strike out the third section, was lost.

Mr. JOHNSON, of Louisiana, moved to amend the bill so as to provide that a person should have been indebted one year, to prevent his appointment to office. After some discussion, this amendment was rejected.

The bill was then reported to the Senate, and passed to be engrossed and read the third time.

transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise in the public vessels of the United States; and, on motion, the consideration thereof was further postponed to Wednesday next.

DRAWBACK ON CORDAGE.

The bill proposed by Mr. D'WOLF, and reported by the Committee on Commerce and Manufactures, allowing a drawback on the exportation of cordage, manufactured from foreign hemp, was taken up for consideration, in Committee of the Whole.

Mr. D'WOLF rose in support of the bill. He said it was not by any argument of his own that he expected to convince the Senate of the propriety of this measure; but, if he could state facts, such as had convinced his own mind, and draw inferences from those facts, he hoped they might have some effect upon others. The bill under consideration was no new project; its good effects have been experienced almost as long as this Government has existed. The millions of dollars which have been exported, in rum and refined sugars, under this system of returning the duties on the raw material, when manufactured, and sent out of the country for consumption, has not only given employment to our ships and to our home industry, but has enriched our Treasury, by furnishing the means for imports, in this way—which imports the country could not have had without the adoption of this measure. You now return the duties, in all cases, provided the article remains the same at the time of exportation as when imported. Much more should you do so, when, by your own industry, value has been added to the imported article. The object of the bill now under consideration, Mr. D'W. said, was to create means for imports, to extend our trade with South America, and to encourage home industry. It proposes to allow the drawback on one article only, with the hope that the subject will be more fully understood, and the principle extended to other articles. A refusal to extend the drawback system to the manufacturers of the country, and to the mercantile interest, and to return the tax levied on the raw material imported, amounts to a prohibition of the exportation of the produce of the national industry in that shape; for the tax thus amounts to two freights on the manufactured article. The value added by manufacturing to the imported raw material constitutes a part of the industry of the country, as much as tobacco, cotton, grain, or any other produce for exportation, which is protected by the Constitution from taxation when taken out of the country. It is, then, no more than fair and equitable that these other products of industry should be exempted from taxation when carried out of the country for consumption. Common justice and sound policy require that all the productions of our industry should be placed upon the same footing. By the adoption of this measure, the Government does not abandon the interest it has in the property exported; it only suspends the collection of the tax. It is a forbear-

ance to take out the toll or exaction for the present; it permits the share which the Government has in the property to be carried from the country, that it may be brought back again, increased in value, and better fitted for consumption; at which time, the Government will not fail to exact and receive its portion. The Government has an interest in every thing that goes out of the country, as furnishing the means to obtain that which is to come into it. Are not the policy and justice of a measure obvious, which gives all branches of our industry a fair and equal opportunity of finding markets abroad? Will it not have a tendency to increase the aggregate of our imports, and give more means for their consumption, by giving employment and encouragement to home industry and to commerce? Will not the extension of the drawback system add to our exports? And are not imports dependent upon exports? If the operation of this measure would lessen the domestic consumption of hemp, it would be some ground on which to build an argument as to the effect on the home growth, and on the revenue. But, on the contrary, it will increase the consumption of the imported article, because it will increase the employment of vessels—and can an increase of the consumption injure the home grower? If the bill would cause any diminution of the exports in raw materials of any kind produced in the country, Mr. D'W. said, he should expect it would be opposed; but he thought it could not be pretended that such a result would follow. On the contrary, the increased demand for tar, which this measure will cause to be worked up and exported, is worthy of consideration.

To confine those who manufacture articles for exportation to the use of the domestic raw material, when such raw material is not produced in sufficient quantity even for the consumption of your own country, is, in fact, a prohibition of the exportation of this branch of your industry; because, your merchants, under such circumstances, can find no markets abroad in which they can vie with the foreign competition in the sale of such articles, as foreigners can carry them to market free of the tax which our Government has levied on the raw material. The giving a preference to foreign hemp for exportation is no preference for the home use; and it is to the home use only that the domestic growers can look for a market: none of our productions go to the foreign, until the home market is supplied. How can you think of supplying foreign markets, when you cannot supply your own, with all the advantage that the duties, freight, and other expenses of importation give you? It is only the surplus productions that go abroad. There would, perhaps, be some danger that the drawback allowed will exceed the amount of duties collected on the hemp when the domestic production of it shall exceed the consumption, but not until then.

But, never can the measure, at any time, or in any event, prove injurious to the home growers of the raw material. Suppose Louisiana produced as much sugar and molasses as the United

States consumes at this moment—would the drawback allowed on refined sugar, and rum distilled from imported materials, be an injury to the Louisiana cultivation of the sugar cane? Mr. D'W. asked, how? It certainly would not lessen the home consumption, to which he looks exclusively for a market, nor prevent his exporting, if a surplus were produced. And much less could such injury be suffered as the fact now stands; when there is not, perhaps, one-fourth part the sugar and molasses made that is consumed in the United States—probably not one fiftieth part of the hemp.

This measure, if it is adopted, will give new employment to our shipping, and our domestic manufactures, to the whole extent of the business done in the way contemplated; for it cannot be done at all without it; and, if you extend the policy, this employment will be extended without taxing any other branch of industry whatever. If it were true, that granting the drawback would cause one pound less of domestic hemp to be worked up, or used in any way, or would take one cent of revenue from the imported article, there would be some apology for opposition to it. It will be advantageous to the farmer, as all branches of industry give means for purchasing the surplus provisions, and raw materials, which are seeking a market. If, then, this measure will benefit two great branches of industry, without incurring the odium of being chargeable upon any other, it is certainly worth the experiment. Mr. D'W. said, he thought the true policy of the country would be to carry much further the system of returning duties on imported raw materials, when manufactured, and taken out of the country for consumption. When the country produced them, in sufficient quantities for its own consumption, his solicitations would be abated; although, even then, there might be good reasons for continuing the policy, until the country should give enough of the raw material to supply its manufacturing labor, both for home use, and for exportation. But, when the home production of the raw material comes up to the consumption of the manufactured article for home use, there may be some reason to refuse the drawback, and confine the manufacturer to the use of the raw material produced by his own country; but infinitely more reasonable and honorable would it be for the agriculturist to wait until he could give the raw material as cheap as other countries, before he confines the manufacturer to the use of his own productions; thus leaving both those branches of industry to compete in foreign markets, with the industry of the world, on even ground. For the agriculturist to use the power which he so justly holds, and which he ever ought to hold, to confine the manufacturer and mechanic to the use of the domestic raw material, which he will not, cannot, or does not supply, thus drying up the streams of industry, which should always be kept open and free, is unreasonable, unjust, and cruel. The proper object, with the legislator, is, to make the most of the skill and industry of this country, in the aggregate, to economise the employment of

his national family; opening the markets, both domestic and foreign, for his own productions, in all shapes, upon fair and equal principles. The merchant and the manufacturer are only asking the same privilege of exporting the products of their industry, as the farmer does, free of taxation. It may as well be said that the laws regulating the moral conduct of the citizens are destructive of their liberty, as that the regulation of trade abridges the freedom of it. All branches of trade and industry are, and always ought to be, left free to seek their own level, under the laws. Mr. D'W. said, he was fully in favor of taxing foreign productions imported into our country, for the encouragement of all branches of our own industry, as is the practice of other nations, where the policy of such a measure was obvious. Indeed, he considered that we were drawn into that course by other nations having adopted it. If nobody had put up any fences, we could all cultivate the earth, and enjoy the blessings of Providence in common; but when our neighbors have all made their enclosures, and we leave our portion common to all, we must expect that others will have great advantages over us.

As to the narrow policy of retaining in the country the redundant imports, lest the Treasury accounts should not show so large an amount, at the moment, it is altogether fallacious; for the revenue received on your imports, not consumed, is only an anticipation of your income, as was shown in the article of hemp, the year before last, when we imported 8,835 tons, which was, at least, 3,000 tons more than was consumed. The consequence was, that only 2,693 tons were imported the last year. These facts show that importation, beyond consumption, is no advantage to your revenue; and, when such an excess of importation occurs, you may as well allow it go out of the country, and allow the drawback upon it, as to retain it in the way of your next year's importation. That which is imported, and the duties upon it secured, is domesticated and naturalized; and makes a part of your common stock, with that of domestic growth. When this common stock is greater than is wanted for the use of the country, will it not be better for the home-grown hemp that you allow some of it to be taken out of the country, after working it up, and return the price, by the payment of which it became naturalized, than to keep it on hand in the way of another season's supply? The surplus cannot be taken out of the country in the same state in which it was imported.

Mr. D'WOLF remarked, that he had no personal interest in the passage of this bill; but was induced to advocate it from his knowledge of the beneficial effects it would produce to those who were interested in this manufacture. He had been told by Mr. Lewis, of Boston, who has extensive works for the manufacture of cordage, that application was made to him, by a merchant from South America, for a hundred tons of cordage. Mr. Lewis named the lowest price at which it could be furnished, but the gentleman replied that the cordage could be procured in England on more

favorable terms. On investigation, it was ascertained that he could purchase it twenty-five dollars per ton cheaper, in England, and that this difference in price was altogether owing to the fact that the English, who obtain their hemp from the same country whence we procure ours, allow the drawback on exportation of the cordage.

Mr. D'WOLF begged gentlemen, who advocate the interest of the makers of iron, to compare their application to Congress for an increase of duties on the imported article, with that of the workers of hemp, who only ask, upon the same principle that is contained in this bill, that the produce of their labor should be allowed to go to market unshackled with the tax you have levied on the raw material. We have arrived at manhood in these branches of manufacture. Our skill, our machinery, and our industry, are equal to any in the world; the capital is invested; the works are complete; the workmen have acquired the art; they more than supply the country with the produce of their labor, and are desirous to carry it to foreign markets. The system is shown to be practicable by the operation of that part of it which has already been adopted. All experience proves that it is practicable. We have practised it for thirty years, and benefited the country to the amount of millions, by the practice.

If the American merchant goes to Russia, and purchases his cordage, manufactured with Russian tar, and with Russian labor, you allow him, for his own convenience, to bring it into your ports, and bond it; and when he exports it, you permit him to draw back the duty; thus giving encouragement to the foreign industry which produces the tar and manufactures the cordage, in preference to the industry of your own country. The bill now under consideration proposes to give this encouragement to our own citizens, instead of foreigners.

Mr. FINDLAY said, he had made up his mind, at the last session, in regard to this bill, and he had heard no reason since, which induced him to alter his opinion; but, as the new tariff bill, if adopted, would have some effect upon this bill, he hoped it would be laid upon the table for the present.

Mr. SMITH said he was sensible that there was very little chance of passing this bill. He presumed that most of the members had made up their minds upon the subject at the last session; but, as there are some new members, who were not present at that time, he wished to express his views upon it. The principle contemplated in this bill, he said, was not a new one. It had been in operation almost ever since the first establishment of the Government. A drawback of the duties on the exportation of imported articles has long been allowed. On the exportation of rum manufactured from foreign molasses a drawback of the duties on the raw material is permitted. This gives employment to the industry of the United States. If you did not do this, you would prevent the importation of the molasses, and the exportation of the rum. In the article of loaf sugar, too, the exporter is allowed to draw back

the duty on the raw material. During the late war, a tax was imposed upon whiskey. The agricultural interest insisted that the tax should be drawn back upon exportation. We should have shut ourselves out of all foreign markets for the article, if the drawback had not been allowed. Mr. S. thought the Government had no right to give bounties for the exportation of any article; nor did the present bill propose any such thing, but only to allow a drawback, on the exportation of the manufactured article, of the duty on the raw material. Hemp is an exceedingly bulky article—we have to go a great way for it—it pays a heavy duty. If that duty is not refunded, on exportation, you completely prevent your merchants and manufacturers from a competition, in foreign markets, with the merchants and manufacturers of other countries. It is no more than a fair principle to grant it. It will give employment to a large portion of our shipping. It will assist in making up our assorted cargoes for the South American markets. We stand in a peculiar relation to the South American States. We were the first to acknowledge their independence, and to recognise them as nations. And shall we now shut ourselves out from the enjoyment of their trade? In England, the drawback is allowed on every imported article, when exported, in whatever shape it may appear; and this is one of the great principles of trade which has raised that nation to its present commercial greatness. We are now about to pursue a course to encourage all the manufactures of the country. Mr. S. said he was perfectly willing to do this, so far as it could be done without breaking down other branches of business. He was surprised that gentlemen who were so willing to tax all imported articles, to favor manufactures, were not willing to grant this drawback upon the same principle. The trade to South America is a very important one. We may, to a considerable extent, supply their markets with every article they want, upon which we are not compelled to pay a duty to our own Government. That trade is annually increasing. We export to that country great quantities of soap and candles, the manufacture of which gives extensive employment to our people. It is now proposed to lay a high duty on foreign tallow. The duty has, hitherto, been so small, that the manufacturers of those articles could enter into a fair competition with those of other countries, in foreign markets.

It is provided in the Tariff bill, which proposes to increase the duties on foreign tallow, that the duties shall be drawn back on the exportation of the candles manufactured from it. We now export a great many articles to South America, such as furniture, saddles, hats, boots, shoes, iron castings, &c. Of these the raw materials are the products of our own country, and there is, of course, a fair competition. We hold it as a principle, that where men do their work, exclusive of the use of the foreign article, they should be allowed to export the products of their labor, and have the advantage of fair competition. In the articles we export to South America, most of them

are free from duty. We export a large quantity of hats; and we allow furs to be imported into this country free from duty. Our hat makers are, consequently, enabled to work as cheap as those of any other country. Castings of iron are, also, considerable articles of export to South America, and the demand for them is daily increasing; for these the raw material is produced in our own country. So in regard to our cotton goods; large quantities of certain kinds are exported to Mexico, Lagaira, and other places; no duty is paid on the raw material. They value our cotton goods more than those of any other country, and Mr. S. hoped they would continue to take them. But, if we had a duty to pay on them, we certainly could not export them. They do not require a drawback, because they pay no duty. If he thought this measure would go to reduce the revenue, Mr. S. said, he should not support it; he believed it would not have that effect, but that it would rather tend to increase the revenue. There would certainly be a saving of two and a half per cent. of the duty on the raw material; as the Government always reserves that amount out of the duties drawn back. He believed the bill was bottomed upon a sound principle; he was not able to perceive any thing objectionable in it, unless it was that, in drawing back the duties, there might be a loss to the Government, from the unusual quantity of tar made use of in manufacturing the cordage; and he conceived that there could not be much danger in that respect. If the bill should pass, it would enable the manufacturers of this country to supply South America with cordage; and a great many vessels would be employed in the business to which it would give rise.

Mr. LLOYD, of Maryland, inquired if the honorable member from Rhode Island could inform him what were the prices of the foreign and domestic hemp, in our own markets, at the present time.

Mr. D'WOLF was not able to give the price of domestic hemp; he did not know of any recent sales of that article. Russian hemp was quoted at about \$180 per ton. Sales had lately been made, in New York, at about \$175.

Mr. LLOYD, of Maryland, had not intended to say any thing upon this subject, but he now felt it his duty briefly to express his views on it. He understood that American hemp was not in as good demand, in our own markets, as formerly, and he thought the allowance of drawback on cordage, manufactured from foreign hemp, might have a tendency to reduce it still lower. The domestic growth of the article would be extinguished, because it could not then meet the competition of the foreign article, which is much more esteemed abroad. He thought the opportunity of the South American markets would be very advantageous to the home growers of hemp. The cordage made of foreign hemp might now be exported; but that which was not made of foreign hemp ought to be permitted to be exported, with the privilege of being exempt from duty. The allowance of this drawback would cause an increased importation of the article—the demand would not equal the supply—and there would be a consequent and gen-

eral fall of the article. There would be such a quantity in the market, that no man could turn his attention to the growth of it. The raw material would then be sold at a loss, rather than encounter the risk of a foreign market. Can it be policy to discourage the home growth of the raw material, when we have a great portion of soil that is peculiarly adapted to it? Why discourage those who are willing to turn their attention to it? He considered this bill as offering a bounty to the growth of foreign hemp. On one hand we are told that the interests of the country require that we should discourage the importation of all raw materials; and now, on the other, we are besought, for the same reasons, to encourage their importation, and God knows what we shall come to between such discordant propositions. A drawback is allowed on iron cables; and they are, very frequently, used on board the vessels that carry them out, and obtain the drawback upon them. If persons choose to rig their vessels with ropes, upon which they have received the drawback, how are you to prevent it? If iron cables are used in this way, why may not cordage be? Mr. L. thought it would furnish great opportunities for fraud.

Mr. DICKERSON said it appeared to him that the Senate had, at the last session, all the information it could obtain upon the subject. But he now rose to move a postponement of the bill, because he thought it ought to follow the tariff bill, as it was necessary to ascertain what duty would be laid upon hemp, before it was determined what drawback was to be allowed upon the cordage. If the tariff was to be altered, the amount of drawback could not now be fixed. He thought the honorable gentleman from Rhode Island would not risk the fate of the bill, in point of time, by waiting till then. Mr. D. expressed himself in favor of the general system of allowing drawback; but he was not disposed to extend it to manufactured articles, the raw material of which was produced in our own country. If molasses had been produced in the country at the time the law passed allowing a drawback on rum manufactured from foreign molasses, he presumed that drawback would not have been allowed. There was much less inconvenience in allowing drawback on articles exported in their original state—packages in bulk could be easier identified, and were not liable to alteration; and on articles which we do not produce ourselves, the remission of the duties was, unquestionably, beneficial. But as the discussion of this subject would come in more properly, after the fate of the tariff bill had been decided, he moved to lay the bill on the table. The motion was, however, withdrawn, to give way for further discussion.

Mr. TAYLOR, of Virginia, said he did not perceive any good grounds why manufactures of foreign articles should be exempted from the duty on the raw material. He thought it was giving preference to the manufacture of the foreign article, and that it was wrong, as a principle of justice, that the manufacturer should be exempted from paying his quota towards the expenses of the Government. Upon the first view of the case, it

certainly appears to be unjust that the burden should be thrown exclusively upon the agricultural interest. It may be that this trade, in England, pays no duty on the raw material, and yet we may impose such a duty, and still our manufacturer be on a better footing than the English. The manufacturing labor of England may not be taxed in this way, and yet there are so many other ways in which they are compelled to pay taxes, that, though we are subject to duty, we may be able to undersell them in this article. The equity and the liberality of our laws may afford us this advantage. Gentlemen may see the danger of great principles in the consideration of small items which involve those principles. We have a vast deal of capital employed in manufacturing, which pays little or nothing towards the support of the Government. In England it pays a great deal; that branch of industry is relied upon for the support of Government. Our free and equal laws give prosperity to that species of labor. But if we exempt that great mass of labor from paying their proportion towards the support of the Government, and put the burden upon others, Mr. T. said, the result might be such as he had rather contemplate than express.

Mr. LLOYD, of Massachusetts, said he had not intended to trespass again on the Senate upon this subject. He set too little value on his own opinions to be willing to repeat them even at twelve months' distance. He had taken occasion, at the last session of Congress, to express his sentiments on the benefits resulting from the system of drawbacks, which, in a commercial point of view, he considered as one of the most beneficial arrangements which had ever been adopted by the Government. Without it, importation must be narrowed and limited precisely by the consumption of the country. Importations might fluctuate in different years; sometimes more and sometimes less than was required; but, without this allowance of drawback, no exportation, of cordage especially, could take place; and, without exportation, the importation must be limited by the consumption of the country; for no man would buy what he could not sell, if his object was profit. The drawback system also leaves a benefit to the revenue; as a part, though not a large one, is always restrained from the duties.

The honorable gentleman from Maryland (Mr. LLOYD) has asked, if we are willing to give a bounty on foreign, instead of domestic hemp; to encourage foreign agriculture instead of our own? Mr. L. said, he was willing to consider it as a bounty; but it was a bounty to our agriculturists, to our commerce, and to our manufactures. We must pay for the hemp we buy, with our produce—by its exportation, in the first instance, to furnish funds to purchase hemp—to our ships to carry it. And the drawback would give encouragement to our domestic manufactures, by enabling them to go into markets which they cannot now enter; as cordage, without the drawback, is dearer in this country than in any other in which it is manufactured.

When it suited the purpose, Mr. L. said, we

were very fond of quoting the example of Great Britain. What had it been, generally, with objects of this description? Great Britain admits the raw material free of cost, in many instances, and allows a bounty on its exportation, when manufactured at home. What do we, in respect to the article of cordage? We tax the raw material heavily, and deny any bounty on it, when manufactured and exported; but we allow a drawback on imported cordage, which has been made in Russia—thus giving a bounty to the Russian manufacturer, and denying it to our own.

The operation of this measure could not, as he believed, be unfavorable to the growth of domestic hemp. We have imported hemp, under heavy duties, for thirty or forty years; during which time, attempts have been repeatedly made to supersede the use of it, by the introduction of domestic hemp. He was sorry to say, that the experiment appeared to have failed. From some unfortunate circumstance, we could not cure the hemp sufficiently well, to bring it into general use; and, until this were done, we must continue to import hemp, if we are to continue to have navigation. He doubted if, at this moment, ten tons of domestic hemp could be found in any city on the seaboard of the United States, from New Orleans to Portland. He hoped that a drawback would be allowed, not only on cordage, but on many other articles manufactured from foreign materials; as the system presented an evident means, as he thought, of furnishing increased employment for our people, as well as encouragement to our agriculture and our commerce. If it was thought better to regulate the details of the bill, after a decision was had on the revision of the tariff, he did not know that there would be any objection to that course—he did not propose it, however; and hoped, at any rate, that the principle of the bill would be adopted.

On motion of Mr. LANMAN, the further consideration of the subject was postponed till Monday next, and made the order of that day.

THURSDAY, February 12.

The PRESIDENT communicated a report of the Secretary of the Navy, transmitting a statement of the contracts made by the Commissioners of the Navy during the year 1823.

The PRESIDENT also communicated a letter from the Secretary of the Treasury, transmitting statements of the commerce and manufactures of the United States, during the year ending on the 30th of September, 1823; and, on motion of Mr. LLOYD, of Massachusetts, six hundred and fifty copies thereof were ordered to be printed for the use of the Senate.

Mr. TALBOT, from the Committee on the Judiciary, to whom was referred, on the 22d ultimo, certain resolutions of the Legislature of the State of Alabama, reported a bill to repeal in part the act, entitled "An act to enable the people of the Alabama Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the

original States;" and the bill was read, and passed to a second reading.

Mr. CHANDLER presented the petition of Reuben Colburn, praying the payment of a balance due him for services and disbursements during the Revolutionary war; which was read, and referred to the Committee of Claims.

Mr. NOBLE, from the Committee on Pensions, to whom was referred the petition of Dean Weymouth, reported a bill for the relief of Dean Weymouth; and the bill was read, and passed to the second reading.

On motion by Mr. NOBLE, Moses Smith had leave to withdraw his petition, presented at the first session of the Seventh Congress.

Mr. NOBLE communicated a resolution of the General Assembly of the State of Indiana, requesting the members of Congress from that State to unite in any effort that may be made to alter the tariff, so as to encourage the manufacturing of domestic fabrics; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, to whom was referred the petition of Alfred Moore and Sterling Orgain, made a report, accompanied by a bill for the benefit of Alfred Moore and Sterling Orgain, assignees of Morris Linsey; and the report and bill were read, and the bill passed to a second reading.

Mr. JOHNSON, of Louisiana, asked and obtained leave to bring in a bill explanatory of an act, entitled "An act for the confirmation of certain claims to land in the western district of the State of Louisiana and the Territory of Missouri," passed 29th April, 1816; and the bill was read, and passed to a second reading.

The Senate proceeded to consider the report of the Committee on the Judiciary on the petition of Ebenezer Oliver and others; and it was postponed to, and made the order of the day for, Monday next.

The bill from the House of Representatives, entitled "An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals," was read a second time; and referred to the select Committee on Roads and Canals.

The bill from the House of Representatives, entitled "An act to define the boundary line between the Edwardsville and Springfield land districts, in the State of Illinois," was read the second time, and referred to the Committee on Public Lands.

On motion of Mr. JOHNSON, of Kentucky, the bill to abolish imprisonment for debt was taken up in Committee of the Whole. Mr. MILLS submitted his views upon the subject, at length; and some remarks were made by Messrs. JOHNSON, of Kentucky, and HOLMES, of Maine. The further consideration of the subject was, on motion by Mr. JOHNSON, of Kentucky, postponed till Monday next, and the bill was made the order of that day.

The bill "to authorize the laying out of a military road, from Fort St. Philip, on the river Mississippi, to the English Turn, for the defence of New Orleans," was taken up in Committee of the Whole. The amendment proposed some days since, by Mr. JACKSON, to strike out the words

"English Turn," and insert, in lieu thereof, "Johnson's plantation," and thereby limit the road to the lands belonging to the United States, was agreed to; as, also, was an amendment, proposed by the same member, to reduce the amount to be appropriated for this object, from sixteen to nine thousand dollars. The bill, as thus amended, was reported to the Senate, and passed to be engrossed and read the third time.

The bills reported by the Committee on the Public Lands, confirming the claims of Peter H. Hobart and Lewis Judson, and of the legal representatives of Charles Pairon, to certain tracts of land, were severally taken up, in Committee of the Whole.

Mr. KING, of Alabama, stated the grounds upon which the claims were founded. The bills were then reported to the Senate, without amendment, and passed to be engrossed and read the third time.

The resolution authorizing the Secretary of the Senate to purchase one copy of Lucas's Universal Atlas, was again read, and passed to a third reading.

The Senate resumed, as in Committee of the Whole, the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and election of President and Vice President of the United States, together with the amendment reported thereto by the select committee, and, on motion, it was postponed to, and made the order of the day for, Tuesday next.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Amasa Stetson; and it was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the bill confirming the claim of the heirs and legal representatives of Charles Parent, to two tracts of land; and it was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act authorizing the laying out and opening certain public roads in Florida;" and it was postponed to, and made the order of the day for, Wednesday next.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of James Johnson; and it was postponed to, and made the order of the day for, to-morrow.

On motion, by Mr. LLOYD, of Massachusetts, the Senate proceeded to consider, as in Committee of the Whole, the bill extending the terms of pensions, granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of duty, on board the private armed ships of the United States, during the late war; and, no amendment having been made thereto, it was reported to the House, and ordered to be engrossed and read a third time.

And, on motion, the Senate adjourned until to-morrow.

FRIDAY, February 13.

Mr. HAYNE presented the memorial of William Drayton, and others, a committee appointed by the citizens of Charleston and its vicinity, setting forth the injustice that would result to the agriculture and commerce of South Carolina, from an increase of duties on imported articles, and remonstrating against the passage of the bill, now before Congress, on that subject. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. JOHNSON, of Louisiana, presented the petition of J. F. Bertrand, and others, aliens, residing in Louisiana, praying certain modifications of the laws respecting naturalization; which was read, and referred to the Committee on the Judiciary.

Mr. KELLY presented the petition of James Ore, stating that he is the head of an Indian family in Alabama, and that, by the treaty with the Cherokee nation, a life estate in a portion of land was granted to him, with a reversion in fee simple to his children, upon condition that he reside thereon during life, and from which condition he prays to be released. The petition was read, and referred to the Committee on Public Lands.

Mr. KELLY presented the petition of Holden W. Prout, administrator of Joshua W. Prout, stating that the deceased held a number of discharges of soldiers, with powers of attorney to receive their pay, which the administrator cannot obtain without the aid of a law in his favor; and praying relief. The petition was read, and referred to the Committee on Military Affairs.

Mr. JOHNSON, of Louisiana, gave notice that, on Monday next, he would ask leave to bring in a bill supplementary to the several acts for adjusting the claims to land, and establishing land offices, in the district east of the Island of New Orleans, in the State of Louisiana.

Mr. NOBLE communicated the following preamble and resolutions of the Legislature of the State of Indiana, viz:

"Whereas the further extinguishment of Indian title to lands within the State of Indiana, would greatly facilitate the intercourse of the whole Western country with the Eastern and Middle States, increase in a great degree the population of the Northern section of this State, tend to improve the navigation of our rivers in the interior, and further the grand object of effecting a canal communication between the waters of the Ohio and the Lakes:

"Resolved, That our Senators be instructed, and our Representatives in Congress requested, to use their best exertions to procure an appropriation by Congress for the purpose of effecting this desirable object, and in all respects to promote the object of this resolution.

"Resolved, That his Excellency the Governor, at as early a period as possible, forward to our Senators and Representatives in Congress, a copy of the foregoing preamble and resolution, accompanied with a request that the same be laid before Congress for their consideration."

Which preamble and resolutions were read, and laid on the table.

Mr. BARTON, from the Committee on Public Lands, to which was referred the bill, entitled

"An act to define the boundary line between the Edwardsville and Springfield land districts, in the State of Illinois," reported it without amendment.

On motion, by Mr. RUGGLES, the Committee of Claims were discharged from the consideration of the petition of Conrad Ten Eyck; and it was referred to the Committee on Foreign Relations.

On motion, by Mr. BARTON, the petition of John Forbes & Co., and of John McAllister, were severally recommitted to the Committee on Public Lands, with instructions to report a bill authorizing either John Forbes & Co., or John McAllister, to institute a suit in the District Court of the United States, at Mobile, for the purpose of ascertaining who has the best right to hold the land in question, and to release to the party who may ultimately succeed, whatever right the United States may have in the said land.

Mr. TALBOT submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so modifying and changing the 25th section of the Judiciary act of 1789, as to authorize the removal of the causes therein provided for, by either of the parties, before trial from the State court, in which any such case may be pending, to the court of the United States of original jurisdiction in like cases, for final trial and adjudication, instead of the appeal, or writ of error, which is allowed by the provisions of the said act, to be taken for the reversal of the judgment, or decree, of the highest court of law of the State in which suit may have been pending, by the Supreme Court of the United States.

The bill to authorize the President of the United States to cause to be made a military road from Fort. St. Philips, on the river Mississippi, to the English Turn, as an auxiliary to the defence of New Orleans, was read the third time, and the title amended, to read, "An act to authorize the President of the United States to cause to be made a military road, from a point opposite to Fort St. Philip, on the river Mississippi, to Johnston's Plantation, as an auxiliary to the defence of New Orleans."—The bill was then passed.

The bill confirming the claim of Peter H. Hobart and Lewis Judson to a tract of land, was read a third time, and passed.

The bill extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war, was read the third time, and passed.

The resolution authorizing the purchase of a copy of Lucas's Atlas, was read the third time, and passed.

The bill to repeal, in part, the act, entitled "An act to enable the people of the Alabama Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States; the bill for the relief of Dean Weymouth; the bill for the benefit of Alfred Moore and Sterling Orgain,

assignees of Morris Linsey; and the bill explanatory of an act, entitled "An act for the confirmation of certain claims to land in the western district of the State of Louisiana and the Territory of Missouri," passed 29th April, 1816, were severally read the second time; and, on motion, the last-mentioned bill was referred to the Committee on Public Lands.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Amasa Stetson; and it was laid on the table.

The bill introduced by Mr. JOHNSON, of Kentucky, and reported by the Committee on Claims, for the relief of James Johnson, was taken up in Committee of the Whole. The bill authorizes Mr. Johnson, who was a paymaster in Colonel Johnson's mounted regiment of volunteers during the late war, to be credited on the books of the Treasury, with \$1,302 75, being a balance he now stands charged with, constituted by the payment of a greater sum, for rations and forage, than was warranted by the law of 1795.

The report of the committee having been read, Mr. BARBOUR, in answer to Mr. KING, of New York, who requested information on the subject, made a statement of the facts in relation to the claim. And, after some further remarks upon it, by other members, the bill, on motion of Mr. KING, of New York, was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill releasing a certain tract of land to the heirs and legal representatives of John Forbes; and, on motion, it was recommitted to the Committee on Public Lands.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act to repeal, in part, an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned,' together with the amendment reported thereto by the Committee on the Judiciary; and, on motion, it was ordered to lie on the table.

The bill from the other House, for the relief of Walter S. Chandler, was taken up as in Committee of the Whole. This bill merely provides, that payment shall be made for certain certificates of stock, destroyed by fire, upon the petitioner giving sufficient security that the same will not again be demanded. The bill was reported to the Senate, and passed to a third reading.

The bill from the other House, for the relief of the legal representatives of John Michael, was taken up for consideration. This bill merely authorizes the Secretary of State to deliver up to these claimants a certain certificate of the New England Mississippi Land Company. Mr. ELLIOTT stated the grounds of the claim. The bill was reported to the Senate, and passed to a third reading.

The Senate proceeded to consider, as in Committee of the Whole, the bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies; and, on motion, it was postponed to, and made the order of the day for, Monday next.

The Senate proceeded to consider, as in Com-

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mittee of the Whole, the bill to regulate the surveying of the public and private lands in the southern part of Alabama; and it was laid on the table.

MONDAY, February 16.

Mr. HOLMES, of Maine, presented the petition of James B. Fiske, and others, merchants, residing on Penobscot river, praying that that part of the shores of said river, above Orphan Island, may be made a collection district, with Frankfort as the port of entry; and Bucksport, Bangor, and Hampden, as ports of delivery; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. HOLMES, of Maine, presented the petition of Moses Atkinson, and others, praying to be remunerated for losses sustained while in the naval service of the United States, in the late war with Great Britain; which was read, and referred to the Committee on Naval Affairs.

Mr. FINDLAY presented the memorial of a committee appointed on behalf of the volunteer corps of Carlisle Artillery, praying that the company may be received into the service of the United States for the term of one year, for the purpose of improving themselves in military science; which was read, and laid on the table.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of Ebenezer Oliver, and others; and, on motion by Mr. VAN BUREN, it was postponed to Wednesday next, and the documents accompanying the petition were ordered to be printed for the use of the Senate.

The Senate proceeded to consider the motion of the 13th instant, to instruct the Committee on the Judiciary to inquire into the expediency of modifying the judiciary act; and it was laid on the table.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of Sarah Easton and Dorothy Storer; and it was laid on the table.

The bill for the relief of Walter S. Chandler, was read the third time, and the title amended, to read, "An act for the relief of Walter S. Chandler and Samuel Ward." The bill was then passed.

The bill, entitled "An act for the relief of the legal representatives of John Michael, deceased," was read the third time, and passed.

IMPRISONMENT FOR DEBT.

The Senate then proceeded, as in Committee of the Whole, to the further consideration of the bill to abolish imprisonment for debt.

Mr. R. M. JOHNSON, of Kentucky, said, he rose with some confidence, created by the intrinsic merit of the subject, and not from any conviction of talent in himself for public speaking. Is it expedient, said he, to abolish imprisonment for debt? This is the question. I am in favor of a total abolition, without any conditions, either previous or subsequent. I wish it distinctly understood that I am willing that the remedy against the property

SENATE.

Imprisonment for Debt.

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of the debtor should be extended as far as any reasonable man can require. But to allow the body of a citizen, under any circumstances, to be imprisoned at the discretion of his equal, in any civil action, of whatever description, I consider a most flagrant violation of personal liberty. If, in the private transactions of individuals, any of the parties shall demean themselves in such manner as to incur the charge of criminality, let such conduct be considered penal. Give to the injured citizen his remedy in the property of the aggressor. Let the Government arraign the criminal, and in the establishment of his guilt, let punishment, proportioned to the crime, be inflicted. In case of assault and battery and breach of the peace, the injured party has his remedy for the damage which he has sustained. His lien should be solely against the property of the offender. But, for disturbing the harmony of society, the offender is properly subject to a criminal prosecution, and fine and imprisonment are his just desert. Here the line of separation between the jurisdiction of the criminal and civil code is maintained, as it should exist in all other cases. In case of a fraudulent suppression of truth, or the suggestion of a falsehood in private transactions, give the injured party reparation for the civil injury, and define fraud as you have felony—make it a part of the criminal code, and when, upon the solemnities of a Constitutional trial, guilt is detected, punish it as it deserves; humanity will not revolt at the proceeding—rectitude will rejoice. The line of jurisdiction between the civil and criminal code should be fairly drawn in every case.

In a country free as ours, civil injury and crime should never be confounded. Punishment is a retribution for offence, and is solely the prerogative of the sovereign power of the State. Civil injury is repaired by pecuniary satisfaction, and this the injured person has a right to claim.

But the moment you clothe one citizen with the power of depriving another of his personal liberty, whether for debt or for any other cause, where the State is no party in the suit, you establish a petty tyranny in the land, more extensive, more odious, more despotic and destructive, than the feudal system.

Let it also be recollected, that, to punish an individual for an alleged offence, which has not been defined, by law, previous to its commission, is a violation of the most sacred rights of freedom.

And where it is impracticable to define violations of the moral laws, so as to make them a part of the penal code, lest too much discretionary power should be confided to our courts to attempt the infliction of punishment, must be dangerous in the extreme. It is upon this principle that many violations of the moral law escape legal chastisement. The father who neglects to advance his son in virtuous and intellectual improvement, when both are within his power, who destines his ill-fated offspring to servile employment, until the age of political and legal independence emancipate him is not liable to the law, although the sentiment of all around him, condemns and

abhors his sordid career. The son, who in the declining years of his father, has become possessed of his whole property, upon the understanding that the father shall be cherished and supported with filial tenderness and assiduity, and who yet abandons his hoary locks and woeborn features to poverty and wretchedness, is not obnoxious to the law, though he merits and possesses the reprobation of mankind; is disgraced in the estimation of the honorable and virtuous, and is a foul transgressor in the presence of his Creator. Why do these gross violations of every thing sacred in paternal affection and filial duty, pass without legal avengement? It is because the power of punishing would be liable to abuse; because it might, in some cases, endanger the liberty of the citizen. We therefore content ourselves with leaving these violations of nature and justice to the reprehensions of public sentiment. Christianity enjoins upon us the duty of benevolence and charity towards all mankind; yet, whoever seriously regarded such an injunction as a proper subject for public legislation? It is upon principles such as I have mentioned, that I would abolish imprisonment for debt in every possible form.

Communicate and confirm this power, and you place an innocent and unfortunate debtor on the same ground with the most abandoned swindler; the line of demarcation between right and wrong, innocence and guilt, completely vanishes. In vindication of the cruel system which it is my wish to expose, we are told that its evils are exaggerated, and that the moral sense of the community will shield the unfortunate from oppression. But who sees not that this very apology, while it honors the public feeling, pours disgrace upon the law? To ascertain the real character of this system, we must trace the consequences that would follow its rigid execution. I ask, then, what number of individuals in the United States can be made subjects of imprisonment for debt? I answer, all who could not punctually discharge the demands against them, including the wives and children, and others dependent on this class of the community. I presume it would not embrace fewer than a million of souls. Shall such a body of freemen be degraded by caprice, or ruined by malignity? If such be the case, at a period in our history, when only forty-seven summers have beamed upon our independence, and our population amounting to ten millions, what must be our condition when our population shall amount to fifty millions? When New York, Philadelphia, Boston, Baltimore, Charleston, New Orleans, and others of our cities, shall be animated with the busy pursuits of a million in each, what will be our condition under this barbarous system? Imagination shudders while she anticipates the result; and virtue, benevolence, and justice, weep and frown. But, it has been said that the evils have been exaggerated; few instances of rigorous oppression occur in our courts of judicature. Admit, for a moment, that this is the fact; does this forbid our investigation of existing evil principles? Allow me to suppose that a solitary individual has fallen, or is

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liable to fall, a victim to the unjust laws of his country. Is his affliction to be disregarded? Such is not the constitution of Heaven, whose model we can never too much imitate and accurately adopt. No consideration is too minute for the condescension and superintendence and concern of our Heavenly Father. By him the hairs of our head are all numbered. Even the flight of sparrows, though two of them be but of the value of a farthing, elude not his providential observance. I ask, in language derived from superhuman authority, is not man of more value than many sparrows? It is a notorious fact that we undervalue the solemn duties of legislation. By the suffrages of the people, a power is invested in us superior to every thing which has immortalized the stern Lycurgus and the yielding Solon; to exert that power is a duty which the people reasonably expect, and which every generous and enlightened sentiment of the heart inculcates. I have before me record evidence of the evils of imprisoning debtors, which would chill the blood of any feeling man. It might turn a Nero pale and make a Caligula shudder. Why do any of us question the enormity of the practice which we are compelled to condemn? Because we are removed from the scenes of misery. Had we a Howard, that illustrious measurer and reliever of human calamity, among us, though he should possess the disposition, time would fail him to visit our abodes of authorized misery. An authentic account of the horrors of the Spanish Inquisition, for three hundred and fifty years, has recently been published; during that period thirty-one thousand three hundred and sixty-five persons have been burned alive without offence; eighteen thousand eight hundred and forty-nine have been degraded and burnt in effigy; two hundred and eighty thousand two hundred and fourteen have been condemned to perpetual imprisonment, or to the infamous galleys of this holy association, constituting the number of three hundred and forty thousand nine hundred and twenty-one. These savage cruelties were confined to Old Spain. They embrace not her vast possessions in South America and other parts of our globe. What eloquence can portray the silent agony, the bursting groans of the victims of this heart-rending cruelty! The Spanish nation generally were probably ignorant of these barbarous measures, and no doubt would have denied their existence; like those who deny the evils of imprisonment for debt, the Spaniards knew nothing or little of this extent of suffering. Occasionally a near and affectionate relative may have had some obscure idea of this horrid persecution. The watchful anxiety of some kindred spirit may have heard the unavailing sigh, the expiring pang of the agonized victim; but these were lost in the tumult of the world, or if remembered, remembered only to be forgotten. In a manner analogous to this the debtor suffers the evils of imprisonment in these United States. We accustom ourselves to that species of apathy, which, having ears, hears not. The tear of desolation drops unobserved, and the visions of calamity pass away like a dream. The

decision of a court of justice deposes the body of a patriot in the gloom of a jail, merely for the sin of having been unfortunate, and of all his animating hopes leaves not a wreck behind. Few are acquainted with his misfortunes; still fewer shed the generous tear of sympathy. Taught to venerate the decisions of the judiciary, and the officers of justice, the hearts of his fellow-citizens, not more worthy than himself, welcome the hardness of the nether mill-stone and the adamant. In this way the march of tyranny is usually silent, but always desolating.

Let Congress violate the rights of an individual, however obscure, what would be the consequence? The thunder of loud and generous indignation would roar from the rocks of Maine to the Gulf of Mexico; from the blue wave of the Atlantic to the Pacific ocean. No man could be strong enough in the affections of the people to sustain himself against a solitary instance of individual oppression. But, let the vindictive creditor consign to the cell his unfortunate debtor. Let him demand manacles and fetters; let him permit life to linger on hardened bread and noxious water, and all is well; the law justifies the procedure; he may triumph in the power which he exercises, and glory in the idea that the public law stands a silent, perhaps a smiling spectator of the scene. I console myself with believing that this nation can feel for human misery, estimate correctly the value of freedom, and will ultimately select proper instruments for its destruction. In the town of Boston, consisting of a population of fifty thousand souls, from a report furnished me by a respectable society in that city, I have the affliction to learn that, during the year 1820, fourteen hundred and forty-two persons were imprisoned for debt; in the year 1821, twelve hundred and eighty-one; and in the three quarters of the year 1822, seven hundred and sixty-nine persons, citizens of our Union—four hundred and thirty of these incarcerated victims were females! The whole number imprisoned during this period amounted to three thousand four hundred and ninety-two; among these, two thousand and eighty-four persons were hurried into prison for debts under twenty dollars. The aggregate costs of these small debts exceeded the amount of the debts themselves.

I have read with much interest some of the reports of the commissioners who were appointed, at the last session of the Legislature of Massachusetts, to visit the various prisons in the State, for the humane purpose of ascertaining their condition, of learning whether the state of the sufferers could be rendered more correspondent with the wish of humanity. I have not seen a consolidated report of this subject; but, from reading detached parts in the Boston papers, I have observed that debtors were confined in almost every prison. Males and females, in one instance, imprisoned in the same room. In one of the jails the felon and debtor were confined in the same room; and, in another, the debtors enjoyed one comfortable meal in the twenty-four hours.

I am giving facts relative to one of the States

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of this Union; a State distinguished for patriotism; a State where the arts and sciences are flourishing; a State remarkable for moral improvements and for piety; a State, in fine, that has been justly denominated the Cradle of the Revolution.

But for the benevolence of a society in Boston, and the humane act of the Legislature, these disclosures would never have been made, or, if made, would have been pronounced incredible. I mention not these facts with a view of casting the least reproach upon the good people of Massachusetts. No, sir, the operation of this system is every where the same, in the United States and in Europe. During the last session of Congress, record evidence of the same system was offered in the city of New York, and the result was the same. The prison was always crowded with debtors, and, although peculiar circumstances may sometimes produce a temporary relaxation of the severity of the system, yet, so long as confinement for a pecuniary demand is legalized, so long will your strongholds of inhumanity be crowded with the children of misfortune and anguish; the Gorgon of misery will continue to grow with the march of time, and with the swell of population. Trust no man, sir, with arbitrary power. If you do, were he an angel, he would sink himself into a fiend. The respectable and generous society in Boston, to which I have alluded, declares that the incarceration of these three thousand four hundred and ninety persons involved about ten thousand in the deepest sorrow. Here is nothing like exaggeration. The calculation will be sustained in the mind of every man who permits his reflections to trace the ramifications of society, including wife, children, and friends. Assuming this view as the clue for our calculation, every liberal principle of the heart becomes paralyzed while it unavoidably beholds the multitudes of free citizens of our Union who have bedewed their pillows with the tears of affliction. How many have been injured and degraded by this barbarous custom since the termination of the late war with Great Britain!

The debtor, sunk beneath the elevation of man, may in vain utter his importunate request—have patience with me, and I will pay thee all. Had he been permitted to have pursued his avocations, by industry, frugality, and the blessings of Heaven, he would have emerged from his wretchedness; he might ultimately have discharged every righteous demand, and have terminated the career of life with credit and honor. But, no, sir, while the humane creditor would willingly indulge, avarice marches forward as unfeeling as malignity, grasps after all, and delivers him to the officers of the law, who confine him to prison, and complete his ruin. Still, sir, we believe the evils exaggerated. I have been taught to believe that morality was the basis of legislation, and that fearful denunciations are uttered against sins of omission as well as sins of commission. It is a solemn duty to reflect upon our accountability to God, as well as to our constituents. I recollect that Azariah, a king of Judah, is said to have done that which was right in the sight of the

Lord, according to all that his fathers had done. But the high places were not removed; the people sacrificed and burnt incense upon the high places. The angry majesty of Heaven smote the King, so that he was a leper unto the day of his death. We have reason to rejoice in the blessings purchased with the blood of our fathers. Let us be grateful for their transmission; let us preserve them inviolate. Liberty of conscience, liberty of speech, liberty of the press, trial by jury, the right of personal liberty, and personal security—these are inestimable immunities.

But let not their brightness dazzle us. Let us walk in these charming paths. But let us ask ourselves if there is nothing left for us to do? Are there no high places undemolished? No sacrifice, no incense to Moloch unsuppressed?

We should not forget the animating, the expiring accents of a prophet. He that ruleth over men must be just, ruling in the fear of God: And he shall be as the light of the morning, when the sun riseth; even as a morning without clouds. We are indebted to our Anglo Saxon ancestors, more than to any other nation or people on earth, for the assertion of liberty, and for the vital principles of representative Government. Talk not of the sanction of antiquity, of the veneration due to former times, when you deliver to the custody of the law a poor unfortunate debtor. Antiquity is against the measure, as far as respects our ancestors. Look into English history, you will discover that the practice, which charity condemns, was introduced by judicial countenance and usurpation. At the period of the overthrow of the Saxon Heptarchy by Egbert, first King of England, such profound respect was entertained for the personal liberty of the citizen, that no man could suffer imprisonment in civil actions, and in no case, except for offences against the penal code. In all cases of arrests the peace of the kingdom must have been disturbed by violence and outrage. Such was the undisgraced, the happy condition of society, in this respect, for many centuries.

This liberty was confirmed by the wise administration and public institutions of the illustrious Alfred. In process of time, however, while the kingdom was harassed by Danish invasions, and the eruptions of other Northern Powers, creditors, and the mercenary officers of the courts of judicature of that day, contrived to induce the judges to issue such civil process as to subject the debtor in civil actions, to imprisonment. This was the first step towards the introduction of a system which has extended its baleful influence to every civil transaction, whether accompanied with force or fraud, or exempt from the imputation of either. Then were those legal chains begun to be forged which have compressed the withered limbs of the unhappy debtor. Until the Norman conquest, this jealousy for personal liberty beat strong in every bosom. William the Conqueror introduced the tyranny of the feudal system, and labored to toll a curfew that should put out all the fires of personal independence. He depressed the conquered Saxons, and elevated his Norman follow-

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ers by giving them large landed estates and extensive political power.

It was not, however, until the long reign of Henry III. that Parliament formally established the system of imprisonment in civil cases. And what was the object of this first statute? what the extent of the principle? It was first established in favor of the Barons alone, against the bailiffs or receivers of their rents. Who were these Barons? They constituted the entire nobility, the landed aristocracy of the kingdom. They constituted one powerful branch of the National Legislature. They were the House of Lords. The law was at first limited and guarded. A bailiff could not be taken into the custody of law unless he had not only received money, but had absconded, and had refused to account for or liquidate the amount in his possession, by a regular settlement. If this were done, whether able to pay fully or not, his body was held sacred and his liberty secure. If the bailiffs or collectors had real estate, however small, upon which the process of attachment could operate, his body could not be arrested for a moment; a violation of his personal independence would have subjected a Baron to heavy damages. Ultimately, however, the Court and Barons, and the officers of the law prevailed, and the body was made liable to unconditional imprisonment and chains. Here, sir, is another proof, if evidence were at all wanting, of the superior power of wealth and political privilege over poverty and misfortune. The court and the creditors found their account in the harshest measures. They found that, by extreme rigor, though one party was ruined, theirs was the profit. By slow degrees, this system continued to advance. In the succeeding reign of Edward I. this principle was extended to merchants against their debtors, for the purpose of elevating them in society, and, by such elevation, counteracting, in some degree, the influence of the Barons, which had become dangerous and alarming; so much so, that it held monarchy itself in check, and even threatened the destruction of regal power. In the reign of Edward III. this horrid system was enlarged so as to embrace actions in general of debt and detainue. One hundred and fifty years after, under the reign of Henry VII., the circle was completed. Violence and disaster, breach of trust and sheer misfortune, were crimes, in the estimation of the law, of equal enormity. During the struggle for power on the part of the court, and the creditors, let it be recollected that bail was not allowed, even upon mesne process. Without previous notice by summons, the *capias* being issued as the first step in an action, the debtor was taken into immediate custody, and committed to close jail, without the means of making terms with his creditor, or employing any exertions to meet the sum demanded. In the power of his creditor, a mere equal with himself, seized by the throat, he was doomed to the most cruel bondage, and the most exorbitant exactions.

This usurped power was employed with so much abominable rigor, and to such a shameful extent, that the prisons were literally crowded.

In the reign of Henry VI., bail was permitted on mesne process. It was thus allowed at the commencement of a suit until judgment was obtained. Then the poor debtor might be confined for life. It was in the power, and was frequently the practice, of his adversary, to pronounce the sentence, as his victim entered the cell—thou shalt by no means come out thence until thou hast paid the utmost farthing. Does a system like this deserve universal abhorrence? It is the system of the present day, with some modification. So frequently have the jails in England been filled with insolvents that it has become necessary to empty them by special acts of Parliament. A general jail delivery has effected what avarice would have forever prevented. In the British annals we have accounts of the establishment of benevolent societies for the relief of these hapless men and women. One of these societies, established in London in 1772, in a period of eighteen years, with the sum of twenty-six thousand six hundred pounds sterling, rescued from wo and thralldom eleven thousand five hundred and forty-three persons. These had seven thousand one hundred and twelve wives, and twenty-one thousand five hundred and thirty-one children, making forty thousand one hundred and eighty-six persons immediate partakers of this cup of affliction. These were released, not by the humanity, not by the righteousness of the law, but by this honorable and benevolent institution. The amount paid would average about three pounds for each individual released. In every instance the society made strict inquiry into the causes which had involved the prisoners, and communicated relief only where misfortune, not crime, had produced the insolvency. Thus, eleven thousand five hundred and forty-three honest, industrious, virtuous, but unfortunate men, were deprived of liberty; seven thousand one hundred and twelve females, wives of the imprisoned, were reduced to want and wretchedness; and twenty-one thousand five hundred and thirty-one children abandoned to starvation or profligacy. Where is the man that can hear this story and feel not his blood curdle within him? And yet England can boast of her freedom, the rectitude of her policy, the divinity of her religion! We also profess to be Christians; we profess to love our fellow men; and how do we apologize for this foul blot? We boast of our insolvent laws, which approve not of perpetual imprisonment. What if we allow that these laws impart some relief to the system of its desolating character, its vindictive temper? By the Franklin rod, the habitation of the debtor may be protected from the lightning of Heaven; but, alas! he has no rod that can secure him from the more angry flashes, the roar of his unrelenting foe.

After such a development, if we can deny the demoralizing tendency of this system; if we can deny the barbarous cruelty of investing the creditor with power over the debtor; if we can deny that such an arrangement is subversive of civil liberty, though one were to rise from the dead, and speak with the tongue of an angel, we should not believe. It is our duty to relieve the dis-

tressed; to weep over the sorrows of our fellow-creatures; to contemplate the prison; to bring home to our own bosoms its horrors. There stands the half broken jug of feculent water; there the mouldy crust, the bed of straw. There is the sepulchre which entombs the living; there the soul broken with affliction, the soul on which despair, like the worm that never dies, is perpetually feeding. There is the dungeon where no pale of distinction is raised between the idle, the extravagant, the swindler, the felon, the assassin, and the industrious, the economical, the honest, but unfortunate child of sorrow. There are the accursed bars which separate him from the wife of his bosom, from his precious suffering babes, from his friends, from every thing which makes life worth possessing. See at the door stands insatiable avarice, with sunken eye, his keys clanking at his waist, and his iron mace on his shoulder. No supplications of a distracted wife, no tattered garments on shivering children, can excite one emotion of pity, one feeling of remorse.

And shall we, who have the power to relieve the captive, and to bind up the broken hearted, sit in complete insensibility? Shall we pronounce these dreadful realities the mere phantoms of the imagination? What are the causes which, above all others, produce and secure the prosperity of nations? Sir, they are personal liberty and personal security. The selfish principle in man must be regulated. Inordinate ambition is restrained by the Constitution and by the laws; but you give an unnatural impulse to sordid principles by arming it with the extraordinary power of vilifying a fellow-citizen by placing him in confinement for debt.

"I cannot tell what you and other men
Think of this life; but, for my single self,
I had as lief not be, as live to be
In awe of such a thing as I myself."

The love of liberty, sir, is implanted in every bosom. The deposit is safe. It can never be exterminated. It must endure as long as the high pillars of Heaven. The condition of the enslaved may suppress, for a while, the sacred passion. It may cover it with ashes, but those very ashes will preserve it. Sir, I have visited Boston. I have seen the monument, thrown up by the hand and heart of patriotism, in memory of Warren, and the brave men who fell at his side, on Bunker's Hill. I have read, with admiration and ecstasy, of the courage of our heroes at the bloody battle of Stillwater, when Burgoyne was compelled to submit to the arms of freemen. I have reflected on the sufferings, the sacrifices of the men who achieved our independence. In imagination, I have visited the powerful works which they have carried by storm. I see them bleeding—dying—yet shouting in the embrace of victory and death. I have asked myself, what is the cause, the impulse, the motive of this self-devotion, and have never been at a loss for an answer. It was the love of liberty. The passion is not like the central attraction of our earth, pulling every thing towards itself, but like the sun in the Heavens, pouring on every side life and joy. It is a pas-

sion that embraces the welfare of our own country and of all mankind. With such ideas before me, I have involuntarily exclaimed—Is it possible that this holy treasure shall be taken away from its possessor, without crime, merely for a pecuniary obligation, which misfortune alone has prevented him from discharging? No man in the Union is unexposed to the shameful degradation: no matter what have been his public services, what his private virtues, how often he has dislodged the cannon of the enemy of his country, that he might, at least, have the privilege of living a freeman. I have known instances where soldiers of the Revolution have been imprisoned upon mesne process, as well as upon execution after judgment.

It is not to be disguised that, notwithstanding this blot on our national character, we are the most free, the most happy people on earth. But what is this freedom, what this happiness, to the wretch who is doomed to dishonor and insult, to imprisonment and ruin, without the least violation of the penal code of his country, or of the moral law of Heaven. It was devotion to liberty that prompted Algernon Sydney to write against the divine right of Kings, for which service he was beheaded. It was the same fine temper which induced the virtuous Riego to contend for the Spanish Constitution, for which he suffered a death ignominious in the estimation of Kings, but most glorious in the view of every enlightened Republican. In the trying hour, it was a consolation to these distinguished patriots, that they fell by the stroke of a tyrant's rod, and that posterity would do them justice. It is the same spirit which inspires the soldier, in a country that dares be free, to suffer every hardship, to face the fiercest danger; but we are not sustained by the same cheering anticipations, since we are destroyed by that very country whose heart's blood we have resolved shall continue to flow. To the sufferer, it is the same as if he were the victim of the despotism of the crescent, or a vassal of the Holy Alliance. The unpitied mortal may say, "Alas for me—I have no country!" The resolution which the terrors of the tented field, which the rattle of musketry, and the thunder of cannon could not shake, expires within him. The soldier, the man, is entirely lost. A blameless life has no shield for him. Misfortune would plead, but she is told, by inexorable judges, the case is hopeless. Humanity would vindicate his cause, but the law has fixed his doom. His sorrows deepen, and he has no hope for relief but such as death can supply. He casts his despondent eye on the grave—"There the wicked cease from troubling, and there the weary are at rest. There the prisoners rest together—they hear not the voice of the oppressor. There the servant is free from his master. Wherefore is the light given to him that is in misery, and life to the bitter in soul? which long for death and it cometh not, and dig for it more than for hidden treasures; which rejoice exceedingly and are glad when they can find the grave."

We have already, in some degree, traced the

origin of this man-destroying system. It is the offspring of a barbarous age—the enslaving instrument of wealth, associated with the love of power, and with principles base and sordid. We have seen that it was first adopted in England, to gratify the privileged orders—the Barons—the landed aristocracy of the country. To this day the nobility are exempt from liability to imprisonment for any pecuniary claims against them. It is the yeomanry of every country who feel the strokes of despotism—the laboring and virtuous class, upon whose industry and virtue the community must ultimately depend for safety. In the early ages of mankind, the ill-fated debtor was subject to absolute and perpetual slavery, together with his innocent wife and unoffending children. In England we can distinctly trace the progress of this hateful insult on every thing generous and good.

For many centuries imprisonment was restricted to such as were convicted of high crimes and misdemeanors. It was then extended to all civil cases, where, in fact or in law, force or violence had been used. It was then extended to the Barons, in reference to their stewards, bailiffs, and receivers of rents, as for a breach of trust or pretended fraud; and at last was employed in cases without discrimination.

Permit me, sir, to call your attention to another radical innovation, in civil proceedings, in favor of the creditor, and against the debtor. In the early periods of English liberty, the body was not only exempt from capias and imprisonment, but every plaintiff was subject to summons alone. If the debtor did not appear, an attachment, or *distringas*, was issued against his estate. The creditor or plaintiff was required, in every instance, as a previous condition, to give bond and security that he would prosecute his suit with effect, and that the action was neither groundless nor malicious. It was required that no man should attempt to prostitute the power of court to gratify his revenge, or to prosecute such as were entitled to equal privileges with himself. But the courts, without any legislative act, dispensed with the subpoena and *distringas*, which operated against the estate of the defendant, and made the capias, by which the body was taken into custody at the commencement of the suit—dispensing with the pledges of prosecution or sureties against a groundless or malicious action. By this judicial contrivance a total revolution was effected, in civil proceedings, furnishing the courts with power against the personal liberty of the debtor, that knew no restraint. And yet, sir, it is considered unreasonable by some, that we should dispense with bail on mesne process. A creditor, without being bound for costs, may institute a prosecution or action. He may do more—he may prostitute the power of the court, for the purpose of gratifying his malignant spirit, by holding the debtor to bail previous to his trial; a usage at which humanity must blush; a usage which it would seem to require the most accomplished vice to employ. If the debtor should be so afflicted as not to be able to obtain bail, he must languish in jail until his trial. He may then ob-

tain a judgment in his favor, and his costs not secured to him.

Is this equality? Is this justice? It is such justice, such equality, that our country should be ashamed of. I ask, if the plaintiff have free access to our courts, without a pledge, or any species of restraint, is it not fairly and honestly correct to release the debtor from all bail and exposure to imprisonment, until at least a judgment shall pass against him? It is of no force to urge that a creditor may lose his claim. It is a paramount consideration that, in many cases, an innocent man may suffer a loss of liberty, without trial, and by the suggestion of a temper wholly malign. In theory, our Government recognises an equality of rights; but, in the present case, the theory is grossly violated. We admit of no privileged orders. The Constitution expressly denounces such orders. Call the people what you please, patricians or plebeians, lords or commons, only let them be equal, and free from subjection to unmerited degradation. If the nobility of England exist, without being subject to a system of shameful imprisonment, why may not the people of the United States flourish and prosper under a similar exemption?

It is an interesting employment for the mind to contemplate the moral improvement of our species, and to develop the causes which advance or retard it. In all ages, nations have more or less believed that a conflict exists between a good and an evil principle in the world. We cannot deny that, at the present crisis, a mighty struggle is going on between those who are engaged in diffusing the light of science, and diffusing the moral faculties of our race, and those who are endeavoring to keep stationary the human intellect, or to impart to it a retrograde motion.

The family of man is estimated to be eight hundred millions. Christendom is supposed to contain two hundred millions; one-half of whom, we may conclude, are under the benign influence of the Christian religion. Multitudes of these are peculiarly devoted to the service of civilizing and (in a moral view) improving mankind; and, in their various benevolent and religious institutions, assuming names which are applicable to their particular objects. It is concluded, that, at no period since the creation, have so many excellent men been employed in this illustrious project. Human character may be exalted by grand discoveries in physical science, yet the moral improvement of man is of importance infinitely higher. The former may render us more wise—more learned;—but by the latter we shall become more virtuous—more happy. It is the sacred duty of all to unite in this illustrious cause, and of each to act well his part in this interesting theatre. This view of the condition of man imposes the obligation to rescue him from every calamity that we possibly can; to meliorate his general condition, by securing that independence and freedom inviolate, which ought never to be forfeited by any other than criminal considerations. If we refuse this service, we unite with the enemies of our species. We cherish the spirit of the Holy Alliance itself, and invigorate the arm of the monarchs and

tyrants of the earth, who have formed a most diabolical association for the purpose of degrading the human character, and binding the oppressed with everlasting chains.

The formidable combination to which I allude has already become almost invincible. It has navies and armies at its command; all the privileged orders are worshipping this beast; emissaries and informers, false accusers, superstitious rites, religious bigotry, prisons, dungeons, tortures; all the instruments of cruelty which gold and silver can supply,—are levied into its service. The system of imprisonment for debt constitutes a part of this formidable array against liberal principles and the rights of man. By the omission of our duty, we advance the system which we profess to condemn.

Human character is susceptible of high elevation. This fact the page of history abundantly illustrates. The public laws should have a direct tendency to encourage and reward virtue and honor—to make every citizen proud of being an American. Sustain his dignity, and you will find that he will fly to the hottest post of danger in the defence of his country. His scars will be his pride. The approbation of an enlightened and generous public will be esteemed infinitely more honorable than Isthmian or Olympian wreaths. Our progress in the science of morals, and in the science of government, has been splendid; but I ask, sir, have we arrived at that perfection that should make us content to be stationary? I am no friend to airy speculations—to schemes that are visionary;—but I wish the reform of abuses—the correction of erroneous principles—which still remain a part of our political institutions. Philosophers and statesmen have denounced imprisonment for debt; they have declared the measure unnatural and barbarous; yet the principles of freedom have not been able to destroy it. The rich are too strong for the poor—the nobility for the yeomanry. The system is, in a small degree, relaxed in our happy land, yet its form continues hideous. It is still a whirlwind, bringing desolation in its train.

But, it will be told us, sir, that the accomplishment of our wishes will be the destruction of credit. Let me demand of the objector, whether this can be a misfortune? Happy is that country where credit is restrained; where its basis is personal confidence in moral worth and the integrity of virtue. Honorable industry would then be universally pursued; nations would never become insolvent, and misfortune would enjoy a broad and glorious shield. Abolish the infamous system; set bounds to the eagerness of speculations; and a most happy change will be produced. Of all the miseries which can exist in free States, the inordinate passion for wealth is the most alarming. Entirely to check it, might be impossible, lest the spirit of enterprise become subdued. Yet nothing is so dangerous and hostile to the liberties of society, as to place, for a moment, the personal freedom of one citizen at the discretion of another. Such conduct is the

disgrace of legislation. It is unnecessary, unwise, unrighteous.

In the criminal code, a radical change has been effected. Experience has demonstrated that severity and cruelty prevent not the perpetration of crime; and that the substitution of mildness, in punishment, produces the most efficacious results. The sanguinary code of Draco prepared the way for the humane laws of Solon. Instead of the horrid catalogue of crimes in England, two hundred of which are punished with death, we have substituted the gentler system of solitary confinement, of hard labor for a term of years, while capital punishment, in some of the States, is restricted to murder of the first degree, and in others, about to be totally abolished. The wisdom of the measure is unquestionable. The progress of intellect and experience is producing an entire change in the character and condition of man.

In place of the ridiculous ordeal of fire and water, we have an honorable trial by jury. Changes in the civil code have been no less remarkable. Excepting the relic of barbarism, which, I trust, the exalted sense and humane feeling of this House will forever banish from our Union, we may be said to have revived the golden age. On the question before us, the voice of the people demands respect. Their sentiment is unanimous. But for the hesitation of legislators, it would be banished eternally from our statute books. Some of our States have, by their own acts, testified their deliberate sentiment on the subject. Kentucky and North Carolina have led the way, and others will assuredly follow. Let the public voice of the National Council be heard on the subject, and the wilderness will suddenly be transformed into a fruitful field.

It has been urged, as a reason for not acting, that the jurisdiction of the Federal courts is extremely limited. The district court may take cognizance of all cases above five hundred dollars, without any condition, and even of smaller sums, provided the plaintiff will pay the cost of suit. In the West, this practice prevails. The district courts have charge of all cases of admiralty and maritime jurisdiction, and in these they proceed, according to the laws of foreign courts, without regard to the execution laws of the State in which the court is located. Here, without trial by jury, the personal liberty of the citizen is subject to the process of the court. The district court, besides, constitutes our court of exchequer, and has cognizance of all revenue bonds, and various other demands against individuals, arising from the several departments of Government.

But it has been said that the courts of the United States are governed by the execution laws of each separate State. This, sir, is a mistake. The act of Congress passed in 1789, declares "that the court of the United States shall adopt the execution laws, now used or allowed in the supreme court of the State in which the Federal court is located," and to this day the principle is not settled. Upon it the most learned counsel are divided, "whether the laws for the time being, or those instituted in 1789, should govern." If

the laws of 1789, then we should have the Virginia code of executions in Kentucky, which gives the people superior protection and more substantial succor than our present relief system, which has been so much declaimed against by gentlemen who have not permitted themselves to become acquainted with its real principles. By the laws of Virginia in 1789, not only was land exempt from legal process, but personal estate could not be sold for less than three-fourths of its absolute value. As to the proceedings in chancery, it has been decided that decrees exposing property to sale, as executions at common law, are not subject to the State execution law. This is the precise condition in which we are placed respecting our courts of justice, and proceedings in civil cases. So much confusion is created that no man can ascertain what is really the law of the land. When we bring this subject before Congress, we are told that the execution laws of the State govern the proceedings of the United States court within the respective States. Strange as it may appear, notwithstanding the State of Kentucky has abolished imprisonment for debt, and with it bail upon mesne process, the court of the United States requires this very bail, by rule of court, under a legislative power given them by Congress, and the clerk issues the ca. sa. to seize the body of a debtor. The same difficulty exists as to taking the benefit of the insolvent law of the State where the court is held. Procrastinations of the most troublesome character are occasioned. When the oath of insolvency is administered, the party is not called upon to present a schedule of property; he has to depose that he has not estate to the amount of thirty dollars. The act of Congress also declares that where the laws of the State authorize the ca. sa. among other executions, it may be taken out by the creditor first giving evidence of a total disregard of the liberty and personal security of the debtor. Suppose the creditor take the ca. sa. in the first place, and the debtor cannot swear that he has not thirty dollars worth of property, the consequence is, if the creditor wills it—and who ought to trust him?—PERPETUAL IMPRISONMENT.

It would constitute something like an apology for the advocates of imprisonment for debt, were some discrimination used relative to the conduct of a debtor, that he might be treated in a manner corresponding with the ideas of culpability which themselves might affix. There can be no difficulty in forming a scale of offence and punishment, at least in the contemplation of the mind, although I have no idea that you can reduce the scheme to useful practice. Fraudulent conveyance or concealment of property, luxurious extravagance, indolent habits, neglect of economy—these constitute the proper gradations in the shades of moral guilt. If gentlemen can define and punish such grades of offence, why not attempt it? Need I tell you, sir, that no effort of this nature has been employed. The besom of despotism alike sweeps before it the pearl and the pebble. The honest man and the scoundrel are sacrificed without distinction. If the friends of the vindictive system

wish that innocence be protected, and only crime chastised, why not propose that, previous to holding a debtor to bail upon mesne process, the plaintiff shall give pledges of prosecution and sureties, that he has not instituted a suit with malicious intent and upon groundless accusation? Let his affidavit be demanded as to the cause of his action, one of three allegations at least, before he be allowed to require bail: that the debtor has been guilty of fraud in the original transaction by which he became indebted, or that there is danger of his absconding, or that he is about to make a fraudulent concealment or a fraudulent conveyance of his property. This would appear like justice in the proceeding. It would require something to be accomplished by the creditor before he laid violent hands on his victim. It would make him reflect, if it did not humanize his feelings.

It is difficult to conceive, upon what principle the imprisoning system rests for its support. It is not a punishment for crimes. If so, it would violate, and, in fact, does violate, all the legal forms and Constitutional safeguards of the liberty of a citizen. Its operation is not simply coercive. Unquestionably, the honorable man will present his goods and chattels. He will bid you take them all, and regret that he has no more. But the dishonest will contrive to place your proceedings at defiance. It cannot arise from an implied agreement between the parties, that, in case of failure, the debtor shall be imprisoned. Such a stipulation, whether expressed or implied, must, in law and conscience, be null and void. It cannot satisfy the debt. It may afford gratification to malignant propensities, to a vindictive disposition, to infernal feelings—but, after all, the pound of flesh cannot satisfy the bond. The whole, like Sin, in Milton, bringing forth death, is the offspring of that gloomy temper which delights to riot upon the vitals of human rights and human happiness.

When Mr. JOHNSON had concluded his remarks, on motion of Mr. BARBOUR, the subject was postponed till to-morrow.

TUESDAY, January 17.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of Obadiah Jones, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report was ordered to be printed.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to authorize the issuing of letters patent to Samuel Brown," reported it without amendment.

Mr. VAN BUREN, from the same committee, to whom was referred the petition of John S. Stiles, executor of George Stiles, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted. The report, with the accompanying documents, were ordered to be printed.

Mr. EATON, from the Committee on Public Lands, to whom was referred the petition of William Venable and others, reported a bill for the

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relief of Sarah Venable and Jane Morgan; and the bill was read, and passed to a second reading.

Mr. BELL, from the Committee of Claims, to whom was referred the petition of Henry M. Johnson, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

Mr. RUGGLES submitted the following motion for consideration:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of providing, by law, for re-printing, in one or more volumes, the annual Treasury reports, which have been made to Congress since the commencement of the Government.

Mr. VAN BUREN presented the petition of John M. S. McKnight, administrator of Charles McKnight, deceased, praying to be paid for services rendered by the deceased in the medical department, in the Revolutionary war; which was read and referred to the Committee of Claims.

Mr. JOHNSON, of Louisiana, asked and obtained leave to bring in a bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts; and the bill was read, and passed to a second reading.

Mr. KING, of Alabama, gave notice that he would, to-morrow, ask leave to bring in a bill explanatory of an act confirming claims to lots in the town of Mobile.

Mr. SEYMOUR gave notice that he would, on Thursday, ask leave to bring in a bill in addition to an act, entitled "An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes."

Mr. JOHNSON, of Kentucky, gave notice that he would, to-morrow, ask leave to bring in a bill to change the terms of the District Court of the United States for the Kentucky district.

On motion, by Mr. BARBOUR, the Senate resumed, as in Committee of the Whole, the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of the President and Vice President of the United States; and, on motion, it was postponed to, and made the order of the day for Thursday next.

The Senate resumed, as in Committee of the Whole, the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and it was postponed to, and made the order of the day for, Monday next.

The bill to regulate surveys of certain lands in the State of Alabama, was taken up for consideration, in Committee of the Whole.

Mr. KING, of Alabama, briefly explained the object of the bill. It was then reported to the Senate, and passed to be engrossed and read the third time.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Thomas F. Riddick, of the State of Missouri; and it was laid on the table.

The Senate resumed, as in Committee of the

Whole, the bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies; and it was postponed to, and made the order of the day for, to-morrow.

IMPRISONMENT FOR DEBT.

The Senate, on motion of Mr. BARBOUR, resumed the consideration of the bill to abolish imprisonment for debt.

Mr. BARBOUR addressed the Senate to the following effect:

It has been remarked by Lord Coke that he never knew a wise measure, however inauspicious the beginning, introduced into Parliament, that did not eventually succeed. A remark of this kind, from so profound an observer of the course of public affairs, offers great encouragement to the reformer of abuses. He will contend patiently, but perseveringly, with existing prejudices, animated by the assurance that his labors in a good cause will not be exerted, finally, in vain. In confirmation of this remark, I will refer to the history of this District. It was only two years past that I could carry through this body, and with great difficulty, too, a bill to change the law in force here concerning insolvent debtors. For, wonderful as it may seem, it was no less true, that, while the law enabled the inhabitants to avail themselves, after a few days' confinement, of the privilege growing out of their condition, to the stranger, who had been pursued hither by some cunning and unfeeling creditor, the privilege was denied, till he should have suffered imprisonment for twelve months. About this time, too, I have been informed, the bounds were curtailed, and many instances occurred, in consequence of their limited extent, of the inhabitants of the place being separated from their families, who depended for their daily bread on the labor of the prisoners, and who, by such curtailment, were prevented from profiting by a demand for labor, as it was to be performed beyond the bounds; but, subsequent to the discussion in this body on the subject, the court has enlarged the jail bounds commensurate with the extent of the county. But this is not all. The public mind throughout the Union has been drawn to this subject. It has made its way into the halls of the State Legislatures. In some few instances, imprisonment for debt has been already abolished, and it is to be hoped, and confidently anticipated, that every where, this stain on our statute book will be effaced; that the doors of every jail will be thrown open, and the captive set free.

Although all are aware that we have no right to interfere with the regulations of the States, and although it may be admitted that the prisoners for debt, under the process of the United States courts, are comparatively few, yet the example established by us cannot be without a salutary effect. The theory of the Constitution supposes that the counsels of this body will be directed alike by wisdom and experience. The mode of selection, and the age of the elected, are the best guarantees, that the infirmity of our nature admits, that nothing

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rash will be attempted here; that the consequences of a measure will be duly weighed, and nothing adopted but what has the sanction of the judgment, enlightened by the suggestions of experience; and hence, the importance of your decision on this question.

Let us, then, inquire what the question is. At this stage of the inquiry, the Senate will not suffer themselves to be embarrassed by the details of the bill. Whether it shall be prospective or retrospective—whether the provisions are sufficiently guarded, in reference to fraudulent debtors, will be the subject of future inquiry and arrangement, when the principle shall have been fully discussed and settled. Thus qualified, the question now presented for decision is simply this: Is it right to punish by imprisonment, the honest but insolvent debtor?

I grant you the power, but I deny you the moral right. I do not mean to encumber the discussion with any Constitutional question. High as the Constitution is, I appeal to an authority still higher—to the patent held by man directly from his God, by which his liberty, and the right to its enjoyment, was guaranteed. It existed before constitutions or societies themselves. The image impressed upon him at his birth was the sign of the covenant, and should have been the shield against its violation. Its preservation was the great object of the social compact. In our institutions it was so proclaimed. Every portion of our natural rights is retained, except so far as the welfare of the whole requires a sacrifice, and hence, I assume it as an axiom, that the liberty of the citizen is never forfeited to society, but by a voluntary act of the offender, or where its use has become, or threatens to become, dangerous to the public peace. Beyond these limits every infraction of this precious gift is usurpation; an act of power without right, than which nothing is more odious. If this be true, it may be justly contended that crime, or the probability of its commission, should precede a punishment which involves imprisonment. If, then, punishment presupposes crime, the advocates of imprisonment for debt must be ready to contend that insolvency is a crime. Now, although it has grown into an adage that poverty is a misfortune, the truth of which I can confirm from actual experience, yet it is a part of the same adage, that it is no crime. Mark the inconsistency in which your policy involves you! The liberty of the citizen is so far protected by the Constitution as to be placed beyond his own control. If a being, goaded by hunger and distress, or any other necessity, were base enough, like the Egyptians of old, to surrender his liberty to another, no matter how solemn the covenant, or how weighty the consideration, it is instantly cancelled by the spirit of the Constitution. Yet, without a covenant, or without a crime, you give up the unfortunate to the will of the creditor, and lend him your authority to deprive a fellow-being of his liberty. That which you will not permit directly you sanction as a consequence. Who is able to reconcile this contradiction? It is perfectly consistent with fair argument to arrive at the error of

a principle through its pernicious consequences. The immediate effect of the existing policy is to confound all distinctions between the innocent and the guilty—the man of misfortune and the man of crime. If insolvency was exclusively the result of imprudence, there might be some apology for the cruelty with which the debtor is treated. But, amongst the number, how many have been the sport of events against which no human foresight could guard? Do we not know, from our own observation, that the most industrious and the most prudent are not unfrequently involved in this calamity. Who, among ourselves, can arrogantly claim an exemption from misfortune? Our lives and our substance are both held by that frail tenure which belongs to all earthly things. The proud and foolish man, surveying his vast possessions, may exclaim, Soul, take thy rest! but the echo to his boast is the awful denunciation, Dust thou art, and unto dust shalt thou return; or the elements are commissioned to destroy, and the winds, the fire, or the flood, in an instant prostrate his earthly hopes. In these dispensations of an inscrutable Providence, to which all are alike subject, but from which, for the present, we may be happily exempt, let us be taught the necessity of bearing with humility our prosperity; but let not that exemption steel our hearts against the unfortunate—their cup of life is made sufficiently bitter by their misfortunes—'tis cruelty alone that will administer an additional drug. And yet these victims of misfortune are the subjects of your punishment.

What, let me ask, is the legitimate object of punishment? The reformation of the offender, or to restrain him from violence? Reform the prisoner! In what? Does any man desire to become insolvent? If there be any one thing about which all mankind agree, it is in the wish to better his condition. This wish is implanted in our nature, and grows with our growth. Can you increase it by punishment; or can it be necessary for the peace of society to restrain of his liberty the man whose only crime is his misfortune?

How are these weighty considerations against the existing policy met by its friends? It is urged by them that the evil complained of has been exaggerated—that the sufferers are but few—that the moral sense of mankind revolts at the imprisonment of an honest debtor. Is this so? Then there is an end of the question. You can have no difficulty in changing a system so unjust and so cruel, that none are found wicked enough to carry it into execution. Why disgrace your statute book with such a law? It is but an evidence of your insensibility to the character of your code. But, unfortunately for the gentleman who thus argued, the moral sense of mankind is not what he supposes. Let us look at facts. Take the document exhibited yesterday by my honorable friend from Kentucky, (Mr. JOHNSON)—it is the record of the jail in Boston, the metropolis of the very State whose representative on this floor reposes on the moral sense of mankind as a sufficient shield against any abuse under the existing law. In recurring to this document, I intend nothing

that is invidious—I presume Boston is not more remarkable for the number of its insolvent debtors, or the severity of creditors, than any other part of the United States. Indeed, a member from New York, at the last session, exhibited a similar document from the jails of New York. Taking this document as the rule by which to estimate the number of sufferers in the United States, what a picture of human misery does it exhibit. In a population of 40,000, the number of souls in Boston, there were committed in 1820, one thousand four hundred and forty-two; in 1821, one thousand two hundred and eighty-one; and in the three first quarters of 1823, seven hundred and sixty-nine—making a proportion of one-thirtieth of the whole population, which has suffered imprisonment for debt, and among this number, in the whole time, four hundred and thirty females. This, then, is a specimen of the moral sense of the people of Boston, and, as I have assumed, of the United States. By which rule, after every reasonable deduction for the difference between populous towns and the country, it may be safely affirmed that 13,000 human beings are annually incarcerated for debt in the United States. When we add to this the wives and children of the sufferers, if our sympathy is to be thus limited to the exclusion of more distant relatives, we may fairly conclude that 60,000 people are annually involved directly and indirectly in the mischiefs resulting from this barbarous policy. If the scope of the evil then has been exaggerated, it cannot be from a misrepresentation of the number of the sufferers. Is it in the extent of their sufferings? Where is the barometer by which these can be weighed? Has the Senator from Massachusetts, or any of you, visited these abodes of wretchedness, whose silence is interrupted only by the sighs and groans of the victims? or, peradventure, by the aspiration of some broken heart, penetrating with the eye of hope the dark cloud that surrounds human things, and looking to a better world, “where the wicked cease from troubling and the weary are at rest?” Of these dreary abodes, it may well be said, as of the grave—

Darkness, death, and long despair,
Reign in eternal silence there.

The sensibility of mankind is a subject of curious speculation. Let some ideal case of misfortune be touched by the hand of a master—some great unknown—although the theatre of suffering be the Ultima Thule of the habitable globe, and although centuries have intervened, yet every page will be bedewed with the sympathetic tear—while we hear, without emotion, of the real sufferings of thousands, if, perchance, they are our immediate neighbors and contemporaries.

What flight of fancy—what power of description—could add a shade to the dark picture of human affliction, exhibited in this already alluded to document? A husband and a father is snatched from his family at the moment when the wife is suffering and in peril, and that very situation the cause of the arrest, with a view to practice on the humanity of others! Yes! torn from a wife and

nine children, dependent for their existence on the daily labor of the debtor. The creditor is conjured to relax his rigor. Shylock-like, he turns a deaf ear to the supplication—the wife falls a victim, the children live on charity. But, atrocious as is this case, it yields in enormity to another. Where a widowed mother is imprisoned by a brutal creditor, as an obstacle to his detestable purposes against an unprotected daughter. But for cases so singularly marked by unmixed cruelty and villany, we should have had ample occasion to dwell on other instances alluded to in the document. Take, however, one more—is that, where a man, in a State coterminous to Massachusetts, was confined thirty years. So long had been his interment in jail, that he was forgotten by all his contemporaries. When discharged, as he was, finally, by the humanity of others, the expenses of his confinement were \$3,000.

Among the victims, we are told, there were four hundred and thirty females. There is something, sir, so exquisitely horrible in contemplating such a mass of female wretchedness, that I have no language in which to give utterance to my feelings. Opposed, as I am in principle, to the imprisonment of a man for debt, I am a hundred fold so in regard to a woman. The distribution of civil rights between the sexes, gives all to the one and nothing to the other. Where privileges are concerned, the woman is scarcely considered as a sentient being; she is quickened into life, and an independent existence acknowledged only when she is to become the subject of imprisonment, of penalties, and of pains.

Now, sir, let it be admitted, that, among this number of females, a proportion, and a large one, if you will, are the victims of vice. It is not charitable to suppose all are so. Take from the group the widow of some honest mechanic, worthy and virtuous—for these qualities belong alike to every condition—as often found in the cottage as in the palace—whose husband, when alive, brought the avails of his daily labor to his humble roof, where his wife performed her every duty; “on her tongue is the law of kindness; her children rise up and call her blessed—her husband also, and he praiseth her;” but he is snatched from her by the hand of death. Thus bereaved, she resorts to her scanty means to feed and clothe her little ones. She redoubles her efforts—she wastes her strength over the midnight lamp, “and, with untasted food, she plies her care.” But all will not do. The cruel creditor comes—she is unable to pay—the jail is her portion—the grave is her only refuge from calamity, given in the mercy of God to the sons and daughters of affliction. Her children, naked and hungry, beg the bread of life. Equally subject to this deplorable fate are your patriots and your heroes—men who have guided your counsels by their wisdom, or conducted your armies to victory—men who have consecrated the liberty you enjoy by their blood, and whose very sacrifices for the country have been the sole cause of their penitential condition. These, too, find their career terminate in a jail; and, while their ears are

greeted with the hosannas to freedom—a freedom which they in part achieved—their portion is a loathsome captivity. Gloomy and dark as this picture is, think it not the mere offspring of a heated and unchastened imagination. The facts before you, as well as those mentioned by my friend from Kentucky, as coming within his own knowledge, have lost a portion of their sombre character in the description. And is this your boasted land of liberty, where enormities like these are committed in the name of the law! Sir, there is a consideration presents itself here, far beyond the interest of creditor or debtor. The policy of free governments should, by every means, cherish among the people the liveliest regard for the liberty of the citizen. Whatsoever is common, either in the physical or moral world, ceases to be striking. From the unnumbered victims of the policy I am denouncing, the impression on the mind, when a fellow-being is led to captivity, is as feeble as that produced by the rising or the setting sun; the sense of public feeling becomes blunted, and the loss of liberty is classed among your every day occurrences. The essence of liberty consists in the consciousness of its possessor, that, if he be not criminal, it is surrounded by an unapproachable inviolability. Held at the nod of a worm like ourselves, (if it be not profanation to call a thing thus held liberty,) it becomes valueless and contemptible. In confirmation of the sentiment that liberty itself, in the eye of mankind, is depreciated by the frequency of its violation, let us refer to our formerly bloody criminal code. We saw death, itself, as a capital punishment, from its indiscriminate infliction, and from its daily occurrence, lose its terrors. Since, however, wisdom and humanity have united in graduating a just scale of punishments and crimes, that of death, from its rare occurrence, strikes the mind as an impressive and awful spectacle.

Let, then, the liberty of the citizen, like his life, be preserved from daily and wanton violation—its value will increase in the estimation of the people, and its loss strike with little less effect than the loss of life itself.

Let us next inquire into the mass of suffering which I have shown to you to exist—the unalterable condition of our kind. Is it a sacrifice, to which poor human nature must submit? Is it a lesser evil compensated by a greater good? I call upon the friends of the existing policy to answer these questions. They reply—it is to enforce the recovery of debts. Of whom? Not of him who is to be protected by this bill. For it is only the honest debtor, who has faithfully surrendered the last vestige of his property to his creditor, who can profit by its provisions. The fraudulent debtor is placed in a worse situation. Close jail, deprived of his bounds, is his doom, by the bill. If this be not sufficient, in due time, propose other and severer enactments. I will go all lengths to punish him. But, if you hold not to bail, the fraudulent will escape. What doctrine is this? You are to punish, indiscriminately, lest the guilty should escape. How long has this been the principle of legislation? We are taught, from the

highest of all possible authority, that nine guilty men should escape rather than that one innocent should suffer. The rule, it seems, is now to be reversed. But it is urged that an honest debtor would have no difficulty in giving bail. Indeed! I fear the gentleman is calculating fallaciously again, on the moral sense, or, if you please, the friendship of mankind. Friendship, or rather its professions, are too often tendered where they are not wanting—to wealth, rarely to distress. They are the blossoms of the sunshine, but wither in the adverse blast. For—

“What is friendship but a name,
A charm that lulls to sleep;
A shade, that follows wealth or fame,
And leaves the wretch to weep?”

But let all this pass for nothing. Let it be granted that the world has been regenerated; that those who were not the world's friends formerly, have become so by some prodigy, no matter what—still, I demand to know, whence do you derive the right to throw a freeman on the courtesy of a friend to save him from imprisonment, on the mere suggestion of another that he is in debt? In all criminal cases, no matter how atrocious may be the crime with which the accused is charged, he is presumed innocent, till the contrary appears; and that, too, by testimony, on oath, of credible and disinterested witnesses. Of him you never require bail, till a presumption of guilt is made satisfactorily to appear. But charge a man with debt—even by an interested party—you presume him guilty—that his purposes are fraudulent, and deprive him of his liberty, if he does not instantly give sponsors for the delivery of his body into court! Now, let us imagine that it was proposed to remove the ramparts which the wisdom of our ancestors has erected for the security of our innocence, by enacting that, on a mere accusation of crime, without testimony, a citizen might be arrested—could you listen, with patience, to the suggestion that it ought to be adopted, lest the guilty should escape? I am persuaded you would cry out, with one voice, Let ninety and nine guilty men escape, rather than that one innocent man should thus suffer. But waive, if you please, this consideration. Let us be insensible to the wanton violation of the liberty of the citizen—let us shut ourselves against the suffering of the captive—let us harden our hearts against the violation of decorum, in consigning to the same cell men and women, and mixing with both the atrocious malefactor—let all these things, for the moment, be forgotten, and discuss the question as one of dollars and cents. How will the account stand? Referring to the document already alluded to, it appears, in 2,084 cases, the costs of commitment exceeded the principal; and those paid by the creditor. Add to this the loss of labor to society, by the confinement of the debtors, and compare this amount to that which the creditor receives, by this mode of punishment. One case in a thousand, perhaps, is productive of some benefit to the creditor—and that, generally, the result of the generosity of others. And should this exception lessen our abhorrence for the policy? Some

swindling adventurer may find his account in pampering the prodigality of a wayward son, in the calculation of reaching, through the imprisonment of the child, the sensibilities of the father. Friendship may sometimes be burdened, in the release of an unfortunate friend. But are these calculations worthy of your protection? Is it right to arm villainy with an instrument, by which to torture the best feelings of the human heart? Sir, I have no hesitation in saying that, could a balance be struck, with an exclusive eye to the creditor, of profit and loss, notwithstanding his power over the debtor's body, and the myriad of instances in which it has been exercised, that he himself has been greatly loser—disregarding, entirely, the sufferings of the imprisoned, as well as the infinite injury to society. And here sir, I would hazard a general remark. It may be advanced, as an unquestionable truth, that crimes are multiplied in every community, where the infamy attending their perpetration is lessened, by the circumstance that their punishment is common to misfortune as well as to guilt. For example, if it was a fundamental principle, in your code, that no man should be deprived of his liberty but for crimes, in which I class fraud, public opinion would, at once, associate guilt with imprisonment; and, as a consequence, many who now might be disposed to defraud their creditors, from the hope of escaping, unnoticed, among the honest and unfortunate, would, then, from the fear of being singled out to abide, alone, the infamy of their condition, find a sufficient motive to abstain from executing their fraudulent designs. If there be any force in these views, I have already met the other objection urged against the principle of the bill—its tendency to diminish credit. Sir, I do not mean, because it is unnecessary, to enter, at all, into the much-contested question—as to the influence of extensive credit on the interests of society. I have removed all the difficulty, growing out of this view of the subject, by showing that the creditor himself will profit by depriving him of a power which, in its practical effects, has been, to him, productive of loss. One remark, however, I will hazard, on the general subject; and that is, that the legitimate objects of confidence or credit, are, the integrity of the debtor, or his competency to pay, or both. And that, if a creditor be not content with these, and extend his calculation to the body of his debtor, he deserves any thing but our protection. Although there may be cases of this kind, and the existence of which I have already admitted, no instance is avowed in modern times, except that to which my classical hearers will readily refer, where, in the face of the bond, the flesh was pledged as the guarantee to punctuality. The universal reprobation of mankind bestowed on this case, supposed to exist only in the poet's imagination, is due in nearly the same degree to him who, though not avowedly, yet secretly looks to a security little less horrible—the captivity of his debtor.

The mischief, of which I complain, is the undisputed progeny of a barbarous age. It is antiquity only, that shelters it from reprobation. And, were it now, for the first time proposed, it would

be every where received with marked disapprobation.

But there is a species of idolatry common to all mankind. It is not in religion only that it is manifested; it displays itself on a variety of occasions; and in none more conspicuously than in clinging to ancient practices. We read now, indeed, with horror, of the treatment of the debtor, in the best days of the Roman Republic. There, the insolvent debtor's body was cut up, as you now do the carcass of an ox, and a part was given to the creditor, proportioned to his demand. As a supposed mitigation to this barbarous practice, the debtor, his wife, and children, were sold into bondage, and the avails distributed among the creditors. We read now of those things with horror, partly because these abominations have long since ceased to exist. But, had they still prevailed, especially in England, they would have lost, in our eyes, half their atrocity. I feel justified in so saying, when I refer to punishments in criminal cases, even now inflicted in many parts of the United States, though not so enormously disproportionate to the offence, yet so repugnant to humanity, that they never could be retained, but for the example of our ancestors. That to this example we are indebted for the remaining fragment of this barbarous policy, I am persuaded none will deny. I at the same time admit that many grains of allowance are due to us. Those who usually legislate for us, are generally disciples of Mr. Justice Blackstone—whose opinions on municipal law, from their youth, they were taught to consider as infallible. He, it is well known, is the encomiast of whatever prevails in England. And why should he not? He was of the favored few who fed liberally on the bounty of his country, which has a wonderful tendency to reconcile one to the existing state of things. Now, for myself, however arrogant it may seem, I must be permitted to say that the time has long past by, when I implicitly adopted opinions on the authority of a name. Experience has taught me the necessity of judging for myself—as I have often found very serious heresies sheltered by the fame of their authors; and the truth has been irresistibly forced upon me, that a great man inverts the general law of optics, by looming most advantageously at a distance. On the policy of England, as to imprisonment for debt, Blackstone indulges in his usual complimentary style. But the courtier is bad authority on the abuses of Government. Let us ascertain the policy he thus commends, and judge for ourselves. There, the debtors are confined without any limitation as to time. Both sexes, not unfrequently, promiscuously huddled together, presenting a scene of whatever is loathsome and abominable to the eye of the beholder—twenty thousand of whom are supposed to fall, annually, a sacrifice to this barbarous practice. But, notwithstanding this waste of human life, the jails continue to fill to overflowing, when, from necessity, an act of general jail delivery is passed by Parliament—by which the wretched survivors, squalid with filth, and corrupted by communion, are again

thrown on the lap of society—fit and ruthless instruments of vengeance, in the hands of retributive justice, to chasten that society from which they have endured such multiplied wrongs. I appeal from the authority of the Judge, to their own poet, who gives you a vivid portrait of these abodes of wretchedness, in which he himself had been a sufferer:

"Unpitied and unheard, where misery mourns,
Where sickness pines, where thirst and hunger burn,
And poor misfortune feels the lash of vice:
While, in the land of liberty, the land
Whose every street and public meeting glow
With open freedom, little tyrants rag'd,
Snatch'd the lean morsel from the starving mouth,
Tore from cold wintry limbs the tatter'd weed;
Even robb'd them of the last of comforts, sleep:
The free-born Briton to the dungeon chain'd;
Or, as the lust of cruelty prevail'd,
At pleasure marked him with inglorious stripes,
And crush'd out lives, by secret, barb'rous ways,
That, for their country, would have toil'd or bled."

These are the fruits of that system which you have every where, with slight modifications, servilely copied in the United States, and which I now solicit you to abandon.

There is nothing in my nature (and I may be permitted to add, in my situation) which would induce me to indulge in an adventurous scheme of legislation. But the age in which we live demands that we fearlessly approach every evil, and boldly probe it to its source. Antiquity, of itself, is no longer sufficient to protect its errors. Our fathers thus reasoned, when they gave birth to our freedom and our free institutions.

The maxims of Europe should no longer be authority to us. In the career of political improvement she is a sightless distance in the rear. Of the thousand instances to which reference might be had, in confirmation of this truth, take that of religious freedom. It is held there, as a sacred maxim, which it would be deemed impious to question, that a union between the State and the favored sect is indispensable to the existence of the Government and religion. In the most favored spot, a wretched toleration is all that is indulged; while in another portion we are informed their adorable King (whether with or without the direction of his Holy Allies we are not advised) is now seriously deliberating on the restoration of the Inquisition.

Let us turn from a scene at which the heart sickens, to our own favored land, to do honor to the counsels of our fathers, while we are enjoying their beneficent results. JEFFERSON (a name ever dear to freedom) was the author, not only of the Declaration of Independence, but of unreserved equality to all religious sects. Animated by a holy zeal for the happiness of his species, and guided by the polarity of his own superior genius, to him the high privilege was given of exploring the hitherto untrodden path of political science. In the eyes of this great Apostle of Liberty, the hoary errors of Europe dwindled into contempt, and a dissolution between the Church and State was the result of his efforts. Have the fears of

the timid opponents of that measure been realized? No. The world has beheld, for the first time, the realization of that promise whose charity announces the divinity of its origin. The partition wall between the Jew and the Gentile has in very truth been broken down. Instead of an insolent and hypocritical hierarchy, eating out the substance of the land, and looking down with contempt on the remainder of mankind, the messengers of the Gospel here go out with the meekness and in the spirit of their great prototype, depending (and not in vain) on the voluntary aid of their followers, inculcating with sincerity and zeal the sublimest truths of their religion, and practising what they preach. Here religion no longer seeks to erect its altars upon the ignorance of mankind, and propagate its doctrines by fire and the sword. Reason has been substituted for superstition, charity for persecution. Members of different creeds sit down together, and participate at the same table of the awful mysteries of their religion; and every where we hear inculcated, from the metropolis to the wilderness, throughout all our borders, "On earth peace, good will towards men." This is the fruit of the counsels of our fathers.

Go on, then, and complete the work they have so nobly begun. Let us erase from our code this barbarous relic, and whatever else is mischievous.

To us, in part, a great trust has been confided—the welfare of the country, and of generations yet to come; nay, the world itself looks to us as to a great example, whence to draw the oracles of political truth. Fill, then, the measure which has been assigned you. Never tire till there is nothing to be done; and when you shall have reared a monument of beneficent legislation, if it be in the order of Providence that we too, in our turn, shall be involved in the darkness of slavery and superstition, let us hope that our labors, though obscured for a season in the general gloom, may survive the eclipse, and become the guide of some future deliverer of his country.

When Mr. BARBOUR had concluded, on motion of Mr. MILLS, the subject was postponed till Friday next.

The bill for the relief of Amasa Stetson, was taken up; but, before acting upon it, the Senate adjourned.

WEDNESDAY, February 18.

The PRESIDENT communicated a report of the Secretary of the Navy, with the annual statement of the appropriations and expenditures for the naval service, for the year 1823, and a paper showing the expenditures under each head since the 1st of January, 1824, and the unexpended balances of appropriations on the 1st February, 1824. The report was read, and referred to the Committee on Naval Affairs.

The bill to regulate the surveying of the public and private lands in the southern part of Alabama, was read the third time, and passed.

Mr. CHANDLER, from the Committee on the

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Militia, reported a bill more effectually to provide for the national defence, by establishing an uniform militia throughout the United States, and providing for the discipline thereof; and the bill was read, and passed to a second reading.

On motion, by Mr. BARTON, the Committee on Public Lands were discharged from the consideration of the petition of Charles Oliver Devezin.

Mr. FINDLAY presented the memorial of Abraham L. Pennock, and others, and of Samuel D. Franks, and others, severally praying that additional duties may be imposed on imported iron, and the manufactures thereof; which were read, and referred to the Committee on Commerce and Manufactures.

Mr. JOHNSON, of Kentucky, asked and obtained leave to bring in a bill to change the terms of the district court of the United States for the Kentucky district; which was read, and passed to a second reading.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom the subject was referred, reported a bill to provide for the extinguishment of the debt due to the United States by the purchasers of public lands; which was read, and passed to a second reading.

Mr. KING, of Alabama, asked and obtained leave to bring in a bill explanatory of an act confirming claims to lots in the town of Mobile; which was twice read, by unanimous consent, and referred to the Committee on Public Lands.

The bill for the relief of Sarah Venable and Jane Morgan; and the bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts, were severally read the second time; and the last mentioned bill was referred to the Committee on Public Lands.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of Ebenezer Oliver and others; and it was postponed to, and made the order of the day for, to-morrow.

The Senate proceeded to consider the report of the Committee of Claims on the petition of Obadiah Jones; and it was postponed until to-morrow.

Mr. ELLIOTT presented the petition of Andrew Low and others, of Savannah, praying to be released from the payment of certain custom-house bonds; which was read, and referred to the Committee on Finance.

The Senate proceeded to consider the report of the Committee on the Judiciary on the petition of John S. Stiles, executor of George Stiles; and it was ordered to lie on the table.

The Senate proceeded to consider the report of the Committee of Claims on the petition of Henry M. Johnson; and it was ordered to lie on the table.

The Senate proceeded to consider the motion of yesterday, to instruct the Committee on Finance to inquire into the expediency of reprinting the annual Treasury reports; and agreed thereto.

AMASA STETSON.

The bill reported by the Committee on Claims, for the relief of Amasa Stetson, was taken up for consideration in Committee of the Whole. Mr. Stetson was a deputy Commissary General, at Boston, during the late war. He claims to be reimbursed moneys which he advanced, as interest, for the Government, for purchases made under positive orders; losses which he sustained on Treasury notes paid to him for advances which he had actually made in specie; and for extensive and responsible services performed, which did not come within the requisite duties of his office. For all these different items he claims about \$12,000. The committee report that, in their opinion, of Mr. Stetson ought to be allowed "the sum of \$2,031 49, being for interest paid by him for money loaned for the use of the Government;" and that "they believe that no more than justice will be done him, by granting him the pay and emoluments of an issuing commissary, for three years and three months and one third of a month, amounting to \$3,615 67." The bill, therefore, proposes to pay him \$5,700 16.

Mr. MILLS moved to recommit the bill, with instructions so to modify it as to make provision for allowing the whole amount claimed by the petition, and followed his motion with an argument to show the equity and reasonableness of the whole claim of the petitioner.

This motion gave rise to a debate of much length, on the merits of the case; in which Mr. RUGGLES (chairman of the Committee of Claims) opposed the motion to recommit the bill, and sustained the report of the committee; and Messrs. HOLMES, of Maine, and MILLS, maintained the opposite side of the question, and urging in his behalf facts, highly creditable to the patriotism and disinterestedness of the official conduct of the petitioner. Mr. TAYLOR, of Virginia, made some remarks on the difficulty of ascertaining the real facts of such cases, by the Senate, and adverse to the claims set up by the petitioner. Messrs. LANMAN, LLOYD, of Massachusetts, and LOWRIE, also advocated the claim to a greater or less extent. To all these gentlemen Mr. RUGGLES replied, and the question being taken on the recommitment of the bill, it was carried—yeas 22, nays 15; and after some further discussion, on the part of Messrs. SMITH, LLOYD, of Massachusetts, D'WOLF, RUGGLES, MILLS, and others, as to the precise nature of the instructions to go to the committee.

The Senate went into consideration of Executive business, and soon after adjourned.

THURSDAY, February 19.

The bill to change the terms of the district court of the United States, for the Kentucky district; and the bill to provide for the extinguishment of the debt due to the United States by the purchasers of public lands; were severally read the second time.

On motion, by Mr. NOBLE, the Committee on Pensions were discharged from the consideration

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of the petitions of Moses Wing, of Israel R. Potter, and Eleanor Tansey.

On motion, by Mr. NOBLE, the Committee on Pensions were discharged from the consideration of the petition of Cornelius Huson, and, on his motion, the said motion was ordered to lie on the table.

On motion, by Mr. JOHNSON, of Louisiana, Jumonville de Villier had leave to withdraw his petition and papers, presented at the first session of the Seventeenth Congress.

Mr. MILLS presented the memorial of William Rotch, junior, and others, merchants, of New Bedford, praying indemnification for depredations committed on their commerce by the public and private armed vessels of France, between the years 1793 and 1800. The memorial was read, and referred to the Committee on Foreign Relations.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of Ebenezer Oliver, and others; and it was postponed to, and made the order of the day for, Monday next.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," with amendments; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to their amendments to the last mentioned bill, and concurred therein.

The Senate resumed, as in Committee of the Whole, the bill regulating the transportation of gold and silver bullion, specie and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United States; and it was ordered to lie on the table.

OBADIAH JONES.

The Senate then proceeded to consider the report of the Committee on Claims, unfavorable to the petition of Obadiah Jones. The petitioner, a receiver of public moneys, in Alabama, prays that he may be indemnified for the loss of \$495, belonging to the Government, which was stolen from him, and for which he has been required to account.

Mr. KING, of Alabama, opposed the report of the committee. He stated the circumstances under which the robbery was committed, to show that the loss did not arise from any negligence of the petitioner, who sustains, as Mr. K. stated, a high character for integrity, and vigilance in the duties of his office.

Mr. RUGGLES supported the report of the committee, on the ground that, in this instance, the loss had occurred from the want of proper care and vigilance in keeping the public money; that the petitioner receives a salary which compensates him for all the risks he incurs; and that there was not sufficient proof of his loss.

Some further remarks were made by Messrs.

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VAN DYKE, CHANDLER, SMITH, MILLS, KELLY, BELL, and NOBLE.

Mr. KING, of Alabama, moved that the report be recommitted, with instructions to report a bill authorizing the Secretary of the Treasury to pay to the petitioner the sum of \$495, on proof being adduced, to the satisfaction of said Secretary, that the money was in fact stolen, without fault on the part of the petitioner. Mr. K. supported, and Mr. RUGGLES opposed, this motion. It was rejected; and the report of the committee was then agreed to.

FRIDAY, February 20.

The PRESIDENT communicated a report from the Postmaster General, with a list of the unproductive post roads, for the year 1823. The report was read, and referred to the Committee on the Post Office and Post Roads.

The PRESIDENT communicated a report from the Secretary of the Treasury, showing the payments made at the Treasury for the discharge of miscellaneous claims, during the year 1823; the contracts and purchases made by collectors, for the revenue service, during the year 1822; the expenditures, on account of sick and disabled seamen, during the year 1822; and the contracts made, relative to oil, lighthouses, beacons, buoys, stakeages, &c.

Mr. TALBOT communicated the remonstrance of the Legislature of Kentucky against the decision of the Supreme Court of the United States, in the case of Green, and others, against Biddle, at the last term, declaring the act of that State, of the 27th February, 1797, concerning occupying claimants of land, and the act amendatory thereof, passed 31st January, 1812, to be unconstitutional and void; representing the principle therein proclaimed as an infringement of the sovereignty of the State; and requesting their Senators and Representatives in Congress to use their best exertions to procure the passage of a law requiring the concurrence of two-thirds of the judges of that court, in all cases involving the validity of a law of any State, or an increase of the number of the judges. The remonstrance was read, and referred to the Committee on the Judiciary.

Mr. BRANCH presented the memorial of David Wallace, senior, praying indemnification for depredations committed on his property by the public and private armed vessels of France, between the years 1793 and 1800. The memorial was read, and referred to the Committee on Foreign Relations.

Mr. RUGGLES, from the Committee on Claims, to whom was recommitted the bill for the relief of Amasa Stetson, with instructions to make a further allowance for interest, reported the same, with an amendment. The committee propose an additional section, allowing a further sum of about two thousand five hundred dollars, for interest on moneys advanced, &c.

Mr. EATON, from the Committee on Public Lands, to whom was recommitted, with instructions, the petition of John Forbes and Co., and of

John McAlister, reported a bill releasing to John McAlister, or the legal representatives of John Forbes, a certain tract of land; which was read, and passed to a second reading.

Mr. SEYMOUR asked and obtained leave to bring in a bill in addition to an act entitled "An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes," which was twice read, by unanimous consent, and referred to the Committee on the Judiciary.

Mr. BELL, from the Committee of Claims, to whom was referred the petition of Samuel White, made a report, accompanied by a bill for the relief of Samuel White. The report and bill were read, and the bill passed to a second reading.

On motion of Mr. TALBOT, the bill for the relief of James Johnson, of Kentucky, was taken up for consideration, in Committee of the Whole. This bill proposes to allow Mr. Johnson, who was a paymaster in a regiment of volunteers, during the late war, a credit in the settlement of his accounts with the Government, for moneys paid for rations, more than was allowed by the law fixing the price of rations. After a few remarks by Messrs. TALBOT, CHANDLER, SMITH, WILLIAMS, and JACKSON, the bill was reported to the Senate, without amendment, and passed to be engrossed, and read the third time.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill explanatory of an act confirming claims to lots in the town of Mobile, reported it without amendment.

On motion, by Mr. KING, of Alabama, that the Committee on Public Lands be discharged from the consideration of the petition of James Ore, the said motion was ordered to lie on the table.

The Senate proceeded to consider the bill for the better security of public moneys in the hands of marshals, clerks, and attorneys; and, after some discussion by Messrs. HOLMES, of Maine, MILLS, and VAN DYKE, the bill, on motion of Mr. WILLIAMS, was recommitted to the Committee on the Judiciary.

The bill to abolish imprisonment for debt was taken up. Mr. VAN BUREN proposed two new sections, as substitutes for the first and fourth sections of the bill. The amendments were ordered to be printed, and the whole subject was postponed till Monday next, and made the order of that day.

ROADS IN FLORIDA.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida."

The bill proposes an appropriation of twenty thousand dollars for the purpose of making a road from Pensacola to St. Augustine, and three thousand dollars for the purpose of surveying routes for two other roads intersecting said Territory at different points.

Mr. BROWN stated that the distance over which the road was proposed to be made, was about

three hundred miles; and the distance to be surveyed for the two other roads would be about six hundred miles. It was of great importance to have a communication opened along the coast of that Territory. The inhabitants, living under the same government, were widely separated from each other. The proposed road will pass through a very fine and fertile country, mostly belonging to the Government of the United States. It appeared to the committee to be necessary that something should be done to increase the value of this property. The trustees of that Territory require protection from the Government, and this measure will accelerate its settlement. As the sum appropriated was not very great, he hoped the bill would pass.

Mr. JACKSON said this road was of great importance, from two considerations—the first, as it related to the defence, and the second, in regard to the population of that part of the country. If gentlemen would recur to the map of that part of the Territory, they would perceive that it would be absolutely impossible to succor St. Augustine, except by water. The road could be made at a small expense, and would furnish the means of immediate defence. He thought the United States ought to keep an eye on that part of the country—it is now very weak and defenceless. Without this road, people could not be induced so speedily to emigrate to that Territory, and its settlement would be retarded.

Mr. LOWRIE said there were two objects specified in this bill, which the gentleman had not touched upon—the surveys of two other routes, besides the one where the road was to be made. He wished information on those points; as three thousand dollars was appropriated for the surveys, while only twenty thousand dollars was to be granted for making the other road.

Mr. BROWN, in explanation, remarked that the contemplated routes, which were to be surveyed, embraced an extent of six hundred miles; while the road to be made was only three hundred. Those routes which were to be traced out, touch at different parts of the Territory, the communication with which is highly important.

Mr. LOWRIE inquired of the chairman of the Committee on Roads and Canals, what data the committee had adopted, in estimating the expenditures for these purposes.

Mr. BROWN said the committee had before them the statements furnished by the delegate who represented that Territory in the other House. From these, and such information as could be gained from the map of that country, the estimates were made.

Mr. JACKSON did not doubt that the appropriation provided in this bill, with the labor of the military force stationed in that part of the country, would be adequate to the proposed objects—he said that, by this means, a topographical view of the country through which the roads were to run, would be obtained; and the President would not apply more money to the purpose than should be found necessary.

Mr. CHANDLER thought that must be a very

extraordinary country indeed, if twenty thousand dollars would make three hundred miles of road in it. We have been told that the soldiers could not work in that country. Mr. C. believed that, if twenty thousand dollars were appropriated now, it would not be a great while before Congress would be called upon, to vote more money for this object.

Mr. HOLMES, of Maine, could hardly believe that fifty or sixty dollars a mile, which was all the sum mentioned in the bill would amount to, would be sufficient to make this road. He felt in favor of making a road from Pensacola to St. Augustine, but wished to know what the real cost of such a road would be. How much it would cost in money, and how much labor the soldiers could perform. He wished to know if the committee had estimated the cost. When appropriations are to be made, an estimate is generally required. When a lighthouse or a pier is to be built, the committee is called upon for an estimate. He thought the Government were going too far in this business, in making out these two roads of three hundred miles each. The distance, considering the sinuosities of the road, might be a great deal more than was calculated. If the survey is made, we shall be called upon, some time or other, to make the roads also. Mr. H. thought it would be much better to begin by making the road from Pensacola to St. Augustine; they are united under one government, the operations of which require that there should be a communication between the two places. He was, therefore, in favor of that part of the bill.

Mr. ELLIOTT said, that he was not surprised that gentlemen who came from a part of the country where roads were made in a very different manner, should think the sum mentioned in this bill too small for the contemplated purpose. In that part of the country where the roads must be rendered perfectly hard, so as to secure them from the operation of the frost, the expense would, undoubtedly, be much greater. But, in the section where this road is to be located, all that is done is to fell the trees, and excavate ditches by the side of the road. There is no need of any great quantity of material. He believed ten thousand dollars would be sufficient to fell the timber, and lay out the road. The most important difficulty is the swamps through which the road must pass; the timber is rolled into them, as it is cut down, and the mud is filled in from the ditches. These are our roads. They are not like those in the North, and hence they do not cost as much money. He believed that twenty thousand dollars, with the services of the military, would be amply sufficient. With regard to the surveys to be made for the other roads, the population of the country would be greatly facilitated by opening these communications. They pass through a wilderness, in which it is only necessary to fell the timber, and those who pass upon the road will make it. We have only to mark out the way. In the event of war, it would be very important, as furnishing opportunities for an army to pass with celerity. Mr. E. thought it absolutely necessary, for the

welfare of that part of the country, that this bill should be adopted; the country would then be open to the inspection of persons who wish to settle there. It is now in a very exposed situation; it may be called the *piquet* of the Union; and shall we suffer it to remain defenceless? As this measure would furnish facilities for investigating the country, and means for its defence, Mr. E. hoped it would be agreed to.

Mr. JACKSON said he had himself marched through a considerable part of that Territory, and was enabled to open roads at the rate of twenty miles a day. If an army was able to open a road at that rate, he believed that twenty thousand dollars would be a sufficient sum for this purpose. He had no doubt that it would be sufficient, unless bridges were to be made over the streams, which he believed was not intended.

Mr. BROWN said that, as the gentleman from Maine wished for estimates, as they were furnished in regard to lighthouses, &c., he could inform him, in relation to the surveys to be made in Florida, it was estimated that they would cost five dollars per mile; that surveyors in that section of the country would trace out roads at the rate of three dollars the mile; and the committee calculated that five dollars a mile would defray the whole expense. The utility of these surveys, he thought, was unquestionable, as they served as guides to travellers who explore the country. The soil is so dry, and so easy to be worked, that he believed the expense would not be more than the sum proposed in the bill.

The bill was then reported to the Senate without amendment; and, upon its passage to a third reading, Mr. CHANDLER called for the yeas and nays, which were as follows:

YEAS—Messrs. Barton, Branch, Brown, Eaton, Edwards of Connecticut, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Louisiana, King of Alabama, Lanman, Lowrie, McIlvaine, Mills, Parrott, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Thomas, Van Buren, Ware, Williams—18.

NAYS—Messrs. Bell, Chandler, Clayton, D'Wolf, Knight, Macon, Taylor of Virginia, Van Dyke—8.

So the bill passed to a third reading.

MONDAY, February 23.

The PRESIDENT communicated a report from the Secretary of War, with a report of the Second Auditor, relative to the accounts for disbursements in the Indian Department, for the year ending 30th September, 1823; which was read, and referred to the Committee on Indian Affairs, to consider and report thereon.

The PRESIDENT communicated a report of the Postmaster General, with the number, names, and salaries, of the clerks employed in his office, during the year 1823.

Mr. LOWRIE presented the memorial of William Duane, late Adjutant General in the Army of the United States, praying remuneration for money expended, services rendered, and losses sustained, in the service of the Government. The memo-

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James Ore.

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rial was read, and referred to the Committee on Military Affairs.

Mr. JOHNSON, of Kentucky, presented the petition of Lewis A. Tarascon, and others, praying the opening of a wagon road from the river Missouri, north of the river Kansas, to the river Columbia; which was read, and referred to the select committee on roads and canals.

Mr. NOBLE communicated the following resolutions of the General Assembly of the State of Indiana, viz:

Resolved, by the General Assembly of the State of Indiana, That the reasons of the compact between the General Government and this State, by which this State guaranteed an exemption from taxation of all lands, for five years from and after the purchase thereof, purchased of the General Government after the first day of December, one thousand eight hundred and sixteen, have, by the act of Congress changing the whole land system, totally ceased.

Resolved, That the right of taxation, on the part of this State, from and after the day of sale, cannot, by any possibility, be injurious to the interests of the United States.

Resolved, That our Representatives in Congress be requested, and our Senators instructed, to use their utmost exertions to obtain a repeal, or modification, of the compact between the United States and this State, as referred to in the foregoing resolution.

Resolved, That his Excellency the Governor be requested to transmit a copy of the foregoing resolutions to the Speaker of the House of Representatives in Congress, and a copy to each of our Senators and Representatives.

The resolutions were read, and referred to the Committee on Public Lands.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of William Eaton, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

The report and resolution were read, and ordered to be printed.

On motion, by Mr. JOHNSON, of Kentucky, the Committee on Military Affairs were discharged from the consideration of the petition of Holden W. Prout, administrator of Joshua W. Prout.

Mr. SMITH, from the Committee on Finance, to whom was referred the petition of Lewis A. Petray and Just Viel, and of Napier, Rapelye, and Bennett, made separate reports, accompanied by a bill for the relief of Napier, Rapelye, and Bennett, and Petray and Viel. The reports and bill were read, and the bill passed to a second reading; and the reports were ordered to be printed.

Mr. HAYNE presented the memorial of William Elliott, and others, styling themselves a committee in behalf of the inhabitants of Beaufort, South Carolina, protesting against the imposition of any additional duties on imports; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. BARTON submitted the following motion for consideration:

Resolved, That the President of the United States be requested to inform the Senate, what measures

have been taken to procure and lay before the Senate, at this session of Congress, the originals, or copies, of all the contracts for surveying the public lands, made by the Surveyor General of Illinois, Missouri, and Arkansas, since the first day of January, 1819, in compliance with a resolution of the Senate, adopted on the 25th of February, 1823; and at what time said contracts, or copies thereof, will probably be laid before the Senate, in pursuance of said resolution.

Mr. HOLMES, of Maine, submitted the following motion for consideration; which was read:

Resolved, That the following rule be added to the rules of the Senate:

The yeas and nays shall be required, on the final vote on every act, in the three last days of every session.

The resolution was ordered to a second reading.

JAMES ORE, &c.

The motion of Mr. KING, of Alabama, submitted some days since, that the Committee on Public Lands be discharged from the further consideration of the petition of James Ore, was taken up. This petitioner holds a tract of land, under the eighth article of the treaty of 8th July, 1817, with the Cherokee tribe of Indians, reserving to each of the heads of families residing on the territory ceded by that treaty, a life estate in a tract of six hundred acres of land, the fee simple to go to their children; these titles to be forfeited in case they leave the land. The petitioner prays that the fee simple to the land may be vested in him.

Mr. KELLY opposed the motion, on the grounds that the principles which had been adopted in extinguishing the Indian title by purchase, and a fair regard to the character of contracts, ought to give the fee simple to the holders of the land, instead of their descendants; that most of the Indians were now so far civilized, as to be competent to take due care of their property; and if they should not prove good neighbors, their land might be bought from them, if they were invested with the title, so far as to be able to dispose of it; as it stood at present, they were compelled to remain upon the land, or to forfeit their title. He was, therefore, opposed to discharging the Committee.

Mr. KING, of Alabama, briefly supported the motion to discharge. And the motion was then agreed to.

The bill more effectually to provide for the national defence, by establishing an uniform militia throughout the United States, and providing for the discipline thereof; the bill releasing to John McAlister, or the legal representatives of John Forbes, a certain tract of land; and the bill for the relief of Samuel White, were severally read the second time.

The bill for the relief of James Johnson was read the third time, and passed.

The bill, entitled "An act to authorize the laying out and opening certain public roads in the Territory of Florida," was read the third time, and passed.

A message from the House of Representatives

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American Hemp.

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informed the Senate that the House have passed a bill, entitled "An act making appropriations for the military service of the United States, for the year 1824," and a bill, entitled "An act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida," in which bills they request the concurrence of the Senate.

AMERICAN HEMP.

The PRESIDENT communicated a report from the Secretary of the Navy, made in compliance with a resolution of the Senate, of the 22d January last, on the subject of the use of American hemp for cordage, in the naval service. The report was read, and ordered to be printed. It is as follows:

NAVY DEPARTMENT, Feb. 13, 1824.

SIR: In answer to a resolution of the Senate of the 22d of January last, "that the Secretary of the Navy be requested to communicate to the Senate, so far as can be ascertained from the accounts in the Navy Department, the quantity of cordage manufactured from hemp of domestic growth, which has been used in the service of the Navy, since the year 1812; and the reasons, if any, why cordage manufactured from domestic hemp cannot be used as advantageously and as economically for the Navy of the United States as cordage manufactured from imported hemp," I have the honor to enclose a letter from the Board of Navy Commissioners, dated 27th January, 1824, and one from the Fourth Auditor of the Treasury, dated 12th February, 1824; and am,

Very respectfully, sir, your most obedient servant,

SAMUEL L. SOUTHARD.

HON. PRESIDENT OF THE SENATE.

NAVY COMMISSIONERS' OFFICE,
January 27, 1824.

SIR: Upon the subject of the resolution of the honorable the Senate of the United States of the 22d instant, calling for information as to the "quantity of cordage manufactured from hemp of American growth, which has been used in the service of the Navy since the year 1812, and the reasons, if any, why cordage manufactured from American hemp cannot be used as advantageously and as economically for the Navy of the United States as cordage manufactured from imported hemp," the Commissioners of the Navy have the honor to state:

That they have no knowledge of any cordage, manufactured from hemp of American growth, having been used in the Navy since the establishment of the board; that, in the contracts made by them for cordage, they have uniformly introduced a stipulation, binding the contractors to manufacture the cordage of the best Russian hemp.

The reasons which entitle Russian hemp to a preference are to be found solely, it is believed, in the manner of preparing it for market. In its natural state American hemp is, unquestionably, as good as that of any other country; and numerous experiments prove the fact, that, when prepared as Russian hemp is, it is fully equal to the best Russian hemp, and indeed superior to that generally imported. The Russian method is called "water rotting;" that practised in the United States "dew rotting."

Hemp prepared by dew rotting has a dark color, and frequently appears as if it were mildewed. But,

from whatever cause, or combination of causes, it may proceed, universal experience has proved that cordage made of dew-rotted hemp is far less durable than that made of water-rotted hemp, particularly when used for cables; although, when perfectly new, it may be nearly as strong, and is sometimes found to be equally so. Hence, cordage manufactured from American hemp cannot, in the opinion of the commissioners, be used as advantageously and as economically for the Navy of the United States as cordage manufactured from imported hemp.

With a climate and great extent of soil, admirably adapted to the culture of hemp, it appears to be a subject of regret that our countrymen have not fallen upon some plan of preparing their hemp for use, so as to give it all the advantages it naturally possesses. The commissioners have ever been desirous of introducing into our Navy cordage made of hemp of our own growth; but when they reflect that the safety of our ships, and the lives of those on board of them, depend so much upon the quality of the cordage used, they cannot take upon themselves the responsibility of using that which their own and universal experience have pronounced to be of inferior quality.

The commissioners have heretofore offered every encouragement in their power, consistently with a due regard to economy, to the growers of American hemp, to induce them to adopt the Russian or some other equally good method of preparing their hemp. Could this be effected, the duty of the commissioners would then, in their view of the subject, permit them to indulge the disposition, which they will never cease to cherish, to use for the navy cordage manufactured of American hemp, to the entire exclusion of hemp the product of any other country.

I have the honor to be, &c.

JOHN RODGERS.

HON. S. L. SOUTHARD, Sec'y of Navy.

TREASURY DEPARTMENT,
Fourth Auditor's Office, Feb. 13, 1824.

SIR: In answer to your letter of the 31st ult., enclosing a copy of the resolution of the Senate of the United States, requiring information relative to the quantity of cordage manufactured from hemp of domestic growth, since the year 1812, I have the honor to state that the information cannot be accurately ascertained from the settlements made in this office. It appears, however, that about one hundred and eighty-two tons of Kentucky yarns, and cordage manufactured from Kentucky hempen yarns, have been contracted for and delivered in 1813 and 1814, viz:

One hundred tons cordage, contracted for by Matthew L. Davis, to be manufactured from Kentucky hempen yarns, and delivered at New York in 1813.

Fifty tons Kentucky yarns, contracted for by Richard Pindell and H. Clay, delivered at Baltimore in 1814.

Thirty-one tons 17 cwt. 2 qrs. 27 lbs. Kentucky yarns, contracted for and delivered at New Orleans in 1813, by W. Garret.

I have the honor to be, &c.

CONSTANT FREEMAN,

Fourth Auditor.

HON. S. L. SOUTHARD, Sec'y of Navy.

EBENEZER OLIVER, AND OTHERS.

The report of the Committee on the Judiciary, unfavorable to the petition of Ebenezer Oliver, and others, of Boston, was taken up for consid-

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eration. These petitioners, as Directors of the New England Mississippi Land Company, claim indemnity for a tract of land belonging to them; which indemnity, to the amount of about \$130,000, was awarded to another company, by an error of the commissioners appointed under the act of 3d March, 1814, to adjust and determine upon the Georgia land claims, (commonly called the Yazoo claims,) a considerable part of this money having since come into the hands of the United States, to whom a proportion of the claim of the latter company belonged.

This error, on the part of the commissioners, is now an acknowledged one; they having decided that, as the endorsed notes of hand, which were given in payment for said tract of land, had not been paid, the holders of these notes retained a lien upon the land as security. The petitioners also claim that, if it should not appear proper to the Government to give them the indemnity which they lost by an error on the part of the commissioners, their releases may be given up, and they be reinstated in the title which they held previous to the appointment of the commissioners; as the act of Congress expressly provides that the release, which the petitioners gave to the Government, was not to take effect until indemnity was made.

Mr. MILLS moved to reverse the report of the committee. He spoke, at considerable length, in support of the justice and equity of this claim.

Mr. VAN BUREN, chairman of the Committee on the Judiciary, supported the report. He did not consider that the Government was bound, in justice or equity, to allow the claim now under consideration. He believed it would be highly inexpedient and impolitic to allow it; and went into a history of the origin of the claim, to support his opinion. As the commissioners were appointed to decide *finally* upon all the conflicting claims of this kind, according to the best of the light and knowledge which they possessed; and as this was an error in judgment upon law merely, he thought their proceedings could not be opened by Congress for the correction of errors. He resisted the claim of the petitioners to be reinstated in their former title to the land, on the ground that the very spirit of the law for the appointment of the commissioners forbade it, as the grand object for which that law was passed, was, to quiet all these conflicting claims, and relieve the Government from them.

Messrs. HOLMES, of Maine, and KELLY, advocated the report of the committee; and, without deciding upon the question, the Senate adjourned.

TUESDAY, February 24.

The PRESIDENT communicated the report of the Secretary of the Treasury, with statements from the incorporated banks in the District of Columbia, showing the state of their affairs on the 31st of December last.

Mr. HAYNE presented the petition of Peter Trezevant, formerly a purser in the Navy of the

United States, praying an equitable settlement of his accounts; which was read, and referred to the Committee on Finance.

Mr. LLOYD, of Maryland, presented the petition of Benjamin M. Belt, praying payment of his account, for materials and labor, in fitting up apartments in the City Hall, for the accommodation of the circuit court of the District of Columbia; which was read, and referred to the Committee on the District of Columbia.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson courthouse land districts, reported it with an amendment.

Mr. NOBLE, from the Committee on Pensions, moved that the Committee be discharged from the further consideration of the petition of Cornelius Hewson. This petitioner prays the allowance of a pension, in consequence of wounds received by a fall on the ice, while engaged in the transportation of forage for the United States troops; by which, as he states, he has been disabled from laboring for his support. The committee was accordingly discharged.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the petition of Marie Louise de la Gautrais, widow of François Gonsoulin, made a report, accompanied by a bill for the relief of the heirs of Harpin de la Gautrais; and the report and bill were read, and the bill passed to a second reading.

The two bills from the House of Representatives, brought up yesterday for concurrence, were severally read.

The bill, entitled "An act making appropriations for the military service of the United States, for the year 1824," was read the second time, by unanimous consent, and referred to the Committee on Finance.

The bill for the relief of Napier, Rapelye and Bennett, and Petray and Viel, was read the second time.

The resolution proposing an additional rule, for conducting business in the Senate, was read the second time.

The Senate resumed the consideration of the report of the Committee on the Judiciary, on the petition of Ebenezer Oliver, and others, together with the proposed amendment; and, on motion by Mr. TALBOT, the consideration thereof was postponed to, and made the order of the day for, Thursday next.

The Senate proceeded to consider the motion of yesterday, requesting information relative to contracts for surveying certain public lands, which was requested by a resolution of the Senate of the 25th of February, 1823, and agreed thereto; and the Secretary was directed to lay the same before the President of the United States.

The Senate resumed, as in Committee of the Whole, the bill allowing a drawback on the exportation of cordage, manufactured in the United States from foreign hemp; and, on motion by Mr. D'WOLF, it was postponed to, and made the or-

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der of the day for, Tuesday, the 9th of March next.

On motion of Mr. VAN BUREN, the Senate proceeded, as in Committee of the Whole, to consider the bill authorizing letters patent to be issued to Samuel Brown. This bill came from the other House, and was reported by the Judiciary Committee of the Senate, without amendment. It authorizes a patent to be issued to Samuel Brown, for a certain valuable invention, in which several Americans are interested with him, but which cannot be patented, except by a special act, in consequence of the inventor not having resided in this country the requisite number of years. Mr. VAN BUREN stated the grounds upon which the bill was founded. It was then reported to the Senate without amendment, and passed to a third reading.

The Senate proceeded to consider, as in Committee of the Whole, the bill in further addition to "An act to establish a uniform rule of naturalization;" and it was recommitted to the Committee on the Judiciary.

The Senate resumed, as in Committee of the Whole, the resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of the President and Vice President of the United States; together with the amendment reported thereto by the select committee; and, on motion, it was ordered to lie on the table.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to repeal, in part, an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned,' together with the amendments reported thereto by the Committee on the Judiciary; the amendments were agreed to, and the bill reported to the House amended accordingly; and, the amendments being concurred in, they were ordered to be engrossed, and the bill read a third time as amended.

The Senate proceeded to consider, as in Committee of the Whole, the bill to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana situate to the east of the Mississippi river and Island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof; and, on motion, it was postponed until tomorrow.

CLAIM OF MASSACHUSETTS.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I herewith transmit to Congress certain documents relating to a claim of Massachusetts for services rendered by the militia of that State in the late war, and for which payment was made by the State. From the particular circumstances attending this claim, I have thought it proper to submit the subject to the consideration of Congress.

In forming a just estimate of this claim, it will be necessary to recur to the cause which prevented its admission, or the admission of any part thereof, at an earlier day. It will be recollected, that, when a call was made on the militia of that State for service, in the late war, under an arrangement which was alike applicable to the militia of all the States, and in conformity with the acts of Congress, the Executive of Massachusetts refused to comply with the call, on the principle that the power vested in Congress by the Constitution, to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, was not a complete power for those purposes, but conditional, and dependent on the consent of the Executives of the several States and, also, that, when called into service, such consent being given, they could not be commanded by a regular officer of the United States, or other officer than of the militia, except by the President, in person. That this decision of the Executive of Massachusetts was repugnant to the Constitution of the United States, and of dangerous tendency, especially when it is considered that we were then engaged in a war with a powerful nation, for the defence of our common rights, was the decided opinion of this Government; and when the period, at which that decision was formed, was considered, it being as early as the 5th of August, 1812, immediately after the war was declared, and that it was not relinquished during the war, it was inferred, by the Executive of the United States, that the decision of the Executive of that State was alike applicable to all the services that were rendered by the militia of the State during the war.

In the correspondence with the Governor of Massachusetts, at that important epoch, and on that very interesting subject, it was announced to him, by the Secretary of War, that, if the militia of the State were called into service by the Executive of the State, and not put under the command of the Major General of the United States, as the militia of the other States were, the expense attending their service would be chargeable to the State, and not to the United States. It was also stated to him, at the same time, that any claim which the State might have for the reimbursement of such expenses, could not be allowed by the Executive of the United States, since it would involve principles on which that branch of the Government could not decide.

Under these circumstances, a decision on the claim of the State of Massachusetts has hitherto been suspended, and it need not be remarked that the suspension has proceeded from a conviction that it would be improper to give any sanction by its admission, or by the admission of any part thereof, either to the construction of the Constitution contended for by the then Executive of that State, or to its conduct, at that period, towards the General Government and the Union.

In January, 1823, the Representatives in Congress from Massachusetts and Maine, suggested, by memorial, that the Constitutional objection could not apply to a portion of the claim, and requested that the accounting officer of the Government might be instructed to audit and admit such part as might be free from that objection. In all cases where claims are presented for militia service, it is the duty and the practice of the accounting officer to submit them to the department for instruction as to the legality of the claim; that is, whether the service had been rendered

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by order of the competent authority, or otherwise, under circumstances to justify the claim against the United States, admitting that the evidence in support of it should be satisfactory. To this request there appeared to be no well-founded objection, under the reservation, as to the Constitutional principle, and accordingly an order was given to the accounting officers of the Treasury to proceed in auditing the claim, with that reservation.

In conformity with this arrangement, the Executive of Massachusetts appointed two citizens of that State, commissioners to attend to the settlement of its claim, and who, in execution of the trust reposed in them, have presented to the accounting officer of the Treasury that portion, comprehending the services of the fifth division of the militia of the State, which has been audited and reported for consideration, subject to the objection above stated. I have examined this report, with the documents presented by the commissioners, and am of opinion that the services rendered by that division were spontaneous, patriotic, and proper, necessary for self-defence, to repel, in some instances, actual invasion, and in others, by adequate preparation, invasions that were menaced. The commissioners of the State having intimated that other portions of service stood on similar ground, the accounting officer has been instructed, in auditing the whole, to do it in such manner as to enable the Department to show distinctly under what circumstances each portion of service was rendered—whether voluntary, called out by invasion, or the menace of invasion, or by public authority; and in such case, whether the militia rendering such service was placed under the authority of the United States, or retained under that of the State.

It affords me great pleasure to state, that the Executive of Massachusetts has disclaimed the principle which was maintained by the former Executive, and that, in this disclaimer, both branches of the Legislature have concurred. By this renunciation, the State is placed on the same ground, in this respect, with the other States, and this very distressing anomaly in our system is removed. It is well known that the great body of our fellow-citizens in Massachusetts are as firmly devoted to our Union, and to the free republican principles of our Government, as our fellow-citizens of the other States. Of this important truth, their conduct in every stage of our Revolutionary struggle, and in many other emergencies, bears ample testimony; and, I add, with profound interest and a thorough conviction, that, although the difficulty adverted to, in the late war, with their Executive, excited equal surprise and regret, it was not believed to extend to them. There never was a moment when the confidence of the Government in the great body of our fellow-citizens of that State, was impaired; nor is a doubt entertained that they were at all times willing and ready to support their rights, and to repel an invasion by the enemy.

The commissioners of Massachusetts have urged, in compliance with their instructions, the payment of so much of their claim as applies to the services rendered by the fifth division, which have been audited, and I should have no hesitation in admitting it, if I did not think, under all the circumstances of the case, that the claim, in all its parts, was cognizable by Congress alone. The period at which the Constitutional difficulty was raised, by the Executive of the State, was in the highest degree important, as was the ten-

dency of the principle for which it contended, and which was adhered to during the war. The public mind throughout the Union was much excited by that occurrence, and great solicitude was felt as to its consequences. The Executive of the United States was bound to maintain, and did maintain, a just construction of the Constitution; in doing which, it is gratifying to recollect that the most friendly feelings were cherished towards their brethren of that State. The Executive of the State was warned, in the correspondence which then took place, of the light in which its conduct was viewed, and of the effect it would have, so far as related to the right of the Executive of the United States, on any claim which might afterwards be presented by the State to compensation for such services. Under these circumstances, the power of the Executive of the United States to settle any portion of this claim, seems to be precluded. It seems proper, also, that this claim should be decided, on full investigation, before the public, that the principle on which it is decided may be thoroughly understood by our fellow-citizens of every State, which can be done by Congress alone; who alone, also, possess the power to pass the laws which may be necessary to carry such decision into effect.

In submitting this subject to the calm and enlightened judgment of Congress, I do it with peculiar satisfaction, from a knowledge that you are now placed, by the course of events, in a situation which will enable you to adopt such measures, as will not only comport with the sound principles of our Government, but, likewise, be conducive to other the highest interests of our Union. By the renunciation of the principle maintained by the then Executive of Massachusetts, as has been done by its present Executive and both branches of the Legislature, in the most formal manner, and in accord with the sentiments of the great body of the people, the Constitution is restored, in a very important feature—that connected with the public defence; and in the most important branch, that of the militia, to its native strength. It is gratifying to know, that this renunciation has been produced by the regular, orderly, and pacific operation of our Republican system, whereby those who were in the right at the moment of difficulty, and who sustained the Government with great firmness, have gained daily strength until this result was accomplished. The points on which you will have to decide, are, what is fairly due for the services which were actually rendered? By what means shall we contribute most to cement the Union, and give the greatest support to our most excellent Constitution? In seeking each object separately we are led to the same result. All that can be claimed by our fellow-citizens of Massachusetts is, that the Constitutional objection be waived, and that they be placed on the same footing with their brethren in the other States—that, regarding the services rendered by the militia of other States, for which compensation has been made, giving to the rule the most liberal construction, like compensation be made for similar services rendered by the militia of that State.

I have been led to conclude, on great consideration, that the principles of justice, as well as a due regard for the great interests of our Union, require that this claim, in the extent proposed, should be acceded to. Essential service was rendered, in the late war, by the militia of Massachusetts, and with the most patriotic motives. It seems just, therefore, that they should be compensated for such services, in like manner with

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Francis Henderson, Jr.

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the militia of the other States. The Constitutional difficulty did not originate with them, and has now been removed. It comports with our system to look to the service rendered, and to the intention with which it was rendered, and to award the compensation accordingly, especially as it may now be done without the sacrifice of principle. The motive, in this instance, is the stronger, because well satisfied I am, that, by so doing, we shall give the most effectual support to our republican institutions. No latent cause of discontent will be left behind. The great body of the people will be gratified; and even those who now survive, who were then in error, cannot fail to see, with interest and satisfaction, this distressing occurrence thus happily terminated. I therefore consider it my duty to recommend it to Congress to make provision for the settlement of the claim of Massachusetts, for services rendered in the late war by the militia of the State, in conformity with the rules which have governed in the settlement of the claims for services rendered by the militia of the other States.

JAMES MONROE.

WASHINGTON, Feb. 23, 1824.

The Message was read, and ordered to be printed for the use of the Senate.

The Senate proceeded to consider, as in Committee of the Whole, the bill supplementary to "An act to perfect certain locations and sales of public lands in Missouri," passed April 26, 1822; and, no amendment having been made thereto, it was reported to the House; and ordered to be engrossed, and read a third time.

IMPRISONMENT FOR DEBT.

The Senate then resumed the consideration of the bill to abolish imprisonment for debt.

After some remarks on the subject, from Messrs. LLOYD, of Massachusetts, BARBOUR, and JOHNSON, of Kentucky, the further consideration of it was postponed till to-morrow.

WEDNESDAY, February 25.

Mr. HOLMES, of Maine, from the Committee on the Judiciary, to whom was referred the bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies, reported it, with an amendment.

On motion of Mr. NOBLE, the Committee on Pensions were discharged from the consideration of the petition of George Greer.

Mr. MILLS presented the memorial of William and Nathaniel Hooper, merchants, of Marblehead, praying indemnification for spoiliations committed on their commerce, by the public and private armed vessels of France, between the years 1793 and 1800. The memorial was read, and referred to the Committee on Foreign Relations.

The bill, entitled "An act to repeal, in part, an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned,'" was read the third time, as amended, and passed.

The bill from the House of Representatives, entitled "An act to authorize the issuing of letters patent to Samuel Brown," was read the third time, and passed.

The bill supplementary to "An act to perfect certain locations and sales of the public lands in Missouri," passed April 26, 1822, was read the third time, and passed.

The bill, entitled "An act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida," was read the second time, and referred to the Committee on the Judiciary.

The bill for the relief of the heirs of Don Harpin de la Gautrais was read the second time.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act to alter the times of holding the district court at Mobile, in the district of Alabama," with an amendment, in which they request the concurrence of the Senate.

Mr. McILVAINE, from the Committee on Claims, submitted a report, upon the petition of Captain Thomas Staniford, late Paymaster in the United States Army, who prays to be relieved from a judgment given against him, in favor of the United States, in consequence of the loss of his documents by fire. The committee report a bill for his relief; which was read, and passed to a second reading.

FRANCIS HENDERSON, JUN.

On motion of Mr. BARBOUR the Senate, in Committee of the Whole, proceeded to consider the bill reported by the Judiciary Committee, for the relief of Francis Henderson, jun. It will be recollected that this bill grants a certain sum of money to Mr. Henderson, who is the grandson of the late Colonel John Laurens, for diplomatic and military services rendered to the country by his grandfather. Mr. B. moved to amend the bill, by inserting a proviso, requiring, previous to the payment of the money, a full relinquishment of all claims for these services on the part of Francis and Frances E. Henderson, the father and mother of the person for whose relief the bill is drawn. Upon the question to amend, the merits of the bill itself were fully discussed.

Mr. LANMAN called for the reading of certain documents, showing the compensation which had already been made to Colonel Laurens, and his family. Messrs. BARBOUR, MILLS, and MACON, advocated the bill, and Messrs. CHANDLER, TAYLOR, of Virginia, HOLMES, of Maine, LANMAN, SMITH, BELL, and KELLY, opposed it.

The bill was supported on the grounds that the claim was one of strict justice—that the money was actually due for military services rendered by Colonel Laurens, and for outfits, which ought to have been allowed him in his diplomatic character, when appointed a special Minister to France; and that the objection made to paying the money to the grandson, instead of the daughter of Colonel Laurens, would be obviated by the adoption of the amendment, requiring the sanction of Mr. and Mrs. Henderson previous to the payment of the money.

It was objected against the passage of the bill, that Colonel Laurens, although he had rendered

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high and valuable services to the country, had received all the compensation that he had wished or expected for those services; that the length of time which had elapsed ought to be considered as a bar to all such claims; and that, if the claim were allowed at all, the money should be paid to the daughter, and not to the grandson of Colonel Laurens.

The amendment proposed by Mr. BARBOUR was carried. He then moved to fill the blank in the bill for the amount to be granted with "\$7,542 41." This motion was rejected—14 yeas, 23 nays. Considering this last vote as decisive of the fate of the bill, Mr. BARBOUR moved its indefinite postponement, which was carried without opposition.

THURSDAY, February 26.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the petition of Moses Atkinson, and others, made an unfavorable report thereon.

Mr. MILLS presented the petition of Peter Charles L'Enfant, praying compensation for his services in surveying and locating the City of Washington, and for making a map thereof. The petition was read, and referred to the Committee on the District of Columbia.

Mr. MILLS presented the petition of Martin Lincoln and Ann F. Humphreys, presenting an equitable settlement of the accounts of the late Gen. Benjamin Lincoln, and Gen. David Humphreys, for services rendered as commissioners in negotiating a treaty with the Creek Indians, in the year 1789. The petition was read, and referred to the Committee of Claims.

Mr. TAYLOR, of Virginia, gave notice that he would, on Monday next, ask leave to bring in a bill for the settlement of certain pecuniary claims against the United States.

On motion by Mr. TALBOT, the Senate resumed the motion of the 13th inst., to instruct the Committee on the Judiciary to inquire into the expediency of making certain modifications of the Judiciary act of 1789; and agreed thereto.

The Senate proceeded to consider the amendment of the House of Representatives, to their amendments to the bill, entitled "An act to alter the times of holding the district court at Mobile, in the district of Alabama," and concurred therein.

The bill for the relief of Captain Thomas Staniford was read the second time.

The PRESIDENT communicated a report from the Secretary of State, with the names, number, and salaries, of the clerks employed in his office during the year 1823.

Mr. JOHNSON, of Kentucky, presented the petition of Thomas Johnston, late purser of the United States ship Constitution, in behalf of himself, and the officers and crew of said ship, praying that the proceeds of certain vessels, captured by that ship in the year 1805, may be paid to the captors. The petition was read, and referred to the Committee on Naval Affairs.

The following Message was read, received yes-

terday, from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I herewith transmit a report from the Secretary of War, which communicates all the information in possession of the Department, which was called for by a resolution of the Senate of the 21st of January, 1824. JAMES MONROE.

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EBENEZER OLIVER, AND OTHERS.

The Senate resumed the consideration of the report of the Committee on the Judiciary, adverse to the petition of Ebenezer Oliver, and others, of Boston, Directors of the New England Mississippi Land Company. A long discussion ensued upon the merits of the claim. The question was upon the motion made, at that time, by Mr. MILLS, to reverse the report of the committee. This motion was supported by Messrs. LLOYD, of Massachusetts, LANMAN, SEYMOUR, TALBOT, and MILLS, and opposed by Messrs. VAN BUREN, KELLY, and HOLMES, of Maine. The question was then taken, and the Senate refused to reverse the report, by a vote of 22 to 20, as follows:

YEAS—Messrs. Barton, Bell, Clayton, D'Wolf, Eaton, Hayne, Johnson of Kentucky, Johnson of Louisiana, King of N. York, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, McIlvaine, Mills, Palmer, Parrott, Seymour, Talbot, and Van Dyke.

NAYS—Messrs. Barbour, Branch, Brown, Chandler, Dickerson, Edwards of Connecticut, Elliott, Gaillard, Holmes of Maine, Holmes of Mississippi, Jackson, Kelly, King of Alabama, Lowrie, Macon, Ruggles, Smith, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, and Ward.

Whereupon, in concurrence with said report, it was resolved that the prayer of the petitioners ought not to be granted.

FRIDAY, February 27.

On motion, by Mr. MILLS, the Committee on the District of Columbia were discharged from the consideration of the petition of Peter Charles L'Enfant, and it was referred to the Committee of Claims.

Mr. LOWRIE presented the memorial of the Chamber of Commerce of the city of Philadelphia, remonstrating against the passing of the bill, now before Congress, to impose additional duties on imports.

He also presented the memorial of Philip Tutchett and others, of G. Persico and others, of William Mayall and others, of Enos Ellis and others, of Andrew Young and others, and of George Myers and others, all of the city and county of Philadelphia, severally praying that the duties on imports may be increased.

He also presented the memorial of Henry Moore and others, of Delaware county, Pennsylvania, praying the imposition of additional duties on imported iron, and on the manufactures thereof. The said memorials were read, and severally referred to the Committee on Commerce and Manufactures.

Mr. SEYMOUR presented the memorial of D.

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Henshaw, praying indemnification for depredations committed on his property by the public and private armed vessels of France, between the years 1793 and 1800. The memorial was read, and referred to the Committee on Foreign Relations.

The Senate proceeded to consider the report of the Committee of Claims on the petition of William Eaton; and it was ordered to lie on the table.

The Senate resumed the consideration of the report of the Committee of Claims, on the petition of Sarah Easton and Dorothy Storer; and it was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the bill to abolish imprisonment for debt, together with the amendment proposed by Mr. VAN BUREN; and, on motion, by Mr. MILLS, it was postponed to Monday next.

The report of the Committee on Naval Affairs, unfavorable to the petition of Moses Atkinson, and others, was read for consideration. These petitioners pray that they be indemnified for losses sustained by the destruction of the ship Adams, destroyed at Castine, during the late war, at the time that place was invested by the enemy. The report was agreed to.

The bill providing for the more effectual defence of the country, by the organization of the militia, was taken up, and postponed to, and made the order of the day for, a week from next Monday.

On motion of Mr. JOHNSON, of Louisiana, the Senate, as in Committee of the Whole, proceeded to consider the bill to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana situate to the east of the Mississippi river and island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof.

Mr. VAN BUREN moved an amendment to confine the operation of the law to such claims as have been reported to the Government and laid before Congress, which was agreed to. He also proposed a new section to the bill, requiring that, in all claims amounting to one thousand acres, that the Attorney General of the United States shall be furnished with copies of the proceedings on such claims, in the District Court in which they are to be decided, in order that an appeal may be made, if thought proper, when the decisions are against the United States, to the Supreme Court.

This amendment was objected to by Messrs. LOWRIE and LANMAN, and supported by the mover, and Messrs. CHANDLER and HOLMES. Mr. JOHNSON, of Louisiana, explained the provisions of the bill. He stated that there would be about three hundred and sixty claims to be decided under this act, involving about a million of acres of land. The new section, proposed by Mr. VAN BUREN, was agreed to. The bill was then reported to the Senate, as amended; and, on motion of Mr. JOHNSON, of Louisiana, was postponed to Monday next, and made the order of that day.

MILITARY APPROPRIATIONS.

Mr. SMITH, from the Committee on Finance, reported the bill from the House of Representatives, making appropriations for the military service of the United States, for the year 1824, without amendment. On motion of Mr. SMITH, the Senate, as in Committee of the Whole, Mr. BRANCH in the chair, proceeded to the consideration of this bill.

Mr. SMITH said it would be perceived that this bill provided for but part of the military expenditures for the year, and for that part which it was highly important should be acted upon immediately. As the bill had been fully investigated by committees of both Houses, he presumed that no further explanation, on his part, was necessary.

Mr. MACON moved to strike out that part of the bill which provides an appropriation for the purchase of a farm in the vicinity of the Military Academy, at West Point, at a sum not exceeding ten thousand dollars; upon which farm there is a public house.

Mr. CHANDLER was in favor of striking out the clause alluded to. He thought it would be of no great use to purchase this farm, with the public house upon it, when another tavern could be erected immediately at some other place.

Mr. LOWRIE said he had hitherto entertained the opinion that the discipline at the Military Academy was such as not to require any appropriation like this: but, since he had examined into the statement of its situation, in relation to this tavern, he had no doubt of the propriety of purchasing the farm. It had been stated that, in consequence of the location of this public house in the vicinity of the institution, the students obtained liquor, which was introduced into the barracks, against the rules of the Academy. He considered the only question to be, whether a great nuisance should be removed, at the expense of ten thousand dollars. The Senate would recollect that great sums of money had been expended upon this seminary; and if, by the appropriation of ten thousand dollars, a great evil could be removed from it, he thought it important that it should be done. The object was incalculably greater than the expenditure proposed. He had much rather that the police of the institution should have been such as to restrain all improprieties of this kind: but perhaps it was not possible to restrain them. He understood the regulations were as good as they could be. He called for the reading of a letter, upon this subject, from the Superintendent of the Academy.

Mr. MACON believed that there was not a school, an academy, or an institution for the instruction of youth, in the United States, where similar evils were not to be found. These public houses, he said, were scattered about the country in every direction; and the expense would be immense if the Government was to purchase them all, to prevent their injurious effects upon our youth. He thought there was another objection to this purchase—the Government could not exercise authority over the land without the consent of the

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State of New York. West Point had been ceded to the Government by the State; and, therefore, jurisdiction could be exercised over it. But, if this farm was bought, the land attached to that institution, will be held by two different tenures. If any profit is to be made by a public house there, another will soon be built—and the Government must buy all the land to prevent it. If the young students are determined to have a frolic, they will have it, at all events.

Mr. HOLMES, of Maine, had strong doubts of this appropriation. We are about to vote ten thousand dollars for the purchase of this farm. The owner will know very well what amount is appropriated, and he will not take less than the whole amount. It is a monstrous price for the land. Mr. H. believed it very necessary that there should be a public house somewhere in the vicinity of the Academy, for the accommodation of the friends of the students, and others who might visit it, and he believed there would be one. It is said that the place is so surrounded by mountains, that there is no spot on which to erect another house. But there is certainly a road over the mountains leading to the place; and enterprising individuals will be found, who will erect another house on or near that road. If the mountains are as high as Atlas itself, they will have a tavern—they will build a house upon the mountain, and make steps to it, if there is no other place. Are not these irregularities among the students the fault of the discipline of the institution? When the students wish to violate the rules, would they not rather have the public house further off? If the house were at a distance, so as to be without the view of the officers of the Academy, would not the excesses be greater? If we purchase this farm, another house will be immediately erected upon the borders of it, and the excesses will be greater there than they are at the present place. If the purchase is made at all, it must be by cession of the jurisdiction from the State. But, Mr. H. did not believe there was any necessity for the purchase.

Mr. LOWRIE said he had no doubt that a tavern was necessary in the vicinity of the Academy; and there certainly might be one there; but he thought it ought to be under the regulation of the Government of the institution. As to the question of jurisdiction, the United States undoubtedly have a right to purchase the same title which the present owner possesses; and this is all the jurisdiction that is wanted. He believed the object to be much greater than the price to be paid; and it was somewhat doubtful whether the farm could be purchased for the sum proposed.

Mr. LLOYD, of Maryland, hoped the amendment proposed by the gentleman from North Carolina would prevail. This appropriation would introduce a new principle into our Government—a principle that we shall purchase out every nuisance that exists in the neighborhood of our public seminaries. We confess that we are so deficient in discipline that we cannot prevent these bad effects, except by purchase. We have such

nuisances near to every camp, arsenal, and public institution of every kind in the country. If a tavern becomes a great nuisance, instead of suppressing its abuses by the civil authority, we are to put it down by purchasing it. It is establishing a dangerous precedent. But, Mr. L. asked, with all respect for this Academy, and the men connected with it, why Congress was called upon to guard the morals of those youths only who are to be educated for the military service? Almost every other institution in the country is subject to the same inconveniences. It is our duty to guard their morals as well as those of the Military Academy. And are we certain, if the appropriation is made, and the farm purchased, that we shall get rid of the evil? No man can believe that, if the discipline of the institution is so lax as to suffer these excesses, and the young men are disposed to engage in them, that two or three miles will make any difference? If there is a tavern anywhere near the place, they will find the way to it. It seems that this violation of the rules of the Seminary takes place after 12 o'clock, at which time the guard is removed. Let the guard be posted till daylight, then. Is it not better to pursue that course than to establish the new system of jurisprudence proposed in this bill? Mr. L. thought the measure would not produce the good effects which were expected from it. If the Attorney General is correct in his opinion, the students of this Academy are subject to martial law. The same restraints must be imposed upon them as upon soldiers of the line. The officers have only to make their rules more strict. They must post their guards till sunrise, if necessary. Mr. L. said he doubted the constitutionality of the measure now proposed. He believed the United States could exercise no jurisdiction over the farm in question without the consent of the State. The jurisdiction cannot be acquired, except for the purposes which are specifically provided in the Constitution. [Mr. L. read the provision of the Constitution on this subject.] Under that clause, he did not believe that a purchase could be made for this object; and he thought it would introduce a bad principle into the Government.

Mr. VAN BUREN said that his honorable colleague, who was a member of the committee that reported this bill, and who had paid considerable attention to this subject, was not now in his seat. He therefore moved that the bill be postponed till Monday next, and made the order of that day. This motion was agreed to.

WESTERN DISTRICT OF LOUISIANA.

The bill authorizing the register of the land office for the western district of the State of Louisiana to report upon certain land claims within the said district, was taken up in Committee of the Whole. Mr. JOHNSON, of Louisiana, explained the object of the bill. He said it merely authorized the register to report upon certain claims which were not reported upon by his predecessor, in consequence of his appointment to another office. Without taking any question on the bill, the Senate adjourned.

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Proceedings.

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MONDAY, March 1.

On motion, by Mr. SMITH, the Committee on Finance were discharged from the consideration of the petition of Peter Trezevant; and it was referred to the Committee on Naval Affairs.

Mr. NOBLE communicated the preamble and resolutions of the General Assembly of Indiana, approving the sentiments expressed in the Message of the President of the United States at the opening of the present Congress, as respects our foreign and domestic policy; expressing their warmest sympathy and admiration for the inhabitants of Greece, in resisting the oppressions of the Government of Turkey; and declaring their approbation of any countenance and encouragement that may be extended to them by this Government, consistent with the principles of neutrality; which were read, and laid on file.

Mr. LLOYD, of Massachusetts, presented the memorial of the Vestry of Christ's church parish, in the city of Washington, praying the aid of Congress in erecting a durable wall around their burial ground, as well for the purpose of protecting it from improper intrusion, as to preserve the monuments erected therein at the expense of the Government from wanton injury; which was read, and referred to the Committee on the District of Columbia.

Mr. VAN BUREN presented the petition of James Thomas, late Quartermaster General in the Army, praying that a judgment obtained by the United States against him in the Supreme Court of the Territory of Michigan, in September, 1818, may be opened, and a new trial granted, so that he may be let in to a just and equitable defence; which was read, and referred to the Committee of Claims.

Mr. LOWRIE stated, that he had some doubts as to the propriety of the vote passed by the Senate, some days since, by which the report of the Judiciary Committee, unfavorable to the petition of Ebenezer Oliver and others, was accepted. He would, therefore, move the re-consideration of that vote, and wished the motion might be permitted to lie upon the table, with a view to call it up hereafter, in case a further discussion of the merits of the claim should be thought proper. He then moved the reconsideration of that vote; and the motion was ordered to lie on the table.

Mr. LLOYD, of Maryland, from the Committee on the District of Columbia, to whom was referred the memorial of the President and Directors of the Columbia Turnpike Road Company, reported a bill supplementary to "An act to incorporate a company for making certain turnpike roads in the District of Columbia;" which was read, and passed to a second reading.

Mr. TAYLOR, of Virginia, asked and obtained leave to bring in a bill to provide for the settlement of pecuniary claims; which was read twice, by unanimous consent, and referred to the Committee on the Judiciary.

A message from the House of Representatives announced to the Senate the death of WILLIAM LEE BALL, late a member of the House of Repre-

sentatives from the State of Virginia, and that his funeral will take place to-morrow, at twelve o'clock, M.

The Senate resumed the consideration of the report of the Committee of Claims on the petition of Sarah Easton and Dorothy Storer; and it was postponed until to-morrow.

On motion, by Mr. BARBOUR, it was

Resolved, unanimously, That the Senate will attend the funeral of the Hon. WILLIAM LEE BALL, late a member of the House of Representatives, from the State of Virginia, to-morrow, at twelve o'clock, and, as a testimony of respect for the memory of the deceased, they will go in mourning, and wear crape round the left arm, for thirty days.

The Senate then adjourned to Wednesday.

WEDNESDAY, March 3.

The PRESIDENT communicated the report of the Secretary of War, exhibiting the amount of the expense on account of the Military Academy at West Point, for one year preceding the 30th of September last, made in obedience to a resolution of the Senate, of the first of March last.

Mr. ELLIOTT presented the memorial of George Jones, and others, citizens of the city of Savannah, and county of Chatham, in Georgia, praying that no increase of the duties on imports may be made; with their reasons at large against the bill now before Congress on that subject. The memorial was read, and referred to the Committee on Commerce and Manufactures.

Mr. HAYNE presented the memorial of David R. Williams, and others, in behalf of the citizens of Darlington, in South Carolina, praying that no act may pass Congress whereby the existing rate of duties on imports may be increased; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. MILLS presented the petition of Holder Slocum, of Dartmouth, Massachusetts, praying the interposition of the Government, to enable him to obtain indemnity for losses sustained in consequence of the unjust detention of his vessel, at Hamburg, by the French Government, in the year 1807; which was read, and referred to the Committee on Foreign Relations.

Mr. KING, of New York, presented the memorial of John Vanderlyn, suggesting the propriety of the execution of a painting representing the battle on the plains of New Orleans, and requesting to be employed for that purpose; which was read, and referred to the Committee on the District of Columbia.

Mr. PARROTT presented the petition of Jonathan Folsom, and Thomas Haven, of Portsmouth, in New Hampshire, praying that their account, for erecting a ship-house, slip, and launch-ways, at the navy yard, at Portsmouth, may be settled upon equitable principles; which was read, and referred to the Committee on Naval Affairs.

Mr. LANMAN presented the petition of Nathaniel Canada, of New London, Connecticut, praying indemnification for the loss of the bridge at Rope Ferry, which he states was burnt by the British

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forces in 1814, in consequence of the toll-house, attached thereto, being occupied by the American troops. The petition was read, and referred to the Committee of Claims.

Mr. VAN BUREN presented the memorial of the United Society, called Shakers, of New York, praying to be exempted from the performance of militia duty, being conscientiously opposed to bearing arms; which was read, and referred to the Committee on the Militia.

Mr. WARE presented the memorial of the inhabitants of the city of Darien, and McIntosh county, in Georgia, representing the bill now before Congress, to increase the duties on imports, as unequal in its operation, and unconstitutional, and remonstrating against its becoming a law; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. BRANCH presented the memorial of the General Assembly of North Carolina, representing that that State ceded to the United States that portion of their territory which now forms the State of Tennessee, reserving the right to perfect titles to land therein, either for military services, or upon entries which had been made agreeably to law, and the titles thereon not perfected by grant; that, by a subsequent compact with Tennessee, those rights were transferred to that State, upon certain conditions, one of which is, that North Carolina shall have the exclusive right of issuing military land warrants; that no time is prescribed, either in the act of cession, or in the compact with Tennessee, within which the claimants shall assert their rights; that, by an act of Tennessee, a period was fixed when those claims should be exhibited, which has expired; and that a number of those claims remain unsatisfied, and for the satisfaction of which the faith of North Carolina stands pledged; and praying that provision may be made by Congress for their liquidation. The memorial was read, and referred to the Committee on Public Lands.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of opening a post road from Baton Rouge to the Opelousss Courthouse, in the State of Louisiana.

The bill supplementary to "An act to incorporate a company for making certain turnpike roads in the District of Columbia," was read the second time.

On motion, by Mr. LLOYD, of Massachusetts, the Senate resumed, as in Committee of the Whole, the bill regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United States; and, on motion, it was postponed till to-morrow.

MILITARY APPROPRIATIONS.

On motion of Mr. SMITH, the Senate (as in Committee of the Whole) resumed the consideration of the bill from the other House, making appropriations for the military service of the United States, for the year 1824. The question

was stated from the Chair, to be upon the motion made by Mr. MACON, when the bill was before under consideration, to strike out the clause providing for the purchase of a farm, upon which is a tavern, in the vicinity of the Military Academy, at West Point.

This motion was supported by Messrs. HOLMES, of Maine, CHANDLER, MACON, LLOYD, of Maryland, BRANCH, TAYLOR, of Virginia, and LANMAN, on the ground that the purchase of the farm in question would not remove the nuisance, in consequence of the existence of which, the purchase is proposed; as a tavern might be built on some place a little further removed from the Academy; and the incapacity of the United States to make the purchase, and hold the title, was urged as an objection. The motion to strike out this appropriation was opposed by Messrs. KING, of New York, VAN BUREN, SMITH, HAYNE, and MILLS, who contended that the removal of the tavern from this farm, or its regulation by the officers of the Academy, would eminently promote the interest of the institution, and preserve the morals of the students. The power of the Government to purchase and hold the land was also supported. The question was then taken, by yeas and nays, and decided against striking out this appropriation, 16 in the affirmative, and 26 in the negative, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Branch, Chandler, Gaillard, Holmes of Maine, King of Alabama, Lanman, Lloyd of Maryland, Macon, Palmer, Talbot, Taylor of Indiana, Taylor of Virginia, and Ware—16.

NAYS—Messrs. Brown, Clayton, D'Wolf, Eaton, Edwards of Connecticut, Elliott, Hayne, Holmes of Mississippi, Jackson, Johnson of Louisiana, Kelly, King of New York, Knight, Lloyd of Massachusetts, Lowrie, McIlvaine, Mills, Noble, Parrott, Ruggles, Seymour, Smith, Thomas, Van Buren, Van Dyke, and Williams—26.

The bill was then reported to the Senate without amendment, and passed to a third reading.

THURSDAY, March 4.

On motion, by Mr. NOBLE, the Committee on Pensions were discharged from the consideration of the petition of Jesse Camp.

Mr. JOHNSON, of Kentucky, presented sundry documents in support of the claim of François Navarre, for property lost during the late war; which were read, and referred to the Committee of Claims.

Mr. HAYNE presented the petition of the legal representatives of James Roddey, late of Charleston, South Carolina, deceased, stating that the deceased was a contractor for the Army during the late war, and that a large balance is due from the United States to his estate on that account; which balance has been improperly transferred on the books of the Treasury to the credit of one Robert C. Jennings, which illegal proceeding they pray may be investigated and corrected. The petition was read, and referred to the Committee on Finance.

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Sarah Easton and Dorothy Storer.

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Mr. WILLIAMS presented the memorial of the Legislature of Mississippi, praying the extinction of the Indian title to certain lands within that State; which was read, and referred to the Committee on Indian Affairs.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the bill in addition to an act entitled "An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes," reported it without amendment.

Mr. V. B., from the same committee, to whom was referred the bill to provide for the settlement of certain pecuniary claims against the United States, reported it without amendments.

Mr. V. B., from the same committee, to whom the subject was referred by resolution of the Senate of the 17th December last, reported a bill in addition to the act relative to the election of a President and Vice President of the United States, which was twice read, by unanimous consent.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate copies of the several instructions to the Ministers of the United States to the Government of France, and of the correspondence between the said Ministers and Government, having reference to the spoliation committed by that Power on the commerce of the United States anterior to the 30th of September, 1800; or so much thereof as can be communicated without prejudice to the public interests; also, how far, if at all, the claim of indemnity from the Government of France, for the spoliation aforesaid, was affected by the Convention entered into between the United States and France on the said 30th of September, 1800.

Mr. WARE presented the preamble and resolutions adopted at a meeting of the citizens of Augusta, against any increase of duties on imports; which were read, and referred to the Committee on Commerce and Manufactures.

The bill from the House of Representatives, entitled "An act making appropriations for the military service of the United States for the year 1824," was read the third time, and passed.

SARAH EASTON AND DOROTHY STORER.

The report of the Committee on Claims, adverse to the petition of Sarah Easton and Dorothy Storer, was taken up for consideration. These petitioners, daughters of the late Colonel Robert H. Harrison, pray that they may receive the commutation for half pay, and the bounty land, provided by Congress for the officers and soldiers of the Revolutionary Army, to which they think they are entitled in virtue of the services rendered by their father, as Aid-de-Camp and principal Secretary to General Washington, from 1775 to 1781, at which time General H. retired from the Army, on furlough, in consequence of the bad state of his health, which he never afterwards recovered, and died in 1790. The Committee report against the claim, on the grounds that there is not sufficient evidence that General Harrison retired from the Army, on furlough; or that his case

could be brought within the acts allowing the commutation and bounty—that his accounts with the Government do not appear to have been regularly settled—that it is not found that he himself ever made any claim for half pay, or bounty land, and that they cannot perceive any good reason why the prayer of the petitioners should be granted.

Mr. LLOYD, of Maryland, opposed the report of the Committee, and moved to reverse it. Messrs. BARBOUR and JOHNSON, of Louisiana, advocated that motion, and Messrs. BELL, CHANDLER, TAYLOR, of Virginia, and RUGGLES, opposed it. Without taking the question, the Senate adjourned.

FRIDAY, March 5.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of the Treasury, containing copies of the contracts made by the Surveyor General, and called for by a resolution of the Senate, bearing date the 24th February, 1824.

JAMES MONROE.

MARCH 3, 1824.

The Message and report were read, and referred to the Committee on Public Lands.

The PRESIDENT communicated the preamble and resolutions of the Legislature of New York, requesting their Senators and Representatives in Congress to use their best exertions to procure from the United States indemnification for losses sustained by the conflagration and destruction of the houses and effects of certain persons who resided on and near the Niagara river, during the late war; which were read, and on motion, by Mr. VAN BUREN, ordered to lie on the table.

Mr. NORLE presented the petition of Demas Deming, assignee of Hugh Glenn, praying the payment of a balance found to be due from the United States, by the verdict of a jury, to the said Glenn, as contractor for supplying rations to the troops and Indian department, in the State of Indiana, in the course of the late war; which was read, and referred to the Committee of Claims.

On motion, by Mr. RUGGLES, the Committee of Claims were discharged from the consideration of the petition of Mary Davis and Thomas W. Davis, representatives of Solomon Davis, deceased.

The Senate proceeded to consider the motion of Mr. JOHNSON, of Louisiana, of the 3d instant, to instruct the Committee on the Post Office and Post Roads to inquire into the expediency of opening a post road in Louisiana; and, on motion, by Mr. MILLS, it was ordered to lie on the table.

The bill, reported by the Committee on the District of Columbia, "in addition to the act incorporating the Washington and Alexandria Turnpike Corporation," was taken up in Committee of the Whole. This bill authorizes the corporation to establish additional tolls, &c. It was reported to the Senate without amendment, and passed to be engrossed and read a third time.

The bill to "alter the time for holding the District Courts in the District of Kentucky," was

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French Spoliations—Transportation of Specie, &c.

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taken up in Committee of the Whole, reported to the Senate, and passed to be engrossed and read a third time.

The Senate then proceeded to the further consideration of the bill "to provide gradual supplies of cannon, bombs, and howitz, for the fortifications of the United States." After some discussion, in which Messrs. LOWRIE, JACKSON, SMITH, and KING, of New York, took part, the bill was postponed till Monday next.

The bill "for the relief of the legal representatives of Alexander Mitchell, deceased," was taken up in Committee of the Whole. This bill provides for the reimbursement of a sum of money paid for a license on a still, under certain circumstances. The bill was reported to the Senate, and passed to be engrossed and read the third time.

The Senate resumed, as in Committee of the Whole, the bill to abolish imprisonment for debt, together with the amendment proposed thereto; and the further consideration thereof was postponed to Monday next.

The report of the Committee on Claims, unfavorable to the petition of Sarah Easton and Dorothy Storer, was again taken up; but after some further discussion, by Messrs. BELL, BARBOUR, LANMAN, SMITH, and HOLMES, of Maine, it was postponed till Monday next.

The Senate then took up for consideration, in Committee of the Whole, the bill authorizing the Register of the Land Office for the Western district of the State of Louisiana, to report upon certain land claims within the said district. The bill was reported to the Senate, and passed to be engrossed and read a third time.

The Senate resumed the consideration of the bill to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana situate to the east of the Mississippi river and island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, together with the amendments made thereto by the Senate as in Committee of the Whole; and the said amendments being concurred in, the bill was ordered to be engrossed and read a third time.

FRENCH SPOILIATIONS.

The resolution submitted yesterday by Mr. LLOYD, of Massachusetts, was again read. The resolution requests from the President of the United States copies of the instructions given to our Ministers to France, with the correspondence, and such other information in reference to spoliations committed on our commerce by the vessels of that nation previous to the year 1800 as it may be proper to communicate, in order to show how far the individual claims to indemnity for those spoliations was affected by the convention concluded with France in the year 1800.

Mr. BARBOUR stated that, as Chairman of the Committee on Foreign Relations, to whom the numerous petitions on this subject was referred, he had communicated with the Secretary of State in relation to it. He had been informed that the

documents connected with these claims were so voluminous that they could not possibly be prepared during the present session. He did not make this remark in opposition to the resolution, but merely to show to the Senate the reason why the Committee would not be able to report on these claims.

Mr. LLOYD, of Massachusetts, made a few remarks in favor of the resolution. He was not sufficiently informed on the subject, although it involved claims of a large amount, for want of the information mentioned in the resolution. And, as those claims could not be acted upon with propriety until this information was obtained, he hoped the resolution would be agreed to, even though it might postpone a decision on the claims until the next session of Congress.

The resolution was then agreed to.

TRANSPORTATION OF SPECIE, &c., IN PUBLIC VESSELS.

The bill reported by the Committee on Naval Affairs, "regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United States," was taken up for consideration in Committee of the Whole.

Mr. LLOYD, of Maryland, said, as he had offered the resolution which gave rise to this bill, he thought it his duty to state the views which induced him to propose it. He felt a great interest in the Navy, and wished to do all he could to sustain its honor. He believed the permission to carry specie had grown up, like many other of our practices, from the example of England. But it became now necessary to inquire how far the honor and welfare of the country and its Navy was compromised by this practice. Considerable sums of money have been made in this traffic by some of our officers; our public vessels have been the depositories and the insurers of the property of foreign nations, and of belligerents. This permission to carry specie was calculated to destroy the fine and chivalrous feelings of the officer—to turn his mind from seeking "reputation at the cannon's mouth," to interested and sordid pursuits. Further than this, the practice was liable to involve us in difficulties with foreign nations. It was an infringement of our neutral character; it was authorizing a practice in regard to those nations which had not the power of resistance, which the more powerful would never submit to. These considerations, affecting the character of the country and the Navy, led him to believe that the transportation of specie in public vessels ought to be prohibited.

Mr. LLOYD, of Massachusetts, said, he believed that the transportation of specie in public vessels might be permitted, under certain regulations, without detriment to the service. Great Britain had allowed this practice in her navy, time out of mind, under restrictions. In our Navy there has been no regulation on the subject, and it ought not to be permitted to go on so. Our vessels were liable to engage in improper cruises, and to enter

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improper ports, for the purpose of carrying on this trade; and it might jeopardize the peace of the country. The transportation of specie by our public vessels certainly requires some regulation, although Mr. L. thought it was not proper to prohibit it entirely. The bill now before the Senate contains the necessary provisions: it provides what ports specie may be carried to and from, and what countries, under certain circumstances. The permission to bring specie in the national vessels to the United States is important to the country. It is said that we are in great want of specie; the embarrassments of the manufacturers, particularly, are said to be very great—and how are we to get specie? It must come from foreign countries, and the public vessels furnish the safest mode of transportation. He believed that no dishonorable acts could be charged upon our naval officers in this respect.

Mr. LLOYD, of Maryland, rose to explain. He had not the least intention to charge any of our naval officers with improper conduct, but thought that the transportation of specie ought to be prohibited, to prevent consequences which might hereafter result from the practice.

Mr. LLOYD, of Massachusetts, said, he had not understood the gentleman from Maryland as intending to prefer any charges against the officers of the Navy. He believed there was no danger that their honorable character would be affected by continuing this practice. It had not produced that effect upon the officers of the British navy. Hitherto we have had no regard to the maximum of freight to be allowed for the transportation of

* To the Editors of the National Intelligencer.

GENTLEMEN: In the report in your paper of this morning, of some remarks I had made in the Senate, in reference to the bill for the transportation of specie in the public vessels of the United States, it is stated, that I observed "the embarrassments of the manufacturers particularly, are said to be very great." This is erroneous, and, at the present moment, might give an impression of my sentiments, and perhaps an influence to them, which, at any other time, they would not command. My observation was, that the importation of specie was important to the country, and ought to be encouraged; that, shortly after the late war, the importation of it from Europe was one means of more speedily restoring the circulations of the United States, or part of them, to a sound basis; that, if we believed the statements, letters, and pamphlets, of the manufacturers, with which our tables are covered, much of the bankruptcy and distress they so conspicuously descant upon, arose from the want of it; and that for these and other reasons the public vessels, under suitable regulations, ought not to be restrained from taking it.

In the part of the country with which I am best acquainted, my impression is not, "that the embarrassments of the manufacturers are particularly great;" on the contrary, my belief is, that, in New England at least, they at present, collectively considered, form the most thriving and prosperous part of the community; and, if any evidence of the correctness of this opinion were wanted, it might be derived from the high rate of advance on the cost, which stock, in well established and well conducted manufacturing companies, has long commanded, and still continues to command, a common-sense standard, not liable to much of fallacy among an active, sagacious, and commercial population.

The situation of the respectable reporters in the Senate, while it not only fully accounts for occasional misapprehensions, entitles them to great credit, for the intelligent general view which they give of the debates that occur in it. But, for the reason before mentioned, your insertion of the present explanation in the next paper will oblige

Your obedient servant,

J. LLOYD.

MARCH 6.

[The remark of Mr. Lloyd, in regard to the disadvantageous position of the reporters, is, we regret to say, particularly applicable to their position in relation to himself, to Mr. Jackson, Mr. King of New York, and some other gentlemen on the right of the Chair, whose remarks are consequently not heard at all, or very indistinctly heard by the reporters.]

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specie. This bill has a provision on that point. In the present absence of all regulation, the commanders of the vessels have themselves received all the benefit accruing from the freight of the specie. Not so in the British service. A certain part of the freight in their vessels goes to the other officers, and a part to the Greenwich hospital. The present bill has a similar provision. A certain portion of the freight money is to go to the inferior officers and to the Navy Hospital fund. It appears to the committee proper that some regulation should also be adopted in relation to the transportation of passengers. Considerable inconvenience has occurred from carrying passengers. We have been in the habit of making drawing-rooms of the cabins of our public vessels. This is certainly not beneficial to the service. If our captains can carry their ladies and families in their vessels, the lieutenants may do the same; and this will be an increasing evil. The bill proposes checks upon the improprieties that may hereafter occur. Mr. L. thought that it would be better to take up the bill, section after section, in order that it might be fully considered, and opportunity be afforded for amendments, if gentlemen should think proper to propose any.

Mr. SMITH said, that he was not yet sufficiently informed upon this subject, to go into the consideration of it, at the present time. He therefore moved its postponement until Wednesday next. This motion was agreed to.

MONDAY, March 8.

Mr. ELLIOTT presented the memorial of John Wingfield, and others, in behalf of the citizens of Morgan county, in Georgia, remonstrating against the passage of the bill now before Congress, to increase the duties on imports; as unconstitutional, and highly prejudicial to the commercial and agricultural interests of the country; which was read and referred to the Committee on Commerce and Manufactures.

Mr. DICKERSON, from the Library Committee, to whom was referred the petitions of Way & Gideon, and Edward De Kraft, reported on the subject, authorizing the purchase of ten copies of the Journals of the Old Congress.

Mr. BARTON presented the memorial of the chairman and trustees of the corporation of St. Charles, in Missouri, praying that certain lots and out lots, appertaining to the town, and which the President was authorized to select for military purposes, may be applied to purposes of education; and that the commons of St. Charles may be, also, applied to the same object. Referred to the Committee on Military Affairs.

Mr. JOHNSON, of Kentucky, presented the petition of Benjamin Bridges, praying to be compensated for military services rendered during the late war; which was read, and referred to the Committee of Claims.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, to whom was referred the petition of James Jackson, and J. C. McLamore, sureties of the late Robert Searcy, made a report

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accompanied by a resolution, that the petitioners have leave to withdraw their petition and papers.

Mr. LLOYD, of Maryland, from the Committee on the District of Columbia, to whom was referred the petition of the Vestry of Christ church, in the city of Washington, reported a bill for enclosing the burial ground of Christ church parish; which was read, and passed to a second reading.

The bill to change the terms of the district court of the United States for the Kentucky district, was read the third time, and passed.

The bill for the relief of the legal representatives of Andrew Mitchell, deceased, was read the third time, and passed.

The bill to amend an act, entitled "An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia," was read the third time, and passed.

The bill authorizing the register of the land office for the western district of the State of Louisiana to report upon certain land claims within the said district, was read the third time, and passed.

The bill to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana situated to the east of the Mississippi river and island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof, was read the third time, and passed.

On motion of Mr. KING, of New York, the Senate, as in Committee of the Whole, proceeded to consider the bill "to authorize the employment of certain assistants in the General Land Office." This bill authorizes the employment of draughtsmen to prepare maps which have been ordered by the Senate. The bill was reported to the Senate without amendment; and passed to be engrossed and read a third time.

PUBLIC LANDS IN INDIANA.

Mr. BARTON, from the Committee on Public Lands, to whom was referred a memorial of the General Assembly of Indiana, praying permission to revoke the ordinance exempting from taxation for five years those public lands which have been sold, reported a bill granting the prayer of the petitioners in part. The bill was read, and passed to a second reading. The report is as follows:

The Committee on Public Lands have had under their consideration, a joint resolution of the General Assembly of the State of Indiana, asking the consent of Congress to the revocation of that part of the compact between the United States and the State of Indiana, by which all public lands sold in that State, after the 1st day of December, 1816, were exempted from taxation by the State, for the term of five years after the sale thereof, and submit the following report—

By the general regulations for the sale of the United States lands, passed on 10th May, 1800, the United States reserved a reversionary interest for the term of five years, in all lands by them sold. At the expiration of that term, if the lands sold were not fully paid for, they might, in the manner described in those regula-

tions, revert absolutely to the United States; although, during that term, the purchaser had an estate in the lands purchased, (subject to the revision,) which might have been taxed by the State in which they lie, if no compact to the contrary had been made.

To guard this reversionary interest from the embarrassments that might have been created by the States exercising the right of taxation, and to prevent the debtors of the United States from being rendered less able to pay for their lands, the United States required, as one of the conditions to the propositions made to the several States of Ohio, Indiana, Illinois, Missouri, Mississippi, Louisiana, and Alabama, in their respective acts authorizing them to form their constitutions, that they should provide by ordinances irrevocable, without the consent of Congress, that all lands sold by the United States, within the limits of those several States, after the times limited in said acts respectively, should be exempt from any taxation under the authority of those particular States, during the said term of five years.

With this condition each of the enumerated States complied.

Afterwards, by an act passed on the 24th of April, 1820, Congress, among other things, abolished the system of credit in the sales of public lands made after the first of July of that year.

Upon this event, the committee is of opinion that every reason which induced that condition ceased; that the lands sold by the United States after the 1st of July, 1820, being absolutely private property, became taxable of right by the States in which they lie; and that a proper case had then occurred, in which to give the consent of Congress to the revocation of so much of those compacts as provide for the exemption in question, as seems, indeed, to have been anticipated and provided for, by the several acts authorizing the formation of those States, and the ordinances passed by their conventions.

That the enhancement of the value of public lands was not the object of Congress, in requiring those exemptions from taxation, is manifest from the fact, that no such exemption has ever been attached to the sale of lands in the several Territories of the United States, neither before nor since the adoption of the enumerated States into the Union. Yet, as the compacts in that respect were not revoked in point of fact, but remained in force to the present time; and, as the exemption from taxation many have entered into the inducement to the purchase of lands heretofore sold under it, the committee deem it inexpedient to propose any change in those compacts that may affect lands heretofore sold by the United States.

But, believing that every reason for such exemptions has ceased with regard to the United States, and that great inequality and injustice are produced in those individual States, by the unequal burdens imposed on that class of their citizens who purchased before the formation of their respective constitutions, and that class who purchased since; and, also, by a great diminution of the revenues of those States after it has ceased to be necessary, or even useful to the United States, the committee submit a bill declaring the consent of Congress, to the revocation of so much of the said ordinances as establishes the exemptions complained of by the State of Indiana on her part, so far as they may affect lands hereafter to be sold by the United States.

The report and bill were read, and passed to a

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second reading; and the report was ordered to be printed.

PURCHASERS OF PUBLIC LANDS.

Mr. NOBLE presented the memorial of the General Assembly of Indiana, suggesting the expediency of authorizing, by law, all those persons who suffered a forfeiture of lands on which payments had been made, and the forfeiture incurred prior to the act for the relief of purchasers of public lands, passed in 1821, to apply the amount paid to the purchase of other lands; and, of reducing the price of certain public lands within that State, of an inferior quality. The memorial was read and referred to the Committee on Public Lands.

Mr. NOBLE said, in presenting the above memorial, that he was proud to have it in his power to say, that in the memorial, the Legislature had manifested their attachment to the Federal Government, and for the interest and prosperity of it. He said, the Legislature had gone further—that they had, on the part of their constituents, and for themselves, acknowledged the benevolent policy heretofore exercised by Congress towards the purchasers of public lands, by which many of them have been redeemed from ruin, and saved from forfeiture; and without the aid of such policy, their lands must have reverted to the United States.

The Legislature, said Mr. N., presents two subjects for the consideration of Congress, both of which he deemed to be well worthy of consideration. The first was, that of permitting, by law, those individuals who, prior to the act of Congress for the relief of purchasers of public lands, passed in 1821, suffered a forfeiture of lands on which one or more payments had been made, to apply the amount of their forfeitures in the purchase of other lands, confining them to the districts wherein the forfeitures accrued. There can be no objection to this, because the lands have reverted to the United States, and the amount of money paid by the purchaser, which was the forfeiture, is in your Treasury. You are not asked for money, but merely for land, since you have been in the habit of selling in tracts of eighty acres, and the application of the forfeitures to be confined to the same land districts.

The second subject is, the expediency of reducing the price of public lands in those districts where they had been offered for sale, for ten or more years, and have not yet found purchasers. The history of the sales of the public lands in this country, proves, that, to reduce the price of your lands in the old settled parts of the country, is a true policy. We all know, that your good lands are first selected, and the most indifferent tracts are rejected; and, as the districts become closely settled, these refused, indifferent, and broken tracts of land, serve only for those persons adjacent, to trespass upon, cut, and carry away your timber, thereby, in time, rendering the land of little or no value to the Government. The Legislature of Indiana, from the pride of attachment to the General Government, and for their interest, as well as

the interest of the State, apprise you of the facts, and disclaim any other motive.

SARAH EASTON AND DOROTHY STORER.

The report of the Committee on Claims, unfavorable to the petition of Sarah Easton and Dorothy Storer, was again taken up for consideration. The grounds of this claim were stated particularly when it was before under discussion. The petitioners are daughters of Colonel Robert H. Harrison, Aid-de-camp to General WASHINGTON; and they claim the commutation for half-pay and bounty land, which they state to have been due to their late father. The question before the Senate was, upon the motion of Mr. LLOYD of Maryland, to reverse the report. This motion was advocated, and the claim supported by Messrs. HAYNE, LANMAN, and SMITH, and opposed by Messrs. BELL, CHANDLER, and TAYLOR of Virginia. The question on reversing the report was put, and decided in the negative—14 in favor of, and 25 against it, as follows:

YEAS—Messrs. Barbour, Eaton, Hayne, Jackson, Johnson of Kentucky, Johnson of Louisiana, Lanman, Lloyd of Maryland, Mills, Smith, Talbot, Thomas, Van Buren, and Van Dyke.

NAYS—Messrs. Barton, Bell, Branch, Brown, Chandler, Clayton, D'Wolf, Dickerson, Edwards of Connecticut, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, Kelly, King of Alabama, Knight, Lloyd of Massachusetts, Lowrie, Macon, Noble, Palmer, Taylor of Indiana, Taylor of Virginia, and Williams.

Whereupon, it was resolved, that the prayer of the petitioners ought not to be granted.

AMENDMENT TO THE CONSTITUTION.

Mr. HAYNE moved that the several resolutions proposing amendments to the Constitution of the United States, in relation to the election of President and Vice President, should be taken up. In calling up these resolutions, he said, that they had been lying so many weeks upon the table, that he felt himself bound to call the attention of the Senate to them, at this time, in order that some decision should take place in relation to them. It will be recollected, said Mr. H., that several propositions to amend the Constitution, one of them by himself, had been submitted, very soon after the commencement of the session, and though one of those propositions, submitted by the honorable gentleman from Missouri, (Mr. BENTON,) had been discussed, no decision had taken place on any of them. The indisposition of the gentleman, and the usual courtesy of the Senate, had influenced that postponement. It was no longer desired, however, on that ground, and therefore it had become necessary for the Senate now to decide whether they intended to act on the subject during the present session. Mr. H. had understood, from several of the members, that they deemed the present period unfavorable to the adoption of any amendment to the Constitution, and too much excitement was supposed to exist in relation to the subject-matter of the amendment—the Presidential Election. He had

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been informed that a majority of this House deemed it inexpedient to act on the subject during the present session. Mr. H. was not disposed to press for a decision on the amendments, if such was the fact. But, as public attention had been excited, and the people certainly were waiting with some anxiety for our decision, Mr. H. hoped that the Senate would now say whether these propositions shall be discussed and acted on during the present session, or whether they should be indefinitely postponed. For the purpose of bringing this to the test, he would move that these resolutions be made the order of the day for Monday next, and he hoped that no gentleman would vote for that proposition, who was not disposed to act decisively on the subject before the adjournment of Congress.

The motion to take up the resolutions prevailed. Mr. KING of New York, then moved for the indefinite postponement of the whole subject. This motion gave rise to considerable discussion, in which Messrs. KING of New York, HAYNE, VAN BUREN, LOWRIE, LLOYD of Maryland, MILLS, HOLMES of Maine, BELL, and DICKERSON, participated. It was contended, on the one hand, that it could not be expected by the members of the Senate, that any one of the different propositions could be adopted at the present session—that there was much other business, more immediately important, to be acted upon; as the amendment, if adopted at all, could not be adopted in season to operate upon the next election—and that a time when the public mind was not so much agitated on the subject of an election, as at present, would be more favorable to the discussion; as there might be some parts of the country which were yet waiting, in vain expectation that some amendment would be adopted at the present session, which would effect the particular course which they might see fit to pursue in regard to the next election.

In the course of this debate, Mr. VAN BUREN said, he hoped the motion made by his colleague, for indefinite postponement, would not prevail. There was not, in his judgment, any reason why the Senate could not act upon the subject as well now as at any other time. If the state of feeling on the part of the members of the Senate could possibly be supposed to create an objection to acting upon the matter at this session, it was to be regretted that that consideration had not had an earlier influence. We had commenced this business under circumstances peculiarly auspicious; the various propositions submitted had been referred to a committee of high respectability, who had, with great unanimity, reported a proposition. He thought there was adequate time to act upon the one reported. He differed from his colleague in his impression that there was any portion of the Union which expected that the Constitution would be amended in season for the next election. That was rendered impossible by the necessary process through which the amendments proposed must pass, and such, he was satisfied, was the understanding of it; and there was, therefore, no reason arising from that consideration which

would render it proper to stop now, after so much progress had already been made in the subject.

Without taking the question on the motion to postpone, the Senate adjourned.

TUESDAY, March 9.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

On the 3d March, 1819, James Miller was first commissioned as Governor of the Territory of Arkansas, for the term of three years from that date.

Before the expiration of that time, and in the Winter of 1821-2, a nomination of him for re-appointment was intended, and believed by me to have been made to the Senate, and to have received the confirmation of that body.

By some accident, the cause of which is unknown, it appears that this impression was erroneous, and, in December, 1822, it was discovered that Mr. Miller had not then been recommissioned, though, in the confidence that he had been, he had continued to act in that capacity. He was then renominated to the Senate, with the additional proposal that his commission should take effect from 3d March, 1822, when his first commission had expired.

The nomination was confirmed by the Senate so far as regarded the appointment, but without concurrence in the retrospective effect proposed to be given to the commission.

His second commission, therefore, bears date on 3d January, 1823, and the interposition of the Legislature becomes necessary to legalize his official acts in the interval between 3d March, 1822, and that time a subject which I recommend to the consideration of Congress.

JAMES MONROE.

WASHINGTON, March 8, 1822.

The Message was read, and referred to the Committee on the Judiciary.

The bill to authorize the employing of certain assistants in the General Land Office, having been reported by the committee correctly engrossed, was read the third time, and passed.

On motion by Mr. BARTON, the Committee on Public Lands were discharged from the consideration of the petition of Samuel Peters.

Mr. JOHNSON, of Louisiana, presented the petition of Thomas Hewes, of Louisiana, praying the restitution of a sum of money exacted from him by the marshal of Louisiana, under an execution issued against him from the district court of Vermont, in favor of the United States; alleging that the judgment was unjustly rendered against him. The petition was read, and referred to the Committee on the Judiciary.

On motion by Mr. EATON, the Senate resumed the consideration of the report of the Committee of Claims on the petition of Rezin Rawlings and John Locke, executors of Daniel Rawlings: whereupon, Mr. E. communicated additional evidence in support of the claim of the petitioners; and, on his motion, the said petition, with the additional evidence, was recommitted to the Committee of Claims.

A communication was received from the Hon

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Supply of Cannon, &c.

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Ninian Edwards, a Senator from the State of Illinois, (recently appointed Minister to Mexico,) resigning his seat in the Senate; and, on motion of Mr. THOMAS, the President of the Senate was requested to inform the Executive of the State of Illinois of this resignation.

Ordered, That a member be appointed on the select committee on roads and canals, in the place of Mr. Edwards; and Mr. VAN DYKE was appointed.

The bill declaring the consent of Congress to the revocation of certain parts of the ordinances therein mentioned, and the bill for enclosing the burial ground of Christ Church Parish, were severally read the second time.

The Senate proceeded to consider the report of the Committee on Military Affairs, on the petition of James Jackson and J. C. McLamore; and, in concurrence therewith, resolved that the petitioners have leave to withdraw their petition and papers.

The Senate proceeded to consider the report of the joint Library Committee on the memorial of Way & Gideon, and of Edward De Krafft; and it was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the bill more effectually to provide for the national defence by establishing an uniform militia system throughout the United States, and providing for the discipline thereof; and it was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the bill to abolish imprisonment for debt, together with the amendment proposed thereto; and it was postponed to Friday next.

The Senate resumed, as in Committee of the Whole, the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and it was postponed to the 23d instant.

The Senate resumed the consideration of the unfinished business of yesterday, being the several resolutions proposing amendments to the Constitution in relation to the election of President and Vice President. The question was upon the motion of Mr. KING, of New York, to postpone the resolutions indefinitely.

Mr. HAYNE stated that he had this morning received information that the health of the honorable gentleman from Missouri, (Mr. BENTON,) who had submitted one of these resolutions, was so far restored, that he expected, in a day or two, to resume his seat; and he had, therefore, requested that the subject should be still further postponed for a few days. Mr. H. yielded cheerfully to that request; and, therefore, moved that the resolutions should, for the present, lie on the table, which was ordered accordingly.

SUPPLY OF CANNON, &c.

The bill making appropriations for the purchase of cannon, bombs, and howitz, for the fortifications of the United States, was again taken up. This bill provides an appropriation of \$125,000, annually, for four years, for the purpose specified.

Mr. SMITH replied to the objections advanced

by Mr. KING, of New York, against the bill, when it was before under consideration. He proceeded to show the necessity of fortifications, and their adequate armament, as an auxiliary to the Navy, in the defence of the country; and explained the course which had, hitherto, been taken by the Government, in relation to the fortifications. He explained the advantages of a specific appropriation for this object, over a dependence upon its insertion in the general annual appropriation bill; as the sum to be expended would be certain for several years, and, by making the contracts for a term of years, economy would be promoted.

Mr. HOLMES, of Maine, said he had come to the determination not to vote for any appropriation until he thoroughly understood its object. He did not yet possess the necessary information upon this subject; which he had expected to receive from the honorable gentleman who introduced this bill, or from the chairman of the Committee on Military Affairs, as to the state of the fortifications, and the necessity of this appropriation. Mr. H. then recapitulated the several appropriations which had been made for the fortifications, and the estimates for the same. From these statements, he inferred that the forts were not in a situation to receive the cannon, not being yet finished. He thought they would not be in readiness to receive their armament, for three or four years to come. He wished for more detailed information, as to the size of the forts, the number and kind of cannon required, the expense, &c.

Mr. JACKSON said, he had believed, that the heads of Departments were the proper persons to furnish the information relating to the business of their Departments. The information in regard to this subject had been fully furnished from the War Department, on the application of the honorable member who introduced the bill, and had been laid before the Senate. Mr. J. said he was surprised to be called upon, as chairman of the Military Committee, when such information was before the Senate, and open to every gentleman who wished to inform himself. He read the communication of the Secretary of War, in relation to the provision of cannon, &c., for the fortifications. The information contained in this communication, Mr. J. said, had entirely convinced the committee of the necessity of this measure; and they had thought that the appropriation proposed, for four years, would answer the purpose of making the purchases, at such times, and in such quantities, as the service of the country, and the state of the forts, would require. He said, he was astonished to hear from gentlemen, in this debate, that the country was to depend entirely upon its Navy for defence. The Navy was certainly a powerful arm of defence; but he considered the fortifications, also, as extremely important, as furnishing another means of defence. He well recollected with what difficulty a sufficient force had been armed to defend the country against the tomahawk and the scalping knife of a savage enemy. It was necessary to pay attention to the fortification of the frontiers of the country, as well as to the Navy, to stop the inlets, by which an enemy

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may penetrate into the country, and to garrison the strong points. With this protection, Mr. J. said, the militia would be able to defend their country, and he should be willing, in such a situation, to underwrite upon its safety. The information which had been received from the honorable gentleman who had introduced this bill, (Mr. SMITH,) and from the Secretary of War, may be relied upon. Unless the country was to be blessed with eternal peace, these means of defence would be found necessary. He knew how much some of the most gallant troops the country could furnish, had suffered, for want of the articles proposed to be provided by this bill; and hoped that every gentleman who retraced the circumstances of the late war, would see the necessity of providing them, and that they would vote for this and other bills, until the important inlets of the country were fortified. At these prominent points only, were fortifications necessary; but, for the want of these means of protection, much blood and treasure may be expended.

Mr. CHANDLER said he believed it only necessary for members to understand this subject, to induce them to vote for some appropriation. He stated the quantity of cannon which were now on hand, according to statements from the War Department. He thought an annual appropriation would be better than an appropriation for four years. He therefore moved to strike out "four years," and insert "one year."

Mr. DICKERSON approved the motion to change the appropriation from four years to one. He was willing to vote any sum of money that might be necessary; but thought it would be better to appropriate it as it might be wanted. The contracts for casting cannon, he thought might be made on equally as good terms, if made in each different year; and that the articles required for the forts might always be obtained, at a fair price, without binding the Government by a long contract. He was willing to vote the appropriation for a single year.

Mr. KING, of New York, was inclined to the annual appropriation, as furnishing more frequent opportunities of revising this subject; he thought it one of great importance. It might be expedient to fortify the country at certain exposed points, but he did not believe that the general feeling of the nation was in favor of a general fortification of the frontiers and the seaboard. The whole number of fortifications, proposed to be built, would cost twenty millions of dollars. He did not believe that the country ought to go so far. Another consideration was involved in this question—the support of a large standing military force; this was certainly contrary to the genius of our institutions. The Navy furnished a great arm of defence; but we have a still better reliance, in the stout hearts and strong arms of our countrymen; arm them with guns and bayonets, and they are a better defence than cannon and fortifications; this is the source to which we must look for the defence of our liberties. It is to the military that we must look for protection. The battle of Bunker's Hill furnished a proof that

the hearts and arms of the yeomanry were a better reliance than cannon or forts. France had taken the notion to fortify her country; the enemy passed by her fortifications, and conquered her in the very interior of the country. She had no such militia, as the honorable gentleman from Tennessee had called to his assistance. The character and the principles of the people are what we must rely upon. If the people are not armed, give them muskets and bayonets. Mr. K. said, he would trust to Providence that, with these means, they would prove themselves not unworthy of their fathers. He believed that, with these means, the country would be able to protect itself from enemies abroad, and insurrections at home. He had no doubt that we should become a great and formidable naval Power; and to that quarter we might look for a highly important means of defence.

Mr. SMITH expressed his entire coincidence in opinion with the gentleman from New York; he did not concur in attempts to carry our plan of fortification to the extent which some persons might contemplate; but he only wished for an appropriate armament for the forts which were already built, and which were about to be completed. He went on to show the state of the fortifications which were proposed to be armed. Mr. S. said, the suffering of the country, during the Revolutionary war, would have been greatly lessened by the possession of those important means of carrying on war. Had New Orleans been properly fortified, an attack on that place, as he believed, would not have been made. If this bill were to be changed to an appropriation for a single year, its object would be lost; as a single line, in the general appropriation bill, would answer the same purpose. He considered the bill as one of economy, that twenty-five per cent. at least, would be saved by making the contracts for a term of four years.

Mr. HOLMES, of Maine, was satisfied, by the information he had obtained, that the cannon were about to be purchased before the forts were finished—and that large additional sums must be expended for the completion of the forts, before the cannon would be needed. He thought the Senate ought first to know what it was to cost to finish the forts; and that the bill ought to be postponed until the Military Appropriation bill was before the Senate. He, therefore, moved its postponement for a week.

Mr. CHANDLER made some further statements as to the cost of the cannon, and the quantity now on hand.

Mr. JOHNSON, of Louisiana, opposed the postponement. The subject had been before the Senate for a long time, and all the information was obtained that could be furnished—he thought that information full and satisfactory; and, if postponed, there might not be time to act upon the bill, in the other House. The question of the expediency of building fortifications had long since been settled—the sites for fortifications had been surveyed, and the building of many of them had

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been commenced, and nearly completed. Mr. J. stated the situation of several of the forts.

Mr. SMITH made some further remarks in opposition to postponement.

Mr. BARBOUR called the attention of the Senate to the fact, that, when a proposition was made to insert a new item in an appropriation bill, from the other House, it always was objected to. He thought that the question now was, whether the object was one which ought to be carried into effect, without reference to any bill which might come from the other House. He was in favor of the appropriation, as being calculated to place our fortifications in a respectable situation. Mr. B. said, he knew something, from experience, on this subject—as the waters of his State, which were a great blessing to them in time of peace, had proved the source of bloodshed and destruction, in time of war.

He called for the yeas and nays on the question of postponement.

The question was then taken and decided against postponement—18 to 23.

The question was then taken on Mr. CHANDLER's motion, to strike out four years, and insert one year. This was decided in the negative—19 to 22.

The question was then taken, upon passing the bill to be engrossed and read a third time; and decided in the affirmative—31 to 10, as follows:

YEAS—Messrs. Barbour, Barton, Branch, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Johnson of Louisiana, Kelly, King of Alabama, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Mills, Parrott, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Van Dyke, Ware, and Williams.

NAYS—Messrs. Bell, Elliott, King of New York, Lanman, Lowrie, Macon, Palmer, Ruggles, Seymour, and Thomas.

So the bill passed to be engrossed and read a third time.

WEDNESDAY, March 10.

Mr. RUGGLES presented the petition of Jonas Alford, praying that the benefit of the fourth section of the act for the relief of the purchasers of public lands, prior to the first day of July, 1820, may be extended to him; which was read, and referred to the Committee on Public Lands.

Mr. SMITH presented the memorial of Charles Gwynn, of the city of Baltimore, praying that a sum of money, erroneously paid by him into the Treasury, may be restored; which was read, and referred to the Committee on Finance.

Mr. KING, of Alabama, presented the memorial of William D. Stone, praying to be permitted to locate a tract of one thousand acres of land, on the Mobile river, as an indemnity for a like quantity claimed by him under a British grant, which he states has been lost. The memorial was read, and referred to the Committee on Public Lands.

The bill "for the gradual supply of cannon, bombs, and howitz, for the fortifications," was

read the third time. Mr. LOWRIE moved to amend the bill so as to extend the provisions of the bill to the purchase of "field artillery, their carriages, and caissons;" which was agreed to. The bill was then passed, and sent to the other House.

The Senate proceeded to consider, as in Committee of the Whole, the bill to repeal, in part, the act, entitled "An act to enable the people of the Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States; and, on motion, it was laid on the table.

The bill from the other House, to "define the boundaries of the Edwardsville and Sangamo Military Land District, in the State of Illinois," was taken up in Committee of the Whole. Mr. BARTON explained the object of the bill. It was then reported to the Senate, and passed to be engrossed and read the third time.

Mr. BROWN presented the memorial of the Legislature of Ohio, asking the assent of Congress to the sale of the school lands within that State. Referred to the Committee on Public Lands.

The bill reported by the Committee on Pensions, "for the relief of Dean Weymouth," was taken up in Committee of the Whole. The bill proposes to allow an additional pension to this petitioner, who was badly wounded and disabled at the battle of Chippewa.

Mr. NOBLE opposed the bill, and Messrs. LANMAN, HOLMES, of Maine, and JOHNSON, of Kentucky, supported it.

On motion of Mr. NOBLE, the bill was postponed to, and made the order of the day for, to-morrow.

The bill reported by the Committee on Military Affairs, "for the relief of Alfred Moore and Sterling Orgain," was taken up in Committee of the Whole. This bill proposes to pay the petitioners for certain blacksmith's work done for the Tennessee volunteers engaged in the Seminole war.

Messrs. JOHNSON, of Kentucky, KELLY, CHANDLER, and JACKSON, spoke upon the subject. The bill was then reported to the Senate, and passed to be engrossed and read the third time.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Sarah Venable and Jane Morgan; and, no amendments having been proposed, it was reported to the House and ordered to be engrossed, and read a third time.

The Senate proceeded to consider, as in Committee of the Whole, the bill to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands; and it was postponed till to-morrow.

TRANSPORTATION OF SPECIE, &c., IN PUBLIC VESSELS.

The bill reported by the Committee on Naval Affairs, "regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United

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States," was again taken up for consideration, as in Committee of the Whole.

Mr. LLOYD, of Massachusetts, made a few remarks in support of the bill.

Mr. LLOYD, of Maryland, proposed to amend the bill, so as to prohibit the public vessels of the United States from giving convoy to vessels of belligerent nations, having specie, &c., on board.

Messrs. PARROTT, LOWRIE, LLOYD, of Maryland, SMITH, and LLOYD, of Massachusetts, spoke upon the propriety of this amendment, and it was then adopted.

Mr. KING, of New York, suggested a verbal amendment, which was agreed to.

Mr. PARROTT proposed an amendment, in regard to the distribution of the commission received for the transportation of specie &c. The bill provides that one-third part of the freight money so received, shall go to the commanding officer of the vessel; one-third to the commissioned officers, and the remaining third to the Navy Hospital Fund. Mr. P.'s motion was, that the commanding officer should have one-half; that one-quarter should go to the Navy Hospital Fund, and the other quarter to the Navy Pension Fund.

Some debate arose upon this motion, in which Messrs. LLOYD, of Maryland, LLOYD, of Massachusetts, CHANDLER, PARROTT, and HAYNE, took part. The Senate refused to adopt this amendment. An explanation of the object and uses of the Hospital Fund was made between Messrs. LLOYD, of Massachusetts, and SMITH.

The bill was then reported to the Senate, as amended, and passed to be engrossed and read the third time.

AMASA STETSON.

The bill "for the relief of Amasa Stetson," was then taken up in Committee of the Whole. The details of this claim were stated in the report of its discussion, some weeks since. The petitioner was a deputy commissary at Boston, during the late war; and he claims remuneration for losses sustained by the payment of interest on moneys advanced for the Government, and by the depreciation of the Treasury notes, and also prays compensation for extra services performed. The Committee on Claims in the Senate, reported a bill for his relief, which, after considerable discussion, was, some time since, recommitted for the purpose of allowing an additional sum to Mr. Stetson. The committee, subsequently, reported the bill, with a new section, making the additional allowances, as instructed. This bill proposes to grant Mr. Stetson, in the whole, about \$8,000. Messrs. MILLS, RUGGLES, LANMAN, LOWRIE, TAYLOR of Virginia, EDWARDS and LLOYD of Massachusetts, spoke upon the claim. The question was then taken on the new section proposed by the committee, which is as follows:

"Be it further enacted, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the said Amasa Stetson five hundred and fourteen dollars and eighty-five cents, being for interest on two warrants issued in his favor in 1814 and 1815, until paid; also, one thousand three hun-

dred and eleven dollars and thirty-three cents, being for interest on two thousand and eighty-one dollars forty-nine cents, paid by the said Amasa Stetson as interest on moneys loaned him for the use of the Government, during the late war; and also, six hundred and thirty-nine dollars and seventy-two cents, being the discount on Treasury notes paid him in the year 1815.

It was determined in the negative—yeas 15 nays 16, as follows:

YEAS—Messrs. Barton, D'Wolf, Dickerson, Elliot, Hayne, Holmes of Maine, Johnson of Kentucky, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Mills, Parrott, Seymour, and Thomas.

NAYS—Messrs. Bell, Branch, Chandler, Clayton, Eaton, Edwards of Connecticut, Gaillard, Kelly, King of Alabama, Macon, Noble, Palmer, Ruggles, Taylor of Virginia, Van Dyke, and Williams.

Without reporting the bill the Senate adjourned.

THURSDAY, March 11.

Mr. JOHNSON, of Louisiana, submitted the following motion for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of a naval depot at Pensacola, or at such place in the vicinity of it, as may, in their opinion, be most advantageous to the United States.

Mr. HOLMES, of Maine, submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing, by law, for the commencement of the next session of Congress at an earlier period than the first Monday in December next.

Mr. ELLIOT presented the preamble and resolutions adopted at a convention of the citizens of Oglethorpe county, in Georgia, remonstrating against the passage of the bill now before Congress to increase the duties on imports, as unconstitutional and destructive of the agricultural and commercial interests of the country; which were read, and referred to the Committee on Commerce and Manufactures.

Mr. BROWN from the select committee on roads and canals, to whom was referred the bill, entitled "An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals," reported it without amendment.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred two resolutions upon the expediency of amending the judiciary system of the United States, reported two bills on the subject; one of which provides, that no law of any of the States shall be rendered invalid, without the concurrence of at least five Judges of the Supreme Court; their opinions to be separately expressed. The other bill provides, that there shall be two terms of the Supreme Court held annually in the City of Washington; that the United States shall be divided into ten circuit districts; the Judges of the Supreme Court to be relieved from the duty of attending the circuit courts; those courts to be held by the present dis-

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trict judges. These bills were severally read, and passed to a second reading.

The bill from the House of Representatives, entitled "An act to define the boundary line between the Edwardsville and Springfield land districts, in the State of Illinois," was read the second time, and passed.

The bill regulating the transportation of gold and silver bullion, specie and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels of the United States, was read the third time, and passed.

The bill for the benefit of Alfred Moore and Sterling Orgain, assignees of Morris Linsey, was read the third time, and passed.

The bill for the relief of Sarah Venable and Jane Morgan was read the third time, and passed.

The bill reported by the Committee on Public Lands, "to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands," was then taken up for consideration, in Committee of the Whole. Mr. KING, of Alabama, explained the views which induced the committee to report this bill; Messrs. RUGGLES and KING, of New York, made some observations in relation to it; and, on the motion of the latter gentleman, it was ordered to lie on the table.

DEAN WEYMOUTH.

The Senate then resumed the consideration of the bill reported by the Committee on Pensions, "for the relief of Dean Weymouth." In storming a battery at Bridgewater, this petitioner, then under the command of Colonel Miller, of the 21st regiment of infantry, received several severe wounds, which disabled him from procuring his subsistence by manual labor; and one of which, being through his right knee, required that his leg should be amputated. He is poor, and has a wife and child. He now receives a pension of eight dollars a month from the United States, and prays that it may be increased to fifteen dollars per month. The bill proposes thus to increase his pension.

Mr. NOBLE, although he acknowledged the merit of this petitioner, opposed the bill, on the ground that he had received as much from the Government as any other person similarly situated. Messrs. BRANCH and LOWRIE were also opposed to the bill; and it was warmly supported, on account of the meritorious services, the good character, and the complete disability of Mr. Weymouth, by Messrs. HOLMES, of Maine, LANMAN, and VAN DYKE.

Mr. LOWRIE, in opposing the bill, said he considered it very important, not as respecting the individual proposed to be relieved, but as unsettling the general system of granting pensions. This individual already received a pension of \$8 a month, being the maximum allowed, by the law, to persons in his situation; and, if it were thought proper to increase the pensions to such persons, he believed it would be better to alter the general law for that purpose, than to act upon individual cases. There were many persons in the country, some of whom he could name, as badly wounded

as this individual, but who had been prevented, by their distance from the Seat of Government, from making application for an increase of pension. All these persons could come forward and make application to Congress, if the prayer of this petitioner was granted. It was for these reasons that he would be compelled, however his feelings might operate in favor of the individual, to vote against the bill.

Mr. CHANDLER said, that, in order to prevent all future misunderstanding, in case the bill should pass, of the reasons for granting this pension, he wished to amend the bill, by inserting in it the words, "in consideration of his numerous and severe wounds received at the battle of Bridge-water." This amendment was agreed to. The bill was then reported to the Senate, and passed, to be engrossed, and read the third time—yeas 21, nays 16, as follows:

YEAS—Messrs. Barton, Chandler, Clayton, D'Wolf, Eaton, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Johnson of Louisiana, Lanman, Mills, Palmer, Parrott, Seymour, Smith, Talbot, Taylor of Indiana, Van Buren, and Van Dyke.

NAYS—Messrs. Bell, Branch, Edwards, Gaillard, Kelly, King of Alabama, King of New York, Knight, Lloyd of Maryland, Lowrie, Macon, Noble, Ruggles, Taylor of Virginia, Ware, and Williams.

AMASA STETSON.

The unfinished business of yesterday being the bill "for the relief of Amasa Stetson," was again taken up in Committee of the Whole, and reported to the Senate.

Mr. MILLS moved to amend the bill, by inserting the additional section which was reported by the Committee on Claims, and rejected yesterday in Committee of the Whole, so far as that section provides for the payment of interest to Mr. Stetson. This amendment was adopted—19 to 13; and the bill, as thus amended, was passed to be engrossed, and read the third time.

The Senate proceeded to consider, as in Committee of the Whole, the bill explanatory of an act confirming claims to lots in the town of Mobile; and, on motion, the Senate adjourned.

FRIDAY, March 12.

JOSIAH S. JOHNSTON, appointed a Senator by the Legislature of the State of Louisiana, to supply the vacancy occasioned by the resignation of James Brown, (appointed Minister to France,) produced his credentials, was qualified, and he took his seat in the Senate.

On motion by Mr. LOWRIE, three hundred additional copies of the report of the Secretary of State, of the 27th of January last, on domestic manufactures, were ordered to be printed for the use of the Senate.

Mr. BELL, from the Committee of Claims, to whom was referred the petition of Reuben Colburn, made a report, accompanied by a resolution, that the prayer of the petitioner ought not to be granted.

On motion by Mr. BELL, the Committee of

Claims were discharged from the consideration of the petition of James Thomas, and it was referred to the Committee on the Judiciary.

Mr. MILLS presented additional evidence in support of the claim of Martin Lincoln and Ann F. Humphreys; which was read, and referred to the Committee of Claims.

On motion by Mr. BARTON, the Committee on Public Lands were discharged from the consideration of the petition of Jonas Alford.

Mr. PARROTT presented the petition of Henry S. Langdon, late a navy agent at Portsmouth, in New Hampshire, praying remuneration for losses sustained by him on Treasury notes; which was read, and referred to the Committee of Claims.

Mr. LLOYD, of Maryland, presented the memorial of Benjamin Ferguson, and others, citizens of Maryland, praying the erection of additional light-houses on the Chesapeake bay; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. H. JOHNSON, of Louisiana, gave notice that he would, on Monday next, ask leave to bring in a bill to provide for the appointment of a Surveyor General for the lands of the United States for the State of Louisiana, and one Surveyor General for the State of Mississippi.

On motion by Mr. TALBOT, the Message from the President of the United States, on the 23d December last, on the subject of the longitude of the Capitol, was ordered to be printed for the use of the Senate.

The engrossed bill for the relief of Amasa Stetson was read the third time, and passed.

The bill for the relief of Dean Weymouth was read the third time, and passed.

The bill further to amend the judicial system of the United States, and provide for the holding of circuit courts; and the bill further to amend the judicial system of the United States; were severally read the second time.

On motion by Mr. VAN BUREN, the last mentioned bill was recommitted to the Committee on the Judiciary.

The Senate proceeded to consider the motion of yesterday, to instruct the Committee on Naval Affairs to inquire into the expediency of establishing a naval depot at or near Pensacola, and agreed thereto.

The resolution submitted yesterday by Mr. HOLMES, of Maine, instructing an inquiry into the expediency of providing, by law, for an earlier day than the first Monday in December next, for the commencement of the next session of Congress, was again read.

On the suggestion of Mr. JOHNSON, of Kentucky, the resolution was so modified as to direct the committee to inquire at what time the present session of Congress may be closed. As thus amended, the resolution was ordered to lie on the table.

The bill "explanatory of an act, entitled 'An act confirming certain claims to lots in the town of Mobile,' was taken up in Committee of the Whole. Mr. KING, of Alabama, briefly explained the object of the bill; which was merely to do

away a misconception which had been put upon a former act. After some remarks by Messrs. CHANDLER and LOWRIE, the bill was laid on the table.

The bill "to abolish imprisonment for debt," was taken up. Mr. TALBOT submitted a new bill, as an amendment to the one originally before the Senate; and the subject was then postponed to, and made the order of the day for, Monday next.

LAWS OF ALABAMA.

The bill "to amend the ordinance of the State of Alabama, in relation to the navigable waters of the State," was taken up in Committee of the Whole.

Mr. TALBOT stated that the object of this bill was merely to place the State of Alabama on the same footing as every other State in the Union. By the article in the act admitting her into the Union, she was prohibited from imposing any tolls or exaction upon the navigation of her waters. It was now highly necessary, in order to promote the improvements contemplated in that State, to repeal this restriction. He thought there ought to be no difference, in this respect, between those States who were members of the Union when the present happy Constitution was adopted, and those which have since been admitted. If the State of Alabama should pass any law imposing an oppressive and unconstitutional toll or exaction, that law would come under the correction of the Supreme Court.

Mr. VAN BUREN said he was in the minority on the committee that reported this bill, and subsequent reflection had confirmed him in the opinion that the bill ought not to pass. Before the State of Alabama was admitted into the Union, she was required to pass an ordinance that the then navigable waters within her territories should be forever free from toll or exaction to her own citizens, and to the citizens of the other States. This ordinance accompanied the act for her admission. She now applies for the revocation of that ordinance. There is nothing peculiar in her situation. The other new States are subject to similar restrictions. If this ordinance should be revoked, the same measure should be dealt out to all the other States. He had examined the laws for the admission of the other States, and found the same conditions attached to them. Mr. V. B. proceeded to explain the provisions which had been adopted in regard to other States on this subject. He believed the people of Alabama themselves would not require this revocation, if they would thoroughly consider the effect of this provision; it was a matter of great importance to them. In the old States, all the powers over their waters, which were not surrendered to the Government at the adoption of the Constitution, were reserved to those States. This reservation of a part of the power was calculated to bring them into collision with each other. The citizens of the new States have a check upon their own Legislatures which those of the old States have not. These checks he considered very advantageous. The people were protected by their own stipulations from any

oppressive exactions, by acts of their own Legislatures. He went on to show the difficulties which would arise from an attempt, on the part of any one of the States commanding the great Western rivers, to control the navigation of those rivers. It was a paternal interest for the new States, Mr. V. B. said, that had produced this stipulation.

Mr. BROWN objected to the propriety of imposing restrictions upon the people to protect them against themselves. He contended that, if the people of the new States were supposed to be capable of governing themselves, they ought to be vested with all the attributes of State sovereignty; and that there ought to be no reservation or retention of those rights which belonged to the other States. He adduced some other instances of similar reservations of power; such as a reservation of the title to the salt spring lands. He thought the State of Alabama should be placed on the same footing as the other States. She wishes only to remove obstructions in her navigation; and intends to impose no higher tolls upon the citizens of the other States than upon her own citizens. He considered it impolitic and unwise to impose this restriction.

Mr. HOLMES, of Maine, considered this the same question that was agitated on the admission of Missouri into the Union. He resisted the supposition of a power, on the part of the General Government, to impose restrictions upon the States, in regard to their legislation. The present proposition is, that the State of Alabama shall have power to impose tolls, for the improvement of her navigation. Mr. H. said, he had supposed they possessed that power; but as they consider the restraint in this ordinance a stumbling-block in their way, the inquiry is, whether it ought now to be removed? Mr. H. contended that it ought to be removed; that these new States ought not to be held in leading-strings, or as colonial governments, or to be restrained from legislating as the other States may do. He denied the right to impose any restriction or limitation upon the power of legislating; and contended that every new State, admitted into the Union, must be admitted with the same powers and privileges as the other States. If it were not so, the equilibrium of the Government would be destroyed, by the difference in the powers appertaining to the different States. The State had no right to surrender, nor had the General Government any right to receive, any part of that power which belonged of right to every individual State in the Confederacy.

Mr. RUGGLES moved the recommitment of the bill, with instructions to the committee to inquire into the expediency of making the bill general in its provisions, and applicable to all those States, in relation to which there exist similar restrictions.

Mr. LOWRIE moved that the bill should be laid upon the table. This motion was rejected by the casting vote of the Chair.

Mr. VAN BUREN, in answer to Mr. HOLMES, denied entirely, that this question was similar to that involved in the discussion on the admission of Missouri into the Union.

MESSRS. NOBLE, SMITH, KING, of Alabama, H. JOHNSON, of Louisiana, KING, of New York, TAYLOR, of Virginia, and THOMAS, continued the debate on this question—after which, on motion of Mr. THOMAS, who stated that he was not yet prepared to vote upon the bill, it was ordered to lie on the table.

MONDAY, March 15.

Mr. HENRY JOHNSON asked and obtained leave to bring in a bill to provide for the appointment of a Surveyor General of the lands of the United States for the State of Louisiana, and one Surveyor General of the lands of the United States for the State of Mississippi; which was read, and passed to a second reading.

Mr. ELLIOTT presented the memorial of Ezekiel Wimberly, in behalf of the citizens of Twiggs county, in Georgia, and the remonstrance of Thomas Foard, and others, citizens of Baldwin county, in Georgia, severally remonstrating against the passage of the bill now before Congress, to increase the duties on imports, as unconstitutional, and highly injurious to the agricultural and commercial interests of the country; which were read, and referred to the Committee on Commerce and Manufactures.

Mr. BENTON presented the petition of Charles S. Hempstead, and others, members of the bar, in the State of Missouri, praying that the times appointed for holding the district court in that State may be changed; which was read, and referred to the Committee on the Judiciary.

On motion, by Mr. BENTON, the Committee on Military Affairs were discharged from the consideration of the petition of Samuel J. Axson.

On motion, by Mr. LLOYD, of Massachusetts, two hundred copies of the documents, referred to in the Message of the President of the United States of the 24th of February last, on the subject of the claim of Massachusetts for military services, was ordered to be printed for the use of the Senate.

Mr. JACKSON, from the Committee on Military Affairs, to whom was referred the memorial of the trustees of the town of St. Charles, in Missouri, made a report, which was read and considered; and in concurrence therewith, resolved, that the Committee on Military Affairs be discharged from the further consideration of this subject, and that it be referred to the Committee on Public Lands.

The Senate resumed the consideration of the report of the joint Library Committee on the memorial of Way and Gideon, and of Edward De Kraft; and in concurrence therewith, the committee were discharged from the further consideration thereof.

CASE OF REUBEN COLBURN.

The report of the Committee on Claims, unfavorable to the petition of Reuben Colburn, was taken up for consideration. This petitioner prays compensation for two hundred and twenty bateaux, built in 1775, for the use of the troops of Colonel Arnold, then about to march into Canada;

and for sundry other services rendered, and disbursements made for the country at that time. He states, that he delivered over his accounts and vouchers for said disbursements and services, to the commissioner appointed by Congress for auditing and settling the accounts of the State of Massachusetts against the United States; that they were either lost or mislaid by said commissioner, and that they were not acted upon, nor could be obtained, for several years thereafter, to be exhibited again for settlement. He, therefore, prays that Congress would adjust his account, and pay him the balance due thereon. The committee report, that the great lapse of time, since the services of the petitioner were rendered, and the loss of public records and documents relating to the accounts of that period, render it doubtful whether he has any just claim upon the Government. They believe that the security of the Government, against unjust and fraudulent claims, requires that a lapse of time, such as has occurred in this case, should be regarded as a bar to all claims of a doubtful character; and that, therefore, the prayer of the petitioner ought not to be granted.

Mr. CHANDLER opposed the report of the committee, and moved to reverse it. Mr. HOLMES, of Maine, also spoke in opposition to the report, and Messrs. BELL and RUGGLES supported it. The question, on reversing the report, was then put, and decided in the negative—12 to 16. The report of the committee was then agreed to.

MILITIA SYSTEM.

The bill, reported by the Committee on the Militia, "more effectually to provide for the national defence, by establishing a uniform militia throughout the United States, and providing for the discipline thereof," was taken up for consideration in Committee of the Whole.

Mr. CHANDLER briefly explained the objects of the bill, and the points upon which it varies from the present laws on the same subject.

Mr. SMITH suggested the propriety of taking up the bill by separate sections.

The first section having been read accordingly,

Mr. CHANDLER stated that the only variation between this section and the existing law is, that it provides for a general registering of all the persons liable to do military duty. This section was amended by an insertion, to make it applicable, as well to the Territories and to the District of Columbia, as to the several States.

The second section specifies those who shall be exempted from the provisions of the act. They are the same as are now exempted by law from the performance of militia services.

The third section provides for the arrangement of the militia of the respective States, into divisions, brigades, regiments, battalions, and companies, as the Legislature of each State may direct.

Mr. C. stated that there was only an immaterial alteration proposed, by this section, from the existing system.

Mr. HAYNE objected to this section, as it provides for an arrangement of the militia, which has already been made.

Mr. CHANDLER stated that the object of this bill was to repeal all other laws on the subject, and embody the whole militia system in one general bill, in order that the officers and men might see, at one view, what their duty was, and what would be required of them.

On motion of Mr. BARBOUR, the section was amended by inserting, after the time of six months, within which the arrangement is to take place, the words "where such arrangement has not already been made."

The fourth section respects the elite companies of each battalion, their officers, arms, equipments, &c. It differs from the present system only by providing that, where there are no companies of grenadiers, light infantry, or riflemen, the two oldest companies in the regiment shall act as light infantry; and that, whenever any non-commissioned officer, musician, or private, of the cavalry, shall neglect, for the space of two months, to keep a horse, he shall be discharged from the cavalry, and be required immediately to do duty in the infantry.

The fifth section provides "that the militia, enrolled as aforesaid, shall, within twelve months from and after the passing of this act, be divided into two corps. All those above the age of 18, and under the age of 28 years, shall form one corps, to be denominated the select corps. And all over the age of 28, and under the age of 45 years, shall form the other corps, to be denominated the reserve corps. Both the corps to be and remain under the same organization, and under the officers, as is before provided, and shall be called out, by companies, one day in each year, together, for the inspection of arms, and for the purpose of improvement in discipline."

Mr. CHANDLER stated that, under the provisions of this section, the select corps would probably consist of about 858,000, and the reserve corps about 400,000 or 500,000; and that the expense of time, &c., would not be greater than is at present incurred.

Mr. LOWRIE thought the number of the select corps would be too great, and the expense too burdensome. He moved to reduce the greatest age of that corps, in this section, from 28 to 24 years. He thought it would be a curious select corps which consisted of half a million of men, and that the smaller number would be the more efficient. He was, however, opposed to the section altogether.

Messrs. SMITH, HOLMES of Maine, and CHANDLER, were opposed to the reduction of the specified age, and Mr. MILLS spoke in favor of it. The question on striking out 28 years was put, and carried. A motion to fill the blank with 26 years was lost. It was then moved to insert 25 years; which was adopted.

The sixth section was then read. It provides that the select corps, together with all the officers and non-commissioned officers of the militia, shall be called out four days at one time in each year, by division, brigade, regiment, or battalion, for the purpose of training and perfecting them in military discipline. It further provides that offi-

cers shall be daily detailed to command and train the troops so called out; and those officers who are not so detailed, shall be exercised and instructed in the line of their duty by some of the officers best qualified for that purpose; so that each officer will have an opportunity of commanding and receiving instruction during the four days aforesaid. It is left to the respective States to furnish the troops with such tents, camp equipage, and rations, as they may think proper.

Mr. MILLS objected to this section of the bill, as transcending the powers vested by the Constitution in the Congress of the United States. He read the Constitutional provision on this subject, which gives to Congress the power of organizing, arming, and disciplining the militia, and governing such parts as may be employed in the service of the United States, but which reserves the authority of training the militia, to the States, respectively. Mr. M. then proceeded to show the incompatibility which he supposed to exist between this article of the Constitution and the sixth section of this bill.

Mr. BRANCH also opposed this section. Messrs. CHANDLER, BARBOUR, and HOLMES of Maine, contended against the unconstitutionality of this section.

Mr. HAYNE moved to strike out the section, on the ground of its obvious opposition to the Constitution, and made some remarks in support of his motion.

On motion of Mr. BELL, the bill was ordered to lie on the table.

TUESDAY, March 16.

Mr. SMITH, from the Committee on Finance, to whom was referred the petition of Andrew Low and others, made a report, accompanied by a resolution that the prayer of the petitioners ought not to be granted.

Mr. SMITH, from the same committee, to whom was referred the memorial of Charles Gwynn, made a report, accompanied by a bill for the relief of Charles Gwynn, of Baltimore; which was read, and passed to a second reading.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of Martin Lincoln and Ann F. Humphreys, reported a bill to authorize the settlement of the accounts of Benjamin Lincoln and others; which was read, and passed to a second reading.

Mr. LOWRIE presented the memorial of Elijah Van Syckle, of Philadelphia, praying that the duties which accrued on the importation of a quantity of sugar may be remitted, in consideration of the said sugar having been afterwards consumed by fire; which was read, and referred to the Committee on Finance.

The bill to provide for the appointment of a Surveyor General of the lands of the United States for the State of Louisiana, and one Surveyor General of the lands of the United States for the State of Mississippi, was read the second time, and referred to the Committee on Public Lands.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of Government for the year 1824;" in which they request the concurrence of the Senate.

The bill last brought up for concurrence was twice read, by unanimous consent, and referred to the Committee on Finance.

IMPRISONMENT FOR DEBT.

The bill "to abolish imprisonment for debt" was taken up in Committee of the Whole. The question was upon the amendment heretofore proposed by Mr. VAN BUREN.

Mr. LLOYD, of Massachusetts, said, that when this subject was before under consideration, he had stated, that, when it came up again for discussion, he would submit to the Senate, from an authentic source, a statement, not to be questioned, of the situation, and of the number of persons in confinement for debt in the city of Boston; whether it tended to the credit or the discredit of that good old city. This, perhaps, he would not have done had he expected, that, for a long month then to come, the subject would have slept upon the table; for, whatever of wisdom this lapse of time may have given to our deliberations, it certainly had added nothing to the ardor or to the interest of the debate; but, as he had given the pledge, he would redeem it; indeed, after the statements that had been made, and certain terrific stories now also afloat, he would not willingly omit the doing it; for, although these allegations were of too grave and melancholy a cast to be trifled with, he was not disposed to shrink from a comparison of the city of Boston with that of any other city in this Union; on the contrary, he asked for no indulgence—he solicited no forbearance; if there was any thing in the laws or usages of Massachusetts, in reference to the imprisonment of debtors, which was justly a matter of reproach, he was ready to hear it, and to admit it or repel it; lamentable, however, was the state of that city, whose reputation must be dependent upon the evil conduct of one of her inhabitants.

Before, however, he presented the statements to which he had alluded, he would again repeat, he was not inimical to the principle of the bill; he had never been opposed to it; he had been its advocate; and, if a provision were ingrafted on it, requiring that an insolvent debtor, before availing himself of the benefits of the bill, should be required to make a disclosure of his concerns, and a surrender of his effects for the benefit of his creditors, generally, he would cheerfully vote for the bill; nay, he would go farther; for if, under these circumstances, the debtor was honest, he would not only exempt his person from future arrest—he would, also, forever after, exempt from seizure or liability the future product of his earnings or his industry.

He was so far from being opposed to the bill, he said, he considered the existing insolvent laws of the several States as a disgrace to the country,

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as offering a bounty to fraud, and as a reproach to the humanity of the age in which we live. He had, however, strong objections to the bill, although he might eventually vote for it under almost any provisions. His objection to the bill arose, first, from the possibility that it might prevent something better; and next, because, except, perhaps, as a precedent and example, even if it passed, it was, as he thought, worth nothing. It could apply only to persons imprisoned for debt under executions issuing from processes in the courts of the United States; for, whether the legislation on this head, by the several States, be good or bad, the present bill would not touch it. On that head a limit is distinctly prescribed. If the State laws conflict not with the provisions of the Constitution of the United States, you cannot meddle with them; if you do, or if you attempt it, the States will pay just as much attention to your mandates, as the waves of the ocean paid to the mandates of Canute the Great, when he ordered them to stop at his bidding, and no more.

Mr. L. said he had believed the bill would not have applied to an individual in the State of Massachusetts; but he was mistaken on this point, and, when in error, and convinced of it, he was ever ready to avow it; he fortunately had at his command, at this time, the means of indisputably ascertaining the fact. The United States District Attorney for Massachusetts was now at Washington, and he had referred to him, and been informed that, although for many months previously, not a human being, to his knowledge—and from his official station he could not but be conversant with the fact—not a human being had been in confinement for debt under processes from the United States courts; but that, unhappily, at this moment, such was not the case. How many, then, are there, sir, so imprisoned? Let me tell you. One single, solitary individual. How came he there? He had been imprisoned at his own solicitation, in order that he might avail himself of the humane provisions of the act of June, 1798, for the relief of persons imprisoned for debts due to the United States, which authorized the Secretary of the Treasury, under certain circumstances, to release the debtor. So much for the actual state of imprisonment for debt in Massachusetts, upon which this bill can be brought to operate.

Having shown this, Mr. L. said, although whether it be more or less, or whether this bill passes or not, it could not be operated upon by it, he would next proceed to show the number and situation of persons imprisoned for debt in the city of Boston under the laws of the State; and he would do this from authentic records, to which he challenged contradiction. In doing it, the first document to which he would refer was to a letter under date of the 1st of the present month, from a highly respectable gentleman of that city, Judge Thatcher, the Judge of the Municipal Court, whose duty it is to have under his cognizance, and to take especial care of, the prisons within its precincts, and the persons confined in them, and whose testimony

could not be impeached. This gentleman writes that—

"The care of the jail in this city belongs to the Mayor and Aldermen, as successors to the Court of Sessions. By an act, passed in February, 1822, it is made the duty of the Board of Accounts, and the Justices of the Police Court, to visit the jail once in a quarter, and all other places of confinement and punishment of crimes and offences, or for the non-payment of debts, within this county; to make report to the Mayor and Aldermen of their proceedings; to state all grievances, mismanagements, and negligences, which they find to exist; and to suggest such changes and improvements as they may deem wise and expedient. Since I have belonged to the Board, I know that this has been done. It has been their practice to visit each room, and to ascertain the actual condition of the prisoners, giving them opportunity to make complaint, should any such exist. The quarterly reports of these visitors will evince the interest they have taken in the painful performance of this trust; and, from my own observation, I am perfectly satisfied of the correctness of the reports made by the grand jury. Being desirous that the city should stand vindicated, in your opinion, from an imputation of inhumanity on this subject, and that you may, if necessary, be able to refer to the enclosed documents, I hope you will deem it a sufficient apology for my troubling you with this statement."

This, sir, said Mr. L., was the authentic and official source from which this information had been derived; and the documents alluded to, are the following, two of which are adduced at different seasons of the year, to show, that no collusive selection of a favorable moment of exhibition has been resorted to. The first is, the report of the Grand Jury of the "Municipal Court of the city of Boston, in August term, 1823," as follows, viz:

"That the Grand Jury, in compliance with their duty, and the charge delivered to them by the honorable the Judge of the Municipal Court of the city of Boston, at the present term, on the subject of jails, have this day attended to that duty, and report:

"That they went through all parts of both buildings, and entered the several rooms and cells of the prisoners, to ascertain the condition of the same, and to give the prisoners an opportunity to communicate their wants and complaints, in case any existed."

"The apartments of the debtors, male and female, were generally clean; there was no indication of a want of personal cleanliness, or of suffering; the bread furnished both to them and to those confined for offences, was of a sweet and wholesome quality, and good health generally prevailed in the jail; the Jury were very particular in their inquiries of the various classes of prisoners, and were highly gratified in finding them, uniformly, satisfied with the quantity and quality of the bread and meats, as well as the quantity, quality, and frequency of the water."

"The Jury found the persons committed for debt, separate and apart from felons, convicts, and those committed or charged of any infamous crime. The jail appeared to be kept with due regard to discipline, order, and safety, and there did not appear to the Jury any turbulence or noise, but, on the contrary, in many of the rooms, both those appropriated for debtors, as well as criminals, the inmates were engaged in reading."

"The rooms and avenues of the jail appeared to the

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Jury to be well ventilated—walls clean, and air not impure; in fact, owing to such a state of cleanliness must be imputed the general health that prevails throughout the prison."

"The Jury find the whole number of persons confined for debt to be—

Male debtors	-	-	-	-	23
Female debtors	-	-	-	-	2
					-25!!!"

The record is signed by the foreman, August 11, 1823.

The next document to be produced, is a like report of a similar Grand Jury, made so late as within the last month of February—presented to the court—transmitted to the Mayor and Aldermen, and, by them, ordered to be published; in which it is stated, "that the Jury have, this day, (February 6,) gone through and inspected every apartment in both buildings, (the jails,) and made all necessary inquiries of the prisoners, as to their treatment, fare, &c., and they were gratified to find them generally satisfied with the quality and quantity of the provisions served to them, and with their personal treatment; particularly those confined for debt, from whom not a word of complaint, in any respect, was uttered by a single individual; that the buildings were sufficiently ventilated, comfortably warmed, clean in the apartments and passage ways, and the whole interior made sweet and pure by the application of lime; that the jail is under good discipline, prisoners orderly, and generally in a healthy state; and that the whole number confined for debt, was"—not fourteen hundred, nor after the rate of three or four thousand in three years—"but, actually, twenty-two!"

This, sir, said Mr. LLOYD, is so much of these reports as has reference to the subject under discussion. They speak for themselves—and not having intended, nor now intending, to enter into debate, on this bill, here he should leave them. The occasion did not, in his opinion, make it necessary, even that he should attempt to render a feeble tribute of justice to the city of Boston. He would not, therefore, point to her origin, than which, no people could trace one more pure or more honorable. He would not ask that her Revolutionary history should be retraced, nor that regard should be given to any, or to all her noble institutions; to the numerous temples she had erected for the worship of the ever-living God, the giver of every good gift; to the university, in her neighborhood, of which she is the patroness—the pride and the ornament of our country; to her numerous public schools, where the infant of the poorest inhabitant, as soon as he can lisp his letters, at four years, is taken under public tuition, and continued there, without expense to his parents, until he is, not unfrequently, turned out, at the age of fifteen, a scholar that would do credit to the seminaries of Eton or of Westminster. He said he would not ask the Senate to refer to her magnificent, charitable endowments, her asylums for orphans, male and female; her spacious alms-houses, retreat for the insane, and general hospital; some of them equal, in external beauty, to the presiden-

tial palace, and exceeding it in their dimensions. He would not ask that the unexampled munificence of her citizens should be remembered, one of whom, by a single donation, to a single institution, within even the last six months, had given, in money, or what had already realized it, more than one hundred thousand dollars. Rival it elsewhere; if you can, sir. He would attempt nothing of this. His task was a humbler and less grateful one; it was to tell the truth respecting her prisons, always the abode of misfortune and misery, and to ask you, also, to look at them. It was not requisite that he should become the panegyrist of a city which did not need his support, and whose merits, wherever known, would speak, trumpet-tongued, her own best eulogy.

When Mr. LLOYD had concluded—

Mr. MACON proposed an amendment, to limit the operation of the bill to all contracts made after the 1st of July next; and thus to take away its retrospective character.

Mr. BARBOUR said, it was his opinion, that the bill ought to apply to all contracts, as well those which have been, as those which may be hereafter, made; but, for the sake of compromise, he should vote for the amendment.

The question was then taken, on the amendment proposed by Mr. MACON, and passed in the affirmative.

Mr. VAN BUREN made a few remarks, in explanation of his amendment. The question was upon adopting his substitute for the first section of the bill; which substitute provides that, on an affidavit of the debtor's intention to leave the country, substantiated by the evidence of two credible witnesses, the creditor shall have a right to hold him to bail.

Mr. MILLS suggested several amendments to this section. One of which, proposing to strike out the clause requiring the evidence of two witnesses, in order to hold to bail, gave rise to some debate; in which, Messrs. MILLS, TALBOT, and TAYLOR, of Virginia, advocated, and Messrs. BARBOUR and VAN BUREN, opposed it. The amendment was agreed to.

An amendment proposed by Mr. TALBOT, subjecting the creditor, if there should not appear to have been sufficient cause for holding to bail, to a suit for damages, was discussed, and subsequently withdrawn by the mover. The question upon the substitute for the first section, as proposed by Mr. VAN BUREN, was then put, and carried in the affirmative.

The substitute for the fourth section was then taken up.

Mr. VAN BUREN stated the difference between the two sections. The original section in the bill provides that on a return of no property found, upon a fieri facias, the plaintiff may file an affidavit that he has good cause to believe that a fraudulent conveyance, or concealment of property, has taken place; and then, after summons to the party, so charged, a jury shall be impanelled to try the fact, &c. The proposed amendment provides, that the party so charged shall be held to bail, on receiving such summons, to respond to it. This

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amendment was supported by Messrs. VAN BUREN, MILLS, and BROWN, and opposed by Messrs. EATON, TALBOT, and JOHNSON, of Kentucky. The question was then taken on striking out the fourth section of the original bill, and decided in the affirmative. The question before the Senate, was then upon inserting the section proposed by Mr. VAN BUREN, in lieu of the fourth section. Mr. HAYNE proposed to amend the amendment, so as to permit the creditor to file the affidavit of his belief of a fraudulent intention to convey or conceal property, upon the judgment or decree of the court, without waiting for the return of the *feri facias*. Without taking the question, the Senate, on motion of Mr. TALBOT, adjourned till to-morrow.

WEDNESDAY, March 17.

The PRESIDENT communicated a report from the Secretary of the Treasury, exhibiting the official emoluments and expenditures of certain officers of the customs, and an abstract of the fees received on certificates to accompany distilled spirits, wines, and teas, commissions on disbursements as superintendents of lighthouses, and as agents for the marine hospital.

Mr. BENTON presented the petitions of David Martin and Elkanah English, soldiers in the Army of the United States during the late war, who received injuries while in the service of the country, and pray that they may be placed on the pension list.—Referred to the Committee on Pensions.

Mr. HAYNE presented the preamble and resolutions adopted at a meeting of the citizens of Sumter district, in South Carolina, remonstrating against the passage of the bill, now before Congress, to increase the duties on imports; which were read, and referred to the Committee on Commerce and Manufactures.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the petition of Thaddeus Mayhew, reported a bill for the relief of Thaddeus Mayhew; which was read, and passed to a second reading.

Mr. TALBOT, from the Committee on the Judiciary, to whom the subject was referred, reported a bill further to regulate the jurisdiction of the Supreme Court of the United States; which was read, and passed to a second reading.

The Senate proceeded to consider the report of the Committee on Finance, on the petition of Andrew Low and others; and it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill releasing to John McAlister, or the legal representatives of John Forbes, a certain tract of land; and it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the resolution proposing an additional rule for conducting business in the Senate; and it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill supplementary to the several acts providing for ascertaining and adjust-

ing the titles and claims to land in the St. Helena and Jackson Courthouse land districts, together with the amendment reported thereto by the Committee on Public Lands; and it was postponed to to-morrow.

The bill, reported by the Committee on Claims, for the relief of Samuel White, was taken up, in Committee of the Whole. This bill provides for the repayment of the excise duty paid on two stills. The bill was reported to the Senate, and passed to be engrossed, and read the third time.

The bill, reported by the Committee on Finance, "for the relief of Napier, Rapelye, Bennett, Petray, and Viel," was taken up in Committee of the Whole. Mr. HAYNE explained the grounds upon which this bill was founded. It provides for the repayment to these petitioners, merchants of Charleston, South Carolina, of duties paid to the United States, on certain goods imported into St. Augustine, previous to the cession of Florida to the United States. The bill was reported to the Senate without amendment, and passed to be engrossed, and read the third time.

Mr. NOBLE, from the Committee on Pensions, reported on the petition of Comfort Smith. She prays that her husband, who is entitled to a pension for his Revolutionary services, but cannot be placed on the list, in consequence of insanity, by which he is rendered incompetent to take the requisite oath, may be placed on the list, without taking the oath. The committee reported a bill granting the prayer of the petitioners; which was passed to a second reading.

IMPRISONMENT FOR DEBT.

The unfinished business of yesterday, being the consideration of the bill "to abolish imprisonment for debt," was resumed, in Committee of the Whole.

The fourth section of the original bill having been stricken out, yesterday, the question was upon inserting a new section, proposed in lieu of it, by Mr. VAN BUREN, which provides that, on a return of no property found, upon a *feri facias*, the plaintiff may file an affidavit that he has good cause to believe that a fraudulent conveyance, or concealment of property, has been made by the debtor; and then, after summons to the party so charged, a jury shall be impanelled to try the fact; and, upon the finding of the fact, execution to issue against the body; the party to be deprived of the benefit of the prison bounds, until discharged by due course of law. Upon the summons aforesaid, the party so charged is to be required to give bail, to respond to the summons. Mr. HAYNE had moved to amend the proposed section, so as to permit the creditor to file the affidavit of his belief of a fraudulent intention to convey or conceal property, upon the judgment or decree of the court, without waiting for the return of the *feri facias*. Mr. HAYNE withdrew his amendment, to give place to others proposed, in the details of the section, by Mr. VAN BUREN, which were adopted; and Mr. H. then renewed his motion, and made some remarks in favor of it. The amendment was then agreed to. An amendment proposed by

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SENATE.

Mr. EATON was rejected. The question was then taken upon inserting the section, as thus amended, and carried in the affirmative.

Mr. BRANCH moved to amend the bill, by inserting a new section, providing that no person, who shall have been convicted, by a jury, under the provisions of this act, of an intention to defraud persons holding just claims against him, by the conveyance or concealment of property, shall be competent to give evidence, in any matter, either civil or criminal, which may come before the courts of the United States. This amendment was supported by the mover, and opposed by Messrs. JOHNSON, of Kentucky, HOLMES, of Maine, TALBOT, LANMAN, and VAN BUREN. The amendment was rejected.

Mr. KELLY suggested some points in which he considered the bill as being yet deficient, in relation to the means of the creditor to compel the debtor to surrender his property; to which suggestions Mr. VAN BUREN replied.

The bill was then reported to the Senate, and, with the several amendments made in Committee of the Whole, was postponed till Friday next, and made the order of that day.

THURSDAY, March 18.

Mr. BENTON, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill to enable the President to carry into effect the treaty made at Ghent, the 24th of December 1814, excluding foreigners from trade and intercourse with Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States; he also communicated sundry documents in relation thereto. The bill was read, and passed to a second reading, and the documents ordered to be printed for the use of the Senate.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom were referred the petition of Thomas Evans and Thomas Coppuck, and the memorial of William F. Chesley, and others, made a report, accompanied by a resolution, that the prayer of the petitioners and memorialists ought not to be granted.

Mr. McILVAINE, from the select committee on roads and canals, to whom was referred the memorial of I. L. Skinner, made a report, accompanied by a bill for the relief of Ichabod Lord Skinner. The report and bill were read, and the bill passed to a second reading.

Mr. McILVAINE presented the memorial of Clayton Lamb, and others; of Anthony S. Earl, and others, of Burlington county, New Jersey; and of Paul Burd, and others, severally praying that additional duties may be imposed on imported iron, and on the manufactures thereof; he also presented the memorial of Joseph Sykes, and others, farmers of New Jersey, praying that the duties on imports may be increased. The memorials were read, and referred to the Committee on Commerce and Manufactures.

The bill for the relief of Charles Gwynn, of Baltimore; the bill to authorize the settlement of

the accounts of Benjamin Lincoln, and others; the bill for the relief of Thaddeus Mayhew; the bill further to regulate the jurisdiction of the Supreme Court of the United States; and the bill for the relief of Noah Smith, of Maine, were severally read the second time.

The bill for the relief of Samuel White, having been reported by the committee correctly engrossed, was read the third time, and passed.

The bill for the relief of Napier, Rapelye, and Bennett, and Petray and Viel, was read the third time, and passed.

The bill, reported by the Committee on Pensions, "for the relief of Noah Smith, of Maine," was taken up for consideration in Committee of the Whole. This bill authorizes the person, for whose relief it is drawn, to receive a pension to which he is entitled by Revolutionary services, but which he has hitherto been prevented from receiving, in consequence of insanity, which incapacitates him from taking the oath required by law. The bill was reported to the Senate, and passed to be engrossed, and read the third time.

The unfinished business of yesterday, being the consideration of the bill "better to secure public moneys in the hands of clerks, marshals, and attorneys," was resumed. This bill was, on yesterday, reported from the Committee of the Whole to the Senate. Mr. JOHNSON, of Louisiana, moved to strike out the fifth section of the bill; which requires all the public officers, receiving fees, to transmit to the Treasury Department, annually, on oath, a particular statement of the fees received by them, and the amount of public moneys remaining in their hands. Mr. J thought it would give a great deal of trouble to the officers specified, without producing any advantage to the Government. Mr. HOLMES, of Maine, opposed the motion to strike out the section. The question on that motion was then put, and rejected. The bill was then passed to be engrossed, and read the third time.

The Senate resumed, as in Committee of the Whole, the bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts, together with the amendment reported thereto by the Committee on Public Lands; and, on motion, laid on the table.

AMENDMENTS TO THE CONSTITUTION.

On motion of Mr. HAYNE, the various joint resolutions proposing amendments to the Constitution of the United States, in relation to the election of President and Vice President, were taken up for consideration.

Mr. MILLS moved that the further consideration of these resolutions be indefinitely postponed. He said he was induced to make this motion, from a full conviction that the subject could not be acted upon at the present session of Congress, and that, therefore, it would be useless to consume time in the discussion.

Mr. BRANCH opposed the indefinite postponement, and called for the yeas and nays on the question.

Mr. KING, of New York, observed, that the excitement respecting the next election, had become such among the people, and in Congress, who had been, for the two last years, much occupied about it, that the sober and impartial examination of the very important subject of amendments of the Constitution, cannot be now expected. The amendments should, therefore, be postponed to a period when the Senate may hope for a more temperate and rational examination of them than at the present time can take place.

Without entering into any examination of the proposed amendments, he should vote for their postponement, not only for the reasons which he had assigned, but for another, and, as he thought, a still more important consideration; in referring to which, he must request that he might not be supposed to want respect for, or to claim authority over, the opinions of any member of the Senate. We all stand here as equals, and it was for this cause, after the expression of his deference to the rights of others, he hoped, without offence, that he might exercise his own rights. He should, therefore, proceed, after touching on certain fundamental provisions of the Constitution, or bond of union, of the United States, constituting what he called the true balance of power in our political system, to draw the attention of the Senate to a new, extraordinary, self-created, central power, stronger than the power of the Constitution, which has risen up, at the Seat of Government; a power which has assumed the direction and control of the fundamental provisions of the Constitution, relative to the election of the President. In attempting to reform the Constitution, it is not only necessary correctly to understand its established and well-considered regulations, but to make inquiry concerning the manner in which these regulations have been observed, and the advantages or disadvantages which are found by experience to proceed from the observance of or departure from the established provisions of the compact, by which, under the guarantee of all to each, the States expected to remain separate, coequal, and sovereign republics.

It is, therefore, expedient, on a motion for the indefinite postponement of the proposed amendments of the Constitution, in whatever light we may have hitherto regarded them, to allude to, to designate, and call upon the Senate to examine, the nature, tendency, and danger, of this new and extraordinary power, which has risen up, and established itself, at the very Seat of Government; which has already assumed authority unknown to the Constitution, and threatens to overturn the balance of power, proceeding from its division and distribution between the States and United States.

We all know that the Constitution of the United States is the fundamental act of the union of the States, defining the power yielded by each State to the United States, establishing the reciprocal rights and duties of the States and of the United States, and, in respect to the latter, determining the manner in which their authority shall be exercised.

The authority of the United States is divided into three great departments, and the manner of appointing the members of each department is equally fundamental as their division, and necessarily excludes every other manner of division or appointment.

The dangers to which experience had shown that the election of Executive Chiefs are liable; dangers which had led other nations to prefer hereditary to elective Executives, were, without doubt, well considered by the members of the General Convention, who, nevertheless, did indulge the hope, by apportioning, limiting, and confining the Electors within their respective States, and by the guarded manner of giving and transmitting the ballots of the Electors to the Seat of Government, that intrigue, combination, and corruption, would be effectually shut out, and a free and pure election of the President of the United States made perpetual.

At an early day, however, and on the first and only difficulty which has ever occurred in the manner of electing the President, an alteration of the Constitution was made by the States. This alteration, which now forms the Constitution upon the subject, while it may prevent what, at the moment, was believed by a majority of the States to be a mischief, which was feared only, as it never happened, has unfortunately left the United States unprotected against present and future evils of greater magnitude, against which the primitive provision would have proved an adequate security.

The excitement of that period, proceeding from causes not likely again to have happened, admonishes us against future alterations at periods of agitation, and dissuade from proposing further alteration at this time.

The Constitution provides that the President and Vice President shall be elected in this manner: Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding any office of trust or profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves. They shall name, in their ballots, the person voted for as President, and, in distinct ballots, the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if

such number be a majority of the whole number of Electors appointed; and, if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other Constitutional disability of the President.

Such are the actual provisions of the Constitution respecting the election of the President. The Constitution itself, as we are informed by the report of the Convention to the Old Congress, was the result of a spirit of amity, and of mutual deference and concession; greater powers were surrendered to the United States by the large States than by the small ones, because their numbers and resources were greater.

The House of Representatives is composed on the basis of the numbers of the respective States, the small States here yielding to the large ones, and the Senate is composed on the basis of the equality of the States, the larger States here, in turn, deferring to the small ones. The Executive is chosen by neither rule, but by the influence of both rules united; it is well known that the small States would not have consented to the choice by Electors, a mode favorable to the large States; but, upon the consent of the large States, on the failure of the choice of the President by the Electors on the first trial, that the House of Representatives voting by States, the representation from each State having one vote, shall choose the President, not from those they deem the most worthy, but from the persons having the highest numbers, not exceeding three, on the list of those voted for by the Electors, thereby restricting the choice of the House of Representatives to the three highest candidates nominated by the large States. To this adjustment, which was brought about by compromise between the States, no objections were made at the period when the Constitution was afterwards under the discussion of the several States. Though great difficulties occurred in the debates of the State conventions on other portions of the Constitution of the United States, no opposition appeared to the provisions of the Constitution respecting the manner of electing the President, and no such objection occurred until the fourth election of the President, which was made by the House of Representatives; since that period, five Presidential elections have taken place, and, in eight of the nine elections, the President has been chosen by the Electors; the fourth election is the only instance in which the President, not being chosen by the Electors, the election devolved on the House of Representatives. The

compromise, on the subject of the Presidential election, which has been always binding in honor and good faith, seems of late to have been forgotten; and dissatisfaction and complaint have appeared at the seat of government in Virginia, New York, and other States, that the influence of the great States was unreasonably impaired by the provision of the Constitution, that, after the failure to choose the President by the Electors, the election should devolve upon the House of Representatives, although the House of Representatives is restricted to the choice of the President from three candidates, nominated by the Electors, a majority of whom are appointed by the large States. Hence it has happened, from year to year, that attempts have been made by certain States to alter the Constitution on the subject of the Presidential election, notwithstanding this election is matter of compromise and compact between the States, without which no Constitution or Union could have been formed. Hitherto these attempts have all failed, and, since the addition of so many new States, the probability of any alteration of the Constitution is much diminished; but, while the chance of any regular alteration is lessened, the dangers of the Constitution are much increased. The formidable central power, which has appeared at the Seat of Government, which is neither deputed from nor apportioned by any established rule among the States, but proceeding from a self-created body, unknown to the Constitution—a body which acknowledges no law founded upon common and equal rights, knows no superior, and which reaches, and is systematically combined with affiliated bodies at the seats of government of the great States—a body that already constitutes a power greater than the power of the provisions of the Constitution, and assuming the right to nominate the President of the United States, expects, by the assistance and increase of their distant associates, and the discipline and popularity of their leaders, to elect the President, in violation of the manner prescribed and established by the Constitution.

The central power at the Seat of Government is at present composed of a select number of the members of Congress, who, from their official station, have access to, and intercourse with, the foreign ambassadors, as likewise with the great officers of the Government, and, by aid of the Post Office, and the public press, communicate with their associates throughout the country. Such a body are capable of having, and actually do possess, great influence in every part of the Union. They are under no restrictions as to the number and condition or residence of their members; the Judges of the Supreme Court, should they consent, may be added to this central junta, an addition which would increase their respectability and influence; they might proceed further, and the Heads of the Executive Departments might be requested to become members of the central junta; should they also unite with them, their influence would be still further increased. Should perilous times occur, and men of unchastened ambition become the President and Vice President of the United States, they

would employ this central power to fill the two Houses of Congress with their favorites, and, by their co-operation with the Governors and popular clubs at the seats of the State Governments, be able to effect in our own free country changes which might utterly subvert our beautiful scheme of government. Should this central power, extending to all portions of the Union, be able, by the co-operation of its associates, to discredit and supersede the separate powers of the States in the choice of President, it would afterwards find less difficulty in effecting the consolidation of the Executive power of the United States, which, by the Constitution, proceeds from, rests upon, and is bound to defend, the separate authority of the respective States. This done, the reform will not stop at the consolidation of the Executive power of the United States, ruinous as that measure may prove; but will extend to the legislative department, and, difficult as the attempt may seem, endeavor to abolish the equality of the States in the Senate. This alteration may, in the commencement, be a mere recommendation, like the *congé d'élire* or nomination of the President by the central power at the Seat of Government; but, recommendations often repeated, will, in time, become imperative commands, and to this end it will be urged that, by these means, our plan of Government will become more economical, more simple, more magnificent, and less liable to change from occasional popular excitement. We may have one Chief Magistrate, instead of twenty-five—one legislature of three hundred members, instead of twenty-five legislatures of three or four thousand members—one judiciary, instead of a thousand, supported by lawyers, whose numbers would form an army—and instead of an irregular choice of the President by the present mode, we may have one unbroken succession of Presidents, from a consistent and perpetual body, whose plans of policy and pretensions to power had been settled by uninterrupted and secret deliberations.

These changes may not occur, and our best security that they will not, depends upon the patient, firm, and constant adherence to the provisions of the Constitution. The compact between the States has already received the sanction of one generation; the alteration which it suffered, during this period, may, perhaps, by common consent, hereafter be itself altered, and the Constitution restored to its primitive form; the changes which happened in the government of Holland, in the Italian Republics, and the progressive steps by which elective magistrates have elsewhere become hereditary, should induce us to adhere with decision and fidelity to the checks and securities which our Constitution has provided for the preservation of our representative system of government, balanced as it is by the division of power between States, unequal in territory, numbers, and wealth, and between them and the United States.

The successive attempts to alter the Constitution, originating in most instances in the belief that the proposed amendments would be positive improvements, although they have failed, have, nevertheless, not only disturbed the repose of Con-

gress, but weakened the stability of the Constitution.

While the subject was under debate in the General and State conventions, every article and provision thereof was open to free examination. In those discussions difficult questions arose upon the division of the powers between the States, and between them and the United States; and particularly in determining the manner in which the powers of the last should be exercised. On this subject, the journals of the General Convention show that the deputies from the great States desired an influence proportionate to their greater numbers and resources; while those from the small States showed an equal or greater solicitude to preserve, as far as possible, the influence of equal sovereigns, which they enjoyed under the Confederation, and in fact possessed in the formation of the Constitution itself. The Constitution, therefore, ought to be regarded as a compact expressive of the liberality and prudent policy of the States, and its apparent inequalities constitute a peculiar system of balances, derived from permanent natural differences among the States, which is believed to be superior to any artificial establishment, or political charter, heretofore devised. The unceasing struggle between the natural superiority of the great States, and the self-love and spirit of equality of the small States, (which will endure so long as their freedom shall exist) constitutes an equipoise of unceasing efficacy in the maintenance and the preservation of our political system. This system is able to maintain and preserve our envied freedom, if it fortunately has influence sufficient to create in the hearts of the citizens of the United States that affection and fidelity without which no plans of freedom ever have succeeded, or can succeed.

It is demanded that any member of the Senate would point out an article or clause of the Constitution which authorizes, or gives the slightest encouragement to, measures of any sort, by which a concentration of the votes for the President may be effected, previously to the choice of Electors in the several States. If no such authority can be shown, and Mr. K. said that, in his opinion, none could be pointed out, it may be fairly inferred, from the provisions of the Constitution, and the power of Congress to give effect to those provisions, respecting the times of appointing the Electors, the time, manner, and places where they must assemble and give their votes, within their respective States, not only that no such authority exists, but the precise and definite regulations which restrict and confine, within the respective States, the initiatory process in the election of the President, exclude every other and different manner of beginning the election, and, connected with the prohibition of members of Congress and persons holding offices under the United States from becoming Electors, demonstrate the illegality and dangerous tendency of a central power, at the Seat of the General Government, combining to nominate the President of the United States eight months before his election. Members of Congress belonging to this central power, and moreover

possessing great talents, learning, and experience, will obtain an influence with the Executive departments which must impair the just influence of others, not possessing the same authority. With these discriminations, such members, received with distinction by foreign ambassadors, and necessarily holding, under circumstances of favor, intercourse with the chief officers of the Government, will form connexions, and establish regular intercourse with persons of like talents and learning in the several States, and, in a special manner, at the seats of government of the principal States—these distinguished men becoming the illuminati of our country, and being regulated by a sort of freemasonry, the sign and pass-word of which will, at once, place the initiated in full confidence and communion with each other in all parts of the Union. Such combinations secure to the members of the central power influence and advantages in the making laws, as well as in the procuring of appointments of every sort, and above all, in promoting the election of such candidate for the Presidency as they may select and nominate. The members of the central power will, under such circumstances, devote more of their time, during the sessions immediately preceding an election, in arranging, combining, and extending the means to effect the election of their candidate than will be bestowed on the ordinary and regular business of Congress; and, instead of doing the business that they were deputed to perform, they will be engaged in other duties which interfere with them.

The course of events, during the last Winter, may have already led near observers to suspect a connexion existing between a central power of this description, at the Seat of the General Government, and the Legislatures of Georgia, North Carolina, Virginia, and New York, and perhaps of other States.

It is supposing men to be blind to the influence and results of former examples of this nature, that have appeared in other times and countries, to believe that individuals, distinguished by talents and experience, aided by skilful associates, especially at the seats of the State governments, will be easily defeated, or be likely to fail in the accomplishment of their purpose.

Rome, in former times, was the seat of a great central power, which reached to her remotest provinces, and the life, liberty, and property of the citizens were everywhere held at the mercy of this power. Paris, in our own time, has also been the seat of a great central power, which extended over all parts of France, and, acting upon the people in all their towns and villages, punished opposition to its mandates, and whatsoever were deemed errors in political opinion, with confiscation of property, and loss of life.

These remarks are not to be answered by a reference to the practice of the State Legislatures. Conferences and meetings among the members of those local bodies, to agree upon measures in reference to State policy, are not liable to the same objections. Their influence is less powerful, and they operate within more limited spheres, and the

members are more responsible for their political acts, as well by the greater frequency of State elections, as by the scene of their political operations being nearer to the supervision and inspection of their constituents. Neither are there the same Constitutional objections arising from the inequalities of the States and from our federative and balanced system of Government.

It was to protect the people of the States from this great central power that, instead of concentrating power in one place, the Constitution has provided for the division and distribution of it throughout and among the States. By adhering to this division and distribution of power, though we find our Government less simple, more expensive, and less magnificent, we may rationally hope to preserve our political integrity, and to perpetuate our liberties.

There are apparent defects in our Constitution. We have, nevertheless, increased and prospered under it. If these defects were cured, the very means which should effect the cure may introduce, as has happened, other and greater defects, especially when these alterations are made in the midst of political excitement, and without opportunity of regarding all the evils connected with the remedial amendments.

All that is the work of man is, like him, imperfect. We probably enjoy a greater portion of freedom and happiness than falls to the lot of other nations; and because we desire yet more, we must be careful not to lose what we have, by hasty and partial alterations in our plan of Government. He would, therefore, prefer to adhere, for the present, to the Constitution as it is, in hopes that adequate means may be devised to suppress this great and alarming central power, which is now oppressing the Constitution itself, by controlling and superseding its wise and well considered provisions.

Mr. SMITH, of Maryland, was in favor of some amendment of the Constitution, in order to establish an uniform mode of electing the President; and the resolution now before the Senate would only go to produce that effect. He considered it to be the true meaning and intent of the Constitution that the election should be made in some uniform mode, throughout the States, and, if it were so, the choice would not frequently come to the House of Representatives. If the present provisions of the Constitution were suffered to remain, he did not see how we could ever have a President and Vice President elected by the people. Such an event would be morally impossible. He believed it was in the spirit of the Constitution that the President should be elected by the people of the United States. Now, if an amendment was proposed, which would increase the probability of an election according to the true spirit of that instrument, why should it not be adopted? In those States in which the choice of Electors is made by the Legislature, there have been repeated propositions to change the mode of election, or the spur of the occasion, to favor the views of particular candidates. Changes of this kind, Mr. S. believed, had been proposed in Vir-

ginia, and in New York, in order to affect their elections. In New York, the members of the Legislature had been subjected to scorn and contempt, for not altering the mode of choosing Electors, to meet a certain exigency. Mr. S. said, if he had been a member of that body, he certainly should not have voted for such a change, under such circumstances. He thought the mode of election, whatever it might be, ought to be uniform in each State, and throughout the country.

The resolution proposed by the gentleman from Missouri had been taken up, and partly discussed—and, Mr. S. said, he did not know why it should not be further considered. He had never listened with more pleasure than to the arguments of that gentleman in support of the plan he had proposed; and, as other members had intimated their wish to reply to those arguments, Mr. S. was willing they should have the opportunity to do so. When the speech of the member from Missouri came to be printed, as it probably would be, and as it richly deserved to be, he wished to see the arguments of those who were opposed to that gentleman's plan also printed—that the public might see and judge of the reasons urged in its support. As to the practice of holding caucuses, to which the gentleman from New York had alluded, it had long existed in this country. It was no new thing here. It had been adopted on a great many important occasions—it had produced a great many good effects. Mr. S. believed the first embargo was agreed upon in caucus. Every one had a right to the exercise of his own opinions and principles, on that subject. But, Mr. S. said, he considered the present question to be upon the propriety of establishing some uniform mode of electing the President; and this, he thought, ought to be done.

Mr. VAN BUREN, of New York, said, that it had not been his intention to add any thing to the remarks he had heretofore submitted on the motion now under consideration, but some explanation on his part had become necessary. It would, he thought, be injustice, as well to his constituents as to himself, to suffer the new views which had been taken of the subject by his honorable colleague, to pass unnoticed. In discharging the duty thus imposed upon him, he would not increase the excitement which has been manifested, by giving any latitude to the discussion which the occasion did not call for. No portion of the time of the Senate would be occupied by him, in discussing the constitutionality of a Congressional caucus; nor in considering any of those nice distinctions which challenged respect for the proceedings of conventions of one description, and denied it to others; nor in detecting those still more subtle refinements which regarded meetings of the same character as sometimes proper, and others destructive of the purity of elections and dangerous to the liberties of the people. He could not satisfy himself that this was either the place or the occasion for discussions of that character. But, whilst he abstained from following his colleague in the remarks having reference to this subject, which he had allowed himself to make, Mr. V. B. hoped

he would not be understood as wishing to raise a question as to the propriety of the course which his colleague thought proper to pursue. It would not become him to do so. The principal ground taken for the postponement of the resolution, on a former occasion, related to the excitement produced by the approaching election, and the superior fitness of a future period for the consideration of the subject. This ground had now been much enlarged. It had been observed by an honorable member from North Carolina, in opposition to the motion, that the necessity of some amendment of the Constitution, in this respect, was generally admitted, and had been extensively called for by the people. Mr. V. B. understood his colleague not only to deny the fact alleged, as to the state of public opinion, but to contest the propriety of any amendment of the Constitution on the subject of the choice of President and Vice President. It was on those two points he would make a few remarks.

It could not, he thought, be necessary, and might not be proper, to detain the Senate by a minute statement of the various proceedings of Congress, and of the States, on the subject. A very brief reference to them would show that the gentleman from North Carolina was supported by facts in the opinion he had expressed. Mr. V. B. believed that, on examination, it would be found that the first movement on the subject had been made by the State he had the honor, in part, to represent. It was now twenty-two years since the Legislature of New York, shortly after an election, and under circumstances entirely disconnecting the measure with any pending controversy, had, with great unanimity, passed resolutions in favor of an amendment of the Constitution of the United States, requiring the division of the respective States into districts for the choice of Electors, and authorizing their selection immediately by the people. Those resolutions were communicated to Congress, and would be found on the journals of the Senate; since that time the subject had been acted upon, at various periods, and in different forms, as well by Congress as the Legislatures of the different States. Of the proceedings of the latter, those of North Carolina and New Jersey have been most conspicuous. The Legislature of North Carolina passed resolutions, nearly similar to those of New York, and sent them to the different States for concurrence. New York instructed her Senators, and requested her Representatives, to endeavor to obtain the amendment proposed by North Carolina, and many of the States gave similar instructions. At least three times within eleven years, and as late as the year 1822, resolutions, proposing amendments to the Constitution upon the subject of the election of President and Vice President, have passed this body, by more than the Constitutional majority, and there had been few sessions for several years, in which the subject had not been more or less acted upon. Early in the present session resolutions for amendment had been proposed by Senators from Missouri, New Jersey, South Carolina, Massachusetts, and New York.

Their respective propositions had been referred to a committee, combining much of the talent and experience of the Senate, of which his colleague was a member. The subject had been considered with great care, and a plan reported, containing, as the committee thought, the best parts of the resolutions referred to them. In that report, he understood the committee were unanimous, and appearances certainly indicated the adoption of some resolution on the subject at the present session. Such were his impressions, and he thought that such had been the opinions of the members of the Senate generally. In view of the facts he had stated, he could neither repress nor conceal his disappointment in finding the motion for postponement now supported on the ground that no amendment was desired by the people.

Mr. V. B. said that, although the resolution he had proposed had not been wholly adopted by the committee, and notwithstanding he desired material alterations of that reported, still, if he should be unsuccessful in his endeavors to obtain the alteration he wished, he would cheerfully vote for the amendment reported by the committee. He considered it to be far preferable, for all concerned, to the existing provisions of the Constitution. It would be unwise, he thought, to examine the merits of the various plans proposed, before the Senate decided on the present motion. He was unwilling to occupy the time of the Senate in discussions, which might be rendered worse than useless, by the postponement of the subject; but his honorable colleague had taken one view of the question, which rendered a brief reply indispensable. If Mr. V. B. had correctly understood his colleague, he had spoken of the proposed amendment, as an attempt, on the part of the large States, to deprive the smaller States, in the Confederacy, of their equal votes, in the House of Representatives, in the choice of President, on the ground of its being a usurpation which ought to be repressed; and, thus considering the subject, he had enlarged on the circumstances under which this right was conceded to the small States, and had spoken of the great danger to which they were exposed, from the possible combination between the States of Virginia, Pennsylvania, and New York. Mr. V. B. thought it due to his constituents, from their relation to the question in that form, and to himself, also, as having introduced one of the resolutions, to disclaim, for both, any views of the character alluded to. A reference to what had taken place here, ought to dispel the erroneous impression which had been made on the mind of his colleague. The first proposition for the amendment of the Constitution, in this respect, offered at this session, came from Missouri, the youngest, and, except one, or perhaps two, the smallest State in the Confederacy; and the others, from New Jersey, South Carolina, Massachusetts, and New York, in the order in which he had named these States. The propositions from New Jersey and South Carolina yielded the principle of giving to each State an equal vote, on receiving what they regarded as an equivalent. That equivalent consisted in the division of the large States into

districts, to which, by the suggestion of the gentleman from South Carolina, was added the proposition, which could not but prove conservative of the interest of all, the removal of the decision from the House of Representatives. The principal difference between the plan he had the honor to propose, and those of which he had last spoken, was, that, instead of providing for the ultimate decision of the question by the House of Representatives, as was done in that of the gentleman from New Jersey, he proposed a second reference to the Electors; and, instead of sending it back as often as might be necessary to a choice, as proposed by the gentleman from South Carolina, Mr. V. B.'s plan compelled a choice on the second ballot by the Electors; a majority of the committee, to which the several propositions had been referred, were from small States, and they had agreed on an amendment, founded on principles of reciprocal concessions for the general good. This was all that the Representatives of the large States had, as he understood them, contended for. They could not, ought not, did not, desire that the small States should surrender any portion of the power and influence now secured to them by the Constitution, unless these States should, themselves, think, that their own condition would be improved, and the general welfare promoted, by their doing so, on receiving concessions, fully equivalent, from the large States. Considerations of such liberal and equitable character had been held out on both sides, and the conflicting interests of the different States, on this point, arising from their unfortunate inequality, had hitherto, to the honor of the Senate, been commented upon without the least acrimony, and under the control of feelings which promised the most auspicious results. Mr. V. B. said that nothing had taken place to change his views or disposition on the subject. He was anxious to continue the discussion, and was willing to lend his feeble efforts to obtain the adoption of some resolution, on the subject, at this session. To this end, he was ready, on the part of his constituents, to make all reasonable sacrifices. If, however, gentlemen thought that the next session would be a more propitious period, and the character of the debate, on this motion, certainly afforded some reason to believe that it might be so, he would bow, respectfully, to the will of the majority. Until, however, that was expressed, he would continue to oppose the postponement.

Mr. DICKERSON, of New Jersey, said: The Convention who formed our Constitution could not have foreseen all the effects of its operation—powers have resulted from it that were not anticipated—the relative strength of the States has undergone a change, which has disturbed the checks and balances of the Constitution. The honorable gentleman from Missouri (Mr. BENTON) has shown the evils of the present system of electing a President, and the necessity of districting the States for that purpose, in the strongest point of view. The election of a President by the people at large would be a preferable mode, if it were practicable; but, whoever will look at the situation of our country, with its different kinds of population; different

modes of election; different qualifications of voters, must at once perceive that such an election is utterly impracticable. The choosing of the Presidential Electors, in single districts, is the nearest possible approach to an election by the people at large.

A disproportion has grown out of the relative powers of the great and small States, which the members of the Convention could not have foreseen, and which has given a new character to our system.

In an election by Electors, six great States can control the election; and leave eighteen States without power or influence upon the question. In the House of Representatives, thirteen small States, with forty-five Representatives, can elect a President against the residue of the States, with one hundred and sixty-eight Representatives. Why should the great States be all-powerful in the first case, and the small States in the latter. The gentleman from New York (Mr. KING) is willing to put the small States on an equality with the large. Is he so? This is very strange. But it is only on choosing a President in the House of Representatives, which can rarely occur. But, is he willing to give this equality of vote, on the first election of a President, which must occur every four years? No. New York, Pennsylvania, Virginia, North Carolina, Kentucky, and Ohio, have, 133 Electors, and can control the election of a President—bare majorities, in each of these States, can control the Union, upon this question. These States are of contiguous territory, and may easily have a community of interest that shall bind them together, at least upon one question. The gentleman from Missouri says, that the power exercised by the Legislatures of the States, to appoint Electors, is a usurpation—that it ought to be relinquished, without any concession of power on the part of the small States. Call this power by what name you please, it is now a permanent power; only to be reached by an amendment of the Constitution. However incorrect the construction of the Constitution might have been, and was, when this power was first assumed, it has been acquiesced in for more than thirty years. To reject the electoral votes thus given, at this time, would be to dissolve the Union. It is too late to oppose the exercise of this power. But the power, on the part of the States, to choose their Electors by general ticket is not denied; and yet its effect is precisely the same: it gives the great States precisely the same power to control the election of a President. So far as regards the citizens of the large States where it may be adopted, it is equally oppressive to the minorities, and less calculated to give a fair expression of the will of the majorities. In the State of New York, for instance, with a population of a million and a half, and a territory of forty-six thousand square miles, thirty-six Electors are to be chosen by general ticket; they must be selected from the different districts of the State—any other arrangement could not succeed. The voters, generally speaking, would not know, even by name, more than one or two of the Electors to be voted for; for all the rest, they must vote upon trust.

The voter follows the great man of his town—he the great man of the county—and he some three or four great men of the State; who thus wield the force of a million and a half of people.

If the Legislature choose the Electors, they have the opportunity of knowing whom they choose; they are the agents in whom their constituents confide; they, at least, afford a connecting link of information between the people and the Electors to be chosen.

Will the large States give up this power, without a corresponding concession on the part of the small States? They will not. They are strong, sturdy, and obstinate. They have been urged upon this point for twenty years, but without effect—further efforts are hopeless. What is the power of the small States, which it is the wish of the great States to restrain or modify?

On an election of President, in the House of Representatives, thirty-one members from thirteen small States can control the election. Is this a safe power, even to the small States themselves? Should they exercise their power to the full extent, the first attempt would probably be fatal to their independence. Can they feel a confidence that they would exercise their power with discretion? In the moment of party excitement, when ambition, and all the fierce passions of anger and excitement, have their sway, discretion is lost sight of. The power is a dangerous one—much more dangerous to the small States than to the large. The danger of dissolving our Union would create, comparatively, but little alarm in New York. What has she to fear? She is an empire in herself. But, with New Jersey, the case is altogether different. Without the Constitution, she must cease to be an independent State. Situated between two potent neighbors, of whose disposition to oppress she had sufficient evidence, between the close of the Revolutionary war and the formation of our present Constitution, she would be crushed. On the dissolution of the Union, real property, in New Jersey, would instantly fall fifty per cent. The State is so situated, that a large portion of her commerce must necessarily go through the ports of New York and Pennsylvania. The duties on foreign goods consumed in New Jersey, would be paid in New York and Pennsylvania; and pass into the treasuries of those States. New Jersey would be tributary to them. She would resist, and, probably, make the City of Jersey, Perth Amboy, and Burlington, free ports of entry. This would destroy her whole system of protecting the industry of the State, and would lead to acts of retaliation on the part of those States in which her prosperity would be utterly destroyed. New Jersey has a stronger interest in the Constitution than any other State in the Union.

It is for this reason, that, in that State, there is the strongest disposition to provide for the permanency of the Constitution, by correcting the abuses that have grown up under it—more especially the disproportion of the power of the great and small States in choosing the Chief Magistrate, and the

difficulty of such a choice in the House of Representatives.

How the fears of the gentleman from New York have been allayed, within a few weeks, I know not; while the dangers themselves have evidently increased.

The dangers of choosing the President, in 1801, were such as to threaten us with dissolution of our compact. But, the difficulties now to be contended with, in such an election, would be made much greater. Then, there were but two candidates; the first ballot would have resulted in a choice, if some States had not been divided. Now, there must be three candidates. The House of Representatives will be divided between the three; even the Representatives of the States may be divided between the three. The confusion might become inextricable.

Suppose New York were to give 12 votes to A, 11 to B, and 11 to C, would this insure the vote of New York for A? The friends of B and C would say not. Should a plurality or majority govern in such a case? Should the State say what was its vote? or should the House of Representatives prescribe the rule? The case is full of difficulty and danger.

This amendment, Mr. D. said, if it should be agreed to by the requisite number of both Houses of Congress, must be submitted to the several States; and, unless three-fourths of them were in favor of it, it could not be adopted. The large and the small States must all be consulted, and he well knew it would be very difficult to get any amendment adopted. It is said that it will take away the rights of the States. But, unless they agree to it, the proposition can never take effect. Mr. D. thought the present provision of the Constitution, in respect to the election of President, was extremely weak. He was fully convinced that it was the unanimous opinion of the old States, that some alteration ought to take place; they have earnestly looked for it; they ask it at our hands. Both the small and the large States will consent to give up something for the sake of effecting that object. Neither of them would be willing to do it, unless an equivalent was obtained. Mr. D. feared that the present was not the time to act upon these amendments; he thought it would be necessary to test the Constitution, as it now stands, a little longer. It would take a long time to get any amendment through, and it was thought that the present was not a fit time for the discussion, in consequence of the excitement which prevails throughout the country in regard to the ensuing election. The gentleman from New York has changed his mind respecting the propriety of amending the Constitution.

Mr. KING, of New York, rose to explain, in reference to the change of opinion imputed to him by the gentleman from New Jersey. We understood him to say, that, although he had formerly been favorable to some amendment of the Constitution, in regard to the election of President, yet his attention had been most powerfully attracted by a power which had since risen up, which appeared to him so terrific that he hardly

dared to contemplate the effects it might produce—he meant the power which members of Congress had assumed, of nominating a President of the United States. It was placing the complete control of the Government in the hands of a party. He firmly believed that the power thus assumed would, if permitted to be exercised, eventually overwhelm the Constitution. It would produce a fearful combination of the large States. The small States, he thought, would not consent to go into caucus; if they did, it would be a suicidal act on their part. He called upon gentlemen to produce the smallest authority, in any part of the Constitution, for these meetings. He considered them as violating the spirit of that instrument. The power of choosing the President is given to the Colleges of Electors—the election, in the first instance, is in their hands; and, to prevent the possibility of combination, they are chosen only about thirty days before their office is to be performed. The election is directed to be made in all the different States on the same day, and the Electors are permitted to make but one attempt at a choice. These provisions of the Constitution were adopted for the express purpose of preventing combinations—an effect which, Mr. B. thought, was greatly to be dreaded from the practice of nomination by Congressional caucuses.

Mr. DICKERSON resumed. He intended no disrespect to the honorable member from New York in imputing to him a change of opinion on this subject. In regard to the caucus which had been spoken of in this discussion, Mr. D. said, he conceived it was neither forbidden nor enjoined by the Constitution. He considered it as a perfectly harmless expression of the opinion of those who attended it. Members of Congress had certainly as good a right, in their individual capacities, to recommend a candidate for the Presidency, as any other men. Similar meetings have been held in every State, every county, and almost every town in the country. The same privilege of recommending candidates is exercised by every printer in the country. Some of them have recommended three or four different candidates within the last six or eight months. No mischief can result from the caucus nomination—it imposes upon nobody; it binds nobody; it will go for what it is worth, and no more—it is the mere exercise of opinion, and that is a right which, whether it respected men or measures, Mr. D. said, he would never relinquish. It is a right guaranteed by the Constitution and the laws of the country, and one which will be exercised.

Mr. HOLMES, of Maine, next rose. It is to me, said Mr. H., matter of regret and astonishment, that this debate should have taken such a turn. I had the honor to be, with the gentleman from New York, (Mr. KING,) on the committee to whom these amendments to the Constitution were referred. I had, till then, some doubts whether, at this time, it was proper to act upon them. But I then had the countenance and support of that honorable gentleman. Full well I knew and appreciated his experience and wisdom. As he was one of those who framed that instrument, and

knew the views and motives of his associates, I adopted him, in some measure, as my Mentor. The amendment which has been the subject of his animadversion, was agreed on in committee, with great unanimity; and by none with more cordiality and zeal than by that gentleman. But though he has seen fit to change his opinion, I have not. However I may respect him, I cannot consent to be led about in this way. For the reasons which he has deemed proper to offer to the Senate, I, as one, feel mortified and humbled. Never before, except once, and that by the same honorable member, has the election, which now agitates the public, been introduced into our deliberations. This Senate should be, and, until now, thank God, it has been, above popular excitement. And from what source does it come? Who sets the pernicious example? One whose age and experience point him out as a model.

Sir, I assure that honorable gentleman that I have no need of his advice, nor will I submit to the dictation of any Senator here, to direct me in my private or individual conduct. Until I shall be arraigned, as the Constitution prescribes, I shall not condescend to account to any, or all, the members of this Senate, for my acts out of this body, and with which they have no concern.

The first use of the word "caucus" here, in debate, I regret to say, was from that gentleman. He has been pleased to arraign before the Senate certain members of this, and the other House, because they saw fit to meet and recommend a candidate to the people, for President of the United States. And, by this act, he affects to believe that the Constitution has been so violated that he would not amend it at all. Sir, pardon me when I say that this is an idle dream.

He seems to apprehend that the time will come when the President and Heads of Departments will participate in such a convention. Sir, there is no danger of that. When the members of the Executive Department shall combine to appoint a successor for the President, the people will put down the combination. No, sir; when these gentlemen attempt this, it will not be by a public meeting. Secret engines will be put in operation—private agents will be employed, and means will be used which shun the light.

A public meeting has been held to recommend to the people to unite, and keep the election in their own hands. At this, the honorable gentleman takes umbrage and alarm—he condemns this measure of union; and avows his wishes that the election may be made by the House of Representatives. He seems to think, that any meeting, or any exertions of individuals to prevent it, is to defeat the provisions of the Constitution! This, from a representative of the largest State in the Union, is very frank, and very disinterested. Sir, it would be humiliating to give the proper answer to all this—a regard to the dignity of the Senate forbids the just retort. But we may be allowed to say, that, when the Representatives act with open doors, and expose their views and motives to the world, the people's rights are safe, the danger lies in secret combinations, in compacts to divide

and distract—in private meetings to prevent public meetings.

It is here that bargains may be made, and management and intrigue be practised with success. I, sir, am proud in the reflection, that we have acted openly and above-board. We have united, as individuals, to recommend a candidate to the people. I hold myself accountable, for this to no member of this Senate, however respectable. For this act, I am responsible only to my conscience, my country, and my God.

It is a source of consolation and confidence, that this course has been sanctioned by constant usage, and the approbation and support of the most distinguished patriots and statesmen. And, in what instance have the rights of the people been infringed, their liberties impaired, or the Constitution violated? Do you perceive it in the prosperity, happiness, and independence, which every where surround you?

Sir, the people of the United States are high-minded, independent, and intelligent Republicans. They understand their own rights, and, I trust, know how to preserve them. If they see cause, they will disregard, and disapprove, our recommendation. When, in my opinion, I need it, I will consent to be advised, and even catechised, by any Senator; and by none sooner than the honorable member from New York. But, of this, I must take the liberty of being my own judge. Upon my individual conduct, beyond these walls, I will not be compelled to submit to any tribunal other than those which I have named. I need not add, I am of age to act for myself.

Mr. LOWRIE, of Pennsylvania, said, it was with a sensation of pain, that he observed the situation in which the Senate was, at this moment, placed. Instead of considering, with calm deliberation, the amendments to the Constitution, submitted by the different members, and especially the one which had received the sanction of the committee of the body, the Senate is involved, by the remarks of the gentleman from New York, (Mr. KING,) in the discussion of the propriety of a Congressional caucus. Sir, said Mr. L., the gentleman has expressed himself, in strong terms, against this measure; and, if he has not alarmed others, he has shown that he is himself alarmed at the results which are likely to follow. But, sir, I for one, will not be forced into a discussion of this measure, on the floor of the Senate. Notwithstanding the great respect I have for the gentleman from New York, so improper do I consider his remarks, that, on this point, I will not even answer him. But, although I choose to be silent, I beg the gentleman to be assured that it is not because I see any thing new or formidable in his remarks, or any thing difficult to answer.

What is the question, said Mr. L., which, at this time is, or ought to be, before the Senate? A motion for indefinite postponement of the various amendments offered to the Constitution of the United States. Five years ago, when I first took my seat here, the gentleman from New Jersey, instructed by the State which he represents, offered an amendment embracing the district sys-

tem. It passed the Senate by the Constitutional majority. It passed then, and it has passed since, without the aid of my vote. As a Representative from a large State, I never have consented to a system which went to strike out of existence the lines of the States. Such is the effect of the district system that, instead of States, you are to have districts. Sir, I will not consent to a system which would prevent the State of Pennsylvania from speaking, on this question, with her whole strength entire and unbroken, unless the small States will give an equivalent. We have been told of the advantages of the district system; and that there are advantages in it I admit. But these advantages, heretofore, have been asked for by concessions from the large States only. The question has, this session, for the first time, assumed a new form. A proposition is submitted by which the large and the small States can meet on middle ground. I have been anxious to hear this proposition discussed by the Senate. My wish has been that the attention of our constituents should be drawn to it. Should a majority of the Senate be against it, there is still remaining the amendment submitted by the gentleman from South Carolina, (Mr. HAYNE.) With some modification that amendment would be my second choice; both are of grave and solemn import—they require at your hands a full, a calm, and deliberate discussion. Why is the motion for indefinite postponement thrown in the way? Because, it is said, an election of President takes place next Fall, and there is great excitement in the country on that question. Sir, it is admitted by all, that no amendment we can now propose will affect the next election; and, this being the case, what connexion can the present question have with the ensuing election, more than any other subject presented for our deliberation? There is, in reality, no sound reason why we should not proceed. Nothing but the influence of undue excitement could have induced the gentleman from New York to bring the propriety or constitutionality of a Congressional caucus into this debate. No excitement showed itself within these walls, until that gentleman indulged himself in the remarks we have just heard. The perplexed view which the gentleman has given of our political situation, is, in my judgment, no reason why the present question should be arrested. Mr. L. said he would vote against the postponement; but, if other gentlemen thought the next session would be more favorable for a decision of the question, he would acquiesce; but, at the next session, if no other gentleman brought the subject forward, he would then present it to the consideration of the Senate.

Mr. NOBLE, of Indiana, said this debate had certainly assumed a very strange and unexpected course; but, if the object in giving it this direction was to affect the public mind, in relation to the caucus which had been recently held, he trusted that object would be defeated. He had attended that caucus himself—and he certainly should not ask pardon of the gentleman from New York, (Mr. KING,) or of any other member

in the Senate, for having done so, further than the rules of respect towards members, and the decorum usually observed in the Senate. The object of the caucus was to produce union; it did not infringe upon the free vote of any citizen of the United States, nor of the State to which he belonged. He adverted to the political operations of the Government previous, and at the day of, Jefferson's nomination. It was by caucus that the power then in the hands of Federalists was dislodged, and, from his youthful days, he said amen! and so he said now. In New York, he said, if he had rightly been informed, some years ago, upon a certain occasion, in electing a Senator from that State to the United States, the election was delayed, and an union formed between the Federalists and Clintonians, in order to suit certain individuals, and to answer individual purposes. What was this but a caucus? No one ever believed that the people of the great State of New York was contaminated by the union of those parties. But, he asked, what had this to do with the propositions to amend the Constitution of the United States now under consideration? It was a departure from the subject, and a firebrand thrown into the House. This central power, to which the member from New York alludes, and his fears that the Constitution would be destroyed, he presumed was intended to produce some effect in New York. He liked consistency in gentlemen who stepped forward to protect the rights of the people—the gentleman himself denied the other day that the people were the constitutional sovereigns in this Government—he contended that the States were the sovereigns, when it was known to all Republicans that the people were the source of all power, and constituted the division of all powers, whether applied to the State Governments or the Federal. Mr. N. said he would not suffer himself to be traduced by any member for having gone into caucus, without defending himself. What was done there, was done openly—it was the mere expression of private sentiment—such a practice was in existence, he believed, in every State—in every county—and in every township in the United States, in relation to the election of all officers, either of the State or Federal Government, and never considered as violating the Constitution of the United States, except by those whose favorites could not prevail, nor yet as constituting "this central power." On this question, Mr. N. said, that he did not expect to be called upon to defend the caucus, the doings of that meeting were public, they were gone out to the people. But pray let the gentleman from New York tell us what has been done on the other side—he meant the anti-caucus—and see whether their proceedings formed any part of this "central power," so dangerous to the liberties of the people. Let him say what part of the Constitution gave this right. Mr. N. said he did not condemn the course, for it was but a caucus to know whether they would go into a caucus, this was but private sentiment, and the only difference between the caucus and anti-caucus is, the former was a private sentiment

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expressed with previous notice; and the latter, private sentiment, without notice.

Mr. KING, of New York, said that, in the few remarks he had made to the Senate, he had intended no disrespect towards any member. He had thought that, in the present situation of the country, this was not the proper time for the consideration of amendments to the Constitution. The subject had interwoven itself into the affairs of his own State, in regard to the Presidential election. He trusted he was not precluded from expressing his opinion on a subject of great importance and notoriety. In considering amendments to the Constitution, he had thought it not improper to mention the exercise of a power which was not authorized by the Constitution. That power was one, the operation of which, he believed, was much to be dreaded; and surely there was no impropriety in alluding to it. If things were doing in the country, which were thought improper, and which had a bearing on the subject under discussion, would the Senate not be influenced by them?

Mr. FINDLAY said that, as this was a most unpleasant discussion, more so than he had ever heard since he had the honor of a seat in the Senate, he would endeavor to terminate it. He moved an adjournment. The motion was carried, and the Senate adjourned until to-morrow.

FRIDAY, March 19.

Mr. LOWRIE presented the memorial of W. Rawle, President of the Pennsylvania Society for promoting the abolition of slavery, praying that provision may be made by law for the total abolition of slavery within the District of Columbia; which was read, and on motion, by Mr. BARBOUR, laid on the table.

Mr. LOWRIE presented the memorial of William Tilghman, President of the Board of Managers of the Pennsylvania Society for the encouragement of American manufactures, requesting that such a system may be digested as will secure to manufactures a portion of that protection which has been extended to commerce and tobacco planting. He also presented the memorial of Tobias Huber, and others, of the city and county of Philadelphia, praying an increase of the duties on imports. The memorials were read, and referred to the Committee on Commerce and Manufactures.

Mr. WARE presented the preamble and resolutions, adopted at a meeting of the citizens of Burke county, in Georgia, remonstrating against the passage of the bill pending in Congress to increase the duties on imports; which were read, and referred to the Committee on Commerce and Manufactures.

The bill to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies, was read the third time, and passed.

The bill for the relief of Noah Smith, of Maine, was read the third time, and passed.

The bill to enable the President to carry into

effect the treaty made at Ghent, the 24th December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the said United States, to American citizens, and the bill for the relief of Ichabod Lord Skinner, were severally read the second time.

The Senate proceeded to consider the report of the Committee on Commerce and Manufactures, on the petition of Thomas Evans and Thomas Coppuck, and the memorial of William F. Chesley, and others; and, on motion, it was laid on the table.

AMENDMENTS TO THE CONSTITUTION.

The unfinished business of yesterday, being the consideration of the several resolutions proposing amendments to the Constitution, in relation to the election of President and Vice President, was resumed. Mr. LANMAN was called to the chair. The question was, upon Mr. MILLS's motion, to postpone the subject indefinitely.

Mr. HAYNE, of South Carolina, said, that his only object in calling up these resolutions was to obtain some decision on them. The Senate had, for several months, had the subject before them, and it was due no less to the public than to the gentlemen who had submitted the propositions, that they should now be acted on definitively. Mr. HAYNE protested that he had not anticipated the course which the debate had taken, and he most sincerely regretted that certain topics had been introduced into the discussion, which were unfortunately but too well calculated to produce a painful excitement. As these topics, however, had been discussed, it would become his duty, in the course of the observations he was about to make, to notice them. The cause of truth demanded that arguments calculated to influence public opinion, (though founded, as he believed, in error,) should not go forth to the world unanswered. He would, in the first place, however, make a few remarks on the questions properly before the Senate. There are two propositions; said Mr. H. now under consideration. The first is, the proposition reported by the committee to which the honorable gentleman from New Jersey was chairman, which proposes so to amend the Constitution as to divide the whole of the United States into districts, for the choice of Electors for President and Vice President, and on the failure to make a choice at the first ballot, that the election should devolve on the Senate and House of Representatives in joint ballot. The second proposition, now under consideration, is the amendment submitted by the honorable gentleman from Missouri, which differs from the former, in proposing to dispense entirely with Electors, retaining, however, that provision of the Constitution which directs a choice by the House of Representatives, (voting by States,) in the event of a failure of the election by the people. A motion has now been made to postpone these resolutions indefinitely. Mr. H. confessed that, though he was decidedly opposed to both of them, yet, if he had any hope that the Senate would act on them dur-

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Amendments to the Constitution.

SENATE.

ing the present session, so far as to enable the other gentlemen who had submitted propositions, to bring them forward, with any prospect of a favorable hearing and final decision, he would vote against the postponement. He had ascertained, however, that a majority of the Senate did not deem it expedient to adopt any amendment to the Constitution during the present session; and opposed, as he always was, to the unnecessary consumption of time by a fruitless discussion, he should vote for the indefinite postponement. He would avail himself of this opportunity to say a few words in reply to what had fallen from gentlemen on the other side, on the merits of the first proposition—that reported by the committee. But, before he proceeded to do so, he would notice some statements made by the honorable gentleman from New York, which Mr. H. conceived to be erroneous. That gentleman (Mr. VAN BUREN) had said, that the resolution under consideration had been agreed to in committee unanimously. This, Mr. H. said, was a mistake. He had, himself, voted against the resolution, and so had the gentleman from Missouri. The gentleman from New York had also stated, in the course of his argument, that resolutions on this subject had been often reported by committees, and had several times passed the Senate, and he therefore infers that the Senate must be prepared to act upon them now. I am informed, said Mr. H., that one of the features of the proposition, now before us, has never before been introduced into this House, and assuredly has never received, and he trusted never would receive, its deliberate sanction. He alluded to that part of the resolution which proposes to substitute a vote by the joint ballot of the Senate and House of Representatives, for the present mode of voting in the House of Representatives by States. The gentleman from New York had fallen into another error, which he would take the liberty also to correct. He had considered the proposed amendments to the Constitution, as originating in the dissatisfaction of the small States, and he represents the large States as perfectly satisfied with the Constitution as it now stands, but magnanimously disposed to yield to the wishes of the small States, provided they could obtain some reasonable equivalent. This is surely, sir, said Mr. H., a most mistaken view of the subject. One of the propositions, submitted during the present session, came from the gentleman himself, one of the Representatives of the great State of New York, another came from an honorable gentleman from Massachusetts—and, though the gentleman from Missouri comes from a small State, yet he told us, that when he considered her destinies, he brought to the discussion of the subject all the feelings of a Representative from a large State. The gentleman from New York, himself, tells us that almost every member of the House admits that there are defects in the Constitution in respect to the provision for the election of a Chief Magistrate, and that we are all willing to adopt some amendment; he affirms, confidently, that the people in every part of the United States are calling for such an amendment—that they are prepared for, and ex-

pect it. These admissions, surely, prove that the proposed amendments have a deeper foundation, than any dissatisfaction on the part of the small States. The truth is, said Mr. H., that not one of the propositions which have been submitted would add a particle to the power of the small States, though he believed that some of them would not impair their strength. Let us, said Mr. H., take higher ground, and be influenced by more generous and liberal views on this subject. Let us look exclusively to the great interests of the nation. Let us consider these propositions in their true character, as coming indiscriminately from large and small States, and having no other object than the welfare of the whole. Mr. H. said, he was willing to admit that the spirit of harmony and mutual concession could alone lead to any desirable results on this subject. It was in that spirit that the Constitution had been framed, and by that alone could its harmonious operation be secured. He should certainly be one of the last to contend that the great principle of compromise, on which the Constitution was founded, and on which the dearest rights, perhaps the existence, of the small States, depended, should ever be forgotten or disregarded. He contended only against jealousies and struggles for political power. Having thus presented the question in what he believed to be its true light, Mr. H. said he would proceed to consider the resolution reported by the committee. On that part of it which proposes to divide the United States into districts for the choice of Electors, he would make but a single remark, as he certainly did not intend on the present motion to enter into a full discussion of the subject. The remark he would make, was, that whatever might be the advantages of the district system, (and he admitted them to be very great,) it certainly lessened the chances of effecting a choice, and indeed would, in most cases, lead to a failure of the election. It surely, said Mr. H., can require no argument to prove that the United States, divided into two parts, each expressing but one opinion, will be less liable to a division of sentiments than when divided into two hundred and sixty such parts. When a State acts as a State, whether the vote be given by the Legislature or by general ticket, there can exist but one opinion—the voice of the State; but the same State, divided into districts, may have as many opinions as there are districts. The merit of the district system, then, depends on the provision by which it may be accompanied, as to the course to be pursued in the event of the failure of the election at the first ballot. He was convinced that this failure would take place under the district system in nine cases out of ten, and, therefore, if it were proposed on such failure to throw the election into the House of Representatives, or into Congress, the substance of the proposition would be to provide for the election of the Chief Magistrate by Congress, and not by the people. If, said Mr. H., the district system was accompanied by a provision, that, on the failure of the election at the first ballot, it should be sent back to the Electors to choose the President from the two highest candidates, then the system would

be complete, an election of the people would be secured, and the necessity of any interference on the part of Congress would be taken away. A second ballot by the Electors was the principle, said Mr. H., on which his proposition was founded. It could be ingrafted on the district system, or on any other which did not dispense with Electors. The details of such a system, he was satisfied, could be easily arranged, and he hoped, at some future day, to see it adopted.

But what, said Mr. H., is the substance of the proposition now before us? What will be its practical effect? The people are to pass through the form of voting for a President, in their respective districts, but if no candidate has a majority, (and no one will ever have a majority, except it be in a very extraordinary case,) then the election is to go into Congress—both branches of the Legislature voting by polls, and not by States. I consider, said Mr. H., the whole resolution to contain, substantially, nothing more than a proposition to change the voting in Congress by States to a joint ballot, with the further evil of carrying the election, in almost every instance, into Congress. It results, then, in a proposition to elect the President hereafter by the National Legislature. Now, sir, said Mr. H., I consider such a system as pregnant with dreadful evils. It is true, that it was proposed in the Convention, but mature deliberation led to its abandonment; and when we look into the great commentary on the Constitution, (the *Federalist*,) we find the weighty reasons stated which induced the Convention to prefer a choice by Electors, to one by Congress.

Can it be necessary, said Mr. H., to point out the evils of choosing a President by the National Legislature? He would state some of them. The occasion and the nature of the question now before the Senate, would not permit him to enlarge. The first objection to the election of a President by the National Legislature, is found in its connecting the Executive with the Legislative department of the Government. It is the theory of our Government, that the several departments should be kept, as far as possible, separate and distinct. If the Legislature shall be authorized to choose the Executive, is it not obvious that they will be rendered mutually dependent on each other? Either the Executive will be rendered the humble tool—the obedient servant of the Legislature—or, what is most to be apprehended, the Legislature will become subservient to the views of the Executive. Judging from the experience of the world, I should say, that a President of the United States, uniformly chosen by the National Legislature, would acquire a most dangerous influence over all their deliberations. With an immense patronage in his hands, a President might be able, by feeding the hopes of greedy expectants, to secure his constant re-election. He would have the means of doing so, and to insure his election would be the motive to exert them. An ambitious aspirant for the Chief Magistracy of this great Republic, might have in his power, by management and intrigue, not only to secure his election, but to mould the Legislature to his will. With so great a prize

at stake, no exertions would be wanting to secure it. Promises, threats, intrigue, and corruption, would exhaust their resources, to influence and control the Electoral college. But the higher, as well as the baser motives of human action, would be enlisted in the service. Party spirit, personal and political attachments, would combine to influence the decision of the National Legislature in the choice of a Chief Magistrate. Men, who would rise superior to naked bribery and corruption, would be hurried on by their passions, and even by honorable ambition, to second the views of their favorites. At present Congress is considered as a body who may (in an event not likely to happen) be called upon to elect the President. But if that election was always to be made by Congress—if ambitious men were taught to look to that body, and not to the people, for promotion—who can be so blind as not to perceive that the Hall of Congress would become the arena, where we would witness the most violent and convulsive struggles for power? The very nature of the contest would have a tendency to give to it peculiar energy and bitterness. Such is the character of man, that he is always as much, if not more, devoted to men than to principles. As much as we are accustomed to boast of our exclusive attachment to the latter, principles and men cannot be separated. It is embodied wisdom that we admire. It is "virtue confessed in human shape," that we love. It is principle speaking in the life and actions of men, that comes home to the "bosoms and business" of us all. It was this view of the subject, the apprehension of the dreadful excitement which would always prevail in electing a President to Congress—the intrigue it would introduce—the corruption to which it would give birth—the convulsive struggles for power—the destructive influence to which it would subject the Legislature of the country—which induced our fathers to lodge the power of electing a President in the hands of the people. They act, it is true, by their delegates, but the Electors must be chosen a very short time before the day of election, and having performed the single act confided to them, they return immediately to the body of the people—thus avoiding all the dangers which might arise from the employment of a pre-existing body of men, for the same purpose. Sir, said Mr. H., I cannot contemplate without anxiety and alarm, the adoption of a principle in our Constitution, which must, in practice, almost invariably give the choice of the President to Congress. I cannot but foresee that, on all future occasions that great transaction is destined to convulse the country. We have this day before our eyes a solemn warning of the fact. When, at future periods, the number of candidates shall be multiplied—when parties shall be formed in every part of this great empire, each anxious for the triumph and zealous in the support of their favorite—when the worst passions of the human heart shall be roused into action—when our affections shall be estranged from our friends, and our hearts embittered against each other—when the whole interval between the dif-

ferent elections shall be employed in dreadful "note of preparation" for the ensuing contest—can Congress (if they are to elect) be free from the contagion? Will the Senate and House of Representatives, amidst the tumult of the political elements, sit, like a Hælyon, on the waves, undisturbed spectators of surrounding horrors? It is greatly to be feared, sir, that their more appropriate emblem, on such an occasion, will be, that dreadful whirlpool of the North, which draws into its fatal vortex every thing which falls within the influence of the eddies by which it is surrounded.

I come now, said Mr. H., to that unpleasant topic which has been unhappily introduced into the discussion. I mean a Congressional Caucus. The honorable gentleman from New York, (Mr. KING,) in the course of his remarks in favor of an indefinite postponement of the resolutions, took occasion to mention, incidentally, a "central power," which had grown up at the Seat of Government, and which was destined, hereafter, to control the election of a President. The gentlemen on the other side have thought proper, in reply, to enter into a vindication of a Congressional Caucus for the nomination of a President. If their arguments could be confined to this hall, and were not calculated to have an influence on public opinion, I would not, perhaps, find myself called upon to notice them. But, believing that the subject is one of vast importance, that it touches the vital interests of the country, and may, in its remote consequences, endanger liberty itself, I find myself constrained to attempt an answer to the particular arguments which have been urged. I shall confine myself strictly to a defensive warfare—and shall enter no further into the discussion of the subject than may be necessary to reply to the arguments which have been urged on this floor.

It is contended by the gentleman from New Jersey, (Mr. DICKERSON,) and the same argument has been urged by all the gentlemen who have spoken on the subject, that a Congressional caucus for the nomination of a President, is not liable to any of the objections which may be urged against the election of a President by Congress, because the Senators and Representatives, in attending a caucus, act only in their private capacities. This appears to me, said Mr. H., to be a fallacy so obvious, that he was at a loss to conceive how any one could be deceived by it. Sir, if fifty or sixty private individuals should meet in this city and nominate a President, what effect would be produced by it? Would it be an event looked to with anxiety from every part of the country? Would it divide the nation into parties, or challenge the praise or the censure of every freeman in the land? No, sir; it is because the gentlemen who compose such a meeting are members of Congress—it is the authority with which they are clothed, that gives influence and effect to their proceedings. But for this, no such meeting would be held. They meet in their character of members of Congress, or they would not meet at all. It is true, they do not meet to per-

form a Legislative duty, and the very objection to the proceeding is, that they step beyond the line of their peculiar and appropriate duties, and use the influence attached to their offices for the promotion of an object not within their Congressional powers, and with which the spirit of the Constitution forbids them to interfere. To show, conclusively, that it is the influence attached to the office of a member of Congress which is the foundation of a Congressional caucus, and that it is expressly in their character of members of Congress that gentlemen attend such a meeting, Mr. H. adverted to the fact that none other are invited or suffered to attend. If gentlemen acted only in their private capacities, every American citizen—certainly every inhabitant of this District, would be at liberty to unite with them. Look, too, at the forms of proceeding in such cases; the Hall of Legislation is appropriated to their use; the Speaker's chair is occupied by the Chairman; the officers of the House are stationed at the door to prevent the entrance of any members of Congress, who are called up by States to give their suffrages. After this, tell us not that gentlemen act in their private capacities, and that, as members of Congress, they have no concern in the transaction! Sir, said Mr. H., I deny that a man can put off and put on, at pleasure, the official garb with which he is clothed. A man clothed with Executive authority cannot, as a private citizen, perform Legislative duties; neither can a member of Congress put off his character, and, as a private citizen, interfere with matters which the Constitution has wisely prohibited him from meddling with. I have heard, sir, said Mr. H., of a priest, who, walking to church in his robes of office, received an insult; he threw off his gown, exclaiming, "Lie there, divinity, until I punish that rascal;" and having, in his private capacity, inflicted the chastisement, he resumed the character of a clergyman, and proceeded to preach up "charity, and forgiveness of injuries, love to God, and good will towards man." If there be, said Mr. H., any sound distinction, any safe rule by which the private and public acts of an individual can be ascertained, it must be this—that matters, altogether of a private nature belong to the one, while matters of a public nature belong to the other. Bring a Congressional caucus to this test. The choice of a President is a public matter; it is a business provided for by the Constitution; the manner in which it is to be done is prescribed; the members of Congress are prohibited from being Electors, and the Senators can, in no possible event, have any thing to do with it. It cannot be possible, therefore, for members of Congress, as such, to meddle with it. Not being a private matter, if they act on it at all collectively, as a body, and by virtue of their office, it cannot be said that they act in their private capacities. I will proceed, said Mr. H., to give one or two illustrations of this subject, which I think will remove any doubts which may still rest upon it. Suppose the President and Heads of Departments were to meet together in their private capacities, were to nominate their successors, and were to proclaim such

a nomination to the American people. The country would ring with denunciations of the act, the charges of usurpation, tyranny, and corruption, would rise up in every corner of the land, and they would meet the just vengeance of an injured people! And yet, have not the President and Heads of Departments as much a right to act, and to speak, in their private capacities, as any other members of the Government? They are no more prohibited from nominating a President than are the members of Congress; and more danger is to be apprehended from the influence of the latter than the former. Suppose the Judges, of the Supreme Court were to step from the bench, put off their robes, and, after public notice, were to proceed, in their private capacities, to nominate a President, and publish that nomination to the world! How would such a proceeding be relished? And yet, the Executive and Judiciary have certainly an equal right with the Legislature to proceed to such a nomination, in their private capacities. Again, suppose the Governors of the several States were to consult and vote on the subject, and announce the result to the world, in order to produce union among the people. What would we think of such a proceeding? But, I will put, said Mr. H., a still stronger case—one perfectly analogous to that under consideration. Suppose a jury appointed to try a cause, civil or criminal. The law prescribes the place, the time, the mode and manner, in which the question is to be officially investigated, and decided. But these jurors think proper to meet together, previous to the trial, in their private capacities, to investigate the merits of the case; they come to a decision and publish the result! Would it be any excuse for such a proceeding to allege, that they did not act as jurors, but in their private capacities? And with what color of reason could such an excuse be made, if it were shown that they were summoned to the meeting as *jurors ex nomine*, that none other were admitted, that they appointed a foreman, passed through all the forms of a trial, and in the name and character of jurors, proclaimed the result. Now, said Mr. H., there is a more striking analogy between that case and the proceeding now under consideration, than gentlemen will be disposed to admit. The House of Representatives may, in one event, be called upon to choose the President. The Constitution has prescribed the time and place, and all the formalities of that proceeding; but, before the occasion occurs, the members of that House meet together in their private capacities, and examine the claims of the candidates, and without the light which further time and a more deliberate examination might afford, to make a choice, and publish the result. It is true, that the proceeding, in both cases, is without legal authority, and is not binding, but it is calculated to produce a dangerous influence, and is, therefore, wholly indefensible. To illustrate the truth that legislators cannot, consistently with the spirit of the Constitution, act in their private capacities on matters which may come before them officially, it may be asked, whether it would be justifiable for a majority of

this Senate, as a party, to meet together habitually, in their private capacities, and determine, by a majority, what measures they should, as a body, support or oppose? By such an arrangement, all the guards by which pure and enlightened legislation is secured would be destroyed, and a small minority might sway the Senate. A Congressional caucus is open to the same objection. I confess, sir, said Mr. H., I have serious fears that, should the caucus system be firmly established in this country, it will eventually lead to the total destruction of the rights of the small States, and that the clause in the Constitution, which secures their just weight in the choice of a President, will be virtually repealed. Once recognise the distinction between a man's public and private capacity, in relation to public matters, and what is to restrain a few of the large States from appointing delegates, or instructing their members of Congress to meet in caucus, and determine, by a majority of votes, how these States shall act, and whom they shall support? I shall add nothing further, said Mr. H., in answer to the honorable gentlemen, on this point.

The next argument urged, is, that a Congressional caucus is free from objection, because it does not profess to elect, but only to nominate a President. Now, I would ask whether the design of this nomination is not to procure the election of some individual who would not be elected without it? If such be not the object, and if such were not the results hoped for, no nomination would be made; no caucus would be held. But, if a nomination is to have the effect of promoting a man to the Presidency who would not otherwise be promoted, it virtually amounts to an election; and is it any answer to this argument to say, that it is produced altogether by the authority and influence of members of Congress? Or, is not that the most objectionable means by which an election can be effected? But, sir, said Mr. H., let us bring this question to the test of principle, and see if the practice I am controverting will not directly deprive the people of the right of choosing among the several candidates for the Presidency? If a Congressional caucus be right in principle, as the gentlemen allege, it follows, that the friends of all the candidates ought to attend, and that, the strength of each being ascertained, the strongest should be supported by all, and the others should be withdrawn. Thus, the people will be deprived of the right of choosing, and must, of necessity, take the man recommended to them. Take the case of two candidates only, and such a case has occurred. A caucus decides between them, the other is bound to withdraw; he can, on principle, no longer be a candidate; his friends cannot support him; and, though nine-tenths of the people should prefer him, he cannot, as a man of principle, even consent to serve. Take another case. Suppose there should be five candidates—the five most prominent and popular men in the country. Apply the caucus principle, and it results in presenting but one candidate to the people, and they must take him, or look out at the eleventh hour for a new man, which, under

such circumstances, would be impossible. The principle of a Congressional caucus, therefore, leads inevitably, and of necessity, to the destruction of the right of the people to elect the President, and if it does not, in practice, produce that result, it is only because so many of us are such political heretics as to refuse to recognise it; and because the several candidates and their friends will not consent to abide by it. But, let the principles of the gentleman prevail, and the President will, hereafter, be virtually elected by a caucus in Washington, and not by the people. Now, said Mr. H., there is not an objection which applies to the election of a President by the National Legislature, which does not apply much more strongly to a virtual election by a Congressional caucus. Does the former disturb legislation, tingling every legislative act with party views and feelings, so, in a greater degree, does the latter. The letter and spirit of the Constitution is opposed to every species of interference, by the members of Congress, in the election of a President, except in the particular case of a failure by the people to elect. Then, and not till then, are Congress permitted to interfere; and the mode in which they are then to proceed is minutely prescribed. The House of Representatives only are to have any concern in the transaction, and they must vote by States. They are not permitted to elect any candidate according to their own views, feelings, or opinions, but they are compelled to choose one of three candidates previously elected and presented to them by the people. But a Congressional caucus is composed of Senators, as well as members of the House of Representatives, the former of whom are wisely excluded, by the Constitution, from voting on such a subject, because the tenure of their office renders them peculiarly liable to influence. They proceed to nominate the President before the people have proceeded to the election; they choose not from the candidates presented to them by the people, but according to their own pleasure, and are influenced by personal preferences; and, lastly, they make such a nomination, not in the extraordinary case (which may not occur once in a century) provided for in the Constitution, but at every election—once in every four years. Now, when to all this we add that, from the very nature of things, a caucus never will be composed of more than a portion of the members of Congress, so that the vote of an individual will be of such consequence as to justify the extraordinary efforts to obtain it; when it is recollected that a caucus nomination, every four years, will keep the matter constantly before Congress, can any man, who reflects on the subject, fail to see that the triumph and final establishment of the caucus system in Congress, must not only supersede and control the Constitution, but involves the introduction, into the Halls of Congress, of excitement, party feeling, management, and, finally, of intrigue and corruption; at the bare contemplation of which the heart of the patriot must sicken, and his anticipations of future glory be converted into the most gloomy forebodings.

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Gentlemen tell us that a caucus is necessary to promote union. Should such a measure ever promote union, it can only be by controlling the will and stifling the voice of the people. But it seems to me, said Mr. H., that, so far from promoting harmony and union, a caucus is calculated to sow the seeds of dissension, and to prevent the possibility of union. To all the difficulties of selecting among men, is superadded the hostility created by the agitation of the caucus question. The degree of support to be yielded, or of opposition to be offered, to such a nomination, will always be a fruitful source of endless contests and animosities.

As a party measure, a caucus may, in some instances, tend to promote union. In such a case, two candidates at least would be presented to the people, for their choice. But, where all the candidates are of the same party, the only effect of a caucus must be to elevate a favorite individual, by putting all the other candidates out of the way, and thus to take the choice from the people, or from the States. If a caucus is to be resorted to at every Presidential election, and Congress is, by a preliminary vote, in joint ballot, to determine who is to be supported as President, it is manifest that the effect will be, to bring the election practically into Congress voting by polls and not by States; and thus the wise provisions of the Constitution will be repealed, without the least regard to the forms prescribed by that instrument. Gentlemen will surely not venture to affirm that union will be promoted by such means.

Much more might be said on this subject, said Mr. H., but he had not only confined himself to the general question, but had merely attempted to reply to the arguments urged on the other side. Of the particular character of the late meeting in Washington, he had said nothing, and alluded to it now only to disclaim any intention to wound the feelings or impeach the motives of any of the gentlemen connected with it. He entertained for them, collectively, much respect, and cherished for several of them, individually, sentiments of great esteem.

[In the course of Mr. H.'s remarks, he was interrupted by Mr. KING, of Alabama, who rose to a point of order. Mr. K. stated that he was not in health to attend the Senate yesterday; and he did not know, precisely, the course which the discussion had then taken. But he considered the present topic as having no relation to the subject before the Senate; and, consequently, the introduction of it as being a violation of the rules of this body. He therefore called the gentleman from South Carolina to order.]

The Chair observed, that a wide range had been allowed in the discussion of this subject yesterday; and while it entertained the hope that that discussion would not be extended, was, at the same time, of opinion, that members had a right to be heard, in answer to any arguments which had been brought forward yesterday. The member from South Carolina was declared to be in order.]

Mr. TAYLOR, of Virginia, considered this debate

as entirely out of order, and foreign to the subject before the Senate. The question has been discussed, as it were a contest for power, between the large and the small States—as if each was endeavoring to effect the purposes of its own ambition—as if these amendments were so many nefarious designs to satisfy the ambition and avarice of the one or the other. If it be true, that the question is not, whether one State is to pilfer from the other, the great from the small, or the small from the great, still, he asked, what prospect there was of adopting any thing that is salutary under circumstances attended with so much exasperation. Mr. T. said, he had seconded the motion of the gentleman from Massachusetts for postponement—both of us have bantlings of our own upon the table; but we are willing to part with them to give time for mature consideration. Mr. T. said he would take these different propositions home with him and study them carefully. The true question is, whether we will have a confederated, or a consolidated Government. Some are in favor of one, and some of the other. The inquiry ought to be, how far these amendments will go to cure the evils of the Constitution, or to introduce others into it. He meant only to show the propriety of postponing this subject, until it should be thoroughly considered. If the gentlemen will advert to the nature of our Government, they will see enough for observation. It is said to be a great machine; and we are told that the people are a safeguard against any disarrangement in it. When have they proved so? Were the people able to preserve their liberty, in the time of the French Convention? Other gentlemen will tell you, that the people are their own worst enemies. Perhaps, neither of these are perfectly correct. One of the Gods of ancient times, has told us,

"In medio tutissimus ibis."

There should be an intermediate controlling power. The great question to be considered is, whether any amendment of the Constitution will obviate the objections alleged against it. We must not place too much reliance on the word "people." Mr. TAYLOR said, the idea occurred to him, that the Federal Government was an immense machine—that the State governments were the safety-valves, to let off the gas of exclusive interests. While these safety-valves are kept in operation, and this gas is thus discharged, the country will go on well enough. But when they stop, and the gas comes to be concentrated, there is great danger to the whole machine. Mr. T. said he would conclude by telling an anecdote which occurred to his recollection, and which all would probably remember. James the Second once called on two of his Bishops, to know if, in their opinions, he had not a right to take the property of his people as he pleased. Bishop A, (he did not remember their names,) said he certainly had that right—the King was the vicegerent of God; and he had certainly a right to appropriate the property of his subjects as he saw fit—he might employ the men and the money, as he pleased. The King then asked Bishop B, what

he thought of the doctrine of his brother Bishop? "Why," says B, "I think the King has a right to take the property of my brother A, because he has given it to him. But I think he has no right to take mine." The basis of liberty is upon this point. When you revert to the geographical distinctions of this country, do you think the people will display the servility of Bishop A? Why is the remark of Bishop B so much praised? Because the true doctrine is, that representation and taxation shall go hand in hand. The King could not take his money, because he did not represent him. This doctrine, Mr. T. applied to the amendments proposed to the Constitution, to test their agreement with the spirit of our representative Government, &c.

Mr. BARBOUR, of Virginia, then rose. He had prepared, he said, to give a silent vote on this question; but, as the unpleasant topic of yesterday had been brought again before the Senate, he felt it his duty to say something upon it. Some circumstances and reflections had been introduced, to which he conceived a reply to be necessary. He intended to place the meeting which had been alluded to, on what he conceived to be defensible ground. His remarks would necessarily be desultory. But, as the question before the Senate was upon the amendments to the Constitution, it was due to the body which he had the honor to address, to make some remarks in reference thereto.

As regards the Constitution of the United States, Mr. B. said, he always approached it with reverence; in the wisdom of its provisions, he saw the great source of the happiness and prosperity of the country. Our ancestors, who emigrated here, brought with them that inextinguishable love of freedom which enabled them to pass, in success, the waste of waters, and in a howling wilderness to lay the foundation of a mighty empire, whose astonishing growth and happiness are ascribable, in great part, to this instrument. But still, deeply as he felt impressed with the sacred character of this instrument, his reverence did not amount to idolatry; he knew it was the work of man; that it was made in the infancy of political science, and before experience in the secrets of self-government had furnished a guide. It was justly entitled to admiration; not that there were no errors in it, but because it had so nearly answered, in practical operation, all the purposes for which it was established. Although it was an object of reverence, it should not be of idolatry; we should leave ourselves open to a conviction of its defects; and it behooves those, whom the people have intrusted to look after their interests, to profit by experience; and, if any error presents itself, to correct and amend it. But, he well recollected the old adage, that people should be contented when they are doing well; lest, in trying to do better, they should only make their condition worse. It is a good maxim in government—particularly in legislation. When he looked round the country, Mr. B. said, he could see no great impending evils to dread. He would not say that he himself had not been disposed, heretofore, to propose amendments to the Constitution. It is the natural disposition of mankind,

to think that we can see deeper into affairs than our neighbors; and he once thought so, in regard to the Constitution; perhaps it was vanity in him to think so. The honorable gentleman from New Jersey saw fit to advise the Senate, some days since, that the plan which he, (Mr. BARBOUR) had proposed, had failed. But that plan did not propose a change in the foundation of that compromise, which led to the adoption of the Constitution. If he found it impossible to unite this body, upon that proposition, and if they rejected that amendment, he asked, what prospect there was of obtaining the passage of an amendment, which was going to dislocate the most important parts of the Government, by changing the relative power between the small and large States, in the election of the Chief Magistrate? In his opinion, Mr. B. said, it was unnecessary to consume the time of Congress, when it was quite impossible to come to any result upon this subject. There are now two distinct propositions before the Senate. The one proposes to divide the States into districts; and, when the election is not made in the first instance, it is to be carried to the two Houses of Congress. The other gives the election of President directly to the people—and, in the event of a failure to choose, by the House of Representatives, voting by States. Now, what is the spirit of the Constitution? It is partly Federal and partly National. The influence of the States would be destroyed entirely, as sovereign and independent States, by cutting them up into districts. The great State of New York, (for the sceptre has now departed out of Judah, and we must look up to New York as the greatest State,)—the great State of New York, by this system, would be reduced, in point of influence, to a level with the small State of Delaware. So in a reference of the election immediately to the people, the federative character of the Government would be destroyed entirely. The Government would be entirely national, and not federal. But, Mr. BARBOUR said, he would not, at this time, go into any further consideration of these amendments, as he had, on former occasions, delivered his sentiments fully on the subject. He concurred with his honorable colleague, in the opinion, that it would be better to wait until the evils of the present system became more manifest; and then it would be early enough to suggest amendments. He would not now take notice of the observations which had been heretofore made, upon the different modes of appointing Electors, which had been adopted by the different States. The Constitution gave an undoubted power to the State Legislatures, to determine the manner in which the Electors shall be chosen. Some of the Legislatures retain the right to choose them, in their own hands; some choose by a general ticket; others by districts—according to their sovereign pleasure. He could not see that any mischief had resulted from this practice. He thought it better to take a longer time to develop the provisions of the Constitution, as it now stands, and be sure you see the remedy, as well as the evil, before any change should be made in it. It was not impossible that a change

might introduce still greater errors. The gentleman from Massachusetts (Mr. MILLS) has produced an amendment, to restore the Constitution to the situation in which it originally stood, in respect to the election of President and Vice President. This shows that it is doubted, by some, whether the amendment which has already been made has proved beneficial. It may be matter of speculation, whether the difficulties we see, are not rather the result of the infirmities of our nature, than of the Constitution. For these reasons, Mr. B. said, he was in favor of indefinite postponement.

He came now to the topic to which he had first alluded. He must be permitted to mingle his regret with that of the other members, that such a subject had been introduced into this body; not that he had the slightest objection to a critical examination of it. Whatever had been done, in reference to that subject, was not secret, it was done in public; it was done before the people; and their decision will be made upon it. Whatever of malice there was in human nature, had been uttered against the individuals who attended that meeting. He did not regret that the subject had found its way here, because he feared a fair investigation of it, but because, into this body, subjects of that kind ought not to be introduced. It could not have failed to bring forth the expression of feelings which ought not to be indulged here. When that meeting was represented as a great central power, which was about to overwhelm the Constitution, surely those who heard it, and who attended that meeting, could not refrain from replying. If there was any spot on earth, which he considered as consecrated to peace and harmony, it was the Senate of the United States. It should be our political holy of holies—where the brand of discord was never to be thrown—where tranquillity and mature deliberation should acquire the respect of the people. He had considered this body the sheet-anchor of the nation—as presenting a limit to the waves of the other branch, and equally inaccessible to Executive influence—a body, whose character for propriety should never be jeopardized. He believed the nation had indulged a confidence that, whatever storms might rage elsewhere, nothing but coolness and deliberation would preside here. Is this question one that, in its discussion, is calculated to promote the dignity of this body? Is it one that is calculated to enter this Hall? Surely not. And what is the gentleman's apology for introducing the subject? The gentleman from New Jersey charged him with having changed his opinion, in respect to the propriety of amending the Constitution; that, last year, he was in favor of an amendment, and this year opposed to it. The gentleman from New York states as a reason for this change, that a central power, of an alarming character, had since sprang up to his view. The gentleman from South Carolina (Mr. HAYNE) has charged the gentleman from Maryland (Mr. SMITH) with having been first to mention the word "caucus." This, Mr. B. said, he thought was unjust. If the gentleman from New York (Mr. KING) did not

make use of the word, nobody could mistake the meaning of his "great central power." The gentleman's description bore the name upon its front.

To an unadvised stranger, who had heard the gentleman from New York, it would seem that a monster of yesterday had sprung up, who was threatening to devastate the country—and yet, Mr. B. asked, was this any new measure? Was it not adopted in 1800, 1804, 1808, 1812, and 1816? Yet it did not then meet the gentleman's attention, or call forth such violent reprehension from him; but, in 1824, it suddenly swells to a great measure, threatening destruction to the Constitution. Whence did the system originate? Mr. B. believed, with the Revolution itself. It was the venerated Samuel Adams, or his father, who first suggested it. It had its origin in the spirit that gave birth to this nation. Wherever freemen are, they will assemble and converse freely about men and measures. And a custom that has produced so much good, cannot itself be very bad. Mr. B. said, he had a witness here at his left, (alluding, probably, to Mr. MAcon,) who could tell how necessary such meetings had been found, in the early days of this Government—a gentleman who then stood, as he now stands, the guardian of his native land. Why did he not warn the people against a system which, according to the gentleman from New York, is now, like another unshorn Sampson, about to embrace the pillars of the Constitution, and whelm the splendid fabric in ruins? Surely this is the mere phantom of the gentleman's imagination. What is this Constitution? We have a vast continent, over which it is to operate—a multiplicity of different States. What is the spirit of the Constitution in regard to the election of President? That numbers shall prevail, in the first instance—and, in the contingency of a non-election by the Electors, that the House of Representatives shall choose. Now, is not the first of these provisions mere mockery, unless there can be some inter-communication of sentiment, previous to the election? What is it we have done? Venal hirelings of the press, directed, in some instances, by the outcasts of Europe, and upon whose foreheads, if they had their deserts, ought to hang the label "to be let," have accused us, whose all is here, and who have been honored with the highest offices in the gift of the people—of conspiring against the liberty of the country and seeking to overthrow the Constitution. Where was the meeting held? In the Chamber of the House of Representatives—in public—in the very face of the people—those people whose rights it is said we met to betray—and the result is well known. Was there any intention to recommend a man who was abhorrent to the people? If the people are united in favor of another man, the recommendation would not weigh a feather. If they were not united, the meeting might have a tendency to produce that effect. Men are apt to attach too much importance to themselves and their acts, when "dressed in a little brief authority;" they are found, however, to be but the merest insects, when acting in opposition to the views of the people. Nothing impor-

tant can result from such a meeting, unless the candidate selected is a popular man. The simple reason for holding such a meeting is, that the persons who go into it are the representatives of the people—that they best know the sentiments of the people—they, therefore, meet to recommend candidates. If this be not the correct way, what other will you substitute? By private recommendation, and, as a consequence, irresponsible, or to the conflicting presses? Mr. B. said, he was the last man who would lift his voice to curtail the liberty of the press. No, even in the rank luxuriance of its licentiousness, let it be uncurbed. When honestly directed, it is the great source of light and liberty. Its abuse must be tolerated, on that universal law which belongs to human things, that there is no unmixed blessing; but it must not be disguised, that, when prostituted, it scatters any thing but correct information.

We are told, that the President and the Heads of Departments may, with equal propriety, meet, and make a nomination. But they do not come immediately from the people; and they are not going back to the people, as the members of Congress must. They are not so immediately identified with all parts of the community. What we have done, is on record—every man is responsible for his own act. The old adage is, that, by its fruit the tree shall be known. What has been the result of this practice for the last twenty years? Where has been the mischief? Has your Constitution been violated? Is not our happy situation an object of congratulation? Is not every nation which is striving to break the fetters of slavery, looking to us as the landmarks by which they are to be guided? These are the fruits of this system, which has been followed, in relation to the Presidential election, from 1800, up to the present day; which has been sustained by the people; and which has some of the greatest names in the country to support it.

The honorable gentleman from South Carolina says, that the grounds of holding this meeting were, to produce union—but, from the signs of the times, he gathers the belief that it will, on the contrary, produce nothing but discord. Mr. B. said, as he was not a prophet, nor the son of a prophet, he could not tell what the effect of the meeting would be. The wisdom of the people, perhaps, might substitute something else—the people care little about names. We have adopted a plan, by which we proposed to surrender our private feelings, whatever they might be, upon the altar of the public good. I ask gentlemen to propose a substitute for the caucus. Here are five candidates, all good men; there is no union among the people—they are divided into five parties. What is to be the result? The other day we were a band of brothers. What is now the case? In consequence of a difference of opinion, slander is poured out from the press; a thousand pens are employed in the work of defamation; every infirmity is displayed; calumny is spread, upon every side—and it is melancholy, indeed, to reflect that too many are ready to believe the fabrications. This is now but a little spark, but it may spread

out till it consumes every thing that is good and valuable. How is the monster to be stifled? Only by making useful sacrifices. A meeting, for that purpose was called—all were invited to attend—the object was to arrive at some union; to close these flood-gates of iniquity. We regretted that our brethren did not all come in with us. Mr. B. said, he arraigned no man's motives—each one must go his own ways. Other counsels might prevail—he dreaded to hear what might be the result of the malignity, which this controversy had excited. He was prepared to unite with the majority. This, that, or the other name, was insignificant to him, compared with the good of the Union. It is said, that it is a fallacy to pretend that we went to that meeting in our private characters. We are told that the President, the Heads of Departments, or any of the people might go there, with equal propriety; and we have been told a humorous anecdote on this point, concerning a priest. To this, Mr. B. answered, that the members of Congress went there, to say to the American people that they believed this, or that, candidate would be most acceptable to the people. A fact only was to be made known. Each man represents the feelings of his own section of the country. James Barbour represents that his constituents are of one opinion; the gentleman from South Carolina, that his are of another. The members attending the meeting are from different sections of the Union—they are the organs of communication. Their meeting is merely for the general concentration of opinion. The gentleman from South Carolina animadverts on the character assumed by the members in the meeting—that of their individual capacity—and asks, why are not other citizens admitted? The answer to this remark is, obvious. Other citizens are not in the situation of members of Congress, because they are not presumed, as are the members of Congress, who come from every part of the Union, to know, accurately, the wishes of the great body of the people. It is not the official station that gives weight to an expression of the opinion of members of Congress; but it is the confidence they enjoy among their fellow-citizens that made them members of Congress. This confidence is a part of their character, and is made available in their private capacity.

The honorable gentleman from South Carolina says, he never attended a caucus. This is certainly a little extraordinary for a member of this body. There may be some few individuals here who have not attended such meetings; but when he recollected how common they had been, for the last forty or fifty years, he apprehended there were few who had not taken part in them. When he was very young, Mr. B. said, he recollected to have gone, with his honorable colleague, to the first meeting of this kind which he ever attended. Under authority so respectable, and in such a school, he had first become acquainted with the system; and he had, ever since, continued believing that its results must be beneficial. When he knew that this system was approved by older men; that it had been used effectually in the days of

Jefferson, he could hardly believe that the younger members knew all the benefits that had been derived from it. It is too old in this country—opposition to it will not do. Some may be opposed to it, from their private views; others may not think it expedient at this time. There are regular cycles in political events; and, Mr. B. said, he did not doubt but these meetings, by and by, would become popular enough; for, as they have been so heretofore, it will be seen that they are still necessary.

In regard to the anti-caucus, which had been spoken of, he did not wish to become the accuser of any man. He should, therefore, say nothing of it. This whole subject had gone out to the people. It ought not to have been touched here. There has been a fair and open appeal to the people, and the Senate should not have been troubled with it. There we are willing to meet it; not before a few changelings in the country, but before the great mass of the people, who are independent, and who stand clear of prejudices on this subject. If, when these acts are fairly laid open, such a tribunal condemns us, be it so. Mr. B. said, when he embarked on the sea of political life, he well knew that there were shoals in it. Some get their vessels over them safely; while others strike upon them, and sink forever. But he made the declaration in the face of all who heard him, that he had the approbation of what he had done, in his own conscience—that was placed beyond all human control; and, when the plaudits of this world should cease, that approbation would be imperishable; it would enable him to tread the shadowy vale of death, without fear or trembling. Standing on this sure foundation, unseduced by ambition, whose giddy heights he had never essayed, as far as it concerned his personal views, he was above, and he rejoiced in his attitude, every change in political opinion; and if the Government be honestly administered, he cared not by what hands, or to whom were distributed the loaves and fishes.

Mr. SMITH, of Maryland, said, he should vote against an indefinite postponement. The State of Maryland, said he, has instructed its Senators to use their best endeavors to obtain such an amendment to the Constitution as will insure a uniform mode of election throughout the United States, of President and Vice President. The district mode is preferred by that State, which meets my concurrence, and I shall vote for any of the resolutions that will be most likely to succeed, and will assure that mode. Having entered yesterday into my reasons on the subject, I will not again trespass on the time of the Senate, by repetition. Indeed, Mr. President, I had no intention of speaking on the subject again, nor should I, but for an observation made by the honorable gentleman from South Carolina, (Mr. HAYNE.) He has said, "that I was the first who introduced the word 'caucus' into the discussion." Why this observation? For what purpose? Was it any way necessary or useful to his argument?

Mr. HAYNE explained. He certainly meant nothing unkind towards the gentleman. Regret had been expressed that this word had been used;

and he had merely observed, that he believed that it had first been used by the gentleman from Maryland.

Mr. SMITH resumed. Mr. President, I feel perfectly confident that the gentleman entertains no unfriendly feelings towards me personally; but, as the remark had been made, I am unwilling that the discussion of a subject so unprofitable, that I feel mortified at its being introduced, and so little comporting with the dignity of the Senate, should be attributed to me. I regret that the honorable gentleman from New York (Mr. KING) should have deemed it proper to introduce it. It is true that he qualified it by a new name—"central power." However, either my ears deceived me, or I heard him use the word "caucus," and one member opposite took it down; but, whether he did or not, his meaning was perfectly understood; and, if I used it, it was because I wished to give it the known name—I wished to call a spade a spade.

When first introduced I considered it as accidental, and treated it lightly, as I thought it merited. But, sir, the second speech of the introducer, and the elaborate view taken by the honorable gentleman from South Carolina, have given to it form and substance. Effect seems now to be contemplated, and we must meet it as we best can.

I am not surprised at the course taken by the honorable gentleman from South Carolina. He was too young to know the extreme difficulties the Republican party had to encounter, and the dangers it has been exposed to by attempts calculated to create schisms that might have, by dividing, exposed it to great danger; which, in my humble opinion, have been mainly obviated and avoided by the caucus system. Nor am I at all surprised at the opposition to it by the honorable gentleman from New York (Mr. KING.) That gentleman was a leading chief of the Federal party, and he, no doubt, thinks, what I know and believe, that, owing to the caucus system, his party was prostrated, and the Republican party brought into power; by which change, I firmly believe, and every republican does believe, that the nation has greatly benefited. I adhere to that which has rendered such essential service to my country, and the party to which I belong. The bridge which has carried me safe over, I call a good bridge. The caucus system has heretofore been approved. I attended several, was president at one—and consistency of conduct called imperiously on me to attend that lately held, and which has met with the disapprobation of the two gentlemen. It appears, also, to have met with the displeasure of several gentlemen with whom I have served in caucus more than once. Well, sir, they have their reasons, such as are satisfactory to themselves, with which I have nothing to do. That of being conscientiously against it, they cannot offer. There are certainly some who think the system wrong on principle. The gentleman from South Carolina has said so; but their numbers, among politicians, are few. I have not met with many. May we not, without offence, believe that men are much governed by the consideration of whether the caucus will or will not

support their favorite candidate? And must we not believe that those who have heretofore attended caucuses, will find it difficult to assign any other reason for absenting themselves from that which they now censure? Indeed, Mr. President, I must think that it had a powerful influence, although, perhaps, unknown to themselves. I mean no reflection on any one; but form my opinion from man as he is constituted.

I will now, Mr. President, take a view of the caucus system as it has operated; and, I trust, I shall be able to show that it has enabled the Republican party to mount into power, and has tended, mainly, to maintain them in it. Upon this theme I act as a party man, and have no hesitation in saying that I wish to keep my party in power; that I believe the caucus system is the most effectual means; and that, when we cease to use it, we shall thereby deprive ourselves of one most powerful instrument. Divide and conquer, is as old as history—keep together, you cannot be subdued.

Mr. President: On the first contested election, between Mr. Adams and Mr. Jefferson, Mr. Adams succeeded by, I believe, a small majority. It was believed that his success was owing to want of a conjoined effort, a concentration of force, on the part of the friends of Mr. Jefferson. A caucus was, in consequence, held in Philadelphia, the object of which was, to make a conjoined effort to concentrate all the strength of the party, and to bind each to the other, that they would use their best exertions to promote the election of Mr. Jefferson. I did not attend, but, I believe, every other member of either House, friendly to Mr. Jefferson, did attend. Who were they? Men certainly as capable of expounding the Constitution as any gentleman now in my hearing; one of them the writer, in part, of the Federalist, (to which we daily refer,) in fact, all of them leaders in the republican ranks, and to whom we are indebted for the change by which the Republican party came into power; those great men are now charged, by the gentleman from New York, with being promoters of a system which, in its consequences, is to destroy the Constitution, and to introduce all the plagues of Egypt. Well, sir, I am not surprised at this charge, for the honorable gentleman was one of those who lost the power. Losers will complain, and we ought not to be surprised that the gentleman is very willing to put down a system by which his party has lost their power; it is natural, and it is as natural for me to wish to continue a system, by which I (as one of the gainers) have succeeded. I have said that I did not attend the first caucus; but, sir, I assured those who did, that I would act with them, and I did, as the people of Maryland know. I used exertions, that I think I should not, if the caucus had not been held. Its decision induced me, and others, in Maryland, to unexampled exertion; much depended on its vote. At that time the State was decidedly in favor of Mr. Adams. It was changed by the exertions made by the republicans, which, I speak with confidence, would not have been made, if no caucus had been held.

A caucus was held at the second election of Mr. Jefferson, at which almost every republican member did attend. It was not then thought a crime; on the contrary, it was deemed meritorious. If I had not attended it, I am sure my constituents, at that time, would have been displeased; no one then talked of a caucus being an assumption of power; I mean no republican. I believe the Federalists did, but it was attributed to the injury the system did to them as a party; we did not think them in earnest; we considered their opposition as arising simply from opposition.

The next caucus selected Mr. Madison, and I never heard that he thought their act other than Constitutional; he had attended the first caucus in Philadelphia, and was a principal leader in it. He accepted the nomination. We all know that he was opposed by Mr. Monroe. A schism was threatened (by that opposition) in the Republican party; it was supported by the Federal party, and never was the Republican party in greater danger. What prevented that great evil? The caucus nomination. No other course could have succeeded. The people rallied around that nomination, and a schism was thereby prevented.

Mr. President: Some (now present) know that a schism in the Republican party had nearly taken place, on the election of the present Chief Magistrate. The opposition to him was strong in numbers and character, and there was every reason to believe that the Republican party would be severed. How was it avoided? The republicans met as brethren of the same family, agreed on Mr. Monroe, and all supported him. He and the Vice President were informed, by letters, signed by me and the secretary of the caucus, of their nomination, to which they replied, by letters, which have been published. Neither showed any reluctance at the mode of nomination; neither objected to a caucus power of nomination; they both seemed well satisfied, and appeared to accept with pleasure. The present President expressed himself, with strong approbation, of the source of nomination. His words are—"Deeply penetrated by this distinguished mark of confidence, emanating from such a source." What source? The caucus.

I have shown that the caucus system has been considered, by our three Republican Presidents, as not only Constitutional, but expedient. They have never said that it was dangerous to the liberties of the country. It has existed for twenty-four years, and the liberties of the people appear just as safe, and rather safer, than some of us thought they were prior to its being adopted.

Now, sir, suppose that all the republicans had met (agreeably to open invitation) like brethren of the same family, as they did on all former occasions, and had agreed (as they might have done) on a candidate, what would have been the consequence? It might have continued the union of the party. And of what mighty consequence is it which of the candidates shall be successful? Either of them will do tolerably well. Congress will take care that neither shall do much harm. I have my preference, I admit; but, had another

been selected, I would have supported him; for my object is union in the Republican party. Gentlemen, (many of them my friends,) with whom I have acted through the worst of times, declined to attend; their motives are their own. But what is the effect? A complete disunion of the Republican party, divided into at least four parties; the whole in a state of distraction. Father against son, brother against brother; all in a state of complete confusion; and what for? For a principle? No, sir, there is no principle involved. What then is all this noise about? Why, whether you shall choose A, B, C, or D; and, choose which you will of the candidates, the nation will (if the people choose such Congresses as the three last) move on majestically towards its great destiny. When I look around, I am surprised at the excitement artificially created. Now, Mr. President, the difference between those who attended the caucus, and those who did not, I take to be this: that those who went, were anxious to unite on some one Republican candidate, and support him, be he whom he might, and thus preserve the union of the party; and those who did not attend, were willing to risk all, rather than run the risk of their candidate being in the minority. From this last, I except, of course, the gentleman from South Carolina and the conscientious.

Mr. President: In a Government like ours, where many of our great officers are elected, there must be some mode adopted by which to concentrate the votes of the people. They cannot (scattered as they are,) know the candidates—it is morally impossible: the voters must therefore depend on some person, some public bodies, or on private meetings for information, as to the best character for the office. For instance, "for President." Well, sir, it has been thought, for twenty-four years last past, that the members of Congress, elected by the people, and in whom they had deposited all confidence, was the best source for information. Has that source deceived the people in any one instance? I understand that the Congressional caucus recommended Jefferson, Madison, and Monroe. The people elected them; and experience has shown that the reliance placed by the people in the caucus nomination of all three has turned out perfectly satisfactory, and no injury has resulted therefrom. It is rational to suppose, that the members of Congress have better opportunities of knowing the character and talents of the several candidates, than those who have never seen them, and never acted with them. However, the caucus mode is denounced, and now let us see what is to be substituted, for there will be a substitute. It is in the nature of our Government. It cannot be avoided. Well, sir, one State by an act of its Legislature, nominates its favorite, that is, the favorite of a majority of the body; another Legislature, in their private capacity, nominate their candidate, and forbid their members of Congress, chosen, as they are, by the people, from recommending a candidate. Now, sir, I would ask, how many of that Legislature knew any of the other candidates except the one recommended by them? perhaps three or four,

who may have been in Congress. Other States have pursued a similar course, with as little knowledge of the candidates. Each State has its favorite candidate; of him they may know something. But how they can be capable of forming a judgment between him and those who are opposed to him, I know not. Many State Legislatures have undertaken to recommend, whilst they reprobate the caucus nomination. Another mode has been adopted: by convention. I should like to know how the delegates to the convention are chosen: are they by the people? I believe not. A few people meet; their numbers may be ten, fifty, or any other number, and they appoint the delegates; and, thus chosen, they meet in convention, and select their candidates. Now, Mr. President, whether either of those modes is preferable to a caucus, or whether any of them are equal to it, is to be determined. For my part, I thought the old mode was the best, and I have adopted it. I have exercised my own opinion. I have given myself no uneasiness about that of others. And I must think, an interference with the opinion of those who attended the caucus, was wholly irrelevant to the subject-matter before the Senate.

Mr. EATON, of Tennessee, said, he considered this subject of discussion as altogether improper, and thought it ought not to be permitted to remain any longer before the Senate. The Senate has now spent two days in debating the question, whether it is proper for members of Congress to go into caucus. He sincerely believed that such a subject was unbecoming the dignity of the body, and that it would place the members in no very elevated view before the public. His object was to put an end to the discussion. He suggested to the consideration of the Senate, whether it was not better to let it end here. He moved that the resolution be ordered to lie on the table.

The question on Mr. E.'s motion was put; and passed in the negative. The question then recurred on indefinite postponement.

Mr. MACON, of North Carolina, next addressed the Chair. He said that these resolutions had been referred to a select committee; they had been maturely considered and reported upon by that committee; and now, because a certain other subject, not connected with them, had been introduced, no vote was to be taken upon them. What is the question before the Senate? It is upon the indefinite postponement of the resolutions; and not upon their subject-matter. Why should not a fair vote be taken on them? Gentlemen who are not entirely decided on business before the Senate generally vote for a postponement. He thought no proposition to amend the Constitution, that had ever been before the Senate, had so much in favor of it, as the one that had been reported by this committee. It had, first or last, been recommended by almost every one of the States. And now, after all the time that has been spent about it, after one of the propositions had been discussed at full length, they are all to be thrown by. He well knew that men would do, in relation to these things, as they thought right. He considered it an extremely unfortu-

nate circumstance, that a subject which had nothing to do with the real question before the Senate had been introduced, and was about to destroy all chance of considering the amendments to the Constitution.

Mr. M. said, he knew that no amendment could now be made to affect the next election. There must be a concession of opinion somewhere—everybody feels the embarrassments we are laboring under; and yet we are not permitted to go on and discuss the amendments by which these evils might be remedied. This amendment, he thought, would insure an election, without going to the House of Representatives; and he hoped it would not be postponed. It is time enough to postpone them, when we find that we cannot make one that is fit to be adopted. We shall, then, have done our duty to our constituents as faithful men. But now we are about to postpone them at the very threshold. If there ever was a time when the subject could be met gravely, it is the present. What was the condition of the country at the time of the difficulty in the election of Jefferson and Burr? Great anxiety was spread from one end of the country to the other. The House of Representatives was voting thirty times without coming to a decision—the most serious alarm pervaded the country. And yet, with this knowledge before us, we are not willing to make provision against similar occurrences. There was a charge of foreign partiality on each side of the great parties existing at that time. One was accused of fondness for the British; the other, for the French. There is no disposition of that kind now. We have peace, and we have plenty to eat; and, thank Heaven, the tariff bill has not yet passed. Some think that the amendment will produce a consolidation of the Government, and that the State lines will be lost. But almost all the States have agreed to it—almost all of them have called for the districting system. Mr. M. said he did not believe that it would destroy the Constitution. He had heard so much, and so often, of the destruction of the Constitution, that he had almost become an infidel in respect to it. We have stood a sedition law, and an alien law, and there is not much danger but we may get along with any thing else. We have had these amendments regularly brought before us; and now, all at once, because allusions have been made to another subject, we cannot look at the amendments—we have got into a passion, and we must give them up. Nearly all the States have approved the districting system—and how is it to destroy the Constitution? The liberty of this nation does not, nor does that of any other, depend upon paper. It must have a foundation in the hearts of the people. Let a man depend upon himself, and he is free. If he is dependent on another, black or white, he will not be free. Freedom rests upon our dependence or independence. The people had, at first, a great dread of the President and Senate; but that fear has passed away.

We have now more candidates for the Presidency than we have ever had before. How are

my people, said Mr. M., to know these men? Why, when I go home, they will ask me whom I think to be the best man; or rather, who will tax them the least? which is the same thing. And, I presume, the same questions are put to other members. I am glad my colleague called for the yeas and nays on this question, for I hope the subject will not be postponed. In regard to caucuses, I have no confessions to make. I have gone into caucus as honestly as I go to church. I do not care how many caucuses, or how few, there are. I care nothing about them. Once, however, I was, about twenty years past, taken in by a caucus, and said I would not attend another. I had intended to have given a history of some, on different sides, but it is decided not to be in order.

How the choice of Electors, by districts, could possibly prevent an election of President, as has been said by the gentleman from South Carolina, I cannot possibly perceive. The number of votes given by the districts would be equal to that now given. I do not understand how it can prevent an election. Every generation has its own notions in politics as well as in religion. Religious and political ideas are constantly changing. The Book of Judges gives a description of these changes, where it speaks of the departure of the people, after the death of Joshua. So we forgot the principles which produced the Revolution. My State, happily, is neither a large nor a small one. It enjoys about an equal population, and does not increase much. What benefit can the present provision of the Constitution be if we get no President by it? I hope the Senate will return to the consideration of the proposed amendments.

On motion of Mr. YAN BUREN, the Senate then adjourned.

MONDAY, March 22.

Mr. JOHNSON, of Kentucky, gave notice, that, to-morrow, he would ask leave to bring in a joint resolution authorizing the President to procure an equestrian portrait of WASHINGTON.

Mr. BENTON submitted the following motion for consideration:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency and practicability of extinguishing the Indian title to certain districts of country on the south side of Lake Superior, supposed to contain valuable mines of copper.

Mr. LOWRIE presented the preamble and resolutions of the Legislature of Pennsylvania, instructing their Senators, and requesting their Representatives, in Congress, to use their utmost influence to prevent the passage of the bill now before Congress, imposing a prohibitory duty on sales at auction; which were read, and laid on the table.

Mr. HENRY JOHNSON presented the memorial and petition of A. Moore, and others, inhabitants of the county of Alexandria, in the District of Columbia, praying that that part of the District of Columbia included within the limits of said county may be receded to the State of Virginia;

which was read, and referred to the Committee on the District of Columbia.

Mr. LOWRIE gave notice that he would, to-morrow, ask leave to bring in a bill extending the benefit of copy-rights to authors of paintings or drawings.

AMENDMENTS TO THE CONSTITUTION.

The unfinished business of Friday last, being the consideration of the resolutions proposing amendments to the Constitution, in relation to the election of President and Vice President, was again taken up. The question was upon Mr. MULLS's motion to postpone the whole subject indefinitely.

[The Chair, previous to the commencement of the discussion, intimated its intention to restrict the debate to the immediate question upon the indefinite postponement of the resolutions.]

Mr. DICKERSON, of New Jersey, said that he was disposed to yield a cheerful obedience to the decision of the Chair, although he had not had the opportunity of replying to some pointed observations of the gentleman from South Carolina, (Mr. HAYNE,) which might be easily answered. He regretted that the subject had been introduced, as it was calculated to create much unnecessary excitement. The discussion of it, however, had given him no uneasiness, either as it respected himself, or his friends; and he was perfectly content to let it rest where it was.

I shall, said Mr. D., confine myself to the motion which admits a discussion of the merits of the resolutions to be postponed. And it is with reluctance I again speak upon this question; for I fear that it will be found impossible in the mode now proposed to introduce any amendment to the Constitution of the United States, which shall have the least bearing upon the relative power of the great and small States. Mutual jealousies are easily excited. The interests of the great and small States are easily set in array against each other. Any attempt to promote a plan of mutual concession, a plan upon which the Constitution itself was formed, may be represented as an invasion of the rights of one class of States, and an abandonment of those of the other. At this time, such a Constitution as we now have, could not be formed. It was adopted at a fortunate period. Fortunately for the large States, still more so for the small. For these reasons, I begin to despair of seeing any of the proposed amendments succeed, unless upon a call of a convention of the States, under the fifth article of the Constitution; and, therefore, I was disposed to let the subject rest, at least for the present session. But the gentleman from South Carolina (Mr. HAYNE) calls me up to answer for myself. He accuses me of aiming a deadly blow at the rights of the small States, by taking from them powers necessary to their existence. If I have done this, I have forfeited all claim to the confidence of the State which has done me the honor to place me here. The gentleman certainly had no intention of producing an impression of this kind. But it is not

the less incumbent on me to repel his observations, which were strong and pointed.

I introduced that part of the resolution to which the gentleman alludes—the election of a President, in the last resort, by a joint ballot of the two Houses of Congress, with great diffidence; without any strong confidence that the plan proposed would be practicable; a plan I would myself abandon, should it not meet the approbation of the small States; and more especially, if it should not meet the approbation of the State to which I have the honor to belong—for, upon this subject, the will of my State is my law. I neither expected, nor wished, that it should receive the decision of the two Houses of Congress this session. I introduced it as a subject worthy of discussion, believing it the only intermediate ground upon which the friends of the great and friends of the small States can ever meet. If some better plan can be suggested, I shall at once adopt it; for, upon this subject, pride of opinion shall have no influence with me.

For more than twenty years, the great dangers of a Presidential election have been felt. Efforts have incessantly been made to afford a remedy. This has never been more apparent than at the commencement of the present session of Congress. A discussion upon this subject has already taken place, in the House of Representatives, and in the Senate no less than six amendments have been proposed to the Constitution, as to the election of a President.

The gentleman from Missouri (Mr. BENTON) has shown, in the strongest colors, the dangers of our present system, and the absolute necessity of districting the States for the purpose of choosing a President, so as to leave me but little to add upon that subject. A bare majority in the Legislatures of six of the large States, having 133 Electors, can completely control the rest of the Union, upon the election of a President, under the present system: that is, a little more than one-fourth of the people of the United States can impose a President upon the residue, amounting to nearly three-fourths. This is an enormous power, growing out of the operation of the Constitution, but which was not foreseen by those who formed that instrument. By this, the small States, containing a large majority of the people of the United States, may be rendered utterly insignificant in the choice of a President. By this, the voice of eighteen, of the twenty-four States, may be completely suppressed. But the gentleman from Virginia (Mr. TAYLOR) says this is one of the great federal features of the Constitution, which ought to be held sacred. Whether it be federal, or whether it be national, it is equally dangerous to the liberties of the people. This enormous power must be dreaded by all but those who wield it. It must be dreaded by all but the influential men in the great States, who may control those States, and through them, the Union.

The small States ask the large to divest themselves of this enormous power, by adopting a system of single districts, for the choice of Electors. The great States refuse to yield up any portion of

this power, unless the small States consent to make a corresponding concession on their part.

What is the power of the small States, when the election of a President devolves upon the House of Representatives? Thirty-one Representatives, from thirteen small States, can, by possibility, elect the President, against 182 Representatives: that is, about one-seventh of the Representatives may control the other six-sevenths upon the election of a President. And this is the other great federal feature of the Constitution to which some gentlemen of late appear to be much attached. Under one of these great federal features of the Constitution, the power of the small States may be completely merged in the election by Electors. Under the other, the power of the great States may be as completely merged, in the election of a President, in the House of Representatives. Can any thing be more incongruous, more preposterous, more monstrous? The venerable gentleman from Virginia, who fears the national, but is charmed with the great federal features of our Constitution, compares the operations of our Government to those of the steam engine; and he informs us of a variety of safety valves, by which the steam may pass off, without danger to the machine. I do not perceive the efficacy of those safety valves, in the dangerous operation of choosing a President of the United States. If we continue those two great federal features of our Constitution, without modification, the engine will not bear the force to be applied; the steam will become irresistible; we shall increase the pressure, till we burst the boiler.

The gentleman from New York, (Mr. KING,) who was lately in favor of the resolutions reported by the committee, has become reconciled to the great federal feature of our Constitution, by which the small States may completely control the large, in the election of a President—at which I marvel much. If that gentleman will agree that a bare majority of the Representatives of thirteen small States, consisting of thirty-one members, less than the number of Representatives from his own State, shall have power to choose a President, against the will of one hundred and eighty-two Representatives, will he not give them the power to support the President they may thus choose? The power that can create and appoint, should be the power to uphold and defend. Otherwise, there can be no consistency, permanency, or safety, to the Government. Will that gentleman agree that the supplies necessary for the support of the Government and the Administration, shall be granted by the House of Representatives, voting by States? Will he consent to a rule, that, in case the two Houses of Congress disagree as to the subjects from which our revenues shall be raised, the objects upon which our treasures shall be expended, the case shall be decided by the House of Representatives, voting by States? This might be highly gratifying to the small States, could it be permanent. But it is evident that such a state of things could not exist for a single year. And yet some gentlemen are reconciled to a system by which a minority of the House of

Representatives, as small, by possibility, as thirty-one, out of two hundred and thirteen, and, by probability, as about sixty-six, out of two hundred and thirteen; while not a dollar can be appropriated for the support of such a President, without the concurring votes of majorities in both Houses of Congress. A President elected by a minority, must be overwhelmed by opposition.

The small States, in the House of Representatives, can choose a President against the voice of the large, and an attempt to alter the relative power of the States, in this particular, even with their own consent, for it cannot be otherwise, is considered as a deadly blow at the power of the small States—a power necessary to their existence. Is it necessary to the existence of the small States, that they should possess a power, under any circumstances, to impose a President upon the United States, against the voice of six-sevenths, or even against the voice of a majority of the people? Is it necessary to their existence that they should have more weight in such an election than their federal numbers would give them? The exercise of this extraordinary power of choosing a President, in the House of Representatives, has occurred but once in six and thirty years, and even that afforded no peculiar advantages to the small States. On the contrary, it put in jeopardy their very existence. A combination among six of the large States can completely control the residue of the States upon the election of President by the Electors, and this power may be called into operation every four years, and may be continued without interruption, as long as those States can agree as to their dividends, while the small States can only come in for a casual exercise of their extraordinary power, when the great States disagree among themselves, and which has happened but once since the establishment of our Government. This power, however, which may be casually exercised by the small States, must and will lead to combinations among the large States, to prevent a resort to the House of Representatives; a regard to their own interests imposes upon them the necessity of such combinations; an anomalous case of a necessity on the part of the strong to combine against the weak.

Of what advantage is this power to the small States, which has been exercised but once since the establishment of our Government, and was then considered as a great calamity? There can be none. What advantage can there be in retaining a power which it will be dangerous to exercise? None. Ambitious individuals in the small States may casually derive an importance from their situation, in the exercise of this power, but this can be of no importance to the people of the States to which such individuals may belong.

There is a power, however, vested in the small States, beyond their numerical strength, upon which their existence depends—their equal vote in the Senate of the United States. But this a power, not to give the small States an undue influence in the choice of a President, not to enable them to impose laws upon the large States,

but a preventive power—a power to arrest the progress of laws which might infringe their rights or interests. It is a species of veto, by which the Senators of twelve States, however small the population of those States, can effectually prevent the passing of any law which they may think against their interests. Without this power, the small States must immediately fall a prey to the large. Whether this principle of veto should have been carried further by the Constitution, it is unnecessary now to inquire. Fortunately, there is one point on which this principle of veto rests in a single State—it is for the preservation of that sacred part of our Constitution—the equal vote of the States in the Senate; the only part which is put beyond the reach of alteration. By the 5th article of the Constitution, no State, without its consent, shall be deprived of its equal suffrage in the Senate; and, as no amendment to the Constitution can take place, which will not apply equally to all the States, it is evident that the small States never can lose this right, unless they unanimously consent to it. All the fears, therefore, of the gentleman from Missouri, that the small States, by giving up a portion of power in choosing a President, shall endanger their equal vote in the Senate, are without foundation. While a single principle of the Constitution is left, this right will remain inviolate.

But what is this deadly blow aimed at the power of the small States? Simply a proposition that, if the large States will yield up the power by which they can completely suppress the voice of the small States in the first trial, on a Presidential election, the small States will so far give up their control in the last resort, as to choose a President by a joint vote of the two Houses of Congress; in which they reserve the extra power which the federative principle in our National Legislature gives them. This body—the joint meeting of the two Houses of Congress—would be precisely analogous to the whole body of Electors, if assembled at Washington; the same number, of the same political principles, with the same views and interests, enjoying, in an equal degree, the confidence of their constituents, equally honest, patriotic, intelligent, and trust-worthy. But the gentleman from South Carolina says this would be to choose the President by the National Legislature, which would lead to a dissolution of the Union. And is it true that the fate of the Union would be less safe in the hands of both Houses of Congress than in those of one of its branches? I hope the President may always be chosen by the Electors. I dread a resort to Congress on this subject, under any circumstances; but, if such a resort must be had, it is surely more safe in the hands of both Houses of Congress, than in those of either House singly.

The gentleman from South Carolina seems to think the proposition now offered a perfectly novel one. True, it has never before been presented as an amendment to the Constitution; but it is as old as the Constitution itself. On the 17th July, 1787, it was agreed unanimously, in the Federal Convention, that the President should be elected

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by the National Legislature; and for a long time this was thought the safer mode, even in the first instance of choosing a President, by this enlightened and patriotic assembly of statesmen, some of whom, at least, entertain no hostility to the power of the small States. It was not then discovered that such an election would endanger the existence of the Union.

The gentleman from South Carolina thinks there would be great danger from the influence of the departments of the Government, and of the Executive, upon the two Houses of Congress, in their choice of a President. But, would not this influence operate as strongly, nay, much more so, upon the House of Representatives, voting as States upon that question, under the present system? The gaining one member of the joint meeting, would be no more than gaining one vote out of two hundred and sixty-one, while the gaining one member in the House of Representatives might be gaining a twenty-fourth part of the whole. When a State has but one Representative, this would be obviously the case, as it would be, when the Representatives of a State should be so divided as that the change of one would give the vote of the State to one candidate or to the other—so that, by possibility, the gaining of thirteen votes might change the fate of a Presidential election; take it from one candidate, and give it to another. In the latter case, the danger would be truly formidable; in the former, it would be no greater than resorting a second time to the Electors.

While the honorable gentleman charges me with aiming a deadly blow at the power of the small States; how stands his own account with those small States? Has he not aimed a deadly blow at their power? By the Constitution, if no one of the Presidential candidates shall receive a majority of the votes of all the Electors, the House of Representatives, voting by States, shall choose the President from the candidates having the highest number of votes, not exceeding three. The moment, therefore, that it is ascertained that no one of the candidates has received the votes of a majority of the Electors, the right is complete in the small States to control the election. It is guaranteed to them by one of the great federal features of the Constitution. It is a right precious in the eyes of the ambitious men of the small States; and shall the friends of the small States endeavor to divest them of this casual but highly valued right? The gentleman proposes that, in case of no election by Electors in the first instance, the case shall be sent back to those Electors. He wishes to provide that the election of a President shall, in no event, devolve upon the House of Representatives. He seems to have no other object in view, in his proposition, but to deprive the small States of this power. He is for giving it up without a consideration. He does not even ask any corresponding concession on the part of the great States. Instead of leaving the election to the House of Representatives, when Delaware would have an equal vote with New York, he sends it back to the College of Electors,

in which the vote of New York would be to that of Delaware as 12 to 1.

Although I esteem this casual power of the small States, in electing a President in the House of Representatives, of no advantage to them, for one, I would never consent to yield it, without obtaining, at the same time, an equal cession of power on the part of the great States.

These great Federal features of the Constitution have become enormous excrescences, owing their growth to circumstances not foreseen by the members of the Federal Convention; among others, to the unparalleled increase of population in some of the great States, and the admission of eleven new States. These excrescences must be reduced equally and simultaneously. The balance must be more nicely adjusted, or the equilibrium will be forever lost.

Although we cannot expect any final vote on the propositions now under consideration, at this session, we might have a vote upon the amendment of the gentleman from Missouri, proposing to dispense with the agency of Electors. This amendment has been very fully and ably argued on the part of that gentleman, and I would now attempt to answer him; but this would be an unnecessary consumption of time, provided the Senate is now disposed to postpone, indefinitely, all the amendments offered. If the decision should be against the postponement, I shall still have the opportunity of making the observations which I should now offer.

Mr. TAYLOR, of Virginia, said he was opposed to the district system, because it had a tendency to deprive all the States, great and small, of a portion of their power, and because it interfered with the separate character of the States, as independent sovereignties. He illustrated this view of the subject by several remarks, and then proceeded to state that he concurred in the opinion that had been expressed in debate, that the district system was calculated to bring the election of President into the House of Representatives. Mr. T. fully concurred in the views of the gentleman from South Carolina, (Mr. HAYNE,) that great evils would arise from the constant interference of Congress in the Presidential election, and that any amendment to the Constitution would be very objectionable which would have the effect of making that interference more frequent. He said it had been a great object with him for many years to effect some amendment to the Constitution, which might secure the election of the President, without troubling Congress with it. He might not live to see that desirable object accomplished, but he hoped the gentleman from South Carolina would.

As to the question of a Congressional caucus for the nomination of candidates for the Presidency, Mr. T. said, he never had any doubt that such a nomination was a clear violation of the spirit of the Constitution. On that subject, he believed, his sentiments were in print. It appeared to him preposterous for gentlemen to contend that, in making such a nomination, they acted in their private capacities. Mr. T. here entered into

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some arguments to prove that members of Congress could not meet at the Seat of Government and nominate a candidate for the Presidency, without making it a public business. The people would so regard it, and it would produce the same effect as if the nomination was made by members in their legislative capacities.

His honorable friend and colleague (Mr. BARBOUR) had stated that he (Mr. TAYLOR) had been his instructor in respect to caucusing, and that he had introduced him into the first caucus he ever attended. His colleague, if he had received any instructions from him on the subject, had certainly profited greatly by them. He had been a very apt scholar in his lessons, and had far outstripped his master. But his colleague was greatly mistaken. He had never attended a caucus, either in Congress or elsewhere, for the purpose of nominating candidates for offices. Such proceedings he considered very dangerous, and altogether unconstitutional.

The meeting to which the gentleman had alluded was held by some of the members of the Virginia Legislature, for the single purpose of preparing resolutions to be proposed in the Legislature. Mr. T. said he did not agree with the gentlemen on the other side, that informal meetings for preparing bills or resolutions to be proposed to legislative bodies had any resemblance to a Congressional caucus, intended to transfer from the States their Constitutional check and influence in the election of a President to Congress. It had been said, indeed, that a Congressional caucus acted only in their private characters. To illustrate this assertion: we have all heard of what is called a bull dance. Suppose sixty or seventy of the gravest and most respectable private citizens should assemble and entertain the spectators with jigs, rigadoons, and hornpipes, would not their private characters be estimated in contemplating the exhibition? But, if the same number of members of Congress should assemble and exhibit a similar scene, would not their public characters be also estimated? So, when assembled for nominating a President, it is their public characters, and those only, which are intended to influence the election; and such an influence destroys that of the States, bestowed by the Constitution for self-preservation, by transferring to Congress a power conferred on the States. Their characters will follow them into a caucus, either for the purpose of a bull dance, or for nominating a President.

Mr. T. said that he had not previously mentioned the word *caucus* in this debate, nor should he have now done so, had he not been personally called upon; but that, if the resolutions for amending the Constitution should be taken up, it would be necessary to consider that subject, as having a tendency towards that consolidated and concentrated form of government towards which we were verging with awful rapidity. At this juncture, its thorough examination would produce an excitement inconsistent with a discreet consideration of the amendments; and therefore he concurred in the proposed postponement.

Mr. MILLS stated the views which induced him to move for the indefinite postponement of this subject. He had believed that it was quite impossible to act upon these resolutions at the present session; that the public sentiment was not yet prepared for any amendment on this subject, and that a sufficient number of the Senate, to carry any one of these amendments, could not be induced to vote for any amendment. He thought the present was not the best time for the consideration of the subject, and that there were so many and so various propositions, that no one of them would be adopted at present.

Mr. KELLY, of Alabama, next took the floor, and began with observing that he would endeavor, so far as it was practicable, to withdraw the subject under debate from the fog with which it had been enveloped, and to conform to the rule of debate prescribed by the Chair. He remarked, that the whole discussion on this caucus question, had arisen from a want of forbearance on the part of the gentlemen who had advocated that measure. The gentleman from New York (Mr. KING) had been charged with a change of opinion on the subject of the Constitutional amendments, and had risen in his defence, and justified his disposition to delay acting on the subject at this crisis, on account of the central power which now presumed to select candidates for the Presidency and Vice Presidency of the United States. Whether he actually used the cabalistic and portentous word, *caucus*, or not, I hold it, said Mr. K., immaterial. He certainly spoke of a central power, that had arisen in this Government, not known to the Constitution, and unfriendly to the liberties of the nation; and whether he called it a caucus or not, he certainly did, said Mr. K., assure the gentlemen that he had no unfriendly feelings towards any person who differed from him in opinion. Now, said Mr. K., this remark was received with the most extraordinary sensitiveness on the part of these gentlemen; they had, with an ultra chivalrous *esprit du corps*, immediately rushed into a contest on the caucus question, and had entered into arguments in support of that measure. Mr. K. repeated, that a very small portion of forbearance, in that stage of the debate, would have prevented the discussion altogether; but, as gentlemen had thought proper to assume a different course, it had certainly become necessary that their remarks should be answered and their arguments refuted. This had been done by the gentleman from South Carolina, in respect to the arguments which were urged on the other side, before he addressed the Senate. But other arguments had still been advanced, and to these, Mr. K. said, he would now proceed to reply. Waiving, for the present, the Constitutional question, he would notice the argument of the necessity of a caucus, as a party measure. Now, without arguing how far a caucus could be justified on that ground, he would say that such a measure could certainly not be justified as a party measure, where only a small minority could be got to unite in it. He had always understood that the very first principle of the Republican party, to which he belonged, was,

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that a majority only could act or speak for the party, and this, indeed, seemed to be a sacred principle, that could in no case be disregarded. But the gentlemen of the present day have conquered the difficulty that embarrassed Archimedes: when he stood a solitary Colossus on the vortex of mechanical science, he exclaimed, "Give me a place to stand, and I'll move the world." Gentlemen have stricken from this sentence the "*dos pou sto*," and the article "*kai*," and retain only the "*ton kosmon kinezo*." They now propose to raise the world without a fulcrum—here Mr. K. was called to order by the Chair. The PRESIDENT said that, in his opinion, the debate had, on the former days, assumed a much wider range than the strict rules of order would authorize; he himself was not then in the chair; and that he conceived it to be his duty, at this point, to confine the discussion to the precise question before the Senate. Mr. KELLY said, it was his intention to have replied to some of the opinions heretofore expressed in debate, in favor of the meeting alluded to; but, as the Chair had decided that it was not in order to do so, he should submit to the decision, and take his seat.

Mr. BARBOUR, who was in the chair when the discussion alluded to commenced, felt it his duty to explain the reasons which had induced him to allow a wider latitude to that debate than had been indicated to be proper, by the Chair, at this time. It was in consequence of his peculiar situation, in connexion with that meeting, that he had refrained from calling gentlemen to order, who had introduced its discussion. He considered that it was better that the liberty of debate should be sometimes abused, than that it should be curtailed—the more especially, as every gentleman stood answerable before the country for any remarks he might make in this Senate.

After the lapse of a few minutes, and after another gentleman had risen to speak, the VICE PRESIDENT observed, that the gentleman from Alabama was entitled to the floor, if he chose to progress.

Mr. KELLY then rose, and observed, that he understood himself to have been deprived of the floor by the decision of the Chair. To which the VICE PRESIDENT replied, that the merits of the question before the Senate might be discussed, and that the gentleman might progress. Mr. KELLY then observed, that he would not attempt to evade the decision of the Chair, and that if he could not be permitted to reply to political doctrines preached here for home consumption, he had no wish to speak.

Mr. BRANCH, of North Carolina, asked the indulgence of the Senate for the purpose of submitting, for their consideration, a few thoughts in relation to the important subject-matter under discussion. He said it was due to the State he had the honor in part to represent, for him to support the amendment to the Constitution, which proposes to establish an uniform mode for the appointment of Electors of President and Vice President, and to himself, to oppose the indefinite postponement of the various propositions now

pending. With the sentiment of the Legislature of the State, he most heartily concurred.

In entering on the subject, he said that he should endeavor to conform to the decision of the Chair, and that he would not intentionally bring into discussion matter foreign from the true question before the Senate—for he firmly believed that the decision of the presiding officer was correct, and ought to be enforced.

It would become necessary for him, however, to animadvert on the Constitution as it is present, and to call the attention of the Senate to the pernicious practices which had obtained and grown up under it, which threatened, ultimately, to subvert the liberties of the people. It was the duty of an able surgeon to probe the wound to the bottom, that he might be the better enabled to devise and apply an effective remedy.

It would not be denied, he said, that it was the intention of the Convention which framed the Constitution to give to the people the election of their Chief Magistrate. But what have we been told by my highly esteemed friend and colleague, (Mr. MACON,) who is certainly high authority? Why, that the President had, since the days of General WASHINGTON, been always elected by Congress.

This, said Mr. B., is the most alarming declaration, and surely it becomes necessary that something should be done to prevent that from taking place in future. The Constitution provides, that the President shall be elected by the people, through their Electors; but we find that a plan has been found out, setting aside this provision—the President is to be chosen, and the people are called upon only to conform to the will of their rulers. Now, if these unconstitutional proceedings are to be continued, and the President hereafter is to be chosen by Congress acting in caucus, it is manifest that the Constitution will not only be practically altered, but that a door will be opened to the greatest abuses and corruption. We will soon find that the President will be chosen only by means of intrigue and management with the members of Congress.

Is not the mischief, therefore, abundantly evident? Either make some alteration, so as to give efficiency to the vote of the people, or let them no longer be deluded with the fallacious idea that they exercise the power themselves. It is not worth while to disguise the fact from ourselves. We all see it. Indeed, it must be manifest to the most superficial observer, that the different departments of the Government, instead of acting as checks on each other, are naturally drawn to play into each other's hands; particularly the Executive and Congress. The gentleman from New Jersey, (Mr. DICKERSON,) to whom I have listened with much pleasure, has failed to assign any reason why it is unsafe to return the election to the Electors. I must therefore presume, said Mr. B., that none exists.

Let us, then, said Mr. B., throw off this usurped authority, and return to the people the rights of which they have been wrongfully shorn. From whence do the members of Congress derive the

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power to elect the President of the United States? I hazard nothing, said Mr. B., in saying that the power is not to be found in the Constitution, and that it is, consequently, an encroachment upon the sovereignty of the people: the more alarming, inasmuch as it is exercised in the corrupt atmosphere of Executive patronage and influence. Make me President, and I will make you a Minister, a Secretary, or, at all events, I will provide you with a good berth, suited to your wants, if not to your capacity. And thus we shall barter away the rights and privileges of the people, at the expense of the best interests of the country, and the charter of our liberties. The mischief is abundantly manifest. Let us not, then, turn a deaf ear to the admonitions of duty, and the voice of an enlightened community, but rather let us have the magnanimity to return—to leave the things which belong to the Constitution, even though, in doing so, we part with some of our influence. The President and Congress were intended, by the wise framers of our Constitution, to act as checks, each upon the other; but, by the system at present practised, they lose the benefit of this salutary provision. For, as has been observed by my honorable colleague, the Congress have always made the President, and will continue to do it. Yes, sir, the voice of that orthodox and experienced statesman has said so, and I have no reason to doubt the correctness of his assertion.

It ought not to be said, observed Mr. B., that we are incapable of acting on this important subject calmly and dispassionately. Our present session is comparatively unlimited—it is, in truth, the long session—our table is not burdened with important business; we sit but two or three hours in the day, and but five days out of the week; this objection cannot, therefore, be sustained. And as to the Senate of the United States, composed of gentlemen advanced in years, possessing a character, and, justly, too, for their discretion and intelligence, being hurried away by passion or excitement, I cannot, said Mr. B., believe it for a moment. We are all convinced that no alteration can be made in time to affect the approaching Presidential election. Hence, whatever excitement may be felt, it will not be of a pernicious character, but will rather tend to elicit the best and most effectual remedy. If we suffer the present propitious moment to pass by, what may we expect? Why, sir, that the nation will again fall into a state of apathy, and that nothing will be done until the people are again called on to elect another Chief Magistrate, when we shall have to deprecate the recurrence of all the mischief at present complained of, and which threatens such alarming consequences to the peace and security of society.

Mr. HAYNE, of South Carolina, rose, in reply to Mr. DICKERSON, and said, that he should certainly have availed himself of the present occasion to reply to the additional argument urged on the other side on the now forbidden topic, but the decision of the President (to which he was disposed to bow with reverence) would induce him to confine his remarks strictly to the Constitutional

question. On that subject it was necessary he should say a few words in reply to the honorable gentleman from New Jersey. That gentleman had treated the subject as if the question was, whether the President should, on all occasions hereafter, be elected by the House of Representatives, voting by States, or by the joint ballot of the Senate and House of Representatives; and he had endeavored to show that the latter was the preferable mode. If that, said Mr. H., be admitted to be the question, he would have no hesitation in adhering to the vote by States—because, the Constitution having made that provision in favor of the small States, he could perceive no reason or propriety in calling on them to surrender the privilege merely for the purpose of increasing the power of the large States. Power was of more importance to the former than could be to the latter, and where the Constitution had confided it, he presumed it ought not to be surrendered except for the purpose of obtaining some essential benefit either to themselves or to the country at large. But the gentleman informs us that the election of the President by the National Legislature cannot be objectionable, because the journals of the Convention prove that the great men who framed the Constitution did, at one stage of their deliberations, actually agree to that mode of appointment; though they afterwards changed their opinion, and thus (contrary to the usual authority of precedents) a final decision against a measure is considered by the gentleman as an argument in its favor. It is true, said Mr. H., that it was proposed in the Convention to elect the President by the National Legislature, and this proposition was at first agreed to; but the evils of that system soon began to be understood; it lost friends almost daily; and, after the mature deliberation of several months, the plan was finally abandoned—only two States voting for it. A short time afterwards, the Constitution, in its present form, providing for the election of a President by Electors, was unanimously adopted. If this plan had been hastily adopted, and without comparing it with others, it might be supposed that it had not received the deliberate sanction of the Convention. But, when it appears that, during a period of several months, the wisest assembly that ever met in council were deliberating on the question, whether an election by the National Legislature or by Electors was to be preferred; when it is found that all their doubts were finally removed, and that they became thoroughly convinced there was great danger to be apprehended from permitting Congress to interfere in the choice of the President, their final adoption of the Electoral system, under such circumstances, was a triumphant authority against an election by the National Legislature. The gentleman from New Jersey, relying on his precedent, has not attempted to answer the argument which Mr. H. had urged against his proposition. He had not ventured to deny that the district system, in itself, had a tendency to produce a failure of the election, and to bring it into Congress. Taking this, then, as admitted, the gentleman from New Jersey had very natu-

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rally considered himself as called upon, in defence of his propositions, to prove that the election of the President by Congress would be free from objection. But, said Mr. H., has he succeeded in doing this? Mr. H. had, on a former occasion, contended that the interference of the members of Congress in the Presidential election, whether they voted by States or by polls—whether they voted in their legislative or any other capacity, must always be attended with great danger to the liberties of the country; that it would be destructive of the purity of legislation, confound the separate departments of the Government, expose to temptation, to intrigue, and finally to corruption, the representatives of the people; and that it was against these evils the Constitution was intended to guard. None of these arguments has the gentleman answered; but he turns from the subject, and alleges that my proposition (said Mr. H.) aims as fatal a blow at the rights of the small States as his own, and triumphantly asks, "if I am prepared to surrender any power of the small States without an equivalent, without a price, and adds, that he is not willing to do so." Now, said Mr. H., the proposition I have submitted, has for its object to effect the election of the President by the people, and to keep it entirely out of the hands of Congress. If this involved the surrender of the contingent power of the small States to elect the President by States, in the event of the failure of the election by the people, that surrender was founded on the belief that, to elect the President by the people, was to carry into effect the true intention of the Constitution, and to avoid evils of very great magnitude, which must result from an election by Congress.

Mr. HAYNE said he was satisfied that the small States, from their devotion to the Union, would be unwilling to give up the contingent power alluded to, provided a plan could be devised by which the choice of the President, by the Electors, could be secured; and they would do this "without any equivalent," except that which would be derived from promoting the permanent prosperity and glory of the country. He was persuaded that the patriotic State he had the honor in part to represent would prefer that the President should, in all cases, be chosen by the Electors, than that he should be chosen by the House of Representatives, voting even by States. To keep that election from Congress, (an election which, with its attendant circumstances, could not but disturb the harmony and impair the purity of that body,) the small States would, he was confident, be found willing to unite in an amendment of the Constitution. But, if the course of legislation was to be disturbed, and Congress are to elect the President, the small States never would, and never ought to, consent to change the mode of voting. They would, from their devotion to liberty, make a sacrifice of a portion of their power on the altar of their country; but they would never make it merely to add to the power of others. The difference, then, said Mr. H., between the gentleman from New Jersey and himself consisted in this—the gentleman was wil-

ling to surrender the power of voting for a President by States, and was disposed to accept in lieu of it a joint ballot of the Senate and House of Representatives; while Mr. H., on the other hand, was unwilling to make that surrender, unless the choice of the President by the people could be secured, without any possible interference by Congress. Mr. H. said he was satisfied that the State he represented, and the small States generally, would never be tempted to wish that the election of a President should fail, even though their influence in the election might thereby be increased. This was the principle on which he was prepared to act. It did not appear to him to be impracticable so to amend the Constitution as to secure an election by the Electors. In the event of a failure at the first ballot, let them be required to make a second attempt, under such circumstances as will secure an election. He saw no insuperable difficulty in arranging the details of such a plan. But, if the gentleman could show that the plan was wholly impracticable, and the election cannot, by any means, be kept out of Congress, then, Mr. H. said, he would be compelled to come to the conclusion, that the Constitution must remain as it is, until further experience shall suggest a remedy for the evils we are destined to suffer. One thing he considered certain, that the small States never would consent to change the present mode of election in the House of Representatives for any other in which Congress should have any concern, however they might be disposed to unite in any plan which would effect the choice of the Chief Magistrate by the unbiassed suffrages of the people.

Mr. DICKERSON replied, that he had not misunderstood the gentleman. He had not supposed his argument in favor of an election of a President by the House of Representatives, but exactly the reverse. When, however, the operations of the resolutions reported, are considered, it ought to be with reference to the Constitution as it now stands. Is it more safe to trust the two Houses of Congress, voting by joint ballot, with the election of President, or to trust the House of Representatives alone, voting by States? The proposition of the gentleman, to send the election back to the Electors, after their first ballot shall have failed, is subject to insuperable objections, as may be shown when this point shall be considered. One decisive objection is, that no good could result from sending the question back to the men who had made up and expressed their minds upon the subject; who had decided, and, by their decision, precluded all reasonable hope of coming, by fair means, to a choice, by the requisite majority. But, if there were no objections of this character against this proposition, it would still be as much an abandonment of the rights of the small States, as a choice by the two Houses of Congress in the last resort; and much more so than is contemplated by the resolution reported, as that requires an equal concession of power on the part of the great States. Yet no suspicion can be entertained that the honorable gentleman has any unfriendly feelings towards the small States.

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He considers the election of a President in the House of Representatives, under any circumstances, as an enormous evil, which he would remedy by making a sacrifice greater, perhaps, than may be found necessary, and certainly too great, if it is to be at the expense of the small States exclusively.

Mr. MACON rose in explanation of the allusion made by his honorable colleague to his remark, that the President had always been, with the exception of General Washington, elected by Congress. He repeated the observation, with a firm conviction of its correctness, that this had been the case, and, in his opinion, it always would be the case. If the members of Congress did not act in caucus, they would influence the people in some other way. The people were always writing to the members to get their opinion upon the different candidates, and their opinions would have great effect. Mr. M. said he was willing to alter the Constitution, but Congress, said he, will elect the President, be the Constitution what it may.

The question was then put, on postponing the whole subject indefinitely, and decided in the affirmative—yeas 30, nays 13, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Brown, Chandler, Clayton, D'Wolf, Eaton, Edwards, Findlay, Hayne, Holmes of Mississippi, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Knight, Lannan, Lloyd of Massachusetts, Mills, Palmer, Parrott, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Van Dyke, and Williams.

NAYS—Messrs. Benton, Branch, Dickerson, Elliott, Holmes of Maine, Lowrie, Macon, Noble, Ruggles, Smith, Thomas, Van Buren, and Ware.

So it was resolved that the said resolution be indefinitely postponed.

TUESDAY, March 23.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, to whom was referred the memorial of William Duane, made a report, accompanied by a bill for the relief of Colonel William Duane; which were read, and the bill passed to a second reading.

Mr. HENRY JOHNSON submitted the following motion for consideration:

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of authorizing the Secretary of Treasury to cause the swamp lands in the State of Louisiana, belonging to the inhabitants of the parishes of Attakapas, Opelousas, and Avoyelles, to be surveyed, and separated from the public domains and private claims.

Mr. LOWRIE asked and obtained leave to bring in a bill extending the benefit of copy-rights to the authors of paintings or drawings; which was read, and passed to a second reading.

In pursuance of notice given yesterday, Mr. JOHNSON, of Kentucky, asked leave to introduce a joint resolution, to authorize the President of the United States to purchase of Rembrandt Peale an equestrian portrait of WASHINGTON; provided the same can be obtained for a sum not to exceed

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\$5,000. Leave was accordingly granted. The resolution was read, and passed to a second reading.

Mr. BROWN presented the resolution of the General Assembly of the State of Ohio, expressing, as their opinion, that further and more effectual measures should be adopted by Congress for the promotion and protection of American manufactures; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. BROWN presented the resolution of the General Assembly of the State of Ohio, requesting their Senators and Representatives in Congress to use their exertions to procure the passage of a law authorizing them to select and locate certain portions of the public lands within the State, for the use of schools, in conformity to the compact between that State and the United States; which was read, and referred to the Committee on Public Lands.

Mr. BROWN presented the resolutions of the General Assembly of the State of Ohio, recommending to Congress the consideration of a system providing for the gradual emancipation of persons of color, held in servitude in the United States; which were read, and ordered to lie on the table.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida," reported it without amendment.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Sarah Chitwood;" and it was postponed to Monday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to alter the terms of holding the district court of the United States for the District of Illinois," in which they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to a second reading.

The Senate proceeded to consider, as in Committee of the Whole, the bill supplementary to "An act to incorporate a company for making certain turnpike roads in the District of Columbia;" and it was ordered to lie on the table.

Mr. HOLMES, of Maine, presented the petition of Isaac Russell, praying a pension; which was read, and referred to the Committee on Pensions.

The Senate proceeded to consider, as in Committee of the Whole, the bill in addition to an act, entitled "An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes," and, on motion, it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill in addition to the act relative to the election of a President and Vice President of the United States; and, on motion, it was postponed to Tuesday next.

The Senate proceeded to consider, as in Committee of the Whole, the bill declaring the consent

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of Congress to the revocation of certain parts of the ordinances therein mentioned; and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill for enclosing the burial ground of Christ Church parish; and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill further to amend the judicial system of the United States, and providing for the holding of circuit courts; and, on motion, it was ordered to lie on the table.

The resolution submitted yesterday, by Mr. BENTON, directing the Committee on Indian Affairs to inquire into the expediency of extinguishing the Indian title to lands on the south side of Lake Superior, supposed to contain valuable copper mines, was again read, and agreed to.

The bill to "abolish imprisonment for debt," was again taken up for consideration. Mr. VAN DYKE opposed an amendment in the fourth section of the bill, providing that the creditor shall have power to put questions to the debtor, to be answered on oath, respecting the disposition of his property. The bill was then postponed, and made the order of the day for to-morrow.

The bill from the House of Representatives "providing for the necessary surveys for roads and canals," was next taken up. Mr. BENTON proposed, by way of amendment to this bill, an entire new bill. The amendment was read, and the subject was postponed to, and made the order of the day for, Thursday next.

The bill introduced by Mr. H. JOHNSON, of Louisiana, and reported by the Committee on Public Lands, "for the relief of the heirs of Don Harpin de la Guatrais" was taken up for consideration, in Committee of the Whole. This bill proposes to relinquish the title to a certain tract of land in Louisiana, to the persons for whose relief it is drawn, they having held the Spanish titles to the same, the records of which have been destroyed by fire.

Mr. H. JOHNSON, of Louisiana, stated the grounds upon which this claim was founded. Some remarks were made upon it, by Messrs. KING, of Alabama, CHANDLER, and EATON. The bill was then reported to the Senate without amendment, and passed to be engrossed and read a third time.

The bill reported by the Committee on Public Lands, "supplementary to the several acts providing for the ascertaining of land claims, in the St. Helena and Jackson Districts, in the State of Louisiana," was taken up for consideration, in Committee of the Whole. The sum of \$1,500, the annual salary to be allowed to the registers of the land offices, and the receivers of public moneys, to be appointed under this act, was stricken out, and a motion was made to insert \$800 in lieu of it. This amendment underwent some discussion, in relation to the duties to be performed by these officers, in which Messrs. H. JOHNSON, RUGGLES, KING, of Alabama, LOWRIE, and EATON, took part. On motion of Mr. H. JOHNSON, the bill was ordered to lie on the table.

The bill reported by the Committee on Claims,

"for the relief of Captain Thomas Staniford," was taken up for consideration, in Committee of the Whole. This bill provides for the release of the petitioner from a judgment for \$7,282 92, found against him, in favor of the United States. The petitioner was a deputy paymaster during the late war—previous to the settlement of his accounts with the proper department, his documents and vouchers were lost, by fire, in the city of New York. In consequence of this loss, he has since been unable to settle his accounts; and this judgment has been found against him, although he is not, in fact, indebted to the Government. Mr. RUGGLES stated the merits of this case; the bill was reported to the Senate, and passed to be engrossed, and read the third time.

The bill reported by the Committee on Public Lands, "for the relief of John McAlister, and the heirs of John Forbes," was next taken up in Committee of the Whole. This bill proposes to relinquish the title to a certain tract of land, to the persons for whose relief it is drawn; their individual titles to be ascertained and settled in a court of justice. The grounds of the bill were explained by Messrs. BARTON, and KING, of Alabama, and Mr. CHANDLER opposed it. It was then reported to the Senate, and passed to be engrossed, and read the third time, 17 to 14.

The bill introduced, some time since, by Mr. TAYLOR, of Virginia, "to provide for the settlement of certain pecuniary claims against the United States," was taken up, and made the order of the day for Monday next.

ARKANSAS BOUNDARY.

Mr. BENTON, from the select committee, to whom was referred, on the 17th December last, the memorial of the General Assembly of the Territory of Arkansas, made a report, accompanied by a bill to fix the western boundary line of the Territory of Arkansas; which were read, and the bill passed to a second reading.—The report is as follows:

That the memorialists represent that the line, prescribed by an act of the last session of Congress, for the western boundary of the Territory of Arkansas, will pass through the counties of Miller and Crawford, and leave a proportion of the population of the said counties on the outside of said line and beyond the jurisdiction of said Territory; and they pray that the line may be altered, and fixed so far west as will include the residue of said counties and their inhabitants.

By information derived from the Delegate of said Territory, the committee are informed that the number of inhabitants thus cut off from the government under which they had lived, amounts to about twelve hundred souls; and the inquiries which present themselves, are: 1st. Whether the said inhabitants shall be left as they are, without law to govern them? 2d. or, Whether they shall be compelled to come within the present limits of the Territory? 3d. or, Whether the western boundary shall be extended to include them?

The first alternative the committee reject, for reasons too obvious to require specification. To the second, many objections are found, arising from the organized state of the counties; the claims which many of the

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inhabitants set up for pre-emption rights, under the act of Congress of the 12th of April, 1814; and, above all, from the fact, that, by an order issued from the War Department, the 15th December, 1818, a line drawn from the source of the Koamichi, to the source of the Poteau, was fixed as the limit of western settlements in Arkansas, and settlers west of that line were ordered to be removed to the east of it; in the execution of which order, by the commanding officer of Fort Smith, on the Arkansas river, the settlers in the now counties of Miller and Crawford were not removed, because found to be on the eastern side of the said line. The third alternative is, therefore, adopted by the committee, as well for the reasons growing out of the objections to the first and second, as because a line further west will divide into two equal parts the territory of the United States upon the Arkansas, east of the Mexican boundary, and will give to the future State of Arkansas that power and magnitude, to which, as a frontier State, in relation both to a foreign nation and numerous Indian tribes, it will be justly entitled.

The adjustment of the Indian boundary lines not being a subject of legislation, the committee do not make any report upon the existing boundary between the Choctaws and white settlers in the Territory of Arkansas. They leave that subject to the operation of treaties made or to be made, and report a bill solely for the extension of the western boundary line of the Territory of Arkansas.

WEDNESDAY, March 24.

Mr. SMITH, from the Committee on Finance, to whom was referred the bill, entitled "An act making appropriations for the support of Government for the year 1824," reported it with amendments; which were read.

Mr. LOWRIE laid on the table a letter from the Commissioner of the General Land Office, enclosing statements showing the quantity of land surveyed, the quantity remaining unsold, the estimated quantity to be surveyed in each district, and the amount of money due from individuals on the 31st December, 1820, and the 30th September, 1821 and 1822; and also the quantity sold, and amount of purchase money under the credit and cash systems, respectively, and the quantity relinquished under the act of 1821, with the amount for which it sold. The letter and statements were ordered to be printed for the use of the Senate.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the petition of Charles S. Hempstead, and others, members of the bar in Missouri, reported a bill to alter the times of holding the District Courts in the District of Missouri; which was read, and passed to a second reading.

Mr. EATON, from the Committee on the District of Columbia, to whom were referred the petition of Hezekiah Langley and Benjamin M. Belt, reported a bill for the relief of Hezekiah Langley and Benjamin M. Belt; which was read, and passed to a second reading.

Mr. BARTON, from the Committee on Public Lands, reported a bill to establish a Surveyor General's Office in the Territory of Arkansas; which was read and passed to a second reading.

Mr. BARTON, from the Committee on Public

Lands, to whom was referred the bill to provide for the appointment of a Surveyor General of the lands of the United States for the State of Louisiana, and one Surveyor General of the lands of the United States for the State of Mississippi, reported it without amendment.

On motion, by Mr. RUGGLES, the Committee of Claims were discharged from the consideration of the petition of Demas Deming.

Mr. HAYNE presented the remonstrance of Thos. Carr, and others, in behalf of the citizens of Georgetown, South Carolina, against the passage of the bill now before Congress, to increase the duties on imports; which was read, and referred to the Committee on Commerce and Manufactures.

The bill releasing to John McAlister, or the legal representatives of John Forbes, a certain tract of land, was read the third time and passed.

The bill for the relief of the heirs of Don Harpin de la Guatrais was read the third time, and passed.

The bill for the relief of Captain Thomas Staniford was read the third time, and passed.

The bill extending the benefit of copy-rights to the authors of paintings and drawings was read the second time, and referred to the Committee on the Judiciary.

The bill to fix the western boundary line of the Territory of Arkansas was read the second time.

The resolution authorizing the President of the United States to procure an equestrian portrait of Washington, was read the second time; and, on motion, ordered to lie on the table.

The bill, from the House of Representatives, entitled "An act to alter the times of holding the District Court of the United States for the District of Illinois," was read the second time, and referred to the Committee on the Judiciary.

The Senate proceeded to consider the motion of yesterday, to direct the Committee on Public Lands to inquire into the expediency of causing certain swamp lands in Louisiana to be surveyed; and, it was ordered to lie on the table.

GENERAL APPROPRIATION BILL.

On motion of Mr. SMITH, the Senate, as in Committee of the Whole, proceeded to consider the bill "making appropriations for the support of Government for the year 1824," with the several amendments proposed thereto by the Committee on Finance in the Senate.

The several amendments proposed in the details of the bill, were taken up, in course. The committee propose to reduce the appropriation agreed to in the House, for surveying the public lands of the United States, from \$100,000 to \$60,000. A discussion took place upon the propriety of reducing this item; in which Messrs. SMITH, LOWRIE, RUGGLES, H. JOHNSON, of Louisiana, HOLMES, of Maine, CHANDLER, WILLIAMS, HAYNE, and EATON, engaged. The amendment was adopted.

The next amendment was, to strike out the amount of \$1,160, "for improving the Capitol square, and painting the railing round the same," and insert in lieu thereof the sum of \$3,000. Mr.

SMITH explained the reasons for proposing this increase. Messrs. MACON, and HOLMES, of Maine, made some few remarks upon the subject; and the amendment was then carried.

The committee propose to amend the bill, by inserting a new clause as follows: "for graduating and improving the grounds attached to the President's House, \$2,000." This was also agreed to.

The committee recommend that the sum of \$40,000, "for the relief of the sick, disabled, and destitute seamen, in foreign countries," should be stricken out, and \$30,000 inserted for that purpose. This amendment was adopted.

They also recommend that the appropriation "for the Consul General at Paris, \$2,000," be stricken out entirely. This amendment was supported by Messrs. SMITH, KING, of New York, and HOLMES, of Maine, and opposed by Messrs. PARROTT, LLOYD, of Massachusetts, and LOWRIE. The discussion turned upon the question, whether this officer was necessary, or not. The amendment was lost.

The next amendment proposes to strike out \$18,000, the sum appropriated "for the payment of the salaries of the Commissioner and Arbitrator, under the 1st article of the Treaty of Ghent, and half the salaries of their Secretary and Messenger;" and to insert, in lieu thereof, the sum of \$2,500, together with the unexpended balance of the last year's appropriation. Mr. SMITH stated the reasons which induced the committee to propose this reduction. Mr. KING, of New York, moved to insert, also, "an agent" to be connected with this commission, and spoke in support of the propriety of having a public agent before the commissioners. Mr. SMITH opposed this motion; and, in the course of his remarks, he stated that he had been informed, by a gentleman who acted as agent for individual claimants, in Virginia and Maryland, that the amount recovered, for slaves taken from those two States, would not be sufficient to pay the expenses of the commission. Mr. HOLMES, of Maine, also opposed the motion for the insertion of an agent, and Mr. BARBOUR advocated it at much length, denying the statement of Mr. SMITH, and controverting and answering all the arguments of the opposers of the appropriation. Without taking the question, the Senate adjourned.

THURSDAY, March 25.

Mr. BENTON, from the Committee on Indian Affairs, to whom the subject was referred by a resolution of the Senate of the 23d instant, reported a bill to authorize the President to hold a treaty with the Indians owning the country on the south side of Lake Superior, for the purpose of extinguishing their title to certain districts supposed to contain valuable mines of copper; which was read, and passed to a second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1824," in which they request the concurrence of the Senate.

The bill last brought up for concurrence was twice read by unanimous consent, and referred to the Committee on Naval Affairs.

The bill for the relief of Colonel William Duane; the bill to alter the times for holding the District Court in the district of Missouri; the bill for the relief of Hezekiah Langley and Benjamin M. Belt; and the bill to establish a Surveyor General's office in the Territory of Arkansas, were, severally, read the second time.

GENERAL APPROPRIATION BILL.

The unfinished business of yesterday, being the bill from the other House, "making appropriations for the support of Government, for the year 1821," with the several amendments proposed thereto, by the Committee on Finance of the Senate, was again taken up in Committee of the Whole.

The Committee on Finance propose to amend the bill, by striking out the sum of \$18,000, appropriated "for the payment of the salaries of the Commissioner and Arbitrator, under the first article of the Treaty of Ghent, half the salary of their Secretary, and half the contingent expenses of said commission;" and to insert in lieu thereof, the sum of \$2,500, together with the unexpended balance of the last year's appropriation for this purpose.

Mr. KING, of New York, yesterday moved to amend this amendment, by including, in this item, a provision for a "public agent," to take care of the claims before this commission. That motion being under consideration, when the Senate adjourned yesterday, the question again recurred upon it. Mr. SMITH made some further remarks, in opposition to the motion. It was opposed, also, by Messrs. VAN DYKE, HOLMES, of Maine, NOBLE, and MACON; and supported by Messrs. JOHNSON, of Kentucky, EATON, H. JOHNSON, of Louisiana, BARBOUR, KING, of New York, and HAYNE.

Mr. KING, of New York, observed that the gentleman from Delaware having inquired by what authority the proposed agent was appointed, and what is the nature of the appointment, he would state the opinion which he entertained on the subject. The agency in question having no connexion with the Legislature or the Judiciary, he conceived it to be wholly of an Executive character, proceeding from, and having relation to the Executive power, which, by the Constitution, is vested in the President of the United States. The President is authorized to nominate, and, by the advice and consent of the Senate, appoint ambassadors, judges of the Supreme Court, and all other officers of the United States whose appointments are not, by the Constitution, otherwise provided for, and which shall be established by law. The enumerated officers are created by the Constitution; various other officers of the United States are provided for by law. Executive services which from time to time may be requisite, and concerning which no law has made provision, from the beginning, have been performed by agents, appointed by the President alone. Should such appointments be made unnecessarily, and, in making them, it should be believed by the Congress that

the Executive power is employed corruptly or improvidently, they will check such appointments by refusing to appropriate money to defray the expenses of them. Congress, in exercising such check, will act with the discretion and caution that the occasion calls for, manifesting the consideration and confidence which harmony between the co-ordinate departments of the Government requires.

Thus, soon after General WASHINGTON became President, Baron Steuben was sent to General Halderman, the Governor and Commander-in-chief of Canada, to ascertain whether he was authorized and prepared to deliver the northern posts, pursuant to the treaty of peace; and, upon General Halderman's declining to deliver them, Mr. Gouverneur Morris, then in Europe on his private business, was authorized by the President, General WASHINGTON, to proceed from France to England, to inquire of the English Ministry whether orders had been or would be sent to the Commander-in-chief in Canada to evacuate the American posts, according to treaty. The Baron Steuben and Mr. G. Morris were Executive agents on these occasions. Soon after the commencement of the war between France and Great Britain, the November Order of Council was issued in England, by which their armed vessels were instructed to detain, and send into port for adjudication, all American vessels employed in a trade which they were not permitted to carry on in peace; and the British ships of war detained American ships, and impressed their seamen in the West India seas. These proceedings induced President WASHINGTON to send Mr. Higginson, of Boston, to the West Indies, as an agent, to visit the British islands, and to obtain from the Courts of Admiralty copies of the decrees of condemnation of American vessels and cargoes, and to send these to the United States or to London. About the same time Captain Talbot, of the Navy of the United States was sent by General WASHINGTON, as an agent, to assist and recover the American seamen impressed into the British service. Captain Talbot proceeded to Jamaica, and other English islands, and afforded great assistance and protection to impressed American seamen.

Mr. Samuel Bayard was contemporaneously sent by General WASHINGTON, as an agent, to England, to enter, in the High Court of Admiralty, appeals from the colonial Admiralty Courts, to engage proctors to assist him, and to place in their hands the colonial decrees of condemnation of American vessels and cargoes. All of these agencies were derived from mere Executive appointments; they were faithfully executed, and contributed much to protect the rights and to secure the property of our countrymen.

After the treaty with Great Britain, of 1794, two sets of Commissioners met in America. One, concerning the river St. Croix, assembled at Halifax; another, concerning debts, convened at Philadelphia. A third set of Commissioners met at London. Concerning the debts, an agent was authorized by law to be appointed by the President and Senate, to be employed before the Phila-

delphia commission. Concerning the river St. Croix, an agent was appointed either by the President of the United States, or by the State of Massachusetts, that State being concerned in the settlement of this boundary. In respect to the London Commissioners, three successive agents were appointed by the President. The first, Mr. Bayard, by President WASHINGTON; the second, Mr. Samuel Cabot, by General WASHINGTON, or by his successor, Mr. Adams; the third, Mr. Erving, who superseded Mr. Cabot, by President Jefferson. These appointments, except the agent before the Philadelphia commission, were not made in pursuance of any law, but considered as Executive agencies, appointed and employed by the Executive alone.

Under Mr. Jefferson, or his successors, Mr. Poinsett, in South America; Mr. B. Provost, in Peru; Messrs. Rodney, Bland, and Breckenridge, at Buenos Ayres; Mr. Baptiste Irvine, at Caraccas; Mr. Tod, in Colombia, and Mr. Robinson in Mexico, have been employed as Executive agents, all being appointed by the Executive alone, no law creating their respective employment having been made. Each and all these agents have been paid out of the Treasury of the United States; appropriations for which must, from time to time, have been made.

Whether these agencies have been carried further than they ought to have been, Mr. K. could give no information; but no opposition is recollected to have been made to them. Within suitable limits, the power of the Executive to employ agents to obtain information, with which his office requires he should be furnished, will hardly be doubted; and the practice is the usage of all other nations, and has been that of the United States from the beginning, and under all the Presidents. The present agency is thought to be important, and useful to the States whose citizens lost their slaves; and, according to former precedents, this agency is well justified; it is deemed requisite by the Secretary of State, to whose Department the subject belongs; it has received the approbation of the American Commissioner and Arbitrator; and, as the average value of the lost slaves, the most important preliminary point, yet remains to be determined, the assistance of the agent continues to be useful, if not absolutely necessary. Should the agent be discontinued, the session of the Commissioners will be prolonged, and its expense thereby enlarged; so that the continuance of the agency will not only be of general utility, but a measure of positive economy.

The question on Mr. KING's motion was then put, and decided in the affirmative, 25 to 13. The discussion on this subject was continued till four o'clock. The yeas and nays were ordered, and were as follows:

YEAS—Messrs. Barbour, Barton, Benton, Brown, Eaton, Edwards, Elliott, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of New York, Knight, Lanman, Lloyd of Massachusetts, McIlvaine, Parrott, Ruggles, Seymour, Taylor of Virginia, and Ware—25.

NAYS—Messrs. Bell, Chandler, Clayton, Dickerson,

Holmes of Maine, Lowrie, Macon, Noble, Smith, Taylor of Indiana, Thomas, Van Buren, and Van Dyke—13.

The Senate then adjourned.

FRIDAY, March 26.

Mr. NOBLE moved to discharge the Committee on Pensions from the consideration of the resolution of the 27th January, instructing said committee to inquire into the expediency of placing James Morrow upon the pension list; and, on motion by Mr. LOWRIE, the said motion was ordered to lie on the table.

Mr. VAN DYKE presented the memorial of Anthony C. Cazenove, and others, inhabitants of the county of Alexandria, in the District of Columbia, remonstrating against a recession of that part of said District to the State of Virginia; which was read, and referred to the Committee on the District of Columbia.

The bill to authorize the President to hold a treaty with the Indians owning the country on the south side of Lake Superior, for the purpose of extinguishing their title to certain districts supposed to contain valuable mines of copper, was read the second time.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

Having stated to Congress, on the 7th of December last, that Daniel D. Tompkins, late Governor of New York, was entitled to a larger sum than that reported in his favor by the accounting officers of the Government, and that, in the execution of the law of the last session, I had the subject still under consideration, I now communicate to you the result.

On full consideration of the law by which this duty was enjoined on me, and of the report of the committee on the basis of which the law was founded, I have thought that I was authorized to adopt the principles laid down in that report, in deciding on the sum which should be allowed to him for his services. With this view, and on a comparison of his services with those which were rendered by other disbursing officers, taking into consideration, also, his aid in obtaining loans, I had decided to allow him five per cent. for all sums borrowed and disbursed by him, and of which decision I informed him. Mr. Tompkins has since stated to me that this allowance will not indemnify him for his advances, loans, expenditures, and losses, in rendering those services, nor place him on the footing of those who loaned money to the Government at that interesting period. He has also expressed a desire that I would submit the subject to the final decision of Congress, which I now do. In adopting this measure, I think proper to add, that I concur fully in the sentiments expressed by the committee in favor of the very patriotic and valuable services which were rendered by Mr. Tompkins in the late war.

JAMES MONROE.

MARCH 25, 1824.

The Message was read, and laid on the table.

The Senate resumed the consideration of the bill to abolish imprisonment for debt, as amended in Committee of the Whole; and, on motion, it was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals;" and, on motion, it was postponed to Tuesday next.

Mr. H. JOHNSON gave notice that, on Monday next, he would ask leave to bring in a bill to provide for the sale of the warehouse at the former quarantine ground, near the English Turn, in the State of Louisiana, and for the erection of a dwelling-house at the Balize, for the use of the boarding officer at that place, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill as reported by the Committee on Finance, "for the relief of Charles Gwynn, of Baltimore." This bill provides that a certain sum of money, overpaid into the Treasury of the United States, shall be refunded. The bill was reported to the Senate without amendment, and passed to be engrossed, and read the third time.

Mr. VAN BUREN, from the Committee on the Judiciary, submitted a report on the petition of Thomas Hewes, of Louisiana, accompanied by a bill for his relief. The bill was read, and passed to a second reading, and the report was ordered to be printed.

The bill reported by the Committee on Claims, to provide for the settlement of the accounts of the late Benjamin Lincoln, David Humphreys, and Cyrus Griffin, was taken up for consideration, in Committee of the Whole. These gentlemen were appointed commissioners, thirty-five years since, to treat with the Creek Indians. Certain goods which were intrusted to them, as presents to the Indians, were not used for that purpose, but were afterwards applied to other objects. These goods still stand charged to the commissioners on the books of the Treasury. The persons have since deceased, and their legal representatives now petition that this charge may be cancelled. Messrs. RUGGLES and MILLS explained the circumstances attending this claim, and supported the bill, on the ground that the accounts had long since been fairly and honorably settled. Mr. CHANDLER made some remarks on the subject, to which Mr. LLOYD, of Massachusetts, replied, and advocated the passage of the bill. The bill was then reported to the Senate, without amendment, and passed to be engrossed, and read the third time.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the Message of the President of the United States, in relation to certain acts of the Governor of the Territory of Arkansas, reported a bill, "confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes." The bill was twice read.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Thaddeus Mayhew; and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill further to regulate the jurisdiction of the Supreme Court of the United States; and it was laid on the table.

Mr. HOLMES, of Maine, presented the memorial

of Thomas Swann, and others, members of the bar in the District of Columbia, praying a change of the terms of the circuit court; which was read, and referred to the Committee on the District of Columbia.

Mr. BENTON submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire whether any Legislative act, on the part of the Congress of the United States, is necessary, to enable the inhabitants of the towns and villages in the State of Missouri, who may be entitled to a "common," adjacent to each town or village, to establish the boundaries of such "common," and to make such dispositions thereof as the interest of any such town or village may require.

The Senate proceeded to consider, as in Committee of the Whole, the bill to enable the President to carry into effect the Treaty made at Ghent, on the 24th of December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States to American citizens; and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Ichabod Lord Skinner; and it was laid on the table.

GENERAL APPROPRIATION BILL.

The unfinished business of yesterday, being the consideration of the bill "making appropriations for the support of Government, for the year 1824," was again resumed, in Committee of the Whole. The question was upon striking out the appropriation of \$18,000, "for the salaries of commissioner, arbitrator, and an agent, under the first article of the Treaty of Ghent, and half the salary of their secretary, and half the contingent expenses of said commission," and to insert in lieu thereof the sum of "\$4,500," for that purpose. This was the amendment proposed by the Committee on Finance of the Senate, as yesterday amended, on motion of Mr. KING, of New York. The amendment was agreed to.

An amendment was, also, agreed to, in relation to the amount appropriated for the compensation and travelling expenses of the members of the Legislative Council of the Territory of Florida.

The committee recommend to insert in the bill, a clause, as follows: "For a draughtsman, and two colorers, authorized by law to be employed in the General Land Office, \$3,000." This was agreed to.

All the amendments proposed by the Committee on Finance having been gone through with, Mr. SMITH moved that the bill be further amended by inserting this clause: "For the contingent expenses of the two Boards of Land Commissioners for East and West Florida, for the year 1824, including arrearages, \$1,250." Messrs. SMITH, KING of Alabama, and LOWRIE, made some remarks upon this subject. The amendment was rejected.

The bill was then reported, from the Committee of the Whole, to the Senate, with the several amendments which had been agreed thereto.

Mr. J. S. JOHNSTON, of Louisiana, opposed the amendment made in Committee of the Whole, reducing the amount to be appropriated for the surveys of public lands. He concluded by moving to strike out \$60,000, and insert \$80,000, as the appropriation for that purpose. This motion was supported by Messrs. H. JOHNSON, of Louisiana, and SMITH, and opposed by Messrs. LOWRIE, HOLMES of Maine, and KING of Alabama. The question was divided. The sum of \$60,000 was stricken out. The Senate refused, by the casting vote of the Chair, to insert \$80,000. The blank was subsequently filled with \$75,000.

Mr. LOWRIE opposed the amendment made in Committee of the Whole, by which the appropriation "to provide for sick, disabled, and destitute seamen, in foreign countries," was reduced from \$40,000 to \$30,000. Mr. LLOYD, of Massachusetts, also spoke against that amendment; and the Senate refused to concur in it.

The other amendments were adopted, and the bill was then passed to a third reading, as amended; and the amendments were ordered to be engrossed. The bill afterwards, on motion of Mr. SMITH, and by general consent, was read the third time, passed, and sent to the other House for concurrence in the amendments.

MONDAY, March 29.

Mr. SMITH, from the Committee on Finance, to whom was referred the memorial of Elijah Van Syckel, reported a bill for the relief of Elijah Van Syckel, of Philadelphia; which was read, and passed to the second reading.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the memorial of the trustees of the town of St. Charles, in Missouri, reported a bill supplementary to an act of Congress passed on the 13th day of June, 1812, entitled "An act making further provision for settling the claims to lands in the Territory of Missouri;" which was read, and passed to a second reading.

Mr. McILVAINE presented the memorial of Joshua Brick, and others, of Port Elizabeth, and of John S. Howell, and others, of Gloucester county, in New Jersey, severally praying an increase of the duty on imported iron, and on the manufactures thereof. The memorials were read, and referred to the Committee on Commerce and Manufactures.

The bill for the relief of Thomas Hewes was read the second time.

The Senate proceeded to consider the motion of the 26th instant, instructing the Committee on Public Lands to inquire whether any legislative act is necessary, to enable the inhabitants of towns in Missouri, entitled to a "common," to establish the boundary thereof, and to dispose of the same in such manner as the interests of the towns may require; and agreed thereto.

The bill for the relief of Charles Gwynn, of Baltimore, was read the third time, and passed.

The bill to authorize the settlement of the accounts of Benjamin Lincoln, and others, was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill further to regulate the jurisdiction of the Supreme Court of the United States; and, on motion, it was postponed to Wednesday next.

Mr. HENRY JOHNSON asked and obtained leave to bring in a bill for the sale of the warehouse at the former quarantine ground near the English Turn, in the State of Louisiana, and for the erection of a dwelling house at the Balize, in the said State, for the use of the boarding officer at that place, and for other purposes; which was read, and passed to a second reading.

Mr. BROWN gave notice that he would ask leave, to-morrow, to bring in a bill to change the terms of the Circuit and District Courts in the State of Ohio, and one of the terms of the Circuit Court in Kentucky.

PORTRAIT OF COLUMBUS, &c.

Mr. DICKERSON, from the select committee, appointed on the 11th December last, on the distribution of the rooms of the centre building of the Capitol, to whom was referred a communication from the Secretary of State of the 2d January last, reported resolutions providing a place of deposit for the portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence now in the Department of State; which was read, and passed to a second reading.—The report is as follows:

That the Committee have had under consideration the following letter of the Secretary of State, which was referred to them:

"To the President of the Senate:

DEPARTMENT OF STATE,
Washington, January 1, 1824.

SIR: I have the honor of enclosing, herewith, a copy of a letter, received at this Department, from George G. Barrell, Consul of the United States at Malaga, and of informing you, that the picture mentioned in it, is at the office of this Department, subject to such disposal of it as Congress may direct.

Having been some time retained at New York, to which place it was shipped by Mr. Barrell, it has very recently been received here, in a frame, upon which is engraved the following inscription:

'COLUMBUS,'

'Presented to the nation by G. G. Barrell, United States' Consul at Malaga. The frame presented by Parker and Clover, picture framers, New York, A. D. 1823.'

I avail myself of this occasion to state, that an exact fac simile, engraved on copper plate, has been made by direction of this Department, of the original copy of the Declaration of Independence, engrossed on parchment, and signed by all the members of Congress, on the 2d of August, 1776, as appears by the secret journal of that day. Two hundred copies have been struck off from this plate, and are now at the office of this Department, subject to the disposal of Congress.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS."

The committee beg leave to report the following resolutions:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled. That the picture mentioned in the foregoing letter of the Secretary of State be placed in the National Library.

Resolved, That the two hundred copies of the Declaration of Independence, now in the Department of State, be distributed in the manner following:

- 2 copies to each of the surviving signers of the Declaration of Independence;
 - 2 copies to the President of the United States;
 - 2 copies to the late President, Mr. Madison;
 - 2 copies to the Marquis de Lafayette;
 - 20 copies to the two Houses of Congress;
 - 12 copies to the different Departments of Government;
 - 2 copies for the President's House;
 - 2 copies for the Supreme Court room;
 - 1 copy to each of the Governors of the States, and 1 to each branch of the Legislatures of the States;
 - 1 copy to each of the Governors of the Territories of the United States, and
 - 1 copy to the Legislative Council of each Territory;
- And the remaining copies to the different Universities and Colleges of the United States, as the President of the United States may direct.

Resolved, That the President of the United States be requested to cause the distribution of the said copies of the Declaration of Independence to be made, agreeably to the foregoing resolution.

INDIAN FUR TRADE.

On motion of Mr. BENTON, the Senate, as in Committee of the Whole, proceeded to consider the bill reported by the Committee on Indian Affairs, "to enable the President to carry into effect the Treaty of Ghent, to prevent foreigners from trading with the Indians within the limits of the United States, and to secure the fur trade to the citizens of the said United States." Mr. ELLIOTT was called to the Chair. The bill having been read—

Mr. BENTON said that the provisions it contained were bottomed upon the fact, that foreigners instigated the Indians on the Upper Missouri to kill and pillage American citizens. To prevent these outrages, and save the fur trade to our own citizens, it was necessary to exclude these foreigners wholly from the dominions of the United States. As the chairman of the committee which reported the bill, it became his duty to sustain the views it presented; and, in doing so, he would recall to the recollection of the Senate that, from the day of our independence, the frontiers of the United States have been constantly harassed by the machinations of foreigners among the Indians within our own boundaries.

In the South, the instigations of the Spanish authorities, and the incitements of a foreign mercantile house in Pensacola, kept the Southern Indians at war with the Southern and Western States, with a few intermissions, for a period of forty years. It is only within four or five years past that these hostilities have ceased. The acquisition of the Floridas, by putting an end to

the practices of foreigners, has given permanent peace to the Southern frontier.

The Northwest has presented a more extended theatre for the same kind of machinations. The Western posts were retained, from the peace of '83, in violation of the treaty of that date, until the year '96. The pretext for the retention was, the non-payment of debts claimed by the British merchants; the motive, to monopolize the fur trade, to retain the control of the Indians, and to check the progress of the Western settlements. The first of these motives was admitted in the year '89 by the Duke of Leeds and Mr. Pitt. The admission was made to Mr. Gouverneur Morris, authorized by President WASHINGTON to sound the British Ministry on the subject of restoring the Northwestern posts, and entering into a commercial treaty with the United States.—(*Marshall's Life of Washington*, vol. 5, p. 276.) The second were proclaimed by Lord Dorchester, Governor General of Canada, in the year '92—proclaimed under circumstances which admitted of no denial, in a public speech to prepare the Western Indians for a war with the United States. (*American State Papers*, vol. 2, p. 56.) British traders, protected by their Government, and incited by their own cupidity, succeeded in bringing on the great Indian war which desolated, for so many years, the frontiers of Kentucky and Ohio, overwhelmed two American armies with disastrous defeat, and was only terminated by the great victory of General Wayne in the year '94, on the Miami of the Lakes, in sight of a British garrison. This war was the fruit of the retention of the Northwestern posts in violation of the treaty of '83. The knowledge of this fact determined the American Government to procure, at any sacrifice, the surrender of these posts. The treaty of '94 effected this object, but left to British subjects the fatal privilege of entering our territories and trading with our Indians. The use which was made of this privilege is known to all America. Everywhere the British traders were engaged in poisoning the minds of the Indians, and inciting them to war and hatred against the Americans. A circular speech was composed, and sent among all the tribes, in which the Great Spirit was made to declare the British and Indians were his own children, and the Americans the children of the Evil Spirit—"that they grew from the scum of the great waters when it was troubled by the Wicked Spirit, and the froth was driven into the woods by a strong East wind."

By these arts, long before the declaration of the late war, the Indians were ripe for hostilities with us, and their formidable confederacy, inflamed by fanaticism, extended from the Lakes of Canada to the Gulf of Mexico. They would not even wait for the co-operation of their allies, but boldly began the war in the year 1811, upon the bloody field of Tippecanoe. In the three succeeding years, they occasioned the expenditure of millions of money, and the loss of thousands of lives. Massacres, the recital of which freeze the blood, were repeatedly perpetrated, and British traders led the attack, and presided at the slaughter of the

wounded and the captive. Does any one doubt that these traders instigated these Indians to begin the war? Let him read the message of President Madison, recommending war against England, and he will find the conduct of these traders stated as one of the reasons for declaring war against that Power. Let him look to the papers which accompanied that message, and he will find a volume of testimony supporting that charge. Let him look to the report of the Committee in Congress, to whom these proofs were referred, and he will find it unanimously agreed that these traders, in a period of profound peace, while carrying on a lucrative trade within the American Territories, under the protecting sanction of a treaty, had systematically encouraged the Indians to war against us. The full knowledge of all these facts determined the Administration to make no peace with Great Britain without excluding her traders from all intercourse with Indians living within the United States. In pursuance of this determination, instructions were given to our Commissioners at Ghent not to renew the third article of Mr. Jay's Treaty. A treaty was made, and the article was not renewed. Great was the joy of the West. Vast as had been her losses, her sacrifices of brave citizens in the prosecution of the war, she felt herself compensated by the single advantage of excluding British traders from all intercourse with her Indians. But the care of the Administration did not cease with the conclusion of the treaty. It was necessary to give it effect to carry it into execution, not to suffer a repetition of the faithless conduct which followed the treaty of '83. A plan was immediately projected to occupy, with a military force, all the commanding positions on the frontiers of the Northwest. The Falls of St. Mary, at the outlet of Lake Superior; the Falls of St. Anthony; Prairie du Chien; the Council Bluffs; and the Yellow Stone River, were each to receive a garrison. This plan of defence was projected in the year 1815, Mr. Madison being President, and Mr. Monroe Secretary of War. It was a part of that system of defence which covered the seacoast with fortifications. All the positions were occupied, the Yellow Stone excepted. British traders disappeared from the Upper Mississippi and the Lower Missouri. The Indians, within the points occupied by our troops, returned to habits of friendly intercourse and regular trade with American citizens. But the Upper Missouri was left in the hands of the British. For want of the protection of a military post, American traders, for several years after the conclusion of peace, made no attempt to penetrate that rich fur region which lies at the foot of the Rocky Mountains. In 1821-'2, the first attempts were made. The companies which went out, were engaged in hunting as well as trading. The Crow Indians, a numerous and powerful tribe on the south side of the Yellow Stone, made no objection to the use of the beaver trap among them.—(*Mr. Pilcher's statement*, page 19, document No. 56.) In the Spring and Summer of 1823, hostilities broke out on the Upper Missouri. General Ashley was attacked by the Arikaras, and lost twenty-six men, killed

and wounded. The Missouri Fur Company was attacked by the Blackfeet on the Yellow Stone River, lost seven men killed, and fifteen thousand dollars worth of furs and merchandise. Major Henry was attacked on the same river, by the same tribe of Indians, and lost four or five men killed. The Assinaboins had previously robbed him of some fifty horses upon the Missouri river. This, continued Mr. BENTON, is the narrative of our Indian relations beyond the Mississippi. Of nearly three tribes which are found there, no more than three have been hostile to us! The questions which now present themselves to the Senate, are, first, to ascertain the cause of hostility from these three tribes; secondly, to provide the proper remedy for preserving peace with them in future.

On the first of these inquiries the public mind has been most scandalously abused. Soon after the perpetration of the outrages on the Upper Missouri, a letter, without name, purporting to have been written by an Indian agent in St. Louis, appeared in all the Atlantic papers. It justified the hostilities of the Indians, ascribed their robberies and murders to a just resentment of hunting and "trapping" on their lands, contained the usual portions of abuse upon American traders, and of sentimental love and affection for the oppressed children of the forest. I knew the letter to be a fabrication, but, to satisfy the Senate on that point, an interrogatory was addressed to Major Graham, United States agent beyond the Mississippi, and Mr. Pilcher, partner in the Missouri Fur Company. Their answers will be found in No. 56, of the documents of this session. Major Graham states, that he knows nothing of this letter, and does not believe "such a letter could be written by an Indian agent." Mr. Pilcher states, that he saw it at St. Louis in an Atlantic newspaper—mentioned it to Major O'Fallon, "who was indignant at its contents"—and that he and Major Graham are the only Indian agents upon the Missouri. This testimony fixes the false character of this letter; its diabolical intention was carried upon its face. It was intended to poison the public mind—to overwhelm American traders with public odium—prevent Congress from interfering for their protection, and then continue to the British the exclusive enjoyment of the fur trade beyond the Mandan villages.

The justification set up by the Arikaras is untrue in point of fact. No hunting or "trapping" had taken place upon their grounds. Major Graham, in the document just quoted, says that he never heard of such a thing. Mr. Pilcher states, that no instances had come to his knowledge; that the Arikara country contained very little fur. The circumstances of the attack upon General Ashley prove the falsehood of this pretended justification. He arrived at the Arikara villages on the 30th day of May, on his way to the Rocky Mountains; stopped upon the request of the chiefs; traded on the first day of June for forty or fifty horses; and was preparing to resume his voyage on the morning of the 2d, when he was treacherously attacked, and had twenty-six men killed and wounded. (Document No. 2.) Here was nei-

ther hunting upon the Arikara grounds, nor time for any such thing to have taken place. Whence, then, the hostility of these Indians? It is of old date, and almost commensurate with the commencement of our acquaintance with them. It began about the year 1808, in the attack and defeat of an expedition sent by the United States to carry home the Mandan chief, who accompanied Lewis and Clark to the Seat of Government, upon their return from the Pacific Ocean. Lieutenants Prior and Choteau commanded the expedition; the flag of the United States waved at the bow of the boat, yet it was attacked, defeated, compelled to fall back to St. Louis, and no atonement, no satisfaction has ever been obtained for this outrage. The United States submitted to the attack upon her flag, the murder of her soldiers, the disgrace of defeat, and afterwards smuggled home the Mandan chief by the aid of a fur trader. Their late conduct may be stated in the words of Mr. Pilcher.—Document No. 56.

"I know that the Arikaras killed a man about the year 1816 or '17, a little above the Big Bend of the Missouri river, in the Sioux country, who was in the employment of some of the fur traders of St. Louis. I know that a war party of the Arikaras, amounting to 80 or 90 men, came down to that country (Sioux) in the month of April, 1820, and robbed two trading-houses established by the Missouri Fur Company for the trade of the Sioux Indians, one above, the other a little below the Big Bend of Missouri—beat and abused the men in charge of the houses, and then continued down the river to the trading-houses of another company, and robbed them of a considerable amount of merchandise, from the owner's account, not less than sixteen or seventeen hundred dollars. I know that some of the principal braves of that nation attempted, during the last Winter, to rob my clerk while in their own villages, and committed violence upon him. In the month of March last, after this clerk left their villages, and had descended the Missouri to one of our principal Sioux trading-houses, about two hundred miles below the Arikaras, a party of that nation, consisting of about eighty men, came down to the neighborhood of this house, met six of our voyageurs a few miles from it, who were employed in collecting the furs and peltries purchased from the Sioux, stripped them naked in the prairie, robbed them of their clothes, stole three or four horses or mules, beat each of them severely, and left them naked in the prairie. The same party came that night and fired on the house, stole another horse, and went off. A day or two subsequent to these outrages another party, amounting to one hundred and fifteen men, came in daylight, and attacked this house. Mr. McDonald, one of my partners, his clerk, and eight or ten voyageurs, defended themselves and the house, which contained a large amount of property. In this affair the Arikaras lost two men killed, and probably three or four wounded."

Mr. B. called the attention of the Senate to the fact, that all these depredations were committed in the country of the Sioux, two hundred miles from that of the Arikaras, under circumstances which forbid the boldest of their defenders to set up the pretext of repulsing hunters and "trappers" from their violated grounds.

The fabricated letter put up another apology for the Arikaras. It justified their attack upon Gen-

eral Ashley, upon the ground of retaliation for the two men (one of them the son of a chief) killed by the Missouri Fur Company. This justification implies, that the members of this company had no right to repulse an attack upon their house, when one hundred and fifteen Arikaras went two hundred miles into the Sioux country to rob and murder its inhabitants! But the Arikaras themselves set up no such excuse. In their entreaties to General Ashley to stop and trade with them, they expressed regret for the affair with the Missouri Fur Company; and said, that "the angry feelings occasioned by that affray had vanished, and that they considered the Americans as friends." (Document No. 2.) What, then, was their inducement to attack General Ashley? The same which led them two hundred miles to kill and pillage the traders in the Sioux country—love of blood and plunder; and, above all, the contempt of Americans, inspired by the successful and unpunished attack upon the United States troops, in the year 1808. The British traders stand acquitted of this crime. Major Graham and Mr. Pilcher (Document No. 56) say, they have no reason to suspect these traders of instigating the Arikaras. Upon this statement of facts, corroborated by official documents, Mr. B. averred that the Arikaras, from their first attack upon Lieutenants Prior and Choteau, in 1808, to that upon General Ashley in 1823, neither had, nor pretended to have, the plea of preventing hunters from intruding upon their grounds, or revenging previous wrongs upon themselves. Excuses to this effect were fabrications, got up after the fact, to justify the Indians, and to criminate the Americans, and he regretted to say, that these treacherous savages, bathed in the blood of American citizens, were greeted with the public sympathy, while the victims of their barbarity excite no more compassion than if they had been dogs.

Mr. B. next examined the state of our relations with that numerous and powerful tribe of Indians called the Blackfeet. The bands of this tribe ranged over all the country between the Saskatchewan and Yellow Stone rivers, north and south, and between the Mandans and Rocky Mountains, east and west. In this vast district, drained by rivers a thousand miles in length, there was not one resident human being. All were roving, following the buffaloes and other game. To the south of the Yellow Stone live the Crow Indians, also numerous, powerful, and roving. In this district of country, on the headwaters of the Yellow Stone, and Missouri, and along the base of the Rocky Mountains, hunting and "trapping" has taken place by American citizens. The instances are stated by Mr. Pilcher, (Document No. 56,) with that explicit candor which commands the respect of every person who reads his statement. The first instance occurred about the year 1808. A company, formed in St. Louis, went to the Three Forks of the Missouri, with the double object of trading with the Indians and "trapping" for beavers. With the Crows, the most friendly intercourse was established; from the Blackfeet, nothing but hostility was en-

countered. They attacked the company wherever they could be found; killed twenty-seven of their number, and drove the remainder from the country. The next instance did not occur until 1822-3. In the Spring of that year, a party of the Missouri Fur Company penetrated the Three Forks of the Missouri, took much beaver by "trapping," and on their return were attacked by the Blackfeet, defeated, seven of their number killed, and property taken from them to the value of \$15,000. About the same time, a party under Major Henry had gone to the same region of country, for the same purpose, and had shared the same fate; they were attacked by the Blackfeet, and had eight or ten men killed and wounded.

The next tribe whose hostility pursues our traders on the Upper Missouri, are the Assinaboins. These, also, are wandering. They range principally on the river, the name of which they bear, and make excursions to the banks of the Missouri, in pursuit of buffaloes, and to waylay American traders. No blood is yet laid to their hands; but their hostile disposition has been repeatedly evinced, in the course of the last Summer, by robbing Major Henry's party of some fifty horses, and making an attack upon an American trading house, near the Mandans. Their range upon the Missouri, is between the mouth of the Yellow Stone and the Mandan villages. No hunting or "trapping" has taken place within these limits; none is alleged; and the Assinaboins are left without the pretext of that justification.

This is the full history of all the hunting and "trapping" on the Upper Missouri. Some instances occurred in the neighborhood of the Council Bluffs, but was stopped by Major O'Fallon, without having led to any hostile consequence. Justice to the citizens of Missouri requires that the origin of these hunting expeditions should be stated. They began about the year 1808—Meriwether Lewis being Governor of Upper Louisiana, and Superintendent of Indian Affairs. He drew a line between the policy to be observed above and below the Mandan villages. Below that point, he enforced the act of 1802, against hunters upon Indian lands; above that point, he tolerated and recommended hunting and "trapping" expeditions. He did so, as the only means of getting the fur trade from the British. (Lewis & Clarke's Journal, vol. 2, p. 486, Appendix upon Indian Affairs.) Under the sanction of this authority, the practice began, and was revived in 1822-3. The Government is not liable to censure for not stopping it, for their attention was only called to the subject in the course of the last Summer; nor the Missouri citizens liable to be called intruders, for they believed they had lawful permission.

Mr. B. stated, that the Arikaras, Blackfeet, and Assinaboins, were the only Indians beyond the Mississippi, which were hostile to the Americans. Out of nearly thirty tribes, between the Mississippi and Rocky Mountains, no more than three have been engaged in hostility against us! The depredations of one of these tribes, the Arikaras, has been traced to their true cause; the depredations of the other two, remain to be accounted for.

It is admitted that hunting and "trapping" has taken place on the ground over which the Blackfeet range; it is admitted that these practices lead to bad consequences—that they ought to be prevented; and the bill now under discussion, in addition to the act of 1802, is intended to prevent them. But it is denied that the Blackfeet are hostile on this account. Their outrages flow from another cause; from a cause wholly unconnected with the conduct of American citizens. Mr. B. felt the delicacy and responsibility of attributing, upon equivocal testimony, a great crime to an absent party; but he felt himself called upon, by his duty to his country, to arraign the British fur traders for all the robberies and murders committed by the Blackfeet and Assinaboin Indians upon the persons and property of American citizens. In doing so, he would submit his reasons and evidences to the Senate, and leave it to all impartial men to judge of the truth.

1st. The British Companies, now united under the charter and name of Hudson Bay, have an inducement to expel American traders from the country beyond the Mandan villages. It is the richest fur region in the world; they have possession of it at present, and every consideration of interest, every feeling of cupidity, impels them to drive competitors away.

2d. They have never failed, when they had an inducement, to employ Indians to kill and rob American traders and citizens. Witness the scenes upon the Northwestern frontier, from the peace of 1783 to the war of 1812; and, in the South, from the same peace to the day of the acquisition of the Floridas.

3d. The affray of Captain Lewis, on his return from the Pacific Ocean, refers itself to British influence. It happened with the Minnetarees of *Fort de Prairie*, a band of the Blackfeet. It took place on Maria's river, a branch of the Missouri, in that tract of country over which the Blackfeet range. It was the only attempt made upon the lives or property of Messrs. Lewis and Clark, in their adventurous expedition to the Pacific Ocean; and this attempt was made by Indians who had just issued from a British fur trading establishment on the Saskatchewan river! The inference is irresistible.

4th. Previous to the late war, the Sioux Indians, trading with the British on the Upper Mississippi, annually came across the Missouri river, in the region of the Council Bluffs, waylaid American traders, robbed them, and compelled their *voyageurs* to carry the furs and peltries, thus acquired, to *Prairie du Chien*, where they were sold to British traders! In plain English, the Sioux then performed for the British, on the Lower Missouri, the service which the Blackfeet are now rendering them on the upper waters of that river. Mr. B. stated this fact upon the authority of the late Governor Lewis, and read a passage from Lewis and Clarke's Journal, (vol. 2, page 442,) which confirmed it. He laid particular stress upon it, because the Sioux continued these depredations as long as British traders continued on the Upper Mississippi, and quit them as soon as these traders,

in virtue of the Ghent Treaty, were expelled from that of the territories of the United States.

5. The declarations of the Blackfeet to Manuel Lisa. This enterprising trader penetrated to the base of the Rocky Mountains, about the year 1808. He had twenty-seven men killed, and was driven from the country. A year or two afterwards, he succeeded in gaining a friendly interview with some Blackfeet—explained his object in having come to trade with them, and expostulated with them for the massacre of his men. They told him, "it was not their fault; that the British gave them so many guns, knives, and blankets, for Americans' hair, that they could not help taking it." Mr. B. had often heard this statement from Manuel Lisa, in St. Louis, and relied upon its truth.

6th. The attack upon Immell and Jones. The massacre of these gentlemen, and five of their companions, and the loss of \$15,000 of their property, has been already stated. The circumstances attending it will show to whom we are indebted for this foul deed. Returning from the Rocky Mountains, they met, on Jefferson river, a party of thirty-eight Blackfeet. Suspicious of their treacherous hostility, the Americans stood upon their defence. An Indian then advanced with a paper in his hand. On the back was written "God save the King." The inside was a letter of recommendation to the bearer. It was headed "Mountain Post, 1823." The letter was without signature—was written on the leaf of an account book, and in the English language. A very friendly interview followed, and the parties separated with professions of friendship, and an engagement that the Blackfeet should trade with the Americans at the mouth of Maria's river. Messrs. Immell and Jones hastened their journey, with apprehensions of treachery. They had reached the Yellow Stone in safety, and were following a trace down its bank, where high hills closing down upon the river, created a long and narrow defile, when they were fired upon by an ambuscade of three or four hundred Indians. They were Blackfeet, headed by the chief who had met them, some days before, with the letter endorsed "God save the King."

6. The Blackfeet, Assinaboin, and Arikaras, are the only Indians west of the Mississippi, hostile to the Americans. The two first trade exclusively with the British; the third has done so until within a few years past. Messrs. Graham and Pilcher both say that all the tribes which have no trade with the British are friendly to us; all those who trade with them are our enemies.—(*Document No. 56.*) The Blackfeet and Assinaboin not only trade with the British, but they are British Indians. They come from the north side of latitude 49. The latter come from the river whose name they bear, a water of Lake Winipeg; the former from the Saskatchewan river. They are placed, in Sir Alexander McKenzie's map, upon the upper waters of that river, under parallels fifty-three and fifty-four of north latitude. This was their position in the year 1793, when McKenzie visited them, and when there was no in-

ducement to give them a wrong location. By what means, then, are these Blackfeet found south of latitude 39, ranging as lords and masters over a vast district of country, and killing American citizens upon the waters of the Missouri, upon the rivers which we call Jefferson, Madison, and Gallatin? It is by virtue of British arms, and lawless violence, that they do these things. The true owners of all that country are the Sho-shonees, and the different bands of the Snake Indians, now hid in the caves and recesses of the Rocky Mountains. They have been driven from the land of their fathers by the superior arms of the British Indians. For want of arms they have been unable to reconquer their country. The British traders will not supply them, because it is their interest to maintain the supremacy of the Blackfeet; the Spaniards of Santa Fe refuse, on the pretext that fire arms would be dangerous to themselves, but in reality because it is their policy to keep the neighboring Indians as weak and dependent as possible. In support of these statements, Mr. BENTON read passages from pages 419, 20, 1, 2, 3, of vol. 2, of Lewis and Clark's Journal.

From these it appeared that the Sho-shonees and other bands of the Snakes, were the owners of the country from the base of the Rocky Mountains, and covering all the upper waters of the Yellow Stone and Missouri; that the Saskatchewan Indians, armed with guns, had invaded their country, and driven them into the mountains; that they led the most miserable life, subsisting upon roots and berries, and only venturing, by stealth, into their own country, in search of a buffalo; that the Blackfeet killed them wherever they could find them, &c.

7. The conduct of British traders to each other. The Hudson Bay and Northwest Company, now united, were lately rivals in trade. Out of that rivalry arose a war, which continued for several years. Each endeavored to drive the other from the field of trade. Murder and robbery were the means; themselves, sometimes disguised as Indians, aided by Indians, were the instruments of execution. As an exemplification of the character of this war for the fur trade, Mr. B. read the account of the massacre of Governor Semple, of the Hudson Bay Company, in the year 1815, by the agents and "half-breeds" of the Northwest Company. He took the account as he found it in the *London Quarterly Review*, a work which admits no falsehood to the prejudice of the British character. The scene of the massacre was in front of Fort Douglas, at the confluence of the Assinaboin and Red rivers, where the Earl of Selkirk, proprietor of the Hudson Bay charter, had planted a Scotch colony, and erected a military work mounting twenty pieces of cannon, for the double object of protecting his traders and colonists. The object of Mr. BENTON in referring to this war, and showing its remorseless character, was to have the benefit of the inference that, as these companies, when rivals, endeavored, by murder and robbery, to drive each other from the fur trade, so when united, they would naturally

pursue the same means to drive American citizens from the same commerce.

"The account, (says the Review,) given in the *Montreal Herald* of the 12th of October, evidently from one of the few persons who survived the massacre, is probably the true one. From this it appears, that a regular expedition was fitted out by the Northwest Company, to drive away, for the second time, the people belonging to the Hudson Bay Company, who had repossessed themselves of their establishment on Red river. Governor Semple, observing their approach, said 'We must go and meet those people—let twenty men follow me.' They had only proceeded a few hundred yards when several colonists came running towards them in great dismay, crying out 'The Northwest Company—the half-breeds!' Having advanced half a mile from Fort Douglas, a numerous body of cavalry appeared from behind a wood, surrounded the Governor and his people, when one Bouche, a Canadian, rode up to Mr. Semple, demanding their fort. The Governor answered, 'Go to your fort.' 'You,' retorted Bouche, 'have destroyed our fort, you damned rascal.' 'Scoundrel,' said the Governor, laying his hand upon Bouche's bridle, 'dare you call me so?' Bouche sprang from his horse, and a shot was immediately fired, by which Lieutenant Holt fell. The next shot wounded the Governor, who called out to his men, 'Do what you can to take care of yourselves;' but he was so much beloved that they affectionately gathered round him to learn what injury he had suffered; when a volley of musketry was poured into the group, which killed several and wounded the greater part of them.

"The cavalry galloped towards the survivors, who took off their hats, and called for mercy. But this address for mercy was made to the servants of the Northwest Company, and at their hands was immediately received by what must be presumed the accustomed measure of their compassion—a speedy termination of earthly calamities. The knife, the axe, or the ball, in able and willing hands, soon placed in lasting repose, those whom pain or terror had rendered clamorous. Thus fell Governor Semple, a man of amiable and modest manners, and of a most humane and benevolent disposition; his private secretary, the surgeon, two officers, and fifteen settlers. Their bodies are stated to have been barbarously mangled to gratify the savage rancor of their murderers, commanded by a Mr. Cuthbert Grant, who told the survivor that, if the remainder in the fort showed the least resistance, 'neither man, woman, nor child, should be spared.'—Vol. 16, 131, 2.

Upon this exposition of facts and reasons, Mr. B. submitted, that he stood fully justified in charging all the robberies and murders committed by the Blackfeet and Assinaboin Indians, to the diabolical machinations of British traders. The true cause of their hostility being shown, the question is, upon the means of putting an end to these outrages, and preserving the fur trade, within the United States, to American citizens.

The bill reported by the committee, contemplates four provisions to accomplish these objects:

1. To enter into treaties of trade and friendship with the principal tribes beyond the Mississippi.
2. To locate the traders.
3. To appoint additional sub-agents to be employed upon the Upper Missouri.

4. To establish a military post at, or beyond, the Mandans.

Mr. B. showed the necessity and propriety of each of these provisions.

"1. To regulate commerce with the Indians," was a power granted to Congress by the Constitution. So far as our own citizens were concerned, they could be regulated by law; but, so far as the Indians were concerned, it must be done by treaty. We have treaties with all the tribes on this side the Mississippi, and with some on the other; but none with the remote tribes, whose trade would be so valuable, and whose friendship is so desirable to us. The bill proposes an appropriation of \$10,000, to defray the expenses of holding those treaties. With those who admit the importance of the object to be accomplished, the amount of this appropriation can furnish no objection.

2. To locate the traders. This is a provision repeatedly recommended, by both United States agents and traders. It will put an end to many dissensions among the traders, and secure to the Indian the fullest and fairest market for the barter of his furs and peltries. By confining the traders to particular spots, designated by the agents, all trespasses upon Indian grounds will be effectually prevented.

3. The appointment of two sub-agents, subordinate to the principal agent, on the Upper Missouri. This measure is recommended on the score of economy, and from a conviction that the views of the Government would be better promoted, in that remote quarter, by active sub-agents, subordinate to a principal, than by several agents, independent of each other.

4. To advance a military post to the Upper Missouri. The number of troops intended for this service, is four companies. The committee have been careful to ascertain the expense of the movement. Document No. 56 will show their correspondence with the War Department, in which this number is deemed sufficient, and the expense is estimated at \$13,100. For this sum, it is computed, by the Quartermaster General, that the troops may be transported, with full supplies for one year.

Mr. BENTON held this to be the main provision of the bill. Without it, he believed, all the others would be vain and nugatory. He knew that both Houses of Congress, some years since, had decided against such an establishment, but the facts were not known then, which are now communicated—facts which show that we must surrender the fur trade within our own limits to the Hudson Bay Company, or protect our traders by the advance of a military post. The most powerful considerations of interest, policy, and justice, require us to adopt the latter alternative. I do not use these words at random, said Mr. B., nor for the purpose of filling up and rounding off a sentence. I have regard to the facts, and to the import of language, when I say that *interest, policy, and justice*, require the American fur traders to be protected by their Government. The amount of the trade, its peculiar value, and the encouragement it gives to

domestic industry, make it our interest to protect it. The official returns for the last year, show that \$675,000 of capital were invested in this trade; extend it to the Rocky Mountains, and it will be augmented to at least a million per annum, for an indefinite number of years to come. The British companies have taken furs to the value of \$300,000 sterling, (about a million and a quarter of dollars,) for forty years past. The peculiar value of this trade should make it an object of national attention. Our hat manufactories furnish fourteen millions of dollars worth of hats per annum. Fur is the chief material used in this great manufactory, and the districts of country from which it has been heretofore obtained, are rapidly exhausting. None of the fine furs can now be taken east of the Mississippi. Beyond that river, as far out as the meridian of the Mandan villages, the country is one continued plain, a succession of open prairies, destitute of shelter for furred animals, even in the period of gestation. It is from this district, and from the British traders, that the hat manufactories of the United States are now supplied. But how long will this supply continue? Certainly, it must cease in a few years, and, unless our traders are protected in penetrating the rich and exhaustless fur region of the Rocky Mountains, our own manufactories must quit work, and a vast sum must go to England annually, to purchase hats made of the fur which is taken from the territories of the United States.

Besides the magnitude of the trade, and its peculiar value, it has other claims upon the attention of the nation, from the encouragement it will give to home industry. In England the fur companies are cherished by the Parliament, because they employ in their trade annually fifty thousand pounds sterling, (\$240,000,) of British manufactured goods. Every article which enters into this trade, and the raw material of which it is made, is the product of our own country. Coarse cottons, woollens, hardware, powder, lead, tobacco, are the chief articles of this trade. Mr. Pilcher, himself a fur trader, states, that all these articles can be as well manufactured in the United States as in England. The British patterns, which have been adapted to the taste and wants of the Indians, are alone to be followed. No superior or peculiar workmanship is required. Mr. B. appealed to the Senate, to say, if, in this point of view, as the annual consumer of a vast amount of home manufactures, made of home materials, the fur trade was not entitled to the protection of the Government?

Our policy unites itself with our interest. Policy requires us to preserve the trade of the Indians, as the only means of preserving their friendship. Their traders rule them. They did so under the Colonial Government, when French traders led the attack upon the forts and settlements of the colonists. They have done so ever since; the British trader succeeding to the French, and leading the same Indians to the slaughter of Americans. At this moment, every tribe beyond the Mississippi, which trades with Americans, is

TUESDAY, March 30.

Mr. JOHNSON, of Kentucky, gave notice that he would, to-morrow, ask leave to bring in a joint resolution providing for the purchase of a certain number of the Journals of the Old Congress.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom were referred the bill extending the benefit of copy-rights to the authors of paintings or drawings, and the bill, entitled "An act to alter the times of holding the district court of the United States for the district of Illinois," reported them severally without amendment.

Mr. BARTON communicated a letter from James Miller, and others, in answer to a letter from the Chairman of the Committee on Public Lands, showing the necessity of establishing a surveyor general's office in the Territory of Arkansas; and the letter and answer were ordered to be printed.

Mr. NOBLE presented the petition of James Lloyd, late a marine in the service of the United States, praying a pension; which was read, and referred to the Committee on Naval Affairs.

The bill, supplementary to an act of Congress, passed on the 13th day of June, 1812, entitled "An act making further provision for settling the claims to land in the Territory of Missouri;" the bill for the relief of Elijah Van Syckel, of Philadelphia; and the resolutions providing a place of deposit for the portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State; were severally read the second time. The bill to provide for the sale of the warehouse at the former quarantine ground, near the English Turn, in the State of Louisiana, and for the erection of a dwelling-house at the Balize, in said State, for the use of the boarding officer at that place, and for other purposes; was read the second time, and referred to the Committee on Finance.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to repeal the act approved the 3d March, 1823, entitled 'An act for the relief of John B. Hogan,'" and a bill, entitled "An act for the relief of Barbara Paulus."

They concur in the 1st, 2d, 3d, 6th, 7th, and 8th, of the amendments of the Senate to the bill, entitled "An act making appropriations for the support of Government for the year 1824;" they disagree to the 4th of said amendments, and concur in the fifth, with an amendment; in which bills and amendment they request the concurrence of the Senate.

The two bills last brought up for concurrence were severally read, and passed to a second reading.

The Senate resumed the consideration of the bill to abolish imprisonment for debt, as amended; and, on motion, it was postponed until to-morrow.

Mr. BROWN asked and obtained leave to bring in a bill to change the terms of the circuit and district courts of the United States in the State

friendly; every tribe which trades with the British, is at war with us! Justice requires this protection to the West. Atlantic commerce is protected by ships of war in every sea, by Ambassadors at every Court, by a chain of lighthouses, illuminated at the annual expense of \$145,000, to light the returning cargo into port. Shall the West, then, solicit in vain for a little post, a handful of men, and a few miserable dollars, to protect the lives of her citizens, upon the soil of their country, engaged in the prosecution of a trade of indispensable value to the whole Union? If any one resists this appeal, said Mr. B., I ask him if it is not right to be just before we are generous? To take care of our own household, before we go forth in quest of foreign adventures? We have a colony of deported negroes, upon the coast of Africa. We vote fifty thousand dollars annually, and send out a ship of war for their protection. Last year they were attacked by their fellow-countrymen, and seven of their number killed and wounded. The agent of the establishment called on Capt. Spence, of the United States ship Cyane, to land his crew, and build them "a permanent and powerful fortification." It was done. A martella tower of strong mason work was immediately constructed, and the public journals resounded with applause. At this very session, within a few days past, we have repeated our vote of fifty thousand dollars, for this charitable enterprise on the coast of Africa. Yet the West asks for thirty thousand dollars only for the protection of her trade and citizens; and shall it be denied?

When Mr. B. had concluded—

Mr. LOWRIE expressed some doubts as to the propriety of the fifth section of this bill. He considered the remarks of the gentleman from Missouri, on this subject, as very valuable—several new points had been stated by that gentleman. He had entertained an unfavorable impression of the conduct of the Americans, in relation to the Indian tribes which had been spoken of, from the documents communicated by the President. He wished a few days delay, in order again to examine the documents to which he had alluded.

Mr. BENTON said that delay in the consideration of the bill would be destruction to it. It was of the greatest importance that it should be acted upon immediately. He thought there could be no occasion for delay. He answered some objections made by Mr. LOWRIE to the fifth section. The bill constituted a complete system, and he would be unwilling to relinquish any section of it.

Mr. CHANDLER remarked that he was not as well informed on this subject as the gentleman from Missouri had shown himself to be; and he, therefore, wished for further time to examine it. He moved the postponement of the bill until Wednesday next.

Messrs. HOLMES of Maine, and JOHNSON of Kentucky, made a few remarks on the subject. The bill was then postponed to, and made the order of the day for Wednesday next.

And, on motion, the Senate adjourned until to-morrow.

SENATE.

General Appropriation Bill.

MARCH, 1824.

of Ohio, and one of the terms of the circuit court in Kentucky; which was read, and passed to a second reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Sarah Chitwood;" and it was postponed until tomorrow.

The Senate resumed, as in Committee of the Whole, the bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land district; together with the amendment reported thereto by the Committee on Public Lands; and Mr. LOWRIE proposed a further amendment to the bill; which was read, and ordered to be printed.

Mr. VAN DYKE presented the memorial of Thomas Robinson, in behalf of himself and others, children of the late General Thomas Robinson, of Delaware, who was one of the sureties of Sharp Dulany, formerly collector of the port of Philadelphia, praying that the estate of his father may be released from the payment of the interest that has accrued on a debt due from said Dulany to the United States; which was read, and referred to the Committee on the Judiciary.

GENERAL APPROPRIATION BILL.

The amendments made by the Senate to the bill "making appropriations for the support of Government for the year 1824," and which were disagreed to by the House of Representatives, were then taken up. The first amendment was, an appropriation "for graduating and improving the grounds around the President's House, \$2,000." The Senate then agreed to recede from this amendment.

The next amendment proposed by the Senate, and not concurred in by the House of Representatives, was, to make provision for "an agent," to be attached to the board of commissioners, under the first article of the Treaty of Ghent, for making compensation for slaves taken away during the late war with Great Britain.

Mr. SMITH moved that the Senate do recede from this amendment.

Mr. BARBOUR said, that, on the subject of this agency, the sentiments which he had expressed, when it was before under consideration, still remained unchanged, and, indeed, some further occurrences had confirmed his belief, that this officer was very necessary for the business of the commission. But, still, he did not believe it of sufficient importance to the country at large, to produce a collision between the two Houses of Congress. In consequence of this conviction, he was prepared to recede from the amendment.

The question on receding was put and carried.

CLAIMS AGAINST THE UNITED STATES.

The bill "providing for the settlement of certain pecuniary claims against the United States," was taken up for consideration in Committee of the Whole. This bill was introduced, on leave granted, by Mr. TAYLOR, of Virginia, and reported with sundry amendments, by the Committee on the Ju-

diciary. These amendments were in the details of the bill. Some remarks were made upon them, by Messrs. CHANDLER, TAYLOR, of Virginia, LOWRIE, and BARBOUR. They were then agreed to. The bill provides a tribunal for the adjustment of that class of private claims, upon which so much of the time of Congress has been consumed. Mr. HOLMES, of Maine, proposed to amend the bill by limiting its operation to claims of a certain amount, Messrs. H. JOHNSON, of Louisiana, and TAYLOR, of Virginia, spoke upon this amendment, and it was then agreed to. Mr. MILLS submitted an amendment, limiting the provisions of the bill to citizens of the United States. This was also agreed to.

The bill was then reported to the Senate, as amended. The amendments were agreed to, in Senate, and, on motion of Mr. TAYLOR, of Virginia, the bill was laid on the table.

WEDNESDAY, March 31.

A message from the House of Representatives informed the Senate that the House have passed the bills which originated in the Senate, entitled "An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds or casualties received while in the line of their duty, on board the private armed ships of the United States, during the late war," and "An act to amend an act, entitled 'An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia,' with amendments to each; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the first mentioned bill, and concurred therein.

The Senate proceeded to consider the amendments of the House of Representatives to the last mentioned bill; and, on motion, they were ordered to lie on the table.

Mr. SMITH presented the petition of Nathaniel Potter, and others, recommending to the attention of Congress a new planetarium, invented by Theodore Newell, and soliciting for the inventor and invention such encouragement as they may merit; which was read, and referred to the Joint Library Committee.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the petition of Thomas Shields, reported a bill for the relief of Thomas Shields; which was read, and passed to a second reading.

The PRESIDENT communicated a report from the Secretary of War, with a statement of the expenditures at the national armories, and of the arms, &c., made therein; which was read.

Mr. JOHNSON, of Kentucky, asked and obtained leave to bring in a resolution to authorize the purchase of a certain number of the copies of the Journals of Congress from 1774 to 1788; which was twice read, by unanimous consent, and referred to the Committee on the Judiciary.

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Mr. EATON, from the Committee on the District of Columbia, to whom was referred the petition of Thomas Swann and others, reported a bill altering the times of holding the courts in the District of Columbia; which was twice read, by unanimous consent; and the Senate proceeded to the consideration thereof as in Committee of the Whole, and, no amendment having been proposed, it was reported to the Senate, and ordered to be engrossed and read a third time.

The bill to change the terms of the circuit and district courts of the United States in the State of Ohio, and one of the terms of the circuit court in Kentucky, was read the second time, and referred to the Committee on the Judiciary.

The bill entitled "An act to repeal an act approved the 3d of March, 1823, entitled 'An act for the relief of John B. Hogan,'" was read the second time, and referred to the Committee of Claims.

The bill entitled "An act for the relief of Barbara Paulas," was read the second time, and referred to the Committee on Naval Affairs.

The Senate proceeded to consider, as in Committee of the Whole, the bill confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes; and, no amendment having been proposed, it was reported to the Senate, and ordered to be engrossed and read a third time.

INDIAN FUR TRADE.

On motion of Mr. BENTON, the bill "to enable the President to carry into effect the treaty made at Ghent, the 24th of December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States to American citizens," was again taken up for consideration in Committee of the Whole.

Mr. DICKERSON addressed the Chair. He said he did not rise to offer any amendments to the bill; but to call the attention of the Senate to the extent of one of its provisions; which he had not perceived till he heard the argument of the gentleman from Missouri (Mr. BENTON) yesterday. When he heard the title of the bill, to carry into effect the Treaty of Ghent, he had not conceived that one, if not the chief object of it was, to authorize the transportation of a part of our army to some point on the Missouri—as high as the falls of that river. He was at a loss to know what article of the Treaty of Ghent was to be carried into effect by this provision of the bill—it could only apply to the ninth article, which required that we should put an end to hostilities with all the Indian tribes, or nations, with whom we were at war, and forthwith restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed, or been entitled to, in the year 1811, previous to such hostilities. Similar conditions were required of the British Government. As it is our own part of the treaty only which we are to carry into effect, this bill cannot be intended to carry into effect the

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treaty on the part of the British; that must be left for them to provide for. How this bill is to produce the effect indicated by its title, has not yet been explained.

It is intended by this bill to authorize the President of the United States to send an armed force, of four companies at least, to some point upon the Upper Missouri, as high as the falls of that river; which is about 800 miles above the Yellow Stone, which is 900 miles above Council Bluffs, which is 650 miles above the mouth of Missouri—in all, 2,350 miles above the mouth of the Missouri—and this for the avowed purpose of protecting traders, but which would operate as a protection to the hunters and trappers upon the Indian territories.

It will not be pretended, that moving troops up the Missouri can be necessary for the protection of our frontiers. Council Bluffs, where we have a military establishment, is three hundred miles in advance of the western boundary of the State of Missouri.

The object cannot be to make preparations for extending our population to the Upper Missouri, for, thank Heaven, that country does not admit of a white population. In the account of Major Long's expedition from Pittsburg to the Rocky Mountains, we have a particular account of the vast country lying between the meridian of the Council Bluffs and the Rocky Mountains. Vol. 2, page 350:

"Proceeding westward from the meridian above specified, the hilly country gradually subsides, giving place to a region of vast extent, spreading towards the North and South, and presenting an undulating surface, with nothing to limit or variegate the view, but here and there a hill, knob, or insulated tract of table land. At length, the Rocky Mountains break upon the view, towering abruptly from the plains, and mingling their snow-capped summits with the clouds." "On approaching the mountains, no other change is observable in the general aspect of the country, except that the isolated knobs and table lands, above alluded to, become more frequent, and more distinctly marked. The bluffs, by which the valleys of water courses are bounded, present a greater abundance of rocks; stones lie in greater profusion upon the surface, and the soil becomes more sterile. If to the characteristics above intimated, we add that of an almost complete destitution of woodland, (for not more than one thousandth part of the section can be said to possess a timber growth,) we shall have a pretty correct idea of the general aspect of the country."

Page 452.—"Throughout this section of country, the surface is occasionally characterized by water-worn pebbles, and gravel of granite, gneiss, and quartz; but the predominant characteristic is sand, which, in many instances, prevails almost to the entire exclusion of vegetable mould. Large tracts are often to be met with, exhibiting scarcely a trace of vegetation. The whole region, as before hinted, is almost entirely destitute of a timber growth of any description. In some few instances, however, sandy knobs and ridges make their appearance, thickly covered with red cedars, of a dwarfish growth. There are also some few tracts, clad in a growth of pitch pine and scrubby oaks; but, in general, nothing of vegetation appears upon the uplands, but withered grass of stunted growth,

no more than two or three inches high, prickly pears profusely covering extensive tracts, and weeds of a few varieties, which, like the prickly pears, seem to thrive best in the most arid and sterile soils."

Page 361.—"In regard to this extensive section of country, we do not hesitate in giving the opinion, that it is almost wholly unfit for cultivation; and, of course, uninhabitable by a people depending upon agriculture for subsistence. Although tracts of fertile land, considerably extensive, are occasionally to be met with, yet the scarcity of wood and water, almost uniformly prevalent, will prove an insuperable obstacle in the way of settling the country. This objection rests not only against the immediate section under consideration, but applies with equal propriety to a much larger portion of the country. Agreeably to the best intelligence that can be had, concerning the country both northward and southward of the section, and especially to the inferences deducible from the account given by Lewis and Clark, of the country situated between the Missouri and the Rocky Mountains, above the River Platte, the vast region commencing near the sources of the Sabine, Trinity, Brazos, and Colorado, and extending northwardly to the 49th degree of North latitude, by which the United States territory is limited in that direction, is, throughout, of a similar character. The whole of this region seems peculiarly adapted as a range for buffaloes, wild goats, and other wild game, incalculable multitudes of which find ample pasturage and subsistence upon it."

"This region, however, viewed as a frontier, may prove of infinite importance to the United States, inasmuch as it is calculated to serve as a barrier to prevent too great an extension of our population westward, and secure us against the machinations or incursions of an enemy, that might be disposed to annoy us in that quarter."

There is no part of the valuable work before me, said Mr. D., which has given me so much pleasure as that which I have just read. It is a melancholy truth, that the aborigines of this continent must and will be exterminated from every section of the country in which agriculture can be followed with success. Such has been, such must be their fate! But here seemed to be a region, in which a remnant of the innumerable tribes that once traversed our forests, might find a habitation, safe from the overwhelming flood of white population, which would otherwise drive them from the face of the earth. But even this last refuge is to fail them, if our hunters and trappers are to be supported by an armed force, while they utterly destroy the beaver and buffalo of this vast region.

It is intended to send four companies to the Upper Missouri. Mr. D. said, he was informed by a gentleman of great military experience, and well acquainted with that country, that four companies would be altogether inadequate to the purpose intended; that they would be easily cut off by the Indians; that it would not be safe to send a smaller force than two or three regiments—and if these should be stationed as high up as the Falls of Missouri, it would require several regiments more to be stationed at different points on the river; otherwise, all supplies would be cut off, and our forces would perish for want of subsistence. Our troops on the Upper Missouri must depend almost

entirely upon supplies from our settlements at and below Council Bluffs. Neither grain nor cattle can be procured in those sterile regions. Even turnips cannot be raised among the rocks and sand of the region in latitude forty-eight. General Gaines states, that, within our Western boundaries, there are thirty thousand warriors. They are, probably, overrated; but, no doubt, they are sufficiently strong to destroy any force which it has been proposed to send among them.

The sum of thirteen thousand one hundred dollars, proposed to be appropriated for transporting this military force to the Upper Missouri, will defray but a very small portion of the expense. We must judge of the future by the past. The expense of the Yellow Stone expedition will afford us some data for forming an estimate of the expense of an expedition to the Falls of the Missouri. The expedition for Yellow Stone advanced no farther than Council Bluffs: yet the expense of transporting a small military force to that point has been enormous. The transportation of one hundred and forty-five tons of provisions, munitions of war, &c., by the steamboat expedition, one hundred and forty-five tons by the Jefferson, seventy-five tons by the Johnson, with three hundred troops, chiefly from the north of the Missouri, to Council Bluffs, cost the United States \$255,000. There are other charges, to a very large amount, to be brought into the account; so that it may be estimated that the transportation of our troops to Council Bluffs, with all the necessary supplies, munitions of war, &c., cost us at about the rate of one thousand dollars per man. What, then, will be the expense of sending an armed force sixteen or seventeen hundred miles further up the river, with all the necessary supplies? Certainly much greater than could be balanced by any trade that could be established with the Indians. The difficulties and expenses of the expedition would increase in something like a geometrical ratio, as it should recede from our settlements; from which alone supplies could be obtained. The expense of maintaining a military post, in a situation so remote, would be enormous.

But the most exceptionable part of the bill is, not the protection of the fair traders, which is intended, but the protection of the hunters and trappers, which will be effected. These military posts multiply the points of collision with the Indian tribes, and must lead to wars with them. The hunters and trappers will be, and ought to be, resisted by them. Their rights to their buffalo, their beaver, and their game, are as sacred as our rights to our property. It would be as just in them to invade our territories and take off our cattle, as it would be, on our part, to take and destroy their beaver, and much less cruel. For, if our cattle are taken away, we soon raise more—not so with the beaver—once destroyed, or driven from a region, they appear there no more. Taking away their buffalo, their beaver, and their game, is striking at their very existence; they look with terror upon these hunters and trappers, as the instruments of their extermination. Can they be blamed for resisting them? And yet, when they do, it be-

comes necessary to chastise and subdue them; although it may be against the laws of humanity, the circumstances of the country require it. But every principle of justice and humanity requires that we should avoid and prevent the causes of provocation. Have there been no circumstances of aggression, which have provoked the late hostilities of the Indians? The facts before us will not warrant an answer in the negative.

General Ashley and Major Henry had a license to trade with the Indians. The laws prohibit their trapping and hunting in the Indian territories. To take with them a company of hunters and trappers among the Indians, against their will, was itself an act of aggression and hostility. General Ashley traded with the Arikaras for fifty or sixty horses, without a special license for that purpose. These were not necessary for the usual purposes of trade. His party consisted of ninety men—a much larger number than was necessary for the purposes of Indian trade; but not more than was necessary for the purpose of hunting and trapping. The Arikaras could not doubt but this expedition was fitted out for the purpose of hunting and trapping. Two of the Arikaras had been killed in an affray with the Missouri Fur Company; one of them, a son of a principal Chief of the tribe, which, notwithstanding their professions to the contrary, they had not forgotten. They treacherously attacked General Ashley's party, and killed, fourteen, and wounded nine of his men, for which they have been severely and justly chastised.

But, were the Indians not justified in their suspicions that this was an expedition for the purpose of hunting and trapping? Major O'Fallon, one of our Indian agents, had no doubt that a license had been granted to General Ashley and Major Henry, to trade, trap, and hunt, on the Upper Missouri. General Atkinson, in his letter of the 15th August, 1823, says, "A Mr. Smith, who came down with the proceeds of the trappers and hunters of General Ashley, from the mouth of Yellow Stone, gives also some verbal news, to the following effect, viz: 'He left the Yellow Stone with Mr. Henry, with all the party under him, except twenty men, left in the fort at the mouth of the Yellow Stone.'"

Can any one doubt that the expedition under General Ashley and Major Henry was for the purpose of hunting and trapping, as well as for carrying on trade with the Indians?

What were the circumstances attending the Missouri Fur Company, under Immel and Jones, who were attacked and killed by the Blackfeet Indians? Were they innocent traders, or were they hunters and trappers, invading the Indian territories? T. F. Gordon, a young gentleman in the service of that company, in his letter of the 15th June last, says "It becomes my unpleasant duty to inform you of the defeat of our party by the Blackfeet Indians, and of the dire consequences of the same. After penetrating to the three forks of the Missouri, early in the Spring, although we found that country almost trapped out by the Indians, we had succeeded, by the

greatest perseverance, in taking about — — packs of beaver. On the 16th of May, having reached the upper Three Forks of R. Jefferson's river, and finding no beaver in that quarter, we commenced a retrograde march to the Yellow Stone," &c. These were certainly the most indefatigable, enterprising, persevering company of hunters and trappers that ever afflicted the Indian tribes. It would have been very satisfactory to know the number of packs of beaver taken by these trappers, but there is an unfortunate blank in the letter; the reason for withholding this information is not known. The Blackfeet Indians waylaid this company, and, says Mr. Gordon, "they rushed upon us with their whole force, pouring down from every quarter. Messrs. Immel and Jones both fell early in the engagement. A conflict thus unequal, could not long be maintained. The result was the loss of five other men killed, four wounded; the entire loss of all our horses and equipage; traps, beaver, and every thing." And shall it be said that the Missouri Fur Company are innocent, unoffending traders? On the contrary, have they not unnecessarily provoked these Indian hostilities?

It is said, these Indians sell their furs to the British traders. If so, it must be because those traders treat them more kindly than ours, give them a better price for their furs and peltries, and sell them goods at a cheaper rate. The Indians understand their interests as well as their rights, and when they can carry on their commerce with our traders with as much advantage as with the British, ours will be preferred. The British traders do not hunt or trap upon the Indian territories, within their boundaries. They gain the confidence of the Indians by acts of kindness, which ours ought to do, but which they never will do, while they rely upon an armed force to enable them to impose their own conditions upon the Indians.

We are told that the British traders come within our boundaries to trade with the Indians. If so, the means are sufficient, under our present laws, for their expulsion. We are also told that there is an armed force at Fort Douglass, on Moose river, within our boundaries. If there is such a force established there, under the Government of Great Britain, it ought to be made a matter of complaint against that Government. A remedy ought to be sought by negotiation.

If we can have a peaceful trade with the Indian tribes on the Upper Missouri, it ought to be maintained, even at great expense. If we cannot, in the name of humanity let it be abandoned. But the views of these fur companies are of a character decidedly hostile towards these Indians. Even the late expedition against the Ricaras seems to have been a war of the hunters and trappers against that tribe, in which the United States acted as allies. It was through the agency of the Missouri Fur Company that the Sioux were induced to take part against the Ricaras. Colonel Leavenworth marched against this tribe with 220 regular troops, 80 men of General Ashley's company, 40 of the Missouri Fur Company, and about four or five

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hundred Sioux Indians. The Ricaras, after their towns were battered about their ears, and many of their people killed, begged for peace. This, Colonel Leavenworth, as well as General Ashley, was willing to grant. Not so the Missouri Fur Company. They were determined to carry on the war, and the United States were under the necessity of making a separate peace. Upon this subject I will quote from Colonel Leavenworth's official letter:

"The Ricaras sent out and begged for peace. They said that the first shot from our cannon had killed the celebrated chief called Grey Eyes, who caused all the mischief; and that we had killed a great many of their people, and their horses. They were evidently very much terrified, and completely humbled. Being convinced of this, and supposing that the Government would be better pleased to have these Indians corrected than exterminated, and as the Sioux, amounting to about seven or eight hundred warriors, had left us, in a very strange and unaccountable manner, it was thought best, under all the circumstances of the case, to listen to the solicitations of the Ricaras for peace, especially as it was understood that our round shot were nearly all expended. Consequently a treaty was made with them, a copy of which is enclosed. In making this treaty I met with every possible difficulty which it was in the power of the Missouri Fur Company to throw in my way; and as Mr. Pilcher, their acting partner, had been appointed as special sub-agent to raise the Sioux against the Ricaras, he was able to give me great trouble."

Colonel Leavenworth, after stating the damage that had been done to the Indians, the number that had been killed, that they fled from their towns, and other circumstances, adds:

"On the morning of the 15th we placed the mother of the late chief, Grey Eyes, (an aged and infirm woman, whom they had left in their flight,) in one of the principal lodges of the lower village; gave her plenty of provisions and water, and left her in the quiet possession of the towns, and the property left by the Indians, except some corn, which had been taken for the subsistence of the men. At about 10 o'clock of the 15th the troops were embarked, to descend the river, and our guard withdrawn, and every soul removed from the villages, except the woman before-mentioned. All the boats were got underweigh about the same time."

"Before we were out of sight of the towns, we had the mortification to discover that they were on fire. There is no doubt but they have been consumed to ashes; nor is there any doubt but that they were set on fire by one McDonald, a partner, and one Gordon, a clerk of the Missouri Fur Company."

"If the nation has been deprived of the advantages which might have resulted from the magnanimity of her troops, towards a fallen and humbled enemy, it is chargeable to that company, or to those individuals who set the towns on fire. Had not this been done, there is no room to doubt but that the Ricara Indians would, in future, have behaved as well towards our countrymen, as any other Indians on the river. It is now my deliberate opinion that those Indians will be excited to further hostilities, if in the power of the Missouri Fur Company to effect it."

Such are the means by which the Indians are provoked to hostilities by the hunters and trappers

who traverse their country. If this system is to be pursued, I am utterly averse to placing any military force higher up the Missouri than Council Bluffs. This is three hundred miles in advance of the Western boundary of the State of Missouri—far enough for the protection of our frontier settlements—far enough for all the purposes of fair trade.

Mr. BENTON replied. He imputed the remarks made by the Senator from New Jersey to his want of information upon the subject. He stated that the title of the bill had reference to the effect of the whole Treaty of Ghent, because that treaty did not revive the 3d article of Mr. Jay's treaty. In this respect alone, the Ghent treaty was worth, to the Western States, all the blood and treasure which the late war had cost them. But how was it to be executed against British traders? The President, as executor of the laws, was bound to carry the treaty into effect. How? By going to the Northwestern frontier in person to keep out Englishmen? No, sir; but by sending troops: and this is what the bill proposes, and what has been intended by two successive Administrations.

The Senator from New Jersey has read from Major Long's Journal, to show that the country beyond the Mandan villages was barren, sterile, and unfit for cultivation. Without opposing other authority to this description of the country, Mr. B. would ask for the application of the fact, taking it to be as stated by Major Long; was it an argument against the bill? Not at all. To the contrary, it was in favor of it: for it was not the intention of the bill to send out an agricultural colony, but a military post, to protect the fur trade; and, the more uninhabitable, inaccessible, and mountainous the country, the better it was for the furred animals, and the better theatre it presented for the trader.

The Senator objects to sending a post to the Falls of Missouri. Well: the bill does not name the Falls, or any other point. It leaves it to the President to station the troops at such point on the Upper Missouri, as will accomplish the objects intended. It would be wrong to name a precise point in the bill. Congress have their duties assigned them by the Constitution; and the President has his, prescribed by the same high authority. It is the business of Congress to vote the troops and the supplies; it is the right of the President to employ them where the public service may require their presence. The mouth of the Yellow Stone river will probably be the point. That name has become unpopular; but, in exciting public odium against it, it may be well to look to the origin of its selection. It was selected by Lewis and Clark, on their return from the Pacific Ocean, as the proper point for commanding the rich fur trade of the Rocky Mountains. It was approved by the Administration in the year 1815, Mr. Madison being President, and Mr. Monroe Secretary of War. Recollection of these facts will show that gentlemen miss the mark when they condemn those who now endeavor to carry a post to the mouth of the Yellow Stone. But the distance is still objected to. Eighteen hun-

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dred miles beyond the Mississippi makes, indeed, an appalling sound. But that is by water, following the bends of the river. The Rocky Mountains are but nine hundred miles from the Mississippi; and a post at the Yellow Stone will be within supporting distances of the Falls of St. Anthony and the Council Bluffs. The smallness of the amount required for the transport of the troops is objected to; doubtless the objection would also come if the amount was large. But the accuracy of the estimate is disputed. Thirteen thousand dollars is said to be too little for the object. I answer, that the estimate is made by the Quartermaster General, upon the basis that the troops will move in their own boats. It is supported by the fact that the expedition of Colonel Leavenworth cost but \$4,000. Every one acquainted with the movement of troops upon the Western rivers in their own boats, can bear witness to the smallness of the sums required for such expeditions. But it is said that the troops cannot be sustained after they are carried to the post. Such a statement derogates from the power of this Government. Look to the British companies. They have upwards of three thousand men in their service, stretched across the continent, from the frontiers of Canada to the mouth of the Columbia river, occupying a line of posts farther north than the mouth of the Yellow Stone, in a climate more inhospitable than on the banks of the Missouri, and without the advantage of a direct communication by water, either with each other, or with the settlements in Canada. Yet these three thousand men are sustained; some of the posts they occupy have been kept up for forty years; all this has been done by a company of fur traders; and shall it be admitted that the power of the United States is inadequate to the support of four companies upon the Upper Missouri? But why object to a distance of one thousand eight hundred miles—to an expense of \$13,000, when we send a ship of war annually to the coast of Africa, three thousand miles, and vote \$50,000 per annum to protect our deported negroes from the depredations of their fellow-countrymen? Gentlemen suppose that an exhibition of force is not necessary among these Indians. They labor under a great mistake. The savage respects power, and nothing else. The Arab of the desert, and the Blackfoot of the Saskatchewan, act upon the same principle. Each considers the merchant and the traveller as his lawful prey, and they kill and rob him if they can.

Mr. DICKERSON conceived it his duty to answer to some part of the remarks that had just been made. He was not the eulogist of the British traders, or British fur companies. He had said, that, if the Indians prefer trading with them, it is because their confidence is gained by kind treatment and fair dealing. As to the hostile views of those traders and companies towards us, he had said not one word. He had not attempted to justify them. As to the quarrels between the rival British fur companies, they are of no importance to us. If they make war upon each other, it is their concern, not ours. If they murdered Gover-

nor Semple, that was no act of hostility towards the United States, nor towards the Indians. It has no bearing upon the subject before the Senate.

I do not think the killing of the two American Indians has been satisfactorily accounted for. Surely they were not killed because there had been hostility between Governor Lewis and some of the tribes of Indians, or because it had been necessary to smuggle a Mandan chief around the Ricara villages, fifteen or sixteen years ago; or because twelve men had been killed, under Lisa, long since. It is probable they were killed in some attack which they were rash enough to make on the trappers and hunters of the Missouri Fur Company. The Ricaras probably thought that their young men were justifiable; and, although they professed to have forgotten and forgiven the supposed injury, it is very evident they had done neither.

Information of the circumstances which I have stated, to show that General Ashley and his company, as well as the Missouri Fur Company, were engaged in trapping and hunting in the Indian territories, was not derived from the letter from the West, published in all our papers, and which the gentleman from Missouri asserts was a tissue of falsehoods. It was derived from a source entitled to the highest respect. It was derived from the documents transmitted to us by the President of the United States, with his message of the 2d of December last. The part respecting General Ashley, is in a letter of General Atkinson, page 83, of those documents—and the part respecting the Missouri Fur Company, in page 71 of those documents; in a letter from William Gordon, upon whom the gentleman from Missouri has pronounced the highest eulogium. What was said of the interference of the Missouri Fur Company, to prevent a peace with the Ricaras, and of the burning their towns, by this same Mr. Gordon, and a Mr. McDonald, may be found in the same document, page 95.

The system of intercourse with the Indian tribes lately pursued is radically wrong. The British trading and fur companies are not supported by the armed force of the British Government; they have no means of insuring success but by treating the Indians kindly, and dealing with them fairly. When our traders do the same, they will meet with equal success.

Mr. SMITH spoke in favor of allowing more time for investigation and inquiry, and was opposed to the passage of the bill at the present time.

Mr. KING, of New York, said, he believed, if we intended to invade the country of the Indians with a military force, we ought to hold a treaty with them, and obtain their consent to the measure. We had no right to do it without their consent. He requested the gentleman from Missouri to give him some information upon this subject. He wished to know, also, if the Indian tribes had not a right to conquer and occupy each other's territory. If the tribe of Blackfeet had come from Canada, and conquered and taken possession of the country of another tribe, he wished to know

what right the United States had to interfere in the business. He wished to be informed, too, whether we have any right to prevent those Indians from going where they choose—into Canada, or elsewhere—to trade for their furs. These were important questions upon these points—and Mr. K. said, he believed there had never been any correct understanding on the subject. He presumed there was no distinct law respecting it. These Indian tribes do not come within our jurisdiction; our laws do not control them—even when they commit murders, they are not amenable to our laws. It has always been the practice of the Indians to go from one country to another; it is their habit to wander over the wilderness, from place to place. Mr. K. said, he wished to see the principle by which we were going to make provisions like those contained in this bill. We must make some treaty with the Indians before we can do it. Can we send a military force into their territory without their consent? Mr. K. believed we had never yet done it. We have power to make arrangements with them for the security of our trade with them—but this bill does more—it goes to restrain their trade, and exclude all others from it but ourselves. Mr. K. said, he would agree to all the other provisions of the bill, but that which provided for the sending of troops into the Indian countries. He must know more about it before he would consent to that. He had merely suggested these ideas, to call forth further information on the preliminary ground, as to our right to take the course proposed in the bill. He wished, also, to know what prohibitions were to be introduced, to regulate our trade with the Indians.

Mr. BENTON rose to answer the questions proposed to him by the Senator from New York. It had been the practice of the Government to establish military posts in the Indian country without their consent. The practice had obtained under every Administration. All the frontier States and Territories were full of examples. Without going into an enumeration of instances, which might be forgotten and disputed, he would state one, known to us all, sanctioned by us all, and up to the point of the gentleman's inquiry—he alluded to the post at the Council Bluffs. It was established four years ago, under the orders of the President, and had secured the annual sanction of both Houses of Congress, in annual appropriations to its support. Yet this post was established upon Indian territory, without their consent, and is maintained without it. Further, Mr. B. said, the Senate, in its capacity of adviser to the President, in his treaty-making power, had decided the same question. He spoke of the Senate's refusal to ratify the treaty made to extinguish the Indian title to fifteen square miles of territory to include the fort and fields at the Council Bluffs. The injunction of secrecy had been removed from the Senate's proceedings upon that treaty. The Journal would show that the distinguished Senator from New York had voted against its ratification. His own high authority might, therefore, be quoted against himself, in answer to the first question which he

had put. In addition to all this, may be quoted the provisions of the act of 1802. It is our code of Indian laws, enacted under the Administration of Mr. Jefferson, and turns, in every clause, upon the assertion of the principle that the Indians are not independent nations; that our jurisdiction extends over their soil, and over their acts; and that our troops may be sent into their country, without their consent, as often as our policy requires it to be done.

The second interrogatory put by the Senator from New York, related to our right to interfere in the affairs of the Indians "among themselves." Mr. B. said, that there was no part of the bill, under discussion, which asserted such a right, or proposed to exercise it. He, therefore, claimed the indulgence of the gentleman from New York, in declining to answer a question not relevant to the matter in hand.

The third interrogatory inquired for the terms, prohibitions, and regulations, proposed to be put into the projected treaties. Here again, Mr. B. adverted to the separation of power between the Congress and the Executive. We vote the appropriation for defraying the expense of holding the treaties; the President conducts the negotiations. If treaties are made, the Senate's power over their stipulations then commences. It can refuse to ratify, if it disapproves. The bill on the table was sufficiently indicative of the object of the treaties, by the description of "trade and friendship." All the rest is given, by the Constitution, to the Executive authority.

Mr. KING, of New York, dissented entirely from the observations made by the gentleman from Missouri. He (Mr. K.) did not believe there was any authority whatever, for placing a military force in the Indian country, in a time of peace. In his opinion, we had no right to do it. He had never voted for carrying troops there. The treaty to which the gentleman alluded, was rejected upon other grounds. If we are at war with the Indians, Mr. K. said, it would be different; but, while we remain at peace with them, we have no right to adopt such a measure.

Mr. HOLMES, of Maine, said he must confess he was somewhat ignorant of this subject. Members could not be supposed to be able to inquire into, and inform themselves upon every subject, before it came up for discussion. He believed his honorable friend from New Jersey did not deserve the censure bestowed upon him by the gentleman from Missouri. It was not wonderful that he was not as well acquainted with the subject as that gentleman. If it had been a bill respecting the cod or mackerel fishery, Mr. H. apprehended that the gentleman from Missouri himself would not have understood the business so well as he appeared to at present. Mr. H. was apprehensive that the whole story was not told. Every thing that was said, in relation to our affairs with the Indians, was on one side. The poor Indian has no one here to speak for him. There is nobody to tell us when the United States are wrong, and the Indians are right. The gentleman from New Jersey has produced some official facts on the

subject, which remain yet unanswered. Mr. H. believed the transactions of General Ashley were not altogether right on his part. He said he was in favor of the indefinite postponement of this bill; but, as gentlemen seemed to prefer that it should lie on the table, he would not propose its postponement. He understood the object of the bill to be, to protect our trade with the Northwestern Indians, by a military force. This subject had once been fully discussed and settled, if not in this House of Congress, it had in the other, when the Yellow Stone Expedition was under consideration. It was then settled. The principle agreed upon was, that protection should be furnished to our actual settlements, by posting troops in advance of them; but that the traders who were in advance of those posts should be left to protect themselves. He would say one word on the subject of advancing a military force into the Indian country without their consent. While we recognize them as sovereign powers, and treat with them, we have no right to do it. We certainly ought not to carry a military force among them, while we admit their competency to make treaties. As long as we allow them that right, we ought to respect them. If we have a right to take one acre of their land, for the establishment of a military post, we have a right to take ten, twenty, or thirty acres; and we may thus take their whole territory. Have we a right to exercise this power so long as we acknowledge their right to treat with us? Mr. H. adverted to the treaty made at the Council Bluffs, which had been spoken of. He said that treaty neither asserted nor denied our right to establish military posts in the Indian territory. The treaty was rejected, because it was not made by the lawful authority. It had no bearing on this question. He would either make no treaties with the Indians, or he would use them as we do other nations, with whom we treat. How would any European nation like it, if we were to march a military force into their country? If we admit their right to treat, we have no right to advance a military force into their country, in time of peace. It had been our policy to restrict our forces to a certain distance beyond the actual settlements. Mr. H. had no faith in the economy with which the gentleman from Missouri had supposed this transaction would be completed. If we establish this post, we shall have an estimate from the Secretary of War, the next year, for additional appropriations for its support. He (Mr. H.) was not inclined to trust entirely to the statement of the expense, which had already been furnished. Intermediate posts would be required, for the support of this. It would require at least two regiments of troops. This would take too large a proportion from our small Army. When these objections were taken into consideration, he trusted the bill would be rejected.

Mr. BARTON then offered a new section, by way of amendment, as a substitute for the third section of the bill. The amendment was ordered to be printed; the bill was laid upon the table.

And on motion, the Senate adjourned until tomorrow.

THURSDAY, April 1.

Mr. LOWRIE presented the petition of A. V. Mattson, representing that he has been for nearly eight months, and now is, confined in the jail of Alleghany county, in the State of Pennsylvania, for debt, which he is unable to pay; that, by the absence from the State of the district judge, he is precluded from the benefit of the insolvent law; and that the act passed at the present session of Congress for his relief is defective; which he prays may be remedied. The petition was read, and referred to the Committee on the Judiciary.

Mr. L. also submitted documents in relation to the surveys and sales of the public lands; and they were ordered to be printed.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act to amend an act entitled 'An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia,'" and concurred therein.

The engrossed bill altering the times of holding the courts in the District of Columbia, was read the third time, and passed.

The bill confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes, was read the third time, and passed.

The bill for the relief of Thomas Shields was read the second time.

INDIAN RESERVATIONS IN GEORGIA.

The following Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to Congress certain papers enumerated in a report from the Secretary of War, relating to the compact between the United States and the State of Georgia, entered into in 1802, whereby the latter ceded to the former a portion of the territory then within its limits, on the conditions therein specified. By the 4th article of that compact, it was stipulated that the United States should, at their own expense, extinguish, for the use of Georgia, the Indian title to all the lands within the State, as soon as it might be done peaceably and on reasonable conditions. These papers show the measures adopted by the Executive of the United States, in fulfilment of the several conditions of the compact, from its date to the present time, and particularly the negotiations and treaties with the Indian tribes for the extinguishment of their title, with an estimate of the number of acres purchased, and sums paid for the lands they acquired. They show, also, the state in which this interesting concern now rests with the Cherokees, one of the tribes within the State, and the inability of the Executive to make any further movement with this tribe, without the special sanction of Congress.

I have full confidence that my predecessors exerted their best endeavors to execute this compact in all its parts, of which, indeed, the sums paid, and the lands acquired during their respective terms, in fulfilment of its several stipulations, are a full proof. I have also been animated, since I came into this office, with the same zeal, from an anxious desire to meet the wishes of the State, and in the hope that, by the establishment of these tribes beyond the Mississippi, their im-

provement in civilization, their security, and happiness, would be promoted. By the paper bearing date on the 30th of January last, which was communicated to the Chiefs of the Cherokee nation in this city, who came to protest against any further appropriations of money for holding treaties with them, the obligation imposed on the United States, by the compact with Georgia, to extinguish the Indian title to the right of soil within the State, and the incompatibility with our system, of their existence as a distinct community within any State, were pressed with the utmost earnestness. It was proposed to them, at the same time, to procure and convey to them territory beyond the Mississippi, in exchange for that which they hold within the limits of Georgia, or to pay them for it its value in money. To this proposal, their answer, which bears date 11th of February following, gives an unqualified refusal. By this it is manifest that, at the present time, and in their present temper, they can be removed only by force, to which, should it be deemed proper, the power of the Executive is incompetent.

I have no hesitation, however, to declare it as my opinion, that the Indian title was not affected in the slightest circumstance by the compact with Georgia, and that there is no obligation on the United States to remove the Indians by force. The express stipulation of the compact, that their title should be extinguished at the expense of the United States, when it may be done peaceably and on reasonable conditions, is a full proof that it was the clear and distinct understanding of both parties to it, that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents. An attempt to remove them by force would, in my opinion, be unjust. In the future measures to be adopted in regard to the Indians within our limits, and in consequence, within the limits of any State, the United States have duties to perform, and a character to sustain, to which they ought not to be indifferent. At an early period, their improvement in the arts of civilized life was made an object with the Government, and that has since been persevered in. This policy was dictated by motives of humanity to the aborigines of the country, and under a firm conviction that the right to adopt and pursue it was equally applicable to all the tribes within our limits.

My impression is equally strong that it would promote essentially the security and happiness of the tribes within our limits, if they could be prevailed on to retire west and north of our States and Territories, on lands to be procured for them by the United States, in exchange for those on which they now reside. Surrounded as they are, and pressed as they will be, on every side, by the white population, it will be difficult, if not impossible, for them, with their kind of Government, to sustain order among them. Their interior will be exposed to frequent disturbances, to remedy which, the interposition of the United States will be indispensable, and thus their Government will gradually lose its authority, until it is annihilated. In this process, the moral character of the tribes will also be lost, since the change will be too rapid to admit their improvement in civilization, to enable them to institute and sustain a Government founded on our principles, if such a change were compatible either with the compact with Georgia, or with our general system, or to become members of a State, should any State be willing to adopt them in such numbers, re-

garding the good order, peace, and tranquillity, of such State. But all these evils may be avoided, if these tribes will consent to remove beyond the limits of our present States and Territories. Lands equally good, and perhaps more fertile, may be procured for them in those quarters; the relations between the United States and such Indians would still be the same. Considerations of humanity and benevolence, which have now great weight, would operate, in that event, with an augmented force; since we should feel sensibly the obligation imposed on us by the accommodation which they thereby afforded us. Placed at ease, as the United States would then be, the improvement of those tribes in civilization, and in all the arts and usages of civilized life, would become the part of a general system, which might be adopted on great consideration, and in which every portion of our Union would then take an equal interest. These views have steadily been pursued by the Executive, and the means which have been placed at its disposal, have been so applied, in the manner best calculated, according to its judgment, to produce this desirable result, as will appear by the documents which accompany the report of the Secretary of War.

I submit this subject to the consideration of Congress, under a high sense of its importance, and of the propriety of an early decision on it. This compact gives a claim to the State, which ought to be executed, in all its conditions, with perfect good faith. In doing this, however, it is the duty of the United States to regard its strict import, and to make no sacrifice of their interest, not called for by the compact, nor contemplated by either of the parties, when it was entered into, nor to commit any breach of right or of humanity in regard to the Indians, repugnant to the judgment, and revolting to the feelings, of the whole American people. I submit the subject to your consideration, in full confidence that you will duly weigh the obligations of the compact with Georgia, its import in all its parts, and the extent to which the United States are bound to go, under it. I submit it with equal confidence, that you will also weigh the nature of the Indian title to the territory within the limits of any State, with the stipulations in the several treaties with this tribe, respecting territory held by it within the State of Georgia, and decide whether any measure, on the part of Congress, is called for at the present time, and what such measure shall be, if any is deemed expedient.

JAMES MONROE.

WASHINGTON, March 30, 1824.

DEPARTMENT OF WAR, March 29, 1824.

SIR: In obedience to your order, directing me to furnish a statement of the facts and circumstances connected with the execution of the fourth article of the convention between the United States and Georgia, of the second of April, 1802, in which the former stipulates "to extinguish, at their own expense, for the use of Georgia, as early as the same can be peaceably obtained, upon reasonable terms, the Indian title to the lands lying within the limits of that State," I have the honor to make the following report:

By the convention above referred to, Georgia ceded to the United States all the lands lying south of the State of Tennessee, and west of the Chatahoochee river, and a line drawn from the mouth of the Uchee creek direct to the Nicotak, on the Tennessee river. In consideration of this cession, the United States stipulated to pay the State of Georgia \$1,250,000, and

obligated themselves, in the manner above stated, to extinguish the Indian title within the limits of the State. The convention also provides for the adjustment of the Yazoo claims, which were afterwards provided for by the act of Congress, approved March 31, 1814.

At the date of the convention, the Indians owned, within the limits of Georgia, 25,980,000 acres, of which 19,578,890 acres belonged to the Creeks, and 7,152,110 acres to the Cherokees, which tribes owned, besides, a considerable extent of country in the States of Alabama, Tennessee, and North Carolina. Between both of those tribes and the United States there were subsisting treaties, at the time of the date of the convention, which, among other things, fixed the limits of their respective territories, and guaranteed to them the lands within those limits. (See 1st vol. United States Laws—treaty with the Creek Indians, p. 361, art. 5. Treaty with the Creeks, ratified 7th August, 1790. Same, page 327, treaty of Holston, 1791, art. 7. Same, page 332, treaty of 1798, near Tellico, articles 1 and 2.)

In fulfilment of the stipulation of the fourth article with Georgia, there has been held seven treaties with the Creeks and Cherokees; of which five were with the former; two of which were previous to the late war with Great Britain, in 1812, and three since. By the two preceding the declaration of war, there were ceded to Georgia 2,713,890 acres, and by the three latter, 11,735,590 acres, making together 14,748,690 acres. With the Cherokees, there have been held two treaties, both since the late war, by which Georgia has acquired 995,310 acres, which, added to that acquired by treaties with the Creek nation, make 15,744,000 acres, that have been ceded to Georgia since the date of the convention, in fulfilment of its stipulations.

In acquiring these cessions for the State of Georgia, the United States have expended \$958,954 90; to which should be added, the value of 995,310 acres, which were given in exchange with the Cherokees, on the Arkansas river, for a quantity ceded by the Cherokees to Georgia, by the treaties of 1817 and 1819, which lands, estimated at the minimum price of the public lands, would make \$1,244,147 50. If to these we add the sum of \$1,250,000, paid to Georgia under the convention, and \$4,282,151 12½, paid to the Yazoo claimants, it will be found that the United States have already paid, under the convention \$7,735,243 52½, which does not include any portion of the expense of the Creek war, by which upwards of seven millions of acres were acquired to the State of Georgia.

The United States have ever been solicitous to fulfil, at the earliest period, the obligation of the convention, by the extinguishment of the Indian titles within the limits of Georgia; a most satisfactory proof of which may be found in the number of treaties which have been held for that purpose, the quantity of lands which have been acquired, and the price paid. In fact, such has been the solicitude of the Government, that but little regard has been had to the price, whenever it has been found possible to obtain a cession of lands to the State. The price given has far exceeded that which has ever been given in other purchases from the Indians.

I feel satisfied that it may be asserted, with confidence, that no opportunity of extinguishing the In-

dian titles, "on reasonable terms," has been neglected to be embraced by the United States.

It may be proper to notice, more particularly, the treaty of Fort Jackson, of 1814, with the Creek Indians; and those of 1817 and 1819, with the Cherokees, as, under those treaties, lands were ceded, not only within the limits of Georgia, but also in the neighboring States of Alabama, Tennessee, and North Carolina, which may require some explanation.

It may be proper to premise, that, previous to the late war, the four most powerful and numerous tribes of Indians, the Creeks, Cherokees, Chickasaws, and Choctaws, lay contiguous to one another, and were situated on the weakest portion of our frontier. They contained, at the period referred to, a population of between sixty and seventy thousand, and could raise at least 15,000 warriors. During the late war with Great Britain, great anxiety was felt in relation to those numerous and powerful tribes, and, although all, except the Creeks, remained at peace, it is believed there was a strong tendency towards hostility among some of the other tribes. The Creeks commenced hostility at a critical period of the war, and created a powerful diversion of our resources, both of men and money; but, by a vigorous prosecution of the war, they were reduced, after many and severe losses. The treaty of Fort Jackson followed. They were a conquered people, and treated as such; and such terms were imposed as considerations of public policy dictated.

The advantage that would result by separating those powerful Southern tribes from one another, and from the Territory of Florida, at that time a foreign province, were among the most obvious dictates of policy, as it would effectually guard against the possible future combination of those tribes, and prevent the liability to hostility, which almost invariably results from the intercourse of Indian tribes with a foreign territory. The Creek Indians were required to make the cession of lands to the United States, in such a manner as to effect those important objects; and, accordingly, the United States acquired a large cession in what is now the State of Alabama, which separated the Creeks and Cherokees from the Chickasaws and Choctaws; and a cession, in the southern part of Georgia, which separated the Creeks from the province of Florida.

It was not conceived that there was any thing in the stipulation of the convention with Georgia, which prevented the United States from pursuing those views of national policy. The obligation of the United States extends only to the purchase of lands within the limits of Georgia, so soon as it could be done upon "peaceable and reasonable terms." The lands were acquired by conquest, and not by purchase, which left the nation at liberty to pursue those views of policy which have been stated, and which, it is believed, has tended strongly to give security and strength to the most vulnerable portion of the country.

In noticing the treaties of 1817 and 1819, it may be proper to premise that, as far back as the year 1804, a delegation from the Cherokee nation, then at the Seat of Government, were informed by Mr. Jefferson, if the Cherokees, or any portion of them, thought proper to emigrate to the Arkansas, they should receive as much land as they were entitled to in proportion to their numbers, on the east of the Mississippi. Under the sanction of this promise, and

tempted by the abundance of game, emigration continued from the Cherokee nation, in small parties, to the Arkansas, until 1817. The number being then considerable, a commission was constituted to treat with the Cherokee nation, on the basis of the arrangement made by Mr. Jefferson, which was followed by the treaty of the 8th July, 1817, which, among other things, stipulated that a census of the Cherokee nation should be taken in June following, and that a portion of the country should be ceded to the United States, equal to that which those who emigrated to the Arkansas were entitled to; that is to say, if it was found that one-third had emigrated, one-third of the territory should be ceded, and so in any other proportion, according to the number that should emigrate. To carry the treaty into effect, Congress appropriated, by the act of the 20th April, 1818, the sum of \$80,000, in order to defray the expenses that might be attendant on the emigration of the Cherokees to the Arkansas; and Joseph McMinn, Esq., then Governor of Tennessee, was appointed agent to carry the treaty into effect. It was found, however, impossible to take the census as proposed by the treaty, in June, and various causes delayed its final execution until the beginning of the year 1819. In the meantime, the emigration of the Cherokees was incessantly urged by all the means in possession of the Government.

It was the desire of the Government that the whole nation should emigrate, under the belief that it would be better for the Indians, as well as ourselves; and no effort on the part of the Government was left untried to induce them to emigrate. A large portion of the nation, however, were so decidedly opposed to it, that it was found impossible to carry this policy of the Government into effect.

The appropriation being finally exhausted, a delegation of the Cherokee nation was permitted to visit the Seat of Government in 1819, in order to close the treaty of 1817. It was ascertained that about one-third part of the nation had emigrated, or enrolled to emigrate, to the Arkansas; and the delegation proposed to treat upon that basis, which was acceded to. It only remained to fix on the portion of territory to be ceded. With the view of throwing the land to be ceded within the limits of Georgia, and to separate the Creek and Cherokee nations, the Government proposed, that all the lands lying south and east of Etowah, one of the main branches of the Coosa river, should be ceded by the Cherokees; but it was found impossible to induce the delegation to yield to that proposition, or to any other, more favorable to Georgia, than that which was adopted. They were fixed in their determination, particularly, not to be separated from the Creek nation, by an intervening white population, and to cover their northern boundary by the Tennessee river, which necessarily threw the cession, made by the treaty, into Alabama, Tennessee, and North Carolina, as well as Georgia. Since the treaty of 1819, two attempts have been made, under appropriations of Congress, to open a negotiation with the Cherokee nation, for further cession, both of which have proved abortive.

During the present Winter, a delegation of the principal chiefs of the Cherokee nation visited the Seat of Government, and the opportunity was seized to make known to them the sentiments of the Government, upon the subject of additional cessions, in order to fulfil the stipulation of the convention with Georgia.

It cannot be doubted, that much of the difficulty of acquiring additional cessions from the Cherokee nation, and the other Southern tribes, results from their growing civilization and knowledge by which they have learned to place a higher value upon their lands than more rude and savage tribes. Many causes have contributed to place them higher in the scale of civilization than other Indians within our limits. Lying in large masses, they do not feel that depression, which is invariably felt by small and detached tribes in the neighborhood of the whites. In addition to which, we may add the genial nature of their climate, which enables them to pass more readily from the hunter to the herdsman state; and the fertility of their soil, and the value of their staple articles, particularly cotton. To these, however, must be added the humane and benevolent policy of the Government, which has ever directed a fostering care to the Indians within our limits. This policy is as old as the Government itself; and has been habitually and strongly extended to the Cherokee nation.

By the fourteenth article of the treaty of Holston, in the year 1791, it is stipulated, "that the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will, from time to time, furnish, gratuitously, the said nation with useful implements of husbandry; and, further to assist the said nation in so desirable a pursuit, and, at the same time, to establish a certain mode of communication, the United States will send such and so many persons to reside in said nation, as they may judge proper, not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned by the Cherokees, for cultivation, for themselves, and their successors in office; but they shall be precluded exercising any kind of traffic."

In conformity to the provisions of this article, the various utensils of husbandry have been abundantly and constantly distributed to the Cherokee nation, which has resulted in creating a taste for farming, and the comforts of civilized life. This humane policy of the Government, since the termination of the late war, has taken, in some degree, a new direction. Certain benevolent societies, in the year 1816, applied for permission to make establishments among the Cherokees, and other Southern tribes, for the purpose of educating and instructing them in the arts of civilized life. Their application was favorably received. The experiment proved so favorable that Congress, by the act of 3d March, 1819, appropriated \$10,000, annually, as a civilization fund, which has been applied in such a manner as very considerably to increase the extent and usefulness of the efforts of benevolent individuals, and to advance the work of Indian civilization.

In performing the high duties of humanity to the wretched aborigines of our country, it has never been conceived, that the stipulation of the convention with Georgia, to extinguish the Indian title within her limits, was contravened. The Government has been actuated solely by a desire to perform the obligation, which considerations of humanity imposed on us, in relation to these unfortunate people. Their situation, at best, is wretched, and can only be rendered tolerable, by the perpetual exercise of that humanity, kindness, and justice, which has ever characterized the acts of the Government, towards them.

I have the honor to be, very respectfully, sir, your obedient servant,

J. C. CALHOUN.

To the PRESIDENT OF THE U. S.

[Accompanying this report, are nearly a hundred pages of documentary matter, from which the following is selected as presenting the view of the subject which is entertained by the Representatives of the State of Georgia.]

To the President of the United States:

The Secretary of War has addressed to the gentlemen composing the Georgia delegation to Congress, copies of the extraordinary documents furnished by persons who are called the *Cherokee Delegation*. As this is believed to be the first instance in which a diplomatic correspondence has been held with *Indian Chiefs*, and in which they have been addressed by the Department of War in the same terms with those used to the Representation of a State, it becomes a subject of inquiry in what light the Cherokees are at present viewed by the Government of the United States. If as an independent nation, to be treated with by all the forms of diplomatic respect, the negotiation with them should be transferred to the Department of State, and will, no doubt, be preceded by a proper examination into their authority to speak for the Cherokee tribe, on matters affecting its prosperity and existence. If to be viewed as *other Indians*; as persons suffered to reside within the territorial limits of the United States, and subject to every restraint which the policy and power of the General Government require to be imposed upon them, for the interest of the Union, the interest of a particular State, and their own preservation, it is necessary that these misguided men should be taught by the General Government that there is no alternative between their removal beyond the limits of the State of Georgia and their extinction. The Government of the United States will deceive them grossly if they are led to believe that, at this day, *their* consent is necessary to the fulfilment of *its* obligations to the State of Georgia. Their will must yield to the paramount duties of the General Government to *itself* and to *each member* of the Confederacy. The Cherokees allege (if, indeed, the representation made is made with their authority) that they are resolved neither to leave nor sell their lands on which they reside—lands which belong to the State of Georgia; over which Georgia did claim sovereignty until the adoption of the Federal Constitution, and over which she will exercise her powers whenever any Administration of the General Government resolves to fix permanently upon them any persons who are *not*, and whom she will never suffer to *become*, her citizens. The doctrines of the General Government, sanctioned by the highest tribunals, vindicate the claim of Georgia to the ownership of the soil. The Indians are simply *occupants*—tenants at will—in capable of transferring even their naked possession, except through the instrumentality of the United States, to the State of Georgia. Aware of the tenure by which their temporary possession is held, their head men have sought, in many instances, to secure from the United States a title to the soil itself. Stipulations have been entered into by the General Government equally contradictory to rights of Georgia, and the obligations of the United States; stipulations, however, which show that the General Government have the acknowledged right to transfer the possession of the Cherokee lands to the State of Georgia. The power which takes from the

Cherokee tribe a portion of soil to confer it on a Cherokee chief, under a different tenure, can rightfully take from the Cherokee nation for the benefit of a State.

It is with deep concern that the necessity is felt of pressing upon the General Government the considerations that are due to its character for good faith in its contracts with a member of the Union. Since the year 1802, implicit reliance has been placed in the General Government; and the just expectation has been indulged that, in the execution of its high duties, the Executive administration would carefully and steadily pursue the object for which the faith of the Union was pledged—the peaceable extinguishment, on reasonable terms, of the Indian title to all the lands within the territorial limits of Georgia. In 1817, the public declaration of the President to Congress, that an arrangement had been made, by which, in exchange for lands beyond the Mississippi, a great part, if not the whole, of the lands possessed by the Cherokee tribe eastward of that river in the States of North Carolina, Tennessee, and Georgia, and in the Territory of Alabama, would be soon acquired, gave a just expectation that the national pledge given to Georgia would be redeemed. In the eight years which have succeeded, these anticipations of the President have been realized everywhere but in Georgia. The successive purchases made since that period have crowded the Cherokees out of Tennessee, North Carolina, and Alabama, almost altogether into Georgia; and the terms upon which they have been made, have created all the difficulties now encountered in the peaceful acquisition, on reasonable terms, of the lands upon which the Cherokees are now permitted to remain; difficulties which are every hour increasing, from the policy pursued by the General Government.

It is with all due respect a subject of serious inquiry, what produced the extraordinary change in the wishes of the Cherokee tribe, as expressed in the treaty of 1817? How it happened that the Cherokees of the upper towns, most of whom were without the limits of Georgia, and who desired to be permanently fixed on the lands upon which they then lived, were induced, in 1819, to abandon their designs, and many of them to become inhabitants of the region beyond the Mississippi, while the Cherokees of the lower towns, (most of them within the State of Georgia) anxiously desiring to remove in 1817, were, in 1819, tempted to remain, and filled with the desire of a permanent establishment there? The same exertions which produced this, can effect another change; can induce the remnant still in the limits of Georgia, to follow their brethren to the West, to a territory which the General Government can rightfully bestow upon them as a temporary or permanent property, without interfering with the right or encroaching upon the sovereignty of any State. Argument is not necessary to show, that a Power which interposes obstacles to the accomplishment of its own promises, violates its faith; and that, to plead the impossibility to perform an engagement when that impossibility is produced by those who engaged to perform it, would be equally dishonorable and hypocritical. The President is probably not aware that the United States will be liable to such accusations, if the present moment is suffered to pass without a full compliance on their part, with the obligations of the treaty of cession of 1802. What has created the strong desire of the Cherokee Indians to remain where they are? The policy of the General Government; the pretended guarantees of their pos-

sessions; the attempted changes in the nature of their titles to them; the lessons received from their masters in the arts of civilized life; the acquisition of property and the desire of extending and securing it; a policy just and generous to the Indians, but solely at the expense of a member of the Union; at war, not less with the rights of that member of the Union, than with the solemn promises of the General Government. The United States have the same right to colonize a tribe of Indians from the Columbia or Red river, in Georgia, as they have to pursue a system of policy whose aim or end shall be the permanency of the Cherokees within that State.

If the Cherokees are unwilling to remove, the causes of that unwillingness are to be traced to the United States. If a peaceable purchase cannot be made in the ordinary mode, nothing remains to be done but to order their removal to a designated territory beyond the limits of Georgia, and giving an ample equivalent for the Territory left by them, and an ample support to the territory granted to them. An order of this kind will not be disregarded by the Cherokee tribe, whose interest will be essentially promoted by a compliance with it, (whatever may be the effect of it upon a few chief men, who seem to consider their own interest as separate and distinct from that of their brethren,) as it must be obvious that a tranquil and undisturbed possession of a permanent property can alone enable them to acquire the arts of civilized life, and to secure to them its benefits.

Our duty is performed by remonstrating against the policy heretofore pursued, by which the interests of Georgia have been disregarded, to the accomplishment of other objects of general interest; and a compliance with a solemn promise postponed, for the acquisition of territory for the General Government; and by insisting, as we do, most earnestly, upon an immediate fulfilment of the obligations of the articles of cession, concluded in 1802, as the only means by which justice can be done to the State we represent, and the character of the General Government be vindicated.

J. ELLIOTT,
N. WARE, *Senators.*
JOEL ABBOT,
GEO. CARY,
TH. W. COBB,
W. CUTHBERT,
JOHN FORSYTH,
WILEY THOMPSON,
Representatives.

WASHINGTON, March 10, 1824.

The Message was read, and laid on the table.

PURCHASERS OF PUBLIC LANDS.

The Senate, as in Committee of the Whole, then proceeded to consider the bill "for the relief of purchasers of public lands."

Mr. KING, of Alabama, proposed sundry amendments to the details of the bill. Some cursory remarks were made upon these amendments, by Messrs. CHANDLER and KING, of Alabama, and the amendments were agreed to. Mr. KING, of Alabama, then moved to strike out the second, third, and fourth sections of the bill. Mr. RUGGLES was in favor of retaining the second section; and Mr. KING withdrew his resolution, in order to give way to an amendment proposed by Mr. RUGGLES; upon which some discussion took place

between Messrs. RUGGLES, KING, of New York, LOWRIE, NOBLE, and KING, of Alabama, and it was then adopted. Mr. KING, of Alabama, then renewed his motion to strike out the third and fourth sections of the bill; which was agreed to.

The bill was then reported to the Senate; the several amendments made in Committee of the Whole were concurred in; and the bill was postponed, and made the order of the day for tomorrow.

CLAIMS AGAINST THE UNITED STATES.

On motion of Mr. TAYLOR, of Virginia, the bill "providing for the settlement of pecuniary claims against the United States," was taken up for consideration.

Mr. TAYLOR, of Virginia, spoke in support of the bill. He adverted to the numerous evils of deciding private pecuniary claims against the United States in Congress—he conceived that it could not be difficult to find a remedy. There was no individual who must not be convinced of the impropriety of deciding trivial claims by Congress. Such trials diminished the dignity of the Legislature, and would be likely to avert from it the affections of the people. It would save the time of Congress, to be directed to higher objects, such as the important reports from the different offices. Matters of importance were so mingled up with trivialities, that sufficient attention was not paid to them. It had been suggested that a board of commissioners ought to be appointed for this purpose. This plan was not liable to so many objections as their trial by Congress, but this would have its attendant evils. At present, rejected claims cost more than those which are allowed. Many are acknowledged to be bad; but yet, year after year, they are before Congress. In this respect a board of commissioners would be better than Congress. It is said that the people have always a right to petition Congress. He denied the position. To obtain the passage of general laws they might have that right; but not to make repeated appeals on private claims. He spoke of the practice in courts of justice, where claims, when once decided, could not again be brought up. It was not consonant with the principles of liberty to allow these *ex parte* trials; in which a case was too often gained by teasing, rather than by its justice. The practice was, as Mr. T. thought, at variance with the Constitution. The United States could not prefer a petition to Congress, to obtain pay of an individual. One party, then, had a recourse which the other had not. This court ought to be equally open to all parties.

Mr. T. then took up the bill and read it, section by section, to show the merits of each.

The first section provides, that every claimant against the United States shall have the right to bring forward all his claims, whether legal or equitable, in any district or circuit court in the United States. Mr. T. held that this would be much better for the claimants—they would be tried at home—and, although there would be no impartiality or incongruity in the judgments, yet equal justice would be done. Justice would also

be done to the United States. The accounts must be first submitted to the accounting officers, and if the claimant afterwards should see fit to bring an action, in the nature of a suit of chancery, he may do it, and that court is to be furnished with a statement from the Secretary of the Treasury, of the reasons upon which the claim was rejected by the Department.

The second section provides, said Mr. T., a substantial regulation for the attainment of justice, the witnesses in the case are to be regularly examined and questioned by the Attorney General, an impartial person. This, Mr. T. said, would be vastly better than the practice, now pursued, of taking such kind of evidence as was taken by Congress, which, if it deserved the name, was only *ex parte*. He did not propose to plunge into a system which could not be remedied afterwards.

The third section provides for empannelling a jury, when there should be such circumstances as, in the opinion of the court, should require a jury to try facts.

The fourth section gives the Attorney General the power to file suggestions or interrogatories to the claimants—the facts suggested to be taken as truth if not properly answered. This, Mr. T. said, was similar to a cross bill in chancery—it was to operate when there was a fraudulent concealment of facts.

The fifth section gives the claimant a right of appeal to the Supreme Court of the United States, without bond to prosecute the suit; furnishing the creditor with every possible advantage which could be expected to be allowed.

The sixth section provides that the officers of the court shall be paid for services performed for claimants, but no costs to be rendered against the claimants in case the suit is dismissed, except for counsel.

Mr. T. hoped the observations he had made would be duly weighed, and that the bill would be engrossed, and read a third time.

Mr. HOLMES, of Maine, said, he was too timid a politician to wish to go very deep, at first, into any new plans of government. He wished to propose another amendment, to limit the time of the operation of the bill. He proposed a new section, to limit the continuance of the bill to three years. This was agreed to.

An amendment was adopted, to include the District of Columbia in the provisions of the bill.

The blank in the bill, limiting the amount of any claim to come within the provisions of this bill, was filled with \$3,000.

The blank, fixing the amount of any claims which should be allowed an appeal to the Supreme Court, was then moved to be filled with \$1,000.

Mr. LOWRIE thought that cases, involving great principles, might come before the courts below, though the amount of the claim might be small. He thought there ought not to be any limit to the right of appeal.

Mr. HOLMES, of Maine, replied to Mr. LOWRIE. He was in favor of limiting the amount upon which an appropriation should be made.

It was then determined to fill the blank with \$500.

Mr. MACON made a few remarks on the bill, to which Mr. TAYLOR replied.

Mr. CHANDLER thought that the claimant ought to pay the costs of his suit, the expenses of juries, &c., as well as his counsel. To this objection Messrs. HOLMES, of Maine, TAYLOR, of Virginia, and EDWARDS, of Connecticut, replied.

The bill was then passed, to be engrossed, and read the third time.

The bill, "supplementary to the several acts for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse districts, in the State of Louisiana," was again taken up for consideration. The question was upon a new bill, proposed as an amendment by Mr. LOWRIE, when the bill was before under consideration. Mr. L. stated the grounds of the bill. Messrs. CHANDLER, J. S. JOHNSTON, of Louisiana, and H. JOHNSON, of Louisiana, made some remarks upon the subject. The amendment was agreed to, and the bill, as amended was passed, to be engrossed, and read the third time.

The Senate then adjourned.

FRIDAY, April 2.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, made an unfavorable report on the petition of Thomas Johnson, formerly a purser in the Navy of the United States, praying for the appropriation of the proceeds of certain prizes taken by the United States squadron in the Mediterranean, in the year 1805. The report was read.

On motion, by Mr. ELLIOTT, the Message from the President of the United States, of yesterday, and the accompanying documents were referred to the Committee on Indian Affairs, to consider and report thereon; and they were ordered to be printed for the use of the Senate.

Mr. VAN BUREN, from the Committee on the Judiciary to whom was referred the petition of A. V. Mattson, reported a bill supplementary to the act, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt;'" which was twice read, by unanimous consent.

Mr. VAN BUREN, from the same committee, to whom was referred the bill to change the terms of the circuit and district courts of the United States, in the State of Ohio, and one of the terms of the circuit court in Kentucky, reported it without amendment.

The bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts, was read the third time, and passed.

The bill to provide for the settlement of certain pecuniary claims against the United States was read the third time.

The bill "to provide for the extinguishment of the debt due by the purchasers of public lands," was again taken up for consideration. Some

further amendments, in the details of this bill, were adopted, at the suggestion of Messrs. KING, of Alabama, and RUGGLES. The bill was then passed to be engrossed, and read the third time.

The Senate resumed the consideration of the bill to abolish imprisonment for debt, as amended in Committee of the Whole; and, on motion, it was postponed to Monday next.

The bill reported by the Committee on the Judiciary, "to change the terms of holding the circuit and district courts for the State of Ohio, and to change one of the terms of the circuit court for the State of Kentucky," was then taken up, in Committee of the Whole. Messrs. BROWN and TALBOT explained the objects of the bill. It was then reported to the Senate, and passed to be engrossed and read the third time.

The Senate resumed, as in Committee of the Whole, the bill in addition to the act relative to the election of a President and Vice President of the United States; and, on motion, it was postponed to Tuesday next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals;" and, on motion, it was postponed to Wednesday next.

The Senate resumed, as in Committee of the Whole, the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and, on motion, it was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the bill further to regulate the jurisdiction of the Supreme Court of the United States; and, on motion, it was postponed to Monday next.

CLAIMS AGAINST THE UNITED STATES.

On the third reading of the bill "providing for the settlement of certain pecuniary claims against the United States," Mr. NOBLE moved its recommitment to the Committee on the Judiciary, with instructions to consider the expediency of extending the provisions of the bill to all claims not exceeding \$10,000. Mr. N. supported his motion by some few remarks in favor of recommitment.

Mr. TALBOT also advocated the recommitment, on the ground that that part of the bill which limits its existence to three years, ought to be stricken out. He thought the operation of the act ought not to be limited, as it would always be in the power of Congress to repeal the law, if found to be inadequate to the purposes for which it was enacted. He proceeded to support the passage of some act, to take the cognizance of these claims from Congress, as a body totally unfit for such a duty; but he was opposed to the limitation of the act to a specified time.

Mr. HOLMES, of Maine, spoke in favor of retaining the present limitations of the bill.

Mr. JOHNSON, of Kentucky, remarked upon the general course of claims against the Government, and stated his views of the manner of acting upon those claims. He was in favor of extending the amount of the claims to come under this act; but he thought the limitation of the act to three years

ought to be retained, as it was to be considered in the light of an experiment.

Mr. VAN BUREN was well aware that the present mode of settling private claims against the Government, was extremely objectionable; that Congress was not a body calculated for a full and fair investigation of such claims; and another great objection to acting upon these claims here, is, that the decision upon them is never final. But yet he was opposed to the principle contained in the present bill, and therefore could not vote for it. He believed great injustice would result to the United States. He would be content to establish a Board of Commissioners, to sit at the City of Washington, for the purpose of deciding upon these claims—or he would be willing to establish a new department for this object, or to vest the decision in one of the present departments. Either of these plans, he thought, would be productive of good consequences. But the present bill would subject the United States to be impleaded in thirty or forty different circuit and district courts, in various parts of the country, and would involve great expense and trouble. All the claims against the Government, from its establishment to the present day, would be called up. All these claims had arisen from circumstances emanating from transactions in this city. The evidence respecting them was all here. If there were many claims of this kind to arise, the departments of the Government would find themselves continually engaged in defending cases in the courts of the different States. Certified copies of papers must be taken as evidence in these cases; and those copies must be prepared at the departments. The United States will not stand as good a chance to get justice done to it as the individual—the Government will scarcely ever get its rights. The courts and juries will always be biased in favor of the individual against the Government.

Mr. V. B. thought the bill would be productive of great inconvenience and difficulty. This mode of deciding claims, he believed, was without precedent in any country. No Government had ever consented to place itself upon such a footing. Mr. V. B. alluded to the petition of right in England, in order to show that it was not analogous to the provisions of this bill. It would be better, he thought, to provide that the United States should always be impleaded, in these cases, in the Supreme Court at Washington, because there the departments could have an eye upon the interests of the Government. But he had strong objections to spread them over the whole country. Obsolete claims, which have long since been decided against, and the decision acquiesced in, would again be brought up. Believing that these bad effects would result from the bill, he could not vote for it.

Mr. NOBLE modified his motion, so as to authorize the committee, if they should think proper, to report a bill for the establishment of some other tribunal for the adjustment of these claims.

Mr. TAYLOR, of Virginia, replied to the remarks made by Mr. VAN BUREN. He said this bill merely proposed to give to the circuit and district courts the power of acting on claims within their own

districts. He believed that the establishment of a tribunal to try these claims at Washington, would be attended with many of the inconveniences that are now experienced from their being agitated in Congress. He thought that, so far from the evidence on claims such as were included in this act, being found at Washington, it was mostly to be obtained in the districts where the claimants live. He stated the difficulties which would attend the decision upon these claims by either of the departments. Our extent of territory would operate as an objection against the establishment of a tribunal, like the Court of Exchequer in England. Justice to individuals, Mr. T. said, required that their claims should be adjusted in their own districts, subject to certain restrictions and checks. He believed that, instead of the testimony required in the adjustment of these claims, always being found at the Seat of Government, as the gentleman from New York supposes, it would rarely ever be found there. We are constantly going to the districts where the claims originate, for this evidence—for certificates, private letters, and other documents. We are alarmed, too, by the hideous spectres of obsolete claims—we are told that obsolete claims, without number, will be conjured up. Mr. T. thought it extremely improbable that any claims more ancient or obsolete than some which had been brought before Congress, could be found; and if he had been about to put his finger on any one particular point, to demonstrate the necessity of adopting the provisions of this bill, he should have placed it upon the admission of these obsolete claims in Congress. He said, he believed there were acts of limitation to regulate these matters; if not, they could be made. Congress has the power to make laws of limitation; and he believed there would be no difficulty on this point.

Mr. T. believed that the objection, as to the increased labor of the judges, was equally inconsistent; if the labor of hearing the testimony was too great, for a large number of judges, spread through the country, how could the Heads of the Departments attend to it? This was a kind of duty for which the judges were appointed. Are your Departments competent to this duty, and your judges incompetent? He thought the argument inconclusive.

Mr. T. was in favor of extending the provisions of the bill to claims amounting to ten thousand dollars, and he was opposed to limiting the duration of the law. But he had been so deeply impressed with the necessity of some such system as this, which would get rid of what he considered a disreputable jurisdiction on the part of Congress; he was so perfectly satisfied of the necessity of some remedy for this evil; that he was willing to accommodate the bill to the ideas of other gentlemen on the subject. He believed that time and experience would sufficiently prove the utility of the measure.

Mr. CHANDLER objected to carrying these claims into the courts of the United States. He thought the juries who were called to try them, would invariably be biased in favor of the individual

claimants, especially as the claimants would be their neighbors. These causes ought not to be tried in the different States, away from the Seat of Government, where alone the circumstances relating to the cases would be known. The district attorneys would not be likely to be acquainted with the merits of the cases. Mr. C. thought it would induce every man who thought he could put a fair face upon his claim, to bring it up for trial before a jury, who would be prejudiced against the Government; the claimant would have no expenses to pay; it would cost him nothing, but the payment of his own counsel. Mr. C. was willing that the bill should be recommitment, with instructions to report some other mode for the settlement of these claims.

Mr. H. JOHNSON, of Louisiana, said he was happy at the prospect now presented, of obtaining some mode for the adjustment of private claims against the Government. Congress was certainly an incompetent body to try these claims. There was great, impropriety in constituting so large a body of men, at so great an expense, to act on such subjects. The expense, upon small claims, was often greater than the amount of the claim. He thought it better that a board of commissioners should be created for this purpose—it would be better on account of the expenses to which the claimants would be subjected; their expenses would be much increased in a court of justice. The Government was bound, in his opinion, to establish some tribunal which would not increase the expense to those who held claims. The proofs, in these cases, would be, for the most part, in the hands of the Government. If other testimony were necessary, the commissioners would have power to issue commissions for taking depositions, &c. He objected to the submission of these claims to the courts of justice, as proposed by this bill, on account of the additional expenses that would be incurred by the claimants. He was, therefore, in favor of recommitting the bill.

Mr. VAN BUREN made some further remarks in explanation—to which Mr. TAYLOR replied.

Mr. VAN DYKE said it was manifest that the Senate and House of Representatives, from the manner in which they were constituted, were not calculated to act upon private claims—one great reason why they were not, was the want of time. It was absolutely impossible, with the great political subjects that were constantly presenting themselves to the consideration of Congress, that members could devote the requisite attention to the minute circumstances of every private claim that came before them. If there were sufficient time to obtain all this information, still, the mode adopted, and which was necessary to obtain it, rendered the determination very uncertain. Affidavits were taken, without any agent of the Government to attend to the business; the statements of individuals are received, in regard to their own accounts, the information which members are enabled to obtain, in relation to the claims, is relied upon for the want of any more authentic information. He felt grateful to the gentleman from Vir-

ginia, for his attention to this subject; and for submitting a plan to remedy the evils of the present system. Mr. VAN DYKE said he had paid considerable attention to this bill—he apprehended there would be no great difficulty in carrying it into effect—nothing like the difficulties with which the subject was at present embarrassed. If this plan was rejected, he should despair of any one being agreed upon hereafter. We had formerly had a commissioner for the settlement of claims, at the Seat of Government. The plan was found to be defective at the outset. The decisions were made by an individual, in some by-chamber. The best security for the citizen and for the Government, is in a decision in an open court of justice, where the judges, the jury, and the witnesses, are responsible before the public, for what they do and say. He did not wish to submit these claims to the decision of a commissioner, sitting in private. If we could not repose trust in our judges and jurors, under oath, then there was no security for the rights of property, and none for the permanence of our Government. He had no idea that the decision on these claims, under the provisions of this bill, would be as unfavorable to the Government, as their decision by Congress. In the present mode, there is no end to the claims. Their final settlement is one great object in carrying them into a court of justice. If these claims are rejected half a dozen times by Congress, they come up again, and are continued year after year, until at last, by some means or other, the case is made out, and Congress is induced to allow it. The members are worried out, and are glad to get rid of it. Mr. VAN DYKE said he was, therefore, determined to vote against sending the bill back to the committee. The whole evidence on each side, he said, could be taken in a court of justice, and he thought the plan well worth the experiment.

Mr. RUGGLES hoped the motion to recommit would prevail—and that the committee would see the necessity of providing for a board of commissioners, at the Seat of Government, to decide upon these claims. All these claims, for the settlement of which provision is to be made, will have been first rejected by the Treasury Department. There is scarcely a case of this kind, that comes before Congress, but for items of accounts that have been rejected at the Treasury. Suppose a person comes to ask that his claim may be allowed, is he bound to furnish evidence against himself? Mr. R. believed the most judicious mode would be to establish a board of commissioners, consisting of three persons—they should be under the direction of the President and the Secretary of the Treasury; and should sit in this city; where all the information on the subjects before them would be at hand. If they were at a distance from the Seat of Government, they would not be able to obtain this information so readily. The gentleman from Delaware has said, that we had some experience on the subject of appointing commissioners for this purpose—it was true we had—but the difficulties which affected that commission, might be remedied now. Such regulations might be adopted, as should be found necessary. By this mode, a

uniform system, for the settlement of these claims, would be adopted, and known throughout the country. There would not be a rule for one place, and a different rule for another; as might be the case, if the decision was left to the courts. The gentleman from Maine has remarked upon the decisions of juries, in cases where the Government is concerned. There can be no doubt of the vigilance of the claimants, in prosecuting their own cases—and the bias would always be against the Government.

Mr. BELL said there were strong objections to the mode of acting upon these claims of the courts, both from the delay that would take place, and the expense to the claimants. The claims are first to be presented to the proper officers of the Government. If they are not allowed there they are to be carried into the court in the district where the claimant belongs. He must produce the same evidence in both cases. If the decision is against him, then he is to appeal to the Supreme Court. He must procure counsel in the courts, and will be subjected to enormous expenses. There is such a press of business in the courts that he would probably be compelled to wait some years before he would get a decision in the district court; and when he comes to the Supreme Court, he must wait several years longer. But if the plan of appointing commissioners is adopted; if the claim is disallowed by the accounting officers of the Treasury Department, the same evidence may be produced before the commissioners, and the claim decided on the spot, without expense to the claimant. He had not a doubt that this would be the best plan, both as regards the interest of the Government, and that of the individual claimant. He should have more confidence in the decisions of commissioners than in that of a jury, to whom the claimant would be known, and who might be prejudiced in his favor. He was, therefore, in favor of a recommitment.

Mr. TAYLOR, of Virginia, said he only rose to request gentlemen to recollect that not a single case, under this bill, was to be decided by a jury; they were only to be empanelled, under certain circumstances, to judge of certain facts in the case.

The question was then put and carried in favor of recommitment.

NAVY APPROPRIATIONS.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, reported the bill from the House of Representatives "making appropriations for the support of the Navy, for the year 1824," with amendments. On the motion of Mr. LLOYD, the bill was then taken into consideration, in Committee of the Whole, Mr. SMITH in the Chair.

The first amendment proposed by the Committee is to strike out all of the *specifications* of the various items of the contingent expenses in the Navy Department, and insert them in *gross*. It proposes, also, to raise the amount of that appropriation from \$180,000 to \$225,000. Mr. LLOYD, of Massachusetts, stated, that the object of this

amendment was, in the first place, to restore the bill to the same form that had always been adopted in the bills making similar appropriations—the contingent expenses of the Department having always been put down in gross. He said that \$225,000 was the sum originally reported in the House, for this item—and that it was the least possible amount with which the business of the Department could be conducted. This amendment was agreed to.

The second amendment provides for the purchase of a strip of land in the vicinity of the navy yard at Charlestown, Massachusetts. Mr. LLOYD stated that this strip of land was required to build a wall for the preservation of public property. The amendment was agreed to.

The next amendment is to strike out "20,000," as the amount "for ordnance, ordnance stores, small arms, and the manufacture of powder," and insert, in lieu thereof, the sum of \$1,000, together with the unexpended balance of the last year's appropriation for this object. This amendment was agreed to.

Mr. LOWRIE made an inquiry as to the estimates for the price of rations—which was answered by Mr. LLOYD and Mr. PARROTT.

The bill was then reported to the Senate, as amended—the several amendments were concurred in, and ordered to be engrossed—and the bill passed to a third reading.

The amendments were subsequently reported as being duly engrossed; and, on Mr. LLOYD's motion, the bill was read the third time, passed, and sent to the other House, for concurrence in the amendments.

MONDAY, April 5.

The PRESIDENT communicated a letter from the Governor of Pennsylvania, transmitting a resolution of the General Assembly of that State, approving the declaration of the President of the United States in favor of the cause of liberty in the Western Hemisphere. The letter and resolution were read, and laid on the table.

The PRESIDENT communicated a letter from A. B. Woodward, enclosing a memorial proposing a standard of measure for the United States; which was read, and the letter and memorial were referred to the Committee on Commerce and Manufactures.

Mr. McILVAINE presented the memorial of Thomas Beesley and others, of Cape May county, in New Jersey; and of Lewis M. Walker and others; severally praying an increase of the duties on imported iron. The memorials were read, and referred to the Committee on Commerce and Manufactures.

Mr. HAYNE presented the memorial of William D. Martin, in behalf of the inhabitants of the parish of St. Luke, in South Carolina, remonstrating against the passage of the bill pending in Congress, to increase the duties on imports; which was read, and referred to the Committee on Commerce and Manufactures.

The bill to provide for the extinguishment of 18th CON. 1st SESS.—16

the debt due to the United States by the purchasers of public lands, was read the third time, and passed.

The Senate proceeded to consider the report of the Committee on Naval Affairs on the petition of Thomas Johnston, and it was laid on the table.

The bill to change the terms of the circuit and district courts of the United States in the State of Ohio, and one of the terms of the circuit court in Kentucky, was read the third time, and passed.

The bill reported by the Judiciary Committee, "supplementary to the several acts for the release of persons imprisoned at the suit of the United States," was taken up for consideration in Committee of the Whole, Mr. RUGGLES in the Chair.

This bill provides for the relief of A. B. Matson, an insolvent debtor, imprisoned in the State of Pennsylvania, who is prevented from taking the oath necessary to his release by the absence of the district attorney for that district. The bill was reported to the Senate without amendment, and passed to be engrossed and read the third time.

A message from the House of Representatives informed the Senate that the House disagree to the amendments of the Senate to the bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1824;" they concur in the second of the said amendments, with an amendment; and they concur in the third of said amendments. They have passed a bill, entitled "An act authorizing the executors of John B. Mebane to collect certain arrears of tax;" in which amendment and bill they request the concurrence of the Senate.

IMPRISONMENT FOR DEBT.

The bill "to abolish imprisonment for debt," was then again taken up for consideration. Some further amendments were made in the details of the bill, at the suggestion of Mr. MILLS. Upon one of these amendments, which provides that the creditor shall have a right to hold his debtor to bail, without proof of fraud, when he is about to leave the State in which the debt is contracted, some cursory discussion took place between Messrs. VAN BUREN, MILLS, JOHNSON, of Kentucky, HAYNE, HOLMES, of Maine, TALBOT, and CHANDLER. It was then agreed to.

Mr. BARBOUR proposed a proviso, that no person should be required to give bail, except in the State in which he resides. Mr. MILLS and Mr. LLOYD, of Massachusetts, opposed this amendment, and Messrs. BARBOUR and SMITH supported it. It was not agreed to.

Mr. VAN BUREN proposed some amendments, which were adopted.

Mr. TALBOT proposed to amend the bill, by providing that no debtor shall be held to bail, except in the State where he resides, or the State in which the debt was contracted.

This provision was supported by Mr. JOHNSON, of Kentucky, (who called for the yeas and nays,) and by Messrs. TALBOT, and TAYLOR, of Virginia, and opposed by Mr. MILLS.

Mr. TALBOT then modified his amendment, by

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adding the words "unless the defendant shall have absconded from the State in which he resides, in order to evade the payment of his debts."

This amendment was carried—ayes 28, noes 11, as follows:

YEAS—Messrs. Barbour, Bell, Benton, Branch, Dickerson, Edwards, Findlay, Hayne, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, J. S. Johnston, King of Alabama, Knight, King of New York, Lowrie, Melvaine, Macon, Parrott, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Van Buren, and Williams.

NAYS—Messrs. Barton, Chandler, Clayton, D'Wolf, Eaton, Gaillard, Lloyd of Massachusetts, Mills, Noble, Van Dyke, and Ware.

Mr. CHANDLER moved an amendment to exempt the debtors to the United States from the provisions of the bill. This was not agreed to.

The amendment proposed by Mr. VAN DYKE, when the bill was before under consideration, to authorize the creditor to put interrogatories, and to make suggestions in relation to the case, and, if they are not satisfactorily answered by the defendant, the charges therein contained to be taken as facts, was then taken up.

Mr. VAN DYKE offered a few remarks in support of this proposition; it was also supported by Mr. VAN BUREN, and opposed by Messrs. JOHNSON of Kentucky, and TALBOT, and was then adopted by the Senate.

Mr. JOHNSON, of Kentucky, proposed a new section to the bill, extending its operation to the District of Columbia; which was agreed to.

Mr. VAN DYKE submitted a proviso, "that nothing, in the first section of this act contained, shall extend to suits in which the United States are a party." Mr. CHANDLER called for the yeas and nays on the adoption of this amendment. Some remarks were made upon it by Messrs. VAN DYKE, HAYNE, NOBLE, BARBOUR, JOHNSON of Kentucky, and MACON. Mr. HOLMES, of Maine, moved to amend the amendment by adding to it the words, "against any contractor, or receiver or disburser of public moneys." Mr. HOLMES, and Mr. JOHNSON of Kentucky, advocated this amendment, and Mr. VAN DYKE opposed it. These amendments were both withdrawn, and a substitute proposed by Mr. VAN DYKE, as follows: "that nothing in the first section of this bill shall extend to any suit brought to recover moneys received by the defendant, on account of the United States." This was agreed to.

The bill was then ordered to be printed, as amended; and, without taking the question on its third reading, the Senate adjourned till tomorrow.

TUESDAY, April 6.

Mr. BENTON presented the petition of Alexander McNair, praying compensation for services rendered as a paymaster; reimbursement of interest paid by him on money for the use of Government; remuneration for the loss of a house destroyed by fire, whilst occupied by the United States troops, during the late war; and an equita-

ble settlement of his accounts. The petition was read, and referred to the Committee of Claims.

Mr. FINDLAY presented the petition of Henry Miller, praying to be compensated for military services rendered during the Revolutionary war; which was read, and referred to the Committee of Claims.

The bill from the House of Representatives, entitled "An act authorizing the executors of John B. Mebane to collect certain arrears of tax," was twice read, by unanimous consent, and referred to the Committee on Finance.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act for the relief of Barbara Paulas," reported it without amendment.

The bill supplementary to the act, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt,'" was read the third time, and passed.

NAVY APPROPRIATIONS.

The bill "making appropriations for the naval service of the United States, for the year 1824," was again taken up for the purpose of considering the amendments made thereto in the Senate, and which were not concurred in by the House.

Mr. LLOYD, of Massachusetts, moved that the Senate should concur in the amendment proposed by the House, requiring the consent of the Commonwealth of Massachusetts to the purchase of a strip of land adjacent to the navy yard at Charlestown, in that State. This motion was carried.

Mr. LLOYD then moved that the Senate should insist upon its amendment, by which the several specifications of the contingent expenses of the Navy Department, as contained in the bill that came from the House, were stricken out, and the sum inserted in gross; and by which, also, the same item was increased from \$180,000 to \$225,000. After some remarks on this subject by Messrs. LLOYD, LOWRIE, BARBOUR, and SMITH, the motion prevailed, and the Senate determined to insist upon this amendment.

IMPRISONMENT FOR DEBT.

The unfinished business of yesterday being the bill "to abolish imprisonment for debt," was resumed; Mr. RUGGLES in the chair. The question was, upon passing the bill to be engrossed and read the third time.

Mr. HAYNE said, that it was impossible to listen with indifference to the eloquent appeals which had been made to the feelings of the Senate, by the honorable gentlemen from Kentucky and Virginia, (Mr. R. M. JOHNSON and Mr. BARBOUR,) appeals which must always have a powerful influence, when they came recommended by the virtues of those by whom they were urged. The pictures of distress which the gentlemen had drawn, could not fail to command our sympathy, and, if the decision of the question depended on feeling merely, that decision would be easily made. But, said Mr. H., I consider this a grave and sober question of judicial policy, in the discussion of which it will be necessary to look to established

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principles and usages, and which can only be wisely decided by a careful examination of the tendency and probable effect of the measure proposed. This measure is entitled "A bill to abolish imprisonment for debt," and those who shall not look beyond the title, will, of course, conclude that it proposes to "open the prison doors" throughout the whole extent of this great Republic; and that "the voice of the oppressor" is to be no more heard in our land. Such, however, is by no means its true character. The operation of the bill is to be confined, exclusively, to the courts of the United States; its provisions will apply to a very inconsiderable number of the debtors, scattered through the country; and the remedy provided, is one which will afford no substantial relief to the distresses of the unfortunate. The manner in which the question had been discussed, had brought to his mind a truth, (confirmed by the whole course of his reading and experience,) that much of the difference of opinion which exists in the world, arises from the want of agreement as to the meaning of terms or of propositions. The gentleman from Virginia states his proposition in these words: "Is it right to punish, by imprisonment, the honest but insolvent debtor?" And, to this question, all his observations had been strictly confined. I have no hesitation, said Mr. H., in giving my full assent to all the arguments of that gentleman; with him, I answer the question in the negative; and, in that answer, I am confident every member of the Senate will concur. Indeed, it may be doubted whether creditors themselves (hard-hearted as they are all supposed to be) would hesitate a moment in consenting to the release of debtors whose honesty and insolvency should be ascertained. A solitary "monster in human shape" may occasionally be found, who would "feast upon the groans and tears of the wretched;" but, for the honor of humanity, such cases are so rare, that we may safely affirm that creditors, as a class, would as zealously contend against the punishment, by imprisonment, of the honest and insolvent debtor, as the gentleman from Virginia himself. The professed object of this bill, said Mr. H., is, to abolish, entirely, legal process against the person of the debtor; to discard what are commonly called bail writs, and executions against the body; and gentlemen argue as if these writs were devised and intended merely as a punishment of what they are pleased to call "the crimes of being in debt and being unfortunate." Now, these writs, said Mr. H., are merely the means provided by the law to compel debtors to pay their just debts; they are the remedies by which a creditor is enabled to enforce his rights. They were intended to apply, not to the honest and unfortunate, but to the dishonest and the solvent; and, if the remedies intended for the latter are occasionally applied to the former, it is only because it is found impossible, in some cases, to distinguish between them, and because human affairs can only be regulated by a system of general rules. Whatever may be said of the origin of the writ of *capias ad satisfaciendum*, or the theory on which it rests, it is certain that in modern times, and certainly in the happy land in which our lot

has been cast, that process is, in practice, nothing more than the means of compelling a debtor to pay his debts—a debtor who, having the ability, is unwilling to comply with his obligations. We have heard of a question being agitated in other countries, as to the right of a creditor to the body of his debtor, and of a formal negotiation, by the family of a deceased debtor, for the purchase of the corpse, in order to honor it by the rites of a "Christian burial." But, who ever heard of such a question being made in America? What lawyer can doubt that our courts would hold such claims, on the part of a creditor, as contrary to humanity and common decency; as inconsistent with our institutions, and, therefore, against the law of the land? It is true, we have lately been shocked by an idle and shameful report of the arrest of a dead body, in one of the most moral, enlightened, and polished cities of this Union; but that report is known to be a mere fabrication. There never yet has been, and there never can be, said Mr. H., claims of such a nature set up in this country. If the gentlemen on the other side, however, seriously believe that evils may hereafter arise from the theory of the common law; that the body of a citizen may be taken "in satisfaction of a debt," and they will confine their remedies to the destruction of that theory merely; if they feel disposed to make the process against the body, in law, what it is now, in fact, a mere remedial process for the enforcement of debts, I shall not, said Mr. H., be disposed to object.

Imprisonment for debt (or as the gentlemen express it, "as a penalty for debt") is almost unknown in the United States; there is not a State in the Union which has not provided by law for the release of debtors from imprisonment; and in respect to the courts of the United States, a similar provision has been made. It is true, that the regulations on this subject are incomplete and in some respects oppressive, and it is certainly very desirable that some mild and efficacious system should be provided, to be uniform throughout the United States, which, protecting alike the just rights of creditors and debtors, should be consistent with the claims of justice and humanity. It is sufficient, however, said Mr. H., for my present purpose, to say that the existing laws do substantially provide (and if they do not I am willing that they shall be so amended as to provide) that a debtor shall only be imprisoned for the purpose of compelling him to surrender his property. If the theory that the body of a debtor may be taken "in satisfaction of a debt" has not already been, I am willing that it shall be, exploded, as inconsistent with the refined sentiments, and the moral sense of the enlightened age in which we live.

As the gentleman and myself agree thus far in principle, it may be well to ascertain, before I proceed further, in what we differ, as well as the nature and extent of that difference. The gentlemen propose to abolish all process against the body of the debtor, and to keep his person free from arrest until fraud shall be established. According to this plan, they propose that bail writs shall not be used except where a debtor is known

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to be about to abscond; and that executions against the body shall be confined to cases of fraud and concealment first legally proved. I contend, on the contrary, that these writs are remedies essential to creditors, who ought to be permitted to use them as means, though as means only, for the purpose of attaining the end, viz., the satisfaction in money of their just demands. The gentleman would not permit the body to be touched at all till fraud be proved, whilst the law, on the contrary, authorizes the arrest and detention of the person until the debt be paid or the property of the debtor be given up. The honorable gentleman from Kentucky has *in limine* laid down a position from which I am compelled to dissent. He denies the right of society to deprive a man of his liberty even for an hour, except it be as a punishment for a crime, and from this position he draws the conclusion that, as debt is not a crime, society has no right to imprison a man on account of a debt. Now, said Mr. H., I submit that the gentleman has mistaken the source from whence the right to deprive a citizen of his liberty or property is derived. Penalties are never imposed merely as a punishment to the criminal, it is reserved to the great Creator to apportion, by an unerring standard, the just measure of punishment for crimes of every grade. But society imposes penalties for the sake of example, and in order to promote the welfare of mankind. The right being derived from this source, it follows that it is only limited by the demands of justice and expediency. Whatever the general welfare of the community imperiously demands, must be done; and, if the safety and happiness of society should require the exercise of restraints in certain cases on personal liberty, such restraints become lawful. I admit, said Mr. H., that this is a right which society is bound to exercise with great caution, and with a due regard to the value of liberty. But the very elements of society would be destroyed, and all social order subverted, if this right did not exist. If it were true that the criminal only could be lawfully imprisoned, how does society derive the right to deprive a man of his liberty who is merely accused of a crime, and who (according to the humane principles of our law) is presumed to be innocent? In every country on earth a witness essential to a prosecution, if he cannot give security to appear, is put into prison until his testimony is given in open court; and Mr. H., would ask the gentleman by what right that was done? Mr. H. recollected a very strong case of this kind. In the city in which he resides, a murder was committed in the presence of an English sailor; and without his testimony the perpetrator of the crime could not be brought to justice. He gave information to a magistrate, but at the same time declared that he could not wait to testify in court, as he had a family at home who depended on his daily labor for support. The magistrate was compelled to commit the witness (most surely an innocent and meritorious man) to the common jail, where he remained for several months; and by this harsh, though necessary proceeding, a murderer was brought to justice. The right of society to de-

prive this innocent man of his liberty was derived from their obligation to provide for the welfare of the community. From the same source is derived the right to imprison men accused of crimes, (though many of them must of necessity be innocent,) and of imprisoning debtors, many of whom are also innocent, until, by a proper investigation, their true character can be made to appear. The right, therefore, in all such cases, depends on the necessity of the measure, and I admit that such a right cannot be claimed, and ought not to be exercised, except in subserviency to the great interests of the society.

It is manifest, therefore, that the propriety of abolishing the legal process against the body of debtors depends altogether on the utility of that process. If it be the necessary and only appropriate means for the collection of debts—if its abolition would destroy the rights and render nugatory the remedies of creditors—if the obligation of contracts would thereby be impaired, it would follow that such process ought not to be dispensed with. Such a measure would seriously affect the welfare of the community, by destroying credit and impairing those habits of industry and probity on which that welfare must depend. But the gentleman from Virginia asks, emphatically, “whether we would punish by imprisonment the honest, but unfortunate and insolvent debtor?” I answer, by putting another question, “would he exempt from imprisonment the solvent and dishonest debtor?” The whole difficulty, said Mr. H., arises from the imperfection of all human institutions. It belongs only to the great Creator to survey, at a glance, the complicated transactions of men—to know their actual condition—to look into their hearts—to scan their motives; and to determine, with unerring wisdom, the true situation and character of every individual of the great human family. But frail, short-sighted mortals are compelled to judge from appearances; they must be satisfied with circumstantial testimony, and can only approximate the truth by laborious and careful investigations. Hence, it becomes absolutely necessary to provide general rules for the regulation of human affairs, and by those rules we are compelled to abide, though we must be aware that injustice may occasionally result from their operation.

I will endeavor, said Mr. HAYNE, in the examination of this subject, to prove that it is inexpedient and unjust to abolish the process against the body, limited and restrained, as I admit such process ought to be, to the single object of compelling a debtor to pay his debts or to surrender his estate. When a debt is established by a judicial decision, the creditor, it will be admitted, is entitled to payment, and indeed the judgment of the court, in all such cases, is, that the debtor shall be compelled to pay. But by what means is such a judgment to be enforced? If property was always visible and tangible there would exist no difficulty. Lands could be seized and sold, and the debt be thus satisfied. But, in modern times, a large portion of the wealth of society consists of stock, of bonds, notes, bills, exchange, and of that

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species of property called choses in action, which are not liable to be sold under an execution. Some idea may be formed of the immense quantity of this species of personal property, by reflecting on the amount of public stock alone, which exists at this day in the principal nations of Christian Europe. Great Britain has issued stock, which is held by individuals to the amount of eight hundred millions of pounds sterling; France to the amount of upwards of one hundred and eighty millions; Holland one hundred and fifty millions, and Spain one hundred and thirty millions. The United States has issued upwards of twenty millions sterling, which remains unredeemed.

Now, sir, when we add to this the immense amount of bank and insurance stocks—the stock of incorporated companies—the astonishing amount of bills, bonds, notes, and debts, (which, in every country, form such a large proportion of its commercial capital,) when, in short, we find that there is scarcely a particle of visible property, which is not represented by an equal amount of invisible property, and that the former is at all times convertible into the latter, is it not manifest that any system for the collection of debts must be wholly inadequate, which shall not provide efficient means for compelling debtors to apply the whole of their personal property to the discharge of their debts? The law provides two remedies, both admirably adapted to this object. The first is an execution against the goods, (*a fieri facias*), by which the visible and tangible property may be seized and sold; the second, an execution against the body, (*a capias ad satisfaciendum*), by which the debtor may be imprisoned until he shall apply his personal estate to the discharge of his debts. Now, if the latter process should be abolished, it is obvious that creditors will be left entirely at the mercy of their debtors. The extent of the evil which this system would introduce may be understood, when it is considered, that the great mass of debtors are those whose estates consist of that species of personal property on which no levy can be made. The land-holders compose but a small portion of the great class of debtors; it is the capitalist, the trader, the holder of stock and choses in action, who engages most largely in those speculations which produce debts. To exempt their property from liability, would be to give a vital stab to commercial credit and prosperity.

I will be told, however, said Mr. H., that the bill before us contains a provision by which an execution against the body may be issued, when it shall be ascertained, by a judicial investigation, that a debtor has property not liable to seizure; and this brings me, said Mr. H., to an examination of the particular provisions of this bill.

The fourth section of the bill provides, that on a judgment or decree being obtained either at law or in equity, *a fieri facias*, or other process, against the property, may be taken out, but the creditor is deprived of the privilege of issuing any process against the body. Now, by the practical operation of this provision, a wide distinction is made

between real and personal estate—I mean that species of personal estate which is not tangible, and which (by the laws of England, as well as most of the States of this Union,) is not liable to be levied on and sold under an execution. According to this provision of the bill, a judgment may be enforced by the sale of land the moment it is obtained; but, as personal property cannot be levied on, the owner of such property is on a better footing than the owner of land.

Let us look, said Mr. H., a little closer into this fourth section. It provides that when a judgment is obtained, if the debtor's estate shall consist of personal property, which cannot be levied on, the creditor shall be obliged to file a suggestion on oath, setting forth that the debtor keeps his property so invested; on which suggestion he is entitled to take out a new writ, here called a “writ of discovery,” but which is to be nothing more than a process commanding the debtor to appear at the next court, (to meet perhaps six months or a year afterwards,) and to answer the charge. What charge? Why, that the estate of the debtor consists of personal property. If the debtor should give security to appear to this writ of discovery, and should actually appear at the next court, then an issue is to be made up to try the fact, viz: whether his estate be invested in personal property or not. This issue may or may not be connected with the charge of fraud, and in either case it is, to all intents and purposes, a new suit, subject to all the expense and delay of the original proceeding. In obtaining a judgment, the wise jealousy of the law requires the observance of certain forms, which necessarily creates delay, and thus it is often the business of years to obtain a judgment. Yet by this bill, if the debtor's estate consists of personal, instead of real property, a second suit is to be commenced, as tedious and expensive as the first; and thus a most unwise distinction is made between real and personal estate, and the grossest injustice is done to creditors.

But, said Mr. H., I will further undertake to prove, that, according to the provisions of this bill, debtors who possess personal property cannot be compelled to pay their debts at all, provided two or more of them combine, for the purpose of putting their creditors at defiance. I have purposely delayed my remarks, said Mr. H., until all the amendments proposed to the bill had been disposed of, so that I must now take it for granted, that the friends of the bill have moulded it to their wishes, and given it the form in which they intend that it shall pass. Now, I will demonstrate, that, in the case of two debtors, the one possessed of real, and the other of personal estate—the former can be compelled to pay as soon as a judgment is obtained, while the latter may put his creditors forever at defiance. A is the owner of real estate—a judgment is obtained against him—a *fi fieri facias* is taken out—his lands are seized and sold, and the debt is immediately collected. B is the owner of stock or bonds, (to the amount, if you please, of \$100,000;) property not concealed, but the possession of which he openly

acknowledges. Judgment is obtained against B, but how is it to be enforced, the stock and bonds not being liable to an execution, and the body being exempt from arrest? Why, according to this bill, a "writ of discovery" is taken out. To this writ, B is to give bail, and when, in the regular and tedious course of legal proceedings, the issue made up on that writ is called for trial, B may fail to appear; and what is to be the consequence? Does his person thereby become liable to arrest? No. But strange indeed! by reason of his default, his estate, as well as his person, become entirely and forever exonerated from all further liability; the creditor loses his remedy against B, and acquires only a right of action against C, the bail of B. The creditor now having passed through the ordeal of two suits at law, and encountered all the vexation and expense incident to legal proceedings, finds himself precisely in the situation in which he was before he commenced those proceedings. He has acquired nothing more than a right of action against the bail of B. But, unfortunately, the same forms are to be observed in his proceedings against C. His person and his personal-estate are, in like manner, free from arrest; and, after resorting to actions, affidavits, writs of discovery, issues, and so forth, the unfortunate creditor may recover nothing more than another right of action against D, the bail of C; and so on *ad infinitum*. Thus is one debt to be discharged by another; one right of action to be satisfied by another right of action; and the creditor who unfortunately resorts to a law suit to recover a debt, is to be paid by another law suit. I humbly conceive, said Mr. H., that this will be the most unsubstantial mode of payment that ever was devised. A creditor would be better off who should be compelled to receive in payment the wretched trash which exists in some part of the country, and is dignified by the name of "paper money." It would be better to receive the "bills of credit" issued during the war of the Revolution; for, at the period of their lowest depreciation, \$1,000 could procure a bushel of salt.

But, said Mr. H., if this clause of the bill were not liable to be thus evaded, I should still object to it, on the ground that it renders a second suit necessary, before personal property can be touched; because it thus makes a most injurious and unjust distinction between real and personal estate; and because it opens a wide door to fraud, by permitting and tempting debtors, while a suit is pending, to change their property from real to personal. Now, said Mr. H., the principle on which this bill is founded, is radically unsound. Your remedies ought to be directed to the speedy release of the debtor, after arrest, and not to the destruction of the process of the law. Your remedies should be more extensive, and more effectual, than that provided by this bill, and should really and truly yield that relief to the honest and unfortunate debtor, which this bill promises, but does not afford.

As you cannot, without previous investigation, ascertain whether a debtor is unable, or only unwilling, to pay; and, as there are no means of

touching a large portion of the personal estate of modern times, by any legal process whatever, it appears to my mind, said Mr. H., neither unreasonable nor unjust, to require of a debtor, before his person shall be released from the claims of his creditor, to render, on oath, a schedule of his property, and to make an assignment thereof, for the benefit of his creditors. If a debtor will not do this, he ought to be imprisoned. Nor is it an extravagant presumption, nor one which ought not to be, *prima facie*, indulged, that a man who contracts a debt, is able to pay. It seems to follow that he ought not to be released until his inability is made to appear; or, at least, until he makes a disclosure, on oath, and a surrender of his property. Should he possess no property, a declaration on oath, to that effect, ought to be deemed sufficient, provided suitable penalties were imposed on taking a false oath in such cases.

The gentlemen on the other side have, at every stage of this discussion, recurred to the situation of the "unfortunate debtor." They have made the most touching and passionate appeals to our feelings, and in the spirit of the author of the "Sentimental Journey," have taken "a single captive, and having first shut him up in his dungeon, have looked through the twilight of his grated door, to take his picture"—a picture to which they have added deeper shades, by the introduction of his lovely wife and innocent children, sharing in his captivity. Sir, said Mr. H., I have not listened to these appeals without emotion. It is, indeed, impossible to behold with coldness or indifference the manly bosom of my friend from Kentucky, (Mr. R. M. JOHNSON,) *that bosom* which has been bared to the swords of the enemies of his country, and been stained with patriotic blood, now "overflowing with the milk of human kindness." And it is with kindred emotions I have found the lofty sentiments and generous feelings of the honorable gentleman from Virginia enlisted in the cause of suffering humanity. I know—indeed, sir, I *feel* most sensibly—that my friends have the popular side of this question. To them all the fields of eloquence are open, and they have not failed to cull the choicest flowers.

I know, sir, that the sympathies of the people have been excited in behalf of debtors. But, though I am not disposed to object to the indulgence of such sympathies, I would remark that they certainly ought to be chastened and qualified by the consideration that, whenever a debtor is protected in his refusal to pay his debts, he is left in possession of the property of another. How are debts in general contracted? A man borrows money, purchases property, or obtains the personal services of another, for which he becomes not only legally, but morally, bound to pay. It is true he may be overtaken by misfortune; he may be touched by the hand of the Almighty; the very elements may conspire against him; and, by these means, his inability to comply with his contracts may be produced. But, in how many instances do debtors go on in a course of heedless conduct, and extravagant living, and, with their eyes open, waste the property of another, well

knowing that when the day of payment shall arrive, they will be found wanting. In the dark catalogue of human woes, Mr. H. said, he would venture to assert that a large portion of misery presented to our view, would be found to result from the fraudulent conduct of debtors. The refusal of debtors to pay their just debts—the fraudulent concealment, or careless dissipation of their effects, had brought innumerable creditors to ruin and despair. Many a father of a family had been thus reduced to poverty, and found himself unable to supply his wife and children with the necessities of life. Many a widow has been brought to abject penury. Many an orphan had been robbed of the "food convenient" both for the body and the mind. But such cases excite no commiseration—they are unobtrusive sorrows.

On the ground merely of feeling and sympathy, (putting justice and expediency out of the question,) Mr. H. was therefore disposed to doubt, whether debtors, as a class, were more entitled to sympathy and protection than creditors. But, said Mr. H., on principles of enlarged philanthropy, and of public policy, he was fully convinced that the welfare of mankind did require that an honest and insolvent debtor should be relieved, not only from continued imprisonment, but, under certain circumstances, even from future liability. By whatever means (except fraud) a man may have become actually insolvent, the interests of society seemed to demand that his future exertions should not be wholly lost. A man worn down by the accumulated weight of debts which he can never hope to satisfy, left subject to the daily assaults of creditors, all struggling to extort the last farthing of his daily earnings, must be borne down to the earth by the calamities of his situation, and will be found incapable of becoming a useful or honorable member of society. Such a man, being deprived of the stimulus of hope, and left wholly under the influence of his fears, will have his exertions paralyzed, and his bosom will be the seat of hopeless despair. I would be disposed, said Mr. H., to relieve such a man—to rescue him from his abject condition, and make him useful, if not happy. I would make him free, give a new impulse to his industry, and, without doing any essential injury to creditors, render an immense service to the community. But here the gentlemen sound the alarm, that I am advocating a bankrupt law. Names, said Mr. H., are not things. Call it what you may, the system I am disposed to advocate is this: I would subject the person of a debtor to arrest, under an execution against the body—not as a punishment—not in satisfaction of the debt—but as the only effectual means of obtaining from him his property. But as soon as this object was accomplished, that is to say, the moment a surrender of his property to his creditor was made, or a declaration on oath was given that he possessed no property, I would release his person from imprisonment, subject only to the penalties which might follow the conviction of having taken a false oath. So far my plan embraces the principles only of an insolvent law. But, said Mr. H., I would be disposed to go one

step further, and provide, that a debtor who had not wasted his substance, but who, as soon as he had discovered his situation, and became sensible of his failing circumstances, had come forward, and rendered equal justice to all of his creditors, by the full and free surrender of the remnant of his estate, should be released from further liability. In other words, said Mr. H., I would provide a mild and judicious bankrupt law, so qualified and guarded as to prevent fraud, avoid all oppression, secure the just rights of creditors, and extend effectual relief to all honest debtors. I would have a system so modified, as to embrace within its provisions every class in the community, and to extend to each that relief most appropriate to their respective situations—a system of bankruptcy which might be made compulsory on traders in certain situations, and might be voluntarily embraced by all others.

Now, I will freely acknowledge, said Mr. H., that my strongest objection to this bill arises from its total inefficacy, and its being calculated to postpone, and perhaps prevent the adoption of the only effectual and adequate remedy—a mild and uniform system of bankruptcy. Sir, said Mr. H., gentlemen have submitted some appalling statements of the number of insolvent debtors who have been imprisoned in the United States. They have stated that, in one of our commercial cities, there has been, on an average, upwards of one thousand persons imprisoned for debt in a year, and they calculate that between fifteen and twenty thousand debtors have been annually imprisoned in the United States. Now, taking these statements to be correct, they seem to prove, conclusively, that this bill ought not to pass. It is not the proper remedy, because it is not co-extensive with the evil. In the city alluded to, in which it is stated that a thousand debtors have been imprisoned in a year, it has been proved, by documents produced before the Senate, that only a solitary individual was confined under a process issued from the United States courts, and by the same ratio fifteen or twenty persons only could have been so imprisoned out of the twenty thousand debtors. Of these twenty, a majority were probably confined on debts due to the Government, to which the provisions of this bill were not intended to apply—so that of this immense mass of debtors, (all of whom the gentlemen consider to be honest and insolvent,) ten or twelve only could obtain relief from this bill, and the whole of the remainder would be left to suffer, under all the evils which the gentlemen have so forcibly depicted.

Now, said Mr. H., if the accounts we have had be not greatly exaggerated—if these persons be entitled to relief—it is our solemn duty to provide an effectual relief. But, to pass this bill, confined as it is entirely to the courts of the United States—and even in those courts limited to a particular class of debtors—and to call this "abolishing imprisonment for debt," is little else than solemn mockery. The people are asking for bread, and we give them a stone.

Sir, said Mr. H. we have had numerous petitions praying for an uniform bankrupt or insolvent

law: we have not had one, asking for the relief the bill proposes to extend. The Constitution has given to us, for wise and humane purposes, the power of providing a uniform system of relief to all honest debtors; a system to pervade the whole country—to embrace all classes and conditions of men—to apply to all of the courts, as well of the States as of the Union; and, instead of acting paternally on this great authority, for the maintenance of credit, the relief of distress, and the establishment of justice, we are about to do—what? Why, to adopt a wretched system of temporary, partial, and ineffectual relief to a few solitary cases; cases picked out of the mass of unfortunate debtors—and we are about to do this, by means calculated to destroy credit, favor fraud, and impair the character of our courts and of the people. For such a system, (call it by what popular name you please,) he would never give his vote.

But we are told, said Mr. H., that a bankrupt law, however just and necessary, cannot pass. This, Mr. H. was convinced, was a mistake. It may be true, that such a system as that of England, or such a plan as that introduced into the House of Representatives last year, may not pass, and Mr. H. was not prepared to advocate either of them. But, that a mild and judicious, though effectual system would meet the approbation of the Senate, distinctly appears from the declarations of the gentlemen, made in debate on this floor. Mr. H. was willing to adopt the sentiments of Lord Coke, which the gentleman from Virginia had quoted with approbation, "that, although measures, right in themselves, often failed in the beginning, they invariably prevailed in the end." Mr. H. said there was one view of the subject which made it his duty earnestly to press this matter on the consideration of the House. Hitherto, every State in the Union had provided some system of insolvency, by which debtors were released from imprisonment, and the rights of creditors were intended to be protected. These laws were, it is true, very contradictory and various, and certainly were not, in general, founded on the wisest and most judicious principle. But, in the absence of a uniform system of bankruptcy, these laws were essential for the prevention of the greatest injustice, and the most extensive and accumulated misery. But, the Supreme Court of the United States had, in the case of *Sturges and Crowninshield*, made a decision, the effect of which, it was supposed, would be to render void the State insolvent laws, and thus the mass of debtors throughout the Union will be thrown upon the United States, from whom alone they can obtain relief. They are every where, said Mr. H., looking up to us for relief. Can we, under these circumstances, refuse to exercise a power pressed upon us by so many and such powerful considerations? He hoped not. But, said Mr. H., if gentlemen cannot or will not provide this effectual remedy, he would ask, where is the necessity of passing this bill? Why should the processes in the courts of the United States be rendered different from those which prevail in the States respectively? The laws of the States were, in general, and ought to

be, the laws of the courts of the United States. He thought that it would be wise that each State should be left to regulate the *mesme* as well as final process to which its citizens should be subjected. In regulating the courts of the United States by a rule different from that which prevails in the courts of the respective States, evils may be introduced, of the extent of which no gentleman here can be fully aware. The decision of the Supreme Court of the United States, before alluded to, calls upon us, with the imperative voice of duty, justice, and humanity, to exert our power to remedy these evils. But where is the necessity of regulating the process in the courts of the United States? Make them, in all cases, similar to those used in the State courts, and then each State will be able to use, or not to use, the bail writs, and executions against the body, as the convenience and welfare of their own citizens may require.

There is another view of this subject, entitled to some weight. In one or more of the States, it appears (from the statements of gentlemen) that land cannot be sold under execution, except for two-thirds of its appraised value; and we are gravely told that, under existing circumstances, it never brings that amount. Then, it follows, that, under this bill, the owner of real estate, in some parts of the Union, is to be wholly exonerated from his debts. If you could take his body, you might, by that means compel him to sell his lands, and pay his debts. But here, as his lands cannot be sold, and his body cannot be taken, he may live in splendor while his creditor (from whom, perhaps, he procured the very property he retains) is starving.

On the first section of this bill, which confines bail writs to certain specified cases, Mr. H. said he was not disposed to enter into any argument. If the views he had endeavored to inculcate were in any degree correct, it would follow that bail writs ought not to be abolished, but some provision should be made by which a debtor should be permitted either to give bail, or be entitled to his discharge on the surrender of his property. Mr. H. believed that bail writs not unfrequently enabled creditors to arrest their debtors in a course of heedless extravagance, and by these means to secure a portion of their debts; but he feared that, under this bill, creditors might behold the substance of their debtors wasting away during the years which are often consumed in a law suit, with the very comfortable prospect of obtaining, in the end, a judgment which could be levied neither on the person nor the property of the debtor, and which could not be rendered operative until every particle of property had been dissipated.

I confess, said Mr. H., I have strong objections to all the provisions of this bill, which relate to the *Government*; and which create what appeared to his mind to be a very unjust distinction between the *Government* and individuals. Apprehending that some of the provisions of the bill might operate injuriously on suitors, you exempt the United States from them. The body of a debtor may be taken by a *capias*, at the suit of the United States, but not at the suit of a citizen. Now, if on prin-

ciple, and as a matter of justice, and of right, "every debtor must be considered honest and insolvent, until the contrary shall be proved;"—if, as gentlemen insist, "society has no right to imprison such a man," how do gentlemen reconcile this exception with their own principles? And if the apprehension of loss and injury to the *Government*, makes it necessary or prudent to except from the operation of the bill the suits brought by the United States, ought not the same principle to extend to suits brought by individuals? Can you, with any show of justice or consistency, refuse to extend a humane, wise, and safe rule to all suits whatsoever, and if the rule be unsafe, can you in honor and conscience make it obligatory on individuals? Can you with justice apply one rule to your own suits, and a different one to the suits of others? Sir, said Mr. H., the citizens of this country have a right to demand at your hands that you should make no unjust or injurious distinctions, and if you open your courts to them all, you are bound to apply to them the same rules, and afford them the same remedies, that are used by the *Government*. It is an odious practice, one borrowed from the monarchies of Europe, that *Governments*, when they go into a court of justice, should be placed on a better footing than individuals. It is a principle that is calculated to shake the confidence, and destroy the attachment of our citizens to their country, and if we wish that our institutions should be cherished in the affections of the people, we ought, with "even-handed justice," to extend equal protection and apply the same rules to all.

In every view, then, said Mr. H., which he could take of this bill, he was compelled to oppose it. He was willing, nay, most anxious, that some relief should be extended to honest and insolvent debtors, but he wished that relief to be founded on sound principles, to be salutary, efficient, and, above all, commensurate with the evil. He had indulged the hope that such a system as he was disposed to advocate would have been reported by the Judiciary Committee, to whom had been referred, early in the session, a number of petitions, (and among them, one which Mr. H. had the honor to present from the Chamber of Commerce of Charleston,) all praying for a uniform bankrupt or insolvent law. Such a law, said Mr. H., could only be digested, and its details be arranged, in a committee, and, in order to test the opinion of the Senate on the bill before them, as well as to ascertain whether they concurred in the views he had submitted, he would move that the bill "to abolish imprisonment for debt," be committed to the Judiciary Committee, with certain instructions, which he would now submit. The vote on committing the bill, he was willing to consider as a decision on its merits, and he would not call for a vote on his instructions, unless that decision should be against the bill. It would be perceived that the instructions were not intended to point out the particular provisions of any bill on this subject, but were so drawn as to embrace in the inquiry the whole subject of bankrupt and insolvent laws, both as to their constitutionality and

expediency; so that the committee, having a full view of the whole ground, might be able to digest such a plan as should be best adapted to the circumstances of the country, and best promote those wise and beneficent objects which we all have in view.

Mr. H. concluded, by moving that the bill be committed to the Committee on the Judiciary, with instructions to inquire into the expediency of providing by law for the release of all persons who may be arrested for debt, by virtue of any process issued from the State courts, or courts of the United States, when such persons shall render on oath a schedule of all their property and execute an assignment thereof for the benefit of their creditors; and that the committee do further inquire how far it may be expedient to provide by law for the release of such debtors from further liability, making, at the same time, suitable provision for the prevention and punishment of fraud and concealment.

When Mr. H. had concluded—

Mr. TAYLOR, of Virginia, spoke in answer to Mr. HAYNE, and in favor of the bill before the Senate; he was opposed to its commitment.

Mr. HOLMES, of Maine, made some remarks in relation to the connexion between the principles of this bill and a system of bankruptcy. He reviewed the course which had been pursued in relation to former bills to establish systems of bankruptcy. He thought Congress was hardly prepared, at this late period of the session, to go into the discussion of the various provisions of a bankrupt bill.

Mr. HAYNE replied to Mr. HOLMES.

Mr. TALBOT opposed the commitment of the bill, and advocated its passage to a third reading—not as the best system that could be adopted, but as better, for the relief of the unfortunate debtor, than the existing laws. He denied the power of Congress to pass insolvent laws.

Mr. VAN BUREN considered that the recommitment of the bill would be tantamount to its rejection, for the present session, at least. He went on to remark, briefly, upon the probable result of again committing the bill.

Mr. MACON spoke in favor of the passage of this bill, and commented upon the effects of imprisonment for debt, in relation to individuals, and to the community at large.

Mr. NOBLE moved the indefinite postponement of the whole subject. This motion was put, and decided in the negative—yeas 19, nays 20, as follows:

YEAS—Messrs. Barton, Bell, Chandler, Clayton, D'Wolf, Dickerson, Edwards, Gaillard, Hayne, King of New York, Knight, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Van Dyke, and Williams.

NAYS—Messrs. Barbour, Benton, Branch, Eaton, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, Lloyd of Massachusetts, Lowrie, Macon, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren.

Mr. FINDLAY supported the motion to recommit

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the bill, on the ground that it required amendment in its details.

The question on committing the bill, with the instructions proposed by Mr. HAYNE, was divided; and first taken on committing merely. This was carried in the affirmative—18 to 17.

On the question upon instructing the committee, as proposed by Mr. HAYNE, a few remarks were made by the mover, and Messrs. MILLS and VAN BUREN. The latter part of those instructions, which respects the inquiry into the expediency of releasing those debtors who make assignments of their property for the benefit of their creditors from further liability, was agreed to, and the other part was rejected.

WEDNESDAY, April 7.

On motion, by Mr. CHANDLER, the Committee on the Militia were discharged from the consideration of the memorial of the Society of Shakers in New York; and, on motion by Mr. MILLS, the said motion was ordered to lie on the table.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act providing for the appointment of an agent for the Osage Indians, west of the State of Missouri, and Territory of Arkansas; and for other purposes," in which they request the concurrence of the Senate.

DRAWBACK ON CORDAGE.

The bill "to allow drawback on the exportation of cordage, manufactured of foreign hemp," was taken up for consideration in Committee of the Whole.

Mr. D'WOLF made a few remarks on the subject, and Mr. LANMAN moved a new section to the bill, limiting its operation to the term of three years. This was agreed to.

Mr. TALBOT thought the bill ought to be postponed, until some decision should be had upon the Tariff bill, now before the other House. He moved the postponement of the bill to Monday next.

Mr. SMITH opposed the postponement, and advocated the bill, to which Mr. TALBOT replied. He opposed the allowance of drawback on cordage manufactured of foreign hemp, on the ground of its prejudicial operation upon the domestic growth of hemp.

Mr. RUGGLES spoke in favor of the bill. He denied the position that the drawback would operate against the hemp of our own growth—the drawback being already allowed on the exportation of the hemp, if not manufactured. He thought the industry and skill of our own citizens ought to be encouraged, by giving them the privilege of exporting this article, with the benefit of drawback, when it has received the additional value which their labor has given to it. He adverted, to the policy of England in regard to her drawback system, and he contended that this measure would give additional aid to our commercial and manufacturing interests, and place us, in foreign markets, on a footing with the English. He

spoke particularly of the advantages that would result to us, in our trade to South America, by the allowance of drawback on this article.

Mr. DICKERSON objected to any connexion between this bill and the tariff bill. He was opposed to the principles of the bill, and in favor of postponement.

Mr. LLOYD, of Massachusetts, thought the only consideration in favor of the postponement of this subject, was, its connexion with the tariff bill. It had been for a long while before the Senate; and the short time which remained for the transaction of the great mass of business before Congress, seemed to require, that it should be acted upon. He should, therefore, vote against postponement. He combatted the idea that the measure would injure our domestic growth of hemp. He thought it a narrow policy, indeed, to allow the drawback upon the imported raw material, and deny it upon the same article, when manufactured in our own country. He adverted to the beneficial effects which had resulted from the allowance of drawback upon other articles, and to the general advantages of the drawback system, which had been adopted as one of our principles of trade, from the very origin of our Government.

Mr. LOWRIE said, that he had found reason to change some of the opinions which induced him to vote against this bill, at the last session; but he still entertained some doubts on the subject, and his vote would now depend on the result of the tariff bill before the other House. He should be willing to vote for this bill, if it were so modified as to include hemp of domestic growth. He was not willing to do any thing to hurt the growth of this article, in our own country; as he thought its encouragement necessary to render us really independent of foreign nations. If the drawback, or bounty, were given on all cordage exported, without designation, it would tend to encourage the domestic growth of hemp. If the encouragement proposed in the bill now before the other House, were extended, he believed it would not be necessary to make such a provision in this bill, as that to which he had alluded. This he considered a very important bill. If the drawback were allowed on this article, he did not see why it should not also be allowed on iron, glass, and other articles. He was willing, however, to adopt the measure, in relation to cordage, provided the objection he had stated, could be removed. He was in favor of postponement.

Mr. D'WOLF again rose in support of the bill; briefly recapitulating, and referring to the reasons he had urged in favor of it, on its former discussion.

Mr. TALBOT spoke of the advantages possessed by the Western States for the growth of hemp—he believed that, with a reasonable degree of encouragement, six of the Western States would, in a short time, produce a sufficient quantity of this article to supply the consumption of the country. He avowed his perfect readiness to vote for this bill, if its friends were willing to extend its advantages as well to the domestic as to the foreign

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article; and intimated his willingness to withdraw his motion to postpone, and to move that the bill should be amended, by striking out from it the word "foreign," and thereby do away the distinction objected to.

Mr. EATON hoped that the gentleman would not withdraw his motion for postponement; and stated some reasons which induced him to wish that the bill might be postponed for the present. To this Mr. TALBOT assented; and the bill was postponed to Monday next.

INDIAN FUR TRADE.

The bill "to enable the President to carry into effect the treaty made at Ghent, the 24th December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States to American citizens," was again taken up for consideration; Mr. KNIGHT was called to the chair. The question was, upon an amendment offered by Mr. BARTON, proposing a new section as a substitute for the third section of the bill.

The proposed amendment provides that the office of Superintendent of Indian Affairs, at St. Louis, and the present Indian Agency, on the waters of the Upper Missouri, shall be abolished; and authorizes the President to appoint Indian Agents, to be stationed among the Indian tribes, on the waters of the Upper Missouri. It makes it the duty of the Superintendents and Agents of Indian Affairs to prevent all citizens of the United States from hunting and trapping, on any Indian lands, and to enforce the laws against all such persons as shall be guilty of those offences—for which purpose, these superintendents and agents are to be authorized to call upon the nearest military posts of the United States for aid.

Mr. BARTON explained the objects of the amendment he had proposed. Mr. BENTON opposed, at considerable length, the first part of the amendment, providing for the abolition of the offices therein specified; but was willing to adopt the latter part of it, and thus re-enact the provisions of an act for 1802.

Mr. LOWRIE moved to amend the amendment, by striking out that part which proposes to abolish the present Indian Agency on the Upper Missouri. This was agreed to.

Mr. BARTON replied to the remarks of Mr. BENTON, in relation to the proposed amendment.

Mr. BENTON again addressed the Senate, against the proposition to abolish the office of Superintendent of Indian Affairs, at St. Louis.

Without taking the question on the amendment, the Senate adjourned till to-morrow.

THURSDAY, April 8.

The President communicated a letter from the Treasurer of the United States, transmitting the general accounts from the 1st of July, 1822, to the 30th June, 1823; which was read, and referred to the Committee on Finance.

On motion of Mr. LLOYD, of Massachusetts, the

Committee on Naval Affairs was discharged from the further consideration of the petition of James Lloyd, of Indiana, who prays for a pension, in consequence of wounds received in the service of the United States, as a marine; and, on motion of Mr. NOBLE, the petitioner had leave to withdraw his papers.

On motion, by Mr. NOBLE, the Committee on Pensions were discharged from the consideration of the petition of Elkanah English, and of David Martin.

Mr. HAYNE presented the petition of John Bloomfield and others, aliens of the city of Charleston, in South Carolina, praying for such a modification of the alien laws, as will facilitate the naturalization of aliens; which was read, and referred to the Committee on the Judiciary.

The bill from the House of Representatives, entitled "An act providing for the appointment of an agent for the Osage Indians, west of the State of Missouri and Territory of Arkansas, and for other purposes," was read, and passed to a second reading.

A message from the House of Representatives informed the Senate that the House insist on their disagreement to the first amendment to the bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1824;" they agree to the conference asked by the Senate on the disagreeing votes of the two Houses, on said amendment, and have appointed managers at the same on their part.

IMPRISONMENT FOR DEBT.

Mr. JOHNSON, of Kentucky, rose to request some member who voted for the recommitment of the bill "to abolish imprisonment for debt," to do him the favor to move a reconsideration of that vote. His wish was to have a distinct vote taken on the bill. Such a vote would not affect the proposition contained in the instructions which were given to the committee, on the recommitment of the bill, at the instance of the honorable member from South Carolina. He did not wish to press the subject upon the Senate, but hoped that an opportunity would be given to him to record his vote in favor of the bill.

Mr. THOMAS, who had voted in favor of recommitment, moved, in order to meet the wishes of the gentleman from Kentucky, that the vote by which the bill was recommitted should be reconsidered.

Mr. HAYNE opposed the reconsideration of that vote. He said he had stated, when he made the motion to recommit the bill, that he wished no member, who was in favor of the final passage of the bill, would vote for its recommitment; and he considered that vote as distinctly expressing the sense of the Senate on that subject. Mr. H. proceeded to consider the principles of the bill, and said, he believed it altogether an inefficient remedy for the evils which were intended to be met by it. With this view, he had moved to instruct the committee, on the recommitment of the bill, to inquire into the expediency of instituting

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a general system of bankruptcy. He hoped the vote to recommit would not be reconsidered.

Mr. TAYLOR, of Virginia, spoke in favor of reconsideration; and proceeded to show why this bill ought to be passed, without reference to a bankrupt system.

Mr. LOWRIE had not considered the vote to recommit, as deciding against the eventual passage of the bill. But, as it was now avowed to have taken place with a view to get rid of the bill, and, as he did not like to have it thrown out of the Senate in that way, he should vote for its reconsideration.

Mr. MILLS was opposed to reconsideration. He considered the vote to commit, as a decision on the part of the Senate, that the bill, patched as it was with amendments, ought not to pass, in its present shape. He went on to make some further remarks against the bill itself, and against the reconsideration. He thought it ought not to be taken up again, in its present form, at the present session of Congress.

Some further discussion, involving the principles of the bill, took place—in which Messrs. MACON, HOLMES, of Maine, JOHNSON, of Kentucky, VAN BUREN, FINDLAY, LLOYD, of Massachusetts, CHANDLER, J. S. JOHNSTON, MILLS, TAYLOR, of Virginia, and NOBLE, engaged. The question was then taken on reconsidering the vote by which the bill was recommitted, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Benton, Branch, Chandler, Eaton, Findlay, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, J. S. Johnston, Kelly, King of Alabama, Lanman, Lowrie, McIlvaine, Macon, Ruggles, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren—23.

NAYS—Messrs. Barton, Bell, Clayton, D'Wolf, Edwards, Gaillard, Hayne, King of New York, Knight, Lloyd of Massachusetts, Mills, Noble, Parrott, Seymour, Van Dyke, Ware, and Williams—18.

The vote to recommit the bill having been thus reconsidered, the question again recurred upon recommitting it. That question was decided in the negative without division.

Mr. HAYNE then moved that the further consideration of the bill should be indefinitely postponed. He proceeded to show the objections which existed, in his mind, to the passage of this bill. He was perfectly willing to vote for a system which should relieve the honest debtor; and he believed such an one might be easily drawn, in which the rights of the creditor and the debtor might be preserved; but he believed this bill to be altogether inadequate to that effect.

Messrs. VAN BUREN, J. S. JOHNSTON, BRANCH, TALBOT, and JOHNSON, of Kentucky, addressed the Senate in favor of the bill, and Messrs. MILLS and HAYNE against it.

The question on postponing the bill indefinitely was then put, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barton, Bell, Clayton, D'Wolf, Dickerson, Edwards, Gaillard, Hayne, King of New York, Knight, Mills, Palmer, Parrott, Ruggles, Seymour, Van Dyke, Ware, and Williams—18.

NAYS—Messrs. Benton, Branch, Chandler, Eaton, Findlay, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, J. S. Johnston, Kelly, Lanman, Lowrie, McIlvaine, Macon, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren—21.

The Senate having thus refused to postpone the bill indefinitely, it came up again for consideration. Some amendments, in its details, were proposed by Messrs. EATON, HOLMES of Maine, TALBOT, and VAN DYKE, and were agreed to. The question was then taken, on passing the bill to be engrossed and read the third time, and was carried in the affirmative.

FRIDAY, April 9.

On motion, by Mr. SEYMOUR, the Committee on the Judiciary were discharged from the consideration of the petition of James Thomas, and the petitioner had leave to withdraw his petition and papers.

On motion, by Mr. KING, of New York, a member was appointed on the Committee on Indian Affairs, in place of Mr. EDWARDS, of Illinois, (appointed Minister to Mexico;) and Mr. HAYNE was appointed.

The bill, entitled "An act providing for the appointment of an Indian agent for the Osage Indians, west of the State of Missouri and Territory of Arkansas, and for other purposes," was read the second time, and referred to the Committee on Indian Affairs.

IMPRISONMENT FOR DEBT.

The bill "to abolish imprisonment for debt," was read the third time. Objections were then made to certain parts of the bill, by Messrs. LANMAN, MILLS, VAN DYKE, and HAYNE—which were replied to by Messrs. TALBOT, VAN BUREN, and JOHNSON, of Kentucky. One or two immaterial amendments were made, by general consent. An amendment proposed by Mr. JOHNSON of Kentucky, was objected to by Mr. HAYNE—and one submitted by Mr. VAN BUREN, was objected to by Mr. LOWRIE; they could not, therefore, be received; as no amendment can be considered, after the third reading of a bill, except by general consent.

The question was then taken, on the final passage of the bill, and carried in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Benton, Branch, Eaton, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, and Williams—24.

NAYS—Messrs. Barton, Bell, Chandler, Clayton, D'Wolf, Dickerson, Edwards, Gaillard, Hayne, King of New York, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Van Dyke, and Ware—19.

So the bill passed the Senate.

The usual question on the title being put, Mr. MILLS moved that it be stricken out. He thought the provisions of the bill did not concur with its title—and that it was holding out an appearance

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of a general abolition of imprisonment for debt, when such a thing was not to be effected by the bill. He proposed to substitute the following: "A bill to regulate the processes of the courts of the United States, in certain cases." This was objected to by Messrs. JOHNSON, of Kentucky, TALBOT, and HOLMES, of Maine. It was contended, by the friends of the bill, that they ought, at least, to have the privilege of naming their own child—that there could be no harm in leading the people to the sweet belief, for a few weeks, at least, that imprisonment for debt was to be abolished—and that, as so many amendments had been made in the bill, the title, being the best remaining part of it, ought not to be lost. The question was then put, upon striking out the title of the bill, and decided in the negative.

Mr. CHANDLER moved to amend the title, by adding to it the words, "in certain cases;" so as to read, "a bill to abolish imprisonment for debt, in certain cases." This was not agreed to. The original title was approved; and the bill sent to the other House for concurrence.

PROTECTION OF THE FUR TRADE.

The unfinished business of Wednesday last, being the further consideration of the bill "to enable the President to carry into effect the treaty made at Ghent, the 24th December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States to American citizens," was then taken up; Mr. KNIGHT in the Chair.

The question was upon the adoption of a new section, proposed by Mr. BARTON, as a substitute for the third section of the bill. The amendment provides, that the office of superintendent of Indian affairs at St. Louis shall be abolished, and authorizes the President to appoint a certain number of Indian agents, to be stationed among the Indian tribes on the waters of the Upper Missouri. It makes it the duty of the superintendents and agents of Indian affairs, to prevent all citizens of the United States from hunting and trapping on any Indian lands, and to enforce the laws against all such persons as shall be guilty of those offences; for which purpose, the superintendents and agents are to be authorized to call upon the nearest military posts of the United States for aid.

On the suggestion of Mr. BENTON, the motion was divided, and the question put upon striking out the third section of the bill, which authorizes the appointment of two sub-agents, to be employed among the Indian tribes on the waters of the Upper Missouri, with annual salaries of \$800 each. Some remarks were made by Messrs. BENTON and BARTON; and, the question being put, the Senate refused to strike out the third section.

Mr. LOWRIE moved to strike out the fifth section of the bill. It provides an appropriation of \$13,000 "to enable the President to cause a competent military force to be transported to, and stationed at, such point on the Upper Missouri, as he

shall deem best calculated to effect the objects of this bill." Mr. L. said he thought it would be quite time enough for us to take measures for the protection of our fur trade, when we had succeeded in preventing our own citizens from hunting and trapping on the Indian territories.

Mr. BENTON read some documents in relation to the expense of the proposed expedition, and to prove its necessity as a means for protection to, and increase of, our valuable fur trade. He said the only question was, whether the fur trade was worth the expense of supporting four companies to protect it. He believed it was well worth the expense.

Mr. HOLMES, of Maine, thought that a single post would be altogether inadequate to the contemplated object. A line of posts would be necessary, which would involve the country in great expense. He adverted to the question of our right to invade the Indian territory with an armed force. We have the power to do it, but he denied the right. It was entering again into a course of policy which the Government had, after mature deliberation, relinquished.

Mr. JOHNSON, of Kentucky, spoke of the establishment of military posts, for the protection of our frontiers, as a necessary power, and one which had been always been exercised by the Government. He contended for the power and the right of extending protection against the aborigines on the Western waters, and for the preservation of the fur trade. Mr. J. proceeded to show the necessity of a military post in the quarter of the country mentioned in this bill.

Mr. HOLMES, of Maine, replied to Mr. JOHNSON. He was disposed to do every thing necessary for the protection of the West; but did not believe this measure to be requisite for that purpose. He did not consider this a question appertaining merely to the Western country, for many of the Western members had, as he recollected, voted against the appropriation for the Yellow Stone expedition. He again alluded to the necessity of a line of posts for the protection of that to be established by this bill.

Mr. MILLS said, if satisfied of the necessity of this measure, he should not inquire whether it was for the good of the East or the West, or what was the expense. He thought the first part of the bill very proper. As far as negotiation went, he approved it. We had always considered these tribes as independent nations, and treated them as such. He was willing to negotiate with them on this subject; but was not willing to march a military force into their country in time of peace. He reverted to the policy of this Government towards the Indians; to the character of our treaties with them; and the tenure by which they hold their lands. When we are at war with these Indian nations, we have undoubtedly a right to march our troops into, and take possession of, their country; but he denied, altogether, the right to do this in time of peace. He thought the Indians were already sufficiently restricted in their rights, without intrenching upon those which they possess. They have as

good a right to carry their furs to the British, as to any other traders; as much so, as we have to sell our goods to whomsoever we choose. Mr. M. thought the principal difficulties with the Indians arose from the infringement of their rights by our citizens in hunting and trapping on the Indian grounds. He was in favor of striking out the fifth section.

Mr. BENTON replied to Mr. MILLS. He referred to the first section of the bill, as doing away the objection which had been made to the fifth—as it provides for the negotiation referred to. He said the question was not, whether we should prevent the Indians from selling their furs to whomsoever they please, but, whether we shall prevent British traders from coming into our own territory to trade with the Indians. He spoke of the expense which the country had incurred in protecting our commerce against the Barbary Powers; and drew a comparison between those Powers and the Indian tribes on our Western frontiers.

The question on striking out the fifth section of the bill was then put, and carried in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Bell, Branch, Chandler, Clayton, D'Wolf, Dickerson, Gaillard, Holmes of Maine, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Smith, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, and Ware—30.

NAYS—Messrs. Barton, Benton, Eaton, Edwards, Findlay, Hayne, Jackson, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, and Talbot—12.

Mr. KING, of New York, spoke briefly upon the principles of the bill, to which Mr. BENTON replied.

Mr. J. S. JOHNSTON proposed a new section, by way of amendment; which was the same as the fifth section just stricken out, except that the consent of the Indian tribes shall be obtained, previous to the establishment of the contemplated military post. Mr. J. proceeded to support the amendment, by a reference to our various relations with the Indians; he alluded to the remarks of Mr. MILLS, and contended for the right to establish the post even without their consent.

Mr. MILLS replied, and supported the ground he had formerly taken in regard to the territorial independence of the Indians. He spoke of our relations with the Indians in regard to civil matters; such as the commission of crimes, &c. If they commit murders, or other crimes among themselves, Mr. M. said, they were not held amenable to our laws—they were considered, by our treaties, as distinct nations, and independent of us.

Mr. HOLMES, of Maine, was still opposed to this project for sending a military force into the Indian country—he thought it would be time enough to consider this plan, after their consent had been obtained by treaty.

On motion of Mr. EATON, the bill was ordered to lie on the table, and the amendments to be printed.

The Senate then adjourned.

MONDAY, April 12.

Mr. KING, of New York, presented the petition of John H. Howland, praying the benefit of drawback of the duty on two hundred and thirty-seven boxes of sugar, exported by himself and others, from New York to Hamburg, in Europe; which was read, and referred to the Committee on Finance.

Mr. SMITH, from the Committee on Finance, to whom was referred the bill to provide for the sale of the warehouse at the former quarantine ground, near the English Turn, in the State of Louisiana, and for the erection of a dwelling-house at the Balize, in said State, for the use of the boarding officer at that place, and for other purposes, reported it without amendment.

Mr. SMITH, from the same committee to whom was referred the bill, entitled "An act authorizing the executors of John B. Mebane to collect certain arrears of internal tax," reported it without amendment.

Mr. SMITH, from the same committee, to whom was referred the memorial of William Thornton, reported a bill relative to the Patent Office, and to the salary of the Superintendent thereof; which was read, and passed to a second reading.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the bill, entitled "An act to repeal an act, approved the 3d March, 1823, entitled 'An act for the relief of John B. Hogan,'" reported it without amendment.

Mr. KELLY presented the petition of David Tate, of Alabama, praying payment for a quantity of forage, taken from him by officers in the service of the United States, in the year 1814, which was read, and referred to the Committee of Claims.

On motion, by Mr. DICKERSON, the Joint Library Committee were discharged from the consideration of the petition of Nathaniel Potter, and others, respecting Newell's Planetarium, and it was referred to the Committee on Military Affairs.

Mr. HENRY JOHNSON, from the Committee on Indian Affairs, to whom was referred the bill, entitled "An act providing for the appointment of an Indian agent for the Osage Indians, west of the State of Missouri and Territory of Arkansas, and for other purposes," reported it without amendment.

The Senate resumed, as in Committee of the Whole, the bill further to regulate the jurisdiction of the Supreme Court of the United States; and, on motion, it was laid on the table.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be communicated to the Senate so much of the correspondence of the Minister of the United States at the Court of Lisbon, with the Government of Portugal, as has reference to the commercial relations between the two countries, together with such other information, connected therewith, as may be in the possession of the Government, and which, in his opinion, may, without injury to the public interests, be made known.

The Senate resumed, as in Committee of the

Whole, the bill entitled "An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals;" and, on motion, it was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the bill allowing a drawback on the exportation of cordage manufactured in the United States from foreign hemp; and, on motion, it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill to provide for the appointment of a Surveyor General of the lands of the United States, for the State of Louisiana, and one Surveyor General of the lands of the United States, for the State of Mississippi; and, on motion, it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill to fix the western boundary line of the Territory of Arkansas; and, on motion, it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Colonel William Duane; and, on motion, it was ordered to lie on the table.

Mr. VAN BUREN laid on the table a letter from E. Causici, sculptor, announcing the completion of the model of the allegorical group intended for the Senate Chamber; and it was referred to the Committee on Finance.

The Senate proceeded to consider, as in Committee of the Whole, the bill to establish a Surveyor General's office in the Territory of Arkansas; and, on motion, it was postponed.

The Senate proceeded to consider, as in Committee of the Whole, the bill to authorize the President to hold a treaty with the Indians owning the country on the south side of Lake Superior, for the purpose of extinguishing their title to certain districts supposed to contain valuable mines of copper; and, on motion, it was postponed until Friday next.

Mr. MACON said he thought it was quite time that Congress should be looking towards the time of adjournment; and, with a view to bring the subject before the Senate, he offered a joint resolution authorizing the President of the Senate and the Speaker of the House of Representatives to adjourn the present session of Congress on the fourth day of May next.—The resolution was read, and passed to the second reading.

The bill reported by the Committee on the Judiciary, "in addition to an act regulating the election of President and Vice President of the United States," was then taken up for consideration.

Mr. VAN BUREN submitted some additional sections as amendments to the bill; they were ordered to be printed, and the bill was then postponed to, and made the order of the day for, to-morrow.

The bill from the House, "confirming certain acts of the Legislative Council of the Territory of Florida," was taken up for consideration in Committee of the Whole. It was reported to the Senate without amendment, and passed to a third reading.

The bill reported by the Judiciary Committee, "to alter the time for holding the district court for the district of Missouri," was taken up in Committee of the Whole.

Mr. VAN BUREN stated the grounds for making the proposed change. The bill was then reported to the Senate without amendment, and passed to be engrossed and read the third time.

The bill reported by the Committee on the District of Columbia, "for the relief of Hezekiah Langley and Benjamin M. Belt," was taken up in Committee of the Whole. This bill provides payment of certain repairs made in the circuit court room in the City of Washington.

Mr. EATON moved an amendment to the bill, to provide payment for some further items connected with those repairs.

Mr. CHANDLER made some remarks in relation to the expenditure of money, in such cases, without appropriations by Congress.

Messrs. EATON, HOLMES, of Maine, BARBOUR, NOBLE, LOWRIE, LANMAN, SMITH, and MILLS, spoke upon this subject. The amendment was rejected. The bill was reported to the Senate, and was refused a third reading—15 in favor, 16 against it.

The bill reported by the Judiciary Committee "for the relief of Thomas Hewes," was taken up for consideration in Committee of the Whole. This bill provides for the repayment of a certain sum of money, paid into the Treasury by Mr. Hewes, on a bond; the amount having been previously paid. The bill was reported to the Senate without amendment, and passed to be engrossed and read a third time.

The bill reported by the Committee on the Judiciary, "to alter the time of holding the district courts of the United States for the district of Illinois," was taken up in Committee of the Whole, reported to the Senate, and passed to be engrossed and read the third time.

CLAIM OF VIRGINIA.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

The Executive of Virginia having requested payment of the amount of interest, paid by the State, for moneys borrowed by it, for services rendered by the militia, in the late war, and such claim not being allowable, according to the uniform decisions of the accounting officers of the Government, I submit the subject to your consideration, with a report from the Secretary of War, and all the documents connected with it.

The following are the circumstances on which this claim is founded. From an early stage of the war, the squadrons of the enemy entered occasionally the Chesapeake Bay, and, menacing its shores, and those of the principal rivers emptying into it, subjected the neighboring militia to calls from the local authorities, for the defence of the parts thus menaced. The pressure was most sensibly felt in 1814, after the attack on this city, and its capture, when the invading force, retiring to its squadron, menaced alike Baltimore, Norfolk, and Richmond. The attack on this city had induced a call, by the Department of War,

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for large detachments of the militia of Pennsylvania, Maryland, and Virginia, which, being collected in this quarter, and the enemy bearing, in the first instance, on Baltimore, were ordered to its defence. As early as the 31st of August, notice was given by the Secretary of War, to the Governor of Virginia, of the position of the enemy, and of the danger to which Richmond, as well as Norfolk and Baltimore, were exposed, and he was also authorized and enjoined to be on his guard, prepared at every point, and in every circumstance to meet and repel the invaders. This notice was repeated several times afterwards, until the enemy left the bay, and moved to the South.

In the course of the war, the State had augmented its taxes to meet the pressure; but, the funds being still inadequate, it borrowed money to a considerable amount, which was applied to the payment of the militia, for the services thus rendered. The calls which had been made, except for the brigades in this quarter, and at Norfolk, being made by the State, the settlement with those corps, and the payment for their services were made, according to the rules and usage of the Department, by the State, and not by the United States. On the settlement by the State, after the peace, with the accounting officers of the Government, the reimbursement of the interest, which the State had paid, on the sums thus borrowed, and paid by the militia, was claimed, but not allowed, for the reason above stated. It is this claim which I now submit to the consideration of Congress.

It need scarcely be remarked, that, where a State advances money for the use of the General Government, for a purpose authorized by it, that the claim for the interest of the amount thus advanced, which has been paid by the State, is reasonable and just. The claim is the stronger under the circumstances which existed when those advances were made, it being at a period of great difficulty, when the United States were compelled to borrow very large sums, for the prosecution of the war. Had the State not borrowed this money, the militia, whose services have been recognised since by the nation, must have been disbanded, and the State left without defence.

The claim is, in my opinion, equally well founded, when a State advances money which it has in its Treasury, or which it raises by taxes, to meet the current demand.

In submitting this claim to your consideration, it is proper to observe, that many other States have like claims with those of Virginia, and that all those similarly circumstanced should be placed on the same footing. I invite your attention to a principle, which is deemed just, and with the view, that the provision which may be made respecting it, may be extended alike to all the States.

JAMES MONROE.

The Message was read, and ordered to lie on the table.

THADDEUS MAYHEW.

On motion of Mr. H. JOHNSON, of Louisiana, the bill, reported by the Committee on Claims, "for the relief of Thaddeus Mayhew," was taken up for consideration in Committee of the Whole. This petitioner claims compensation for property in the vicinity of the city of New Orleans, taken by the United States troops, and for property destroyed by the British troops during the late war.

Mr. RUGGLES stated the grounds of the claim,

and moved to fill the blank for the amount to be allowed with \$1,298 50. This amount was to remunerate the petitioner for property taken for the use of the United States.

Mr. H. JOHNSON, of Louisiana, moved to amend the bill by adding a clause to grant compensation for a saw-mill, lumber, &c., belonging to this petitioner, destroyed by the British troops. Mr. J. made some remarks in support of this amendment; he stated the facts connected with the destruction of this property, and read several documents in relation thereto. He said the saw-mill, in question was destroyed in consequence of its occupation by the American troops; and, if it was paid for, as he thought it ought to be, the whole sum to be allowed would be about twelve or thirteen thousand dollars.

Mr. RUGGLES replied to Mr. JOHNSON. He thought the petitioner had failed to establish the fact of the destruction of the saw-mill in consequence of its occupation by the United States troops, and proceeded to comment upon the evidence laid before the Committee on Claims. He contended that it was a principle that could never be adopted by the Government, to make compensation for all property destroyed by the enemy; it would consume more funds than the nation could command, and make it bankrupt at once.

Mr. JOSIAH S. JOHNSTON, of Louisiana, supported the amendment, and Mr. H. JOHNSON made some further remarks in answer to Mr. RUGGLES. The amendment was rejected. The blank in the bill was filled with \$1,298 50. The bill was then reported to the Senate, and passed to be engrossed and read the third time.

COPY-RIGHTS OF PAINTINGS, &c.

The bill "extending the benefit of copy-rights to the authors of paintings and drawings" was taken up in Committee of the Whole. It was reported to the Senate without amendment.

Mr. MILLS stated some difficulties which he thought would attend the passage of this bill.

Mr. LOWRIE said he had been induced to introduce the bill by the remark of Mr. Peale, in relation to his portrait of WASHINGTON; he was applied to for the purchase of the painting, but said he should be unwilling to sell it, if he could not have the same privilege of profiting by his work as writers of books have in theirs. Mr. L. did not know why he should not have that privilege.

Mr. MILLS replied that, had such an act as this been in existence before Mr. Peale executed his paintings, he could not have completed it; as Stuart had previously executed a portrait of WASHINGTON, from which this of Mr. Peale's was but a copy, with some little embellishment. He thought such an act of Congress would have a great tendency to retard the progress of the art of painting, as it would do away the right of imitating and attempting to excel paintings already in existence.

Messrs. LANMAN, HOLMES, of Maine, LOWRIE, and TALBOT, made some remarks on the subject.

Mr. LOWRIE observed, that the arguments of the gentleman from Massachusetts (Mr. MILLS)

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would apply equally to all the patent laws, as it was equally as improper to give exclusive privileges to inventors of machines, &c., as to authors of paintings. The bill was reported to the Senate, and it was refused a third reading.

SARAH CHITWOOD.

The bill from the House, and which was reported by the Committee on Pensions in the Senate, "for the relief of Sarah Chitwood," was taken up in Committee of the Whole.

Mr. NOBLE stated the grounds of this bill, and said that a majority of the Committee on Pensions were against the passage of the bill, and had instructed him to move its indefinite postponement.

Mr. LANMAN stated that the person for whose relief this bill was drawn, was the widow of an officer who was in the service of the United States during the late war. In consequence of hardship and fatigue in the service, he was taken sick; and, being in a deranged state of mind, was carried home by his family, and he died in nine days afterwards. Had his decease taken place before he was carried home, his widow would have obtained the pension allowed by law. Mr. L. contended that she came within the spirit if not within the letter of the law.

Messrs. EATON and H. JOHNSON, of Louisiana, also supported the claim; and Messrs. CHANDLER and NOBLE opposed it, on the ground that the husband of the petitioner did not die in the service, and that if it was adopted as a principle, that the widows and orphans of persons contracting diseases in the public service, which caused their subsequent death, were to draw pensions, a general law to that effect ought to be passed; but, as the law at present only makes this provision for the relatives of those who actually die in the service, the pension ought not to be given to this petitioner any more than if her husband had died ten years after.

The bill was then indefinitely postponed.

TUESDAY, April 13.

Mr. NOBLE, from the Committee on Pensions, to whom was referred the bill entitled "An act concerning invalid pensions," reported it with an amendment; which was read.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the resolution to authorize the purchase of a certain number of the copies of the Journals of Congress, from 1774 to 1788, reported it without amendment.

Mr. VAN BUREN, from the same committee, reported the bill to provide for the settlement of certain pecuniary claims against the United States, without amendment.

Mr. VAN BUREN, from the same committee, reported the bill in further addition to "An act to establish an uniform rule of naturalization," without amendment.

Mr. VAN BUREN, from the same committee, to whom the subject was referred, reported a bill in further addition to "An act to establish an uni-

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form rule of naturalization, and to repeal the acts heretofore passed on that subject," which was read, and passed to a second reading.

On motion of Mr. BARBOUR, the Message received yesterday from the President of the United States, in relation to the claim of the State of Virginia for interest on moneys borrowed for military purposes, during the late war, together with sundry documents relating to the same subject, were referred to the Committee on Military Affairs, and ordered to be printed for the use of the Senate.

The bill "for the benefit of Thaddeus Mayhew;" the bill "giving the consent and sanction of Congress to certain acts of the Legislative Council of the Territory of Florida;" the bill "to alter the time for holding the District Court of the United States for the District of Missouri;" the bill "for the relief of Thomas Hewes;" and the bill "to alter the time of holding the District Court of the United States in the District of Illinois;" were severally read the third time, and passed.

On motion of Mr. BARTON, who had voted in the affirmative of the question yesterday, the vote by which the Senate refused a third reading to the bill "for the relief of Hezekiah Langley and Benjamin M. Belt," was reconsidered. The question again recurring on passing the bill to a third reading, the bill was supported by Messrs. LLOYD, of Maryland, EATON, TALBOT, BARBOUR, NOBLE, and SMITH, and opposed by Messrs. CHANDLER, LOWRIE, TAYLOR, of Virginia, FINDLAY, and MACON. This bill provides payment for certain fixtures in the Circuit Court room, in the City of Washington, which were made over and above the expenditure of the amount appropriated, at the last session, for the preparation of this court room. It was contended, on the one hand, that these fixtures were absolutely necessary for the accommodation of the Court, and that the persons who made them ought certainly to be paid. On the other hand, it was remarked that, although it was a hard case that these persons should lose the pay for their work, yet Congress should always express its decided disapprobation of any expenditures over the amount actually appropriated by law.

The question was put, upon passing the bill to a third reading, and decided in the affirmative—yeas 26, nays 14. So the bill passed to be read the third time.

ELECTION OF PRESIDENT.

The Senate then proceeded, as in Committee of the Whole, to consider the bill reported by the Committee on the Judiciary, "in addition to the act relative to the election of a President and Vice President of the United States." The question was upon agreeing to certain additional sections, proposed by Mr. VAN BUREN as amendments.

Mr. VAN BUREN explained, concisely and clearly, the provisions of this bill, and the reasons which induced the committee to introduce it.

On motion of Mr. EATON, the amendments to the bill were ordered to lie on the table, in order

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that he might offer an amendment. Upon the amendment proposed by Mr. EATON, some remarks were made by the mover, and by Messrs. MILLS and VAN BUREN.

The bill and amendments were then ordered to lie on the table.

TIME OF ADJOURNMENT.

The resolution submitted yesterday by Mr. MACON, fixing the fourth day of May next, for the termination of the present session of Congress, was taken up for consideration.

Some remarks on the subject were made by Messrs. MACON, FINDLAY, BARBOUR, NOBLE, and RUGGLES. Mr. NOBLE moved that the resolution be ordered to lie on the table. This question was determined in the negative, by yeas and nays, as follows:

YEAS.—Messrs. Barton, Bell, D'Wolf, Dickerson, Edwards, Findlay, Kelly, King of Alabama, Knight, Lowrie, McLvaine, Noble, Ruggles, Seymour, Talbot, and Thomas—16.

NAYS.—Messrs. Barbour, Branch, Chandler, Clayton, Eaton, Elliott, Hayne, Holmes of Maine, Jackson, J. S. Johnston of Louisiana, King of New York, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Palmer, Parrott, Smith, Taylor of Indiana, Taylor of Virginia, Van Buren, Ware, and Williams—14.

Mr. RUGGLES then moved that the further consideration of the resolution be postponed till Monday next. Upon this motion considerable debate arose, in which Messrs. RUGGLES, TALBOT, SMITH, HOLMES, of Maine, DICKERSON, MACON, and FINDLAY, took part. The motion for postponement till Monday prevailed.

COMMERCE WITH PORTUGAL.

The resolution submitted yesterday by Mr. LLOYD, of Massachusetts, requesting the President of the United States "to cause to be communicated to the Senate so much of the correspondence of the Minister of the United States at the Court of Portugal, as has reference to the commercial relations between the two countries; together with such other information connected therewith as may be in possession of the Government, and which, in his opinion, may, without injury to the public interest, be made known," was read for consideration.

Mr. LLOYD observed, that, as he introduced the resolution, it might be considered incumbent on him to state the views which had led him to do it. The resolution had reference rather to the respective aspects of our trade with that Kingdom, than to the present situation of it; the latter was too well known to be in a depressed and diminished state. For a long series of years our commercial relations with Portugal had been, he said, of the most beneficial and reciprocally acceptable character. It was a trade which seemed peculiarly to entitle itself to the favor of the political economists of the present day. It was a trade prosecuted almost entirely from the domestic or home productions of the United States—in the fish, in the provisions generally, and the pearl

ashes of the North; but principally in the bread-stuffs—the corn, the wheat, the flour, the rice, and the staves of the South. Our exports in it, formerly, very much exceeded our imports; while we exported no specie to Portugal, but, at times, received considerable sums in dollars from it, as returns for our outward cargoes; and both these circumstances were strong recommendations of it to the same school.

Another course of this trade, was to send out to Portugal, from the United States, valuable cargoes of domestic produce; for we were allowed to carry none other, of any consequence, for the purpose of accumulating funds there for more distant objects; the vessels returning home with a ballast of salt, with a part of the proceeds of their outward cargoes invested in wines, and a very small part also in fruit, leaving the residue of their funds to furnish the specie means for the prosecution of our West India trade, the vessels touching at Lisbon, on their passage out, to receive it; and also to provide remittances to London and Amsterdam, in payment for cargoes of Russian and Swedish products, for our vessels to bring to the United States. This was the state of the trade formerly. All parties were satisfied with it, for it furnished the most steady market in Europe for our domestic productions; and the international feelings to which it gave rise were of the most grateful character. Mr. L. said he recollected, perfectly well, a conversation on this subject, which he had the honor to have, twelve or fourteen years since, with the very distinguished statesman then at the head of the Government, Mr. Madison, who remarked to him that, with no Power in Europe had our foreign relations been on so uniformly a friendly footing, as those with the Government of Portugal. He said we had never made a request to Portugal, which she had not acceded to.

Thus the intercourse between the two countries remained, Mr. L. believed, with the intermission of the late war, until the year 1816, when the tariff of that year operated so injuriously on the trade in the wines of Portugal, as to induce the Government of that country strongly to remonstrate against it, as a very onerous imposition on the principal article of her exports, and as unfriendly to her intercourse with us. Her remonstrances, however, being unavailing, after a time she resorted to another course, which, perhaps, before long, may be resorted to by other Powers than Portugal, and perhaps for more than one of the great staples of the country. She either excluded, altogether, the corn of the United States, or so heavily taxed it with our flour, as to amount nearly, if not entirely to a prohibition. And, on the other hand, as soon as the tariff of 1816 came into operation, the importation of Portugal wines immediately decreased more than one-half.

To remedy this unpleasant feeling, and the deranged commercial relations between the two countries, he had understood were the objects for which General Dearborn had been sent to Lisbon, with the expectation that he might be able to negotiate a commercial treaty, or make some acceptable arrangement with the Portuguese Govern-

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ment, which might restore the former good feelings and friendly intercourse between the two nations. The object of the proposed resolution was to ascertain how far this attempt had been successful, or what prospect there was that it might become so hereafter.

And while speaking on this subject, Mr. L. said, he thought it might not be wholly useless were he to retrace, very briefly, the effect that had been produced on the trade with Portugal, by the tariffs which had, at different times, been adopted in the United States, operating upon her principal article of export, her wines, and which, from self-defence, she would feel herself bound to protect; and the effect they had also produced on the trade of the United States with her.

In the earliest period of the Federal Government, on the enactment of the first tariff law, in 1790, a duty was laid on the wines of Portugal of eighteen cents a gallon on the high priced Madeira, and ten cents a gallon on Lisbon wine. This was a very low rate of duty. It was obvious the article was susceptible, without injury, of a much higher rate; accordingly, two years after, in 1792, when the law was revised, the duty was greatly increased, and fifty-six cents was then imposed on Madeira, and twenty-five cents per gallon on Lisbon wine; which probably was about as high a rate of duty as the articles would bear. And thus it remained until 1800, when the tariff was again advanced; but the wise men who then had in charge that law, judiciously supposed that the existing duty on wines had nearly reached the acme at which it would be productive; they, therefore, touched these articles very lightly, contenting themselves with imposing only two cents additional a gallon on Madeira wine, and five cents on Lisbon. Thus it remained, and the trade and intercourse between the two countries expanded, to their mutual benefit, until the tariff policy of 1816 prevailed. The effect of that policy became instantly visible. What it was, was an inquiry of some point, and would attract the attention of the Senate.

In the custom-house year, 1815-16, we imported into the United States—

Of Lisbon wine - - -	654,608 gallons.
Of Madeira - - -	314,891 do.

Then came the overwhelming tariff of 1816, which raised the duty 90 per cent. on Madeira, and more than sixty per cent. on Lisbon wine; and the very next succeeding year the importation of the first fell off nearly one-half—from 314,891 gallons, to 186,108 gallons; and of the second more than two-thirds—from 654,608 gallons, to 194,187 gallons; furnishing a good lesson for financiers. And the trade, he said, had remained crippled from that time to the present; for, in 1823, we imported only 130,067 gallons of Madeira, and 124,101 gallons of Lisbon wine—being less than one-half the quantity we had imported so long ago as twenty-five years, since which our population had more than doubled, and our agricultural products quadrupled.

The same tariff of 1816 had also affected our exports to Portugal in another way; it had almost

extinguished the trade to Bengal, and the exportation of domestic produce, in part, to pay for it; a trade which formerly employed thirty or forty fine ships, and occupied eight or ten millions of dollars of capital; and another tariff bill, if it passed, imposing a heavy duty on hemp and iron, would deal out the same fate to about four times the same number and description of vessels now engaged in the trade with the North sea and the Baltic.

These were the views, Mr. L. said, which induced him to offer the resolution under consideration, and which he hoped it might be acceptable to the Senate to pass.

The resolution was agreed to, without division.

WEDNESDAY, April 14.

On motion, by Mr. NOBLE, the Senate resumed the motion of the 26th of March, to discharge the Committee on Pensions from the consideration of the resolution of the 27th of January, instructing them to inquire into the expediency of placing James Morrow on the pension list; and agreed thereto; and, on motion, by Mr. LOWRIE, James Morrow had leave to withdraw his papers.

The bill relative to the Patent Office, and to the salary of the Superintendent thereof; and the bill in further addition to "An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," were severally read the second time.

The Senate resumed, as in Committee of the Whole, the bill more effectually to provide for the national defence, by establishing a uniform militia throughout the United States, and providing for the discipline thereof; and, on motion, it was postponed to Monday next.

The bill for the relief of Hezekiah Langley and Benjamin M. Belt, was read the third time, and passed.

On motion of Mr. MCLVAINE, the Senate then proceeded to consider the bill "for the relief of Ichabod Lord Skinner." This bill was reported by the select committee on roads and canals. Mr. Skinner claims payment for work done on the Cumberland Road, over and above what he had contracted to do; for interest on moneys due him; and for expenses and losses sustained, in consequence of the failure in his payment. The committee report a detailed statement of the facts connected with the case; and, also, a bill referring the claims of the memorialist to the Secretary of the Treasury, with power to settle them on equitable principles. The bill was reported to the Senate without amendment, and passed to be engrossed and read the third time.

Mr. BARBOUR gave notice that he should, tomorrow, ask leave to introduce a bill "for the relief of Nimrod Farrow and Richard Harris."

ELECTION OF PRESIDENT.

On motion of Mr. VAN BUREN, the bill reported by the Judiciary Committee, in addition to an act relative to the election of a President and Vice President of the United States, was again taken

up for consideration, in Committee of the Whole; Mr. GAILLARD in the Chair. The amendment offered yesterday by Mr. EATON, and those heretofore offered by Mr. VAN BUREN, were withdrawn, in order to give way for the introduction of an amendment by Mr. MILLS. Mr. M.'s motion was, to insert three new sections. The first of these sections provides that the Electors shall make five certificates of the votes given for President and Vice President; that one of these copies shall be sent by a special messenger; one by the Post Office, as at present; that two other copies shall be transmitted, on successive days, by mail; and the other copy be deposited as at present, in the office of the District Judge. The second section provides that five lists of the Electors shall be prepared by the Executive of each State. The third section prescribes the penalties of fine and imprisonment to be incurred by the special messenger, the postmaster, or any other person, who shall suppress, delay, or hinder, the transmission of these votes to the Seat of Government.

Mr. MILLS explained the operation of the several amendments he had proposed. Mr. VAN BUREN expressed his concurrence in them. The question was then taken upon them, severally. The two first were adopted without further discussion. The third, respecting the penalties, gave rise to a cursory discussion, the principal part of which turned upon the question whether the discretion, in respect to the *quantum* of punishment to be inflicted, should be left to the court, or to the jury. Mr. BARBOUR, who had moved to strike out "court," and insert "jury," in the bill, supported his amendment, by remarking, at some length, on the propriety of giving this power to the jury. Mr. KELLY spoke in favor of vesting it in the court. He cited several cases, in his part of the country, in which heavy damages had been awarded, by juries, for mere indiscretions. Messrs. HOLMES of Maine and FINDLAY submitted some remarks upon the proposed amendment. It was then rejected. The section was then adopted.

The first section of the original bill, as reported by the committee, was then read. Several amendments, in its details, were proposed by Mr. MILLS, and were agreed to by the Senate. The second section was afterwards read, and modified considerably, on the motion of Mr. VAN BUREN. Mr. TAYLOR, of Virginia, made some remarks upon the power of the two Houses of Congress to reject the Electoral votes.

The amendments heretofore proposed by Mr. VAN BUREN, were again taken up, and agreed to.

Mr. MILLS then proposed a new section, making it the duty of the Secretary of State to transmit a copy of this act to the Executive of each State, to be laid before the Electors of President and Vice President next to be chosen; and repealing all acts or parts of acts inconsistent with the provisions of this. The amendment was agreed to.

The details of the bill were further discussed by Messrs. EATON, VAN BUREN, HOLMES, of Maine, and CHANDLER. The further consideration of the bill was postponed till Friday next; and it was ordered to be printed, as amended.

THURSDAY, April 15.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom the subject was referred by a resolution of the Senate of the 3d February, reported a bill, in addition to an act, establishing navy hospitals; which was twice read by unanimous consent. He also laid on the table a letter and documents from the Secretary of the Navy, relating to said bill, and they were ordered to be printed.

Mr. TALBOT presented the memorial of Thomas Law and others, in behalf of sundry citizens of the United States, lately assembled at Washington, praying the establishment of a national currency; which was read, and referred to the Committee on Finance.

Mr. BARBOUR asked and obtained leave to bring in a bill for the relief of Nimrod Farrow and Richard Harris; which was read, and passed to a second reading.

On motion by Mr. LLOYD, of Massachusetts, the Senate resumed the report of the Committee on Naval Affairs, on the petition of Thomas Johnston; and, on motion, the report was ordered to lie on the table and be printed for the use of the Senate.

Mr. KELLY presented the petition of William Stedman, praying remuneration for losses sustained by the impressment of his property into the public service during the late war; which was read, and referred to the Committee of Claims.

On motion of Mr. LLOYD, of Massachusetts, the bill from the other House, "for the relief of Barbara Paulas," was taken up for consideration, in Committee of the Whole. Mr. L. stated the grounds of the bill. The petitioner was the mother of a seaman, lost in the sloop-of-war Wasp. An act of Congress was passed, for the relief of the relatives of those who were lost in that vessel, provided application was made for such relief within two years from the passing of the act. This petitioner, being in a very humble situation in life, neither knew of the passage of the act, nor of its limitation. She now prays for the benefit of the act, notwithstanding the expiration of the specified time; and the bill proposes to grant her prayer. The bill was reported to the Senate without amendment, and passed to a third reading.

The bill reported by the Committee on Public Lands, "supplementary to the several acts providing for the settlement of claims to lands in the State of Missouri," was next taken up in Committee of the Whole. Mr. BARTON briefly stated the objects of the bill, and moved an amendment in relation to certain "commons" attached to the towns and villages in the State of Missouri. The amendment was adopted, and the bill was reported to the Senate, and passed to be engrossed, and read a third time.

The bill "for the relief of Ichabod Lord Skinner" was read the third time, passed, and sent to the other House for concurrence.

On motion of Mr. LLOYD, of Maryland, the bill reported by the Committee on the District of Columbia, "for enclosing the burial ground of Christ Church, Washington Parish," was taken up for

consideration in Committee of the Whole. This bill grants \$2,000, to aid in the erection of a suitable fence around the burial ground, in which the members of the Government, who have deceased in the city of Washington, have been buried.

A discussion took place on the propriety of making this grant, in the course of which Messrs. LLOYD of Maryland, BARBOUR, and SMITH, supported the bill, and Messrs. MACON, CHANDLER, and TAYLOR of Virginia, opposed it. Mr. CHANDLER moved to reduce the appropriation to \$1,000. This was not agreed to. The bill was then reported to the Senate, and passed to be engrossed and read the third time.

The bill reported by the Committee on Finance, "for the relief of Elijah Van Syckle," was taken up in Committee of the Whole. Mr. SMITH explained the objects of the bill. It proposes to give the person for whose relief it is drawn, an extension of time for the payment of duties on certain articles, which were destroyed by fire, in Philadelphia. Messrs. KING of New York, and LOWRIE made a few remarks on the subject. The bill was reported to the Senate without amendment, and passed to be engrossed and read the third time.

The bill reported by the Committee on Naval Affairs, "for the relief of Thomas Shields," was next taken up in Committee of the Whole. The bill relates to the distribution of certain prize-money. Mr. LLOYD, of Massachusetts, explained its object. It was then reported to the Senate without amendment, and passed to be engrossed and read the third time.

The bill from the House of Representatives, "to repeal the act for the relief of John P. Hogan," was then taken up in Committee of the Whole. Mr. RUGGLES explained its object. The bill was reported to the Senate, and passed to a third reading.

The bill from the other House, "authorizing the executors of Joseph P. Mebane to collect certain arrearages of internal taxes," was taken up in Committee of the Whole. The bill was reported to the Senate, and passed to a third reading.

The bill reported by the Committee on Finance, "authorizing the sale of a public warehouse at the former quarantine ground at the English Turn, and providing for the erection of a dwelling-house for the boarding officer at the mouth of the river Mississippi, and for other purposes," was taken up in Committee of the Whole. An amendment, proposed by Mr. EATON, limiting the expense of erecting the dwelling-house to the amount obtained for the warehouse, was agreed to. The bill was reported to the Senate, and passed to be engrossed and read the third time.

The Senate proceeded to consider, as in Committee of the Whole, the resolutions providing a place of deposit for the portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State; and, on motion, they were ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act

providing for the appointment of an Indian agent for the Osage Indians, west of the State of Missouri and Territory of Arkansas, and for other purposes;" and, on motion, it was postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals;" and, on motion, it was postponed to Monday next.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act concerning invalid pensions;" and, on motion, it was ordered to lie on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill in further addition to "An act to establish a uniform rule of naturalization;" and, on motion, it was laid on the table.

FRIDAY, April 16.

A communication was received from the delegation of the Cherokee Nation, at present at the Seat of Government, relative to the late Message of the President to Congress, on the Indian titles to lands in the State of Georgia, and animadverting on the paper presented to the President of the United States, by the Georgia delegation in Congress.

The communication being read, Mr. ELLIOTT said he objected to a contest of this character, in this place, with the Cherokee delegation. He knew them only as other Indians, and to be treated with as such. If they claim to represent an independent nation, why do they address this body directly, and not through the Department of State? But, if they seek to be heard in their real character, they should present their claims to our consideration, through the War Department. The course now attempted, is novel and inadmissible, and he hoped the communication would lie on the table. It was then ordered to lie on the table.

Mr. RUGGLES, from the Committee on Claims, to whom was referred the memorial of Alexander McNair, reported a bill for his relief; which was read, and passed to a second reading.

On motion of Mr. BARTON, the Committee on Public Lands was discharged from the further consideration of the resolution of the 29th ultimo, directing an inquiry whether further legislation be necessary to enable the several towns and villages in Missouri to establish the boundaries of their commons, and to dispose of them; on the ground that this subject is sufficiently provided for by an amendment to a bill concerning town and village lots and out lots, &c., heretofore reported to the Senate by the committee.

The bill "for the relief of Nimrod Farrow and Richard Harris" had its second reading, and was referred to the Committee on Claims.

Mr. LLOYD, of Massachusetts, gave notice that, on Monday next, he should ask leave to introduce a bill "to provide for the punishment of certain crimes when committed in any navy yard, fort, arsenal, magazine, dock, lighthouse, tract of

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land, or other place belonging to the United States."

The Senate resumed, as in Committee of the Whole, the bill for the relief of Colonel William Duane; and it was postponed to Monday next.

The bills from the House of Representatives, "for the relief of Barbara Paulas;" to repeal the act for the relief of John B. Hogan;" "authorizing the executors of Joseph B. Mebane to collect certain arrearages of internal taxes;" were severally read the third time, and passed.

The bill "supplementary to the act providing for the settlement of claims to lands in the State of Missouri;" the bill "for enclosing the burial ground of Christ Church, Washington Parish;" the bill "for the relief of Elijah Van Syckle, of Philadelphia;" the bill "for the relief of Thomas Shields;" and the bill "providing for the sale of the public warehouse at the former quarantine ground near the English Turn, in the State of Louisiana, for the erection of a dwelling-house at the Balize, in the same State, for the boarding officer, and for other purposes;" were severally read the third time, passed, and sent to the other House for concurrence.

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The bill "in addition to the act relative to the election of a President and Vice President of the United States," was again taken up for consideration in Committee of the Whole. Several verbal amendments were made to the bill, on motion of Mr. VAN BUREN. The bill was then reported to the Senate.

Some further amendments were made, in its details, at the suggestion of Messrs. EATON, MILLS, VAN BUREN, and SMITH. Upon fixing the time of delivery of the votes at the Seat of Government, some debate took place between Messrs. MILLS, MACON, VAN BUREN, LOWRIE, WILLIAMS, and KING, of Alabama. The first Wednesday of January was eventually fixed as the time. The several amendments were then agreed to, by the Senate.

Mr. MACON objected to the general principles of the bill, on the ground that it was not necessary; and would, as he thought, have a tendency to create the very difficulties it proposed to remedy—he thought, too, that Congress had no power to legislate on the subject.

Messrs. HOLMES, of Maine, and VAN BUREN, replied to the objections advanced by Mr. MACON. The bill was then passed to be engrossed and read the third time.

MONDAY, April 19.

Mr. TAYLOR, of Virginia, submitted the following resolution, with a request that it might be forthwith taken into consideration; as it related to a communication from the President of the United States, in relation to a claim of the State of Virginia, and he wished all the documents printed together:

Resolved, That the President of the United States be requested to inform the Senate, whether the Ex-

ecutive, through the agency of the War Department, borrowed any money, during the last year, under the condition of applying the same to the defence of the State wherein the said loans were made, and to what amount; and whether interest was paid by the United States for such loans, or if they sustained any loss by giving stock or Treasury notes for them; including any other information in relation to the subject which he may think proper to communicate.

The resolution was taken into consideration by general consent, and it was agreed to.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to amend the several acts imposing duties on imports;" in which they request the concurrence of the Senate.

The bill was read, and passed to the second reading.

On motion by Mr. SMITH, the Committee on Finance were discharged from the consideration of the letter of E. Causici, sculptor, on the subject of the allegorical group intended for the Senate chamber; and, also, from the memorial of Thomas Law and others, on the subject of a national currency.

The bill "in addition to the acts relative to the election of President and Vice President of the United States," was read the third time, passed, and sent to the House for concurrence.

On motion of Mr. MACON, the rule by which the Senate determined to adjourn, on each week, from Friday to the next Monday, was rescinded.

Mr. JACKSON, from the Committee on Military Affairs, to whom was referred a petition respecting the purchase of an Orrery, for the Military Academy at West Point, submitted a report on that subject, recommending that the committee be discharged from its further consideration, and that it be referred to the Secretary of War. The report was agreed to.

The same committee was also discharged from the further consideration of the petition of Messrs. Willard and Childs, that subject being now under consideration in the other House.

The bill reported by the Committee of Claims "for the relief of Alexander McNair," had its second reading.

The bill "to amend the several acts imposing duties on imports," was received from the House of Representatives, and read. Mr. DICKERSON moved for the second reading of the bill, at the present time. This was objected to by several members; and, consequently, the second reading cannot take place until to-morrow.

Mr. LOWRIE presented the memorial of M. S. Johns, and others, of Pennsylvania, praying that a heavy duty may be imposed on sales at auction; which was read, and referred to the Committee on Commerce and Manufactures.

Mr. EATON gave notice that, to-morrow, he would ask leave to bring in a bill to amend an act, supplemental to an act, entitled "An act to carry into effect the 9th article of a treaty concluded between the United States and Spain, the 22d day of February, 1819," approved the 3d of March, 1823.

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Columbian College.

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The Senate resumed, as in Committee of the Whole, the bill further to amend the judicial system of the United States, and provide for the holding of circuit courts; and Mr. JOHNSON, of Kentucky, proposed an amendment thereto; which was read, and on motion, the bill was postponed to Wednesday next; and the proposed amendment ordered to be printed.

COLUMBIAN COLLEGE.

Mr. BARBOUR from the Committee on the District of Columbia, to whom was referred the memorial of the Trustees of the Columbian College, made a report, accompanied by a bill for the relief of the Columbian College, in the District of Columbia; which were read, and the bill passed to a second reading. The report was ordered to be printed for the use of the Senate. The report is as follows:

They have given to this subject the consideration which its importance claimed. The object of the memorial is to obtain pecuniary aid, to a small amount, to the Columbian College, in this District, whose prosperity, in an essential degree, depends on the success of the application. The utility of a central literary establishment has been so often presented to Congress, by the long list of illustrious worthies who have filled the Presidential chair, that the committee are relieved from the necessity of adding any remarks of their own on this topic. They content themselves by referring to the following extracts from communications made in a series of years, by successive Presidents, to Congress. President Washington, in his Message of December, 1796, in reference to such an establishment, uses the following remark: "Among the motives to such an institution, the assimilation of the principles, opinions, and manners, of our countrymen, by the common education of a portion of our youth from every quarter, well deserves attention. The more homogeneous our citizens can be made in these particulars, the greater will be our prospect of permanent union."

President Madison, in his Message of December, 1810, on this subject, uses the following language: "Whilst it is universally admitted that a well-instructed people alone can be a permanently free people, and whilst it is evident that the means of diffusing and improving useful knowledge form so small a portion of the expenditures for national purposes, I cannot presume it to be unreasonable to invite your attention to the advantages of superadding to the means of education, provided by the several States, a seminary of learning, instituted by the National Legislature, within the limits of their exclusive jurisdiction, the expense of which might be defrayed, or reimbursed out of the vacant grounds which have accrued to the nation within those limits." "Such an institution, though local in its legal character, would be universal in its beneficial effects. By enlightening the opinions, by expanding the patriotism, and by assimilating the principles, the sentiments, and the manners of those who might resort to this temple of science, to be re-distributed, in due time, through every part of the community—sources of jealousy and prejudice would be diminished, the features of national character would be multiplied, and greater extent given to social harmony. But, above all, a well-constituted seminary, in the centre of the nation, is recommended by the consideration, that the additional in-

struction emanating from it would contribute not less to strengthen the foundations, than to adorn the structure of our free and happy system of Government."

These recommendations, from causes whose enumeration is now unnecessary, if, indeed, it were practicable, failed in their effect. At length a few enterprising and patriotic individuals attempted to achieve, by voluntary donations, that which it had been supposed could be effected only by the power of Congress.

Their efforts were crowned with distinguished success. One individual in particular, (and it is but an act of justice he should be named,) the Rev. Luther Rice, with an unwearied industry and an unyielding perseverance, which prompted him to traverse every part of the Union in pursuit of aid to this beneficent object, contributed principally to that success.

The funds thus acquired were faithfully and judiciously applied to the object. An advantageous site was procured, and suitable buildings erected, for the accommodation of one hundred students. Application was made to Congress for an act of incorporation, which passed February 9, 1821. This, however, was all the aid which Congress dispensed. The accompanying document shows that there have been expended on this institution \$80,000—\$50,000 only have been procured; and, as a consequence, the institution is embarrassed with a debt to the amount of \$30,000. By reference to the same document, it appears that, although the college commenced its operation so late as January, 1822, it has already ninety-three students, under the direction of a faculty highly respectable for its literary attainments.

The embarrassments resulting from the debt present considerable difficulties, and threaten, if not entire ruin, greatly to retard its successful progress.

Under these circumstances, the individuals who have thus generously devoted themselves to the promotion of this establishment, and who have disinterestedly pledged their independence upon the success of the college, present themselves to Congress, with a view to obtain their protection by a small pecuniary grant—Congress being the only legislative body they can address, as they are denied, by their locality, all aid from any particular State.

The committee, in reviewing the peculiar circumstances which characterize the origin of this establishment, its progress, and the great benefits it promises to society, are of opinion that the application is reasonable. It cannot be doubted, had such an establishment grown up, under similar circumstances, in either of the States, it would receive the helping hand of its Legislature. Congress stands in the same relation to this establishment, from its exclusive power of legislation within the District. It may be objected, however, that the right of Congress to appropriate the funds of the nation to a purpose in part local, however national its effects, is questionable. The committee intentionally forbear to discuss this question, as, upon it, a difference of opinion is believed to exist, and as its decision is not necessary to the successful result of the proposed measure.

In the extract from the Message of President Madison, Congress is referred to a fund from which pecuniary aid may be derived, free from all objections—the public property within the District. This property was granted by the original proprietors, on the condition that its avails should be appropriated to the improvement of the city. It appears, by reference to a

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report prepared on this subject, that, with sales already effected, and a reasonable estimate on the remainder, the amount of this property is equal to \$2,571,016; of this there has been expended on the public buildings \$1,214,292, leaving a balance in favor of the District of \$1,356,724; from this estimate is excluded the expenses of rebuilding, which cannot, with justice, be charged to this fund, as thereby a national misfortune would be made to fall exclusively on the people of Washington, instead of the nation at large. If from this last sum be deducted what has been expended on the central building, and on all other public improvements in the city, equal to \$1,025,916, there would still be a balance in favor of the District of \$330,808. In addition to the high authority already alluded to, the committee beg leave to refer to the course uniformly adopted in all the Territories. By reference to the various acts of Congress, it will be seen that a large portion of the public lands has there been set apart for the purposes of education. Without a specification, they content themselves by saying that one-thirty-sixth part of the whole land of the United States has been appropriated to this purpose. The committee, therefore, beg leave to report a bill dispensing aid, to a limited extent, to the Columbian College. They have been induced to grant the debts referred to in the bill for two reasons. The one, that they are within the District; and the other, that the larger debt, from the questionable condition of the debtors, will be difficult to collect. Its collection or arrangement may, nevertheless, be made available to some extent, when transferred to the trustees of the college. The debt from the estate of Mr. Lee is for property sold within the District.

TIME OF ADJOURNMENT.

On motion of Mr. MACON, the resolution proposed by him, some days since, fixing a time for closing the present session of Congress, was taken up for consideration. That resolution specified the 4th of May, as the day of adjournment. The "4th" was, on motion, stricken out; when

Mr. TALBOT moved to fill the blank with the "15th day." Some remarks were made upon this subject, by Messrs. TALBOT, MACON, HOLMES, of Maine, DICKERSON, VAN DYKE, and BROWN.

Mr. DICKERSON moved to postpone the resolution to Monday next.

This motion was decided in the negative—yeas 21, nays 24.

Mr. VAN DYKE moved to fill the blank in the resolution with the "18th" as the day of adjournment. This was not agreed to.

The question then recurred upon Mr. TALBOT'S motion, for filling the blank with "the 15th." Mr. EATON spoke in favor of that day, as the great and important subjects before the Senate could not possibly be disposed of before that time.

Messrs. JOHNSON, of Kentucky, SMITH, RUGGLES, TAYLOR, of Virginia, and NOBLE, made some further remarks upon the subject. Mr. RUGGLES moved to lay the resolution on the table—this motion was decided in the negative, yeas 22, nays 24.

The question then recurred on filling the blank with the "15th."

Messrs. KING, of Alabama, and H. JOHNSON, of

Louisiana, spoke in favor of an early day of adjournment.

Mr. DICKERSON said, he should consider the determination of the Senate to fix an early day for adjournment, as tantamount to the rejection of the important bill (the Tariff bill) which has just come from the other House.

The Senate then decided in favor of filling the blank with the 15th—yeas 25, nays 21. So the resolution fixes the 15th day of May, for adjournment of Congress—it was then passed to be engrossed and read the third time.

TUESDAY, April 20.

Mr. MILLS presented the petition of Henry Huttleston, praying indemnity for depredations committed on his property by France, in the years 1807 and 1808; which was read, and referred to the Committee on Foreign Relations.

Mr. RUGGLES presented the petition of Alexander Scott, late collector of customs for the port of Pensacola, in the Territory of Florida, praying to be allowed, in the settlement of his accounts, the same compensation that is allowed to other collectors in that Territory; which was read, and referred to the Committee on Finance.

Mr. SMITH, from the Committee on Finance, to whom was referred the petition of John H. Howland, made a report, accompanied by a bill for the relief of John H. Howland. The report and bill were read, and the bill passed to the second reading.

In pursuance of notice given on Friday last, Mr. LLOYD, of Massachusetts, asked leave to introduce a bill "to provide for the punishment of crimes, when committed in any navy yard, fort, arsenal, magazine, dock, lighthouse, tract of land, or other place belonging to the United States." Mr. L. said that, in introducing this bill, it was only necessary now to remark that, such was the peculiar nature of our laws, a man might commit murder within an arsenal or fort, or other place under the immediate jurisdiction of the United States; and unless he was reached by the bullet or the bayonet of the soldier, he could not be touched. There was no law by which he could be called to answer for the crime. Leave to introduce the bill was accordingly granted. The bill was twice read, and referred to the Committee on the Judiciary.

Mr. HAYNE submitted the following motion for consideration:

Resolved, That the Secretary of War be directed to report to the Senate the number of arms furnished by the State of South Carolina to the United States during the late war, and which have been substantiated at the proper department; and, also, whether any arrangements have been made for the settlement of the demand, and what legal provisions may be necessary to carry the same into effect.

Mr. VAN DYKE laid on the table a communication from the President of the Chesapeake and Delaware Canal Company, soliciting the patronage of Government by a subscription to their stock.

APRIL, 1824.

Duty on Imports.

SENATE.

Referred to the select Committee on Roads and Canals.

The joint resolution, fixing the 15th day of May next, for the adjournment of the present session of Congress, was read the third time. Mr. NOBLE moved that it be ordered to lie on the table. This motion was not agreed to. The resolution was then passed, and sent to the other House for concurrence.

In pursuance of notice given yesterday, Mr. EATON asked leave to introduce a bill "to amend the act supplementary to an act, entitled 'An act to carry into effect the ninth article of the Treaty with Spain.'" Leave was accordingly granted—the bill was twice read, and referred to the Committee on Claims.

On motion of Mr. LLOYD, of Maryland, the Senate, as in Committee of the Whole, proceeded to consider the bill "supplementary to an act, entitled 'An act to incorporate the Columbia Turnpike Company, into the District of Columbia.'" Mr. KING, of Alabama, was called to the Chair. This bill gives the company the power to raise its tolls. Some remarks were made upon it, by Messrs. CHANDLER, and LLOYD of Maryland. It was then reported to the Senate without amendment, and passed to be engrossed and read the third time.

The bill reported by the Committee on the Militia, "more effectually to provide for the national defence, by establishing a uniform militia throughout the United States, and providing for the discipline thereof," was taken up for consideration; and, on motion of Mr. KNIGHT, the bill was ordered to lie on the table.

The bill from the House of Representatives "to provide for the necessary surveys for roads and canals," was taken up for consideration, in Committee of the Whole. The question was, upon adopting an amendment heretofore proposed by Mr. BENTON. Mr. B. not being present, the bill, upon motion of Mr. EATON, was ordered to lie on the table.

The bill reported by the Committee on Military Affairs, "for the relief of Colonel William Duane," was next taken up in Committee of the Whole.

Mr. JOHNSON, of Kentucky explained the grounds upon which the committee reported this bill. It proposes to pay Colonel Duane the difference between the selling price of one thousand copies of his Cavalry System of Discipline, which the Government contracted to purchase of him, and the price at which they were sold at auction. It further provides for the repayment of five hundred dollars, advanced by Colonel Duane, for the Government.

Some discussion took place, in which Messrs. CHANDLER, SMITH, JACKSON, FINDLAY, JOHNSON of Kentucky, and LANMAN, engaged. A motion, by Mr. FINDLAY, to lay the bill on the table, was lost. Mr. CHANDLER moved to amend the bill, by striking out so much as proposes to pay for the "System of Cavalry Discipline." Mr. LOWRIE opposed the amendment—it was lost. The bill was then reported to the Senate without

amendment, and passed to be engrossed and read the third time.

On motion of Mr. NOBLE, the Senate then took up, in Committee of the Whole, the bill from the House of Representatives, "concerning invalid pensioners." The bill provides for the payment of pensions to thirteen different persons. The Committee on Pensions, of the Senate, to whom the bill was referred, propose to amend it, by striking out the provision for seven of these persons. Mr. NOBLE explained the reasons for this amendment. It was then agreed to. The bill was reported to the Senate, and passed to be engrossed and read a third time.

On motion of Mr. H. JOHNSON, of Louisiana, the petition of Ann Dubourg, presented at the last session, was again referred to the Committee on the Judiciary.

The report of the Committee on Naval Affairs, unfavorable to the petition of Thomas Johnson, was again read for consideration. This petitioner, formerly a purser in the Navy of the United States, prays for the appropriation of the proceeds of certain prizes taken by the United States squadron in the Mediterranean, in the year 1805. The report of the committee was concurred in.

DUTY ON IMPORTS.

The bill from the other House, "to amend the several acts for imposing duties on imports," was taken up for a second reading. Mr. BRANCH, after a few remarks, expressing his opinion, that the present was a proper time to try whether or not the Senate was willing to take this bill into consideration at all, moved that it should be indefinitely postponed. This motion gave rise to some cursory remarks upon the point of order. The Chair decided that, as the Senate had already passed the bill to a second reading, the motion of the honorable member from North Carolina was not in order until that reading had taken place. The bill was then read.

Mr. LLOYD, of Maryland, said that he wished very much to ascertain what would be the effect of this measure, upon the revenue of the country; the importance of the subject was so evident, that it needed no comment from him; he thought it would have a powerful effect upon the finances of the country; and with a view to ascertain what the extent of that effect would be, he moved the reference of the bill to the Committee on Finance. This motion gave rise to a considerable discussion, as to the propriety of this reference. By the opponents of the motion, it was contended that the subject properly belonged to the Committee on Commerce and Manufactures. Messrs. LLOYD of Maryland, MILLS, TAYLOR of Virginia, and SMITH, supported the motion; and Messrs. DICKERSON, JOHNSON of Kentucky, NOBLE, and CHANDLER, opposed it. Mr. LLOYD, of Massachusetts, made some remarks upon the subject. The question was then taken, and decided against the reference to the Committee on Finance, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Holmes of Maine, Holmes of Mississippi,

SENATE.

Claims against the United States.

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Henry Johnson, Josiah S. Johnston, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—22.

YEAS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—23.

On motion of Mr. DICKERSON, the bill was then referred to the Committee on Commerce and Manufactures.

Mr. MILLS then moved that the Committee on Finance be associated with the Committee on Commerce and Manufactures, for the consideration of the bill "to amend the several acts for imposing duties on imports;" and that the members of both those committees be considered as one committee, for that purpose. This motion lies over for consideration.

Mr. LLOYD, of Massachusetts, after commenting forcibly upon the momentous importance of this bill, than which none more important had been presented to the Senate, since the adoption of the Constitution, moved that two members, to be chosen by ballot, should be added to the Committee on Manufactures, for the consideration of the tariff bill.

The CHAIR stated that the motion, as it involved the alteration of the rule of the Senate, by which it is provided that the committee shall consist of five members, could not be put, by general consent. It was objected to, and was not put to the Senate.

CLAIMS AGAINST THE UNITED STATES.

The bill reported by the Judiciary Committee, "to provide for the settlement of certain pecuniary claims against the United States," was then taken up for consideration in Committee of the Whole. The bill was reported to the Senate. Mr. TAYLOR, of Virginia, spoke in favor of the bill; Mr. VAN BUREN moved its indefinite postponement, and made a few remarks in favor of that motion. Mr. LANMAN, also, advocated the postponement; and Mr. BARBOUR opposed it. The question was then put, and decided in the negative—yeas 16, nays 19, as follows:

YEAS—Messrs. Bell, Chandler, Clayton, D'Wolf, Edwards, Findlay, Gaillard, King of Alabama, Knight, Lanman, Lowrie, Ruggles, Seymour, Thomas, Van Buren, and Williams.

NAYS—Messrs. Barbour, Barton, Brown, Hayne, Holmes of Maine, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Palmer, Parrott, Smith, Taylor of Indiana, Taylor of Virginia, and Van Dyke.

The amendment made in Committee of the Whole, limiting the amount of any claim to be brought within the provisions of this bill to three thousand dollars, was objected to by Mr. H. JOHNSON, of Louisiana. The amendments, however, were all agreed to. Mr. LOWRIE advanced some objections to the bill; to which Mr. TAYLOR, of Virginia, replied.

Mr. BARBOUR moved to amend the bill, by inserting a provision, that no claim of more than — years' standing shall be entitled to the benefits of this act, nor any claim which has been rejected by either House of Congress. On motion of Mr. JACKSON, the blank was filled with "twelve." The amendment was adopted.

Mr. HAYNE moved a new section, to give the Congress the power of revising any judgment or decree rendered under this act. The amendment was agreed to.

The question was then taken, on ordering the bill to be engrossed, and read the third time, and decided in the affirmative—yeas 20, nays 19, as follows:

YEAS—Messrs. Barbour, Barton, Branch, Brown, Hayne, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, Lloyd of Maryland, Lloyd of Massachusetts, McIlvaine, Macon, Smith, Taylor of Indiana, Taylor of Virginia, and Van Dyke.

NAYS—Messrs. Bell, Chandler, Clayton, D'Wolf, Eaton, Edwards, Findlay, Gaillard, King of New York, Knight, Lanman, Lowrie, Palmer, Parrott, Ruggles, Seymour, Thomas, Van Buren, and Williams.

The Senate resumed, as in Committee of the Whole, the bill to repeal, in part, the act, entitled "An act to enable the people of the Alabama Territory to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States," together with the motion to recommit the same, with instructions; and, on motion, the bill was postponed until to-morrow. And the Senate adjourned.

WEDNESDAY, April 21.

The PRESIDENT communicated a letter from the President of the Washington Canal Company, with a statement of the receipts and expenditures of the company for the last year; which was read.

Mr. EDWARDS presented the memorial of the Chamber of Commerce of New Haven, in Connecticut, remonstrating against the passage of an act imposing additional duties on imports; which was read, and referred to the Committee on Commerce and Manufactures.

On motion, by Mr. LLOYD, of Maryland, the Committee on the District of Columbia were discharged from the consideration of the memorial of the judges of the orphans' court in the District of Columbia; and, also, from the consideration of the memorial and counter-memorial of the inhabitants of the county of Alexandria, on the subject of retrocession of that part of the District of Columbia.

Mr. BELL, from the Committee of Claims, to whom was recommitment the memorial of Rezin Rawlings and John Locke, executors of Daniel Rawlings, made a further report, accompanied by a resolution, that the prayer of the petitioners ought not to be granted.

The bill for the relief of the Columbian Col-

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lege, in the District of Columbia; and the bill for the relief of John H. Howland, of New York, were severally read the second time.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a committee to join such committee as the Senate may appoint, to consider and report what business ought to be acted upon at the present session; and, also, at what time the session may be closed by the adjournment of the two Houses; in which they request the concurrence of the Senate.

The Senate proceeded to consider the resolution last brought up for concurrence, and concurred therein, and Messrs. JACKSON, JOHNSON of Kentucky, and KELLY, were appointed the committee on the part of the Senate.

The resolution submitted yesterday by Mr. HAYNE, directing the Secretary of War "to report to the Senate the number of arms furnished by the State of South Carolina to the United States during the late war, and which have been substantiated at the proper department; and, also, whether any arrangements have been made for the settlement of the demand of the State for such arms, and what legal provisions may be necessary to carry the same into effect," was again read for consideration. Mr. H. briefly explained the objects of the resolution, and it was then agreed to.

The bill from the House of Representatives "concerning invalid pensions," was read the third time, as amended; the bill was then passed, and sent to the other House for concurrence in the amendment.

On motion of Mr. KING, of Alabama, the bill reported by the Committee on Public Lands, "explanatory of an act confirming claims to lots in the town of Mobile," was taken up for consideration, in Committee of the Whole. Mr. BARBOUR in the Chair. Mr. KING, of Alabama, moved to amend the bill, by adding a proviso, "that no such claim shall be confirmed, if the quantity of land exceeds one acre." This amendment was agreed to. The bill was then reported to the Senate, and passed to be engrossed, and read the third time.

DUTIES ON IMPORTS.

The resolution submitted yesterday by Mr. MILLS, proposing "that the Committee on Finance should be associated with the Committee on Commerce and Manufactures, for the consideration of the bill "to amend the several acts for imposing duties on imports," and that the members of the two committees be considered as one committee for that purpose," was then read for consideration. Mr. MILLS made a few remarks in support of his motion. Messrs. BARBOUR, SMITH, and LLOYD of Massachusetts, also spoke in favor of it; and Messrs. DICKERSON, NOBLE, and LOWRIE, opposed it.

Mr. HOLMES, of Maine, moved to amend the resolution, by striking out all but the word "Resolved," and inserting the following, "that the Committee on Finance be directed to inquire what

effect the bill from the other House, 'to amend the several acts for imposing duties on imports,' will have on the revenue of the country."

Messrs. KING of Alabama, JOHNSON of Kentucky, and ELLIOTT, opposed both the resolution and the amendment. The question was then taken on the amendment, and decided in the negative; and Mr. MILLS then withdrew his resolution.

COLONEL DUANE.

The bill for the relief of Colonel William Duane was read the third time. On the question, Shall this bill pass? it was determined in the affirmative—yeas 27, nays 8, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Benton, Brown, D'Wolf, Dickerson, Eaton, Edwards, Gaillard, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, Knight, Lowrie, McIlvaine, Mills, Ruggles, Smith, Talbot, Taylor of Indiana, Van Buren, and Williams.

NAYS—Messrs. Chandler, Clayton, Holmes of Maine, King of Alabama, Macon, Taylor of Virginia, Van Dyke, and Ware.

So it was resolved, that this bill pass, and that the title thereof be "An act for the relief of Colonel William Duane."

SURVEYS FOR ROADS AND CANALS.

The bill from the House of Representatives, "to provide for making surveys for roads and canals," was then taken up for consideration, in Committee of the Whole. The question was upon an entire new bill, offered as an amendment, by Mr. BENTON.

Mr. BENTON rose and said, he would compare the provisions of the bill from the House of Representatives, with the provisions of the amendment which he had submitted, and he would state the reasons which induced him to prefer the amendment to the bill.

The bill is general. It places \$30,000 in the hands of the President, and leaves him at liberty to select such routes for roads and canals as he shall think proper. It contains no details, neither as to the construction of the roads, nor as to the depth and width of the canals. It contains no limitation upon the number of persons to be employed in the survey, nor upon the wages to be allowed them. It asks no consent from the States to the execution of the works proposed to be undertaken within their limits.

The amendment is specific. It places the same thirty thousand dollars in the hands of the President, but specifies the routes to which he shall apply it. It defines the extent and capacity of the intended works. It limits the number of surveyors to be employed, and fixes their compensation. It asks the consent of the States to the execution of the works.

On this proposition to amend, Mr. B. did not consider the field to be open for debate on the constitutionality or general expediency of internal improvements. He considered the debateable ground to lie between the bill and the amendment.

Their comparative merits was the object of inquiry. He would limit himself to it, and endeavor to show,

1st. That it is better to adopt the specific than the general provisions.

2d. That the routes specified are national.

3d. That we have the funds to execute them.

On the first point.—The adoption of the bill, with the general provisions, would subject the President to a labor which ought not to be thrown upon him. He is an Executive officer, created for great national purposes, and his duties are defined in the Constitution. I do not deny but that the Congress may add to them, but it ought never to be done, except in a case of clear necessity, and here is no necessity at all. It is a deception practised upon itself, for the Congress to suppose that the talent and character of the President is to be embarked in those legislative duties annually assigned to him. He has enough to do under the Constitution. He cannot quit the great concerns of the nation to superintend these subaltern affairs. They are devolved upon some subordinate officer, we know not whom, and the errors and mistakes of the unknown deputy, are sanctified by the adoption of his august superior.

It is wrong to throw upon the President the responsibility of making these selections. They interest the local feelings of every part of the Union, and every section will claim its road or canal. If disappointed, it will be discontented, and nine-tenths of the applicants must be disappointed. No human being can decide upon their jarring pretensions, and give a general satisfaction. We cannot do it ourselves, though drawn from every part of the Union. The moment we begin to touch the internal improvement fund, we take the attitude of legatees, dividing the estate of an ancestor. Each goes for himself. How stands the question at this moment in the Senate? We have one proposition to divide the fund according to the population of the States; another to divide according to the rule of laying direct taxes; a third to divide according to the superficial content of the States; and each State goes for that by which it would gain most. The amendment which I have submitted adopts a rule of division different from all these: it proposes to apply the fund nationally, to make roads and canals where the national interest requires them, without regard to population, direct taxes, or the size of the States. The Congress can agree upon neither, and it throws the responsibility of division upon the President. What will be the result? Why, the President will order some routes to be surveyed, and when the surveys are brought in, and an appropriation is demanded, all the disappointed may stand together, attack his selection, and defeat it.

It was wrong to give to the President a legislative duty to perform. The selection of these routes is a legislative function. It involves appropriations and local interests, and may give great advantages to one part of the Union over another. Seventeen years ago, it was said by one of our most eminent statesmen, that, "the National Legislature alone, embracing every local interest,

and superior to every local consideration, is competent to the selection of such national objects." (*Gallatin on Roads and Canals.*)

It is wrong to give to the Executive the vast increase of patronage which the general provisions of this bill will confer upon him. It was said in England, thirty years ago, that the power of the Crown had increased, was increasing, and ought to be diminished. The same may be said of the patronage of the American Executive; and shall we, instead of diminishing, add to it, some twenty or thirty millions more? Shall we refuse to sit here and vote upon these routes, in our characters of Senators, and then rush to the President, and, in the supplicant posture of petitioners, humbly sue to him for a division of the spoil?

The adoption of the amendment will prevent all these evils, will save the President from a labor to which he ought not to be subjected—from a responsibility to which he ought not to be exposed—from a legislative duty which does not belong to him—from an increase of patronage which may bring the members of the National Legislature, in crowds, to his feet.

The amendment asks for the consent of the States. The request does not turn upon the notion that the act of one State can give a power to Congress which it has not derived from the Constitution. It turns upon the question of trespass upon the soil and jurisdiction of a sovereign State. The right of Congress to appropriate the money, is generally admitted. The great objection is to the right of the Federal Government to enter the limits of a sovereign State, and dig up its soil, cut down its trees, and trample upon its grass. This involves the idea of trespass upon the soil and jurisdiction of the State; and that presents a question limited to the two parties concerned. If the State is sovereign, she can consent to the entry, and waive the supposed trespass; if she is not, there can be no violation of sovereignty in entering without it. Granting the right of Congress to be clearly inferrible from the Constitution, I would still prefer to make these improvements with the consent of the States. It would be respectful towards them to ask their consent. It would conform to the opinion of some distinguished statesmen.* It would follow the principle of the act under which the Cumberland road was opened; an act which had the approbation of Mr. Jefferson, and which procured the assent of Virginia, Maryland, and Pennsylvania, to the construction of that great road within their respective limits. It cannot be presumed that a State would refuse its consent in any case in which it would be beneficial to itself to grant it, or that the Congress would wish to open a road or a canal contrary to the will and the interest of the State through which it would pass. The request will not compromise any existing right. I can

* "It is evident that the United States cannot, under the Constitution, open any road or canal, without the consent of the State through which it passes." (*Gallatin on Roads and Canals.*)

see no possible evil; on the contrary, great advantages from making the request.

The routes specified in the amendment are national. They are—

For Canals.

1. A route to connect the inland tide waters, along the Atlantic coast, from Maine to Florida.
2. A route to connect the Ohio and Potomac rivers.
3. A route to connect the Ohio and Lake Erie.
4. A route to connect the Illinois and Lake Michigan.
5. A route to connect the Tennessee river with the waters of the Mobile bay.
6. A route to connect the inland tide waters along the Gulf coast, from the Mississippi to the Atlantic Ocean.

For Roads.

1. From Washington City, south, to Florida.
2. From Washington City, north, to Maine.
3. From Washington City, southwest, through Virginia and Tennessee.
4. From Washington City, northwest, in completion of the Cumberland road, to Missouri.
5. From New Orleans to Columbus, in Ohio.

These objects announce themselves as national. They follow the course of travelling, of trade, of the mails, of the march of troops, and they unite the grand geographical divisions of the country.

1. The canal along the Atlantic coast was projected by Mr. Gallatin, in the year 1807. The inland tide waters, in front of that extended coast, are only separated by some half a dozen necks of land, making in the whole one hundred miles. Canals of eight feet depth, opened across these necks, would give an inland navigation of one thousand six hundred miles, secure from storms and enemies. Steamboats of the largest size, and all the common sea vessels, could float upon it. The communication between all the Atlantic seaports would be safe, regular, and rapid, as well in bad as in good weather, in war as in peace. 2. The project of a canal between the Ohio and Potomac has too recently occupied the public attention to need a word of commendation from me. 3. The junction of the Ohio and Lake Erie was a favorite object with General Washington, and now engages the anxious deliberations of the States interested in it. Nature seems to have intended these waters for communion. In various places, in the States of Ohio and Indiana, they approach and almost embrace each other. The Wabash, Sciota, and Muskingum approximate to the opposite streams of the lake, and call upon man to join them together. 3. Between the Illinois and Lake Michigan the effort of nature has been greater, the work of man will be less, and the result more grand and universal. The Pass at Chicago is the Dardanelles of North America. A cut of a few miles would unite the inland seas of the North, the Lakes Superior, Huron, Erie, and Michigan, with the fifty thousand miles of river navigation which traverse the valley of the Mississippi. 5. The junction of the

Tennessee with the waters of the Mobile would unite two large divisions of the country, and give facilities to the commerce of four different States. With all these objects, the public mind had been long familiar, and eulogies upon their advantages would be labor misplaced, in the American Senate. The route along the Gulf is the only one which presents itself in the shape of a new project, and some details upon its practicability and advantages ought to be given. Mr. BENTON would give them, partly from his own observation, but chiefly from a fund of accurate information received from the intelligent delegate from Florida, General CALL.

The direction of this route would be East and West; its point of commencement, in the Iberville river, on the Mississippi; its termination in the St. John's river, on the Atlantic coast; the Iberville is an arm of the Mississippi; breaking out from the main river about one hundred miles above New Orleans, and discharging itself into Lakes Maurepas and Pontchartrain. At nine miles from the Mississippi it meets the tide! The St. John's is a noble river of East Florida, twelve feet deep on the bar at its mouth, and navigable for ships two hundred miles.

The route divides itself into four stages:

1. From the Mississippi to Mobile bay, three hundred and sixty miles.
2. From Mobile bay to Pensacola, forty miles.
3. From Pensacola to the bay of St. Mark's, two hundred and fifty miles.
4. From St. Mark's to the tide in St. John's river, two hundred miles.

The first stage lies through the Iberville, the Lakes Maurepas, Pontchartrain, and Borgne, and behind the range of islands which lie in front of the coast. The work to be done upon this part of the route is next to nothing. Some rafts only, which obstruct the channel of the Iberville, are to be removed.

The second stage, from Mobile bay to Pensacola. The route lies through the river Bonne Secourre, over land, five miles, to an arm of the Perdido bay, and from the Perdido, over land, one mile, to the grand lagoon which communicates with the bay of Pensacola. The work to be done upon this stage is to open two canals, one of five miles, the other of one mile, in length.

The third stage, from Pensacola to St. Mark's. The route follows the coast, behind the island Santa Rosa, to the bay of Choctawhatchy, thence up a large bayou into the bay of St. Andrew's, thence five miles, over land, to Lake Wimeco, which communicates with the bay of St. Mark's. The only work to be done is to open a canal of five miles, between the bay of St. Andrew's and the Lake Wimeco.

The fourth stage, between the Bay of St. Mark's and the tide-water of St. John's river. The route is along the coast sixty miles, to the mouth of Suwaney river, up to its eastern point of navigation, and over land, twenty miles, to the river St. John's. The work to be done, to open a canal twenty miles, between the Suwaney and St. John's, through a level country and a light soil, reposing upon a

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clay foundation. It is worthy of remark, that, between the Suwaney and the Atlantic ocean, there are two means of communication, both equally short and easy—by the St. John's and St. Mary's. In favor of the latter route, a memorial now lies upon the table of the Senate, from the citizens of the southern parts of Georgia, praying a canal to be opened, and stating the distance at twenty-five miles.

Mr. B. called the attention of the Senate to the inconsiderable work required to be done, and the great effect to be produced in opening the route which he had traced. The removal of some rafts of timber in the Iberville, would open a communication between the Mississippi and the Mobile bay; two canals of six miles would unite the bays of Mobile, Perdido, and Pensacola; a canal of five miles would unite the bays of Pensacola, St. Andrew's, and St. Mark's; and a canal of twenty miles would cut through the peninsula of Florida, and unite the Gulf of Mexico with the Atlantic ocean. He dwelt upon the advantages of completing this communication, which nature had indicated, between the Mississippi and the Atlantic. It would diminish the distance two thousand miles. It would be safe from pirates and storms, from the fleets of enemies, and from the power which may hold the Havana. It would enable the produce of the valley of the Mississippi to distribute itself along the Gulf coast and to penetrate the interior of all the Southern States.

The same barge or steamboat which had issued from the Ohio, the Upper Mississippi, or Missouri, instead of being confined to the single market at New Orleans, would have that market and a hundred others open to it. The Iberville would carry the trader to New Orleans, by the lake Pontchartrain, or enable him to penetrate the interior of the State of Mississippi, by turning up the Amite, the Pearl, and the Pascagoula rivers. He might go to Mobile, and thence into the heart of the State of Alabama, by the Tombigbee and Alabama rivers, or to Pensacola and St. Mark's, and enter Georgia upon the west, through the Appalachicola and Flint rivers; or, continuing his course across the peninsula of Florida, he might turn up the Atlantic coast, touch at Savannah and Charleston, and reach the interior of Georgia and South Carolina by the several rivers which flow from them. The advantages of such multiplied markets would be reciprocally beneficial. The valley of the Mississippi is agricultural; the Southern States are planting. The surplus flour, beef, pork, and whiskey, which lies at New Orleans, almost without price and without demand, would find markets at Mobile, Pensacola, St. Mark's, St. Augustine, Charleston, Savannah, and at the innumerable towns and cotton plantations which cover the banks of the rivers in the States of Mississippi, Alabama, Georgia, and South Carolina, and the Territory of Florida.

The advantage of an inland communication between the Mississippi and Atlantic, did not escape the observation of Mr. Gallatin, in his great plan for roads and canals in the year 1807. At that

time, the Floridas did not belong to the United States.

The route along the coast could not be contemplated. Mr. Gallatin could only look to the country above the 31st degree of north latitude, and in that region he indicated a canal to be opened, five hundred and fifty miles in length, at the expense of thirty millions of dollars, and ten years of labor. Great as would be the labor and expense of such an undertaking, Mr. Gallatin was of opinion that the commercial, and other advantages, of discharging the Mississippi into the Atlantic ocean, through the intermediate territory and State of Georgia, would be worth it all. (Page 41 of his report.) But now, by the acquisition of the Floridas, a new route presents itself, requiring but thirty-one miles of canals to complete it! the work of one Summer! and the expenditure of less than one quarter of a million!

Upon the subject of the roads, which his amendment specified, Mr. B. would be brief. Their number and direction had been stated. Issuing from the doors of the Capitol, four of them would proceed to the four grand divisions of the Republic. The fifth, traversing the valley of the Mississippi, from north to south, would pass through the centre of the intermediate States, intersecting the great southwest road in Tennessee, and the great northwest road in the State of Ohio. Each of them combines the characteristics of national highways. They followed the direction of travelling, whether for business or pleasure—the direction of the great mails, and the lines upon which troops would be marched for the defence of the country.

3. Have we the money to execute this great system of internal improvement?

Mr. B. thought that the funds were forthcoming. It would have been idle to put the Senate upon an inquiry into the propriety of adopting this great system, if, in the event of its adoption, we should have no money to carry it into effect. He had considered that part of the subject before he had submitted any plan, and he saw, or thought he saw, two distinct sources from which the funds would be derived. First, from the lapse of different appropriations now applicable to objects which would soon cease to require them. Under this head came the sums appropriated for paying Revolutionary pensioners, for completing the fortifications, and finishing the public buildings. The pension list now required \$1,290,000, the fortifications \$600,000, the public buildings, \$100,000. The pension fund had diminished more than one-half in the last three years, and must entirely cease in a very short time, from the deaths of the pensioners. The expenditure for fortifications and public buildings must cease in a few years, from the completion of the works. From the lapse of these three items of annual appropriations, the sum of two millions of dollars will soon be disengaged from their present objects, and applicable to such new purposes as the Congress may determine. The second source from which the necessary funds may be derived is, from the increased revenue from the customs. It is the theory of econ-

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SENATE.

omists, that consumption and population increase together. In the United States this theory has been more than realized. In 1790 our population was four millions, our revenues from customs four and a half; in 1823 the population is eleven millions, the duties from customs seventeen; the revenue is quadrupled, the population not quite trebled. The present revenue is more than enough for the current expenses of the year; the annual increase must therefore be a surplus, applicable to new objects of expenditure. This, without the benefit of the new tariff; but, under the operation of the increased duties, it is admitted on all hands that the revenue must be increased upwards of two millions per annum.

Here, then, are ample funds for carrying on the great works indicated in the amendment. Admit that they shall require twenty-five or thirty millions, yet they are not to be completed in a year, and the amount will not be required at once. An annual appropriation of two or three millions, distributed in due proportions among the different works, would complete them all in some ten or fifteen years. We should then have all the grand divisions of the Republic united and bound together by great leading roads and canals, made at the national expense. The State governments might complete the system, by executing smaller works at their own expense. When completed, the whole would redound to the benefit of all parts of the country, and of every individual of the community. Roads and canals are objects of universal use and convenience. They belong to that class of benefits which it is the noblest ambition of the statesman to bestow upon his country. The most eminent conquerors have deemed their glory incomplete, unless crowned with the merit of these beneficent works. The great Napoleon, when giving the law to Europe, was also engaged in digging canals and opening roads through the interior of France. Cæsar, when triumphant over all enemies, gave orders to drain the Pontine marshes, to cut through the isthmus of Corinth, to dig harbors on the coasts of Italy, and to open roads across the Appenine mountains.

Our great WASHINGTON, in all the situations of his life, when a young man in the Colonial Legislature, when President, when again retired to private station, was a constant advocate for internal improvements. To us, who are mere legislators, whose peculiar duty it is to apply the public money, I can see no higher object of ambition than that of applying it in a way so universally advantageous to the whole body of the people.

When Mr. B. had concluded—

Mr. BROWN, of Ohio, addressed the Senate, in opposition to the proposed amendment, and in favor of the original bill.

Mr. HOLMES, of Maine, addressed the Chair as follows:

Mr. President: I am opposed both to the bill and the amendment. The first describes the character of the roads, but keeps out of view their designation and extent; the other designates the roads and canals contemplated, but is careful not to define their character, nor to indicate the source

from whence the power is derived. Still, I admire the frankness of the mover of the amendment. He shows you at once the extent of his plan; a plan as magnanimous as it is magnificent, and as extravagant, as impracticable. Still, I should have been better pleased, if the advocates of internal improvement would have selected the part of the Constitution that gives them the power. This, they have carefully and prudently avoided. Prudently indeed, for should any one source be selected, my life for it, not one-fourth of either House would concur. Yet this subject presents this singular inconsistency: that a power which must be derived from some one grant in the Constitution, can unite but a small minority as to the source from whence it is derived, but yet, will I fear, unite a majority in favor of its existence.

One tells us, that it is to be found in the grant to "regulate commerce;" another, from the consent of the States; a third, from the right to "erect needful buildings;" a fourth, from the military power; a fifth, from "common defence, and general welfare;" others, from other sources; and some, from all combined.

Now, sir, these differences as to the source of the power, might well induce a doubt of its existence.

Implied, or incidental powers, were once fashionable doctrines. It was insisted, that they were necessary, and that, without them, those granted could not be executed. The position has been too willingly yielded, and, once yielded, these powers may be claimed to an unlimited extent. Now, sir, I deny that any of these are necessary to the execution of any of the defined and enumerated powers in the Constitution. There are, to be sure, subordinate, suppletory, or auxiliary powers—Congress may pass all laws "necessary and proper" to carry into effect those defined and prescribed in the Constitution. But, these are expressly granted; and this clause in the Constitution, applies to every grant. Congress has power "to lay and collect taxes," &c., and "to pass all laws necessary and proper" for this purpose. Take the most naked grant in the Constitution, and, with this auxiliary power, you can do all you ought, without the aid of implication, Constitution, or incident.

Full well I know, that this is not the doctrine of the day. Power never retrogrades—it is always progressive. In 1800, these doctrines of constructive, implied, incidental, or resulting powers were spreading, and advancing to a consummation, by some devoutly wished, when they were checked by a political revolution. Ever since, they have been progressive, even among the disciples of the Democratic school, until at this time principles are urged and powers claimed, which even Mr. Hamilton never pretended, but denied, could be derived from the Constitution.

In 1810, I think, there was an attempt to renew the charter of the old bank. A bill was reported, and ably defended, by a distinguished Senator from Georgia, who was, I believe, the chairman of the committee. It was opposed by a distinguished member from Virginia, in an ingenious and eloquent, but very singular and extraordinary

speech. A member from Kentucky, who now stands pre-eminent as the advocate of broad and liberal constructions of the Constitution, then combatted, with great ability, severity, and sarcasm, these dangerous, unconstitutional principles. This eminent statesman opposed the construction which gave you a bank, but admits that for roads and canals.

Another, a citizen of Virginia too, who has since been exalted to the head of the nation, at last, yielded to the progress of opinion—admitted the constitutionality of the bank, but would not sign a bill which provided an unconstitutional bonus, for "roads and canals."

The power for both, if it exists, must be derived from the same source; and yet, here are two eminent statesmen, one admitting that you have the power to establish a bank, but denying you that for roads and canals; the other denying the former, but admitting the latter. It is possible, however, that by this time, these gentlemen have both found some nook or corner in the Constitution whence they can derive the power to do both.

Were these gentlemen here, who formed the Constitution, I might with confidence appeal to them, if it had been believed that it contained the power claimed by this bill, whether it could possibly have been adopted? No, sir, the truth is, this doctrine carries us much further than we ever went before; and one class of politicians, I mean the Federalists, have a right to hold their heads high. When one nation or people conquer another, and settle down in their country, it not unfrequently happens, that the conquerors adopt the laws, manners, customs, and creed of the vanquished—especially if the latter have the most intelligence and civilization. I trust this was not the case in the victory of 1800; but it some way or other happens, that we have not only adopted the strongest Federal maxims, but have gone much further. And if we establish the principle proposed in this bill, that party may congratulate themselves, that, though their power has been lost, their principles have in this instance triumphed.

But I conjure gentlemen to reflect, that, when the act is passed, and in the hands of the judiciary, it will be then beyond our reach. The Supreme Court will not inquire of us whence we derived the power, nor what is its character. Indeed, as so few who claim it can agree whence they derive it, such an inquiry would be utterly fruitless. They will take the law and the Constitution, and, if they in their wisdom see fit, they will tell you that the right in Congress to construct roads and canals is derived from the power "to regulate commerce;" that the original power is exclusive, and so is the derivative: that, therefore, the consent of a State is unnecessary, and consequently the resistance of a State could have no effect. If they should so determine, it will result, that roads and canals might be cut and carried any where through a State, against its interests, and in defiance of its authority.

In such an event I ask, where is your remedy? The law is passed, the canals and roads are made, the property is vested, the die is cast. My friends

from the West are aware that such has been the effect in regard to the United States Bank. Congress has power, say the court, to regulate commerce, and to collect a revenue. These powers are exclusive. To facilitate their fiscal concerns, it is "necessary and proper" to appoint persons to receive, and places to deposite, their money. These receivers or bankers may be authorized not only to manage the money of the Government, but their own. Wherefore, Congress can establish a bank, with a capital of thirty-five millions; extend its branches into every State of the Union, and protect it in the exercise of its functions, in spite of State authority. Would not the same process of reasoning authorize them to do the same in regard to roads and canals? My life for it, pass the law, admit the power, and your judicial courts would not, in enforcing it, be limited by considerations of the consent or refusal of a State. They would, as many in Congress now do, seize hold on the power to regulate commerce, tell you that it is an exclusive power, and that their complaints and remonstrances will be vain, let the injury be what it may.

Where, then, I repeat, is your remedy? Will you repeal the law? As in the case of the bank, the power will have been exercised, the right vested, and the sovereignty of a State infringed. Do you hope relief from the House of Representatives? They are the national branch of the Legislature, and are becoming every day more national. Do you hope any thing from the Executive? A President grasps at power, as he continues in office. Mr. Monroe, at the commencement of his Administration, anticipating that this subject would be attempted in Congress, rather prematurely, as was thought, forestalled them, and gave them to understand that, if they passed a bill, he should be compelled to arrest it by his negative. He has since, it seems, abandoned all his scruples, and very lately admitted the power to exist. Are you to look for redress for an encroachment on State rights to the judicial tribunals? The nature of man, as well as past experience, assure us that here you would forever be disappointed. Who, then, are the legitimate guardians of the States? This Senate. To this end were we constituted; to this purpose it is our duty to act.

In discussing this bill and the amendment, I shall present two questions to the consideration of the Senate. Is it clear, that, by the Constitution, you have the power to pass the bill? And if so, is it prudent at this time to exercise it? I am aware, sir, that the bill only proposes a survey—and this surely, cannot be unconstitutional. But is it intended to stop here? You will send your corps of engineers into the States, to designate for them such roads and canals as they may make. If the States are to make these roads and canals at last, they will not thank you for designating them; this they would do much better than you. No, sir, however disguised the bill may be, this is the entering wedge; the commencement of a grand scheme of internal improvement. And I call upon the advocates of this measure to point

out to me the part of the Constitution which gives you this authority. Is it in that "to regulate commerce?" But to this there is a restriction, that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." Now, if constructing roads and canals is regulating commerce, then how can you execute this power, without giving this "preference?" You make a canal; it is a "regulation" of commerce; it is from a port or place in one State, to that of another; can you observe equality in all this, and treat all the States alike? The local situation, and nature of the ground, render this impracticable. If then, it is to be derived from the power over commerce, this limitation meets you at the threshold, and renders the whole scheme utterly impossible. But how is it, that we give this word "regulate," this originating power, and make it read, to "erect, create, construct?" I have always understood that its meaning was directory or prescriptive. To "regulate commerce" is not to create it, but to prescribe rules by which it is to be managed. "Congress shall have power to regulate commerce among the several States," &c. Here Congress is the agent, regulation is the action, and the States are the objects. The rules are to operate upon them. The literal meaning of the word is, "to set in order by rule or method." Could the framers of the Constitution have ever supposed that this plain, simple, unequivocal word would have been perverted to authorize the construction of roads and canals? But give this word "regulate" this creative power, and where are we to stop? If a road is a means or medium of commerce, money is emphatically so. If you can make the one, you can the other. As you are not, as the States are, restrained from issuing bills of credit, you might regulate commerce by making paper money; and as this power over commerce is an exclusive power, this money might be made a legal tender, and forced upon the people, and even a local or State bank which stood in its way might be suppressed.

Indeed, upon this construction, I do not perceive why you may not carry on the commerce in those channels which you create. And if you can do this, why not take the whole coasting trade, or even the foreign trade, into your own hands? Sir, give this little word the construction contended for, and there is no limit by which you are to be restrained.

But, it is said this word has had a practical legislative construction, which will warrant you to use it to construct roads and canals. Congress have, under this power over commerce, created and built lighthouses and piers. As this position does not prove what the Constitution is, but what it is construed to be, it will be enough for my purpose to show that Congress never have built lighthouses or piers under the authority to regulate commerce. Congress has power to erect forts, arsenals, dock-yards, and other needful buildings, on lands purchased with the consent of the State where the land is. Lighthouses were erected before the Constitution was adopted, and in the first

session of the First Congress an act passed providing for, and requiring of the States a cession of the jurisdiction, hereby admitting that they claimed the power under that clause of the Constitution which authorizes the "erection of needful buildings." Congress has ever since, either by special or general provisions, required that, before the lighthouse or pier should be erected, the jurisdiction of the site should be ceded to the United States. Congress, then, have never so expounded the Constitution as "to erect or create," under the grant "to regulate commerce." As we have designated the power whereby we create these "buildings," now let us see if the friends of roads and canals can derive theirs from the same source. Congress has power to create needful buildings: roads and canals are needful buildings: therefore, Congress has power to create and build roads and canals. Let us try the strength of this syllogism, and illustrate the argument by bringing in a bill to make a canal, and taking the words of the Constitution for the title of the act: "An act for the creation of Needful Buildings—*Be it enacted, &c.* That there shall be erected and built a canal, to be ten feet deep and ten rods wide, to commence at the river St. Mary's, in the State of Georgia, and to pass through the maritime frontier of the United States to the river St. Croix, in the State of Maine, and for this purpose there be appropriated two hundred millions of dollars, to be paid out of any money in the Treasury, not otherwise appropriated." Sir, such an act, with such a title would be the subject of universal ridicule; and yet, this act, with this title, is a fair illustration of the whole argument. But, if gentlemen are driven from one fortress, they retreat to another. And if I mistake not, I witnessed an honorable gentleman intrenching at Gridley's farm—a purchase of property by the United States without the consent of the State. If the right exists, will it not help you to roads and canals? As to this right in Congress to purchase lands, I am inclined to differ, which I do always with deference and reluctance, from my venerable friend from Virginia, (Mr. TAYLOR.) The United States may hold lands, but not to an unlimited extent. Before the adoption of the Federal Constitution, we had acquired the Northwestern territory by cessions from several States; and had, by the ordinance of the 13th July, 1787, provided for its government, and stipulated for its admission into the Union. The lands were to be applied to the payment of the Revolutionary debt. It was then foreseen that, from necessity, we must, at a future day, hold these lands within the limits of a sovereign State. It was, moreover, perceived that we might acquire other territory by treaty. The Constitution consequently provided that, by these operations "nothing should be so construed as to prejudice any claims of the United States or of any particular State." By this precaution, the interest of the United States and the sovereignty of the individual States are equally secured.

The power to raise and disburse money, and to dispose of lands, renders it indispensable that you should have debtors, and therefore a power to en-

force payment of debts. If a man neglects or refuses to pay his debts or taxes, you can take his goods or lands, and appropriate them to the payment. In one other way, and one only, can you hold lands, and that is by purchase. But this is also expressly limited and defined. After providing for a district for the Seat of Government, Congress can exercise exclusive legislation "over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings." Here, while the right to purchase is given, it is limited to specific objects or purposes. You may, I believe, purchase for these objects, thus defined, without the consent of a State, but can exercise no legislation, and the places would be, in your hands, subject to the laws of the State, as other property. The purchase is to be confined to the object, and the consent of the State gives you exclusive legislation over the purchase. These are the three, and the only methods by which you can hold lands within the limits of a State. By acquisition of territory, by debts and taxes, and by purchase for specified objects. These means to acquire national domain are sufficiently ample for all useful purposes, and quite too ample for the security of the independence and sovereignty of the States. You have not, you ought never to have, the power to purchase lands in a State for roads, canals, or any other national project. And, if you would thus purchase, where would be the benefit? The laws of the States would control and embarrass you. Their regulations might subject you to different and perplexing impositions and burdens. Such property would be a source of vexation and expense, and would be worse than useless.

But it is proposed that, if there is any deficiency of power, the States may supply it by cession.

I know of but one way in which the political power of a State can be surrendered; it is by an amendment of the Constitution. The powers of the States, as such, must all be equal. What portion of power has been retained by the people, and what given up to their Legislature, is a question for each State to determine for itself, but any inequality in the Constitution of a State creates no inequality in the different States as political bodies. As such, they are on a perfect equality. The United States can exercise no power in one, which it cannot in another, without consent, and this consent can only be given where the Constitution allows it. The original States, which formed the Constitution, were equally sovereign and independent. Each gave up an equal portion of power to the United States, and consequently what was retained must be equal. Equality of power is essential to the existence of a State. It cannot have less than the rest, and when it has, it ceases to be a State.

Nothing is so essential to the harmony and perpetuity of the Union as this equality. If a State may surrender to the United States a portion of its sovereign power, why not the whole? Could this be done, Congress might have exclusive

legislation over a Territory and population, to the great danger and annoyance of the rest of the States.

And, if a State may have less, why may it not have more, than its originally reserved powers? As this right to receive and surrender powers must be reciprocal, it seems to result that Congress, on the part of the United States, and the Legislature of a State, on the part of a State, may barter and exchange the people's rights as they please. And if this right of cession, or consent of a State, except where authorized by the Constitution, be once admitted, it might produce an inequality, variety, and contrariety of powers repugnant to the plan and design, and even subversive of the Constitution.

But, if a State has a right to surrender any of its legislative or sovereign powers, except where it is specially provided, have we any right to take it? How can Congress exercise that legislative power which should be so surrendered? The Constitution prescribes the limits of our legislation, and beyond that we cannot go. The cessions allowed are defined; consequently, all others are excluded.

The Constitution has allowed Congress to exercise certain powers by the consent of a State, and a State to exercise others by the consent of Congress. We are prohibited, by a general clause, to exercise the powers not granted either absolutely or conditionally, that is, with consent. The prohibitions upon the States, though more specific, are of the same character. No consent of Congress could authorize a State to coin money, emit bills of credit, or pass a tender law. These are absolute prohibitions. But a State may, with the consent of Congress, lay imposts on imports and exports, enter into compacts, and engage in war. Congress can, in certain defined cases, exercise exclusive legislation, with the consent of a State. Now, as a State cannot exercise any power by the consent of Congress, except it be allowed by the Constitution, neither can Congress, by the consent or cession of a State, except where it is so allowed. But, as the Constitution has given no power to a State to authorize us to make roads and canals, it would seem to follow that no such power can be derived from the consent of a State.

But how is a State to give its consent? It seems to be understood, by its Legislature. It would be impossible that an adequate cession, of sufficient width for a canal, could be made, without including not only the property of individuals, but their persons. The grant for the New York canal embraces territory on each side, for its convenience. Now, let me ask what right has the Legislature of a State to cede away or disfranchise a citizen? The great leading principles in Magna Charta are embraced in most if not all our State constitutions. No citizen is to be put out of the protection of the law, or despoiled of his immunities or privileges, but by the judgment of his peers, or the laws of the land. How, then, could the Legislature of a State assign one of its citizens to the United States without impugning

these great maxims of freedom? It would be a disfranchisement without judgment or law. It would be a bill of pains and penalties, robbing a man of his citizenship without his consent, or even his knowledge.

Sir, these are no new doctrines. In the unpleasant contest of the admission of Missouri into the Union, I then contended that no State could yield up a part of her sovereign power as a condition of her admission; that every State must be received on the footing of perfect equality. I did not anticipate that my friends from Missouri would so soon have abandoned these principles.

The bill before us proposes this survey for military as well as other roads, and this renders it necessary to inquire whether the authority to construct roads and canals can be derived from the military or war-making power.

This part of the subject I approach with great deference and humility—deference, because whatever is military, is, at this day, very popular; humility, because I see much evidence that the people are too much disposed to magnify this at the expense of civil right, which I fear is rapidly becoming subordinate to the military.

I admit that, in time of war, the civil power must, in some measure, be suspended; that, in the midst of arms, laws are in a degree silent; that, amidst blood and carnage, liberty retires, and weeps in silence. Armies must be marched, roads must be cut, farms and gardens must be subverted, houses demolished, breastworks thrown up, battles fought, men slain, wives, mothers, and daughters, bereaved. These are the antic tricks and freaks of the monster war; these are the scenes in which he riots; this is the food on which he delights to feed. But peace returns, and civil right is restored; injuries are repaired; wrongs are righted; and, although the slain cannot be resuscitated, their memories can be consecrated, and their relatives protected. It is then emphatically true that the military is subordinate to the civil authority—not a soldier could be quartered on a citizen without his consent—not a rod of ground can be subject to your power, without the consent of the State where it is.

Connected with, and consequent upon, this war-making power, is that of fortifications; and this has been seized on as giving an authority to construct roads and canals. You obtain the site for a fortification by purchase; you obtain the jurisdiction over it by the consent of the State. You can only purchase for this object—to this the Constitution limits you. Besides, no man can sell more than his own. An individual conveys to the United States a site for a fort; he may have, as appendant or appurtenant to it, a right of way. This is, and must be, limited to a communication with the first common high way, and there it ceases. This is all which, at most, he could convey; and, consequently, this is all you could purchase. Beyond this, the United States could acquire no right over the land of another.

Now, could the consent of a State alter or extend this right? This is necessary to give you exclusive legislation over the land so purchased.

This power of exclusive legislation is not a grant, but an authority to receive one from a State. It must be co-extensive and commensurate with, and consequent upon, the purchase; but the purchase is limited to the object, and the consent to the purchase; wherefore, the exclusive legislation is confined to the object, which is the fortification. Unless I am deceived by a partiality for my own reasoning, the argument on this point is conclusive. But even if the consent of a State to a purchase for a fort or arsenal could authorize a right of way from and to it, what may be its extent? From and to what place or places? Where is the *terminus ad quem*? Surely not beyond the limits of the State. A State cannot, any more than an individual, dispose of more than it has. One State cannot legislate for another; I never knew it attempted but once. I understood that the Legislature of Pennsylvania did undertake to pass a law regulating the sale of lands in Ohio, but Governor McKean returned it with his negative, sarcastically remarking, that perhaps it might be as well to leave it to the good people of Ohio to make their own laws in their own way. If, then, a road, as appurtenant to a fortification, might extend from it to the bounds of a State, it would be totally incomplete for your purpose—your object is to make a communication from one post to another. Your appurtenant road or canal could not exist except in the State where your fortification is established. Every other State through which you would carry it, would obstruct you, and the power being thus limited and restricted, would be worse than useless.

I know very well that we have been told that, without the right to make roads and canals, the military power will be imperfect. I hope in God that in this country the military power will always be imperfect. A perfect military power is a military despotism. Gentlemen seem to forget that there are yet some powers left to the States, and that they have corresponding duties. A fort is to be erected in a State, primarily for its protection, remotely as a defence of the Union. A State has important powers reserved, civil as well as military. It holds the purse and the sword, as well as the United States. It has nearly the exclusive control of its militia in peace, and an important direction of it in war. In this latter event, it can raise armies, and maintain navies. As a fort is established for the mutual benefit of the State and the United States, it was proper that each should contribute something to its establishment. The parties agree on the site, the State provides facilities of communication, either by its rivers or roads, or both, and cedes away its sovereignty, and the United States build, arm, man, and defend it; and by its exclusive legislation govern it, in their own way, and at their own expense.

And what more power do you need over your military posts or places? Do you still apprehend that this power is so incomplete that, in time of peace, the army may suffer? Do you fear that, if it has no other means of protection and sustenance than purchase of individuals or consent of

States, that it may be in distress, without remedy, and, therefore, it is necessary to amplify the military power to provide against this imaginary evil? Sir, this is all visionary. We hail the soldier of liberty as a friend. When saw we him hungry, and gave him no meat; thirsty, and gave him no drink; naked, and clothed him not; sick and imprisoned, and did not administer unto him? These deeds of charity are done, not only to our own soldiers, but to prisoners and rebels. Our kindness to a captured or wounded enemy, both in the Revolutionary and late wars, was proverbial, and, I regret to add, was too often requited with base ingratitude. No, sir; when any portion of your army, in any part of the United States, shall be unable to obtain shelter or sustenance by ordinary means, that part of your country will be in that state of rebellion which would justify force, or the army itself will have become so odious that it is time it is disbanded.

Your bill, I perceive, contemplates the making of post roads. As the power to establish post offices and post roads has been seized on with much confidence, as authorizing you to make them where you please, it will be necessary to give this grant a particular examination, although I confess I could never perceive how a power to "establish" a road, could be deemed an authority to construct a canal. To come to a correct conclusion on this point, we have nothing to do but to take language in its usual and ordinary sense. The word "establish," as applied to this subject, was taken from the Articles of Confederation, in which a power was given to the United States "to establish and regulate post offices from one State to another, throughout the United States." The word occurs twice in the preamble, and three times in the body of the Constitution. It is, in every instance, prescriptive or directory. One of the objects of the Constitution, as mentioned in its preamble, is, to "establish justice," not to create it; but to prescribe the rule by which it is to be administered. For the purposes mentioned in the preamble, "We, the people, ordain and establish," that is, decree and prescribe, "this Constitution." The judicial power is vested in a supreme court, and such inferior tribunals as Congress shall "ordain and establish." Congress has power to "establish" uniform rules of naturalization, and to "establish" post offices. In all these, they prescribe rules and duties for others. With these instances before us, and these are all, let us now apply the word to post roads, and it is plain, that the intent must have been, not to construct, but to prescribe or designate. Had the Constitution intended to have given us the power which is contended for, it would have used a word, a monosyllable of four letters only, and all doubt would have been removed. The word "make" could never have been misunderstood. It is the ordinary statute word. The literal definition of establish is, to fix firmly, to settle; substitute this definition for the word itself, and read the clause, "Congress shall have power to fix and settle post roads," and no mortal would suspect that we had thereby the power to make them.

The ordinary meaning of the word, forbids the construction which is attempted. Were you to order your servant to "establish" a fire for you, he would stare at you with astonishment. Should you direct your tailor to "establish" for you a coat and pantaloons, surely he would not understand you, and be more likely to believe that you wished him to put them on, than to make them for you. You find, moreover, no statute, or legal use of this word, that will justify your construction. In the old English statutes for constructing highways, the words are "lay and make," or "lay out and make." In the first settlement of the colonies, as new roads were continually wanted, we find very frequently, in their laws, the appropriate expressions for doing the act, and it is uniformly "lay out and make." Such is the case in the States, since the Revolution; and, indeed, in the States of Maryland and Indiana they have recognised the very distinction for which I contend; for, where they prescribe or fix the course or site, the word establish is used; when they intend to construct, they "lay out and make," or "open." And ever since the adoption of this Constitution, you have observed the same distinction. When you intend to designate only, as in the case of post roads, you "establish;" when you would construct, as in the Cumberland road, your language is, "to lay out and make." Hence, sir, the literal, ordinary, statute, and Constitutional meaning, all combine to deny to this word any creative power.

But, these post offices and post roads were to be established for the benefit of the people, in the States. There are three classes of powers in the Constitution—exclusive, alternate, and concurrent. The first are those where the States are prohibited, such as to coin money, make treaties, &c. The second, those which belong exclusively to us, while we continue to exercise them, but when we cease, they revert to the States; such as "an uniform rule of naturalization," and a "uniform standard of weights and measures." The last, is where both may exercise them at the same time; such is the power "to lay and collect taxes." Now, what is the character of this power over post roads, and to which of these classes does it belong? Can a State exercise it while it is exercised by Congress? Surely the States never intended to give you the power to make your roads where you pleased, and divert the channels of information from their ordinary course, without reserving to themselves the power to establish such as they might need. It then comes to this; if you have a right to make your own roads, for your use, they retain the power to establish State post roads for their own convenience. But the fair conclusion is, that Congress can only designate existing roads, and, while they exercise this power, the States cannot.

I know it will be said, for it has been said already, that, if all this be true, the power is incomplete. The State may obstruct, or shut up their roads, and subject the whole establishment to their control. A very reasonable supposition! Before the adoption of the Constitution, the people were united by strong ties, and one of the ob-

jects of that instrument was, "to form a more perfect union." They can never dispense with roads; they will and must have them where they have inhabitants, where they need them the most, and there your mail can be carried, and nowhere else was it intended it should go. Sir, the framers of the Constitution were not so visionary as to provide against mere possible dangers. They knew the characteristic propensity of the people; that there was, always had been, and always would be, in them, a most unconquerable thirst for information. This propensity is proverbial, and, in some parts, grown almost into an impertinent curiosity—so much so, that it is said of the venerable Franklin, that, when he journeyed through a part of New England, and had occasion to stop at any house, he would, to save himself trouble, call all the family together, inform them that his name was Benjamin Franklin, that he had come from Philadelphia, was bound to Boston, what was his business, and when he expected to return. Have you ever yet known the people opposing the establishment of a post route near them? The contest is always for it. Witness the scene in a country village, when the post arrives. The tailor quits his shears, and leaves his goose to cool; the blacksmith loses his welding heat; and even the toper foregoes his glass, when almost to his lip, and all gather round, to hear the newspapers. "Houses in ashes, and the fall of stocks; births, deaths, and marriages;" political conflicts, personal abuse, poetry, and wit—nonsense, and news—all devoured up "with a greedy ear," no matter whether true or false. Sir, when this inordinate passion for news shall be extinguished, then will have arrived that dead calm, that lethargy of despotism, which never afflicted any country; and, when that shall have arrived, you cannot only make roads, but do any thing else. You may imagine a thousand dangers greater than this; you may suppose that the States would obstruct your Executive and Judicial officers and members of Congress, and this is to afford you a pretext for Executive, Judiciary, and Congress roads. Sir, in our search for power, we become visionary and capricious. A political and human constitution have a striking analogy. They both have their birth, childhood, maturity, and old age; and, with proper care, prudence, and diligence, can get through the period of their existence with comfort and honor to themselves, and leave, perhaps, a comfortable legacy to those who succeed them. But no extravagance, no wild speculation—and, particularly, never send for the doctor before you are sick. The epitaph—"I was well, and would be better—I took physic, and here I am," is an admonition to every visionary legislator.

I come now to a provision of the Constitution much relied on, and much perverted; "common defence and general welfare." Here an honorable member from Missouri, (Mr. BENTON,) found his military road. The syllogism I suppose to be this: Congress has power to provide for the common defence and general welfare—to make roads and canals is for the common defence and general

welfare; therefore, Congress has power to make roads and canals. If the major be true, I admit the conclusion, or any other conclusion, to do what you please. But this is no grant of power; it is the apology or the purpose of a grant. The words of the grant are, "to lay and collect taxes," &c., "to pay the debts and provide for the common defence and general welfare," but all imposts, &c., shall be equal. Here are the grant, the object, and the limitation or exception. The preamble to the Constitution gives you the end or design. The means are provided and defined in the instrument itself. The first enumerated was a power over the purse. This was necessary, but it was new, and one of which the people of the States were jealous. A reason must be given for this, and that given was the true one; it was, that they might pay the debts, and provide for the common defence and general welfare, as defined in the Constitution. If you have, in this clause, four distinct enumerated powers, why is the limitation or exception which applies to the first, placed after the last? If "general welfare" is a power granted, what need of the rest, or indeed of any other? The first and second are specific powers; the third includes them both; and the fourth swallows up all three. Besides, it would be next to ridiculous to give to Congress a power "to pay debts." There is a grant to borrow money on the credit of the United States, and by another provision, debts previously contracted were recognised under "this Constitution." Now, as he who contracts a debt, must necessarily obligate for its payment, no such grant was necessary, and none made. This "to pay the debts" was the reason and purpose of the grant of taxation, and if this, so were those of common defence and general welfare. The true reason for the phraseology was to save the necessity of repeating the words "Congress shall have power," at the beginning of every grant—otherwise the words would have stood thus: "to pay the debts and provide for the common defence and general welfare, Congress shall have power to lay and collect taxes, imposts, &c., but all imposts, &c. shall be equal."

If these, then, are not grants of power, neither are they an unlimited authority to appropriate money. If the designs in the preamble are to be effected by the provisions in the Constitution, and in no other way, it follows that this is the case in the application of your money. Your common defence is defined in the Constitution, and extends to protection from external violence and internal feuds, and the manner of protection is specially prescribed. Your general welfare extends to foreign intercourse—justice and equality among the members of the Confederacy—a perpetuity of the Government—and the protection of its members in the discharge of their respective functions. Here, too, the manner is prescribed and the power limited and defined. If, then, these expressions are restricted and definite, it follows that your money can only be applied to the execution of these definite Constitutional powers.

But, in these latter days, a new sect of expound-

ers of the Constitution has sprung up. They admit that this power, being derivative, cannot be inferred from any one of those enumerated, but it may from all. With all the improvements in the science of chemistry, no one, it is presumed, ever suspected that it would be used to expound the Constitution of the United States. And yet such seems to be the fact. These wise men commence an analysis of a particular power, and find several ingredients there; they then decompose another, and find a few more particles; and so on through some fifteen or twenty. They then put their results together, perform the process of amalgamation—a very fashionable process at this time—and thus form one simple substance, which they denominate the power of “roads and canals,” or “internal improvement.” In effect it amounts to this: This power is not “necessary and proper” for the execution of either of the others, but for all. No one requires it, yet every one requires it. Here is a power derived from others, different in their character—some exclusive, some alternate, and others concurrent—and pray of which does this partake? What are the complexion and features of this child of twenty fathers? Whose image and superscription does it bear? Sir, I protest I cannot reason against such logic. It transcends my limited understanding. But, yield to this, and where are you to stop? It can be neither limited nor defined. It is an ocean without a shore. It is, indeed, a substantial, efficient, not an imaginary “great central power unknown to the Constitution.” Its centre is everywhere, its circumference nowhere. Like Omnipotence itself, no mortal eye can behold it; it is seen only through the magnificence of its works. I am aware that my Constitutional doctrines are old-fashioned. The love of power is inherent. It is often sought with the best motives. The patriot is apt to believe that, if he had more power, he could do more good; and when we restrain or circumscribe him, he asks, with a sigh, What! “have we not power to do good?” But we ought to remember that this power to do good, has been the plea of every tyrant, from Nimrod, the hunter, down to Ferdinand, the beloved; and when obtained, they have reserved the good to themselves, and entailed the slavery, with all its misery and mischiefs, on those who granted it and their descendants.

But if you, by searching, can find this power, what good is to result from its exercise? You now can scarcely fulfil your legitimate duties, and are wishing to throw off some of them on other departments. And while your business is multiplying, you will introduce into Congress a subject more perplexing, one which will excite more jealousy, provoke more discord, and induce more management, if not intrigue, than all others combined.

Will you appropriate equally? To do this, we must first ascertain what States have already received any thing, and how much, and deduct it from their share. The two millions for the Cumberland road must be put into a common fund, and deducted from the shares of those States which

have had the benefit of it. Whose turn comes first? This is a very important inquiry. The first important canal you construct will so exhaust your Treasury, and encumber you with debt, that it will be the last. What is your rule of equality? Among the States, probably according to their Representatives, as this is your rule of taxation; and, if you proceed in this, taxation must come. Now, would this be right? In the canal which is to unite the waters of the Chesapeake and Delaware, the State of Delaware would incur most of the expense, and receive least of the profits. In Maryland, some expense and considerable profit. Pennsylvania, none of the expense and most of the profits. Delaware would draw one part in 213, Maryland 9, and Pennsylvania 26.

Will you divide unequally and at discretion? Let the time come when Congress combine and appropriate money for the benefit of a majority, to the exclusion of a minority, and your Union is in the most imminent peril. Will you tell New England that, since they have made their roads at their own expense, that you will now take their money to make yours? That, although roads across the mountains give a direct benefit to some States, yet, as we are remotely benefited, we have no right to complain? Begin a bargaining system of this sort, and see how long it will last. Treat the complaints of an injured minority as the “capricious squalls of a child, which does not know whether it is aggrieved or not,” and see how soon “this child will assume the voice and courage” and strength of a man. Suppose we should succeed in throwing back on you your own principles—suppose we should attempt a system of education and establish a national university, and surely nothing can be more emphatically “internal improvement” than that which goes to improve the human mind—suppose we should make a donation of a hundred millions to Cambridge, whose foundation and reputation are so well established. Location is nothing, and if gentlemen in the South and West would be obliged to send their children some fifteen hundred miles, they are remotely benefited, and must not complain.

One, and not the least of the evils which is to result from this system, is, to paralyze the exertions in the States. They will always expect more of you than you can perform. They will neglect to improve their roads in waiting for you, and they will wait in vain. The ordinary expenses, in Maine, of repairing and making roads, is not less than \$300,000 annually. Supposing this to be an average with the other States, and that it would cost you two dollars to do what they might perform for one; the annual expenditures for ordinary repairs would exceed \$18,000,000. If you add to this the splendid scheme presented by the honorable member from Missouri, in his amendment, you may at once perceive the ordinary revenues of the United States, for fifty years, would not accomplish the object. Taxation, internal, direct, and oppressive, would be the inevitable result.

Sir, gentlemen who would commence this mad project, are bound to show us “the ways and

means.” What are they? You have read of a man who began his house without funds—and how, “those who passed by wagged their heads, and said one to another, this man began to build, and was not able to finish.” This will be our case. The member from Missouri has, however, undertaken to become the Minister of Finance, and “in opening the budget,” has told us how he will get the money. He is first to take that paid to the Revolutionary pensioners after they are dead. It is an old adage, “that those who wait for dead men’s shoes will go barefoot.” And there is another almost as true, “that pensioners never die;” that is, I presume, never die off the list. Not that I wish the old fellows to die. God preserve them, I say, many years. They will serve to call to our remembrance the principles of the Revolution, and which are now almost forgotten. But, sir, if we continue as ingenious in finding out means of expenditure as we now are, if that honorable member will present us a few more expeditions to the Upper Falls of the Missouri, to protect trespasses on the Indians, I strongly suspect that the fruit of this tree will be picked up quite as fast as it falls. His next source of revenue is derived from a cessation of the annual appropriation for the public buildings. If he calculates that for fifty years we shall expend less than we do now in this city, he calculates without his host. But when the fortifications are finished! Oh then, to be sure! Stop a little. Look at the reports and plans of your War Department, and \$20,000,000 will not complete the works in contemplation. And his supposition that the gradual increase of the revenue will yield a surplus, is altogether as visionary. The honorable member forgot to remember that the increase of expenditure has far surpassed that of the income. In 1803, the public debt was about \$70,000,000, receipts \$14,000,000, and the expenses of Government between three and four millions. At this time the public debt is about \$90,000,000; the average income \$19,000,000, and the ordinary expenditures \$11,000,000; of the income is \$1,500,000, annual sale of public lands—a fund always diminishing. The Sinking Fund, as established in 1817, with proper economy, would by this time have reduced our public debt to forty instead of ninety millions.

Sir, for twenty years, the surplus revenue derived from the sources suggested by the honorable member, would not be sufficient to complete Goose Creek Canal. But, sir, I have already dwelt too long on this disgusting scheme and its disastrous results. For my constituents, I see nothing but taxes, taxes without any the least equivalent—I see that the Constitution is made to mean just what the interest of a majority shall dictate; that the rights of the States are nominal—and that this measure is to reduce them below the grade of petty corporations. And where can the encroachment be resisted? No where but in this Senate. For this purpose were we ordered to this post. The States expect us to do our duty. We should never surrender. If we fall in the conflict our country will consecrate our fame. Twice, within my experience, has this Senate stood firm, and re-

fused to admit a State into the Union, shorn in the least of the political powers enjoyed by the rest; and that, too, against strong popular excitement. Once, at least, have we stood firm and fast against Executive power, and in spite of strong partialities. I trust that we shall not yet give way, but stand to our duty like the rock in the ocean, which defies the storm.

THURSDAY, April 22.

The Senate proceeded to consider the report of the Committee of Claims, on the petition of Rezin Rawlings and John Locke, executors of Daniel Rawlings; and, in concurrence therewith, resolved that the prayer of the petitioners ought not to be granted.

Mr. EATON presented the petition of John A. Webster, late sailing-master in the naval service of the United States, praying indemnity for property lost while in the discharge of his duty; which was read, and referred to the Committee of Claims.

SURVEYS FOR ROADS AND CANALS.

The Senate then resumed the unfinished business of yesterday, being the consideration, in Committee of the Whole, of the bill from the House of Representatives, “to procure the necessary surveys for roads and canals,” together with a new bill, proposed by Mr. BENTON, as a substitute for that bill. Mr. BARBOUR was called to the chair. Mr. HOLMES, of Maine, again took the floor, and concluded the speech which he commenced yesterday, against both the bill and the proposed amendment, as given entire in preceding pages.

Mr. CHANDLER then moved to amend the amendment, by inserting a proviso requiring the assent of three-fourths of the States, previous to the commencement of the contemplated surveys. This was not agreed to.

Mr. TALBOT opposed the amendment, on the ground that a bill, of the vast extent proposed by Mr. BENTON, could not possibly be matured at the present session of Congress.

Mr. SMITH considered the original bill, as it came from the House of Representatives, as merely authorizing the President to take a topographical view of the United States, and did not consider it as involving the question of the constitutionality of making roads and canals.

A division of the question was called for. The question was then declared to be upon striking out the original bill.

Mr. JOHNSON, of Kentucky, made a few remarks in favor of the bill. He contended for the power, on the part of Congress, to make roads and canals. Independent of the Constitutional question, he thought this appropriation ought to be made, for the purpose of obtaining topographical information.

Mr. TAYLOR, of Virginia, spoke as follows: Mr. Chairman: The honorable member from Kentucky, who has just sat down, has endeavored to soothe our fears as to this bill, by representing it as only a harmless measure, not creating either roads or canals, and only providing for surveying

extensively, and employing engineers now in pay, at the trifling expense of \$30,000. The foolish Trojans regarded the wooden horse prepared by the cunning Greeks, as harmless; demolished a part of their walls for its introduction; and their city was destroyed. Does this bill contain in its womb fewer combustibles, or such as are less likely to inflame geographical interests, and destroy the Union, should we provide for their introduction, by levelling those outworks by which the Constitution is defended? The honorable member from Missouri has candidly removed the mask, with which the design is endeavored to be concealed by the bill, and designated certain roads and canals to be made in the amendment he has proposed; the expense of which would amount to innumerable millions! The whole subject of roads and canals is therefore before the Senate.

After the admirable argument we have heard from the honorable member from Maine, (Mr. HOLMES,) with which I concur except as to a single point, it may seem presumption in me, to attempt, or to hope I shall be able, to add anything new; and if I should fail, I must throw myself on the indulgence of the Senate. Had the heathen deities been now alive, I might have invoked Æsculapius, Minerva, and even Momus, to aid me in the effort; or had our two old parties, guided and designated by comprehensible principles, yet existed, I might have addressed myself to them. But all I can now do is to call up a jury before the eyes of the Senate, de medietate linguæ, composed of the most eminent ghosts of these parties, with General Washington their foreman. Is it not certain that they would unanimously agree in a verdict, that this internal power now claimed, was unconstitutional? Although these parties are dead, new ones have arisen even better defined by their names and principles, both imported from France, where they are in full operation; namely, ultras and radicals. The first party, striving daily to overturn the charter granted to the people by a King; the second, adhering to the roots or principles of that charter. The same is the case as to our Constitution. The plumes of our parties are respectively composed, one of a single white feather, the other of feathers of various colors, among which there is, unfortunately, a white one also; and whenever the radical party are influenced by any project, dictated by local interest or prejudice, it most injudiciously picks out of its crest all the other feathers, retains one only, mounts the white cockade, and acts upon occasion after occasion with its adversary.

Thus the constitutionality of the claim on behalf of the Federal Government to exercise local internal powers, as in the case of roads and canals, is gradually gaining ground by the acts of those who deny, theoretically, the principle.

Let us examine the grounds upon which this Federal power is inferred, by the radical party, from the Constitution, through the influence of local calculations. The chief reliance is placed upon the word "establish." Congress shall have power "to establish post roads." This word has been expounded by Congress itself, from the

adoption of the Constitution; when its meaning was fresh, down to the present time, when its meaning is questioned, by some thousands of constructions. It has passed a multitude of laws to establish, and many to discontinue post roads.

Was any road ever actually made in virtue of the word *establish*, or ever obliterated or shut up, in virtue of the word *discontinue*? Did Congress, in any one of these numerous instances, construe the word *establish* as equivalent to the word *make*? The mail is directed to pass from one place to another, without making a road for that purpose, and the word *establish* was never contemplated as requiring that a road should be made to comply with the laws. These contemporaneous and continued constructions seem to be conclusive. But, are canals, also, now united with roads, justified by the word *establish*? Happily, the Constitution does not give to Congress a power to establish post canals. When the two powers, therefore, are united, it is evident that no reliance is placed on the word *establish*, as it relates to roads, because canals, to which that word does not extend, are associated with them.

It is remarkable that the framers of the Constitution have themselves, in the third sentence, after using the word *establish*, indicated the meaning they applied to it. Power to constitute tribunals is given to Congress. This is a word equivalent to *create* or *make*. Congress are, therefore, empowered to create inferior tribunals, because they could not exist without such creation, and only to establish post roads, because roads might and did exist without any necessity for making or creating them by Congress. And according to this plain distinction between the words, exhibited by the framers of the Constitution, Congress has invariably legislated. It has made or created tribunals, and selected roads for mail routes. If it had selected State courts for inferior Federal tribunals, and made, created, or constituted roads and canals, it would have wandered from the Constitution in both cases.

The next clause of the Constitution resorted to, for the purpose of justifying a Federal power to make State roads and canals, is in these words: "Congress shall have power to regulate commerce with foreign nations, among the several States, and with Indian tribes." Whether the word *commerce* is used in a general or restricted sense, is the question. If in a general and unrestricted sense, it would reach the whole intercourse among men, and even include the connubial. There could not exist any social intercourse which it would not include, and the Federal Government would receive from this clause an absolute, consolidated, and unlimited power; for what power can exceed that of regulating the whole intercourse or commerce of the members composing a society?

It must, therefore, have been used in a restricted sense, to sustain the intention of the Constitution to create a limited Federal Government. To enforce the restriction intended by the word "commerce," the United States are placed between foreign nations and Indian tribes, as if to fortify

them on both sides, against applying a meaning to the word "commerce" in their case, which was not applicable to it in the cases of foreign nations and Indian tribes. Does the word "commerce" give a power to Congress to make roads and canals for these nations and tribes? If not, as this word is used in the clause as equally applicable to all three of its members, it follows, irresistibly, that it does not empower Congress to make roads and canals for the States. Does it empower Congress to regulate wealth and poverty among the individuals composing foreign nations, or between Indian tribes? If not, it follows, as conclusively, that it does not give Congress a power to regulate wealth or poverty, either between the States, or between the individuals composing a State. The words "to regulate commerce," being used in reference to three subjects, without any distinction between them, are used in the same sense as to all, and a construction obviously absurd as to two, must be equally so as to the third. A contrary construction would degrade the States below the Indian tribes. Their consent is asked, and usually bought; nor is a road made through their territory without obtaining it; and it is, I suppose, upon this Indian authority that the consent of a State is considered by some gentlemen as conveying a power to Congress to make roads and canals, and also to buy and hold lands.

Let us, sir, examine this doctrine. Nations unrestricted by any compact, are not in the situation of the United States. Their governments may grant or sell powers to other governments, and, among them; the power, in one, of making a road or canal; or that of buying and holding lands within the territory of another. But both the Federal and State governments are subjected to the restrictions of a compact. The former can only obtain specified and limited possessions within the territories of a State, with their consent, and the latter are restricted from enlarging the powers of the Federal Government, except by the consent of a large majority of the States; and over all acquisitions of landed property which the Federal Government can constitutionally obtain, that Government is invested with exclusive legislation. Can it obtain any landed property without acquiring the exclusive legislation attached, by the Constitution, to all that species of property which it is allowed to acquire; or is there any intimation in the Constitution allowing the Federal Government to acquire landed property without the concomitant of exclusive legislation, attached to all such acquisitions allowed to be made by the Constitution? By what tenure would the Federal Government hold lands, acquired by the consent of a State? Would the tenure be a mortmain, feudal, or personal and allodial. Every State has laws for regulating the titles to real property. Is such a title in the Federal Government provided for by any of these laws? In what character could it sustain an ejectment against an intruder? The defendant is not bound to prove any title, but the plaintiff must show one under the State laws, before he can recover. By these laws no association or corporation can acquire or hold lands,

unless empowered to do so by a special law of the State. If associations of individuals can hold them, exonerated from the laws of descent, and transmissible to successors, then religious or any other associations might hold lands in an associated capacity.

To avoid so obvious an evil, there are but two cases, generally speaking, in which the title to lands can be sustained—those of inheritance and corporations, under positive laws conveying the right. The power of the Federal Government to hold land within a State, by consent, gift, or purchase, must come within the purview of one of these cases. Individual inheritance is out of the question. A corporate right is the only inquiry. I both admit and contend, that the Federal Government is extremely similar to a corporation. It received, and exists, under a charter granted by sovereign States, stipulating that this charter should not be altered except in specified modes. The charter bestows upon it no right to acquire or hold land, except in specified cases, to all of which exclusive legislation is attached. It is true, that refuge against these arguments is sought for, under the idea of some indefinite character attached to the word *government*; but, if this evasion is sound, the Federal Government ceases to be limited by the Constitution, its only character; and the novel result ensues, that thirteen sovereignties, now twenty-four, become the creatures of their own creature.

Farther to evade it, we are frequently told, that the Federal Government has purchased Louisiana, and sundry extensive tracts of country; and that, if these acquisitions are justifiable, the acquisitions of land by it, within a State, must also be proper. The reply is, that all these territorial acquisitions, whether from France, Spain, or the Indians, have been made under the treaty-making power, given to the Federal Government by the Constitution. But these acquisitions are not made for the benefit of the Federal Government, or to increase its Constitutional power, but for the benefit of the confederated States, and to increase the power of their Union. For this latter purpose, and not to aggrandize the Federal Government, the treaty-making power, by which these acquisitions were obtained, only made the Federal Government a trustee, of which the clause for converting them into States is almost a demonstration.

As to this point, if a State can give or sell to the Federal Government a part of itself, except in the permitted cases, or give or sell to Congress any judicial or legislative power at all, it may transfer to it all its rights, violate the Federal compact, and disorder or destroy its division of powers.

The last source from which the power to make roads and canals is attempted to be extracted, is the right to make war, and to this power that of taxation has been united, for the sake of the inference, that the endowment of the Federal Government with these two mighty powers, precludes the idea of its not possessing the comparatively inferior powers of making roads and canals; and

that these great powers may be better executed, by the inference, that these, and all the other inferior powers convenient to them, were constructively bestowed. The confidence supposed to be placed in the Federal Government by the grant of the two great powers, is considered as a proof that the States did not intend to withhold from that Government the minor powers of making roads and canals: since every minor power whatsoever may be considered as having some influence, near or remote, upon the major powers of war and taxation. Thus, all minor powers are absorbed by these two greater powers, and the States possess no reserved powers, unless such as are of greater magnitude than those of war and taxation. The exploded doctrines of allegiance and protection are thus substantially revived, and a complete subjection substituted for the sovereignty of the States. The law of power is substituted for the law of compact, and the ancient club law, invented by one Hercules, is revived. He used it to kill wild beasts; a precedent for using it to kill State rights; and Cæsar's famous doctrine, inferring that money and men were irresistible, is proposed for the adoption of public opinion. These being given to the Federal Government, State rights ought of course fall before their prowess. It is, in truth, both the theory and practice of the Holy Alliance. Guns are substituted for clubs, money for justice, and Naples and Spain have felt the force of this mode of reasoning.

It was said by an honorable member from Kentucky, and denied by an honorable member from Maryland, that Congress had heretofore asserted the power of the Federal Government to make roads and canals; and the first gentleman urged the decision as an authority sufficient to establish the power. If authority, and not the Constitution, is to decide this question, that which certainly exists, will overbalance that which is denied to exist; especially when it proceeds from an unexpected quarter, warped by no prejudice in favor of State rights, as Congress might possibly have been in favor of Federal powers. In the decision of the New York steamboat case by the Supreme Court of the United States, it is asserted, that "the completely internal commerce of a State, then, may be considered as reserved for the State itself, and turnpike roads, ferries, &c., are component parts of this mass." A power to make roads and canals is claimed upon the ground, that they are appurtenances of commerce. Admitting them to be so, then the decision of the court, that the reservation of internal commerce to the States is complete, includes roads and canals as appurtenances of this internal commerce, and the principle upon which the inference is founded, assigning a power to make them to Congress, is adverse to the conclusion. The power over external commerce, with its legitimate appurtenances, is given to the Federal Government; that over internal commerce, says the court, is completely reserved to the States. Are roads and canals appurtenances of external or internal commerce? The court say that roads, ferries, &c., constitute a portion of the "mass" of powers, appertaining

to internal commerce, reserved with it to the States "completely."

Having passed rapidly over the construction of the Constitution involved in the question concerning roads and canals, I will now concisely advert to the expediency of the policy proposed. It is obvious that, wherever the exercise of local internal powers begins, representation ends, because Congress, acting by a majority, without local fellow feeling, can never constitute a representation of the geographical interests and climates at the extremities of the United States, North or South, East or West. But this objection, sustained by the soundest principle for the preservation of a free Government, if any such principle exists, is evaded both by the tariff and internal improvement projects, by delusive promises to compensate the sufferers. These projects are near relations, good friends, and kind neighbors to each other. They will, therefore, undoubtedly carry into effect the doctrine of compensations between themselves, so long as they must unite to succeed. But when, in fact or in history, was it ever known that the thief or the robber, nations or geographical districts, self-interest or combined capitalists, transferred the money of others to themselves by fraud, force, or law, in order to make compensations, or obtained any local advantage for themselves with an intention of bestowing on those at whose expense they obtained it an equivalent local advantage? The idea is, indeed, suggested, of giving money to the States, in proportion to their population, to be employed in local improvements. But what can be gained by this, except an enhancement of expense, and an increase of patronage? All projects for transferring the property of some people to others are produced by speculations precisely opposite to an intention of compensating the losers. Partiality, and a design to gain and to keep as much money, and as many exclusive advantages as possible, suggest them before their birth, and sustain them as long as they live. In the case of roads and canals, this partiality would inevitably ensue from the incurable inefficiency of the representation in Congress to exercise local powers, either with justice or discretion. The attempt will scatter the flames of discord, and the frauds of combinations, among the States, which may probably destroy their union; so that this little, harmless, thirty thousand dollar bill, is not only fraught with inconceivable millions of expense, but with an inconceivable number of causes for partialities and discord.

But it may be said that these are fears of theory, and that they are proved to be groundless by the evidence of experience. In order to establish the fitness of Congress for internal improvements, and the economical application of money to these objects, we may be called upon to open our eyes and contemplate its exploits. We behold its taste and progress in the beautiful internal improvements, exhibited in the Capitol square and the grounds about the President's house, although they consist of several acres, and have not enjoyed the benefit of Congressional capacity for

internal improvements for more than thirty-five years. We behold a botanic garden from an eminence, disclosing all its splendors, and inspiring an ecstasy, causing us to regret that Linnæus is not alive, that we might send for him to participate in the delightful spectacle. And we have only to refer to a succession of laws concerning the Cumberland road, in order to ascertain the degree of economy with which Congress is capable of effecting internal improvements, equal in cheapness and beauty to those I have enumerated—improvements which may chain the States together, and become a happy substitute for the decaying principle of a division of powers, so that when they cease to be united by the Constitution, they may be kept together by roads and canals.

Weighty as this argument, derived from experience, may be viewed by some, to establish the fitness of the Federal Government for internal improvements, yet it cannot obliterate from my mind a conviction, long nourished, as the best security for human liberty and happiness, it having been planted there by almost all political patriots who have taken it into consideration, namely, that the policy of leaving individuals, partnerships, and States, as much as possible to pursue their own interest, in their own way, is the only good evidence that the Government is founded in reason and justice, and not in error and fraud.

When Mr. TAYLOR had concluded—

The question on striking out the original bill was then put, and decided in the negative.—The yeas and nays were as follows:

YEAS—Messrs. Barbour, Bell, Benton, Branch, Chandler, Clayton, D'Wolf, Edwards, Elliot, Gaillard, Holmes of Maine, H. Johnson of Louisiana, J. S. Johnston of Louisiana, King of New York, Knight, Macon, Mills, Taylor of Virginia, Thomas, Van Buren, and Williams—21.

NAYS—Messrs. Barton, Brown, Dickerson, Eaton, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, King of Alabama, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Smith, Talbot, Taylor of Indiana, Van Dyke, and Ware—21.

The Senate having thus refused to strike out the original bill, the question recurred upon that bill. Mr. HAYNE moved that the further consideration of the subject be postponed to Monday next. This motion gave rise to a short desultory debate, between Messrs. FINDLAY, NOBLE, and BROWN. It was superseded, however, by a motion to adjourn, which was carried by the casting vote of the Chair; and the Senate adjourned.

FRIDAY, April 23.

On motion, by Mr. BARBOUR, the Secretary of War was required to report to the Senate how far the act has been executed, entitled "An act for the relief of Nimrod Farrow, Richard Harris, and their securities," approved 3d March, 1823.

Mr. HAYNE presented the memorial of E. Littell, bookseller, of Philadelphia, praying that no additional duties may be imposed on imported

books; which was read, and referred to the Committee on Commerce and Manufactures.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act supplementary to an act, approved on the 3d day of March, 1819, entitled 'An act providing for the correction of errors in making entries of land at the land offices,'" "An act making appropriations for certain fortifications of the United States for the year 1824;" "An act changing the mode of surveying the public lands on any river, lake, bayou, or water course, in the State of Mississippi, and Territory of Arkansas;" and "An act granting to the counties or parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice within the same;" in which bills they request the concurrence of the Senate.

Mr. BARTON moved that the Committee on Public Lands be discharged from the further consideration of the resolution of the Senate of the 29th of December last, directing an inquiry into the expediency of exposing the salines and lead mines of the United States to public sale. Mr. B. stated that, when this resolution was referred, the committee had directed an inquiry to be made of the quantity of land reserved from sale as salines and lead mines; of the leases that had heretofore been made of mines and salines, and the proceeds thereof to the Treasury—that it had not been in the power of the Department to furnish that information, until a late day, owing to the want of proper returns to the Department; and that, from the late period of the session, the committee believed it impracticable to mature any measure upon this subject at the present session; and had, therefore, instructed him to submit this motion.

The committee was discharged accordingly.

SURVEYS FOR ROADS AND CANALS.

The Senate then resumed the unfinished business of yesterday, being the bill from the other House "to provide for the necessary surveys for roads and canals;" Mr. BARBOUR in the Chair.

Mr. TALBOT rose, in explanation of some remarks he had heretofore made on this subject. He conceived that no gentleman, by voting for this bill, would thereby pledge himself to support a general system of internal improvements, when the same should be brought forward.

Mr. SMITH thought that the passage of this bill might, hereafter, be taken as a recognition of the power of Congress to construct roads and canals; he feared that it might be considered as the entering wedge to the great system of improvements, the power to adopt which, he for one was not disposed to admit. He, therefore, proposed to amend the bill, by attaching to it a proviso, "that nothing herein contained shall be taken to affirm or admit the power of Congress, on their own authority, to make roads and canals in any State of the Union."

Mr. RUGGLES made some remarks in favor of

the principles of the bill, and of pursuing such measures as would tend to produce a more intimate connexion between the Atlantic States and the valley of the Mississippi, which must hereafter contain a population bearing a great proportion to that of the whole country. The interest of both these sections of our country, he argued, would be greatly promoted by such a measure.

Messrs. EATON, BROWN, LLOYD, of Maryland, JOHNSON, of Kentucky, H. JOHNSON, of Louisiana, and NOBLE, opposed the amendment, and Messrs. MILLS, VAN DYKE, and SMITH, supported it. Mr. VAN DYKE proposed to amend the amendment, by inserting a provision that, previous to any survey being made under this act, the consent of the State in which such survey is to be made shall be obtained. Messrs. RUGGLES and BENTON made a few remarks on this subject. The question was then put, and decided against Mr. VAN DYKE's amendment, as follows:

YEAS—Messrs. Barbour, Bell, Chandler, Elliott, Gaillard, King of New York, Lloyd of Massachusetts, Macon, Mills, Palmer, Smith, Taylor of Virginia, Van Buren, Van Dyke, and Ware—15.

NAYS—Messrs. Barton, Benton, Branch, Brown, Clayton, D'Wolf, Eaton, Edwards, Findlay, Hayne, Holmes of Maine, Holmes of Miss., Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, King of Alabama, Knight, Lloyd of Maryland, Lowrie, McIlvaine, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Williams—28.

The question then recurred upon the amendment proposed by Mr. SMITH. Upon this question Messrs. MACON, HOLMES of Maine, CHANDLER, and NOBLE, made a few observations.

Mr. CHANDLER moved to amend the amendment by striking out the word "admit," and inserting in its stead the word "deny," so that it should read "that nothing herein contained shall be taken to affirm or deny the power of Congress, on their own authority, to make roads and canals in any State of the Union." This amendment was discussed by Messrs. TAYLOR of Virginia, BROWN, and HAYNE. The question was put, and decided in the negative—ayes 10, noes 36, as follows:

YEAS—Messrs. Barton, Brown, Hayne, Josiah S. Johnston, Kelly, Lloyd of Massachusetts, Ruggles, Seymour, Talbot, and Williams.

NAYS—Messrs. Barbour, Bell, Benton, Branch, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, King of Alabama, King of New York, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Smith, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, and Ware.

The question upon the amendment, as proposed by Mr. SMITH, was then put, and decided in the negative, as follows:

YEAS—Messrs. Barbour, Bell, Branch, Chandler, Clayton, D'Wolf, Elliott, Findlay, Gaillard, Holmes of Maine, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Palmer, Smith, Taylor of Virginia, Van Buren, Van Dyke, and Ware—21.

NAYS—Messrs. Barton, Benton, Brown, Dickerson, Eaton, Edwards, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Williams—25.

Mr. HAYNE then moved to postpone the further consideration of the bill until Tuesday next. This was not agreed to.

Mr. LLOYD, of Massachusetts, stated the grounds upon which he should vote for the bill—he did not consider it as involving the question upon the Constitutional right of Congress to make public improvements—but merely as a means of obtaining information, which might be of great importance to the Government.

Mr. MACON explained the reasons why he should vote against the bill. He could not believe that this bill was clear from the Constitutional objection, which he thought very forcible and unanswerable, and he proceeded to advance other considerations against the bill.

Mr. HOLMES, of Maine, then proposed to amend the bill, by inserting a clause as follows:

"Provided, and the faith of the United States is hereby pledged, that no money shall be expended for roads or canals, except it be among the several States, and in the same proportion as direct taxes are laid and assessed, under the provisions of the Constitution."

Messrs. LLOYD of Maryland, NOBLE, and TALBOT, opposed the adoption of this amendment, and Messrs. HOLMES of Maine and BRANCH advocated it.

The question on the amendment was taken, and decided in the negative, as follows:

YEAS—Messrs. Barbour, Bell, Branch, Chandler, D'Wolf, Elliott, Findlay, Gaillard, Holmes of Maine, King of New York, Knight, Lanman, Lloyd of Massachusetts, Macon, Mills, Palmer, Taylor of Virginia, Van Buren, and Ware—19.

NAYS—Messrs. Barton, Benton, Brown, Clayton, Dickerson, Eaton, Edwards, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Thomas, Van Dyke, and Williams—27.

Mr. CHANDLER proposed an amendment, which was not concurred in by the Senate.

Messrs. FINDLAY, MILLS, and LLOYD of Maryland, made a few further remarks upon the subject.

The bill was then reported to the Senate without amendment. On ordering it to a third reading, the yeas and nays were as follows:

YEAS—Messrs. Barton, Benton, Brown, Dickerson, Eaton, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, McIlvaine, Noble, Ruggles, Smith, Talbot, Taylor of Indiana, Thomas, and Williams—25.

NAYS—Messrs. Barbour, Bell, Branch, Chandler, Clayton, D'Wolf, Edwards, Elliott, Gaillard, Holmes of Maine, King of Alabama, King of New York,

Knight, Macon, Mills, Palmer, Seymour, Taylor of Virginia, Van Buren, Van Dyke, and Ware—21.

So the bill was ordered to a third reading.

SATURDAY, April 24.

The PRESIDENT communicated a report from the Secretary of War, complying with a resolution of the Senate, of the 21st instant, respecting the number of arms furnished the United States by the State of South Carolina, during the late war. The report was read, and referred to the Committee on Military Affairs.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred the bill, entitled "An act to amend the several acts for imposing duties on imports," reported the same with amendments; which were read. He also laid on the table a statement of the present duties on imports, compared with those proposed by the last mentioned bill. The amendments and statement were ordered to be printed.

Mr. DICKERSON gave notice that he would, on Tuesday next, call for the consideration of said bill.

Mr. HENRY JOHNSON submitted the following motion for consideration:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of providing by law for the adjustment, upon equitable principles, of the claims of Colonel John Smith, of Louisiana, against the United States, for moneys paid the troops of the United States by his deceased son, A. Smith, in his lifetime, during the late war.

The four bills yesterday brought up from the House of Representatives for concurrence, were severally read twice, by unanimous consent; and the bill, entitled "An act supplementary to an act, approved on the third day of March, 1819, entitled 'An act providing for the correction of errors in making entries of land at the land offices,'" the bill, entitled "An act changing the mode of surveying the public lands on any river, lake, bayou, or water course, in the State of Mississippi and Territory of Arkansas;" and the bill, entitled "An act granting to the counties or parishes of each State and Territory of the United States in which the public lands are situated, the right of pre-emption to quarter sections of land for seats of justice within the same," were severally referred to the Committee on Public Lands.

The bill, entitled "An act making appropriations for certain fortifications of the United States for the year 1824," was referred to the Committee on Finance.

On motion, by Mr. TALBOT, the Senate resumed, as in Committee of the Whole, the bill further to regulate the jurisdiction of the Supreme Court of the United States; and, on motion, it was postponed to Monday next.

The Senate then proceeded, as in Committee of the Whole, to the consideration of the bill, reported by the Committee on the Judiciary, "further to amend the judiciary system of the United States, and to establish the circuit courts;" together with an amendment proposed thereto by

Mr. JOHNSON, of Kentucky. Mr. BRANCH was called to the Chair. After the reading of the bill and amendment, the subject was postponed to Monday next.

Mr. JACKSON, from the joint committee of both Houses, appointed to examine and report upon the business necessary to be acted upon at the present session of Congress, and at what time the session may be closed, submitted a report in part. The committee report a schedule of the business which, in their opinion, ought to be acted upon previous to the adjournment of Congress. The report was read, and laid upon the table.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act for the relief of Mary James;" "An act to alter the judicial districts of Pennsylvania, and for other purposes;" "An act for the relief of Isaac Collyer, and others;" "An act for the relief of Alvin Bronson;" "An act to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes;" "An act to authorize masters of vessels, in certain cases, to clear out either at the custom-house of Petersburg, or that of Richmond;" and "An act to allow the bounty to vessels employed in the cod fisheries, in certain cases;" in which bills they request the concurrence of the Senate.

The bill "supplementary to an act, entitled 'An act to incorporate the company for making certain turnpike roads in the District of Columbia,'" and the bill "explanatory of an act confirming claims to lots in the town of Mobile," were severally read the third time, passed, and sent to the other House for concurrence.

The bill which originated in the Senate, "to provide for the settlement of certain pecuniary claims against the United States," was read the third time.

Messrs. TAYLOR, of Virginia, and BARBOUR, advocated the passage of this bill, and Messrs. H. JOHNSON, of Louisiana, RUGGLES, LANMAN, and TALBOT, opposed it. The question, "Shall the bill pass?" was then put, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Barton, Branch, Brown, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Kelly, King of Alabama, Lloyd of Maryland, Lloyd of Massachusetts, McIlvaine, Macon, Smith, Taylor of Indiana, Taylor of Virginia, and Van Dyke—19.

NAYS—Messrs. Bell, Benton, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Knight, Lanman, Lowrie, Mills, Noble, Palmer, Ruggles, Seymour, Talbot, Thomas, Ware, and Williams—25.

The bill from the other House, "to procure the necessary surveys for roads and canals," was read the third time. The question on its final passage was decided by yeas and nays, as follows:

YEAS—Messrs. Barton, Benton, Brown, Dickerson, Eaton, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, McIlvaine,

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Noble, Ruggles, Smith, Talbot, Taylor of Indiana, Thomas, and Williams—24.

NAYS—Messrs. Barbour, Bell, Branch, Chandler, Clayton, D'Wolf, Edwards, Elliott, Gaillard, Holmes of Maine, King of Alabama, Knight, Macon, Mills, Palmer, Seymour, Taylor of Virginia, and Van Dyke—18.

So the bill was passed.

DELAWARE CANAL COMPANY.

Mr. VAN DYKE, from the select Committee on Roads and Canals to whom was referred the memorial of the President and Directors of the Delaware Canal Company, requesting the aid of the Government in their undertaking, submitted a report on that subject; accompanied by a bill "authorizing the subscription to the stock of the Delaware Canal Company." The bill was read, and passed to a second reading; and the report was ordered to be printed.

The report is as follows:

The Chesapeake and Delaware Canal Company was duly incorporated, some years since, by acts of the Legislatures of Delaware and Maryland, respectively. The capital stock is divided into shares of two hundred dollars. The maximum cost of the whole work is estimated at the sum of one million three hundred and fifty-four thousand three hundred and sixty-four dollars and sixty-four cents, and the amount of funds at present pledged for its execution may be assumed at seven hundred thousand dollars. The present condition of the company, and the route of the canal lately determined upon and fixed by the Board of Directors, with the aid of engineers of distinguished reputation and skill, are set forth in the annexed document, signed by the President and Secretary of the said Company, dated "March 27, 1824," marked A, and the report of the engineers, marked B, to which the committee refer as part of this report. The whole length of the canal will not exceed fourteen miles. The Board of Directors have made advantageous contracts for the completion of the eastern half of the canal, and the contractors have begun the work. Under these circumstances, the memorialists pray such aid as Congress, in its wisdom, may deem proper to grant.

The importance and utility of roads and canals, to facilitate and increase commercial intercourse among the several States of our widely extended Republic, have been so fully and ably represented in several reports, heretofore made to Congress, that it is thought unnecessary to enlarge further upon the subject.

The committee view the proposed canal as a work of great national importance, not only as one link in the chain of inland navigation along our seaboard, which has been for many years contemplated, but also as it will furnish to the Government, in time of war, great advantages in a more expeditious and cheap conveyance of troops and munitions of war across the peninsula between the Chesapeake and Delaware bays, the want of which was severely felt during our late hostilities with Great Britain. Under this impression, the committee deem the said canal worthy of the attention and patronage of Congress. The company being incorporated and organized, it is believed a subscription, on the part of the United States, for a certain number of shares of the capital stock, would encourage and insure the completion of the work,

without infringing any principle of the Constitution, and without incurring any loss to the Government. The committee, therefore, report a bill authorizing the Secretary of the Treasury to subscribe, in the name and for the use of the United States, for — shares of the capital stock of the Chesapeake and Delaware Canal Company.

ALABAMA CONSTITUTION.

On motion of Mr. KING, of Alabama, the bill reported by the Committee on the Judiciary, "to repeal, in part, an act to authorize the Territory of Alabama to form a constitution, and establish a State government," was taken up for consideration. This bill proposes to repeal that part of the act in question, which respects the navigation of the waters of the State of Alabama. Mr. KING moved to amend the bill, by striking out all but the enacting clause, and substituting another bill, merely giving the assent of Congress, to two acts of the Legislature of the State of Alabama, respecting tolls to be exacted on certain waters within that State, upon which improvements are intended. He remarked, at the same time, that, as objections had been made to the bill, as reported by the committee, he was willing to waive the subject for the present, but he wished to be understood as not giving up the ground, that the State had a Constitutional right to prescribe rules for the navigation of her own waters; and he should certainly bring the subject before the next session of Congress—but, at present, he only hoped that Congress would give its assent to the two laws in question, in order that the State might proceed in certain contemplated improvements in her navigable waters, as specified in those acts. Some discussion took place between Messrs. KING, of Alabama, HOLMES, of Maine, and TALBOT. Mr. KING then withdrew his amendment, and the question occurred on the original bill.

Mr. JOSIAH S. JOHNSTON, of Louisiana, stated the general provisions by which the navigation of the Western waters is regulated.

Mr. KELLY explained the facts connected with this request, on the part of Alabama, that she may be permitted to proceed in improving the navigation of the State. He stated the objects which were contemplated by these acts of the Legislature of that State, and which she did not wish to carry into effect while a single doubt remained of her Constitutional right to do so. He renewed the amendment, which had been offered, and withdrawn, by his colleague.

Mr. HOLMES, of Maine, then moved to amend the amendment, by inserting a provision, that this act shall not be understood as giving to the State of Alabama any right not belonging to any of the original States in the Union.

Mr. LOWRIE was in favor of passing the bill, offered as an amendment by the gentleman from Alabama, and did not see the necessity of the proviso submitted by the gentleman from Maine.

Mr. CHANDLER thought the amendment offered by the gentleman from Alabama involved the whole question of the repeal of that part of the act for the admission of Alabama into the Union,

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which imposes the restrictions upon her navigable waters.

Mr. BARTON was not willing to repeal that part of the act in question, so far as related to the natural waters of that State, but he thought the State ought to have the power to regulate the navigation of her artificial waters.

Mr. J. S. JOHNSTON, of Louisiana, made some further observations, in opposition to the amendment proposed by Mr. HOLMES. Mr. H. then withdrew his amendment.

Messrs. HOLMES, of Maine, J. S. JOHNSTON, of Louisiana, and MACON, made a few brief remarks. The amendment proposed by Mr. KELLY was then agreed to.

The bill was then ordered to be engrossed, and read the third time.

MONDAY, April 26.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill, entitled "An act granting to the counties or parishes, of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land for seats of justice within the same," reported it without amendment.

On motion, by Mr. BROWN, the select Committee on Roads and Canals were discharged from the consideration of the petition of Lewis A. Tarascon, and others.

The seven bills brought up on Saturday from the House of Representatives, for concurrence, were severally read twice, by unanimous consent.

On motion, the bill, entitled "An act for the relief of Mary James," was referred to the Committee on Military Affairs.

The bill, entitled "An act to alter the judicial districts of Pennsylvania, and for other purposes;" and the bill, entitled "An act to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes," were severally referred to the Committee on the Judiciary.

The bill, entitled "An act for the relief of Alvin Bronson," was referred to the Committee of Claims.

The bill, entitled "An act for the relief of Isaac Collyer, and others;" the bill, entitled "An act to authorize masters of vessels, in certain cases, to clear out either at the custom-house of Petersburg or that of Richmond;" and the bill, entitled "An act to allow the bounty to vessels employed in the cod fisheries in certain cases;" were severally referred to the Committee on Commerce and Manufactures.

The bill authorizing the subscription of stock in the Chesapeake and Delaware Canal Company was read the second time.

The Senate proceeded to consider the motion of the 24th instant, instructing the Committee of Claims to inquire into the expediency of allowing the claim of Colonel John Smith, and agreed thereto.

A message from the House of Representatives informed the Senate that the House have passed

bills of the following titles, viz: "An act releasing the owners of the ship General Jackson from the payment of certain duties;" "An act for the relief of Arthur H. Henly;" "An act for the relief of the corporation of the church of St. Anne, and to authorize the extension of Larned street, in the town of Detroit;" "An act authorizing the issuing certain debentures to Barnard Thooft;" "An act for the relief of William N. Earle;" "An act for the relief of William Blagrove;" "An act for the relief of Joseph Wheaton;" "An act for the relief of John Thomas & Co.;" "An act for the relief of the assignees and legal representatives of John H. Piatt;" "An act for the relief of David Giffin and Samuel Hoag;" "An act for the relief of the representatives of Joseph Mims, deceased;" "An act for the relief of George B. R. Gove;" in which bills they request the concurrence of the Senate.

The twelve bills last brought up for concurrence were severally read twice, by unanimous consent.

On motion, the bill entitled "An act for the relief of Arthur H. Henly;" the bill, entitled "An act for the relief of William N. Earle;" the bill entitled "An act for the relief of David Giffin and Samuel Hoag;" the bill entitled "An act for the relief of the representatives of Joseph Mims, deceased, the bill entitled "An act for the relief of John Thomas & Co.;" and the bill for the relief of Joseph Wheaton; were severally referred to the Committee of Claims.

The bill entitled "An act authorizing the issuing of certain debentures to Bernard Thooft;" the bill entitled "An act releasing the owners of the ship General Jackson from the payment of certain duties;" and the bill entitled "An act for the relief of George B. R. Gove," were severally referred to the Committee on Finance.

The bill entitled "An act for the relief of the corporation of the church of St. Anne, and to authorize the extension of Larned street, in the town of Detroit;" the bill entitled "An act for the relief of William Blagrove;" and the bill entitled "An act for the relief of the assignees and legal representatives of John H. Piatt," were severally referred to the Committee on the Judiciary.

The bill "to repeal, in part, an act to authorize the Territory of Alabama to form a constitution and establish a State government," was read the third time, and passed. On motion of Mr. LANMAN, the title was altered, in order to render it more conformable to the bill, as amended. It is now entitled "An act to grant the assent of Congress to an act of the Legislature of the State of Alabama."

JUDICIARY SYSTEM.

The bill reported by the Committee on the Judiciary, "further to amend the judiciary system of the United States, and to provide for the holding of the Circuit Courts," together with the amendment proposed by Mr. JOHNSON, of Kentucky, was taken up for consideration, in Committee of the Whole, Mr. GAILLARD in the Chair. This bill provides that two sessions of the Supreme Court shall be held at Washington, annu-

ally—that the Judges of the Supreme Court shall be relieved from the duty of holding the Circuit Courts—that the United States shall be divided into ten districts, in each of which, courts shall be holden by District Judges, with the same powers and duties as are now exercised and performed by the Circuit Courts.

Mr. JOHNSON's amendment is an entire new bill, and provides that there shall be three additional Circuit Courts; that the Supreme Court shall consist of a Chief Justice and nine Associate Justices; and that the concurrent opinion of seven Judges of the Supreme Court, (each Judge to deliver his opinion separately,) shall be required to invalidate any law of any of the States. The amendment was somewhat modified on motion of Mr. TALBOT.

Mr. JOHNSON, of Kentucky, stated the objects of his amendment. His plan was to extend the circuit system to all the Western States, upon the same principles that it rests upon in the other States. He spoke against the bill reported by the committee, as doing away the intimate and highly important connexion between the Supreme Court and the several District Courts.

Mr. VAN BUREN opposed the amendment, and stated the views of the committee in reporting the bill. He explained the difference between the present system and that proposed by the bill; and adverted to the absolute necessity, ere long, of some change in the judiciary system. He recapitulated the number of causes which had come before the Supreme Court, and been put off for want of time; and remarked that the proper administration of justice called loudly for some change. He also explained the propriety of some amendment, in regard to the Circuit Courts.

Mr. TALBOT addressed the Senate on the subject. He spoke of the great importance of the organization of the Judiciary. He advocated an increase of the number of Judges of the Supreme Court, as necessary to a fair and well-defined administration of justice. He believed there would be ample time for the decision of every cause before the Supreme Court, with some alteration of the terms of the Circuit Courts. He alluded to the great vexation and distress which had been experienced under the present system. Mr. T. spoke of evils which he apprehended would grow out of a separation of the Supreme and Circuit Courts, as leading to a too near connexion of the Judges of the Supreme Court with the other branches of the Government, and taking away their chief means of becoming acquainted with the various local laws and usages, and the judicial decisions, of the several States. He thought the present number of Judges of the Supreme Court to be too small for the proper administration of justice over such an extensive country, with so many various and conflicting interests. Mr. T. believed the amendment, proposed by his honorable colleague, much preferable to the bill reported by the committee. He thought the jurisdiction of the Circuit Court ought not to be given to the district judges. The salaries that had been given to them had not always brought men of the first

legal talents into the office of district judge; and he feared that, in many instances, they would not be competent to the performance of the duties. The system proposed by the bill was unjust and unequal in respect to the Western States, and would not be submitted to. It was a great measure, making a radical change in the judiciary system; and it could not be expected that it would be adopted at the present session. It did not meet the wishes of the Western States; it did not extend to them equal advantages in the circuit court system, and it was altogether inadequate to remedy the evils now experienced. Mr. T. hoped that Congress would, at its present session, do something to relieve the people in his part of the country from the evils they were suffering in this respect.

Mr. H. JOHNSON, of Louisiana, submitted a few remarks on the subject; he was favorable to the plan suggested by the amendment proposed by the gentleman from Kentucky—he thought the business of the Supreme Court might be transacted by changing the terms of the Circuit Courts. He replied to the objections which had been advanced against the proposed amendment. Mr. J. said he could never consent to the system reported by the Judiciary Committee.

Mr. BROWN opposed the bill reported by the committee, and was in favor of the amendment.

Mr. VAN BUREN wished the gentleman from Kentucky to separate the last section of his amendment, which respects the opinions of the court on questions involving the laws of the States—as that was a question distinct from the rest of his proposition.

Mr. JOHNSON assented to the course suggested by the gentleman from New York, and accordingly withdrew the last section of his amendment.

Mr. HAYNE was opposed to the principle contained in the bill reported by the committee, which confines the Supreme Court to appellate jurisdiction—he thought the judges ought to perform circuit duties—that they ought not to be disconnected from the people; he was prepared for an increase of the number of judges, provided the business of the country required it. He said that the number of judges who exercised appellate jurisdiction in South Carolina was twelve; five in equity, and seven in law, each of whom performed circuit duties; and he thought there could be no great danger to the country from an increased number of judges of the Supreme Court of the United States.

Mr. VAN BUREN replied to the arguments advanced in favor of the amendment, and Messrs. JOHNSON, of Kentucky, and TALBOT, made a few further remarks.

Mr. BARBOUR moved the postponement of the subject till to-morrow. He thought the importance of the subject demanded the most mature consideration, as it would be much more easy to adopt than to get rid of any new judiciary system which might be adopted.

Messrs. JOHNSON, of Kentucky, and TALBOT, opposed, and Messrs. LANMAN and TAYLOR, of Virginia, spoke in favor of postponement.

Mr. H. JOHNSON, of Louisiana, submitted a new bill, as a substitute for the one now before the Senate. It provides for the establishment of a regular and uniform circuit court system, entirely distinct from the Supreme Court. Mr. J. stated that he was in favor of the amendment offered by the honorable member from Kentucky, and he only offered this proposition to the consideration of the Senate in case that of the gentleman from Kentucky should be rejected.

Mr. BARBOUR varied his motion, and the bill and amendments were ordered to lie on the table.

TUESDAY, April 27.

Mr. SMITH, from the Committee on Finance, to whom were referred the bill entitled "An act for the relief of George B. R. Gove," the bill entitled "An act releasing the owners of the ship General Jackson from the payment of certain duties;" and the bill entitled "An act authorizing the issuing of certain debentures to Bernard Thooft," reported them severally without amendment.

The PRESIDENT communicated a report of the Secretary of War, showing how far the act for the relief of Nimrod Farrow, Richard Harris, and their securities, has been executed; made in obedience to a resolution of the Senate of the twenty-third instant. The report was read, and referred to the Committee of Claims.

Mr. BENTON, from the Committee on Indian Affairs, laid on the table sundry documents, on the subject of acts of hostility from the Indians on the Mississippi towards American traders; and, on motion, they were ordered to be printed, for the use of the Senate.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, laid on the table statements from the Treasury, exhibiting the value of imported merchandise, paying a specific duty, and an ad valorem duty; and, on motion, they were ordered to be printed for the use of the Senate.

Mr. BENTON gave notice that he would, to-morrow, ask leave to bring in a bill to sell and dispose of the refuse lands of the United States.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the petition of Anna Dubord, wife of Joseph Antonio de Reano, reported a bill to permit Anna Dubord to bring certain slaves into the State of Louisiana; which was read, and passed to a second reading.

The Senate proceeded to consider the bill, entitled "An act to amend the several acts for imposing duties on imports;" and, on motion, it was postponed till to-morrow.

On motion, by Mr. JACKSON, the Committee on Military Affairs, to whom was referred the bill entitled "An act for the relief of Mary James;" were discharged from the consideration thereof; and it was referred to the Committee on Pensions.

A message from the House of Representatives informed the Senate that the House have passed the following bills, viz: A bill, entitled "An act to authorize the President to exchange five arpents

of land on the south side of the public lot at Baton Rouge, for an equal quantity of land on the north side of said lot;" a bill, entitled "An act for the relief of Robert S. Foreman;" and a bill, entitled "An act for the relief of William T. Nimmo;" in which bills they request the concurrence of the Senate.

The said three bills were severally read twice, by unanimous consent, and the first mentioned bill was referred to the Committee on Military Affairs; the second mentioned bill was referred to the Committee on Public Lands; and the last mentioned bill was referred to the Committee of Claims.

NAVY APPROPRIATIONS.

Mr. LLOYD, of Massachusetts, from the managers on the part of the Senate, at the conference on the amendment of the Senate, disagreed to by the House of Representatives, to the bill entitled "An act making appropriations for the support of the Navy of the United States, for the year 1824," reported:

That, having met the managers on the part of the House of Representatives, they have agreed to recommend—

That the Senate recede from their amendment to strike out the specifications for contingent expenses, and that the bill be amended as follows:

Insert, after the words "contingent expenses," in the 20th line, "accruing in the present year."

Line 42. After the word "service," insert "for per diem allowance to officers engaged in extra service, beyond the limit of their stations; for the purchase and repairs of steam and fire engines, and machinery; for expenses of burying deceased persons belonging to the navy; for taxes on navy yards and public property; and for accidents to the public vessels."

Line 43. After "whatever," strike out "one hundred and eighty thousand dollars," and insert "one hundred and ninety-five thousand dollars."

And also insert, "for contingent expenses for objects arising in the current year, and not hereinbefore enumerated, five thousand dollars."

The Senate proceeded to consider the report, and concurred therein, and the bill was amended accordingly.

FORTIFICATION BILL.

On motion of Mr. SMITH, the bill from the other House, "making appropriations for the fortifications of the United States, for the year 1824," was taken up for consideration, in Committee of the Whole, Mr. VAN DYKE in the Chair.

Mr. SMITH stated, that the bill was in accordance with the estimates from the War Department, of the amount required for the fortifications during the next year; and he proceeded to show the grounds upon which those estimates were predicated.

Mr. RUGGLES said, he observed an appropriation in this bill for two new forts. He requested information in regard to the expense of the completion of these forts. He was not opposed to this appropriation, but wished to know the probable cost of the forts.

SENATE.

Proceedings.

APRIL, 1824.

Mr. SMITH explained, and gave the information required.

Mr. CHANDLER thought the Government had enough to do to complete the fortifications which had already been commenced. He, therefore, moved to amend the bill by striking out so much of it as provides for the commencement of the two new forts.

Mr. HOLMES, of Maine, spoke of the general inaccuracy of estimates for fortifications; he thought the forts already constructed in Narragansett bay, were sufficient for protection; they had been found to be so during the late war, and he believed the Government ought not to commence such a great undertaking at present, as the construction of the fort on that bay.

The question was divided, and put first on striking out the appropriation for a new fortification at New York.

Mr. J. S. JOHNSTON, of Louisiana, was opposed to striking out this appropriation; he adverted to the policy of this Government, in regard to the defence of the country; he thought it of the first importance that New York should be protected, as being a very rich and valuable part of the country, and the first object of attack from a politic enemy; he was opposed to any interference with the plans proposed by the War Department, in regard to the fortifications; and hoped the appropriation would not be stricken out.

Mr. KING, of New York, said the contemplated work was no new one; it was for the protection of the Narrows, at New York. If this fort was not built, the work already established would be of very little or no importance. He said this was the only work that could be constructed for the defence of New York, and the city would be without proper defence if it was not done. Mr. K. called for the yeas and nays on the question.

Mr. RUGGLES said he should never object to the construction of any fortification which was required for the defence of the citizens or the commerce of the Atlantic States. He believed this fort, from the information he had obtained, was necessary. He spoke of the generous and liberal feelings which had been manifested by the gentleman from New York, in relation to the purchasers of public lands, and in other instances, and he thought the like liberality ought to be extended to him. Mr. R. only doubted whether the present was the best time to commence this work. He wished for some further information.

Mr. CHANDLER thought the present fortifications, with the force which could always be commanded at New York, was sufficient for the defence of the city, and he was not willing to vote any further appropriation for its defence.

Mr. KING, of New York, replied to the remarks of the gentleman from Maine.

Mr. SMITH made a few remarks in favor of the appropriation.

Mr. LOWRIE thought there could be but one opinion on this subject, if it were properly understood. He conceived this fortification to be highly necessary to the defence of New York. He only doubted as to the extent to which it ought to be

carried. He rather thought the plan for this fort was too extensive.

Mr. SMITH gave some explanation, in answer to Mr. LOWRIE.

Mr. MACON wished to know the cost of this fortification, the number of men that would be required for it, &c. He did not wish to build a house without knowing the cost of it. He was aware of the importance of the city of New York, but there were other places that required protection, also, in time of war.

The question was then put, on striking out the appropriation for the fortification at New York, and decided in the negative—yeas 4, nays 34, as follows:

YEAS—Messrs. Branch, Chandler, Holmes of Maine, and Macon.

NAYS—Messrs. Barbour, Barton, Bell, Benton, Brown, Clayton, D'Wolf, Eaton, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson, J. S. Johnston, King of New York, Knight, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, McIlvaine, Mills, Parrott, Ruggles, Seymour, Smith, Talbot, Thomas, Van Buren, and Van Dyke.

The question was then on striking out the appropriation for the fortification on Narragansett bay.

Mr. SMITH spoke against striking out. The importance of this point, as a place of resort for our Navy, was exceeded by none in the Union. He was surprised that it had not received the attention of the Government before.

Mr. KNIGHT read the report from the Engineer department, showing the importance of fortifying this bay. He replied to the observations of the gentleman from Maine, (Mr. HOLMES,) and went on to show the necessity of this fortification.

Mr. D'WOLF rose in opposition to the motion before the Senate; he said he was intimately acquainted with the waters of Narragansett bay, and he knew of no point in the country where fortifications would be more advantageous to the nation, as furnishing a means of protection to the people, and a place of safety to our commerce in time of war. Mr. D'W. explained the position on which it was contemplated to erect this fort, and the advantages that would result from its erection, as one of the most eligible maritime situations in the country, and as more susceptible of defence than almost any other.

Mr. CHANDLER withdrew his motion to strike out this appropriation.

The bill was then reported to the Senate, without amendment, and passed, to be read a third time.

On motion of Mr. SMITH, and by general consent, the bill had its third reading, and was passed.

WEDNESDAY, April 28.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Joseph Wheaton," reported it without amendment.

Mr. BARTON, from the Committee on Public

APRIL, 1824.

Refuse Lands.

SENATE.

Lands, to whom was referred the bill, entitled "An act for the relief of Robert S. Foreman," reported it without amendment.

He also reported the bill, entitled "An act changing the mode of surveying the public lands on any river, lake, bayou, or water course in the State of Mississippi or Territory of Arkansas," with an amendment.

Mr. NOBLE, from the Committee on Pensions, reported the bill from the other House, "for the relief of Mary James," without amendment. Mr. N. stated that the committee had instructed him to move the indefinite postponement of the bill, when it came up for consideration.

Mr. BELL, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of David Giffin and Samuel Hoag," reported the same without amendment.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred the bill, entitled "An act to authorize masters of vessels, in certain cases, to clear out, either at the custom-house of Petersburg, or that of Richmond," reported the same, with an amendment.

The following written Message was yesterday received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In conformity with a resolution of the Senate, of the 19th instant, requesting information whether the Executive, through the agency of the War Department, borrowed any money during the late war, under the condition of applying the same to the defence of the State wherein the said loans were made, to what amount, and whether interest was paid by the United States for such loans, &c.; I herewith transmit a report from the Secretary of War, containing all the information in that Department in relation to the resolution.

JAMES MONROE.

APRIL 27, 1824.

The Message and accompanying documents were read, and ordered to be printed for the use of the Senate.

The bill to permit Anna Dubord to bring certain slaves into the State of Louisiana, was read the second time.

Mr. LLOYD, of Maryland, from the Committee on the District of Columbia, to whom was referred the petition of John Vanderlyn, reported a bill to authorize the painting of the battle of New Orleans by John Vanderlyn; which was read, and passed to a second reading.

On motion by Mr. LLOYD, of Massachusetts, the Senate proceeded to consider, as in Committee of the Whole, the bill in addition to an act establishing navy hospitals; and, on motion, it was postponed to Saturday next.

Mr. H. JOHNSON submitted the following motion for consideration:

Resolved, That the Postmaster General be directed to report to the Senate, at their next session, the nearest practicable post route from New Orleans to Washington City.

On motion of Mr. JOHNSON, of Kentucky, the Senate resumed, as in Committee of the Whole,

the bill further to amend the judicial system of the United States, and provide for the holding of circuit courts; and, on motion, it was postponed to Saturday next.

Mr. SEYMOUR presented the petition of Pliny Moore, and others, owners and occupants of mills on the frontier of the State of New York, bordering on the Canada line, praying that persons residing on the Canada side may be exempted from the payment of the duty imposed on certain articles, when transported to said mills to be manufactured. The petition was read, and referred to the Committee on Commerce and Manufactures.

Mr. McILVAINE, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of the representatives of Joseph Mims, deceased," and the bill, entitled "An act for the relief of Arthur N. Henly," reported them, severally, without amendment.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act for the relief of the legal representatives of John Louderman;" "An act for the relief of Joseph Marechal;" "An act for the relief of Joseph Smith, of Alexandria;" "An act for the relief of Stephen Brace;" "An act for the relief of the legal representatives of Charles Bradford;" "An act for the relief of Thomas Williams;" "An act for the relief of Nathaniel Jones;" "An act for the relief of Benjamin Desobry;" "An act for the relief of Jonas Duncan;" "An act for the relief of John Wilmot;" "An act for the relief of Malachi Burns;" "An act for the relief of John Holliday;" "An act for the relief of Elliott Rucker;" "An act for the relief of William Hall, an invalid soldier of the Revolutionary Army;" "An act for the relief of Joshua Bennett;" "An act for the relief of Lemuel Arms;" "An act for the relief of Mareen Duval;" "An act for the relief of Samuel Rist;" "An act for the relief of the representative of Elijah Brush;" "An act to provide for repaying to Bazaleel Wells a certain sum of money by him erroneously paid into the Treasury;" and "An act for the relief of Charles Humphrey;" in which bills they request the concurrence of the Senate.

REFUSE LANDS.

In pursuance of notice given yesterday, Mr. BENTON asked leave to introduce the following bill:

A bill to sell and dispose of the refuse lands belonging to the United States.

Be it enacted, &c., That the lands belonging to the United States, which have been heretofore, or shall be hereafter offered at public sale, and shall remain five years thereafter without being sold at the minimum price of one dollar twenty-five cents per acre, shall be again offered at public sale, but shall not be sold for a less sum than fifty cents per acre.

SEC. 2. And be it further enacted, That any head of a family, or young man above twenty-one years of age, or widow, being citizens of the United States, may demand and receive, from the register and receiver of the proper land office a written permission to take possession of, and settle upon, any half quarter

section of land which shall remain unsold, after having been offered for sale at the minimum price of fifty cents per acre, and upon inhabiting and cultivating the same for three successive years, shall be entitled to receive a patent therefor, as a donation from the United States.

SEC. 3. *And be it further enacted*, That the lands which shall remain unsold, after having been offered for sale at the minimum price of fifty cents per acre, may be sold at private sale for that sum, at any time before permission shall have been granted to settle on the same.

In asking leave to introduce this bill, Mr. BEN-
TON said, this was not the time to discuss it—probably the time would not come during the present session. In that event, what was done now would operate as a notice for the next session; would turn the minds of the Senators to the changes contemplated, and would prevent the necessity of delay. He believed that a change in the manner of selling public lands was called for, both by the voice of the people and the interest of the Government. By the present rule, said Mr. B., the good and the bad land are held at the same price. The best can be got for \$1 25 per acre—the worst cannot be had for less. The minimum of \$1 25 per acre for all sorts of land was arbitrary and unjust. It was unjust to the people, because it prevented them from getting the inferior land at a fair price; unjust to the States, because it checked their population, and deprived them of their right of taxation; unjust to the nation, because it prevented the public Treasury from receiving the money which such land was worth, and for which it would sell. The continuance of the rule would give to the United States the fabled position of the dog and the manger. The rule should be changed. The United States is a great land seller, and she should follow the practice of all other sellers; she should apportion her price to the quality of her land. When a quarter section has been offered for years at \$1 25 per acre, and nobody will give that sum, it is proof that it is not worth it, and justice to the people, the States, and the Treasury, requires that it should be offered again at a less price. The bill introduced assumes fifty cents per acre, as the second minimum at which such lands should be offered; and it proposes to give away, without price, to such poor persons as may be willing to take and cultivate them, the refuse lands which will not sell for that sum.

The leave was given to introduce the bill, which was read, and ordered to be printed.

THE TARIFF.

The Senate then proceeded to consider, in Committee of the Whole, the bill from the House of Representatives, to amend the several acts for imposing duties on imports, together with the amendments proposed thereto by the Committee on Commerce and Manufactures of the Senate.

The first question was upon agreeing to the insertion of the following proviso:

"*Provided, also*, That the provisions of this act shall not apply to, or be enforced against, importations of goods from ports or places eastward of Cape Good

Hope, or beyond Cape Horn, before the first of November next ensuing."

Mr. DICKERSON and Mr. LLOYD, of Massachusetts, explained the object of the amendment, and it was agreed to.

The other amendments proposed by the committee are, to change the duty on "quills," from "one dollar per thousand," and insert "twenty-five per centum, ad valorem;" to change the duty on "slates and tiles, for building," from half a cent each "to twenty-five per centum, ad valorem;" to strike out the contemplated duties on filberts, pine apples, oranges, lemons, and limes; to impose "on all window glass imported in plates, uncut," the highest rate of duties imposed by this act, on any imported window glass; to insert the following exception—"except patent adhesive felt for covering of ships' bottoms, which shall be admitted, free of duty, until June 30, 1826."

These amendments were severally explained by Messrs. DICKERSON and LLOYD, of Massachusetts; and were all agreed to by the Committee of the Whole.

Mr. MILLS then moved to amend the bill by striking out the following clause: "On iron, in bars or bolts, not manufactured, in whole or in part, by rolling, ninety cents per hundred and twelve pounds weight."

Mr. MILLS supported his amendment at considerable length, by showing the great importance of this article to all classes of the community, from the humblest laborer up to the planter and the merchant, to the commerce and navigation, and to the manufacturer, as well as others, and commented upon the impolicy of imposing a higher duty upon an article of such absolute necessity to the country, and to produce which, in such quantities as to meet the consumption of the country, it was, as he thought, utterly incompetent.

Mr. DICKERSON said, that he was not sorry that the enemies of the tariff had selected iron as the first article of attack, because, if there is any part of the bill that will stand the test, it is this—and because the fate of the bill depends very much upon our success or failure in this particular.

The gentleman from Massachusetts (Mr. MILLS) has informed us that we ought not to lay heavy duties upon an article of indispensable necessity to us for our defence in war—an article of general use at all times, and without which we cannot even procure our food. But these are precisely the reasons in favor of protecting the manufacture of iron, of securing it to ourselves. Shall we unnecessarily depend upon foreign nations, three or four thousand miles distant from us, for articles absolutely necessary for our defence or our existence?

We have the means of making as much iron as we want for our own consumption, and as much more for exportation.

Our mountains are filled with rich veins of magnetic iron ore. The streams suitable for iron works are abundant—the mountains are covered with wood, large portions of which are unfit for cultivation.

Our immense tracts of alluvial soil, also, abound with iron ore, and wood—the advantages of which will be lost to the country if the manufacture of iron is not protected. There is no mineral so universally distributed over this country as iron; and it is believed that there is not a State in the Union, in which this article could not be found, in sufficient quantities for the consumption of the State.

The manufacture of iron in all its details, requires a great number of laborers. If protected in this country, it would draw a large population from agriculture, in which too many are engaged. This portion of our population would immediately become the purchasers and not the sellers of the produce of the soil, and thus enhance the value of real estate, and afford a better interest for capital and profit for labor employed in agriculture.

The mining districts of Europe have, for ages past, furnished the best troops that have fought their battles—need I mention Dalecarlia?

The laborious and hazardous life of the miners amidst constant explosions of gunpowder, peculiarly fit them for the hardships and dangers of war; their business is intimately connected with that of the engineering department—they are sappers and miners by profession. Those engaged in the furnaces and forges are equally hardy and laborious. During the Revolutionary as well as the late war, our best soldiers were recruited in our mining districts.

Our navigating interest has been peculiarly favored, because it affords a nursery for seamen, who may be wanted for the defence of the country. But it was more difficult, during the late war, to find soldiers for our army, than seamen for our navy.

In the manufacture of iron little is done by machinery, but nearly all by manual labor; it therefore requires more protection than the manufacture of cotton or woollen goods; yet it has received much less. Indeed, in 1816, there seemed to be a determined disposition in Congress to abandon this important branch of business to destruction. Mr. Dallas had recommended a duty of seventy-five cents per hundred weight, or fifteen dollars per ton, on hammered bar iron. Some members of the House of Representatives, who knew that our iron works could not be sustained under such a duty, made an effort to increase it; that failing, a motion was made to reduce the duty from seventy-five to forty-five cents per hundred weight, which was adopted; and which carried ruin to more than three-fourths of all the iron masters in the United States.

During the late war, we manufactured four-fifths of all the iron consumed in the United States. In 1817, we manufactured two-thirds; and in 1823, one-third of all consumed in the United States; in six years more the manufacture of iron, if no further protection shall be given, will be as completely abandoned as the manufacture of earthen ware has been since the late war, which will be an immense loss to the country; but the shipping merchants will gain the freight on fifteen or sixteen thousand tons of iron a year, at about eight

dollars per ton—giving them a real profit perhaps of about three dollars per ton.

In the session of 1817-'18, to save our forges and furnaces from immediate destruction, the House of Representatives passed a bill for raising the duty on bar iron to twenty dollars per ton. In the Senate, it was reduced to fifteen dollars per ton, its present rate. This was an advance of six dollars per ton. It was then said that this duty would add six dollars per ton, on iron, to the consumer; and that it would so far prevent the importation, as to diminish the revenue on this article. But what is the fact? The price of iron has not increased from that time to this; on the contrary, it is lower now than it was then; and the importation has constantly increased, and with it, the revenue.

It is a mistake to suppose that an article must increase in price in proportion to the amount of duty put upon its importation. That would be true as to articles, not of the produce or manufacture of the country, as coffee, tea, or silks, but not so with respect to those produced or manufactured at home. When the increased duty was laid upon iron, it produced a new struggle between the foreign and domestic manufacturer for our market, and that struggle has been pursued with so much obstinacy, as absolutely to reduce the price. This has been the case with a variety of other manufactures, and will continue to be the case, until our manufacturers gain the ascendancy, and then the domestic competition will keep the prices so low as to afford no more than a reasonable profit to the manufacturer. Should the duty be now increased three dollars per ton on iron, the effect will not be to increase the price of iron by that amount, for the foreign manufacturer will still struggle for our market, and give up a part of his profits rather than yield it. It will probably increase the price of iron at the rate of one dollar and fifty cents per ton, yet, if the foreign manufacturers persevere in their plan of driving our own manufacturers from our own market, they must continue to sell their iron at as low a rate as they now do, the duty notwithstanding, and this they will do till the trade shall be ruinous to themselves.

When the duty upon iron was raised to fifteen dollars per ton, it was predicted that the revenue upon this article would diminish. The reverse has been the case.

In 1817, the duties upon hammered bar iron, exclusive of the drawback, amounted to \$154,315. In 1818, the first year of the increased duty, it amounted to \$208,950. In 1819, to \$242,394. In 1820, to \$292,877. In 1821, to \$230,413. In 1822, to \$398,641; and in 1823, to \$435,210. The whole quantity of bar iron, imported for home consumption, including the rolled bar iron, upon which the rate of duty was not altered, amounted, in 1817, to 16,839 tons; in 1818, to 16,640 tons; in 1819, to 18,755 tons; in 1820, to 22,505 tons; in 1821, to 17,654 tons; in 1822, to 29,352 tons; in 1823, to 33,787 tons. This last quantity cost us \$1,829,000, besides freight and other charges. The bar iron we have imported for the last six

years has cost us, upon an average, one million four hundred thousand dollars a year.

Within the last six years, we have imported, of hammered bar iron, 120,387 tons. The increased duty of six dollars per ton on that quantity amounts to \$722,322, saved to the Treasury; and, as the price of iron has not raised, this increased duty has, no part of it, come from the pocket of the consumer, but has been entirely paid by the foreign manufacturer. Such has been the effect of the act of 1818, increasing the duty upon iron, and which was strenuously opposed, in part no doubt from an apprehension that it might possibly diminish the business of the importing merchant.

The quantity of rolled bar iron imported in six years, for home consumption, amounts to 17,704 tons, which, with the hammered, amounts to 138,091 tons. Suppose the whole of this sum to be manufactured in the United States; at \$75 per ton, it would amount to \$10,356,555, or to \$1,726,092 a year, which, at the usual rate of wages in districts where iron is made, would employ at least eleven thousand laboring men, who would otherwise be principally engaged in agriculture; and these laboring men, with their families, would consume, of the produce of agriculture, to an amount of more than half a million of dollars a year, and thus, from being the competitors, become the most valuable customers of the farmers.

But suppose the whole of this iron to be imported from Russia and Sweden, as is nearly the case, who take in exchange nothing of our produce, except a small quantity of oak bark, rice, cotton, and tobacco. The whole that the iron costs us, except the price of freight, is paid to support the manufactures and the agriculture of Russia and Sweden. The freight, at eight dollars per ton, would probably give constant employment to five hundred men, and a profit on the freight, to the importing merchant, of three dollars per ton; and this trifling interest of the seaport towns, is to preponderate against the immense interest of the interior of the country.

In 1816, it was ascertained that we consumed about 50,000 tons of bar iron, annually. From the little encouragement given to any business requiring the consumption of iron, the quantity has not much increased, nor has it probably diminished—it may still be estimated at that quantity. In 1818, the quantity imported was 16,640 tons—much less than one-third of the whole amount consumed. In 1823, the quantity imported was 33,787 tons—considerably more than two-thirds of the whole consumption. During this ruinous process, by which our manufacture of iron has been thus reduced, many establishments for making iron have been abandoned, their owners ruined, and more than ten thousand laborers, engaged at those establishments, have been driven to seek other employment; they have generally resorted to agriculture, as a business by which they could at least gain a subsistence. Nothing but the greatest distress will induce men to abandon a business in which they have long been engaged,

without a prospect of gaining any thing more than a bare subsistence by the change. And nothing but ruin will induce men to abandon the works in which their capital is invested, which cannot be abandoned without the loss of that capital.

As an object of revenue, none can be more fair than the duty upon iron. It would fall upon the different classes of society very much in proportion to their wealth; and iron is an article that cannot be smuggled.

But we are warned not to increase the duty upon iron, because it will increase the expense of building ships, while it will take from navigation a portion of its employment.

Why is the navigating interest to be particularly favored at the expense of agriculture and manufactures? The coasting trade is secured to our own citizens, to the entire exclusion of foreigners; and such has been the protection extended to our navigation engaged in foreign trade, that, of the tonnage engaged in that trade between us and all the world, nine-tenths is American. The merchants and ship owners are therefore enabled to levy the duties they may pay upon the construction of their ships, upon the consumer of the articles imported from abroad, and transported coastwise. From the answers of the Mercantile Society of New York, which appear in Mr. Baldwin's report of January 15th 1821, it appears that a British ship of 300 tons equipped for sea, will cost \$24,000, or eighty dollars per ton; while an American ship of the same quality will cost \$18,000, or sixty dollars per ton. This is an advantage that will always enable us to compete successfully with the shipping interest of Great Britain.

They state, further, that it will require four tons of iron, fifteen hundred pounds of copper bolts, four and a half tons of cordage, and twenty bolts of duck to the one hundred tons of shipping. How far will this increased duty of three dollars per ton on bar iron oppress the navigating interest? Suppose the duty should increase the price of iron to the full amount of it, (which it would not do,) this would amount to twelve dollars for a ship of one hundred tons. If she should last fifteen years, this would be a tax of eighty cents a year, and certainly would not sink the ships.

The copper used in shipping is now duty free. The shipping interest ought to be protected, but, in doing this, we should be careful not to oppress other important branches of industry.

It is said, the duty upon iron, as well as hemp, will take from navigation a portion of its employment. This is, indeed, the formidable objection to laying protecting duties upon those articles. It is an array of the small portion of our shipping, engaged in importing hemp and iron from the Baltic, which we do not want, against the great agricultural and manufacturing interests of this country, which should be employed in producing and manufacturing those articles. The freight on these articles, trifling as it comparatively is, is that to which all others must yield. This was well exemplified in the tariff bill of 1816, in which the

shipping interest was particularly provided for. Hoop or slit iron is worth 20 per cent. more than it is in bars. A duty of no more than 45 cents per hundred weight, or nine dollars per ton, was imposed upon hammered bar iron, which would not prevent its importation, while a duty of fifty dollars per ton was laid upon hoop or slit iron. Iron in bars pays as much freight as in hoops or rods, and the shippers were willing to prohibit the latter, so that they might secure the freight upon the former. What is our trade to the Baltic? I will examine that with Russia—that with Sweden is nearly of the same character.

In the year ending the 30th of September 1823, we imported from Russia, to the amount of \$2,191,474 in articles, nearly the whole of which we ought to produce or manufacture for ourselves. They took of our produce in exchange to the amount of \$51,635, and of the produce of foreign countries to the amount of \$597,099, leaving a balance against us of \$1,610,043, to be paid by drafts on Holland and other places, where there might be balances in our favor. This trade, in which the Russians do not take of our produce to the amount of one fortieth part of that we take of theirs, may be very beneficial to the merchant, but is highly injurious to the country, inasmuch as we import nothing from them that we ought not to produce for ourselves; these importations, therefore have a direct tendency to check the industry of our country, which is our only means of wealth and prosperity. The great charm of this trade is, that it is almost exclusively carried on in American shipping. There is a tacit understanding between our shippers and the dealers in hemp and iron on the Baltic, that the former will sacrifice the agricultural and manufacturing interest of this country, so far as they respect these articles, provided the latter will sacrifice the shipping interests of those countries, so far as this trade is concerned, which is indeed giving up much on our part, but very little on hers. The discontinuance of this trade, however beneficial to this country, will be considered as a most serious injury to the shipping interest, as no doubt the discontinuance of the importation of bricks from Europe was nearly a century ago, of which the buildings in our cities were then constructed, and of which we have yet some specimens of Dutch houses in New York and Albany, presenting their picturesque gable ends to the streets. The discovery that we could make bricks in this country, was no doubt considered as a serious injury to the shipping interest. The proposed duty upon iron, which will amount to eighteen dollars per ton, cannot be considered as an adequate protection of this article, but it may save from destruction that portion of our iron works which still remain, but which will soon disappear if the present motion shall succeed.

Mr. HOLMES, of Maine, supported the motion to strike out this duty. He proceeded to show the unjust and partial operation upon certain classes of the community, and replied to the arguments made use of by Mr. DICKERSON.

Mr. MILLS made some further remarks in reply to Mr. DICKERSON.

Mr. LLOYD, of Massachusetts, also addressed the Senate in support of the motion of his colleague, and in answer to some of the positions taken by Mr. DICKERSON. He alluded to the advantages which the home manufacturers already possess over the importer of this article. He assigned the gratifying prosperity of our country as the principal reason that operated against the domestic production of iron. That reason was to be found in the advance price our labor bears over that of the degraded population of the part of Europe, where this article is produced; and the price of labor, he said, was a test of national prosperity. He remarked upon the encouragement which had been said, by the gentleman from New Jersey, to have been extended to the shipping interest of the country, and upon the retributive policy that would, probably, be adopted by foreign nations, if this bill were passed.

Mr. L. said that he conceived it to be the duty of the Government—it was the principle in which the Republic was founded—to encourage, as far as it could be done, the interests of the whole people—and, where there were divisions of interest, to look to the claims of the largest and most important part. He compared the relative importance to the country, of the shipping and commercial interests, and the great class of mechanics dependent on them, with the miners and makers of iron. He spoke of the embarrassments which the shipping interest already labored under, and proceeded to show that this bill, if passed, would go to impose additional, and far heavier, burdens upon them. He thought the bill ought to be rather entitled a bill to oppress the agricultural, to crush the commercial, and eventually to injure the manufacturing interests of the country; for, the reaction of the bill would probably be the most tremendous effect of it. The agricultural interest was the great and controlling interest, and when they once realized its effect, they would repeal it, and also prostrate every thing that had grown up under it.

Mr. L. spoke of the Russian trade, as one of the most advantageous which this country ever pursued. He denied, altogether, that there was a balance against us, in this trade, and proceeded to explain the course which had generally been pursued, in relation to it. If called up again, upon the bill now before the Senate, Mr. L. said, he should endeavor more fully to explain his reasons for believing that all the ideas of balances of trade against this country, founded on the custom-house returns, were the vain and visionary hallucinations of the minds of mere theorists.

Mr. DICKERSON replied to the argument that had been adduced against him. He recurred to the policy of England, in the protection of the articles of her domestic production. He denied that this duty on iron was materially to affect the commercial interest of this country; and proceeded to comment upon the nature of our trade with Russia. He denied that it was so beneficial to this country as had been contended by the gentleman from Massachusetts. He did not deny the benefits of commerce to the country; but he thought that commerce would not be injured, to any con-

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siderable extent, by this duty. He believed England was not insensible to the value of her commerce; and yet she encouraged her own manufactures. Mr. D. spoke of the bounties that had been paid, in this country, for the encouragement of the fisheries. He did not complain of this; he only wished gentlemen to recollect that some encouragement had been extended to the commercial interest. He called the attention of the Senate to the great number of petitions then on the table, both from agriculturists and manufacturers, praying the imposition of higher duties on imported iron.

Mr. D'WOLF spoke in favor of retaining this item in the bill. He recurred to the general features of the bill, as intended for the encouragement of our domestic industry, and leading the people to do for themselves what they want done. This article was one great branch of the whole system included in the bill, and he thought the arguments of the gentlemen opposed to the duty only went to show its propriety. The home market, Mr. D'W. considered as the most important to every nation. The balance of trade, he said, ought certainly to be taken in the aggregate. If we sell to the other nations more than we buy from them, the balance, of course, is in our favor. He denied that other nations bought of us, because we bought of them: each nation bought what it wanted, and no more.

He compared the business of a nation to that of an individual. It was alike necessary for both to keep an account of what was coming in and going out. He knew that the commercial interests were languishing, and other interests were in the same situation. The facilities extended to the importation and use of foreign articles in this country were very great. He believed the interests of every State in the Union would eventually be promoted by the passage of this bill, as encouraging the industry of the country. The bill was intended to save the labor of the country, and throw it upon its own resources. As to the effect on the revenue, he considered it a mere bugbear, as the people, in some shape or other, must pay the revenue. The means they possess to pay it are of much more importance than the manner in which it is paid.

Mr. HOLMES, of Maine, denied, altogether, that any encouragement had been extended by the Government to the fisheries of the country. The bounty, he contended, was merely a drawback of the duty on salt.

The question on Mr. MILLS's motion was then put, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—24.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, Mc-

Irvine, Noble, Palmer, Ruggles, Seymour, Talbot of Indiana, Thomas, and Van Buren—23.

So the duty on iron was stricken out from the bill.

The Senate then adjourned.

THURSDAY, April 29.

Mr. RUGGLES, from the Committee of Claims, to whom were referred the bill, entitled "An act for the relief of Alvin Bronson;" and the bill, entitled "An act for the relief of William T. Nimmo," reported them severally without amendment.

Mr. EATON gave notice that, to-morrow, he would ask leave to bring in a bill for the relief of the heirs of John Donaldson, Stephen Hurd, and others.

Mr. BELL, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of John Thomas and Company," reported it without amendment.

Mr. BENTON submitted the following motion for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing the President of the United States to cause to be selected, in separate parcels, or in sections, as much land as will amount to two of the townships heretofore granted by Congress to the State of Missouri, for the support of seminaries of learning. Also, to inquire into the expediency of granting to the town of St. Louis, and to other towns and villages in the State of Missouri, for the support of schools, the lots and pieces of ground, within such towns and villages, which may have been heretofore reserved for military purposes, and not now needed for such use.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom were referred the bill, entitled "An act to alter the judicial districts of Pennsylvania, and for other purposes;" the bill, entitled "An act to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes;" the bill, entitled "An act for the relief of William Blagrove;" the bill, entitled "An act for the relief of the Corporation of the Church of St. Anne, and to authorize the extension of Larned street, in the town of Detroit;" and the bill to provide for the punishment of certain crimes when committed in any navy yard, fort, arsenal, magazine, dock, lighthouse, tract of land, or other place, belonging to the United States; reported them, severally, with amendment.

The twenty-one bills yesterday brought up from the House of Representatives, for concurrence, were severally read twice, by unanimous consent.

On motion, the bill, entitled "An act for the relief of Stephen Brace;" the bill, entitled "An act for the relief of Maren Duval;" the bill, entitled "An act for the relief of the representatives of Elijah Brush;" the bill, entitled "An act for the relief of Lemuel Arms;" the bill, entitled "An act for the relief of Joshua Bennett;" the bill, entitled "An act for the relief of John Holliday;" the bill, entitled "An act for the relief of Jonas Duncan;" and the bill, entitled "An act for the

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relief of Nathaniel Jones;" were severally referred to the Committee of Claims.

The bill, entitled "An act for the relief of Samuel Rist;" the bill, entitled "An act for the relief of William Hall, an invalid soldier of the Revolutionary army;" the bill, entitled "An act for the relief of the legal representatives of Charles Bradford;" and the bill, entitled "An act for the relief of the legal representatives of John Louderman," were severally referred to the Committee on Pensions.

The bill, entitled "An act to provide for repaying to Bazaleel Wells, a certain sum of money by him erroneously paid into the Treasury;" the bill, entitled "An act for the relief of Malachi Burns;" and the bill, entitled "An act for the relief of Thomas Williams;" were severally referred to the Committee on Public Lands.

The bill, entitled "An act for the relief of Benjamin Desobry;" and the bill, entitled "An act for the relief of John Wilmot;" were severally referred to the Committee on Finance.

The bill, entitled "An act for the relief of Elliott Rucker," was referred to the Committee on the Post Office and Post Roads, to consider and report thereon.

The bill, entitled "An act for the relief of Charles Humphrey;" and the bill, entitled "An act for the relief of Joseph Marechal;" were severally referred to the Committee on Military Affairs.

The bill, entitled "An act for the relief of Joseph Smith, of Alexandria," was referred to the Committee on Naval Affairs.

The bill to authorize the painting of the battle of New Orleans, by John Vanderlyn; and the bill to sell and dispose of the refuse lands of the United States; were severally read the second time. The last mentioned bill was referred to the Committee on Public Lands.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act for the relief of Daniel Carroll, of Duddington, and others;" "An act for the relief of Frederick Perley;" "An act for the relief of J. M. C. Montgomery;" "An act for the relief of Solomon Sibley;" "An act for the relief of Mary H. Hawkins;" "An act for the relief of Thomas L. Ogden, and others;" "An act for the relief of David Beard;" "An act for the relief of Peter Yandes;" "An act for the relief of David Cooper;" "An act for the relief of Landie Richardson;" "An act for the relief of George Fisher;" "An act for the relief of Henry Leightner;" "An act for the relief of Judah Alden;" "An act for the benefit of the Columbian Institute;" "An act for the relief of John S. Moffitt;" "An act for the relief of Robert Strain;" and, "An act for the relief of Hugh McCulloch;" in which bills they request the concurrence of the Senate.

The Senate proceeded to consider the motion of yesterday, directing the Postmaster General to report the most practicable post route from New Orleans to Washington.

Mr. JOHNSON, in explanation of the resolution,

stated the importance to the State of Louisiana, and to the General Government, of a more direct post route from New Orleans to Washington City. Such a route might be established through the States of Carolina, Georgia, and Alabama, which would not exceed in extent nine hundred miles. The extent of the present route through Tennessee, he believed to be nearly fifteen hundred miles. By establishing the route alluded to, the conveyance of the mails to and from New Orleans, would be facilitated, and the expense of the Government greatly diminished.

By an act of the present session, \$30,000 was appropriated to enable the President to obtain surveys of different routes through the United States, for the purpose of internal improvement.

No route could be designated more important than the one he wished established, and he was persuaded the President would apply a portion of the sum alluded to to the accomplishment of the object in view. He wished now to call the attention of the Government to this subject, and hoped the survey of the route would be immediately made, and that the report required would be laid before Congress at the commencement of the next session.

The resolution was agreed to.

THE TARIFF.

The Senate then resumed, as in Committee of the Whole, the unfinished business of yesterday, being the consideration of the bill from the House of Representatives "to amend the several acts for imposing duties on imports." Mr. KING, of Alabama, was called to the Chair.

Mr. LLOYD, of Massachusetts, moved to amend the bill by striking out the following clause: "On hemp, two cents per pound."

Mr. LLOYD addressed the Senate in support of his motion. He expressed his high estimation for the gentlemen from Kentucky, and regretted that this motion would not, probably, meet their approbation. He proceeded to show the importance of this article, and the improbability of a sufficient production to meet the demand for consumption. He portrayed the course which had been pursued in regard to the agricultural interests of the Northern States. From their former embarrassed situation they had recovered, and had now become prosperous and happy, unaided by any extraordinary assistance by way of duties from the Government. He spoke particularly of the encouragement which had already been extended to the domestic growth of hemp, and the failure to produce it in any considerable quantity. Mr. L. adverted to the causes of this failure, and the want of the natural advantage necessary to the growth of this article. Even if Kentucky could raise the article in sufficient quantities with this enormous bounty to encourage the growth, he said, the cordage made from it would come higher than that of any other part of the world where it is made.

Mr. CHANDLER said he rose to give the reasons which would govern him in giving his vote on this question. He voted yesterday against striking out the article of iron, not because he would

vote for the bill as it came from the House, which he could not do, but because he was willing to give an opportunity so to amend the bill, if possible, as to make it acceptable, and so as to bear equally on the several sections of the Union, and that each section may receive equal benefits; but, to give it this effect, the bill must undergo material changes. Not only the article of hemp, but of every species of duck and cordage, and of spirits, must be stricken out, or materially altered, before he could give his vote for the bill. He should vote for striking out the article of hemp.

Mr. JOHNSON, of Kentucky, said, that the subject before the Senate involved political considerations which had, on his mind, a greater influence than the combination of all others. Domestic industry, said Mr. J., renders us independent, as to foreign nations, for the necessities and comforts of life. It derives its greatest value from the fact that it fosters and secures the public liberty.

In vain may we look for such daring spirits to defend our invaded country as appeared on the plains of Chippewa, and seized the laurels of New Orleans, if that country be destined to remain dependent upon Powers confessedly hostile for the greater portion of what renders life convenient and honorable. In vain may we look for heroes willing to consecrate their hearts' blood to the service of their country, and for the vindication of its rights, if it must be their miserable destiny to be supplied only from foreign resources with the materials of defence.

It is high time, said Mr. J., to change the policy which we have pursued. The public voice loudly calls for it, and that voice deserves to be heard by the Representatives of the nation. We are addressed, indeed, in the ardent tone of pecuniary feeling, to allow the people to purchase merchandise where they can obtain it cheapest. Admit the propriety of this course: I feel myself at liberty, sir, to deny that the system which we have pursued has afforded us articles on the most moderate terms. Previous to the late war with Great Britain, and during the contest, our army and our navy were not only deficient in the comforts of clothing, when many of our citizens were not in a situation to construct them from the ample materials which our country supplies, but when merchandise of this description was found in our markets, the Government, as well as individuals, had to purchase them at the most extravagant prices, from four to ten times their ordinary current worth. It seems to me, sir, that we have improperly excluded from our dollar and cent calculation the effects which the policy of the late belligerent Powers of Europe produced upon our commerce and our articles of merchandise. We are now enjoying the blessings which the welcome calm of peace ever introduces. We can purchase the manufactures of Europe on terms perfectly moderate. But, alas! in correspondence with the erring tendencies of the human mind, we have forgotten British Orders in Council, French, Berlin, and Milan decrees, those interruptions of trade and confiscators of property, and are chanting ourselves to repose. We are crying

peace, peace, when we know not how soon destruction may come upon us. The sound philosopher, the distinguished statesman, must not look on society in relation merely to the passing moment; his view of the interests of his country must alike involve retrospection and anticipation. Not only is he bound to promote the prosperity of the present generation—the interests of the future are confided to his charge. If such considerations be the result of sound policy, it becomes us to take into our calculation the melancholy examples which our Revolutionary struggles and the inconveniences of the late war exhibit. The losses and the sufferings of the nation, during those periods, for want of domestic manufactures, would alone furnish materials for a volume. That season of gloom and trial induced many of our enterprising citizens to invest capital to a prodigious amount in manufactures of the first necessity, and conducing to the comforts and conveniences of our countrymen. A valuable home market was created for the consumption of the productions of our soil, affording to the farmer the means of independence, and enabling him to obtain an equivalent for his labor, in the articles which he could not furnish himself.

By a return of peace those manufactories were most seriously injured. The immense capital that had been employed was rendered wholly unproductive by the inundation of the productions of foreign countries. Sir, the fact is obvious that, without adequate protection and support, our domestic fabric cannot compete with the foreign. Enterprising citizens must sustain injury, if not sink in ruin. We have an official return of a part of the capital vested in useful domestic manufactories in these United States. From this return, we find the capital employed amounts to from fifty to seventy-five millions of dollars. It is a solemn duty to inquire how far we are under obligations to our country and to the proprietors of this vast capital to avert the injury and desolation which the importing of foreign merchandise must produce.

We contend for free trade—we must have cheap purchases, and oppose all restriction upon our intercourse with foreign nations. Ruin is represented as in the train of consequences which are to follow the support of domestic manufacture. If the Powers of the earth constituted different branches of the same great commonwealth, bound together by similitude of feelings and principles, and universal peace were to attend this millennial condition of the human race, then, indeed, we might pronounce unnecessary all regulations relative to foreign commerce—all imposition of duties for the protection of home manufactures. We might then preach up the doctrines of Adam Smith, that commerce must regulate itself, and the best goods are to be gotten, at will, from the citizen and the stranger.

In this state of things our home market might be found in London or Liverpool, in Hamburg or Copenhagen, in Bremen or in Petersburg, in the East or the West Indies; as we now find it in our own happy country, in Boston or in New

York, in Philadelphia or in Baltimore, in Charleston or in New Orleans. But where is the man whose credulity can anticipate such an Utopian result? It is the policy of nations to take care of themselves, and they everywhere adopt it. What is the design of the despots of Europe in forming their *Holy Alliance*, as it has been shamelessly denominated, but the support of their tottering thrones, and the suppression of that revolutionary spirit which, like the mild influence of Spring, is spreading among the people on every side. The ambition which divided unhappy Poland, some thirty years ago, among three of the European despotic Powers, has recently assumed a more formidable shape. It may be seen in the resolute exertion to crush the republican spirit of the Neapolitans, and the reduction of ill-fated Italy to absolute slavery. The ghost of tyranny is stalking, where once a generous Empire flourished, and where the banners of liberty waved to the wind, bold and beautiful. It may be seen in the effort made by France to reduce to unconditional submission to the will of a cruel tyrant, the independent yeomanry of Spain. It may be seen in the awful calm which has succeeded these convulsions. It is the treacherous and portentous calm of the ocean before the tempestuous swell of its angry surges; it is the alarming silence of the volcano, previous to its dire and desolating eruptions. To me, it is evident, from the history of Europe, for many centuries, and from the signs of the times, that the present appearance of European peace will be succeeded by internal and sanguinary wars. No sooner shall the thrones of Europe have sufficiently secured their own power, by degrading the minds of their subjects, and destroying the spirit of independence now spreading among them—and this they will effect, without some special interference of Divine Providence, for the conflict is unequal—than like Rome, at the periods of the triumviri, some master spirits will take the lead of the rest—some Marius and Sylla, some Pompey and Cæsar, some Antony or Augustus; the *Holy Alliance* will dissolve as a thread at the touch of flame, and the Dividers of Europe will once more convert it into a field of blood. In this state of things we shall again be harassed by unjust decrees, and by resumed Orders in Council. We shall be thrown back suddenly upon resources of our own, without preparation to meet the exigence.

Our situation, Mr. President, may become more critical than the one which I have already supposed. When the Monarchs of Europe are assembled together, do you think that we are not a subject of their holy consultations? Do you not believe that we are viewed with an eye of jealousy? Can you suppose that, were they in a situation to do so, they would not compel us to change our happy Government and to take a King, perhaps of their own nominating, to reign over us? Let us, then, look to ourselves! Let us raise and confirm a system of our own, that we may live wholly independent of foreign supply, that we may transmit to our posterity that liberty and that happiness which the best feelings

and blood of our ancestors have transmitted to us. When we die; let us have the consolation that we die in the full enjoyment of civil and religious freedom—that, from the wing of our eagle not a feather has been plucked—that we have preserved the bright inheritance for generations yet unborn. The principles which I have just stated are those which have the greatest influence on my mind in favor of the tariff.

Still farther, it is my decided conviction, that, in a few years, by a competition among our own manufacturers, we shall have the various articles we may want, where we raise the raw materials, in great abundance, cheap, and of excellent quality. The good effects are already self-evident, in relation to our coarse cottons and woollens. We are furnished with the domestic fabric cheaper, and of far better, because of far more substantial quality, in consequence of the duty imposed upon the foreign importation. The same results will be produced in every branch of manufacture where the raw material springs from our productive soil. Let the period of foreign restriction and home protection arrive, we may then, in accents of joy, pronounce ourselves blessed. Our independence will then, free as the air, bright as the orb of day, deserve the sacred name. As a nation, we are yet in our infancy. Forty-seven years only have elapsed since we dared to say—the colonies of America shall be free—that we would thenceforth regard the empires of the earth, in war our enemies, in peace friends. Yet, in consequence of our impoverishing policy, thousands, in different parts of our Union, are thrown out of employ, and are reduced to the necessity of starving, begging, or having their names enrolled on the poor list. Encourage domestic manufactures, and these unemployed people, whether old or young, boys or girls, will move along with songs of joy, in the ways of industry, and virtue. Sir, the moral habits, the frugality, the happiness of the people, are committed to our charge. That is a mere half-way legislation that parsimoniously, or with visionary systems, neglects them. Why should so many of our citizens be driven into the field, that, by ploughing and reaping, the home market may be glutted? Send your excess of flour and breadstuffs to England. The policy of that country will not permit you to sell these articles until the scarcity of her own crops menace her with famine. Waiting for that period, your flour is stored until it spoils on your hands. The merchant who has paid the farmer for his flour, has to wander over the seas, from port to port, to find a market. Alas! that market he too often seeks in vain. Suppose the merchant has procured, on credit, the breadstuffs which he vainly endeavors to vend or exchange in foreign ports. Unhappy man! What is his destiny? The bailiff, the dungeon, a miserable family, a broken heart, may teach us.

Notwithstanding all we know of foreign nations, and their policy, which always accords with a system of favoritism in relation to their own people, and to the direct disadvantage of foreigners, yet nothing will satisfy us but the placing of the citizen of our own country and the foreigner on an

entire equality From such policy, Good Lord deliver us!

In relation to the opposition made against this tariff upon the principle that one part of our country is injured and another benefited, I, said Mr. J., have only to say, that, in my deliberate judgment, the whole is founded upon great, national, and magnanimous principles. Time will demonstrate its beneficial influence in every part of the country. Sir, it will draw the people of these States into a closer union. It will teach us to depend, under the blessing of Heaven, upon our own vast resources, and will produce among the States a delightful and generous interchange of commercial intercourse. Congress alone has the power to regulate the trade of the States with each other. This duty has been deplorably neglected. It is high time that we enter upon its faithful discharge.

The difficulty of internal transportation among us has been urged as a reason why we should procure our iron, our hemp, and our merchandise, generally, from Russia, from Sweden, from Great Britain, and other foreign parts. But, sir, this is an additional argument with me to protect home industry and to facilitate intercourse among the several States. We are blessed with immense rivers, having their sources in the interior of our country, and pouring themselves into our oceans from the northern extremity of Maine to the Gulf of Mexico. These rivers, in every direction, more or less approach, and sometimes, as if to provoke us to the pursuit of our best policy, actually interlock each other. If obstructions present themselves, let us remove them. Where canals are practicable, let them be formed. Where great connecting communications are too expensive for individual States, let the Federal Government afford every facility in its power. By such a course every valley would be exalted and every mountain and hill be laid low; the crooked places would be made straight, and the rough places plain. We should feel and act more than we do, as one great people. Sir, this nation is destined to become eminent in agriculture, manufactures, and commerce. In our commercial and agricultural interests we already rank high—but a part of our population must and will pass into a manufacturing State. We are bound to afford to this class of our citizens substantial protection and aid. They must not be left to suffer and to perish. Your patronage will make their movement gradual, pleasant, and salutary. It will be the pass-word—Shibboleth—with which they will cross the waters of Jordan without impediment; it will be more; it will supply them with a pillar of cloud by day and of fire by night. Without such aid you introduce our infant manufacturers into the valley of the shadow of death.

The subject is inexhaustible. So much has been said in detail, that I do not feel myself justifiable in protracting the debate. Yet, as the motion is to strike out the article relative to the protection which should be given to hemp, I consider it due to the people whom I have the honor of representing, to claim that protection in favor

of this production, which is extended to other great staples of the United States. We want no local advantages, no extravagant support, no exclusive benefits; but we wish equality of rights, and a system founded upon the broad basis of national policy. In the growth of this latter article, it is well known that Kentucky alone is not interested. Certainly, we raise it in great abundance. We could supply a large portion of the United States, had we sufficient encouragement; but many other States have soil and climate well adapted to the culture of this important staple. It has been asserted, and not contradicted, that nine-tenths of it is imported from a distance of four thousand miles from Russia; when no man can deny that we have soil in abundance, and of the proper character, for supplying the whole market of the United States. And yet, sir, shocking as is the impolicy and absurdity of the measure, we prefer the growth of Russian hemp, rather than the encouragement of our own. Sir, I shall vote against the motion to strike out the duty on foreign hemp.

It is remarkable, that we should not concur in the course which alone can give us a home market, for the consumption of a great staple of our country, when in foreign countries we either find a glutted market, or no market at all. The truth is, that we commenced a system of supporting certain branches of domestic industry soon after the organization of the Federal Government; and, in every case, the protection has excluded foreign competition. By this system, we have secured to the navigating interest the whole of the coasting trade, and almost the whole of the commerce with distant nations. The same system has excluded from our ports foreign snuffs and manufactured tobacco; giving a complete monopoly to the home market. It is admitted that 3,500,000 of our population are interested in the cultivation of the soil, for the purpose of raising bread, meat, and other articles of subsistence; yet, with few exceptions, the productions of this great portion of our people are totally excluded from the European markets. In Great Britain, as I have already stated, they are never admitted, excepting when that country is threatened with extreme want and starvation. Our great staples, flour, tobacco, cotton, rice, all find glutted markets, and breadstuffs generally no market at all. It is well known that cotton is produced in the East and West Indies, in South America, and in Egypt, and exported thence to Great Britain; and that tobacco is the growth of the Crimea, and many other countries. Sir, before I sit down, allow me most solemnly, and in the name of the sacred honor and best interests of our country, to ask you whether, while we meet with the competition which I have stated, in foreign markets, it be not our duty, and has not become high time to secure the home market to ourselves?

Mr. TAYLOR, of Virginia, replied to Mr. JOHNSON. He said the object for which our fathers fought was to free their children from tyranny and oppressive taxation. This protection of one State against another was but a plan to rob one

to enrich another. In relation to the depression of the surplus of our productions in foreign markets, this bill, Mr. T. said, was no protection against it. The price of those commodities could only be fixed by competition. The best protection to cotton-growers would be to admit foreign fabrics freely, and thereby create a general demand for the article. This protection to our own articles was merely a tribute to capitalists.

Mr. VAN BUREN said that he rose for the purpose of explanation only; to reconcile his present vote with one he was prepared, and would, doubtless, be called upon to give on the question under consideration. He was in favor of increasing the duty on hemp with a view of affording protection to its cultivation in this country. He was willing to vote for a liberal but reasonable increase. The one proposed by the bill he thought was not of that character. The present duty is thirty dollars a ton, the one contained in the bill is forty-four dollars and eighty cents per ton, making an increase of nearly fifty per centum. Mr. V. B. could not think that the cultivation of the article in question required for its protection so great an increase of the duty; nor would a due regard to the other great interests of the country admit of its imposition. If, therefore the motion of his friend from Massachusetts had been to strike out the rate of increase for the purpose of reducing it to a reasonable amount, Mr. V. B. would have voted for it. But his motion was not of that character. It was to strike the duty on hemp out of the bill, to which he (Mr. V. B.) was opposed. Whilst, therefore, he would vote against striking out, he was prepared to reduce the duty contained in the bill to an amount which, in his best judgment, would be just and politic.

Mr. TALBOT, of Kentucky, addressed the Senate as follows:

I rise with much hesitation to make a few remarks on the question before the Senate, prompted by the strongest sense of its vital interest to the happiness and permanent prosperity, not only to the State whose interests I have the honor in part to represent, but to a large portion of the good people of the United States. Why the honorable gentleman from Massachusetts, who has made this motion, has chosen, through the whole course of his remarks, to represent the duty imposed on this article as a Kentucky measure—as one in which she alone was interested, I am not able to conjecture. He surely cannot be ignorant that, whatever interest the representatives of that State may have taken, or with whatever zeal or warmth they may have advocated or embraced this measure of the profoundest interest to this country, in a national point of view, that it is not the sentiment of the love we bear for our State alone, or the regard we entertain for that great and interesting section of the Union from which we come, that has dictated our opinion, or the course we have pursued, or the warm sentiments of zeal with which we advocate, or desire to see it adopted by the councils of the nation. [Here Mr. LLOYD explained, by observing that he had not, in the course of his remarks, alluded to the State of

Kentucky in any other sense, or with any other view, than that of personifying that portion of the Union which was more immediately interested in the cultivation of the article under consideration.] Mr. T. proceeded: I am entirely at a loss, Mr. President, to comprehend the application of the course of remark, or the historical details in which the honorable gentleman has indulged himself, in relation to the embarrassments of the people of Massachusetts, at a period so remote as that to which he alluded, (that immediately succeeding the Revolution;) of the debts contracted; of the replevin laws, and other dilatory measures adopted by the government of that State, to suspend, evade, or delay their payment; of the insurrection of the quiet and sober people of that pious and moral State, or of the prompt and decisive measures adopted for the suppression of this insurrection, by the aid of military force, the promptness of its application, or its complete success. As the honorable gentleman has made no application of this valuable historical sketch, I shall not detain the Senate in conjectures of what might have been insinuated; leaving to the good people of Massachusetts, for their own instruction, the valuable monitory hints which the honorable gentleman may have intended to convey from this retrospect of past errors and aberrations from the path of wisdom or of duty. It is true that the State of Kentucky, with some of her sisters of the West, has, for some years past, been laboring under the pressure of great embarrassments, resulting not from a defect of industry, in the cultivation of the fertile and productive soils with which Providence, in its kindness, had provided, and in which a happy destiny, had placed them. They are to be ascribed to habits of too free and profuse expenditure, into which they had been thoughtlessly induced, by the seductive temptations held out to them by their Eastern brethren of the Atlantic commercial cities; into the purchase of their imported luxuries, and the unlimited credits with which they were indulged for the payment of them, relying on the fruits of their industry, bestowed on one of the most fertile soils on earth, blessed with the smiles of Providence for the fulfilment, with good faith, of engagements thus imprudently made. These engagements would have been as faithfully fulfilled had the providence and wisdom of the councils of the nation interposed in furnishing protection; and, by that protection, afforded markets for the productive fruits of their industry and their labor.

This is but a faint and feeble sketch, Mr. President, of the general and leading causes which have led, within the few latter years of our history, not only to the embarrassments and distresses of the Western, but almost of every other portion of the interior sections of the Union, (the great mercantile cities of our Atlantic seacoast excepted.) And, in this distress, with the progressive depreciation in the price of property of all descriptions, resulting from the want of a sound circulating medium, and the deficiency of foreign markets for the agricultural productions of the industry of the country, is the wisdom, as well as the justice, of the

councils of the nation, invoked by a much suffering community, for some measure of redress for such accumulated evils. And is there none within the competency of legislation to afford? Can, or will the General Government afford no adequate relief, by the extension of protecting duties on the importation of the productions of agriculture and the manufacturing industry of foreign nations to the distresses of our own? To these questions, the opponents of this bill, the advocates of the present motion, give an unqualified and unhesitating negative. Nay, they argue most strenuously against all impositions of duties on importations, laid with a view, or on the principle, of the protection of our domestic industry. Arguments, embracing within the scope of their operation and tendency, not only the increased duties proposed by the present bill, but all other duties which can be proposed, or which have heretofore, at any period been imposed with a view to such protection; with what propriety or consistency, a brief sketch, a hasty glance at such duties as have been imposed with this view, will be apparent.

Among the most prominent of the articles of agricultural growth, which, at the very commencement of our present Government, under our happy Constitution, received this Governmental aid, are those of cotton, the manufactures of tobacco and sugar—the last of which articles, although not grown at the period of the adoption of this duty, and therefore not within the scope of that protection intended to be afforded to the others, has, in effect, received all that protection and fostering care of the Government in the perpetuation of this duty, which it could have done had it been within the view of the policy which dictated those duties on cotton and tobacco. The continuance of such duty since the period of its adoption, with so much success to a portion of our acquired territory of Louisiana, is founded upon the same considerations of a wise and enlightened policy, which gave birth to the coequal imposition on those of tobacco and cotton, and entitles the other portions of the community, who do not participate in this rich and valuable production, to ask and expect from the growers of this, with the other enumerated articles, the same return of reciprocal good will, and a participation in the same advantages, by an extension of adequate protection in the cultivation of other agricultural productions peculiar to the other portions of our extensive and diversified soils and climates. That there is great distress prevailing in the agricultural classes of society, not only of the interior and Western States, but even in those of the Southern, heretofore engaged in a most profitable cultivation; that the foreign markets are glutted with the article of cotton, the result of which has been a continued and alarming depression in the price of this article; that the increased production of cotton, by its successful introduction in the Brazils, and in other portions of the recently emancipated provinces of South America, the luxuriant fertility of which, combined with the more auspicious and favored climates of our globe, by increasing the competition amongst the growers of this valuable staple in

these States, tends not only to diminish the profits of our cultivation, by increased competition in the markets, but so to overstock it as to annihilate entirely the profits of the cultivation, to draw us from the cultivation, and to overwhelm, in irremediable ruin, those portions of our population whose prosperity essentially depends upon this staple article.

If these facts are recognised on all sides, and acknowledged by these cultivators themselves, the violent opposers of this bill, does it not behoove them to pause, and consider well whether they themselves have not a common interest with every portion of this Union in the encouragement of domestic manufactures, to increase and extend the home market for this staple article, by which the domestic consumption of the country will increase and extend, not only the domestic manufacture, but the consumption of this raw material, the uses of which are so rapidly extending themselves through all classes of society?

But it is objected, by the honorable gentleman who moves to strike out this item in the bill, that this article of hemp cannot be produced and dressed in such manner and in such quality as to answer for the purpose of rigging our merchant vessels; that, whatever may be the quality or capacity of the soil for its production, the length of the days, with the great warmth of the sun, in those parts of Russia where this article is cultivated, in which the sun is twenty-two hours above the horizon, is essential to the successful water-rotting of hemp, the only mode of preparing and curing this article which can fit and prepare it for the rigging of vessels; that the climate of Kentucky, unsuitable for this purpose, with the situation of its rivers, deeply imbedded, and flowing at great depths below the surface of the earth, with the fœtid odor which exhales during this process of water-rotting, forbid all just expectation that Kentucky could ever produce, even with the protection of this bill, this article, of proper quality for the use of our marine or navy.

These objections, Mr. President, however specious, are founded in mistakes and misconceptions, as regards the capacity of the soil and climate of our country, compared with those of Russia, as well as in the capacities, the qualities, and resources, of our countrymen, to surmount any real difficulties which may present themselves. As respects the first, nature has not been so niggard of her gifts as the observations of the honorable gentleman would imply; for, I am still to learn, sir, if, indeed, the fact be so, that the country of the Ukraine, though blessed with a fertile soil and auspicious clime, well adapted to the successful cultivation of this important staple, and from which the importations of our foreign hemp are made, is endowed with any happy peculiarities for this purpose, with which the same munificent and Almighty hand has not spread its equal blessings on our Western climes; although the hand of industry and successful cultivation has as yet developed, but in a comparatively small degree, the capacities which they present to the hand of industry, of labor, and of art, under the

cultivation of her hardy and industrious sons. And permit me to correct a mistake into which the limited information of the honorable gentleman, in relation to the topography of Kentucky, has betrayed him; for, though it is true that the river Kentucky, from which our State derives its name, is sunk from two to three hundred feet below the level of the adjacent land; the channel being lined in many parts with white marble cliffs, beautiful and romantic in a high degree; yet, it is equally true, and equally known to all who have any knowledge of the face and aspect of our State, that, in this extraordinary tract, this river is peculiar there, and that not only the rivers, but creeks, rills, and branches, from which supplies of water are to be collected in dams and ponds, which, combined with the Summer sun, which remains above the horizon only fifteen hours in our happy clime, is believed to be quite sufficient to produce the effect desired, such partial decomposition of the vegetable gluten of this important staple as fits it for the brake, and which, with the proper dressing, will produce the article possessed of all the properties requisite for the manufacturing, not only the cable, and other rigging, but sails for our merchant vessels, equal to even that of Russia, or any other portion of the globe.

But gentlemen speak of the capacity of the regions in which this article can be cultivated with success, as totally incompetent, in any reasonable degree, to supply the demand for our domestic market, and urge, in lamentable and desponding strains, the oppression, hardship, and distress, to which those engaged in the foreign commerce will be exposed, by being compelled to pay this enormous duty on Russia hemp. And, to give a darker shade to the coloring in which this oppression and distress is drawn, they represent this important interest in the nation, not only in a state of suffering and distress, but in the very throes of expiring agony, sinking under the neglect, if not expiring under the oppression, of governmental regulation.

That this interest is one of immense importance to the prosperity, the welfare, and greatness of the country, will be denied by none; but, that it has been permitted to suffer, to languish, or decay, by the neglect, or been oppressed by any acts of impolicy or injustice of the Government, is unequivocally denied. By what acts of legislation has this interest been oppressed? Not one has been pointed out, or even hinted at, by the opponents of the present bill. What acts of legislation, within the competency of the National Government, have not been passed for the encouragement, extension, and prosperity of the commerce and navigating interest of these States? Have not the acts regulating the coasting trade secured to the shipping interest a complete and exclusive monopoly of that extensive and valuable portion of the navigation embraced in the interests of internal commerce? a commerce which, from the vast extent of our territories, the diversity of soils, and climates, and productions; the agricultural and manufacturing industry of part ministering to

the wants, the comforts, and enjoyments of the other; and thus furnishing, at present, and destined to furnish, in ages yet to come, a commercial intercourse between these States unknown and unparalleled in the history of the world. Are not the various navigation acts conferring exclusive advantages on American built and American owned ships modelled upon the famous navigation laws of England, built up and cherished by the wisdom of successive ages? Are these nothing? Do the laws imposing discriminating duties on the tonnage of foreign vessels, in favor of the navigation and importation of merchandise from abroad, insure no advantage to the owners of American vessels? And with what view, and for whose advantage, have the various measures of restriction, adopted by the American Government for the purpose of countervailing the unjust regulations imposed by foreign Governments, been introduced? And have not the ship owners of our own country, at least, participated in all the advantages received or anticipated by the introduction of those measures? But a ready answer can be given to all these questions. And that answer ought, at once and forever, to put to silence these unfounded imputations. But does this brief and hasty enumeration of laws, passed for the avowed and express purpose of the encouragement and protection of our shipping interest, embrace the whole? No. What was the great and primary object and policy of the American Government in rearing up a Naval Establishment, upon a great and extended scale, built and maintained at such great expenditure of the treasure of the nation? In part, to be sure, for the protection of our seacoast from the danger of invasion by foreign enemies—a danger future and contingent, and not greatly to be apprehended by a Government like our own, pacific, and essentially so in its very principles and organization—but constituting a species of force, at all times of the highest use and importance, in the protection of our foreign commerce from the piracies and robberies of professed depredators on the peaceful commerce of all the world, as well as from the rival pretensions and evident usurpations of civilized and social man.

For whose especial protection and advantage are the extensive chains of fortifications on the widely extended line of your Atlantic seacoast, if not for the possessions on land as well as of the commerce floating on the ocean from the Atlantic ports? And have the citizens of your interior or Western States any direct interest, at least in comparison with those of the inhabitants of these Atlantic States, in rearing and maintaining these great establishments? And yet has any of these States complained of these expenditures as burdensome or unjust towards them? Nay, have they not with cheerfulness, cordiality, and even zeal, contributed, not only their money, but, when called on by the voice of honor and of patriotism, lavished their blood as well as treasure in the defence of the nation's rights, outraged in its commercial rights on the ocean by the insolence and injustice of a foreign nation?

But let me not be misunderstood in the course

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of the remarks in which I have indulged myself, in reply to the honorable gentlemen who have uttered their complaints of the threatened ruin of our foreign commerce, and who would impute such ruin to the neglect of this important interest of the nation, on the part of its Government, whose duty it is to look with an impartial eye, and to attend with impartial care, to all the widespread interests of its people—a principle which the friends of this bill not only recognise, but the application of which they specially invoke to our aid in the adoption of the present measures, the main scope and object of which they aver to be the protection of the first and dearest interest of every independent nation—the encouragement and protection of the domestic industry of the country, as applied to its agriculture and manufactures, on the perfection of which so much of the happiness and prosperity of its citizens must always depend.

But to ascertain whether those engaged in foreign commerce are to be injuriously affected by the encouragement of domestic manufactures, which is held out in the present bill, it is proper to understand in what foreign commerce consists, and on what its existence and success depend. Is it more or less than an exchange of the surplus productions of the respective labors of our own, for those of foreign countries? I speak not of the carrying trade of the commerce of other nations, which every State engrosses to itself in time of peace. If foreign commerce, therefore, consists in this exchange of our own, for the commodities of other nations, to what extent can this commerce be carried on? And are not its limits to be found in the number, value, and amount, of the productions of your own home industry, which is the extent (to speak in general terms) of your means of acquiring, by this commerce of exchanges with foreign nations, the surplus of their productive labor? And if it is, what, I ask, emphatically, of those who represent the interests of the foreign merchants here, is the true interest of those concerned in navigation and foreign trade? And if it is not by offering incentives, by holding out inducements to our citizens to embark in new and profitable branches of manufactures, and to approach in some degree towards perfecting of those now begun—thus, by increasing the number and value of our commodities, for which a demand may be found in foreign markets (or even in our own) to increase and multiply the business of profitable exchange; and thus give new and additional employment for the mercantile classes, in effecting the exchanges of such new commodities, to increase and extend the navigation and commerce of our country with other nations, for the accommodation, and to the mutual profit and advantage of all concerned.

To honorable gentlemen who represent a portion of the agricultural interests, which are concerned in the cultivation of the great and important staples of cotton and tobacco, are there not arguments to be drawn from recent experience, combined with the immediate prosperity of the future, which ought to admonish them of the fatal

effects which have and must result from the policy heretofore pursued, and to induce them to lend their suffrages and their aid in the adoption of the measures proposed by the present bill? To the cultivators of cotton, is it necessary to urge what they themselves admit—that the profits of this cultivation, formerly so productive, have not only decreased within the few past years, but at the present prices, has ceased to yield any profit whatever, on the capitals employed in its cultivation? Let me invite them to a retrospect of some five or six years past, and leave to their own serious reflections the melancholy prospects which it holds out to their future contemplation on this, to them, most interesting topic. Does not the history of this trade, for the last seven years, demonstrate that, with the increased extent of exportation of some 30,000,000 pounds of cotton in the year 1822, beyond that of the preceding year, the English markets for this article became so overstocked as to reduce the price to the loss of several millions to the exporters—thus exhibiting the melancholy fact of the increase of cultivation, of industry, labor, and capital, bestowed on the cultivation, resulting in diminished profit, if not ruin, to the planters, as well as to the exporters; and ultimately, in a national point of view, in poverty and ruin to the country? Is there no remedy for this actual as well as anticipated evil, to spring from the causes which have been enumerated? And where is such remedy to be found, if it is not in the policy which has given birth to the measure now under consideration? And that is, to improve the condition of the agriculturist, by affording an increase of the home market, by increasing the domestic manufacture of this raw material. This will extend the market, and the demand for the commodity; and thus relieve the planter from the present pressure, arising from insufficient or glutted markets, by the consumption of their productions, by the persons thus profitably employed in manufacturing establishments, who must be fed and supported by the labors of the cultivator.

To the sections of our country engaged in the cultivation of tobacco, the same arguments apply, with accumulated force. And in this article the State from which I come, and which I have the honor in part to represent, have an interest in common with our brethren of Virginia, Maryland, and North Carolina. The total of the European demand for this great staple of the industry of these States, is 60,000 to 70,000 hogsheads per annum. A quantity so far from affording encouragement for the cultivation of the article, or competition in the foreign market, I will venture to affirm the labor and industry of Kentucky, were an adequate inducement offered, would, without a very extraordinary effort, furnish in any given year. As a decisive proof that this limited and insufficient market is overstocked, not only the low price of the article, of the ordinary qualities, in the foreign as well as the domestic market, of which we are all melancholy witnesses, but the intelligence from abroad, that the markets of London, Amsterdam, and Rotterdam, to which this

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article is transported from our own ports, are not only overstocked, but supplied, upon an average of something like one year's supply, in anticipation. So that even the exporters of the last year's crop have no prospect of obtaining a market at even the lowest price.

To the cultivators of wheat, or the manufacturer of flour and of other breadstuffs, no better prospect of a profitable market presents itself; but one, still more melancholy, if possible, of future profitable market, or even any market, for these articles, which were at one time, (when the armies of all Europe were to be fed by neutral America,) the great and preferable staples of some of the Northern and Middle, and even of the Western States. Most of the kingdoms of commercial Europe now cultivate the whole or greater portion of these articles, which are required for the support of their respective population; and England, a country which, under the influence of a system of liberal exchanges, on terms of mutual advantage, should have furnished a market for all the surplus of these articles, by the monopoly in favor of her own domestic agriculture, has, by the operation of her corn laws, excluded them from her ports. A system of exclusion so rigid, as not to admit of relaxation, except when the prospect of scanty and insufficient crops at home presents to her numerous population the horrors of famine, or the picture of distress so immediate and alarming, as to admit of no alternative.

With prospects so appalling to the future efforts of the industrious and laboring farmer and the enterprising merchant; with no prospect of remuneration for the labors of the one, or the enterprises of the other; whither shall we turn, Mr. President, for consolation or redress? If it is not to be found in the measure before us, will the opponents of the bill point out some other which can rouse our desponding countrymen from the torpor into which these discouraging prospects have plunged them? Which can nerve the arm of the farmer; and revive the drooping spirits of the manufacturer? It behooves them to answer.

But to return to the article immediately under the consideration of the Senate. It is conceded to honorable gentlemen, who advocate the motion to strike the proposed duty imposed on foreign hemp from this bill, that the duty imposed on this article by the act of 1816, which is thirty dollars per ton, was of itself sufficiently onerous on the ship builders, who were obliged to employ large quantities of it in the rigging and equipping of their vessels. A supply to which the hemp growers in the United States, are entirely incompetent; that the article cannot be produced in Kentucky or the other Western States, of the proper quality essential in the manufacture of cables, sail-cloth, and the other rigging for a vessel; that the protection enjoyed under the act of 1816, was altogether sufficient to have called the industry and energies of the citizens of these States into complete and active operation; and had tested and ascertained the total incompetency of the Western States to engage with success in this cultivation.

Were these objections bottomed on sufficient

data, well ascertained to warrant the inferences thus rashly and hastily drawn, from this hasty and superficial view of the question, it would afford matter for the most melancholy reflection and direful foreboding to the future prospects of the people of this interesting portion of the Union. If it were true, indeed, that the beneficence of a kind and bountiful Providence has placed them in the West and middle regions of this immense continent; blessed with a soil fertile and luxuriant, perhaps beyond that of any other of equal extent on the surface of the globe,—if this article of production, of all others, requires the aids which such soils alone can furnish, and to the perfection of which such climates are most happily adapted, what cause is there to despair of success, in producing most ample supplies? But, not only does this view of our country, in her gifts of soil and climate, refute the bold and unauthorized assumption, as well as the uncharitable and unauthorized conclusion, but experience, though a brief one, furnished by the last war, of three years' duration, adds the testimony of her unerring dictates to refute such reasoning. A period during which, short as it was, exhibited in the State of Kentucky, under the influence of the double duties imposed during its continuance, united with the other embarrassments in our commercial intercourse with foreign nations, contributed to produce a rapid and successful increase, not only in the cultivation of the raw material, but in the manufacture of the coarser kinds, such as twine or spun-yarns, bagging, and bale rope, to a great and profitable extent; tending greatly to the increase, not only of the industrious labors of the farmer and manufacturer of the State itself, but of our neighbors; furnishing a mutually profitable commercial barter of these commodities, for those which they could furnish us in exchange. But, with the return of peace, the smiles of which brought happiness and prosperity—the usual concomitants of its happy reign, to most of the other regions of our Union; with the cessation of these double duties came ruin and destruction to this young but rapidly increasing cultivation, and to these manufactures, which time had not yet sufficed to bring to maturity or perfection; and these flourishing manufactures, our ropewalks, our factories for cotton bagging, bale rope, and twine, vanished like the baseless fabric of a vision, leaving but the wrecks behind, over which the owner was left to mourn. That this cultivation, and the manufacture of the raw material, have ever since languished and declined, will not be denied, and the causes of both have been explained.

And who will infer from this a total incapacity in the country, in the soil, or the climate; or those who inhabit the one or the other, to bring them to a degree of perfection which will afford the most ample supplies, to suffice, at no distant day, for the domestic supply of this raw material of hemp, adequate to the demand of our people; but for the equipment of the vessels engaged in our merchant service, as well as for the Navy of the United States? But it is because the cultivation is not yet well established; and because the manufacture of the article is yet comparatively in its infant

state, that it requires the protection and the fostering hand of a parental government, to bring it into successful operation. It is because, in a land of liberty like ours, where every citizen has an unbounded range in his choice of occupation; where, of consequence, the force of habit, and even prejudice, in relation to these pursuits, is so inveterate and unyielding, that the gently guiding hand of a parental government should interfere, to effect that gradual change from an unprofitable pursuit to one that is gainful. This an arbitrary government, like that of Russia, can produce at once; an imperial ukase can convert every peasant and serf in the Ukraine, as by the touch of an enchanter's wand, into a grower of hemp; and every subject, where each subject is a slave, into a spinner or weaver of this article into Russia duck or Russia sheetings. This is the liberal policy of a wise and enlightened government, Mr. President; and it is upon this principle, just and politic as it is liberal and enlightened, on which this bill is framed and supported by its advocates; not upon the local selfish views of sectional policy, dictated by selfish and unsocial feelings, as has been, without just foundation, asserted by the opponents of the measure.

It is upon these principles of an enlightened legislation, and of a Government beneficent and paternal, that Henry IV., influenced in an unenlightened age, by the enlightened wisdom of a Colbert and a Sully; that the Edwards of England, advancing before the ages in which they lived and reigned, and outstripping the tardy pace of the improvement of the people whom they were called to govern, by prohibitory duties on foreign importations, by bounties and protections, granted to the subjects of their own dominions the manufacturing of such fabrics as were suited to their interests and their wants. This policy has been persevered in by the wisdom of those Governments, until the present age, by which the manufactures of England, in particular, have obtained, under the fostering care of their Parliament, assisted by their boards of trade, a degree of perfection which has constituted, in a high degree, the wealth and prosperity of the nation, and been the admiration and the envy of the world.

Nay, so far has this protecting policy of the British Government been carried, in times of difficulty and distress, in which her manufactures have been involved by the pressure of extraordinary circumstances, that loans of large amounts have been made from the Treasury, to support manufacturers, tottering on the brink of bankruptcy and ruin. Examples of this are to be found in the conduct of this Government in the years 1817 and 1819, when losses, to an immense amount, by the excessive importations of their merchants to this country, at the conclusion of our last war, was relieved by large issues and loans of exchequer bills. A similar policy had been pursued some half century before the period I have just alluded to, by the immortal Frederick, for the purpose of introducing profitable manufactures in his newly acquired province of Silesia—a policy which, if it did not justify the wars

and conquests by which this and other provinces had been acquired by this accomplished monarch, must tend greatly to diminish the horrors and calamities which war and conquest usually carry in their train.

But, let me not be misapprehended, as if I were recommending this form of protection and encouragement to the enlightened body I have the honor to address. The advance of money, or other loans, if within the legitimate powers, would not be within the scope of the policy which, in our age and country, should be pursued. But a system of duties framed upon a full and impartial view of all our various interests, which, neither excessive or oppressive in their amount or in their operation, and without bearing with an unreasonable or ruinous pressure on the other great interests of the nation, would gradually tend to develop, and to bring into full operation, all the capabilities of our soils and climates. This would stimulate the ingenuity and talents of our various population, in the rearing up, and bringing to maturity, and perfection, the various manufacturing and mechanic arts, of which our country and our people are susceptible. This should be the wish of every patriot heart, and the counsel of every liberal and enlightened statesman.

When Mr. TALBOT had concluded—

Mr. SMITH said, that a stranger would suppose, from the argument of the gentleman from Kentucky, that no encouragement whatever had been extended to our manufactures. He, himself, had always advocated such duties as would extend their reasonable encouragement. He proceeded to show what had been the course of the Government on this point. The tariff of 1816, he said, had been bottomed upon this principle. That tariff increased the duty on hemp, but the growth had diminished since that time; nor did he believe it would be grown, even with the encouragement proposed in this bill. Not a ton less of foreign hemp would be imported. This bill was intended, not for revenue, but exclusively for the protection of manufactures. The shipping interest was embarrassed, but it asked no aid from the Government; it only wished not to be still further depressed. Every article of consumption, he said, had risen fifty per cent. since the Revolution—principally in consequence of duties levied by the Government. It had raised the prices of articles of necessity and of labor. He spoke of the duty on manufactured tobacco—it did no good, he said, to the growers of that article—it was intended for the manufacturers. The object of the duty on sugar was revenue—it was one of the best articles to produce revenue. He alluded to the ideas of balances of trade—if taken at all, they should certainly be taken in the aggregate. He thought the balance of trade was not generally understood—gentlemen had said the balance must be paid in money. Was there any money exported from the country? Not much, he believed, except in the Indian trade; and that found its way into the country again. Mr. S. spoke of some parts of our trade which produced valuable cargoes of imports, for very small ones of exports.

He referred to the course of European nations on this subject, and to the policy of the retaliatory systems of protection, which had been adopted by those nations, one against the other. They were abandoning those systems as fast as possible; it was more difficult to get rid of them than to adopt them; and, at the very moment they were relinquishing the system, we were about to take it up. He explained the embarrassments which had taken place from want of knowledge and capital, in carrying on the business of manufacturing, and alluded to some of those which had flourished, which were in possession of those advantages. A rational encouragement to manufactures, Mr. S. said, he was always willing to advocate, but he believed that neither Hamilton, at the time he submitted his celebrated report, nor any other man, at that time, had dreamed of extending such great encouragement to manufactures, as had already been extended to them. He believed the present duties were sufficiently high, and quite as high as the people ought to be burdened with. Mr. S. replied to Mr. TALBOT's remark about the fortifications of the Atlantic frontier, and to that respecting the protection of cotton; he knew of none that it had received from the Government. The cotton growers only wished to be let alone. He explained the heavy operation which the bill would have upon the Southern States.

Mr. HOLMES, of Maine, wished all mankind was afflicted with the same distresses as the people of Kentucky. They have a fine climate and soil, and a great surplus of the productions of the earth; not so, he said, with the people of Maine—they have to work hard, and get but little produce for it. And now they are to be taxed by this bill to find a market for the Kentucky hemp; he explained the course which the article had taken in this country. A great deal had been said of domestic industry—he believed the industry of seamen and fishermen was domestic industry. The gentleman from Kentucky had said that the duty was not prohibitory; they are willing not quite, but almost, to prohibit an article, scarcely a ton of which do they now produce. He denied all the positions which had been taken in relation to the balance of trade—nobody, he said, could understand it. It had been millions against us ever since he could recollect. The property had always been going out of the country; and what is the proof of this doctrine? He asked, if the proof was to be sought in the growing prosperity of the country, and the absolute accumulation of millions every year? He asked if the Navy, of which the gentleman from Kentucky had spoken, was peculiarly the property of the East? If the West had no protection to seek from it? As to the fortifications, almost all that had been made since he had been in Congress had been for the protection of the West. The principal one of the East had been erected before the establishment of this Government. And, upon these grounds we are asked to impose a duty of forty-five per cent. on an article which we do not yet produce at all. Mr. H. thought this one of

the most extravagant items in this most extravagant bill.

Mr. LLOYD, of Massachusetts, made some further observations in exposition of the fallacy of all arguments upon the balance of trade, as taken from the custom-house returns. The reporter could not hear Mr. L. with sufficient distinctness to report even a sketch of his remarks.

Mr. RUGGLES said this was framed, he believed, as a bill for the general encouragement of all branches of the manufactures of the country. He believed this item would not be as injurious to the Atlantic States as they seemed to imagine; he went on to show why it would not have so bad a tendency, as was supposed; he thought that, at least, the advantage of furnishing the article for the Navy, and for the coasting trade, ought to be accorded to the Western States. He commented upon the advantages they possessed for the growth of this article, and the great benefits that would be derived to the country from its production. He could not believe the difference between the foreign and domestic article so great as to warrant the rise of the foreign article to the entire exclusion of the domestic.

Mr. EATON believed every gentleman had made up his mind on this subject, but he deemed it his duty to express his opinion in a few words. He admitted the positions taken in regard to certain branches of our trade, wherein there were very small exports and increased imports. But, he contended that the balance of trade with England had been against this country ever since the war. He pursued his remarks upon the course of trade. He believed that more had been done for the commerce of the country than for all the other interests put together, and recurred to the tonnage duties, and other protecting measures, to prove it. He thought this one of the most important items in the bill, and he should consider it as lost if it was stricken out. When the hemp was out, the duck would go, and all the rest of the bill with it. He contended for such a degree of protection to the article as would encourage its domestic growth, without amounting to a prohibition of the foreign article. He referred to the price it had borne during the war, and thought it the duty of the Government to see that the nation was, in some measure, prepared for a state of war. He thought the only question in relation to this bill was, Whether we were willing to rely upon foreign nations for the necessities of life, or whether we were to produce them for ourselves. The only way to make the community prosper, he believed, was to extend a general protection to all the great branches of employment. He believed commerce was never more depressed than at present. Our cities were filled with paupers; and yet we are to go to the workshops of Europe to get the articles we want for consumption. He conceived the policy of this measure to be necessary to protect us against that of other nations. It was not a matter appertaining to one section of the country, but it was a subject of great national concern.

Mr. LLOYD, of Massachusetts, explained in re-

gard to the embarrassments of the navigating interest of the country. He read, from a letter on this subject, which he had received from an eminent merchant. He remarked further upon the balance of trade, and the difference in the value of specie in England, and in this country.

Mr. DICKERSON believed there was a majority in the Senate in favor of a reduction of the duty on hemp; as contained in the bill—but he hoped it would not be stricken out entirely. He had no doubt that it was the interest of the country to encourage the growth of this article, and every article which could be produced with ease in our own country, and by our own people, ought to be encouraged. Mr. D. believed this duty was not to favor Kentucky alone; but would operate advantageously to other parts of the country, as its growth need not be confined to Kentucky alone—other parts of the country were equally well fitted for it. There was no reason in nature, why it could not be grown and fitted for the market in this country.

Mr. D. explained, in relation to the supposed difficulties in water-rotting the hemp. He considered this as a contest between the importer, arising out of the benefit of freight, against the grower of the article in our own country. He spoke of the friendship which the gentleman from Maryland professed for domestic manufactures—and presumed that they had arrived at that point, beyond which his protection could not go. Mr. D. hoped that all those gentlemen who were willing to take an intermediate point, in regard to this duty, would vote against striking out.

Mr. SMITH answered some of the remarks of Mr. DICKERSON, which had a personal relation to himself.

Mr. TAYLOR, of Virginia, made a remark, in relation to the long petitions praying for an increase of this duty, to which the gentleman from New Jersey had alluded.

Mr. DICKERSON replied to the observations of Messrs. SMITH and TAYLOR. He said he should consider the vote to strike out this item, as destroying the bill.

Mr. KING, of New York, said that the imposition of this duty bore hard upon a particular interest of the country. If gentlemen wish to encourage the production of hemp and iron, they ought to bring in a bill to give bounties on these articles. The burden would then fall equally upon the community. There was the same Constitutional right to pass an act granting bounties on these articles, as to encourage their production in the way proposed by this bill.

The question on Mr. LLOYD's motion was then put, and carried in the affirmative, by yeas and nays, as follows:

For striking out—Messrs. Barbour, Branch, Chandler, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—24.

Against striking out—Messrs. Barton, Bell, Benton, Brown, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—23.

So the duty on hemp was stricken out by the Committee of the Whole; and the Senate adjourned.

FRIDAY, April 30.

Mr. JACKSON, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act for the relief of Charles Humphrey;" and the bill, entitled "An act for the relief of Joseph Marechal;" reported them, severally, without amendment.

Mr. SMITH, from the Committee on Finance, to whom was referred the petition of Alexander Scott, reported a bill for the relief of Alexander Scott, late Collector of Pensacola; which was read, and passed to a second reading.

Mr. SMITH, from the Committee on Finance, to whom was referred the bill, entitled "An act for the relief of John Wilmot," reported it without amendment.

Mr. THOMAS, from the Committee on Public Lands, to whom was referred the bill, entitled "An act to provide for repaying to Bazaleel Wells a certain sum of money by him erroneously paid into the Treasury," reported it without amendment.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of William N. Earle," reported it without amendment.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of Malachi Burns," reported it without amendment.

The seventeen bills yesterday brought up for concurrence were severally read twice, by unanimous consent.

On motion, the bill, entitled "An act for the relief of Robert Strain;" the bill, entitled "An act for the relief of J. M. C. Montgomery;" the bill, entitled "An act for the relief of Thomas L. Ogden, and others;" the bill, entitled "An act for the relief of Peter Yandes;" the bill, entitled "An act for the relief of Landie Richardson;" and the bill, entitled "An act for the relief of Daniel Carroll, of Duddington, and others," were severally referred to the Committee of Claims.

The bill, entitled "An act for the relief of John S. Moffit;" and the bill, entitled "An act for the relief of David Beard;" were severally referred to the Committee on Finance.

The bill, entitled "An act for the relief of George Fisher;" and the bill, entitled "An act for the relief of Judah Alden;" were severally referred to the Committee on Public Lands.

The bill, entitled "An act for the relief of Henry Leightner," was referred to the Committee on the Post Office and Post Roads.

The bill, entitled "An act for the benefit of the Columbian Institute," was referred to the Committee on the District of Columbia.

The bill, entitled "An act for the relief of Solomon Sibley;" the bill, entitled "An act for the relief of Frederick Perley;" and the bill, entitled "An act for the relief of David Cooper;" were severally referred to the Committee on Military Affairs.

The bill, entitled "An act for the relief of Hugh McCulloch;" and the bill, entitled "An act for the relief of Mary H. Hawkins;" were severally referred to the Committee on the Judiciary.

Mr. LLOYD, of Massachusetts, presented the memorial of Thomas Dennie, and others, merchants and ship owners, of Boston, praying that the bill now before Congress increasing the duties on imports, may not pass the Senate; which was read, and ordered to lie on the table.

Mr. MILLS presented the memorial of Jonas B. Brown, and others, of Massachusetts, praying that the bill before Congress to increase the duties on imports, may pass; which was read, and ordered to lie on the table.

In pursuance of notice given yesterday, Mr. EATON asked leave to introduce a bill "for the relief of John Donelson, Stephen Hurd, and others."

Mr. E. made a few remarks on the subject, and Mr. CHANDLER opposed the leave, on the ground that the bill had been rejected in the other House. To this objection, Mr. EATON replied. Leave was granted to introduce the bill. It was twice read, and referred to the Committee on Public Lands.

The Senate proceeded to consider the motion of yesterday, instructing the Committee on Public Lands to inquire into the expediency of authorizing the selection of certain land for the support of seminaries of learning in Missouri; and it was ordered to lie on the table.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act to compensate William Cocke for certain military services rendered the United States during the late war, and for the relief of John T. Johnston;" "An act for the relief of Dean Weymouth;" "An act supplementary to the act to incorporate the inhabitants of the City of Washington, passed the 15th of May, 1820;" "An act for the relief of Robert Blean;" "An act for the relief of Jacob Slough;" "An act for the relief of the legal representatives of Fry and Spalding;" "An act for the relief of Samuel Cleveland, jr.;" "An act for the relief of John Mitchell;" "An act for the relief of Morris Goldsmith and Anthony Roderick;" "An act for the relief of John Topp;" "An act for the relief of Archibald Clark;" "An act for the relief of Benjamin King;" "An act for the relief of Maturin Guichot;" "An act for the relief of Joseph Firman, and others;" "An act for the relief of James, Jehu, and Nathaniel Brooks, and the representatives of either of them;" and "An act for the relief of John K. Carter;" in which bills they request the concurrence of the Senate.

THE TARIFF.

The Senate, as in Committee of the Whole, (Mr. KING, of Alabama, in the Chair,) resumed the consideration of the unfinished business of yesterday, being the bill from the House of Representatives, "to amend the several acts for imposing duties on imports."

Mr. KELLY moved to amend the bill, in the following clause: "On cotton bagging, four and a half cents per square yard, until the 30th day of June, 1825; and, afterward, a duty of five and a half cents per square yard;" by striking out from it the words, "until the 30th day of June, 1825; and, afterward, a duty of five and a half cents per square yard."

Mr. KELLY supported his motion, at considerable length, showing the impropriety of laying such duties as to force the manufacture of this article into existence; the improbability that hemp, from which the cotton bagging is manufactured, would be soon raised in this country, in any great quantity; as its cultivation and preparation for market, was a dirty, unpleasant occupation, and uncongenial to a people possessing as many blessings, and as many more unpleasant means of employment, as are possessed by this people; that, if the people were disposed to engage in the manufacture, the duties now existing afford sufficient encouragement; and that the article ought not to receive further encouragement, at the expense of the cotton grower.

Mr. EATON replied to the arguments of Mr. KELLY, and spoke against the motion to strike out. The reporter heard his remarks but very indistinctly.

Mr. SMITH stated to the Senate the prices which cotton bagging had borne, the duties that had been imposed upon it, and the operation of the duty proposed in this bill.

Mr. HAYNE, of South Carolina, rose, and after some preliminary remarks, proceeded as follows:

I shall now, Mr. President, examine this bill, endeavor to ascertain its true character, and take a view of its probable effects. The principle contained in this bill is, that the importation of all foreign goods must be prohibited, which we are capable of making at home. This I will attempt to prove, first, from the declarations of its advocates, and next from the provisions of the bill itself. In proof of my assertion, that prohibition is the true object of this bill, I will begin, by quoting a few extracts from the published speeches of several of its most conspicuous advocates; selected from many of the same import. I will refer, in the first place, to the debate in the House of Representatives, on spirits. An honorable gentleman from New York said, "there are several items of this bill inserted with the view, certainly with the effect, of excluding the importation of the article." The same gentleman, in another place, remarks, "that he thought the principle of the bill to be a new one; he meant the principle of taxing imports, with the avowed view of protecting home industry. If the tariff was not to be a measure for revenue, but for protection, (and this, it will be recollected, was admitted on all sides,) it

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'ought to go on the plan of excluding competition altogether." And, again, "he thought, in whatever part of the tariff we depart from revenue, as the object, we ought at once to go the whole length of excluding the foreign article." Another honorable gentleman from the same State, in the debate on cotton bagging, asks, "what is it we propose?" and answers the question himself, in these words, "to make this country independent of foreign manufactures." I will appeal, however, to still higher authority. The honorable Chairman of the Committee of Manufactures, the official organ of that Committee, and the acknowledged leader of the party, said, "the objection to this clause (the duty on spirits) is, that you prevent importation—you cut off trade; well, sir! and what is the object of the whole bill, but to protect home industry, by preventing those importations which destroy it?" An honorable gentleman from Ohio, deservedly distinguished for his talents and influence, speaking in support of the wool tax, which he calls "a system of gradual prohibition," remarked "that in six years it might be total." In the course of the debate on the hemp duty, an honorable member from Pennsylvania (Mr. BUCHANAN) intimated a reluctance to go faster than the growth of our manufactures would warrant, and ventured to express an opinion "that the Western hemp ought to be brought into a fair competition with that of foreigners." Now, how was this idea of competition received? Why, it brought down upon his head the sharp rebuke of his friends. The honorable Speaker declared that the bill "had received an attack from a most unexpected quarter," and the Chairman of the Committee replied, "If the gentleman voted throughout on that principle, he must vote against the whole bill;" and, in illustration of his assertion, he remarks "that the duty proposed on cotton is more than one hundred and fifty per cent., and as to the duty now under consideration it amounted already to eighty or one hundred per cent." I am unwilling to fatigue the patience of the Senate by multiplying quotations, to the same effect, and will, therefore, content myself with two more. In the speech of the Chairman of the Committee, in opening the discussion of the Tariff bill, (to be found in the National Intelligencer of the 19th February,) he expressly declared, "that the duty of six cents on cotton bagging, was intended to be protective and prohibitory." And, again, speaking of what he himself calls "the prohibitory duty, imposed, in the year 1816, on cotton cloths," he says, "like the principal articles in the bill, there, the prohibitory duty was on an article, the raw material of which abounds at home." He then goes on to speak of a "similar protection of woollen manufactures, hemp, glass, and iron." Doctrines and sentiments similar to these, have, also, been disclosed, by the advocates of the tariff, in this House. My amiable and valued friend from Kentucky, (the purity of whose patriotism gives additional force to every thing he utters,) asks us, solemnly—in the name of the sacred honor and best interests of our country—whether

it has not become high time to secure the home market to ourselves," and, to leave no doubt of his meaning, adds, "let us raise and confirm a system of our own, that we may 'live wholly independent of foreign supply.'" Combining these declarations, it appears to me that the principles of the advocates of the Tariff are fairly disclosed, and the prohibitory policy "stands confessed." The course of the debate, and the reasoning resorted to by the gentlemen on this floor, lead irresistibly to the same conclusion. When, on our motion to strike out "the minimum on cottons," we insisted that the duty would amount to a total prohibition of cotton goods, to the amount of seven millions of dollars per annum; they replied, that "the importation was injurious, and ought to be prohibited, because we could make these goods at home." Nay, they have gone so far, that when we point out articles embraced in this bill, which we do not, and which it is not proposed that we should manufacture, we have been gravely told "that substitutes for them can be provided at home." Now, Mr. President, I do earnestly insist that these principles lead to nothing short of the total destruction of foreign commerce. Where is the article which may not be produced at home? or (if there be any such) for which some convenient substitute may not be provided? When, in 1816, the bill was introduced, which may be considered as the commencement of the "anti-commercial system," great alarm was excited, lest the principles now advocated, should, at some future period, be adopted in our legislation. The advocates of that bill expressly disclaimed any desire of introducing new manufactures into the country, much less of prohibiting the importation of any article from abroad. The argument then was, that in the infancy of any manufacture, it was necessary to give some assistance, to enable it to grow and acquire strength, but that such support would soon become necessary, and those establishments might then be safely left to the exertion of their own energies. The act of 1816, though now called by the gentlemen on the other side, "prohibitory," and, therefore, held up as an example, imposed duties, then deemed merely sufficient to enable existing establishments to bear up against the pressure of the times, but it was expressly provided that those duties should be subsequently diminished. Thus, on all manufactures of wool and cotton (except blankets, rugs, and stuff goods) a duty was levied of 25 per cent. until the 30th of June, 1819, and of 20 per cent. after that period.* The object was not to prohibit, but protect—to give assistance in infancy, not to support manhood—to afford succor in distress, not bounties in prosperity. Baldwin's Tariff recognised these distinctions, and expressly provided for the diminution of the duties after three years. But the mask has now been thrown off. The new principle of *progressive duties* has been introduced into this bill, and this amounts to a distinct acknowl-

* See Act of 27th April, 1816, Ingersoll's Digest, 177.

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edgment that the object now is, not *competition*, but *prohibition*. I wish to call the serious attention of the Senate to this feature of the bill—now introduced into our laws for the first time. Compare for a moment, a few of the proposed duties, with those imposed by the act of 1816.

<i>Proposed rate of Duties.</i>		<i>Duties by act of 1816.</i>	
Manufactures of wool :			
30 pr. ct. to 30 June, 1825		25 pr. ct. to 30 June, 1819	
33½ do. do. 1826		20 do. after that time	
37½ do. after that time			
Manufactures of cotton :			
25 pr. ct. with a minimum		25 pr. ct. to June 30, 1819	
of twenty-five cents per		20 do. after that time	
square yard		with a min. of 25 cents	
Wool unmanufactured :			
20 pr. ct. to 1st June, 1825		15 per cent.	
25 do. do. 1826			
30 do. do. 1827			
35 do. do. 1828			
40 do. do. 1829			
45 do. do. 1830			
50 do. afterwards.			

The first duty proposed, of 20 per cent. on wool, and 30 per cent. on woollen cloths, if admitted to be sufficient to bring the domestic article into a fair competition with the foreign; otherwise, it would be sufficient to save our sinking establishments from "overwhelming influence of foreign competition," what is the object of the progressive increase of the duties, year after year, from 20 to 50 per cent.? The answer is plain, eventually to prohibit the foreign supply: and the only reason why this is not done at once is, that the friends of the policy are solicitous that it should not operate so oppressively on the people, as to influence public opinion and produce a reaction fatal to their hopes. It is impossible, sir, by any evasion or subtlety, to disguise the truth; gentlemen must, in candor, acknowledge the obvious fact, that this progressive duty looks to prohibition, and is intended totally to prohibit the importation of the particular goods to which they relate. And the same principle which would justify prohibitory duties, in relation to wool, woollen and cotton goods, and cotton bagging, must lead to the prohibition of iron, hemp, flax, lead, and, in short, of every article which we are capable of making at home. Thus it is proposed to prohibit foreign distilled spirit, and wines will soon share the same fate, to encourage the manufacture and consumption of whiskey—cotton goods are to be substituted for silk—and oil is to supply the place of tallow. You may modify this bill, Mr. President, as you please,* so long as the progressive duties are retained in it, the principle of prohibition, immediate or even-

* The bill received no less than thirty-seven amendments in the Senate, nearly all of which tended to render its operation less oppressive, and to deprive it of its prohibitory character. The foregoing remarks, therefore, are chiefly applicable to the bill, in the shape in which it came from the House of Representatives. It is to be observed, however, that the progressive duties have been retained.

tual, is recognised. Can any friend to commerce, any advocate of the Navy, any one anxious for the honor and welfare of his country, give his support to a bill which is to introduce a new principle into our legislation; a principle which it has been shown leads directly and inevitably to the prohibition of foreign trade? Let the system flourish; let gentlemen proceed "in the full tide of experiment," and, my life upon it, they will soon attain that enviable state "when the nation will command its own consumption, and importation and imposts will cease." This is "the consummation" of "the American policy of encouraging home industry;" a policy foreign in all its features, confessedly borrowed from Great Britain—Chinese in its character, (for it deprives our citizens of the free use of the ocean which rolls at their feet,) the policy of kings and of tyrants, of restriction and monopoly, at variance with all our institutions, and involving the loss of our ships, our seamen, and our Navy.

If I have succeeded in any degree in proving the position I have taken, I should hope that this bill would lose the support of some gentlemen, who have advocated it as a measure of protection, intended merely to produce a "fair competition," but who would give no countenance to the "prohibitory policy." But, if I have wholly failed; if this bill does not look to prohibition; if its true object be to draw labor and capital from certain pursuits, supposed to be unprofitable, into others, which, it is asserted, will be more advantageous, both to individuals and the State, I should still strongly object to the measure, as resting on visionary theories and false doctrines; as being necessarily unjust and unequal in its operation, and calculated to aggravate the very evils it is intended to remedy.

The first objection which I shall urge against this policy, is, that it assumes, that Government is capable of regulating industry, better than individuals—a position which is wholly untenable. From the nature of things, labor and capital should be permitted to seek their own employment, under the guidance, entirely, of individual prudence and sagacity. Government, from the very elevation of its position, is necessarily incapable of taking that close view of the subject, and obtaining that accurate knowledge of details, indispensable to a judicious determination of the relative advantages of different pursuits, in any community. This depends so much on local circumstances, that personal observation and individual exertions are alone competent to the task. In the domestic concerns of nations, as of individuals, it is sufficient that men are prevented from trespassing on the property, or invading the rights of their neighbors. In all other respects they should be left entirely free. If any doubts existed on this point, I should have supposed that the most superficial observer would have discovered, in the progress of this bill, conclusive evidence of our utter incapacity to accomplish the task we have assumed. Though surrounded by manufacturers generously willing out of their abundant stores of knowledge and experience to

supply all our deficiencies, have we not found it impossible to penetrate the veil thrown around the pursuits in which they are engaged? I will appeal with confidence to the Senate, and ask, whether the most notorious facts have not been denied or perverted, and the most contradictory statements submitted, and whether we are not at this moment left in profound ignorance, not only of the actual rate of profits, but of the true condition of every branch of manufacturing industry? We cannot know, therefore; either the degree of protection wanted, or the best means of extending it. Are not the provisions of the bill exactly conformable to this state of our information. I will venture to assert that no bill was ever introduced into any legislative body in this, or any other country, composed of such heterogeneous provisions, and contradictory principles. Here is said to be a "flourishing manufacture," and, therefore, it is to be encouraged; here is "a languishing establishment," and it must be sustained; while such as have no existence, are to be created; some, because they require much skill and large capitals, and others, because they require neither skill nor capital. Some branches of industry are to be encouraged because others are "overdone," but these must also be protected "against foreign competition threatening to destroy them." There are duties on the manufactured articles, and duties on the raw material; and, in short, the whole bill is a tissue of inconsistencies. In attempting to gratify the wishes of interested individuals, we are legislating in the dark, distributing the national funds by a species of State lottery—scattering abroad bounties and premiums of unknown amount; and all this, without the rational prospect of producing any effect, except that of sowing the seeds of dissension among the people, and thereby introducing mischiefs which may last to the remotest generations. We are opening a Pandora's box of political evils, which, when they have gone abroad, will not even leave hope at the bottom.

This system of regulating, by law, the private pursuits of men, or, what amounts to the same thing, passing laws for increasing the profits of certain employments, and lessening the profits of others, thereby driving men from the pursuits of their choice, to those which the Government is pleased to favor, has, it is true, been sanctioned by the practice of other nations, and comes down to us from the remotest ages. But I consider it, sir, only as a part of that system of tyranny and arbitrary rule, to which men have been subjected in every age. If it has become venerable, it is only from time, and, like monarchy, has no claims to our respect but its antiquity. I admit, that, in England, the industry of individuals has always been thus regulated. We know, that in that country emigration is, in many cases, prohibited; that the wages of labor, and employment of capital, and even the price of commodities, are, in various ways, directed and controlled. In other parts of Europe, the doctrine of regulation is carried still further, and a man's religious and political opinions, as well as his pursuits, are taken "in the holy keeping" of those whose only qualification

for the task consists in their anxious desire to keep down the aspirations of the immortal mind.

Sir, it would afford matter for curious speculation, if the various regulations by which men have been controlled in their pursuits, could be presented in one view to our consideration. In England, we find that, in the reign of Henry IV., the Crown was authorized, by an act of Parliament, to order "one rood of flax or hemp to be planted for every sixty acres cultivated in other grains," and this was done for the purpose, as it is quaintly expressed, "of making of nets and eschewing of idleness." But, it is in the East that we find the system, advocated by the gentlemen on the other side, carried to the greatest perfection. Without dwelling, however, on this topic, I will concede all the gentlemen can ask; I will admit, that Governments have every where, and in every age, presumed to regulate man in all his pursuits. Every thing connected with his existence, from the cradle to the grave, nay, beyond the grave; the language he shall speak; the food he shall eat; the trade he shall follow; the place in which he shall dwell; the opinions he shall cherish; the books he shall read, and the God he shall worship; every thing, in short, which belongs to him as a created being, is the subject of arbitrary regulation, and man is made a creature without heart, or soul, or mind—a mere machine, obedient to the will of the human artist who puts it into operation. But, sir, we were taught to believe, that the establishment of our Government formed a new era in the history of the world, and that the practical operation of our Constitution was destined to exhibit a splendid example of the perfection to which man would attain, when freed from the shackles which had been imposed on him in other countries. We were taught to expect that a Government, instituted by a people, and administered for their benefit alone, where the human mind would be left without restraint to pursue its own happiness in its own way, must, by its good fruits, recommend a free system to all nations. I can well recollect, sir, that, among the first lessons instilled into my mind, that which made the deepest and most lasting impression, was to consider the Republican Institutions of my country, like the air we breathe, as bestowing life, and health, and happiness, without our being conscious of the means by which these inestimable gifts are conferred; like the providence of God, unfelt and unseen, yet dispensing the richest blessings to all the children of men. But these, we are told, are the illusions of the imagination. Man cannot be safely left to mark out his own course to happiness; but here, as elsewhere, the various employments of industry and capital must be so artificially arranged and balanced, as to produce results to be prescribed by law.

To understand the true remedy for existing evils, we must ascertain their nature and extent, and know the causes which produced them. I beg the indulgence of the Senate whilst I prosecute these inquiries. And here, I insist, that the pictures of the great distress and acute suffering of the people are exaggerated. All classes of our

people are supplied with food—not, as in many parts of Europe, of a single kind, and of insufficient quantity, but in great variety, and in vast abundance; they have convenient dwellings, sufficient fuel, and warm and comfortable clothing, and these blessings are possessed to an extent which leaves no room for complaint in any part of the country. We possess, too, the means of educating our children; colleges have advanced with a rapidity heretofore unexampled, and common schools are daily springing up even in the wilderness, a religion, pure and undefiled, sheds its blessings on our heads, and, to crown the whole, the spirit of liberty walks abroad in our land, crushing the oppressor, inculcating the lessons of wisdom and of virtue, giving protection to the weak, and security to all. Now, if any monarch in Europe could, by pursuing a wise and liberal policy, bring the mass of his subjects into this condition, he would be followed by the blessings of his people, and would command the admiration of the world.

When I admit, therefore, that the country is in a state of depression, I must not be understood as conceding that there is any want of the necessities or conveniences of life. No, sir, that depression consists entirely in diminished prices for the produce of our labor, and is not confined, as gentlemen have supposed, to certain places, or to particular employments, but embraces the whole country, and is almost equally felt by all classes in society. It is also lamentably true, that men in the middle and higher ranks of life, are considerably involved in debt, and I will certainly not attempt to deny that these are evils of great magnitude, or that they have produced, and must continue to produce, serious embarrassments. Now, in searching for the causes of this state of things, it is not a little astonishing that gentlemen should pass over the great political events which have obviously placed the United States in a new position in relation to the rest of the world, and should look entirely to temporary circumstances and transient causes; such, for instance, as the "balance of trade," and the "drain of specie."

The fact, that, from the commencement of the French revolution to the fall of Napoleon, the United States occupied a neutral position, and enjoyed the privilege of monopolizing the carrying trade, and commanding for her breadstuffs the markets of the world, would sufficiently account, not only for the rapid growth and extraordinary prosperity of our country, but also for the temporary depression which must result from the loss of these advantages. Our fields have almost literally been fertilized by the blood of Europe; we have fattened on the crimes of her tyrants, and the sufferings of her people. This has resulted entirely from our peculiar and felicitous situation; a nation at peace, with a salubrious climate, a rich and varied soil, and a rapidly increasing population, protected and fostered by a free Government, and liberal institutions; whilst all the rest of the world was involved in the horrors of war. That an increase in wealth beyond all former example, and in general prosperity with-

out a parallel, should have sprung out of such a state of things, was natural, and, indeed, inevitable. The consequence, however, of this forced prosperity was, that the wages of labor and the interest of money became extravagantly high, foreign capital and skill were attracted to our shores, and a premature impulse being given to industry, results were produced so surprising, as to border upon fable. American enterprise, like the lamp of the magician, converted every thing it touched into gold; the growth of centuries was attained in a few years, and from youth, the nation sprang up at once, and attained not only the vigor and strength of manhood, but a giant's stature. It was the necessary consequence of the state of prosperity, which I have described, that habits of expense should be formed, which nothing but extraordinary profits could support. Every thing was conducted on a liberal scale, and the original curse, "that man should eat his bread by the sweat of his brow," was unfelt and forgotten. At the very moment that we were indulging in golden dreams of endless prosperity—the restoration of tranquillity to Europe, and the return of all nations to the arts of peace, brought her subjects at once into competition with our merchants and farmers, in all those pursuits, from which they had reaped such rich rewards. The loss, in a great degree, of the foreign market for our grain, and of the carrying trade; the loss, in one word, of our neutral position, produced a change in the condition of the people, which could not fail to be severely felt. This change, which would, under any circumstances, have been painful, has unfortunately been rendered peculiarly oppressive in some parts of the country, by the unsettled state of the currency—the multiplication of banks—the extensive issue of the paper money, and the unjust interference of the Legislatures of some of the States, to prevent the enforcement of debts. In some of the Western States, for example, paper banks were established, and money issued to an extent almost incredible. In one of those States, forty banks were incorporated by a single act of the Legislature; they were located in different parts of the country—an immense amount of paper was issued and circulated—the farmers were tempted to borrow and indulge themselves in the most extravagant expenditures, and when this evil had reached its height—their local banks (having, by their worthless paper, driven all the specie out of the country) stopped business, and left the people to pay their debts how they could.

The whole of our calamities, Mr. President, may be summed up in a few words—debts, and want of money. Now, debts cannot be paid without money, and as we have no mines, and cannot manufacture silver and gold, I am at a loss to conceive how we are to obtain money, or discharge our debts, by cutting off foreign trade. Having thus pointed out, what I suppose to be the nature, extent, and true source, of all our difficulties, I will proceed to consider the causes assigned by gentlemen on the other side. These are—

1. The balance of trade and drain of specie.

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2. The loss of our exports; and
3. That commerce and agriculture are overdone.

On each of these, I must make a few remarks. In relation to the balance of trade, the gentlemen turn to our public documents, and showing from these that we import more than we export, at once conclude that the balance is against us. During the last year, say they, we actually imported goods to the amount of \$77,579,267, while we exported only \$74,699,030, from which they infer that the nation fell in debt nearly three millions of dollars. But will gentlemen call to mind that we employed, in the importation and exportation of the goods, 800,000 tons of shipping; and as the capital invested in those ships, must, of course, have yielded some profit, it was necessary that we should import, not only the value of the merchandise exported, but the amount of the freight. The imports of every country must, therefore, exceed the exports in value, by an amount at least equal to the profits.

Though gentlemen have argued this point with great earnestness, I really cannot persuade myself that it is necessary to say much in reply; I will merely advert, therefore, to one or two facts in support of my views. It has been stated in a recent publication, of unquestionable authority, that thirty-nine vessels sailed from Portsmouth, N. H., in one year, in ballast; that these vessels were employed in the carrying trade in Europe, and realized a clear profit of \$150,000, with which they returned to the United States. Now, according to the custom-house books, it appears that in this case, we imported \$150,000 more than we exported, and this sum is actually included in the balance which the gentlemen set down against us. Can it escape the notice of the gentlemen that, according to their mode of calculation, a cargo lost in the ocean, or sold in Europe for half its value, creates a balance in our favor, while one doubled in value, swells the balance against us? The plain truth is, that no higher evidence can possibly be furnished of the prosperous state of our commerce than that our imports uniformly exceed our exports, and this excess has always been greatest when our trade has been most prosperous. It is so well understood and acknowledged in Europe, that a prosperous trade cannot exist without importing more than you export, that when the statements of the custom-houses in England have exhibited a different result, the circumstance has been accounted for by showing that it has arisen entirely from the difference between the official valuation and the actual value of goods.

Both the gentleman from Kentucky, (Mr. TALBOT,) and the Chairman of the Committee, have treated this subject, as if all importation ran the country in debt. Now, I would seriously ask those gentlemen, whether they believe that, when we export our produce, we make a free gift of it to a foreign nation? or, can they imagine that, in sending us their goods, they are bestowing a gratuity? If not, it follows that each party must receive some equivalent, and this is found in the

exchange of commodities, on terms mutually advantageous. Nor does the intervention of specie make the least difference in the case; for, though silver is used as a standard of value, yet it is only a commodity, which, like all others, is obtained in exchange for produce. There can be no drain of specie, therefore, while trade is free, and we have any thing to exchange for it. And what possible difference can it make whether we pay for an article in produce, or in the gold and silver, which we buy with that produce? But, here my friend from Kentucky (Mr. JOHNSON) asks, "whether we mean to contend that there is no such thing as a balance of trade?" In answer, I will state, that a nation may import from a particular place, or in a particular year, more than a fair return for the articles exported, and in either case a debt may certainly be created. But from the very nature of trade, this can only exist for a short period, the over importation from one place, or in one year, being necessarily balanced by under importations from other places, or in other years; and thus, in a series of years, the whole amount of imports and exports must balance each other. Sharp-sighted and experienced importing merchants, are not at all like "spend-thrift heirs." They do not go on increasing their imports beyond the means of the country to pay for them; nor does the foreign merchant continue to send on his goods, after he finds that his customers cease to make remittances. The accounts are balanced at stated periods, and the debt is paid, in the only way by which such a debt ever could be paid—by the produce of the country. I conclude, therefore, that if a nation exports, it must import, and so, *vice versa*. As a general rule, all parties concerned in trade derive a profit. It is the increased value given to commodities by labor or art, or by the mere act of transportation, which is the foundation of commerce. In this way the world is perpetually progressing in wealth and refinement; and every advance that is made in science or in art—every new impulse given to industry—adds to the comfort and happiness of mankind. I repeat, therefore, that so far from mourning over the immense amount of our imports, we may resort to them, as affording, not only conclusive evidence that we are going on prosperously, but as furnishing almost the standard by which that prosperity can be measured. Away, then, Mr. President, with this argument of "the balance of trade."

But the gentleman from Tennessee (Mr. EATON) insists, that there is one fact which demonstrates that the balance of trade must be against us—that fact is, the rate of exchange, which he states is now no less than eight per cent. in favor of Great Britain. The chairman of the committee, as well as the gentleman from Rhode Island, (Mr. D'WOLF,) have also strongly relied on this circumstance. Now, are these gentlemen not aware, that eight per cent. premium on bills of exchange on England, is at this time actually below par? It is manifest that the nominal rate of exchange can furnish no evidence of the actual difference, except where the standard of value is

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the same. If the currency of one country should be coin, and of another depreciated paper—if gold be the standard in one place, and silver in another, or if the coins be of different value, the rate of exchange must be influenced by all of these circumstances, and could furnish not the slightest evidence of the true balance of trade. Is it not obvious, that, under ordinary circumstances, the difference of exchange between countries, whose currency is the same, would be merely the expense of transporting specie? Why should an American merchant pay a debt in England by a bill of exchange, at eight or ten per cent. premium, when the expense of sending the specie to England would not exceed two per cent. Gentlemen will see at once, therefore, that there must be a fallacy in their argument; for if the premium of eight per cent. on bills, was the measure of the real difference of exchange, no bills would be purchased, but specie would be shipped. The truth is, the currency of the two countries is different. In considering the rate of exchange, between the United States and England, it must always be recollected that, practically, silver is the standard of the United States, because in silver only all payments are made, while gold is the standard in England, because in gold alone all payments are made—silver not being even a legal tender for sums above two pounds; they are then not susceptible of direct comparison, being things entirely dissimilar, and must be compared by some indirect mean. This mean is familiarly known in practice, and is obvious in principle. It is as follows: Compare the standard value of a given quantity (an ounce for instance) of the pure contents of our silver coin, with the market value, in England, of the same quantity of pure silver. I hold in my hand two statements, obtained from gentlemen perfectly conversant with the subject. The first exhibits this comparison, in a case when the market value in England, is supposed to be 4s. 9½d. per ounce of Spanish dollars. There is a difference between Spanish and American dollars, which this paper also explains. The second, is an extension of the principle of the first, and shows the apparent loss, but in truth, the real par of exchange, in the several instances, which it enumerates. From these statements, it appears that exchange on England being at fifteen per cent. premium, and Spanish dollars in the English market at 4s. 6d. per ounce, is really at par, because the bill of exchange of \$100, which is purchased at \$115, will procure in the English market \$115 Spanish dollars—and when dollars are at 4s. 9½d. in the English market, (which is about the present price,) if exchange on England be below eight per cent., it is below par, and in favor of the United States. I have this day received a letter from a highly respectable gentleman in Philadelphia, who assures me, that a merchant may now purchase a bill of exchange on London with silver, (or notes, for which silver can be obtained,) at the rate of nine per cent. premium, and that when he takes it to England, he will receive for it gold at par, with which he will be able to purchase 109 silver dollars—should the price of silver, continue in Eng-

land, the same as at the last accounts—thus making the purchase of a bill at nine per cent. premium, actually a purchase at par. The gentleman from Tennessee, therefore, will perceive, that his "eight per cent. premium" on bills, is below par; that he could obtain in England for such a bill, more than he would give for it here, and therefore, according to his views of the subject, the balance of trade must be in favor of the United States.

With respect to the loss of our exports, I think gentlemen are equally mistaken. It was to have been expected, that the causes to which I have adverted, if they did not greatly lessen the amount, would change the character of our exports, and it does not appear to me, that the result has been as fortunate as could have been reasonably expected. In 1823, the amount of our domestic

exports was	\$47,155,408
Same year, the amount of our foreign exports was	27,543,622
Making in all	\$74,699,030
In 1822, domestic exports	\$49,874,079
foreign do.	22,286,202
	72,160,281
Increase	\$2,538,749

Now, from 1790 to 1816, a period of twenty-six years, it appears (from Seybert, p. 93) that there was but one year when our domestic exports exceeded forty-seven millions; and while our exports of foreign articles has been reduced more than one-half, our domestic exports have remained nearly the same in amount. It is our commerce then that has chiefly suffered.

If it be said, that particular States have lost a market for their grain, and that our exports are principally of cotton, rice, and tobacco, I will ask, if gentlemen propose to remedy that inconvenience by equalizing the relative advantages of different portions of the Union? Must the cotton planter pay to the grower of wheat a portion of his profits to equalize their incomes? If so, some portion of the immense sums received by the latter for their grain during the war, must be brought into the account; for gentlemen will recollect, that when our cotton was lying in our barns for years together, the people of the West were receiving for their flour sometimes as much as thirty or forty dollars a barrel, and that the manufacturers then possessed a complete monopoly of the home market?

It is true, Mr. President, that our march to greatness has been interrupted by impediments, which have arrested our rapid progress. But these are happily not insurmountable, though they can only be overcome by patience, fortitude, and perseverance. We must be wanting to ourselves, however, if this nation does not yet fulfil its high destinies.

But, we are told, in the last place, that "commerce and agriculture have been overdone," and it has become necessary to divert a portion of our surplus capital and labor to other pursuits. When we call for the proof of this assertion, gentle-

men point to the surplus produce of the country, which they tell us, is "rotting in our barns." But if the flour remaining on the hands of the farmer, proves that "agriculture is overdone," then manufactures must also be overdone, for gentlemen tell us "of large quantities of goods, which are remaining unsold in the hands of the manufacturer," and by the same rule all the pursuits in life, even the learned professions, and the mechanic arts, must be greatly overdone. As to the diminution of exports, so far as this exists, it would just as much prove that manufactures, as that agriculture, or commerce, are overdone; for precisely to the extent to which you supply your wants at home, will be the diminution of the quantity of goods imported, and consequently of the articles sent abroad to pay for them; and this evil must be increased, and not diminished, by the extension of manufactures. The truth is, that we are suffering from general causes, which affect, nearly equally, every department of life, and it is not true, that any branch of industry is peculiarly overdone. From the chaos into which the world has been thrown by the astonishing events of modern times, the political elements have not yet had time to settle down into their appropriate stations. Society only wants time to adjust itself to a new order of affairs. The citizens of the United States have been basking in the sunshine of prosperity—they have revelled so long in the luxuries of wealth and refinement—that they cannot at once become reconciled to a life of patient labor and persevering industry. An honorable gentleman, from the West actually attributes the failure of our manufactures, in a great measure, "to the impatience of the American character," and tells us "that the people are soon disgusted and discouraged." And shall we, sir, adapt our legislation to such a character; or shall we not rather cultivate a national character, which shall be distinguished for patient industry and unshaken perseverance? I would cherish, sir, in the American people,

A towering, and deep rooted strength of soul,
Which, like the oak, might shake in Summer winds,
But stript by Winter, stands immovable.

Having thus traced to their source the causes of the evils under which the nation suffers, I will proceed to examine the remedy proposed. This consists in the creation by law of great manufacturing establishments. The gentlemen insist, that this employment of labor and capital, is, in the abstract, most profitable, and they consider the value added to the raw material as the exact measure of that profit. I must, at the very threshold of this inquiry, express my astonishment—that gentlemen should overlook the obvious truth, that, if the use of labor-saving machinery rendered manufactures more profitable than other pursuits, labor and capital would, according to an unerring law of our nature, immediately flow into that channel, until the profits should be brought down to the common level. If it were true that labor in manufactures, would produce "ten times as much labor in agriculture or commerce," it would only follow, that the manufactured articles would be

reduced to one-tenth of the former prices; and the profits of all pursuits would soon be equalized. This is a conclusive answer to the whole argument in favor of machine labor. But, if the value added to the raw material, (without any consideration of the capital invested,) be the test of the profits of different pursuits, I am inclined to think that agriculture would be found to have an advantage over manufactures. The latter, we are told, adds ten fold to the raw material—the former adds, perhaps, a hundred. The manufacturer, aided by his machinery, converts, by his labor, a pound of cotton, which cost twenty cents, into two yards of cloth, worth two dollars—while the farmer puts a few grains into the earth, which cost him almost nothing, and by the help of his horse and his plough, with the assistance of the elements, (all of which constitute his labor-saving machinery,) produces a hundred, and in some cases a thousand fold. Is his pursuit, therefore, the most profitable? No—the profits will be equalized by the prices—and these will be regulated by an unerring standard, common to all pursuits, viz: the interest on the capital, and wages of labor.

But it has been most earnestly insisted, that we must pass this bill, to encourage home industry, and that manufacturing establishments must be promoted, because the goods which they will furnish, will be the produce of American capital and labor. Gentlemen appear seriously to believe, that nothing is the result of American industry, which is not made at home. Now, sir, I insist, that home industry is as much exerted, and American labor and capital in all respects as much employed in obtaining an article from abroad, as in making it at home. When Great Britain sends to this country her manufactured goods, how do we pay for them? Surely with the produce of our labor. It is true, we may give ten pounds of cotton for one pound of cloth, but then, it costs us no more capital or labor to produce the ten pounds of cotton, than it does the British manufacturer to work up the pound of cotton into cloth. The wages of labor, and the interest on the capital, is the standard of value in both cases; and, as the English laborer works harder and fares worse than the American, we probably get the advantage in the exchange. It will not be denied, that the labor employed in producing the articles which we export, is home industry—neither will it be questioned, that the labor employed in building, equipping, and navigating the ships which carry them to market, is home industry; then, it surely follows, that the goods obtained in exchange for this produce, is the result of home industry, and may most truly be said to be produced by that industry. It can make no difference whatever, whether such articles be made at home or abroad—it will be our interest to obtain them, where they can be procured cheapest. I will illustrate my positions, by stating a case. Suppose a thousand families to be exclusively employed in what the gentlemen on the other side call "home industry," that is to say, some of them are employed in cultivating grain, some in raising sheep,

and others in manufacturing cloth. At the end of the year it is found, that, over and above maintaining themselves in comfort, they have accumulated a surplus of ten thousand yards of broad-cloth, worth in the market forty thousand dollars. This will be admitted to be "American labor" and "home industry." Now, suppose the same persons to be distributed differently—a part of them are employed in raising articles for food, a part for exportation, and the remainder (as merchants, seamen, &c.,) in transporting the surplus produce to a foreign market, and exchanging it for cloth. At the end of the year, their gains are also summed up, and it is found that, besides maintaining themselves, they have with their surplus produce imported cloth to the value of \$40,000. I will ask whether the article thus imported, is not as much the product of home industry as if it had been manufactured in the country? Neither the country nor the individuals would be richer or poorer, whether the cloth was made at home or brought from abroad; while the pursuits in the latter case, being more liberal and diversified, would be calculated to produce a beneficial influence on the national character. But, if the whole labor and capital of the one hundred persons, above mentioned, could, when employed in agriculture and commerce, produce ten thousand yards of cloth, but when employed in the manufacture of the article, could (from the want of skill, and capital, or other causes) produce only five thousand yards, it is manifest that a great loss must be sustained—a loss of no less than one-half of the whole capital and labor employed. Now, if, in such a case, the Government should step in, and in order to make the pursuit profitable, impose such a duty on foreign cloth as would enable the manufacturers to sell the five thousand yards at double price, (viz: for \$40,000,) then it is clear that an unprofitable pursuit would be made profitable by a bounty taken out of the pockets of the consumers; and if you extend the system on a large scale, to various branches of manufactures, it is obvious that individuals would not only be taxed, to a great amount, but the nation would be impoverished, by diverting the labor and capital of its citizens, from a more, to a less profitable pursuit.

If it be manifest from this case, (and a hundred others could be put, equally strong) that the question, whether manufacturing at home be preferable to importing, depends altogether on the fact, which yields the most profit; it seems to follow, that it is the interest of the nation, as it is of individuals, to buy where they can buy cheapest, and this requires no legislation. If we can make cloth cheaper at home than we can buy it abroad, we will make it at home; if not, it is our interest to import it. In the case (supposed by the gentlemen on the other side,) of a farmer who had nothing to give for his cloth but grain, which the foreign merchant would not take, I admit that it might be necessary for him to make the exchange where he could effect it, without regard to the price. No such case, however, can exist, for as long as wheat can be exchanged for any thing, it will command money, and if it cannot be so exchanged, its cul-

tivation must be abandoned. Gentlemen deceive themselves greatly, if they suppose that the American manufacturer will take their surplus wheat in payment for his cloth. Manufacturing establishments depend much more on capital than on labor, and though the spinners and weavers may consume flour, machinery and capital certainly will not. The quantity of grain consumed in the country will not be increased by manufactures; nor do I believe that the quantity produced will be materially diminished. The fact is, if there be a surplus of grain, or of any other article, the quantity produced must be lessened. There are a thousand agricultural products of which our soil is capable, to which our attention has not even been turned. A very short time will serve to develop the resources of the country, and open abundant sources of profitable and useful employment; and our citizens will emerge from their present difficulties "like gold purified in the furnace."

I admit, Mr. President, that there are exceptions to the rules I have laid down. I admit, that the munitions of war, and the articles necessary to national defence should be provided at home, no matter at what expense, on the ground that we should not expose ourselves even to the risk of being left, in the event of war, without the means of self-protection. Beyond this, all duties should be imposed merely for the purposes of revenue. It will not, it cannot be denied, that a duty imposed on foreign articles, for the express purpose of protecting the domestic manufacture, is a tax on the consumer.

But, we are told, that, though in the first instance the effect of the system may be to impose a tax on consumers, yet that they will be compensated in the end, by a diminution in the prices; by furnishing a home market for the raw material; and, finally, by extensive exportation of the manufactured article; and here gentlemen confidently appeal to the experience of the country, under the tariff of 1816. It has been repeatedly asserted, in both Houses, that the wisdom of the prohibitory policy has been established by the fruits of that bill; that all the predictions of the Southern gentlemen have been falsified and that it has been demonstrated that, as soon as a manufacture is brought into existence, by the protecting system, the price of the article is diminished, and exportation begins. Sir, I am persuaded that gentlemen have greatly deceived themselves, and the country, on this subject. I apprehend that prices have not materially fallen, and I feel myself well warranted in asserting, that there exists no fact or circumstance which authorizes the statement that cotton goods have been exported to South America to any considerable extent. It is said that the extensive failure of our manufactures after the war, arose from the want of adequate protection. Now, sir, it is not true that this calamity arose from want of protection. If the act of 1816 had saved the cotton factories, and the want of protection had destroyed the woollen, then the failures would have taken place exclusively among the latter. But what was the fact? Why, four-fifths of all the manufactories which failed in New England,

were of coarse cotton goods; and in relation to these, the gentlemen admit they enjoyed the benefit of a "prohibitory duty." This fact I assert on unquestionable authority, and it certainly proves that the failures were not the consequence of want of protection. Nor is it true that, in consequence of the act of 1816, prices have fallen so low as to afford compensation for the bounties we have been compelled to pay to the manufacturers. There has been a considerable diminution in the quantity of money; a sound currency has been in a great measure restored, money has therefore increased in value, and property has consequently fallen. The average diminution in the value of land, we are informed, is nearly fifty per cent. and a similar fall has taken place in almost every species of property. Cotton cloths have not, therefore, fallen in price, unless they can now be procured for one-half of what they cost in 1816, and this is certainly not the case. I will put it to the candor of gentlemen, whether coarse cottons can now be purchased as low here as in England. And if not, where is our gain from the fall of prices? Look, Mr. President, at the experience of the country, in relation to the manufacture of two articles; I mean shoes and hats. Has the almost total prohibition of the foreign article, and the monopoly of the home market, lessened the prices? No, sir, we pay more for our hats and shoes than any people on earth, and when almost every article imported from abroad has fallen twenty or thirty per cent., these maintain their prices, immovable. With respect to the home market for our raw material, I deny that the cotton-growers have yet derived any material advantage from that source; and I am wholly at a loss to conceive how the home market ever can supply the place of the foreign market, in this respect. The quantity of cotton annually produced in the United States is 600,000 bales; of this, the amount worked up in our manufacturing establishments, is about 80,000 bales. Now, if the cotton-growers have found a home market for this quantity, I wish to know if they do not receive goods in payment? and whether they are not, thereby, prevented from importing the same amount of goods from abroad, for which they would have paid by exporting these very 80,000 bales of cotton? If the prices of the goods, therefore, were exactly the same, it is obvious that the cotton-growers would be neither gainers nor losers by the change which has been effected in the course of this trade; but, if they have thereby been compelled to pay a higher price for their goods, then it is clear that they have actually been losers, to the whole amount of the difference. But how, I would seriously ask, is it possible for the home market to supply the place of the foreign market, for our cotton? We supply Great Britain with the raw material, out of which she furnishes the continent of Europe, nay, the whole world, with cotton goods. We sent to England, last year, 448,000 bales of cotton, of which she returned us not more than 50,000 bales, in cotton goods. Now, suppose our manufacturing establishments could make every yard of cloth which

we consume, that would furnish a home market for no more than 50,000 out of the 450,000 bales of cotton, now shipped to Great Britain; leaving on our hands 400,000 bales, equal to two-thirds of our whole produce. If our manufactures could supplant the English in the markets of Europe, it might be otherwise. But this idea is certainly too extravagant to be seriously entertained. And are we prepared to cut off the foreign market for two-thirds of our cotton, equal in value to more than thirteen millions of dollars per annum, on the desperate experiment of supplying Europe with cotton goods?

The amount of the bounty paid to the cotton and woollen manufactures, by virtue of the act of 1816, may be estimated by the following striking facts, to which we would call the serious attention of the Senate. The Committee of Ways and Means, in their report of the 30th of April, 1822, noticing "the rapid increase of the manufactures of the country, an increase, which the most sanguine had not anticipated," take a view of the effect on the revenue, and remark, that—

"In the year 1818, the imports of cottons and woollens amounted to - - - \$20,804,188
"But, in 1820, only to - - - 8,980,074

Making a difference, in two years, of 15,824,113
"A loss to an extent no human being could have foreseen."

In 1819 the imports of woollen and cotton amounted to - - - \$24,804,188
1819 - - - - - 16,555,399
1820 - - - - - 8,988,074

Thus it appears that, under the operation of this "wonder-working system," we lost in one year upwards of eight millions of our imports, and the next year sixteen millions, making, in two years, twenty-four millions of dollars, with a loss in revenue equal to six millions of dollars. But it has been most earnestly insisted that we have derived ample compensation for these losses by the exportation of our cotton goods to South America. Now I call for a statement of the nature and amount of such exports. In the absence of all proof, I would rely with great confidence on circumstances to show that the gentlemen have mistaken their sanguine hopes for undoubted facts—the first is, that it is, from the very nature of things, highly improbable that we should successfully compete with Great Britain, in foreign markets, in respect to these manufactures; which can only be sustained at home, by protective duties of from twenty-five to one hundred per cent. Is it not absurd to talk of entering into competition with the English abroad, if we cannot do it at home? Indeed, what are our advantages over the English? Their machinery is carried to the greatest possible perfection—their skill has been matured by knowledge and extensive experience—prodigious capitals have been accumulated by the successful trade of centuries—and the wages of labor are so low, as barely to sustain the artist; surely, with these advantages, it is idle to suppose that we will be able to drive the English out of any foreign market. At home it may be differ-

ent, and, in respect to these articles, which are chiefly produced by labor-saving machinery, and for which we possess the raw material in abundance, the protection necessarily afforded by our revenue system, and our distance from Europe will, I doubt not, enable us to enter into successful competition with foreigners. As to our exports to South America, it may be true, that a few cargoes of cotton goods have found their way to this country and to Mexico. But this has probably arisen from the unsettled state of those countries; or we may have sent those goods merely as the means of paying (at a price, perhaps, below their cost) for articles imported from thence, and expected to be sold here at extravagant profits. I have carefully examined the official documents, for the purpose of ascertaining the kind and quantity of cotton cloths exported to South America. I find, from the report of the Secretary of the Treasury, that the quantity is not sufficiently great to be classed under a separate head. But the whole amount of exports of American manufactured articles, of every description, to South America and Mexico, is as follows, viz:

Spanish South America and Mexico - \$227,520
Honduras, Campeachy, and Musquito
Shore - - - - - 6,595
Brazil and Portuguese colonies - - - 38,281

Making - - - - - 272,396
While our exports of foreign goods to those places amounted to four millions.

What portion of this \$272,000 consisted of cotton goods we are not informed. I should suppose it could not exceed one-third; taking it, however, to be one-half, it would only amount to \$130,000, in round numbers; and this is the immense exportation of cotton goods to South America, about which so much noise has been made. Why, sir, we imported last year nearly as much cotton from South America, and a cargo of wheat was brought from Europe to New York. But does this prove that South America can supplant our cotton in the home market, or that Europe can supply us with wheat? No, sir, these cases prove nothing; they are mere exceptions to the ordinary course of trade.

Having now examined this system of "home industry," I will proceed to look at some of the "examples" on which gentlemen have relied in favor of their scheme. The example of England has been triumphantly appealed to. It is not a little strange, sir, that gentlemen who are accustomed to hold up British institutions, to our scorn and contempt, should now appeal to British example, for the purpose of supporting a policy which they venture to call "American." But England, it seems, has grown great by her restrictive system. If this were true, I would ask, if her greatness affords evidence of the happiness of the people? But it seems that her subjects are prosperous—we have been edified by an eulogium even on her "Poor Laws," and are gravely told that the paupers of England, "have ruddy complexions, and eat beef, and drink tea." Sir, I would not exchange the

condition of our hardy sun-burnt yeomanry, enjoying a rustic independence on their own farms, for that of the most pampered menials, or well-fed paupers Europe could produce. The gentlemen seem to think, that the only standard of national welfare is money. Now, I do not underrate the advantages of wealth and power, but I consider the happiness of the people as of infinitely more importance, and am inclined to believe that whatever may be gained in riches or in power, very little addition will be made to the substantial happiness of the people, by enticing them from the cheerful walks of agricultural industry into the gloomy walls of a manufactory. The large capitalists of our country may have their incomes enlarged, and their political influence increased, but the laborers will never receive more than very moderate wages. The ablest political economist in Europe now tells us, that Great Britain has become great, not in consequence of, but (to use the language of Lord Liverpool) "in spite of her restrictive system." If gentlemen reason so illogically as to contend that because England is rich, and great, and prosperous, therefore, she has become so from her prohibitory system, may we not, by the same course of reasoning, prove that she has grown great from her monarchical principles, her orders of nobility, or her military, naval, and church establishments? I doubt not her poor laws have had as much influence in this respect as her corn laws. Sir, England is indebted for all that she possesses to the patient industry of her people, her excellent judiciary, her astonishing triumph in science, in arts, and in arms, and her extensive commerce; which has rendered all the world tributary to her greatness. She owes no portion of her prosperity to her restrictive system. Gentlemen will pardon me, when I declare, and I do it in the face of their assertions to the contrary, that the whole history of Great Britain demonstrates the impolicy, nay the folly and absurdity of the system we are now about, on the strength of her example, to adopt. It is emphatically true, that all her manufactures most protected by laws, have advanced least, while those which have been neglected have prospered most. Silk, the creature of bounties, and nourished and sustained by prohibition, is still in a languishing condition. Linen, the next in order of protection, is next in the order of success. Woollen being less protected than these, has advanced beyond them. But cotton, which has been of all others the least favored, has flourished most of all. To prove this, I will refer at once to the highest authority, the official statements of the Chancellor of the Exchequer. Here are his words, taken from a speech, delivered not two months ago, in the British Parliament:

"Now, at this part of the question, I beg the attention of the committee, whilst I trace the progress of the cotton manufacture, and I do so because I feel, and, indeed, it cannot be doubted, that the arguments which now are applied to the change in the silk, would then have been applicable to the cotton manufactures. I know of nothing in the history of commerce—I am not acquainted with any thing in the history of our

manufacturing prosperity, that can at all compare with this. It is perfectly true that forty years ago the manufacture of woollens was the great staple trade of this country. In the year 1780, the whole exports of our cotton manufactures did not amount to more than £350,000. In 1785, which was two years after the peace, and when the commerce of the country had in some measure recovered from the difficulties of war, the whole extent of our cotton exports, of every description, did not exceed £864,000, whilst, at that period, our woollen exports amounted to £5,000,000; the proportion between the two commodities being at that time five to one. But how stands the case at present? Why, sir, from that period to the present, that is, from the year 1785 to the year 1822, the cotton exports have arisen to the incredible amount of £33,337,060, [loud and continued cheers,] which is more than forty times the amount of that period. I am now of course speaking of official duties [hear, hear!]. But with respect to the woollen manufactures, the great staple trade in former times in this country, it does not now amount to more than £6,000,000, being not so much as one-fourth the amount of the exports of cotton [hear, hear!]. Why then, when I see the pre-eminent advantage which arises from the circumstance of allowing the capital to run in a free and unrestricted channel [loud cheers;] when I contemplate the benefits which the country has derived from the application of sound principles to this single branch of commerce, am I not justified in endeavoring to prevail upon the committee to extend those principles which have produced such invaluable results? [cheers.]

Now, sir, am I not fully supported in the assertion that the example of England is decisive in our favor? England is now wide awake to her errors on this subject, and when she is painfully retracing her steps, are we to commence the same unprofitable journey? Let me entreat gentlemen to pause and consider how much more easy it is to find our way into a labyrinth, than when there, to extricate ourselves from its mazes. The British Parliament are, at this very moment, engaged in propositions, submitted by the Ministry and supported by the Opposition, to take away the bounty on linens, and to promote the manufacture of silk, by introducing foreign competition. Indeed, so universal is the conviction in that country, of the impolicy of the restrictive system, that we are assured by the Chancellor of the Exchequer, "that for some time past there has prevailed in that country, amongst its ablest statesmen and most eminent writers, indeed among all men of sense and reflection, a decided conviction that the maintenance of the prohibitory system is exceedingly impolitic," and he concludes with the expression of a hope, of "yet seeing unrestricted industry." Let us for a moment, Mr. President, compare the woollen and cotton manufactures of England. It is no answer to our argument to say that the latter have derived some benefit from the restrictions on foreign cottons, for it will be seen that woollen has received tenfold more protection than cotton goods; and their relative progress, therefore, affords a decisive test of the efficacy of the protecting system. Wool was, of old, the great staple of England, and from the earliest periods, received the protection of the laws; whilst

the manufacture, and even the use of cotton goods was totally prohibited. Even the dead could not be buried, except in woollen; a regulation, the remembrance of which has been perpetuated by Pope's celebrated lines in illustration of "the ruling passion strong in death."

When, at a later period, the manufacture of cotton goods was permitted, the raw material was burdened with a heavy duty, and an oppressive excise was imposed on the manufactured article. The jealousy, however, of the cotton manufacture began at length to wear away, and about forty years ago it was relieved from its burdens I think by allowing a drawback on the excise. Up to that period, wool had been uniformly protected and cotton oppressed, and for the very reason now given by the advocates of this bill, because "the raw material was to be found at home." Now, how stands the account between these two articles? Why, sir, I have shown that while the woollen manufactures have advanced from five millions of pounds sterling to six, the cotton have progressed from less than one to thirty-three millions.

The gentleman from New Jersey has next appealed to Spain and Holland, as affording living examples of the evils of unrestricted industry. Sir, in my humble judgment the experience of these countries is decisive against him. So far from its being true that Spain has adopted the free system for which we contend, she always has been fenced round by restrictions. "Five centuries ago, even as far back as 1271, (says the intelligent Count De La Borde,) mention is made of the taxes levied on the cloth of Flanders, Paris, &c., their prohibition was the subject of the rescript of the 2d September, 1494." Notwithstanding restrictions of this kind, however, which have been continued to the present period, we are informed (on the authority of Bourgoanne, a distinguished traveller, formerly French Minister Plenipotentiary at the Court of Madrid) "that there are only two manufactures of fine cloth in all Spain, though Spain produces the finest wool in Europe, and though, to favor the manufactures there, a heavy export duty has been imposed on wool, and a very heavy duty on imported cloth." The same writer also mentions that the looking-glass manufacture of Ildesonso, in Spain, could not succeed, and was abandoned, though patronized at vast expense by the Government, which prohibited the introduction of any other glass within a circle of twenty leagues. Spain, then, furnishes, in her example, no argument in favor of the regulating policy.

As to Holland, the gentlemen hold her up triumphantly, as the only nation which ever has acted on the principle of the perfect freedom of trade, and the unrestricted employment of labor and capital, and they seem to take it for granted that the consequence must have been disastrous to that country. But what is the fact? Holland has enjoyed the benefit of free institutions, and her people have not been surpassed in general prosperity by any on earth. Look at that country, sir, rescued from the ocean, the very soil on

which the people tread—a conquest, not obtained in a day by force of arms over a mortal enemy, but achieved, by unexampled fortitude and perseverance, over the boisterous elements. Are her merchants poor? Sir, their wealth is proverbial—and what is the condition of the mass of her people—for this, after all, is the only test a republican can acknowledge of national welfare? Sir, I will appeal to the latest traveller in that country—to our fellow-citizen, the amiable and learned Professor Griscom, of New York—what does he tell us? Why, "that he was every where forcibly struck with the healthy and fine appearance of the people." He observed, "a general taste for science and a diffusion of learning;" he witnessed every where "the triumph of industry and of art," and even, when he brought Holland into comparison with France and Switzerland, through which he had recently passed, he assures us, "that he was so strongly impressed with the extraordinary evidences of industry, skill, and neatness, that even the monotony of the general level did not offend him;" and yet he saw Holland when not recovered from the continental system and French misrule.

I come now, Mr. President, to the examination of the probable effects of this bill—

1st. On the revenue.

2d. On the manufactures themselves; and

3d. On the cotton-growing States.

On the first point, it appears, from a statement submitted to the other House, by one of our most intelligent merchants, (Mr. CAMBRELENG,) and printed by the order of that House, (Document No. 72,) that the bill, in its present shape, will prohibit the importation of goods to the amount of \$26,000,000, and cut off \$8,000,000 of our revenue. The cotton goods alone, which this bill will exclude, will amount to \$7,000,000, the present duties on which amount to \$3,000,000. These estimates are supported by the memorial of the merchants of Portland, (who assure us, that the bill will affect the revenue to the amount of \$8,000,000,) and by the report of the Secretary of the Treasury, in 1820, who, when called upon to state what the effect of prohibitory duties would be on three articles only, viz: cotton, woollen, and iron, answered, that it would impair the revenue to the amount of \$6,000,000. Such will be the effect of the bill, should it operate as a prohibition, and if it should not lessen importations, it will impose a tax of \$8,000,000, without producing the smallest advantage to any one.

I will next take a brief view of the probable effect of this bill on the cotton-growing States. The people in these States are in the practice of purchasing almost all their supplies from abroad, and directing their whole attention to the cultivation of cotton. With respect to all the articles of our consumption, in relation to which this bill proposes to levy additional duties, there can be no doubt that its operation will increase the price to the consumers. But, this will be the least dangerous and oppressive effect of the measure. It threatens us with the total loss of our market for cotton, rice, and tobacco. When we consider

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the magnitude and importance of this trade, in a national point of view, I should suppose gentlemen would pause before they adopted any measure which could possibly hazard either its total loss or material diminution.

The whole amount of our domestic exports the last year, was \$47,000,000. Of this, cotton alone amounted to \$20,400,000—and the three articles of cotton, rice, and tobacco, to \$28,500,000—more than two-thirds of the whole amount of our exports. Is this to be lightly and rashly put in jeopardy? But we are asked, whether we believe that the English purchase our cotton from friendship, and whether they will be so blind to their own interests as to retaliate upon us? And the gentleman from Missouri, with great emphasis, has declared "that they dare not do it." Sir, I know there is no friendship in trade. But, though nations are never influenced by sentiments of kindness towards others yet animosities are sometimes indulged beyond any sound view of their own interests. National pride and resentment, as often as the ambition of rulers, have engaged nations, in what one of our most revered statesmen has called "the unprofitable contest of trying which can do the other the most harm." All systems of retaliation are of this nature, and our own experience affords, unhappily, several memorable examples of this spirit. England may, therefore, in the spirit of vengeance or of self-defence, engage in a system of retaliation from which both parties may suffer. Is she not already threatening us with discriminating duties on our cotton? And is this bill at all calculated to remove her complaints? But may we not actually make it the interest of Great Britain to pursue that course? If we prohibit the importation of British goods, may it not become the interest of Great Britain no longer to take our cotton, if she can obtain the same article from other countries which will receive her goods in return? If the United States was the only country on the face of the globe that could produce the article, the case might be very different, and England, by resorting to a circuitous trade, might obtain the means of paying for our cotton. Yet a direct trade, which consists in the simple exchange of the commodities produced at home, is in general the most profitable; and undoubtedly, when such a trade can be carried on to the full extent of the productions of any country, no temptation can exist to seek, in a circuitous channel, for the means of disposing of our produce. No trade can be more profitable than that which is carried on between the United States and Great Britain, consisting, as it does, in the exchange of those productions, which, from our peculiar situation, we can most profitably raise for those which her condition enables her most conveniently and cheaply to produce. But should we prohibit the importation of her goods, and she can obtain cotton elsewhere, it will become her interest to supply herself with this article, from those countries which will take her goods in payment. Suppose a British ship to be employed in that trade, if we do not take British goods, she may be compelled to come out in bal-

last, thereby losing the freight of the outward voyage; but should the same trade be carried on to Brazil, or any other country which will take British goods, such a ship would carry out a cargo of goods, and exchange them for cotton. Can any one hesitate in deciding which of these two would be the most profitable trade to Great Britain? Interest, therefore, as well as resentment, may dictate the course we deprecate. But there is another view of the subject which forces itself irresistibly on my attention; the truth is, that the cotton planters of our country are at this moment engaged in a fearful competition with foreign nations for the possession of the cotton market of the world. The general peace has excited, to the very utmost, the dormant energies of mankind. In commerce our ships are struggling for their existence, and our farmers and planters have certainly no right to expect to escape a similar contest; a contest in which they will assuredly not come off victorious, if the Government shall interfere to keep down their exertions. They are engaged in a glorious race, in which a single pound weight may deprive them of the victory. We have since the peace brought down the price of cotton to the very lowest sum for which it can be profitably raised. As a proof of this, the returns of the last year exhibit an increase in quantity of thirty millions of pounds and a diminution in price of \$3,500,000. Now, I would seriously ask my friends, whether this is a period when additional burdens ought to be imposed on the cotton planter? Loaded with debts—contracted during that period of general jubilee, which the people of the United States for so many years enjoyed, with habits of expense rendered almost sacred by the hospitality and kindness with which they are dignified, you propose to bear him down, at the very crisis of his fate, by onerous taxes, odious duties, and oppressive regulations. You will not only increase the expense of every thing he consumes, but you embarrass him in the sale of his productions; compel him either to give an extravagant price for the very clothing of his cotton, or to use an article which will secure a preference to his rivals in every market in Europe. You propose to levy heavy duties on all those articles which he is accustomed to receive in payment for his cotton, and thereby make it the interest of his customers to purchase from his rivals; and you accompany all this by regulations, which, affecting the shipping interest, must greatly increase the expense of transportation. After this, is it surprising that we should feel much anxiety, and manifest great apprehensions of danger? It is easy, sir, for those who do not partake of our dangers, to deride our fears. But let me assure gentlemen that these fears are entertained, not only by the wise, the prudent, and the brave among ourselves, but the unanimous voice on this subject has been re-echoed by all men of intelligence (acquainted with the course of trade) in every part of the United States. Look at the memorials. There is not one, from the Southern States, which does not hold this language. The merchants and tobacco planters of Virginia have warned us of

our danger; the merchants of Baltimore have told us, "that if we do not buy British manufactures, she cannot be our customer for the produce of our country," and the Chambers of Commerce of Philadelphia and New York, (composed of some of the first merchants in the world,) have raised their warning voices, in the most emphatic language, in behalf of the cotton planter. Is all this to pass for nothing? Are we still to be told that our fears are idle, and the dangers imaginary? Sir, I will borrow the language of a learned writer on this subject, and say, "let gentlemen look to it—they are not threatening us with a system of unjust taxation merely—but with the annihilation of our staple commodities; not with taxation but destruction." But we are told that the people of the South enjoy a great advantage in the value of their exports, while the corn growing States cannot find a market for their grain; gentlemen speak of us as the favored of the land, and seem to think it only common justice that our "princely fortunes," and "large incomes" should, in some way or other, be shared with our less fortunate brethren. Now, sir, if it were true that the Southern States did enjoy these pre-eminent advantages, would it follow that any part of their wealth, however small, could be lawfully taken away for the especial benefit of any other part of the Union? Our advantages, whatever they may be, are the result of climate, soil, and peculiar situation; they are the bounties of Providence, and we cannot be deprived of the smallest portion of them, on any principle which would not justify an agrarian law. For our fertile soil, and genial climate, we have paid the price, in great sacrifices of health; of comfort, and of life itself. Even our slave institutions, which gentlemen almost seem to envy, are upheld at a sacrifice of comfort and feeling, which gentlemen are not disposed to estimate. But if the South does, in fact, hold out so many advantages, our doors are open—let gentlemen come and share them freely—we will receive them as brethren, and they shall have our free consent to become nabobs as soon as they please. But let them not expect to share our profits, without breathing the atmosphere of our swamps, and panting under our Summer's sun; without, in a word, paying the price which we pay for them. But I assure gentlemen they are greatly deceived. The people of the South are in no better condition than the rest of their fellow-citizens. They have their full share of debts—of diminished prices—habits of expense, and every other evil, (except, perhaps, paper banks, and a depreciated currency,) which are so severely felt in other parts of our country. I am sorry to be compelled to say, that this bill is so framed as to bear with peculiar severity on the Southern States; to whose feelings almost as little regard seems to be paid as to their interests. Cotton bagging, osnaburgs, plains—articles consumed almost exclusively in that portion of the country, are objects of the special vengeance of the law. Let us examine for a moment this duty on cotton bagging. Here is a manufacture, the raw material of which abounds at home; there is hardly a spot from Florida to

Canada which will not produce it abundantly. The manufacture requires neither skill nor capital, nay, we are expressly told, from the highest authority, "that the buildings used for the purpose are of the slightest kind, much resembling rope-walks; the hands, for the most part, small negro boys and girls; and the weavers all negroes, or common laborers."

Sir, whatever may be said of other articles in this bill, it is certain there is no plausible pretext for protecting cotton bagging. The honor, the independence, the defence of the country, do not depend on cotton bagging. It is an article easily made, which requires neither skill nor capital, and which could on no principle claim protection, except, indeed, it should be deemed just and expedient to advance one part of the country at the expense of another. Let me, for the sake of example, show the practical operation of this duty on the city of Charleston, from which some idea may be formed of its injurious effects on the cotton growing States. It appears, from the statements of the Charleston Chamber of Commerce, which have been printed and laid on our table, that there was imported last year into that place, 18,500 pieces of cotton bagging, which cost, on an average, \$8 50 per piece, equal to \$157,250.

Now it appears from a calculation, which I hold in my hand, and which is at the service of gentlemen, that the difference between the present and the proposed duties on this amount, is upwards of \$30,000. And thus, it appears, that on the cotton bagging imported into a single city, this bill proposes to add \$30,000 per annum to a tax already sufficiently high for every legitimate purpose. By extending the calculation, it will be easy to show that the Southern States will be taxed on the single article of cotton bagging, to the amount of upwards of \$200,000 per annum. But we are assured "that the planter does not pay this tax, as he gets it refunded when he sells the cotton." Gentlemen may be satisfied that there are very few exceptions to the rule that the consumer pays the duty; and who is the consumer of cotton bagging but the planter, who, in clothing his cotton with it puts it to the only use for which it was designed? But the practice in Europe is to allow a tare for the weight of the bag; and even if this were not the case, we may be satisfied that neither the merchant nor the manufacturer would consent to pay for an article which could be of no use to them; and, therefore, if the bagging should be included in the weight, it would be deducted from the price of the cotton. But gentlemen take higher ground, and owning that this duty is "intended to be protective and prohibitory," tell us that "it is only an equivalent for the three cents per pound on imported cotton." We have, Mr. President, been so constantly taunted with the protection which the South has received in the duties on cotton, tobacco, and sugar, that I must be permitted to notice these arguments in this place. It is not true that the duty of three cents a pound on imported cotton was intended to encourage the growth of it, nor that it has, in fact, afforded any protection what-

ever to that article. The duty was laid prior to the year 1790, when not a pound of cotton was raised in the country, and when none was expected to be raised, and it was merely introduced for revenue, into a bill, which imposed duties on articles imported into the country. It has been stated that the price of cotton was then about twenty-five cents, and if so, the duty was only twelve and-a-half per cent; but, even at the present reduced prices, it is less than twenty-five per cent.; which is actually below the average amount of duties imposed solely with a view to revenue. We deny, positively, that it has afforded us any protection whatever. From our climate, our soil, and our skill and experience in the culture of the plant, we can afford to sell, and actually do sell, cotton, in foreign markets, as cheap as any country in the world. From the moment a pod of cotton was raised in the country, it was seen that competition with us in the home market was entirely out of the question, and it made no manner of difference, whether the duty on the foreign article was one cent or twenty. But when we can export such immense quantities of cotton, and undersell all other nations in foreign markets, where we have no protection, is it not absurd to talk of our deriving an advantage from protection at home? There never has been a period when this duty excluded a single pound of foreign cotton, and if gentlemen will only consent to abandon the tariff bill, we will agree that the duty, of three cents a pound on cotton, shall be taken off immediately.

Now, as to tobacco, the case is precisely the same. The duty is only fifteen per cent., much below the average rate of duties; and in respect to the duties on manufactured tobacco, gentlemen are altogether mistaken in putting that down to the debit of agriculture; the manufacturer, of course, derived that benefit, and it is notorious that Spanish tobacco is chiefly used in the manufacture of snuff and cigars.

The argument of the protection extended to sugar, is more plausible. But it is certain that the duty was imposed merely for revenue, and the protection, if any, has been merely incidental. It was a duty of twelve and-a-half cents per pound, then equal to about twelve and-a-half per cent., and was imposed before Louisiana was acquired, and when no sugar was raised, or expected to be raised in the country. It is true that, in 1816, the duty was increased to three cents, but this was done by the friends of manufactures, notoriously for the purpose of reconciling certain gentlemen from the South to that bill; and perhaps it was right, when extending protection to manufactures, for the friends of the system to extend bounds to other pursuits. Having done this, however, from motives either of policy or justice, it is hardly fair to upbraid us with it. Are not gentlemen, in spite of our protests, proposing to extend further protection to cotton, and to give bounties to the growers of oranges and limes? And I doubt not that, at a future day, this bill will be held up as affording protection to the South. Upon all of these items, I will make a general remark, that, if gentlemen will consent to arrange the tariff exclusively with

a view to revenue, and it shall be found, on examination, that the duty on cotton, tobacco, and sugar, is unreasonably high, we will freely consent that they shall be put on a footing of perfect equality with other articles. Before I leave this branch of the subject, permit me, Mr. President, to say one word as to the protection extended to the shipping interest, on which the gentlemen on the other side have descanted so largely and extravagantly. I am not unwilling to admit that some of the laws alluded to may have been designed to promote navigation, with a view to the increase of the number of our seamen. This, if justifiable, can only be vindicated on the ground of the necessity of rearing up a race of men essential to the support of a navy, and consequently the defence of the country. I am not prepared, at this time, to enter into the inquiry, how far the object would justify a bounty to ships. But I will say that, in a national point of view, it is one of vast importance. Invasion cannot be kept from our shores but by a navy, and though the yeomanry of our country would, doubtless, at all times, be able to hurl destruction on any foe who shall venture to march into the interior, yet this might be at an immense sacrifice of men and of money. The true policy of America is to keep the enemy at the door, and to carry on the war on the ocean. Our sailors already amount to seventy thousand—well-disciplined men, certainly surpassed by none—all of whose services we could command in any emergency. I doubt whether this body of men do not add more to our strength than a regular army of the same amount, and they are maintained without expense, and without the smallest danger to our liberties. It cannot be necessary to add any thing to what has been said with so much perspicuity and force, by the gentleman from Massachusetts, on this point. I shall content myself, therefore, with the observation, that, whatever objection may be applicable to the acts in relation to the shipping interest, and however correct it may be to repeal any or all of them, still it is capable of demonstration, that our shipping interest has been more burdened with taxes than our agriculture or our manufactures. The whole amount of domestic products, exported free of duty from 1791 to 1823, was, on an average, \$37,330,865 per annum. It appears, from the report of the Secretary of State, made in obedience to a call of this House, that there are goods manufactured in this country, which, if imported from abroad, would, at the present rates, pay duties to the amount of \$42,000,000 per annum. These are also duty free. But, is there a single operation of commerce which is not taxed? According to a statement which I have prepared, it is manifest that, if every act of Congress in favor of the shipping interest did operate as a bounty, which has been shown not to be the case, it would only amount to about one million and a half of dollars a year, while the duties imposed on articles used in ship building alone, amount to more than double that sum.

Will gentlemen suffer me to ask them to point out to me, if they can, the power which this Government possesses to adopt a system for the avowed

purpose of encouraging particular branches of industry? The power to declare war may involve the right of bringing into existence the means of national defence. But, to tell us we have a right to resort to theoretical speculations as to the most convenient or profitable employments of industry, and that you can, by law, encourage certain pursuits and prohibit others, is to make this not merely a consolidated, but an unlimited Government. If you can control and direct any, why not all, the pursuits of your citizens? And if all, where is the limitation to your authority? Gentlemen surely forget that the supreme power is not in the Government of the United States. They do not remember that the several States are free and independent sovereignties, and that all power, not expressly granted to the Federal Government, is reserved to the people of those sovereignties. When I say expressly delegated, I wish to be understood that no power can be exercised by Congress which is not expressly granted, or which is not clearly incident to such a grant. Now, when we call upon gentlemen to show their authority, they tell us it is derived from the authority to "regulate commerce." But, are regulation and annihilation synonymous terms? Does one include the other; or are they not rather opposites, and does not the very idea of regulation exclude that of destruction? I rejoice, sir, to find that gentlemen refer us to commerce; for the very clause which expressly confers the right to regulate commerce, by saying nothing of the regulation of manufactures or of agriculture, or home industry, seems to demonstrate that they were intended to be put beyond our control, and to be reserved to the people of the States respectively. But our opponents gravely inform us that this is a bill to levy imposts, and that it is, therefore, within the very letter of the Constitution. True, sir, if imposts were the end and aim of the bill. But, surely, gentlemen will not attempt to justify a departure from the spirit, by an adherence to the letter of the Constitution! Will they contend that we could, by law, adopt and enforce the Chinese policy, and by virtue of our authority to regulate commerce, interdict all intercourse with foreign nations? And if you could not do that directly, can you accomplish the same thing indirectly, by levying such imposts as will produce the same result? It may be difficult to draw the exact line which divides the lawful exercise from the abuse of authority—where regulation ceases and unconstitutional prohibition begins. But it is certain, if you have a right to prohibit the importation of cottons and woollens, and cotton bagging, for the encouragement of domestic manufactures, you may, whenever you please, prohibit importations, and shut up your ports entirely. An embargo can only be justified as a branch of the war power, and I think no one will contend, at this day, that a general and perpetual embargo could be lawfully laid. If it be sufficient to adhere to the letter without regard to the spirit and intent of the Constitution; if we may use a power granted for one purpose for the accomplishment of another and very different purpose, it is

easy to show that a Constitution on parchment is worth nothing.

I must be permitted, while on this topic, to declare that, however this bill may be modified, still the system is one against which we feel ourselves constrained, in behalf of those we represent, to enter our most solemn protest. Considering this scheme of promoting certain employments, at the expense of others, as unequal, oppressive, and unjust—viewing prohibition as the means, and the destruction of all foreign commerce the end of this policy—I take this occasion to declare that we shall feel ourselves fully justified in embracing the very first opportunity of repealing all such laws as may be passed for the promotion of these objects. Whatever interests may grow up under this bill, and whatever capital may be invested, I wish it to be distinctly understood that we will not hold ourselves bound to maintain the system; and if capitalists will, in the face of our protests, and in defiance of our solemn warnings, invest their fortunes in pursuits made profitable at our expense, on their own heads be the consequences of their folly. This system is in its very nature progressive. Grant what you may now, the manufacturers will never be satisfied; do what you may for them, the advocates of home industry will never be content until every article imported from abroad, which comes into competition with any thing made at home, shall be prohibited; until, in short, foreign commerce shall be entirely cut off. If we go on in our course, the time is at hand when these seats will be filled by the owners of manufacturing establishments; and do you believe that, when a numerous party here, supported by millions of people without, collected together in vast masses in particular districts, shall call upon you with one voice "for a monopoly of the raw material at their own prices," and shall quote you British authority for their demands, you will dare to refuse? Will you, then, seeing your error, retrace your steps? I fear not. If this language be not now held, is there no ground to fear that men, who have tasted the sweets of your bounties, will soon be found looking to prohibition and monopoly?

Examine, sir, the memorial of Samuel Slater, and others, of Providence, Rhode Island, presented to the Senate at the present session, and printed among our documents, (No. 13.) In page 5 of this memorial we are told—

"That a brief view of the policy of the British Government, in regard to manufactures," &c., will "indicate the proper measures to be taken by this country, for the security of its own agriculture and manufactures."

The memorial, proceeding to explain this policy of the British Government, states, that—

"By prohibiting, under penalties, which in some instances touch the life of the offender, the exportation of the raw material of these manufactures; thus giving to the manufacturers at home the monopoly, at their own prices, of those materials, the British Parliament has effectually secured to their own subjects the whole labor of preparing them for the market. The general

policy of the system, looking to the most profitable appropriation of the land and labor of the community, seems intended to restrict the productions of the raw material for manufacture, to the actual demand, and, in some instances, to less than the actual demand of the manufacturer."

Again:—

"But the monopoly at their own prices, of the raw material, &c., and the exclusion from the home and colonial markets of all goods of foreign manufacture, are not the only encouragements extended by the British Government to the domestic manufacturer—the system receives a new impulse from drawbacks, bounties, &c."

As a proof of the effect of this system, it is stated in page 9—

"That the quantities of wool composing the raw material, are bought by the manufacturer at from 6d. to 9d. sterling the pound, and would, if they could be exported free of duty to this country, command from 22 to 35 cents per pound."

Sir, I cannot suppose that these memorialists (who are very respectable men) intended to hold up these monstrous regulations for our imitation; but that they should have been noticed in any language except that of strong indignation, and just reprobation, fills my bosom with serious alarm. The history of Mr. Samuel Slater (who has taken so much pains to make us acquainted with the British policy, in order to indicate the proper measures for us to pursue) is so very curious and instructive, I will notice it as affording the most conclusive evidence that the cotton manufactures are now, and have been for thirty years, one of the most profitable pursuits in this country. I will give it as I received it from several persons in the neighborhood of the place where he resides, and if I am in any respect incorrect, I will thank the honorable gentleman from Rhode Island to put me right. Mr. Slater was an Englishman, bred up a manufacturer, who came to this country upwards of thirty years ago, entirely destitute of funds, or with very slender means. He almost immediately commenced the manufacture of cotton cloth on a small scale, and gradually enlarged his business, until he became the owner of an extensive manufacturing establishment. From that time to the present he has, without intermission, pursued the same trade, and has entered into no other business; and he is now the proprietor of several large establishments, has built up a beautiful village around him, lives in an elegant mansion, has brought up his sons to his own business, and is supposed to be worth, clear of the world, half a million of dollars. He is an honest man and a worthy citizen, highly respected by his neighbors, and presents one of the most splendid examples of successful industry to be found in any country.

Will the gentlemen, after this, tell us that the cotton manufactures were brought into existence by the act of 1816, and must have perished without the aid of that act; or will they venture to assert that skill and prudence, aided by adequate capital, cannot now render profitable a pursuit which has, for thirty years past, handsomely re-

warded the labors of this worthy man? One such case speaks more than volumes.

This bill, Mr. President, should it pass, in its present shape, will be inevitably fatal to the manufacturers themselves. It will produce a reaction in the public mind, and they will be swept away before the indignation of the people like chaff before the wind. But this is not all; the idea of a bounty—the very name of protection will invite adventurers, from all quarters, to engage in manufactures, and the business will be grossly and enormously overdone. Sir, I am not unfriendly to manufactures—I shall rejoice to see them rise up gradually, growing with the growth, and strengthening with the strength, of the country; but I wish them to spring up naturally, to arise out of a state of things favorable to their progress, and not to be brought into premature existence by a stimulating process. I do on my conscience believe, that, without any law on the subject, manufactures are advancing, and will continue to advance, as rapidly as the interests of the country require. It must be remembered that we possess only a limited quantity of capital and skill, and, to advance beyond these, will expose us to the danger of introducing ignorance and extravagance into pursuits, the success of which depends on the utmost skill, prudence, and industry. I have taken, Mr. President, some pains to obtain correct information as to the present state and future prospects of our manufactures, and I most deeply regret that gentlemen, who tell us of their languishing condition, had not examined, as I have done, twenty or thirty manufacturing establishments, and beheld the evidences of their prosperity. If the gentlemen had ascertained that some establishments had yielded a clear annual profit of twenty per cent. to their proprietors; that the stock of manufacturing companies is, in some places, fifty or sixty per cent. above par; if they had known that manufactures are advancing with a rapidity unexampled in the history of the world; and that, in a single State, manufacturing companies, with a capital of five millions of dollars, were last year incorporated, I must believe they would hesitate in adopting a measure, founded on the presumption that our establishments are all "falling into decay." Sir, I may be deceived, but I am thoroughly convinced that the cotton manufacture is the most flourishing branch of industry in the whole country; and though the woollen, iron, and glass, have not been equally prosperous, still, that they now afford reasonable profits, when conducted with skill, prudence, economy, and adequate capital. And it is surely absurd to suppose, that, where these are wanting, any bounties can make such pursuits profitable. Sir, I have not, on this subject, relied exclusively on my own judgment or observation; but I have sought information from the best sources, and beg leave now to submit to the Senate a few facts and statements in support of the opinion I have ventured to express, and for the correctness of some of which I will appeal to my honorable friend from Massachusetts, (Mr. LLOYD.)

The danger, then, is not that manufactures will

not advance with sufficient rapidity, but that their march may be too rapid for the condition of the country, and their own permanent prosperity. No great interest of any country ever yet grew up in a day—no new branch of industry can become firmly and profitably established, but in a long course of years. Every thing, indeed, great or good, is matured by slow degrees. That which attains a speedy maturity is of small value, and is destined to a brief existence. It is the order of Providence, that powers, gradually developed, shall alone attain permanency and perfection. Thus must it be with our national institutions, and national character itself. They can only be formed by time, which is the perfection of all things—"force nothing" was the maxim taught us by WASHINGTON himself. Sir, it is with increased reverence for the character of that great man that I discover, daily, new proofs of the profound wisdom by which his whole life was adorned. It is a remarkable fact, that our country has never yet been placed in any situation in which his actions or his counsels have not been "a light to our feet, and a lamp to our path." On the very question before us, "the Father of his Country" (in his legacy to his children) marks out the true American policy, in language which ought to sink deep into our hearts: "Our policy (he instructs us) should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing, by gentle means, the streams of commerce—but forcing nothing."

When Mr. HAYNE had taken his seat—

Mr. JOHNSON, of Kentucky, opposed the motion to strike out. He contended that this duty would have the effect to produce a home competition, which would do away our contributions to foreign nations. If it was easily manufactured in the country, and that could not be doubted, he did not see why we could not encourage it, so that it might be manufactured here, to the exclusion of the foreign article. He advocated this duty, not as a Kentucky measure, but as one of great importance to the country at large.

Mr. KELLY submitted some additional remarks in favor of his proposition, and in reference to the prices, &c., of cotton bagging in Alabama. He believed the present existing duty was high enough; but he had conceded to the opinions of others, and had concluded only to move for the striking out of the highest specified duty proposed on this article.

The question on Mr. KELLY's motion was then put, and decided in the affirmative—yeas 28. So the highest rate of duty proposed on cotton bagging was stricken out.

Mr. HOLMES, of Maine, moved to amend the bill in the following clause: "On all manufactures, not herein specified, of cotton, silk, flax, or hemp, or of which either of these materials shall be a component part, a duty of twenty-five per centum ad valorem," by inserting, after the word "part," the words, "excepting Russia, Holland, and Raven's duck."

On motion of Mr. SMITH, the words "and Russia sheetings" were added to the exception.

Mr. BARBOUR moved that "German linens" be also added to the excepted articles. Upon this motion some cursory remarks were made by Messrs. BARBOUR, SMITH, DICKERSON, and LLOYD, of Maryland.

Mr. TALBOT moved that the bill and amendments be ordered to lie on the table; and that the Senate proceed to the consideration of Executive business. This was agreed to; and, immediately after the doors were opened, the Senate adjourned.

SATURDAY, May 1.

Mr. McILVAINE, from the Committee of Claims, to whom were referred the bill, entitled "An act for the relief of John Holliday;" the bill, entitled "An act for the relief of Jonas Duncan;" and the bill, entitled "An act for the relief of Joshua Bennett;" reported them, severally, without amendment.

Mr. JACKSON, from the Committee on Military Affairs, to whom were referred the bill, entitled "An act for the relief of Solomon Sibley;" the bill, entitled "An act for the relief of David Cooper;" and the bill, entitled "An act for the relief of Frederick Perley;" reported them, severally, without amendment.

The sixteen bills yesterday brought up for concurrence were severally read twice, by unanimous consent.

On motion, the bill, entitled "An act for the relief of Dean Weymouth;" the bill, entitled "An act for the relief of Robert Blean;" the bill, entitled "An act for the relief of Samuel Cleveland, jun.;" and the bill, entitled "An act for the relief of John Topp;" were severally referred to the Committee of Claims.

The bill, entitled "An act for the relief of John Mitchell," was referred to the Committee on Foreign Relations.

The bill, entitled "An act for the relief of Morris Goldsmith, and Anthony Roderick;" the bill, entitled "An act for the relief of Benjamin King;" the bill, entitled "An act for the relief of James, Jehu, and Nathaniel Brooks, and the representative of either of them;" and the bill, entitled "An act for the relief of John K. Carter;" were severally referred to the Committee on the Judiciary.

The bill, entitled "An act for the relief of Archibald Clark," was referred to the Committee on Finance.

The bill, entitled "An act for the legal representatives of Fry and Spalding;" the bill, entitled "An act for the relief of Maturin Guichot;" and the bill, entitled "An act for the relief of Joseph Furman, and others;" were severally referred to the Committee on Public Lands.

The bill, entitled "An act to compensate William Cocke for certain military services rendered the United States during the late war, and for the relief of John T. Johnson;" and the bill, entitled "An act for the relief of Jacob Slough;" were severally referred to the Committee on Military Affairs.

The bill, entitled "An act supplementary to the act to incorporate the inhabitants of the City of Washington, passed the 15th of May, 1820," was referred to the Committee on the District of Columbia.

Mr. LANMAN, from the Committee on the Post Office and Post Roads, to whom was referred the bill, entitled "An act for the relief of Henry Leightner," reported it without amendment.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of Thomas Williams," reported it without amendment.

On motion, by Mr. BENTON, the Senate resumed the motion on the 29th April, instructing the Committee on Public Lands to inquire into the expediency of authorizing the selection of certain land for the support of seminaries of learning in Missouri, and agreed thereto.

On motion, by Mr. TALBOT, the petition of John S. Stiles, executor of George Stiles, and the report of the Committee of the Judiciary thereon, were referred to the Secretary of the Navy.

A message from the House of Representatives informed the Senate that the House have passed the bill, which originated in the Senate, entitled "An act for the relief of Dean Weymouth;" and the bill, entitled "An act for the relief of Noah Smith, of Maine;" with amendments. They have also passed bills, of the following titles, viz: "An act supplementary to an act, entitled 'An act authorizing the executors of John B. Mebane to collect certain arrears of tax;'" "An act for the relief of the administrator of John B. Fanning, deceased, late a purser in the Navy of the United States;" "An act to authorize the issuing a register to the brig William, of New York;" and "An act to allow further time to complete the issuing and locating military land warrants;" in which amendments and bills they request the concurrence of the Senate.

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The bill from the House of Representatives, to amend the several acts for imposing duties on imports, was again taken up for consideration, in Committee of the Whole, Mr. KING, of Alabama, in the Chair.

Just previous to the bill being ordered to lie on the table, yesterday, Mr. HOLMES, of Maine, had moved to amend it by excepting "Russia, Holland, and Raven's duck, and Russia sheetings," from the duty of twenty-five per cent. levied on other cotton, silk, flax, or hempen fabrics; and Mr. BARBOUR had moved to amend the amendment, by adding to it, as another exception, "German linens."

Mr. BARBOUR now varied his motion, by withdrawing the words "German linens," and proposing to add to the exceptions, "Osnaburghs, ticklenburgs, and burlaps." This motion was advocated by the mover, by Messrs. HAYNE, SMITH, BRANCH, MILLS, H. JOHNSON, of Louisiana, MACON, HOLMES, of Maine, VAN DYKE, and TAYLOR of Virginia; and opposed by Messrs. DICKERSON, D'WOLF, TALBOT, and JOHNSON, of Ky. It

was urged, in behalf of this amendment, that the manufacture of the article had never been attempted in this country; that it was an article of the first necessity, for clothing for the poorer classes of the community, and for servants; and, for these reasons, was not a legitimate object of heavy taxation. On the other hand, it was contended that goods of a similar kind, though not known by the same name, were manufactured in this country—and, being an article of necessity, its manufacture ought to be encouraged, in order to render us independent, for the necessities of life, of other countries.

The question upon amending the amendment, as proposed by Mr. BARBOUR, was then put, and decided in the negative by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—23.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, Van Buren—24.

So the amendment to the amendment was lost.

The question was then upon amending the bill, so as to except "Russia duck, Holland, and Raven's duck, Russia sheetings," from the duty of twenty-five per cent. which it is contemplated to impose on manufactures of cotton, silk, flax, or hemp. Mr. LLOYD, of Massachusetts, advocated this amendment. Mr. BARBOUR then moved an adjournment, and the Senate adjourned.

MONDAY, May 3.

Mr. SMITH, from the Committee on Finance, to whom were referred the bill, entitled "An act for the relief of Archibald Clark;" and the bill, entitled "An act for the relief of David Beard;" reported them severally without amendment.

Mr. BELL, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Stephen Brace;" the bill, entitled "An act for the relief of Lemuel Arms;" and the bill, entitled "An act for the relief of Nathaniel Jones;" reported them severally without amendment.

On motion, by Mr. PARROTT, the Committee on Naval Affairs, were discharged from the consideration of the petition of Thomas Haven and Jonathan Folsom.

Mr. JACKSON, from the joint committee appointed to consider what business is necessary to be acted on at the present session of Congress, and at what time the session may be closed, submitted their final report on that subject; stating that, in the opinion of the Committee, the session of Congress may be terminated on the 10th instant. The report was laid upon the table.

Mr. RUGGLES, from the Committee of Claims,

to whom were referred the bill, entitled "An act for the relief of Mareen Duval;" and the bill, entitled "An act for the relief of the representatives of Elijah Brush," reported them severally without amendment.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill for the relief of the representatives of John Donnelson, Stephen Hurd, and others; reported it without amendment.

The same committee also reported, without amendment, the bill which originated in the Senate, "to enable the President to sell and dispose of the refuse lands of the United States."

Mr. BARTON, the chairman of the committee, stated that the committee believed the system proposed in this bill, incompatible with the full and fair execution of the present system of raising revenue from the public lands, for the discharge of our national debt, as the promulgation of the system now proposed, would have the effect of preventing public sales and private sales at the present minimum price; for few would buy now, when, by waiting a few years, they might get the lands at fifty cents per acre. However proper the proposed plan might become hereafter, the committee deemed it premature and improper at this time; and had therefore instructed him to move the indefinite postponement of this bill, when it shall be taken up for consideration.

The amendments made in the House of Representatives, to the bill from the Senate, "for the relief of Noah Smith, of Maine," were read, and concurred in.

Mr. NOBLE moved that the Committee on Pensions be discharged from the further consideration of the petition of Isaac Bussel. This motion was opposed by Mr. HOLMES, of Maine. The question being put, the committee was discharged.

Mr. BENTON, from the Committee on Military Affairs, to whom was referred the bill, entitled "An act to compensate William Cocke, for certain military services rendered the United States during the late war, and for the relief of John T. Johnson;" reported it without amendment.

Mr. EATON, from the Committee on Public Lands, to whom were referred the bill, entitled "An act for the relief of Judah Alden;" and the bill, entitled "An act supplementary to an act approved on the 3d of March, 1819, entitled 'An act providing for the correction of errors in making entries of land at the land offices;" reported them severally without amendment.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for the relief of George Fisher," reported it with amendments.

On motion, the bill, entitled "An act to authorize the issuing a register to the brig William, of New York;" and the bill, entitled "An act supplementary to an act, entitled 'An act authorizing the executors of John B. Mebane to collect certain arrears of tax;" were severally referred to the Committee on Finance.

The Senate proceeded to consider the amend-

ments of the House of Representatives to the bill, entitled "An act for the relief of Dean Weymouth;" and they were referred to the Committee on Pensions to consider and report thereon. The bill for the relief of Alexander Scott, late collector of Pensacola, was read the second time.

The four bills last brought up for concurrence were severally read twice, by unanimous consent.

The bill, entitled "An act to allow further time to complete the issuing and locating of military land warrants," was referred to the Committee on Public Lands.

The bill, entitled "An act for the relief of the administrator of John B. Fanning, deceased, late a purser in the Navy of the United States," was referred to the Committee on Naval Affairs.

A message from the House of Representatives informed the Senate that the House have passed, with an amendment to each, the following bills, which originated in the Senate, viz: "An act for the relief of Captain Thomas Staniford," "An act for the relief of Thaddeus Mayhew;" and "An act for the relief of Amasa Stetson." They have also passed bills of the following titles, viz: "An act for the relief of Robert Brotherton;" "An act for the relief of Edward Evans;" and "An act for the relief of J. Ottramare;" in which amendments and bills they request the concurrence of the Senate.

THE TARIFF.

The unfinished business of Saturday, being the consideration, as in Committee of the Whole, of the bill from the other House, "to amend the several acts for imposing duties on imports," was resumed; Mr. KING, of Alabama, was again called to the Chair.

The question was, upon the motion submitted on Friday last by Mr. HOLMES, of Maine, to amend the bill so as to except "Russia, Holland, and Raven's duck, and Russia sheetings," from the duty of twenty-five per centum ad valorem, which the bill contemplates to impose upon all manufactures of cotton, silk, flax, or hemp.

Mr. BARBOUR rose—he stated that he had moved an adjournment on Saturday, because he felt uncertain how he should vote, in relation to the amendment now before the Senate, after they had refused, by the vote on Saturday, to exempt from taxation articles of the same character, of great importance to a certain section of the country. Upon mature reflection, he had come to the determination to vote against the present amendment, in order that the taxes imposed by this bill might, in this article at least, be equal upon the different portions of the country.

Mr. MILLS spoke in favor of the amendment. He proceeded to show that the article of duck was already taxed very excessively, by the existing rate of duties—and that it was proposed, by this bill, to increase the tax nearly one hundred per cent. upon this article; a tax which would be extremely onerous upon the navigating interest—an interest which was, at least, as much entitled to the forbearance of the Government, as the manufacturing interest was to its positive protec-

tion. Mr. M. stated the quantity of the articles included in this amendment, which had been imported into the country within the last year; the revenue that had been paid upon it; and the effect which the duty imposed by this bill, would probably have upon the importation, and upon the revenue. He alluded to the liability of this tax to evasion, by vessels providing themselves with canvass in foreign ports. He commented upon the oppressive operation of this duty, upon the entire commercial interest of the country; the coasting, as well as the foreign trade.

Mr. D'WOLF made a few remarks in opposition to this amendment, and in reply to Mr. MILLS. He spoke of the encouragement which the Government uniformly extended, to the shipping interest. He considered the objects of this bill, as being purely national—that many of its items imposed heavy taxes upon the manufacturers—that the bill was calculated to benefit the whole country, and not for the particular profit of any one branch of business. His object, Mr. D'W. said, was to throw the nation on its own resources. He considered the articles we have to carry to market, of a great deal more importance than the wagon we carry them in. He was willing to reduce the duty on duck, but not to strike it out entirely.

Mr. HOLMES, of Maine, advocated the amendment. He replied to the argument about the national interests to be promoted by the bill. He wished to know what great national interest was to be benefited by this item? He spoke of the small quantity of duck manufactured in the country, and remarked that the national interest was to be promoted by making the consumers in the country pay much higher than they now do for the article. The tax was to bear exclusively upon one class of the community. He warned gentlemen to beware how they go to destroy the shipping interest of the country for the benefit of a few overgrown manufacturers. This, he said, was all that was meant by encouraging home industry, and promoting great national interests. He wished to know in what part of the country duck was manufactured—to what extent—and of what quality. He hoped the honorable gentleman from Virginia would reconsider his determination, and not vote against this amendment because he had been disappointed in that which he had proposed.

Mr. BARBOUR made some further remarks, in which he expressed his uniform attachment to the commerce and to the navy of the country; but he could not consent that the great agricultural interests of the nation should be lost sight of. There was not a solitary item in this bill which would in the least benefit that interest. The cabalistic term *home industry*, he believed, was only to be applied for the protection of spinning jennies. He was not willing to submit to a heavy and immediate evil, in order to obtain a merely possible benefit in prospect. He was against the whole bill; but, if the tax was to be imposed upon the osnaburgs, &c., which were so important to the South, he must vote against this amendment, so as to make that tax, in some measure, equal. The one was to

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operate upon the commercial, and the other upon the agricultural interest. And, as he could not possibly see why Russia, Holland, and Raven's duck were not as fair objects of taxation as osnaburghs, ticklenburghs, and burlaps, he should feel compelled to vote against this amendment.

Mr. TAYLOR, of Virginia, spoke on this subject. He agreed perfectly well with the gentleman from Massachusetts; but yet he found himself compelled to vote with his colleague. This bill, he said, was to let blood from two of the great interests of the country, in order to circulate it in the veins of the other interest. He feared they would all die under the operation; the two first from loss of blood, and the other from having too much. His object was to make the two interests which were to suffer bear the imposition equally, and to bind them together by their community in suffering. He commented upon the injustice of building up a particular class—a special aristocracy—by the imposition of heavy taxes upon the community at large. He spoke particularly of the duty on wool, an article which could only be produced in a small portion of the country, owing to the circumstances of soil and climate. If this tax was imposed on the Southern interest by means of duties on their coarse linens, he saw no means by which the tax could be made equal, but by levying a duty on the coarse linens issued for clothing the ships of the Northern section of the country. By this means the revenue could be collected equally from each. Mr. T. spoke of the mutual connexion between these interests.

Mr. RUGGLES opposed the amendment. He conceived that his duty would operate beneficially on the agricultural interest, more than any other, as it would go to encourage the growth of the raw materials in this country. In relation to commerce, he believed it would in some measure affect the vessels employed in foreign trade, but that it would not injure the Navy or the coasting trade. He thought it the duty of the Government to encourage the use of domestic articles for the Navy, as we might be reduced to great distress, if we were at war with the nation from whom we receive these articles. He alluded to the difficulty experienced during the last war for soldiers' blankets and clothing. Mr. R. thought, if we were to have a Navy, (and he had always been a friend to it,) we ought to build our ships with American materials, and man them with Americans. He asked, what further protection the commercial interest wished? They had the whole coasting trade of the country exclusively to themselves—a greater encouragement than had ever been extended to manufacturers. He proceeded to remark upon the beneficial effects that would be produced to the nation, by raising its raw materials and manufacturing them, in preference to making use of manufactures of foreign countries, and upon the capacity of the country to do so, to a great extent.

Mr. SMITH had hoped the question on this amendment would have been taken without debate; but, as that course had not been pursued, he felt compelled to submit his views of the subject. He combatted the idea of the protection given to

the navigating interest. He said, if that interest had any advantages, they were the result of their own industry and enterprise; they only asked to be left free to depend on these advantages. The coasting trade, he said, was not generally carried on by merchants, but by a poor and laborious class of people. He denied that any protection had been extended by the Government, from its establishment to the present day, to the navigating interest; their ships were built at greater expense, for labor and materials, than those of any other nation; they were the pack-horses of the nation; they were made the collectors of the revenue for the Government. This bill, he said, not only laid a tax on the article of duck, but also upon the raw material from which it was made; thus rendering it impossible to manufacture the article. It had the same operation in relation to wool. The tax imposed by this bill would amount, on a moderate computation, to three millions of dollars per annum, on the people. The gentleman from Massachusetts says, (and he may be more accurate,) that it will amount to six millions.

Mr. LLOYD, of Massachusetts, said, this item increased the duty upon this article 100 per cent. He proceeded to state the quantity of duck imported, with the amount of duty which had heretofore been levied upon it; and to make a comparison between those duties and that proposed in this bill. He denied that any encouragement had been extended to the commercial part of the community, except in regard to the coasting trade, and in relation to that it was merely nominal; he had never known any man to make a fortune by the coasting trade. If the restriction were removed, no foreigner could partake of this trade. Mr. L. spoke of the difference in expense, in building ships in this country, and in other countries. The object of the bill was not revenue; it was for the encouragement of manufactures, and yet it was proposed to tax some articles which were not manufactured in the country. He proceeded to remark further, in relation to the balance of trade, which had so often been said to be against the country, and answered the arguments drawn from the present prices at which cottons were afforded in the market, by showing that the war prices and the peace prices were taken in comparison, and that the difference between the machinery formerly employed and that now used, was not estimated. Mr. L. replied to the argument that the stock, evidences of debt, &c., were passing into foreign hands. Upon this point we could not hear his remarks.

Mr. DICKERSON opposed the amendment. He was willing to reduce the duty proposed upon duck, but did not see any reason why Russia sheeting should be included. He reviewed the course that had been taken by the Government in levying duties upon duck. He said that as fine duck was made in America as floated on the ocean; and stated that a considerable amount of capital had been expended in manufactories for this article. He said the manufacturers only asked for the benefit of the home market. The commercial interest had as much encouragement as

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this. Mr. D. adverted to the remark that we were adopting the Chinese policy, and spoke of the depressed situation of commerce, in consequence of its being overdone. Too much capital and too much labor had been invested in it. He asked what would have become of this capital, and the industry and enterprise of which the gentleman from Maryland had spoken, if the Government had not extended a helping hand to it when it was depressed to the earth? He then adverted to the former situation of the navigation of the country; its subsequent prosperity, the causes of that prosperity, and the acts that had been passed, giving exclusive encouragement to our own shipping. He could see no reason why the shipping interest should not bear its proportion of the taxes imposed by the Government.

Mr. LLOYD, of Massachusetts, explained in reference to an error fallen into by the gentleman from New Jersey, concerning the prices of duck. He read a letter from a distinguished merchant, respecting the relative quality and prices of American and Russia duck.

Mr. DICKERSON made a few remarks in reply.

Mr. SMITH replied to Mr. DICKERSON in regard to the nature of the acts which were stated to have been passed for the protection of commerce. He commented upon the importance of the trade to Russia, and the danger of losing it entirely—one reason, he said, that our commerce was so depressed was, that we were, by our own unwise policy, depriving ourselves of all foreign markets.

Mr. D'WOLF made some statements in relation to the price of duck in Russia, and upon the quality of the American duck.

Mr. HAYNE stated that the clause of the bill under consideration imposed a duty of 25 per cent. ad valorem on manufactures of silk, flax, and hemp, being a considerable increase on the present duties, when there could be no doubt these duties are already sufficiently high, and when the country is not prepared for the manufacture of such articles. A motion has been made to except "Russia and Holland duck and Russia sheeting," to which the gentleman from Virginia has moved to add osnaburghs, an article essential to the health and comfort of our slaves, and, in some degree, necessary to the poor in every part of the country. The Senate having refused to except osnaburghs, the same principle must prevent them from exempting duck and sheeting, as it cannot be pretended that those articles depend on different principles. Mr. H. said he should therefore vote against this particular exception, with the view of moving, at a future period, to strike out the whole section, and, by that means, to except not only duck and sheeting, but osnaburghs, and other articles of equal importance (which we do not manufacture) from a heavy and unreasonable tax. Mr. H. expressed a hope that the friends of commerce and of agriculture will unite in protecting the interests of both against the ruinous speculations of the manufacturers and their exclusive advocates.

The question on the motion of Mr. HOLMES,

of Maine, was then put, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Bell, Branch, Chandler, Clayton, Holmes of Maine, J. S. Johnston of Louisiana, King of New York, Knight, Lloyd of Massachusetts, Lowrie, Macon, Mills, Palmer, Parrott, Seymour, Smith, Thomas, Van Buren, Van Dyke, Ware, and Williams—21.

NAYS—Messrs. Barbour, Barton, Benton, Brown, D'Wolf, Dickerson, Eaton, Edwards, Elliot, Findlay, Gaillard, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, Kelly, King of Alabama, Lanman, Lloyd of Maryland, McIlvaine, Noble, Ruggles, Talbot, Taylor of Indiana, and Taylor of Virginia—26.

So the Senate refused to except duck and sheetings from the duty proposed in the bill.

Mr. ELLIOTT, of Georgia, then moved to amend the bill by striking out all the proviso which fixes a minimum price upon which the duties on cotton cloths, and cotton twist, yarn, or thread, are to be calculated.

This subject, said Mr. ELLIOTT, has been so much discussed, both in and out of Congress, that I would not now ask the attention of the Senate, were it not for the vast importance it has assumed as a national measure, and the deep solicitude it has awakened in the minds of those whom I have the honor more immediately to represent. As a national measure, sir, I consider its policy as more than questionable. The power "to lay and collect taxes, duties, imposts, and excises," was intrusted to Congress principally with a view to the revenue of the country; yet, in the judicious exercise of it, in the imposition of duties on foreign importations, it was intended to subserve the double purpose of augmenting the revenue and protecting the growing manufactures of the nation. These have accordingly been the legitimate objects of the laws hitherto passed by Congress in relation to this subject. The war of 1812 gave astonishing activity to our infant manufactures. Preventing almost entirely the introduction of foreign articles, it left the consumption of the nation to be supplied, in a great measure, by the efforts of domestic capital and labor. The extraordinary demand thus created for domestic articles insured to the manufacturers correspondent profits; and capitalists, forgetting the transitory character of the cause which occasioned this state of things, most improvidently invested large sums in manufacturing establishments. These establishments did well so long as the artificial stimulus under which they were created continued to operate. But the war at length closed, the monopoly was at an end, and ruin seemed inevitable. At this critical moment, sir, Congress interposed; and, although it was not possible to save all—many having paid for their establishments three or four times the value of them, and in some instances too with money borrowed from banks at extravagant rates of interest—yet it was hoped the prudent and the practical might be relieved. Accordingly, the law of 1816 was passed, under the assurance of the manufacturers themselves that they were satisfied with its provisions, but which were

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made still more favorable to them by the law of 1818, which subsequently passed on the same subject. The result of these acts at this time is a full Treasury and a tax on the consumption of foreign commodities, operating as a bounty on domestic manufactures of upwards of twenty millions of dollars annually! Thus far the nation has gone, if not cheerfully, certainly without excitement; for the wants of the Treasury seemed to justify it, and the depressed state of manufactures, from particular causes, called for something like the new regulations then adopted. But now, sir, our finances are adequate to the annual disbursements of the nation; and if they are not improving, they require not the augmentation of existing duties to sustain them. This, then, is not to be regarded as a revenue bill; its advocates will not succeed in attempting to pass it off on the nation as such. It is too apparent that its sole object is the profit of the manufacturer, at the expense of all those who may find it either convenient or necessary to consume foreign merchandise. And will Congress undertake thus to interfere with the employment of individual capital and labor? Shall we pass laws to regulate and control the private pursuits of the citizens of this free community? Are we prepared to assume the exercise of such a power in the face of the nation? To a revision of the tariff, sir, I should have had no objection. This is an operation which may be advantageously attempted at regular periods; with a view to a judicious distribution of the duties among the various objects of the tax. But, against a periodical increase of the imports of the nation, not called for by the existing state of the Treasury, but induced by the importunity of the manufacturing interest of the country, and for the sole benefit of this particular class, I do most solemnly protest.

I consider this bill, then, Mr. President, as laying the foundation of an odious system of restrictions in this country, which may not readily be laid aside, even after its pernicious effects shall have been ascertained. Its obvious effects will be to induce the investment of much additional capital in manufacturing establishments. And this transfer of labor and capital will continue to be made, until the competition excited shall cause the supply of the various articles produced, to exceed the demand, when a reaction must take place, and new bounties be required to sustain the unnatural system. And, think you, sir, you will then be able to resist the importunity with which Congress will be pressed to afford further encouragement? No, sir; you will probably be told, and that truly, that yours was the fault; you interfered unnecessarily in the private occupations of individuals, and by taxing the many for the benefit of the few, you induced, if you did not force, all the capital and labor employed in the manufactures, to take that direction; and you will be constrained by the amount of this capital invested, and now not to be withdrawn; if you are not compelled by the strength of the manufacturing interest on this floor, to go on with your sustaining measures, until you find the nation in-

volved in all the odious consequences of the British restrictive system. And what, sir, are the equivalent advantages promised you by the advocates of this measure? Domestic manufactures thus encouraged, say they, will render us independent of foreign nations. In one point of view, this is certainly most desirable. But are we not already physically independent? Has not this nation long since been able to produce all that is necessary for her support and defence? And is there any other attainable, or even desirable, independence for civilized communities? Absolute independence belongs not to civilized man; and it can be affirmed of the savage only from the paucity of his wants. The true independence of a civilized man, consists in the power of gratifying his wants; and this power depends on the quantity of consumable articles he can obtain in exchange for his surplus produce or labor. But this quantity will be greater or less in proportion to the extent of the market and the freedom of exchange. For it is from the profits of commercial intercourse, growing out of the mutual wants of civilized society, that enterprise is stimulated to seek out distant markets, where the most advantageous exchanges are to be effected. Every restraint, then, imposed upon him in these particulars, abridges this power, and necessarily lessens his independence.

Again, we are told that this restrictive policy will encourage home industry; and save millions to the nation!

The annual unproductive expenditures of a nation is the amount of its consumption. The cheaper, therefore, any nation can be furnished with the consumable commodities required for the supply of her wants, the less the tax upon her annual resources. If, under the operation of the existing duties, the national consumption is sixty millions of dollars, (I speak hypothetically,) and you add thirty-three and one-third per centum, by a new imposition of duties, will not the annual unproductive expenditure of the nation be increased twenty millions? A part of this sum, it is true, will go into the pockets of the home manufacturer, and may make him richer, but will it not leave the consumers poorer who have paid it? And who are these consumers? Nine tenths of the people; the great mass of the nation. Nine tenths of the people, then, are to be taxed most immoderately, to increase the annual receipts of the other one tenth; and this is called encouraging home industry! Sir, I protest against the use here attempted to be made of "the sacred associations of home." The generous impulses which are ever awakened at the mention of a spot so cherished and revered, should be reserved for great occasions, when individual sacrifices must be submitted to for the attainment of national objects. They should never be called into action for partial purposes; and, least of all, to aid a policy whose obvious effects will be, to diminish the fireside comforts of nine-tenths of the nation.

But how is this measure to save millions to the nation? Are the profits of our manufacturing establishments so much greater than those of

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commerce and agriculture, as to promise advantages to the labor and capital which may be transferred from the latter to the former? If so, they surely need no protection; but should be called on to furnish aid, if aid were necessary, to the less prosperous branches of productive industry. But, if it be true, as asserted, that manufacturers are so illly paid for their labor and capital, as to require the imposition of a heavy tax on the other branches of national industry to support them, how can the national wealth be increased, by forcing more labor and capital into a channel acknowledged to be so unproductive? Should this bill pass, the profits of manufacturers would be great indeed. But as the payment of them must be made for the annual resources of the nation, it would by so much increase the expenditure for national consumption; and the consumption of a nation is a subtraction from, and not an addition to, its annual wealth. I cannot perceive, then, that this measure will add any thing either to the independence, the industry, or the wealth of the United States.

But, I do think I can perceive many pernicious consequences which must result from its adoption. What, sir, will be its effects upon the commercial, navigating, and agricultural interests of the nation? These are so intimately connected that, in considering this subject, I choose not to separate them. They are, indeed, so bound together by the strongest ties of mutual dependence and reciprocal advantage, that no one of them can be seriously burdened without inflicting some correspondent injury on the others. The annual surplus produce of agriculture derives its value, principally, from that commercial enterprise which, by the means of navigation, seeks out for it the best markets, however remote—thus securing to it the highest prices, and supplying, in return, the consumable commodities of other countries, which may be wanted, on the lowest terms; while the profits of the labor and capital employed in these transfers, by the merchant and ship owner, gradually advances with the increasing demand for the supplies which they furnish. But the profits of this system of exchange must ever be in the inverse ratio of the restrictions imposed upon it. On the exports of the nation, the Constitution has wisely interdicted all burdens, while, on the imports, it has permitted Congress to lay and collect duties and imposts, as a legitimate source of revenue. And, notwithstanding the heavy losses experienced under the operation of the Milan and Berlin decrees, the disasters of the late British war, the pressure of the embargoes which preceded it, and the no less destructive effects of that unexpected competition which followed, on the sudden return of universal peace, the Treasury of the nation has already received, from this single source, about three hundred and fifty millions of dollars! This fact incontestably proves the value and importance of these branches of the productive industry of the nation, and justifies the policy which would cherish them as the foundation of its wealth and power. But, sir, the bill on your table proposes to protect and sustain an extended system

of domestic manufactures, by the imposition of excessive, if not prohibitory duties on imports. It is most manifest, then, that it contemplates additional restrictions on these important branches of industry, calculated not only to lessen their profits, but seriously to embarrass and depress them. As far as the duties approach to a prohibition, the commerce of the country will be suspended, and the shipping employed in furnishing the accustomed supply of the dutied articles be thrown out of employment. In the year 1807, fifteen ships were employed from the town of Salem alone, in the British East-India trade, and brought in principally white cotton fabrics, paying an ad valorem duty, and valued at upwards of four millions of dollars; but the laws of 1816 and 1818 imposed a duty so excessive on these articles, that, in the year 1819, two ships only could be maintained in the trade! A similar effect must necessarily be produced by these new regulations, whenever the duties are greatly increased; for, the duty being a tax upon consumption, the consumption will lessen as the tax is augmented. But the consumption will always regulate the supply. No more, then, will be imported than can be consumed; and the business of the merchant and the ship-owner must be abridged in the ratio of the diminished consumption of the nation. Nay, still further, sir—commerce being but the exchange of equivalents, a refusal on our part to receive imports must directly lessen our exports; for, how shall we be paid for our surplus productions, if we refuse to receive those of foreign nations, which are the only equivalents they can furnish in exchange? And may we not calculate, too, on countervailing measures from those nations whose produce we thus exclude from our markets? What has been the operation of the existing duties in this regard? An examination of our commerce with Spain and Portugal, will furnish the answer. Excluding the period of the late war between the United States and Great Britain, we will compare the imports and exports of the years 1810 and 1811 with those of 1817 and 1818; the first being before, and the last after, the imposition of the present duties.

In the years 1810 and 1811, there were imported into the United States, from Spain and her dependencies—

Wines, gallons	-	-	-	-	1,454,012
In the years 1817 and 1818—					
Wines, gallons	-	-	-	-	917,201
Difference	-	-	-	-	536,811
Spirits from grain, gallons	-	-	-	-	1,577
Spirits from grain, gallons	-	-	-	-	333
Difference	-	-	-	-	1,244
From other materials, gallons	-	-	-	-	1,017,653
From other materials, gallons	-	-	-	-	157,038
Difference	-	-	-	-	860,615

In the years 1810 and 1811, there were exported

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to Spain and her dependencies from the United States—

Corn, bushels - - - - - 1,563,509

In the years 1817 and 1818—

Corn, bushels - - - - - 158,888

Difference - - - - - 1,404,621

Flour, barrels - - - - - 855,419

Flour, barrels - - - - - 198,975

Difference - - - - - 656,444

Rice, tierces - - - - - 65,264

Rice, tierces - - - - - 21,989

Difference - - - - - 43,275

Tobacco, hogsheads - - - - - 13,733

Tobacco, hogsheads - - - - - 6,411

Difference - - - - - 7,322

In the years 1810 and 1811, there were imported from Portugal and her dependencies into the United States—

Wines, gallons - - - - - 918,046

In the years 1817 and 1818.

Wines, gallons - - - - - 612,660

Difference - - - - - 305,386

Spirits from grain, gallons - - - - - 54,090

Spirits from grain, gallons - - - - - 431

Difference - - - - - 53,659

From other materials, gallons - - - - - 33,916

From other materials, gallons - - - - - 20,966

Difference - - - - - 12,950

In the years 1810 and 1811, there were exported from the United States to Portugal and her dependencies—

Corn, bushels - - - - - 2,747,484

In the years 1817 and 1818—

Corn, bushels - - - - - 1,557,019

Difference - - - - - 1,190,465

Flour, barrels - - - - - 765,364

Flour, barrels - - - - - 138,493

Difference - - - - - 626,871

Rice, tierces - - - - - 70,963

Rice, tierces - - - - - 2,149

Difference - - - - - 68,814

Tobacco, hogsheads - - - - - 8,779

Tobacco, hogsheads - - - - - 881

Difference - - - - - 7,898

These facts show the pernicious effects of the duties already imposed on the importations from

these two nations; by which, at least thirty-five ships engaged in this traffic have been thrown out of employment, and their markets closed against our surplus produce. A similar effect has been produced in Holland, where the diminution of our importations, occasioned by the excess of the duty imposed, has been followed with a correspondent reduction of the consumption of American produce; particularly of tobacco and rice. The direct and obvious tendency, then, of the provisions of this bill, is to destroy our foreign commerce, bankrupt our merchants, and, by confining the surplus productions of agriculture at home, to diminish their value, and impoverish all classes of the community, except manufacturers.

And are you prepared Mr. President to pursue this disastrous course? In this enlightened age, when the wisest statesmen of Europe are yielding to the conviction of the deleterious operation of restrictive systems, and, under the guidance of a more liberal policy, are seeking to establish the intercourse of nations upon principles of reciprocity, will you, regardless alike of your example and your interest, lay the foundation of one of the most exceptionable character? Should you not rather improve the occasion, so auspicious for the purpose, to secure and multiply foreign markets, by increasing the facilities to foreign intercourse? Sir, your foreign commerce, consisting of nearly eight hundred thousand tons of shipping, and employing forty thousand seamen, is worthy of all your care and solicitude. In it is invested an immense capital, not less than thirty-five millions of dollars; whose employment gives the means of support to hundreds of thousands of the poor and laboring inhabitants of your seacoast. From this source also must you look for the strength and efficiency of your Navy. This is the school where seamanship is acquired, enterprise encouraged, and dangers rendered familiar. The hardy and adventurous sailor is to be found only where foreign commerce is duly appreciated and encouraged. Hitherto the commerce of the United States has been fostered and encouraged; and no nation ever boasted of seamen more skilful or patriotic than the American tars. Under the command of our gallant naval officers, what did not these meritorious men achieve for this nation during the last war? They first checked the proud triumphs of the enemy, and broke the talisman of British naval invincibility. They saved your Northern frontier from invasion, by the brilliancy of their victories on the Lakes—and on the Atlantic Ocean, they bore your flag in triumph even to the shores of England! Nay, sir, disdaining confinement within those limits, they doubled Cape Horn, and, with a single ship, created a fleet from the spoils of the enemy in the Pacific Ocean! The American Navy is no longer the theme of contumely and reproach; it has fought itself into the confidence and affections of the people, and is considered by all as an important arm of national defence. Most unwise, then, should we be, if, disregarding the honorable experience of the past, we not only neglect to foster and protect this invaluable establishment, but pass laws like the one on your table,

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in direct hostility to its future growth and efficiency.

But, sir, how will the provisions of this bill operate on your revenue? If the assertion I commenced with be correct, that the power "to lay and collect taxes, duties, and imposts," was intrusted to Congress principally with a view to the revenue of the nation, it is surely incumbent on us to see that we pass no laws, in the exercise of this power, which shall diminish the revenue. The amount of a revenue derived from imports must always be in the direct ratio of the consumption of the dutied articles; for, the consumption constituting the demand, will ever regulate the supply. But the consumption must necessarily depend upon the means of the nation to purchase the articles wanted. The less the price of these articles, then, the greater the means for their procurement; and, by consequence, the greater the quantity that will be consumed. But this bill proposes a considerable augmentation of the existing duties, which, being a tax on the use of the articles specified, must necessarily lessen their consumption by diminishing the means of payment. To what degree the consumption of the country will be affected by those new regulations, it is not possible to say with precision. Yet it may safely be affirmed, should the bill pass with its present provisions, they must lessen the receipts in the Treasury, after the first year, more than two millions!* And will there be no danger to the revenue from smuggling? The high prices consequent upon excessive duties have in every country produced an illegal supply of the dutied articles, by which the wants of the nation have been relieved, and the revenue defrauded. Could the Government so enforce the execution of this law as to prevent the illicit introduction of foreign goods, most of the new duties might be realized: for, such is the force of habit arising from the long use of particular articles, that more than their value might be obtained from those who could ill afford to pay for them. But England, with her thousand ships of war, and her army of revenue officers, has not been able to insure the execution of her laws on this subject. And the United States, in such a contest with her citizens, where the duties are deemed excessive, must prove equally powerless. Since the formation of this Government, under the wise imposition of moderate duties, there has accrued to the Treasury from imports alone, the sum of \$350,000,000! And, greatly to the honor of our merchants, this immense amount has been collected and paid into the coffers of the nation with the loss of less than one-fourth of one per centum! Sir, there is nothing in our history more creditable to our national character than this fact. And what is the lesson which it teaches? It shows you that, when your regulations are necessary for the support of Government, and not intended for partial purposes, the moral sense of the nation will sustain and enforce them. Let your laws, then, sir, be just, having

* The bill was modified, and the rate of duty greatly reduced after Mr. E. spoke.

for their object the public interest, and operating as equally as practicable on all classes of our citizens, and you will require no guards to secure to them their intended effect. But you have no right to calculate on the aid of this principle in the enforcement of laws of a contrary character. The reason of the case is totally different, and a moral and intelligent community will not hesitate long in drawing the proper distinction.

But should the revenue be diminished by this speculation in favor of domestic manufactures, the deficiency must be supplied from some other source. And agriculture, already languishing under these restrictions, from a diminution of her markets, must be subjected to additional burdens. In the present state of this cardinal branch of national industry, a system of direct taxation would be ruinous. Yet to such a measure the Government must resort in the event of a failure of the revenue from imports. The measure derived from this source is now adequate to the necessary disbursements of the nation, but the Treasury report shows it is gradually decreasing; and this diminution can be accounted for only from the diminished consumption of the dutied articles, occasioned by the weight of the tax already imposed. The agricultural interest, then, is deeply concerned in the impost regulations which are proposed in this bill; and it becomes those who have been deputed to represent it, to see that no higher duties are imposed than the finances may require, and that these be so distributed among the various objects of the tax as to result in the least sacrifices to the people, and the greatest revenue to the nation. A moderate system of duties, collected under the ad valorem system, has heretofore produced the happiest results in both these respects, and being recommended by the experience of thirty-five years, should not now, without strong reasons, be abandoned. As the duty is the price paid in the first instance by the importer, for the privilege of introducing foreign commodities into the home market, it would seem reasonable, if not necessary, that it should bear a direct proportion to the value of the article at the place where it was produced.

But this bill adopts another principle, and by an arbitrary valuation, twice, and in some instances, three times as high as the real costs, either entirely prohibits the importation, or burdens the consumption with the payment of twice or three times the amount of duty it seems to impose. In the first instance, the revenue is lost by prohibition; in the second, it is lessened by a diminished consumption, occasioned by the weight of the tax. And yet, in neither case does it appear to be the intention of the law to produce these effects. Sir, I protest against this masked legislation, as unworthy of Congress, and not reputable to the nation. The people of this Union are high-minded and honest, and they expect from your measures no more than meets the eye. They will never sanction acts whose designs are covered, and whose effects they cannot calculate.

Another strong objection to this bill is, that it imposes a higher rate of duties on the consumption

of the poor than on the rich. Low-priced cottons, such as plaids, stripes, gingham, muslins, and calicoes, are burdened with a higher duty than the finer fabrics which are used exclusively by the rich. And this, too, without any adequate reason to justify it; for the capital employed in the production of these fabrics is receiving at this time greater profits than that invested in any other branch of national industry. But the history of manufactures in England proves that such protection is not necessary to the success of this species of manufacture. Nay, sir, it proves that those flourish most which have been least protected; for her silk and woollen manufactures, which have been so amply guarded and protected by law, have languished, in comparison with her cotton manufactures, which have been left to the intelligence and energy of those who directed their operations. Instead, therefore, of thus unnecessarily increasing the burdens of the poor and laboring class of the community, the committee who reported this bill had much better have provided for the reduction in salt and the cheaper descriptions of tea, with a view to the relief of the necessitous. But by the provisions of the bill as it now is, it is proposed to tax those most who are least able to bear it. And should you enact a law of this character, would the public sentiment suffer it to remain on your statute book? No, sir; I think I hazard nothing in saying it would not long resist the common sense of the nation.

But, sir, I am constrained by the strongest motives of duty, to inquire what will be the probable effect of this bill upon the interests of the cotton growing States. These are entirely agricultural, as well by the habits of their people as the policy of their civil institutions. And their prosperity is of vital importance to the whole Union—for whether this nation is to become a manufacturing community gradually as its wants shall dictate, or more rapidly, by the force of artificial stimulants, the cotton of the South is equally necessary to the profitable employment of its capital and labor. Under our present policy, these States not only furnish the raw material for the cotton fabrics manufactured at home, but give employment to our navigating interest by offering to capitalists an export produce of the value of upwards of twenty millions of dollars, equal to nearly one-half of the whole exports of the United States.

But, if to the value of cotton exported,	\$20,445,320
You add for tobacco	6,000,000
For rice	1,820,985
For flour and corn	3,000,000
And for lumber of all descriptions, with naval stores, viz: tar, pitch, and turpentine	1,000,000

Making an aggregate of - - - \$32,266,505

You will have an export produce from the eight Southern States, being but one-third of the whole number of States, of more than four-sixths of the entire domestic exportation of the nation.

The quantity of cotton produced in 1822 was about 600,000 bales of 300 weight each, or 180,-

000,000 of pounds of all descriptions. Of this quantity, not more than 100,000 bales were required for domestic consumption. Five hundred thousand bales, then, or five-sixths of the whole produce, were left on the hands of the growers to seek a foreign market. Of these, four hundred and sixty-eight thousand seven hundred and sixty-five bales were exported to British ports; and the residue to France, Holland, and other places on the continent. From these facts it is obvious that the culture of cotton in the United States is supported principally by the foreign consumption of the raw material. And although the domestic consumption may be expected to increase, yet the capacity of the country to produce the article being equal to any exigency, a correspondent increase of the raw material must inevitably follow the new demand. It is, then, the interest of the States engaged in this valuable cultivation to cherish the subsisting intercourse with foreign nations, that the demand for these productions may not only be secured, but extended. But the continuance of a commercial traffic of this character, will depend upon the mutual profits of the exchanges which may be effected. And as raw materials are required only for manufacture, the most profitable exchanges for the manufacturer are the fabrics produced at his factory. Either, therefore, to prohibit the importation of these directly, or greatly to lessen their consumption by excessive duties, is to weaken the inducements to this traffic, and thereby to endanger the market for American cottons. Were there no other countries from whence cottons could be procured but the United States, no apprehensions of a loss of the market would be indulged. But when this valuable material is produced in the West Indies, in South America, in India, and even in Egypt, in quantities and qualities to suit the wants of the European manufacturer, no difficulty can be experienced in commanding a competent supply. And this supply will be sought in those countries where the consumption of the manufactured articles shall afford the greatest encouragement to the capital and labor employed in their production.

Under this view of the subject, sir, this bill is calculated most seriously to affect the interests of the South, by diminishing the value of its most important staple, and thereby causing the transfer of much labor and capital to other cultivations, now known to be less productive. But the effects of the measure will be felt, not only in the diminution of the receipts of the planter, but in the augmentation of his expenditure. As agriculturists, the inhabitants of the South purchase almost all the manufactures, of every description, which they consume. It is, then, obviously, their interest to procure these wherever they may be obtained on the best terms. And it is not easily perceived, as national is but the aggregate of individual wealth, how it can be the policy of any free Government to counteract the wishes of her citizens in this regard. A tax on the consumption of foreign articles, with a view to the support of the Government, will never be objected to by the people of these States. They cherish too strong an at-

tachment to this Union not to contribute, most cheerfully, their just proportion to the payment of the necessary expenses of the nation.

But, against a rate of duties higher than may be required for this object, and intended to sustain another interest, at their expense, they are bound to protest. This bill, sir, proposes a rate of duties, not only higher than that which is called for by the wants of the Treasury, but so excessive as to threaten a diminution of the consumption of the dutied articles, and, thereby, to impair the public revenue.

Cotton bagging is used exclusively within these States, and, as the manufacture of it requires but little capital and no skill, the new duty upon it is to be regarded as an additional tax on the cotton grower for the encouragement of the cultivator of hemp. The proposed duty, therefore, is objectionable, not only as being excessive, but because it is partial in its operation. Every tax should have for its object the promotion of the public interest, and be so imposed as to operate as equally as practicable on all classes of the community, throughout the various subdivisions of the Union. Nothing could wear an aspect more unkind or invidious than a tax on one subdivision of the Union, by which the profits of its capital and labor should be abridged, for the sole purpose of improving the condition and increasing the gains of another portion. Yet this duty will operate as a tax upon the agriculture of the South, for the benefit of that of the West; and, if the principle be correct, it may be carried into general operation; in which event, the various geographical divisions of the nation would be found arrayed in interests against each other, at the imminent hazard of that peace and harmony which are ever so essential to the public weal.

On the articles of coarse woollens, baize, plaids, and bombazetts, it imposes a duty which, with all the charges of importation, will exceed sixty per centum. But these fabrics compose the Winter garments of a great portion of the poorer classes of the community; and a particular description of them imported for that purpose, is extensively used for the clothing of our black population. And should this excessive duty be paid upon them, it would prove a most burdensome tax upon the consumption of these States. But I am persuaded, sir, its rigid exaction would soon force from our markets the accustomed supply of these goods, for the people could not afford to pay them. And when these shall be thus excluded, is it expected that the manufactures of the East and the West will be received as a substitute? No, sir; the ruinous effects of this restrictive system, if not a just sense of the injury inflicted on the resources of those States, for the benefit of a particular interest, a favored class, will prevent the consumption of any domestic fabrics which are not produced within their own limits. Economy in expenditure, from necessity, will become the order of the day, and no one will be disposed to purchase what he may be able to produce at home. However manufactures, then, may succeed in driving foreign competition from our markets,

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they will not be successful in their attempt to force the consumption of their fabrics upon us at the extravagant prices this bill will authorize them to demand. We, too, sir, may be taught to encourage home industry, and, if compelled to become independent of foreign manufactures, we may be induced to question the policy which would make us tributary to those of our own country. But, sir, should this bill pass, would it afford the relief anticipated by domestic manufactures? As it is not proposed to loan money to our manufacturers, it is obvious this measure will not directly increase the capital employed. Its only immediate effect will be to increase the profits of that capital. But, it is believed that those who are most importunate for relief, possess least of this capital; while the real capitalists are satisfied with the existing duties; wisely preferring stability in your laws, with certain profits, to those fluctuations inseparable from frequent changes, and whose results defy all calculations. Should this bill become a law, the profits of the capital now employed, under skilful management, will be immense. But this extraordinary management must soon attract so much additional capital and labor into this favored employment, as to overstock the market with the fabrics which would be produced; and, unless sustained by new stimulants, the whole system, like the bloated carcass of an epicure, must sink beneath the weight of its own indulgences. Nor could any relief be anticipated from exportation; for, if our manufacturers are unable to compete at home with foreign fabrics, having the advantage of the existing duties, how can they hope to succeed in other markets without the aid of any duty, and burdened with all the charges of exportation? Those, therefore, who possess but little capital would realize comparatively no benefit from this measure, while such as are in the skilful employment of an adequate sum would hazard the loss of the regular profits which they now enjoy in the vain hope of securing greater. I cannot perceive, then, that this restrictive policy would benefit ultimately, even the manufacturers themselves; and as I entertain no doubt of its deleterious operation on the interests of all other classes of the community, I must be permitted to express a hope that my motion will prevail; and that the bill will finally be rejected.

TUESDAY, May 4.

Mr. JACKSON, from the Committee on Military Affairs, to whom were referred the bill, entitled "An act to authorize the President to exchange five arpents of land, on the south side of the public lot at Baton Rouge, for an equal quantity of land on the north side of said lot;" and the bill, entitled "An act for the relief of Jacob Slough;" reported them severally without amendment.

Mr. SMITH, from the Committee on Finance, to whom were referred the bill, entitled "An act to authorize the issuing a register to the brig William, of New York; and the bill, entitled "An act authorizing the executors of John B. Mebane

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to collect certain arrears of tax," reported them severally without amendment.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Daniel Carroll, of Duddington, and others," reported it without amendment.

Mr. NOBLE, from the Committee on Pensions, to whom were referred the bill, entitled "An act for the relief of the legal representatives of John Lauderman," and the bill, entitled "An act for the relief of the legal representatives of Charles Bradford," reported them, severally, without amendment.

Mr. BARTON, from the Committee on Public Lands, to whom were referred the bill, entitled "An act for the relief of Joseph Firman and others," and the bill, entitled "An act for the relief of Maturin Guichot," reported them severally, without amendment.

On motion, by Mr. EATON, the Committee on Public Lands were discharged from the consideration of the bill, entitled "An act for the relief of the legal representatives of Fry and Spalding," and it was referred to the Committee on Finance.

Mr. McILVAINE, from the Committee of Claims, to whom were referred the bill, entitled "An act for the relief of Thomas L. Ogden and others," the bill, entitled "An act for the relief of Robert Strain," and the bill, entitled "An act for the relief of Landie Richardson," reported them, severally, without amendment.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of Amasa Stetson," and concurred therein.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of Captain Thomas Staniford," and concurred therein.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of Thaddeus Mayhew," and concurred therein.

The three bills yesterday brought up for concurrence, were severally read twice, by unanimous consent.

On motion, the bill, entitled "An act for the relief of Robert Brotherton," was referred to the Committee on the Judiciary.

The bill, entitled "An act for the relief of Edward Evans," was referred to the Committee of Claims.

The bill, entitled "An act for the relief of J. Ottramare," was referred to the Committee on Finance, to consider and report thereon.

THE TARIFF.

The bill from the House of Representatives, "to amend the several acts for imposing duties on imports," was again taken up for consideration, in Committee of the Whole.

The question was upon the motion submitted yesterday by Mr. ELLIOTT, to amend the bill, by striking out the proviso, which establishes the minimum upon which the duties on cotton cloths

and cotton twist, yarn, or thread, are to be calculated.

Mr. RUGGLES spoke in opposition to this amendment; on the general ground that the manufactures of the country ought to be encouraged; and, in particular, those which were in general use, and of absolute necessity, and for the manufacture of which we possess adequate means.

Mr. TAYLOR, of Virginia, spoke as follows:

Mr. President: The honorable Senator who has just sat down has selected the cotton manufacture, as indicating, by its success, both the course we ought to pursue as to the woollen, and even as to the entire system, without discriminating between the facilities attached to cotton, and without taking any general view of the consequences to be expected from the entire bill. Each of its items is said to be a national object, and each of its speculations, however local or selfish, conceals its true character, by assuming an epithet used by avarice to deceive ignorance. There is no better mode of detecting the artifice, and anticipating its designs, than that of reviewing the projects which have heretofore promised national blessings, and inflicted national calamities. Of these I have seen a succession, calculated to raise up a pecuniary aristocracy, at the expense of labor and industry; while each project as loudly protested that it only contemplated the good of the nation, as is done by the several items of this bill.

The first of these projects occurred on the establishment of this Government. The Revolutionary war had thrown into circulation a paper currency, State and Federal, of various denominations, such as paper money, certificates, and final settlements. Every body had obtained some of these currencies, and all had greatly depreciated. Under the pretext of establishing national credit a combination of men was formed, who ingeniously got possession of certain descriptions of these currencies, and effected a conversion of them, both principal and interest, into specie; leaving the great bulk of paper currencies, founded upon assurances equally solemn, and circulated by the same necessity, to perish without redemption. This mass being diffused among the people, the purpose of the proposed national project would not have been effected, had the same degree of justice been rendered to all. Next followed, for the national good, also the assumption of the State debts; but it resulted in giving a specie value to such portions of State currencies as had been monopolized, and leaving the rest to perish. Banking was the next project brought forward, also for the national good; and how far it has fulfilled this profession, or whether it has only effected its real design of transferring wealth from industry to fraud, the Senate knows. A tariff, to introduce and nourish manufactures, was the next national project. It professed a detestation of every mercenary view; and patriots—disinterested patriots—were even dug out of the earth in geological masses. The pension law was the last project which I shall recur to, in order to illustrate the pretext of national good, always used and seldom fulfilled.

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In order, sir, to display the effects of this succession of national projects, I have prepared an account, every item of which is extracted from, or sustained by, documents from the several departments, but chiefly from the returns of the Senate's resolution on the first day of March, 1823, which I had the honor to propose, for the purpose of obtaining facts to be used upon this subject, expected to occur at the present session.

But, before I adduce the account extracted from these returns, I must premise that the contrast thereby exhibited between nine and seventeen States is by no means intended as a complaint against the former, as States, on account of the great pecuniary advantages they already enjoy. These, so far as they are derived from the legitimate sources of superior skill and industry, do not excite any envy in the Southern States. Far from grudging them their just acquisitions of wealth, we participate in these genuine exhibitions of prosperity, and rejoice in the success of their honest industry. We complain only of legislative frauds, by which our property to a great extent, and theirs to some amount, is transferred from poverty to affluence—from labor to ease—and from industry to idleness. We complain, independently of the gross oppression thus inflicted upon individuals, that this policy is merely a copy of the English combination between the Government and capitalists, and only tends towards the establishment of a pecuniary aristocracy, such as that produced in England by the same process. We complain that this policy, so oppressive to a majority, and so adverse to the principles by which alone a just and free government can be preserved, has already proceeded here with such vast strides as that this legislative giant has become a match—perhaps an overmatch—for agriculture, ship-building, and commerce, united. We believe that this aristocratical pecuniary combination will constitute a more oppressive government here than in England, because there it can only intrigue with a very few interests; whereas here it can enlist geographical and local interests, as instruments to work on its side and provide for its avarice. In England, the agricultural interest is very different from ours—it is that of landlords, united by one impulse, too powerful to be coerced, and requiring equivalencies. Here the agricultural interest is divided by climates and dissimilar products. The legislative pecuniary aristocracy here may therefore enlist auxiliaries by local partialities, which it cannot do in England. It may get votes by indulgences to wool-growers and hemp-growers, and draw recruits from agriculture itself, to fight in its mercenary ranks. This fact forcibly illustrates the intention of the Constitution in giving to Congress a power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes;" to use the word *commerce* in accordance with the principles of the Union and the local independence of the States; to use it in the same sense obviously annexed to it in the cases of foreign nations and Indian tribes. As a pecuniary aristocracy could not convert these nations and tribes into victims

for feeding its avarice, in virtue of the word *commerce*, so that word was never intended to invest it with a power of rioting upon the entrails of devoted States. The uniformity required in the imposition of imposts and other taxes, corresponds with a construction of this word which leaves unimpaired the local justice and security intended to be established by this uniformity, and visibly interdicts the destruction of one of the plainest principles of our Federal Union, by giving to a single word, used in a particular case, and limited to a special application, a meaning which would obliterate substantially the uniformity required, and expose the members of the Union to the frauds and oppressions which this rule was intended to prevent.

I return to the account presently to be exhibited to the Senate. It consists of a retrospective view of the projects called *national*, by which the nation has been deluded to submit to an unconstitutional tribute, both fraudulent and oppressive. Sir, it is right to follow the example of one of the freest nations commemorated by history, in calling a spade a spade. The capitalists, however, whose *welfare* is not recited as an object of taxation by the Constitution, have, with wonderful ingenuity, persuaded us that a spade is a punch-ladle; and whilst they are loading us with tools to be laboriously used for their benefit, contend that spades, ploughs, and pitchforks, are instruments of luxury, filled with excellent viands, for the gratification of agriculturists. This exceeds the ingenuity of Lord Peter, in Swift's Tale of a Tub, who contended that a crust of bread was a leg of mutton—both of these might be eaten.

The following account is extracted from official reports, exhibiting the pecuniary advantages of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, and Pennsylvania. The Territories are included under the name of States, to avoid frequent distinctions, and to make the contrast complete.

Import and tonnage duties annually	\$23,932,114
Deduct the portion collected in the seventeen States	3,678,736
Collected in the nine States	20,253,378
Deduct one-third as paid or consumed by the nine States	6,751,126
Paid or consumed by the seventeen States	13,502,252
<i>Views of Tonnage.</i>	
Tonnage, including foreign trade, coasting, and fishery	1,324,699
Deduct one-seventh owned by the seventeen States	189,242
Owned by the nine States	1,135,457
Annual profit of tonnage owned by the nine States at \$20 a ton	\$22,709,140
Deduct one-third consumed by the nine States	7,569,713
Annual gain by the nine States from tonnage	15,139,427

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<i>Second view of Tonnage.</i>		
	Tons.	
Foreign trade tonnage reported in 1816	800,759	
Deduct one-seventh owned by the seventeen States	114,397	
Deduct one-third as consumed by the nine States	228,787	
Consumed by the seventeen States	457,575	
Annual gain of the nine States at \$20 a ton	\$9,151,500	
<i>Third view of Tonnage.</i>		
May 15, 1822, a committee reported the annual gain of the United States from foreign trade tonnage to be	\$20,000,000	
Deduct one-seventh as owned by the seventeen States	2,857,142	
	17,142,858	
Deduct one-third as consumed by the nine States	5,714,286	
Annual gain of the nine from the seventeen States	11,428,572	
So far, sir, these facts are stated as a basis for the two first items in the following account; and as from the Treasury report it appears that less than one-seventh of the impost and tonnage duties are collected in the seventeen States, their share of importations and tonnage is apparently rated too high.		
Annual imports of the United States about	\$77,000,000	
Deduct one-seventh supposed to be imported by the seventeen States	11,000,000	
	66,000,000	
Deduct one-third consumed by the nine States	22,000,000	
Balance in favor of the nine States	44,000,000	
Commercial profit on this balance, drawn annually by the nine from the seventeen States at 10 per cent.	\$4,400,000	
Annual gain on the balance of tonnage by the nine from the seventeen States	11,428,572	
Interest of national debt annually received by the nine States	\$5,079,482	
Interest received by the seventeen States	563,243	
Balance of interest received by the nine States	4,516,239	
Amount of incorporated manufacturing capital in the United States returned	\$70,656,500	
Add the factory capital of Rhode Island not returned	2,000,000	
Add for twenty-eight incorporated factories of unlimited capital in Vermont	1,000,000	
Amount	73,656,500	
Deduct the incorporated capital of the seventeen States	4,466,500	
	69,190,000	
Deduct a moiety as possibly unemployed	34,595,000	
Balance of factory capital in the nine States	34,595,000	
Annual gain by factories from consumers on this balance if the duties only average twenty per cent.	6,919,000	
Annual amount of pensions under the pension law	\$1,334,788	
Deduct received by the seventeen States	288,052	
Annual gain by the nine States at this time—heretofore it was more, hereafter it will be less	1,046,736	
Annual gain of the nine beyond the seventeen States, by the United States Bank	146,038	
Annual draft by the nine from the seventeen States	\$28,456,585	
A few remarks, sir, may be necessary to show the moderation and effects of this statement. No profit is charged to factory owners upon \$4,466,500 of incorporated capital in the seventeen States. If one half is unemployed, they receive upon the other half annually \$446,650, which, added to the factory acquisition charged, increases it to an annual tax upon consumers of \$7,365,650, under the existing tariff.		
The whole amount annually drawn by the nine from the seventeen States is \$28,456,585 according to this statement. Of this sum, 12,628,014 is imposed by legal contrivances, and \$15,828,572 gained by tonnage and importations. Is a policy beneficial to the people of the nine States, by which they are exposed to a risk of losing the income they derive from tonnage and importations, for the sake of extorting a tribute from industry, amounting to \$7,365,650, of which they must pay a portion, to be bestowed upon a capitalist interest?		
The Senate will observe that the results of the computation are probably too low to a considerable extent. No profit is charged on the advance of duties by the nine States, though, as these are added to the cost of the goods, and long credits given for them, they must produce a large profit. No coasting tonnage profit is charged, though that also must be great. The bounties to the fisheries are noticed. One half of the manufacturing capital is deducted, and the profit only computed upon the other half. The profit made by the nine States from the Bank of the United States is certainly too low. The charge of one-seventh of tonnage and importations to the seventeen States exceeds the reports. And the gain of ten per centum on the commercial business done by the nine for the seventeen States is probably too low, as it includes both the profit made on goods sold,		

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and on products purchased. It will also be discovered, by gentlemen better acquainted with the subject than I am, that sundry items which would have increased the inequality, are omitted in the account.

Sir, the deficiency of tonnage and importations in the seventeen States must arise from some cause. They have water, wood, and iron, and yet are almost without ships or commerce, except at the three points of Baltimore, Charleston, and New Orleans. What can this cause be but the annual drafts from their capital? Before these drafts were carried to their present enormity, the Southern States imported chiefly for themselves and had begun to build vessels. Why is it that the enumerated points suffer less by this defrauding policy than the other parts of the seventeen States? Because Baltimore and Charleston receive a considerable share of the tribute it imposes, and New Orleans is too far from the nine States to have its commerce intercepted. But even these points suffer considerably by the drafts coerced from the people, upon whose prosperity theirs depends, for patronizing a pecuniary aristocracy by fraudulent laws.

Sir, it has been said, that, if the seventeen States did not employ northern importers and tonnage, they must employ British. But this would not follow, unless Britain could prevent them from importing, or building ships, by legislating away their capital, as she did before the Revolution. Factories cannot be built, nor manufactures carried on, it is said, without capital. How, then, can ships be built, or the importing business be carried on, by the seventeen States, whilst exposed to an enormous annual draft from their capital? Protection means only capital or monopoly. Do not commerce and ship building languish in the seventeen States? Why, then, take away protection from them, if capital must be called by that treacherous name?

It is also said that the balance of trade with foreign nations is against us; and this being assumed as a fact, is repeatedly urged as a conclusive argument in favor of the tariff. The argument is, however, generally admitted to be delusive. A commercial balance of trade cannot be measured by money nor by custom-houses with accuracy. The prices at which the exchanged commodities sell, and the difference of labor employed in their production, owing to different climates and soils, go deeply into the subject. As it is impossible to discover these, and many other facts, necessary to bestow certainty upon the estimate, the conclusion assumed is obviously a deception. But, admitting it to be true, how stands the balance of trade between the nine and the seventeen States? If a balance of trade between nations and the United States is ruinous to the latter, will a balance of trade against the seventeen States, and in favor of the nine, enrich the former? There is, however, an obvious distinction between a supposed pecuniary balance arising from commerce, and a pecuniary balance arising from a tribute. Although the former cannot be correctly measured by money, the latter may.

Thus, it may happen that the apparent balance in favor of the nine States may be somewhat diminished by the inexplicable operations of commerce, whilst the tribute paid by one country to another, by a nation to a despot, or by the seventeen States to a pecuniary aristocracy, admits of little or no compensation. The latter constitutes a balance, not of a commercial character, but between industry and oppression, paid by one, and received by the other. It is true that both banking and the tariff, which operate in the same way upon these objects, promise a compensation to industry, as an indemnity for their spoliations, and we have now been in search of this indemnity for above twenty years. Have we found it? Industry relies upon faith alone for salvation, like an ultra Christian, and rejects visible works as wholly ineffectual. The Deity may reward us for our faith; but what proof did a pecuniary project or an aristocracy ever give of a title to this divine attribute? Alas! poor human nature. Where is its boasted intellect or dignity? It wants clothes, and strips itself to adorn an aristocracy. It wants food, and starves itself to feed an aristocracy. It wants drink, and thirsts to drench an aristocracy. It wants a circulating currency, and, to obtain it, pays to an aristocracy annual millions for a fraudulent one. Could it deprive itself of air and water for the same reasons, it would probably give further proofs of its wisdom, and render its manufactory of privations for itself complete. And it is induced to suffer all these privations by the delusion of an imaginary balance of trade with foreign nations.

History offers us many proofs that this balance is imaginary. I shall cite but two. Russia was raised from barbarism and poverty to civilization and wealth, by exchanging her agricultural products for European manufactures during several centuries. The same commerce, previously to their revolution enabled the provinces to subdue a wilderness, and to obtain unexampled prosperity and happiness. This arose from an exchange of agricultural for manufactured products, by which exchange mutual demands were created, and mutual wealth and happiness diffused. It might be difficult to ascertain whether Britain or the provinces flourished most during the period that this commerce was suffered to regulate itself. Then there were no banks nor tariffs to rob agriculture of its income, and enrich an aristocratical order of men; and exchanges, although confined to Britain, embraced such a multitude of individuals, as to endow the provinces with happiness and an ever-growing prosperity. At length, Britain, discerning the rapid acquisitions of the provinces arising from these commercial exchanges, became envious of their wealth, and resolved to fleece them of it by taxing them to enrich herself. She resolved to constitute herself by laws into a pecuniary aristocracy, and supplant the effects of commercial exchanges, by creating the oppressive balance measured by money. Such a tribute would have been precisely similar to the tribute imposed by banks and protecting tariffs, to bestow money on an internal aristocracy. But our gal-

lant and wise ancestors, discerning the difference between a tribute to an aristocracy and commercial exchanges, took up arms to repel the former project in its infancy, and free themselves from the meditated oppression. Can we, their sons, discern no difference between paying taxes to enrich domestic pecuniary combinations, or to obtain the blessings of a just and free Government? Will taxation, for the coffers of wealth, pay the national debt, or transmit the same degree of liberty to our descendants, which we received from our forefathers? Have we so degenerated, as to be blind to that futurity to which their foresight extended?

A curious pair of reasons is urged in defence of the protecting tariff project. It is often said that competition will destroy prosperity, and also that it will produce it. In support of the first assertion, the manufacturing factories loudly urge the prosperity they enjoyed in periods of war and embargo. In support of the second, they insist, that competition among themselves will in time produce national prosperity, by recreating the violated justice of a fair principle. But why is this hostage for protecting property, by securing it against the aggressions of legal frauds for transferring it to avaricious capitalists, to be suspended in order to revive it? Why should it be killed now, from a hope of a joyful resurrection?

The regret for the loss of war and embargoes expressed by the factory capitalists, is an illustration of the prosperity to be reaped by a pecuniary aristocracy from the destruction of competition; and the joy expressed by the people on the restoration of their prosperity when these calamities ceased, is a proof of the general prosperity produced by competition. A protecting duty tariff is, in fact, a war or an embargo in disguise, producing partially the very same evils produced by similar causes, under different names. The degrees or extent of these evils, does not alter their nature, however they may graduate the calamity; just as the same cause graduates the fluctuations of quicksilver in a thermometer, partial monopolies produce mischiefs comparative only in relation to complete monopolies, produced by wars and embargoes; but they are founded in the same principle, and, if pushed to their utmost extent, would terminate in the policy of a perpetual war or embargo. They are less expensive to the people, and less destructive of their wealth and happiness than complete monopolies, but, though a more tolerable oppression, they are still oppressive.

The enormous extent of this oppression, in reference to the seventeen States, will be seen, by recollecting the account which I have stated to the Senate. By that it appears clearly, I think, that the capitalists created and nurtured by laws, residing in the nine States, are now annually receiving above twelve millions drawn from the seventeen. This considerably exceeds the taxes paid by the nine States, and therefore, if States were only to be considered in estimating taxation and distributing money by laws, it is apparent that the nine States pay no taxes at all, and are, indeed, receiving a tribute from the seventeen, be-

cause the acquisition of the pecuniary aristocracy residing within the nine States, exceeds the sum paid by these States in taxes. The observation, however, does not apply to the people of those nine States, who are not pecuniary capitalists. They are defrauded by their contributions to the legal aristocracy, but not to the same extent with the people of the other States.

I return, sir, to the doctrines of competition, contending that it is both good and bad. The capitalists, whilst courting agriculture for the sake of her fortune, are obliged to advance contradictions by first telling her that protection against competition is necessary for their prosperity; and then, that a destruction of this protection by competition is necessary for the prosperity of all other interests. And agriculture, as if blinded by love, has been for years the dupe of this kind of reasoning. Admitting that competition between nations is a bad thing, and that a national monopoly is a good one, it does not follow that internal monopolies, by which one neighbor robs another, are also good. But, excluding the idea of monopolies inflicted by ourselves upon ourselves, upon the whole industrious class of society, to enrich a very few of its unproductive members; let us admit that it is wise policy in one nation to establish a monopoly which shall bring into its coffers the industry of another, and very foolish policy in the plundered nation to submit, like ignorant savages, to the operation. Here we have twenty-six nations concerned in the scramble for money. If it is wise for nine of them to get it from seventeen, by a long list of tariff monopolies, would it not also be wise for the seventeen to keep their own money, if they have any means of doing so? But how can they do it? By the same means which are used, as is said, to prevent a British nation bringing their manufactures here to get away the money of an American nation. A Virginian nation may use these means to prevent its money from being carried off by a Rhode Island, or any other nation. The notion that the twenty-six States are but one nation, is similar to an assertion that the kingdoms and principalities of Germany, probably as numerous, constitute but one nation, and, therefore, that there would be no harm if some of them could get the money of the others by monopolies or protecting duties. If this was attempted, would not some members of the Germanic Confederation be justifiable in using the means to keep their money, used by others to get it?

Tariffs, operating internally, are simply excises, with only one difference; the former cut off or take away money from some citizens to give it to others; the latter transfer the money to a Government. I remember, however, the case of an excise which happened whilst I was a youth, bearing a great similitude to a tariff. At that time, in the country where I lived, there were great bodies of uncultivated lands called ranges, very convenient for raising hogs. But it unfortunately happened that a race of men appeared who introduced the habit of excising this agricultural product most severely. At length a hog

raiser agreed to give the hog exciser ten per cent. of his annual crop of hogs, if he would consent to his keeping the rest for his own use. After a year or two, the hog exciser told the hog owner that he could not prosper without further protection, and the hog owner, thinking it better to save some of his hogs than none, agreed to give him twenty per cent. of his hogs if he would let him keep the rest. But the hog exciser was rendered by this twenty per cent. still more eager for further protection, and demanded thirty, which was also given by the hog raiser. Even this did not satisfy this tariff or excise man, and his demands became so extravagant that the patience of the hog raiser was exhausted, and in great anger he resolved not to submit any longer to the imposition.

Now what is to prevent the States, whose agricultural profits have been excised and excised, time after time, by tariffs upon tariffs, until they are nearly or quite cut off, from using excises, for the purpose of saving these profits. If a thief is in the habit of cutting away the purses of a whole community, surely that community may prevent him from bringing his knife among them. By the Constitution, the States may, undoubtedly, lay excises to prevent the tariff knife from cutting away their purses. They may extend these excises, as a tariff is extended, to prohibitions. If it was patriotic and magnanimous in Patrick Henry to exclaim "we must fight" rather than submit to some trifling tariffs, or excises, or taxes, imposed by England on the provinces, will it be also magnanimous and patriotic in States, which are not provinces, to submit to the perpetual payment of an imposition a thousand fold greater, to obtain the tyranny of a pecuniary aristocracy? It was said, that as God made iron ore, it would be impious not to use it, and that the tariff, as to iron, is necessary to avoid the crime of neglecting to cultivate the design of Providence. God also made the sea. Is it pious to intercept the comforts and blessings which it was intended to distribute throughout the world, by a tariff? To the same divine creation a man is indebted for two hands. Would it be pious to transfer one hand from some men to others? A tariff to enrich a capitalist interest does this, since there is no difference between taking away the hand itself, or what it produces.

But it is fortunate that the States need not fight to prevent the hands of their people from being amputated. They may impose prohibitory excises upon the factory-knives which cut away their purses. They may extend such excises to the four-footed animals coming from those States which have fortuitously concurred in whetting those knives. The latter is indispensably necessary to save the remnant of a perishing agriculture in the States which receive little or no share of the factory bounties. Although they cannot raise horses, hogs, and cattle, and the tariff principle, which dictates the exclusion of foreign competition to the factories for the encouragement of manufactures, dictates to the suffering States the exclusion of agricultural competition, for the encouragement of their own agriculture, by prohib-

iting the introduction of all animals which they can raise themselves.

Sir, the trade in live stock has been, and might continue to be, a highly beneficial one to the Western States, and yet they are about to destroy it by impoverishing their customers and compelling them to raise those stocks for themselves, under the notion that the tariff bill will convert the Western people into manufacturers. Europe was led into a competition with the Turks for the Holy Land, by a monk, who is said, by historians, to have been a mighty orator, and, after a vast expense of blood and treasure, the competition failed, because, on the part of the Europeans, it was an effort to break down the laws of nature. So will terminate the fatuity of the Western States. The laws of nature will inevitably frustrate their fanciful competition with the Eastern States, in manufacturing. They are remote from the ocean. Industry is not as necessary to the same extent for their comfort, as to the Eastern States. Centuries will elapse before their population will become sufficiently dense, to create the stimulus of want. And long, long, will it be, and may it be, before a high-minded people shall sacrifice the happiness and comfort of possessing the rich valleys of the Mississippi, and of its tributary streams, spacious enough to constitute an empire, for the purpose of waiting upon spindles, plunging into an hopeless competition, and placing upon a throne the tyrant called a pecuniary aristocracy.

Sir, the Western States have already tried the experiment, and are writhing under its lash. What has the existing tariff done for them? It has for years, with inexorable consistency, taken away the money annually gained, to a great amount, by their live stock trade. Had the Western States, during this period, manufactured for themselves, instead of pursuing the phantom of manufacturing for others, this money would have accumulated, and their distresses have long since disappeared. Instead of this, they have fostered the system of a capitalist or aristocratic privileged interest, and this system has swallowed up both their money and the money of the Southern States, the diminution of whose prosperity diminishes theirs. Severely lashed by the existing tariff, they expect a cure for their wounds from repetitions of the same afflicting experiment. They have engaged in a crusade to acquire wealth and liberty by endowing a pecuniary aristocracy, not attended by the poor equivalent of residing among them, with above twelve millions, annually, already, and now they propose greatly to increase the slavish contribution. They will, ere long, begin to compute and compare their waste money and liberty upon this project, with the money and liberty they will gain by a tax upon hemp and cotton bagging.

For, in truth, this is not a tariff bill to encourage manufactures. It is a bill of bargains, to enrich a pecuniary aristocracy. This aristocracy is a polygamist, and is, by this bill, courting a number of local interests, with a design to marry them for the sake of their fortunes; and, as Spindle attempted with Lady Truman, it proposes to bribe

them with small portions of their own estates, to get the rest for itself. Only give me, says the generous husband, about sixteen millions per annum out of your estates, and I will give to one sweetheart, because she is a sturdy lass, and has great influence, two taxes, one upon hemp and another upon cotton bagging, by which means the dear girl may get pin-money, and even depreciated paper. To another gentle shepherdess, I will give a tax upon wool. To a virago, a tax upon iron; and to a seafaring nymph, sundry little intricate trinkets. Well, the courtship may succeed for a time, but I foretell that these marriages will not last long, and that the avarice, infidelity, and insolence of the husband, will, in this inquiring country, very soon bring about divorces. Indeed, he is a species of helpmate who is always ready to repudiate a wife, if he can thereby get another who will bring him more.

I do not think that this is a question having any relation to political economy, or that the intricate distinctions upon that subject apply to it at all. On the contrary, it seems to me to be one proposing only two very plain considerations for public attention. Will a pecuniary aristocracy preserve a free form of government? Will it dispense individual justice? Already, by imposing upon ourselves a multitude of privations, we have raised this species of aristocracy to a power so formidable, that our newspapers have almost become its property; our tables groan under its presumptuous petitions; geographical districts are swayed by its patronage; and it is now attempting to impose an oppressive law upon all other interests, for the sake of extorting from them an enormous additional tribute for itself. If this new power, created by our laws, should already prove too hard, either by cunning or corruption, for the other interests of society, the question whether it ought to be submitted to or demolished, will next present itself to the people of every State. Then they will every where consider whether land is not the most valuable of all machines; whether it is not the basis or raw material for a long catalogue of the most valuable manufactures; and whether protection should be withheld from it, and its own capital transferred to the protection of other less important interests; especially when it is notorious that this policy or fraud has been persisted in, until the profit of agriculture is, in some parts of the country destroyed, and in others so greatly diminished, that capital every where flees from land, as if it was a grave yawning to swallow it up.

But there remains a more weighty objection to the system for nursing a pecuniary aristocracy into a political giant. It destroys substantially the essence of representation, and leaves only its form remaining. Wherever the aristocratical influence begins, there representation ceases. If this influence can sway legislative bodies, no effectual representation exists. All writers agree that the despotism of one country or district over another, or a geographical tyranny, is more cruel than a monarchical. Rome and Britain are witnesses to the fact. Our Constitution intended to abolish both geographical and monarchical tyranny. The uni-

formity of taxation was its precaution against the former. But, if a capitalist interest can influence representation, and mould the laws to enrich itself, representation becomes both its instrument, and a bandage over the eyes of the people. There is no representation unless the representative shall participate in the burdens which he imposes, and is prevented from creating monopolies of which he may share. Under our Constitution neither territories nor representation were intended to be consolidated; or law, geographically partial, to be enacted. It was never intended that the West should be the guardians of the East, nor the North of the South, nor that the specious but false idea of a national representation should be used to abolish a real representation, upon which a republican government must be founded, or finally cease to exist. Will it be said that a capitalist or pecuniary aristocracy have obtained a tribute of twelve millions annually without a revolutionizing influence over representation, and that, without such an influence, it may now add four or five millions annually to this tribute; or will it be said that this influence, compounded of a complication of bargaining between avaricious combinations and deluded geographical districts, between wealth and want, between cunning and ignorance, between fraud and delusion; in short, between the destructive meteor called a capitalist aristocracy, and those whom it bribes, that it may plunder about an eighth part of the globe? Will it be said that this influence is that kind of representation which will preserve republican government, and relieve the universe from tyranny?

When Mr. TAYLOR had concluded—

Mr. HAYNE next advocated the motion to strike out the minimum on cotton cloths. He gave a very precise and detailed statement of the operation of this provision in the bill, upon the various descriptions of goods, and proceeded to expose the impolicy of taxing these articles excessively, in order to gratify a few manufacturers. He contended that the cotton manufacturers were the last class of citizens that ought to come to Congress for assistance, as he knew, by recent personal observation, that they were the most prosperous men in the nation. He stated to the Senate the results of a visit he had made, within the past year, to the great cotton manufactories of the Northern States, to illustrate his position that these establishments were peculiarly prosperous, when carried on with the advantages of skill and capital. Mr. H. proceeded to comment upon the operation of the former duties levied upon cotton goods, and to state the losses of trade and of revenue which had resulted from those duties. He expressed his belief that very much of the distress of the country had been superinduced by the act of 1816, which imposed heavy duties on this article. He then adverted to the very small amount of cotton goods exported from the country, and averred that the manufacturers could not compete with the British, in the South American markets, when they cannot do it in our own, without these excessive duties. He insisted that England would not take our cotton, unless we purchased her

goods; and that this act would be followed up by countervailing duties, on the part of the British Government. He alluded to the example of England, in relation to this policy of levying protecting duties, and reverted to the circumstances which had made her a great nation. Her national greatness was not the result of her manufactures alone; but of the gradual and continued growth of all her institutions, and of all her different means of employment. He drew a comparison between the machine labor of England, and the agricultural labor of this country, advantageous to the latter. He spoke of the general course of labor, to seek its own level. Mr. H. then adverted to the frequent remark respecting the encouragement given to commerce, and to show that other national purposes authorized the laws confining the coasting trade to American vessels. The law imposing discriminating duties was merely to put our vessels on a footing with those of foreign nations. He drew a comparison between the protection that the Government had given to commerce, and that which had been extended to manufactures. He spoke of the prohibitory duties which had, from time to time, been imposed in England; a review of which, he thought, would demonstrate clearly the impolicy of encouraging the growth of manufactures by such means. He stated that one hundred different acts, having a view to bounty and restriction, had been repealed by the British Government. He read, from the recent proceedings of Parliament, to support his position; and concluded by begging gentlemen to pause before they adopted this measure in relation to an article of such great importance to the country.

Mr. DICKERSON replied to Mr. HAYNE. He had great confidence in the legal talents of the gentleman from South Carolina, but thought he was not the best person to examine cotton manufactories. A few individual instances in which these establishments were prosperous, he thought, ought not to be taken as a sample of the whole; he spoke of several in New Jersey, which were in a very different situation. He thought the tariff of 1816 had been very beneficial to the country, and proceeded to recount its benefits. He conceived that it would be no injury to the country, if the coarse foreign cottons were excluded from it. No one great employment, Mr. D. said, could give an inordinate profit, for the capital of the country would immediately be invested in it. He alluded to the remarks of Mr. HAYNE in reference to the loss which the country had sustained in its revenue, in consequence of the act of 1816. He hoped the time would arrive when we should not derive such a heavy revenue from importations. He contended that foreigners would always take from us what they want, of cottons and other articles, and no more. He considered the revenue of no importance to this question. He adverted to the general distress and bankruptcy which existed in the country. These bankruptcies had been produced by excessive importations, and the balance of trade being against us.

Mr. MACON next rose. He was surprised to

hear persons from the rich and fertile country, in the Western and Middle States, endeavoring to impress upon Congress the necessity of imposing taxes on the poor country in the South. He spoke of the general poverty of his part of the country, particularly in regard to soil. He alluded to early marriages in the West, as a criterion of its prosperous situation. He had always been, individually, a patron of American manufactures; but he wished to be a volunteer in that cause; he had no idea of being forced into it. He spoke of the folly of supposing this nation was to become great in consequence of its manufactures, because England had become so. He had rather see the people living upon their own lands, than pent up in manufactories. He wished to see the people independent in their mode of living. He did not believe that manufacturers were more industrious than other people. He denied that this measure was for the good of the nation. When people used the word nation, on this subject, they generally meant themselves. He said he disliked the tax on cotton bagging as much as this; and he should call the attention of the Senate to that subject again. Mr. M. again recurred to, and remarked further upon, the poverty of the southern part of the country.

Mr. LLOYD, of Massachusetts, spoke in support of the amendment. He replied to the remarks of Mr. DICKERSON. He believed there had been, at no time, more specie in the country than at present. He spoke of the low rate of interest at which money could be obtained. He asserted that, to the best of his knowledge, the cotton manufactories of New England were generally very prosperous—and spoke, particularly, of that at Waltham; with the history of which he was more intimately acquainted. He related the manner in which that factory was established; and read a minute of the dividends of profits that had been made by the establishment. Mr. L. stated that stock in that factory had recently been sold at sixty-five per cent. above par; this institution, he said, had been established without foreign aid, and he believed but one foreigner had been employed in it.

Mr. D'WOLF rose to speak to the question, but gave way to a motion to adjourn; and the Senate then adjourned.

WEDNESDAY, May 5.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom were referred the bill, entitled "An act to allow the bounty to vessels employed in the cod fisheries, in certain cases;" and the bill entitled "An act for the relief of Isaac Collyer and others," reported them, severally, without amendment.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom were referred the bill, entitled "An act for the relief of Benjamin King;" the bill, entitled "An act for the relief of James, Jehu, and Nathaniel Brooks, and the representatives of either of them;" and the bill, entitled "An act for the relief of Robert Brotherton;" reported them, respectively, without amendment.

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On motion, by Mr. MILLS, Amasa Stetson had leave to withdraw such of the documents accompanying his petition as do not appertain to the bill for his relief.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the petition of George Ulmer, made a report, which was read and considered; and, in concurrence therewith, the committee was discharged from the further consideration of said petition.

Mr. NOBLE, from the Committee on Pensions, to whom was referred the bill, entitled "An act for the relief of William Hall, an invalid soldier of the Revolutionary army," reported it without amendment.

Mr. LLOYD, of Maryland, from the Committee on the District of Columbia, to whom was referred the bill, entitled "An act for the benefit of the Columbian Institute," reported it without amendment.

A message from the House of Representatives informed the Senate that the House disagree to a part, and agree to the residue, of the amendment of the Senate, to the bill, entitled "An act concerning invalid pensions." They have passed a bill, entitled "An act for the relief of the heirs of Miguel Eslava;" in which they request the concurrence of the Senate.

The said bill was twice read, by unanimous consent; and referred to the Committee on Public Lands.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the issuing of a register for the schooner Five Sisters;" and a bill, entitled "An act for the relief of certain persons who have paid duties on certain goods imported into Castine;" in which they request the concurrence of the Senate.

THE TARIFF.

The Senate, as in Committee of the Whole, (Mr. KING, of Alabama in the Chair,) proceeded to consider the unfinished business of yesterday, being the bill from the House of Representatives, "to amend the several acts for imposing duties on imports."

The question was upon the amendment moved by Mr. ELLIOTT, on Monday last, to strike out that part of the bill which establishes the minimum for the calculation of the duties on cotton cloths and cotton twist, yarn, or thread; which proviso is as follows:

"Provided, That all cotton cloths whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which, at the place whence imported, with the addition of twenty per centum, if imported from the Cape of Good Hope, or any place beyond it; and of ten per centum, if imported from any other place, shall be less than thirty cents per square yard, shall, with such addition, be taken and deemed to have cost thirty cents per square yard, and shall be charged with duty accordingly. And that all unbleached and uncolored cotton twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost

sixty cents per pound, and shall be charged with duty accordingly. And all bleached or colored cotton yarn, twist, or thread, the original cost of which shall be less than seventy-five cents per pound, shall be deemed and taken to have cost seventy-five cents per pound, and shall be charged with duty accordingly."

Mr. BELL rose to ask some information of the gentleman from Massachusetts, in regard to the cotton machinery at Waltham; he had understood that great quantities of machinery, of a very valuable kind, were made at that establishment. He wished for information on that point; and what proportion of the profit had been made from that branch of the business; and, also, whether the concerns of that institution had not been, in some measure closed, and a reserved profit divided, for the purpose of joining their funds with another manufactory at Chelmsford.

Mr. LLOYD, of Massachusetts, replied, and gave what information he possessed, on the points upon which inquiry was made; and made some further statements in relation to the manufacture of cotton.

Mr. BELL commented on the information which had been given by the gentleman from Massachusetts.

Mr. D'WOLF replied, at considerable length, to remarks which were made yesterday, on the subject of the cotton manufacture. He proceeded to show the means by which the Waltham establishment had been made profitable; and remarked upon the necessity of further encouragement to this manufacture generally.

Mr. MILLS replied to Mr. D'WOLF; and made some further explanations in regard to the manufactory at Waltham. Mr. M. had been informed that not one cent of the profits made on the manufacture of machinery, at the Waltham establishment, had been divided; but that the profits on that branch of the business had been reserved.

Mr. SMITH supported the amendment. He replied to some of the arguments which had been adduced in favor of the minimum on cottons; and remarked that every cotton manufactory, which had been conducted with skill and capital, as that at Waltham had, had been profitable to the proprietors. He spoke of an establishment which had been erected in his own State; and which had failed for want of a competent knowledge of the business. The buildings and machinery having been sold to others better acquainted with the business, the establishment had become profitable. He proceeded to comment upon the operation of the Tariff bill of 1816.

Mr. D'WOLF explained, in reference to a remark he had made.

Mr. BENTON then rose. He had been perfectly satisfied, by the remarks of gentlemen on this subject, that the cotton manufacture was profitable, when conducted with skill and capital; and he rejoiced that it was so. He considered this article a fair subject of revenue; and that the duty now proposed to be levied would fall upon the rich and luxurious. He contended that the shipping interest would not be affected by this duty. Mr. B. described the kind of goods the tax

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would operate upon—he stated that it would hardly amount to more than a cent or two a yard, and that upon articles of luxury. He spoke of the operation of this bill upon the revenue of the country, and expected that our finances would be benefited by it. He reverted to the operation of the present minimum of twenty-five cents per yard, upon the India cottons, as highly beneficial to the country, and anticipated as happy results from the minimum now under discussion. Mr. B. commented upon the course England had taken, in regard to our articles of export. He contended that she could not jeopardize her manufacture of cotton, by any retaliatory measures upon this country, which would go to enhance the price of the raw material. He believed that too large a proportion of our population were employed in agriculture; as a great surplus of agricultural productions were on hand without a market. He spoke of the advantages this country possessed for manufacturing; and those circumstances which would save it from the demoralizing effects that attend these establishments in other countries.

Mr. DICKERSON, of New Jersey, spoke as follows:

Mr. President, as a number of gentlemen have taken advantage of this motion to afford them an opportunity of expressing their opinions upon the general principles of the bill, I feel compelled to follow their example. I yesterday expressed my opinions upon this minimum, in reply to the gentleman from South Carolina, (Mr. HAYNE,) to which I have nothing new to add, but will endeavor to give my views of the general principles of this bill, in answer to the observations upon this subject by the gentleman from Georgia, (Mr. ELLIOTT,) the gentleman from South Carolina, (Mr. HAYNE,) and the gentleman from Virginia, (Mr. TAYLOR.)

That some radical change in our system of agriculture, manufactures, and commerce, is required, is incontestably proved by the distressed condition of all those branches of industry. To apply the remedy is the business of Congress.

The prosperity of a nation can only be secured by fostering and protecting its industry. The whole secret of national wealth consists in finding profitable employment for all who are willing to devote themselves to labor. This is now well understood in most of the Governments of Europe, and adopted as the only means of prosperity, except in Holland, whose distress will, in time, compel her to adopt the same policy.

Ustaritz, a Spanish author of great financial and mercantile information, about a century ago, fully developed this source of national wealth for the benefit of his country, but in vain, perhaps to the injury of his country, for it taught the English the means of growing rich at their expense. The Spaniards, relying upon their mines of silver and gold in America, ceased to protect their industry at home, and depended upon other nations for their manufactures, especially upon England, which indirectly derived much greater advantages from the Spanish mines than the Spaniards them-

selves have done. Ustaritz predicted the ruin that this system would bring upon Spain. He advised his countrymen to pursue a contrary course. He advised them to protect their manufactures and their agriculture, but they thought their mines would enable them to grow rich, without devoting themselves to industrious pursuits. Had his advice been followed, it would have been worth to the Spaniards more than all their Indies. By neglecting it, they have become a fifth or sixth rate Power from being the first in Europe. By neglecting this advice they have, with all their gold and silver, become poor. Chaptal, upon French industry, says, "if Spain, rich in the productions of the new world, had preserved her pre-eminence in manufactures, she would, without doubt, be at this time the most powerful nation in Europe."

This source of national wealth has been discussed with great ability and zeal by writers in the United States, who must and will ultimately succeed in convincing the people at large, if not their representatives, that the Government, to secure the independence, the wealth, and power of the nation, must protect our agriculture and manufactures, as well as our commerce, navigation, and fisheries. The process is slow, but the final success is certain. Twenty years from this time, our country will duly appreciate the merits of authors upon this subject who are now reprobated as disturbers of the harmony of the country.

The importance of protecting industry applies more forcibly to the United States than to any other country. With a vast extent of fertile territory, under various climates, producing nearly every thing that our wishes or necessities require, if we are not prosperous and happy, it must be because we do not rely upon our own resources, but depend upon foreign nations for those supplies which nature has placed at our own doors. By the policy heretofore adopted, we suffer Europe to prescribe the laws which regulate the prosperity, or rather adversity, of this country. To this may be attributed the distress which has prevailed in almost every section of the United States for the last eight years.

It is to this that the balance of trade for that period has been against us to an enormous amount. It is to this that our gold and silver have been drained from the country. It is to this that our Government stock, bank stock, canal stock, and every kind of stock, that will be taken for foreign merchandise, is as well known upon the exchange at London as at Boston, New York, or Philadelphia. It is to this, that foreigners, by their agents, hold mortgages upon our lands to a large amount. It is to this that we pay to foreigners an interest of more than three millions of dollars, annually, upon the debts we owe them.

Our Government early saw the importance of protecting certain classes of the industry and enterprise of our country. Commerce was first attended to, because it furnished the channel through which we were to derive our resources. Navigation and the fisheries were attended to, because they afforded nurseries for seamen who

might be wanted for the defence of the country. Agriculture received great protection, (although not an adequate one,) because it has been justly esteemed the most important interest of our country. But the manufacturing interest has been neglected, from an opinion that the country was not yet prepared to encourage that kind of industry;—because (as was thought) it would operate to the injury of agriculture; because it would diminish the business of the merchant, and decrease the tonnage engaged in navigation; and because it would decrease the revenue. No one of which reasons has the least foundation in fact. Our population and capital engaged in navigation and in our domestic commerce is completely protected, and as much is done for foreign commerce as can be done; but over that we have not the entire control. Foreign commerce must always be somewhat precarious, inasmuch as it must depend more or less upon the disposition of nations with which we trade. But, whether protected or not, more has been done for it than for all other branches of industry together.

In the last eight years we have imported for our own consumption more than one hundred millions worth of manufactures, which we might have made and ought to have made for ourselves, while a large portion of our population have remained idle for want of employment. But it has often been repeated that there is sufficient employment for all the population of the country, without resorting to manufactures; that we have immense tracts of fertile lands, not cultivated, to which this population might be removed, and where they would soon become rich.

In some of the States this is not the case—all their good lands, except such as should remain for wood or pasture, are already under cultivation. Are the inhabitants of such States to be driven to the wilderness, to find employment in distant and uncultivated districts—to abandon society, friends, relations, their native soil? In doing this, they would not find their condition at all mended. By their labor they would gain a subsistence, but nothing more. For their surplus produce they could have no market, unless it should be cotton, rice, or tobacco; and these will soon cease to yield the profits they have done.

Does agriculture afford employment for the whole population of a country? In England, no more than one-third part are engaged in agriculture; and this is a larger proportion than is necessary. In the United States, five-sixths are engaged in agriculture—that is, three-sixths or one-half of the whole population is more than is required for the purpose. The consequence is, that they remain a great part of their time unemployed; and will even then have a large surplus of produce, which perishes on their hands for want of a market.

It is said manufactures require a dense population. Suppose the State of Pennsylvania, with a quarter of her present population; with no foreign market for her surplus produce—as is now the case, and must always be the case, with the interior of the State,—could all her citizens be

profitably employed in agriculture? There would be good land enough for cultivation, but what inducement could there be for raising more grain, and other provisions, than enough for their own consumption? Men will not labor without a view to reward. One-third could raise all that the whole would consume;—of course two-thirds, with the exception of those engaged in professional and mechanical employments, would remain idle; or the whole would be engaged about one-third of the time in agriculture, and spend the rest in idleness. This is actually the case with the interior of the United States, where there are no manufactures, and from which the produce of the soil would not pay the expense of transportation.

But, suppose that State to be as populous as England, and that they have a foreign market for their surplus produce—which they never will have, except for short periods, and in a way to do them hurt, and not good,—one-third would till all the soil that would yield a profit; and two-thirds, with a small exception, would remain without employment, unless engaged in manufactures. So that, whether our population be sparse or dense, there is an equal necessity that agriculture and manufactures should proceed together, and with an equal step—they mutually aid and support each other. Those engaged in manufactures withdraw from agriculture, and consume the produce of the farmer.

There was a time when the people of this country could all be profitably employed in agriculture, because there was abundance of good land, and a market for all their produce; but that time has passed by more than a century ago. It was when we had a small population near the seaboard, and when the whole country did not produce what a single State can now produce. The foreign market for breadstuffs can never again be an important object to the United States, perhaps never more so than at present; for, as soon as the late Spanish provinces in America shall be restored to peace, we shall have no foreign market for that kind of produce. But, suppose that Europe should want of us as much as she took in time of peace twenty-five years ago, a single State could furnish more than the supply. Our population doubles in twenty-five years, and our means of production treble in that time, while the population of Europe remains nearly stationary; of course, the market can be one of no great importance; in fact, the grain growing States must look for a market at home for their produce, which they never can have, unless manufactures are encouraged and protected. Manufactures from a distance cannot be paid for in the heavy produce of the soil, as the latter will not bear the expense of transportation. The manufacturing establishments must be placed in the districts where the supplies are produced, or no exchange can take place. Yet foreign dry goods find their way into the most remote parts of the Union.

If the ruinous state of our trade with Europe pressed equally on every part of the United States, it would be considered as an enormous evil, for

which an adequate remedy ought immediately to be provided. But the evil is greatly aggravated when we consider its unequal operation upon different sections of the Union.

In 1822, we imported to the amount of \$83,241,541
Our exports of foreign goods and produce, which properly belong to the carrying trade, amounted to - - 22,286,202

\$60,955,339

Domestic exports arising from the agriculture or manufactures of the country - - - - 49,874,079

Leaving a balance of imports over exports of - - - - 11,081,260

The whole domestic exports - - \$49,874,079

Of these, rice amounted to \$1,553,482
cotton to - - 24,035,058
tobacco to - - 6,222,838

31,811,378

Leaving of all other exports - - 18,063,701

Of this, the States exporting rice, cotton, and tobacco, export at least a fourth part - - - - 4,516,000

Leaving exports to the amount of - \$13,547,000

Which may be considered as the whole that the Eastern, Middle, and grain-growing States exported during that year.

The half of the imports, over and above the foreign exports, have probably been consumed by those grain-growing States, say - - \$30,477,669
Deduct their share of the exports - - 13,547,000

Leaving a balance against these States of - - - - \$26,830,669

Five and a half millions of it to merchants in Europe, and twenty and a half millions of it to the States producing rice, cotton, and tobacco. The next year, the balance, by a similar calculation, was not so much against the grain-growing States, but amounted to more than twelve millions in favor of the States producing rice, cotton, and tobacco; and this sum may be considered as the average balance for several years past.

So that, under the present state of things, the grain-growing States, consisting of at least two-thirds of the population of the Union, are compelled to take of European manufactures to the amount of twelve millions of dollars; that six or seven States may have the advantage of sending remittances in payment of those manufactures, and selling their bills for the same at an extravagant advance, in consequence of which the wealth of the grain-growing States is flowing in a constant stream to the States producing rice, cotton, and tobacco. If the grain-growing States had the power to prevent the importation of foreign produce and manufactures for their consumption, the Southern States would no longer receive the benefit of indirectly furnishing those supplies;

and are those Middle and Western grain-growing States forever to take twelve millions of manufactures annually, which they would under proper regulations make for themselves, that their neighbors may have a market for their produce to that amount—giving employment to all their capital and industry, while that of the other States remains unemployed? How long are we to remain in this state of vassalage? How long can we remain so? How long will our patience endure? How long our means last? Until we can understand our true interests—count our numbers, and rally our votes.

It is said there is nothing to prevent the success of our manufactures. They require great capital and great skill—they have not proceeded in any country without the aid and protection of the Government. In England, where they have arrived at the greatest perfection, they have received the greatest protection—in England, where they have received the greatest aid from Government, they have done the most for the Government. To manufacturing establishments that country owes her gigantic power.

Manufacturers cannot succeed unless capitalists can be induced to vest their capital in establishments necessary for those purposes. It is in vain to call upon our population not engaged in agriculture, to work at manufactures, when no capitalist will employ them. It is in vain to call upon the capitalist to invest his money in manufacturing establishments, when such investment would probably result in the loss of his capital. If the capitalist could compel the people to work at as low a rate of wages as in given in Europe, we could succeed; but men will not do that, unless famine is staring them in the face, which will not be the case in this country for some centuries to come—when our population shall begin to press upon subsistence.

The capitalist must be enabled to derive a reasonable profit upon his investment, giving a reasonable price for labor, or he will reserve his money, the value of which is enhanced by the distress of the country.

Sir, it is the true policy, and the true interest of the country, that the people should have employment that would yield them a reasonable price for their labor—they should be enabled to have the comforts of life, and to educate their families. The labor of the country is the wealth of the country. We owe every thing to the laboring classes—something is due to them. If any wish to see the laborers of this country compelled to work for a bare subsistence, I hope the number is small. Let the capitalist in this country have the same advantages in the investment of his money, in all branches of industry, as they have in England, and no more will be asked of the Government.

Smith, in his *Wealth of Nations*, shows the great importance of preserving the “balance which naturally establishes itself among all the various employments of society.” Premiums, he says, may be allowed, “as their tendency is not to overturn the natural balance of employments.”

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His system is to preserve this natural balance of employments, about which he is as solicitous as some politicians are for preserving the balance of power among nations. But the friends to the domestic industry of the country do not wish to overturn this natural balance of employments among the citizens of the United States, but to prevent its being overturned by the Powers of Europe, who are struggling by every possible means to make us pay for the produce of their industry, to the neglect of our own; this we must counteract, not by individual exertion, which would be inadequate, but by our laws. The Powers of Europe absolutely prohibit the produce of our industry that can interfere with their own, or lay such duties as amount to a prohibition. We should countervail this, by excluding the produce of their industry that could interfere with our own. England gives bounties and premiums to force her manufactures upon us; these ought to be countervailed, or the natural balance of employments in this country is overturned, not by ourselves, but by our rivals. The overgrown population of that country, now beginning to press upon subsistence, and the abject poverty of the laboring classes, oblige them to labor for a bare subsistence; from which circumstance, they are enabled to undersell us in our own markets. This should be counteracted. The laborers at the manufacturers receive a large portion of their support from the poor rates, which in fact have the operation of bounties to manufacturers. About one million of the population of England are relieved permanently or occasionally by the poor rates, for which purpose about six millions sterling are raised annually; probably a third of that may be considered as going to the support of the poor laborers in manufacturing establishments; and, in the work of Mr. Lowe, it is stated that the distribution of parish allowance to manufacturers in England operates as a serious comparative disadvantage of their humble brethren in the North, (Scotland.) Thus, when in a depressed branch, the wages are equal to only eight or nine shillings per week, the allowance of poor rate to the English manufacturer may, and generally does, carry his receipt to ten or twelve shillings—a difference which has had the effect of inducing a number of the Scottish workmen to forsake their homes.

This species of bounty must also be counteracted, or the distressed condition of the laboring classes in England must produce a correspondent distress in this country. In fact, if we do not provide means to counteract all these circumstances, which have a direct tendency to overturn the natural balance of employments in this country, England controls our destinies as much as she could do were we still her colonies. Unfortunately, a part of our country find it their interest to aid England in thus regulating the industry of this country; but this cannot be a large part. The shipping merchant, also, sometimes finds it his interest to promote the same system. A few cities and towns on the seaboard may also have the same views and interests, but the interior, now

containing the great body of the people, have an interest directly the reverse, which, until lately, they have not understood, but which hereafter will regulate their policy. A nation cannot be great or prosperous upon agriculture alone, nor upon agriculture and commerce—a nation to be truly great, must enjoy the benefits of agriculture, commerce, and manufactures; all these are required to give employment to the capital and industry of a country. But we are informed that this idea of a balance of trade against us is visionary; that the custom-house books afford no just criterion by which to judge; that, in fact, we cannot import more than we export; that imports and exports regulate and control each other; that, notwithstanding this supposed balance of trade has been uniformly against us, we have been constantly growing rich.

In 1815, the revenue upon our importations amounted to thirty-six millions of dollars. Was there no balance of trade against us then? The effect of that importation is felt to this day. We sent to England, in payment of that balance, all the money we could spare—a large portion of our Government stock, bank stock, and canal stock—the residue was paid off in bankruptcy to the amount of many millions. Had the United States been obliged to pay these balances due from bankrupts, every man in the Union would have understood that there was such a thing as an unfavorable balance of trade.

When we have sent away all our property that is capable of transfer, in exchange for articles of merchandise imported; and, when the merchants of Europe shall refuse to give us further credit, then, indeed, our imports will not exceed our exports, and the balance of trade will no longer be against us—a state of things to which we seem rapidly approaching.

It is said the country cannot be distressed, because there is a great plenty of money in our cities, the incontestable evidence of which is, that it may be loaned for five per cent.

Money may be plenty in our cities, while it may be extremely scarce in the country, and the system lately pursued of importing goods to the amount of twenty or thirty millions of dollars a year, which we ought to manufacture for ourselves, is calculated to produce this effect; but the circumstance that money may be had at a low interest, does not prove that money is abundant, but that there is no demand for it. Who will expend money now in the pursuits of agriculture or manufactures? And, as to commerce, it is overdone; those in debt want money, but the circumstance of their being in debt deprives them of the means of purchasing or obtaining the money. People in the interior of the country cannot obtain money from our cities.

We are also informed that the unfavorable rate of exchange upon London is no indication of an unfavorable balance of trade. The gentleman from South Carolina (Mr. HAYNE) seems to think that he has discovered the whole mystery of the rate of exchange. He informs us that the currency of England is gold; of this country, silver;

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that gold to silver there bears a higher ratio than here; that the present rate of exchange, (that is, nine per cent.,) is really exchange at par; that a bill on London here for 100 pounds, which would cost 109 pounds, would there be worth 100 pounds in gold, and 109 pounds in silver; that, in fact, if the currency of both countries was gold or silver, a bill on London for 100 pounds would now cost no more than 100 pounds here.

The value of gold, compared to silver, is, in this country, as one to fifteen—in England, as one to fifteen and two-tenths; but, if the gentleman is right, gold, in England, is to silver as one to sixteen and thirty-five hundredths; while, in France, as well as here, it is as one to fifteen. The consequence would be, that silver would immediately leave England for France and the United States, and gold would flow into England till the equilibrium should be restored.

Until November, 1819, gold, and British gold, was the currency and legal tender in this country; yet the rate of exchange was more against us then than now. In February, 1816, the rate of exchange upon London was 15 per cent. against us; would a bill on London then for £100 purchase silver to the amount of £115? If so, it was not because gold was the currency there, and not here. Why is the rate of exchange with other countries, in which silver is the currency, about as much against us as that upon London?

Gold can be had here in exchange for silver at one per cent. advance; freight and insurance to England one per cent. more. It would be quickly sent there as an article of merchandise, if the gentleman is right. Doubloons are now advertised in Boston for sale. I shall relapse into what the gentleman may think my old errors, and believe that there has been, is, and will for a time continue to be, such a thing as a balance of trade against us; and that a rate of exchange of nine per cent. against us is an indication of this unfavorable balance of trade.

Mr. EATON then moved to amend the bill, in the proviso respecting the minimum on cotton goods, so as to make the minimum of thirty-five cents per yard inapplicable to goods which cost fifteen cents, and less than that price, and to leave those goods subject only to the present existing minimum of twenty-five cents per yard.

This motion gave rise to some cursory remarks by Messrs. EATON, LLOYD of Massachusetts, HAYNE, MILLS, TALBOT, and FINDLAY.

Mr. HAYNE moved to amend the amendment by extending it to goods which cost twenty cents. This was not agreed to.

The question was then put on Mr. EATON's amendment, and decided in the negative.

Mr. HOLMES, of Maine, then moved to amend the bill, by reducing the minimum upon which the duty on cotton cloth is to be calculated, from thirty-five cents to thirty cents per square yard. This amendment was agreed to, twenty-eight members voting in the affirmative; and so the minimum on cotton cloths was reduced to thirty cents.

The question was then put on Mr. ELLIOTT's

motion to strike out all the proviso relative to the minimum on cotton goods, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—23.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—24.

So the Senate refused to strike out the minimum on cotton cloths, and cotton twist, yarn, or thread.

Mr. HOLMES, of Maine, then moved to amend the bill by striking out from it the following clause: "On all foreign distilled spirits, fifteen per centum upon the duties now imposed by law, and in addition thereto."

Mr. HOLMES spoke briefly in support of his amendment; as, also, did Mr. LLOYD, of Massachusetts. It was opposed by Messrs. TALBOT and FINDLAY. The question upon the amendment was then put, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Bell, Branch, Chandler, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Henry Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Macon, Mills, Parrott, Seymour, Smith, Thomas, Van Dyke, Ware, and Williams—28.

NAYS—Messrs. Barton, Benton, Brown, D'Wolf, Dickerson, Edwards, Findlay, Jackson, Johnson of Kentucky, Lloyd of Maryland, McIlvaine, Noble, Palmer, Ruggles, Talbot, Taylor of Indiana, Taylor of Virginia, and Van Buren—18.

So the proposed duty on foreign distilled spirits was stricken out.

Mr. SMITH then moved to amend the bill, by striking out the clause which imposes duties on unmanufactured wool; and the Senate adjourned.

THURSDAY, May 6.

On motion by Mr. SMITH, the Committee on Finance were discharged from the consideration of the bill, entitled "An act for the relief of the legal representatives of Fry and Spaulding;" and it was referred to the Committee on the Judiciary.

On motion by Mr. LANMAN, Thomas Staniford had leave to withdraw his petition and papers.

Mr. LLOYD, of Maryland, from the Committee on the District of Columbia, to whom was referred the bill, entitled "An act supplementary to the act to incorporate the inhabitants of the City of Washington, passed the 15th of May, 1820," reported it with amendments; which were read.

Mr. SMITH, from the Committee on Finance, to whom was referred the bill, entitled "An act for the relief of John S. Moffett," reported it with an amendment.

The bill from the House of Representatives, "for the relief of certain persons who imported goods into Castine, during the late war," and the bill "authorizing the issuing of a register to the schooner Five Sisters," were read twice, and referred to the Committee on Finance.

Mr. BARBOUR submitted the following motion for consideration:

Resolved, That — thousand copies of the act, entitled "An act to amend the several acts for imposing duties on imports," which passed the House of Representatives, April 19, 1824, be printed; and the Secretary of the Treasury is hereby authorized and directed to cause them to be distributed, by directing a part thereof to be sent to every post office in the United States. And it shall be the duty of each postmaster receiving the same to place them in the hands of the people.

Resolved, That the Secretary of the Treasury make a report to the Senate, at the next session, as to the probable effect of this bill on the revenues of the country; on the shipping, manufacturing, commercial, and agricultural interests. That he report, in particular, on the state of the iron factories; and, as far as practicable, what has caused their failure, where they have failed; and their success, where they have succeeded; and what duty is necessary to bring them into successful competition with foreign iron. That he report, also, on the condition of the woollen, cotton, and coarse linen factories; how far their establishment has contributed to influence the price of their manufactures, the amount of the revenue, or the interests of the United States; what encouragement they need; if any, how it shall be applied. That he report, also, on the state of the culture of hemp, and why it is that it has not been used in the Navy of the United States. That he also report, if protection is to be given to particular industry, whether it would not be more politic to give bounties than to lay duties. That he also report such information as he may possess, as to evasions of the revenue laws by smugglers. And, finally, that he furnish, in his report, whatever information he may esteem pertinent to any and every part of the bill.

Mr. BARBOUR briefly explained his objects, in the introduction of these resolutions, and Messrs. LLOYD of Maryland, TALBOT, and FINDLAY, made a few cursory remarks in opposition to them. The resolutions were ordered to be printed.

THE TARIFF.

The bill from the other House, "to amend the several acts for imposing duties on imports," was again taken up for consideration in Committee of the Whole, Mr. KING, of Alabama, in the chair.

The question was upon amending the bill, in pursuance of the motion which Mr. SMITH submitted yesterday, to strike out the clause imposing a duty on unmanufactured wool.

Mr. BARBOUR moved that the bill be postponed to, and made the order of the day for, to-morrow. His reasons were, that some of the numerous private bills now before the Senate should be taken up, and that he might have the opportunity of explaining his views to-morrow, on the resolutions he had submitted this morning, which have relation to this subject. The motion was opposed by

Messrs. LLOYD of Maryland and TALBOT. It was decided in the negative.

The question then recurred on Mr. SMITH's motion to amend the bill by striking out the clause proposing to levy certain duties on unmanufactured wool. Mr. SMITH now varied his motion. The bill as it came from the other House, proposes an immediate duty of twenty per cent. ad valorem on unmanufactured wool; which duty is to be increased progressively, until the first day of June, 1830, after which time it is to remain at fifty per cent. ad valorem. Mr. S. proposed to strike out all that part of the clause which specifies the duties on this article, and to make it read as follows: "On wool unmanufactured, eight cents per pound."

Mr. SMITH addressed the Senate in support of this amendment. Messrs. RUGGLES, HOLMES of Maine, CHANDLER, LLOYD of Maryland, TALBOT, JOHNSON of Kentucky, BROWN, D'WOLF, and DICKERSON, severally spoke in opposition to the amendment. Messrs. LLOYD of Massachusetts and MILLS also opposed the motion to amend. They were against the imposition of the duty proposed by the bill on this article, but thought, if any duty was to be imposed, it ought to be an ad valorem duty; as the great difference in the price and quality of this article would render a specific duty very unequal in its operation.

Mr. LLOYD, of Massachusetts, stated that he considered the reasoning of the honorable gentleman from Ohio to be conclusive against a specific duty, which would impose the same rate of duty on wool which cost ten cents a pound with that which would cost one hundred. He observed that the legitimate object of the bill was to protect the manufactures of the country, and of these none were more worthy of the patronage of the Government than the manufacture of woollens, none incorporated itself more intimately with the Northern and Western agricultural interests of the Union, and he believed none was at present more depressed. One principal object of the bill was to encourage this manufacture, to enable it to enter into competition with the manufacturers of Great Britain; and to do this, we were imposing a heavy duty on the raw material at the time when Great Britain was taking it off. In England, the manufacture of woollen had been an object of great national attention; for a long time it had no duty, or only one of about three farthings a pound, probably to ascertain the quantity imported. This was the case until 1819, when the exports of woollen had amounted, for a course of years, from eight to ten million pounds sterling a year. On the imposition of this small duty the export declined, and in 1823, fell to five million five hundred thousand pounds sterling, and the Germans and the French interfered with them and got part of the export. This, he said, was the secret of the proposed repeal of the duty of six pence in England when we were putting it on. He would, therefore, advocate, in preference, striking out the duty, though he knew the agriculturists might be averse to it; and, if this were the case, he should reluct at it.

But some of them thought the duty would be injurious to the wool grower; and this he knew from a letter he submitted to the Senate from a very respectable and experienced gentleman, at present a farmer in Vermont, a large wool grower, and owner of sheep, and to whom the United States were principally indebted for the introduction of the invaluable race of merino sheep. He alluded to Wm. Jarvis, Esq., late United States Consul at Lisbon, and who was decidedly of opinion that the duty on imported wool would, by its reaction, prove its discouragement of manufactures, lessen the demand for the wool, and consequently, the price in the market, and injure, instead of benefiting, the wool-grower.

Mr. ELLIOTT called for a division of the question, and the Chair declared the question to be first upon striking out the proposed duty on unmanufactured wool.

Mr. SMITH then withdrew his motion to insert a specific duty of eight cents per pound, and the question then remained upon striking out.

Mr. MILLS said he was perfectly willing to vote for a reasonable duty on the importation of wool, but not so high a duty as the highest progressive duties proposed in this bill. He therefore moved to amend the bill by striking out so much as proposes the prospective increase of the duty on wool, over twenty-five per centum ad valorem. The question was then put upon this amendment, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Van Dyke, Ware, and Williams—21.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren—26.

So the Senate refused to adopt the amendment proposing to limit the duty on wool to twenty-five per cent.

Mr. ELLIOTT then withdrew his proposition to divide the question, which proposition would have made it necessary to put the question on striking out all of the proposed duty on wool.

Mr. MILLS then moved to amend the bill by striking out so much as proposes the prospective increase of the duty over thirty per centum ad valorem. The question was put on this amendment, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, H. Johnson of Louisiana, J. S. Johnson of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Van Dyke, Ware, and Williams—25.

NAYS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Johnson of

Kentucky, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, and Van Buren—22.

So the Senate agreed to limit the duty on unmanufactured wool, to thirty per cent. ad valorem; and the clause imposing duties on that article, stands thus, as amended:

"On wool unmanufactured, a duty of twenty per centum ad valorem, until the 1st of June, 1825; afterwards, a duty of twenty-five per centum ad valorem, until the 1st day of June, 1826; afterwards, a duty of thirty per centum ad valorem: *Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more."

Mr. LLOYD, of Maryland, then moved to amend the bill, by striking out the following proviso:

"*Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more."

The question was then put on this amendment, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Benton, Branch, Chandler, Eaton, Findlay, Jackson, Johnson of Kentucky, J. S. Johnson of Louisiana, Knight, Lloyd of Maryland, Lowrie, Macon, Parrott, Ruggles, Talbot, Taylor of Indiana, Taylor of Virginia, and Williams—18.

NAYS—Messrs. Barbour, Barton, Bell, Brown, Clayton, D'Wolf, Dickerson, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, Kelly, King of Alabama, King of New York, Lanman, Lloyd of Massachusetts, McIlvaine, Mills, Noble, Palmer, Seymour, Smith, Van Buren, Van Dyke, and Ware—29.

So the Senate refused to strike out the proviso.

Mr. SMITH then moved to amend the bill, by inserting the following:

"On all articles of silk, or of which silk is a component part, manufactured in India, China, or any other country beyond the Cape of Good Hope, a duty of twenty-five per centum ad valorem."

This amendment gave rise to a short discussion, in which Messrs. SMITH, LLOYD of Massachusetts, DICKERSON, TALBOT, LOWRIE, and BENTON, engaged.

Mr. DICKERSON moved to amend the amendment, by striking out "twenty-five per centum," and inserting "thirty per centum." This was negatived.

The question was then put on Mr. SMITH's amendment, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Branch, Elliott, Gaillard, Hayne, Holmes of Miss., H. Johnson of Louisiana, J. S. Johnson of Louisiana, Kelly, King of Alabama, Lloyd of Maryland, Smith, and Williams—12.

NAYS—Messrs. Barbour, Barton, Bell, Benton, Brown, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, King of New York, Knight, Lan-

man, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Parrot, Ruggles, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, and Ware—35.

So the Senate rejected the amendment proposing a duty of twenty-five per cent. on India silks.

Mr. KING, of New York, then moved that the bill be amended, by striking out all that part which provides for the highest progressive duty, of 37½ per centum ad valorem, "on all manufactures of wool, or of which wool shall be a component part." This motion produced considerable discussion, in which the mover, and Messrs. HAYNE, SMITH, DICKERSON, TALBOT, MILLS, LLOYD of Massachusetts, RUGGLES, and TAYLOR of Virginia, engaged. The question on this amendment was then put, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Jackson, Henry Johnson of Louisiana, Josiah S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—28.

NAYS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Holmes of Maine, Johnson of Kentucky, Lanman, McIlvaine, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas—18.

So the Senate agreed to strike out the highest rate of duty on woollen manufactured goods; this vote leaves these articles subject, by the provisions of the bill, to a duty of 30 per cent. ad valorem, until the 30th day of June, 1825; and, after that time, to a duty of 33½ per cent. ad valorem.

Mr. CHANDLER then moved to amend the bill, by excepting Russia, Holland, and Raven's duck, from the duty of 25 per centum ad valorem, imposed, by the bill, upon all manufactures of cotton, silk, flax, or hemp; and to subject those articles to certain specific duties.

Some remarks were made, upon this proposition, by the mover; and by Messrs. TALBOT, SMITH, MILLS, and HAYNE.

Mr. HAYNE observed, that he should vote against the motion, because he thought there were other articles of equal importance, which ought to be excepted, and which were, on principle, equally entitled to exemption. Mr. H. repeated, that he would give his support to a proposition to strike out the whole section, or to exempt from its operation all articles of prime necessity, in which any part of the country is deeply interested. But surely the gentleman from Maine could not expect to have the bill moulded so as to suit his own views, and the peculiar interests of his own State, while he refuses to consult the interests of others.

The question was then put, and the amendment was disagreed to, fifteen members voting in the affirmative, and thirty-one in the negative.

Mr. HAYNE then moved to amend the bill, in the following clause: "On all manufactures, not

herein specified, of cotton, silk, flax, or hemp, or of which either of these materials shall be a component part, a duty of twenty-five per centum ad valorem," by striking out therefrom, the words "flax or hemp."

Mr. H. said, he made this motion to redeem a pledge which he had heretofore given. If it prevailed, duck, sheetings, and osnaburgs, would be equally protected; and articles of prime necessity, which we are not prepared to manufacture, will be exempted from an onerous tax; a tax which would produce great inconvenience to the people.

The question on Mr. HAYNE's amendment was then put, and determined in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware and Williams—22.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—25.

So the Senate refused to exempt articles manufactured of flax or hemp, from the proposed duty.

Mr. MACON then moved to amend the bill, by striking out the following clause: "On cotton bagging, four and a half cents per square yard."

This motion gave rise to some discussion; in which Messrs. MACON, JOHNSON of Kentucky, HOLMES of Maine, TALBOT, SMITH, and BENTON, participated.

The question was then put, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, H. Johnston of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—23.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas—24.

So the Senate determined not to strike out the proposed duty of four and a half cents per square yard, on cotton bagging; and the Senate adjourned.

FRIDAY, May 7.

The PRESIDENT communicated a report from the Secretary of State, made in pursuance of the fifth section of the "Act regulating passenger ships and vessels;" which was read.

Mr. SMITH, from the Committee on Finance, to whom were referred the bill, entitled "An act

for the relief of certain persons who have paid duties on certain goods imported into Castine; and the bill, entitled "An act for the relief of Benjamin Desobry;" reported them severally without amendment.

He also reported the bill entitled "An act for the relief of J. Ottramare;" with an amendment; which was read.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Dean Weymouth," reported it without amendment.

Mr. NOBLE submitted the following motion for consideration:

Resolved, That the Secretary of War be directed to lay before the Senate, on the first day of the next session of Congress, the names of all the pensioners on the pension list up to the 4th of September next, in consequence of wounds received in the Revolutionary war, under the several acts of Congress; the amount paid to each per annum; the State to which each one belongs; and the amount of money, per annum, paid to the aforesaid pensioners; and, in like manner, the names of all the pensioners placed on the pension list up to the 4th of September next, in consideration of wounds received during the last war, by virtue of the several acts of Congress; the amount paid to each per annum; the State to which each one belongs; and the amount of money per annum paid to the last described pensioners; designating the number and names of those who receive a full pension of eight dollars per month; also, the number that have applied for a pension to the Secretary of War, and the number rejected; also, the names of all the widows and children who receive half pay for five years, placed on the pension list up to the 4th of September next, by virtue of the acts of Congress; the amount paid to each per annum; the State to which each one belongs; and the amount of money, per annum, paid to the said widows and children; and the whole amount of money paid to the said widows and children heretofore; the number that applied for a pension; and the number rejected. The names of the pensioners on the pension list, up to the 4th of September next, that have been placed thereon under the several acts of Congress providing for certain persons engaged in the land and naval service of the United States in the Revolutionary war; the amount paid to each per annum; the State to which each one belongs; and the amount of money paid, per annum, to the said pensioners; the number that applied for a pension, and the number rejected. That the Secretary of War be further directed to lay before the Senate the name of every other pensioner placed upon the pension list within his Department, by any special law, or any act of Congress, not above referred to; the amount paid to each per annum; and the State to which each one belongs.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act altering the times of holding the courts in the District of Columbia," with an amendment. They have passed a bill, entitled "An act further to regulate the inspection of flour in the county of Alexandria;" in which amendment and bill they request the concurrence of the Senate.

Mr. KING, of Alabama, called the attention of the Senate to the great number of private bills which had come from the other House, and which had been reported by committees of the Senate. He said a great many of the persons for whose relief these bills were drawn were waiting their result with great anxiety, and at great expense. He hoped the Senate would agree to lay the tariff bill on the table until to-morrow, and take up some of the bills respecting private claims. He, therefore, moved that the bill to which he had particularly alluded, together with the resolutions on the subject, submitted yesterday by an honorable member from Virginia, (Mr. BARBOUR,) be ordered to lie on the table.

Mr. LOWRIE called for a division of the question; and it was declared first to be upon laying Mr. BARBOUR's resolutions on the table. This was agreed to.

The Senate then refused to lay the bill "to amend the several acts imposing duties on imports" on the table.

THE TARIFF.

The bill from the House of Representatives "to amend the several acts for imposing duties on imports," was again taken up for consideration, as in Committee of the Whole.

Mr. SMITH moved to amend the bill, in the following clause: "On all manufactures of wool, or of which wool shall be a component part, a duty of 30 per centum ad valorem, until the 30th day of June, 1825; and, after that time, a duty of one-third per centum ad valorem," by inserting, after the word "part," the words "excepting worsted stuff goods."

Messrs. SMITH and MILLS supported this amendment. It was opposed by Messrs. DICKERSON, D'WOLF, and LOWRIE. The question was then put, and the amendment was rejected, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, H. Johnston of Louisiana, J. S. Johnston of Louisiana, King of Alabama, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—20.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, King of New York, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—26.

So the Senate determined not to except worsted stuff goods from the proposed duty.

Mr. BARBOUR then moved to amend the bill, by extending the time at which its provisions are to take effect, from the 30th day of January next, to the 30th day of September next. This amendment was supported by the mover, and by Messrs. LLOYD, of Massachusetts, and SMITH; and opposed by Messrs. RUGGLES, DICKERSON, D'WOLF, TALBOT, BROWN, BELL, and PARROTT.

Mr. HOLMES, of Maine, called for a division of the question; and the question was declared to be on striking out the word "June." The question

SENATE.

The Tariff Bill.

MAY, 1824.

was then put and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—22.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Parrott, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—25.

So the Senate decided not to alter the time at which the operation of this bill is to commence.

Mr. KING, of New York, then moved to amend the bill, in the following clause: "On all manufactures of wool, or of which wool shall be a component part, a duty of thirty per centum ad valorem, until the 30th day of June, 1825; and, after that time, a duty of thirty-three and one-third per centum," by inserting, after the word "part," the words "except worsted stuff goods, which shall pay twenty-five per centum ad valorem." This proposition gave rise to some debate, in which Messrs. LOWRIE, D'WOLF, KING, of New York, MILLS, KNIGHT, EDWARDS, and FINDLAY, engaged. The question was then put, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—27.

NAYS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas—20.

So the Senate decided that "worsted stuff goods" should be subjected to a duty of twenty-five per cent. only.

Mr. HAYNE then moved to amend the bill, by including "blankets," in the exception which had just been made in favor of worsted stuff goods, as liable only to a duty of twenty-five per centum ad valorem. This amendment was supported by the mover, and opposed by Mr. D'WOLF. The question was then put and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—24.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, Van Buren—23.

So the Senate determined that blankets should only be subject to a duty of twenty-five per centum ad valorem.

Mr. HOLMES, of Maine, moved to amend the bill by inserting in it the following proviso:

"Provided, That all articles imported into the United States in any ship or vessel which shall have cleared from any foreign port or place before the passage of this act, shall be subject to the same duties as if this act had not passed."

Messrs. HOLMES, BENTON, and DICKERSON, made a few remarks on this amendment. The question was then put and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—23.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—24.

So the Senate rejected the proviso proposed by Mr. HOLMES.

Mr. BRANCH then moved to strike out the following line from the bill: "On frying-pans, four cents per pound." This amendment was supported by the mover and by Mr. HAYNE. It was agreed to by the Senate, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Indiana, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—29.

NAYS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, and Thomas—18.

So the Senate determined that frying-pans should be exempted from the proposed duty.

Mr. LLOYD, of Massachusetts, then moved to amend the bill by striking out the following line: "On cocoa, three cents per pound." Some remarks were made on this subject by the mover, and by Messrs. D'WOLF and DICKERSON. The amendment was carried without division; and thus the proposed duty on cocoa was stricken out.

Mr. HOLMES, of Maine, then moved to amend the bill by inserting the following clause: "On Russia, Holland, and Raven's duck, osnaburges, ticklenburgs, and burlaps, a duty of — per centum ad valorem." Messrs. D'WOLF, SMITH, TALBOT, LOWRIE, LLOYD of Massachusetts, CHANDLER, and BARBOUR, addressed the Senate upon this amendment. The question was then put, and decided in the affirmative, by yeas and nays, as follows:

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YEAS—Messrs. Barbour, Bell, Benton, Chandler, Clayton, D'Wolf, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, Macon, Mills, Parrott, Smith, Thomas, Van Buren, Van Dyke, Ware, and Williams—30.

NAYS—Messrs. Barton, Branch, Brown, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Taylor of Virginia—17.

Mr. JACKSON then moved to fill the blank in the amendment just adopted with "twenty," so as to make the duty twenty per cent. This was disagreed to, yeas 20, nays 27.

Mr. KING, of New York, then moved to fill the blank with "fifteen," so that the proposed duty should be fifteen per cent. This proposition was agreed to, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Branch, Chandler, Clayton, D'Wolf, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, Macon, Mills, Parrott, Smith, Taylor of Virginia, Thomas, Van Buren, Van Dyke, Ware, and Williams—31.

NAYS—Messrs. Benton, Brown, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, and Taylor of Indiana—16.

So the Senate decided that "Russia, Holland, and Raven's duck, osnaburges, ticklenburgs, and burlaps," should be subject, according to the provisions of this bill, to a duty of fifteen per centum ad valorem.

Mr. LLOYD, of Maryland, then moved to amend the bill by inserting after the clause imposing duties on articles manufactured of wool, the following proviso:

"Provided, That all articles manufactured of wool, or of which wool is a component part, the actual value of which, at the place where imported, does not exceed fifty cents per square yard, shall be subject to a duty of 25 per centum ad valorem, and no more."

On motion of Mr. MILLS, the amendment was amended by striking out "fifty cents," and inserting "thirty-three and one-third cents," as the value of the square yard.

Upon the amendment as amended, some remarks were made by Messrs. LLOYD of Maryland, DICKERSON, TALBOT, and MILLS. The question was then put, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Jackson, H. Johnson of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—24.

NAYS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—22.

So the Senate decided that woollen goods, the value of which does not exceed thirty-three and a third cents the square yard, shall not be subject to a higher duty than 25 per centum ad valorem.

Mr. KING, of New York, then moved to amend the bill by striking out the following clause: "On tallow, four cents per pound." Messrs. LLOYD of Massachusetts, and SMITH, submitted a few observations upon this amendment. It was agreed to without a division.

Mr. WILLIAMS then moved, as a consequence of the vote that had just passed, that the fifth section of the bill, which allows a drawback of the duties imposed by this act, on the exportation of tallow, be stricken out. This was also agreed to without a division.

Mr. SMITH moved to amend the bill, by inserting the following clause: "On copper, in plates, or sheets, two cents per pound." Messrs. LLOYD, of Massachusetts, SMITH, D'WOLF, and DICKERSON, spoke upon the merits of this amendment. It was disagreed to by the Senate—yeas 12, nays 35, as follows:

YEAS—Messrs. Benton, D'Wolf, Dickerson, Eaton, Findlay, Jackson, Lloyd of Maryland, Lowrie, Ruggles, Smith, Taylor of Indiana, and Taylor of Virginia.

NAYS—Messrs. Barbour, Barton, Bell, Branch, Brown, Chandler, Clayton, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Knight, Lloyd of Massachusetts, McIlvaine, Macon, Mills, Noble, Palmer, Parrott, Seymour, Talbot, Thomas, Van Buren, Van Dyke, Ware, and Williams.

Mr. LLOYD, of Massachusetts, moved to amend the bill, by striking out the following clause: "On iron cables or chains, or parts thereof, three cents per pound; and no drawback shall be allowed on the exportation of iron cables, or parts thereof." Messrs. LLOYD, DICKERSON, PARROTT, HOLMES, of Maine, SMITH, of Maryland, D'WOLF, and MILLS, discussed the propriety of this amendment. Mr. HOLMES moved to amend the clause, by striking out three cents, and inserting two cents, as the duty on iron cables. Mr. SMITH called for a division of the question. The question was then put, on striking out three cents; and decided in the negative—23 in the affirmative, 24 in the negative. The question was then put, on Mr. LLOYD's motion, to strike out the whole clause, and determined in the negative—21 in the affirmative, 26 in the negative, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Van Buren, Van Dyke, Ware, and Williams.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, and Thomas.

Mr. HOLMES, of Maine, then moved that the

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bill be amended, by inserting the following line: "On oats, ten cents per bushel." This was agreed to, twenty-seven members voting in the affirmative.

Mr. KING, of New York, then moved to amend the bill by striking out the following clause: "On flax, three cents per pound." This amendment was agreed to without division.

Mr. SMITH proposed to amend the bill by inserting a specific duty on prunella shoes, laced boots, &c. This was agreed to, twenty-six in the affirmative.

Mr. BRANCH then moved to amend the bill by striking out the following line: "On pepper, ten cents per pound." This was agreed to without division.

Mr. KING, of New York, moved to amend the bill by striking out the following clause: "On coal, six cents per heaped bushel." This proposition gave rise to some debate between the mover, and Messrs. BARBOUR, LLOYD, of Massachusetts, and D'WOLF. It was not agreed to.

Mr. KING, of New York, also moved to strike out the following clause: "On glass beads, fifty cents per pound;" which was agreed to without division.

Mr. HAYNE then moved to amend the bill by striking out from the following clause: "On anvils and anchors, two cents per pound," the words *two cents per pound*, in order to insert, in lieu of the specific duty, an ad valorem duty. Remarks were made upon this motion by Messrs. HAYNE, DICKERSON, and MILLS. The amendment was not agreed to.

A motion was then made for adjournment, which was decided in the affirmative, by the casting vote of the Chair; and the Senate adjourned till tomorrow.

SATURDAY, May 8.

The PRESIDENT communicated a letter from the Postmaster General, transmitting a list of the contracts made by that department during the past year; which was read.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom were referred the bill, entitled "An act for the relief of the administrator of John B. Fanning, deceased, late a purser in the Navy of the United States;" and the bill, entitled "An act for the relief of Joseph Smith, of Alexandria;" reported them severally without amendment.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the petition of Josiah Watson and Jane Watson, praying relief from the Government, in consequence of the dependent and helpless situation to which they have been reduced, by the death of their son, while in the service of his country, submitted a report: The committee state, that the petitioners are the parents, in very advanced life, of the late William Henry Watson, an officer of the United States Navy, of great promise; who, after having, in a very gallant manner, inflicted on the pirates of the Gulf of Mexico, and the

coasts of Cuba, a merited and severe punishment, fell a victim, while on duty, to the epidemic prevailing on board the ship of war John Adams, at Thompson's Island, in the autumn of the last year; that the petitioners are not only very aged, but are in narrow circumstances; and were dependent upon their deceased and lamented son, for the principal part of their support; and that their case presents a strong claim upon the sympathy, if not upon the justice, of the Government. But the sense of Congress, on the inexpediency of extending pension allowances, or pecuniary grants, to cases of this description, having been too distinctly, and repeatedly, expressed, to be misunderstood, the committee ask to be discharged from the further consideration of the subject; and recommend that the petitioners have leave to withdraw their petition, and the papers accompanying the same.

The report was read and concurred in by the Senate.

Mr. LLOYD of Massachusetts, from the same committee, to whom was referred two resolutions of the Senate, the one respecting the establishment of a navy yard for small vessels at Charleston, South Carolina, and the other respecting the expediency of establishing a naval depot at Pensacola, reported a bill "to authorize the further examination and surveys of the harbor of Charleston, and coast of Florida," together with sundry documents relating to the subject. The bill was read twice.

Mr. SMITH, from the Committee on Finance, to whom was referred the bill entitled "An act to authorize the issuing of a register for the schooner Five Sisters," reported it without amendment.

Mr. H. JOHNSON presented the petition of W. W. Montgomery, and others, of the city of New Orleans, praying the sale of certain lots in said city, for the purpose of building an exchange; which was read, and referred to the Committee on Public Lands.

Mr. RUGGLES, from the Committee of Claims, to whom were referred the bill entitled "An act to amend an act supplemental to an act entitled 'An act to carry into effect the ninth article of a treaty concluded between the United States and Spain, the 22d day of February, 1819,' approved the third of March, 1823;" and the bill entitled "An act for the relief of Robert Blean;" reported them severally without amendment.

Mr. J. S. JOHNSTON presented the petition of James Fort Muse, of Louisiana, praying a grant of land for the purpose of erecting mills thereon; which was read, and referred to the Committee on Public Lands.

The bill yesterday brought up for concurrence was read twice, by unanimous consent, and referred to the Committee on the District of Columbia.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act altering the times of holding the courts in the District of Columbia;" and concurred therein.

The Senate proceeded to consider the motion

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of the 6th instant, to print a number of copies of the tariff bill, to be distributed among the people of the United States; and, on motion, it was laid on the table.

The Senate proceeded to consider the motion of yesterday, requesting the Secretary of War to lay before the Senate a list of the names and annual pay of all the public pensioners; and, on motion, it was laid on the table.

A message from the House of Representatives informed the Senate that they have passed a bill entitled "An act to authorize the creation of a stock, to an amount not exceeding five millions of dollars, to provide for the awards of the commissioners under the treaty with Spain, of the 22d of February, 1819;" in which they request the concurrence of the Senate.

THE TARIFF.

The unfinished business of yesterday, being the further consideration of the bill from the other House, "to amend the several acts for imposing duties on imports," was resumed, in Committee of the Whole; Mr. EATON was called to the chair.

Mr. LLOYD, of Massachusetts, moved to amend the bill, by striking out the following line: "On Chinese cassia, ten cents per pound." The amendment was carried.

Mr. LLOYD, of Massachusetts, then moved to amend the bill, by inserting the following line: "on ginger, two cents per pound." Mr. L. stated the reasons which induced him to propose this amendment. It was carried.

Mr. LLOYD, of Massachusetts, moved further to amend the bill, by striking out from the following clause: "On printing, copper plate, and stainer's paper, ten cents per pound," the words "copper plate." Mr. LLOYD stated that his object was to relieve an establishment for making charts, belonging to a celebrated nautical gentleman (Mr. BLUNT, of New York,) from a very onerous, oppressive, and unnecessary tax, which the proposed duty on copper plate paper would impose upon him. Messrs. LANMAN, LOWRIE, DICKERSON, and FINDLAY, opposed this amendment. Mr. HAYNE read some statements, to show the oppressive operation of the duties imposed by this bill, upon paper generally. The question was then put, and the amendment was not agreed to.

Mr. HAYNE then moved to amend the bill, by striking out from the following clause: "On folio and quarto post paper, of all kinds, twenty cents per pound," the word "twenty," and insert, in lieu of it, the word *fifteen*. This motion was supported by the mover and by Mr. SMITH, and opposed by Mr. DICKERSON. The amendment was not agreed to.

Mr. BRANCH moved to amend the bill, by striking out the following lines:

"On cutting knives, twenty-five cents each;
On scythes, twenty cents each;
On sickles and reaping hooks, twelve cents each;
On spades and shovels, of iron or steel, twenty cents each."

This amendment was supported by the mover, by Messrs. SMITH, LLOYD, of Mass., HAYNE,

HOLMES, of Maine, LLOYD, of Maryland, TAYLOR, of Virginia, MILLS, and BARBOUR; and opposed by Messrs. LOWRIE, DICKERSON, FINDLAY, BROWN, D'WOLF, and LANMAN. This discussion involved the general propriety and expediency of levying specific duties on articles which vary much in quality and in cost.

Mr. BRANCH consented to vary his motion, so as to strike out the specific duties proposed on these articles, and insert, in lieu thereof, a duty of thirty per centum ad valorem. The question was put upon the motion, as modified; and it was decided in the affirmative—yeas 31, nays 16, as follows:

YEAS—Messrs. Barbour, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, McIlvaine, Macon, Mills, Parrott, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams.

NAYS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Knight, Lanman, Lowrie, Noble, Palmer, Ruggles, Seymour, and Thomas.

Mr. LLOYD, of Massachusetts, moved to strike out the words in the first section, "On screws of iron, weighing twenty-five pounds, or upwards, eight cents per pound; on screws of iron, for wood, called wood screws, not exceeding one inch in length, eight cents per groce; over one inch, and not exceeding two inches in length, fourteen cents per groce; over two inches in length, twenty cents per groce;" and insert, "On screws of iron, weighing twenty-five pounds, or upwards, thirty per centum ad valorem; on screws of iron, for wood, called wood screws, thirty per centum ad valorem." It was determined in the affirmative—yeas 26, nays 21, as follows:

YEAS—Messrs. Barbour, Benton, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams.

NAYS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas and Van Buren.

So the Senate decided that an ad valorem duty of thirty per centum should be imposed by the bill, on these articles, instead of the specific duty in the bill, as it came from the other House.

Mr. LLOYD, of Massachusetts, then moved to amend the bill, by striking out the specific duty, of ten cents per pound, "on all vessels of copper," and inserting a duty of thirty-five per cent. ad valorem. This motion was negatived by the casting vote of the Chair.

On motion of Mr. LLOYD, of Massachusetts, the proposed duty on black lead pencils, was changed from a specific duty of one dollar and fifty cents per groce, to an ad valorem duty of forty per cent.

Mr. LOWRIE then moved to amend the following

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clause of the bill: "On all wares of cut glass, not specified, three cents per pound, and, in addition thereto, an ad valorem duty of thirty per centum," by raising the duty on the pound, from three to six cents. Mr. LOWRIE explained the reasons of his motion, and Messrs. LLOYD, of Massachusetts, SMITH, TALBOT, and HAYNE, made some remarks upon it. The question on the amendment was then put, and decided in the negative—17 to 26.

On motion of Mr. LLOYD, of Massachusetts, the duty on "Venetian carpeting" was reduced from fifty cents to twenty-five cents per square yard.

Mr. DICKERSON moved to amend the bill so as to raise the duty on all books printed in the Greek and Latin languages from four cents per volume to eighteen and an half cents per pound, when bound; and sixteen and an half cents per pound when in sheets or boards. Upon this proposition remarks were made by the mover, and by Messrs. BARBOUR, SMITH, HOLMES, of Maine, MILLS, LLOYD, of Massachusetts, EDWARDS, LOWRIE, and HAYNE.

Mr. HAYNE moved to amend the amendment by striking out the amount of duty per pound, with a view to insert an ad valorem duty. This was not agreed to.

The question was then put upon Mr. DICKERSON's amendment, and decided in the negative—yeas 22, nays 25.

YEAS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor, of Indiana, and Thomas.

NAYS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams.

Mr. HAYNE then moved to amend the bill by striking out the duty of thirty-seven and a-half cents per pound on books, when bound; and thirty-three cents per pound on books, when in boards or sheets, and to insert a duty "of — per centum ad valorem" in lieu thereof. Mr. H. stated that his object in making this motion was, in the first place, to get rid of this singular duty on books by the pound, and, in the second place, to substitute a very moderate duty (one not exceeding the present duty of fifteen per cent.) in lieu of the proposed duty, which he considered as equal to forty per cent. at least. Mr. H. contended that the duty on books ought to be such as to encourage the importation of foreign works, and that, with respect to books in general use, it is well known that the American bookseller could not only enter into competition with books printed abroad, but had almost excluded them from the market. But there was a class of books of science, not generally read, though very important to professional and scientific men, which were not generally republished in this country. No obstacle should be interposed to prevent the introduction of such books. Mr. H. considered books

as a raw material, essential to the formation of the mind, the morals, and the character of the people; and which should be introduced free of duty. Mr. H. also strongly objected to the duty on books by the pound. The value of a book, he thought, did not depend on its weight. He compared this method of estimating books to that mentioned in Knickerbocker's History of New York, where the Dutch Governor settled mercantile transactions by weighing the merchants' books of account in scales.

This amendment was also supported by Mr. MILLS, and opposed by Mr. DICKERSON. The question upon adopting it was then put, and carried in the affirmative—yeas 25, nays 22, as follows:

YEAS—Messrs. Barbour, Barton, Benton, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams.

NAYS—Messrs. Bell, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Parrott, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren.

Mr. DICKERSON moved to fill the blank in the amendment which had just been adopted, with "twenty," so as to make the duty twenty per centum ad valorem. This was not agreed to.

Mr. SEYMOUR then moved to fill the blank with "twenty-five," so as to make the duty twenty-five per centum ad valorem. This was carried—yeas 24, nays 23, as follows:

YEAS—Messrs. Barton, Bell, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren.

NAYS—Messrs. Barbour, Benton, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams.

So the duty on all books was fixed, in the bill, at twenty-five per centum ad valorem.

Mr. SMITH moved to amend the bill by excepting "cambrics and lawns made of flax," from the duty of twenty-five per cent. imposed, by the bill, upon all manufactures of cotton, silk, flax, or hemp. Mr. S. communicated to the Senate some statements in support of his motion. The amendment was not agreed to.

Mr. LLOYD, of Massachusetts, moved to amend the bill so as to except "laces made of flax or cotton," from the duty proposed in the bill. This was not agreed to.

On motion of Mr. BARBOUR, the bill was laid upon the table; and the Senate proceeded to the consideration of Executive business; and, immediately after the doors were opened, adjourned till Monday.

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MONDAY, May 10.

The following Message was received, on the 8th instant, from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I communicate, herewith, to the Senate, a report from the Secretary of State, with the documents relating to the present state of the commercial intercourse between the United States and Portugal, requested by the resolution of the Senate of the 13th ult.

JAMES MONROE.

WASHINGTON, May 7, 1824.

The Message and report were read, and ordered to be printed for the use of the Senate.

The PRESIDENT communicated a report of the Secretary of the Navy, on the petition of John S. Stiles, executor of George Stiles; which was read.

Mr. MCILVAINE, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Samuel Cleveland, jr.," reported it without amendment.

Mr. BELL, from the Committee of Claims, to whom were referred the bill, entitled "An act for the relief of Peter Yandes;" and the bill, entitled "An act for the relief of J. M. C. Montgomery;" reported them, severally, without amendment.

The bill from the other House "to authorize the creation of stock, not exceeding five millions of dollars, to provide for the awards of the Commissioners under the treaty with Spain," was twice read, and referred to the Committee on Finance.

On motion by Mr. NOBLE, the Senate resumed the motion of the 7th instant, requiring the Secretary of War to lay before the Senate the names and annual pay of all public pensioners, and agreed thereto.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to confer certain powers on the Levy Court of the county of Alexandria, in the District of Columbia, and for other purposes;" and a bill, entitled "An act to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia Military Land Warrants, lying between Ludlow's and Roberts's lines, in the State of Ohio;" in which they request the concurrence of the Senate.

The Senate resumed the bill further to regulate the jurisdiction of the Supreme Court of the United States; and, on motion, it was laid on the table.

The Senate resumed the bill further to amend the judicial system of the United States, and provide for holding the circuit courts; and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill authorizing an examination of the harbor of Charleston, in South Carolina and of the coast of Florida; and, on motion, it was postponed till to-morrow.

The Senate resumed, as in Committee of the Whole, the bill to establish a Surveyor General's

office in the Territory of Arkansas; and, on motion, it was postponed to Thursday next.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act supplementary to the act to incorporate the inhabitants of the City of Washington," passed the 15th of May, 1820; and, on motion by Mr. EATON, it was recommitted to the Committee on the District of Columbia.

The Senate proceeded to consider, as in Committee of the Whole, the bill to provide for the punishment of certain crimes, when committed in any navy yard, fort, arsenal, magazine, dock, lighthouse, tract of land, or other place belonging to the United States; and, on motion, it was ordered that it be postponed to Wednesday next.

The bill "in addition to an act establishing navy hospitals" was taken up for consideration in Committee of the Whole. Mr. LLOYD, of Massachusetts, explained the objects of the bill. The bill was reported to the Senate without amendment, and passed to be engrossed and read the third time.

The resolution reported by the Committee on the Judiciary, authorizing the purchase of six hundred and fifty copies of Way & Gideon's edition of the Journals of the Old Congress, from 1774 to 1788, for the use of Congress, was taken up for consideration in Committee of the Whole. Mr. JOHNSON of Kentucky spoke in favor of, and Mr. DICKERSON opposed it. Mr. LOWRIE moved to amend the resolution by striking out six hundred and fifty, and inserting three hundred. Mr. TAYLOR, of Virginia, advocated the passage of the resolution. The amendment was agreed to. Some remarks were made upon the resolution as to the quality of this edition and the distribution of the copies by Messrs. KING of New York, VAN BUREN, ELLIOTT, SMITH, EATON, HOLMES of Me., HAYNE, and LANMAN. The resolution was then reported to the Senate as amended, and passed to be engrossed and read the third time.

The bill "relative to the Patent Office, and to the salary of the Superintendent thereof," was next taken up, in Committee of the Whole. This bill provides that the Patent Office shall remain, as now, attached to the Department of State, and that the Superintendent shall receive a salary of two thousand dollars per annum, as a compensation for his services. The passage of the bill was advocated by Messrs. JOHNSON of Kentucky, TALBOT, and SMITH; and opposed by Messrs. LOWRIE, CHANDLER, and TAYLOR of Virginia. The bill was reported to the Senate, and passed to be engrossed and read the third time.

The bill from the House of Representatives "providing for the appointment of an Indian agent for the Osage Indians west of the State of Missouri and Territory of Arkansas, and for other purposes," was then taken up for consideration, in Committee of the Whole. Mr. BENTON explained the objects of the bill. It was then reported to the Senate without amendment, and passed to a third reading.

The bill "to authorize the President to hold a treaty with the Indians owning the country on

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the south side of Lake Superior, for the purpose of extinguishing their title to certain districts, supposed to contain valuable mines of copper," was then taken up, in Committee of the Whole. Mr. KING, of New York, made some remarks on the subject, and concluded by moving the indefinite postponement of the bill. Mr. BENTON replied briefly to Mr. KING, and moved that the bill be ordered to lie on the table. The latter course was agreed to.

ALEXANDER McNAIR.

The bill reported by the Committee on Claims in the Senate, "for the relief of Alexander McNair," was next taken up, in Committee of the Whole. Mr. RUGGLES stated the nature of this claim. It was for property destroyed, in consequence of its being occupied by the United States troops; for services performed for the Government; and for interest paid on moneys borrowed for the service of the Government. Mr. CHANDLER moved to strike out the second section of the bill, which provides payment for the services rendered by Gov. McNair, and for interest. Messrs. JOHNSON of Kentucky, LANMAN, and BENTON, opposed the motion to strike out. The question on striking out the second section was decided in the negative—yeas 5, nays 33, as follows:

YEAS—Messrs. Chandler, Clayton, Macon, Palmer, and Taylor of Virginia.

NAYS—Messrs. Barbour, Barton, Bell, Benton, Brown, D'Wolf, Dickerson, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Mills, Ruggles, Seymour, Smith, Talbot, Thomas, Van Dyke, and Williams.

The bill was then reported to the Senate, and passed to be engrossed and read the third time.

THE TARIFF.

On motion of Mr. LOWRIE, the bill from the House of Representatives, "to amend the several acts imposing duties on imports," was again taken up for consideration, as in Committee of the Whole, Mr. KING, of Alabama, in the Chair.

Mr. DICKERSON moved to amend the bill, by striking out the fourth section, which provides for the allowance of the drawback on "plain silk and nankeen cloths, imported in American vessels from beyond the Cape of Good Hope, although the said cloths, before the exportation thereof, shall have been colored, printed, stained, dyed, stamped, or painted, in the United States."

This amendment was opposed by Messrs. KING, of New York, LLOYD, of Massachusetts, D'WOLF, and SMITH, and supported by the mover and Mr. FINDLAY.

Mr. HOLMES, of Maine, made some remarks in relation to the distinction made between the silks from beyond the Cape of Good Hope, and those of France, to which Mr. LLOYD replied.

Mr. SMITH moved to amend this section by making it include all plain silks. This was not agreed to.

Mr. LOWRIE moved to amend the bill by striking out the words, "and nankeen cloths imported in American vessels from beyond the Cape of Good Hope." This amendment was adopted, and the section now reads:

"That the drawback allowed by law on plain silk shall be allowed, although the said cloths, before the exportation thereof, shall have been colored, printed, stained, dyed, stamped, or painted, in the United States," &c.

This section, as amended, was advocated by Messrs. LOWRIE and D'WOLF, and opposed by Mr. DICKERSON.

The question on striking out the whole section was then put, and carried in the affirmative—yeas 26, nays 21, as follows:

YEAS—Messrs. Barton, Bell, Benton, Branch, Brown, Chandler, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Josiah S. Johnston, King of Alabama, Lloyd of Maryland, Noble, Palmer, Parrott, Ruggles, Talbot, Taylor of Indiana, Taylor of Virginia, Ware and Williams.

NAYS—Messrs. Barbour, Clayton, D'Wolf, Elliott, Gaillard, Hayne, Henry Johnson, Kelly, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Seymour, Smith, Thomas, Van Buren, and Van Dyke.

So the section, providing for the allowance of drawback on the exportation of silks and nankeens, when colored, printed, stained, dyed, stamped, or painted, in this country, was stricken out.

Mr. HOLMES, of Maine, moved to amend the bill, by inserting the following:

"On all manufactures of silk, or of which silk shall be a component material, coming from beyond the Cape of Good Hope, a duty of — per centum ad valorem.

On all other manufactures of silk or of which silk shall be a component material, a duty of — per centum ad valorem."

Mr. HOLMES stated that his object in moving this amendment was to ascertain whether the Senate was willing to make a discrimination between the silks of France, and those of India. The former country, he said, took a considerable amount of articles of the production of this country; and he thought we ought to discriminate in favor of her silks.

Messrs. TALBOT, KING of New York, LLOYD of Massachusetts, HAYNE, and SMITH, made some remarks upon the proposed amendment.

Mr. TALBOT moved to fill the blank in the first amendment with "thirty," so as to make the duty on India silks thirty per cent. This was supported by Mr. TALBOT, and opposed by Mr. LLOYD of Massachusetts. It was not agreed to.

The first blank was then filled with "twenty-five;" and the second with "twenty."

The question was then upon adopting the amendment with the blanks thus filled. Mr. LOWRIE opposed, and Mr. HOLMES, of Maine, supported it. The amendment was agreed to, by yeas and nays, as follows:

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YEAS—Messrs. Barbour, Benton, Branch, Brown, Chandler, Clayton, Dickerson, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Johnson of Kentucky, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, Lloyd of Maryland, McIlvaine, Macon, Ruggles, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Dyke, Ware, and Williams—29.

NAYS—Messrs. Barton, Bell, D'Wolf, Eaton, Edwards, Findlay, Jackson, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Mills, Noble, Palmer, Parrott, Seymour, and Van Buren—18.

So the Senate agreed to insert a discriminating duty of five per cent. between the silks of France and those of India, in favor of the former. The effect of this amendment is, to reduce the duty on all other silks, except those of India, five per cent. lower than proposed by the bill as it came from the House of Representatives.

Mr. SMITH moved to amend the bill, by inserting the following clause: "On morocco skins, thirty per centum ad valorem." This amendment was not agreed to.

Mr. TAYLOR, of Virginia, then moved to amend the bill, by striking out the following lines:

"On wheat, twenty-five cents per bushel;
On wheat-flour, fifty cents per hundred weight;
On potatoes, ten cents per bushel."

This proposition to amend was discussed by the mover, and by Messrs. BARBOUR, JOHNSON of Kentucky, DICKERSON, SMITH, D'WOLF, LLOYD of Maryland, and FINDLAY.

Mr. SMITH called for a division of the question; he wished to have the question on striking out the duty on potatoes, taken separately.

The question was then put upon striking out the proposed duties on "wheat and wheat-flour." It was decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Elliot, Gaillard, Hayne, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Ware, and Williams—19.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, Van Buren, and Van Dyke—28.

So the Senate refused to strike out the proposed duty on wheat and wheat-flour.

The question was then upon striking out the proposed duty of ten cents per bushel upon potatoes. Mr. TAYLOR, of Virginia, submitted this amendment, and Mr. D'WOLF opposed it. It was rejected, yeas 15, nays 32, as follows:

YEAS—Messrs. Barbour, Branch, Elliott, Gaillard, Hayne, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Macon, Taylor of Virginia, Ware, and Williams.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Ed-

wards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, McIlvaine, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Thomas, Van Buren, and Van Dyke.

Mr. EATON then moved to amend the bill by inserting the following:

"On cotton, picked or ginned, six cents per pound;
On cotton, not picked or ginned, one and a half cents per pound."

This amendment was opposed by Messrs. HAYNE, BRANCH, ELLIOTT, and JOHNSON of Kentucky, and supported by the mover, and by Messrs. BROWN, D'WOLF, and SMITH. It was subsequently withdrawn by the mover.

The bill, with the several amendments, was then reported from the Committee of the Whole, to the Senate. On motion of Mr. LLOYD of Massachusetts, the bill was ordered to lie on the table, and the amendments to be printed for the use of the Senate.

The Senate then adjourned.

TUESDAY, May 11.

Mr. LLOYD, of Maryland, from the Committee on the District of Columbia, to whom was referred the bill entitled "An act further to regulate the inspection of flour in the county of Alexandria," reported it without amendment.

Mr. BELL, from the Committee of Claims, to whom was referred the bill entitled "An act for the relief of John Topp," reported it without amendment.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom were referred the bill entitled "An act for the relief of John K. Carter;" the bill entitled "An act for the relief of the legal representatives of Fry and Spalding;" the bill entitled "An act for the relief of Hugh M'Culloch;" the bill entitled "An act for the relief of Mary H. Hawkins;" the bill entitled "An act for the relief of the assignees and legal representatives of John H. Piatt;" and the bill entitled "An act for the relief of Morris Goldsmith and Anthony Roderick;" reported them, severally, without amendment.

The two bills, yesterday brought up from the House of Representatives, for concurrence, were severally read twice, by unanimous consent.

On motion, the bill entitled "An act to confer certain powers on the levy court of the county of Alexandria, in the District of Columbia, and for other purposes," was referred to the Committee on the District of Columbia.

The bill entitled "An act to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants, lying between Ludlow's and Roberts's lines, in the State of Ohio," was referred to the Committee on Public Lands to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act to improve the navigation

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of the Ohio and Mississippi rivers;" in which they request the concurrence of the Senate.

THE TARIFF.

On motion of Mr. LOWRIE, the bill from the House of Representatives "to amend the several acts for imposing duties on imports," was taken up for consideration in Senate.

The question was put, separately, upon concurring in the several amendments made in Committee of the Whole, in the following order:

To insert—"On Russia, Holland, and Raven's duck, osnaburges, burlaps, and ticklenburgs, a duty of fifteen per centum ad valorem." This was concurred in without division.

To except "worsted stuff goods and blankets," from the duty of thirty per centum imposed on other manufactures of wool; and subject the same to a duty of twenty-five per cent. only. Mr. RUGGLES moved to strike out the word "blankets" from this exception, and supported his motion by some remarks on the subject. This motion was opposed by Messrs. HAYNE, ELLIOTT, SMITH, and TAYLOR, of Virginia, and supported by Messrs. TALBOT and DICKERSON. The motion was lost—yeas 23, nays 24, as follows:

YEAS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren.

NAYS—Messrs. Barbour, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams.

The exception, as made in Committee of the Whole, was then concurred in.

To strike out the highest progressive duty from the section imposing duties on manufactures of wool, which provides that, after the 30th day of June, 1826, those manufactures shall be subject to a duty of thirty-seven and a half per centum ad valorem. This was agreed to, without division. The highest duty proposed by the bill on woollen manufactures, is thus left at thirty-three and one-third per centum ad valorem.

To insert the following proviso to the section imposing duties on manufactures of wool: "Provided, That, on all manufactures of wool, or of which wool shall be a component part, the actual value of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem. This was agreed to.

To insert in the section proposing to levy a duty of twenty-five per cent. on all manufactures of cotton, silk, flax, or hemp, a clause subjecting all manufactures of silk, coming from beyond the Cape of Good Hope, to a duty of twenty-five per cent., and all other manufactures of silk, to a duty of twenty per cent. Mr. LLOYD, of Massachusetts, moved to amend this clause so as to leave

all silks subject to a duty of twenty per cent. only. This amendment was supported by the mover, and Mr. PARROTT, and opposed by Messrs. HOLMES, of Maine, TALBOT, DICKERSON, and LOWRIE. This amendment was disagreed to—yeas 8, nays 38, as follows:

YEAS—Messrs. Branch, Clayton, Hayne, King of New York, Lloyd of Massachusetts, Macon, Mills, and Parrott.

NAYS—Messrs. Barbour, Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Dyke, Ware, and Williams.

The question then was upon agreeing to the insertion of the clause, as agreed to in Committee of the Whole, which makes a discrimination of five per cent. against silks from beyond the Cape of Good Hope. This amendment was concurred in.

To reduce the minimum upon which the duties on cotton cloths are to be calculated, from thirty-five to thirty cents per square yard. This was concurred in, without division.

To insert the following proviso: "Provided, also, that the provisions of this act shall not apply to, or be enforced against, importations of goods from ports or places eastward of the Cape of Good Hope, or beyond Cape Horn, before the first of November next ensuing."

Mr. LLOYD, of Massachusetts, moved to amend the proviso by striking out the words "before the first of November next ensuing," and inserting the following; "in American vessels which cleared out from the United States before the 1st of March, 1824, and shall arrive in the United States prior to the first of December next." Mr. LLOYD explained the objects of his amendment; and some remarks were made upon the subject by Messrs. LOWRIE, HOLMES of Maine, SMITH, MILLS, D'WOLF, KING of New York, and EATON. Mr. HOLMES, of Maine, moved that the word "November" only, be stricken out from the proviso. This was agreed to, and Mr. LLOYD withdrew his amendment. Mr. KING, of New York, then moved that the blank, caused by striking out "November," be filled with "January." Messrs. TAYLOR, of Virginia, and CHANDLER, submitted some observations in regard to the proposed extension of time. The amendment was carried—yeas 24, nays 22; and the proviso, as amended, was concurred in—yeas 24, nays 22. So the Senate decided that this act shall be inapplicable to importations of goods from ports eastward of the Cape of Good Hope, or beyond Cape Horn, before the first of January next ensuing.

To strike out, from the section imposing duties on unmanufactured wool, that part which provides for the progressive duty on that article, over thirty per centum ad valorem. The bill, as it came from the other House, provides for an immediate duty, on unmanufactured wool of 20

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per centum ad valorem; and a progressive duty until June 1, 1830; after which, it was to remain at 50 per cent. The Senate, in Committee of the Whole, limited the progressive duty to thirty per cent. ad valorem. The amendment was concurred in.

To reduce the duty on Venetian carpeting from fifty cents to twenty-five cents per square yard. This was concurred in.

To strike out the following clause: "On hemp, two cents per pound." This amendment was divided, and the question was taken on striking out "two cents per pound." This was agreed to by yeas and nays, as follows:

YEAS—Messrs. Barbour, Bell, Branch, Chandler, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, Macon, Mills, Parrott, Seymour, Smith, Taylor of Virginia, Thomas, Van Buren, Van Dyke, Ware, and Williams—30.

NAYS—Messrs. Barton, Benton, Brown, D'Wolf, Dickerson, Eaton, Findlay, Jackson, Lanman, McIlvaine, Noble, Palmer, Ruggles, Talbot, and Taylor of Indiana—46.

Mr. TALBOT moved to fill the blank with "thirty-seven dollars per ton," so as to make the clause read, "On hemp, thirty-seven dollars per ton." This amendment was supported by the mover, and by Messrs. EATON and JOHNSON of Kentucky, and opposed by Messrs. HOLMES of Maine, LLOYD of Massachusetts, MILLS, and BARBOUR.

Mr. LLOYD, of Maryland, moved to fill the blank with "forty-five dollars per ton." This was supported by the mover, and opposed by Mr. NOBLE.

Mr. NOBLE said he would state to the Senate the reasons of the vote which he was about to give; as it would appear, without explanation of the vote, that he refused to give protection to the growers of hemp in the United States, and more especially in the Western country—the country in which he resided. He had voted to retain in the bill, as it came from the House of Representatives, the two cents per pound on hemp, equal to forty-four dollars and eighty cents per ton; but the Senate rejected it. In relation to every article in the bill, the Senate, from the first discussion of it, had been nearly equally divided; and, although amendment after amendment had been made to the bill, he had no hesitation in saying that some of those who offered the amendments intended to vote against the entire bill on the final passage. He had set out from the commencement to afford every protection to the manufacturer, and, in doing so, he paid due regard to the different sections of the country, and found compromise of opinion necessary for the purpose of securing the final passage of the bill. He well knew that, if the protection given to the growers of hemp, or duties laid on foreign hemp, exceeded thirty-five dollars per ton, which was an increase of five dollars on the ton, the bill would be jeopardized, and finally lost. He would, therefore,

vote against the duties proposed by the gentleman from Kentucky, as well as the gentleman from Maryland, and would vote for the duty of thirty-five dollars per ton, as proposed by the gentleman from Maine. If he could not afford protection to every class, he would to a part, rather than to give it to none.

The motion made by Mr. LLOYD, of Maryland, was then rejected—yeas 6, nays 40, as follows:

YEAS—Messrs. Branch, Johnson of Kentucky, Lloyd of Maryland, Talbot, Taylor of Indiana, and Taylor of Virginia.

NAYS—Messrs. Barbour, Barton, Bell, Benton, Brown, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Macon, Mills, Noble, Palmer, Parrott, Ruggles, Seymour, Smith, Thomas, Van Buren, Van Dyke, Ware, and Williams.

The question then recurred on Mr. TALBOT's motion to fill the blank with "thirty-seven dollars per ton." This was decided in the negative—yeas 19, nays 27, as follows:

YEAS—Messrs. Barton, Benton, Branch, Brown, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Lanman, Lloyd of Maryland, McIlvaine, Ruggles, Talbot, Taylor of Indiana, and Taylor of Virginia.

NAYS—Messrs. Barbour, Bell, Chandler, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Kelly, King of Alabama, King of New York, Knight, Lloyd of Massachusetts, Lowrie, Macon, Mills, Noble, Palmer, Parrott, Seymour, Smith, Thomas, Van Buren, Van Dyke, Ware, and Williams.

Mr. CHANDLER then moved to fill the blank with the words "thirty-five dollars per ton." The question on this motion was determined in the affirmative—yeas 28, nays 19, as follows:

YEAS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren.

NAYS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams.

The Senate then refused to concur with the Committee of the Whole, in striking out the duty on hemp; and it now remains in the bill at thirty-five dollars per ton.

To strike out the following clause: "On flax, three cents per pound." This was concurred in, without division.

To strike out from the following clause, the italicized words: On "cotton bagging, four-and-a-half cents per square yard, until the 30th day of June, 1825; and afterwards, a duty of five-and-a-half cents per square yard." This was concurred in, without a division.

To strike out the following clause, "On iron, in bars or bolts, not manufactured, in whole or in part, by rolling, ninety cents per hundred and twelve pounds." This was not concurred in. The yeas and nays were as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—21.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—26.

So the Senate disagreed to the amendment by which the duty on iron was stricken out.

To strike out the specific duties on "cutting knives, scythes, sickles, and reaping hooks, spades, and shovels, of iron and steel, and iron screws;" and insert, in lieu of these duties, an ad valorem duty of thirty per centum. Concurred in, without division.

To strike out the following line, "on frying pans, four cents per pound;" concurred in, without division.

To strike out the specific duties on "quills," and on "slates and tiles, for building," and insert in lieu thereof, a duty of twenty-five per centum ad valorem. Agreed to without division.

To strike out the specific duty on "black lead pencils;" and insert in its stead a duty of forty per centum ad valorem. This was concurred in without a division.

To strike out the following line: "on tallow, four cents per pound." Mr. MILLS moved to amend this line, by striking out "four" and inserting "two." This was supported by the mover, and opposed by Messrs. DICKERSON and RUGGLES. The amendment was not agreed to; and the line was stricken out, in concurrence with the Committee of the Whole.

To insert the following lines: "on oats, ten cents per bushel; on prunella and other shoes, or slippers of stuff or nankeen, twenty-five cents per pair; on laced boots or bootees, one dollar and fifty cents per pair." These insertions were severally concurred in without division.

To strike out the following lines: "on pepper, ten cents per pound; on Chinese cassia, ten cents per pound; on cocoa, three cents per pound." This was concurred in.

To insert the following: "on ginger, two cents per pound." This was concurred in.

To strike out the following line: "on all other raisins, [except Muscatel raisins, and raisins in jars and boxes,] three cents per pound." This amendment was not concurred in.

To strike out the following lines: "on filberts, three cents per pound; on pine apples, two cents each; on oranges, fifty cents per hundred; on lemons, twenty-five cents per hundred; on limes, ten cents per hundred; on glass beads, fifty cents per pound." These amendments were severally concurred in.

To strike out the duty of thirty-seven cents per pound on books, when bound; and thirty-three cents per pound when in sheets or boards; and insert, in lieu thereof, a duty of twenty-five per centum ad valorem. This was not concurred in. The clause was amended, on motion of Mr. DICKERSON, so as to levy a duty of thirty cents per pound on books, when bound; and twenty-six cents per pound, when in sheets or boards. In this form, the duty was retained in the bill.

To insert the following exception: "with the exception of patent adhesive felt, for covering ships' bottoms, which shall be admitted, free of duty, until June 30th, 1826." This was concurred in, without division.

To strike out the following clause, "on all foreign distilled spirits, fifteen per centum upon the duties now imposed by law, and in addition thereto." This amendment was agreed to, by yeas and nays, as follows:

YEAS—Messrs. Barbour, Bell, Branch, Chandler, Clayton, D'Wolf, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, Macon, Mills, Palmer, Parrott, Seymour, Smith, Thomas, Van Dyke, Ware, and Williams—30.

NAYS—Messrs. Barton, Benton, Brown, Dickerson, Eaton, Edwards, Findlay, Jackson, Johnson of Kentucky, Lloyd of Maryland, McIlvaine, Noble, Ruggles, Talbot, Taylor of Indiana, Taylor of Virginia, and Van Buren—17.

So the Senate agreed, in concurrence with the Committee of the Whole, to strike out the proposed duty on foreign distilled spirits.

To strike out the fourth section of the bill, which provides for the allowance of the drawback allowed by law on plain silk and nankeen cloths, imported in American vessels, from beyond the Cape of Good Hope, although the said cloths, before the exportation thereof, shall have been colored, printed, stained, dyed, stamped, or painted, in the United States. This amendment was concurred in, and the section stricken out.

To strike out the fifth section of the bill; which provides for the allowance of drawback of the duties imposed by this bill, on tallow, when manufactured into soap, and exported. This amendment follows of course—as the proposed duty on tallow had been stricken out by the Senate. The amendment was concurred in.

The amendments agreed to in Committee of the Whole, having been acted upon in the Senate—

Mr. DICKERSON then moved to amend the bill, by inserting the following clause: "on all books, printed in Latin or Greek, when bound, fifteen cents per pound; when not bound, thirteen cents per pound." This proposition was supported by the mover, and was adopted by the Senate.

Mr. TALBOT moved to amend the bill, by striking out the following proviso, which is attached to that clause of the bill which imposes duties on unmanufactured wool:

"Provided, That all wool, the actual value of which at the place whence imported shall not exceed ten

cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more."

This motion was supported by the mover, and opposed by Messrs. DICKERSON and LLOYD of Maryland. The Senate refused to strike out the proviso—yeas 11, nays 35, as follows:

YEAS—Messrs. Benton, Branch, Brown, Findlay, Jackson, Johnson of Kentucky, Lloyd of Maryland, Ruggles, Talbot, Taylor of Indiana, and Thomas.

NAYS—Messrs. Barbour, Barton, Bell, Chandler, Clayton, D'Wolf, Dickerson, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Noble, Palmer, Parrott, Seymour, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams.

Mr. MACON then moved to strike out the words "On cotton bagging, four and a half cents per square yard." It was determined in the affirmative—yeas 25, nays 22, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas.

So the duty on cotton bagging was stricken out entirely.

Mr. MACON then moved to amend the bill by striking out the following line: "On pimento, eight cents per pound." This amendment was adopted.

Mr. KING, of New York, moved to amend the bill, in the following clause: "On iron, in bars or bolts, not manufactured in whole or in part by rolling, ninety cents per one hundred and twelve pounds," by striking out therefrom the words "by rolling." This motion was advocated by the mover, and opposed by Messrs. DICKERSON and LOWRIE. Before any question had been taken upon it, at four o'clock, a motion was made to adjourn, which was decided in the affirmative, by the casting vote of the Chair. And the Senate adjourned.

WEDNESDAY, May 12.

Mr. SMITH, from the Committee on Finance, to whom was referred the bill, entitled "An act to authorize the creation of a stock, to an amount not exceeding five millions of dollars, to provide for the awards of commissioners under the treaty with Spain, of the 22d February, 1819," reported it without amendment.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill "for the relief of the heirs of Miguel Eslava," reported it without amendment.

On motion, by Mr. BARTON, Thomas F. Rid-

dick had leave to withdraw the documents in relation to his claim, communicated on the 19th of January last.

The bill from the other House to "improve the navigation of the Ohio and Mississippi rivers," was twice read, and referred to the select Committee on Roads and Canals.

THE TARIFF.

The Senate resumed the unfinished business of yesterday, being the further consideration of the bill from the House of Representatives, "to amend the several acts for imposing duties on imports," Mr. KING, of Alabama, in the Chair.

Just previous to the adjournment yesterday a motion was made by Mr. KING, of New York, to amend the bill, in the following clause: "On iron, in bars or bolts, not manufactured in whole or in part by rolling, ninety cents per hundred and twelve pounds," by striking out therefrom the words, "not manufactured in whole or in part by rolling." The question was upon the adoption of that amendment.

Mr. KING, of New York, consented to waive his amendment, and Mr. DICKERSON moved to amend the same clause, by inserting after it the following: "and all iron, manufactured in whole or in part by rolling, shall be hereafter prohibited."

This amendment was supported by the mover, and by Messrs. EATON and HOLMES, of Maine, and opposed by Messrs. LLOYD, of Massachusetts, BARBOUR, MILLS, and HAYNE.

Mr. KING, of New York, expressed his willingness to assent to the prohibition of rolled iron, if some future time were fixed for the commencement of the prohibition, so as not to operate upon voyages already commenced.

[The amendment was objected to, on the ground that the prohibition of this article would amount to an infringement of our treaty with Great Britain, as the iron did not change its original character by the mere fact of its being rolled. It was contended, on the other hand, that the process of rolling made it another and a distinct article from bar iron, as much as steel was a different article from bar iron—the latter having only been manufactured in a greater degree than the other—and as rolled iron was a different article from the ore itself, it was a fair subject of discrimination or prohibition.]

Mr. DICKERSON said as this was a very important question, and appeared to involve the violation of our treaty with another nation, he thought it would be more proper to make it a subject of consideration at another time, and not in connexion with this bill. He, therefore, withdrew his amendment. Mr. KING, of New York, also withdrew that which he had submitted.

Mr. LLOYD, of Massachusetts, then moved to amend the bill, by striking out the specific duty of "ten cents per pound on vessels made of copper," and insert in lieu thereof an ad valorem duty of thirty-five per centum. This was agreed to, without division.

Mr. LLOYD, of Massachusetts, next moved to amend the bill by inserting the following lines:

"On Madeira wine, — cents per gallon;"
"On Lisbon and Oporto wines, — cents per gallon."

Mr. LLOYD supported his motion by some remarks upon the former important character of our trade with Portugal, and its present distressed state. He ascribed its decline to the excessive duties which had been imposed by this Government upon the wines of that country, and hoped that something would be done in the present bill to remove those embarrassments.

Mr. DICKERSON opposed the consideration of this important measure, having reference to our trade with Portugal, in connexion with the present bill. He proceeded to advance other objections against the amendment, on the score of its general inexpediency.

Mr. SMITH supported the motion, at considerable length, and Mr. TAYLOR of Virginia, made some remarks in favor of the diminution of duties on these wines.

The amendment was opposed by Messrs. BENTON, TALBOT, and D'WOLF.

[In opposition to the motion, it was contended that these rich and high priced wines not being used, or expected to be used; by the poor, were a fair source of revenue, and ought to be subject to heavy duties.]

Mr. J. S. JOHNSTON, of Louisiana, moved to amend the proposed amendment, by adding to it the following:

"On Burgundy, —; on Champagne, —; on Rhenish or Tokay, —; on all other wines, not enumerated, when imported in bottles or cases, —; on all other wines, not enumerated, when imported otherwise than in bottles or cases, —."

Mr. JOHNSTON supported his proposition by showing the propriety of a general reduction of the duties on wines, and of including in the reduction now proposed, the wines of France, as well as those of Portugal.

Mr. SMITH made some further remarks on the subject, and Mr. H. JOHNSON, of Louisiana, spoke in favor of a reduction of the duties on French wines, as they were in very common use among all classes of people, in the part of the country which he represented.

Mr. BENTON explained the reasons which would govern him in giving his votes on these amendments respecting the duties on wines.

The amendment proposed by Mr. J. S. JOHNSTON, was not agreed to.

The question then recurred on Mr. LLOYD'S motion in regard to Madeira, Lisbon, and Oporto wines. It was decided in the negative by yeas and nays, as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Indiana, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—22.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Knight, Lanman,

Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, and Thomas—25.

So the Senate determined not to alter the present rate of duties on wines.

Mr. FINDLAY moved to amend the bill in the following clause: "On oil cloth carpeting, and on oil cloths of every description, a duty of thirty per centum ad valorem," so as to make it stand as follows: "On oil cloth carpeting fifty cents per square yard, and on oil cloths of every other description a duty of thirty per centum ad valorem."

Mr. F. made some remarks in favor of his proposition, which was opposed by Messrs. LLOYD of Massachusetts, and SMITH. It was not agreed to.

The question was then put upon ordering the amendments to be engrossed, and the bill to be read a third time, as amended. This question was decided in the affirmative by yeas and nays, as follows:

YEAS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—25.

NAYS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Maryland, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—22.

So the bill as amended, passed to the third reading.

THURSDAY, May 13.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill, entitled "An act to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants, lying between Ludlow's and Roberts's lines, in the State of Ohio," reported it without amendment.

Mr. NOBLE, from the Committee on Pensions, to whom were referred the amendments of the House of Representatives to the bill, entitled "An act for the relief of Dean Weymouth," reported them without amendment.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the bill, entitled "An act for the relief of Edward Evans," reported it without amendment.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act to authorize the creation of a stock to an amount not exceeding five millions of dollars, to provide for the awards of the Commissioners under the treaty with Spain, of the 22d of February, 1819;" and, on motion, it was postponed to Monday next.

On motion, by Mr. LLOYD, of Massachusetts, the Committee on Naval Affairs were discharged from the consideration of the report of the Secretary of the Navy of the 18th February, showing the expenditures of that Department for the year 1823.

The Senate proceeded to consider, as in Committee of the Whole, the bill authorizing an examination and survey of the harbor of Charleston, in South Carolina, and of the coast of Florida; and it was amended, and reported to the Senate; and the amendment being concurred in, the bill was ordered to be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill to provide for the punishment of certain crimes, when committed in any navy yard, fort, arsenal, magazine, dock, lighthouse, tract of land, or other place, belonging to the United States; and on motion, it was laid on the table.

The bill "in addition to act establishing navy hospitals;" the bill "relative to the Patent Office, and to the salary of the Superintendent thereof;" and the bill "for the relief of Alexander McNair," were severally read the third time, passed, and sent to the other House for concurrence.

The bill from the House of Representatives "providing for the appointment of an Indian Agent for the Osage Indians west of the State of Missouri and Territory of Arkansas, and for other purposes," was read the third time, and passed.

The engrossed resolution to authorize the purchase of a certain number of the copies of the Journals of Congress from 1774 to 1788, was on motion by Mr. THOMAS, ordered to lie on the table.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands;" with an amendment. They have also passed bills of the following titles, viz: "An act granting a right of pre-emption to certain actual settlers in that part of the former province of West Florida included in the District of Jackson Courthouse, in the State of Mississippi, and in the District of St. Helena Courthouse, in the State of Louisiana;" "An act granting certain lots of ground to the corporation of the city of Mobile, and to certain individuals of said city;" "An act to regulate the fees of the Registers of Wills in the several counties within the District of Columbia;" "An act making appropriations for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth Beach;" "An act to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie;" "An act making an appropriation towards the extinguishment of the Quaupaw title to lands in the Territory of Arkansas; and "An act to authorize the Territory of Florida to open a canal to unite the river St. John's with the bay of St. Augustine;" in which amendment and bills they request the concurrence of the Senate.

On motion by Mr. GAILLARD, it was ordered that, in considering the subjects on the orders of the day, bills which originated in the Senate shall first be disposed of.

18th CON. 1st SESS.—24

INDIAN FUR TRADE.

On motion, by Mr. BENTON, the Senate resumed, as in Committee of the Whole, the bill to enable the President to carry into effect the treaty made at Ghent, the 24th of December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade within the limits of the said United States to American citizens, (Mr. KING, of Alabama, in the Chair.)

Mr. BENTON moved to add the following section, viz:

SEC. 5. And be it further enacted, That the sum of thirteen thousand dollars be paid out of any money in the Treasury not otherwise appropriated, to enable the President to send a military expedition against the hostile Indians of the Upper Missouri, and to preserve peace with the United States.

Mr. LOWRIE moved to amend the proposed amendment, by striking out all after the word "President," and inserting "if in his opinion it should be deemed necessary, to send a military force to sustain and protect the commissioners who may be sent to hold treaties with the Indian tribes on the Upper Missouri river."

The question was taken and determined in the negative—yeas 20, nays 23, as follows:

YEAS—Messrs. Barton, Benton, Brown, Eaton, Edwards, Elliott, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lowrie, Seymour, Talbot, Taylor of Indiana, and Thomas.

NAYS—Messrs. Barbour, Bell, Chandler, Clayton, D'Wolf, Dickerson, Gaillard, Holmes of Maine, King of New York, Lanman, Lloyd of Massachusetts, McIlvaine, Macon, Mills, Noble, Palmer, Parrott, Ruggles, Smith, Taylor of Virginia, Van Buren, Van Dyke, and Ware.

On motion, by Mr. LOWRIE, the bill was ordered to lie on the table.

THE TARIFF.

The bill from the House of Representatives "to amend the several acts for imposing duties on imports," was read the third time, as amended in the Senate. The question, "Shall this bill pass?" was then put.

Mr. HAYNE opposed the passage of the bill in a speech of considerable length.

Mr. SMITH, of Maryland, addressed the Chair as follows:

Mr. President, I am aware of the impatience of the Senate; but it appears particularly incumbent on me to make a few observations on the bill now on its final passage, as a justification for the vote I shall give in opposition to the memorial from Baltimore, unfurled triumphantly by the chairman, as if to deter me from the course that my duty to the interest of Maryland, and to the Union, had compelled me, as an honest representative of the people, to pursue. The signers of that memorial are highly respectable—some of them my relations—most of them my friends. They have counted on my known disposition to protect the manufactures of the nation, and will wish to know

my reasons for the vote I am about to give. There must, Mr. President, be some point at which to stop. I have thought that, when I was willing to give twenty-seven dollars and a half to the manufacturer, in every hundred dollars worth of articles I buy for my family, more than I could get the same quality of goods from others, that I was contributing sufficiently, and that the manufacturer ought to be satisfied. The duty of twenty-seven and a half per cent. is the lowest now paid on articles which we are capable of manufacturing; that is, 25 per cent. and 10 per cent. thereon, to create the ad valorem. On many articles, the present rate of duties give 30, 40, 50, and, on low-priced cottons, an average of 60 per cent. The memorialists pray for further protection to the manufacturers of the country, and the memorial justifies the bill, as originally reported to the House, which, if it had passed, would have levied a tax of at least five millions of dollars per annum on the people. Now, sir, I feel almost confident that, if that had been known to be the effect of the memorial, it would have had few subscribers. The signers thought (I must presume) that they only asked for a moderate protection to the manufacturers; they could not have believed that a bill would be framed so as to lay on the common laborer, who works for one hundred dollars per annum, a tax of eight or ten dollars a year, and, on their own families, an annual tax of 20 per cent. on their consumption. The original bill was greatly amended in the House. When it came to the Senate, the increased tax to be levied on the people, amounted to above four millions of dollars, (I think four million two hundred and fifty thousand dollars.) I do not speak at random, Mr. President. No, sir; my calculation is bottomed on a report from Mr. Nourse, Register of the Treasury, which was submitted to the Senate by the chairman, and has been printed. It shows, as far as the Register could, the amount collected, in the year 1823, on each article, and the amount payable on the same articles, by the bill, as received from the House. There can be no mistake, unless I shall have made it in the subtracting the one from the other. Had this document been before the House, it might possibly have had an effect; I say possibly—I cannot say probably—for the cabalistic word "Tariff" was superior to all discretion or reason.

I have said that the tax levied by the bill (as it came from the other House) would have amounted to a sum exceeding four millions of dollars per annum on the people. I call it a tax, because the new duties are imposed on articles indispensable to the people, many of which cannot be made in this country for many years, and some of them never; and wholly unnecessary to the protection asked for by the manufacturer. If the articles which required protection had been selected, and a rational protection had been granted, the bill would probably have been acceptable to many of its opposers—certainly to me. As the bill now stands, it affords very little protection, and imposes a heavy tax on the people, at a time when they are distressed, and when we do not want

revenue; our means being fully equal to our wants, and at a time when Great Britain is relieving her people from a part of their burdens. It is true, that the people will not be sensible of the tax they are paying; they do not know that the duties now paid impose a tax of 50 per cent. on all their consumption. Yet it is a fact, which I showed, and, I thought, proved, during the discussion of the bill. Let us suppose, Mr. President, that a direct tax and internal duties were proposed, to the amount of three or four millions annually, as a bounty to the manufacturers, to enable them to compete with the British—how many advocates would it have? And yet it would be a fairer mode—those taxes would fall on the whole; whereas the tax by this bill will be most severely felt by the South and Southwest.

I have said, Mr. President, that many of the proposed duties are imposed on articles that cannot be made in this country, and on others that there is little or no probability will be manufactured in the country for many, very many, years. In the mean time, the people are taxed. I will now proceed to show the excess of duty proposed by the bill, as it came from the House, on the most important items, and gentlemen will judge how far I have been correct.

On woollen cloths and cassimeres, the additional duties will amount to \$703,460 a year. Now, sir, although we may, in time, be able to manufacture those goods; yet, it will be many years before we can make much more than to meet the gradual increase of the population of the country. But what protection is given to the woollen manufacturer? None. If I am rightly informed, you place him in a worse situation than he was, by levying enormous duties on the raw material of wool, and that at a time when England is taking off her duty of ten cents per pound on imported wool. Thus, by the double operation of Great Britain aiding their manufacturer by lessening the duty on wool, and our laying an exorbitant duty on its importation, our manufacturer is incapacitated from entering into a competition, on equal terms, with the British; and this is the silly course we are pursuing.

On worsted stuffs, the duty proposed would create an additional tax on the people of \$372,376 per annum. Now, where in the United States is there a piece of worsted stuff made? No where; nor any contemplated. Then, why levy the duty? It will benefit no manufacturer. It is a tax that cannot be avoided; the females must have them for themselves and their children. On whom does it fall? On the poor and middling classes principally; a few, such as bombazetts, are worn by the rich for mourning. It is such folly as this that disgusts me with the bill.

On blankets and rugs, the excess of duty proposed amounts to \$119,711. When can we make sufficient for our consumption? The poor find it difficult to provide for their wants already; why increase it on them? On raw wool, the duty proposed amounts to \$93,763, just double what it now pays.

On linens, the increased duty amounts to \$418,-

318 per annum. Now, sir, I ask the Chairman, where is there a manufacture of Irish linens? where a supply of osnaburgs, and other coarse linens, adequate to our wants? I know of none. This is, then, evidently a tax without benefit to any person. It will be simply an addition to the revenue, which the President said, in his message, was not wanted.

On silks, the proposed duty would exceed that now paid in the sum of \$778,279. What manufacture does this enormous tax protect? Have we any such manufacture? Can we have? Will we ever have? Then why lay it? On whom does it fall? On the ladies! On the females of the country. I call on the Chairman; I call on the other bachelors of the Senate; where is their gallantry? Does it sleep? Will they oppress their fair countrywomen with this heavy imposition on their dress? I call as Glendower did, but will they come? No, sir; their countenances show obduracy. You, sir, who now fill the chair, by your smiles, show how much you think it your duty to protect the fair. Had those recreants lived in the time of chivalry, they would never have broken a lance in honor of beauty and bright eyes. But I shall be told that silks are a luxury, and so they were at one time of the Romans, when they were sold pound for pound against gold. Silk is now worn by all classes. All our farmers' wives and daughters, who are in tolerable circumstances, have their silk bonnets and gowns. Look at the streets, in your great cities, and you will see that silk is worn by all classes. I admit that it is a fair object of revenue, but the President has told you, and we all know, that revenue is not wanted. It is, therefore, a heavy tax, without object.

On woollen and cotton stockings, the additional duty is \$44,607. I believe they may be made, in process of time; at present, we have some manufactures of them, but to no great extent.

On hempen goods, such as osnaburgs, ticklenburgs, burlaps, we make none. The excess of duty is \$28,004. On Russia and Holland duck, the bill proposed to double the duty. The difference amounts, between the old and new, to \$154,271, a direct unavoidable tax on the shipping interest, already in a desponding state. I will not add to what I have already said on that subject. When this subject was under consideration, in 1816, we were told by Kentucky, grant us a duty of \$1 50 per hundred weight, and we will soon supply the market. It was granted. Did they cultivate hemp? No, sir; they raised less, much less, than they had done previous to that period; and now they ask a duty of two cents per pound—thus raising the duty from \$30 per ton, to \$44 80 per ton—and, in this way, to levy a tax on the shipping interest, already almost prostrate, of \$47,867 per annum. I say a tax, for there would not be a ton of hemp less imported.

On bar iron, the additional duty will amount, per annum, to the sum of \$88,782. This, also, falls heavily on the shipping interest, as has been shown, by Mr. LLÖYD of Massachusetts, and others. It will not lessen the importation one ton. It may

make the farmers, ship-builders, nailmakers, and others, pay more for iron. I doubt whether the blacksmith will be able to obtain a cent more for horse shoes, or he who furnishes the ships with piece work, such as hooks and thimbles, &c., to get more than he now does. It will, therefore, only be a tax on their labor. I will venture to believe, that the iron master will not get more by this three dollars per ton, than he will have added to his expenses and to those of the people he employs, by the additional duties on the articles in this bill, which they must consume. I will add, that I have been told by a well informed gentleman, that any duty less than twenty-five dollars per ton, will not prevent the importation of foreign iron. Bar iron is a raw material—every imposition thereon is injurious to our nailmakers, who could compete with any nation, in the trade to South America, if they could draw back, on exportation, the duty paid on importation; but to this the Chairman will not assent.

On imported spirits the increased duty proposed would amount to \$306,061 per annum. The attempt on this object shows the temper of men. At present, the duty on imported spirits amounts to double the price of whiskey in the market, and yet more is asked, and so it will be. Give what you will, Mr. President, and more will be required. What is the result of the present high duty on spirits? Why, we are told, from undoubted authority, that Jamaica rum is sold in Maine, near Brunswick, at less than the duty now imposed by law.

You propose to raise the duty on the seven and a half per cent. goods, to twelve and a half per cent. None of them are made in the United States. Now, sir, when a man can carry in his breeches pocket the value of three or four hundred dollars, the probability is, that little duty will be paid. In 1816, the duty on those fine goods was lowered to seven and a half per cent. ad valorem. At first, it was not thought worth the risk of smuggling, and the goods were tolerably fairly imported. In 1817, the amount imported was \$1,529,284. In 1818, \$2,387,697. In 1819, \$1,679,284; but, in 1820, they began to understand the business better, and the amount fell down to \$509,237. In 1821, \$840,613; and in 1822, to the sum of \$918,557. What will be produced by the twelve and a half per cent. is problematical. I fear that smuggling will cease to be considered an immoral act; and, whenever that takes place your revenue will be greatly injured.

I will read the names of the other articles without troubling the Senate with showing the increased duty on each. They will see that most of them have no bearing on the manufactures of the country; they are simply taxes on the people, without object, some few articles, however, excepted, to wit: glass and Leghorn hats and bonnets, carpets and carpeting, paper, books, and some articles of iron and copper.

Mr. President, the total amount of new and additional duties proposed by the bill, as it came from the House, which could be distinguished by the Register, amounts to the sum of \$3,779,625.

I have estimated the difference on such articles as he could distinguish, but which were numerous; and have estimated the whole amount at four millions. My real opinion is, that it amounts to much more. But, Mr. President, the Senate have made many valuable amendments to the bill; so that, I believe, without having made any exact calculation on it as it now stands, that the new duties will be an increase on the old, of about \$3,500,000, say \$2,800,000 of a tax on the people.

Mr. President, I ask, what are the advantages to be derived from the bill to justify us to the people for levying on them so heavy a tax? Is it on cottons? The bill, it is true, better secures to them the fabric, under a cost of twenty-five cents the square yard. But, until they commence the making of a variety of cotton fabrics, which they do not make, and are not prepared to make, it will be simply a tax on almost all, except the plain white cottons, that they do now make, and the consumption of which they now enjoy, in a great proportion.

Is it on woollens? I am unacquainted with the subject; but I am informed, that the bill gives little protection to them, as the duty on the raw material is equal, or nearly equal, to the increased duty on the cloth.

Is it on linens or silks? Certainly not. We manufacture none, and will not, in any reasonable time.

Is it on worsted stuffs? I have shown that we have no manufactory of the kind, nor is there any probability that we shall have, for thirty years.

Is it on osnaburgs and such like goods? No; we manufacture none, nor is there a probability that we shall. It is true, that we could, but as true that we will not.

Is it on bar iron? The addition of three dollars per ton is too unimportant; it will operate nothing as a protection; and that the Chairman, who has something to do with iron or iron ore, knows well, and feels it. It is simply a tub to Pennsylvania.

Is it on glass, books, papers, and Leghorn hats and bonnets? Yes, sir, those articles are protected. There are some minor articles, also, that will be benefited; but, Mr. President, are those benefited of such consequence as to induce the Senate to vote a perpetual tax of \$3,500,000 per annum on the people? I think not. I say perpetual. Those duties for the protection of manufactures, are not like duties for revenue. The first cannot be repealed without injury to those who have engaged in them. Those for revenue, may, at pleasure.

I have, Mr. President, taken up the precious time of the Senate, under the hope that I should be able to justify my vote to all my immediate constituents, and to the nation. I have done, and pray the Senate to accept my thanks for the attention with which they have honored me.

The question on the passage of the bill was decided in the affirmative by yeas and nays, as follows:

YEAS—Messrs. Barton, Bell, Benton, Brown, Chan-

der, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Holmes of Maine, Jackson, Johnson of Kentucky, Knight, Lanman, Lowrie, Melvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—25.

NAYS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Mississippi, H. Johnson of Louisiana, J. S. Johnston of Louisiana, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—21.

So the bill passed as amended, and was sent to the other House for concurrence in the amendments.

FRIDAY, May 14.

On motion by Mr. BARBOUR, it was ordered that, in considering bills which originated in the Senate, those of a private nature shall be first disposed of, and the same rule shall be observed in relation to bills from the House of Representatives.

The seven bills yesterday brought up from the House of Representatives for concurrence, were severally read twice by unanimous consent.

On motion, the bill, entitled "An act to regulate the fees of the registers of wills in the several counties within the District of Columbia," were referred to the Committee on the District of Columbia.

The bill, entitled "An act granting a right of pre-emption to certain actual settlers in that part of the former province of West Florida, included in the district of Jackson Courthouse, in the State of Mississippi; and in the district of St. Helena Courthouse, in the State of Louisiana;" and the bill, entitled "An act granting certain lots of ground to the Corporation of the city of Mobile, and to certain individuals of said city," were severally referred to the Committee on Public Lands.

The bill, entitled "An act making appropriations for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth Beach," was referred to the Committee on Commerce and Manufactures, to consider and report thereon.

The bill, entitled "An act making an appropriation towards the extinguishment of the Quau-paw title to land in the Territory of Arkansas," was referred to the Committee on Indian Affairs, to consider and report thereon.

The bill, entitled "An act to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie;" and the bill, entitled "An act to authorize the Territory of Florida to open a canal through the public land to unite the river St. John's with the bay of St. Augustine;" were severally referred to the select Committee on Roads and Canals.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act authorizing the issuing certain debentures to Bernard Thooft;" and, no amendment having been

made thereto, it was reported to the Senate; and ordered to a third reading.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of John Holliday;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Jonas Duncan;" and it was laid on the table.

The bill from the other House, "for the relief of Mary James," was taken up for consideration in Committee of the Whole. The husband of this petitioner was a soldier draughted during the late war, in the State of Virginia. Soon after his discharge, he died of a disease contracted during his service; and his widow prays that she may be allowed a pension from the Government. Considerable discussion took place upon the bill; in which Messrs. BARBOUR and LANMAN advocated its passage, and Messrs. NOBLE and CHANDLER opposed it. Mr. NOBLE moved that the further consideration of the bill be indefinitely postponed. This motion was carried—yeas 18, nays 10, as follows:

YEAS—Messrs. Bell, Benton, Brown, Chandler, D'Wolf, Edwards, Gaillard, Hayne, Holmes of Mississippi, J. S. Johnston of Louisiana, King of Alabama, Lowrie, Macon, Noble, Parrott, Ruggles, Seymour, and Smith.

NAYS—Messrs. Barbour, Barton, Jackson, Johnson of Kentucky, King of New York, Lanman, Lloyd of Massachusetts, Mills, Thomas, and Van Dyke.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Malachi Burns;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Arthur N. Henley;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Robert S. Forman;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Joshua Bennett;" and it was laid on the table.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act enabling the claimants to lands within the limits of the State of Missouri, and Territory of Arkansas, to institute proceedings to try the validity of their claims;" "An act to authorize the issuing of letters patent to Nathaniel Sylvester;" "An act to revive and extend the term of certain pensions which have expired by limitation;" and "An act providing for the disposition of three several tracts of land in Tuscarawas county, in the State of Ohio, and for other purposes;" in which bills they request the concurrence of the Senate.

The four bills last mentioned were severally read twice, by unanimous consent; and the two first mentioned were severally referred to the Com-

mittee on the Judiciary. The third mentioned of said bills were referred to the Committee on Naval Affairs. The fourth and last mentioned of said bills was referred to the Committee on Indian Affairs.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Judah Alden;" and it was laid on the table.

The bill reported by the Committee on Finance, "for the relief of John H. Howland, of New York," was taken up for consideration in Committee of the Whole. Mr. GAILLARD was called to the Chair. This bill provides for the allowance of the drawback on certain goods exported from the city of New York; which drawback could not otherwise be allowed; in consequence of some little informality in the entry of the same. Mr. SMITH explained the facts in the case, and the bill was then reported to the Senate, and passed to be engrossed and read the third time.

Mr. BENTON, from the Committee on Military Affairs, reported a bill "to provide for the extinguishment of Indian titles to lands within the State of Missouri," together with a written report on the subject. The bill was read, and passed to a second reading; and the report was ordered to be printed.

The bill reported by the Committee on the Judiciary, "to permit Anna Dubord to land certain slaves in the State of Louisiana," was taken up in Committee of the Whole. The lady for whose relief the bill was drawn, had left the country; and, on her return, requests permission to land her household servants, which she took from the country with her. Messrs. HOLMES, of Maine, J. S. JOHNSTON, of Louisiana, and VAN BUREN, explained the circumstances. Mr. CHANDLER opposed, and Mr. MILLS advocated, the passage of the bill. It was then reported to the Senate, without amendment; and passed to be engrossed and read the third time.

The bill reported by the Committee on Finance, "for the relief of Alexander Scott, late Collector of the port of Pensacola," was taken up, in Committee of the Whole.

This bill provides an increased compensation to Mr. Scott, for certain services performed by him. Some remarks upon this bill were made by Messrs. SMITH, RUGGLES, and EATON. The bill was then ordered to lie on the table.

The bill introduced on leave, and reported by the Committee on Public Lands, "for the relief of John Donnelson, Stephen Heard, and others," was taken up for consideration, in Committee of the Whole. This bill confirms the grant of a tract of land to each of the persons for whose relief it is drawn, as a compensation for their services as Commissioners, under an act of the State of Georgia, in 1784, "to ascertain the precise quality and situation of that portion of the Western territory lying on the big bend of the Tennessee river." This grant had been made to the Commissioners, by the State of Georgia, previous to the cession of the territory, where the land was situated, to the United States. The lands re-

served for these Commissioners, not having been located, and the titles not having been perfected, this bill confirms the grants of those individuals. Some discussion on the merits of this claim took place between Messrs. EATON, CHANDLER, KING of Alabama, LOWRIE, H. JOHNSON of Louisiana, and WARE. The bill was then reported to the Senate, and passed to be engrossed and read the third time.

The following bills from the House of Representatives, relating to private claims, were severally taken up for consideration in Committee of the Whole. They were explained by the chairman of the committees to which they had been referred in the Senate; and some of them were cursorily discussed. They were reported to the Senate, and passed to a third reading:

The bills for the relief of George B. R. Gove; releasing the owners of the ship General Jackson from the payment of certain duties; for the relief of David Giffin and Daniel Hoag; for the relief of the legal representatives of Samuel Mims, deceased; for the relief of Joseph Wheaton; for the relief of William T. Nimmo; for the relief of Alvin Bronson; for the relief of David Beard; for the relief of William Blagrove; for the relief of John Thomas and Company; for the relief of William N. Earle; for the relief of Charles Humphrey; for the relief of Joseph Marechal; to authorize the repayment to Bazaleel Wells, of a certain sum of money erroneously paid into the Treasury; for the relief of Elliott Rucker; for the relief of Thomas Williams; for the relief of Henry Lightner; for the relief of David Cooper; for the relief of Solomon Sibley; for the relief of Frederick Perley; for the relief of the representatives of Elijah Brush; for the relief of Stephen Brace; for the relief of Lemuel Arms; for the relief of Mareen Duval; for the relief of Nathaniel Jones; for the relief of George Fisher; to compensate William Cocke for certain services; for the relief of John Wilmot; and for the relief of J. T. Johnson.

The amendment made by the House of Representatives to the bill from the Senate, "to provide for the extinguishment of the debt due from the purchasers of the public lands," was taken up for consideration. Some remarks were made upon the propriety of this amendment by Messrs. KELLY, LOWRIE, KING of Alabama, BROWN, THOMAS, and RUGGLES. The amendment was then concurred in.

The bill "authorizing the examination and survey of the harbor of Charleston, South Carolina, and of the coast of Florida," was read the third time, passed, and sent to the other House for concurrence.

SATURDAY, May 15.

Mr. BARBOUR presented the petition of W. K. Armistead, praying that a law may pass authorizing an equitable settlement of his accounts; which was read, and referred to the Committee of Claims.

On motion, by Mr. VAN BUREN, the Committee

on the Judiciary were discharged from the consideration of the bill, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas, to institute proceedings to try the validity of their claims;" and was referred to the Committee on Public Lands.

Mr. BARBOUR, from the Committee on the District of Columbia, to whom was referred the bill, entitled "An act to regulate the fees of the registers of wills in the several counties within the District of Columbia," reported it without amendment.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act to authorize the issuing a register to the brig William, of New York;" and, on motion, it was postponed to Monday next.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Maturin Guichot;" and, no amendment having been made, it was reported to the Senate, and passed to a third reading.

The bill to extinguish the Indian claims to lands within the State of Missouri, was read the second time.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Thomas L. Ogden and others;" and it was laid on the table.

Mr. EATON, from the Committee on the District of Columbia, to whom was recommended the bill, entitled "An act supplementary to the act 'to incorporate the inhabitants of the City of Washington,' passed the 15th of May, 1820," reported it with an amendment, which was read; and ordered to be printed for the use of the Senate.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Robert Strain;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Landie Richardson;" and it was laid on the table.

Mr. BENTON, from the Committee on Indian Affairs, to whom was referred the bill, entitled "An act making an appropriation towards the extinguishment of the Quaupaw title to lands in the Territory of Arkansas," reported it without amendment.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act to authorize the issuing of a register for the schooner Five Sisters;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Peter Yandes;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of Samuel Cleveland, junior;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for

the relief of the assignees and legal representatives of John H. Piatt;" and it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act for the relief of John K. Carter;" and it was laid on the table.

On motion of Mr. BARTON, the Committee on Public Lands was discharged from the further consideration of the petition of Isaac Clark, his case having been embraced in a general act which has been passed by Congress.

The same committee was, also, discharged from the further consideration of the petition of Charles Morgan, of Louisiana.

Mr. LOWRIE gave notice that, on Monday next, he should ask leave to introduce a joint resolution to authorize the Secretary of State to furnish one copy of Tanner's American Atlas to each of our Ministers at foreign Courts.

Mr. BENTON submitted a resolution, requesting the President of the United States to cause to be laid before the Senate, at the next session, a report from the Secretary of the Navy, showing the reasons why American hemp may not be used in the manufacture of canvass and cordage for the American Navy. The resolution was read, and laid over for consideration.

The following bills from the House of Representatives, having relation to private claims, were severally taken up for consideration, in Committee of the Whole, Mr. GAILLARD in the Chair. The merits of the respective claims were explained by members of the committees to which they had been referred; and some of them were discussed by other members. They were severally reported to the Senate, and passed to a third reading:

The bills for the relief of Archibald Clark; for the relief of Daniel Carroll of Duddington, and others; for the relief of Robert S. Forman; supplementary to an act entitled "An act to authorize the legal representatives of John B. Mebane to collect certain arrears of taxes; for the relief of Jacob Slough; for the relief of Joseph Firman and others; for the relief of Isaac Collier and others; for the relief of the legal representatives of Charles Bradford; for the relief of the legal representatives of John Lauderman; for the relief of William Hall, an invalid soldier of the Revolutionary Army; for the relief of Alexander Scott, late collector of Pensacola; for the relief of Joshua Bennett; for the relief of Benjamin King; for the relief of Jonas Duncan; for the relief of James, Jehu, and Nathaniel Brooks, and the legal representatives of Edward Styles; for the relief of Robert Brotherton; for the relief of John S. Moffett; for the relief of certain persons who imported goods into Castine, during the late war; for the relief of Benjamin Desobry; for the relief of J. Ottremare; for the relief of Dean Weymouth; for the relief of Joseph Smith, of Alexandria; for the relief of Robert Blean; for the relief of the executors of John B. Fanning, late a purser in the Navy of the United States; for the relief of J. M. C. Montgomery; for the relief of Hugh McCulloch; for the relief of Mary H. Hawkins; for the relief of Morris Goldsmith and An-

thony Roderick; for the relief of the legal representatives of John Fry and Samuel Spalding; for the relief of John Topp.

The bill "for the relief of the legal representatives of John Donnelson, Stephen Heard, and others;" the bill "for the relief of John H. Howland, of New York;" the bill "to permit Anna Dubord to bring certain slaves into the State of Louisiana;" and the resolution "authorizing the purchase of a certain number of copies of the Journal of Congress, from 1774 to 1788;" were severally read the third time, passed, and sent to the other House for concurrence.

The following bills, from the House of Representatives, were severally read the third time and passed; the bills for the relief of the legal representatives of Samuel Mims, deceased; for the relief of William P. Nimmo; for the relief of Alvin Bronson; for the relief of David Giffin and Samuel Hoag; for the relief of George B. R. Gove; for the relief of Joseph Wheaton; for the relief of William Blagrove; for the relief of John Thomas and Company; for the relief of William N. Earle; releasing the owners of the ship General Jackson from the payment of certain duties; for the relief of Charles Humphrey; for the relief of the representatives of Elijah Brush; for the relief of Joseph Marechal; providing for the repaying to Bazaleel Wells, a certain sum of money by him erroneously paid into the Treasury; for the relief of Stephen Brace; for the relief of Lemuel Arms; for the relief of Mareen Duval; for the relief of Elliott Rucker; for the relief of Thomas Williams; for the relief of Nathaniel Jones; for the relief of John Wilmot; for the relief of Henry Lightner; for the relief of David Cooper; for the relief of David Beard; for the relief of Solomon Sibley; for the relief of Frederick Perley; to compensate William Cocke for certain military services, rendered during the late war; for the relief of John T. Johnson; and an act authorizing the issuing of certain debentures to Bernard Thooft.

The amendments made in the House of Representatives to the bill from the Senate "for the relief of Dean Weymouth," were taken up for consideration. The first amendment was concurred in, and the second was disagreed to.

The Senate resolved to adhere to that part of their amendment to the bill "concerning invalid pensioners," which was disagreed to by the House of Representatives.

MONDAY, May 17.

On motion of Mr. BARTON, the Committee on Public Lands was discharged from the further consideration of the resolution, "directing an inquiry whether any further legislation be necessary to prevent frauds in surveying the public lands, and in making certificates thereof." Mr. B. stated that the committee were of opinion that the present laws are amply sufficient to attain the objects of the resolution; and therefore had directed this motion to be submitted.

Mr. BENTON gave notice that he should tomorrow ask leave to introduce a bill "to com-

plete the survey of the Southern and Western boundaries of the State of Missouri."

In pursuance of notice given on Saturday last, Mr. LOWRIE asked leave to introduce a joint resolution, to authorize the Secretary of State to furnish one copy of Tanner's American Atlas to each of our Ministers and Chargés des Affaires, at foreign Courts. Leave was accordingly granted—the resolution was read, and passed to a second reading.

Mr. LLOYD, of Massachusetts, from the Committee on Naval Affairs, to whom was referred the bill, entitled "An act to revive and extend the term of certain pensions, which have expired by limitation," reported it without amendment.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill, entitled "An act granting certain lots of ground to the Corporation of the city of Mobile, and to certain individuals of said city," reported it without amendment.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill, entitled "An act to allow further time to complete the issuing and locating of military land warrants," reported it without amendment.

Mr. BROWN, from the select Committee on Roads and Canals, to whom was referred the bill, entitled "An act to improve the navigation of the Ohio and Mississippi rivers," reported it without amendment.

Mr. LLOYD, of Massachusetts, submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause a report, from the Secretary of the Treasury, to be laid before the Senate at the commencement of the next session of Congress, showing the amount of duties which shall have accrued on importations into the United States for the three-quarters of a year, ending June 30, 1824; also, the amount of duties which would have accrued on the same importations at such higher rates of duty as may be imposed by any act of the present session of Congress.

Mr. BENTON, from the Committee on Indian Affairs, to whom was referred the bill, entitled "An act providing for the disposition of three several tracts of land in Tuscarawas county, in the State of Ohio, and for other purposes," reported it without amendment.

Mr. NOBLE, from the Committee on Pensions, to whom was referred the bill, entitled "An act for the relief of Samuel Rist," reported it without amendment.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act to amend the several acts for imposing duties on imports," with amendments to the first, third, fourteenth, sixteenth, and forty-eighth thereof; in which they request the concurrence of the Senate.

The Senate proceeded to consider, as in Committee of the Whole, the bill entitled "An act for the relief of the heirs of Miguel Eslava;" and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill entitled "An act for the relief of Edward Evans;" and, no amendment having been made thereto, it was reported to the Senate, and passed to a third reading.

The following bills, from the House of Representatives, respecting private claims, had their third reading, and were passed:

The bill for the relief of Archibald Clark; for the relief of Daniel Carroll, of Duddington, and others; for the relief of Robert S. Forman, supplementary to an act, entitled an act to authorize the legal representatives of John B. Mebane, to collect certain arrears of taxes; for the relief of Jacob Slough; for the relief of Joseph Firman, and others; for the relief of Isaac Collier and others; for the relief of the legal representatives of Charles Bradford; for the relief of the legal representatives of John Lauderman; for the relief of William Hall, an invalid soldier of the Revolutionary Army; for the relief of Alexander Scott, late collector at Pensacola; for the relief of Joshua Bennett; for the relief of Benjamin King; for the relief of Jonas Duncan; for the relief of Robert Brotherton; for the relief of John S. Moffit; for the relief of certain persons who imported goods into Castine, during the late war; for the relief of Benjamin Desobry; for the relief of J. Ottremare; for the relief of Dean Weymouth; for the relief of Joseph Smith, of Alexandria; for the relief of Robert Blean; for the relief of the executors of John B. Fanning, late a purser in the Navy of the United States; for the relief of J. M. C. Montgomery; for the relief of Maturin Guichot; for the relief of Hugh McCulloch; for the relief of Mary H. Hawkins; for the relief of Morris Goldsmith and Anthony Roderick; for the relief of the legal representatives of John Fry and Samuel Spalding; for the relief of John Topp; for the relief of James, Jehu, and Nathaniel Brooks.

The bill "for the relief of Thomas L. Ogden, and others," was taken up in Committee of the Whole. This is a claim for wood cut down, and used by the United States troops at Sackett's Harbor, during the late war. After some discussion, the bill was reported to the Senate, and refused a third reading.

The following bills from the other House were taken up in Committee of the Whole, reported to the Senate, and passed to a third reading; the bills for the relief of John K. Carter; for the relief of Landie Richardson; and for the relief of Robert Strain.

INDIAN FUR TRADE.

On motion of Mr. BENTON, the Senate then proceeded to consider the bill "to enable the President to carry into effect the Treaty made at Ghent the 24th December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the United States, and to preserve the fur trade, within the limits of the said United States, to American citizens." The question was upon adopting an amendment, proposed by Mr. BENTON, as a new section to the bill, providing an appro-

riation of \$13,000 to enable the President to send a military expedition among the hostile Indians on the Upper Missouri, and to preserve the peace in that quarter. Messrs. BENTON, JOHNSON, of Kentucky, HOLMES, of Maine, and J. S. JOHNSTON, of Louisiana, made some remarks upon this subject.

Mr. NOBLE moved to amend the amendment by striking out all but the enacting clause, and inserting a provision appropriating \$10,000 for the purpose of enabling the President to send a military escort, when he shall think proper, for the protection of commissioners to be sent to the Upper Missouri, to treat with the Indians in that quarter.

Mr. BENTON accepted this amendment, and agreed to withdraw that which he had proposed. Messrs. MILLS and HOLMES, of Maine, contended that the President had already the power which this amendment proposes to give him. Messrs. BROWN, LOWRIE, BARBOUR, EDWARDS, KING, of New York, H. JOHNSON, of Louisiana, and BENTON, entered into the discussion of the merits of the proposed amendment. The question was then put upon the adoption of the amendment, and carried in the affirmative. The bill, as amended, was then reported to the Senate; the amendments made in Committee of the Whole were agreed to. The bill was then ordered to be engrossed, and read the third time.

AMERICAN HEMP.

The following resolution, submitted on Saturday last, by Mr. BENTON, was again read for consideration:

Resolved, That the President of the United States be requested to direct the Secretary of the Navy to lay a report before the Senate, at the commencement of the next session of Congress, showing the reason, if any, why canvass, cordage, and cables, made of hemp, the growth of the United States, may not be used in the equipment of national vessels.

Mr. BENTON said his object in presenting the resolution was, to find out the reason which excludes American hemp from American ships. The objection being known, could be met and conquered, if it was not insuperable. A defect in the fibre might be incurable; but, if the objection goes only to the preparation, the manufacture, or the want of an adequate supply, there is nothing invincible in it.

Mr. B. wished the Navy to be *national*, not only in the hearts which fill it, but in the material of which it is built. He objected to the quantity of foreign material now used; iron from Sweden, hemp from Russia, copper from England, lead from the Mediterranean. Wood, alone, was the product of the United States. He referred to an official paper to show the cost of these materials in a ship of the line:

Iron	-	\$23,000—The North Carolina 74
Hemp	-	\$61,000—The Columbus 74
Copper	-	\$57,000—The Columbus 74
Wood	-	\$70,000—The Columbus 74
Lead	-	\$2,500—The North Carolina 74

He pointed out the enormous disproportion of cost between the foreign and the domestic mate-

rial; and calculated the loss to American citizens, and the gain to the serfs and boors of Europe, in building the nine ships of the line and the twelve frigates, lately authorized by an act of Congress for the gradual increase of the Navy. But the loss, great as it is, he said, did not stop here. When these nine seventy-fours and twelve frigates are finished, another set will be commenced, and the work will go on, until the Republic, like the Mother Empire, shall boast her "thousand ships of war." Mr. B. had no objection. He was a friend to the Navy. He wished to see it grow with the growing power of the country; but he wished it also to be *national* in material, as well as in crews and commanders; and he claimed for the American people the benefit of the expenditure which creates it.

Mr. LLOYD, of Massachusetts, said he did not rise to oppose the resolution, as he was perfectly willing to vote for any information on the subject; but he wished to suggest an amendment. He remarked upon the *national* character which the Navy already possessed—he repelled the idea, which had frequently been expressed that the Navy was peculiarly an Eastern or sectional interest. He adverted to an act which had been recently brought forward, and which had passed the Senate, for the building an additional number of sloops of war; a class of vessels which was not absolutely necessary, in the deep waters of the North, but which was peculiarly adapted for the protection of the mouth of the great rivers of the West, and the products of the Western States, which were constantly descending those rivers.

Mr. L. proposed to amend the resolution, so as to extend the inquiry to the relative advantages of using, for the Navy, the domestic or the foreign material mentioned in the resolution.

Mr. BENTON assented to the remarks made by the Senator from Massachusetts, and agreed to the proposed modification of his resolution.

Mr. SMITH made a few remarks, in order to show that foreign materials were not now used in the construction of our public vessels to the extent apprehended by the honorable member from Missouri.

The question on agreeing to the resolution was then put, and carried in the affirmative.

THE TARIFF.

The amendments which were made in Senate, and disagreed to in the House of Representatives, to the bill "to amend the several acts for imposing duties on imports," was taken up for consideration.

The House propose to amend the first amendment of the Senate, which provides for a duty of fifteen per centum on Russia, Holland, and Raven's duck, by striking out the words "Russia, Holland, and Raven's," and inserting, in lieu thereof, the word "sail," so as to read "on sail duck." On motion of Mr. DICKERSON, the Senate agreed to this amendment.

The House refuse to concur in the following proviso, inserted by the Senate: "*Provided*, That,

on all manufactures of wool, or of which wool shall be a component part, the actual value of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem." Mr. BARBOUR moved that the Senate do insist upon its amendment, in this case. Messrs. DICKERSON and EATON, opposed this motion. On this question the votes were as follows:

YEAS—Messrs. Barbour, Branch, Clayton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, H. Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Dyke, Ware, and Williams—23.

NAYS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Findlay, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Van Buren—23.

The Senate being thus divided on the question, the Vice President resumed the Chair, and gave his casting vote in favor of insisting upon the proviso. And so the Senate determined to insist upon retaining the proviso.

The House refuse to concur in the amendment, by which the Senate struck out the following clause: "On cotton bagging, four and a half cents per square yard." Mr. DICKERSON moved that the Senate do recede from this amendment. The motion was opposed by Messrs. HAYNE, J. S. JOHNSTON, of Louisiana, and H. JOHNSON, of Louisiana, and supported by Mr. JOHNSON, of Kentucky.

Mr. J. S. JOHNSTON said, he did not rise to discuss a bill which had occupied so much time. His object was to state the question now pending fairly to the House. It was a question between the Western States and the cotton planting States. The other States were indifferent and neutral; and, therefore, properly umpires between them. He submitted his remarks to the candor of gentlemen interested, and hoped they would receive and estimate them in the spirit of justice and conciliation.

He said it must be confessed, that, whatever might be the effect of this bill, it did not operate beneficially upon the cotton States; that, in a bill embracing nearly all the interests of the country, not one item was introduced which could in the least profit them; they are beyond the reach of protection. It must be equally evident that the bill is predicated on a general rise of about ten per cent. on all articles; that the weight of this increased duty falls equally upon the Southern States: they must bear the full proportion of this tax upon every article of consumption. He said the duty on duck and coarse linens, articles of the same description, had been excepted from the bill; this had been from respect to peculiar interests. He approved of the exception. They fell upon a peculiar class, and might impair the ship building and navigation. Cotton bagging, although coming within the scope of the exception, was not included: he did not ask that. He was willing to

increase the duty at the rate of all other articles, to twenty-five per cent; and he did this with a view to meet the gentlemen in the spirit of conciliation and compromise. The present duty is equal to 2½ cents per running yard, the proposed duty is equal to 4½ cents per square yard, equal to 5½ per running yard. The increase to 25 per cent. is equal to 3¾ cents. This conforms to the general principles of the bill, and he hoped would encourage the production of the article. It will not operate unequally and unjustly. He made some remarks upon the quantity consumed, cost, present amount of duty, and the sum which would be drawn from the cotton States by the increased duty.

He said that Kentucky had, no doubt, suffered much distress in consequence of the sudden revolution that took place after the war, &c., perhaps by the means which she had adopted, to avert the evil. But, he said, he believed that, at least with regard to his own State—she was now undergoing the same trial through which Kentucky had passed—she was now struggling with her debts, loss of crops, fall of prices, and depreciation of property—she had been obliged to borrow two millions to avoid the fatal contrivances of other States—she had avoided stop laws, replevins, paper money; but, to relieve the pecuniary distress, she had been obliged to pledge the public credit for two millions. There was nothing in her situation to warrant the imposition of any unequal tax upon her.

He concluded by repeating, that, receiving no advantage from the bill, bearing an equal portion of the whole burden, and as exceptions had been made in favor of articles of a similar description, and in favor of particular interests, he submitted to the candor of the West, and to the judgment of the House, whether a greater increase ought to be demanded than twenty-five per cent. ad valorem.

The question on receding was then put, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Barton, Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Edwards, Findlay, Johnson of Kentucky, Knight, Lanman, Lowrie, McIlvaine, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, and Thomas—21.

NAYS—Messrs. Barbour, Branch, Clayton, Eaton, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, H. Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Lloyd of Massachusetts, Macon, Mills, Parrott, Smith, Taylor of Virginia, Van Buren, Van Dyke, Ware, and Williams—25.

So the Senate refuse to recede from their amendment, by which the duty on cotton bagging was stricken out. On motion of Mr. DICKERSON, the Senate then determined to insist upon that amendment.

The House refuse to concur in the amendment, by which the Senate struck out the fourth section, providing for the allowance of drawback on plain silk and nankeen cloths, imported in American vessels from beyond the Cape of Good Hope, although the said cloths, before the exportation thereof, shall have been colored, printed, stained,

dyed, stamped, or printed, in the United States. Mr. DICKERSON moved that the Senate do insist upon this amendment. This motion was opposed by Mr. LLOYD, of Massachusetts. It was decided in the negative. On motion of Mr. LOWRIE, the Senate receded from the amendment, by which the fourth section was stricken out. So the fourth section was retained, as amended in the House, by striking out the words "and nankeen cloths."

PUNISHMENT OF CRIMES.

On motion of Mr. LLOYD, of Massachusetts, the Senate proceeded to consider, as in Committee of the Whole, the bill "to provide for the punishment of certain crimes committed in any navy yard, fort, arsenal, magazine, dockyard, lighthouse, tract of land, or other place, the exclusive jurisdiction of which belongs to the United States;" Mr. KING, of Alabama, was called to the Chair. Mr. LANMAN opposed the passage of the bill, and was replied to by Mr. LLOYD. Mr. EATON submitted a new bill, as an amendment to that under consideration. The amendment was adopted; and the bill, as amended, was reported to the Senate. Messrs. J. S. JOHNSTON, of Louisiana, TALBOT, HOLMES, of Maine, MILLS, CHANDLER, VAN BUREN, and LANMAN, discussed the propriety and expediency of passing the bill. An amendment proposed by Mr. MILLS, rendering the bill more specific as to the crimes to be included in its provisions, was adopted. The bill was then passed to be engrossed and read the third time; yeas 36, nays 8, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Brown, Clayton, Eaton, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson, J. S. Johnston, Kelly, King of Alabama, King of New York, Knight, Lloyd of Massachusetts, McIlvaine Mills, Noble, Palmer, Parrott, Seymour, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, Ware, and Williams.

NAYS—Messrs. Benton, Chandler, D'Wolf, Dickerson, Findlay, Lanman, Lowrie, Macon.

A message from the House of Representatives informed the Senate that the House ask a conference with the Senate on the disagreeing votes of the two Houses, upon the amendments of the Senate to the bill, entitled "An act to amend the several acts imposing duties on imports;" and have appointed managers at the same on their part.

TUESDAY, May 18.

On motion by Mr. SMITH, the Committee on Finance were discharged from the consideration of the memorial of the banking institutions of Charleston, South Carolina, and the petition of the legal representatives of James Roddy; and also from the resolutions of the 12th of December, 8th January, and 18th February last.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill, entitled "An act enabling the claimants to lands within the State of Missouri, and Territory of Arkansas, to

institute proceedings to try the validity of their claims," reported it with amendments, which were read, and ordered to be printed for the use of the Senate.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred the bill, entitled "An act making appropriations for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth beach," reported it without amendment.

Mr. DICKERSON, from the same committee, to whom was referred the petition of David Melville, made a report, which was read and considered; and, in concurrence therewith, the committee were discharged from the further consideration of the subject.

Mr. DICKERSON, from the same committee, to whom was referred the petition of James B. Fiske, and others, made a report, which was read and considered; and, in concurrence therewith, resolved, that the prayer of the petitioners ought not to be granted.

Mr. BENTON asked and obtained leave to bring in a bill to complete the survey of the southern and western boundary of the State of Missouri, which was twice read, by unanimous consent, and referred to the Committee on Public Lands.

Mr. BROWN, from the select Committee on Roads and Canals, to whom was referred the bill, entitled "An act to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie;" and the bill, entitled "An act to authorize the Territory of Florida to open a canal through the public lands, to unite the river St. John's with the Bay of St. Augustine," reported them severally without amendment.

On motion by Mr. BROWN, the select Committee on Roads and Canals were discharged from the consideration of two resolutions of the 6th of January last.

The Senate proceeded to consider the motion of yesterday, requesting, at the next session, a report, showing the effect of the new tariff of duties on the revenue; and, on motion, it was laid on the table.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to authorize the issuing letters patent to Nathaniel Sylvester," reported it without amendment.

The bill from the other House, "for the relief of the heirs of Miguel Eslava," and "to authorize the issuing of a register to the brig William, of New York," were severally taken up, as in Committee of the Whole. The bills were explained by the committees to whom they had been referred, and were reported to the Senate, and passed to be engrossed and read the third time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to revive and continue in force the first, second, third, fourth, fifth, and seventh sections of the act, entitled 'An act further to provide for the collection of duties on imports and tonnage,' passed the 3d of March, 1815,"

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and a bill, entitled "An act to authorize the building of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes;" in which bills they request the concurrence of the Senate. The said bills were severally read, and passed to a second reading.

A message from the House of Representatives informed the Senate that the House have passed the resolution which originated in the Senate, "fixing the time for an adjournment of Congress," with an amendment.

They have passed bills of the following titles, viz:

"An act altering the time of holding the sessions of the Supreme Court;"

"An act providing for a grant of land for the seat of government in the Territory of Florida, and for other purposes;" and,

"An act granting donations of land to certain actual settlers in the Territory of Florida;" in which amendment and bills they request the concurrence of the Senate.

The said bills were severally read twice, by unanimous consent; and the first mentioned bill was referred to the Committee on the Judiciary. The two last mentioned bills were severally referred to the Committee on Public Lands.

THE TARIFF.

The resolution of the House of Representatives, insisting on their disagreement to the two amendments made in the Senate, to the bill "to amend the several acts for imposing duties on imports," (the one of which was the insertion of a proviso, exempting low priced woollen goods from any higher duty than twenty-five per cent.; and the other, the striking out of the duty on cotton bagging,) and proposing the appointment of a Committee of Conference on the subject; was taken up for consideration.

Mr. DICKERSON moved that the Senate do now recede from the first of the contested amendments, respecting low priced woollens. This motion was advocated by the mover, and opposed by Messrs. BARBOUR, HAYNE, and KING of Alabama. Mr. LOWRIE submitted some remarks on the subject. Mr. DICKERSON withdrew his motion to recede, and the question was then taken upon concurring with the other House, in the appointment of a Committee of Conference, upon the points of difference between the two Houses. This was agreed to; and the President appointed Messrs. LLOYD of Massachusetts, SMITH, and WILLIAMS, a committee, on the part of the Senate, for that purpose. The Chair remarked that, in the selection of this committee, it had taken a member from each of the great sections of the country: one from the Northern, one from the Middle and Southern, and one from the Western, States.

On motion of Mr. TALBOT, it was ordered that the Committee of Conference have leave to sit during the sitting of the Senate.

JOHN H. PIATT.

The bill from the House of Representatives "for the relief of the assignees and legal represen-

tatives of John H. Piatt," was then taken up for consideration, in Committee of the Whole, Mr. BARBOUR in the Chair. The grounds of this claim were stated in the proceedings of the other House, upon the bill. A long discussion, touching the merits of the claim, took place. Mr. VAN BUREN stated the views which the Judiciary Committee entertained in relation to it. Messrs. JOHNSON of Kentucky, RUGGLES, BROWN, NOBLE, VAN DYKE, and TALBOT, advocated the allowance proposed in the bill; and Messrs. EATON, SMITH, and CHANDLER, opposed it. Messrs. J. S. JOHNSTON of Louisiana, and LANMAN, made some remarks upon the subject. Mr. LANMAN moved to reduce the sum, to be granted by the bill, from \$63,000, to \$42,000. This motion was opposed by Messrs. BROWN and VAN BUREN, and decided in the negative—yeas 12, nays 28, as follows:

YEAS—Messrs. Benton, Chandler, Clayton, D'Wolf, Dickerson, Eaton, Jackson, King of New York, Knight, Lanman, Macon, and Parrott.

NAYS—Messrs. Barbour, Barton, Brown, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Johnson of Kentucky, Henry Johnson, J. S. Johnston, Kelly, King of Alabama, Lowrie, McIlvaine, Mills, Noble, Palmer, Ruggles, Seymour, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, and Ware.

The bill was then reported to the Senate. Mr. BENTON opposed its passage to a third reading, and moved that it be ordered to lie on the table. This motion was carried, and so the bill was laid on the table.

The Senate adjourned.

WEDNESDAY, May 19.

The resolution submitted on Monday last by Mr. LLOYD, of Massachusetts, "requesting the President of the United States to cause a report from the Secretary of the Treasury to be laid before the Senate at the commencement of the next session of Congress, showing the amount of duties which shall have accrued on importations into the United States for the three quarters of a year ending June 30, 1824; also, the amount of duties which would have accrued on the same importations at such higher rates of duty as may be imposed by any act of the present session of Congress," was again read for consideration. Mr. L. very briefly explained his views in its introduction; and the resolution was agreed to by the Senate.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill, entitled "An act granting donations of land to certain actual settlers in the Territory of Florida," reported it without amendment.

The bill, entitled "An act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes," and the bill, entitled "An act to revive and continue in force the first, second, third, fourth, fifth, and seventh sections of the act, entitled 'An act further to provide for the collection of duties on imports and tonnage, passed the 3d of March, 1815,'"

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were severally read the second time, and referred to the Committee on Commerce and Manufactures.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for altering the time for holding the circuit court of the United States for the fourth circuit in the Maryland district;" in which they request the concurrence of the Senate.

The said bill was twice read, by unanimous consent, and referred to the Committee on the Judiciary.

Mr. KING, of Alabama, from the Committee on Public Lands, to whom was referred the bill, entitled "An act for a grant of land for the seat of government in the Territory of Florida, and for other purposes," reported it with amendments, which were read.

Mr. EATON, from the Committee on Public Lands, to whom was referred the bill, entitled "An act granting a right of pre-emption to certain actual settlers in that part of the former province of West Florida included in the district of Jackson Courthouse, in the State of Mississippi, and in the district of St. Helena Courthouse, in the State of Louisiana," reported it without amendment.

Mr. EATON presented the memorial of Alexander Moore, and others, of Alexandria county, in the District of Columbia, praying that the bill before Congress, relating to the Levy Court of said county, may be suspended until the next session. The memorial was read, and referred to the Committee on the District of Columbia.

The bill from the House of Representatives, entitled "An act to authorize the issuing a register to the brig William, of New York," was read the third time.

Upon the passage of the last mentioned bill, there was some discussion, in which Messrs. SMITH, and LLOYD, of Massachusetts, advocated, and Messrs. D'WOLF and PARROTT opposed the bill. It was passed—yeas 32, nays 13, as follows:

YEAS—Messrs. Barbour, Barton, Branch, Clayton, Eaton, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Johnson of Kentucky, Henry Johnson, Kelly, King of Alabama, King of New York, Knight, Lanman, Lloyd of Massachusetts, Lowrie, McIlvaine, Macon, Mills, Seymour, Smith, Talbot, Taylor of Indiana, Taylor of Virginia, Thomas, Van Buren, Van Dyke, and Ware.

NAYS—Messrs. Bell, Benton, Brown, Chandler, D'Wolf, Dickerson, Holmes of Mississippi, Jackson, J. S. Johnston, Noble, Palmer, Parrott, and Williams.

The bills from the other House for the relief of John K. Carter; for the relief of Landie Richardson; for the relief of Robert Strain; for the relief of the heirs of Miguel Esclava; were severally read the third time, and passed.

The bill from the House of Representatives, entitled "An act for the relief of Edward Evans," was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed the resolution, which originated in the Senate, "to authorize the purchase of a certain number of

the copies of the Journals of Congress, from 1774 to 1788," with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider the said amendments. The House propose to strike out "300," the number of copies contemplated to be purchased, and to insert "630." After considerable discussion, the resolution and amendment were ordered to lie on the table.

On motion of Mr. MACON, the resolution, as it came from the House of Representatives, fixing the 27th instant for the adjournment of the present session of Congress, was taken up for consideration, and concurred in by the Senate.

The bill "to provide for the punishment of certain crimes, when committed in any navy yard, fort, arsenal, magazine, dockyard, lighthouse, or other place, belonging to the United States," and the bill "to enable the President to carry into effect the treaty made at Ghent the 24th of December, 1814, excluding foreigners from trade and intercourse with the Indian tribes within the limits of the said United States, to American citizens," were severally read the third time, passed, and sent to the House of Representatives for concurrence. The title of the last mentioned bill was altered to the following: "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes."

MISSISSIPPI AND OHIO RIVERS.

On motion of Mr. TALBOT, the bill from the House of Representatives "to improve the navigation of the Ohio and Mississippi rivers," was taken up for consideration, in Committee of the Whole, Mr. BARBOUR in the Chair. Messrs. BROWN and JOHNSON, of Kentucky, explained the objects of this bill, and its importance to the Western States.

Mr. JOHNSON, of Kentucky, spoke as follows:

Mr. President, it is much to be regretted that want of time will prevent that full discussion of the merits of the bill under consideration, which the importance of the measure demands. The House of Representatives have carefully investigated the subject; and, after the most dispassionate deliberation, with a full knowledge of the fact before them, have passed the bill appropriating seventy-five thousand dollars for removing certain obstructions from the channels of the Ohio and Mississippi. It is an experiment to render more secure the navigation of these great rivers of the West, destined by nature to bear to the Atlantic States, and to the rest of the world, the rich treasures which are every day disclosing themselves of that extensive country. This decision of the popular branch of the National Legislature, in favor of an object of such magnitude, whether considered in relation to the interest of the West, or of the whole nation, is entitled to high consideration from the Senate; and, in its wisdom and magnanimity, to give it their cordial sanction, we repose a degree of confidence bordering upon certainty. If, however, we should be found mistaken in this expectation, if such op-

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position should appear against an appropriation so reasonable, and in which one-half of the States in the Union have a direct, and all a deep interest, as to force us into a discussion of the merits of the bill, we have the fullest confidence that the investigation must result in an entire conviction of the utility of the measure.

It should be borne in mind that the survey has been made by order of the Government. The commissioners, who had no other interest than what is common to every American, have made a faithful report, which is now before us; and it gives us a knowledge of the true cause, and of all the causes, which render our navigation dangerous. It is the opinion of the most scientific and experienced engineers, that these causes may be removed at an expense quite inconsiderable, compared with the advantages which would ensue. For the accomplishment of this object, we appeal to the magnanimity of the Government. It is but what justice demands. We only ask for a small proportion of that protection to our commerce which we have never refused to other parts of the United States.

It would require much time to detail the disastrous consequences which have resulted from those obstructions, both to the lives and property of our Western citizens. We have every year, and almost every week, detailed accounts of the losses sustained, with every description of craft which floats upon those waters, from the majestic steamboat down to the smallest flats, and even rafts, used for the conveyance to market of the surplus produce of our agricultural interest.

It will not be alleged against the citizens of the West that they have ever been wanting in patriotic devotion to the interest of the whole nation, in war or in peace. They have cheerfully contributed their full proportion, both of men and money, for the common defence. And in the protection of commerce upon the ocean, in which they have but an intermediate interest, they have made a common cause with their fellow-citizens of the East. In time of peace, they have never hesitated to co-operate in measures of general utility, regardless of sectional interests. It is needless to refer to the annual appropriations of this body for the security of the commerce of the ocean, whether for fortifications, lighthouses, or any other necessary work, because the West have cheerfully concurred in these measures. We claim no merit in the performance of a common duty, though our interest is not direct, because we deem the interest of every section common to the whole. This nation is one and indivisible; we have an identity of interest. The body politic, like that of one man, will guard with equal care every member, while patriotism is the predominant principle of the soul. Citizens of the East and the West have not refused to bleed for each other, and to mingle their ashes in one common urn. They have not hesitated to defend each other's rights, and to promote each other's convenience, as their own. In no case has this disposition been wanting to the West; and I will not now so far distrust the magnanimity of the East as to doubt their

cheerful concurrence in the measure proposed by this bill. We call not for a sacrifice of lives to protect the commerce of the West, or we know it would instantly rouse to arms the whole host of gallant freemen from Maine to Georgia. But we ask for a small appropriation to remove from our waters obstructions more formidable to our navigation, and more dreaded by the brave, than a host of invaders. Uninterrupted, they are dangerous; but, attempt their removal, and we shall find them harmless foes. The object is national, though more immediately affecting the interests of the West. If beacons, warning, would admonish the navigators of the danger, more than double the amount would be cheerfully appropriated for lighthouses upon the banks of those rivers; but the novelty of the mode of effecting the same object should be no objection to the principle; and I am happy in the belief that the same magnanimity which has uniformly characterized the decisions of this body will prevail on this occasion, and that gentlemen from the East will exercise that justice and liberality which they have always received from the West.

But I find I am transcending the limits which I had prescribed to myself. It was my determination not to go into the merits of the question, believing it to be unnecessary. Presuming that the Senate are possessed of all the information necessary to form an opinion; and that a disposition prevails to extend to the West the same liberality which has already been extended to every other part of the Union, to their decision it is cheerfully submitted.

Mr. BENTON moved to amend the bill, by inserting the following words: "and of the Missouri river, in the State of Missouri." This amendment was agreed to.

The bill was then reported to the Senate, as amended. Messrs. NOBLE and TALBOT opposed the amendment agreed to in Committee of the Whole: and Mr. BENTON spoke in favor of it. The amendment was not concurred in.

Mr. CHANDLER then moved to amend the bill, by inserting the following clause; "and, also, for removing the sand bars, and other obstructions, from the Kennebec river, between Norridgewock and Gardiner, in the State of Maine; and, likewise, from the Penobscot river."

In introducing this amendment, Mr. C. said, that his object was to ascertain whether gentlemen, who were in favor of internal improvements, were disposed to distribute the advantages of those improvements with any degree of equality. Even if the amendment which he had proposed should be adopted, he should still feel compelled to give his vote against the bill; believing, as he did, that Congress had no Constitutional power for thus disposing of the public money—but if it did pass, he wished his constituents to receive their due proportion of the expenditure.

This amendment was opposed by Messrs. RUGLES, H. JOHNSON, of Louisiana, BROWN, and TALBOT.—Messrs. TAYLOR, of Virginia, HOLMES, of Maine, and MACON, opposed the bill on general principles; and were replied to, by Messrs. TAL-

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BOT, BENTON, and LOWRIE. Mr. CHANDLER's amendment was rejected.

Mr. BRANCH proposed, as an amendment, a new section, appropriating \$500,000 for opening a direct communication from Albemarle Sound to the Atlantic Ocean, and for removing the obstructions from the channel that connects Albemarle Sound with the Pamlico. Mr. BRANCH made some remarks in favor of this amendment. It was lost.

Mr. LOWRIE proposed an amendment, not affecting the principle of the bill, which was adopted.

The question was then put, upon passing the bill to a third reading; and determined in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Barton, Benton, Brown, D'Wolf, Dickerson, Eaton, Findlay, Holmes of Mississippi, Jackson, Johnson of Kentucky, H. Johnson, J. S. Johnston, Kelly, Lanman, Lloyd of Massachusetts, Lowrie, Melvaine, Noble, Parrott, Ruggles, Smith, Talbot, Taylor of Indiana, Thomas, and Williams—25.

NAYS—Messrs. Barbour, Bell, Branch, Chandler, Clayton, Edwards, Elliott, Gaillard, Hayne, Holmes of Maine, King of Alabama, King of New York, Macon, Mills, Palmer, Seymour, Taylor of Virginia, Van Buren, Van Dyke, and Ware—20.

So the bill passed to a third reading.

THE TARIFF.

Mr. LLOYD, of Massachusetts, from the committee appointed to confer with a committee on the part of the House of Representatives on the subject of the disagreement of the two Houses, in relation to two amendments to the bill "to amend the several acts for imposing duties on imports," submitted a report, in which is recommended the adoption of the following proposition:

1. That the House of Representatives do recede from its disagreement to the third amendment of the Senate, and do agree to the same with the following amendment: after the word "wool," where it first occurs in the proviso, strike out the words, "or of which wool shall be a component part," and insert "except flannels and baizes."

2. That the Senate do recede from so much of its sixteenth amendment, in reference to the specific duty on cotton bagging, as is disagreed to by the House of Representatives; and that the clause be modified, so as to read, "on cotton bagging, three cents and three-fourths of a cent per square yard."

This report was accepted by the Senate without division. By the first proposition the proviso in question is left as follows: "Provided, That on all manufactures of wool, except flannels and baizes, the actual value of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem." Articles of which wool is a component part, together with flannels and baizes, are thus made subject to the same duties as are imposed by the bill on other manufactures of wool. By the second proposition the specific duty of four and a half cents per square yard on cotton bagging, as it originally stood in the bill, is reduced to three cents and three-fourths of a cent.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to authorize the creation of a stock, to an amount not exceeding five millions of dollars, to provide for the awards of the Commissioners under the treaty with Spain, of the 22d of February, 1819;" and, on motion, the Senate adjourned.

THURSDAY, May 20.

The VICE PRESIDENT, in a few brief remarks in which he expressed his sense of the kind and courteous treatment which he had experienced from the members, collectively and individually, signified to the Senate that he should not preside over the body, during the present session, after this day. He then called upon Mr. GAILLARD, to whom he relinquished the Chair.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom was referred the memorial of A. B. Woodward, proposing a standard of measure for the United States, made a report; which was read and considered; and, in concurrence therewith, the committee were discharged from the further consideration of the subject.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the memorial of Thomas Robinson reported a bill for the relief of the legal representative of Thomas Robinson, deceased; which was twice read, by unanimous consent.

Mr. VAN BUREN, from the same committee, to whom was referred the bill entitled "An act for altering the time for holding the circuit court of the United States, for the fourth circuit, in the Maryland district," reported it without amendment.

The resolution authorizing the Secretary of State to furnish a copy of Tanner's American Atlas to each of the Ministers Plenipotentiary and Chargé d'Affaires of the United States, at foreign Courts, was read the second time.

A message from the House of Representatives informed the Senate that the House disagree to the amendment of the Senate to the bill, entitled "An act for the relief of J. Outremare." They have passed bills of the following titles, viz: "An act to alter the judicial districts of Virginia, and for other purposes;" "An act to alter the times of holding the circuit and district courts of the United States, for the district of South Carolina;" and "An act to amend an act, entitled 'An act to amend an act for the establishment of a territorial government in Florida, and for other purposes,'" in which they request the concurrence of the Senate.

FIVE MILLIONS NEW STOCK.

The bill from the House of Representatives, "to provide for the issuing of stock, not exceeding five millions of dollars, to meet the awards of the commissioners under the Treaty with Spain, of February 22d, 1819," was taken up for consideration, as in Committee of the Whole.

Mr. SMITH explained, at some length, the objects

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contemplated by this bill, and the obligation of the Government to meet the awards of this commission.

Mr. BENTON was opposed to the bill; and proposed an entire new bill, making the amount of the awards of the commissioners payable, to a sum not exceeding five millions of dollars, in money, from the Treasury; or, if there should not be so large a sum on hand, unappropriated to other purposes, that certificates of stock should be issued, payable, with interest of six per cent. from the proceeds of the lands ceded, by the said treaty, to the United States; or payable in such other way as Congress may hereafter determine. Mr. B. proceeded to support his amendment, as the least onerous mode of discharging the debt.

Mr. LOWRIE agreed to the construction put upon the treaty by the gentleman from Missouri; but he believed that justice to the claimants demanded that the Government should adopt other means to meet the awards under that commission than from the proceeds of the lands. Mr. L. proceeded to an exposition of the reasons which induced this opinion. He was opposed to the amendment, and in favor of the original bill.

Mr. HOLMES, of Maine, also supported the bill as it came from the other House. He replied to the remarks of Mr. BENTON.

Mr. BROWN spoke in favor of the amendment, as one of the best modes of payment that could be adopted by the Government; and as furnishing to the claimants a greater remuneration for their losses than they could ever have obtained from Spain, without the intervention of this Government.

Mr. KELLY considered the mode proposed by the gentleman from Missouri, of creating a stock payable from the proceeds of the lands, as the worst that could be adopted, both as to its injustice towards the claimants under the treaty, and the deplorable effects it would produce upon that part of the country in which the lands are located.

Mr. TALBOT opposed the amendment. He believed the faith of the Government pledged for the payment of the interest annually and regularly, from the Treasury, let the stock be issued as it might. There was no other alternative, than to pay the money immediately, or to create a stock, drawing interest annually. He considered the original bill as a provision to borrow the money at 4½ per cent. and pay it to the claimants, rather than to pay them six per cent. as the Government would otherwise be bound to do.

Mr. FINDLAY was in favor of adopting the first section of the proposed amendment. He preferred the immediate payment of the money, to the creation of stock, upon which interest must be paid.

Mr. BARBOUR considered the United States as standing bound for the payment of five millions of dollars, to these claimants. He admitted that the payment of the principal sum might be based upon the sales of the lands, but denied that the payment of the interest was referrible to the same source.

The question was then put upon striking out

the original bill, and decided in the negative. So Mr. BENTON's amendment was lost.

The bill was then reported to the Senate without amendment, and passed to be engrossed and read the third time.

FRIDAY, May 21.

The VICE PRESIDENT not being present, the Senate was called to order by the Secretary. On motion of Mr. HOLMES, of Maine, the Senate proceeded to ballot for a President *pro tempore*.

The whole number of votes given in was 35; necessary to a choice 18.

The honorable JOHN GAILLARD had 23 votes, and was declared to have been elected President *pro tempore*. Mr. GAILLARD immediately took the Chair, and expressed to the Senate, in a very neat and appropriate speech, his sense of the high honor conferred upon him.

The three bills from the House of Representatives yesterday brought up for concurrence were severally read twice by unanimous consent, and referred to the Committee on the Judiciary.

Mr. RUGGLES, from the Committee of Claims, to whom was referred the bill for the relief of Nimrod Farrow and Richard Harris, reported it without amendment.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom was referred the bill, entitled "An act to alter the times of holding the circuit and district courts of the United States for the district of South Carolina," reported it without amendment.

Mr. DICKERSON, from the joint committee appointed on the distribution of the rooms in the centre building of the Capitol, made a report, accompanied by a resolution assigning to the Senate and House of Representatives the rooms in the centre of the Capitol. The resolution was twice read, by unanimous consent.

Mr. MILLS, from the Committee on Foreign Relations, to whom was referred the bill, entitled "An act for the relief of John Mitchell," reported it without amendment.

On motion, by Mr. HAYNE, the Committee on Naval Affairs were discharged from the consideration of the petition of Peter Trezevant; and it was referred to the Fourth Auditor of the Treasury.

The Senate proceeded to consider their amendment to the bill, entitled "An act for the relief of J. Ottremare," disagreed to by the House of Representatives, and receded therefrom.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of the assignees and legal representatives of John H. Piatt;" and no amendment having been made thereto, it was reported to the Senate, and ordered to a third reading—yeas 25, nays 15, as follows:

YEAS—Messrs. Barbour, Barton, Brown, D'Wolf, Edwards, Findlay, Gaillard, Holmes of Maine, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, Lowrie, McIlvaine, Mills, Noble, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, Van Buren, Van Dyke, and Ware.

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NAYS—Messrs. Bell, Benton, Branch, Chandler, Clayton, Eaton, Elliott, Hayne, King of Alabama, King of New York, Knight, Macon, Palmer, Parrott, and Smith.

The bill from the House of Representatives, entitled "An act to improve the navigation of the Ohio and Mississippi rivers," was read the third time, as amended, and passed.

The Senate proceeded to consider, as in Committee of the Whole, the bill authorizing the subscription of stock in the Chesapeake and Delaware Canal Company; and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill to authorize the painting of the battle of New Orleans, by John Vanderlyn; and, on motion, it was laid on the table.

The Senate proceeded to consider, as in Committee of the Whole, the bill to sell and dispose of the refuse lands of the United States; and, on motion, it was laid on the table.

A message from the House of Representatives informed the Senate that the House have passed the bill, which originated in the Senate, entitled "An act for the relief of the representatives of John Donnelson, Stephen Heard, and others," with an amendment. They have passed bills of the following titles, viz: "An act to authorize the surveying and making of a road from a point in the northwestern boundary of the State of Ohio, near the foot of the rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan," and "An act to discontinue certain post roads, and to establish others;" in which amendment and bills they request the concurrence of the Senate.

The bill from the House of Representatives, entitled "An act to authorize the creation of a stock, to an amount not exceeding five millions of dollars, to provide for the awards of the Commissioners under the treaty with Spain, of the 22d of February, 1819," was read the third time and passed—yeas 31, nays 4, as follows:

YEAS—Messrs. Barbour, Barton, Bell, Chandler, D'Wolf, Dickerson, Eaton, Edwards, Elliott, Findlay, Gaillard, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lowrie, McIlvaine, Mills, Palmer, Parrott, Ruggles, Seymour, Smith, Talbot, Taylor of Indiana, and Thomas.

NAYS—Messrs. Benton, Brown, Macon, and Noble.

On motion of Mr. JACKSON, the bill from the House of Representatives "granting a tract of land for the seat of government of the Territory of Florida, and for other purposes," was taken up for consideration in Committee of the Whole. Mr. KING, of Alabama, explained the objects of the bill. It was then reported to the Senate, without amendment, and passed to a third reading.

On motion of Mr. LOWRIE, the Secretary of the Senate was directed to communicate to the President of the United States, and to the House of Representatives, that the Senate have, in the absence of the Vice President, elected the Hon. Mr. GAILLARD President of the Senate, *pro tem*.

On motion of Mr. VAN BUREN, the bill report-

ed by the Committee on the Judiciary, "in addition to an act, entitled "An act to establish a uniform system of naturalization," was taken up for consideration in Committee of the Whole. Mr. VAN BUREN stated the provisions of the different sections of the bill. Its principal provisions are, to authorize aliens, who were infants at the time of entering the country, to take the oaths and produce the necessary proofs of residence in the country for the requisite period, and to become citizens; and it also reduces the term of residence, prerequisite for an alien to become a citizen, from five to three years.

On motion of Mr. HOLMES, of Maine, the provisions of the bill were limited to "free white persons."

MESSRS. FINDLAY, VAN BUREN, HOLMES of Maine, MILLS, ELLIOTT, H. JOHNSON of Louisiana, and TAYLOR of Virginia, discussed the propriety of the bill, in respect to its general principles, and to its details.

Mr. TAYLOR, of Virginia, moved to amend the bill, by striking out all but the first section, and inserting two other sections in lieu of the remainder of the bill. This motion was lost.

The bill was then reported to the Senate, and passed to be engrossed, and read the third time.

The bill reported by the Committee on Public Lands "to establish a surveyor general's office in the Territory of Arkansas," was taken up for consideration, in Committee of the Whole. A communication on this subject from Governor Miller, of the Arkansas Territory, was read. Mr. LOWRIE made some remarks in opposition to the establishment of the office proposed in this bill, which he considered unnecessary. He concluded by moving the indefinite postponement of the bill. Mr. KELLY replied in support of the bill. Mr. KING, of Alabama, stated the reasons which would induce him to vote for postponement. Mr. BARTON explained the views of the committee in relation to this bill. The question was then put upon Mr. LOWRIE's motion to postpone the bill indefinitely, and carried in the affirmative, without division.

The bill reported by the Committee on the District of Columbia "for the relief of the Columbian College, in the District of Columbia," was next taken up in Committee of the Whole. Mr. BARBOUR explained the reasons which induced the committee to report the bill. He reviewed the history and present situation of this institution, and urged the propriety of passing the bill. The bill makes a grant to the institution, for whose relief it is drawn, of certain property within the District of Columbia. Mr. CHANDLER opposed the bill. He did not consider this as a national institution; and, therefore, thought it not particularly entitled to the bounty of the Government. Mr. JOHNSON, of Kentucky, replied, in support of the claims of this seminary to the consideration of Congress. Mr. NOBLE also advocated the bill; and Messrs. MACON, and TAYLOR of Virginia, opposed it. Mr. HOLMES, of Maine, made some inquiries on the subject, which were replied to by Mr. BARBOUR.

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The bill was then reported to the Senate, without amendment, and refused a third reading—yeas 18, nays 20.

On motion of Mr. KING, of Alabama, the bill from the House of Representatives "for the relief of George Fisher," was taken up for consideration in Committee of the Whole. The bill provides for the repayment of a sum of money paid for a tract of land which had been previously sold to another person. Mr. KING, of Alabama, stated to the Senate the circumstances connected with the claim. He moved to amend the bill by increasing the amount to be granted. Mr. CHANDLER made a few remarks upon the subject, which were replied to by Messrs. KING and KELLY. Mr. KING's amendment was then agreed to, as was also another proposed by Mr. KELLY. The bill was then reported to the Senate, and passed to a third reading.

On motion of Mr. BENTON, the Senate, as in Committee of the Whole, proceeded to consider the bill "to fix the western boundary line of the Territory of Arkansas." The report of the committee in relation to this subject was read. Mr. BENTON explained the objects of the bill. Mr. HOLMES, of Mississippi, offered a new section as an amendment, which was agreed to. The bill was then reported to the Senate, as amended, and passed to be engrossed, and read a third time.

The bill "to amend 'An act supplementary to an act, entitled an act to carry into effect the 9th article of the treaty with Spain, concluded the 22d of February, 1819,'" was next taken up for consideration. Messrs. EATON, JACKSON, and LOWRIE, remarked briefly upon the effects to be produced by this bill. It was then reported to the Senate, and passed to be engrossed and read the third time.

The bill reported by the Committee on Indian Affairs "to extinguish Indian claims to lands in the State of Missouri," was then taken up for consideration in Committee of the Whole. Mr. BENTON explained the merits of the bill. Some remarks were made upon it by Messrs. LOWRIE, CHANDLER, KING of New York, and ELLIOTT. The bill was then reported to the Senate without amendment, and passed to be engrossed, and read the third time.

The joint resolution "authorizing the Secretary of State to furnish one copy of Tanner's American Atlas to each of our Ministers Plenipotentiary and Chargé d'Affaires, at foreign Governments," was taken up for consideration in Committee of the Whole, and reported to the Senate. Mr. KING, of Alabama, opposed the passage of the resolution, and Mr. LOWRIE made a few remarks in favor of it. It was then passed to be engrossed, and read the third time—17 to 13.

On motion of Mr. RUGGLES, the bill "for the relief of Joseph Forrest," was taken up for consideration, in Committee of the Whole. Mr. RUGGLES explained the merits of the claim. It is for the payment for the loss and detention of a vessel employed by the Government to carry provisions to the distressed colony of Caraccas, in South America. A discussion ensued upon the

propriety of allowing this claim; in which Messrs. EATON, KELLY, HOLMES of Maine, LLOYD of Massachusetts, TALBOT, BELL, and VAN DYKE, took part. Mr. RUGGLES moved to fill the blank in the bill, for the amount to be allowed, with \$4,000. This sum was not agreed to. Mr. EATON moved the sum of \$2,136. This was agreed to. The bill was then reported to the Senate, passed to be engrossed, and read the third time.

SATURDAY, May 22.

Mr. DICKERSON, from the Committee on Commerce and Manufactures, to whom were referred the bill, entitled "An act to revive and continue in force the first, second, third, fourth, fifth, and seventh sections of the act, entitled 'An act further to provide for the collection of the duties on imports and tonnage, passed the 3d of March, 1815,'" and the bill, entitled "An act to authorize the building of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes," reported the former without amendment, and the latter with amendments; which were read.

The two bills from the House of Representatives, yesterday brought up for concurrence, were severally read twice, by unanimous consent; and, on motion, the bill, entitled "An act to continue certain post roads, and to establish others," was referred to the Committee on the Post Office and Post Roads.

The bill, entitled "An act to authorize the surveying and making of a road, from a point in the northwestern boundary of the State of Ohio, near the foot of the rapids of the Miami of Lake Erie, in the Territory of Michigan," was referred to the select Committee on Roads and Canals.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act for the relief of the representatives of John Donnelson, Stephen Heard, and others;" and agreed thereto.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States;" in which they request the concurrence of the Senate.

The said bill was twice read, by unanimous consent, and referred to the Committee on Finance.

Mr. VAN BUREN, from the Committee on the Judiciary, to whom were referred the bill, entitled "An act to amend an act, entitled 'An act to amend an act for the establishment of a Territorial government in Florida, and for other purposes,'" and the bill, entitled "An act to alter the judicial districts of Virginia, and for other purposes," reported them severally without amendment.

Mr. BENTON, from the Committee on Indian Affairs, to whom was referred the bill, entitled "An act appropriating a certain sum of money to Benjamin Hoffman, of the State of Indiana," reported it without amendment.

A message from the House of Representatives informed the Senate that the House have passed

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the bill which originated in the Senate, entitled "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes;" and the bill, entitled "An act for the relief of Alexander McNair," with amendments to each. They have also passed bills of the following titles, viz:

An act to allow a salary to the collectors of the districts of Nantucket and Pensacola, and to abolish the office of surveyor of the district of Pensacola; An act making further appropriations for the military service of the United States for the year 1824, and for other purposes; An act concerning pre-emption rights in the Territory of Arkansas; An act to authorize the legal representatives of the Marquis de Maison Rouge, and those claiming under him, to institute a suit against the United States, and for other purposes; An act making an appropriation for the use of the Library of Congress, and for furnishing rooms in the Capitol; An act making appropriations to carry into effect certain Indian treaties; An act granting a tract of land to the inhabitants of the parish of Point Coupee, on certain conditions; An act to establish an additional land office in the State of Missouri; and An act reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of a reservation made to them by treaty; in which amendments and bills they request the concurrence of the Senate.

Mr. KING, of Alabama, from the Committee on Public Lands, reported a bill, "explanatory of an act, entitled an act to provide for the extinguishment of the debt due to the United States, from the purchasers of public lands, approved May 18, 1824." The bill was twice read.

The bills from the House of Representatives, "granting a tract of land for the seat of government of the Territory of Florida, and for other purposes;" "for the relief of the assignees and legal representatives of John H. Piatt;" and "for the relief of George Fisher," were severally read the third time, and passed.

The bills which originated in Senate, "in further addition to an act to establish a uniform system of naturalization;" "to amend an act, supplementary to an act, entitled an act to carry into effect the ninth article of the treaty concluded between the United States and Spain, on the 22d of February, 1819;" "to extinguish Indian claims to lands within the State of Missouri;" "for the relief of Joseph Forrest;" and the resolution authorizing the Secretary of State to furnish one copy of Tanner's American Atlas to each of the Ministers Plenipotentiary and Chargés des Affaires of the United States, at foreign Governments," were severally read the third time, passed, and sent to the House of Representatives for concurrence.

The bill which originated in Senate, "to fix the Western boundary line of the Territory of Arkansas," was read the third time. On motion of Mr. LOWRIE, it was committed, after some discussion, to the Committee on Indian Affairs.

On motion of Mr. BENTON, the bill reported by the Committee on Public Lands, "to complete

the survey of the Southern and Western boundary lines of the State of Missouri," was taken up for consideration in Committee of the Whole. Mr. BARTON, on behalf of the committee to whom the bill had been referred, stated its objects. It was then reported to the Senate, without amendment, and passed to be engrossed and read the third time.

On motion of Mr. HAYNE, the bill from the House of Representatives, "altering the time of holding the circuit and district courts of the United States, within the State of South Carolina," was taken up for consideration in Committee of the Whole. It was reported to the Senate, without amendment, and passed to a third reading.

The bill reported by the Committee on the Judiciary, "for the relief of the legal representatives of Thomas Robertson, deceased," was taken up in Committee of the Whole. These petitioners pray to be relieved from the payment of the balance of a judgment recovered against their late father, General Robertson, as surety on a bond given in the year 1783, by a collector in the State where he resided, and who became a defaulter. These petitioners contend that there was a great remissness on the part of Government, in not calling the principal, on the bond, to account at the time it ought to have been done. Mr. VAN BUREN stated the grounds upon which the petitioners rested their prayer. The bill was then reported to the Senate, without amendment; and passed to be engrossed and read the third time.

The report of the joint committee on the distribution of the rooms in the centre building of the Capitol, was again read, and agreed to.

FARROW AND HARRIS.

The bill introduced, on leave, by Mr. BARBOUR, and reported by the Committee on Claims, "for the relief of Nimrod Farrow and Richard Harris," was taken up for consideration, as in Committee of the Whole. These petitioners claim remuneration for the loss and embarrassment sustained by them in consequence of the determination of the Government not to build the fort on Dauphin Island, for the erection of which a contract had been made with them. This claim had been referred to a commissioner to ascertain the damage done to the petitioners, by the failure, on the part of Government, to perfect the contract; and the bill proposes that, when the commissioner shall have reported the amount due them, that the money shall be paid, upon the approbation of the Secretary of War, without a further act of Congress on the subject; and that they shall be relieved from the operation of the judgments obtained against them, for the moneys advanced them by the Government, until the commissioner shall have rendered his opinion on the subject.

Mr. RUGGLES, in behalf of the Committee on Claims, stated the facts connected with the case.

Messrs. BARBOUR, LOWRIE, J. S. JOHNSTON of Louisiana, KELLY, H. JOHNSON of Louisiana, and TAYLOR of Virginia, spoke in favor of the passage of the bill.

Mr. CHANDLER proposed an amendment to strike out a part of the bill; which was not agreed to.

Mr. KING, of Alabama, opposed the bill on the grounds that the petitioners had not made such progress in their work as to authorize the belief that it would have been completed within the stipulated time had not the Government suspended the work; that the petitioners had transferred their contract to a third person; and that the ultimate decision of the amount to be allowed these petitioners, if any thing were to be allowed, ought not to be committed to any individuals, however high their standing might be, but that it ought to be decided upon by Congress.

These objections were particularly replied to, and obviated by Messrs. J. S. JOHNSTON and BARBOUR.

The bill was then reported to the Senate, without amendment.

Mr. BELL moved to amend the bill, so as to provide that, on the decision of the commissioner, one-half the amount of damages awarded should be paid to the petitioners.

This motion was opposed by Mr. MILLS, and disagreed to by the Senate.

The bill was then passed to be engrossed, and read the third time.

MONDAY, May 24.

On motion, by Mr. DICKERSON, the Committee on Commerce and Manufactures were discharged from the several memorials for and against imposing duties on sales at auction; and also, from the memorial of the Chamber of Commerce of Philadelphia, praying for the construction of a harbor near the Capes of the Delaware.

Mr. SMITH, from the Committee on Finance, to whom was referred the bill, entitled "An act making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States," reported it without amendment.

On motion, by Mr. EDWARDS, William Eaton had leave to withdraw his petition and papers.

Mr. EATON gave notice that, to-morrow, he would ask leave to bring in a resolution directing the Secretary to pay, out of the contingent fund of the Senate, one thousand dollars to Enrico Causici.

On motion, by Mr. JACKSON, the Committee on Military Affairs were discharged from the consideration of the report of the Secretary of War, on the subject of arms furnished the United States by South Carolina.

Mr. BARTON presented the memorial of John Ross and others, the Delegates of the Cherokee nation, stating that, from their advanced state of civilization, they have found it necessary to establish a more regular system of government, for the protection of the property, life, liberty, and the pursuit of happiness; that they have, accordingly, established legislative and judiciary branches of government, upon a plan, simple and comprehensible to the Cherokees. To support their government, they found it necessary to impose taxes on

merchants and pedlars, in their nation. The power to impose this tax, under the treaties subsisting between them and the United States, has been disputed; and the Attorney General of the United States has given an opinion to the proper department against the right of the Cherokees to impose the tax; and, under that opinion, it has been intimated to the Delegates that a return of the taxes will be expected, and that they must refrain from the exercise of this power in future.

The Delegates, on behalf of the nation, appeal to Congress for relief against this decision, and present copies of the opinion of the Attorney General, and of an opinion of Judge White, of Tennessee, given on application, some years since.

The memorial and accompanying documents were referred to the Committee on Indian Affairs.

On motion, by Mr. LANMAN, three members were added to the Committee on the Post Office and Post Roads, in place of Messrs. KNIGHT, JOHNSON of Kentucky, and McILVAINE, absent; and Messrs. THOMAS, CLAYTON, and WARE, were appointed.

On motion, by Mr. HOLMES of Maine, a member was added to the Committee on the Judiciary, in place of Mr. TALBOT, absent; and Mr. VAN DYKE was appointed.

The nine bills last brought up from the House of Representatives for concurrence, were severally read twice, by unanimous consent; and, on motion, the bill, entitled "An act making an appropriation for the use of the Library of Congress, and for furnishing rooms in the Capitol," was referred to the joint Library Committee.

The bill, entitled "An act to allow a salary to the collectors of the districts of Nantucket and Pensacola, and to abolish the office of Surveyor of the District of Pensacola," was referred to the Committee on Commerce and Manufactures.

The bill, entitled "An act to authorize the legal representatives of the Marquis de Maison Rouge, and those claiming under him, to institute a suit against the United States, and for other purposes," was referred to the Committee on the Judiciary.

The bill, entitled "An act making appropriations to carry into effect certain Indian treaties;" and the bill, entitled "An act making further appropriations for the military service of the United States, for the year 1824, and for other purposes," were severally referred to the Committee on Finance.

The bill, entitled "An act to establish an additional land office in the State of Missouri;" the bill, entitled "An act granting a tract of land to the inhabitants of the parish of Point Coupee, on certain conditions;" the bill, entitled "An act reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of a reservation made to them by treaty;" and the bill, entitled "An act concerning pre-emption rights in the Territory of Arkansas," were severally referred to the Committee on Public Lands.

Mr. LLOYD, of Massachusetts, submitted the following motions for consideration:

Resolved, That the Secretary of the Navy be directed to report to the Senate, at an early period of the

ensuing session of Congress, such information as may be in the possession of the Department, or he may think proper to communicate, relative to the expediency of constructing, at one of the navy yards of the United States, a dry dock, of sufficient capacity for receiving, examining, and repairing, ships-of-the-line; and to report on the usefulness, economy, and necessity, of a dry dock; the best location therefor, and the probable expense of constructing such dry dock, of the size aforesaid, in a solid and durable manner, and with the needful appendages for an advantageous use of the same.

Resolved, That the Secretary of the Navy be directed to report to the Senate, at the commencement of the next session of Congress, a statement, showing the amount of travelling expenses, and other allowances, received by the officers of the Navy and of the marine corps, over the monthly pay and rations to which they are by law entitled, in each year, for the last three years; the emoluments which have been received in each year, for the same period, so far as the same can be ascertained, by the officers of the Navy and the marine corps, as well from the Government as from other sources, in consequence of their official stations; the expense of courts martial in the Navy and marine corps, in each year, for the same period, with the amount paid to Judge Advocates and others, for their attendance and services, designating the places at which such courts martial were ordered to be held, and the stations from which the officers composing the same were detailed to attend; the number of desertions from the marine corps, and the number of rank and file confined for imprisonment, as a punishment for desertion, or misconduct, for each year, during the same period; and, also, to report his opinion on such alterations, or further provisions of law, as he may consider it expedient to be made, in order to promote a more perfect discipline in the Navy and marine corps, to prevent the frequent recurrence of courts martial, and insure to the public service, in the said establishments, the highest degree of economy and efficiency.

A message from the House of Representatives informed the Senate that the House have passed bills of the following titles, viz: "An act to authorize the Secretary of the Treasury to exchange a stock, bearing an interest of four and a half per cent. for certain stocks bearing an interest of six per cent.;" "An act authorizing the employment of additional clerks and certain messengers and assistants, and other persons, in the several Departments;" "An act to establish Bowdoinham, in the State of Maine, Troy, and Hudson, in the State of New York, and Fairport, in the State of Ohio, ports of delivery;" and "An act granting a tract of land to the parish of West Baton Rouge, on certain conditions;" in which they request the concurrence of the Senate.

The said bills were severally read twice, by unanimous consent; and on motion, the two first mentioned of said bills were referred to the Committee on Finance. The third mentioned of said bills was referred to the Committee on Commerce and Manufactures; and the fourth and last mentioned of said bills was referred to the Committee on Public Lands.

A message from the House of Representatives informed the Senate that the House have passed

bills of the following titles, viz: "An act for the relief of Joseph M. White and William Davidson;" "An act to regulate the mode of practice in the courts of the United States for the district of Louisiana;" "An act for the relief of certain distillers in the United States;" in which bills they requested the concurrence of the Senate. The said bills were severally read twice, by unanimous consent; and on motion, the two first mentioned of said bills were referred to the Committee on the Judiciary. The third and last mentioned of said bills was referred to the Committee on Finance, to consider and report thereon.

The bill reported by the Committee on Public Lands, "explanatory to an act, entitled 'An act to provide for the extinguishment of the debt due to the United States from the purchasers of public lands,'" was taken up for consideration as in Committee of the Whole. Messrs. LOWRIE and KING of Alabama remarked upon the objects of the bill. It was reported to the Senate, and passed to be engrossed and read the third time.

The bill from the House of Representatives, "for the relief of Arthur N. Henly," was taken up for consideration in Committee of the Whole. Mr. RUGGLES stated the grounds upon which the bill was founded. It was then reported to the Senate, and passed to a third reading.

On motion of Mr. VAN BUREN, the bill from the other House "to amend an act, entitled 'An act to amend an act for the establishment of a Territorial government in Florida, and for other purposes,'" was taken up for consideration in Committee of the Whole. Mr. VAN BUREN explained the objects of the bill. Mr. CHANDLER made a remark in relation to it; and the bill was reported to the Senate without amendment. Mr. EDWARDS then commented briefly on the operation of the bill, and moved an amendment, respecting the designation of a resident Judge of the Court in Florida. This amendment was opposed by Messrs. JACKSON, and H. JOHNSON, of Louisiana, and supported by Mr. HOLMES, of Maine. Mr. EDWARDS withdrew his amendment to give place to another proposed by Mr. VAN BUREN. Mr. KELLY opposed the amendment, and was replied to by Messrs. VAN BUREN and KING, of Alabama. The amendment was agreed to, and the bill was passed to a third reading.

On motion of Mr. DICKERSON, the joint resolution providing a place of deposit, in the Library of Congress, for the Portrait of Columbus, presented to Congress by George G. Barrell, Esq.; and, also, for the distribution of sundry copies of the Declaration of Independence, was taken up for consideration in Committee of the Whole. After a few remarks on the subject, the resolution was reported to the Senate, and passed to be engrossed and read the third time.

Mr. BENTON, from the Committee on Naval Affairs, to whom was referred the bill "to fix the western boundary line of the Territory of Arkansas, and for other purposes," reported the same with an amendment. The bill was taken up for consideration in Committee of the Whole. Mr. B. explained the effect of the amendment. The

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amendment was agreed to, and the bill was reported to the Senate, and passed to be engrossed and read the third time.

This being the last day of the session on which, according to a joint rule of the two Houses, any bill can pass from one House to the other, the following bills, which originated in Senate, and which had just passed to a third reading, were read a third time, by general consent, and passed, and sent to the House of Representatives for concurrence, viz: The bill "to fix the western boundary line of the Territory of Arkansas, and for other purposes;" the bill "explanatory of an act, entitled 'An act to provide for the extinguishment of the debt due to the United States from the purchasers of public lands;' and the resolution "providing a place of deposit for the Portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence."

The amendments made by the House of Representatives, to the bill from the Senate, "to enable the President to hold treaties with certain Indian tribes, and for other purposes;" and, also, to the bill "for the relief of Alexander McNair," were considered and agreed to.

The bills which originated in Senate, "for the relief of Nimrod Farrow and Richard Harris;" "to complete the survey of the southern and western boundaries of the State of Missouri;" and "for the relief of the legal representatives of Thomas Robinson, deceased," were severally read the third time, passed, and sent to the other House for concurrence.

The bill from the House of Representatives, "to alter the time of holding the circuit and district courts of the United States, within the State of South Carolina," was read the third time, and passed.

The bill from the House of Representatives, "to amend an act, entitled 'An act to amend an act for the establishment of a Territorial government in Florida, and for other purposes,'" was read the third time as amended in Senate, and passed, and sent to the other House for concurrence in the amendment.

The following bills from the House of Representatives were severally taken up for consideration in Committee of the Whole. They were explained, and some of them gave rise to short discussions. They were reported to the Senate, and passed to a third reading, viz: The bill "granting to each State and Territory, in which there are public lands, a right of pre-emption to a certain tract of land for a seat of government;" the bill "for the relief of John Holliday;" the bill "for the relief of Samuel Cleveland;" the bill "changing the mode of surveying the public lands on any river, lake, bayou, or water course, in the Territory of Arkansas;" the bill "to authorize masters of vessels, in certain cases, to clear out either at the custom-house at Richmond or Petersburg;" the bill "to alter the judicial districts of Pennsylvania, and for other purposes;" the bill "to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes;" the bill "for the relief of the corporation of the church

of St. Anne, and for other purposes;" the bill "supplementary to an act to provide for the correction of errors made in entering land at the land offices;" the bill "to authorize the President to exchange five arpens of land on the south side of the public works at Baton Rouge, for an equal quantity of land on the north side of said works;" the bill "for the benefit of the Columbian Institute;" the bill "to allow a bounty to vessels engaged in the cod fisheries, in certain cases;" the bill "further to regulate the inspection of flour in the district of Alexandria;" the bill "to authorize the President to enter into certain negotiations relative to lands located under Virginia military land warrants, between Ludlow's and Roberts's grants, in the State of Ohio;" the bill "to regulate the fees of registers of wills, within the several counties of the District of Columbia;" the bill "making an appropriation towards the extinguishment of the title of the Quapaw Indians to lands in the Territory of Arkansas;" and the bill "granting certain lots of land to the corporation of the city of Mobile, and to certain individuals residing in said city."

The bill from the House of Representatives, supplementary to an act, entitled "An act to incorporate the inhabitants of the City of Washington," was taken up for consideration, in Committee of the Whole.

Mr. EATON moved to amend the bill, by adding several new sections.

Some remarks were made upon these amendments, by Messrs. SMITH, EATON, and BARBOUR. The amendments were severally agreed to. The bill was then reported to the Senate, as amended, and passed to a third reading.

Mr. BARBOUR then moved that the Committee on Foreign Relations be discharged from the further consideration of the petitions of a great number of individuals, praying relief from the Government for spoliation committed by the French. Mr. B. recalled to the recollection of the Senate, the fact, that information in relation to these claims had been required by a resolution of the Senate, from the Department of State; that the documents from which this information was to be obtained were very voluminous, and that it could not possibly be furnished at the present session of Congress. In this state of the business, the committee had directed him to make this motion. The committee was accordingly discharged.

On motion of Mr. BARBOUR, it was ordered that when the Senate does adjourn, it adjourn to meet again at five o'clock this afternoon.

At three o'clock, the Senate adjourned.

EVENING SESSION.

On motion of Mr. MILLS, the Senate proceeded, as in Committee of the Whole, to consider the bill from the other House "for the relief of John Mitchell," with an amendment reported by the Committee on Foreign Relations in the Senate. Mr. M. stated the grounds of this bill. The petitioner was agent for prisoners of war at Halifax during the late war. He claims to be remunerated for certain extraordinary expenses incurred, and to

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be exempted from the payment of a draft which he drew entirely on account of the Government, and the amount of which was lost by the failure of the person in whose favor it was drawn, through the remissness of other agents of the Government. Mr. M. detailed the circumstances connected with this case, and spoke of the services which Mr. Mitchell had rendered to the Government during the Revolutionary war. The amendment reported by the Committee on Foreign Relations was agreed to.

Mr. CHANDLER made a few remarks upon this claim, and was replied to by Messrs. MILLS, BARBOUR, and LLOYD of Massachusetts. The bill was then reported to the Senate, as amended, and passed to a third reading.

The bills from the House of Representatives, "to allow further time for the issuing and locating of military land warrants," and "providing for the disposition of three several tracts of land, in the county of Tuscarawas, in the State of Louisiana, and for other purposes," were severally taken up for consideration in Committee of the Whole, reported to the Senate without amendment, and passed to a third reading.

The bill from the other House, "for the relief of Samuel Rist," was taken up for consideration in Committee of the Whole. Mr. NOBLE stated the grounds of this claim. It is for a pension, in a case where the testimony was considered insufficient at the War Department. Mr. N. moved the indefinite postponement of the bill; which was carried without division.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate entitled "An act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts," with amendments. They have passed bills of the following titles, viz: An act concerning wrecks on the coast of Florida; An act supplementary to "An act providing for the examination of titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river; and An act granting to the corporation of Tuscaloosa certain lots and privileges over the reservations and commons in said town; in which amendments and bills they request the concurrence of the Senate. The said three bills were severally twice read, by unanimous consent; and on motion, the first mentioned of said bills was referred to the Committee on Finance. The two last mentioned of said bills were referred to the Committee on Public Lands.

The amendments made by the House of Representatives to the bill from the Senate "for ascertaining and adjusting claims to lands in the St. Helena and Jackson Courthouse land districts, in the State of Louisiana," were taken up; and, after some discussion between Messrs. EATON, KING of Alabama, H. JOHNSON of Louisiana, CHANDLER, LOWRIE, and J. S. JOHNSTON of Louisiana, the amendments were severally concurred in.

Mr. SEYMOUR, from the Committee on the Contingent Fund, reported sundry resolutions for the payment of the assistants employed by the Sergeant-at-Arms of the Senate. The resolutions were twice read.

TUESDAY, May 25.

The several bills from the other House yesterday referred to the standing committees of the Senate, were reported by those committees.

In pursuance of notice given yesterday, Mr. EATON asked leave to introduce a resolution, directing the Secretary of the Senate to pay, from the contingent fund, to the artist, [Enrico Causici,] employed in constructing an allegorical ornament for a clock for the Senate, the further sum of \$1000, to enable him to proceed in the work. Leave was accordingly granted; the resolution was read, and passed to a second reading.

The resolutions submitted yesterday by Mr. LLOYD, of Massachusetts, respecting the expediency, the location, and the probable expense of constructing a dry dock at one of the navy yards of the United States; and, also, relative to the pay, emoluments, and other allowances, of the officers of the Navy and Marine Corps, the expenses of courts martial in that Department, the number of desertions, &c., and requiring of the Secretary of the Navy, "his opinion on such alterations, or further provisions of law, as he may consider it expedient to make, in order to promote a more perfect discipline in the Navy and Marine Corps, to prevent the frequent recurrence of courts martial, and insure to the public service, in the said establishments, the highest degree of economy and efficiency," were again read for consideration. Mr. LLOYD made a few remarks explanatory of his object in the introduction of the resolutions, and they were agreed to by the Senate without division.

On motion of Mr. BENTON, the Committee on Indian Affairs was discharged from the further consideration of its unfinished business.

The following bills from the House of Representatives were severally taken up for consideration, in Committee of the Whole; were explained by the several committees to which they had been referred; the merits of some of them were discussed, and some were partially amended. They were reported to the Senate, and passed to a third reading, viz: The bill "to revive and extend the term of certain pensions which have expired by limitation;" the bill "to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie;" the bill "making appropriation for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth Beach;" the bill "to authorize the issuing of letters patent to Henry Sylvester;" the bill "granting donations of lands to certain actual settlers within the Territory of Florida;" the bill "to alter the time of holding the circuit court of the United States for the fourth circuit in the Maryland district;" the bill "appropriating a certain

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sum of money for the benefit of Benjamin Huffman; the bill "to alter the judicial districts of Virginia, and for other purposes;" the bill "to authorize the building of lighthouses, beacons, and light vessels, and for other purposes;" the bill "authorizing the employment of additional clerks and assistants in the different Departments;" and the bill "to authorize the Secretary of the Treasury to exchange a stock bearing five per cent. interest, for certain stocks bearing an interest of six per cent."

Mr. VAN BUREN, from the Committee on the Judiciary, reported the bill, entitled "An act to authorize the legal representatives of the Marquis de Maison Rouge, and those claiming under him, to institute a suit against the United States, and for other purposes," without amendment.

The Senate proceeded to consider the motion of yesterday, directing the Secretary of the Navy to report to the Senate a statement of the allowances for travelling expenses, and the emoluments of the officers of the Navy, and agreed thereto.

On motion, by Mr. BROWN, the select Committee on Roads and Canals were discharged from the resolution of the General Assembly of Indiana, relative to a national road from Wheeling to the Mississippi river; and also from the resolution of the Senate of the 5th January last.

On motion, by Mr. RUGGLES, the Committee of Claims were discharged from the consideration of the several petitions and memorials which have been referred to them, and not reported upon.

On motion, by Mr. RUGGLES, Daniel Brown had leave to withdraw his petition and papers.

A message from the House of Representatives informed the Senate that the House have passed the bill from the Senate, entitled "An act explanatory of an act, entitled 'An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians,' passed the 4th of May, 1822, with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States;" and no amendment having been made, it was reported to the Senate; and, on the question, "Shall this bill pass to a third reading?" it was determined in the affirmative—yeas 24, nays 4, as follows:

YEAS—Messrs. Bell, Benton, Brown, Clayton, Dickerson, Edwards, Gaillard, Holmes of Maine, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lanman, Lowrie, Macon, Noble, Parrott, Ruggles, Seymour, Smith, Thomas, Van Buren, and Van Dyke.

NAYS—Messrs. Barton, Chandler, Eaton, and Taylor of Virginia.

The bill from the House of Representatives, "to authorize the legal representatives of the Marquis de Maison Rouge to commence an action in the courts of the United States, to try the validity of his title to lands, the claim to which is disputed

by the United States," was taken up for consideration in Committee of the Whole. After a discussion of considerable length, in which Messrs. VAN DYKE, DICKERSON, H. JOHNSON, of Louisiana, VAN BUREN, J. S. JOHNSTON of Louisiana, KING of Alabama, LOWRIE, and BROWN, took part, the bill was refused a third reading, 14 in favor of, and 12 against it, as follows:

YEAS—Messrs. Benton, Holmes of Mississippi, Henry Johnson, Josiah S. Johnston, Kelly, King of Alabama, Lowrie, Noble, Ruggles, Seymour, Smith, Thomas, Van Buren, and Williams.

NAYS—Messrs. Barton, Bell, Brown, Chandler, Clayton, Dickerson, Eaton, Edwards, Gaillard, Holmes of Maine, Lanman, Lloyd of Massachusetts, Macon, Parrott, and Van Dyke.

So the bill was rejected.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, concerning two resolutions of the Senate of the 8th of January and 1st of March last, which had been referred to him.

JAMES MONROE.

WASHINGTON, May 25, 1824.

The Message and report were read.

The bill from the other House "to enable the claimants to lands within the State of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims," was taken up for consideration in Committee of the Whole. Considerable discussion took place on the details of the bill between Messrs. BARTON, LANMAN, LOWRIE, CHANDLER, KELLY, DICKERSON, KING of Alabama, and J. S. JOHNSTON of Louisiana. Mr. LOWRIE moved to amend the bill so as to limit its operation to claims not exceeding one league square, which was agreed to. The bill was then reported to the Senate. Mr. LANMAN moved its indefinite postponement. This motion was opposed by Mr. BENTON, and was not carried. The bill was then passed to a third reading.

The bill from the other House "to authorize the Territory of Florida to open a canal through the public lands, from the river St. John's to the bay of St. Augustine," was taken up for consideration in Committee of the Whole. Messrs. SMITH, LOWRIE, KING of Alabama, BROWN, and CHANDLER, made some remarks on the subject. Mr. LOWRIE moved the indefinite postponement of the bill, which motion was carried.

The bill from the other House "granting a right of pre-emption to certain actual settlers in that part of the State of Mississippi included in Jackson Courthouse land district, and in that part of the State of Louisiana included in the St. Helena land district," was taken up, and after being discussed by Messrs. LOWRIE, KING of Alabama, and H. JOHNSON of Louisiana, was, on motion of Mr. LOWRIE, indefinitely postponed.

The bill from the other House "to revive and continue in force the first, second, third, fourth, fifth, and seventh sections of an act, entitled 'An

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act to provide for the collection of duties on imports and tonnage," was taken up for consideration in Committee of the Whole. Mr. DICKERSON explained the reasons for bringing forward this bill. Its passage was opposed by Messrs. TAYLOR of Virginia, and HOLMES of Maine; and on motion of the latter member, the bill was ordered to lie on the table.

The following bills from the House of Representatives, and which had been amended in Senate, were severally read the third time, passed, and sent back to the other House for concurrence in the amendments, viz: The bills supplementary to an act, entitled "An act to provide for the correction of errors made in entering lands at the several land offices; changing the mode of surveying the public lands on any river, lake, bayou, or water course; supplementary to an act, entitled an act to incorporate the city of Washington, passed 15th May, 1820, and for other purposes; for the relief of John Mitchell; and to authorize masters of vessels, in certain cases, to clear either at the custom-house at Richmond, or that at Petersburg.

The amendments made by the House of Representatives to the bill from the Senate, explanatory of "An act to provide payment to the volunteers who lost horses in the Seminole war," were read, and agreed to.

On motion of Mr. DICKERSON, it was ordered that when the Senate does adjourn, it adjourn to meet again at six o'clock.

At a quarter before five the Senate adjourned.

Six o'clock in the Evening.

The following bills, from the House of Representatives, were severally taken up for consideration, as in Committee of the Whole. Their objects and intentions were stated, by members of the standing committees to which they had been referred. The bills were reported to the Senate, and passed to a third reading, viz: The bill "for the relief of certain distillers, within the United States;" the bill "making appropriations to carry into effect certain treaties;" the bill "making appropriations for the military service of the United States, for the year 1824;" the bill "to regulate the mode of practice in the courts of the United States, within the State of Louisiana;" the bill "reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of another tract of land reserved to them by treaty;" the bill "for the relief of Joseph M. White and William Davidson;" the bill "concerning the pre-emption rights in the Territory of Arkansas;" the bill "to establish an additional land office in the State of Missouri;" the bill "granting a tract of land to the inhabitants of the Parish of Point Coupee, in the State of Louisiana, for certain purposes;" the bill "granting a tract of land to the inhabitants of the Parish of Baton Rouge;" the bill "supplementary to an act providing for the examining of claims to lands situated in that part of the State of Louisiana, lying between the Rio Hondo and the Sabine river;" the bill "granting to the town of Tuscaloosa certain lots of land;" the bill "con-

cerning wrecks on the coast of Florida;" the bill "authorizing an appropriation for the Library of Congress;" the bill "to allow salaries to the collectors of the ports of Nantucket and Pensacola, and to abolish the office of surveyor at Pensacola;" the bill "to confer certain powers on the Levy Court of Alexandria, and for other purposes."

On motion of Mr. LANMAN, the Committee on the Post Office and Post Roads was discharged from the further consideration of sundry petitions, the object of which, he said, had been answered in the general bill, now before Congress, respecting the post offices and post roads.

The bill, from the House of Representatives, "to discontinue certain post offices, and to establish others," was taken up for consideration, in Committee of the Whole. Mr. LANMAN stated, that he had been directed, by the Committee on the Post Office and Post Roads, to move the indefinite postponement of this bill—he, accordingly, made that motion. It was carried—20 to 6.

The bill, from the House of Representatives, "to establish Bowdoinham, in the State of Maine; Troy, in the State of New York; and Fairport, in the State of Ohio, as ports of delivery," was taken up for consideration. On motion of Mr. HOLMES, of Maine, it was postponed indefinitely.

The Senate proceeded to consider, as in Committee of the Whole, the bill, entitled "An act to authorize the surveying and making of a road from a point in the northwestern boundary of the State of Ohio, near the foot of the Rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan;" and, no amendment having been made, it was reported to the Senate; and on the question, "Shall this bill be read a third time?" it was determined in the affirmative—yeas 20, nays 8, as follows:

YEAS—Messrs. Barton, Benton, Brown, Dickerson, Findlay, Gaillard, Holmes of Maine, Holmes of Mississippi, J. S. Johnston, Kelly, Lanman, Lloyd of Massachusetts, Noble, Parrott, Ruggles, Seymour, Smith, Taylor of Indiana, Thomas, and Williams.

NAYS—Messrs. Bell, Chandler, Clayton, Eaton, Edwards, King of Alabama, Lowrie, and Macon.

The Senate proceeded to consider, as in Committee of the Whole, the resolutions to compensate the messengers to the Senate; and, on motion, they were postponed until to-morrow; and the Senate adjourned, at half past nine o'clock.

WEDNESDAY, May 26.

On motion of Mr. LLOYD, of Massachusetts, the rule which provides that no bill shall receive a third reading before twelve o'clock, was rescinded.

Mr. NOBLE moved that the resolution providing for the purchase of a certain number of copies of the Journals of Congress, from 1774 to 1788, be now taken up for consideration. This motion was supported by the mover, and Mr. TAYLOR, of Virginia; and opposed by Messrs. BROWN and HOLMES, of Maine. The Senate refused to take up the resolution—12 in the affirmative; 13 in the negative.

The bill, entitled "An act making further ap-

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propriations for the military service of the United States, for the year 1824," was read the third time as amended, and passed.

The bill, entitled "An act to authorize the building of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes," was read the third time as amended, and passed.

The bill, entitled "An act authorizing the employment of additional clerks, and certain messengers and assistants, and other persons, in the several Departments," was read the third time as amended; and the bill was further amended, by unanimous consent, and passed.

The bill, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas, to institute proceedings to try the validity of their claims," was read the third time as amended, and passed.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act for the relief of John Mitchell," with an amendment; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to their amendments to the bill, entitled "An act for the relief of John Mitchell," and concurred therein.

The forty-three following bills from the House of Representatives, viz:

An act to alter the judicial districts of Pennsylvania, and for other purposes;

An act granting certain lots of ground to the corporation of the city of Mobile, and to certain individuals of said city;

An act to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes;

An act to regulate the fees of the register of wills, in the several counties within the District of Columbia;

An act for the relief of the corporation of the church of St. Anne, and to authorize the extension of Larned street, in the town of Detroit;

An act making an appropriation towards the extinguishment of the Quaupau title to lands in the Territory of Arkansas;

An act for the relief of Arthur N. Henly;

An act for the relief of John Holliday;

An act for the benefit of the Columbian Institute;

An act to allow further time to complete the issuing and locating military land warrants;

An act granting to the counties or parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice, within the same;

An act providing for the disposition of three several tracts of land in Tuscarawas county, in the State of Ohio, and for other purposes;

An act for the relief of Samuel Cleveland, junior;

An act to allow the bounty to vessels employed in the cod fisheries, in certain cases;

An act to authorize the President to exchange

five arpens of land, on the south side of the public lot at Baton Rouge, for an equal quantity of land on the north side of said lot;

An act to authorize the President of the United States to enter into certain negotiations, relative to lands located under Virginia military land warrants, lying between Ludlow's and Roberts's lines, in the State of Ohio;

An act further to regulate the inspection of flour in the county of Alexandria;

An act to revive and extend the term of certain pensions, which have expired by limitation;

An act to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie;

An act to authorize the issuing of letters patent to Nathaniel Sylvester;

An act making appropriations for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth beach;

An act granting donations of land to certain actual settlers in the Territory of Florida;

An act for altering the time for holding the circuit court of the United States, for the fourth circuit in the Maryland district;

An act appropriating a certain sum of money to Benjamin Huffman, of the State of Indiana;

An act to alter the judicial districts of Virginia, and for other purposes;

An act making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States;

An act to authorize the Secretary of the Treasury to exchange a stock, bearing an interest of five per cent. for certain stocks bearing an interest of six per cent.;

An act making appropriations to carry into effect certain Indian treaties;

An act for the relief of certain distillers in the United States;

An act to regulate the mode of practice in the courts of the United States, for the district of Louisiana;

An act for the relief of Joseph M. White and William Davidson;

An act concerning pre-emption rights in the Territory of Arkansas;

An act granting a tract of land to the inhabitants of the parish of Point Coupee, on certain conditions;

An act granting a tract of land to the parish of West Baton Rouge, on certain conditions;

An act supplementary to an act providing for the examination of titles to land, in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river;

An act granting to the corporation of the town of Tuscaloosa certain lots, and privileges over the reservations and commons in said town;

An act concerning wrecks on the coast of Florida;

An act to authorize the surveying and making of a road, from a point in the northwestern boundary of the State of Ohio, near the foot of the

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Rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan;

An act to allow a salary to the collectors of the districts of Nantucket and Pensacola, and to abolish the office of Surveyor of the district of Pensacola;

An act authorizing an appropriation for the use of the Library of Congress;

An act to confer certain powers on the levy court of the county of Alexandria, in the District of Columbia, and for other purposes;

An act to establish an additional land office in the State of Missouri; and

An act reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of a reservation made to them by treaty, were severally read a third time, and passed.

The several resolutions heretofore reported by the Committee on the Contingent Fund, providing payment for the assistants employed by the Sergeant-at-Arms to the Senate, were taken up for consideration, and agreed to.

The resolution introduced on leave, yesterday, by Mr. EATON, directing the Secretary of the Senate to pay, from the contingent fund, to the artist employed in constructing an allegorical ornament for a clock for the Senate, the further sum of \$1000, to enable him to proceed in the work, was again read for consideration.

Some remarks on the subject were submitted by Messrs. EATON, MACON, LANMAN, VAN DYKE, HOLMES, of Maine, TAYLOR, of Virginia, and SMITH; and the resolution was refused a third reading.

A message from the House of Representatives informed the Senate that the House concur in all the amendments of the Senate to the bill, entitled "An act to authorize the building of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes," except the first, second, fourth, and fifth; to which they disagree.

The Senate proceeded to consider their amendments to the last mentioned bill, disagreed to by the House of Representatives and receded therefrom.

After the consideration of Executive business, the Senate adjourned to 7 o'clock, P. M.

Seven o'clock in the Evening.

On motion, by Mr. BARTON, the Committee on Public Lands were discharged from the consideration of all subjects referred to them and not reported upon.

A message from the House of Representatives informed the Senate that the House have passed the bill from the Senate, entitled "An act supplementary to an act of Congress, passed on the 13th day of June, 1812, entitled 'An act making further provision for settling the claims to land in the Territory of Missouri,' with amendments; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill last mentioned, and concurred therein.

After the consideration of Executive business, the Senate adjourned to eight o'clock to-morrow morning.

THURSDAY, May 27.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a joint committee, to wait on the President of the United States, and inform him, that, unless he may have any further communication to make, they are ready to adjourn; in which they request the concurrence of the Senate.

The Senate proceeded to consider the said resolution, and concurred therein; and Messrs. SMITH and MACON were appointed the committee on the part of the Senate.

A message from the House of Representatives informed the Senate that the House, having finished the business before them, are about to adjourn.

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the Legislative business before them, are about to adjourn.

After the consideration of Executive business, the PRESIDENT adjourned the Senate *sine die*.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE FIRST SESSION OF THE EIGHTEENTH CONGRESS, BEGUN AT THE CITY
OF WASHINGTON, MONDAY, DECEMBER 1, 1823.

MONDAY, December 1, 1823.

At 12 o'clock, precisely, the Clerk called the House to order, and, the roll being called, the following members of the House of Representatives appeared and took their seats, to wit:

From Maine.—William Burleigh, Joshua Cushman, Ebenezer Herrick, David Kidder, Enoch Lincoln, and Jeremiah O'Brien.

From New Hampshire.—Matthew Harvey, Arthur Livermore, Aaron Matson, William Plumer, Jr., and Thomas Whipple, Jr.

From Massachusetts.—Samuel C. Allen, John Bailey, Francis Baylies, Benjamin W. Crowninshield, Henry W. Dwight, Timothy Fuller, Aaron Hobart, Samuel Lathrop, John Locke, Jeremiah Nelson, John Reed, Jonas Sibley, and Daniel Webster.

From Rhode Island.—Job Durfee, and Samuel Eddy.

From Connecticut.—Noyes Barber, Samuel A. Foot, Ansel Sterling, Ebenezer Stoddard, Gideon Tomlinson, and Lemuel Whitman.

From Vermont.—William C. Bradley, Daniel A. A. Buck, Samuel C. Crafts, Rollin C. Mallary, and Charles Rich.

From New York.—John W. Cady, Churchill C. Cambreleng, Lot Clark, Ela Collins, Hector Craig, Rowland Day, Justin Dwinell, Lewis Eaton, Charles A. Foote, Joel Frost, Moses Hayden, James L. Hogeboom, Lemuel Jenkins, Elisha Litchfield, Dudley Marvin, Henry C. Martindale, John Richards, Robert R. Rose, Peter Sharpe, Henry R. Storrs, James Strong, John W. Taylor, Egbert Ten Eyck, Jacob Tyson, William Van Wyck, Stephen Van Rensselaer, Isaac Williams, Isaac Wilson, Silas Wood, and William Woods.

From New Jersey.—George Cassedy, Lewis Condict, Daniel Garrison, George Holcombe, James Matlack, and Samuel Swan.

From Pennsylvania.—James Allison, Samuel Breck, John Brown, James Buchanan, Samuel Edwards, William Cox Ellis, Patrick Farrelly, John Findlay, Walter Forward, Robert Harris, Joseph Hemphill, Samuel D. Ingham, George Kremer, Samuel McKean, James S. Mitchell, Thomas Patterson, George Plumer, Thomas J. Rogers, John Tod, Daniel Udree, Isaac Wayne, and James Wilson.

From Delaware.—Louis McLane.

From Maryland.—William Hayward, Jr., Joseph

Kent, John Lee, Peter Little, Isaac McKim, and George E. Mitchell.

From Virginia.—Mark Alexander, William S. Archer, William Lee Ball, Philip P. Barbour, John S. Barbour, Robert S. Garnett, Joseph Johnson, Jabez Leftwich, William McCoy, Charles F. Mercer, Thomas Newton, Arthur Smith, William Smith, Alexander Smyth, Andrew Stevenson, James Stephenson, George Tucker, and Jared Williams.

From North Carolina.—Henry Conner, John Culpepper, Weldon N. Edwards, Alfred M. Gatlin, Charles Hooks, John Long, Willie P. Mangum, Romulus M. Saunders, Richard D. Spaight, Robert B. Vance, and Lewis Williams.

From South Carolina.—Robert Campbell, Joseph Gist, James Hamilton, Jr., George McDuffie, Joel R. Poinsett, Starling Tucker, and John Wilson.

From Georgia.—Joel Abbot, George Cary, Thomas W. Cobb, Alfred Cuthbert, John Forsyth, and Wiley Thompson.

From Kentucky.—Richard A. Buckner, Henry Clay, Robert P. Henry, Francis Johnson, John T. Johnson, Robert P. Letcher, Thomas P. Moore, Philip Thompson, David Trimble, David White, and Charles A. Wickliffe.

From Tennessee.—Adam R. Alexander, Robert Allen, John Blair, John Cocke, Samuel Houston, Jacob C. Isaacs, James B. Reynolds, James T. Sandford, and James Standefer.

From Ohio.—Mordecai Bartley, Philemon Beecher, John W. Campbell, James W. Gazlay, Duncan McArthur, William McLean, John Patterson, John Sloane, Joseph Vance, Samuel F. Vinton, Elisha Whittlesey, William Wilson, and John C. Wright.

From Louisiana.—William L. Brent.

From Indiana.—John Test.

From Illinois.—Daniel P. Cook.

From Alabama.—John McKee, and Gabriel Moore.

From Missouri.—John Scott.

From Arkansas Territory.—Henry W. Conway.

After the Clerk had finished calling the members of States, and a quorum was ascertained to be present,

Mr. TAYLOR, of New York, rose and remarked, that, it having been publicly announced that he was considered a candidate for the Speaker's Chair, and several Representatives having avowed their intention to vote in his favor; for the

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Election of Speaker, &c.

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purpose of correcting any mistake upon this subject which might exist either here or elsewhere he thought proper to state that he was not a candidate, and that, if his friends consulted his wishes, they would not, on this occasion, support him for the office. This frank declaration, he said, appeared to be due to the House and to those gentlemen who were understood to be candidates, as well as to himself.

ELECTION OF SPEAKER.

The House then proceeded, by ballot, to the election of a Speaker, and, upon an examination of the ballots, it appeared that HENRY CLAY, one of the Representatives from the State of Kentucky, had 139 votes, and that PHILIP P. BARBOUR, one of the Representatives from the State of Virginia, had received 42 votes.

Mr. CLAY was, therefore, declared to be duly elected, and conducted to the Speaker's Chair, from whence he made acknowledgments to the House in the following terms:

GENTLEMEN: I pray you to accept my most respectful thanks for the honor you have just conferred on me. The station of Speaker of this House has been always justly considered as one of great respectability, as well as of high responsibility. But, at the present period, when we are assembled under a new census, with our number considerably enlarged, and the highest interests of a greatly augmented population committed to our charge, it has acquired much additional importance, which requires from the favored object of your selection his most grateful acknowledgments and the expression of the profoundest sensibility. The principles which should regulate the execution of the duties of the incumbent of the Chair are not difficult to comprehend, although their application to particular instances is often extremely delicate and perplexing. They enjoin promptitude and impartiality in deciding the various questions of order as they arise; firmness and dignity in his deportment towards the House; patience, good temper, and courtesy, towards the individual members; and the best arrangement and distribution of the talent of the House, in its numerous subdivisions, for the despatch of the public business, and the fair exhibition of every subject presented for consideration. They especially require of him, in those moments of agitation from which no deliberative assembly is always entirely exempt, to remain cool and unshaken amidst all the storms of debate, carefully guarding the preservation of the permanent laws and rules of the House from being sacrificed to temporary passions, prejudices, or interests. It is on such occasions as these, too, that the Chair stands most in need of your support, of your candor, of your liberality, of your unbiassed judgment. I am not so presumptuous, gentlemen, as to promise you that I shall perform the arduous duties of which I have presented an imperfect sketch. All I dare say is, that I will exert an anxious, faithful, and unremitting endeavor to fulfil the expectations by which I have been so much honored. And may we not indulge the hope, that, with the blessing of Divine Providence, all our deliberations and all our proceedings may tend to sustain the dignity of the House, to maintain the honor and character of the country, and to advance the public welfare and happiness.

The oath to support the Constitution of the

United States, as prescribed by law, was then administered to the Speaker by Mr. NEWTON, one of the Representatives from Virginia, and the same oath (or affirmation) was then administered by the Speaker to all the other members present.

A motion was then made by Mr. CAMPBELL, of Ohio, that MATTHEW ST. CLAIR CLARKE, Clerk to the late House of Representatives, be appointed Clerk to this House; and the motion was agreed to, unanimously.

The oath to support the Constitution of the United States, together with the oath of office, as prescribed by the act aforesaid, were then administered to the Clerk by the Speaker.

On motion of Mr. NEWTON, it was

Resolved, unanimously, That THOMAS DUNN be appointed Sergeant-at-Arms, BENJAMIN BURCH Doorkeeper, and JOHN OSWALD DUNN Assistant Doorkeeper to this House; and that they severally give their attendance accordingly.

On motion of Mr. TOMLINSON, it was

Ordered, That a message be sent to the Senate to inform them that a quorum of this House have assembled, and have elected HENRY CLAY their Speaker, and that this House is now ready to proceed to business; and that the Clerk do go with the said message.

On motion of Mr. NEWTON,

Ordered, That the daily hour to which the House shall stand adjourned be twelve o'clock until otherwise ordered.

On motion of Mr. LITTLE,

Resolved, That the Rules and Orders established by the late House of Representatives be deemed and taken to be the Rules and Orders of proceeding to be observed in this House, until a revision or alteration of the same shall have taken place.

On motion of Mr. NEWTON,

Resolved, That a committee be appointed on the part of this House to join such committee as have been or may be appointed on the part of the Senate to wait on the President of the United States and inform him that a quorum of the two Houses have assembled, and are ready to receive any communications he may be pleased to make to them.

Ordered, That Mr. NEWTON and Mr. VAN RENSSLAER be the committee on the part of the House, and that the Clerk do acquaint the Senate therewith.

On motion of Mr. ALLEN, of Massachusetts,

Resolved, That the Clerk be directed to cause the members to be furnished with such newspapers as they respectively may elect; the expense of each member not to exceed the price of three daily papers.

A message was received from the Senate informing the House that a quorum of the Senate had assembled, and was ready to proceed to business; and that they have concurred in the resolution for the appointment of a joint committee to wait on the President of the United States, &c.

And then the House adjourned.

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Standing Committees.

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TUESDAY, December 2.

Several other members, to wit: from Pennsylvania, PHILIP S. MARKLEY and ANDREW STEWART; from Maryland, RAPHAEL NEALE, JOHN S. SPENCE, and HENRY R. WARFIELD; from Virginia, JOHN RANDOLPH; from North Carolina, HUTCHINS G. BURTON and THOMAS H. HALL; from South Carolina, JOHN CARTER and ANDREW R. GOVAN; from Ohio, THOMAS R. ROSS; and from Indiana, JONATHAN JENNINGS and WILLIAM PRINCE, appeared, produced their credentials, were qualified, and took their seats.

Mr. NEWTON, from the joint committee, appointed yesterday to wait on the President of the United States, reported that the committee had performed the duties of their appointment, and that the President answered that he would make a communication, in writing, to the two Houses this day.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a statement, comprising the names of the persons whose accounts have been settled agreeably to the act of the first of March last, entitled "An act in addition to the act entitled 'An act for the prompt settlement of public accounts,'" which letter and statement were ordered to lie on the table.

The SPEAKER laid before the House another letter from the Secretary of War, transmitting a statement, showing the number of Revolutionary pensioners on the rolls of the several States and Territories of the United States, made in conformity to a resolution of the House of Representatives, of the first of March last; which were ordered to lie on the table.

The SPEAKER laid before the House a letter from the Clerk, covering four statements, prepared in obedience to the resolution of Congress, of the first of March last, "requiring from the Secretary of the Senate, and Clerk of the House of Representatives, an annual statement of the expenditures from the contingent fund of the two Houses;" which letter and statements were ordered to lie on the table.

A message from the Senate informed the House that they have passed a resolution authorizing the appointment of two Chaplains, of different denominations, during the present session, one by each House, who shall interchange weekly; in which resolutions the Senate ask the concurrence of this House.

The said resolution was read, and concurred in by the House.

On motion of Mr. LATHROP, it was ordered that this House will, on Monday next, the 8th instant, proceed to the appointment of a Chaplain to Congress on their part.

A Message was then received from the PRESIDENT OF THE UNITED STATES, which was read, and committed to the Committee of the Whole House on the state of the Union; and six thousand copies thereof ordered to be printed for the use of the members of this House. [For this Message see Senate proceedings, ante p. 12.]

The House then adjourned.

WEDNESDAY, December 3.

Two other members, to wit: from New York, SAMUEL LAWRENCE; and from Alabama, GEORGE W. OWEN, appeared, and produced their credentials.

RICHARD K. CALL, also appeared, and produced his credentials, as the Delegate from the Territory of Florida.

The SPEAKER laid before the House a letter from Samuel R. Overton and Joseph M. White, two of the commissioners appointed to ascertain titles and claims to lands in West Florida, asking for an extension of the time to the first of September next, to enable them to complete the duties of their appointment; which letter was read, and ordered to lie on the table.

STANDING COMMITTEES.

On motion of Mr. TAYLOR, it was ordered that the call for petitions be dispensed with, and that the several Standing Committees be now appointed, in pursuance of the rules and orders of the House: Whereupon, the Speaker appointed the following Standing Committees:

Of Elections.—Mr. Sloane, Mr. Mallory, Mr. Ball, Mr. Tucker, of South Carolina, Mr. Standefer, Mr. Hall, of North Carolina, and Mr. Thompson, of Kentucky.

Of Ways and Means.—Mr. McLane, of Delaware, Mr. Ingham, Mr. Thompson, of Georgia, Mr. Andrew Stevenson, Mr. Cambreleng, Mr. McDuffie, and Mr. McKim.

Of Claims.—Mr. Williams, of North Carolina, Mr. McCoy, Mr. Rich, Mr. Litchfield, Mr. Matson, Mr. Whittlesey, and Mr. Isaacs.

On Public Lands.—Mr. Rankin, Mr. Scott, Mr. Cook, Mr. Jennings, Mr. Strong, Mr. Vinton, and Mr. Bradley.

On Commerce.—Mr. Newton, Mr. Tomlinson, Mr. Abbot, Mr. Durfee, Mr. Dwight, Mr. Mangum, and Mr. Morgan.

On the Post Office and Post Roads.—Mr. Francis, Johnson, Mr. Hooks, Mr. Stoddard, Mr. Wilson, of South Carolina, Mr. McKean, Mr. Alexander, of Tennessee, and Mr. Bartley.

For the District of Columbia.—Mr. Kent, Mr. Neale, Mr. Matlack, Mr. Findlay, Mr. Alexander, of Virginia, Mr. Gazlay, and Mr. Blair.

On the Judiciary.—Mr. Webster, Mr. P. P. Barbour, Mr. Plumer, of New Hampshire, Mr. Burton, Mr. Buchanan, Mr. Saunders, and Mr. Brent.

On Pensions and Revolutionary Claims.—Mr. Little, Mr. Eddy, Mr. Allen, of Tennessee, Mr. William Smith, Mr. Culpepper, Mr. Plumer, of Pennsylvania, and Mr. Udree.

On Public Expenditures.—Mr. Cobb, Mr. Clarke, of New York, Mr. Crafts, Mr. Markley, Mr. Gist, Mr. Sandford, and Mr. John S. Barbour.

On Private Land Claims.—Mr. Campbell, of Ohio, Mr. Moore, of Alabama, Mr. Sterling, Mr. Prince, Mr. Garrison, Mr. Locke, and Mr. Williams, of New York.

On Manufactures.—Mr. Tod, Mr. Forward, Mr. Condict, Mr. Conner, Mr. Wright, Mr. Craig, and Mr. Marvin.

On Agriculture.—Mr. Van Rensselaer, Mr. Bay-

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lies, Mr. Garnett, Mr. Harris, of Pennsylvania, Mr. Rose, Mr. Whitman, and Mr. Patterson, of Pennsylvania.

On Indian Affairs.—Mr. Cocke, Mr. Mitchell, of Pennsylvania, Mr. Williams, of Virginia, Mr. McKee, Mr. McLean, of Ohio, Mr. Ten Eyck, and Mr. Gatlin.

On Foreign Affairs.—Mr. Forsyth, Mr. Taylor, Mr. Storrs, Mr. Trimble, Mr. Archer, Mr. Farrelly and Mr. Poinsett.

On Military Affairs.—Mr. Hamilton, Mr. Rogers, Mr. Mitchell, of Maryland, Mr. McArthur, Mr. Houston, Mr. Vance, of Ohio, and Mr. Campbell, of South Carolina.

On Naval Affairs.—Mr. Crowninshield, Mr. Fuller, Mr. Randolph, Mr. Warfield, Mr. Cady, Mr. Holcombe, and Mr. Harvey.

On Revision and Unfinished Business.—Mr. Ross, Mr. Lathrop, and Mr. Brown, of Pennsylvania.

On Accounts.—Mr. Allen, of Massachusetts, Mr. Swan, and Mr. Letcher.

On Expenditures in the Department of State.—Mr. Wood, Mr. Barber, of Connecticut, and Mr. Bailey.

On the Expenditures in the Department of the Treasury.—Mr. Edwards of North Carolina, Mr. Hayward, and Mr. Burleigh.

On the Expenditures in the Department of War.—Mr. Tucker of Virginia, Mr. Lincoln, and Mr. White.

On the Expenditures in the Department of the Navy.—Mr. Edwards of Pennsylvania, Mr. Hobart, and Mr. O'Brien.

On the Expenditures in the Department of the Post Office.—Mr. Van Wyck, Mr. Wilson of Ohio, and Mr. Lawrence.

On the Expenditures on the Public Buildings.—Mr. Nelson, Mr. Ellis, and Mr. Moore of Kentucky.

On motion of Mr. TAYLOR, it was ordered, that, when the House adjourns, it will adjourn to meet again on Friday the 5th instant.

PRESIDENT'S MESSAGE.

The House resolved itself into a Committee of the Whole on the state of the Union, Mr. CONDICT in the Chair, and proceeded to the consideration of the Message of the President of the United States.

Mr. TAYLOR, of New York, submitted the following resolutions:

1. *Resolved*, That so much of the Message of the President of the United States as concerns our political relations with other independent Governments, be referred to the Committee on Foreign Affairs.

2. *Resolved*, That so much of the President's Message as relates to commerce; to the erection of piers in the Delaware bay, and the removal of obstructions to the entrance of the harbor of the port of Presque Isle, be referred to the Committee of Commerce.

3. *Resolved*, That so much of the President's Message as relates to a revision of the tariff, with a view to the encouragement of manufactures, be referred to the Committee on Manufactures.

4. *Resolved*, That so much of the President's Message as relates to the army, the militia, the ordnance department, the military academy, fortifications, armories, and arsenals, be referred to the Committee on Military Affairs.

5. *Resolved*, That so much of the President's Message as relates to the organization of the naval establishment, and the suppression of piracy, be referred to the Committee on Naval Affairs.

6. *Resolved*, That so much of the President's Message as relates to the revenue, and the redemption of the public debt, be referred to the Committee of Ways and Means.

7. *Resolved*, That so much of the President's Message as concerns the Post Office Department, and the revision of the laws relating to the same, be referred to the Committee on the Post Office and Post Roads.

8. *Resolved*, That so much of the President's Message as relates to the settlement of the public accounts, be referred to the Committee on Public Expenditures.

9. *Resolved*, That so much of the President's Message as concerns our relations with certain Indian tribes, be referred to the Committee on Indian Affairs.

10. *Resolved*, That so much of the President's Message as relates to the suppression of the African slave trade, be referred to a select committee.

11. *Resolved*, That so much of the President's Message as relates to the Cumberland road, be referred to a select committee.

12. *Resolved*, That so much of the President's Message as relates to the connexion of the waters of the Chesapeake and Ohio, by means of a canal, be referred to a select committee.

13. *Resolved*, That the said select committees have leave to report by bill or otherwise.

These resolutions were severally agreed to; when the committee rose and reported them to the House, and, the same being again read at the Clerk's table, were severally concurred in by the House.

Messrs. GOVAN, LIVERMORE, HERRICK, TEST, WAYNE, SPAIGHT, and EATON, were appointed a committee upon the suppression of the African slave trade, in pursuance of the tenth resolution.

Messrs. HEMPHILL, BEECHER, JOHN T. JOHNSON, STEWART, JOHNSON of Virginia, REYNOLDS, and OWEN, were appointed a committee on the subject of the Cumberland road, in pursuance of the eleventh resolution.

Messrs. MERCER, BRECK, WOODS, LEE, BUCKNER, J. STEPHENSON, and PATTERSON of Ohio, were appointed a committee upon the subject of the connexion of the waters of the Chesapeake and Ohio, in pursuance of the twelfth resolution.

Adjourned until Friday next.

FRIDAY, December 5.

Mr. LAWRENCE of New York, Mr. OWEN of Alabama, and Mr. CALL, delegate from Florida, were severally qualified, and took their seats.

Mr. FARRELLY presented several petitions from inhabitants of the county of Erie, and parts adjacent, in the State of Pennsylvania, praying provision may be made for removing the bar which obstructs the entrance into the harbor of Presque Isle.—Referred to the Committee on Commerce.

Mr. FORSYTH presented a petition, (in the French language,) of Gabrielle Emelie de Beauregard, the widow of a French officer, of the rank of captain, in the Army of the United States, in the Revolutionary war, setting forth

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that she is in poverty, with six children; that she makes no claim, but submits her case to the liberality of Congress.—Referred to the Committee on Pensions and Revolutionary Claims.

Mr. CONDICT presented a memorial of sundry inhabitants of the State of New Jersey, praying that further protection and encouragement may be extended to the manufacturing interest of the country, and that an excise duty may be imposed on domestic distilled spirits.—Referred.

Mr. LIVERMORE, of New Hampshire, offered for consideration the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of directing the United States mail to be carried in the day-time, only, except when transported by water.

In support of this resolution, Mr. L. remarked, that his object was to secure the mail from depredations, several alarming instances of which had recently occurred. He was persuaded that, while the adoption of the measure proposed in the resolve would protect, it would not retard the mail; because, if accelerated as it might be, it would be carried as far in twelve hours, by daylight, as now in the twenty-four, including the night.

The resolution was agreed to.

Mr. FOOT, of Connecticut, moved the adoption of the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of "regulating (by law) the commerce among the several States," under the 8th section of the 1st article of the Constitution of the United States.

Mr. FOOT observed that collision had taken place between several of the States, already, in relation to this subject; and, fearing that more might occur, he was desirous of providing a remedy—with which view he had proposed this resolution.

The resolution was agreed to without opposition.

On motion of Mr. McDUFFIE, of South Carolina, it was resolved that a select committee be appointed to inquire into the expediency of recommending to the several States the propriety of amending the Constitution of the United States in such manner that the mode of electing members of the House of Representatives in Congress may be uniform throughout the United States; also, that the mode of choosing Electors for President and Vice President of the United States may be, in like manner, uniform; and, also, that the election of the said officers may, in no event, devolve upon the House of Representatives.

Messrs. McDUFFIE, ALEXANDER SMYTH, REED, STORRS, BUCHANAN, WICKLIFFE, and CARY, were appointed a committee pursuant to the above resolution.

Mr. McKIM submitted the following resolution:

Resolved, That the Secretary of State be directed to furnish to this House a statement of all sick or disabled seamen, who may have been sent to the infirmary or hospitals at the port of Liverpool, in Great Britain, under the direction of the American consul

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at that port; as, also, the amount of money retained or received by said consul from the master or consignee of every American vessel arriving at said port, from the first of September, 1821, to the first of September, 1823, for each sick or disabled seaman sent to the infirmary or hospitals.

The resolution was laid on the table one day, under the rule.

Mr. THOMPSON, of Georgia, moved that the House do come to the following resolution:

Resolved, That the memorial of the Legislature of Georgia, relative to the claims of certain detachments of militia of that State, for services performed in the years 1792, 1793, and 1794; together with the accompanying documents, now on the files of this House, be referred to a select committee, with leave to report by bill or otherwise.

The resolution was read, and, on motion of Mr. COCKE, was amended, by striking out the words "a select committee," and inserting "the Committee on Military Affairs."

The question was then taken to agree to the resolution, as amended, and passed in the affirmative.

On motion of Mr. JENNINGS, it was

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of making an appropriation for the purpose of effecting a further extinguishment of Indian title to lands in the State of Indiana.

MOTHER OF COMMODORE PERRY.

The following resolution was offered by Mr. HAMILTON, of South Carolina:

Resolved, That the Naval Committee be instructed to inquire into the justice and expediency of allowing Mrs. Sarah Perry, the mother of the late Captain Oliver Hazard Perry, a pension during her natural life.

Mr. HAMILTON mentioned, in offering this resolution, that a bill embracing this object had been reported at the last session of Congress, but not acted on from the want of time. His present object was to revive that bill.

Mr. TRIMBLE, of Kentucky, not meaning to object to this resolution, suggested the propriety of including in it the case of Mrs. Lawrence, the widow of the gallant captain of that name.

Mr. HAMILTON said he thought that though the cases of the venerable Mrs. Perry and the widow of the lamented Lawrence, were in many respects similar, yet there were some points of difference in them which rendered it inexpedient to blend them together.

Mr. CAMBRELENG, of New York, disclaiming all opposition to the object of the resolution, an object in which he feelingly and fully concurred, was of opinion that the cases of Mrs. Lawrence and Mrs. Perry might better have a separate consideration. The case of Mrs. Perry required a distinct act of legislation—that of Mrs. Lawrence did not, being one of a class of cases heretofore regularly provided for by law, her husband having fallen in battle. But it should be remembered that, through some inadvertence, the act,

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providing pensions for the widows and orphans of naval officers killed in battle, was omitted to be revived at the last session of Congress, previous to which it had expired. The fund from which that relief was dispensed was a sacred one; it had been raised out of the Navy itself, and it should ever be held sacred to the object for which it was raised. He intended, on Monday, to move for a revival of the act, and if, as he trusted, it should be revived, he cherished a strong hope that the Committee of Claims would put the venerable lady who was the subject of the present resolution, also, on the pension list. The fund was ample to embrace both classes of cases.

The resolution was adopted; and the House adjourned to Monday.

MONDAY, December 8.

Another member, to wit: JOHN HERKIMER, from the State of New York, appeared, produced his credentials, was qualified, and took his seat.

GABRIEL RICHARD also appeared, produced his credentials, was qualified, and took his seat as the delegate from the Territory of Michigan.

Mr. WEBSTER presented a petition of the manufacturers of wool, in the State of Massachusetts, praying that an additional duty of 12½ per cent. may be imposed on foreign woollen manufactures; which petition was referred to the Committee on Manufactures.

Mr. CONWAY presented a memorial of the General Assembly of the Territory of Arkansas, praying that an appropriation may be made for the purpose of extinguishing the title of the Quapaw tribe of Indians to certain lands in that Territory.—Referred to the Committee of Ways and Means.

Mr. STEWART presented a petition of William Pew, of Pennsylvania, a soldier of the Revolution, praying for a pension.

Mr. FORSYTH presented a petition of Lewis Joseph de Beaulieu, late a captain in Count Pulaski's Legion, in the Revolutionary army, praying for an increase of the pension granted to him by the Revolutionary Congress, for gallant services and numerous wounds received in battle.—Referred to the Committee on Pensions and Revolutionary Claims.

Mr. BRENT presented a petition of Le Peltier de la Houssaye, Chevalier de la Houssaye, and Octave de la Houssaye, on behalf of themselves and the residue of the heirs and representatives of Louis de la Houssaye, praying that their title to a tract of land in the State of Louisiana may be confirmed.—Referred to the Committee on Private Land Claims.

The petition of Mrs. Julia Lawrence, widow of the late Captain Lawrence, and of Penelope Denny, mother of Lieutenant Denny, who fell in the pirate expedition, heretofore presented, were referred to the Committee on Naval Affairs.

Mr. HEMPHILL presented a memorial from sundry insurance companies and merchants, of the city of Philadelphia, setting forth that, in the year 1807, they embarked, or assumed the responsibility

of those who had embarked, a large amount of property on board of vessels, solely owned by citizens of the United States, and destined for Antwerp, at that time a port of France; that the vessels were captured by British cruisers and sent into England, where they were speedily released, and proceeded to Antwerp, which port they reached in safety; but, immediately after their arrival, vessels and cargoes were put under sequestration, upon the pretext of a violation of the *Berlin Decree*; that the property was not libelled, nor was there any judicial proceeding had in relation to it. It was, however, sold by order of the French Government, and has been totally lost to the memorialists; that they have now been nearly fifteen years unlawfully deprived of their property, and they now confidently appeal to the Constitutional guardians of their rights, and pray that their case may be taken into consideration, and that such relief may be granted to them as in the wisdom of Congress may seem just and proper.

Mr. H. also presented a memorial, similar in most respects from sundry other merchants of the city of Philadelphia, who, in the year 1809, shipped a large amount of property for Saint Sebastian, in Spain, where, upon its arrival, it was seized by French officers, and has become wholly lost to the memorialists.

The SPEAKER presented a petition of Parmenio Adams, contesting the election and return of Isaac Wilson, as one of the members of this House, for the State of New York, and praying to be admitted to a seat in the place of said Wilson.—Referred to the Committee of Elections.

On motion of Mr. JENNINGS, the petition of the General Assembly of the State of Indiana, respecting the courts of the United States in said State, heretofore presented on the 27th of January, 1823, was referred to the Committee on the Judiciary.

Mr. CONWAY presented a memorial of the General Assembly of the Territory of Arkansas, praying that the Commissioner of the General Land Office may be directed to furnish the government of said Territory with a list, showing the military bounty lands in said Territory, and to whom and when granted.—Referred to the Committee on the Public Lands.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows:

To the House of Representatives of the United States:

By an act of the last session of Congress, it was made the duty of the accounting officers of the Treasury to adjust and settle the accounts of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States. The accounting officers have, in compliance with this act, reported to me a balance of thirty-five thousand one hundred and ninety dollars, in favor of Governor Tompkins, which report I have had under consideration, together with his claim to an additional allowance, and should have decided on the same before the present time, had I not delayed my decision at his request. From the view which I have taken of

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the subject, I am satisfied, considering all the circumstances of the case, that a larger sum ought to be allowed him than that reported by the accounting officers of the Treasury. No appropriation, however, having been made by the act, and it appearing, by recent information from him, that the sum reported would afford him an essential accommodation at this time, the subject is submitted to the consideration of Congress, with a view to that object.

JAMES MONROE.

WASHINGTON CITY, Dec. 7, 1823.

The Message was referred to the Committee of Ways and Means.

Mr. McKIM's resolution calling on the Department of State for information respecting the moneys paid to infirmaries or hospitals for sick and disabled seamen, submitted on Friday last, was called up, and, after a short explanation from Mr. McKIM, was adopted.

On motion of Mr. BRENT, it was

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of so amending the laws of the United States as to abolish "imprisonment for debt."

Resolved, That the Committee on the Judiciary be instructed to inquire into the policy and expediency of establishing "a Criminal Code" for the government of the United States.

On motion of Mr. BEECHER, the Committee on the Cumberland Road were instructed to inquire into the expediency of further extending the Cumberland Road, by opening and making the same from Wheeling to Zanesville, in the State of Ohio.

Mr. OWEN moved that the House do come to the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending a Circuit Court of the United States to the State of Alabama.

The resolution being read—

Mr. CALL moved to amend the same by adding thereto "and the Territory of Florida;" which motion to amend being decided in the negative—

Mr. RANKIN moved to amend the same by striking out the words "to the State of Alabama," and inserting "to those States in which no Circuit Court has been established."

The resolution was then ordered to lie on the table, and the House proceeded to the election of a Chaplain to Congress for the present session, on their part, and, upon an examination of the second ballot, it appeared that the Rev. HENRY B. BASCOM, of the Methodist Episcopal Church, was duly elected.

COMMISSIONER TO GREECE.

Mr. WEBSTER, of Massachusetts, submitted, for consideration, the following:

Resolved, That provision ought to be made, by law, for defraying the expense incident to the appointment of an agent, or commissioner, to Greece, whenever the President shall deem it expedient to make such appointment.

In offering the resolution, Mr. WEBSTER stated, it was far from being his wish, in any manner, to

commit the House, in this or any of the political contests of Europe; but the President of the United States, having, in his Message to Congress, not only expressed a belief that the Greek nation, in its present struggle with its oppressors, had the good wishes of the whole civilized world, but also advanced the opinion that the Turkish dominion over that country was lost forever; he thought that, if such were the fact, it was important that Congress should act upon the subject. The United States, he said, had diverse interests in the Mediterranean, which might be seriously affected, more or less, by the course of events in that quarter. The main object he had in view, he confessed, was to obtain from this House an expression, responsive to the sentiment of the Message, in reference to the sacrifices and sufferings of that heroic people—sacrifices and sufferings which ought to excite the sympathy of every liberal minded man in Europe as well as in this country. But, whatever might be the case with other nations, we certainly ought not to be restrained from expressing, with freedom, what are our views in relation to the Greek cause, so far as it may be done without committing ourselves in the contest. And he really did hope that we should show to the world, that there is, at least, one Government which does entertain a proper view of that barbarous despotism which, under the eyes of Europe, has been permitted, by a system of the foulest atrocity, to attempt to crush an interesting christian nation. He did not desire that the resolution should be at present acted upon, but simply that it lie on the table for the consideration and deliberate reflection of this House.

The resolution was laid on the table, according to Mr. WEBSTER's motion, in preference to the suggestion of Mr. FOOTE, to refer it to a Committee of the Whole on the state of the Union, and of Mr. FARRELLY, to refer it to the Committee of Foreign Relations.

On motion of Mr. LITTLE, it was ordered that the subject of Revolutionary Pensions, under the acts of March 18, 1818, and May 1, 1820, be referred to a select committee; and Messrs. EDWARDS, of North Carolina, KREMER, KIDDER, ROBERT B. VANCE, CASSEDY, HOGEBOOM, and ARTHUR SMITH, were appointed the said committee.

TUESDAY, December 9.

Two other members, to wit: from the State of Maine, STEPHEN LONGFELLOW; and from the State of Virginia, WILLIAM C. RIVES: appeared, were qualified, and took their seats.

Mr. BAYLIES presented a memorial of the citizens of New Bedford, in the State of Massachusetts, exhibiting a view of the languishing state of the spermaceti whale fishery, and praying that an additional duty may be imposed on tallow and tallow candles, upon their importation into the United States, by way "of protection of the fisheries, and of the agricultural interest of the country," which memorial was referred to the Committee on Agriculture.

Mr. SIBLEY presented a memorial of sundry inhabitants of the district of Norfolk, in the State of Massachusetts, contesting the election and return of John Bailey, as one of the members of this House, from that State, on the ground that he was not an inhabitant of the State at the time of his election, and praying that the seat of said Bailey may be declared vacant; which memorial was referred to the Committee of Elections.

Mr. CAMBRELENG presented a memorial of the tallow-chandlers and soap-boilers of the city of New York, combatting the representations contained in the memorial presented this day from the citizens of New Bedford, upon the subject of the sperm whale fishery, and the importation of tallow and tallow candles, and declaring that the said representations are fallacious; and stating that they are entirely satisfied with the duty, as it now stands, on foreign tallow and tallow candles; yet, if any alteration be determined on, they pray that tallow may be admitted free of duty, as most, if not all other, raw materials are now admitted.

Mr. STORRS presented a memorial of the persons engaged in manufactures in the county of Oneida, in the State of New York, praying that efficient measures may be devised and adopted, to protect the manufacturers of cotton goods from the hostility of foreign manufacturers and capitalists.

Mr. GOVAN presented a memorial of sundry inhabitants of Richland district, in the State of South Carolina, in opposition to any alteration or increase of the tariff of duties on foreign manufactures, by way of protection to domestic manufactures.

Ordered, That the said memorials be referred to the Committee on Manufactures.

Mr. JENNINGS presented a petition of Eliza Dill, one of the daughters of the late Major General Arthur St. Clair, of the Revolutionary army, on behalf of herself and sisters, praying to be allowed and paid the amount which she conceives to be equitably and justly due to the estate of her deceased father, on account of personal services rendered, and advances made for the public account, in the war of the Revolution.

On motion of Mr. COOK, the petition of James Mitchell to the Commissioner of the General Land Office, and the accompanying documents, were referred to the Committee on the Public Lands.

On motion of Mr. CAMBRELENG,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of continuing pensions to the widows, or to the orphans of all officers, seamen, and marines, who may have been slain in the public or private armed vessels of the United States, or who may have died of wounds received while in the service of their country; and to all other widows or orphans, who have been placed upon the navy pension roll by special acts of Congress, and of authorizing the payment of such sums as may be due those widows and orphans whose pensions may have been suspended.

Resolved, That the said committee be further instructed to inquire into the expediency of granting pensions to Lydia Allen and Penelope Denny.

On motion of Mr. STRONG, the Committee on the Judiciary were instructed to inquire into the propriety of giving concurrent jurisdiction to the supreme or superior court of law of the respective States, in cases arising under the act, entitled "An act to extend the privilege of obtaining patents for useful inventions and discoveries, and to enlarge and define the penalties for violating the rights of patentees."

Mr. HEMPHILL presented the following resolution:

Resolved, That the subject of roads and canals be referred to a select committee.

On this resolution the House divided. It was agreed to, 86 votes to 77, and a committee ordered to be appointed accordingly; and Messrs. HEMPHILL, CUTHBERT, SHARPE, STEWART, HENRY, HERKIMER, and RIVES, were appointed the committee.

On motion of Mr. CALL, the Committee on the Public Lands were instructed to inquire into the expediency of granting to the Territory of Florida, a tract of twelve hundred and eighty acres of land, at the point designated for the permanent seat of government in said Territory: And further, to inquire into the expediency of granting to the cities of Pensacola and St. Augustine certain public lots within the limits of said cities, respectively.

On motion of Mr. FULLER, the Committee on the Judiciary were instructed to inquire into the expediency of repealing or modifying an act entitled "An act to lessen the compensation of marshals, clerks, and attorneys, in the cases therein mentioned."

On motion of Mr. JENNINGS, the Committee on the Public Lands were instructed to inquire into the expediency of reserving from sale a portion of the public lands, through which a canal may be constructed to unite the navigable waters of the rivers Wabash and the Miami of Lake Erie, and to grant a portion of such land for the purpose of constructing such canal.

Mr. BRENT submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to transmit to this House, all the papers, books, and reports which have been forwarded by the several Boards of Commissioners and registers of land titles in relation to the adjustment of land claims derived from the French and Spanish authorities, situated in that part of the State of Louisiana which constituted the late Territory of Orleans.

Resolved, That the Secretary of the Treasury be directed to inform this House, whether the report of the late register of the land office at Opelousas, in Louisiana, upon the land claims submitted to his consideration by the act of Congress, approved 11th May, 1820, has been received, and, if not, of the cause and reasons of the delay of the said register in making said report.

Ordered, That the foregoing resolutions lie on the table one day.

On motion of Mr. PLUMER, of New Hampshire,

the Committee on the Judiciary were instructed to inquire into the expediency of allowing costs in cases where damages may be recovered for the violation of the rights of patentees under the several acts concerning the issuing of patents for useful discoveries and inventions.

On motion of Mr. WHIPPLE, the Committee on Military Affairs were instructed to inquire into the expediency of providing by law for an additional number of quartermasters and assistants, to be employed in the Quartermaster General's department of the Army of the United States, who shall be taken from the line of the army.

PUBLIC LANDS.

On motion of Mr. BRENT, it was—

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of reviving the seventh section of an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved 11th May, 1820, in relation to back concessions, and to extend its provisions so as to embrace every claim confirmed by the United States, whether it be situated upon a water course or not.

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of causing patents to issue, in the mode pointed out by law, to persons whose claims to lands, town, or village lots, in the State of Louisiana, have been confirmed by the several boards of commissioners, or by acts of Congress, agreeably to the surveys already made, in all cases where said surveys have been made; and in all cases where said surveys have not been made, as soon thereafter as the same shall be surveyed and returned to the proper authorities.

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of offering the public lands for sale, as speedily as possible, in the district south and north of Red river, in Louisiana.

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of establishing a separate Surveyor General's district in the State of Louisiana.

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of reducing the price of all public lands, situated in the prairies of Louisiana, at a certain distance, to be fixed, from wood and timber, so as to enable the United States to dispose of the same.

ROADS AND CANALS.

Mr. COOK offered the following resolution:

Resolved, That so much of the several acts of Congress, passed for the admission of Indiana, Illinois, and Missouri into the Union, as sets apart a portion of the money, arising from the sale of the public lands in those States, for the purpose of constructing roads and canals leading to those States respectively, be referred to a select committee.

Mr. SCOTT, of Missouri, expressed a wish to know what was the precise object of the mover of this resolution.

Mr. COOK explained; that, by the several acts

for the admission into the Union of the States referred to in the resolution, three per cent. of the net amount of the proceeds of the sales of public lands was set apart for the construction of roads leading to those States. The object I have in view, therefore, said he, is to avail ourselves of the fund thus constituted. At the last session, the subject was referred to a committee of seven members, and six of the committee agreed to report a bill to that effect.

Mr. RANKIN suggested the propriety of referring this subject to the committee which had just been constituted, on the subject of roads and canals, the object of the resolve seeming to come more within the province of that committee.

Mr. COOK said the subject of roads and canals, in general, was one which usually produced much discussion in this House; it was one respecting which there existed always doubtless an honest difference of opinion. The resolution now before the House by no means involved that question, its object being to bring into activity a fund set apart and specifically pledged for the purposes contemplated by the resolution. He would not, therefore, throw it before a committee which was likely to have before it a vast deal of business from the older States, where it might, to use a common phrase, be overlaid by more ponderous subjects.

The question was then taken on the resolution as originally moved, and agreed to; and Messrs. COOK, SCOTT, JENNINGS, MARTINDALE, BRENT, CUSHMAN, and COLLINS, were appointed the said committee.

The House proceeded to the consideration of the resolution offered yesterday, by Mr. OWEN, in relation to extending the circuit court of the United States into certain States. The question being on the amendment, (which extended the proposition from Alabama to all the States where no circuits are now held,) it passed in the affirmative; and, thus amended, the resolution was agreed to, and then the House adjourned.

WEDNESDAY, December 10.

Mr. FARRELLY presented the memorial of Jared Shattuck, of the State of Pennsylvania, praying to be allowed and paid the interest on the whole of a sum of money, awarded him by a decree of the Supreme Court of the United States; interest having been allowed on a part only of said sum, by the Treasury Department.—Referred to Committee of Claims.

Mr. LONG presented a memorial adopted at a yearly meeting of the Society of Friends, held at New Garden, in Guilford County, North Carolina, on the 6th of November, 1823, representing that they hold the marriage covenant the highest civil engagement amongst men; that it ought to be held sacred and inviolable; notwithstanding which, the masters of slaves are tolerated, by the laws of the land, in breaking this most solemn contract, by separating husbands and wives; and praying Congress to adopt such measures as may be best calculated to meliorate the condition of slaves

within its jurisdiction, at least, within the District of Columbia; which memorial was referred to the Committee for the District of Columbia.

On motion of Mr. Ross, the petition of the administrators on the estate of John H. Piatt, late of the State of Ohio, deceased, presented on the 31st December, 1822, together with the report of the select committee, made thereon, on the 3d of March last, was referred to a select committee; and Messrs. Ross, MALLARY, JENKINS, LONGFELLOW, MCCOY, VINTON, and FOOTE, of New York, were appointed the committee.

Mr. CONWAY presented a memorial of the General Assembly of the Territory of Arkansas, praying that provision may be made for opening a public road from the town of Memphis, or Lower Chickasaw Bluffs, on the Mississippi, to Little Rock, the seat of government in said Territory; which memorial was referred to the Committee on Roads and Canals.

Mr. CAMBRELENG, from the Committee of Ways and Means, to which was referred the Message from the President of the United States, in relation to the accounts of Governor Tompkins, made a report, accompanied by a bill, appropriating \$35,190 for the relief of Daniel D. Tompkins; which bill was read twice, and committed to a Committee of the Whole to-morrow.

Mr. WEBSTER, from the Committee on the Judiciary, reported a bill to alter the time of holding the district court of the United States at Mobile (to the fourth Mondays of April and November;) which was read twice, and ordered to be engrossed for a third reading to-morrow.

Mr. McLANE, of Delaware, submitted the following resolution, viz:

Resolved, That the President of the United States be requested to communicate to this House all such parts of the correspondence with the Government of Spain, touching the Florida treaty, to the period of its final ratification, which have not yet been communicated, and which, in his opinion, it may not be inconsistent with the public interest to communicate.

The resolution was ordered to lie one day, under the rule.

Mr. STORRS submitted the following resolution:

Resolved, That the Postmaster General be directed to communicate to this House a statement, exhibiting the amount of postage received during the year 1822, at each post office in the United States, and the Territories thereof.

The resolution was ordered to lie on the table one day, under the rule.

On motion of Mr. CALL, the Committee on Military Affairs were instructed to inquire into the expediency of fortifying the harbor of Pensacola.

On motion of Mr. WHITTLESEY, the Committee on Military Affairs were instructed to inquire into the expediency of providing by law for the distribution of arms to the militia of the District of Columbia, in a proportion corresponding with the number of effective militia in said district; and for the designation of a proper officer to receive the same.

Mr. GAZLAY submitted the following resolution, viz:

Resolved, That the Postmaster General be directed to lay before this House the amount of defalcations in his department, which occurred previous to July, 1823, and which were not sued for as directed by the 29th section of the act regulating the Post Office Establishment, designating the years when each occurred, and not to extend beyond sixteen years.

The resolution was ordered to lie on the table one day, under the rule.

On motion of Mr. McCALL, the Committee on Roads and Canals were instructed to inquire into the expediency of opening a road in the most direct and practicable route from Pensacola to St. Augustine; and further, to inquire into the expediency of opening a road from St. Mark's to Cape Sable, in the Territory of Florida.

On motion of Mr. OWEN, the Committee on Military Affairs were instructed to inquire into the expediency of resuming the prosecution of the work on Dauphin Island, for the defence of the bay and harbor of Mobile; and further, to inquire whether the plan now pursued by Government in prosecuting the work on Mobile Point is the most practicable for the interest of the Government, and the speedy completion of the work.

Mr. HEMPHILL presented the following, which was ordered to lie one day for consideration:

Resolved, That the President of the United States be requested to communicate to this House copies of such parts of the correspondence of the late Minister of the United States at the Court of France, with the French Government, and such parts of the correspondence of said Minister with the Secretary of State, relative to claims of citizens of the United States, for spoiliations upon our lawful commerce, as, in the opinion of the President, may not be inconsistent with the public interest.

On motion of Mr. STANDEFER, the Committee on Roads and Canals were instructed to inquire into the expediency of making appropriation for the opening of a canal between the navigable water of the Tennessee and Coosa rivers.

On motion of Mr. WRIGHT, the Committee on the Judiciary were instructed to inquire whether any, and if any, what, alterations are necessary in the existing laws establishing rules of naturalization; and also, into the expediency of furnishing copies of those laws to the courts of the several States authorized to naturalize aliens, so as to secure to persons desirous of naturalization the benefit thereof.

On motion of Mr. WRIGHT, the Committee on the Judiciary were instructed to inquire into the expediency of so revising and amending the several acts of Congress, allowing salaries to the district judges of the United States, as to equalize, as nearly as practicable, the compensation to be received by said judges.

LAND TITLES IN LOUISIANA.

The resolutions yesterday offered by Mr. BRENT, for obtaining certain information from the Secretary of the Treasury, and which were ordered to lie one day for consideration, were now taken up.

THURSDAY, December 11.

Mr. TYSON presented a memorial of James L. Bell, and others, composing the Mississippi Land Company of New York, setting forth, that, at very great expense, they have acquired the title to all that tract of land situated in the Northwestern Territory, commonly called "Carver's Grant," lying on the east bank of the Mississippi river, at the Falls of Saint Anthony, and praying that their title to said land may be confirmed; which memorial was referred to the Committee on Private Land Claims.

Mr. HEMPHILL presented a memorial of sundry inhabitants of the city and county of Philadelphia, praying for a revision of the tariff of duties on imports, so as to afford further protection to domestic manufactures; which memorial was referred to the Committee on Manufactures.

On motion of Mr. ISACKS, the petition of Thomas Carr, presented on the 18th of January, 1816, together with all the papers on file in the office of this House, in relation to the claims of the commissioners appointed by the State of Georgia to examine and survey the lands in the Big Bend of Tennessee river, or their representatives, was referred to the Committee on the Public Lands.

Mr. SCOTT presented a petition of John Biddle, praying that the election and return of Gabriel Richard, as the delegate, in this House, for the Territory of Michigan, may be set aside and his seat vacated, on the ground that said Richard was not, at the time of his election, nor is he yet, a citizen of the United States, and that he had not resided one year in said Territory, in the character of a citizen, previous to the election; which petition was referred to the Committee of Elections.

The SPEAKER presented sundry documents in relation to the contested election of ISAAC WILSON, as one of the Representatives of the State of New York, by PARMENIO ADAMS; which were referred to the Committee of Elections.

The SPEAKER also presented a letter from the Secretary of the State of New York, enclosing the certificate of the election of WILLIAM WOODS, as one of the Representatives of said State; which was also referred to the Committee of Elections.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of Charles M. Collier, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

The SPEAKER laid before the House a report from the Secretary of War, on the petition of Edward W. Lewis, which was read, and ordered to lie on the table.

The SPEAKER also laid before the House a letter from William H. Jones, accompanied with a specimen of a new universal Atlas, corrected down to the present time, executed by F. Lucas, of Baltimore; which letter was read, and ordered to lie on the table.

The resolution submitted yesterday, by Mr. McLANE, of Delaware, was taken up, read, and agreed to by the House.

The resolution submitted yesterday, by Mr.

Mr. OWEN, of Alabama, offered as an amendment, an additional resolution, requiring information respecting other land offices, which, at the suggestion of Mr. WEBSTER, he afterwards withdrew.

Mr. WRIGHT, of Ohio, expressed his doubts whether the intervention of the House was requisite in order to obtain the information desired, and, if not, he was opposed to it on principle.

Mr. BRENT explained the objects he had in view in making this call, as the documents in question were indispensable to enable the House to act understandingly on several questions which will necessarily come before them the present session.

Mr. CAMPBELL, of Ohio, feeling confident that the Secretary of the Treasury had already reported on some of the subjects, at least, embraced in these resolutions, offered as an amendment to them, these words, "which has not yet been reported to this House."

Mr. RANKIN supported the amendment.

The question being taken on the amendment, it was adopted. The question then recurring on the resolution as amended,

Mr. WRIGHT, of Ohio, observed that he was by no means satisfied that this was the proper mode of obtaining the information. He doubted whether it was right for this House to apply to the heads of Departments at all; and rather thought the application should in all cases be made directly to the Executive. He therefore moved to amend the resolutions by substituting the words "the President of the United States be requested," instead of "the Secretary of the Treasury be directed."

This amendment was opposed by Mr. BRENT, who assured the honorable gentleman that he had no impure or improper motives in wishing to call directly on the Secretary of the Treasury for the information he wanted. He believed he was pursuing the course which had usually been followed. What would be the consequence of adopting the principle proposed in the amendment? Must this House call on the President of the United States for every paper they may chance to want?

Mr. LIVERMORE was opposed to innovations, and to taking a circuitous mode of getting what might as well be obtained by a direct course. If the House should adopt the principle, and, as the gentleman had proposed, call on the President for all papers of this kind, all that the President could do, would be to call on the Heads of Department; and why not go to them in the first instance? It had been urged, as one reason against applying to these officers, that the calls upon them were becoming very numerous; but if this was a good reason in behalf of the Heads of Department, what must be said in the case of the President, when all these calls were accumulated upon him? The House should consider the high and dignified relations under which the President is placed; and not apply in person to him for details which might, and must, eventually, be obtained from his Secretaries.

The proposed amendment was rejected, and the resolution, as first amended, was adopted.

And on motion the House adjourned until to-morrow.

H. OF R.

Post Office Defalcations.

DECEMBER, 1823.

STORRS, calling on the Postmaster General for certain information, was taken up, read, and agreed to by the House.

Mr. CARTER offered the following :

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing the duties at present imposed on books, charts, maps, and mathematical and philosophical instruments, imported into the United States for individual use.

The question being taken on the adoption of this resolution, without debate, it was decided in the negative by a large majority.

On motion of Mr. McKEAN, the bill to alter the judicial districts of Pennsylvania, reported to this House on the 2d day of March, 1822, by the Committee on the Judiciary, but never acted upon, together with the petitions on which it was founded, was referred to the Committee on the Judiciary.

On motion of Mr. BRECK, the Committee on the Judiciary were instructed to inquire into the expediency of providing by law an uniform system of bankruptcy throughout the United States.

On motion of Mr. KIDDER, the Committee on Commerce were instructed to inquire into the expediency of imposing a specific duty on potatoes, imported from Nova Scotia, Ireland, and any other foreign country.

On motion of Mr. RICHARDS, of New York, the Committee on Military Affairs were instructed to inquire into the expediency of constructing some works of defence at some suitable point near the line dividing the United States from Canada, on the margin of Lake Champlain.

On motion of Mr. GARRISON, the Committee on Commerce were directed to inquire into the expediency of erecting a beacon-light near the extremity of Cape Henlopen. And also that the Committee on Commerce be directed to inquire into the expediency of erecting a permanent light-house on the lower end of the Brandywine Shoal, in the Bay of Delaware.

On motion of Mr. HAMILTON, the Committee on the Judiciary were instructed to inquire into the expediency of altering the times of holding the circuit court within the sixth circuit of South Carolina district; that they be, likewise, instructed to inquire into the propriety of extending the provisions of an act of Congress, approved the 2d of March, 1809, entitled "An act to amend the judicial system of the United States," to meet the exigency resulting from the death of a district judge, as well as that which arises from his occasional disability.

On motion of Mr. WRIGHT, the Committee on the Judiciary were instructed to inquire into the expediency of altering the times of holding the circuit and district courts of the United States in the circuit and district of Ohio.

An engrossed bill entitled "An act to alter the times of holding the district court at Mobile, in the district of Alabama," was read the third time, and passed.

Mr. BRECK submitted the following :

Resolved, That the Committee on Manufactures be

instructed to inquire into the expediency of providing by law against counterfeiting such marks or names as the manufacturer of any kind of ware may see proper to write or stamp thereon.

In support of this resolution Mr. BRECK observed, that, when Mr. Jefferson was Secretary of State, application had been made to the Government by a person who was desirous of obtaining the exclusive right to the use of a certain mark, which was to be put upon goods manufactured by him. The application was referred to Mr. J., who made a report thereon, a certified copy of which report he now held in his hand, and which he wished might go to the Committee to whom the resolution should be referred. The report recommended that it should be declared penal to counterfeit the mark of the place where a particular article was manufactured.

The resolution, together with the copy of the report alluded to, was referred to the Committee on the Judiciary.

POST OFFICE DEFALCATIONS.

The resolution moved by Mr. GAZLAY, of Ohio, was then taken up in the following words :

Resolved, That the Postmaster General be directed to lay before this House the amount of defalcations in his Department, which occurred previous to July, 1823, and which were not sued for, as directed by the 29th section of the act regulating the Post Office Establishment, designating the years when each occurred, and not to extend beyond sixteen years.

The resolution being under consideration—

Mr. GAZLAY rose and said, that, by a reference to the act of Congress of 1792, regulating the Post Office Department, it appeared that all the postmasters of the United States were directed to settle their several accounts with the General Post Office every quarter; and, if they neglected to do so, the Postmaster General was required to sue within three months. In 1810, the act was so altered as to extend the period within which the Postmaster General must sue, from three months to six. Under such a regulation, expressly provided by the law, it was not to have been anticipated that so much defalcation should occur as the amount stated in the President's Message. From reports laid before this House by the late Postmaster General, it appeared that, in 1814, there was a balance due the Department, from postmasters, of upwards of \$200,000. In 1822, this amount had increased to \$400,000; and it now stood, as appeared by the President's Message, at upwards of \$300,000. The object of the resolution he had just offered, was to possess this House of the true state of these defalcations, in those particulars of which it was at present unadvised.

Mr. STORRS said, that, as he understood the fact, it was required, by a certain act of Congress, that the amount of the deficiency of any postmaster retained in office, should, after the lapse of a certain time, be charged to the Postmaster General. To ascertain whether that part of the law had been complied with or not, Mr. S. moved to add the following words, by way of amendment to the resolution: "and the amount of any such

DECEMBER, 1823.

Accounts of Daniel D. Tompkins.

H. OF R.

delinquencies as may have been charged against the Postmaster General of the United States."

Mr. GAZLAY accepted this modification as a part of his motion; and, thus modified, the resolution was agreed to without opposition.

DECISIONS OF THE SUPREME COURT.

Mr. TRIMBLE, in offering to the House the following resolution, said it was well known that the decisions of the Supreme Court of the United States sometimes are not published until twelve or fifteen months after their rendition. He did not complain of this under the present system; but his object was to insure an earlier publication of the reports. He thought that those who are interested in the principles decided should not be left so long ignorant of what those decisions were. To remedy this defect, he proposed the following :

Resolved, That the Committee on the Judiciary be instructed to inquire whether any, and what, provision ought to be made by law, to insure a more speedy publication of the decisions of the Supreme Court of the United States.

Mr. PLUMER, of New Hampshire, said, he could have no possible objection to the inquiry, but the fact is, that the existing law allows nine months for the completion of the publication, and that the time taken for that work had never, he believed, exceeded six months.

Mr. TRIMBLE said he was sure that the gentleman could have no objection to the inquiry. He thought it pretty obvious that those decisions might be published in two weeks, or, at all events, in three weeks. Now, I think, said Mr. T., that the people are entitled to know what the Constitution is when a construction is given to it. At all events, the subject was worth inquiring into. He was sure that the inquiry could do no harm. He did not believe it was necessary to wait nine months for the reports, with no other view but to make it a profitable business to the reporter.

The resolution was then agreed to, without opposition.

ACCOUNTS OF DANIEL D. TOMPKINS.

The House then resolved itself into a Committee of the Whole on the bill appropriating a certain sum of money for the relief of Daniel D. Tompkins.

The bill having been read—

Mr. COCKE rose, and moved to strike out the enacting clause of the bill. He made this motion because the House were told, as the ground on which the act of the last session was passed, that there was a balance reported against the Vice President; that his services had been great; and that his situation was then such that it was not possible for him to pay the amount claimed of him. I was astonished (said Mr. C.) when I saw the report published, that a large balance was due by him to the Government, knowing it to have been admitted at the last session that there was no balance due to him. A similar case was brought before this House some years ago in the case of John H. Piatt. We were told that he had rendered essential services to the Government;

that he was insolvent, and that nothing could be got from him. In the same manner, after a law had passed in his favor, there was a report that there was a large sum of money due to this individual; but the House refused to appropriate it. And, Mr. C. said, before he could vote for this bill, he must be convinced that the money was really due to Mr. Tompkins. He should like to know, he said, upon what vouchers a report of this sort had been made. We are told, by the President's Message, moreover, that this is not all the money that will be claimed in this case; and pass this bill, said Mr. C., and probably, before the Christmas holidays, we shall have another call upon us to appropriate, I am told, upwards of a hundred thousand dollars for the same purpose. It does seem strange to me, that those who are intrusted only with the disbursement of public money should expend their own funds to the large amount of a hundred or a hundred and fifty thousand dollars. It is not usual for them to do so. And when we see a claim of this sort, which has lain dormant for a number of years, brought forward after all the circumstances of it are forgotten, we should have some proof exhibited to this House in support of it before we put our hand into the public purse and take out the money of the people to pay it. I make these objections to ascertain whether the House will, without further information, vote away this sum of money, especially when they know that a much larger sum of money will be hereafter demanded of them on the same plea as this.

Mr. CAMBRELENG said, he had not anticipated, after the documentary evidence which had been laid upon the table, that any gentleman, who had been a member of the last Congress, could have raised an objection to this bill. He, however, attributed the opposition of the gentleman from Tennessee to one of the best motives which could find a place in the bosom of any legislator—to a sense of the duty of examining with vigilance the merits of every appropriation which comes before him. At the last session, said Mr. C., we passed a law directing the accounting officer of the Treasury to adjust the accounts of the Vice President, upon the principles of justice and equity. They have discharged this duty; and I will advert to the circumstance, that the accounts have passed under the scrutiny of the best accounting officer of the Government—I mean Mr. Hagner, whose assiduity and severe justice the gentleman from Tennessee understands as well as I do. In reference to the case of Mr. Piatt, to which the gentleman from Tennessee had adverted, Mr. C. said he had supposed that with his well known sagacity, the gentleman from Tennessee would have been able to discern the distinction between the present case and that of Mr. Piatt, and explain to him the ground of the objection to making an appropriation in the latter case. In that case, Mr. Cutts, the Comptroller, awarded a balance of \$60,000 in favor of Mr. Piatt, and Mr. Hagner a balance of \$40,000 against him. Thus, when the House was called upon to appropriate money for the payment of the claim, it declined doing it be-

cause of the want of harmony between the decisions of the two accounting officers. But, in the present case, there is no want of harmony; the amount in this case is clearly due from the United States, by the decision of all branches of the Government. We have knowledge that the jury, which attentively examined this case, awarded to Mr. Tompkins a much larger sum. The award of the Third Auditor has fallen far short of the amount claimed, and the President, approving the award as far as it goes, reserved his decision as to the remainder. When that decision, which the gentleman from Tennessee looked forward to with so much alarm, should be made, Mr. C. said he should be ready to meet the gentleman on any ground. I might, said he, attempt to attract the sympathy of this House on this occasion; but I will not do it. It will be time enough to speak of the distinguished services of Mr. Tompkins when the occasion comes, as I presume it will, for discussing the propriety of allowing a further amount. We are now, however, called upon to act clearly within the principle of the law of the last session, the amount asked being a balance actually reported, by the accounting officers, to be due to the Vice President.

Mr. McLANE, of Delaware, rose to call the attention of the House to a few of the facts of this case. The opposition of the gentleman from Tennessee was not a matter of surprise, when the House considered the ground of it. But how was the fact? This was not the case of an individual, asking of the House a gratuity or unauthorized allowance, but asking of them to do what the Congress was already pledged to do. Under these circumstances, it was at least to be expected that the friends of the bill should not be met by general surmises as to the state of the accounts of the person in question. The services of the individual, whose claim was now under consideration, could not be unknown to any gentleman here. We all know his services, said Mr. McL., which, at a very dark and gloomy period, were exceedingly patriotic, important to his country, and disinterested. We all know that, at a moment when others were husbanding their funds, or dealing them out with a very scanty hand, this man risked every thing for the public cause, and staked his private fortune in its support. It is to services thus rendered, that his present embarrassments may be traced. In consequence of them, he now calls on his country, not for charity, but for justice. It is known to everybody that these accounts of his have remained suspended for a number of years; that the amount of his claim was much larger than in these years the Government was at any time willing to allow. The Government assumed one principle as the basis of settlement—he, another. According to his statement of his case, a much larger credit was due than the Government was willing to give to him. On suit being commenced by the United States, for the balance alleged to be due by him, a jury of his country awarded a balance of account in his favor, to the amount of \$139,000. Under these circumstances, he comes to Congress. They take

his case into consideration, and what do they do? They provided for his relief, by the act of the last session, in the following words:

“Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, authorized to adjust and settle the accounts and claims of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States.”

Congress then referred the adjustment of his accounts to the officers of the Treasury, and imposed a further check on them by calling in the ultimate decision of the President of the United States. They authorized the settlement of his accounts, upon the principles of equity and justice. We are not here to examine what were the motives of every individual, who voted in favor of the act of the last session, but we are to take the law as it is. But, for one, said Mr. McLANE, I am free to say that, if the gentleman limited his views of equity and justice to the affair of profit and loss—to the matter of balancing the account, his views were not the same as mine. Would the honorable gentleman say, whilst, on the one hand, he would allow the account to be balanced, he would not, on the other, pay any balance which might appear to be justly due to this individual? That, if he should appear to be indebted to the United States, we should pursue him, made poor in public service, with the hard hand of strict justice; but that, if the United States were found indebted to him, they should, with their abundant Treasury, not pay to him what is justly due? Congress could have had no other intention in the law of the last session, Mr. McL. said, than that, if a balance should be found to be due to Mr. Tompkins, it should be paid to him. Under the authority of our law, these accounts have been settled: the President has revised the settlement, and, in his opinion, a larger balance is due than has been allowed by the accounting officers. This bill goes no further than to give the sum which is certainly due, reserving the balance of the accounts for further investigation. No weight, Mr. McL. hoped, would be given to the consideration that, hereafter, more might be found to be due to the individual concerned than was now proposed to be granted to him. For myself, said he, I am free to declare that, if the accounting officer, under the direction of the President, should find an amount due to him equal to the amount of the verdict of the New York jury, I, for one, would freely vote it to him.

Mr. LIVERMORE, of New Hampshire, observing that the gentleman last up had quoted only a part of the law of last session on the subject now before the House, called for the reading of the whole act.

The act was read accordingly.

Mr. COCKE, in reply to McLANE, said that the argument to which the attention of the House had been called, did honor to the gentleman from Delaware; yet he could not but think that the honorable gentleman had been actuated more by his

feelings on this subject than by the deliberate convictions of his understanding. He had commenced his speech by stating the many illustrious services performed by the individual whose relief is the object of the bill before the House. He was willing to admit those services in their fullest extent. But the gentleman, while detailing the meritorious services of Mr. Tompkins during the late war, had neglected to inform this House that, while thus engaged, he was at the same time receiving the pay and emoluments of a Major General. He had, indeed, performed services; but he had been fully rewarded. But, the gentleman from Delaware had told the House that the individual in question had given up his all for his country's service, and that his present distressed situation was the direct effect of such sacrifice. What evidence was there of this? He had never seen any proof of it. Besides, it must not be forgotten that he had unsettled accounts, also, with the State of New York, and that that State had contributed largely for his relief. He had always understood that the object of the aid solicited from Congress was, to relieve that gentleman from the pressure of a heavy demand against him by the United States, and which he was not in circumstances to settle. The latter part of the act which had been read, did not, he conceived, apply to the question before the House. He had, himself, no objections to relieve the Vice President, in consideration of his services, from demands which he was unable to meet. But, instead of this, we are now told that he is a creditor, and that to the amount of thirty or thirty-five thousand dollars. On what data was such a balance found in his favor? True it was, that the President had sanctioned it, and even gone far beyond it; but he had, at least in his opinion, taken matters into view which did not properly come before him. For himself, Mr. C. said, before he consented to any bill appropriating away the public money, he would inquire into the grounds of the grant—he would not take for granted the statement of any one. As to his notions of equity, they extended much farther than the gentleman from Delaware seemed to suppose—but, because we have now a little in the Treasury, shall we squander it? Shall we lavish it on every man that may choose to come and say, Oh! give me some of it? For his part, he would not. The gentleman had alluded to his severity of scrutiny, and complimented him on his vigilance in guarding the public money. I hope, said Mr. C., that that gentleman would be as guarded in his duty as he supposes I would be, in the examination of accounts.

Mr. CLAY (the Speaker) then rose and said, that, to him, it appeared that the considerations urged by the gentleman from Tennessee would have been in their proper place, if urged at the last session, but were certainly out of place at this time, when we are called upon, not to investigate a new claim, but to redeem the pledged faith of the public. On such a question, it was entirely unnecessary for the friends of the Vice President to refer to the public services, eminent as they had

been, of the distinguished gentleman in question. This was not a fit occasion to introduce them. If the claimant were the meanest and the most obscure individual in society, the House were equally bound to pass that bill. For, what was it? The accounts to which it refers had long been pressing on the public for liquidation; they had at length been brought before this House; and, after deliberate consideration, an act is passed for their final settlement. The accounts were quietly examined and liquidated by the accounting officer. But, mark the precaution by which that act is characterized! Not only were those accounts to be submitted to the severe scrutiny of the most rigid officer of this Government—an officer whose scrupulous accuracy in the admission of accounts against the Government is as deservedly approved as it is universally known; but, after they had gone through the crucible, after they had been subjected to all the jealous scrutiny of this vigilant officer, they are to be submitted to the President for revision. The President revises them, and then he sends to this House a Message, in which he declares, not only that he is satisfied that this balance is justly due, but that much more is due to him. Under such circumstances, all that is now asked is, that we shall pay so much as has been thus ascertained to be due. It is, in fact, to do nothing more than supply the defect of the act of the last Congress, in which, by some omission, no appropriation had been made to meet the balance, if, according to the provisions of that act, a balance should have been ascertained to be due to Mr. Tompkins. Now, what does the gentleman from Tennessee tell us? He wishes to know the ground of the settlement. He wants, in short, to settle this account himself—to see the basis on which the officers of the Treasury proceeded in coming to the decision which they have laid before the President. This, Mr. C. said, might have been proper when the subject was under consideration at the last session; but Congress had committed the liquidation of these accounts to another tribunal. It had committed it to the accounting officers of the Government, gentlemen whose characters were unimpeached, and on whose accuracy, in this settlement, no reflections had been cast. The gentleman from Tennessee, whose vigilance over the Treasury was the admiration of the country and of the House, should have reserved the remarks with which he had favored the House, until the time when a final settlement of the demands of the Vice President on this Government is called up in this House; but now, when the sum reported is incontestable, when all the guards of the Treasury unite in declaring it justly due, when all that is asked is to supply a deficiency in the law of the last session, those remarks, however eloquent, would, he trusted, have no weight.

Mr. LIVERMORE said that he was opposed to the appropriation, and of course in favor of the amendment proposed. He had great respect for the individual concerned—no man cherished a higher opinion of his services; but the House was now called upon to decide a great question. The act

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Accounts of Daniel D. Tompkins.

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of the last session empowered the officers of the Treasury to settle this account. The account was not settled—the President's Message expressly declares it remains unsettled. He has to be sure partially examined it, but that is all. Mr. L. said he was willing to pay as much respect to Executive recommendations as any man, but he wanted to see what was due. To use a familiar phrase, he did not like entering-wedges. Congress had been led on in this way on other occasions. In the case of the Cumberland road, for instance, the sum asked was small at first, but it grew larger and still larger, until, at length, it became intolerable; and Congress would vote no more for it. If he were sure the appropriations for the Vice President were to end here, he would vote the sum at once, but the House were threatened with a claim for other and larger amounts. The settlement had been delayed at the request of the claimant himself. He did not like to be led on blindfold, and wished to know at once how far he was to go.

Mr. TRIMBLE said that he believed his worthy friend from New Hampshire was under some mistake in his conception of this subject. In ordinary cases of this description, a fund was provided out of which the public creditor, if his demand was just, and the documents in proof of it were regular and sufficient, received his due without further difficulty. But, if it should happen that his vouchers, though substantially evincing the justice of the demand, were wanting in due form, or were of a kind not admitted in settlement by Treasury rule, then an application to Congress was necessary, and Congress, when they knew such to be the fact, would order the account to be settled on principles of equity and justice; that is, as he understood it, without excluding valid evidence, though of an informal or irregular sort. This was a matter of every day occurrence. The case of Mr. Tompkins was one of this description; there were informal vouchers held by the claimant, which showed him to be justly entitled to what he claimed, and the question was not, now, whether the gentlemen from Tennessee and New Hampshire were to audit those vouchers; they had already been audited; but, by some omission, for which he was at a loss to account, there was no appropriation in the bill to meet the result of such settlement. The claim had, at the last session, been submitted to a committee, of which he had the honor to be a member, and he saw gentlemen near him who had been his companions in the same service. It had been carefully examined, and afterwards by law submitted to the Treasury officers. Those officers have reported that this balance is due. Now, I pray you, said Mr. T., when the account has, thus far, been settled, why is it not to be paid? The gentleman from New Hampshire had insisted that nothing should be paid until we knew the whole that we had to pay. But what would he say to a paymaster, for instance, who held a large amount of Government money—acknowledged himself to hold it—acknowledged it to be due—but who, having other accounts unsettled at the Treasury,

should say to the Government, I owe you this balance, clear of all demands, but my other account is not settled, and I will not pay a dollar of what I owe you until I know all that I must pay on the final settlement? He believed the gentleman would call such a paymaster a dishonest man. But why is Government to be bound by different rules in paying its debts from those which bind an honest man? He said this in illustration merely, intending no reflection on the purity of the motives of those who opposed the bill. On the subject of delay, charged upon the Vice President, Mr. T. said he could not but feel something approaching to indignation at the delay which had already taken place. So far was Mr. Tompkins from seeking such delay, that he had claimed his due, he would not say from day to day, but from year to year. His proofs had been submitted to the committee. Mr. T. had personally and attentively examined them, and averred that they did completely establish the debt he claimed. I will not go into details, said Mr. T., but I do say that *Daniel D. Tompkins never was indebted to this Government*; and I say so after a full examination of the subject. He could not go further into the subject without expressing more feeling than was becoming in him, or perhaps than was respectful to the committee. But he could not close, without repeating the declaration of his entire conviction that there never was a juster claim presented against any Government. He believed it as much as he believed he had a soul to be saved; he was as sure of it as that he was now addressing the committee. The payment of it was due to the claimant—it was due to the American people—it was due to the good faith and the honor and honesty of the Government.

Mr. LIVERMORE rose again, and said, that he was sorry to intrude a second time upon the attention of the Committee; but, he understood that the gentleman opposite had risen for the purpose of correcting his mistake, and he had listened very attentively through his eloquent speech to hear what mistakes he had corrected—he could find none. But, said Mr. L., that gentleman has greatly mistaken me, if he thinks I do not as highly appreciate Daniel D. Tompkins's services as himself, or as any gentleman on this floor—but Mr. L. still insisted that it was time enough to pay an account, when the account had been finally settled. As to the delay of the final settlement, the President expressly said this delay was at the request of the claimant himself. [Here he read a passage from the President's Message.] Who's mistaken now? said Mr. L., as he took his seat.

Mr. WOOD, of New York, said he did not rise to go into the merits of the original claim of the individual whose case was now under consideration, being of opinion with the Speaker that, after its principle was once settled, it ought not to be a second and third time discussed in this House. The same objection which is now made was made at the last session. The House, with its eyes open, and with a perfect conviction of the rectitude of the claim, passed a law for its ad-

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justment. The usual course, in such cases, is to include in the bill a provision for the payment of what may be due to the claimant. If that course had been pursued this year, what would have been the result? The amount due would have been paid by a Treasury warrant the moment it was ascertained. Did the omission of such a provision bring the principle of the act of last session back to this House for consideration? No! the right of the individual concerned was complete and perfect the moment the President had passed upon the settlement which had been made by the accounting officer. It was a vested right beyond the power of this House. If this was not the case, no reliance could be placed upon the plighted faith of this House or of the nation. Mr. W. made some further remarks in reply to Mr. LIVERMORE, and concluded by expressing his hope that there would be an unanimous vote in favor of this grant.

The question was then taken on striking out the enacting clause of the bill, and decided in the negative, by a large majority.

Mr. COCKE then moved an amendment to the bill, the object of which was to declare that the amount now appropriated should be *in full* of the claim of Mr. Tompkins.

The amendment was also negatived, by a decided majority; and the bill was ordered to be engrossed for a third reading to-morrow.

Mr. TAYLOR introduced a joint resolution for the appointment of a joint Committee on the Library of Congress; which was twice read, and ordered to be engrossed for a third reading. And then the House adjourned.

FRIDAY, December 12.

Another member, to wit, from New Hampshire, ICHABOD BARTLETT, appeared, was qualified, and took his seat.

A message from the Senate informed the House that the Senate have elected the Rev. WILLIAM STAUGHTON a Chaplain to Congress, on their part, during the present session. They have passed a resolution for the appointment of a joint committee, who shall have the direction of the money appropriated to the purchase of books and maps for the Library of Congress; also, a resolution for the appointment of a joint committee to make such distribution of the rooms of the centre building of the Capitol, as the business and convenience of the two Houses of Congress may require; in which resolutions they ask the concurrence of this House.

Mr. OWEN presented a petition of the Mayor and Aldermen of the city of Mobile, in the State of Alabama, praying for a grant of the lots belonging to the United States lying within the limits of said city.

On motion of Mr. MOORE, of Alabama, the memorial of the Legislature of the State of Alabama, heretofore presented on the 3d February, 1823, upon the subject of fortifications at Mobile Point and Dauphin Island; together with the Message from the President of the United States

communicated to this House on the 28th March, 1822, upon the subject of fortifications at the same places, was referred to the Committee on Military Affairs.

Mr. CONWAY presented a petition of the General Assembly of the Territory of Arkansas, praying that a quarter section of land may be granted to each of the counties of Hempsted, Miller, and Crawford; to be improved and occupied as the seats of justice of the said counties. Referred to the Committee on Public Lands.

Mr. THOMPSON, of Georgia, presented a document in support of the claim of Thomas Carr, and others, commissioners, appointed by Georgia, to examine and survey the lands in the Big Bend of Tennessee river, being the original grant to Stephen Heard; which was referred to the Committee on the Public Lands.

On motion of Mr. MOORE, of Alabama, the memorial of the Legislature of the State of Alabama, heretofore presented on the 3d of February, 1823, requesting that lands which have been offered at public sale, may be entered in fourth-quarter sections, was referred to the Committee on the Public Lands.

On motion of Mr. MOORE, of Alabama, the memorial of the Legislature of the State of Alabama, heretofore presented on the 3d of February, 1823, in behalf of such purchasers of public lands as had made full payment prior to the passage of the relief law, was also referred to the Committee on the Public Lands.

On motion of Mr. MOORE, of Alabama, so much of the memorial of the Legislature of the State of Alabama, heretofore presented on the 3d of February, 1823, as recommends that a right of pre-emption be extended to settlers in Jackson and Decatur counties, in the purchase of lands, including their improvements, was also referred to the Committee on the Public Lands.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred, on the 8th instant, a memorial of the General Assembly of the Territory of Arkansas, reported a bill authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the military bounty lands lying within the same; which bill was read, amended, and ordered to be engrossed, and read the third time to-morrow.

The Committee of Ways and Means were discharged from the further consideration of the petition of Neal Munn and John McKellar, and it was referred to the Committee on the Public Lands; the said committee was discharged from the further consideration of the memorial of the General Assembly of the Territory of Arkansas, respecting the lands occupied by the Quapaw Indians, and it was referred to the Secretary of War.

On motion of Mr. HERRICK, the Committee on Commerce were instructed to inquire into the expediency of establishing the town of Bowdoinham, in the collection district of Bath, in the State of Maine, a port of delivery.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made an unfavorable re-

port on the petition of the Levy Court of the county of Calvert, in the State of Maryland, which was read, and ordered to lie on the table.

Mr. BRADLEY was excused from serving on the Committee on the Public Lands, and Mr. WHIPPLE was appointed in his place.

Mr. FULLER submitted the following resolution, viz:

Resolved, That the President of the United States be requested to communicate to this House a plan for a Peace Establishment of the Navy of the United States.

The resolution was ordered to lie on the table one day, under the rule.

On motion of Mr. COBB, the Committee of Ways and Means were instructed to inquire into the expediency of repealing so much of the laws of the United States as imposes a duty on imported salt.

On motion of Mr. TOMLINSON, the Committee on Commerce were instructed to inquire whether it be expedient so to amend the act, entitled "An act to regulate the collection of duties on imports and tonnage," as to abolish the office of measurer; to provide that the duties heretofore performed by the measurers, in virtue of said act, shall be performed by the inspectors; and to prohibit the allowance of any additional compensation to inspectors for measuring.

On motion of Mr. TEST, the Committee on the Public Lands were instructed to inquire into the expediency of reducing the price of all the unsold lands in the State of Indiana, lying east of a line drawn from the mouth of the Kentucky river, northwardly to Fort Recovery, near the headwaters of the Wabash river. Also, all the unsold lands in said State, included in a purchase made by the United States of the Delaware, Pottawatomie, Miami, and Eel river tribes of Indians, by treaty concluded at Fort Wayne, by William Henry Harrison, as agent of the said United States, and the last mentioned Indians, bearing date the 30th day of September, in the year 1809, immediately adjoining to, and lying westwardly, along the aforesaid line, running from the mouth of Kentucky river to Fort Recovery.

On motion of Mr. WHIPPLE, the Committee on Military Affairs were instructed to inquire into the expediency of amending the act making provision for arming and equipping the militia of the United States, passed April 3, 1808, so that the arms provided by virtue of said act, and transmitted to the several States and Territories of the United States, shall, by each State and Territory, be deposited, and kept, in proper arsenals, to be provided by said State or Territory, ready to be delivered to the militia thereof, only when called into the actual service of the United States, or of the State or Territorial government, and to be returned to such place or places of deposit when said service shall cease.

On motion of Mr. CUSHMAN, the subject of the public buildings and the public lands in the city of Washington, was referred to a select committee; and Mr. CUSHMAN, Mr. VAN WYCK, Mr. CASSEDY, Mr. BROWN, Mr. HOBART, Mr. BART-

LETT, and Mr. DWINEL, were appointed said committee.

Mr. COOK submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to communicate to this House all the information in his possession, tending to show the circumstances connected with a recent robbery of the land office at Vandalia, in the State of Illinois; and the justice of releasing the receiver of public moneys from his liability to the Government for the said robbery.

The resolution was ordered to lie on the table one day, under the rule.

On motion of Mr. CONWAY, the Committee on Indian Affairs were instructed to inquire into the expediency of establishing three additional agencies west of the Mississippi.

On motion of Mr. ISACKS, the Committee on Military Affairs were instructed to inquire into the expediency of so amending the several laws allowing a bounty to enlisted soldiers or their heirs, and, also, the laws authorizing the commutation of the land bounty for half pay, that the same bounty in land, or the allowance of half pay, may be extended to the children of such soldiers, who may have been regularly enlisted, but who may have fallen in action, or died before they had been mustered into service, as, by law, is allowed in other cases.

The resolution from the Senate for the appointment of a joint committee, to have the application of the money appropriated for the purchase of books, &c. for the Library of Congress, was read and concurred in by the House; and Mr. SMYTH, Mr. BRADLEY, and Mr. POINSETT, were appointed of the said committee on the part of this House.

Ordered, That the Clerk do acquaint the Senate therewith, and that the resolution of this House, for the same purpose, do lie on the table.

The resolution from the Senate, authorizing the appointment of a joint committee, to make such distribution of the rooms of the centre building of the Capitol as the business and convenience of the two Houses of Congress may require, was read, and concurred in by the House; and Mr. TAYLOR, Mr. CUTHBERT, and Mr. CONDUCT, were appointed of the said committee on the part of this House.

An engrossed bill, entitled "An act appropriating a certain sum of money for the relief of Daniel D. Tompkins," was read the third time, and passed.

The House adjourned to Monday.

MONDAY, December 15.

Another member, to wit, from Virginia, BURWELL BASSETT, appeared, produced his credentials, was qualified, and took his seat.

Mr. EDDY presented a petition of a committee appointed by, and acting in behalf of, those who are interested in the manufacture of wool, in the State of Rhode Island and vicinity thereof, praying that an addition of twelve and a half per cent. may be added to the duty imposed on imported manufactures of wool, together with a further countervailing duty, should the British Govern-

ment allow a drawback on the export duty imposed in that country; which petition was referred to the Committee on Manufactures.

Mr. SHARPE presented a memorial of Archibald Gracie, of the city of New York, merchant, of the same tenor and effect with the memorial presented by Mr. HEMPHILL, on the 8th instant, from merchants and underwriters in the city of Philadelphia, respecting the unlawful and injurious operation of the Berlin Decree of France; which first mentioned memorial was also laid on the table.

Mr. FORSYTH presented a petition of Major Henderson, of the State of Georgia, praying compensation for two horses impressed into the military service of the United States, in the war against the Seminole Indians, in the year 1818, and which were never returned to him.—Referred to the Committee of Claims.

Mr. GATLIN presented a petition of sundry merchants, mariners, and others, inhabitants of Edenton, in the State of North Carolina, praying that the floating light, stationed near Shell Castle, may be removed to the point of Nine-foot Shoal, on the channel leading into Teach's Hole; or that a new light may be provided at said point; which petition was referred to the Committee on Commerce.

The SPEAKER presented a memorial of Alfred H. Powell, contesting the election and return of Jared Williams, as one of the representatives in this House from the State of Virginia, and praying to be admitted to a seat in the place of said Williams; which memorial was referred to the Committee of Elections.

The SPEAKER laid before the House a communication from the Secretary of War, accompanied with a list of licenses granted to Indian traders; also, his report on the claim of Joseph Mareschall.

The SPEAKER also laid before the House a letter from the First Comptroller of the Treasury, transmitting a list, received from the Register of the Treasury, of the balances on the books of receipts and expenditures, which appear to have been due or unsettled more than three years prior to the 30th September last; prepared in obedience to the acts of the 3d March, 1809, and 3d March, 1817; which letter and list were laid on the table.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the cases of Robert Henry and James Mitchell, reported a bill supplementary to an act, approved on the 3d day of March, 1819, entitled "An act providing for the correction of errors in making entries of land at the Land Offices;" which bill was read twice, and committed to a Committee of the Whole.

Mr. RANKIN, from the same committee, to whom the subject was referred, by resolution, on the 9th instant, reported a bill to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and Miami of Lake Erie; which bill was read twice, and committed to a Committee of the Whole.

Mr. HEMPHILL, from the Committee on Roads and Canals, reported a bill, entitled, "An act to

procure the necessary surveys and estimates on the subject of roads and canals;" which, having been twice read, he proposed to refer to the Committee of the Whole on the state of the Union.

Mr. TAYLOR, of New York, objected to giving this direction to the bill, as being an incorrect practice on principle, and suggested, as preferable, to refer it simply to a Committee of the Whole, putting it in the ordinary routine of business.

Mr. HEMPHILL adhered to his motion, on the ground that no subject could be of a more general and public interest to the whole nation, than that of this bill.

The question being taken on referring it according to Mr. HEMPHILL's motion, it was decided in the negative—ayes 76, noes 78. And the bill was referred to a Committee of the Whole.

The following resolution offered on Friday last, by Mr. COOK, was taken up:

Resolved, That the Secretary of the Treasury be directed to communicate to this House all the information in his possession, tending to show the circumstances connected with a recent robbery of the land office at Vandalia, in the State of Illinois; and the justice of releasing the receiver of public moneys from his liability to the Government for the sums lost by said robbery.

This resolution was agreed to, *nem. con.*

The following resolution, offered on Friday, by Mr. FULLER, was taken up:

Resolved, That the President of the United States be requested to communicate to the House a plan for the Peace Establishment of the Navy of the United States.

This resolution, also, was agreed to, *nem. con.*

The engrossed bill, entitled "An act to authorize the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the military bounty lands lying within the same," was read the third time, and passed.

On motion of Mr. SHARPE, the Committee on Manufactures were instructed to inquire into the expediency of imposing a duty upon merchandise sold at public auction.

On motion of Mr. CALL,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing for the survey and sale of the public lands in the Territory of Florida.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of extending the time limited for the settlement of private land claims in East and West Florida.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting donations, or pre-emption rights to certain actual settlers in the Territory of Florida.

Mr. POINSETT submitted the following:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of authorizing the construction of ten additional sloops of war.

Mr. POINSETT said, he was induced to offer this resolution to the consideration of the House, from an earnest desire to see our Navy rendered efficient and capable of maintaining the high rep-

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utation which it has so gallantly and nobly won. If we would have fleets of line of battle ships and frigates in readiness to be poured forth against an enemy, at the commencement of a war, we must rear up officers capable of commanding them. As our Navy is now constituted, we shall be compelled, in the event of war, to confide the command of our ships, the safety of our gallant seamen, and the honor of our flag, to inexperienced officers; to men, who have been for years, on shore, forgetting what they had formerly learned. We have now five sloops of war and thirty masters commandant, so that an officer cannot hope to be employed oftener than once in six years. To have an efficient Navy, the proportion between sloops of war and line of battle ships and frigates must be preserved; and I trust, said Mr. P. that the subject will receive from the committee the consideration its importance deserves.

The resolution was agreed to.

Mr. MERCER presented the following resolution, which lies one day of course:

Resolved, That the Secretary of the Navy be directed to transmit to this House a list of the officers of the Navy of the United States, denoting the periods of their admission into the public service; the dates of their present commissions, and the time of their actual service at-sea since the 1st of January, 1815.

Mr. ALLEN, of Tennessee, submitted the following:

Resolved, That the Postmaster General be directed to lay before this House a list of the post offices, designated "distributing offices," in the several States and Territories; also, the duties required to be performed by deputy postmasters at such offices; with the regulations adopted for securing a direct conveyance to letters, &c., destined for offices on intermediate post routes.

The resolution was ordered to lie on the table one day, under the rule.

On motion of Mr. MERCER, it was

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of associating with the Military Academy at West Point a school of instruction for the midshipmen of the Navy of the United States.

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of securing, in the medical department of the Navy, the benefits of professional skill and experience, by a due apportionment of the pay of the surgeons and their mates, to the time of their actual service, and by requiring an examination, by a board of physicians, of all persons applying for admission therein.

On motion of Mr. WICKLIFFE, the Committee on the Public Lands were instructed to inquire into the expediency of reviving, and continuing in force, the provisions of an act of Congress, entitled "An act for the relief of the purchasers of the public lands prior to the 1st of July, 1820."

On motion of Mr. WAYNE, the Committee on Commerce were directed to inquire into the expediency of imposing a duty on wheat imported from any foreign country, or its dependencies.

On motion of Mr. STEWART, the Committee on

Revolutionary Pensions were instructed to inquire into the expediency of placing Bartholomew Malloy, an old soldier, on the pension list.

On motion of Mr. McKIM, the Committee of Ways and Means were instructed to inquire into the expediency of permitting all goods, wares, and merchandise, imported, to be secured in warehouses, or other approved places, at one port of entry in each State of the United States, without payment, or securing the duties thereon, at the first entry thereof.

On motion of Mr. STEWART, the Committee on the Cumberland Road were instructed to inquire into the expediency of making a suitable appropriation for the erection of a bridge over the Monongehala river, where the said road crosses the same, at Brownsville.

TUESDAY, December 16.

Another member, to wit, from New York, ALBERT H. TRACY, appeared, was qualified, and took his seat.

Mr. CAMBRELENG presented a memorial of the Mayor, Aldermen, and Commonalty of the city of New York, praying, for reasons set forth at large in the memorial, that the ground on which Castle Clinton and the bridge leading to it now stands, and also, the ground conveyed by them to the United States, on each side of the said bridge, together with said Castle Clinton, as the same now stands, may be reconveyed to them; which memorial was referred to the Committee on Military Affairs.

The SPEAKER laid before the House sundry documents in relation to the contested election of Jared Williams, one of the representatives for the State of Virginia; which were referred to the Committee of Elections.

Mr. WEBSTER, from the Committee on the Judiciary, who were instructed to inquire into the propriety of giving concurrent jurisdiction to the supreme or superior court of laws, of the respective States, in cases arising under the act, entitled "An act to extend the privilege of obtaining patents for useful inventions and discoveries, and to enlarge and define the penalties for violating the rights of patentees," reported, that it is not expedient to make such provision; which report was ordered to lie on the table.

Mr. HEMPHILL, from the Committee on the Cumberland Road, reported a bill for the preservation and repair of that road; which bill was read, and committed to a Committee of the Whole.

Mr. CROWNINSHIELD, from the Committee on Naval Affairs, to whom the subject has been referred, reported a bill for the relief of Sarah Perry; which was read, and committed to a Committee of the Whole.

The resolution yesterday offered by Mr. MERCER, was taken up for consideration; and, after a few observations from him explanatory of his objects in moving it, the resolution was agreed to.

On motion of Mr. PLUMER, of New Hampshire, the Committee on Military Affairs were in-

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structed to inquire into the expediency of providing, by law, for the final settlement, on principles of equity and justice, of the claims of the State of New Hampshire against the United States, for militia services during the late war with Great Britain.

The resolution yesterday offered by Mr. ALLEN, of Tennessee, calling for a List of Distributing Post Offices, was taken up and agreed to.

On motion of Mr. STRONG, the Committee on the Public Lands were instructed to inquire into the expediency of establishing a Surveyor's office in each of the States and Territories in which the public lands of the United States are situated.

Mr. ALLEN, of Massachusetts, laid the following resolution on the table, for consideration on to-morrow, viz:

Resolved, That the Postmaster General be directed to lay before the House, a statement of the number of miles of post roads, existing by law in each State and Territory, for each of the three years next preceding the first of April last; the number of miles of said road whereon the mail was actually carried in each of those years, together with the yearly expense of transporting the mail; the yearly compensation of postmasters, and the incidental expenses thereon. Also, a statement of the amount of postage which accrued in each State and Territory in each of those years; the yearly receipts therefrom; the yearly balances for and against them, respectively, and the balances of postage which accrued in each of said years, now due and in arrears.

Mr. RANKIN laid on the table the following resolution, for consideration on to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to furnish this House a particular statement, containing the names of any receivers of public moneys in the land offices of the United States, who may have failed to make their returns and payments of public money, according to law, or when required by the Treasury Department; the amount due from such receivers, severally; the time when the same ought to have been paid to the Government; the measures adopted to punish any such delinquency and coerce the payment; and the names of the places where such offices are situated.

Mr. OWEN laid on the table the following resolution, for consideration on to-morrow:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the sums of money that have been received in the Treasury from the two per cent. fund, payable on the sales of public lands in the States of Missouri, Illinois, Indiana, Ohio, Mississippi and Alabama, designating the yearly and total amount paid in from each of said States; and how much money has been advanced by the General Government, for the repayment of which these funds, or any of them, are pledged; also, the yearly and total amount in each of the above named States, arising from the three per cent funds payable on the sale of public lands, and what sums, if any, have been advanced to each of said States, of the three per cent. funds.

On motion of Mr. VAN WYCK,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of repealing that part of the law,

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passed in 1822, establishing a post route between St. Augustine and Pensacola, in the Floridas.

Resolved, That, inasmuch as the Postmaster General, in his report, states, that, unless otherwise instructed by Congress, he must necessarily, in the fulfilment of that law, close a very disadvantageous contract, that it be advisable for the committee to report specially, and as soon as convenient.

The House then went into a Committee of the Whole, on the bill for the relief of Charles M. Collier. The report of the Committee of Claims thereon having been read, the Committee rose and reported the bill without amendment; and the bill was ordered, without opposition, to be engrossed for a third reading.

On motion of Mr. HEMPHILL, the consideration of the bill providing for the obtaining of surveys and plans on the subject of roads and canals, was made the order of the day for the tenth of January.

GRANTS OF LAND FOR EDUCATION.

Mr. KENT moved that the House do come to the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of making such an appropriation of the public lands to the purposes of education, in those States to which no grants have yet been made, as will correspond, in a just proportion, with the appropriations which may have been made heretofore, in favor of those States; and that said committee have leave to report by bill or otherwise.

Mr. KENT said, he offered the resolution just read, not only from the importance of the object embraced by it, but because certain resolutions which had passed the Legislature of the State of which he was a representative, had been presented to the last Congress, and not finally acted on. His object in calling the attention of the House to the resolution at this time, was, to obtain their decision on it, if favorable, that the State of Maryland, and those States equally interested with her, might derive the contemplated advantages from it; but if, contrary to their just expectations, the decision should be unfavorable, that they might turn their attention to some other source for the promotion of the important purposes of education. He would mention, for the information of the House, that Maryland was not singular in adopting the principle contained in the resolution; that it had received, after a deliberate examination, the approbation of the Legislatures of several of the States—the disapprobation of but few. Mr. K. hoped the resolution would be adopted, that the subject might be fully examined.

The question being on agreeing to the resolve, Mr. RANKIN observed, that a similar proposition to that now offered had been brought forward by the gentleman from Maryland, at a former session of Congress; and he regretted that it had not, now, been thrown into the same form as when before offered. It was then presented in an affirmative shape, which afforded facility for a more direct and immediate discussion of the merits of the proposition by the House. He was opposed to the

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reference of this inquiry to a select committee, if it went to a committee at all; not on any special, but on a general principle. It was the well-known and universal usage, in appointing select committees, to compose them of the known friends of the measures proposed; in consequence of which only an *ex parte* view of subjects was presented to the House in the reports of the committees, and time was consumed in obtaining, by discussion, the views of gentlemen of the opposite opinion. But, a standing committee was a sort of general tribunal, composed neither of the friends nor the opposers of any particular measure—such a committee was likely to present a more general view of subjects committed to their consideration, than a select committee; and, should they report against any particular measure, its advocates had still their appeal to the House, and full liberty to discuss its merits. He thought the subject of the resolution had better be referred to the Committee on Public Lands—not because he happened personally to be connected with that committee, but because the nature of the object embraced by the resolution seemed naturally to belong to it.

Mr. COOK considered the resolution, though on the face of it merely proposing an inquiry, to involve principle, inasmuch as the expediency of any inquiry into the subject must depend upon the supposed existence of a fact which is denied—namely, the fact that grants of land have been made, without an equivalent, to some of the States, and not to others. This, Mr. C. said, was a position which he, for one, denied. If the object of the gentleman from Maryland was to create a fund for the promotion of education, let it be abstract, and not based upon a supposed fact which does not exist. Let the fund apply equally to all the States of the Union, without attempting to discriminate between the new and the old States. He objected, however, to the reference of the resolution to any committee in its present form, because it took for its basis that which was, in point of fact, untrue.

Mr. JENNINGS said, he apprehended the resolution was not very well understood by the House. It certainly was not by him, judging from the remarks which had been made upon it. For further examination of it, he moved that the resolve lie on the table, and be printed.

Which motion was agreed to.

WEDNESDAY, December 17.

Another member, to wit: from Pennsylvania, HENRY WILSON, appeared, was qualified, and took his seat.

Mr. HEMPHILL presented a memorial of a meeting of the Synod of Philadelphia, embracing the Presbyterian Churches in the southwestern part of New Jersey, the Eastern District of Pennsylvania, the States of Maryland and Delaware, and the District of Columbia, convened at Georgetown, in said District, in October, 1823, praying for an increase of the annual appropriation for civilizing the Indian tribes and introducing the knowledge of letters among them; which me-

morial was referred to the Committee on Indian Affairs.

Mr. POINSETT presented a memorial of sundry banking institutions in Charleston, in South Carolina, and of sundry inhabitants of the same place, praying for a repeal of the 14th section of the Act incorporating the Bank of the United States, by which the bills of that bank, without reference to the place where issued, are made every where receivable in all payments to the Government.—Referred to the Committee of Ways and Means.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, made a report on the petition of Orange Heaton, and Josiah Hubbard, jr., which was read, and the resolution therein submitted concurred in, viz: that the prayer of the petitioners ought not to be granted.

Mr. McLANE, from the same committee, also made a report on the petition of Jacob Babbitt, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, reported a bill for the relief of Jeremiah Manning; which was read twice, and committed to a Committee of the Whole.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, made a report on the petition of Jacob Shafer, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the whole House to-morrow.

A message from the Senate informed the House that the Senate have passed an act, entitled "An act for the relief of persons imprisoned for debt," in which they ask the concurrence of this House.

Mr. COCKE submitted the following resolution, for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to communicate to this House copies of all contracts for cannon, cannon shot, muskets, and other small arms, for the use of the United States, which have been entered into since the 1st January, 1820, and that he state whether notice for proposals was given for each contract in any newspaper, if so, in what paper, and how long before the contract was concluded; who are interested in each, ostensibly, or as secret partner, so far as he may have been informed or believes.

On motion of Mr. STRONG, the Committee on Naval Affairs were instructed to inquire into the expediency of selling the schooners and vessels purchased under the act, entitled "An act authorizing an additional naval force for the suppression of piracy."

On motion of Mr. HAYWARD, the Committee on Post Offices and Post Roads were directed to inquire into the expediency of repealing the 4th and 5th sections of an act of Congress, passed on the 27th of February, so far as the same relate to the conveyance of letters and packets, by steamboat packets, and other vessels, not employed by the Postmaster General in transporting the mail of the United States.

On motion of Mr. LATHROP, the Committee of Ways and Means were directed to consider the

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expediency of enlarging the terms on which the Commissioners of the Sinking Fund, under the fifth section of the act passed March 3, 1807, entitled "An act to provide for the redemption of the public debt," may purchase that portion of the public debt which will become reimburseable on the 1st day of January, 1825.

On motion of Mr. CALL, the Committee on Commerce were instructed to inquire into the expediency of excluding foreign wreckers and fishermen from wrecking and fishing within the jurisdiction of the United States, on the coast of Florida; and further, to inquire into the expediency of giving encouragement and protection to the American wreckers on the coast of Florida.

On motion of Mr. STORRS, the Committee of Ways and Means were instructed to inquire into the expediency of providing by law for compensation for a private Secretary to the President of the United States.

On motion of Mr. RANKIN, the Clerk of this House was directed to prepare and lay before the House, so soon as it can be conveniently done, a complete index to all the printed volumes which contain the communications of the President of the United States, and of the several Departments of the Government, to Congress, and the reports of the Committees of Congress.

An engrossed bill, entitled "An act for the relief of Charles M. Collier," was read the third time, and passed.

The order of the day on the bill to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie, being called, it was postponed until the second Monday in January next.

The order of the day on the bill for the relief of Sarah Perry, being called, it was postponed until Monday next.

The resolution yesterday offered by Mr. ALLEN, of Massachusetts, calling on the Postmaster General for certain details of his Department for the last three years, was called up, and agreed to.

The resolution yesterday offered by Mr. RANKIN, calling for a list of the defaulters in the land offices of the United States, was taken up, and agreed to.

The resolution yesterday offered by Mr. OWEN, calling for a statement of the amount and application of the two per cent. and three per cent. funds payable out of the sales of public lands in the Western and Southern States, was taken up, and agreed to.

CHESAPEAKE AND OHIO CANAL.

Mr. LITTLE, of Maryland, offered for consideration the following resolution:

Resolved, That the Committee on the Chesapeake and Ohio Canal be instructed to inquire into the expediency of authorizing the employment, under the direction of the President, of a part of the corps of engineers, in surveying the grounds and ascertaining the best route in uniting the waters of the Ohio with the Chesapeake, by way of the Susquehanna river.

Mr. MERCER suggested that the object intended to be obtained by the resolution, was included in the general provisions of the bill reported yesterday by his honorable friend from Pennsylvania, (Mr. HEMPHILL,) and which is made the order of the day for some time in January next; but, if any special provision on this subject was desired by the honorable mover, he had only to add a small sum to the appropriations for the quartermaster's department, for the purpose of covering the incidental expenses of the survey; for the President of the United States has already as full power as any vote of this House could confer upon him over the whole corps of topographical engineers, and is fully competent to order the investigation proposed by the resolution of the honorable gentleman from Maryland.

Mr. LITTLE said that he had imperfectly heard the gentleman from Virginia, but he would state the reasons which induced him to submit the resolution. Last year the Legislature of Maryland appointed commissioners to survey the course of a part of the Susquehanna river, with a view to the rendering of it navigable. These commissioners, in the report, notice the waters of the Juniata, and their connexion with the waters of the West. That part of the President's Message which refers to the subject of connecting the Chesapeake and Ohio, speaks only of the Potomac. It was his object in this resolution, Mr. L. said, to direct the attention of the committee mentioned in it to the waters of the Susquehanna, as presenting an eligible mode of connecting the bay and the Ohio. It proposed simply an inquiry—gentlemen by voting for it would commit themselves to no measures; and if, after hearing the report of the committee, they disapproved of the object, they were under no obligation to embrace the plan.

Mr. CONNICT observed, in support of the ground taken by Mr. MERCER, that it was known to him that, during the last Summer, General Bernard, with other persons, was occupied in exploring and surveying, under the direction of the President, the different routes for the canal to connect the waters of the Delaware and the Hudson, and for other proposed canals. He thought the resolution, therefore, unnecessary, as the Secretary of War had full power to employ the same gentlemen on the route now proposed.

Mr. MERCER was sorry he had not been perfectly heard, but the gentleman from Maryland must distinctly perceive, that his objections were directed against the policy of legislating unnecessarily on this subject. The President possesses already as much power as Congress can give him over the whole army, and over the topographical engineers, as a part of our Military Establishment; and all that was necessary was to provide for the payment of the expenses of a few pack-horses, or other modes of transportation. But he objected to the whole resolution, because the ground of it was already covered by the bill brought in by the gentleman from Pennsylvania, and because the committee had no need of instruction, being already generally in possession

of the whole subject, by the terms of their appointment.

Mr. LITTLE said he was not disposed to press the resolution to a decision now. He had thought it perfectly in order to move it, since the President, in his Message, expressly recommended the general subject to the attention of Congress.

The resolution was, with the consent of the mover, laid upon the table.

ERRORS IN THE LAND OFFICES.

The House went into a Committee of the Whole on the bill supplementary to an act approved on the third day of March, one thousand eight hundred and nineteen, entitled "An act providing for the correction of errors in making entries of land at the land offices."

[This bill enacts, "That, where any mistake may have been made, or may hereafter be made, by any purchaser of the public lands, in designating the tract intended to be purchased, such person may exhibit his own affidavit, and such other evidence as may be in his power, showing the mistake to the register or receiver of the district in which the purchase was made; and the register and receiver shall transmit the evidence submitted to them in any case, together with their written opinion or opinions on the subject, to the Commissioner of the General Land Office, who, on an examination of the facts, shall be authorized to change the entry, and transfer the payment to the tract intended to have been entered, if unsold; but, if sold, to any other tract liable to entry: *Provided*, He shall be satisfied that a mistake has been made."]

Mr. RANKIN, of Mississippi, the Chairman of the Committee on Public Lands, who had reported the bill, observed that the act of 1819, on the subject of correcting errors in the land offices, had given power to the Commissioner of the General Land Office to correct only such erroneous entries as arose from wrong marks having been attached to tracts of the public land sold. Under this act, some cases of peculiar hardship had arisen, which it was not in the power of the land office to correct. New settlers, ignorant of the country, and of the quality of land in the different tracts, were in the habit of applying to their neighbors, who were already settled, for directions, and they had sometimes received mistaken information, by which they were induced to purchase land which proved entirely worthless. The bill now before the Committee was intended to provide for cases of this description, where errors had taken place without any fraudulent design in the parties concerned.

Mr. COOK, of Illinois, then rose, and said, that, when the subject of this bill was before the Committee of Public Lands, he happened to be in such a state of health as not to be able to attend the committee. He now proposed an amendment, which he said embraced a class of cases of equal merit with that provided for by the bill. He, himself, knew of but one case of the sort, but there might be others. The case was this: The law of 1820, which authorized the surrender of lands by the purchasers, in certain cases, gave rise to a great deal of business in the land offices, and per-

sons having business with them were, in many cases, obliged to transact business by means of agents or deputies. It thus happened, in the case to which he had particular reference, the land which the purchaser intended to retain was relinquished, and that which he wished to relinquish was retained, though, compared with the other, unimproved, and of inferior value. This was a mistake which the register and receiver did not feel themselves authorized to correct, though apprized of it the next day after it happened, and perfectly willing to have done it, had it been in their power. The amendment he offered was intended to provide for cases of this description.

After some conversation, this amendment of Mr. COOK was negatived.

Mr. CAMPBELL, of Ohio, offered the following, to be added as an amendment to the bill:

Provided also, That if a patent shall have issued for the tract so erroneously entered, the patentee shall, by a deed duly executed, relinquish to the United States all his right to the same.

In supporting his amendment, Mr. C. observed that doubts had been entertained whether, if an error were discovered after a patent for the land had been granted, it could be corrected without a special act of Congress for the purpose. The present bill, he thought, should make provision for such a case, that a provision so important should be suitably guarded.

Mr. RANKIN observed, in reply, that as cases of this description would probably be few, it would, perhaps, be most expedient to leave them to be provided for individually, and not to make a general rule which might, if extended so far, be liable to abuse.

Mr. CAMPBELL said that the gentleman from Mississippi must be aware that, under what was usually denominated the "prompt payment system," the purchaser of the public lands was obliged to make immediate payment for the land he bought of Government, and the patent was issued very shortly afterwards. It was but fair if an error had innocently taken place in the description of his lot, it should be corrected, even after the patent had issued. If provision was made to correct such an error, however, by granting to the purchaser the lot as truly described, Mr. C. added, it was also no more than fair that he should, by a valid deed, reconvey to the United States the lot which he held under the erroneous patent; else, it might happen that he would hold the fee of two lots, when he had paid for only one.

The question being then taken on the amendment of Mr. CAMPBELL, it was carried in the affirmative—Ayes 82.

Mr. WRIGHT, of Ohio, then proposed an amendment to meet a case of an opposite description, where the settler had, through error, been obliged to pay more than once the purchase-money for land bought of the United States. The amendment in such case proposed to require the Secretary of the Treasury to refund the amount overpaid, without the intervention of any special act of Congress for that purpose.

Mr. RANKIN said, he did not readily perceive how a case could occur, under the present system for disposing of the public lands, such as that for which the amendment of the gentlemen from Ohio, was intended to provide. But, if such an error should occur, it might, by the provisions of the present bill, be corrected by the register and receiver of the land office concerned.

Mr. ROSS, of Ohio, rose to suggest to his colleague a doubt whether it was competent to the House to incorporate into the bill a general provision of this description, the object of which is to enable the Secretary of the Treasury to refund money which, having been overpaid by a purchaser of public land, has actually gone into the Treasury. There would be some danger in encouraging a license of this kind; and, besides, Mr. R. said, if he understood the matter correctly, money cannot constitutionally be drawn from the Treasury without previous special appropriation by law. Looking at the proposition in this light, he felt some scruples in voting for it.

Mr. WRIGHT said, it was perhaps true, as suggested by the gentleman from Mississippi, that cases of this description cannot occur under the present system for disposing of the public lands. But cases of the kind had occurred heretofore, one of which, being within his knowledge, had induced this motion. It was not his wish, however, to embarrass this bill, and if the gentleman thought such would be the effect of pressing the amendment, he would withdraw it, and offer it hereafter as a separate proposition.

Mr. RANKIN thought that the suggestion of his friend upon the right (Mr. ROSS) was a very important one, and entitled to great weight with the Committee. It was a principle of the utmost consequence to guard against any appropriation of money from the Treasury but by special acts of Congress. If, however, the gentleman who moved the amendment considered that the object intended by it was of pressing moment, he hoped, that he would present it in some form before the House, other than that of an amendment to this bill, which it was calculated to embarrass.

Mr. WRIGHT assented, and withdrew his amendment.

Mr. SANFORD, of Tennessee, was opposed to the bill in its present form. Great impositions had been already practised upon Government by purchasers of public lands; and he feared, if the bill should pass as it at present stood, those impositions would be multiplied. Settlers were in the habit of purchasing lands, from the accounts and descriptions given them by their friends. When they came to the land they had bought, they often found those descriptions had not been correct, and they would change the tracts they had fairly purchased for others they liked better—an arrangement by which the Government was defrauded. He offered, with a view to prevent such impositions, an amendment, which he thought calculated to guard against it.

Mr. RANKIN said, that the amendment was wholly unnecessary, the entry of land being always made after the sale, and not before it. It was

very true that frauds might be practised under the system as it now stands, but, if so, it must be by perjury either of the purchaser himself or of the public officers. Such abuses, however, formed no just objection to a general provision for the relief of those who really suffer by accidental errors, &c. This bill, having that object in view, had undergone the strictest scrutiny in the Committee of Public Lands, and every effort had been made to guard its provisions from abuse. The public officers best acquainted with the subject had been consulted, &c. The objection against the bill, that abuses might be committed, Mr. R. suggested, would apply with equal force to the institution of courts of law, because witnesses might perjure themselves, &c.

Mr. TRIMBLE, of Kentucky, rose, not to oppose the bill, but to ask a question of the chairman of the Committee of Public Lands, viz: whether the bill authorizes the officers of Government to correct erroneous entries. He stated the case of a pre-emption right, the holder of which died—when his heirs came to make the entry, it appeared that an improper entry was made, by which error the widow and children were thrown out of their right. It was obvious that, in such a case, the error ought to be rectified. Mr. T. wished to know if the bill, as it now stood, would authorize the correction of an error of this description.

Mr. RANKIN stated that the case which the gentleman from Kentucky had mentioned, was provided for by the act of 1819; but that act did not, in the opinion of the Committee on Public Lands, go far enough, and they had reported the present bill with a view to remedy the defects of the law, &c.

Mr. MCCOY expressed doubts of the policy of this bill. He thought it was right in Government to correct the errors of their own officers, but not of everybody else. He feared it would make purchasers careless about errors for the future. He apprehended that the applications, under the act, would be very numerous and very troublesome.

The Committee then rose, and reported the bill as amended. The House concurred in the amendment of Mr. CAMPBELL, and the bill was ordered to be engrossed for a third reading—ayes 86, noes 52.

THURSDAY, December 18.

Three other members, to wit: from Louisiana, HENRY H. GURLEY and EDWARD LIVINGSTON; and from New York, JOHN J. MORGAN, appeared, were qualified, and took their seats.

Mr. CROWNINSHIELD presented a memorial of the Directors of the Salem Laboratory Company, established for the manufacture of Roman vitriol, alum, refining saltpetre, and other chemical processes, praying that the duty imposed on those articles, or their preparations, may be changed from ad valorem to specific duties.

Mr. BRECK presented a memorial of sundry inhabitants of the city and county of Philadelphia, praying for an early and thorough revision of the tariff of duties on importations from foreign coun-

tries, so as to afford that protection to manufactures which the Government affords to commerce.

Mr. WRIGHT presented a memorial, having the same object in view, from inhabitants of the county of Jefferson, in the State of Ohio.

The said memorials were referred to the Committee on Manufactures.

Mr. RANKIN presented a petition of the inhabitants of Pembina, on the Red river of Hudson's bay, a colony settled by the late Lord Selkirk, setting forth that, upon a recent survey, it is found that they are situated within the limits of the United States, and praying to be secured in the possession of their property; that they may be confirmed in their land claims; and that the rights and privileges enjoyed by citizens of the United States may be extended to them; which petition was referred to the Committee on the Judiciary.

Mr. CONWAY presented a petition of the General Assembly of the Territory of Arkansas, praying that a separate surveyor general may be assigned to said Territory; which petition was referred to the Committee on the Public Lands.

Mr. JOHNSON, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Thomas W. Bacot; which was twice read, and committed.

Mr. WILLIAMS, of North Carolina, laid the following resolution on the table, for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to lay before this House any information he may have received, and which he may not deem it improper to communicate, relating to the present condition and future prospects of the Greeks.

On motion of Mr. MOORE, of Kentucky, the Committee on Private Land Claims were instructed to inquire into the expediency of granting the bounty land to Thomas Pendergrass, the representative of James Albert, deceased, a soldier in the late war with Great Britain.

On motion of Mr. TRIMBLE, the Committee on Military Affairs were instructed to inquire into the expediency of authorizing the President of the United States to direct sales to be made, from time to time, of such arms, ammunition, and military stores, as are not wanted, or are unfit for public service.

On motion of Mr. ELLIS, the Committee of Claims were instructed to inquire into the account of Henry Alward, Esq., against the United States, for apprehending and delivering two deserters to a detachment of the Army then under the command of Colonel William N. Irwin, at Sunbury, in Pennsylvania, and that they report thereon.

The letter of William H. Jones, accompanied by a copy of a New Universal Atlas, addressed to the Speaker on the 12th instant, was referred to the Joint Library Committee.

The engrossed bill supplementary to the law for the correction of errors in making entries of land at the land offices, being called up for consideration,

Mr. RANKIN said, that, since yesterday, he had had various suggestions made to him by members for whose opinion he entertained very high re-

spect, as well as from the present Commissioner of the General Land Office; and considering the vote of yesterday as a pledge that the House would certainly act on the subject, and feeling desirous that the bill should, as far as possible, meet the wishes of gentlemen, he was induced, on a consideration of the whole subject, to move that the bill be recommitted to the Committee on Public Lands, to be made as perfect as practicable.

The House concurred in this motion.

The report of the Committee of Claims, of the 12th instant, on the case of the levy court of Calvert county, in the State of Maryland, was taken up and recommitted to that committee.

The bill from the Senate entitled "An act supplementary to an act entitled 'An act for the relief of persons imprisoned for debt,'" was read the first time.

CUMBERLAND ROAD.

Mr. STEWART, from the Committee on the Cumberland Road, reported "A bill for the continuation of the Cumberland road;" which was twice read, and committed.

The motion to commit the bill to a Committee of the Whole, being under consideration—

Mr. RANKIN rose, and said, that he was one of those persons who are disposed to commit the whole strength and resources of this nation on the subject of internal improvements. He believed, also, that the nation was prepared to go all lengths on that subject. But he was unwilling to take up so great a system of measures, by small parts at a time. The bill reported by his friend from Pennsylvania, (Mr. HEMPHILL,) embraced the entire subject; and he hoped that the present bill, instead of going to a Committee of the Whole, would be referred to the same committee with the general bill, which was already before the House. He was not adverse to the particular measure embraced by this bill; he did not care at what point the general system of internal improvement should be commenced, but he hoped that, on that system, we should either move as a nation, or not move at all.

Mr. COOK said he was decidedly opposed to act upon the bill in its present state, and was proceeding to make some remarks on the principle of the bill, when he was reminded by the Speaker that any discussion of the merits of the bill in its present stage would be out of order.

On motion of Mr. JENNINGS, the bill was laid upon the table, and ordered to be printed.

CONTRACTS FOR CANNON, &c.

The resolution yesterday proposed by Mr. COCKE, was then taken up for consideration, in the following words:

Resolved, That the President of the United States be requested to communicate to this House copies of all contracts for cannon, cannon shot, muskets, and other small arms, for the use of the United States, which have been entered into since the first of January, 1820, and that he state whether notice for proposals was given for each contract in any newspaper, if so, in what paper, and how long before the contract was concluded; who are interested in each, ostensibly, or

as secret partner, so far as he may have been informed, or believes.

Mr. ISACKS, of Tennessee, proposed as an amendment, to strike out the last clause of the resolution, (*in italics*), and to insert in its room the following:

"Who are the persons with whom such contracts were made, and whether there are any other persons beneficially interested therein; if so, who they are, and in what cases, so far as he may be informed."

Mr. COCKE said, that, though he believed, if the amendment was adopted, all his objects might yet be obtained, yet, if his friend would reflect for a moment, there was a part of his amendment which he would strike out, because, if copies of the contracts were laid before the House, they would show on the face of them who were ostensibly engaged in the contracts. The object of my resolution, said Mr. C., is not only to see who made the contracts, but whether any person is concerned in them under the rose. We have, in the statute-book, laws which prohibit a certain description of persons from being interested in contracts. If any such are interested in contracts, though their names do not appear in them, the nation ought to know it, to ascertain whether these contracts were legally made. I have, therefore, asked, (said Mr. C.) by my motion, not only who are the contractors, but who are concerned in the contract, so far as the Executive has information on that point. That, Mr. C. said, was his object, and he cared not whether the word "secret," or, if gentlemen chose it, *clandestine*, was inserted in the resolution or not. Any word which would elicit the information which he wanted, he would cheerfully acquiesce in.

Mr. ISACKS said, in reply, that he had no disposition to alter the grounds of the inquiry proposed by the resolution of his colleague. The same object would in substance be obtained, if the amendment should be adopted, that would be obtained by the resolution, in its original shape. He acknowledged, for his own part, he was in possession of no information which would induce him either to make or withhold this call; his colleague, however, had moved it, and he would willingly vote with him. All that he intended by his amendment was to change the terms of a part of the resolution, which he thought open to objection, for others more acceptable. It was not necessary for him to say the particular object he had in view: the bare reading of the original clause of the amendment would be sufficient to show that the terms of the latter were preferable.

The amendment was adopted without a division.

Mr. RICH suggested that every valuable object to be obtained by this resolution would be attained by asking for abstracts instead of copies of the contracts referred to, and would save trouble and expense in the details of the preparing and printing the papers called for, and he submitted an amendment to that effect.

Mr. COCKE was opposed to this amendment. He should like to see the whole contracts, he said—to see it in all its bearings. There could not be a great many contracts for cannon and cannon

shot, muskets, and small arms, since the year 1820. When the contracts are before us, said he, we can see the whole. If we get extracts, they may be extracts of such parts as we do not want to see, and care nothing at all about. He hoped gentlemen would indulge him so far as to let him look at the contracts as they really stand.

Mr. RICH then withdrew his amendment, and the resolution, as amended by Mr. ISACKS' motion, was adopted.

FRIDAY, December 19.

Mr. CAMBRELENG presented a memorial from the manufacturers of cordage, in the city of New York, against any increase which may be proposed, or contemplated to be proposed, on foreign hemp, upon its importation into the United States; which memorial was referred to the Committee on Manufactures.

Mr. BRENT presented a memorial of Daniel W. Coxe, praying for the confirmation of the title to a tract of land of thirty leagues square, lying on Ouachita river in Louisiana, granted to the Marquis de Maison Rouge, by the Spanish Government, in the year 1797. This petition gave occasion to some conversation; Mr. B. expressing a wish that, as the importance of the property involved in the petition, required a more thorough and extensive examination of the claim, than could be given it by the Committee on Private Land Claims, already burdened, as that committee was, with a multiplicity of business, it might go to a select committee.

Mr. OWEN, of Alabama, concurred in this desire, but thought that, as there was a great mass of claims of a nature analogous to that now presented, arising from the cession to the United States of Louisiana and the Floridas, it would be better that a permanent committee be appointed, to be designated "The Committee on French, British, and Spanish Land Claims," to whom claims of this description, exclusively, might be referred.

The SPEAKER declared that a motion now to appoint a committee of this description would be out of order. [See post.]

The petition offered by Mr. BRENT was then ordered to be laid on the table.

Mr. CROWNINSHIELD, from the Committee on Naval Affairs, made a report on the petition of Julia Lawrence, widow of Captain James Lawrence, deceased, late of the Navy of the United States, accompanied by a bill further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service; which bill was read twice, and committed to a Committee of the Whole.

Mr. C., from the same committee, also made a report on the petition of Penelope Denny, accompanied by a bill making provision for her support; which bill was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a second unfavorable

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report on the case of the levy court of Calvert county, in the State of Maryland; which was committed to a Committee of the Whole.

Mr. WILLIAMS's resolution, offered yesterday, was called up, and, on motion of the original mover, the resolution was modified by omitting the word "present."

Mr. WEBSTER took this occasion to state to the House that he should move for the consideration, on this day fortnight, of the resolution which he submitted some days ago, proposing to send a mission to Greece.

The resolution of Mr. WILLIAMS was agreed to.

On motion of Mr. ALLEN, of Massachusetts, it was

Resolved, That, in addition to six hundred copies of the public documents, ordered to be printed by a resolve of this House, passed on the 25th day of March, 1818, the further number of thirty copies be printed, to supply the present deficiency for the members of the House.

[This is to supply the additional number of members introduced into this House, under the new apportionment, according to the late census.]

On motion of Mr. CALL, the Committee on Naval Affairs were instructed to inquire into the expediency of establishing a naval depot in the harbor of Pensacola.

Mr. WRIGHT moved that the House do come to the following resolution:

Resolved, That the Committee on the Cumberland Road be instructed to inquire into the expediency of making an examination and survey of the routes from Washington, in Pennsylvania, by Steubenville, in Ohio, and Wellsburg, in Virginia, to ascertain if a less expensive and more eligible route can be found, for the National road, from Washington to Columbus, the seat of government of Ohio, than the one heretofore proposed; and, also, to inquire into the expediency of changing the location of said road.

The resolution was read, and disagreed to by the House.

FOREIGN LAND CLAIMS.

Mr. OWEN moved that the House do come to the following resolution:

Resolved, That a committee be appointed, to be styled "The Committee on French, British, and Spanish Land Claims."

Mr. CAMPBELL objected to this resolution, not on its principle, to which he had no objection, but because its phraseology was so general and extensive as to embrace the whole of the cases arising under the cessions of Louisiana and the Floridas—cases which had hitherto been assigned to the two standing Committees on Public Lands and Private Land Claims, of which committees the principal business arose out of claims of this description. Mr. CAMPBELL wished the gentleman from Alabama to understand that he was not averse to the appointment of such a committee as he desired—on the contrary he wished for it; but he was confident that the gentleman would, himself, perceive, on reflection, that the language of the resolution was too broad.

Mr. SCOTT expressed a hope that the mover of

the resolution would not include Missouri in its provisions, as he was averse from having the claims arising in that State, under French and Spanish grants, in any manner mixed with the British claims, and he believed the same wish was entertained by the delegate from Arkansas. He therefore moved, as an amendment, an exception of the State of Missouri and the Territory of Arkansas from the operation of the resolution.

Mr. OWEN accepted this amendment as a modification of his motion.

Mr. TAYLOR observed that, as this was a proposition to create a new committee, and of a permanent character, it demanded some deliberation. The House had already two standing Committees on Land Claims; formerly there had been but one such committee. The House had already subdivided the duty of considering these claims, and before they went farther, he thought some reflection was requisite. He therefore moved that the resolution lie on the table. In which the mover and the House concurred, and the resolution was laid on the table.

Mr. BEECHER, of Ohio, moved that the bill for the continuation of the Cumberland road, reported yesterday, be now taken up and considered; and the question being taken, it was decided in the negative—yeas 65, nays 81.

The House adjourned to Monday.

MONDAY, December 22.

Mr. HEMPHILL presented a memorial of sundry insurance companies and merchants of the city of Philadelphia, praying that the Government of the United States may adopt measures to procure them redress for spoliations committed on the lawful commerce of the citizens of the United States by French cruisers; which memorial was ordered to lie on the table.

Mr. HEMPHILL also presented a memorial and petition of the President and Directors of the Chesapeake and Delaware Canal Company, praying for the aid and assistance of the General Government in carrying the contemplated canal into effect; which memorial was referred to the Committee on Roads and Canals.

Mr. McCoy, from the Committee of Claims, made a report on the petition of Brintnel Robbins, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, from the Committee of Claims, reported a bill for the relief of Daniel Carroll, of Duddington, and others; which was read twice, and committed to a Committee of the Whole.

Mr. RICH, from the same committee, reported a bill for the relief of Loudon Case; which was read twice, and committed to a Committee of the Whole.

Mr. LIVINGSTON laid the following resolutions on the table for consideration on to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to report what progress has been made in erecting lighthouses on the Dry Tortugas, and at or near Cape Florida; and that he also report whether

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the security of the navigation of the Gulf Stream, between Florida and the Bahama Banks, does not require the erection of lighthouses, or beacons, or the placing of buoys or floating lights on some other places, on or near the coast of Florida.

Resolved, That the President of the United States be requested to negotiate with the Government of Great Britain for a cession of so much land on the Island of Abaco, at or near the Hole in the Wall, and at such other places, within the acknowledged dominion of that Power, on the islands, keys, or shoals, on the Bahama Banks, as may be necessary for the erection and support of lighthouses, beacons, buoys, or floating-lights, for the security of navigation over and near the said banks, and to be used solely for such purposes.

Resolved, That the Secretary of State be directed to ascertain and report to this House, whether the rocks called the double-headed shot keys, or any other of the rocks or desert islets, near the Bahama banks, but separated therefrom by a deep channel, and on which the security of navigation of the Gulf of Florida requires that lighthouses or beacons should be placed, are within the dominion of any and what foreign Kingdom or State, or whether they are not now subject to be appropriated by the right of occupancy.

Mr. HERRICK laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the Postmaster General be directed to lay before this House a statement of the extent of each post route in the United States; the number of miles the mail is annually transported on each route, with the annual expense of transportation, under existing contracts, and the amount of postage, which accrued on each route, after deducting the compensation of postmasters and incidental expenses, for one year next preceding the first day of April last.

Mr. BRECK laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to furnish this House with the amount of exports from the United States to Greece, Asia Minor, and Egypt, during the years 1820, 1821, and 1822; also, the amount of imports therefrom, for the same period, distinguishing, in separate columns, the countries under the control of the Turkish Government, from those possessed by the Greeks in arms; also, the amount of duties paid on said imports into the Treasury of the United States.

The report of the Committee on Claims, unfavorable to the petition of Garret Fountain, which was some days ago laid on the table, was taken up and read.

Mr. TYSON moved that the negative particle in the report, which determines against the petitioner, be stricken out.

On which Mr. WILLIAMS called for the reading of a report of the Third Auditor, on the case involved in the bill; after which, Mr. STORRS moved that the report be referred to a Committee of the Whole, and be printed; which was carried.

The bill from the Senate entitled "An act supplementary to the act entitled 'An act for the relief of persons imprisoned for debt,'" was read the second time, and referred to the Committee on the Judiciary.

The House then went into Committee of the

Whole, on the bill for the relief of Jeremiah Manning, of New Jersey; which, having been considered, was reported without amendment; and it was ordered to be engrossed for a third reading.

The House went into Committee of the Whole, on the bill for the relief of Thomas W. Bacot, Postmaster of Charleston, South Carolina, appropriating a sum of money paid by him for amount of a reward paid for apprehension of a mail robber.) The report of the committee upon the case having been read, the Committee rose and reported the bill without amendment, and it was engrossed for a third reading.

The House went into Committee of the Whole, on the bill for the relief of Jacob Shaeffer, (a corporal in the Army,) who obtained his discharge after twenty months' service, and now asks for the bounty in land; and the report of the Committee on Private Land Claims, on the petition, having been read, Mr. STERLING, of Connecticut, moved to strike out the enacting clause of the bill, for the purpose of destroying it. This motion gave rise to a debate of something like an hour. It was supported by Mr. STERLING, and opposed by Mr. W. SMITH, of Virginia, and Mr. CAMPBELL, of Ohio, the chairman of the committee which reported it. Finally, the motion was negatived, and the bill being reported to the House, was, after a few observations, ordered to be engrossed for a third reading.

Mr. BRENT, of Louisiana, moved that the memorial from Mr. Coxe, agent of the Marquis of Maison Rouge, presented by him a few days since, and laid on the table, be referred to a select committee.

This motion gave rise to some debate. A motion was made by Mr. COCKE to refer the claim to the standing Committee on Public Lands, instead of a select one. The argument pro and con lies in a small space. The great amount, importance, and intricacy, of the claim, were the reasons assigned for referring it to a select committee, which was objected to on the ground that select committees were always supposed to be favorable to any subject referred to them, whilst standing committees, selected without reference to any particular claim or object, might be considered in the light of impartial tribunals, fully possessed, by experience and inquiry, of the law, and the principles applicable to cases brought before them.

The gentlemen who engaged in the debate were, on the one side, Mr. COCKE, Mr. STERLING, Mr. CONDUCT, and Mr. FOOT; and, on the other, Mr. BRENT, Mr. LIVERMORE, and Mr. MALLARY.

The memorial was at length referred to the Committee on Private Land Claims.

AMENDMENTS TO THE CONSTITUTION.

Mr. McDUFFIE, from the committee appointed "to inquire into the expediency of recommending to the several States the propriety of amending the Constitution of the United States, in such manner that the mode of electing the members of the House of Representatives in Congress may be uniform throughout the United States; also, that

the mode of choosing Electors of President and Vice President of the United States may be, in like manner, uniform; and, also, that the election of the said officers may, in no event, devolve upon the House of Representatives;" made a detailed report, accompanied by a joint resolution, proposing an amendment to the Constitution of the United States, in respect to the election of a President and Vice President of the United States; which resolution was read twice, and committed to a Committee of the whole House on the state of the Union. The report and resolution are as follows:

The committee, profoundly impressed with the importance of the propositions embraced in the resolution under which they have been appointed, have felt a corresponding sense of the magnitude and difficulty of the duty imposed upon them by the order of the House. To devise a plan for the election of members of the House of Representatives, and of the President and Vice President of the United States, which will correct existing and obviate impending evils, and, at the same time, harmonize the conflicting views of States, variously situated, and variously affected by it, has been the anxious desire and laborious effort of the committee. How far they have been successful in accomplishing these great objects, they submit it to the indulgence and liberality of the House to determine.

The Constitution of the United States provides, that "the times, places, and manner, of holding elections for Representatives, shall be prescribed, in each State, by the Legislature thereof; that Congress may, at any time, by law, make or alter such regulations." It also provides, that "each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress."

The plan submitted by the committee, proposes that each State shall be divided into as many districts as will equal the number of Representatives to which the State may be entitled in Congress; and that each of the said districts shall elect one Representative. It also proposes, that each of the said districts shall choose one Elector of President and Vice President of the United States; and that the Electors, thus appointed in each State shall have the two additional Electors to which the State is entitled.

From this collated view of the existing provisions and proposed amendments of the Constitution, it will be seen that a fundamental change is contemplated, in reference to the mode of choosing members of the House of Representatives, and Electors of President and Vice President of the United States. It is a change, however, which counts among its strongest claims to our favorable consideration, its absolute efficacy in preventing changes. For it will fix upon uniform principles those creative operations of popular sovereignty, which are now liable to be controlled by the diversified and clashing expedients of twenty-four States, mutually independent. Indeed, an attentive consideration of the nature and functions of a written Constitution, will lead us to the extraordinary but manifest conclusion that, in relation to the mode of choosing the popular branch of the National Legislature, and of the Chief Executive Magistrate of the Republic, we have no Constitutional provision at all.

A fixedness and permanence, not liable to be disturbed by ordinary acts of legislation, are essentially involved in the elementary notion of a Constitution. Accordingly, in all Governments having any just pretensions to civilization - freedom, it has been a primary object to secure those fundamental canons which give organization and impulse to the political system, against any changes proceeding from an authority less solemn and weighty, than the source of sovereignty itself. To secure liberty against the violent tyranny of successive and temporary factions, and, also, against the more systematic encroachments of ambition, this extraordinary stability of the law, which constitutes the Government, has been found, by universal experience, to be an indispensable safeguard. Yet, in direct violation of this primary and essential principle of regulated freedom, the very foundations of the two most important branches of this Government are permitted to fluctuate with the mutable counsels of twenty-four separate Legislatures. The committee, therefore, believe that the plan proposed is recommended, not less by the consideration that it permanently and uniformly fixes the rule which it introduces, than by the intrinsic superiority of that rule to any other that has been adopted, amidst the changes incident to the existing state of Constitutional laxity.

Under the existing system, if system that may be called, which is without system, the inquiry in the respective States is not, which is intrinsically the best mode of choosing Representatives in Congress, and Electors of President and Vice President of the United States, but what is the best defensive expedient to counteract the regulations of other States, and secure the utmost relative weight in the affairs of the Union. The party which happens to have the ascendancy will thus be furnished with pretexts, at least plausible and imposing, for the adoption of measures calculated to deprive the minority of their just rights, and tending to produce, as they invariably have produced, that acrimonious political excitement which inevitably results from injustice and oppression, however disguised or palliated by motives of public expediency. To prevent majorities from exercising this sort of oppression, is one of the primary objects of a written Constitution.

With these general preliminary views, the committee will proceed to the separate consideration of the amendments embraced in the plan submitted to the House.

It has been seen that the "times, places, and manner," of electing the members of this House, are now liable to be prescribed by the Legislatures of the several States, subject to the controlling and superseding power of Congress.

In addition to the remarks already made on the political solecism of placing it in the power of every State government virtually to change the Constitution of the Union, the committee feel bound to examine briefly the nature and tendency of the power thus vested in Congress.

If it should happen to this, as it has happened to all other free countries, that the administration of the Republic should fall into the hands of a faction; of men who, having acquired power by corrupt combinations, would be disposed to retain it in opposition to the will of the people and to exert it in opposition to their interests, the power in question would become exceedingly dangerous. It is in such periods that the barriers of the Constitution are most essential; because

it is in such periods that those, from whose reluctant grasp the sceptre of dominion is about to be wrested by an indignant people, are exposed to the strongest human temptation to perpetuate their authority by every desperate expedient not absolutely prohibited.

And does not the Constitution almost literally place in their hands precisely such an expedient in the power of regulating the elections of the members of this body? It is susceptible of demonstration, that the elections might be so arranged by a party in power, that a small minority of the people would elect a majority of the national representatives. The mode of operation would be various, according to varying circumstances. Sometimes the object would be accomplished by changing the district into the general-ticket system; sometimes by an artificial arrangement of districts; and sometimes by a skillful combination of both. As nothing is too desperate for a faction, struggling for existence, let us suppose that they should prescribe, as they would have the unquestionable power to prescribe, that, in all those States where a majority of the people were favorable to their purposes, the representatives should be elected by a general ticket, thus suppressing the voice of the minority; and, that all the States opposed to their domination, should be divided into districts, in such manner that the minority of the people should elect a majority of representatives. As examples of such high-handed proceedings are already to be found in the history of several of the State governments, the supposition that the General Government, with more powerful inducements to mislead it, will, at some future period, pursue a similar course, cannot be considered extravagant or improbable.

The committee therefore feel the deepest conviction, that the power now vested in Congress, of controlling the election of its own members, is utterly inconsistent with every just conception of Constitutional liberty, and ought no longer to exist.

Having thus attempted to show the necessity of a plan of such permanence, as equally to exclude the disturbing influence, both of the General and State Governments, the Committee propose to examine the comparative advantages of the general ticket and district systems of electing the Representatives in Congress. It will scarcely be denied, that a just regard for the relative weight of each State in the affairs of the Union, requires that one or the other of the systems should prevail in all the States. Upon any question of national policy, in relation to which the interests or wishes of two States should stand mutually opposed, it would be obviously unjust that the one should have, by means of a general ticket, an undivided vote in this House; while the other, electing by districts, might be almost neutralized by her divisions. It remains, therefore, only that we inquire which of the two systems is intrinsically the best.

In favor of the general ticket system, it has been urged, with considerable plausibility, that, by extending the sphere of selection, the number of competitors, of competent qualifications, will be proportionally increased, and that the influence of demagogues, who can only operate effectually in a small sphere, will be greatly diminished.

It cannot be denied that it sometimes happens that a particular district might select a representative residing out of its limits, better qualified than any residing within them; but, it is to be remarked, that there is nothing in the system proposed, which will prevent

a district from electing any resident citizen of the State, without regard to the particular place of his residence. It is true that each district will generally elect one of its own citizens, from obvious considerations justifying the preference. But this, so far from being an objection, would tend to produce a distribution of the talent of the State, in every view desirable; for it has been found that talents, like every thing else, will naturally seek the market which promises the most appropriate reward.

That part of the argument under consideration, which assumes that the district system is calculated to give to the arts of demagogues an undue ascendancy, is worthy of a more serious consideration. It will be admitted that this system enables the constituent to become better acquainted with his representative than is practicable under the other. Can it be maintained, then, that, in proportion as we increase the opportunities of the people to obtain a knowledge of the character and qualifications of the candidates, we diminish the chances of a judicious selection? It is true, that, in a fair competition before the people, art and hypocrisy will prevail over talent, integrity, and independence! On the contrary, it is confidently believed that truth will ultimately prevail in all competitions before the people, if maintained with an ability and firmness equal to that by which error is supported. This proposition is the basis upon which only a representative democracy can be sustained. If it be not true, it then becomes expedient to devise some scheme which will virtually take from the people the elective power. And the committee are of opinion that the general ticket system is precisely of this description.

In a State of any considerable extent, almost every candidate must, in the nature of things, be unknown to the great body of the people. They, of necessity, vote by faith, and not by knowledge; and the few distinguished politicians who are selected to concentrate the popular opinion, acquire a control over it little short of the power of absolute dictation. Universal experience teaches us that few men are to be found, of sufficient firmness and purity to resist the temptation to abuse such power. Cabals and factious combinations, stimulated by selfish views of aggrandizement, are the inevitable consequences.

But it is not to be expected that this sort of domination will be quietly submitted to by those politicians who have no participation in it. A contest for the dictatorship ensues, agitating the community and destroying the harmony of society, by mere personal and family feuds, when there is no difference of principle between the contending parties.

Nor would the evil effects of this state of things be confined to the State. As the political course of opposing parties is very much determined by feelings of mutual antipathy, it would frequently happen that when one party supported the existing administration of the General Government, the other would stand opposed to it. Under these circumstances every revolution produced by the alternate successes and defeats of these rival parties, might increase or diminish the supporters of the General Government, by the whole number of the Representatives of the State in Congress. Besides the mutability which would be thus communicated to the national councils, the General Government, feeling its power to be identified with the fate of a State party, would be tempted to interfere in the political struggles of that State. And when we consider the effect which might be produced by the

judicious distribution of patronage amongst the leaders in such contests, we cannot doubt that the facility and the means of such interference are equal to the temptation.

It may be justly said of the plan of voting by a general ticket, that it is not consistent with the true theory of a popular representation. The popular branch of the National Legislature should exhibit a faithful image of the people. When, for example, a State is divided in its interests and opinions, when some districts are agricultural, some manufacturing, and some commercial, and, if you will, when some are republican and some federal, each of those districts of people should have a fair representation in Congress. Because one interest or one party happen to be predominant in a State, it is no adequate reason that the rest should be disfranchised and have no voice in the national councils. This, indeed, would not be a representation of the people, but of the States; giving to this House a federal, instead of a popular origin and character.

A little reflection will convince us that this is not a mere nominal distinction. Upon all the great political questions, by which this, like all other free Governments, must be often divided into parties, the general ticket system, by entirely suppressing the voice of the minority, would cause the representation from each State, in Congress, to be unanimous, on one side or the other. Thus would States be arrayed against States on this floor, stimulated by pride, heated by collisions, and estranged by feelings of rivalry, and throwing into the discussions here all the violence of local feelings and local prejudices. By the inevitable tendency of this state of things to produce a geographical formation of parties, we need not the prophetic spirit of Washington to warn us that the harmony of the Union would be destroyed, and perhaps its existence endangered.

Every thing that tends to strengthen the peculiar and exclusive feelings of State pride and sectional prejudice, inevitably weakens the bonds of the Union. We are, therefore, urged, by all the considerations that attach us to this great palladium of our security and happiness, to adopt such an organization as will break those large masses of political power, whose collisions can never fail to shake our system to its deepest foundation. It ought never to be forgotten, that the citizens of this Republic, though subdivided into States for certain essential purposes, are one people, in all that relates to the General Government. Born to a common inheritance, purchased by the toils, the sacrifices, and the blood of their common ancestors, they should be united, not less by the ties of common sympathy and kindred feeling, than by those of common interest. With a view to give strength and durability to these essential bonds of union, it is of the utmost consequence that the local minorities in the several States, and various geographical divisions of our extensive country, should have a fair and full representation in Congress. In periods of deep political excitement, nothing is better calculated to allay sectional animosities, and subdue the angry spirit of faction, than the mediatorial influence of such representatives.

The committee propose now to consider, more particularly, that part of the resolution committed to their charge, which makes it their duty to inquire into the expediency of establishing a uniform mode of appointing the Electors of President and Vice President of the United States.

Three modes now prevail in the different States. In some, the appointment is made by the Legislature; in some, by the people, voting a general ticket; and in some, by the people, voting by districts. By giving each of these modes a separate consideration, we shall be the better enabled to ascertain the relative merits of that which is submitted to the House for its adoption.

Pre-existing bodies, sufficiently small and permanent to be exposed to the tampering and seductive arts of intrigue and corruption, ought to have no agency in the election of a President of the United States, upon any ground short of absolute necessity. State Legislatures are bodies of this description, and there is no pretence of a necessity for interposing them between the people and the Electoral College. According to the true conception of our political system, the people exercise the elective power. When, from considerations of convenience, agents are appointed for this special purpose, it is not, as in the case of a legislative trust, to exercise their own judgments, but simply to execute the popular will. The assumption, that the Legislatures would make a better choice than the people, involves the admission that their choice would be different from that of the people; an admission which, if the foregoing view be correct, furnishes, in itself, an unanswerable objection to the interposition of such an agency. In proportion, therefore, as the number of intermediate agencies is increased, the chances are multiplied that the will of the people will be defeated, in the choice of a Chief Magistrate. The committee have no confidence in that sort of artificial and complicated machinery, through which some suppose it necessary to filtrate the popular will, in order to purify and enlighten it. The stream of elective sovereignty is no where so pure as at its source. Every remove from this, is an advance in a course inevitably ending in corruption. Indeed, it is apparent, that the framers of the Constitution, by ordaining that "each State shall appoint, in such manner as the Legislature thereof may prescribe," the Electors of President and Vice President, intended to exclude the Legislatures from making the appointment themselves. That this is the true interpretation of the Constitution, is abundantly obvious, as well from the fair import of the words of that instrument, as from the profoundest commentary ever written on it. The authors of the "Federalist," in speaking of the election of the President, use these words: "It was desirable that the sense of the people should operate in the choice of a person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any pre-established body, but to men chosen by the people for the special purpose, and at the particular conjuncture."

Whatever objections may be urged against the appointment of the Electors by the people, no one, it is presumed, will allege that corruption will find, in that mode of proceeding, any scope for its operation. Neither have we any just ground to apprehend that intrigue, operating by means less palpable than corruption, and appealing to motives less profligate than venality, will produce any impression upon the vote of ten millions of freemen, scattered over the vast domain, which is their favored inheritance. The fact that these principles are, from their very nature, incapable of acting upon multitudes, would prevent them from operating upon the people, even if we had not the higher security furnished by their virtue and patriotism.

But it is frequently objected, that the great mass of the people are not sufficiently intelligent to decide upon the qualifications of so important an officer as the Chief Magistrate of a great Republic; and yet, that, in voting for Electors, who are merely the organs of their will, they in fact determine that question. As the history of all nations, of any considerable extent, gives at least a plausible coloring to this objection, it deserves to be deliberately examined. No political principle is more firmly established by the experience of nations, than that the freedom of political institutions cannot rise higher than the intelligence of the people. All attempts to erect free Governments upon any other basis than an intelligent population, have always resulted, and must ever result, in re-action and disaster. If, therefore, the committee could believe that the people of the United States are not sufficiently intelligent to perform so essential a function of popular sovereignty as the election of their Chief Magistrate, they could not resist the unwelcome conclusion, that our system of government is but a delusive hope, resting upon unsubstantial foundations, and containing within itself the principles of rapid degeneracy and certain dissolution. Responsibility to the people, all must admit, is the only adequate security for freedom, the great conservative principle of a representative government. And what would be the value of the responsibility of a public agent to a people not capable of electing him? If, therefore, it could be shown that the people are not competent to elect the President, an argument would result, which it would be difficult to resist, in favor of those political combinations which, under various forms and pretences, are ever ready to assume the province of dictating to the people, and which can only be regarded, when habitual and permanent, as synonymous with corruption.

Under these circumstances, we have a source of just consolation and pride in the reflection that, in all that relates to the maintenance and enjoyment of a system of practical freedom, history has left no record of a people at all to be compared to the citizens of these United States.

A very brief notice of the prominent circumstances which distinguish our social and political condition from that of the republican nations of antiquity, and of the civilized nations of modern Europe, will furnish, at once, the evidence and the explanation of this superiority.

No estimate of the comparative condition of this and the ancient republics can be just which does not embrace the invention of the art of printing, and the consequent establishment of a free press. These causes alone have produced a permanent revolution in the political condition of the human race. Societies of freemen have been improved and enlarged to a degree utterly unattainable without these efficient means of diffusing intelligence, and the republican system has consequently received a modification and extension which the wisdom of antiquity would have pronounced impossible. The harangues of their orators, delivered to collected multitudes, were almost the only means of political intelligence enjoyed by the people of the ancient republics. The extent of a republic, or, in other words, of a government, emanating from the people, and responsible to them, is confined, by an imperious political necessity, to such limits that the proceedings of the central administration may be promptly, certainly, and generally, communicated to the extremes of the country. Adverting, therefore, to

the limited means of communicating intelligence possessed by the ancients, the reason is apparent why their republics were so extremely contracted. They were, of necessity, simple democracies; and, in the days of their greatest purity and splendor, the portion of the people which really governed was confined to their chief cities, because that portion alone was within the reach of the only existing sources of political intelligence. On the contrary, the great body of the people of the United States, dispersed over an immense region, to whose soil they are attached by the strongest ties, receive daily, in the tranquillity of retirement, from books, documents, legislative discussions, and the chronicles of passing events, that knowledge of the affairs of the Republic, which the Greeks and Romans received almost entirely from the occasional debates of their orators before the assemblies of the people. It is, therefore, extremely obvious that any inference unfavorable to the political capabilities of the American people, which can be drawn from the history of those republics, must be founded upon loose analogies, calculated rather to delude than to enlighten.

A comparison between the United States and the civilized nations of modern times, will lead to results equally flattering.

All the great political societies of modern Europe, having a feudal origin, are constructed upon feudal principles. A permanent inequality of property, maintained by law, and consecrated by usage, has naturally produced the extremes of a proud aristocracy and a degraded populace, without any intermediate power sufficient to control their irregular tendencies. In such a state of things, it is not difficult to conceive that a popular election of the Chief Executive Magistrate would throw the hostile elements of society into such violent collision as to involve in anarchy and ruin all that is sacred in the institutions of the country. But all the American communities which compose the United States, are essentially different, both in their origin and construction, from those of modern Europe. Our ancestors, in the full maturity of reason, with no consecrated errors to embarrass them, reared up, from its simplest elements, a system of practical freedom; and, from the first settlement of the country, every successive generation has been accustomed to exercise the functions of self-government, in every form, and in every variety of combinations. Nor are we less favorably distinguished in the composition of our social system, than in its origin.

The abolition of the laws of primogeniture has produced a general equality of property, and this again, together with the equality of civil and political privileges, has produced a general diffusion of knowledge, of which history furnishes no example. Almost the entire mass of our population corresponds, in character and situation, with what is denominated the middle interest in England, and which is justly considered, by her most enlightened statesmen, as the soundest part of her population. In extending the elective system in the United States, therefore, beyond all former precedents, we do nothing more than adapt our political to our social system. In fact, so widely different is our situation from that of any other nation, that it may be truly said that the people would be less liable to make an injudicious choice of a chief magistrate than of any other important officer of the Government. Such is the admirable distribution and subordination of political powers in our system, and such the variety

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of practical schools of preparation and trial through which a statesman must pass, before he can aspire, with any just or reasonable expectations of success, to the highest office in the Republic, that the qualifications and pretensions of the candidates can always be determined by the wisdom of their past measures, and the importance of their past services. As these are the only indications of wisdom upon which it would be safe to rely, in the selection of an officer of such vast responsibility and importance, it is satisfactory to reflect that they are indications, also, of so palpable a kind, that they cannot fail to make their just impression, both upon the intelligence and gratitude of an enlightened and patriotic people.

But another objection, of a kindred spirit with that which has been just considered, is frequently urged against the change proposed. It is said that the appointment of Electors by the people, would so directly involve the canvass for the Presidency itself, as to produce a degree of popular excitement subversive of the order and peace of society. The remarks already offered, in relation to the dispersion of our population, the peculiar structure of our society, and the general diffusion of intelligence, are sufficient, to show, that nothing in the experience of other countries can be regarded as a just foundation for such an apprehension. But, there are other views of the subject, which will lead us to the conclusion, that the tendency of the proposed change, upon which this object is founded, is one of its strongest recommendations.

The order of social virtues and social duties in the United States, is nearly the reverse of that which existed amongst the Greeks and Romans. In an ordinary state of things, when no great emergency calls for patriotic sacrifices, the duty which principally engrosses the feelings and the efforts of an American citizen, is to make provision for his comfortable subsistence, and to satisfy the claims of his family. Whereas, the first consideration of a Greek or a Roman citizen, both in peace and in war, was the glory of his country. Our tendency, therefore, is to give too exclusive an attention to private pursuits, and sink into indifference in relation to the general concerns of the Republic; while the tendency of the Greeks and Romans was to intermeddle perpetually in public affairs, to the neglect and detriment of their private concerns. Our danger, therefore, is too much popular apathy; theirs, was too much popular excitement. And though the state of things existing here, is more deeply founded in nature, and furnishes a more substantial basis for a durable and extended system of liberty, it certainly indicates the necessity of such Constitutional arrangements as will rouse the attention of the people to so great a national question as the election of a Chief Magistrate. No stronger evidence need be offered, of the existence of such a necessity, than the actual state of public opinion on that subject, at this moment, in many parts of the Union. The people have been so long accustomed to have no practical agency in the election of a President, that the idea is not uncommon, that they have nothing to do with it. As the inevitable tendency of this state of popular indifference, is to increase the power and influence of political managers and unprincipled combinations, it is of the last importance that it should be corrected, if possible. The committee are of the opinion, that the plan submitted will furnish the remedy.

But it yet remains that we inquire whether the peo-

ple should vote by a general ticket, or by districts. The committee will, therefore, proceed to state the considerations which have induced them to adopt the latter system. It was as evidently the intention of the framers of the Constitution, as it is the dictate of sound policy, that the President of the United States should be the choice of the people, and not of the States. It is true, they contemplated an infusion of the federal principle into the election, in the proportion of the Senators to the Representatives in Congress; and this proportion is retained in the plan proposed by the committee.

But, to extend the federal principle to the whole body of the Electors, would be nothing less than sacrificing the rights, the interests, and the power of the people, to the false and imaginary idol of State consolidation.

Assuming it as an undeniable position, that a majority of the people of the United States have a right to elect the President, and that the will of such majority ought to prevail, it can be demonstrated that the system of voting by a general ticket would render this fundamental principle of our Government the sport of accidental combinations. Six of the States, for example, if they give a unanimous vote, can elect the President. But, if they vote by a general ticket, the candidate who obtains a bare majority of the popular vote, receives the unanimous Electoral vote of the State. So that, assuming the population of the United States to be eight millions, a little more than two millions of the people might elect the President. Let us again suppose that there are two States, one containing nine hundred thousand people, and entitled to thirty Electoral votes, and the other containing eight hundred thousand people, and entitled to twenty-six Electoral votes. Let us further suppose, that there are two candidates for the Presidency, of whom one is supported by five hundred thousand of the people of the first supposed State, and the other by the remaining four hundred thousand, and the entire eight hundred thousand of the other State. Under these circumstances, the candidate who obtains the support of only five hundred thousand of the people, would receive thirty Electoral votes, while twelve hundred thousand people could give the opposing candidate only twenty-six! According to this system of false equations, a large minority of the people is precisely equal to no minority at all. By thus entirely excluding the State minorities from the calculation, in making up the general aggregate, the people are literally immolated, by hundreds of thousands, at the shrine of an artificial and delusive system, which, by making a majority equal to the whole in each State, gives a minority an equal chance for the ascendancy in the Union.

The true popular principle, in the opinion of the committee, is that which prevails in all other popular elections throughout the United States. In the election, for example, of the Governor of a State, by the people, a candidate does not count the unanimous vote of every county where he happens to obtain a majority, but the respective majorities of the several candidates are added to their respective minorities, and the aggregates thus produced are taken as the true expression of the popular will. If, then, in all that relates to the "common defence and general welfare," the people of the United States are really to be regarded as one people; if all the citizens of the Republic, whether their lot happens to be cast on the one side or the other of an imaginary line, are equally en-

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titled to their vote and their voice in the common concerns and common councils of the Union; if it be wise to exclude from those councils the peculiar and exclusive feelings of States; and if the man who is to preside over the common destinies of all, should have peculiar obligations to discharge, and peculiar feelings to indulge, towards none of the States; we are under the most solemn obligations to reject a plan for electing the President, which would array States against States in ambitious conflict for the mastery, and equally sacrifice the inalienable rights of the people, and the general harmony of the Union.

But there is another objection to the system of voting by a general ticket, which the committee consider unanswerable.

It is a practical proposition, conclusively established by the experience of all the States where the experiment has been made, that this system tends, by an inevitable necessity, to transfer into the hands of a few the power of controlling the entire suffrage of the State. In a State entitled to thirty Electors, and composed, perhaps, of fifty counties, it must be apparent that almost every county would vote for an entire ticket of its own; and that the popular will would be thus exposed to such distraction as completely to endanger its success, without some means of giving it concentration. And as the power of the individuals selected for this purpose must be co-extensive with the wills which it would be their objects to concentrate, it would follow, that they would virtually decide which of the Presidential candidates should receive the whole Electoral vote of the State. At the first commencement of such a system, when the persons clothed with the authority of uniting the popular will were really its representatives, no great evil would be experienced. But the slightest attention to the history of ambition, the tendency of power, or the lessons of our own experience, will convince us that such combinations change, in the natural course of things, from temporary expedients to permanent institutions; and that, from being the mere organs of the will of the people, they assume, under pretexts which ambition is seldom at a loss to devise, the power of dictating to the people.

In making these general remarks, the committee feel conscious that they are rather recording the history of the times in which they live, than their own speculations. And it is upon this high authority that they predicate the opinion, that, if the plan of voting by a general ticket were established, a central power would spring up in almost every State, consisting of the ruling politicians of the day, who would be bound to the people by no tie of regular responsibility, and be, in every respect, more liable to cabal, intrigue, and corruption, than the Legislature itself. And when we reflect that the entire Electoral vote of a State, upon which the Presidential election itself might turn, would frequently depend upon the integrity of a few men, perhaps of a single individual, it is difficult to conceive a state of things in which there would be stronger inducements, or greater facilities for intrigue and corruption. By dividing the States into districts, all these evils would be avoided. The will of the people would be fairly expressed. No political combinations would be necessary or practicable. Every district would, at least, have its own centre of operation, upon which corruption would be brought to bear with its inducements vastly diminished, and its consequences proportionably less to be dreaded.

The last branch of the resolution under which the committee are acting, remains to be considered.

They have found it impracticable absolutely to exclude the possibility of the election of President and Vice President devolving, in any event, upon Congress; but they believe, under the plan submitted, the contingency would not happen once in a century, upon which the election would devolve upon that body. They propose, in the event of no person receiving a majority of Electoral votes at the first balloting, that the Electors shall again meet, forthwith, in their respective States, and vote for the two persons having the highest number of votes in the first instance. This will almost invariably insure an election by the Electors at the second balloting. Indeed, it may be fairly presumed, that every candidate who is convinced he cannot be one of the two highest, in the first instance, will withdraw from the contest; and, in this manner, the probability of an election at the first balloting will be very much increased.

This branch of the amendment is recommended by all the reasons which can be urged against the election of the President by the House of Representatives. And these, in the opinion of the committee, are cogent and conclusive.

All history teaches us the melancholy truth that, in the election of a Chief Magistrate of a great Republic, intrigue and corruption, under the various and insidious disguises which they are capable of assuming, are the deleterious principles against which the precautions of human wisdom are least capable of providing an effectual resistance. The danger to be apprehended from these principles is in direct proportion to the temptation and the means of rendering them efficient instruments in promoting the views of ambition. And what prize can hold out more attractive temptations to the ambitious, than the Presidency of the United States? In pursuit of what object is even a virtuous mind so much exposed to the blandishing delusions of that wretched casuistry, which makes the end sanctify the means? And when we advert to the immense store of patronage which would be placed for distribution in the hands of the successful aspirant, it cannot be disguised, that he would have precisely those means of tampering with the members of the House of Representatives, by which the wages of wickedness might be received in the disguise of virtue's recompense; and the wretch who sold his integrity, might almost delude himself into the belief that he was serving his country. It is exceedingly unpleasant to indulge the idea, that the representatives of a virtuous and enlightened people could ever be swerved from any duty by selfish or sinister views; but we have the authority of more than human wisdom for saying, "lead us not into temptation." It is therefore the deliberate opinion of the committee, that the only effectual mode of preserving our Government from the corruptions which have undermined the liberty of so many other nations, "is to confide the election of our Chief Executive Magistrate to those who are farthest removed from the influence of his patronage."

As long as the National Legislature continues to have so direct an agency in the election of the President, even excluding the supposition of corrupt influence, the most injurious effect must be produced upon the character of its members and the temper of its deliberations. The Legislators of the Union will be converted into partisans of the respective candidates for the

Presidency; their mutual criminations will unavoidably distract and embarrass the essential business of the country; and, instead of devoting themselves, exclusively, to the great objects of their legislative trust, their time will be engrossed in holding consultations and projecting devices, for the purpose of controlling public opinion on the Presidential election; and it would but too certainly result, that principles would be sacrificed to men.

It may be fairly assumed, that, until the Constitution is amended, the President of the United States will, in general, be elected virtually by Congress in one form or another. Without intending to blend the consideration of temporary questions and passing events with the general views here presented, the committee will be excused for adverting to the fact, that the eventual choice of the President by the House of Representatives, in a mode which makes a single member from one State equal to thirty-six from another, will always furnish an argument, or a pretext, for those preliminary combinations, which all admit to be evils in themselves, and only to be excused as the means of avoiding greater evils. In this manner, we are not only exposed to the contingent evil, growing out of the Constitution itself, but the certain evil of combinations for the avowed purpose of avoiding it. Congress will not only have the power of choosing a President from the three persons who shall receive the largest number of electoral votes, but will have a plausible argument in favor of nominating a President, before the electoral vote has furnished them with any certain indication of popular opinion, to direct their choice and limit the extent of their discretion.

It cannot be disguised, therefore, that the tendency of the state of things now existing under the Constitution, is to convert Congress into a permanent electoral body. Under these circumstances, the candidates for the Presidency, instead of devoting themselves to the service of the country, by measures calculated to promote the welfare and secure the confidence of the people, will be tempted to devote themselves to those arts of conciliation and management, by which the members of Congress may be most effectually secured in their interest. The ultimate consequence would be, that our Chief Magistrates would be elected by cabals of politicians, having views and interests alien from those of the people, and that the country would be governed by a succession of factions, each proscribing the members and destroying the work of the one which preceded it, and communicating to the operations of our system all the unsteadiness of a turbulent democracy, and all the tyranny of a temporary despotism.

The committee, therefore, believe, that the only effectual mode of rendering the Government efficient and steady in its operations, and at the same time consistent with the security of the general liberty, is to infuse more of the Democratic principle into the election of the President, making him, in fact, as he is in theory, the choice of the people.

Having thus attempted to show, they trust not altogether without success, that the rights and interests of the people imperiously demand that the proposed amendment should be adopted, the committee will offer a few concluding remarks upon the manner in which the States will be relatively affected by it.

It may be justly doubted whether, on such a question as the present, the States, as separate communi-

ties, can have any interest different from that of the people of the States, considered merely as portions of the common mass of our general population. But, as it is not to be expected that one class of States will surrender, without an equivalent, the relative power secured to them by the Constitution, the committee have endeavored to introduce into their plan such principles of compromise as will be most likely to secure a general acquiescence.

The division of all the States into districts will prevent them from moving in consolidated masses, and will diminish the relative power of the large States more than that of the small States; but for this there is an ample and equitable equivalent, in the diminished probability that the election of the President will come into Congress, and in the surrender by the small States, of their equal power, even when that contingency shall happen. This compromise is forcibly recommended by the consideration that the powers given up, both by the large and the small States, are powers which they ought not in justice to possess, and which are not transferred from one to another, but surrendered by both to the people.

As it is obvious that neither the large nor the small States ever will consent, or perhaps ever ought to consent, to correct the great and increasing evils of our present system, without mutual equivalents, similar to those provided in the plan submitted by the committee, the question for both to determine is, whether they will submit to the existing evils, great as they are, by the admission of all, or magnanimously offer up, on the altar of their common country, powers which are neither consistent with the rights of the people, the purity of the Government, or the harmony of the Union.

Resolved, &c. That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths thereof, shall be valid, to all intents and purposes, as a part of the said Constitution:

"For the purpose of choosing a President and Vice President of the United States, each State shall be divided by the Legislature thereof into so many districts as the State shall be entitled to Representatives in Congress, and each district shall be composed of contiguous or coterminous territory, and contain as nearly as may be conveniently the number of persons for whom the State is entitled to a Representative according to the apportionment; which districts, when laid off, may not be altered until after another census shall have been taken. The inhabitants of each of the said districts, who shall have the qualifications requisite for electors of the most numerous branch of the State Legislature, shall appoint one Elector of President and Vice President, having the same qualifications. The Electors appointed shall meet in their respective States, and appoint the two other Electors to which the State is entitled, and also fill up vacancies, if such there shall be, from death, sickness, inability, or non-attendance, of electors appointed by the people. The whole number of Electors of each State shall then vote, by ballot, for the President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and, in distinct ballots, the person voted for as Vice President; and they shall make lists of all persons voted for as President, and of all persons voted for as Vice President, showing the number of votes given for each, which lists they shall sign and certify, and trans-

mit, sealed up, to the Seat of the Government of the United States, directed to the President of the Senate, who, on receiving the same, shall call a joint meeting of the Senate and House of Representatives, in which he shall preside. He shall, in the presence of such joint meeting, open all the certificates, and the votes shall be counted. If any person shall have the votes of a majority of the whole number of Electors appointed, he shall be the President; and if no person shall have the votes of such majority, the President of the Senate shall, by proclamation, and by notification to the Executive of each State, as also to each of the Electors appointed, declare the fact, that no person is chosen President, and the names of the persons having the two highest numbers of votes. The Electors shall thereupon meet again in their respective States, fill up vacancies in their body, if any shall have occurred, from death, sickness, inability, or failure to attend, of any of the Electors previously appointed, and shall then proceed to vote for one of the persons, as President, who, at the first meeting, had one of the two highest numbers of votes of all the Electors; they shall make and transmit, as already prescribed, lists of the persons voted for at the second meeting, which shall be counted in like manner as the votes given at the first meeting; if, on counting the votes given by the Electors of such second meeting, it shall appear that one of the persons who had one of the two highest numbers of the votes given at the first meeting, has a majority of the votes of all the Electors given at the second meeting, he shall be the President; and if no person has such majority, the members of the Senate and House of Representatives, in joint meeting, shall, without separating, voting individually, and not by States, choose the President, in manner following: a majority of the whole number of Senators and Representatives present, and voting, being necessary to a choice; if there be two or more persons, each of whom have the highest number of Electoral votes, given at the second meeting, each one of them shall be chosen; if there be only one person having the highest number of Electoral votes, less than a majority, one of the persons who have one of the two highest numbers of votes shall be chosen; whenever more than two persons shall be eligible by the joint meeting, and no choice shall be made on the first ballot, the number shall be reduced, by dropping those who shall receive the smallest number of votes, until no more than two remain, one of whom shall be chosen; if two persons shall receive an equal number of votes, being each one moiety of the whole number given, he who had the highest number of Electoral votes, given at the second meeting, shall be the President; and if they had an equal number of votes at such second meeting, he who had the highest number of Electoral votes given at the first meeting, shall be the President; and if they had an equal number of Electoral votes, given at the first meeting also, then the Senators and Representatives shall ballot until one of them is chosen.

"The person having the highest number of votes as Vice President, given at the first meeting of the Electors, shall be the Vice President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, and a President shall not have been chosen at such first meeting, the same proceedings shall be had for the choice of a Vice President as are prescribed for the choice of a President; but if, at the first meeting of the Electors, a

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President shall have been chosen, and a Vice President shall not have been chosen, then, from the persons having the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; and a majority of the number present, and voting, shall be necessary to a choice.

"The Congress may, by law, fix the day for appointing Electors for President and Vice President, and the days for giving their votes the first and second time, which days shall be the same throughout the United States; and the day for giving their votes the first time, shall be not less than ten, nor more than twenty days from the day fixed for the appointment of Electors.

"The Legislature of each State shall have power to appoint the places of holding elections for the appointment of Electors, to prescribe the manner of voting, and to provide for the appointment of proper persons to conduct such elections, with authority to declare, definitively, the result thereof; but the Congress may, by law, make or alter such regulations, and may also lay off into districts, for appointing Electors, any State, the Legislature whereof shall have failed to lay off the same as herein directed."

Mr. McDUFFIE, from the same committee, also reported a joint resolution, proposing an amendment to the Constitution of the United States, as respects the election of members of the House of Representatives; which resolution was read twice, and committed to the Committee of the Whole House on the state of the Union. The resolution is as follows:

Resolved, &c. That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths thereof, shall be part of said Constitution:

"For the purpose of electing representatives in Congress, each State shall be divided, by the Legislature thereof, into as many districts as will equal the number of Representatives to which such State may be entitled in Congress, and each district shall be composed of contiguous or coterminous territory, and contain, as nearly as may be conveniently, the number of persons which entitles the State to a representative in Congress, according to the apportionment; which districts, when laid off, shall not be altered until after another census shall be taken. Each of the said districts shall elect one Representative to Congress, and the times, places, and manner, of holding the elections in the said districts shall be prescribed by the Legislatures of the States respectively; but the Congress may, at any time, by law, make or alter such regulations."

TUESDAY, December 23.

Another member, to wit: from Virginia, JOHN FLOYD, appeared, was qualified, and took his seat.

Mr. COBB presented a petition of Peter L. Jackson, of the State of Georgia, setting forth that he is a native of England, and arrived in the United States in the year 1802, a minor; that he has not been naturalized according to the laws on that subject; but that, having arrived a minor; having grown into manhood; having married a native American woman, and raised a family of children;

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and having, in the late war with Great Britain, repeatedly performed military duty; and, subsequently, been repeatedly appointed to office by the Executive and by the people of Georgia, he ever considered himself a citizen of the United States: but that, owing to information lodged by some evil disposed persons, he has been, recently, ejected from a civil office, to which he was elected by the people of Putnam county, in Georgia, in consequence of its being decided by a judicial tribunal that he is not a citizen of the United States; and praying that a special act may be passed, admitting him, forthwith, to the rights of a citizen of the United States; which petition was referred to the Committee on the Judiciary.

Mr. OWEN presented a petition of Thomas F. Townley, on behalf of himself and the other heirs at law of the late Don Miguel Eslava, praying that all right of the United States to certain tracts of land granted by the late Spanish government of Louisiana to their ancestor, may be relinquished to the petitioners; which petition was referred to the Committee on Private Land Claims.

Mr. WEBSTER, from the Committee on the Judiciary, to whom the subject was referred, reported a bill to repeal in part an act, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned;" which was read twice, and committed to a Committee of the Whole.

Mr. WEBSTER, from the same committee, who were also instructed to inquire into the expediency of allowing costs in certain suits concerning the rights of patentees, reported a bill concerning costs in certain cases; which was read twice, and committed to the Committee of the whole House to which is committed the bill last mentioned.

Mr. WEBSTER, from the Committee on the Judiciary, asked to be discharged from the consideration of the petition of sundry inhabitants of Pembina, or Lord Selkirk's settlement, on Red river of Hudson Bay, on the ground that there was nothing in their petition upon which the Judiciary Committee could act; which motion was agreed to.

Mr. NEWTON, from the Committee on Commerce, reported a bill for the relief of William Bartlett and John Stearns, owners of the schooner Angler; and Nathaniel Carver, owner of the schooner Harmony, and others; which bill was read twice, and committed to a Committee of the Whole.

Mr. CAMPBELL, of Ohio, from the Committee on private Land Claims, made a report on the petition of John Jenkins, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. CAMPBELL, from the same committee, made a report on the petition of William Kendall, accompanied by a bill for his relief; which bill was read twice, and committed to the Committee of the whole House to which is committed the bill last mentioned.

On motion of Mr. PLUMER, of New Hampshire, the Committee on the Judiciary were instructed to inquire into the expediency of providing, by law,

for compelling the attendance of witnesses before commissioners named in commissions issued by the courts of the United States, for taking evidence in other districts of the United States than those where the courts are held: And, also, into the expediency of establishing, by law, a mode of taking evidence in equity cases depending in the courts of the United States.

Mr. LITTLE, from the Committee on Pensions and Revolutionary Claims, reported a bill for the relief of Sarah Chitwood; which was read twice, and committed to a Committee of the Whole.

A Message was received from the PRESIDENT OF THE UNITED STATES, which is as follows:

To the House of Representatives of the United States:

I herewith transmit to Congress a statement, by William Lambert, explanatory of his astronomical calculations, which were made with a view to establish the longitude of the Capitol.

JAMES MONROE.

WASHINGTON, December 23, 1823.

The Message was read, and, with the accompanying documents, referred to the Joint Library Committee.

Mr. MALLARY laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to lay before this House such information as he may possess, (which may be disclosed without injury to the public good,) relative to the determination of any sovereign, or combinations of sovereigns, to assist Spain in the subjugation of her late colonies on the American continent; and whether any Government of Europe is disposed or determined to oppose any aid or assistance which such sovereign, or combination of sovereigns, may afford to Spain for the subjugation of her late colonies above mentioned.

IMPRISONMENT FOR DEBT.

Mr. WEBSTER, from the Committee on the Judiciary, to whom was referred the bill from the Senate supplementary to the act "for the relief of persons imprisoned for debt," reported the same, with an amendment, changing the whole tenor of the bill.

Mr. WEBSTER explained the grounds on which the Committee on the Judiciary had proposed this amendment. The act of 1800, he said, provided that the oath, in the case of insolvent debtors, should be administered by the district judge; but, if he resides more than twenty miles from the place of imprisonment, then the oath may be administered by a commissioner, to be appointed by the district judge. The bill from the Senate proposes to provide, further, that, where a citation has been issued, in case of absence or inability of the judge, &c., the oath may be administered by a commissioner, according to the mode prescribed by the act of 1800. The committee of this House, on examining the subject, thought it better to provide that in all cases the required oath may be administered by a Judge of the Supreme Court, the district judge of the district in which he resides, or by any commissioner appointed by either of them. In the shape in which the bill came from the Sen-

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ate, it would not afford a remedy, it was believed, in the very case which gave rise to it.

The House concurred in the amendment reported by the committee; and, thus amended, the bill was ordered to a third reading.

LIGHTHOUSES, BEACONS, &c.

The resolutions submitted yesterday by Mr. LIVINGSTON, calling on the Secretary of the Treasury for information respecting lighthouses and beacons, on the Bahama banks and coast of Florida, and requesting that the President may negotiate for the cession of so much land on Abaco as is necessary for the erection of a lighthouse, were taken up.

In supporting the resolutions, Mr. LIVINGSTON observed, in relation to the first of them, that he was well aware that measures had already been taken by Government, preparatory to the erection of lighthouses on two of the points referred to, viz: on the Dry Tortugas, and at or near Cape Florida. But, although the necessary surveys were nearly completed, much time must unavoidably elapse before a report of the proceedings could be laid before the department to which they appertained; and, in the meanwhile, sufficient information might be laid before Congress to authorize them to act upon the subject, so that the Secretary of the Treasury could advertise, the ensuing season, for contracts for erecting the several works contemplated in the resolutions. Those works, Mr. L. said, were of pressing necessity. The navigation of the seas, over and within the vicinity of the Bahama banks, was exposed to very great danger, and had already suffered much from shipwrecks. Not to mention the losses which had thus occurred to vessels in the merchant service, the United States had suffered, in wrecks of her public armed vessels in those seas, more than would have sufficed to cover the expense of the entire system of measures proposed in these resolutions.

The second resolution he conceived to be necessary for making the navigation of the Bahama channel, both ways, secure. Ships were continually passing over the Bahama banks, where the water was shallow, and the neighboring land very low; in consequence of which, they were imminently exposed to shipwreck. The wrecks on Abaco alone would, he said, amount to an immense sum. A lighthouse on that island, at or near the site of the Hole in the Wall, would greatly, if not entirely, remove the danger which now existed, and render navigation safe. But, for the erection of such lighthouse, previous negotiation would be necessary, in order to obtain the ground on which to build it. Of the success of such negotiation, there could be no doubt. The British Government had no interest hostile to such a measure; but, on the contrary, they were interested in its favor, for the same reason with ourselves, although not to the same extent. Besides the spots on which lighthouses were erected, there were others which ought to be designated by buoys.

The third resolution, Mr. L. said, was intended

to obtain information in respect to a class of islets, concerning the true jurisdiction of which he confessed himself to be ignorant; he meant those small rocky islands which are separated from the Bahama bank by deep channels, and therefore might possibly be considered as not included in the British jurisdiction, which confessedly extends over the bank itself. If, on investigation, it should appear that these islets do belong to Great Britain, then they would be included in the range of the second resolution, which relates to the cession of the requisite territory for lighthouses and beacons. But if, on the contrary, it should be ascertained that they are not British territory, then a question would arise, whether they were not liable to become ours by right of occupancy. They would afford temptations to occupancy for no other purpose than that proposed in the resolution. They contain, in general, no soil, being little more than bare rocks washed by the sea, yet are of such formation as to admit of the placing of buoys and beacons upon them for the warning and direction of the mariner, &c.

The question was then taken on the resolutions of Mr. LIVINGSTON, and they were agreed to, without opposition.

The resolution yesterday offered by Mr. HERICK, calling for detailed information respecting the extent of post routes, amount of postages, &c., was called up and adopted.

COMMERCE WITH GREECE, &c.

The resolution submitted yesterday by Mr. BRECK, calling on the Secretary of the Treasury for the amount of exports and imports to and from Greece, Asia Minor, and Egypt, from 1820 to 1822, with the duties on these imports, was next taken up.

Mr. BRECK, in explaining the object of the resolution now before the House, said that it was obviously necessary, before we entered into any measure, such as that proposed by a resolution now before the House respecting a mission to Greece, which might be deemed by the Turkish Government a measure of a hostile character, that we should fully understand the amount of the trade, which we might, in consequence of such hostility, be obliged to relinquish, as well as the probable amount of revenue to arise out of the trade we may, in consequence, gain. With this view, the resolution calls for distinct statements of the amount and value of imports and exports from and to the countries now under the control of the Turkish Government, and from those possessed by the Greeks in arms.

Mr. NEWTON (Chairman of the Committee of Commerce) observed, that he was always in favor of obtaining information; but, in the present case, if the gentleman who had moved this resolution would turn to the documents already before this House, he would there find all the information he seeks. The exports and imports of the United States to every part of the world are there distinctly stated. In the annual report of last year, the exports of the year ending September 1822, to Africa, are stated to amount to \$115,544

and the exports to \$141,378. A report of this description is made every year; and that for the present year will soon be before the House. Mr. N. thought, therefore, that, as the officers of Government have so much to do already, it was a pity to burden them with labors of supererogation.

Mr. BRECK replied.—From the remarks of the honorable gentleman, he was persuaded he had been misunderstood. The object he wished to get at was a statement of the commerce of this country to Greece, to Smyrna, and to Egypt, separately. That to Greece would be included in the tables relating to Europe, and that to Smyrna in those of Asia; so that the statement of the gentleman respecting our trade to Africa did not reach the case he aimed at. Besides, it would be a matter of much labor to pick out of the general statements from the Treasury the information he wanted. One gentleman would state it at one amount and another at another, but a clerk in the office could do all he wished to have done in half an hour, and then the statement would be clear and intelligible to all. Then the House would be able to see, at a glance, what we must lose by a quarrel with the Turks, and what we are likely to gain by it, even should the Greeks succeed in establishing their independence.

Mr. CAMBRELENG said he was not disposed, any more than the gentleman from Virginia, to object, in general, to inquiries for information—but he really thought that now proposed unnecessary. The information, said Mr. C., which the gentleman seems to desire, may be reached by consulting a single line of the documents from the Treasury. For we have no trade to Egypt, of any kind, nor any direct trade with the Archipelago. All our direct trade is with Smyrna, at least all contracts are made there, &c. Even the oil and wine we obtain from Greece we get through Smyrna. All, therefore, that the Secretary of the Treasury can give, in answer to this call, will be simply a statement of the exports and imports to Smyrna.

Mr. NEWTON made a few further observations to the same import as those already reported.

Mr. WEBSTER said that he had no objection to the call for information, if the gentleman wished it—but the gentleman had mistaken the purport of the motion he had formerly made on the subject of the Greeks, if he conceived that the scope of that resolution was such as to produce a quarrel with the Turkish Government. His object in rising now, was to state, that he had submitted no resolution which, in his judgment, would lead to any such thing—and he wished to prevent any such impression from going abroad as that his resolution was a declaration of war against the Turks. No doubt the United States had a valuable commerce with Smyrna—but so they had in the ports of Spain, when similar inquiries, with respect to that country, were made in Congress. There was no jeopardy of our commerce implied in either case. The object of my resolution, said Mr. W., is simply an authorized inquiry into facts. With these remarks, he said, he had no objection to the resolution now before the House.

Mr. WOOD, of New York, in support of the

resolution, observed that its object was not to obtain the amount of the commerce to Smyrna, but that to the Peloponnesus, to Greece, to "Greece in arms." The tables to which gentlemen had referred the mover, did not discriminate Greece proper from the Greeks in Asia Minor. The seat of the contest between the Greeks and the Turks was Greece proper—and the resolution asked the amount of our trade to this part of Greece, that we might be able to form some estimate what we should gain, as well as what we should lose, by any measure that might go to involve us in any degree in their controversy.

Mr. STORRS said, that to him it appeared that the obtaining of the information sought for by the resolution, was, in the nature of the case, impracticable. There is none to be obtained on which we can practically rely. He would submit to the honorable gentleman himself, who had moved the resolution, whether it was possible to get the distinct facts he wished to obtain. From whence were they to be had in any authentic form? And if they could be got at all, they must come too late in the session to bear on the discussion contemplated. All that was useful to the House was to be found in the statistical table which had been referred to. The motion did not propose to call for any statements since 1822. What is asked for, was the amount of our commerce to Greece and the Levant, previous to that time, and that was already in the possession of the House.

Mr. WOOD, in further explanation, said, that the object of the resolution proposed by Mr. WEBSTER, and now laying on the table, was to form a basis for intercourse with Greece, either political or commercial. If a political intercourse was the object, he did not want the information now called for; but he took it for granted that the great object aimed at, and the sole one consistent with prudence, was a commercial intercourse. Then, before we incurred the expense of an Ambassador or Plenipotentiary, or other public agency, it was first proper to ascertain whether the productions of that country were so valuable, or its consumption so extensive, as to make it an object worthy of the expense of the proposed mission.

Mr. CAMBRELENG said, that he was sorry again to trouble the House, but he felt persuaded that he was himself able to give the gentleman all the information he aimed at, without troubling the Department for it. To Greece proper, that is, to Macedonia, the Peloponnesus, and Thrace, we have not now, and never have had, any direct trade at all. All we had, of any kind, with Greece, was through Smyrna, on the one side, or Trieste on the other. A call, therefore, for a statement of our commerce to Greece proper, would certainly produce no result.

Mr. BRECK explained.—He never had intended to insinuate that the resolution of the honorable member from Massachusetts was intended to lead to hostilities with the Turks—all he said was, that the Turks might choose to view it as a hostile measure, for which it was proper we should be prepared. The gentleman from New York had said that we have no direct trade whatever with

Greece proper. How was this to be reconciled with the fact stated by Mr. Hobhouse, in his late account of his travels in that country, that the United States have a Consul at Patras, an important port in the Morea? However, since the gentleman had kindly offered to furnish the information at which he aimed by the resolution, he would forbear to press it for the present.

On motion of Mr. BRECK, his resolution was then ordered to lie on the table.

ADJUSTMENT OF LAND CLAIMS.

Mr. COOK, of Illinois, offered the following resolution for consideration:

Resolved, That a committee be appointed to inquire into the expediency of reporting a bill to provide for the appointment of a board of commissioners to examine and adjust all claims to land by individuals against the United States, where such claims depend on titles derived either from any law of the United States, or act of any foreign Governments, and which have been granted to the United States by virtue of any treaty or compact with such foreign Governments.

In offering this resolution,

Mr. COOK said that something more than four years experience in the House had led him to the conclusion, that much of the time of the House might be saved by the establishment of a tribunal of the description which he proposed, and much of the money of the people, too, the expenditure of which is caused by the protracted sessions of Congress. It had long been a desirable object to take from this House a great portion of the labor which grows out of the investigation of these claims. It was impossible, indeed, from the nature of things, that the House could thoroughly understand and correctly decide upon the vast number of claims which are continually presented for their consideration. His object, then, was, that some plan should be presented to the House, the details of which might become a subject of consideration after the bill was reported. He adverted to the fact, that more than a million of acres of land are reserved from sale for the purpose of satisfying such claims as should be found admissible, which claims have been kept in suspense, some of them for nearly a quarter of a century, and all of them too long. Injustice was thus done to the Government, by keeping up the land from sale, or to the individuals who claim it by withholding from them their right. A board of commissioners, if established, might either pass upon the claims definitely, or collect evidence, and digest and report it to Congress, with their opinion thereupon. More justice would in this manner be done, as well as much time be saved. For the last four years it had been seen that many measures of national importance had been entirely passed over, for the want of time on the part of the House to act upon them. In consequence of the time occupied by the discussion of land claims, in which members felt, for their constituents, a deep interest, the great subject of manufactures, for example, among many others, had been tossed aside, or permitted to slumber on the tables.

It was to endeavor to provide a remedy for this crying evil, that he had proposed this resolution.

Mr. FOOT, of Connecticut, moved to lay the resolution on the table. Negatived, seventy-five to sixty-five.

Mr. FOOT said his object in this motion was to avoid a discussion, off-hand, on this proposition, which, being affirmative, could not be expected to pass without a discussion of the principle which was involved in it.

Mr. COOK said it was by no means his object to invite discussion, or to consume any considerable portion of the time of the House. He had offered it from a firm conviction that there was a disposition, on the part of this House, to resort to some plan to abridge the labor to which it is now subjected. The resolution presented to the House no question but that of the expediency of having a plan presented for its consideration, which was all that the select committee would have to do. It was not his wish to bring on a discussion now, of the principle which the plan would involve.

Mr. CONDUCT moved to amend the resolution so as to inquire into the expediency of reporting a plan, &c.

Mr. COOK accepted this amendment as a modification of his motion. He said it would probably answer his purpose as well as his original motion.

Mr. WILLIAMS, of North Carolina, moved to amend the resolution, so as to direct the Committee on the Public Lands, instead of a select committee, to inquire into the subject.

Mr. COOK said he had as much disposition as any one to refer to the standing committees of the House the things which come properly within the sphere of their duties. But the Committee on the Public Lands was already overwhelmed with business. There were persons not on any committee, who might be very usefully employed in the investigation of this subject. He referred particularly to the distinguished gentleman from Louisiana, (Mr. LIVINGSTON,) whose talents and experience would be of important service in the discussion of the subject, &c.

Mr. WILLIAMS said, that the reason which induced him to move the amendment was a very obvious one. The gentlemen who composed the Committee on the Public Lands were presumed to be acquainted with the subject of land claims, more than other members, and there was a propriety in any general measure on that subject emanating from that committee.

Mr. BRENT supported the amendment. The resolution required the committee to inquire into the expediency of the plan proposed. To do this, it was necessary that they should be acquainted with the claims preferred, and the state of them severally. For another committee to acquire this knowledge, would necessarily consume much time; which, in the other case, would be saved. The intimate knowledge, too, possessed by the standing committee, would enable them, when they reported on the plan, to accompany and support their opinion, whether favorable or otherwise to the measure, with full and satisfactory reasons.

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Mr. RANKIN rose to propose a modification of the motion of Mr. WILLIAMS. Though not courting the reference of business to the Committee on Public Lands, he was willing, as one of that committee, to take upon himself the responsibility which properly belonged to that committee, and he thought the Committee of Public Lands would be probably as competent to the due examination of this subject as any committee which could be selected. The amendment which he was about to propose, Mr. R. said, would go further than that of the gentleman from North Carolina. The gentleman from Illinois, it appeared to him, had not well explored his ground. His proposition went to the appointment of commissioners to decide on claims. But, Mr. R. said, other plans had been heretofore suggested for a decision of these claims. One of them proposed to refer the adjudication of them to the Secretary of the Treasury; another to the district courts of the United States in the respective districts; and a variety of plans had been proposed, which might be equally proper with the one suggested by the gentleman from Illinois. This, however, was not the only objection to the shape into which the gentleman from Illinois had thrown his motion. The House would find, upon examination, that the resolve would include all land claims that had ever existed from the beginning of the Government, thus opening anew the whole field of legislation on that subject. In anticipation of something of this kind being proposed, Mr. R. said, he had prepared a resolution which he intended to offer by way of amendment. It was, he admitted, very important to the Government, and to individuals, that some final decision should be had on this subject. Whatever were the merits of the claims, they ought to be settled. He should, therefore, move an amendment which went to refer the subject to the Committee on Public Lands, with greater latitude for inquiry than the resolution as it stands would allow to them.

Mr. WILLIAMS withdrew his motion, to make way for Mr. RANKIN's; when

The SPEAKER proceeded to the orders of the day, which supersedes, for the present day, the further discussion of original motions.

The engrossed bill for the relief of Jeremiah Manning, and the engrossed bill for the relief of Thomas W. Bacot, were then severally read a third time, passed, and sent to the Senate for concurrence. And the House adjourned.

WEDNESDAY, December 24.

Mr. CASSEDY presented a petition of sundry citizens of New Jersey, engaged in the manufacture of duck and cotton bagging, praying that additional duties may be imposed on duck and all coarse cloths manufactured from hemp, tow, and flax, which may hereafter be imported into the United States; which petition was referred to the Committee on Manufactures.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, made a report on the petition of sundry distillers of Berks county, in

the State of Pennsylvania, accompanied by a bill for the relief of said distillers; which bill was read twice, and committed to a Committee of the Whole.

Mr. McL., from the same committee, to which the subject was referred, reported a bill making provision for a private secretary for the President of the United States; which bill was read twice, and committed to a Committee of the Whole.

Mr. RANKIN, from the Committee on Public Lands, to whom was referred the bill making provision for the correction of errors in the entry of lands at the land offices, reported the bill with an amendment, by which the whole of the former bill, after the enacting clause, was stricken out, and a new bill substituted.

The bill was read, as amended, and referred.

Mr. R., from the same committee, to whom was referred the memorial of the Legislature of the Territory of Arkansas, praying for land for the sites of certain public buildings, reported a bill granting to the Territory of Arkansas the right of pre-emption to certain quarter sections of land; which was twice read, and committed.

Mr. COCKE, from the Committee on Indian Affairs, reported a bill appropriating a certain sum of money to Benjamin Huffman, of the State of Indiana; which bill was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, reported a bill for the relief of Samuel Wharton; which was read twice, and committed to a Committee of the Whole.

Mr. HEMPHILL, from the Committee on Roads and Canals, to which the subject was referred, reported a bill to authorize the surveying and making a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas; which was read, and committed to a Committee of the Whole.

Mr. H., from the same committee, to whom the subject was also referred, reported a bill to authorize the laying out and opening certain public roads in the Territory of Florida; which was read, and committed to a Committee of the Whole.

The SPEAKER laid before the House a report from the Postmaster General, in obedience to the resolution of the 16th instant upon the subject of "distributing post offices;" which was read, and referred to the Committee on the Post Office and Post Roads.

The SPEAKER also laid before the House a report from the Secretary of State, made in obedience to the resolution of the 8th instant, calling on him for information respecting sick and disabled American seamen, who may have been provided for in the infirmary or hospital, at Liverpool, in England, under the direction of the American Consul at that place; which report was laid on the table.

The SPEAKER also laid before the House a report of the Secretary of War, on the petition of George Burton; which was referred to the Committee on Pensions and Revolutionary Claims.

On motion of Mr. GURLEY, the Committee on the Public Lands were directed to inquire into

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the expediency of increasing the salary of the register and receiver of the land office at St. Helena Courthouse, in the State of Louisiana.

On motion of Mr. FRANCIS JOHNSON, the Committee on the Judiciary were instructed to inquire into the expediency of establishing a judicial district in Kentucky, on the south of Green river.

Mr. LIVINGSTON submitted the following resolution:

Resolved, That provision ought to be made by law for increasing the establishment of the Military Academy at West Point, so as to admit five hundred cadets as students in the same; and that the committee on that part of the President's Message which relates to the Military Academy, be directed to prepare and bring in a bill accordingly.

The resolution, on motion of Mr. L., was laid on the table.

On motion of Mr. MCARTHUR, the Committee on the Judiciary were instructed to inquire into the expediency of providing a more adequate punishment than is provided by the existing laws, for postmasters and other persons employed in the management or transportation of the mail, who may be guilty of robbing the same.

The bill from the Senate entitled "An act supplementary to 'An act entitled an act for the relief of persons imprisoned for debt,'" was read the third time, and passed as amended.

The House went into Committee of the Whole on the bill for the relief of Brintnell Robbins, (for loss in a contract for building boats at Pittsburgh, to be delivered at Cleveland, in Ohio.) The bill was reported without amendment, and ordered to be engrossed for a third reading.

The House went into Committee of the Whole on the bill for the relief of Loudon Case. Mr. RICH, from the Committee of Claims, having explained the circumstances of this claim, the bill was reported without amendment, and ordered to be engrossed for a third reading.

PARTRIDGE'S MILITARY ACADEMY.

On motion of Mr. BUCK, it was

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of authorizing the Secretary of War to permit the issue of ammunition to Captain Alden Partridge, Superintendent of the American Literary, Scientific, and Military Academy, for the improvement of the pupils of said Academy in practical gunnery.

Mr. BUCK said, that, before the question was taken, he wished to explain to the House the object aimed at by the resolution. It was a motion for inquiry merely. The motion proposes to instruct the Committee on Military Affairs to inquire into the expediency of issuing such ammunition as might be necessary for improving the young men who were students under Captain Partridge, in the practical part of the art of gunnery, and other military science connected with it.

The high reputation of Captain Partridge could not but be well known to the members of this House. He had formally superintended the military school at West Point, and he had since set up a similar institution in the State of Vermont.

It was conceded by all that this institution was of great utility. It operated as a powerful auxiliary to the progress of military science in our country. There were at present in it one hundred and fifteen young gentlemen, who received instruction in the various branches of military education, all which were taught with acknowledged ability. But it was not to be expected that the resources of an individual could provide for the expenses of practical, as well as theoretical instruction. All that he asked, in order to perfect this department of the Academy, was the issue, at the expense of Government, of so much ammunition as was requisite for practising the students in the use of fire-arms, and in the application of the principles of gunnery. The quantity was left wholly to the discretion of the committee, and could not be large. The Government, Mr. B., observed, has not only a general interest in this institution, as one eminently promoting the improvement of military science; but a particular and direct interest in it, arising from the fact, that many of the students at this moment receiving its benefits were officers in the United States Army.*

Mr. HAMILTON supported the resolution. He hoped that the inquiry for which it asked would not be precluded. He was acquainted with the high character and eminent attainments of Capt. Partridge; he did not doubt they were generally known and acknowledged by this House. They had drawn the public notice to the Seminary over which he presided. For himself, he felt certain, that, whatever labor might arise in making the inquiry, would be willingly undertaken by the Committee on Military Affairs, of which he had the honor to be a member. He did not mean by this remark to be understood as expressing any opinion, or giving any pledge as to what opinion the committee might express, as the result of the inquiry, or what Congress might conclude to do on the subject; but he thought the inquiry proposed was due to a Seminary which formed a powerful auxiliary to that at West Point, &c.

The motion of Mr. BUCK was then agreed to.

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Messrs. GALES & SEATON,

Gentlemen: In your report of the few remarks I had the honor to address to the House of Representatives, in support of my motion, on the 24th instant, there are two mistakes, which it may be important to have corrected. The first is in relation to the number of Cadets in Captain Partridge's Academy, which is stated at one hundred and fifteen. The true number is one hundred and fifty-five. The second error is in the statement that there are officers of the Army who are members of the above mentioned institution. There are several gentlemen holding appointments in the Navy who are members of the Academy, and some gentlemen who contemplate procuring appointments in the Army, but none, to my knowledge, who have already procured commissions in the Army. Will you have the goodness to correct the mistakes above mentioned, and oblige yours, respectfully,

D. A. A. BUCK.

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South American Colonies—Naval Pensions.

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SOUTH AMERICAN COLONIES.

The resolution yesterday offered by Mr. MALLARY, calling on the President for any information he may possess (and which may be disclosed without injury to the public good) relative to the determination of any sovereign or sovereigns to aid Spain in regaining her American Colonies; and the disposition of any other European Government to oppose it, was taken up.

In support of his resolution, Mr. MALLARY rose and observed, that it would be recollected, by every gentleman present, that the message received at the opening of the present session from the President of the United States, was of an extraordinary and strongly marked character. Its introduction prepared the House for subjects of great importance; nay, the President went so far as to say that "there never was a period, since the Revolution, when, regarding the condition of the civilized world and its bearing on us, there was greater necessity for devotion in the public servants, to their respective duties, or for virtue, patriotism, and union, in our constituents." When we come to examine the body of the message, said he, we discover nothing to which this language can apply, except the situation of the great European Powers, and the bearing which that situation may have upon this country. Those Powers had united their efforts against the cause of freedom on the continent of Europe, and had successfully put down every struggle to maintain it. It was possible they might extend their plans across the Atlantic, and that their attention would next be directed to the Republics of South America. Such appeared to be the impression of the President; and if such were actually the state of things, the United States must probably become deeply involved in the event of such a contest. It was impossible we could be indifferent to the attempts of despotic power to crush the cause of freedom in our own hemisphere. That some plans of this sort were in agitation, was plain, from the tenor of the message. The President would not have warned the two Houses of Congress that all their firmness would be called for, if there were not something of serious moment in the political horizon, not seen by all. And as, in this public document, the Chief Magistrate had thought proper to go so far, it was certainly proper in the House to meet his communication by requesting such information, on the subject to which he had alluded, as he might deem it consistent with the public welfare to disclose. It was proper and desirable that we should know as much as possible of the dangers to which we are exposed.

The question was then taken on the resolution, and it was agreed to without opposition.

CLAIM OF BEAUMARCHAIS.

Mr. TUCKER, of Virginia, rose to call the attention of the House to a message from the President to the House of Representatives, transmitted at the first session of the Seventeenth Congress, exhibiting the correspondence between the United States and the French Government, relative to the claim of Beaumarchais. He would not take up the time

of the House by any remarks on the merits of that claim, this not being the proper stage of business in which to speak of them. His object in rising was to move the reference of this correspondence to a select committee. He should have moved the reference of it to the Committee of Claims, but that the chairman of that committee had expressed an unwillingness to take cognizance of it. It was high time, Mr. T. said, that this claim, which has been standing now for thirty odd years, whatever be its merits or its fate, should be finally and conclusively disposed of.

The motion to refer the correspondence to a select committee was agreed to, without a division; and Mr. TUCKER of Virginia, Mr. LIVINGSTON, Mr. BUCK, Mr. TYSON, and Mr. RIVES, were appointed said committee.

NAVAL PENSIONS.

The bill to continue for five years longer the half-pay pensions to the widows and children of officers, seamen, and marines, of the Navy, who have died in service, passed through a Committee of the Whole without debate, and the question being about to be stated on ordering it to a third reading—

Mr. COBB said he was not willing that the bill should pass without some reason being given why it ought to pass. Our system of pensions, he thought, had been too far extended. All the efforts on the subject seemed to be to ascertain how far it could be extended, instead of how far it could be reduced and narrowed down. These pensions were at first allowed for five years—afterwards, for five years more; and now it was asked of the House to extend them for another five years. To ascertain whether the House was disposed to go on, without reason, in extending these pensions, he moved to strike out the first section of the bill.

Mr. CROWNINSHIELD said that the general reason why the bill should pass is, first, that those pensions are not paid out of the Treasury; the money comes from the captures made by these very officers and seamen, and is by law reserved for the special purpose to which it is by this bill proposed to appropriate it. That fund, Mr. C. said, is adequate to pay all the pensions that can be charged upon it. There is now a surplus of that fund to the amount of fifteen or twenty thousand dollars per annum. If this money, the proceeds in part of captures, is to be taken from the officers and seamen to constitute a fund for pensions, he did not see why those pensions should be withheld from them. The fund is their property, and not that of the nation, and why shall they not have the benefit of it? So far as depends on me, said Mr. C., I would not deal it out to them in this manner—I would declare the pensions at once for life, and not stint the widow and the orphan of their allowance.

Mr. LIVERMORE observed, on what had fallen from the gentleman from Massachusetts, that, if it was impossible that the number of claimants to the benefits of this fund could ever increase, the reasoning of the gentleman would be entirely con-

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clusive; but their number may, and, in case of a war, certainly will, increase very greatly. He, therefore, thought it most advisable to let the fund accumulate. Are gentlemen afraid, asked Mr. L., of having money on hand for any purpose, or in any shape? He was, with his present impressions, against this bill.

Mr. CAMBRELENG, in replying to the gentleman from New Hampshire, took occasion to notice the origin and character of this fund. In 1800, Congress, varying from the British rule of granting the whole of the prize money to the captors, appropriated one-half of the proceeds of all prizes of inferior force to create a Navy Pension Fund for the support of invalids. During our late war, after the fall of some of our most gallant officers and seamen, a question arose whether, in strict justice, their widows and orphans should not be provided for out of that fund which a share of their prize money had contributed to create. Congress, by the acts of 1813-'14, granted pensions to them, and the pension roll now embraces invalids, widows, and orphans.

In replying, particularly, to the argument of the gentlemen from New Hampshire, who seemed to apprehend the insufficiency of the fund, and desired to see it accumulate, he remarked that, previous to eighteen hundred and twelve, the amount was inconsiderable. During the war, however, it augmented very rapidly. It is now ample. While this fund continued to be regulated by existing laws, it was impossible that it should not be always sufficient to provide for the pensions charged upon it. In peace it must inevitably increase by death or marriage, or by the children's reaching the age to which their pensions are limited. In war, although the pension roll would be enlarged, yet, through captures, the fund would still more rapidly accumulate. In peace, the accumulation would be gradual but uniform—in war, rapid. Should the portion of prize money now appropriated by law be continued to this fund, it will probably be larger than will be necessary to accomplish the purposes designed. It is all-sufficient, and must continue as long as the Government stands. It is invested, principally, in Government stock. Such was the condition of a fund which, through the provident care of Government, had been reserved out of the prize money of our officers, seamen, and marines, for the use of themselves when disabled—their widows and orphans. By the original act, the faith of the Government was forever pledged to keep this fund sacred, and to appropriate it to these purposes. He hoped we should discharge the condition of the trust, and provide for their widows and orphans. He was unwilling, at all times, to appeal to the passions of the House, but there was something in the very character of this bill calculated to rouse the patriotism and excite the sympathy of every American. We were now renewing pensions to the widows and orphans of our gallant mariners. Of the veteran Barney, whose valor is recorded in the histories of two wars—of Lawrence, whom fate selected as a victim to soothe for a moment—but for a moment—

the wounded pride of an enemy over whom he had previously triumphed—who died as he had lived, bravely fighting for his country. Of Blakeley and his gallant crew. In the career of Blakeley there was something peculiarly splendid—in his brief story, something sublime. His ambition was of an elevated cast; it disdained the pursuit of helpless enemies. He at once crowded his canvass for the British coast—he eagerly sought dangerous war amidst fleets of armed enemies. He found it and triumphed. Scarce had we ceased our rejoicings for this victory, when we heard of him again literally surrounded by enemies—sinking one—engaging a second, and retiring only on the approach of a third. Unhurt, though exposed, in this unequal combat, he gallantly steered his course to southern latitudes. But here the historian of human affairs drops his pencil—another, more worthy to note the deeds of gallant men, seizes it as it falls—the recording angel registers their fate—where the fate of brave men should be—in Heaven!

It is for the widows and orphans of these gallant men we are now providing. The only objection to the bill he conceived to be the limitation to five years. That ought to be struck out—the fund was ample, and would undoubtedly remain so. He trusted the House would pass the bill promptly and unanimously.

Mr. COBB replied that the explanation given by the gentleman from New York was entirely satisfactory. He was happy to understand the nature and flourishing situation of the fund, and, since it was in so prosperous a state, he hoped that Congress would not be called on to grant out of the public treasury any more pensions to the wives or children of navy officers. He hoped that Mrs. Lawrence, Mrs. Perry, and others, whose names had been mentioned, would be provided for out of this fund, which was so abundantly able to supply whatever it was deemed proper to allow. And with these remarks he withdrew the opposition he had made to the bill.

Mr. LIVERMORE rose merely to say that he was fully satisfied with the explanation given, and would now cordially vote in favor of the bill.

The bill was then ordered to be engrossed for a third reading.

ADJUSTMENT OF LAND CLAIMS.

The following resolution, proposed by Mr. COOK, of Illinois, and discussed yesterday, was again taken up:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reporting a bill to provide for the appointment of a Board of Commissioners to examine and adjust all claims to land by individuals against the United States, where such claims depend on titles derived either from any law of the United States, or act of any foreign Governments, and which have been granted to the United States by virtue of any treaty or compact with such foreign Governments.

Mr. RANKIN, of Mississippi, moved to amend the same, by striking out the whole of it, and inserting in lieu thereof the following:

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"That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for the decision, by some tribunal, of all claims to lands in Louisiana, Mississippi, Alabama, and Missouri, and in the Territory of Arkansas, which claims have been heretofore presented to some one of the Boards of Commissioners heretofore appointed to examine titles and claims to land in said States and Territory, but which have not been finally acted upon because the quantity claimed exceeded that which said boards were severally authorized to confirm, or report to Congress for confirmation."

Mr. Cook objected to the amendment proposed by the gentleman from Mississippi, because it fell entirely short of reaching the object he had in view in the original resolution, and which he thought the circumstances of the case required. There were many land claims against the United States which had never been presented to any of the Boards of Commissioners; these were, by the amendment, wholly excluded, and yet they constituted precisely that class of claims for which it was most necessary to provide a mode of settlement. There were, within his knowledge, many such in some of the States. Mr. C. said, it was true that the object which he had in view was general and universal; yet the proposition he had presented to the House was far from extending so far, or being of such an indefinite kind, as the gentleman from Mississippi seemed to have supposed. He owed it to himself to say, that the meaning imputed to the resolution by that gentleman, in his observations yesterday, was one which never entered into his thoughts. That which the gentleman urged as the principal objection to the proposition, was, in its very nature, impossible. He seemed to apprehend that it would be the operation of this resolution to disturb the title of occupants, and who held, under warrants from the United States, by reviving claims which have been rejected. This was impossible. A vested right could never be divested—Congress could not divest it—the attempt would be a direct violation of the Constitution. But, though these cases could not be disturbed, there were others which, on the face of them, appeared to be equitable, which must be omitted if the amendment of the gentleman from Mississippi prevailed, and would consequently be thrown upon Congress, which it was the object of his motion to prevent. Mr. C. said, he had no particular preference with respect to the committee to whom the inquiry was to go. All he wished was, that it should go to some competent committee of the House, by whom the general measure might be considered. Some gentlemen seemed strongly in favor of sending these claims to the Judiciary for settlement; but, on further reflection, they would perceive that there are many objections to such a course. If they go to the Judiciary, it must be because they are proper subjects for legal adjudication; and, if so, they must go through the whole process of a regular trial in each case. The cost of such trials will be enormous, the delay enormous, and the difficulties altogether insurmountable.

Mr. RANKIN replied. In the remarks he had

yesterday made, touching the unlimited range contemplated by the resolution, he was far from aiming at the motives or intention of the gentleman from Illinois—he spoke merely of the resolution as it stood; and its terms did certainly bear him out in what he had said. What is the plan of the gentleman from Illinois, as it is expressed in his resolution? It is to submit to a Board of Commissioners, without limit or restriction, "all claims to lands by individuals against the United States, where such claims depend on titles derived either from any law of the United States, or acts of any foreign Governments, and which have been granted to the United States by virtue of any treaty or compact with such foreign Governments;" that is, all claims derived from the British Spanish, or French Governments. Such a plan will manifestly rip up all decisions on land claims from the very formation of this Government. By the decisions of the Boards of Commissioners for the investigation of land claims, many claims have been rejected, and the titles of many claimants have been barred by the statutes of limitation. All these claims will, under this resolution, come up again for decision—they are all within its terms. I do not believe at all that the honorable mover intended to include them—but such is the fact. My object is not to bring before this new tribunal, which is proposed to be established, claims which have already been before previous boards of the same general description, and there decided—this would be endless. I wish to present to this general tribunal only such claims as have never been presented at all, or which, having been preferred before the several Boards of Commissioners heretofore appointed, have, on account of their magnitude, or for other reasons, been left undecided. Large quantities of the public lands are subject to claims of this description; and, though held back from sale on that account, are, nevertheless, becoming partially settled. In a little time these settlers will be so numerous as to become too strong to be controlled by the decisions of any Board of Commissioners; and, in truth, as it is, Congress would probably be gainers by giving away some of these tracts without waiting for a decision upon the claims.

Mr. Cook, in answer, said, that he was sorry the gentleman from Mississippi had entered so much into detail in the present stage of this measure. Such was not now his intention. He wished to give the committee to whom the inquiry was to be submitted, general and unrestricted powers over the plan, to extend or to limit it as they might prefer. The amendment would go to deprive them of this power. It cuts off at a blow twelve or fifteen hundred claims from the State of Missouri, which have indeed been barred by the statute of limitations, but which have equity on the face of them. A cold-hearted Government, which repels the holder of a just and bona fide claim to a tract of land because he was not fortunate enough to get sight of a newspaper acquainting him with some recent decision of Congress respecting land claimants, or because he happened to be unavoidably absent when such regu-

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lation was enforced, is not the Government which Mr. C. said he wished to have any share in administering—the amendment goes to cut off claims equitable in their nature, which have been pressing several years for settlement, and which, if that amendment prevails, the House will still have hanging on its hands. In this House they cannot have a full and deliberate investigation—the thing is impracticable. Then let the committee have full powers to prepare a plan, which shall provide for disposing of them as it shall think most expedient. Do not forestall their decision.

Mr. McCoy, of Virginia, was in favor of the amendment. He hoped the general tribunal would be confined to the adjudication of such large claims as have been presented, but, from their magnitude, not acted upon. As to such as at this late time of day have never been presented at all, he should entertain great doubts of their soundness. Boards of Commissioners have been in existence in most of the States and Territories from 1805 to 1822. Surely, in all those years, the claimants had had sufficient time at least to present their claims. The members all knew that many claims had been presented before those boards and rejected as fraudulent. To erect a tribunal now, to go back and disturb all these decisions, would be to create an evil tenfold greater than that sought to be removed.

Mr. FULLER, of Massachusetts, was opposed to the amendment, as going too much into detail, and improperly restricting the committee. He saw no evil which could arise from adopting the original resolution; it only directed an inquiry. It was merely an inceptive measure towards obtaining a general plan for effecting an object which he believed was generally desired. He was convinced the honorable gentleman near him, who presided in the Committee of Private Land Claims, would say that, by the amendment of the gentleman from Missouri, many claims which now come before that committee would be excluded from the proposed tribunal, and of course left still on the hands of this House.

Mr. RANKIN explained. He was sure the gentleman from Illinois was too well acquainted with the subject of land claims not to know the mischiefs which would result from so broad a measure as the resolution certainly contained. The gentleman from Massachusetts, it was not to be presumed, was as well informed on the details of this subject. Mr. R. here went into some details on the nature and relative merits of several descriptions of land claims. The proposition of the gentleman from Illinois, he said, virtually proclaims to all claimants, "come now and present your old grants, and we will disturb the whole of the decisions had against you." In presenting such a state of things, Mr. R. thought there was nothing cold-hearted or illiberal. That private may be known from public lands, the claims must necessarily be presented within some fixed period. A limitation had been found necessary, and had accordingly been adopted. But, if the resolution of the gentleman from Illinois is adopted, the

whole mass of claims, barred or not, will be opened to investigation. This, said Mr. R., will certainly excite alarm. But, even if you erect such a tribunal, if you give it any limitations at all, particular claims will still come up to this House for examination. He believed that many of the claims from Missouri were equitable in their nature; and Congress might, if it thought proper, pass a general law providing for them. The House cannot prevent people from petitioning; but, if the plan proposed in the amendment be adopted, the petitions excluded from the tribunal will come with far less grace before this House than at present, because they will all be for claims which have already been submitted to commissioners, and rejected.

Mr. Cook went into a farther explanation, in which he insisted on the ground he had already taken. He would repeat, that it was, in his judgment, a cold-hearted policy, while great tracts of land are held in reserve for the express purpose of meeting and satisfying just claims against the United States, to turn away a claimant who has an equitable demand, merely for default in point of time or of formality, when he can fairly account for his ignorance or his delay.

The SPEAKER here rose, and objected to the scope of discussion in which gentlemen had indulged themselves. The simple point before the House for discussion was the fitness of the inquiry proposed.

Mr. SCOTT said, that he was opposed to the measure in toto, in either of the shapes in which it was now presented—being unwilling to lash the claims of Missouri to the fate of any others whatever. To allow time to prepare such an amendment as he should like, he moved that the resolution and amendment be laid on the table and printed; which was carried.

FRIDAY, December 26.

Mr. CROWNSHIELD presented memorials and petitions from sundry merchants and underwriters of Salem, Marblehead, and Gloucester, in the State of Massachusetts, praying compensation for spoliations committed on their lawful commerce, by French cruisers, between the years 1793 and 1800; which memorials and petitions were ordered to lie on the table.

Mr. SHARPE presented a memorial signed by a committee on behalf of the citizens of the city of New York, convened by general notice in said city, praying that the tariff of duties may be so increased as to shield the manufactures of the United States from foreign competition.

Mr. HEMPHILL presented a similar memorial of sundry citizens of the city and county of Philadelphia in the State of Pennsylvania.

The said memorials were referred to the Committee on Manufactures.

Mr. SCOTT presented a petition of Charles Gratiot, lieutenant colonel of engineers, praying extra compensation for extra services rendered by him as principal artillery and ordnance officer in the Northwestern army, commanded by General Har-

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rison in the late war with Great Britain; which petition was referred to the Committee on Military Affairs.

Mr. SLOANE, from the Committee of Elections, made a report on the petition of sundry inhabitants of Norfolk county, in Massachusetts, remonstrating against the election of John Bailey, a member of this House, on account of his having not been, at the time of his election, an inhabitant of the district and State in which he was elected, but a resident at the city of Washington; and asking for power to send for testimony; which leave was granted *nem. con.*

The report of the Secretary of State, of the 24th instant, in relation to seamen provided for in the hospital at Liverpool, in England, was referred to the Committee on Commerce.

On motion of Mr. WAYNE, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of fixing, by law, the net amount of annual income which shall disqualify any applicant from being placed on the pension list, under the acts of March 18, 1818, and May 1, 1820.

Mr. RANKIN laid the following resolution on the table, for consideration, viz:

Resolved, That the Commissioner of the General Land Office be directed to inform this House if the situation of his office and the public interest requires an additional number of clerks to be employed therein; and if so, what number, and for what length of time their services will be required.

Engrossed bills, of the following titles, viz: An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service; an act for the relief of Brintnell Robbins; and an act for the relief of Loudon Case, were respectively read a third time, and passed.

JACOB SCHAEFFER.

The engrossed bill for the relief of Jacob Schaeffer was then read a third time; and the question being on the passage of the bill—

Mr. TAYLOR moved that it be recommitted to the Committee on Private Land Claims, with instructions "to inquire into the expediency of so amending the same, as to provide for the allowance of bounty land to the non-commissioned officers and privates of the United States Army, and to their representatives, who enlisted for five years or during the war, and were honorably discharged previous to the expiration of the respective terms of their enlistment."

The case of this claimant may be stated as follows: He enlisted as a private in the Army of the United States for five years; but, after serving some eighteen months, he was discharged, the war being over, and he being anxious to rejoin his family, on condition of relinquishing his claim to bounty land. He now asks for the passage of a law to give him his bounty land. [There was an additional ground for his claim for 160 acres of land, viz: that he had purchased the assignment of the claim of another soldier to his bounty land, but not with sufficient formality to give him

a legal title to it; but this ground was little relied upon, the debate turning upon the principle involved in the other claim.]

On the principle of this bill a debate arose, in which considerable eloquence and ingenuity were displayed, which occupied the whole day; in the course of which, the claim was opposed by Messrs. TAYLOR, ROSS, STERLING, WRIGHT, LIVERMORE, KREMER, RANKIN, and COOK; and advocated by Messrs. W. SMITH, A. SMYTH of Virginia, CAMPBELL of Ohio, MALLARY, HOUSTON, WEBSTER, and STORRS.

The general grounds on which this bill was opposed, were, that it was unfair to make a difference between the case of this soldier and so many others who were discharged under similar circumstances. If any act was passed, it ought to be a general one—that Schaeffer could not claim either on the ground of his own services or those of Sharp, because, in his own person, he had not served the five years for which he had enlisted, and had, besides, expressly covenanted to relinquish his bounty land; and the transfer of Sharp's warrant to him was directly in the face of an express law prohibiting such transfers. If this petition should be granted, there was nothing to hinder all the soldiers who, at the close of the war, had relinquished their bounty land for the sake of a discharge, from still demanding it, even although (as was the case with some) they had served but a few weeks. The petitioner had not obtained, what the law expressly demanded, an "honorable discharge," with "a certificate of having faithfully performed his duty."

The ground taken by the advocates of the bill was, that Schaeffer had fulfilled his contract with Government, having served till discharged; that his discharge was to be considered as an "honorable" one, since nothing appeared to the contrary; and that his relinquishment of his bounty land was void in law, the officers having had no right to interpose conditions on the discharge of a soldier; such an act, under the circumstances, being an unfair advantage taken of his situation.

The motion of Mr. TAYLOR was negatived by a large majority.

After further debate, the question was at length taken on the passage of the bill, the yeas and nays having been required by Mr. TAYLOR, of New York, and decided as follows:

YEAS—Messrs. Abbot, Alexander of Tennessee, Allen of Tennessee, Archer, Ball, Baylies, J. S. Barbour, Bartley, Beecher, Blair, Brown, Buckner, Burleigh, Campbell of Ohio, Collins, Conduct, Conner, Crowninshield, Culpeper, Dwight, Edwards of Pennsylvania, Ellis, Floyd, Foote of New York, Forsyth, Frost, Garrison, Gazlay, Gist, Gurley, Hamilton, Hemphill, Henry, Hooks, Houston, Isaacs, Johnson of Virginia, F. Johnson, Kent, Lawrence, Leftwich, Letcher, Locke, Long, McKean, McLean of Ohio, Mallary, Marvin, Moore of Kentucky, Neale, Newton, Patterson of Ohio, Plumer of Pennsylvania, Reynolds, Richards, Sandford, Sharpe, Sibley, Sloane, Arthur Smith, Alex. Smyth, William Smith, Standefer, J. Stephenson, Strong, Thompson of Georgia, Trimble, Tucker of South Carolina, Tyson, Vance of Ohio, Van Rensselaer, Webster, Whipple, Whittlesey, White,

DECEMBER, 1823.

Proceedings.

H. OF R.

Williams of New York, Wilson of New York, Wilson of South Carolina, and Wilson of Ohio—79.

NAYS—Messrs. Alexander of Virginia, Allen of Massachusetts, Allison, Bailey, Barber of Connecticut, Bartlett, Bassett, Bradley, Breck, Buck, Cady, Cambreleng, Carter, Cary, Cassidy, Cobb, Cocke, Cook, Crafts, Craig, Cushman, Day, Durfee, Dwinell, Eddy, Foot of Connecticut, Fuller, Gatlin, Hall, Harris, Harvey, Hayden, Herkimer, Hobart, Hogeboom, Holcombe, Jenkins, Kremer, Lathrop, Lincoln, Litchfield, Livermore, McArthur, McCoy, McDuffie, McKim, Mangum, Martindale, Matlack, Matson, Mitchell of Pennsylvania, Moore of Alabama, Nelson, O'Brien, Owen, Patterson of Pennsylvania, Plumer of New Hampshire, Randolph, Rankin, Reed, Rich, Rives, Ross, Spaight, Sterling, Stewart, Stoddard, Swan, Taylor, Ten Eyck, Thompson of Kentucky, Tod, Tomlinson, Udree, Vance of North Carolina, Van Wyck, Vinton, Wayne, Whitman, Williams of Virginia, Williams of North Carolina, Henry Wilson, Wood, Woods, and Wright—85.

So the bill was rejected. And then the House adjourned to Monday.

MONDAY, December 29.

Mr. MORGAN presented a memorial of a committee appointed at a numerous and respectable meeting of the citizens of New York, assembled to take into consideration the situation of the Greeks, praying Congress, at a convenient and proper season, to recognise the independence of the Greek nation, now engaged in arms in the maintenance of their independence against the power of the Ottoman or Turkish Empire; which memorial was ordered to lie on the table.

Mr. CONDUCT presented a petition of Oliver Hull and others, cultivators of the castor bean, and manufacturers of the castor oil, extracted from the same, praying that additional duties be imposed on foreign castor oil, upon the importation thereof into the United States; which petition was referred to the Committee on Manufactures.

Mr. McKIM presented a memorial of sundry underwriters and merchants of the city of Baltimore, praying for the aid of the Government of the United States, in their endeavors to procure redress for their ships and merchandise, seized in certain ports of Europe, under edicts issued by the Government of France; which memorial was laid on the table.

Mr. MOORE, of Alabama, presented a petition of Curtis Lewis, praying that the district judge of the district of Alabama may be directed to deliver up to the Executive of the State of Alabama, certain negro slaves captured by him, while commander of a revenue cutter of the United States, in the year 1818; which petition was referred to the Committee on the Judiciary.

Mr. WHITTLESEY from the Committee of Claims reported a bill for the relief of William T. Nimmo, which was read, and committed to a Committee of the Whole.

On motion of Mr. RANKIN, the Committee on Public Lands was discharged from the consideration of the petition from Michigan Territory for

a road from Fort Meigs to Detroit, and it was referred to the Committee on Roads and Canals.

Mr. HOGEBROOM submitted the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire whether any, and, if any, what further provision ought to be made by law, relative to the Military Academy at West Point.

The said resolution was disagreed to by the House.

On motion of Mr. STRONG, the Committee on Revolutionary Pensions were instructed to inquire into the propriety of restoring the name of Archibald Jackson to the pension roll.

On motion of Mr. FLOYD, a Committee was appointed to inquire into the expediency of occupying the Columbia or Oregon river, and to regulate the intercourse with the Indian tribes; and that they have leave to report by bill or otherwise.

Mr. FLOYD, Mr. GURLEY, Mr. SCOTT, Mr. HAYDEN, Mr. BASSETT, Mr. FROST, and Mr. BAYLIES, were appointed a committee, pursuant to the said resolution.

On motion of Mr. CAMPBELL, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of providing, by law, that every Postmaster intending to resign his appointment, shall give a reasonable notice, at his office, of such his intention.

Mr. CAMPBELL stated, in support of his resolution, that Postmasters are now in the practice of resigning secretly, and recommending a successor; whose appointment is often the first intimation any body receives of the intention of the predecessor to resign. He thought this inexpedient and unfair.

Mr. HAMILTON submitted the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a navy yard either at Beaufort or Charleston, South Carolina, for the building, repairing, and equipment of sloops of war, and vessels of a smaller class, in the Navy of the United States.

The said resolution was ordered to lie on the table.

Mr. COOK laid the following resolution on the table, for consideration:

Resolved, That the Secretary of the Treasury be directed to communicate to this House a statement, showing the amount of money remaining to be paid by the purchasers of public lands prior to the 1st day of July, 1820, designating the amount due for lands purchased in each State.

On motion of Mr. FARRELLY, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the organization and number of the engineer corps, and ascertain whether any alteration be necessary in the same.

Mr. FARRELLY observed, that the President, in his Message, informed the House that the engineer corps had been extensively employed, during the last Summer, on Lake Erie, on the waters of the Ohio, and on the Atlantic coast; and if he was not mistaken in his recollection, an honorable gentle-

man (Mr. Cocke,) from Tennessee, has proposed the employment of them to explore the waters in Tennessee, for the purposes of canals. It is contemplated still further to employ them, in examining the routes for canals between the waters of the Ohio and the Potomac, and those of Lake Erie and the Ohio. Perhaps at the time the corps was organized, these additional duties were not contemplated; and, as now organized, they may be inadequate to the performance of them. The primary objects of erecting fortifications on the frontiers, might have been then only contemplated: these could only be used in time of war. But these secondary objects I have mentioned, which can be used in the calm of peace, might not have been thought of. He hoped the resolution would pass.

On motion of Mr. RICHARD, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of opening a road between Mount Clemens, in the county of Macomb, and Fultonville, near the mouth of Pine river, in the county of St. Clair, in the Territory of Michigan.

[The object of this resolution, as stated by the mover, is to open a road into the public lands, that they may be the sooner sold and settled.]

On motion of Mr. STORRS, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the 30th section of the act, entitled "An act to establish the Judicial Court of the United States," passed September 24, 1789.

The House went into a Committee of the Whole, on the bill for the relief of William Bartlett, and John Stearns and others; which, after some debate, in which Messrs. NEWTON, MCCOY, HOBART, REED, and TOMLINSON, took part, was reported without amendment, and ordered to be engrossed for a third reading.

The House went into Committee of the Whole, on the bill for the relief of Jacob Babbitt, which was read, together with the accompanying report of the Committee of Claims, reported without amendment, and ordered to be engrossed for a third reading.

GENERAL LAND OFFICE.

The resolution presented by Mr. RANKIN on Friday, calling for information as to the state of the General Land Office, and the necessity for more clerks therein, being taken up—

Mr. TAYLOR, of New York, inquired of the mover the reasons for a call of this character. There were generally enough applications made to Congress for additional clerks in the Departments, without inviting any more.

Mr. RANKIN explained, and stated, in substance, that, owing to neglect on the part of the former Commissioner of the Land Office, the business of that office had fallen into much confusion. Many maps were wanting, which could not be had, the only draughtsman in the office having more than he could possibly attend to. If a few assistants were employed to bring up the arrears of business, not only might they be soon dispensed with again, but

some of the clerks, now necessary, might be also dispensed with.

Mr. TAYLOR objected, he said, not to the object in view, but to the mode of attaining it. The House was not in the habit of applying to subordinate officers, but to the Heads of Departments, for the information they required. He hoped the gentleman would throw his motion into the form of a resolution, directing the employment of the requisite assistants, and he would have no objection to vote for it; but, as it stood, he must move that it lie on the table.

Which motion, after a few words from Mr. RANKIN prevailed, and the resolution was laid on the table.

GARRETT FOUNTAIN.

The House went into Committee of the Whole, on the report of the Committee of Claims unfavorable to the petition of Garrett Fountain.

Mr. TYSON, of New York, moved to amend the report, by striking out the word "not," in that part of it which recommends that the prayer of the petitioner shall not be granted; which gave rise to a debate of more than an hour, in which Messrs. SHARPE, WOODS, and BUCK, advocated, and Messrs. MCCOY and WILLIAMS opposed the claim.

The debate was somewhat desultory, much of it being aside from the point to be determined. The circumstances of the case are briefly these: Garrett Fountain, the petitioner, was agent to a contractor for furnishing provisions for the troops at a post in the bay of New York, on the Long Island shore. There being there no public store, he applied for and obtained permission from General Dearborn, to erect a store at his own expense, on the public ground, at the post. The building cost him \$1,000; when he ceased to be an agent, he offered the store to the Government at a rent of \$150 which was refused, and General Dearborn ordered the deputy quartermaster to take possession of the store, and allow Fountain \$100 per annum. The Government occupied the store for three and an half years, and the present claim is for that rent. It was refused at the Treasury for want of a law recognising the payment of rent by the United States for a store house, the law only providing that at every permanent post a store house shall be built at the public expense. The claim was advocated on the ground of its equity and legality, and resisted on the plea that as this was not a permanent but a temporary post, contractors must put up such buildings as they wanted at their own expense. But the claim was not for the cost of the building, which was confessed to be forfeited, but merely for the rent of it when no longer occupied by the owner, but by the United States.

The amendment, to reject the unfavorable report, was adopted, ayes 88, noes 59; when the Committee rose, and, the House concurring in the amendment, on motion of Mr. TYSON, the amended report was recommitted to the Committee of Claims, with instructions to bring in a bill pursuant thereto.

MARSHAL'S FEES.

The House then went into Committee of the Whole, on two bills reported by the Committee on the Judiciary, viz: a bill repealing, in part, the act to lessen the compensation to clerks, marshals, and attorneys in the courts of the United States; and an act concerning costs in certain cases.

The first of these bills provides:

"That so much of the act, passed on the 18th day of April, 1814, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned,' as prohibits the allowance of daily compensation to marshals and attorneys in the districts in said act mentioned, be, and the same hereby is, repealed; and, that there hereafter be allowed to the marshals and attorneys for said districts, the same daily compensation as is allowed to the same officers in other districts."

Mr. WEBSTER stated the object of the committee in reporting this bill. By a reference to the actual law on this subject, it would be found that the general law of 1799, making provision for the compensation of the marshals and attorneys of the several States, provided, among other things, that a daily allowance of five dollars per day's attendance on the courts on the business of the United States should be allowed to the marshal, and a like sum to the attorney of the United States, for each judicial district. In the year 1814, an act was passed, which applied to particular districts, Massachusetts, Rhode Island, the eastern district of New York, &c. repealing the daily allowance to these officers in those districts. The ground of this partial change was, that under the peculiar circumstances of that day, during the war, the commercial districts afforded to these officers so great emoluments, in the shape of fees and forfeitures, that the stated compensation was thought to be superfluous, and was, therefore, repealed as to those districts. After the cessation of the war, this state of things became changed, and, in different years, subsequently, propositions have been made again to equalize the compensation of these officers, but, for want of time, or from some other cause, they have not been acted upon. The subject being brought before the Judiciary Committee at this session, one of two courses appeared to them obviously proper; either to extend the law to all the districts, or to repeal it as it now stood. For, whatever might be thought of one or the other course, nothing could be said in favor of retaining the present partial character of the system of compensation. On full examination, the committee had thought the better course would be to repeal so much of the law of 1814 as relates to the subject, and to place the compensations to the officers on the same footing as they stood upon previous to its passage.

An amendment was offered, by Mr. HAYDEN, going to restrict the fees of clerks in certain cases, but, after some conversation, he withdrew it, with the design hereafter to present it in a distinct proposition, and the bill was agreed to.

COSTS IN SUITS BY PATENTEES.

The bill concerning costs in certain cases, was then taken up by the Committee.

This bill provides, "That in suits commenced in the Courts of the United States, after the passage of this act, to recover damages for the violation of any right arising under letters patent, lawfully issued, for any new and useful invention, discovery, or improvement, costs shall be allowed to the plaintiff or plaintiffs, in all cases, where the sum recovered by him or them shall not be less than one hundred dollars."

Mr. WEBSTER explained the reason of the committee for reporting this bill. The general law forbids all recovery of costs in the Courts of the United States, where the amount of the judgment is less than five hundred dollars. This minimum, as applicable to cases generally, Mr. W. said, was perhaps too high, but, as related to cases of recovery of damages for violation of patent rights, it was supposed there were particularly strong reasons why it should be reduced. Suits of that description are instituted not so much to recover great damages as to establish the right of the inventors. The right may be a very important one, and yet the violation of it in particular instances may not involve heavy damages. In ordinary cases, the right of suing in the Courts of the United States has been regarded as a privilege, persons possessing it having the option to avail themselves of it or to resort to the State courts, &c. But, with respect to patent rights, as that subject is exclusively in the possession of the General Government, the whole right being created by the laws of Congress, and the injured person being obliged to sue in the courts of the United States or no where, it seemed right to enlarge the law so far as to allow costs to the plaintiff in all cases arising under the law of patents, where the damages awarded should amount to one hundred dollars. For that purpose this bill had been reported.

Mr. TAYLOR, of New York, moved as an amendment, that the minimum should be reduced to thirty dollars. Very useful patents often applied to articles of comparatively small value, where an infringement in any single case would not entitle the patentee to damages amounting to one hundred dollars. It was incumbent on Congress to provide for these cases, and as Government charged the patentee thirty dollars for his patent, there was a propriety in fixing upon that sum as the limit of damages on which he might obtain costs.

Mr. WEBSTER not objecting, the amendment was agreed to.

The Committee then rose and reported both bills, and they were both ordered to be engrossed for a third reading.

TUESDAY, December 30.

Another member, to wit, from Kentucky, THOMAS METCALFE, appeared, was qualified, and took his seat.

Mr. KENT, from the Committee for the District of Columbia, reported a bill to confer certain powers on the levy court of the county of Alexandria, in the District of Columbia, and for other

purposes; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. P. P. BARBOUR, the Committee on Revolutionary Pensions were instructed to inquire into the propriety of reinstating Henry Hines, of the county of Louisiana, on the Revolutionary pension list.

On motion of Mr. HAYDEN, the Committee on the Judiciary were instructed to inquire into the expediency of explaining and amending the third section of an act, entitled "An act for providing compensation for the marshals, clerks, attorneys, jurors, and witnesses, in the Courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes," so far forth as the provisions thereof affect the compensation of the clerks of the circuit and district courts of the United States.

Ordered, That the report of the Committee of Claims on the petition of Charles Minifie, be committed to a Committee of the whole House tomorrow.

Engrossed bills, of the following titles, viz: An act for the relief of Jacob Babbitt; An act for the relief of William Bartlett and John Stearos, owners of the schooner Angler, and Nathaniel Carver, owner of the schooner Harmony, and others; An act to repeal, in part, an act, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned;" were, respectively, read the third time, and passed.

SYSTEM OF BANKRUPTCY.

Mr. WEBSTER, from the Committee on the Judiciary, who were instructed to inquire into the expediency of establishing a uniform system of bankruptcy, reported that it is not expedient to establish such system.

Mr. WEBSTER observed, that the committee had thought it proper to make an early communication of their opinion on this important subject to the House. In this opinion, a great majority of the committee concurred; indeed, he believed he was the only member who had the misfortune to differ from that opinion. The whole committee, however, were desirous of giving a fair opportunity to those gentlemen who, like himself, were in favor of the system, to bring the question before the House. Such an opportunity would now be afforded, as any member might move to amend the report, by altering it from a negative to an affirmative character. It seemed to him to be proper, on several accounts, that the opinion of the House, on the general question of the expediency of a bankrupt law, should be taken, before a bill should be brought in. In such a bill there must necessarily be much of prolixity and detail; and very much discussion might be expected to arise on particular provisions, which would seem to be misplaced, until there should be some room to think that the general measure itself was acceptable to a majority of the House. Until there was room to believe that, such a discussion upon details would have no effect but to consume time. If the House should now reverse

this report, the committee would cheerfully prepare and bring in a bill. He would take the liberty to suggest, however, whether the best way would not be to proceed by resolution. In this way, perhaps, not only the general question might be settled, but, if settled in favor of the measure, subsequent resolutions might proceed to settle some of the general outlines of the system; such, for example, as what classes of persons the system should extend to; whether only to traders, technically or legally so called, or to all persons, by proper description, who have, ordinarily, occasion to use extensive credits; and whether it shall be a temporary or permanent system, &c. He made these suggestions only for the consideration of those who, like himself, were in favor of the system. And, to the end that they might have an option, to proceed by way of resolution, or by motion to amend the present report, he would move that the report lie upon the table.

The report was accordingly laid on the table.

TRADE WITH THE INDIANS.

Mr. RICH offered the following:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the practicability and expediency of adopting measures which shall more effectually restrain either citizens of the United States or foreigners from hunting or trapping on lands to which the Indian title has not been extinguished, and exclude foreigners from a participation in the Indian trade.

Mr. RICH, in introducing the above resolution, said, that he conceived it due to the House to state some of the reasons which induced him to offer it for adoption, and to hope that the inquiry it proposed would prove successful. During the last season, he was sorry to state, there had occurred on our Western borders, a killing and wounding of traders, and a slaughtering of Indians, which was much to be regretted. The attack made by the Indians is said to have been unprovoked; it may have been so; he hoped, for the honor of our country, that such would turn out to have been the fact. He did not entertain a doubt, that all that could, under the existing laws, be done to prevent so unhappy an occurrence, had been done by the Executive. He believed, however, it would, on investigation, be found, that the laws had been violated, and the rights of our red brethren infringed. In support of his remarks, Mr. R. asked leave to read certain parts of the correspondence which had been submitted to the House on this subject.—[He here read a letter of Mr. Pilcher to Major O'Fallon, communicating a letter from Mr. Gordon, which gave an account of the arrangements for hunting made by the party.] This unhappy fracas had arisen, it seemed, while our traders were marching, trapping, and counter-marching. [Here Mr. R. quoted the letter from General Atkinson to General Gaines, enclosing another from General Ashley to Major O'Fallon.] The object of this expedition, Mr. R. went on to say, was to procure and carry away that game to which the Indian tribes had as just a right as any of us have to the

property we hold. In relation to that part of the resolution which refers to the exclusion of foreigners from this trade, unless we could effect this, he was persuaded we need look for nothing but a continual recurrence of events of the same kind as had occurred—a constant waste of human life. If more efficient means to preserve pacific relations with the Indian tribes could not be devised, or were impracticable, then we had better withdraw, at once, our troops from the Indian country altogether.

Mr. VANCE moved to amend the resolution by striking out the last clause, (to exclude foreigners from the Indian trade,) but afterwards withdrew the amendment, and the resolution was adopted, as moved by Mr. RICH.

CONTESTED ELECTION.

Mr. SLOANE, from the Committee of Elections, made a report on the petition of Parmenio Adams, contesting the right of ISAAC WILSON to a seat in this House, as one of the Representatives of the State of New York; which report was committed to a Committee of the Whole. It is as follows:

That, by the laws of the State of New York, "for regulating elections," all elections are by ballot, and are directed to be held by towns in each county within the State, and the supervisors, assessors, and town clerks of the several towns, or a majority of them, are to constitute a board of inspectors, whose duty it is to superintend the elections in their respective towns, and after making a canvass of the votes given at any election, to cause the same to be recorded in the town books, and transmit to the office of the county clerk a true return of the votes so canvassed, when the same shall be examined by a board of county canvassers. After the whole number of votes given in the county is ascertained, and an entry thereof made by the clerk on the records of the county, he shall immediately make out three certified copies thereof; one of which he shall forward to the Governor of the State, one to the Comptroller, and one to the Secretary of State, to be laid before the State canvassers. The State is divided into districts for the election of Representatives to Congress, and the county of Genesee forms the twenty-ninth district. The election for Representatives in the present Congress was held on the first Monday of November, 1822, and the two succeeding days. It appears that, at that election, Isaac Wilson and Parmenio Adams were candidates in opposition; and by the official certificate of the clerk of Genesee county, it appears that Isaac Wilson, by the returns from the several towns, had 2,093 votes, and that, by the same returns, Parmenio Adams had 2,077 votes. The petitioner rests his claim to a seat solely on the ground that, in the town of China, in said county, the board of inspectors made a mistake, by returning for the sitting member 67 votes, when, in fact, the true number given for him was only 45 votes, and ought to have been so returned. The sitting member relies on three points to support his right to retain his seat. 1st. That in the town of Attica a mistake took place, similar in its nature to the one which occurred in China, by which mistake the petitioner had 98 votes returned for him by the board of inspectors of the election in Attica, when the true number given was but 93 votes, and that so it ought

to have been returned. 2d. That in the town of Middlebury, the board of inspectors rejected one vote which ought to have been counted for him, because, being a printed ballot with his name thereon, but partially erased with the stroke of a pen, it was considered as a blank vote; and, 3d. That in the towns of Stafford and Byron six ballots were improperly destroyed by the boards of inspectors in those towns, and not included in the canvass, which he contends were given for him, and ought to have been taken into the general estimate of those towns. In support of the different allegations of the parties, a number of affidavits are produced, taken in the presence of both. No attempt is made to impeach the character or veracity of any of the witnesses. They are principally officers of the election, chosen by the citizens of their respective towns, and presumed to be gentlemen of respectability. The committee have carefully examined the testimony, and consider it as entitled to full credit. They are clearly of opinion that the testimony respecting the return from the town of China establishes the fact that 22 votes were returned for the sitting member more than the number he actually received; and they are equally satisfied that, in the town of Attica, five votes were returned for the petitioner more than were given for him by the electors of said town. With respect to the vote which the sitting member claims in the town of Middlebury, the committee are of opinion that he has failed to produce proof sufficient to warrant the conclusion that the board of inspectors acted improperly in considering it a blank ballot. This ballot, it appears, was a printed one, and the name of the sitting member was impressed thereon, but "was excluded from the canvass and estimate, because" it was defaced "by one stroke of a pen drawn over the name, but that every letter was distinct and legible."

All the inspectors of election agree in the opinion that, from the manner in which this ballot was defaced, it must have been the intention of the elector who presented it, to have it considered as blank. It will be observed that these inspectors, from the nature of the trust confided to them, and from the obligations they would necessarily feel to discharge their duty with fidelity, together with the superior advantage which their situation afforded them of judging more correctly than any spectator or by-stander could do, must be presumed to be more competent to decide this question than any other persons could be. With the decision of the board of inspectors in this case, the committee are not disposed to interfere. They consider it a question on which it would be impossible to come to any deliberate conclusion, without being possessed of the same opportunity and advantages which were afforded to the board of inspectors. No person can undertake, with safety, to determine, from any description of a ballot of this sort, what decision he might be disposed to make from an actual inspection of the ballot itself. By the law of the State, the board were constituted the judges. They performed their duty, and are still convinced that their judgment was correct; and the committee are not disposed to question their decision. The claim of the sitting member to have certain votes, which are stated to have been given for him in the towns of Stafford and Byron, counted in his favor, is not considered to be sufficiently established by the testimony. All the inspectors agree that the ballots were folded together, and a reference to the poll lists confirmed the fact that more ballots were received than were names on those lists.

The suggestion of some of the witnesses, that these ballots *might* have been innocently delivered by the electors, without any intention of committing fraud, will not avail in a case of this kind. By the law of the State, every elector who conducts in that way forfeits his right of suffrage on that occasion. The law on the subject is positive. It provides that "if any two or more ballots are found folded or rolled up together, none of the ballots so folded or rolled shall be estimated." Upon a full view of the whole case, the committee are of opinion that the election was conducted with fair and honest intention on the part of the board of inspectors of the several towns to which their inquiries have extended; and that their testimony is competent, and ought to be received, to correct any mistakes which may have occurred in returning the votes given at said election. That justice, in this case, requires that there be deducted from the aggregate number of 2,093 votes returned for the sitting member, the twenty-two votes which were allowed to his poll by the mistake in the return from the town of China, which will make the whole number of votes to which he is properly entitled, 2,071; and that, in like manner, a deduction ought to be made from the aggregate number of 2,077, returned for the petitioner on account of the mistake of five votes returned for him in the town of Attica, more than were given for him in that town, which will leave to his poll 2,072 votes, being a majority of one vote over the sitting member. The committee, therefore, submit the following resolutions:

"Resolved, That Isaac Wilson is not entitled to a seat in this House.

"Resolved, That Parmenio Adams is entitled to a seat in this House."

MEMORIAL OF THE PETITIONER.

To the honorable the House of Representatives in the Congress of the United States of America:

The petition of the undersigned, Parmenio Adams, humbly sheweth:

That your petitioner and Isaac Wilson were opposing candidates for the office of member of Congress in the twenty-ninth Congressional district of the State of New York, composed of the county of Genesee, at an election held in said district on the first Monday of November, 1822, and on the two succeeding days, in pursuance of a law of the said State, to elect a member to represent said district in the Eighteenth Congress of the United States of America; that the whole number of votes given for such member of Congress, at the said election, in the several towns composing the said district, as returned by the proper officers, was 4,170; and, of that number, 2,077 were returned as having been given for your petitioner, and 2,093 for the said Isaac Wilson.

And your petitioner begs leave further to represent that the board of inspectors of election for the town of China, in said district, returned to the board of canvassers, appointed by a law of the said State of New York, sixty-seven votes as having been given in said town for your petitioner for member of Congress as aforesaid, and, by mistake, sixty-seven votes as having been given for the said Isaac Wilson for member of Congress as aforesaid; which said number of sixty-seven votes for the said Isaac Wilson was counted, and allowed by the said board of canvassers, in order to make up the said number of 2,093 given for the said Isaac Wilson in the said district: whereas, in

truth and in fact, your petitioner did receive sixty-seven votes in the said town of China; but the said Isaac Wilson received only forty-five votes in the said town; so that your petitioner did, in truth, receive 2,077 votes in the said district; but the said Isaac Wilson did, in truth, receive but 2,071 votes in said district; which gives to your petitioner a majority of six votes over the said Isaac Wilson, there being no other candidates for the office of member of Congress in the said district, at the said election, who received as many votes for the said office as either your petitioner or the said Isaac Wilson.

And your petitioner further states, that, from the facts above stated, which are proved to your honorable body by the affidavits and documents accompanying the prayer of your petitioner, he is entitled to a seat with your honorable body as a Representative in Congress, but that he cannot avail himself of what he considers to be his right, without the aid of your honorable body, the said Isaac Wilson having obtained a certificate of his election in the said district.

Your petitioner, therefore, prays that the seat of the said Isaac Wilson, in your honorable body, may be vacated, and your petitioner have leave to resume the same, in conformity to the will of the electors of the twenty-ninth Congressional district in the State of New York, as expressed in and by the said election.

And your petitioner will ever pray, &c.,

PARMENIO ADAMS.

WASHINGTON CITY, December 1, 1823.

Letter of the sitting member.

To the Hon. JOHN SLOANE,

Chairman of the Committee of Elections:

SIR: Inasmuch as it has been intimated that the Committee of Elections will indulge me in a few suggestions, growing out of the documents submitted to their examination, in relation to the contested election between Major Parmenio Adams and myself, I beg leave to call the attention of the committee to the following: The petitioner, it appears, seeks by affidavit to diminish the vote for the sitting member, in the town of China, where the return had been made out in due form under the statute law of the State of New York, officially signed by the inspectors of election, and returned to the district canvassers, and by them allowed and transmitted to the State Board, whereon they make their official certificate. Regarding the State law, it is believed that the return should be sustained entire as it is, or rejected altogether, on the ground of improper conduct of the inspectors, as appears from their own testimony. It will be noticed that the town clerk entered the said official return on the town book different from the number contained therein, at forty-five votes for the sitting member, without consulting any one of his associate inspectors, and, but a few days thereafter, made up his affidavit that the sitting member had received forty-six votes in said town of China. If, however, it should be adjudged proper by the committee, from the case presented, to correct the return of the town of China, in accordance with the memorial introduced by the petitioner, it is expected that the broad ground will be assumed of extending full and perfect equity to the parties, and that he who had the greatest number of votes in the ballot boxes, and was thereby fairly sustained by the greatest number of electors in the district, should be allowed to prevail. The petitioner claims a majority of six votes over the sitting member, by correct-

ing the alleged mistake in the town of China. Under this view of the case, I proceed, sir, to an examination of the testimony produced on the part of the sitting member, remarking that he relies, with perfect confidence, on the accumulated testimony, to prove a mistake in the official return of the town of Attica, in said district, in returning ninety-eight votes for the petitioner, instead of ninety-three, the true number given for him in said town. Six of the seven inspectors and clerks, to wit, four inspectors and two clerks of election of the said town of Attica, all testify that they are clear and distinct in their recollections, and are positive that the canvass of that town gave the sitting member a majority of thirty votes over the petitioner; whereas the return to the clerk's office, and official canvass, show a majority of twenty-five only. Two of the inspectors, and the two clerks, are equally clear and distinct in their recollections of the particular number given for each candidate; and several of the witnesses recollect distinctly the whole number of votes given in said town for both candidates, and the number of names on the poll list; and, superadded to this weight of evidence, is a minute, in writing, of the candidates' names voted for at the election, with the number of votes given for each, in figures, set opposite, identified by Mr. Stevens, one of the clerks, to be in his own handwriting, taken down by him at the time of the canvass. These six witnesses were examined by the petitioner on interrogatory, and, in my humble apprehension, their answers strengthen the body of their affidavits.

The petitioner made an attempt to rebut their testimony. He introduces three witnesses; first, Simeon Williams, junior, member of the board, and town clerk, who made out the official return, and is made to say, in the body of his affidavit, "That when the said certificate was completed, and the number of votes received and canvassed, for members of Congress, inserted therein, as stated to this deponent by the said clerks, he, this deponent, called upon the inspectors and one of the clerks, to the reading, and comparing, &c., which being done, and no objection, &c., it was thereupon signed," &c. Whereas, in his answer to the last interrogatory, he confesses, that upon the call of the board to the reading, "and after the reading, one of the clerks said, you have not got the Congress votes down; to which he answered he had not, and one of the clerks then orally gave him the number of votes, &c., and he is not certain whether the returns were compared or not after the addition of the Congressional votes." Thus, in the body of the affidavit, and in the answer of the last interrogatory, are stated distinct facts, directly in collision with each other, which prove that the witness was mistaken in the body of his affidavit; and there is no doubt that, after the Congressional votes were set down, the returns were not read or compared, but were immediately signed and kept by Mr. Williams for record. Moses Disbrow, another witness, stood by one of the clerks, and counted the tally paper at ninety-eight, and saw the clerk count once and set down ninety-eight, as he supposed, by candle-light, and immediately left the room; did not see the clerk make a second count, nor did he see the other clerk count, or any comparison between them. David C. Miller, the last witness to this point, relates a casual conversation had with George Cooley, Esq., soon after the official canvass was published, and understood him to answer to this question, Do you believe there was a

mistake? Answer, I do not think there was. And several weeks after, Esquire Cooley was understood to say, I have made no affidavit, (meaning to a mistake,) neither do I think I shall. In desultory conversations like these, it is not uncommon to mistake the intention of the person spoken to, and to put a different construction and complexion in detailing such conversations. The understanding of Esquire Cooley is explained in his answers to interrogatories to his own affidavit. And what does he testify? Merely that, after the whole number of votes were canvassed by the board, and put down by the clerks, and compared, the clerks announced to the board that the sitting member had a majority of thirty votes over the petitioner, and the deponent believes that he did receive a majority of thirty votes. Thus much for the attempt to avoid the mistake in Attica. We have proceeded so far on the ground of corrections, and the petitioner is one single vote in advance only. In the town of Middlebury all the testimony concurs in proving that one printed vote put into the Congressional election box, with the name of Isaac Wilson upon it, with every letter legible, and clearly and easily to be read, and without any other name or writing thereon, was thrown aside, and not included in the official return, because it was partially defaced, apparently with one dash of a pen, whereby one elector, who exercised his elective franchise, was excluded and thrown out of said return. Nothing can be more clear than that a blot or a stroke of a pen on the name, which is still perfectly legible, would not authorize the inspectors to throw it aside, on the violent presumption that it meant nothing. Names are to be written or printed on a ballot—if they are legible, it is enough. If this ballot is counted, the parties, pursuing the ground of correction, have an equal number, independent of the votes called double.

Permit me, in the next place, Mr. Chairman, to invite the attention of the committee to the testimony relating to the towns of Byron and Stafford. I mention the two in conjunction as being in some respects similar. I will, however, first advert to a circumstance which took place in the town of Stafford, at the canvass of the votes of said town, which was of an extraordinary character, and in direct violation of the State law—the denying the Electors the privilege of witnessing said canvass, and, to effect that object, withdrawing to a more private room, and fastening the usual door of entrance, and had actually made some progress in said canvass, when the first witness accidentally found means of entering the room by a back door. As proof of this, I refer to the affidavits of General W. L. Churchill and Ira Gilbert. In the towns of Stafford and Byron it appears that six votes that were in the Congressional election boxes, and given for the sitting member, were thrown aside, and not included in the returns; the inspectors, as they testify, supposing that the State law required their exclusion as double votes. But it is confidently believed that an attentive examination of the evidence in those cases will satisfy every candid and liberal mind that they were not "folded or rolled up together," (the words of the State law,) that is, enfolded together for the purpose of deception, before they were delivered to the inspectors to be put into the boxes.

It is abundantly in proof that those six votes were folded in the usual manner, and as the other votes in the boxes were folded, with the edges out on both sides. For the two votes in the town of Stafford, I

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refer to the testimony of Ezekiel Hall and Marvin Lord, inspectors, and General W. L. Churchill, Ira Gilbert, and Alfred Churchill, and controverted by none. The particular description of the folding is also given by the witnesses, and clearly shows that they might have slipped together in the boxes; and the presumption is strong that they did so slip together, as it is proved by B. Brooks, Esq., S. Griswold, Esq., and General W. L. Churchill, that votes in the State of New York are not unfrequently found thus slipped together, and when thus found have been canvassed and allowed. That the four votes mentioned in Byron were folded in the usual manner also, I refer to the testimony of Bartholomew Benham, Edmund Wilcox, inspectors, and Samuel B. James, present at the canvass. That the whole six votes were given to the sitting member, is proved by several witnesses, and stands uncontradicted by any one. I am aware that it will be urged that the circumstance of a disagreement of the poll lists with the votes in the boxes, is proof that the votes were put in double by the electors; but I humbly conceive that it is far from being conclusive proof, when we reflect that they were folded in the usual manner, so that they might have slipped together, and that it is not unusual that they are found thus slipped together; and moreover that it often happens that there is a disagreement between the poll lists and the votes in the boxes, as is proved by General W. L. Churchill, B. Brooks, Esq., and S. Griswold, Esq.; and not unfrequently an excess of votes, which may well happen by the neglect of clerks, through the hurry and bustle of an election, to enter the name of every elector who puts his vote into the boxes, especially when there are three boxes and three poll lists for each elector. From these and other circumstances, is not the presumption too strong to be resisted, that some of them, if not the whole six votes, were given in singly? And, while on this subject, it may be observed that the only possible ground on which the six votes can be set aside, is a fraudulent intention in the electors.

It is not only possible, but very probable, as has been shown, that these votes had slipped into each other by carrying about the boxes from one day's election to another, and from the votes having to pass the scrutiny of the inspectors as they are put in. If these votes are decided to be fraudulent, it must be from presumption merely. It is not easy to distinguish this case from all others, where fraud is never to be presumed, but must be most conclusively proven. Again, suppose that these six votes were all given in double, we have it in proof, to wit, by General Churchill, Gilbert, and James, that they might not only possibly, but probably, in that case, have been hastily received from distributors of votes thus together, and without examination put in, not knowing there were two; and, if so, no fraud could attach to the elector, and, upon the broad principles of perfect equity, disregarding the State law, the double votes should count one. From the production of the affidavits of D. C. Miller and J. B. Lay, identifying a printed sheet of votes, and proving the same to be similar to all the Congressional votes printed at the said Miller's office for the election of November, 1822, it is presumed the petitioner intends to infer a mistake by some of my witnesses in describing the caption or label of votes. The proof does not establish the inference; other votes than those printed at that office might have been circulated. But, suppose they were mistaken in that incidental circumstance, which was only introduced to show a dissimilarity

between the captions; it may well be supposed that they might misplace the words of the caption, and yet be clear and correct in their recollections as to its object, to wit, designating the different candidates; and all that is said in relation to captions is not material, as the name of the sitting member was seen by the witnesses on five of the said six votes, and there is no pretension, in proof, to the contrary. Upon a review of this case, is it not clear that the election of the sitting member was equitably sustained by a fair majority of his district? And that such will be the decision of this honorable committee, and of the House, I think the answer will unanimously be in the affirmative.

Respectfully submitted,

ISAAC WILSON.

Reply of Petitioner.

To the Hon. JOHN SLOANE,

Chairman of the Committee of Elections:

Humbly referring your honorable body to a perusal of the documents submitted by your petitioner, he respectfully submits the following suggestions:

1. Your petitioner, on a particular examination of the evidence relative to the votes given in the town of China, assumes the conclusion as irresistible that the facts set forth in the petition relative to those votes are established beyond controversy. In answer to which, the sitting member endeavors in part to balance the majority in favor of your petitioner, resulting from the correction of the mistake alleged by him, by showing a mistake in your petitioner's favor in the town of Attica, to the number of five votes.

On this part of the case it is humbly suggested that a statement of the result of the canvass drawn up at the time (the attention of the inspectors being particularly drawn to the state of the Congress votes, and the whole being certified by and in the presence of each of the said inspectors as the constituted judges) should preponderate as a matter of authenticated record evidence over the recollections of any set of men, in the absence of the original canvass itself, which was preserved, and forms the groundwork from which all the inferences are drawn in relation to the votes in the town of China.

2. Should the sitting member be deemed to have established the alleged mistake in the town of Attica, (which, however, cannot for a moment be admitted,) still there will remain a majority of one vote in favor of your petitioner. It is contended, nevertheless, that a legitimate vote, given for the sitting member in the town of Middlebury, was not counted. On this point it is sufficient to remark that the inspectors of the election, having ocularly examined the vote itself, were better capable of determining on its legitimacy than any body of men can be from a description of the vote given by the inspectors themselves. And again, the inspectors are, by the election law of the State of New York, made the judges of the validity of that vote; they acted judicially upon it, and it is respectfully submitted that their decision ought to be conclusive in the premises, and not in the nature of a mistake, subject to future revision and correction.

3. In reference to the double votes given in the town of Byron and Stafford, the law of the State of New York makes the inspectors who institute an examination at the time (referring to the proper check provided by the same law, viz: the examination of the poll lists) the sole judges. And if, in their judg-

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ment, honestly formed, the votes were deemed to have been put in double, then the fraud intended to be guarded against is presumed, and the votes are consequently void.

And your petitioner has the honor to be, &c.,
PARMENIO ADAMS.

The resolution offered yesterday by Mr. Cook, calling on the Secretary of the Treasury for a statement of the amount of money remaining to be paid by the purchasers of public lands prior to the 1st of July, 1820, and designating the amount due for lands in each State, was taken up and agreed to, *nem. con.*

ORDNANCE DEPARTMENT.

Mr. FLOYD, of Virginia, adverting to a Message of the President of the United States, transmitted to this House on the 8th day of January last, in answer to certain resolutions of the 8th January, 7th May, and 17th December, 1822, calling for certain information respecting the expenditures in the Ordnance department, said the document to which he referred had not been ordered to be printed until the close of the session, so that, during the last session, it was not practicable to pursue the inquiry which he, as the mover of one of the resolutions calling for the information, had intended to follow up. He now moved that the Message and documents in this case be referred to a select committee.

Mr. TAYLOR, of New York, called for the reading of the Message proposed to be referred, to see whether the appointment of a select committee in the case was advisable.

Mr. SAUNDERS, of North Carolina, said he was glad that the attention of the gentleman from Virginia had been directed to the report of the last session respecting the expenditures of the Ordnance department. Since the meeting of the present Congress, Mr. S. said he had occasion to look into that report. The examination which he had given first showed that something like a check should be put upon the expenditure of that department, if it could be done. He preferred the document being referred to a select committee, because, if gentlemen would look into it, they would find it to be very voluminous, comprising the accounts of the Ordnance department for several years, and it would be impracticable for a committee to examine it in the manner in which it ought to be examined without abstracting its attention from every other subject.

Mr. TAYLOR said the gentleman from North Carolina had mistaken him, if he understood him as opposing the reference of these documents to a select committee. He only wished the Message of the President read, to understand precisely what the subject was which was proposed to be referred, with a view to ascertain whether it would be proper to refer it to a select committee or to the Military Committee.

The Message was then read.

Mr. SAUNDERS resumed his observations. He disapproved of a reference of this subject to the Military Committee, because, he said, of the voluminousness of the documents, and the necessity

of a more minute examination of the subject, than it would probably be in the power of that committee to give it. He would state some of these expenditures in the Ordnance department, which, he said, would strike this House with something like astonishment. In 1819, for example, it would be found that eight or ten dollars per barrel had been paid for corn for the use of this department. If there had been such a scarcity of that article in any part of the country as to raise it to that price, he knew not of it. It would be found, on looking at another item, that a very large sum had been paid—

The SPEAKER here checked the debate; it was not in order, on a motion for reference, to go at large into the subject proposed to be referred.

Mr. HAMILTON, of South Carolina, said, that, as a member of the Military Committee, he was not desirous of appropriating to that committee an undue proportion of labor; but he submitted to the House whether, under the general duties enjoined on that committee, that of examining this subject did not properly fall. Unless otherwise specially instructed by the House, he thought the subject was already fully within the scope of the duties of the committee, which, from the nature of the business which came before it, might be supposed to be fully competent to its investigation, and might therefore come to conclusions thereupon different from those of a select committee.

Mr. LITTLE, of Maryland, then moved to refer the papers in question to the Committee on the Expenditures of the War Department, whose duty he thought it peculiarly was to investigate subjects of this description.

Mr. FLOYD, after expressing an unwillingness to take up the time of the House on this subject, said that it had been heretofore almost uniformly the practice, (to which he knew of but a single exception,) where a subject was brought before the House by any member, with a desire to have a committee appointed upon it, that this request should be granted to him. It was perfectly competent to the gentleman from South Carolina, who was now at the head of the Military Committee, to have had this document referred to that committee at an earlier day, when the committee had little to do. The gentleman from Maryland, too, must agree that the practice of allowing a particular inquiry, when asked by a member, was almost an universal practice of the House. Here was an expenditure, to a vast amount, in one of the departments. Desirous to see the nature of the expenditures, Mr. F. said he had called for an account of them. The information was now here, and all that he asked was, that it should be referred to a committee, which would have time to examine the subject, and take it under their particular care. It was very true, as the gentleman had intimated, that the Military Committee might come to a different conclusion from a select committee. Mr. F. said he believed, however, that any committee to whom the subject should be referred, would come to the same conclusion; but, if, in making this motion, he was about to

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tread on any tender place, perhaps he had better withdraw it.

Mr. LITTLE, disclaiming any intention to oppose an inquiry in this case, said it was the particular duty of the Committee on Expenditures in the War Department, to inquire into expenditures of this description, and therefore he wished the subject referred to them, presuming that they would not neglect their duty, and that every member of the House felt the same interest as he himself did in the correct administration of the public concerns.

Mr. DWIGHT, of Massachusetts, thought that to refer this subject to any other committee than that on the expenditures of the War Department, would be to interfere with the appropriate duties of that committee. He read a part of the rule establishing that committee, to sustain his position. It was very well known that that committee had heretofore had very little business before them. It seemed most proper, therefore, that this message should be referred to that committee: any other course, indeed, it appeared to him, would be irregular.

Mr. HAMILTON said the gentleman from Massachusetts had anticipated him in what he had said; for, on reference to the rule, he was very well satisfied that the suggestion of the gentleman from Maryland was perfectly correct. To show that it was so, Mr. H. requested the Clerk to read the rule.

The rule was read by the Clerk.

Mr. TUCKER, of Virginia, said he hoped the motion to refer the message to this standing committee would not prevail. The House, since it had heard the rule read, would see that the duties imposed on that committee, which consists of three members only, were very arduous. These duties could not be so well performed in the committee room, but the committee were under the necessity of going to the War Department to prosecute their inquiries. The consequence was, that, when that committee, some time ago, made a report to this House, they recommended the number of the committee to be increased, but that recommendation had not been acted upon. That committee, at least he spoke for himself as one of them, would be very much obliged to any gentleman who would divide their labor with them. If that committee should meet every day of the session, and the session were to endure for twice its usual term, it would be impossible for them to examine all the vouchers, &c., for the expenditures in the Department. They were even now obliged, in some measure, to slur over their inquiries, from the want of time to pursue them, &c. It would be very gratifying to that committee, he said, to have the subject now before the House referred to a select committee.

Mr. FLOYD said, in making this motion, he had not taken any course unusual in the House; he was only pursuing an inquiry which he had himself commenced. It was not because he supposed there was any unwillingness or inability in the standing committees to examine the subject, that he proposed to refer it to a select committee, but

because he had commenced the inquiry himself, and he wished himself to pursue it.

The question was then taken on the motion to refer the subject to the standing Committee on the Expenditures of the War Department, being first in order, and negatived—99 votes to 67.

The question was then taken on referring it to a select committee, and agreed to; and Messrs. FLOYD, SAUNDERS, DWIGHT, METCALFE, TRACY, SHARPE, and SPENCE, were appointed the said committee.

The House went into Committee of the Whole on the bill for the relief of William Kendall. The bill, together with the report of the committee on the case, having been read, the bill was reported without amendment, and ordered to be engrossed for a third reading.

The Committee of the Whole was discharged from the further consideration of the bill for the relief of John Jenkins, which was recommitted to the Committee on Private Land Claims.

The House went into Committee of the Whole on the bill for the relief of Sarah Chitwood; which was reported without amendment, and ordered to be engrossed for a third reading.

COSTS IN SUITS FOR PATENT RIGHTS.

The engrossed bill "concerning costs in certain cases," was read a third time.

Mr. VANCE, of Ohio, had an objection to the bill. As he understood the bill now to stand, if a party, suing in the courts of the United States, recovered only ten dollars, he would be entitled to costs; because the clerk of the court was ordered to record a judgment of damages for three times the amount awarded by the jury; and, for the same reason, as the law formerly stood, a plaintiff recovering no more than \$160, was entitled to costs, because the damages were to be entered at treble the amount. The gentleman from Massachusetts had, indeed, otherwise stated the law, and he was probably better acquainted with the law than himself, yet such were his convictions; and, with this view of the practical operation of the bill, he could view it as little else than a bill to aid individuals to impose upon the public. Such, at least, would be its effect in the Western country. That country, he said, swarmed with persons professing to have patent rights for new discoveries. An instance had not long ago occurred, of a man coming into that country, and maintaining that he had a patent for wing gudgeons, and succeeding so far as to exact large sums of money from individuals, who were intimidated by a threat of his going to law with them. Pass this law, said he, and adventurers of this kind will come along with the law in their pocket, and threaten those on whom they practise their impositions, to drag them from the extremity of Missouri, Illinois, &c., to the circuit courts of the United States. No matter if, when they got them there, they should recover only ten dollars, the bill, as it now stood, would give them the costs of suit. Almost all the light machinery employed in that region of country, Mr. V. said, came from the Eastward. The articles were

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consigned to a merchant in some intermediate town, Pittsburg or Wheeling, for example, and he sent them forward to agents in the interior. There they were purchased and used, and then comes along some man from the Eastward, claiming a patent right to the article—the user cannot trace the person from whom the articles were procured to the Eastward, and dreading a suit, prefers to pay the unjust demand of a mere adventurer. As an instance of which, he cited the case of Wood's patent plough, which was much used in the prairies of the Mississippi, and which had given occasion to great abuses of this description. No law could be better calculated to encourage litigation, he thought, than this.

Mr. WRIGHT said, that he was in favor of the bill, as originally reported; in its present form, he should be opposed to its passage. By the act of 1799, where \$500 or more was sued for in the United States courts, and less than \$500 recovered, no costs were allowed. But the case now to be provided for rests on a different principle. All costs, he said, are matters of special legislation, being, he believed, unknown to the common law. They were not allowed in suits under the patent law, because that law provides that judgment shall be given for three times the amount of the verdict obtained. This provision of the existing laws he considered as a full equivalent for costs, and a sufficient security to the rights of the patentee. He thought that a reduction of the minimum of damages, on which costs are recoverable, would have a tendency to multiply law suits. It had been said, that suitors under the patent laws were compelled to have resort to the courts of the United States, as they could sue nowhere else. He conceived the law to be otherwise. He believed that the United States courts had not exclusive, but only concurrent jurisdiction, in cases of this description. Doubtless, the subject of allowing costs had been within the view of Congress when the original act was passed; and why were costs not then allowed? For the reason he had stated—the triple amount of the verdict being allowed in lieu of them. Besides, in most cases, the damages assessed did not go to the original patentee; they went to persons who claimed to have an assignment from him. Such persons abounded—they literally swarmed in some parts—vending patent rights had become a perfect trade. They impose upon the ignorant, and threaten the timid, till they often succeed in fleecing both. Sometimes, however, they meet with an individual of sterner stuff, who consents to abide a suit; but he does not know whether the patent is valid or not, and, in the issue, he is cast; damages are awarded against him; the law trebles those damages, and now costs are to be superadded to all the rest. He hoped the bill, at least, in its present shape, would not pass; and he therefore moved that it be recommitted to the Committee on the Judiciary, with instructions to restore it to its first form, by altering the minimum of damages on which costs should be allowed from \$30 to \$100.

The question being taken on this motion with-

out further debate, it passed in the affirmative, and the bill was recommitted accordingly.

RELIEF OF DISTILLERS.

The House went into Committee of the Whole on the bill for the relief of certain distillers of Berks county, Pennsylvania, which having been read, together with the report of the Committee of Ways and Means thereon, made at a former session of Congress—

Mr. KREMER moved to amend the bill by striking out the words, "in the county of Berks."

Mr. McLANE said he should not object to this amendment. The bill had been reported by the committee in its present restricted form, because the petition on which it was founded was limited to persons residing in Berks county. If the gentleman from Pennsylvania knew that there were others in that State who needed its provisions, he was willing to extend the bill to them also.

Mr. KREMER replied, that though he did not certainly know this to be the fact, he thought it highly probable; and it might save trouble, and could do no harm, to extend the bill.

Mr. FOOT, of Connecticut, suggested, as a modification of the amendment, to strike out the words "in the State of Pennsylvania," leaving the bill to operate generally throughout the Union. To this modification of his motion, Mr. KREMER consented.

Mr. BUCHANAN, of Pennsylvania, said that, in his opinion, it was enough to remedy grievances when we know them to exist. The patent to which the bill refers, is in operation only through a small part of the State of Pennsylvania. Lancaster county, the only other county materially interested in the relief proposed by this bill, has already applied for, and has obtained it. What good end would be answered by a farther extension of it? The practical effect would be to hold out a temptation to distillers, who never thought of such a thing, to try to bring themselves, by some construction, or on some pretext, within the relief it is intended to grant in this particular case.

Mr. FOOT said he had no idea, in offering the amendment he had proposed, to embarrass the passage of the bill; but he had offered it because he thought that Congress were equally bound to do justice to all; and if there were any other persons, beside the petitioners, interested in the object of the bill, he could conceive of no reason why they should not be equally provided for. As to the construction of the patent law as applying to this case, there was no room for dispute—the patent was one well known.

Mr. McLANE said that when the amendment was first proposed, it did not occur to him that there could be any objection to it; but, on further reflection, he was inclined to believe that the extent which the honorable member from Connecticut wished to give to the provisions of the bill would be productive of consequences such as that gentleman did not anticipate. The bill was framed with a view to those particular persons, all of whom are provided for as persons living; but if it

is extended to the whole Union, many of those concerned in the operation of the patent will prove to be persons now dead, and further provision will have to be made for refunding to their heirs or representatives the amount claimed as overpaid. The terms of the bill would need to be greatly changed. He thought the more expedient course would be to pass the bill as it stood, granting the relief to those who asked for it.

Mr. KREMER replied, and advocated the amendment, on the ground of doing equal justice to all concerned. Had the first bill on the subject been a general one, the House would not now have been troubled with this one; and if made so now, it would prevent more trouble in future. Congress ought not to act towards the persons embraced in this bill like a father to a spoiled child, and treat the rest as outcasts. He hoped the bill would pass on the broad ground proposed by the gentleman from Connecticut.

The question being taken on the amendment, it was decided in the negative; and the question being on the bill as reported by the committee,

Mr. SANDFORD expressed his disapprobation of the course pursued in making, in this case, a partial instead of a general provision. The mode of distilling referred to in the bill, had spread, he believed, far, both to the South and the West. It was in use in North Carolina, in Tennessee, and Kentucky; and if we waited to relieve those in these States who were equally entitled to relief, until they petitioned this House and the ordinary forms had time to be gone through, many of the petitioners would probably be dead before the bill would pass. It was a waste of time to legislate for county by county, as was proposed by the bill.

The Committee rose and reported the bill without amendment, and it was ordered to be engrossed for a third reading.

WEDNESDAY, December 31.

Another member, viz. from Pennsylvania, DANIEL H. MILLER, appeared, was qualified, and took his seat.

Mr. MORGAN presented a memorial of the Chamber of Commerce in the city of New York, praying for the establishment of a uniform mode of bankruptcy, for the United States; which memorial was ordered to lie on the table.

Mr. RANDOLPH presented the petition of a number of pensioners of the United States, now assembled at the City of Washington, adopted at a meeting of said pensioners, of which meeting Thomas Cox was chairman, and Daniel Palmer, secretary, praying for an increase of their pensions, respectively; which petition was referred to the Committee on Pensions and Revolutionary Claims.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act concerning discriminating duties of tonnage and impost;" in which bill they ask the concurrence of this House.

Mr. WILLIAMS, from the Committee of Claims, under the instruction of the House, reported a bill

for the relief of Garrett Fountain. The bill having been read—

Mr. WILLIAMS moved that the same might be recommitted to the same committee, with instructions to inquire whether any deposits of provisions were required by proper authority to be made in advance at the place where the house of said Fountain was erected; so as to bring it within the true character or technical definition of a stationary post.

This motion for recommitment, was supported by Messrs. WILLIAMS and MCCOY; and opposed by Messrs. WOODS, MALLARY, and SHARPE; but was superseded by a motion to refer the bill to a Committee of the Whole; and the bill was referred accordingly.

Mr. GURLEY offered the following:

"Resolved, That the Committee on Public Lands be directed to inquire into the justice and expediency of granting to actual settlers in that part of the State of Louisiana, lying east of the Mississippi and Island of Orleans, a right of pre-emption to public lands, in the same manner, and for the same period of time after possession thereof by the Government of the United States, as was granted to such settlers in the late Territory of Orleans, after possession thereof as aforesaid."

In advocating the propriety of this resolution, Mr. GURLEY observed, that there was a material difference between the situation of the two regions of country embraced within the State of Louisiana. Both of them had, indeed, been acquired at the same time, by the treaty with France; but, in one of these districts, possession was accompanied with title, in the other not. In the old Territory of Orleans, pre-emption rights extend to eleven years; in the other part of the State, only to four years. Mr. G. insisted on the impropriety of such a difference between citizens of the same State, as a ground for the inquiry proposed by his resolution. The resolution was agreed to.

Mr. BEECHER moved to take up the bill for extending the Cumberland Road. Carried, ayes 73, noes 70. The bill was then, on motion of Mr. B., referred to the Committee of the Whole.

On motion of Mr. MOORE, of Kentucky, the Committee on Commerce were instructed to inquire into the expediency of establishing ports of entry and delivery at Louisville, Kentucky; Cincinnati, in Ohio; and St. Louis, in Missouri.

The bill from the Senate, entitled "An act concerning discriminating duties of tonnage and impost," was read the first and second time; and a motion was made by Mr. COBB, to amend the said bill, by inserting, after the word "nation," where it occurs the first time in the 4th section, these words, "the independence of which has been, or hereafter may be, acknowledged by the United States." This motion was disagreed to by the House, and it was ordered to be read a third time to-day.

The bill from the Senate, entitled "An act concerning discriminating duties of tonnage and impost," was read the third time, and passed.

Engrossed bills of the following titles, viz: An act for the relief of William Kendall; An act for

the relief of Sarah Chitwood; and An act for the relief of certain distillers within the county of Berks, in the State of Pennsylvania; were, respectively, read the third time, and passed.

[Mr. KREMER made an unsuccessful motion to recommit the last named bill with a view to enlarge its provisions.]

The House went into Committee of the Whole, on the report of the Committee of Claims on the memorial of the Levy Court of Calvert county, Maryland.

Mr. NEALE moved to strike out the word "not," in this report.

[The claim involved in this case is for the value of the courthouse of the county, alleged to have been destroyed because it had been occupied as quarters by forces of the United States. The report is against the claim.]

Mr. NEALE supported his motion with great earnestness, and Mr. WILLIAMS, of North Carolina, (the chairman of the Committee of Claims,) opposed it with equal zeal. After a considerable contest between these gentlemen on the merits of the claim,

The question on striking out the negative word of the report, was taken, and decided in the negative—for striking out, 53; against it, 94.

The Committee then rose, and reported the resolution of the Committee of Claims, without amendment, and it was adopted by the House; thus rejecting the petition.

MIAMI PURCHASE.

Mr. GAZLAY submitted the following:

"Resolved, That the Committee on the Public Lands be instructed to inquire into the title and right of the United States in and to one township of land reserved for certain purposes in the contract entered into with John C. Symmes, as mentioned in the laws passed in 1792 and 1803 relating thereto."

Mr. GAZLAY, in introducing this resolution to the notice of the House, stated that, in the year 1787, John C. Symmes had entered into a contract with the United States for one million of acres of land, commonly designated as "the Miami Purchase." In 1792, not being able to pay for the whole of this tract, he petitioned that the extent of his contract might be curtailed to 300,000 acres—certain reservations, made in the first contract, for the purpose of encouraging education, being continued unchanged. The patent which issued under this last form of the contract, reserved one entire township, as nearly in the centre of the tract as might be, for this use. In 1803, Congress passed another act on the subject, allowing the reservation of any one complete township, and, in case of non-compliance, compelling an execution of the trust, unless the payment of \$15,360 would release the obligation. By this it was manifest that, at that time, Congress viewed itself as holding the fee of this land. In consequence, there was a charge to that amount standing against J. C. Symmes, on the public books, since the year 1792. It was on these facts that he offered the resolution. During a period in which we were gathering by basketsfull, Mr. G. said, an amount

like this might be overlooked, but now, it was necessary to gather up the crumbs of the Treasury. The resolution was agreed to.

CONDITION, &c. OF GREECE.

The following Message from the PRESIDENT OF THE UNITED STATES was read:

To the House of Representatives of the United States:

I transmit to the House of Representatives, a report from the Secretary of State, with accompanying documents, containing the information requested by the resolution of the House, of the 19th instant, relating to the condition and future prospects of the Greeks.

JAMES MONROE.

WASHINGTON, Dec. 31, 1823.

DEPARTMENT OF STATE,

Washington, Dec. 31, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the United States of the 19th instant, requesting the President of the United States, to lay before the House any information he may have received, and which he may not deem it improper to communicate, relating to the condition and future prospects of the Greeks, has the honor of reporting to the President, the papers in the possession of this Department, containing the information requested by the resolution of the House.

JOHN QUINCY ADAMS.

List of Papers sent.

Extract of a letter from Mr. Forsyth to Mr. Adams, dated 13th December 1822—with
Note, dated Corinth, 8th [20th] April, 1822—translation.

Note, Mr. Luriottis to Don Evaristo San Miguel, dated 21st November, 1822—translation.

Mr. Rush to Mr. Adams, 24th Feb., 1823—copy

Mr. Luriottis to same, 20th do. do.

Mr. Adams to Mr. Rush, 18th Aug. do. do.

Same to Mr. Luriottis, 18th do. do.

Extract of a letter to Secretary of State, dated Marseilles, 6th August, 1823.

Do. 27th do.

Statistical table of Greece—translation—original copy received from Mr. Middleton.

The Message, &c., was ordered to lie on the table.

The House adjourned to Friday.

FRIDAY, January 2, 1824.

The SPEAKER laid before the House the following communications, viz:

1. A letter from the Comptroller of the Treasury, transmitting the following statements received from the Third Auditor: 1. A statement of the names of such officers as have not rendered their accounts within the year, or have balances unaccounted for, on account of advances made one year prior to the 30th of September last. 2. A statement of accounts which have remained unsettled, or on which balances have been due more than three years, prior to the 30th September last. 3. An abstract of moneys advanced prior to the 3d of March, 1809, on the books of the late Accountant of the War Department, which remained

to be accounted for on the books of the Third Auditor, on the 30th September last; all prepared in obedience to acts of the 3d March, 1809, and 3d March 1817; which letter and statements were laid on the table.

II. A letter from William H. Jones, accompanied with a proof, as far as finished, of Mr. Shriver's map of the country through which it is proposed that the Chesapeake and Ohio canal shall pass; which letter and map were referred to the committee appointed on so much of the President's Message as relates to said proposed canal.

III. A letter from the Secretary of State, enclosing a copy of a letter to him from George G. Barrell, Consul of the United States at Malaga, in Spain, accompanied with a portrait of Columbus, in half length, which he obtained from Seville, believed to have been painted by the same hand which painted the celebrated likeness of that great man now in the Palace of the Escurial in Spain; which picture he wishes to be placed among the portraits of other distinguished men in the Capitol: in which letter the Secretary of State also states, that "an exact fac simile, engraved on copper plate, has been made, by direction of the Department, of the original copy of the Declaration of Independence, and that two hundred copies have been struck, and are at the Department, subject to the disposal of Congress;" which letters were referred to the joint Library Committee.

On motion of Mr. COBB, the Committee on the Judiciary were instructed to inquire into the expediency of directing, by law, the delivery to the administrator, executors, or other legal representative of John Michael, deceased, certificate No. 1095, for twenty thousand acres of land, in the Mississippi Land Company, issued in the name of Robert Williams; which certificate is now deposited in the office of the Secretary of State.

Mr. WICKLIFFE offered the following:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing the twenty-fifth section of the act to establish the judicial courts of the United States, or so modify the same, that the writ of error, therein provided for, shall be awarded to either party, without reference to the manner the question shall have been decided by the supreme court of the State.

Mr. WICKLIFFE, in offering this resolution, stated the object which he had in view in proposing it. The twenty-fifth section of the Judiciary act contained a provision, among other things, for allowing an appeal or writ of error from the supreme court of any State to the Supreme Court of the United States, in any case in which the decision of the supreme court of the State shall involve the validity of any law of the United States or any provision of the Constitution. The first object which he had in view, Mr. W. said, was to annihilate this section of the Judiciary act altogether; believing that the power, given the Supreme Court of the United States to reverse decisions of the supreme court of any State, was a dangerous one. If he could not accomplish that, he wished to have that section so amended as that

the right of the writ of error or appeal should be granted, on application, to either party.

The resolution was agreed to, without opposition.

Mr. WRIGHT submitted the following:

Resolved, That the communication of the Secretary of the Treasury to this House, dated the 27th of January, 1823, be referred to the Committee on Public Lands, and that said committee be instructed to inquire whether any, and, if any, what, legislative provision is necessary to secure to the State of Ohio the full amount of the three per cent. arising from the sales of the public lands in said State, under the contract entered into between the United States and the State of Ohio, by the ordinance of the convention of that State, of 27th November, 1802, and the act of Congress of 3d March, 1803; and, also, whether any, and what, proportion of the expenses of surveying the lands of the United States in Ohio, have been paid by the purchasers of said lands.

Mr. WRIGHT said, that it might not be recollected, that the contract, referred to in this resolution, between the United States and Ohio, had received a construction, by the parties to the contract, upon which they continued to act for twenty years. After the lapse of that period, a different construction had been given to the contract by the General Land Office, which was considered by the State of Ohio as seriously affecting its interests. Of that construction he did not now mean to examine the accuracy or question the correctness. He wished merely to direct the attention of the Committee of Public Lands to that subject, satisfied that, on a full examination of the subject, they would come to a correct conclusion upon it.—The resolve was agreed to.

On motion of Mr. OWEN,

1. *Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of altering and amending the land laws now in force, so as to induce those who purchased under the credit system to discharge the sums yet unpaid, by cash, advanced at discount, and by further relinquishment.

2. *Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of granting to actual settlers, prior to the first of July, 1820, in the State of Alabama, the right of purchasing, by pre-emption, of at least one quarter section of land, embracing their family residences.

3. *Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of granting the right of pre-emption to all persons to mill-seats, on public lands, where the same have been actually improved, as such, by them.

4. *Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of granting to each county in each State, where there are public lands, the right of pre-emption to one quarter section of land, for the purpose of erecting and locating public and county buildings.

Mr. POINSETT laid before the House the following resolution, adopted by the General Assembly of the State of South Carolina, on the 20th of December, ultimo, viz:

Resolved, That the State of South Carolina regards with deep interest the noble and patriotic struggle of

the modern Greeks to rescue from the foot of the infidel and barbarian the hallowed land of Leonidas and Socrates; and would hail with pleasure the recognition, by the American Government, of the independence of Greece.

The resolution was read, and laid on the table.

Mr. CALL presented to the House a printed copy of the "Acts of the Legislative Council of the Territory of Florida, passed at their second session, 1823;" which were referred to the Committee on the Judiciary.

COMMERCE WITH GREECE, &c.

Mr. BRECK moved that the resolution some time since offered by him, and laid on the table, calling on the Secretary of the Treasury for a statement of the trade of the United States to Greece, Egypt, and Asia Minor, be now taken up, and considered.

Mr. B. said he should not again have troubled the House on this subject, had he been able to discover, in the statistical tables from the Treasury, the information it was his object to obtain; but several items were, in that statement, included in one line, and the whole was so "mixed up," that it was impossible for him to find what he wanted. He thought the procuring of the information the more important, as the subject of our relations with Greece was soon to be brought before the House.

Mr. WEBSTER gave notice that he should not hold himself bound, in calling up his resolution on the subject, to wait for the document called for by that now offered, and for the reason, that he did not think that the information now called for had any bearing on the merits of the proposition which he had submitted to the House.

Mr. FORSYTH suggested, as an amendment to the resolution, to strike out the clause which requires a distinct statement, in separate columns, of the countries under the Turkish Government, from those possessed by the Greeks in arms, in order to put the resolution in a shape in which it would be complied with.

Mr. BRECK accepted the amendment; and the resolution, thus altered, was agreed to by the House, as follows:

Resolved, That the Secretary of the Treasury be directed to furnish this House with the amount of exports from the United States to Greece, Asia Minor, and Egypt, during the years 1820, 1821, and 1822; also, the amount of imports therefrom, for the same period; also, the amount of duties paid on said imports into the Treasury of the United States.

BENJAMIN HUFFMAN.

The House then passed to the orders of the day, and resolved itself into a Committee of the Whole, on the bill appropriating a certain sum of money, to enable Benjamin Huffman to recover his son, taken prisoner by the Indians.

Mr. COCKE briefly stated the circumstances of the case to be provided for. The father of the boy having applied for advice and assistance to Governor Cass, of Michigan Territory, that gentleman corresponded on the subject with the Sec-

retary of State; in consequence of which the latter had a correspondence with Mr. Canning, the British Minister to this Government, and he, with the Governor of Canada, who discovered that the boy in question was in the possession of a British sergeant in Canada, who was unwilling to deliver him up. Without the consent both of the boy himself, and of this man who held him, the Governor of Canada was unwilling to deliver him over. In such circumstances, the committee who reported this bill, thought it right that Congress should interpose, in order to enable the father to go on to Canada, and take with him the requisite evidence of the facts, and obtain a habeas corpus for the boy. They had guarded against any abuse, first, by the smallness of the sum granted, and then by exacting security for a faithful account and a return of the balance, should any remain.

The committee reported the bill without amendment, and it was ordered to a third reading.

ROAD FROM MEMPHIS TO LITTLE ROCK.

The House went into Committee of the Whole, on the bill for laying out and making a road from Memphis, Tennessee, to Little Rock, in the Territory of Arkansas.

Mr. HEMPHILL, in supporting the expediency of the bill, stated that a memorial on the same subject had last session been received from the Territory of Arkansas, and referred to the Committee on Roads and Canals, and a favorable report made, but not acted on. The committee now believed such a road to be necessary, and highly conducive to the prosperity of that Territory; but too expensive for its present population and means. It was for the purpose of uniting the two great bodies of settlers, the seat of government being at one end of the road, and the settlements on the Mississippi at the other end. The actual distance was but 150 miles; but the present circuitous road ran three times that length. The contemplated road would be valuable to the Union, as well as to the Territory, by affording transportation for public property, and by opening to speedier settlement the military lands in Arkansas. It was important in another view. The white population of that Territory was but about 16,000; and on its borders were nearly 50,000 Indians. It was evident how requisite it would be, in case hostilities should arise, to have an easier and more direct mode of communication than now existed. Many similar bills had passed the House, but none of them more proper, from all the circumstances, than this.

The bill, having been read by sections, was reported without amendment, and ordered to a third reading—ayes 79, noes 58.

AGENT TO GREECE, &c.

Mr. SLOANE, from the Committee of Elections, gave notice that he should, on Monday, call up the report of that committee on the subject of the contested election of Mr. WILSON, a member from New York.

The SPEAKER reminded the honorable member that notice had been given for the discussing of

another subject, on Monday: alluding to Mr. WEBSTER's resolution for sending an agent to Greece.

Mr. POINSETT said, that the Speaker had referred to a subject, in regard to which, he wished to make a suggestion, for which he would use the present occasion. The motion, by his friend from Massachusetts, respecting Greece, stood under notice for Monday next. That question, he thought, would give rise to the discussion of other subjects connected with our foreign relations. It would be recollected that, after notice was given for the discussion of that subject on Monday next, a call for information, on another most interesting subject, had been made, on the motion of an honorable member from Vermont, (Mr. MALLARY,) which had not yet been answered. The King of Spain, it was understood, had declared his determination to reclaim his former possessions in America by force. It had been confidently rumored, that the confederated monarchs of Europe were about to take some measures in aid of this determination of the King of Spain. When the House went into Committee of the Whole on the state of the Union, on the subject of the agency to Greece, that would be a convenient occasion to bring forward this other subject. They were somewhat connected, and there would doubtless be a discussion of both. But the House would not be fully prepared for the discussion, till the reply should come in answer to the resolution adopted on the motion of the gentleman from Vermont. He wished, therefore, that his friend from Massachusetts would consent to omit the calling up of his motion on Monday.

Mr. WEBSTER said, he felt solicitous—perhaps too solicitous—to bring on his motion as early as convenient, especially as some mistaken notion, as he thought, of its nature and tendency, had gone abroad. He was fully persuaded that the course indicated by that motion was precisely that which he thought the Government ought to adopt; that nothing less than that would satisfy the public feeling or the public expectation, and that the sooner it was done the better. He thought the information communicated this morning was of a character to strengthen this conviction, where it existed, and to create it where it did not. Nevertheless, he was unwilling to bring on the motion, while his friend from South Carolina thought there would be a convenience resulting from delay. He would, therefore, not call up the subject on Monday. And, as it was probable there would soon be an answer to the resolution of the gentleman from Vermont, he would, after the receipt of that communication, call the attention of the House again to the subject.

REPORT ON THE FINANCES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, covering his annual report upon the state of the finances of the United States; which letter and report were ordered to lie on the table, and six thousand copies thereof ordered to be printed.

The letter and report are as follows:

TREASURY DEPARTMENT, Dec. 31, 1823.	
SIR: I have the honor to transmit a report, prepared in obedience to the "Act supplementary to the act to establish the Treasury Department."	
I have the honor to be, very respectfully, sir, your obedient servant,	
WM. H. CRAWFORD.	
To the honorable the SPEAKER of the House of Representatives.	
In obedience to the directions of the "Act supplementary to the act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report:	
1.—Of the Public Revenue and Expenditures of the years 1822 and 1823.	
The net revenue which accrued from duties on imports and tonnage, during the year 1822, amounted to - - - - - \$20,500,775 91	
The actual receipts into the Treasury during the year 1822, amounted to \$20,232,427 94	
Viz:	
Customs - - - - -	\$17,589,761 94
Public lands, exclusive of Mississippi stock - - - - -	1,803,581 54
Dividends on stock in the Bank of the United States - - -	297,500 00
Arrears of internal duties and direct tax, and incidental receipts, and repayments under act of May 1, 1820 - - -	541,584 46
Making, with the balance in the Treasury on the 1st of January, 1822, of - - - - -	1,681,592 24
An aggregate of - - - - -	\$21,914 020 18
The expenditures during the year 1822, amounted to - - - - - 17,676,592 63	
Viz:	
Civil, diplomatic, and miscellaneous - - -	\$1,967,996 24
Military service, including fortifications, ordnance, Indian department, revolutionary and military pensions, arming the militia, and arrearages prior to the 1st of January, 1817 - - - - -	5,635,188 29
Naval service, including the gradual increase of the navy - - -	2,224,458 98
Public debt - - - - -	7,848,949 12
Leaving a balance in the Treasury, on the 1st of January, 1823, of - - - - -	4,237,427 55
The actual receipts into the Treasury during the three first quarters of the year 1823, are estimated to have amounted to - - - - - \$16,174,035 26	
Viz:	

Customs - - - - -	\$15,019,392 74
Public lands, exclusive of Mississippi stock - - - - -	657,505 73
Dividends on stock in the Bank of the United States - - -	350,000 00
Arrears of internal duties and direct tax, and incidental receipts - - - - -	102,726 15
Repayment of advances made in the War Department, for services or supplies, prior to 1st July, 1816 - - - -	44,410 64
The actual receipts into the Treasury, during the fourth quarter, are estimated at - - - - -	4,270,000 00
Making the total estimated receipts into the Treasury during the year 1823 - - - - -	\$20,444,035 26
And, with the balance in the Treasury, on the 1st January, 1823, forming an aggregate of - - - - -	
The expenditures during the three first quarters of the year 1823, are estimated to have amounted to - - - - -	
Viz:	
Civil, diplomatic, and miscellaneous - - -	1,510,735 14
Military service, including fortifications, ordnance, Indian department, revolutionary and military pensions, arming the militia, and arrearages prior to the 1st of January, 1817 - - - - -	4,383,715 62
Naval service, including the gradual increase of the navy - - -	1,776,989 37
Public debt - - - - -	3,751,407 17
The expenditures during the fourth quarter, are estimated at - - - - -	3,894,559 74
Viz:	
Civil, diplomatic, and miscellaneous - - -	489,704 11
Military service, including fortifications, ordnance, Indian department, revolutionary and military pensions, arming the militia, and arrearages prior to the 1st January, 1817 - - - - -	899,449 93

Naval service, including the gradual increase of the navy - - -	726,776 46
Public debt - - - - -	1,778,629 24
Making the total estimated expenditure of the year 1823 - - - - -	\$15,317,407 04

And leaving in the Treasury, on the 1st January 1824, an estimated balance of - - - - - \$9,364,055 77

After deducting from this sum certain balances of appropriations, amounting to \$2,897,086 47, which are necessary to effect the objects for which they were severally made, or have been deducted from the estimates for the service of the ensuing year, a balance of \$6,466,969 30 remains; which, with the receipts into the Treasury during the year 1824, constitutes the means for defraying the current service of that year.

2.—Of the Public Debt.

The funded debt, which was contracted before the year 1812, and which was unredeemed on the 1st day of October, 1822, amounted to - - - \$17,189,852 60

And that which was contracted subsequently to the 1st of January, 1812, and was unredeemed on the 1st of October, 1822, amounted to - - - 75,852,848 58

Making the total amount of funded debt, unredeemed on the 1st of October, 1822 - - - - - \$93,042,701 18

In the fourth quarter of that year, there was paid the sum of - - - 2,265,673 32

Viz:	
Rebursment of six per cent. deferred stock - - -	\$265,673 32
Redemption of six per cent. stock, of 1820 - - - - -	2,000,000 00
Reducing the funded debt, on the 1st of January, 1823, to - - - - -	90,777,027 86
From that day to the 1st of October last, there was added to the debt—	
In three per cent. stock - - - - -	\$132 39
Treasury note six per cent. stock - - - - -	1,561 87
Treas'y note seven per cent. stock - - - - -	135 00
	1,829 26

Making an aggregate of - - - \$90,778,857 12

During the same period, there was paid, in reimbursement of the deferred six per cent. stock - - - - - 327,022 88

Reducing the funded debt, on the 1st of October, 1823, to - - - - - \$90,451,834 24

Since that day there has been added in Treasury note six per cent. stock - - - - - 716 75

Making an aggregate of - - - \$90,452,550 99

It is estimated that the reimbursement of deferred stock, in the fourth quarter of the present year, will amount to - - - - - \$274,588 85

H. OF R.

Report on the Finances.

JANUARY, 1824.

Which will reduce the funded debt, unredeemed on the 1st of January, 1824, to - - - - - \$90,177,962 14

The amount of Treasury notes outstanding on the 1st of October, 1823, is estimated at - - - - - \$26,122 00

And the amount of Mississippi stock unredeemed on that day at - - - - - \$21,258 87

3. Of the Estimate of the Public Revenue and Expenditure for the year 1824.

It will be perceived that the actual receipts of the year 1823, agree, substantially, with the estimate presented in the last annual report. The only deficiency is in the proceeds of the public lands; and that is understood to have been the consequence of an expectation, generally entertained, that the lands which were relinquished under the act of the 2d of March, 1821, and which are supposed to present the strongest inducements to purchasers, would be brought into market early in the ensuing year; with respect to the customs, however, the anticipations that had been formed, both as to the circumstances which were calculated to have an influence upon their productiveness, and as to the results, have been completely realized. It is believed, therefore, that data founded upon the same principles as those which governed in forming the estimate for the year 1823, may be satisfactorily presented as the basis of an estimate for the year 1824. With this view, the Secretary has the honor to state:

1st. That the gross amount of duties on imports and tonnage, which accrued from the 1st of January, to the 30th of September last, inclusive, is estimated at \$17,800,000; and that of the whole year at \$21,000,000. Of this sum, that portion which accrued in the first half of the year, is about \$1,000,000 less than that of the same period in the preceding year; and that which accrued in the three first quarters of the year, is estimated at \$1,700,000 less than that of the corresponding quarters of the preceding year.

2d. That the debentures issued during the three first quarters of the year 1823, amounted to \$3,412,000; which exceed the amount issued during the corresponding period of the year 1822, by \$1,500,000; and the amount of debentures outstanding on the 30th of September last, and chargeable upon the revenue of 1824, was \$1,405,000; which is \$500,000 more than was, on the same day, in 1822, chargeable upon the revenue of 1823.

3d. That the value of domestic articles exported from the United States, in the year ending on the 30th of September last, amounted to \$47,155,711; being \$2,718,368 less than those exported in the year preceding; and the value of foreign articles exported in the year ending on the 30th of September last, was \$27,530,469; being \$5,244,267, more than those exported in the preceding year.

4th. That the aggregate value of the imports into the United States, during the year ending on the 30th of September last, is estimated at \$77,486,432; which is less, by \$5,755,109, than those imported in the preceding year.

5th. That the amount of custom-house bonds, in suit, which on the 30th of September, 1820, was \$3,130,000, was, on the same day, in the year 1822, \$2,795,000, and, in the year 1823, \$2,817,000; whence,

it appears, that, although a reduction of \$313,000 had taken place during the whole period, yet the amount in suit on the 30th of September last, was greater, by \$22,000, than on the same day of the year preceding.

Upon a consideration of all these facts, and the conclusions deducible from them, the receipts from the customs, in the year 1824, may be estimated at \$16,500,000.

A considerable portion of the lands relinquished under the act of the 2d of March, 1821, will be brought into market in the ensuing year; but, as it is yet uncertain to what extent this may be deemed advisable, and as the sale of these lands will probably absorb a great portion of the means of those who are prepared to make investments in the public lands, it is considered prudent not to estimate the receipts from this source of revenue at more than \$1,600,000; although it is believed that they will exceed that sum.

Under these circumstances, the receipts of the year 1824 may be estimated as follows:

Customs - - - - -	\$16,500,000 00
Public Lands - - - - -	1,600,000 00
Bank Dividends - - - - -	350,000 00
Incidental receipts, including arrears of internal duties and direct tax - - - - -	50,000 00
Repayments of advances made in the War Department for services or supplies prior to July 1, 1816 - - - - -	50,000 00

Making together - - - - - \$18,550,000 00
To which is to be added the sum of

remaining in the Treasury, after satisfying all the appropriations chargeable upon the means of 1823, which makes the entire means of the year 1824, amount to - - - - - \$25,016,969 30

The expenditures of the year 1824, are estimated as follows:

Civil, Diplomatic, and Miscellaneous - - - - -	\$1,814,057 23
Military service, including ordnance, fortifications, Indian department, Revolutionary and military pensions, arming the militia, and arrearages prior to 1st January, 1817 - - - - -	5,122,268 15
Naval service, including the gradual increase of the Navy - - - - -	2,973,927 51
Public Debt - - - - -	5,314,000 00

Making an aggregate of - - - - - 15,224,252 89
which, being deducted from the estimated means of 1824, will leave in the Treasury, on the 1st January, 1825, after satisfying the current demands of the year 1824, a balance, estimated at - - - - - \$9,792,716 41

Under the existing laws, there is no probability that any portion of the balance remaining in the Treasury on the 1st of January, 1824, or of the surplus which may accrue during that year, can be applied to the discharge of the public debt, until the 1st of January, 1825. Yet it is not deemed conducive to the general prosperity of the nation, that so large

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an amount should be drawn from the hands of individuals and suffered to lie inactive in the vaults of the banks. On the other hand, the high rate of interest of the great amount of debt which becomes redeemable on the 1st of January, 1825, renders it inexpedient for the Government to apply to other objects any portion of the means which it may possess of making so advantageous a reimbursement. It is believed, however, that every inconvenience may be obviated, if authority be given for the purchase of the seven per cent. stock, amounting to \$8,610,000, during the year 1824, at such rates as may be consistent with the public interest. As it is now certain that the Government will possess ample means to redeem that stock on the 1st of January, 1825, it is presumed that the holders will be willing to dispose of it, during the interval, at a fair price; and, as a gradual conversion of it into money, at such times, and in such portions, as would be most favorable to its investment, would be most advantageous to the moneyed transactions of the community, it is presumed that it would be most acceptable to the holders.

It is, therefore, respectfully proposed, that the Commissioners of the Sinking Fund be authorized to purchase the seven per cent. stock, during the ensuing year, at the following rates above the principal sum purchased:

1. For all stock purchased before the 1st of April next, at a rate not exceeding \$1 25 on every \$100, in addition to the interest due on such stock on that day.

2. For all stock purchased between the 1st of April and the 1st of July next, at a rate not exceeding 75 cents on every \$100, in addition to the interest due on the last mentioned day.

3. For all stock purchased between the 1st of July and the 1st of October next, at a rate not exceeding, on every \$100, the amount of interest which would have accrued on the last mentioned day.

4. For all stock purchased between the 1st of October, 1824, and the 1st of January, 1825, the principal and interest due on the day of purchase.

In proposing to the consideration of Congress this application of the surplus means of the years 1823 and 1824, the probable demands upon the Government, in providing for the awards of the Commissioners under the treaty with Spain, of the 22d February, 1819, have not been overlooked. It is believed, however, that funds may be advantageously supplied for the discharge of those claims, by the issue and sale, at not less than par, of five per cent stock, redeemable in 1832; and it is respectfully proposed that authority be given for that purpose.

Of the \$10,331,000 of six per cent. stock, redeemable in 1825, about \$5,000,000 will probably be redeemed in that year; and there will remain unredeemed, after the application of all the means at the disposal of the Commissioners of the Sinking Fund, about \$5,331,000. This sum, it is believed, may be readily exchanged for five per cent. stock, redeemable in 1833, and it is respectfully suggested that provision be made, by law, for such an exchange of so much of the six per cent. stock as shall not be redeemed during the year 1825.

The views which are herein presented are founded upon the idea that no extraordinary expenditure is to be incurred. If, however, it be deemed advisable to give increased extension or activity to the Navy, or to aid in objects of internal improvement, it is believed

that such additional means as may be required, may be obtained by a judicious revision of the tariff. Such a measure was recommended in the last annual report, with a view both to the increase of the revenue and the simplification of its collection; and further reflection and experience have tended to strengthen the opinion then entertained, that its operation, without being onerous to the community, would be advantageous to the revenue, salutary to the commerce, and beneficial to the manufactures of the country.

All which is respectfully submitted.

WM. H. CRAWFORD.

TREASURY DEPARTMENT, Dec. 31, 1823.

ROADS IN FLORIDA.

The following bill was taken up in Committee of the Whole:

A Bill to authorize the laying out and opening certain Public Roads, in the Territory of Florida.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be opened, in the Territory of Florida, a public road from Pensacola and St. Augustine, commencing at Deer Point, on the Bay of Pensacola, and pursuing the Old Indian Trail to the Cowpond, on the Choctawhatchey river; thence, direct to the Natural Bridge, on the Ecanfinan river; thence, to the Ocheese Bluff, on the Appalachicola river; thence, in the most direct practicable route, to the site of Fort St. Levis; thence, as nearly as practicable, on the Old Spanish road to St. Augustine, crossing the St. John's river at Picolata; which road shall be plainly and distinctly marked, and shall be of the width of twenty-five feet.

Sec. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to employ the troops of the United States stationed in Florida, in such manner as he may think proper, in the completion, or in assisting in the completion, of said road.

Sec. 4. *And be it further enacted*, That, for defraying the expenses of opening the said road, the sum of twenty-five thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Sec. 4. *And be it further enacted*, That the President be, and he is hereby, authorized to cause to be surveyed and marked out, the most direct and practicable route for a public road from Cape Sable, passing by Charlotte Harbor and the Bay of Tampa, to the point where the Suwaney river will be intersected by the road to be opened from Pensacola to St. Augustine, and to cause to be surveyed and marked out, the route for a public road, from Cape Florida to St. Augustine.

Sec. 5. *And be it further enacted*, That, for defraying the expenses of the surveys aforesaid, the sum of \$3,000 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

The first section having been read—

Mr. CALL, Delegate from the Territory of Florida, advocated the measure proposed by the bill, as one imperiously demanded by the exigencies and peculiar circumstances of that country, and eminently calculated to advance its settlement and prosperity. The population of what was lately the Floridas, he said, lies at the two opposite extremities of the territory, Augustine and Pensacola; the two points to be connected by the

road now proposed. The course of the road passed through a region of country till now very imperfectly known, but whose fertility was calculated to attract emigration. The late treaty, by which the whole of this country had been transferred to the jurisdiction of the United States, opens a fine field for emigrating enterprise, and, from the richness of the soil, there was little doubt but that the interior would, in a short time, become densely peopled. The road which at present connects the two points he had mentioned, takes a circuitous route of more than seven hundred miles, through parts of Georgia and Alabama; whereas, the direct course of the new road would make the distance to be travelled about three hundred and seventy-six miles. The petition on which the bill is founded, asks only for \$20,000 to defray the expenses of making this road—an amount which, when the nature of the country, and the magnitude of the undertaking is taken into view, will appear to every candid person, very moderate. The estimate had been made as low as circumstances would allow, but it was hoped that, by a judicious expenditure, that amount might be rendered sufficient. Almost the whole of the very fertile tract, through which the road is proposed to pass, is in the hands of the United States' Government, as public property; few or no grants having been made of lands in the interior. The road will, therefore, be a measure of policy to the Government, from its effect on the value of its lands, as well as of great benefit to Florida.

Mr. GURLEY, of Louisiana, moved to amend the bill by striking out all that part of it which provides for the employment of the United States' troops in making the road. Favorable as he was to all measures of internal improvement, and to the particular object now proposed, he was not disposed, in the accomplishment of it, to jeopardize the lives of the soldiers by employing them in the work. It was a fact well known, that the employment of the troops in works of this description, had, in many instances, proved fatal to them. He had personally witnessed this, and knew it to be true. It had for some time been the policy of the United States so to employ them, but, when this policy was extended to southern climates, the soldiers became victims of the occupation. He repeated the assurance that he was friendly to the object of the bill, and would vote for it were this feature removed.

Mr. CALL, in reply, said, he hoped the amendment would not be adopted, as it would in effect defeat the bill altogether. The gentleman from Louisiana, while desirous of exempting the troops from the labor of making the road, had proposed no substitute for them. For himself, Mr. C. said, he was as much disposed to foster the interests and preserve the life and health of our soldiery as any man, and as much opposed to setting them at a menial or degrading employment; but this was not such an employment of them, nor was it a new proposition, but on the contrary a matter of every day occurrence. The object to be accomplished was one of great importance to the United

States, in a national view, and might without impropriety occupy the leisure of a small portion of her troops. As to its exposing them to disease, he had himself lived for years in Florida, had traversed it in all directions and at all seasons, was thoroughly acquainted with its climate, and he did not apprehend any such consequence as the gentleman seemed to anticipate. Besides, if the bill shall now pass, the labor will be finished before the more sickly months arrive. The road we ask for, said Mr. C., can soon be made. We do not contemplate at present any great or costly road, such as it will occupy a long period to complete; all that we ask or look for will expose the soldiers to no great amount either of labor or danger. Were it a time of war, indeed, we should not think of so employing them; but it is a season of profound peace, and no detriment can arise to the public safety or interest from doing it. In fact, the road must be made in this way, or not at all, for the country is so sparsely settled that there is not in the Territory a population, either in sufficient number, or of the proper kind, to accomplish it.

Mr. COCKE, of Tennessee, wished to know from the gentleman who objected to this employment of the troops, how they could be better employed? We have had, not long since, a sad experience to teach us that, if not employed in something that is useful, they will soon employ themselves in what is mischievous. We have got them; we have paid for them; we must feed them; and of what service are they to us if we may not employ them?

Mr. GURLEY, in reply, said, it was possible he might have been deceived in his apprehensions; he presumed the gentleman from Florida was better acquainted with the circumstances of that country than he was; and he believed they were both disposed to act on the same principle. He was persuaded, if his fears were not visionary, and danger did really exist, all the gentlemen who were friendly to the bill would be as ready as himself to avoid incurring it. Certainly, the death of our soldiers was to be deprecated. We give a bounty to get them, and when they die the Government is a loser. What he had stated as to the danger of the climate, he had advanced from experience and personal observation. He knew, and could prove, that, out of a full company recruited in Boston, in May, 1821, and employed that summer in erecting public buildings at Baton Rouge, only fifteen were left alive at the close of the season. Was it right to expose our troops to a danger of this kind? It might be very true that, if employed at all, in time of peace, they could not be better employed than in making public roads. But, was there any necessity for employing them? Because we cannot employ soldiers every day in the year in actual labor, are we to disband them? Our soldiers are the salvation of the country; to them we look when her soil is invaded or her liberty threatened. It might be that the climate of Florida was attended with no such danger as he had mentioned, though, from its situation, he should expect its climate greatly

to resemble that of Louisiana. He once more avowed that he was entirely the friend of the measure; and, if no substitute for his amendment could be provided, he should be unwilling, by insisting on it, to prevent the passage of the bill. He was decidedly of opinion that no better use could be made of the public money than to apply it to roads, canals, and internal improvements. We could not leave to posterity a better inheritance.

Mr. TRIMBLE, of Kentucky, said he should be sorry were the amendment to prevail. The question of employing the troops of the United States in laboring at public works, was one which had been frequently discussed upon this floor; and he believed the mind of Congress, and of the nation, was made up on its propriety. The honorable gentleman from Louisiana had spoken of the mortality attending the Southern climate. But, were Congress to relinquish the idea of employing the soldiers on this road, and to send five hundred citizens from civil life to do the work, would not they be in as great danger as the soldiers, or was it important, in the question of climate, whether a man wore a military coat or a homespun one? If the object sought was the saving of the wear and tear of human life, then it was surely humanity to employ the soldiers; for, suppose we have in Florida five hundred troops, and we send in addition five hundred citizens, then the climate makes war upon one thousand human beings instead of five hundred. He remembered, indeed, that General Wilkinson had informed the nation that a soldier is a gentleman, and must do no labor; and yet the same great General, almost in the very same paragraph, had set this gentleman to carrying a knapsack with six days' provision on his back. For himself, his judgment had always been in favor of employing the troops in making roads upon our frontier. Forts, indeed, he would not set them to build; not because it was laborious, but because forts usually were built, and could be built, both better and cheaper, by contract.

Mr. SHARPE, of New York, recurring to the statement of the gentleman from Florida, insisted on the economy of employing the troops on this object. Here was a road of 350 miles to be made, and there were already 750 troops in the territory through which the road is to pass. These troops receive, when working on roads, 10 or 15 cents per day, additional wages, (no small matter to a soldier;) was it not better to hire hands at 10 or 15 cents a day than to send to the North for workmen, who must be paid at the rate of 75 or 100 cents?

Mr. HEMPHILL observed that our soldiery had frequently been employed in works of this description, and it was a general observation, that they were never healthier than when thus occupied. If they had experienced unusual mortality at the South, it was from the effects of the climate, not those of the moderate labor to which they were exposed. The troops now proposed to be employed were not to be sent into the climate of Florida; they were already stationed there, and

it was a settled point, that the President might employ them at his discretion. The Romans always employed their soldiers on roads; this practice was common with the ancients, some of whose noblest monuments of public utility were the work of their armies. It was surely useless to keep soldiers in idleness, when useful and healthful employment could be found for them.

Mr. SANDFORD, of Tennessee, suggested that the fears of the gentleman from Louisiana might be obviated, and the general measure not prevented, if he modified his amendment, so as to confine the employment of the troops to certain months of the year, so as to avoid the sickly season.

Mr. GURLEY expressed himself willing to accept of this suggestion; but

Mr. SHARPE thought it was unnecessary; as it was discretionary with the President to employ them at such times as he thought expedient.

Mr. COCKE agreed in this opinion. We ought certainly to place some confidence in the Executive, who would not, he trusted, employ the troops of the United States in any manner that was calculated to destroy them. He could not help adding, he said, that this was the first time in his life he had heard the idea advanced that labor was worse than idleness for the preservation of health.

Mr. HENRY, of Kentucky, said, that the troops in Florida were stationed, and would be kept in that country to maintain our possession of it; no new destination of troops, therefore, was contemplated by the bill. Both the points intended to be connected by the proposed road were military stations. They were far apart, and in case one of them should be attacked, it was fit that there should be a direct and speedy communication between them. The power to employ the troops is discretionary, and in whose hands, asked Mr. H., is it reposed? In the hands of the Commander-in-chief of the Army. If the President of the United States, in the exercise of his sagacity and vigilance, should perceive danger to arise from such employment of the soldiers, he has it in his power, and doubtless will have it in his wish, to avoid that danger. But the danger is visionary. Would not the soldier himself, asked Mr. H., prefer employment to the dull monotony of garrison duty—to the eternal recurrence of the same scene in the same place? The fears expressed on this subject contradicted all theory and all experience; inaction has ever been found to produce both moral and physical maladies—while on the other hand, employment is healthful alike to body and mind.

The question being taken on the motion of Mr. GURLEY, to strike out the second section of the bill, it was decided in the negative by a large majority.

After some further conversation on the details of the bill, it was ordered to be engrossed, and read a third time on Monday.

The House went into Committee of the Whole on the bill for the relief of Samuel Wharton, as-

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sistant marshal to take the census of manufactures in South Carolina in 1810.

The bill was reported without amendment, and ordered to a third reading; when the House adjourned to Monday.

MONDAY, January 5.

Mr. CAMBRELENG presented a memorial of the merchants, traders, and other citizens of the city of New York, praying that a duty of ten per centum may be imposed on sales at auction, excepting the effects of bankrupts, of deceased persons, goods sold for the benefit of underwriters, shipping, and real estate.

Mr. TOD presented a memorial signed by sundry members of the Legislature of the State of Pennsylvania.

Messrs. TOD, MILLER, and BRECK, also presented memorials of sundry inhabitants of the city and county of Philadelphia, in the State of Pennsylvania, respectively praying that efficient measures may be taken for the security and protection of the manufacturing interest of the country.

Mr. HEMPHILL presented a memorial of sundry inhabitants of the city of Philadelphia, praying that additional duties may be imposed on iron and iron-castings which may hereafter be imported into the United States.

Mr. BRECK presented a memorial of Kreymsborg and Hagedom, quill manufacturers in the city of Philadelphia, praying that so much of the acts imposing duties on goods, wares, and merchandise, imported into the United States, as imposes a duty on raw quills, may be repealed.

Ordered, That the said memorials be referred to the Committee on Manufactures.

Mr. WEBSTER presented a memorial signed by a committee on behalf of the inhabitants of the city of Boston, and its vicinity, praying that the situation of the Greeks, now engaged in arms in rescuing their oppressed country and brethren from Turkish bondage, may engage the early and favorable attention of Congress; which memorial was ordered to lie on the table.

Mr. MERCER presented a memorial and petition of sundry merchants and underwriters of Alexandria, in the District of Columbia, praying for the interposition of Congress in procuring redress for spoiliations committed on their lawful commerce on the high seas, by French cruisers, between the years 1793 and 1800.

Mr. BLAIR presented a memorial of the ninth convention of the Manumission Society of Tennessee, praying Congress to adopt measures for the prevention of slavery in future in any State where it is not now allowed by law, as, also, for its proscription in States hereafter to be formed and admitted into the Union.

Ordered, That the said memorials be referred to the Committee on the Judiciary.

Mr. BRECK presented a memorial of the Chamber of Commerce, in the city of Philadelphia, praying that an act may be passed prescribing an uniform system of bankruptcy for the United

States; which memorial was ordered to lie on the table.

Mr. LITTLE, from the Committee on Pensions and Revolutionary Claims, made a report on the petition of Mary James, accompanied by a bill for her relief; which bill was read twice, and committed to a Committee of the Whole.

An act appropriating a certain sum of money to Benjamin Huffinan, of the State of Indiana, was read the third time, passed, and sent to the Senate for concurrence.

The engrossed bill to authorize the laying out and opening of certain public lands in the Territory of Florida, was read a third time, passed, and sent to the Senate for concurrence.

The engrossed bill for the relief of Samuel Wharton was read a third time, passed, and sent to the Senate for concurrence.

[This bill gave rise to some debate, which turned on the construction of the bond given by marshals employed to take the census, and on the question, whether the United States are bound for the pay of their deputies. (The person named in the bill being such deputy, and his principal having failed.) Mr. ISACKS of Tennessee, Mr. WHITTELEY of Ohio, Mr. MCCOY, and Mr. TUCKER of South Carolina, took part in the discussion.]

PENELOPE DENNY.

The House went into Committee of the Whole, Mr. TAYLOR in the chair, on the bill for the support of Penelope Denny, mother of James Denny, late a quarter gunner in the service of the United States.

The bill gave rise to some conversation between Mr. CAMBRELENG and Mr. FULLER, of Mississippi, in which, also, Mr. HAMILTON took part.

Mr. CAMBRELENG wished that the support of Mrs. Denny should be drawn from the navy pension fund. Mr. FULLER objected to this as being not within the words of the law creating that fund, which confined it to the widows and children of officers and marines, but did not extend to their other relatives. Mr. HAMILTON wished the subject referred for more mature consideration when, on motion of Mr. CAMBRELENG, the consideration of the bill was postponed.

COSTS IN PATENT CASES.

Mr. WEBSTER, from the Committee on the Judiciary, to whom was recommitted a bill concerning costs in certain cases, reported the same, with the amendment directed by the instructions of the House, viz: the substitution of one hundred dollars in place of thirty dollars, as the minimum of damages awarded by a jury, on which costs should be allowed.

The question being on ordering the bill to be engrossed for a third reading as amended—

Mr. WEBSTER said, that, on the introduction of this bill to the House, a few days ago, he had stated the reason for proposing this bill, to be, that though the law limited the recovery of costs, in the courts of the United States, in general cases, to suits involving an amount not less than five hundred dollars, there was a propriety of a reduc-

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tion of the minimum in the case of suits by patentees, because it was supposed to be matter of necessity for the patentee to sue in the Federal courts. An honorable member had, on a former occasion, suggested that the State courts have jurisdiction in cases of this description; but, Mr. W. said, if the honorable member would refer to the law, he would see that the act of Congress which creates the right prescribes the remedy, and provides that the patentee may sue for it in the circuit courts of the United States, and under that phraseology it was presumed that he could not sue elsewhere than in those courts.

Mr. BUCHANAN had objections to the whole bill. What, asked he, is the law in the case of patentees as it now stands? A most extraordinary distinction over other clients is made in their favor, by granting them judgment for three times the amount of damages awarded by a jury. And what does the bill, now before the House, propose to do in favor of those favored individuals? To superadd costs to that treble verdict. He would ask, whether such a measure is right; whether it is politic; whether it is just? He thought it would be neither. He thought it far better to let the law remain as it now stands. What had been the history of this country on the subject of patent rights? It was known to all, that the privilege granted by the patent law, had been extensively diffused through the Union. The number of patents actually issued was very great; the number pretended to be enjoyed was greater still. Impositions were multiplied. In some districts of the Union very large amounts of money had been collected from such as were afraid of the expense of a law suit, by persons claiming to have a patent for the use or manufacture of certain articles; and, after they had gone through a whole region, thus practising on the fears or ignorance of the inhabitants, it turned out, when at last some one had hardihood enough to contest their claim, that they had no right at all. This was especially the case in those States which were of extensive size, and the distance from the circuit court occasioned formidable expense in resorting to trial. The claimant brings a patent in his hand, and thus has *prima facie* evidence of the validity of his right; he asks, perhaps, but eight or ten dollars for the article; who would not rather pay that sum than run the risk of travelling one or two hundred miles, to the circuit court, taking witnesses with him, at the risk, if he fails, of having treble damages to pay, and, if this bill passes, costs to boot? He could scarce conceive of a measure better calculated to enable designing men to roam at large and prey upon the community. He thought, for his part, that the law was already hard enough. It gave already enormous advantages to the patentee over his opponent; and, if costs were to be superadded, it destroyed all prospect of successful contest. Costs, it must be remembered, are, in their nature, very indeterminate; their amount might increase to such a sum as would ruin a man. To be sure, the amendment now reported makes the bill better, so far as it goes; but, even under the bill, as

amended, if a patentee does but obtain a verdict for thirty-four dollars, he gets his costs also allowed him, because treble the verdict runs over one hundred dollars, and brings him within the provisions of the bill. Is it not proper, asked Mr. B., that the pretended patentee shall first be made to establish his right before his opponent is threatened with treble damages and costs? He thought the law should at least be left unaltered; for himself, he felt more disposed to curtail than to extend it.

Mr. LIVERMORE said, that, at first, he had viewed the object and provisions of the present bill as proper and expedient; but, on further reflection, he had seen reason to alter that opinion. He thought, however, that the fault of the system did not lie so much in that feature of it which allowed costs where damages over one hundred dollars were obtained, but in that which previously allowed the verdict of the jury to be treble. Why should not suitors under the patent law be placed on the same footing with other suitors? The alteration he wished to prevail was to repeal the treble damages and allow costs in all cases. But if it should be deemed proper to alter that provision, then he thought that costs should be given, rather where the amount was under one hundred dollars than over that sum. If a verdict was obtained for ten dollars and treble, the additional twenty dollars was not likely to be enough to cover the costs. He wished to see the whole system placed under the Committee on the Judiciary to be remodelled; he would also give the State courts concurrent jurisdiction with those of the United States, in cases under the patent law.

Mr. WEBSTER, in reply to Mr. BUCHANAN, said, that he felt no particular anxiety on the subject of this bill; but, having charge of the bill, it seemed proper of him to say something in its defence. The House would recollect, he said, that this whole case of patents is taken, by the law, out of the hands of the State courts, the jurisdiction over it being exclusively reserved to the courts of the United States. The power of legislating on this subject is taken from the States by the Constitution of the United States. And, at this time of day, and before this Assembly, Mr. W. said he need not argue that the right of the inventor is a high property; it is the fruit of his mind—it belongs to him more than any other property—he does not inherit it—he takes it by no man's gift—it peculiarly belongs to him, and he ought to be protected in the enjoyment of it. Precisely as the arts advance, Mr. W. went on to say, does property of this description become valuable; where the nicest machinery is in operation, it is there that the improvements of inventors are in the highest estimation—and with regard to those branches of industry which have been most successful in this country, they are more indebted to the ingenuity of inventors—to the power of mind in the improvement of machinery, than to another species of aid which they have received from time to time. It is to encourage these inventions that our patent laws are designed. Is it any answer

to this argument in their favor, that impositions are sometimes practised under cover of these laws? Is it not so with every thing else? With regard to land, for example—are there not many persons pretending to have titles to land who really have no title? Are there not as many speculations in landed property as in the property of mind? And shall a man not recover his right to land because the world is full of pretensions of right to land where no right exists? Surely not. It was said by an honorable member from the West the other day, that the people in his part of the country did not know that there was such a thing as a patent office in the country, or such a clause in the Constitution as that which relates to patent rights. Mr. W. said, he did not know that on this account the House should accommodate its legislation precisely to that state of information. The error was not in the Constitution or the patent laws, but in the want of knowledge among the people, and could only be corrected by its diffusion. In restricting the patentee to the recovery of mere judicial damages, Mr. W. continued, justice was not done to him. He cannot sue for all his right at once, because the violations by which he is deprived of it are numerous. Suppose you were to compel a man, in suing for land, to sue for it acre by acre—he might get his land, indeed, but he would be ruined by the process of recovery. It was because the particular injury in the case of the violation of a patent right was small, and the expense of redressing it great, that the provision of this bill appeared to be expedient. A redress of the actual injury was not sufficient in this class of cases—if the penalty for the violation was not sufficient to act *in terrorem*, it was nothing. Do not all penal statutes, Mr. W. asked, go on the ground, that damages are not only to be given to indemnify a sufferer in a particular case, but to such an amount as to deter others from doing the like? The argument of the gentleman from Pennsylvania, besides, went too far. If the damages are awarded at five hundred dollars, as the law now stands, costs are allowed; whilst, if the damages be but ten dollars, they are not allowed. What justice was there in this? Where an action is brought to recover damages for the use of an invention or improvement in machinery, the common rule is, to settle the amount of damages at the sale price of the article; and one of the injurious consequences to defendants themselves, from the present state of the law, is, that the juries give as much damages as will carry the costs. He could assure the gentleman from Pennsylvania, whatever might be said in other parts of the country, there was no right which an independent jury of the part of the country in which he resided would protect with more certainty or vigilance, than the patent right. In a clear case, where the intention to deprive the inventor of the benefit of his patent was obvious, the jury would, in almost any case, give damages to the full amount of five hundred dollars. This bill, therefore, would, in this respect, be beneficial to the defendants themselves. On the part of patentees, there were so many things to be proved—for instance, that the

invention is new, that it is useful, that the specification is accurate, &c.—so much nicety was required, as to throw sufficient obstacles in his way. The right of the patentee, Mr. W. said, was one which the Constitution of the United States had authorized and enjoined upon Congress to protect; the party injured has no security or resort elsewhere, but to the courts of the United States; and if it was reasonable that in such case he should be entitled to recover costs where the damages amount to one hundred dollars, then this bill ought to pass; if not, it ought not to pass.

Mr. BUCHANAN, in reply, observed, that no one could be more disposed to protect the just rights of patentees than he was; nor could any person concur more heartily than he did in the sentiments of the honorable gentleman from Massachusetts respecting the property which an inventor has in that which is the product of his own genius; yet, he held it to be a principle in legislation, while guarding the rights of one individual, not to forget or to impair those of the rest of the community. A wise legislator was bound to give equal protection to the rights of all. Ever since the passage of the patent law under the Constitution, the courts had been open to patentees, and the burden of proof had always been cast on the violator of his patent. He must prove that his act was no violation of the patent, or that the patent was in itself invalid. This operated, at least in that part of the Union which he had the honor to represent, as a great hardship; yet it had been cheerfully submitted to, and the mere production of the patent was allowed to be presumptive evidence in favor of the patentee. But the law went farther; it not only threw the burden of proof on the alleged violator, but it tripled all damages against him. And now it was proposed to go farther still, and to allow all costs in the bargain, wherever these damages should, when tripled, amount to \$100. Had he rightly heard and understood the gentleman from Massachusetts? Did he say that, in that part of the Union, a jury would always give a verdict of \$500? If such were the fact, he did not wonder that the voice of the community was never heard against the provisions of the law. Who would not rather pay \$10 than run the risk of a verdict of \$500, to be tripled, with costs? No wonder there was a deep silence. The act, as amended by this bill, placed the community at the mercy of patentees. To oblige a man to go two or three hundred miles to court, then oblige him to prove the patent false, and, if he fails, to make him pay triple damages, and costs of suit, is to place an array of obstacles in the way that must, in most cases, effectually prevent the validity of patents from being ever contested. Such ought not to be the practical operation of law on this subject. If the law is left as it now stands, will the patentee suffer any injury? None at all. Suppose his patent is a good and valid one, and suppose he has to sue in order to establish that fact, will not such a suit be, in effect, a benefit? Can he not thenceforth exhibit with his patent the verdict that has confirmed it? But, if this bill becomes a law, it will

go forth throughout the country to let loose unprincipled pretenders to prowl upon the community. He was very sorry it had been his lot to differ in opinion from the honorable member from Massachusetts, for whose opinions no man cherished a more profound respect; but he had been reluctantly urged by a sense of duty to oppose a bill which he conceived to be fraught with injury.

Mr. CLARKE, of New York, then moved

“That the bill, with the amendment, be recommitted to the Committee on the Judiciary, with instructions to inquire into the expediency of repealing so much of the law upon the subject of the violation of patents, as provides for the recovery of triple damages in suits brought by patentees for such violation, and that where judgment shall pass for defendant, or the plaintiff become non-suit, or suffer discontinuance, the defendant shall recover double costs.”

The motion was agreed to, and the bill recommitted accordingly.

ROAD FROM MEMPHIS TO LITTLE ROCK.

The engrossed bill to provide for surveying and making a road from Memphis, in Tennessee, to Little Rock, in the Territory of Arkansas, was read a third time.

Mr. BASSETT rose and said, that, as several bills on this subject were before the House, he wished that opportunity might be afforded, to those who have Constitutional objections to acting on the subject at all, to discuss the general principle before going into the details. This was more widely involved in the general bill which had been reported for estimates and surveys, &c.; and, in order to await a decision on that bill, he moved to lay this bill on the table, with an intention that it should not be called up until after the general bill should be acted upon.

This motion was negatived—ayes 76.

Mr. FLOYD, of Virginia, rose and inquired whether any part of this road was to pass through the State of Tennessee, or whether the whole of it lay exclusively in Arkansas? His vote would entirely depend upon the answer to this question. [After it was answered, that no part of this road would pass through the State of Tennessee, Mr. F. said he had then no objection to the bill.]

Mr. ALLEN, of Tennessee, advocated the bill, as it would be a saving of more than four or five hundred miles to emigrants, in reaching the lands of that Territory, and thus facilitate greatly the settlement of the public lands. It was no new precedent, but had frequently been done for Territories less insulated than Arkansas.

Mr. CONWAY stated the facts of the case. Memphis is situated on the East bank of Mississippi river, in the Southwest corner of the State of Tennessee, at the point on the river commonly denominated the Lower Chickasaw Bluffs. No part of the road, therefore, could go through Tennessee unless it was made purposely retrograde to effect that object. To show that the present was no novel application to Congress, Mr. C. referred to a series of acts making appropriations for similar objects. In 1806, \$6,400 was granted for a road from the frontier of Georgia toward New Orleans,

in the 31st degree of north latitude; \$6,000 was granted the same year for a road from the Mississippi to the Ohio; \$6,000 for another road from Nashville to Natchez.

In 1811, \$6,000 was appropriated for two roads to the south of Lake Erie. In 1816, \$8,000 was given for a road from Shawnee Town, on the Ohio, to Kaskaskia.

\$10,000 had been granted, in 1816, to open a road from Fort Hawkins, in Georgia, to Fort Stoddart, in Alabama, and another from Columbia, Tennessee, to Madisonville, in Louisiana.

He enumerated also several grants of \$4,000 and \$5,000, for the repair of roads in several parts of the frontier. He was far from complaining of this liberality to others—all he asked was a proper participation by the Territory he represented. That Territory was insulated in its situation; with a population of but 50,000 white inhabitants, it contained from 40,000 to 50,000 Indians. From various indications of uneasiness among the latter, there was a general anticipation of another Indian war, twelve or eighteen months hence, possibly sooner. Without such a road, it would be impossible to transport troops and munitions of war into that Territory to any effect. What they asked for was a military and post road. The United States owned within that Territory more than fifteen millions of acres of land, which could not come to a market for want of a road to get to it. He had, besides, been informed, both by the Secretary of War and Quartermaster General, that the delay of mails to and from the Territory was so great that no returns had been received in proper time, if at all; the proposed road would remove this evil, and facilitate the communication with Government.

Mr. ISACKS, of Tennessee, advocated the bill at considerable length, dwelling on the facilities it would furnish to emigration, and to the protection of the Territory—on the importance of the Territory, as a part of our frontier toward Texas, and the policy of obtaining for it a substantial and speedy population.

Mr. CONWAY, perceiving that some members seemed to feel hesitation respecting the bill, as proposing a road which began its course in Tennessee, moved to recommit it, with instructions so to amend the bill, as to provide for the road's commencing within the Territory of Arkansas, at a point on the west bank of the Mississippi, opposite to Memphis.

Mr. TRIMBLE thought that there was no necessity for this, if a better road, and cheaper, might be obtained by passing for a few miles within the State of Tennessee. While up, he would remark, that many of the inhabitants of the Territory of Arkansas came within our jurisdiction solely by the treaty which ceded Louisiana to the United States; these had certainly a strong claim on us for protection. They were exposed to peculiar danger from the great accumulation of Indians within that Territory since it became United States property, which was produced by the wise policy pursued by our Government in other parts of the frontier in separating the tribes from

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Memorial of D. W. Coxe.

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each other. In Arkansas they were now in a measure concentrated, and being withal much dissatisfied, there was some prospect of war. 5,000 Cherokees are to be added to their numbers in the Spring. Should a war break out, the necessity for the road was manifest. Mr. T. was decidedly friendly to the bill.

Some further conversation took place, when the bill was recommitted.

TUESDAY, January 6.

A Message from the PRESIDENT OF THE UNITED STATES, received yesterday, was read as follows: To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 18th of December last, requesting copies of contracts for cannon, cannon shot, muskets, and other small arms, which have been entered into since the 1st of January, 1820, and for other detailed information therein specified, I herewith transmit a report, with accompanying documents, from the Department of War.

JAMES MONROE.

WASHINGTON, January 5, 1824.

The Message and accompanying documents were laid on the table.

Mr. BUCHANAN, from the Committee on the Judiciary, to whom has been referred sundry memorials upon the subject, reported a bill to alter the judicial districts of Pennsylvania, and for other purposes; which was read twice, and committed to a Committee of the Whole.

Mr. NEWTON, from the Committee on Commerce, reported a bill for the relief of Isaac Collyer and others; which was read twice, and committed to a Committee of the Whole.

Mr. HEMPHILL, from the Committee on Roads and Canals, to which was recommitted the bill to authorize the surveying and making a road from Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas, reported the same with an amendment, which was agreed to by the House, and the bill was ordered to be re-engrossed, and read a third time to-morrow.

Mr. MERCER, from the committee upon the subject of the proposed canal to unite the waters of the Chesapeake bay with those of the river Ohio, to which was referred the letter of William H. Jones, accompanied by a copy of Shriver's map of the country through which the said canal is proposed to pass, reported the following resolution:

Resolved, That the Clerk of the House of Representatives be directed to provide such charts, maps, and other furniture, for the several committees of the House, under the instruction of the Speaker, as may be, in his judgment, calculated to facilitate the performance of their respective duties.

The resolution was agreed to by the House.

On motion of Mr. J. S. BARBOUR, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of changing by law the route of the main western mail from Staunton, in Virginia, to the city of Washington; and that the said committee inquire if it be

not practicable to conduct the said mail by a shorter and better route than that which is now pursued.

Mr. BRENT moved that the House do come to the following resolution:

Resolved, That the report of the land commissioners in Louisiana, together with all the evidence, papers, and documents, on file in this House, relative to the claim of the representatives of the Marquis de Maison Rouge to a tract of land in Ouachita, in Louisiana, containing thirty square leagues, or upwards, be referred to the Committee on Private Land Claims, with instructions to report thereon, with a view to the final disposal of the same.

The resolution, after some debate, was ordered to lie on the table.

On motion of Mr. COOK, the Committee on the Judiciary were instructed to inquire into the expediency of altering the time of holding the terms of the district court of Illinois.

On motion of Mr. SLOANE, it was

Resolved, That Parmenio Adams, who contests the election of Isaac Wilson, returned a member of this House, be permitted to appear within the bar, and be heard in support of his petition, during the discussion of the report of the Committee of Elections on said petition.

On motion of Mr. COBB, the Committee on Indian Affairs were instructed to inquire into the expediency of repealing an act, entitled "An act making provision for the civilization of the Indian tribes adjoining the frontier settlements," passed on the 3d day of March, 1819.

On motion of Mr. PRINCE, the Committee on the Public Lands were instructed to inquire into the expediency of granting the right of pre-emption to one quarter section of land in the county of Parke, in the State of Indiana, upon which to locate the seat of justice for said county: provided, the same shall be selected previous to the public lands in said county being offered for sale.

The House then passed to the order of the day, which was the unfinished business of yesterday, and, after some observations of Mr. CAMBRELENO, the Committee of the Whole, on the bill for the relief of Penelope Denny, had leave to sit again.

MEMORIAL OF D. W. COXE.

Mr. CAMPBELL, of Ohio, from the Committee on Land Claims, stated he was instructed by the Committee on Private Land Claims, to ask that they be discharged from the further consideration of the memorial of Daniel W. Coxe, for a confirmation of a grant of land to the Marquis de Maison Rouge, and the accompanying documents. As a reason for making this request, he said, several members, of whom he was one, had received several letters from Mr. Coxe, intimating he had not requested any person to bring his claim before Congress at this session; that he had withdrawn his vouchers; had sought redress in the courts of Louisiana, and that he did not wish any step to be taken by Congress in relation to his claim.

Mr. C. said among the cases referred to the committee, there was a memorial of Mr. Coxe, dated in 1820; that there was on file no proof to

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New York Contested Election.

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support his claim, but much intended to invalidate it. He hoped the committee would be discharged.

Mr. BRENT opposed this request, and contended that, as to this claim, it was the duty of this House to decide upon its validity. It had been reported on four years ago, and the final decision had been delayed by Mr. Coxe all that time; the result of which was, that the lands were held back from market, to the great injury both of Louisiana and the United States. He now withdraws his papers; but this should not prevent an investigation. Did he believe there was a shadow of equity in the claim, Mr. B. would act otherwise; but knowing, as he did, that the claim was illegal, and believing it to be a most iniquitous one, he wished that a decision of the committee might be had, to put an end to it. He admitted, as a general position, that every petitioner has a right to withdraw his petition; but there were exceptions to the rule.

Mr. J. T. JOHNSON, of Kentucky, urged the propriety of discharging the committee from the consideration of this claim, Mr. Coxe having resorted to the courts of law for a decision of it, and withdrawn it from this House, &c.

The question being taken, the committee was discharged, and the memorial was laid on the table.

CONTESTED ELECTION.

Mr. SLOANE moved to postpone all the orders of the day previous to the report of the Committee of Elections, on the claim of Parmenio Adams to the seat, in this House, of Isaac Wilson. Agreed to; and the House went into Committee of the Whole, on that report.

[The facts of this contested election, condensed from a pretty long report of the Committee on Elections, are as follows: In the county of Genesee, forming the 29th Congressional district of the State of New York, Isaac Wilson and Parmenio Adams were opposing candidates for Congress. The former was returned as having received 2,093 votes, whilst Parmenio Adams had 2,077 votes. The petitioner, Mr. Adams, claims the seat to which Mr. Wilson was returned, on the ground that, in the town of China, 67 votes were returned for the sitting member, whereas the true number given in for him was 45 votes. The sitting member as a set-off for this error (which is fully made out) offers proof of 12 votes which either the petitioner received more than he was entitled to, or the returned member was not allowed credit for on his side. The Committee of Elections report that five votes should be deducted for error from the number of votes returned for the petitioner from the town of Attica. This deduction, however, still leaves him a majority, after the error on the opposite side is deducted, of one vote over the sitting member. The committee therefore recommend to the House, to reject Isaac Wilson, and admit Parmenio Adams to a seat in the House as the Representative from the 29th district before mentioned.]

The report of the committee, together with the whole of the testimony, was read, and the question being on concurring with the first resolution

of the committee, viz: "That Isaac Wilson is not entitled to a seat in this House"—

Mr. THOMPSON, of Kentucky, moved, as an amendment, that neither P. Adams nor Isaac Wilson is entitled to a seat in this House. [On this and the subsequent questions on the same general subject a debate arose, which occupied the House during the whole day. This amendment was subsequently withdrawn, and the question being taken on the first resolution, as reported by the Committee of Elections, was carried in the affirmative—yeas 139.

The question being on the second resolution, viz: "That Parmenio Adams is entitled to a seat in this House."

Mr. THOMPSON, of Kentucky, moved to amend the resolution by inserting the word "not."

Mr. WILLIAMS, of North Carolina, moved, that the Committee rise and report progress, which was lost. Ayes 68, noes 100.

The question being taken on the amendment, (which declares that Parmenio Adams is not entitled to a seat,) it was decided in the negative. Ayes 70, noes 101.

The question then recurring on agreeing to the second resolution, as reported by the Committee of Elections, it passed in the affirmative.

On which the Committee of the Whole rose and reported accordingly.

In the House—Mr. COCKE moved to lay the report of the Committee of the Whole on the table; and, the question being taken, it was decided in the negative.

The first resolution was concurred in by the House.

The question being on the second resolution, Mr. WHITTE moved to amend the report, by striking out all that follows the word "resolved," and substituting the following:

"That, in the case of the contested election of Isaac Wilson, by Parmenio Adams, it is doubtful, from the evidence, who ought to have been returned the member to the present Congress, from the 29th Congressional district in the State of New York; and, believing that no man ought to exercise the high and honorable station of Representative of the people, by virtue of a vote short of a clear majority of those given at the polls; and believing, also, that the people of that district are competent, and ought, of right, to judge of and correct the return—

"Therefore, resolved, That the seat of Isaac Wilson, the member returned from the 29th Congressional district, is vacant.

"Resolved, That a writ of election do forthwith issue to supply the aforesaid vacancy, occasioned by the improper return of Isaac Wilson to a seat in this House."

The question being taken on this amendment, it was decided in the negative.

Mr. LITTLE then moved to amend the second resolution, by inserting the word "not." Before the question was taken,

Mr. FOOT moved to postpone the decision till to-morrow, to allow time for further reflection; which was carried, ayes 92, noes 87. And the House adjourned.

WEDNESDAY, January 7.

The SPEAKER laid before the House the following communications:

I. A letter from the Secretary of State, transmitting a list of the names of persons to whom patents have been issued for any new or useful art, machine, manufacture, or composition of matter, or any improvement thereon, during the last year; which letter and list were ordered to lie on the table.

II. A letter from the Comptroller of the Treasury, transmitting a statement of the accounts which have remained unsettled, or on which balances appear to have been due more than three years, prior to the 30th of September last, on the books of the Second Auditor of the Treasury; which letter and statement were ordered to lie on the table.

III. A letter from the Secretary of the Navy, transmitting an abstract exhibiting the expenditures under the head of contingent expenses, for the year ending on the 30th of September last; which letter and abstract were ordered to lie on the table.

Mr. RANKIN, from the Committee on the Public Lands, made unfavorable reports on the cases of John Stealy, Elisha Wade, and John and George Salady; which reports were ordered to lie on the table.

Mr. WHITTLESEY, from the Committee of Claims, reported a bill for the relief of Alvin Bronson; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. PHILIP P. BARBOUR, the Committee on Pensions and Revolutionary Claims were instructed to inquire into the expediency of providing, by law, for payment of the legal representatives of Abner Porter, deceased, for a quantity of corn furnished by said Porter to the continental station at the Albemarle barracks, in Virginia, during the Revolutionary war.

An engrossed bill, entitled "An act to authorize the surveying and making a road from a point opposite the town of Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas," was read the third time, and passed.

Mr. MOORE, of Alabama, laid the following resolution on the table, for consideration on tomorrow, viz:

Resolved, That the following amendment be made to the 13th standing rule of this House: line 2, after the word "Department," insert "the Attorney General;" and, in the 13th line, after the same word, insert "or may have held the office of District Attorney of the United States."

CONTRACTS FOR CANNON, &c.

Mr. COCKE moved to take up the report of the Secretary of War, (enclosed in the President's Message of yesterday,) respecting certain contracts for cannon, cannon shot, and small arms, and refer it to a select committee.

Mr. LATHROP moved that the report be referred to the Committee on Military Affairs.

Mr. COCKE said it had been the universal practice of the House, where documents were obtained

from the Departments by special calls of the House, to allow the mover of the call to have the documents submitted to a select committee. The Committee on Military Affairs were already crowded with business, to which, if they suitably attended, (and he did not doubt they would do so,) their hands would be full. He hoped that committee would make a general and timeous report on all the matters before them, so that the House might have opportunity to consider it some time before the appropriation bill at the close of the session was passed. He asked it, as a courtesy, that the gentleman would withdraw his motion.

Mr. LATHROP consented to withdraw it accordingly, and the documents were referred, as moved by Mr. COCKE, to a select committee; and Messrs. COCKE, SMYTH, STERLING, MARVIN, BUCHANAN, BASSETT, and McLEAN, of Ohio, were appointed the said select committee.

CONTESTED ELECTION.

The House took up the unfinished business of yesterday, which was the motion of Mr. LITTLE to insert the word "not" in the second resolution reported by the Committee of Elections, so as to make it read, "that Parmenio Adams is 'not' entitled to a seat in this House."

The debate on this subject was continued till nearly three o'clock, when, the question being taken on the amendment, it was decided in the negative—ayes 85, noes 112.

The question then recurring on agreeing with the report of the committee, (which admits Mr. ADAMS to a seat,) was decided in the affirmative—yeas 116, nays 85, as follows:

YEAS—Messrs. Alexander of Tennessee, Allen of Massachusetts, Allen of Tennessee, Archer, Bailey, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Beecher, Blair, Buchanan, Burleigh, Cady, Campbell of South Carolina, Campbell of Ohio, Carter, Cassidy, Condict, Cook, Culpeper, Cushman, Cuthbert, Durfee, Dwight, Eddy, Edwards of Pennsylvania, Farrelly, Forward, Frost, Fuller, Garnett, Gatlin, Hall, Hamilton, Harvey, Hayden, Hemphill, Henry, Herrick, Herkimer, Hobart, Holcombe, Hooks, Houston, Ingham, Isacks, Jenkins, Jennings, F. Johnson, Kidder, Lathrop, Lawrence, Lee, Leftwich, Lincoln, Livermore, Locke, Long, Longfellow, McArthur, McDuffie, McKee, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Mercer, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Morgan, Neale, Newton, O'Brien, Owen, Patterson of Ohio, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Rich, Rogers, Rose, Sharpe, Sloane, Arthur Smith, Standefer, Sterling, J. Stephenson, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Tod, Tomlinson, Tracy, Tucker of Virginia, Tyson, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Vinton, Warfield, Webster, Whipple, Whittlesey, Williams of New York, Henry Wilson, Wilson of Ohio, Wood, and Woods.

NAYS—Messrs. Abbot, Alexander of Virginia, Allison, Ball, Barber of Connecticut, Bartley, Bassett, Bradley, Breck, Brent, Brown, Buck, Buckner, Burton, Cambreleng, Clark, Cobb, Cocke, Collins, Conner, Crafts, Crowninshield, Day, Dwinell, Eaton, Edwards of North Carolina, Ellis, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Garrison,

Gazlay, Gist, Govan, Gurley, Harris, Hayward, Hogeboom, Johnson of Virginia, J. T. Johnson, Kent, Kremer, Letcher, Litchfield, Little, McCoy, McKean, McKim, McLane of Delaware, Mangum, Matlack, Metcalfe, Miller, Mitchell of Maryland, Patterson of Pennsylvania, Plumer of Pennsylvania, Prince, Randolph, Richards, Ross, Saunders, Sanford, Scott, Sibley, Alexander Smyth, William Smith, Spaight, A. Stevenson, Ten Eyck, Test, Thompson of Georgia, Thompson of Kentucky, Tucker of South Carolina, Udree, Van Wyck, Wayne, Whitman, White, Wickliffe, Williams of Virginia, Williams of North Carolina, James Wilson, Wilson of South Carolina, and Wright.

And thereupon, the said PARMENIO ADAMS appeared, was qualified, and took his seat as one of the Representatives in this House for the State of New York.

[The debate in the House of Representatives on the contested election from the 29th District of the State of New York, turned in effect upon a single point, viz: whether a printed ballot, having the stroke of a pen drawn through it, should or should not be admitted as a valid vote. From the returns of the inspectors of the election, it was admitted, on all hands, that the two candidates came within a single vote of having an equal number: the same returns, or rather the certificates accompanying them, stated that one of the votes for Isaac Wilson was of the description mentioned: the printed letters were distinctly legible, but a dash with a pen was drawn across the whole name: on this account the inspectors rejected the vote, and it was not counted. The omission of this ballot, after the deduction on each side for erroneous returns, gave Mr. Adams a majority of one. The advocates of Mr. Wilson contended that, as the ballot contained no other name, and it was not to be presumed that the elector would give in a blank ballot, the mark with the pen ought to be disregarded, and the vote counted as good: for it was possible the voter might have been an old man, and did not see the line across the name, or a simple man, who, intending to vote for Mr. Wilson, had been cheated out of his vote, by having this obliterated ballot put into his hand by an advocate of the opposite candidate, &c. On the other hand, it was insisted that the inspectors were, by the laws of New York, the Constitutional judges of the genuineness or fraudulent character of the ballots; that they had decided on this ballot from ocular inspection, publicly, under oath, and with entire unanimity; and that it was no uncommon thing, in that State, to erase names printed on election tickets, and even to put ballots, entirely blank, into the ballot boxes; instances of which were quoted as having taken place in ballotings in the Legislature of New York, and also in Congress. That the voter might have been induced by a fear of offending Mr. Wilson, or some friend of his, to appear to vote for him, while the voter secretly nullified the vote by first obliterating the name. (The ballots are folded up, so as that the name is concealed.) To an objection that the voter must be out of his senses to lose a day in attending the polls merely for the sake of putting in a blank bal-

lot, which effected nothing on either side, it was replied that many other officers besides members of Congress, were voted for at the same time, and that he might have gone to the polls to vote effectually for these, or some of them, without wishing to effect by his vote the choice of Congressman at all. The advocates of Mr. Wilson, however, denied that the instances of blank votes given in the State Legislature, or in Congress, formed a case in point; because, there, the election turning on a majority of the whole number of votes given, blank votes were counted, and therefore did, ultimately and indirectly, affect the election; but in public elections at the polls, the greater number of votes alone was considered, and a blank ballot, not being counted, effected absolutely nothing. They rejected, as derogatory to the character of an American freeman, the idea that he could be intimidated into acting the farce of depositing a blank ballot; but were answered by the fact that, in that part of the State of New York, great influence is exerted over voters by the agents of great land companies, to whom voters are indebted on account of their farms; one of these companies, (the Holland Land Company,) owns a tract which covers six entire counties, and its agent exercises a well known and powerful influence in political matters, &c.

The propriety of rejecting the erased or crossed ballot, was advocated by Mr. STORRS, Mr. MARTINDALE, Mr. BAYLIES, Mr. FARRELLY, Mr. MALLARY, and Mr. SLOANE; and opposed by Mr. TEN EYCK, Mr. THOMPSON, of Kentucky, Mr. ELLIS, Mr. WRIGHT, and Mr. LITTLE.

Those who supported the amendment of Mr. LITTLE, which went also to exclude Mr. ADAMS from a seat in the House, were, Mr. GAZLAY, Mr. LITTLE, Mr. CLARK, Mr. CAMBERLENG, Mr. MANGUM, and Mr. HOGEBOOM. Those who opposed it were, Mr. WOOD, Mr. McDUFFIE, Mr. MALLARY, Mr. STORRS, and Mr. SLOANE. The debate covered the same ground as that of yesterday.]

The following is the substance of the remarks of Mr. STORRS, of New York:

Mr. STORRS said that, as the House acted on the subject before them rather in a judicial than legislative capacity, he begged leave to offer those considerations which had led him to concur in the report of the Committee on Elections. The only anxiety of the House must be to do justice to the parties before them on a matter of private right, for so he considered its true nature to be; and the Constitution had invested the House with the office of judges on the question. He considered himself as acting under the solemn sanctions of that character, and bound by the same integrity which should operate on a judicial tribunal in the ordinary administration of justice.

The questions, said Mr. S., for the decision of the House, were reduced to one or two propositions, capable of being easily understood, but they involved considerations extremely interesting to the State which he had the honor, with others, to represent, and deeply affecting the preservation of the purity and character of her electoral system. It appears that the majority returned for the sit-

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ting member (Mr. WILSON) was 16; but that, after allowing to the petitioner (Mr. ADAMS) 22 votes, lost in the returns by a clerical error, and to the sitting member 5 votes, to which he also is entitled for the same reason, the petitioner has a majority of *one vote*, unless the House should further allow, to the sitting member, as single, three double votes rejected by the inspectors as fraudulent, which would give to him a majority of two. If, however, the double votes are rejected, then the sitting member still claims that he should be allowed an erased printed ballot, found in the ballot box, in the town of Middlebury; which was rejected by the inspectors as a blank ballot. The effect of allowing this vote is to produce a tie, and involves the negative of the resolution of the Committee of Elections; which declares that Mr. ADAMS is entitled to the seat. Mr. S. said that, in his judgment, none of those votes could be justly claimed by the sitting member.

By the Constitution of the United States, said Mr. S., the States are authorized to prescribe the time, places, and manner, of holding elections for Representatives to Congress. Of necessity, they had the power of prescribing such regulations as should effectually prevent the fair choice of the majority, honestly exercising their privileges, from being defeated by the practices of fraudulent voters. The mode, adopted in New York, of voting by ballot, might present intrinsic difficulties to the complete attainment of this object; but, so far as it is susceptible of being done, the Legislature has provided such safeguards as to them seemed best adapted to effect it. It is by law imperatively made the duty of inspectors to destroy such double ballots as, on a comparison with the poll lists, and from actual inspection, clearly appear to be fraudulent. In the cases now before the House, it was demonstrated by the poll lists that, counting them as folded ballots, the excess of votes was precisely in each case equal to the number rejected as fraudulent. The evidence shows that the inspectors acted in good faith, and, in his opinion, correctly. In addition to the demonstration of the fraud, by the state of the poll lists, they had the actual inspection of the ballots. The folding of these votes could, therefore, not be attributed reasonably to accident. With such evidence of their character and appearance, it would be little short of a miracle. There was no evidence to impeach the judgment of the inspectors, except what was founded on speculation. It was, indeed, within the broad range of bare possibility, that the circumstance may have been accidental; but, as the question rests upon, and must be settled by, evidence, Mr. S. considered the proof of fraud as clear and conclusive. The presiding officers acted under the sanction of an oath; the clerks of the poll lists were also sworn to the faithful performance of their duty, and a high respect should be held for the judgment of men thus discharging a public duty where the correctness of their decision was unimpeached by contrary evidence, and their motives unquestioned and unsuspected. It was altogether safer to trust the decision of such a point to the inspectors, than to draw it in question

here, where, from the destruction of the poll list, and the ballots themselves, the House possessed but scanty materials for decision. He knew well that the House had always exercised a liberal discretion in correcting all errors in the returns of votes, so that the negligence or irregularities of inspectors should not defeat the actual will of the majority, when fairly expressed. He would not say, that, on a question like that now before the House, they were not constitutionally competent to act and decide; but he thought that a very clear and strong case of error should be made out to induce the House to interfere with the judgment of the inspectors. It was, however, generally safer to leave the question to the tribunal to which the law of the State had confided its decision, reserving to the House, only in extreme and clear cases, a supervisory power over their conduct.

The sitting member claims, in his argument addressed to the Committee of Elections, that, on principles of equity, these double votes should be allowed as single. Mr. S. thought that these votes could not be counted, on any principles consistent with the purity and fairness of elections. The first principle of an elective system is, that the will of the majority should govern. The elector who attempts this fraud, meditates the defeat of their will and choice, and aims at the subversion of the whole system. He deserves neither grace, favor, nor privilege, at our hands. Instead of acting in the exercise of his just rights, in the elective franchise, he treacherously uses it only as the means of destroying the rights of the whole community. He is not justly said to be in the exercise of his elective right at all. No elector can claim the exercise of this valuable Constitutional privilege, but in the manner prescribed by the Constitution and laws for the general security of all. The punishment inflicted by the loss of his votes, operates on his own part as a voluntary forfeiture of his right. He is not disfranchised by the law itself. It is the effect of his own folly, and a free renunciation of his privilege, if detected. Good order, public morals, the equal rights of all, and the nature of the privilege itself, necessarily requires its regulation. He may set at defiance the salutary restraints of the law, and surrender up, at his own criminal option, his privileges as a freeman in this case, as he may in many others; but the sacrifice of his rights is spontaneous, and he is the voluntary victim of punishment. The security of the whole requires that he should vote fairly, or not at all. To allow these votes, when detected, as single, operates as an encouragement to these practices. The only risk, in the complete success of such an iniquitous scheme, would be the bare chance of detection, and detection without forfeiture. Mr. S. remarked that the case now before the House was a most remarkable instance in which the fraud had defeated its own purpose. Had these voters honestly exercised their elective right, the sitting member, who seems to have been their favorite candidate, would have had an undoubted majority of two votes. The entire loss of their votes may defeat his election, and the result may for-

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tunately operate as an example, perhaps of more practical value hereafter, in restraint of fraud, than the imperfect sanctions of law. Viewing the subject under the influence of the considerations which he had stated, Mr. S. said that he felt bound to vote in favor of the resolution declaring the sitting member not entitled to a seat in the House.

On the question, whether the erased printed ballot should be counted to the sitting member, Mr. S. said, that one fact appeared from the documents which deservedly had great weight with him. In the town of Middlebury, where this vote was given, the sitting member received a large majority. It was a fair and just inference that the inspectors of election, whose offices are also elective, were the political friends of the candidate having so large a majority in that town. The rejection of this ballot, as a blank, may, therefore, be considered as having been decided on under circumstances peculiarly calculated to prevent injustice to the sitting member's claims. I am not, said Mr. S., disposed even to suspect that the decision of inspectors, under such circumstances, has been erroneous. Had they been friendly to his competitor, I would more liberally and strictly scrutinize their judgment. This election seems, from the result of votes, to have been warmly contested at the polls, and the decision of the board of inspectors, in the case of this obliterated ballot, was unanimous. I can assure the House that, in the elections of New York, there is an abundant scrutiny and watchfulness over the conduct of presiding officers. It is not a thing of easy accomplishment there, by a board of inspectors, even hostile to a candidate, to do him injustice, in a canvass of votes. But, when his own friends have been his judges, we should very cautiously listen to suggestions which are calculated to impeach the justice of their decision. The canvass of votes was open and public. As in all elections in the State, curiosity and anxiety attracted to the canvass, on the opening of the boxes, many of the personal and political friends of all the candidates; it is singular that, of all who probably attended this scrutiny, no one, even of all the electors present, has been found to give an opinion that this decision was erroneous. The personal inspection of this ballot was free to all, and we cannot here have the opportunity of its examination for ourselves. The intention of the person who gave it was to be inferred most accurately, indeed, solely, from its appearance, and from actual inspection.

On the question of fact, the proofs before us unanimously agree. The principal circumstance urged against the conclusion of the inspectors is, that the original print on this ballot was still legible. It was a circumstance most easily to be accounted for. The mere experiment of erasing, by a dash of the pen, any impression of the type, will show that the obliteration is not total. But the question presented for decision was, whether, under all the circumstances and the aspect of that vote, it was not manifestly the intention of the voter to treat it as a blank. There is nothing un-

common or unaccountable in the fact that blank votes are or should be given. It had repeatedly occurred in the State of New York and elsewhere, on various occasions. It might be solved by various considerations. A voter may believe that he may incur the resentment of a merciless creditor of high party feelings, if he refuses to promote his views, or that he may fall under the displeasure of a powerful political man who might exert his influence to his injury. He may honestly dislike the candidate of his own party, and conscientiously refuse to unite in his election, and feel and know that he is secure at the time in refusing by a blank ballot to sacrifice his integrity and duty to his country. He may conscientiously decline to vote for his opponent, whose political principles may be obnoxious, and may be unwilling that it should be believed that he would, by refusing to vote altogether, violate that party discipline which he may honestly think necessary to the preservation of principles. By what motives the person who gave this vote may have been actuated, it is useless to inquire and unnecessary to determine. It is his privilege, if he pleases, to exercise it in that way, that he might, without exposure or injury to himself or offence to others, adopt this mode of voting—and virtually indicate his dislike of both candidates. He may intend to reprobate the nomination of his own party—perhaps to insult the feelings of the candidate. He may even adopt it from motives of delicacy to a personal friend or neighbor who may be the candidate of his own party, whose good will he might not wish to impair by openly declining to vote at all. These, and many other solutions of his motives, may be easily imagined.

In times of high party excitement, (and the State of New York has suffered many violent political convulsions,) the ballot boxes afford perfect security from persecution and political revenge. The debtor may escape the fangs of oppression—the lowest and humblest man may fearlessly exercise his elective right—the tenantry of opulent landlords, or men of great political power, may freely and securely vote and feel that they are protected. In the State of New York this system has been deemed the wisest and best calculated for preserving the unbiassed expression of public sentiment. Mr. S. said that he felt a deep interest in its perpetuation, as affording a shield and protection against all the exertions and strength of undue influence from every source of corruption or oppression. The situation of that State is in some respects peculiar. The lands in that State are, and have been, held by large proprietors. In some parts of the State, townships and counties have been patented to individuals or companies, who might, in party times, exercise a most pernicious influence over those dependent on them. To guard against the operation of such an influence on the electors, the right of voting by ballot is the best security. As an example of the situation of a part of the Western country, Mr. S. alluded to the fact that several counties were chiefly held by a single association—the Holland Land Company. In each county this company

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had a land office, and the subordinate agents were scattered throughout the whole tract. The debt due to this company, from settlers, amounted to several millions. It was probably in the power of the agents, should they enforce the legal rights of the proprietors, on contracts forfeited for non-payment, to turn out of doors some thousands of families. What, said Mr. S., can so effectually protect the fair exercise of the elective franchise, under such circumstances, but the consciousness of the electors that, in voting by ballot, they may, without danger, in the worst of times, freely manifest their choice of representatives? Should such engines as the power of these proprietors, or their agents, ever be brought into activity under any other system, the free exercise of this privilege must be prostrated. The proprietors of these lands reside in Europe, and we may learn, from the melancholy state of another country in this respect, the lamentable cause which has ruined one of the fairest countries, by reason of the non-residence of large landed proprietors. If the agents of foreign proprietors should exert the influence which they possess in the State of New York, we may expect the same results in a considerable degree. Human nature, in that State, is not free from the common infirmity of man.

Under the present system of voting, the population of this, and all other tracts held in the same way, is protected; and, as an advocate of a free system of voting, and a protector of the privileges of the people of the State, Mr. S. said, he felt bound to preserve, to the fullest extent, the present system—a system which, though in its nature somewhat defective in other respects, yet, in this, deemed indispensable, in that State, to secure the impartial and unbiassed expression of public opinion on public men and measures. There was, in that State, a large landed estate, held by residents in England. It was well known that charges had been made, in relation to the agency of this tract, of an undue influence in the elections. Mr. S. said, that gentlemen acquainted with the history of the political conflicts of the State, must have heard of the celebrated Nunda letter. Mr. S. said, that he had no personal knowledge of this matter; but it showed the wisdom of the system which had been adopted. He trusted that the House would aid in protecting it. The advantages of this system over others, presented a question which that State had rightfully decided for themselves; and having adopted it, as, on the whole, best adapted to their peculiar situation, he deemed it of vital importance to the State to secure it effectually.

He meant not that it should be inferred that an undue control of elections by the large landlords was common in the State. He should not ask the House to look beyond the reach of his voice, to know that there was one even here, who spurned the undue influence of a munificent fortune—whose name was warmly cherished in the love of his tenantry, and who was best known to them in the kindest dispensations of unostentatious benevolence.

New York, said Mr. S., has been politically

afflicted with evils, which showed the wisdom of her system of voting. It is well known that the power of the old Council of Appointment had operated as a dreadful engine of mischief to the independence and character of the State. The effect of that mode of appointment had been, at times, since the formation of the Government, to, virtually, concentrate the whole patronage of the State in the hands of an individual. It required no stretch of imagination to perceive the pernicious evils which such a political system naturally engendered. In practice, it had naturally tended to introduce into the State the corruption which usually accompanies the concentration of enormous patronage in the hands of a few men. The tenure of every valuable office in the State, except the judges, was at the will of the favorite leaders of the majority. These, said Mr. S., are unwelcome truths. It gave him no pleasure to state them; but they were the illustrations of evils, which had produced a lamentable effect on the purity of elections in that State. Mr. S. said, that it was unnecessary to state the effect of the political dependence which such a system had produced. The ballot boxes afforded the only check to its worst consequences. But even that remedy had scarcely been powerful enough to control the enormous strength of the State patronage. When the House considered how valuable, under all circumstances, the preservation of the system was to the fair exercise of the right of suffrage in that State, he trusted that they would be disposed to exercise a liberal discretion in the support of her regulations for the prevention of frauds, and the protection of her own voters from oppression, under any form or pretext whatever; that, in the case now before them, they would reject, as lawless, the double ballots, and refuse to allow to the sitting member the obliterated vote, a vote which probably was rejected at the canvass, with at least the silent approbation of those most directly interested in claiming its allowance.

Mr. GAZLAY, of Ohio, said he rose to advocate the amendment, and to oppose the resolution. He did so, because he believed that the latter would be a violation of sound principles, and most mischievous in practice. He supposed that the committee had offered all the reasons which could well be offered in favor of the resolution, and that, if these were not sound, the resolution ought not to be adopted. He would beg leave to refer to the report of the committee for these reasons—[Mr. G. here read the report as far as it respected the erased vote.]—The committee seem to take three positions: first, that the decision of the board of inspectors ought to be binding; second, that it would be impossible to come to a deliberate conclusion without the evidence the board had; that no evidence can now be obtained. He thought this House were the Constitutional judges of the election of its members when contested, and that, to say they should be bound by any determination of a board of inspectors, would be to take away at once any power to deliberate on this or any other case of the kind. It was,

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perhaps, with a view to reverse decisions of such boards, when improperly made, and not to enforce them, that the Constitution vested a revising power in this House. He could never agree to the proposition that this, which is an appellate tribunal of the last resort, should be precluded by the determination of an inferior one, who have no rule which is not subjected to, and frequently countervailed by, the violent heats and political dissensions which the gentleman from New York has referred to. If we affirm their decisions to-day, we are bound to affirm them at another time.

There are, in the State of New York, more than five hundred boards of inspection. If we are bound to adopt the decision of one, we are bound to adopt those of all, and this has never been the practice of this House, as he, Mr. G., understood it, but quite the contrary. He presumed the present case must be determined on the evidence, and not on the decision of the board of New York. But, in the two last propositions, we are told that it is impossible to come to a deliberate conclusion, without the evidence which the board possessed, and that this evidence we cannot now obtain; and yet, without evidence, in a case where it is said to be impossible to come to any deliberate conclusion, we are called upon, not only to deliberate, but to exercise our power in turning one member from his seat, and, not content with this, we are to take upon ourselves to determine the will of forty thousand citizens as to the admission of another. Can we, dare we, exercise such high powers, in a case where there is no evidence, and when we can come to no deliberate conclusion; for this is the language of the report. Mr. G. said, he regarded the precedent about to be established, and what after times would say of it, that we were about to make a law in a case where there was none. With this report before them, what must any future House say of the decision, if the resolution were adopted? Whatever might be the final determination of the House, he trusted this report could not be sanctioned. It would be a discredit to the annals of our legislation.

Many observations had been made by gentlemen in support of the resolution. Some had likened it to a bond with an erasure; others said it was correct to test it by the ordinary occurrences of life, as an erasure in a letter or correspondence. Mr. G. said, he did not see the parallel. In a letter or bond, if there were an erasure, the sense must be made out by the context or body of the writing. Here there was nothing to help out the sense or meaning of the party; it was a single word. But gentlemen seemed also bent on the determination of this case by legal rules, and called boldly on those holding the negative to prove what they assert. Mr. G. said he had always understood that those who maintain the affirmative must bring their proof. This rule, he said, was not only applicable to courts, but to all deliberative bodies. The vote in question was duly delivered, and duly received; it was plain and legible, and the supporters of the resolution contend that it was intended for a blank vote; and must they

not prove that fact? and until it be proved, what right has this House to say it was a blank?

But, said Mr. G., what will be the consequences if this House declare that a vote, with a mark on it, shall be taken as a blank vote? We have learned of the gentleman from New York, who opened this debate, that his State is rent with violent factions, and that men, with principles and intentions not the most pure, exercise great influence at the polls. These men will find, in our decision, a powerful auxiliary to their deceitful schemes. They can, with all imaginable ease, draw a pen over all the names they oppose. It may or may not be seen; the voters are not likely to know any thing of our decision; while they know nothing of their own law, as the gentleman has demonstrated; and thus they will vote a blank ticket, and be defrauded of their elective franchise. Mr. G. said, he thought the safe rule, and the only safe one, was, to admit and count all legible votes, and that no evil consequences would flow from this rule, but such would flow from the one contended for by the supporters of the resolution as reported. And for these reasons, he should vote for the amendment. He was fully persuaded that it was best and safest, in all doubtful cases, to send the contestants back to the people, the Constitutional and most fit tribunal to decide.

Mr. CLARK, of New York, said, after such a full discussion, he was sorry to trouble the House with any further, and nothing but a sense of duty would induce him to make any remarks on a subject already exhausted by argument. He said, he had the misfortune to differ with a majority of the House on what he considered the main point in the question. He was of opinion that Mr. Wilson was entitled to his seat. He concurred with his honorable colleague in the sentiment that the House ought to consider this question in the same manner as if they were sitting as a court to decide upon the rights of two individuals. And he would ask whether any member of the House was prepared to say, absolutely, from the evidence before them, that a fraud had been committed. The question was not whether it was possible or even probable that two ballots had been put into the box by one elector, but it was, whether such a fact appeared clear and beyond any doubt. It was a well established rule, that fraud should never be presumed but upon the most conclusive and positive testimony. This testimony, in his opinion, was not of that kind. Mr. C. then adverted to the evidence, that the ballots were found in the boxes, with the edges folded out, and in such a manner as they might easily have slipped together. He said, if the number of ballots in the boxes had agreed with the number of names taken down by the clerks, no suspicion of fraud would have attached. He appealed to his colleagues, whether any thing was more common in that State than for the number of votes in the boxes to exceed the number of names taken by the clerks. The reason was obvious. In the towns there were from three to eight hundred voters, much the greater number of them voted on the third day, in the afternoon—from fifteen to twenty officers had to be voted

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for. These votes were put into several distinct boxes, and, in the hurry and crowd, persons very frequently voted, whose names were not taken down. For himself, Mr. C. said, he thought it much more probable that such an error was committed, than that two pieces of paper, folded as these were, could have passed through the hands of the inspectors without detection. Again, said Mr. C., the law making double ballots void, has existed, in New York, for a series of years. No law was more generally known to every citizen of that State than this. That any person, then, should put in such a vote, knowing that the very object he would seem to have in view would be defeated by it, was to him extremely improbable, and nothing short of conclusive evidence would convince him of a fact so unlikely to happen.

But, said Mr. C., if the ground be conceded that these votes were fraudulent, and could not be allowed, and even if the vote with the erasure be thrown out of the question, still, however, the petitioner would not be entitled to a seat. On looking over the Journals of the House, Mr. C. said, he found a case in point, the correctness of which, he trusted, would not be questioned by any one. He referred to the case of Scott and Easton. Mr. Scott was returned to this House with a majority of fifteen votes, certified in his favor, over Mr. Easton, who claimed a seat, on the ground that a part of the votes given for Scott were irregularly received, and could not be allowed. This House considered them so irregular, that they vacated the seat of Mr. Scott, and, on determining whether Mr. Easton should have a seat, they said, as it appeared evident to them that a majority of his district did not mean that he should represent them, they would send him back, also, to the people, for another election. Apply that case, said Mr. C., to the one before us. The gentlemen on the other side will concede, that if the double votes were counted single, Mr. Wilson would have a majority; and though they cannot be so allowed, yet they mark the wishes of the electors, and leave the petitioner unsupported by the wishes of a plurality of the voters of his district. He cannot, therefore, have his seat, without breaking down the principle settled in the case of Scott and Easton. But, said Mr. C., conceding this point also, the petitioner could not claim his seat, unless they could also come to what he considered the dangerous conclusion of saying that this vote, called the erased vote, meant nothing, and was put into the box without any apparent motive. For himself, he could not come to so strange a conclusion. He was always for ascribing to human beings rational motives; and he would rather say, that the partial erasure happened through accident, or fraud practised on the elector. Mr. C. said he differed very materially from his honorable colleague, (Mr. STORRS,) on the motives that actuated electors. He would not pretend to say that the electors in the particular section of the State where gentlemen lived, might not go to the polls under a slavish fear of creditors and wealthy landholders, though he had always understood it otherwise. But he could say with

certainty, that in every part of the State where he had been acquainted, men exercised this proud prerogative free and uncontrolled. In general, no people on earth were more tenacious of their rights, or adhered to them more strenuously. It was due to the electors of that State to say, that if any man should attempt to make use of coercive means to bear upon the elections, he would be sure to lose whatever influence he previously possessed. Men having power in their hands were ever distrusted, and they, above all others, ought to be careful; for their weight in the elections was guarded against by a general watchfulness of the people. He admitted that a company in Europe owned a large and fertile tract of land in the western part of the State, on which settlers lived, many of whom were indebted to them; but that company neither knew nor cared any more about the political divisions of New York than the Emperor of Morocco. Their agents had but one object in view; it was to procure settlers upon the tract, and nothing would be as likely to check settlement as any attempt to control the minds of electors. It was the first time he ever heard of any unwarrantable interference from that quarter, and he must now believe his colleague, on that point, in a gross error. Mr. C. said he had not expected such illiberal sentiments against the people he had the honor, in part, to represent, from such a source. He was sorry to see them in any quarter, because he believed them unjust and unfounded.

Mr. STORRS and Mr. WOOD replied to the remarks of Mr. CLARK.

Mr. CLARK again, in answer to Mr. STORRS, denied that any opulent individuals had ever controlled elections in any part of his district. He said his colleague was mistaken, in supposing that any member of this House was either the owner or agent of any considerable quantity of land in Chenango county. He stated further, that no single individual there had the agency of, or owned, a whole township. But if such an event ever should happen, he trusted no slavish fear or spiritless obedience to the owner, would be found among the inhabitants.

Sir, said Mr. C., I feel myself bound to dissent from the opinion expressed by my honorable colleague, that the partisans of New York observe a servile, base acquiescence to the will of their leaders. It is true, sir, that our State has been divided into two political parties ever since the organization of their Government. Those parties continue down to the present time, but the great body of individuals are attached to them, because each thinks the side to which he belongs is pursuing the best interest of his country. It is from principle, then, sir, and not fear, that the parties of New York are kept up and supported. And he appealed to the experience of his colleague, whether the men who observed good faith towards their party and kept on a steady uniform course of principles, regardless of minor circumstances, were not the characters whose conduct in the other departments of life met with the most general approbation. True, said Mr. C., individuals

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may be found in the State who take the liberty of changing from one side to the other, and back again, as their fears or imaginary interests may point out; but this was not considered there as evidence of an independent mind, or great mental courage. On the contrary, motives of fear and a want of stability were generally attributed to them.

THURSDAY, January 8.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, reported a bill authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States, in the year 1824; which was read twice, and committed to a Committee of the Whole.

Mr. McLANE, from the same committee, reported a bill authorizing the creation of a stock, to an amount not exceeding five millions of dollars, to provide for the awards of the commissions under the treaty with Spain, of the 22d of February, 1819; which was read twice, and committed to a Committee of the Whole.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the letter from Samuel R. Overton, and Joseph M. White, reported a bill to extend the time limited for the settlement of private land claims in the Territory of Florida; which was read twice, and ordered to be engrossed, and read a third time on Monday next.

The House went into Committee of the Whole, on the report of the Committee of Claims, against the petition of Charles Minifie, (for interest on a certain balance heretofore allowed to him at the Treasury.)

Mr. J. T. JOHNSON, of Kentucky, moved to amend the report, by striking out the word "not," so as to reverse the report; and spoke in support of the amendment; which was opposed by Mr. WILLIAMS, of North Carolina, and Mr. McCoy.

The amendment was lost, and the report of the Committee of Claims was reported to the House, by the Committee of the Whole, without amendment, in which the House concurred.

DANIEL CARROLL.

The House went into Committee of the Whole, on the bill for the relief of Daniel Carroll of Duddington and others, (appropriating \$1,555 for the expense of repairs made in the building rented by Congress in 1815-'16, after the conflagration of the Capitol, whose occupation of it rendered those repairs necessary. The alterations were not contemplated in the contract for rent, and the house had to be restored to its former situation, before the house could be again used by the proprietors.

A debate arose on the bill, which was opposed by Mr. COCKE, and Mr. SHARPE, and supported by Mr. MCCOY and WILLIAMS, of North Carolina.

Mr. HERRICK moved to lay the bill on the table; which motion was lost—ayes 70, noes 76. The question being on ordering the bill to a third reading, it was decided in the negative—ayes 74, noes 83. So the bill was rejected.

WILLIAM P. NIMMO.

The House went into Committee of the Whole, on the bill for the relief of William P. Nimmo.

Mr. WHITTLESEY moved to amend the bill by inserting the words "the representatives of" (Mr. Nimmo being dead;) which was agreed to.

The bill, (which appropriates \$500 as compensation for the destruction of a building called the Pleasure House, on his estate, occupied as an outpost of the American troops, in the defence of Norfolk,) occasioned some debate, chiefly on the point of fact, whether the house was, at the time of its destruction, occupied by American troops, placed in it by the authority of the commanding officer of the station, and destroyed in immediate consequence of such occupation, or was destroyed from mere wantonness on the part of the enemy.

Messrs. WHITTLESEY, OWEN, BASSETT, and NEALE, advocated, and Messrs. WILLIAMS, FLOYD, and FOOT, of Connecticut, opposed the bill. The question being taken on its passage to a third reading, it was decided in the affirmative—ayes 84, noes 64.

FRIDAY, January 9.

Mr. STRONG, from the Committee on the Public Lands, to which was referred, on the 12th and 22d ultimo, the memorial of the Mayor and Aldermen of the city of Mobile, and the proprietors of lots on the east side of Water-street, in said city, reported a bill granting certain lots of ground to the city of Mobile, and to certain individuals of said city; which bill was read twice, and committed to a Committee of the Whole.

Mr. MCCOY, from the Committee of Claims, made a report on the petition of David Giffin and Samuel Hoag, accompanied by a bill for their relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, from the Committee of Claims, made a report on the petition of Hannah and Joseph Mins, accompanied by a bill for the relief of the representatives of Joseph Mins, deceased; which bill was read twice, and committed to a Committee of the Whole to-morrow.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, reported a bill authorizing the executors of John B. Mebane to collect certain arrears of tax in the county of Chatham, and State of North Carolina; which was read twice, and committed to a Committee of the Whole.

Mr. WHIPPLE, from the Committee on the Public Lands, made an unfavorable report on the petition of sundry inhabitants of the county of Monroe, in the Territory of Michigan; which report was read, and ordered to lie on the table.

Mr. SLOANE, from the Committee of Elections, made a report on the memorial of Alfred H. Powell, contesting the seat of Jared Williams, one of the Representatives of the State of Virginia; which was read, and the resolution therein recommended was agreed to by the House, viz:

Resolved, That the memorialist have leave to withdraw his memorial and documents.

Mr. ROSS, from the select committee appointed

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on the memorial of the legal representatives of John H. Piatt, deceased, made a report thereon, accompanied by a bill for the relief of the assignees and legal representatives of the said Piatt; which bill was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, made a report on the memorial of the Mayor and Corporation of the city of New York, in relation to Castle Clinton; which was read, and ordered to lie on the table.

Mr. HERRICK moved for a reconsideration of the vote of yesterday rejecting the bill for the relief of Daniel Carroll, of Duddington, and others; which was carried—ayes 82, and the bill, on motion of Mr. HERRICK, was recommitted to the Committee of Claims.

On motion of Mr. RANKIN, the Committee on Private Land Claims were directed to inquire into the expediency of confirming the claim of Woodson Wren to a tract of land, situated on the north-east side of the Bay of Biloxi, in the State of Mississippi.

The engrossed bill for the relief of William P. Nimmo was read the third time.

Some debate arose on its passage, (chiefly on the same grounds taken yesterday,) in which Messrs. COCKE, SANDFORD, and WARFIELD, opposed, and Mr. RICH advocated its passage. The bill, on motion of Mr. WARFIELD, was laid on the table.

The House went into Committee of the Whole, on the bill for the relief of Garrett Fountain; which was reported without amendment, and ordered to a third reading.

Mr. WEBSTER gave notice, that, on Monday, the 19th January, he should call up the consideration of the resolution some time since submitted by him, on the subject of the Greeks.

A Message was received from the PRESIDENT of the UNITED STATES, as follows:

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives, of the 18th of December, 1823, requesting copies of all contracts for cannon, cannon shot, muskets, and other small arms, entered into since the 1st of January, 1827, I herewith transmit a report from the Department of the Navy, with other documents relating thereto.

JAMES MONROE.

WASHINGTON, Jan. 9, 1824.

The Message and documents were referred to the committee to which was referred, on the 7th instant, the Message of the President of the United States transmitting a similar report from the Department of War.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, covering estimates of appropriation for the year 1824; which was referred to the Committee of Ways and Means.

THE PROPOSED NEW TARIFF.

Mr. TOD, from the Committee on Manufactures, to whom have been referred sundry petitions and memorials, praying for the adoption of

measures calculated to afford encouragement and protection to the manufacturing interests of the country, reported a bill to amend the several acts for imposing duties on imports; which was read twice, and committed to the Committee of the Whole on the state of the Union.

The bill is as follows:

A Bill to amend the several acts for imposing duties on imports.

Be it enacted, &c., That, from and after the thirtieth day of June, one thousand eight hundred and twenty-four, in lieu of the duties now imposed by law on the importation of the articles hereinafter mentioned, there shall be levied, collected, and paid, the following duties, that is to say:

First. On all manufactures of wool, or of which wool shall be a component part, a duty of thirty per centum, ad valorem, until the thirtieth day of June, one thousand eight hundred and twenty-five; and after that time, a duty of thirty-three and one-third per centum ad valorem: *Provided*, That, from and after the said thirtieth day of June, one thousand eight hundred and twenty-four, all woollen cloths, or cloths of which wool shall be a component material, (excepting carpets and carpeting, blankets, flannels, baizes, and other unmilled woollen, and worsted or stuff goods,) the original cost of which, at the place whence imported, with the addition of ten per centum, shall be less than eighty cents per square yard, and shall, with such addition, be deemed and taken to have cost eighty cents per square yard, and shall be charged with duty accordingly: *And provided, also*, That all flannels and baizes, and all other unmilled woollen cloths, or cloths of which wool shall be a component material, excepting carpets and carpeting, and blankets, the original cost of which, at the place whence imported, with the addition of ten per centum, shall be less than forty cents per square yard, shall, with such addition, be taken and deemed to have cost forty cents per square yard, and shall be charged with duty accordingly.

Second. On all manufactures, not herein specified, of cotton, silk, flax, or hemp, or of which either of these materials shall be a component part, a duty of twenty-five per centum ad valorem: *Provided*, That all cotton cloths whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which, at the place whence imported, with the addition of twenty per centum if imported from the Cape of Good Hope, or any place beyond it, and of ten per centum if imported from any other place, shall be less than thirty-five cents per square yard, shall, with such addition, be taken and deemed to have cost thirty-five cents per square yard, and shall be charged with duty accordingly. And that all unbleached and uncolored cotton twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly; and all bleached or colored cotton yarn, twist, or thread, the original cost of which shall be less than seventy-five cents per pound, shall be deemed and taken to have cost seventy-five cents per pound, and shall be charged with duty accordingly.

Third. On wool unmanufactured, a duty of twenty-five per centum ad valorem, until the first day of June, one thousand eight hundred and twenty-five; after-

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wards a duty of thirty per centum ad valorem, until the first day of June, one thousand eight hundred and twenty-six; afterwards, a duty of forty per centum ad valorem until the first day of June, one thousand eight hundred and twenty-seven; and, after that time, a duty of fifty per centum ad valorem.

Fourth. On all Leghorn hats or bonnets, and all hats or bonnets of straw, chip, or grass, and on all flats, braids, or plats, for making of hats or bonnets, a duty of fifty per centum ad valorem: *Provided*, That all Leghorn hats and bonnets, and all hats or bonnets of straw, chip, or grass, which, at the place whence imported, with the addition of ten per centum, shall have cost less than one dollar each, shall, with such addition, be taken and deemed to have cost one dollar each, and shall be charged with duty accordingly.

Fifth. On printing types, on japanned wares of all kinds, on plated wares of all kinds, and on all manufactures, not otherwise specified, made of brass, iron, steel, pewter, lead, or tin, or of which either of those metals is a component material, a duty of twenty-five per centum ad valorem.

On bolting cloths, fifteen per centum ad valorem;
On hair cloth and hair seating, thirty per centum ad valorem;

On marble, and all manufactures of marble, thirty per centum ad valorem;

On all paper hangings, forty per centum ad valorem;

On coach laces, of cotton, or other material, thirty-five per centum ad valorem; on all other laces, twelve and a-half per centum ad valorem;

On lead, in pigs, bars, or sheets, two cents per pound;

On leaden shot, three and one-half cents, per pound;
On red or white lead, dry or ground in oil, four cents per pound;

On Brussels, Venetian, Turkey, and Wilton carpets and carpeting, fifty cents per square yard;

On all other kinds of carpets and carpeting, of wool, flax, hemp, or cotton, or parts of either, twenty cents per square yard;

On all other carpets and carpeting, mats, and floor cloths, made of tow, flags, or any other material, a duty of thirty per centum ad valorem;

On hemp, two cents per pound;
On flax, three cents per pound;

On tarred cables and cordage, four cents per pound;
On untarred cordage, yarns, twine, pack-thread, and seines, five cents per pound;

On Russia duck, per piece of fifty-two archeens, two dollars each piece;
On Raven's duck, per piece of fifty-two archeens, one dollar and twenty-five cents each piece;

On Holland duck, per piece of fifty-two archeens, two dollars and fifty cents each piece;

On cotton bagging, six cents per square yard;
On iron, in bars or bolts, not manufactured, in whole or in part, by rolling, one dollar and twelve cents per hundred weight;

On round iron, or brazier's rods, three-sixteenths to eight-sixteenths of an inch diameter, inclusive; and on iron, in nail or spike rods, slit; and on iron, in sheets, and hoop iron; and on iron, slit or rolled, for band-iron, scroll-iron, or casement rods, three cents per pound;

On iron spikes, four cents per pound;
On iron nails, cut or wrought, five cents per pound;

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On tacks, brads, and sprigs, not exceeding sixteen ounces to the thousand, five cents per thousand; exceeding sixteen ounces to the thousand, five cents per pound;

On iron or steel wire, not exceeding number eighteen, five cents per pound; over number eighteen, nine cents per pound;

On anvils and anchors, two cents per pound;
On iron cables or chains, or parts thereof, three cents per pound; and no drawback shall be allowed on the exportation of iron cables, or parts thereof;

On mill cranks and mill irons, of wrought iron, four cents per pound;

On mill saws, one dollar and fifty cents each;
On cross-cut saws, one dollar each;

On whip saws, one dollar each;
On hand saws, twenty-five cents each;

On tenon saws, twenty cents each;
On broad axes, thirty cents each;

On other axes, twenty-five cents each;
On hatchets, fifteen cents each;

On adzes, twenty-five cents each;
On augers, not exceeding half an inch, two cents each; above that size, and not exceeding one inch,

two and an half cents each; above an inch, and not exceeding one-and-a-half inches, three cents each; above that size, and not exceeding two-and-a-half inches, three and one-half cents each;

On blacksmiths' hammers and sledges, two-and-a-half cents per pound;

On claw hammers, for carpenters, five cents each;
On hoes, broad, twelve cents each;

On other hoes, ten cents each;
On shovels and tongs, of iron, thirty cents per pair;

On muskets, one dollar and fifty cents per stand;
On rifles, two dollars and fifty cents each;

On fowling and hunting pieces, single barrelled, four dollars each; double barrelled five dollars each;
On curriers' knives, forty cents each;

On cutting knives, twenty-five cents each;
On drawing-knives, twenty-five cents each;

On scythes, twenty-five cents each;
On sickles and reaping hooks, twelve cents each;

On spades and shovels, of iron or steel, twenty cents each;

On screws of iron, weighing twenty-five pounds or upwards, eight cents per pound;

On screws of iron, for wood, called wood screws, not exceeding one inch in length, eight cents per groce; over one inch, and not exceeding two inches in length, fourteen cents per groce; over two inches in length, twenty cents per groce;

On vessels of cast iron, not otherwise specified, one-and-a-half cents per pound;

On all other castings of iron, not specified, one cent per pound;

On frying pans, twenty-five cents each;
On gridirons and griddles, twenty cents each;

On all vessels of copper, ten cents per pound;
On quills, prepared or manufactured, one dollar per thousand;

On slates and tiles, for building, half a cent each;
On black lead pencils, one dollar and fifty cents per groce;

On tallow, four cents per pound;
On tallow candles, five cents per pound;

On spermaceti candles, eight cents per pound;
On soap, four cents per pound;

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On lard, three cents per pound ;
 On wheat, twenty-five cents per bushel ;
 On potatoes, ten cents per bushel ;
 On coal, six cents per heaped bushel ;
 On indigo, twenty-five cents per pound ;
 On corks, twelve cents per pound ;
 On linseed and hempseed oil, twenty-five cents per gallon ;
 On castor oil, forty cents per gallon ;
 On ale, beer, and porter, imported in bottles, twenty cents per gallon ; imported otherwise than in bottles, fifteen cents per gallon ;
 On beef and pork, two cents per pound ;
 On butter, five cents per pound ;
 On vinegar, eight cents per gallon ;
 On alum, two dollars and fifty cents per hundred weight ;
 On refined saltpetre, three cents per pound ;
 On blue or Roman vitriol, four cents per pound ;
 On oil of vitriol, three cents per pound ;
 On Glauber salts, two cents per pound ;
 On Epsom salts, three cents per pound ;
 On camphor, crude, eight cents per pound ;
 On camphor, refined, twelve cents per pound ;
 On Prussian blue, ten cents per pound ;
 On copperas, two dollars per hundred weight ;
 On pepper, ten cents per pound ;
 On Cayenne pepper, fifteen cents per pound ;
 On pimento, eight cents per pound ;
 On Chinese cassia, ten cents per pound ;
 On cocoa, three cents per pound ;
 On chocolate, four cents per pound ;
 On currants and figs, three cents per pound ;
 On plums, prunes, Muscatel raisins, and raisins in jars and boxes, four cents per pound ;
 On all other raisins, three cents per pound ;
 On filberts, three cents per pound ;
 On pine apples, two cents each ;
 On oranges, fifty cents per hundred ;
 On lemons, twenty-five cents per hundred ;
 On limes, ten cents per hundred ;
 On window glass, not above eight inches by ten inches in size, three dollars per hundred square feet ; not above ten inches by twelve inches in size, three dollars and fifty cents per hundred square feet ; and if above ten inches by twelve inches in size, four dollars per hundred square feet ;
 On black glass bottles, not exceeding the capacity of one quart, two dollars per groce ; on bottles exceeding one quart, and not more than two quarts, two dollars and fifty cents per groce ; over two quarts, and not exceeding one gallon, three dollars per groce ;
 On demijohns, twenty-five cents each ;
 On glass beads, fifty cents per pound ;
 On apothecaries' vials, of the capacity of four ounces, and less, one dollar per groce ; on the same, above four ounces, and not exceeding eight ounces, one dollar and twenty-five cents per groce ;
 On all wares of cut glass, not specified, three cents per pound, and, in addition thereto, an ad valorem duty of thirty per centum ;
 On all other articles of glass, two cents per pound, and, in addition thereto, an ad valorem duty of twenty per centum ;
 On folio and quarto post paper, of all kinds, twenty cents per pound ;
 On foolscap and all drawing and writing paper, seventeen cents per pound ;

On printing, copper plate, and stainers' paper, ten cents per pound ;
 On sheathing paper, binders' and box boards, and wrapping paper of all kinds, three cents per pound ;
 On all other paper, fifteen cents per pound ;
 A duty of twelve and a half per centum ad valorem on all articles not herein specified, and now paying a duty of seven per centum ad valorem ;
 On all foreign distilled spirits, fifteen per centum upon the duties now imposed, by law, and in addition thereto.

SEC. 2. *And be it further enacted*, That, in all cases whatsoever, all articles composed or mixed of various materials, shall pay the highest duty to which articles manufactured from any such materials are subject.

SEC. 3. *And be it further enacted*, That, from and after the thirtieth day of June, one thousand eight hundred and twenty-four, to the duties on all goods, wares, and merchandise, hereinbefore mentioned, or any other, there shall be added, and shall be collected and paid, the full amount of such bounty or premium, or allowance in nature thereof, as, on the importation of similar articles, may be given or allowed in the country or place from which the same shall be exported, or in the country or place wherein the same shall be produced or manufactured ; which shall be calculated and ascertained under such rules and regulations as the Secretary of the Treasury shall, from time to time, fix and prescribe.

SEC. 4. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties hereby imposed upon the several articles aforesaid, which, after the said respective times for the commencement of the duties hereby imposed, shall be imported in ships or vessels not of the United States : *Provided*, That this addition shall not be applied to articles imported in ships or vessels not of the United States, entitled by treaty or by any act of Congress to be admitted on payment of the same duties that are paid on like articles imported in ships or vessels of the United States.

SEC. 5. *And be it further enacted*, That there shall be allowed a drawback of the duties by this act imposed upon the exportation of any articles that shall have paid the same, within the time, and in the manner, and subject to the provisions and restrictions, prescribed in the fourth section of the act, entitled "An act to regulate the duties on imports and tonnage," passed the twenty-seventh day of April, one thousand eight hundred and sixteen.

SEC. 6. *And be it further enacted*, That there shall be allowed a drawback of seventy-five per centum of the duties by this act imposed on tallow, which may be manufactured into candles or soap, by, for, or on account of, the person or persons importing the same, upon the exportation thereof within nine months after the said importation, and in the manner prescribed by the act, entitled "An act to allow drawback of duties on spirits distilled, and sugar refined, within the United States, and for other purposes," so far as the same may be applicable, and under such rules and regulations as may be prescribed by the Secretary of the Treasury.

SEC. 7. *And be it further enacted*, That the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act, for the prosecution and punishment of all offences, and for the recovery, collection, distribution, and remission, of all

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finer, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing, to that effect, in the existing laws contained, had been inserted in, and enacted by, this act.

RELIEF OF SARAH PERRY.

The House resolved itself into a Committee of the Whole, Mr. TAYLOR in the Chair, on the following bill:

A Bill for the relief of Sarah Perry, mother of the late Oliver H. Perry.

Be it enacted, &c., That there shall be allowed, and paid, to Sarah Perry, mother of Oliver Hazard Perry, late a Captain in the Navy of the United States, a pension, or annuity, of three hundred dollars per annum, payable half yearly, from and after the passage of this act, for and during the term of her natural life, out of any money in the Treasury not otherwise appropriated.

Mr. FULLER, of Massachusetts, stated the facts of the case for which the bill was intended to provide. The House were all in the remembrance of the victory obtained on Lake Erie, in 1813, its brilliant circumstances, and its important results. When the death of the gallant officer, who achieved that victory, became known to Congress, in the year 1819, a bill was introduced, and promptly passed, which made provision for the support of his wife and children. For some reason, to Mr. F. unknown, the name of his mother was not inserted in the bill, and she had remained entirely dependent on one of her sons, now no more, who supported her as long as he lived. A second son, who was a Lieutenant in the Navy, continued her support after the death of his brother ; but, three years since, was lost at sea by an accident with which the House were all acquainted. It was then that application was made by Mrs. Perry, whose last dependence was taken from her, for public support. A bill was last year brought into the House for her relief, but, from pressure of business, or some other cause, had been neglected to be acted upon. The present bill had the same object. It proposed but a slender support, and the object of its provision was far advanced in years. He trusted the bill would pass without opposition.

Mr. HAMILTON, of South Carolina, asked for the reading of the memorial of Mrs. Perry, which being completed—

Mr. HAMILTON rose and addressed the House to the following effect:

I hold it, sir, as a position not to be controverted, that a country or government is quite as much bound, by the obligations of gratitude, as an individual. That these obligations result from great and extraordinary benefits conferred on the commonwealth, producing claims which it is the province of a just and enlightened nation to canvass and appreciate. And further, that, in a republic like ours, where we give nothing to pride and luxury, these claims, involving a pecuniary bounty, are to be considered in reference to the extent and character of the services on which they are founded ; the ability of the Government to dis-

charge them ; the existence of absolute want of the party to be relieved, and that the relief itself be controlled by the practice and maxims of a wise and judicious frugality. It is under these principles, which I regard as altogether axiomatic in the polity of every civilized government, that I propose to bring the case of Mrs. Perry.

The claims of this lady are founded on the exalted services of her son, Oliver Hazard Perry, who, in the hour of "your utmost need," won for you a victory of vast and inestimable importance. On this claim a peculiar and emphatic strength is conferred, by the fact that your hero did not more entirely owe his life to his mother who gave him birth, than he did those great qualities of soul which enabled him to achieve that incomparable exploit with which he has enriched the renown of his country. If the virtues of the Gracchi are to be attributed to the lofty sentiments with which the daughter of Scipio Africanus imbued their minds, the moral power of Perry is as truly to be traced to the enlightened instruction of his mother, who, by the course she pursued in his education, seems to have had an early presentiment of the rich fruits which would reward her maternal labors. For such a task this lady was eminently qualified. To a vigorous and cultivated intellect, she unites, in as high a degree as any one I have ever known, a refined sense of every thing that is truly elevated and great in human action. A love for true glory, a contempt of death and danger, an ambition controlled by an exalted patriotism, and a magnanimity partaking of all the generous and noble sympathies of our nature, were the lessons she successfully and incessantly impressed on the mind of her son. I speak with the confidence of one having a personal knowledge of these facts. And I undertake to say that the triumphant defeat of your enemies in the engagement of the 10th of September, when you most wanted the moral effect of victory, is essentially to be attributed to her who is now the object of your charity—to her who cast your hero in a perfect mould of heroism—who girded on his sword, and bid him go forth and conquer.

But I will now, sir, state a circumstance in which the coldest calculation of profit and loss will perceive some justice in her claim.

After the achievement which has rendered the name of Perry so memorable, it was the misfortune of his mother, by the loss of her husband, to be reduced to a situation of difficulty and distress. Her son, with a filial devotion which invariably distinguished him, immediately appropriated a portion of his pay to the support of his parent and her then unprovided younger children. This sacred annuity was paid with the most exact punctuality, until the death of her son. On the circumstances of his death it is unnecessary to dwell. They belong to a mournful portion of our history. It is enough for my purpose, to say, that he died in your service, in the performance of duties which you confided to him ; and if he had not been commissioned to bear your flag to a distant and insalubrious clime, it is not probable that you would now be discussing this subject.

This pecuniary loss you are bound to make up to his mother, on every principle of justice, laying aside, altogether, the considerations of gratitude. Nor is the force of this claim in any degree impaired by the fact of his not having died in battle. Your Government sent him, in the month of August, to the pestilential banks of the Oronoco, in the performance of important naval and diplomatic functions, where he encountered perils greater and far more loathsome than the hostility of the enemies of his country. These claims of his thrice widowed mother ought not to be destroyed, because her gallant son yielded up his spirit to the ravages of an odious disease, unsolaced by those consolations which would have soothed his last pang, if he had died in the battles of his country.

I come now, sir, to the events posterior to the death of Commodore Perry, which have a direct relation to the impulse which was given to public opinion, as to the solemn obligation which rested on his country to make provision for the surviving objects of his solicitude and affection. It is one of the few events of my life, of which I have just occasion to be proud, that, in the Legislature of my native State, in December, 1819, I moved a series of resolutions, requesting our delegation warmly to co-operate in any measures that might be introduced in Congress, calculated to testify the gratitude of the country to the memory of Commodore Perry. These resolutions, having a direct reference to the subject before you, were unanimously adopted by the Legislature of a State second to none in its ardent devotion to a stern, orthodox republican creed. The most propitious circumstance attending this impulse from South Carolina was, that the measure was in contemporary accord with the views of a gentleman (Mr. RANDOLPH) now on this floor, who, to an object so patriotic, pure, and grateful, lent the persuasive energy of his eloquence. This gentleman induced the House to adopt a resolution for the appointment of a select committee, to whom was confided the duty of inquiring what provision, comporting with the gratitude of the country, it behooved Congress to make for the family of Commodore Perry. To one, now no more, (my lamented predecessor,) who was a member of this committee, the virtues of whose noble heart were enthusiastically devoted to the subjects of its labors, I am indebted, for a knowledge of the principle by which the committee were governed, in reporting the bill on this subject, on the 28th of February, 1820. This committee, justly regarding the great and eminent services of Commodore Perry, and the indigent situation in which he had left his mother, and immediate family, thought it would not be going beyond the gratitude of the country, and the wants of the individuals to be relieved, that one-half of his full pay and emoluments as a post captain in the Navy of the United States, should be divided between them during certain periods, and on certain contingencies. The very first clause in this bill made a separate and distinct provision for his mother, precisely to the amount of the pecuniary allowance of the bill on

your table. When, however, this measure was to be acted upon, some of its friends, from a fear lest the whole bill might be lost, in contending for too much, consented to the erasure of this most pious and beautiful feature in the bill; one, the most strongly indicative of the feeling and considerate gratitude of the country. The gentleman from Virginia, (Mr. RANDOLPH,) who was chairman of this committee, yielded to this alteration, more, I have understood, from considerations of policy, than from a conviction of its propriety. [Mr. RANDOLPH here said that he assured the gentleman from South Carolina that he had never yielded this point.] I feel myself strengthened by the declaration of the gentleman, and that I am authorized to say that he has never surrendered his opinion that the mother of your hero has yet an uncanceled claim on your gratitude and justice. I feel that I have a right to appeal to the opinions of this gentleman; for among those who have been distinguished in the parliamentary history of your country, he is the last man who can be accused of ever having advocated a wasteful and unnecessary expenditure of your treasure.

I have preferred, sir, in the narrative I have given you, even the risk of being tediously minute, rather than that a single circumstance should be omitted, calculated to give you a full view of Mrs. Perry's situation. Her claim now recurs with all its original force, and may be said to carry a species of moral interest from its postponement.

Let us now inquire whether this claim does not come fully within the scope of the principle with which I set out. Does not this lady stand in the light of a benefactress to her country? Did she not nourish, at her bosom, a man who did you a vast and countless service? Did she not instil into his soul those moral elements which fitted him for conquest—that longing after immortality—that shining and transcendent valor—that refined and exalted chivalry, which give an indescribable charm to his whole character?

I fear, sir, if these questions are answered coldly, even in the affirmative, amidst the agitation of many topics, odious in their character, and pernicious in their discussion, we have forgotten a part of what we owe to the hero of Lake Erie. Is it an unreasonable trespass upon your time to ask you to go back with me for one moment to that period when the victory of the 10th of September flashed from one end of this Union to the other, with a bright and cheering lustre, chasing back to the regions of eternal night the clouds and darkness which once seemed to have rested on your destiny, and, in the light of its glory, giving new ardor to valor, fresh hopes and confidence to patriotism? There was not a heart, among seven millions of freemen, amidst all the distractions of party, to which it did not bring gladness and exultation: for the victory was perfect in its kind. It was complete, to entire, sweeping and overwhelming subjugation. It gave security to fifteen hundred miles of your frontier, and the blow which went home to the pride of your foe, palmed the uplifted arm of his savage ally, and the tomahawk fell harmless to the earth. Amidst

these events, your hero stands forth in high and resplendent relief. But let me not spoil the moral grandeur of a scene which belongs, by the joint destiny of glory and genius, to the pencil of some future artist who shall be worthy of his theme, in feeling, in full force, all its matchless sublimity. Let his canvass, then, breathe with all the animations of life, and glories of art. To him be confided the task of representing your hero in the midst of a carnage unexampled in the annals of modern warfare, carrying victoriously the tactics of Rodney to a dazzling excess, never contemplated by that hardy veteran in the intensity of his valor.

There are, Mr. Chairman, some posthumous claims of gratitude which survive the individual, and remain on this side of the grave. It is when the object of our gratitude is removed beyond the reach of our kindness, that the just and enlightened instinct of this noblest sentiment of our nature induces us to go forth and seek for those our benefactor loved best, and on them to lavish the tributes of this consecrated obligation. No stone, erected by his country, marks even the spot where the remains of our gallant countryman are mouldering into "a cold clod of the valley;" but this pittance, poor as it is, which is asked for his parent, will be more consoling to his manes than monumental glories, in which the genius of Chantry and Canova might contend for mastery. Death has not paid the obligations of gratitude you owe your hero. They survive in the person of the venerable being who gave him birth. The force of this truth it is in vain for you to escape. It is but a cold and heartless sophistry, which attempts to discriminate between the gratitude of a country or government, and that which becomes an individual. They are obligations of equivalent authority, and rest upon the soundness of the same principle.

Let us now, sir, inquire, whether the proposed annuity of three hundred dollars to Mrs. Perry is not fully within that frugality which ought to govern our bounty. Does this sum allow for any thing more than the absolute sustenance of life? Do you give, in such an amount, one farthing to pride or luxury? Let me next ask, whether the payment of this sum is within your ability? On this point I am admonished into silence by the ridicule which would await such a discussion. Nor will I permit you to plead economy, when I see so little of it employed in matters which have a personal reference to yourselves, and in objects over which we have a direct control. The testimonies of your extravagance are about me. The cost of one of those columns which uphold the dome of this cheerless waste of magnificence, would provide a fund, the interest of which would support the parent of our hero during the remnant of her life; and all the expense of the proposed annuity would twice over be paid, during its utmost duration, from the amount which we annually pay out of the public Treasury for newspapers. Precedents of self-gratification, it seems, are never dangerous. But, in bestowing a pittance on the mother of your gallant benefactor,

there may be something superlatively perilous in the example. Let me not be told that you have already done enough in providing for the widow and children of Commodore Perry. I say, in this you have done nobly; but something yet remains to complete your benefaction, to which you are urged by the strongest claims: for the situation of his mother is equally as exigent, to say the least of it, as that of his wife and children; and the relations of the one, to the object of your gratitude, are quite as proximate as those of the other.

I believe, sir, that I have but one more topic on which it is indispensably necessary to say a word; and that is, as to the wants of Mrs. Perry. On this point, I can assure those who would never dispense your bounty except in cases of absolute necessity, that she is quite poor enough to satisfy all their scruples. But I do not think it becomes either the occasion, or the memory of the individual to whom this donation to his mother would be a precious tribute, to institute a sort of commission of pauperism to ascertain the precise condition of her poverty. I will not invade the sanctuary of her domestic fireside, or insult her misfortunes at the price of your favor. Nor will I pronounce so great a libel on her surviving children, however slender may be their means, as to insinuate that she must starve, but for the interposition of your bounty.

Sir, an enlightened gratitude, governed by a frugal bestowment of public rewards, in a manner consonant both to the purposes of justice and humanity, is one of the eminent duties which a Republic has to perform towards those who have been a blessing and honor to their country. I am happy to avail myself of the authority of a great man, who looked far into the philosophy of human things, and had the most impressive mode of illustrating them: "No man," says he, "knows, when he cuts off the incitements to a virtuous ambition, and the just rewards of public service, what infinite mischief he may do his country, through all generations. Such saving to the public may prove the worst mode of robbing it." I shall be told, probably, that the fame of great achievements is a part of their just reward. This is true, and true to an extent which I am happy to allow. Over this the niggardly grasp of contemporary injustice has no power; for it may be said of these achievements, as it has been beautifully said, in reference to another subject, that their "price is immortality, and posterity will pay it." Something may be urged as to the danger of the precedent, should you grant this annuity to Mrs. Perry. If, therefore, you are fearful that an individual act of benevolence, gratitude, and justice, should have the authority of a dangerous general rule, let it now be distinctly understood, that this lady receives this donation because she is the mother of that hero who captured for you an entire fleet. Thus modified, I confess I see no great danger in the precedent. I should presume the oftener it could be successfully quoted for your consideration, the better it would be for your fortunes, more especially in time of war. But, if you desire to exclude altogether the use of the precedent, by a spe-

cies of physical as well as moral necessity, then say at once that you give this pittance because her son defeated the enemy of his country in the first regular fleet engagement which we ever fought, and the case stands alone, and must do so, to the end of time. But I feel that this anticipated cavilling is unworthy of my subject. I make my appeal at once to higher considerations than those connected with this mere special pleading.

There is, sir, a mournful vicissitude in the concerns of this world. I recollect that, soon after this Hall began to be raised from the ruin in which the vandalism of our enemy had involved it, in walking around its then naked walls, with the lamented Perry, in the partial fondness of his friendship, he was pleased to express a belief, that I would one day have the privilege of being heard on this floor. How little did I think that the first word I was destined to utter, in this place, would be in preferring a petition for bread, in behalf of his unfortunate parent, struck down and impoverished by that calamity which has filled his country with sadness and dismay. But, if she is fated to be repulsed in this application to your charity, or justice, call it what you will, I shall feel that something yet is to be added to this melancholy incident, to complete its moral. That the cup of sorrow has not yet been emptied of its last drop. If, by your vote, you are about to tell her to knock at that door, but to go elsewhere for bread, I trust in God that the spirits of the blessed, by his merciful providence, are kept in blissful ignorance of the strife and vanities of this wretched sphere: that, between us and those bright mansions of eternal rest, there is the thick vale and shadow of death, which no human voice can pierce; and that it is not permitted to my gallant friend to witness this humble effort which I have made for his bereaved parent—this poor tribute which I have flung upon his grave.

Mr. HENRY, of Kentucky, said he did not rise with the hope of emulating the thrilling and persuasive eloquence of the honorable gentleman from South Carolina. He was far, very far, from proposing to himself, an effort so vain, so unavailing. It would be his endeavor to present to the Committee a few plain considerations, proving, as he conceived, that the provision contemplated by this bill was strictly compatible with the established practice and the sound policy of the Government. I shall assume, said he, as the foundation of the remarks I intend to submit, that the principle on which the present application rests, has been already settled in the act passed by a former Congress, making provision for the wife and children of the lamented Perry. What was the inducement to the passage of that act? Was it not because the deceased hero was endeared to the nation by his eminent services; and because, by his untimely death, his wife and his little ones, the principal sufferers by an affliction which covered our land with mourning, were deprived of the means of decent subsistence? Why should the aged and venerable mother of the deceased be excluded from the benefit of a similar provision? Was she less deeply affected by the tidings of his death?

Who can adequately conceive the anguish of a mother who mourns for her first born? Must she be excluded because she was not the object of his tender regard, as well as his wife and his children; or because the obligation on his part to maintain her in decency and comfort was less sacred, less imperishable? The tie which binds the parent to the child, and the child to the parent, as it is the eldest, so it is, also, the latest of human obligations. The sentiment which draws a son to a virtuous and exemplary mother, to whom he owes an immense debt of gratitude and duty, constitutes one of the noblest and most refined affections of the human heart. It begins with his being—he is nourished by her strength—"from lips that he loves" he learns the lessons of truth, of wisdom, and sincerity; and by her plastic hand, whilst his heart is yet soft and ductile, he is moulded to virtue, to manliness, and patriotism. Tell me not of the influence of learning and philosophy; or of the acknowledged authority of paternal example. These are indeed essential: they are capable of doing much. But, all these will be insufficient to make any man great, if the proper, the indispensable foundation be not laid in the nursery. I appeal to every honorable gentleman to recollect the infinite benefits he derives from the loveliest, the best, and most virtuous half of our species, and then to say, if he can, that the picture I have attempted to delineate is exaggerated. We have heard repeated allusions to the brilliant achievements and wonder-working example of the hero of Lake Erie. Has it never occurred to the Committee, that to the early training and correct discipline of the venerable lady whose name has been so often mentioned, he was indebted for the infusion of those principles, which bore him upwards in the path of life; and finally rendered his own name illustrious, and covered the annals of his country with a flood of glory!

As to the propriety of granting relief in this particular case, (the principle having been settled by the former act,) it appears to me there can be no doubt. The evidence on our table exhibits a case of extreme distress. The mother of Perry was in reality one of his family. That manly son regularly appropriated a portion of his own income to the support of his aged and infirm mother. That son is now no more; that appropriation is now withdrawn. The nation has adopted his beloved wife and children as the objects of their peculiar care, because they were dependent upon him for the means of subsistence. His mother was equally dependent on him. The example of the son strongly indicates to the nation the propriety of extending to her that assistance which she has lost by his death. The principle which is asserted by this bill is not assailable on the score of profusion; it addresses itself to the justice of the nation. I am greatly mistaken if it is not founded in magnanimous and long-sighted economy. Convince the brave man who goes forth to battle that his country will step in to the relief of those who are left destitute by his death, and his soul rises superior to all the dangers that surround him. Convince him that the dear objects

of his affections will be cherished and provided for by that Government for whose principles he is about to offer up his life, and you render him invincible. As a general principle, it seems to me, no position can be more defensible; and I can as yet perceive no good reason why it should not be applied to the case now under consideration.

Mr. WICKLIFFE, of Kentucky, being so unfortunate as to differ in opinion from the gentlemen who had addressed the House in favor of this bill, by way of trying the strength of the House on the subject, moved to strike out the enacting clause of the bill, (in effect to reject it.) Mr. W. said, he felt, and sensibly felt, the force of the remarks which had been so eloquently made by the gentleman from South Carolina, on the subject, founded on the merits of the hero whose mother was to be benefited by this bill. No one, he said, felt more sensibly than himself the obligations of the principle of gratitude, and on all occasions, as an individual, and in public life, he would acknowledge them; and it was with extreme regret that this individual case should be the first presented to him here, in which he found himself bound to yield to imperious duty the dictates of mere feeling. It was not a belief that the present applicant for the bounty of Congress was undeserving—not a disagreement in the sentiments as to her situation, which had been expressed by the two gentlemen who had spoken, that induced him to make this motion, but the principle that it is dangerous in a republican Government to extend the system of pensioning beyond the extent already recognised by this Government, and acted upon for the last forty years. I ask you, said he, if we begin thus to extend it, where shall we stop? This is a case possessing strong claims upon our sympathy, but it is not the only one of the same character. Is the victory of Commodore Perry the only one which has been achieved for our country? And if we are to go on to pension the mothers of our distinguished heroes, the pensions are not less due to the mothers of the honest men who carry knapsacks, than to those of the distinguished individuals who lead them into action. Shall we extend the bounty of the Government to the mothers of men who hold a distinguished rank in society, and when application is made in behalf of others who need it more, and are perhaps not less deserving, tell them we can extend our benevolence only to those who died in leading armies or squadrons to battle? Shall I be confined to any section of this country to point out instances of men who have died in service, leaving parents in an humble and suffering condition? If we are to adopt the principle of this bill in any case, said Mr. W., I should be for going the whole; let us pass a pension law providing for the support of the widowed mothers of all our deceased heroes. I am not for making these distinctions. Mr. W. said he did not, by his motion, design to express sentiments contrary to those which had been so feelingly expressed on this occasion, respecting the late Commodore Perry, because they were the sentiments of the nation, and

we are all bound to acknowledge them, but to protest against a system, the extension of which must in time load the nation with a pension list beyond its means to support.

Mr. CADY, of New York, said that when this bill was brought up before the Committee, he did hope that it would pass by a unanimous vote. He had been one of the committee who reported it, and he regretted much to hear the objections which had fallen from the gentleman who had just sat down. For himself, he would go as far as any man in guarding the treasury of the country from unreasonable and improper claims; but, to the committee who reported this bill, the present appeared to be a claim of peculiar character. What we all owe to the lamented dead no man could be ignorant; the committee had turned their eyes to his aged mother; they found her naked and they proposed to clothe her; they found her hungry and they proposed to feed her. It had been their wish to smooth, in some small degree, her downward path to that bourne from whence no traveller returns. The sum they thought to give her was indeed small, but they had hoped it might be sufficient. She is now subsisting on the cold charity of the world; it was the purpose of the bill to rescue her from that dreary lot, and let her owe her subsistence for the few short years that remained, to the gratitude and liberality of her country.

Mr. COBB, of Georgia, then rose and said, he feared, after the eloquent appeals that had fallen from gentlemen on the opposite side of the House, that he should be heard with apathy, if not worse; but he could not but think that, in the discussion which the subject had received from the advocates of the bill, too great a range had been allowed to feeling, and not quite enough to cool, dispassionate judgment. In the internal policy of this country, no maxim was more fixed or more important than one which had been well expressed by one of our own statesmen, that an extensive pension list, under a free Republic was very inexpedient. We have laid down on this subject a principle to which it would be wise to adhere. When a soldier falls in battle, or is disabled by wounds while fighting for the country, his widow, if he dies, or himself, if he lives, shall receive support from the funds of the nation. But, when you once leave this simple and just rule of proceeding, where are you to stop? It may, perhaps, in some cases, be admissible to provide a temporary aid for the children of those who die in the field, but the idea that the nation is bound to support the widows, children and mothers of all who die in its service, is chimerical indeed. And yet it comes to this. For, if the mothers of those who die in the Navy are to be maintained, why not of those who die in the Army? If the mothers of officers of high rank, why not of subaltern officers? Nay, why not of the common soldier? He risks his life for the country as much, if not more, than his commander; so that even on the ground of feeling, the reasons for the bill entirely fail. Shall we not feel as much for the poor man as the rich? for the humble but patriotic soldier, as for his

more elevated companion in arms? Mr. C. said he was in Congress when the bill for the support of the wife and children of Commodore Perry passed the House. It was known to all who were in the House at that time, that that bill had been advocated by two of the most distinguished men that ever sat in Congress—one of whom, (Mr. LOWNDES,) now slumbered in the grave—the other was yet a member of the House. It was to the bursts of resistless eloquence which broke from the lips now still in death, that the passage of that bill was chiefly to be attributed; it was passed in a moment of enthusiasm; the news of the death of Commodore Perry had just reached the House, and feelings were excited which nothing could control. But this body ought not to be under the government of mere feeling when about to legislate; it must bridle its passions, and give reason opportunity to be heard. Some uniform rule ought to be established. Already the pension list of this young country is swelled to more than two millions. In fifty years, asked Mr. C., if we proceed as we have done, what will it be? He was seriously affected by the precedent it was now proposed to set. Mrs. Perry might be much distressed, and it was not disputed that her son had covered his country with glory. His merit was undisputed; and, he would say, it was unsurpassed, too, by any officer of his own grade. But what then? He could go over a long list of worthies, for whose families no provision had been made. There were, at this hour, hundreds of parents, to whom the country owed much, who were in the same circumstances with Mrs. Perry. One instance had recently been quoted on that floor, the case of Mrs. Denny. The thing was unavoidable. It was one of the fruits, the lamentable but necessary, fruits of war, in all ages and countries.

Mr. McDUGGIE, of South Carolina, next took the floor. He commenced his observations by saying that he should feel deep regret if, in the discharge of his public duty, as a member of this House, he should ever find the dictates of policy incompatible with the sentiments of gratitude and maxims of moral justice. But he was gratified to believe that that which the heart of every upright and honorable man would prompt him to do, was that which might be sustained, as the true policy of a Government, on the cool principles of reason, and by an appeal to the soundest dictates of practical wisdom. The present measure was an appeal to gratitude, founded on the principles of expediency. Did he not believe that this bill was founded on considerations of the most enlarged expediency, he would at once abandon the bill as indefensible. What, he asked, is the great object of a Government, in relation to the military and naval service, on which the honor and even the safety of the country so much depend? Without bravery, military renown, heroism, what is a nation? A multitude of individuals, little better than a rabble. Without national character, what are we? Can too high inducements be presented for the achievements of valor which serve to elevate, and even constitute that character? Can such achievements be estimated by money? They

cannot. It was, therefore, he argued, the dictate of sound policy to pursue such a course as would foster the feelings and deeds upon which the honor and safety of the country depend.

Against these sound and self-evident views of national policy, views that were founded in the nature of man, what were the arguments urged? The danger of the precedent: if we pass this bill, it was said, we must, in justice, allow all similar claims, and where will it stop? To this argument, Mr. McD. said, he had a short answer. Let all claims of equal force with this claim be allowed in their fullest extent. That country, said Mr. McD., cannot be poor, which has many such claims to satisfy; rich, indeed, is that nation whose treasury is in danger of impoverishment by claims like this. The gentleman from Georgia has said that if we extend aid to the aged parents of our officers, we are also bound to do the same for our common soldiers. I do not, said Mr. McD., admit that position. This claim rests not simply on the fact of Mrs. Perry being the mother of Commodore Perry, but on the additional idea that she stood to him, when living, in the relation of a dependant on him for support: his bounty fed her. When he died, another son assumed the pious task: of his fate none of us are ignorant; he magnanimously sacrificed his life in an effort to save his comrade, and with his life her support was cut off. Replying to another part of Mr. Cobb's argument, Mr. McD. went on to say, there is a broad distinction between the case of a high-spirited and distinguished officer and that of a common soldier. The latter has duties of a far inferior kind, and is induced, in most cases, to enter on their performance from mercenary motives—he enters the service for his daily bread. Not so the officer. He chooses the profession for its own sake, and is tempted to the choice by the love of fame. The duties of a common soldier are performed if he fights bravely, stands at his post, and obeys orders; whilst the duties of the officer are of the most arduous character and of the highest national importance. And when a nation has in its service high-minded and chivalrous officers, it is her soundest policy to set them free from pecuniary anxiety. Mr. McD. said he could see no danger in the precedent, in this case. The services of the son, and the strict and entire dependence of the mother, formed a peculiarity in the case which prevented that danger. The mother was, in this respect, in the place of one of the children of the officer. To them the country becomes a father—why should it not become to her as a son? The extension of the pension list, by cases of parents in such circumstances, was not to be apprehended. The lady contemplated by this bill is far advanced in years—the pension, if granted, cannot long continue—the subject of its bounty must soon sleep in the grave. It was more safe to provide for the parents than for the children of our defenders; their number could never be formidable, nor the duration of their pensions long. He had said that there would be no danger in granting this aid—he would add, there would be danger in refusing it. It had been

the hackneyed reproach against republics that they are ungrateful; for himself, he believed the charge was a false one, and he called on the House to prove that it was false. Republics ungrateful? A country dependent for its safety, for its very existence, on the services of its citizens, ungrateful for them? A republic was the last government that ought to cherish ingratitude; nor did he believe that a fair examination of antiquity would show such to be the fact: but, granting it was so, we were only the more imperiously called upon to repel such an imputation in our own case—to teach the world that a republic can as justly appreciate, and as liberally reward, the devotion of gallant men to the public service as the most despotic governments of the Old World. I should, said Mr. McD., have my affections for a republican government much impaired, if, in its maintenance, we must disregard the feelings of honor and the dictates of gratitude; but it is not so; every dictate of enlightened policy is in direct opposition to the sentiment. It cannot be unwise to do what the feelings of an honest and honorable man tell him he ought to do. Sitting in this House, said he, we represent the people of the United States; and I trust we shall not dishonor them. Need I ask, if this claim was presented to our constituents, what they would do? Suppose they were told that the services on which it rests were rendered to the nation when it was contending at a fearful odds with a hardy, powerful, and veteran enemy—when its spirits were sunk to the lowest point of depression, and every heart that loved it was oppressed with despondent foreboding—that it was at that moment that this hero reclaimed her from degradation, and poured a tide of exhilarating joy from one extremity of the country to the other; that he afterwards went, in the discharge of public duty, into all the dangers of a sickly clime, where he perished. They would turn their eyes to his mother, aged and tremulous, and tottering over the verge of the grave, and they would consider that this bill asks but for three hundred dollars a year to feed her, and to soothe her helpless age. Would they refuse to give it? To say so is to insult the American people—it is to offer outrage to the feelings of man. For himself, he was persuaded that, in all cases, feeling and honor were the best defence against false doctrine. We delude ourselves by sophisticating, said Mr. McD. We are drawn into error by adverting to the experience of other nations. Gentlemen had urged the overgrown pension list of Britain: but it was a false course of analogy to reason from the state of old European nations to our own circumstances, which were so widely different. Poverty was not there the ground of pensionary grants—so far from it, that they were every day bestowed on persons rolling in wealth and luxury because they happened to be related to those in power. With us it is far otherwise. Do gentlemen suppose that because we give in a peculiar and strongly marked case, we must, therefore, be so destitute of discretion as to have no power to stop? Have we not reason to guide us? Surely we are rational beings, and we are able to stop

when we judge it proper to do so. Will gentlemen say to this House, "Don't do right to day, lest you should do wrong to-morrow?" In the present case, feeling and reason concur to establish the justice of the claim, and he called upon the House not to violate both by refusing this pittance to a poor, aged, dependent woman.

Mr. A. STEVENSON, of Virginia, next addressed the Committee; he had no intention, he said, when he came to the House, of participating in the discussion of this question; the debate had, however, assumed such an interesting character, that he felt himself urged by considerations of duty and feeling to ask the indulgence of the Committee for a few moments. Mr. S. said he had not anticipated any serious opposition to the bill; he had hoped it would have passed unanimously, and that the House (besides performing a sacred duty) would have been enabled, by the manner in which the application was met, to have soothed, in some measure, the afflictions and sorrow of this venerable lady, for the loss of her gallant son. He regretted that the gentlemen from Georgia and Kentucky should have felt it necessary, in the discharge of their duty, to oppose this bill, and that regret was occasioned by the character of their opposition. The Committee had been told that the precedent which they were about to set, in passing this bill, was one of alarming and dangerous character! That the policy of the Government demanded its rejection, and that there would be no limit to applications upon our bounty. Mr. S. denied that this would be the case—this was not an application to the bounty of the Government; nor was it an application to the cold-handed charity or generosity of the House. It was an appeal to the justice and gratitude of the nation! for there could not, he said, under Heaven, be a more just claim than that which was presented by a parent under the circumstances of this case. But was the House to be fettered by rules and precedents? For his part, he cared not for precedents. He thought it was only necessary to leave the decision to the justice of the House, and that precedents might be dispensed with. Surely, gentlemen were not afraid that precedents for conferring honor and gratitude on distinguished merit, would become too numerous! Nor did he regard the number of applications which might be made. He was prepared to give relief to all who were entitled to the justice and gratitude of the nation—gratitude for services could not be too much applauded. The generosity of our national character was dear to the people, and ought to be cherished by their representatives. He would place the aged parent, and especially the mother, by the side of the widow and the orphan—and he would do this, not only in relation to our gallant officers, but to the humblest man who should die in the service of the country. Mr. S. asked what principle of justice, or motive of policy was it that did not operate as strongly in the one case as in the other. If the object of Government in providing protection for the widow and orphan, be, to excite in your gallant defenders a spirit of emulation and patriotism, and to stimulate them to

H. OF R.

Relief of Sarah Perry.

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deeds of noble and daring character, why might we not expect the same result, in providing for the helpless and aged parent? Did gentlemen require that the feelings of the son were to be lost in those of the husband or father? Did they believe that all the moral considerations of filial attachment and affection, which influence the heart, and which dignify and adorn the human character, belonged not to the hero! There was a sacredness, Mr. S. said, in the feelings of a son towards an aged and venerable mother, which could not be expressed. It is the primeval bond of society, and the sacrament of our nature. What do you imagine would have been the feelings of the gallant Perry, whilst he was bearing your thunder in triumph on the mountain wave, if he had supposed that that country for whom he was prepared to offer up his life, would have suffered his aged mother to be thrown upon the cold charity of the world to beg for a precarious subsistence? What would the nation have said, after the battle of Erie, if the manner in which this application has been met to-day, had been then foretold? Almighty God! is it possible, that in this country, where triumph such pure and liberal principles, and where the character of man has been so exalted, the charge of national injustice and ingratitude is to be sustained? But, Mr. S. said, if he was wrong in placing the parent upon the same footing with the wife; yet, was this not a case which stood upon peculiar grounds, and claimed especially the justice and gratitude of the nation? Who was the applicant? The mother of five sons, who had devoted their all to their country, and two of whom had died in its service!—the mother of one of your noblest and most distinguished heroes—a man who exalted your national character, by the splendor of his victories and valor, and added to your arms imperishable honor! Let gentlemen cast back their eye to the history of the past war. Do they forget the difficulties under which it commenced, and the disasters which befel us? Roused from a long peace of thirty years, most of our Revolutionary heroes gone, without officers of experience, without military science or military establishments, a dark gloom pervaded the Union; it was the American navy (filled with our gallant and hardy sons of ocean) who first broke the gloom, and raised to its highest pitch the enthusiasm of the nation. Do gentlemen forget how soon they proved to the enemy that her soldiers were not invincible, nor her wooden walls invulnerable? Even England was forced to acknowledge their superiority, and Europe stood confounded. The battle of Lake Erie was then hailed as a victory, glorious and unparalleled in the history of nations. In its consequences it was almost unexampled. It swept from the enemy the labors of half a century, and destroyed the whole of her naval power upon the Lakes, (which rendered her in that quarter invulnerable,) and enabled her to wield, with powerful effect, the arm of the ruthless savage. It was Perry who achieved this victory; it was his valor which has rendered Lake Erie a monument of American glory, and made

the name of your country respectable in every quarter of the world. And now, when the mother of this gallant chieftain (by whom she was supported) comes and demands, from the representatives of that country whom he has thus honored, bread, we are told to give her a stone. Economy and policy, too, we are told, require it, and the people expect it. Sir, said Mr. S., this is a slander upon the nation. Let those who oppose this bill, go back to their constituents and tell them what they have done; that they turned from their door, in the evening of a long life, the aged and venerable mother of the gallant Perry, and doomed her to the charity of the world; and if their conduct is not reproached, I can only say, that the people whom they represent are wholly unlike the generous and high-minded and honorable freemen whom I have the honor and pleasure to represent on this floor. Sir, said Mr. S., I call upon the House to pause, in the vote they are about to give; I conjure gentlemen, by every motive which can bind them to a correct discharge of duty—for the honor of the nation and its justice, not to reject this application; to let their mistaken notions of cold calculating policy perish in the blaze of more generous and better feeling, and, by unanimity, afford some comfort and consolation to the wretched parent of this gallant chief, and pour into her agonized bosom the balm of a nation's gratitude.

Mr. CLAY (the Speaker) said he regretted extremely that the views which he entertained of this subject were such as would not allow him to accord with the gentlemen who supported the bill. If it were a question merely of feeling, he should probably accompany his assent to it with those eulogiums so eloquently bestowed upon the Victor of Lake Erie, and so justly merited. If the amount of money which the bill proposed to disburse was the only objection to it, he should not have offered any opposition; but it was the principle of the bill against which he protested, and he conjured gentlemen, before they gave their assent to this bill, to pause, lest, under the influence of the bursts of eloquence which had been heard to-day, they should be instrumental in establishing a principle which he believed to be pregnant with infinite mischief. The principle of the present system of pensions is, that, for the support of him who is disabled by wounds, or the family of him who falls in battle, provision shall be made from the Treasury. Commodore Perry neither fell, nor was he wounded, in battle. In the case of his wife and children, then, there had been already a departure from the principle of our pension list, and now a still further departure from it was proposed, in order to provide for another relative of the same officer. Mr. CLAY called upon gentlemen not to suffer themselves to be led away from the true view of this question, by the seductive illusions of military or naval glory. Was there no service but the military or naval? Was there no instance, in civil service, of meritorious individuals dying whilst in the public employ, and leaving families, pining in want and overwhelmed in distress? Mr. C. here alluded to the case of

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a distinguished individual, (Mr. Gerry, it is supposed,) who, not many years ago, holding a high civil office, died literally in the discharge of his public duty, far advanced in years, and leaving a destitute family. That case, said he, is well remembered; and do we not all know that every species of relief or compensation was refused to his afflicted family? Mr. C. asked gentlemen to regard all services with an equal eye, and not make unjust discriminations. And, on the score of gratitude, he asked, is there to be no limit to the operation of that feeling on the public counsels? What, he asked further, is the basis of our present pension list? Gratitude. What is the basis upon which, in other countries, aristocracies are erected, and titles and honors showered on individuals, to be transmitted down to their remotest posterity, but the same principle? Mr. C. said he should not, however, have risen, but for some general observations on this subject, which had fallen from the gentleman from South Carolina, on national glory. If you wish to make your country illustrious, said Mr. C., you must diffuse your glory. It is not your heroes—God knows we have had enough of them within the last twenty years—every man now is a hero—it is not your heroes, but the body of the people, the men who fight your battles, to whom you are indebted for your safety and your eminence as a nation. But the gentleman from South Carolina, talking of the soldiers, says they fight for pay only, whilst their commanders fight for glory. Is this the case? Look, sir, at the battle of New Orleans, rendered more familiar to our memory by the very recent celebration of its anniversary; the militia who poured down the Mississippi upon the enemy, and met him step by step as he advanced, were they actuated by a mercenary principle? No, sir; far otherwise. Mr. C. went on to say, that he had ever been disposed, as far as possible, consistently with the public interest, to reward our successful commanders and illustrate their services; but the body of the people it is on whose virtue and valor we must depend for the preservation of our liberties. If, in awarding pensions Congress went one step beyond the principles already recognised, where would they stop? They must go on without limit, examining in detail the circumstances which constitute each particular claim preferred upon the public bounty, and measure it out accordingly. Under the present system, which allows pensions for death or disability incurred in the public service, we have a general rule which does not depend on circumstances, and may be safely applied. It is one which depends upon facts, and not upon eloquent appeals to the feelings, by yielding to which, principle might be disregarded. This was the danger to be apprehended from the precedent, should the present bill pass. What has become of him, said Mr. CLAY, who was second to Commodore Perry in his memorable conflict? He too has fallen, and his family, it is within the knowledge of some of us, is suffering from the want of the necessary means of aid. Turning to the State from which he came, where, Mr. C. asked, is the widow of Colo-

nel White, born to splendid fortune, the whole of which was expended in the Revolutionary war? She is old, and in need of aid. I have, said he, a petition to present to this House from this venerable lady, making the most feeling appeal to Congress in her behalf; yet, in answering her letter, assuring her of the pleasure I should have in presenting her memorial to the House, I did not venture to hold out to her the most distant hope of success in her application. Look abroad, said Mr. C., in all the walks of life, and see how many indigent families there are of individuals who have rendered most distinguished services to their country. Shall we select the families of those who wore epaulettes on their shoulders and swords by their sides, for peculiar favor, whilst we leave to pine in penury the families of those who have spent their lives in civil service? Not, Mr. C. said, that he would extend the principle of pensions to civil life; but he would restrict it to its present limit, within which it is safe. There was nothing more insinuating than applications of this description. But, he said, look to what they had led in other countries. Look to the pension list of England, swelled to an amount enormously great. Nay, look to our own pension list, already amounting to nearly two millions of dollars annually. Let us not, said Mr. CLAY, surrender ourselves to the captivating eloquence which we have heard on this occasion, on all sides of the House; let us rather be influenced by reason, principle, and precedent. Let us put some limit to this principle of gratitude, however justly it has been extolled. When the honorable gentleman from South Carolina, now no more, first introduced a bill containing this provision, as well as the one which passed for the relief of the widow and children of Commodore Perry, I told the gentleman, said Mr. C., that we were going too far. When I appealed to his better judgment, and pointed out the fatal consequences of this precedent, he consented to strike out the provision for the mother. I hope we too shall, on this occasion, availing ourselves of his enlightened wisdom, pursue the course which it dictated to him, and refuse to pass this bill.

Mr. RANDOLPH, of Virginia, rose for the single purpose of asking the honorable gentleman who had just sat down how, upon his own principles, he reconciled his support of the bill making provision for the widow and children of Commodore Perry with his opposition to this bill? Whether the bill first mentioned was not the very departure from principle against which the gentleman has warned the House this morning?

Mr. CLAY said it was a departure from the general rule. But, having already departed from it, shall we make another and much wider departure? With regard to that bill, however, Mr. C. said, he had rendered it no special support, and he did not know whether or not he had voted upon it. It was a departure, but it was a safe departure when compared with that which was now proposed.

Mr. HAMILTON said that, in rising to reply to the gentleman from Kentucky, he could not but

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feel a foreboding how hopeless the attempt must be to break the spell of that eloquence for which, if he might so speak, this House had a sort of habitual deference and admiration. But he could not permit the objections which had been offered to the bill to pass entirely unnoticed. I wish, said Mr. H., the gentleman, before he had spoken hypothetically as to the danger of the precedent which would be afforded if you granted the proposed annuity to Mrs. Perry, had looked into your statute book, where he would find on record an act granting pensions to the four daughters of the Count de Grasse, a foreigner, who fought, it is true, in our battles, but who was nevertheless commissioned by a foreign Prince, to whom he may be said to have been a stipendiary. To grant pensions in these cases, and to refuse one in the instance before you, appears to involve a species of inconsistency and ingratitude which cannot but be regarded as altogether monstrous. The gentleman asks, triumphantly, where these cases are to end, as if there was always something painfully irksome in the discharge of these obligations. I hope, for the honor of my country, they may never end; for, so long as we are blessed with such achievements as the victory on Lake Erie, more especially in time of war, the country can never be poor, in any just sense of the term. I am also asked by him if there is no other instance of services of a similar character rendered to the country? I say, yes; and that, moreover, if the mother of McDonough were ever placed in a like situation of exigency and bereavement with the parent of your deceased hero, under the preliminary principles which I laid down in this discussion, I would, without hesitation, vote a similar annuity for her relief. The gentleman from Kentucky had been also pleased, Mr. H. said, (not with the intention, he presumed, but with the direct effect of flinging unnecessary prejudice on this appeal,) to recur to the pension list of England, to sustain him in his money-saving doctrine. But, until he could prove a verisimilitude between the form of that Government and our own, he would in no way be benefited by his reference. In Great Britain it was true that the stream of public bounty, instead of refreshing the legitimate departments of the public service, is diverted into channels into which it ought never to flow. There is a species of instinctive corruption in that Government; for, in order to preserve its artificial checks and balances, the ministry, by a perversion of the public rewards, are compelled in this way to secure an effective majority in Parliament. But, in a Government of responsibility like ours, where was the danger of these evils? They could never exist until our institutions were swept into ruin and oblivion.

The gentleman has also, said Mr. H., brought out, in its full, and, I presume, as he regards it, its fearful amount, the sum which we now pay on account of Revolutionary pensions. This, he says, has been swelled to two millions of dollars. And, sir, to whom is this sum paid? To the very men who won the whole fee simple of the estate out of which you pay this modicum in the way of a

life interest—to those who gave you the splendid aggregate, and many of them at the price of their blood. But, the patriotic apprehension of the gentleman may be soothed by the consciousness that time is rapidly diminishing this sum which he contemplates with such appalling emotions. Yes, sir, said Mr. H., the moment is not far distant when not one of that venerable band will be left to tell us by their presence how much we owe them. It is then, when stung by a sense of ingratitude, we shall revive each long-forgotten testimony of high service and generous devotion. I wish, as the gentleman has spoken as to amounts somewhat with the precision of figures, that he had condescended to have opened an account current between the United States and our deceased hero, and have ascertained, in a pecuniary point of view, on which side the balance resides. He would have found that the munitions of war captured by Perry would three times over pay all the charges of his family, or those yet desired to be made on the Treasury of this country. The very bunting and spars he took from your enemy would pay this pittance to his mother.

Mr. KREMER, of Pennsylvania, now rose and said, he did not calculate that he was able to throw much new light on the subject; but he was impressed with the history of this venerable lady, whose son had perished in the service of his country. She had no other prop or stay. That son had, by his services, enabled us to wrest the savage tomahawk from the hands of the Indian, and had quieted the fears of women and children through hundreds of miles of the frontier. She could point to her son, and say to the people, "This my son dried your tears, and drove your fears away." If we want soldiers, we must give them a love for heroic actions. You must be able to say to your sons, "Behold that venerable lady; she gave birth to a gallant son, who fought in defence of his country. He died and left her poor, and now that country gratefully maintains her." Would not the House enable American parents to say this? He need not wait for their answer. He wanted, he said, to reply to the honorable Speaker, by a single word. To compare the services of a common soldier with those of such a commander as Perry, was like comparing the strength and size of a child to those of a giant. He had laid his bosom bare to every danger on the seas, and even in the tented field, while others staid at home, basking in the sunshine of Executive favor. Mr. K. said he should not longer trouble the House, and resumed his seat.

After a few observations between Mr. COBB and Mr. HAMILTON, in relation to the present situation of Mrs. Perry,

The question was taken on striking out the enacting clause, (in effect to reject the bill) and carried, ayes 121; but, after being reported to the House,

Mr. ARCHER, of Virginia, moved to recommit the bill, with a view to ascertain whether some modification of it could not be made, by a limitation of the term of the pension or otherwise, so as to meet the views of the House.

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This motion prevailed, but not by any considerable majority.

And, on motion, the House adjourned.

MONDAY, January 12.

Mr. MERCER presented a petition of George Taylor, of the State of Virginia, praying that measures may be taken to compensate him for spoiliations committed on his lawful commerce, on the high seas, by French cruisers, between the years 1793 and 1800; the United States having, in the convention of 1800, absolved the Government of France from all liability on account of said spoiliations.

Mr. HEMPHILL presented a petition of the Chamber of Commerce of the city of Philadelphia, praying for the erection of a "breakwater," at the mouth of the Delaware, for the security of the vessels navigating the same.

Mr. FARRELLY presented a memorial of the inhabitants of the county of Erie, and parts adjacent, in the State of Pennsylvania, praying that measures may be adopted to remove the bar at the entrance of the harbor of Presque Isle.

Mr. EDDY presented a memorial of the committee appointed by, and acting for, the manufacturers of cotton, and others interested in the manufacture of that article, in the State of Rhode Island, praying that additional duties may be imposed on certain cotton fabrics imported from foreign countries.

Mr. LITTLE presented a memorial of the Chamber of Commerce of the city of Baltimore, praying for the passage of an act to establish a uniform system of bankruptcy in the United States; which memorial was ordered to lie on the table.

Mr. MERCER presented a memorial of the Common Council of Alexandria, praying for an increase and extension of their corporate powers, in the manner, and to effect the purposes, set forth in their memorial.

Mr. M. also presented a petition of the Board of Aldermen and Board of Common Council in the City of Washington, praying for certain alterations in, and amendments to, their act of incorporation.

The said memorial and petition were referred to the Committee for the District of Columbia.

Mr. RANKIN, from the Committee on the Public Lands, who were, on the 9th ultimo, instructed, by resolutions, adopted on the motion of Mr. BRENT, to make sundry inquiries in relation to land claims in the State of Louisiana, made a detailed report; which was read, and ordered to lie on the table.

Mr. R. also made an unfavorable report on so much of the petition of the Legislature of the State of Alabama, referred on the 12th ultimo, as relates to an extension of a right of pre-emption to certain settlers on public lands in that State; which report was ordered to lie on the table.

Mr. WEBSTER, from the Committee on the Judiciary, to whom the subject has been referred, reported a bill to provide for the sale of lands conveyed to the United States in certain cases, and

for other purposes; which was read twice, and committed to a Committee of the Whole.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, made a report on the petition of George B. R. Grove, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of Joseph Wheaton, for payment of the expenses incurred in removing, with the Government, from Philadelphia to Washington, in 1800, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act for the relief of Josiah Hook, jr.," and "An act for the relief of the legal representatives of Joseph C. Boyd;" in which bills the Senate ask the concurrence of this House.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives, of December 24, requesting the President of the United States to lay before the House such information as he may possess, and which may be disclosed without injury to the public good, relative to the determination of any Sovereign, or combination of Sovereigns, to assist Spain in the subjugation of her late colonies on the American continent; and whether any Government of Europe is disposed or determined to oppose any aid or assistance which such Sovereign or combination of Sovereigns may afford to Spain, for the subjugation of her late colonies, above mentioned; I have to state, that I possess no information on that subject, not known to Congress, which can be disclosed without injury to the public good.

JAMES MONROE.

WASHINGTON, January 12, 1824.

The Message was referred to the Committee on Foreign Relations.

On motion of Mr. COOK, the Committee on the Public Lands were instructed to inquire into the expediency of better defining the boundaries of the Edwardsville and Sangamo land districts, in the State of Illinois. And that the same committee be instructed to inquire into the expediency of allowing to the administrators of Michael Jones, deceased, late register of the land office at Kaskaskia, additional compensation for his services.

Mr. VANCE, of Ohio, submitted the following resolution, which was read, and ordered to lie on the table, viz:

Resolved, That the Committee on Roads and Canals be instructed to prepare and report a bill appropriating twenty thousand dollars, to be expended in laying out and opening a road from Detroit, in the Territory of Michigan, to the Ohio State line, where the road from Detroit to Fort Meigs crosses the same.

Mr. VANCE said that he could not doubt, from the liberality shown to other Territories, that the House would direct the proposed inquiry. Every gentleman in the least acquainted with the situa-

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tion of the Territory of Michigan, must know that it presented the most vulnerable point on our frontier, and most needed all means for public protection.

On motion of Mr. FULLER,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing by law for the instruction of midshipmen, and other warrant officers of the Navy, in the intervals of public service, in nautical science, practical navigation, and marine tactics.

Resolved, That the same committee be instructed to inquire into the expediency of providing for the scientific and practical instruction of junior surgeons, and surgeons' mates, at one or more of the naval stations of the United States.

Mr. SCOTT laid the following resolutions on the table for consideration on to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to transmit to this House all the books and reports of the several Boards of Commissioners, and recorders of land titles, made out and transmitted to the Treasury Department, under the several acts of Congress, and the instructions predicated thereon, relating to the adjustment of land titles and claims in the (then district of Louisiana, and Territory of Missouri) now State of Missouri, and Territory of Arkansas, whether the said books and reports relate to the confirmation or rejection of said claims.

Resolved, That the Secretary of the Treasury be directed to communicate to this House a copy of the instructions given by the Treasury Department, under the eighth section of the act of Congress, of the 21st April, 1806, entitled "An act supplementary to an act, entitled 'An act for ascertaining and adjusting the titles and claims to lands within the (then) territory of Orleans, and district of Louisiana,' to the several Boards of Commissioners appointed under the act of Congress of the 2d of March, 1805, for the ascertaining and adjusting the titles and claims to lands within the (then) aforesaid Territories, now States of Louisiana and Missouri, and Territory of Arkansas."

On motion of Mr. CALL,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of allowing a salary to the collector of the port of Pensacola.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Fernandina, on the coast of Florida.

Mr. COOK submitted the following resolution for consideration:

Resolved, That every petition presented and proposed to be referred to any of the standing committees of the House, shall be laid on the Clerk's table by the member having the same in charge, with his name endorsed thereon, with a designation of the committee to which it is proposed to refer it, and the Clerk shall, according to such designation, send it to the proper committee.

Mr. SANDFORD laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That Peter Hagner, Esq., Third Auditor, be requested to lay before this House any information within his knowledge of the claim of John Holiday,

for a wagon and five horses, said to be destroyed while in the service of the United States, by the hostile Creek Indians; and whether said John Holiday received any pay for the use of the said wagon and horses while in the service of the United States, previous to the destruction of the same.

Mr. ISACKS submitted the following resolution for consideration, which was read and ordered to lie upon the table:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of reviving the laws allowing a pension to the widows and orphans of such officers and privates of the Army who may have fallen in action, died in service, or of wounds received in service during the late war, so as to continue the said pensions for the term of five years longer after the expiration of the first terms, respectively.

The bill from the Senate, entitled "An act for the relief of the legal representatives of Joseph Boyd, deceased," was read twice, and referred to the Committee of Claims.

Engrossed bills of the following titles, viz: An act for the relief of Garrett Fountain; An act to extend the time limited for the settlement of private land claims in the Territory of Florida; were, respectively, read the third time, and passed.

THE MARQUIS LAFAYETTE.

Mr. MITCHELL, of Maryland, submitted the following preamble and joint resolution; which was read, and ordered to lie upon the table, viz:

Whereas, that distinguished champion of freedom, and hero of our Revolution, the friend and associate of Washington, the Marquis De Lafayette, a volunteer General Officer in our Revolutionary war, has expressed an anxious desire to visit this country, the independence of which his valor, blood, and treasure, were so instrumental in achieving: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to communicate to the Marquis De Lafayette the expression of those sentiments of profound respect, gratitude, and affectionate attachment, which are cherished towards him by the Government and people of this country; and to assure him that the execution of his wish and intention to visit this country, will be hailed by the people and Government with patriotic pride and joy.

And be it further resolved, That the President of the United States be requested to ascertain from the Marquis De Lafayette the time when it may be most agreeable for him to perform his visit, and that he offer to the Marquis a conveyance to this country in one of our national ships.

The resolution was read the first time, and ordered to lie on the table.

RELIEF OF LAND PURCHASERS.

Mr. RANKIN, from the Committee on the Public Lands, who were instructed, on the 18th ult., to inquire into the expediency of reviving, and continuing in force, the provisions of the act, entitled "An act for the relief of the purchasers of public lands, prior to the 1st of July, 1820," made a report; which was read, and ordered to lie on the table. The report is as follows:

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By the act of the 2d of March, 1821, purchasers were allowed until the 30th of September following to avail themselves of the law referred to in the resolution. From some delay in transmitting the necessary instructions to the several land offices, the limited time which was given to file the applications for the benefit of that law, and the remote situation of some of the claimants from the land offices where such applications were required to be filed, Congress, believing a revival of the act of 1821 expedient, passed the supplementary act of the 20th of April, 1822. That law gave all those who had not availed themselves of the provisions of the original act an opportunity to do so, at any time prior to the 30th of September, 1822. Notwithstanding this extension of time, it was discovered, from numerous petitions presented to Congress, at their last session, that a large class of cases existed, and which were necessary to be provided for, where individuals intended to have availed themselves of the benefit of those acts, but, from accident or misfortune, had been prevented from filing their applications in due time. For these cases, provision was made by the act of Congress of the 3d of April, 1823. Your committee believe that these laws have afforded a sufficient opportunity to all who were attentive to their own interest to have obtained the relief provided by them; and they have no information which would, in their opinion, justify recommending to Congress the expediency or propriety of reviving and continuing in force the provisions of the act referred to in the resolution. We therefore recommend the adoption of the following resolution:

Resolved, That it is inexpedient, at this time, to revive and continue in force the provisions of the act of Congress, entitled "An act for the relief of the purchasers of the public lands prior to the 1st of July, 1820."

REVOLUTIONARY PENSIONS.

Mr. EDWARDS, of North Carolina, from the Committee on Revolutionary Pensions, who were instructed, on the 26th ultimo, "to inquire into the expediency of fixing by law the net amount of annual income which shall disqualify any applicant from being placed on the pension list, under the acts of the 18th of March, 1818, and 1st of May, 1820," made a report against the expediency of fixing the said amount; which was read, and ordered to lie on the table. The report is as follows:

That, by the act of 18th March, 1818, the Secretary of War is authorized to place on the pension list every person who served during the war of the Revolution, in the manner and for the term therein specified; provided he is in such "reduced circumstances as to need the assistance of his country for support." That, by the supplemental act, of May 1, 1820, the applicant is required to exhibit a schedule and valuation of his property, in order to entitle himself to the benefits of the act of March, 1818, above mentioned; and it is made "the duty of the Secretary of War to cause to be struck from the list of pensioners every person who shall not, in his opinion, be in such indigent circumstances as to be unable to support himself without the assistance of his country." The design of Congress, evidently, was to extend the benefits of these acts only to those whose condition in life, both as to property and bodily infirmity, rendered them dependent on charity for the means of subsistence. Your commit-

tee believe that this rule has been uniformly observed in their execution; and think it could not, in good policy, be departed from. The rule then being to grant relief to the necessitous only, the committee are of opinion that its equal and just operation can only be secured by trusting its application to the sound discretion of the Secretary of War. The necessities of the applicant do not depend simply upon the amount of property he has; but, also, on the number of his family; his bodily strength or weakness; and the dearth or cheapness of articles of subsistence in the portion of country in which he lives. Considerations like these must obviously be referred to the discretion of some one. To fix any amount of property or income as the rule by which applicants shall be excluded, would introduce a principle very unjust in its operation. The incomes of individuals vary according to their industry, economy, and good management; and the improvident would be benefited, while the prudent and industrious might be excluded by such a rule. No amount of property could be adopted as the rule; because, what would be a competent support for one, might be too little or too much for another. The committee, therefore, believe it impracticable to adopt any rule of valuation which would be just in its operation, or which would not involve great difficulty in its execution; and submit the following resolution:

Resolved, That the Committee on Revolutionary Pensions be discharged from the further consideration of this subject.

SURVEYS FOR ROADS AND CANALS.

Mr. HEMPHILL moved to postpone the orders of the day, to take up the bill for obtaining the necessary surveys on the subject of roads and canals. The motion was carried, ayes 77, noes 55, and the House went into Committee of the Whole.

Mr. HEMPHILL, of Pennsylvania, observed, that the subject of internal improvements, by the General Government, had for a long time been before the nation in a variety of shapes; and that its execution, in part, had only been retarded in consequence of opinions entertained by the present Chief Magistrate and his predecessor, as to the Constitutional powers of Congress to carry into effect a system of internal improvements. In support of the power of Congress, many resolutions have been adopted in this House; and two bills, predicated on such a power, passed both branches of the National Legislature. These bills, we all know, were rejected by the veto of the Executive; but nothing could be more highly recommended than the expediency of the measure, both by Mr. Madison and President Monroe. They deemed it of sufficient importance to produce a change in the Constitution. The language of the President, on this subject, is as strong as it could be; he said, if the right exists, it ought to be forthwith exercised.

As to the expediency of the measure, said Mr. H., I need not speak at large; the experience of the world tests the utility of good roads, canals, and bridges. By means of these, the inland trade of China has grown nearly equal to the whole market of Europe. It has become familiar to us, on this subject, that, in England, the Duke of Bridgewater first obtained a charter in the begin-

ning of the reign of George III., to make a canal for the purpose of carrying coal from his estate to Manchester; the benefit of this canal was so great, that it gave encouragement for others, and George III. lived to see more than a hundred canals in his kingdom; some of them passing through hills, by tunnels, and others over valleys and rivers, by aqueducts. By means of these, there is an internal communication between most of the great towns; and there are few places in England more than fifteen miles from a water communication. The late Union Canal, in Scotland, which opens a communication between the two populous cities of Glasgow and Edinburgh, is of a size sufficient for large vessels. In Holland and the Netherlands, canals are said to be as common as roads in other countries. It would be an easy task to go into some detail, but I consider it unnecessary, the subject is so well understood.

There is no country, said Mr. H., capable of higher improvements than this, nor any society of people to whom such a measure would be of greater advantage, owing to the extent of our country, and the variety of its soil and climate. The expense of transportation in this country is far beyond what is generally supposed; and the difference of expense between water transportation and land conveyance is exceedingly great. The commissioners from Maryland, who were appointed to explore the river Susquehanna, took much pains to acquire accurate knowledge on this subject; and they say, that the expense of transportation on a canal amounts to no more than one cent a ton per mile, or one dollar for a ton for every hundred miles; the cost of transportation by land conveyance is thirty-two dollars for the same distance; this is more than thirty to one in favor of the canal transportation. To give some idea of the inland trade of the country, and the expense of transportation, I beg leave, said Mr. H., to read a few lines from the report of the gentlemen from Maryland, who examined the Susquehanna. [Mr. H. read the following extract:]

"Before we proceed to describe the routes by which the waters of the Susquehanna may be connected with those of the Ohio river, it may be well to furnish some general outlines of the value of that trade to Pittsburg and the West, which would be the inducement for effecting a canal communication between those waters.

"The town of Pittsburg, owing to the great advantages of its situation, near the highest navigable point of one of the principal rivers of the West, has long been considered as the principal depot of all the western commerce. In the year 1820, no less than fifteen hundred tons of merchandise were sent from the seaboard to the country beyond the Mississippi, through the towns of Pittsburg and Louisville, on the Ohio river. During the years of 1817, 1818, and 1819, the expenses of transportation from Philadelphia, over land to Pittsburg, amounted to one million five hundred and sixty thousand dollars each year, making four millions six hundred and eighty thousand dollars for the transportation of merchandise distributed from a single depot in the Western country, in three years. It has been estimated that, in the year, there were, on

an average, two thousand five hundred and fifty-five wagons employed in the transportation of merchandise from Philadelphia to Pittsburg; that they carried eighty-nine thousand four hundred and twenty-five hundred weight, which were valued at seventeen millions eight hundred and eighty-five thousand dollars. And we have it from the most intelligent and respectable authority, that even within the last year, there has been sent from the city of Baltimore, by land, to Pittsburg and the Ohio river, merchandise to the value of twelve millions of dollars."

All this trade (continued Mr. H.) is in one section of the country. I shall not attempt to make any estimate of the annual expense of transportation in the different parts of the United States where canals might be made.

I wish one principle, said he, in relation to canals, to be perfectly understood, and I will illustrate it by ascertained facts. It is this, that canals may be highly advantageous to the nation, although not profitable to the proprietors of them. The expense of the transportation of between seventeen and eighteen millions worth of merchandise, from Philadelphia to Pittsburg, is \$1,560,000; merchandise to the value of twelve millions has been sent from Baltimore to Pittsburg and the Ohio in one year. The expense of this transportation would be about one million; making the amount of the expense of the transportation from the two cities, about two millions and a half; there are about three thousand three hundred wagons employed, and as many men, and upwards of thirteen thousand horses.

To remove all possible mistakes, as to calculations, instead of thirty to one, say there is five to one in favor of a water transportation; this would save the annual sum of two millions in the expense of transportation. Suppose the General Government should complete water communications from Philadelphia and Baltimore to Pittsburg, and they should cost two millions, and that the annual amount of toll should not exceed one hundred thousand dollars, the General Government, as proprietors, would sustain a loss of twenty thousand dollars, but the whole operation would be greatly for the advantage of the nation. The consumers of the Western country, or wherever they might be, would gain annually two millions, and no body would be losers; for, in that case, the services for these two millions would not be performed; the nation would gain by the diversion of labor and capital, worth two millions a year, to other useful objects, say to the extension of cultivation and to manufacture. As the profits of different pursuits in this country are pretty much on a level, the same level and capital, which yielded two millions a year in transportation, would produce the same result in other pursuits. The addition of produce, and the value added to raw materials by manufacturing them, amounting to the two millions, or very near that sum, would be a clear gain to the nation, as so much would be added to the general mass of national wealth. Let this principle, said Mr. H., be applied to the different sections of the Union, where it is practicable to construct canals; and who can too highly appreciate,

or calculate too largely upon the inevitable consequences!

Such objects are national, and do not fall within the sphere of State jurisdiction. A State, in making improvements, looks only to the prosperity of that particular State. But the object is national, when it transcends the boundaries of States, and embraces the interest of the whole Union, or large sections of it. Ten or twelve States are immediately interested in the navigation of the Ohio and Mississippi rivers; but what individual State can be expected to improve the navigation of these streams? It is the same with the contemplated canal along the seacoast; but will each State ever feel an interest sufficient to execute the part within its own limits?

I have before me, said Mr. H., an author of great celebrity, which briefly treats on the subject of highways and canals. He says, that no object is of higher national concern, and mentions their great advantages in France, and that the people complained of the expenses and labor when they were commenced; but, as soon as they became acquainted with their benefits, they blessed the authors of the design. There is no power in the Government to counteract the disadvantages arising from distances, except by improving navigable rivers, and by good roads, canals, and bridges. By means of these, the people in the extreme borders of a country are brought nearer together, and become acquainted with each other in the course of profitable dealing. They encourage the cultivation of the remote parts of a country, by diminishing the time, danger, and expense of carriage; and they are advantageous to towns and adjacent countries, by opening new markets. A singular prejudice against improvements is recorded in England. It is not much beyond half a century since some of the counties, in the neighborhood of London, petitioned the Parliament against the extension of turnpike roads into the remoter part of the country, which they supposed, from the cheapness of labor, would be able to undersell them in the London market, and would, thereby, reduce their rents, and ruin their cultivation; but, on experience, they soon found their notions to be erroneous, and the contrary was the result in both cases.

Whatever produces a saving of labor, must, in a greater or less degree, be beneficial to every part of a country. It may be said, that the people of this country are benefited by the good roads and canals, and labor-saving machines in Europe, because, in consequence of these, they can buy foreign articles cheaper than they could otherwise do. The people, far in the interior, are benefited as well as those in the towns, by lighthouses, and all the regulations in favor of commerce, because, in consequence of these, the expense of transportation is lessened, and they can get a higher price for whatever they have to sell for exportation, and can purchase, at a cheaper rate, whatever foreign articles they may want for consumption.

I have already, said Mr. H., endeavored to explain that canals may be of great advantage to the nation, although not profitable to their pro-

prietors; but, even as respects them, some canals would yield a profit immediately, and all of them would become lucrative in a reasonable time, if proper routes are selected. On this point I will call the attention of the Committee to a few of the British canals. The extract which I will read, contains the original cost of shares of canal stock, the present prices, and annual dividends:

	Cost.	Present price.	Dividends.
Birmingham	£25	£535	£20
Chesterfield	100	120	8
Coventry	100	999	44
Erewart	100	1000	58
Grand Junction	100	218	9
Leeds and Liverpool	100	278	10
Leicester	100	260	10
Oxford	100	640	32
Staffordshire and Worcester	100	642	40
Trent and Mersey	200	900	75
Warwick and Birmingham	100	210	11
Warwick and Napton	100	235	10 10
Loughborough	—	2400	119
Melton and Mowbray	—	170	9 10
Mercer and Irwell	—	650	30

The first price of the three last is not given, but I am informed that it was but £100 each. Such exorbitant gain cannot be expected here, but large profits, in some instances, might reasonably be calculated upon. I have no hesitation in believing that a canal along the Atlantic coast would produce more than six per cent. immediately after its completion. The grand New York canal, so far, presents the most flattering prospects. The expediency of adopting some system of internal improvements cannot be questioned; and, as to the mode and manner of its execution, it is not required, for the support of the present bill, to go into any discussion; for, whatever mode may be finally resorted to, there is one preparatory step to be taken, and that is, to procure the necessary information. This will be useful to the General Government, to the States, and to individuals. The present bill is merely of this character; it presents a measure that must precede the actual undertaking upon any enlarged scale.

The committee who reported the bill, said Mr. H., were under the impression that it would be more efficacious than otherwise, to leave the routes to be surveyed entirely to the discretion of the President, and that it would be of no advantage to designate them in the bill. The President will unquestionably act, in the first instance, on the most prominent objects as a basis for the construction of roads and canals and the improving of water courses, in order to benefit internal commerce among the States, and to facilitate and give security to the common defence of the nation. For this purpose he can call to his assistance any of the corps of engineers or practical civil engineers, who possess many advantages, from the explorations they have already made. In this respect the present bill differs from the one reported at the last session, which provided for plans and estimates for a national road from the city of Washington to New Orleans, and for canals from

the harbor of Boston to the South, along the Atlantic seacoast, and to connect the waters of the Ohio above with those below the falls at Louisville; Lake Erie with the Ohio river; the tide waters of the Potomac with the same stream at Cumberland; and for communications between the Susquehanna and the rivers Seneca and Genesee, which empty into Lake Ontario, and between the Tennessee and Savannah, and also between the Tennessee, Alabama, and Tombigbee rivers.

In favor of this bill, I think I am safe in saying that there was a majority in this House, at the last session, but owing to the advanced period of the session, when it was reached, it was thought imprudent to press for a decision at that time. There were obstacles against the passage of the bill, at the last session, which do not now exist. It was supposed by some, that, because it looked forward to a system of internal improvements, the President would not give his sanction to it, and that it would be an unnecessary consumption of time to deliberate long upon it. That impression is now entirely removed, not only by the acts of the President, during the last Summer, but by his Message. Under his general powers he authorized a part of the corps of engineers to assist in making plans and estimates for the Chesapeake and Delaware canal, and for a canal from some point in Jersey to the Hudson river; and also to assist the Maryland commissioners in their project of making a canal from the Susquehanna to Baltimore, and along the margin of the river. And in addition to these acts he has, in his Message, explicitly adopted, as well the principle contained in the bill before us, as the manner of carrying it into effect. I allude to that part of the Message which relates to the connexion of the waters of the Chesapeake and Ohio, by one continued canal, and also the connecting of the waters of the Ohio with those of Lake Erie by canals. If these could be accomplished, he says, it would be impossible to calculate the beneficial consequences that would result from them. He submits it to the consideration of Congress, if it may not be advisable to authorize, by an adequate appropriation, the employment of a suitable number of the officers of the corps of engineers, to examine the unexplored ground, during the next season, and to report their opinion thereon. The present bill, said Mr. H., is nothing more than an enlargement of the views and objects contained in the Message of the President. I shall not raise the Constitutional question on this bill. The honorable gentleman from Virginia (Mr. MERCEUR) the other day suggested a different method of accomplishing the objects of this bill. He said, if I understood him rightly, that the President had full authority over the subject, and that it was only necessary to add a little to the appropriation of the Quartermaster General's department. In answer to this, the first remark that occurs is, that the President views the subject differently, or he would not have asked for the authority to be granted to him; and even if he had a sufficiency of money at command, he would not

feel himself justified in embarking in a great project of this kind; without the countenance of Congress, no one could expect it. If the gentleman meant that the appropriation for the Quartermaster General might be increased, designating at the same time the object for which the increase is made, he will perceive that his method, as far as it goes, would embrace the principle of the present bill; the only essential difference would be, that, in that case, there would be no authority to employ two or more skilful civil engineers, which is of importance. Mr. Wright, and many others, are practical men, and might, it is presumed, be occasionally employed. If it was meant simply to increase the appropriation alluded to, without saying for what purpose, I should think it liable to objections; on that account, the object should be expressed—the people should understand what is intended by the bill we are about to pass.

The resources of the nation, in times of peace, said Mr. H., cannot be engaged to greater advantage, than in public improvements. These will increase the quantity of productions, by saving labor, and opening new markets. They will be permanent, and go down to posterity to be lastingly enjoyed, while the objects of most other expenditures may be forgotten. The Federal Government has now been in existence for upwards of thirty years, and yet, under all the natural advantages of the country, and notwithstanding the high political inducements, if we pass the limits of this District, and go into the interior of the nation, possessing a population of ten millions, there are scarcely any traces of the Government to be seen. No attention has been paid to the heavy expense of transportation; the rivers and other waters have been permitted to remain in their natural state—when, at the same time, every one acknowledges the incalculable advantages that would result from improvements in times of peace; and that, in the event of a single war, more would be lost for the want of them, than would be sufficient to make all those of the most prominent character. This would excite surprise if we were not acquainted with the reason of the delay; that it is owing to Constitutional scruples on the part of the Executive, and not to any unwillingness of the people, or their representatives, to undertake the execution of public works.

I sincerely believe, said Mr. H., that the people are fully prepared for, and that the spirit of the nation would now justify, the expenditure of large sums on great national objects. The expense of twenty or twenty-five millions ought to form no objection: for, if the debt should go down to posterity, it will carry with it a legacy of a thousand times its value. We are under no pressing obligation to discharge it immediately; but admit that we are, of what consequence, compared with the object, would such a sum be, when its expenditure would be spread over a period of ten or fifteen years? We can never expect to see more prosperous times for the commencement of public undertakings. If this subject is slumbered over for centuries, the same reasons will be urged against public works that are now.

It is owing, sir, said Mr. H., to an unfortunate indifference, and not to the want of ability, that public undertakings are so often neglected, in different countries. England had capacity sufficient to have performed all her great works long before she did. France, also, has long since had sufficient capacity for this purpose, but England is more than half a century in advance of her. The late Emperor of France, although he may have committed political errors, saw this subject in its true light, and, notwithstanding his numerous wars, he paid unremitting attention to public improvements wherever his dominion extended. In reading the accounts which are given of him in his misfortunes at St. Helena, I could not but admire the remarks of that most extraordinary man on this subject. In speaking of the Allied Powers, he said: "At least, they cannot take from me, hereafter, the great public works which I have executed, the roads which I have made over the Alps, and the seas which I have united. They cannot place their feet to improve where mine have not been before. Thank God, of these they cannot deprive me."

In order to show the concern which the people in different parts of this country have manifested on this subject, I beg leave to mention the objects which have been referred to the Committee on Roads and Canals within the last two years. A reference was made to inquire into the expediency of exploring a certain section of the State of Maine, for the purpose of ascertaining, by survey, the proper route for a road, and whether it would be useful in a military point of view, from the Penobscot river, at or near Bangor, to some point in the eastern boundary of the State.

A similar reference was made in favor of a survey being made to ascertain whether it would be proper for the General Government to aid in the construction of a canal in the town of Gloucester, in Massachusetts, to connect the waters of Boston and Ipswich Bay, in order to avoid the dangerous and tedious passage round Cape Ann.

The Legislature of New York passed the following resolution, which was referred:

"In Assembly, April 10th, 1822.
Resolved, (if the honorable the Senate concur therein.) That our Senators in Congress be instructed, and our Representatives requested, to call the attention of the National Government to the great importance and public utility of improving the navigation of the Hudson, so as to open a free communication and direct intercourse for vessels of all descriptions, with the internal canal navigation of the State of New York."

Resolutions were referred instructing the committee to inquire whether it is expedient for the United States to give aid to the Delaware and Raritan Canal Company, and to the Chesapeake and Delaware Canal Company. Petitions and resolutions were referred, earnestly soliciting the attention of Congress to the navigation of the Potomac river, and its connexion with the western waters, with a view of extending the inland navigation to the Lakes.

A memorial from the Legislature of the State of Alabama was referred, praying aid of the Gen-

eral Government to connect several of their valuable streams. It also called the attention of Congress to the communication of the Pensacola bay with that of Mobile.

A resolution has been offered at this session to inquire into the expediency of opening a canal between the navigable waters of the Tennessee and Coosa rivers.

There were also, said Mr. HEMPHILL, other references of minor importance. The measure proposed by the present bill, continued Mr. H. was recommended by the able and valuable report of the Secretary of the Treasury, of the 4th of April, 1803, in the following words: "As an important basis of the general system, an immediate authority might also be given to take the surveys and levels of the routes of the most important roads and canals which are contemplated; a work always useful, and by which the practicability and expense of the undertakings would be ascertained with much more correctness than in the report; a moderate appropriation will be sufficient for these several objects."

The execution of this measure will present to Congress a full view of the subject. It will lay the foundation of a well digested and regular system, and it will require but little money, compared with the importance of the information. Nothing can be more useful than an accurate knowledge of the natural capacities of the country for improvements; to be made acquainted as well with the interior as exterior; to possess a knowledge of all the valuable streams, the distances of their tide waters, the impediments to navigation which may be in them, and their capacity of being connected to each other by good roads and canals; to ascertain the routes by which the Atlantic could be connected with the western waters and with the Lakes, whether by the Potomac, or by the Susquehanna and Alleghany, or by both; to know what improvement would cause the greatest advantage to be derived from the St. Lawrence; what would be necessary to perfect the navigation of the Hudson river for vessels of all descriptions; what would be the distances of roads and canals, to make a connected communication along the seaboard, from Maine to New Orleans; by what means the navigation of the Mississippi could be rendered less dangerous than at present; what would be the distances and character of the country over which national roads ought to be constructed. Such information, accompanied with plans and estimates of expense, would be of the highest importance; for, whether the improvements of the country are to be made by the individual States, or by the General Government, under its present Constitution or by means of a change of the Constitution, this information would be essentially necessary. All, therefore, said Mr. H. that are in favor of improving the country by any of the means that have been suggested, can, with consistency, vote for the present bill.

Mr. H. made other remarks, to show the propriety of obtaining the information required, through the Corps of Engineers, with the assistance of two or more civil engineers.

In concluding, Mr. HEMPHILL moved that the blank in the third section of the bill be filled with \$30,000.

Mr. P. P. BARBOUR offered a motion (which, by the rules of the House, superseded that to fill the blank,) to strike out the enacting clause of the bill. He did this, he said, in all fairness, that the sense of the House might first be obtained on the general principles involved in the bill, before any thing should be determined as to its details. Wishing, also, to deliver his views on the subject, and the hour being now rather late, he moved that the Committee should rise, and ask leave to sit again.

These motions, in the course of the conversation which followed, Mr. BARBOUR withdrew.

Mr. CLAY (the Speaker) took occasion to observe, that the discussion ought to be left free upon the broad principle of the bill, before going into a discussion of its details. Two questions of principle, he conceived, were involved in this bill: first, whether Congress possessed the Constitutional power to legislate on the subject of internal improvement; and, secondly, whether it was expedient for Congress to exercise that power. Until it should be settled what was the opinion of the House on both these points, it was useless to go into a discussion of dollars and cents, in regard to the amount of appropriation to be included in the bill.

Mr. MERCER, on the other hand, did not think that this bill was calculated in any manner to test the opinion of the House on the great questions of the power of Congress in regard to internal improvement, and the expediency of exercising it. He conceived it might be extremely proper to employ the topographical engineers in these surveys, without involving the Constitutional question at all, and indeed that they could not be better employed. Mr. M. adverted to the opinions of the Executive on this subject, which he said had not that he knew of undergone any change. It was well known that the President had always asserted the power of the General Government to appropriate money to complete roads and canals, but had also expressed the opinion that Congress had no jurisdiction over the territory of the several States for the purpose of making them. But this bill, Mr. M. added, did not involve that principle, and he did not see that the discussion of it would now be in place. He hoped, before the session was at an end, that a bill, which did involve the question, would be fairly before the House, on which the question might be tested.

Mr. CLAY said he knew it was possible, according to one interpretation of the Constitution, to pass this bill without involving, in the discussion, the general principle of the power of the Government in regard to internal improvement. But he thought, for his part, that the House could not fairly give its approbation to this bill, unless it also gave its assent to the general power. For what, he asked, does the bill propose? The making of certain surveys, with a view to opening channels for the distribution of the means of the Government, and, through the Post Office, the communication of intelligence from one part of the coun-

try to the other. If the Government has no right to open these communications, it has no right to make the surveys which are preparatory to them. He adverted to the fact that when, some sixteen years ago, a proposition had been made in the Senate for authorizing a survey for a canal around the falls of the Ohio, a member, now high in office, was of opinion that, so absolutely was the Government divested of the power over internal improvement, it could not authorize a survey looking to such an object. Mr. C. said, that he was one of those who do believe the power of making roads and canals to belong to the Government. There were some who differed from him, and deduced the power to give money for such objects from the power to appropriate public money; whilst he considered the power to make the improvements as drawing after it the power to make the appropriations for them. According to the view which he took of the subject, the power of the Government in regard to internal improvements was a necessary and indispensable topic of discussion which this bill involved. It would be better, then, he thought to bring on the general discussion first, and after the House should be satisfied of its power, to take into consideration the sum of money which it might be necessary to appropriate to these national purposes.

Mr. BARBOUR said that, on this, as on every occasion on which he was called upon to take part in public affairs, he was inclined to act with perfect fairness. He assured the gentleman, therefore, that in making a motion to strike out the enacting clause, he had no other motive than to come at once to the principle of the bill, because, if that did not meet the approbation of the House, it was unnecessary to consume time in the discussion of the details. Still entertaining this impression, he renewed his motion to strike out the enacting clause of the bill.

The Committee then rose, on motion of Mr. BARBOUR, and obtained leave to sit again.

TUESDAY, January 13.

Mr. WEBSTER, from the Committee on the Judiciary, reported a bill to authorize the issuing of letters patent to Samuel Brown; which was read twice, and committed to a Committee of the Whole.

Mr. RANKIN, from the Committee on the Public Lands, made an unfavorable report on the memorial of the Legislature of the State of Alabama, praying Congress to authorize the sale of the public lands in tracts of forty acres, or sixteenth parts of a section; which report was ordered to lie on the table.

The Committee on the Public Lands were discharged from the consideration of the memorial of the Legislature of the State of Alabama, proposing an allowance of a discount of 37½ per cent. on the price at which certain public lands have been sold; and the memorial was laid on the table.

Mr. McLANE, from the Committee of Ways and Means, reported a bill making a partial appropriation for the support of Government for the year

1824, (for the compensation of Senators and Representatives,) which was twice read, and made the order of the day for this day.

The House, by consent, went into a Committee of the Whole, Mr. KENT in the Chair, on the above bill. [Which appropriates \$265,140 for the pay of the members.]

The bill was reported with the amendment for filling the blank, and was ordered to be engrossed for a third reading to-day.

Mr. KENT, from the Committee on the District of Columbia, reported a bill for regulating the fees of the registers of the orphans' court, in the several counties within the District of Columbia; which was twice read, and committed.

Mr. HARVEY, from the Committee on Naval Affairs, reported a bill for the relief of William Blagrove; which was twice read, and committed.

The SPEAKER laid before the House the annual report from the Navy Department, of the names and salaries of clerks employed therein; which was laid on the table.

Mr. SCOTT's resolutions of yesterday, calling for the records of land titles in Missouri and Arkansas, and for the President's instructions to the Board of Commissioners in that State and Territory, was taken up and adopted.

Mr. SANFORD's resolution, calling on the Third Auditor for information touching the loss of a certain wagon and horses destroyed by the Creek Indians, was laid on the table.

An engrossed bill entitled "An act making a partial appropriation for the support of Government for the year 1824," was read the third time, and passed.

CONTESTED ELECTION.

Mr. SLOANE, from the Committee on Elections, to which was referred the memorial of John Bidle, contesting the right of GABRIEL RICHARD to a seat in this House as the delegate from the Territory of Michigan, made an unfavorable report thereon; which was ordered to lie on the table. The report is as follows:

The petitioner objects to the right of the sitting delegate to retain his seat, for the following reasons: 1st. That he is not a citizen of the United States, but, on the contrary, is an alien, owing allegiance to a foreign Power; and that although he has been naturalized before a court of the Territory, yet that this court not being of that description which, by the laws of the United States, is authorized to admit aliens to become citizens, his admission is of no validity.

2d. That, even admitting the authority of the court, the naturalization not having taken place one year previous to the election, he is still disqualified from retaining his seat. In entering upon the consideration of this subject, the first point that presents itself is the authority on which the right of a Territory to be represented by a delegate in the House of Representatives is founded; and next, the qualifications which it is requisite such delegates should possess. The office is one which is not provided for in the Constitution. It grew out of the ordinance of Congress for the government of the Northwestern Territory, passed anterior to the adoption of the Constitution of the United States, and has formed the basis of

all the Territorial governments which have since existed. By that ordinance no qualifications were required of the person elected a delegate; nor do the laws of the United States, which have been subsequently passed in relation to the election of delegates from other Territories, prescribe any. The committee will not attempt to discuss, much less to decide, the propriety of allowing persons, who are not citizens of the United States, or who may owe allegiance to a foreign Government, to hold seats in this House as delegates from Territories. It will be sufficient to state the fact, that there are no statutory provisions on the subject; and that, unless it can be deduced from the general principles of the Constitution, there is no authority to exclude an alien from holding a seat in Congress as a delegate from a Territory. The case under consideration does not, however, present itself in such manner as to render a decision of this point absolutely necessary. By the documents which have been referred, it appears that the sitting delegate is a native of France; that he emigrated to the United States in 1792, with an intention of residing therein; that he has so resided until the present time; that in June, 1823, he made application to the court of Wayne county, in the Territory of Michigan, then holden in the city of Detroit, and was admitted to become a citizen of the United States. The question now comes up for consideration, whether this court is of the description which have authority competent to perform acts of this kind. The act of Congress, passed the 14th of April, 1802, entitled "An act to establish a uniform rule of naturalization, and to repeal all the acts heretofore passed on that subject," provides that aliens may be admitted to become citizens of the United States by the "supreme, superior, district, or circuit court of some one of the States, or of the territorial jurisdictions of the United States, or a circuit or district court of the United States." In a law of Congress which was designed to confer jurisdiction on other courts than those of the United States, and which courts were possessed of different powers, and variously constituted, it would be extremely difficult to describe each court by that name or appellation which it received in the law of the State or Territory by which it was established. Besides, was such precision to be observed, Congress would be under the necessity of altering the law to meet every change which the different States might find it convenient to make in their judicial system, or otherwise the object of the law might, in some States, be entirely defeated. In making provision for the naturalization of foreigners, the intention of Congress obviously was to confide it to all courts which possessed those attributes that would render them safe depositories of the trust reposed. And the terms employed to describe them must be construed to relate to their powers and jurisdiction, and not to the name or appellation by which they were respectively designated in the laws of the States or Territories in which they exist. That this is a fair construction, will appear manifest from the provisions of the third section of the same act, which declares "that every court of record, in any individual State, having common law jurisdiction, and a seal, and clerk or prothonotary, shall be considered as a district court within the meaning of this act."

The exceptions taken to the authority of a county court of a Territory to admit aliens to become citizens of the United States, are founded on the reference in this section to State courts, and the omission to include the courts of a similar character in the Territories.

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Marquis Lafayette.

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But this section, it must be observed, is merely declaratory, and cannot justly be construed to contain any thing more than an explanation of what was intended to be understood by the terms "district and circuit court." Let us see what is the interpretation. It is, "that every court of record which possesses certain other attributes, which are enumerated, is to be considered as a district court." Here is no new grant of power, but only a declaration of the character in which those courts are considered; and the omission of the territorial courts in this section cannot be construed to annul the grant of power contained in the first section. The reason for enacting the first section was obviously to explain away certain doubts which appear by the preamble to have existed in regard to some of the courts in certain States; and the presumption is, that, in respect to the territorial courts, no such doubts were suggested, and hence the omission. Should this view of the subject be correct, there can be no doubt but that by the laws of the United States the county courts in the Territory of Michigan are to be considered as district courts, and competent to admit aliens to become citizens of the United States; and that, as the sitting delegate was naturalized before one of those courts, he thereby became, and in fact, now is, a citizen of the United States.

The committee will now proceed to the consideration of the second objection, viz: That, even admitting the validity of the naturalization, yet, as it did not take place one year before the election, the sitting delegate was not at that time legally qualified, inasmuch as he had not resided in the Territory one year previous to the election in the quality of a citizen of the United States. The authority relied on to support this position is the act of Congress "authorizing the election of a delegate from the Michigan Territory to the Congress of the United States, and extending the right of suffrage to the citizens of the said Territory," passed the 16th of February, 1819; and the "act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes," passed the 3d of March, 1823. The former of these acts provides "that every free white male citizen of said Territory, above the age of twenty-one years, who shall have resided therein one year next preceding the election," &c., shall be entitled to vote at such election for a delegate to the Congress of the United States. The latter act provides that all citizens of the United States, having the qualifications prescribed by the act of the 16th February, 1819, shall be eligible to any office in said Territory. The committee will not undertake to decide whether the station of delegate is such an office as comes within the meaning of this act; but, even admitting that it is, the conclusion will not prejudice the right of the sitting delegate to his seat. Neither of the acts referred to require that the person shall possess the qualifications enumerated at any other time than that at which the election takes place. It is not the citizen who is required to have resided in that quality for one year next preceding the election. It is the person, the individual, the man, who is spoken of, and who is to possess the qualifications of residence, age, freedom, &c., at the time he offers to vote, or is to be voted for, or claims the privileges and franchises which those acts bestow. From a careful examination of the case in all its bearings and relations, the committee are impelled to the conclusion that the sitting delegate was at the time of his election a citizen of the United

States, possessed of all the Constitutional and legal qualifications to render him eligible to a seat in the present Congress, and do, therefore, submit the following resolution:

"Resolved, That Gabriel Richard is entitled to a seat in this House as a delegate from the Territory of Michigan."

MARQUIS LAFAYETTE.

The joint resolutions yesterday moved by Mr. MITCHELL, of Maryland, looking to the probability of a visit from the Marquis Lafayette to this country, and proposing to send a national ship for him, were read a second time; and the question being on ordering them to a third reading—

A motion was made by Mr. CONDUCT to lay the resolutions on the table to give time for further consideration thereon.

This motion was negatived—80 to 74.

Mr. WILLIAMS, of North Carolina, expressed his wish to have more authentic information of the expressions of General Lafayette on the subject of a visit to the United States. He thought the House was not in possession of such information on the subject as would justify acting upon it—intimating, that if he was properly apprized of the facts alleged in the preamble, he did not know that he should object to the resolutions.

Mr. BRENT, of Louisiana, said he did not consider it material, to a decision on these resolutions, whether or not it was the wish of the Marquis Lafayette to visit the United States. But, Mr. B. said, he had seen letters from the Marquis himself, expressing that wish. He had seen a letter addressed to Mr. Davezac, of New Orleans, wherein Marquis Lafayette stated that it was his intention to visit the United States once more before he died. One of his colleagues, also, (Mr. LIVINGSTON,) had received a letter to the same effect. Mr. B. said, he hoped, on this occasion, not only an affirmative but an unanimous vote. It was unnecessary for him to refer to the value of the services which General Lafayette had rendered to this country in the war of the Revolution. They were too deeply engraven in the bosom of every man to need to be revived to his recollection. The resolutions would cause no expense, and establish no precedent. The House had, from various unofficial sources, all the information they could desire on this subject, and he hoped the resolve would pass.

Mr. RICH, of Vermont, moved to amend the resolution by striking out the words "expressed an anxious wish," and insert in lieu thereof "announced his intention," to visit the United States, &c.

Mr. CONDUCT, of New Jersey, said, that it would be much more competent for a committee than for the whole House to amend the phraseology of a resolve, and, as there seemed to be some doubt as to the phraseology of the preamble at least, he moved to refer the resolutions to a select committee.

This motion was agreed to, without opposition; and Mr. CONDUCT, Mr. MITCHELL, Mr. HOLCOMBE, Mr. BRENT, Mr. CUTHBERT, Mr. CAMBRELENG,

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Surveys for Roads and Canals.

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and Mr. LIVINGSTON, were appointed the said committee.

SURVEYS FOR ROADS AND CANALS.

On motion of Mr. HEMPHILL, the House again resolved itself into a Committee of the Whole, on the unfinished business of yesterday. Mr. Foor was called to the Chair, and the consideration of the bill for obtaining the necessary surveys, plans, and estimates, on the subject of roads and canals, was resumed.

Mr. P. P. BARBOUR said, that it had been in order to test the principle of the bill before the House, that he had yesterday moved to strike out the enacting clause; he would now ask the indulgence of the House while he endeavored to state some of the reasons which compelled him to oppose the principle on which the bill must necessarily rest. He was aware that the subject had been discussed, elaborately, at a former Congress, and that it would be difficult to avoid, on the present occasion, touching on some, at least, of the points then so fully argued—he should endeavor to guard against this as far as it was practicable; and, being very unwilling to trespass, unnecessarily, on the time of the House, should endeavor to compress the few remarks he had to offer into as dense a form as he was capable.

The bill, observed Mr. B., proposes an appropriation of money to obtain the necessary surveys and plans on the subject of roads and canals; and its advocates had urged that it was merely a measure to procure useful information; but it sought that information avowedly with reference to an ulterior object; and if this ulterior measure be not Constitutionally within the powers of Congress, then he contended that Congress were not warranted in taking the preparatory step now proposed. He should trouble the House with no remarks on the general subject of internal improvements; the advantages to be derived from good roads and canals none deny; he fully accorded in the opinions expressed by the chairman of the committee on the saving of expense and promotion of intercourse which must necessarily result from them. But the question now to be argued was of a different complexion—it was the question of power. He had long been of opinion, that Congress was not possessed of this power under the Constitution, as that instrument now stands; and it would be the object of his present discussion to prove this.

Before, however, he went into an examination of the Constitution itself, he would make some preliminary remarks on the principles and spirit of that instrument. When the Constitution was about to be formed, the great problem which occupied the minds of its framers was the determination what powers should be conceded by the States to the Federal Government, and what powers should be retained by the States. If too much should be granted, the General Government, like Aaron's serpent, would soon swallow up the State governments; if, on the other hand, too little were conceded, the Federal Government would be inefficient for the purposes of its institution. The

one error threatened liberty, the other threatened internal peace and order. In these delicate and difficult circumstances, the authors of the Constitution determined on a compromise between these opposite interests, and the compromise rested on one general principle, subject, however, to a few modifications. That general principle was this: that, whenever the object to be obtained was one which required the concentrated strength of the whole Confederacy, the power to effect it was reposed in the Federal Government; thus the raising of armies and constructing of fleets for the national defence were objects which no individual State could effect, and they, with other powers of the like character, were therefore confided to the General Government; and, because they could not be effected without the requisite pecuniary means, the Constitution, on the same principle, gave Congress power to raise a revenue. There were other objects, also, which, from their nature, could not be managed with the requisite concert, by thirteen distinct independent sovereignties; such as the regulation of foreign commerce and the making of treaties, which, therefore, were intrusted to the General Government. He cited these instances as illustrations and exemplifications to show what kind and order of powers the reason and spirit of the Constitution deposited in the hands of the Federal Government. But while, from necessity, powers of this character were ceded, all powers which had relation to matters of internal regulation, all that might be denominated municipal powers, were reserved to the States. These States had each a government of its own, and the authors of the Constitution wisely judged that these governments were fully competent to take the superintendence of their own internal concerns, and were, from their situation, likely to be more intimately acquainted with these concerns, and therefore best adapted to their proper management. This distinction of power, Mr. B. insisted, was the general, fundamental principle on which the whole Constitution was based; and it would prove the best guide in investigating any part of that instrument; the object of which had been, by a wise distribution of power, to assign to the General and to the several State Governments, each its own proper orbit, in which to move for the general good.

Yet this general principle was susceptible of, and had received some modifications. Some few of the municipal powers, of a special and particular character, had, for wise reasons, been transferred to the General Government. An instance of which was found in the exclusive jurisdiction given to that government over the spot where its seat should be fixed; the reason of this was, obviously, that the free exercise of its functions might be preserved, unawed by any influence that might otherwise be exerted over them in consequence of the territorial jurisdiction of any particular State. So the General Government had the power to regulate commerce between the States, and to fix a standard of weights and measures; for which, as in the former instance, there was a special reason, viz: the necessity for uniformity, an object which

could not have been attained, had these powers been left where, on the general principle, they belonged, that is, with the several States. There were but few powers of this description placed in the General Government; and on investigation, it would be found that, in every individual case, there was a special individual reason for the grant, which rendered it a proper exception. [Mr. BARNOR here read extracts, in confirmation of his position, from "The Federalist," No. 45.]

Now, said Mr. B., if the principle I have stated furnishes a sound rule for the interpretation of the Constitution, might I not stop here and ask whether the subject of internal improvements is not characterized by every thing which can bring it within the class of municipal powers? Whether, in the language of the book I have just quoted, the able commentary of the authors of the Constitution themselves, it is not a system of "measures to promote internal order, improvement, and prosperity?" Now, the municipal powers granted to the General Government, being so many exceptions to the general principle, are all distinctly enumerated. The enumeration, therefore, limits the extent of such powers in that Government; it has the powers enumerated, and it has no more. Whence will the gentlemen opposed to me get other municipal powers? Will they attempt to find them under that part of the Constitution which has been said to be nothing more than a rule which would have resulted of course, and which might have been omitted, since what it contains is a necessary inference from what went before it, viz: "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof?" Surely, as the States intended to give the General Government only a few specific municipal powers, it is not competent for that Government to assume other municipal powers as incidents to federal powers. This would be to extend the grant of specific municipal powers, by claiming them as incidents to another class, and may be so far extended as totally to overthrow the partition which that instrument has so assiduously erected between the General and the State Governments.

He would now proceed to an examination of the Constitution itself, in reference to the power in question. It was worthy of inquiry, however, first, to look at the great diversity of opinion among those who professed to derive the power of making internal improvements from the Constitution. Some thought it might be done with the consent of the States concerned; others, without that consent. Some drew it from one part of the Constitution, some from another. Some maintain that Congress has the power without the section which authorizes them to collect taxes, &c.; others, that it has not. All these various classes of advocates, however diverse or incompatible their various opinions might be, were, he did not doubt, as sincere in holding and in expressing them, as he himself was in the views he took on the subject. He

should think it needless to occupy much time to prove that, if Congress possessed the power at all, they needed not the assent of the States, through which the improvements were to pass, though such assent had been asked, as to the Cumberland road. For, whatever powers the Constitution has given them, they may not only exercise without the assent of the States, but against their will, within Constitutional limits. Take, for example, the power of taxation; and so of their other powers. If assent is to be procured, it implies that it cannot be done without such assent; but if the assent give the authority, it follows that, by the assent of a few States, a new power may be imparted; whereas, to get a new power, requires an amendment of the Constitution, which can only be done in the manner prescribed by that instrument. There are, indeed, a few cases in which the Constitution requires the assent of the States, such as the purchase of sites for forts, arsenals, &c., but the very requisition of assent in these cases, utterly excludes the idea of its necessity in any others.

If no consent is required from the States, it must be because the power is granted by the Constitution. Is it granted? asked Mr. B. I cannot find such a word in any part of that instrument, as power to make canals. He here read extracts from the report of the first Secretary of the Treasury, (General Hamilton,) in which, he contended, that that statesman did not pretend to claim such a power as belonging to the General Government. He was, in that report, opposing the force of the arguments of the then Secretary of State, (Mr. Jefferson,) in respect to the incorporation of the Bank of the United States, but, though strenuous in his opposition, he admitted "that a special power to incorporate, for the purpose of opening canals, would have been necessary, except with regard to the Western territory; there being nothing, in any part of the Constitution, respecting the regulation of canals." It is not pretended that the power to make roads and canals is a positive power, granted by the Constitution; it is supposed, however, to be implied in some of those expressly enumerated. From which of these is it sought to be derived? Some say from that clause which gives to Congress "power to regulate commerce with foreign nations, and among the several States." For himself, it had always been his opinion that this grant extended no farther than to prescribing the terms on which this commerce shall be conducted. He had derived this opinion equally from the history and the geographical position of the United States. The slightest glance at a map of the Union is sufficient to show that, in respect to commercial advantages, some of the States are far better situated than others; and this power was given to prevent undue advantage being taken of those States which were less favorably situated, by the laying of exactions on the passage of their products to a market, &c., [on which part of the subject he read a quotation from one of the numbers of "The Federalist."] Here, he said, was a precise and special reason for the grant of this power,

which ought to be taken as the best explanation of the power itself.

But, it had been urged, that the same word "regulate," is equally applied in this clause of the Constitution to foreign and domestic commerce, and yet, under this clause, the Government was held to have the power of erecting lighthouses, beacons, &c. If they might do this, under a power to "regulate" foreign commerce, why not, it has been asked, make canals and roads, under a power to "regulate" domestic commerce? To this argument, Mr. B. replied, that the analogy from the general power to the particular act, was by no means as strong in the one case as the other. But, he thought that a full answer was to be found in the Constitution itself, viz., in that clause which gives to Congress exclusive legislation over "all places purchased with the consent of the States, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings," taken in connexion with the course of legislation upon the subject; for, upon reference to the laws of the United States, we find a long list of cessions, by the States, of sites for lighthouses, beacons, &c., which clearly proves that Congress legislated under the idea that they derived the power from that source. Whether, therefore, the power to make roads and canals is sought to be established, under this clause of the Constitution, by consulting its express terms, or relying on the above analogy, or resorting to the declarations and illustrations of its authors, speaking in the Federalist, the attempt must prove equally unavailing.

The next clause resorted to, is that which gives to Congress "power to raise and support armies;" whence it is argued that they have an incidental power to make military roads. Here he should take occasion to make some remarks on incidental powers in general. It was utterly unsafe and inadmissible to infer an incidental power from a power expressly granted, merely on the ground of its remote convenience, or conduciveness, in carrying the granted power into effect: to be incidental, it must have an immediate, direct, and appropriate relation to the granted power. If, when a power is expressly granted, every other power which, in however distant and remote a degree, may be convenient or conducive to its exercise, is held also to be granted, as incidental to the first, where is power to stop? There is no end to the long chain of cause and effect. The Constitution gives you, said Mr. B., "power to provide and maintain a navy;" to do this, ship-timber is requisite. Will it be held, that the granted power to provide a navy, contains, as an incidental power, authority to forbid the people from cutting and using the timber on their own farms? In other words, from clearing their lands? He could multiply examples of the same kind. If powers, however remotely conducive to the granted power, be held incidental to it, the grant was of illimitable extent. Nothing like an immediate and appropriate relation was to be found between raising armies and making roads.

The next clause relied on was that which confers power "to establish post offices and post

roads." The view he had always entertained of the meaning of this clause was, that it only authorizes Congress to designate the route in which the mail shall travel, the places where post offices shall be located, and to secure to the mail the right of passing unmolested. The "Federalist," speaking of this power, calls it a "harmless" one. As he construed it, it was so; but, if the opposite construction prevailed, it ceased to be so "harmless" or inconsiderable. The authors of the Constitution thought that the consent of a State was necessary, before the General Government could get jurisdiction over even so much ground as was required to build a fort; but the construction now contended for gives them an extended jurisdiction indeed. According to a late report from the Post Office Department, there are, in the United States, 80,000 miles of post roads; but if Congress may incorporate a company, and set toll-gates upon one of these roads, it may on all of them. Here then is a jurisdiction over 80,000 miles of road, with the patronage of all the officers connected with them—a mass of power which can hardly be called "harmless" in the sense of the "Federalist." Mr. B. said he was not much in the habit of referring, on such subjects, to legislative authority, but, as far as was inferrible from the acts on the subject of post roads, the sense of Congress had been against the power now contended for. In all the laws on the subject, the act merely designates the route to be pursued, though the title is, "to establish post roads." It was very true that the Legislatures of the States cannot stop the mail; but the question now in discussion is the question of power to make a road. If Congress has jurisdiction over post roads, what becomes of that jurisdiction when a post route (as happens every day) is discontinued? Does it revert to the particular State? And when the General Government obtains jurisdiction over a road, does the State jurisdiction thereon cease? or have the two Governments concurrent jurisdiction? If they have, suppose each of them should incorporate a company to make the same road, must one yield? and which one? Must the State government yield to the General Government its soil and jurisdiction? Where, asked Mr. B., is there a solitary instance to be found of the General Government's obtaining, under the Constitution, any soil except that which it is authorized, by the Constitution, to purchase, that which it holds as national territory, or that which is ceded for a seat of government? On the one construction there is no collision, no incompatible or conflicting jurisdiction; all is harmony. But, on the other, all is conflict. The one construction leaves to Congress exclusive jurisdiction within its limits, and to the State governments exclusive jurisdiction within theirs. The opposite, exposes both to all the inconveniences and dangers of colliding jurisdictions.

Mr. B. next proceeded to examine the clause which gives the power "to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States." However gentlemen

might differ as to the construction of different parts of the Constitution, there was one point on which all agree, viz: that the Federal Government of this country is a limited government, a government subject to restrictions. But, though this be so, and the Constitution prescribes the limits, if you interpret the above clause of that instrument so as to say that Congress may do any thing it pleases to do, that will "promote the general welfare" or the "common defence," then all limits elsewhere laid are utterly vain and nugatory. The powers given are as illimitable as space; expediency, and that alone, is left to regulate the Government. Or if, as is contended by others, this clause refers merely to a power of appropriation, still, if you say that Congress may appropriate any money it pleases, and for any object that will "promote the general welfare," the case is scarcely any better than before. If this is a limited Government, neither construction can be a sound one: either of them lets all that loose and perfectly unregulated which the Constitution, throughout, so assiduously labors to regulate and confine. [In support of this position Mr. B. again read extracts from the Federalist.] The correct construction of the above clause was this, it gives to Congress the power to raise money because that power is indispensable; it is the very life-blood of all government; but the money raised is limited in the mode of raising it, and limited as to the ends to which it may be applied. If the right of appropriation be restricted in its application, to the objects enumerated in the Constitution, then the question in any given case will, as it has been justly said by high authority, be sufficiently precise and determinate to be submitted to judicial decision; but, if it be established as a principle, that Congress may appropriate money to any and every object which they may think will promote the general welfare, then it is obvious that it will become in every instance a question of expediency, to be decided by legislative discretion, and not subject to judicial control. A very just and precise view of this subject, Mr. B. said, is given by the late President of the United States in his communication to Congress, assigning the reason of his dissent from an act passed by both Houses. [He here read extracts from the President's communication.]

Having thus examined in succession the several parts of the Constitution, in which the advocates for internal improvements sought to find the grant of power to make them, he would add one other view of that instrument considered as a whole. Although its framers went into the construction of it in a liberal spirit of mutual concessions, yet there is manifest, in various parts of it, a portion of mutual jealousy also. That spirit plainly appears in such regulations as that which provides that all direct taxes shall be in proportion to the population of the several States—that there shall be no tax on exports, &c. These provisions evidently arose out of a fear that some inequality might exist in the burdens or advantages of the new Government as apportioned among the States. But if the framers of the Constitution thus in-

tended to guard by anticipation, against all such inequalities, do I not, said Mr. B., derive from that fact a very strong argument, to show that they never meant to give to the General Government municipal powers, such as internal improvement? These powers bear directly on the internal affairs of a people almost infinitely diversified in situation, circumstances, and local interests. Of what use is it to forbid a disproportionate drawing of money from the different States, if, when drawn, according to due proportion from each, it may then be given for the benefit of a few, or of a single State? Take an illustration from the great New York canal. Had the expense of that canal been borne by the General Government? Although it would, in a degree, have "promoted the general welfare," would it not, out of all proportion, have benefited the State of New York in particular? And do what you will, from the very nature of things it must happen, however pure the intentions of Government, that the practical operation of such an interpretation of the Constitution, and of the system which rests on that interpretation, will be to produce an unequal and disproportionate application of moneys drawn from all the States. If this may be done, it is vain to forbid unequal taxes, and what must be the natural consequence? To produce discontent and heart-burnings in those parts of the Union which are least benefited, or not at all, by the improvements effected. Some States may be so situated by geographical position that either a small share only, or no part of the proposed improvements may be made within them, and when they see large sums continually going, under the idea of "promoting the general welfare," to accomplish objects which are to benefit other States, a jealousy will be excited dangerous to the peace of our country. It may be said that such a feeling is unjustifiable; however that may be, it is the part of a wise Government, and it was the design of the authors of our Constitution to guard, as far as practicable, against giving occasion to feelings of so pernicious a character.

Before he concluded, Mr. B. said, he would refer, in anticipation, to an argument which he doubted not to hear urged from certain precedents which have already been set by Congress on the general subject, and which are thought by some to cover the principle against which he was now contending.

The case of the Cumberland road was one of these precedents. It had been constructed not by any one of the State governments through whose territory it passed, but by the General Government, and at the public expense. Very true. But did not Congress, in the very act providing for this road, virtually cede the Constitutional question, by requiring the consent of those States? If the Constitution gives the Congress power to make roads where it will, "to promote the general welfare," the consent of no State, as he hoped he had already proven, can be required to the exercise of that power; and so far was President Jefferson from believing such a power to be in the possession of Government, that he expressly

recommended an amendment of the Constitution in order to give it. On the same ground President Madison rested his veto to the act for giving the bonus of the United States Bank, as a fund for internal improvement; and our present worthy Chief Magistrate, although he has approved acts for the continuation and completion of the Cumberland road, made a distinction between power to appropriate for such a road, and the power of jurisdiction over it. I deny both. In conclusion, Mr. B. said, that he had endeavored to present to the House a fair, and at the same time, brief statement of his views on this subject; he had long been settled in the opinion, that, however desirable or advantageous internal improvements might be, Congress, by the Constitution, had no power to make them. He knew that other gentlemen differed widely from himself in this opinion, and he could not, and did not, entertain the slightest doubt that they were as sincere and upright in their views as he was in his; both sides of the question would doubtless be presented in argument, and it would be for the Committee to decide between them.

Mr. HOLCOMBE, of New Jersey, rose, and observed, that the course which he should take in the discussion, would be widely different from the one pursued by the honorable gentleman from Virginia, (Mr. BARBOUR,) who had just taken his seat, and who had addressed the Committee with so much ingenuity and eloquence. I shall defend the Constitutional right—Mr. H. observed—and the expediency of passing this bill. The Constitutional right, indeed, in the General Government, and the expediency of appropriating the public treasure, for purposes of internal improvement, have always appeared to me propositions too obvious and irresistible to require either illustration or defence; and there is, surely, no fact in our parliamentary history more remarkable, than the successful opposition which has combatted this bill, or the principle which it involves, in every stage of its progress. Posterity will scarcely credit it; especially when the enlightened period in which we live, and the spirit of universal improvement which distinguishes it, be taken into consideration. And the fact, Mr. Chairman, can only be explained by referring it to that obliquity of the human mind, which arrays itself in opposition to all new improvements, either in physics or in morals; and to all novel and extraordinary efforts of genius or patriotism. Ridicule and contempt pursued the great Columbus from Court to Court; and persecution followed him to the grave. The grandeur and success of his enterprise were insufficient to protect him from the embittered vengeance of those, whose vain predictions he had so signally exposed. But, sir, said Mr. H., it is unnecessary to refer to history for illustration. When Fulton announced the discovery of steam-navigation, incredulity pointed to numerous failures; and ignorance asserted its folly and extravagance. But, the steamboat floats upon the waters of every civilized nation, and, if the contemplated improvement of another distinguished American be not illusory, is destined to traverse the ocean

itself, for the purposes of commerce, with a celerity heretofore unprecedented, and unimagined—conquering time and space, and drawing together, within the circle of social and national intercourse, the remote and scattered families of the human race. Again, sir, when the question of the great New York Canal was first in agitation, public opinion pronounced it a project visionary and impossible. The traveller, indeed, struck with the magnificence of the enterprise, assented to its practicability, but spoke of the ages necessary for its completion. In less than six years, however, the waters of the great Lakes mingled with the Hudson! and this most brilliant and successful effort of modern genius and enterprise is rapidly hastening to its consummation. And such will be the splendid result, I will venture to predict, of the present question. It has been denounced, as unconstitutional, and opposed, as inexpedient. But, if innumerable indications and expressions of public opinion be not entirely deceptive, the period is not distant—nay, before the very decorations of this Hall shall be soiled by the hand of time—when a new policy, and new principles of legislation, shall be announced, by liberal and munificent appropriations by the General Government, for the purposes of internal improvement.

The bill, Mr. Chairman, is combatted as unconstitutional and inexpedient. I will examine both points, as briefly, but perspicuously, as I am able.

That the Constitution of the United States, in broad and express terms, has not granted to the Congress of the United States the power of appropriating the public treasure for the purposes of internal improvement, is unquestionable. But that such a power is really secured by a liberal construction of this instrument, sufficiently ample for all the purposes of legislation in relation to this question, has never been doubted by many politicians. I profess to belong to that number. And indeed I cannot conceive an idea more extravagant than that a Government should be constituted so utterly imperfect as to be incapable of appropriating its funds for any object which its constituted authorities might consider necessary for the public welfare. History furnishes no such example. And that ours is actually such a Government, must pre-suppose the most extraordinary want of foresight in a body of politicians, (the framers of the Constitution,) otherwise remarkable for the acuteness and prophetic sagacity of their views. We have been accustomed to regard, and justly too, the Constitution of the United States as the ablest effort of wisdom and virtue. But, if the doctrines of the honorable gentleman who has just taken his seat be correct, a bitterer satire upon its imperfections could scarcely be pronounced or imagined.

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Such, said Mr. H. is a condensed but very luminous view (its preamble) of the pervading spirit

and grand design of the Constitution. But yet, sir, we are told by the honorable gentleman, that the bill under consideration, obviously and acknowledgedly indispensable to secure the public defence, and promote the general welfare, is unconstitutional! But, whatever may have been the hesitation of earlier legislators in relation to the Constitutional right of appropriating public money for objects of internal improvement, a practice or practices have grown out of the implied powers by the Constitution, which, as legitimate precedents, appear to me, as far as the present question is concerned, to be fully sufficient to remove all obscurity (if, indeed, obscurity there be) from the proper latitude of construction to be given to it. We erect lighthouses, seawalls, piers, and buoys, to facilitate commerce; we endow military schools as appendages to our military system; we construct costly edifices and establish expensive libraries, to subserve the luxury, or, if you please, the convenience of legislation, without startling the scruples or prejudices of the most sensitive. But such acts, gentlemen observe, are essential for carrying into effect powers expressly granted. And surely, upon this principle, (if no other principle permitted,) a system of internal improvement by the General Government may be sustained and defended. For are not roads and canals obviously indispensable for carrying into effect a system of public defence, as provided for by the Constitution? Indispensable, indeed, for carrying into effect the whole grand design of that immortal instrument—the security, prosperity, and happiness of the good people of these States.

The right of appropriation, together with all necessary jurisdiction and sovereignty, extends in my opinion to every act of legislation, which, though unembraced by the express letter of the Constitution, will obviously and certainly promote the public welfare. And this is the construction, I am convinced, which public opinion has given to this question. The Committee will perceive, therefore, that I do not derive the Constitutional power of appropriation in this case, as a consequence to the power of regulating internal or external commerce, or of establishing post offices and post roads, or from an extended and extravagant construction to any individual power, but rather from that general power, which appears to me incidental to, and inseparably connected with, all Governments: the power of securing the public defence and promoting the general welfare. But such a power, it is observed, has no limits; it will reach to any thing and every thing, and consequently is dangerous and inadmissible. The danger, sir, is more imaginary than real. The discretion of Congress must determine its limits, as it does in relation to every other power of the Constitution, express or implied. I would not, Mr. Chairman, on this, nor on any other subject, be considered as regarding lightly the authority of the Constitution. On the contrary, as far as its powers be express and unequivocal, let them be fulfilled, even to the uttermost of their requisitions. It is, indeed, a charter so inexpressibly solemn and imposing in its obligations, that it should be approach-

ed with caution, and touched (if it be touched at all) with becoming reverence. Or rather, it is that grand temple in which is deposited the ark, not only of our own liberties, but of the hopes and liberties of the human race.

"Long as the Coliseum stands, Rome shall stand;
When falls the Coliseum, Rome shall fall,
And when Rome falls, the world."

Yes, sir, equally with those opposed to the bill, I regard as sacred and obligatory, the authority of the Constitution, as far as it be express and unequivocal. And I must be permitted to avail myself of this opportunity of protesting against the extraordinary disposition manifested at this moment, to assail its integrity. And I regret exceedingly to observe the force of the powerful talents of my distinguished friend from South Carolina, (Mr. McDUFFIE,) arrayed against it. Amendments may be necessary; and, to a certain extent—a very limited extent, however—I believe are desirable. But with all its imperfections, it is, notwithstanding, Mr. Chairman, that august structure into which I would rather see committed the everlasting destinies of this country, than any other which the genius of man will ever be able to devise or erect. Storms may assail, and the shadows of portending dissolution will assuredly encompass it. But, as long as virtue and intelligence continue to crowd its portals and officiate at its altars, the tempest will burst harmless around it; and when the deep gloom of the moment shall break away, the symbol of the Union will still be seen, floating over it, as resplendently as ever—as uninfluenced, and unendangered, indeed, as the standard erected above us, by the storms which sometimes shake this hall to its foundations.

But, sir, the friends of this bill differ exceedingly from those opposed to us, in our manner of approaching the Constitution, for the purposes of legislation, in relation to this, as well as every other subject, involving a Constitutional question.

They appear to me to regard it (and they will pardon the freedom of the comparison) as the Eastern nations do the thrones of their princes, or the shrines of their divinities. They approach it with reverential awe, and fall down prostrated and paralyzed in its presence. We, on the contrary, putting on the panoply of a more liberal, if not a purer faith, advance fearlessly into its precincts, and legislate, if it be necessary, around its very altars; and if, in the ardor of our devotion to the public good, we should inadvertently touch the very sanctuary itself, the spirit within, we feel assured, will launch no thunderbolt to punish the indiscretion of those faithful and zealous servants who otherwise administer with pure hands and upright intentions.

This, Mr. Chairman, is neither heresy, I believe, in relation to our religious creed, nor, I presume, if properly constructed, to our political faith.

But there is a neutral ground which this subject presents, whereupon the most tender consciences might legislate without being startled with the upbraiding voice of the violated Consti-

tution. I have never heard objections made—at least, not until lately—and never upon Constitutional grounds—to the practice of employing the military for the purposes of internal improvement; and, how easy would it be, by extending this principle, to avoid altogether the imaginary barriers of the Constitution! But why attempt to exercise, by indirection, (and I almost feel degraded for having made the suggestion,) a right which is amply secured to us by long continued usage; by the precedence of a hundred formal laws, and the universal and unequivocal spirit of the Constitution itself? But, I assert again, if the doctrines of the honorable gentleman from Virginia be correct, that the whole history of our legislation is a history of disregard and violence to the obligations of the Constitution. Does the Constitution authorize the expenditure of extravagant sums of public money for the erection of public buildings? And yet, sir, in virtue of that clause of the Constitution which authorizes Congress to erect needful buildings for its accommodation, we have appropriated, or rather, lavished, millions upon millions. For what? To decorate a spot forever disgraced and degraded in our history. To embellish edifices associated with recollections too bitter and too humbling to be capable of exciting any other emotion than that of shame or confusion in the bosom of an American citizen. I am, perhaps, touching invidious ground, and I would not be misunderstood. I presume not to censure the munificence of former laws, which have resulted in the splendor and decoration around us. But I must be permitted to observe that, if we can Constitutionally appropriate such vast sums for the erection of monuments of taste, (for mere accommodation we all know and feel is utterly out of the question,) upon what ground of right or consistency can this bill, or the system which it leads to, be opposed?—a system, I repeat again and again, indispensable for carrying into effect the great end of the Constitution—the interests, strength, and safety of the Union.

But I have lingered, Mr. Chairman, too long around the Constitution, and must hasten forward in the course before me.

I will now call the attention of the Committee to the expediency of the bill. Many gentlemen, who profess to have no Constitutional scruples on this subject, are, nevertheless, opposed to it on the grounds of expediency. The time has not arrived, they observe, when we can profitably engage in a system of this description; that the state of the Treasury and public opinion are opposed to it. I differ from such gentlemen, and will proceed to state my reasons for urging it upon the immediate attention of the Government.

The bill, it will be seen, contemplates no appropriation for roads and canals. It merely embraces that kind of statistical information, which it is the duty of every Government to collect. The surveys, it will not be concealed, are intended to be preparatory to a general system of internal improvement, by the Government. In the course of two years, it is supposed, the surveys may be completed; after which we shall be enabled to

commence the system with every desirable advantage.

The bill bears but slightly on the Treasury. But were the Treasury even bankrupted at this moment, I know of no method better calculated to redeem its credit, and fix it upon a basis, permanent and irreversible, than the improvement of our vast domain by the means suggested. I am indebted for this remark to the honorable chairman of the committee who reported the bill.

The direct advantages which accrue to the public Treasury by the creation of outlets and markets for a rich and fertile country, to use common language, is incalculable. I do not believe that I trespass much on probability, when I assert that the great canal in the State of New York, by means of its influence upon importations, has already added to the Treasury of the United States little less than millions! Yes, sir, millions. And if the credulity of gentlemen be startled by the assertion, the slightest attention to the fact, I flatter myself, will convince them of its accuracy.

New York is destined to reap a golden harvest from their great work—and great and golden may it be, beyond even the dreams of the most sanguine of her economists—but, great as it certainly will be, it must, nevertheless, be limited, indeed, compared with the immense profits to be realized from it by the General Government; but, in this view of the subject, I differ, it seems, very widely from the gentleman who has just taken his seat; time must test the truth of our respective opinions. And I shall be much disappointed, and will frankly confess myself entirely ignorant of the nature and influences of its internal improvement, if this great work, when completed, do not prove more profitable to the revenue of the United States than the whole of our trade at this moment is, with the continent of Europe. Works of this description triumph over the improvidence of nature, and create communities which, independently of them, could have no possible existence. The Territory of Michigan, for example, has long been a useless and expensive appendage to the Government. But the magic of internal improvement is about to reach it; and this fine Territory is destined soon to be admitted into the Union, a rich and populous State.

The effect, Mr. Chairman, of such works upon existing communities, is great beyond all belief. In England, before the introduction of canal navigation, not a point in the kingdom was more than thirty miles distant from water carriage, and her roads were excellent. With such facilities for internal communication, it was to be presumed that canals would prove of little, if any, benefit to the kingdom. But, in despite of all such facts and considerations, there is no country in the world, with the exception, perhaps, of Holland, which has been so extensively enriched by canal navigation; the profits of canal stock, as we are assured by the gentleman from Pennsylvania, have far exceeded, in many instances, all hope and all calculation—realizing to proprietors the wealth of the most stimulated South-sea dreams—for I can

think of nothing else wherewith to make the comparison.

I would not here, Mr. Chairman, nor elsewhere, be the advocate of any measure, either visionary or extravagant. But such is my confidence in the influence of roads and canals, in creating revenue, and establishing the power and wealth of nations, that, were the Treasury at this moment empty, I would conscientiously advocate the passage of a bill, loaning the amount of money necessary to carry into effect a general system of internal improvement; calculating, confidently, that the sacrifice, if sacrifice indeed it can be termed, would be recompensed to the Treasury a hundred fold. A sum which will little exceed the sum which will be necessary to complete the New York canal, would open an inland sloop navigation along the seaboard of this country, upwards of eight hundred miles in extent; connect the valley of the Ohio with the Chesapeake, remove obstructions from all principal rivers in the Union, and extend the great national road to the banks of the Mississippi—in fact, would effect every object of internal improvement at present in contemplation! And is any gentleman prepared to rise in his place and maintain that the increase of revenue to the public Treasury, consequent upon these works, independently of ordinary profits, would not greatly transcend the interest which would accrue upon the sum just suggested, or upon any other sum necessary to complete a general system of internal improvement? I presume not.

But, sir, there is no necessity for resorting to loans for internal improvement, nor of making it a charge upon the ordinary revenue. I intend, if I am not anticipated, (but I hope and trust I shall be,) to urge upon the consideration of this Congress, the expediency of establishing an internal revenue, to be pledged exclusively for the purposes of internal improvement. The revenue to be derived principally from an excise upon domestic spirits; thus forcing a great national evil to contribute towards a great national benefit. This, Mr. Chairman, is no visionary project, but rather a great interest within the reach of the most ordinary efforts. But, sir, it is observed, if these objects be as important and profitable as represented, that the States will execute them; that such works belong exclusively to the States. The remark, to a certain extent, is correct. The States will execute, at least, a part of them. But mark the difference of execution! The States will construct small commercial canals, accommodated to their immediate wants, without the slightest regard to national considerations. I would not, Mr. Chairman, trespass unnecessarily upon the rights, the province, or the sensibilities of the States. But, it must be notorious to every one who reflects for a moment upon this subject, that there are numerous objects of internal improvement which the States have not, nor ever can have, either the disposition or the ability to execute. Will the States ever open a sloop navigation through the Isthmus of Barnstable? Will the States ever construct canals of dimensions capable of transmitting ships of war through the

State of New Jersey? Or from the Delaware to the Chesapeake bay? Will the States ever connect the great flood of the Mississippi with the seaboard of the Atlantic States; or extend the great national road beyond the Ohio? And yet these, sir, are objects of deep and universal interest, whether regarded in relation to public defence, or as efficient means of promoting the general welfare, strength, and permanence, of the Union.

But the time, Mr. Chairman, is particularly propitious for commencing a system of internal improvement. Talent and experience we possess in abundance. Peace, too, waves her olive over us. And it is during the tranquillity of peace alone that monuments of useful industry can be profitably erected. But, tranquil as the moment is, it is, unhappily, passing away. Clouds and shadows already hang upon it. Future wars, I need not remark, are certain. All experience, indeed, points to their recurrence as unavoidable. Let us prepare for them. And the necessity of roads and canals, as constituting an important part of this preparation, need not be urged upon the conviction of the Committee. The want of them during the late war, it will never be forgotten, lost to the Republic thousands of lives and millions of treasure.

But, the expediency of the bill may be further inferred from our facilities and capabilities for internal improvement, upon a scale the most extended and magnificent. The impress of the highest destinies is visible in every section of the Republic. Allow me, Mr. Chairman, to call your attention to some remarkable features in our geography, which appear to me so legitimately connected with this subject, that I cannot consent, in this discussion, to pass them by unnoticed—familiar as they must be, and, indeed, necessarily are, to every member of the Committee. But, who has ever refused to gaze again on the beauties of a splendid picture? particularly the picture which represents the land of his highest hopes, and the home of his best affections.

I pass by the rivers of the Atlantic States—the great bays, the vast estuaries of the seaboard. Look Westward. Upwards of two thousand miles from this Hall, commences a chain of lakes and inland seas, which constitute our northern boundary, and which, after traversing the centre of an immense valley, still unsurveyed, and partially unknown, contracts into the great river of the North, the mighty St. Lawrence; which would roll with all its treasures to the ocean amidst the accumulated Winter of the frozen circle. But, arrested by the enterprise of the State of New York, its current, as far as the purposes of commerce are concerned, is directed Eastward, and is destined, before the revolution of another year, to mingle with the waters of the Atlantic, in the centre of the temperate zone! The most brilliant triumph which the art of man has ever achieved over the dispositions of nature.

Again, sir, from the bosom of a wilderness, in the State of New York, near the borders of Lake Erie, gushes the fountain of the Ohio. Between

five and six thousand miles from thence, (pursuing the windings of their respective courses,) within the recesses of the Rocky Mountains, issue the springs of the great Missouri; these noble streams, flowing towards each other, Eastward and Westward, and collecting, in their progression, the tribute of a thousand valleys, are at length lost in the vast flood of the Mississippi, which, pursuing its majestic course towards the ocean, and swelled in its progress by the accession of numerous rivers, more extensive than any of the kingdoms of Europe, rolls its mighty waters into the Gulf of Mexico. The noblest tribute paid by the earth to the ocean, in the four quarters of the globe! Is not this, Mr. Chairman, a domain worth improving—a country worth legislating for? But, sir, I must close my remarks more abruptly than I had intended. I am exhausted.

From the Eighteenth Congress, much is expected in relation to internal improvement. It represents a new era in our politics. It represents millions of freemen, who, for the first time, have exercised their rights and realized their political existence upon this floor; and who, from the peculiarity of their situation, (being principally the inhabitants of frontier States,) must necessarily feel the deepest interest in the consummation of a system, one of the first objects of which is to obviate the inconveniences of location, and draw the extremities of the Union within the immediate neighborhood of our great outlets and markets.

Legislation, in many countries, oftentimes betrays the poverty of their resources. Here, on the contrary, it can effect every thing but miracles. Before its exercise, the mountains disappear, and the valleys swell into the plains, the beds of navigable streams. Such, however, are ordinary attributes. Legislation, moreover, from this Hall, can speak, almost instantaneously, into existence, rich and powerful States; and, by its magical influences upon wealth and population, can throw around the institutions and enterprise of the present moment, the splendor of those high destinies which are evidently reserved for these States in the progress of ages.

Let therefore the present bill pass, as preparatory to a general system of internal improvement; and let this system be pursued until all its great objects be fully accomplished—and it hath never entered, Mr. Chairman, into the imagination of the statesman or economist to conceive a spectacle more glorious and magnificent, than our vast domain, at no distant period, shall exhibit; crowded and embellished, as it assuredly will be, with innumerable monuments of useful industry, enterprise, and happiness.

When Mr. HOLCOMBE had concluded—

On suggestion of Mr. CLAY, who is, therefore, entitled to the floor, the Committee rose; and the House adjourned.

WEDNESDAY, February 14.

The SPEAKER laid before the House a report from the Secretary of War, on the memorial of the Legislature of the Territory of Arkansas, re-

specting the lands occupied by the Quapau Indians, in said Territory; which report was read, and referred to the Committee of Ways and Means.

Mr. RANKIN, from the Committee on the Public Lands, to whom the subject had been referred, reported a bill to provide for the speedy extinguishment of the debt due by the purchasers of the public lands, prior to the 1st day of July, 1820; which bill was read twice, and committed to a Committee of the Whole.

Mr. SCOTT, from the same committee, made an unfavorable report on the petition of the members of the Baptist Church, in Lawrence county, in the State of Alabama; which was read, and laid on the table.

Mr. MOORE, of Alabama, from the Committee on Private Land Claims, to which was referred, on the 12th of December ultimo, the petition of certain inhabitants of the county of Mobile, in the State of Alabama, reported a bill granting a right of pre-emption to certain actual settlers in that part of the former province of West Florida, included in the district of Jackson Courthouse; which bill was read twice, and committed to a Committee of the Whole.

On motion of Mr. ROSS, the petition and documents of James Smith, late Paymaster, &c., of Ohio militia, presented at the last session of Congress, and referred to the Committee of Claims, together with a report made by said committee, were again referred to the Committee of Claims.

On motion of Mr. OWEN, the Committee on the Public Lands were instructed to inquire into the justice and expediency of granting additional compensation to the register and receiver of the land office for the district of Jackson Courthouse, in the State of Mississippi, for extra services performed by them as commissioners for the adjustment of private land claims.

SURVEYS FOR ROADS AND CANALS.

The House went into Committee of the Whole, Mr. FOOT, of Connecticut, in the Chair, on the unfinished business of yesterday; which was, the motion of Mr. BARBOUR to strike out the enacting clause of the bill reported by Mr. HEMPHILL, Chairman of the Committee on Roads and Canals, to obtain the requisite surveys and plans on that subject.

Mr. CLAY, (Speaker,) in rising, said, that he could not enter on the discussion of the subject before him, without first asking leave to express his thanks for the kindness of the Committee in so far accommodating him as to agree unanimously to adjourn its sitting to the present time, in order to afford him the opportunity of exhibiting his views; (which, however, he feared he should do very unacceptably.) As a requital for this kindness, he would endeavor, as far as was practicable, to abbreviate what he had to present to their consideration. Yet, on a question of this extent and moment, there were so many topics which demanded a deliberate examination, that, from the nature of the case, it would be impossible, he was afraid, to reduce the argument to any

thing that the Committee would consider a reasonable compass.

It was known to all who heard him, that there had now existed for several years a difference of opinion between the Executive and Legislative branches of this Government, as to the nature and extent of certain powers conferred upon it by the Constitution. Two successive Presidents had returned to Congress bills which had previously passed both Houses of that body, with a communication of the opinion that Congress, under the Constitution, possessed no power to enact such laws. High respect, personal and official, must be felt by all, as it was due, to those distinguished officers, and to their opinions thus solemnly announced; and the most profound consideration belonged to our present Chief Magistrate, who had favored that House with a written argument, of great length and labor, consisting of not less than sixty or seventy pages, in support of his exposition of the Constitution. From the magnitude of the interests involved in the question, all would readily concur, that, if the power is granted and does really exist, it ought to be vindicated, upheld, maintained, that the country might derive the great benefits which may flow from its prudent exercise. If it has not been communicated to Congress, then all claim to it should be, at once, surrendered. It was a circumstance of peculiar regret to him, that one more competent than himself had not risen to support the course which the legislative department had heretofore felt itself bound to pursue on this great question. Of all the trusts which are created by human agency, that is the highest, most solemn, and most responsible, which involves the exercise of political power. Exerted when it has not been intrusted, the public functionary is guilty of usurpation. And his infidelity to the public good is not, perhaps, less culpable when he neglects or refuses to exercise a power which has been fairly conveyed, to promote the public prosperity. If the power which he thus forbears to exercise, can only be exerted by him—if no other public functionary can employ it, and the public good requires its exercise, his treachery is greatly aggravated. It is only in those cases where the object of the investment of power is the personal ease or aggrandizement of the public agent, that his forbearance to use it is praiseworthy, gracious, or magnanimous.

He was extremely happy to find, that, on many of the points of the argument of the honorable gentleman from Virginia, (Mr. BARBOUR,) there was entire concurrence between them, widely as they differed in their ultimate conclusions. On this occasion (as on all others on which that gentleman obliged the House with an expression of his opinions) he displayed great ability and ingenuity; and, as well from the matter as from the respectful manner of his argument, it was deserving of the most thorough consideration. He was compelled to differ from that gentleman at the very threshold. He had commenced by laying down as a general principle, that, in the distribution of powers among our Federal and State governments, those which were of a municipal char-

acter were to be considered as appertaining to the State governments, and those which related to external affairs, to the General Government. If he might be allowed to throw the argument of the gentleman into the form of a syllogism, (a shape which he presumed would be quite agreeable to him,) it amounted to this: Municipal powers belong exclusively to the State governments; but the power to make internal improvements is municipal; therefore it belongs to the State governments alone. He (Mr. C.) denied both the premises and the conclusion. If the gentleman had affirmed that certain municipal powers, and the great mass of them, belong to the State governments, his proposition would have been incontrovertible. But if he had so qualified it, it would not have assisted the gentleman at all in his conclusion. But surely the power of taxation—the power to regulate the value of coin—the power to establish a uniform standard of weights and measures—to establish post offices and post roads—to regulate commerce among the several States—that in relation to the judiciary, besides many other powers indisputably belonging to the Federal Government, are strictly municipal. If, as he understood the gentleman in the course of the subsequent part of his argument to admit, some municipal powers belong to the one system, and some to the other, we shall derive very little aid from the gentleman's principle, in making the discrimination between the two. The question must ever remain open, whether any given power, and of course that in question, is or is not delegated to this Government or retained by the States?

The conclusion of the gentleman is, that all internal improvements belong to the State governments; that they are of a limited and local character, and are not comprehended within the scope of the federal powers, which relate to external or general objects. That many, perhaps most internal improvements, partake of the character described by the gentleman, he, Mr. C., should not deny. But it was no less true that there were others, emphatically national, which neither the policy, nor the power, nor the interest, of any State would induce it to accomplish, and which could only be effected by the application of the resources of the nation. The improvement of the navigation of the Mississippi would furnish a striking example. This was undeniably a great and important object. The report of a highly scientific and intelligent officer of the Engineer Corps, (which Mr. C. hoped would be soon taken up and acted upon) had shown that the cost of any practicable improvement in the navigation of that river, in the present state of the inhabitants of its banks, was a mere trifle in comparison to the great benefits which would accrue from it. He, Mr. CLAY, believed that about double the amount of the loss of a single steamboat and cargo, (the Tennessee) would effect the whole improvement in the navigation of that river, which ought to be at this time attempted. In this great object twelve States and two Territories were, in different degrees, interested. The power to effect the improvement of that river was surely not municipal, in the

sense in which the gentleman used the term. If it were, to which of the twelve States and two Territories concerned did it belong? It was a great object, which could only be effected by a Confederacy. And here is existing that Confederacy, and no other can lawfully exist; for the Constitution prohibits the States, immediately interested, from entering into any treaty or compact with each other. Other examples might be given to show, that, if even the power existed, the inclination to exert it would not be felt, to effectuate certain improvements eminently calculated to promote the prosperity of the Union. Neither of the three States, nor all of them united, through which the Cumberland road passes, would ever have erected that road. Two of them would have thrown in every impediment to its completion in their power. Federative in its character, it could only have been executed so far by the application of federative means. Again: the contemplated canal through New Jersey; that to connect the waters of the Chesapeake and Delaware; that to unite the Ohio and the Potomac, were all objects of a general and federative nature, in which the States, through which they might severally pass, could not be expected to feel any such special interest as would lead to their execution. Tending, as undoubtedly they would do, to promote the good of the whole, the power and the treasure of the whole must be applied to their execution, if they are ever consummated.

Mr. CLAY did not think, then, that we should be at all assisted in expounding the Constitution of the United States, by the principle which the gentleman from Virginia had suggested in respect to municipal powers. The powers of both governments were undoubtedly municipal, often operating upon the same subject. He thought a better rule than that which the gentleman furnished for interpreting the Constitution might be deduced from an attentive consideration of the peculiar character of the Articles of Confederation, as contrasted with that of the present Constitution. By those articles, the powers of the thirteen United States were exerted collaterally. They operated through an intermediary. They were addressed to the several States, and their execution depended upon the pleasure and the co-operation of the States individually. The States seldom fulfilled the expectations of the General Government in regard to its requisitions, and often wholly disappointed them. Languor and debility, in the movement of the old Confederation, were the inevitable consequence of that arrangement of power. By the existing Constitution, the powers of the General Government act directly on the persons and things within its scope, without the intervention or impediments incident to any intermediacy. In executing the great trust which the Constitution of the United States creates, we must, therefore, reject that interpretation of its provisions which would make the General Government dependent upon those of the States for the execution of any of its powers; and may safely conclude that the only genuine construction would be that which should enable this Government to ex-

ecute the great purposes of its institution, without the co-operation, and, if indispensably necessary, even against the will of any particular State. This is the characteristic difference between the two systems of government, of which we should never lose sight. Interpreted in the one way, we shall relapse into the feebleness and debility of the old Confederacy. In the other, we shall escape from its evils, and fulfil the great purposes which the enlightened framers of the existing Constitution intended to effectuate. The importance of this essential difference in the two forms of government, would be shown in the future progress of the argument.

Before he proceeded to comment upon those parts of the Constitution which appeared to him to convey the power in question, he hoped he should be allowed to disclaim, for his part, several sources whence others had deduced the authority. The gentleman from Virginia seemed to think it remarkable that the friends of the power should disagree so much among themselves; and to draw a conclusion against its existence from the fact of this discrepancy. But he (Mr. C.) could see nothing extraordinary in this diversity of views. What was more common than for different men to contemplate the same subject under various aspects? Such was the nature of the human mind, that enlightened men, perfectly upright in their intentions, differed in their opinions on almost every topic that could be mentioned. It was rather a presumption in favor of the cause which he was humbly maintaining, that the same result should be attained by so many various modes of reasoning. But, if contrariety of views might be pleaded with any effect against the advocates of the disputed power, it equally availed itself against their opponents. There was, for example, not a very exact coincidence in opinion between the President of the United States and the gentleman from Virginia. The President says, (page 25 of his book,) "the use of the existing road by the stage, mail-carrier, or post boy, in passing over it, as others do, is all that would be thought of; the jurisdiction and soil remaining to the State, with a right in the State, or those authorized by its Legislature, to change the road at pleasure." Again, page 27, the President asks, "If the United States possessed the power contended for under this grant, might they not, in adopting the roads of the individual States, for the carriage of the mail, as has been done, assume jurisdiction over them, and preclude a right to interfere with or alter them?" They both agree that the General Government does not possess the power. The gentleman from Virginia admits, if he (Mr. C.) understood him correctly, that the designation of a State road as a post road, so far withdrew it from the jurisdiction of the State that it could not be afterwards put down or closed by the State; and in this he claims for the General Government more power than the President concedes to it. The President, on the contrary, pronounces that "the absurdity of such a pretension" (that is, preventing, by the designation of a post road, the power of the State from altering

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or changing it) "must be apparent to all who examine it." The gentleman thinks that the designation of a post road withdraws it entirely, so far as it is used for that purpose, from the power of the whole State; whilst the President thinks it absurd to assert that a mere county court may not defeat the execution of a law of the United States. The President thinks that under the power of appropriating the money of the United States, Congress may apply it to any object of internal improvement, provided it does not assume any territorial jurisdiction; and, in this respect, he claims for the General Government more power than the gentleman from Virginia assigns to it. And he (Mr. C.) must own that he so far coincided with the gentleman from Virginia. If the power can be traced to no more legitimate source than to that of appropriating the public treasure, he yielded the question.

The truth is, that there is no specific grant in the Constitution of the power of appropriation; nor was any such requisite. It is a resulting power. The Constitution vests in Congress the power of taxation, with but few limitations, to raise a public revenue. It then enumerates the powers of Congress. And it follows, of necessity, that Congress has the right to apply the money so raised to the execution of the powers so granted. The clause which concludes the enumeration of the granted powers, by authorizing the passage of all laws "necessary and proper" to effectuate them, comprehends the power of appropriation. And the framers of the Constitution recognise it by the restriction that no money shall be drawn from the Treasury but in virtue of a previous appropriation by law. It was to him wonderful how the President should have brought his mind to the conclusion that, under the power of appropriation, thus incidentally existing, a right could be set up, in its nature almost without limitation, to employ the public money. He combats with great success and much ability any deduction of power from the clause relating to the general welfare. He shows that the effect of it would be to overturn, or render useless and nugatory, the careful enumeration of our powers; and that it would convert a cautiously limited Government into one without limitation. The same process of reasoning by which his mind was brought to this just conclusion, one would have thought, should have warned him against his claiming, under the power of appropriation, such a vast latitude of authority. He reasons strongly against the power, as claimed by us, harmless and beneficent and limited, as it must be admitted to be, and yet he sets up a power boundless in its extent, unrestrained to the object of internal improvements, and comprehending the whole scope of human affairs. For, if the power exists, as he asserts it, what human restraint is there upon it? He does, indeed, say, that it cannot be exerted so as to interfere with the territorial jurisdiction of the States. But this is a restriction altogether gratuitous, flowing from the bounty of the President, and not found in the prescriptions of the Constitution. If we have a right, indefinitely, to apply

the money of the Government to internal improvements, or to any other object, what is to prevent the application of it to the purchase of the sovereignty itself, of a State, if a State were mean enough to sell its sovereignty, to the purchase of kingdoms, empires, the globe itself? With an almost unlimited power of taxation; and, after the revenue is raised, with a right to apply it under no other limitations than those which the President's caution has suggested, he could not see what other human power was needed. It had been said by Cæsar or Bonaparte, no doubt thought by both, that with soldiers enough they could get money enough, and with money enough they could command soldiers enough. According to the President's interpretation of the Constitution, one of these great levers of public force and power is possessed by this Government. The President seems to contemplate, as fraught with much danger, the power, humbly as it is claimed, to effect the internal improvement of the country. And, in his attempt to overthrow it, sets up one of infinitely greater magnitude. The quantum of power which we claim over the subject of internal improvement is, it is true, of greater amount and force than that which results from the President's view of the Constitution; but then it is limited to the object of internal improvements, whilst the power set up by the President has no such limitation, and in effect, as Mr. C. conceived, has no limitation whatever, but that of the ability of the people to bear taxation.

With the most profound respect for the President, and after the most deliberate consideration of his argument, Mr. C. could not agree with him. He could not think that any political power accrued to this Government, from the mere authority which it possessed to appropriate the public revenue. The power to make internal improvements drew after it, most certainly, the right to appropriate money to consummate the object. But he could not conceive that this right of appropriation drew after it the power of internal improvements. The appropriation of money was consequence, not cause. It follows: it does not precede. According to the order of nature, we first determine upon the object to be accomplished, and then appropriate the money necessary to its consummation. According to the order of the Constitution, the power is defined, and the application, that is, the appropriation of the money requisite to its effectuation, follows, as a necessary and proper means. The practice of Congressional legislation was conformable to both. We first inquire what we may do, and provide by law for its being done; and we then appropriate, by another act of legislation, the money necessary to accomplish the specified object. The error of the argument lies in its beginning too soon. It supposes the money to be in the Treasury, and then seeks to disburse it. But how came it there? Congress cannot impose taxes without an object. Their imposition must be in reference to the whole mass of our powers, to the general purposes of Government, or with the view to the fulfilment of some one of those powers, or to the attainment

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of some one of those purposes. In either case, we consult the Constitution, and ascertain the extent of the authority which is confided to us. We cannot, Constitutionally, lay the taxes without regard to the extent of our powers; and then, having acquired the money of the public, appropriate it, because we have got it, to any object indefinitely.

Nor did he claim the power in question from the consent or grant of any particular State or States, through which an object of internal improvement might pass. It might, indeed, be prudent to consult a State through which such an improvement might happen to be carried, from considerations of deference and respect to its sovereign power; and from a disposition to maintain those relations of perfect amity which are ever desirable, between the General and State Governments. But the power to establish the improvement must be found in the Constitution, or it does not exist. And what is granted by all it cannot be necessary to obtain the consent of some to perform.

The gentleman from Virginia, in speaking of incidental powers, had used a species of argument which he intreated him candidly to reconsider. He had said that the chain of cause and effect was without end; that if we argued from a power expressly granted to all others, which might be convenient or necessary to its exertion, there were no bounds to the power of this Government; that, for example, under the power "to provide and maintain a navy," the right might be assumed to the timber necessary to its construction, and the soil on which it grew. The gentleman might have added, the acorns from which it sprung. What, upon the gentleman's own hypothesis, ought to have been his conclusion? That Congress possessed no power to provide and maintain a navy. Such a conclusion would have been quite as logical as that Congress has no power over internal improvements, from the possible lengths to which this power may be pushed. No one ever had or could controvert the existence of incidental powers. We may apply different rules for their extraction, but all must concur in the necessity of their actual existence. They result from the imperfections of our nature, and from the utter impossibility of foreseeing all the turns and vicissitudes in human affairs. They cannot be defined. Much is attained when the power, the end, is specified and guarded. Keeping that constantly in view, the means necessary to its attainment must be left to the sound and responsible discretion of the public functionary. Intrench him as you please, employ what language you may, in the Constitutional instrument, "necessary and proper," "indispensably necessary," or any other, and the question is still left open, does the proposed measure fall within the scope of the incidental power, circumscribed as it may be? Your safety against abuse must rest in his interest, his integrity, his responsibility, to the exercise of the elective franchise; finally, in the ultimate right, when all other redress fails, of an appeal to the remedy, to be used only in extreme cases, of forcible resistance against intolerable oppression.

Doubtless, by an extravagant and abusive enlargement of incidental powers, the State governments may be reduced within too narrow limits. Take any power, however incontestably granted to the General Government, and employ that kind of process of reasoning in which the gentleman from Virginia is so skilful, by tracing it to its remotest effects, you may make it absorb the powers of the State governments. Pursue the opposite course; take any incontestable power belonging to the governments, and follow it out into all its possible ramifications, and you may make it thwart and defeat the great operations of the government of the whole. This is the consequence of our systems. Their harmony is to be preserved only by forbearance, liberality, practical good sense, and mutual concession. Bring these dispositions into the administrations of our various institutions, and all the dreaded conflicts of authorities will be found to be perfectly imaginary.

He said that he disclaimed, for himself, several sources to which others had ascended to arrive at the power in question. In making this disclaimer, he meant to cast no imputation on them. He was glad to meet them, by whatever road they travelled, at the point of a Constitutional conclusion. Nor did their positions weaken his; on the contrary, if correctly taken, and his, also, were justified by fair interpretation, they added strength to his. But he felt it his duty, frankly and sincerely, to state his own views of the Constitution. In coming to the ground on which, said Mr. C., I make my stand to maintain the power, and where I am ready to meet its antagonists, I am happy, in the outset, to state my hearty concurrence with the gentleman from Virginia in the old, 1798, republican principles, (now become federal, also,) by which the Constitution is to be interpreted. I agree with him that this is a limited Government; that it has no powers but the granted powers; and that the granted powers are those which are expressly enumerated, or such as, being implied, are necessary and proper to effectuate the enumerated powers. And, if I do not show the power over federative, national, internal improvements to be fairly deducible, after the strictest application of these principles, I entreat the Committee unanimously to reject the bill. The gentleman from Virginia has rightly anticipated that, in regard to roads, I claim the power, under the grant, to establish post offices and post roads. The whole question on this part of the subject turns upon the true meaning of this clause, and that again upon the genuine signification of the word "establish." According to my understanding of it, the meaning of it is, to fix, to make firm, to build. According to that of the gentleman from Virginia, it is to designate, to adopt. Grammatical criticism was, to me, always unpleasant, and I do not profess to be any proficient in it. But I will confidently appeal, in support of my definition, to any vocabulary whatever of respectable authority, and to the common use of the word. That it could not mean only adoption was to me evident; for adoption pre-supposes establishment, which is precedent in its very nature.

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That which does not exist, which is not established, cannot be adopted. There was, then, an essential difference between the gentleman from Virginia and me. I consider the power as original and creative; he as derivative, adoptive. But I will show, out of the mouth of the President himself, who agrees with the gentleman from Virginia, as to the sense of this word, that what I contend for is its genuine meaning. The President, in almost the first lines of his Message to this House, of the 4th of May, 1822, returning the Cumberland bill with his veto, says, "a power to 'establish turnpikes, with gates and tolls, &c.,' implies a power to adopt and execute a complete system of internal improvement." What is the sense in which the word "establish" is here used? Is it not creative? Did the President mean to adopt or designate some pre-existing turnpikes, with gates, &c., or, for the first time, to set them up under the authority of Congress? Again, the President says, "if it exist as to one road, [that is, the power to lay duties of transit, and to take the land on a valuation,] it exists as to any other, and to as many roads as Congress may think proper to 'establish.'" In what sense does he here employ the word? The truth is, that the President could employ no better than the Constitutional word, and he is obliged to use it in the precise sense for which I contend. But I go to a higher authority than that of the Chief Magistrate—to that of the Constitution itself. In expounding that instrument, we must look at all its parts; and if we find a word, the meaning of which it is desirable to obtain, we may safely rest upon the use which has been made of the same word in other parts of the instrument. The word "establish" is one of frequent recurrence in the Constitution; and I venture to say that it will be found uniformly to express the same idea. In the clause enumerating our powers, Congress has power "to establish an uniform rule of naturalization," &c. In the preamble, "We, the people of the United States, in order to form a more perfect union, establish justice, &c., do ordain and establish this Constitution," &c. What pre-existing code of justice was adopted? Did not the people of the United States, in this high, sovereign act, contemplate the construction of a code adapted to their federal condition? The sense of the word, as contended for, was self-evident when applied to the Constitution.

But let us look at the nature, object, and purposes of the power. The trust confided to Congress was one of the most beneficial character. It was the diffusion of information among all the parts of this Republic. It was the transmission and circulation of intelligence; it was to communicate knowledge of the laws and acts of Government; and to promote the great business of society in all its relations. This was a great trust, capable of being executed in a highly salutary manner. It could be executed only by Congress, and it should be as well performed as it could be, considering the wants and exigencies of Government. And here I beg leave to advert to the principle which I some time ago laid down, that the powers

granted to this Government are to be carried into execution by its own inherent force and energy, without necessary dependence upon the State governments. If my construction secures this object; and if that of my opponents places the execution of this trust at the pleasure and mercy of the State governments, we must reject theirs and assume mine. But the construction of the President does make it so dependent. He contends that we can only use as post roads those which the States shall have previously established; that they are at liberty to alter, to change, and of course to shut them up at pleasure. It results from this view of the President, that any of the great mail routes now existing, that, for example, from South to North, may be closed at pleasure or by caprice, by any one of the States or its authorities through which it passes—by that of Delaware or any other. Is it possible that the construction of the Constitution can be correct, which allows a law of the United States, enacted for the good of the whole, to be obstructed or defeated in its operation by any one of the twenty-four Sovereignities? The gentleman from Virginia, it is true, denies the right of a State to close a road which has been designated as a post road. But suppose the State, no longer having occasion to use it for its own separate and peculiar purposes, withdraws all care and attention from its preservation. Can the State be compelled to repair it? No! the gentleman from Virginia must say and I will say. May not the General Government repair this road which is abandoned by the State power? May it not repair it in the most efficacious manner? And may it not protect and defend that which it has thus repaired, and which there is no longer an interest or inclination in the State to protect and defend? Or does the gentleman mean to contend that a road may exist in the statute book, which a State will not, and the General Government cannot, repair and improve? And what sort of an account should we render to the people of the United States of the execution of the high trust confided, for their benefit, to us, if we were to tell them that we had failed to execute it, because a State would not make a road for us?

The roads, and other internal improvements of States, are made in reference to their individual interests. It is the eye only of the whole, and the power of the whole that can look to the interests of all. In the infancy of the Government, and in the actual state of the public Treasury, it may be the only alternative left us to use those roads, which are made for State purposes, to promote the national object, ill as they may be adapted to it. It may never be necessary to make more than a few great national arteries of communication, leaving to the States the lateral and minor ramifications. Even these should only be executed, without pressure upon the resources of the country, and according to the convenience and ability of Government. But, surely, in the performance of a great national duty imposed upon this Government, which has for its object the distribution of intelligence, civil, commercial, liter-

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ary, and social, we ought to perform the substance of the trust, and not content ourselves with a mere paper inefficient execution of it. If I am right in these views, the power to establish post roads being in its nature original and creative, and the Government having adopted the roads made by State means only from its inability to exert the whole extent of its authority, the controverted power is expressly granted to Congress, and there is an end of the question.

It ought to be borne in mind that this power over roads was not contained in the Articles of Confederation, which limited Congress to the establishment of post offices; and that the general character of the present Constitution, as contrasted with those articles, is that of an enlargement of power. But, if the construction of the opposite side be correct, we are left precisely where the Articles of Confederation left us, notwithstanding the additional words contained in the present Constitution. What, too, will the gentleman do with the first member of the clause to establish post offices? Must Congress adopt, designate, some pre-existing office, established by State authority? But there is none such. May it not, then, fix, build, create, establish offices of its own?

The gentleman from Virginia sought to alarm us by the awful emphasis with which he set before us the total extent of post roads in the Union. Eighty thousand miles of post roads! exclaimed the gentleman; and will you assert, for the General Government, jurisdiction, and erect turnpikes on such an immense distance? Not to-day, nor to-morrow. But this Government is to last, I trust, forever; we may, at least, hope it will endure until the wave of population, cultivation, and intelligence, shall have washed the Rocky mountains and mingled with the Pacific. And may we not, also, hope that the day will arrive when the improvements and the comforts of social life shall spread over the wide surface of this vast continent? All this is not to be suddenly done. Society must not be burdened or oppressed. Things must be gradual and progressive. The same species of formidable array which the gentleman makes, might be exhibited in reference to the construction of a navy, or any other of the great purposes of Government. We might be told of the fleets and vessels of great maritime Powers which whiten the ocean, and triumphantly asked if we should vainly attempt to cope with or rival that tremendous power? And we should shrink from the effort, if we were to listen to his counsels, in hopeless despair. Yes, sir, it is a subject of peculiar delight to me to look forward to the proud and happy period, distant as it may be, when circulation and association between the Atlantic and the Pacific and the Mexican Gulf, shall be as free and perfect as they are at this moment in England, or in any other the most highly improved country on the globe. In the mean time, without bearing heavily upon any of our important interests, let us apply ourselves to the accomplishment of what is most practicable and immediately necessary.

But what most staggers my honorable friend, is the jurisdiction over the sites of roads and other

internal improvements, which he supposes Congress might assume; and he considers the exercise of such a jurisdiction as furnishing the just occasion for serious alarm. Let us analyze the subject. Prior to the erection of a road under the authority of the General Government, there existed, in the State through which it passes, no actual exercise of jurisdiction over the ground which it traverses as a road. There was only the possibility of the exercise of such a jurisdiction when the State should, if ever, erect such a road. But the road is made by the authority of Congress, and out of the fact of its erection arises a necessity for its preservation and protection. The road is some thirty or fifty or sixty feet in width, and with that narrow limit passes through a part of the territory of the State. The capital expended in the making of the road incorporates itself with and becomes a part of the permanent and immovable property of the State. The jurisdiction which is claimed for the General Government, is that only which relates to the necessary defence, protection, and preservation, of the road. It is of a character altogether conservative. Whatever does not relate to the existence and protection of the road remains with the States. Murders, trespasses, contracts, all the occurrences and transactions of society upon the road, not affecting its actual existence, will fall within the jurisdiction of the civil or criminal tribunals of the State, as if the road had never been brought into existence. How much remains to the State? How little is claimed for the General Government? Is it possible that a jurisdiction so limited, so harmless, so unambitious, can be regarded, as seriously alarming to the sovereignty of the States? Congress now asserts and exercises, without contestation, a power to protect the mail in its transit, by the sanction of all suitable penalties. The man who violates it is punished with death or otherwise, according to the circumstances of the case. This power is exerted as incident to that of establishing post offices and post roads. Is the protection of a thing in transitu a power more clearly deducible from the grant, than that of facilitating, by means of a practicable road, its actual transportation? Mails certainly imply roads, roads imply their own preservation, their preservation implies the power to preserve them; and the Constitution tells us, in express terms, that we shall establish the one and the other.

In respect to cutting canals, I admit the question is not so clear as in regard to roads. With respect to these, as I have endeavored to show, the power is expressly granted. In regard to canals, it appears to me to be fairly comprehended in, or deducible from, certain granted powers. Congress has power to regulate commerce with foreign nations and among the several States. Precisely the same measure of power which is granted in the one case is conferred in the other. And the uniform practical exposition of the Constitution, as to the regulation of foreign commerce, is equally applicable to that among the several States. Suppose, instead of directing the legislation of this Government constantly, as heretofore, to the object

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of foreign commerce, to the utter neglect of the interior commerce among the several States, the fact had been reversed, and now, for the first time, we were about to legislate for our foreign trade: Should we not, in that case, hear all the Constitutional objections made to the erection of buoys, beacons, lighthouses, the surveys of coasts, and the other numerous facilities accorded to the foreign trade, which we now hear to the making of roads and canals? Two years ago, a sea wall, in other words, a marine canal, was authorized by an act of Congress, in New Hampshire; and I doubt not that many of those voted for it who have now Constitutional scruples on this bill. Yes, any thing, every thing, may be done for foreign commerce; any thing, every thing, on the margin of the ocean. But nothing for domestic trade; nothing for the great interior of the country! Yet, the equity and the beneficence of the Constitution equally comprehends both. The gentleman does, indeed, maintain that there is a difference as to the character of the facilities in the two cases. But I put it to his own candor whether the only difference is not that which springs from the nature of the two elements on which the two species of commerce are conducted—the difference between land and water. The principle is the same whether you promote commerce by opening for it an artificial channel where now there is none, or by increasing the ease and safety with which it may be conducted through a natural channel which the bounty of Providence has bestowed. In the one case, your object is to facilitate arrival and departure from the ocean to the land. In the other, it is to accomplish the same object from the land to the ocean. Physical obstacles may be greater in the one case than in the other, but the moral or Constitutional power equally includes both. The gentleman from Virginia had, to be sure, contended that the power to make these commercial facilities was to be found in another clause of the Constitution—that which enables Congress to obtain cessions of territory for specific objects, and grants to it an exclusive jurisdiction. These cessions may be obtained for the “erection of forts, magazines, arsenals, dockyards, or other needful buildings.” It is apparent that it relates altogether to military or naval affairs, and not to the regulation of commerce. How was the marine canal covered by this clause? Is it to be considered as a “needful building?” The object of this power is perfectly obvious. The Convention saw that, in military or naval posts, such as are indicated, it was indispensably necessary, for their proper government, to vest in Congress the power of exclusive legislation. If we claimed over objects of internal improvement an exclusive jurisdiction, the gentleman might urge, with much force, the clause in question. But the claim of concurrent jurisdiction only is asserted. The gentleman professes himself unable to comprehend how concurrent jurisdiction can be exercised by two different Governments at the same time over the same persons or things. But, is not this the fact with respect to the State and Federal Governments? Does not every person, and every

thing, within our limits, sustain a two-fold relation to the State and to the Federal authority? The power of taxation as exerted by both Governments, that over the militia, besides many others, is concurrent. No doubt embarrassing cases may be conceived and stated by gentlemen of acute and ingenious minds. One was put to me yesterday. Two canals are desired, one by the Federal, and the other by a State government; and there is not a supply of water but for the feeder of one canal; which is to take it? The Constitution, which ordains the supremacy of the laws of the United States, answers the question. The good of the whole is paramount to the good of a part. The same difficulty might possibly arise in the exercise of the incontestable power of taxation. We know that the imposition of taxes has its limits. There is a maximum which cannot be transcended. Suppose the citizen to be taxed by the General Government to the utmost extent of his ability, or a thing as much as it can possibly bear, and the State imposes a tax at the same time; which authority is to take it? Extreme cases of this sort may serve to amuse and to puzzle; but they will hardly ever arise in practice. And we may safely confide in the moderation, good sense, and mutual good dispositions, of the two Governments to guard against the imagined conflicts.

It is said by the President that the power to regulate commerce merely authorizes the laying of imposts and duties. But Congress has no power to lay imposts and duties on the trade among the several States. The grant must mean, therefore, something else. What is it? The power to regulate commerce among the several States, if it has any meaning, implies authority to foster it, to promote it, to bestow on it facilities similar to those which have been conceded to our foreign trade. It cannot mean only an empty authority to adopt regulations without the capacity to give practical effect to them. All the powers of this Government should be interpreted in reference to its first, its best, its greatest object, the Union of these States. And is not that union best invigorated by an intimate, social, and commercial connexion between all the parts of the Confederacy? Can that be accomplished—that is, can the federative objects of this Government be attained but by the application of federative resources?

Of all the powers bestowed on this Government, Mr. C. thought none were more clearly vested, than that to regulate the distribution of the intelligence, private and official, of the country; to regulate the distribution of its commerce; and to regulate the distribution of the physical force of the Union. In the execution of the high and solemn trust which these beneficial powers imply, we must look to the great ends which the framers of our admirable Constitution had in view. We must reject, as wholly incompatible with their enlightened and beneficent intentions, that construction of these powers which would resuscitate all the debility and inefficiency of the ancient confederacy. In the vicissitudes of human affairs, who can foresee all the possible cases, in which it may be necessary to apply the public force, with-

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in or without the Union? This Government is charged with the use of it, to repel invasions, to suppress insurrections, to enforce the laws of the Union; in short, for all the unknown and undefinable purposes of war, foreign or intestine, wherever and however it may rage. During its existence, may not Government, for its effectual prosecution, order a road to be made, or a canal to be cut, to relieve, for example, an exposed point of the Union? If, when the emergency comes, there is a power to provide for it, that power must exist in the Constitution, and not in the emergency. A wise, precautionary, and parental policy, anticipating danger, will beforehand provide for the hour of need. Roads and canals are in the nature of fortifications, since, if not the depositories of military resources, they enable you to bring into rapid action the military resources of the country, wherever they may be. They are better than any fortifications, because they serve the double purposes of peace and war. They dispense, in a great degree, with fortifications, since they have all the effect of that concentration, at which fortifications aim. I appeal from the precepts of the President to the practice of the President. While he denies to Congress the power in question, he does not scruple, upon his sole authority, as numerous instances in the statute book will testify, to order, at pleasure, the opening of roads by the military, and then come here to ask us to pay for them. Nay, more, sir; a subordinate but highly respectable officer of the Executive Government, I believe, would not hesitate to provide a boat or cause a bridge to be erected over an insupportable stream, to insure the regular transportation of the mail. And it happens to be within my personal knowledge that the head of the Post Office Department, as a prompt and vigilant officer should do, had recently despatched an agent to ascertain the causes of the late frequent vexatious failures of the great northern mail, and to inquire if a provision of a boat or bridge over certain small streams in Maryland, which have produced them, would not prevent their recurrence.

I was much surprised at one argument of the honorable gentleman. He told the House that the Constitution had carefully guarded against inequality, among the several States, in the public burdens, by certain restrictions upon the power of taxation; that the effect of the adoption of a system of internal improvements would be to draw the resources from one part of the Union, and to expend them in the improvement of another, and that the spirit, at least, of the Constitutional equality would be thus violated. From the nature of things, the Constitution could not specify the theatre of the expenditure of the public treasure. That expenditure, guided by, and looking to, the public good, must be made, necessarily, where it will most subserve the interests of the whole Union. The argument is, that the locale of the collection of the public contributions, and the locale of their disbursement, should be the same. Now, sir, let us carry this argument out; and no man is more capable than the ingenious gentleman from Virginia, of tracing an argument

to its utmost consequences. The locale of the collection of the public revenue is the pocket of the citizen; and, to abstain from the violation of the principle of equality adverted to by the gentleman, we should restore back to each man's pocket precisely what was taken from it. If the principle contended for be true, we are habitually violating it. We raise about twenty millions of dollars, a very large revenue, considering the actual distresses of the country. And, sir, notwithstanding all the puffing, flourishing statements of its prosperity, emanating from printers who are fed upon the pap of the public Treasury, the whole country is in a condition of very great distress. Where is this vast revenue expended? Boston, New York, the great capitals of the North, are the theatres of its disbursement. There the interest upon the public debt is paid. There the expenditure in the building, equipment, and repair, of the national vessels takes place. There all of the great expenditures of the Government necessarily concentrate. This is no cause of just complaint. It is inevitable, resulting from the accumulation of capital, the state of the arts, and other circumstances belonging to our great cities. But, sir, if there be a section of this Union having more right than any other to complain of this transfer of the circulating medium from one quarter of the Union to another, the West, the poor West—[Here Mr. BARBOUR explained. He had meant that the Constitution limited Congress as to the proportions of revenue to be drawn from the several States; but the principle of this provision would be vacated by internal improvements of immense expense, and yet of a local character. Our public ships, to be sure, are built at the seaports, but they do not remain there. Their home is the mountain wave; but internal improvements are essentially local; they touch the soil of the States, and their benefits, at least the largest part of them, are confined to the States where they exist.] The explanation of the gentleman has not materially varied the argument. He says that the home of our ships is the mountain wave. Sir, if the ships go to sea, the money with which they were built, or refitted, remains on shore, and the cities where the equipment takes place derive the benefit of the expenditure. It requires no stretch of the imagination to conceive the profitable industry—the axes, the hammers, the saws—the mechanic arts which are put in motion by this expenditure. And all these, and other collateral advantages, are enjoyed by the seaports. The navy is built for the interest of the whole. Internal improvements, of that general, federative character, for which we contend, would also be for the interest of the whole. And, I should think, their abiding with us, and not going abroad on the vast deep, was rather cause of recommendation than objection.

But, Mr. Chairman, if there be any part of this Union more likely than all others to be benefited by the adoption of the gentleman's principle, regulating the public expenditure, it is the West. There is a perpetual drain from that embarrassed and highly distressed portion of our country, of its

circulating medium to the East. There, but few and inconsiderable expenditures of the public money take place. There we have none of those public works, no magnificent edifices, forts, armories, arsenals, dockyards, &c., which more or less are to be found in every Atlantic State. In at least seven States beyond the Alleghany, not one solitary public work of this Government is to be found. If, by one of those awful and terrible dispensations of Providence, which sometimes occur, this Government should be unhappily annihilated, every where on the seaboard traces of its former existence would be found; whilst we should not have, in the West, a single monument remaining on which to pour out our affections and our regrets. Yet, sir, we do not complain. No portion of your population is more loyal to the Union, than the hardy freemen of the West. Nothing can weaken or eradicate their ardent desire for its lasting preservation. None are more prompt to vindicate the interests and rights of the nation from all foreign aggression. Need I remind you of the glorious scenes in which they participated, during the late war—a war in which they had no peculiar or direct interest, waged for no commerce, no seamen of theirs? But it was enough for them that it was a war demanded by the character and the honor of the nation. They did not stop to calculate its cost of blood, or of treasure. They flew to arms; they rushed down the valley of the Mississippi, with all the impetuosity of that noble river. They fought the enemy. They found him at the beach. They fought; they bled; they covered themselves and their country with immortal glory. They enthusiastically shared in all the transports occasioned by our victories, whether won on the ocean or on the land. They felt, with the keenest distress, whatever disaster befell us. No, sir, I repeat it, neglect, injury itself, cannot alienate the affections of the West from this Government. They cling to it, as to their best, their greatest, their last hope. You may impoverish them, reduce them to ruin, by the mistakes of your policy, and you cannot drive them from you. They do not complain of the expenditure of the public money, where the public exigencies require its disbursement. But, I put it to your candor, if you ought not, by a generous and national policy, to mitigate, if not prevent, the evils resulting from the perpetual transfer of the circulating medium of the West to the East. One million and a half of dollars annually, is transferred for the public lands alone; and, almost every dollar goes, like him who goes to death—to a bourne from which no traveller returns. In ten years it will amount to fifteen millions; in twenty to —; but I will not pursue the appalling results of arithmetic. Gentlemen who believe that these vast sums are supplied by emigrants from the East, labor under great error. There was a time when the tide of emigration from the East bore along with it the means to effect the purchase of the public domain. But that tide has, in a great measure, now stopped. And as population advances farther and farther West, it will entirely cease. The greatest migrating States in the Union, at this time, are Kentucky first,

Ohio next, and Tennessee. The emigrants from those States carry with them, to the States and territories lying beyond them, the circulating medium, which, being invested in the purchase of the public land, is transmitted to the points where the wants of Government require it. If this debilitating and exhausting process were inevitable, it must be borne with manly fortitude. But we think that a fit exertion of the powers of this Government would mitigate the evil. We believe that the Government incontestably possesses the Constitutional power to execute such internal improvements as are called for by the good of the whole. And we appeal to your equity, to your parental regard, to your enlightened policy, to perform the high and beneficial trust thus sacredly reposed. I am sensible of the delicacy of the topic to which I have reluctantly adverted, in consequence of the observations of the honorable gentleman from Virginia. And I hope there will be no misconception of my motives in dwelling upon it. A wise and considerate Government should anticipate and prevent, rather than wait for the operation of causes of discontent.

Let me ask, Mr. Chairman, what has this Government done on the great subject of Internal Improvements, after so many years of its existence, and with such an inviting field before it? You have made the Cumberland road only. Gentlemen appear to have considered that a Western road. They ought to recollect that not one stone has yet been broken, not one spade of earth has been yet removed in any Western State. The road begins in Maryland and it terminates at Wheeling. It passes through the States of Maryland, Pennsylvania, and Virginia. All the direct benefit of the expenditure of the public money on that road, has accrued to those three States. Not one cent in any Western State. And yet we have had to beg, entreat, supplicate you, session after session, to grant the necessary appropriations to complete the road. I have myself toiled until my powers have been exhausted and prostrated to prevail on you to make the grant. We were actuated to make these exertions for the sake of the collateral benefit only to the West; that we might have a way by which we should be able to continue and maintain an affectionate intercourse with our friends and brethren—that we might have a way to reach the Capitol of our country, and to bring our councils, humble as they may be, to consult and mingle with yours in the advancement of the national prosperity. Yes, sir, the Cumberland road has only reached the margin of a Western State; and, from some indications which have been given during this session, I should apprehend it would there pause for ever, if my confidence in you were not unbounded; if I had not before witnessed that appeals were never unsuccessful to your justice, to your magnanimity, to your fraternal affection.

But, sir, the bill on your table is no Western bill. It is emphatically a national bill, comprehending all, looking to the interests of the whole. The people of the West never thought of, never desired, never asked, for a system exclusively for

their benefit. The system contemplated by this bill looks to great national objects, and proposes the ultimate application to their accomplishment of the only means by which they can be effected, the means of the nation—means which, if they be withheld from such objects, the Union, I do most solemnly believe, of these now happy and promising States, may, at some distant (I trust a far, far distant) day, be endangered and shaken at its centre.

When Mr. CLAY had concluded—

The question was taken on striking out the enacting clause in the bill, and decided in the negative—ayes 74, noes 109.

Mr. HEMPHILL moved to fill the blank for appropriation with the sum of thirty thousand dollars, which was carried—ayes 105.

The Committee then rose, and reported the bill with the amendment, and, on the question of its engrossment for a third reading, the yeas and nays were called, on motion of Mr. MERCER, and are as follows:

YEAS—Messrs. Abbot, Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Baylies, J. S. Barbour, Bartlett, Bartley, Beecher, Blair, Breck, Brown, Buchanan, Buckner, Campbell of Ohio, Carter, Cassidy, Condict, Cook, Crowninshield, Cushman, Cuthbert, Durfee, Dwight, Eddy, Ellis, Farrelly, Forsyth, Forward, Fuller, Garrison, Gazlay, Govan, Gurley, Harris, Hayward, Hemphill, Henry, Herkimer, Holcombe, Houston, Ingham, Isaacs, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kremer, Lawrence, Lee, Letcher, Little, Livingston, McArthur, McDuffie, McKean, McKee, McKim, McLane of Delaware, McLean of Ohio, Martindale, Marvin, Matlack, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Neale, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reynolds, Rich, Rogers, Ross, Saunders, Sandford, Scott, Sloane, William Smith, Spence, Standefer, J. Stephenson, Stewart, Storrs, Strong, Swan, Test, Thompson of Kentucky, Tod, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Wayne, Webster, Whitteley, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, and Wright—114.

NAYS—Messrs. Alexander of Virginia, Allen of Massachusetts, Archer, Ball, Barber of Connecticut, P. P. Barbour, Bassett, Bradley, Buck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Cocke, Collins, Conner, Crafts, Craig, Culpeper, Day, Dwinell, Eaton, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Frost, Gatlin, Gist, Hall, Harvey, Hayden, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Kidder, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Long, Longfellow, McCoy, Mangum, Mallery, Matson, Morgan, Plumer of New Hampshire, Randolph, Reed, Richards, Sharpe, Sibley, Arthur Smith, Alex. Smyth, Spaight, Sterling, A. Stevenson, Stoddard, Taylor, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Tucker of Virginia, Tucker of South Carolina, Tyson, Van Rensselaer, Van Wyck, Whipple, Whitman, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, Wood, and Woods—82.

To-morrow was then assigned for the third reading of the bill.

The following is a copy of the bill as it passed the House:

A Bill to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals.

Be it enacted, &c., That the President of the United States is hereby authorized to cause the necessary surveys, plans, and estimates, to be made, of the routes of such roads and canals as he may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the public mail, designating, in the case of each canal, what parts may be made capable of sloop navigation; the surveys, plans, and estimates, for each, when completed, to be laid before Congress.

And be it further enacted, That, to carry into effect the objects of this act, the President be, and he is hereby, authorized to employ two or more skilful civil engineers, and such officers of the corps of engineers, or who may be detailed to do duty with that corps, as he may think proper; and the sum of thirty thousand dollars be, and the same is hereby, appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated.

THURSDAY, January 15.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to which was referred the petitions of William Whitehead, John Tappan, Nathaniel W. and Charles H. Appleton, Joshua Aubin, Benjamin Hazletine, Samuel Adams, James Graham, and of James Crawford, and others, made a report thereon, accompanied by a bill for the relief of certain persons who have paid duties on certain goods imported into Castine; which bill was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, made a report on the petition of John Thomas and Company, of Ohio, accompanied by a bill for their relief; which bill was read twice, and committed to a Committee of the Whole.

The Committee on Pensions and Revolutionary Claims were discharged from the consideration of the petition of Captain Pollard, Blue Eyes, and Jim Robinson, Indians belonging to the Seneca tribe, and from the petition of James Wilson; and the petitions were referred to the Committee of the Whole to which is committed the bill concerning invalid pensioners.

On motion of Mr. McKIM, the Committee of Ways and Means were directed to inquire into the expediency of reviving the first, second, third, and fourth sections of an act further to provide for the collection of duties on imports and tonnage, passed the third day of March, 1815.

Mr. STEWART submitted the following resolution, which was read; and, on motion of the mover, laid on the table, viz:

Resolved, That the Committee on Roads and Canals be instructed to report a bill appropriating the annual proceeds of the sales of the public lands, and the dividends of the United States Bank stock, commencing from the 1st January, 1823, to the purposes of internal improvement, to be distributed among the States, according to their representation, and expended on objects to be designated by Congress, within or

bordering on the respective States, unless where any State may consent that its proportion of the fund shall be applied to an object not immediately connected with its territorial limits.

The engrossed bill to procure the necessary estimates, plans, and surveys, upon the subject of roads and canals, was called up for a third reading; when it was, on motion of Mr. FOOT, of Connecticut, ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles, viz: "An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service;" and "An act making a partial appropriation for the support of Government for the year 1824;" with an amendment to each. The Senate have also passed a bill, entitled "An act for the relief of Joseph Wood, of Ohio;" in which amendments and bill last-mentioned they ask the concurrence of this House.

Mr. McDUFFIE gave notice that he would, tomorrow, call up the consideration of the reported amendment of the Constitution, respecting the choice of President and Vice President of the United States.

The amendments of the Senate to the partial appropriation bill were considered, and concurred in.

The bill from the Senate, for the relief of Joseph Wood, of Ohio, was referred to the Committee on the Public Lands.

The House then, on motion of Mr. FORSYTH, took up the report of the Committee of Foreign Relations, on the petition of Henry and David Cotheal, and David S. Hallett, which was read and agreed to; so that the committee is discharged from the further consideration of the petition.

PENSIONS TO WIDOWS.

Mr. TUCKER, of Virginia, presented the following resolution:

Resolved, That the Committee on Pensions and Revolutionary Claims be instructed to inquire into the expediency of giving the same pensions to the widows of the officers and soldiers who died in the service during the late war, and who enlisted to serve during the war, as is allowed to the widows of those who enlisted for a shorter term.

Mr. T., in support of his resolution, observed, that he had been much surprised at the fact disclosed to him in answer to a recent application, that, for the widows of those who had enlisted for the whole war, no provision had been made, while others, who served but for twelve or eighteen months, had a pension granted them. Mr. T. made some further explanations as to the existing inequality of the laws, and he thought, if the nation had a pension list at all, it ought to rest on some principle of justice, which, he contended, at present it did not.

Mr. WRIGHT moved to amend the resolution, by substituting, for the Committee on Pensions and Revolutionary Claims, a select committee; which was not carried.

Mr. MCCOY suggested to the mover, that the

resolution be so modified as to revive the former law on the same subject. To this Mr. TUCKER dissented; and, the question being taken, the resolution was not agreed to.

MONUMENT TO WASHINGTON.

Mr. BUCHANAN presented the following resolution:

Resolved, That a committee be appointed, whose duty it shall be to inquire in what manner the resolutions of Congress, passed on the 24th December, 1799, relative to the erection of a marble monument in the Capitol, at the City of Washington, to commemorate the great events of the military and political life of General Washington, may be best accomplished, and that they have leave to report by bill or otherwise.

Mr. BUCHANAN said, the House would, he trusted, excuse him for making a few observations in explanation of the motives which had impelled him to offer the resolution now under consideration. On the 24th December, 1799, the Congress of the United States resolved, "That a marble monument be erected by the United States, in the Capitol, at the City of Washington, and that the family of General Washington be requested to permit his body to be deposited under it; and that the monument be so designed as to commemorate the great events of his military and political life." They also resolved, "That the President of the United States be requested to direct a copy of these resolutions to be transmitted to Mrs. Washington, assuring her of the profound respect Congress will ever bear to her person and character; of their condolence on the late afflicting dispensations of Providence; and entreating her assent to the interment of the remains of General George Washington in the manner expressed in the first resolution." The then President of the United States transmitted these resolutions to Mrs. Washington, who, on the 31st December, 1799, returned an answer, which I will take leave to read to the House:

MOUNT VERNON, Dec. 31, 1799.

SIR: While I feel with keenest anguish, the late dispensation of Divine Providence, I cannot be insensible to the mournful tributes of respect and veneration which are paid to the memory of my dear deceased husband; and, as his best services and most anxious wishes were always devoted to the welfare and happiness of his country, to know that they were truly appreciated, and gratefully remembered, affords no inconsiderable consolation.

Taught by that great example which I have so long had before me, never to oppose my private wishes to the public will, I must consent to the request made by Congress, which you have had the goodness to transmit to me; and in doing this I need not, I cannot say what a sacrifice of individual feeling I make to a sense of public duty.

With grateful acknowledgments, and unfeigned thanks, for the personal respect, and evidences of condolence, expressed by Congress, and yourself.

I remain, very respectfully,

Sir, your most obed't humble servant,

MARTHA WASHINGTON.

During the same session of Congress, a bill passed the House of Representatives for erecting

a mausoleum for George Washington in the City of Washington. It was postponed in the Senate until the next session. Several attempts have since been made in Congress to redeem the plighted faith of the nation, but they have all proved unavailing. The man who was emphatically first in war, first in peace, and first in the hearts of his countrymen, has been sleeping with his fathers for almost a quarter of a century, and his mortal remains have yet been unhonored by that people, who, with justice, call him the father of their country.

It is difficult to determine, whether this neglect be more impolitic or ungrateful. Every wise nation has paid honors to the memory of the men who have been the saviours of their country. Sculpture and painting have vied with each other, in transmitting their images and the memory of their deeds to the remotest generations. By these means, the holy fire of virtuous emulation has been kindled in the bosoms of the youth of succeeding ages.

Our country has produced a General, whose prudence and perseverance, whose courage and military skill, conquered our independence, against fearful odds, from the most powerful nation on earth; and what is still more wonderful, was never intoxicated by the illusions of military glory. Our country has given birth to a statesman, who was chiefly instrumental in converting the chaos of the old Confederation, into the most perfect fabric of human wisdom—the Federal Constitution; and whose conduct, as President of the United States, was characterized by such wisdom and virtue, that, after the strictest examination, it is now admitted to be the most proper guide, to direct us in the path which leads to the nation's prosperity and glory. In short, our country has produced a WASHINGTON; he has been dead for four and twenty years, and we have erected no monument on which to record his virtues, and our gratitude.

Mr. B. said, that Congress, by neglecting, for so long a period, to accomplish the object of the resolutions, had been subjected to the imputation of perfidy, as well as ingratitude. We made a solemn promise to the widowed partner of Washington, and to the people of the United States, by a legislative act, that we would erect a monument to his memory. That distinguished lady has long slumbered with him in the grave, and this pledge has never yet been redeemed. Although his mortal remains, have, at our request, and by her consent, become the property of the public, yet they still lie neglected. Indeed, I have been credibly informed, that an attempt has been made to steal them away from his country, which had almost proved successful.

Do we, Mr. Speaker, consider it a matter of necessity, in all respects, to preserve the public faith inviolate? And shall we prove faithless only in what concerns the memory of Washington? The danger of the precedent, the argument so often repeated in this House, against the adoption of measures, will, in this case, be unavailing. The long list of ages, which preceded the birth of

Washington, had never presented a human character so perfect; and there is but a bare possibility that future generations will produce his equal.

Mr. B. hoped the resolution would pass unanimously.

Mr. CARY, of Georgia, arose and said, that, before the question was taken on the resolution, he would ask leave to occupy the attention of the House for a few moments, while he gave expression to what he believed were the just sentiments and feelings of an American on the subject it contemplated. The resolution directs a committee of this House to report, by bill, or otherwise, on the propriety of erecting a monument, or mausoleum, to the memory of WASHINGTON. He had listened with attention to the ingenious and unimpassioned address of the mover of the resolution, in which he had endeavored to prove that it was a duty of justice and of gratitude in this nation, to give such an expression of what it feels itself to owe to the memory of its illustrious benefactor; but he dissented from that honorable gentleman in the opinion he had expressed, and it was the purpose of his present address to vindicate to that gentleman and to the House the dissent he had now expressed; in doing this, he would empty his mind of the sentiments he held on this subject. The gentleman had very truly said that it had long been the practice of nations to express their veneration for the memory of illustrious men, by erecting splendid monuments over their ashes. But, he would ask, in what spirit, and at what period, did that practice originate? It was before the lights of reason had penetrated the darkness of society, and the depositories of history had taught mankind the true mode of commemorating and eternizing the deeds of illustrious men; it had had its beginning in successful conquest, when some military chieftain first plunged his sword into a nation's bosom, and then lavished its wealth in monuments to perpetuate his name; it was a principle of vanity which had given existence to the practice. We were, to be sure, and had long been, in the habit of going for precedents to Greece and Rome, and that classic enthusiasm which animates every scholar, that consecrated reverence which he must ever feel for the labors and achievements of departed genius, deludes our judgment, and would persuade us to bring the associations derived from the venerable remains of ancient sculpture, to times of a wholly different character, and a country in wholly different circumstances. The Government of this Union was entirely and widely different from those of the old world; it had a different origin; it was a phoenix-like Government, which sprung from the ashes of all the corruptions of those which had preceded it; and as the Government itself was new among men, those who had achieved its establishment should be commemorated in a new style. We need, Mr. Speaker, (said Mr. C.) no monuments to tell us that WASHINGTON has lived; he has a monument, he will continue to have one, in the heart of every American; such a monument as none before him ever had; and let it be our peculiar pride to enshrine him there alone. Yes, sir, we

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will keep WASHINGTON's monument in our bosoms. We will commit it to no perishable stone; his name shall have a purer, a more enduring memorial. Sir, my heart beats as ardently and fires as high as that of any of my countrymen on this subject; but I would erect no tomb. Suppose we build one, and determine its place to be here in this Capitol, will it be seen by the nation? No, it will only be visible to the favored few who are drawn to this spot by their public functions, who visit it on a jaunt of pleasure, or attend it on concerns of private business. But WASHINGTON has a monument already, far greater than you can build; his memorial is every where; from Maine to Louisiana; from the ocean to the mountains; and wherever, in their widely-spreading emigrations, the people of this Confederacy shall direct their steps, WASHINGTON travels with them, and they will continue to bear on his living monument till they have fixed it on the farthest shores of our continent.

Mr. BUCHANAN observed, in reply, that when he brought forward the resolution he had the honor to present to the House, he did not suppose that any gentleman would feel it to be his duty to oppose its adoption. He differed wholly from the honorable gentleman from Georgia. That gentleman maintained that it was not proper for a Republic, by monumental marble, to excite its citizens to virtuous deeds by publicly honoring the memory of those who had been the benefactors of their country. He, on the contrary, thought that in the case of Republics there was in the practice a peculiar and special propriety. Such monuments had, in all ages and countries, exerted a powerful effect in inciting men to patriotic virtue; our Government rests, its very foundations are laid, on that virtue; and it therefore seemed in a peculiar manner adapted to the circumstances of this Republic. It was, too, a practice which had been already sanctioned by the example of some of the most respectable States in the Union. But it was now too late to talk about the policy of the measure. Is not, asked Mr. B., the faith of the nation pledged? Has not the measure been publicly resolved upon by both Houses of Congress? Has it not received the sanction of the President of the United States? Is the country to promise to-day, and violate its promise to-morrow? The faith of the Government, pledged twenty-five years since, to the family of the deceased, and to the American people, has never, to this day, been redeemed. Shall we hold all our contracts inviolable but this? As to the precedent, that question has already been settled; the pledge has been given. And were gentlemen alarmed at the danger of such a precedent? They might calm their apprehensions; there was not the remotest danger of such another case recurring. The world, in its long course of days, had never beheld such a man before; and, in all the march of time, there was little probability of the world's ever seeing such another; and for himself, Mr. B. said, he felt so deeply the obligation to redeem the pledged promise of the nation, that, though little accustomed to make such requests,

he must ask that the yeas and nays might be recorded.

Mr. TRIMBLE said that he did not rise for the purpose of pronouncing WASHINGTON's eulogium; that was a theme to which none was competent but the equal of WASHINGTON; and such a man was no where to be found. But he had risen to disabuse this nation from the charge of ingratitude to the memory of its benefactor. On what proof had so grievous a charge been founded? On the fact that no national monument of marble had yet been erected to his memory to inspire us (if he understood the gentleman from Pennsylvania) with sentiments of public virtue. Our patriotism must be cold indeed, if it could only be inspired by the coldness of a marble monument. God forbid that he should advance an opinion that such a monument ought not to be erected. But he would ask, if it had been erected fifteen or twenty years ago, and fixed within the walls of this Capitol, where would it have been, or what would have become of it, when this building was wrapped in flames? It would have fallen into the unhallowed hand of a barbarous enemy, who would have mutilated or carried it off. The only charge of ingratitude that could then have been urged, would have been, that the nation neglected to defend the Capitol; that, instead of fourteen thousand retreating from a handful of the invaders, they did not fight till only fourteen were left alive. When they had done this, they might erect a splendid monument. But when the Capitol, that is now going on in building, shall first be completed, and the monument itself shall have first been procured, it would be time enough to pass resolutions for fixing it in the Capitol. In the meanwhile, WASHINGTON has a monument in every place where there are Americans, where there are men; two worlds had joined to celebrate his actions; two hemispheres were filled with his name; and the globe itself might be pronounced his best and only fit mausoleum.

The resolution was then, on motion of Mr. GAZLAY, of Ohio, ordered to lie on the table, by a vote of 97 to 67.

SINKING FUND.

On motion of Mr. McLANE, the House resolved itself into a Committee of the Whole on the state of the Union, on the bill "authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States, in the year 1824."

[This bill provides, that the Commissioners of the Sinking Fund be, and they are hereby, authorized to purchase, during the year one thousand eight hundred and twenty-four, any stock of the United States, bearing an interest of seven per centum per annum, not exceeding the sum of eight millions six hundred and ten thousand dollars, upon such terms as they may think proper, not exceeding the following rates above the principal sum purchased; that is to say:

For all such stock as they may purchase before the 1st day of April next, at a rate not exceeding one dollar and seventy-five cents for every sum of

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one hundred dollars, in addition to the interest which would have accrued on that day upon the said stock.

For all such stock which they may purchase between the 1st day of April and the 1st day of July next, at a rate not exceeding seventy-five cents on every sum of \$100, in addition to the interest which would have accrued on the day last mentioned.

For all such stock which they may purchase between the 1st day of July and the 1st day of October next, at a rate not exceeding, on every sum of \$100, the amount of interest which would have accrued on the day last mentioned: and

For all such stock which they may purchase between the 1st day of October next and the 1st day of January, 1825, at a rate not exceeding the principal and the interest which shall have accrued at the day of purchase.

The 2d section of the bill provides, That the said Commissioners are hereby authorized to make such purchases under the foregoing restrictions, at such times and places as they may deem most eligible; and, for the purpose of carrying into effect the provisions of this act, any money in the Treasury, not otherwise appropriated, is hereby appropriated.]

The 1st section being under consideration, Mr. McLANE moved to amend the bill by striking out one dollar and seventy-five cents in the 12th line, and substituting two dollars [so as to allow the Commissioners to pay for such United States stock as they may purchase prior to the 1st of April next, at a rate not exceeding two dollars on \$100 in addition to the interest.]

Mr. McLANE said, in proposing the amendment to increase the premium in the first period, for the purchase of the seven per cent. stock, as recommended by the Secretary of the Treasury, from one dollar seventy-five cents to two dollars, that it might be expected of him to explain the considerations by which this proposition was recommended.

When they reported the bill, the Committee of Ways and Means supposed a premium of one dollar and seventy-five cents would be sufficient to promote the objects in view, but further reflection had satisfied him that they would be more certainly attained by enlarging the sum.

It was necessary to consider the measure proposed by the bill, in reference as well to the interests of the Government as to those of the stockholder, and the operation should be conducted with a view to both.

All the seven per cent. stock of the United States, said he, amounting to the sum of \$8,606,490, will be redeemable on the first of January, 1825, and it is now certain, that there will be, on that day, sufficient funds, at the disposal of the Government, for this purpose. If no larger a sum were thrown at once into the market for new investment, it would necessarily produce serious inconvenience and embarrassment to the owners of the stock. The bill proposes to avoid these evils, by providing for its gradual redemption, during the present year, and offering to the stockholders the

opportunity of selling their stock to the Government, whenever, in the course of the year, they may find a suitable investment for their funds.

As an amount of money, sufficient to purchase this stock, would otherwise remain idle in the Treasury, the gain produced by this plan to the Government, consists in the saving of the interest; or, in other words, the difference between the premium paid for the purchase and the interest which would accrue on the first January 1825.

It will, therefore, be manifest to the Committee, that the earlier the purchases shall be made, the greater will be the saving to the Government, and that, for this reason, it is not only their interest, but they have the means to offer larger inducements to the stockholder to sell in the first and second terms, contemplated by the bill, than at any later period.

By the bill, as reported by the Committee of Ways and Means, which is, in this respect, conformable to the annual report of the Secretary of the Treasury, the Commissioners of the Sinking Fund are authorized to purchase the stock, upon certain terms, within four several periods of the year, answering to the usual quarterly divisions; but I apprehend the premium authorized in the two first periods will not be found to bear a just proportion to the end proposed. The holder of the stock will no doubt sell, whenever he may find a proper opportunity for the safe investment of his money; but, as the principal gain to the Government is to be made in the two first periods, the inducement to the stockholder to seek this opportunity should be larger in these than the later periods.

It was clearly the interest of the Government, he said, to purchase the whole stock, if practicable, within the first quarter, and therefore he had offered the amendment to increase the premium in that quarter to two dollars, in order the more certainly to induce the sale.

That his observations upon this subject might be better understood, he begged leave to submit to the Committee some statistical statements which would exhibit the operation of the proposed plan, and of his amendment, during the year, and in each period, both in regard to the holder of the stock and the Government.

Mr. McL. said as it is now impracticable for this expedient to go into operation before the first of February, he would assume that as the day on which the sale will take place, and the seller of the stock will be supposed to invest his funds for the remainder of the year at an interest of five per cent. In that case, he will receive for his \$100 of stock a premium of - - - - \$1 25

Three months interest, at 7 per cent.,
from 1st January to 1st April - - - - 1 75

Eleven months interest, at 5 per cent.,
from 1st February to 31st December - - 4 58½

Making - - - - - 7 58½

Which will be a gain to him at the end
of the year of - - - - - 0 58½

By disposing of his stock on the 1st April, the second period proposed by the bill, the seller will

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receive during the year on his \$100 of stock, a premium of - - - \$0 75

Six months interest, at 7 per cent., from 1st January to 1st July - - - 3 50

Nine months interest, at 5 per cent., from 1st April to 31st December - - - 3 75

Making - - - - - \$8 00

Which will be a gain to him of - - - 1 00

By disposing of his stock on the 1st of July, the third term proposed by the bill, the seller will receive during the year on his \$100 of stock, nine months interest, at 7 per cent., from 1st January to 1st October - - - \$5 25

Six months interest, at 5 per cent., from 1st July to 31st December - - - 2 50

Making - - - - - \$7 75

And which will be a gain to him of - - - 0 75

It will be perceived by this statement, he said, that the gain to the seller, in the first period, is less than in either of the others, while the interest of the Government requires that the purchases should be made within that period. And to present a proper inducement for this purpose, he had proposed, by the amendment, to increase the premium in the first period to two dollars. At that rate, the seller will receive during the year on his \$100 of stock, by disposing of it on the 1st February next, a premium of - - - \$2 00

Three months interest, at 7 per cent., from the 1st February to the 1st April - - - 1 75

Eleven months interest, at 5 per cent., from the 1st February to the 31st December - - - 4 58½

Making - - - - - \$8 33½

Which would be a gain to him of - - - 1 33½

If the amendment prevail, the gain to the seller in the third period will be three-fourths of the gain in the second period; and the gain in the second period will be three-fourths of the gain in the first; and I apprehend such a proportion will lead much more certainly to large purchases in the first period than the rates contained in the bill.

It will be apparent, also, he said, that a sale to the Government at the rate here proposed, will be more advantageous to the seller than a sale to an individual at an advance which this stock will be likely to bear during the year; and in addition to the premium, it gives the interest of one quarter in advance, and thus encourages an early sale. With the certainty which exists of the redemption of the stock at the end of the year, it can scarcely be expected that its price will at any time exceed three per cent. above the par value; it is not probable that it will reach that sum, but estimating its value in the market at three per cent., the sale to the Government would be more advantageous, because, if the holder sell to the Government on the 1st of February, he will receive during the year on his \$100, as already shown, \$8 33; if he sell on the same day to an individual, he will receive a premium of \$3, and eleven months interest, at 5 per cent., \$4 58½; making \$7 58½;

and is less, by 75 cents, than the sum to be received by a sale to the Government.

Mr. McL. also remarked, that if the Committee would reflect upon the operation, as to the Government, of the proposed amendment, they would be satisfied of its propriety, and the utility of the expedient proposed by the Secretary of the Treasury; he said that at the proposed rates the Government will save, on the purchase of the whole stock, amounting to \$8,606,490, as follows:

If the stock were purchased in the first period, the Government will pay on each \$100—\$3 75; which, being deducted from \$7, the amount of the interest for the whole year, would be a saving of \$3 25, and on the whole stock, a saving of \$279,710 93.

If the stock be purchased during the second period, the Government will pay on each \$100—\$4 25; which, deducted from the year's interest, gives a saving of \$2 75, and on the whole sum, a saving of \$236,678 47.

If the stock be purchased during the third period, the saving to the Government will be \$1 75 on each \$100, and on the whole, the sum of \$150,613 57.

With respect to individuals, Mr. McL. said, the operation of the proposed plan in the second and third terms might be differently stated; and he remarked that, by selling to the Government on the 1st April, the individual would receive a premium of - - - \$0 75

Three months interest, at 7 per cent., from 1st April to 1st July - - - 1 75

Nine months interest, at 5 per cent., from 1st April to 31st December - - - 3 75

Making - - - - - 6 25

If, on the contrary, he retained his stock from the first April to the end of the year, he would receive nine months interest, at 7 per cent., which is - - - \$5 25

And less than he would receive by selling it, of - - - - - 1 00

By selling to the Government on the 1st day of July, he would receive three months interest at 7 per cent., from the 1st July to 1st October, \$1 75

Six months interest, at 5 per cent., from 1st July to 31st December - - - 2 50

\$4 25

If he retained his stock, he would receive six months interest, at 7 per cent. - - - 3 50

Which is 75 cents less than he would receive by the sale.

Mr. McL. said he had troubled the Committee with these statistical details of the plan proposed, in order that every one should be satisfied with its operation in this respect, though he himself supposed the measure was partly founded upon other considerations, and looking beyond a mere calculation of profit and loss.

For himself, he believed, as he had already intimated, that though the terms proposed presented an immediate pecuniary advantage to the seller, the principal advantages afforded by the recommendation in the annual report, were the means

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of converting his stock into money at rather more than its value, whenever he may discover an opportunity for investing it safely and profitably. He believed the prudent stockholder would not fail to appreciate this advantage, when he reflected that not only the \$8,606,490 of 7 per cent., but also as much of the 6 per cent. stock as the Government will be able to pay off on the 1st of January, 1825, will, on that day, be thrown into the market for investment. If the stockholders are wise, they will speedily look for the means of profitable investment, and he felt persuaded that the amendment would offer additional and reasonable inducements to do so.

The amendment was adopted, and the bill as amended was reported to the House, and ordered to a third reading, without further debate.

SURVEYS FOR ROADS AND CANALS.

Mr. HEMPHILL moved to take up the bill providing for the procurement of surveys, &c., for roads and canals, which had been laid on the table this morning to make way for the preceding bill. This motion was carried—ayes 97, noes 76.

The bill then had its third reading.

Mr. WOOD, of New York, rose and said, that his views neither of the public interest nor his own duty would suffer him to see a bill, such as that now before the Committee, about to pass into a law, without entering his protest against the principle on which it was founded. The present individual bill was comparatively of small moment, but, if passed, the principle would be sanctioned; and it was not attempted to be concealed that other bills were to follow it of a far more serious kind. The present was avowedly only a preliminary measure.

Heretofore, he said, it had been deemed important that the barriers between the General and the State Governments should remain untouched; and, on that account, the principles on which both rested had been reduced to writing, and infinite pains had been taken to adjust the due proportion between them. To arrive at a just construction of the Constitution which separated and defined them, it was necessary to look back to the compact which had preceded the Constitution—to the confederation between the thirteen united States, which was nothing more than an alliance of sovereign powers for the common good. The defects of that confederation it was which led to the formation of a different form of government, and a due consideration of which defects must necessarily throw great light on the true intent and meaning of the Constitution, which was intended to remedy them. Wherein do the two compacts differ? In comparatively few particulars. Very few powers are granted by the Constitution which were not formerly granted by the Confederation—those relating to revenue were the chief. Under the Confederation, Congress had power to borrow money; to raise armies; to maintain a navy; to make treaties; to declare war, and to make peace; it had, in short, the same power over the general means of the nation that it now has, but the mode of its operation in obtaining

them was different. The quotas of the several States were laid by the General Government on the Legislatures of those States, and by them collected from the people. The hand of the General Government could not reach the pockets of the people, but it had to wait, for its supplies, the tardy movements of thirteen different independent Legislatures; but now its power comes in immediate contact with the people—its means are taken at once from the imports—its operations are prompt, and consequently vigorous, and the public faith may be safely pledged, because it will be certainly and promptly redeemed. This was almost the sole object for which the Confederation was changed into the Federal Government.

Now, in the first place, I ask whether, by the Confederation, Congress was vested with municipal powers? Certainly not. But the power to make roads and canals is, beyond dispute, a municipal power. Gentlemen contend that Congress may do this under a general power to diffuse the intelligence of the country. Why, sir, by this reasoning, I can equally prove that it has the power to erect common schools. They diffuse intelligence, and in a most efficient manner. Again, to the well being of a republican government, a general equality of property is as requisite as a general diffusion of knowledge. Have then Congress power to regulate descents of real estate? The inference to that power is stronger than to a power to dig canals. But, by the express letter of the Constitution, Congress has power “to regulate commerce with foreign nations, and among the several States.” Well, sir, I ask, in the first place, what is the power which is here granted over foreign commerce? It is both legislative and executive—it extends indeed to a right to close all our ports; but the Government is bound to furnish the citizens with a market, and therefore the Constitution gives it authority to make treaties; but it has placed this power not in Congress, but in the President.

The Constitution gives, further, a power to “lay and collect taxes, duties, and imposts.” This, said Mr. W., is the sole power of Congress over foreign commerce; it has power to lay the duty and to collect it—this is the extent. The whole power of Congress, in relation to foreign commerce, is exhausted by the tariff, and by the collection of it. The power to erect lighthouses, is one which belongs to this power of “collecting duties,” and not to the power of “regulating foreign commerce.” The great object of duties is revenue; and Congress may prohibit altogether, or it may qualify, by certain regulations, the entrance of goods into the country. Over this Congress has entire sovereignty. Revenue is not, however, the exclusive object of duties; they may be laid for political as well as fiscal purposes—to protect our rights—to coerce other nations to justice, or to requite them for benefits, and also to foster domestic industry.

I now inquire, what is the power intended to be granted in a “power to regulate commerce among the several States?” Congress certainly have nothing to do with the buying and selling

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of internal productions, nor can it lay duties on exports from one State to another; trade between the States is free—perfectly free. And, with relation to imported goods, when once the duties on their importation are paid, those goods are as free as if they were the growth of the soil; they may be carried wherever the owner pleases to carry them. Congress has no power over them whatsoever. What then is the power of Congress over the internal trade of the States? None; it has none whatever. To what then does the clause relate? Wholly to the coasting trade. Owing to the extent of our coast, danger exists; that, in conducting this trade, the revenue will be defrauded; and with a view to prevent such defrauding, the Constitution empowers Congress to "regulate" this branch of commerce. And to this its power extends, and no farther. If this is so, where is the basis of any power to make canals? There is no substratum for such a power; the whole theory is a mere castle in the air, and at the touch of sober investigation, it tumbles into ruins.

The next clause in which the power sought for has been supposed to reside, is that which authorizes Congress to establish post offices and post roads.

And what need is there of power to enforce the use of a post road? Does any State resist the use of its roads by the General Government? We must remember that when the Constitution was framed, its framers had respect chiefly to the old thirteen States—States already in a state of advanced improvement, abounding with roads in all directions. And looking toward such a state of things, all that this clause intended was to give Congress power authoritatively to say on which of these roads the mail should travel. What is the practice which has ever prevailed, and which still prevails, on this subject? The States make and preserve the roads, and the General Government uses them. No jurisdiction over them is surrendered by the States.

Mr. W. said he thought that the reasoning which had been employed on this subject by the friends of the bill, was improper and inapplicable; but, having been used, it must be answered.

The States, he said, originally were absolutely sovereign, and politically omnipotent; they vested certain powers in a General Government for the general defence and welfare. Is it necessary for the general defence that the General Government must have the power of making roads? Surely, the State governments must have been deranged, if they intended to give up the care of their own roads. What was their intention? [Here Mr. W. read several clauses of the Constitution, and referred to the "Federalist."] Here all powers over local and municipal matters, such as are necessary to the internal prosperity, are reserved to the States. Sir, what was the opinion on this subject in the State conventions which were held on the question of adopting the Federal Constitution? In all of these conventions it was taken for granted that municipal powers remained to the States—no other idea entered their heads. We have the contemporaneous constructions of thirteen

independent deliberative bodies, of the authors of the Federalist, and two Presidents. Sir, the evidence would be sufficient to convince a jury, if capable of such decision.

If you attempt to establish the power of making roads, as one belonging to the General Government, every pillar of our political fabric is laid prostrate at once, and the Constitution is a useless thing. The powers as granted in that Constitution are either concurrent or exclusive. The power of war and peace is given exclusively to the General Government; others are given exclusively to the State governments; others are concurrent—such, for example, as that of the taxation of land; this may be a concurrent power, because its exertion by neither exhausts the subject. But it is not so with the power over roads. This is a moral subject, a moral power—once exercised it is exhausted.

According to the opposite theory, the whole sovereignty over this subject lies in the General Government; but I say, on the contrary, that the whole sovereignty lies in the States. It is said that the power of making roads cannot be injurious to the people of the States, but must be wholly to their advantage. Allow me to put a case. The Government of the United States think it expedient to make a road from New York to Buffalo, and to put toll gates upon it—one of these toll gates near Buffalo is destroyed or injured—the man who did it must be brought five hundred miles to be tried in the United States court for a trespass of the value of two and sixpence. Is this no injury, no oppression, sir? It is treading under foot the State jurisdiction—it is prostrating the State judiciary. Sir, it brings the interference of the General Government to every man's fireside, and is calculated to render it odious to a free people.

Sir, I believe I may, without presumption, say I have ever been a friend to the Federal Government, and so have I ever been friendly to internal improvements, and have promoted them, too, sir, with my utmost power, in my own sphere, under a legitimate jurisdiction. I did so long before the great canal in our State was ever thought of. But, however noble, however beneficial, the contemplated plan for internal improvement may be, its excellence is not the question before this committee. The simple question is into our power to execute it. Sir, we must go by the grand landmarks of the Constitution. If such a power is really necessary, ask the people for it; they are the fountain of all power, and they will never refuse to grant it. Why strain, why violate the Constitution? Why break down one pillar after another in our fair temple of rational liberty, till the whole temple lies prostrate in the dust? No, sir, we have begun to do this, but let us step back; our acts, thus far, are not irretrievable; let us wait for power till it is given us; the small delay can do no injury.

But, sir, the gentleman from Pennsylvania, and especially from New Jersey, has talked to us about a new era—a political millennium, in which a new faith is to prevail, far more liberal than the

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old fashioned notions of our fathers; and, in a tone of menace and defiance, has told us that at that auspicious period our voices will not be heard. Sir, to me, this is ominous: it tells me in what spirit these plans are projected; and the exultation already visible is, in my view, but a melancholy presage of that louder shout that shall announce a perfect victory over the last struggles of the expiring constitutions.

Mr. MALLARY, of Vermont, said that he was sensible that whoever rose to oppose the bill now before the House must be liable to great embarrassments, in consequence of the recent vote, by which it appeared that a decided majority was in its favor. It was not very often that he claimed the attention of the House, but he viewed this bill as a part of a system of measures of such magnitude, that he should reproach himself with a neglect of duty did he not express the disapprobation he was constrained to feel towards it. He was aware that the subject possessed a character calculated to excite the deepest interest and solicitude. So important did some gentlemen view it, that, in their estimation, the Government itself would appear contemptible if it refused to carry into execution such magnificent policy; and it was to be feared that the opposer, whatever might be his real motives, would appear contracted and illiberal.

To the grandeur of the plans of internal improvement, Mr. M. said, he was not insensible; their utility, he acknowledged, and it would afford him the greatest pleasure to concur in their support—he would say more—he could join, with the most ardent enthusiasm, in aiding their prosecution, did he consider himself authorized by the Constitution of the Union. But, as he at present viewed that instrument—the polar star of our legislation—it had intrusted him with no powers whatever, on the subject. His views might be very trite, but, such as they were, he would endeavor, very briefly, to present them, for his own vindication, in opposing the bill.

The first inquiry was, as to the character of the power now proposed to be exercised by Congress. It is that of constructing roads and canals throughout the territorial limits of the several States, of which this Confederacy is formed. The objects to be accomplished, according to the views of the honorable Speaker, are, the distribution of the force, the commerce, and intelligence, of the nation. This power, if it exists in the General Government, must be an original power—an exclusive power. It cannot be within the control of the several States. The United States must hold it as the uncontrolled sovereign. The States can never interpose any interfering claim. The General Government may enter the jurisdiction of every State, and seize upon the soil, for such roads and canals as it may choose to construct, and forever hold it by its resistless authority. The State governments remain secondary, degraded, and even contemptible. The General Government, to-day, takes the great highway from New York to Burlington, Vermont, under its control. To-morrow, it seizes on some other great avenue

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from one part of a State to another, or from a State to its neighbor State. One road is taken, under pretext that it is a post road, and necessary for the distribution of intelligence; another is taken, for the more convenient distribution of commerce; and where exists a more tremendous power? What independence can exist to a State, when another Government assumes the prerogative of holding its only avenues of communication? All this, it is true, may not be the work of a day, but, when once begun, the power of the Union will proceed, step by step, till at last the State governments will be, virtually, if not actually, annihilated.

This is the power of the General Government, contended for by the advocates of internal improvement. Is it given by the Constitution?

It is contended that the expression in the Constitution, that Congress shall have power to establish post offices and post roads, confers an unlimited power over roads in general. What is the fair and unequivocal import of that expression? Can there be any doubt as to its extent, its object? Is it not clearly and unequivocally defined? Is there any other end in view than the distribution of intelligence, as the honorable Speaker has expressed it? To make this clause a pretext, a shield, for the accomplishment of other objects, must be an unwarrantable exercise of usurped authority. Can the General Government declare, that, having the power of providing for the distribution of the intelligence of the nation, that it has, also, from the same source, the right to provide for the distribution of the commerce, the force, of the nation? It appears to me, that the process of reasoning which would lead to such conclusions, is manifestly erroneous and absurd. No language can be more precise, clear, and intelligible, than the clause of the Constitution alluded to. It is simply the power to establish post offices and post roads. What else? Nothing.

Mr. M. said, he concurred with the honorable gentleman from Virginia, (Mr. BARBOUR,) as to the application and use of the word "establish," as used in the Constitution. It was intended only a power to designate and to give a legal character to the road upon which the mail should be transported, and for that purpose alone. But, supposing that Congress have the power to create and construct a post road, the most liberal construction would not allow Congress to create and construct one, and exercise jurisdiction over it for every other purpose. For the purpose of proving that this was the true construction of the clause in question, Mr. M. read the following passages from the Federalist:

"In the first place, it is to be remembered that the General Government is not to be charged with the whole power of making and administering laws: its jurisdiction is limited to certain enumerated objects, which concern all the members of the Republic, but which are not to be obtained by the separate provisions of any. The subordinate Governments, which can extend their care to all those other objects, which can be separately provided for, will retain their due authority and activity, &c. A second observation to be made,

is, that the immediate object of the Federal Constitution is to secure the union of the thirteen primitive States, &c.

"Let it be remarked, in the third place, that the intercourse throughout the Union will be daily facilitated by new improvements. Roads will every where be shortened and kept in better order; accommodations for travellers will be multiplied and meliorated; an interior navigation, on our eastern side, will be opened throughout the whole extent of the thirteen States. The communication between the Western and Atlantic districts, and between different parts of each, will be rendered more and more easy by those numerous canals, with which the beneficence of nature has intersected our country, and which art finds it so little difficult to connect and complete."

These remarks, said Mr. MALLARY, are found in the great commentary on our Constitution; they express the views of some of the most distinguished statesmen of any age or country; of men who assisted, by their wisdom and intelligence, in forming the Constitution of the Confederacy. They had no idea that the General Government would undertake to construct roads and canals, any more than to establish public houses of entertainment, to multiply and meliorate accommodations for travellers.

The honorable Speaker, said Mr. M., considers that the term "establish" is wholly creative. He has illustrated his explanation by a reference to the preamble of the Constitution. It is, "We the people of the United States, in order to form a more perfect union, establish justice, &c., do ordain and establish this Constitution," &c.

It seems to me, said Mr. MALLARY, that the honorable Speaker has been unfortunate in his illustration of his views, by making this reference. Is the expression "establish justice," creative? If so, the principles of justice did not exist among the people of the United States until the adoption of the Constitution. It would have been a very singular preamble, indeed, if the people had said "We, in order to form a more perfect union, create justice." The meaning of the expression must be, that the principles of justice, already existing, are to be enforced by the means of the Constitution. Again, it declares that the people do "ordain and establish this Constitution." The plan and frame of Government had been formed by a Convention, created by the people for that purpose. It had been presented to the people for their consideration. They did ordain and establish this prepared plan of Government; they, by establishing it, gave it its legal character—its binding effect. The same may be said of that exercise of power by Congress, when they declare and establish a road, constructed by a State, a post road.

But it seems to be admitted that the power required is nowhere expressly given, yet that it is an original and incidental power inherent in the Constitution. Its great and transcendent character has been described. It is well known how great was the anxiety on the part of the people to preserve their State sovereignties as little impaired as possible. They never intended to confer on

the General Government any right or power but such as could not with safety be exercised by themselves. They preferred State independence to national consolidation. The framers of the Constitution, therefore, employed the most precise language, and described the minutest objects, the jurisdiction over which the States were called upon to surrender. It is, therefore, very extraordinary that the power now claimed as so indispensable to the existence and prosperity of the General Government should never have been mentioned at all.

The Constitution gives to Congress exclusive jurisdiction over a District, ten miles square, to be the immediate seat of the General Government. What could be more clear than that the General Government must have power to erect and control a convenient place for legislation? What might, with more certainty, be inferred, had it been omitted, and what more safely could have been omitted, than such a power? Yet we find this power granted in express terms. So of places for the erection of forts. Nothing would seem more necessary and evident, than that the General Government, being charged with the defence of the Union, had power to erect fortresses in that defence, wherever it might deem it necessary. Yet we find this point guarded with the most scrupulous care. No fort can be built, no fortification erected, over which the Government can exercise a sovereign control, unless the soil on which they may stand is purchased by the consent of the States. The same provision of the Constitution extends to the sites of the military posts, arsenals, and dock yards. After having given to the Government of the Union the power to raise armies and build navies, how readily might incidental powers have been discovered, by which it might have created arsenals and dock yards, and governed them also. But the framers of that instrument never thought of the capacity of modern construction. They supposed that nothing was left to presumption, to inference, to opinion, as to the original grant of power. Therefore, express provision is made, that Congress can exercise jurisdiction, only by consent of the State, over the soil where the fort or arsenal is erected. Is it not extraordinary that, in one instance, the States refuse to surrender jurisdiction to an acre of land, to the smallest spot for a national object, until their consent is required, and yet, in another, they intended that the General Government should have the right, by implication, to command all the land and water communications of the nation? Not allow Congress to interfere with a foot of soil for the most important operations of defence, yet allow us to control all those privileges which render the soil of any value! In giving, therefore, a just construction to the Constitution, we ought to allow it consistency, and, to its several parts, some due proportion with each other.

We are told by the honorable Speaker that it is wholly improper to leave the power of constructing roads and other improvements to the States. The States, he tells us, will always make them for their own local convenience; they will not

extend their views and policy so as to confer a benefit on other States, much less on the Union at large. But what is the fact? When one State opens a road, does it not take into view the road of another, which is to meet the first, and the places to which it may lead? Interest alone will secure this. Can gentlemen point out in New England, for example, any better directions, more convenient for their own people and for the nation, than where they are constructed? Sir, the General Government can never have more intelligence or wisdom on this subject, than the people of the States. Why, then, interfere? If you want post roads, they must be for the benefit of the people. Wherever you find people, you find roads; and to establish post roads where there are no people to enjoy the benefits, would be very useless employment for an enlightened Government; it would confer but little honor on its administration to exercise its power in the distribution of intelligence where none could receive its blessings. There then is no necessity for inference. It would be as useless to the General Government as vexatious to the States, supposing the claimed power had a Constitutional existence.

It has been asserted that the General Government may exercise its exclusive power over objects of a national character. This, I contend, is to be decided by the Constitution. A great variety of objects are both State and national in their nature. As the Union is composed of the individual States, whatever affects a part, must, in a greater or less degree, affect the whole. If the General Government may control every thing which, by a liberal construction, may be deemed national, the States hold their supposed independence by a miserable tenure. We have been told that the object is national where it cannot be accomplished by the exertions of a single State. There the power of the Union is indispensably necessary. To illustrate this, we are referred to proposed canals between different States. Let me refer to the existing roads between the same States. How are they constructed? Has a want of power ever been discovered? If they are competent to make roads, are they not as competent in power to make canals? If canals between States are of national character, are not the roads national which pass from State to State? If the General Government has the power over canals, has it not equal power over roads which may happen to connect two States? If it has the power over roads which pass their boundaries, has it not the right to seize on all the roads of a State—as their connexion is indispensable? If so, as has been asked, in what does the independence of a State consist?

Again, admit that the power exists in the General Government to distribute the force and commerce of the nation, and that it employ all convenient means to carry that power into execution. Let us see its operation. The State of New York has displayed a noble spirit of liberality, enterprise, and perseverance, in effecting, by her own resources, her great Western canal. Accumulating streams of commerce flow in all directions to

her emporium. You now cross the Alleghany with your canal at our common expense. The people of the centre of the Union, from East to West, may believe that an equal share of commerce does not fall to their portion; that too much is enjoyed by the North, and that there ought to be a more equitable distribution. It becomes necessary to control the New York canals. They may be purchased. If New York should demand too much, or prove refractory, the General Government have only to say, We want these water courses, as the means of distributing the force, the commerce, the intelligence of the nation, according to the language of the honorable Speaker, and we must have them. Would the people of New York readily consent to this? Would they look with composure on this exercise of authority—to see the representatives of Vermont, Georgia, Kentucky, and Pennsylvania, meeting out that portion of commerce which should pass through their State? Would they be pleased to hear Congress declare that too much commerce found its way to market at New York, and too little found its way across the Alleghany to Baltimore and Philadelphia? Ought not Congress, therefore, to be careful how they assume this power by construction?

The Constitution itself lays it down as a universal principle of its own construction, that all powers, not granted to the General, are reserved to the State governments. But it appears to me that the interpretation demanded by the supporters of the bill proceeds from a contrary rule—that all power, not expressly reserved to the States, must, of course, be vested in the Government of the Union. The rule of proceeding would seem now to be, to find some object which would be convenient for the Union to have accomplished, and then hunt up some hidden power in the Constitution to justify the measure. I cannot find, in the writings of any statesman, or in the discussions of the day, when the Constitution was adopted, any idea that the power now asked to be exercised ever existed in the national charter. No, sir, such were the apprehensions of the times, that, had this power been proposed to be given to the Federal Government, the States would have as soon abandoned their sovereignty and returned to the jurisdiction of the mother country, as have surrendered it.

Mr. Chairman, let me call your attention to another view of the subject. There is a tendency in the General Government to accumulate its own powers. It has the purse, the sword, and undivided exertion. The States are divided, and can seldom act in concert. An injury to one is not felt by the other. The General Government constructs its own powers, and can enforce its own construction by the arm of the nation. The States, separately, are weak and impotent. When they claim their powers, the Federal Government is the judge of its right, under a predisposition in favor of its own privileges. If a State is right, it is powerless; if the General Government is wrong, it is also resistless.

The power claimed is said to be of the most

beneficial tendency. It will be the means of preserving the Union; of most effectually uniting them. Yes, sir, it may unite the States, it may chain them together, but at the price of their independence. It is the States which are to be the great nurseries of republicanism. It is there that consolidation is to be resisted—aristocracy counteracted. When you strike at the independence of State power, you strike at the root of your republican institutions. Preserve that independence untouched and entire, as your Constitution intended. Give the State governments some of the benefits of construction, and not use it wholly against them.

If consolidation of the States was the express and avowed object of the bill, could any measure be more politic and wise? Congress declares to-day to Vermont, that we must regulate and distribute your commerce in a manner more beneficial than you have ever done. We will take under our care your roads to other States; we will open for you a canal—for your benefit as well as for the Union; but we claim and will hold jurisdiction. If Vermont is opposed, no other State takes any interest in her concerns. Congress wields the whole force of the Confederacy. The State must submit. The General Government next enters Jersey, and opens a canal through that State. The same difficulties arise, and the same result follows irresistibly. It then turns to Delaware; and, in succession, passes from State to State, encountering each one singly, with its whole strength, influence, and patronage, and the multiplied means which must always be under its control. What, then, must be the condition of the individual States, I again repeat, when these splendid objects are accomplished? If they remonstrate against the policy of the Government, they may be told that Congress holds the avenues of the States. If they intimate that the General Government expounds the Constitution too liberally, that incidental powers are becoming too numerous at the Seat of Government, they may be told that Congress already holds the power to distribute the force of the nation, as well as its commerce and intelligence.

To his view, said Mr. M., in conclusion, the power contended for is of vast importance. It is admitted that it is not expressly given. It was assuming an awful responsibility, on the part of Congress, to take it by a doubtful construction; a construction not necessary for the existence of the General Government, but which would terminate in the prostration of the States. He was, therefore, bound, by a deliberate conviction of duty, to oppose any and every form of its exercise.

Mr. RANDOLPH moved that the bill be recommended to a Committee of the Whole. This motion (it is supposed with a view to allow the Speaker to take part in the debate) was carried—yeas 106.

FRIDAY, January 16.

The SPEAKER laid before the House a report from the Secretary of the Treasury, accompanied

by a statement, exhibiting the value of the trade which the United States held with Greece, Asia Minor, and Egypt, during the years 1820, 1821, and 1822, prepared in obedience to the resolution adopted on the 2d instant; which report and statement were laid on the table.

The Committee on the Judiciary were discharged from the consideration of the petitions of George Taylor; of merchants and underwriters of Alexandria, in the District of Columbia; of the executors of the will of Thomas Chapman, of South Carolina; and of the ninth convention of the Manumission Society of the State of Tennessee; and the said petitions were laid on the table.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of William Nichols Earle; which was read twice, and committed to a Committee of the Whole.

Mr. VINTON, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act for the relief of Joseph Wood, of Ohio," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to which was referred the petition of Francis G. Macy, and others, made a report thereon, accompanied by a bill, releasing the owners of the ship General Jackson from the payment of certain duties; which bill was read twice, and committed to a Committee of the Whole.

Mr. McLANE, from the same committee, made a report on the petition of Bernard Thooft, accompanied by a bill, authorizing the issuing of debentures to the petitioner; which bill was read twice, and committed to a Committee of the Whole.

Mr. McLANE, from the same committee, to which was referred, on the 14th instant, a memorial of the Legislature of the Territory of Arkansas, with a report of the Secretary of War thereon, reported a bill, making an appropriation towards the extinguishment of the Quapaw title to lands in the Territory of Arkansas; which was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, made a report on the memorial of the trustees of the church of St. Anne, in Detroit, in the Territory of Michigan, accompanied by a bill for the relief of the Corporation of the Church of St. Anne, Detroit, and to authorize the extension of Larned street, in the town of Detroit; which bill was read twice, and committed to a Committee of the Whole.

Mr. SCOTT, from the Committee on the Public Lands, to which had been referred sundry petitions and memorials upon the subject of land claims in the State of Missouri, reported a bill, enabling the claimants to lands within the limits of the State of Missouri to institute proceedings to try the validity of their claims; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. COOK, the Committee on the Public Lands were instructed to inquire whether

any, and, if any, what, provision is proper to be made, to enable the holders of claims to land in Illinois, confirmed to them by the Governors of the Northwestern Territory, and which were afterwards rejected by the Board of Commissioners appointed to revise such confirmations, to try and determine the validity of their claims, and, in the event of their appearing valid, to receive compensation therefor.

On motion of Mr. HOBART, the Committee of Ways and Means were instructed to inquire into the expediency of repealing so much of the act, entitled "An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," passed 29th July, 1813, as authorizes a bounty on pickled fish exported, and of granting, in lieu thereof, an allowance on the tonnage of vessels employed in the mackerel fisheries, in the same way as to vessels employed in the bank and other cod fisheries.

Mr. TOMLINSON laid the following resolution on the table, for consideration on to-morrow, viz:

Resolved, That the Commissioners of the Navy Hospitals be directed to report to this House the amount of the sums which they have received and expended by virtue of the act, entitled "An act establishing Navy Hospitals," the balance remaining in their hands on the 31st of December, 1823, designating the sum which has been "absorbed in the pay of the Navy, and which is due to the Hospital Fund," and what measures they have adopted to carry into effect the provisions of the said act.

On motion of Mr. STEWART, the Committee on the Judiciary were instructed to inquire into the expediency of authorizing the proper accounting officers to settle the accounts of James Whaley, late a captain in the service of the United States, according to the principles of justice and equity.

An engrossed bill, entitled "An act authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States, in the year 1824," was read the third time, and passed.

The amendment proposed by the Senate to the bill, entitled "An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service," was read, and referred to the Committee on Naval Affairs.

INVALID PENSIONERS.

The House went into a Committee of the Whole on the bill concerning Invalid Pensioners.

Mr. LITTLE moved an amendment, adding the names of certain individuals to the list of those contained in the bill; some conversation took place on this amendment which was at length adopted.

Mr. COCKE moved that the bill be further amended, by striking out the name of James Royal, [who was wounded by an explosion at a *feu de joie*, in celebration of a victory.]

Mr. LITTLE stated, that the committee had inserted this case on the principle that, if a soldier was wounded in the performance of any lawful

order of his commanding officer, he was as much entitled to a pension as if it happened in battle.

Mr. TAYLOR assented to this principle, but doubted the fact, and called for the reading of the papers in the case. The papers were read.

Mr. ALLEN observed that his knowledge of the individual in question, and the circumstances attending his case, compelled him to oppose the amendment offered by his honorable colleague.

Sir, this bill is intended for the relief of an unfortunate man, whose devotion to his country has cost him every earthly blessing. After serving a tour of duty in the late war, he joined his comrades, in a public demonstration of joy and satisfaction at the success that attended a cause which every patriot then felt interested in. At this meeting a cannon exploded, and wounded him in the most shocking manner, leaving him ever since blind and helpless.

I am aware that it will be said, the time and place this accident occurred, will not bring it within the principle that governs Congress in granting pensions. I confess that, without reflection, this objection had its weight with me; but, when all the circumstances have been considered, I am fully persuaded it will be found within the spirit and meaning of the policy that ever has governed this or any other country, in mitigating the calamity that war inflicts on those that venture their lives in support of it.

Although this man was not engaged in an act strictly in the line of a soldier's duty, it was an act of infinite service to the country—it was one which every friend to his country felt himself called upon to perform.

Yes, sir, at that critical juncture an expression of public opinion was all-important—it gave new life and vigor to a doubtful contest.

Who is it that does not recollect the efforts made at that time by unprincipled men to impress the enemy with a belief, that the war was not a war of the people. The Hartford Convention and other mischievous engines were busily employed distracting public sentiment. The Treasury was drained of its last dollar, public credit at the lowest ebb, and the soldiers sent home without pay. At such a time was it not praise-worthy to rouse the patriotism of the nation by celebrating its victories and publicly proclaiming the attachment of the people? Yes, sir, victorious battles themselves did not do the case more service than such meetings. This man willingly engaged in both, it was his misfortune to be sacrificed in that kind of service which was voluntary, but not less acceptable on that account.

I ask then, is it fair to exclude him from all the bounty the nation has so liberally bestowed, as well upon unfortunate sufferers in the shape of pensions, as in swords and medals for meritorious achievements? His case is recommended both by merit and unexampled suffering, he has no where else to go for relief; he has tried private charity, and found it too precarious a dependence. The municipal regulations of counties and corporations close the door against him, because it was not their cause alone that made him a pauper. Is

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death the only friend left to relieve him? I hope not; his country owes him a support, and Congress has the power of granting it without danger from precedent, because there is no other case like it. It is an extraordinary one indeed, and one which ought not to be met by cold calculations and deductions drawn from fixed principles intended for general purposes. It is not by rules and forms that he expects a magnanimous nation to judge him. Is there any one in this House that would not give to this unfortunate man his sight, had he the power to do so? Why then withhold the only remnant of comfort left? Is there any principle, human or divine, that would be violated by doing that which we all believe to be right? If we believe the war made him blind, we must believe the authors of it ought to support him.

Sir, I like to act from principle in legislation, but it must be principle that does no violence to my judgment and feelings. There is a principle of right and wrong, implanted by nature, which cannot be misunderstood. I will take it for my guide in voting for this bill.

On the question being taken, the motion of Mr. COCKE was agreed to, and the name stricken out.

The bill was then reported as amended, and ordered to be engrossed for a third reading.

AMENDMENT TO THE CONSTITUTION.

On motion of Mr. McDUFFIE, the House went into Committee of the Whole on the state of the Union, on the resolution by him reported from a select committee, for amending the Constitution of the United States, respecting the choice of Electors of President and Vice President.

Mr. FORSYTH, of Georgia, was desirous that the consideration of this subject should be postponed. He had not had opportunity to prepare himself to discuss it, and he asked it from the courtesy of the mover, that the subject should not be pressed at this time. He had a further reason. It was known to all that the Senate was now occupied on the same subject, and he was desirous to wait, and first see whether that branch of Congress could not come to some decision in respect to it; and he moved that the Committee rise.

Mr. McDUFFIE said, that he had given notice of the present discussion three weeks ago, and the notice had been repeated, from time to time, ever since. It was probable the subject would occupy the House more than the present day; and, as it had been usual, thus far in the present session, to adjourn over from Friday to Monday, the gentleman from Georgia could have time to prepare himself before any question should be taken on the resolutions; he, therefore, could not consent to defer the discussion.

The question being taken on the motion to rise, it was decided in the negative.

Mr. McDUFFIE, of South Carolina, commenced by remarking, that, entertaining a deep conviction that the harmony of the Union, and the purity of the Government, were essentially involved in the proposed amendment, he could not but congratulate the Committee and the country upon the propitious combination of circumstances under which

it would now be investigated. While the current events of our history, said he, furnish a practical and impressive exhibition of the evil tendencies of our system, in that department which it had been found most difficult to organize, we shall be shielded from the imputation of acting with a view to personal objects, or under the influence of temporary considerations, by the moral, I may almost say, the physical impossibility of consummating the amendment in time for it to operate in the approaching election for the Presidency.

In bringing forward a proposition so fundamental in its character, and calculated, in my opinion, to exert a lasting influence upon the happiness of future generations, it is a source of sincere gratification to reflect, that the measure does not rest upon the recommendation of an individual so humble and inexperienced as myself, but that its leading provisions (subject to some subordinate modifications, which, I hope, will be adopted) are approved and sanctioned by many of the most profound and experienced statesmen of the country. This proposition has been for more than eight years before the nation; it was recommended by a majority of the States, and a change has been anxiously desired by a large majority of the American people. When, to the imposing weight of these circumstances, we add the consideration, that the great body of the people are, at this moment, deeply and justly excited upon the subject, it must be apparent to every member of the Committee, that this proposition comes before us with a weight of authority which imperatively demands, and will undoubtedly secure for it, the most solemn and dispassionate consideration.

I am not unaware of the difficulty which must be encountered at the very threshold of an investigation having for its object a fundamental change in the Constitution of the country. There is a general indisposition to touch that instrument, proceeding, I believe, from a sort of vague and indefinite apprehension that it may give rise to a spirit of innovation more dangerous than even the acknowledged vices of the system itself. As I know these to be the views of several honorable members, I feel that I am called upon by the occasion to present some general views of what I deem to be the true theory and philosophy of Constitutional amendments.

The dread of innovation, by which some gentlemen are restrained from giving their sanction to amendments, which they believe to be judicious in themselves, may be traced, said Mr. McD., to the history of simple democracies, or of countries in a revolutionary state. In the ancient republics, for example, where popular oratory exerted an absolute ascendancy over the passions of the multitude, it was necessary to secure the existing institutions against the fluctuating movements of the popular will, by all the barriers of superstition and public opinion. The history of republican France, recorded in the blood of the various factions which were successively thrown up and destroyed by the universal commotion of the political elements, is a striking illustration of the tendency to perpetual changes while a country is in a state of

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revolution. But these examples, while they show the dangerous tendency to innovation, in certain forms of government, and certain conditions of society, indicate, at the same time, a distinction which will warrant me in the assertion that our tendency is of an opposite kind. Indeed, nothing can be more true, in relation to countries in a state of political tranquillity, than the proposition contained in the document which proclaimed us a free people; "that mankind are more disposed to suffer, while evils are sufferable, than to right themselves, by throwing off the forms to which they have been accustomed."

But it has often been urged in conversation, that, by making amendments of the Constitution, we should impair the popular veneration for that instrument. This may be true, and doubtless is true, of governments founded upon injustice and usurpation, and resting, for their security, upon the ignorance of the people. It is unsafe to subject to the scrutiny of reason, institutions which cannot stand the test of investigation. But nothing can be more dangerous than the inculcation of this sort of superstitious idolatry in this country. Its inevitable tendency is to confound the vices of our system, with the system itself; and, in that way, to convert the best feelings of the community into the means of preventing the correction of imperfections, which time must disclose, in all human institutions, and of perpetuating abuses, from which no government, administered by men, has ever been exempted.

We should never forget (what is our proud distinction) that this Government is founded upon the intelligence of the people; and that, in proportion as their veneration and attachment for the Constitution proceeds from a discriminating attention to its practical operation, in the same proportion will their liberties be secure and the Government preserved in its purity.

It is, indeed, one of the most important rights of a free people to make those gradual changes in their political institutions, which may be indicated by the changes in the social system, the progress of intelligence, and, above all, by the lights of experience. It is in this way, and in this way only, that the Constitution of a country can be adapted to the condition and circumstances of the people whose liberty it is intended to secure. No constitutional provision can be wise which has not this peculiar adaptation; and no part of the Constitution evinces the wisdom of the Convention more clearly than the provision made for its amendment.

This, said he, is an age distinguished for improvements in the science of Government. Within the last fifty years it has made more signal advances than at any former period of the world. Within that time, we have ourselves made a great political experiment, which is destined, I trust, to have a lasting influence on the affairs of mankind. But it cannot be disguised that the Executive department of this Government was organized by the Convention, without any of those benefits of experience which aided them in the establishment of the other departments. Representative assem-

blies had existed here from the first settlement of the country, to say nothing of the experience of England. A similar remark may be made of the Judicial department. But the world had never witnessed the spectacle of an elective Chief Magistrate, presiding over so extensive a country, containing millions of freemen, from whom his authority was at least intended to be a direct emanation. And, accordingly, said Mr. McD., we find the provisions for electing the Chief Magistrate of the Republic more imperfect, in their actual operation, than any contained in the Constitution; though, at the time of its adoption, those provisions were believed to be the most unexceptionable of all. We must, therefore, make up our minds to examine and expose the vices of the system; and nothing can more clearly show the safety with which this may be done, than a particular investigation of the process through which every amendment must pass before it can become a part of the Constitution. To effect any change, the concurrence of two-thirds of both branches of Congress, and three-fourths of the State Legislatures, is indispensably necessary. Is it possible, then, that any change can be precipitately made, under the influence of temporary delusion? I will venture to predict that no amendment will ever be adopted that is not sanctioned by the deliberate sense of a decided majority of the people, long and steadily maintained. This is conclusively demonstrated by the history of the very proposition we are now discussing. It has been more than eight years before the people, and has been constantly gaining ground during the whole of that period. It was originated by the intelligent, patriotic, and unpretending State of North Carolina; a State which is honorably identified with one great era in our political history, and I sincerely hope it is her destiny to be associated with another, in my opinion, not much less important. I believe history will accord to her the honor of having first made a declaration in favor of the national independence; and, if this amendment should be adopted, (as it certainly will be, at no distant period,) she will have another title to the lasting gratitude of the nation. Her proposition was sanctioned by a majority of the State Legislatures—I believe, by nearly three-fourths of them—and, in several instances, by an unanimous vote. It has been repeatedly discussed in Congress, and as repeatedly passed by two-thirds of the Senate; and, in one instance, it wanted but three or four votes of a Constitutional majority in the House of Representatives. Now, said Mr. McD., there is no political principle more undeniable than that the deliberate opinion and settled conviction of a majority of the people, in a Government recognising in them the right and the capacity of self-government, ought to prevail over the will of the minority, even in relation to the Constitution. Why, then, it may be asked, does that instrument require, for an amendment, the concurrence of more than a majority? I answer, for the very wisest of purposes; but not, surely, to give the permanent ascendancy to the opinion of the minority. This requirement was

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intended for no other purpose, than to prevent hasty and inconsiderate changes, and to give time for reflection and deliberation. But when the sense of a decided majority of the community is permanently and unalterably settled down in favor of any amendment, the end of this provision is answered, and the minority ought to yield. I will not say, that they have not the Constitutional right, as well as power, to oppose the will of the majority; but I contend, that it is their moral duty, as well as their undoubted interest, to yield, under such circumstances. I have said, that this Government rested upon the intelligent and discriminating attachment, and not upon the superstitious veneration of the people. I will now add, that nothing can more effectually impair their confidence in our political system, than a pertinacious adherence to parts of it, which they believe to be vicious, and calculated to deprive them of their just rights.

I will now proceed, said Mr. McD., to show, and I flatter myself it can be done to the satisfaction of the Committee, that this amendment has none of the characteristics of innovation; and proposes only to reclaim the usurped rights of the people, and to draw back the Government to its true original principles.

The Constitution provides that "each State shall appoint, in such manner as the Legislature thereof shall prescribe," the Electors of the President. I am not, said he, in the habit of construing a Constitution, addressed to the common sense of the great body of the people, with logical refinement or critical nicety. I cannot but remark, however, that it is a very liberal mode of construing the powers of the State Legislatures, to assume, under the general authority to prescribe the mode of making an appointment, the right of making that appointment themselves. The intention of the Convention on this subject is so conclusively shown as to supersede argument, by a contemporary exposition of the Constitution, written by three of the most distinguished members of that illustrious body. The *Federalist* contains the following words: "They [the Convention] have not made the appointment of the President to depend upon pre-existing bodies of men, who might be tampered with beforehand, to prostitute their votes; but they have referred it, in the first instance, to the immediate act of the people of America, to be exerted in the choice of persons for the temporary and sole purpose of making the appointment." Such was the exposition made to the American people by the framers of the Constitution, while the expediency of its adoption was still a pending question; and there can be no doubt that this exposition operated as a strong inducement with the people to adopt the Constitution. The great improvement which the Convention made upon all the federative systems of which history furnishes any record, was in the introduction of the provision that the General Government should not operate upon the local governments, or States collectively, but upon the people directly and individually. To complete this great improvement, which constitutes an era in the his-

tory of confederated Governments, it is indispensable that the people should act upon the Government as directly as the Government acts upon the people. In this manner, responsibility is made to be co-extensive with power, the only adequate security for freedom which is to be found in our system. It would, indeed, be a strange anomaly if the General Government should be controlled by the State governments, and operate upon the people. It is, said he, an extraordinary notion which some indulge, that the State governments are to be considered as sentinels to guard the people against the encroachments of the General Government; and it is a notion still more extraordinary, that they were to be secured in their fidelity by making them instrumental in creating that Government. Is there no danger that these sentinels will prove faithless? Is it not a reasonable apprehension that combinations may take place between the two classes of public agents, and that the State governments will, instead of checking, give a morbid impulse to the usurpations of the General Government? It seems to me to be an entire misconception of the true theory of our system, to suppose that our freedom is to be secured by this irregular sort of checks and balances. The great and only efficient security is a practical responsibility to the people themselves—a responsibility which is completely broken by the interposition of the State Legislatures.

Mr. McD. said he would next attempt to demonstrate the position assumed in the report of the select committee, that there existed no Constitutional provision for the appointment of a President, and consequently, that the question really to be decided was, whether we should have a Constitution or no Constitution in this important particular. A Constitutional provision, said he, is a rule established by the people in their original act of sovereignty, paramount to any legislative act, whether emanating from Congress or the State Legislatures. In this sense, I challenge gentlemen to point out any Constitutional rule which fixes the mode of electing the President of the United States. To say that each State Legislature prescribes its own rule, is a distinct admission that there is no established rule at all, characterized either by permanence or uniformity. In fact, our experience has taught us that the modes of choosing Electors are as various as the views of different States, and as changeable as the power and ascendancy of rival parties. In one State the appointment is made by the Legislature; in a second, by a general ticket; and in a third, by districts. In the same State, these various modes are adopted according to the exigency of circumstances, and accordingly as the one or the other may be best calculated to accomplish the views of the ascendant party, or to give the State the greatest possible power in the Presidential election. I confidently submit it to the justice of the Committee, whether there ought not to be some uniform rule on the subject? Is there a shadow of equity in giving one State the advantage of a consolidated vote, while another is divided into districts, and probably neutralized by the division?

JANUARY, 1824.

Amendments to the Constitution.

H. OF R.

No State will submit, or ought to submit, to such flagrant injustice. A conflict is thus produced in which correctness and expediency are arrayed against each other. The district system is the true system; that to which the people are attached, because it renders their elective franchise efficient, and gives to every portion of the State its legitimate influence. But, as long as some of the States adhere to the general ticket system, all the rest will be compelled, in self defence, to adopt it, and, in this manner, the very worst plan will prevail, from a sort of State necessity, in opposition to the deliberate sentiments of the community. North Carolina has always been attached to the district system, but has finally abandoned it, and justly abandoned it, because other States would not adopt it. The State of Maryland, magnanimously sacrificing her influence to her principles, has, up to this moment, adhered to the district system, and thus neutralized her weight in the election of the President. Her noble example, so worthy of imitation, has not been followed, and, if I were a citizen of that State, I would no longer submit to the disinterested sacrifice, while other States are so little disposed to appreciate it.

From this brief view of the operations of the existing system, said Mr. McD., I think the plan of the select committee will be exempted, at least, from the charge of innovation. It proposes to substitute uniformity in the place of variety; permanence in the place of perpetual changes; and the plan evidently intended by the Convention for the chaos of clashing expedients, which has sprung up under the influence of State rivalry; and yet we are told of the danger of innovation, and that all reverence for the Constitution will be destroyed by changing it! What, I ask, is meant by the Constitution? Is it the parchment upon which it was written, and the words in which it is expressed? Assuredly not. Properly understood, it means the system of government and the fundamental rules by which it is organized. In this sense of the term, the Constitution may now be changed every month in the year, and almost every day in the month; and it is the tendency of the proposed amendment to prevent these ceaseless changes, originating in the ambitious conflicts of contending parties, and productive of the most violent and acrimonious excitement, that furnishes one of its strongest recommendations.

I have already shown, from the highest authority, that the Convention intended that the Electors of the President should be chosen by the "immediate act of the people of America." I will now attempt to show that it was equally intended that the people should vote by districts. I believe I may safely assert, that, at the time the Constitution was framed, the general ticket system, by which the whole population of a State gives an aggregate vote, either for Representatives or other public agents, was unknown in the political history of the world. I call upon gentlemen, if any such example existed, to produce it. It is an invention of after times, the mere offspring of temporary expediency, and never entered into the conception of the Convention. By adverting to the

proceedings of that body, it will be seen that all the propositions, involving a specification of the mode of choosing Electors and members of Congress, contained a provision for dividing the States into districts. The mode of choosing was finally left to the State Legislatures, that they might regulate the details of the election; but, in the confidence that they would adopt the only plan of popular election which had ever existed. The State Legislatures have violated the confidence reposed in them, and it is certainly time that the people should reclaim their lost power, and secure themselves in its exercise by a permanent regulation made by themselves, and not liable to be altered by any set of public agents. Mr. McD. next proceeded to examine the practical operation of the general ticket system. He said a system could not be devised more pregnant with danger to the very existence of the republican form of our Government. Reason and experience concur, said he, in demonstrating that where the whole mass of the people of a State votes in common for the whole number of Electors, some central power is necessary to nominate the Electoral ticket; or, to give it a more general expression, to concentrate popular opinion. Disguise it as we may, the result must be that the elective power of the State will be thrown into the hands of a few political managers. I do not mention this with a view to cast the slightest censure upon those into whose hands this power may happen to fall; but to expose the vices of a system which makes such a dangerous depository of power inevitable. I admit that, as long as the general ticket system prevails, such a depository, dangerous as it is, must exist, and ought to exist. New York, being the largest State in the Union, will furnish the strongest illustration of the subject. That State is entitled to thirty-six Electors, and consists, probably, of forty or fifty counties. Admitting that a vast majority of the people should be united in their preference for a particular candidate for the Presidency, would it be practicable for them to agree upon Electors to carry their will into effect, without some political combination, (I will not characterize it by the odious name of *junto*,) clothed with authority to prescribe the Electoral ticket to the people? It is impossible. Thus the elective power would be nominally restored to the people, while, in point of fact, it would be exercised by a few prominent politicians, who might happen to have the ascendancy in the State. Admitting these to be as virtuous as any one may choose to suppose them, is it consistent with wisdom to make a system universal, which offers such facilities, and holds out such temptations, to intrigue and corruption? What would be the case presented under such system? The whole Electoral votes of the State, thirty-six in number, and, in all probability, absolutely decisive of the Presidential election, depending upon the influence of a few individuals, perhaps of a single individual! What, in such a case, is the temptation to use corruption? The Presidency itself. What the means? The whole patronage of the Government. What the security? The virtue of a sin-

gle individual! Sir, said he, I will not say that such a state of things will inevitably result in corruption; but I will say that, if it does not, the virtue of public men is, under all circumstances, an ample security against their ambition, and that no political check, no tie of responsibility, no Constitutional regulation, is necessary to secure the liberties of the people, and preserve the purity of the Government. Upon the whole, I am inclined to think, that, in the course of time, the general ticket system will be found, at least, as bad in practice, as the appointment of Electors by the State Legislatures.

Another objection, said he, exists against the general ticket system, which has been explained in the report of the select committee. It deprives the minority of their unquestionable rights in the respective States, and makes it to depend upon accidental combinations, whether a majority or a minority of the whole of the people of the Union should elect the President. In the result, the majority, however inconsiderable, gives its own vote, added to that of the minority; although, in point of fact, the vote of the minority is opposed to that of the majority, and ought to be subtracted from it. I am aware that it may be answered that, in voting by districts also, the voice of the minority, in each district, will be suppressed. This is true, but it only goes to show that the remedy proposed is not perfect. It will be obvious, on the slightest reflection, that the probability of such combinations as would throw the Government of the country into the hands of a minority, under the general ticket system, is, to the probability of such combinations under the district system, as two hundred and sixty, the number of districts, is to twenty-four, the number of States. In any given State, for example, the chances are, that the minority in one district will counterbalance the minority in another: so that the electoral vote of the State will nearly correspond with the aggregate popular vote, giving the minority its due weight. But, even if it were otherwise, the district minorities, being small masses, will submit to the will of the majority, without any violent excitement. On the contrary, the aggregate minority of a whole State, distinctly perceiving their numerical strength, and feeling the injustice, not only of throwing their vote out of the general estimate, but of giving it to the candidate against whom they intended it to operate, would have deep and permanent feelings of discontent. This would be more certainly and more justly the case, if the districts which constituted the minority should have, in reference to the great concerns of agriculture, manufactures, or commerce, interests different from those of the majority.

There is another view of the general ticket system, calculated, I think, to make a deep impression upon every member of the Committee who will duly consider it. This system places it in the power of States to form political leagues, and secret combinations with each other, for the purpose of securing the elevation of a particular individual.

The few politicians into whose hands the

whole elective power of the States would be thrown by the operation of this system, would be enabled to form alliances, by which States might be brought to co-operate in the Presidential election, whose principles and interests were wholly different. Under the district system, such combinations could not take place. It would be utterly impracticable for two hundred and sixty districts, each having its own separate will, and its own centre of operation, to be brought to co-operate, by all the powers of intrigue and corruption.

Mr. McDUFFIE next invited the attention of the Committee to the last branch of the amendment; that which provided that, in the event of there being no election at the first balloting, that the names of the two highest candidates should be sent back to the Electors. This, said he, will almost infallibly insure an election by the people. But, I have heard it urged as an argument against this part of the plan of the select committee, that the length of time which would elapse between the appointment of the Electors and the second balloting, would give an opportunity for tampering with them to prostitute their votes. As this is the only argument which, I believe, can be urged against this branch of the amendment, I beg the particular attention of the Committee, while I attempt its refutation. The only fair mode of reasoning upon this subject, is, to examine the operation of the whole scheme proposed, in comparison with the existing system. How, then, stands the comparison? As the Constitution now stands, the general ticket system will universally, or at least generally, prevail. Under that system, it is a notorious fact, that the Electors are nominated from ten to eleven months before their election. I appeal to the honorable members who represent States where the Electors are appointed by a general ticket, to bear witness to the fact. The general practice has been for the Legislatures to nominate the Electoral ticket in December or January, and from that time to the period of their election, in the succeeding November, it is as well known who will be the Presidential Electors, as if they had been actually chosen.

In Virginia, I may almost say the Electors are a permanent body, as I understand they are scarcely ever changed; and we had recently seen an Electoral ticket formally announced in North Carolina for the ensuing election in November. Now, what, said he, will be the operation of the proposed amendment? The district system will supersede the necessity of previous nomination, and the time for tampering with the Electors will be only from the period of their actual election, to the period of their final vote on the second balloting. This will not be more than two months at the utmost. And is it possible that gentlemen can overlook the dangers to which I have just adverted in the present system, and yet indulge a serious apprehension, that two hundred and sixty Electors, emanating directly from the people, and scattered over the whole Union, will be liable to corruption? Will two months furnish ampler opportunities for intrigue than eleven? It is most obvious, that the danger is greater, under the pres-

ent system, at the first balloting, than it will be, under the proposed plan, at the second.

Of this part of the amendment I may safely say, as I have said of the District system, that it has none of the characteristics of an innovation. It introduces no new principle into our system. Its only effect will be, to render efficient the primary mode of election established by the Convention. Had the framers of the Constitution foreseen that, from the multiplication of States, and the increase of local interests, the number of candidates would be so great as to render an election by the House of Representatives an ordinary occurrence, they never would have left the Constitution where it is. They evidently contemplated the devolution of the election upon this body as an extreme contingency, which would scarcely ever occur, but when two candidates should have an equal number of votes. This is apparent, from the exclusion of members of Congress from the Electoral College, and from the fact that, in all the discussions upon the mode of electing the President, scarcely any thing was said as to the fitness of the House of Representatives to exercise the electoral function. Even if the objection urged against the second balloting of the Electors rested upon more substantial grounds, said Mr. McD., its efficacy in preventing the election from devolving on the House of Representatives, would reconcile me to its adoption. I trust I shall not be considered as speaking disrespectfully of the body of which I am a member, in the general remarks I shall feel it to be my duty to offer to the Committee, on this part of the investigation. I can say, with the utmost sincerity, that I have never been associated in the public service with a body for whom I have a higher respect than for this branch of the National Legislature. For wisdom and virtue I do not believe they are excelled by any deliberative assembly of the world. But, sir, this part of the discussion must have reference to general principles, which are to operate through the long course of future time; and, in this view of the subject, the only concession which I ask, as the basis of my argument, is, that the House of Representatives will always be composed of men. I will grant all the wisdom and virtue which any gentleman may choose to ascribe to them, and I still believe it can be shown that nothing can endanger the purity of our republican system so much as the habitual election of the President by the members of this body.

Sir, said Mr. McD., I believe it is in the power of human wisdom to keep out of temptation, but I do not believe it is always in the power of human virtue to resist it, when thrown into the sphere of its fascinations. And if there existed no other evidence of the Divinity of our Saviour, than the admonition he has left us, to pray for deliverance from this besetting enemy of frail humanity, I should deem that sufficient. The danger to be apprehended from the election of the President by Congress, is not from corruption, in the vulgar acceptance of the term. In a country of so much intelligence and virtue, it would be difficult to find a man so basely treacherous as to sell

himself by a palpable act of political prostitution. But it is to be remarked that, in Congress, will be generally found the ambitious and aspiring men of the country, and that the President will have the dispensation of those offices which are the natural objects of their aspiration. I need not explain the insidious disguise under which ambition may approach a member of Congress, with the whole patronage of the Government in his hands; nor the manner in which self-interest can delude the judgment, and convert a man into a factionary, without even his being conscious of the transmutation. These things must be obvious to every one who understands the human heart and the operation of the human passions. The politicians of the country, therefore, are the very last men to whom the election of the President should be confided. They, and they only, are exposed to that sort of temptation from which only any danger is to be apprehended. I solemnly declare, sir, that I would prefer that the College of Electors should be composed of the plainest farmers of the country, emanating directly from the people, and having no political expectations, rather than that it should be composed of the most wise and virtuous politicians, engaged in a course even of honorable ambition.

Nothing is more to be deprecated in the present system, than its tendency to convert Congress into a theatre for the Presidential canvass. In the course of time that question will infuse itself into the whole legislation of the country, and be productive of the most injurious distraction in the national deliberations. Members will be drawn into the vortex, and converted into partisans of the different candidates, equally by the best and the worst of the human passions. This House is not without some experience on that subject already, nor can it be disguised, that discussions of the character to which I have alluded, have tended to disgust the people and alienate their confidence. We are sent here for the great purposes of national legislation, and ought not to be distracted by considerations of a different kind.

The duties of legislating for the Republic, and electing the Chief Magistrate, are incompatible in their nature, and their combination is productive of the greatest embarrassment with the people, in the election of Members of Congress. These should be elected in reference exclusively to their virtue, talents, and capacity to serve the people. But it frequently happens that members of this description differ with their constituents as to the person who should be elected President. At the approach of every Presidential election, therefore, the people will be exposed to the disagreeable alternative of discarding many of their most faithful public servants, or of being misrepresented on the subject of the Presidency. The division of functions is as important in the Constitutional distribution of power as the division of labor in political economy. The qualifications of a Member of Congress have not the remotest connexion with his opinion of the respective competitors for the Presidency, and yet the people will regard, and ought to regard, the latter consideration as long

as Congress shall have so direct an agency in the election of the President. The inevitable result, which will consummate the evils of the existing state of things, if the election of the Chief Magistrate be not removed, both in theory and in practice, from Congress, must be that the country will be governed by a succession of factions. By a faction, I mean a combination of politicians, habitually and systematically acting together, and aiming to wield the Executive Government, not with a view to political principles or the interest of the people, but to the distribution of its patronage. This, sir, is the true source of the morbid violence of party conflicts, and the fluctuations of national policy—evils peculiarly to be deprecated in a Republic. When politicians array themselves against each other, not as the organs of their constituents, but in pursuit of their own aggrandizement, they often find it necessary to invent sources of collision where none really exist. It becomes a mere contest between those who are in and those who are out of power, and the fact that one party has adopted a particular course of policy, is a sufficient reason for the other to oppose it. Hence, it will be found that every canvass for the Presidency will involve in jeopardy the great institutions of our national policy. The obvious, and, in my opinion, the only remedy is, to take the election of President out of the hands of politicians, and restore it to the people. Let neither the President be dependent upon Congress, nor the Members of Congress the instruments of the President. Destroy the connexion altogether. No people on earth are more steady in their principles than the people of the United States. They will communicate their own energy and steadiness to the Executive, if that department should be made directly responsible to them. I am warranted by our experience in saying that the people have more spirit to resent injuries, and more fortitude to sustain the burdens and privations incident to their defence and security, than any combination of politicians. The people look only to the good of the country; politicians look to their popularity also; to the means of preserving or obtaining power. I recollect, with shame, the degradation of our national character previous to the late war, and with a just pride the spirit of a brave and patriotic people, by which the country was reclaimed from its fallen condition. That war was emphatically a war of the people. Their representatives were literally driven into it, many of them with fear and trembling.

I will now proceed, said Mr. McD., to a very delicate part of this investigation, that which relates to the compromise between the large and the small States, involved in the proposition. As this will probably have as much influence upon the fate of the amendment as its own intrinsic merits, I beg the particular attention of the Committee, while I attempt to show that the mutual concessions provided are so obviously just that it is the interest both of the large and small States to make them. The division of the larger States into districts will prevent them from throwing their unbroken and consolidated vote into the Presidential

contest, and from forming political combinations in reference to that object; and this is the equivalent which they give the small States for the surrender of the equal suffrage to which they are now entitled in the House of Representatives, on the contingency of the election devolving upon that body. The powers thus mutually surrendered, both by the large and the small States, are powers in my opinion utterly inconsistent with the fundamental principles of a republican Government. I have already shown that the general ticket system would transfer the elective power from the people into the hands of a few, and that it opens the door for corrupt combinations, by which an active and organized minority might govern the Union. I shall now endeavor to show that the contingent power of the small States proposed to be surrendered is even more dangerous; and that, upon the principles of popular sovereignty, it is absolutely indefensible. Upon what principle can a citizen of Delaware claim to exercise thirty-six times as much of the sovereignty of the country as a citizen of New York? Is there a semblance of justice, or even a plausible ground of expediency, by which such a claim can be sustained? Have the people of the small States any interest in the exercise of such a dangerous power? Let it be remembered that the people do not exercise the power themselves, but that their representative, whoever he may happen to be, will wield one twenty-fourth part of the elective power of the country. Can it be conceived that the people of a small State are ever desirous of placing such a fearful power in the hands of a single man, when it can have no other effect than to defeat the will of the majority of the people? There is no political principle more universally admitted in this country than the right of the majority of the people to govern. It is the very essence of a Republic. The only security we can have for the virtue and intelligence of public agents is, that they are the choice of the majority; and, most assuredly, this is the only means of securing to the Government the confidence of the people. And have not the small States the same interest with the large States, that the Executive Government should be administered by virtue and intelligence, and sustained by the confidence of the people? In such a question the citizen of Delaware has the same interest with the citizen of Pennsylvania. The interposition of an imaginary line can make none but an imaginary difference between them.

A combination of small States, containing only one-fifth part of the population of the Union, might, under the present system, elect the President. Such an event is not only possible, but probable. Indeed, it is a rational presumption, that the minority will generally prevail, when the election shall be made by the House of Representatives. Sir, no event could occur, more to be deprecated. The man who is elected by such a combination of small States, if he had the purity of an angel, could not command the confidence of the people. A single Representative is more easily secured by political expectations, or corrupt bar-

gains, than thirty-six. Ambition would be tempted, therefore, to bring all the arts of intrigue to operate upon the Representatives of the smaller States. And how would the people reason upon the subject? They would see the power of the country thrown into the hands of a minority by the votes of a few individuals, exposed to the highest human temptation. To say nothing of the actual danger of corruption in such a state of things, it is sufficient to say, that the people would generally suspect it. It would excite a deep and dangerous distrust, calculated to alienate their affections from the system itself. I cannot conceive a situation involving a more painful and embarrassing responsibility than that of the Representative of a small State, under such circumstances. No degree of virtue could shield him from the imputations against his political integrity. And what would be the predicament of an Administration, elevated to power by a minority, under suspicions of corrupt influence, and, as a natural consequence, opposed by the popular branch of the National Legislature? A scene of distraction would be presented, which would be little better than anarchy.

Sir, the people of this country will never submit to be governed by a minority. If we do not amend the Constitution, so as to prevent that calamity, they will change it, and ought to change it, in practice. It is my firm belief, that, if we do not adopt an amendment similar to the one proposed, a Convention of Delegates will be regularly appointed by the people, to nominate a President, and that their nomination will be regarded as conclusive. What, then, will the small States gain by pertinaciously refusing to concur in the amendment? They will retain a contingent power, which the large States will never permit them to exercise. This is not all. The large States, by being driven into combinations against the small, will not only govern them, but govern them with the feelings of an adversary party. A notion seems to prevail with some, that, if this amendment is adopted, the small States will be liable to be oppressed by the large States. There never was a more unfounded apprehension. The small States are the favorites of the Constitution, and, even under the proposed amendment, would be eminently so. A very slight examination will make this apparent. There are seven States in the Union, which, together, contain a population smaller than that of North Carolina. What is their relative power? They have fourteen votes in the Senate, a co-ordinate branch of the Legislature, while North Carolina has but two! This, too, is a power of which they can never be deprived. And yet we are told that the small States are in danger of oppression! Their rights and interests can only be infringed by law; and their ascendancy in the Senate, is an impassable barrier against any such danger. In point of fact, the small States are so distributed among the large, and their interests so variously blended, that there can be no inducement to oppress them. But even if the seven States before mentioned lay adjacent to each other, and constituted a separate local di-

vision of the country, having interests different from the rest of the Union, would these interests be less amply secured by their subdivision into small States? Would they consent to be consolidated into one? Most undoubtedly they would not. And even in the Presidential election itself, they have a decided advantage over the large States. These seven States to which I have alluded, are entitled to twenty-six electoral votes, while North Carolina, with a larger population, is entitled to fifteen only. States, having a single Representative, are entitled to three Electors for a population of forty thousand; whereas the large States are entitled to but little more than one Elector for the same population.

There is one general remark, said Mr. McD., applicable to the powers which both the large and the small States surrender by the provisions of this amendment. They are not only powers peculiarly liable to be abused, and, therefore, inconsistent with the purity of the Government; but they are powers in which the people of those States have no sort of interest, however profitable they may be to their politicians. What benefit can the people of a large State derive from concentrating their whole elective power in a few hands, or of a small State, from exercising, through a single Representative, a disproportionate share of the elective power? In either case, a few politicians may derive an advantage from having it in their power to secure such a distribution of the Executive patronage, as they may desire; but the people will derive no solitary advantage, unless exposing their public men to unusual temptations, can be so considered.

This, sir, (said Mr. McD.) is really a contest between the interests of the people and the interests of politicians, and I am gratified to perceive so general a disposition, both among the members from the large and small States, magnanimously to surrender up the powers in question, as a sacrifice to the purity of the Government and the harmony of the Union. I confess, sir, I feel an uncommon solicitude upon this subject, more than I have ever felt on any other, since I have directed my attention to public affairs. I believe an expectation was very generally indulged, previous to the meeting of this Congress, that our deliberations would be distracted by discussions having reference to objects of a personal nature, and which would neither reflect credit upon us nor confer any benefit upon the country. Let us disappoint these expectations. Let us evince our devotion to the interests of the country, by establishing, upon an immutable foundation, those great principles of Constitutional freedom, which will secure to us the gratitude of future generations. For myself, sir, I can say, in a spirit as sincere as it is unambitious, that I would rather go down to posterity even as an humble instrument in effecting this great Constitutional reform, than to receive all the living honors this Government can confer.

When Mr. McDuffie had concluded—

The Committee rose, and the House adjourned to Monday.

MONDAY, January 19.

Mr. CALL presented a petition of sundry inhabitants of the coast of Florida, praying that the port of Fernandina, in Amelia Island, may be established as a port of entry.

Mr. CALL also presented a memorial of the inhabitants of East Florida, praying for the passage of a law excluding foreign wreckers from the coast of Florida, and to designate some particular port to which wrecked property shall be carried.

The petition and memorial were referred to the Committee on Commerce.

Mr. WEBSTER presented a memorial, signed by Thomas Sewall, John N. Moulder, E. B. Caldwell, Samuel N. Smallwood, and Andrew Way, jr., a committee appointed at a numerous meeting of the inhabitants of the City of Washington, on behalf of said inhabitants, praying Congress to take measures to assure the people of Greece of the deep interest felt by the people of this country in the contest which they are now carrying on against the Turkish Government for their emancipation and freedom, and of the sincere good wishes of the Congress of the United States, for the ultimate success and triumph of their cause; which memorial was committed to the Committee of the whole House on the state of the Union.

Mr. HEMPHILL presented a memorial of sundry inhabitants of the city of Philadelphia, praying, respectively, that additional duties may be imposed on iron and iron castings, hereafter imported into the United States.

Mr. WHITMAN presented a memorial of the manufacturers, mechanics, and friends of national industry, citizens of the State of Connecticut, praying "that Congress would revise and increase the tariff of duties, by such additional duty on woollens, fine cottons, and iron, and such duty on auction sales as will encourage the manufacturer, and protect him from the greatest evil, the art and designs of rivals abroad."

Mr. MARVIN presented a memorial of delegates from most of the counties in the State of New York (especially deputed at large county meetings composed of all classes of citizens) convened at the Capitol, in the city of Albany, in the State of New York, praying, generally, that more efficient protection may be afforded to the manufacturing interest of the country; and specifically "that a duty may be laid upon the importation of any woollen or cotton goods, upon the export of which to this country a protecting duty shall be paid by any foreign Government, to twice the amount of such protection;" which memorial was laid on the table.

Mr. CASSEY presented a petition of sundry aliens, residing in the State of New Jersey, praying that the laws upon the subject of naturalization may be revised and amended, so as to afford greater facilities to foreigners wishing to become citizens of the United States.

Mr. JENNINGS presented a memorial of the General Assembly of the State of Indiana, praying for the aid of Congress in opening a canal navigation between the waters of the river Wa-

bash and the waters of Lake Erie; which memorial was committed to the Committee of the whole House, to which is committed the bill to authorize the State of Indiana to open a canal through the public lands, and to connect the navigation of the rivers Wabash and the Miami of Lake Erie.

Mr. BRENT presented a petition of inhabitants residing north of Red river, in the State of Louisiana, praying for an alteration in the mode at present pursued in surveying the public lands in that State, and that the plan adopted in the State of Illinois may be adopted; also, that the right of pre-emption may be extended to settlers on public lands in certain cases.

Mr. OWEN presented a memorial of the General Assembly of the State of Alabama, praying that the right of pre-emption in the purchase of the lands upon which the seats of justice of the counties of Bibb, Henry, and Pike, have been located, may be extended to said State, as also that the right of pre-emption may be granted in the purchase of certain lands, the proceeds of the sale of which to be applied to the erection of county buildings in certain other counties in said State, where the lands most eligible for county seats have been sold to individuals.

Mr. CALL presented a memorial of the inhabitants of the village of Fernandina, in East Florida, praying that certain public lots in said village may be granted to the inhabitants thereof.

The said petitions and memorials were referred to the Committee on the Public Lands.

The SPEAKER laid before the House a report of the Secretary of the Treasury, accompanied by a communication from the Director of the Mint, giving the result of the assays of certain foreign coins, during the last year, made in pursuance of law; which report was read, and referred to the Committee of Ways and Means.

Mr. FLOYD, from the committee appointed on the subject, reported, in part, a bill to authorize the occupation of the Columbia or Oregon river; which was read twice, and committed to the Committee of the whole House on the state of the Union.

An engrossed bill, entitled "An act concerning invalid pensioners," was read the third time, and passed.

Mr. TOD submitted to the House a comparative statement of the tariff duties as at present imposed on certain articles of foreign merchandise, upon their importation into the United States, and as proposed to be imposed on the same articles by the bill now before this House to amend the several acts imposing duties on imports; which statement was committed to the Committee of the whole House on the state of the Union.

THE GREEK CAUSE.

The House then went into Committee of the Whole, Mr. TAYLOR in the Chair, on the resolution some time since offered by Mr. WEBSTER, which is in the words following:

"Resolved, That provision ought to be made by law for defraying the expense incident to the appointment of an Agent or Commissioner to Greece, when-

ever the President shall deem it expedient to make such appointment."

The resolution having been read—

Mr. WEBSTER rose and said, that he was afraid that, so far as his part was concerned, the excited expectations of the public mind, on the present occasion, would be disappointed. It was difficult on any occasion that called the attention to a spot on the globe connected with such associations and recollections as Greece, to avoid some degree of warmth and enthusiasm. Yet, he was entirely sensible that, in gravely legislating on the present subject, those feelings must be chastised. He should endeavor, in what he had to offer to the House, to repress such feelings as far as it was practicable; yet, if we would wholly escape from them, we must fly beyond the limits of the civilized world; we must go beyond the limits of social order, the bounds where laws and knowledge are found; nay, we must leave this Hall, before we can turn away from the memorials of ancient Greece. What, he asked, is this popular assembly? what this free discussion of public measures? what this open, unreserved action of mind upon mind? what that popular eloquence which, if it were now present, would, on such a theme, shake this Hall to its centre? what are these but such memorials? This magnificent edifice, these columns, with their stately proportions, this fine architecture by which we are surrounded, what are these but so many witnesses of what Greece once was, and what she has taught us to be? Yet, sir, said Mr. W., I have not introduced the resolution, now on your table, with any view towards repaying aught of the debt, which we, in common with the civilized world, owe to that land of science, freedom, arts, and arms. It is a debt that never can be paid. Whatever may be our feelings of gratitude for these gifts, we are constrained to act with a view alone to the present state of the world, and of our relations to it. What I propose, and what I shall say, has reference to modern, not to ancient Greece—to the living, not to the dead.

I am aware, sir, that it is a very easy thing to run over common places on the subject of this resolution; to call it a visionary and Quixotic measure, and to urge the good old maxim of its being the soundest policy for each one to take care of his own concerns. That maxim, sir, is very true, but very inapplicable to the present occasion. The question which is now to be discussed is the American question in relation to this affair—What is it best for us to do in the present aspect of things respecting Greece? And surely, sir, this is a question that comprehends something more than a mere pecuniary calculation. Whenever my mind turns to that question, I cannot forget the age I live in, as well as the peculiar position of our own country.

At the commencement of the present session of Congress, Mr. W. said, the President of the United States, in the discharge of the high duties of his station, deemed it incumbent upon him to introduce the subject to the consideration of the National Legislature; and, in his communication,

he had expressed an opinion that there was reason to hope that the Greeks would be successful in the present struggle with their oppressors, and that the power that has so long crushed them had lost its dominion over them forever. The same communication contained other matters of great importance, in relation to a rumored combination of foreign Sovereigns to interfere in the concerns of South America. Under these circumstances, said Mr. W., I thought it was proper and becoming that that communication should receive a response from this House. I am aware that the practice of a general answer from the Legislature to the annual Message or Speech of the President, has, for more than twenty years past, been disused; nor do I complain of such disuse; but I am also of opinion that the practice was not without its positive advantages. It is my conviction, that, in any Government, which contains a popular branch, it is the duty of that popular portion of the Government as much to express its opinions, as to pass the necessary laws. I introduce the present resolution, under this conviction, as well as that I might have an opportunity to give my vote, directly, on one of the subjects adverted to by the Executive; and I still think that if it was proper in the President to advert to these subjects, it is equally proper in us to take notice of what he has addressed to us respecting them.

Mr. W. said, he should endeavor, however, to avoid the responsibility of any effort to change the policy of this Government towards foreign nations. He approved of the policy at present pursued; he was satisfied, in this respect, with our present condition. The policy of this Government is peace, for peace is to us the greatest source of national increase and aggrandizement. The most sanguine projector cannot furnish more brilliant or exalted prospects than those which must be realized by these States if they can preserve their pacific relations towards the rest of the world. Time, peace, industry, and the arts, are raising this Government by a certain and irresistible progress. It is our true policy, Mr. W. said, to grow, not to acquire; we are to attain to greatness by internal development, not by external accretion—and he should be the last to turn aside the wise policy of the country from its wonted and proper channel. But, said he, that policy, while it is pacific, should at the same time be liberal; he spoke now in relation to those great questions which are at this hour agitating Europe and the world—questions which are concerned wherever a nation attempts to obtain its freedom—the question, in a word, between regulated and unregulated power. Wherever it is disputed, whether a nation shall or shall not possess a constitution, our side of that question ought to be known and declared; we are bound to bring, in aid of its decision, that moral force which must ever reside in the opinion of a free and an intelligent nation. He had said that the policy of this Government was a pacific but a liberal policy; he should endeavor to show that in both of these characters it sanctioned the adoption of the resolution now on the table.

The age, said he, is a peculiar one—it has a marked and striking character, and the position and circumstances of our country are no less so. Had we enjoyed the option, in which period of the world's history, as thus far disclosed, our personal lot should be cast, none of us, surely, would wish to have been born in any other time, or in any other country. There has occurred no age that may be compared with the present, whether in the interest excited by what now is, or the prospects it holds out as to what shall be. The attitude of the United States, meanwhile, is solemn and impressive. Ours is now the great Republic of the earth; its free institutions are matured by the experiment of half a century; nay, as a free Government, it goes farther back—the benefits of a free Constitution have virtually been enjoyed here for two centuries. As a free Government, as the freest Government, its growth and strength compel it, willing or unwilling, to stand forth to the contemplation of the world. We cannot obscure ourselves, if we would; a part we must take, honorable or dishonorable, in all that is done in the civilized world. Now, it will not be denied, that, within the last ten years, there has been agitated, in that world, a question of vast moment—a question pregnant with consequences favorable or unfavorable to the prevalence, nay, to the very existence, of civil liberty. It is a question which comes home to us. It calls on us for the expression of our opinion on the great question now before us. Assuredly, if there is any general tendency in the minds and affairs of men, which may be said to characterize the present age, it is the tendency to limited Governments. The enlightened part of mankind have very distinctly evinced a desire to take a share, at least, in the government of themselves. The men of this age will not be satisfied even with kind masters. They have shown, (except where force has been interposed to crush them,) that they will not be contented without a participation in the Government. This is so strongly marked a feature in the social condition of this age, that it can have escaped the observation of none to whom I address myself. It cannot be denied that while this is the prevailing spirit, there is an antagonist principle also at work. This, sir, said Mr. W., is a state of things in which we, as a nation, have, we must have, an interest. The doctrines advanced (and which are promptly supported by a great force) go to prostrate the liberties of the entire civilized world, whether existing under an absolute, a monarchical, or a republican form of government. They are doctrines which have been conceived with great sagacity, they are pursued with unbroken perseverance, and they bring to their support a million and a half of bayonets.

And, here, said Mr. W., let me not be misunderstood, I am not about to declaim against crowned heads, nor enter on a tirade against other forms of government; but I ask that the declarations of the Congress of European Sovereigns, which is promulgated as that which is to form a part of the public law of civilized Europe, may be subjected to a close examination.

The entire overthrow of the late French Emperor, left the European world in a state of very strong excitement. In September, 1815, the Sovereigns, who had, by their united exertions, succeeded in putting down the French power, entered into, and published to the world, an instrument of agreement, which has since been familiarly known by the title of the "Holy Alliance." This paper, which appeared immediately on the restoration of the Bourbons, had its origin with the Cabinet of Russia. Its appearance excited, at first, but little comparative interest. It was regarded as little more than a devout expression of gratitude for the success which had attended their united exertions in bringing the long war of Europe to a conclusion. It professed to be nothing more than a declaration, that the sovereigns, who joined in it, would, in future, conduct their respective Governments on principles of the public good, and with a sacred regard to the Christian religion. Such a combination was certainly novel. Nothing like it had ever before been published by kings. Yet, under the view of it which he had just expressed, it attracted no very great share of attention. On the face of it, there seemed nothing to object to. All that was strange about the transaction was, that monarchs, who professed Christianity and civilization, should stipulate to do what, without any such stipulation, it was their acknowledged duty to do; the contract bound them to nothing to which they were not morally bound already. What was the amount of the contract? That they would not violate Christianity, nor disturb the peace of Europe. At best, such a contract was supererogatory. It was remarkable, that a celebrated writer on treaties, when defining what a treaty is, supposed, as possible, such a case as has occurred, and certainly spoke very disrespectfully of such a treaty as the Holy Alliance actually was. His words Mr. W. quoted as follows:

"It seems useless to frame any pacts or leagues barely for the defence and support of universal peace, for, by such a league nothing is superadded to the obligation of natural law, and no agreement is made for the performance of any thing, which the parties were not previously bound to perform, nor is the original obligation rendered firmer or stronger by such an addition. Men of any tolerable culture and civilization, might well be ashamed of entering into any such compact, the conditions of which imply only that the parties concerned shall not offend in any clear point of duty. Besides, we should be guilty of great irreverence towards God, should we suppose that his injunctions had not already laid a sufficient obligation upon us to act justly, unless we ourselves voluntarily consented to the same engagement; as if our obligation to obey his will, depended upon our own pleasure.

"If one engage to serve another, he doth not set it down expressly and particularly among the terms and conditions of the bargain, that he will not betray nor murder him, nor pillage nor burn his house. For the same reason, that would be a dishonorable engagement, in which men should bind themselves to act properly and decently, and not break the peace."—Puffendorf.

Such were the sentiments of this eminent writer. How nearly he had anticipated the case of the Holy Alliance, Mr. W. said, would appear from

comparing with what he then wrote, the preamble to that alliance, which Mr. W. read, in the following words:

"In the name of the most Holy and Indivisible Trinity, their Majesties, the Emperor of Austria, the King of Prussia, and the Emperor of Russia,—solemnly declare, that the present act has no other object than to publish, in the face of the whole world, their fixed resolution, both in the administration of their respective States, and in their political relations with every other Government, to take for their sole guide the precepts of that holy religion, namely, the precepts of justice, Christian charity, and peace, which, far from being applicable only to private concerns, must have an immediate influence on the councils of princes, and guide all their steps, as being the only means of consolidating human institutions, and remedying their imperfections."

This measure, Mr. W. went on to say, was no otherwise important than that it was the first of a series, and that it was followed up by measures of the most important kind. In this point of view, it was worthy of the most mature consideration. It contained two principles, which were now declared to form a part of the law of the world, the enforcement of which was threatened by a million and a half of bayonets. The first of these is, that all constitutional rights come from the Crown. "All useful and necessary changes (says the Laybach Circular, of May, 1821) ought only to emanate from the free will and intelligent conviction of those whom God has rendered responsible for power." This principle, Mr. W. said, carried Europe back at one remove, to the middle of the dark ages. This was the form under which our sturdy ancestors obtained Magna Charta, which was given as a concession from the Sovereign. But, in a later age, in the revolution which introduced the family of Orange, the British nation had grown wiser—those things which at Runnymede were given as grants by the Bill of Rights, were afterwards formally and explicitly demanded and insisted on, as rights of the nation. They had been assented to as such, and on this basis the English Constitution rests at this hour. For this reason it was, that Britain, when she refused to unite in the principles of the Holy Alliance, declared those principles to be subversive of the principles of the English Constitution.

What, said Mr. W., is the nature of that alliance? Alliances between nations for the purpose of mutual advantage or defence, had been often heard of, but an alliance such as that at Laybach had never dared to be declared to the world. Was this an alliance of nation with nation? No, Mr. W. said, it was an alliance of crowns against the people; of sovereigns against their own subjects; it was, in a word, the union of the physical force of all Governments against the rights of the people in all countries. What was the natural tendency of such an alliance? It was to put an end to all nations, as such. Extend the principles of that alliance, and the nations are no more—there are only Kings. It divided society horizontally, (if such a figure was allowed to him,) and left all the sovereigns above, and all the people

below; it set up the one above all rule or restraint, and put down the other to be trampled beneath their feet. Not satisfied with demanding from the subject allegiance to his own master, it exacted a double, a triple, a quadruple, and he believed, indeed, a quintuple allegiance. According to its principle, all people owe allegiance to all sovereigns. What must be, what has been, the practical operation of such principles? They lead, necessarily, to mutual distrust, to general discontent, and to universal war. This alliance, Mr. W. said, had changed the leading policy of Europe. It had made it criminal for the people to combine, or to resist the will of either of these sovereigns. If, for example, a Spaniard attempted to resist the Inquisition, he offended not only the King of Spain, but he sinned also against the Emperor of Russia. Or, if a Greek attempted to resist the Turkish scimitar, he, too, offended the Emperor of Russia. To use the words of the Verona circular, such a man "throws a firebrand into the midst of the Ottoman Empire."

At the Congress of Troppau, said Mr. W., we find the second of the doctrines to which I before alluded, as now published to the world, to be its law. The Declaration of Troppau says, "The Powers have an undoubted right to take a hostile attitude in regard to those States in which an overthrow of the Government may operate as an example." This right, between States whose juxtaposition renders them mutually exposed to the consequences of what takes place in either, is a part of what is called the law of vicinage; and, when confined to extreme cases, may, to a certain extent, be defended upon principles of necessity, and national defence and preservation. On this principle, the war of England against France, when the latter was in a state of revolution, was undertaken, and this is the ground on which it was defended on the floor of Parliament. But to maintain that every sovereign in Europe may go to war to repress an example, Mr. W. said was monstrous indeed! What was to be the limit to such a principle, or to the practice growing out of it? If this principle is allowed, what, said Mr. W., becomes of our example? Why are we not as legitimate objects for the operation of the principle as any who attempt to set a republican example on the other side of the Atlantic? We certainly did not subscribe to this principle in the days of the Revolution. We did think that when oppressed we might lawfully resist oppression; and I trust we are not so sick of our liberty and its effects as to be unwilling, by our example, and by the most public expression of our opinion, to recommend to others the same doctrine.

Here, then, continued Mr. W., is a combination which is expressly pledged against all who set such an example—a manifesto which sets itself against the whole course of the human intellect—against the character of the age, and which would bring us back at once to all the oppression of the feudal system. Here is doctrine which no writer, no diplomatist, which even no courtier ever thought of advancing. Sir, said Mr. W., it is a flagrant innovation on the principles and practice of the

whole civilized world. I hope, said he, I shall not be considered as exaggerating the case. To convince this House that I state nothing but the sober truth—that I draw no inference that the sovereigns themselves have not drawn before me—permit me to refer to an occurrence that took place at the Congress of Verona. In a speech made at that Congress by the French Minister, Chateaubriand, he declared that, in a personal conversation with the Emperor of Russia, he had heard that august sovereign utter sentiments, which appeared to him so precious that he immediately hastened home, and wrote them down, while they were yet fresh in his recollection. The Emperor declared—

"That there can no longer be such a thing as an English, French, Russian, Prussian, or Austrian policy; there is henceforth but one policy, which, for the safety of all, should be adopted both by people and kings. It was for me first to show myself convinced of the principles on which I founded the alliance. An occasion offered itself—the rising in Greece. Nothing, certainly, occurred more for my interests, for the interests of my people—nothing more acceptable to my country, than a religious war with Turkey; but I have thought I perceived in the troubles of the Morea the sign of revolution, and I have held back. Providence has not put under my command 800,000 soldiers to satisfy my ambition, but to protect religion, morality, and justice, and to secure the prevalence of those principles of order on which human society rests. It may well be permitted that kings should have public alliances to defend themselves against secret enemies."

This may be so; but, I trust in God, though there should be no French, or Russian, or Prussian, or Austrian, or English policy, (though this latter I never will believe,) there will at least be an American policy. The end and scope of this doctrine is neither more nor less than this: to interfere, by force, for any Government against any people who resist it. The times of the Stuarts have come back again, and with increased demands of power. Be the state of a people what it may, they shall not rise—be the Government what it will, it shall in no case be resisted. And this has been carried out, too. Look at Spain—look at Greece. If a man may not resist, either the Spanish Inquisition or the Turkish scimitar, what, in God's name, may he resist? Stronger cases can never arise. This alliance laughs at the doctrine of your Blackstones, and all others who maintain that, in extreme cases, resort is to be had to first principles and natural rights. Are we prepared to part with that doctrine? The doctrine is advanced—it is supported with an immense force. The timid shrink and succumb. If it is not resisted here, and in one other spot, it will be resisted nowhere. If there is no vigor in the Saxon race to withstand it, there is none to be looked for elsewhere. Is it not time to step forth, and at least declare that we condemn and deny such monstrous opinions? How can reformation of Government ever begin but with the people? The radical defect of this system is, that it divides civilization—it would allow it to go on in all other matters, but not in principles of Government and

civil liberty. But human knowledge is all connected—that knowledge is fast spreading—the great mass of society which holds, and ever must hold, the physical, is fast obtaining the intellectual power of society. The harmony which has ever prevailed, either in Europe or America, has rested on the principle of the mutual independence of nations. There have, indeed, been some instances of the violation of this principle, as in the case of Poland; but on the great scale nations have hitherto been viewed as independent sovereignties—civilization and christianity have united to establish among them international law, and from this blended influence has sprung that delightful spectacle, so truly described by a poet, the unseen, but not unfelt influence of law:

"And sovereign Law, the world's collected will,
O'er thrones and globes elate,
Sits Empress—crowning good, repressing ill:
Smit by her sacred frown,
The fiend, Discretion, like a vapor, sinks,
And e'en the all-dazzling Crown
Hides his faint rays, and at her bidding shrinks."

Take this away, and there is nothing left but the sword. The law of nations declares that all States are equal—these papers deny it. The law of nations maintains that, in extreme cases, resistance is lawful—these papers deny it. The law of nations proclaims that one nation has no right to interfere in the affairs of another—these papers deny it.

But now, it may be asked, what is all that to us? The question is easily answered. We are one of the nations. Our system of Government is, throughout, utterly hostile to that system, and if we are safe from its effects we may thank our situation or our courage. The age we live in, and our own active character, have connected us with all the nations of the world, and we, as a nation, have precisely the same interest in international law as a private individual has in the laws of his country.

But, apart from the soundness of the policy, on general principles there is a ground of duty in this matter. What do we not, as a people, owe to the principle of lawful resistance? to the principle that society shall govern itself? These principles have raised us to a state of prosperity, in which our course is rapid and irresistible. We are borne on as by a mighty current, and if we would stop long enough to take an observation, that we may measure our national course, before we can effect it, we find we have already moved a vast distance from the point at which it was commenced. This course we cannot check; it is the course of things, and it will go on. Shall we not, thus situated, give to others who are struggling for these very principles, the cheering aid of our example and opinion?

But, whatever we do in this matter, it behooves us to do on principle. If, on the subject of the rumored combination against South America, we take any stand, it must be on principle that that stand is taken. The near approach, or the remote distance of danger, may change policy, but

cannot touch principle; and the same reasons of an abstract kind, that would lead us to protest in the case of the whole Southern Continent, bind us to protest in the case of the smallest Republic in Italy.

A second question, however, may here be asked. What can we do? This thunder is at a distance—the wide Atlantic rolls between—we are safe: would you have us go to war? Would you have us send armies into Europe? No: I would not. But this reasoning mistakes the age. Formerly, indeed, there was no making an impression on a nation but by bayonets, and subsidies, by fleets and armies: but the age has undergone a change: there is a force in public opinion which, in the long run, will outweigh all the physical force that can be brought to oppose it. Until public opinion is subdued, the greatest enemy of tyranny is not yet dead. What is the soul, the informing spirit of our institutions, of our entire system of government? Public opinion. While this acts with intensity, and moves in the right direction, the country must ever be safe—let us direct the force, the vast moral force of this engine, to the aid of others. Public opinion is the great enemy of the Holy Alliance. It may be said that public opinion did not succeed in Spain. Public opinion was never thoroughly changed there; but does any man suppose that Spain is not at this day nearer, not merely in point of time, but intellectually and politically, nearer to freedom than she was last Spring? True, indeed, the Bourbon power did make an almost unresisted march from the Pyrenees to Cadiz, but is Europe satisfied? Public opinion is neither conciliated nor destroyed—like Milton's angels, it is vital in every part—and this followed back the Conqueror as he returned, and held Europe in indignant silence. Let us, then, speak: let us speak well of what has done well for us. We shall have the thinking world all with us—and, be it remembered, it was a thinking community that achieved our Revolution before a battle had been fought.

I shall not detain this Committee by laying before it any statistical, geographical, or commercial account of Greece. The document on your table, which has been furnished from the Department of State, in some measure supplies these: and her history is familiar to us all. Within the last thirty or forty years, the condition of that country has undergone a great improvement. Her marine produces the best sailors in the Mediterranean—better, in that sea, than even our own. Their commerce, before the present commotions, had begun to extend itself to France and Spain—Hobhouse (our best authority) states their seamen at fifty thousand; but that number is certainly much too large—they have one hundred and fifty-three thousand tons of shipping, which is equal to about one-fifth of that of the United States. Their population in European Turkey is about five millions, and in Asia Minor about two millions more. Their moral state is rapidly advancing in all respects—the literati of Europe conceived a strong interest in their behalf, and sent books and scholars and printing presses into Greece—many of the

works of modern Europe have been translated into their language, and they have produced many works entirely original. This people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the most atrocious, unparalleled Tartarian barbarism that ever oppressed the human race. This House is unable to estimate duly, it is unable even to conceive or comprehend it. It must be remembered that the character of the force which has so long domineered over them is purely military. It has been as truly, as beautifully, said, that "the Turk has now been encamped in Europe for four centuries." Yes, sir—it is nothing else than an encampment. They came in by the sword, and they govern by the sword. They hold the captive Greeks to be their property—and when a wretched Greek has yielded up his year's earnings to some rapacious exactor, it has truly been said that he "pays his ransom to live another year." Despotism is there, if the phrase may be allowed, formed into a regular system of anarchy. The power delegated to the inferior tyrant is as absolute within its sphere, as the power of the Sultan himself—and hence, there is scarcely a great post under the whole government whose incumbent is not virtually, often actually, at war with the Porte. Between these two opposite Powers, both despotic, it is dangerous to take sides, and yet sides must be taken: in all the empire there is no property, no security. The well known and undisguised sale of all offices, is, of itself, a sufficient index of the state of society. In the whole world no such oppression is felt as that which has crushed down the wretched Greeks. In India, to be sure, it is bad enough in principle, but in the actual feeling of the oppression, it is not to be compared. There the oppressed natives are themselves as barbarous as their oppressors, but here have been seven millions of civilized, enlightened, Christian men, trampled into the very earth, century after century, by a barbarous, pillaging, relentless soldiery.

Sir, the case is unique; there has existed nothing like it, before or since. The world has no such misery to show. Surely, there is no case in which we could point to the civilized and Christian world with such an emphasis of appeal. What, during all this time, has been the conduct of the neighboring nations—nations professedly Christian? It has been a disgrace to Europe. As early as the Congress at Laybach, in 1821, the papers of that council spoke of the rising of this oppressed people as culpable, as criminal. And this charge comes from the Emperor of Russia. Certainly he did not always think it quite so criminal in Greece to resist the Porte. On the contrary, is it not known to all the world that Russia advanced a claim of some kind against the Porte to the allegiance of Greece? Did not Ivan III. discard the banner of St. George, and take the double-headed eagle in its stead? Did not Peter the Great secure for them the passage of the Dardanelles? Did he not adopt the far-famed banner of Constantine—"in hoc signo vinces?" Did he not stamp upon his coin "PETRUS

H. OF R.

The Greek Cause.

JANUARY, 1824.

I. RUSSO-GÆCOR. IMPERATOR?" From 1769 to 1774, did not Russia engage in successive campaigns against the Porte, and did she not fill Greece with her armies? Were not the Turks compelled to admit, by treaty, the independence of the Czar of the Crimea? And did not the Empress Catharine, when she conquered the Crimea, inscribe over the gate of Cherson, "THE ROAD TO BYZANTIUM?" Strange, indeed, after all this, that a Greek insurrection against the Turks should excite the indignation of the Emperor of Russia! Yet, what says the Congress of Verona, held no longer ago than last year? It denounces "the rash and culpable conduct of the Greeks, who have thrown a firebrand into the midst of the Ottoman empire." If they did, that was done long before they did it, and they were by this very Power encouraged to do it. Might it not have been expected that at that Congress some relenting of compassion would have been felt for these suffering Greeks? Nobody doubts the power of that Congress to aid them—one word would have delivered the whole nation. If, as that alliance professed, they took Christianity for their guide, what must be said of their abandoning seven millions of Christian people to be trampled upon by barbarians? Nay, at their being accused, because they turned upon their oppressors, of "throwing a firebrand into the midst of the Ottoman empire?" But farther, sir: In 1821, Baron Strogonoff, the Russian Minister at Constantinople, says, in a public document, that the most unheard-of enormities were perpetrated against Greeks who had no share whatever in the rebellion; and that the conduct of the Porte toward these people was sufficient to furnish good grounds for all Europe to unite on the subject. This was in 1821. This was followed by that indescribable enormity, that appalling monument of barbarian cruelty, the destruction of Scio—a scene I will not attempt to describe—from which human nature shrinks shuddering away—a scene, thank God, without a parallel in all the history of fallen man; and that was quickly followed by the massacres in Cyprus. All these things were perfectly known when the Congress of Verona accused the Greeks, for their insurrection, of "throwing a firebrand into the midst of the Ottoman empire!"

Now, then, I repeat, that if such are the results of the system of modern European Sovereigns, it is a system which demands examination. That this was a fruit of that system is undeniable. This was an interference against the Greeks, in favor of the Turks; and it was far greater than any thing I propose for the Greeks against the Turks. Yes, sir, with that instrument in their hand, Christian Sovereigns, there professing to take the Christian religion for their guide, have advanced to check a Christian nation in resisting the bloodiest cruelty of a horde of Mahometan Tartars.

Such has been the conduct pursued towards this people. I now ask the indulgence of the House, while I state a very short account of their late revolution.

The situation of Greece had excited the sym-

pathies of Western Europe for thirty years past. Societies had been formed in Germany to improve the condition of the suffering people—branches of those societies were extended into Greece—many of their youth were carefully instructed in literature—many disbanded officers from the European armies entered into the Grecian service, and a considerable amelioration of their condition with respect to the advantages of education began to be effected. In 1821, the revolt took place in Moldavia and Wallachia, a revolt which was supposed to have been fomented by Russia. The Emperor brought down a large force upon the Pruth—a Russian vessel, being suspected of carrying supplies to the insurgents, was stopped as she passed the Bosphorus—and a rupture seemed immediately impending. Russia demanded that the Turkish forces should be withdrawn from those two northern provinces. At the same time that Ypsilanti was in rebellion in the North, the Porte had to carry on a desperate struggle with Ali Pacha in the West. And another war with Persia threatened in the East. Then it was that the Greek revolution burst forth. They soon possessed themselves of the open country of the Morea, and forced the Turks to fly for refuge into the cities. Of these, Tripolitza soon fell into their hands; and then they began to contemplate a government. They assembled a Congress, (the name is hallowed on this side of the Atlantic—it is a name dear to freedom,) and began to organize a system of laws. The Annual Register asks what right they had to denominate this a Congress? The answer is easy; the same right, Mr. Chairman, that we had, and no more. With our Constitution before them, they proceeded to copy its features as closely as their circumstances would permit. In that year, the war with Ali Pacha was ended by treachery, and the breach of the Turkish promise. The affair was settled, too, with Russia, and it now was discovered that all that she had insisted on was, that the Turkish forces should be withdrawn from Moldavia and Wallachia; the very measure which, of all others, had the most immediate tendency to overwhelm the Greek cause. Thus was the whole force of the Ottoman Empire let loose at once upon devoted Greece; and what, sir, was the result? Where the Ottoman made his greatest effort, he was met and foiled, and in six weeks, had to turn back his steps from the Morea, whither his foot has never since trodden to this day. It was in this year that the island of Scio, the most favored island in the Archipelago, an island the peculiar property of the Sultana, the lightest taxed, the most wealthy, the most refined, the most literary spot in all Greece; where were libraries, such as few States in this Union possess, and where ease and elegance had their favorite seat, became the theatre of a massacre such as is not to be paralleled in the history of the world. The inhabitants of Samos, jealous at the comparative prosperity of this island, landed, drove the Turks into the town, and were joined by some of the country people of Scio. The Turkish fleet, lately reinforced from Egypt, happened to be in the neighborhood—they landed,

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and burnt the city, and when the slaughter and burning was over, out of 140,000 inhabitants, nine hundred only were left alive. 40,000 women and children, inhabitants of the island, were sold at Smyrna into perpetual slavery. A month after—when the ashes of the burnt city were cold—did they hang thirty-five Greeks at the yard-arm, and slay eighty-five more who had been given as hostages from the town. Ten more hostages were hanged in Constantinople—700, who voluntarily surrendered, were all shot down; 800 others, about whom they got into dispute, were murdered in the same manner. And, sir, on the wharves of Boston did I see the utensils from the hearths of that polished, refined, and literary people, selling for old copper. Numbers of children, all whose relatives had been slaughtered, were picked up by the merchants in the Mediterranean, and some of them are now among us. Sir, these things were as well known at the Congress of Laybach as they are on this floor—but the tale did not move a muscle of those Allied Sovereigns, or alter, one hair's breadth, the course of their unfeeling policy. During the present year, the Persian war being over, Ali dead, and the Russians gone, the whole weight of the Turkish force has again and again been precipitated on the struggling Greeks—again and again it has been triumphantly resisted—and it is only this morning, sir, that I received the news of a fresh victory.

They now hold all the Morea, Candia, and the islands, with the exception of one or two fortresses still in the possession of the Turks—they have even ventured to act on the offensive. Their marine is strengthened—their blockades have been enforced—time, experience, and the vicissitudes of their momentous struggle, have consolidated their force, and they have now the advantage and blessing of a regular representative government. Sir, have they not done much? It would be great injustice to compare their achievements with our own—because we began our struggle already possessed of government and of comparative civil freedom—we had for centuries been accustomed to govern ourselves;—but these poor Greeks had scarce any of the means of knowledge—they were without public concert—without experience, without patronage, surrounded by nations that cast every discouragement in their way; yet they have now had a free government for two years, and their soil is unprofaned by the foot of an invader. They have carried on the struggle for three successive campaigns, against hordes of Tartar troops and auxiliary forces from the Barbary States—they have been conjured, by their neighbors, to submit; but they still manfully hold out. Two hundred thousand have heroically laid down their lives—and what say the rest? "Some of our nation are yet alive, and we will all perish, before we will yield up again our country to the oppressor."

It may now be asked, will this resolution do them any good? Yes, it will do them much good. It will give them courage and spirit, which is better than money. It will assure them of the public sympathy, and will inspire them with fresh con-

stancy. It will teach them that they are not forgotten by the civilized world, and to hope one day to occupy, in that world, an honorable station.

A farther question remains. Is this measure pacific? It has no other character. It simply proposes to make a pecuniary provision for a mission, when the President shall deem such mission expedient. It is a mere reciprocation to the sentiments of his Message; it imposes upon him no new duty; it gives him no new power; it does not hasten or urge him forward; it simply provides, in an open and avowed manner, the means of doing what would else be done out of the contingent fund. It leaves him at the most perfect liberty, and it reposes the whole matter in his sole discretion. He might do it without this resolution, as he did in the case of South America, but it merely answers the query whether on so great and interesting a question as the condition of the Greeks, this House holds no opinion which is worth expressing? But, suppose a commissioner is sent, the measure is pacific still. Where is the breach of neutrality? where a just cause of offence? And besides, Mr. Chairman, is all the danger in this matter on one side? may we not inquire, whose fleets cover the Archipelago? may we not ask what would be the result to our trade should Smyrna be blockaded? A commissioner could at least procure for us what we do not now possess—that is, authentic information of the true state of things. The document on your table exhibits a meagre appearance on this point—what does it contain? Letters of Mr. Luriettis and paragraphs from a French paper. My personal opinion is, that an agent ought immediately to be sent; but the resolution I have offered by no means goes so far.

Do gentlemen fear the result of this resolution in embroiling us with the Porte? Why, sir, how much is it ahead of the whole nation, or rather let me ask how much is the nation ahead of it? Is not this whole people already in a state of open and avowed excitement on this subject? Does not the land ring from side to side with one common sentiment of sympathy for Greece, and indignation towards her oppressors? Nay more sir, are we not giving money to this cause? More still, sir, is not the Secretary of State in open correspondence with the President of the Greek Committee in London? The nation has gone as far as it can go, short of an official act of hostility. This resolution adds nothing beyond what is already done; nor can any of the European Governments take offence at such a measure. But, if they would, shall we be withheld from an honest expression of liberal feelings in the cause of freedom for fear of giving umbrage to some member of the Holy Alliance? We are not, surely, yet prepared to purchase their smiles, by a sacrifice of every manly principle. Dare any Christian Prince even ask us not to sympathize with a Christian nation struggling against Tartar tyranny? We do not interfere—we break no engagements—we violate no treaties—with the Porte we have none.

Mr. Chairman, there are some things which, to be well done, must be promptly done. If we even

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determine to do the thing that is now proposed, we may do it too late. Sir, I am not one of those who are for withholding aid when it is most urgently needed, and when the stress is past, and the aid no longer necessary, overwhelming the sufferer with caresses. I will not stand by and see my fellow man drowning without stretching out a hand to help him, till he has by his own efforts and presence of mind reached the shore in safety, and then encumber him with aid. With suffering Greece, now is the crisis of her fate—her great, it may be, her last struggle. Sir, while we sit here deliberating, her destiny may be decided. The Greeks, contending with ruthless oppressors, turn their eyes to us, and invoke us by their ancestors, by their slaughtered wives and children, by their own blood, poured out like water, by the hecatombs of dead they have heaped up as it were to heaven, they invoke, they implore of us some cheering sound, some look of sympathy, some token of compassionate regard. They look to us as the great Republic of the earth—and they ask us by our common faith, whether we can forget that they are struggling, as we once struggled, for what we now so happily enjoy? I cannot say, sir, that they will succeed: that rests with Heaven. But for myself, sir, if I should to-morrow hear that they have failed—that their last phalanx had sunk beneath the Turkish scimitar, that the flames of their last city had sunk in its ashes, and that naught remained but the wide melancholy waste where Greece once was, I should still reflect, with the most heartfelt satisfaction, that I have asked you, in the name of seven millions of freemen, that you would give them at least the cheering of one friendly voice.

When Mr. WEBSTER had concluded—

The Committee rose, and reported progress, and, having had leave to sit again, the House adjourned.

TUESDAY, January 20.

Mr. COCKE, from the Committee on Indian Affairs, to whom the subject had been referred, reported a bill providing for the appointment of two Indian agents, in addition to those already provided for by law, and fixing their compensations; which bill was read twice, and committed to a Committee of the Whole.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to whom the subject was referred, on the 15th instant, reported a bill to revive and continue in force the first, second, third, fourth, and fifth sections of the act, entitled "An act further to provide for the collection of duties on imports and tonnage," passed the 3d of March, 1815; which bill was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of Arthur H. Henley, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. WEBSTER, from the Committee on the Judiciary, reported a bill for the relief of the legal

representatives of John Michael, deceased; which bill was read twice, and committed to a Committee of the Whole.

Mr. CAMPBELL, from the Committee on Private Land Claims, to which was recommitted the bill for the relief of John Jenkins, made a report recommending that the said bill be postponed indefinitely; which report was ordered to lie on the table.

Mr. RANKIN, from the Committee on the Public Lands, reported a bill for the relief of the representatives of John Donnelson, Stephen Heard, and others; which bill was read twice, and committed to a Committee of the whole House to which is committed the bill to authorize the State of Indiana to open a canal through the public lands, to connect the rivers Wabash and the Miami of Lake Erie.

Mr. CROWNINSHIELD, from the Committee on Naval Affairs, who were instructed, on the 15th of December ultimo, to inquire into the expediency of authorizing the construction of ten additional sloops of war, made a report thereon, accompanied by a bill authorizing the building of that number of sloops of war; which bill was read twice, and committed to a Committee of the whole House to-morrow.

Mr. CROWNINSHIELD, from the same committee, to which was referred the amendment proposed by the Senate to the bill, entitled "An act further extending the term of half-pay pensions to the widows and children of officers, seamen, and marines, who died in the public service;" reported the agreement of that committee to the said amendment. The amendment was then concurred in by the House.

Mr. WHIPPLE, from the Committee on the Public Lands, reported a bill providing for a grant of land for the seat of government in the Territory of Florida, and for other purposes; which bill was read twice, and committed to a Committee of the Whole.

Ordered, That leave be given to withdraw the petitions of Daniel W. Coxe, for a confirmation of the claim of Marquis de Maison Rouge to an extensive tract of land in the State of Louisiana, with the documents accompanying the same.

The resolution submitted by Mr. TOMLINSON, on the 16th, respecting navy hospitals, was taken up, and agreed to by the House.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States in the year 1824," with an amendment. The Senate have also passed bills of the following titles, viz: "An act granting to the State of Alabama the right of pre-emption to certain quarter-sections of land;" and "An act explanatory of an act, entitled 'An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians, passed the 4th of May, 1822;' in which amendment, and two bills last mentioned, the Senate ask the concurrence of this House.

The two last mentioned bills were, respectively,

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read twice, and referred, the first to the Committee on the Public Lands; the second, to the Committee on Military Affairs.

The amendment proposed by the Senate to the bill, entitled "An act authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States, in the year 1824," was read, and concurred in by the House.

MARQUIS DE LAFAYETTE.

Mr. MITCHELL, from the committee to whom the subject was referred, reported an amendment to the resolution respecting the Marquis Lafayette, striking out the preamble and all that follows the word "resolved," and substituting the following:

"That the Marquis De Lafayette having expressed his intention to visit this country, the President be requested to communicate to him the assurances of grateful and affectionate attachment still cherished towards him by the Government and people of the United States.

And be it further resolved, That, as a mark of national respect, the President cause to be held in readiness a ship-of-the-line, and invite the Marquis to take passage therein, whenever his disposition to visit this country be signified."

Mr. LIVINGSTON, of Louisiana, rose to express the hope, he might, without impropriety, say the conviction, that the resolution would be adopted unanimously by the House. Not only were the merits of the illustrious man, to whom it had reference, universally known in these States, but they had been uniformly, repeatedly, and publicly acknowledged. The history of his connexions with the United States was personally known to some of the members in this House—it was known to all who had read the story of our Revolution. It was a connexion which did honor to both—to the country that received, and to the individual who rendered them. At a very early age, when pleasure presents itself in the most captivating and seductive form, possessed of a fortune, which enabled him to comply with her every solicitation, and of a rank which warranted his aspiring to the loftiest heights of ambition in his own country, he possessed, with all these, sufficient energy of character to shake off every inducement of pleasure, of wealth, and of ambition, and to join a country, in which, although there was much to gratify an honest ambition, there was nothing to be found of all that which young men of his rank and standing, in Europe, were wont most to desire. He came to our shores; he offered his services to our Government; they were accepted, and he immediately received an honorable rank and a conspicuous station. One of my earliest recollections is connected with the period of his arrival, and one of the most pleasing remembrances of my boyhood, is the being permitted, in company with one who is now a member of this House, to visit him at his headquarters, in occasional excursions from the place where we were receiving our education. I afterwards saw him, at the head of two thousand men, who had been clothed, armed and decorated at his own expense, conciliating, by his republican manners, by the

steadiness of his discipline and the condescension of his behaviour, the devoted affection of the soldiery, reconciling, by the winning kindness of his address, the aged man to submit himself to the command of a youth—the hardy native of the soil to receive and submit to the command of a foreigner. At the same time, by his strict obedience to authority, he won the esteem of his superiors in command. But the most touching part of this lovely spectacle, was the deference, the veneration, the devoted attachment which ever marked his deportment towards the Father of our Country. But it was not merely in the pomp and parade of a military rank, however honorable, that Lafayette was worthy of our contemplation; he sought effective service, he sealed his attachment to our cause with his blood, at Brandywine, and in that great catastrophe which placed in our hands a British commander and all his army at Yorktown, he occupied a striking position in the busy and interesting scene. The judgment of Washington having given him command of the American forces in the storming of a redoubt, while the French, in another column, were ordered simultaneously to attack another, Lafayette obtained the palm, having carried his redoubt some minutes in advance of the French column. But his services to the cause of these States were not merely of a military character; he served us equally in a political as in a commercial point of view. He made frequent visits to France, and he used them for the purpose of strengthening our connexions with that country, and bringing its wealth by commercial operations in aid of our exhausted resources. He has a farther recommendation to our affection and respect, as the friend of temperate and regulated liberty in his own country. From the first moment of the French revolution he was the decided advocate of its general principle, and he was the advocate of that form of civil liberty, which he conceived best adapted to the circumstances and genius of France, a limited monarchy accompanied with a deliberative body. He once thought that he had attained this object, but the excesses which followed prostrated all his fond hopes, and he himself falling into the clutches of despotic power, was thrown into the dungeons of Olmutz. A better state of things afterwards succeeded, and he returned to his country, where he had the immortal honor of putting on record his vote (almost a solitary one) against the enormous grants of power to the late ruler of France. He is still the intrepid friend of her chartered rights. As such, he has claims on the respect of the friends of freedom in all countries. But, here, he has so many claims to that regard, that it would be an imputation on the American character to suppose, that the measure now proposed will not meet with the hearty concurrence of every member of this House.

If we resort to the views and feelings of the illustrious men who preceded us in this assembly, we find only one sentiment, evinced through a succession of different acts, in relation to this friend of the American cause. [Here Mr. L. read

a succession of extracts from the Journals of Congress, expressing welcome, recording thanks, &c.] Here said Mr. L., ends the affectionate, the touching intercourse between America and this her voluntary son. But, when he left us, and we heard of his subsequent imprisonment, a further resolution was passed, requesting the President to take all proper and practicable steps for his relief. By the heroic efforts of an American gentleman, who was his companion, he obtained his freedom; and he then sent his son for refuge to this country. I had myself, said Mr. L., the honor on that occasion of introducing a resolution, which authorized the President to ascertain the fact, and if it were so, to do whatever might, in his judgment, be proper to render the situation of the young Lafayette agreeable, and evince the respect and gratitude we felt for the distinguished services of his father.

At present General Lafayette is the only surviving General officer of the Revolutionary war; he has expressed a desire once more to visit the country he so eminently contributed to render free and happy—once more to take into his arms the companions of his early toils and dangers, and to witness for himself our progress in improvement and the practical exhibition of the blessings of a free and enlightened Government. Surely, sir, it is fit, it is becoming, if such be his wish, that he should be wafted to our shores beneath that flag which he once planted on the breastworks of our enemy. Let not his coming be in secret—let us join to do him honor—let the mode of his conveyance to our shores correspond with that enthusiasm of the public sentiment which will greet him on his landing—if gratitude has not grown cold, if feeling is not dead among us, Lafayette will be hailed by plaudits from every part of this land, as hearty as they are richly merited.

Mr. MITCHELL stated, that since he had first brought the subject before the House, letters had been received from the Marquis, extracts from which he wished might now be read; and he handed to the Clerk of the House two letters, one of them to Mr. Willet, of New York, expressive of the pleasure he should enjoy from a visit to the United States.

Mr. A. STEVENSON, of Virginia, then rose and said, that he felt it his duty to communicate to the House some recent intelligence that he had received, as to the Marquis De Lafayette's wish to return to America. He had then in his possession a letter (of the 25th of November last) written by this pure and noble patriot, and addressed to a distinguished citizen of this country, in which the following sentiments were contained: "Every motive and feeling urge me to seek those friends of my youth with whom I may still enjoy the most pleasing recollections; to revisit the happy shores of an adopted country, which has so well fulfilled our early and most sanguine expectations, and where I find, in the third and fourth generations, testimonies of benevolence that fill my heart with the most affectionate and devoted gratitude. I more and more look forward to the day when, with a safe conscience, it shall be

'my happy lot to find myself on American ground.'

Mr. WARFIELD said, the resolutions now under consideration, which were originally introduced by his friend and colleague, had his entire and most cordial approbation. It is not, said Mr. W., my purpose on this occasion to recount the signal services rendered to this country, when in her utmost need, by the great, the good, the illustrious Lafayette: they have been expatiated on by the gentleman from Louisiana, (Mr. LIVINGSTON;) they are in the distinct recollection of every member of this House; they are indelibly imprinted on every American heart; they are recorded; they adorn the faithful page of history, and will be read and admired by ages yet to come. My only object, said Mr. W., in rising, is to express the hope that those resolutions will receive the unanimous approbation of this body, composed of the immediate Representatives of the people of the United States of America.

The question being put on the adoption of the amendment, it passed unanimously in the affirmative: and the resolution as amended, was ordered to be engrossed for a third reading.

THE GREEK CAUSE.

On motion of Mr. WEBSTER, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. TAYLOR in the chair.

Mr. CLAY offered the following, which he desired to lay on the table for consideration:

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of these States would not see, without serious inquietude, any forcible interposition by the Allied Powers of Europe in behalf of Spain, to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves, respectively, independent Governments, and which have been solemnly recognised by the United States."

The Committee of the Whole having resumed the consideration of the resolution recommending an appropriation to defray the expense of a mission to Greece.

Mr. POINSETT, of South Carolina, then rose, and addressed the House as follows:

To view this question calmly and dispassionately as a statesman ought to do, requires us to exercise the utmost control over our feelings.

It is impossible to contemplate the contest between the Greeks and the Turks, so eloquently described by the gentleman from Massachusetts, without feeling the strongest indignation at the barbarous atrocities committed by the infidel oppressor, and the deepest interest in the cause of a brave people struggling alone, against fearful odds, to shake off the yoke of despotism.

Our sympathies are always with the oppressed—our feelings are always engaged in the cause of liberty. In favor of Greece, they are still more strongly excited by recollections, which the scholar cherishes with delight, and which are associated in our minds with every pure and exalted sentiment.

The descendants of that illustrious people, to whom we owe our arts, our sciences, and, except our religion, every thing which gives a charm to life, must command our warmest interest: but the Greeks have other claims to our sympathies. They are not only heirs of the immortal fame of their ancestors—they are the rivals of their virtues. In their heroic struggle for freedom, they have exhibited a persevering courage, a spirit of enterprise, and a contempt of danger and of suffering worthy the best days of ancient Greece. The enthusiasm and liberality manifested in their cause, by our fellow-citizens throughout the Union, are, in the highest degree, honorable to their feelings. As men, we must applaud their generosity, and may imitate their example. But the duty of a statesman is a stern duty. As Representatives of the people, we have no right to indulge our sympathies, however noble, or to give way to our feelings, however generous. We are to regard only the policy of a measure submitted to our consideration. Our first, and most important duty, is to maintain peace, whenever that can be done consistently with the honor and safety of the nation; and we ought to be slow to adopt any measure which might involve us in a war, except where those great interests are concerned. The gentleman disclaims any such intention. He does not believe that we run the slightest risk, by adopting the resolution on your table. He considers it as a pacific measure, and relies entirely upon the discretion of the President, to accept or reject our recommendation, as the interests of the country may require. The object of passing such a resolution, can only be to give an impulse to the Executive, and to induce him, by an expression of the opinion of this House, to send a commission to Greece. I have as great a reliance upon the discretion of the Executive as the gentleman from Massachusetts. I believe that he would resist the suggestion of this House in favor of any measure, if he thought the public interest required him to do so. But, unless we wish and expect him to act upon our recommendation, we ought not to throw upon him, alone, the responsibility of resisting the strong public feeling, which has been excited on this subject. The question for us to consider appears to me to be, whether, if the power rested with us, we would exercise it to this extent. I think we could not do so, without incurring some risk of involving the country in a war foreign to its interests. Let us suppose that these commissioners were to fall into the hands of the Turks; an event by no means impossible, in the present state of Greece—what would be their fate? The Porte has not been remarkable for its strict observance of the laws of nations, in its intercourse with the Powers of Europe; and it is not probable, that such a Court would be very scrupulous in its conduct towards a nation whose flag it has never acknowledged. Or, let us imagine, what is much more probable, that on the rumor of our having taken any measure in favor of Greece, the barbarous and infuriated Janissaries at Smyrna were to assassinate our Consul and fellow-citizens residing there; might

not a war grow out of such acts? The gentleman from Massachusetts said, yesterday, that we had already taken steps, which would offend the Ottoman Porte as much as the one he proposed. Money has been freely and publicly contributed in aid of the Greeks. What we have done in that respect is common to all Christian Europe. Large sums have been contributed for that purpose in England, in Germany, and even in Russia. He said, too, that the Executive, in the Secretary's letter, to the agent of the Greek Government, and subsequently in his Message to Congress, has used expressions calculated to irritate that Court as much as if we were to send a commission to Greece. These expressions of ardent wishes for the success of the Greeks are honorable to the Executive, and will be echoed back by the nation. They may be so by this House with safety, and that expression of our interest in their welfare and success would have all the cheering influence the gentleman anticipates from the measure he proposes.

It appears to me, that in the consideration of this question we have been misled by comparing this revolution with that of Spanish America. And I have heard it argued that, as we sent commissioners to Buenos Ayres without rousing the jealousy of any nation, and recognised the independence of those Governments without exciting the hostility of Spain, we may do the same in relation to Greece, without offending any nation in Europe.

Independently of the different attitude it becomes us to assume towards America, there is no similarity in the two cases. When we adopted the first measure, Buenos Ayres had been independent, *de facto*, for more than eight years, and Spain had not, during the whole of that period, made the slightest effort to recover possession of that country. When we recognised the independence of the American Governments south of us, they were all free, from the Sabine to the La Plata. The tide could not be rolled back; but, in whatever light Spain may have regarded our conduct on those occasions, the situation of the internal concerns of that country prevented any manifestation of its resentment. No, sir; it is to Europe that we must look for a case parallel to that of Greece. Let us suppose that the Italian States had made an attempt to shake off the iron yoke of Austria, would there be any doubt as to the course of policy this country ought to pursue in that case? Or, if Poland were again to make a desperate effort to recover its liberties, and to re-establish its political existence, that gallant nation would have a claim to our sympathies. Yet, I apprehend we should hesitate before we took any step which might offend the Emperor of Russia. Is there a country on earth in whose fate we feel a deeper interest than in that of Ireland? A braver or more generous nation does not exist. Her exiled patriots have taken refuge here, and are among our most useful and distinguished citizens. They are identified with us, and the land which gave them birth must always inspire us with the warmest interest. But, if the Irish were to make a gen-

eral effort to separate themselves from England, we should pause before we adopted a measure which might be interpreted by Great Britain as an interference with her domestic policy. And yet the Turks are more regardless of the laws of nations, more violent in character, and more reckless of consequences, than any Power in Europe. It has been said that when we exercise an undoubted right, we ought not to regard consequences. This may be magnanimous language to hold, but would such conduct be prudent in this case? We may despise the power of Turkey, and Egypt, and Barbary, united, but can we be certain that, in the event of a war, we should have only to contend with them? The conduct of Great Britain and of the allies, in relation to the contest, which has been so fully dwelt upon, and so ably exposed by the gentleman from Massachusetts, ought to convince us that they would regard any interference on our part with great jealousy. They have repeatedly declared that they would discourage any change in the present state of possession of the great European Powers, among which Turkey holds a station which might strengthen one or lessen the security of another; and that they would discountenance any act calculated to call forth a new order of things, the issue of which it would be impossible to predict. The reasons for these declarations are obvious. Every Power in Europe balances between its terror of revolutionary principles, and its dread of the augmenting power of Russia. The independence of Greece alarms their fears in both these respects. The first revolutionary movement in that country was supported by, if it did not emanate from, an association in Germany. The success afforded by the Philhellenic societies in Germany, Switzerland, and Italy, have contributed largely to the success of the patriots. The revolution of Greece broke out simultaneously with that of Piedmont; and the agents of the Greek Government have most imprudently boasted of the effect which the liberties of Greece would be likely to produce on the neighboring States. And there is no doubt that the establishment of free institutions in Greece would have a powerful influence on the minds of the enthusiastic Italians and Germans.

For these reasons, among others even more selfish, Austria has been hostile to this revolution from its commencement. France is opposed to any change in the present state of possession of the great European Powers, which might grow out of the dismemberment of Turkey. Such an event could not augment her strength, and might lessen her security. For obvious reasons, that Power, in common with all others on the continent of Europe, is averse to the establishment of any new Republic. Great Britain, throughout this contest, has evinced a desire to preserve the integrity of the Turkish empire. The Ionian islands, which are under her dominion, have not only been prohibited from taking a part in the war, and the inhabitants disarmed, but the ports of those islands have been made places of deposit for grain and other supplies for the Turkish fleets. The only act of Great Britain which can be regarded as at

all favorable to the Greeks, is the acknowledgment of their blockades; an act of justice which could not be refused to the relative position of the two parties. The prevailing opinion appears to be, that, united by the bond of one common religion, Greece, as the ally, or as the dependant of Russia, would, by means of her formidable marine, render irresistible that already colossal Power. Great Britain appears to have regarded the dismemberment and partition of Turkey, as a necessary consequence of a rupture between that Power and Russia. To prevent this, all her influence has been exerted, and no reasonable doubt exists, that, if negotiation had failed to effect an accommodation between them, Great Britain would have appeared in arms as the ally of the Porte.

The course of policy pursued by Russia, on this occasion, has been so fully developed by the gentleman from Massachusetts, that it is unnecessary for me to dwell upon it. The sacred obligations of that Power to protect the Greeks, and even its long conceived projects of aggrandizement, appear to have yielded to the dread of encouraging revolution. In whatever light we may regard a policy which sacrifices to its selfish views the rights of humanity and justice, and the claims of a suffering Christian people, in matters relating exclusively to Europe, we ought not to interfere. We cannot do so without departing from those principles of sound policy which have hitherto guided our councils, and directed our conduct. Any interference on our part, in favor of a cause which not even remotely affects our interests, could only be regarded in the light of a crusade, and might injure the Greeks by alarming the fears of the Allied Powers. They already dread the moral influence of our republican institutions; let us not make it their interest, and give them a pretext, to attack us, by going forth to disturb the integrity of their possessions, or the security of their monarchical governments in Europe. The distinction drawn by the President in his last Message, marks the true and the only safe course of policy for this country to pursue. Mr. P. here quoted the Message:

"A strong hope has been entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers, which might, ere this, have overwhelmed any other people. The ordinary calculations of interest and of acquisition, with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation. That she may obtain that rank, is the object of our most ardent wishes."

Mr. P. then referred also to the following letter

of the Secretary of State, recently communicated to Congress:

"DEPARTMENT OF STATE,
Washington, Aug. 18, 1823.

SIR: I have the honor of enclosing, herewith, an answer to the letter from Mr. Luriettis, the agent of the Greeks, addressed to me, and a copy of which was transmitted with your despatch, No. 295.

If, on the receipt of this letter, Mr. Luriettis should still be in London, it will be desirable that you should deliver it to him in person, accompanied with such remarks and explanations as may satisfy him, and those whom he represents, that, in declining the proposal of giving active aid to the cause of Grecian emancipation, the Executive Government of the United States has been governed, not by its inclinations, or a sentiment of indifference to the cause, but by its Constitutional duties, clear and unequivocal.

The United States could give assistance to the Greeks only by the application of some portion of their public force, or of their public revenue, in their favor, and it would constitute them in a state of war with the Ottoman Porte, and perhaps with all the Barbary Powers. To make this disposal, either of force or of treasure, you are aware, is, by our Constitution, not within the competency of the Executive. It could be determined only by an act of Congress, which would assuredly not be adopted, should it even be recommended by the Executive.

The policy of the United States, with reference to foreign nations, has always been founded upon the moral principle of natural law—peace with all mankind. From whatever cause war between other nations, whether foreign or domestic, has arisen, the unvarying law of the United States has been, peace with both belligerents. From the first war of the French Revolution, to the recent invasion of Spain, there has been a succession of wars, national and civil, in almost every one of which one of the parties was contending for liberty, or independence. In the first Revolutionary war, a strong impulse of feeling urged the people of the United States to side with the party which, at its commencement, was contending, apparently, at least, for both. Had the policy of the United States not been essentially pacific, a stronger case to claim their interference could scarcely have been presented. They nevertheless declared themselves neutral, and the principle, then deliberately settled, has been invariably adhered to ever since.

With regard to the recognition of sovereign States, and the establishment with them of a diplomatic intercourse, the experience of the last thirty years has served also to ascertain the limits proper for the application of principles, in which every nation must exercise some latitude of discretion. Precluded, by their neutral position, from interfering in the question of right, the United States have recognised the fact of foreign sovereignty, only when it was undisputed, or disputed without any rational prospect of success. In this manner, the successive changes of government in many of the European States, and the revolutionary Governments of South America, have been acknowledged. The condition of the Greeks is not yet such as will admit of the recognition upon these principles.

Yet, as we cherish the most friendly feelings towards them, and are sincerely disposed to render them any service, which may be compatible with our neutrality, it will give us pleasure to learn, from time to time, the actual state of their cause, political and military.

Should Mr. Luriettis be enabled and disposed to furnish this information, it may always be communicated through you, and will be received with satisfaction here. The public accounts from that quarter have been, of late, very scanty, and we shall be glad to obtain any authentic particulars which may come to your knowledge, from this, or through any other channel.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS."

The letter of the Secretary of State to the Agent of the Greek Government, corroborates this view of our policy, and, if taken together, clearly shows the views of the Executive in relation to our foreign policy.

In this hemisphere we have already taken the station which it becomes us to hold. We have been the first to recognise the free States of North and South America, and the honor and safety of this country require us to defend them from the attacks of the confederated monarchs of Europe. We are called upon, by every consideration, to resist them, should they attempt to extend their plans of conquest and legitimacy to America; for, if they succeed in that unhallowed enterprise, the independence of nations will be but a name.

That there are indications of such intentions, no one will deny. The King of Spain has proclaimed his determination to employ force to recover his American dominions. Even he is not weak enough to undertake an enterprise of such magnitude with the resources of Spain alone. The Envoy of the Emperor of Russia, sent to congratulate Ferdinand on his restoration to the fulness of his legitimate authority, or, in other words, to the right of tyrannizing over his subjects without control, expresses the wishes of his august master that the benefits now enjoyed by his subjects in Europe may be extended to his dominions in America. In reply to our call for information upon that subject, the President indirectly tells us, that some combined movement against America is to be apprehended. Indeed, we may see the storm gathering in all the signs of the times.

And at this portentous crisis, when we may be compelled to take up arms to defend our rights and liberties on this side of the Atlantic, shall we extend our operations to the remotest corner of Europe? When, to preserve our political existence, we ought to concentrate our strength, shall we diffuse and weaken it by engaging in a distant war? Shall we, in short, so give way to feelings of mere charity and generosity, as to lose sight of the higher obligations of prudence and self-defence?

The gentleman from Massachusetts has painted in true colors the fearful combination of Sovereigns against the liberties of mankind. But, if there is danger, and I agree with him that it is imminent and appalling, it is here that we ought to meet it. A very slight examination of our resources, of the nature and character of our Government and institutions, will convince us, that, in a distant war, foreign to our interests, this nation is weak as an infant. For purposes of defence, in a war that

would unite all our resources, and rouse the energies of the people, we are strong as Hercules.

I repeat, that if there is danger to be apprehended from the avowed principles of the Holy Alliance, it is in America that we must resist them. Like the generous animal, which is the emblem of this country, let us not go forth to seek enemies. If they threaten us, let our warning be heard over the waves, in the voices of millions of freemen, resolved to maintain their liberties. If they approach our shores with hostile intent, we may arise in the collected strength of a great nation, and hurl destruction on the foes of freedom and of America.

I think, sir, that any resolutions we pass on this subject ought to be expressive of our policy and of the position we occupy in relation to Europe, and that which we are resolved to assume in relation to America; and, with that view, I propose the following resolution as a substitute for those offered by my friend from Massachusetts:

Resolved, That this House view with deep interest, the heroic struggle of the Greeks to elevate themselves to the rank of a free and independent nation; and unite with the President in the sentiments he has expressed in their favor: in sympathy for their sufferings, in interest in their welfare, and in ardent wishes for their success."

Mr. RANDOLPH then rose and said, that this was perhaps one of the finest and the prettiest themes for declamation ever presented to a deliberative assembly. But it appeared to him in a light very different from any that had as yet been thrown upon it. He looked at the measure as one fraught with deep and deadly danger to the best interests and to the liberties of the American people; and so satisfied was he of this, that he had been constrained by that conviction to overcome the almost insuperable repugnance he felt to throwing himself upon the notice of the House, but he felt it his duty to raise his voice against both the propositions. He would not at this time go at length into the subject; his intention, in rising, was merely to move that the Committee rise, and that both of the resolutions might be printed. He wished to have some time to think of this business—to deliberate, before we took this leap in the dark into the Archipelago, or the Black Sea, or into the wide mouth of the La Plata. He might be permitted to add one or two other views. He knew, he said, that the post of honor was on the other side of the House, the post of toil and of difficulty on this side; if, indeed, anybody should be with him on this side. It was a difficult and an invidious task to stem the torrent of public sentiment when all the generous feelings of the human heart were appealed to. But, sir, said Mr. R., I was delegated to this House to guard the interests of the people of the United States, not to guard the rights of other people; and if it was doubted, even in the case of England, that land fertile above all others (not excepting Greece herself) in great men—if it was doubtful whether her interference in the politics of the Continent, though separated from it only by a narrow frith, were either for her honor or ad-

vantage; if the effect of that interference has been a monumental debt, that paralyzes the arm that certainly would have struck for Spain, can it be for us to seek in the very bottom of the Mediterranean for a quarrel with the Ottoman Porte? And this while we have an ocean rolling between? While we are in that sea without a single port in which to refit a ship? And while the Powers of Barbary lie in succession in our path? Shall we open this Pandora's box of political evils? It has been wisely and truly said, that it is possible the mere rumor of our interference may produce at Constantinople, or at Smyrna, that which will drive us at once into a war. We all know the connexion that subsists between the Barbary States and what we may denominate the Mother Power. Are we prepared for a war with these pirates? (not that we are not perfectly competent to such a war, but) does it suit our finances? Does it, sir, suit our magnificent project of roads and canals? Does it suit the temper of our people? Does it promote their interests? Will it add to their happiness? Sir, why did we remain supine, while Piedmont and Naples were crushed by Austria? Why did we stand aloof, while the Spanish peninsula was again reduced under legitimate government? If we did not interfere then, why now? Sir, I refer you to the memorable attempted interference of that greatest of statesmen, when he was in the zenith of his glory—when all his dazzling beams were unshorn. You know I mean Mr. Pitt; and I refer you, as a commentary of that attempted interference, to the speech of Mr. Fox—a speech fraught with the wisdom of a real statesman. [Here Mr. R. paused.]

When he resumed, he said: I perceive, sir, I have overcalculated my strength. I feel that I am not what I was. The effort of speaking is too much for me. The physical effort has suspended (as, when physical effort is violent, it always does) the intellectual power. What I wished to say was, that this quixotism in regard, either to Greece or to South America, or, I will add, to North America, (so much of it as lies within our own boundary, you know I mean Mexico,) that this quixotism is not what the sober and reflecting minds of our people require at our hands. Sir, we are in debt as individuals, and we are in debt as a nation; and never, since the days of Saul and David, of Cæsar and Catiline, could a more unpropitious period have been found for such an undertaking. The state of society is too much disturbed. There is always, in a debtor, a tendency either to torpor or to desperation; neither is friendly to such deliberations. But he would suspend what he had further to say on the subject. For himself, he saw as much danger, and more, in the resolution proposed by the gentleman from Kentucky, as in that of the gentleman from Massachusetts. The war that may follow on the one, is a distant war—it lies on the other side of the ocean. The war that may be induced by the other, is a war at hand—it is on the same continent. He was equally opposed to the amendment, as well as to that which had since been offered to

the original resolutions. Let us look a little further at all of them. Let us sleep upon them, before we pass resolutions, which I will not say are mere hooks to hang speeches on, and thereby commit the nation to a war, the issue of which it is not given to human sagacity to calculate.

Mr. CUTHBERT, of Georgia, hoped that the motion to rise would prevail. The resolutions of the gentlemen on the Greek question covered, of themselves, very important and very delicate ground, but that which the honorable Speaker had since offered, added to the others, threw open for discussion the entire field of our foreign relations; and it was certainly proper that they should all be printed, and submitted to the most deliberate reflection.

Mr. CLAY then rose, and said he hoped the Committee would not rise. He trusted that gentlemen were now prepared to act on the resolutions, with respect to Greece; and as to that which he had himself submitted, and which the gentleman from Virginia had, he must say, gratuitously, and without just reason alluded to in his observations, it was by no means his wish that it should be now considered. He had distinctly stated, at the time he offered it, that he wished merely to lay it on the table, that it might be reflected on. At a proper time he should call it up for discussion. He would, however, incidentally remark, since it had been made the subject of animadversion, what he hoped incontrovertibly to prove, that that resolution, or something like it, must be adopted, or we might prepare to surrender our liberty. If the gentleman wished time to consider it, he should be accommodated; he might take days, or weeks, if he pleased, for more mature reflection; but if the liberty of the country was worth preserving we must rouse ourselves—we must take decided ground, or we are gone, at least in prospect. He trusted that the Committee would now proceed; he pledged himself to show to it that this tocsin of war, which had been sounded with so much effect from one side of the House to the other, was, when examined, a mere creature of the imagination. He hoped that the resolution of the gentleman from Massachusetts would be adopted. The measure for which it prepared, was in strict accordance with the policy of this country, and with the practice of all our Presidents, from the days of our immortal Washington to this hour. He was disposed to accord to the gentleman from Virginia every reasonable accommodation; but, asked Mr. C., has it come to this? Have we yet to make up our minds on the question of the Greek cause? Has there, then, been no pillow reflections on such a subject? Is it now that we are for the first time to "sleep upon it?" He trusted not. He did hope that, ere this time, every gentleman had made up his mind on such a question. The proposition is before us. It asks us to speak a cheering word to the Greeks. Gentlemen had only to say yes or no. That monosyllable was all that was asked of them. Let them say, distinctly, whether they would give so much encouragement as this to a nation of oppressed and struggling patriots in arms, or whether

they would shut themselves up in a cold, shivering, contracted, but mistaken policy, which must in the end react upon ourselves. If, in a proposition so simple, so plain, so harmless, so free from all real danger as this, we were to shut our hearts from the influence of every generous, every manly feeling, let gentlemen say so at once. But he could tell the gentleman from Virginia, that he who follows the dictates of a heart warmed with humanity, and with the love of freedom, has a better guide than that cold, unfeeling, pence-calculating policy, which shrinks before it is menaced, and will never do a noble deed, for fear of some remote, possible consequence of conceivable danger.

Mr. RANDOLPH, in reply, explained the object of his motion, which was simply to have the several resolutions printed, that they might be better compared and considered. He begged the pardon of the gentleman; he did not mean to interfere with his resolution. He presumed (judging from the source from which the observations just uttered had proceeded) they were held to be perfectly in order; but the gentleman from Kentucky would pardon him, if the lofty promises that gentleman had given, with respect to what he would show and prove when his resolution came to be considered, left his mind somewhat in doubt as to their realization. He recollected that, in the case lately before the House, on the motion of his honorable colleague, promises equally large had been given by the gentleman from Kentucky, which, in his judgment, had failed of their fulfilment. He certainly had not spent so many sleepless nights in Washington without reflecting, and without making up his opinion, on the question of Greece, and of that of South America too; but he did not hold this to be any reason why the respective resolutions which had been offered on those subjects should not be printed. As to consulting, in legislation, the heart rather than the head, he had, indeed, learned, from much higher authority than that of the gentleman from Kentucky, that our passions may sometimes instruct our reason; but the question was, whether the present was one of those cases?

Mr. CLAY, in answer, said, that he had presented his resolution in no invidious spirit; he had simply read it, and asked to lay it on the table; and any thing that had since fallen from him respecting it, had been drawn forth entirely by the allusions to it in which the gentleman from Virginia had, unnecessarily he must think, indulged himself. As to the realization of promises, it was possible, in the instance referred to, he might, in the judgment of the gentleman, have failed; but that gentleman was one with whom, in any effort he might make, he should not calculate on much success. Complete, however, as his failure might have been, he would venture to assure that gentleman, that it not been greater than his would be in attempting to prove the danger he had attributed to the resolution now before the Committee. Observations of this kind, he said, were painful—they were extorted from him with reluctance. He hoped the discussion would

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be conducted calmly, fairly, and with good feelings. So far as his own resolution was concerned, he could assure that gentleman, and every other, that he should ever be ready to afford the amplest time for deliberation and discussion.

Mr. Foor, of Connecticut, hoped the Committee would rise. The amendment, he said, enlarged the ground of discussion, and the resolution of the Speaker widened the field still more. He hoped, for his own part, that the resolutions would all be referred to the Committee on Foreign Relations.

Mr. WEBSTER said, that he thought he was not without some reasons for complaint, that matter irrelevant to the subject of his resolution, and proving, in effect, a substitute, rather than an amendment, had been permitted to take the latter form; contrary, as he believed, to a rule of the House, which forbids it. He did not refer to the resolution of the Speaker, since that was distinct, and its discussion not now insisted on; but he referred, especially, to the latter of the two resolutions offered by the gentleman from South Carolina.

[The Chairman here reminded Mr. W. that the latter of these resolutions had been withdrawn.*]

Mr. CUTHBERT, of Georgia, repeated the expression of his hope that the Committee would rise; and some of the reasons he had before given, he now insisted on more largely. He glanced at the possible consequences of approaching the shores of any of the European Powers, at the very time we are about to denounce their approach to ours; and the connexion between the measures referred to in the present resolution, and those of the allied monarchs in relation to South America. The policy of this country was isolated and peculiar; the nation was unique in its circumstances, and must be carefully guarded, &c. If the honorable Speaker apprehended no danger of any attempt on South America, he would not have penned the resolution on the table. He knew his lofty and proud spirit too well to suspect him of gasconading, where

* Mr. POINSETT, at the conclusion of his remarks on Tuesday, in reply to Mr. WEBSTER, on the Greek question, submitted two resolutions, as an amendment to that offered by the gentleman from Massachusetts; the one in reference to Greece, and another in relation to the independent Governments South of the United States. The latter was withdrawn by him, in consequence of a resolution to a similar effect having been laid upon the table by the Speaker. This explanation is necessary to an understanding of Mr. RANDOLPH's (and especially of Mr. WEBSTER's) remarks. The resolution submitted by Mr. POINSETT, but afterwards withdrawn, was in the following words:

"Resolved, That this House concur in the sentiments expressed by the President, in relation to this hemisphere, and would view any attempt to oppress or control the free Governments of America South of us, by the Allied Powers of Europe, as dangerous to the peace and happiness of the United States; and that such measures as may be deemed expedient to protect them from the attacks of any Power, other than that of Spain alone, and unassisted, will meet its cordial support."

there was no danger to be feared. He did not suspect him of it—he knew him better. He, therefore, hoped for further time to deliberate.

The question was then taken on rising and reporting, and it was decided in the negative—yeas 84, nays 89.

Mr. DWIGHT, of Massachusetts, said, that he was sure the House would appreciate the embarrassment he felt himself under in rising to address the Committee, at a moment when they had just been touched by the magic wand of the eloquence of the gentleman from Virginia, and the honorable Speaker of the House. But, having had the honor of bringing the subject embraced by the resolution then upon the table before the House, at the last session of Congress, he should think himself culpable, did he, on this occasion, omit to add his efforts (feeble as they might be) to those of the distinguished gentleman who had brought forward this resolution. He had not words, he said, to express the gratitude he felt to his honorable colleague, (Mr. WEBSTER,) for the very luminous manner in which he had unfolded the principles of the Holy Alliance yesterday. He would not, he said, again apply the term Holy to an alliance, which he could characterize in no other way than as a conspiracy of sovereigns, convened, ostensibly, for the purpose of securing the social order of nations, while they were, in reality, waging war upon the social rights of mankind. Although, he said, he could not express the gratitude he felt to his honorable friend, he would tender to the House a more acceptable homage—the assurance that he would not, in the remarks he was about to submit, trespass upon a subject to which such justice had already been done. He congratulated his honorable friend from South Carolina, (Mr. POINSETT,) who had preceded him in the argument, upon the eloquent description he had given of the cause and sufferings of the interesting people to whom the resolution related. He regretted, however, that he could not congratulate him upon having carried his sympathy to the utmost legitimate extent which the principles of humanity, the recognised rights of neutral nations, and the peace of our country justified. "Stern" (indeed, in the language of the gentleman) "would be the duty of a statesman," if the policy of his country always required him to suppress the best emotions of the heart, when they were sanctioned by the soundest dictates of the understanding, and approved by the acknowledged principles of national law. He felt himself under the necessity, therefore, of opposing the amendment offered by the gentleman from South Carolina, and supporting the original resolution.

The proposition, sir, is one of the highest importance, whether you regard the interesting character of the people to whom it relates, the effect it may produce upon the foreign relations of the Governments from which it proceeds, or the extensive commercial relations it may open between the United States and a numerous, intelligent, and industrious people, the fruits of whose industry, for four hundred years, have been consumed by the despots who enslaved them.

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My object will be to show, that the adoption of the resolution is alike demanded by the character and the condition of the Greeks, by the obvious commercial policy of our own Government, and that it cannot be opposed by any well-grounded apprehensions of involving ourselves in difficulties with any of the established Governments of Europe.

In touching upon the character of this extraordinary people, he would not take up the time of the House in dwelling upon their origin. It was sufficient for him to remind them, that, in tracing the history of almost all the nations of modern times, the mind was bewildered and the heart appalled, by the mingled ignorance and barbarism by which their origin is surrounded.

To the modern Greek is reserved the privilege of pointing to a brighter spot in the darkness of antiquity, and to remind you that there was the country of his ancestors, and that he is now striving to emulate those heroic achievements, by which they were made immortal; that, when the deeds of his forefathers were embalmed in history, it was in a language rendered classical by its literature; that, in whatever nation of our own time, there exists a love of virtue, a taste for literature, a devotion to freedom—there exists also, in their appropriate language, the mementoes of his country's greatness; that the descendants of those heroes, who first conquered freedom, and of the sages who first taught civil liberty to mankind, are now struggling under the yoke of barbarian bondage; that it is to us, who have partaken of their arts and sciences, their literature and religion, their forms of political power, and their notions of civil liberty, they appeal for sympathy, against a people in whose estimation learning is useless pedantry, our common religion a delusion, and their notions of civil liberty a crime.

In such a cause, an appeal can never be made in vain to that people who, so short a time ago, by their Representatives in this Hall, recognised the independence of the South American Governments almost by acclamation.

But, sir, the appeal of the Greeks is not founded upon the merit of their ancestry, and we are compelled to turn from the contemplation of a people whose origin is wrapped up in the classic associations of antiquity, the recollection of which is unmingled with a regret, except that they have passed away, to the melancholy picture of their present condition.

From the conquest of Constantinople by Mahomet II., the Turkish Government has been kept in awe by the European Powers which surrounded it, through the means of that universal principle of self-defence which nations, as well as individuals, are bound to regard.

The doctrine of the balance of power, and the mutual jealousies connected with its existence, has permitted to sleep, upon the bosom of Europe, a Government which, as the gentleman from South Carolina has well said, were bound by the faith of no treaties, and in regard to which the principles binding the nations of the earth together, are of no obligation. To such jealousies has

the Ottoman empire been indebted for her existence in Europe, and not to an intrinsic strength or disposable force, that ought to discourage the friends of Grecian freedom.

The apprehension that Russia would enlarge her colossal empire in the South, or that Bonaparte would, in that direction, take another step in his march to universal dominion; or that England would, in the Archipelago, or in the straits of the Dardanelles, make other depots of her almost irresistible marine, has, by turns, distracted the cabinets of Europe and involved its Governments in desolating wars; but has always resulted in fixing more firmly the firm despotism of the Turk upon the eastern empire of the Cæsars.

During this security from abroad, the Turkish Government had relaxed their system of oppression; for even despotism, when sated and unresisted, may become sluggish, and the interval was employed, by the industrious Greeks, in accumulating, from their soil, and the resources of their national industry, those treasures, which, alas, could serve them no other purpose than to excite the rapacity of their inhuman masters.

In other conquests, the humanity or policy of the conqueror seems to have put a limit to its own severity, and, by degrees, to have blended with its own people and laws, the persons and rights of the conquered. If the humanity of the conqueror has not extended so far, his policy has been contented to seize the dominion of person and property, and leave to the conquered the dominion of the heart, and the charities of domestic life. Not so the Turk; under his sway the conquered subject is permitted to wear his head only upon the payment of a capitation tax; and, lest he should even then forget the distinction between the follower of the Cross and the Crescent, he is compelled to bear, in the color of his costume, the degrading evidence of his subjugation.

I have said that the possessions and the rights of this people were pursued through the waste of the affections. Yes, sir: connubial love, parental affection, filial devotion, the little that binds a slave to existence, all became a crime, because their indulgence were incompatible with the claims of the conqueror. Wealthy families were turned, houseless and penniless, upon the world, to gratify the avarice of a governor, or pamper the appetite of a favorite. The innocent people, deprived of civil or political rights, were robbed without accountability, and butchered with impunity, by some agent of despotism, who purchased immunity from his master by dividing the spoils of his victim. Whole districts threw up their property into the hands of the tyrant, purchasing repose by their penury, and preferring beggary to dishonor. But, when all had been yielded to avarice which wealth could give, they were subjected to the influence of a still more execrable passion; and you have the testimony of a distinguished individual to the fact, that he has rode over large villages in the Peloponnesus, scathed by the flames, because some reputable family had refused to give up a beautiful daughter as a victim to the execrable tyrant's lusts. From these oppressions, an appeal was made to

humanity every where. But it was unheard even by the nation which had exerted its power for the abolition of the more humane slave trade; by a nation that had produced a Chatham to raise his indignant voice against the less inhuman ferocity of savage war; or a Burke, to picture, in pathetic eloquence, the less excruciating sufferings of the inhabitants of Southern India. But it was not made in vain—it was heard by one of their countrymen, whose distinguished bravery and commanding character had raised him to the post of Aid-de-Camp of the Emperor Alexander, and to the command of a Major General in the Russian service. Under such auspices, the struggle for freedom commenced in the northern provinces of Wallachia and Moldavia. Every thing which genius could devise or valor achieve, was attempted, and victory had already perched upon his banners; when the sublime head of the Holy Alliance made the humane discovery, that the happiness of millions of his fellow Christians were not to be put in competition with the legitimacy of the Grand Sultan of the Ottoman empire.

The brave, the devoted Ypsilanti, was denounced and disgraced by his Royal Patron; himself and his sacred cause were made a sacrifice to cold and selfish views of State policy.

For a moment the political regeneration of Greece seemed doubtful, and might have become hopeless; but the measure of the despot's iniquities was not yet quite full. As if he delighted to add to the causes of Heaven's vengeance and a people's wrongs, the venerable Patriarch of the Grecian Church was massacred and hung up at the door of his own Cathedral; and this was followed by an universal massacre of the Greeks at Constantinople and of the hostages throughout the empire.

Amid this work of desolation, the mind has hardly the courage to dwell upon a single instance. But there is something of a peculiar horror, and yet of a grateful, though partial retribution in the affair of Scio, that compels me to bring it to your recollection.

This little island in the Archipelago was the supposed abode of the great poet of antiquity; thither, as if by a classical impulse, many of the Grecian families of easy fortune and of literary habits had resorted through successive years, until its population exceeded one hundred thousand—sixty villages and one hundred churches reared their heads throughout the island.

Here, as if the genius of Grecian poetry still lingered in its delightful shades, and among its vineyards and olive groves, was erected an extensive institution, devoted to literature, where were taught seven hundred students in the arts of peace, and all the mysteries of ancient learning; here, as if in the range of the Ottoman Empire there was a spot exempt from its despotism, peace and security might have been found. If on earth there was a people worthy of the protection of Heaven, it was the unoffending inhabitants of Scio. Yet, this sacred island was delivered up, without a crime charged upon its inhabitants, but that the blood of Leonidas and Socrates ran in their veins, to murder and rapine, conflagration and plunder.

The sex that escaped the sword were reserved for pollution; and the devastation only ceased when there was nothing left to destroy. The island became a desert. In the language of our immortal Ames, where there had been men, and wealth, and comparative liberty, there is no more than a sand bank, for sea monsters to fatten on; a space for the storms of the ocean to mingle in mighty conflict. Humanity shudders at such a recital. Atrocities like these, sir, would at any other time have roused the nations of Europe to vengeance; and yet there are men and nations who have heard it without emotion! Where, sir, is the gallantry, where the humanity, where the chivalry, of Continental Europe? Locked in the icy bands of the Holy Alliance.

But, sir, the immediate authors of these unparalleled atrocities were not permitted to go unpunished. The Turkish flag ship, while remaining in the harbor of Scio, with its Capitan Pasha and more than two thousand Turks on board, reposing after their feast of blood, was grappled by two Greek fire-ships, and blown to the elements. A vengeance so merited and yet so awful, that I should hardly have brought it before you, had I not discovered in it another ground of sympathy with that interesting people. No one who hears me will have forgotten, that a similar exploit in the Mediterranean, of some of our naval officers, first gave the brilliant presage of the glory to which the American Navy was destined.

A brilliant victory over the combined Turkish, Egyptian, and Algerine fleets at Tenedos, soon gave the ascendancy to the Greeks upon the Mediterranean. But their exploits were not confined to the water. The causes I have enumerated, had roused their nation to vengeance, and Greece exhibited, throughout, the mass of its population in arms: men and women marched, with clubs in their hands, to exterminate a tyranny which threatened them with annihilation. If it was an oppression, such as was never known, it was met by a resistance seldom equalled. If, in a moment of despondency, without discipline, and without arms, they were disheartened by the power of their oppressors, and the waste of their country, they were roused by the recollection that every object in their view presented some classic memorial of the glory of their ancestors; that the ground beneath their feet was the sepulchre of their country's heroes. As if by a refinement of emulation, they met the enemy at the well known pass of Thermopylæ, and where the Spartans had resisted Xerxes for freedom, they determined to reconquer it. A resistance roused by such oppressions, nourished and sustained by such associations, could not but be successful, and Greece once more reverted to its rightful owners.

Does any one doubt that Greece will retain what her arms have so gloriously won? Let him remember, that, within half a century, we, a less numerous, if not a less powerful people, struggled with a nation as much superior to the Ottoman Empire, as we are now superior to the Grecian Republics.

Is there a doubt whether that Government will

secure the principles they are contending for? Let us look at the constitution promulgated at Epidamur, on the first day of the last year, and we shall recognise the fundamental principles of our own.

All Greeks are equal in the eye of the law, without distinction of rank or dignity. The property, honor, and security, of every citizen, is under the guarantee of the law, through the medium of trial by jury. The distribution of power into two Legislative bodies, each having a negative upon the other; and a judiciary independent of both—an Executive annually chosen—the abolition of torture and confiscation. With such a constitution; with a seat of government at Athens, where once sat the Senate of the Areopagus, with Minerva and the symbols of Wisdom for the Seal of State; it is impious to doubt whether Greece has the intelligence to be free. And yet these are the men whom the English writers would "learn to despise the theoretic and delusive idea of constitution makers."

The resolution contemplates opening new commercial relations—and with whom? Why, sir, with seven millions of people, whose industry, for centuries, under all the disadvantages of national servitude and private oppression, has sustained and fed that numerous people. It has done more; it has fed the rapacity of their conquerors. With a naval power of six hundred merchantmen, and from whose united merchant service were equipped and manned, in the short space of twelve months from the breaking out of the war, a navy that was enabled to meet the combined Turkish, Egyptian, and Algerine fleet, and to beat them. Is it with such a people, supported by such a naval power, that the policy of opening new commercial relations is doubted? No, sir. It cannot be.

But it may be said that we shall sacrifice our trade with Smyrna, and, of consequence, with the Turkish possessions in the Mediterranean. Let gentlemen look at the official returns of the Treasury of the last year, and they will see how small will be the amount of that sacrifice. The whole amount of our trade to the possessions of Turkey in Asia, Africa, and Europe, will be seen by the last returns not to exceed the value of a single cargo in the India trade. And this pitiful advantage is purchased by the humiliating concession of suffering an American citizen to reside at Smyrna, three hundred miles from the capital of Turkey, without having the acknowledgment or protection of the Government from whom he seeks this little advantage to his country's commerce.

But those who make this cold calculation of pecuniary policy in a question that involves national honor, should look well to the other side of the picture before they decide that even interest should deter us from the measure. Have they asked themselves what would become of our whole trade in the Mediterranean, should the Greek cruisers which visit every harbor and inlet of that sea choose to interfere with it? Does the well known sympathy of the Greeks for this country furnish a guarantee from such an attack? And, if it does so, does not the fact furnish the strongest support

to my argument? Shall we avail ourselves of such a sentiment for the protection of our commerce, and refuse to reciprocate it for the encouragement of theirs?

But it may be said her commerce is too small to justify the interference. The argument for the recognition of the South American Republics was sustained, not by reference to their commerce as it then was, but by an enlightened calculation of what it would soon become; and events are already beginning to demonstrate the soundness of the position. Greece, with her limited territory, surrounded almost by the waters of the Mediterranean; and her dense population, devoted to the arts; and her marine, composed of the best seamen of the Continent, must necessarily become an important naval and commercial Power. The duty of the Government, then, is to take measures which may not only encourage, but protect our commerce with such a commercial and naval people.

It remains for me to show what I promised in the outset—that the measure was not opposed by any well-grounded apprehension of difficulties with the other Powers of Europe. This Government has always been, and I trust always will be, as slow to impugn the rights of other nations, as she is prompt in defending her own. But the resolution contemplates no new principle; it falls far short of that which governed this House in recognising the independence of the South American Republics. There we recognised the independence of States which had thrown off the yoke, not of governments which had conquered them, but of the mother country which had colonized and settled them. There we recognised the new governments pending treaties of amity with the old ones, without disturbing, as was fearfully predicted we should do, the amicable relations which had previously existed between us. Here we open commercial relations with a people who were never, but by conquest, an integral part of the Ottoman empire; who, neither by habits nor language, nor by the enjoyment of political rights, have been blended with the conquerors; and whose former government never has had negotiation or treaty with us. Is it an apprehension of difficulty with Russia or with England? Those Powers have only incidentally protected Turkey; not for her sake, but that a barrier might be erected between them, which their mutual jealousies would prevent each other from overstepping. The independence of Greece would form a stronger barrier, because erected and sustained by the hearts of freemen. Is it apprehended that a Republic cannot exist surrounded by the monarchies of Europe? Let us examine the case of Switzerland, that long remained a barrier in Europe, that Bonaparte, in the height of his power, dare not overthrow. Look at the United Provinces of the Netherlands, conquering their freedom from Spain in the height of her power. Look at the Venetian Republic, conquering from the Ottoman empire the fairest portion of Greece, the Morea; and compelling its cession, by the treaty of Carlowitz, in 1699. Look at the Ionian isles, whose independ-

ence was acknowledged by Russia in the year 1800, and at the Treaty of Tilsit annexed to the French empire, by the name of the Septinsular Republic. See them in 1817, after the fall of Bonaparte, demanding and receiving the protection of England.

Can Russia look with a jealous eye upon the efforts of the Greeks? What interest can she have that Greece should be reconquered by the Turk, when she has acquitted herself of all participation in her deliverance? The eye of her ambitious Emperor is too intently viewing the natural outlet of his vast empire, the Euxine, and her connexion with the Mediterranean; and, besides, he cannot regret the dismemberment of an empire which he will possess by so much the sooner, as she is weakened in this controversy. Possess—and he must sooner or later—at least Constantinople and the Straits of the Bosphorus and the Dardanelles; they are to his empire, stretching as it does from the Polar Ocean to the Black Sea, and from the Pacific to the Baltic, what the Mississippi and New Orleans are to us. The provinces of Greece would rather weaken than strengthen his colossal power. He cannot conquer; he cannot subjugate them. He may, to be sure, exterminate them; but he is too deeply read in human nature and human history, to be ignorant, that when a people have resolved on liberty, they will be free.

He might have learned, from the history of the United States, the example of a people conquering more from the force of the immortal resolution than by arms, however splendid their victories.

In regard to the motives of the Russian in entering into the Holy Alliance, or rather forming it, he begged leave to express a single opinion; it might be novel, it might be erroneous, but, if correct, it had no little bearing upon the question before the House.

That Monarch seemed to him to have aspired, like Bonaparte, to the government of Europe, by force of some general principle which might assume the shape of a continental question. Bonaparte had done it through the medium of their interests. Alexander had operated through their fears. It was an apprehension of the increasing effort at the reformation of abuses, which the enlightened character of the age had given the other monarchs of the Alliance too much cause to be afraid of. It was this apprehension which had united them under his guidance for the protection of his eight hundred thousand bayonets.

Alexander, then, does not fear the independence of Greece, and England may approve it ere long. The most authentic information from that country, Mr. D. contended, had placed the belligerent parties in an attitude, as it regards each other, which, upon the soundest principles of national law, would justify our opening commercial relations with either. The Greeks have formed a Government for themselves, and the resolution only admitted that the power resided in those who exercised it, without saying to whom it belonged, or fortifying either in their claims to it. The resolution proposes commercial relations with the

Government, de facto, upon principles recognised in the history of neutral nations, as well as national law. Spain submitted to as much from all the commercial nations of Europe, for near a century, in regard to her revolted provinces of the Netherlands. She has submitted to more from England and the United States, in regard to the provinces of South America. But yesterday, an American Plenipotentiary was endeavoring to present himself to a Cortez of Spain, whose votes were construed to be treason to their King, and yet we hear of no complaint from that Government.

Upon the principle of treating with its governments de facto, were the Ministers of France received by neutral nations during the Consulate, and of England during the Commonwealth, and yet neither Charles nor Louis, upon their restoration, chose to complain.

If Greece should commit spoliations upon our commerce, we might treat with them; and shall we not prevent that from being done which we might ask redress for when effected? Could he fear this at home? Years and years might pass away before the serfs of his gigantic empire would hear the name of liberty, much less aspire to the enjoyment of it. The same period might elapse before the Cossacks of the Don and Ukraine could wish to change their profession of arms, or the Tartars of Northern Asia would aspire to a change of their Government. No, sir, he had no such fears at home. The northern hive, when it swarms, will not stop to reform abuses, to depose their king bees and drones, but will proceed to the rich fields and gardens of the South.

It was well said by the Autocrat of the North, in his speech to Monsieur Chateaubriand, Europe shall no longer have an English and French policy.

No, sir, England can never be a party to such an alliance, without carrying her back to the age of Henry VIII. She is not more entirely isolated from this policy than she is from the terra firma of Europe. She will be compelled, sooner or later, to take ground against this alliance, and the sooner the better for her interests and her honor.

It is said, sir, that a co-ordinate branch of the Government may, and from the tenor of the message it is inferred the Executive will do all that the resolution contemplates.

This coincidence of opinion is essential to the success of the measure, and one of the strongest arguments for its adoption. Concert is essential to give effect to a measure calculated to promote the great interests and essential pursuits of the country. Let it not be apprehended that this is too remote and chivalric an effort for the peaceable Government of the United States to make. Let it not be said, that the path of prudence for us is to step aside the question, and leave to others the more direct, but more hazardous one, of marching directly to it. For, it must be remembered, that, by courting the danger, they are meriting the glory of the enterprise. And here, sir, I am persuaded, that no person who duly appre-

ciates his country's power, will hesitate to say, that if the measure is called for by our commercial interests, and sanctioned by the principles of humanity, and not opposed by the stipulations of any treaty, he will hesitate to give it his support, because some Government may choose to make it a cause of difference with us. Such hesitation would imply the surrender of our national independence. To what nation shall Greece address herself for co-operation or sympathy? Shall it be to England? The English Lord Protector of the Ionian Isles has been obliged to suppress the spontaneous sympathy of the Island brethren in their behalf, lest his country should rouse the Turk, and throw him into an alliance with Alexander.

No, sir, not to England, but to America, did Greece appeal from the Senate of Calamata, in language we cannot refuse to hear, "That having deliberately resolved to live or die for freedom, they were drawn by an irresistible sympathy to the people of the United States."

It remains to be determined whether the Congress of the United States will sanction that appeal and approve a sympathy so universal in their behalf, and of the people of this wide extended empire.

Those who regard the true foundation of their country's glory, cannot be indifferent to this interesting crisis. They will consider that her military and naval character stands already so high that it does not require to be exalted; that her progress in literature and the arts is too rapid to need acceleration; that, in the science of civil government she has already done much to adorn and enlighten the age in which we live; and that it only remains to her to consummate her national glory, by enlarging that generous philanthropy which produced the abolition of the African slave trade, and the recognition of South American independence. In such a commodity of national wealth, to be selfish, is to be ungenerous; and base would be the American heart, that would barter the well-earned glory of his country in redeeming one continent from the slave trade, and in giving freedom to another, for Alexander's share in the partition of Poland, or the right of the Bourbon to the broken sceptre of Spain. Enough of military and naval glory have we acquired, to give us most grateful recollections of the past, and most pleasing assurances of the future. The Holy Alliance will hardly assail us, while the thunder of our naval battery is yet echoing along the lakes, and reverberating throughout the Atlantic. They will remember, too, that the British Lion has crouched to the American Eagle upon the land. And, should the Russian Bear, by a bound not more extravagant than certain diplomatic logic, leap over four thousand miles of close sea, upon our Pacific border, we could point out, in Tennessee, a Western hunter that should drive him growling to his native den.

But, sir, we need not these consolations. The Greeks do not ask us for our treasures, or our arms. They bid us remember, that opinion is

power, and that the expression of it here on this day, shall gladden the hearts and nerve the arms of millions of beings, as brave, as enlightened, but not yet as secure and happy as ourselves.

Mr. MANGUM renewed the motion that the Committee should rise. He hoped the gentleman from Massachusetts would indulge him in the motion. He could assure that gentleman that he had yesterday come to this House with his mind, as he thought, fully made up to oppose the resolution; but, by the luminous and able reasoning of that gentleman, his determination had at least been shaken, and he asked for further time for reflection. Thereupon,

The question was put, and the Committee rose, reported progress, and had leave to sit again; and, on motion of Mr. TAYLOR, the resolutions were ordered to be printed.

WEDNESDAY, January 21.

Mr. COCKE, by leave of the House, presented a resolution, adopted by the General Assembly of the State of Tennessee, "that the Congress of the United States be requested to pass a law authorizing payment to the officers, as well staff officers as others, and soldiers, for property lost by them in the Seminole campaign; and that the ambiguity, or doubtful meaning, of the act of the 4th of May, 1822, be explained, or modified, or that such a construction be given to said act as will embrace the cases of the claimants;" which resolution was referred to the Committee on Military Affairs.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Josiah Hook, jr.," made a report thereon adverse to the passage of the said bill; which report and bill were ordered to lie on the table.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, made a report on the petition of Robert S. Forman, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the whole House to-morrow.

The Committee on the Public Lands were discharged from the consideration of the petition of sundry inhabitants of Michilimackinac, referred on the 22d of December ultimo, and it was laid on the table.

Mr. POINSETT, from the joint Library Committee, reported the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of appropriating five thousand dollars for the use of the Library of Congress.

On the question to agree to the resolution, it passed in the affirmative.

Mr. MOORE, of Alabama, from the Committee on Private Land Claims, made a report on the petition of Thomas T. Townley, in behalf of the heirs of the late Don Miguel Eslava, accompanied by a bill confirming to the said heirs sundry claims to lands in the city and county of Mobile, in the State of Alabama; which bill was read

the first and second time, and committed to a Committee of the whole House to-morrow.

Mr. HAMILTON, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act explanatory of an act, entitled 'An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians, passed the 4th day of May, 1822,'" reported the same without amendment, and it was committed to a Committee of the Whole.

The report of the Committee of Claims, on the petition of John B. Smith, was committed to a Committee of the Whole.

On motion of Mr. COCKE, the report of the Land Commissioners in Louisiana, in the claim of the representatives of the Marquis de Maison Rouge, which was sent to this House by the Secretary of the Treasury, together with all papers and documents accompanying the same, were referred to the Committee on Private Land Claims; and said committee were instructed to report with a view to the final settlement and disposal of said claim.

On motion of Mr. BRENT, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making provision by law for surveying the coast, from the mouth of the Mississippi to the Sabine river, in Louisiana; and of causing buoys to be placed at, and upon, the shoals and banks off the mouth of Berwick's bay, at the pass into said bay, which leads from the Gulf of Mexico into the river Teche, so as to render the said passage secure for vessels entering thereinto.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of having a lighthouse erected, or of placing a lamp upon, or near, Point Fer, or upon, or near, the island of "Belle Isle," in Louisiana, for the facility and security of vessels navigating the coast, at the entrance into the pass which leads into the river Teche.

On motion of Mr. CALL, the Committee on the Judiciary were instructed to inquire and report what alterations and amendments are necessary in the act of Congress amending an act organizing the Territorial government of Florida.

An engrossed resolution, in relation to an intended visit of the Marquis de Lafayette to the United States, was read the third time, and passed unanimously.

CAUSE OF THE GREEKS.

The House then again resolved itself into a Committee of the Whole, Mr. TAYLOR in the Chair, on the state of the Union, and resumed the consideration of Mr. WEBSTER'S resolution for sending an agent to Greece, and the amendment thereto proposed by Mr. POINSETT, which proposes to limit the resolve to the expression of a sentiment decisively favorable to the Greek cause.

The depending question being stated—

Mr. CARY, of Georgia, rose and said that he felt himself under some embarrassment in recon-

ciling the circumstances in which he was placed, with the sentiments he was about to utter. If he should say to the Committee that the circumstances and nature of the present subject of debate, pregnant with the most important consequences, had pressed with peculiar weight upon his mind, he feared that he should be laughed at, because he had rushed into the debate with all the precipitate ardor of an ancient Lacedæmonian. But, after the subject had been debated day after day; when the discussion of it had elicited the most splendid talents of this House, and of the nation; when the subject of the Grecian struggle for liberty occupied the whole country—when taste, when letters, when beauty and fashion have all enlisted in the subject, and evinced the most ardent zeal on behalf of Greece—it was not surprising that he should feel, very sensibly, his own inadequacy, and his need of the indulgence of the Committee, while he expressed his decided dissent to the policy of the resolution now proposed, notwithstanding the very high source from which it had proceeded. When the distinguished mover of that resolution, at the close of the speech in which he had supported it, took his seat, surrounded with all the splendor of genius, and all the glories of eloquence, the concluding sentences of that speech had powerfully impressed Mr. C.'s mind. The gentleman had said that whatever might be the issue of the present struggle of Greece, it would be to him a theme of no regret, that he had asked, in the name of seven millions of suffering freemen, one word from this House, of cheering and of sympathy. No, sir, he need not regret it; he had advocated the cause of Greece in the spirit of Greece; he had spoken as if the mantle of Pericles had fallen upon him, and in the finest language of the Saxons he had evinced the spirit of the Saxon race. While he was speaking, Mr. C. could not but think that even if he failed, it would be glory enough to have made such an effort to succeed. Sir, that gentleman has ingrafted himself on the imperishable column of Grecian eloquence. For me, whatever may be the issue of the feeble effort I may be able to make against all the power of that splendid gentleman, I shall enjoy one source of satisfaction. It is not that I have associated myself, in this hall, with the glories of the Grecian eloquence—but that my conscience tells me I shall evince, upon this floor, the spirit of my own country: that I feel as an American, and that I speak as one.

In endeavoring to support those views which I entertain on this subject, it will be necessary to direct myself chiefly to what has been advanced by the gentleman from Massachusetts, since he stands the solitary Corinthian pillar in the Grecian cause, and supports, with so much ability and dignity, the arch on which rests our finest literature, and so many of our most valuable social blessings; and I will, therefore, proceed to show, out of that gentleman's own mouth, that the measure he proposes to this House ought not to be adopted. In the opening of his speech, that gentleman had said that the subject was one on which it was difficult to avoid being carried away

by an enthusiastic ardor: a single glance of his experienced and well disciplined mind was sufficient to tell him that, in legislating on this question, feeling was not to be our guide. He knew, as a statesman, though not as an orator, that a corporate or a deliberative body has no soul—that it has, so to speak, no heart—that it must deliberate with sternness, with precision, on all the relations of the country. The gentleman conceded this when he said that our feelings would need to be "chastised." And what was that chastisement? It was in the nature of a sort of duel, in which the judgment fought down the feelings, till it brought them to submit to an exact, sober, mathematical estimate of our relations with the rest of the world. In that spirit, Mr. C. said, he should endeavor to investigate the present question, and would present his views of it in as concise and simple a manner as he was able.

The gentleman from Massachusetts had gone into an able, a minute, and an attic examination of the principles of that combination of crowned heads, which threatened the safety of popular liberty in Europe; and he showed, in a forcible manner, the ominous and dark forebodings to which that combination led every thinking mind. He said that the spirit of the Stuarts (I, Mr. Chairman, would rather call it the spirit of power) had again appeared and claimed the right to tyrannize over men, by a divine delegation. He connected, in a most elegant manner, with the development of these principles, the fall of that military ruler who trampled for so long a period upon the world, and had jostled the earth from its equilibrium. He said that society had its origin in a sort of family compact, in which the independence of each nation was secured by a combination to prevent the strong from oppressing and swallowing up the weak; but that, in the principles of this Confederacy, all these securities were merged and lost by an admirable and impressive figure. He represented society (if I understood him rightly) as divided, not perpendicularly, into nations, but horizontally—all the monarchs being above, and all the people below. Well, be it so. Such was, unhappily, the state of the fact. But, sir, does it result because this is the fact, that it augurs any danger to us? I say no, sir; and if you ask me where is my authority for such a denial, I answer, in the gentleman's own declaration. He said, that ever since the diffusion of that light in Europe which had produced the French Revolution, that vast political *Ætna*, whose every eruption made Europe tremble and turn pale, and the furious tide of whose burning lava threatened to overwhelm every nation of the continent, there had been an intelligence at work at the root of society, an inextinguishable spark thrown among its elements, which rendered it impossible that men should long submit to a system so monstrous, both in theory and practice, as that of the Holy Alliance. Sir, we believe this. It cannot last, sir. That horizontal division of society, of which the gentleman had so strikingly spoken, must and will be broken up; those glittering pageants who now appear in the upper section, rely upon it, sir,

are more formidable in appearance than in reality. The materials are already in existence; they are present in the lower section, which must ultimately blow up this state of things, and prostrate these high dignitaries into proportionate degradation. Whenever we see a combination of bad men, (whether monarchs or others,) we may always conclude, on the general principles and history of human things, that the combination will ultimately be crushed. The alliance of these confederated monarchs is a rope of sand—it rests on principles false and selfish, and its continuance will, of necessity, be temporary and transient. As soon as one of the confederated Powers becomes overgrown, the combination will split to pieces—and when that happens, Europe will have too much work at home to look elsewhere.

Sir, the speech of the gentleman from Massachusetts was a string of truisms; each of these was incontrovertible; each of them made a mellow and a deep impression on my own mind; but, sir, I differ wholly from that gentleman in the application that he made of them. It does not follow, because I felt and acknowledged the truth of each of the facts and opinions he stated, that the whole, as combined, produced an equal conviction. Mr. Chairman, I am a common-place man; I can boast of no effect of inspiration; I have not dived far into the wells of science, nor have I been touched by the wand of any of the magicians of learning or genius; I am of those who believe that there is no mode to receive light from Heaven but that which is common to mankind; and that, as in the physical world, the orb of day illumines alike the various districts of our country, shines equally on the South as he does on the North, and on the West as the East, so does the great orbit of uncreated light illumine alike the world of intellect. But, sir, this is a question that has a native tendency to unbase the mind; to throw it completely off its balance; and its discussion is therefore to be approached and conducted with the utmost caution. And, sir, let us not forget that this Government is one calculated not for to-day or to-morrow, but that its benefits and effects are to endure, and to diffuse themselves ultimately over the whole world. I listened with interest to the historical detail so ably and beautifully given by the gentleman from Massachusetts, respecting the treatment of the Greek nation by the monarchs of Europe. The story was interesting, from its manner; but, sir, it was not new. We all know that power cares nothing for right; that it treads on every thing; that, in its eagerness for acquisition, it grasps at more than it can hold, and, by grasping at too much, unnerves itself by its own cupidity. But, sir, let it go on to grasp; let it go on to accumulate; let it continue to pursue its crooked, transverse, and contracted policy; it is now nothing to us. We have got through all that; we fear it no longer. But, sir, is it therefore necessary or proper for us to do even what the modest and very moderate resolution of the gentleman from Massachusetts proposes? Are we called to step out of our character and mingle again in the turmoil of Euro-

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pean politics? Above all, sir, shall we approach the struggling Greeks with fair words and a smiling countenance, but with nothing in our hand to aid them? I know, sir, that there is much in manner. I know that the great orator of antiquity, when he was asked what was the first requisite in an orator, answered "manner;" and when asked what was the second, answered "manner;" and when asked what was the third, still answered "manner;" but I fancy, sir, if that immortal example and teacher of eloquence were an auditor of our present discussions, and should be asked what was chiefly required in the intercourse of this nation with Greece, he would answer something else than "manner;" he would advise some proof of our sincerity. What is the language of Mr. Lurcott? He tells you that he looks to this country for friendship and assistance. Surely, he means substantial assistance. He does, indeed, with the politeness of a cultivated man, intimate that even one word of encouragement will be received with gratitude; but, if I understand him, he does not seem to understand our principles of neutral policy. But, sir, admitting him to mean what he says, would it not be disgraceful to this country and Government to take for our standard of action the modest and stinted demands of a polite correspondent, instead of granting the measure of full and manly aid? But, Mr. Chairman, this is not all. I did once think that we might open a commercial intercourse with that country; but I am now more than ever convinced that even this would be a dangerous intercourse.

Sir, if Greece be indeed so lovely, so beautiful, so exquisitely touching in her distress, who can approach her with the tears upon her cheek, and not be carried away by his pity into every extreme of imprudent zeal in her cause? Sir, the measure now proposed will only prove an entering wedge to more; if we once go a wooing up the Archipelago, we shall ere long find ourselves where it will be too late to stop. If we look at the history of our country thus far, we find no precedent to justify it; we find nothing in the writings of any of our greatest and wisest men. That immortal man who saved the Republic by his valor in the field, and saved it a second time by his wisdom in the cabinet, he who seemed to possess a mind formed for the whole universe, even WASHINGTON himself, seemed to have had a foreboding that one day a case like this might present itself, and, in his parting address, warns us against the danger. Was he not right? Yes, surely. We had won our independence by arms; a wide ocean separated us from the Old World; he knew that we were a peculiar people and peculiarly situated—that we live alone; and he advised us to keep ourselves free from embarrassing connexions with the governments of Europe, (all of which had their origin in the dark ages, and still bear the impress of that origin,) and to cleave to the ark of our own liberties. Was this unbenevolent? Was this too little a conduct for WASHINGTON to recommend? No, sir; we had bought our freedom with our own blood—and we were surely doing

enough for the world, if, while we surrounded the temple of our liberty with a wall of fire from our enemies, we made an opening in that wall to receive whoever would come to us as a friend. Yes, sir; I repeat it—this Government, by its example alone, has conferred a benefit on the whole human family. That example brooded over the mind of France till it produced a revolution which threatened, and had at one time nearly accomplished, the downfall of tyranny; that same example is still impregnating the mind of continental Europe, and it will sooner or later bring forth freedom. Surely, sir, if we open this fair land, with all its signal privileges, as a refuge for the oppressed from every land, we do, on that subject, all that we are called to do. Should we, in a spirit of vain adventure, attempt to do more, may not the oppressed have reason, some day, to say to us, You left your home and let your house burn down, where not only you might have remained safe, but we too found a refuge?

Mr. CARY, in conclusion, said, that he trusted and believed he had now expressed the sentiments which became an American. Let us, in our private capacity as men, as freemen, as Christians if you please, feel for them, cheer them, and aid them too; but as a nation, as a Government, let us not mingle ourselves with the embroiled policy and the endless disputes of Europe. He had not, he said, troubled the Committee with historical details—yet there were some lessons on this subject to be learned from the history of the Greeks themselves. When Demosthenes was laboring to save the Athenian State, he advised his fellow-citizens, instead of running about the Forum, asking where is Philip? What is Philip doing now? Is Philip dead? to look after their own affairs. The affairs of Europe are to us this Philip; and the advice of the immortal orator is for us to pursue. He trusted neither the resolution nor the amendment would prevail—the latter, he said, makes a promise to the ear, but breaks it to the understanding. In the name of candor and (he felt inclined to add) in the name of God, if you do not intend to go farther, give nothing that may be welcomed as a pledge.

Mr. WOOD, of New York, rose and observed, that he had no idea that any thing that he had to say would change a single vote on the question, but that the subject had created great excitement in the community, and that what he should say, would be merely in justification of the vote which he deemed it his duty to give.

He observed, that the resolution, as explained by its advocates, implies that the United States are the guardians of liberty, and are bound to propagate it among all nations. Sir, said Mr. W., this is the doctrine of the Pope, of Mahomet, and Bonaparte, and leads to universal war—to universal power. Before we admit this doctrine, it would be well to examine what was our duty as a nation. The duties of every nation are limited to the prosperity and security of its own citizens; it owes nothing to other nations but the duties of humanity. This is more particularly the case with

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a government like ours, which is only intrusted with certain specific powers.

The Government of the United States is bound to employ the treaty-making power, so as to secure a market to our own citizens for the encouragement of their industry, by stipulations with other nations for the mutual exchange of their productions, and to employ their power over imports, so as to foster domestic industry, and prevent its being overwhelmed by an unequal competition in our own markets.

The Government is also bound to provide a navy and army, with such national establishments as are necessary to repel or redress injury from other nations, and this is the limit of its authority in relation to other nations. We have no authority from the Constitution to embark in wars of ambition, or to propagate the principles of religion or liberty by the sword.

Because the world is full of oppression; is this Government the Hercules that is to free it from the monsters of tyranny and slavery? And are we bound to emulate the chivalrous achievements of the renowned Knight of La Mancha, by engaging in conflict with every windmill that we may, in the delirium of our frenzy, imagine to be a tyrant?

It will be asked, is our Government to be of no use to mankind? I answer yes; but not by its fleets and armies—not by embarking in a military crusade to establish the empire of our principles—not by establishing a corps of diplomatic apostles of liberty, but by the moral influence of its example.

It presents to the world a model by which the rights of men may be secured, and the benefit of good government may be obtained, with the least sacrifice of individual independence. It excites inquiry—it invites examination; the knowledge of it will be conveyed, by our flag, to every region of the earth. Foreigners will visit our shores; they will examine its structure; they will witness its practical operation; they will discover its excellence; and it will thus diffuse a spirit of reformation throughout the world.

Much has been said, during this debate, about the spirit of the age. The present age is distinguished from the last by liberality of sentiment in religion and politics. The American Revolution, Bible societies, and Christian missions, aided by the extension of commerce, have produced this change. It does not need the aid of physical means—such aid would obstruct its influence. This moral influence is all powerful, but does not irritate—does not excite alarm—does not provoke opposition. But, let it be connected with physical means, and it instantly will meet with resistance. Let it, then, operate as it has done, and we may expect it will continue to produce more and more important results, till the governments of the world are reformed.

Sir, the measure proposed is premature. It is predicated on the supposition that the Greeks have already achieved their independence. It is altogether uncertain what will be the result of their struggle. In the document communicated by the

President, it is supposed to be uncertain. It may result in a new Grecian monarchy; and, certainly, we can have no sympathy for success in a change from one despotism to another. Any political mission, till the fact of their independence is ascertained, is an infringement of the law of nations. Public ministers are the means of intercourse between independent nations; but the law of nations does not recognise a mission from one independent Power to the subjects of another. It is stated that, in cases of competition for a Crown, or in case of civil war, where parties are equal, a minister may be sent to either. But, in case of a mission to subjects in rebellion, who should prove unsuccessful, it will be a violation of the rights of their sovereign, and a legitimate cause of war; and the nation who sends the minister ought to be prepared to aid the insurgents by force. This was the case of the French, Spaniards, and Dutch, who aided us in the commencement of our Revolution. They calculated from the beginning to aid us, if it should become necessary to the success of our Revolution—but it is not proposed, nor is it in our power, to do this.

Sir, it is very doubtful whether the Greeks possess the elementary principles that are necessary to form a free State. If a people possess the elements of freedom, they cannot be long held in slavery; and if they are destitute of these, no efforts they may make will terminate in the establishment of free institutions.

The love of liberty is so ingrained into the heart of every American, that we are apt to overlook the difficulties in the way of free government, and to conclude that every effort in favor of liberty will be successful.

It is a deception to compare the situation of other countries with ours, at the commencement of our Revolution.

We inherited the principles of liberty from our ancestors; we were educated in the free principles of the common law. We enjoyed the protection of person and property, the right of suffrage, and trial by jury; in which it would require a century for any people who have been born under the civil law to be instructed, and much longer to acquire by their own exertions.

Sir, are gentlemen aware of the value of the inheritance which they have derived from their ancestors? The privilege we enjoy is the result of a struggle of virtuous and enlightened men for more than six hundred years, with ignorance, superstition, and tyranny. They were extorted by piecemeal, with incredible labor and perseverance. It was more than two hundred years from the Great Charter to the Bill of Rights. From the time of the Great Charter to the American Revolution, distinguished individuals continued the conflict, breaking one fetter after another, until their persevering efforts terminated in a complete emancipation of this country from the shackles of superstition and tyranny, and in the establishment of civil and religious liberty, by political institutions conformable to the principles of natural liberty, and calculated to secure it.

Sir, the peace of the country was endangered

at the commencement of the French revolution, by disregarding those difficulties. A brief examination of the principles that are essential to the structure of every free government, will enable us to calculate the chances of a struggle in favor of liberty with ancient institutions, with more correctness.

Political writers agree, with one voice, that no people can be free, who have not intelligence to understand their rights, and virtue to submit to the restraints of law, as well as to aid their execution by the moral force of public sentiment; but they seem to have overlooked the influence of property in society. Experience proves, that intelligence and virtue may be overborne by the influence of property, secured to a few by the laws of the society.

Property is the basis of power in society. This is a law of our nature, and founded in the moral constitution of man. Men will be governed by their wants, and will be subservient to those who feed them, or who furnish them with the means of feeding themselves. The condition of the real property of any country will control and modify the Government. The possession of the whole country by a few persons, secured by the laws of primogeniture and restraints against alienation, will necessarily lead to monarchy or aristocracy; an equality of property in the soil, or the power of acquiring it, will lead to a republic. The first was the plan of the feudal system; the second is the plan embraced by the constitutions and laws of the States that compose our Union. The hereditary descent of property and established ranks, with exclusive privileges, lie at the foundation of the European Governments—the great mass of the people are tenants, laborers, and artisans, without any interest in the soil.

Before free Governments can be established in those countries, the existing establishments must be based to their foundations, and the whole structure of society must be reorganized; the restraints on alienation must be removed, ranks abolished, and equality of civil privileges established.

Were the people admitted to share in legislation, while the feudal principles of rank and property remain, their power would be unavailing to withstand their influence—the power of society would remain in the same hands with the property, and would control the acts of the Legislature. The British Parliament, with their peculiar advantages, have never been able to relieve the nation from the dominion of the feudal system.

No revolution that does not render real property partible, and couple the power of alienation with the ownerships, so that the great body of the people may become interested in the soil, and have a common interest in the country, can be the basis of a permanent free Government. It was because these changes were not made in the established order of things, that so many attempts to establish free Governments have failed. This was the cause of the failure of the efforts that were made in England, in the time of the Commonwealth, and not the want of virtue in those who conducted them, as Montesquieu supposes. This was the

cause of the failure of similar efforts in France, during her revolution. They both removed the restraints on lands held in mortmain, but there they stopped—the same result will forever be produced where the revolution does not affect the feudal principles of rank and property. It was under a conviction of the necessity of the division and alienability of real property to the establishment and permanency of free Government, that the several States in our Union abolished entails and the rights of primogeniture; and it is in accordance with the same views that the courts of the different States will not tolerate any disposition of real property that leads to a perpetuity.

The tendency of society to inequality is as constant as gravity to the centre; laws that favor inequality are hostile to liberty; and the excellence of a free Government, is its fitness to counteract this tendency of society. The alienability of real property is an essential element of freedom—it is the source of all the virtues necessary to sustain it—it is the parent of industry, economy, independence, and patriotism—it is the redeeming principle that will preserve all the rest from corruption; where it exists the empire of liberty is secure. The incorporation of this principle in the laws and constitutions of the United States affords the strongest assurance of the perpetual duration of liberty in this country.

The condition of real estate in South America is what endangers the success of the efforts there made to establish free institutions. One-third of the real property is said to be in mortmain, and is occupied by tenants who are under the control of the ecclesiastical establishments. In some of the provinces, there is a species of nobility, who have immense possessions, secured by law; and unless they remove the restraints on the partition and alienation of real estate, and secure an equality of civil privileges, by their new constitutions, the temple of liberty will rest on a sandy foundation, that will not long sustain it.

Do the Greeks possess the elementary principles of freedom? This is very doubtful. They are represented by the travellers who have visited them, in general, as grossly ignorant of political principles—as by no means distinguished for a scrupulous sense of moral obligation, and as unequal with regard to property. There are some intelligent men among them, who have been educated in Italy, Germany, or France, but the great mass of the people have very little knowledge of the free States that once existed in that country; it is but recently that their ambition has extended further than to re-establish the Greek Empire without any design to form a free State. The Ottoman Empire has been decaying ever since the discovery of a passage to India by the Cape of Good Hope. The provinces are becoming independent, and new sects are dissolving the only bond that held them together. The Greeks also constitute the largest part of the population of Europe. They will probably succeed in rendering themselves independent of the Porte, and will, most probably, transfer their allegiance to a Russian Prince, and erect a new Grecian Monarchy. They may lighten

their chains, but will not at present establish a free State.

The adoption of the resolution, under these circumstances, would be premature, and might involve us in the absurdity of recognising as a fact what does not exist. But the strongest objection I have to the adoption of the resolution, is, that it may involve us in a war with the nations of Europe. The facts disclosed in this debate, as well as the Message of the President, are calculated to excite some apprehensions of danger to our repose.

We have subsisting causes of controversy with some of those Powers. Is it prudent to multiply them? The principles of our political institutions are in direct opposition. We hold that all power resides in the hands of the people; that Government is formed by them, and for their benefit, and is to be administered by persons chosen for limited periods, who are responsible to them for the faithful discharge of the trust. They hold that all power resides in the Sovereign, and that any participation to which the people may be admitted, is an emanation from the grace and favor of the Sovereign. These principles are as opposite as light and darkness: they cannot coalesce. The extension of one is the extermination of the other.

Sir, the existence of our form of government is a subject of anxiety to the Sovereigns of Europe. Our twenty-four States form a new constellation in the northern hemisphere, which, though scarcely visible above the horizon, sheds a partial but ominous light on the old world—

“As when the sun, new risen,

Looks through the horizontal misty air,
Shorn of his beams, or from behind the
Moon, in dim eclipse, disastrous twilight
Sheds on half the nations, and,
With fear of change, perplexes monarchs.”

It is the sword of Damocles, which disturbs the slumbers of despotism, and is incompatible with its repose. Has not the extension of our principles, by the revolutions in South America, excited terror and dismay? and do we not hear, in every murmuring breeze that is wafted from the eastern continent, in broken whispers, *delenda est Carthago*, and shall we not be upon our guard?

War with all Europe would be extremely pernicious to us; not that I have any apprehensions of our being subdued; but, by its wasting energies, it would be less injurious to them than to us. We are not able to contend with them on equal terms; our incapacity arises from the felicity of our condition.

They have an accumulation of capital, the product of ages of industry—they have a surplus population which is a burden to them, and from which war would relieve them. They can embark in war without interrupting the common pursuits of life, or materially affecting their revenue. On the contrary, we need our whole capital for public improvements, and to lay the foundations of the institutions which are necessary for the development of domestic industry. We have no mendicant population to form an army. Our soldiers

must be taken from the plough, and the common pursuits of life.

War with us deranges industry, interferes with our private pursuits—affects every cottage—arrests the progress of our improvement—annihilates our ordinary revenue, and augments the necessity, while it diminishes our ability, of contributing to the public energies.

Recollect the embarrassments of the year 1814, for men and money—recollect the universal distress occasioned by the calls of the militia from their occupations to the seaboard and to the frontiers, and pause before you pass this resolution. Let every man lay his hand on his heart, and ask himself, if such was our distress, when engaged only with a part of the force of a single Power, what would have been our condition, what would again be our condition, against the world in arms?

What is the true policy of this country in relation to foreign nations?

The common Father of our Country, among the treasures of wisdom he has bequeathed to us in his Farewell Address, conjures us, in extending our commercial connexions with foreign nations, to have as little political connexion as possible, and the Sage of Monticello, in his inaugural speech, which is the text book of his political opinions, councils us to cultivate peace, commerce, and honest friendship, with all nations, but to form entangling alliances with none.

The same course of policy is dictated by our physical and moral condition. Providence has prepared the people of this country for high destinies. When a new empire of civil and religious liberty was to be established, he selected a site three thousand miles from the corruptions of Europe, which would have checked the growth of the institutions that were to secure them. When we were ripe for independence, it was achieved, and now, to favor the prosperity of this great moral empire, which he has evidently destined to be the scene of higher degrees of moral excellence, and of a greater perfection of the human character, and of civil society, than has ever before been witnessed, he has connected our felicity with an incapacity for wars of ambition, or conquest, which would impair it. Is not this a mark of divinity? and is not the monition as authoritative as a voice from Heaven?

Sir, the laws of moral order are as obvious as the laws of civil society—the sanctions of those laws are as visible as your public prisons. It is a law of moral order, that men should avoid all excess—the sanction of this law is ill health, premature decay, and death. It is a law of moral order, that nations should live in peace and friendship; and the sanctions of this law are—derangement of industry, insecurity, loss of property, loss of lives, oppressive taxation, poverty, loss of liberty, despotism. No nation ever broke this law with impunity; the effects are recorded in history—they are verified by experience, they are written in colors as deep as the tints of the rainbow.

Will you violate this law, and share the wretched fate of other nations, or will you unite with the

designs of Providence, and accept the happiness that is tendered to your acceptance?

Mr. BAYLIES, of Massachusetts, claimed indulgence for a short time, while he should offer his views upon the subject now before the Committee. He was sensible of the difficulty of adding any thing new to the discussion, and should content himself in following somewhat in the track of his honorable colleague, who had spoken so ably and eloquently upon the question. He felt somewhat surprised at the manner in which gentlemen who opposed the resolution had treated the subject. The adoption of this resolution had been supposed by some to amount to a declaration of war against the Turks. Mr. B. thought the resolution had nothing hostile in its character, and contained but a plain expression of the opinion of the House. If it had no feature hostile to any other nation, the House had certainly a right to adopt it—to deny that right, were to deny the independence of this country. If the rising of the Greeks had been but a partial insurrection, or a mere temporary tumult, he should doubt the wisdom and the expediency of this measure; but this was not the case. And yet it had been said that it would be unwise to go forth and act upon such a subject where our interests are not involved. There was not a member, he trusted, on that floor, so base as to shrink from an avowal of his opinion in this contest; none could be found so degraded. And, Mr. B. said, he understood this to be simply a question, whether it was right to justify the President of the United States, by an expression of the opinion of the House, to send an agent among the Greeks for the purpose of inquiry. In the consideration of this proposition, he thought the House should take into the estimation the fact, whether the Greek provinces have actually achieved their independence; and if so, whether there is a reasonable prospect that they will be able to maintain it. He believed it was not denied, from any quarter, that a considerable portion of the Grecian territory had been rescued from subjection—that the march of despotism had been arrested upon the ancient Peloponnesus—that the city of Corinth, and almost all the Grecian islands, had been made free. In nearly every encounter on the ocean, the Greeks had been victorious, and by a general system, determined, and efficient, had endeavored to relieve themselves from an intolerable despotism, which had not only chained down the body, but had imposed fetters upon the mind, and tyrannized over the conscience. If it were then true that a considerable portion of the Greeks had succeeded in rendering themselves absolutely free, it was worth while to inquire as to the probability of their eventful success in retaining their freedom.

It was historically true, Mr. B. remarked, that, in struggles of this character, the power of the invaders was always gradually weakened and destroyed, while the capacity of defence, the discipline, and the strength of their opponents, was continually increasing. Every battle, whether won or lost, did but the more surely develop their means of resistance, every day gives new confi-

dence. He thought it peculiarly fortunate for that people that they had hitherto resisted the efforts of those who were endeavoring to resubjugate them alone; it holds out a prospect that they will be able to sustain that resistance, as they have commenced it without help.

We know that the Powers of the Holy Alliance have recently pursued a course of policy conformable to their ideas of legitimacy, and of the settled order of things. It is under this influence that they have refrained from interposing in behalf of the Greeks, and the consequence of this course would eventually be beneficial to the Greeks; they would be better without this aid than to run the risk of being thrown in as the *make-weights* of some treaty, or used merely as the political views of these Powers might suggest.

But, Mr. B. said, there was a power existing in the world which would overawe all other power—popular opinion. The Emperors of Russia and Austria would not dare to join their forces with those of the followers of Mahomet. They would not dare to enter Constantinople for such a purpose, when the first light that would meet their eyes would be the white locks bleached in the wind, flowing from the venerable head of the Greek Patriarch, who had fallen a victim to Turkish barbarity.

It would be worth while, perhaps, to examine the course which England had taken towards this people—England, that lofty-minded, generous, and chivalrous people—England, who tells us that, to the brave, and the unfortunate, her arms afford protection, and her bosom a shelter. What had England done for the Greeks? When their Minister to the Ottoman Porte had witnessed all the enormities that had been perpetrated upon them; when the agonizing shrieks of the victims of Turkish barbarity rang in his ears, Lord Castlereagh was not so Quixotic as to interfere in the concerns of foreign nations; and the documents communicated by the Executive show plainly what Lord Strangford had been doing. It seemed that the object of the British Ministry had been to place them under some one of the Princes of their nation—in fact, to make this gallant people no better than slaves. Mr. B. said he was not of the number of those who thought the true test of American patriotism consisted in violent denunciations of the British nation—he did not rest the acquisition of popularity upon that point—but he did think that the policy of the English nation, in regard to the Greeks, had been a mere counting-house policy. They had looked to their treasury, and considered the probable gain or loss, which was to result from the one course or the other. They had followed too servilely the maxim of the younger Pitt. It was a well known notion of his that the Turkish Government should always be considered and treated as one of the nations of Europe, and that this was necessary to preserve the balance of power. Perhaps such a course might once have been wise, but time often rendered it necessary to change existing systems. Had the younger Pitt lived till this time, he might have altered his

views, and have offered the aid of England to succor the cause of the struggling Greeks—that aid might have been rendered in money, ships, and soldiers. But still there is enough of generous feeling in the great body of the English people to prevent Ministers from giving open aid to the Turks in this contest. It could not be believed that British aid would be rendered to the Ottoman Emperor with the consent of the English people.

Unaided and alone, the Greeks have nobly sustained their ancient character. They had been subjected to the greatest hardships—they had beheld their infant children torn from their embrace—their wives and daughters consigned to the outrages of a brutal soldiery; and no hand had been extended to rescue them. But, in due time, a noble principle of resistance was awakened in their souls—they rose in the majesty of their strength, and confounded these men of blood. Another consideration lessened the chance that the Greeks would be again subjected. Nearly four centuries have elapsed since the Greeks were reduced to the dominion of the Turks; and, during all this time, they have existed as an entirely distinct people. So ignorant have the Turks been of their true policy, that they have neglected to unite to them, by intimacy, and similarity of habits and customs, this people who would have been their greatest strength and safe-guard. Hence, in the Ottoman Empire, there has always been two distinct nations—having no family alliances, no common sympathy or faith; differing in language, and differing in interests—and hence it is, that any internal commotion must shake such a nation to its centre—and if foreign difficulties occur, the Turkish Government must crumble to atoms—that Government which has been the terror, but is now the shame of the world.

Who could have expected that such noble virtues and such true bravery would have sprung up among an enslaved people, as has been exhibited by the Greeks? Every attempt to assert their rights has been met with violence; their implements of resistance have been wrested from their hands; the sabre has been applied, where any disaffection was manifested. Under all circumstances, it was natural enough that they should be distrustful of their own powers; but it is truly wonderful that their character should have shown out so splendid. The gentleman from New York, who spoke last, seemed to think that the modern Greeks knew very little of the ancients; and were hardly aware that such a city as Athens once was, had ever existed. [Mr. Wood here explained.] Mr. BAYLIES said he was glad to find himself mistaken in the intent of the gentleman's remark. One fact, however, would serve to show how far their intelligence extended, in relation to their ancestors. It had been asserted, from good authority, that the common Greeks were in the habit of reading Homer, in the original. If this were the case, the barbarous state of the Greeks could not be urged with much force.

Mr. B. said, he had heard many objections to the adoption of the resolution now under consid-

eration; but the most plausible of all was, the hazard to our trade—that the scenes of piracy, which had so often disgraced those seas, might be renewed. But, he conceived there was little danger, on this head, from the Turks; they were too indolent a people; preferring to occupy their time in smoking opium in their camps. Most of the trade which was in danger of being assailed, we owe to the Greeks—the articles we get from Smyrna are mostly produced and carried there by them. If the Greeks are exterminated, that trade is exterminated with them. If the Greeks are successful, they will have possession of the very dens from which these piracies have been committed, and will be enabled to put a stop to them—they will check the stream at its very source. Since the establishment of our Government, we have paid tribute to prevent the depredations of these barbarians—and how many of our citizens have poured out their blood in conflicts with them, and endured the worst of slavery under them? We may go to our navy yard, and read upon the column there the names of those who were thus sacrificed. If these hordes should be eventually exterminated, our gain might far surpass any loss we should incur. During the four centuries that the Turkish empire has existed, what has it done to illustrate the human character? What has it done to advance the human intellect? What to promote human happiness? The Turks have held existence as the most degraded of all slaves; and have been a disgrace upon the face of the earth.

Mr. BAYLIES begged leave to recount, not in his own language, those scenes of horrors, from which his colleagues who had spoken on this subject, had seemed to recoil. This Hall, he said, had often resounded with the terrors of the tomahawk and scalping-knife; but he believed no gentleman, however conversant with Indian warfare, could unfold a tale of equal horror, with that which he was about to read to the House. [Mr. B. here read some extracts from the address of the merchants of Scio, in behalf of their distressed brethren, depicting, in strong and feeling language, the sufferings the devoted people of that island had experienced.] Comment on such a paper, said Mr. BAYLIES, is unnecessary. He hoped he should be indulged by the Committee, while he took a brief prospective view of the changes which the success of the Greeks would work in the world. If they do succeed, it will be owing to the exertions of an able, and well disciplined military force, it will be employed in wresting power from the hands of the Turks, and it will go on, even past the gates of Constantinople; and if the Christian banner once waves upon the towers of St. Sophia's, the crescent will have waned forever. If other provinces should discover the glimmering of day, they would soon be in arms, even to the Bosphorus; and they would succeed in driving back this encamped nation to the region in which they originated, never more to mar the fair proportions of that moral system, which should shelter and protect the liberties of the world.

In their attacks upon the Greeks, the Turks had

been peculiarly assiduous to wreak their vengeance upon every thing connected with religion. The monasteries, the churches, and the priests, had been the first to be sacrificed. They had shown their irreverence of the Christian religion, conspicuously, amidst the desolation they had caused. If the Greeks succeed in their attempt, they will not only rescue Syria, but the Holy Land also. That land, so celebrated in the annals of our religion, rendered so illustrious by its miracles, will soon be theirs. Where the visions of the glory of the Almighty have appeared, may he cheer his chosen warriors by the cloud and the pillar of fire. For such a cause as this, the noblest deeds of chivalry had been done; for this, the Lion-hearted King of England had exerted his powers, in a manner almost too romantic for conception.

If the Greeks prevail, the Mahometan religion, a religion of the senses and the sword, will be exterminated. The Bible will take the place of the Koran. Religion, softening, elevating, and refining the human character, and strengthening the tone of moral feeling, will be established in the place of infidelity. The Greek language, a language of music, poetry, and intelligence, will soon become the language of a living nation. He would not appeal to the sympathy of the House by calling up the illustrious names which adorned the history of Greece. There was not a gentleman upon that floor, whether his mind had been disciplined in the school of the classics or not, but possessed sufficient knowledge of those names, and of that history. Whenever the light of science should be permitted again to dawn freely upon her, Greece will assume a new and glorious existence.

Her seas studded with islands, and her shores indented with harbors, she is destined to become an important commercial nation. And one principle exists, in regard to her navigation, which will have a tendency to carry it to the highest state of perfection: her vessels are owned by the persons who navigate them, like the whale ships and fishing vessels of our Northern States; and that fact is a most fortunate one, towards the commercial importance of Greece. She may, possibly, soon become the third naval Power in the world; and the wooden walls of Athens may be seen, ere long, floating upon every sea.

Another good effect from the success of the Greeks, will be the abolition of the base practice of polygamy. Woman, when she is allowed her proper rights and rank in society, and when made the friend and intimate associate of man, heightens the tone of every virtue, and elevates the moral character. Her influence was felt, even in the schools of chivalry, where men were taught not to be dishonorable; which, in barbarous nations, supplied the place of civilization, and by which, in the language of Burke, vice lost half its evils, by losing its grossness. Gentlemen have undoubtedly perceived that the Greek women already begin to feel the high distinctions of which their sex is susceptible. The Roman matrons sacrificed their jewels for the common good; and females in other countries have nobly evinced

their devotion to the public cause; but no other women have discovered such high-toned feeling and patriotism as the females of modern Greece.

Mr. BAYLIES said he was not disposed to think, with the gentleman who preceded him, that gratitude was a feeling to be slighted, even when we had to recur to antiquity for its objects. We owe a deep debt to ancient Greece, and we can pay it in no other way than by the aid we can furnish to her descendants. We owe to the ancients much of the character of our institutions. The Grecian republics were practically and theoretically free.

How much money is gleaned daily from the pockets of the rich and poor to encourage missions to the Choctaws, to the East Indies, to the Sandwich Islands, to Africa, and other places; and what a matter of rejoicing is the doubtful conversion of a poor Indian considered? If a small portion of the money thus collected could be applied to this purpose, of much less doubtful merit, it would render the most essential service to the Greeks, and we might soon see them a happy people, possessing a free constitution.

If America should be the first to show her sympathy with the sufferings, and her wishes for the success, of this high-minded and injured people, she would insure to herself the love and the gratitude of the wise, the good, and the brave of every country and of every age.

On motion of Mr. COOK, of Illinois, the Committee then rose, reported progress, and obtained leave to sit again.

THURSDAY, January 22.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act granting to the State of Alabama the right of pre-emption to certain quarter sections of land," reported the same without amendment, and it was committed to a Committee of the Whole.

On motion of Mr. COCKE, the committee on so much of the public accounts and expenditures as relates to the Department of the Navy, were instructed to inquire and report, specially, touching the contingent expenses in the Navy Department, in the year 1817, 1818, 1819, 1820, 1821, 1822, and 1823, designating the objects of expenditure in each year, separately, and to whom paid.

Mr. COCKE supported the resolution by stating, that, from an examination of the acts providing for expenditures in the Navy Department, from \$220,000 to \$230,000 was appropriated to the head of contingencies, besides the appropriations for specific objects. There was now before the House a proposal to increase our Navy by the erection of ten additional sloops of war; and, if that should be adopted, and the contingent expenses increased in proportion, he did not know where we were likely to stop. The object of his resolution was to direct the Committee on Expenditures in that Department to look back and see what had been appropriated since 1817. He regretted that the officer who lately presided in that Department

is no longer at its head; but it was a consolation that we have at the head of it an officer whose duty it is to look after this expenditure. While he was up, with a view to save the necessity of a farther resolution, he would invite the chairman of the committee to look also into the pay of the officers. He believed that such officers as were not on duty now receive one-half of their regular pay; he thought this was not enough, but he also understood that an arrangement is practised, by which the law on this subject is virtually evaded. Both subjects certainly invited and demanded inquiry.

The SPEAKER laid before the the House a letter from the Secretary of the Navy transmitting a list of the officers of the Navy of the United States, denoting the periods of their admission into the public service, the dates of their present commissions, and the time of their actual service at sea, since the 1st January, 1815; prepared in obedience to a resolution of this House, on the 16th of December ultimo; which letter and list were ordered to lie on the table.

THE GREEK CAUSE.

On motion of Mr. WEBSTER, the House went into Committee of the Whole on the state of the Union on the Greek resolution.

Mr. COOK, having the privilege of the floor, (having moved last evening that the Committee rise,) addressed the House in a speech, of which the following is the outline:

Mr. COOK said, he was quite sure that the knowledge he was to occupy the floor at this time had not excited much expectation; and he felt as sure that he was incapable of meeting, in any great degree, whatever of it might have been produced. From the course of argument pursued in relation to the resolution before the House, it seemed to be understood as a proposition fraught with the dangers of war, and calculated to involve us in difficulties with the Governments of the European world; after such views had been taken of it, it was not unreasonable for even the humblest member of the House to assign the reasons which induced him to be in favor of the measure.

He must state, in the outset, that on this subject he entirely differed in opinion from the gentleman from South Carolina; and was, therefore, opposed to the amendment he had proposed. What, in effect, was the amount of the measure proposed by that amendment? A strong and ardent wish for the success of the Greeks in obtaining the blessings of a free government. But, Mr. Chairman, is it possible, (asked Mr. C.,) that at this time of day, after our blood has run like water in that cause, that it is necessary to pass a formal resolution, to inform the world that we sympathize with a nation engaged in the same struggle through which we have so successfully passed? Do not our free institutions, do not the spirit and genius of our Government, does not our whole history and our whole national condition and character, proclaim this daily? Sir, our Chief Magistrate, in his Message, has made the declaration already, and he has therein spoken

the sentiments of the whole American people. This is enough; as to a mere declaration of opinions and feelings, it is useless to go further. He preferred the resolution to the amendment. In giving his reasons for this preference, Mr. C. stated, that the President, in his Message, had informed the House, that, "from the facts which have come to our knowledge, there is good cause to believe that their enemy has lost forever all dominion over them." That Greece will become again an independent nation, that she may obtain that rank, (adds the President,) is the object of our most ardent wishes. Here, said Mr. C., we are presented with the facts of the case—they are separated forever from their barbarian oppressors, and they have a separate government of their own. The question then recurs, whether, when such a people have attained such a measure of success and independence, we, the American people, shall look on the sight with cold indifference, or whether we shall not hail them with joy? Whether we shall sit still and hold no intercourse with them, or whether we shall prepare to give some demonstration of a wish for amicable relations with them? Sir, setting aside all commercial calculations on one side, if we had not now, and never should have a single dollar's worth of commerce with their shore, the love of freedom is itself inducement enough for us to meet them with smiles and a cheering expression of our good will. But, sir, turn to the communications laid upon your table: what says our Secretary of State to the organ of this newly established government, (Mr. Luriettis?) "It will give us pleasure to learn, from time to time, the actual state of their cause, political and military." And how, sir, are we to learn this? Through newspaper articles, of doubtful authority, and distorted, according to the views or interests of the hands through which they pass? Surely not. If such information be desirable and necessary, the resolution before you provides a direct mode by which it may be obtained. It provides for the sending to that country an intelligent and respectable man, who, whether he sustain an official character or not, may possess opportunities to obtain the most authentic information of all that relates to her situation and progress. The Secretary of State, in his letter to our Minister at London, speaking of Greece, says, "the public accounts from that quarter have been, of late, very scanty; and we shall be glad to obtain any authentic particulars which may come to your knowledge." This statement, sir, is official; the resolution proposes a mode of meeting and supplying the desideratum thus officially acknowledged, and it does nothing more.

We have been told, sir, by the gentleman from New York, that this resolution is premature; that Greece is not yet in a situation to render such a measure expedient. But, sir, that gentleman's argument, and others on the same side, seem to take it for granted that the resolution aims at a coalition—an alliance. Sir, if that were the case, the resolution would indeed be at present premature; and, what is more, sir, it will at all future

times be equally premature; to seek foreign alliances will never be the true policy of this Government. But no such thing is in the resolution, nor is intended by its friends. Its utmost scope is diplomatic intercourse. The Greeks, as has been already insisted on, have succeeded in separating themselves from the Turkish empire; and though no Government has yet ventured to acknowledge their independence, it is no reason that we may not see fit to do so. When we acknowledged that of the South American provinces, no Government had acknowledged it before us. No, sir; the resolution is not premature. Look at the doctrine laid down for eternal ages by these United States in '76. It is the doctrine of true freedom—the doctrine of the God of nature himself. [Here Mr. C. quoted the preamble to the Declaration of Independence.] This, sir, is the doctrine which is the last hope and refuge of men, and which is destined ultimately to redeem Asia, Europe, and Africa, from their yoke of bondage. These are the principles whence has sprung, and will continue to proceed, the intellectual, moral, and social improvement of our race. On these principles Greece has dared to act; she has broken her chains, and set up for herself a free Government; in recognising that Government, we break no international law. Sir, these principles, to use the language of an eloquent statesman, are not the manufacture of the people of the United States; they are principles which have come down from the earliest periods of human existence. [Here Mr. C. read a quotation from an oration of the honorable John Quincy Adams.] If these immortal truths are to be admitted, then surely the Greeks have done only what they had a right, both moral and political, to do.

But, Mr. C. said, he was willing to argue the propriety of the resolution on another ground—on the ground of the Constitutional power and duty of Congress to regulate foreign commerce. It was a part of this superintending and fostering duty towards the commercial interests of the Union to send agents into foreign countries to obtain information and to facilitate the arrangements of trade. Suppose, instead of being what it now is, our trade with Greece was of great and important extent—Would the political state of that country deprive us of the right to regulate and protect our commerce? Suppose half Europe was in a state of political convulsion—Are we to have no commercial relations with her, or agents to take care of those relations? Must our commerce languish or be cut off whenever the States of Europe choose to quarrel with each other? Yet that is the scope of the argument. Surely, gentlemen who avow such hostility to internal improvements, will not advocate an argument which goes to paralyze the interest so dear to them—the commercial interest of these States! But if we may, without just cause of offence to other nations, protect and regulate our commerce, then, without such offence, we may send an agent to Greece.

But we are told the practical result of such a measure will be to embroil us with the European

Governments; to involve us in the dissensions and contests of the multifarious jugglers of the corruptions of the Old World. But how is this shown? Has not England (herself a member, at least to a certain extent, of the Holy Alliance) sent commercial agents to South America? sent them long ago, though the independence of those Governments is still disputed by the mother country? Is this policy of Britain an infraction of the law of nations? Has any Court complained of it? Have any Cabinets protested against it? Has this involved or embroiled her with any of her neighbors? No, sir; nor is such the object, nor will such be the effect of the measure now before you; it aims merely at obtaining such authentic intelligence of the progress of the Greek cause as will enable us to judge when it will be expedient to stretch out our hand, and welcome her as a sister, into the fraternity of Republics.

The interests at present involved in the resolution, are, in my view, as nothing; the principle of the resolution, to me, is every thing. I do maintain, sir, that we have a right, without offending any Power on earth, to maintain official intercourse with any Government holding, *de facto*, exclusive power over its own territory; if not, we have no right to protect our commerce, and we do so by mere sufferance of others. But Greece does, at this day, exercise exclusive power over her own soil; and, therefore, we have a right to open, and to keep open, diplomatic intercourse (unquestionably commercial agency) with her. And, having the right, sir, it is our duty to act with some degree of generous feeling towards a people like this, struggling victoriously for the dearest rights of men. If we refuse it, I fear, sir, the world will think our practice at war with our professions; that we are wanting in generous and manly feeling for our fellow freemen. The gentleman from Massachusetts, (Mr. BAYLIES,) who last addressed you, (whose praise it is not for me to sound in this House, where its feebleness would but be lost on its object,) has truly represented the character of this Government; it is established by the hands of freemen, to protect person and property; nor is the exercise of that protection to be chained to our soil, or restricted within any bounds of territorial limitation. Wherever Americans go forth, throughout earth or sea, the mantle of their Government is over them, to protect them and theirs. They have the same right to be protected in the Archipelago as in our own harbors. Sir, before the manly, the enlightened spirit of this Government, and this age, the slave trade, that reproach on our race, has been nearly abolished. Yes, sir, the noble, intrepid spirit displayed on that subject, by this Government, has done much towards effecting this great triumph of justice and humanity. Your Executive Magistrate has told you that, within the year, our flag has not been dishonored by a single act of participation in that accursed traffic, and he has proposed to this Congress to declare it piracy. Sir, this is noble; but shall we take the wretched slave out of the hand of his pirate master, shall we then seize

his spoiler and hang him at the yard arm; and yet, when a land like Greece, with all her claims on the gratitude of mankind, is trampled on by the worst of all pirates and spoilers; when her people, in thousands, are captured, carried off, and slain, and such enormities are practised on them as led the official organ of the Russian Government to declare there was sufficient ground for all Europe to combine in their defence, we must not even express an emotion of sympathy for them! We pity the captive African, and call the man that stole him a pirate; shall we not pity the suffering Greek, stolen, sold, and then butchered by the most ruthless of all oppressors? Shall he have no share, not a little share, in our expressions of compassion? In like manner, the bold spirit of this Government has set its face against the practice of privateering, and the President is now engaged in negotiation on that subject, with happy prospects of success. Why shall we be backward in this one cause of humanity while so prompt in every other?

Independent nations, as such, are strictly equal; if Greece has a separate and regularly organized Government, we have a right to treat her as an equal; or, if, as is beyond all doubt, she will consummate her freedom, can there be any harm in being prepared to meet, and to welcome her when free?

But the gentleman from South Carolina objects to the resolution, as having the aspect of pressing or hurrying the Executive into a measure of perhaps a hostile, at least an impolitic character. Sir, I for one, have more confidence in the wisdom, the sound discretion, of that officer, than to suppose that he can be hurried, by any resolution we may pass on the subject, into a measure that is against his judgment.

But on this point, sir, if the gentleman will but take a short retrospect, he will find on your journals, three years ago, a much stronger resolution, in the case of the South American Colonies. In that resolution this House pledged itself to support him in the proper measures for acknowledging the independence of those Governments. Yet, sir, the President did not act; he waited till what he believed was the ripe and proper time. He will do so, if you pass this resolution. He was not carried away, by what was then called the Quixotism of the House. The manly, noble step of acknowledging those Governments, was not taken till the facts in their condition sanctioned the belief that they were in a mature state for recognition. I voted then against the resolution. I thought it, myself, premature. I knew that we had no commercial treaty with Spain, and that the treaty for the cession of the Floridas was not ratified. I feared the influence of the measure on the success of our negotiations; but, sir, the issue showed that those fears were groundless. The Spanish Government did, indeed, demand, that the refusal to acknowledge her colonies should be a *sine qua non* in the treaty. The demand was promptly and indignantly rejected, and the treaty was concluded and ratified notwithstanding.

He would not enter into an examination of the

doctrines of the Holy Alliance. It had already been done, with consummate ability, by the gentleman from Massachusetts. He coincided in the views which had been given of that combination—conspiracy, rather let him call it—against the liberties of mankind; but he could not perceive that the mission of an agent to Greece could give any just cause of offence to either of its members; nor did he think it comported with the dignity of this Government, when consulting about a measure of our own policy, to be calculating the probabilities and possibilities of the umbrage that might be taken at it by some member of the Holy Alliance.

Mr. BARTLETT, of New Hampshire, said, that the subject before the Committee had called him to the severest trial of the impulse of feeling, and the more solemn dictate of duty. Nothing but the painful result to which a deliberate consideration of the question had brought him, could have induced him to make this an exception to the good resolution he had formed, not to demand more time for the expression or explanation of his opinion, than should be necessary to answer in a single monosyllable to the call of the Clerk. And I rise, said Mr. B., at this time, not to make a speech. If there were no other obstacle, the topics are all on the other side of the House, and the inducements too. There are no Grecian wreaths—no ready penned votes of thanks—for those who may feel compelled by a sense of duty to stem the torrent of popular excitement.

I am aware, said he, that the resolution before you is one touching a country, at the very mention of which all the proudest associations of human nature are at once revived—associations co-extensive with the limits of civilized society. At the name of Greece the artist forgets the more than two thousand years that separate him from his masters, and he hails it as the land of his nativity. The scholar hourly converses with their mighty dead; and the soldier talks of their deeds of valor and heroism, as the achievements of his compatriots. It is a resolution, too, in relation to a struggle for Liberty—a word that has enchantment in itself. Liberty! to which that statue shows, as well our almost idolatry, as the source whence we derive the power to give the goddess a local habitation. Liberty! for which our kindred have bled; in defence of which there are, in this Hall, those who bear marks of the weapons of her enemies. This struggle, too, is by those of our common Christian faith, against tyrants, barbarians, murderers! It is a resolution, the subject of which has excited the sympathies of the whole nation—of all nations capable of sympathy. Our Legislatures are daily sending us pledges of their feelings. Societies are formed to aid the Greeks. Individuals are pouring out their treasures. Humanity is literally in tears at the recital of their sufferings. And there is, said Mr. B., in relation to this subject, an influence upon me, connected with the distinguished individual who moved this resolution, that I have neither the inclination nor power wholly to resist. While it has been urged upon us with a force which shows that eloquence ex-

pired not with the renowned orators of ancient Greece, we have listened with pleasure—with pride—for the American character; a pride more cherished by me, as the claim of New Hampshire—dearer still, as my own native village. Though such is the resolution, under such circumstances, and thus urged upon us, yet must I vote against it.

In voting against this resolution, shall I assent to be charged with forgetfulness of the debt which we, which the world, owe to the ancient seat of science and the arts—with want of ardor, of zeal, in the cause of freedom—with indifference to the sufferings of the oppressed—forbearance, tolerance, to the accursed cruelties of their oppressors? Disregard of the feeling of the nation—the sympathies of humanity? With coldness to the animated, ardent, and eloquent appeal in their behalf? No, never! Nor from such vote should it be inferred that I am enamoured of the faith, doctrine, or practice, of the Holy Alliance. On that point, said Mr. B., I can boast of no new light—no recent or sudden conversion. When the "august contracting parties," in '15, published that league which has received such severe and just animadversion from the honorable mover of this resolution; when our churches were profaned—Christianity outraged with *te deums* in honor of the "Magnanimous Sovereigns"—the mighty deliverers—the patrons of peace societies—I had no voice for the song. Yet, the Holy Alliance is not without its instruction to the world. It affords, at least, the lesson of the infernals. When good purposes scarce produce an union of effort, it should be, it is—

"Shame to men, while devil, with devil damn'd,
Firm concord holds."

But what is our ground of complaint against the Holy Alliance? It is not that they are forging new chains for their own enslaved, degraded subjects. It is, that they claim to interfere with the governments of other Powers. Against this we protest—this is our principle—this, said the honorable gentleman from Massachusetts, is the American question. Keeping this principle, then, in view, let us for a moment more particularly examine the character, object, and consequences, of this resolution. As to its character, its opponents cannot differ more widely than have its friends. By the honorable Speaker, it was represented as the unpretending, inoffensive expression of good feeling and good nature—as contemplating a dove-like embassy, that was to bring us nothing but emblems of peace, evidences that the tide of civil war in the East had abated from all the face of the earth; while other of its advocates have given to it a supernatural efficacy: it was to be to the enemies of Greece more terrible than an army with banners—to carry the Cross over the Crescent to the heart of the Ottoman empire—to be a flaming sword to guard the pass of that terrestrial paradise, from which these angelic Greeks have thrust the infidel offender. Yes, more! It was to prove the very desideratum of Archimedes, the fulcrum by which we are to move the world.

Were this the resolution of a convivial club, or

even of a parish meeting, it might not deserve a character more important than first given it; but, as the act of the National Legislature, although I have no faith in its doing the miracles imputed to it, still it assumes an importance in relation to its operation upon ourselves. We cannot assert a doctrine on this subject to-day, and to-morrow reverse it. This resolution is not to be passed, and to pass into forgetfulness, with the momentary excitement; that may have given it rise. It becomes the record of your nation—and, so far as it be necessary to be used against us, it is the property of all nations. So far, then, as it may change our principle or policy in our intercourse with foreign nations, it is second in importance to no measure in the power of the Legislature to adopt.

What are the reasons for adopting it? The object of this resolution? By the gentleman from Illinois, who has just resumed his seat, it is urged upon us for the purpose of obtaining information of the state of Greece. Is that the only object? If so, it is totally unnecessary. The President now has all the power necessary—and, it is to be hoped, the discretion how to use it. But the honorable gentleman who moved the resolution most distinctly disclaimed that as the principal motive or object of it. The opinion, the declaration of this House for Greece, was wanted. It was that which was to give vitality—to give importance, to the measure. As such, then, it is intended as encouragement, as aid—a pledge, a promise to Greece: or it is a mere ceremony—form—"words, mere words."

As most respectful to its advocates, we are bound to give it a meaning and intent. It is, then, intended as encouragement, aid, or pledge of aid, to the Greeks. Where, then, is our principle? the American question? What is our complaint of the Holy Alliance? What right have we to interfere with the internal concerns of the Government of Turkey? Who are these modern Greeks? Whether they, or their enemies, are more or less Christian than the savages of this country, whom we are every day driving into the Pacific, alters not our political rights in relation to them. They are, and have been for four hundred years, the subjects of the Ottoman Sovereign; and he is their legitimate sovereign; if any potentate of Europe can claim that title. These subjects are in rebellion, and we propose to aid them.

Suppose that a certain part of the population of the United States should attempt to take the government, by force, into their own hands—and they have not been four hundred years under their masters—should the sovereign of Hayti send "an agent or commissioner" to encourage them—and we cannot deny he has a right to feel for them as much sympathy as we do for the Greeks—should we take it kindly? Would we not expound the law to him, and, if necessary to convince him of his error, resort to the *ultima ratio regum*? But, if we pass this, and another extraordinary resolution on your table, do we not at once furnish an authority against ourselves? Is not our principle abandoned?

But what particular motive have we for this measure? If we are to set up as the deliverers of the world, the champions of nations, are there no other objects of our solicitude? Is there no slavery, no misery; no call for our benevolence, our charity, our sympathy, on any other spot of earth? Not to enumerate instances, can we have forgotten that which is now history, and which, within the last ninety days, was passing before us? We have seen the most chivalric, the most gallant nation on earth, trodden under foot by an invading army, for asserting the right to choose its form of Government. We have seen her fields smoking with the blood of her citizens; we have seen her patriots and heroes fighting to the last trench, and making that their grave, for their own rights as citizens and men—and we have looked calmly on. The tortures of the Inquisition had no horrors for us. Did our indifference result from the circumstance that the subjugation of the liberties of Spain had the countenance of His Most Christian Majesty? or, was it because the foe was more formidable? No; we despise to do that against the most contemptible sachein, that we would not dare to the very beards of all the allied Sovereigns. It was our principle that restrained us. But this measure is pressed upon us as a response to the sentiments of the President, as called for by his Message. The doctrine that we are bound to respond to them is better fitted to that Government which is now the theme of so much reproach than to this House. His opinions are entitled to respect as the opinions of an experienced statesman, but as *authority* we are not bound even by the solemn, and surely, not by less deliberate opinions of any man.

If we seriously propose taking the Ottoman sovereignty in hand, what are our hopes of success to establish a free Government in Greece? The advocates of the measure have assured us, that the condition of the Greeks is, and for centuries has been, that of the most abject slavery; that they hold even life itself at the pleasure of their tyrants—and are such the materials with which to erect and support a Government of any sort? The moment the external pressure of the common enemy is removed, scenes of anarchy and horror will be witnessed, that may, if possible, exceed even those already exhibited.

Should they even be found capable of government, is it to be supposed that the Holy Alliance will suffer such example on their very borders? The question is already answered by the gentleman from Massachusetts. He informs you they have declared that they do not will it. Do we doubt their power? They have but to lift a finger, and the Greeks perish; with a breath they can remove them as a nation from the face of the earth.

But if this resolution cannot effect all its objects, its consequences may not be unimportant to ourselves. Is it to accomplish such wonders for the Greeks as its advocates suggest; and is the Ottoman not to discover its operation? Are the Barbary Powers so much better disciplined by peace societies, that they would not resent what we should deem good cause of war? And are we to rely for impunity upon their moderation, for-

bearance—their meek and forgiving temper? We shall find our commerce at once swept from the Mediterranean—our citizens in chains, or their heads upon the gate post of the palace yard. We are at war. Are we prepared for such event? When our property is captured, and the Turkish scimitar is dyed in American blood, where then will be your Greek committees—your Greek dancers? You may then pipe in vain for them to dance. Where then will be your volunteer pilgrims to the tomb of Leonidas and Socrates? They will prefer the domestic fireside to any tomb, ancient or modern, to be found in the Ottoman Empire. We ought not to refuse instruction from the experience of the late war. It was a war in defence of our own rights—for the liberties of our own captive citizens. And yet, is this to be so much more holy and righteous, that our pulpits shall not again resound with the cry of murder?

But such apprehensions, we are told, are the mere vagaries of the imagination. Human nature has not changed, and "the thing that has been, shall be."

It has, however, been said that whatever we now do will be no new provocation, and if Turkey be set upon war, cause already exists. And we are referred to the letter of the Secretary of State for proof. Greece calls upon us for aid, for support, because contending for liberty. The Secretary answers that Government can give no aid or support; that our policy and our principle has been, is, and must continue to be, not to interfere in any way in such contests. And can this letter be quoted as a war measure against Turkey, or an argument to support this resolution?

Such, it is believed, are the inevitable consequences of the resolution, if it mean what we have supposed—aid or encouragement to the Greeks. This is to be answered only by saying, as have some of its advocates, that it means not so much—it means no such thing. Then it is mere form, and nugatory.

For what has been all this excitement? The Greeks call upon us for aid; supplicate us for their lives; and we send them—what? Ships, armies, money? No! an unmeaning resolution. Again and again, during this debate, we have been hurried into the thickest of the fight; led to the desolate hearths of the slaughtered; while hecatombs of their dead have been piled to the heavens before us; that we may insult the miseries of the living, by an unmeaning resolution. And is this being noble, generous, gallant?

If for nothing else, we are told it is proper as a mere expression of our sympathy. And is this necessary to give it an existence? Can our sympathy be sustained only by force of law; and has it no efficacy but by virtue of the enacting clause, *Be it resolved, or Be it enacted?*

The severe remarks of the gentleman from Massachusetts, upon stipulating by treaty, to do what all the laws of God and man required without, appear to me not inapplicable to such a measure. But I deprecate such a system of legislation; I deprecate such a mode of aiding friends, or annoying enemies. We are too justly reproached already

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for our wordy valor; too deservedly nicknamed a logocracy. If a nation insult us, we send a proclamation! If an enemy is to be vanquished, or a province captured, we send a proclamation! If our Capitol is attacked, we run for our lives, but we send back a proclamation! Enough already, more than enough, have we had of this.

As legislators, we must resist the impulse of feeling. I know this is called "cold-hearted, pence-calculating policy." These are easy epithets; and must pass as substitutes for reason, for argument, if nothing better can be offered. While a disregard of consequences is termed generous, noble, glorious. The word glory is the death-watch of this Republic; and the oftener we shall hear it repeated in this hall, are we reminded of our doom.

If this Government has done a foolish or ridiculous act, it has been for glory. We levy taxes, incur debts, seek adventures, fight battles, disregard consequences, we perish for glory. This is all consistent enough with the principles of the distinguished knight, who has been introduced in this discussion; but it may not be our duty to run a tilt against every windmill, merely to show how gallantly we can break a lance.

If we can find no subject of practical utility to legislate upon, let us listen once more to our long supplicating fellow-citizen, Captain Symmes; or, if his path be not lofty enough, and gentlemen would prefer the bottom of the Mediterranean to his bottomless region, then let us mount the flying machine, which occupied our deliberations on a former occasion, and "wing our way" at once to glory and renown. But, said Mr. B. I mean not to trifle on this subject.

The resolution is not necessary for information. If it is intended for aid, or encouragement, it is against our principle, and fraught with fearful consequences. If it is not for aid or encouragement, it is nugatory.

In either view I must vote against it.

Mr. FARRELLY then rose; but we regret that, owing to his distant situation from our reporter's seat, we lost the introductory remarks of his speech, and heard the residue but imperfectly.

We understood Mr. FARRELLY to say, that he rejoiced that the time was come, when something should at length be done, expressive of the gratitude due from the civilized world to Greece, for her philosophic principles—her republican forms of government—her classic language, and the inspiring example of her heroic valor. Yet, if he thought that the resolution before the House was about to issue in an improper interference with the policy of other nations, or a rupture of the peace of this, he would be the last to vote for its adoption. But, according to his views of national policy, there was nothing in this measure to produce such consequences. He could not see that it was any departure from the uniform steady course of this Government, on the subject of recognizing other Governments. The rule hitherto pursued, if he understood it, was to inquire simply what was the Government *de facto*, (throwing away all *de jure* questions,) and to acknowledge that Government as soon as its existence was duly

certified. This plain and wise rule of policy had never, hitherto, embroiled us with any of the European nations, or their Governments. Without regarding the doctrines of legitimacy, we send public agents to Governments of every character. In France, we had accredited agents near her Government, under its republican, under its consular, under its regal, and under its imperial form, and yet no umbrage was taken—no evil consequences ensued. So, when Spain was aiming at a revolution, we sent a Minister to her Cortes, although the legitimate Government was espoused and supported by the Holy Alliance, and yet no threats were either issued or executed against us. The gentleman from New York had said, (and he was followed by the gentleman from New Hampshire,) that, to send an Envoy to Greece would be encouraging rebellion, and an infraction of the law of nations. But, was it so held, when we sent to the Cortes? In all the convulsions of other Governments, our diplomatic intercourse has remained without interruption. It had, to be sure, been never our policy to enter into their contests, but, only when those contests developed a new Government, then to acknowledge it. The resolution on the table fell far short of that which was passed in the case of South America. How could it be a war measure? Did we not send Ministers or other public agents to Spain, to Portugal, to the Netherlands, when they were struggling against their former Governments? Why not to Greece? But this resolution does not even do this, and when compared with the length we went on the South American question, it fell almost an interminable distance behind it. When we sent to Spain, did Russia, did Austria, draw the sword? Was our commerce interdicted? Were our agents insulted? Did any of those formidable dangers result, which have now been set in such awful review before the House? It must be remembered in the case of Spain (and he insisted on this case because it was a strong one, and had an immediate bearing on the main question of the policy of the measure,) that it was the Holy Alliance that urged France to crush the attempt at revolution under the Cortes; and that, in that case, we did not pass a bare resolution expressive of our good wishes, but we acknowledged the Cortes, and sent a Minister. That, so decided was the part of that Alliance against that Government, that they not merely expressed their sentiments, but embarked a force to back them; yet no rupture took place with us, or any thing that bore the semblance of one. But, in the case of Greece, the Holy Alliance embarked no force against her—nay, at one time, seemed rather in her favor; and yet here we do not propose to recognise—we do not propose to send a Minister. Gentlemen seem to think that Turkey has her eye upon us, and will watch our movements with jealousy. On that subject he had a fact for gentlemen: when our first frigate, but a few years since, entered the Dardanelles, it surpassed the wisdom of the whole Divan to tell where the country was from which she came. So much for their acquaintance with the policy of this Government.

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The gentleman from New Hampshire says that the Greeks have been for four hundred years slaves to the Ottoman Porte, are the subjects of that Government by prescriptive right, and that they are now in rebellion against their own Government. Is that the case? And does the gentleman found an argument on this ground? Sir, it proves, if any thing, too much; if it is good for any thing, it proves that we are not only not now, but not at any future time, to recognise the Greeks, if they get ever so free and ever so powerful; for they will always be viewed by the Porte as rebels; the prescriptive right to domineer over them will never be surrendered; by the European code of policy a subject can never change his allegiance; and so, no new Government that succeeds in resisting tyranny must ever be acknowledged by the United States. Sir, how would this redoubted argument have borne on our own Revolution? who would have been allowed to acknowledge us, Mr. Chairman?

The President tells you the Greeks are gone, forever gone, out of the hand of the Turk; may we not even notice them?

The measure has been well advocated as a means of gaining authentic intelligence. Our information respecting this interesting people is exceedingly imperfect—it consists of little more than casual floating rumors from the Mediterranean—(there are there no mails, as in the United States.) It is a maritime country, and it is important to our commercial interests that we should have some certain intelligence.

He believed that, with the exception of Patras, Coron, and Modon, the whole Peninsula is free—thus are insignificant specks on the map of Greece to be made the ground of denying that the Greeks have won the sovereignty of their own soil.

But it is asked, what rule are we to follow? are we to go abroad seeking adventures? No, sir; we are to follow the same rule we have followed all along. No doubt Spain will soon be trying to recover her colonies; are we to abstain from acknowledging or keeping up our intercourse with them for fear of the Holy Alliance? Sir, I assert, without fear of being proved a false prophet, that you will see England acknowledge the independence of those Governments, and establish commercial relations with them. When gentlemen tell us that we may not send an agent to a country in a state of revolution, they mistake our conforming to the effect of a rebellion, and furnishing a motive to rebellion. We are not sending an agent to Greece, to excite her to begin a rebellion against the Turk; that is begun already, and more than half finished too, sir. For one, I believe they are able to maintain their independence, and will maintain it; they will not forget their ancestors. And, as a confirmation of this opinion, I pray you, sir, to look at the last news from there. The coincidence of their modern and their ancient spirit is striking indeed. Sir, the self-same act has now been performed in Attica, that was done two thousand five hundred years ago—the inhabitants of Athens have all migrated to Salamis, to avoid subjugation.

For myself, sir, said Mr. F., in conclusion, I

cannot perceive any necessity for making, at this time, a bill of rights—as long as the Holy Alliance leave us alone, we need not call them to account for their principles. It will be time enough to do that when they threaten or attack us. If, indeed, they send here, as they sent to Switzerland, a public agent to stop our press; if they make official declarations against the forms or nature of our Government; if they insist that our Presidential term is too short; that our elective franchise is too extensive, or this House too great in number, or too popular in its character, then, sir, it will be the time to make declarations, and set up principles, and act upon them too, sir. If they require us to expel from our shores every foreigner who has been the victim of their persecutions, and if force is brought to maintain the wrong, then, sir, will be the time to collect our strength, to call up our courage, to array our armies—to send forth our navies; and, if we prove too weak for the struggle, then, sir, will be the time to die, with the words of the old Roman in our mouths, *victrix placuit causa diis, sed victa Catoni*.

Mr. RANKIN, of Mississippi, said, he was pleased when he heard the gentleman from Massachusetts declare, that he should support his resolution upon the grounds of reason and argument, and not by mere appeals to the feelings. The individual who conducts his private affairs according to the dictates of passion, always conducts them erroneously; and so, in regard to public and political business, the ebullitions of passion were calculated to involve the concerns of a nation in ruin. Gentlemen who feel such a strong sentiment in favor of assisting the Greeks, might go to the post office, and satisfy their sympathy, in remitting their dollars and cents for that purpose.

The gentleman had declared, that the principle contained in his resolution was opposed to the policy of the Holy Alliance; and that society had arrived at that point, when the power of public opinion was predominant over every other power. Mr. R. said, he had searched this subject to find, if he could, what effect it would have in favor of the Greeks. It is merely a cold and calculating proposition. It provides, that when the President should think fit to send an agent among the Greeks, the money shall be appropriated for the purpose. Is there any thing in this, expressive of an opinion in support of the Greeks, and adverse to the principles laid down by the Holy Alliance? But, admitting it goes so far—is it contended that it will have the effect to induce that Alliance to abandon one of its principles of action? Could they ever be induced to surrender those principles? Would the shipwrecked mariner ever quit his hold upon the plank which kept him from sinking? When the Holy Alliance was first established, the principles of liberty were fast pervading the people of Europe—and it was established to prop their tottering thrones. They cannot abandon those measures by which they retain their existence. Let us see what effect this proposition will have upon the Greeks. If they have determined to maintain themselves free, and to apply their whole force to this purpose, this measure, which is proposed to

the House, will do them no good. And is it not probable that it may lead the other Powers to crush the Greeks at once; while we are not near enough to render them any assistance? And will the arbitrary Power of Turkey understand the difference between a simple agent, and a Minister? They may consider it as amounting to a declaration of war; and the individual who is sent out, as the agent, might fall into their hands, and be assassinated—and every American citizen who comes within their reach may suffer the same fate. From the want of discrimination, in respect to the character of our agent, on the part of the Turks, the utmost distress may come upon our commerce, in that part of the world; and we are asked to involve ourselves in these difficulties, for the sake of a measure, which will, in reality, do the Greeks no good. It would be a departure, too, from the policy of all nations. So soon as they were believed to be independent, it would be proper to send an agent; and when their independence was known to be established, it might be recognised. Until then, no act should be done, on the part of our Government; otherwise, the utmost anarchy might be introduced into our national concerns. The present resolution was in opposition to what had hitherto been the policy of the Government. With South America, whose situation was much more important to us than that of Greece, we had pursued a different course. When the South American States were understood, from other sources, to have achieved their independence, the President despatched messengers to ascertain the fact; and when their success was well established, their independence was acknowledged; and no other course ought to be pursued in this case. We should obtain our information without the hazard of a war. Are we to adopt a course, in relation to the European Governments, which we should not suffer them to pursue towards us? We surely ought not to interfere in their concerns, when we forbid their interference with ours.

The field which gentlemen had opened, in the course of this discussion, was unlimited; it would lead us into difficulties with half the inhabitants of the world. If we were to engage in wars against all the infidels upon earth, where power was held by them, we should always be engaged in crusades for the protection of holy land. Europe had been involved in the most ludicrous projects by this spirit of crusading. If we are bound to interfere always when the Greek Christian is in distress, why should we not render assistance to those who are suffering, not only the slavery of body, but of mind also? Our policy has always been, not to interfere in such cases. We should suffer Christianity to be disseminated by the power of its own mild and beneficent principles; it is not necessary to wage war in its behalf. If the expression of the opinion of this House is worth any thing, it should carry with it an irresistible weight. If the resolution should pass, only by a bare majority, would it be taken for a general public expression? It appeared evident, Mr. R. said, that it could not now pass unanimously; we have the opportunity of expressing our own pri-

vate feelings of charity and of sympathy in the cause of the Greeks. The people have availed themselves of this opportunity in a proper manner; they have pursued an honorable course; they have furnished supplies in money, arms, and ammunition; and these contributions would have their influence in due time.

Mr. R. said, he had endeavored to show that this measure would be injurious to the Greeks, as it would turn the attention of the European Powers, to repress their attempts for freedom; that it would be injurious to ourselves, because it was stepping out of our common course of policy, and would involve us in difficulties; and that it was not necessary, until the Greeks should have obtained their independence. For these reasons he was opposed to the adoption of the resolution offered by the gentleman from Massachusetts, or the amendment proposed by the gentleman from South Carolina. Mr. R. thought the President competent to take such measures as circumstances might require. He hoped some course would be adopted, to avoid a direct decision on the question at the present time, as he believed such a decision would not produce any good. If it should involve the country in a war, how would members justify themselves to their constituents? What language would they address to the people? The people would say, that they alone had a right to act upon the subject, and they have exercised that right, in the best possible manner. With these views, he should oppose the resolution.

Mr. Houston was aware that he might be trespassing upon the patience of the House, in protracting this debate, as it was not the first or the second day of the discussion; but still he felt so deeply impressed with the importance of the subject, that he hoped every member, who wished it, would be allowed time to express his opinion. If he could see the evil consequences which gentlemen had anticipated from the adoption of this resolution, he certainly would not have risen to advocate it. But, as he did not perceive that such difficulties could result from it, and as he did not see its incompatibility with the policy of this or other nations, he was disposed to give his feeble aid to the subject. Some gentlemen seem to think, that, if we recognise the Greeks in the manner proposed by this resolution, it would have a tendency to stimulate the European Powers to hostility against them. He could not believe that, so far as this proposition goes, it could have any such effect. If it were the policy of the European nations to aid the Ottoman Power, they will pursue that course without reference to us. And can it be supposed that the passage of this resolution will bare another Turkish scimitar against the Greeks? No. The Greeks are struggling for their liberty, and the Turk is determined to exert all his power to prevent it, all the force of his empire is at his disposal, and it will all be turned to the subjection of the Greeks. All his resources will be directed against that devoted people. They have determined to stand up manfully, and perish before they submit. Let us, then, as far as we can, consistently with our relations

with foreign nations, hail them as brethren, and cheer them in their struggle. The screams of this agonized and suffering people have reached us, and penetrated from one end of the continent to the other. So far as our policy will allow, let us encourage them. What sentiment has the President expressed upon this subject? Does he say that we should not interest ourselves for the Greeks? Does he not, rather, express the deepest solicitude concerning their affairs? Is there not a spontaneous feeling in their behalf among the people? And shall this House, which represents the people, be silent on the subject? and for fear of offending the crowned heads of Europe, shall we not act? We should not be disposed to regard them much. If they have determined to crush the Greeks, will they not do it in defiance of us? And we have little need to care for the Porte. Has he ever paid any regard to us? Has he ever rendered us any service as a nation? Does our flag protect our property upon the Bosphorus? Has not our commerce rather been protected by the Greeks? Will he, who has totally disregarded the laws of nations, care for any policy but his own? We can expect no justice from that quarter, but what we acquire from their fear.

Mr. H. said if he could believe that this resolution would bring war upon the country, he would be the last member to support it. No one could deprecate the horrors of war more than he did. He did not wish to provoke war with the Ottoman Power, nor with the crowned heads of Europe. If it was the policy of the other nations to oppose or support the power of the Porte, they would do it. The Allied Powers have sufficiently proved that they are not very solicitous to preserve the rights of other nations. The Chesapeake proclaimed to us that one of them was not more careful of those rights even than the Ottoman.

Are we to expect any advantage from not expressing our opinion? But it is declared that we should not enter into an alliance with the Greeks. Nor do we wish to do it; we wish to preserve our regard for the rights of other nations. It is said that this measure will be of no advantage to the Greeks. Mr. H. said he differed from this conclusion. It would be an advantage to show them that they are not an isolated people. It will be telling them that America, the freest and happiest country in the world, has heard of Greece, and sympathizes with her, in the midst of her misfortunes. It will be encouraging them to stand like freemen, and to fall, if they must fall, like men. And there is yet Grecian blood left to thrill with joy and quicken its circulation at this cheering reflection. Hearts that have bled for years, under oppression, will be touched with sympathy. It will tell to Greece, that, while the Holy Alliance is standing, with hands off, and the Porte is butchering her armies, her venerable sires, borne down by the weight of years, her matrons, her unviolated virgins, and helpless infants, it will tell her, by the declaration of Congress, that we regard her situation; and that, although our own policy interdicts us from acting in her behalf, yet

we recognise her among the nations of the earth. Were we not the first to acknowledge the independence of South America? Did we wait till the Holy Alliance had authorized us to do that? Or did we extend a helping hand, like men, towards those States? Why may we not pursue the same policy now? The principle is the same. Principles remain unchanged and eternal. The distance of the people from us does not alter the principle.

If this resolution is adopted, the President will be left free to exercise his sound discretion on the subject. He will be able to compare and analyze the business, and to act as circumstances may require. The House is not about to say to him that he must despatch an agent to the Greeks to-morrow; but that he must use his judgment on the subject. If the resolution is rejected, it will seem like a want of confidence in the Executive. By his long experience he is amply entitled to this confidence; and we may rest assured that he will not exercise it inconsiderately, nor do any thing to involve the country in a war.

Then, if there is nothing hostile in the resolution, we may venture to give this authority to the President. Mr. H. said he entertained a high regard for the Greeks, and felt as much zeal in their cause as was consistent with the purposes of legislation. He wished that she should know that the American nation felt for her. He would not that this Government should send her munitions of war, for that would amount to an open act of aggression; but no such construction, he thought, could be put upon this resolution. The people of Greece had expressed a wish to alter their Government, and according to the fundamental principles of our institutions, they have a right to do it. If they rise, in their majesty, and determine to be free, will an American Congress say that they must wait for our acknowledgment of her independence until the Allied Powers have seen fit to acknowledge it? They will not be disposed to do it soon. It is this very dissemination of freedom that is planting thorns in their pillows. We can pursue principles of justice, independent of all their alliances.

We have been told that we should have a care how we look for glory—that glory is the death-watch of liberty. Mr. H. said he did not know how this remark was meant to be applied. If he understood what was the true meaning of glory, it was that noble attribute of man that appealed to the whole community to give force to heroism and patriotism. If that were the death-watch of liberty, he wished to hear it resound through the country. It was false glory that bade a man seek self-aggrandizement; and this description of glory was indeed to be dreaded.

Mr. H. apprehended no danger from the crowned heads of Europe, on the subject before the House. He considered it a very important expression of sympathy in favor of a people that held the strongest claims upon us. After the principle we had adopted, in regard to South America, he thought we could not be regardless of the cause of Greece. He did not expect an unanimous expression of

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this opinion; but, as it could be productive of no evil consequences, he hoped the resolution would pass the House.

The Committee then rose, on the motion of Mr. CUTHBERT, who made the motion that he might deliver his sentiments to-morrow, with the deliberation which the subject calls for.

FRIDAY, JANUARY 22.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, reported a bill making appropriations for the support of Government, for the year 1824; which was read twice, and committed to a Committee of the Whole.

Mr. McLANE, from the same committee, reported a bill making appropriations for the military service of the United States for the year 1824; [pay of the Army] which was read twice, and committed to a Committee of the whole House to which is committed the bill making appropriations for the support of Government.

Mr. RICH, from the Committee of Claims, made a report on the petition of Charles Humphrey, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. NEWTON, from the Committee on Commerce, reported a bill to allow a salary to the collector of the port of entry for the district of Pensacola, and to abolish the office of surveyor; which was read twice, and committed to a Committee of the Whole.

Mr. NEWTON, from the same committee, reported a bill to abolish the office of Measurer; which was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, made an unfavorable report on the memorial of the General Assembly of the State of Indiana, on behalf of a company of rangers in the late war, under the command of Captain James Biggar; which report was ordered to lie on the table.

Ordered, That the Committee on Military Affairs be discharged from the consideration of the memorial of the officers engaged in the late war against the Seminole Indians, as, also, of the resolutions of the General Assembly of the State of Tennessee, on behalf of the said officers; and that the said memorial and resolutions be committed to the Committee of the whole House to which is committed the bill from the Senate explanatory of the act of the 14th of May, 1822, for the relief of the officers and volunteers engaged in the late campaign against the Seminole Indians.

On motion of Mr. TOMLINSON, the Committee of Commerce were instructed to inquire into the expediency of repealing so much of "An act establishing Navy Hospitals," as separates the Navy Hospital Fund from the Marine Hospital Fund; and of providing that the amount which shall hereafter be deducted, by the Secretary of the Navy, from the pay of the officers, seamen, and marines, of the Navy of the United States, by

virtue of "An act in addition to 'An act for the relief of sick and disabled seamen,' shall be paid quarterly to the Secretary of the Treasury; and expended for the relief of sick and disabled seamen, in pursuance of the several acts making provision for sick seamen.

On motion of Mr. CONDUCT, it was, *Resolved*, That the Committee on Naval Affairs be instructed to inquire how far it may comport with the public good, to change the mode of compensation to navy officers, substituting a gross sum per annum, in lieu of all allowances now made.

Resolved, That the Committee on Military Affairs be instructed to inquire how far it may be expedient and proper to change the mode of payment to army officers, substituting a gross sum per annum, in lieu of such pay and emoluments as are now allowed.

Mr. CONDUCT in supporting these resolutions observed that, as the officers of the Army and Navy are now compensated, their support consists partly of monthly pay, and partly of rations and other allowances. It was somewhat difficult, as things now stood, to ascertain exactly what each officer actually received; and, from information he had received on the subject, he was led to believe that, in some cases, they received more, while in others, they got less than was proper; and, also, that the compensation was not duly proportioned to the services rendered; as one striking instance of which, he said that, if he was correctly informed, a surgeon in our Navy, when at sea, in the full discharge of his duties, and exposed to all their dangers, received a compensation of eight hundred dollars, while the same officer, when on shore, and off duty, received, in salary and perquisites, about one thousand two hundred dollars. It was certainly worthy of inquiry, whether this mode of compensation had not better be changed to a gross sum by the year.

On motion of Mr. CONWAY, the Committee on Indian Affairs were instructed to inquire into the expediency of authorizing the President of the United States to purchase of the Indian tribes west of the State of Missouri and Territories of Arkansas and Michigan, as much territory as will be sufficient to give room for those tribes of Indians, within the present States and Territories, who may wish to migrate westwardly.

On motion of Mr. CONWAY, the Committee on the Public Lands were instructed to inquire into the expediency of reviving the law of the 25th of March, 1816, relating to settlers on the lands of the United States.

The SPEAKER laid before the House the following communications, viz:

A letter from the Secretary of War, transmitting a statement showing the expenditure of the money appropriated for the contingent expenses of the Military Establishment, for the year 1823; which was ordered to lie on the table;

A letter from the Secretary of the Treasury transmitting a statement showing the amount of money remaining to be paid by the purchasers of public lands prior to 1st July, 1820, designating

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the amount due for lands purchased in each State, made in obedience to a resolution of the 30th December ultimo; which was referred to the Committee of the whole House to which is committed the bill to provide for the speedy extinguishment of the debt due by purchasers of public lands prior to the 1st of July, 1820;

A letter from the Secretary of the Treasury transmitting information in relation to a robbery of the land office at Vandalia, in the State of Illinois; which was referred to the Committee on the Public Lands.

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The House then again resolved itself into a Committee of the Whole on the state of the Union, and resumed the consideration of Mr. WEBSTER'S resolution, for sending an agent to Greece, and the amendment thereto proposed by Mr. POINSETT, which proposes to limit the resolve to the expression of a sentiment decisively favorable to the Greek cause.

Mr. CUTHBERT, (who had, by the custom of the House, the right to the floor, having last evening moved that the Committee rise,) in introducing his remarks, observed something in relation to his state of bodily health, which we did not distinctly hear; but he said that, even if he could have supposed that any observations of his would have any weight with the House, he had the less reason to regret his state, either of body or mind, after the eloquent speech delivered by the gentleman from New Hampshire, (Mr. BARTLETT.) He believed there were few gentlemen present, yesterday, whose minds had not received a strong impression from that speech; he felt certain that it had a sensible influence on the opinion of this House, and, therefore, (being on this question of similar opinions to that gentleman,) he regretted the less any disability of his own.

He believed, in the first place, that it would be conceded by gentlemen on the other side, that this was a measure which had its origin, principally, in feeling. That a very strong popular excitement did exist at this moment on the subject, could not be denied; and how far the feelings of a virtuous, intelligent, and reflecting people, ought to influence their legislators, he should not undertake to determine; he did not, for a moment, suppose that a legislative body was the only assemblage of citizens who were competent to judge and determine a question of this kind. But there was a wide and important distinction between assemblages of the people, gathered together in masses without responsibility, and those who were bound by their office and their oath to deliberate with their calmest judgment, and whose decisions were to be followed with momentous consequences.

The people, gathered in large assemblies, feel a generous pride in expressing their warmest feelings. The noble glow of sympathy catches from heart to heart; the feeling rises with the numbers who partake in it, till each man feels his bosom swell with a big emotion, the result of the congregated feeling. But, sir, while such meetings are held, and such emotions experienced, do the peo-

ple, sir, expect that you shall be governed, in solemn acts of legislation, by the resolutions they pass? Were you to yield yourselves to such a governance, you would betray the confidence reposed in you. Not that you have more wisdom than they, but that you are intrusted with the administration of their Government. They tell you that they love liberty—that they deplore the calamities and sufferings of the oppressed Greeks—that they rejoice and exult in all their triumphs. Well, sir, what is the conclusion? This: that if sound wisdom shall direct you to engage in any active measures on the subject, you have an ardent and an energetic people to back you. Ought you not to pause, Mr. Chairman, before you commit such a people, noble, gallant, generous, now enjoying unprecedented happiness, and in the full possession of all the blessings of peace, to all the privations, the untried horrors of war? To judge of your duty, select any individual who has been a member of one of these popular meetings, who has been the most enthusiastic of all who were present, and who there passed resolutions, couched in the most glowing language; select him from that meeting, (where he was without responsibility,) place him in the solitude of his chamber, tell him he must now act, and act under the whole responsibility of the happiness or the distress of his country—passion departs—he begins to pause, and to reflect, and he invokes, not passion, but wisdom, for his guide. It is thus that these very people expect and demand of you to act.

What does such a reflection naturally suggest to us? That we should make a comparison between our Government, and those under which this very nation of the Greeks once lived. Shall I be told that it is but the declamation of a school boy to talk of ancient Greece? I answer, that sentiment is worthy only of those enslaved countries where it is the fashion, because it is the interest of their oppressors, to cast every species of ridicule and sneer upon republican governments. Shall we, on this account, deny ourselves the solid benefit of the experience of other republics? Those who live under the monarchical governments of Europe are liable to be misled on this subject, by the cant of their writers—from the humblest journal of the day, to the largest and weightiest tome that engrosses the shelf of their libraries, all hold one language—a regular war is waged with the principles of free government; if we join in the adoption of such anti-republican sentiments, we aid this band of conspirators in the servile design of degrading and debasing the human family. No, sir. We are warranted in appealing for facts to aid us to the history of Greece—it is our duty to look carefully at that history. And what do we find, sir? that the Grecian Republics had all the soul and fire of liberty, but that they wanted intelligence, and a regular plan in its enjoyment and its preservation. Hence, we see them split up into contending factions; and so bitter were their mutual hatred and animosity, and so fierce the rage of their contests, that, in some instances, whole communities were destroyed, wars of annihilation were carried on between neighboring

States, and scenes occurred on the Grecian soil, over which freedom and humanity mingle their tears. But how, sir, is the case with us? Under an administration of mild and equal laws, we are at this hour in the enjoyment of the utmost practicable measure of personal liberty. We are blessed with profound peace, and the humblest and most timid man among us is in the full possession of absolute security in person and property.

Sir, this night every weak and shrinking female, every helpless infant in all this land, lies down in peace, and may sink into unbroken slumber, conscious of being safe from harm. Tomorrow, every vigorous man, with robust limb, with active and enterprising mind, will be engaged with ardor in all that can advance his own and his country's prosperity, in all that enlightens and ennobles man. The sustaining energy of a free Government pervades the land, and raises and strengthens the character of all who inhabit it. In such a country, wars can never be waged for glory and empire. The most ambitious leader, who would persuade us into a war, must profess that it is a war for the right; he dare not even breathe the sentiment that it is undertaken only for glory. Surely, this reflection ought to prove to us a warning on an occasion like this; for, be it remembered, that, by all the acts in which it is engaged, this infant nation is stamping its character for future ages.

There is one question I would ask of this Committee—I would ask it emphatically. You owe to Greece a debt which you ought to repay in kind. Is it a debt for physical aid? Is it for any thing she ever did for us by physical force? No, sir; it is for moral aid; for the force of her example; it is for the spirit and sentiments of her writers, which have passed into our mind; it is for the lessons she has taught us in the love and the defence of freedom; it is for the warnings we have received from her misfortunes; for the spirit, in a word, that her works and her words have poured into our souls. What, then, is our proper, our best return? It is to raise her depressed children by the example of our free Government—a Government possessing some excellencies and advantages that hers never had, even in their brightest day. This is the example we are to set them, and not that of foreign wars. We are to show them the blessings of freedom, as reduced to a practical and a permanent form—to show them a people happy, and proud of the lot they enjoy.

How cautious, then, should we be that we do not, by bringing disaster on our hitherto happy experiment, blast the rising cause of freedom (check it, rather, for rise it will) throughout the world. Let us take care that we do not make our case a warning against free governments, instead of the strongest of arguments in their favor. And what, sir, is the process by which you are to spread the influence of your free principles and free institutions? Not by wars, but by a friendly intercourse with Europe, by writings, by personal conversation, and by the speeches of your statesmen. By means like these, the rapid contagion of enlightened principles will spread from land to land.

Men easily imbibe right principles on politics, when once they are suggested to them. The plainest and the humblest peasant can be made to understand that men are born equal, and have equal rights; all he needs is to be convinced that these principles, so true and so plain in themselves, can be carried out into a practical government. The literati of Europe know this, and some of them spread the truth in their writings. Their statesmen know it, too, and some of these, too, recommend it. The honest common people acknowledge the truth, and long for its benefits. They have the demonstration of the truth brought to their very senses: they see and know our seamen, our merchants, and their families, and they know that there does exist a country that fosters in its bosom a free, proud, and energetic people, who know how to protect their rights and their honor. Such a state of things now exists that these people inhale some notions of freedom with the very atmosphere they breathe—and as they breathe it they come to love those rights. Despotism, on the other hand, is founded on the ignorance, prejudice, timidity, and depression of the people; but that ignorance is dissipating—those prejudices are weakening—that fear is dispelling—the people are fast rising in the scale of being. How unwise would it be, nay, how wicked, to abandon all these gradual but powerful effects of our Government and condition, in order to assume another character. What will be the effect of war on this influence? It will counteract it at once, by conjuring up in opposition all the angry and resentful passions. Why should we so effectually advance the dearest interests of despotism? Think you that their monarchs will fail to direct these passions against the cause of freedom? Sir, we can give no physical, no warlike aid to liberty that will not injure her cause.

There is another consideration that calls upon us to pause and reflect, before we take any step that may commit the nation. Monarchy can go to war from policy or ambition, and if they do not find it suits their views they can, with almost equal ease, withdraw from the contest. But it is far otherwise with Republics. In these, before you enter into a war, you must convince the mass of the nation that the war is virtuous and just in its principles, and unavoidable without disgrace. When a free people have become, by reflection, convinced of this, they become reckless of consequences; you rouse a deeper spirit; you concentrate a mightier wrath than a despotic Government can ever know. There is a moral force that mingles with the physical, and propels it with redoubled energy. But, if the war is unreasonable, unjust, unnecessary, when any calamity happens in its prosecution they at once look back to its origin, re-examine its principle; they ask, in a spirit of discontent and indignation, why was it not avoided; and they wreak their vengeance on its authors. You cannot, then, enter with too much caution on steps that have war in their probable or possible results. If you go to war in a proper spirit, and on sufficient and solid grounds, your people will resolve on success or ruin; but

if you enter on it lightly, after a while the spirit of the people flags; they abandon you; you have to yield without success; the temper and tone of the nation is lowered, and its character permanently injured. Another question was, what effect such a measure as that now proposed was likely to produce on our relations with the European Powers. Britain seems to have learned from us a salutary lesson of neutrality, and she will observe it as long as she can. You cannot get that Government into a Spanish or a Greek war. At the very moment you would weaken yourselves by entering into this distant contest, that politic and experienced Government is husbanding its resources and accumulating its strength. You cannot doubt that they cherish a deadly hostility against you; that they are jealous of your rising greatness; that they remember well your naval triumphs, and that war will one day be the issue. Shall you, in the meanwhile, enter with levity, (in such a case, I repeat, that levity is wickedness,) and run the hazard of an unnecessary and impolitic war? Surely, you felt, a few years since, enough to warn you into sobriety and caution. You saw the struggle which arose, amidst the heavy embarrassments of the country, between the advocates of economy and those who were determined to support the institutions of the country at every expense. You know, sir, what a painful scene was then exhibited in this House. Shall we renew such scenes? Is this Committee willing to run any risk of their renewal? Can you doubt, if such embarrassments should again recur, that your crafty enemy would seize upon the crisis to attack you? No, sir; let us cherish peace; let us pay our debts; let us accumulate treasure; then your enemy will be less willing to assail you, while you will be the better prepared to meet him.

All the reasoning that we have heard respecting the Holy Alliance goes evidently on this assumption, that there exists to us some danger of war with those Powers. This has been shown to be the tendency of all their doctrines. Now, sir, if, as gentlemen argue, there is danger of the allies attacking us here on our continent, while we do nothing to disturb them, is there not, on gentlemen's own ground, still more reason to apprehend it if you go to their continent? They threaten us, it seems, because we are republics, though on this side of the Atlantic. Will they not do more, if we cross the Atlantic to place a republic in the very heart of their kingdoms? And will they not say to unhappy Greece, who lies virtually at their mercy, "if you rely on these Western republicans, and call them in to your aid, we will teach you that such interference shall be ruin to any who invite it; and, as a warning and an example on this subject, we will pour down upon you our accumulated vengeance." Yes, sir, as surely as you go to the Old World to set up a fortress of liberty, these despots will raze it to the very earth, if it were only to stop the precedent.

Suppose, sir, that the Turk, ignorant of what your exact intentions towards the Greeks may be,

should seize your agent and put him to death; should massacre your seamen and resident citizens, and thus lay you under the immediate necessity of going to war with him. Can you believe that those allies would long remain without a pretext for mingling in the quarrel? Some question of blockade—some search—some implied interference—some excuse for hostilities? Remember your old enemy the Briton. If he gets your little fleet shut up in the Mediterranean, on any quarrel forged, he sweeps it from the ocean. That will at once throw you back a century. Remember, sir, the seed of revenge is there; and as soon as opportunity is furnished, depend upon it, sir, that seed will germinate.

There is another view of this matter. It is not only imprudent to adopt the proposed measure, but it is equally impolitic. The President is already authorized to employ agents of the kind contemplated. By legislating you publish it, and set all who are concerned to prevent your object on their guard—you put your opponents on the alert. You go out of your sphere, and interfere with the President in the duties of his own department, by making the proposed appropriation in a particular case and in none other; you seem to direct the President to send in one case, and not to send in another. But the measure, if done at all, had better be done silently, without inviting notice or resistance.

One word more, Mr. Chairman, and I have done. Have those who oppose the measure no sympathy for the Greeks? Yes, sir, we love their cause; we wish, we long, we yearn to witness its success. When they triumph, we exult at it; when they are unfortunate, we grieve over it. But because these are the feelings of our hearts, must we be indiscreet? We are intrusted with a nation that is proud of its sympathies with the oppressed on every foot of earth's surface—a people not selfish and narrow minded, but full of the finest and the sublimest sensibilities; but, surely, sir, the happiness and the dignity of such a people are not vainly to be put at hazard. Their souls are softened by their own happy privileges, and they long to impart them to the wretched; but shall we, therefore, precipitate them into difficulty and plunge them in sufferings and dangers? Sir, I am satisfied the measure proposed to us will do the Greeks no good—may do them much harm. That it hazards every thing in relation to ourselves, and in endangering us endangers the best hopes of the rest of the world; for so signal, so sublime, is the station now given us by Heaven, that with us is identified the bliss or the misery of a large portion of our species.

Mr. CLAY then rose, and commenced his speech by distinctly stating the original resolution, as moved by Mr. WEBSTER, and the amendment proposed by Mr. POINSETT. The resolution proposed providing the means to defray the expense of a mission, whenever the President, who knows, or ought to know, the dispositions of all the European Powers, Turkish or Christian, shall deem it proper to send one. The amendment goes to withhold any appropriation, and to make a public

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declaration of our sympathy with the Greeks, and our good wishes for their cause. And how, sir, (asked Mr. C.,) has this simple, modest, unpretending, this harmless proposition been treated? It has been argued, as if it proposed aid to the Greeks; as if it proposed the recognition of their Government; as an act of unjustifiable interference; as a measure of war. And those who thus argue the question, while they themselves give unbounded range to their imagination, in conceiving and setting in array the monstrous consequences which are to grow out of so simple a proposal, impute to us who are its advocates, Quixotism! Quixotism! While they are taking the most extravagant and unlimited range, and arguing any thing and every thing but the question before the House, they accuse us of enthusiasm, of giving the reins to feeling, of being carried away by our imagination. No, sir, the proposition on your table is no proposition for aid, nor for recognition, nor for interference, nor for war.

I know that at least some of the objections to the original proposal are occasioned by the source from which it has proceeded. There are individuals in this House, who look at the mover of this resolution, as if its value or importance was to be measured by inquiring who brought it forward. Sir, I have long had the pleasure of knowing the honorable gentleman who originated this resolution—I have sometimes had the pleasure of acting with him; and I would suggest to those to whom I have alluded, that, if they seek to be regarded as the sentinels of freedom, they must disregard the source from which any measure favorable to its interest may happen to have proceeded, and must take it up on its own intrinsic merits. If a gentleman who happens to belong to a different party, in political sentiment, shall bring forward a proposition fraught with liberal principles and noble sentiments, is it to be rejected for his sake? If this is the case, we cease to be Republicans, and those who act on principles the reverse of ours, will be the men who truly deserve that name; and, sir, if all Republicans must oppose this doctrine and all Federalists advocate it, I for one, should cease to be a Republican, and would become a Federalist.

Mr. Chairman, is it not extraordinary that, for now, these two years, the President of the United States should have been allowed, not only without censure, but with universal applause, to express all the feelings which either the resolution or the amendment on your table go to sanction or to declare? So far is this from having met the disapprobation of the American people, that, from Maine to Georgia, and from the Atlantic to the Gulf of Mexico, the sentiment of approbation has blazed with the rapidity of electricity! That it is felt with the deepest intensity, that it is expressed in almost every possible form, and that it increases with every new day and passing hour. And, sir, are we alone to be insulated from the common moral atmosphere of the whole land? Shall we shut ourselves up in apathy, and separate ourselves from our country? from our constituents? from our Chief Magistrate?

The measure, sir, has been unwarrantably magnified. Gentlemen speak of the watchful jealousy of the Turks, and seem to think that the lightest movements in this body will be matter of speculation at Constantinople. He could assure the gentlemen that the European Powers attached no such vast importance to our acts and deliberations as some seemed to suppose. The Turk will in all probability never hear of the gentlemen's names who either advocate or oppose the resolution. The resolution is certainly not without its value, but that value is wholly a moral value; it throws our little tribute into the vast stream of public opinion, which, sooner or later, must regulate the physical action upon the great interests of the civilized world. But, sir, rely upon it the Turk is not about to declare war because this unoffending proposition has been offered by my honorable friend from Massachusetts, of whom, however eminent in our own country, the Sublime Porte has never yet heard. The Allied Powers are not going to be thrown into a state of alarm by a resolution appropriating two or three thousand dollars to send an agent to Greece.

The question has been argued as if the Greeks were likely to be exposed to increased sufferings in consequence of such a measure; as if the Turkish scimitar would be sharpened by its influence, and dyed deeper and yet deeper in Christian blood. Sir, if such is to be the effect of the declaration of our sympathy, it must have happened already. That expression is very fully and distinctly given, in the Message of the President to both Houses of Congress, not only this year, but last. And I would again remind the gentleman, that it is the President's Message, and not any record of our debates, that goes the rounds of the European Cabinets. This document is translated into their several languages, and is read by the Ministers of State, and possibly by some of the Sovereigns themselves: possibly by the Divan; but our resolutions are all for domestic use—for home consumption; they never will meet either royal or imperial eyes. In that Message, the President, after a most eloquent and touching representation of the feelings excited by the Greek insurrection, tells you, that the dominion of the Turk over that people is gone forever, and that the most sanguine hope is entertained that they will succeed in establishing their independence. Well, sir, if this is the fact, if their independence is almost achieved, if the Allied Powers themselves, possibly before we shall again meet in this Hall, may acknowledge that independence, is it not fit to make provision that our President may be among the foremost in that acknowledgment—or, at least, not among the last?

But, sir, so far from this resolution being likely, if passed, to produce injury to the Greeks, it is likely to have a directly opposite effect. Sir, the Turk, with all his power, and in all the elevation of his despotic throne, is at last but man; he is made as we are, of flesh, of muscle, of bones, and sinews; he can feel; and, sir, he has felt the uncalculating valor of American freedom in some of his dominions; and when he is made to under-

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stand, that not only the Executive of this Government, but that this nation—that our entire political fabric, base, column, and entablature, rulers and people, with heart, soul, mind, and strength, are all on the side of the nation he is crushing, he will be more likely to restrain, than to increase his atrocities upon suffering and bleeding Greece.

The gentleman from New Hampshire has made, on this subject, a very ingenious, sensible, and ironical speech, an admirable *debut* for a young member, and such as I hope we shall often have repeated on this floor. But, sir, permit me to advise my young friend to remember that declaration, "sufficient unto the day is the evil thereof," and when the resolution which I have had the honor of laying on the table shall come to be discussed, I hope he will not think it sufficient to say, as he has now done, that the measure, or the argument in its support, is "a very extraordinary one," but that he will then let us hear an argumentative speech to prove that it is our duty to lay prostrate every fortress of human hope, and to see with complacency the last outwork of liberty taken. This, however, is foreign to the question now before the House.

It has been said, that the proposed measure will be a departure from our uniform policy with respect to foreign nations—that it will provoke the ire of the Holy Alliance—and will, in effect, be a repetition of their own offence, by an unwarrantable interference with the domestic concerns of other Powers. No, sir; not even if it proposed, which it does not, an immediate recognition of Grecian independence. What has been the uniform policy and practice of this Government, from the days of Washington to this moment? In the case of France, President Washington and his successors received Genet, Fauchet, and all who followed them, whether sent from King, Convention, Anarchy, or Emperor. Sir, the rule we have followed has ever been this: to look at the state of the fact, and to recognise that Government, be it what it might, which was in actual possession of sovereign power. When one of these Governments was overthrown, and a new one established on its ruins, without embarrassing ourselves with any principles involved in the contest, we have ever acknowledged the new and actual Government as soon as it had positive existence. Our simple inquiry has been, which is the Government *de facto*? An example has recently been furnished in relation to the Government of Spain. When the foreign Ministers were driven or retired from Madrid, and refused to accompany Ferdinand to Cadiz, our Minister sought at that port to present himself to the Constitutional Ferdinand—why? This Government held Ferdinand to be the actual King. Did this produce any declaration of war? Were any diplomatic notes ever received complaining of this proceeding? Nothing like it, sir. The lines are so plainly marked in which we are to go, that there is no mistaking them. We are to engage in no interference with their disputes, no contests for either party, no entangling alliances, but to maintain

our diplomatic intercourse with existing Sovereignities. It has been admitted by all that there is impending over this country a threatening storm, which is likely to call into action all our vigor, courage, and resources. Is it a wise way of preparing for this awful event, to talk to this nation of its incompetency to resist European aggression, to lower its spirit, to weaken its moral force, and do what we can to prepare it for base submission and easy conquest? If, sir, there be any reality in this menacing danger, I would rather adjure the nation to remember that it contains a million of freemen capable of bearing arms, and ready to exhaust their last drop of blood and their last cent, in defending their country, its institutions, and its liberty. Sir, are these to be conquered by all Europe united? But I am quite sure that that danger, so far at least as this resolution is concerned, is perfectly ideal and imaginary. But, if it were otherwise, any danger is best guarded against by invigorating our minds to meet it—by teaching our heads to think, our hearts to conceive, and our arms to execute the high and noble deeds which belong to the character and glory of our country. Sir, the experience of the world may instruct us that conquests are achieved when they are boldly and firmly determined on; and that men become slaves as soon as they have ceased to resolve to live freemen. If we wish to cover ourselves with the best of all armor against perils, let us not discourage our people, let us stimulate their ardor, let us sustain their resolution, let us show them that we feel as they feel, and that we are prepared to live or die like freemen. Surely, sir, we need no long or learned lectures about the influence of property or of rank; let us rather remember that we can bring into the field a million of bayonets; let us remember that we are placed over a nation capable of doing and of suffering all things for its liberty. I can never forget what was once said to me by a most illustrious female, the first of the age, if not of her sex, on this subject. "Mr. Clay, (said that enlightened lady,) a nation never yet was conquered." No, sir—no united nation can be, that has the spirit to resolve not to be conquered; such a nation is ever invincible. And, sir, has it come to this? Are we so humbled, so low, so despicable, that we dare not express our sympathy for suffering Greece, lest, peradventure, we might offend some one or more of their imperial and royal Majesties? If gentlemen are afraid to act rashly on such a subject, suppose, Mr. Chairman, that we draw a humble petition addressed to their Majesties, asking them that of their condescension they would allow us to express something on the subject. How, sir, shall it begin? "We, the Representatives of the free people of the United States of America, humbly approach the Thrones of your Imperial and Royal Majesties, and supplicate that of your Imperial and Royal clemency"—I will not go through the disgusting recital; my lips have not yet learned the sycophantic language of a degraded slave. Are we so low, so base, so despicable, that we may not express our horror, articulate our detestation, of

the most brutal and atrocious war that ever stained earth, or shocked high Heaven, with the ferocious deeds of a brutal soldiery, set on by the clergy and followers of a fanatical and inimical religion, and rioting in excesses of blood and butchery, at the mere details of which the breast sickens?

If the great mass of Christendom can look coolly and calmly on, while all this is perpetrated on a Christian people in their own vicinity, in their very presence, let us, at least, show that, in this distant extremity, there is still some sensibility and sympathy for Christian wrongs and sufferings, that there are still feelings which can kindle into indignation at the oppression of a people endeared to us by every ancient recollection, and every modern tie.

Sir, the House has been attempted to be alarmed by the dangers to our commerce, and a miserable invoice of figs and opium have been presented to us to repress our sensibilities, and to eradicate our humanity. Ah, sir, "What shall it profit a man if he gain the whole world and lose his own soul?" or what shall it profit a nation to save the whole of a wretched commerce, and lose its liberties?

As to the question of American interests, hitherto, it has not been necessary to depart from the rule of our foreign relations laid down in regard to Europe. Whether it shall become us to do so or not, will be discussed when we take up another resolution that lies upon your table. But we may not only pass this resolution; we may go further; we may recognise the government in the Morea, and yet it will not be any cause of war, nor will it be war, nor even aid. Besides, sir, what is Greece to the Allies? A part of their own dominions? By no means. Suppose the people in one of the Philippine Isles, or in any other spot still more insulated and remote, in Asia or Africa, were to resist their former rulers, and set up and establish a new government; are we not to recognise them for fear of the Holy Alliance? If they are going to interfere on the principle of example, here is the spot where they must strike. This Government, you, Mr. Chairman, and the body over which you preside, are the living reproach to allied despotism. If they attack us at all, they will do it here. They will assail us in our own happy land. They will attack us because you, sir, sit beneath that canopy, and we sit freely debating and deliberating upon the great interests of freemen. They will strike because we pass one of those bills on your table. The passing of the least of them by our authority is as galling to despotic Powers as will be the passage of this so much dreaded resolution.

Pass the resolution, and what, sir, do you do? You exercise an act of indisputable sovereignty, for which you are responsible to none of them. You do the same act as when you pass a bill—no more. If the Allies object, let them forbid us to take a vote in this House—let them disperse us—let them strip us of every attribute of sovereignty.

Do gentlemen attempt to maintain that, on the principles of the laws of nations, these Powers have cause of war? Sir, if there is any principle

settled for ages, any which is founded in the very nature of things, it is, that every sovereign Power has the right to judge as to the fact of the existence of other sovereign Powers. I admit there may be a state of inchoate, inactive sovereignty, in which a new government is struggling into being, and may not be said, yet, perfectly to exist; but the premature recognition of such a new Government can give offence justly to no other than its ancient sovereign. The right to recognise comprehends the right to be informed; and the means of information must depend upon the sound discretion of the party seeking it. You may send out a commission of inquiry, and charge it with a provident attention to your own interests and your own people. If you adopt it, no act necessarily follows. You merely grant the means by which the Executive may act when he thinks proper. What does he tell you in his Message? That Greece is struggling for freedom—that all sympathize with her, and that no Power has declared against her. You pass this resolution, and what does it say to the President? "You have sent us grateful intelligence: we feel for Greece, and we grant you money, that, when you think it proper, when the interests of this nation shall not be jeopardized, you may depute a commissioner, a public functionary, to Greece." This is all it says; and the whole responsibility is left with the Executive, where the Constitution puts it. But, sir, it is not first and chiefly for Greece that I wish to see this measure adopted. It will give them but little aid, and that aid purely of a moral kind. It is, indeed, soothing and solacing in distress, to hear the accents of a friendly voice, (we know this as a people.) But, sir, it is principally and mainly for America herself, for the credit and character of our common country, that I hope to see this resolution pass: it is for our own unsullied name that I feel.

What appearance on the page of history would a record like this make, Mr. Chairman, "In the month of January, in the year of our Lord and Saviour, 1824, while all European Christendom beheld with cold and unfeeling apathy, the unexampled wrongs and inexpressible misery of the Christians in Greece, a proposition was made in the Congress of the United States, almost the sole, the last, the greatest depository of human hope and of human freedom, the representatives of a nation capable of bringing into the field a million of bayonets, while the freemen of that nation were spontaneously expressing its deep-toned feeling, its fervent prayer for Grecian success, while the whole continent was raising, by one simultaneous emotion, solemnly and anxiously supplicating and invoking the aid of heaven to spare Greece and to invigorate her arms, while temples and senate houses were all resounding with one burst of generous feeling—(gentlemen may call it enthusiastic declamation if they please; would to God we could hear such declamation, and the utterance of such feeling from them)—in the year of our Lord and Saviour, that Saviour alike of Christian Greece and of us—a proposition was offered, in the American Congress, to send a messenger to

Greece, to inquire into her state and condition, with an expression of our good wishes and our sympathies—and it was rejected." Go home, if you dare; go home, if you can, to your constituents, and tell them that you voted it down—meet, if you dare, the appalling countenances of those who sent you here, (he meant no defiance,) and tell them that you shrank from the declaration of your own sentiments—that you cannot tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, affrighted you—that the spectres of scimitars, and crowns, and crescents, gleamed before you, and alarmed you; and that you suppressed all the noble feelings prompted by religion, by liberty, by national independence, and by humanity. He could not bring himself to believe, Mr. C. said, that such would be the feeling of a majority of this House. But, for himself, though every friend of the measure should desert it, and he be left to stand alone, with the gentleman from Massachusetts, he would give to the resolution the poor sanction of his unqualified approbation.

Mr. RANDOLPH moved, that the Committee rise, and signified that he should consider their doing so at this time, a great accommodation to him.

Mr. CUTHBERT begged him to suspend his motion for a few moments, to which he consented: When Mr. C. expressed a wish, that the honorable Speaker would explain the meaning of some parts of his speech a little more clearly; as he understood them, they seemed to contain reflections and insinuations, respecting those who opposed the resolution, which were of an unpleasant kind; if its opponents had in them the spirit of freemen, they were not to be terrified from their posts by menaces. He could not believe the gentleman meant all his words seemed to convey—if he did, he would say that he, for one, defied the insinuations, and scorned the denunciation.

Mr. CLAY explained. He had no intention to disturb the gentleman; he should take back nothing of what he had said; but he could assure the gentleman, that he had no personal allusion to him, or to any other gentleman on that floor; far from it—his feelings on the subject were strong, and he might have expressed them strongly. The advocates of the motion had been called Don Quixotes; and he had meant to repel imputations of that kind.

Mr. CUTHBERT then requested to be more clearly informed whether the Speaker had intended to support the original resolution or the amendment; for such was his zeal, that it was not always easy to understand his precise intention. At one time, he tells us, with that sneer he so well knows how to employ, (for the honorable gentleman commands the whole armory of the orator,) that the European monarchs do not read our resolutions; at another, he says, they are jealous of our Government. He speaks of our readiness for war; but where? will he abandon this continent for a war in Europe? The honorable Speaker finds it difficult to conceive how Greece is to suffer from the measure, if adopted. The gentleman has been abroad. He has honorably fulfilled a distinguished

foreign service for this Government. Does he not know that the Emperor of Russia, without one hostile word being publicly uttered, has only to withdraw his troops from certain points they now occupy, to bring down immediate ruin on the Greek cause? Is it our arms that are to support their cause? or is it not our love of liberty and protection of domestic bliss? This is that virtue which goes forth and revivifies man, which nerves his body, which animates his soul, and teaches him to wield with a mighty force all his physical means.

Mr. CLAY said, in reply, that it appeared he had been very unfortunate in the speech he had delivered, since the gentleman felt obliged to make the present inquiry; but he must have been more unfortunate than ever he had been before, if the gentleman was, indeed, ignorant that it was the original motion, he meant to support. He was, indeed in favor of both, and he should like to see them incorporated together.

Mr. RANDOLPH renewed his motion, and the Committee rose, and having obtained leave to sit again, the House adjourned to to-morrow.

SATURDAY, January 24.

On motion of Mr. WHITTLESEY, the Committee on the Judiciary were instructed to inquire into the expediency of providing, by law, for dividing the State of Ohio into two districts, in a manner the best calculated to promote the interest and convenience of the people of said State; and to direct that the circuit and district courts of the United States, for the seventh circuit of the district of Ohio, be held in each of said districts, alternately, once in each year.

Mr. FLOYD laid on the table the following, for consideration on Monday next:

"Resolved, That the President be requested to cause to be laid before this House an estimate of the expense which would be incurred by transporting the troops now at the Council Bluffs to the mouth of the Columbia, or Oregon river."

RULES AND ORDERS.

Mr. RICH submitted the following proposition of amendment to the standing rules and orders of the House, viz:

Resolved, That the 69th section of the rules of this House be expunged, and that the following be inserted, under the head "Of Committees of the whole House," and immediately preceding the 74th section; that is to say:

Exclusive of the "Committee of the Whole on the state of the Union," there shall be three Committees of the whole House, to wit: One on bills, and other subjects of a public or general nature; one on private or local bills; and one on subjects of a private or local nature, on which a committee shall have made an unfavorable report.

When a subject shall have been referred to a Committee of the Whole, it shall be assigned to the appropriate committee by the Speaker; and, unless otherwise ordered, be entered on the calendar for the next succeeding day.

Each of the said committees shall elect its chair-

man, who, if present, shall preside at its sittings; but, if absent, his place, for the time being, shall be filled by a member, to be designated by the Speaker.

The House having resolved itself into either of the said Committees of the Whole, the several subjects shall be announced for consideration in the order in which they stand on the calendar, but shall not be considered, except on the motion of a member, seconded by a majority of the Committee: *Provided*, that the House may specially resolve itself into a Committee of the Whole, on any subject which the Committee shall previously have refused to consider.

Leave of the House shall in no case be necessary to authorize a committee to repeat its sessions, on subjects not definitively acted on.

Mr. RICH, in offering this resolution, observed that among the opinions which he had for many years held, there was none in the correctness of which he had greater confidence, than that the mode of transacting business in this House, was, in one respect, susceptible of material improvement; he referred to that part of it which relates to the appointment of a great number of Committees of the whole House to follow in succession, in the order in which the various subjects were brought up and stood on the docket. A few years after he had first had the honor of a seat in this House, a general Committee of the Whole was appointed, to whom any number of subjects, however diverse, might be successively referred. The consequence of this practice soon grew to be, that, towards the close of each session, as business became accumulated in the House, every thing was referred to this Committee of the Whole, and through the great pressure of its multifarious objects of attention, numbers of them were every session passed by without being acted on. A rule was subsequently adopted, restraining the number of subjects to be referred to any Committee of the Whole to three, and those of an analogous kind. This was certainly a great improvement from the previous state of things. But much inconvenience is still experienced from the practice as it now stands, and the consequent anxiety, in the friends of different bills and resolutions, to get them early upon the docket. He believed a remedy would be found in the method proposed in his resolution.

The proposition was received, and referred to a select committee; and Mr. RICH, Mr. P. P. BARBOUR, Mr. COBB, Mr. TAYLOR, Mr. LATHROP, Mr. CAMPBELL of Ohio, and Mr. TOMLINSON, were appointed the said committee.

ELECTION OF PRESIDENT, &c.

Mr. LIVINGSTON submitted the following, which he proposes, when the subject shall come up, to offer as an amendment to the proposed amendment of the Constitution of the United States:

That the following amendment of the Constitution of the United States, be proposed to the Legislatures of the several States; which, when ratified by three-fourths thereof, shall be a part of the said Constitution:

That, for the purpose of electing a President and Vice President of the United States, each State shall be divided, by the Legislature thereof, into a number

of districts, equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress of the United States. Each district shall be composed, as nearly as may be, of contiguous territory, and shall contain a number of persons entitled to vote, as nearly equal as circumstances will permit.

And on such days as Congress shall determine, which days shall be the same throughout the United States, the citizens of each State, who shall be qualified to vote for a Representative to Congress, shall meet at such places, within their respective districts, as the Legislature of each State shall appoint, and, in such manner as such Legislature shall direct, shall vote for one person to be President, and for another person to be Vice President, and also for one other to be an Elector.

All the votes so given, in each district, shall be canvassed and counted by such persons, and in such manner, and at such place, as the Legislature of the State may direct. And the votes given for each candidate shall be added together, and the persons having severally the greatest number of votes as President, Vice President, and Elector, shall be considered as entitled to the vote of such district, for the said offices, respectively; but if two or more persons have an equal number of votes for the same office, then the persons appointed to count and canvass the said votes, or the major part of such persons, shall decide which of the persons having such equality of votes shall be entitled to the office, and shall certify the same accordingly. Triplicate receipts of the whole number of votes given for each candidate, shall be made out and transmitted, in such manner as Congress shall direct, to the Seat of the Government of the United States, addressed to the President of the Senate.

The President of the Senate, in the presence of the House of Representatives, shall open all the certificates, and the votes shall then be counted, each district being entitled to one vote, and the person having the greatest number of such votes for President shall be the President, if such number be a majority of the whole number of Electoral districts within the United States; and if no person have such majority, then the President of the Senate shall, by proclamation, declare such to be the fact; and shall also declare the names of the two persons having the greatest number of votes for President, and shall order the Electors, chosen as aforesaid, in each State, to assemble in such State at a time not less than thirty-five, nor more than forty-five days, after the publication of such proclamation. And the said Electors shall on such day meet at such place, in each State, as shall have been previously designated by the Legislature of such State; and shall then, by ballot, choose one of the two persons having the greatest number of district votes to be President; and they shall make three lists of the ballots so given, which lists they shall certify and sign, and shall transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate; and the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; and the one of the two persons mentioned in the proclamation of the President of the Senate as having the greatest number of votes of the Electoral districts, who shall have the greatest number of votes of the Electors so returned, shall be President; but if the said two persons have an equal number of votes of the Electors,

then the one of the two who had the greatest number of votes of the Electoral districts shall be President. 2. The person having the greatest number of votes of the Electoral districts for Vice President, shall be Vice President, if such number be a majority of the whole number of Electoral district votes; and, if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; and a majority of such quorum shall be sufficient to make a choice.

No person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States. And if any person so ineligible shall have a majority of the votes of the Electoral districts, or he shall be one of the two highest, if there be no majority, then a new election for Vice President shall be ordered without delay, and the President of the Senate shall exercise the functions of a Vice President until a Vice President shall be chosen.

And all questions relative to the eligibility of the persons voted for as President or Vice President, and every other question arising on the said election, shall be determined by concurrent vote of each House of Congress.

Congress shall pass such laws, fixing the time of holding the election, as will give the necessary time for referring the election to the Electors, in case no person has a majority of votes.

The proposed amendment was received, and ordered to lie on the table, and be printed.

THE GREEK CAUSE.

The House then again resolved itself into a Committee of the Whole, on the state of the Union, and resumed the consideration of Mr. WEBSTER'S resolution, for sending an agent to Greece, and the amendment thereto proposed by Mr. POINSETT, which proposes to limit the resolve to the expression of a sentiment decisively favorable to the Greek cause.

The depending question having been stated;

Mr. RANDOLPH rose, and said, that it was, to him, a subject of unfeigned regret, that the very few unpremeditated words into which, a few days since, he had been so suddenly and unexpectedly betrayed, should, in the opinion of those for whose judgment he had much greater deference than for his own, have begot a necessity for some further illustration. He could, with most serious and unaffected sincerity, assure the Committee, that, whenever he was so unfortunate as to be under the necessity of trespassing on their attention, the pain which it gave them to listen, was not greater than that which he felt in addressing them; and he hoped that that consideration would secure a respectful attention to the little—the very little, that he had to say.

Sir, said Mr. R., the resolution before you, if we are to take the word of the honorable gentleman that moved it, is, in itself, almost nothing—a speck in the political horizon:—but, sir, no man better knows than the honorable mover, that it is from clouds of that portent in the moral and political as well as in the natural atmosphere, that storms, the most disastrous in their consequences, usually proceed. The resolution, in itself, is nothing,

when compared with the consequences which it involves. It appears to me that the bearings and consequences of the measure proposed by this resolution have not yet been traced to their utmost extent; nor, by any means, Mr. R. said, did he intend to undertake the task. But he would give the Committee, as succinctly as he could, some of the views in which it presented itself to him.

It is with serious concern and alarm, said Mr. R., that I have heard doctrines broached in this debate, fraught with consequences more disastrous to the best interests of this people, than any that I ever heard advanced during the five and twenty years since I have been honored with a seat on this floor. They imply, to my apprehension, a total and fundamental change of the policy pursued by this Government, *ab urbe condita*—from the foundation of the Republic, to the present day. Are we, sir, to go on a crusade, in another hemisphere, for the propagation of two objects as dear and delightful to my heart as to that of any gentleman in this, or in any other assembly—Liberty and Religion—and, in the name of those holy words—by this powerful spell, is this nation to be conjured and beguiled out of the high way of Heaven—out of its present comparatively happy state, into all the disastrous conflicts arising from the policy of European Powers, with all the consequences which flow from them? Liberty and Religion, sir! Things that are yet dear, in spite of all the mischief that has been perpetrated in their name. I believe that nothing similar to this proposition is to be found in modern history, unless in the famous decree of the French National Assembly, which brought combined Europe against them, with its united strength, and, after repeated struggles, finally effected the downfall of the French power. Sir, I am wrong—there is another example of like doctrine; and you find it among that strange and peculiar people—in that mysterious book, which is of the highest authority with them, (for it is at once their gospel and their law—the Koran, which enjoins it to be the duty of all good Moslems to propagate its doctrines at the point of the sword; by the edge of the scimitar. The character of that people is a peculiar one; they differ from every other race. It has been said, here, that it is four hundred years since they encamped in Europe. Sir, said Mr. R., they were encamped, where we now find them, before this country was discovered, and their title to the country which they occupy is at least as good as ours. They hold their possessions there by the same title by which all other countries are held—possession obtained, at first, by a successful employment of force, confirmed by time, by usage, by prescription—the best of all possible titles. Their policy, Mr. R. said, had been, not tortuous, like that of other States of Europe, but straight forward; they had invariably appealed to the sword, and they held by the sword. The Russ had, indeed, made great encroachments on their empire, but the ground had been contested inch by inch; and the acquisitions of Russia, on the side of Christian Europe—Livonia, Ingria, Courland—Finland to the Gulf of Bothnia—Pol and

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—had been greater than she had made of the Mahometans. And, in consequence of this straight forward policy to which he had before referred, this peculiar people could boast of being the only one of the Powers of continental Europe, whose capital had never been insulted by the presence of a foreign military force. It was a curious fact, well worthy of attention, that Constantinople was the only capital in continental Europe—for Moscow was the true capital of Russia—that had never been in possession of an enemy. It is, indeed, true, said Mr. R., that the Empress Catharine did inscribe over the gate of one of the cities that she won in the Crimea, (Cherson, I think,) "road to Byzantium;" but, sir, it has proved—perhaps too low a word for the subject—but a stumpy road for Russia. Who, at that day, would have been believed had he foretold to that august (for so she was) and illustrious woman, that her Cossacks of the Ukraine, and of the Don, would have been encamped in Paris before they reached Constantinople? Who would have been believed if he had foretold that a French invading force, such as the world never saw before, and, I trust, will never again see—would lay Moscow itself in ashes? These are considerations worthy of attention before we embark in the project proposed by this resolution, the consequences of which no human eye can divine.

I would respectfully ask the gentleman from Massachusetts, said Mr. R., whether in his very able and masterly argument—and he has said all that I supposed could be said upon the subject, and more than could have been said by any man in favor of his resolution—whether he himself has not furnished an answer to his speech—I had not the happiness myself to hear his speech, but a friend has read it to me—in one of the arguments in that speech? Towards the conclusion, I think, of his speech, the gentleman lays down, from *Puffendorff*, in reference to the honeyed words and pious professions of the Holy Alliance, that these are all surplusage, because nations are always supposed to be ready to do what justice and national law require. Well, sir, said Mr. R., if this be so, why may not the Greeks presume—why are they not, on this principle, bound to presume that this Government is disposed to do all, in reference to them, that they ought to do, without any formal resolutions to that effect? I ask the gentleman from Massachusetts whether the doctrine of *Puffendorff* does not apply as strongly to the resolution as to the declaration of the Allies—that is, if the resolution of the gentleman be indeed that almost nothing he would have us suppose—if there be not something behind this nothing which divides this House (not horizontally, as the gentleman has somewhat quaintly said, but vertically,) into two unequal parties, one the advocate of a splendid system of crusades, the other the friends of peace and harmony, the advocates of a *fireside policy*; for, as had truly been said, as long as all is right at the fireside, there cannot be much wrong elsewhere—whether, he repeated, does not the doctrine of *Puffendorff* apply as well to the words of the resolution as to the words of the Holy Alliance?

But, sir, we have already done more than this. The President of the United States, the only organ of communication which the people have seen fit to establish between us and foreign Powers, has already expressed all, in reference to Greece, that the resolution goes to express. *Actum est*—it is done—it is finished—there is an end. Not, Mr. R. said, that he would have the House to infer that he meant to express any opinion as to the policy of such a declaration. The practice of responding to Presidential Addresses and Messages had gone out for now these two or three and twenty years.

Mr. R. then went on to say he had thought if the great master of the political philosophy could arise from the dead, or had his valuable life been spared till now, he would not only have been relieved from all his terrors on the subject of a regicide peace, but also have witnessed a return of the age of chivalry, and the banishment of calculation even from the estimates of statesmen which that great man could never have foreseen; for the proposition now under consideration was that something new under the sun which Solomon himself never dreamed of. Is this all? No, sir, said Mr. R., if that was all, I should not have thrown myself upon your attention. But this is not all. Cases have already been stated, to which the principles of the resolution equally applies as to that of the Greeks. In addition to those already put, I will take the case of Canada, if you will. It is known to every body that discontents have for some time existed in the Canadian Provinces, with the mother country and the measures of its Government. Suppose the people of the British colonies to the North of us undertake to throw off the yoke—I will not put the case of Jamaica, because they, unhappily, are slaveholders. Are you ready to stake the peace, and welfare, and the resources of this nation in support of Canadian independence? Your doctrine goes that length—you cannot stop short of it. Where, in that case, will be the assistance of Great Britain, already referred to in debate as being the only spot in the world in which liberty resides except our own country? After some other observations, Mr. R. adduced another people—in valorous achievement and daring spirit on a footing with these Greeks themselves—and who have achieved their independence from a bondage far heavier than that of the Greeks to the Turks. How is it, sir, said Mr. R., that we have never sent an Envoy to our sister Republic of Hayti? Here is a case that fits—a case beyond dispute. It is not that of a people who have "almost," (ay, sir! almost, but not altogether)—who have almost but perfectly achieved their independence. To attempt to show that these cases are equally within the range of the principle of the resolution, would be to show a disrespect to the intellects of those around me. The man who cannot pursue the inference would not recognise my picture, though, like the Dutchman's painting, were written under it, "This is the man, that the horse."

There was another remark that fell from the gentleman from Massachusetts—of which, Mr. R.

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said, he should speak, as he always should speak, of any thing from that gentleman with all the personal respect which may be consistent with freedom of discussion. Among other cases forcibly put by the gentleman from Massachusetts, why he would embark in this incipient crusade against Mussulmen, he stated this as one—that they hold human beings as property. Ah, sir, said Mr. R., and what says the Constitution of the United States on this point? unless, indeed, that instrument is wholly to be excluded from consideration—unless it is to be regarded as a mere useless parchment, worthy to be burnt, as was once actually proposed. Does not that Constitution give its sanction to the holding of human beings as property? Sir, I am not going to discuss the abstract question of liberty or slavery, or any other abstract question. I go for matters of fact. But I would ask gentlemen in this House, who have the misfortune to reside on the wrong side of a certain mysterious parallel of latitude, to take this question seriously into consideration—whether the Government of the United States is prepared to say, that the act of holding human beings as property is sufficient to place the party so offending under the ban of its high and mighty displeasure?

Sir, the objections to this resolution accumulate as I proceed—*vires acquirit eundo*. If I should attempt to go through with a statement of them all, and had strength to sustain me, I should do what I promised I would not do—I should worry and exhaust the patience of this Committee.

Sir, what are we now asked to do? To stimulate the Executive to the creation of embassies. And what then? That we, or our friends, may fill them. Sir, the sending ambassadors abroad is one of the great prerogatives, if you will, of our Executive authority; and we are, I repeat, about to stimulate the President to the creation of a new, and, I must be permitted to say, an unnecessary embassy—a diplomatic agency to Greece—that we, or our friends, may profit by it. For, sir, it is a matter of notoriety that all these good things are reserved for men who either have been, or are, *de facto*, members of this, or of the other, House. No doubt we shall be able to find some learned Theban, or some other Bæotian, willing to undertake this mission—perfectly willing to live upon the resources of the people, rather than his own. But then, said Mr. R., recurs the old-fashioned question, *Cui bono*? His own, undoubtedly, but surely not that of this nation.

But, it is urged, that we have sent and received Ministers from revolutionary France. True, said Mr. R., we have; but what was revolutionary France? Our own ancient and very good ally; a substantive Power, if any such exist on the continent of Europe, whose independent existence no one could doubt or dispute, unless, indeed, the disciples of Berkeley, who deny that there is any such thing as matter. But, sir, have the United States always received the Ministers that are sent to them from foreign Powers? How long did the person who was appointed diplomatic agent here from Spain (Don Onís) linger in your ante-

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chambers before he was acknowledged? And is it said that the situation of Greece approaches more nearly to independence than that of Spain when Don Onís came here as her Minister? Sir, let these Greeks send a Minister to us, and then we will deliberate on the question whether we will accredit him or not. If, indeed, there was a Minister of Greece knocking at the door of the President's antechamber for admittance, and that admittance was denied, the question of Grecian independence would be more legitimately before us; but I greatly doubt if even that case would be sufficient to call for the interference of this House.

But, Mr. R. said, there was one aspect of this question which, to him it appeared, ought to be conclusive on the minds of all, viz: That Russia, whose designs on Turkey have been unremittently prosecuted ever since the days of Peter the Great for more than a century; that Russia, allied to the Greeks in religious faith—identified in that respect; that Russia, unassailable territorially, and dividing with us (according to the gentleman from Massachusetts) the dread and apprehension of the Allied Powers—even Russia, in "juxtaposition" (to use the words of the mover of the resolution) to Turkey—even Russia dare not move. But we, who are separated first by the Atlantic ocean, and then have to traverse the Mediterranean sea to arrive at the seat of conflict—we, at the distance of five thousand miles, are to interfere in this quarrel—to what purpose? To the advantage solely of this very colossal Power which has been held up as the great object of our dread, and of whom it is difficult to say whether it is more to be dreaded for its physical force, or its detestable principle.

Permit me, sir, to ask why, in the selection of an enemy to the doctrines of our Government, and a party to those advanced by the Holy Alliance, we should fix on Turkey? She, at least, forms no party to that alliance; and I venture to say, that, for the last century, her conduct, in reference to her neighbors, has been much more Christian than that of all the "Most Christian," "Most Catholic," or "Most Faithful" Majesties of Europe—for she has not interfered, as we propose to do, in the internal affairs of other nations.

But, sir, we have not done. Not satisfied with attempting to support the Greeks, one world, like that of Pyrrhus or Alexander, is not sufficient for us. We have yet another world for exploits: we are to operate in a country distant from us eighty degrees of latitude, and only accessible by a circumnavigation of the globe, and to subdue which we must cover the Pacific with our ships, and the tops of the Andes with our soldiers. Do gentlemen seriously reflect on the work they have cut out for us? Why, sir, these projects of ambition surpass those of Bonaparte himself.

It has once been said, of the dominions of the King of Spain—thank God! it can no longer be said—that the sun never set upon them. Sir, the sun never sets on ambition like this: they who have once felt its scorpion sting are never satisfied with a limit less than a circle, of our planet. I

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have heard, sir, the late corruscation in the heavens attempted to be accounted for by the return of the lunar cycle, the moon having got back into the same relative position in which she was nineteen years ago. However this may be, I am afraid, sir, that she exerts too potent an influence over our legislation, or will have done so, if we agree to adopt the resolution on your table. I think about once in seven or eight years, for that seems to be the term of our political cycle, we may calculate upon beholding some redoubted champion—like him who prances into Westminster Hall, armed cap-a-pie, like Sir Somebody Dimock, at the coronation of the British King, challenging all who dispute the title of the Sovereign to the Crown—coming into this House, mounted on some magnificent project, such as this. But, sir, I never expected, that, of all places in the world, (except Salem,) a proposition like this should have come from Boston!

Sir, I am afraid, that, along with some most excellent attributes and qualities—the love of liberty, jury trial, the writ of habeas corpus, and all the blessings of free government, that we have derived from our Anglo-Saxon ancestors, we have got not a little of their John Bull, or rather John Bull Dog spirit—their readiness to fight for anybody, and on any occasion. Sir, England has been for centuries the game cock of Europe. It is impossible to specify the wars in which she has been engaged for contrary purposes; and she will, with great pleasure, see us take off her shoulders the labor of preserving the balance of power. We find her fighting, now, for the Queen of Hungary—then, for her inveterate foe, the King of Prussia—now at war for the restoration of the Bourbons—and now on the eve of war with them for the liberties of Spain. These lines on the subject were never more applicable than they have now become—

“Now Europe’s balanced—neither side prevails;
For nothing’s left in either of the scales.”

If we pursue the same policy, we must travel the same road, and endure the same burdens, under which England now groans. But, Mr. R. said, glorious as such a design might be, a President of the United States would, in his apprehension, occupy a prouder place in history, who, when he retires from office, can say to the people who elected him, I leave you without a debt, than if he had fought as many pitched battles as Cæsar, or achieved as many naval victories as Nelson. And what, said Mr. R., is debt? In an individual, it is slavery. It is slavery of the worst sort, surpassing that of the West India islands, for it enslaves the mind as well as it enslaves the body; and the creature who can be abject enough to incur and to submit to it, receives in that condition of his being an adequate punishment. Of course, Mr. R. said, he spoke of debt, with the exception of unavoidable misfortune. He spoke of debt caused by the mismanagement, by unwarrantable generosity, by being generous before being just. Mr. R. knew that this sentiment was ridiculed by Sheridan, whose lamentable end was the best commentary upon its truth. No, sir. Let us

abandon these projects. Let us say to those seven millions of Greeks: “We defended ourselves, when we were but three millions, against a Power, in comparison to which the Turk is but as a lamb. Go and do thou likewise.” And, said Mr. R., so with respect to the Governments of South America. If, after having achieved their independence, they have not valor to maintain it, I would not commit the safety and independence of this country in such a cause. I will, in both these cases, pursue the same line of conduct which I have ever pursued, from the day I took a seat in this House in '99; from which, without boasting, I challenge any gentleman to fix upon me any colorable charge of departure.

The condition of my strength, said Mr. R., or, rather, of my weakness, admonishes me to conclude; but I cannot sit down without remarking, that the state of the world is at this moment unexampled. We are now carrying on a piratical war against the maritime banditti of the West Indies. The buccaneers are revived. At what expense of life, of health, of treasure, that war is carried on, perhaps every member of this Committee knows better than I—but, sir, to what may this resolution lead? To the investing those banditti, and the banditti of all the rest of the world, with formal commissions, which the maritime courts of every country in Europe would be bound to respect—and, said Mr. R., I should not be surprised if some of the renegadoes, whom we have admitted to the privileges of citizens, or the yet more spurious offspring of our own soil, should take those commissions to cruise against our commerce. That such conduct would not be without example, the records of our courts will show.

It is not, then, the mere power of Turkey which you are to encounter, supposing that you stop short with the original resolution. But you do not—you go further—out of the frying pan into the fire—the amendment of the gentleman from South Carolina and the proposition of the gentleman from Kentucky, go still further—by adopting which, you will put the peace of the nation into peril—and for whom? For a people of whom we know almost as little as we do about the Greeks. Can any man in this House, say, what even is the state of society in Buenos Ayres—its moral condition, &c.?

Let us adhere to the policy laid down by the second, as well as the first founder of our Republic—by him who was the Camillus, as well as the Romulus, of the infant state;—to the policy of peace, commerce and honest friendship with all nations, entangling alliances with none: for to entangling alliances we must come, if you once embark in projects such as this. And, with all his British predilections, Mr. R. said, he suspected he should, whenever that question should present itself, resist as strongly an alliance with Great Britain as with any other Power. We were sent here, he said, to attend to the preservation of the peace of this country, and not to be ready, on all occasions, to go to war whenever any thing like what in common parlance is termed a turn up takes place in Europe.

JANUARY, 1824.

The Greek Cause.

H. OF R.

These, sir, said Mr. R., are some of the views which I have taken of the subject. There are other views of it which I might take, but from which I abstain (I may be permitted to say) out of self-respect, as well as from respect for this Committee.

I can, however, assure the Committee, for one, that the public burdens on those whom I represent here, (though they are certainly better off than those to the north and the west of them—that is, till you come to the favored States, where the interest of the public debt is paid, and where almost all the public moneys are disbursed,) are greater than they can bear, because their private engagements are greater than they can discharge; and if this is not a self-evident proposition, I am at a loss to know what can be such. And this universal distress in the country has been the effect of freaks of legislation. I do not deny but there may be some who have drawn great prizes in the lottery, but that is not the case with the great mass of the nation. And what is this scheme but a lottery? If it should end in war, there will be more great prizes to be drawn; but it will be for me, those whom I represent, to pay them. I have been acquainted with my constituents a long time to little purpose, and have greatly mistaken their disposition and present temper of mind, if they are in any such “melting mood.” The freaks of legislation to which I have referred, the vast expenditures which begot the necessities for over-issues of paper money—that system, compared with which all the evils of Pandora’s box are blessings—have brought both England and America to this distress. The two cases are strictly parallel—they run on all fours—and, if this resolution be adopted, not merely similar, but yet more disastrous consequences will ensue.

I shall then, said Mr. R., return to my constituents without the least alarm in regard to this question. Unless, indeed, I, and those who in this case think with me, have reason to fear that our constituents will award us merited censure for not having better supported the cause we advocate. Unless on this account, I cherish not the least doubt that when I, for one, go back to those that sent me here, I shall be greeted with their honest, open countenances, and gratulating hands. There has not been a question, since I have been a member of this House, on which my opinion has been more clear than on this—no, not even in the case of the sedition law.

What, said Mr. R., is our situation? We are absolutely combatting shadows. The gentleman would have us to believe his resolution is all but nothing; yet again it is to prove omnipotent, and fills the whole globe with its influence. Either it is nothing, or it is something. If it is nothing, let us lay it on the table, and have done with it at once; but, if it is that something which it has been on the other hand represented to be, let us beware how we touch it. For my part, I would sooner put the shirt of Nessus on my back, than sanction these doctrines—doctrines such as I never heard from my boyhood till now. They go the whole length. If they prevail, there are no longer

any Pyrenees—every bulwark and barrier of the Constitution is broken down; it is become *tabula rasa*—a *carte blanche*, for every one to scribble on it what he pleases.

Mr. WEBSTER then rose. He said he had not the least desire to trespass again on the indulgence of the Committee; his object was to ask its attention to a short reply to the objections which had been urged against his proposition. The basis of all fair argument, in all assemblies which wish to conduct their minds to a fair and just result, is to form for themselves a clear understanding of the grounds on which the question rests, and of the true nature of the subject in controversy. He held that as a right to which every public measure, proposed in any public body, was entitled; and it was the last right which he would be disposed to abandon in that House or elsewhere. He was the more earnest to state these objections, and remark upon them singly, because he felt that (not from design, probably, but from some inattention or misapprehension) a character had been attributed to his resolution, which had no more to do with it than any two things which were the most foreign from each other. If the debates on this occasion had gone forth to the world, separate from the resolution itself, it might have been conceived that he had proposed a subsidy, an alliance, or a direct war, in favor of the Greeks. His intention was, now, to call the attention of the Committee back to the real question before it. What that question was, he would, by the blessing of God, now set forth to the Committee and to the country.

The honorable member from New York near me, commenced by saying that the resolution, as its advocates explained it, contained a guarantee of liberty to all the nations of the earth. And where does he derive his authority for such declaration? No such guarantee is to be found upon the face of the resolution. No one that is in favor of its adoption, has said any such thing. When such an assertion is made, the premises upon which it is founded should be clearly stated. What is there in any one word of the resolution that leads to such a charge? If such an inference can, by any means, be drawn from it, let us hear the argument by which it is to be effected; but first to assume such premises, and then to argue from them, is it fair, is it correct? Mr. W. said he knew that, in combatting any proposition, it was a natural effort of debate to exaggerate what is opposed, and to set forth objections in strong terms. He only asked, on the present occasion, that the measure he had proposed should be treated with common candor, and that gentlemen would not ingraft the fictions of their own imagination upon his resolution, and then argue as if it contained a declaration of war, then to go to work most valorously against the man of straw, which themselves had formed. If any gentleman wishes to oppose some resolution which he has formed to his own fancy, with all my heart; but if he speaks to this, let him speak to this.

Mr. W. said, if he understood the gentleman from New York correctly, he had advanced three

objections to the resolution. In the first place, he had doubts as to its constitutionality; in the second place, he entertained a pretty deep suspicion that the Greeks would not establish a free government: that they would have some little Emperor of their own, some successor to the Byzantine Kings, to reign over them; and next, the gentleman quotes Grotius, to prove, that sending an agent to revolted colonies, is an act of open hostility against the mother country. I do not recollect any thing else—oh yes! he has also attempted to prove by the patent laws, that we owe nothing to the modern Greeks, for Homer, Hesiod, Thucydides, and other great names of ancient times—and I must do the gentleman the justice to say, that he has very fully established that point from the patent law.

My honorable friend from New Hampshire, who is the last man to whom I would impute any thing unfair, said Mr. W., has indulged himself in somewhat loose statements in his opposition. He has spoken of the resolution as the *fulcrum*, by means of which the world is to be moved. He has supposed that it was a flaming sword intended to guard the paradise of Greece against the power of the Ottoman. But, sir, who says so? No words like these have fallen from my mouth—nothing to authorize such a supposition is to be found in the resolution. He asks, if it can be supposed that this measure is to work all the wonders which its advocates suggest? Sir, I have not suggested any wonders—I have never presumed that it would perform any miracles. I think it a proper measure, and that it will do some good—but I expect nothing miraculous from it. The honorable member has spoken in the same strain as others, against my proposition. And really, sir, if Cervantes had never lived, there would have been a plentiful lack of topics in this debate. Gentlemen have spoken of running tilts, and of some crusade to be entered into. Really, sir, I have not sufficient perspicacity and penetration, my brain is too dull, to catch all the ten thousand inferences gentlemen choose to draw from my resolution. If there is any thing extravagant in the proposition, let it be shown that there is, by fair argument. The honorable gentleman from New Hampshire imputes to me an intention of “running tilts with windmills.” Sir, there is not much in this remark—and yet, there may be something in it too. It is my duty, I know, to encounter whatever opposition may meet me on this subject; and, sir, if I should happen, in my course, to meet with a *wind-mill*, why, sir, I must take a tilt with it, whether it be large or small, unless, indeed, I should conclude to have a little patience, and to wait a while, till the motion and the noise shall die of themselves, for a slight puff is generally soon over.

Sir, the gentleman from Virginia has said, if this proposition is not aid it is nothing.

I hold, sir, that there is no aid to Greece proposed by this resolution, either in a pecuniary, subsidiary, or belligerent point of view; and yet there will be something useful in it to their cause. If this is not maintained, I do not, of course, expect that the resolution will be adopted. Sir, it is something

more than nothing. I am as little inclined to deal in nonentities as any man. The proposition cannot be what it has been represented to be, or it is one of the most magnificent and terrific nothings upon earth. It proposes, indeed, nothing against the Turks. I defy gentlemen to point to the word in the resolution, that can bear that construction. Nor has any thing fallen from me to authorize it. The gentleman has said, that the Greeks are nothing but a set of poor oppressed slaves—intelligent, if you will, intellectual, refined, and in some cases rich—yet nothing but slaves. Sir, if, with their intelligence, if with their numbers, if with their education, (such as it is,) they were not slaves, they would hold your sympathy much cheaper than they now do. The remarks in opposition tend to make this measure propose what it never did propose, and to make those who support it say what they never have said.

One word to the gentleman from Mississippi. It appears to me, sir, that his argument is not quite consistent. He says that this resolution is too cold an expression against the principles acted upon by the Holy Alliance; and yet he thinks it may bring us into a war with them. Now, sir, both these remarks cannot be well founded.

Mr. RANKIN explained.

Mr. WEBSTER said, it was not his intention to misrepresent the gentleman. But, sir, a gentleman from Georgia, for whom I entertain great respect, in the remarks he made yesterday, seems, in my apprehension, to have taken for granted what is in dispute; he said, that it is conceded that this subject had originated altogether in feeling. And pray, sir, said Mr. W., who conceded this? I say, if not so many as ten persons had uttered a word in favor of the Greeks, and I had entertained the same opinion that I do now entertain, of the principles advanced by the Allies, and their danger to free Governments, I should have deemed it my duty to bring the subject before this House. Even if the people concerned in it had been situated, as the gentleman yesterday put a case, in the Philippine Isles, I should have moved the same resolution, and should have supported it on the same principles.

The general objection which has been urged against it, is, that its scope is dangerous—that it leads to war. But one extreme inference which was yesterday drawn from as extreme a case, sir, made me feel shocked, to trembling, at the consequences of my own measure. The gentleman, after ably and very truly stating the difference of facility in going to war, between a Republic and a Monarchy, was not satisfied with the cry of “*bella, horrida bella*”—but he stated a case, which almost made me wish myself out of the House of Representatives—and which assuredly would make me wish my proposition out of it. He says, we shall be compelled, in consequence of passing this resolution, to send all our public vessels to the Mediterranean—that we shall next get into a quarrel with Great Britain, and that she will send her fleet, and hermetically seal us up in this Mediterranean bottle, and that then there will be cutting and slashing, running, and taking, and we shall be thrown back a

whole century. I mention this to show the effects of a fervid imagination, in perverting a proposition which means only peace and law.

The honorable gentleman from Virginia, who has spoken this morning, like a skilful and experienced public man, has endeavored to do, (what certainly he has a perfect right to do,) to refute me out of my own mouth. He has said that Puffendorff is against me; that if it is supererogatory to make declarations and stipulations to do only what it is a plain and acknowledged duty to do, and if it is to be presumed that States will always do their duty, why may not the Greeks presume that, when the proper time arrived, we should do our duty towards them? Undoubtedly. They are bound to presume so. They will presume so. And therefore, at this very time, they will presume that we shall do something. But what shall we do, if not some act very like that which is now proposed to the House?

The gentleman says we shall be bound, upon the principle of this resolution, to undertake to aid the Canadians; but this inference goes on the presumption that he has truly stated that principle. If we were, indeed, about to proclaim ourselves guardians of universal liberty, his inference would be a fair and true one; but, I ask him to draw his inferences from no man's commentary, but to let the resolution speak for itself. The gentleman has attributed to me a remark, which I do not recollect to have made, in relation to the Greeks being held by the Turks as their property.

Mr. RANDOLPH rose, and, in explanation, read a passage from Mr. WEBSTER's speech, as reported in the National Intelligencer.

Mr. WEBSTER said that he had not had time, since the commencement of this discussion, to look over the printed report of his remarks on the subject. He probably might have used the expression attributed to him. If he did, he meant no improper allusion by it. He only meant to convey the idea of their servitude; that it had been the policy of their conquerors never to consider them upon terms of equality; never to adopt them as subjects, but to treat them and their children as ransomed captives; that the Greeks were compelled to pay a ransom, from year to year, as a price for the privilege of living. The gentleman cannot suppose, said Mr. W., that I intended to compare them with any property held within the United States; on the contrary, I feel quite sorry to have given the least occasion to suppose that an allusion of that kind was intended.

It has been objected that the resolution is in effect an injunction, or, at least a stimulus, to the Executive, to send a Minister. But the resolution does not say a word of any attempt to hasten the appointment; it leaves that appointment to be made when the President shall consider it proper and expedient; and, as to profitable consequences, I, at least, stand pretty clear. The gentleman from Virginia knows full well, sir, that I can have nothing to do either with the stimulus or with the reward to which he has alluded.

But, sir, I do not wish to take up too much time of the Committee, and will proceed to ask gentle-

men to call back their attention to the real question; as no object on earth, in relation to this subject, is so dear to me as to have it fairly understood that at least my own vote may rest on my own resolution and my own principles. As to its ultimate fate, every gentleman will, of course, determine for himself. I shall be satisfied with the result, provided I have an opportunity to make myself clearly understood. What, then, is the question? At the commencement of the session, the President, in his Message to Congress, called our attention somewhat particularly to the struggle in which the Greeks were engaged to maintain their freedom. He had taken a similar notice of that people, in his Message, the year before. He now expresses his opinion very strongly on the subject. He remarks that the sympathy of the whole civilized world is excited in their behalf; and he expresses his strong conviction that the dominion of the Turks over them is lost forever. Now, if it were customary to return an answer to the Message, we surely should not refrain from expressing the opinion of the House on this subject. This brings us, then, to the very pith of the question, which after all is, whether it is fit for this House to express any opinion whatever in the matter. No man can meet me, and prove that the Government is not already committed upon it. The President is the executive organ of the Government; he is charged with the foreign relations of the country; he is the organ of the nation, so far as relates to the safety of its concerns abroad. Many things pass the House, in the shape of resolutions, upon which it would not become the Executive to express an opinion; and the real question is, whether this House has the right to have an opinion, and to express it, on this subject? I submit to the gentleman from Virginia whether it is not proper, whether it is not the good old practice, that the popular branch of the Government should, on certain occasions, express opinions on matters which do not come before them as direct subjects of legislation? Is there a single member who can doubt that, if the House had returned an answer to the President's Message, it would have contained something like this language: “We participate in your sympathy in behalf of the Greeks. You will exercise your discretion as to the propriety of sending an agent to that people; and, if it should be thought proper to send one, we shall make the necessary appropriation when the proper time comes.”

We now propose to express this same general opinion by resolution. The only difference, in expressing the opinion by resolution, or by direct reply, is this—that resolutions usually have reference to some measure which is to follow; whereas, in an address or reply, opinions may be expressed in a more abstract manner. I think, sir, this subject is of sufficient importance to warrant an expression of the opinion of this House. Yet it is not merely, or principally, for the sake of the Greeks that I introduced it. The history of Greece, for the last five years, fully shows the application of the principles acted upon by the Allied Powers. This evidence of those principles seems to render

it proper that we should express our concurrence with the Executive in the expression he made of principles directly the reverse. The abandonment of Greece is another proof of the change of national policy instituted by the Allies. They have certainly started a new principle, which they hold to be a part of the law of the civilized world. Now, if we hold so too, let us not say a word on the subject. But if we think the operation of their present policy is hostile to the true principles of liberty, and if we consider the opinion of the House of Representatives as worthy of any regard, let us express that opinion.

The Allies have brought their power to bear directly upon the Greek cause. They tell us, in terms, that they would act in her aid on principles of their own national interest; but that the general principle of suppressing all revolutionary movements overcomes all considerations of private interest, and they therefore abstain from all aid. Here, then, is a practical application of their new principle; and it is because of the application of this principle that I have asked the House to express its opinion upon it; and I doubt not, that, in the Courts of the Allied Powers, opinions will be expressed discountenancing this attempt of the Greeks against the Turkish Government. So that the question seems to resolve itself into a proposition to consider whether we will give currency to the doctrines of the Alliance, by our acquiescence in them. This resolution, therefore, cannot be considered as nugatory and idle; it will show our opinion of the operation of those principles upon human happiness. And now I ask, sir, if it is not of some importance, after the President and the Secretary of State have thought proper to express their opinions on the subject, that this House should make a similar expression?

I think the passage of the resolution can have no effect for evil, while it will have much for good. It is said that it will produce war. I ask how? How is it to produce war? No one pretends that there is any just cause of war contained in it. Even the gentleman from New York, who has read Grotius so recently, has not shown any cause for war. But it is said that, whether there is cause or not, offence will be taken by the Allies; that they have one system, and we another; and that they will express an opinion the reverse of that contained in the resolution. And let them, sir, with all my heart; but is this war, sir? Yet still we hear nothing but war, war—"Arma virumque cano." We must do nothing they dislike, for fear of war. But, sir, if you once let them understand this is to be your rule of proceeding, take my word for it, they will soon tell you of a great many things they do not like; and if you refuse this resolution on that ground, you will have set a precedent from which you cannot consistently escape.

As to the amendment proposed by the gentleman from South Carolina, I think the Committee will be satisfied that if my proposition has a tendency to excite the anger of the allied Powers, his amendment is, on that score, much more dan-

gerous. There appears to be some incongruity between the gentleman's argument and his resolution. He has told you that it is the duty of the Legislature to be stern and inflexible, and not to yield to feelings of sympathy; and, at the same time, he has proposed a resolution which expresses nothing but sympathy.

Suppose the gentleman from South Carolina were himself a representative of this Government, at the Court of Russia; and, after the adoption of his amendment, he were met by Pozzi Di Borgo, who should say to him, "I perceive by your papers that a string of resolutions have passed in your House of Representatives, expressive of their warm sympathy in the cause of the Greeks, and against the principles of national policy laid down by the Holy Alliance. You seem all to be running Greek mad—why, sir, don't you know that those Greeks are nothing but a pack of rebels to their sovereign, who have been throwing a firebrand into the midst of the Ottoman empire? What, pray, have you to do with them, and what will this lead to?" What would be his answer? Deny the charge he could not—there are the very words produced against him. But if my resolution were adopted, his answer would be obvious enough. He would say, "the President had informed us, at the opening of the session of Congress, that a new State was rising up, in the Mediterranean sea—that they had succeeded in throwing off the government of the Turks, and in rendering themselves independent. The House of Representatives felt interested to inquire into the subject, and had merely authorized the President to send an agent, for that purpose, when he should think proper, and that the House would make the necessary appropriation." Perhaps, sir, it arises from self love, but I had certainly rather, in such circumstances, undertake to defend my proposition, than that offered by the gentleman from South Carolina.

Does this resolution hasten the exercise of the duties of the President? Will he say that his discretion was hurried and that now he is bound to send an agent, at all events? No, sir. We leave the subject where we found it, in respect to the time, the place, the instructions, and the character of the agent to be sent. He may send a private messenger, if he chooses. It has been said, that, if a public agent is sent, he might possibly meet the Turkish sabre; he may go as a private citizen, and afterwards be accredited when proper. He need not be a public agent. The nature of the agency, and every thing relating to it, is left to the discretion of the President; and there I wish to leave it.

I must insist upon it, sir, that there is no cause whatever for the anti-pacific character that has been attributed to the resolution; and that it does not, in the least, hasten the exercise of power by the Executive. It comes, then, to this question at last, whether it is proper for the House to entertain, and express, an opinion, in relation to the new and dangerous doctrines set up as public law in Europe. I will trouble the Committee no longer. I regret that this case has not fallen into

other hands and can only say (and the House will understand to what I allude) that, in the little experience I have had in public life, I have never supposed that my personal influence could affect any man's vote in favor of a cause I advocated, and I certainly have no reason to believe that the support I have given to this proposition will, on this occasion, have the opposite tendency.

Mr. FULLER differed from his honorable colleague on this question. I think, said Mr. F., that the proposition of the gentleman from South Carolina is a very harmless one, as it amounts to nothing; and it is, therefore, of such a character that the House ought not to be engaged in discussing it; and yet, negative as I view it, I prefer it to the absolute mischief which I believe would result from the original resolution. The gentleman asks how this resolution, which merely provides for the appointment of a commissioner, can produce such events as have been anticipated from it. I will endeavor to demonstrate that these consequences may result from the adoption of this measure, because such evidence is necessary upon the threshold of the argument. If we send an agent, he cannot be an ordinary agent. He will be known as our public agent, in all Europe, and it will be so explained to the Grand Seigneur; whether you call him minister, ambassador, envoy, or by any other name. He will not be the inoffensive, innocuous agent which has been spoken of. Does not every man know that the President has already the power to send an agent? What necessity is there for the interposition of Congress, and for a week's debate upon the subject? All this would tend to show, and Europe could have no other conviction, than that the United States were sending a minister of the highest grade; not, possibly, with the same salary and outfits, but clothed with full and ample powers. We know well enough that it is considered by all the nations of Europe that, sending a minister to provinces which have set up for themselves, in opposition to the mother country, is a just cause of war. I think I can convince my honorable colleague, who has professed his readiness to reason from the head, rather than the heart, that it will have the appearance of such an offensive act. Are we to expect the Grand Seigneur to draw any conclusions in our favor, by making nice distinctions in regard to the character of our agent? He will consider him as an authorized minister from the Government, and he will have a right so to consider him.

But, if we are prepared for this measure, this is not the mode in which it should originate. It is admitted, on all sides, that the President is the centre of all information, in regard to the foreign relations of the country; and consequently we require, when it is necessary, that he should give information to Congress upon subjects relating to our foreign affairs. This has always been the course which the business of the Government has taken. The Constitution enjoins him, at all times, to recommend to Congress such subjects as may, in his opinion, require its attention. But has he recommended the measure now before the

House? Has he not considered the subject? His Message proves that he has. And why, then, has he not recommended the course which is now proposed to be pursued? He has still an opportunity to do so during the present session. Why should we interfere with the duties of the President? Why step out of our own path into his? Suppose it should happen that gentlemen who oppose this measure are right. Suppose the Turk should let loose upon our commerce the Barbary Powers, over which he exercises his control—suppose they should make an immediate attack upon that trade which the honorable member from Kentucky has called "a miserable invoice of figs and opium." If this trade is really so inconsiderable, why have we now a squadron engaged in the protection of it? Sir, that trade is highly important. And if the Barbary Powers should threaten its destruction, shall we not find it necessary to repress such an attempt, whatever expense may be incurred? Even if it were to double our present debt, we should be bound to do it.

I think, then, sir, it is our duty to leave the responsibility of this act where the Constitution places it, in the hands of the President. When he makes a communication, suggesting the propriety of such a measure, it will be time enough for Congress to take the business in hand. By this course, we shall stand exculpated to our constituents. Then it cannot be said that the Eighteenth Congress has seen fit to step out of its proper sphere, to interfere with the foreign relations of the country—to tell the President he is too slow in the performance of his duty—that he does not regard the interests of the nation. Some gentlemen have remarked that the opposition to this resolution shows a distrust of the President—because it merely proposes to leave the exercise of this power in his discretion. But will it not be taken to enjoin upon him the appointment of a minister—and will he not incur the reproaches of some, perhaps inconsiderate, men, if he does not make the appointment? Whether he would resist the popular impression, or not, I do not know. But I think it is trusting him with a power which it was never intended should be vested in the Executive—the power of making war. He has the right to recommend war, but not to declare it. What would be thought of Congress if they should authorize the President to issue letters of marque and reprisal, or to do any other act of war after the close of the session, against any nation with which we are at peace? It never could have been intended to trust to the Executive the power of involving the country in war. And this will be the effect of the power to send a minister to the Greek Republic.

But I do my colleague, the mover of the resolution, the justice to believe that he does not think that war will be the consequence of this measure. If it will not, what good consequence can arise, which cannot be obtained without the resolution? Why give us such a forcible description of the detestable conspiracy of the allied Powers, and of the distresses of the Greeks, if no effect is expected to be produced upon either? I know well enough,

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sir, that my honorable colleague is not in the habit of throwing away his arguments. It is never with him, *vox et præterea nihil*—I cannot but consider that war will be the consequence of this measure; that Turkey will declare war against us; and we shall be obliged to double our forces in their seas, and great trouble and expense will be incurred by the nation.

I intend to take up but little time, sir, on this subject, for, after the gentleman from Virginia and my colleague have so ably addressed the Committee, I am in the situation of poor King Richard—

"As in a theatre the eyes of men,
After a well graced actor leaves the stage,
Are idly bent on him that enters next."

I will consider, briefly, what will be the fate of the Greeks, if this measure does not pass. Greece, as the President informs us, is already substantially independent. She has achieved her independence, unassisted by any other Power, and is unopposed, but by Turkey. But I fear, sir, that she will never be permitted to establish a free Government. My heart misgives me, when I look beyond her connexion with Turkey. No doubt the Holy Alliance will interpose. The approaching Congress is ominous of such interposition—and the utmost we can expect in her favor, is, that she will not be subject either to the power of Turkey, or of the Autocrat—but that, under the auspices of the sovereigns, she may be permitted to enjoy an intermediate state, between freedom and the iron yoke which she has hitherto borne, provided we do not interfere. My honorable colleague has remarked, that the adventures of the far famed Knight of La Mancha have furnished a large portion of the arguments against his resolution, arising, no doubt, from a strong resemblance of the present enterprise to those ascribed to him; and I cannot forbear reminding him of the poor boy—who was released from the scourge of his master by the valorous Knight's interference, but, being compelled to remain with his chastiser was, immediately, on the departure of the Don, subjected to ten-fold vengeance. So, in relation to Greece—if we interfere, we shall only render them more obnoxious than ever to the Holy Alliance. The Greeks do not ask us to send a Minister to them. We have no reason to suppose they are desirous of it. If they were able to anticipate the result, they would certainly not incur the odium of the Holy Alliance, by any contact with a country to them so utterly detestable. Such aid will be extremely pernicious to them. Our sympathy they have already. The voice of millions has ascended, in a general peal, to the skies, in behalf of the Greeks. If they were immediately contiguous to us, and if their danger were ten times greater than it is, it would be doubtful whether it was proper for us to interpose. It is the very course we interdict others from pursuing in reference to ourselves. We adopt a resolution for the relief of the Greeks, and then follow it by passing the resolution proposed by the honorable Speaker, declaring that we will not permit any

interference from other Powers, with the concerns of our continent. In foreign wars, our country will be found to be exceedingly weak; although, as I trust, invincible in a war for our own defence.

Mr. F. spoke of our situation fifteen or sixteen years ago, when the continent of Europe was closed against the world; when our independence was in danger from the colossal power of Bonaparte. Many persons at that time recommended an alliance, offensive and defensive, with England—and what did the venerable sage who occupied the office of President do? Did he wish to enter into such an alliance? Did Congress recommend such an alliance? No. And I hope, said Mr. F., that the enlightened statesmen of this country will march on steadily in their course. If we are to engage in any conflict with foreign Powers, let us prepare to meet it, when it approaches us. I hope this Republic will not be propelled in her career by the impatience of the brilliant statesmen in this House; but that she may be permitted to ascend, with calm and dignified step, to the pinnacle of glory—there to remain a beacon to illuminate the benighted nations of the world through all future ages.

Mr. Wood, of New York, followed Mr. FULLER in a few remarks, replying to Mr. WEBSTER, and vindicating the correctness of the views heretofore presented by him in opposition to the resolution.

Mr. A. SMITH then moved that the Committee rise, but withdrew his motion at the request of

Mr. BARTLETT, who proceeded to say, that however young he might be, either personally, or as a member of that House, he felt it incumbent on him to rise and to repel the charge of personality which had been cast by the honorable Speaker upon the opponents of the resolution of the gentleman from Massachusetts; were that charge, as stated, indeed applicable, the parties involved in it, would be more worthy of the cells of a criminal penitentiary, than of a seat on this floor. The charge had been made very broadly—and if the loud voice, the menacing look, and sneering gesture, which accompanied it, were intended to apply to him personally, he must send it back as unjust, ungenerous, untrue. With respect to what had fallen from the gentleman from Massachusetts, he could only say that he had from his infancy witnessed with delight the display of his virtues and his powers, and he had too long gazed with admiration upon that display to be surprised at the ability he had now displayed in argument, or at the corruscations of wit, with which it had been enlivened; and though it had been his lot to lie, in some measure, within their range, yet, even to him, they did but present an intellectual treat. He did not advise, but he must say to the honorable Speaker, that it was unwise to throw out the insinuations which had escaped him as to the motives of the opposition; they were as little merited as would be the insinuations of one who should say to that honorable gentleman, "You, sir, have a great personal and political object in view—you perceive that, on this question, the whole country is in a tempest—you feel it to be

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necessary for you to 'buy golden opinions from all sorts of men'—and you have aimed to 'ride on the whirlwind and direct the storm.' Insinuations of this kind, would be, as to that gentleman, unjust as they would be disgraceful to him who should make them, but not more so than those which had been thrown out against the opponents of the resolution. He had been "seriously advised" by the honorable Speaker, he ought, doubtless, to receive the advice with all due deference; yet, however criminal it might be, he felt inclined to say to him, "I thank you for your advice—more, forasmuch as it was altogether gratuitous and uncalled for; but, however inexperienced I may be, or however young, when I feel any need of lessons on the subject of political integrity, I feel myself of age to select my instructor."

The Committee had at one time been urged to give the Greeks a cheering word from this great nation, (not forty years old,) and yet at another they had been told that if they gave it, nobody would hear of it—it would never go beyond the walls of this House. Somewhat, too, of terror had been resorted to. Gentlemen were asked if they dare go home to their constituents after voting against the resolution. Whether to vote against the resolution, or against the opinion of that honorable gentleman were the more daring, he would not attempt to determine; where he should go when he left this House, he might not be able to say, but if not to his constituents, he certainly should not go to the Grand Seigneur, for he should make a bad slave either at Constantinople or in this House. However obscure he might be, he had no constituents so humble as not to know that he dare do all his duty.

Mr. CLAY rejoined. The gentleman from New Hampshire, he believed, was a new member of this House. If he had ever been here before, he was ignorant of it. He had never, till now, heard of his name, in the House or out of it. In his speech on the resolution of the gentleman from Massachusetts, this gentleman had gone out of his way to attack a resolution laid on the table by the Speaker, and which was not then under consideration. He had replied to him, he thought—he certainly intended it—with great respect, with great decorum; it was his habit so to treat every member of this House, and particularly a new member, on his trial, for the first time, before this House and this country. He chose to travel out of his track, said Mr. C., to assail my resolution; but I must say he did not more mistake the dimensions of the resolution than he has done his own. And now, after lying on his pillow for twenty-four hours, he comes here with a conned reply. What I now say, I say not for him, but out of respect to this House. If that gentleman had felt himself aggrieved, and had, at the time, requested an explanation, it would, with all readiness, have been furnished; but he has chosen to go on, and to seek it in the manner we have just witnessed, and now let him get it where he can. On this floor he shall never get it from me. The honorable gentleman has further permitted himself to introduce a topic the most unfit that can be

brought before this Committee; he has alluded to a relation in which I stand to this country, (which has not been of my seeking,) and he has ventured to insinuate that the ground I have taken in the present discussion has been influenced by motives derived from, or connected with, that relation. [Here the Chairman interposed, and reminded the gentleman now speaking, that the gentleman last up had expressly disclaimed the imputation of such motives, and had said that it would be unjust.] Mr. C. resumed—I know he disclaimed them, and yet he made them, sir—I know the import of words. If a man says a thing is black, and then tells me he meant by that to say that it was white, I know how to understand him; but if he did mean to cast the insinuation upon me, I cast it back with scorn and contempt upon his own shoulders, and there it rests.

Mr. A. SMYTH, of Virginia, then moved that the Committee rise; which was carried, and the Committee rose accordingly—having obtained leave to sit again.

MONDAY, January 26.

Mr. TEN Eyck presented a petition of sundry inhabitants of the State of New York, praying that a lighthouse may be erected at the lower end of Lake Ontario and entrance of the river St. Lawrence.

Mr. KENT presented memorials from sundry inhabitants of the District of Columbia, praying for an alteration in the form of government, as well as in the administration of justice, in said District.

Mr. MERCER presented a memorial of sundry farmers, merchants, and millers, in the State of Virginia, praying that an alteration, which is therein specified, may be made in the laws relative to the inspection of flour in the town of Alexandria, in the District of Columbia.

The said memorials were referred to the Committee for the District of Columbia.

Mr. ALEXANDER, of Tennessee, presented the report of a committee, accompanied by a resolution adopted by the General Assembly of that State, upon the subject of a deficiency in the quantity of lands ordered by Congress to be reserved for the purposes of education in that State.

The SPEAKER presented a petition of Edwin Lewis, of the State of Alabama, praying that the official conduct of Charles Tait, district judge of the United States for the district of Alabama, may be again inquired into, to the end that the said judge may be impeached and removed from office, for improper and extra judicial conduct.

The said resolution and petition were ordered to lie on the table.

Mr. MOORE, of Alabama, presented a memorial of the General Assembly of the State of Alabama, praying that a provision, therein suggested, may be made, so as to extend further relief to certain purchasers of public lands, prior to the 1st of July, 1820.

The SPEAKER laid before the House a letter

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from the Secretary of War, transmitting a statement of the expenditure, for the last year, of the annual appropriation, made by the act of the 3d of March, 1819, for the civilization of the Indian tribes adjoining the frontiers; which was ordered to lie on the table.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, reported a bill making further appropriations for the military service of the United States for the year 1824, [intercourse with the Indians;] which was read twice, and committed to the Committee of the whole House, to which is committed the bill making appropriations for the military service of the United States for the year 1824.

Mr. McLANE, from the same committee, also reported a bill making appropriations for the support of the Navy of the United States, for the year 1824; which was read twice, and committed to a Committee of the Whole.

Mr. WHITTLESEY, from the same committee, made a report on the petition of Adelaide Brush, accompanied by a bill for the relief of the representatives of Elijah Brush; which bill was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Naval Affairs, made a report on the petition of Joseph Marechal, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed bills of the following titles: An act for the relief of the legal representatives of Firman Le Sieur; An act for the relief of Celestin Moreau, of Louisiana; and An act rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy; in which bills the Senate ask the concurrence of this House.

The resolution submitted by Mr. FLOYD, on the 24th instant, was taken up, read, modified, and agreed to, as follows:

Resolved, That the President be requested to cause to be laid before this House an estimate of the expense which would be incurred by transporting two hundred of the troops now at the Council Bluffs to the mouth of the Columbia or Oregon river.

On motion of Mr. GURLEY, the Committee on the Public Lands were directed to inquire into the expediency of passing a law of prescription, limiting the time in which suits may be instituted for the recovery of lands in the State of Louisiana, claimed under titles derived from the French, British, and Spanish Governments, in all cases where there is adverse possession in the Government of the United States, or in any person or persons claiming the same, from or under said Government.

On motion of Mr. STORRS, the Committee on the Judiciary were instructed to inquire into the expediency of so amending the act, entitled "An act supplementary to an act for the better organization of the courts of the United States, within the State of New York," passed March 3d, 1823,

that an appeal may be had from any final decree or judgment rendered in the district court of the northern district of said State, before the passage of said act.

On motion of Mr. McKEAN, the bill for the relief of Thomas Williams, reported to this House on the 17th of January, 1823, but never acted upon, together with the petition and documents upon which the said bill was founded, was referred to the Committee on Private Land Claims.

Mr. MERCER laid the following resolution on the table, for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to communicate to this House such part as he may not deem inexpedient to divulge, of any correspondence or negotiation which he may have instituted with any foreign Government, since the 28th of February last; in compliance with a request contained in a resolution of the House of Representatives of that date, relative to the denunciation of the African slave trade as piracy.

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The House then resolved itself into a Committee of the Whole, on Mr. WEBSTER's and Mr. POINSETT's motions respecting the Greeks; when

Mr. A. SMYTH, of Virginia, addressed the Chair. He said, that, being deeply impressed with the importance of the question before the Committee, he would solicit respectfully the attention of members, while he delivered his observations. [He then read the resolution offered by Mr. WEBSTER, "That provision ought to be made, by law, for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the President shall deem it expedient to make such appointment."] Before he proceeded, he would, he said, declare, in consequence of some remarks which had been made in this debate, that his feelings towards the honorable mover of this resolution, were those of respect, as well for his head as his heart.

Mr. Chairman: What are we called on to do? To acknowledge a new Power; to introduce a new nation into the great family of nations. It has been said, that this resolution is perfectly harmless; that it leaves the acknowledgment to be made by the President of the United States, to whom it belongs. I cannot agree that the resolution is harmless, or that it leaves the acknowledgment to be made by the President. It declares that provision ought to be made, by law, for defraying the expenses of a mission to Greece. Is not this an acknowledgment of the independence of Greece? Yes, sir; this is an immediate acknowledgment, and one of the most solemn kind. An embassy to Greece, sent by the President, with the consent of the Senate, would be a less solemn recognition of the independence of the Greeks; for, by this resolution, a law is to be passed by Congress, declaring Greece an independent Power. It will not only be an acknowledgment of a new Power, by Congress, but by the President himself, if he should approve the act, and yet the initiative, in making the acknowledgment, will have been taken from him. Should such a law pass, the ac-

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knowledge of Greece, as an independent nation, is complete. The mischief, if it is a mischief, will have been done; and no subsequent prudence, on the part of the President, can avert the consequences, whatever they are to be. The nation must then be responsible.

Let us consider what will be the probable consequences of this acknowledgment. We must look into the history of nations. We are not to conclude, from the forbearance of Spain when we acknowledged the independence of her American provinces, that all other nations would be equally passive on a similar occasion. It is always a question of policy and discretion whether a government, which may deem itself injured by such an acknowledgment, shall, or shall not, resort to war. The cases from which we derive the most aid, in deciding what is the Law of all Nations in this particular, are the cases of the United Provinces of the Netherlands, when they revolted against Spain, and the case of these United States, during our Revolution. According to these cases, the acknowledgment of a new Power, during the civil war which follows the revolt of provinces against the mother country, by a third Power, is, to the mother country, cause of war. It will be recollected that, during the war of our Revolution, England made war on France and other European Powers for favoring us. [Here Mr. SMYTH read, from Marten's Law of Nations, the following passages: "Suppose that the interior troubles of a State come to an open rupture between the sovereign and his subjects, and that the whole nation, or a part of it, should wish to drive him from the throne; or suppose that a province, or territory subjected to another State, refuses obedience to it, and endeavors to render itself independent *** With respect to the first of these, a foreign nation, not under any obligation to interfere, does not appear to violate its perfect obligations, nor to deviate from the principles of neutrality, if, in adhering to the possession, (without examining into its legality,) it treats as sovereign him who is actually on the throne; and as an independent nation, people who have declared, and still maintain themselves independent.*** In fact, whether we speak of the passive conduct observed in such circumstances, or of the succors furnished by foreign Powers, it is State policy that generally decides whether he who feels himself offended shall dissemble, or, at most, complain of the injury, or whether he shall seek retaliation by violent means.*** The conduct that Great Britain observed, particularly towards France, Spain, and the Pope, after the Revolution of 1688, and that which she observed towards several other Powers, after the colonies of North America declared themselves independent, may seem to illustrate this subject." Thus we see that England several times declared war against nations for interfering between her and her former provinces, while she continued to make war, with a view to resubject them to her authority.

When a people have declared, and also maintained, their independence, they may be acknow-

ledged as an independent Power without giving just cause of war to their former sovereign. Can that be affirmed with regard to the Greeks? By no means. They have not yet achieved, much less maintained, their independence. They possess the Morea, a small part of continental Greece; but the latest accounts inform us that they have been driven from Athens to take refuge in one of the islands. It might have been timely affirmed of some of the Spanish provinces, when their independence was acknowledged by us, that they had maintained it.

The honorable Speaker has observed, that we received from revolutionary France, ministers sent by kings, conventions, anarchy, and emperors, and therefore we may send a minister to revolutionary Greece. But Genet, Fauchet, and Adet, were ministers from undivided France; from the whole nation: from the Government *de facto* of an independent nation, at war with all Europe. They were not ministers from a revolted province, but from the nation whose governments were lawful, on our principles, as they were instituted by the nation. But no minister was received from either party while a civil war for the throne divided Spain.

It having been shown that the acknowledgment of a revolted province as an independent nation, by a third Power, while the mother country still carries on a war for the purpose of asserting a right to such province, would be considered a cause of war by the most civilized nations, can we doubt that it would be deemed cause of war by the Government of Turkey, the most violent and lawless of all Governments? The honorable member from Kentucky supposes that the resolutions of this body may remain unknown to the Turkish Divan. But it is not at all probable that a measure of this kind would remain long unknown to them. Some Power would immediately communicate our proceedings to the Turk, and explain to him, that, by them, we had violated the usages of nations. When we proposed confidentially, to the British Government, to acknowledge the independence of the Spanish American provinces, that Court, then less friendly, perhaps, to us, than at this time, immediately communicated our proposition to the Spanish Government, with a view, no doubt, to embroil us with Spain.

This proceeding would be a violation of our declared principles. The President has declared to the Allies, that "We should consider any attempt, on their part, to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies (meaning Greece) of any European Power, (meaning Turkey,) we have not interfered, and shall not interfere. But with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European Power, in any

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other light than as the manifestation of an unfriendly disposition towards the United States. * * * * Our policy in regard to Europe, which was adopted at the early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is not to interfere in the internal concerns of any of its Powers. * * * * It is impossible that the Allied Powers should extend their political system to any portion of either continent, without endangering our peace and happiness. * * * * It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference." Such, sir, are the principles declared by the President in the name of the nation. We say to the Allies, that any attempt on their part to extend their system to any portion of this hemisphere, we shall consider as dangerous to our peace and safety. And is not the extension of our system to their hemisphere equally dangerous to their peace and safety? We say that, with the existing colonies or dependencies of any European Power we have not interfered, and shall not interfere. How can we then interfere with the Morea, a province of Turkey, without a violation of our solemn declaration? Sir, by this proceeding, you will make the declaration of the President, as to the future course of policy to be observed by this Government, a falsehood. We acknowledge the Greek republic; and what are the reasons which we assign for doing so? Why, because the allied sovereigns have said that the Greeks have thrown a firebrand into the Ottoman empire, and have declared that they would put down revolution in Europe. Is not this going out of our way to beard the Allies; to seek a quarrel with them respecting the affairs of Europe; and to propagate our system on the other side of the Atlantic? [Here Mr. WEBSTER explained.] Mr. S. read from a newspaper the following passages from the speech of Mr. W. "Let us direct the force, the vast moral force of this engine, to the aid of others. Public opinion is the great enemy of the Holy Alliance. * * * * Sir, I am not of those who are for withholding aid when it is most urgently needed, and, when the distress is past, and the aid no longer necessary, overwhelming the sufferers with caresses. I will not stand by and see my fellow man drowning, without stretching out a hand to help him, till he has, by his own efforts and presence of mind, reached the shore in safety, and then encumber him with aid." [Mr. WEBSTER again explained, and disclaimed saying that we should attack the Allies, because they said that Greece had thrown a firebrand into the Ottoman empire. Mr. S. replied. The gentleman did not exactly say so, but he stated certain facts which, as I understood him, afforded reasons why we should acknowledge the independence of Greece. He, Mr. S., had no wish to impute to the gentleman any argument that he did not use. The Committee would doubtless understand the gentleman according to his explanation.]

Another weighty objection to the resolution, Mr. S. said, was, that it was an interference with

the Executive power. The people of the United States have separated the powers granted by them between the several branches of the Government. This proposition goes to blend those powers; and every attempt unreasonably to extend the powers of the Government, or to blend the powers of the several departments, tends to the destruction of the Constitution. This is an attempt to dictate to the Executive the performance of an act which the Constitution has confided to the discretion and information of the President. I need not, said Mr. S., read clauses from the Constitution, which has been laid on every gentleman's table. The President is authorized to receive embassies; this is one mode of acknowledging a foreign Power; he is also authorized to send embassies, by the consent of the Senate; this is another mode of recognising a foreign Power; he also, by the same consent, ratifies treaties. With all this the House of Representatives have nothing to do. If you have nothing to do with a treaty, why should you prescribe when, or to whom, an embassy shall be sent? The powers granted to you are purely legislative, with the exception of the power to declare war, which is elsewhere intrusted to the Executive authority. The foreign relations of the nation are confided by the people to the President and Senate, in whose superior information and discretion reliance is placed. If you interfere with the power to send and receive embassies, you may come into collision with the President, and you will blend powers which the people intended should be kept distinct. As the authority to send embassies belongs to the President and Senate, we should not invade their authority or originate a measure which, unless they will give up a part of their exclusive authority, they must reject. Your law is not necessary to enable the President to send an embassy; he is possessed of the authority already. If you pass the bill proposed, the President will not be left at liberty to decide freely. He must acknowledge the independence of Greece, or reject your bill. You place him in a painful dilemma; and, perhaps, compel him to use a prerogative seldom exerted. But suppose that, believing the measure to be improper, he puts his veto on the bill; still, two-thirds of both Houses may pass it into a law, and thus acknowledge the republic of Greece, against the opinion of the President, in whose discretion the people particularly confide, and thus defeat the provisions of the Constitution—a popular assembly, carried away by eloquence and a love of liberty, deciding, instead of the cool, deliberate caution of the President. If you can pass a law to send a mission when the President pleases, you can pass a law to send a mission next month. In either case, it would be the law that would make the acknowledgment. Your act being the supreme law of the land, the flag of Greece would be respected in our courts as the flag of an independent Power, whether the embassy was ever sent or not. We acknowledge the independence of Powers with whom we have no ambassadors.

The gentleman from Kentucky (Mr. CLAY) declares that he is for leaving the whole respon-

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sibility with the President, where the Constitution placed it; yet, he advocates a measure which, so far as respects the act of acknowledgment, leaves nothing to the discretion or responsibility of the President, but takes from him the one and relieves him from the other. The act of Congress will be the acknowledgment, and not the embassy.

The Constitution has confided this matter to the President. If we take the first step, we take the honor, if it shall prove fortunate. Shall we consider him as responsible, if the measure shall be productive of evil, and yet assume to ourselves the honor of it, if it shall be productive of good? No. Leave the President to act for the nation, upon his own judgment and his own responsibility; and, if the measure deserves honor, let it be his. Let me notice a consequence of this irregular mode of proceeding. It is natural that a new Power should feel gratitude to the nation by which it is first acknowledged as an independent Power; but, by this course of proceeding, the individual who first brings forward the resolution for acknowledgment, though prematurely, takes the gratitude of the new people rather than the Government, which deliberates and defers the acknowledgment until the present time. But it is the nation, deciding by its Government, that is entitled to this gratitude; therefore, every attempt irregularly to divert the gratitude of a new Power, whether in South America or Greece, to an individual, instead of the Government, should be frowned upon in this House.

It may be useful to recollect what was done concerning the recognition of the Spanish American provinces. There it was attempted to take the initiative from the President. A proposition for their acknowledgment was made in this House years before the President thought proper to acknowledge their independence. Objections were made to the measure, founded on the Constitution and the law of nations; and the attempt was successfully resisted. The President, left to act on his own discretion and responsibility, made the acknowledgment in due time. Did not the President give satisfaction to the whole nation by his selection of the time for the acknowledgment of these new Powers? Yes; and it was much more clear, when the acknowledgment was made by the President, that new nations had maintained their independence, than it was when the acknowledgment was first proposed in this House. There seems to be no reason for attempting to take from the President a discretion which has been so well exercised. When attempts have been made to extend, without limit, the powers of this Government, it was hoped, that at least the division of power among the several branches thereof would be preserved; but it seems the partitions are to be broken down, and this House is to be the fountain of all power.

We are sitting in judgment on the Russian and the Turk. But what right have we to judge of their acts, unless they affect us? And we are about to take measures on our own behalf. What right have we to judge between the Turk and his

revolted subjects, unless our own interest or safety is concerned? We should not take it well that our proceedings should be denounced by foreign Governments. We do not take it well that the Russian Minister, at the Court of Spain, denounces the United States as the source of all the evils which have disturbed the nations and sovereigns of Europe; and we should take it worse were the like denunciations made by his master. What have we to do with the oppressions of the Government of China, India, Turkey, or France, unless we are about to relieve the oppressed? We have nothing to do with the wrongs committed by other Governments against those whom they govern, but to avoid their example.

You profess to interfere on behalf of the Greeks for liberty and religion. What have you to do with the liberty of any people, except the people you govern, unless the subjection of a neighboring foreign people endangers your safety? You have nothing to do with religion, even here, and why should you meddle with it elsewhere? In a treaty made with one of those Turkish nations, during the Administration of Mr. Adams, it was explicitly and truly declared that the Government of the United States is in no respect founded on religion. The Turk may become a citizen of the United States, and have his mosque in our country, as well as the Jew his synagogue. You interfere for Grecian liberty, for the liberty of the descendants of the ancient Greeks, to whom you owe a debt of gratitude; but the modern Greeks cannot be identified with the people who produced Aristides and Socrates. Greece has been often conquered, and foreign people have planted themselves there. The modern Greeks are a religious sect, professors of the Greek Church. What entitles the inhabitants of Moldavia and Wallachia to the name of Greeks? They are so called from their religion, as the Emperor of Russia is styled Emperor of the Greeks. These people are descended from inhabitants of the Greek empire, and it is religion that separates them from the Turks. You interfere for the most degraded of the people of Europe, and the least fit for self-government.

Justice is not done to the Turk in this debate; but the author of evil himself is entitled to justice. It has been said that "the massacre of Scio is a scene without parallel in the history of fallen man." Atrocious as it was, there are many cases in ancient and modern times, of massacres far exceeding in atrocity the massacre of Scio. Far be it from me to offer any apology for acts that I abhor, but error should be corrected. To enable us to make a just comparison between the Turks and their neighbors, I will direct your attention to some massacres of the Russians in modern times. On the capture of Ismael, in 1790, thirty thousand Turks were massacred in cold blood, and the city given up to brutality. On the taking of Warsaw, in 1794, nine hours after the place was taken, it was set on fire, and nine thousand unarmed persons, women and infants, perished in the flames. These exploits were performed during the reign of the august lady who has been men-

tioned in this debate; and by Suwarrow, who afterwards became so great a favorite in this country that several articles of dress, some of them belonging to the fair sex, were called after him. A massacre in Cyprus has been mentioned; this reminds me of the massacre in the same island by the Jews of two hundred and forty thousand Greeks, many of whom perished by tortures. When the Christian Ostrogoths took Milan, they massacred all the males, and sent three hundred thousand females to their allies, the Burgundians. We have been carried on a crusade to Jerusalem, to recover the holy sepulchre. It may be well to consider the achievements of the former crusaders. When they took Jerusalem, seventy thousand Moslems were put to the sword, and the Jews were shut up in their synagogues, and burned! Sir, uncivilized men, of whatever faith, are the same. It is civilization, and not superstition, that makes man humane and merciful. The Turks are equally good, and equally bad, with Jews and Christians who are equally uncivilized.

In religion, the Turks are more tolerant than their Christian neighbors. It has been said in this debate, that seven millions of Christians, of the Greek church, are found in the Turkish empire. This proves that the Mahometan is more tolerant than the Holy Catholic Church. Where will you find seven millions of dissenters in a Catholic country? Go to Portugal, to Spain, to Italy, to Austria, even to France, you will not find that the same toleration has been allowed as in Turkey. The Mahometan conquerors offered a double alternative, the Koran, the tribute, or the sword. It was not so in Catholic countries. Remember the extirpation of the Albigenses—the persecution of the Netherlands, under the Duke of Alva—the expulsion of the Huguenots from France—the expulsion of the Moors from Spain—the Inquisition—and it will be obvious that a comparison between the tolerance of the Turks and the Catholics, is altogether in favor of the Turks.

Sir, the present is a time of imminent danger, and, therefore, a time for caution. Remember the words of WASHINGTON: "Why quit your own, to stand on foreign ground?" Meddle not with Greece. I tell you, that Greece cannot exist as a Republic; and if allowed to become a separate nation, under a prince of her own, it must be under the control of Russia. From the position of Greece, between Russia, Austria, and Turkey, it cannot maintain itself as an independent nation. The revolt of Greece would not have been allowed to continue until this time, but that Austria and Russia cannot agree what shall become of that country, which each of them desires to possess. Can it be supposed that the allies, who are not disposed to allow the independence of South America, who scarcely tolerate us, will permit two or three millions of half civilized people, in their vicinity, to form a Republic? It is not to be expected. The most that can be done for the advantage of the Greeks, is to assist them to obtain favorable terms from the Turks. Our interference may furnish a pretext

to men of blood—to come upon us; and, whatever may be said of the strength of the United States, I am not for exposing it to trial, in a contest with the allies.

The extensive and enlightened view of the policy pursued by the Allied Powers, taken by the honorable member from Massachusetts, (Mr. WEBSTER,) authorizes a few remarks upon the same subject. It seems to me that our policy is to give no reasonable cause of offence, and to stand on our guard. It belongs to England to interfere with Greece, or the Allies; and if she is involved in a war with the Allies, for the independence of nations, we ought to give her assurance that we will not be neutral, but will give her faithful and honorable support. If we are to be engaged in war with all the Powers of Europe, it may be better to begin while we can have allies in the Spanish American nations; for, it will be obvious, if the Allies attack them, that nothing is intended for us, but the favor of being the last destroyed.

The cause of freedom, the hope of mankind, depends on the ultimate success of the hitherto successful experiment in the science of government, making in the United States. When we consider the importance of the interests confided to us, it must appear unpardonable wantonly to hazard the success of that experiment. If there be a mode of destroying civil liberty, it is by leading this Government into unnecessary wars. There can be no increase of the happiness of this people. Individuals may experience wants; but, as a nation, we have nothing more to ask of Heaven. All we have to ask of other nations is, friendship and "let us alone." What shall we deserve if, without necessity, we plunge this happy people into war and distress? Whatever may be said of the valor of our people, and the glory of the nation, I should be very unwilling to engage in a war with Europe. We might defend ourselves. I think we should successfully defend ourselves. I am no prophet of evil. We do not act on our own responsibility; we act for an immortal people. This people are to be immortal; but whether in freedom or abject subjection, is uncertain. This people are to be responsible for our acts, with their treasure and their blood. I am not disposed to bring upon them a trial, such as Spain passed through, in the war waged against that nation, for the purpose of placing Joseph Bonaparte on the Throne.

England and the United States seem to me to have a common interest to resist these unholy Allies. There are now only two Powers in Europe—England and the Allies. If Greece can become an independent nation, let one of them take the first step in the recognition. The Allies are ruled by Russia. England holds the fate of the world. Calculating on her policy, I think she will, she must, make a stand against Russia. As England cannot become the head of the Alliance, her pride secures us. She might become one hand of the Alliance, allowing France is to be the other, and Russia the head; but that situation would not gratify her pride. England will

make a stand against the Allies, and we should support her. But she will not strike for Greece; she will pursue another course of policy, and with good reason. It is the interest of England to prevent the extension of Russian power. To prevent this extension, it is necessary that the Turkish Empire should be maintained one and indivisible. England may strike for Turkey, because, with English aid, Turkey may stand against Russia. England will, if necessary, strike for the independence of the new nations of Spanish America. She will not suffer the Allies to add them to their confederacy, or Spain to blot them from the map of the world. My enmity to England has been very steady for many years, but it shall cease if England takes up arms for the independence of nations. England and the United States can secure the independence of nations. Whether the United States, without England, could, must be proved by time.

Let us leave the fate of Greece and of Turkey to England. If it is the interest of England that the Turkish Empire shall remain undivided, it is ours. If it is the interest of England that Turkey and Persia should be at peace, because their wars endanger the religion of Islam, it is ours. England and the United States have now a common cause and a common interest. Russia is now the great enemy of the independence of nations and of free institutions. England will not acknowledge the independence of Greece, for that would divide and weaken the Turkish Empire; and what will then stop the progress of Russia? Neither Persia nor India. Russia will establish an empire greater than the Roman, in the zenith of its power; from the authority of which, it will be in vain for man to attempt to escape. Sir, our course, I think, is plain. Let us be moderate and just. Let us offer no aggression; throw out no menaces, and give the Allies no pretext to quarrel with us.

When Mr. SMYTH had concluded—

Mr. RICH, of Vermont, said such were the arguments which had been employed, both for and against the resolution, and such the feelings with which they had been urged, that, although nothing was proposed but a small appropriation, to be expended in the discretion of the Executive, it was impossible that it should be considered in any other light than a kind of protest against the doctrine attempted to be established by the Sovereigns of Europe. If, said Mr. R., gentlemen are disposed to bring forward a distinct proposition for such a protest, he at present saw no cause for an objection. But it appeared to him to be now too late to make it in reference to an isolated case—be the oppression on the one hand, and the effort for liberty on the other, what it might.

A few years since, said Mr. R., we saw these new doctrines extended to France, and her ruler expelled his country. We saw the same ruler expelled a second time, after an exhibition of the most triumphant proof, that, in all France, "legitimacy" had not a single bayonet willingly devoted to its cause. We saw, in the final exile of Napoleon, an indignity offered to the whole civ-

ilized world, of which the annals of oppression furnish no example; and, more recently, we have witnessed an unholy triumph of the "Holy Alliance" over Spain; and yet our protest has been withheld. But, he added, if gentlemen think proper to adopt a protest, let them bring it forward as a distinct proposition, which cannot be misunderstood. Should the question, said Mr. R., be pressed to a decision, whether that decision be for or against the resolution, such is the state of public feeling that it will be a subject of universal regret if the majority shall be but small. Mr. R. concluded his remarks with saying that he would respectfully suggest to the Committee, whether, considering the diversity of opinion which was known to exist, it would not be advisable to rise without taking the question, either on the amendment offered by the member from South Carolina, or the original resolution. And with an understanding that, unless in the course of the session, something should occur to create greater unanimity, the subject should not be further pressed upon their attention. In order to obtain the sense of the members on this point, Mr. R. said he would move that the Committee rise, and he submitted that motion.

Mr. WRIGHT requested the member from Vermont to waive his motion till he could submit an amendment to the amendment of the member from South Carolina.

To this Mr. RICH assented, saying he presumed, when the amendment should have been offered, the floor would be yielded him to renew his motion for the Committee to rise.

Mr. WRIGHT then moved the following amendment to the amendment of Mr. POINSETT, viz: Strike out all after the words "Resolved that," and insert the following: "Provision ought to be made by law for defraying the expense incident to the appointment of an agent to Greece, whenever, in the opinion of the President, such an appointment shall be deemed proper and expedient, consistent with the neutral character and pacific relations of the United States."

Before any question was taken on this amendment,

Mr. RICH renewed his motion for the Committee's rising, which was carried—ayes 131.

The Committee then rose, and the House adjourned.

TUESDAY, January 27.

Mr. WEBSTER, from the Committee on the Judiciary, reported a bill, more effectually to provide for the punishment of certain crimes against the United States, and for other purposes; which was read twice, and committed to a Committee of the Whole.

Mr. VINTON, from the Committee on the Public Lands, reported a bill to provide for repaying to Bazaleel Wells a certain sum of money, by him erroneously paid into the Treasury; which was read twice, and committed to a Committee of the Whole.

The resolution yesterday offered by Mr. MER-

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CER, calling on the President for certain information touching the suppression of the slave trade, was called up, and agreed to.

Bills from the Senate, of the following titles, to wit:

1st. An act for the relief of the legal representatives of Firman Le Sieur;

2d. An act for the relief of Celestin Moreau, of Louisiana;

3d. An act rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy; were severally read the first and second times, and referred; the

1st, to the Committee on the Public Lands;

2d, to the Committee on Private Land Claims;

3d, to the Committee on Naval Affairs.

On motion of Mr. OWEN, the Committee on the Judiciary were instructed to inquire into the expediency of passing a law, expressing the consent of the General Government to the revocation of so much of the ordinance adopted by the Convention of the State of Alabama, as relates to the navigable rivers within said State, or to such a modification thereof as will enable said State to effect the improvement of its navigable waters: And further, to grant the consent of the General Government to the provisions of two acts passed at the last session of the Legislature of Alabama, one entitled "An act to improve the navigation of the Coosa river, and to aid in its connexion with the Tennessee waters," and the other, "An act to improve the navigation of the Tennessee river."

On motion of Mr. LIVINGSTON, the Committee on the Post Office and Post Roads were directed to report on the propriety of establishing a more direct communication between the Seat of Government and the city of New Orleans.

On motion of Mr. McARTHUR, the Committee on Military Affairs were instructed to inquire what further improvements, if any, ought to be made in the rifles, muskets, and other public arms, manufactured at the different armories of the United States.

On motion of Mr. TEST, the Committee on the Public Lands were instructed to inquire into the expediency of passing an act, authorizing a patent to issue in favor of William Conner, in severalty, for six hundred and forty acres of land, lying on or near White river, in the State of Indiana, at a place called the Delaware towns, and entered by the said William Conner in the land office at Brookville; which land was granted to him by Congress, for his aid and assistance in effecting the several treaties with the Indian tribes, for the extinguishment of their titles to lands in the States of Ohio and Indiana, concluded at St. Mary's, in the State of Ohio, in the Fall of the year 1818.

The House went into Committee of the Whole, on the bill for the relief of John Michael; and, after several amendments, it was reported, and ordered to a third reading.

The House went into Committee of the Whole, on the bill to authorize the sale of lands conveyed to the United States in certain cases, and for other purposes; which, after some discussion, was re-

ported with an amendment; on the question for its passing to a third reading, Mr. FOOT, wishing for further consideration, moved that it lie on the table; which was agreed to.

REPORT OF POSTMASTER GENERAL.

The SPEAKER laid before the House a report of the Postmaster General, of such "further measures as are necessary to provide for a more equitable compensation to deputy postmasters, according to the duties and services rendered by them," prepared in obedience to a resolution of the House of Representatives, adopted at the last session of Congress; which report was read, and laid on the table. It is as follows:

POST OFFICE DEPARTMENT, Jan. 24, 1824.

SIR: In obedience to a resolution of the House of Representatives of the United States, at their last session, which "directed the Postmaster General to report, at an early period of the next session of Congress, what further measures are necessary to provide for a more equitable compensation to deputy postmasters, according to the duties and services rendered by them," I have the honor to report, that the present mode of compensating deputy postmasters, by giving them a graduated per cent. upon moneys received by them, is believed to be, in most cases, the most equitable that can be adopted. So far as this compensation extends, it is generally proportioned to the labor required, and the responsibility incurred.

Deputy postmasters, with a few exceptions, receive less for their services than any other officers of the General Government. But, as competent persons to discharge the duties of postmasters have been found willing to serve, in every part of the country, and as the present embarrassment of this Department requires the utmost economy in its expenditures, it is believed that the public interest would not, at this time, be promoted, by a general increase of their compensation. A small addition of pay to each postmaster would afford but little benefit to the individual, whilst it would take from the receipts of the Department an amount so considerable, as to render an appropriation from the Treasury indispensable. There are, however, some post offices, where the labor is great, and the perquisites so small, that, unless some additional compensation be given, it is feared competent persons cannot long be found to discharge the duties.

I have endeavored, though unsuccessfully, to fix upon some rule, which would give additional compensation, where it seems to be indispensable, without extending the provision so far as to render the amount objectionable. It is believed that no provision can be made, embracing a class of cases, so as to give an increase of pay, in the just proportion which the services require.

There are several hundred offices at which packages are distributed, for which no additional compensation is given. In some cases this duty is very laborious, whilst the perquisites of the offices are very small. An increased per cent. upon the moneys received by each, would not graduate the pay in proportion to the service required, as, at some offices, which receive not more than one hundred and fifty dollars, this service is as laborious as at others, where more than a thousand dollars are received. If, in such cases, an increase of ten per cent. were given, the compensation to some would be more than six times greater than to others.

More than seventy offices distribute packages after

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ten o'clock at night, and before five in the morning. Postmasters who discharge this duty, are entitled to consideration, not only on account of the labor which they perform, but the unseasonable hours in which they are required to perform it. But, in these cases, an additional per cent. on the moneys received, would not do equal justice, as the disproportion for compensation, for similar services, would be as great as above stated.

A specific sum, given to each postmaster for this service, would not compensate in proportion to the labor performed, as the labor at some offices is ten times greater than at others.

If the means of the Department would authorize the measure, an increase of pay to postmasters who separate packages, and to some others, would be neither unjust nor impolitic; but, at present, it seems to be necessary to confine any provision for an increase within very narrow limits.

On a full consideration of the subject, it is believed that a special provision, in each case where an increase of pay shall be deemed indispensable, can be made with more justice to the postmaster, and less injury to the revenue of the Department, than any other mode which can be adopted.

Which is respectfully submitted.

JOHN McLEAN.

Hon. HENRY CLAY,

Speaker House of Representatives.

SURVEYS FOR ROADS AND CANALS.

Mr. HEMPHILL moved to postpone the order of the day to take up the bill for obtaining the necessary survey, &c., on roads and canals. The motion was carried—ayes 105.

Mr. McLANE, of Delaware, addressed the Chair as follows:

If the gentleman on whose motion the Committee last rose, and who, for that reason, had been expected to renew the debate, were now in his seat, I should certainly not interfere with his right; but, in his absence, I beg leave to offer a few considerations, in support of the power of the General Government to lend its aid to the making of roads and canals.

The bill, now under consideration, proposes merely an appropriation of money for certain surveys, to be made under the direction of the President of the United States, and might, therefore, be sustained upon grounds which the most sceptical would scarcely controvert; but, as it has been met by the general Constitutional objection, and, as I am willing to treat it as a step in the progress of internal improvement, I feel no inclination to shrink from the topic thus presented. Besides, the expediency of incurring expense in procuring surveys of the country without the power of afterwards using the information thus acquired, might well be questioned.

In entering upon this discussion, every one must be sensible of the disposition, existing in many sections of the Union, to narrow the powers of the General Government as much as possible: and it cannot be disguised, that it has never been permitted to adopt any measure, not forced upon it by the most urgent and imperious necessity, even to the creation of a corporation, without a long

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and labored investigation into its Constitutional functions. Under a spirit of jealousy, so keen and vigilant, no serious usurpation need be apprehended; and if there be any danger in all this, I rather think it lies in a different direction.

I am not disposed to complain of this temper, however; but, on the contrary, would cherish it. I have great confidence in the sober good sense of the people of the United States, and, so far as our frequent discussions here are calculated to explain to them the different views which are entertained of the nature of our Government, they will learn to think and investigate for themselves, and be finally conducted to a true interpretation of its principles. If our powers be found too narrow for the public exigencies, they will enlarge them; if we exceed our bounds, they will bring us back to our proper sphere. We should bring with us, however, into all these deliberations, a disposition to ascertain what the Constitution really is, rather than a determination to make it what we desire it to be.

Upon this, as on every other like occasion, the advocates of the power of the Government have been compelled to discuss and establish all its elementary principles—nothing is taken as settled: precedents go for nothing; and all previous acts are founded in usurpation. We are reminded that the Government is a limited one; that we have no powers that are not expressly granted; that all others are reserved to the States and the people; and that, as the power to make roads and canals is not expressed, it does not exist. Some of these propositions no reasonable man would question; but one would suppose it was too late in the day to contend that this Government may not exercise any, and very important powers, that are not expressly given; and yet this is asserted, and must be disproved.

The true question must always be, what powers are fairly deducible from a reasonable interpretation of the instrument by which they are defined; and I am free to say, that the nature of the system, the diversity of objects and interests for which it is provided, and the variety of circumstances through which it must pass, demand a liberal interpretation. The observation has already become stale, that the principal objects only, for which this Government was created, could be expressly defined, and that the great mass of powers, be they large or small, which are to be employed as the means necessary to accomplish those objects, could not be enumerated or expressed, but were necessarily to depend upon circumstances, as they should arise.

I concede to gentlemen, that ours is a limited Government; limited as to the objects confided to its administration; but as to objects clearly within the sphere of its jurisdiction, its authority is supreme, and unlimited, as to means necessary for their accomplishment, as the government of any State in the Union, or of any nation in the world; unless, in some particular instances, in which the means are expressly restricted. Need I refer to examples in proof of this position? Let gentlemen advert to the power, in Congress, to

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coin money—what means may this Government not employ, in executing this power, which any other nation may use, as necessary to the attainment of the end? On our power to punish the counterfeiting of the money of the United States, where is the restriction? Do we not define the crime, graduate its enormity, and carry home the punishment, even to the life of the offender, according to a discretion as unlimited as can be exercised by any other power? I ask gentlemen to consider the war power of this Government, and to tell me, wherein we are limited, either as to the propriety of beginning, or the means proper to carry on, hostilities, after they are commenced? What may we not do, in the exercise of this power, which the exigency of the occasion requires at our hands? Excepting the power to raise armies, and build a navy, scarcely any other incident to the war power is specified in the Constitution; and yet there is nothing which any nation ought to do, to make their warlike attitude effectual, and promote the safety and honor of the country, that it would not be our duty to perform.

But the gentleman from Virginia, who opened this debate with so much of his usual ability, (Mr. BARBOUR,) does not deny to us the use of means, but assumes a distinction between national and municipal jurisdiction, on which, if I understood him, he placed his chief reliance. The gentleman says, the General Government can exercise no municipal powers, that are not expressly given.

So far as the distinction applies to the principal objects of the Government, I admit it to be true, but I apprehend that, as it regards the means by which those objects are to be effected, it will be found to be altogether gratuitous. It is a distinction, no where recognised in the Constitution, which, on the contrary, expressly confers the power of passing all laws which may be necessary and proper to carry into effect the defined powers of the Government. The character of the means must correspond with the nature of the object to be effected, and may be municipal or otherwise, as the occasion requires. The powers of this Government are of two classes, national and municipal; the first having reference to the foreign relations, and the other to the domestic concerns of the country. All the powers of internal police, which are not a few, are necessarily municipal in the proper and strict meaning of the term.

In regard to some of the objects I have already adverted to, our power is strictly municipal, and cannot be executed without municipal legislation, and to these may be added, the power of taxation, which, if it be not a municipal power throughout, I would thank any gentleman to tell me what it really is. If these be municipal powers in the States, by what metamorphosis do they take a different character, when exercised by Congress, whose power, emanating from the same source, differs only in the extent of its jurisdiction? I put the question to the honorable gentleman from Virginia, if, in the pursuit of a given object, municip-

pal authority be indispensably necessary, can it be denied? If, in executing the high duties committed to its trust, this Government cannot act without municipal means, must it, because they are such, discard their employment, and be stayed in its progress, for the want of the most ordinary power? If, in regulating the coin, we cannot get on without municipal authority, are we to leave it without any regulation? And if we can exercise such authority, in any one case, where is the limit? The distinction, to be good for any thing, must avail throughout. If it fail in any case, its existence is imaginary, and we may employ all the means, which may be necessary and proper, for the attainment of the object. The fallacy of this distinction, so much relied upon, will be yet more apparent, when we come to consider the particular clauses in the Constitution, which confer the power in question.

Various parts of this instrument have been relied upon, as furnishing the power over roads and canals; and though I am not called upon to admit or deny the propriety of all the deductions, I can well suppose that the authority may be necessarily incident to more than one power of the same Government. I do not design to consider all the sources from which this authority may be derived; it will be sufficient for my argument, if I can satisfactorily trace it to one, and I have no strength to waste in any unnecessary display. I must beg leave, however, to disclaim all reliance upon the preamble to the Constitution, as conferring any power; and I am also free to concede, that the clause authorizing the raising of revenue, to provide for the common defence and general welfare, does not, in my opinion, afford it. It is true, we are authorized to provide for the common defence and general welfare, but we are to do this by a wise and faithful exercise of the powers granted us by the Constitution; and unless the power to make roads and canals be elsewhere given, or necessarily results from some other power, we cannot assume it, by appropriating money to objects not confided to us.

From the best consideration I have been able to give this subject, I think the power over roads and canals is incident to, and faithfully results from, the commercial power of the Government.

The Constitution provides that "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

Whatever diversity of opinion may exist as to the range of the powers here delegated, it cannot be denied that they are paramount and supreme over the objects embraced by the clause, and may be exercised by Congress whenever it shall think proper, to the exclusion of all local authority. It is equally clear that the commercial power is the most important in its creation, and the most minute and extensive in its operation, which can belong to any Government. It regards the enterprise, industry, occupations, and property, of every man, and constitutes one of the principal objects of civil government. Who does not perceive, too, that the power here given over the internal com-

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merce of the United States, is peculiarly of a municipal character? The power of directing their daily intercourse, regulating their industry, and connecting itself with all their pursuits!

Let me then ask the honorable gentleman from Virginia, (Mr. BARBOUR,) what becomes of his municipal limitation? Here is a municipal power expressly granted, and for municipal purposes. If the principal power be, in its nature, municipal, may it not, nay, must it not, be executed by municipal means? How can the Government act upon the objects of this power, but by municipal legislation? No one denies us the right of passing laws of inspection, in regard to the domestic commerce—and what is this but municipal legislation? May we not define and punish violations of our regulations, and do not the definition and punishment of crime constitute one of the highest attributes of municipal and sovereign jurisdiction? It is manifest, therefore, that in relation to the power delegated by this clause, the distinction utterly fails. Congress may employ municipal means subject to no other limit than that prescribed by a judicious discretion. Sir, I contend that this power was confided to the General Government for great and wise purposes; to cherish the resources and promote the industry of a growing and extensive empire, and must be exercised by the ordinary means, for the attainment of those purposes.

The question then is, Mr. Chairman, what is the extent of the power granted to Congress by this clause of the Constitution?

I will not detain the Committee in any philological examination of the phraseology of this clause. The subject soars above any such disquisition. I contend, that, from the nature of the subject, and the structure of the Government, it confers to Congress the whole commercial power over the trade among the States, which could have been previously exercised by the States themselves, in relation to this subject. Less power than this would be insufficient for the attainment of the objects of the Government.

The plain import of the term "regulate" is, to afford reasonable facilities. It implies a complete control over the subject; the power of securing to the people of one part of the Union the right of carrying on commercial intercourse with any and every other part, and of affording and preserving the means of intercourse, independent of all interference by any local authority. It intended to extract the commercial power previously distributed among the component States of the Union, and concentrate it in one arm, to be employed with united efforts for a common and general end. It meant to make the commercial intercourse of the thirteen separate States, that of one nation, subject to one and the same Government, and when it transferred the subject itself from all these States, it accompanied it with the same means which those States, combined, might have employed to regulate it, among themselves. If it did not mean to do this, I think it will be evident, from a consideration of all the parts of the Constitution, that the commercial intercourse among

the States of this Union, is less protected, and in a worse situation now, than it was before.

It has been insisted, however, that the power to regulate commerce confers merely a fiscal authority, and was designed to prevent preferences in behalf of the trade of one State, through the medium of discriminations, to the prejudice of another. I will not deny that this was one object of the power; but it would be unworthy of the subject to say that it was the only one. The power to regulate commerce would undoubtedly imply an authority to encumber it with duties and burdens, and it would be strange if it could encumber, and yet not facilitate. But this branch of the power to regulate commerce, which would otherwise have resulted, is taken away by another part of the Constitution, which forbids Congress to levy any imposition upon the exports of a State, and on the imports into one State from another. We can give no preferences—and the States are also prohibited, by an express clause, from exercising similar powers. To ascribe to this clause, therefore, no other object than a mere fiscal authority, would be to make it entirely supererogatory; it would be worse—it would be a mere passive, dormant authority—an instrument taken from the States and transferred to the General Government, to be used by neither. But the States did not mean to abandon their commercial industry to the mercy of chance; on the contrary, they intended to remove it from the superintendence of disjointed councils, and place it under the auspices of a united and efficient government. The terms "to regulate," imply a vigilant and active power, to be exerted according to the exigency of the occasion. Not a power merely to ward off injuries from others, but also to afford facilities ourselves, whenever the wants and condition of the country require them at our hands. The power of doing, by the exertion of the national will and resources, that which could only have been accomplished, anterior to the Union, by the concurrence of two or more of the State sovereignties.

Without meaning to violate my promise not to engage in verbal criticism, but to illustrate the extent of the power in Congress, in relation to commerce among the States, let me, Mr. Chairman, refer gentlemen to the power exercised under this word "regulate," in regard to the commerce with foreign nations. It must have the same meaning in both instances, and must confer the same degree of power in one case as in the other.

Of commerce with foreign nations, a fiscal authority is not only a legitimate regulation, but is an ordinary source of revenue, and would, therefore, from the reason of the case and the necessities of the Government, naturally fall within the clause; but no one ever dreamed that the power of Congress was confined to this limit.

In virtue of our power to regulate commerce with foreign nations, we lay an embargo and prohibit the intercourse altogether, as well of vessels as merchandise. We erect lighthouses, and provide beacons and buoys to conduct the mariner into our rivers, and lead him in safety over the

shoals and obstructions which lie in his path. If we do not make him a way over the ocean, we guard that way with fleets and convoys, and shield him from the depredation of enemies and rivals. Under the same power, we establish ports of entry and for unloading; we erect public custom and warehouses; we may provide a system of quarantine laws, and we have enacted laws for the saving and preservation of wrecks and property stranded upon our shores.

In short, we have, throughout our system of legislation, exercised a complete authority over the whole subject, and have never failed to afford it all necessary facilities in every part. By what rule of construction, give me leave to ask, can the same power, which is admitted to be unlimited in regard to our foreign commerce, be restricted to a mere imaginary superintendence, in relation to the trade among the several States? Lights and beacons offer a guide and facilities only to that portion of our commerce which passes over the waters of the United States; but what is to become of that class of merchants who are obliged to plod their way over the almost impassable mires and mountains of the interior?

If, therefore, the power to regulate commerce gives to Congress the whole commercial authority over the commerce among the States, it includes the power of affording all necessary facilities to the intercourse. This includes the right of way—of transit—the right of passing over and through the territories of one or more of the States to any part of the Union. In this is involved the whole power contended for. If the right of carrying on commerce includes the right of way, the power over commerce necessarily involves a control over the right of passage—the power of preserving, of regulating, of providing it. Suppose this passage to be denied, or the way to be obstructed, may we not open the passage and remove the obstruction? If there be no way, and the local authority refuse, or be unable to afford it, may we not provide one? All admit that no one State can impose duties or burdens upon merchandise, on its passage through its territories; but, if it cannot embarrass its transit by duties, it would be absurd to suppose it could exercise the higher power of absolutely shutting out the intercourse. And why is the exercise of such an authority denied to the States, but because they have surrendered their power over the commercial intercourse of the country, and transferred it to the General Government? Can gentlemen doubt the control of this Government over the right of way, for commercial purposes? Let me state an instance in which the power of Congress would apply; and, because I am more familiar with it than any other, I beg leave to refer to the river Delaware. It is known that this river passes through the territories of Delaware, Pennsylvania, and New Jersey, and that each of these States claims a certain jurisdiction over it. It is a highway for the commerce not only of these, but of other States, North and South, whose citizens may desire to push their enterprise in that direction. Will any gentleman pretend that either Pennsylvania, New Jersey, or

Delaware, can deny to the commerce of any part of the Union a passage over this river to any point of destination? Suppose, however, its navigation to be obstructed, or otherwise so hazardous as to prevent all intercourse through this channel, and the States claiming the jurisdiction decline, or are unable to obviate the difficulty—why may not Congress interpose and afford the facilities necessary for the commercial intercourse of all the States who desire to engage in it?

The case here supposed is a fair illustration of the power of Congress over this subject, and should quiet the apprehensions of gentlemen of any encroachment upon State rights. It is not an interference with the internal police of any one State, nor is it the power of regulating the local commerce between different points of a State, by its own citizens; it steers clear of all these concerns, which, for the purposes of the argument, may be left under the undisturbed control of the State government. But it is the higher and more extensive power of facilitating the commercial intercourse "among the several States," and between the various and different sections of one great empire; a power, let it be remembered, which the States are under no obligation to exercise, and which would require the concurrence of more than one to execute.

The power of regulating the internal commerce of any one State with the different parts of its own territories may be vested in its local Legislature, but the power of regulating the commercial intercourse throughout the Union, of obliterating geographical distinctions in relation to this intercourse, and of affording it facilities in each and every direction, exists nowhere, unless it be in Congress. It is a power which could have been exercised antecedent to this Government only by treaty between two or more of the States, and as, by the present Constitution, the States are prohibited from entering into treaties, unless the power be now in the General Government, it is utterly extinct. Besides, sir, how can it be expected of those States, intervening between the Eastern and Western or Northern and Southern extremities of this great nation, to furnish the facilities of intercourse with each of these extremes? Certainly, they are under no obligation to provide them, and if their immediate interests do not require it, it is no cause of complaint if they fail to do so. Sir, it was to obviate such difficulties as these that the control over the general commerce of the country was vested in the United States for general rather than local purposes. As this power resided in no individual State, prior to the Constitution, it is emphatically an attribute of the General Government; it is a creature of the Union, sprung up with its existence, and must be co-extensive with its territorial jurisdiction. It results from the new formation of the powers of the Government, and is necessary to the faithful discharge of its duties. Can it be maintained that the General Government shall be dependent, for the execution of so essential a power, upon the prejudice or parsimony of any local authority, or was this high power confided to us for empty purposes, to lie inactive in

our hands—a great colossal statue, bestriding the States of the Union, a monument of its own insignificance?

The honorable gentleman from Virginia, in attempting to limit our commercial power to mere fiscal regulations, has supported his position by a reference to the commentary by the writers of the "Federalist," recommending the Constitution to the adoption of the American people; and, with this view, read that part of their commentary relating to this clause. I should be the last to undervalue the merit of this work, or the worth of its illustrious authors; but surely no gentleman will seriously contend that this Government can exercise no other powers than such as are specified in those numbers. It should be recollected that these writings were designed to recommend the instrument to the people, and therefore pressed upon their attention such arguments only as would be most likely to secure their approbation, rather than unfold all the consequences which would follow from its provisions. They might not choose to express all that would be fairly involved, or, what is more likely, they did not foresee the full extent of the grant. Wise and great as were the framers of the American Constitution, and the authors of the Federalist, they were incompetent to such a task. No man can suppose that it was within the reach of human sagacity to enumerate or foresee all the powers which it might be necessary and proper for this Government to exercise in the progress of events; and, if it could do no other act than such as may have been in the contemplation of those by whom it was established, it would be the weakest of human institutions. It could neither accommodate itself to circumstances, profit by the wisdom of experience, or keep pace with the progress of the nation. The framers of the American Constitution designed only to mark the general limits of a vast system of government, which they hoped would be perpetuated to endless ages, and pass through all the variety incident to national existence. They did not pretend to delineate all the details of its action; they gave it in the best language they could employ, and left us to infer their meaning according to the known and established rules of interpretation, according to the exigencies of the times. But, sir, it will be found, upon examination, that the commentary referred to by the gentleman from Virginia is not less comprehensive than I have supposed our powers to be. It is true, that, in the paper read by the gentleman, it is said, "a very material object of this power was the relief of the States which import and export through other States, from the improper contributions levied on them by the latter;" and this, no doubt, is so; but it by no means follows that this single material object was the only one to be effected, and which, from other clauses in the instrument, would have followed without this provision. In the same number, quoted by the gentleman, the extent of this clause I am now considering is more fully explained; and it is there said, "the necessity of a superintending authority over the reciprocal trade of confederated States has been illus-

trated by other examples as well as our own. In Switzerland, where the union is so very slight, each canton is obliged to allow to merchandises a passage through its jurisdiction into other cantons, without an augmentation of the tolls." It is therefore manifest, that a power of enforcing the right of passage was evidently embraced by this clause, and it is equally manifest, as I have already shown, as I hope, that this right comprehends the whole argument.

But, Mr. Chairman, if we are to depart from the plain import of the words used in the Constitution to search for its meaning, a much more legitimate rule of interpretation would lead us to inquire into the evils existing anterior to its adoption, and which it was designed to obviate. We all know that considerations connected with the commercial interests were the most powerful inducements to the present form of Government. A divided empire over the commercial intercourse "among the several States," and the imbecility of the old Confederation over the same subject, were the principal defects of that system, which ultimately led to its dissolution and the erection of the present Constitution upon its ruins. The great object was, to take from the several States the whole commercial power over this branch of commerce, and confide it to a single Government. In the sixth number of the *Federalist*, the object is emphatically stated to be to divest the States of this power to prevent the evils of "rivalships and competitions of commerce between commercial nations;" and every one must perceive that these rivalships would be as likely to interrupt the intercourse by actual obstructions as by the less effectual expedients of discriminating impositions. In the eleventh number of the same commentary, the utility of the commercial power in Congress is thus explained: "An unrestrained intercourse between the States themselves will advance the trade of each, by an interchange of their respective productions. The views of commerce in every part will be replenished, and will acquire additional motion and vigor from a free circulation of the commodities of every part. It may, perhaps, be replied to this, that whether the States are united or disunited, there would still be an intimate intercourse between them, which would answer the same end. But this intercourse would be fettered, interrupted, and narrowed by a multiplicity of causes." Is it not evident from all this, that intercourse among the States, free from all restraints and interruptions, in whatever manner they should be interposed, was the object of the power. And how can this be effected, without authority in Congress to prevent interruption and provide the means of intercourse? If, without this clause, the States had the power of interrupting the intercourse in future commercial sovereignty, they had the power also of providing the means of carrying it on; and if they have been deprived of the former, and have parted with their control over the subject, by what process of reasoning can it be maintained that they have retained the latter?

I assume it to be proved, then, Mr. Chairman,

that the whole power over the commerce "among the several States," is vested in Congress, and that we are bound to employ all the means which are necessary and proper to make it effectual, and to conduce to a free and easy intercourse.

I admit, that the means to be employed must have a natural, an appropriate, and even a necessary relation to the end proposed to be attained. They should naturally and directly promote, and be immediately subservient to, the great object in view. But I deny, as has been contended, that they must be absolutely indispensable, or the only means which could be employed in relation to the object. Such never could have been the intention of the Constitution, which, upon such principles would leave the Government without discretion or responsibility. If this doctrine were true, instead of composing Congress, as we now endeavor at least to do, with the virtue and intelligence of the nation, by men distinguished for their knowledge and sagacity, we should select such as are ignorant, and of narrow views, the instruments of a blind impulse, and to be moved only by some stern irresistible necessity. Under such a doctrine no act of legislation would be safe; for though at the time, it might be supposed to be absolutely necessary, yet, if subsequent experience should prove it otherwise, the acts would, for that reason, be unconstitutional. Sir, according to the true spirit of our Government, we must exercise a judicious discretion over all these subjects, and use our powers, as far as we know how, to promote the happiness of the people. Discretion implies the power of selection, and in adopting measures for the performance of the high duties confided to us, we must take those which, according to the circumstances, will most certainly attain the end. In all this our responsibility is to the people, who, if we err, will not fail to apply the remedy.

In executing the powers of this Government, we cannot, and should not discard the lessons of experience, and we are always safe in adopting those measures which are, in themselves, immediately relative to the object, and which all other governments employ as the means for the attainment of similar objects. I insist that this is the safe and reasonable criterion, and I contend that roads and canals are the natural and appropriate means of executing the commercial power with all nations, and are considered by every government, of which we have any knowledge, as falling properly within the range of its commercial regulations. It is here the mistake of gentlemen on the opposite side consists, in blending the objects of Government with the means ordinarily employed for their attainment, and in treating roads and canals as distinct from the commercial power, when in fact they result, of necessity, from its exercise. The general objects of a government are few, and easily defined, and the power of executing these includes all other powers which are necessary to their execution.

The great objects of good government consist, principally, in procuring the happiness of the nation—in providing for its necessities, and in fortifying it against hostile attacks.

In the first class may be comprehended all regulations regarding education, the arts, and sciences, religion, and the whole field of justice and polity. Over these the State and General Governments exercise, in some measure, a divided dominion, but with equal means for the attainment of their respective objects.

In the second class are included the agricultural and commercial, and in the third the military power.

The military power is exclusively in the General Government, and, in virtue of this authority, we employ all the means which are ordinarily employed by other nations for the same object.

Under this power, and as naturally incidental to it, we build forts and arsenals, and erect fortifications, *ad libitum*, whenever we deem them necessary for the defence of the nation. Will any gentleman say that forts and arsenals are more necessary for the purposes of defence, than roads and canals for those of commerce? A country may well be defended without either forts or arsenals, which do not always afford the best protection, but no one would hazard the opinion, that commerce can exist without either roads or canals. The honorable gentleman from Virginia has said, however, that our authority to provide forts and arsenals, is derived from that clause in the Constitution which authorizes Congress to exercise exclusive jurisdiction over property which may be purchased for these purposes, with the consent of a State, and that, therefore, we cannot erect such works without such purchase and consent. Sir, this is manifestly a mistaken interpretation. The object of this clause, as is apparent from its general character and phraseology, is plainly, not to confer the right to purchase land and erect fortifications, but to authorize exclusive jurisdiction over the soil which may be purchased with the consent of a State. The power to erect military works is incidental, or there can be none of that description; and if we have the power to erect those works, it would be absurd to deny us the right to purchase the land whereon to erect them, unless, indeed, we might be supposed to build castles in the air. The right to purchase land, to become the proprietor of soil, without jurisdiction, is one of the most simple kind; and to deny it, would be to deny this Government a right enjoyed by every petty corporation, nay, by the humblest individual in the community. But the right of purchasing and acquiring fee simple title to land, does not necessarily transfer jurisdiction, which is no part of the soil, but resides in the local government.

It is desirable in many cases, however, that the Government should possess such a jurisdiction over its forts and public works, for their better police and management; and such a jurisdiction residing in the State cannot be obtained without its consent; and for this reason, therefore, this clause provides for such an acquisition.

The gentleman is equally mistaken in supposing that jurisdiction is at all necessary to the purchase of property. If the jurisdiction were not transferred to the United States, it would remain

in the local Government, whose laws and authority would, in most instances, be adequate to all the purposes of protection and security. Sir, all the custom-houses which have been built by the General Government, and sites on which they are erected, are precisely in this situation, and no jurisdiction has ever been required by the United States, or ceded by the States in which they are located.

Besides, sir, the fifth amendment to the Constitution provides that we shall not take private property for public use, without making just compensation. The implication here is clear, that we have the authority to apply private property to public use, making just compensation; for such a provision would have been entirely useless, if we could only purchase with the consent of a State, who would be at liberty to stipulate its own terms.

If, then, sir, we may erect forts and other works for defence, and purchase land for this purpose, as ordinarily and naturally incident to the military power of the Government, why may we not acquire land for the purpose of making roads and canals, if they be ordinarily and naturally incident to some other general power? Suppose us to acquire land by purchase, for this purpose, where is the interference with the State authority? The owner of the soil may make a road over his own premises, without permission of the local government; and so may a company of individuals, if they please to forego the advantages for which acts of incorporation are usually desired. But, suppose us to acquire property for a similar purpose in any other way: we should not absolutely require the jurisdiction. Our acquisition and property would be equally protected by the local municipality, which, I insist, however, could never interfere with our conservative power.

In the agricultural power similar incidents result; and, in the execution of this duty, every good Government not only exerts its means to provide and regulate the labor with which it is carried on, but may, if it think proper, provide public stores, and granaries, and a multitude of other facilities necessary to its good management.

This power I admit to be exclusively with the States; but the commercial power "among the States" is as certainly in the General Government—and I ask why we may not employ the ordinary means for its regulation?

I have said that roads and canals are among the ordinary and natural facilities of commercial intercourse. I now contend, sir, that they are uniformly treated and employed as such by every Government in the exercise of its commercial power. There is no writer upon political economy and the duties of nations who does not consider them so. Adam Smith treats them as the ordinary instruments of commercial regulation; and Vattel, in his exposition of the duties of a Government to itself, in the execution of its commercial power, remarks: "the use of highways, bridges, canals, and, in a word, of all safe and commodious ways of communication, cannot be doubted. They facilitate the trade between one

place and another, and render the conveyance of merchandise less expensive as well as more sure and easy. France and Holland have daily found the truth of this by happy experience. One of the principal things that ought to employ the attention of the Government with respect to the welfare of the public in general, and of trade in particular, must, then, relate to the highways, canals, &c., in which nothing ought to be neglected to render them safe and commodious. The whole nation ought, doubtless, to contribute to such useful undertakings.

Can it be doubted, then, sir, that roads and canals are not independent objects of Government, but are among the natural means of effectuating the commercial power? For what purpose are such improvements made by any nation but to facilitate commercial intercourse? Can it be carried on without them? What nation makes roads for pastime, or as monuments of useless expenditure, or digs canals for no other purposes than to mingle the waters of distant streams? For what purpose does any single State in this Union make roads and canals between different parts of its territory, but to afford facilities to its commerce? And, if an individual State can make a State or county road, for the purpose of its own internal commerce, and as a necessary means of its wise regulation, may not this Government make a United States road, as the means of regulating the commerce of this extensive Union? Is this Government to be clothed with greater powers, but less means of executing them? Has this great nation been organized with the dimensions of a giant to handle the instruments of a pigmy? Sir, are we not to suppose that, when the framers of our Constitution vested us with the commercial power, they knew and understood the means which every other Government ordinarily employed in its execution? And, if they did, must we not conclude they designed that we should exert them? I will not press this part of the subject further, sir. I leave it to the reflection of the Committee and the nation, and shall be content with their judgment.

I intended, Mr. Chairman, said Mr. McLANE, when I rose to address the Committee, to have offered some considerations as to the propriety of our exercising the power now claimed; but the state of my own strength admonishes me that I have already trespassed too long upon the patience of others, and I will therefore pass over this part of the subject, with a very few general observations.

I feel no inclination rashly or lightly to resort to the exercise of this power, or to exercise it in any case in which the wants and necessities of the community do not imperiously require it. The present bill proposes merely to procure information; the use we shall make of it will be the subject of future deliberation.

I am free to say, that, in general, the objects of this power will be better accomplished by allowing individual enterprise, under the auspices of the State governments, to take the lead, and I should be disposed, on all occasions, to confine the interference of the General Government to objects of a purely national character, and such as would

be necessary to open and facilitate the intercourse between different States, or various sections of the Union. It must be admitted, however, that the United States presents many objects of this description, and which cannot be attained without the aid of the national resources. No one will deny, that the commerce of any country must be badly regulated, in which the cost of transportation amounts to more than the value of the commodity; such, however, is the fact in many parts of this country, and it is equally true, that the communication between different sections of this Union consumes as much time in its performance, and is exposed to equal perils, as a voyage to many parts of Europe. No one can be insensible to the necessity of providing and facilitating the intercourse between the Western and Atlantic sections of the country, and between the Northern and Southern points of the latter; an intercourse at present interrupted and obstructed by natural impediments, insurmountable without our aid, and amounting, in a period of war especially, to an almost absolute interdiction.

I will take leave also, sir, before I conclude, to suggest one other mode, by which the aid of the General Government may be given to internal improvements, which is, it appears to me, entirely unsusceptible of any objection on the score of power or right; and that is, by a loan of money on interest, or by the purchase of stock in companies incorporated under the authority of one or more States. We have certainly the right of managing our own funds, in a financial point of view, in any manner we may think best, and it surely cannot be unwise so to manage them, as most effectually to contribute to the happiness and prosperity of the people. No one can deny our power to purchase and hold stock; we have purchased bank stock, and at this moment hold it to a large amount. If we can purchase bank stock, there is nothing to prevent a purchase of canal or road stock. And if the value of such stock should not at all times be equal to that of the bank, the deficiency would be more than made up by the advantages, which, in other respects, would be produced by the investment.

It might be contended with great propriety, that this would be the most wise and prudent application of the national resources to the internal improvements of the country. I am, myself, of the opinion, it would be the policy of the Government, it would soon be aided by individual enterprise, and the local governments. I may already point gentlemen to one of the greatest national objects which can be presented to the notice of this Government; I mean the Chesapeake and Delaware canal, which passes, in part, through my own State, and to which, therefore, I may feel some partiality. This canal, destined to unite the waters of the Delaware and Chesapeake bays, is the principal link in that great chain of internal communication between the extreme points of our Atlantic frontier, so essential to all the commercial and military operations of the country. A company for the accomplishment of this work has

already been incorporated, by the States of Pennsylvania, Delaware, and Maryland. The purchase of stock by the United States to a reasonable amount, would insure the completion of the work, after which the interest of the Government might readily be disposed of at little if any loss, and the proceeds employed in the same way, to the aid of some other enterprise of great national interest. There would be no State rights invaded by such an operation, but, on the contrary, the great interests of this community would be essentially promoted, and the national resources augmented beyond the power of calculation.

When Mr. McLANE had concluded—
At the request of Mr. ARCHER, of Virginia, the Committee then rose, reported progress, and had leave to sit again.

WEDNESDAY, January 28.

Mr. HAMILTON, from the Committee on Military Affairs, made an unfavorable report on the claims of the State of Georgia, for services of militia in the years 1792, 1793, 1794; which report was committed to a Committee of the whole House to-morrow.

Mr. WILLIAMS, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Joseph C. Boyd," reported the same without amendment, and the bill was committed to a Committee of the Whole.

The resolution submitted by Mr. VANCE, of Ohio, on the 12th instant, was taken up, read, considered, modified, and agreed to, as follows:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of reporting a bill appropriating twenty thousand dollars, to be expended in laying out and opening a road from Detroit, in the Territory of Michigan, to the Ohio State Line, where the road from Detroit to Fort Meigs crosses the same.

An engrossed bill, entitled "An act for the relief of the legal representatives of John Michael, deceased," was read the third time, and passed.

On motion of Mr. HENRY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Eddyville, Kentucky, by Waidesboro, to Paris, in Tennessee.

Upon presenting this resolution, Mr. HENRY remarked that he would not disguise the fact that it was accompanied by a petition from sundry respectable inhabitants of Callaway County, Kentucky; but, through mistake, it was addressed to the Postmaster General, and not to Congress. The object of the petition was to establish a new post route. And, as the Postmaster General had no power which reached the case, he had taken the liberty of introducing the subject to the House in the shape of a resolution. He further remarked that this was the first time the people from whom the petition came, had ever had a voice upon this floor; and he hoped the House would be inclined to greet them with the kindest consideration.

A message from the Senate informed the House

that the Senate have passed the bill, entitled "An act to alter the times of holding the District Court at Mobile, in the District of Alabama;" also, the "Resolution in relation to an intended visit of the Marquis De Lafayette to the United States," with an amendment to each. The Senate have also passed a bill for the final adjustment of land claims in the State of Missouri and Territory of Arkansas, derived from the Governments of France and Spain; in which amendments and last mentioned bill they ask the concurrence of this House.

SURVEYS FOR ROADS AND CANALS.

On motion of Mr. HEMPHILL, the House went into Committee of the Whole on the state of the Union, (Mr. FOOT in the Chair,) on the bill to procure the necessary plans, estimates, &c., respecting roads and canals.

Mr. ARCHER commenced by remarking that the vote taken in the House would have prevented his offering any observations on the bill, but for the impression authorized by the recommendation that a farther discussion of the important principle it presented was desired. It would be injustice to gentlemen to doubt their readiness to sacrifice the pride of consistency to duty, and especially in relation to a subject of Constitutional construction. He should proceed, therefore, to submit his views of the question, in confidence that, if he could succeed in producing a doubt of the Constitutional competency to adopt the system of legislation which was contemplated, he should have the concurrence of the Committee in the rejection of the bill, which was the incipient measure of this system of legislation.

Adverting to the argument derived from the importance of works of internal improvement to national prosperity, Mr. A. went on to say that he forbore any objection to its relevancy or fairness, though an array of topics of seduction could not be considered as either relevant or fair in a Constitutional inquiry, because he had an objection of still more decisive character to state to it. As respected the importance of these improvements, indeed, there existed, in point of fact, no diversity of opinion, the adversaries of the bill entertaining as just an appreciation of their value, and as earnest a desire to witness their advancement in all modes not liable to insuperable objection, as its advocates could do. But Mr. A. denied that the effect of the recognition of a power in this Government over the subject would be to subserve, but maintained, on the contrary, that it would obstruct the advance of these improvements. The only advantage would relate to the acceleration of the accomplishment of some of the more important objects of improvement. But what would be the countervailing effect, the price of this advantage? Gentlemen could not be blind either to its reality or importance. It was the entire suspension of the faculties of the State governments in this respect. The promise of the system in the hands of this Government, it was to be remembered, was general. It would be found, indeed, susceptible of only a very partial realiza-

tion. But the expectation authorized was indefinite. Every step, too, in the advance of the system must add to the number and the force of the claims to its extension. What, in these circumstances, was to be the policy of the State governments? Were they to go on in what might prove gratuitous expense on works of internal improvement, or to wait the course of the dispensation of the advantages of the system in the hands of the General Government? Both the promises of the system and the claim resulting from participation in its expense, must determine them to the adoption of the latter of these alternatives. The motives, if not the reasons, to this course, were too forcible to be resisted. Then the question became, said Mr. A., not one of the concurrent or auxiliary jurisdiction of this Government over the subject of internal improvements, but of its preference to the jurisdiction of the State governments. In reference to practical effect, and a view of the expediency connected with the subject, it was a question of the propriety of the transfer of the jurisdiction from the State authorities to the general authority. And would there be a real expediency in this, or would injury result from it? The General Government was said to possess the advantage of superior resources. But was this advantage real? If the resources of the General Government were larger, was not the disparity of its occasions of expense, and of the probability of future demand on these resources, in the full proportion of the disparity of their amount? The occasions discovered for expense had been said to keep pace with the extension of resources in the progress of all Governments. It was not to be expected that their history would exhibit a more favorable character in this respect in future. But did not the inference from this remark apply with peculiar force where political functions were distributed between a General and State governments to that to which the charge of external interests and relations was confided? The amount of public debt continued little short of an hundred millions of dollars. Was not the process of its extinction to be regarded as a sufficient claim on the national resources, till the occurrence of future demands in the progress of national vicissitude?

But admitting the advantages of the superior resources of the General Government, did not each of the respective governments derive its resources for all objects of expense from a common fund of some form of direct or indirect taxation of the people? The taxation then required for the attainment of an object in the hands of the General Government had only to be remitted if the object were best confided to the State governments, and the advantage of superior resources on the part of the General Government disappeared. There were advantages, moreover, of no unimportant character as related to the subject of discussion, which would result from the transfer of the office of taxation to the State governments. Each quarter of the country would contribute to the object in the proportion of its interest. There would be no taxation for objects, in the interests

of which there was no participation. There would be no inequitable application of general funds to purposes of local and particular advantage. A farther advantage would result from the subject being confided to the State governments. There would be no gross mistakes as respected the selection of objects of improvement. The knowledge derived from contiguity of residence and interest—the fear of expense, disproportioned to the value of objects—would be a sufficient safeguard in this respect. This distant government, remote from the sources of knowledge, and occupied with a mass of engrossing and unrelated concerns, could neither have opportunities of adequate information, nor be subject to the influence of competent restraint, as respected the application of its expenditures. The State governments, with better means of judging of the practicability, the advantage and the expense of projects of improvement, were under a more direct check, as respected the application of money for their accomplishment.

These Governments were liable, under all circumstances, to a more direct influence of this kind, from the nearer and more obvious relation to the sensibility, as well as to the observation of the people, of the methods by which their money was derived. It was, besides, a proposition founded in undoubted principles of reason, that a local authority was better fitted for the conduct of operations requiring a minute exertion of supervision and care in their execution, than a more distant and general authority could be. There was a less liability, necessarily, to error, and to abuses and profusion, as respected the expenditure of money. Public authority was little fitted for the management of such operations at best, and the more remote the seat, and general the character of the authority, the stronger was the application of the remark. The State governments would, in a far greater degree, be less liable than the General Government to embark in projects of improvement, which would afford inadequate returns on the capital invested; and this was after all the test of the general, as it was of the particular advantage of undertakings of this description. The gentleman from Pennsylvania, indeed, who brought in the bill, (Mr. HEMPHILL,) had pushed his argument to the extent of a denial of the general application of this test. For his own part, Mr. A. knew of none which could be better substituted for it; and he was in favor of retaining over the subject of internal improvement the jurisdiction of that authority by which the test was most likely to be applied and respected. The State governments were not only best qualified, from the considerations which had been stated, for the exercise of the jurisdiction, but the General Government labored under absolute disqualification for it. How was it possible for this Government, in remote extremities of the Union, in Missouri or Louisiana, to discriminate, advantageously, the objects and sites of works of internal improvement, or to exert a safe and economical superintendence over the various and complicated subjects of their execution, administration, and pre-

servation? Nor did the inevitable insufficiency and unskilfulness of its exercise form the most decisive objection to this function in the Government of the Union. It was easy to perceive, that, in the absence of adequate knowledge and sympathy with the interests to be effected, considerations of very different character would usurp their place and determine the character of the exercise of the function. It was easy to perceive that all the evil influences which belonged to free, and those which were peculiar to Federal Government, temporary excitements, party feelings, local interests, views derived from relation to the probable results of elections for the Presidency, would have an unrestricted scope for operation. Authority, then, on the part of the General Government, over the subject of internal improvement, was neither conducive to the advancement of its interests, nor in any view desirable.

But, was the authority confided? This was the inquiry properly engaging attention in the discussion, and to which Mr. A. proceeded to address himself. The first remark which it suggested arose from the fact of the omission of all allusion to the subject of the power in the discussions of equally large and various character which introduced the Constitution. There were the strongest motives to this allusion, if the existence of the power had been contemplated on the part both of the friends and the adversaries of the adoption of the Constitution. The advocates would have found a topic of eulogy in the supposed beneficial character of the operation of the power; and their adversaries a subject not less fruitful of reproach in its encroachment on the reserve of municipal authority to the States. Yet, as far as Mr. A. was advised, neither zeal nor jealousy, nor the sagacity of the largest speculative discussion, had indulged any surmise of the concession of such a power. The inference, from omission of a character so peculiar, was too decisive to be resisted. For the source of the omission, indeed, it was easy to account. It was to be found in the want of affinity of the power to the character of the Government. To the character of a league of association like the old Confederation, a power like this, acting by a distributive mode of operation, on the particular and several interests of the parties to the association, was not uncongenial. But the principal design of the change to a more social character of the Government, was to supersede this mode of the operation of its authority, by one which, in form as well as object, should be national; that is to say, adapted to the character of an integral community. In the existing form of the national authority, there remained no warrant for its exertion in any other mode. The sources of this authority, and the modes of its organization, continued to be principally Federal, but its operation was relative, exclusively, to the Union, as a distinct, independent, integral community. A power over the subject of internal improvement, exerted by the General Government, could not sustain this test of national operation. No work of improvement, answering to the description of internal, affected the interests of

the Union in its integral, artificial capacity as a political community. The beneficial effects, even of the most important works of improvement, purely internal, were confined to parts and quarters of the Union. It was true, indeed, from the inseparable connexion of general with particular prosperity, that works of this description, in conducting to the prosperity of the parts severally, must exert, indirectly, a favorable influence on the interests of the Union. But a similar influence was exerted by works of this character in foreign States, with which we had commercial intercourse, the promotion of which, with equal reason, might be brought within the operation of the national authority. It was only a direct relation, however, to national interest which could be attended with this effect, and internal improvements could not pretend to a relation of this character.

But the power in question was not only condemned by its want of affinity to the character of the Government, but, by an inference equally decisive, from the unpropitious tendency of its influence. A power, which could not be exerted without an impairment of the harmonious operation of the Government, could, with no propriety, be attributed to a federal authority, dependent in a peculiar manner upon the accord of its members for stability. But a power over internal improvement, in the General Government, was of this character. The capacities of the different quarters of the Union for improvement being unequal, their respective interests, in the exercise of the power, would partake of this character of inequality. There were even instances and conditions of circumstances, in which these interests presented a character of conflict. The opposition of the various routes proposed for the connexion of the Eastern and Western waters, afforded an example. Could a jurisdiction over subjects of interest so incongruous and jarring, fail in the provocation of jealousy and discord? Political communities, in association, were known to be prone, in a peculiar manner, to the indulgence of a spirit of jealousy, as respected the operation of the common authority. The sources of this spirit were not material. The reality of its influence was attested by the history of all associations of the character alluded to, and of our own, among the number. Which were the operations of administration to which this jealousy was principally directed?—Those which had relation to the raising and disbursement of money. It was to the arrangements, therefore, connected with these operations, that precaution was to be applied in a wise organization of a federal form of Government. Had it been neglected in our form? The wisdom of its framers excluded the supposition. What, then, was the provision of precaution in this respect? It was as adequate as was to have been anticipated from the source from which it sprung. Taxation was confined by rules of a just relation to population; of the exclusion of all preferences, commercial or fiscal; of invariable adherence to a standard of uniformity. "No capitation, or other direct tax shall be laid, except in proportion to the

census," &c. "No tax shall be laid on articles exported," &c. "No preferences shall be given by any regulations of commerce or revenue," &c. "All duties, imposts, &c., shall be uniform throughout the United States," &c. Such were the precautions against inequality of taxation. But of what value would be these precautions, if similar restraint were not provided in relation to the power of expenditure? The confinement of taxation to a rule of justice were vain, if this and every other rule, but of caprice, might be transcended in the disbursement of its fruits! What then was the safeguard in this respect? The exercise of no power could transcend the objects of the Government. This was a rule of reason applicable to every trust of power. Here, then, was one restraint on the appropriating power. A restriction of explicit character was added. The power of taxation, from the indefinite character of public exigencies, was necessarily one of the largest. The power of appropriation, which was subsidiary, would pass with it in the same extent without the necessity of expression. Its conveyance to this extent, however, might prove a source of inconvenience, because an appropriating power was not subject to the restraint which attached to a taxing power, from the invidious and apparent character of its operation. In what manner, then, was precaution to be applied? Of what form of restraint was a power of appropriation susceptible, without impairment of its efficiency? There was one form only of designation of the objects to which it should be confined. This is the form of the restraint which has been applied. Congress might apply money, not to all objects of political authority, indifferently, or to any at discretion, but to purposes connected with the "common defence and general welfare" only. And what were the objects embraced by this provision? Their criterion had been already indicated. Such as were of national character, relating to the whole Union as a distinct nation or community. To this class of objects it had appeared that Internal Improvements did not belong. The jurisdiction of them was not embraced, therefore, by the scope of the national authority.

An examination of the power under consideration, had demonstrated its want of affinity to the character of the Government, the unpropitious tendency of its influence as respected the highest interests of the Union, and its inconsistency with restrictions established by essential provisions of the Constitution. The presumption from this concurrence of objections, was to be considered as very forcible against the validity of the power. Was the claim to it sustained by fair construction of the language of the Constitution? Before proceeding to this inquiry, two difficulties were to be removed. It had been supposed that the question was concluded by the authority of preceding decisions. But it was to be remembered, that the authority of precedent was not applicable to a legislative jurisdiction. Courts were bound by precedent, because the ends of their jurisdiction required uniformity of decision. But the end of a legislative jurisdiction required that its decisions

should be varied as occasion might demand, till correctness were attained. Neither did precedent exert an operation on questions of the validity of the exercise of power. These were submitted to the authority of conviction only. The subjects submitted to precedent, related to the exercise of opinion or judgment; but questions involving an application of moral principle, like that of the just fulfilment or abuse of a trust of power, though they did not exclude advice, refused a submission to positive authority.

It had also been supposed, that the consent of the States in which works of internal improvement were to be executed, might supply any defect of the authority of the General Government. But it was to be remembered, that the concurrence of all the States had been requisite to give form to the federal compact. A power, then, could not be admitted in single States, to vary arrangements to which the concurrence of all had been necessary, and in which the interest was common. The abuses liable to flow from such a doctrine were obvious. There was no limit to the enlargement of jurisdiction it might involve, or the purposes to which this enlargement was susceptible of employment.

There could be no other source, then, of the power, than just exposition of the parts of the Constitution which were supposed to have relation to the grant of it. These, Mr. A. proceeded to examine. The first clause to which attention had been attracted, (by the Speaker,) was that conveying authority "to establish post offices and post roads." Mr. A. thought that, in relation to this part of the subject, the Speaker had failed, (not from any intention, certainly,) in treating fairly the argument of his colleague, (Mr. BARBOUR,) who opened the debate on the present motion. He (the Speaker) had supposed (incorrectly) that his colleague had interpreted the word "establish" in the sense of the word adopt; and the remark was perfectly just, that this interpretation was neither warranted by the proper import, nor would stand the test of application to other parts of the Constitution in which the expression was employed. It was both nearer to the true import, however, and better fitted to stand the test of this application than the import which the Speaker had suggested, which was the sense of the word "build" or "construct." It would be found, on examination, that the word never had any signification of this kind; and how would it bear application in this sense to other parts of the Constitution? Were we at liberty to read, in the preamble, that the people of the United States, "in order to construct justice," had "ordained and constructed" this Constitution for the United States? Would it be a proper employment of language to say, that Congress had power to "construct" a uniform rule of naturalization, and uniform laws on the subject of bankruptcy, &c.? The explanation of the whole difficulty in relation to this word "establish," was afforded by the fact that it presented in different modes of its employment an apparent variety of import, derived from the different character of

the subjects of its application. The real diversity, however, would be found to refer not to the import, but to the application. The word would be found to have a signification which was invariable, and which was always abstract, as respected the idea which it conveyed. It was never expressive of a form of physical action, even in cases in which it had a proper application to subjects of a physical description. It never had, therefore, the sense of "build," or "construct." Its proper import was that expressed by the word institute. It meant, always, as had been supposed, (by the Speaker,) *creation*, but the creation of an abstract immaterial subject, or attribute, never of a form or character of physical existence. Thus, in the preamble of the Constitution, "to establish justice," referred to the institution of an abstract character of stability, as respected civil regulations for the enforcement of justice. To "establish this Constitution," in the same place, referred not to the institution of the physical form or preparation of the Constitution, but of its abstract character of uniformity in relation to the subjects of naturalization and bankruptcy. In the application of the word to physical subjects, it retained the same character of presenting an abstract conception, as well as the same creative import. It continued to imply creation, or institution, but of an incorporeal quality, character, or attribute, communicated to the subject of its application, and not of any material change or form operated on the physical substance of this subject. Thus, though it would not be proper to speak of establishing a House, in the sense of physical construction, it was proper to use this expression in the sense of communicating to the House a particular quality, function, or character. It was proper to speak of establishing a house of public entertainment, a store, an office, a manufactory. When the word establish was employed in reference to a road, it would be found that relation was uniformly had to the exertion of public authority, the legislative, or other act by which the road was directed, and not the act of its physical execution. A road was opened, made, or constructed, subsequently to, and in virtue of, the act of authority by which it was established. This explanation of the term, rendered entirely intelligible its employment in the clause under review. Congress had authority to establish post offices and post roads, that is to say, to institute or authorize a particular artificial function, which had no necessary relation to houses, but might be exerted, independently of their use or existence, in relation to the distribution of intelligence; and to institute, in relation to such of the roads of the country as might be selected for the purpose, the character of serving as the routes of the transportation of this intelligence. What was the nature of the right, and of the incidental jurisdiction involved by reasonable construction in the grant of such a power? Manifestly a right of usufruct or way, only, with its ordinary incidents. And what were these? Did they comprehend any control or authority to intermeddle, even for the purposes of repair, with the soil, to which the right attached? Mr. A.

appealed to every lawyer for the separable character of the right, from any authority of this kind, in ordinary legal acceptation. What, then, it might be inquired, was the remedy for obstruction of it? The answer was, removal of the obstruction, or action for the injury. And the only difference between the Government and an individual enjoying a right of this description, in this respect, resulted from the circumstance of the Government having in its own hand the application of the remedy. Penal legislation might, indeed, be superadded in either case. And to the sufficiency of this guarantee no objection could be made, as it was that on which public authority had to rely in all its operations.

The construction which had been stated, in relation to this clause of the Constitution, derived the strongest confirmation from the inference suggested by the clause, conveying an exclusive authority over the sites purchased, with consent of the States, for the erection of forts, dock yards, and other needful buildings, &c. There could be no question that authority to execute these constructions, passed, without expression, in virtue of the military and commercial powers of the Government. A power to make and maintain war, must carry with it a power to erect forts, &c., as a power over commerce must that of constructing dock yards, &c. Yet an express grant had been thought necessary, to authorize the purchase of the sites of these constructions, and the exclusive jurisdiction of them. How, then, could it be conceived that a capacity of purchase and jurisdiction had been intended, in relation to the post roads of the country, extending already to eighty thousand miles, and susceptible of a further extension which was illimitable? Mr. A. could not perceive how the inference from this source was to be resisted.

But, let the language in relation to the power of establishing post offices and post roads, be conceded to be doubtful—the next resort, in construction, was, to the objects of the Constitution. Was the execution of a system of internal improvement in the number of these objects? Was it an object of proper federal character? All objects of political authority were not appropriate to a federal form. If they were, there was no distinction between this form and any other. Which, then, did belong to it? Such only as could not be as effectually attained, independently of the institution. Which were these? They could not be any of a class relative to interior administration and police. These were supervised most effectually by local authority. They must be relative, then, to interests of external character. It was not meant to be contended that there was no municipal authority appropriate to this Government. There were powers of this class in the express grant of the Constitution, those which had been referred to by the Speaker. The expression of these, proved that they would not have passed without expression. There were powers of this class, however, of constructive character. Every form of authority must be enabled to operate for the attainment of its proper ends. Such exercises, therefore, of an incidental jurisdiction, as

were essential to this purpose, must be conceded to belong to it. But, to warrant the exercise of power in this mode, the end must be admitted, and the relation to it be essential. It was not sufficient that the jurisdiction had a general relation to expediency. But no one would contend that a jurisdiction over objects of internal improvement, had any relation of more intimate character than one of expediency, as respected the social condition of the Union. Their execution had not been made an object of express jurisdiction, though other objects belonging to the same municipal character, and not more obvious to remark in their relation to general prosperity, had been made the subjects of this express jurisdiction. The jurisdiction over the subjects of naturalization and bankruptcies, the coining of money, the progress of science and useful arts, were examples. Works of internal improvement conducted to national prosperity. Be it so. But the Government could pursue, without their aid, with uncontested effect, its march to its admitted ends. Then, a jurisdiction, on this subject, was not to be admitted, or it could only be achieved by the application of an instrument of construction, to the force of which no control could be applied. The objects of the Government afford the test of doubtful jurisdiction; but, objects of proper federal character excluded, it had appeared, interference with concerns of inferior police. The relation, however, of internal improvements, to this class of concerns, could not be contested. The relation appeared from the mere name. It was at the point of termination of the province of this description of objects, that the region commenced, which afforded the proper scope of the exercise of the general authority. As respected any relation which improvements, of analogous character to roads and canals, from their connexion with external interests, might have with the question, the consideration of them would fall under the succeeding branch of the discussion.

And this consideration brought Mr. A. to the examination of the second source which had been assigned to the power, the authority of Congress to "regulate commerce with foreign nations and among the several States," &c. The want of any proper relation between the regulation of commerce and the construction of its physical channels, had been insisted on by his colleague who opened the debate. But, let it be admitted that a full power of legislation was intended. Still, the power could not have an extent wider than its subject. And what was the subject? Not all commerce, as his friend from Delaware (Mr. McLANE) had assumed. [Mr. McL. explained.] Mr. A. received with pleasure from his friend explanations which might lead to union of their opinions. In the present instance, however, it did not avail to that effect. The power conceded was over foreign commerce only, and that between the States, &c.—that is to say, over the commerce only, which was external to the proper jurisdiction of the States. The facilities, therefore, which there could be competency to introduce, must relate exclusively to this description of

commerce. But the improvements contemplated, roads and canals, were facilities appropriate to internal not external commerce. A control over them, then, did not pass.

The relation being to external commerce, facilities having real relation to this character of commerce, were embraced by the power. The cases which, as supposed to create the greatest difficulty, had been referred to with the most triumph, were embraced. The constructions on the great estuaries and the ocean, were embraced. The objects of improvement, which, as falling without the jurisdiction of the States, had been said to require compacts among States for their accomplishment, if there were any such, would be embraced. Facilities of the character referred to, would, moreover, be exempt from the objection incident to the improvements proposed, of wanting a character of nationality. They would exhibit a proper correspondence to the test of connexion with the interests of the Union, as a separate community. As related to the interrogatory (of the Speaker,) whether our power to dispense the form of advantage in question, was confined to the sea, and excluded from the land, the answer was, that the jurisdiction proper to the land in this respect, was confided to a different, and in reference to this particular subject, a more competent authority.

Supposing he had been successful in disposing of the authorities in relation to post roads and commerce, Mr. A. approached the power which created the only difficulty in his mind as to military power. He admitted this power to invest with authority to construct roads to a certain extent. It was not necessary, in this discussion, however, that he should employ any portion of his failing strength in defining this extent. The necessity of an essential relation between means and ends, between the exercise of subsidiary and the objects of principal powers, was not disputed, and had been admitted (by the Speaker in particular.) But what constituted this relation? He was not going into nice disquisitions on the subject; all that he maintained was, that essential relation required the operation of the subsidiary power in good faith, and reality, for the ends of the principal power. But no man contended for this relation of internal improvements to the military power. It could not, therefore, be relied upon as authority for them.

One other source had been relied upon for this jurisdiction, fraught, as it appeared to Mr. A., with greater objection and danger than any which had been assigned. He alluded to the appropriating power. It was with pleasure he had heard the disclaimer (by the Speaker) of this source of the authority. He united most heartily in the expression of reprobation. What did this claim of authority import? The "common defence and general welfare" were construed to comprehend all ends of political authority, and an unrestricted discretion to attain those ends was claimed, as far as respected the application of money; that is to say, by a mean which was equivalent to every other. If an authority of this kind did not

make an unlimited Government, what did? The Russian Autocracy, the Ottoman Porte, had no occasion to arrogate a larger authority. No man maintained, in terms, the unrestricted character of the Government, yet doctrine was maintained which operated a defeasance of all restriction on it. If the doctrine was just, the wisdom of the framers of the Constitution had been unavailing, and futile their guardian solicitude to make it a rampart against despotism. The whole grant of power was admitted to rest on specification, yet a single clause of the instrument of compact was admitted to supersede this specification. A single clause! said Mr. A. Was that all? No: it was not to a single clause, nor even to the positive and enacting portion of this clause, but to a mere explanatory member of it, that was attributed this detestable sweep of operation. The language was not, that Congress should have power to provide for the common defence and general welfare, but power to lay and collect taxes, &c., to provide for these objects. The object of the grant was a taxing power, and not the enunciation of an unrestricted scope of a power of appropriation. It was not denied, that the taxing power was limited by the specification of the Constitution; yet, for the power of appropriation, which was strictly subaltern, and accessory to it, an operation was arrogated, libertine as the winds. Integrity renounced the odious discretion, to effect, by procurement, objects denied directly to its control. Yet this was the character of the assumption of authority in question. Roads and canals were admitted to be beyond the competency of the Government, as respected their actual construction, yet the procurement of this construction, by money, was not beyond its competency. In the recognition of such a doctrine, it was manifest that the Government was let loose from all control, but of an unrestricted discretion.

Mr. A. said, that he admitted the authority of this Government to provide for the general welfare, according to the just intendment and import of this expression in the Constitution. But what was this import? To set up a faculty of unbridled appropriation in the Government? Exactly the reverse—to confine this faculty by just and expedient restraint. The clause was analogous, as respected both operation and the motives of its insertion, to another, containing the general grant of incidental power, which had given occasion to even larger discussion. He referred to the clause authorizing the passage of all "laws necessary and proper" for carrying the granted powers into effect. Authority to this extent passed without expression. In the grant of the substantive objects of power, necessary and proper incidental power was involved. Was the clause, then, inserted merely from abundant caution, to ascertain this grant of incidental power? It was inserted from a motive of much higher caution, to confine this grant, by a character of essential relation, to the enumerated powers. All incidental power might have been construed to pass, and the design was to prevent the implication of any which should not have the character of being necessary and proper,

in reference to its ends. The provision was not one of liberality, but jealousy and restriction. A similar policy dictated the provision under review, authorizing appropriation to objects of "common defence and general welfare." The taxing power, which was one of the largest, would draw with it a power of appropriation of commensurate extent. It was consistent with the design of the Government, and prudent, to guard this power by a restriction to objects of national concern. This was done in the words, "to provide for the common defence and general welfare." It was not to be inferred, however, from the union in the clause, of common with general objects of interest, that they were conceived as belonging to a common class. If this had been the case, the two expressions would not have been employed in connexion; for there was no word in the Constitution which had not an appropriate office, as well as signification. The expression would have been, to provide for the common defence and welfare—or, the general defence and welfare—and not for the common defence and general welfare—if a discrimination between common and general objects had not been designed. And what was this distinction? Had the words "common" and "general" an identical signification? Common was "that of which several partook." Common interests were those in which the States partook, severally. General, imported an "abstraction from particulars." The interests abstracted from such as were particular, and several, were those which attached to the Union, in a corporate, artificial capacity; as a distinct political community. Common, or several interests, were not objects of proper Federal character. They were not confided, therefore, to the Federal authority in mass. One only—"defence"—was so confided. The reasons for this concession were peculiar. But, as respected general or corporate interests, which were appropriate to the general authority, exclusively, the power of attainment had no limitation. It was only necessary to ascertain whether an object belonged to a common or corporate character, related to the several interests of the States, or the general interest of the Union, to determine whether it belonged to Federal jurisdiction. As respected objects of internal improvement, it would not be disputed that they belonged to the class of several, and not of corporate or general interests. They were not, therefore, appropriate to this jurisdiction.

He had now, Mr. A. said, reviewed the several clauses assigned as the sources of the power, and it did not appear to be sustained by a faithful exposition of either of them. Inference from the objects of the Constitution led to the same result. Every oracle of just interpretation, when interrogated, responded in negation of the power. The Speaker had represented as a species of treachery, the refusal to exercise granted power. Without contesting the correctness of this proposition, which was undoubtedly laid down, however, with too little limitation, it was treachery, of a much higher order, to exercise ungranted power, or even that of which the concession might fairly be considered doubtful. The power, in the present instance,

must be admitted to be at least of doubtful character, and the rule of public and of private morality was the same, to forbear action, the lawfulness of which was questionable. It was to be remembered, too, with a character of what peculiar danger the exercise of doubtful power was fraught, in relation to this Government. The Union could only be considered safe, in the due observance of the peculiar and delicate distribution of power, prescribed by our wise, but complicated frame of polity. The States would fly off from their orbits of relation, in the event of the law of their attraction being disturbed. Union was the guarantee of interests of the highest order, and the Constitution was the fortress of union. But this fortress, Mr. A. said, would be abandoned, if its defences were permitted to be dismantled by construction, so as no longer to present a barrier to discretionary power.

Mr. A. concluded, by saying that he was sensible he had presented, inadequately, the views of the question he had to offer. He would not, however, forego the claim of zeal in a discussion, the principle of which was of inexpressible importance.

When Mr. A. had taken his seat—

Mr. STEWART rose, and said, he concurred with the honorable gentleman from Virginia, (Mr. ARCHER,) who had just resumed his seat, in attributing to this subject a more than usual degree of importance.

The object of the bill under consideration was, to lay the foundation of a general system of internal improvement, co-extensive with the Republic, and dispensing its benefits and its blessings to every portion of the Union. It was not, however, he said, a new subject; it had frequently been introduced and discussed on this floor. As early as the year 1809, the most able report ever written on the subject had been communicated, he said, to the Senate, by the Secretary of the Treasury (Mr. Gallatin;) and had the views of that distinguished and enlightened statesman been carried into effect, this country, at this time, would have presented a very different aspect; our national strength and our national resources would have been fully developed, and the North and the South, the East and the West, enjoying every commercial facility, would have been united, and bound together by the strongest ties of interest and intercourse.

This subject, said Mr. S., presents two distinct questions:

1st. Have we, by the Constitution, a right to pass this bill.

2d. If so, is it expedient to exercise it?

It is the duty, said he, of the friends of this measure, to sustain the affirmative of both these propositions. If they fail in either, the bill must be abandoned. As his views of the Constitutional power of Congress over the subject, were, in some degree, different from those taken by other gentlemen who had spoken on the same side, he would, he said, in the first place, with great deference, present them to the Committee, as concisely and as distinctly as he could, and then notice some of

the arguments urged by gentlemen in opposition to the bill.

He was free to admit, for his own part, that he did not derive this power from the preamble to the Constitution; nor from the power "to provide for the general welfare," as some had contended. Nor yet did he claim it, with the President, from the right, "to appropriate money;" or from the "consent of the States." While he admitted the force of these considerations, he did not think it necessary to resort to any doubtful source, for the power in question. But, in his opinion, it evidently resulted from four of the great and expressly granted powers.

The Constitution declares, that Congress shall have power,

1st. "To establish post offices and post roads;"

2d. "To regulate commerce with foreign nations, and among the States, and with the Indian tribes;"

3d. "To raise and support armies," and "provide for the common defence;" and

4th. "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

This last power would, no doubt, have followed as a matter of course; for, every grant of power necessarily carries with it the means of its own execution. However, to remove all difficulty, and all doubt, the power of selecting the means of "carrying into execution," the great objects and ends of Government, was expressly granted.

The object, then, said Mr. S., of the first grant, is, the transportation of the mail; the second, the regulation of "commerce among the States;" the third, the defence of the country; and the fourth gave the power to provide the means "necessary and proper" for the attainment of these ends. Then, the true and only questions for our consideration are these:

1st. Are post roads "necessary and proper" for the transportation of the mail?

2d. Are commercial roads and canals "necessary and proper" for the regulation of commerce among the States?

3d. Are military roads and canals "necessary and proper" for the defence of the country?

If the answer to these questions be in the affirmative, and he thought no other could be given; if roads and canals were "necessary and proper" for any, or all of these purposes, then, we have, expressly the power to make them, and there is an end to the argument.

It was thus, Mr. S. said, he derived the power over the subject of internal improvements. Post roads belonged to the transportation of the mail—commercial roads and canals, to the power of regulating "commerce among the States," and military roads and canals appertained to "the defence of the country." Thus, each power carries with it its own appropriate means of execution, and, without which, they would be nugatory and ineffectual.

Having premised thus much, Mr. S. said, he would now notice some of the arguments which had been urged against the bill under considera-

tion, and especially by the gentleman from Virginia, (Mr. ARCHER,) who had just resumed his seat. In the first place, we are told, that not a word is said, in the Constitution, about roads and canals, and that the power is, therefore, not granted. This, he said, was a *non sequitur*. It was impossible that the framers of the Constitution could foresee, and point out all the means for "carrying into execution" the powers granted. This would have been to have formed a code of laws, and not a Constitution. Had they done so, there would have been no use for a Legislative branch of Government. But, said Mr. S., according to this principle, we are violating the Constitution every day. Look at the great heads of legislation, in your statute book. You have passed, and are passing whole codes of laws, on the subject of pensions, fisheries, health laws, lighthouses, buoys, beacons, &c.—armories, and military academies, heads of Departments, public buildings, library, paintings, civilization of Indians, benevolent grants, seawalls, and surveys—roads and canals, among the rest, and many other subjects. Yet, gentlemen could not find one of these subjects mentioned in the Constitution—not a word of the kind: still they were admitted to be legitimate subjects of legislation; and why? Because they are means selected for "carrying into execution" the granted powers; and because we have expressly the power to adopt the means "necessary and proper" for this purpose; and, if gentlemen would take the trouble to look over the list, they would find much more difficulty in discovering the appropriate grant of power, to support much of this legislation, than he did in finding the power to make roads and canals. The degree of necessity and propriety was not defined. In carrying into execution the express grant of power, we are not limited in the selection of means, to those which are absolutely or indispensably necessary; but Congress is left free to exercise its own discretion in the adoption of the means that it may consider "necessary and proper to carry into execution the powers granted." Though gentlemen admit the necessity of roads and canals, for the purposes mentioned, yet, they say that the States have the power to make them, and that the General Government can then use them. And was it the intention of the framers of the Constitution that the General Government should be dependent; should wait until the States furnished the means for executing these powers? Certainly not. Where the States made roads, he was willing to use them. But there were great national objects to be accomplished—uniting the great sections of the country, the North and the South, the East and the West; objects perfectly national, which the States never could and never would attempt. It was for these that this bill provided.

He could not assent, Mr. S. said, to another proposition laid down by the gentleman from Virginia, (Mr. ARCHER,) that "Congress could pass no law unless it was absolutely necessary to enable the Government to go on." [Mr. ARCHER corrected Mr. S., he had confined the remark to municipal law.] Admit the qualification, still nearly

all our legislation, continued Mr. S., is municipal; it relates to the internal concerns of our own country, of our own citizens. Such regulations he considered municipal—laws were divided into national law and municipal law; the former related to foreign countries, the latter to our own. Look to your files; look to the loads of bills under which the tables were groaning; they were almost entirely municipal, regulating our own domestic concerns. Yet, perhaps, not one of them was "absolutely necessary to enable the Government to go on;" then you have no right to pass them; if you do, you violate the Constitution! Pass the appropriation bills—he knew of no others "absolutely necessary to enable the Government to go on"—then burn your files and go home: your labors are finished. These doctrines, Mr. S. contended, stripped the General Government of all its salutary powers, and would disqualify it for the attainment of the great and original objects of its institution. On the contrary, Mr. S. insisted that the powers of the General Government, in reference to all the great objects confided to its supervision and control, were plenary, were full and unlimited, as to the means of their accomplishment; except, indeed, where they were restricted by Constitutional inhibitions; and the Constitutional legislation of Congress is declared to be "the supreme law of the land," "any thing in the Constitution or laws of any State to the contrary notwithstanding."

Much reliance had been placed, Mr. S. said, in the course of the discussion, on that clause of the Constitution which declares that "Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such places purchased by the consent of the Legislature of the State where the same may be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings;" this provision, the gentleman from Vermont (Mr. MALLARY) says, was introduced to enable Congress to build forts. But the gentleman from Virginia (Mr. ARCHER and Mr. BARBOUR) introduce it for a different purpose; they admit that the right to erect forts, magazines, &c., resulted, as a matter of course, from the power "to raise armies and provide for the common defence," but, they say, that this provision was introduced to enable Congress to purchase the sites with the assent of the States—this interpretation of the grant Mr. S. considered equally erroneous; for the General Government certainly possessed the same right to purchase real property within a State, and to erect buildings, or make roads upon it, that an individual, or other corporation, or body politic, enjoyed, without the consent of the State, and they had exercised it to a vast amount to secure debts, &c. Nay, more; they had the power, by the Constitution, to take "private property" for "public use," by making "just compensation;" and, if they can take it without the consent of the owner, *a fortiori*, they have a right to purchase with his consent. It was, therefore, evident, that this provision was neither introduced to give the right to erect forts, &c., nor the power to purchase sites; the object was clear—it was to give Con-

gress "exclusive legislation" over our forts, to avoid the interference of State jurisdiction and State process. The reasons for this, he said, were obvious; he would not repeat them; but the same necessity for "exclusive jurisdiction" over roads and canals did not exist, though we had the same power to construct them. We could take the land and materials for their construction by making a "just compensation;" this was all that was "necessary or proper;" the jurisdiction could be safely left with the States. But, says the gentleman from Virginia, (Mr. BARBOUR,) Congress may thus take possession of the New York Canal, or eighty thousand miles of post roads already made. To this there was an easy answer—it would be an abuse of power—every power might be abused. You have, expressly, the power to raise armies and lay taxes, without limit; by the abuse of these powers you might ruin the country—and where is the remedy? It was in the people; it would be found at the polls. Every gentleman who has spoken against this bill, (continued Mr. S.,) has deprecated the power of Congress to make internal improvements as ruinous to the States, as a violation of their rights, or as an encroachment on their jurisdiction. One gentleman tells us it would "bring the interference of the General Government to every man's fire-side, and make it odious to a free people." Another says, "the State governments" would thus become "secondary, degraded, and contemptible," and would be at last "virtually, if not actually annihilated." These were to him, Mr. S. said, very extraordinary arguments. What! ruin the States by internal improvements—destroy them by making roads and canals—"violate their rights" by giving them money—"degrade" them by increasing their strength, wealth, and resources, at the expense of the General Government! And, "virtually, annihilate" them, by distributing millions of the public money among them, for their common benefit! The sooner the States were thus ruined the better. The first to be destroyed, would be the last to complain. When the General Government goes forth among the States to exercise the fearful powers of taxation, "laying excises," "raising armies," and exacting contributions; carrying with her whole codes of laws, containing the severest penal sanctions, passed as incidental to these powers, we hear not a word about State rights; but when she goes forth with the public purse, not to fill it, but to empty it, not to raise, but to distribute money, then we hear the alarm about municipal laws, State rights, &c.; he thought those who supported the bill were more the friends of State rights and State interests than those who opposed it. But the gentleman from Virginia (Mr. BARBOUR) says that his construction will produce harmony, while the exercise of this power will produce collision between the General Government and the States. A strange kind of collision; a singular conflict; the General Government offering money to the States, and they refusing to receive it! Another honorable gentleman has said that this power of making roads and canals would lead to a "con-

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solidation" of the Government. In one sense, Mr. S. admitted the argument to be well founded; they would consolidate, they would unite, and bind together the States by the strongest ties; they were (to use the language of General Washington, when speaking of the union of the Eastern and Western waters) "the best, if not the only cement that will bind us together for any length of time, and we shall," says he, "be deficient in foresight and wisdom if we neglect the means of effecting it."

But, the honorable gentleman next tells us, that the General Government, holding the "purse and the sword," is strong; while the States, in their separate capacities, are weak. That the General Government, clothed with this tremendous power of making roads and canals, will attack the States in detail, not with the sword, but with the purse. First, the honorable gentleman says, "Congress declares to Vermont, we must regulate and distribute your commerce—we will open for you a canal." "Congress wields the whole force of the Confederacy; the State must submit." "The General Government," he says, "next enters New Jersey, and opens a canal through that State." "It then turns to Delaware, and in succession passes from State to State, encountering each one singly, with its whole strength, influence, and patronage." "What then," exclaims he, "must be the condition of the individual States when these splendid objects are accomplished?" Mr. S. said, he was at a loss to answer the question; these poor little States thus cut up by the General Government with roads and canals, would present a most deplorable spectacle; however, he thought, if the General Government would offer any of these States a half a million, or even a million of dollars, to cut roads and canals, they would submit to the operation, however unpleasant. Yet, with all these views as to the dreadful and destructive tendency of this power to the States, the same honorable gentleman tells us, that, "to the grandeur of the plans for internal improvement, he was not insensible; their utility he acknowledged, and it would afford him the greatest pleasure to concur in their support; nay, more, he could join with the most ardent enthusiasm in aiding their prosecution, did he consider himself authorized by the Constitution of the Union." Such was his language. Indeed, their utility he had not heard denied by any; and those who denied the power, generally professed a willingness to amend the Constitution, so as to give it to Congress expressly. Yet we are told, that, had it been proposed at the formation of the Constitution, to give this power to the General Government, "the States would have as soon abandoned their sovereignty and returned to the jurisdiction of the mother country, as have surrendered it." Mr. S. said he would not comment on these arguments—they destroyed each other—they could not stand together. He would not detain the Committee, to whose indulgence he was already much indebted, by any further reply to the arguments which had been urged against the Constitutional power of Congress over the subject; but

he begged leave to ask, what had been already done by Congress in selecting means "to carry into execution" the express powers "to establish post offices and post roads"—"to regulate commerce," and "to provide for the common defence?"

Sir, said Mr. S., you have passed, as incidental to the first grant, whole systems of laws relative to the transportation of the mail; you have created a distinct department, and commissioned thousands of postmasters, employed mail contractors, postriders, regulated postages, &c., yet not a word, not a syllable, was to be found in the Constitution about mails, or mail contractors, postmasters, or postages; then what right, he would ask, have you to legislate upon these subjects? The right was unquestionable—you have the power "to establish post offices and post roads," and you have also the power to do whatever "is necessary and proper" to carry this grant into effect. These were considered "necessary and proper" means to accomplish this end, and therefore you have the undoubted right to adopt them; and if roads were equally "necessary and proper" as a mean to transport the mail, which, he thought, could not be denied, then your right to make them was equally clear and unquestionable. This conclusion, he said, was plain, it was irresistible; ingenuity itself could not cast the shadow of a doubt upon it. But, sir, you have gone further, said Mr. S., you have, as incidental to this incidental legislation on the subject of "post offices and post roads," superadded another system of laws to carry your incidental laws into effect, denouncing the severest penalties against those who violate or contravene their provisions, even to the taking away the property, the liberty, and in some cases the life, of the citizens of the State, in their own territory; yet we hear not a word of complaint, not a word about violating State rights by municipal laws; nothing is said about "degrading" the States, rendering them "secondary and contemptible," or rendering the General Government "odious." You may take away the life, liberty, and property of the citizens, by virtue of your power "to establish post offices and post roads," but if, by virtue of the same power, you go into the States to distribute money for their benefit in making roads, then we are alarmed with the cry about ruining the States. When you come with the rope to hang the citizens, then you are welcome; but if you bring money to distribute among them, in making useful improvements, then you are repulsed as an unlawful intruder; he would ask gentlemen on the other side, was this consistent? was it reasonable?

Much, very much, continued Mr. S., has been said on both sides, as to the word *establish*, as it related to post roads. He had listened with pleasure to those recondite philosophical disquisitions; but, for his own part, he did not consider it necessary or material to resort to the phraseology of the grant for the power in question. The object was indicated by the Constitution; it was the transportation of the mail, and the means of its attainment followed of course. And what object was

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more important than the distribution of intelligence through the mail? Was it not important that the people should know all that was going on in this Government? Every thing here depends upon public opinion; how important, then, is it that public opinion should be enlightened. When the people ceased to be virtuous and enlightened, there was, he said, an end of liberty; there was an end of this free and happy Government.

But if the power in question depended upon the word "establish," he thought it was clear. If A, for a valuable consideration, grants to B the power "to establish" a mill road or a market road through his farm, does it not give to B the right to open and make the road? If it does not, the object of the grant is defeated; the grant itself is altogether nugatory, and useless and absurd. So the States had given Congress the power "to establish post roads," and if they have not the power to open and make them, the grant would, he contended, be equally useless and equally absurd.

But, said Mr. S., we have also expressly the power "to regulate commerce with foreign nations and among the States." And what have you done as incidental to this power, with a view to carry it into effect? Look at your commercial laws and regulations, literally filling whole volumes. He would not attempt an enumeration of the almost infinite variety of means employed to carry into effect this grant of power, not one of which were mentioned in the Constitution. And among the rest, the Government expended near \$200,000 per annum in the support, erection, and repair of lighthouses, buoys, beacons, &c., passing up our bays and rivers, hundreds of miles into the interior—not only erecting lighthouses, but building sea walls, making surveys, removing sand bars which obstructed the navigation; and if you can come up the Potomac for this purpose, to this city, why not go on to Cumberland, or up the Mississippi and Ohio to Pittsburg, from whence ships had been fitted out and descended that river? If you can cut a sand bar, you can cut a canal; the expense might be different, but the principle and the power were precisely the same; you do all these things by virtue of your power to regulate foreign and domestic commerce. If roads and canals were equally necessary and useful in the interior, for the regulation of commerce among the States, you have the same power precisely to make them. The only difference was in the means; and there was not a country in the world where this power could be so happily and so profitably employed as in this. Mr. S. here referred to a variety of objects, to illustrate this idea, which were highly important, he said, to the facilitation of internal "commerce among the States." And, again, said he, you have the power "to raise armies" and "provide for the common defence." This grant, he said, carried with it perhaps a greater variety of means, or incidental powers, than any other; by virtue of this power, you have erected forts, armories, military academies; you have procured all the necessary supplies and appendages of an army—provisions, military stores,

and the munitions of war. You have enacted the most rigid system of military discipline, authorizing courts martial to take away the life of the citizen soldier for a great variety of comparatively small offences. And where, sir, do you get the power to do all this? Not one word is said upon the subject in the Constitution. Still the power exists, though the Constitution is silent, and why? Because, having the power "to raise armies and to provide for the common defence," you have also, sir, expressly the right to provide the means "necessary and proper to carry these powers into execution." And it is clear, sir, that if roads and canals be "necessary and proper" for "the defence" of the country, you have expressly the power to make them; the only question, in fact, is, are they a fit and proper means for this purpose? And who could doubt it? Look at the experience of the late war! look at the waste of blood and treasure on your Northern frontier for want of good roads and canals; and say are they necessary for the defence of the country? These lessons were too recent and severe to be forgotten. Sir, roads are of primary importance. You provide cannon and military stores for "the common defence;" but of what use are they without roads, upon which to transport them to the places where they may be wanted for the public service? Sir, said Mr. S., I hesitate not to express the opinion that, if the plan of Mr. Gallatin had been carried into effect, if even the single canal, mentioned by the President in his late Message, to connect the Seat of the General Government with the Northern lakes, had been executed, all the disgrace and all the disasters that befel our arms on the Northern frontier, during the late war, would have been avoided. Sir, the waste of treasure, and the waste of blood, the noble, the generous blood of the brave and patriotic freemen of the West, which had been poured out like water, would have been saved to this nation. The transportation of a single cannon, in some instances, had cost near \$1,000, and a barrel of flour \$100, where it is usually bought for four or five dollars. With these facts staring us in the face, and their weight resting on our shoulders, who would deny that roads and canals were "necessary and proper" for the common defence?

But the gentleman from Virginia, (Mr. ARCHER,) who has just addressed you, admits the power to make military roads and canals. This, Mr. S. said, he considered a surrender of the whole question. The gentleman says it properly belongs to the power "to raise armies and provide for the common defence," and thus admits the right of Congress to select the means to accomplish the end of Government; and if a majority of Congress think roads and canals necessary and proper for the transportation of the mail, and the regulation of commerce, they have, undoubtedly, upon the same principle, and by virtue of the same power, a right to make them. But even suppose you confine its exercise to military roads and canals—by this you can accomplish all the great objects contemplated by the friends of this bill. If the honorable gentlemen will compare

Mr. Gallatin's report, which embraces the whole subject for mail, military, and commercial purposes, with the report of the distinguished gentleman now at the head of the War Department, on the subject of "military roads and canals," he will find their systems, in all material respects, to be the same. The Secretary of War, in fact, says, at the close of his enumeration: "Many of the roads and canals which have been suggested, are, no doubt, of the first importance to the commerce, the manufactures, the agriculture, and political prosperity of the country, but are not, for that reason, less useful or necessary for military purposes. It is, in fact, one of the great advantages of our country, enjoying so many others, that, whether we regard its internal improvement in relation to military, civil, or political purposes, very nearly the same system, in all its parts, is required. The road or canal can scarcely be designated, which is not highly useful for military operations, and which is not equally required for the industry or political prosperity of the community;" and had the roads and canals pointed out, he adds, "been completed before the late war, their saving, in that single contest, in men, money, and reputation, would have more than indemnified the country for the expense of their construction." He then recommends the very plan proposed by this bill for procuring the necessary plans and estimates, as preliminary to their execution; so that, by passing this bill, you do no more than has been required by the Secretary of War for military purposes alone; and the gentleman from Virginia, (Mr. ARCHER,) who has admitted the power to make military roads and canals, may, with perfect consistency, support this bill with a view to strengthen the military defences of the country. And, having the power to make roads and canals for the defence of the country, will it be seriously contended that the State through which they pass may defeat them, though indispensably necessary for the safety and best interests of the country? To give the power to defend the country, without the means of its execution, would be ridiculous and absurd; it would be a degree of folly which could not be imputed to the wise framers of our excellent Constitution; besides, these powers, he said, were perfectly innocent and harmless. What possible injury could result? If, in their exercise, Congress should transcend the limits of a sound discretion; if they should resort to means not "necessary and proper," to attain the end—the Supreme Court, possessing a power of supervision and control, will correct it. But, sir, if the liberties of this country—if the States have any thing to fear from the General Government, it is not from their incidental or resulting powers; it is from their great and express powers; the power to "raise armies" and to "lay taxes." Here their power is not only unlimited, but it is without check, without control.

But, Mr. S. said, he not only thought the General Government possessed the power over the subject of roads and canals, but he considered the question settled; if any question could ever be

settled by frequent and solemn decisions in Congress, this was. He found in the statute book a whole system of laws under the head of "roads and canals;" and were all these laws unconstitutional? Laws for the construction of the Cumberland road had received the sanction of every Executive, and of almost every Congress, since the Administration of Mr. Jefferson, who had signed the first law on the subject. But the strongest and most unequivocal expression in favor of the power was to be found in the proceedings had in the last Congress, on the bill providing for the erection of toll-gates on the Cumberland road. This bill certainly carried the Constitutional power of Congress over the subject, to its utmost limit. It assumed complete sovereignty and jurisdiction within the territory of the States, establishing tolls, and inflicting pains and penalties upon those who might disregard or violate its provisions; yet this bill, thus exerting the Constitutional power of Congress to its utmost extent, passed in Committee of the Whole, (though it encountered the powerful opposition of the honorable gentleman from Virginia, who had just spoken, Mr. BARBOUR, and several others,) by a vote of more than two to one, and after an amendment was adopted, appropriating a sum of money to repair the road previous to the erection of the gates, the bill passed, by ayes and noes, by a large majority; and even Virginia and North Carolina, so remarkable for their Constitutional scruples, stood divided on the passage of the bill, the former 8 to 12, the latter 5 to 5. And, in the Senate, where the Constitutional powers of this Government were certainly well understood, where you find many of the most able, experienced, and enlightened Constitutional lawyers in this or any other nation, this bill passed with all its powers, and all its provisions, gates, penalties, money, and all, by a vote of 29 to 7, and even some of the seven who voted against it, he understood, were influenced, not by any doubt of the power, but by a doubt of the expediency of degrading this great, free, national road to the level of common toll roads, for the sake of the trifling sum required to keep it in repair. By this strong and almost unanimous decision, the question, in Congress, at least, ought to be considered as settled. He came next, Mr. S. said, to consider the second question: Is this measure expedient? And this, to his mind, was the most important branch of the subject. [Here Mr. STEWART gave way, at a late hour, for a motion to adjourn.]

The next morning, Mr. STEWART, after thanking the Committee for the indulgence afforded him by the adjournment yesterday, proceeded to submit his views on the question of expediency. On this ground, the bill, he said, had met with very little opposition. Gentlemen who had denied the Constitutional power of Congress over the subject, had generally admitted the expediency of the measure. Some objections, however, had been made to it on this ground, which first claimed his attention. The honorable gentleman from Virginia, (Mr. ARCHER,) has said, that the national debt of near one hundred millions, should be first paid.

Mr. S. said, that he was quite sure that he felt as much anxiety as that honorable gentleman to discharge the national debt, and he would go as far to retrench the expenditure of the Government, to accomplish it. But the national debt, he said, had been overrated. The honorable gentleman would find, after deducting the three per cent. stocks, the subscription to the National Bank, and the amount of seven per cents. which would be discharged by the balance now in the Treasury, the amount to be redeemed of the national debt, instead of one hundred millions, was, in fact, little more than sixty-one millions, which, by the regular application of the ordinary sinking fund would be entirely extinguished in less than eight years. What then was to be done with the sinking fund of ten millions per annum? Was it to be wasted in idle extravagance? Besides, Mr. S. said, many of the present sources of expenditure would soon be dried up. The annual appropriations for the erection of forts, and the gradual increase of the Navy, would soon be rendered unnecessary, by the accomplishment of those objects. Our enormous pension list must soon be reduced by the hand of time, and the annual expenditure upon this Capitol, this splendid monument of national extravagance, which had cost as much as would have completed a canal from here to Cumberland, must cease. These results would produce an annual saving of near three millions per annum, which might be well applied to internal improvement; or, if gentlemen would consent to give to this object the increase of revenue, which would arise from the adoption of the new tariff, it would be sufficient for two or three of the first years of its operation.

Another objection made, was, that this measure would lead to an unequal distribution of the public funds. This Mr. S. said must depend upon the plan hereafter adopted. For his own part, he was free to say, that he would prefer a plan to distribute the fund set apart for this purpose, among the States, according to their representation in this House; reserving to Congress the right to designate the objects upon which it should be expended within or adjoining the several States; and, by referring to Mr. Gallatin's report, it would be seen that there was scarcely a State in the Union which was not intersected or bounded by some great national object of internal improvement. This fund, yielding an annual and certain aid to the States, would give a general impulse to improvements throughout the Union; it would stimulate and strengthen the efforts of the States; and induce them, in many cases, to commence great undertakings of this kind, which would never be attempted without it.

Thus the distribution would be salutary, it would be just, equitable, and beneficial to every portion of the Union. But, Mr. S. said, he would ask the honorable gentleman from Virginia, whether the expenditures of the General Government were, in other respects, equal among the States? Look at the immense expenditures on the seaboard, in the erection of forts and other public works of defence, in building and supporting a Navy, for the protec-

tion of foreign commerce, and for defending it against foreign aggression; the late war was emphatically a war in defence of "Free trade and sailors' rights;" in support of which the interior of the West had expended their full portion of blood and treasure. Of the five hundred and sixty millions of dollars expended, since the formation of the Government, how much had gone to the benefit of the interior, in promoting internal commerce among the States? Scarcely two millions for constructing the Cumberland road, and this trifling sum the State of Ohio was required to refund. Was this an equal, was this, he asked, a fair distribution of the public funds? Must all be devoted to foreign commerce, and nothing to internal commerce among the States? Sir, said he, the interior is now laboring under a complication of difficulties, which rendered their situation truly distressing. The manufacturing establishments, which heretofore furnished a market for the farmer, (for want of adequate protection,) had sunk under the weight of foreign competition; without canals, the products of agriculture would not bear transportation to the Atlantic markets; thus, the farmer, without a market, was left without a motive to industry. Here Mr. S. mentioned a variety of facts, showing that the West paid annually a tax of near three millions of dollars for the transportation of goods, and a heavier duty was paid on glass and other articles carried from the West to Baltimore, than was paid by the foreign article in the same port; nineteen-twentieths of this expense would be saved by a single canal connecting the Eastern and Western waters. He then took an extensive view of the canals and internal improvements in England, where twenty-two canals crossed their mountains, uniting the eastern and western waters of that Kingdom. He also adverted to the policy of France, Holland, and several other European nations, and contrasted their policy in this respect with our own. While no nation, he said, possessed the same advantages, the same facilities, or the same inducements, as this, for internal improvements, yet none had done so little. As a nation, he said, we had done almost nothing; we were far behind the Holy Alliance, and had scarcely kept up with the Ottoman Porte in attending to the internal concerns of our own country, by developing its resources, and facilitating internal trade by internal improvements. If we were asked by our constituents why we lavished millions every year, for the benefit and protection of foreign commerce, and did nothing to promote internal commerce among the States, were we prepared to give them a satisfactory answer?

But, as nothing but what was foreign appeared to satisfy some gentlemen; as they appeared to have an aversion to every thing that was domestic, that was internal, that was American, whether in reference to commerce or manufactures, still they might, he said, be gratified—they might have foreign commerce at home, at least if distance made commerce foreign. For instance, he said, our Atlantic merchants might be as profitably employed to themselves, and much more so to the country, in importing lead from Missouri, instead

of bringing it from Europe. While the voyage would be equally foreign as to distance, it would be infinitely more secure and advantageous. In a single year (1816) we had imported from abroad more than 20,000,000 of pounds of lead. Every year cost the nation more than half a million of dollars; while our own country furnished this article in inexhaustible quantities. In the West, we had whole districts of country literally composed of lead, sufficient to supply the universe; yet, for want of the necessary facilities for transportation, such as this bill was intended to afford, these immense sources of national wealth, of national independence, remained, and must continue to remain, dormant and useless. This was a single instance selected to illustrate the policy of this measure, while the argument would apply with equal force to an almost infinite variety of other sources of wealth in the interior, as iron, glass, &c., the raw material of which remained buried in the earth, useless and unproductive, and which only required the plastic and vivifying touch of governmental patronage and protection to spring at once into useful and prosperous activity.

Mr. S. here introduced another argument in favor of this measure, drawn from its evident tendency to enhance the value of the public lands, of which the Government still had for sale more than 400,000,000 of acres, and with respect to which Congress had expressly, by the Constitution, power to make "all needful rules and regulations;" and certainly there could be no "regulation" better calculated to increase their value, to facilitate their sale, and to induce their settlement, than a good system of roads and canals, opening a cheap, free, and easy communication with them. In support of this argument, Mr. S. read several extracts from Mr. Gallatin's report, made in 1808, which states, among other things, that "the opening of an inland navigation from tide-water to the great lakes would immediately give to the great body of lands bordering on those lakes as great value as if they were situate at the distance of one hundred miles by land from the seacoast; and if the proceeds of the first ten million of acres which may be sold were applied to such improvements, the United States would be amply repaid in the sale of the other ninety millions." Mr. S. also referred to some calculations made on the subject, in a letter addressed to Mr. Gallatin by Mr. Robert Fulton, to whose genius the world was so much indebted, in which he demonstrated that the public lands, six hundred miles from the seaboard, would, by the use of canals, enjoy all the advantages of those within fifty miles of it by land. "Every mile of canal, he stated, through the public lands, would accommodate 25,600 acres;" "and the land sold, says Mr. Fulton, in 1806, averaged about two dollars per acre—with a canal it would produce six dollars. Thus, he says, only twenty miles of canal each year running through national lands would raise the value of 512,000 acres, four dollars per acre, giving \$1,048,000, a sum sufficient to make 136 miles of canal." Hence, it

was evidently the interest and duty of the Government speedily to adopt a system of policy which, while it greatly increased its revenue and resources, would at the same time open a market to the West, facilitate trade and intercourse, unite the great geographical sections of the Union, and thus promote the permanent prosperity of the nation.

Sir, said Mr. S., possessing, as we do, the only free Government upon earth, blessed by Divine Providence with every variety of climate and of soil, unconnected with Europe, and strangers to the storms which disturb her repose, enjoying tranquillity at home, and at peace with all the world, it is the policy of this Government to turn its attention to its own internal improvement, to bring into activity its own immense resources, which, as yet, were but partially developed; to minister to the wants and relieve the distresses of our own people, by seeking out and adopting appropriate remedies, by building up proud and permanent and glorious monuments of internal improvement, which will remain to the latest posterity as so many memorials of the wisdom and munificence of their ancestors. Unique in our situation, occupying a proud pre-eminence among the nations of the earth, sir, we owe a great example to the world, not by conquering and destroying nations, but by cultivating the arts of peace, by making our people as prosperous and as happy as they are free. His heart, Mr. S. said, beat high with joy and gladness when he contemplated the delightful prospect which, he flattered himself, was rapidly rising into view, when this nation would cease to be dependent upon European skill and industry for the supply of its wants; when we should enjoy the utmost degree of prosperity; when New England, now sufficiently populous, instead of Old England, should become the great and principal seat of our manufacturing establishments—the South cultivating and supplying the raw material, while the West, offering to the hand of agriculture a rich and productive soil, will always afford the breadstuffs in abundance. Thus, the great sections of our Republic will become customers instead of rivals, mutually dependent upon each other both for a market and a supply. Then, with the proposed system of internal improvement, by which the provisions of the West would find a rapid, cheap, and easy conveyance to the East, in exchange for return cargoes of manufactured articles, and the cottons of the South enjoying similar facilities of exchange with the North, our independence would become perfect, and our Union indissoluble.

In a country, continued Mr. S., so extensive as this, spreading itself over an almost unlimited extent of territory; divided into great geographical sections by high and almost impassable mountains, and presenting an exposed military frontier of seven or eight thousand miles, a well regulated system of internal improvements, whether regarded in relation to its military strength, or its political stability, or its commercial prosperity, was of the utmost importance. With it, we would be the strongest, without it, the weakest, nation on

earth, possessing the same population and resources. Sir, said Mr. S., this nation must depend, for its security and its liberty, not upon standing armies, but upon the virtue and patriotism of the people—on the militia, the citizen-soldiers of the Republic. Standing armies, in time of peace, he deprecated, as inauspicious to freedom; he regarded them as a most destructive bane, and intolerable burden. The strength of this nation, therefore, in all emergencies, would be in proportion to the facility with which the physical force of the country could be promptly and rapidly concentrated at any point where its presence might be required, whether "to suppress insurrections" at home, or "to repel invasions" from abroad.

Suppose, said Mr. S., your seaboard to be threatened by the combined fleets of Europe, without the possibility of knowing at what point you were to be attacked, what would be a standing army of even one hundred thousand men, distributed along a maritime frontier of three or four thousand miles, without facilities for prompt and rapid concentration? They would be weak and inefficient. How much more powerful and effectual would be a system of inland navigation, extending from the North to the South, connecting in one common chain the whole of your Atlantic cities, and thence, like the radii of a circle, penetrating the interior to its centre, enabling the whole physical strength of the country to be rapidly delivered at any given point, where they could move, with all the munitions of war, "*pari passu*" with the enemy, always fresh and unbroken by the fatigue of long and forced marches? These advantages, said Mr. S., are not imaginary. They have been already, in some degree, realized on the New York canal, where we now transport troops and munitions of war more than three times the distance in the same period, and at less than one-third the former expense, without fatigue to the soldier, or the destruction of property attendant upon land transportation. As a means of national defence, therefore, roads and canals were incomparably the best. In peace, liberty had nothing to fear from roads and canals—from standing armies it had. In peace, forts were useless, nay, worse—they were a burden of expense. Roads and canals, whether in peace or in war, afforded every facility for commercial intercourse, and, if made by subscribing stock, would be, instead of a public burden, a constant source of revenue to the Government, presenting such facilities that, by stamping on the earth, an army will spring into existence, and rush to the point of danger or alarm.

But, independent of their military and commercial advantages, roads and canals, considered in a political point of view, would form one of the most powerful bonds of union among the States. They virtually removed mountains, conquered time and space, brought distant parts of the country more nearly together, and united them by the strong ties of friendship, of interest, of intercourse. And here he begged leave again to quote the language of WASHINGTON, the Father of his Coun-

try, whose solemn advice could never be too often repeated. In speaking of the Western country, forty years ago, he says: "For my own part, I wish sincerely every door to that country may be set wide open, and the commercial intercourse with it rendered as free and easy as possible. This, in my opinion, is the best, if not the only cement, that can bind these people to us for any length of time; and we shall be deficient in foresight and wisdom, if we neglect the means of effecting it. Our interest," he says, "is so much in unison with this measure, that nothing short of that ill-timed and misapplied parsimony, and contracted way of thinking, which intermingles so much in our public councils, can counteract it."

If the policy which opposed this measure forty years ago, was justly considered unwise, ill-timed, contracted, and illiberal, what would be said of it now? Since then, a new world, as if by magic, had sprung up in the West; the wilderness had yielded to the hand of industry; ships had taken the place of the Indian's canoe, and splendid cities and towns, and cultivated fields, had risen on the ruins of savage huts. If it then required roads and canals as the "best and only cement," to hold together the East and the West, how much more are they required now? Then the Western people were surrounded by powerful and hostile savage tribes; they were not only dependent on the Atlantic States for protection and for supplies, but were bound to them by all the ties of a common kindred, and filial affection, bearing to the Eastern States the relation of the first colonies to the mother country. But how is it now? The population of the West is the growth of its own soil; their wealth and resources are increasing every day; they are becoming, of themselves, a great and powerful people, and, as they increased in weight, it would be the part of a wise policy to increase the number and strength of the ties which unite them to the East. Though it is true, sir, that the West cling to their brethren of the East, with a fond affection and an ardent attachment; though they cheerfully perform an annual pilgrimage over yonder rough and rugged mountains, to worship here with "a more than Eastern idolatry," at this temple of liberty, this altar of our Union; yet, sir, remember that the time may come (which God forbid) when an unwise and unjust policy may weaken those attachments, however strong, and stifle those affections, however pure. Though all is now sunshine, still a cloud may yet appear to darken and to mar our political horizon. How long was it since the threat of resistance, the thunder of rebellion, was heard on this floor from another quarter? Though he did not, for his own part, apprehend any danger, at present; yet it was, he repeated, the part of a wise policy to strengthen, by every possible means, the ties which bind this Union together; for, upon it depended the peace, and the happiness, and the best hopes of this people. Destroy this, and you extinguish the last lamp of liberty; you prostrate the last citadel of freedom. Thus, freedom left without a friend, and liberty without a sanctuary, the fell principles

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of "the Holy Alliance" would spread, unresisted, their gloomy dominion over the universe.

Sir, said Mr. STEWART, I feel that I have trespassed too long on the patience of the Committee, and will only add, that the power to pass this bill is as clear to my mind, as its exercise is expedient. Sir, said he, it is almost the only power you possess of conferring benefits and blessings upon the States; of expending the people's money for the people's benefit; and its exercise, more than any other, would tend to promote and to perpetuate the union, harmony, and prosperity of this nation; and, as he considered this the most salutary power that the General Government possessed, so it would be the last that he would consent to surrender. It was a power which every well-regulated government must possess—the power of self-improvement.

Sir, said he, defeat this bill, and you give the death-blow to the best hopes and best interests of this nation. Pass it, and one other, (he meant the tariff,) and the 18th Congress will have nobly done its duty. It will be hailed by future generations as having laid the foundation of a system of policy which would soon raise this nation to the high and brilliant destiny that awaits it.—Let the fate, however, of these measures be what it might, he would, at least, have the satisfaction, he said, of recording his name in their favor.

THURSDAY, January 29.

On motion of Mr. WEBSTER, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of providing, by law, that the publishers of newspapers, and other periodical journals, may be allowed, in transmitting such newspapers, or journals, by mail, to accompany them with bills, or memorandums of account, on such conditions, and for such additional rates of postage, as may be thought proper.

The SPEAKER laid before the House a letter from William P. Duval, Governor of Florida, accompanied by a printed copy of the "Acts of the Legislative Council of the Territory of Florida, passed at their second session, 1823;" which letter and acts were ordered to lie on the table.

The amendment proposed by the Senate to the bill, entitled "An act to alter the times of holding the District Court at Mobile, in the District of Alabama," was read, and referred to the Committee on the Judiciary.

The amendments proposed by the Senate to the joint resolution in relation to an intended visit of the Marquis de Lafayette to the United States, was read, and concurred in by the House.

The bill from the Senate, entitled "An act for the final adjustment of land claims in the State of Missouri, and Territory of Arkansas, derived from the Governments of France and Spain," was read twice, and committed to the Committee on the Public Lands.

Ordered, That the report of the Committee on the Public Lands, made on the 12th instant, on a proposition to revive and continue in force the provisions of "An act for the relief of the pur-

chasers of public lands prior to the 1st of July, 1820," be recommitted to the Committee on the Public Lands.

The report of the Postmaster General, made on the 27th instant, in relation to an equalization of the compensation of deputy Postmasters, were referred to the Committee on the Post Office and Post Roads.

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The House then went into Committee of the Whole, on the bill for obtaining the requisite plans and estimates on the subject of roads and canals.

Mr. STEWART concluded the speech which he began yesterday, in favor of the bill, as given entire in preceding pages.

Mr. A. STEVENSON, of Virginia, in rising, said, that he had not the vanity to suppose that any argument which he could offer on this subject would change the opinion expressed by the House, in the previous vote on this bill. Indeed, he should have considered himself precluded, by his respect for the House, from any attempt to discuss, at this stage, the important principles involved in this bill, had not the House evinced, by consenting to recommit it, a willingness to have it more fully and freely debated. Under this impression he rose, at this protracted stage of the debate, to discharge what he believed to be a sacred duty, and to ask the indulgence of the Committee, whilst he presented, as briefly as he could, his views on this interesting and important subject.

He did not intend, Mr. S. said, to discuss at large the expediency of the system, towards which this bill was avowedly a preliminary step, and which might justly be considered as the first link in the mighty chain of constructive power. Candor, however, required him to say that, if he believed the power claimed could be exercised without a violation of the Constitution, yet he would refuse to exercise it.

He concurred in the opinion expressed by the distinguished gentleman from Kentucky, (the SPEAKER,) that political power was the highest which could be given by man to man. It was the most sacred trust that could be reposed in an earthly tribunal; but he had yet to learn how a refusal to exercise any power, which might be deemed unwise or inexpedient, could be construed into an abandonment of duty, or treachery to the nation. He would not follow gentlemen in the wide range they had taken, as to the expediency of this measure, but would content himself with presenting some general remarks, in relation to this branch of the subject, before he came to discuss the question of power.

There are many and powerful considerations, Mr. S. said, which, in his opinion, forbid the exercise of this power by the General Government at the present time. The subject was one peculiarly fitted for the State governments. It was one of a local, rather than a national character; and could only be well executed by the local authorities. All these schemes of internal improvement must have their rise, Mr. S. said, in local interests and feelings; and he put it to the candor of the

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friends of this bill to say, whether their contemplated schemes for improvement had not their origin in local views. What security, Mr. S. asked, by the present Constitution, should we have for equality, in the disbursements of the millions which would be necessary for the execution of these splendid and magnificent schemes? None, none, but legislative discretion and pleasure. Does not every impartial mind see that the resources of the nation, derived from all, would be used for local rather than national objects; and that favorite portions of the Union would receive the benefits, whilst other parts could not participate?

Sir, said Mr. S., instead of promoting those great national benefits, which the imagination of the honorable Speaker has sketched in such bright perspective; instead of promoting union and peace among the States and the people, it would be the apple of discord and disunion. Look to the situation of some of the old States, and see what would be the operation of this system upon them. There are many of them who deny the Constitutional power now claimed, and believe it cannot, and ought not to be exercised by this Government. They have maintained that opinion from the foundation of the Government to the present time. They have heretofore refused to participate in any of these schemes, and would, he had no doubt, continue to preserve their consistency. In relation to my own State, said Mr. S., I feel a proud confidence that she will not abandon the high ground which she has heretofore so well and so ably sustained. Virginia, sir, has maintained too long her worship at the altar of the Constitution, pure and undefiled, to be seduced from her allegiance by golden considerations, or alarmed by any mistaken apprehensions of disunion or disaffection. Virginia is not insensible to the benefits of internal improvement; she is now actively engaged in this great work; but she asks not the aid of this Government, and would scorn to receive it, by a sacrifice of her principles, or an abandonment of duty. There are other States which hold the same sentiments. What, then, is our situation? Why, the resources of our nation are to be seized on, to aggrandize our Western and Northwestern brethren; to subdue the Western floods, and tame their mountains; and, if we refuse our assent, we are told that "the Union may be endangered and shaken to its centre."

Sir, said Mr. S., I entertain no fears upon the subject. No man can make me believe that the rejection of this bill, or the refusal to exercise the power now claimed is to separate these States, or alienate the affections of the West from the Union. Our Western brethren are too patriotic and high-minded; they bear too noble and lofty a spirit they are bound to us by too many and endearing ties; they have poured out their blood too freely in defence of every thing which can be dear to freemen—to let any mistaken or momentary feeling hurry them into anarchy or disunion. In opposing this bill, Mr. S. disclaimed any unfriendly feeling towards the West. He could say, with an ancient worthy—

"Amicus Plato: sed magis amica veritas."

He loved the West, but he loved the Constitution and interests of his country more.

He called upon gentlemen to pause! If this power must be exercised by this Government, let it be by an amendment of the Constitution. A proposition to that effect had been submitted in the other branch of the Legislature. Let us wait its issue; present the question fairly to the people; (I do not say that I will vote for it;) but if they, after fully understanding and weighing the subject, shall determine to give you this power, then, and not till then, attempt to exercise it.

Mr. S. said that he would now proceed to the question of Constitutional power. Have Congress a right to project and execute a great national scheme of internal improvement, by means of roads and canals? This was the view in which this bill had been sustained by the able and ingenious arguments of its friends; and it was, Mr. S. said, his intention to examine and answer these arguments as far as he was able. Before, however, he did so, he begged to be indulged with a few preliminary remarks upon the indisposition which was always manifested in this House, to Constitutional discussions. It must be obvious to those who had been here but for a short time, that arguments of this character were never very graciously received on this floor; and especially where they were supposed to conflict with favorite or interesting schemes of national policy. If there was nothing in the measure proposed, and objected to, offensive to the great principles of civil liberty, or republican Government, gentlemen were not disposed to examine very nicely the powers between the two Governments. The line between powers surrendered and those retained, they were not anxious to draw, provided any good end might be obtained, by the exercise of the immediate power claimed. We hear it daily rung in our ears, said Mr. S., that these discussions are idle; that this will, and must, become a great and splendid Government; and that it is folly to suppose that we have not, and ought not to have, the powers to accomplish it. Virginia, too, is ridiculed and abused for her scruples and her jealousy upon this subject. Sir, let me tell this House that the period is approaching, if it has not arrived, when Constitutional discussions must and will be listened to here. The people are getting roused, and the subject is coming home to the bosom of every man. Human affections and attachments, Mr. S. said, had been aptly compared to solar heat, which decreases in proportion as it recedes from the sun. This was true in relation to Government. As it extended and spread out its limits and population, the extremities would become weakened, and corresponding energy and power must be given to the centre.

When the Government was formed of the old thirteen States, fears were then entertained by many of the wise men who formed it, that its territorial limits were too large for a single Government, and that it would require too much power to govern well. What would then have been thought, if it could have been foreseen that, in

forty years, we should have been pushing our limits to the waters of the Oregon, a distance from the Seat of Government of some four or five thousand miles?

Sir, is it not demonstrable that, as you extend your territorial limits, the power in the centre will, like the snow-ball, continue to increase; and that a spirit of jealousy will arise in the States and among the people, unfriendly to the Government? Do we not know that this is now the case, and that more danger is apprehended from tyranny in the head than anarchy in the extremities? Is it not what might be expected? Do we suppose that the people are willing to abandon their State governments as useless corporations?—those governments which brought them through an age of revolution, and cheered them amid the gloom of a long and bloody war; those governments to which the people look up for the protection of their dearest rights, and consider as the safe-guard of their liberties! We may hug ourselves in the consciousness of possessing power which cannot be taken from us; but the eyes of the nation will be upon us. No Constitution, said Mr. S. possesses the power of preserving itself; no parchment barriers ever did or can preserve a government: it is to the virtue and intelligence of the people that we are to look. Without this, your Constitution, when opposed to the lust of power, would be a dead letter; a miserable, empty reed, dashing against a Colossus. There is, besides, no friendly third Power to decide between the States and General Government in conflicts for power. These considerations ought to teach those who are rulers in the respective governments the necessity of caution and forbearance in the execution of their powers—to recede from, rather than to overstep, the line of separation; and to invite, rather than to scowl upon, Constitutional discussions. It is only by this course, said Mr. S., that we can preserve the Union, and the liberties and happiness of the people. As to my own course, Mr. Chairman, it has long since been settled. I came here to exercise my duty in good faith; and, whilst I will not, by an improper or weak exercise of power, paralyze the energies of this Government, or defeat the great objects of its creation, I will not legislate into the Constitution one scintilla of power, or assume even that which I may think doubtful, to obtain any object, however desirable.

Sir, said Mr. S., I can never forget the words of the venerable Clinton, when, in the Senate of the United States, he rejected the bill rechartering the Bank of the United States. He said: "In the course of a long life, I have found that Government is not to be strengthened by an assumption of doubtful powers, but by a wise and energetic execution of those which are incontestable: the former never fails to produce suspicion and distrust, whilst the latter inspires respect and confidence."

These words ought to be written in letters of gold upon your Coliseum, and over the doors of this Hall; and he would go still further, (much as he was opposed to amendments to the Consti-

tution, and despised oaths,) and to the oath which every member of this House takes to support the Constitution of the United States, he would add the words, "and never exercise a doubtful power."

Mr. S. said, that, before he came to comment upon the two parts of the Constitution which the honorable Speaker and his friend from Delaware (Mr. McLANE) relied on as deriving this power, he would make a single remark upon the discrepancy which existed amongst the friends of the bill, as to the sources of the power claimed. The Speaker had defended this diversity of opinion, and thought there was nothing extraordinary in it. He said that it was common for men to view the same subject under different aspects. That it was favorable to the assertion of the power claimed, inasmuch as the same result was obtained by so many various modes of reasoning. Sir, said Mr. S., I protest against arguments like these, as applicable to a written and limited Constitution. Can it be believed that a power like that claimed—a power involving all the highest attributes of sovereignty, should have been wholly omitted in the specification of powers, and left as accessory to half a dozen subordinate and inferior powers? The friends of this bill are completely at war among themselves, as to the true source of the power. One gentleman comes forward and claims it under the clause "to establish post offices and post roads." A second disclaims this source, but seeks it under the right to "regulate commerce." A third does not believe it is in either, but maintains that it is given by the clause empowering Congress to "declare war." A fourth, from the power to appropriate money. A fifth, from the clause authorizing us to pass all laws "necessary and proper" to carry into effect the powers vested in the General Government; and a sixth, from the power to "provide for the common defence and general welfare." Now, is it not singular, Mr. S. asked, that a power of such magnitude should have been left to implication, and be capable of being attached, by ingenious construction, to so many and such conflicting powers, in an instrument so distinct, so cautious, so minute, in all its specifications, as the Constitution of the United States? The honorable Speaker, in his able and ingenious argument, took his stand upon the power to make post roads, and to regulate commerce between the States, though he admitted that the commercial clause was the most doubtful source of power. He contended that the whole question turned upon the true signification of the word "establish," which he asserted to mean (in the sense in which it is used in the Constitution) to "fix," "build," "create," "make firm." Mr. S. said, that he was not a little astonished that the Speaker should, in the construction of an instrument so sacred as the Constitution, have confined himself to verbal criticism and a play upon words. Did he go back to the period when the Constitution was formed, or give us the circumstances which led to its formation? Did he call to his aid any of the able writers who have given us commentaries on its meaning? Did he show us how these clauses in

the Constitution were considered by the Conventions who ratified it? Did he resort to the discussions in the State Conventions? Did he compare the various parts of the instrument with each other? No, sir; he told us simply that the word "establish" meant to create; and that the whole argument turned upon the true signification of this word.

Now, said Mr. S., I am directly at issue with the Speaker, as to the meaning of this word "establish." If we go to philological authority, or common usage, it is much oftener used to signify "confirm," "adopt," "designate," than to create, construct, or build. Establish is to render certain, fixed. We speak of an "established church," or an "established religion." We do not mean a church or religion created, but one fixed, confirmed by authority. The word "establish" includes the idea of authority, when used in a legislative sense. It has been said that, to ascertain its signification, (in the clause under consideration,) we must resort to other parts of the Constitution, when the word is used in the same sense, or in relation to the same subject.

In the seventh article of the Constitution, it is said that the assent of nine States shall be sufficient for the "establishment of this Constitution." Now, this word establish was used there to mean confirmation, adoption, ratification. It was not intended to mean "creation," because the Constitution had been previously formed, and was in being; it was only to be presented to the people to be adopted and confirmed.

Again: there were other strong legislative illustrations, Mr. S. said, (though he scarcely thought this verbal criticism befitted the dignity of that House,) which would go to show this word "establish" was intended to be used by the framers of the Constitution. In the year 1775, Congress appointed a Postmaster, with power to "establish" lines of weekly posts from New England to Georgia. Now, Mr. S. said, it would not, he presumed, be contended that the Postmaster General, during the Revolutionary war, under the power to "establish posts and post lines, or routes," could have exercised or claimed the power of creating and actually making roads, against the will of the States. Then Congress had no more power over the territory or jurisdiction of the States than they had in any country in Europe. It was only meant to give the power of designating and marking out the particular roads or routes to be used as post roads; and such, no doubt, was the meaning of the framers of the Constitution in giving Congress the power to "establish post offices and post roads."

Indeed, Mr. S. said that this was their meaning, was rendered clear to his mind, beyond doubt, by the provision in the Articles of Confederation upon this subject. Under the Confederation, it never was contended, by any, that Congress could have forced their way into the States to make roads and canals. The States were, then, to be coaxed into measures, not coerced. Yet the Articles of Confederation gave to Congress the power of "establishing and regulating post offices, from

one State to another, throughout the United States."

This power was transferred from the Articles of Confederation to the Constitution; and the word "establish," used in both, was to be understood in the same sense. He thought that this was conclusive.

But, Mr. S. said, he would discard all arguments arising from the literal meaning of this word "establish" and would go to a fair and just construction of the Constitution, as it was understood by its framers and the people, in relation to the extent of this power now claimed.

He laid it down as an incontrovertible rule in the construction of all written instruments, that if the meaning be clear, all the consequences, whatever they may be, were to be admitted; but, if the meaning be doubtful, then it was fairly triable by its consequences. Now, it would be conceded, he presumed, by all, that the power claimed was at least a doubtful one, and, if so, that it was fair to examine the consequences to which it would lead, by way of proving that it never was intended to be given. Let us see, said Mr. S., what these consequences are. If this power exists, it is one independent of the State Governments. It may be exercised against the consent of the States and the people. The General Government can force a way through the States—take land; make roads of any dimension; cut timber; put up gates; collect tolls; build houses; appoint keepers; punish for injuries to the roads; impose penal sanctions, &c. The jurisdiction, he said, must be either in the States or the General Government. It cannot be in the States, because, if it was, they might resist and defeat your power. It must then be in the General Government. You get the right of soil, and the right of exclusive jurisdiction. You may extinguish (and indeed must) all State authority, Legislative, Executive, and Judicial. Your jurisdiction becomes national and municipal, and precisely the same as in forts, dockyards, &c.

Now, said Mr. S., I deny that the Government of the United States can exercise jurisdiction over soil, in a national view; but in two cases. 1st. Over the District of Columbia, and such places as they may purchase by the consent of the Legislatures of the State in which the same shall be, for the erection of forts, &c. 2d. By their power of taxation. These are the only two cases under the Constitution in which the General Government can acquire land as a sovereign Power. Mr. S. said, he did not mean to go into the discussion of the question stated the other day by his colleague, (Mr. BARBOUR,) as to the power of this Government to purchase and hold land as an individual; but if this could be done, (and he would now neither admit nor deny it,) it must be held subject to the State jurisdiction. The vendor may pass the right of soil, but the territorial jurisdiction remains with the State. The *lex loci rei sita*, Mr. S. said, was universal, as to the reality. The General Government was as much bound to conform to the municipal laws in relation to title to land, and conveying that title, as

individuals—7 Cranch, 117.] Writers upon public law tell us that one sovereign may hold land, within the territory of another sovereign; but subject to the territorial jurisdiction of the latter—[Vattel.] Now, said Mr. S., if I am right, (and I call upon those who are friendly to this bill to answer and show where I am wrong,) if this Government can only in two cases acquire right of soil and jurisdiction in a national view, what becomes of the power now claimed to make roads and canals, and to exercise Legislative, Executive, and Judicial authority, in their national, sovereign character. Besides, how would you execute this power against the consent of the State governments? You would be compelled to condemn the land and pay for it, or take it by force, and be a judge in your own case, of its value, contrary to every principle of justice and right. If you resort to writs of *ad quod damnum*, the juries in the respective States would fix so high a value, as to defeat the exercise of the power. But, it is said, that all that is claimed, is a right to make and preserve the road, and have a right of way; but, suppose the road is injured, how is the trespass to be punished. The State will not do it, the road is not theirs, and was made contrary to their consent. They cannot punish for a violation of Federal laws. Who is to prosecute and punish? The General Government. And for this purpose you will be forced to send into the States your judicial and ministerial officers, and to plant on these one hundred thousand miles of road, individuals who may set at naught all State law and State policy. Nor can the State governments punish for the higher offences—of murder, or any other crime committed on a road, over which the General Government have exclusive jurisdiction. Such now is the law, as to forts, dockyards, &c., and such, Mr. S. said, must be the case, if the power now claimed can be sustained. There were important reasons why the Constitution so cautiously guarded against exclusive jurisdiction, even as to forts and dockyards. It was to protect the territorial rights of the State governments. Can it be believed, that in such cases it would require the assent of a State to give jurisdiction as to a miserable fort or dockyard, and yet leave them at the mercy of this Government, in relation to this important and sweeping power? Mr. S. said, he thought not. Again, would the authors of the Federalist have viewed this power to establish roads as such a "harmless one," unworthy of discussion, if they had supposed that it conveyed such powers as are now claimed under it. Would the able and enlightened men who opposed this Constitution in the respective State conventions, have permitted it to pass without objection, when other powers, comparatively small, were seized on, and wielded with the most gigantic power, against the adoption of the Constitution. Do you imagine, Mr. Chairman, said Mr. S., that if the whole power of internal improvement was intended to be given to this Government, by this clause, that the acuteness of such men as Patrick Henry and George Mason, would not have detected, and the thunder of their eloquence de-

nounced it? But how was it considered? In no other light than as a harmless and unimportant power. Is it then fair to push the terms of a grant against the plain intention of the parties to it? Is it just? Is it honest? But how was this power viewed in the early stages of our Government? Only as a right to designate, adopt, and mark out, post roads. When the first law passed, after the adoption of the Constitution, what were its provisions? That all the post routes which had been established by the Postmaster, theretofore, should be confirmed. Had he made, erected, or constructed, any roads? Had he the power to do so? No, he had only designated them, and the word *establish* was used in reference to roads which had been *designated* and marked out as post routes. [Here Mr. S. read parts of the old Post Office law.]

Look, said Mr. S. to the pamphlets, essays, and newspapers, of those times; to the arguments and discussions at the time the Constitution was under consideration; to the opinions expressed by its friends and foes; and see if a hint can be found, of such an interpretation as is now attempted to be given. No, sir, (save in the Convention of New York,) I think I may say, with safety, that no such thing can be found, and even there the case was supposed as going to show the evils of construction which might be resorted to under the Constitution.

There was, Mr. S. said, another and high authority against the consequences of this doctrine of the gentleman from Kentucky, (Mr. CLAY,) and that was himself. The power to make roads and canals, gives, he says, incidentally, the power to incorporate companies, to accomplish that end. In other words, the incorporation of companies may be resorted to as a mean of executing the power to make roads and canals. In 1811, the honorable Speaker was a member of the Senate of the United States, and delivered a very able argument against the bill to recharter the United States Bank. Mr. S. said, he would beg leave to read an extract from the speech, which was then before him:

"The power to charter companies, is not specified in the grant, and I contend is of a nature not transferable by implication. It is one of the most exalted attributes of sovereignty. In the exercise of this power, we have seen an East India Company created, which has carried dismay, desolation, and death throughout one of the largest portions of the world. Under the influence of this power, we have seen arise a South Sea Company and a Mississippi Company, that distracted and convulsed all Europe, and menaced a total overthrow of all credit and confidence, and universal bankruptcy. Is it to be imagined that a power so vast would have been left by the wisdom of the Constitution to doubtful inference?" "All corporations enjoy exclusive privileges. That is, the incorporators have privileges which no others possess, and if you create fifty corporations, instead of one, you have only fifty privileged bodies, instead of one. I contend that the States have the exclusive power to regulate contracts, to declare the capacities and incapacities to contract, and to provide as to the extent of responsibility of debtors to their creditors. If Con-

gress have the power to erect an artificial body, and say it shall be endowed with the attributes of an individual, if you bestow on this object of your creation the ability to contract may you not also, in contravention of State rights, confer upon slaves, infants, and femme coverts, the ability to contract?"

Sir, said Mr. S., I claim the benefit of this argument; and if, in 1811, we had no power to grant incorporations, have we such a power at this time? If then, it was unconstitutional, is it not so now? The Constitution cannot shift and change with circumstances and our notions of expediency. What was unconstitutional on yesterday, will be so to-day, to-morrow, and forever, until the Constitution is amended. I confess, sir, I am an infidel to this doctrine of Constitutional expediency. Let us not, said Mr. S., supply, by implication, that which the Convention dared not to express. Let us not, Mr. Chairman, I beg you, ascertain the powers of this Government, by our opinions of necessity and discretion. Let us not act the part of "Cambyses' judges, who, when their approbation was demanded by the Prince, to some illegal measure, said, 'though there was a written law, yet the Persian Kings might follow their own will and pleasure.'" Let it not be said that, with a written Constitution, we have the right to do what we please, and that the Legislative power of this Government is extending, on every occasion, the sphere of its activity, and drawing all powers into its impetuous vortex.

Mr. S. said, that this Government had gone on for forty years in exercising the power under the post office clause beneficially and satisfactorily to the people, and in the way it was intended by the wise men who formed the Constitution. The great objects (which the Speaker has so much at heart) of distributing civil, commercial, literary, and social intelligence, had been accomplished, without the assertion or assumption of the power which was now claimed. And Mr. S. said, that he saw no reason for abandoning a system which had, both in war and peace, been productive of so much benefit to the people and peace between the two Governments.

I will now proceed, said Mr. S., to the arguments urged on yesterday, by my friend from Delaware, (Mr. McLANE,) for whose judgment and opinions I entertain such high respect, that, when I differ with him upon any subject, I am induced to doubt the correctness of my own opinion, and to examine it with more than ordinary care. He had done so in the present case, and the result of his deliberate and best judgment had produced no change.

The gentleman from Delaware considered the power of making internal improvements, as resulting from that clause in the Constitution which gives to Congress authority to regulate commerce with foreign nations, and among the several States.

Mr. S. said that he would attempt to show that this clause gave no such power.

This power to regulate commerce, the gentleman from Delaware contends, gives, not only the authority to cut canals and make roads, but to do

every thing which shall tend to facilitate and advance the commerce of the country; render it effectual, and carry it on. The object of giving this power to the General Government, he argued, was not, as had been supposed, to prevent the imposition of duties, &c., by the State governments, because the Constitution contained a direct prohibition upon the States from laying any imposts or duties on imports and exports. He contended, therefore, that the right of regulating commerce must have been given for the purposes which he supposed, or the power would be dormant and inoperative. This argument, Mr. S. said, was ingenious, but fallacious. It was true that the Constitution did contain the direct prohibition which the gentleman had alluded to, but it did not prove that the main object in giving the power to regulate commerce between the States was not to protect the States from the imposition of duties, &c., by each other.

It would be remarked, Mr. S. said, that the power to regulate commerce was an affirmative grant to the General Government, (among many others,) in the 8th section of the 1st article of the Constitution. This power was not by the express words of the grant exclusive, and therefore the States retain, for some purposes, concurrent power, as to commerce, within their own jurisdictions. To prevent, however, any difficulty as to concurrent powers between the two Governments, on the subject of duties, &c., the prohibition upon the States, as to duties, &c., was, in abundant caution, inserted. This prohibition is found in the 10th section, which contains a general negation of powers as to both Governments.

Mr. S. said, that this was the case with many other powers—take, for instance, that to "coin money," or grant "letters of marque and reprisal." These powers are given to Congress in the 8th section. Yet, the 10th section declares, that "no State shall coin money, or grant letters of marque and reprisal." It was done to show that there was no concurrent power remaining with the States, as to these particular subjects. There was nothing then, Mr. S. said, in the Constitution, which forbids the idea that this power of regulating commerce was mainly intended to prohibit the States from laying duties and fettering the commerce of the Union by improvident restrictions and State regulations. He would endeavor to show to the Committee, before he sat down, that this was the great moving consideration, in giving the power to the General Government to "regulate commerce between the States." In doing this, he said it would be necessary to have recourse to the existing circumstances under which the Constitution was formed, to the evils intended to be guarded against, and the good to be obtained. Before the adoption of the Constitution, Mr. S. said, there was a strong and deep impression of the inconveniences experienced under the Confederation. In relation to our foreign and internal commerce, innumerable obstructions were thrown in the way by the State governments. The want of concert, and clashing and dissimilar views in the States, called loudly for some remedy.

He begged leave to refer the Committee to the first proceedings of the Government, which took place upon this subject of regulating commerce. As early as the year 1778, New Jersey came forward and made a strong representation to Congress, objecting to the 6th and 9th articles of the Confederation, which gave to the States the power of regulating commerce, and urging the reasons and propriety of vesting in Congress the power of regulating the trade of the United States. This proposition was considered and rejected by a vote of two to one. In February, 1781, the subject was renewed, and again the proposition made to invest Congress with the right of regulating commerce, duties, &c., and was again rejected. In the commencement of the year 1783, a committee, consisting of Mr. Madison, Mr. Ellsworth, and Mr. Hamilton, were appointed to prepare an address to the States, pointing out the defects in the Confederation, and urging the propriety of giving to Congress the regular commerce, &c. This was done, and a very able address was presented, and adopted by Congress on the 26th April, 1783, [parts of which Mr. S. read.]

From that period till January, 1785, the subject was repeatedly before Congress, and the State governments, but nothing definite was done. In July, 1785, a committee, consisting of Messrs. Monroe, Spaight, Houston, and King, made a very able report in favor of giving Congress the power of regulating the commerce of the United States, which was considered by Congress, but not adopted, it being deemed most advisable that all propositions for perfecting the articles of Confederation should originate with the States. On the 30th November, 1785, Mr. Madison brought forward in the House of Delegates of Virginia a resolution empowering Congress to regulate trade, &c., with a preamble stating the reasons why it ought to be done, [extracts from which Mr. S. read.] This proposition was adopted; but the vote was afterwards reconsidered, and the report laid on the table. In lieu of these resolutions, one was adopted by Virginia proposing a convention from the different States to consider of measures necessary to enable Congress to regulate trade. New York, New Jersey, Pennsylvania, Delaware, and Virginia, appointed commissioners, and, on the 11th September, 1785, they met at Annapolis, in Maryland. A report upon the subject of remedying the defects of the Confederation was made and adopted. In 1787, Congress recommended a convention to adopt a *Federal Constitution*; and in September, 1787, it was received, and submitted to the States for ratification.

These, Mr. Chairman, said Mr. S., were the proceedings which produced and led to the formation and adoption of the present Constitution of the United States; and I beg gentlemen to examine these various reports, resolutions, and proceedings, and they will be satisfied that the power now claimed to regulate commerce between the States was not intended to go further than to place all the States upon an equality in a free and uninterrupted intercourse. That this was the great and leading object of the immediate framers of the

Constitution, and the understanding of the people, Mr. S. said, he would be able to satisfy the Committee by other high authority. He meant to test the doctrines now advanced by those of the enlightened advocates of the Constitution at the immediate time of its adoption. He alluded particularly to the writings and opinions of Mr. Madison and Mr. Hamilton, to whose abilities the establishment of the Constitution was much attributed. In the first volume of the *Federalist*, Mr. Madison says:

"The defect of power in the existing Confederacy to regulate commerce between the States, has been already pointed out by experience. It may be added, that, without this supplemental provision, the great and essential power of regulating foreign commerce would have been incomplete and ineffectual. A material object of this power was a relief of the States which export and import through other States, from the improper contributions levied on them by the latter. Were these at liberty to regulate the trade between State and State, it must be foreseen that ways would be found out to load the articles of import and export, during the passage through their jurisdiction, with duties which would fall on the makers of the latter and the consumer of the former. We may be assured, by past experience, that such a practice would be introduced by future contrivances; and both by that, and a common knowledge of human affairs, that it would nourish unceasing animosities, and not improbably terminate in serious interruptions of the public peace."

Mr. Hamilton, in the same volume, in pointing out the advantages and objects of this power, is equally strong:

"The interfering and unneighborly regulations of some States, contrary to the true spirit of the Union, have, in different instances, given just cause of umbrage and complaint to others; and it is to be feared that the examples of this nature, if not restrained by a national control, would be multiplied and extended till they became not less serious sources of animosity and discord, than injurious impediments to the intercourse between different parts of the Confederacy. The commerce of the German Empire is in continual trammels from the multiplicity of the duties which the several Princes and States exact upon the merchandises passing through their territories, by which the fine streams and navigable rivers, with which Germany is so happily watered, are rendered almost useless. Though the genius of the people of America might never permit this description to be strictly applicable to them, yet we may reasonably expect, from the gradual conflicts of State regulations, that the citizens of each would at length come to be considered and treated by the others in no better light than that of foreigners and aliens."

In the Convention of Virginia, when this clause to "regulate commerce between the States" was under consideration, Mr. Madison said:

"All agree that the General Government ought to have power for the regulation of commerce. It will be a principal object to guard against smuggling, and such other attacks on the revenue as other nations are subject to. We are now obliged not only to defend against those lawless attempts, but, from the interfering regulations of different States, with little suc-

cess. There are regulations in different States which are unfavorable to the inhabitants of other States, and which militate against the revenue. New York levies money from New Jersey by her imposts. In New Jersey, instead of co-operating with New York, the Legislature favors violations on her regulations. This will not be the case when uniform regulations will be made."

Grayson (who was second only to Patrick Henry, in the bold stand made in Virginia against the Constitution, from fear and jealousy of the powers of the General Government, and especially those derivable by implication) said, "that he was willing to give the General Government the 'regulation of trade, as it would be serviceable in 'regulating the trade among the States.'" This is all that was said in the Convention of Virginia upon the subject of regulating commerce between the States.

Again, Mr. Stevenson said, the Articles of Confederation contained this term "regulate" in relation to other things. Congress had the power of "regulating" the value of coin struck by the respective State governments. The sense in which it was used here was obvious and limited. A similarity in the use of the same phrase in the two charters might, therefore, justly be considered as rendering the meaning less liable to be misconstrued in the latter instrument. If the meaning of this word "regulate," therefore, was used in a limited and restricted sense in the instrument revised and remodelled, it cannot be supposed that, when it is copied into the present Constitution, a different and more enlarged meaning ought to be attached to it. [Here, Mr. S. referred to the report in the Virginia Legislature, of 1798 and 1799, as to the rule of construction.]

Now, Mr. Chairman, said Mr. S., I appeal to every candid and unprejudiced mind, and ask, whether the motives and objects in giving this power to regulate commerce between the States were not those pointed out in the extracts and speeches which I have referred to?

If it was intended, as my friend from Delaware supposes, to give the power (under the term *regulate* commerce) to "facilitate," "carry on," "cut canals, make roads, &c., (besides the other powers of jurisdiction, &c., which I have pointed out in the first point of my argument on the subject of roads,) would not some of the friends of the Constitution have urged them in vindication of the power, or its foes have seized on them for the purpose of objection and denunciation? Let any candid man, Mr. S. said, read the proceedings to which I have referred, and the debates in the State conventions, compare the character of the power now claimed, with others which were seized on, as strong grounds of objection, and say whether, if it had then been known or suspected that such a power was given or intended to be granted, the Constitution would have been adopted. Mr. S. said, in his own State, the Constitution was carried by a majority of only ten votes. If the rules of interpretation and construction of the present day had then existed, it would not have received, he believed, ten votes in its favor.

Surely, then, such a contemporaneous exposition of the meaning and objects of the Constitution ought not to be disregarded.

Mr. S. said that this word "regulate" was pushed, by his friend from Delaware, beyond its fair and legitimate meaning. He did not mean to quibble about words, but its meaning ought to be limited. He would illustrate by a familiar case: The Speaker of this House has power to "regulate this Hall." What is the meaning of this rule? That he shall have it kept open for ingress and regress of the members—and made comfortable for the purposes of legislation. But, can he pull down the columns, or change the shape or construction of the room without our consent? It would not be pretended. So, in the case of regulating commerce. This Government may be considered as the friendly third power to decide between the States—not to participate herself, but with the power to regulate the manner in which it shall be carried on. She stands as the umpire, to secure a free interchange upon principles of equality between the States of the South and the North, the East and the West; to insure to each an uninterrupted and unfettered intercourse; to protect each State from fraudulent and unequal prohibitions, whilst carrying on trade through the jurisdictions of one another; to prevent smuggling; regulate the conduct of seamen; establish ports; fix on places of lading and unloading, as might be most convenient for the merchant, on the one hand, and for the effectual collection of the revenue on the other. All these objects, and many others of like character, fall within the power of "regulating commerce." Again: If we have the power, under this word "regulate," to do every thing which shall facilitate commerce—if we cannot only regulate, but "carry it on," why may not the Government build ships at the expense of the nation, for the purpose of transporting commodities to and from one port to another, especially where small ports may be too poor to build vessels to transport their products? Why may we not legislate upon the subjects of bills of exchange and promissory notes? Wholesome laws and regulations, in relation to these objects, might facilitate and aid commerce and trade between the States. Why not, too, incorporate agricultural, manufacturing, and commercial companies? These may be subservient and useful in relation to our commerce, and would tend to facilitate and foster it. But, would such powers be tolerated in this Government, or even claimed by the warmest advocates of this bill? Against this power of the General Government to make internal improvements by means of roads and canals, under any part of the Constitution, Mr. S. said, he would bring the sanction of a high name in the annals of our political history—the authority of a man whose principles had been as uniformly steadfast as a republican, and whose virtues were as pure as his genius was splendid—a man who had justly been considered as the "Apostle of Liberty." It was unnecessary to say that he alluded to Thomas Jefferson. In his Message to Congress in 1806, he denies, in terms, the power in this Government

to execute a system of internal improvement by roads and canals, and recommends an amendment of the Constitution in this respect.

[Here Mr. S. read extracts from the Message.]

I deny, then, said Mr. S., any power in this Government, under the clause to "regulate commerce among the States," to make roads and canals in any part of this Union.

Mr. S. said he had intended to have gone at large into an examination of a third source from which this power, he knew, was claimed by some of the friends of the bill, (though not by the Speaker and the gentleman from Delaware,) and that was, the "power of unlimited appropriation of money." But he was sensible that he was trespassing too long upon the attention of the Committee, (who had so kindly attended to him throughout the discussion,) and he would, therefore, content himself with a few general remarks.

This doctrine of unlimited appropriation by this Government, of the money of the nation, was first asserted by Mr. Hamilton, whilst Secretary of the Treasury, in the year 1791. In his report of the 5th of December, 1791, he maintained that it belonged to the discretion of the National Legislature to "pronounce upon the objects which concern the general welfare, and to appropriate the money of the Union to whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce."

If, said Mr. S., you have this power of the purse unlimited, you destroy the effect of any particular enumeration of powers in the Constitution. The effect is precisely the same as if the Constitution authorized every measure. There was not a power which might not have some reference to the common defence and general welfare, nor one of any magnitude, which, in its exercise, did not embrace an appropriation of money. Any government, therefore, which possessed either the power of legislating for the public welfare, or the right of appropriating, at pleasure, the public money, was, in effect, absolute and unlimited.

Sir, said Mr. S., in our general system of political economy, having for its object the national welfare, every thing is related, immediately or remotely, to every other thing, and, consequently, a power over any one thing, if not limited by some obvious and precise affinity, may amount to a power over every other thing—ends and means may be made to change their character, at the will of legislative ingenuity, and what was intended as an *end*, in one case, may become *means* in another.

We know, from experience, how easily this can be done. The British Parliament found no difficulty, when collecting a revenue from the commerce of America, in calling it a tax for the regulation of commerce, or a regulation of trade, with an eye to tax.

It is conceded that this Government may tax without limit; but then comes the enumeration of the cases to which its powers shall extend. You may apply the money to the common defence and general welfare, but it must be in ap-

plication to some particular measure, pointed out and authorized by the Constitution. Sir, the question ought to be, when money is about to be applied to any specific measure, is it in the enumerated powers of the Constitution? or is it fairly incident to any of those enumerated? If so, it is right; if not, it is wrong. Therefore, the Constitution wisely provides that no money shall be drawn from the Treasury, but by appropriations of law. It is immaterial, Mr. S. said, whether unlimited powers be exercised under the name of unlimited powers, or under that of unlimited means, in carrying a limited power into execution. A government may be limited in its sovereignty, with respect to its means, as well as to its objects of power, and to give an extent to means, is to make it unlimited. And here, Mr. S. said, he would take occasion, before he concluded, to offer one or two remarks upon the subject of "implied or incidental powers," on which so much had been said. He did not deny, nor did his colleague, (Mr. BARBOUR,) as some gentlemen had supposed, that this Government did possess some powers of this character. Indeed, without them, he was willing to admit the Government could not get along. But they must be "fairly incident" to some enumerated power, given by the Constitution. It was a clear principle, Mr. S. said, of universal law, of the law of nature, nations, of the common law, and of reason, that the general grant of power carries with it the means which are necessary to the fair execution of the power. But it must be those means, and those only, which are necessary.

Vattel says: "Since a nation is obliged to preserve itself, it has a right to every thing necessary for its preservation; for the law of nature gives us a right to every thing, without which we could not fulfil an obligation; otherwise it would oblige us to do impossibilities, or rather contradict itself in prescribing a duty, and prohibiting, at the same time, the only means of fulfilling it." So, too, he tells us, that "if a man grant to one his house, and to another his garden, the only entry into which is through the house, the right of going through the house passes as an incident; for it would be absurd to give a garden to a man, into which he could not enter." Again, Vattel says: "The grant of a passage for troops includes every thing connected with the passage, and, without which, it would not be practicable, as exercising military discipline, buying provisions," &c.

There was, Mr. S. said, in these examples, an entire coincidence with the principles of the common law. In all, the incidental power is limited to what is necessary, and not to unlimited discretion and will.

The common law tells us "that, when one grants a thing, he grants also that without which the grant cannot have effect."—[Knivet's case, in Coke.] So (according to Blackstone) a right of way arises on the same principle of necessity, by force of law; as if a man grants me a piece of land in the middle of his field, he tacitly and implicitly gives me a right to come at it. And Coke

says that when the law giveth any thing to any one, it implicitly giveth whatever is necessary for taking or enjoying the same—it giveth "what is necessary." It was also a principle of the common law, that the incident is to be taken, according to "a reasonable and easy sense," and not strained to comprehend things remote, "unlikely or unusual."

Now, said Mr. S., I contend that these instances are conclusive, to show a restricted construction of the incidental powers of the Constitution. They show what is necessary is only granted. They exclude the things that are only remotely necessary, or which may tend to the fulfilment of the grant. The rules and doctrines of the common law, Mr. S. said, ought to govern, in expounding the Constitution of the United States. We must, necessarily, resort to the common law, in expounding the Constitution. Many of its powers were given in terms only known to the common law, and its authority has been universally admitted, to a certain extent, in expounding and construing the Constitution. [Here Mr. S. referred to the report and resolutions of Virginia, in '98 and '99, and the essays by Hampden.] The Federalist, too, (in page 266 of 1st volume,) says, "that all powers indispensably necessary are given by the Constitution, though they be not expressly granted."

"Incidental powers are defined to be powers appertaining to, or following others as more worthy or principal"—Coke, Litt., 151—means falling in along the main design.

Can this Government, then, said Mr. S., claim as "incidental," means which are of an indefinite or paramount character? Can the Government convert and change terms as it pleases, and, under the cloak of incidental powers, make the Constitution a nose of wax, and compress or enlarge it as occasion or necessity may seem to require? Mr. S. said he hoped not. It had been said that men govern the world, and money men. Give any government the sword and the purse, and they want nothing else. Give to this Government the power to adopt and execute a great national scheme of internal improvement, and the unlimited right to appropriate money, and it would be worse than folly to suppose that any limit can be imposed on it but by legislative discretion and pleasure. In every point of view in which he had been able to consider the subject, Mr. S. said, his mind had brought him to the conclusion that Congress had no power to pass this bill, and that it ought to be rejected.

One word more, Mr. S. said, before he sat down. The friends of this bill were right in saying that it was an important measure. The precedent now to be set would hereafter be relied on by those who shall come after us. Those who succeed us will venture a little farther. One step will strengthen another. That which is now supported by example, growing old, will become an example itself. Heretofore, the warfare on the part of the National Legislature, against the rights of the States and people, had been carried on, Mr. S. said, by detachment; but now that policy was thought to

work too slowly, and was, therefore, to be abandoned. We are now called on to lend our high sanction to a latitude in expounding the Constitution, which is calculated to break down all the landmarks intended by a limitation of its powers, and to substitute, for a definite connexion between means and ends, a legislative discretion, to which no practicable limit could be assigned. We are now to sweep down, at one blow, the independence and power of the State governments, in order to make this a great and splendid Government.

Sir, said Mr. S., these must be the consequences to which the doctrines of this day lead. The genius and eloquence of my friend from Delaware, and the honorable Speaker, may shed a lustre over this subject; but strip it, and all will be found to be gloomy and hopeless mischief. I call upon the Committee to pause, before they sanction this bill, and to weigh well its consequences. I do this in the name of our common country. I do it in behalf of those State Governments to which the people are so much and so deservedly attached, and which are the safeguards and ornaments of our Constitution. Sir, they stand now upon a little spot, surrounded by inundations; and as the waters are rising on every side, and undermining their foundation, let us realize the wise purposes for which this Government was formed, and become the dyke to fence out the flood.

When Mr. S. had concluded—

Mr. STORRS, of New York, said, that it might be, and probably was, true, as had been stated by the gentleman from Virginia who had just resumed his seat, (Mr. STEVENSON,) that the measure now proposed originated in local interests. It was perfectly natural that it should be so. Many great public measures of every Government may be traced to the same origin. As a Representative, however, of the State of New York, Mr. S. said, that, for one, if he had formed any just notions of her true policy, he should hardly be suspected of having brought into this debate any very great prejudice in favor of the measure. That great State has conceived, and from her own unexhausted and scarcely diminished resources, executed, for herself, those great works of internal improvement, which will elevate her to the high rank in the Union to which she has been destined by nature. She has ceased to ask extrinsic aid. If he now regarded only her separate interests or ability, the time has passed by when this measure should receive his support as a question of expediency. It was due, however, from New York, to her own character, that, on a great national measure, essential to the prosperity of the Union, no contracted views of sectional interest should govern the discharge of her duty to the nation. If he thought that any well-founded doubt of the power of Congress over this subject existed, he would have been more inclined to submit to the States, in the form of an amendment, the Constitutional question which it was supposed by some gentlemen to involve. He was now convinced, by many circumstances, and especially by the course of this discussion, that such a proposition would only tend to weaken and paralyze, if not completely to di-

vest the Government of powers which he thought it already fairly possessed. Gentlemen had candidly avowed, that if they believed we had the power, they should oppose its exercise, as impolitic and inexpedient. It was evident that the conflicting interests and local jealousies of the country, would now defeat even a declaratory amendment, and he was satisfied, after what had passed, that it was now essential to the very preservation of the power, that Congress should act on the subject.

Mr. S. said that he did not agree with the gentleman from Virginia, who spoke yesterday, (Mr. ARCHER,) that any great danger was to be apprehended from the assumption of unauthorized powers by Congress. The tendency of the Government was not in that direction. The responsibility of this House directly to the people, and the frequency of elections, was an effectual security against any lasting or successful usurpations of power. He listened to this caution with less uneasiness when he considered that his colleague, (Mr. WOOD,) and the gentleman from Virginia, both of whom had alluded to it, represented the larger States. He rather believed that more danger might hereafter be found in an opposite influence—the jealousy of the large States—the great masses of political power which most sensibly felt the check which Congress held over their influence. It is the disposition, said Mr. S., of human nature, to submit with impatience to control, and the same uneasiness of restraint is felt in all political bodies. The small States are naturally jealous of the larger, and the large States feel the restrictions which the Constitution has imposed on their powers. I am more inclined to think, that experience has already shown, that the General Government will oftener feel the necessity of protecting itself against the large States by a rigid maintenance of its established powers. The Confederacy will not be rent assunder by any explosion here. It will rather break by the weight of its own members.

The idea that Congress possesses the power of executing a system of national improvement, is not so modern as has been supposed. The Committee has been asked why, if it had been originally proposed by the framers of the Constitution that we should have this power, has not the notion been asserted, or alluded to, in all the reports of the debates, or the newspaper discussions of those days? He could state to the Committee, that, in the Convention of New York, it was proposed, by an eminent Constitutional lawyer, to limit the exercise of such a power under one clause in the Constitution. Mr. S. read from the Debates on the Federal Constitution, in the New York Convention, the following extract:

"To the clause respecting the establishment of post offices, &c., Mr. Jones moved the following amendment: *Resolved*, As the opinion of this committee, that the power of Congress to establish post offices and post roads, is not to be construed to extend to the laying out, making, altering, or repairing, highways in any State, without the consent of the Legislature of such State."

It does not appear whether the Convention

had afterwards acted on this proposition; but the intention of the mover was clearly to abridge the power, and give to the States a check upon its exercise. The proposition obviously affirmed its existence in the proposed Government.

He could not promise the Committee any new views of the Constitution, but should confine his remarks, at so late an hour of the day, chiefly to a general view of the principles on which the Government was founded, and by which its powers were to be tested. It had been, in his opinion, altogether erroneous to construe the powers granted in a strict or narrow sense. No sound or safe rule of political interpretation required it. They should be largely, liberally, and beneficially, construed, in furtherance of the great national ends for which the Government was instituted. A contrary rule implied that a reasonable confidence was not to be placed in Congress. When I consider, said Mr. S., how much is expected of us, I should feel much embarrassed if I thought that we were placed here under a responsibility disproportioned to our powers. There is nothing in the nature of our political relation here, which should lead us to distrust ourselves, or induce the nation to fear that we shall transcend our just powers. We are all equally sensible of the great interest we have in preserving entire the powers of the State governments, and the force of their influence is deeply felt here. The time may come—perhaps it has been—when power may be abused here as it has been by other men: but the possibility of its abuse is no argument against its existence.

It has been said that the General Government has been vested with but few municipal powers, and from this idea, it seems to have been considered by many as a Government created for national purposes, in contradistinction to the municipal character of the States. There is no contrast of signification in these terms. It is, in truth, both. It was, indeed, created for great national purposes, but though, in some respects, federative in its structure, is strictly municipal in its whole character and operation. It is precisely in this respect that it is to be distinguished from the old confederation, which was a mere league between independent sovereignties—a general council of the States, and could not properly be called a government at all. The object of the Convention was to abolish altogether the political basis on which it was founded, and to substitute in its place a government operating directly on its citizens. There is no other apt definition of a municipal government, for the term may be most pertinently used in distinction to an alliance. The chief object of the change was not, in his opinion, as his colleague (Mr. WOOD) seemed to suppose, to vest in the new government the power of raising revenue. In that particular, indeed, the defect of the old system, in its organization and mode of operation, had been fatally felt, and this defect was a striking illustration of its total inadequacy to any national purposes. It may have been, in fact it was, one of the principal causes of revising and changing the system, but not the

chief end that was expected to be attained. The plan of the new government was intended to subvert the whole system, and convert the confederacy into a national government. If this principle is distinctly and steadily kept in view, we may relieve ourselves of many fancied difficulties which otherwise press upon us in seeking for the just rule of ascertaining the extent and character of its implied powers. It is to be treated as a national government—territorial—as having a national judiciary and magistracy, enforcing obedience and extending protection directly to its subjects, creating for its citizens a common country and common political obligations, and as possessing, like all other governments, the means of effecting the ends of its existence. The alarm of usurpation had been often sounded. We have been warned against encroachments on the State governments or the people. It has been said that we claim the purse and sword. It was intended that we should have them. It had been observed in the Federalist, with peculiar truth and applicability, that the old confederation "had neither troops, treasury, or government." The States had raised armies, the States levied money, and the States enforced obedience. These are the very powers which were designed to be transferred to us. Without these, this Government would perish from its own weakness. The power of executing the proposed scheme of national improvement, as the plan contained in the bill now before us has been termed, has been also considered as calculated to excite alarm, as leading to a violation of private right and State jurisdiction. There were many confessed powers which are calculated to give a much clearer conception of the extent of its incidental powers than this, and to excite much more alarm, if the fears of gentlemen were well founded. We are citizens of a national Government. As this Government is municipal, obedience is due, and in the duty of obedience allegiance existed, and from allegiance treason is implied. The Constitution has not created this crime in any expressed terms. It has recognised it as accessory to the sovereignty, and limited its definition and extent to particular specified acts. But it is through successive implications that the Government has acquired the power over life and death in case of treason, and yet no doubts have ever been started on this point. But it is not in the punishment of treason only that such a high power and authority is exercised. Throughout the whole system of national criminal jurisprudence—in robbery of the mail, perjury, the slave trade acts, and the laws for the preservation of neutrality, numberless instances might be given to illustrate the exercise of a like power, founded in implication purely. It is legitimate because, for the purposes of the Constitution, the life and personal liberty of its citizens are placed in subjection to the powers of the national Government, and because, in its operation, it has all the municipal characteristics of the State governments. The powers are as properly inherent, if such a term may be thus used, as the powers of the State governments. Both were created by the people.

They had collectively vested certain portions of sovereignty in the national Government, and certain other powers in the States. Those of the national Government were enumerated, but it is not less municipal for that reason. The same argument would prove that the State governments were not municipal. Neither of them possesses the totality of sovereignty. Our powers are limited expressly, and the State governments are limited by the Constitution of the United States, and many of them by their own constitutions. As both governments are in their nature alike, the same rule of construction as to implied or incidental powers is to be applied to the powers clearly vested in either of them.

There is, said Mr. S., one clause in the Constitution, which had much puzzled all those who attempted to lay down the indefinable line between the General and State Governments. He referred to that which declared that Congress had power to make all laws necessary and proper for carrying into execution the powers granted by the Constitution. There was no grant of power contained in this provision, nor was that its purport or intention. It was little else than mere supererogation. Had it been omitted altogether, the right of making such laws must have been perfect in the Government, or its powers could never have been executed at all. The grant of any political power whatever necessarily includes within itself the right of using the means of accomplishing the end and object of the power. It may have been inserted from abundant caution. It is well known that much difference of opinion existed in the Convention, how far, and over what objects the powers of the proposed National Government should be extended. A deep felt jealousy of State rights existed in that body. It is very reasonable to suppose that the subject of constructive or implied powers, incident to the new Government was agitated. The framers of the Constitution, who designed to give efficacy, strength, and stability to it, may have been forewarned by the course of discussion, and perhaps imagined, that at some future day, a new sect might spring up in the nation, whose doctrines might so narrow the means of the Government as to paralyze its operations, circumscribe its powers, and leave it to the mercy of the State governments. Much of the argument which has perplexed this subject has been founded in the construction of this clause, which was, in truth, merely declaratory of the general implied powers indispensable to all government and public bodies, and incidental to their very existence. I admit, said Mr. S. that it is not easy, perhaps it is impossible, to draw the line which separates the powers of the Governments. It is difficult to do this, because the nature of all government is moral, and not mathematical. The subject does not admit of being successfully or very intelligibly treated by general propositions, which are to solve all given problems. It leads directly to confusion of their powers, and involves it in a species of political metaphysics, which misleads and bewilders us. It is impossible to enumerate or define all the means which were intended to be placed in the

hands of this Government, under all future exigencies, arising out of the extension of the country, its multiplied relations, and the future growth and expansion of its interests. The public library would not contain the volumes which should define these means. No human foresight could judge of them. It was submitted to the wisdom and discretion of Congress to appropriate them to its aid, as future circumstances and the national prosperity required. These, said Mr. S. are the views of the nature of this Government, which he had been taught from early life, and which all his reflection and limited experience had confirmed. They were not peculiar to him, and contained nothing new—but he had deemed it necessary to consider them more largely than he otherwise should, had not the debate, in some instances, been led away from what were, in his opinion, the first principles of the Government. Considering this Government, then, as municipal, and having the power of adapting its means to the ends of its institution, it might be useful to trace the legitimate exercise of its powers, that its capacities may be more fully developed and understood. It has the power to coin money. Under this faculty, it may purchase (he believed it had done so at Philadelphia) a site for the establishment of a mint. It might, undoubtedly, rent a house for that purpose, and if its capacity to take a leasehold interest was admitted, it might take the freehold or fee of the land. By the power of creating a national judiciary, it might, in the fair exercise of it, purchase and hold sites for courthouses. In the administration of criminal jurisprudence, it may erect penitentiaries—for the collection of revenue, it has become the proprietor of custom-house establishments, which have been erected by the Government. These have all been practical constructions, under these powers, ever since the organization of the Government, and under all Administrations. They had never been denied, and it is too late to question them. It is not useful to inquire or necessary to determine whether the jurisdiction of the United States, over such places, was exclusive for all purposes, so as to exempt them from all municipal jurisdiction of the States, nor did he consider that it proved any thing, if settled either way. He stated these cases as illustrations of the well established and undeniable power of the Government, in its choice of means for the promotion of the great ends of the Government. If we could, constitutionally, purchase sites for all these objects, it must be very difficult to demonstrate, by any sound argument, that we could not purchase a site and erect a post office, or, in other words, establish a post office. And yet the arguments which have been founded on the fanciful definitions of this word "establish," to refute our power of constructing post roads, would equally prove that we cannot erect post offices, as we may courthouses or penitentiaries, and as we have done custom-houses. The power of establishing post offices and post roads is a general grant of power over the transportation of the mail, and includes all the means which are adapted to that end, and all power necessary to effect it.

It is fair and proper in investigating the means

of the Government to look to the preamble of the Constitution, not as containing any grant of powers, but as indicating the great ends to be promoted and secured by its creation. It was intended that the exercise of its powers should be efficacious for those ends, and construed in reference to them—to be made subservient in their exercise to the "perfection of the Union," and the "promotion of the general welfare and defence." Certain subjects have for these objects been placed under the sovereignty of Congress. The regulation of foreign commerce, and commerce among the States, is one of these. In the execution of this power, we are bound to look to the promotion of the security, prosperity, and extension of commerce. It is confided to us for that purpose, because this Government is best adapted to promote that great national interest. It is a power, for that end, over the navigable waters of the United States. Thus, in the Chesapeake or Amboy bay, the Hudson or Delaware rivers, we have this power, in preference to the States adjoining these waters. There is no residuum left of a political nature in those States. My colleague (Mr. Wood) considered that the sole powers of Congress over commerce is to lay duties and collect them, and that the whole power was exhausted on the tariff and revenue laws; that the authority to build lighthouses belonged to the collection of revenue, and not to the power of regulating commerce. If this were all so, then the power to regulate commerce is not, in fact, a distinct power, and its enumeration as a specific, primary power, was nugatory and senseless. It might have been altogether omitted, and was already included in the power previously expressed and granted, and was mere tautology. He differed altogether from such a construction of this or any other clause. The Constitution was designed to vest the sovereignty over this subject in Congress as a municipal government. The language of all these grants of power imported that sense, and no other. Thus, Congress has power to regulate the value of coin; to regulate commerce; to make rules for the government of the land and naval forces. All these phrases import that the subject-matters of these grants was to be under the sovereignty of Congress, for the national objects of the Government. Congress have, in the exercise of its power over foreign and domestic commerce, treated them in that sense, and executed them for those ends. In what construction but this was the embargo—the non-intercourse system—all your prohibitory laws, and especially the late navigation acts, founded? Do gentlemen imagine that the nature of these can be tortured into custom-house regulations? The Old Congress never understood that, when it was proposed to give a like power over commerce to that body, it was to be treated as a revenue power merely. The present Executive, in his report on that proposition, on the 15th of February, 1785, considered it, with great justice, as to be exercised for great national purposes. After detailing the evils and inconveniences of the distribution of this power among the States, the report adds:

"But, if they act as a nation, the prospect is more

favorable to them. The particular interest of every State will then be brought forward, and receive a Federal support. Happily for them, no measures can be taken to promote the interests of either, which will not equally promote that of the whole. If their commerce is laid under injurious restrictions in foreign parts, by going hand in hand in confidence together, by wise and equitable regulations, they will more easily sustain the inconveniences, or remedy the evil. If they wish to cement the Union by the strongest ties of interest and affection; if they wish to promote its strength and grandeur, founded upon that of each individual State, every consideration of local, as well as of Federal policy, urges them to adopt the recommendation," &c.

These are enlightened views of the system, and a just commentary on the power in question.

The erection of lighthouses, beacons, and buoys, may indirectly promote the security of revenue, but it never appertained strictly to its mere collection. All these exertions of power have been founded on the duty of Government to protect, foster, and promote the prosperity and security of the national interests, which have been confided to the sovereignty of Congress, and made subordinate to its legislative power and supremacy. In the exercise of this power of regulating commerce, the Government exerts a supervisory power over the conduct of its citizens, prescribes the places where, the time when, and how, their commerce shall be carried on, in what articles they may trade, and when all trade shall cease. The erection of the sea-wall on the Eastern coast, or a break-water at the mouth of the Delaware, recommended by the Executive, is only legitimately done under this construction of our powers. What has been done for this great end of the Government on the margin of the ocean, may, by the same rule of interpretation, be done on the land. Our power is not bounded by the sea-shore. Having the jurisdiction over the waters of the Union, and the sovereignty over trade, for the promotion of the national commercial prosperity, we may as constitutionally appropriate the public funds in improving the natural means and resources of the country for this great and beneficent end. No one would contend that such a system of improvement was exclusively in the power of Congress, nor does it interfere at all with the power or jurisdiction of the States. Though the power of regulating commerce should be admitted to be exclusively in Congress, yet the means of the General and State Governments might be concurrently used for the different ends of their creation. The punishment of forgery, and counterfeiting the public securities, or coin, or robbery of the mail, are concurrently exercised over the same acts and person. He would not say that the States also may not erect lighthouses, beacons, and buoys. There is a vast class of like powers which are intermediate and common to both sovereignties. Mr. S. said, that he should not engage in any minute philological discussion of the words used by those who framed the Constitution in its various grants of power. They were to be understood in a general political sense, and not to be hunted for

in dictionaries. Much had been said of the word *establish*, as used in the clause relating to post offices and post roads. Another clause authorized Congress to establish a Supreme Court; another, to constitute tribunals inferior to the Supreme Court. He understood all these in the same sense. The gentleman from Virginia (Mr. STEVENSON) seemed to suppose that the construction which had been given to the word *establish* by those who denied our power on this subject, received much aid from its use in the clause which declared that the ratification of nine States should be sufficient for the "establishment" of the Constitution, and asked us if this ratification did not succeed its actual creation? and if the word *establishment* would here bear the sense which the friends of this power maintain? Mr. S. said, that it did bear that sense, and no other. The paper or parchment may have existed, but the political creation of the Constitution was only complete when such a ratification was perfected. The words, and sentences, and paragraphs, had been framed, but the soul and vitality had not been infused into it. It had no more life and existence than the bare letters of the alphabet. Much has also been said of the word "regulate," as used in the Constitution. In relation to commerce, which includes a great complexity of interests and relations, the word was, for this reason, subject to much criticism. But to apply it to a subject of more simplicity—suppose, said Mr. S., that the Constitution had conferred on Congress a power to regulate the coin. Had it been necessary, for the sake of uniformity in value, or a common standard, that Congress should have established a Mint and actually coined money, to effect this end, would it hardly admit of denial, that they might have attained that object by such means?

Mr. S. said, that he should not detain the Committee by any argument to prove the power of Congress to construct such roads or canals as were necessary to the defence of the country. He could add nothing, in his opinion, more conclusive than what had been already stated by other gentlemen. The gentleman from Virginia, (Mr. ARCHER,) admits that we have such a power for that end; but, that his measure is, or may be, unconstitutional, because we have not that end in view. Though I cannot consent that the constitutionality of any measure is to be tried by this rule, or brought to any test but its actual provisions, yet it is not admitted, that, if the bill is Constitutional on its face, any collateral advantages may not fairly be taken into consideration. There were many acts of Congress, confessedly Constitutional, which, if judged by a rule so severe, must be condemned. The power to raise revenue by imposts, admits of no debate; and yet the preamble of the first act ever passed under this power of Congress, recites, as one of its chief objects, the protection and encouragement of manufactures. Under the power of making war, and the duty of providing for the public defence, Congress have for years exercised all the powers contained in the bill before us. At Harper's Ferry, they have purchased land; erected buildings for the manufacture of

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arms; constructed canals for hydraulic works; and done every act which a State might do, for all such purposes; and it would be extraordinary, indeed, if, while the States might construct roads or canals for their separate defence, the same power should be denied to Congress which is expressly charged with the war-making power, and the defence of all the States. If all which we have done at Harper's Ferry, has been done constitutionally, (and it has never yet been debated or questioned,) he hoped that gentlemen would specify and define the point where the operations of the Government must be constitutionally arrested. If we may, by these means, provide the ingredients of defence, can we not, by the same means, facilitate the movements of an army? Or have we merely power to mould the atoms, but not the mass: to perfect the parts, but not the whole? By this course of argument, we are forbidden to reach the end directly, but must approach it circuitously, through some narrow, tortuous path. We may give an incipient motion to the particles of this great system, but leave its operation to accident or fatalism.

He would detain the Committee no longer. It would be an ungracious tax on their time and patience, at so late a period of the debate, to enter into a minute examination of the subject. He had risen only to express his general views of the question, and, being well satisfied that the power was vested in Congress, should support the measure.

The Committee then rose, and the House adjourned.

FRIDAY, January 30.

Mr. WEBSTER, from the Committee on the Judiciary, who were instructed "to inquire into the expediency of repealing the 25th section of the act to establish the Judicial Courts of the United States, or so to modify the same, that the writ of error, therein provided for, may be awarded to either party, and without reference to the manner in which the question shall have been decided," reported, that it is not expedient to repeal the said section, nor to modify it in the manner proposed; which report was ordered to lie on the table.

Mr. WEBSTER, from the same committee, to which the subject was referred, reported a bill to alter the times of holding the Circuit Court of the United States for the district of South Carolina; which bill was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of Joseph Smith, of Alexandria, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, from the same committee, also made a report on the petition of Stephen Brace, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the whole House to-morrow.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, reported a bill making appropriations for certain fortifications of the Uni-

ted States, for the year 1824; which was read twice, and committed to a Committee of the whole House to which is committed the bill making appropriations for the Navy of the United States, for the year 1824.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, made a report on the petition of Malachi Burns, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

The resolution from the Senate, proposing an amendment to the Constitution of the United States, as it respects the election of President of the United States, was read twice, and committed to the Committee of the whole House on the state of the Union.

Bills from the Senate, of the following titles:

1st. An act confirming the claims of the heirs of Nicholas Baudin, and the heirs of Joseph Chastang, to certain tracts of land;

2d. An act for the relief of the president, directors, and company, of the Merchants' Bank in Newport, Rhode Island;

3d. An act for the relief of Hanson Kelly, were respectively read, and referred—the 1st to the Committee on Private Land Claims; 2d to the Committee of Ways and Means; and the 3d to the Committee of Claims.

Mr. TRACY laid the following resolution on the table for consideration on to-morrow:

Resolved, That the Secretary of the Treasury be directed to inform this House what purchases of estate, of any description, by virtue of sales on execution, have been made, on behalf of the United States; also, what estate has been acquired, in any manner, by arrangements with, or assignments from, debtors to the United States, what sums have been paid or allowed on account of said purchases and acquisitions, severally, what charges have accrued, and what income has been derived therefrom; who are the several agents, who now have, or who heretofore have had, the care of said estate, and what compensation has been allowed to them, respectively, for their services.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: An act for the relief of Hanson Kelly; an act for the relief of the President, Directors, and Company, of the Merchants' Bank in Newport, Rhode Island; and an act for confirming the claims of the heirs of Nicholas Baudin, and the heirs of Joseph Chastang, to certain tracts of land. The Senate have also passed a joint resolution, proposing an amendment to the Constitution of the United States, as it respects the election of President of the United States, in which three last-mentioned bills and resolution, they ask the concurrence of this House.

NAVY PEACE ESTABLISHMENT.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 15th of December last, requesting the President of the United States "to communicate a plan for a Peace Establishment of the Navy of

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the United States," I herewith transmit a report from the Secretary of the Navy, which contains the plan required.

In presenting this plan to the consideration of Congress, I avail myself of the occasion to make some remarks on it, which the importance of the subject requires, and experience justifies.

If a system of universal and permanent peace could be established; or, if, in war, the belligerent parties would respect the rights of neutral Powers, we should have no occasion for a navy or an army. The expense and dangers of such establishments might be avoided. The history of all ages proves that this cannot be presumed; on the contrary, that at least one half of every century, in ancient as well as modern times, has been consumed in wars, and often of the most general and desolating character. Nor is there any cause to infer, if we examine the condition of the nations with which we have the most intercourse and strongest political relations, that we shall, in future, be exempt from that calamity, within any period, to which a rational calculation may be extended. And as to the rights of neutral Powers, it is sufficient to appeal to our own experience to demonstrate how little regard will be paid to them, whenever they come in conflict with the interest of the Powers at war, while we rely on the justice of our cause and on argument alone. The amount of the property of our fellow-citizens, which was seized and confiscated, or destroyed, by the belligerent parties, in the wars of the French revolution, and of those which followed, before we became a party to the war, is almost incalculable.

The whole movement of our Government, from the establishment of our independence, has been guided by a sacred regard for peace. Situated, as we are, in the new hemisphere; distant from Europe, and unconnected with its affairs; blessed with the happiest Government on earth, and having no objects of ambition to gratify; the United States have steadily cultivated the relations of amity with every Power. And if, in any European wars, a respect for our rights might be relied on, it was undoubtedly in those to which I have adverted. The conflict being vital, the force being nearly equally balanced, and the result uncertain, each party had the strongest motives of interest to cultivate our good will, lest we might be thrown into the opposite scale. Powerful as this consideration usually is, it was nevertheless utterly disregarded, in almost every stage of, and by every party to, those wars. To these encroachments and injuries, our regard for peace was finally forced to yield.

In the war to which at length we became a party, our whole coast, from St. Croix to the Mississippi, was either invaded or menaced with invasion; and in many parts, with a strong, imposing force, both land and naval. In those parts where the population was most dense, the pressure was comparatively light; but there was scarcely a harbor or city, on any of our great inlets, which could be considered secure. New York and Philadelphia were eminently exposed, the then existing works not being sufficient for their protection. The same remark is applicable, in a certain extent, to the cities eastward of the former; and as to the condition of the whole country southward of the latter, the events which marked the war are too recent to require detail. Our armies and navy signalized themselves in every quarter where they had occasion to meet their gallant foe, and the militia voluntarily flew to their aid, with a patriotism, and fought with

a bravery, which exalted the reputation of their Government and country, and which did them the highest honor. In whatever direction the enemy chose to move with their squadrons and to land their troops, our fortifications, where any existed, presented but little obstacle to them. They passed those works without difficulty. Their squadrons, in fact, annoyed our whole coast, not of the sea only, but every bay and great river throughout its whole extent. In entering those inlets and sailing up them with a small force, the effect was disastrous, since it never failed to draw out the whole population on each side, and to keep it in the field while the squadron remained there. The expense attending this species of defence, with the exposure of the inhabitants, and the waste of property, may readily be conceived.

The occurrences which preceded the war, and those which attended it, were alike replete with useful instruction as to our future policy. Those which mark the first epoch, demonstrate clearly, that, in the wars of other Powers, we can rely only on force for the protection of our neutral rights. Those of the second demonstrate, with equal certainty, that, in any war in which we may be engaged hereafter, with a strong naval Power, the expense, waste, and other calamities, attending it, considering the vast extent of our maritime frontier, cannot fail, unless it be defended by adequate fortifications and a suitable naval force, to correspond with those which were experienced in the late war.

Two great objects are therefore to be regarded in the establishment of an adequate naval force: The first, to prevent war, so far as it may be practicable; the second, to diminish its calamities, when it may be inevitable. Hence, the subject of defence becomes intimately connected, in all its parts, in war and in peace, for the land and at sea. No Government will be disposed, in its wars with other Powers, to violate our rights, if it knows we have the means, are prepared, and resolved, to defend them. The motive will also be diminished, if it knows that our defences by land are so well planned and executed, that an invasion of our coast cannot be productive of the evils to which we have heretofore been exposed.

It was under a thorough conviction of these truths, derived from the admonitions of the late war, that Congress, as early as the year 1816, during the term of my enlightened and virtuous predecessor, under whom the war had been declared, prosecuted, and terminated, digested, and made provision for, the defence of our country, and support of its rights, in peace as well as in war, by acts, which authorized and enjoined the augmentation of our Navy, to a prescribed limit, and the construction of suitable fortifications throughout the whole extent of our maritime frontier, and wherever else they might be deemed necessary. It is to the execution of these works, both land and naval, and under a thorough conviction that by hastening their completion I should render the best service to my country, and give the most effectual support to our free republican system of Government that my humble faculties would admit of, that I have devoted so much of my time and labor to this great system of national policy, since I came into this office, and shall continue to do it, until my retirement from it, at the end of your next session.

The Navy is the arm from which our Government will always derive most aid in support of our neutral rights. Every Power engaged in war will know the

strength of our naval force, the number of our ships of each class, their condition, and the promptitude with which we may bring them into service, and will pay due consideration to that argument. Justice will always have great weight in the Cabinets of Europe; but, in long and destructive wars, exigencies often occur which press so vitally on them, that, unless the argument of force is brought to its aid, it will be disregarded. Our land forces will always perform their duty in the event of war; but they must perform it on the land. Our Navy is the arm which must be principally relied on for the annoyance of the commerce of the enemy, and for the protection of our own; and also, by co-operation with the land forces, for the defence of the country. Capable of moving in any and every direction, it possesses the faculty, even when remote from our coast, of extending its aid to every interest on which the security and welfare of our Union depend. Annoying the commerce of the enemy, and menacing, in turn, its coast, provided the force on each aide is nearly equally balanced, it will draw its squadrons from our own; and, in case of invasion by a powerful adversary, by a land and naval force, which is always to be anticipated, and ought to be provided against, our Navy may, by like co-operation with our land forces, render essential aid in protecting our interior from incursion and depredation.

The great object, in the event of war, is to stop the enemy at the coast. If this is done, our cities, and whole interior, will be secure. For the accomplishment of this object, our fortifications must be principally relied on. By placing strong works near the mouths of our great inlets, in such positions as to command the entrances into them, as may be done in many instances, it will be difficult, if not impossible, for ships to pass them, especially if other precautions, and particularly that of steam-batteries, are resorted to, in their aid. In the wars between other Powers, into which we may be drawn, in support of our neutral rights, it cannot be doubted that this defence would be adequate to the purpose intended by it; nor can it be doubted that the knowledge that such works existed, would form a strong motive, with any Power, not to invade our rights, and thereby contribute essentially to prevent war. There are, it is admitted, some entrances into our interior, which are of such vast extent, that it would be utterly impossible for any works, however, extensive, or well posted, to command them. Of this class, the Chesapeake Bay, which is an arm of the sea, may be given as an example. But, in my judgment, even this bay may be defended against any Power with whom we may be involved in war as a third party, in the defence of our neutral rights. By erecting strong works at the mouth of James river, on both sides, near the Capes, as we are now doing, and at Old Point Comfort and the Rip Raps, and connecting those works together by chains, whenever the enemy's force appeared, placing in the rear some large ships and steam-batteries, the passage up the river would be rendered impracticable. This guard would also tend to protect the whole country bordering on the bay, and rivers emptying into it; as the hazard would be too great for the enemy, however strong his naval force, to ascend the bay, and leave such a naval force behind; since, in the event of a storm, whereby his vessels might be separated, or of a calm, the ships and steam-batteries, behind the works, might rush forth and destroy them. It could only be in the event of an invasion by a great Power, or a combination of

several Powers, and by land as well as by naval forces, that those works could be carried; and, even then, they could not fail to retard the movement of the enemy into the country, and to give time for the collection of our regular troops, militia, and volunteers, to that point, and thereby contribute essentially to his ultimate defeat and expulsion from our territory.

Under a strong impression, that a Peace Establishment of our Navy is connected with the possible event of war, and that the naval force intended for either state, however small it may be, is connected with the general system of public defence, I have thought it proper, in communicating this report, to submit these remarks on the whole subject.

JAMES MONROE.

WASHINGTON, January 30, 1824.

The Message was referred to the Committee on Naval Affairs.

SURVEYS FOR ROADS AND CANALS.

The House then again resolved into a Committee of the Whole, (Mr. FOOT in the Chair,) on the bill to provide surveys for roads and canals.

Mr. RANDOLPH, of Virginia, rose. He began by saying, that he very much feared that the indulgence extended to him by the Committee, a few days since, might induce them to think that he was, thereby, emboldened to throw himself upon their attention more frequently than was seemly or befitting, and that he should, on too many occasions, offer to their consideration the crude conceptions of his very feeble understanding. But, said he, I can, with the utmost sincerity, assure the Committee that they may lay aside all alarm on that subject; for I do not foresee, at this time, any further occasion, at the present session, when it will be necessary for me to trespass on their attention. I shall not again, unless some very unexpected case should arise, arouse in their breasts the feeling which such a trespass is well calculated to inspire.

During a not very short course of public life, Mr. R. said, he did not know that it ever had been his fortune to rise under as much embarrassment, or to address the House with as much repugnance, as he now felt. That repugnance, in part, grew out of the necessity that existed for his taking some notice, in the course of his observations, of the argument, if argument it might be called, of an honorable member of this House from Kentucky. And, although, said Mr. R., I have not the honor to know, personally, or even by name, a large portion of the members of this House, it is not necessary for me to indicate the cause of that repugnance. But this I may venture to promise the Committee, that, in my notice of the argument of that member, I shall show at least as much deference to it as he showed to the Message of the President of the United States of America, on returning a bill of a nature analogous to that now before us—I say at least *as much*—I should regret if not *more*. With the argument of the President, however, Mr. R. said, he had nothing to do—he washed his hands of it—and would leave it to the triumph, the clemency, the mercy, of the honorable gentleman of Kentucky—if, in-

deed, to use his own language, amid the mass of words in which it was enveloped, he had been able to find it. His purpose, in regard to the argument of the gentleman from Kentucky, was to show that it lies in the compass of a nut-shell—that it turns on the meaning of one of the plainest words in the English language. He was happy to be able to agree with that gentleman in at least one particular, to wit: in the estimate the gentleman had formed of his own powers as a grammarian, philologist, and critic—particularly, as those powers had been displayed in the dissertation with which he had favored the Committee, on the interpretation of the word *establish*.

"Congress," says the Constitution, "shall have power to *establish* (ergo, says the gentleman, Congress shall have power to *construct*!) post roads."

One would suppose, said Mr. R., that, if any thing could be considered as settled by precedent in legislation, the meaning of the words of the Constitution must, before this time, have been settled, by the uniform sense in which that power has been exercised, from the commencement of the Government to the present time. What is the fact? Your statute book is loaded with acts for the "establishment" of post roads—and the Postmaster General is besieged with petitions for the "establishment" of post offices. And yet, we are now gravely debating on what the word "establish" shall be held to mean! A curious predicament we are placed in—precisely the reverse of that of Moliere's citizen turned gentleman, who discovered, to his great surprise, that he had been talking "prose" all his life long without knowing it—a common case—it is just so with all posers, and I hope I may not exemplify it in this instance. But, sir, we have been, for five-and-thirty years, establishing post roads, under the delusion that we were exercising a power specially conferred upon us by the Constitution, while we were, according to the suggestion of the gentleman from Kentucky, actually committing *treason*, by refusing, for so long a time, to carry into effect that very article of the Constitution!

To forbear the exercise of a power vested in us for the public good, not merely for our own aggrandizement, is, according to the argument of the gentleman from Kentucky, treachery to the Constitution! I, then, said Mr. R., must have commenced my public life in treason, and in treason am I doomed to end it. One of the first votes that I ever had the honor to give, in this House, was a vote against the *establishment*, if gentlemen please, of a uniform system of bankruptcy—a power as unquestionably given to Congress, by the Constitution, as the power to lay a direct tax. But, sir, my treason did not end there. About two years after the establishment of this uniform system of bankruptcy, I was *particeps criminis*, with almost the unanimous voice of this House, in committing another act of treachery in repealing it; and Mr. Jefferson, the President of the United States, in the commencement of his career, consummated the treason by putting his signature to the act of repeal.

Miserable, indeed, would be the condition of

every free people, if, in expounding the charter of their liberties, it were necessary to go back to the Anglo-Saxon, to Junius and Skinner, and other black letter etymologists. Not, sir, that I am very skilful in language: although I have learned from a certain Curate of Brentford, whose name will survive when the whole contemporaneous bench of bishops shall be buried in oblivion, that *words*—the counters of wise men, the money of fools—that it is by the dextrous cutting and shuffling of this pack that is derived one-half of the chicanery, and more than one-half of the profits, of the most lucrative profession in the world—and, sir, by this dextrous exchanging and substituting of words, we shall not be the first nation in the world which has been cajoled, if we are to be cajoled, out of our rights and liberties.

In the course of the observations which the gentleman from Kentucky saw fit to submit to the Committee, were some pathetic ejaculations on the subject of the sufferings of our brethren of the West. Sir, our brethren of the West have suffered, as our brethren throughout the United States, from the same cause, although with them the cause exists in an aggravated degree—from the acts of those to whom they have confided the power of legislation; by a departure—and we have all suffered from it—I hope no gentleman will understand me as wishing to make any invidious comparisons between different quarters of our country—by a departure from the industry, the simplicity, the economy, and the frugality of our ancestors. They have suffered from a greediness of gain, that has grasped at the shadow while it has lost the substance—from habits of indolence, of profusion, of extravagance—from an apathy of foreign manners, and of foreign fashions—from a miserable attempt at the shabby genteel, which only serves to make our poverty more conspicuous. The way to remedy this state of suffering is to return to those habits of labor and industry from which we have thus departed.

But, said Mr. R., we have been asked, if, by some convulsion of nature, this Government should be suddenly destroyed, and should pass away, "like the baseless fabric of a vision, and leave not a rack behind," what monument would remain of the benefits derived from it in the West—in other words, what have we done for the West? Sir, let me reverse the question. What have we *not* done for the West? Do gentlemen want monuments? Unless the art of printing should be lost, posterity will find them in your statute books, and in the journals of this House. They may find them in Indian treaties for the extinguishment of title to lands—in grants of land, the effects of which begin now to be felt in Ohio, Kentucky, and Tennessee, as they have long been severely felt in Maryland, Carolina, and Virginia; they will find them in laws granting every facility for the nominal payment—and, he might also say, for the spunging, of the debts due this Government, by purchasers of the public lands—in the grants, which cannot be found in the older States, for the establishment of schools, and for other great objects of public concernment,

for which nothing has been given to the States of the East. In a word, they would find them in the millions which this nation has disbursed, and is now disbursing, for the acquisition of the navigation of the Mississippi, and for the purchase of Louisiana. If these be nothing, said Mr. R., then indeed we have done nothing for the West. It is true, sir, that these things were done when the names of more than *one* who now figure on this floor, had not been heard of out of their own parish. In a word, without speaking this in any invidious spirit, without the remotest intention of twitting our Western brethren with what we have done for them, I have stated some of the benefits conferred on the West, for the purpose of repressing the spirit of discontent, which, beginning at home, never fails to lay hold upon any external object with which it meets, as an excuse for complaining. I will not add, Mr. Chairman—from Washington to Milledgeville—for *this* part of the country, what has been done?

With these few remarks, continued Mr. R., permit me now to recall the attention of the Committee to the original design of this Government. It grew out of the necessity, indispensable and unavoidable, in the circumstances of this country, of some general power, capable of regulating foreign commerce. Sir, I am old enough to remember the origin of this Government; and, though I was too young to participate in the transactions of that day, I have a perfect recollection of what was public sentiment on the subject. And I repeat, without fear of contradiction, that the proximate, as well as the remote cause of the existence of the Federal Government, was, the regulation of foreign commerce. Not to particularize all the difficulties which grew out of the conflicting laws of the States, Mr. R. referred to but one, arising from Virginia taxing an article which Maryland then made duty-free—and to that very policy, said he, may be attributed, in a great degree, the rapid growth and prosperity of the town of Baltimore. If the old Congress had possessed the power of laying a duty of ten per cent. *ad valorem* on imports, this Constitution would never have been called into existence.

But, we are told that, along with the regulation of foreign commerce, the States have yielded to the General Government, in as broad terms, the regulation of domestic commerce—I mean, said Mr. R., the commerce among the several States, and that the same power is possessed by Congress over the one as over the other. It is rather unfortunate for this argument, that, if it applies to the extent to which the power to regulate foreign commerce has been carried by Congress, they may prohibit altogether this domestic commerce, as they have heretofore, under the other power, prohibited foreign commerce.

But why put extreme cases? This Government cannot go on one day without a mutual understanding and deference between the State and General Governments. This Government is the breath of the nostrils of the States. Gentlemen may say what they please of the preamble to the Constitution; but this Constitution is not the

work of the amalgamated population of the then existing confederacy, but the offspring of the States; and however high we may carry our heads, and strut and fret our hour, "dressed in a little brief authority," it is in the power of the States to extinguish this Government at a blow. They have only to refuse to send members to the other branch of the Legislature, or to appoint Electors of President and Vice President, and the thing is done. I hope gentlemen will not understand me as seeking for reflections of this kind—but, like Falstaff's rebellion—I mean Worcester's rebellion, they lay in my way, and I found them.

But, we are asked, what if little Delaware should erect her back, or New Jersey, and should undertake to stop the transportation of the United States mail? It would be something very like the attempt virtually made by another State during the late war, or an attempt to stop the transit of the United States troops through the territory of a State. And this brings me to another branch of the subject, on which, in my discursive way, I mean to touch. I recollect once to have heard, from a gentleman of Kentucky, the power to re-charter the old Bank of the United States called a "vagrant power," seeking through the different clauses of the Constitution where to fix itself; but, like a man in Kentucky seeking for his land, found the ground shingled over with warrants! Now, said Mr. R., *this* vagrant power, (of making roads and canals,) after being whipped from parish to parish, is at last seeking a settlement under the war-making power. And under this power to make war, sir, what may we not do? Quarter troops upon you; burn your house, sir, or mine; burn your own ships and your navy yards, that the enemy may not have the pleasure of doing it. But would any man contend that, in time of peace, all the incidents to the war-making power take effect? I have always understood, said Mr. R., that *inter arma silent leges*—and a man might as well bring an action against the hero of New Orleans—yes, sir, the hero of New Orleans, if I may call him so—by an action of trespass *quare clausum fregit*, when he marched down to the beach, and gave the enemy a foretaste of what he gave them thereafter—a man might as well do that, as, in time of peace, sustain the power of the same hero—not, sir, that I impute the assumption of it to him—of doing all the things which he might rightfully do in a time of war. When, Mr. R. said, he considered this war-making power, and the money-raising power, and suffered himself to reflect on the length to which they go, he felt ready to acknowledge that, in yielding these, the States have yielded every thing. The last words of Patrick Henry on this subject, though uttered five-and-twenty years ago, were now ringing in his ears. If gentlemen will come fairly out, said Mr. R., and tell us, you have given us the power of the purse and of the sword, and these two enable us to take whatever else we may want, we shall understand them. Thank God, however, *that* has not yet become the construction of the Constitu-

I am sorry to say,—because I should be the last man in the world to disturb the repose of a venerable man, to whom I wish a quiet end of his honorable life—that all the difficulties under which we have labored and now labor on this subject have grown out of a fatal admission by one of the late Presidents of the United States—an admission which runs counter to the tenor of his whole political life, and is expressly contradicted by one of the most luminous and able State papers that ever was written—an admission which gave a sanction to the principle that this Government had the power to charter the present colossal Bank of the United States. Sir, said Mr. R., that act, and one other which I will not name, bring forcibly home to my mind a train of melancholy reflections on the miserable state of our mortal being:

"In life's last scenes, what prodigies surprise!

Fears of the brave, and follies of the wise.

From Marlborough's eyes the streams of dotage flow,
And Swift expires a driv'ler and a show."

Such is the state of the case, sir. It is miserable to think of it—and we have nothing left to us but to weep over it.

We have been told, sir, by my friend from New Jersey, over the way, that the framers of the Constitution foresaw the raising up of some new sects, which were to construe the powers of the Government differently from their intention; and, therefore, the clause granting a general power to make all laws that might be necessary and proper to carry the granted powers into effect, was inserted in that Constitution. Yes, said Mr. R., such a sect did arise some twenty odd years ago—and, unfortunately, I had the honor to be a member of that church. From the commencement of the Government to this day, differences have arisen between the two great parties in this nation—one consisting of the disciples of Mr. Hamilton, the Secretary of the Treasury, and another party who believed that, in their construction of the Constitution, those to whom they opposed themselves exceeded the just limit of its legitimate authority—and Mr. R. prayed gentlemen to take into their most serious consideration the fact that, on this very question of construction, this sect, which the framers of the Constitution foresaw might arise, did arise in their might, and put down the construction of the Constitution according to the Hamiltonian version. But did we at that day dream, said Mr. R., that a new sect would arise after them, which would so far transcend Alexander Hamilton and his disciples, as they out-went Thomas Jefferson, James Madison, and John Taylor, of Caroline? This is the deplorable fact: such is now the actual state of things in this land; and it is not a subject so much of demonstration as it is self-evident—it speaks to the senses, so that every one may understand it. On the occasion of that great strife, Mr. Jefferson, then Vice President of the United States, drew, and sent to Kentucky, to be moved by the eminent and worthy man who was afterwards his Attorney General, those celebrated resolutions,

generally called the *Kentucky Resolutions*. These were followed by another set of resolutions, which were called *John Taylor's Resolutions*, but which we now, by the public declaration of Mr. Taylor, under his own hand, know were drawn up by Mr. Madison. These gave rise to that very able and masterly Report of the Massachusetts General Court, sustaining the constitutionality of the Alien and Sedition laws. Yes, sir, it was a very able report—and here permit me to say I have not heard a shadow of an argument on this floor—and I do not expect to hear it, because it is unsusceptible of it—as forcible, as strong, in support of the power now claimed for this House, as is the argument of the Legislature of Massachusetts in support of the Alien and Sedition laws—and I say that if you can *enact* this bill, you can *re-enact* the Alien and Sedition laws—not, sir, that I am at all afraid of their re-enactment now—they who burnt their fingers with the Sedition law have learnt lessons from experience, and so have those who have had their example before their eyes. For, we learn from high authority here, that, notwithstanding the representations of "venal and hireling presses" to the contrary, the country is in great distress—by which we are to understand that means have been taken to use the press here, like the bayonet beyond the water, for the support of *legitimate* authority. No, sir, I am not afraid of the enactment of the Sedition law; there is now no occasion to defend ourselves, by such a measure, against the idle bark of every unnecessary cur in the Republic. But, Mr. R. said, he recollected when this vagrant power was first detected by this new sect, like an insect feeling for the soft and pulpy parts of the body politic, &c.

I remember to have heard it said, elsewhere, said Mr. R., that "when gentlemen talked of precedent, they forgot they were not in Westminster Hall." Whatever trespass, said he, I may be guilty of upon the attention of the Committee, one thing I will promise them, and will faithfully perform my promise—I will dole out to them no political metaphysics. Sir, I unlearned metaphysics almost as early as Fontenelle, and he tells us, I think, it was at nine years old. I shall say nothing about that word *municipal*. I am almost as sick of it as honest Jack Falstaff was of "security"—it has been like ratsbane in my mouth, ever since the late Ruler of France took shelter under that word, to pocket our money, and incarcerate our persons, with the most profound respect for our *neutral* rights. I have done with the word *municipal* ever since that day. Let us come to the plain, common-sense construction of the Constitution. Sir, we live under a government of a peculiar structure, to which the doctrines of the European writers on civil polity do not apply—and when gentlemen get up and quote Vattel, as applicable to the powers of the Congress of the United States, I should as soon have expected them to quote Aristotle or the Koran. Our Government is not like the consolidated monarchies of the Old World—it is a solar system, an *imperium in imperio*: and, when the question is about the one or the other, what belongs to the *imperium*

and what to the *imperio*, we gain nothing by referring to Vattel. He treats of an integral government, a compact structure—*totus teres atque rotundus*. But ours is a system composed of two distinct governments—the one general in its nature, the other internal. Now, sir, a government may be admirable for external, and yet execrable for internal purposes. And when the question of power in the Government arises, this is the problem which every honest man has to work. The powers of Government are divided, in our system, between the General and State Governments, except some powers, which the people have very wisely retained to themselves. With these exceptions, all the power is divided between the two Governments. The given power will not lie, unless, as in the case of direct taxes, the power is specifically given—and even then the States have a concurrent power. The question for every honest man to ask himself, is, to which of these two divisions of Government does the power in contest belong. And, said Mr. R., while I am on the subject of assumed power, permit me to say that, if my strength allows me, I shall be compelled to state some acts of assumption and usurpation on the part of the States, as well as on the part of the General Government; not that I at all agree with the gentleman from N. York, (Mr. STORRS,) that the danger of this Government is from the State governments; nor can I imitate, while I greatly admire the generosity with which that gentleman, a Representative from the largest State in the Union, would shear her of her strength—to do what? To preserve this Union? No. To reduce her to a level, by possibility, with the smallest State in the Union. And this, sir, reminds me of one other of the nothings we have done for the Western country. We have, among other nothings, given them, in case of an election of President coming into this House, nine votes out of twenty-four. We have erected them, as soon as their numbers would render it possible, under the law, into independent States, and thus given them, in the other branch of the Legislature, a voice to weigh down the voice, or counterpoise it, of New York or Pennsylvania. These are among the nothings we have done for them. This, then, is the problem we have to settle: does this power of internal improvement belong to the General or to the State Governments, or is it a concurrent power? Gentlemen say we have power, by the Constitution, to establish post roads, and, having established post roads, we should be much obliged to you to allow us, therefore, the power to construct the roads and canals into the bargain. If I had the physical strength, said Mr. R., I could easily demonstrate to the Committee that, supposing the power to exist on our part—of all the powers that can be exercised by this House, there is no power that would be more susceptible of abuse than this very power. Figure to yourself, said he, a committee of this House determining on some road, and giving out the contracts to the members of both Houses of Congress, or to their friends, &c. Sir, if I had strength I could show to this Committee that the Asiatic plunder of

Leadenhall street has not been more corrupting to the British Government than the exercise of such a power as this would prove to us.

The gentleman from New York (Mr. STORRS,) says, that Congress possesses the power to coin money, and asks if that does not involve a jurisdiction over the whole subject of money? It does, sir; and yet I would, by-the-by, correct one mistake into which that gentleman alone has not fallen. In what does that power consist? In designating the metal, determining the rate of alloy, fixing the weight, directing the impress, and declaring the value of the coin—not in the mechanical act of coining. And if all our coin were struck by Watt & Bolton, at Birmingham, the coinage would be as much an act of sovereignty, if it had due weight, and the proper assay, &c., as if it were coined at the Mint in Philadelphia. But, sir, under this power what have we done? We have erected a bank, which will not redeem the notes of its branches, and the States are deluged with spurious bank paper, while, with this base currency throughout the land, debtors are bound to pay in specie. Sir, the bank note table in New York, in which they do not deign to name the banks of Kentucky, is a politico-economical curiosity; and, instead of one currency of uniform value, we have a thousand different kinds of base money, by ringing the changes upon which, we hear the profits which brokers, and shavers, and stock jobbers levy on the honest industry of the nation. I said, continued Mr. R., that this Government, if put to the test—a test it is by no means calculated to endure—as a Government for the management of the internal concerns of this country, is one of the worst that can be conceived—which is determined by the fact, that it is a Government not having a party feeling and common interest with the governed. I know, said he, that we are told—and it is the first time that the doctrine has been openly avowed—that, upon the responsibility of this House to the people, by means of the elective franchise, depends all the security of the people of the United States against the abuse of the powers of this Government. But, sir, how shall a man from Mackinaw, or the Yellow Stone river, respond to the sentiments of the people who live in New Hampshire? It is as great a mockery—a greater mockery than it was to talk to these colonies about their virtual representation in the British Parliament. I have no hesitation in saying that the liberties of the Colonies were safer in the custody of the British Parliament than they will be in any portion of this country, if all the powers of the States, as well as those of the General Government, are devolved on this House; and in this opinion I am borne out, and more than borne out, by the authority of Patrick Henry himself.

But the gentleman from New York, and some others who have spoken on this occasion, say, What! shall we be startled by a shadow? Shall we recoil from taking a power clearly within—(what?)—our reach? Shall we not clutch the sceptre—the air-drawn sceptre, that invites our hand, because of the fears and alarms of the gen-

tleman from Virginia? Sir, if I cannot give reason to the Committee, they shall at least have authority. Thomas Jefferson, then in the vigor of his intellect, was one of the persons who denied the existence of such powers. James Madison was another. He, in that masterly and unrivalled report in the Legislature of Virginia, which is worthy to be the text-book of every American statesman, has settled this question. For me to attempt to add any thing to the arguments of that paper, would be to attempt to gild refined gold—to paint the lily—to throw a perfume on the violet—to smooth the ice, or add another hue unto the rainbow—in every aspect of it, wasteful and ridiculous excess. Neither will I hold up my farthing rush-light to the blaze of that meridian sun. But, sir, I cannot but deplore, and to my dying day I shall deplore—my heart aches when I think of it—that the hand which erected that monument of political wisdom, should have signed the act to incorporate the present Bank of the United States.

It was not a matter of conjecture, merely, Mr. R. said, but of fact—of notoriety, that there does exist on this subject an honest difference of opinion among enlightened men; that not one or two, but many States in the Union see with great concern and alarm the encroachments of the General Government on their authority. They feel that they have given up the power of the purse and the sword, and enabled men, with the purse in one hand and the sword in the other, to rifle them of all that they hold dear. Among the reveries of that strange and most extraordinary man, the late ruler of France, while he was dying, inch by inch, among the rats of St. Helena, he expressed the thought, that, if instead of Elba, he had chosen Corsica as the place of his retreat, when he was driven by the Allies out of France, he would have been enabled, from the bravery and devotion of the people, and the mountainous passes of the country, &c., to hold it against the combined Powers of Europe—as if a man who could not keep France, could keep any thing else. And we too, sir, now begin to perceive what we have surrendered—that, having given up the power of the purse and the sword, every thing else is at the mercy and forbearance of the General Government. We did believe there were some parchment barriers—no! what is worth all the parchment barriers in the world—that there was, in the powers of the States, some counterpoise to the power of this body; but, if this bill passes, we can believe so no longer.

I have mentioned Bonaparte—and, perhaps history cannot afford another example of such a rise, and of such a fall. We see him giving law in the Kremlin, in the ancient palace of the Muscovite Czars—in three years we see him in the island of St. Helena, enduring—I will not say what. With that example of humiliation before me, it costs me nothing to endure the triumph of the gentleman from Pennsylvania, (Mr. HEMPHILL,) who tells us that a new era is approaching—(not the era of good feeling, I am afraid, for that has come already,)—in which all Presidential squeamishness is to be at an end—when this Government

shall enter on a new course, and we are to take a new latitude and departure. With this example before me, I must recall the recollection of three-and-twenty years ago, when that gentleman, who is the father of the present bill, was upholding, or, rather, endeavoring to uphold, the wreck and remnant of that system of policy which its triumphant adversaries had cloven down. I remember his exertions in regard to what has been called the Midnight Judiciary. Sir, at that time, I stood, in relation to this House, and to that gentleman, in a station very different from that which I now sustain, or ever expect—or, if I know myself, would ever wish, to occupy again. If that era arrives, to which the hopes, and wishes of the gentleman seem to aspire, it is a pity we have not some Dryden to celebrate its advent. Another *Astræa redux* will be hailed—and we shall once more listen to the strain,

"Jam redit et Virgo, redeunt Saturnia Regna."

Sir, if this bill passes, we shall not only have a midnight, but a day-light, and star-light, judiciary bill. You will have what one of—I was going to say, (I must not call him so, but I will—I know not what else to call him,) the most violent Federalist I ever heard, once said, we ought to have—federal justices of the peace. For, you are told, that all the power that is claimed for Congress over roads, is a conservative power—that if robberies, (except of the mail,) or murders, are committed, or contracts are made on a road belonging to the United States, they will fall under the cognizance, and jurisdiction, of the State government. Sir, I am no lawyer; but this is the first time that I ever heard, that the effects of contracts was limited to the place of signature. I always have heard that they were, in their nature, transitive. But, sir, suppose the power to be conservative only—and suppose some breach is made in the road, or any other injury done to it, are you not to punish that injury? And, if any thing of a trespass is committed on this road, are you to haul a man all the way from the extreme verge of the largest States in the Union—for he must be tried in the Federal court, and not in a court of the State—to answer for having thrown a pebble in the road? and then, if aggrieved by the decision of the court, is he to be left to the remedy of coming here, to the Supreme Court, for his appeal?

But, sir, it is said we have a right to establish post offices and post roads, and we have a right to regulate commerce between the several States; and it is argued that "to regulate" commerce, is to prescribe the way in which it shall be carried on—which gives, by a liberal construction, the power to construct the way, that is, the roads and canals on which it is to be carried! Sir, since the days of that unfortunate man, of the German coast, whose name was originally Fyerstein, Anglicised to Firestone, but got, by translation, from that to Flint, from Flint to Pierre-a-Fusil, and from Pierre-a-Fusil to Peter Gun—never was greater violence done to English language, than by the construction, that, under the power to prescribe the way in which commerce shall be car-

ried on, we have the right to construct the way on which it is to be carried. Are gentlemen aware of the colossal power they are giving to the General Government? Sir, I am afraid, that that ingenious gentleman, Mr. McAdam, will have to give up his title to the distinction of the *Colossus of Roads*, and surrender it to some gentlemen of this Committee, if they succeed in their efforts on this occasion. If, indeed, we have the power which is contended for by gentlemen under that clause of the Constitution which relates to the regulation of commerce among the several States, we may, under the same power, *prohibit*, altogether, the commerce between the States, or any portion of the States—or we may declare that it shall be carried on only in a particular way, by a particular road, or through a particular canal; or we may say to the people of a particular district, you shall only carry your produce to market through our canals, or over our roads, and then, by tolls, imposed upon them, we may acquire power to extend the same blessings and privileges to other districts of the country. Nay, we may go further. We may take it into our heads—Have we not the power to provide and maintain a navy? What is more necessary to a navy than seamen? And the great nursery of our seamen is (besides fisheries) the coasting trade—we may take it into our heads, that those monstrous lumbering wagons that now traverse the country between Philadelphia and Pittsburg, stand in the way of the raising of seamen, and may declare that no communication shall be held between these points but coastwise; we may specify some particular article in which alone trade shall be carried on. And, sir, if, contrary to all expectation, the ascendancy of Virginia, in the General Government, should again be established, it may be declared that coal shall be carried in no other way than coastwise, &c. Sir, there is no end to the purposes that may be effected under such constructions of power. I here beg of gentlemen to recollect—I particularly call upon the very few members of this House, who happen to be interested in the navigation of the river on which I reside, (the Roanoke,) to say, whether, after we have, with many efforts and a great expense, with the loss of at least half of our capital, effected the navigation of that river, it would be competent to this Government to seize upon our feeders, to assume jurisdiction of Lake Drummond, &c., and, for the accomplishment of some wild scheme—not more preposterous and ridiculous than some others I could name—drain the waters of that lake into the Atlantic ocean, and abolish our canal. If we should chance to encounter the displeasure of the Government, under these constructions of power, they may say to every wagoner in North Carolina, you shall not carry on any commerce across the Virginia line, in wagons or carts, because I have some other object to answer, by a suppression of that trade. Are gentlemen prepared for this?

There is one other power, said Mr. R., which may be exercised, in case the power now contended for be conceded, to which I ask the attention of every gentleman who happens to stand in the

same unfortunate predicament with myself—of every man who has the misfortune to be, and to have been born, a slaveholder. If Congress possesses the power to do what is proposed by this bill, they may not only enact a sedition law—for there is precedent—but they may emancipate every slave in the United States—and with stronger color of reason than they can exercise the power now contended for. And where will they find the power? They may follow the example of the gentlemen who have preceded me, and hook the power upon the first loop they find in the Constitution; they might take the preamble—perhaps the war making power—or they might take a greater sweep, and say, with some gentlemen, that it is not to be found in this or that of the granted powers, but results from all of them—which is not only a dangerous, but the most dangerous doctrine. Was it not demonstrable, Mr. R. asked, that slave labor is the dearest in the world—and that the existence of a large body of slaves is a source of danger? Suppose we are at war with a foreign Power, and freedom should be offered them by Congress as an inducement to them to take a part in it—or suppose the country not at war, at every turn of this federal machine, at every successive census, that interest will find itself governed by another and increasing power, which is bound to it neither by any common tie of interest or feeling. And, if ever the time shall arrive, as assuredly it has arrived elsewhere, and, in all probability, may arrive here, that a coalition of knavery and fanaticism shall, for any purpose, be got up on this floor, I ask gentlemen, who stand in the same predicament as I do, to look well to what they are now doing—to the colossal power with which they are now arming this Government. The power to do what I allude to is, I aver, more honestly inferrible from the war-making power, than the power we are now about to exercise. Let them look forward to the time when such a question shall arise, and tremble with me at the thought that that question is to be decided by a majority of the votes of this House, of whom not one possesses the slightest tie of common interest or of common feeling with us.

When, on a late occasion, it was proposed to this House to give a grant of some ninety pounds, lawful money, to rock the cradle of declining age, to smooth the pillow of an ancient gentlewoman, the mother of a race of heroes—a race to whom some of us seem to have a constitutional and instinctive antipathy—we have been met with a cry of danger to the Constitution! of danger to the liberties of the country! But, when it is proposed to draw the last shilling from the pockets of honest industry, to be laid out, as from the very nature of the thing it must be laid out in jobs, and contracts, and corruption—and if you will trace the execution of all your projects—the Rip Rap, or others, you will find the process is the same in all—you are told that in making roads and digging canals, and spending millions upon them, you are promoting the honor, and interest, and grandeur of the country! And this, Mr. Chairman, for fear that the States, which are all clamorous, burdening your table with daily petitions, to get you to

extend your post routes through all the States and Territories, should undertake to stop the passage of the United States mail! Why, sir, if we suppose a case like this, we may suppose a universal madness seizing on the whole population of the country, and argue from that supposition.

And this brings me, said Mr. R., to notice an admission, as it has been called, of my worthy colleague, of the power of altering post roads, after they are established. I cannot understand this as gentlemen appear to do, and I know that my colleague is not correctly so understood. Sir, in the State, one of whose representatives I am, I don't know a single post route that has not been changed from what it was when established as a post road by the statute. Why, sir, you will not, at this moment, on the mail route from the capital of the United States to the capital of Virginia, travel for the first twenty miles on a single inch of the road as it existed when that mail route was first established. What follows from the doctrine of gentlemen on this subject? Why, that if Virginia should do what she ought to do—make a good road between the two points referred to—the mail is yet to continue to go, as now, plunging through the worse than Serbonian bogs, between the Neabco and Chapawamsic, and we shall do it, because it is treason—not by the Constitution of the United States, to be sure, but about as pretty a case of constructive treason, as a latitudinarian judge could desire to see on a Summer's day, to alter a post road. From the doctrines now advanced on this floor, it follows, that every mile that a post route is changed, whether for the better or worse, the powers of Government are impugned; and (*nullum tempus occurrit regi*) we do not know what a mass of criminality may not have been incurred, and very innocently incurred, because never, till now, had our people a preceptor learned enough to instruct them in the true meaning of the word "establish."

After a short pause, Mr. R. said, it was to him a matter of painful reflection how utterly inadequate he felt himself to say what he intended to have said, and still more as he intended to say it. But, before I sit down, said Mr. R., permit me to put it to the candor even of those members of this House who differ from me respecting the constitutionality of the power now claimed, to say what there is in the state of this nation, at this particular juncture, that calls for the immediate exercise of this power, supposing it to be possessed.

The honorable gentleman from Delaware tells us we have power to purchase stock, and thus promote objects of internal improvement, where they are commenced by the States or by individual enterprise. Sir, if we have money to spare, let me advise the gentleman, who is chairman of the Committee of Ways and Means, to begin with buying our own stock. We can do nothing better with our money than buy our own bonds. I have known many speculators leave their own debts unpaid to purchase the property of others; but I never knew one of them to come to good. Let us discharge our war debt, and no longer put off the payment of it by shuffling eva-

sions, under pretence of a change of stock. Individuals, not inferior to any in the country, and some of the great States, too, also entertain serious doubts of the power of Congress to pass this bill. I should wish, in the course of future discussion, that some gentleman would show the urgency of the occasion to make the plunge at this moment. Are there not already causes enough of jealousy and discord existing among us? Is this the most auspicious time to set up a new construction of the Constitution? Is this the most auspicious time for the exercise of the assumption of a power which the gentleman from New York, with his usual perspicacity, so clearly sees we possess, but which Thomas Jefferson, and James Madison, and others of at least equal authority with the gentleman from New York, as clearly see we do not possess? Is this a time to increase those jealousies between different quarters of the country already sufficiently apparent?

I intended, said Mr. R., to have managed this subject in a different manner; but the exhaustion of both bodily and mental powers calls on me to do what I ought to have done long ago—to draw these remarks to a close. But it is too late in the day for me to speak for reputation. Whatever is to be the fate of this bill—whether this splendid project shall or shall not go into operation now, or be reserved for the new reign, the approach of which is hailed with so much pleasure, my place must be either in the obscurity of private life, or in the thankless and profitless employment of attempting to uphold the rights of the States, and of the people, so long as I can stand—more especially the rights of my native State, the land of my sires, which, although I be among the least worthy or least favored of her sons, and although she may allot to me a step-son's portion—I will uphold, so long as I live.

Let us, then, I repeat, Mr. Chairman, pay our debts, personal and public; let us leave the profits of labor in the pockets of the people, to rid them of that private embarrassment under which they so extensively suffer, and apply every shilling of the revenue, not indispensable to the exigencies of the Government, to the faithful discharge of the public debt, before we engage in any new schemes of lavish expenditure. Sir, we have already paid more interest on the three per cent. stock, than the amount of the whole principal of that debt at nominal par.

Should this bill pass, one more measure only requires to be consummated; and then we, who belong to that unfortunate portion of this Confederacy which is south of Mason and Dixon's line, and east of the Alleghany mountains, have to make up our mind to perish like so many mice in a receiver of mephitic gas, under the experiments of a set of new political chemists; or we must resort to the measures which we first opposed to British aggressions and usurpations—to maintain that independence which the valor of our fathers acquired, but which is every day sliding from under our feet. I beseech all those gentlemen who come from that portion of the Union to take into serious consideration, whether they are not, by the passage of

this bill, precipitately, at least without urgent occasion, now arming the General Government with powers hitherto unknown—under which we shall become, what the miserable proprietors of Jamaica and Barbadoes are to their English mortgagees, mere stewards—sentinels—managers of slave labor—we ourselves retaining, on a footing with the slave of the West Indies, just enough of the product of our estates to support life, while all the profits go with the course of the Gulf stream. Sir, this is a state of things that cannot last. If it shall continue with accumulated pressure, we must oppose to it associations, and every other means short of actual insurrection. We must begin to construe the Constitution like those who treat it as a bill of indictment, in which they are anxious to pick a flaw—we shall keep on the windward side of treason—but we must combine to resist, and that effectually, these encroachments, or the little upon which we now barely subsist will be taken from us. With these observations, Mr. R. abandoned the question to its fate.

When Mr. RANDOLPH had concluded—

Mr. CLAY rose in reply to Mr. RANDOLPH. It had certainly, he said, been far from his intention again to trouble the Committee on the present subject. He felt restrained, not only by a consideration of the time that had already been spent upon it, but also by the state of his own health; but allusions so frequent, and of such a marked character, had been made to him, (especially by the honorable gentleman who had just taken his seat,) that he trusted it would not be deemed a trespass on the Committee if he should briefly notice some of them.

The gentleman from Virginia, (Mr. ARCHER,) for the general character of whose discussion he felt the highest respect, and whose intelligent mind never led him to say what was not, at least, worthy of serious consideration, had observed, in the course of his speech, (which I regret that I heard only in part,) that he was quite sure I would concede that, in ascertaining what were lawful means to be taken for carrying into effect either of the granted powers in the Constitution, a congruity would be required in such means with the power to be executed. To this I then nodded assent; and I now repeat the expression of my concurrence. But I submit it to the Committee to say, whether there is any discrepancy between roads and canals as a means, and the transportation of troops and munitions of war as an end; between good roads as a means, and the transportation of the mail as an end; between roads and canals as a means, and the regulating and facilitating of internal commerce as an end.

Another gentleman from Virginia, (Mr. STEVENSON,) whose speech I had the pleasure of hearing throughout, alluded to a speech of mine, delivered on a former occasion, and which contained, as he contended, sentiments in opposition to those expressed by me in the present debate. Although I think it somewhat unfair to travel out of the proceedings of this House in search of arguments advanced on a different occasion and in

another body, yet, whatever others may say, I, for one, have never felt the slightest difficulty in owning any and every part of the course I have pursued, and in avowing the motives by which I have been actuated. It is true that I was opposed to the renewal of the charter of the old Bank of the United States. My opposition to it arose from various motives, involving not merely the Constitutional question, but the expediency of the measure. I admit that I did not, at that time, believe that Congress could, constitutionally, grant the incorporation. But, on another occasion, after much experience had, in a state of war and in the most perilous times, of the urgent necessity of such an institution, I did, on farther consideration, change my opinion, and, in having done so, I stand in company with some of the best, the wisest, and the purest men of our country, and especially with that man who most deserves the gratitude of this country for the establishment of this Government—I mean the late Chief Magistrate of the United States, and with one not less honest, though less distinguished, the present Governor of Virginia. The conviction was forced upon us by necessity and the lights of experience. But, while I acknowledge this, I must, at the same time, be permitted to say, that I think the gentleman who urged this, has utterly failed of establishing the slightest contradiction between the principles I then held and those on which I advocate the present bill. His failure is most signal. He first assumes it for granted, that if Congress does not possess the power of incorporation, it has no power to make internal improvements; and then he urges my objections against the former power to disprove the existence of the latter. But I am sure that, to do away this assumption, I may appeal not only to his own candor, (for I never admitted what he assumes,) but to the example of his own State, which has, at this moment, a Board of Internal Improvements, sanctioned and aided by the State Legislature, and yet not incorporated; and to the example of this Government, which made the Cumberland road without granting any act of incorporation to effect it. So that, even granting him the full benefit of the opinion I formerly held and expressed in the Senate, and which he now quotes against me, it does not advance him one step in his argument.

A member on my right (Mr. RANDOLPH) has done me honor to notice an argument I brought forward some eight or ten days ago, and although he set out with declaring that he should treat it with more respect than I had treated that of the Chief Magistrate, I think I may appeal to the Committee to decide whether he has redeemed his pledge. Sir, I am growing old. I have had some little measure of experience in public life, and the result of that experience has brought me to this conclusion, that, when business of whatever nature, is to be transacted in a deliberative assembly, or in private life, courtesy, forbearance, and moderation, are best calculated to bring it to a successful conclusion. Sir, my age admonishes me to abstain from involving myself in personal difficulties; would to God that I could say I am

also restrained by higher motives. I certainly never sought any collision with the gentleman from Virginia. My situation, at this time, is peculiar, if it be nothing else, and might, I should think, dissuade at least a generous heart from any wish to draw me into circumstances of personal altercation. I have experienced this magnanimity from some quarters of the House. But I regret that, from others, it appears to have received no such consideration. The gentleman from Virginia was pleased to say that, in one point at least, he coincided with me—in an humble estimate of my grammatical and philological acquirements. I know my deficiencies. I was born to no proud patrimonial estate; from my father I inherited only infancy, ignorance, and indigence. I feel my defects; but, so far as my situation in early life is concerned, I may, without presumption, say they are more my misfortune than my fault. But however I may regret my want of ability to furnish to the gentleman a better specimen of powers of verbal criticism, I will venture to say, it is not greater than the disappointment of this Committee, as to the strength of his argument. Sir, I am no preceptor; when I desire perfect accuracy of definition, or correctness of pronunciation, I may go to the highest authority in this House—probably in this country—the gentleman himself; but, in the meantime, I am very sure that my commentary on the word in question, has not yet been fairly met and refuted. The honorable gentleman from Virginia has asked, whether, in the preamble of the Constitution, the people of the United States are made to say that they adopt that instrument “in order to construct justice,” or to make justice. I answer, sir, in one sense, yes. In all that relates to that part of the penal code which assigns punishment to acts not immoral in themselves, but only criminal because prohibited by law, whatever is *malum prohibitum*, and not *malum in se*, the law creates the crime; the crime, as such, had no existence till the law defined and prohibited it. Here criminal justice is created, and a crime is constructed, and made by force of law.

The gentleman from Virginia says, that the settled sense of the Constitution for these thirty years past, may be gathered from the practice under it. But if his construction be true, no post road has yet been established; for, according to him, every one of them may be abrogated at pleasure by the States. The gentleman has gone for illustration to the small but respectable State of Delaware—and has said something about her “getting her back up,” and “resisting the passage of the United States troops.” Sir, is the Legislature of the State of Delaware, or of any other State, large or small, to resist and defeat the laws of Congress made by Delegates from every part of the Union? I know that the interest of the States is, in general, a guarantee against any resistance on their part, to the exercise of a power so beneficial as that of transmitting the mail; but we have seen cases of contest between a State and the General Government, in which their attachment to the Confederacy has not always been

sufficient to restrain them, and we have seen them in peace and in war. A late instance occurred between the States of New York and Connecticut. When men's passions get up, there is no telling before hand into what measures they may be precipitated.

But, has the gentleman met my argument on the difference between the Constitution and the old Confederation? That the Government acts under the one by its own intrinsic energy, while by the other, it was dependent for every act upon the power of the State Legislatures? Has he shown that this principle of difference does not apply to post roads, as well as to any other branch of the powers of the Government? It is possible, I admit, that cases may be produced, in which the sense which the gentleman attributes to the word “establish” may hold—but, in the Constitution, as well as in the President's Message, it is used in the sense for which I contended.

It has been said that one leading motive which led to the adoption of the Federal Government, was the necessity of some general regulation for foreign commerce. I grant this; but I ask, are we to refer to the various motives which prevailed on the people to adopt the Constitution, or to the Constitution itself, for the principles of its interpretation? I will draw an illustration of this part of my subject from the records of that profession, of which the gentleman from Virginia has spoken, in no very respectful terms, but which has produced in all countries some of the ablest, wisest, and best men that have ever adorned our species. I advert to a case which is no doubt familiar to the gentleman's historical recollection, the famous Coventry act, which was passed in consequence of an affray that took place in the public streets of London, between some knights and other persons of distinction, and which prohibited, under severe penalties, the “drawing of blood in the streets;” no doubt ever did or could exist as to what was intended to be prohibited by this act; and yet, if its interpretation had been limited by the motive of its enactment or the preamble, it would have been restrained to the particular case which led to its passage. We must look into the instrument, to its words, and not out of it, for its true meaning. Resort may indeed be had to the preamble—but even the preamble is not suffered to control the interpretation. It is only used to assist in finding the meaning of equivocal and doubtful phrases. So in the present case—I know that commerce and revenue were leading considerations in the formation and adoption of the Constitution; but we are to look at the words of the grant, and though I would not say that we are wholly to reject all consideration of the motives, yet they are but of small avail in interpreting plain words in the instrument itself. Now, the self same words being applied in the Constitution to the powers of Congress over internal, that are applied to its powers over external, commerce, I contend that all powers given for the one are given for the other: the words are the same—the objects are the same. It is true, indeed, that, in the origin of the Gov-

ernment, it might not be necessary to insist on this interpretation, because there was then no pecuniary means to exercise the power, or at least, in a very partial extent—the same may be said of the power to establish post roads. The country was just out of a distressing war, followed by a distressing peace. The public revenue was in such a state, that it was doubted if it would be competent to pay the civil list—it is not wonderful that, at such a time, the Government did not use all the powers which it possessed.

Gentlemen have misstated, or misunderstood, what I said in relation to the exercise of powers confided to the Government. I never said that simply not to exercise these powers was treachery; but that when the public good required their exercise—and especially when none but Congress could exercise them, when Congress must exercise them, or they would not be exercised at all, then, not to use the power was treachery; and I still hold and repeat the sentiment. Although commerce and revenue were at first very leading motives to the Federal Constitution, are we to limit the Constitution by this rule? Let us remember that then the country had scarcely any interior, there were few settlements, and but few settlers, beyond the Alleghany Mountain. The whole interior has grown up since the Constitution was adopted; and though this gives no new power, yet it may and ought to call forth every dormant power conveyed by that instrument, the exertion of which may tend to the public prosperity. It presents a new case—new relations—new interests; and certainly it is the duty of Congress to look to the whole—to remember we have an internal as well as an external commerce; and to seek to enable this country to say, what has been so often proudly said in England—"England is England's best customer." I hope that it will yet be said, America is America's best customer. Sir, a new world has come into being since the Constitution was adopted. Are the narrow limited necessities of the old thirteen States, of indeed parts only of the old thirteen States, as they existed at the formation of the present Constitution, forever to remain a rule of its interpretation? Are we to forget the wants of our country? Are we to neglect and refuse the redemption of that vast wilderness which once stretched unbroken beyond the Alleghany? I trust not, sir. I hope for better and nobler things. The gentleman intimates that the General Government may have powers in time of war which it does not possess in time of peace; but I ask, has it any powers but what it holds by grant of the Constitution, expressed or fairly implied? And if not, does it not possess the same powers at all times? True it is, that in peace many of these powers are not called forth into action and exercise—but they exist nevertheless, or the Constitution is a nullity. Sir, is war a source of power? Is necessity a source of power? Surely not. The Government holds its powers not by peace, or war, but by the Constitution. I ask whether, while peace yet continues, the Government has no powers which are preparatory, but which have a direct relation to war? May it not

cast cannon? May it not provide muskets, to put into the hands of a hardy and gallant yeomanry? May it not make forts?—and if it may do all these, do I advance a single step, when I ask, may it not make roads also? Yes sir. I do say roads are in place of forts, and in a great measure dispense with the necessity of building them: roads collect the moveable force of the country, and condense it on whatever point may be attacked or threatened by an enemy. What was told us, when, the other day, we voted for a road in Arkansas? That the great body of population in that Territory was separated by a wilderness, from that in other States, impracticable and impassable; and we voted for that road as a measure of defence—and it is a measure of defence—far more effectual than fortifications would have been.

Another gentleman from Virginia (Mr. ARCHER) employed a species of argument, the propriety of which I again submit to his candor. He takes up all the various Constitutional sources, whence the friends of the bill draw the power, and examines them separately, and in detail. And, contending that no one of them would induce Congress to pass the bill, dismisses the whole in succession. Now, sir, is not this treating the subject upon grounds of expediency and not of power? He asks if you would make these internal improvements for the purpose merely of transporting the mail? Or for that of facilitating the distribution of the public force? Or for that of promoting internal commerce among the several States? And, emphatically pronouncing the negative, in reference to each of those several objects, the gentleman seemed to think that the Committee ought to come to the same conclusion to which he brought himself; that this power does not exist. Is it fair, thus to pass in review the various objects, and to pronounce, that, since no one of them, considered by itself, would lead to the adoption of the proposed policy, the bill ought not to pass? The motive for the exercise of power is one, and a totally different thing, from the power itself. It might be conceded, that no one of the objects suggested, considered apart, would present a sufficient motive to enact the bill; and yet, that the aggregate effect of the whole of them united, would present an adequate motive. In truth, almost the whole argument against the bill is virtually an argument on expediency, rather than power. The gentlemen argue from extreme cases; but, if their argument amounts to any thing, it is good against the exercise of any power whatever, and applies as much to any and every other power of the Government, even to those literally and expressly granted, as it does to the incidental power now in dispute. The power of taxation is a power expressly granted; and taxation may be carried so far as to take away the last dollar from every man in the community. But, is this good argument against the existence of the power? So gentlemen ask us if we are going to make 80,000 miles of post roads? No, sir; but this does not operate as a reason why we may not such as are called for by the wants and the safety of the country.

The gentleman from Virginia has reminded me

MONDAY, February 2.

The House proceeded to consider the proposition submitted by Mr. COOK, on the 12th ultimo, to amend the rules of the House; and, being read,

Mr. TAYLOR moved to amend the same, by substituting, in place thereof, the following:

"A member having a petition to offer, without a formal presentation of it to the House, may deliver it to the Clerk, his name being endorsed thereon, with a memorandum of the standing committee to which he desires it to be referred; and it shall be accordingly entered by the Clerk, under the direction of the Speaker, in the Journal of the day upon which it is so offered; reserving, however, to any member, the right to make, if he deem it proper, a formal presentation of the petition."

"If a petition be erroneously referred, the chairman of the committee charged with it may, through the hands of the Clerk, pass it to the chairman of the proper standing committee; and an entry shall be made on the Journal, under like direction, discharging the first committee from the consideration of the petition, and referring it to the last mentioned committee, on the day of such transfer. If there be a disagreement between the chairmen, the House shall decide."

The amendment being read, and debate arising, the subject was ordered to lie on the table.

Mr. FORSYTH presented a petition of sundry inhabitants of the county of Camden, in the State of Georgia, praying that measures may be adopted for the cutting a canal from the river St. Mary's, along the southern extremity of the Ogefenoka Swamp, to the waters of the Suwanee river; which petition was referred to the Committee on Roads and Canals.

Mr. NEALE presented the memorial of sundry inhabitants of the town and county of Alexandria, in opposition to the memorial of the Common Council of Alexandria, heretofore presented to this House.

Mr. MERCER presented a memorial of sundry merchants and millers, in Prince William County, in the State of Virginia, praying that the acts of the Common Council of Alexandria, in relation to the inspection of flour, may be revised and amended.

The said memorials were referred to the Committee for the District of Columbia.

The SPEAKER presented a resolution adopted by the General Assembly of the State of Indiana, requesting that Congress will make provision for the continuation of the national road from Wheeling to the river Mississippi; which resolution was referred to the Committee of the Whole to which is committed the bill for the continuation of the Cumberland Road.

The SPEAKER presented a memorial of the General Assembly of the State of Indiana, praying for the aid of Congress in opening a canal navigation between the river Wabash and the river Miami of Lake Erie; which memorial was referred to the Committee of the Whole to which the bill upon that subject is committed.

Mr. JENNINGS presented a resolution adopted by the General Assembly of the State of Indiana,

of the many obligations conferred by this Government upon the West—and, among them, has spoken of the grants of land for education. I ask the gentleman, Were not these paid for? Have not these school lots raised the value of the whole body of United States land by which they were surrounded? Sir, the Western States have never yet received any thing from this Government for which they have not given an equivalent. They have paid a *quid* for every *quo*. Was the West allowed to buy its land of the Indians; or, did not the whole avails go into your own exchequer? You yourselves desired it. And, as to the Indian wars, were they not necessary for the safety of the whole Union? [Here Mr. RANDOLPH interposed, and denied having adverted to the Indian wars.] If he did not, said Mr. C., then I must say he has made out a wretched list of benefits. Sir, I regret the introduction of such a topic. It is one on which I should never have dwelt, unless forced into its discussion. But I will say, in leaving it, that the sale of your land to the people of the West, has brought more money into your Treasury than has been acquired in the sale of the public domain of all the Powers of Europe together who own American colonies. I know it may be said that there is no compulsion, and that the whole of this revenue is from voluntary purchase. True, sir; but is this parental Government to look, in the spirit of Shylock, only at the bond? If its policy, by whatever circumstances, has practically operated to drain one portion of the country of its money, ought not the Government, like a wise and considerate parent, to counteract this enfeebling process by the adoption of a broad and beneficent national policy, especially when that may be done, not only without doing injury to any other part, but so as to advance the prosperity of all? With this appeal to the equitable feelings and the sound discretion of the Committee, Mr. C. said, he should close what he had now to say; and, as it had been with reluctance that he rose, he now sat down with equal pleasure.

Mr. CLAY having concluded; on motion of Mr. TRIMBLE, the Committee rose and reported, and obtained leave to sit again.

Previous to the Chairman leaving the Chair—

Mr. HAMILTON rose in his place, and stated that he wished, though in a very informal way, to make a communication, to which, from its nature, he was sure every gentleman would listen with interest. The House had all witnessed, with regret, the very unpleasant altercation which, during a late debate, had taken place between two honorable members of this House. He was now the bearer of the agreeable intelligence that, through the spontaneous interposition of friends, the state of feeling which arose on that occasion had been successfully removed, and had been exchanged in a manner highly honorable to both the parties, for a happier one; the gentlemen had been restored to each other in relations of mutual amity and personal respect, and every painful recollection removed—he congratulated the House on so happy an issue of an affair which all who witnessed it could not but deeply deplore.

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respecting the continuance of the national road to the Mississippi river, a copy of that this day presented by the Speaker.—Referred to the select committee appointed on the 9th of December last, upon the subject of the two per cent. fund, set apart from the proceeds of the sales of public lands to the making of roads.

Mr. RANKIN, from the Committee on the Public Lands, to whom the subject was referred, by resolution of the 15th of December, and to whom was referred a memorial of inhabitants of Fernandina, in Amelia Island; reported a bill granting donations of land to certain actual settlers in the Territory of Florida; which was read twice, and committed to a Committee of the Whole.

Mr. RANKIN, from the same committee, to whom the subject was referred by resolution, on the 24th of December, and to which was also referred, on the 22d December, a petition of inhabitants of that part of West Florida now attached to the State of Louisiana, reported a bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the Saint Helena and Jackson Courthouse land districts; which bill was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, reported a bill for the relief of William King; which was read twice, and committed to a Committee of the Whole.

Mr. WHITTLESEY, from the Committee of Claims, made a report on the petition of Mareen Duvall, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. MATROCKS, from the same committee, made a report on the petition of Lemuel Arms, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Ordered, That John Biddle, who contested the election and return of Gabriel Richard, the delegate from the Territory of Michigan, have leave to withdraw his memorial and documents.

Two Messages were received from the PRESIDENT OF THE UNITED STATES, the first of which is in the words following:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 11th of December last, requesting the President of the United States to communicate to the House all such parts of the correspondence with the Government of Spain, relating to the Florida treaty, to the period of its final ratification, not heretofore communicated, which, in his opinion, it might not be inconsistent with the public interest to communicate, I herewith transmit a report from the Secretary of State, with copies of the correspondence requested.

JAMES MONROE.

WASHINGTON, February 2, 1824.

The Message was ordered to lie on the table.

[These documents, *in extenso*, will be found in the Appendix to the Annals, Second Session, Sixteenth Congress.]

The second Message is as follows:

To the House of Representatives of the United States:

I transmit, herewith, to the House of Representatives, a report from the Secretary of State, together with a digest of recent commercial regulations of foreign countries, prepared in compliance with a resolution of the House, of the 30th of January, 1823.

JAMES MONROE.

The Message was ordered to lie on the table.

Mr. RANKIN laid before the House a communication addressed to him, as Chairman of the Committee on the Public Lands, by the Commissioner of the General Land Office, detailing the situation and state of the business in that office, and asking that provision may be made for the temporary employment of an additional number of clerks; which communication was referred to the Committee of Ways and Means.

On motion of Mr. BRENT, it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting a pre-emption right to all persons who are settled upon the public lands on the banks of the Mississippi, for the purpose of aiding and facilitating steam navigation upon said river.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of passing a law to encourage settlement on the public lands upon the banks of the Mississippi river, with a view to improve the navigation of said river.

Resolved, That the Committee on the Public Lands be instructed to inquire into the rights of the State of Louisiana to the cypress swamps within the limits of said State, and that such report be made as the rights, justice, and expediency of the case may require.

On motion of Mr. McCoy, the Committee on the Judiciary were instructed to inquire into the expediency of establishing a branch of the district court for the western district of Virginia, at Stanton.

ADDITIONAL INDIAN AGENCIES.

On motion of Mr. COCKE, chairman of the Committee on Indian Affairs, the orders of the day were postponed, to take up a bill for the appointment of two additional Indian agents. The House accordingly went into Committee of the Whole on the consideration of the bill.

[This bill provides, first—"That, from and after the passage of this act, the President of the United States be, and he is hereby, authorized to appoint two Indian agents, in addition to those already provided by law, to be stationed on the western side of the Mississippi, at such places as he may think proper.

"Second. That the agents appointed according to the provisions of this act, shall receive a compensation for their services of one thousand three hundred dollars each, in full, and that all rations, or other allowances, made to them, shall be deducted from the sums hereby allowed."]

On this bill, which the chairman of the Committee on Indian Affairs assured the House would not detain them ten minutes, a desultory debate arose, which continued till past three o'clock.

The object of the bill, as well as the circumstances which gave rise to it, were stated by Mr.

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COCKE, who referred the Committee to a letter of the Secretary of War. This letter, together with a document accompanying it, exhibiting the present number and emoluments of all the Indian superintendents, agents, and sub-agents, now employed by the United States, was read at the request of Mr. RANKIN.

The expediency of the bill was advocated by Messrs. COCKE, CONWAY, CLAY, and COOK; and opposed by Messrs. RANKIN, ROSS, FLOYD, VANCE of Ohio, and FOOT of Connecticut.

The grounds insisted on in its favor were the disorderly state of the Indians on the Arkansas river and its vicinity, produced in part by the removal of the remnants of other tribes into that Territory and its neighborhood, in consequence of an exchange of their lands elsewhere for lands there. Some of these were from tribes who inherited an ancient grudge against each other, and almost the whole of them were more or less dissatisfied with the arrangement which had placed them there. They were now in a very lawless state, and committed great depredations on the property of the settlers; and recent intelligence had been received of actual hostilities and bloodshed. Two agents were as few as could be assigned for this region, and it was hoped that their presence and influence with the ordinary means employed in such agencies, would have an operation to restrain these excesses.

The opposition to the bill was directed chiefly against an increase of the present number of Indian agents, many of whom were represented as having very little to do, and as enjoying situations that approached to sinecures. Some of these might be removed to the Arkansas, if agents were thought necessary there. It was incongruous to increase the number of Indian agents, while the number of Indians themselves was on the decrease. The Governor of the Territory of Arkansas was already, *ex officio*, an Indian superintendent. The legislation, now proposed, would be partial and imperfect. The entire system ought to undergo a thorough revision. Agents should be removed from places where they were useless, and transferred to other spots on our frontier, where their presence was more needed, and some of them might be dispensed with altogether. Besides, the discontents of the mixed multitude of Indians who had been crowded and concentrated on the Arkansas, were not to be assuaged by appointing agents. Those discontents were founded too deeply to be reached by such a remedy. They were the consequences of the oppressions exercised on the Indians in intrusions by the whites on their hunting grounds; a practice that was carried to a pernicious excess. (A single white hunter often having thirty, forty, and a hundred hands, employed at once in trapping, while the poor Indian owned but a single trap.) If we would prevent the further effusion of blood, it must be by an efficient system of measures putting an end to this practice.

Mr. COCKE moved to fill the blank, designating the salary with one thousand three hundred dollars, which was carried.

An attempt was made to lay the bill on the table, and lost—ayes 54, noes 107.

Mr. SCOTT proposed to amend the bill, by inserting the words, "In the Territory of Arkansas and west thereof;" but, before the question was taken, on motion of Mr. FOOT, of Connecticut, the Committee rose, and asked leave to sit again, which was refused by the House.

Mr. COOK then moved that the bill lie on the table—which motion prevailed—and the bill was ordered to lie on the table.

TUESDAY, February 3.

Mr. CROWNINSHIELD, from the Committee on Naval Affairs, to which was referred the bill from the Senate, entitled "An act rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. VINTON, from the Committee on the Public Lands, to which was referred the petition of John Henry Rentrop, reported a bill, authorizing repayment for land erroneously sold by the United States; which bill was read twice, and committed to a Committee of the Whole.

Mr. EDWARDS, from the same committee to which was referred the petition of Sewall Fullam, reported a bill for the relief of Samuel Rist; which was read twice, and committed to a Committee of the Whole House to-morrow.

Mr. NEWTON, from the Committee on Commerce, made a report on the petition of William Porter, accompanied by a bill to authorize the issuing a register to the brig William of New York; which bill was read twice, and ordered to lie on the table.

The resolution submitted on Friday last, by Mr. TRACY, was taken up, read, and ordered to lie on the table.

Mr. COCKE laid the following resolution on the table for consideration on to-morrow:

Resolved, That the President of the United States be requested to communicate to this House a statement, showing the situation of any suit or suits which have been or are now depending, in which the United States are interested, for the recovery of the possession of a tract of land, commonly called "the Pea Patch," and on which Fort Delaware is situated, specifying the amount of money paid by the United States in each case, to whom paid, and the times, respectively, by whom, on what account, and from what fund.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a statement of appropriations for the service of the year 1823, showing the amount appropriated under each specific head, the amount expended under each, and the balance remaining unexpended in the Treasury on the 31st of December, 1823; which letter and statement were referred to the Committee of Ways and Means.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, accompanied by a letter from the Commissioner

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of the General Land Office, with all the books and reports of the several boards of commissioners and recorder of land titles, made out and transmitted to the Treasury Department, under the several acts of Congress, and the instructions predicated thereon, relative to the adjustment of land titles in the former district of Louisiana and Territory of Missouri, now State of Missouri, and Territory of Arkansas, forwarded in obedience to a resolution adopted in this House on the 14th ultimo; which were referred to the Committee on the Public Lands.

Ordered, That the Message of the President of the United States, dated on the 22d January, 1823, communicated to this House at the last session of Congress, accompanied by a report of a survey of the rivers Ohio and Mississippi, from the rapids of the river Ohio at the mouth of the river Mississippi, be referred to the Committee on Roads and Canals.

On motion of Mr. COCKE, it was

Resolved, That the Committee on Indian Affairs have power to call for persons and papers touching so much of the President's Message of the 2d of December, 1823, as was referred to said committee.

On motion of Mr. OWEN, the Committee on Commerce were instructed to examine and report to this House whether, in their opinion, the laws now in force authorize the exaction of duties on tonnage of barges, steamboats, and other craft, trading wholly on the waters of the Alabama and Tombigbee rivers; and whether, by the same laws, licensing and enrolling are also required; and further, if duties, and licensing, and enrolling, in such cases, are required by law, how far it is expedient to revive the 8th section of the act of the 1st May, 1802, and of extending the provisions thereof to the collection districts of Alabama.

On motion of Mr. WHITTLESEY, the Committee on Commerce were instructed to inquire into the necessity and expediency of erecting a light-house at some suitable site on the south shore of Lake Erie, east of Chagrin river and west of Conneaut creek.

On motion of Mr. GURLEY, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the legality of the charter granted to the Orleans Navigation Company, by the government of the late Territory of Orleans, on the 5th July, 1805, and the right of said company to exact and collect a tonnage duty on vessels navigating the river or bayou St. John, in the State of Louisiana; and, should the committee be of opinion that the same is illegal, that they report to this House such measures as they may deem most expedient and effectual to adopt to secure the free navigation of said river.

Resolved, That the same committee be instructed to inquire into the expediency of disapproving, by law, of the act of the government of the late Territory of Orleans, incorporating the Orleans Navigation Company, passed on the 5th of July, 1805.

On motion of Mr. ANDREW STEVENSON, the Committee of Commerce were instructed to in-

quire into the expediency of so amending the several laws relating to the districts of Bermuda Hundred and City Point, in the State of Virginia, as to permit ships or vessels arriving in ballast to make entry in the manner now provided by law, for vessels laden with goods, wares, and merchandise.

On motion of Mr. RICH, the Committee of Claims were instructed to inquire into the expediency of discharging from their liability, either in whole or in part, the sureties of Walter Sheldon, deceased, late a district paymaster in the Army of the United States.

On motion of Mr. McLANE, of Delaware, the Committee on the Judiciary were instructed to inquire into the expediency of authorizing the public stock of the United States to be purchased and sold by the courts of the United States.

Mr. MOORE, of Alabama, submitted the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of enacting a law, explanatory to the treaty made between the United States and the Cherokee Indians, on the 8th of July, 1817, in such manner as shall authorize those holding reservations in land for life, with a reversion in fee simple, to their heirs, to make leases for a term of years of the same, without incurring a forfeiture of their estate for the want of personal residence.

The said resolution was read, and ordered to lie on the table.

On motion of Mr. COOK, the Committee on the Public Lands were directed to inquire into the expediency of authorizing the President to cause a land office to be opened at some point near the route proposed for a canal, to connect the waters of Lake Michigan with the Illinois river, when he shall deem it expedient.

SURVEYS FOR ROADS AND CANALS.

The House resolved itself into a Committee of the Whole, (Mr. FOOT in the Chair,) on the bill making provision for procuring the necessary surveys, estimates, &c., for roads and canals.

Mr. TRIMBLE having ceded his right to the floor—

Mr. J. S. BARBOUR, of Virginia, rose and said: In addressing the Committee upon this subject, he labored under no common share of embarrassment. The magnitude of the question itself, the ability and eloquence already evolved in the discussion; the relation in which I stand to a majority of my colleagues on this topic—all unite to increase the embarrassment which I feel in the discharge of the duty incumbent upon me. While these considerations give me, I trust, some claim to indulgence, they make a fearless discharge of that duty more necessary and imperative.

Can this Government construct such roads and canals as are necessary and proper to fulfil its Constitutional obligations? The solution of this question covers the whole range of the present discussion. It is a question of power—of implied power, conferred by that charter which alike marks our powers and our duties. The three great instruments of power given to this Confed-

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eration are, its Army, its Navy, and its right of taxation. The duties enjoined on it are, the common defence and general welfare. The first provides the means, the last indicates the ends to be attained. Its constructive power results from that grant in the Constitution to make all laws necessary and proper for carrying into effect the mass of power expressly granted. The subject, then, presents itself to us from this point of view—Are roads and canals necessary and proper, in the full exertion of the powers conferred, in order to discharge the duties enjoined? Are they necessary and proper, as a means of providing, maintaining, and employing the Army and Navy of the United States? At the threshold of this inquiry, two objections, of a character apparently insuperable, have been presented by my colleagues, (Mr. P. P. BARBOUR and Mr. A. STEVENSON.) The first of these gentlemen has told us that the right of establishing roads and canals involves the necessity of exclusive jurisdiction; that exclusive jurisdiction has been granted in certain enumerated cases, and that this enumeration is exclusive, in cases not enumerated. If the premises were here correct, the deduction would be irresistible. But, Mr. Chairman, is exclusive jurisdiction, in this Government, necessary for the exercise of this power? I apprehend that it is not. Exclusive jurisdiction has been granted over the District in which we hold our deliberations, and over such other territory, ceded with the assent of the States, for forts, arsenals, dock yards, and other needful buildings. What is the effect of this exclusive jurisdiction? It necessarily carries with it the sole and absolute legislative powers to the full extent of that jurisdiction. It embraces, in its exercise, every subject that can be matter of legislative, executive, or judicial cognizance. The wise framers of the instrument under which we act, believed this power to be rightfully and safely vested in the United States, for the uses which have been expressly specified. The question recurs upon us, Is this right of exclusive jurisdiction necessary, in the construction of these roads and canals? Cannot this Government acquire and hold the right of property in the soil, while the jurisdiction over it is still reposed in the State governments? Numerous instances could be cited, in which the United States may exert a proprietary right, totally apart from its sovereign rights. And, this right being once acquired, what objection can arise in enacting such needful rules and regulations as tend to preserve it? This Confederation is expressly vested with authority to make all needful rules and regulations that may relate to the territory, or other property of the United States. Exclusive jurisdiction, and the right of property, are not inseparable. I can perceive no difficulty in exercising the control which the right of property gives to the one, and the exercise of jurisdiction by the other government. If there be a violation of any private right, or of any law relating to the whole circle of crimes and punishments, committed upon such soil, then the State claiming jurisdiction will necessarily take cognizance of such offences. Its code of laws supplies

the rule to redress the wrong, and punish the delinquent. This municipal authority, to the extent retained, is sovereign on the part of the States, and I am unable to discern the least peril of colliding jurisdictions.

The other gentleman from Virginia (Mr. S.) denies to this Confederacy the right to acquire lands in the several States, and if such acquisition could be made, it must, he says, be held as one sovereign would hold lands in the territory of another. I dissent to both these propositions. Can gentlemen be serious in denying to this Government, created for such great purposes, a power which belongs to every corporate town, and to every turnpike company, in the several States? This is not only one of the inherent attributes of its institution, but the fifth amendment to the Constitution recognises the right to take private property for public uses, connecting with that right the correlative obligation of making just compensation to its owner. Can this right of acquisition be construed to relate to personal property only? The United States have already expended many millions of its treasure in the purchase of lands. This right, by purchase, expands itself over the boundless territory washed by the waters of the Mississippi, now subdivided into several States. Is the title to these vast domains defective? Are the Representatives from these States intruders within this Hall? A large portion of territory was obtained by purchase from the State of Georgia—an instance which will forbid gentlemen from seeking refuge in the treaty-making power, to shun the force of these precedents.

I apprehend, sir, that this Government is not bound to hold its lands in the States, subject to all the conditions which one sovereign may impose on another. The two systems of government were designed to compose one harmonious and consistent whole, each moving in its appropriate sphere of action, and ministering to the common weal. If there be any proposition about which there should be no diversity of opinion, it is that, to the extent of the powers granted, this Government is supreme; the Constitution has so expressed it, and the State courts are positively required to observe and maintain its legitimate supremacy. But, are the State governments sovereign? The 10th section of the first article of the Constitution is filled with limitations upon the sovereignty of the States. I need not point to them—they are within the knowledge of all. And here let me take leave to add one further limitation—the local authorities are also controlled to the extent of all the means necessary and proper to carry into effect the delegated powers of this Government, be these means "municipal," or otherwise. This limitation is the obvious result of that clause of the Constitution which claims for itself, and gives to its laws a supreme control. The conclusion seems to me inevitable, that this Government may acquire a proprietary right of soil, for national purposes, within the several States; that this right of property draws after it the power to make all needful rules and regulations affecting it, and that

these powers may be rightfully exerted, independent on all local authority.

Congress can claim no other powers than such as are expressed, and those which are incident to the express grant. There is no language in this Constitution, as in the Articles of Confederation, to exclude implied powers; on the contrary, this class of powers is bestowed by positive words. The express powers are the result of express grant; those which are incidental must, from their character, necessarily be the result of legislative discretion, limited by the terms of the Constitution. No safer rule of construction can be furnished, than to interpret the words of the instrument in their plain and obvious sense, neither enlarged by a spirit of encroachment, nor checked by any unwise denial of the necessary powers to effect the great design of its creation. No constitution can do more than draw the general boundaries of the government to which it gives being. To mark the various divisions of its power, would have been a task endless and impracticable. Where, in this instrument, can be found a grant of express power, which does not necessarily require others of a character incidental and auxiliary? Powers that are vital to the existence of the Government, and without which it would be unworthy of the wisdom which created it, and unfitted to secure the welfare of the people. The security for the faithful performance of these powers will be found in the wisdom and virtue of those who are chosen to be the guardians of the public interest. It will be found in the language of the Constitution, which limits their exercise, and forbids usurpation; and if these should prove ineffectual safeguards, there remains the great conservative principle, which springs from the frequency of elections. So long as this power remains in the hands of the people, there is no danger of abuse. Jealous of their just rights, and possessed of an ample remedy, they will not forbear to employ it, when duty shall bid them to act.

I shall not seek to derive the power in question from that clause which relates to post offices and post roads. The argument of the honorable Speaker, and that of the gentleman from New York, (Mr. Storrs,) have done so much justice to this branch of the inquiry, as to make any effort on my part worse than idle. If I can satisfy the Committee that this is a necessary incident to the military and naval power of the United States, I flatter myself that I shall have accomplished all that duty requires. If the end be lawful, and within the legitimate purpose of the Constitution, it draws after it all the means necessary and proper to attain that end. If this be not true, then the language in which the Constitution itself is written has lost its meaning, and the government it creates a mockery upon the intentions of its framers.

Congress has power to provide and maintain armies and navies, as instruments necessary for the common defence—one of the great duties charged upon the Union. Connected with these, express power is granted to erect forts, arsenals, and dock yards. For what purpose are you to build forts? They suffice the purposes of defence,

but they must be filled with troops, cannon, small arms, and all the munitions of war. The means of transporting these are just as necessary as the forts themselves. The road that conducts to the fort, is indispensable to its useful maintenance. Again, for the purpose of building a navy, you may erect dock yards. Can it be supposed, that all the vast variety of materiel for shipbuilding could be growed, manufactured, and obtained, in the dock yard itself? Can these be had but by the means of transportation? Without roads and canals to your forts and dock yards, the purpose indicated by their establishment would be physically impracticable. The relation here, between the means and the end, is not only direct, immediate, and appropriate, but absolutely and indispensably necessary. Will such roads and canals be taken as part of the forts and dock yards, or as necessary to their existence? If the former, then the power belongs to that class which is conferred by express grant. If the latter, they are necessary and proper, and are classed with the incidental powers, by the plain letter of the Constitution.

But, it is said that, if the power exist to cut roads and canals for forts and dock yards, they must be limited by the necessity that creates them; and that, having created them for these uses, the power to create ceases, with the use in which they are employed. If the United States possess this power in any case, it obviates most of the difficulty offered to its exercise, in all cases; inasmuch as it develops the existence of this power, without involving exclusive jurisdiction, but carrying a right of property in the soil, and a consequent authority to enact all needful rules and regulations, in relation to that property.

Let us, however, Mr. Chairman, examine this question, so far as it is an incident to the aggregate military power of this Government. For what end is this power given, and for what purpose may it be rightfully employed? The Constitution supplies the answer; "for the common defence and general welfare." I shall not contend that this language was designed to infuse power into this Confederation, but its manifest intent is to impose an obligation. The duty which it enjoins is co-extensive with the entire limits of this expanded and expanding Union. Your armies, with all the circumstance of war, are to be marched and transported throughout the almost boundless extent of these States. The untrodden wilderness is to be traversed, not only by the footsteps of the soldier, but all the munitions of war must accompany him. What means are most plainly adapted to this end? Gentlemen have said that post roads were not necessary, on the part of this Government, because population precedes the necessity for post roads; and that highways will be provided, which suffice for post roads. But, can this be the case, in the exertion of the military power? The populated portions of our country are not the usual theatre of battles. The abode of civilization cannot be visited by the horrors of war until the frontier is passed. There often exists the strongest necessity to transport troops to the most remote quarter. The peace, the safety, and the

lives of our people, frequently depend upon the rapidity of this transportation. As a mean to accomplish the end, to discharge the most sacred and positive duty required by the Constitution, roads and canals are strongly necessary. They are so, as a further means of promoting an economy of treasure and of blood. Can it be thought, that this necessity exists only in war? Sir, I know no power belonging to this Government, with which it is not as fully clothed in peace as in war. In war, when all the resources of the nation are necessary for its successful operation, is it practicable to commence and prosecute a system of internal improvements? Peace is the season of preparation. In war, all our means are wanted to conduct us in safety through its perils. If that be the only period in which it is Constitutional to create military roads, it is alike the period when it is utterly impracticable, and if this argument be just, it amounts to a total denial of all authority over this subject. A state of war renders it impracticable, although then admitted to be Constitutional; in peace, it is alone practicable—but, according to this argument, it is then unconstitutional. The effect of this mode of construction is to demand duties, and deny, at the same moment, the means of discharging them. As an incident to the military power, they are eminently useful. They augment the safety of the nation at home, and increase its respect abroad. In this view, public confidence is enhanced, while foreign nations are counselled to respect a people, at all times ready to protect themselves; they tend to promote economy in the various employment and expenditure of the whole military power of the Union. By attaining these great objects, our independence, honor, and prosperity, are defended and secured; and, if so, can there exist a rational doubt that they are necessary and proper in providing for the common defence of the whole United States, and are therefore, Constitutional?

I beg leave to offer a further view of this question. The experience of past ages, and the counsels of our own constitutions, instruct us, that the chief defence of a free people must rest upon its militia. Trained to arms, and conversant with their duties, they are the defenders of our liberties, not only against external invasion, but against those internal commotions, the consequences of unprincipled ambition. To the assaults of a naval enemy, a large portion of our country is peculiarly vulnerable. If we rely upon the militia as an arm of defence, it behooves us to provide the facilities of rapid transportation to each assailable point. Such an enemy will be always clothed with a capacity to fly or fight, as his inclinations may direct. Your means of resistance must eminently depend upon the promptness which you can gather your forces around him. Should you not provide these facilities, the Government must station regular troops at the numberless assailable points. Apart from the vast expense of such a military establishment, I shudder for the dangers with which it would encompass the liberties of the people. Standing armies have always been viewed

as engines of despotism, and as hostile to the existence of all free institutions. The kindred affections, by which all its parts are tied together, the attachment to its chief, which is locked up in the arms of military discipline, the *esprit du corps*, which is its strongest sentiment, united with that principle which counsels man to feel power while he forgets right, all combine to fill the public mind with alarm and with jealousy towards such establishments.

Several gentlemen, who have participated in the debate, admit the incidental powers, and have given us a rule of construction which limits them, by a direct, immediate, and appropriate relation to the end designed; and yet, when they apply this rule, its interpretation denies a choice of all the means to attain the end. The Constitution never intended to deny to Congress a choice of means. Is the end legitimate? Is it plainly and distinctly within the scope of the Constitution? Then all the incidents necessary and proper become the subject of legislative discretion. The Constitution confers on Congress the power to call forth the militia, in order to suppress insurrection, repel invasion, and execute the laws. Here the end is expressly declared, and the means is expressly indicated; and yet, I presume, none will deny that we have power to execute our laws by other instruments than the militia; that we may suppress insurrections by the regular army, or that we may employ the same force to repel invasion. If such constructions of gentlemen be correct, we should be compelled to rely exclusively upon that mean which the Constitution directs to attain the end to which it points. If these walls could speak, or rather if the foundation of this building could instruct us by its warning voice, we might be counselled of the dangerous character of such interpretations of the Constitution.

The alarm expressed in relation to "State rights," is, to my mind, entirely fallacious. The power sought to be exerted, is only seen and felt in the improving hand of the National Government over the territories of the States. It invades no right—it trenches upon no jurisdiction—it is only known in the "blessings it confers." The National Government can usurp no jurisdiction over the States, and all the enactments of Congress upon this subject, are dependent on the States for their execution. The local jurisdiction is not only unimpaired, but this dependence of the one Government upon the other, to the extent of that dependence, enlarges the power of the States, and diminishes that of the Union.

The time was, when it became necessary to augment the powers of the States to their utmost limits, by enlarged rules of construction. A spirit of encroachment had found its way into the Administration of the Confederacy, which many of our wisest heads and purest hearts believed to threaten the preservation of popular government. The freedom of the press was trammelled and the liberty of speech denied. It was in the State governments alone, that these rights were fully possessed. Upon their ramparts the banner of resistance was planted; and through their agency a revolution

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of public sentiment was achieved, which allayed the fears of the people, and stayed the restless march of power. In the ardor of patriotic devotion, and in the zeal which a glorious cause inspired, it is not matter of surprise, that a sphere of action should be allotted to the States, which might be incompatible with the full exertion of all the functions of the confederated government. The events of the late war supply us with some monitory lessons upon this subject. These cannot be forgotten; some of them are traced in blood, and others will long remain as monuments of human error, and of the fallacy of those errors where "reason is left free to combat them." Does the honorable member from Vermont recollect that, under the pretext of State rights, the Governor and Captain General of his own State invoked his militia, by proclamation, to abandon the service of the United States, at the very moment a powerful foe was endeavoring to devastate our northern frontier, and to whelm it in the horrors of war? Whose patriot yeomanry wear the honors of repelling with scorn and indignation this unworthy invitation? What but those rules of rigid construction supplied some of the Northern members of this Confederacy, with the hollow pretence of State rights, to strip the national arm of some of the most salutary powers? Nor was this all; measures were concerted, to arrest and divert the revenue of the nation; a convention of delegates assembled, whose agents were deputed to beard the Government in the moment of its greatest extremity; to paralyze the measures of resistance, and to proclaim its impotence to an arrogant and insulting foe, who openly threatened to lay waste every assailable point; the camp itself became the forum of Constitutional exposition; no one who cherishes an exulting pride in the glory of his country, or that has a heart to feel for its calamities, can forget the scene before Queenstown. A gallant chief conducted our undisciplined troops into the enemy's country. Victory had already perched upon our standard, when the co-operating aid of expected reinforcements was suddenly checked by Constitutional difficulties. Disasters speedily clustered over our hopes, and a nation's honor wept and blushed over the wasted blood of our people, and the sullied lustre of our arms. A construction widely different was given by the people of the West, and as different was the result. They sought the foe, they fought and conquered him; triumph sat upon their brow, and the joy of victory gladdened a nation's heart. A practical illustration is here presented of these two systems of Constitutional construction.

It is time to adopt just and wholesome principles of interpretation. I have no pleasure in referring to instances of delinquency, nor should I have done so, but for the anxious fears which gentlemen express for the rights of the States, and an apprehension of a departure from those rules of construction which they deem sacred. For the preservation of those rights, I feel a solicitude as deep and anxious as any member here. While I cherish this sentiment, I cannot be insensible to the dangers of their encroachment. Some of the

events to which I have alluded give me cause to fear, that, in times of public trouble, there is greater danger of anarchy among the members of this confederation, than of tyranny in its head.

The agency of the States in the organic establishment of this Government must at all times give them great power. Let the States withhold from the Union its means of providing a Senate and Executive, and this Government must at once moulder in its ruins. So long as each is duly awake to a sense of the blessings this Union confers, and of the obligations which it imposes, I fear no danger—the system will continue one harmonious and consistent whole. When political corruptions shall have confounded these obligations, it will be in vain that we seek safety in the written forms of the Constitution—it needs not a "prophet's fire" to foretell its dissolution. Our best security is to be found in the virtue and intelligence of the people. Jealous of their rights, and rich in this possession, I ask no pledge but their unceasing vigilance.

I must beg leave, in closing, to express my regret that a gentleman from Pennsylvania (Mr. STEWART) should have deemed this a fit occasion to complain of what he considers the Virginia principles of construction. Sir, it is to these principles that this Union is eminently indebted. They gave being to your Constitution, and a shield to your national independence. They stayed the wild career of a mad and faithless Administration, and arrested the giant strides of ambition. They cherished that love of country which displayed its generous and fearless spirit in every theatre where danger menaced, or where duty summoned. They gave to liberty a resting place among us, and diffused its blessings through this land. They teach us to promote public prosperity, to cherish kindred sympathies, to cement the bonds of union, to perpetuate these blessings to posterity. And, believing that this bill may minister to these beneficent purposes, I shall cordially give it my support.

When Mr. BARBOUR had concluded—

Mr. TUCKER, of Virginia, said, that the gentleman from New York (Mr. STORRS) would see, from the speech of his colleague (Mr. J. S. BARBOUR) who had just sat down, that with regard to the Constitutional doctrines which he had considered as peculiarly Virginian, there was somewhat of the same diversity in Virginia as in other States; and he ought to have recollected that the same doctrines had been zealously supported by one gentleman from his own State, (Mr. WOOD,) and another from Vermont, (Mr. MALLARY.) He had also characterized the arguments brought to support a rigid construction of the Constitution as Virginia metaphysics, and it was not the first time that the remark had been made in that House. But if any blame was to be attached to letting the argument turn on mere political abstractions, the other side must come in for their full share, as they had drawn the nicest distinctions between municipal powers, and national and political and various other species of powers. Mr. T. said he should not follow their example, both because he

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had no talent for that species of reasoning, and because, after the proposition is established that the power in question is municipal or national, or of any other particular class, nothing is gained in the argument, and the parties are still left to differ about the meaning of the terms. He should keep clear of these refinements, and endeavor to adhere, in the discussion, to the dictates of plain common sense. And, although he did not promise himself that he should change a single vote in the Committee, it was possible that what he might say might have some effect elsewhere; and, though it may fail to convince, it might excite some trains of thought that may be improved by others possessed of greater powers than his own.

Mr. T. said he was sorry that so much time had been expended in this debate to prove the advantages of roads and canals. This was surely unnecessary in the present day. A large portion of the labor of every country is expended, not in producing useful commodities, but in conveying them from the parts where they are redundant to those where they are wanted; and the saving in this labor of transportation, afforded by roads and canals, often makes the difference between a rich and a poor country. He was as sensible of their advantages as any one, and had been always ready to contribute his feeble aid in imparting them to the State of which he was a Representative. But he was opposed to the system of which the present bill proposed to lay the foundation, not only because it was beyond the sphere of the powers confided to us by the Constitution, but because he thought it of dangerous political tendency, with regard to the relative powers of the General and State Governments, and unwise as a measure of national economy.

Mr. T. said he did not propose to say much on the constitutionality of the bill, as that branch of the subject had been already very fully and ably discussed. He should, however, trouble the Committee with some remarks on the clause respecting post offices and post roads, in the examination of which, he hoped he should be excused for indulging in verbal criticism. In doing so, he should but follow the example of the Speaker—and, indeed, when the meaning of a clause in the Constitution turns on a single word, as in this case, and its meaning is disputed, there is no other mode of ascertaining the meaning of that instrument. He thought the meaning could be missed only by too much subtlety and refinement, as many who might have found gold, if they had confined themselves to the surface, had lost it by searching too deep for it. The Speaker disclaims all other sources of the power to make roads and canals, than is to be found in this clause. If it is here, it is given by the word *establish*. He says, *establish* means to originate and create, rather than to adopt or designate. I, in part, agree with him, said Mr. T.; but it often signifies neither the one nor the other. The simple import of the word is, to give stability to, and the object thus made stable, may originate at the same time, or it may not. Mr. T. here gave several illustrations of the meaning of the word, in all of which, it

signified to give stability of some kind—of truth, or certainty, or law. In no case of legislation does it import a physical act, but merely to give to some subject the stability of law. But, if it be admitted that it is synonymous with make or create, it would not advance the purposes of the argument, as it would simply mean, to create by legislative enactment.

Nor has the Speaker adverted to the difference between establishing a road and a post road. The State might make a road, while the act of Congress made the post road, which distinction Mr. T. further illustrated by examples. If any doubt, said he, exists on this subject, the sense in which the word has been invariably used by the Legislature, from the origin of the Government, ought to be considered as the correct one; and our statute book is filled with instances of post roads that have been *established*, though no roads have been made. But, again, Mr. Chairman, the word *establish* has not a stronger signification than the words *abolish* or *discontinue*, which are used in contradistinction to it; and yet, when we speak of discontinuing a post road, no one considers it as stopping up, or even discontinuing, the road itself, but merely as depriving it of the property of being the channel of conveyance for the mail, which the law had imparted to it; and, in like manner, to establish a post road is nothing more than to give to a road the same property.

Mr. T. said that, in expounding the Constitution, he had made it a rule, ever since he had had a seat on that floor, to avoid refinements of construction as much as possible, and to understand the language as it was used by persons of plain common sense; and this for two reasons—one was, that its wise framers no doubt intended that the words of an instrument which was made in the name of the people, and meant to act on the people, should be taken in their popular signification; and another was, because, on all controverted questions about the Constitution, the people, from whom all power is derived, must be, at their elections, if no where else, its final arbiters and expounders. Let us then apply this rule of construction. What are the words that would have been probably used if the Constitution had meant to give the power contended for? These would have been *make* or *construct*, and not *establish*; and let me ask, if one was to inquire who established a particular post road, would the inquiry be understood to apply to the construction of the road itself, or to the property or quality which the law had imparted to it? Would any one think of the spades and shovels by which the road was made, or merely of the Legislature which had converted it into a mail route?

But again, Mr. Chairman, said Mr. T., the power of constructing roads, insisted on by the advocates of this bill, is a much greater power than that of making them the channels of conveying the mail. It is greater in the cost of executing it, and greater in its bearings and consequences. A gentleman from Pennsylvania (Mr. STEWART) has told us, that the expense of transporting the mail on the Cumberland road was

formerly sixty dollars per mile, (now reduced to thirty,) but the cost of constructing it has been, I believe, upwards of ten thousand per mile, the interest of which is ten times the cost of transporting the mail. Now, supposing the words to be ambiguous in their meaning, is it reasonable to construe them to give the larger power, when the smaller will satisfy the words, and when the framers of the Constitution could so easily have used the unequivocal language of making or constructing roads, if it had been their intention to give such power?

Mr. T. then remarked, that perhaps he had said more than was necessary to show that this clause did not specifically give the power to construct roads, as nearly all the gentlemen who had followed the Speaker had virtually given up this point by deriving the power from some other part of the Constitution. But some, who could not persuade themselves it could be found in the right to establish post roads, think that it may be found in that clause which gives all powers that are necessary and proper for carrying the specific powers into execution; and that the power to construct roads is a necessary power to give effect to the power of establishing post roads, in the limited sense in which we understand it. But, said Mr. T., the Constitution was made for men and things as they are, not as they possibly might be. It did not mean to provide for extreme and highly improbable cases, and I entirely concur with the Speaker, that it is unfair to test the Constitution by remote possibilities. Those who framed it knew that wherever there were people there were roads; that these must, necessarily, go hand in hand with settlement and population; that their own convenience, their necessities, would compel them to make roads to their ordinary markets, their courthouses, their places of worship. Sir, our whole territory is intersected with roads, and there is not, perhaps, a square of three miles in the United States, having a population of ten persons on it, in which there is not a road sufficient for the transportation of the mail. Nothing, then, can be more unnecessary than such a power in Congress; and when we remember with what a cautious and jealous spirit power was doled out to the General Government by the States, it may fairly be presumed that, if they had imagined the case in which the General Government had wanted a road in opposition to the wishes of the State through which it was to pass, they would not have granted the power. Sir, no questions excite more interest, or are litigated with more warmth, than disputes about roads. In Virginia, contests concerning them are often carried on through all the courts from the highest to the lowest; and the question is not there, as it commonly is in more thickly settled countries, who shall have a road near him, but who shall get rid of it, because it often imposes on the landholder the burden of additional fencing. When they found that the exercise of a jurisdiction by their own courts excited so much heart-burning and contention among the people, it is one of the last powers they would have surrendered to a Government

that was new, and in a manner foreign to them. Sir, in such extreme cases as have been supposed to show the necessity of this power, we must always rely on the discretion and good sense of those on whom the Constitution was intended to operate, and it was no more necessary to provide for them on this subject, than it was to provide for compelling the States to choose Senators or Electors. They will do so for their own sakes, and the moment a law for that purpose becomes necessary, it ceases to have operation, and the Government becomes dissolved. Against these remote contingencies, the good sense and good feelings of the people are the only security.

But, it has been said, that, if Congress do not possess the power of making roads, a State may obstruct the mail when it pleases. But, can any thing be more improbable than the supposition that the people will deny themselves the convenience and benefits of the mail, of hearing from distant friends, of corresponding on business, of gratifying their curiosity, for the mere purpose of thwarting the General Government? Sir, in the times of the most violent party spirit, in the hottest opposition that the Government has ever experienced, no one, not even the Hartford Convention, would have purposely given any obstructions to the mail. They were all anxious to get the news; and it is absurd (if so indecorous an expression may be allowed) to suppose that men are to act against their most natural feelings and their plainest interests. If, however, there should be occasional instances of wilful obstruction, the law may act on the individual, and that afford sufficient security to the interests of the General Government.

Mr. T. said it was unnecessary to take up further time on this clause; he would, however, before he dismissed it, make a single remark in reply to the gentleman from New York, (Mr. STORRS,) who had supported the Speaker's construction of this clause. In one particular, said T., I agree with him. If, to *establish*, means to *create*, I admit that he has established the principle he insists on; for, it is not to be found in the Constitution. But this is a sense in which I believe few will concur with us.

Mr. T. now adverted to the power of regulating commerce, from which the gentleman from Delaware, (Mr. McLANE,) derived the power of constructing roads, and said, that he should not attempt to answer the ingenious arguments of that gentleman, both because he had not found leisure to investigate this branch of the subject, and because he anticipated a full and satisfactory answer to it, from one of his colleagues, who would follow him in the debate. He would, however, remark, that, if that gentleman had trusted less to political abstractions and technical distinctions about the different species of power, and consulted the good sense for which he is so distinguished, he would have been conducted to very different conclusions. He had given an extent of signification to the word "regulate," which was justified neither by the import of the word itself, by the history of the Constitution, nor by other parts of that instrument.

Mr. T. said he would call the attention of the gentleman from Delaware, to a clause that had not been adverted to in debate, and would appeal to his candor, whether it did not present a serious difficulty to his construction of the Constitution. That gentleman derives the right to make roads, from the right to regulate the internal commerce between the States, by land as well as by water; but a clause in the 9th section of the 1st article, prohibits Congress from making any discrimination in favor of the ports of one State, over those of another. And it is fair to presume, that they might have given such preference, but for the prohibition. Now, if the gentleman from Delaware is right, that we have the right of regulating internal commerce between the States, it follows, that Congress may make unjust discrimination in the interior of the country, which they are restrained from making at the ports. There can be no reason for this distinction. The States meant to secure to themselves perfect equality, on this delicate and important subject. But, to what purpose forbid discrimination at the ports, if it could be made on roads and canals? The only answer that can be given is, that the commerce on the latter was never contemplated, and the coasting trade was all that was intended by the trade between the States. The gentleman from Delaware also said, that if Congress, under its express power to regulate commerce among the States, had not also the power to facilitate it, by making roads and canals, it would be in the power of any State to obstruct the trade between other States, which passed through it; but there was sufficient protection against this mischief, in that clause of the Constitution which secures to the citizens of one State the privileges of every other, taken along with that regard which every State may be expected to have to its interests. The evil was too remote and improbable, to have made the power contended for, necessary, or to furnish any argument for its existence.

As to the power of Congress to make war, to raise and support armies, Mr. T. said, he could not see how that could be made to give the power to adopt a system of internal improvement. It is true, it may be occasionally necessary to make a road or canal to a fort or an arsenal, but in this case, the road or canal is a mere appendage to the military work. It is, in fact, a part of the work itself. Yet that circumstance can no more give a power to make roads or canals over the whole Union, than to extend any other operation which the Government may find it convenient to carry on within the limits of their exclusive jurisdiction. Such a power cannot be necessary to the exercise of the military power, as we have raised and supported armies in two wars, without making roads and canals; nor has any nation in Europe found the direct exercise of this power, though it is indubitably possessed, essential to its military operations, except in the way that it has been exercised here during the temporary exigencies of war.

But, Mr. Chairman, said Mr. T., if we had this power, there seems to me to be strong reasons why we should not exercise it. And I would ask the

further patience of the Committee, while I offer some objections to the bill which seem to me to deserve their serious consideration. It is very clear, that, if we engage in a general system of internal improvement, it will bring with it an extensive exercise of internal legislation. Large sums of money must be drawn from the people, and again expended in the construction of roads and canals. It must take a good deal, also, to keep them in repair, as every rain that falls, and every frost does them more or less of injury. The construction and superintendence of these public works will require a long train of officers; for it is conceded that the United States are, themselves, to conduct roads and canals, and not by the agency of incorporated companies—and you can act only by means of delegated power. There must also be new tribunals erected to enforce the numerous contracts which the system implies, and to punish the injuries to which the works will be exposed, as the State courts refuse to exercise jurisdiction under your laws. All this apparatus must occasion a prodigious accession to the power and influence of the General Government, and especially to the Executive branch of it. Mr. Chairman, our system of Government is admirably adapted to our circumstances. No other could secure the blessings of civil liberty to so extensive a territory, with such diversified interests. But it is evident that its preservation depends upon some very delicate circumstances, which are necessary to maintain the just equilibrium between the power of the General Government and that of the States. It is a problem yet to be solved, to which of the two opposite dangers, of consolidation and disunion, we are most exposed. I know that some of the most patriotic and far-sighted men in the nation have differed on this question. In forming our opinion on it, we can draw no lights from history, and have to rely solely on our own powers of reflection and sagacity. But whatever may have been the relative strength of the two powers at the adoption of the Constitution, there is an obvious cause for the continual increase in the power of the General Government to be found in the multiplication of the States. As the number of these increases, the relative weight of each proportionally diminishes. Thus Virginia, when the General Government first went into operation, was about one-sixth of the Union, now she is not more than one-tenth. Virginia and Maryland together have not more relative weight than Virginia had alone. But it is clear that the same power, divided between two States, cannot act with the same effect as when it is united in one; and that they are not likely to act as efficiently in opposing the measures of the General Government, either by means of their Representatives, or by operating on public opinion. Even if we suppose them actuated by the same views, and co-operating in the same course of opposition, still the jealousies and dissensions of allies are proverbial, and are founded in the strongest principles of our nature. And whether the object of the General Government be to pass a sedition law, to repeal a judiciary law, to incorporate a bank, or to adopt a system of roads and canals,

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the opposition which the States may be disposed to make to these measures, as unconstitutional, must be weakened by dividing among the several States the powers which had been previously possessed by one. In that case, the causes of dissension may be as strong as the motives to union. It is thus, Mr. Chairman, as it seems to me, that the power of the General Government is continually increasing.

But perhaps it may be said that this effect of the addition of new States was foreseen, and taken into account by the framers of the Constitution. But this could not have been the case. When the Constitution was adopted, the Mississippi was our boundary, and the acquisition of that extensive and fertile country west of it, which is to have so much effect in altering the relative weight of any one State, was at that time never dreamt of. Mr. T. here remarked, that New York presented a case directly opposite to that of Virginia. She had once but one-tenth of the political power of the Union, and she now has one-sixth. But the last census shows that this increase, in her relative strength, cannot go on. It has received little accession in the last ten years, as 28 members on this floor bear nearly the same proportion to 185, as her present number 34 bears to 213; and I may venture to predict that in ten years more, or, if not in ten, in twenty, as the vast and fertile valley of the Mississippi fills up with the numbers it is one day destined to support, her proportionate weight in the Union will begin to diminish, though her actual numbers may go on increasing. My colleague, said Mr. T., who has just sat down, has adverted to the opposition made to the General Government during the late war—and this furnishes me with another illustration. Sir, if the State of Maine had been then separated from Massachusetts, it can scarcely be doubted that her weight, instead of being added to the opposition, would have been thrown into the scale of the General Government. She would have operated as an antagonist power to her parent State, and rendered her efforts harmless.

Nor is this all. The relative powers between the Representative and the Executive branches of this Government are of little less importance than that between the General and the State Governments. The appointment of so many officers, and the establishment of so many courts, as a general system of internal improvement supposes, must make a very great addition to the power and patronage of the Executive, and materially affect that equipoise which the Constitution intended. Nothing would be more likely to affect the independence of this House, than the circumstance that every member had in his district from fifty to an hundred persons holding lucrative offices, at the pleasure of the President, who would be always ready to oppose him when he opposed the Executive. Sir, said Mr. T., to judge of this influence, let us look into the history of the National Legislature, and without wishing to be understood as alluding to the present time, or to any individuals, I will venture to say, that the most complaisant supporters of the present Admin-

istration will be found to have come from the seaports, where there are collectors and tide-waiters and others, holding offices at the pleasure of the Executive. There will no doubt be found exceptions, but such is the general rule; and if this has been the effect already, what will it be when the President of the United States shall be the Chief Magistrate of fifty or an hundred millions of people? The lustre of the office of President increases, not in proportion to the increase of patronage, but in a much higher ratio. It is with this, as with the diamond—double the quantity may give ten times the value. When the accessions of power and dignity to the Executive of the United States must necessarily be so great, and when they have such an imposing effect on the minds of men, ought we not to be very cautious how we increase them?

But, said Mr. T., gentlemen seem to have taken it for granted, that the General Government is more able to effect internal improvements than the several States. But I think the proposed system as unwise on the score of national economy, as it is mischievous in its political tendency. The power of the General Government to improve the whole Union is not greater than that of each State to improve its own territory. Sir, if this system is adopted, the money drawn from the community appropriated to its execution, will be fairly distributed among the several States, or it will not. If we suppose unfairly, that will be a fruitful cause of jealousy and discontent, and furnishes a sufficient objection to the measure. But, if it is to be distributed in just proportion, there can be no advantage to the several States, for the whole can be but equal to all its parts. Thus, if you expend half a million in the State of Virginia, which you had previously drawn from the people of Virginia, wherein is she a gainer by the operation? Nor can the General Government procure that minute and accurate local information which is required by the system, as easily as the States. But, Mr. Chairman, said Mr. T., I consider any plan of making roads and canals by the direct agency of the Government, as unwise. It takes away the best security against rash and unprofitable schemes of improvement. The sagacity of individual self-interest, is essential to guard against the waste of the national capital. There are several monuments of this danger in Europe. If my memory does not deceive me, one is afforded by Spain, and another in the north of Europe, in which, after the respective Governments had expended millions in attempting some improvement of navigation, the works were found to be useless. Nor let it be supposed that we are exempt from a similar danger. We may all remember that, after two or three hundred thousand dollars were expended in fortifying the battery of New York, it was discovered that the work was of no value as a national defence, and we gave it back to the State, without being able to get paid for the value of the materials. Such an error as this was less likely to have been committed by a State, and still less by an individual. If we engage in this magnificent scheme of internal improvement,

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must we not always be liable to be deceived and misled, when our local knowledge in our extensive country, must be so imperfect, and when so many will be interested in making misrepresentations? Sir, let it be known that the twenty millions, which was the sum recommended by Mr. Gallatin, are provided for internal improvement, and, my life for it, this city will swarm with hundreds of projectors, with their maps and plans, beautifully illuminated, electioneering for business; and as they would succeed according to their address, and means of conciliating favor, the result would be, that we should have roads without travellers, and canals without navigation, and perhaps without water.

Sir, said Mr. T., gentlemen may object that New York has furnished an example that a Government is not unfit to execute these great undertakings. It is true that New York has achieved a splendid work at her own expense—but he was not sure that a private company would not have executed it at a less cost. Sir, said Mr. T., I wish not to undervalue the merit to which New York is entitled for her great Western Canal. I thank her for furnishing so conclusive a proof that this bill is unnecessary; but let not gentlemen from that State be startled if I yet express a doubt whether that great work was not premature; I know that it is of prodigious benefit to those who live near it; but still, it be may questioned, whether it was precisely the most advantageous mode in which the capital of the State could be expended. The cost of the canal has been, I understand, about six millions, the annual interest on which is three hundred thousand dollars. Now, I believe, the amount of tolls last year, was but one hundred thousand dollars, from which are to be deducted the cost of management and repairs, leaving, probably, little more than an interest of about one and a half per cent.

And this, Mr. Chairman, said Mr. T., brings me to notice the remark of the gentleman who introduced this bill, (Mr. HEMPHILL,) who, aware of the objections that would arise from the small profit offered by some of the projected canals, said, that a canal may be profitable to the community, though it may not be so to the stockholders. This proposition is sometimes true, but it must be received with much allowance and caution. It is true, where tolls are not as great as the saving in the labor of transportation would justify. But, wherever this saving of labor is not sufficient to yield a profit as well to those who make the canal as to those who use it, we may safely pronounce that a country is not ripe for it.

Great stress was laid by the gentleman from Pennsylvania, on the canals of England. But, Mr. T. said, he thought their example might have furnished that gentleman with a stronger argument against the policy of the system he recommended, than in its favor. It is not enough for him to rely on the superior cheapness of water over land carriage. Sir, the construction of a canal may be a good or a bad thing, according to circumstances. It is very advantageous in a rich and thickly settled country to exchange the

surplus products of the different parts, and to relieve their reciprocal wants; but in a country that is poor, and thinly settled, and passing through barren mountains, in which there is nothing to exchange, it would be a mere waste of the national capital. Of the four thousand miles of canal of which England can boast, and the eighty or an hundred thousand miles of road, if she has so many, I believe I am warranted in saying, not one mile was ever made by the Government. Their turnpike roads and canals are always made by joint stock companies, and whenever one would be really beneficial, individual capital and enterprise are always found ready to engage in the undertaking. And can it be supposed, if the system now proposed was a good one, that that Government, which so well understands its interests, especially its commercial interests, would not have discovered its advantages?

It may, however, be objected that, from the redundancy of private wealth and capital, in that country, their system of making roads and canals, by incorporated companies, is easy and proper, while here, from the scarcity of capital, it is impracticable. But, so long, Mr. Chairman, as your Government can borrow money at five per cent., and your bank stocks yield an annual profit of but six or seven per cent., there will be no difficulty in finding men ready to undertake any road or canal that will yield something like the same interest. It is to no purpose to say that the natural interest of money is higher in this country than it is in England—for, be that natural interest what it may, whether you suppose it six, eight, or ten per cent., if your road or canal do not afford that profit, it shows that the country is not ripe for that undertaking, and that the money required to execute it, will find some more profitable employment, if left in the hands of the people. Let, however, any road or canal be proposed, whose profit will repay the cost, according to the standard of the country; and, be assured, sir, there will be no difficulty in procuring the money to execute it.

The advocates for the system of internal improvement insist that the Constitutional power of the States is not sufficient to execute those great works, in which the interests of several States, or perhaps of the whole nation, are involved. But there is no difficulty on this subject, whether the proposed road or canal passes through one State or many. It has been repeatedly stated, in the course of the debate, that two or more States cannot enter into a compact, but the prohibition in the Constitution extends only to treaties. The 2d clause of the 10th section 1st article of the Constitution expressly recognises their right to make compacts with the consent of Congress, and it can hardly be supposed, that if they wished to enter into a compact for the purpose of making a canal, Congress would refuse its consent. But, if you were to refuse, they may act independently of you. They can effect their object by concurrent acts of their own Legislatures. On this subject, I do not speak from speculation, but from actual history. The State of which I am a Representative, united with the State of North

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Carolina to improve the navigation of the Roanoke, and by concurrent Legislative acts, without asking your consent, they incorporated a joint stock company, which has lately accomplished its objects. The States of Maryland and Virginia have in the same manner united in making the Potomac Canal.

Mr. T. said that, before he sat down, he would call the attention of the Committee to the celebrated report of Mr. Gallatin, on which some of the advocates of this bill had so much relied. It would appear that the power which they now deem so clear, it was then taken for granted, Congress did not possess, (and here he read a passage from the report.) He thought this ought to produce in their minds some doubts whether they really possessed this power. But, if we had the power, and no dangers were to be apprehended to the just equilibrium which ought to exist among the different branches of our complex system of Government, still the example of England ought to teach us that the proposed plan of making roads and canals is not a wise one. He had much more to say, but he had already trespassed too long on the patience of the Committee. He hoped the Committee might be induced to take some of his suggestions into consideration; and he begged them to remember that our legislation at the present time went far to give to our Government its future character; that this nation was, as yet, comparatively in its infancy, and "as the twig is bent the tree's inclined."

Mr. RIVES followed Mr. TUCKER on the same side; and, having made some progress in his speech, gave way at 4 o'clock for a motion to rise, when the Committee obtained leave to sit again.

WEDNESDAY, February 4.

Mr. McCoy, from the Committee of Claims, made a report on the petition of Joshua Bennett, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. VINTON, from the Committee on the Public Lands, to which was referred, on the 12th ultimo, the memorial of the Legislature of the Territory of Arkansas, made a report thereon, accompanied by a bill concerning pre-emption rights in the Territory of Arkansas; which bill was read twice, and committed to a Committee of the Whole.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting statements of all contracts made by the War Department in the year 1823; which were ordered to lie on the table.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, accompanying a statement exhibiting the duties accruing on merchandise imported, and drawback payable on merchandise exported, during the years 1820, 1821, and 1822; which was also laid on the table.

The resolution yesterday offered by Mr. COCKE, (calling for certain information respecting the Pea Patch,) was called up, and adopted.

On motion of Mr. NEWTON, the bill for issuing a register to the brig William, of New York, was taken up.

Mr. N. read the report on which the bill was founded.

Mr. FOOT, of Connecticut, called for the reading of the documents.

[This vessel had a British register, was stranded, got off, again sunk, was raised, and brought into the port of New York, and there underwent such repairs as made her virtually a new vessel; and by the British navigation laws had, in consequence, forfeited her register.]

A conversation arose on this subject, in which Messrs. NEWTON and CAMERLENG advocated, and Messrs. FOOT, COCKE, and McLANE, opposed the passage of the bill to a third reading; and, on motion of Mr. McLANE, it was laid on the table.

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The House then again went into Committee of the Whole, on the bill making provision for surveys, &c., on roads and canals.

Mr. RIVES said if the importance of any question can give it a claim to attention, none is more worthy of profound consideration than the one now under discussion. It is, in the first place, a question of Constitutional right, involving the true interpretation of that instrument, from which we derive our existence as an independent member of the Government, and to which we are bound, by the highest obligations, to conform to our legislative conduct. But this, although the most important aspect which any subject can assume, under a limited Constitution, is not the only interest which belongs to the present question. Its decision must have a pervading influence upon the future policy of the country. If that decision should be in favor of the power contended for by the advocates of the bill, it will become the foundation of a system of legislation which I cannot regard otherwise than as inauspicious to the liberties and dangerous to the best interests of the nation. Under these impressions, incompetent as I am to do justice to the subject, or in any degree to match the ability which has been so conspicuously exhibited in its discussion, I am yet urged by a sense of duty to contribute the small mite of my humble exertions in defence of what I deem the cause of the Constitution, and the principles of sound policy. I am aware, Mr. Chairman, that, in investigations of this sort, general reasonings from the spirit of the Constitution are not absolutely conclusive. The ultimate inquiry must be, what the framers of the Constitution have done, as evidenced by the instrument itself, rather than what they intended to do. But if we can ascertain what was the leading intention by which they were guided, in organizing the powers of the Government, a strong presumption arises that they have done nothing inconsistent with that intention. What, then, permit me to ask, was the cardinal principle which directed the Convention in the execution of their great work? It was this: to transfer to the care of the General Government those objects only in which

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all the States have a common interest, leaving those in which the States have separate and peculiar interests to be provided for by their own domestic governments; and this rule applies alike to every species of federal power, whether it be external or municipal. In pursuance of this principle, the General Government was charged with the question of peace or war, the regulation of commerce, the conduct of negotiations, and the various other objects connected with our foreign relations. In these all the States have but one interest, and that, emphatically, a national interest. So, likewise, with regard to that class of powers granted to Congress, which operate internally, such as the powers to establish uniform laws on the subject of bankruptcy, to organize a federal judiciary, to establish a common standard of weights and measures, and to regulate the national currency. All the States stand precisely in the same relation to these powers, and are affected in the same manner, by the exercise of them, in their social and civil transactions. But this is not, and cannot be the case with internal improvements. They affect parts, and not the whole, of the Confederacy. They are, from a physical necessity, local in their situation, and local in their influence and their benefits. Take the most extended object of internal improvement, the projected road, for example, from Maine to New Orleans, or, if you please, the navigation of the waters of the Mississippi, in which the honorable Speaker has said twelve States and two Territories are interested, still, comprehensive and important as these schemes of improvement undoubtedly are, they are limited, in their advantages, to particular States, and the rest of the Union has no interest in them. They are, therefore, not such objects of common interest to all the States, as the Constitution intended to transfer to the General Government.

But here we are met by the argument of the honorable Speaker, that there is an intermediate class of objects, affecting more than one State, and yet not extending to all the States, which require the united means of a Confederacy to execute them, and the only Confederacy which can now legitimately exist for such a purpose, is that of the Union; because the Constitution prohibits one State from entering into compacts or agreements with another State. The honorable gentleman will excuse me for saying that this argument is founded on a mistake of the actual provisions of the Constitution. The Constitution does not prohibit compacts between the States, but merely restrains the States from entering into such compacts, without the consent of Congress. The consent of Congress is required, as a necessary check to prevent the States from forming combinations hostile to the Union, or dangerous to its peace and safety; but where any number of the States desire to enter into arrangements with each other, for the accomplishment of some beneficial object, in which they have a common interest, it never could have been supposed or intended that the consent of Congress would be withheld. The States, in such cases, are still left at liberty

to unite their resources, by entering into compacts with each other, subject only to the reasonable control of Congress; and this privilege was no doubt reserved to them with an express view to the very class of objects now in question, which concern two or more members of the Confederacy, but yet do not possess such a character of universal national interest as to bring them within the legitimate sphere of the government of the whole.

The honorable Speaker, in the course of his argument, laid down a position, which he seemed to consider entirely decisive of the present question. Adverting to the distinction between the Articles of Confederation and our present Constitution, and remarking that, under the former, the General Government, in its most important functions, operated upon the States, and, under the latter, that it acts directly upon the individuals who compose those States, he deduced, as a general principle, that the Government of the Union, as now organized, is wholly independent of the States for the execution of any of its powers. So far is this from being correct, in the broad extent assumed by the honorable Speaker, that I have always supposed directly the contrary: that the General Government is dependent upon the States for the execution of all its powers, for it cannot exist, without the concurrence of the States. Are not your Senators, who compose the other branch of the Legislative Department of this Government, elected by the Legislatures of the States? Is not your Executive Magistrate chosen, also, by the agency, and under the direction, of the State Legislatures?

[Here Mr. CLAY explained. He said he never contended that, if a majority of the States withheld their co-operation, the General Government might not be dissolved; but, his principle was, when the General Government is once organized, and moves by its own inherent energy, and acts independently of State power.]

Mr. RIVES said, he had not the pleasure of hearing the speech of the honorable gentleman. He had only read the report of it given in the newspapers, and he thought that the principle to which he had referred, as stated in that report, required some qualification. But, even as now qualified, by the explanations of the Speaker, he was not prepared to give his assent to it. I understand the honorable Speaker, said Mr. R., now to say, that, although the General Government does depend upon the States for its existence, yet, in the ordinary and regular exercise of its vested powers, it is wholly independent of the aid and co-operation of the State governments. I have always entertained, said Mr. R., a different opinion of our political system, and for that opinion I supposed I had the sanction of high authority. The authors of "The Federalist," in various passages of their celebrated work, speak of the State governments as incorporated into the system of the General Government, as auxiliary to its operations, and indeed as indispensable to its maintenance. In one passage, they say emphatically, if the General Government should ever arbitrarily abolish the

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State governments, it would be compelled, by the principle of self-preservation, to reinstate them—implying, as it seems to me, in the strongest manner, the dependence of the General Government upon the aid and co-operation of the State governments. But let us examine this subject more minutely, in reference to some of the powers of the General Government. In the exercise of its military power, which has been so much talked of in the course of this discussion, is there not a partial dependence, at least, of the General Government upon the State governments? The Constitution gives to Congress the power to “provide for organizing, arming, and disciplining the militia;” and “for calling them forth to execute the laws of the Union, to suppress insurrections, and to repel invasions;” but expressly reserves to the States “the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.” Here, then, we find the General Government made dependent upon the States for the efficient exercise of a vital power, connected with the peace and safety of the nation; for, what is your militia without officers and without training? So, likewise, in relation to another power of Congress, which has been the subject of much commentary, in the course of this debate—I allude to the subject of fortifications, arsenals, &c. Amid the various constructions which have been put upon the clause of the Constitution relating to this subject, all have agreed that the exclusive jurisdiction it gives over the sites of these works, cannot be exercised without the consent of the Legislatures of the States in which they are located. Here, then, we have another example of the dependence of the General Government upon the State governments, in a point belonging to one of its highest trusts, the care of the “common defence.” Whether, therefore, I look to the general aim and scope of the Constitution, or to its particular provisions, I cannot acquiesce in the principle assumed by the honorable Speaker. The application of this principle to the subject of the present discussion, has not been clearly developed, but I presume it is this: If roads and canals are necessary to the legitimate operations of the General Government, that Government, being wholly independent of any extrinsic aid in the prosecution of its lawful objects, may make roads and canals for itself, whenever, and wherever it chooses. I shall hereafter endeavor to show, that, although roads and canals may be essential to some of the purposes of the General Government, yet, they are such facilities as would naturally arise in the progress of society, under the care of the State governments, and that there was, therefore, no necessity to invest the General Government with authority to create them. Any construction which loses sight of the existence of the State governments, and of the important purposes they were intended to fulfil, in reference to the affairs of the Union, as well as the interests of the respective States, is incompatible with the nature of our political system, and necessarily leads us into error.

There were some other general principles laid

down in the course of this discussion, the bearing and application of which, to the question under consideration, I could not very distinctly discern. I notice them, therefore, only for the purpose of entering my protest against them. An honorable gentleman from New York (Mr. STORRS) asserted that the General Government was a municipal, or in other words a *National Government*, as contradistinguished from a *Federal Government*. I would ask that gentleman who were the parties to the formation of this Government? Were they the people of the United States, as composing one entire nation, or as divided into distinct political communities? Unquestionably the latter. It required, too, for its establishment, not the consent of a majority of the people, merely, but the unanimous ratification of all the States who became parties to it. In the mode provided for its amendment, also, the concurrence of three-fourths of the States is necessary to any alteration of its principles, without regard to individual members. These circumstances unequivocally characterize it as a *Federal Government*.

In another important relation, the only one involved in the discussion—the extent of its powers—it is decidedly federal and not national. The authority to which the honorable gentleman has appealed, on another branch of the subject, (the *Federalist*) says, it is of the essence of a national Government to possess a supreme indefinite power over all persons and things, so far as they are the objects of lawful government. But the power of this Government is, by universal acknowledgment, defined, and limited to special objects. By what process, then, has such a Government, distinguished by so many federal features, been converted into a national Government? By a series of refined deductions, which, considering the gentleman's aversion to political metaphysics, does infinite credit to his genius and perspicacity.

Having disposed of these preliminary topics, I come now to consider the particular sources in the Constitution from which the alleged power of Congress to make roads and canals has been deduced. The first of these sources is that clause of the Constitution which gives to Congress the power to “establish post offices and post roads,” which, it is contended, is an express grant of the power to make post roads. Whatever contempt, therefore, gentlemen may have for philological disquisitions, or however little they may seem to befit the dignity of legislative discussion, we are necessarily driven to inquire into the true meaning of the word *establish*. The honorable Speaker has defined it thus, “to make firm, to fix, to build.” I agree with that gentleman in the first part of his definition, but I am unable to follow him in the bound by which he has skipped from “to make firm, to fix,” to the last interpretation, “to build,” which seems to me to depart very widely from the other meanings ascribed to the word. The original and literal import of the word is, unquestionably, to render stable, or “make firm;” and, by an easy transition in its application to new objects, it has come to signify generally to fix, to settle, to ascertain. Let us apply it in this sense, which is

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sanctioned by the Speaker's definition, to the subject of post roads. There exists in the country a great variety of roads, passing in different directions, and communicating with different points. It is impossible, in the nature of things, that all of them should be used as post roads. The Constitution, therefore, gives to Congress the power to *establish*, or, according to the terms of the foregoing definition, to fix, to settle, to ascertain, which of them should be used as post roads, and to give them a legal character as such. But the honorable Speaker contends, that the word “establish” implies something more, and is used in a creative sense; for examples of which he refers to the expressions “establish justice,” and “ordain and establish this Constitution,” used in the preamble of that instrument. These examples do not appear to me to be very apposite to the purpose for which they are cited. It has been very properly said, that the preamble of the Constitution, in stating it to be one of the objects of the new Government “to establish justice,” could not have meant that justice was to be created by it. Such an use of the term would be little less than sacrilegious. Justice is an abstract principle, an emanation of the divine mind, always and every where existing. All that the Constitution could accomplish, was to embody it, to organize tribunals and prescribe forms for its administration, and thus establish, or fix it, on sure and permanent foundations.

The honorable Speaker, however, contends, that in one sense, we do create justice—we create, he says, the criminal justice of the country, because we create the crimes, which are prohibited and punished by our laws. But in what sense do we create a crime? We do not create the fact which constitutes the crime, we only create the legal character which is imposed upon that fact.

[Here Mr. CLAY explained. He said there was a distinction between acts which are *mala in se*, and those which are *mala prohibita*. As to the latter, they are wrong, only because the Legislature has made them so, and in relation to them, therefore, the law creates the crime.]

Mr. RIVES said, this view of the subject was not affected by the explanation of the honorable gentleman. As to that class of public wrongs which are called *mala prohibita*, it is true they are in themselves indifferent, and become crimes only because the Legislature makes them so. But what does this prove? It proves only that the Legislature creates the legal character or denomination of the fact prohibited, by making that unlawful which was before lawful; but the Legislature does not create the fact itself, to which this new character or denomination is given. That exists independently, and in spite of the law. This is not only consistent with, but corroborates one explanation of the word “establish,” as applied to post roads. Congress, by establishing a post road, gives a new character, a legal attribute to the subject, making that a post road which was before not a post road; but, in the legitimate exercise of this authority, it can no more create the physical, material road, to which the new character is given, than in the case of a crime it creates the external

fact to which a penalty is annexed. The same explanation is equally applicable to the expression, “We the people, in order, &c., do ordain and establish this Constitution.” The people certainly did not create the Constitution, in the sense in which it is contended that the word “establish” gives to Congress authority to create post roads. The instrument already existed. It had come from the hands of the Convention perfect in all its dimensions, and was submitted to the people for ratification. All that the people did was to establish it, by giving it the sanction of their approbation, and investing it with a legal and binding character. The same kind of authority is conceded to Congress without hesitation in regard to the establishment of post roads.

But we are told, triumphantly, that the word *establish* must mean the same thing, in relation to post roads, that it does in relation to post offices, and that, as to post offices, it certainly means to *create*, because Congress, in *establishing* a post office at a particular place, makes a post office which did not exist before. But what is the nature of this creation? Congress declare that a post office shall be kept at a *place* where there was no post office before. In doing so, it certainly does not create the *place*, at which the post office is established, but gives to that place a privilege and accommodation which it did not possess before. So, Congress, in *establishing* a post road, according to what we deem the true interpretation of this power, makes that a post road which was not a post road before, or, in other words, gives to a pre-existing road a character and attribute which did not previously belong to it. The post road is as much created, if gentlemen will insist upon this *divine* prerogative in the one case, as the post office in the other, and the creation, I will add, no more extends to the road itself, which is the channel of the post route, in the one case, than it does to the place which is the scene of the post office, in the other.

The examples relied upon to support the interpretation which gentlemen have given of the word “establish,” seem to me, therefore, to fall very far short of their object. On the contrary, they are not only consistent with, but furnish apt illustrations of, the sense in which we contend it is properly to be understood. The word, in its primitive and most simple sense, means to render stable or make firm, and is strictly applicable to natural objects. But it is now more generally applied to intellectual objects, and when so applied, is of course, used in a figurative sense. Natural objects are established or made firm by means of external support; and, by an obvious analogy, matters of civil and political regulation are said to be established or made firm when we give to them the support and sanction of law. In this sense, the word is uniformly used in the Constitution, and all similar instruments, with such modifications only as necessarily arise from the nature of the subject to which it was applied. It was intended, as gentlemen allege, to give to Congress the power to *make* post roads, why was not that power granted in terms which every person would have un-

derstood, and about which there could be no controversy? Was the *poverty* of the language so great, or were the framers of the Constitution so *deficient* in their knowledge of it, as to have supplied no word fitted to convey the idea? When we speak of the *erection* of a house, we do not say that such a one has *established* a house, but that he has *built* it. If it had been intended to give to Congress the power now claimed for it, why did not the framers of the Constitution say, in so many words, that Congress shall have power to *make and construct* post roads? These words were at hand, and were well adapted to the purpose of conveying such a power. That they, or other words of plainly equivalent meaning, were not used, is evidence that the power they import was not intended to be given.

It was not necessary to the nature and object of this grant that Congress should possess the power to *make* post roads. The object of the grant was the conveyance of the mail, and the transmission of intelligence through the country. It never could have been contemplated that intelligence should be transmitted to an unsettled country, where there were no persons to receive it. But, as soon as a country becomes settled, roads necessarily exist. The great interests of society, the operations of commerce, and the convenience of private intercourse, necessarily give rise to them; and as the population and demands for intelligence increase, the facilities of communication increase also. The same roads which answer the ordinary purposes of society, would certainly suffice for the simple object of transporting the mail. It never could have been intended, in reference to such an object, to confer upon Congress the disproportionate power of opening and constructing roads through the territories of the States. Whether, therefore, I look to the language of the Constitution, or to the policy of its provisions, in relation to this subject, I am alike constrained to discard the construction which claims for Congress the power in question, under the clause we have been considering.

The next source which the advocates of the bill have appealed to for the authority to execute a system of internal improvements, is, the military power of the Government. The authority claimed under this part of the Constitution extends to canals as well as roads. It is not, however, like the authority asserted in relation to post roads, claimed as an express power, but only as an incidental power, or means of carrying another power into effect. The first inquiry which presents itself, therefore, is, as to the true nature and extent of incidental powers. It must never be forgotten that this Government is one of limited and defined powers. However ready gentlemen are to admit this proposition, when their assent is distinctly challenged to it, they seem habitually to lose sight of it in their reasonings upon Constitutional questions. All the powers granted to the Government are enumerated in the Constitution; but, as it was impossible to foresee every individual act of legislation which might become necessary to carry these powers into effect, Con-

gress is in general authorized to do any act which shall be "necessary and proper" for carrying the granted powers into execution, but none other. If we depart from this limit, we at once change the character of the Government, as possessing special and defined powers only, and convert it into one of general discretionary authority. Whenever any measure is proposed, therefore, the first question to be asked is, Is the authority to adopt it expressly granted in the Constitution? If it be not, the next question is, Is it a necessary and proper means of carrying into execution any power which is expressly granted? If it is not pretended that the authority to make roads and canals for military purposes is expressly granted to Congress, is it, then, a necessary and proper means for carrying into execution the military powers which are granted? I will not deny that roads and canals are useful, or, if you please, necessary, to the military operations of the Government. But this is not the question. The real point of inquiry is, Is it necessary to the military operations of the Government that Congress should possess the power to make them? Roads and canals would exist from the influence of other causes, without invoking the agency of Congress. They are, as already suggested, the natural and invariable accompaniments of population, in every country. The wants and enterprise of individuals, the common interests of society, and the paternal care of the State governments, which are more particularly charged with the domestic police of the country, would bring them into existence. The same causes would insure their multiplication and improvement. As the country improved in wealth and population, the means of communication would improve with it. The members of the Convention, as men ordinarily conversant, at least, with human affairs, must have foreseen this natural course of things, and could not have deemed it necessary to give to Congress the power of creating channels of communication, which would certainly grow out of the wants of society and the beneficent superintendence of the State governments. All that was necessary, was to give to the General Government the right of using these highways, in prosecuting its military and other lawful operations, and this right is conceded to it in the fullest extent. Will any gentleman deny that food and clothing are as necessary for the subsistence of the soldier as roads for him to march upon? And yet, it will not be contended that Congress has authority to condemn and occupy large portions of the territory of the States for farms to produce the one, or factories to supply the other. Why? Because the natural wants of society furnish the best security that these articles will be produced, and render it unnecessary to invest the Government with any authority for the purpose. But it is said that, in the defence of the country, and the military operations connected with it, other and better channels of communication would be required than those already existing under the authority of the States. Let us pause, and see to what extent this idea would carry us. We have an extensive frontier, and are exposed

to attack on every side of it. On the Atlantic coast we are exposed to the hostilities of any European Power, and, through the whole extent of our inland frontier, we are liable to the incursions of our British, Spanish, and Indian neighbors. If we undertake a system of roads and canals with a view to facilitate the operations of war, as it is uncertain in what quarter we shall be assailed, we must extend them to every point of our frontier. The whole face of our territory would thus be covered with military roads and canals. Is not this a solecism in legislation? Military roads and canals, which would be used for civil and commercial purposes more than a thousand times for once that they would be applied to military purposes! Whether they would ever be used, indeed, for military purposes, would depend upon remote and dubious contingencies, the occurrence of which no man could foresee.

But, leaving this view of the subject, and returning to the principles first laid down, as to the just extent of the incidental powers of the Government, I ask if it be possible to justify the measure proposed by the application of those principles? A national system of roads and canals, under the exclusive patronage of Congress, cannot, in any sense of the term, be said to be necessary to the making and prosecuting of war. Wars have been made and prosecuted, and successfully prosecuted, without any such system. All that can be said of it is, that it might have a tendency to give greater effect and increased energy to the exertion of the national force in time of war. But, if the power to declare war authorizes Congress to do every thing which may have a tendency to add to the strength and resources of the nation, in a military point of view, then there is nothing connected with the "general welfare" which Congress may not do; for, whatever advances the interests of learning, of manufactures, of agriculture, of commerce, or in any manner promotes the internal prosperity of the country, certainly has a tendency to increase its strength, in a conflict with a foreign enemy. A principle of construction, leading to such consequences, cannot be maintained. The honorable Speaker expressed his acquiescence in the principles asserted by Virginia in 1798. Those principles were embalmed and immortalized in the celebrated report of Mr. Madison, which has been mentioned in the course of this debate. The principles contained in that report do not derive their sanction from the great name alone with which they are associated. They received a still higher sanction—that of the American people. For, it was the potent influence of these very principles which wrought, by the voice of the people, that change of men and measures, in the administration of the Government, which has been emphatically styled the civil revolution of 1801. If any writings, therefore, can be fairly appealed to as authority in Constitutional discussions, it is this report. [Here Mr. R. read extracts from "Madison's report."] The simple criterion, then, is this: the measure sought to be adopted, as incidental to an express power, must have an "immediate and

appropriate relation to that power, as a means necessary and proper for carrying it into execution. "A tendency, merely, in the measure to promote an object for which Congress is authorized to provide," does not justify its adoption. Now, does not all that has been said, and can be said, in favor of a national system of roads and canals, amount to this—that they would have a tendency to promote or facilitate the operations of war—not that they have an immediate and appropriate relation to the power of making war—as means necessary and proper for carrying that power into execution. One of my colleagues (Mr. J. S. BARBOUR) adverted to this rule for the deduction of incidental powers, and seemed to think it too rigid, because, he said, it excludes a choice of means. Sir, it does not exclude a choice of means; it only limits that choice. And permit me to say that, in order to preserve the true character of this Government, it is as necessary to limit the means of executing its powers as to limit the powers themselves; for, in the language of the distinguished authority which I have just quoted, "it is wholly immaterial whether unlimited powers be exercised in the name of unlimited powers, or in the name of unlimited means of carrying limited powers into execution."

But, we have been gravely told that roads and canals are fortifications. Why, sir, a lively imagination and an ardent zeal may convert any thing into fortifications. It may be said, with as much justice, and as little violence of metaphor, that the hearts of our people are fortifications; for, after all, the moral energies of a nation are as important to its defence as physical works of any sort. As a part, then, of this system of military defence, we must establish schools and colleges, to imbue the minds of our youth with the love of liberty, a knowledge of the principles of our free institutions, and a loyal and patriotic devotion to their country! In like manner, the granaries of the farmer are fortifications—the workshops of the mechanic are fortifications—for they furnish the indispensable means of subsistence to the troops who are to defend you. Thus, by the magic influence of language, Congress, in the exercise of its military functions, may invest itself with a general and unlimited patronage of all the great interests of society—its education, its agriculture, its industry.

It has been triumphantly asked if Congress can erect forts and dock yards, may they not make roads to go into them? Unquestionably, the right to erect these works, necessarily implies the right of way, by which a communication is to be had with them. If there be no road leading to them, the Government may render its right of way effectual, by opening a road for the purpose of communication. But what is the road in this case? It is strictly an appurtenance to the fort or dock yard, and is confined to the purpose of communication with it. It is a thing wholly distinct from a system of internal improvements, having no actual connexion with any military work, nor bearing any peculiar and appropriate relation to military operations. There can be no doubt that the

General Government has a right of passage through the territory of the States for any of its lawful purposes, and it may, therefore, in time of war, open a military road, when it is necessary to the accomplishment of any particular military movement. In such a case, it has a right to a passage; and there can be no passage without a road. But the road is then made and used, *pro hac vice* only, and as soon as the passage is effected, all property in, or jurisdiction over it, ceases and dies. The right strictly commences and terminates with the occasion of its increase. This case, therefore, affords no countenance to the claim of a general power to execute and maintain a permanent system of internal improvements, in reference to future and remote contingencies, which may never occur. In the view which I have taken of this subject, I have not found it material to inquire into the right which has been claimed for the General Government of possessing itself of the soil of the States, when it is necessary to the execution of any of its powers. It is admitted by all that it cannot do so, except in cases where it is necessary to the execution of some of its powers. In each particular case, therefore, the question recurs, is the proposed occupation of the soil of the States necessary to the execution of any of the powers of the Government. My object has been to show that the occupation of it, for the purpose of making roads and canals, is not necessary to the execution of the military power of the Government, and cannot be justified by any sound doctrines of Constitutional law.

The only remaining ground worthy of particular consideration, upon which the authority of this Government to make roads and canals has been asserted, is that portion of the Constitution which gives to Congress the power "to regulate commerce among the several States." The honorable gentleman from Delaware (Mr. McLANE) seemed to treat this as a question of *incidental* power; but it is strictly and exclusively a question of *express* power. The whole controversy depends upon the true import of the word *regulate*. If to *regulate* means to *promote* or to *facilitate*, then the power to make roads and canals, as an ordinary and natural mode of facilitating or promoting commerce, seems to be clearly comprehended in the terms of the grant. If, however, to *regulate* means to *make rules*, (as it certainly does, in the plain and common use of the word,) then it gives to Congress no other power than that of making the rules or prescribing the terms upon which commerce among the States shall be conducted—that is, the power of making commercial regulations, as applicable to the reciprocal trade of the States. But, would any person call roads and canals *commercial regulations*? The whole question, then, might be safely left to an unsophisticated common-sense interpretation of the language of the Constitution. But, as the argument of the gentleman from Delaware was certainly an original and ingenious one, I beg leave to analyze and examine it more particularly. The outline of the argument was this—that the object of granting to Congress the power of regulating commerce among the States was not, as had been sup-

posed, to prevent one State from laying burdens on the productions of another State passing through its jurisdiction, (that object being adequately provided for by another clause of the Constitution,) but to prevent a greater mischief—absolute prohibitions of the passage—which, if they should occur, it would be competent for Congress under this power to remove. That, if Congress can remove legal restraints upon the trade of the States, it can remove physical obstructions; and if it can remove physical obstructions to the trade of the States, it can create new channels for it. However nicely concatenated this chain of deductions seems to be, I shall endeavor to show that some of its links are too feebly connected to sustain the conclusion which depends upon it. The gentleman's first position is, that the power to regulate commerce among the States was not given to Congress to prevent one State from imposing duties on the productions of another passing through its jurisdiction; because, if this were the only object, the power would be nugatory—another clause of the Constitution having expressly restrained the States from laying duties on imports or exports. In relation to this position, I will only remark that the honorable gentleman seems to have mistaken the purpose for which the passage in the *Federalist* upon this subject was read by my able colleague (Mr. P. P. BARBOUR) who opened this discussion. That purpose was not to show, nor does the authority cited import, that the only object of the power in question was to prevent the States from imposing duties on the productions of each other passing through their respective jurisdictions. It was mentioned merely as one of the objects of the power. A further object undoubtedly was (as the gentleman himself has satisfactorily shown) to prevent arbitrary interruptions of the trade of the States, arising from acts of positive prohibition and other similar impediments. But the gentleman is not satisfied even with this extension of the power. He says that a power of such apparent magnitude could not have been intended to be passive—a monument of its own insignificance—and that, if it extends to removing no other obstacles than such as may be interposed by adverse and unfriendly legislation of the States, it becomes utterly passive. Why, sir, it is in this respect like many other powers granted by the Constitution. The powers to "repel invasions and to "suppress insurrections" are passive, until the other proper occasions occur to bring them into action. And the honorable gentleman will permit me to remind him that this very horror of passive authority acting upon one of the powers just mentioned, was the parent of the Sedition law. The reasoning was this—the power to "suppress insurrections" implies the power to *prevent* them; and the power to prevent them implies the power to *punish* whatever may tend or lead to them. Libels upon the Government tend or lead to insurrections; therefore Congress may pass a sedition law for the punishment of libels.

The system of reasoning now employed to justify the exercise of power contemplated by this bill, is equally, and indeed, to my mind, much more

forced and arbitrary, in its chain of inferences. What is it? The power to regulate commerce among the States authorizes Congress to remove legislative restraints, imposed by one State upon the trade of another, passing through its jurisdiction. The power to remove legislative restraints, implies the power to remove natural obstructions; and a power to remove natural obstructions, implies a power to give artificial facilities; or, in other words, to make roads and canals. But, is it true, that the power to remove legislative restraints implies the power to remove natural obstructions, and to give artificial facilities? The one aims only to protect commerce in its actual channels: the other seeks to open additional channels for commerce. The object of the former is merely to secure the free use of existing highways; the effort of the latter, is to create and construct new highways. These things are, in their natures, so essentially distinct, that an inference from one to the other, is wholly arbitrary and inadmissible. But the honorable gentleman from Delaware need not be afraid that this power will remain passive, unless it is exerted in giving artificial facilities to trade. It has already been exerted, and copiously exerted, in the various and minute regulations connected with the coasting trade, and this was probably the chief, if not the only, employment of it, contemplated by the framers of the Constitution.

The gentleman read a passage from *Vattel*, for the purpose of proving the connexion between good roads and canals, and the welfare of trade. But nothing is gained by this position, which is very readily admitted, until it is also proved that Congress has a general power to promote the welfare of trade. The application of this authority, therefore, proceeds upon an assumption of the very point in dispute. A similar defect exists in the argument which claims for the General Government the same authority to make roads and canals between these States, that the government of each State has to make roads and canals within its own limits. The State governments have, undoubtedly, the right to make roads and canals within their respective limits; but from what does this right result? From the general discretionary power which the State governments possess, to provide for the public welfare. Before the argument can be sustained, then, it must be shown that the General Government possesses a like discretionary power, to provide for the public welfare. The State governments do not make roads and canals by virtue of a specific power to regulate commerce among the several portions of the same State. If they possessed no other power than this, it would not be competent for them to make roads and canals.

Much reliance has been placed, by the gentleman from Delaware, as well as other gentlemen who have participated in this discussion, upon what is said to have been the practical construction of the power to "regulate foreign commerce." It is contended that Congress possesses the same power in relation to "commerce among the several States," that it does in relation to "foreign commerce;" and that, as, under the power of

regulating foreign commerce, it has erected lighthouses, beacons, buoys, &c., with a view to give safety and facility to that commerce, it may, under the power of "regulating commerce among the States," construct roads and canals, to give safety and facility to the internal trade of the country. I beg leave to ask those gentlemen, by what authority they refer the erection of the lighthouses, beacons, &c., to the power to regulate foreign commerce? There is no evidence upon the face of the laws themselves, which were passed for their erection, that Congress legislated under the idea that they derived the right to erect them from the power to regulate foreign commerce. There is collateral evidence, however, that they legislated with reference to another clause of the Constitution. It was mentioned by my colleague, who opened this discussion, (Mr. P. P. BARBOUR,) that the statute book contained a list of cessions made by the several States, of the sites for these buildings. The only cases in which the Constitution requires the previous consent of the States to the alienation of territory, are those relating to the Seat of Government, and all such places as may be acquired for the "erection of forts, dock yards, &c., and other needful buildings." It would seem, therefore, from the formal cessions made by the States, of sites for lighthouses, &c., that Congress legislated with reference to this part of the Constitution. Another explanation has been suggested, by an honorable gentleman from New York, (Mr. WOOD,) who refers the erection of these buildings to the power to lay and collect duties. The duties laid, accrue only upon the arrival in our ports of the goods and vessels charged with them. Whatever, therefore, gives security and facility to an entrance into our ports, has an immediate relation to this branch of the public revenue. I have mentioned these explanations only for the purpose of showing that the erection of lighthouses, beacons, &c., can be accounted for, and have been accounted for, plausibly at least, without referring them to the power of regulating foreign commerce. It is not necessary for me to decide under what clause of the Constitution these buildings were erected. I will only say, that both of the explanations just mentioned are as satisfactory to my mind, as the one which refers them to the power of regulating foreign commerce. Gentlemen have taken it for granted, without offering to prove, that they were erected under this clause of the Constitution, for the sake, I presume, of the precedent it would afford them, in the interpretation of the power to regulate commerce among the States. I beg leave, however, to say, that, whatever may have been the construction of the Constitution under which these lighthouses were built, or any other act that has been done by preceding Congresses, I cannot regard such construction as legitimate and conclusive evidence of the true meaning of the Constitution, and binding upon ourselves and our successors. The gentleman from Delaware said it was a great error to consider the authority to make roads and canals as a distinct, instead of a subsidiary power. If any power, from its magnitude and extent, ought to be

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regarded as a distinct and independent power, it is this. The Congress has granted, by distinct clauses, several other powers which might, with much more propriety, have been regarded as subsidiary powers, and left to implication. What would seem more naturally to appertain to the regulation of commerce among the States than the power of coining money, the very instrument of commerce, of fixing its value, of establishing a common standard of weights and measures, uniform laws on the subject of bankruptcy, and post offices and post roads? Yet, all these powers are the subjects of express and distinct grants! What could more properly be considered as incidental to the power of declaring war than to raise and support armies, provide and maintain a navy, make rules for the government of the land and naval forces? And yet it was thought necessary to give these and other similar powers by direct and explicit declarations in the Constitution! It will not be said that roads and canals bear a more direct and immediate relation to the military and commercial powers of the Government, or are of less dignity and importance in their character, than many of the powers just enumerated. Why, then, I will ask the gentleman from Delaware, if the power to make them was intended to be given, was it not, in like manner, distinctly granted?

In inquiries of this sort, Mr. Chairman, the opinions of no man, however illustrious by his virtue or his wisdom, ought to preclude the exercise of our own deliberate judgments. There is, however, a degree of respect which all acknowledge to be due to the opinions of the distinguished men who either participated in the formation of our Government, or have since borne a conspicuous part in its administration. It is known to the Committee that three successive Presidents of the United States have felt it their duty to announce to Congress, in the most solemn form, their settled conviction that this Government does not possess the power now in question. I will not, however, insist upon their testimony, because they are Virginians, and we have abundant evidence that Virginia politics have gone out of favor. There is an authority, however, which I will quote, and the weight of which I feel myself entitled to press upon this Committee. It is that of Alexander Hamilton. His opinions upon this subject are of peculiar value, not only because he was a member of the Convention which framed the Constitution, and one of the authors of the celebrated commentary upon its principles, but because he is known to have indulged a strong bias in favor of the powers of the General Government, and to have adopted the most liberal doctrines in their interpretation. Yet, even Mr. Hamilton, with all his leaning towards Federal authority, could find no warrant in the Constitution for the power to make roads and canals. In his report on manufactures, after speaking of the importance of roads and canals to the prosperity of manufactures, and mentioning several reasons why it is desirable that the General Government should possess the authority to make them, he concludes by saying, these circumstances "render

it a wish of patriotism" that the General Government "were at liberty to pursue and promote the general interest" by adopting a national system of internal improvements. Here, then, we have an unequivocal admission that the General Government is not now "at liberty" to adopt this system—an admission the more precious, because it is evidently made with great reluctance.

In answer to a remark made by one of my colleagues, (Mr. ARCHER,) that, at the adoption of the Constitution, no allusion was made to the existence of such a power as is now claimed, a gentleman from New York (Mr. STORRS) mentioned an amendment to the Constitution which was proposed by a Mr. Jones in the convention of that State, the substance of which was, that the power to establish post roads should not be construed to extend to the making, laying out, and repairing of roads, in the several States, without their consent. This amendment cannot be fairly considered even as evidence of Mr. Jones's opinion, that Congress possessed the power to make roads under the clause of the Constitution referred to. All that it proves is, that Mr. Jones apprehended that this clause might hereafter be construed to give to Congress the power to make roads, and that he wished, in such an event, to render its exercise as innocent as possible, by requiring the previous consent of the States in which the roads should be laid out. The very first of the actual amendments to the Constitution declares that "Congress shall make no law restraining the free exercise of religion, abridging the freedom of speech, or of the press, or the right of petitioning." Is it to be inferred from this amendment that, without it, Congress could lawfully have done the things inhibited by it? I presume not. The truth is, that this and several other amendments arose from a spirit of jealous caution, and an apprehension of future encroachment from the General Government, and furnish no evidence of the opinions entertained of the real extent of the powers granted.

But, whatever may have been the opinion of Mr. Jones, I may be permitted to oppose to it the authority of Patrick Henry, who, in the debates of the Virginia convention, after depicting in the most glowing colors what he deemed the vast powers of the General Government, and the dangers of consolidation, concluded by saying, "all that is left to the States is, to take care of the poor, make and repair highways, erect bridges," &c. Even this jealous guardian of State rights, who described the remotest dangers which threatened the safety of our republican institutions, and "snuffed the approach of tyranny in every tainted breeze," even he, while he believed that every other power was swallowed up by the General Government, was satisfied that this portion of sovereignty, at least, was left entire to the States. And, if he could have foreseen the attempt which is now made to appropriate to the General Government this portion of State sovereignty, none would have alarmed him more, for none is more directly calculated to lead to consolidation. It is a power which comes home to the business and bosoms of the people; it approaches their fire-

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sides, and touches their most intimate domestic interests. If the inhabitants of the States, instead of looking to their governments at home, are to look to the General Government, (as they certainly will, if this system should be adopted,) for the ordinary facilities of travelling and transportation, then the State governments become useless machines, and are not worth the expense of maintaining. You supersede them in the exercise of their most appropriate functions, and dissolve the strongest tie which connects them with the people of the States. What, then, becomes of the boasted equilibrium of our system, which has always been regarded as the best preservative of our liberties? It is gone; it is doubly gone. You destroy it, not only by taking away, in effect, an important power from the State governments, but by delivering the same power, with an increased mass of patronage and of influence, into the hands of the General Government.

When Mr. RIVES had concluded—

Mr. BUCKNER, of Kentucky, said, that, in requesting the indulgence of the Committee, he very much feared that he should be considered as guilty of a most unseasonable and improper intrusion. He knew that the subject had excited great interest throughout every part of the Union, and had been investigated long since, by some of the most able and enlightened statesmen of the country; and, among others, by our present venerable Chief Magistrate, whose opinions must at all times be considered as entitled to the very highest respect, whether we regard that sincerity of heart, and devotion to the interests of his country, which have so uniformly marked his course, or that fund of useful practical information and powers of strong logical argument which have gained for him the eminent and dignified stand which he now occupies. Nor, sir, continued he, shall I forget, that, within a few days past, this subject has been most ably and elaborately discussed. It would, therefore, be vanity in him to suppose that he could cast upon it any great additional light. The disposition, however, so evidently displayed by the Committee, to listen to all that could be urged, for or against a system of internal improvement by this Government, (to which the present bill was to be considered but as a preparatory step,) had encouraged him to offer the few remarks he was about to submit. In doing it, he was satisfied that he had nothing to depend upon to insure attention, but their kindness and complaisance. Mr. B. said he should vote for the passage of the bill, because he did not feel any doubts as to the constitutionality of the measure, and, from a conviction that the most salutary consequences would result from it, to the Union. A most gloomy and terrific picture of its effects had been drawn by several gentlemen opposed to the bill. They would induce us to believe that it will be an usurpation of power, on the part of the General Government, by which State sovereignty is to be destroyed, and the fabric of liberty made to totter to its very centre. An honorable gentleman from Vermont (Mr. MALLARY) has represented this Government as commencing the attack upon

the State which he has the honor in part to represent; and under the fair pretence of regulating and facilitating commerce between the States, and providing the means of diffusing political information, a road or a canal is made. No other State would feel sufficient interest to interfere in the matter, and poor Vermont, unaided and alone, falls an easy victim in this most unequal contest. Some adjoining State next feels the grasp of tyranny and usurpation; and thus the States, one by one, share the same fate. But is not all this mere fancy? How, in the name of common sense, said Mr. B., can the making of a fine road or canal in a State, over which, when made, the General Government will not attempt the exercise of an exclusive legislation, operate to the injury of such State; or in the least impair its sovereignty? If, sir, this Government shall ever so far lose sight of its true principles, as to aim at the downfall of State rights, it will not commence the perpetration of so wicked and nefarious a design, by exhausting its funds in improving, beautifying, and strengthening the States. The powers, which are indisputably conferred on it, to lay and collect taxes, without limitation, to raise and support armies, to provide and maintain a navy, &c., are the means which would be resorted to; and against the abuse of which powers, the intelligence and patriotism of our citizens, and the responsibility of every officer of the Government, either mediately or immediately, to the people, form the only sure and effectual protection.

Such, sir, continued Mr. B., are the advantages which would, in my estimation, result to the United States, by the adoption and judicious execution of a system of internal improvement, by this Government, that, before its expediency was questioned by those who stand opposed to the passage of this bill, I had supposed the argument would have turned exclusively on the Constitutional question involved in it. The President, in the objections which he made to the passage of a bill on a former occasion, embracing the same point, not only acknowledges the propriety of such a measure, (if, constitutionally, it could be executed,) but warmly recommends such an amendment of the Constitution, as would clearly confer the necessary power. But it has been insisted that each State could attend, with more convenience, to the construction of such improvements as might be necessary, than the General Government; because they would be more immediately under the inspection of such State. Whether, however, they be made by a State or by this Government, it is evident that the construction of them would be superintended by agents employed for that purpose; or that they would be made by individuals, under contract, with the Government. It would, therefore, be as convenient to the one as to the other. But if ever this Government shall attempt such a course, it was said that partiality was to be displayed. Such a conclusion, however, is deducible only from that want of integrity and vigilance in those to whom the management of the public concerns may be confided, which cannot reasonably be presumed; and ought

not, therefore, to be indulged in. The argument relied upon to prove the inexpediency of the measure, in which it was insisted that an interference by this Government would very much diminish, if not entirely take away, all inducements on the part of each State to incur much trouble or expense in making roads and canals, appears to be entitled to rather more consideration. But it is evident that no projects of the kind, except those of great national importance, ought or would be undertaken by it; and as to them, from the want of concert and unanimity of purpose between the States through whose territory the road or canal might be conducted, as well as from the further consideration that it might not be the interest of any one State to undertake them, we cannot hope to see much effected through the public spirit of any one or more States. Take, for example, the great Cumberland road—would it ever have been undertaken or completed by the States through which it passes? And yet who would deny its great and almost unlimited importance to the Union? It stands a proud monument of national industry and the patriotic enterprise of its projectors. He needed not, however, consume time by considering separately all the objections which had been urged against a system of internal improvement. Its advantages were too obvious to require such a course. It would give an additional impulse to, and open new sources of, commerce between the States, (a consideration, in his opinion, far more important than our foreign commerce;) it would furnish strong incentives to industry, and would save great labor and expense to our citizens in carrying their produce from one part of the country to another. The facilities, also, which it would afford to the United States, in marching our armies, in transporting to points where they may be wanted, provisions, arms, and all the munitions of war, could not be too highly appreciated. But in no point of view, said he, would it be more important, than in the happy effect it would produce in extending and encouraging a familiar intercourse between our citizens. An honorable gentleman from Virginia (Mr. S.) has told us, that "he entertains no fears upon the subject; that no man could make him believe that the rejection of this bill, or the refusal to exercise the power now claimed, is to separate these States, or alienate the affections of the West from the Union."

No, sir, said Mr. B., as a representative of a certain portion of that brave and patriotic people, I should be sorely mortified, could it with propriety be insinuated, that such a measure was particularly necessary for the West; or that they felt less devotion to the interests and prosperity of their Government, than the people of any other section of the United States. He meant not vainly to boast of either their valor or their patriotism. Let their conduct during the last war, and on all occasions when an opportunity has offered for a display of those noble virtues, bear testimony in their favor. It affords a more unerring test of their worth than idle eulogiums, which are often pronounced when least deserved. But, sir, con-

tinued he, since the observations of that gentleman have authorized a reply, he would assure him that the Western people shrank not from a comparison with any, however ardent their zeal for the public cause may be, or however meritorious were their public services. They are devoted to their Government, as securing to them all the blessings of freemen, and are willing and ready, at all times when necessary, to risk their property and their lives in support of that liberty which they regard as the richest legacy bequeathed to them by their ancestors—that liberty before whose altar they had been taught from their very infancy, to bow as with an idolatrous reverence. But the measure proposed, it is believed, cannot fail to have a salutary effect on all. We have an extensive territory, which, from time to time, is getting to be still more extensive, and with it our population is spreading. Our Government, although the best, no doubt, that any people on earth were ever blessed with, is still the result of human wisdom, and, therefore, not perfect. With all its excellencies, its warmest and most enthusiastic admirers would not insist that energy and promptness of action are its distinguishing characteristics. There appeared, to be sure, at this particular time, to be but little necessity of forming additional ligaments by which to unite us; all appear to be actuated by one common purpose. He would not even say that there had been a period since the establishment of this Government when strong symptoms of an approaching storm had appeared. It would not, perhaps, be proper to recur to any particular occasion of the kind as a topic of public discussion. If at any time our political horizon had been darkened by such a cloud, happily it had been long since dissipated, and the sunshine of harmony and good feeling again warmed and illumined every part of this great and flourishing Republic.

But, let it be recollected, said Mr. B.; that we are as yet in the youthful vigor of our republican principles. Our domestic situation may not always present a prospect so pleasing. We cannot claim an entire exemption from some portion of that combustible matter which was to be found, to a greater or less extent, in the bosom of every Government that ever existed, or ever will exist, until human nature shall be changed—until angry passions shall no longer swell the human breast—nor a sleepless ambition disturb its repose. As wise legislators, then, let us take every step in our power to perpetuate the Union, which had produced a rapidity of growth in national prosperity and importance of which the history of mankind furnishes no parallel; which, with the representative principle, has made our Government the admiration of the wise of every country, if not the dread of tyrants throughout the world. A separation of the States is an evil not only more probable, but even more to be deprecated than a consolidation of power; and if ever the predictions of our downfall by the enemies of Republics shall be realized, it is to be the result of a separation produced by sectional feelings and jealousies. But, whatever may be the advantages of the proposed

measure, it is insisted that the Constitution confers no power on Congress to interfere in it. If gentlemen be correct in that view of the subject, so let it rest, until, by an amendment, all doubt may be removed; for no blessing should be considered as otherwise than dearly purchased by a willful violation of that sacred instrument. Believing, however, that the necessary power had been clearly conferred, he would concisely give his views on that subject.

Permit me, however, said Mr. B., before I enter into a particular examination of the clause by which the power is either expressly given, or from which it is clearly deducible, to answer some remarks made as to the nature of our Government, and the powers intended to be conferred on it. It was insisted, that those matters only were intended to be confided to the care of this Government, in which all the States were equally interested; and, assuming that position as correct, it was further urged, that a road or a canal, in a particular State, could not be equally interesting and beneficial to every part of the United States. No view, however, could be more obviously incorrect. The regulation of foreign commerce is expressly delegated to Congress—so is also the power to provide and maintain a navy. In these matters, every part of the Union is interested; but are they all equally interested? Are there not States whose safety is less dependent on the protection afforded by a navy, than others which lie exposed on the seacoast? Are there not States whose situation and internal resources render them less dependent than others, upon the aid of foreign commerce? Other matters, in which all are equally interested, have been left to the direction of the States respectively. In the administration of justice, for instance, all feel an equal interest. It is as important to the people of Kentucky, that their statute of descents should be bottomed upon correct principles, as it is to the people of Virginia; yet each State is left to exercise an uncontrolled discretion over that subject within its own territory. I do not know, said Mr. B., that any certain rule could be laid down by which to judge of the intention of the framers of the Constitution, respecting the power granted. It was necessary to confer so much as would be sufficient to provide for the common defence and general welfare; and they appear to have been, in most cases, cautious not to leave to the control of the States, such matters as would most probably have been managed by each State with an eye to its own aggrandizement, regardless of the interest of others—as, for example, foreign commerce, and commerce among the States. Under the Articles of Confederation, previous to the adoption of our Constitution, various regulations concerning commerce were made by different States, founded upon dissimilar views of the subject, and regardless of the interests of any other State, except that adopting the regulations, which proved injurious to all; and hence the clause in the ninth section of the first article: "No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of ano-

ther," &c. And here, sir, said Mr. B., let me remark, that the observations already made, as to the inequality of interests of different States, in the protection and extension of foreign commerce, and as to a navy, furnish a satisfactory answer to the argument relied on, that, as the Constitution provides that "all duties, imposts, and excises, shall be uniform throughout the United States," and that no capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration directed to be taken, therefore no appropriation of money could be made, to the construction of a road or a canal, in one State, which would not afford equal advantages to all. Indeed, few, if any, appropriations are made, which operate with perfect equality on every section. A certain degree of liberality and magnanimity of temper must be observed, on such occasions, or it is in vain that we have associated for the purposes of common defence and general welfare. It has also been insisted, that all municipal power was intended to be reserved to the States respectively, and that, as the power to make a road or a canal is of that character, therefore it was not intended to be granted. The conclusion is correct, if the premises be so; but here, again, the fallacy of the argument results from the error of the position assumed. But the true question here is, not by what name the power granted should be called, but has the power been granted? It is immaterial whether we call it a national, a federal, or a municipal power; whether it was conferred by the States as such, or by the people of the United States, as a nation. In either case, it was granted by those who had a right to do so. If, however, it were necessary to show that power, strictly municipal, has been conferred on Congress, I would only ask, said Mr. B., what is meant by municipal power; and then turn to the eighth section of the first article of the Constitution. The obligation of national law cannot be traced to legislative enactment. It depends upon the principles of natural justice, and has been adopted by the consent of nations. Municipal or civil law is a rule of conduct prescribed by a people for the government of themselves. "*Civile jus est quod quisque populus sibi constituit.*"

I proceed now, said Mr. B., to the examination of the clause of the Constitution, which gives to Congress the power to regulate commerce with foreign nations, and among the several States, &c. What is meant by the regulation of commerce? Does it consist in prescribing rules concerning it, without the power to enforce those rules? Or, was it intended to give to Congress its entire management and direction? It is said that this power was given "to prevent undue advantages being taken of those States which were less favorably situated than others, by the laying of exactions on the passage of their products to a market." Suppose, then, that a State should lay and attempt to enforce such exactions, could not the General Government interpose its authority and remedy the evil? Its power in such cases could not be denied. If a State should attempt to prevent the citizens of any other State from a free

passage with their produce, through the territory of such State, by placing obstacles in the way, as by closing the only direct or convenient road, would any one deny the propriety of the interference of the General Government? If, then, Congress has the power, so far to regulate commerce between the States as to provide for the removal of such obstacles, upon the same reasoning it must be admitted that it has the power to cause natural obstructions to be removed by opening a necessary road and canal. The citizens of some States would be in a most unpleasant predicament, if any other State had the right to refuse to them permission to pass through its territory with their produce. If it cannot prevent them by exactions, so neither can it by clearing a road, or by refusing to open one, or to permit it to be opened.

But this, say gentlemen, is a limited Government, and especially in its powers of appropriation. Be it so. But if we have a right to appropriate money under this clause, for the purpose of protecting and extending foreign commerce, we have the same right to aid, in the same way, commerce among the several States. From the very commencement of this Government to the present period, has Congress claimed and exercised the right to appropriate large sums of money to facilitate and extend foreign commerce, by the erection of not only lighthouses, &c., which are within State limits, but also for other conveniences, such as buoys, marine canals, &c. Now, although the exercise of such a power does not prove that it has been rightfully exercised, yet I must insist, that the construction thus given to the Constitution, which has been persevered in for such a series of years, which has never been complained of by any, and which has proven to be practically beneficial, ought to be considered as conclusive. Indeed, all who oppose this measure, acknowledge the correctness of such appropriations for foreign commerce, when made under the eighth section of the first article, or when made beyond the limits of a State. If, then, this be a limited Government, in its powers of appropriation, and cannot direct one cent to be expended for the effectuation of any object, which the Constitution does not recognise as correct, and money has been rightfully expended to facilitate foreign commerce, it follows, of course, that the Constitution authorizes the appropriation of money for the same purposes, and to the same extent, in relation to the encouragement of commerce among the States, for the power is granted as to each kind of commerce, in the same clause, and by the same words, "to regulate." The rules of construction, as to all grants, are the same. If, by deed, two tracts of land were conveyed to the same individual, in the same clause and words, it would be a strange construction of such deed to say, that as to one tract, an estate in fee simple passed; but, as to the other, an estate for life only, or for years. The gentlemen from Virginia (Mr. P. P. BARBOUR) thinks that the analogy from the general power to the particular act, is not as strong in the one case as the other. He furnished us, however, with no reasons, I believe, for the opinion. The ne-

cessity, as well as propriety of extending aid to commerce among the States, is surely as great as it is to foreign commerce. Having then shown that Congress has constitutionally the right to appropriate money for the regulation of domestic commerce, let us consider how far they may do so, for the construction of such improvements as may be necessary for that purpose, within the limits of a State. Who can complain of the General Government for procuring property in the different States, upon which to make those improvements to regulate commerce among them? The States. Who granted the power to appropriate money for that purpose? I answer, the States. Is it, then, consistent with good reasoning, to argue, that they conferred upon Congress a right to lay out the public money to regulate commerce among them; and yet, that they intended to withhold from it the means of pursuing that course, which, of all others, is the best calculated to effectuate the great object of the grant?

But, it is said, that the General Government cannot exercise exclusive legislation over any place which it may purchase in any State, unless, under the eighth section of the said article, the purchase shall be made, with the consent of the State in which it shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings. This is not denied. But is there not an obvious difference between procuring property by purchase—holding it, too, under the laws of the State in which it may be, and the exercise of exclusive legislation over it? Such a power over forts, magazines, &c., in the bosom of a State, contrary to its consent, was thought, perhaps, to be dangerous and unnecessary. But what authority was that clause intended to convey? A right to purchase? Certainly not; but to exercise exclusive legislation over the property when purchased with the consent of the States. This clause, so far from proving that the Government cannot purchase property to effectuate Constitutional objects, appears evidently to be predicated upon the previous right to purchase. Express authority is given to lay and collect duties and imposts. To effectuate the collection of imposts, custom-houses are necessary. But is it true that the Government shall not, by contract for the rent of a suitable house, or by purchase, (which would be the same in principle, for, if it can rent, it can purchase,) avail itself of that convenience? When a grant of power is made, all that is necessary to the complete effectuation of the object contemplated passes by implication. And, if this were not a sound rule of construction, (which, however, none will deny,) by the last clause of the section alluded to, authority is expressly given to Congress "to make all laws which shall be necessary for carrying into execution all powers vested by the Constitution in the Government of the United States." And, sir, the Government is not dependent, as has been stated, upon the will of a State, or even States, to carry into effect the power vested in it by the Constitution. It has been said, to prove its dependence, "that a State might refuse to elect Senators." To be sure, it

might refuse, and the Senators might refuse to discharge the duties incumbent on them after they came here. The President might refuse to sign any bill passed by Congress, or to return it with his objections. The people of the State may refuse to elect Representatives, and, indeed, might rise in rebellion against it; but would not all these omissions be a violation of duty, and of the Constitution? Surely, no sound argument of the lack of Constitutional authority on the part of this Government is deducible from the physical power on the part of a State or States to resist that authority.

But how, it is asked, continued Mr. B., shall the Government get such property as may be necessary, unless the owners choose to sell it? How, I ask in reply, shall provisions for the support of our armies be obtained, if the owners should be unwilling to sell them at a fair price? The reply is obvious. They must be taken. No authority is expressly given to do so; nor is any expressly given to quarter soldiers in the houses of our citizens in time of war; but the authority to do each is clearly implied; for it is declared that "no soldier shall, in time of peace be quartered in any house without the consent of the owner, or, in time of war, but in a manner to be prescribed by law." "Nor shall private property be taken for public use, without just compensation." The argument which has been relied upon, that we should violate every rule of justice and morality in being the valuers of the property taken by us, is entirely untenable. When a State deems it expedient to make a road, if it is to pass through the land of one of its citizens, a writ of *ad quod damnum* issues, and, by the verdict of a jury empanelled for that purpose, the value of the ground is ascertained. The same may be done by this Government, for it may pass all laws necessary and proper to execute the powers confided to it. Such a measure would, however, never be necessary on the part of the General Government. Property can always be purchased, to make such improvements as would be undertaken by it; and, indeed, it should give even more than the value of the property, rather than resort to an exercise of its ultimate power, in such cases. The danger which appears to have been apprehended from such a step is altogether imaginary. It might, to be sure, be perverted to very improper purposes, and so might every power granted. Without even literally violating the Constitution, taxation might be extended beyond endurance, and amount to absolute tyranny; yet the safety of the United States required that no limitation should be affixed to the grant of the power, as it was impossible to foresee the particular point beyond which it should not be extended. Government can no more exist without power than society can exist without laws.

But, said Mr. B., the power to make roads has been clearly given by the clause as to the establishment of post offices and post roads—upon which he intended to make but very few remarks, as it had been fully commented on by others. Many nice definitions had been given of the meaning of the word "establish." It is never used,

said a gentleman, when any thing is to be performed which requires physical force. He gave us various illustrations of the ideas which he wished to convey on that point, and so very fine and hair-spun were his distinctions, that we are at a loss to determine whether it was more difficult to comprehend the argument or retain the impression. Let us, however, take one of the examples which he gave. If, said he, authority is given to establish a house of entertainment, could that be construed into an authority to build a house? Suppose that gentleman were applied to for his advice, and a written contract presented to him in which the owner of a tract of land had granted an individual the authority to establish on such tract a house of entertainment, and there was no house on it, or one entirely unfitted for such purpose, would that gentleman say that the lessee should not have a right, at his own expense, to build a suitable house? Would he tell him, after having been busily engaged in investigating the subject, with his law books on one hand and his lexicons on the other, that he could find no place in which the words "to establish" were used to signify "to do any thing which required physical force," and that, unless he could build a house without physical force, he must lose the benefit of his contract? In construing all instruments of writing, of whatever character they may be, is it not more reasonable to understand the words in the sense in which, from a view of the whole instrument, it is reasonable to presume they were intended to be understood?

It has also been urged that the clause referred to gave to the General Government a right of way only; and that any lawyer would acknowledge that a grant of a right of way only, conveyed no interest in the soil; that if, under such circumstances, obstructions were thrown in the way, the grantee had no right even to remove them, but must sue and recover damages. I know that it is not to be inferred, as the opinion of that gentleman, that if, by order of the county courts, every post road was ordered to be closed, and the passage of the mail prevented, the remedy would be by suit; for here a greater difficulty would present itself than in construing the contract "to establish a house of entertainment." Against whom should the suit be commenced? Against the State, or against the worshipful justices of the county court? It is acknowledged by all that the State has no authority to prevent the passage of the United States mail, but yet the county court may refuse to have a post road kept in such a condition as would enable those whose duty it is to carry the mail to get along with it. The General Government, according to this view of the subject, is made to depend for the execution of its power, not on the State alone, but on the will and caprice of a county court. When a road is once made, gentlemen acknowledge that the Government may claim and exercise the right to use it. The State may wish to alter or abolish a road, but this they have no right to do. But we must not make a road. Before the road is made the land belongs to the State, and it would be a dangerous

power to permit the United States Government to interfere with its right; but, let the road be once made, and then use it at pleasure, and exercise, too, such authority over it as that the State cannot abolish it, and in this there is no danger. If, Mr. Chairman, this be correct reasoning, I confess it is beyond my comprehension. Not wishing, however, to consume too much of your time, I shall submit the matter without further observations.

When Mr. BUCKNER had concluded—

Mr. McDUFFIE, of South Carolina, next took the floor in support of the bill, who, at 4 o'clock, yielded to a motion for rising; and, the Committee having obtained leave to sit again, the House adjourned.

THURSDAY, February 5.

On motion of Mr. P. P. BARBOUR, the Committee on the Post Office and Post Roads were instructed to inquire into the propriety of allowing an additional compensation to William F. Gray, postmaster at Fredericksburg, in Virginia.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the Speaker of the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, agreeably to a resolution of that House of the 11th of December last, with the papers which accompanied that report.

JAMES MONROE.

WASHINGTON, Feb. 2, 1824.

The said Message was read, and ordered to lie on the table.

SURVEYS FOR ROADS AND CANALS.

The House then again resolved itself into a Committee of the Whole, on the bill for obtaining the necessary surveys, estimates, &c., for roads and canals.

Mr. McDUFFIE concluded the speech which he commenced yesterday, in support of the bill. His speech follows entire.

Mr. Chairman: In the course of this discussion, gentlemen have indulged their imaginations in sketching out the most extravagant and fanciful pictures of the abuses which would result from the exercise of the power of making internal improvements by Congress; and, by this sort of inverted reasoning, have attempted to prove that the power does not constitutionally exist in Congress. Nothing can more clearly show the difficulties of the position they have assumed under the Constitution, than the fact that they are compelled to resort to arguments of this description, in order to sustain it: for, I think it can be satisfactorily shown, that it is against the whole theory of our political system, to suppose that the power in question is more liable to be abused by the General Government than similar powers are liable to be abused by the State Governments. With the purpose, therefore, of reclaiming the attention of the Committee from the frightful usurpations gratuitously ascribed to this Government, and of directing

it to the sober and dispassionate consideration of the principles really involved in the subject under discussion, I propose to offer a few preliminary remarks, indicating the real securities provided in the Constitution for the liberty of the citizen, and the harmonious operation of our complicated system of Government.

Almost every gentleman who has addressed the Committee in opposition to the proposed measure, has laid down some general proposition, classifying the powers which have been confided, respectively, to the General Government and to the State governments; but it seems to me they have introduced into their several propositions, terms much more vague and uncertain than the question they are intended to elucidate. To lay it down as a general rule, that all municipal powers, not expressly granted to the General Government, belong to the State governments, either renders nugatory most of the powers of this Government, or it does not advance us a single step towards the decision of the question we are discussing. I shall endeavor to bring the mind of the Committee to a direct perception of the things upon which it is to decide, entirely unembarrassed by terms of doubtful signification.

It will be perceived, from a casual glance at the provisions of the Constitution, that two great safeguards are provided for restraining and arresting the usurpations of this Government, and preserving the liberties of the people. One of these results from restrictions upon power; the other from the responsibility of those who exercise power, to the people upon whom it operates. Those particular acts of Government which are essentially wrong, and which no emergency can justify, are absolutely prohibited; and upon those powers which rulers are naturally prone to abuse, because connected with their own defence, and liable to the influence of their passions, positive restrictions are imposed, restraining their exercise to certain specified emergencies. Upon these principles, Congress is prohibited from passing any law respecting the establishment of religion, or tending to abridge the freedom of conscience, of speech, or of the press. Upon the same principles, Congress is prohibited from making either honors or crimes hereditary, by creating titles of nobility, or passing bills of attainder; and, also, from suspending the privileges of the writ of *habeas corpus*, except under circumstances producing a sort of State necessity for that dangerous exercise of sovereign power. And it is worthy of remark, that the State governments also are subjected to precisely the same positive restrictions, in all cases where the powers under consideration could be fairly presumed to belong to them, under the general distribution. From this we are brought to the obvious conclusion, that the Convention did not regard the State governments as sentinels upon the watch-towers of freedom, or in any respect more worthy of confidence than the General Government. One class of public agents, as they are not exempted from the passions, so they have no claim to be exempted from the restrictions belonging to another class, when both

stand in the same relation to the people. It was wise and provident, therefore, to restrain both from the exercise of powers, which are so peculiarly dangerous in their nature. And here, sir, an answer at once suggests itself to a remark, made during this debate, importing that the same principles of construction which justify the exercise of the power to make internal improvements by this Government, go equally to justify the celebrated sedition law. The unconstitutionality of that law resulted from the express provision, "that Congress shall pass no law abridging the freedom of speech or of the press." It was a violation of an express restriction upon the power of Congress; and until gentlemen point out a similar restriction upon the power of improving the country and developing its resources, they must abandon the argument, deduced from this analogy, as indefensible. The only effect of introducing such an argument into this discussion, is to awaken associations which do not belong to the subject.

Having thus pointed out the class of powers which is the proper subject of positive restriction, let us inquire what is the principle which governs the distribution of that residuary mass of useful and necessary powers which constitute the sovereignty of the nation, and which every Government, or system of Governments worthy of the name, must exercise by some of its functionaries. In determining whether a given subject of legislation should belong to Congress or to the State Legislatures, the inquiry with the Convention was not, which of these will be most likely to abuse the trust, but to which of them does it appropriately belong, in reference both to their organization and the great objects they were designed to accomplish? It was not a question of civil liberty, but of political harmony. In this view of the subject, I would lay it down as a general rule, that all those subjects of legislation which concern the general interests of the whole Union, which have a plain and obvious relation to the powers expressly granted, and which a single State government cannot regulate, naturally belong to the General Government, unless it can be shown that the regulation of those subjects by Congress impairs the power of the State Legislatures to regulate their own internal police. In laying down this rule, I have been governed by the living principle which pervades and sustains the whole fabric of our complex system of government, political responsibility. This should, in all cases, be co-extensive with political power; and wherever the power of a Government operates upon the interests of those to whom it is not responsible, there is precisely so much despotism. This idea cannot be better illustrated, than by the very subject under consideration. Roads and canals for the transportation of the mail, and for bringing into efficient operation the military power of the nation, are intimately connected with the prosperity, the defence, and the very existence of the Union. The whole people of the United States are, therefore, interested in the execution of works of this description. Let us suppose, then, that the General Government commences a road or a canal for these general

and essential purposes, through the State of Delaware, and that the government of that State should interrupt its progress. What would be the political anomaly presented? The government of Delaware, emanating from, and responsible to, forty thousand people only, would be seen controlling the interests of the whole people of the United States, amounting to nearly ten millions? The people of the United States have no representative in the Legislature of Delaware, and, consequently, no means of controlling its operations upon their interests but by the supremacy of the laws of this Government. In the case supposed, therefore, the great interests of this Republic would be subjected to the action of a power having every characteristic of despotism. It is true, it would be a petty despotism, but it would not, on that account, be less despotic in principle. If it would not directly endanger the liberties of the country, it would weaken its energies and embarrass the essential operations of the Government. For, sir, show me, in any of the subdivisions of this comprehensive scheme of representative Governments, a power operating beyond its responsibility, and I will show you a power unknown to the system—a comet, let loose from the power of gravitation, which must inevitably destroy the planetary harmony by which that system is so admirably characterized.

Let us now reverse this picture, and contemplate the operations of the General Government upon the States, in fulfilling the great ends of its creation. What are the principles which lead gentlemen to presume that the rights of the States will be infringed? Is Congress, in its legislative action upon the States, like the State Legislatures in their action upon the United States, irresponsible to those upon whom its power operates? Are not the people of the States represented on this floor, the governments of the States in a co-ordinate branch of the National Legislature, and both, in the chief executive magistracy? And when the concurrence of all these, or of two-thirds of both branches of Congress, is necessary to the passage of any law affecting the rights of the people, or the powers of the States, have we not all the safeguards which human wisdom can provide against the abusive exercise of power? Sir, in the vast field of legislation over which our jurisdiction extends we cannot touch with rudeness a single chord of the body politic whose vibration will not reach every department of this Government. I confidently assert, that this Government is as popular in its organization, and as safe a depository of power, as a State Government.

With the aid of these general principles, I shall proceed to inquire what powers have been actually delegated to Congress, in reference to the subjects embraced in the bill on your table.

I am clearly of the opinion that, under the general power to raise and appropriate money to "promote the common defence and general welfare," Congress has the power to appropriate money for making roads and canals, with the consent of the States in which these works may be executed, without reference to any of the other

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specific grants of power. As the honorable Speaker has distinctly disclaimed all power over internal improvements derived from this source, I must beg the particular attention of the Committee while I attempt to explain my views on the subject, and remove the misapprehensions which I believe to exist, as to the extent of the power which is claimed under this clause. When I lay it down, that the power of raising and appropriating revenue, like all the other sovereign powers of this Government, is unlimited, unless where expressly restricted, I beg gentlemen not to be alarmed at the proposition, for I will give it such an explanation as will, I think, render it perfectly harmless. The powers to declare war, and to raise and support armies, are certainly as dangerous as any vested in this Government, and yet, it will not be pretended that they are subject to any other limitation than what will be found in the wisdom and discretion of Congress. We have the same power to raise an army of a hundred thousand men in time of peace, when we have occasion for their services, that we have to raise a single regiment in the greatest emergency. And though every one will agree that such a freak of power would be wanton and wicked in the extreme, no one, I presume, would venture to pronounce it unconstitutional. In like manner, I maintain that we have as clear a Constitutional power to raise one hundred millions of revenue, without any reference to the other express grants of power, that we have to raise a single million for the direct purpose of carrying these grants into effect. The fallacy of the arguments of gentlemen on this subject consists in supposing that the Constitution leaves nothing to the discretion of Congress; when, in fact, construe the Constitution as you will, our principal security must depend upon that discretion. In determining what sovereign powers belong to Congress, no discretion, I admit, is given to us. The Constitution is our inflexible landmark. But, in determining in what manner, under what circumstances, and for what purposes, these powers shall be exerted, we have nothing but a sound discretion to direct us. That Congress has power "to lay and collect taxes," we ascertain from the Constitution; but it would be as vain to look into the Constitution for an enumeration of the objects to which the revenue shall be appropriated, as to look into that instrument for the causes which would justify a declaration of war, or for the objects to be accomplished by raising armies or regulating commerce. By a strange misconception, in which the honorable Speaker seems to have participated, the power of appropriating money, in the extent to which I carry it, is supposed to involve a sweeping demolition of all the limitations of the Constitution, rendering this a Government of unlimited powers. Sir, I expressly disclaim these consequences. I deny that the power of raising and appropriating money "draws after it" (to use the language of the Speaker) any power at all. My position is, that Congress has power to raise and appropriate money to carry into effect the other powers expressly granted, and

also to promote "the general welfare," so far as it can be promoted by money merely. As a power, it ends in itself. When the money is raised and appropriated, sovereignty ceases; and whatever else is effected must be done by the mere agency of money, in the use of which the Government is precisely upon the footing of an individual. If any sovereign power, besides that of appropriating money, is necessary to accomplish the object, that other power must be derived from some of the other grants of the Constitution; and if it is not found there, it does not exist at all.

That the power of appropriating money is not confined to the execution of the other commercial powers, is as clear, from the terms in which it is conveyed, as from the nature of the power itself. Congress is authorized to "lay and collect taxes" "to provide for the common defence and general welfare." Now, it would be doing great injustice to the critical skill of the Convention to suppose that the significant terms "common defence and general welfare," were introduced for no purpose; and it would be doing equal injustice to their wisdom to suppose that the terms in question were intended to enlarge the powers of the General Government. It seems clear to me that they were intended neither to enlarge nor diminish the powers of Congress, but merely to define and limit the objects to which this particular power should be applied. And I am much indebted to the candor of my honorable friend from Virginia, who sits near me. (Mr. ARCHER,) for the admission, that these words were intended to limit a power, which would have been illimitable without them. I am perfectly satisfied of the correctness of this view, and, while it gives me great pleasure to concur with my friend in the principle, I am compelled to say that it brings my mind to a conclusion precisely the reverse of that which he deduces from it. If the power under consideration would have had no limit without the words "common defence and general welfare," it results of necessity, that we must look to those words only for the limitation. What, then, is it? Congress shall raise and appropriate money, with no other limitation, as to the objects which money alone can effect, but that they must relate to the "common defence and general welfare," and not to any local or State purposes.

Indeed, sir, it may be fairly argued that there would have been no necessity for an express delegation of a power to raise and appropriate money, if it can be applied only to the other granted powers; for, it can scarcely be doubted, that every one of these would carry with it, as an incident, the power of appropriating the money necessary for its execution. That can hardly be a just construction, which would thus convert the leading clause of the Constitution into mere surplusage.

The honorable Speaker seems to be alarmed at the idea of a discretionary power in Congress to appropriate money to "promote the general welfare," and has reminded us of the saying of a military chieftain, who certainly understood the elements of human power, as well as any man who ever wielded them. "Give me money, (said that

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celebrated man,) and I will obtain bayonets;" and, conversely, "give me bayonets, and I will get money?" Now, if the honorable Speaker had examined the bearing of this military maxim, with the sagacity which usually characterizes the operations of his mind, I think he would have found in it an answer to his own argument, and a perfect relief from all his apprehensions. If the combined powers of money and bayonets, of the purse and the sword, are so fearful, I ask if they do not exist, without limitation, in Congress, by the express grants of the Constitution? That the power of appropriating money is unlimited in reference to all the elements of military power, is a proposition which I am sure will not be questioned. And I am at a loss to conceive how the dangers of the bayonet can be increased by the power of appropriating money to other objects. It is not, sir, the power of appropriating money, but the other powers to which it gives motion, that can be regarded as dangerous. Against the wasteful expenditure of the public money, the Constitution furnishes an ample security in the provision, that no money shall be drawn from the Treasury but by the consent of the people, through their immediate representatives. It may at least be said, that if this is not a sufficient security, there can be none; for the field of expenditure is wide enough for all the purposes of extravagance, under any construction which can be given to the Constitution.

Sir, if the view I have taken of the money powers of this Government be not correct, every Administration, and almost every Congress, have been guilty of habitual violations of the Constitution. In the Administration of General WASHINGTON, an appropriation was made to relieve the suffering people of St. Domingo, who had sought a refuge on our hospitable shores; and, in that of Mr. Madison, a similar appropriation was made for the relief of the wretched inhabitants of Caraccas, overwhelmed by the disasters of an earthquake. Neither of these appropriations have the remotest assignable relation to any one of the other enumerated powers, and I challenge any gentleman to justify them under any other clause of the Constitution but that which confers the revenue power. In fact, sir, we cannot perform those every day acts, which are essential to the existence, and involved in the very notion of government, if our power to appropriate money is regarded as merely subservient to the other grants of power. The monuments we have erected to illustrate the gratitude of the nation and the memory of her distinguished citizens; the works of genius and patriotism by which we have decorated the Halls of this Capitol; and the very supplications which are every morning sent up to heaven, invoking its smiles upon our deliberations for the general welfare, are so many emblems of usurpation, if the arguments of gentlemen are correct on this point. We cannot look around us without beholding something to remind us that we have violated the Constitution.

But, sir, there are much stronger precedents than any I have yet stated, on the point under consideration.

Under the Administration of Mr. Jefferson, one of the most distinguished advocates of limited construction, Congress appropriated money for the purchase of a territory sufficiently large for an empire. It will not be pretended that this was authorized by any of the specific grants of power to Congress, if not from that to appropriate money. Whence, then, is the power derived? If the purchase was unconstitutional, an honorable gentleman from Louisiana, whom I trust we shall hear upon this question, has no right to raise his voice in this assembly. If it was Constitutional, as I believe it was, it is in vain to speak of any security against the waste of the public treasure, derived from limiting the objects of expenditure. For the same principle which authorized the purchase of Louisiana, would equally authorize that of Cuba and the islands in the Pacific Ocean; and if nature did not interpose an insuperable barrier, we might go with the honorable Speaker to the planets above us, and there embark in sovereign speculation. But it will be said that the purchase of Louisiana was made by virtue of the Executive power to make treaties. Granted. And what follows? That there is an unlimited power in the Executive Government, not only to authorize Congress to appropriate money, but to impose upon it all the obligation which can grow out of the treaty, to make the appropriation. Sir, this puts an end to the argument which limits the power of appropriating money to the other specific grants to Congress, embraced in the enumeration of its powers. And I must say, it would be an extraordinary supposition that the framers of the Constitution intended to limit, by the most jealous restrictions, the power of the popular branch of the Government, in selecting the objects calculated to promote the general welfare, and, at the same time, to vest in the Executive Government the most unlimited discretion on the same subject.

But, says the honorable Speaker, if we can derive the right of making a road through a State, from the consent of the State, we can derive from it sovereign powers not conferred by the Constitution. If it were contended that the power of appropriating money could be derived from the consent of a State, this objection would, I admit, be unanswerable. The objection, however, is founded upon a misconception. It supposes every act which a Government performs to be, of course, an act of sovereignty. But, nothing can be more erroneous than such a supposition. The making of a road is not an act of sovereignty. The Legislature of Virginia, for example, might grant me the privilege of making a road through the State; but, if they were to do so, I should certainly never dream that I was clothed with any of the attributes of sovereignty. In fact, to deny this General Government a privilege belonging to the humblest citizen within its allegiance, would be to render it an alien enemy in the midst of the people, whose destinies are committed to its charge.

But, Mr. Chairman, though I have deemed it important to show that this Government has the

power to execute internal improvements with the consent of the States in which they may be made, I confess I deem it of much more importance to establish its absolute and sovereign power to make such roads and canals as are requisite and proper for giving a salutary efficiency to the great powers expressly conferred upon it, "in order to form a more perfect union," and perpetuate the blessings of liberty. I shall proceed, therefore, to examine briefly the several clauses under which the power in question is claimed, assuring the Committee that I will not trespass upon their indulgence by the repetition of arguments which have been already urged with an ability to which I have no pretensions.

In expounding the meaning and import of the grant "to establish post roads," the gentlemen opposed to this measure have largely availed themselves of those legal subtleties and philological refinements which they have themselves proscribed as unbecoming the nature and gravity of this discussion. I, sir, am decidedly opposed to the introduction of artificial or technical rules into the interpretation of such an instrument as the Constitution of the United States; and I think the friends of this bill would act very unwisely in resting the question of power upon the grammatical import of the term "establish." I agree with my honorable friend from Virginia, (Mr. ARCHER,) that "to establish" most generally means only to communicate the attributes of permanence and stability; and that, in relation to physical objects, it never means "to make" merely. But, it will be apparent to the gentleman, on a moment's reflection, that it is often used in reference even to physical objects, to convey the two-fold idea of "creating and making permanent." The meaning of the word must depend, in every case, upon the subject-matter to which it relates. An authority, for instance, to establish a post road where a road already exists, would not, in terms, convey a right to make the road; because the language, in its more comprehensive signification, would have nothing upon which to operate. But, an authority to establish a post road through a wilderness would most certainly be interpreted to convey, by the mere force of the terms, the right to make the road, as well as to communicate to it certain legal attributes.

But, sir, in giving a construction to a power of this description, we must ascend to much higher principles than either law books or lexicons can furnish. We must look to the great objects which it was designed to accomplish, and give it such an interpretation as will most effectually promote them. What, then, are those objects? The power to establish post offices and post roads, simple as it may appear, is one of the most important which belongs to Congress. Regarding the vast extent of our country, and the principles of our Government, it is obvious to remark that it is of vital consequence to the liberties of the Republic. It is the representative principle that imparts to this Government the character of freedom. And what can be more essential to the efficient operation of this principle than the rapid

and regular transmission of political intelligence from the Seat of Legislation to the remotest extremes of the Union? Even a free press—one of the essential elements of a representative system, of such unprecedented extent as ours—would be comparatively useless without an active and comprehensive system of mail communication. A constant interchange of intelligence and sentiment between the Government and the people is essential to the character of both. It is the diffusion of intelligence from the Government to the people, and the reaction of popular sentiment upon the Government, that renders the citizen really a free-man, and the representative really a responsible agent. I believe, sincerely, that, if the communication of this intelligence were for a length of time cut off from any distant portion of this Union, it would be deprived of the principle of political life, as certainly as a limb of the animal system would perish in which the blood had ceased to circulate. And is it not obvious that there will soon be States in this great Confederacy so remote from the centre that, without the most improved means of communication, Congress may meet and adjourn before a single interchange of sentiment can take place between the representative and his constituents? Sir, I am sure no member of the Committee can be insensible to the importance of these considerations. And, in ascertaining the extent of a power designed for such high purposes, shall we contract our views to a mere philological disquisition upon the import of the word "establish?" Admitting that this word must receive the restricted meaning ascribed to it by some gentlemen, I contend, upon a higher principle than any yet assumed, that the power to establish post offices and post roads involves as an incident the right to make them. And I confess I have been not a little surprised that, while all the other grants in the Constitution are admitted to involve incidental powers, this should be regarded as an exception. Without this incidental power, the principal power might be rendered nugatory, either by the caprice of a State government, or by the obstacles of nature. To contend, therefore, that we cannot make post roads, because "to establish" does not mean "to make," is not more reasonable than it would be to maintain that this Government cannot make war because "to declare" does not mean "to make."

I believe every gentleman who has opposed, in this debate, the power of Congress to make post roads, has distinctly admitted its right to exercise a conservative power over such existing roads as it may establish. This, indeed, is clearly embraced in the idea of giving firmness and stability, which enters into their definition of the word "establish." Now, sir, if this Government has the power to maintain and keep up a road, against the consent of a State, and to prevent, by the highest sanctions, any obstructions, even if attempted under the authority of a State, I would be thankful to any gentleman who would present an intelligible idea of the additional act of sovereignty exerted in making a road. As relates to the question of sovereignty, the power to main-

tain a road, against the will of a State, is precisely the same as the power to make it—with this difference in point of fact, that the latter exercise of power would be generally more beneficial to the States.

But, I would ask the gentlemen on the opposite side of this question, whether this Government has not a right, and has not invariably exercised it when necessary, to erect buildings for the use of the post office establishment? They have not only the right to purchase the soil for the purpose of erecting a post office, without the consent of a State, but they have a right to take it without the consent of the owner, and with no other restriction than that prescribed in the Constitution, that "just compensation shall be made." Now, if the power to establish a post office involves the incidental right to make it, the power to establish a post road, involves the right to make that also. It would be an utter perversion of every just principle of construction, to ascribe to the same word two different meanings, as applied to two subjects standing in precisely the same relation to it, and in the same sentence.

I will now proceed, Mr. Chairman, to consider those clauses of the Constitution which confer upon this Government the power to declare and prosecute war. The obvious, and, indeed, the express intention of these clauses was, to clothe this Government with the whole military power of the nation; to enable it to provide for "the common defence and general welfare" of the Republic.

To suppose that the framers of the Constitution intended to confer upon Congress the power to declare war, and to deny to it the means of giving to that power the most efficient operation, is, in effect, to suppose they intended to impose a duty upon Congress, and withhold the means of performing it. But gentlemen deny that roads and canals can be fairly regarded as the means of prosecuting war. Sir, I am perfectly willing to rest this question upon the rule laid down by the honorable gentleman from Virginia, (Mr. P. P. BARBOUR,) who opened the debate in opposition to the bill. He says that no act of the Government can be justified, as the means of carrying into effect any power of the Government which has not a "direct and appropriate relation" to the ends which that power was intended to accomplish. Now, if it cannot be satisfactorily shown that roads and canals have a "direct and appropriate relation" to the military defence of the country, I will surrender the whole argument. Sir, what is the situation of this country, in reference to its capacity for defence? There is not a nation on earth abounding so much in the elements of strength, that is so much weakened by their diffusion. And every one knows that not only the increased energy, but the very existence of military power depends upon the concentration of these elements. If, by a judicious system of roads and canals, we double the facilities for military movements, and the rapidity with which the forces of the country may be brought to bear upon an invading force, we increase, in nearly the

same degree, our defensive power. If, by the same means, we enable the Government to transport arms, munitions, troops, and subsistence, for one-fourth of the price it would now cost, we quadruple the power of the country, so far as money is to be regarded as an element of military power. These hypothetical cases, so far from being extravagant, are short of the reality. If this were not apparent, from a mere inspection of the map of the country, it could not fail to be deeply impressed upon us by the disastrous experience of the recent war with Great Britain. We cannot have forgotten the waste of life and treasure, which was sustained on the Northwestern frontier, principally for the want of facilities of transportation. The extraordinary expenses of a single campaign, (in which flour cost the Government upwards of one hundred dollars a barrel,) arising from this deficiency, would defray the expense of the most important of the roads and canals contemplated for military purposes. Can it, then, be doubted that roads and canals have a direct and appropriate relation to the military defence of the country? Let us suppose, sir, that any one, or a combination, of the great Powers of the world, should wage a war of extermination against this Republic. I will not undertake to say how probable such an event may be, or how remote; but, in discussing the Constitutional power of this Government to defend the country, we are bound to regard all those combinations and vicissitudes of human affairs, of which history furnishes so many examples. Upon what, then, would our safety, and even our existence, depend, if those combinations and vicissitudes should cover our coasts with the hosts of an invader, aiming to extinguish, in blood, the light of our example? Sir, the whole power of the country would be called in requisition; and I need not say how much of that power, both as it regards men and subsistence, lies beyond the mountains. In an emergency, such as I have supposed, at least a fourth part of the military energies of the Republic would be almost entirely unavailing for all the purposes of its defence and preservation, without the improvements here contemplated. Indeed, the power of this Government to make roads and canals for military purposes, is so obvious that my friend from Virginia (Mr. ARCHER) has, with his characteristic candor, distinctly admitted it; but, he contends, that the roads and canals contemplated in this bill, are not of that description. Now, I perfectly agree with him that if, under the pretext of making military roads and canals, Congress were to assume the power of making them for purposes not military, it would be an act of usurpation. The powers of this Government must be honestly exercised; and, although I cannot perceive any principle upon which the judiciary could pronounce any road unconstitutional, (if I may be permitted so to characterize a road;) yet, I admit that the conscience of every member is a tribunal, before which he must be able to justify his vote, in each particular exercise of the power in question.

An honorable gentleman from Virginia, (Mr.

Rives,) who favored us with an argument of great ingenuity, and to which I listened with unusual pleasure, has told us, that if we assimilate a military road to a fortification, we may, with a little more license of the imagination, say, that bread, and even the hearts of our citizens, are fortifications. I trust, sir, there is more of fact than of fancy in this. And, I would ask the honorable gentleman, if he means to deny the power of this Government to provide bread for the sustenance of its armies, or to call into requisition the hearts and the blood of its citizens, for their common defence?

Driven from the ground of precise Constitutional investigation, gentlemen have conjured up a phantom which they denominate consolidation; and which I shall now endeavor to exorcise. And I should be glad if some of them would favor us with a precise idea of what they mean by consolidation. If they mean by it a firm and indissoluble union of the States, I for one, am decidedly in favor of it; but, if they mean by it the annihilation of the State governments, or the destruction of a single power that appropriately belongs to them, there is no man who disapproves of it more, and I will add, who fears it less than I do.

If gentlemen will attentively examine the organization and structure of our Government, they will perceive that a consolidation, in this sense of the term, cannot possibly take place. What, sir? Annihilate the State governments! when one of the branches of the National Legislature is absolutely dependent upon them, and the other emanates from the very same people who create those governments! Usurp the powers of the State governments! when this Government could not exercise them if it would, and would not exercise them if it could! Gentlemen have deluded themselves by the vague generalities in which they have indulged, and have triumphantly asked, What may this Government not do, if it has power to make internal improvements? Sir, I would ask, in reply, What may this Government not do, under any construction, which they would themselves give to the Constitution? For, I must be permitted to say, that, if the liberties of the Republic are in any danger from the powers of this Government, it is from those expressly granted. It has, in the power of war and peace, the absolute and unlimited command of every thing that can fascinate human ambition, or impose upon the imaginations of mankind. If any thing can draw it from the appropriate sphere of its duty, it is the seductive charm of military glory. But this is not all. In the power to suppress insurrections, it may bring the military force of the nation to operate, under mere colorable pretexts, directly upon the lives and liberties of the people. And if these powers are harmless, I am at a loss to perceive what there is to alarm us, in those that remain. If my views of our system of Government are not entirely erroneous, our liberties do not depend so much upon the quantity as upon the kind of power vested in our respective public functionaries—nor upon either of these, so much as upon the efficient responsibility of those functionaries to the people.

Destroy this tie, and any portion of power, however small, will soon be sufficient for all the purposes of despotism. Subject to its control, the ordinary powers of Government, which constitute sovereignty, are both safe and salutary. Indeed, I am satisfied that the proposition, that power is essential to liberty, will be found to be philosophically true, upon the fullest examination. You cannot annihilate sovereign power with impunity. If it cannot operate through the Government, it will operate through other channels, and the Government will sink under its own debility. Most of the free Governments, both of ancient and modern times, have fallen a sacrifice to the mistaken idea, that liberty derives its security, not from the responsibility of power, but from its limitations.

But, I trust I shall not be understood, while maintaining the complete sovereignty of this Government, in relation to the great objects of its creation, to underrate the importance of the State governments, or to claim for the General Government the right of interfering, in any respect, with their power and jurisdiction. What are the subjects of their power and jurisdiction? The property, the life, the person, and the character of the citizen, and the general improvement of the State. I would not extend the power of this Government so as to impair that of the State governments, in relation to any of these subjects, or any other embraced in the internal police of the States. What, sir, will be the effect of the very measure we are discussing, in this respect? Can internal improvements, of a national kind, by any possibility, impair the power of the State through which they pass, to make similar improvements? Their concurrent power would, on the contrary, be capable of producing much greater results, and nothing but a spirit of reckless caprice, which cannot be imputed to the State governments, could induce them to resist the incidental co-operation of the General Government, in works so essentially beneficial to themselves. Sir, I am utterly incapable of perceiving a solitary power of a State government, which would not exist in as ample a manner during the progress of a national work within its jurisdiction, as if such work had never been even projected.

But, an honorable gentleman from Virginia (Mr. STEVENSON) has informed the Committee that the people are alarmed on this subject, and has warned us of the danger of alienating their confidence from this Government. I trust, sir, I duly estimate the high character of Virginia for intelligence and patriotism, but the gentleman must excuse me for saying that I cannot regard Virginia as the barometer of the national feeling on this question. And when we advert to the fact that a decided majority of Congress has for many years been perseveringly attached to this system of improvement, it would seem to be a matter of some difficulty for the gentleman to make out the evidence of the dissatisfaction and alarm of which he speaks. Indeed, if I may be allowed to express an opinion on the subject, I doubt whether the people, even of Virginia, have any of those

apprehensions which some of their Representatives entertain on this subject. The course of argument which denies to this Government the power to make internal improvements is too refined and metaphysical for the comprehension of the people; and, as far as my own observation has extended, it is almost entirely confined to politicians. Tell a plain man that the Government has not this power, and you strike him with astonishment. He will be utterly at a loss to understand upon what principle a Government having so much power to do evil should be deprived of the power of doing good. And, after all, common sense is the safest guide in the construction of this Constitution. It originated with the people, was designed for the people, and we shall best fulfil its ends by expounding its provisions and administering its powers upon those broad and obvious principles which the people can clearly comprehend.

I have no reason to apprehend, Mr. Chairman, that the attention of the Committee has been so exclusively directed to the abstract question of power, that they have lost sight of many of the considerations which recommend the adoption of the measures under consideration, on the score of expediency. With the indulgence of the Committee, I will offer a few remarks on this latter view of the subject.

A gentleman from Virginia (Mr. STEVENSON) has told us, with a manner of utterance which forbids us to misunderstand his object, that measures of this description will make this a *splendid* Government! I trust, sir, that words can have no magical influence on our deliberations on this grave question; and I confess that I can collect no distinct or intelligible idea from the expression to which I have just alluded. What does the gentleman mean by a splendid Government? Does he mean a Government which takes an enlarged and comprehensive view of the great interests of our common country, and wisely provides means for their development? Does he mean a Government which applies the revenue of the country, not to the gratification of its own ambition, but to the promotion of the happiness, the wealth, and the security of the people? If such be his meaning, I hope this will never cease to be a splendid Government. If such be not his meaning, the expression can have no application to the measure with which it has been associated. No gentleman has ventured to question the importance of internal improvements, as a means of promoting the wealth and prosperity of the country. This has long since ceased to be a question in every civilized nation in the world. But it is contended that this Government is not capable of executing works of this description, with the same judgment, skill, and economy, as the State governments.

Sir, the roads and canals contemplated by this bill, will be of an extent which will render it impossible for the State governments to execute them. If, therefore, they are not made by this Government, they will not be made at all. But gentlemen are certainly mistaken in supposing

that internal improvements, of any kind, can be more skilfully and cheaply executed by the State governments, than by this Government. A State government, I admit, is more capable of determining what improvements will promote the peculiar interests of the State, for the same reason that this Government is more capable of determining what improvements will promote "the general welfare" of the whole Union. But, as relates to their comparative competency for skilful execution, it would be extraordinary if the General Government had not the advantage. It has already in its service a corps of scientific engineers, and is possessed of superior resources and opportunities for commanding the first talents of the country, or of the world, if necessary. It can cast its eye over the whole Union, and combine and concentrate the results of the experience of all the States. In a word, it has all the advantages which more abundant resources, superior intelligence, and a more comprehensive view of the improvements already made in this and other countries, can confer upon it. Very few of the States have much practical knowledge on the subject. It is within my own knowledge that in that which I have the honor in part to represent, vast sums of money have been expended, with very little skill or economy. It is not to be expected, indeed, that any Government can carry on undertakings of this kind, with the minute economy which is practicable in those of a private nature, in which individual interest holds a constant check upon extravagance. But, in this respect, Government is Government. All are equally liable to imposition, and if the objection I am considering were substantial, it would arrest the progress of internal improvements altogether. The fallacy of this argument, as well as of most of those urged by the gentleman from Virginia, consists in the supposed exemption of the State governments from the frailties and imperfections which are incident to all Governments.

But, Mr. Chairman, we are urged to the adoption of this system of internal improvements, by considerations growing out of the peculiar character of our Government, infinitely more important than any which relate merely to the economy of national wealth. There is not upon the face of the earth a nation so deeply and vitally interested in the improvement of the facilities of internal communication, as the United States; for, whatever differences of opinion may prevail upon other subjects, all of us must agree that our hopes of reaching the high and happy destinies for which Providence seems to have formed this country and this Government, absolutely depend upon the preservation of the Union. And what are the sources from which danger is to be apprehended in this particular? Dissimilarity of interests, suspension of social and commercial intercourse, and a consequent alienation of feeling among the great geographical subdivisions of the country. Intercourse is the only effectual preventive. This, sir, is not a matter of mere speculation. The most salutary effects have resulted from the intercourse between the Northern and

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Southern States; an intercourse founded upon commercial and other accidental relations, and facilitated by the channels provided by nature. So palpable has been the effect of this intercourse in correcting mutual prejudices, that it cannot have escaped the most careless observer. Without this, it is impossible to say what would have been the effect of our political divisions, in a crisis which has happily passed away, or what would now have been the state of feeling existing between the Northern and Southern portions of this Union. But, united as they are by the strong ties of interest, consecrated by social kindness and mutual good offices, these portions of the Union can never separate.

But, sir, there is, in another direction, danger which cannot be disguised. No statesman, of enlarged views and patriotic feelings, can look with indifference upon the situation of the Western country, and the relation it bears to this Union. It is an old maxim that rivers unite nations, but mountains separate them. And why is it so? Because rivers facilitate intercourse and mountains prevent it. I trust I shall not be misunderstood in what I say of the Western States, on this delicate subject. There is no portion of this Union (I make no exception) more justly distinguished for lofty and patriotic feelings than the Western States. Nor is there any portion of the Union, at this time, more ardent and devoted in its attachment to the General Government. But what produces this attachment? The ties of consanguinity, and the power of youthful associations. Few of the citizens, who constitute the governing power in those States, can look around them for the tombs of their fathers. These depositories of the dead, and many living objects of their affectionate remembrance, are, yet awhile, on this side of the mountains. But time is gradually weakening these ties of nature, and, when a few generations more shall have passed away, the bond of affiliation which now unites them to us will be entirely dissolved. With these impressive facts before us, we should be unworthy of the high trust confided to us, if we did not endeavor, by a provident forecast, to substitute new principles of attachment for those which must so soon cease to operate.

Let us, then, provide the substantial ties of commercial interest. It is my deliberate opinion, that, if the entire commercial supplies of the Western States should be permanently derived through the port of New Orleans, and no commercial intercourse should subsist between them and the Atlantic States, it would be impossible for all the power of parchment and political organization to hold this Union together for half a century longer. In this view of the subject, I have often reflected that the difficulties incident to the navigation of the Gulf of Mexico, and of the river Mississippi, were kindly intended by Providence to promote our union and greatness. I rejoice that those difficulties do exist; and, I trust, we shall be wise enough to improve them to our advantage. Let us, then, cut down and level the mountains, not like the Persian tyrant, to subjugate nations, but

in order to achieve a more glorious conquest—the subjugation of our own mutual prejudices. Sir, in whatever light we view these improvements, whether in reference to the diffusion of intelligence, the increase of the defensive power of the country, or the perpetuation of the Union, they are as essential to our existence and prosperity as a nation as the veins which give circulation to the principle of animal life are to the health and vigor of the animal system.

There is another view of this subject to which I shall merely call the attention of the Committee, having neither time nor strength for its full development. An attentive examination of the philosophy of national character and national greatness will lead us to the conclusion that the common efforts and common sacrifices of the whole people, made with a view to some great national object, are absolutely indispensable to the existence of these attributes. Hence, the influence of war in calling into action sentiments of patriotism and nationality, and the tendency of peace to cause these lofty principles of action to degenerate into selfishness and a want of public spirit. Sir, what would this nation be without those military achievements, which are so many monuments of our common exertions? Strike from the record of history the heroic deeds of our ancestors, and the more recent events which illustrate the valor and patriotism of the present generation, and the people of these United States would be reduced to a mere multitude of human beings, animated by no common principle, and united by no common sympathies, destitute of those moral characteristics and sentiments, without which all the physical elements of power and greatness cannot constitute a nation. But, sir, I trust that military achievements are not the only means of giving us national character and national sentiments. Let us substitute moral for military glory; the achievements of national industry, directed by an enlightened policy to the great improvements contemplated by this bill, for achievements involving much more painful sacrifices, and productive of less durable benefits to the country. Let us create, by our common toil and common treasure, some great monuments of the enterprise of the nation, which the people of this Union will contemplate with a common pride and regard as their common property. Sir, it is impossible to estimate the value of these improvements. I will not say they will make this Union perpetual; for the frailty and imperfection of every thing human forbids us to indulge that hope. But I will say that if we wisely improve our advantages in this respect, human sagacity cannot point out any probable cause which will produce a separation of the States. But if, unhappily, it should ever be our destiny to divide, and if our liberties should perish in the convulsion, let us at least leave, for the admiration of posterity, some memorials that the Republic has not existed in vain.

When Mr. McDUFFIE had concluded—

Mr. REYNOLDS, of Tennessee, addressed the House. Notwithstanding the thinness of the Committee, he said he should now take the liberty of

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presenting, briefly, his views on this interesting subject. At the outset of this discussion, said Mr. R., I intended to have given a silent vote, until I reflected that, some six or seven years ago, I had the honor to mingle in debate on this very topic. And, lest my constituents might suppose that I had become less zealous in their cause, to whom I owe much, is a very great consideration of my now engaging the attention of this patient and attentive Committee. On the debate in 1817 on the bonus bill, the gentleman (Mr. CALHOUN) who brought it forward, satisfied my mind that we have the power contended for.

Sir, when we look back at the situation of the country, and mark the defects of the old Confederation, and view with delight the great abilities of those worthies who penned this Constitution, what must have been their reflections on the subject now before us, when they sat down to consider of the great and prominent features of our Government, as afterwards presented in this instrument? They were men of the first talents and patriotism to be found in any country. They were well versed in the history of other nations. They felt and knew how beneficial and how largely internal improvements contributed to the glory and renown of ancient Greece and Rome; and, also, the great utility and importance those great works are to modern Europe. Look at England, France, and Germany—the great facilities derived by the goodness of the means of their conveyance. Those great men also saw, in prospect, their country destined to be as great and flourishing as any that had gone before it. And yet gentlemen gravely contend that they never intended to give to Congress a supreme and absolute power to make post roads. But the road previously made by the States, and afterwards becoming a mail route, should then be adopted and made the post road. This is the position taken by the first gentleman (Mr. BARBOUR) who opened the debate, and for whose talents I have a great respect. But, sir, we are not left to conjecture, or to assume the power by implication. It is actually given by the Constitution. In the enumerated powers granted to Congress in the 8th section, Congress shall have the power “to establish post offices and post roads.” Now, surely this does not imply any thing like adoption of roads. For what does the word *establish* mean? It signifies, most certainly, to create, make firm, build, settle firmly, &c. Now, it is admitted, on all hands, that none of the States have the power to establish a post office. The adversaries of the bill yield the point that Congress has the exclusive power. Then, if Congress has it, which no one can deny, how absurd it is to say that she can establish a post office in any part of the Union, but has no power to make a road leading to it. But my honorable friend from Kentucky (Mr. CLAY) has most eloquently and ably answered this part of the objection. But other gentlemen from Virginia have spoken against the bill, and they are so many I cannot distinguish them, as I did not regularly take notes of their arguments; indeed, I believe all of Virginia is against the

measure, except an honorable member (Mr. MERCER) now in my eye, and my honorable friend (Mr. J. S. BARBOUR) who spoke the other day.

Sir, those gentlemen come forward as the champions of the Constitution and the defenders of State rights. I am by no means displeased at the opposition. It is such eloquent appeals to the passions and the understanding, and the honest difference of opinion, zealously enforced as to what is the proper construction of the Constitution, that is to preserve it and hand it down to the latest posterity unhurt. In the very threshold of our inquiry, we are called upon to encounter the celebrated resolutions drawn up by Mr. Madison, and adopted by the Virginia Legislature, against the alien and sedition laws. Now, no man venerates those resolutions, and the author of them, more than I do; but I submit it to the gentlemen of the long robe, from Virginia, whether any thing said beyond answering the unconstitutionality of those obnoxious laws, which the author expressly sat down to combat, should be taken as a rule, and whether the residue of the resolutions should not be considered as extra-judicial, as the lawyers would term it?

Sir, to be serious, we ought to look at the great excitement which produced those decrees. A little while before their existence, the Presidential election had taken place. The favorite son and statesman of Virginia had been beaten. The Federal Government had, indeed, at that period, assumed a high tone. A navy was to be erected, a standing army to be raised, and a war with France, our then natural ally, was expected. And, to crown the climax of federal power, the alien and sedition laws were passed. Sir, the excitement was strong and indignant, and must have entered into the feelings and spirit of the writer of those resolutions, and the other politicians of the day. The gentleman, therefore, will excuse me, if I do not place the same implicit reliance on the expositions of the Constitution by that able and eminent statesman at that time, as I now do on his practical opinions, written with more deliberation, and when he was in supreme authority. For the purpose of the argument, then, I place his glorious and beneficial Administration against the construction now contended for in those resolutions.

Mr. Chairman, permit me now to notice very briefly, some of the objections made to the bill by gentlemen on the other side. And the honorable gentleman, (Mr. RANDOLPH,) who is not now in his seat, and whom I hear always with the greatest delight, warned us, that the States could very easily put an end to this Government, by refusing to send Senators to the other House, and electing Electors for the President and Vice President of the United States. Sir, this Government may be dissolved in many other ways. The States might prevent the revenue of the United States from being collected, and also prohibit their militia from turning out to fight the battles of the country. And there are many other modes, which certainly would require no ghost to tell, by which this Government would lose its Federal head. But,

I pray God, that those extreme cases may never happen. Sir, they never will take place while the people are virtuous and enlightened. That honorable gentleman again made another strong appeal to our fears, and brought before our imaginations the immortal Patrick Henry. Sir, the abuse of a delegated grant by no means proves that it should never be brought into operation. We might as well contend, that, because Congress has the power to create navies, raise armies, and lest, at any time, the power might be abused, you shall neither build a ship, or enlist a man, however strong and emergent the case might be. So, although you have the power to make roads, lest that power may at any time possibly be abused, you shall make none. Sir, this mode of reasoning would just exactly keep us where we are, unless in the growth and increase of children! All the powers granted to Congress are to be exercised with discretion and wisdom. It never was meant, that because Congress has the power to borrow money, raise a navy, and an army, &c., that she shall act contrary to the general welfare and security of the people. When this is attempted, the corrective is not in the Constitution, but in them. It could not then be the intention of the framers of that instrument, that all our revenue, for instance, should be lavished on roads for the purpose of having them as fine and splendid as in countries which have flourished these eight or nine centuries. No! We must act with wisdom, according to the means in our power, and improve and make our roads gradually. Another honorable gentleman from Virginia, (Mr. ARCHER,) admitted you had the power to establish the post office, but asked, with a kind of triumph, has Congress the right to build the house for the post office? Sir, it generally happens, that those appointments are given to householders, who keep the office in their own apartments. But I contend that Congress has the power to build the house, as a resulting and necessary incident to the grant, as she would have to provide for the clothing of an army after it is raised. For, you will remark, that the Constitution is silent as to the clothing, yet I take it for granted, that that part of the instrument which gives Congress the power to make laws "necessary and proper for carrying the foregoing powers into execution," never intended we should have a naked army, and our post office kept out of doors!

Another honorable gentleman from Virginia, (Mr. RIVES,) who has, for the first time, favored the Committee with a very ingenious speech, has told you, that all the delegated powers given by the Constitution, were designed to result to the benefit of the whole, and contended, that the case put by my honorable friend, (Mr. CLAY,) in keeping the river Mississippi clear of all obstructions for steam navigation, &c., does not apply. I think differently; for what will mutually benefit a part, will operate as an interest to the whole. It is not, however, necessary to demonstrate this position: for it must be admitted, that the establishment of good roads is of great benefit, in both times of peace and war, to all the States. The gentleman

also contended, that military roads were not essential to the operations of war. Sir, whether they are essential or not, good roads are the means of facilitating the movements of armies, and will enable them to co-operate with each other; and may often be of the utmost importance to concentrate those armies with the greatest rapidity, at a given point. The gentleman was also pleased to talk of physical roads, and legal roads, and I expected to have heard something said, metaphorically, about moral roads! Sir, such refinement in reasoning on a great Constitutional question, is beyond my comprehension, particularly when I look at the words of the grant under consideration, and the end we ought to have in view.

But, it has been contended, sir, by gentlemen, in this debate, that, by assuming this power, you will encroach on State rights, and in time bring about a consolidation. And, it has been said, with a degree of triumph, that, if you pass this bill, with similar ones, you will assume the right of regulating the descent of property, and legislate on all the affairs of the States. Gentlemen may dismiss their fears on this subject. The mere local and municipal regulations of the States would have no charms in this House. Let us examine, for a moment, what inducement there could be to gentlemen to bring about a consolidation. For instance, would the gentleman from Virginia be at all willing to make laws about the inspection of tobacco, in this House, and all the other concerns of the State? And how would the gentleman like to have committees raised, gravely to inquire how much of the blue laws in a State were in force? Or, to come more nearer home, how would gentlemen like to be attending to petitions from different parts of the country, pro and con, on the subject of navigable streams, and then wisely enacting, that it shall be highly penal to throw up any fishing dams, or other obstructions, on such a water course, that would not drown a chicken? Sir, these are not the objects of ambition, nor of national legislation, and, in the nature of things, never can be; because there would neither be time or inclination, to attend to the local affairs of the States. Sir, it is the great questions on finance, commerce, war, and negotiation, that properly belong to Congress, and to which statesmen cling, and with them, ambition delights to dwell. And how, I ask, would a fine road, passing through the States, destroy their powers? But the jurisdiction that would be exercised by the United States, is another great bugbear held out. Sir, I would be perfectly willing that it should be considered that the States have complete jurisdiction over all crimes and offences committed on those roads. The improvements of the country ought not to be retarded a moment, on this consideration. In either jurisdiction, justice would be administered. But, on account of the vicinage, I should be in favor of the State courts.

I cannot, Mr. Chairman, think it is possible, that the framers of the Constitution ever intended to have any of the powers granted to Congress to be dependent and under the control of any other

power on earth, and more particularly the Post Office Department. Now, it is said by gentlemen, that the State roads shall be the post roads. Well, I ask, what State or States, between this city and New Orleans, ever laid out a road directly to that point? None. The States, make roads from courthouse to courthouse, on which the mail is carried. And sometimes, instead of this road going directly to the southern point, it is carried to every point on the compass, to suit the convenience of the State. Such a state of things never entered the mind of those worthies who are the authors of this instrument. For, surely, no department in our Government is of more importance than this one. To insure the rapid and safe transportation of the mail, is of the first importance to any country. In peace, it carries the intelligence of the country, both of a civil and commercial nature; and, in time of war, of what infinite importance it is to the Government to know, speedily, by the means of roads and canals, the operations of our armies and fleets, and the movements also of the enemy. In the last war, much was lost, for the want of the facilities of rapid movements. Why, in a commercial point of view, a few hours of tardy motion of the mail, by reason of bad roads, may be the ruin of many merchants. How much more important is it, to have the means of rapid communications in time of war, when the liberties of your country are at stake. Let gentlemen pause, and reflect to what direful consequences their nice metaphysical reasoning may lead them. Disarm this Government of its legitimate powers, and, my word for it, your disjointed and jealous States would not remain any time in common concert. All the powers of a thousand Patrick Henrys, headed by my honorable friend, (Mr. RANDOLPH,) would not save them from a total dissolution.

I should now say a word as it regards the other branch of the subject, but this has been so ably discussed by the honorable gentleman from Delaware, (Mr. McLANE,) and others, that it would be trespassing too much on your patience to dwell much longer on it. "To regulate commerce among the several States," means a communication and intercourse with the States. This must be carried on by land and water. Then, there ought to be roads and canals. Who ought to make them? Why, Congress ought to have the power, for the general welfare and security of the whole; and the States, most indubitably, have a concurrent power. For, what is commerce? It is the exchange of one commodity for another. It is trade and traffic among the citizens of a State, and with the respective States. In this point of view, it is of infinite importance to agriculture. It would furnish the agriculturist with great facilities to market. Is not this of the first moment in this branch of our economy? And have not the arts and sciences, lately discovered still more important facilities to mankind in their intercourse with each other? And why not embrace them? Does not God and nature command us to do so? If the mail, for instance, can be carried from this Capitol to the city of New Orleans in six or seven days, by steam, would it not be the height of folly to

continue it on the land route, that, at least, takes one month in its performance? But, sir, I shall detain you no longer on the Constitutional question. I believe you have full powers to pass the bill on your table. But the expediency of the measure is another and different question, on which the Committee, I trust, will pardon me in saying a few words. I certainly agree with the honorable gentleman from Virginia, (Mr. RANDOLPH,) that the public debt ought to be paid off before we get on a large scale of national improvements. Then, if we can retain a surplus, after meeting the current expenses, I say dispose of it in this way. But, sir, we have little encouragement to cut out more work, when we look at the Cumberland road. It has now been in progress for twelve or thirteen years, and not yet completed. Why not ask for as much money as will finish the surveying and making this road to its place of destination?

If the honorable gentleman from Virginia (Mr. MERCER) will exhibit an estimate of the probable expenses of tracing and surveying the ground of his contemplated canal, I shall vote for it with pleasure. I think the sum of thirty thousand dollars is too much in this bill. I am willing to begin this great work with twenty thousand dollars, although I would much rather have the work to be done specified in the bill. I have no idea of shifting our responsibility on the President's shoulders. We give him a gross sum of money, to be paid to engineers and others, whose interest it will be to expend the whole sum in surveys, &c., that may not be sought for (and, when inquired after, obliterated) for a century. And, indeed, in contemplating this subject, we ought to look to what the probable state of the Treasury will be two years from now.

As I am in favor of the principle of the bill, I am not very solicitous at what point you commence the great work of internal improvements. Although I am aware that less has been done for the West than any other portion of the Union, yet we shall not complain. It is submitted, however, with great respect, whether we ought not to finish the Cumberland road before we commence any other. When finished, it will display the powers of a great people, and command the admiration of strangers. This road will open a direct intercourse with the most remote parts of the Northwestern territory of the Republic, passing through six States from the Capitol. In a word, my opinion, as it regards the discretion of Congress in making roads, is this—I do not think it would be wise policy to make all the roads in a State, that might be required. There ought to be a great leading road from this city to the South, say New Orleans. Then one to the North; then to the East and West, in like manner. The States would take a pride in riveting the Union, in making fine roads to intersect and communicate with those of the Republic. In this way, we would be enabled to have intercourse with the most remote parts of the country. And, in times of war, those roads, called post roads, and not *military roads*, would afford the greatest facilities to the progress and success

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of our armies. Those great channels of communication, roads and canals, will be the means, no doubt, of drawing the States more closely together. It will be the great means of disseminating the intelligence of the country, with the rapidity of lightning, almost. It will awaken the dormant intellect and moral strength of the nation. In one word, it will be the cause of cementing and linking the States together, and, instead of consolidating them, it will more clearly mark and define the powers of each, and render them, I trust, perpetual; the General Government and the States moving on in the utmost harmony, each revolving in its proper sphere.

Mr. SPAIGHT, of North Carolina, rose to express his opposition to the bill, and succinctly to give the reasons of that opposition. The lateness of the period of discussion, said he, ought, perhaps, to prevent me from saying any thing. I hope, however, the Committee will pardon me for trespassing, for a very short time, upon their patience. If this Government had sprung into existence from a state of nature; if it had derived its being immediately from the people; then, from its very nature, it would have the power contended for; it would have been inherent by the very formation of the Government. For, to create a National Government, would necessarily, unless restricted by the people, give it all the powers and attributes of sovereignty. These would arise necessarily, *ex vi termini*. But this is not the character of this Government. Instead of deriving its existence immediately from the people, it was called into being by sovereigns. It is the work of sovereigns—the grant of power by them for their own benefit and that of their people. As this Government derives its existence and powers by grant, it behooves the advocates of this bill to show that the Government has the power. To point out this power in the charter which gives it existence; to show it in the Constitution of the United States. I deny the power. If it is given, it is by express grant, or it is necessary and proper to carry into effect some expressly granted power. Is it expressly granted?

There is no clause in the Constitution mentioning that the General Government has the power to make roads and canals. But, sir, gentlemen say it is expressly granted to the General Government to make roads, for the Constitution gives Congress the power "to establish post offices and post roads;" and that, under the power "to establish post roads," Congress have power to make roads for the conveyance of the mail. That "establish" means "create," "make." All, however, agree that the power to make canals is an implied one. If we look for the definition of "establish," we find it means "to fix," "to build up," "to make firm." In my estimation, the meaning which is given it in that section of the Constitution, "to designate," "to fix," and "to establish post roads"—only gives power to designate or fix the route upon which the mail shall go; "to point out" the place from which it shall be carried, and the place to which it shall be conveyed. The Government, in its legislation upon the mails,

gives it the same definition. Gentlemen rely upon the use of the word "establish," in the preamble of the Constitution, to strengthen their definition of the word. "To establish justice," say they, means create justice. Justice is the accordance of action with law; the concurrence of action with the rules promulgated for its government. It is coeval and co-extensive with law, divine, natural, and human. It is morally existent. To establish justice means to point out the means by which justice will be secured. In my opinion, gentlemen could not have selected a worse example to illustrate their position. Gentlemen say, Congress must have the power to make roads to convey the mail upon; for there may be no road, and Congress cannot, in that case, have the mails carried between such places as they may think necessary, unless they have power to make a road. In every country there will be roads; in every settlement the inhabitants must and will have the means of communication with each other. Roads must, necessarily, be made in every settled part of the country. The object of the mails is to diffuse information through the community, and the roads made in each community or settlement certainly afford an inlet for that information, for they abundantly afford the means of intercourse and communication. Suppose, say gentlemen, a State were to shut up her roads to prevent the mails from passing through the State—has the General Government power to make a new road, or to open the ones that have been closed? And, if it has not, a State could not prevent the General Government from exercising its powers. The case put is an extreme one. People would not, by shutting up their roads, be willing to deprive themselves of their advantages. It is not, however, the only instance in which the States can affect the General Government in the exercise of its powers. Sir, a majority of the States containing a minority of the people can put an end to this Government by not appointing Senators. This Government must depend upon public opinion for its support; and whenever public opinion is against it, and it loses the confidence of the people, it must fall—it can no longer exist. This must be the case with all governments like ours. There is no complaint that any road is wanted for the purpose of transmitting the mail; that there is any place of importance wanting a mail that has no road by which it can be carried to it. Where, then, is the necessity of exercising this power? Shall we, sir, make a road to carry the mail upon when it is not wanted, and then convert it into commercial or other purposes? Under a power we do an act, not necessary to carry into execution that power, but to effect another object.

Some say we have the power to make roads and canals, by implication from the power "to regulate commerce among the several States." From a power to prescribe rules under which commerce shall be conducted among the several States, (for, regulate means prescribe rules,) they contend we have the power to make channels of communication by which commerce can be carried on. To

FEBRUARY, 1824.

Surveys for Roads and Canals.

H. OF R.

this I shall only say that, in this mode of construction, the Constitution may be made to have as many meanings as the ingenuity of gentlemen can give it, and as various as their different imaginations.

From the power "to raise and support armies," the power to make roads and canals is obtained. It is said, that in this extensive country, covering a vast surface, that, for the proper defence of the country, we ought to have means of giving facility and celerity to the movement of troops and to the transportation of the provisions for their use. That troops ought, with facility, to be moved to any point where they are wanted. That canals and roads would effect this object, and the conclusion is, that we have the power to make canals and roads. This is reasoning from the expediency of a measure to show its constitutionality. This might be the proper course, if this Government had its existence immediately from the people, to show its powers and the propriety of using them. But I should conceive, in this federative Government, it ought first to be shown we have the power to act; then, by showing the expediency of the measure, the propriety and reason for acting would be shown. We must, in acting, be within the scope of our powers; we must act according to the letter of our authority. By the Constitution we have the powers expressly delegated in that instrument, and those "necessary and proper" to carry into effect those delegated by express grants—no others. I would here observe, that, in the grant of sovereign powers by a sovereign, there ought to be a very strong implication to support the implied grant of a power; for, a sovereign cannot be supposed willing to diminish its powers and authority, especially by slight implication. To suppose this, is to suppose a sovereign willing to destroy itself, to commit a political suicide. There are roads in every direction of our country, made in every part of it, and they must necessarily exist as long as there are people in the country. These roads afford facilities for the conveyance of our troops from and to every part of the Union. The making of roads and canals is not, therefore, necessary for the movement of troops and the transportation of provisions, but only to increase the facilities. In saying what powers are given under the clause "necessary and proper to carry into effect" delegated powers, I would not require an absolute necessity, but I would certainly require a direct, and not a remote, relation. It should be a mean obviously suggested to the mind, as necessary and proper to carry into execution the power contemplated, having a direct and proper relation to it. I refer gentlemen to that excellent report of Mr. Madison's, on the Alien and Sedition laws, a part of which has been read by a gentleman from Virginia, (Mr. RIVES.) If we depart from the mode I have mentioned, and bring in expediency, as a means of interpreting and construing the Constitution, we make it every thing—we can derive from it authority to do any act we wish. It ceases to have that steadfast character which was intended to be given it. It ceases to be the guard of the people's and the States' rights, the land-

mark bounding the powers of the General Government, and those of the States. It swallows up every power. We should be careful in extending the powers of this Government, and curtailing those of the States. In most of the States, the rights of individuals are secured by a bill of rights—but, in this Government, there is nothing of the kind—nothing pointing out the rights of the citizen, and securing them from infringement by the Government, because it is federative in its character. The State Governments arise immediately from the people, and act directly upon them. In the construction contended for by the advocates of this bill, this Government may, at some future period, to carry into effect some granted power, undertake to regulate descents and the distribution of personal property; and, it appears to me, with as much propriety and right, as it can exercise the power now claimed. I would request gentlemen to pause—and, if they are not clearly convinced, beyond a doubt, they ought not to act. If they have the least doubt, they ought not to vote for this bill.

I promised not to occupy the attention of the Committee long. I have thus briefly given my opinions, and performed my promise.

Mr. P. P. BARBOUR moved to strike out the enacting clause of the bill.

Mr. TRIMBLE suggested that, as the House was very thin, and some members absent, who probably desired to speak on the subject, it would be proper to have time allowed for a call of the House, before the subject was finally acted upon.

A motion being made that the Committee rise—the CHAIRMAN decided it to be out of order, the hour prescribed by a rule of the House having not arrived.

Mr. P. P. BARBOUR, disclaiming all wish on this, or any other occasion, to take advantage of a thin House to obtain a vote—more especially as such vote, if now obtained, would not be final on the bill, expressed a wish that, by general consent, the Committee would rise.

Before the question was taken—

Mr. A. SMYTH rose, and commenced a course of remarks in opposition to the bill, which he continued till four o'clock, when he gave way for a motion for rising.

The Committee rose, accordingly, and, having reported progress, obtained leave to sit again.

FRIDAY, February 6.

Mr. FORWARD, from the Committee on Manufactures, to which was referred sundry memorials upon the subject, reported a bill laying a duty on sales of merchandise at auction, and for other purposes; which was read twice, and committed to the Committee of the whole House on the state of the Union.

Mr. F. JOHNSON, from the Committee on the Post Office and Post Roads, made a report on the petition of Elliot Rucker, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the whole House tomorrow.

Mr. ABBOT offered the following resolution, viz: *Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, viz:*

"That no part of the Constitution of the United States ought to be construed, or shall be construed, to authorize the importation or ingress of any person of color into any one of the United States, contrary to the laws of such State."

The resolution was read twice, and committed to the Committee of the whole House on the state of the Union.

On motion of Mr. J. S. BARBOUR, the Committee of Claims were instructed to inquire into the expediency of allowing compensation to George Brooke, of Culpeper county, in the State of Virginia, for certain buildings destroyed by the enemy during the late war, in consequence of their occupation as a place of military depot by the militia of Virginia, when in the service of the United States.

Mr. COCKE laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to lay before this House a copy of the report of the register of the land office in the eastern district of the State of Louisiana, bearing date the 6th day of January, 1821, together with all information from said register to the Treasury Department, touching said report; more especially copies of all information relative to any lands entered in the name of R. Martin, or his assignee; also a copy of the Secretary of the Treasury's communication laying said report before Congress.

The SPEAKER laid before the House the report of the Commissioners of the Sinking Fund, giving a detail of the measures adopted by them subsequent to their report of the 6th of February, 1823; which report was laid on the table.

The Message received yesterday from the President of the United States, in relation to spoliation committed on the commerce of the United States, was referred to the Committee on Foreign Affairs.

SURVEYS FOR ROADS AND CANALS.

The House then went into Committee of the Whole, on the bill for obtaining the necessary plans, estimates, &c., on roads and canals.

Mr. A. SMYTH, of Virginia, resumed, and concluded the argument he commenced yesterday in opposition to the bill. His speech follows entire.

Mr. A. SMYTH having taken the floor, said, he deemed the question one of great importance, as it went to fix the meaning of the Constitution. Nothing, said he, tends more to the security of liberty, than the certainty of the laws; and, of all laws, the most important are the fundamental laws of a nation; which should, therefore, be fixed and certain. This is the great advantage resulting to a nation from having a written constitution. A constitution is a law to those who govern. If its meaning is unsettled and uncertain, it is de-

fective and useless. They who have no certain law, are in the same situation as if they had no law; and they who govern, and are bound by no law, are despots.

Let us inquire, said Mr. S., whether there are any precedents which ought to weigh with us in deciding this question. At the session of 1816, 1817, a bill passed both Houses, assuming, to a certain extent, jurisdiction to make internal improvements—perhaps, by the consent of the States; it passed at a late period of the session, without a full and deliberate discussion; and was presented to the President, Madison, so late that he had not half an hour to devote to its consideration. He rejected it, on the ground that Congress did not possess the power assumed. The passage of this bill, by both Houses of Congress, under such circumstances, forms no precedent worthy of regard. At the next session of Congress, this question was debated during eight days, and the honorable Speaker (Mr. CLAY) was among those who, with great ability, maintained the power of Congress to make internal improvements, when resolutions, declaring that Congress has power to construct post roads and military roads, and to construct roads and canals necessary for commerce between the States, and to construct canals for military purposes, were severally rejected; and it was thus decided, by the House of Representatives, that Congress have not power to make internal improvements. This decision, as it was against the assumption of this power by Congress, ought to have been allowed to stand, as fixing the meaning of the Constitution, in this respect. But, in the session of 1821-2, a bill passed both Houses, on very little debate, authorizing the setting up of turnpike gates on the Cumberland road; it was rejected by the President, as assuming powers which Congress did not possess, and returned with his objections; and, after maturely considering those objections, this House, by a majority of 72 to 68, rejected the bill.

The honorable Speaker (Mr. CLAY) has spoken of a difference of opinion which, he says, has existed between Congress and the President, as to the extent of powers conferred upon this Government by the Constitution. But no such difference of opinion has existed between the President and the House of Representatives, since the accession of the present Chief Magistrate. The refusal of the House, in 1822, to strike out the enacting clause of the bill for setting up gates on the Cumberland road, or even the passage of the bill, is not such an evidence of the opinion of the House as the final vote, on hearing and weighing the objections of the President. Thus, the weight of precedents seems to be in favor of those who oppose this bill.

Are there any opinions which, in deciding this question, we ought to respect? We have seen that two Presidents, Mr. Madison and Mr. Monroe, have each of them put his veto on a bill assuming power, in this Government, to make internal improvements. Those gentlemen were, each of them, members of the General Convention who, in 1787, formed the Constitution, and

of that Convention in Virginia, in 1788, who adopted it. They knew the intention of those who formed the Constitution, and those who adopted it. In construing any instrument, it ought to be understood as those who entered into it understood it. No gentleman, deciding judicially on a contract, would interpret it any otherwise. With the most perfect knowledge of what the framers of the Constitution intended, Mr. Madison and Mr. Monroe have officially declared, that the powers now claimed for Congress were not granted. The opinions of Mr. Jefferson and Mr. Gallatin* have been declared to the same effect. If any names should be of authority sufficient to decide this question, these are.

By the construction of the Constitution now contended for by our opponents, all the specifications contained therein are useless. The power to declare war, alone, would, according to their mode of construing the instrument, carry after it all the other granted powers, and every other power that Congress should think fit to exercise. For every power, the exercise of which should have a tendency to make a nation powerful, might be claimed as facilitating, and therefore incidental to the power of making war. This construction would give to the General Government every power, except such as are expressly prohibited. It assumes that the incidental powers which this Government may exercise are not those included in the granted powers; but that they are all such as will, in any way, facilitate the exercise of the granted powers. Then Congress may regulate descents and marriages, with a view to make the nation powerful, as incidental to the power to declare war. This mode of construing the Constitution is the same by which the alien and sedition acts were justified; and it would equally justify any usurpation which a majority might determine upon. Let us hear the arguments by which, in 1799, the alien and sedition acts were justified. In a report then made to the House of Representatives, we find that the supporters of those measures said, that "The right of removing aliens, as 'an incident to the power of war and peace, according to the theory of the Constitution, belongs 'to the Government of the United States;' and that, 'to remove from the country, in times of 'hostility, dangerous aliens who may be employed 'in preparing the way for invasion, is a measure 'necessary for preventing invasion, and of course 'a measure that Congress is empowered to adopt.' And, with regard to the sedition act, they said that "a law to punish false, scandalous, and malicious writings against the Government, with 'intent to stir up sedition, is a law necessary for 'carrying into effect the power vested by the 'Constitution in the Government of the United 'States, and in the Departments and officers 'thereof, and consequently such a law as Congress may pass." Such were some of the argu-

* It is evident that the United States cannot, under the Constitution, open any road or canal, without the consent of the States through which such road or canal must pass.—Gallatin's Report.

ments used to justify those unauthorized and tyrannical acts. The main question is the same now as in 1798—the exercise of implied powers not included in the granted powers. The people decided that those acts were unconstitutional, as well as inexpedient, and made an entire change in the administration of the Government, on the ground that the Constitution had been violated. The exercise of this incidental power, then, went to abridge personal liberty, and the people felt it. The exercise of incidental power, now proposed, invades the authority of the States; the State governments will feel it; and their opposition is as much to be avoided as the opposition of the people. The pretence then was, that the safety of the nation required those measures; the pretence now is, that the prosperity of the nation requires the measure proposed. But the nation was then safe without the alien and sedition acts; and the nation will now prosper without the passage of this bill.

Sir, there will arise in every nation, whose Government is not entirely despotic, two parties; the one in favor of extending, the other for abridging or limiting the powers of the Government. There will be found individuals of every shade of opinion, from those who favor anarchy to those who favor despotism. But a question relative to the extent of power has only two sides, on one or other of which all must arrange themselves; and it must be admitted that, on this occasion, we advocate the cause of freedom, while our opponents advocate the extension of power.

What powers did the people intend to grant to this Government? It has been said that this is a National, and not a Federal Government; but it is obviously a Federal Government in all its branches. This Government rests on the State governments; and their preservation alone shows this Government to be Federal. [Here Mr. S. read from the Constitution. "The House of Representatives shall be composed of members chosen every second year by the people of the several States.—When vacancies happen in the representation from any State."] But the question is, what are the granted powers? And it makes no difference in the extent of those powers that the representatives of the States in this branch are chosen by the people. I would ask whether an amendment of the Confederation, providing that the representation from each State should be chosen by the people, would have enlarged the powers of the old Congress? I contend that it would not; nor would that Government have ceased to be a Federal Government.

The Constitution was designed to form a Government with special granted powers, and relating, generally, to external objects. [Here Mr. S. read from General WASHINGTON's letter accompanying the Constitution the following clauses: "The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the corresponding Executive and judicial authorities, should be fully and effectually vested in the General Government of the Union.—Individ-

nals entering into society must give up a share of liberty to preserve the rest." The States gave up a share of their power, but reserved the residue. "All legislative powers herein granted shall be vested in a Congress of the United States." Between this Government and a consolidated Government, or that of a State, there is this difference—a State government possesses all legislative power (limited by reason only) which is not expressly withheld by the Constitution or Bill of Rights; but this Government possesses only the powers expressly granted to it by the States. This was the true construction of the Constitution before the adoption of the tenth amendment, which declares that the "powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." You possess certain granted powers, and power to pass laws necessary and proper for carrying into execution those powers. But you claim incidental powers. If they are included in the granted powers, they pass; but, if they are not included, they do not pass. If the power claimed as incidental is a part performance, a part exercise of the granted power, it is included in the granted power, and given. Thus, by the power to raise and support armies, you may determine on the number and kind of troops, direct enlistments, prescribe an oath, make a violation of it perjury, punish desertion or seduction, and so on; that is, whatever is a part performance of the power, you may do; but you cannot exercise ungranted powers, because they would facilitate the execution of the granted power.

It is important to understand what powers the Convention deemed *distinct*. They have considered a power to lay and collect taxes as distinct from power to raise and support armies; and that power as distinct from power to provide and maintain a navy. They considered powers to establish uniform laws on the subject of bankruptcies, to coin money, and fix the standard of weights and measures, as distinct from power to regulate commerce. It is not sufficient that the power which you claim as incidental is a kindred power, it must be an included power; for, if it is distinct, it does not pass. Is it seriously contended that, by the power to declare war, the powers to lay and collect taxes, raise armies, and provide navies, would pass? The Confederation had power to declare war, but no power to lay and collect taxes. Declaring war only changes the situation of the country; the war, when declared, must be carried on by those who have powers for that purpose. You are the agents of the States; your powers are to be construed strictly; you are not to despoil the State governments of authority which the States have not granted to you.

I will proceed to consider that part of the argument of the friends of the bill which claims for Congress the power to make roads, in virtue of the grant of power "to establish post offices and post roads." When a special power is granted, a more general power, which would have included the special power, is not granted. Powers not

granted are retained; and the special power being granted, the general is retained. Here power to establish *post* roads is granted, this excludes you from claiming authority to establish any roads except post roads; for your power is special—to establish post roads only. This being a particular kind of internal improvement, it would seem that it was not intended you should have any thing to do with roads of other kinds, or with canals.* As your power is only to establish post roads, you have nothing to do with the *construction*, even, of post roads, unless it can be shown that to establish means to construct. If that is done, you will have power to construct post roads, but no claim to power to construct either military or commercial roads.

The word *establish*, like most other words, has various significations, according to the subject-matter in relation to which it is used. According to the best authority, *establish* signifies to settle firmly, to fix unalterably; to settle in any privilege or possession, to confirm; to make firm, to ratify; to fix or settle an opinion; to form or model; to found, to build firmly, to fix irrevocably—(a sense not in use); to make a settlement of any inheritance—(a sense not in use.) But the example given in support of the signification, to form or model, is, "he appointed in what manner his family should be established;" which shows that it is not a forming or modelling by the hands that was meant. Let a hundred modern volumes be examined, it will be found that to *establish* uniformly means a determination of the will, and not an operation by hands. Words should be understood in the sense intended by those who used them. In what sense have the Convention used this word? We find in the Constitution, "establish justice"—"establish this Constitution"—"establish a uniform rule"—"establish courts"—"the establishment of this Constitution"—"an establishment of religion." The Convention have uniformly used this word as signifying an authoritative decision of the will; and when we say a thing is established, we usually mean by decree, judgment, or order of those having authority, or by an act of legislation—as to establish a title; to establish a will; to establish headquarters; to establish a court. When we say a road is established, do we mean by the overseer who makes it? No; we mean by the court which has decided where it shall be. The Confederation conferred the power "of establishing and regulating post offices from one State to another." The change in the wording of the clause in the Constitution seems to have been made to correct a solecism, and not to confer any additional authority. Was it ever understood that the Confederation had, by this clause, jurisdiction over the territory, and might take the soil and build a post office? I pre-

* See Journal of Convention, page 376. "Question. To grant letters of incorporation for canals, &c.—passed in the negative. Yeas—Pennsylvania, Virginia, Georgia—3. Nays—New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina—8."

sume not. They might purchase a house for a post office, and hold it, under the laws of a State, as an individual might hold property. To establish a post office is to create an office with certain prescribed duties, which office is to be filled by the appointment of an officer to perform those duties. To establish a post road is to give a road a legal designation as a post road. Wherever the word is used in the Constitution, it means, to give legal existence.

Let us see what was the contemporaneous construction of this clause of the Constitution by those who formed, adopted, and commenced proceedings under it. They were well inclined to exercise all their Constitutional powers. They understood that Congress were to adopt and use the roads of the States. This was the construction put on this grant of power by the generation who adopted the Constitution.

Sir, I propose to you a safe rule for construing the Constitution in time to come, which is this: Whatever was done and acquiesced in during an age—say thirty years from the adoption of the Constitution—let that be considered as Constitutional; but whatever was not done or not acquiesced in as Constitutional in that age, let it be held to be unconstitutional.

Those who formed, adopted, and acted under the Constitution, heretofore, have put a meaning on this clause which it is now too late to change. If we confine ourselves to the powers which have been exercised by our predecessors, and acquiesced in, there is no danger to the rights of the States or the people; but if we at this day claim and exercise new powers, we set a pernicious example to those who shall succeed us.

It will be well to consider the burden which you take upon yourselves, if you decide that to *establish* means to *construct*. You will undertake to construct all the post roads in the country. You have constructed one hundred and twenty miles of post road, but you established eighty-eight thousand miles of post road. You cannot decide that *establish* means *construct*, as to one hundred and twenty miles of road, but that it does not mean *construct*, as to the remaining eighty-eight thousand miles of post road. So, if *establish* signifies *construct*, you have passed laws for the construction of eighty-eight thousand miles of post road, and should cause it to be done without delay. Will not the States say that you have assumed the jurisdiction, and taken upon you the duty of keeping these roads in repair? Will they not withdraw from these roads the superintendents and laborers of the States, and the protection of the State laws? It may be expected; for, if the jurisdiction and the duty is properly assumed by you, it no longer remains with them, and your acts are the supreme law of the land.

You may establish post routes, and so may the States. They are not forbidden the exercise of this privilege, as they are to keep ships and troops in time of peace; and they might deem it expedient to circulate intelligence. Can you seize on all their roads, impose tolls, and exercise other paramount or exclusive jurisdiction? What be-

comes of the rights of turnpike companies chartered by the States? The States claim and exercise power to alter roads not made by chartered companies, and to discontinue such as are useless. Does a road, as soon as you establish it a post road cease to be under the jurisdiction of the State? Suppose that there is a contest before the State courts, which of two ways shall be established as a public road? Will the passing of your mail boy with his bag along one of them, decide the contest and establish that trace along which he passes? If you assume jurisdiction, the roads can only be altered and repaired under your authority. Leave the jurisdiction to the States, and let them repair and alter the roads at pleasure. The fact that you use eighty-eight thousand miles of roads, made by the States, shows that it is not necessary you should assume this authority. Wherever a mule carrying a bag can go, your mail can go. You fix on certain points, and between these it becomes the duty of the States to have some road. Your acts are the supreme law, and the State courts are bound thereby; but the intermediate trace between the points you designate let the States alter, repair, and control at their pleasure. [When Mr. S. had proceeded thus far in his argument, the Committee rose; on the 6th he continued.]

Having considered the argument of the friends of the bill, founded on the power given to Congress to establish post roads, I will proceed to consider their arguments founded on the power "to regulate commerce among the several States." It has been said that roads and canals will facilitate commerce among the several States, and therefore, as you have the control of commerce, you may construct them. If power to regulate commerce among the States will authorize you to do whatever will facilitate commerce, your power is unlimited. You may take upon you the interior police, and the administration of justice in the States; for, by so doing, you may facilitate commerce. But commerce is to be "regulated," and among the States; and this word "among," signifies *between* the States. It was so understood at the adoption of the Constitution. Mr. Madison, writing on this subject, says, "The defect of power in the existing Confederacy, to regulate the commerce *between* its several members, is in the number of those which have been clearly pointed out by experience." The power given to Congress is the same in relation to commerce between the States, as in relation to commerce between this nation and foreign nations. You may regulate commerce with foreign nations; but this gives you no power to regulate the interior commerce of this nation. You may regulate the commerce of one State with another State; but, this gives you no power to regulate the internal commerce of either. You may establish ports, license vessels, impose tonnage and other duties in the one case, and so you may in the other.

The gentleman from Delaware (Mr. McLane) says, "The power given to Congress is a power which a State did not possess. I agree with him, that the power is such as a State did not possess.

A State could not, alone, regulate commerce between it and another State. This is the power granted to Congress which a State did not possess. But a State did possess power to regulate commerce in its own interior, and this power has not been granted to Congress. The Speaker (Mr. CLAY) has argued that unless the power to regulate commerce among the States implies authority to foster, promote, and facilitate it, the clause is without a meaning; for, that Congress has no power to lay imposts and duties on the trade among the several States. The gentleman is mistaken. This Government may lay duties on articles imported from another State. The principal object of granting this power to Congress was, to take from the States authority over the subject, which had been exercised to their mutual injury. The friends of the bill understand "regulate commerce," to mean "facilitate the carriage of goods." Is this a fair construction? Roads and canals are means of carrying on commerce; but, are you to furnish the means of carrying on commerce—the ships, the carriages, the capital? It is for you to regulate commerce, to prescribe the manner in which it shall be carried on, not to provide the means.

Power is given to Congress to regulate commerce among the States, which otherwise must have been regulated by compacts or treaties between them, but such a power extends not to regulate commerce between different places in the same State. Can it be believed that by this clause power was intended to be given to Congress to execute a system of internal improvement? If it had been intended to grant such a power, would it not have been explicitly and effectually granted? Such a construction as is contended for, never entered into the minds of the Convention; and it is contrary to good faith to give to the language they have used, a meaning entirely different from that with which they used it. But, suppose that by "regulate commerce," you understand "make internal improvements," you will be restricted to such as are between the States; and what will this authorize you to do? Why, to make a bridge across the Potomac, the Delaware, or the Ohio, between the States. The power granted to Congress to regulate commerce among the States, is an exclusive power; it is clearly an exclusive power to regulate commerce with foreign nations, and with the Indian tribes; and it cannot be contended that the same word, in the same sentence, has several meanings. Whatever power may be exercised under this grant, you may exercise exclusively. If, by this power, you may interfere with the internal commerce of a State, you have exclusive jurisdiction over the whole commerce of the country, not only between the States, but between county and county, village and village, man and man. And what is this commerce, of which you have exclusive jurisdiction? Why, every sale of property that is made in the country may be considered as commerce, and under your regulation. What authority will be left to the States? Will not this be consolidation?

It is contended that you may make roads and

canals by your power to make war. Does authority to direct the force of confederated States carry with it the interior police of the confederated States? Does the Emperor of Germany, by his power to direct the force of the Empire, make internal improvements in Saxony and Wirtemberg? I have never understood so. Did Napoleon, as head of the Confederation of the Rhine, claim such a power? No; he expressly disclaimed the good that the German Princes should effect in their respective States. The old Congress had power to make war, but never claimed, as incident, power to make roads and canals. Our experience in two wars has proved that this power is not necessary to the General Government. It is not a means of defence. It suited conquering Rome to have military roads leading to all her frontiers; but it is no advantage to an invaded nation. The same roads on which Bonaparte marched his armies to invade Germany, led the Russians and Germans to Paris. I cannot agree with the honorable Speaker (Mr. CLAY) that the General Government possesses no power in war that it does not possess in peace. Many things may be lawfully done in the prosecution of war, that would be altogether unlawful in time of peace. In war, every thing is lawful that is indispensable for the safety of the nation. "The safety of the people is the supreme law." During the war of the Revolution, Norfolk was burned by our own force. Would that have been lawful in time of peace? Did not General WASHINGTON propose to burn New York, that it might not afford Winter quarters to the enemy? Yes; and he would have burned it, had not Congress decided otherwise. We have seen the Emperor of Russia burn his capital, that it might not afford Winter quarters to an enemy. But I cannot agree that, in time of peace, the General Government may do every thing that it may do in prosecuting war. I have no doubt that, in prosecuting war, the President might order the public force to make a road or a canal wherever he found it necessary; but the measure would be temporary, and no jurisdiction would be assumed. The preparations for war, which you may make in peace, are prescribed by the Constitution. Your power is to make war, not to govern the highways. We have been told of precedents; we have directed the making of a road in Arkansas. In that territory, we yet hold the empire, the high domain, and do not violate the jurisdiction of any State. But are the roads and canals, which you would make, really intended for military purposes? No; they are intended for travelling and commercial purposes; and it is a pretence to say that you will make them by your power to declare and prosecute war.

It is contended that, by the power to lay and collect taxes, to provide for the common defence and general welfare, we have power to appropriate money to make roads and canals. I cannot agree that we may thus appropriate the public money. We hold it in trust, to be used in carrying into execution our Constitutional powers; and for no other purpose. The common defence and general welfare are to be provided for by the ex-

cution of the granted powers. The power to raise money is unlimited; but the power of appropriation is limited; and if at any time more money is raised than the execution of your Constitutional powers requires, it must remain unexpended until it is wanted to aid in the execution of some Constitutional power. The gentleman from South Carolina, (Mr. McDUFFIE,) while he admits that the words, "to provide for the common defence and general welfare," were intended as a limitation of the power to lay taxes, contends that the terms used are so general that there is no limitation. Be it so. Strike out this intended limitation. You have then an unlimited power to raise revenue. But the money of the people can only be drawn from the Treasury by law, and all laws must be pursuant to the Constitution. You have power to pass all laws necessary and proper for the execution of the granted powers; but an act which shall appropriate money to the execution of a power not granted, would be a violation of the Constitution. It seems to me, that a claim of power to raise money to any amount, and to expend it on any object that Congress might choose to select, to which the Constitutional powers of this Government do not extend, is most unreasonable.

I admit that money may be necessary, and lawfully expended, in many cases where you assume no jurisdiction over the territory. You may procure ship timber for the Navy, but you cannot assume jurisdiction over the country where it grows, and pass forest laws. Money may be expended for carrying the mail, without assuming jurisdiction to make the roads along which it is to pass. It is said that we have established a military academy, built sea-walls and lighthouses, set up beacons and buoys, and we are required to show by what granted powers we have made the appropriations. You have power to raise armies—officers are necessary; and this power may justify your appropriations for the military academy. You have power to maintain a navy; to maintain, is to preserve; and this power will justify your appropriations for sea-walls, lighthouses, beacons, and buoys. But you have made the Cumberland road. True; you did so in performing a lawful compact. You had power to dispose of the territory of the United States; this implied a right to fix the terms. You had power to make regulations respecting the public property. These powers authorized your compact, and consequent appropriations. A gentleman from Pennsylvania (Mr. STEWART) said that you had passed penal laws, and made quarantine regulations. You have power to legislate; and penal laws are the necessary sanction of legislation. Quarantine regulations are authorized by power to regulate commerce. A gentleman from New York (Mr. STORRS) said that by your power to coin money, you had purchased a house in Philadelphia. A house was necessary; but you assume no jurisdiction. You hold your house under, and protected by, the laws of Pennsylvania. But if you make internal improvements, you assume jurisdiction, and the domain.

The gentleman from South Carolina (Mr. McDUFFIE) informs us that the President, Madison, recommended the establishment of a national university. If the gentleman deems the opinion of Mr. Madison authority, why does he not respect his veto put on a bill for making internal improvements? But the recommendation of Mr. Madison was to establish a university in this District, where you have exclusive jurisdiction. You have since actually established a college, but without making any appropriation. If Mr. Madison intended that the university should be endowed, he might intend that it should be done by the power to dispose of the public lots; as schools are provided for in the Western country. The gentleman speaks of the monuments erected to distinguished men. Another gentleman (Mr. STEWART) has spoken of pensions. The appropriations for both of these may be regarded as the payment of a debt. "The asylums," says Vattel, "prepared for soldiers and reduced officers, who are grown old in the service, or whom fatigue or the enemy have rendered incapable of providing subsistence for themselves, may be considered as a part of the military pay. The splendid structure, and the ample provision, made in favor of invalids, both in France and England, do honor to the sovereign and the nation, which thus liberally discharge a sacred debt." The gentleman from South Carolina (Mr. McDUFFIE) spoke of the appropriation of fifteen millions for the purchase of Louisiana. That appropriation was authorized by the Constitution. We have authority to pass laws necessary to carry into execution the powers vested in any department or officer of the Government. The President, with the advice of the Senate, has power to make treaties; and we have power (I speak not of obligation) to pass appropriation laws to carry them into execution. If the gentleman will show a power to make internal improvements, as clearly as I have shown the power to appropriate money to carry a treaty into effect, there will be an end of the controversy.

A powerful appeal to our sympathies has been made by the honorable Speaker, (Mr. CLAY,) on behalf of the people of the West. If this is to be a general measure, not partial to any portion of the community, I see no reason why a particular appeal should be made to us on behalf of the West. Does the gentleman mean that whenever a fort shall be built in Boston, or elsewhere, on the seaboard, that a like sum must be expended on roads and canals in the West? The gentleman says that if we omit to make internal improvements, he believes the Union will be shaken to its centre. But why does the gentleman complain on behalf of the West—"the poor West?" What is there to afflict the intelligent and enterprising people of the West? Have they not the finest country under Heaven on which to exercise their industry? Do not the people of Kentucky possess ten thousand square miles of land superior to the best one thousand acres that ever was found in Palestine? They pay no taxes to this Government except what they voluntarily pay as consumers; and

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there has been no limit to the liberality of this Government to the Western people. So long as civilization remains in the Western country, and the titles to lands are traced to this Government, an imperishable monument of its liberality will remain in the donations for the use of schools. Not less than twenty thousand square miles have been allotted to this purpose in eight new States and Territories. Twelve millions eight hundred thousand acres of land, worth sixteen millions of dollars! This is a durable evidence of the kindness of this Government to the people of the West. You have made the Cumberland road, for the Western people only, at an expense of near two millions of dollars; you have made various other roads in the Western country; you have given more than seventy thousand acres of land to make a road in Ohio. The people of the West have only had to ask and have; when they had embarrassed themselves by purchases of lands, they were released from the contracts as far as they desired, and further time given to pay what remained due. Why, then, do the citizens of the West complain? The gentleman says that Kentucky, Ohio, and Tennessee, are now the chief emigrating States; it is their citizens who purchase the lands of the United States—an evidence of their prosperity. One million and a half paid annually, for Western lands, will not impoverish the Western people, if they receive annually a greater sum. By a paper before me, it appears that three thousand ninety-one horses and mules, forty-four thousand seven hundred and ninety-eight hogs, and a number of beef cattle, the whole estimated at upwards of \$700,000, have passed the ford of Cumberland river, from Kentucky; and it is supposed that stock, to a like amount in value, has left the State by other routes. Here, then, is the million and a half received by a single State for live stock only. What must be the amount received by all the Western States, when, to the price of their stock, is added that of their hemp, their flour, their bacon, and other produce? The live stock here enumerated, has left Kentucky by a road leading through my district, on which no public moneys have been expended, but which has been made and repaired by the labor of the people.

Sir, I cannot agree with the honorable member from Kentucky, (Mr. CLAY,) that there is any danger that the Union will be shaken by the discontent of the people of the West. The time has been, when a Carondelet, and a Wilkinson, a Burr, and a Blannerhassett, could disturb the tranquillity of the West; but that time has gone by. The gentleman (Mr. C.) said that the Cumberland road had not yet gone into any Western State. It has gone as far as is necessary; and yet it is a road for the people of the West. It has gone to the Ohio river, the great Western highway, by which you may pass to any of the Western States. A gentleman from Pennsylvania told us of a great advantage arising to the Government from the Cumberland road; we get the mail carried thirty dollars a mile cheaper than formerly; but this road, one hundred and twenty miles in length,

cost us near two millions of dollars, the interest of which is near one hundred and twenty thousand dollars, or near one thousand dollars per mile; thus, you lose, annually, one thousand dollars per mile, the interest of your money, besides the cost of repairs—and you save thirty dollars a mile in the expense of carrying the mail! Such is the economy recommended by the gentleman.

I have heard it said that the lands set apart for the use of schools, were not given by the Government; that they were paid for by those who purchased the adjacent lands. This I do not admit. I much doubt whether the purchasers of the Western lands would give a shilling more for a quarter section, in consequence of your donations for schools. If you were about to sell a farm of three hundred and sixty acres of land, do you think that you would improve the price by previously laying off ten acres of it, and conveying those ten acres for the use of a school? I should expect you to make a proportional reduction in the price of your tract of land.

The navigation of the Mississippi may be improved, without assuming power to make internal improvements within a State, and thus encroaching on State jurisdiction. That river is nowhere the property of a State; it forms a boundary to States, except in Louisiana; and there you have reserved the navigation. By your power to provide and maintain a navy, you have only to build a gunboat at Louisville, and, in your descent to the ocean, clear the Mississippi of every snag and sawyer that obstructs the navigation.

Roads and canals are said to produce beneficial effects. Well; the States have reserved the power to make them. Shall we not leave to the States the power to do good, which they have reserved to themselves? Shall we arrogate to ourselves all power to do good? Shall we manage the agriculture of the country, the fisheries, and the commerce? The gentleman from South Carolina talks of the necessity of convenient ways of communication between the East and West. They are made already. The New York canal has opened the communications between all the States north of the Ohio river and the east. Pennsylvania has connected the Ohio and the Delaware, by excellent turnpike roads. You have made the Cumberland road; and while you are debating, the Legislature of Virginia have passed a bill incorporating a company to connect the Ohio with the Chesapeake. That State has also nearly completed the communication between the Ohio and James river. So the argument of the gentleman, in favor of the ways of communication between the East and West, comes too late.

The scheme is deceptive. While you appear to confer benefits on the States, you do but take their money with one hand, and give it back to them with the other. I should like to know how much of the appropriation proposed by the gentleman from Pennsylvania, (Mr. STEWART,) would come to the share of Illinois or Mississippi. Would it enable one of those States to make half a mile of turnpike road annually? I presume it would not, at the Cumberland rates. You will give New

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York a share, but you will decide where it shall be expended; and you may make a canal that, instead of being a benefit, may be an injury to the State. I find, in a newspaper, these remarks respecting the proposed Susquehanna canal: "They are all alive in Baltimore, and indeed throughout Maryland, on the subject. Should the Conawago and Baltimore canal be completed, the interest of Philadelphia will be seriously injured." Let the States beware of the consequences of the power of internal improvement being assumed by this Government—as improvement, in one section of the country, may tend to the injury of another. Virginia, blind to the consequences, has decided hastily to expend her resources in opening the Ohio and Chesapeake canal, although it must rival her great central communication, and divert the Western trade from her own cities. In Baltimore, they understand their own interests better—they oppose the Potomac canal, but patronize the Susquehanna canal, which will enrich Baltimore, while it injures Philadelphia.

Canals are not always profitable. A very unfair statement of the profits of English canals has been made, by keeping out of view the many which are productive of little profit. It has been remarked of the English canals, that none are profitable except those on which coals are carried. But, if canals are profitable, let the States, who have reserved the power to make them, take the profit. If they are not profitable, shall we, while we pay six per cent. for money, invest it in stock which may produce one-half of one per cent. dividend? Is it a pleasing thing to impose taxes on the people—to give their money away? Let the States manage this business. If they shall enrich themselves, they will enrich the nation.

Sir, this is merely a question of power—a question who shall collect a revenue, and possess the power and patronage attending its expenditure. It will soon be found, that ten millions annually will be required; or perhaps 20,000 soldiers may be employed, in making internal improvements. You must greatly increase the number of your officers, for the management and protection of your roads and canals. You must have new courts or justices; and these must be appointed for life, and have fixed and adequate salaries. The exercise of this power will produce discord. One city will ask you to make a canal—another will oppose it; and thus your deliberations will be agitated by the contentions of opposing interests. It is admitted that the powers of this Government are conferred for the general good; but every road or canal must be of local concern. Even the New York canal, the greatest undertaking of the kind that has been or will be undertaken, is only beneficial to a part of the nation. A fortification at Boston, or New Orleans, is for the protection of the nation. Our fleet, wherever built, sails for the nation. You call the Cumberland road a national road, but, unless you mean that it was made with the money of the nation, it no more deserves the name, than the road which leads through my district to the Western States, which has been made by the laboring people.

If you undertake this system of internal improvement, your money will be wasted by improvidence and extravagance. Look to the Cumberland road, which has cost \$15,000 per mile—\$40,000 apiece for bridges that might have been dispensed with. No money is thus squandered, except the money of the United States. Do you govern this District, wherein you have exclusive jurisdiction, so well, that you ought to assume jurisdiction over the interior police of the States? You have left these people to be governed by the obsolete laws of Maryland and Virginia. You have given them no system of police. You will not be able to arrive at your lodgings, without being assailed by beggars—and yet you will take upon you the whole interior police of the country.

The gentleman from South Carolina, (Mr. McDUFFIE,) tells us, his State has expended a million of dollars on internal improvements, to little purpose. That is to be regretted. The money might have been better laid out, had the proper means been taken to procure information. Virginia has succeeded better. A report of the Board of Public Works, which I have before me, says, that, "Whilst the territory of the Commonwealth abounds with objects of valuable internal improvement, in every district, the fund appropriated for that purpose is adequate, upon the principles upon which it is founded, to give effectual aid to such improvements, to the full extent of the demand which can probably be made upon it." This shows what any State may accomplish. Let the States be convinced of the advantage of roads and canals, and they will make them.

Sir, this Government rests on the affections of the people, and the confidence of the State Legislatures. Whatever has a tendency to alienate that affection, and diminish that confidence, has a tendency to weaken the Union. These States are not held together by the sword. Let gentlemen be cautious how they assume a doubtful, a disputed power, lest they destroy the harmony between this Government and the States. The General and State Governments have been found to be happily balanced. But, an immense increase of the internal power of the General Government will derange the balance.

And, if we had the power, our situation is not favorable to the commencement of this system. We have a large debt to pay, a navy to build, and fortifications to complete. A contest is depending for the rights of man and the independence of nations, into which we may be drawn. Is this a time to engage in schemes which may require ten or fifteen millions annually? Is this a time to seize on powers, as to which there is an honest difference of opinion, many believing that their exercise will be acts of usurpation? No, sir. This is a time to draw strong and plain the landmarks of the Constitution, and thus strengthen mutual confidence. I shall vote in favor of the proposition to strike out the enacting clause of the bill.

When Mr. SMYTH had concluded—

Mr. GAZLAY, of Ohio, addressed the Chair as

follows: The bill on your table, said Mr. G., contemplates the appropriation of \$30,000, for the procurement of estimates and surveys for roads and canals. Against such a bill, requiring so small a sum for what he conceived to be a great national object, he could not have anticipated a single voice; and much less could he have anticipated that, to other objections, would be added unconstitutionality and danger to the Union. As to any danger, Mr. G. said, he would as soon have expected it from the common blessings—rain and sunshine. He called this a great national object, and, if it were not such, and if gentlemen could maintain that it is a local and sectional one, he was ready to vote against it. Commerce, agriculture, and manufactures, are greatly and equally promoted by the improvement of roads and canals. These are the great arteries of the nation, by which its extremes approximate and its wealth is every where diffused. They save labor and equalize the markets—they bring from regions of plenty, in some products, and pour into those of want. They are no less distinguishable in their character than in their effects, from most national works, inasmuch as they produce national wealth, while most others impoverish. All the national defences to which so many millions are devoted, such as ships, fortifications, and the like, in themselves, produce nothing. They impoverish. They are, to the treasure of the nation, much what luxuries are to that of an individual. It is vastly different with roads and canals. It was, Mr. G. said, a new theory, that the munificent and most productive national works were the most dangerous and the last to be undertaken. He believed a great majority of the people entertained opinions quite the opposite from this, and he hoped they would never yield them. Mr. G. said he had hitherto supposed that the principal inducement for giving sovereign power, was the attainment of great national objects, which no individual exertions were likely to attain. He understood that it was general interest and general security which formed the national cement. Take them away, and no civil union can be long maintained. He had supposed that every sovereign power was bound to guard and advance these great objects. But gentlemen in the opposite, Mr. G. said, seemed to think that the Constitution interposed to forbid us the exercise of this sovereign power; and, to prove this, they cite opinions given at the time of its adoption, and since. It was not public opinion, Mr. G. supposed, that was intended; for this, he believed, was ever the creature of circumstance and occasion, and always a correct standard. If correct then, it is now correct; and for the same reason that it was then correct. Public opinion, therefore, could be no evidence against itself. It is private opinion that is most insisted on, and that which is expressed in the *Federalist*. And, it is said, that, inasmuch as the power to make roads and canals is nowhere expressly allowed, in that book, we have no right to exercise it. The opportunities and situation, as well as the talents and character of the writers, are urged, as giving resistless force to their authority or

opinions. It must be remembered that they were but men, and, as our history abundantly proves, writing at a time of great excitement, no doubt with the purest and best of motives; but, yet, as partisans of a favorite measure—great in itself, yet violently opposed—a measure, in the adoption of which, the authors of the *Federalist* felt an interest deep as the fountain of life itself. It is no reflection on them, to say what was natural and proper—that the strongest features of power, in the instrument, should be lightly touched; while its weaker and less apprehensive ones should be brought out in the most engaging attitudes. The times forbade a fair and full exposition of its powers, in the same degree that the instrument itself forbade it. It is not to be supposed—it is not required of the human mind to judge correctly on any point, until it be presented with the facts and circumstances which attend upon its practice, and those which bear upon it at the time of giving such judgment. And much less can we expect correctness in anticipating political opinions, on principles of government both new to the age and new to the world. In this field we every where meet some unexpected combination or occurrence to mock our best discernment, and to confute our deepest speculations. Practice is the only safe ordeal for political constitutions or opinions. Was it ever foreseen by the writers referred to, that difficulties would attend the designation of the President, the provisions for which are as simple as any in the instrument? The very circumstance that we are this day in ardent debate on the meaning of the ordinary words in our language, used in that instrument, sets at defiance all former opinion of them.

To insist, said Mr. G., that reliance shall be placed on former opinions, in the discussion of a great political question, is to deny to politics what is allowed to every other affair of life. Where will gentlemen turn to avoid the progress which has accompanied every art and science since the adoption of this instrument? Things as absurd as a revolving world once was, are every day established as physical and moral truths. The existence and continuance of our Government itself, Mr. G. said, was a contradiction of the opinions and speculations of the most enlightened of former times. He was not prepared to give up the hope, that the progress of those political combinations on which it is founded, would result in great benefits to the world. He could not yield the right to judge of them as they deserved; and that, for the reason that others had judged before them. Mr. G. said, he thought the safest rule was to try the Constitution by itself, and where it gave power, not to refuse the exercise of it, from vain and imaginary alarm.

The consequences which gentlemen say will grow out of this measure, viz. consolidation of the general and degradation of the State governments, Mr. G. said, must be proved to threaten us, before he should withhold his vote on their account—he came to this House fully sensible of the importance of maintaining State sovereignty, and as well in the general sentiment of this body, as in the spir-

ited opposition of gentlemen who use the argument, he was persuaded that the States had an abundant guarantee of safety. So far from apprehending danger from measures of internal improvement, he should advocate them with a firm conviction, that they would strengthen and support all the separate parts of the Union as separate parts, in the same and perhaps in a greater degree than they would cement and strengthen the whole. Mr. G. said, he thought this too plain to require an argument as to accumulation of power in the arm of the General Government, which is foretold as a part of the argument to show the loss of it by the States. Mr. G. said he had never understood that the power acquired by conferring benefits on the nation was ever dangerous, on account of its increase, or by the frequency of its exercise; he always had believed that the reverse of this was true: and that ours must be the most singular of all Governments, if its war and taxing power were harmless, while the munificent and beneficial ones which it could exercise were dangerous.

Mr. G. said, he should not contend that the right to make roads and canals, is inferred or got by implication; but, that it is expressly given: if it were not expressly given it ought not to be exercised; he could not suppose that in reading our language, whether in the shape of a constitution, a deed, or other instrument, we had any other than the ordinary rules of construction, well known to its framers, as well as to most others; and the rule he understood to be that, to find their meaning, words must be taken in their ordinary acceptation; and if they then give power or allow a thing to be done, it may be done, unless there are other words which limit or restrain such common acceptance, or show how they are to be understood differently; take a familiar example, almost every statute or act of our numerous legislative bodies contains some grant of general power, or right to do some particular thing, which is generally followed with the proviso or negative restraining the extent, to which such power or right might be carried. The same may be said of almost every contract or writing executed daily in the common affairs of life; by this common rule, Mr. G. said he would attempt to try some of the provisions of the Constitution.

The preamble is an important part of the instrument; it contains a recognition of all the legitimate objects of Government, as the basis on which ours was established; to form a more perfect union, to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, &c., as far as language can embrace the powers and objects of Government; they could not be more ample than in this short preamble. That this preamble was not inserted out of mere idleness, he found sufficient evidence in the details of the instrument in which the same words were employed: example, eighth section of the first article treating of the powers of Congress, it declares the taxing and debt paying power; and then, that to provide for the common defence and general welfare, in the very words of the preamble; if these words mean any thing less than they ex-

press, viz: to provide for the common defence and general welfare, Mr. G. said he wished to know what they did mean—he would not attempt to answer the verbal criticism of gentlemen, used respecting them, but would submit to the common sense of every reader of the language. He conceived, that, if they had any meaning, it is, that Congress may provide for the common welfare, in relation to every subject, matter, or thing, with which they are intrusted, and in which they are not restrained by some other provision in the Constitution, and if they are restrained in the mode or manner as to any particular in part, then to all relating to the same in which they are not restrained. Now, the principal objects with which Congress are intrusted, are those of war, commerce, and revenue; all that is needful to promote those great objects, or required, as a provision for the welfare of them, the Congress may do; and where is the danger? What are the evils to result from this power? Those certainly, and no others, which may flow and result from the sovereign power of any Government; and if danger were a good argument in this, it is good against forming any Government or giving any power, and the only difference between the characters of the same powers given to ours, or to a king, or emperor, is in the organ who executes or carries into effect. Ours is perfectly safe, because it is executed by the immediate servants of the people, recalled at pleasure, to return to private life, and to sustain the weight of their own bad measures, if they adopt any. The other is executed without responsibility or control. Ours may be said to be the act of the people themselves in relation to themselves; the other, the acts of a superior in power in relation to the maintenance of that power. The one is perfectly safe, while the other may be highly oppressive. It is true, said Mr. G., that the exercise of this power involves a great degree of discretion, and so do all and every power given either to Congress or any other department involve the same degree. It is the misfortune, if misfortune it may be called, of our nature and the subject, which compel us, after all, to submit almost every thing to discretion.

The next inquiry is, said Mr. G., whether roads and canals can, on any view of the power, be considered as necessary to the common welfare or general safety in relation to the objects enumerated; and, if they are, Congress, for aught he could see, have the same power to construct them that they have to meet in the Capitol.

Why is a road or a canal necessary to the welfare of war, commerce, or revenue? Instead of answering a question which must be plain to every capacity, it may be asked why are they not just as much so as a ship, a fort, a lighthouse, or a national dock, a gun, or an armory? And, as there is no express power given to build or make these, why are so many millions appropriated for them? It may be answered that the general power of war and commerce include necessarily the power to do all and every act or thing, to provide for their welfare; and this is the true answer. And, can it be true, that a lighthouse is necessary for war

and commerce, a fort or dock is necessary for the same, and that a road or canal is not—in other words, that war and commerce relate to the sea only? Here Congress have omnipotent power. They may appropriate millions of treasure, and enrich the sea and the seaboard, and its inhabitants; but to the land, the interior, and to its inhabitants, they can give nothing; they have no power. Can such an argument be maintained for a single moment? The Constitution says, “provide a navy,” not build a navy. It does not say any thing of either providing or building docks, forts, or armories. It is true, the power to build these may possibly be inferred from the clause giving jurisdiction over them, in certain cases. But then this is an inferred power only, and gentlemen are opposed to all inferred power; and, Mr. G. said, he was equally opposed to it. The next clause in the Constitution which bore direct relation to the clause already insisted on, is that which gives to Congress the power to make all laws necessary and proper for carrying into execution the other powers, &c. This, if there could be a doubt as to what it was intended Congress might do, must effectually remove it. There is no less than three different places in the instrument where these general powers to accomplish the objects of the Government are expressly recognised and given. Mr. G. said, both as to expression and intention, he felt fully authorized to assert the power contemplated in the bill. But, it is not from these general provisions alone, Mr. G. said, that he drew the power to make roads and canals, but from others less general. The words “to establish post offices and post roads,” and to “regulate commerce,” Mr. G. said, were to his mind a conclusive gift of the purposes of the bill; and, on these clauses, gentlemen in the opposition had indulged in a verbal criticism, the extent of which he did not feel himself at liberty to follow. It was contended that “establish” means to point out and designate only; and that “regulate commerce” implies foreign commerce only, or exterior commerce. The greatest difficulty, Mr. G. said, into which gentlemen had fallen, was, that they appropriated a meaning to the words which was never before given to them; and he was not sensible of any greater evil that could befall the Constitution than to subject it to the rule of construction contended for. One gentleman gives this meaning, and another that meaning, to a word, each to suit his own views; but what becomes of the instrument? Why, it must remain without meaning. And this will happen to almost every clause of it; for every important word has several distinct meanings. Take that to “establish;” it has four meanings, one of which is to build. Now, which shall be adopted as the Constitutional meaning? Who is to decide this important desideratum, which, Mr. G. said, he was quite sure the makers never dreamed of? Mr. G. said he supposed that there was a safe, plain rule, and that was to give to every word all its meanings, which would not do violence to the context of this instrument. He could see no other rule; and, with this rule, the Congress have the power already contended for by the

supporters of this bill. But, gentlemen say, if the framers of the Constitution intended that Congress should have the power, they would have inserted the very word “make;” and, not having done so, is evidence that the power was not intended to be given. This, Mr. G. said, was nothing more than a dispute about the choice of words.

But, if it were a good objection to one clause of the instrument, it must be good against all where the favorite words are not used. Let us see how this will end, by citing a few passages: “Each house may determine the rules of its proceedings.” This is a very important power, and the word determine, in its strict sense, contemplates something in existence, on which to determine. Yet no one doubts that it gives the power to “make,” although the word “make” is not used. Again: the clause to provide for the punishment of counterfeiting, &c., does not say to make laws, or appropriate money, yet both are constantly done. To provide a navy is not saying to build or make a navy. To provide for calling forth the militia does not say to make laws for calling them. The words to regulate commerce or declare war, do not necessarily mean to build lighthouses, purchase territory, grant pensions, appropriate millions to foreign embassies, and other objects of the like, which no one word in the Constitution was ever pretended to mean. And yet these things are every day done, and most of them very properly done. If the gentlemen want strictness in the sense for which they contend, let them in good earnest apply it to every part of the instrument; and this House must repeal more than one half of the laws in our statute book. All the post office laws, all the pension laws, all the lighthouse laws, and all appropriations for post roads, and many others. The remainder unrepealed would be small, and Congress, in future, would not find any very serious difficulty with the internal concerns of the Union; they would be left mostly to themselves. It would be the sea, and foreign matters principally, with which they would be engaged; a little war occasionally, and, when it came, we could neither march or transport an army, or the munitions of war, to a given point, until the evil was committed, and the danger past. This may be a very strict construction; but he believed it was not such as would maintain either the interest or safety of the Union.

Again, Mr. G. said, gentlemen contend that the enumeration of particular powers, after general ones, operated as an exclusion of all general ones, and that, too, by the force of such enumeration, barely. Gentlemen, Mr. G. said, would gain nothing for their argument, if this proposition were admitted, for the same difficulty would yet remain, namely, to fix the construction of the different enumerations, of which some are particular and general, and some general in themselves. But, Mr. G. said, he denied any such rule. The gentlemen say, that a particular enumeration of powers, by force of its particular character, barely supersedes all foregoing general powers which may include such particulars. The rule which he understood to be the sensible one, was, that the neg-

ative enumerations excluded or superseded general powers or rights, which would have passed, were it not for such negatives, but not by force, barely, of their particular enumerative character, but by that of their negative character. And another rule is, that, when things to be excluded from general powers are expressly named as excluded, they operate as an admission of all others not so named by negative words. Now, if the arguments of gentlemen were true, all the negative words in the Constitution are useless, and without meaning; because, if the bare enumeration of powers, not so general as other powers, by force of their bare enumeration, were to exclude all such general powers, then the negative words can have no effect; or, if they have any effect, then, inasmuch as they are particular enumerations, they exclude, as well without the negative words as with them. If this be true at all, it must be true in all cases, and then every and the smallest enumeration of any particular power would exclude all general power; and, as the Constitution professes to deal in general powers, some of which are more and some less general, and to rely for their exclusion in any particular case, on negative words, the consequence would be, that a smaller gift of power, by reason of its smallness, would exclude a general greater power. This, Mr. G. said, it appeared to him was neither sensible, true, nor safe. If the rule of gentlemen could obtain, the enumeration and negative would mean the same, and the reason why negative provisions were ever construed to imply powers not negated, is because they can be fairly deduced from the general provisions, and without the limitation of negative words, would have no restriction—it follows, then, that general powers, given in general words, may be exercised, unless where restrained or limited by negative words. “To provide for the common defence and general welfare,” to make all laws which may be necessary and proper, are powers as large and general as words could make them. And how are they restrained? Why, by negative words or provisions in the instrument, in a great number of instances, among which are those relating to rights of persons, property, and States, viz: Private property shall not be taken without just compensation, no bill of attainder, or *ex post facto* law, shall be passed; the judicial power of the United States shall not extend to any suit against a State. These, with many other negative provisions of the instrument, restrain, not only the power of Congress, but that of other departments; and, most generally, from doing acts in themselves odious, or which would lead to oppression. If Congress should pass a law to sue a State, this law would be a dead letter. And why? Is it because the right to do so is taken away by a particular enumeration of powers? No. It is by virtue of an express negative given to such right.

Mr. G. said, he should not pretend to answer all the objections urged by the opposition. His principal view was to persuade himself that the Government, among all its strong and hard powers, might safely and constitutionally include some

of the munificent and good ones. He hoped we were not forbidden to confer some blessings, some solid and lasting evidences, that the general happiness and prosperity is not entirely left out of a system which it is said more than any other was designed to promote both. He was not now prepared to defend any power which, in its tendency, should endanger either personal or State security; and it would be in time to oppose the exercise of such an one, when an opportunity was offered for it. That now contended for was, in his humble opinion, of an entirely opposite character. He should, therefore, support it, as the first direct step towards a system which was inseparably connected with the wealth and happiness of the Union.

The situation of the West, Mr. G. said, had been often referred to in the course of the debate, and, not unfrequently, for objects which ought not, in his opinion, to enter into this or any other debate on this floor. He should consider the West as an integral portion of the Union, as inseparable from it, and indispensable to it—not as the West on account of itself, but as giving its due share of power and importance to a great Union, which would be less without, and, of course, greater with it—a portion of the Union now an extreme, but which was shortly to form the great centre.

This portion of country, Mr. G. said, was watered by some of the largest rivers in the known world, embracing an extent, variety, and fertility of soil, not any where surpassed; with a climate happily adapted to the pursuits of husbandry or manufactures; it is rapidly peopling, and, without including any of its Southern provinces, produces for exportation, annually, more than three millions of dollars value, in products. Its rivers, which form the channels of transportation, unite their waters with the ocean at one place only, and that at a distance from the Atlantic cities, almost equal to a voyage to Europe, and more than equal to one to many of her provinces. Instead of rivers which flow East, to facilitate an intercourse, the mountain interposes its barrier; all these give indications of the design of distinct and separate empire. Rivers which are the principal channels of transportation, swell periodically, and are then most favorable to the object. This crowds upon their waters all the products at once; they all have but one direction, and simultaneously meet at the same market; this is situated at an unhealthy point, in a low latitude, fatal not only to the products, but to the lives of those engaged in their transportation. These circumstances, unhealthy climate, its tendency to destroy the product, the quantity necessarily thrown in at one period, all tend to render it the most improper and unfit and dangerous market in the world, to say nothing of the immense loss of property which occurs annually; that of human life, is an alarming evil to the West; there is scarcely a district or neighborhood which does not contain the widows and orphans of those who have fallen victims to the necessity of seeking this market, and this the only dangerous one in the Union. The business of transportation in the West, is necessarily in a great measure confined to the farmers; the

price is too low to warrant the employment of many agents in the transportation. The growers are obliged to construct cheap vehicles, and go in person to effect a sale. During the period of the European wars, the price was such as afforded a rich inducement for the enterprise; now it is frequently less than the expense of transportation. And yet the citizen, incited by that enterprise which is so much the character of an American, whom no difficulties can discourage, over bad roads and dangerous rivers, from the bosom of a wilderness, still seeks a market, distant almost as Europe—not from choice, but necessity. But while he is compelled to seek it, it must not be forgotten that his enterprise and industry must constantly languish. Another circumstance, more applicable to this portion of the Union than to most others, was the fall of its banking institutions, an almost total drain of its specie; while the East preserves a considerable abundance. And will any one pretend that the West is less industrious and economical than the East?

These, Mr. G. said, were not, to his mind, local evils, and local and sectional complaints. They were all national objects of the first magnitude, and those which grew out of national and general circumstances. What is the remedy for them? A union of the waters of the Susquehanna and Ohio, or of the Lakes and Ohio, removes all these evils; it prostrates the mountain barrier; it converts an unsafe and unhealthy and deadly market to a safe and enriching one; it raises enterprise; it diffuses industry and wealth, not locally, not to the West alone, but to the whole nation—to Georgia and Maine, as well as to the banks of Missouri, and in equal proportion. It must be known that the net products of the West sell for but little more than one-half of the price of the same products in the East; at the same time the citizen of the West pays a heavy per cent. higher for all imported articles, than is paid by those of the East. This operates as a twofold drawback on Western capital and industry; and are these not all national objects? Is it not at all times a national object to save the useless waste of millions, which can always be appropriated to promote useful industry? Must we not, said Mr. G., equalize our markets, by cheapening and facilitating transportation, before we can undersell Europe in manufactures? And can it be denied that roads and canals are the true and sure foundation of manufactures? If internal improvements are useful to agriculture, commerce, and manufactures, the fact of their being national objects is established; and then the argument, that they belong more properly to individual than to national enterprise, falls to the ground; for it is equally good against every national undertaking. The cost of a system of internal improvement is also urged as an objection. It is said that we owe a national debt, and that this must be paid, and a surplus revenue accumulated before we commence the system. Mr. G. said he wished that this very honest precaution had been thought of heretofore, when so many millions have been spent in useless objects, which he would not now name; and

as for accumulation of revenue, that was not a law of the times; it had no place in our policy; and if internal improvements were not to be commenced until a surplus revenue was saved, he feared it would be a long period before their blessings would be felt; that he was anxious to see the debt paid and the revenue saved, and to attain the object, he should select a system of internal improvement. If this would not enable us to raise a revenue, he believed we should long remain poor; for he saw no other means which had not been tried. To this object he should, therefore, look with confidence. To this he was ready to devote a few millions, which, otherwise, would be lost. He was convinced that the interest, as well as the will of the nation, imperiously called for it, and that it should not be delayed a single moment.

When Mr. GAZLAY had taken his seat—

Mr. NEALE, of Maryland, said, he would not trespass long upon the patience of the Committee, which he had no doubt was an acceptable pledge at this late period of the discussion. But he would take the liberty to present, briefly, some of the conclusions to which his mind had been brought (upon the Constitutional question) in the examination which he had been able to give the subject, and to notice some of the arguments urged against the power of Congress to pass the bill under consideration. This Government, Mr. N. said, was a government of delegated powers—a limited government—but the limitation existed in relation to the number and character of the powers delegated to Congress by the Constitution, and not to the full and complete exercise of such as are delegated; to these he knew of no other limitation or check, but such as grew out of an exercise of a sound discretion in the public functionaries; and, for a proper and judicious exercise of such discretion, the conscience of each member, and the representative principle of our Government, furnish the only checks. In taking a view of the terms used in the Constitution, in the several grants of power to Congress, he did not believe more appropriate language could have been used to convey perfect and complete power to Congress over the several subjects mentioned. The terms used in the several grants of power taken in relation to the subjects specified, may be considered as convertible terms, and were intended to give to Congress full power over the several subjects mentioned, and over the necessary and proper means to carry such power into execution, to effectuate beneficial purposes. Mr. N. said, he would not disclaim any of the specified powers in the Constitution, to which the advocates of the bill had resorted, to show that the great objects looked to by the bill under discussion, were legitimate means to carry into execution such power, but he would deny the soundness of the argument drawn from the circumstance, that, as the friends of the bill selected different specified powers in the Constitution, to show that Congress had power to pass the bill, that the power, therefore, did not exist. Sir, said Mr. N., is it not obvious, and does it not frequently happen, that similar legislative acts are means ne-

cessary and proper to carry into execution various grants of power in the Constitution, and that the power of Congress to pass such acts may be fairly deducible from more than one of the specified powers contained in the Constitution; that, therefore, Congress has no power to pass such acts? In other words, it is saying that, because the power to act is given to Congress in more than one clause of the Constitution, therefore Congress has no right to act at all. Certainly such an argument is entitled to no weight.

In reference to that grant of power in the Constitution which says, "Congress shall have power to establish post offices and post roads," Mr. N. said he had heard much criticism and refinement in argument, which he could not believe a good rule to adopt in construing the Constitution; but let us, for a moment, look to what results this mode of reasoning will bring us. It is contended by some gentlemen who resist the passage of this bill, upon the ground that it would violate State rights, that the power to "establish post roads," means nothing more than to designate the road on which the mail is to be carried, or to impart a legal character to such road, which gives the United States the right of way over it, conceding, however, that the State through which such road may pass, would have no right to obstruct or destroy it, by which the right of way would be rendered useless; but that it would be a violation of State rights for Congress to make a road through any State.

Mr. N. said, it appeared to him that gentlemen gained nothing in favor of State rights by this distinction; for the States have as much right to obstruct or destroy a road within their jurisdiction as to make one; and by this designation, or legal character imparted to the road, the State through which it may pass is prohibited from obstructing or destroying such road, which is as much an encroachment upon her sovereign rights, as to make such roads; and, if it is contended that the States have a right to obstruct or destroy such road, then the powers of Congress are limited, indeed, and the clause of the Constitution just referred to ought to read—Congress shall have power to establish post offices and post roads, provided the State, through which such road may pass, will consent thereto.

These, said Mr. N., are some of the conclusions to which such refinement in argument will lead us, and which he thought pretty conclusive of its fallacy. But, said Mr. N., that grant of power in the Constitution, which appeared to him most conclusive in favor of the right of Congress to pass the bill under consideration, and to proceed in the great work of internal improvement, which it is intended as a preparation for, is that which says, "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes;" and here, for the purpose of presenting the view which he had taken upon this grant of power in as concise and brief a manner as possible, Mr. N. said, he would consider the subject of commerce in a three-fold point of view: first, foreign or external

commerce, as regards the Union; second, internal commerce, as regards each particular State; and third, commerce among the several States, which may be denominated internal, as regards the Union, but external as regards particular States within the Union. Over foreign commerce, by virtue of the grant of power to regulate commerce, the Congress have always exercised complete control, and, consequently, over all the means necessary and proper to the exercise of that power, any part may be destroyed by prohibitory duties, or the whole by non-intercourse or embargo laws; and I presume it will not be denied that Congress may adopt the necessary means to originate foreign commerce where it does not exist, and all this in virtue of the grant of power to regulate commerce, precisely the same word that is used in relation to commerce among the several States. Again, said Mr. N., no one will deny that the States have power over commerce while confined within their respective limits; and it will be also conceded, that roads and canals are means necessary and proper, and (to use the expression of Mr. Madison's celebrated report) appropriate, also, to carry on commerce from one given point to another in the same State, and that these means are ordinarily resorted to for that purpose. Now, said Mr. N., as Congress have the same power over commerce among the several States as over foreign commerce, and as the States are prohibited by the 10th section of the 1st article of the Constitution from entering into any agreements or compacts with each other, which would be absolutely necessary to enable them to adopt judicious measures in relation to that branch of commerce, it seems to follow, as a necessary consequence, that Congress must have, and was intended by the wise framers of the Constitution to have, full power to adopt all necessary and proper measures to promote and carry on commerce among the several States, in as ample a manner as a State would have within its proper jurisdiction; and as roads and canals are the usual, necessary, and proper means adopted by the States, within their jurisdiction, it cannot be said that they are not necessary and proper means to carry into execution the power granted to Congress to regulate commerce among the several States. Again, Mr. Chairman, said Mr. N., if you deny to Congress the power contended for, to adopt all such measures as may be necessary and proper to regulate, to promote, to facilitate the commerce among the several States, that power is annihilated, it exists nowhere else in our Government, and it would follow, as a necessary consequence, that the power over those means so essential for promoting the wealth and happiness of this people, so essential to the well-being of all Governments, is not to be found in the United States, or in the States severally. Sir, said Mr. N., the conclusions to which I have been brought by this course of reasoning, is conclusive to my mind that the power granted to Congress, by the Constitution, to regulate commerce among the several States, gives to Congress the power to adopt the measures looked to by the bill under discussion, as necessary and

proper to carry into execution such power. As my object in rising, Mr. Chairman, said Mr. N., was briefly to present some of my views of the Constitutional question which has been so elaborately discussed, I should forfeit the pledge I gave the Committee were I not now to conclude.

When Mr. N. concluded, a general call for the question resounded from all quarters of the House; when Mr. LIVINGSTON, of Louisiana, rose, and requested that the Committee might rise.

The Committee then rose, and, having obtained leave to sit again, the House adjourned to Monday.

MONDAY, February 9.

Mr. WEBSTER presented a memorial of the Mayor, Aldermen, and City Council of the City of Boston, stating that, of late years, several islands, lying in and around the harbor of that city, and which constitute the safety and defence of said harbor, have been greatly injured by the action of the waves, and of tempests; by which the existence and utility of the harbor is much endangered, and praying the aid of the National Government in the execution of such works as may be found necessary for the protection of these islands from annual dilapidation from the ocean and from the elements; which memorial was referred to the Committee on Roads and Canals.

Mr. WEBSTER presented a remonstrance of merchants, manufacturers, mechanics, and others, of Boston, against the passage of the bill now pending before this House, "to amend the several acts for imposing duties on imports;" the tariff of duties proposed by said bill, and the principles on which it is avowedly founded; as having a tendency, however different may be the motives of those who recommend them, to diminish the industry, impede the prosperity, and corrupt the morals of the people.—Referred.

Mr. CAMBRELENG presented a memorial and remonstrance of the Chamber of Commerce of the city of New York, remonstrating against the passage of the bill now pending before this House, "to amend the several acts imposing duties on imports," as containing principles and details deeply and injuriously affecting the rights and interests of almost every class of the people of the United States.

Mr. CAMBRELENG also presented a similar memorial, from the importers and venders of hardware in the city of New York, so far as the interest of that branch of the foreign commerce of the United States is concerned.

Mr. INGHAM presented a resolution adopted by the General Assembly of the State of Pennsylvania, entitled "A resolution for the better protection of domestic manufactures."

Mr. POINSETT presented a memorial of the citizens of Charleston, in South Carolina, against the passage of the bill now pending before this House, to amend the several acts imposing duties on imports; as calculated, in the opinion of the memorialists, most deeply to affect the great interests of the agricultural States, perhaps even to work their speedy and utter ruin.

Mr. WRIGHT presented a resolution adopted by the General Assembly of the State of Ohio, expressive of their opinion, that further aid and more effective measures should be adopted by the Congress of the United States, for the promotion and protection of American manufactures.

The said memorials, remonstrances, and resolutions, were committed to the Committee of the whole House on the state of the Union, to which is committed the bill to amend the several acts imposing duties on imports.

Mr. MORGAN presented a petition of sundry aliens, residing in the city and county of New York, praying that the laws upon the subject of naturalization may be so amended as to afford greater facilities to foreigners, who may intend to become citizens of the United States.

Mr. CAMBRELENG presented the petition of sundry citizens of the city of New York, on behalf of the aliens who have signed the petition last presented.

Mr. KENT presented a memorial of the Trustees of the Columbian College in the District of Columbia, praying Congress to grant them a loan of fifty thousand dollars, for the term of ten years, at the rate of six per cent. per annum, payable quarterly.

Mr. FARRELLY presented a petition of Johanna Collins, of the District of Columbia, wife of John Collins, praying to be divorced from her said husband, on the grounds of personal abuse and ill usage, and having abandoned her without making any provision for her maintenance.

Mr. KENT presented a memorial of the President and Directors of the Provident Association of Clerks, in the City of Washington, praying for certain alterations and modifications, therein mentioned, in the act incorporating the said association.

Mr. WRIGHT presented certain resolutions, adopted by the General Assembly of the State of Ohio, praying Congress to adopt measures for the gradual abolition of slavery, within the United States.

The said petitions were referred to the Committee on the District of Columbia.

Mr. LETCHER presented a remonstrance of the State of Kentucky, against the decision of the Supreme Court of the United States, on the occupying claimant laws of the State of Kentucky; which remonstrance was committed to the Committee of the whole House on the state of the Union.

The SPEAKER presented a memorial of Doctor James Smith, late Agent of Vaccination of the United States, calling the attention of Congress to the alarming increase of the small pox within the United States, and praying that measures may be adopted for the distribution of genuine vaccine matter throughout the United States, by the appointment of a central vaccine agent, or such other means as may be deemed most conducive to the public welfare; which memorial was referred to a select committee. And, Mr. GAZLAY, Mr. CONDUCT, Mr. FLOYD, Mr. ABBOT, and Mr. EATON, were appointed said committee.

Mr. WRIGHT presented a resolution adopted by the General Assembly of the State of Ohio, in relation to the three per cent. fund reserved from the amount of sales of public lands in that State. Referred to the Committee on the Public Lands.

Mr. CAMPBELL, of Ohio, presented a memorial of the Columbian Institute, praying that a piece of public ground, in the City of Washington, therein described, may be granted to them, to be attached to, and made part of, their botanic garden; which was referred to a select committee; and Mr. CAMPBELL of Ohio, Mr. BRECK, Mr. HOLCOMBE, Mr. KENT, and Mr. POINSETT, were appointed said committee.

Mr. FRANCIS JOHNSON, from the Committee on the Post Office and Post Roads, reported a bill to reduce into one the several acts establishing the Post Office Department; which was read twice, and committed to a Committee of the Whole.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act for the relief of the President, Directors, and Company, of the Merchants' Bank, in Newport, Rhode Island," reported that, in the opinion of the committee, the said bill ought not to pass. The bill was committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled "An act to extend the time limited for the settlement of private land claims, in the Territory of Florida," with amendments. They have also passed a bill, entitled "An act to revive and continue in force, an act, entitled 'An act fixing the compensations of the Secretary of the Senate, and Clerk of the House of Representatives; of the clerks employed in their offices, and of the Librarian; in which amendments and bill they ask the concurrence of this House."

The resolution laid on the table by Mr. COCKE, on Friday, was taken up, and agreed to, by the House.

Ordered, That the report of the Committee of Claims, on the petition of Henry Lee, be committed to the Committee of Claims.

Ordered, That leave be given to withdraw the petition and documents of Nathaniel Moffatt.

On motion of Mr. CRAFTS,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from St. Alban's, through Sheldon, to Berkshire, in the State of Vermont.

On motion of Mr. VINTON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Gallipolis, by Vernon Northup's, to Burlington, the county seat of the county of Lawrence, in the State of Ohio.

On motion of Mr. MILLER,

Resolved, That the memorial of Warder and Brothers, attorneys in fact for the trustees of Fry and Spalding, formerly of the city of Philadelphia, which memorial is now on the files of this House, be, together with the accompanying docu-

ments, referred to the Committee of Ways and Means.

On motion of Mr. MANGUM, Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Raleigh, North Carolina, to Haywood, in the county of Chatham.

On motion of Mr. MANGUM,

Resolved That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Raleigh, North Carolina, by way of the Fish Dam, Neuse, and Mount Tirza, to Roxborough.

MISSISSIPPI AND OHIO RIVERS.

Mr. WICKLIFFE offered a resolution directing an inquiry, by a select committee, what farther steps it was proper for the Government to take in relation to the improvement of the Mississippi and Ohio rivers.

Mr. WICKLIFFE stated that surveys and inquiries had been made on the subject, and were in possession of the proper department. The object of his resolution was to urge the Government to put those means into operation, of which they were already in possession. He was happy to find that even the opponents of the bill now pending on the subject of internal improvements, conceded that Government might, constitutionally, act on the improvement of the Mississippi. He would not detain the House with dilating on the importance of the measure to be accomplished, not only by those who were in the immediate vicinity of these rivers, but to the Union at large—the obstacles were such as might easily be removed, and whose removal would in a very short time repay its own expense fourfold.

After some conversation between the mover and Mr. COCKE, as to the reference of the resolution—

Mr. WICKLIFFE consented to withdraw it for the present, till further information was obtained.

SURVEYS FOR ROADS AND CANALS.

The House then went into Committee of the Whole, on the bill for obtaining the requisite surveys and estimates on roads and canals.

Mr. LIVINGSTON, of Louisiana, addressed the Chair as follows:

I would not, Mr. Chairman, said Mr. L., have obtruded myself at all on the attention of the Committee—most certainly, not at this late stage of the debate, but for an idea that has been frequently thrown out, sometimes in the tone of complaint, sometimes in that of reproach, but always with an assumption of the fact, that those who support this measure, do it without a due regard to the Constitution; that there are those in this House, (and they are spoken of as a body, having a common object, and common tenets,) who, to attain any great political object, think that the end justifies the means; and that the Constitution is to be disregarded whenever its provisions oppose that which their zeal and heated imaginations prompt them to believe is for the public good; that they (naturally enough, if such be their principles,)

discourage all Constitutional objections, and think it idle to discuss them.

Now, sir, if there be any who support the bill on these principles, I must assure the House, and the nation, that they are not mine; if there be such a sect, of which I have no other evidence than the charges I have alluded to, it is a duty I owe to myself, to disclaim them and their tenets, to renounce all kind of community with them, and declare my utter abhorrence of the political doctrines that are attributed to them. Independent of the oath we have all registered in Heaven, to support the Constitution, there is such an absurdity, as well as depravity, in avowing a disregard to that Constitution, from which alone we derive our individual political existence, and pointing to any national object, however splendid, as a justification for subverting that, without which, neither it nor any of its institutions, can exist—as cannot, without a reproach to this honorable body, be supposed to attach to any of its members.

How far the discussion of Constitutional questions has heretofore been discouraged, I know not; but, for myself, I have always considered them as of the highest importance; and cannot believe that the time is ever lost, which is employed in examining the character and bearings and true construction of that excellent form of Government, which, I trust, is to connect us forever.

I stand, sir, in a situation, with regard to the measure proposed by this bill, that is not common to many, perhaps to none of the members of the Committee. This subject has been, in the Atlantic and Western States, one that occupied public attention for many years; it has been the object of discussion in this House, and of disquisitions in the papers, and in private discourse, until the arguments have become trite, and almost every individual, whose opinion is of any worth, has formed one on the question.

In the remote part of the Union where I live, the political questions which agitate the other States, do not acquire so intense an interest. The debates of Congress are not frequently republished; the people, in general, having the most unbounded confidence in the wisdom of the National Government, do not pretend to direct it by their suggestions; hence, it happens, that this great object was not forced upon my attention; and that, wholly absorbed by professional duties, and some of a public nature, closely connected with professional pursuits, I came here with no other than general impressions on the propriety of the measure now under discussion. I had no favorite system to support; no pride of opinion to gratify; but brought to the debate a mind sincerely open to conviction, and unbiassed by any prejudice; or, if I had any leaning, it was one which led me to guard against any assumption of power, by the General Government, in derogation of those vested in the States; a habit of thinking, acquired very early in my political life, one that was fostered by all my associations, as well as confirmed by reflection—and although I do not now apprehend so much danger from that quarter, as I once did, although I see none in the present measure,

yet I am not disposed to yield the honor, the danger, or even the reproach, of protecting the Constitution and the State rights, to those who seem to assume the character of their exclusive defenders.

In this disposition, it was with unfeigned satisfaction I witnessed the recommitment of the bill, and that I listened to the very able and instructive debate that has ensued. The result has been, a perfect conviction of the expediency, and the removal of every doubt as to the constitutionality of the measure. If I entertained a doubt, sir, I should not act; and I agree perfectly with the gentlemen from Virginia, (Mr. S.,) that, if we have a doubt relative to any power, we ought not to exercise it. No powers are vested in the Government but those that are given; and, to assume one that we are not convinced is vested in us, is as great a breach of the Constitution, as to do that which the Constitution forbids. And, I repeat, that, if I entertained a single doubt of the power to pass this bill, I should vote against it.

With as sacred a regard for the Constitution as is professed, and no doubt felt, by any of the opposers of this bill, with as high a sense of the importance of preserving State rights, unimpaired, as any of them entertain, I proceed to the particular examination of the question before the Committee.

A great latitude has been taken in this discussion, which it does not become me to reprehend, particularly when I reflect on the pleasure and instruction I have received from the excursive debate. But, although I do not blame, I cannot follow all the ingenious views that have been taken of the subjects connected and unconnected with the question. I must, therefore, confine myself to that before the Committee—that is to say, whether we have the power to make such roads and canals as are necessary and proper, for transporting the mail, for facilitating military operations, or the commerce between the different States.

Most, perhaps I might with propriety say, all, who oppose the bill, have attributed a character to the measure which does not belong to it, and have then employed themselves in showing those characters to be unconstitutional or dangerous.

I will endeavor to strip the question of those adventitious features before I discuss it.

1st. It is assumed that the power claimed by the bill is that of jurisdiction, (exclusive jurisdiction, some say,) over the roads and canals that may be made.

But neither in the bill, nor in the opinions of those who support it, do we find any claim to such jurisdiction; it is found only in the arguments of those who oppose it. I did hope, in some of the speeches that assumed this ground, to have heard some argument, to show that such jurisdiction was inherent in the nature of the power, or that some express Constitutional provision made it so. If any thing of the kind has been attempted, it has escaped my attention. I did hear, indeed, that Congress had power to exercise exclusive jurisdiction over places that should be purchased

by consent of the States for "arsenals, forts, and other needful buildings;" but the analogy between roads and such places, was not attempted to be shown; but, even if it had, no conclusion in favor of the necessity of such jurisdiction can be drawn from the practice under that clause—because, so far from being inseparable from the power to purchase and hold forts and arsenals, &c., the jurisdiction has, in point of fact, in most cases where such cessions and purchases have been made, been concurrent with that of the States—a large majority of those cessions having been made *sub modo*, some reserving one privilege and jurisdiction, others those of a different kind. An examination of the different acts of cession will convince the members of this fact. No argument to suit the present subject can be drawn from that clause in the Constitution. There is no analogy between the cases, and, if there were, the exclusive jurisdiction is not inseparable from the one to which they refer. Is there any thing in the nature of the power that requires this jurisdiction? Congress surely may make a road or a canal—may even pass laws to prevent their being injured—to secure the safe passage of their mail or military supplies over them, without having exclusive, or any other jurisdiction over the soil. Some of their penal laws now extend particularly to offences committed against the free passage of the mail. Some of them inflict capital punishment. They are duly executed. Yet no one has hitherto considered that, for this reason, the General Government had any other jurisdiction than that which is totally unconnected with any locality, which pervades all the States, and operates on the crime, no matter in what part of the Union it may be committed. Of this nature, are the laws against counterfeiting bank notes or public securities. To say, then, that, because it is necessary to pass laws for the protection of the roads, therefore a power must be implied to exercise jurisdiction over them, is to say that Congress have the same jurisdiction over every part of each State, because Congress has the power to punish infractions of their laws everywhere.

The idea, then, of an exclusive jurisdiction over the subject of this power, or of any jurisdiction at all, is wholly unfounded—unprovided for by the bill, disavowed by its advocates, not required by the nature of the power, and raised by the opposers to it, only from the dearth of more tenable grounds of opposition. Yet, strip the argument of this ground, which has been insisted on by, I believe, all who have spoken on the subject, and one-half, at least, of the opposition falls with it.

Secondly. Analogous to this is the idea that, in order to make a road, the property of the soil is necessary.

If it were, I do not well see what objection can be raised from this circumstance to the existence of the power; it might be an impediment to its exercise; individuals might refuse to sell, and then it would be a matter of discretion, whether to exercise the power given by the Constitution to take the property on paying an equivalent; but this belongs to the detail of a bill for laying out a par-

ticular road, but cannot be raised as an objection to the legality of the power.

The right to erect beacons and lighthouses is not questioned; and it must be admitted that the property of the soil is more necessary there than in the case of a road; yet, I well remember an instance, where the owner of a strip of barren land, near the lighthouse at Sandy Hook, refused to sell so much as was necessary for the erection of a beacon, without a very large compensation, (I believe one thousand dollars.) The Treasury refused to purchase, but erected the beacon without permission. The owner sued the collector, recovered heavy damages, and, finally, the United States were obliged to pay for the land double the sum at first required. Now, this difficulty might, as well have been urged against the general power to erect beacons, as the necessity of owning the soil can be in the case of roads; but, in the case of roads, no such necessity exists; it may be exercised, leaving the property of the soil in the first owner, but burdened only with a right of way.

Let us discard, then, this suggestion, also, as one totally irrelevant to the question, or, at best, drawing our attention to details, when we are discussing Constitutional objections to the whole measure.

Thirdly. Another impediment to be removed, before we can come to a fair discussion of the subject, is, the play that has been made on the word "internal." First, the bill is improperly called a bill for "internal improvement." Then, the word "internal" is applied to the *interior* of the different States; and, after this ingenious process, we are triumphantly asked in what part of the Constitution we find the power to meddle with the internal concerns of the States? It is in vain that the advocates of the bill have told them—"Nowhere. That is not the power we contended for—that is neither the title nor the purpose of the bill." They still declaim on this objection; and the tendency of the argument is, that we must show an express authority to make roads and canals for State, not for general purposes; or, that the measure must be abandoned. I have thought it necessary to guard against the error that has pervaded the argument, by this perversion of terms, and to state that, so far as I consider the object as one tending to internal improvement, it is as applicable to the whole Union; and this improvement is not the primary object, the inevitable consequence of the exercise of our Constitutional powers, in relation to the carriage of the mail, the regulation of commerce between the States, and the facility of military operations, which alone, are the objects of this bill.

Fourthly. Again, it is insisted, the power necessarily implies that of creating corporations, with exclusive privileges and dangerous powers.

If I thought so, I should hesitate. I am, in general, no friend to those institutions, and I have always doubted the right of Congress to create them. The great exercise of this power, by incorporating the Bank of the United States, took place before I came into public life, and the renewal of its charter was made after I had left it.

How I should have voted, on either of those occasions, after hearing the discussion, I cannot tell; nor is it necessary now to anticipate what course it may be proper to pursue, as to any measure of that kind that may, hereafter, be proposed in relation to the subject of this bill. But, so far from acknowledging that my support of it should be considered as advocating this and other doubtful powers, I have no hesitation in saying that I consider the institution of banks, both under the State and General Government, as a principal cause of the embarrassments we have suffered, do suffer, and will suffer, while their operations are unrestrained; and that if, without injury to public faith, they could all be annihilated, it would prove a blessing to the country. This may seem a departure from the subject before us, but it was necessary to testify that my vote will not be founded on any assumption that the right of making incorporations is involved in that of making roads and canals. But, that this, with the other topics I have discussed, being supposed to be of more doubtful propriety, in the exercise, than that which is truly before us, were ingeniously attached to it, in order to impede its passage. Neither of these, then, is the question. Two present themselves under the proposed bill. Has the Government of the United States a Constitutional right to make such roads and canals as are necessary and proper for the transportation of the mail—for the giving facility to their military operations, and to the commercial intercourse between the States?

If they have, it is expedient to exercise that power, so far as is provided by this bill?

My assent to the affirmative of these propositions is given to the precise statement they contain, not to those which it has been deemed proper to substitute for them.

Having stated, with precision, what I consider to be the terms and extent of the power, the next inquiry is, What are its characteristics and its nature?

All legislative power must of right have residence in the people. In all independent and free States, the power is equally extensive, until they transfer it by Constitutional laws, or restrain it by compact.

In all the different States of this Union, the people, in the very act of Constitutional legislation, transferred all other legislative power to their Representatives, reserving to themselves the power of designating those who should make and execute the laws; and the ulterior power of organic legislation as often as changes should become necessary.

Under this distribution of the mass of legislative power, the States formed, first, a combination, growing out of a common interest, and held together by common danger, rather than by virtue of any express compact. Afterwards, by the imperfect league called the Confederation,—and, lastly, by the happy Constitution we now enjoy.

The first of these, the Confederation, involved in its formation a departure from principle: for, although it made a material change in the funda-

mental principles of each Government, the people were not consulted. It was adopted by the Legislatures of the different States, to whom the people had given, as we have seen, no right to alter their organic laws.

The present Government was differently constructed, and more legally established. A short review of its principal features may throw some light on the present question.

It cannot be ranked in any of the classes of government established by writers on that subject. It is neither a consolidated government nor a federative—but one partaking of both. A constitution *sui generis*, original in its conception, containing a most happy combination of powers, calculated to cover an indefinite extent of country, without danger of weakness or oppression, containing the means of adapting itself, by judicious amendment, to all the changes that time and circumstance may require, and already become the model by which foreign nations are forming their political institutions.

The features of consolidation are evident, first, in the formation of the Government. It is in the name of the people of the United States—it was submitted to them and received their sanction. Second, by its provisions. The people are represented, in one of its branches, in proportion to their numbers. Each man is a citizen of the whole nation. The army is the Army of the United States. The navy is the Navy of the nation. We have all common enemies—common friends. Our currency, our discoveries, our literature, our commerce, our weights and measures, are ours as citizens of the United States, independent of the State authorities. And, to give effect to these rights, we have a great national Judiciary, and an Executive power, belonging to the whole.

With all these characteristics of consolidation, it has others, and most valuable they are, of a federative nature. The State governments, although they did not finally adopt, yet gave it their previous assent, without which it would not have been submitted to the people. They are severally, and without any regard to their population, equally represented in the Senate. When the people disagree, they decide on the choice of the First Magistrate. And they retain the residuum of legislative power which is not vested in the General Government, or retained by the people.

Whether the powers in question are among those granted, or whether they were retained by the States or the people, is the question to be decided.

Legislative power, (I pray the Committee to pardon the didactic style of this part of my address to them; I speak with sincerity and humility when I say, that most, if not all, of them, are better able to instruct me, than I am to teach them any thing on this subject—but I am forced to define, because I have observed, that we do not at all use the same words in the same sense)—legislative power may be divided into political and civil powers.

By political powers, I mean such as have for their immediate object the regulation and welfare

of the whole body politic, whether on its internal or its external concerns, and which acts on the whole mass of the people, in their aggregate capacity.

Civil power, such as acts immediately on the citizens, individually, for the protection of their persons, reputation, and property.

Political power must affect individuals in its operation, and civil power must ultimately, in its exercise, produce political effects; but the immediate operation of the one or the other, constitutes the distinction between them.

Frequent use has been made, in this debate, of the term municipal power. In its original and proper sense, this term meant the powers exercised by the conquered towns to whom the policy of Rome left the choice of their own magistrates, and the regulation of their interior affairs.

A more extensive signification has, however, been given to it, by Blackstone and others. They use it so as to comprehend every species of legislation, and include in the term municipal law, all laws but those of nature and of nations.

In this sense, it would include political as well as civil powers, and be as much too extensive, as, in its proper sense, it would be too confined for our purpose. I shall therefore altogether decline the use of the term.

The establishment of organic laws, is the first and most important exercise of political legislation. This, as we have seen, has in our country been exercised by the people, specially represented for that particular purpose. But other powers of political legislation are given to the Governments they have instituted. To which? The General or State Governments?

As a general rule, all political powers, (under this understanding of them,) which relate to the United States, as a nation, together with certain enumerated civil powers, were, by the Constitution, vested in the National Government.

All civil powers, with so many of a political nature as are necessary for the exercise of the State governments, are vested in the States.

What is the nature of the powers in question, most clearly political, and of that class which apply to the United States as a nation?

They act immediately for the benefit of the whole nation, and upon the whole mass. The carriage of the mail, the roads and canals for military operations, the facility given to commerce between the States, are all of this description.

They are, then, a portion of that general legislative power, which resided in the people. They cannot be annihilated, and must be found, either in the State governments, the General Government, or undisposed of, in the hands of the people.

It is not presumable that the people intended that these powers, so important to their convenience, to their happiness, to their very existence as a nation, should lie dormant. Some of them were exercised by the confederation of States, even prior to any compact. At the very moment when they sprung into political existence, they considered themselves as one people. Their declaration uses those very expressions, and by common consent

their deputies raised armies, declared war, issued letters of marque, emitted money, built forts, and established a general post office. Nay, they even exercised the doubtful power of chartering a bank. Now, can it be supposed, I repeat, that a people, familiar with the exercise of these important powers, by the National Government, when this was found too weak, and they were called on to enlarge and strengthen it, should not only take from their national rulers, but absolutely annihilate any of those essential powers? This cannot reasonably be supposed; and if the powers be not found in the State governments, or in the people, they must be in the General Government.

But they are not in the State governments.

1. Because they exist only with the existence of the General Government. As they relate to no one State in particular, but to all, considered as a whole, no one State could exercise them prior to the union of all into one nation. If roads are necessary for the carriage of the mail or for military operations, or either canals or roads for facilitating commerce, it is the mail of the whole United States; they are the military operations of the nation; it is the commerce, not of one State, but between the several States as members of the Union. No individual State, nor any number short of the whole, therefore, could be the depository of this power. But, if it be a power resulting from a State right, each one must have a concurrent right and a concurrent power to do that which, from its very nature, can only be effected by one will. This involves an absurdity in terms. Therefore, on this ground, it is not a power reserved by the States.

2. It is not such a power, because its exercise by any one State would involve the right in that State of judging and determining what is for the benefit of the whole—a right nowhere given, and destructive of that equality which is the basis of the Union. But every right supposes a corresponding obligation. Hence, on the hypothesis that it is a reserved power still existing in the States, each one has a right which all the others must be bound to obey, and which yet each one of all the others have an equal right to counteract and disobey. To exemplify this: If the right to designate and make a post road for the United States be one reserved by the States, (each one possessing it, as we have seen, in an equal degree;) if any one State shall designate the route of the mail, and make a proper road for its conveyance, all the others must be under an obligation not to interfere with its exercise, or else it is no right. But the route, so designated, is inconvenient to one of the other States, who, by virtue of her reserved right, establishes another post road; which of these is the true one on which the obligation is to operate? This absurdity cannot be avoided by saying, as has been said, let each State make and establish the road within its own boundaries; because it is the post road of the United States, for the carriage of the mail of the nation, not a road for State purposes, about which we are speaking. A road may be very convenient for a State, and very inconvenient for the United States. A road

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very necessary for the carriage of the mail may be, from natural impediments, too expensive to be made by the funds of the State through which it passes. In short, those who talk of State roads, and those who argue for the right of making a road for the mail of the United States, speak of totally different things, and under this misunderstanding the debate may be infinitely prolonged.

3. Again: the making the post road may be considered as a right, or as an obligation, according to its operation either as a benefit or an injury. If it be a right, there must be some power to enforce it; but there is none, and we have seen there is no corresponding obligation. Therefore, it does not exist as a right in any of the States individually.

If it be an obligation, in whom does the corresponding right exist? If in the United States, the question is settled, but in a manner the most injurious to State rights. If it be an onerous obligation on one State to make roads for the benefit of the whole, it is most unequal in its operation, as well as unjust in its principle; and therefore cannot readily be supposed to exist in either shape.

4. When we add to these reasons, drawn from the nature of the powers, those which result from the expressions of our national compact, and which clearly evince a design to vest them in the General Government, no doubt will remain that the States did not intend to retain the powers in question for their own exercise.

These will be more fully developed hereafter. At present I only indicate, as proofs of this renunciation, the clauses which give the regulation of the Post Office Establishment the direction of the national defence, and the regulation of commerce between the States to the General Government; the renunciation of any right to enter into any compact between the States without the assent of Congress, and the abandonment to the Union of all the common funds, without which no system of general improvement can be carried on.

For these reasons, it may be fairly concluded that the States did not intend to retain this power in themselves. Is it retained by the people? This inquiry is easily answered. We have seen that, in the formation of the State governments, the people vested in them all the legislative power, retaining only the right of making Constitutional changes, and of electing the administrators of their Government. But the power in question is a legislative power; therefore, the people did not retain it.

If, then, it be neither in the people nor the State governments, as it is a necessary power, it cannot be annihilated, except by express compact. It is not pretended that any such compact exists. It is not, then, annihilated, but exists somewhere; not, as we have seen, either in the State governments or in the people—in one or the other of which, by the 10th amendment to the Constitution, all residuary power is vested. Where, then, is it to be found? By necessary consequence, in the General Government.

This, sir, I shall now proceed more fully to

show, premising that I bear constantly in mind the great principle with which I set out, that the General Government has no powers, and can exercise none but such as are given by the Constitution, and that all that is not given is retained by the States or the people. This would have been the true mode of testing the rights of the Constitutional power, if the 10th amendment had never been made. The people and the States gave. Whatever they did not give, they of course retain. Let me remark, that this amendment does not use the language inaccurately, in this debate, sometimes attributed to it. It does not say all is retained that is not expressly given; but, simply, "all powers that are not delegated to the United States, nor prohibited to the States, are retained," &c. To have used the word "expressly," would have been to violate all rules of construction, and to have rendered the Constitution totally inoperative. It was the design of the wise men who framed the instrument that it should be construed by the same rules that apply to every other grant; that the plain intent of the parties, to be gathered from the words of the compact itself, should govern; that the grant of a principal power should carry with it all its necessary incidents, and that the whole instrument should be taken together, in order to ascertain its true meaning.

These, sir, are the only rules of construction which I mean to use; this is the utmost latitude of argument I shall take, and I repeat again, that I disclaim any exercise of the power, unless I can show it to be clearly granted; and that, if I could think any constitutional State right violated by it, I should as instantly abandon my support of the measure, as any of those who now oppose it—being determined never, in any situation in which I may be placed, to yield to any man, or set of men, a title to the exclusive appellation of defenders of State rights, or of the Constitution.

The powers, of which this bill proposes the exercise, I conceive to be vested in the Government of the United States:

First, by necessary implication. They are political powers of legislation, having for their object the whole of the Union. If this be a true description of them, it was evidently the intent of the people to vest them in the United States, unless they intended to annihilate them. It has been shown, I think, conclusively, that they were not retained. But the nature of the powers in question is such as will not permit us to believe that a wise people intended to destroy, or suffer them to lie dormant. Can we suppose for a moment that powers to provide effectually for the transmission of the mail, for the march of troops, and the carriage of military stores, and rendering commercial intercourse easy between the different States, are such as were intended never to be brought into action? Yet, this must be the result of such a construction as denies them to the General Government; for, I repeat, the people have not retained them, and, by the compact we are construing, the States have deprived themselves of the power of exerting them. Therefore, unless they

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are found in the Union, they are lost, utterly annihilated. No, sir; powers so little liable to abuse, (I might, without exaggeration, say,) so incapable of being abused, productive of so much good, interfering with no civil right, so necessary to social intercourse, so essential to the maintenance of the Union, to its defence, and the common prosperity of all its members; such powers cannot be supposed to have been designedly annihilated, and we may boldly pronounce that construction of the Federal compact to be a false one which supposes it.

But the question does not rest wholly on an implied grant of power, however strong that implication may be. There is, on the fairest and best received rules of construction, a clear grant of each of the powers contended for.

Let us take them in their order, and not attempt, as has been erroneously imputed to us, to derive all the three powers from a single provision. We shall thus take away from the opposers of the bill the argument that its advocates must be wrong, because they have relied on different clauses of the Constitution for the power they contend for—an argument that arises only from the false position which it has been found convenient to assume. That the bill is intended to establish a single power, which they have denominated the power of making internal improvement; and because no authority could be found for this imaginary power, neither asserted in the bill, nor contended for by those who support it, we are told that no one of the different clauses, which have been relied on to authorize the different measures proposed, being sufficient to cover the whole, or to empower us to make a general system of internal improvement, in their sense of the word, therefore, the reliance on so many different parts of the Constitution is evidence of error, which is infinite in its aberrations from the singleness of truth. This is ingenious reasoning. But, to put an end to it at once, let us again go to the bill. It proposes no exercise of any one power, either nominally or actually a system for the internal improvement of the States. Its object is three-fold:

To provide the preparatory measures for hereafter making such canals and roads as are necessary and proper;

For the carriage of the mail;

For military operations;

And for facilitating the commerce between the States.

If we find an authority to effect each of these objects, in different parts of the Constitution, it will be sufficient for our purpose.

The clause respecting the Post Office power has been so often commented on, and every word in it so curiously dissected, that I shall not enter the lists in this philological contest. I take a broader ground, and, whatever may be the precise meaning of the word *establish*, in the language from which it is derived, or in the strict sense of its proper employment in our own, I ask any man of plain understanding to consider the nature of the power, the certainty that it cannot be exercised by the States, and the improbability of its being

intended to lie dormant—then to read the following provision: "Congress shall have power to establish post offices and post roads;" and to determine for himself, whether this grant of power, made under such circumstances, was not intended to give to the United States the general direction, the complete control of the Post Office Establishment; whether any thing essential to its exercise was intended to be reserved; in other words, whether it was not a complete transmission of the power in all its parts to the grantees? If this be answered in the affirmative—and can there be a doubt that it must be—it follows as a necessary consequence, one repeatedly admitted in debate, (and indeed so clearly provided for in the Constitution as not to be denied,) that the incidental power of doing every thing necessary and proper to execute the principal one, passed with it. What is the principal power? The regular and safe transmission of the mail to every part of the United States. What is required for this transmission? Of necessity, roads; for convenience, good and direct roads. What does the bill propose? To provide such roads as are necessary and proper for the conveyance of the mail; therefore, demonstrably, logically, the bill assumes no power not given under this head by the Constitution. We do not assume the right of jurisdiction, nor the right of making roads where they exist. The true argument lies in a narrow compass; we have the right to transmit the mail, it cannot be transmitted at all without roads, nor conveniently, without good and direct roads. Therefore, by virtue of the ancillary powers expressly given, we may make roads where there are none, and repair them where they are bad.

Where sufficient roads already exist, it would be neither necessary nor proper to make others; and it would be both a breach of our Constitutional duty, and of the principles on which this bill is framed, to assume that power. This is all, sir, I shall say as to the Constitutional clause respecting post offices and post roads. And I hope it is sufficient, on a fair construction of it, to show that the power of making such roads is one of those evidently intended to be vested in the Congress of the United States, and not retained, because impossible to be executed by the States individually.

Another object of this bill is to provide such roads and canals, and only such, (in this view,) as are necessary for the purposes of defence. This power is so evidently given, that I believe it has been generally conceded to exist. It has, indeed, been exercised in different parts of the Union to a great extent, and has not excited, that I have heard, the slightest sensation. A road of this description was made in the State of New York, from the St. Lawrence to Lake Champlain; another from Nashville to New Orleans. Yet, no one imagined that the President, who, I believe, directed the one of these operations, and the Congress, which provided for the other, had exceeded their powers. Happy would it have been for the honor, for the safety, and the finances of the country, if, previous to the late war, this power

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had been more generally exercised. The ignominious surrender of a whole territory—the lives of thousands of brave men, and an incalculable expense in transportation, would have been spared. Sir, we have heard, and the fact is undoubted, that, when provisions did reach your men on the Erie and Michigan frontier, they lost more than ten times their original price in transportation; that frequently the loads were so long on the route as to be totally consumed for the necessary food of the conductors: and perhaps it would be no great exaggeration to say that your artillery cost nearly its weight in silver before it arrived on the field of action. This power, then, has been either not at all or very faintly denied. But a singular objection is raised to its exercise—that, if constructed, these roads and canals will be used for the purposes of internal commerce, and for the conveyance of the mail. Now, as Congress have no power, according to these gentlemen, to make post roads or commercial canals, we are told that the Constitution forbids the mail coach to rattle over a military road, or a commercial cargo to be wafted over a military canal. If this be true, it is unfortunate for the Postmaster General's Department and for the merchants; but it is surely no argument against the power to construct military roads and military canals, that, by a wicked abuse of power, they may afterwards serve the most unconstitutional and impolitic and ruinous purpose of transmitting the mail or increasing the commerce between the different States. If what is meant be, that this power, which is acknowledged, may serve as a pretext for the exercise of others which are denied, I answer again, that this would be an abuse of power which ought not to be supposed, and cannot justly be reasoned from. When we perform these operations for military purposes they must be bona fide such. And I, for one, sir, shall surely not regret if, in its consequences, the commerce and convenience, as well as the defence, of the Union is promoted by them.

The bill also assumes the right of making roads and canals for facilitating the commerce between the States; and this branch of the subject has excited the greatest degree of opposition, and the greatest talent and ingenuity in the debate. The argument has chiefly turned on the word "regulate," used in making the grant of power over the commerce between the States. I shall here, as in the former instance, forbear any attempt at etymological disquisition, or nice inquiries into derivation; I pursue the only, the true inquiry—What, from the nature of the case, and the whole tenor of the instrument, appears to have been the intent of the parties? What sense would a man of plain good understanding, not a professed grammarian, critic, or philologist, affix to it? The instrument was made by the people, and for their use; the popular, not the learned signification of the term must therefore be sought. We may be aided in this search, not only by the import of the whole instrument and by a consideration of the purposes for which it was formed, but by the construction, I mean the practical construction, that was put on it after it went into operation.

No man has a higher idea than I have of the talents and extensive political views employed in the work that has been so frequently quoted here to illustrate the meaning of different parts of the Constitution; but I always read such works, as well as the debates of the Convention, with some diminution of confidence, when I reflect that every man at that period, of any talent, was enlisted on one side or the other, in the great question whether the Constitution should be adopted or not. All the writings of that day are arguments; the friends of the measure softened, its enemies exaggerated, all the powers of the proposed Government; and it seems to me, that arguments made under such circumstances are not calculated to produce the same respect that the great names of Madison, Henry, Jay, and Hamilton, would otherwise inspire.

It is not, therefore, to the Federalist, or to the debates in the conventions, that we should recur for instructive commentaries on our Constitution; like most other commentaries, they frequently obscure the text; but the practical construction is not liable to these objections; and on the point before us is capable of affording the greatest instruction.

Seldom did a Government go into operation under more trying circumstances; it had been adopted by bare majorities in several of the States. The opposition to it was soured by ill success, and embittered by the acrimonious debates it had occasioned; its friends, the most violent and inconsiderate part of them at least, were elated by their triumph, and were supposed to nourish ulterior views, of changes leading to consolidation, to hereditary office, and other measures inconsistent with the letter and spirit of the Constitution they had established. Leaders of both these parties were elected in the two legislative branches, and there (as was inevitable) two parties were formed, each suspecting the other of views hostile to the Government. The one by increasing its powers by construction, until the State authorities were destroyed, and, as one of the means of doing it, giving improper energy and influence to the Executive branch—the other by encroachment of the State powers on those of the Federal head, and reducing it again to the imbecility of the Confederation. While each party believed the other actuated by such motives, the utmost jealousy of every measure proposed by either, was inevitable, particularly in the first few years after it went into operation, when a permanent character was to be impressed by the measures it should adopt.

I speak, sir, of the scenes which immediately preceded and followed the adoption of the Government, with perfect recollection. I saw it spring into existence, and was witness to the pangs and throes which gave it birth; the great change was not produced without struggles that had nearly convulsed the nation to its extinction; private interest, State pride, local views, fears of unknown changes, a dread of the encroaching nature of Executive power, and of military establishments, and a sincere but mistaken idea that the individual States would soon fall a sacrifice to the con-

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solidated power of the whole, arrayed a great and powerful party against the establishment before it took place; and, subsequently, continued to operate, though in a less degree.

A very short time afterwards I was honored with a seat in this House, and found myself associated with men who thought themselves called on, by what they believed the views of their opponents against the independence of the States, to observe, with the most jealous care, every measure that could, in the remotest degree, affect them. That these suspicions might, in the warmth of party feeling, have, in some instances, been carried too far, may, perhaps, in the candor of cooler moments, be admitted; but certainly they cannot, with justice, be accused of any want of attention to every appearance of encroachment, or of the want of courage to oppose it; nor was the ability to discover, or the talent, when discovered, to expose any such measures, wanting in the men of whom I speak.

We had Madison, whose energy of thought formed a singular contrast with his mildness of language and the suavity of his manners, who always addressed himself at once to the understanding of his hearers, without any treacherous attempt on their interest or passions; whose comprehensive mind embraced every possible view of his subject, and whose patient investigation left no argument unanswered, no sophism undetected, no false position unrefuted: Madison, whose works are, even in his life time, consulted as the oracles of truth, and whose fame will survive while admirers can be found for genius, patriotism, and virtue.

Gallatin, a host in himself, one of the most extraordinary examples of the power of genius, guided by integrity and pure political principles—eloquent, and often irresistible, in a language not his own—inferior to no native in a knowledge of the laws and Constitution of his adopted country; he stood among the first of those who then thought themselves specially called on to defend them.

We had Giles, who, to an unrivalled talent for debate, added a most extensive knowledge of the bearing of each part of the Government on the whole, a stock of political information, ready to be called into use on demand, and an independence of spirit and political courage, perfectly regardless of personal consequence; a gentleman, I may be permitted to add, whose absence from the councils of the nation will always be felt whenever they are occupied with a Constitutional question.

There was another, who still enjoys the uninterrupted confidence of his countrymen, in another branch of this Legislature: when I say that I mean the Cato of republicanism, whose *delenda est* was applied to every abuse, every extravagance, and every species of corruption, I need not write the name of Macon under the picture.

In speaking of those who were considered as the champions of State rights, and the firm opposers of consolidation, it is impossible not to remember the name of Nicholas, than whom a better man, a sounder politician never lived, nor a

more independent spirit ever quitted this world for a better.

There is yet one, sir, to whom I must allude, although I do it at the risk of offending the delicacy of an honorable member of this House, then in the vigor of youth; he joined indefatigable exertion to that enthusiastic love of liberty which will never leave him but with life; he was the Murat of the party; he disdained defensive warfare; and, wherever the measures of our opponents were assailable, he made them feel the keen edge of his satire, or the irresistible charge of his argument.

With these men I went, sir—*Sed non passibus aequis*. They surpassed me in every thing but a sincere love of the Constitution, and an ardent zeal in its defence. My vanity, however, is satisfied with the idea that my name will sometimes be associated with theirs, without the slightest pretension that my utmost exertions in the same cause will be ever compared to the least of theirs.

To these might be added many others, who gave occasional assistance in debate, and a list of worthies, who, like the "*fortemque Gyan fortemque Cloanthum*" of the Poet, may be characterized by an epithet common to them all—they were good men and true, whose names stand on your Journals in goodly columns, to record the firm negative with which they made the Hall resound, whenever any proposition was made that might be construed into an attack on State rights, or that squinted towards consolidation.

Such were the men, sir, who conceived themselves called on, by every motive of principle and patriotism, to prevent any false construction of the powers of the General Government, particularly such as was calculated to increase those powers. Their zeal was increased, and their talents kept constantly in exercise, by daily collision with men, whose talents, and genius, and eloquence, made them worthy to enter the lists with those I have described. The minds of those who had to grapple with Ames, and Bayard, and Harper, and Otis, and Dexter, were not suffered to rust in idleness; every faculty was sharpened, and pride and emulation united with a sense of duty in making these watchmen alert on their posts.

Yet, sir, it was at this time, and by these men, under such circumstances, that the practical construction to which I now return, was established.

The Constitution gives to Congress "power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." This was among the first powers that came to be exercised by this Government. The regulation of three kinds of commerce was given to it: foreign commerce, commerce between the States, and commerce with the Indian tribes. It is obvious, that no more power is given in relation to any one of them, than to the other two. If regulate means only (in its strictest sense,) to restrain by laws or rules, in the one, it must have the same meaning as to the others. If, on the contrary, as to any one, it may signify not only such restriction, but also a general superintendence, extending to every species of legislation necessary

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for the subject, then the same liberal construction must be extended to the others—because, neither in the clause nor the context, is there found the slightest distinction. The inquiry then, now is, whether a practical construction has been put on any of the three powers given by this clause.

The subject that most pressed on the attention of Congress, in its early sessions, was the regulation of foreign commerce. If they had considered the power as confined to regulation, in the strict sense now contended for, they would have confined themselves to the passage of laws declaring in what manner the revenue arising from it should be collected, in what ships it should be carried on, and to what ports, and from what countries, without daring to do any thing that was merely calculated to facilitate or extend it. But, the very reverse was the fact—one of the first acts passed, I think in the first session, and annually renewed for some time after, was one taking charge of all the buoys, beacons, lighthouses, and piers, which had been established by the States. Now, sir, if *regulate* does not extend beyond the restriction by rules, as gentlemen now tell us, if it cannot, without a violation of the Constitution, be extended, so as to embrace the idea of promoting and protecting, by what authority were these acts passed? What were the Madisons and Gallatins, and the Gileses, and the other faithful guardians of the Constitution, then doing? Were they asleep on their posts, when this daring inroad was made on the State rights? What! suffer the State lighthouses, the State piers, the State buoys, and the State beacons, to be taken by the General Government, without a word, when they had no other power than they could derive under the word *regulate*? No, sir; they were not negligent of their duty. If they could have imagined that a doubt could have been entertained as to the rightful exercise of the power, depend on it, that doubt would have been raised. The party, sir, was not without its minute philosophers. We had our etymologists and philologists—ay, sir, our hair splitters, and measurers of syllables, as well as other assemblies—and, if it could have occurred to them, that the States would be ruined by saving them the expense of these establishments, or that the power was doubtful, be assured that not a letter composing the word *regulate* would have escaped examination. It would have been traced to its root, and the verb *regulo* would have been danced through all its moods and tenses, to show that its signification was to restrain, not to promote or facilitate. Then our logicians would have taken up the argument, and said, We have only a power, (as has been demonstrated by the philologists,) to restrain. But, lighthouses and piers facilitate. To facilitate is not to restrain—therefore, we have no right to build lighthouses, which was to be demonstrated. But, sir, not one word of all this fine learning and research was heard. The grammarians and the word-mongers and the Constitutional watchmen and the guardians of State rights, were silent—and the buoys and piers and lighthouses were taken under the protection of the United States without a single negative. The

measure passed with as little ceremony or opposition as a motion does here to adjourn at four o'clock! It not only passed once, but was yearly repeated, and always without exciting any doubts or fears. It passed, not only with respect to the first object of the clause, foreign commerce, but in a more striking degree, as respects the last, the trade with the Indian tribes. This has undergone every degree of legislation of which the subject was capable, and always, it is believed, without any fears of infringing the Constitution.

Now, sir, this brings us to the dilemma of declaring all this uniform course of legislation, from the establishment of the Constitution to the present time, our own acts and those of our predecessors, to be unconstitutional and void; for not a session has passed, nor will this pass, without providing for those very piers, lighthouses, and beacons. We must, I say, declare every Congress, every President, since the first institution of the Government, including ourselves, to have been guilty of deliberate annual breaches of the Constitution; or we must decide that we have the power contemplated by this bill. For the power in relation to foreign commerce is the same as that given in relation to commerce between the States. It is contained in the same sentence, and the same verb governs both members of the phrase. If, then, this phrase gives the power to facilitate foreign commerce by building piers and seawalls, why does it not equally give the right of facilitating and promoting commerce between the States, by cutting canals? If even a colorable answer can be given to this question, I abandon the measure. But, although put cursorily in the debate, by the honorable Speaker, I have heard no distinction attempted. We have, indeed, been told, that the establishments for foreign commerce are on the seaboard. This is not always the fact. The piers of the Delaware are within the body of the State—part of some county. So, indeed, are all these buildings. But, if it were true, what is the consequence? The locality does not alter the right; and, if strictly examined, it will be found that many of these establishments are in places in which they are principally useful for the trade between the States, and, in some, where there is no foreign commerce, as the lighthouse on Lake Pontchartrain, and others that might be named. The power, then, has been exercised in favor of the internal State commerce, as well as the foreign.

I rely more on this practical construction, because a majority of the phalanx of great names I have enumerated, and who sanctioned it by their silence, were from Virginia. Virginia! then, as she is now, the bulwark of State rights. Virginia! then, as she is now, represented by some of the highest abilities. Virginia! always foremost in defence of the Constitution. And I say those precedents cannot be wrong—that construction cannot be false—which were made by the distinguished Representatives of that distinguished State.

But it is objected that this power cannot have been intended to have passed to the General Gov-

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ernment, because, in its exercise, it is liable to the greatest abuse. What! say gentlemen, shall the United States have power to take away my land for a road, or divert the water from my mill, for a canal? Shall they have power to seize on the State works, empty the feeders of State canals, drain off Lake Drummond, and change the course of the Roanoke? The answer to this has been given. They have power to do nothing but that which is necessary and proper for the end. These acts would be unnecessary and improper; therefore, they have no right to do them. But the power as to foreign commerce is equally extensive, equally liable to abuse. They have no more right to take land for canals than they have to take it for lighthouses; yet, whenever land for that purpose has been wanted, they have purchased it. If, then, the laws protect us against encroachment on the seaboard, why should we doubt their efficacy in the interior? All powers are liable to abuse. Most of those vested in Congress are so in a much greater degree than this. The power of taxation may leave nothing to support the State governments. The acknowledged power over foreign commerce may be so exercised as to produce the greatest oppression. It can never, then, be made the objection to the constitutionality of a measure to say that it is liable to abuse.

We are asked, sir, if these powers were intended to be given, why were they not clearly expressed? Why was it not said, in so many words, Congress shall have power to make roads and canals? The answer is easy. It is a characteristic of the Constitution that it deals in general expressions, and avoids details as much as possible, for the plain reason that all cases could not be expressed, and that the expression of one might be argued into an exclusion of another power equally intended to pass by the general words; as in the present case, if the power had been expressly added to the clause of making canals to facilitate commerce, and hereafter some improvement, such as railways or inclined planes, should be found more convenient, the power to make them might be doubted, on account of the express power given to make canals. But I think it has been sufficiently shown, that, without recourse to implication, the grant of all these powers is sufficiently established.

We are next told, that the point being at least doubtful, we must resort to contemporaneous exposition; and we are, as usual, referred to the numbers of the *Federalist*, and to the debates of the Convention. The reasons for receiving these commentaries with some allowance have been already stated; but, in the present instance, the passage of the *Federalist* so often quoted may with as much propriety be construed to mean that the roads and canals of which he speaks are to be the work as well of the General Government as of the States; and as to debates, we find that in the New York Convention at least, the power we contend for supposed to be given; for an amendment was expressly proposed, and rejected, for its limitation. But we deny the premises of this objection. The text, we contend, is express, and the commentaries are introduced to make it doubtful.

After one or two other objections, the answers to which have been anticipated, we are told that Mr. Jefferson recommended an amendment to the Constitution, in order to obtain the powers in question, and that both Mr. Madison and Mr. Monroe have rejected bills passed for that purpose, because they supposed them unconstitutional.

[To show the first circumstance incorrectly stated, Mr. LIVINGSTON read the Message of Mr. Jefferson.] It appears, he said, from this, that the great statesman whose authority is relied on, and certainly none is entitled to more respect, recommended several objects of internal improvement, among which were roads and canals, and others not within any of the powers granted to Congress, such as a national system of education, and he only recommends an amendment to embrace such of the powers as are not vested in Congress—most clearly indicating that the others, to wit, the roads and canals, were. It is true, that the two next Presidents, Mr. Madison and Mr. Monroe, did return bills on this subject, but these bills contained, each of them, provisions different from this. And from the language of Mr. Madison's previous Message, we must conclude that these details, not the principles assumed by the bill now before us, were the reason of his objection; for he, in that Message says: "And I particularly invite again their attention [of Congress] to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity."

And Mr. Monroe clearly admits the power, though he does not derive it from the same source that most of its other advocates have relied on. But give the objection its most extensive interpretation; if it should prove that two Presidents have thought the measure unwarranted by any express power, it also proves that large majorities in both branches of the Legislature have, whenever it was submitted to them, entertained a different opinion, and, as far as Executive authority goes, we have its unequivocal opinion of the expediency of the measure.

But, it is repeated, this is a local measure, originating in local views, and will be executed for the benefit of a part of the Union only.

It seems hardly just or reasonable thus to characterize a measure recommended by three successive Presidents, during a period of more than twenty years, and acted upon by several successive Legislatures; and, whatever may be the private views of any of those who support it, those views can form no just ground of opposition, if the measure be in itself good. If what is meant be, that it is intended, and will operate exclusively for the benefit of certain parts of the Union, without resulting in any good to the whole, I answer, this must depend on the manner in which the power shall be directed to be executed by a subsequent bill;

that all local views, if any should then suggest inexpedient works, will be defeated by the wisdom of our successors; that this would be an abuse of power, and that the possibility of such abuse is no argument against its existence. Besides, sir, how can this argument be reconciled to that which supposes the exercise of this power within any State so ruinous as almost to justify resistance? But, if the argument consist in asserting that the execution of the contemplated works must produce a greater advantage to the places in their vicinity than to others more remote, the assertion is undoubtedly true; but every legislative act, without exception, is unequal in the benefits or inconvenience of its operation, and we must cease to legislate if the power can be legally exercised only by preserving a perfect equality in the distribution of the good and evil of legislation. We must have no ports of entry because of the advantage the proprietors of stores and houses, situated there, will derive from it. No seat of government, no county towns, must be established by the different States. No public buildings must be erected, because the lands in their vicinity will be augmented in value. No officers must be appointed, because of the advantage they derive from their salaries.

Leaving the Constitutional objections, those who oppose the bill are the most vehement when they approach the question of expediency. If one tenth part of the evils they predict could reasonably be apprehended, we ought not (although convinced of the power) to exercise it. Tyranny, oppression, seizure of private property, annihilation of State rights, breach of the Union, ruin and desolation to the whole empire; these are denounced to us in all the vehemence of irresistible elocution as the inevitable consequences of the measure we propose. But, though frequently urged, the means by which these dreadful predictions are to be accomplished are not revealed. Oraclular language has always been obscure; and we are left to conjecture how a measure, of all others the least calculated to excite alarm, the least liable to abuse in its execution, and inevitably accompanied by the greatest local advantages to the States into which it must be carried into effect, should provoke the jealousy, or cause the ruin of those States; how the promotion of commerce between the different members of the Union, providing for the daily social intercourse of their inhabitants, establishing effectual means for their common defence, and binding them in the chain of mutual benefits, can cause their separation. Some, indeed, have lifted a corner of the veil, and given two distinct theories, on the establishment of which they found (I confess I cannot comprehend in what manner) the accomplishment of these awful results.

First, we are told that the latent vice of the Constitution, the fatal disease under which it must finally fall, is an excess of power given to the General Government, enabling it to encroach on those of the States, and annihilate them in consolidation.

This is a revival of the old bugbear that frightened us in our political infancy. It was the pre-

diction of the anti-federalists who opposed the political union of the States under our present happy Government, as it is now of those who oppose their commercial, social, and defensive union under the means now proposed. Forty years have elapsed without the most remote indication that the first prophecy was about to be accomplished; and I trust, sir, that thousands of years will roll on in prosperity and union without fulfilling the second.

I entertain the greatest respect for the opinions of those who entertain those fears; but I cannot participate in them. Unless I am greatly mistaken, they arise from a false conception of the nature of our Government, from a want of due attention to its structure and component parts. Were the powers of the Constitution vested in a single man or in a permanent body, there would be good reason for the apprehension.

But, who is it that we, as representatives of the people, believe will encroach on the liberties of the people? We, ourselves. We, the representatives of the people. Who do we fear will join us in overturning the governments of the States? The representatives of those very States; the guardians of their sovereignty. Who is to sanction those invasions of private liberty and State sovereignty? The man elected by the States, and by the people, who, by a happy combination of both powers, derives his political existence from both. No form of Government could have been devised more happily framed to allay the fears of those who, justly attached to their local authorities, wished to preserve them against encroachment. The people individually represented in one branch by men who, at stated and very short intervals, return to the mass of the people; the State sovereignties occupying exclusively a second branch, with equal powers; a qualified power of rejecting all their acts, and full executive power vested in a man chosen under the direction of the State sovereignties, and those sovereignties left in the full exercise of their power. If all this does not form a barrier against any invasion of State rights, there is no security in Constitutional provisions, and it is in vain to make any compact to restrain the exercise of power. I acknowledge, sir, that the most express organic stipulation may prove a weak barrier against interest or ambition, where no countervailing interest or other strong motive is proposed to check their operation. Here neither interest nor ambition can be tempted to produce the effect that is apprehended; and, if they could, effectual means are provided to check any enterprise of that nature that could be formed.

What is the particular fear? That the Government of the United States, consisting of the House of Representatives, the Senate, and the President, should use the powers given them, and usurp others not given, for the purpose of weakening first, and finally destroying, the State sovereignties, and merging them in one consolidated government. This is supposed to be not only a feasible object, but the natural tendency of the Government; the disease of which, in its present form, it is doomed to die; and that all our atten-

tion is required to retard the fatal event. That every exertion of power is to be considered as a dangerous symptom, and to be repressed, as we value our political existence.

First. Is it possible that we can desire this change; that our interest or ambition could, in any event, be gratified by producing it? This change, remember, is the preservation of this Government, and the prostration of that of the States. But, if the State governments go, this must go with them. We move, and breathe, and have our being, only by means of the State governments. Destroy them, and we destroy ourselves. A complete revolution must now follow. Therefore, neither our interest nor ambition could be gratified by doing that which it is said to be our natural tendency to do. All illegal changes in government, that are not produced by violence, must be made by the members of that government itself. But, can any change be apprehended from that source, when neither the interest nor the ambition of the members will be gratified in producing it? An entire dissolution of the Federal, as well as the State Governments, might tempt the rapacity of a Catiline, or the ambition of a Cæsar. But that is not the evil apprehended. It is the aggrandizement of this Government, not its annihilation; it is its existence with inordinate powers, not its destruction, that is feared. And the argument is, that, preserving the present forms, the representatives of the people will find it their interest to betray the liberties of the people, among whom they are to be mingled every two years; and the Senators to destroy the State sovereignties, by which alone they exist. This biennial election, sir, is a dreadful objection to the supposition that we should indulge this scheme. We must go home, sir. What good will our encroachments on the State rights do us then? We must become a part of that people whose rights we have betrayed. What interest can be served by this? But we will not go home. We will declare our sittings permanent, and give a second edition of the Long Parliament! This notable scheme, depend on it, will never have a proposer or an advocate. Means, and effectual means, would soon be found, and we know it, to send us home; ay, sir, to our long home! where we should receive the reward of our folly and treason.

But admit that we were base, and unprincipled, and blind enough to desire this change—how are we to effect it? In the natural course of things, the attack on State rights must originate in this House; it can hardly be apprehended in the Senate. But we, the representatives of the people, conspire against the State rights, so deservedly dear to the people. Without any motive of interest, or hope of gratification, we resolve on measures that are to destroy them. This is not enough—the Senate must concur. It is not sufficient that we lose our senses—the Senators must part with theirs. And, when this is effected, nothing is done until the President sanctions our mad resolves. And even then, if such a state of things can be supposed, the difficulties are but begun. We would have the resistance—the just, ener-

getic, and effectual resistance, of twenty-four well organized governments, possessing (as I trust they will always possess) the attachment of the people, to overwhelm us and our unholy and senseless projects, in the ruin we should deserve.

In whatsoever light, then, we consider this apprehension of encroachment from the General Government, it seems extraordinary that it should be entertained, when it wants the motives of private interest or personal ambition to suggest it; or, even if they should exist, when its utter impracticability, to any extent, must discourage even rashness itself from attempting it. No, sir; the danger, if any, may be presumed with more truth, by those who love to prophesy evil, in the separation of the States. This event, so greatly to be deprecated, might not want specious arguments to support its probability—if proper means are not resorted to for preserving their union. Make it the interest of each State to be united to the rest. Connect them by the ties of commerce; facilitate the means of that epistolary correspondence which preserves the bonds of kindred, of friendship, and acquaintance, between the emigrant to the West, and the connexions he has left in the Atlantic States. Assure them of prompt and efficacious aid against aggression, by means of military ways. In short, pass the bill on your table, and follow it by the establishment of a wise, extensive, and effectual system for effecting the purposes it contemplates. Every post route you establish, every road you make, every canal you dig, will be a new ligament to bind the Union, by the easiest, the most natural, and, therefore, the most effectual bonds—those of mutual interest, social intercourse, common defence.

So far is this from being a local measure, that not a part of the nation, however remote, but must participate in its benefits. And it would be difficult to determine, or even to conjecture, whether the Western or the Atlantic States would most benefit by a system of roads and canals, connecting the waters of the one with those of the other. Certain it is, that the advantage to both, would be incalculable. If the one found a ready market for their produce, the other would derive equal or superior benefit by the augmented demand for foreign produce or domestic manufacture. The shipping of the most remote ports would find increased employment; the most distant manufactories of the Union would feel its effect, in the number of new consumers for their wares, and the triple sources of national wealth; agriculture, manufactures, and commerce, would feel its vivifying effects, in all their ramifications.

Another theory has been offered by a gentleman from Virginia, (Mr. STEVENSON,) somewhat, I think, at war with the last, but not, in my opinion, more applicable. We are told, that attachment to the General Government, like the solar heat, decreases in proportion to the distance from the centre. If so, I should like to know—as a Representative of the most distant State, I am interested in knowing—by what rule of proportion the attachment of my constituents to the Union is to be calculated. Is it in direct proportion, or as the

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squares of the distances? Arithmetical, or geometrical proportion? If this new rule of political physiology be correct, we may calculate to a fraction what reliance we can place on the exertions and zeal of any given State.

According to this system, the District of Columbia, under the direct rays of the Government, in the full blaze of its influence, ought to be the most remarkable for patriotism, love of the Union, shown by heroic deeds in its defence. Virginia and Maryland would be warmed in a somewhat less degree by this holy fire. It would diminish as we pass the mountains—be feebly felt in Kentucky and Tennessee—and, in my unhappy, distant State, its vivifying fire would be lost in languid apathy and frigid indifference. The freezing point of patriotism would be on the banks of the Mississippi, and its fever heat on the Potomac.

Metaphors, sir, are dangerous things in argument. Dazzled by their splendor, we frequently lose sight of the subject we mean to illustrate, and attribute to it properties that are only found in the object to which it is compared. The rule is neither true in theory, as applied to us, nor is it verified by fact.

In countries where the will of the Monarch is law, where all authority is derived from him, and where distance obliges him to delegate it, it may be true; and a disposition to throw off responsibility and assert independence, may be, in such countries, greater in proportion to the distance, because the danger of suppression is less. Despotie power is always submitted to with reluctance; and, as distance gives greater facility to throw it off, there is a tendency in the remote provinces of an oppressive Government to revolt; not because the attachment to it is greater near the centre, but because the danger near the extremities is less.

But we cannot apply these considerations to our Government, without losing sight of its construction and its principle. We are not bound together by fear, but by patriotism; by which, as used here, I understand, that love of country which arises from a deep persuasion that the interest of each part is inseparable from the good of the whole, and that that good can only be found in the union of the States. It has its foundation in a wise, liberal, and enlarged sentiment of self interest—but is capable, when exerted, of rising to enthusiasm—postponing the end to the means; forgetting personal and local interests, and making those patriotic sacrifices and exertions which command the admiration of the world.

No State will have a tendency to separate from the others, so long as it is not blind to its true interest. But, if this be the principle on which the Union is founded, that species of interest on which it rests ought to be fostered by such measures as those now proposed. The best affections, the tenderest connexions, the most endearing recollections of life, unite many of those who are now locally separated in distant States—are not these ties worth preserving, in a political as well as a moral view? Nothing can do this more effectually than facility of communication. Connexions that would be forgotten, in one generation, with the rugged roads

of the Alleghany between them, will be kept up for ages, when steamboats and canals, and stages, on smooth turnpikes, make a visit easy, or the transmission of a letter as certain, and almost as speedy, as it formerly was to a neighboring town. Add to these interest, in its more palpable forms of commerce and defence, and that tendency to dissolution, which is apprehended, will be completely counteracted, if it exists. The construction, too, of our Government, as well as its principle, ought to banish our fears on this subject. Its federative character, which Montesquieu extols, as an affectual means of enabling a republic to extend its dominion, without weakening its power, is a security on which we may safely rely. And while all local concerns are intrusted to local authorities, chosen by the people, and the general political interests of the nation are committed to the Government of the whole, there can be no natural tendency, in any State, however remote, to shake off an authority that is only felt by the security and prosperity it affords.

There is no truth, then, in the principle laid down as theoretically applied to our Confederation. Has experience shown it to be well founded? Sir, the experiment has been tried, and the result is one to which, for my constituents, I can refer to with an honest pride. The enemy, at the period to which I allude, seemed to act on the theory of the gentleman from Virginia, they directed an overwhelming force against the extremity, the utmost extremity, of the Union, where other circumstances, as well as distance, led them to hope submission or feeble resistance. What did they find? Men indifferent to their rights? Lukewarm in their love of country? Willing to barter honor for safety, and independence for property? No, sir; they met freemen, proud of the title they had lately acquired, and determined to show how highly they prized it, by their exertions in defence of the country by which it was conferred. They found courage, conscious of the danger, and eager to face it; they found an ardent enthusiasm for liberty, contrasted by a cool determination to defend it against odds that would have made prudent patriots quail; determined to conquer or die, they never lost a thought on the disparity of their own numbers, and did not stop to inquire those of their enemy until they counted them stretched on the field. Yes, sir, in that field, drenched with the blood, strewn with the bodies of our invaders, where the valor and discipline of twelve thousand veterans was baffled and discomfited by the firmness and steady courage of less than one-third of their number—in that glorious field, the courage and patriotism of my constituents inscribed on the page of history a splendid refutation of the principle that is advanced. But they were not alone. No, sir, they were not alone; but who were at their sides? Who braved the danger, underwent the fatigue, and shared the honor of the defence? Who, with the cheerfulness of guests invited to a feast, voluntarily came to partake with us the chance of exulting in victory, or the more probable event of sharing with us an honorable grave? Men, probably, from

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those favored States where the sun of patriotism ever shines unclouded by interest, indifference, or fear! No, sir; whatever might be their desire to defend us, they came not; and the want of those means which this bill is intended to provide, prevented them from sending us arms, ammunition, or other necessary supplies. Who, then, were they—these brave and generous defenders? Why, truly, sir, they were men from Kentucky, Mississippi, Tennessee—from those parts where, by this degrading theory, love of country grows languid, and patriotism expires; and, as if this example was designed, in all its parts, to run counter to the argument, the master spirit who directed the operations that led to these decisive results—he, too, came from those regions remote from the central fire. I might go on, and inquire whether the other point of the rule was better proved here, in the very focus of patriotic heat? When these walls were wrapt in flames, surely not kindled by that sacred fire! and when a neighboring town escaped a similar conflagration, not by the arms of brave citizens who defended it, but by the supplications of deputies, who laid its wealth at the feet of their invaders. I shall not press this part of the argument, and if I allude to it at all, it is not in the spirit of invidious comparison, which I utterly disclaim, but because a sacred duty to my constituents requires that I should show, in all its parts, the fallacy of a theory that would subject them to the imputation of wanting attachment to the Union they have so well defended, and deprive them of honors they have nobly won. Away, then, with these fancies, that tend only to excite jealousies and mutual reproach, and that do not belong to the subject before us. To that I return, in order to dispose of some objections that have been made to the expediency of the measure. It will increase Executive patronage, by the appointment of a host of new officers. This is much exaggerated by supposing the object to be the support of all the post roads in the Union: that is disclaimed; it is only such new roads as are necessary, and that will not be made by the States. If these require officers, they must be appointed; and if we fear the influence of the President, we may vest the appointments elsewhere.

If this argument were conclusive, we should have neither army nor navy, nor any other useful institution. Government will be imposed on if they perform works by contract. They have been imposed on, it is said, in building a fortification at New York. If this argument is good, we ought to build no forts—construct no works—and deprive ourselves of all defence, for fear of losing money in our contracts.

To these objections a gentleman from New York has added an apprehension that the United States would seize on their canal. Sir, I might as well fear they would seize on the Mississippi. Neither the bill, nor the largest construction of the power, gives them any such right.

Yet, sir, it is on improbabilities such as these, that the most gloomy apprehensions are raised. Virginia seems particularly to entertain them, and

it has been strongly intimated, that, if this measure is carried, she will regret that she has yielded the purse and the sword. Virginia will regret that she has made a part of the nation! I cannot, sir, but believe these intimations to proceed rather from the excitement of debate, operating on warm and generous minds, than from any settled opinion. No, I will never believe that a State which has always held so distinguished a place in the councils and administration of the Union, can, even for a moment, regret the event that led to the proud pre-eminence she has enjoyed, and still enjoys. She must remember, that, out of thirty-six years, which will soon be completed, thirty-two of them will have seen citizens of that State administering the Executive power of the Union, by the free choice, sometimes by the unanimous choice of the whole nation. She can never regret her forming a part of that closer federation of the States, which gave to her and our WASHINGTON a new title to the gratitude of his country, and the admiration of the world; which added the civic to his military crown, made him the founder of our strength, and union, and peace, and happiness, as he had before been of our Independence; and enabled him, by his second retirement, to complete that perfect character which makes his name, in all languages, synonymous with every paraphrase that can express the union of virtues and qualities never found but in him; which forms at once the hero, the statesman, and the patriot. No! that great name should never be profaned by a wish that would destroy any one of the numerous titles it has to the reverence of his country; the Union, formed under his auspices, cannot be dissolved without an outrage to his memory; and even the unguarded expression that conveys an idea that any event may make it desirable, must diminish the lustre reflected by his reputation, on the State that gave him birth.

Virginia cannot, does not, forget, that, unless she had formed a member of the Union, the Sage who gave language and voice and utterance to our Independence, would have lived only to lament the inefficiency of that decisive act; to witness the weakness, discord, and distress of his country—perhaps its utter ruin, and fall from that station among the Powers of the earth, which his immortal declaration had proclaimed. His days would have been passed in endeavors, perhaps unavailing endeavors, to restore harmony and reconcile the jarring interests of the States. His valuable life would have been abridged by the deep chagrin of disappointment, and have closed, amid scenes of tumult and disorder. Instead of this, by the happiest and most honorable of contrasts, he has had the supreme satisfaction of fostering that Independence which he had announced to the admiring world; of seeing it established and respected by an indissoluble bond, formed by apparent concession, but really founded on the most perfect reciprocity of benefits, mutually conferred, and mutually received—of promoting, by important services, both abroad and at home, the reputation and interest of his country, of directing, in the first office it could bestow, the rapid

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approach to those high destinies to which it is called; of receiving, in the esteem and affection of a happy and united people, the best reward they could bestow; and of passing, in dignified ease and philosophic retirement, in pleasing recollections of the past, and a happy anticipation of the future—the calm evening of a long life, spent in promoting the happiness of his country.

Sir, if we want another occasion to remind this highly favored State, this nursery of great men, that she, of all others, has reason to rejoice in the establishment of the Union, and pride herself on its effects, we need only look to a neighboring retreat, and almost under the trees that shade the Sage of Monticello, where Madison, in the society of his illustrious friend, and in the consciousness of a pure life, unblemished even in the violence of party by imputation of a deviation from duty, hears, with calmness and moderation, the undivided voice of his countrymen, bearing testimony not only to his wisdom and virtue, but to that decisive spirit which roused us from submission to foreign insult and injury, taught us to respect ourselves, bade our little Navy ride triumphant on the sea, and our citizen soldiers to defeat veteran valor in the field; established our national character; and, by an honorable peace, enabled his successor to proceed in the great work he had successfully begun, of making us respected abroad and happy at home. That successor is also a son of Virginia; that his Administration is one that affords another reason to his native State for felicitating herself on having given him to the unanimous suffrages of the Union, it does not become me to say, because the time has not yet arrived, when even that which truth will sanction, may be spoken without the imputation of an unworthy motive.

These men, their reputation, their virtues, belong to us all—they are the property of the nation. But, would the State which gave them birth, if it were possible—would she surrender her particular part in this property?—in the gratitude that is due for their services?—in the honor they have acquired for their country—in the reverence with which their names will be held by posterity? No, sir; no consideration of minor interest, much less the fear of uncertain evil, would induce her to forego this proud distinction of her citizens—this glorious heritage for their children.

The bill before us may pass—I trust, will pass—and I am persuaded that its operation will show how vain have been the fears, how false the predictions of its effect.

When Mr. LIVINGSTON had concluded—

The question being put, on the motion of Mr. BARBOUR, to strike out the enacting clause, it was decided in the negative—ayes 84, noes 108.

The question on rising and reporting the bill without amendment being about to be put, Mr. WICKLIFFE proposed to amend the bill, by striking out the words "thirty thousand dollars" and inserting "fifteen thousand dollars," (as the sum appropriated for obtaining the plans and surveys.) This motion was supported by the mover, on the ground of economy, opposed by Mr. TRIMBLE, as

unnecessary, (any unexpended balance returning of course to the surplus fund of the Treasury,) and discreditable to the country on account of its small amount. Mr. MALLARY supported the motion, believing the sum sufficient.

The question being put, the amendment was rejected—ayes 85, noes 91.

And the House adjourned.

TUESDAY, February 10.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Celestin Moreau, of Louisiana," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. CAMPBELL, from the same committee, to which was also referred the bill from the Senate, entitled "An act confirming the heirs of Nicholas Baudin, and the heirs of Joseph Chastang, to certain tracts of land," reported, as the opinion of the committee, that the said bill ought not to pass. The bill was laid on the table.

Mr. COOK, from the Committee on the Public Lands, reported a bill to define the boundary line between the Edwardsville and Springfield land districts, in the State of Illinois; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. KENT, from the Committee for the District of Columbia, to whom was referred the petition of Johanna Collins, for a divorce, reported that, in the opinion of the committee, the prayer of the petitioner ought not to be granted; which report was concurred in by the House.

The Committee for the District of Columbia were discharged from the consideration of the resolution of the General Assembly of Ohio, upon the subject of an entire abolition of slavery; and it was laid on the table.

Mr. RANKIN laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to inform this House if the line intended to constitute the western boundary of the Territory of Arkansas has been run, in conformity with the provisions of the third section of the act of Congress of the 3d of March, 1823, entitled "An act making further appropriations for the military service of the United States for the year 1823, and for other purposes;" and, if said line has not been run, that he inform this House what instructions have been given, or measures adopted, in relation to the execution of that provision of the law, and what causes have prevented said line from being run.

Mr. OWEN laid the following resolution on the table, for consideration on to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to state to this House what practical construction has been given by the several registers and receivers, respectively, on the act of 1820, for the relief of purchasers of public lands; and the instructions given them relative to said act, with regard to fees or compensation, and whether, in his opinion, by a correct construction, the fees or compensation was adequate to the service, and whether, by the construc-

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tion given in any case, the compensation was greater than was contemplated by law, and more than adequate to the service performed.

Mr. THOMPSON, of Georgia, gave notice that he would, to-morrow, move the House for leave to introduce a bill directing the payment of the Georgia militia claims for services rendered during the years 1792, 1793, and 1794.

On motion of Mr. BRENT, it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of making provision, by law, for the confirmation of the land claims recommended for confirmation by the report of the commissioners for the western land district of Louisiana, made upon the 30th of December, 1815, in virtue of the several acts of Congress, passed upon the 10th of March, 1812, the 27th February, 1813, and 12th April, 1814.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of empowering the register of the land office at Opelousas, in Louisiana, to make and complete the report of certain land claims which were entered under the act of the 11th of May, 1820, and which the late register had neglected to do, and that a reasonable compensation be allowed to the present register for doing the same.

On motion of Mr. WICKLIFFE, it was

Resolved, That the Message of the President, of the 22d of January, 1823, with the accompanying documents, relative to the navigation of the rivers Ohio and Mississippi, be referred to a select committee, with leave to report by bill or otherwise.

Messrs. WICKLIFFE, FORWARD, JENNINGS, GAZLAY, WEBSTER, DUFFEE, and RIVES, were appointed said committee.

On motion of Mr. HENRY, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing compensation to Thomas Alsbury, captain of a company in the mounted expedition under General Samuel Hopkins, in the year 1812, for a mare lost on said expedition, in consequence of a wound accidentally received, whilst she was in actual service.

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing compensation to William Grace, a soldier who served under General Samuel Hopkins in the mounted expedition in 1812, for a horse which was shot during said campaign, whilst in actual service.

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing compensation to John Milholland, who served as a sergeant in a company of mounted volunteers in the Fall of 1813, on the expedition commanded by Governor Shelby, for a horse lost by him on said campaign, whilst in actual service of the United States.

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing compensation to John Golliher, a private in a company of mounted volunteers in the expedition under Governor Shelby in 1813, for a horse lost

by him on said expedition, whilst in the actual service of the United States.

On motion of Mr. JOHNSON, of Virginia, it was *Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Hagen's store, in the county of Preston, in Virginia, to Smithfield, on the Cumberland road: and also of discontinuing the present route from the above-mentioned store to Morgantown, in the county of Monongalia.

Ordered, That the letter from the Secretary of the Treasury, accompanied by sundry statements in relation to allowances made to registers and receivers of land offices, for clerk hire, office rent, &c., laid before the House of Representatives on the 3d of March, 1823, be referred to the Committee on the Public Lands.

Mr. RANKIN communicated to the House a letter to the chairman of the Committee on the Public Lands from the Secretary of the Treasury, dated 3d March, 1823, containing information in relation to allowances to registers and receivers of land offices for extra clerk hire, &c., which letter was also referred to the Committee on the Public Lands.

The bill from the Senate, entitled "An act to revive, and continue in force an act entitled 'An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives; of the clerks employed in their offices, and of the Librarian,'" was read twice, and committed to the Committee of Accounts.

The amendments proposed by the Senate to the bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," were read, and referred to the Committee on the Public Lands.

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The House then resumed the consideration of the report of the Committee of the Whole, on the bill to obtain the necessary plans, estimates, &c., in relation to roads and canals.

Mr. FLOYD moved to strike out the enacting clause of the bill—but, at the suggestion of Mr. RANDOLPH, withdrew the motion; and

Mr. RANDOLPH moved that the consideration of the bill be indefinitely postponed; and, on his motion, the ayes and noes were ordered to be taken upon it.

Before the question was taken, however,

Mr. SAUNDERS moved that the bill be recommitted to the Committee on Roads and Canals, with instructions "to designate such roads and canals of a national importance in a commercial or military point of view, or necessary for the transportation of the public mail, as may be deemed proper and expedient to have surveyed and reported upon."

Mr. FORSYTH suggested to the mover of the instructions to strike out that clause of them which relates to post roads.

Mr. SAUNDERS did not accept the modification.

Mr. RICH then moved the previous question; which motion was not sustained by the House.

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And the question being on recommitment—
Mr. Cook made a few observations.

The question was then put on the motion of Mr. SAUNDERS, to recommit the bill with instructions, and the yeas and nays stood as follows:

YEAS—Messrs. Alexander of Virginia, Allen of Massachusetts, Archer, Baylies, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Bradley, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Cocke, Collins, Crafts, Craig, Culpeper, Dwinell, Edwards of North Carolina, Findlay, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Garnett, Gatlin, Gist, Hall, Harvey, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Kidder, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Long, Longfellow, McCoy, Mangum, Mallary, Markley, Matson, Morgan, O'Brien, Plumer of New Hampshire, Randolph, Reed, Reynolds, Rives, Saunders, Sharpe, Sibley, Arthur Smith, Alexander Smyth, Spaight, Sterling, A. Stevenson, Stoddard, Taylor, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Tucker of Virginia, Tucker of South Carolina, Tyson, Van Rensselaer, Van Wyck, Whipple, Whitman, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, and Wood—85.

NAYS—Messrs. Alexander of Tennessee, Allen of Tennessee, Allison, J. S. Barbour, Bartley, Beecher, Blair, Breck, Brent, Brown, Buckner, Campbell of Ohio, Carter, Cassidy, Condict, Conner, Cook, Crowninshield, Cushman, Cuthbert, Day, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Forward, Fuller, Garrison, Gazlay, Govan, Gurley, Hamilton, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Ingham, Isacks, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kremer, Lawrence, Lee, Letcher, Little, Livingston, Locke, McArthur, McDuffie, McKean, McKee, McKim, McLane of Delaware, McLean of Ohio, Martindale, Marvin, Matlack, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Neale, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Richards, Rich, Rogers, Ross, Sandford, Scott, Sloane, William Smith, Spence, Standefer, J. Stephenson, Stewart, Storrs, Strong, Swan, Test, Thompson of Kentucky, Tod, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Wayne, Webster, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, and Woods—116.

The question recurring on Mr. RANDOLPH'S motion for indefinite postponement—

Mr. FOOT, of Connecticut, observed, that he had listened with attention, and with much satisfaction, to the very able discussion of this interesting subject, which had occupied the attention of the Committee of the Whole for many days; a subject of deep interest to the country, as well on account of the magnitude of the object, as the importance of coming to a correct conclusion on the Constitutional power of Congress in relation to it; and the result had been, on his mind, a thorough conviction that Congress did not possess the power, by the Constitution, to engage in a system of internal improvements, as contemplated by this bill. And, in addition to this, that, even if Congress

did possess the power, it was not expedient, at this time, to attempt to exercise it.

And, although he was sensible that, after the long and very able discussion of the question, the House was prepared to act upon it, and he could not expect, by any effort of his, to change the opinion which had been deliberately formed—yet he felt it to be his duty to enter his protest against the principles which had been advanced by the advocates of the bill. And he trusted that the courtesy of the House would permit him to occupy its attention for a few minutes, in explaining his views on the subject, which his situation in committee had prevented.

Sir, said Mr. F., the principles contended for by the advocates of this bill, in my opinion, are calculated to excite serious alarm; the power which many gentlemen had claimed, and which some have declared "they will not surrender," transcends the power claimed by a majority of the Congress during the dark days of '98-9: and involves the right of an extension of the power of Congress, even to the omnipotence of a British Parliament. Our system of government presents an anomaly—it is a confederation of independent governments—it bears no analogy to any other system, and gentlemen, in my humble opinion, fall into gross errors by any attempts to find analogy with any other Government. By some, it is contended, "this power must reside somewhere; the people have surrendered it;" and they assume this position, that "the State governments do not possess it; and, of course, it must be in Congress." Sir, the whole power of Congress is given by your Constitution; from what other source can you derive it? It is created by the Constitution. The error of gentlemen appears to be, in the application of the same rule of construction to the Constitution of the United States, as is justly applied to the State constitutions. Here, sir, the analogy fails, and the position "that the power must reside somewhere," is wholly inapplicable to the Constitution of the United States. The position is, in itself, undoubtedly true, in part; but the conclusion does not follow. It is undoubtedly true, that, if the power is not in the people, it is in the State governments; and you will find it so admitted: for the power to construct roads and canals has been in constant exercise in every State in the Union. The grand distinction between the constitutions of the State governments and of the United States, is this—the State constitutions limit and define power—the Constitution of the United States grants power. Where, then, is the analogy between them? The constructive power of Congress is denied.

If my view of the Constitution of the United States be correct, it must be admitted, that unless the Constitution of the United States has expressly given Congress the power to construct roads and canals, you do not possess this power, nor can you pass this bill, without violating the rights of the State governments. Indeed, this seems, in some degree, to be admitted: for the advocates agree in this, that the power must be executed either by express delegation or by necessary implication.

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And, sir, where do they find it? One gentleman, (Mr. CLAY,) is fully persuaded, that it is contained in the power to establish post offices and post roads. Another, (Mr. McLANE, of Delaware,) disclaims this ground entirely; but, sees it clearly in the power to regulate commerce. Another, (Mr. McDUFFIE,) rejects this as altogether untenable; but discovers it, as clear as the noon day's sun, in the power to declare war, and the general sweeping phrase, all powers necessary and proper for carrying the foregoing powers into effect. It is unnecessary to pursue this further. If the power is given, why do not gentlemen agree in what part of the Constitution it is to be found? Sir, this single circumstance convinces me that the power is not granted. One position assumed by the advocates of this bill, is entitled to particular notice; it is the assumption that the power "to lay and collect taxes," gives to Congress the "right of appropriating the money so collected, to any purpose whatever." This may properly be termed the involution of power. That one power can create another, and a greater power, is a principle entirely novel and extraordinary; and if it be correct, the single power vested by the Constitution in Congress to "lay and collect taxes," vests in Congress a power so absolute, that any other power granted by the Constitution, was entirely unnecessary, and every other part of the Constitution must be superfluous! Strange as this must (in my view) appear, it has been contended by the gentleman from South Carolina, (Mr. McDUFFIE,) that the powers of Congress, "in promoting the general welfare, are only limited by its own discretion, and the responsibility of members to their constituents, at the elections."

If this principle be correct, to what conclusion does it lead? Most certainly this: that the power of Congress is absolute and despotic, and the Constitution a dead letter; and if the rights of the State governments are prostrated, and the dearest interests of the people most wantonly sacrificed, and your Treasury beggared, you find an ample remedy in dismissing your worthy agents! Sir, in my opinion, the people would feel greater security in knowing that unconstitutional acts are void, than in the belief that they are merely voidable.

But, sir, supposing a bare majority believe you do possess the power, can it be expedient to exercise it? It is well known that, if not a majority, at least a very respectable minority, and composed of men of no ordinary talents and experience, sincerely believe Congress do not possess this power. Will you persist in the attempt to exercise a doubtful power? The gentleman from Louisiana (Mr. LIVINGSTON) has, with his usual candor, declared that, "if he considered the power as at all doubtful, he would not exercise it." Does the powerful opposition which this scheme of internal improvement by Congress has met with, for many years, create no doubts on the subject? Does the proposed amendment to the Constitution, which has been laid on our tables, calling on the States to give to Congress this power, and emanating from such a source, (I make no allusion to

any thing passing in the other branch of the Legislature, except what is laid on our tables, and printed,) does this excite no doubt? Does not the repeated recommendations of at least three Presidents, that such an amendment of the Constitution should be proposed to the Legislatures of the States, furnish some evidence that at least some doubts exist even among the best informed men in our country, as to the Constitutional power of Congress on this subject?

Our Government, sir, is a Government of opinion, and its strength and durability depend on the combination and preservation of the moral, as well as the physical power of the country in its favor; with these combined, it is the strongest Government on earth. Destroy the moral, and the physical power is gone.

There are two modes by which written constitutions may be destroyed—one by force, by the bayonet! Spain furnishes an example of this. The other by sapping and mining. Beware you do not furnish this example! By gradual encroachments on the rights of the States, and of the people, is there no danger of shaking the confidence of the people in the Administration of the Government? Is there no danger of destroying their confidence in the Constitution, which they have always considered as the charter of their liberties, and the grand palladium of their rights? Where is the necessity, at this time, for hazarding such an experiment? Your country has existed, it has prospered for many years without it. What is your present condition? It is true we were informed that there was a balance in the Treasury of \$9,000,000. We have since been told, that nearly \$3,000,000 of this is wanted to meet current expenses under former appropriations, leaving a balance of about \$6,000,000. Have you not already pledged this, for the purchase of the seven per cent. stock, by an act passed during the present session? Does not your debt now exceed \$90,000,000? And do you not propose to increase it, by adding \$5,000,000 for Spanish claims? Do you believe a national debt a national blessing? Sir, you cannot meet the current demand for 1825, without new loans or taxes! We are told, sir, that only \$30,000 is required by this bill! If I am not much mistaken, the Cumberland road commenced with a less amount; but how did it end? Nearly \$2,000,000 have already been expended, and it is not ended yet? You are constantly appropriating your 20 and \$30,000 for its preservation, for about one hundred and thirty miles of road; and you have now on your table a bill to extend this road—to increase this sinking fund. Sir, this Cumberland road affords an example, which ought to warn you of your danger—at least to pause and reflect before you proceed another step.

You have been engaged, session after session, in devising some mode for its preservation; and what is its present condition? In whose hands is the power to regulate and govern this road—to preserve it from wanton injury? Do the States through which it passes protect it? No, sir! Does Congress possess or exercise any jurisdiction over

it? No, sir! You have passed bills for erecting toll-gates. Your bills have been returned by the Executive, with objections to their constitutionality. This great question is unsettled; and will you involve yourselves deeper and deeper in such difficulties? I beg gentlemen to pause. Do not open a drain from your Treasury, which will exhaust all your resources—excite sectional jealousies; array the old States, which have made their vast improvements by their own means and resources, against the new States, which are, by this scheme of internal improvement, to be the only gainers! Sir, will you, by passing this bill, open the doors of your Treasury to an expenditure, far beyond the civil list, and the appropriations for the support of your Army and Navy—and not even stop to inquire how these roads and canals are to be kept in repair? or who has the conservation of them?

We have been told, sir, that this scheme of internal improvement is to bind your union together. Let gentlemen beware, lest, in their great zeal to bind the union of these States, they unfortunately break the cord!

I hope, sir, the motion for postponement will prevail, and that we shall wait until an opportunity be offered for the States to act upon the proposed amendment to the Constitution granting to Congress the power in question, and to pay off our national debt; and if, sir, the amendment proposed to the Constitution should be adopted, and your Treasury overflow, we shall all cheerfully unite in "providing for the common defence and in promoting the general welfare." But if the motion to postpone shall not prevail, I shall feel it my duty to propose an amendment, to clear the bill of Constitutional objections, which it has not been in my power to propose in Committee of the Whole.

The question was then taken on indefinite postponement, and decided by yeas and nays, as follows:

YEAS—Messrs. Alexander of Virginia, Allen of Massachusetts, Archer, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Bradley, Buck, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Collins, Conner, Crafts, Craig, Culpeper, Day, Dwinell, Eaton, Edwards of North Carolina, Findlay, Floyd, Foot of Connecticut, Foote of New York, Frost, Garnett, Gatlin, Gist, Hall, Harvey, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Kidder, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Long, Longfellow, McCoy, Mangum, Mallory, Markley, Matson, Morgan, O'Brien, Plumer of New Hampshire, Randolph, Reed, Richards, Rives, Saunders, Sharpe, Sibley, Arthur Smith, Alexander Smyth, Spaight, Sterling, A. Stevenson, Stoddard, Taylor, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Tucker of South Carolina, Tyson, Van Rensselaer, Van Wyck, Whipple, Whitman, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, and Wood—86.

NAYS—Messrs. Abbot, Alexander of Tennessee, Allen of Tennessee, Allison, Bailey, Baylies, J. S. Barbour, Bartley, Beecher, Blair, Breck, Brent, Brown, Campbell of Ohio, Carter, Cassidy, Cook, Crowninshield, Cushman, Cuthbert, Durfee, Dwight,

Eddy, Ellis, Farrelly, Forsyth, Forward, Fuller, Garrison, Gazlay, Govan, Gurley, Hamilton, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Ingham, Isacks, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kremer, Lawrence, Lee, Letcher, Little, Livingston, Locke, McArthur, McDuffie, McKean, McKee, McKim, McLane of Delaware, McLean of Ohio, Martindale, Marvin, Matlack, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Neale, Nelson, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reynolds, Rich, Rogers, Ross, Sanford, Scott, Sloane, Wm. Smith, Spence, Standefer, J. Stephenson, Stewart, Storrs, Strong, Swan, Test, Thompson of Kentucky, Tod, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Wayne, Webster, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, and Wilson of Ohio—113.

So the House refused to postpone the bill.

Mr. FOOT moved the following amendment to the bill—to strike out all that follows the enacting clause, and insert the following:

"That, on application of the Legislature of any State or Territory, the President of the United States is hereby authorized to employ such officers of the corps of engineers as he may think proper, to make the necessary surveys, plans, and estimates, of such roads and canals as he may deem of national importance in a military point of view, or necessary for the transportation of the public mail within such State or Territory; and cause a copy of such surveys, plans, and estimates, when completed, to be laid before Congress, and a like copy to be laid before the Legislature of such State or Territory."

"**SEC. 2. And be it further enacted,** That there shall be allowed and paid to each officer of the corps of engineers, in addition to the pay now allowed by law, — per day for each day such officer shall be employed under the provision of this act, as a full compensation for such services and extra expenses attending the same, to be paid out of any moneys in the Treasury not otherwise appropriated."

The question being taken, without debate, the amendment was not agreed to.

Mr. REYNOLDS then moved to strike out the word "thirty" (in the appropriating clause) and insert "twenty." The question being taken, the amendment was negatived.

The question was then put on engrossing the bill for a third reading—and the yeas and nays being called for by MCCOY, stood as follows:

YEAS—Messrs. Abbot, Alexander of Tennessee, Allen of Tennessee, Allison, Bailey, Baylies, J. S. Barbour, Bartley, Beecher, Blair, Breck, Brent, Brown, Campbell of Ohio, Carter, Cassidy, Condict, Cook, Crowninshield, Cushman, Cuthbert, Durfee, Dwight, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Forsyth, Forward, Fuller, Garrison, Gazlay, Govan, Gurley, Hamilton, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Ingham, Isacks, Jennings, Johnson, of Virginia, J. T. Johnson, F. Johnson, Kent, Kremer, Lawrence, Lee, Letcher, Little, Livingston, Locke, McArthur, McDuffie, McKean, McKee, McKim, McLane of Delaware, McLean of Ohio, Martindale, Marvin, Matlack, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of

Maryland, Moore of Kentucky, Moore of Alabama, Neale, Nelson, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reynolds, Rich, Rogers, Ross, Sanford, Scott, Sloane, Wm. Smith, Spence, Standefer, J. Stephenson, Stewart, Storrs, Strong, Swan, Test, Thompson of Kentucky, Tod, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Wayne, Webster, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, and Wilson of Ohio—115.

NAYS—Messrs. Alexander of Virginia, Allen of Massachusetts, Archer, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Bradley, Buck, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Collins, Conner, Crafts, Craig, Culpeper, Day, Dwinell, Eaton, Edwards of North Carolina, Findlay, Floyd, Foot of Connecticut, Foote of New York, Frost, Garnett, Gatlin, Gist, Hall, Harvey, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Kidder, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Long, Longfellow, McCoy, Mangum, Mallory, Markley, Matson, Plumer of New Hampshire, Randolph, Reed, Richards, Rives, Saunders, Sharpe, Sibley, Arthur Smith, Alexander Smyth, Spaight, Sterling, A. Stevenson, Stoddard, Taylor, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Tucker of Virginia, Tucker of South Carolina, Tyson, Van Rensselaer, Van Wyck, Whipple, Whitman, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, Wood, and Woods—86.

To-morrow was then assigned for the third reading of the said bill.

THE TARIFF BILL.

Mr. TOD then moved that the House go into Committee of the Whole on the state of the Union, with a view to take up the bill for a revision of the tariff.

Mr. RANDOLPH rose, and said: "Sufficient for the day is the evil thereof"—I hope the House will do no such thing.

Mr. HAMILTON was going on with some remarks, bearing in part on the merits of the bill, when Mr. TAYLOR called him to order—and the Chair decided that he was out of order, on a question merely to take up the bill, to go into its merits.

The question was then put on Mr. TOD's motion, and carried—ayes 93, noes 82.

The House accordingly went into Committee of the whole on the state of the Union, Mr. CONDUCT in the Chair; and, on motion of Mr. TOD, took up the tariff bill; which was read, in part, at the Clerk's table.

Some progress having been made in the reading—

On motion of Mr. WEBSTER, the Committee rose, reported progress, and had leave to sit again.

The House then, on motion of Mr. WEBSTER, went into Committee of the Whole, on the bill to authorize the issuing of letters patent to Samuel Brown.

Mr. W. stated the circumstances of the case, and quoted precedents to show that similar acts had frequently passed.

The Committee rose, and reported the bill with-

out amendment; and, after some conversation between Mr. LITTLE and Mr. BURTON, it was ordered to be engrossed for a third reading.

WEDNESDAY, February 11.

Mr. LITTLE, from the Committee on Pensions and Revolutionary Claims, made a report on the petition of Catharine Lauderman, accompanied by a bill for her relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. L., from the same committee, made a report on the petition of John Bradford, accompanied by a bill for the relief of the legal representatives of Charles Bradford; which bill was read twice, and committed to the Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Hanson Kelly," reported the same without amendment; and the bill was committed to a Committee of the Whole.

Mr. ALLEN, of Massachusetts, from the Committee of Accounts, to whom was referred the bill from the Senate, to revive and continue in force an act, entitled "An act fixing the compensation of the Secretary of the Senate and Clerk of the House of Representatives, of the clerks employed in their offices, and of the Librarian," reported the same without amendment; and the bill was ordered to a third reading to-day; which was subsequently done, and the bill passed.

The resolution yesterday offered by Mr. RANKIN, respecting the boundary line of Arkansas, was taken up and agreed to.

The resolution yesterday offered by Mr. OWEN, respecting the compensation of the registers and receivers of land offices, was taken up and agreed to.

Mr. FLOYD laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to inform this House whether the rules and regulations compiled by General Scott, for the government of the army, and repealed by an act of Congress of the 7th of May, 1822, are now enforced in the army, or any part thereof, and by what authority the same has been adopted and enforced.

On motion of Mr. JENNINGS, the Committee on the Public Lands were instructed to inquire into the expediency of establishing a land office at Indianapolis, in the State of Indiana.

On motion of Mr. FOOTE, of New York, the Committee on Military Affairs were instructed to inquire into the expediency of reducing the term of service in the militia of the United States, from forty-five to forty years, except in cases of invasion or insurrection.

In pursuance of the notice given yesterday, Mr. THOMPSON, of Georgia, moved for leave to introduce a bill directing the payment of the Georgia militia claims, for services rendered during the years 1792, 1793, and 1794.

The SPEAKER decided that the said motion was not in order, inasmuch as the subject-matter em-

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braced by the bill was already before the House, in the shape of a report from the Committee on Military Affairs, made on the 28th ultimo, which had been committed, and made the order of the day for a given day; and that the granting the leave asked to introduce the bill, would have the effect of bringing the same subject-matter into discussion in two different forms, and at two different periods.

Engrossed bills, of the following titles, viz:

An act to define the boundary line between the Edwardsville and Springfield land districts, in the State of Illinois; An act to authorize the issuing of letters patent to Samuel Brown; An act to procure the necessary plans, estimates, and surveys, upon the subject of roads and canals; were respectively read the third time, and passed.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act to secure the accountability of public officers and others;" and "An act authorizing the building of an additional number of sloops of war, for the naval service of the United States;" in which bills they ask the concurrence of this House.

The said bills were respectively read twice, and committed, the first, to the Committee of Ways and Means; the second, to the Committee on Naval Affairs.

THE TARIFF BILL.

On motion of Mr. Top, the House went into Committee of the Whole, (Mr. Conner in the Chair,) on the bill to amend the several acts for imposing duties on imports.

Mr. Top said that the subject of protecting domestic manufactures, by duties on imports, had been so often discussed, that a particular explanation on the part of the Committee, would not probably be wanted. That he should state the details and objects of the bill, and some of the reasons in their favor, as briefly as possible. That there was nothing here proposed that was new in principle—nothing but to extend and equalize a system which experience had shown to be most beneficial, and to give to other departments of domestic industry, and other oppressed portions of the community, something of that protection which our laws had so liberally and wisely given to the cultivators of cotton, of sugar, and to all the interests of navigation.

One object of the bill, said Mr. T., is, that, as to some certain manufactured articles, the raw materials of which exist in abundance at home, we should, by legislative provision, give to our own workmen, not the exclusive supply and command of even our own market, but barely give them a part of the business of furnishing our own people with the plain, rough necessities of life. That another object of equal importance was, that, instead of continuing to support the agriculturists of Europe in almost every thing, we may be compelled, by using more home manufactured articles, to give to the farmers of our own country some market for their products. And another object, not inferior in magnitude to either of the for-

mer two, was, to give to the country that strength and power which arise from possessing, within itself, the means of defence, and to rescue it from the danger and disgrace of habitual reliance upon foreign nations for the common daily necessities of life.

That the duties proposed were upon two distinct classes of articles. One class is that upon silks, linens, cutlery, spices, and some other things of less importance, most of which are not necessities by any means, and which, with few exceptions, do not much interfere with any home production, or with any manufacture which the country is now prepared for. That most of these articles were charged, in the bill, with the identical increase recommended by the Secretary of the Treasury—this for the purpose of revenue chiefly, and to make up to the Government the deficiencies which may probably be occasioned by checking the excessive importation of other articles—but, that the important duties proposed in the bill were for the purposes of protection, and were upon iron, hemp, lead, glass, wool, and woollen goods.

Mr. T. said he was not going to trouble the Committee with a debate upon the question, whether our country ought to be dependent upon the monarchies of Europe for those necessary articles, if such dependence can be avoided. Upon that matter he was content to take the opinion of the Committee, such as it was already, and would go on to ask whether such dependence could be avoided.

It is known that almost every State in the Union is capable of producing iron sufficient for the supply of its own population, and, many of them, a great deal more; and that this can be effected without taking a single hand from any profitable employment, and without any stimulus, except that of a market.

As to hemp, it was not extravagant to say, that, of first rate hemp land, for every one acre which can be found, throughout all Europe, we have, perhaps, ten acres cleared, and not applicable to any other profitable cultivation. That in lead, we may challenge the globe, having not mines only, but whole territories of the richest ore, perfectly inexhaustible, and this in the vicinity of navigable waters. That, of wool, it was certain that not only every State, but every district of every State, was capable of producing enough, at least, for all our own uses. That of glass, the materials are every where. If Providence, said Mr. T., meant any country to be independent of others for the means of subsistence, that country is ours. The question then comes, Have our people industry and spirit enough to make use of these natural advantages of the country? The only effectual protection, generally, which our manufactures ever had, was by the late war. Thus, possessing by accident what other nations give by legislation to their own people, the command of the home market, our workmen made a progress that never was exceeded any where. Iron was fabricated to an extent wanting but about three thousand tons of the whole consumption of the country. Our woollen manufactures, though not

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quite so far advanced, were carried on with equal vigor, and with the same prospect of ultimate success, or rather with the same certainty of soon becoming fully adequate to the wants of the country. Our home supply of white and red lead, and shot, was equally sufficient. Earthen wares were fabricated in immense quantities, and with an elegance beginning to rival the workmanship of Europe. In glass, our people not only began to rival, but actually had rivalled, the workmen of England. Except some fine articles rarely wanted, we were supplied altogether from the home manufacture. It is notorious, said Mr. T., that all our manufactures of iron, lead, glass, earthen wares, woollen, and cotton goods, flourished. We say that they also caused the country to flourish by giving employment to the industrious, a market to the farmer, value to property, life to every sort of valuable business.

Peace came, and shortly after, the new tariff. It may, said Mr. T., be deemed absurd to argue now against a law which passed eight years ago, and the mischief of which, whatever it is, may now be supposed to be done and irretrievable. But the mischief of it is not yet finished. The tariff of 1816, is what is here proposed to be repealed in part, and it is necessary now to protest against the impolicy of the measure. What at that time was the situation of the country every one knows. The most important of our manufacturing establishments were just beginning. They were yet to gain skill in management, system, habit, all the indispensable requisites which experience only can give. Probably nine tenths, at least, of the owners were in debt, and only getting slowly out of it by the weekly profits of their business. In a word, according to the emphatic name long ago given by universal popular consent, they were, in every respect, infant manufactures. To expect that, under such circumstances, our countrymen should be able to rival in cheapness, the old, established foreign manufactures, was to expect what never yet happened in any country. So that, what in 1816 was called a moderate protecting duty would scarcely have been adequate protection against a fair and liberal European competition, but was absolutely nothing against the little tricks of oppression by which wealthy foreign manufacturers can afford to throw away cargoes of their goods, at reduced prices, or at no prices, in order to break down a growing rival, and indemnify themselves by fleecing the whole country afterwards.

It was not, continued Mr. T., said or believed, that there was any design by the tariff of 1816, to put down our rising manufactures. But the mistake was not pernicious.

It was the fashion of the day to consider the question of protection to domestic industry, not as a question between our manufacturers and those abroad, or between our own country and foreign nations, but as a question merely between our own manufacturers on the one side, and all the remaining classes of our own people on the other; and that whatever could be withheld from the mechanic was not to be lost to the nation—not at all, but only divided among the farmers, the planters, and

the merchants. Then there was the cry about taxing the many for the benefit of the few; and monopoly. But what had chief effect in destroying our manufactures, and almost bringing us back again into colonial bondage, was that theory of foreign speculative writers called political economists. A doctrine which is now mentioned, because it is yet adhered to, and if not opposed, is now as conclusive against the bill as it was in 1816 against any efficient protection of domestic industry. This doctrine teaches that all interference like the present, by legislation, has merely the effect to force capital from one employment into another. That this forcing can only be from an employment more productive into an employment less productive, to the certain injury of the community. The argument prevailed. We have seen the effects.

Under this tariff, said Mr. T., first went all the newly erected manufactures of earthen ware. They and their workmen are now no more talked of than if they never had existed. In the same way went the most of our glass factories, our manufactures of white and red lead, our woollens, our hemp. Domestic iron has lingered a while longer, and still holds a feeble existence, dwindling every year, and gradually sinking under foreign importations. All the devastations and losses of the war were nothing compared with the devastations and losses of manufacturing capital under the tariff of 1816.

But, said Mr. T., the sum total of destruction of domestic industry will never be credited, unless we refer to the public records for the amount of manufactures brought from abroad, by which our own have been oppressed, excluded, and supplied. In the first year of peace, we imported, or there was imported for us, of lead and shot, thirteen millions of pounds; of white and red lead, seven millions; perhaps more than enough for two years' consumption of the country, even if we had none of our own. The average of the imports of both since the peace, amounts, for each year, to 7,749,368 pounds and the average cost, to near half a million of dollars a year.

Of hemp, in the first year of peace, we received 6,507 tons. This is the highest importation, except that of 1822, which was 8,903 tons. Average importation of hemp, since the peace, 4,972 tons each year.

Cost of it, in 1821	-	-	-	\$510,489
1822	-	-	-	876,687
1823	-	-	-	652,591

This is altogether independent of the manufactures of hemp, for which, for the last three years, we have paid, on an average, \$849,603 a year.

Earthen ware, being altogether an ad valorem article, the amount imported cannot be conveniently ascertained, except for some few late years.

In 1822, we paid for them	-	\$1,061,263
1823	-	1,047,708

All these values and sums are of the imports, after deducting the yearly re-exportations of the same article; and show the quantities consumed in the country. Glass is, partly, an ad valorem article.

For the year 1823, it cost us upwards of half a million of dollars.

Upon an average of the last three years, our imported woollen goods have cost us nearly nine millions a year. That is—

In 1821	-	-	-	\$7,057,330
1822	-	-	-	11,986,684
1823	-	-	-	7,786,577

During the first year of peace, our country was inundated with foreign woollen goods, to the amount of \$14,685,399. No doubt but a considerable portion of them were sent for the express purpose of glutting the market with double the quantity that could be consumed.

Domestic bar iron made the longest resistance. Our foreign supply for 1816, the first year of the peace, was

-	-	-	12,282 tons
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In 1817, it rose to	-	-	19,479 tons
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And varied from that but inconsiderably, until 1822, when it amounted to thirty-one thousand one hundred and seven tons. In 1823, it amounted to thirty-three thousand seven hundred and eighty-seven tons; and, in the same year, the consumption of imported sheet iron, rods, and hoops, was seven thousand and forty-one tons. Even pig iron has gradually increased from one hundred and four tons, in 1818, to an importation of three thousand one hundred and eleven tons in 1823. Add that all the steel we use is imported. But of this there is no complaint. Perhaps it cannot be fabricated at home as good as the imported. Steel is not charged with any additional duty by this bill. Add, also, the manufactures of iron and steel, which are imported to the amount of about two millions of dollars a year. But there is no complaint of this. Perhaps our workmen in the fine manufactures of those metals are not so skilful as the European. There is nothing so intolerable as the dependence on foreigners for what we may have as good or better at home; which is the case of iron.

It was, said Mr. T., estimated by our statistical writers in 1816, that the quantity of bar iron necessary for a yearly consumption, of the United States, was from forty-eight to fifty thousand tons. Since that time, from the decay in agriculture, in manufactures, in building, in every species of improvement and of useful business, and from the frugality which belongs to poverty, it is probable that the yearly consumption of bar iron has been lessened eight or ten thousand tons. But, however improbable, let it be supposed to continue the same, and to amount to forty-eight thousand tons a year. Then we import thirty-three thousand tons from Europe, and make for ourselves fifteen thousand. If any gentleman is prepared to say this is as it ought to be, then he must contend that we should be in the high road of national wealth, if our farmers were to get from abroad two-thirds of the grain and provisions for their families. It is notorious that these thirty-three thousand tons of iron may be made at home, that the workmen, while not employed in that business, can be employed in any other profitable business. That the food by which they could be sustained is now without a market, and useless.

If so, whatever is paid to Europe for iron, is paid for what may be had, in substance, for nothing, at home. That is, it will cost the nation nothing, nor cost the consumer any more than what he now pays, except that small addition which arises from the higher rate of wages of labor; a cost which must inevitably be more than made up to him, the consumer, in a hundred different ways.

Thus, sir, said Mr. T., for these plain, common necessities, which our own country is so competent to produce, lead, hemp, earthen wares, woollen goods, and unmanufactured iron, we go on paying a tribute to foreigners of more than thirteen millions of dollars a year; and, from a visionary fear of forcing capital into an unproductive channel, by protecting domestic industry, we have ended by forcing our own manufacturing capital into non-existence, and our workmen into beggary. What advantage has accrued to any portion of the community to compensate for this loss? Who is benefited? Not the farmer. His share of the gains from the suppression of manufactures is only to have the produce of his farm left perishing on his hands for want of a market. As little has the merchant gained, whose profits have been sinking with the decay of domestic industry. As little has the Government gained, which, twice, in time of peace, has been compelled to resort to loans to defray its yearly expenses.

It is supposed, said Mr. T., that, during the war, our manufacturer took advantage of the situation of the country, and extorted high prices; and that now he may be enabled to lay his neighbors under contribution and extort prices exactly in proportion to the increase of the duties. It is probable enough that, during the war, and at all other times, our manufacturers have taken the highest market prices for their goods. Buy where you can buy the cheapest, is the maxim of the political economist, without inquiring whether you buy from a friend or an enemy. Whether this maxim is right or not, one thing is certain, that, sell where you can sell the highest, has been the general practice of every seller since the world began, and to expect otherwise, is to expect an impracticable refinement in the morality of trade, and useless, even if it were practicable.

But, said Mr. T., the objection seems founded on a total mistake in another respect. High duties on the rival imports are not for the purpose of enabling the manufacturer to sell his wares high, and never can have that effect, but precisely the opposite effect. Mr. T. spoke only of those articles which can be made at home to any necessary extent, and the raw material of which abounds at home. It is protection only which enables the manufacturer to sell them cheaply. And protection will be found invariably to have that effect in England, in France, in this country, in every country that we know of. The reason why protection from foreign rivals should be so absolutely necessary to the cheapness of any manufacture, need not be accurately inquired into, when we know the invariable fact. Perhaps it is that cheapness depends essentially upon the assurance of a market; a steady demand. The great mar-

ket, the home market, creates this demand. The profits of business, to be very small, must be very certain. This certainly can never be had without an exclusion of accidental supplies. Probably an auction of cargoes of cotton goods every month, in the neighborhood of the best established cotton manufactory in England, would, in two years' time, be sufficient to break it down. Such exclusion is peculiarly necessary to manufacturing establishments when beginning. No industry, no skill, no economy, can hold them up if abandoned by their Government, and left exposed to be undersold by foreign rivals, who know that to stop them is to destroy them. So familiar is this to the two greatest manufacturing nations of the world, England and France, that, when they mean peculiarly to cherish any manufacture, (which they invariably do, every manufacture which their people are, or can be made competent to,) they do not content themselves with a duty of twenty-five or thirty per cent. on the foreign rival commodity, but they impose a duty nearly equal to, and sometimes above, the value of the article, or they prohibit it altogether.

As to details of the bill, Mr. T. observed, that, on cotton goods, the bill left the duties as it found them, with one exception. The minimum valuation of imported cloths is raised from twenty-five cents the square yard, to thirty-five cents. The intent is to give protection to fabrics superior in fineness, by two or three grades, to those which are now protected. As to the very lowest priced goods, and those in the second and third grades from the lowest, the addition here proposed to the duty is merely nominal. Those goods will never be imported. The duty, as to them, is already effectual. It is clear that immense benefits have accrued to the country from that prohibition. This valuation of thirty-five cents prohibits no cotton goods which may not be fabricated better at home than any imported, and cheaper, too, most certainly, as soon as foreign competition is excluded, and never before.

A specific duty is proposed, of six cents per square yard, on cotton bagging. It is understood that the war, which excluded importations, gave to Kentucky and other Western States the opportunity to supply the cotton-growers with bagging—a trade not hurtful to either side, but which is now prostrated. The duty of six cents is intended to be protective and prohibitory, and to give to those States which manufacture the bagging, and which consume vast quantities of cotton, an advantage corresponding in a very small degree with the protecting duty enjoyed by the cotton-grower of three cents a pound.

As to the specific duties on sundry articles of hard ware, Mr. T. said those were taken chiefly from a list furnished by the Secretary of the Treasury, some years ago, in answer to a call from the House. This was from a desire to substitute specific duties wherever practicable. Complaints are made, that, in some items, the change proposed will be inconvenient. If the Committee think so, these will be struck out.

If, continued Mr. T., the prevalence of smug-

gling is apprehended from this increase of the duties, a little reflection will perhaps show the alarm to be unfounded. The duties here proposed are not extravagantly high, not amounting to one-half of the usual protecting duties in other countries. There seems no just reason to apprehend that the practice ever can be carried on in this country so as materially to affect any provision of the law, either for revenue or for the protection of domestic manufactures. No ship-owner, no captain, incurs the risk of forfeiting ship and cargo for the sake of evading the duties on such articles as can be clandestinely landed. This dread of smuggling is perhaps imported from Great Britain, and received here, like many other impressions, without much inquiry whether it is applicable to our situation. The British coast is, perhaps, as extensive as our own. France lies within sight. A boat may sail from one country to the other, probably, in less than one night. The English duty on French silks is said to be between eight and nine dollars per pound. So on brandies—their duties are very high. So on laces. The English smuggler, if successful, gains enormous profit; whereas here there are not only all the difficulties arising from distance, but there is no such temptation of profit. Take the article said to be charged with the highest duty in our tariff for the purpose of protection—that of coarse cottons—which are said to pay a duty of 100 per cent: suppose they could be landed without detection—would they be smuggled? No. Because smuggling can only be of those articles which can be bought very cheap and sold very dear. So, take any article charged the highest in this bill for the purpose of protection. Take those woollen cloths, subject to the minimum valuation of forty cents, or those subject to that of eighty cents: so far from any just ground to apprehend smuggling, reason and fact will show that a reduction of their price below the lowest that can be imported will inevitably follow their protection.

As to the question, what effect this bill, if passed, will have upon the revenue? it may be answered, Mr. T. thought, satisfactorily, to every friend of the measure. The importation of some things may be stopped, and are intended to be stopped; but of those items the most important to the revenue, the reduction of the amount of imports by the substitution of domestic goods must be more than made up by the augmentation of the duty. Besides, the Secretary of the Treasury has clearly shown, in his communication to Congress at the last session, that the most of what can be lost to the revenue by the prevalence of home manufactures may be restored in the augmented duties upon articles which will still be imported. For three years; or perhaps longer, it may be reasonably expected that the revenue will be increased by the change here proposed. But, if the contrary were apprehended, that would be no reason against increasing the real wealth of the country by protecting domestic industry.

I have, said Mr. T., but one thing more to mention. On this important question, supposing the matter to be in itself doubtful, have we nothing

by which to direct the judgment to a safe conclusion? We have. We have the opinions of our own experienced statesmen. We have the examples of other nations. We have actual fact and experiment at home. Mr. Hamilton and Mr. Jefferson have shown that our only source of national prosperity was in the protection of domestic manufactures, the latter publicly retracting an opinion to the contrary in his Notes on Virginia. Every President of the Union, whenever he has mentioned the subject, which has been very frequently, has given the same opinion. So every Secretary of the Treasury. It is not known that one public man, since the formation of the Government, except members of Congress representing districts, has given a different opinion. It is notorious that the chief nations of Europe are wealthy and powerful almost exactly in proportion to the vigilance with which they exclude the products of foreign industry and cherish their own; and others weak and miserable exactly in proportion to their dependence on the industry of their neighbors. But we want no example of foreign nations. We have an experiment of our own, conclusive. I mean, said Mr. T., the prohibitory duty imposed in the year 1816 on cotton cloths, the only prohibitory duty we ever had in this country for the protection of domestic industry. Like the principal articles in this bill: there the prohibitory duty was on an article, the raw material of which abounds at home. Now, it ought to be ever remembered that, when that prohibitory duty on the coarser cotton cloths, by minimum valuation, was proposed by Mr. Dallas, then Secretary of the Treasury, (for the immortal honor of the measure belongs to him,) no effort was left untried by the opponents of protection to crush the measure. And, even after it became a law, the merchants of Salem, by a memorial to this House, showed how detestable the measure was considered to be by them, and assailed it by predictions of every ruinous consequence. What, then, were those arguments against the prohibitory duty on coarse cottons, and the pernicious consequences which, according to the fears of the merchants, and the books of the economists, were most surely to happen? First, that imported coarse cottons were used in immense quantities, chiefly by the poor; that nothing could be more iniquitous and oppressive, than to wring from the poor double prices for the necessities of life, in order to divide the proceeds among a set of rapacious manufacturers, who, so far from being able to enter into competition with the workmen of India or England, could never live by their trade, unless they had a charter for extortion, and were quartered, by force of law, upon the hard working agriculturists. Then, there was monopoly—monopoly; and taxing the many for the benefit of the few. Was this all? Not half. The people would have India muslins, in spite of the law; smuggling would come in fashion, and morals be spoiled. Commerce and ship-building would sink, together with the public revenue. Now, said Mr. T., if, in stating the consequences which really have followed the prohibition of foreign coarse cottons, I state

any thing which any gentleman does not know to be the fact, let him consider the whole experiment as thrown away. Instead of the oppression of the poor, and a tax on the community to support the manufacturer, that article, protected by the prohibitory duty, is now afforded to the consumer at a less price per yard, than those flimsy India muslins used to be sold for; and if you take durability and other qualities into view, it is now sold for one-half, perhaps for one-third, its former price. Instead of our workmen being found unequal to the India or British manufacturer, they have been able to contend with the British themselves, on equal ground, in every market, successfully, as is proved by the notorious practice of the British workmen, of palming their coarse cotton goods upon their customers, under the name and disguise of American. Instead of smuggling, it is clear that those India muslins could not now be sold in this country, if the duty was taken off, and a bounty allowed on their importation. Instead of supporting the agriculture of India, by wearing their cottons, we create an immense market for the raw material raised in our own country; and another market to our own farmers, for the immense quantities of provisions consumed by the workmen. Instead of destroying commerce, it is a fact, that, in the town of Providence, where the prohibitory duty had an operation as strong as in any place, the coasting trade is more than doubled. All these benefits have followed protection, in one instance, of an article fabricated from our own raw material. Similar benefits, in a greater or less degree, may reasonably be expected, from a similar protection of woollen manufactures, and of hemp, lead, glass, and iron.

When Mr. Ton had concluded—

Mr. P. P. BARBOUR said, that, though he was entirely opposed to the bill, he was desirous that its advocates should have an opportunity of fully setting forth all that could be said in its favor, and the members of the House have time for a further consideration of its details. As soon as sufficient time for these two objects had elapsed, he should move to strike out the enacting clause.

Mr. RANDOLPH then observed, that, on a late occasion, a gentleman from Massachusetts, who, when he did not instruct, seldom failed to entertain the House, had told us, that, if, in opposition to his resolution, he should chance to encounter a wind-mill, he should be obliged to take a tilt with it. He must confess, that he had not a tythe of the gallantry which distinguished the gentleman from Massachusetts—he had no particular relish to encounter wind-mills of any kind—but, of all the wind-mills that ever could appal the imagination of Don Quixotte himself, defend me, (said Mr. R.,) from wind-mills that go by water. As he wished for some respite, before entering upon a bill that was to signalize, perhaps to eternize, the Eighteenth Congress, he moved that the Committee rise.

The question being taken on the motion for rising, it was lost—ayes 75, noes 84.

Mr. Ton then moved to rise, and report the bill without amendment.

Mr. CAMBRELENG, of New York, after inquiring whether it was in order to offer amendments to the bill, after it should go into the House, and being answered by the Chairman in the negative, observed, that the gentlemen opposed to the bill had not come prepared to enter immediately on the discussion of its details, and he hoped some further time would be allowed for consideration. If the friends of the bill were determined to press it, they must be met; but, he trusted they would indulge its opponents with some further time; and he renewed the motion made by Mr. RANDOLPH, that the Committee now rise.

Mr. TAYLOR, of New York, spoke to the question of order; which, he stated to be, that amendments might be offered in the House, which went to diminish the amount of duties proposed by the bill, but not such as were intended to increase that amount.

Mr. CLAY said, he was far from wishing to prevent a fair and deliberate discussion of the bill; but some regard must be had to time. Numerous petitions had been presented on the general subject of a revision of the tariff, the reading of which had been dispensed with, and they still lay on the table of this House. Would it not be respectful to these numerous petitioners, (and they amounted to thousands,) to have some further disposition given to these documents? They should either be taken up and read, or referred to a committee, to have their contents presented in a condensed form, to the Committee of the Whole. The voice of almost the whole country had come up to the House, setting forth a picture of distress, invoking the interposition of Congress—that voice ought at least to be heard.

Mr. CAMBRELENG stated that the reading of the petitions would occupy much time. He had taken pains to count their number. It amounted, more than three weeks ago to seventy, and must be now over a hundred. He suggested their reference to the Committee on Manufactures; and withdrew the motion for rising.

The reading of the bill was then gone through, when—

Mr. FOOT, of Connecticut, moved to strike out the 255th and 256th lines, containing a duty on imported spirits; the enacting of which clause would not increase but rather impair the revenue, and would, besides, operate as a bounty on intemperance.

Mr. CLAY expressed a hope that the motion would not prevail.

Mr. FOOT replied, that he was sorry no friend of the bill rose to state the reason which induced the committee to insert this clause. For himself, he was not to be driven from his opposition to the measure by a mere suggestion or wish of any gentleman. He believed the clause would have a tendency materially to injure the foreign commerce of the country. The present duty was already so high as to amount almost to a prohibition of the West India trade. If the object of gentlemen was to destroy foreign commerce, be it so, but let it be avowed.

Mr. TRIMBLE, of Kentucky, was not disposed to

go into a discussion of the merits of the bill at this time. If the gentleman from Connecticut thought that a consumption of that article which so powerfully affected the upper story, was an advantage to the country, let him then endeavor to strike out this clause. But, if the interests of morality were, as was generally believed, concerned in diminishing its consumption, then the clause ought to stand. Rum had been, with much truth, denominated "the Indian's Devil," but, if the interests of commerce required that the whole country must get intoxicated, he would thank the gentleman to say which was best, that they should use foreign or domestic spirits for that purpose.

Mr. FOOT said, that though he professed no great skill in such matters, he would answer the gentleman from Kentucky. It was not best to get intoxicated with new spirits, but with that which had a little age. But was it seriously true, that the committee who reported the bill were desirous of encouraging the manufacture of spirits? If so, they took the proper method, in laying this additional duty on that which is imported.

Mr. TRIMBLE said, in rejoinder, that he had often been astonished at the fund of ideas sometimes manifested by his Eastern friends; but he was happy that he could now account for all the queer notions from that section of our country.

Mr. McDUFFIE observed that the subject was of a nature little suited to levity: it called for grave discussion. What was the state of facts in relation to it? Seven or eight years since, we enjoyed a great amount of revenue from the importation of foreign spirits; but the duty already laid had reduced that duty by two millions of dollars. The question was clearly a question of revenue. Was it pretended that whiskey was an article the manufacture of which ought to be cherished? It was a principle which had long been settled in political economy, that luxury was a proper subject for taxation and revenue. But the present clause went to diminish the revenue from this source, while, at the same time, it tended to increase the use of the article by the people. Of all the various descriptions of manufacture, this was, in every view, the least worthy to be encouraged. It involved little skill, capital, or machinery; and could not be argued for on any of the grounds usually taken on the subject of the tariff.

Mr. CLAY differed entirely from the gentleman from South Carolina; but he was very unwilling to go into discussion of the general principles of the bill on one of its mere incidental details. A better course would be for some gentleman to move to strike out the enacting clause, and then let the Committee take up the measure on general grounds. It has been said that the clause in question would diminish the revenue. This might possibly be the fact; but must it, therefore, necessarily diminish the wealth of the country? Suppose we had imported ten millions of gallons of foreign spirits. It is true, we derived the amount of the revenue upon it, which, so far, was a gain; but, so far as we thereby encouraged foreign agriculture, we paid an equivalent for what we gained. But, if, instead of having been manufactured abroad, and

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paid for abroad, the same quantity had been made at home, and paid for at home, which would have been the greatest gain to the country? Wealth at home was to be preferred to that which was brought into the country from abroad. And were this duty, instead of being diminished, to be increased yet more than is now proposed; were the tax on it to be increased, so as to go to an absolute prohibition, I, for one, said Mr. C., am prepared for myself, and I may say for my constituents, to meet a tax on our home products. I am not to be frightened by that ominous word "excise—excise," if the wealth of the country is substantially to be promoted. I agree that the Western country is interested in the manufacture of spirits; but I ask, by importing spirits, are you not encouraging the foreign manufacturer? We may experience the same vicissitude in seasons and in crops that other countries have experienced—we may experience times of scarcity, and even of famine. Whatever encourages the extensive growing of grain, provides you with a resource against such a calamity. But this article affects not only the grain-growing, but the fruit-growing, and the malt-making districts of our country—they are all interested in the exclusion of foreign spirits. Look at the example of England; she excludes the brandies of France and the gin of Holland; and so do France and Holland exclude England and each other. The duty has a double operation; it not only encourages home manufactures, but home agriculture likewise—while the admission of foreign spirits not only goes to encourage the foreign manufacturer, but the foreign agriculturist also.

But, I will not anticipate the discussion of the general question—when that comes up, I think I shall be able clearly to show that the national wealth is the only substratum on which to raise taxation.

Mr. GARNETT, of Virginia, was surprised to hear the tax on foreign spirits advocated on the ground of encouraging agriculture—its operation was directly the reverse. Suppose you send a bushel of wheat abroad, and get in exchange a gallon of rum; you thereby destroy the demand abroad for one bushel of grain; but this bushel of grain, if distilled at home, will produce two gallons of spirits—so that when home spirits are used in the same quantity as foreign, they occasion only half the demand for agricultural products that would arise if imported were used.

Mr. TOMLINSON, of Connecticut, agreed in the opinion, that it was improper to discuss the general questions involved in the bill, on incidental motions respecting its details; but, since the motion has been made to strike out the present clause, he considered it his duty to support that motion. The Speaker, in the remarks he had made on this subject, seemed to think that the people of this country were all agriculturists—and to forget that our commerce had any existence. But surely that commercial interest which had proved to this country a source of so much wealth, aggrandizement, and national glory, was at least to be looked to as much as the interest of agriculture. The honorable Speaker seemed to believe that we are

to have no reference whatever, in our discussion of the duty, to our exports which bring in the foreign spirits—to the fish, the live stock, the lumber which go, not only from the Eastern, but from the Middle States, and from States south of this District also, out to the West Indies, and bring back the spirits in return. Even under the duty, as it now stands, the West India trade is languishing—the only profit is on the outward cargoes, while there is always a dead loss on the returns. In this exchange of commodities consists a great part of the commerce of this country. The increase of duty on foreign spirits now proposed, will destroy that branch of commerce altogether—the forests of Maine will not be cleared—the fisheries will languish. The honorable Speaker has professed his readiness to meet an excise. If he is ready now to propose an excise on domestic spirits to the same amount as the proposed duty on foreign, I am prepared to go with him in both. I should have no objection that the committee make the duty on the imported article fifteen cents instead of six, provided they lay an excise of the same amount on the domestic article. That would indeed be a public blessing—and would, of itself, produce a fund more than sufficient to carry on and complete that magnificent scheme of internal improvements, which has this day passed this House. The measure, as now proposed, operates in a peculiar manner, on one particular district of country. The interests of the farmer, the merchant, and the manufacturer, would then be alike promoted. As to any moral influence that is hoped to arise from the prohibition, it is almost nothing. I admit that no greater social or individual evil can curse a nation, than the excessive use of ardent spirits; but, will a duty of six cents a gallon, cure, or in any degree lessen this evil? If the object is to destroy the use of spirits, let us have a duty that will prove adequate to its end. When I heard the section read, that is now under discussion, I did suppose that it was a provision intended simply for revenue; and if such was the calculation of the committee, they have labored under a great mistake as to facts. The effect of an increase of duty on spirits, has invariably been to diminish revenue. What has been the experience of England in this matter? Her duties on imported spirits amount, now, to about fifteen shillings sterling a gallon; and yet, the article brings less into the Exchequer, than when the duty was only two and six pence. It is plain, however, from the very argument of the honorable Speaker, that revenue alone was not the object. Sir, I am no advocate for the use of spirits; nor is the country from which I come, peculiar at all, (whatever the honorable member from Kentucky may suppose,) for its attachment to the use of what has such surprising effects on the upper story. And, lest I should be misunderstood, I will assure the friends of the bill, that I am entirely friendly to it; and that, were this clause stricken out, the bill should have my cordial approbation and support.

Mr. HAMILTON, of South Carolina, then observed, that, if gentlemen blended any views to

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morality in their speculations on this subject, spirits were certainly a most praiseworthy subject of taxation. But if the section now objected to operates as a prohibition of foreign, and, at the same time, a bounty to domestic spirits, the objects of morality are not likely to be promoted by so high a duty. If it will be any blessing to the country; if it will add any thing to the lovely scene of its domestic felicity, to have a loathsome still on every side of the picture, the country is likely to be supremely blessed. The honorable Speaker, no doubt, prefers whiskey to brandy, and we seem in a fair way to have, in abundance, the pure Western stuff, fresh from the still. It further appears, that we are about to have a famine, and that it will be necessary to keep the whole country drunk for fear of a dearth. We have indeed pleasing prospects before us. But, to be serious, when, from the days of Lord Chesterfield, till the present time, the records of British history are filled with the discussion of this subject—when it has been so ably argued on both sides of the Atlantic, and the whole subject was, as he supposed, so fully understood and settled, he had really been surprised to find a provision of this kind introduced into the bill.

Mr. CLAY rejoined. He had been much amused with the witticisms of the honorable gentleman from South Carolina; but he was restrained from entering into any thing like a general discussion of the question, by a fear that this was not a favorable time of the day for such discussion.

Yet he could not refrain from noticing the argument of his honorable friend from Connecticut. If he had rightly apprehended that argument, it was in substance this: The produce of Connecticut is sent to the West Indies, and spirits constitute the return cargo. If you impose a higher duty on spirits, the produce of Connecticut can no longer be sent to the West Indies. But this same argument is urged with equal reason against the whole tariff. If it taxes an article raised in the Middle States, then the gentlemen from the Middle States urge this argument. If you tax an article that is the produce of the South, then gentlemen from the South urge it. Each different section of the country holds the same language. The honorable gentleman is quite ready to concur in an excise on the Western whiskey, because that will not affect Connecticut; but if any duty is proposed that touches Connecticut, then our commerce is gone at once! The glory of the nation is annihilated; the country is going to speedy ruin!

The argument is fallacious. Its fallacy consists in this: it assumes that those persons in the West Indies, who want the produce of Connecticut, will not take it unless the Connecticut trader will take rum in exchange, (which he will not do if the duty is raised;) but this is not the fact. I say that, if they want the produce of Connecticut, as they do, and will, and must continue to want it, and the Connecticut trader refuses rum, they will give him something better. They only give rum now because he will take it, and it is the worst thing they have to part with. As he did not in-

tend to pursue the discussion now, Mr. C. said he should conclude with expressing a hope that all deliberations and discussion of the Committee would be marked with a spirit of moderation, amenity, and mutual forbearance.

Mr. CUTHBERT said that he only rose to remark that the course the discussion was taking, was, in itself, a proof that the Committee ought now to rise and report. The honorable Speaker, it appeared, was averse to this skirmishing mode of warfare—and why? It deranges his legions—it breaks the order and system of his array, and thereby impairs his strength. He thought it was no more than what was due to the honorable chairman of the Committee on Manufactures to give at least one night's reflection to the extended exposition of the bill with which he had favored the Committee. The honorable gentlemen had spoken of a spirit of forbearance. Was there not some danger of its being thought that a determination to press the discussion farther at this time would show some want of that spirit? He hoped the Committee would rise, and would himself make the motion to that effect, but that he preferred it should come from the other side.

Mr. CLAY then said he would with great pleasure oblige the honorable gentleman from Georgia. The only reason why he had before objected to rising was the early hour.

Mr. CLAY then made the motion, and the Committee rose and reported, and had leave to sit again.

THURSDAY, February 12.

Mr. CUSHMAN, from the Committee on the Public Buildings, made a report in relation to the works on said buildings, during the last year, and to their present state and condition, accompanied by a bill making appropriations for the public buildings; which bill was read twice, and committed to a Committee of the Whole.

Mr. COOK, from the committee appointed on the 9th of December last, on so much of the several acts passed for the admission of Indiana, Illinois, and Missouri, into the Union, as sets apart a portion of the money arising from the sale of public lands in those States, for the purpose of constructing roads and canals leading to those States, respectively, to which committee was referred, on the 2d instant, a resolution of the General Assembly of the State of Indiana, reported a bill to authorize the laying out and opening of a road from Wheeling, in the State of Virginia, to the seat of government of the State of Missouri; which bill was read twice, and committed to a Committee of the Whole.

The resolution laid on the table by Mr. FLOYD, yesterday, was taken up, read, modified, and agreed to, as follows:

Resolved, That the President of the United States be requested to inform this House whether the rules and regulations compiled by General Scott for the government of the Army, are now enforced in the Army, or any part thereof, and by what authority the same has been adopted and enforced.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting a statement of contracts made by the Commissioners of the Navy, during the year 1823; which were laid on the table.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, accompanied by sundry statements, showing the commerce and navigation of the United States, during the year ending on the 30th September, 1823; which were laid on the table.

Mr. ISACKS called up the resolution, offered by him some time since, to inquire into the expediency of the continuance, for five years longer, of the pensions to the widows and orphans of such officers and privates as have fallen in battle, or been wounded in the late war.

The resolution is in the following words:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of reviving the laws allowing a pension to the widows and orphans of such officers and privates of the Army who may have fallen in action, died in service, or of wounds received in service, during the late war, so as to continue the said pensions for the term of five years longer, after the expiration of the first terms, respectively."

Mr. WICKLIFFE inquired whether the widows and orphans of marines were included in the law proposed to be revived.

Mr. ISACKS answered that he understood not.

Mr. MCCOY hoped that the pension system would have leave to rest.

The question being put on agreeing to the resolution, it was carried. Ayes 70, noes 44.

Mr. CAMBRELENG stated that, as the House might be called on to vote on the tariff bill, in its present shape, he had taken pains to prepare a statement of what would be the practical operation of the provisions of that bill, which he was desirous of presenting to the House.

The statement was received, and, after an unsuccessful motion of Mr. CONDIOT to lay it upon the table, was ordered to be printed.

Mr. TRACY called up the resolution, offered by him some days since, making certain inquiries of the Secretary of the Treasury, in relation to real estate purchased by the United States. The resolution was taken up and agreed to.

Mr. LONGFELLOW, by leave of the House, presented a remonstrance and memorial from merchants and other inhabitants of the town of Portland, in the State of Maine, against the passage of any bill having for its object an increase of duties on foreign manufactures, upon their importation into the United States, for the purpose of protecting and encouraging domestic manufactures; which memorial and remonstrance was committed to the Committee of the Whole on that subject.

Mr. HENRY, from the Committee on the Public Lands, to which the subject was referred, reported a bill to authorize the surveying and making of a road from a point in the northwestern boundary of the State of Ohio, near the foot of the rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan; which bill was read

twice, and committed to a Committee of the Whole.

On motion of Mr. VAN RENSSELAER, a committee was appointed to inquire into the expediency of devising suitable regulations for the preservation and police of the Capitol and its appurtenances; and Mr. VAN RENSSELAER, Mr. MERCER, Mr. FORSYTH, Mr. RICH, and Mr. LATHROP, were appointed the said committee.

THE TARIFF BILL.

The House then again resolved itself into a Committee of the Whole, on the bill to amend the several acts for imposing duties on imports.

The question pending, from yesterday, was, on the motion to amend the bill, by striking out the words following, viz: "On all foreign distilled spirits, fifteen per centum upon the duties now imposed by law, and in addition thereto."

Mr. WICKLIFFE, of Kentucky, first rose, in continuation of the debate on this motion, which he considered as involving the great principle of this bill, and particularly so far as it affected that section of the Union which he represented—a consideration which, he hoped, would excuse his troubling the Committee at this time. Looking at the contents of this bill, at the province of the committee which reported it, and the grounds on which it had been supported, he regarded it as a bill intended for the protection of manufactures, and not, as it seemed to be considered by the supporters of the motion, as a commercial or a revenue bill. Mr. W. said, he was himself disposed, by increasing the duties on imports, to extend to the infant manufactures of the country, and to the encouragement of its industry, all the protection that can be given to them. But, whilst he would do this, he was not disposed, by overdoing this encouragement, to be led into a state of things which would necessarily result in the establishment of a system of internal taxation in the country. He did not believe, he said that the Union is prepared, at this time, for that state of things. He spoke with great confidence for that portion of it by whose kindness he had now the privilege of addressing the House. However anxious the people of that part of the country might be to promote the interests of domestic manufactures, they were not prepared to go the length which some gentlemen, not in debate on this floor, indeed, but in private conversation, had seemed to intimate that this measure would carry us. They, said Mr. W., have no fondness for your excisemen and tax-gatherers. They learned a song in 1798, the memory of which they yet cherish, the chorus of which is "Liberty and no Excise!" In time of war, he said, they would cheerfully submit to the burdens of internal taxation, to provide for the support of the armies and navies of the country; but, in time of peace, they would as soon welcome a real blue-light man among them, as an exciseman. They would as soon hail, as brothers, those "just men made perfect," who, after having, by their entangling commercial relations, brought the country into a war, seemed to think that the machinery of our Government was not competent to its successful prosecution.

Mr. W. did not make these remarks, he went on to say, as indicating the vote he was to give on this bill. If, however, he should be made sensible that the bill would lead to the state of things which some had anticipated, he could not give it his support. And one promise he was prepared to make; that, if the clause now under consideration were stricken from the bill, he must and would vote against it. Taking this bill as a whole, he could not regard it as a bill to increase the revenue of the country. There was no complaint, he observed, of any deficiency of revenue to meet all the expenditures of the Government—unless it should be desired for the more speedy extinction of the public debt, to which measure he professed himself friendly. It was not a revenue bill; for, the House had been told, by the chairman of the committee who reported it, that its effect probably would be to diminish the revenue. Mr. W. therefore, regarded the bill simply as a manufacturing bill, having for its object the encouragement and protection of the manufacturing interest of the country. Viewing it in this light, if the clause now under consideration should be stricken out, what was promised to the section of country which he represented, in lieu of the sacrifice she is to make, by paying, in the increased cost of the manufactured articles she consumes, the additional duties proposed by the bill?

The gentleman from Connecticut had professed a disposition to encourage manufactures, but was, at the same time, against the commercial interest contributing its proportion to the general sacrifice. The consumers of cloths, and other articles of importation, designated by the bill for higher duties, were called upon to contribute for the benefit of the manufacturers—for the bill could be considered in no other light than as a system of bounties to manufacturers, and, by this bounty, the price to the consumer was to be advanced. The commercial interest was not to contribute anything, upon the plan of the gentleman from Connecticut, but the agricultural interest was to contribute all. Mr. W. replied to some of the arguments urged yesterday. Among other observations, he said, why is a further duty proposed to be laid on bar iron and lead? Because the country abounds in those articles, in quantity and quality equal to those of any other country in the world. So of the raw material of every other article of manufacture embraced in the bill. Now, Mr. W. asked, is it the policy of this country, while increasing the duty upon every article of importation, of which the country possesses the raw material, and the capacity for its manufacture, not only for home consumption but for exportation, to exclude the only manufacture, of any extent, of the Western country? Is there a greater reason for imposing higher duties on the other articles embraced in the bill, than on that now under consideration? Mr. W. here adverted to the amount of importation of foreign distilled spirits, as affected by the existing duties, and went into an inquiry whether this was not as fair an object of taxation as any other article of import. He would not inquire, he said, whether hilarity was more promoted by foreign or

domestic distilled spirits—from either, it was sometimes too much promoted—gentlemen might, if they pleased, prefer the brandies of France, or the rum of Jamaica, to the spirit of domestic origin; but their preference of the one or the other did not affect the true point for inquiry here, viz. whether an article, which we can abundantly produce at home, is susceptible of higher taxation when coming from abroad, than it at present bears? It was a manufacture, surely, as worthy of protection as that of straw hats. The capital employed in the one manufacture is much greater than that which is employed in the other; and yet the House was called upon, by those who opposed the proposed duty on distilled spirits, to protect the manufacture of straw hats and bonnets by a tax upon leg-horns. It was as good an argument against taxing them as against taxing distilled spirits, that such a tax would operate to the prejudice of the commerce of the country. The duty on Russia hemp, too, might as well be objected to, on the ground that it weakens commerce, and lessens the supply of the article to the Eastern manufacturer. But, he said, it appeared that gentlemen were disposed to exact from the agricultural States encouragement for the manufacture of cotton and woollen cloths, but not to encourage the manufacture of whiskey and the growing of hemp, because a trade in them was necessary for the interests of commerce, &c. Mr. W. was for placing these two interests of the country on the same footing.

The only objections, he said, which he had heard to the increase of the duty on the importation of spirits, were, that it would lessen the revenue of the country, and disturb the commerce with the West India islands. As to the first of these objections, Mr. W. said, it would apply equally to every article of the bill. And, as to the second, he argued that the augmented importation of the raw material, molasses, from which rum is distilled, would more than compensate for the diminished importation of rum, which would be caused by the augmented duty, besides affording additional employment, in the manufacture of it, to the labor and industry of the country. Mr. W. then adverted to the proposed increase of duties on coarse cloths, of which a great quantity is consumed in the country which he represents, and to the tax to be levied upon his constituents to the amount of increase of duty, by the consequent augmentation of price of the article, whether of domestic or foreign manufacture. Why should this be exacted from his constituents, if any participation in corresponding advantages was wholly denied to them? Mr. W. said, he wished this bill to pass, if assured that it would not have the effect which some predicate of it. Yet he wanted to see something like reciprocity in its details. He was not willing, whilst his constituents were to be heavily burdened by the bill, that they should derive no benefit from it. He was not willing that the agricultural interest should be made to pay all, and receive nothing.

Mr. MALLARY observed, that the gentleman who had just spoken in opposition to the motion had assigned some reasons, which he considered un-

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founded. It was to be expected, that the discussion of a bill so wide in its extent, and affecting so many different interests, would produce some collision of opinions. There could scarcely be a provision in the whole bill which would not affect some parts of the country more than another. It was the duty of the friends of the policy to equalize the advantages, as well as the burdens, if any burdens should be imposed, throughout the country. However great the evils produced by the extensive use of spirits, they could not be avoided. It was an article of commerce of great extent, and it must be considered as such in our Legislative proceedings. The inquiry was, whether the duties already imposed were not sufficiently high? Has not protection to the domestic article already exceeded that of almost any other? The importation of spirits at a former period was enormously great, amounting to about twelve or fifteen millions of gallons in a single year. The duties upon it amounted to nearly two-fifths of the whole revenue. The tariff of 1816 has been the cause of reducing the import to about four millions of gallons per annum. The use of spirits has not diminished, but increased, from the cheapness of the domestic article, and increased population. The domestic produce has enjoyed the benefits. No part of the country has enjoyed greater advantages than the West. Let us inquire what has been the effect upon the trade and commerce of the Eastern States, especially of Connecticut. From one port, a few years ago, about fifty vessels were engaged in the West India trade—now they have eight or nine from the same port. Other ports have suffered equally great. Ought this particular branch of commerce be reduced any more? Have not the people concerned made sufficient sacrifices for the benefit of the other interests of the country? If burdens are to be imposed, ought they not to be applied to some other interests, which have not suffered as much? Mr. M. said, he was in favor of the bill, and should vote for it as it was, but should prefer it with the provision under discussion removed from it, and appealed to the friends of the bill to say, whether justice did not require that it should be done.

The gentleman from Kentucky, who has just spoken, says that the bill proposes a duty on woollens, which is in favor of the Eastern States—that the Western ought to have an equivalent. What equivalent have the Eastern people had for the almost total annihilation of the West India trade? The West have been gainers, while the East have been comparatively the losers. Let me call the attention of the gentleman from Kentucky to another important point—the comparison between the duties on spirits and the duties upon woollen goods. It is evident there is no proportion. The duty on spirits is about forty-two cents per gallon, on an average. The cost is about seventeen cents per gallon in the West Indies. The duty, therefore, is nearly two hundred and fifty per cent. already; add that proposed by the bill, and it will equal three hundred per cent.; and the West has reaped its full share, perhaps more, of the benefits of the high duties. In con-

sequence of the cheapness of grain in the West, the article of spirits could be produced there much cheaper than in the East. When the Eastern people demand an increase of duty equal to three hundred per cent. on woollens, some equivalent should be discovered, or the West would have a right to complain. For his part, said Mr. M., he considered that the committee had presented a bill, which, in general, had given evidence of their research and wisdom. It should have his support, although he should prefer it if the motion should prevail.

Mr. TRACY, of New York, next presented some of his views on the subject. He should think, he said, that so small an augmentation of the duty on distilled spirits would not have any injurious effect on commerce. It appeared to him impossible that so slight an addition to the present duty could affect the importation of rum. If the augmentation of duty would have any effect at all, as it would increase the cost of rum, it would operate beneficially to our manufacturers of rum from molasses, and, molasses being the more bulky article of the two, it would thus operate beneficially also to the navigation of the country.

But, Mr. T. said, if it were otherwise, there were several items in this bill, inserted with a view—if not with a view, certainly with the effect, to exclude the importation of the articles on which they propose duties. The proposed duty on iron ought to be intended to exclude, altogether, its importation. So also the duty on woollens. If any increase was to be made upon the present duty on woollens, it could only be justifiable with the intent and purpose of excluding altogether the importation of foreign goods of that description. If we legislate with this view, said Mr. T., to what object can the principle be more fairly applied than to distilled spirits? It would, to be sure, affect the revenue, to exclude foreign spirits altogether. But, he said, there were many other articles of importation, the exclusion of which would more seriously affect the revenue than the total exclusion of distilled spirits would. There was no increase of duty on any article extensively imported, that would so little affect the revenue, as this very one. The commercial interest would derive as much benefit from the importation of the raw material (molasses) as from the import of the manufacture from it. But, if the duty did affect commerce, it would not operate, in this respect, differently or more extensively than some other provisions of the bill.

Mr. T. said, he was opposed, altogether, to striking out this clause of the bill, because that part of the country which was most interested in this item would derive less benefit from the general provisions of this bill than any other. The particular district which he himself represented, for example, had no iron, no woollen manufactures, no capital, &c., to receive benefit from the provisions of this bill, and would yet have to pay its full proportion of the increased cost of the manufactures of the East, &c., growing out of this bill. What equivalent was offered to them? None, unless in the clause now proposed to be

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stricken out. The objection to this particular clause, therefore, Mr. T. said, came with an ill grace from any gentleman from the Eastern States; and, perhaps, of all the States, there would be no one so much benefited by this bill, should it pass, as the State of Connecticut, extensively a manufacturing State, and having, besides, the advantage, not common to other sections of the country, of possessing an extensive capital.

All the friends of this bill, Mr. T. said, must discover the necessity of not listening, at this time, to any proposition to amend it. Let us, said he, ascertain what is the strength of the House in regard to the general principle of this bill, and then see what amendments are advisable with a view to its ultimate passage. He hoped the gentleman from Connecticut, if friendly to this bill, would withdraw his motion to strike out the clause: If he was adverse to the general provisions of the bill, he ought still to withdraw the motion to try the question on the principle of the bill.

Mr. FOOT, of Connecticut, said he was not hostile to the principle of the bill. He had believed, for a long time, that there ought to be a revision of the tariff of duties on imports; but it must be a judicious revision. He could not agree with the gentleman from New York, that the question should first be tried on the general principle of the bill, as he expressed it, when in fact every particular item of the bill presented a separate principle for consideration. He could not agree, either, with the gentleman, that this bill is to be taken as it is; that it is not susceptible of amendment; that the committee which reported it possesses more intelligence than the whole House. He believed, on the contrary, there was in the House a great fund of practical information, which a debate upon the details of it would elicit. In his opinion, Mr. F. said, the interests of agriculture, commerce, and manufactures, were so connected, that they could not, without violence, be separated. In the proposition which he had made to amend the bill, by striking out the clause now under consideration, he had been actuated as much by a desire to favor agriculture, as to favor commerce. What would be the effect of it? He ought, he said, certainly to have brought into this House some experience, if nothing else; for he had been ten years of his life engaged in commerce, and, for the last ten years, in agricultural pursuits; and, practised in both, he was not hostile to either of them. Every barrel of flour exported to the United States, said Mr. F., the proceeds of which are invested in the products of foreign countries, for importation, brings into our Treasury at least fifteen dollars, in the shape of duties on the foreign importation. You will, by compelling the consumption of the article here, by excluding importations by high duties, produce a necessity for raising that fifteen dollars upon the consumption of the article at home. Here, then, is a taxation on agriculture, to an enormous extent, the necessity for which will be produced by your legislating to the extent proposed. It was upon general principles, therefore, he had proposed

to strike out the clause of the bill now under consideration. The present rate of duty on spirits, he said, is vastly higher than the duty now proposed in the bill on any article whatever. If it was increased, Congress would be under the necessity of making up, by internal taxation, the deficiency of fifteen dollars on every barrel of flour, the exportation of which should be virtually forbidden, by the excessive taxation of the articles usually imported in return for it, &c.

Mr. TRIMBLE said, he rose not to enter into a discussion of the merits and principles of the bill, but merely to state facts. It had been said, repeatedly, in the course of the debate, that, to impose an additional duty, would have an effect to diminish the revenue. On this subject he had a statement to lay before the House, which would show that the operation of the duty would be very different from what gentlemen seemed to think. But, before he produced it, he deemed it best to state the general principle that would govern him in all his deliberations, and in the several votes he might be called on to give in the course of the discussion of this bill. It was this: that he considered no tariff as fair, unless its pressure was equal on all parts of the community. He did not mean to say that if a noxious article was found in general use, that such article was not a fair object for taxation—he would, on the contrary, tax vice, if he could, out of the community, but he concluded that, if gentlemen wished to have a tariff pass this House, they had come prepared to equalize its effects as far as possible. There was one other general idea which he wished to state on this matter. If the present confederacy had never taken place between the States, they would have possessed and retained the power of laying what taxes they pleased on the ingress and egress of commodities into and out of the bounds of each, and would, no doubt, have exercised that power in rendering the taxes on each other equal. But the Constitution, (which, he could show was nothing but a perpetual treaty,) prohibited to them this right of taxation, and it was now, therefore, the honest duty of Congress to make the pressure of the tariff as equal as possible, whether the tax was direct or indirect.

But to recur to facts. It was not true that the revenue, on imported spirits, had been diminished by the taxes imposed on it, from the commencement of the Government to the present time. Mr. Secretary Dallas had shown that the annual revenue on this article, from 1800 to 1816, was something less than two millions of dollars. But in that statement he included the great importations of 1803, '4, '5, '6, '7, which do not fairly enter into the average. But, taking the importations from 1803 to 1812, the average amount will be found to be six millions, and the duties on that amount two millions—leaving out the years 1803, '4, '5, and '6, the average on the balance is about four millions, and the revenue one million. So that the average revenue to 1816 is about two millions. In that year the new tariff was laid, and the average duties on imported spirits, from 1816 to the present year, is two millions.

Here Mr. Foor inquired whether the gentleman from Kentucky had deducted the years of the embargo and non-intercourse?

Mr. T. replied that he had not. He did not think it was a fair mode of obtaining an average to take all the lowest, and leave out the highest years, or to take all the highest and leave out the lowest. (He was glad to perceive, from the inquiry of the gentleman from Connecticut, that they were getting on terra firma again—he had no doubt all would proceed very well now.) Mr. T. here made some remarks to show that the diminution of the import of spirits, in late years, arose from the general derangement of business, and was not occasioned by the tariff of 1816, though that tariff might, in some degree, have contributed to it.

On one thing he was determined, that, so far as he was concerned, he would make the tariff fair and equal. The old tariff was so unequal, that he presumed no member was to be found who would venture to take his place on this floor and attempt a defence of it. He knew, indeed, that absolute equality was unattainable—they could not weigh out equality by dram and scruples, but must come as near it as possible.

Mr. TRACY again rose, and said, that, the more he reflected on the subject, the more he was satisfied, that, instead of striking out from the bill the clause now under consideration, the duty proposed by it was not as high as it ought to be, consistently with the other provisions of the bill. He was satisfied, he said, that it could be shown conclusively, that the same considerations which operated as inducements in regard to other articles of the bill, would operate equally in favor of the motion which he now proposed, which was, to strike out the proposed "fifteen per centum," and, in lieu thereof, insert "fifty per centum."

Mr. McDUFFIE, of South Carolina, said, that he felt himself bound, on every question of amendment, not to oppose it on the general principle of hostility to the bill, but to oppose or support it on the merits of the amendment proposed. What, then, he asked, is the principle on which the manufacturers of the country claimed protection? What is the principle on which, if at all, they need it? Not that they cannot stand a competition, on any terms, when fairly established, with the foreign manufacturers; for, if gentlemen admitted that any article of manufacture cannot stand in competition with the foreign article, that admission denied at once the policy of the prohibition of the foreign article. The only ground on which an increase of the tariff could be supported, was that of sustaining manufactures against superior advantages, from the improved machinery and more powerful capital of foreign manufactures, against competition, &c. Now, Mr. McD. asked, is not the manufactory of whiskey in this country carried to perfection? Is an extraordinary machinery, or very extensive capital, necessary to carry it on? It had already been shown, that this manufacture is now protected by a duty of two hundred per centum on its value. Was it pretended that any article, the manufacture of

which is not protected by such a bounty, could be protected by any bounty whatever short of total prohibition?

The ground which he took in regard to this article, Mr. McDUFFIE said, was, that it is one which, whether of foreign or domestic manufacture, should be a subject of taxation; and the ground he now took, in opposition to the motion of the gentleman from New York, would be, that it would have the effect, if it succeeded, to protect the article, whether of foreign or domestic manufacture, from any taxation whatever. What, he asked, would be the effect of the tax now proposed? Would it not operate to the exclusion of the foreign article altogether? He appealed to any man, acquainted with the course of commerce, for confirmation of the fact, which he now stated, that the duties already existing, have almost excluded this article; that the trade with the West Indies was almost destroyed by the duty as it now stands. Mr. McD. here made some statements to show that, with regard to the comparative amount of the importation of the article of distilled spirits, the change has, under the operation of the augmentation of duties upon it, been vast. From the year 1805 to the year 1808, he said, one-half of the revenue of the country had been derived from duties on the importation of articles of this description. For the four succeeding years, more than a third of the revenue had been derived from the same source. The statement of the gentleman from Kentucky, that the amount of revenue from this source in those years had been very little greater than, under increased duties, it had been in late years, might be literally correct; but gentlemen ought to make a comparative statement, to arrive at correct results from the facts. It was true that, in 1822, the amount of the revenue from this source was two millions of dollars. But, in the years 1805 to 1807, when the total revenue was but seven millions of dollars, the imposts on distilled spirits amounted to three, four, and three millions of dollars. The duty now existing amounted, in fact, almost to an exclusion of that article, and if the same proportional amount was now imported, as was in 1805, the revenue from this very article, taking into consideration the growth of our population and the subsequent increment of duty, ought to be at least ten millions, instead of two millions of dollars.

The article of manufacture now in question, Mr. McD. said, was not one requiring extraordinary machinery or capital to carry it on, nor was it one which it was necessary to encourage in a national view, such as the manufacture of woollens, &c., necessary for the clothing of troops, &c., in a state of war. The manufacture of whiskey was one which could be increased to any extent in case of emergency. It was an article which could not be brought within the principle on which domestic manufactures rightfully claim protection; and he trusted the House would not sustain the proposition to increase the duty upon it.

What, he asked, was the suggestion of the gentleman from New York? That, if you strike out

one of the items of this bill, you must another, and another, and thus lose friends to the bill. I protest against this argument, said Mr. McD. Let every article stand on its own footing, and on that ground alone. Is it to be argued that you are to protect an article by additional duties, contrary to the interest of the community, merely, as the gentleman from Kentucky has it, to equalize the tariff? The tariff, Mr. McD. said, ought to be equal, to be sure; but, as a preliminary question, no article ought to be protected which does not deserve it—and a tariff ought not to be made up of justice and injustice.

The gentleman had addressed himself to the *esprit du corps* in the House, and called upon it to take the bill as it is, or not at all. It was certainly asking of the House a very great portion of faith, to require them to take a bill, including three or four hundred items, just as it stands, without examination. Let it be taken up, said he, item by item, and thus discussed. It is by this sort of discussion only we can arrive at the truth. When it is ascertained what articles require protection, then let the whole be combined in one bill. Let us take up the items one by one at least, and sanction those only which merit our sanction. And, if we are to have a system injurious to particular parts of the country, let us have the consolation of knowing that it is adopted with an eye to the national interest, and for a national object.

There is a portion of this country, said Mr. McD.—a portion which I have the honor to represent—that, modify it as you will, must sustain from the passage of this bill vast and heavy pecuniary loss. But, regarding the general interests of the Union, if it can be shown that the proposed duties are connected with the independence, the power of the country, this consideration will always with them have great weight; and a system of protection of manufactures, tending to these objects, although it may bear heavier on them than on any others, will not be disapproved. But a system of a combination of particular interests, for the particular benefit of each, is one which will never receive their sanction.

Mr. McD. adverted to the article of *indigo*, on the importation of which the bill proposes an additional duty. He knew no part of the country, he said, that was at all interested in the culture of this article, but that which he in part represented. But, he said, nothing would appear more idle to the people of that country than a protection in the manufacture of *indigo*. They required no protection, he said, in the manufacture of any article. He trusted, therefore, that the attention of the Committee would be turned to the particular articles proposed to be protected, and decide upon them in reference to their respective merits.

Mr. McD. concluded by a reference to a declaration of the honorable Speaker, in which he understood him to say, that he was perfectly willing that an excise should be established to supply any deficiency which might be produced by this bill; he asked that gentleman if he would consent to introduce into this bill a provision for such an excise?

Mr. CLAY (Speaker) explained. If an equivalent was given by the exclusion of the foreign article, so as to give to our manufacturers the whole supply of the market, he would consent to a tax on the domestic article equal to that now derived from the same foreign article.

Mr. McDUFFIE rejoined, that, if on the manufacture of the domestic article was to be raised the amount of duty now collected from the foreign article, he could not conceive what the manufacturer could gain by such an arrangement.

Mr. MALLARY objected to the statement produced by Mr. TRIMBLE, as being unfortunate in the period selected. The inquiry, to be fair, should have been confined to an ordinary and settled state of public affairs, and not to a season of distress in which the country had no commerce at all. The period from 1803 to 1820, includes that of the embargo. But, even then, the amount of revenue from imported spirits was double what it is at present. The gentleman includes, in his average, the year 1806, in which year alone we imported twelve millions of gallons—but exclude this year, and the average will be nearly four millions. With all the embarrassments of the war, we imported nearly as much as we now do. The fair inference seemed to be, that the present duty is sufficiently high. As a friend of the bill, he wished to see as many causes of objection as possible removed from its details.

Mr. TRIMBLE said he could only explain, and then have done. His friend behind him thought his selection of a period for an average of the imports of spirits an unfortunate one. He thought the gentleman's selection an unlucky one. He compares one period of the greatest distress with another of the greatest prosperity—but I cannot consent to the fairness of such a proceeding. I think we ought to compare the most favorable with the most favorable periods, and the most depressed with the most depressed. This alone will be a fair ground for estimate and deduction. And on this principle, I think the fact will turn out to be, that the amount imported, instead of being diminished by the tariff, has been increased by it; for it will be found to be greater during the year 1816, and for four years immediately afterwards, than it was previously.

Mr. TRIMBLE made a number of other remarks in reply to the comparative views of Mr. McDUFFIE.

Mr. MALLARY, explained, in answer to Mr. TRIMBLE. He thought, that, for an average, a number of years ought to be taken in succession; but either all in peace, or all in a time of war. And if, when taken in a time of war, the average was greater than it was in a time of profound peace, what stronger argument was needed to show that the duties ought not to be increased?

Mr. TOB (Chairman of the Committee of Manufactures, who had introduced the bill) rose, and said, that he was not so much opposed to the amendment as he was to the reasons advanced in support of it. Not one argument had been urged but what might be urged with equal propriety against the whole tariff. The objection is, you

prevent importation—you cut off trade. Well, sir, and what is the object of the whole bill, but to protect home industry by preventing those importations which destroy it? Even the gentleman from South Carolina has urged the same objection. He tells us whiskey requires no machinery nor capital—no more do straw bonnets. Sir, I must protest against the mode of opposition which is pursued—if every member is to object to the bill the moment any of its provisions affect himself or his constituents, not only must this bill be given up at once, but domestic industry must be left without protection to the end of time.

Mr. REED objected to the duty as calculated to produce frauds upon the revenue. There was no article on which the duties had so much been evaded, in Europe, as this very article of spirits. If the bill was to produce or encourage smuggling, he thought it of dangerous tendency. The statements of the gentleman from Kentucky (Mr. TRIMBLE) had gone to confirm his fears. He tells us that the average amount, since 1816, is nearly the same as before that year. I am by no means sure that the actual importation has not increased, though the revenue remains stationary. It was on this point, Mr. R. said, that he wished most to be satisfied.

Mr. TRACY explained in reply to Mr. McDUFFIE. He did not wish to press any part of the bill without discussion, but to try the general question first, whether the House was disposed to lay duties at all for the protection of manufactures and agriculture—and, if this is settled in the affirmative, then go into the details of the bill, and consider them thoroughly, with a view to make its provisions as equal and as beneficial as possible. He thought the principle of the bill to be a new one—he meant the principle of taxing imports with the avowed view of protecting home industry. If the tariff was not to be a measure for revenue, but a measure for protection, it ought to go on the plan of excluding competition altogether. The argument of the gentleman from South Carolina, proved that at least some alteration ought to be made in the duty on foreign spirits. He has shown that it diminished importation without discouraging the use of spirits. If the tariff was intended for protection, the duty was too low—if it was intended for revenue, it was too high. He thought that, in whatever part of the tariff we depart from revenue, as the object, we ought, at once, to go the whole length of excluding the foreign article. As to the moral question, involved in the discussion, he should not touch it, as he was not sufficiently informed as to the moral operation of what had been done already.

Mr. HAMILTON said, he was aware that, at this hour, and after so much (he thought unnecessary) discussion on this clause of the bill, to listen to any further argument on the subject, would be almost as noxious as, at this hour of the day, to take a dose of domestic blue ruin. Yet, notwithstanding all that, he was determined to oppose this bill, step by step, throughout its whole progress. In the whole discussion gentlemen seemed never to have considered that a great deal of our hap-

piness in this world, in relation to our animal wants, consisted in consumption; that a government was morally bound to provide for its people, by every means in its power, an abundant, salubrious, and tasteful subsistence; and that the species of gratification under consideration was not unworthy the estimate of a statesman, if the interests of the revenue were to be promoted, or no principle of morality impugned. For himself, he had not had much experience in tipping rum and whiskey; but he was sure that no man could taste both, and deny that one of them was not more tasteful than the other. It was the duty of Congress to provide for the people the better article. But it seemed the object of the gentleman from the West, to leave to the nation only Hobson's choice—whiskey or nothing. But whatever might be the claims of the domestic industry of the West on this subject, he thought the claims of Connecticut were equally strong. The rum of the West Indies, imported into Connecticut, was as much a product of the industry of that State, as the article of whiskey was of the State of Kentucky, for this rum was a value obtained in exchange for a commodity raised in Connecticut, or of some effort of its productive energies.

To lay a duty on the imported article, was to put a bounty on the domestic article. And the effect would be, that the surplus capital would go to making of whiskey, which would otherwise go to the raising of wheat and of animals. But to suppose that, in that case, the high price of whiskey would continue, was certainly fallacious—the price would fall, and the consequence would be, that we should only get five times the quantity of whiskey that we now have, without increasing the wealth of the country a single dollar. The honorable Speaker has told us that he will consent to an excise; it is quite competent for him to say so—but will the country go with him? He may call up spirits from the vasty deep, but will they come when he does call them? Lay an excise, and the consequence will be another change in your Government, perhaps another whiskey insurrection. The honorable chairman of the committee says, that if each member objects to that part of the bill which touches his own district, we shall have no bill at all; well, sir, that is just what we ought to have. Then we should have only a revenue bill, and an average tax of twenty-five per centum upon the trade of the country. In conclusion, Mr. H. observed, the gentleman from Kentucky has told us, that equality could not be measured out by drams and scruples. In reply I have only to assure him, that I entertain serious scruples in taking the dram he has prepared for us.

Mr. STEWART, of Pennsylvania, rose and said, he considered the duty proposed, as not so much intended for the benefit of the manufacturer of spirits as for the grower of grain. The gentleman from South Carolina says, that its object is not of a national character, but, if viewed in its operation on the farmers, it certainly has that character. The agriculturist has lost his market; his products are absolutely shut out from Europe; where he sold a thousand barrels of flour, he does not now

sell one. And it is the duty of a protecting and parental government to provide a market for him, if it can be done. But, gentlemen exclaim, you will destroy commerce—how? By preventing us from importing spirits. As well might they tell us we ought to export grain, and import our bread, lest commerce should be unemployed, as to tell us we must export grain and import spirit for the sake of commerce. It is certainly as proper that a nation should import its bread, as import its drink. And it is quite as much the duty of Government to protect the man who raises the material for our drink, as the man who raises the material for our bread. The gentleman from South Carolina cannot comprehend how the country is to be a gainer, if the excise is made equal to the duty on imports—the difference is obvious. We in the one case keep our capital at home, and in the other we send it abroad; the difference is the whole price—which in the one case is sent out of the country, and in the other is kept within it. I very well remember that, in the district of country I have the honor to represent, there was paid during the late war a heavy excise—yet there was never known a period of such prosperity to the manufacturer of whiskey; there was twice as much made then as there is now. The interior labors under peculiar disadvantages. The products it raises are bulky and will not bear the cost of transportation to a distant market. Government ought to protect and cherish them at home, and provide a home market. There was such a market to a considerable extent in our manufacturing establishments, but these are crushed. During the war there were, in my district, from fifteen to twenty furnaces, besides forges, rolling and splitting mills, and other establishments for the manufacture of iron. In 1816 the duty was taken off from imported iron, and they were crushed. One after another sank, sank, sank; they were all ruined—their hands were dismissed, and the agriculturist lost his market, while the manufacturer lost his all. You took that market from the farmer—it is your duty to restore it, or give him some equivalent. The gentleman from South Carolina was pleased to designate the spirit of our own domestic manufacture as blue ruin. Nothing will suit him but the spirit that is imported. He likes red ruin. Rum is, in his estimation far better colored, and far better tasted, than whiskey. Possibly he likes it because it is of a red color. But, sir, to my taste, old whiskey, the genuine old Columbia, is better than the gentleman's red ruin. There are some gentlemen who cannot bear any thing that is domestic. Call it foreign, and they approve it at once—but nothing that is domestic is good enough for their use. But, sir, if you look at the effects produced, I see no reason why red ruin is any better than blue ruin. If a man gets drunk I do not think it will make much difference, whether it is on foreign or on domestic spirits. If there is any difference, it is in the expense to his family, and that is all on the side of the domestic article.

The gentleman from South Carolina thinks it would be much better to raise animals, and send them to the eastward, than to occupy our capital

in distilling whiskey. But, sir, I can tell the honorable gentleman that there is nothing better or more favorable to the raising of those animals which we of the West drive down to feed him and his neighbors, than distilleries. The duty in dispute I take to be for the protection of the farmer; and I ask, while our products are shut out of foreign markets, shall we go to those very markets for our meat and our drink?

Mr. WRIGHT observed, that the gentleman from South Carolina had stated it to be the duty of Government to provide for the people a beverage both salubrious and tasteful. If the object of legislation was to encourage drinking, this might be true; but as he had always understood it to be the duty of a wise legislator rather to discourage that habit, he could, by no means, assent to the tasteful proposition. He was not very conversant in the taste of rum and whiskey; but he thought that good old whiskey was better than either New England or West India rums. But gentlemen tell us that, if you distil spirits from grain, you divert the grain from being the sustenance of men. But he desired to know whether any gentleman, who used this argument, would undertake to say that there was any scarcity of breadstuffs in this country; and whether what was raised for distilling, was not so much added to the agricultural products required for sustenance? The object of the protecting duty is to give employment to a multitude of persons who are now idle, and whose families are in want of the necessaries, as well as the comforts of life; and I say that, if there is any article now imported, which ought to be excluded for this purpose, that article is foreign spirits. Is it not fair to give to our own people our own market? Shall you give a monopoly to the East, and give the West no equivalent? No man will assert that our grain-growing yeomanry (who, after all, are the country's strength, both in peace and war) are insufficient to supply all our wants both for meat and drink. I am in favor of the bill, and shall vote for the amendment to increase the duty.

It being now nearly four o'clock, a motion was made and carried that the Committee rise. It rose accordingly, and the House adjourned.

FRIDAY, February 13.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill better to provide for taking evidence in the courts of the United States in certain cases; which was read twice, and committed to a Committee of the Whole.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, reported a bill for the relief of Thomas Williams; which was read twice, and committed to a Committee of the Whole.

Mr. CAMPBELL, of Ohio, from the same committee, made a report on the petition of George Harlin, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. CROWNFIELD, from the Committee on

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Naval Affairs, to which was referred the bill from the Senate, entitled "An act authorizing the building of an additional number of sloops of war, for the naval service of the United States;" reported the same without amendment, and it was committed to the Committee of the whole House on the state of the Union.

Mr. RICH, from the Committee of Claims, also made a report on the petition of John Holliday, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. MATSON, from the same committee, made a report on the petition of Nathaniel Jones, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the whole House to-morrow.

Mr. HEMPHILL, from the Committee on Roads and Canals, reported a bill authorizing the subscription of stock in the Delaware and Chesapeake Canal Company; which bill was read twice, and committed to a Committee of the Whole.

The bill providing for the appointment of two Indian agents in addition to those already provided for by law, and fixing their compensations, was recommitted to the Committee on Indian Affairs.

On motion of Mr. BRENT, it was

Resolved, That the Committee on Public Lands be directed to inquire into the expediency of amending an act, providing for the examination of land titles in that part of Louisiana situated between the Rio Hondo and the river Sabine, so as to include all the neutral territory or disputed ground, between the United States and the late Government of Spain, in Mexico, situated in the western part of Louisiana, and to the east of the boundary line as established by the treaty of 1819, over which the land commissioners of the United States have heretofore exercised no jurisdiction, and to make such other alterations therein, as may be deemed expedient.

Resolved, That the same committee be directed to inquire into the expediency of authorizing by law the present land register at Opelousas, in Louisiana, to finish the business of the land office at Opelousas, left in an unfinished state by his predecessor, and that the Secretary of the Treasury be authorized to make a reasonable allowance therefor.

On motion of Mr. MOORE, of Alabama, the Committee of Claims were instructed to inquire into the propriety of allowing compensation to Zachariah C. Alvis, a private in Captain George Smith's company of Mounted Gunmen, in the campaign against the Creek Indians, for a horse which was lost for the want of forage.

The Committee on Roads and Canals were discharged from the consideration of the memorial of the Mayor, Aldermen, and Common Council, of the city of Boston, and it was committed to the Committee on Commerce.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act to authorize the President of the United States to cause to be made a military

road from a point opposite to Fort St. Philip, to Johnson's Plantation, as an auxiliary to the defence of New Orleans;" "An act confirming the claim of Peter H. Hobart and Lewis Judson to a certain tract of land;" and, "An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds or casualties received while in the line of their duty, on board the private armed ships of the United States, during the late war;" in which bills the Senate ask the concurrence of this House.

Bills from the Senate, of the following titles, viz:

1. An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds or casualties received while in the line of their duty on board the private armed ships of the United States during the late war;

2. An act authorizing the President of the United States to cause to be made a military road from a point opposite to Fort St. Philip, to Johnson's Plantation, as an auxiliary to the defence of New Orleans;

3. An act confirming the claim of Peter H. Hobart and Lewis Judson to a certain tract of land; were read twice, and referred, respectively, the 1st, to the Committee on Naval Affairs; the 2d, to the Committee on Military Affairs; and the 3d, to the Committee on Private Land Claims.

DISTRICT OF COLUMBIA.

Mr. ROSS, of Ohio, submitted for consideration the following resolution:

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency of providing by law for the election of a delegate from said District to represent the same in the Congress of the United States.

Objection being made to this resolution—

Mr. R. said it was very well known that the population of the District of Columbia is rapidly increasing, and that its commercial business, and with it the legislative wants of the people, are rapidly increasing. They have no Representative on this floor to express to the House their particular wants. Mr. R. said he could see no reason why the people of the District of Columbia should not be represented here in the same manner as other inhabitants of the United States. Petitions were frequently received from different parts of the District in favor of particular objects, and other petitions protesting against those objects. It was almost impossible, from the nature of things, that the Congress of the United States could, under present circumstances, have a fair expression of the wishes of the people of this District on the subjects, relating to its interests, which they were occasionally required to act upon. There was no mode by which this expression could be so well made, as by the people having it in their power to send a person here to represent their wants. A

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Delegates sent here by them would necessarily have the voice of a majority of the people of the District in his favor, and would be able to express their wants more correctly than they could be readily ascertained in any other way.

Mr. FOOT, of Connecticut, said he hoped the resolution would be agreed to, and that the people of the District would be allowed to have a Delegate on this floor. On the score of economy, to save the time of the House, and the money of the nation, if for no other reason, he considered this measure advisable.

Mr. A. STEVENSON, of Virginia, asked whether there had been any expression of the wishes of the people of the District in favor of this measure.

Mr. ROSS replied that he was not aware whether there had been any petition addressed to the House on this subject, but, in conversation with inhabitants of the District, he had frequently heard such a wish expressed.

Mr. TAYLOR, of New York, observed that the Constitution provides that the exclusive legislation for the District of Columbia should be placed with Congress. He was averse from a proposal to relieve Congress from a part of that duty, by the election of a Delegate from that District. Such a Delegate would have no vote on the floor; he could only tell this House what the Committee on the affairs of that District every year now tell it. No petition from that District was submitted asking for this privilege; and he thought that this consideration alone was sufficient to show, not only why such a Delegate should not be chosen, but why Congress should not even direct an inquiry on the subject. Let us not, said Mr. T., of our own mere motion, attempt to throw off that responsibility which has been imposed upon us by the Constitution. For himself, he could say that, as a member of this House, he viewed himself as much the Representative of the District of Columbia, as of the district which had done him the honor to make him its Representative in this House, and he could, with truth, say, that he felt as much interest in its prosperity as in that of his own district; and he had no reason to doubt that other honorable gentlemen felt as he did. The most respectful attention had always been paid to representations coming from the inhabitants of this District. He believed that no just complaint had hitherto been neglected. He knew that they had occupied a large share of the time and attention of this House; even on the administration of justice, which was acknowledged to be the most defective part of the affairs of this District, much time had been spent, and great improvements had been made within a few years past. If the inhabitants shall think fit to send forward to this House a memorial on the subject, it will receive the most respectful attention. Until they did, he did not conceive it necessary to act upon it.

Mr. CULPEPER, of North Carolina, said he presumed that the resolution, and what had been said upon it, would be sufficient to elicit the opinions of the people of the District upon it, and he,

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therefore, moved, for the present, to lay the resolve on the table.

Mr. NEALE, of Maryland, suggested that a memorial had recently been presented in this House, and referred to the Committee on the District of Columbia, embracing a prayer for this, among other objects.

The question was then taken on the motion to lay the resolution on the table, and decided in the affirmative.

THE TARIFF BILL.

On motion of Mr. TOB, the House having again resolved itself into a Committee of the Whole, on the bill to amend the several acts for imposing duties on imports, the immediate question, depending from yesterday, being upon the motion of Mr. TRACY, to strike out *fifteen* per centum, (the addition proposed upon the rate of duties now existing on the importation of distilled spirits,) and inserting in lieu thereof *fifty* per centum—

Mr. TOMLINSON, of Connecticut, rose, and said, that, having, on a preceding day, submitted to the Committee a few remarks on a motion, involving, as he thought, the principle now asserted by the mover and supporters of the motion under consideration, and those remarks having been particularly replied to by gentlemen who had followed him, a sense of duty impelled him again to ask the attention of the Committee, and fully and freely to express his views regarding the proposition immediately before them. Notwithstanding the views entertained by some gentlemen, he regarded it as a proposition which would vitally affect the commerce and agriculture of a considerable portion of the Union, and he regretted that, in the discussion of the amendment, the magnitude of the interests involved in it had not been properly appreciated. Yes, sir, said he, the interest of agriculture, the friend of which he professed to be, is intimately connected with this proposition, as he would hereafter show.

Mr. T. said, he was disposed to bring into the discussion, on the bill now before the Committee, a spirit of conciliation, and even of reasonable concession, but he could not so far indulge that spirit as to consent to an infringement of the interests of his constituents, who were engaged as well in agricultural as commercial pursuits. He had, indeed, been asked to sacrifice what he deemed the interests of the State which he had the honor, in part, to represent, to a spirit of concord and good feeling, and to yield to the imposition of the additional duty proposed; but, when he considered that a measure proposed for the adoption of Congress would be detrimental to his constituents, he should, on all occasions, make it known, and stand, at least, as their watchful and faithful advocate. He hoped to be able to convince the Committee that the amendment now before them would be essentially injurious, not merely to his constituents, but to all the Eastern, and some of the Middle and Southern States, and thus to secure its rejection.

A gentleman from New York (Mr. TRACY) had said that the objection to his amendment

comes with an ill grace from the Eastern States, and especially from Connecticut. Sir, said Mr. T., I profess to have some knowledge of the interests of the Eastern States, and I am not aware that those interests have been particularly consulted in the formation of the bill under consideration. The duty on hemp, surely, is not intended to protect the agriculture of that section of our country. Hemp is not raised there; the lands of New England are not suited to the culture of it. Are the interests of commerce to be promoted by the additional duty on hemp? Will not commerce feel the injurious effects of that tax in a two-fold respect? The expense of rigging ships is augmented by the very measure which will deprive them of employment. Little hemp is raised in the United States, except in Kentucky and the Western States. This fact shows whose interest will be subserved by the proposed protecting duty on hemp. Is the duty imposed on lead for the benefit of the Eastern States? It will not be pretended that there is a lead mine east of the Alleghany mountains. This tax, then, must regard exclusively the interest of the Western States. Mr. T. said he might advert to the duty on glass and iron, further to sustain his position. The additional duty of thirty-five per cent. upon wool would be more general in its operation, but it certainly could not be concealed that wool could be most cheaply raised in the Western States, where the price of land was far below its value in New England. Indeed, he had been told, by a member of this House, that, from the single town of Steubenville, in Ohio, during the last year, sixty thousand pounds of wool had been transported over the Alleghany. Where, then, will the additional duty on wool be most beneficially felt? He was not adverse to such encouragement of the interests of the West, but he insisted that, while those interests are thus protected an important source of wealth to the East should not be destroyed. He deemed it proper thus to repel the assertions, repeated more than once, that the bill before the Committee contains provisions peculiarly beneficial to Connecticut and New England, and he did it in no invidious spirit towards the West. He certainly rejoiced in the prosperity of that country, and was ready to promote it by all legitimate and proper measures. His constituents, Mr. T. said, asked for national measures, and required nothing inconsistent with the interest of the Union, and, as their representative, he was disposed to insist upon the just and equal distribution, as well of the public patronage as the public burdens.

The objection, Mr. T. said, which, in his judgment, was conclusive against the additional duty proposed, was, that it would greatly diminish, if not annihilate, the West India trade.

It certainly would prevent the legal importation of foreign distilled spirits from the West India islands. Indeed, he apprehended that the addition recommended by the committee would fall little short of immediately producing the same result, but that such would be its ultimate effect he felt persuaded.

He would, he said, examine the nature and ex-

tent of this trade; and in doing so he proposed to enter into details which perhaps might be uninteresting, but he thought could not fail to be useful in the investigation of a measure like that now before the Committee. The bill under consideration purports to be, and bears the title of, a bill to amend the several acts imposing duties on imports. Certainly, in adjusting the numerous provisions of such a bill, the commerce of the nation ought to be brought distinctly into view, with all its ramifications and effects upon the other interests of the country. The trade with the West Indies had always been deemed of immense importance to the United States. It was a profitable trade, affording a large balance in our favor. The exports to the West India islands consist mainly of the productions of this country, for which we can find no other market. It may be useful to state a few facts in relation to this trade, which is by some gentlemen so lightly considered. The most important articles of export to those islands, of domestic produce and manufacture, are lumber, fish, the various kinds of animal food, corn, cornmeal, and flour. The flour exported to those islands in 1822 was valued at the custom-house at two millions seven hundred and fifty-eight thousand four hundred and twenty-seven dollars; more than one-half of all the flour exported from the country. The total amount of domestic exports to those islands in 1822 exceeded \$10,070,000, and the exports of foreign growth and manufacture exceeded \$2,390,000, making an aggregate of exports exceeding \$12,470,000. The bullion imported from the same islands in 1822 amounted to \$297,191, and the gold and silver coin to \$1,150,932, it being almost one-half of all the specie imported during that year. Ought such a trade to be disregarded? Ought it not to be encouraged, especially when it is remembered that it is carried on in the pork, the beef, the lumber, and breadstuffs of the country, for which no demand exists in Europe? This trade, too, furnishes us with large quantities of colonial produce, which may be carried to a European market, and thus ultimately enriching the country by a double profit and freight. But this trade, Mr. T. said, had in fact languished under the operation of the duty imposed in 1816; and, so far from being able to sustain further pressure, seemed to require the fostering care of the National Government.

The importance of preserving the principal market which remained to the country for the productions that he had named would be apparent by adverting to the great difference in the quantity of those articles exported in the year 1804 and in the year 1822. He had taken the year 1822, because the report of the exports in the year 1823 was not conveniently accessible, it not having yet been printed. The value of lumber exported in 1804 was \$2,548,000. The value of the same article exported in 1822 sunk to \$1,307,670. The animal food and animals exported in 1804 were valued at \$4,284,568. The exports of the same articles in 1822 were diminished to the comparatively small amount of \$1,463,928. He had taken these articles as fairly exhibiting the depres-

sion which this branch of our commerce has experienced within the period of eighteen years.

But the diminution of exports to which he had called the attention of the Committee fell not alone upon the commerce of the Eastern States; it was, perhaps, equally destructive to the agricultural prosperity of that section of the Union. Indeed, the lumber of the States of North Carolina and Georgia must find the same market, or be lost to its owners. And the State of New York, from which the gentleman comes who made the motion now under consideration, must look to the West India market to dispose of the lumber which shall float down their northern and western canals. Deprive them of this market, and their timber must be burned on the spot where it grew, or their forests remain uncleared.

It has been insisted, Mr. T. said, that the argument which he had urged against the proposed increase of duty on distilled spirits applied equally to every part of the present bill, and would prove that no augmentation of the present duties on imports ought to take place. This argument, he said, he must be permitted to pronounce unsound, notwithstanding the high source from which it proceeded. The trade to the West Indies is of a peculiar description. It consists of bulky articles, and employs a greater quantity of tonnage, and a larger number of men, in proportion to the capital employed, than any other portion of the trade in which the merchants of the United States are engaged. Our true policy is to give protection to the domestic manufacture of those foreign fabrics, the importation of which affords employment to the smallest portion of our navigation, and which cannot be paid for in the domestic produce of the country. If it be necessary to abandon any part of your commerce for the protection of domestic industry, first abandon that which drains the country of specie, but, last of all, that which returns specie for the surplus of your bulky domestic produce.

The honorable chairman of the committee who reported this bill has urged that the objection raised against the proposed increase of duty applies with equal force to the increased duty on grass bonnets. Perhaps no instance will better elucidate the propriety of the policy for which he contended than the one mentioned by that gentleman. The bonnets referred to, on the importation of which an additional duty is imposed, are brought chiefly from Italy, and fabricated of a light material. The domestic produce exported to Italy and Malta amounts to only \$560,714, and that consists of articles which cannot be obtained as well elsewhere, and for which specie will be paid if we consent to diminish the amount of our imports from that country, now exceeding \$1,560,000, by the domestic manufacture of an article of dress, the cost which, in the year 1822, in that country, was \$610,228.

Now, sir, said Mr. T., is it not apparent that the trade which I advocate and wish to sustain, bears no analogy to that mentioned by the gentleman from Pennsylvania? While the former is beneficial to both the agricultural and commer-

cial interests of the country, those important interests are not materially advanced by the latter.

But it has been said, by the honorable Speaker, that, if the merchant refuses to receive, for his cargo, distilled spirits, he will be paid in something better. This is an entire mistake. Will the sagacious American merchant, of choice, take an article in payment on which he must sustain a certain loss? But the merchants tell you that the amount of duty, cost, and regular charges, on spirits imported, considerably exceeds the price of this article in our market. The fact is not as the honorable Speaker supposes. The article in question is not taken, except when nothing better can be obtained. If the avails of the outward cargo could be received in any other article, the American merchants certainly are not so short-sighted as to prefer taking that which subjects them to a certain loss. But, sir, so far from giving something better than distilled spirits for our domestic produce, the inhabitants of those islands will seek the supplies elsewhere which they have been accustomed to receive from the United States. Black cattle abound in South America, and from that country may be drawn supplies for the West Indies. The timber of Canada will find its way to that market, from which the proposed measure goes to exclude us, and the distilled spirits, which will be received in return, may be transported to Canada, where its introduction into the United States, without the payment of duty, is easy, and attended with little hazard. The transactions of the late war are not forgotten. It is well understood that, towards the close of that war, foreign distilled spirits were abundant on that frontier. This may again occur, if, by augmenting the duty, you present an inducement sufficiently strong to prostrate the integrity of those engaged in this trade. It cannot be concealed that excessive duties lead to smuggling, and this will not only diminish the revenue, but impair, seriously impair, the morality of the country. Information received from an honorable member of this Committee, supports the opinion that the payment of the present duty is evaded by the introduction of foreign distilled spirits, through the channel which has been mentioned. If brandy is constantly smuggled into England, and in large quantities, from France, is it not extremely probable that the same course will be adopted, in a country affording altogether greater facilities for the violation of the revenue laws?

The gentleman from Pennsylvania (Mr. STEWART) has defended, said Mr. T., this additional duty, not so much on the ground that it is intended as an encouragement to the manufacture of domestic spirits, as for the promotion of agriculture. The grain-growing portion of our country, the gentleman told us, needed this protection. Sir, what is the protection your laws now afford to the manufacturer of whiskey? The average amount of duty on foreign distilled spirits may be stated at forty-two cents per gallon. The average cost, in the West Indies, will probably not exceed twenty cents per gallon. You have, then, a duty

on foreign spirits of more than two hundred per cent. Ought not the gentleman to be satisfied with this protection of his whiskey? Will he, indeed, insist on adding fifty per cent. to the present duty on imported spirits, while on whiskey no duty is imposed? But this additional duty is not necessary to protect the grain of the West. The existing laws have gradually diminished the importations of foreign spirits. Notwithstanding the population of this country has nearly doubled within the last twenty years, the quantity of spirits imported has diminished more than 2,300,000 gallons. The diminution of the importations being in an inverse proportion to the augmentation of our population, it is easy to see that the manufacturer of whiskey, and he who raises the grain to be converted into this deleterious liquor, have experienced a constantly increasing encouragement. The consumers have increased, in the period of twenty years, about four-fifths, and the foreign supply has diminished about one-third.

The average quantity of spirits imported and consumed in the country, from 1801 to 1810, inclusive, was 6,834,878 gallons. An accurate author has estimated the quantity of spirits distilled from grain and fruit, in 1801, at ten millions of gallons. By the returns of the marshals, in 1810, it appears that the amount distilled, from foreign and domestic materials, in that year, was 25,499,382 gallons; making the quantity of spirits consumed in that year, 31,725,417 gallons. If it be admitted, then, that the increase of the quantity of spirits consumed in the country has been in proportion to the augmentation of our population, and that our population has increased, since 1810, only one-third, it follows that 42,300,556 gallons of distilled spirits are annually consumed in the United States. Deducting from this enormous quantity, 4,567,744 gallons imported, and there will remain, distilled in the United States, 37,732,812 gallons. Is not this adequate encouragement? Will not the gentleman from Pennsylvania stop short of a total exclusion of foreign spirits? The experience of the past justifies the conclusion that the existing duty is rapidly producing this result.

The chairman of the Committee on Manufactures told this Committee that one object of the bill under consideration was to provide a revenue. This, sir, is a proper object; the bill ought to be so framed, as, by a judicious addition of duties on some articles, to provide for any diminution which may result from the encouragement properly afforded, to the manufacturer of other articles. In the year 1822, the duty paid on foreign distilled spirits imported into the United States exceeded two millions and forty thousand dollars. If you impose a duty, which shall amount to a prohibition, how, Mr. T. asked, is this deficiency to be supplied? The Government must be supported. The national debt must be paid; the pledged faith of the country redeemed. Although we have a large balance in the Treasury, yet we are told that, in order to meet the payment of that portion of the public debt which will become payable in 1825, it will be necessary to borrow about one

million of dollars. Will you render it necessary to borrow two millions more?

Mr. Chairman, adopt the amendment now before the Committee; exclude foreign distilled spirits, and we present an anomaly in our revenue system. We exclude foreign, and impose no duty on domestic, spirits. An article of luxury, considered in all countries as a fit subject and a fruitful source of revenue, is exempted from taxation, while we raise about \$700,000 from salt, a necessary of life. Can the gentleman from New York be serious in advocating a measure fraught with such unjust and ruinous results?

If it is determined that the duty on foreign spirits shall amount to a prohibition, I ask gentlemen to give to the country a duty on the domestic article. Let not the revenue which may be legitimately drawn from this source be lost. If this destroyer of the physical energies, and the morality and happiness of its votaries, must be permitted to continue its ravages upon society, do not the principles of sound policy dictate that it be made to contribute largely to the national revenue? If, said Mr. T., gentlemen will propose a tax of 20 cents per gallon on whiskey—call it an excise if you please, he cared not for the name—it should have his cordial approbation and support; and to effect an object of such moral and national interest, he would give his assent to the imposition of a duty on foreign spirits, which should afford adequate protection to the domestic manufacture. The imposition of such a tax, if the distilled spirits consumed in the country be estimated at forty millions of gallons, would produce an annual revenue of about eight millions of dollars. With such a revenue we might afford complete protection to all the valuable manufacturing establishments in the country, and secure an ample supply of all those manufactured articles which essentially contribute to our security and independence.

Mr. T. said he had deemed it his duty to explain to the Committee the views which he entertained regarding the proposition before it, and he could say that it was his wish to consult, not merely the interest of manufactures, but of agriculture and commerce. Those interests were closely and intimately interwoven. They are the joint sources of the national wealth, and great care is requisite that they do not come in collision.

He concluded by expressing a hope that the details of the bill would be so arranged as to do justice and afford satisfaction to all classes of the community, and to every section of the Union.

The question was then taken on Mr. TRACY's motion, and decided in the negative by a large majority.

The question then recurred on the motion of Mr. FOOT, of Connecticut, to strike out the whole of the clause proposing an increase of duty on the importation of distilled spirits; and, being taken, was decided in the negative—102 votes to 67.

Mr. GARNETT, of Virginia, moved to strike out of the bill the clause in the following words, viz: "On oranges, fifty cents per hundred; on lemons, twenty-five cents per hundred; on limes, ten cents per hundred." In support of this motion—

Mr. GARNETT said, that, while this bill was alarmingly comprehensive in some respects, it was singularly, not to say ludicrously, minute in others. Of the latter description were the duties proposed to be stricken out; and there was even a duty proposed on filberts and figs! He presumed the duty on limes and lemons was introduced on the same principle with that on foreign spirits, and proposed to operate by the same means—by discouraging the manufacture of *punch*, and promoting that of whiskey. The duty on oranges, he supposed, was for the benefit of the agriculture of Florida. He wished Florida had a voice in this House. He would undertake to say, that, if she had, though an infant in the Union, she would not be tempted by this bait of an orange to gulp down the nauseous compound of ingredients offered by this bill. It would scarcely take out the bad taste. There was another duty intended for the benefit of Florida; the duty on figs. He would venture to say, she would not give a fig for the duty. Oranges and lemons were refreshing and useful in sickness. A tax on them was a tax on the sick. If we did lay taxes in reference to the sick, let it be for their benefit—let us tax some of those deadly weapons and direful drugs which, for the last thirty years, have been so fatal to the sick in this country. He would support the chairman of the Committee on Manufactures, in a tax on lancets, and he would vote for a tax on calomel, though it produced a general constipation, from the Passamaquoddy to the Pedee. He thought this bill was sour enough, in all conscience, without squeezing these lemons into it.

Mr. TOB, of Pennsylvania, said, that the duties proposed to be stricken out were not higher than the present *ad valorem* duties on the same articles. The object of the committee was not that which the gentleman from Virginia supposed, to encourage the home manufacture of these articles, but to make the collection of the revenue certain, easy, and free from evasions. It was wholly unessential for the objects of this bill whether the amendment now proposed was agreed to or not, but he thought the gentleman had not given any sufficient reason for the amendment. The importation of figs, Mr. T. said, was very great, indeed; the article was already charged with a specific duty, and, if it were not, it certainly ought to be. Articles of this description are imported almost wholly for the use of the rich and luxurious, and were certainly fair objects of taxation.

Mr. GARNETT said, his reason for making this motion was to take away from the supporters of the bill any claim which might be founded on this item, in favor of the duties on other articles. He was perfectly satisfied, from his observation, that the very delusive idea that agriculture has been benefited by protecting duties, has been a strong motive with many for pushing that system of protection to the extent now proposed in favor of manufactures; and, indeed, if he was not mistaken, the gentleman from Pennsylvania had stated it, the other day, as one of the objects of this bill, to equalize the protection afforded by law to the two interests. For his part, Mr. G. said, he would, if

he could, repeal all the duties on agricultural products; and, in relation to such a proposition, he believed, the greater part of the agriculturists in this House would go along with him. For, he said, in regard to the great staples of the country, it was not in the power of this House, by any act of legislation, to increase the price of them, inasmuch as the price must be regulated by the portion of them which goes abroad, and not by any other circumstance. We have attracted a great deal of public notice, said Mr. G., by attempting to legislate on many curious subjects, such as the flying machine, &c., but the spectacle of a legislature gravely legislating to raise the price of corn, or any other great product of the soil, is calculated to excite, in the minds of intelligent men, more astonishment than any of the projects to which I refer. Such an undertaking is as wise as that of the philosopher who undertook to extract sunbeams from cucumbers, or as any other absurdity that can be conceived of.

Mr. HAMILTON, of South Carolina, was very glad to hear from the gentleman from Pennsylvania, that he had an affectionate regard for the revenue of the country, which, however, he might have manifested more effectually than by attaching it to such insignificant articles as pine apples, oranges, and filberts! But this item was consistent with the whole scope and object of the bill. If the bill ever becomes a law, said Mr. H., and goes into operation—if we ever submit to its operation—it will be of very little consequence whether oranges, figs, or filberts, be interdicted or not: for I believe there will, under the operation of this system, be very few individuals left who can afford to purchase them. As it is, fifty cents per hundred on oranges would operate as a duty of a hundred per cent. on the article, but even at this rate would be of no importance to the Treasury, &c. For what purpose are we legislating? said Mr. H. Is this item thrown out as a bait to catch a part of the Southern country? In a portion of the district which I represent, a great quantity of oranges are grown; but I repudiate the idea for my constituents, of such an inducement having any influence on their minds. I specially protest against the duty, if intended for our use. Mr. H. made some observations on the merits of these particular articles composing this item, and concluded by saying that he was glad that such items had been stuffed into the bill, to make it still more odious and more oppressive than it would be without them.

Mr. TOB remarked, that, as he supposed the gentleman would vote against the amendment because he was glad that the proposed duty was odious, no further argument was necessary from him (Mr. TOB) to convince that gentleman that the amendment was inexpedient.

The question was then taken on Mr. GARNETT's motion, and decided in the negative.

Mr. CONNER, of North Carolina, then moved to strike out, in the ninth line, the word thirty, and insert twenty-five, which would make the clause read, "On all manufactures of wool, or of which wool shall be a component part, a duty of twenty-five per centum *ad valorem*."

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Mr. CONNER observed, on making this motion, that, from the committee having proposed thirty per centum on woollen goods, it was evidently their intention to prohibit coarse fabrics of woollen altogether. He could not approve of such a policy, which would operate oppressively on the Southern country generally. These goods were necessary to a large class of the people, and a very considerable revenue was derived from their importation, which, if the duty passed as now proposed, must be almost entirely lost to the Government.

The question being put on Mr. CONNER's amendment, it was lost—ayes 71, noes 106.

Mr. BRENT, of Louisiana, then moved to amend the bill, by striking out the clause which proposes to lay a duty of six cents per square yard on all cotton bagging imported.

Mr. BRENT stated to the Committee his reasons for proposing this amendment. This duty, he said, would bear with particular hardship on the part of the country which he represented, and the more so, because it was allowed that it would have the effect of a prohibitory duty. He wished, when proposing such a duty as this, the honorable Chairman of the Committee of Manufactures would have shown that the article of cotton bagging was manufactured in the United States to a sufficient amount for the consumption of the country. This could not be shown; and, connected with that fact, this one feature showed the extent to which gentlemen were disposed to push their system.

The gentleman from Pennsylvania was mistaken in his assumed fact, that, during the late war, the cotton planters were supplied with bagging from Kentucky—for that State was not at that time making one-sixth part of the quantity necessary for the supply of the country. When we had no commerce, whatever, and Kentucky was almost without competition in the manufacture of the article, the greatest quantity of bagging which she made in any one year, was six hundred and thirty thousand yards, whilst the consumption of the United States amounts to upwards of four millions of yards, annually, &c. At this very moment, Mr. B. said, there is not made in the State of Kentucky, sixty thousand yards annually of cotton bagging. This fact appeared by the census of the State of Kentucky, in the year 1822, and the report, in regard to that manufacture, was, that it was in a languishing condition—not, Mr. B. said, from the want of protection to the manufacture, but from the inferiority of the article manufactured. I, said he, represent a cotton country; and all the gentlemen representing the same description of country will unite in testifying that the bagging of Kentucky is of so inferior a quality that we prefer paying forty cents per yard for the foreign article, to making use of the bagging of Kentucky, at twenty-five cents per yard. And would the advocates of this bill force upon the cotton growers an article of this inferior quality?

The gentleman from Pennsylvania had referred to the report of Alexander Hamilton. Now, Mr. B. said, though he was not disposed to adopt the principles of Alexander Hamilton on any subject,

he was willing to show, from his report, that Alexander Hamilton had laid down the principle, that a prohibition of the importation of any article should never be attempted by a Government without first ascertaining that the country can manufacture enough for its consumption, and, secondly, that the manufacture thereof is in a sufficient number of hands to insure competition. He called upon the gentleman from Pennsylvania to show that there were facts in the present case, and, if that could be established, he for one, would vote in favor of the proposed duty, if the article could be manufactured of a quality any thing like equal to the foreign article. Mr. B. said he had no attachment to foreign manufactures, or to foreign interests, as had been rather ungenerously suggested in debate yesterday. There was no member on this floor who was actuated by considerations of that kind. The opponents of this bill upon principle were as much attached to American productions as the gentleman who made the remark, and had shown it on all occasions in defence of the interests and rights of the country. Mr. B. said he did not like these allusions, and he hoped that, in the future discussion of this bill, they would be avoided.

Mr. B. said he would not now make any observations on the general principle of this bill. He had many reasons, which perhaps in time he might present to the House, to show the evil consequences of this bill, and that it ought not to pass in any shape whatever.

Mr. TOL said it must be admitted that cotton bagging was an article indispensable to cotton planters, and that, if a supply of it cannot be furnished by the manufacture of our own country, the duty either ought not to be agreed to, or the time, in which it is to operate, ought to be extended. But, Mr. T. said, it would not do to say to this House that the States of Kentucky and Ohio could not make all the cotton bagging wanted for all the cotton-growing States in the Union; for, he said, it was easier to make bagging for a million pounds of cotton, than it was to raise ten thousand pounds of cotton. Mr. T. said he knew very well that this additional duty would oblige the constituents of the gentleman to pay more for their bagging than they now pay. If for this they had no equivalent, the duty would be unjust, and a hardship upon them. The question, however, was, have they not already an equivalent? Mr. T. contended that they have. The consumption of cotton, by the people of the United States, is to the amount of one-third of the whole quantity raised in the country. The greater part of this consumption of cotton is by the people who do not raise any of the article. It was notorious that there was more cotton consumed in the State of Pennsylvania than in all the States that raise cotton in the Union; and they pay a protecting duty to those who raise the cotton, of three cents per pound, which, it would be agreed, was in fact a bounty of so much upon the production of the article; because we know, said he, that it can be afforded to be raised in South America, and in some parts of the West Indies, at three cents per

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pound cheaper than in the United States because the slaves in that country were treated with greater severity than in this, harder worked, and more scantily clothed and poorly fed. At any rate, those countries can undersell our cotton growers. For their protection, however, said Mr. T., we have laid a duty of three cents per pound on the importation of foreign cotton, which, I trust, will ever continue to be laid; and thus the people of the State of Pennsylvania and of other States, for every pound of cotton they consume, pay a bounty of three cents to the people of the South. And, doing this, they now asked of the people of the South to repay about a hundredth part of this bounty in the shape of a duty on cotton bagging. This the gentleman from Louisiana considered a hardship—Mr. T. could not consider it so; it was a mere reciprocity. It was an exertion of the power conferred on Government for the purpose of compelling different sections of the country to do justice, in some degree, to one another, by reciprocating advantages in their intercourse, &c. If any part of the country required protection of this sort, it was the State of Kentucky. All the produce which that State can send to market was not of one-fifth the value of the exports of domestic produce from Georgia, or from South Carolina. Yet Kentucky is superior in numbers, and in physical and moral strength. Why should we, by the effect of legislation, give to one part of the country so decided an advantage over the other? In consequence of the disadvantages under which the West labored in respect to its products, there had been great distress and depression in the State of Kentucky. Specie was almost unknown in the State. So much was this the case, that, no long time ago, application was proposed to be made to the General Government to dispense with specie in the payment of the postage on their letters. They have not the same advantages as the citizens of Georgia and South Carolina, and Louisiana, and Alabama, and Mississippi; that is, they have no fellow-citizens whom they can compel to become customers to them, as they are to the cotton growers. From these and other considerations, Mr. T. was clearly for giving this encouragement to the manufactures of the West.

Mr. CROWNSHIELD, of Massachusetts, said he thought the gentleman from Pennsylvania was totally mistaken in regard to the matter of fact, when he stated that a duty of three cents per pound is imposed as a protecting duty on cotton, because cotton could be raised in South America, the West Indies, &c., cheaper than here. The cotton of Bombay and Bengal might perhaps be as cheap as ours, but it was well known to be inferior in quality to ours. Mr. C. asserted that, with the exception of those countries, there is no country from which cotton can be imported so cheap as it is raised here, by three cents per pound. The gentleman's reasonings, founded on a contrary supposition, therefore, must go for nothing; and he was at liberty to make what use he pleased of the information now given.

Mr. TOL, referring to documents before him, said that, in one of the countries from which the

greatest importation of cotton by the merchants had been made, the article was purchased at less than ten cents per pound. It did not at the time sell, in any part of this country, within three cents of ten cents per pound.

Mr. HAMILTON said, the argument of the gentleman from Pennsylvania was perfectly consistent with the whole scope of this bill; that if, by the laws of God and nature any part of our country should not enjoy equal advantages of soil, climate, &c., with another, Congress was to exert a despotic power with a view to equalize the advantages. Mr. H. said, he left it to the Committee to say, whether this was not the substance of the gentleman's argument.

The gentleman had informed the House there was no specie in the State of Kentucky; and, said Mr. H., is it possible that South Carolina is to be taxed till specie flows redundantly into Kentucky, and Kentucky is made able to supply us with our cotton bagging?

Mr. H. adverted to the practical operation of the item now proposed to be stricken out. We are to be taxed by it, said he—how much? Why, for the benefit of Kentucky, we are to be taxed, in round numbers, sixty thousand dollars a year in the small State which I represent. And we are now told that, as an equivalent for all this, we have received a bounty in the shape of a duty of three cents per pound on our cotton. This duty, Mr. H. said, never was laid for encouragement. It was laid for the purpose of revenue; and, to show how far that great man, Alexander Hamilton, was mistaken, he, in his report, doubted very much whether this country would ever have the capacity to raise a sufficiency of the article for the purposes of our own manufactures. How completely had this prediction been falsified! We raise it, not only in the greatest quantity, but of the most superior quality; the finest cotton in the world is raised, to threefold the amount of the consumption of our country. With regard to foreign cottons, which it was supposed by the gentleman from Pennsylvania, might compete with ours, we know perfectly well that, even in the Liverpool market, the Government of Great Britain having every inducement to encourage the East India trade, those cottons cannot enter into competition with ours. An attempt was made, some years ago, to introduce East India cotton into this country; merchants of great skill and experience were said to have lost half a million of dollars in the attempt. The rivalry of foreign cotton in this market with ours, was a mere bugbear, not entitled to a moment's consideration.

Look at the operation of this proposed duty, said Mr. H. We are to pay a tribute of sixty thousand dollars a year to Kentucky, to enable her to manufacture bagging. If we go on in this way with every article of our present import, what inducements do we leave to Great Britain to take our cotton? There are immense markets open to her, where she can obtain cotton in exchange for her manufactures if we reject them. Brazil alone is capable of producing as much cotton as the whole United States proper; and, he argued,

if we take away the inducement which Great Britain has to receive our cotton, we shall in the end lose her custom, &c.

Mr. H. said, he would abstain from entering at present upon a discussion of the general principles of the bill. When the bill should be presented for discussion, on its general principle, he should make it his particular province to point out the many objections to it, and the character of the crusade about to be waged against the interests of that part of the country which he had the honor to represent.

Mr. TRIMBLE, of Kentucky, referring to an expression used by Mr. HAMILTON, in the close of his remarks, said he was gratified that the House was to have a *revelation* on this subject. He had no doubt it would have a happy effect on the minds of those gentlemen who were opposed to the bill; for it appeared that nothing but revelation would have any effect upon them.

If all this idea of the competition of foreign cottons was a bugbear, Mr. T. said he should like to know why that gentleman and others had been so anxious to tax East India cotton goods, if it was not for the purpose of excluding East India cotton itself. For the confirmation of the fact, Mr. T. said he appealed to the arguments which were used when the tariff was made up, and the gentlemen from the South asked for this protection for their cotton. [Mr. T. here said, he was very willing to yield the floor to the gentleman from New York, (Mr. CAMBRELENG,) who seemed to feel the effect of the revelation which had been spoken of.] As to the Western country, Mr. T. continued, it enjoyed the advantage of no protecting duty on any article. But, when the gentlemen from the South send us their protected cotton, said Mr. T., it comes to us wrapt up in Inverness and Dundee bagging, made of the refuse tow, after the best of the hemp is hackled out. Now, sir, the Western hemp has been ascertained, by fair experiment, to be ten per cent. stronger than the Russian hemp; and from that fact, I presume we can make bagging, or any thing else, of Kentucky hemp, as strong as can be made from Russian hemp. Notwithstanding which, when we purchase cotton from the South, we are compelled to purchase this Inverness and Dundee bagging. Is there any equality in that? Notwithstanding which, said Mr. T., we do not ask an exclusion of this article, as they have done in relation to coarse cotton goods, but only a reasonable tax upon it. Nothing could be more fair, more equal, nor, he thought gentlemen would after due consideration allow, more just, than such a tax.

Have we not land enough, said Mr. T., to raise hemp sufficient to make all our cotton bagging? The land between the Ohio and Kentucky rivers is sufficient to make twice the quantity necessary for our consumption. We not only furnished the planters in Louisiana during the late war with cotton bagging—at a very high price, I admit—but they could not get it from any other country. We furnished them bagging to bale their cotton at New Orleans—and we did another thing: when

it was baled, we stood behind it and defended it. I wish to know from the gentleman from Louisiana, why we are to protect their sugar by high duties, and then to go there and protect them and their cotton too.

Mr. T. accounted for the decline of the manufacture of bagging in Kentucky, caused by the low price of the foreign article, by the circumstance that, during the war, Russia exported vast quantities of hemp, and England, with an extensive navy then in actual service, had use for it. When the peace came, a great quantity of the article remained on hand, and was sold by the merchants at a low price to the manufacturers, who made it up into bagging, &c., and furnished it much cheaper than formerly. But that is now all worked up; and last year a tolerably high price was given for bagging.

So abundant was hemp in the Western country, that if we impose only such duty as will give the farmer a fair minimum price, the farmers there will keep down the maximum to the minimum nearly; and Mr. T. pledged himself that the manufacturers of the West would supply the whole country with bagging at not exceeding twenty-two and a half cents per yard, if Congress would grant them protection, and that they would keep it down to that price. But, by laying a proper duty, the market must first be made steady in its character, so that the foreigner cannot destroy the hemp grower and the manufacturer both, by excessive importations, &c. Bagging would be sold cheaper, so soon as hemp was allowed the same protection as was given to the Southern cotton, &c., as the prices of coarse cottons had been lowered since higher duties had been laid on the foreign article, &c.

Mr. CAMBRELENG, of New York, said, he had not intended to touch the details of the bill; not, at least, until the general question was settled, and upon that he should offer his objections to the principles of the bill: the object of which was prohibition. He, however, felt called upon by the gentleman from Kentucky; and, although not inspired, as had been intimated, he would answer the argument of reciprocal justice, which had been urged, to sustain the duty proposed on cotton bagging.

We had been told, that the agricultural interest of the South had been protected by duties, and that we must now legislate on the basis of reciprocity. This argument, according to the unhappy fashion of the times, is designed to excite our sectional prejudices and jealousies. Mr. C. did not, for a moment, impute such a purpose to the gentleman from Kentucky, (Mr. TRIMBLE,) nor to the Chairman of the Committee on Manufactures; but he feared it had been used by others, for such an object. The argument is, however, utterly destitute of foundation; and, although its purpose is grave enough for reason—its texture is too light for any weapon but ridicule. Where was the intelligence of the Chairman of the Committee on Manufactures, when he told us that a duty was imposed for the protection of the cotton of the South? Did he not recollect that there was not

a pod of cotton in the country at that period; and that the enlightened Secretary of that day never dreamt there would be? Where was his intelligence, when he informed us that the tobacco of Virginia had been protected? In our simplicity, we had always supposed that this article was a staple of the country, from the earliest settlement of the colonies; but we are happy to see that celebrated slander upon our great-grandmothers, blotted out from the page of history; we are happy to find that they were not bartered for this vile weed; we are happy to hear from such learned authority, from the gentleman who, superintends our national industry, that our tobacco plant has only flourished since 1790, under the salutary protection of Congress! But our admiration reaches its altitude, when we come to the duty on sugar. This duty had, before 1800, reached two and a half cents; it is now but three. We always thought Louisiana had belonged to Spain—then to France. It appears singular how this duty could have been proposed for the protection of French and Spanish planters. But what's this difficulty to our modern logicians? Those who can transfer Hindostan to Carolina, in 1790, can, with equal facility, give history a retrograde movement, and tell us, what nobody will have the temerity to deny, that our ancestors generally laid this duty to protect and encourage the planters of Louisiana, though then not within the circle of our Confederacy.

Such is the foundation upon which this argument of reciprocity rests. An argument addressed to our local prejudices. He regretted to perceive that the debate, on every item of the bill, seemed to be generally confined too much to mere local ground. It was natural, it was proper, that we should advocate the interest of our State, and of the particular district we represent; but he trusted the time would come, when we should bring into every discussion a more national feeling—when our national interests would be consulted.

Mr. BRENT rose in reply to the gentlemen from Kentucky and Pennsylvania. He certainly did not suppose that any gentleman from Kentucky, knowing, as he must necessarily do, that cotton bagging cannot be supplied from that State to meet the demand from Louisiana and the other cotton-growing States, would oppose the present amendment. The honorable gentleman from Kentucky, said Mr. B., gave me a piece of information, with which, he said, I probably was already acquainted—that Kentucky had not only supplied bagging for the cotton of Louisiana, but, during the late war, had stood behind it to defend Louisiana from invasion. I acknowledge, said Mr. B., the truth of what the gentleman has stated. I trust I feel, with the people whom I represent, a due sense of gratitude, for the services rendered on that occasion; and, if the honorable gentleman intended to claim a pecuniary compensation for them, on behalf of the citizens of Kentucky, and will make out a statement of the account, Louisiana stands ready promptly to pay it. But it was not true that Kentucky did furnish, during the war an adequate supply of cotton bagging even for

Louisiana alone. The State of Louisiana consumes nearly one million of square yards annually, but she received, during the war, only about six hundred thousand yards of it from Kentucky. He would appeal to the candor of the honorable gentleman, to say, whether, on all occasions, when the Western country was in need of aid, Louisiana had ever been wanting in efforts to advance its interests. On a late occasion, with which gentlemen were familiar, Louisiana had united in measures which she believed to be for the interest of the Western States, although very doubtful whether her own interest might not be rather impaired than promoted by them. All I ask of gentlemen, said Mr. B., is, that they will do what is just. I am not opposed to laying a duty on this article so soon as Kentucky will let us see that she can make it in quantity sufficient for the demand; but the nation is not to be forced, blinded, into a measure, which was calculated to amount to a prohibition of the imported article. As to what the gentlemen have said about a protecting duty on cotton, they may repeal it as soon as they like. What! when we grow more than twice as much cotton as is wanted for home consumption, and export it largely every year, do gentlemen talk to us about a protecting duty on cotton, to be counterbalanced by the prohibition of imported bagging? It shows the same unfairness, the same want of candor, that they have throughout exhibited on this question. [Mr. B. was called to order by the Chairman, for this expression.] It was within the knowledge of gentlemen, that this duty never was intended for protection—it was laid when no cotton was raised in the United States, and it was laid for revenue solely. The same thing might be said of the duty on sugar. The cotton of Louisiana is now protected by a duty of three cents per pound—two cents and a half of this was imposed while Louisiana was under the French and Spanish Governments; and the paltry half cent which has since been added, was added, not for protection, but revenue. But, sir, said he, it is in vain to urge us on such arguments; Louisiana will not vote on any arrangement or compromise—she goes on principle; and unless gentlemen are determined to outrage all justice, the amendment ought to be adopted. The honorable Chairman of the Committee on Manufactures, tells us, that Kentucky can supply the whole demand for cotton bagging. That may, in the course of time, prove to be true; but, until they do supply the demand, the duty should not be imposed.

Mr. HENRY, of Kentucky, rose, in reply to Mr. BRENT. He said he had not intended to take a part in this discussion; but he felt himself called upon to step forward, by the frequent repetition of a name which must always be dear to his heart. The State of Kentucky, as the land of his nativity, had the strongest claim upon his affection. However disparagingly she might be estimated by others, "he knew that he loved her, whatever she was." He must be permitted to say, that the gentleman from Louisiana had indulged himself in a course of remarks which seemed to be characterized by an invidious spirit—an improper imputation on motives.

[Here Mr. BRENT rose to explain. The gentleman was mistaken, if he understood him as imputing impure or improper motives to the advocates of the bill. He had no such intention. He meant no personal reflection on any gentleman on this floor, and he wished to be so understood.]

Mr. HENRY resumed. He believed the gentleman, from his soul. His zeal for what he supposes to be the interest of his constituents, as proposed to be affected, as he conceives, by the bill, had probably hurried him into expressions of an unguarded kind, susceptible of a construction he did not wish them to bear. I, on the other hand, said Mr. H., am free to confess, that I am in favor of this provision of the bill, because I believe its operation will be highly beneficial to that section of the country which I have the honor to represent. I am not ashamed to acknowledge, that this consideration exerts a powerful effect on me. Might I not impute to the gentleman a motive equally selfish, as the ground of his opposition? And if I did, and should substantiate the charge, what would I gain? Nothing. The motives which actuate gentlemen are perfectly immaterial to the question; each member must stand or fall by the discharge of his duty; to his own conscience, and to his constituents. The foundation of all social love, is self love. Why does a man love his country? Because it is his own country. The attachment is selfish in its origin, but it becomes elevated and refined as it extends. This much abused principle of human action has been finely portrayed by a poet and philosopher of the last century:

"Self-love just serves the virtuous mind to shake,
As the small pebble stirs the peaceful lake;
The centre mov'd, a circle straight succeeds,
Another still, and still another spreads;
Wide, and more wide, th' o'erflowing of the mind,
Takes ev'ry creature in, of every kind.
Friend, parent, neighbor, first it will embrace;
Our country next, and last, all human race."

It is so with all the attachments of life. When we come to analyze and trace them, we find their ultimate source to be self love.

The argument of the gentleman from Louisiana, Mr. H. said, so far from convincing him that the duty ought to be stricken out, had much strengthened his conviction that it ought to remain in the bill. What are the positions which he takes? He says that Kentucky, Ohio, and Tennessee, are together, insufficient to supply the demand for cotton bagging which exists in Louisiana, Georgia, and the other cotton-growing States. But why, sir? Have we not the soil, the industry, the economy, or the foresight of our interest, which would fit us to produce the article? Yes, sir. Our soil is as fertile as any under Heaven! Forty years perpetual use has not, in the least, exhausted its fertility. And as to industry, I may with truth say, for the people of that region, that there are none more willing to earn their bread, as under the common curse of our race they must earn it, by the sweat of their brow, than the farmers of the West. Nor are they remarkable for any want of calculation, or of quickness of perception, to

discover what will advance their interest. What, then, is wanting, sir? Precisely what the bill proposes to give us—protection, encouragement. Again, the gentleman has stated that our factories are languishing. Admit the fact, sir, and again I ask why? The same answer must be given: for want of protection—for want of encouragement.

The gentleman tells you that the article we have hitherto made has been inferior in quality. Still, I ask him why, and still the same answer recurs—for want of protection, for want of encouragement. Give us protection, sir, and at once you give us encouragement. As soon as encouragement is secured to us, an instantaneous investment of capital will follow; as soon as capital is invested, competition will take place; and competition will produce an immediate improvement of the fabric, &c. By way of proving that all Ohio, and Kentucky, and Tennessee cannot produce enough cotton bagging for the use of the South, the honorable gentleman informed us that the State of Louisiana used nearly one million of yards of the article. I can, in return, inform that honorable gentleman (and I say it from the personal knowledge of a distinguished member of this House) that, in the town of Lexington alone, more than one million of yards of cloth are made in only ten factories—the raw material of the whole of which is drawn from a single county. Sir, I will venture to pledge myself, and to predict, that, under adequate encouragement, the State of Kentucky alone will be perfectly competent to supply the whole Southern market with this article. Sir, take away this duty, and what equivalent is left to the West, for all the burdens which are to be imposed on her by the other provisions of this bill? While all other parts of the Union are looked to and cared for, shall we alone stand without a shelter? Must we be sunk lower, and still lower, in the scale of this nation? Impoverished, as the West has been, by a pernicious system of policy, must she suffer still more? What, sir, has she done to forfeit your protection? Has she been wanting in loyalty? Has she been wanting in zeal for your cause? Has she failed you in the hour of danger? No, sir; she is linked to this Government by ties of the strongest attachment; in this feeling we shall live, in this feeling we shall die; but I trust in God that we shall not, on this account, be denied our share of the national protection.

The honorable member from Louisiana has alluded, in his remarks, more particularly to the factories of Kentucky. Sir, Louisiana and Kentucky are bound to each other by ties as strong as those which hold in connexion the sun and the earth—they are naturally inseparable. The citizens of Louisiana are planters; we are farmers and graziers. They give their whole time and attention to the raising of cotton; we are precluded from doing this; we have neither the soil nor the climate adapted to the production of that valuable plant; we raise their pork, beef, and flour; and nothing can affect the plenty or scarcity of these articles in Kentucky, that does not affect

Louisiana in almost the same degree. No sooner are our crops injured, than the planters of Louisiana feel it. Who raises their hogs, their horses? The people of the West. On the other hand, we go to them for all our market—and such is the competition, from the extended region in which our products are raised, that the price of our commodities sinks in that market till our shipping merchants are almost all ruined, and even the farmers themselves obtain barely the amount of their actual expenses. This trade, sir, is highly beneficial to Louisiana, but it is a losing trade to Kentucky and the West. Sir, we are fast becoming, we have already become, tributary to Louisiana. We are hewers of wood and drawers of water for the wealthy planters of the South. Sir, we do not complain of this. We cannot help it. It is the inevitable course of things. But will they refuse us, in turn, some small equivalent? While they are amassing fortunes, will they not allow some small field for our infant manufactures? Sir, even the slave, himself, who toils without hope and without remuneration, must have some little encouragement to alleviate his bondage. The market is all against us; we toil and reap no reward, and unless some alteration takes place we cannot toil much longer. I trust, sir, our high-minded friends in the South will not feel disposed to deny us the avails of such a duty as that now proposed.

There is one other consideration on which I would touch, but with the greatest delicacy. It is the policy of the bill. What is the end proposed by the whole measure? To protect the industry of American citizens. The foundation of the policy is a determination no longer to feed the workmen of other countries, but to employ our own people. Sir, the true wealth of any country is the profits of its labor. Even the capital employed in commerce does not so truly and permanently enrich the country as the capital employed in agriculture. He who feeds two men and two women, where before but one man and one woman could be fed, deserves well of his country. Pursue, then, a policy which will feed your people—which will strengthen your mass of population. They will repay you with support and attachment. They will shed their blood in your defence.

Strike out the duty, and who will be benefited? The Autocrat of Russia. He is the greatest hemp grower. Does the gentleman from Louisiana wish to feed the Russian boors, rather than the hemp growers of the American soil? And, if he does, is it sound policy? Ought we, instead of increasing our own strength and resources, to strengthen an arm already too strong? Why should we suffer a foreign Power to draw from us that wealth which may hereafter be turned into bayonets and aimed at the vitals of our country? Do gentlemen wish to see a Russian fleet hovering on our coast? and will they drain our own country to help to build it? The people of the West, of all others, have the least reason to dread the approach of an enemy. The war must rage on our seaboard, before it can reach them. But what has been their conduct? Did they wait at home till the

foe reached the Kentucky line? Did they say, let the enemy come here, and we will resist him? No, sir. They left their homes and their boundary lines behind them; they went forth to meet the foe. They will do it again; but they do not seek to invite his approach by prostrating our domestic strength, and giving our resources to strangers.

Mr. TON said, that he was sorry to find that the debate threatened to become serious from the time it was likely to occupy. He certainly should not increase the evil. He rose merely to assure the gentleman from New York, (Mr. CAMBRELENG,) that, in one point of his argument, he had entirely succeeded with him, and that was, in proving that our grandmothers had not grown up in a tobacco yard. In another point, he could not say the honorable gentleman had been quite so fortunate—he meant, in proving that Alexander Hamilton was no statesman, because he could not tell us, thirty years ago, how much cotton would be raised in the United States in 1823. Sir, I never thought that Alexander Hamilton was a conjuror; but, to argue from this, that he was no statesman, is not, to me, very conclusive. The gentleman had not succeeded near so well in this point, Mr. T. said, as he did about our grandmothers. There was another point. The gentleman had said that the duty on cotton was laid for revenue, and it was laid in 1789; but, he could inform the gentleman that when the duty on cotton was raised to three cents per pound, it was done on the representation that cotton was expected to be raised here, and it had reference to that expectation. As to the duty on sugar, if the Committee were not already competent to see that the three cents a pound duty on sugar was a clear bounty upon the culture of that article nothing that he could say would make them see it.

Mr. OWEN, of Alabama, said, that when this bill was introduced into the House by the honorable Chairman of the Committee of Manufactures, he had hoped to see it discussed on general grounds, without a reference to the local interest of each particular State. But, instead of this, he was sorry to perceive that every member who entered into the discussion, referred to its operation on his own individual district alone. State was set in opposition to State. Kentucky and Louisiana were arrayed against each other, and it was maintained that Louisiana, by consenting to the duty on bagging, was to repay Kentucky for her defence during the war. If this doctrine should prevail, other parts of the country would be affected by the duty, which had had no share in the service. He represented a small district of the cotton-growing country, and that district would have to help Louisiana in paying her tribute to Kentucky. He would ask whether Georgia, too, and South Carolina, and the whole cotton country of the Union, were to be called on to aid in repaying Kentucky? And how was this repayment to be made? By encouraging manufacturing establishments which are now in existence and operation? Not at all. Gentlemen from the West say, pay us in advance, and then

we will furnish you the article. They do not say that they have it now. But the duty is at once to be laid—then time must elapse before their factories go into operation; and after all, it is a mere experiment. But, we are told, some interests must be sacrificed, and that there is a great and predominating interest, which must and will prevail, and the rest must be more or less sacrificed to aid it. But, sir, is such the situation of the people of these United States? Must we sacrifice the interests of one State, in order to aid another? I believe not—I trust not.

But, as I am opposed to the whole bill, I shall not detain the Committee by going into an argument on its details. I grant, indeed, sir, that it is a sound principle of Republican government, that the majority shall prevail, but is it good policy, when the minority is large and respectable, to refuse to listen to their objections? Will you force on them that which the majority says is for their benefit, but which they themselves say is to their injury? He was confident that, if the votes of all who are interested in the tax now proposed could be individually taken, a large majority would be found to be opposed to the measure.

Mr. MARVIN, of New York, then rose and said that, if there was a single feature in the whole bill which ought to be retained, he thought it was this. If there was any article which the United States can raise in abundance, it is hemp; if there was any article which we can manufacture, it was cotton bagging. It is said that the effect of the duty will be, to raise the price of the articles. Such might be the effect; but if it were, it would be only temporary. It is stated, said Mr. M., that the manufactures are languishing; but this is not because they could not, in a settled course of business, afford to make the article as cheap as it comes from Europe, but because the market is precarious, and they are liable to be overwhelmed with temporary importations. But, granting that, for some time, the price will be a little higher, are we called upon to make no sacrifices to support our own manufactures? We do not, however, ask this. We do not call on the South to make any sacrifice whatever. Grant, for the sake of argument, that the State of South Carolina alone pays for the article of bagging \$60,000 a year. Who pays this? The consumer pays it. Though that one State pays it in the first instance, it is paid back again by all other States, in the various proportions in which they are consumers of cotton. The honorable Chairman of the Committee on Manufactures has shown that one-third of all the cotton raised in the United States, is consumed within the United States. But where? Certainly not in the cotton-growing States. Then it must be by the other States, and, as far as they are consumers, they pay the duty.

Sir, what is that we propose? To make this country independent of foreign manufactures. For this end, we ask it for a season to pay a higher price for a particular article, until that article obtains a certain and a settled market; and we ask this higher price to be paid, not by one particular district, but by the whole country which

consumes the article. Sir, the bagging follows the cotton, go where it will, and is paid for with it. I do not forget that two-thirds of what is raised goes abroad; but surely the country cannot greatly suffer by the consumption of this portion of its manufactures abroad. All we ask is, to guard, for a time, the infant manufacture against such fluctuations in the market as will destroy it, and then you will get the article cheaper than ever. Was it not so with coarse cottons? But, if not, we are prepared, I hope, one and all, from the East to the West, in the North and in the South, to submit to the increase of price, so far as we are the consumers.

A motion was now made that the Committee rise, which was carried—yeas 100, nays 96.

So the Committee rose, reported progress, and had leave to sit again.

MONDAY, February 16.

Mr. LIVINGSTON presented a petition of sundry aliens residing in the State of Louisiana, praying that the laws upon the subject of naturalization may be amended, to the end that greater facilities may be afforded to foreigners intending to become citizens of the United States; which petition was referred to a select committee, and Mr. LIVINGSTON, Mr. MORGAN, Mr. BARTLETT, Mr. DWIGHT, Mr. GURLEY, Mr. DURFEE, and Mr. BRECK, were appointed the said committee.

On motion of Mr. LIVINGSTON, the Committee of Claims were instructed to inquire and report whether any, and what sum, is due from the United States to Marigny Dauterive, of the city of New Orleans, for supplies furnished to the Army of the United States, and for the services of his negro.

Mr. TOMLINSON laid the following resolution on the table, for consideration to-morrow:

Resolved, That the President of the United States be requested to inform this House whether any measures have been taken to carry into effect the resolution of Congress, passed June 17th, 1777, directing a monument to be erected to the memory of David Wooster, a Brigadier General in the Army of the United States, who fell in "defending the liberties of America and bravely repelling an inroad of the British forces to Danbury, in Connecticut;" and whether the sum of five hundred dollars, appropriated for the purpose of carrying that resolution into execution, has ever been paid to "the Executive power of the State of Connecticut."

Mr. STORRS laid the following resolution on the table for consideration to-morrow:

Resolved, That the Secretary of the Department of the Treasury be directed to transmit to this House the statements of the affairs of the Bank of the United States, on the 30th day of December of the years 1822 and 1823.

Mr. WRIGHT laid the following resolution on the table for consideration to-morrow:

Resolved, That the President of the United States be requested to inform this House, (if such information may be given without injury to the public,) whether the title of the United Brethren for propagating

the Gospel among the Heathen, to certain sections of land in Ohio, authorized to be purchased by the act making further appropriations for the support of Government for the year 1823, and for other purposes, passed the 3d March, 1823, has been purchased for the United States; and if so, to cause to be laid before this House, a copy of the contract of purchase, and of such other papers in his possession, (proper to be communicated,) relating to the survey and disposition of said lands.

Mr. WHITTLESEY laid the following resolution on the table for consideration to-morrow:

Resolved, That the President of the United States be requested to present to this House a statement of the amount of money expended in conformity with the provisions of an act, entitled "An act for the gradual increase of the Navy of the United States," approved the 29th of April, 1816, and of the act to amend said act, approved the 3d of March, 1821: also, the number of vessels built or now on the stocks, with their rates, the value of the timber purchased, or for which contracts have been made, and whether sufficient timber has been purchased or contracted to build the vessels contemplated by the provisions of said act.

On motion of Mr. LIVINGSTON, the Committee on the Judiciary were instructed to inquire into the expediency of rendering the designation of jurors to serve in the courts of the United States, in each State, conformable at all times to the mode of designating jurors which may be adopted in the State courts of such State.

On motion of Mr. HEMPHILL, the Committee of Ways and Means were directed to inquire into the expediency of allowing the benefit of drawback on all goods, wares, and merchandise, imported into either of the ports of New York, Philadelphia, or Baltimore, and transported from any one of the said ports to either of the others, partly by land conveyance and partly by water, in the like manner as if the same were transported coastwise.

On motion of Mr. HOUSTON, the Committee of Claims were instructed to inquire into the expediency of allowing Dempsey Powell pay for two guns, impressed during the late war between the United States and Great Britain.

On motion of Mr. TAYLOR, the Committee on Commerce were instructed to inquire into the expediency of amending the act of Congress, entitled "An act further to establish the compensation of officers of the customs, and to alter certain collection districts, and for other purposes, so far as the same relates to the compensation of the collectors of the several districts on the northern frontier of the United States.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief Walter S. Chandler and Samuel Ward;" in which bill they ask the concurrence of this House.

The said bill was read twice, and referred to the Committee on Pensions and Revolutionary Claims.

CLAIM OF BEAUMARCHAIS.

Mr. TUCKER, of Virginia, from the committee to whom the subject was referred, made a detailed report upon the claim of the heirs and representa-

tives of the late Caron de Beaumarchais, of France; which report was ordered to lie on the table. The report is as follows:

The claim of Mr. Beaumarchais' representatives against this Government is the only unsettled item of a large account for military supplies furnished by him to this country during the first years of the war of Independence. It amounts to one million of livres, exclusive of interest, and arises from a charge made by the accounting officers of the Treasury, against Mr. Beaumarchais, of that sum, received by him from the French Government, on the 10th of June, 1776, for the use of the United States, but for which the claimants, not denying that he so received it, insist that he has already accounted to his own Government, to whom alone he was accountable. Against this charge, which they allege to be equally unwarranted by the justice of the case and the established rules of evidence, they have been seeking relief from Congress, from the year 1805, (when the final settlement took place,) to the present day.

In the absence of more positive and satisfactory evidence on the matter in controversy, it has been found necessary, by all those who have successively investigated the subject, to refer to numerous official letters and documents, many of which have little direct bearing on the question, but, taken in connexion with others, shed some light on a subject that is however yet involved in obscurity, and will, probably, ever so remain.

A brief abstract of the history and progress of this claim, as furnished by these documents, annexed to this report in the order of their dates, may conduce to a better understanding of the subject, and show the grounds and principles on which the committee has come to its conclusion.

Early in the year 1776, Mr. Beaumarchais called on Mr. Arthur Lee, then a secret agent of the United States in London, and requested him to communicate to Congress that the Court of France was disposed to assist the Americans, with money and arms, to the amount of 200,000 louis d'or, which should be sent through any of the islands in the West Indies that should be agreed upon. At the next interview, he requested that a small quantity of tobacco, or other commodity, should be remitted, to give the intended aid the air of a mercantile transaction. Cape Francois was settled between them as the channel of conveyance, and it was agreed that Mr. Beaumarchais should carry on his correspondence with American agents, under the fictitious signature of Roderique Hortales & Co.

Soon after this, Mr. Silas Deane arrived in Paris, as a Commissioner from the secret committee of Congress, for the purchase of clothing and military stores, and in July, 1776, he and Mr. Beaumarchais, under the name of Hortales & Co., arranged the terms under which the supplies were to be furnished. Mr. Beaumarchais, it may be observed, was not a merchant, but, being distinguished for his wit and literary talents, was in great favor at the Court of Louis XVI.

In the latter end of 1776, Dr. Franklin, Mr. Deane, and Mr. Arthur Lee, were appointed joint Commissioners from the United States to the Court of France, and in the course of this and the following year eight cargoes were shipped by Mr. Beaumarchais to the United States, either directly or through the West Indies, which, exclusive of freight, insurance, and other charges, amounted to upwards of three millions

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of livres. During the same and the three following years remittances were made to Mr. Beaumarchais, in tobacco and other home productions, but to a small amount in proportion to the value of his supplies.

In 1777 two millions, in four instalments of half a million each, were advanced by the Royal Treasury, on the receipt of the American Commissioners, to Mr. Grand, their banker in Paris; and in June of the same year a million was received, in the same mode, of the Farmers General.

During this time there seemed to have been some uncertainty about the character of these supplies, on the part of the American Commissioners, who supposed them partly furnished by the King of France, either as a loan or gratuity, and partly by Mr. Beaumarchais.

This opinion, which originated in the first communication to Mr. Lee from Mr. Beaumarchais, was strengthened by the repeated assurances made to them by the French Minister that no return was expected for these supplies, and because most of the military stores were taken from the King's arsenals. Nor were the remittances which were claimed by Mr. Beaumarchais, and occasionally made, at all inconsistent with the supposition; as it had been part of the original plan to give the assistance afforded by France to the United States the character of a commercial transaction, for the purpose of concealing it from the British Government. On this subject there was an evident diversity of opinion among the Commissioners.

Mr. Lee always seemed to think that the supplies were furnished by the Court of France. Mr. Deane considered that they were furnished by Mr. Beaumarchais, on his own account. And, in February, 1778, Dr. Franklin and Mr. Lee, in a letter to the secret committee of Congress, recommend Congress to leave Mr. Beaumarchais' demand to be settled by them in Paris, as there was in it a "mixture of public and private concern," which Congress could not so well develop.

In September, 1778, the American Commissioners, Dr. Franklin, Mr. Lee, and Mr. Adams, wrote to the French Minister, Count De Vergennes, to ask his advice relative to ratifying a contract with Hortales & Co. for further supplies, and to make inquiry of him concerning the supplies already furnished. They say, that both they and the people of America, have generally understood they were under obligations to His Majesty for the greater part of the supplies, and that they cannot "discover that any written contract was ever made between Congress, or any agent of theirs, and the house of Roderique Hortales & Co., nor do they know of any living witness, or any other evidence, whose testimony can ascertain as to who the persons are who constitute the house of Roderique Hortales & Co., or what were the terms upon which the merchandise and munitions of war were supplied, neither as to the price, nor the time or conditions of payment." They profess their readiness to settle the accounts, and their willingness to discharge the obligation, as soon as Providence shall put it in their power.

To this letter, Monsieur De Vergennes replied, that the King had furnished nothing; that he simply permitted Mr. Beaumarchais to provide himself from the Royal Arsenals, on condition of his replacing the articles, and that he would interpose to prevent the United States from being pressed for reimbursement of the articles of a military nature.

From this time, Mr. Beaumarchais was recognised as the creditor of the United States for the whole amount of these supplies, and payments were made to him, partly in tobacco, but principally in bills of exchange, drawn in his favor on our Minister in France, which, including the remittances previously made him, amounted in all, to upwards of three and a half millions of livres.

In April, 1781, Mr. Beaumarchais had a general settlement of his accounts with Mr. Silas Deane, in Paris; but this settlement not being ratified by Congress, and Mr. Deane's authority to make it being denied, Mr. Barclay, who was sent to France as Consul General, was invested with power to settle the accounts of Mr. Beaumarchais. He, for some time, refused to make a new settlement, insisting on the one previously made with Mr. Deane, but he finally consented, and one was made in 1785, subject, however, as it appears, to the ratification of Congress.

The length of time required to examine the numerous details of Mr. Beaumarchais' accounts, and the difficulty of agreeing on various charges for commission, freight, and insurance, concerning which, there was neither a previous contract nor an unvarying standard, may fairly account for the delays experienced by Mr. Beaumarchais, in the final adjustment of his accounts, both by Congress and its agents, till 1787, when, by the development of a new fact, a difficulty occurred which has outlived every other, and which has laid the foundation of the present claim.

In February, 1783, Dr. Franklin entered into a contract or treaty with the Count De Vergennes, relative to the loans and subsidies made by France to the United States, by which he acknowledged on the part of the United States three millions before the treaty of February, 1778, and six millions in 1781, as the gratuitous gift of the King.

In July, 1786, on a settlement with Mr. Grand, our banker at Paris, it was discovered that he had given the United States credit but for two millions received before 1778, instead of three, as was stated in the treaty of February, 1783. Dr. Franklin, conceiving his character might be implicated by this important variance, wrote to Mr. Grand for an explanation, and suggests that the million furnished ostensibly by the Farmers General, might have been a gift of the Crown. Mr. Grand in September following, answers, that he had applied to Mr. Durival, the principal of one of the departments of finance, for a solution of the difficulty, who had stated that there had been an advance from the Royal Treasury of one million, on the 10th of June, 1776, in addition to the two millions advanced in 1777, and which Mr. Grand had received. It further appears, that this answer of Mr. Durival not being satisfactory, Mr. Grand applied to him for a copy of the receipt of the million advanced in June, 1776, to which Mr. Durival replied, that he had laid Mr. Grand's letters before the Count de Vergennes, who constantly replied that the copy of the receipt he required, had no relation to the million received from the Farmers General, nor to the business with which he had been intrusted by Congress, and it would be useless to give it to him. On which, Mr. Grand observes, that he could not conceive the reason for this reserve.

In January, 1787, Dr. Franklin, on receiving these letters from Mr. Grand, communicated them to Mr. Charles Thomson, Secretary to Congress, and adds, that he conjectures the person who received the mil-

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lion in June, 1776, must be Mr. Beaumarchais, and that it was a cabinet secret, ("*mistère du cabinet*,") which, perhaps, should not be further inquired into, unless necessary to guard against more demands than may be just from that agent. For, it may well be supposed that if the Court furnished him with the means of supplying us, they may not be willing to furnish authentic proofs of such a transaction so early in our dispute with Britain." He inquires if Mr. Beaumarchais continued to press his demands, and adds, "It is true the million in question makes no difference in your accounts with the King of France, it not being mentioned or charged as so much lent and to be repaid, but stated as freely given. Yet if it was put into the hands of any of your agents or ministers, they ought certainly to account for it."

In the course of the same year, Mr. Beaumarchais addressed Congress on the subject of his account; and, whether it was because its style gave offence, as he states in his own memorial of 1795, or the belief which now prevailed, that he had received the million that had lately come to light, no notice seems to have been taken of his application, until 1789, when his accounts were referred to the Board of Treasury, a committee of the old Congress, consisting of Mr. Arthur Lee, Mr. Livingston, and Mr. Osgood, who report, among other things, that the balance claimed by Mr. Beaumarchais, on his account, certified by Mr. Deane in 1781, then amounted to about \$900,000, and that the debts against the United States had no other voucher to support them, but the certificate of Mr. Deane. They make various deductions, for charges of commission, insurance, and two of the cargoes said not to have reached the United States, and find a balance due the United States, of livres, 742,413 9.5, "exclusive of the one million of livres, which (if received by Mr. Beaumarchais from the Court of France) must be added thereto;" and they submit two resolutions—1st. That the settlement with Mr. Deane, in April, 1781, was not binding on the United States; and, 2d. That Mr. Beaumarchais settle his accounts at the Treasury of the United States, and be required to transmit the necessary vouchers in support of the same.

After the new Constitution went into operation, Mr. J. A. Chevallier, as the agent of Mr. Beaumarchais, applied to the Treasury Department for a settlement of the accounts of his principal; and, in May, 1793, the Auditor certified that the same had been examined and adjusted by him. He adverts to the decision of the Board of Treasury, in 1788, and makes a different, and, as the committee think, a correct decision on the contested questions, of insurance, commission, charges of merchandise, and the two cargoes erroneously supposed not to have reached the United States; and he finds the balance due to Mr. Beaumarchais to be, livres, 2,280,231 17.8. But he subjoins a note, that the million which had been advanced by the French Government, on the 10th June, 1776, to somebody, had been, probably, received by Mr. Beaumarchais, and he therefore recommends that the payment of the balance found due from the United States should be suspended until "some further measures could be taken," to clear up the mystery. This report seemed to have received the sanction of the Comptroller and Secretary of the Treasury.

In June, 1794, Mr. Gouverneur Morris, then our Minister to the French Republic, addressed a note to Mr. Buchot, the Commissary of Exterior Relations,

for information relative to the million advanced in June, 1776, to whom it was paid, and for what objects expended, with the avowed purpose of opposing this sum against the claims of Mr. Beaumarchais, in case he should have been the person who received it. In reply to which, Mr. Buchot sends a copy of a receipt, dated the 10th of June, 1776, and given by Mr. Beaumarchais, for one million of livres, paid by the order of the Count de Vergennes, and to be accounted for to him; which receipt, Mr. Buchot remarks, "appears to be the one necessary to the United States, in adjusting their accounts."

After the disclosure of this receipt, no doubt seemed to be entertained that Mr. Beaumarchais was the person who had received the million of livres, advanced for the use of the United States, in June, 1775, and he was held accountable for that amount by the accounting officers of the Treasury, though the charge was earnestly resisted by Mr. Beaumarchais, in a long and eloquent memorial, addressed to the President, in 1795, as, also, by his agent, before and after his death, in 1799, and was, in 1802, the subject of a remonstrance from Mr. Pichon, the chargé de affaires from France to the United States.

In 1805, the accounts of Mr. Beaumarchais were definitively settled by the Comptroller, and after charging him with the million received on the 10th June, 1776, with interest from that date, a balance of 222,046 12.2, equal to \$41,119 74, was found due him on the 1st January, 1791.

In 1806, Madame Eugenie Beaumarchais de la Rue, the only daughter and heiress of Mr. Beaumarchais, by a memorial presented through her agent, made an appeal to Congress from the decision of the Treasury Department, which has been renewed, from time to time, to the present period.

The several reports which have been made by the committees to whom this claim has been referred, as they contain nearly all the arguments that can be urged, either for or against its merits, are annexed to this report, and they may be here briefly noticed.

In 1806, the Committee of Claims made an unfavorable report, except as to the balance of \$41,119 74, which, with interest from the 1st January, 1791, was paid to the claimants.

A note from General Turreau, the French Minister, accompanied the petition of the claimant, in which it was stated for the first time, that, in consequence of a minute search in the records of the Department of Foreign Relations, there had been found in a file, entitled "United States," a receipt of Mr. Beaumarchais of the 10th of June, 1776, for a million, which was "given to him by orders from the King, for an object of secret political service of which he reserved the knowledge to himself," as well as the account rendered in the same year, by Mr. De Vergennes to the King, of the application of that sum, in conformity with his instructions. This communication was accompanied by observations and arguments on the part of the Minister, in favor of the claim.

In the following year, the President, by a Message dated February 6, 1807, again brought the subject to the notice of Congress, and at the same time communicated a note from the French Minister, together with his answers to the objections which had been made to the claim, in a letter from Mr. Gallatin, Secretary of the Treasury, addressed to the committee of the preceding year. The note from the minister thus concludes: "The present Government of France has

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made all possible research, in order to enlighten its equity and its justice, in an affair which interests a family, whose head employed all the fortune which he ought to have left it, to the support of the American cause; and it is, after the most intimate conviction, that this sum is due to Mr. De Beaumarchais, that it has charged its Minister Plenipotentiary to declare now, that the million given on the 10th June, 1776, to Mr. De Beaumarchais, was employed in a secret service; that an account of it has been rendered to the King, and approved by him, and that it was not given on account of supplies furnished by the said Beaumarchais to the United States." The Committee of Claims to whom the subject was referred, on the faith of this declaration, made a favorable report; but as questions of law might arise in investigating the case, they recommended that the claim be submitted to the Secretary of State, with instructions to report to Congress at the ensuing session.

This course was adopted, and in December 1807, the Secretary of State reported the opinion of Mr. Rodney, the Attorney General, on the question, whether the controverted million ought to be regarded as a legal payment by the United States, which opinion, after a full examination of the subject, was thus summed up, "that the plea of payment or discount could not be supported, unless collusion with Beaumarchais be attributed to the French Government; an idea inadmissible, and which could not enter into his view of the case."

In March, 1812, the subject was again referred to the Committee of Claims, who made an unfavorable report, in the words of the report of a former Committee of Claims in 1806, with the addition of a letter from Mr. Pinkney, then Attorney General, to the chairman of the committee, in which he says, that "viewing the question as a mere matter of law, he was compelled to say, that the title to the deduction insisted upon must be shown by the United States, and that the evidence would not be sufficient to establish it in a court of justice."

In January, 1817, the subject was "recommended to the favorable attention" of Congress, by a Message from the President, who, at the same time transmitted a letter from Mr. De Neuville, Minister from France, to the United States, in support of the claim, and the correspondence which had taken place during the preceding year, between Mr. Gallatin our Minister in France, and the Duke de Richelieu, Minister of Foreign Affairs, relative to the subject. The claim was referred to a committee who did not act on it. And in the following year, the present President of the United States, by a special Message in January, 1818, gave the claim a similar recommendation. It was accordingly referred to a select committee, who, after a very elaborate report on the facts and merits of the case, decided in favor of the claim; but their decision was negated by the House.

In March, 1814, a select committee made an unfavorable report on the claim.

In March, 1822, another Message was received from the President, transmitting three letters from Mr. De Neuville on the subject of the claim, and recommending it to the favor of Congress as before, but the subject was not acted on.

At the succeeding session, this Message was referred to a select committee, who on the 28th January, 1823, reported a bill in favor of the claimant, which

for the want of time, passed only to a second reading.

It thus appears, that one Committee of Claims, two select committees, and two Attorney Generals, have decided in favor of the claim, either on the ground of its justice, or of the illegality of the discount claimed by the United States, and that two Committees of Claims and one select committee have decided against it.

After the most attentive examination of the numerous documents in which the above mentioned facts are disclosed, the committee are of opinion, that, though the disposition of the million of livres received by Mr. Beaumarchais, in June, 1776, is involved in some uncertainty, which may never be entirely dispelled, yet they think there is strong persuasive evidence, that it was meant by the King of France to assist Mr. Beaumarchais in the purchase of those supplies with which he furnished the United States. In support of their opinion, they rely on the following facts: The first offer of the French Government to render secret assistance to the United States, was made through Mr. Beaumarchais. The amount of supplies which he afterwards furnished, was far beyond his apparent resources; and his former habits and pursuits though they comported very well with the character of a secret political agent, rendered him but ill qualified for commercial transactions. Most, if not all the articles of a military nature, were taken from the King's arsenals. The opinion, that the supplies were furnished principally, if not altogether by the King, was entertained, for two years by the American Commissioners, who were on the spot. The repeated declarations of the Minister himself, to the same effect, as evinced not only by repeated letters from Mr. Arthur Lee, but by the joint letters of the three Commissioners to the Secret Committee of Congress, dated 7th October, 1777. The presumptions arising from these facts, receive the strongest confirmation, from the letter written by the Count De Vergennes to Louis XVI., dated May 2d, 1776, which is taken from the history of the French diplomacy, and believed to be authentic, in which he speaks of being authorized by the King, "to furnish a million of livres for the use of the English colonies," and of the transmission of the funds which his Majesty was pleased to grant the Americans, and of directing the necessary precautions to be taken, as if the proposed agent, Monsieur Montaudon, advanced the funds on his own account. He mentions also, the reply he had made to Mr. Beaumarchais, which was evidently favorable and connected with the same subject; and states, the precautionary steps he had taken to prevent discovery, as it was of consequence that the operation should not be known, or "imputed to the Government."

From this letter, it is clear that the million here spoken of, was intended to be paid to the United States, and not to others, for some secret service; that Mr. Beaumarchais had a principal agency in the transaction, and that in speaking of the importance of secrecy, the language applies rather to those aids which State policy might wish to conceal from Great Britain, than to that species of political services which might involve the character of individuals, and the honor of the nation.

The same work affords another piece of corroborating testimony. In a letter from Louis XVI. to the King of Spain, dated January 8th, 1778, he speaks of "succors of money and other kinds," which France

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had given the United States, the whole ostensibly on the score of trade.

To this mass of testimony which has been gradually elicited in the successive investigations on the subject, it is objected:

First Objection. That, whatever motives the French Government might have had before 1778, for concealing the advance of this million, it could have had none, after it had openly espoused the American cause, except those that are incident to all disbursements of secret service money.

To this it may be remarked, that, though the motives for concealment were much weakened after their open rupture with Great Britain, yet they might be supposed not to have entirely ceased after that event, for, as Dr. Franklin remarks, France might not be willing to furnish authentic proofs of such a transaction, so early, in our dispute with Great Britain; and that sagacious observer considered this reason sufficient to account for the mystery in which the "lost million" was involved. Besides, other facts have been concealed, long after any necessity for concealment could be supposed to exist. It was not until 1794 that the seemingly unimportant fact, that Mr. Beaumarchais was the person who received the money was communicated, nor until 1806 that it was declared to be for a secret political service.

Second Objection. That, as the knowledge of this million grew out of the contract of February, 1783, long after Mr. Beaumarchais had been the creditor of the United States, he ought not to be affected by an instrument to which he was no party, and of which he had no notice.

The committee think, that so far as concerns this transaction, neither Mr. Beaumarchais nor the United States are bound by this contract. They, because they had no knowledge of the facts which have since been disclosed; and he, because he was no party. But, he is bound by his own receipt, taken together with that evidence, which shows the money to have been received for the use of the United States.

Third Objection. That he has accounted for the disbursement of the money to his own Government, to whom alone he was responsible.

The only direct evidence of the fact, that Mr. Beaumarchais had accounted to his Government for the disbursement of the million received in June, 1776, is to be found in the paper subscribed by the King's own hand, dated December 7, 1776, in which it is stated that the million of livres, applicable to secret political services, had been "applied to the purposes intended by the King." But granting that this expression did not mean to refer simply to the payment of the money to Mr. Beaumarchais, but to that disposition of it which he should make; still it is not presumed that any other evidence would be required of Mr. Beaumarchais, that the money had been applied to its intended purpose, than that he had actually purchased and transmitted the supplies, which evidence he could probably find no difficulty in furnishing at the date of the King's letter, as the three first cargoes, amounting to a million and a half, actually left France before the 5th of February, 1777; and one million of that sum may easily have been expended in their purchase, before the 6th of December preceding; and indeed, in Mr. Beaumarchais' own letter to Congress, of the 1st December, 1776, he states the amount of his advances to be about one million. Besides thus satisfying his own Government that he had fulfilled its wishes, does not

do away his obligation to account with the United States for the money received to their use, for that would enable him, in part, to frustrate, instead of fulfilling, the generous purposes of his Government.

Fourth Objection. That, whatever may be the doubts about the fact, the evidence is not sufficient to establish a legal discount against Mr. Beaumarchais, in a case in which the burden of proof lies on the United States.

If this were the case, the claim ought long since to have been settled by the accounting officers of the Treasury, as they would not probably feel themselves bound to allow any evidence in favor of a discount, that would be rejected by a court of justice. But, granting that they would, yet it must be recollected that the settlement now complained of has received the sanction of three successive Administrations, and Congress is applied to, not in the ordinary case of allowing a claim for which the law has made no provision, but to make a different decision, on a mere point of evidence, from that which has been made by the department, whose particular province it is to settle all accounts in which the Government is a party, and whose functions best qualify it for the correct discharge of that duty. And, although the magnitude of the claim, and the acknowledged services of Mr. Beaumarchais, may warrant Congress in revising the decision of their accounting officers, yet, assuredly, they cannot be under any obligation, in exercising this extraordinary interposition, to pay the claim, so long as they have strong doubts of its justice.

But it is further contended that the repeated declarations of the French Government ought to outweigh the presumption arising from this mass of circumstantial evidence.

If, indeed, the proper functionaries of that Government, who were privy to the transaction, had explicitly declared that this million had not been used by Mr. Beaumarchais in the purchase of the supplies which he furnished to the United States, the comity and respect which ought to prevail between civilized nations in their friendly intercourse, might have bound us to receive the declaration as conclusive. But such is not the fact: the Count de Vergennes, who alone could speak from personal knowledge, so far from making such a declaration, did not mention, either at the time of the treaty of February, 1783, or when applied to, by Mr. Durival, in 1786, that Mr. Beaumarchais was the person who received the money. He says nothing even about its being for a secret political service. For aught that appears, he was not aware that the inquiry was material in our settlement with Mr. Beaumarchais, or was made for any other purpose than to exculpate Mr. Grand and Dr. Franklin. And this silence on facts, which have been since communicated, and which no considerations of national prudence or State policy required him, even then, to conceal, affords some presumption that he expected Mr. Beaumarchais would account for it, which is not indeed very strong, but is quite as much so as any other that is favorable to the claim. When, afterwards, in 1794, the receipt of Mr. Beaumarchais was brought to light, Mr. Buchot, the organ of the French Government, who produced it, indirectly admits that Mr. Beaumarchais was accountable to the United States for its amount. If the subsequent declarations of General Turreau and the Duke de Richelieu, to the contrary, have been in more positive terms, it is manifest that they do not speak from any personal knowledge

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of the transaction, but draw inferences from facts, of which we, having the same means of judging as themselves, have a right to make a different estimate.

Upon a full and candid review of the whole case, whatever may be our private wishes on the subject, and however it may be regretted that a controversy should arise in settling the compensation for the most important services, rendered with the most friendly sentiments, at a very critical period of the Revolution, yet, if the case be regarded as a mere money transaction between a private individual and this Government, and be judged by the rules of secondary evidence, (the best being in the possession of the party or his Government,) the committee are compelled to say, that the accounting officers of the Treasury were justified in refusing payment of the million in question, and that the Legislature would not be warranted in reversing their decision.

But the connexion which this transaction has with the French Government, and the delicate relation in which it places the United States with that Government, are not to be overlooked in this controversy. They make, as the committee think, an essential alteration in its character, and create, on the United States, a new duty.

The amount of Mr. Beaumarchais' original claim is undisputed. It has been adjusted, by the officers of our own Government, to their own satisfaction, and the discount which we claim was not paid by ourselves, but, as we say, by the French Government, by part of a voluntary gift to the United States. But that Government says, that the million which we seek to use as a discount, was expended for our benefit, in a purpose which both policy and honor forbid them to disclose, and that Mr. Beaumarchais, who was their agent as well as ours, ought not to be accountable to us for its disbursement. Now, however we may be inclined to think them mistaken, it seems to the committee that the self-respect of this nation will not permit it to dispute, with a donor, the character and object of his gift. On this question the wishes of France should supply the place of proof; and, as we received the declarations of the Count de Vergennes, in 1778, with regard to the military stores furnished by Mr. Beaumarchais, as conclusive; as, in 1783, we acknowledged the receipt of the million in question, without requiring any other evidence of the fact than the declaration of the French Government, so now that it is disclosed that Mr. Beaumarchais was the person who received the money, we are equally bound to receive their declarations respecting it, and consider him as not chargeable with this million. For, if the French Government is right, then we owe the money without a question; and, if it is mistaken, then, in paying the money, we merely return a part of the gift we received, rather than insist on applying it to a purpose to which the donor objects. And we should feel less hesitation in taking this course, as we thereby avoid the risk (which inferior evidence always implies) of injustice to the family of one whose meritorious services to this nation, in the hour of its utmost need, our foreign agents all concurred in acknowledging.

But, inasmuch as the obligation of the United States to pay this money, arises, in the view taken of it by the committee, from the relation in which we stand to the French Government, and as that Government has introduced the claim of Mr. Beaumarchais' heirs into the negotiation which has been for some time carried on, and is yet pending, between the two nations, with regard to the illegal seizures and confiscations

made of the property of our citizens during the Imperial Government, the committee think that the claim had better be left to the friendly adjustment of the two Governments; and the rather, as, in the course of the negotiation, on the scene of the transaction, further facts may be developed to dispel the obscurity in which it is involved, and remove the doubts of either nation. With this view, they beg leave to submit the following resolution:

Resolved, That the claim of the petitioner, Eugénie Amélie Beaumarchais De la Rue, be referred to the Executive of the United States, to be adjusted in the pending negotiations between the United States and France, on such terms as they may think just and equitable.

THE TARIFF BILL.

The House then again went into Committee of the Whole, (Mr. CONDIOT in the Chair,) on the bill to amend the several acts respecting duties on imports.

The question, pending from the last day of sitting, being on the motion of Mr. BRENT, to strike out the clause imposing a duty of six cents per square yard on cotton bagging imported—

Mr. HAMILTON, of South Carolina, said, that a disposition to offer a word or two in reply to the gentleman from Kentucky, had induced him, on Friday, at a late hour, to move the Committee to rise; and he would now briefly redeem this constructive pledge. That gentleman had broadly asserted that the cotton bagging of the West has no protection, and to this declaration he desired the Committee to advert; for, he presumed, the gentleman had forgotten the existing duty of twenty per cent., in effect, on the article in question, and a duty of one hundred per cent. on the raw material of which it is composed. Mr. H. said, he would offer this short detail, in proof of what he had thus affirmed—a piece of cotton bagging, of between sixty and seventy yards, costs, in England or Scotland, at fourteen cents per yard, about eight dollars and forty cents, on which there was paid, here, a duty of one dollar and eighty-four cents; so that, without adding freight and insurance, for every eight or nine dollars' worth of bagging, used in the United States, there was a clear protection to Kentucky of one dollar and eighty-four cents. This was, however, not enough—for the duty proposed in the bill under consideration, was equivalent to seventy-one per cent. This would be its operation; for, on a piece of cotton bagging of sixty running, or seventy square yards, at six cents per square yard, \$4 20 would be the amount of the duty, to which is to be added the bounty allowed in England, on exportation, of three cents per pound, under the operation of the third section of the bill, which will be \$1 80, making an aggregate duty of \$6 on a piece of bagging costing originally but \$8 40.

The gentleman also affirms, said Mr. H., that the raw material is insufficiently protected. Any thing beyond the present rate of duty and charges would seem to be a prohibition; for, it has been unanswerably made out by a variety of statements, founded upon undeniable data, that, if you add to the duty of \$30 on each ton of imported hemp

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the original cost of the article, with that of transportation from the province in which it is raised to St. Petersburg, with freight, insurance, commission, and difference of exchange, that the protection now was equivalent to a duty of one hundred per cent. And here he would notice a remark which fell from the honorable gentleman in regard to the Western hemp, which, he had assured us, was at least ten per cent. stronger than the Russian. The House were in possession of a document, on this subject, which might be as valuable as the experience of the gentleman. The Navy Commissioners had transmitted a letter, (he believed to the Senate, and, during the recess of the House since Friday, he had conversed with some of the Commissioners on the subject,) in which it is stated that this apparent excellence of the Western hemp was altogether fallacious; for although, when new, it was apparently as strong as the Russian hemp, yet, in durability, it was not at all comparable; so little so, that in the naval contracts for cordage, there was uniformly introduced a stipulation that the supplies of rope, cable, &c., should be fabricated of the imported article. This difference between the home and foreign hemp did not result, perhaps, from any intrinsic inferiority, but from the mode of its preparation. It was understood that the Russian hemp was all water rotted, whilst that of the West was merely submitted to the more gradual process by exposure to the dew. The latter course was pursued among our brethren of the West, from judicious considerations of health, as the multiplication of stagnant ponds, covered with the vegetable putrefaction of this process, would, undoubtedly, be seriously pernicious to those immediately within their influence. This was, perhaps, one of the blessings of the bill which was to operate so beneficially, in all quarters, by the effect of the proposed bounty.

Mr. H. said, he desired to set the gentleman from Kentucky right in another particular, before he took his seat. He has informed the Committee that the duty on coarse cottons operates as a protection on the cotton-growing States, and was so solicited and considered by our representatives when it was imposed. My lamented predecessor (Mr. LOWMEDES) did not so consider it in the masterly view he took of this subject, and it was a part of the scope of the luminous argument he offered on the tariff of 1820 (one of the greatest and brightest of his efforts) to show the impolicy of this duty in its direct effect on our East India trade. But it is altogether beyond my scrutiny, said Mr. H., to discover how this duty on coarse manufactured cottons can operate as a protection to South Carolina and Georgia, when we do not dread the raw material in any shape in which it may be introduced. Indeed, we are so often upbraided for estimating too lightly this, and the duty of three cents on the unfabricated article, that I am disposed, in the name of the State I represent, to offer a fair compromise—relieve us from the overwhelming pressure of the restriction of the bill under consideration, and we will cheerfully surrender this vast protection upon our cotton,

and every other which may be supposed to favor our agricultural products. The true meaning, however, of the term (said Mr. H.) in the vocabulary of the gentleman from Pennsylvania, of protection, throughout his whole bill, is prohibition, and this the nation will at last understand.

Mr. TRIMBLE, of Kentucky, again took the floor, in reply to Mr. HAMILTON. He now understood it to be admitted, that the hemp of Kentucky, is, on its first trial, ten per cent stronger than the hemp of Russia—but, it was contended, became weaker by use. In this respect, Mr. T. said, if the fact were as stated, the hemp resembled some arguments he had heard—they seemed strong at first, but become weaker and weaker the more they were tried. Mr. T. had some doubt of the fact respecting the hemp, however, not believing that there could be any thing in the climate of the country which, after producing the strongest hemp, should take away its strength. Mr. T. replied to the suggestion of the gentleman, that, if this duty on bagging were not laid, he would be willing to take off the duty on cotton. If he did that, Mr. T. said, he would venture to say, that the gentleman's constituents would take him out of this House, and send somebody here, in his place, who would put the duty on again. With regard to the local feelings and interests, against the influence of which the gentleman from New York protested the other day, Mr. T. said, that no man could discharge his duty to the public at large, if, in making out a tariff of duties, he did not look to local as well as general interests. The tariff cannot be equalized unless by doing so, and it was the duty of a statesman, to look to such considerations. To form an equitable tariff, the pressure must be lessened in some places, and increased in others, &c.—and, after all that can be done is done for this purpose, a change of prices would still make a change of pressure. The amount of the existing duty, Mr. T. argued, had been overrated: it was but twenty-six per cent. and gentlemen who had made it amount to more, had only mistaken the figures with which they set out in their calculation. The whole country was interested, he further contended, in encouraging the production of hemp, it being an article as necessary in war to the maintenance of the navy as the hulls or any other parts of the ships composing it. Mr. T. here entered into a calculation which, he said, would show what the mighty burden of this tax on the cotton planters amounted to. The price of cotton, he said, is higher than that of bagging and bale rope; but, in selling cotton, the bagging and bale-rope are all weighed and sold as cotton. Cost what it may, it brings to the grower the price of cotton, and is, in point of fact cotton, to him. Five yards of bagging are sufficient for a bale of cotton, weighing about two and a half pounds each-yard; add to this six pounds of bale-rope, and there is a total of something like twenty pounds weight. Say that the cotton sells for twenty-five cents—and in his country they never got it for less, though they used it of rather inferior quality—multiply the weight of bagging, &c., by the price of the cotton, and it would be seen that

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the cotton planters make, upon every bale of cotton, three dollars clear! That is, upon every bolt of bagging which they use, they actually make a clear profit of twenty dollars. There could, therefore, be, and there actually was, no cause of complaint on the part of the cotton planters. Mr. T. here took a comparative review of the progress of the duties on the importation of hemp, and of tarred and untarred cordage. Beginning at the year 1785, when the duty on hemp began at sixty cents per 112 pounds, and on cables, tarred and untarred, at seventy-five and ninety cents, he came down to the present time, when the duty on tarred cordage is three cents per pound, and that on untarred cordage is four cents per pound. All the protection hitherto given by law, Mr. T. went on to argue, had been tide-water protection. Of this he did not complain. All that he asked was, that some little protection should be extended to the industry and capacity for production of other parts of the country. With reference to the duties on sugar, rice, and cotton, imported, whether they were intended to protect the home manufacture of those articles, was, Mr. T. argued, of no importance. The matter of fact is, that they do encourage it—and the fact is all that is material. The whole people of the United States are taxed to protect the sugar grower, the cotton planter, the rice grower, and the indigo maker; and he might go further, and he considered it no more than fair and just that some little protection should be given to the staples of other parts of the country.

Mr. BRENT, of Louisiana, rose to correct a part of the calculation of the gentleman from Kentucky. As to the cotton consumed within the United States, it is true, that the bag is sold with the cotton. But the amount consumed in the United States is but forty thousand bales, while the quantity exported amounts to six hundred thousand bales. In the foreign market the bagging is not weighed. The merchant pays for the cotton alone, deducting the bagging. The gentleman, therefore, would get nothing by this argument. The duty on foreign sugars, Mr. B. said, could have no weight in this discussion. The very reasons on which the gentleman supported an increase of the duty on hemp, would justify a proposition for a prohibitory duty on sugar; for the fact was, that the State of Louisiana alone, was capable of producing more sugar than can be consumed within the limits of the United States.

Mr. McKIM, of Maryland, went into a calculation to show that the duty of six cents per square yard was not all that was laid by the bill in the article of cotton bagging, because the width of the bagging being forty-two inches instead of thirty-six inches, the overplus in width made the duty on the running yard amount to seven cents; and the third section of the bill laid on all goods, for which bounty was paid by a foreign country, a duty equal in amount to such bounty; and by the laws of Great Britain, a bounty equal to about three cents the running yard was given to the manufacturers of this article—the bill, therefore, laid a countervailing duty of this amount, which, added to the former seven cents, made the total

duty per running yard laid by this bill on the article of bagging, amount to ten cents, instead of six. So he understood the operation of the bill—and he applied to the Chairman of the Committee of Manufactures to explain.

Mr. TOP, in reply, said, that the fact of a bounty being laid by Britain on the article was one of the strongest arguments to show the propriety of our protecting it. He disavowed any intention on the part of the committee, to make the total duty more than six cents—and said that, if the gentleman from Maryland would move any amendment producing that result, it should have his assent.

Mr. COBB, of Georgia, said that the object of this duty was distinctly avowed: it was not to protect manufactures that existed, but to assist in bringing them into existence, and the price of doing so was to be laid on all the cotton-growing States. But, if Russia could raise and export hemp to Scotland, and they could manufacture and export it to this country, and, after all charges, could undersell Kentucky, with all its advantages of hemp land, it was certainly not owing to a want of protection, but a want of skill or proper management. Mr. C. then stated, from personal knowledge, the average amount of bagging required by a round bale to be from five to five and a half yards, and the average price of imported bagging to be thirty-five cents, making the amount of bagging on a bale amount to one dollar and seventy-five cents. But the bagging, though sold with the bale, did not bring the first cost, and there was, besides, by custom, a deduction of two pounds, for which nothing was paid. The weight of bagging on a bale was about ten pounds; so that eight pounds only was paid for, and this at about fourteen cents. But, if such was the case now, what would it be if this bill should pass? The operation of it would be to impose, for the benefit of Kentucky and Ohio, a tax on all the cotton-growing States of not less than \$300,000 a year. Mr. C. then went into an argument to show (in answer to Mr. MARVIN) that the cotton grower was the real consumer of the article. Its price regularly increased till it got to his hands, and as regularly decreased till it got to the manufacturer, who would allow little or nothing for it.

Mr. C. repeated the offer to give up the protecting duty of three cents per pound on cotton, if gentlemen would give up the duty on bagging. To which he added a further pledge that the duty which was urged to be a bounty on sugar, should also be surrendered, if they might only escape this (he had almost said,) cursed tariff. He put a case, of two tradesmen, a saddler and a hatter, who had equal capital, but unequal business; and asked, what would be thought of a Government that would tax the one to pay it to the other, in order to *equalize* their condition? This, he said, was in substance, what was now proposed to be done between different sections of the Union. And he ended, by intimating, that, although the people of the South were orderly and submissive to the authority of their Government, there might be a point, to which, if prohibitions should be pushed, they would be resisted.

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Mr. COOK combatted the justice of the objection of the gentleman last up to the principle of the bill. If two sections of country enjoyed, by nature, unequal advantages, and legislation interfered in aid of that which had the greater, it ought certainly not to refuse to aid, in an equal degree, that which had the lesser advantages. He said that the protecting duty on cotton had encouraged the cultivation of that article until from nothing it had arisen to such a height, as not only to supply the entire demand of the whole United States, but to export double the amount consumed in the country. It was not very surprising that now, after having been placed upon a solid foundation by the bounty, the cotton growers should be willing to give it up—they could afford to do so. And nothing could be a greater proof that the duty was a direct premium than the very offer with so much readiness to relinquish it. Mr. C. then stated the total amount of cotton raised annually in the Southern States, the bounty on which, at three cents per pound is \$950,000, which sum was paid to the growers by the consumers. Now the whole duty proposed by this bill to be laid on bagging, would amount only to \$66,000. So that, while the other States paid the cotton-growing States \$950,000, all they asked in return was, that those States should pay \$66,000. The cotton too, consumed in the United States, was used by the poor, in the form of coarse cottons. And the growers of hemp too, though respectable, as well as a part of the yeomanry of the country, might be classed in general among the comparatively poor. The proposed duty, therefore, would be paid by the rich for the benefit of the poor.

Mr. GURLEY, of Louisiana, said, that the bill was professedly brought in to protect, not only the manufactures, but the agriculture of the country; but if this was the kind of protection intended, he thought it was of an extraordinary kind; and the severest dispensations of Providence, in the form of bad crops and unfavorable seasons, were not to be compared with the severer which threatened the Southern agriculturists from the bill upon the table. In reply to what had yesterday fallen from the gentleman from Kentucky, (Mr. TRIMBLE,) he would remark that he returned to that gentleman, and his constituents, his hearty thanks for their protection and patriotism, as displayed in 1815—but he must say, should the bill pass, their protection and their patriotism would prove to have been to little purpose—they would take back (and he must be allowed to say, with usurious interest,) all the benefit they had bestowed.

The gentleman from Illinois had remarked that figures could not lie: he would, therefore, show by figures what would be the operation of the bill on the agriculturists of the cotton-growing country. By the report of the Secretary of the Treasury, in 1822, it appeared that there was raised that year in the United States 144,000,000 lbs. of cotton, which, when made into bales, weighing on an average about 300 lbs. a piece, would make 522,829 bales. The bale required on an average seven square yards of bagging, which would give 3,657,803 yards necessary for baling.

By the tariff of 1816, a duty was allowed on this of three cents a yard, producing an amount of \$109,734 09. Might he not ask if this was not sufficient? But, if the bill should pass, the duty (which ought fairly to have been avowed as amounting to ten cents a yard) would amount to \$240,468. God save me, said Mr. G., from such protection as this! But this manufacture is already protected to the amount of twenty-five per cent.; and a manufacture that could not stand with such a protection was not worthy of being upheld. The protection now proposed would, instead of twenty-five, be sixty-three per cent. *ad valorem*. Mr. G. concluded with a general remark, that there never was a bill presented to the House which was likely to produce such extensive effects on the future condition of the country as this.

Mr. SANDFORD, of Tennessee, was opposed to the duty, as diminishing the revenue, on the importance of which to the support of Government he made a few observations. This article of bagging had produced, heretofore, an amount in revenue of \$100,000, which would be lost if a duty was laid amounting to a prohibition. The agricultural, mechanical, manufacturing, and commercial classes, were all united by reciprocal ties. If one duty was laid for one of them, and another for another, we should go on until the whole revenue was swept away; and who was prepared to go home to his constituents and tell them he had so legislated away the revenue, and now resort must be had to direct taxes? The manufacturers of Kentucky, on a late occasion, in which the drought obstructed communication, had raised the price of bagging to 45, 50, and even 60 cents a yard, though they afterwards carried the same goods to New Orleans and sold it at 25 cents. This led the cotton growers to make split mats for covering their cotton, and to fabricate ropes out of white oak bark instead of hemp, or bind up their bales with split hoops. He mentioned this as a hint to gentlemen not to go too far in laying duties on bagging. The public debt was stated to be ninety millions; he feared, as matters were going, we should not raise, by revenue, one million next year.

Mr. BUCHANAN said that much embarrassment had arisen from uncertainty in the amount per cent. to which the bill contemplated to raise the present duty on bagging. Some gentlemen stated it to be 25 per cent., others 30, others 80, others, again, over 100. He said he was favorable to the cause of manufactures, and thought it ought to be protected; but not by going faster than the growth of manufactures would warrant. He thought, as the farmers of the West had no market for their grain, that their hemp ought to be brought into fair competition with that of foreigners; this was as far as he would go. He was willing, on the article now under consideration, to vote for a duty of 10 instead of 20 per cent. additional. He was informed that $4\frac{1}{2}$ cents per square yard would be equal to a total duty of 30 per cent., and this he should move, if the present duty was not carried.

Mr. TOP said that if the gentleman from Penn-

sylvania voted throughout on this principle, he must vote against the whole bill. The duty it proposed on woollens was 60, and that on cottons more than 150 per cent. And as to the duty now under consideration, it amounted already to 80 or 100 per cent. by the tariff of 1816; if the gentleman wished to have it 30, he must move for a repeal of the laws now existing. Six cents was the very sum recommended by the Secretary of the Treasury. The duty on cotton had raised it from nothing to a production of \$24,000,000 in value in 1822, and, though last year it was something less, in weight, it was larger in the amount of value. The grain-growing States having grain which the English will not buy, ask, in this bill, a protecting duty of 70 or 80 per cent.; and all the cotton growers object to it, because it may, by possibility, bear hard on them; but the probability was directly the reverse. Navigation had been protected, and the price of it had fallen, instead of rising; coarse cottons had been protected, and the consequence was the same; and so it would prove with cotton bagging. This was not theory, but fact and experiment. But supposing that for one year they should pay a little higher, was not this better than dependence? Had they forgotten the last war, and what they had to pay, in consequence of having depended on foreigners?

Mr. RANKIN then went into a statement, to show, on the same ground with Mr. McKIM, that the real duty paid would be ten cents, and not six. Besides which, by the act of March 1, 1823, there is an additional duty of ten per cent. to be paid when the article enters the United States.

Mr. TOD rose to correct this statement. The 10 per cent. in that act, was only 10 per cent. on the amount of duty; and even this was taken off, as respects England and most other countries.

Mr. RANKIN then resumed his calculation; the result of which went to show that the duty would amount to 70 per cent.; and that the State of Mississippi alone would have to pay \$25,000 of it. The protecting duty on cotton, he also argued, was no equivalent.

Mr. BUCHANAN replied to Mr. TOD, and said he was sorry the gentleman was willing to risk, as he said, the whole bill on such a desperate hazard as the passing of this duty—a duty, he was prepared to show, greater than that on any other article in the whole bill. He approved the duty on hemp, and was willing to make that on bagging equal to it. He thought the proposed duty out of proportion, and much greater than needful. He censured the implied threats of resistance thrown out by a gentleman from Georgia. Such language tended to disunion, and ought to be repressed. Yet he believed that Congress might go so far (in proposing, for instance, a direct land tax for the support of manufactures) that the people would rise in their majesty, and overwhelm the act, factories, and all. By going too far, gentlemen only incurred the danger of reaction.

Mr. CLAY then rose and said that it had not been his intention to engage in any discussion on the details of the bill; but this was one in which his own district was so specially interested, and

its provisions had now been attacked from so unexpected a quarter, that he should hold himself culpable if he refused to answer. He would, therefore, say to the gentleman from Pennsylvania that, if this article would not bear the duty proposed to be laid upon it, there was not an article in the bill that would.

The great articles which it was proposed to protect, were cotton, wool, hemp, and iron—but if the country could manufacture any article whatever, that article certainly was cotton bagging. Having a personal acquaintance with the mode of its manufacture, he begged to state a few of the facts respecting it to the House. The buildings in which it was conducted were of the slightest and cheapest kind, much resembling ropewalks; the hands employed in spinning were, for the most part, small negro boys, and a few negro girls. The weavers are all either negroes or common laborers; and such is the facility with which the manufacture can be extended, that, if the bill shall pass, I am willing to pledge myself, said Mr. C., in any form, that, within twelve months, twenty millions of yards can be produced, and almost without a special effort. I am well acquainted with the article, and it is one which, of all others, I should select to illustrate the propriety of the principles of the present bill. Who are our competitors in the manufacture? The weavers of Inverness and Dundee, two small towns in Scotland; before the war they had the entire monopoly of this article. During the war, a portion of our domestic labor was directed to this article, and, as might be expected, the manufacture being in its infancy, the prices first demanded were very high—after the close of the war, the factories still continued—but, in a languishing condition, till by the joint competition of the American and the Scotch manufactures, they were completely prostrated. No sooner was this effected, than immediately the price was raised upon the cotton grower; and the extra price then paid would be more than equal to ten years protection of our own fabric. What is it, on the general principles of political economy, that secures an abundant supply of any article made, and its good quality? It is competition. And the real question now before Congress is, whether these men of Inverness and Dundee shall continue to have the monopoly, or whether there shall be an American competition to counteract them? The gentlemen ask, what is to hinder the competition at present? Why cannot we now make the article? I reply to them—that it is only for want of a certain and a steady market, guarded against the sudden influx of goods sent into it from abroad for the very purpose of prostrating our manufactures. The Scotch merchant reasons in this way—if I can, by selling my goods for one year at half or a quarter of their value, or by throwing them away altogether, secure a monopoly of those goods for ten or for twenty years, I shall, on the whole, be a gainer. But, if it is asked, how a sudden influx at a low price can so soon destroy the American manufacturer? the answer is not difficult. It is to be found not only

in his comparatively small capital, but in the character of our people, which has in it a mixture of impatience with its activity. They soon become disgusted and discouraged with a business that is not immediately productive; and, in this particular manufacture, the persons employed are so easily turned to some other branch of industry, that, unless a steady market is secured, the establishments can have no permanency or success. But, from my knowledge of this manufacture, I now assert, allowing the present average price to be thirty cents, that if the proposed encouragement is given, in less than twelve months the American will be furnished at a lower rate than the Scotch article.

Something was said about the nature of the American hemp. It is true, that a large portion of that now raised is dew-rotted—but, in the State of New York, and other parts of the Union, as well as in Kentucky and Ohio, much is also water-rotted. And there is not a doubt, that, if protection be given, enough could be obtained for all uses, both maritime and manufacturing. The quantity required was not so very great—a yard of bagging weighs only a pound and an half. So that, allowing four millions of yards to be made, only six millions of pounds weight of hemp is needed. But there is another improvement lately discovered in the preparation of it, by which the necessity of both dew-rotting and water-rotting is completely done away with—and that is, by suffering it to remain one year in stack; a process takes place which renders the hemp, at least in texture and appearance, equal to any of the Russian. Besides all which, late improvements have been introduced into the dressing, which supersede either rotting or stacking.

Mr. C. then went into a calculation to show that the estimate of the rate per cent. stated by some of the gentlemen in opposition, was incorrect.

But what, sir, is the principle on which the gentleman from Pennsylvania means to go? He will protect our manufactures as soon as we are able without protection to go on with the manufacture. Sir, protection comes first in the order of nature; it is while a thing is in feeble infancy that it needs protection. If the gentleman is going to wait till the American manufactures, operated against by the legislation of the universe, opposed by foreign Governments, resisted by foreign capital, combined against by foreign companies, and towns, and cities, in every part of Europe—shall, unaided, attain to strength and vigor before he will protect them, he will never have the opportunity, or, if he have, his protection will be as thankless as it will then be unnecessary. Sir, it not only can happen, but it has happened—Dundee and Inverness have driven America off the field. They prostrated us in 1816 and 1817, and they had the undisputed monopoly of our whole market till 1822, and they knew how to use it too.

But this may happen even where there is no hostile design against our establishments. The market failing him in Europe, the European

manufacturer finds an accumulation of goods upon his hands; and this is the market in which he has the best chance to dispose of them; he pours them into our auction rooms, and the effect is just as baneful as if it were done out of the most determined hostility. Gentlemen seem to wish this state of things to continue—they would leave the monopoly where it is—leave us dependent on a little Scotch town. We, sir, wish to destroy that dependence by setting up an American competition.

Mr. C. here referred to a letter from a person of competent information at Lexington, which stated, on the revival of manufactures, in 1822, a million of yards of bagging had been made there, and had reduced the Scotch price from thirty to twenty cents.

Mr. OWEN attributed inconsistency to gentlemen who first deprecated sectional feelings and sectional discussions, and then immediately referred to their own State and district. He accused the chairman of the Committee of Manufactures of some want of candor in evading the objection of the gentleman from Maryland; he ought to have declared at once what would be the operation of the bill. Mr. O. then recapitulated the statement, which went to make the duty ten cents, and sixty per cent., which he reduced to a rule-of-three statement—if three cents give twenty per cent., what will ten cents give? He summed up the policy of the bill as amounting to this, that the East and the West must co-operate, and the South must submit and contribute. He reprobated this policy, as not calculated for the benefit of the whole Union. He said it was a mere calculation of shillings and pence. The manufacturers in one district said to each other, we have got such and such a capital. If we can levy a contribution on the other States, we may get so much added to it, and this will enable us to get more still. He could not believe that a majority of the people of the United States were disposed to favor capital vested in money at a sacrifice of that which was vested in labor.

On motion of Mr. McDUFFIE, the Committee rose, and, having obtained leave to sit again, the House adjourned.

TUESDAY, February 17.

Mr. RANKIN, from the Committee on the Public Lands, to whom was referred a letter from the Secretary of the Treasury, of the 22d of January ultimo, in relation to the loss of a sum of money by the Receiver of the Land Office at Vandalia, in the State of Illinois, by the robbery of the bank at that place, made a report adverse to granting any relief to the said Receiver on account of the loss aforesaid; which report was laid on the table.

Mr. RANKIN, from the same committee, to which was referred the amendments proposed by the Senate to the bill of this House, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," reported the agreement of the committee to the said amendments, with an amendment, and the

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bill and amendments were ordered to lie on the table.

Mr. WEBSTER, from the Committee on the Judiciary, reported a bill giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida; which bill was read twice, and ordered to be engrossed, and read a third time on Friday next.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, reported a bill for the relief of J. Ottramare; which was read twice, and committed to a Committee of the Whole.

Mr. McLANE, from the same committee, reported a bill for the relief of Elijah Van Syckel; which was read twice, and committed to a Committee of the Whole.

Mr. McLANE, from the same committee, also reported a bill for the relief of Benjamin Desobry; which was read twice, and committed to a Committee of the Whole.

Mr. McKIM, from the same committee, reported a bill to extend the right of deposit in public or other storehouses, on certain conditions, and with certain privileges, to other goods besides wines, teas, and distilled spirits; which was read twice, and committed to a Committee of the Whole.

Mr. CADY, from the Committee on Naval Affairs, made a report on the petition of Jonas Duncan, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. ANDREW STEVENSON, by leave of the House, presented a memorial and remonstrance of sundry merchants and other citizens of Richmond and Manchester, against the alteration in the tariff of duties, as contemplated by the bill now pending before this House, to amend the several acts imposing duties on imports.

The resolution yesterday offered by Mr. TOMLINSON, in relation to the execution of a resolution for erecting a tomb to General Wooster, was taken up, and agreed to.

The resolution yesterday offered by Mr. STORRS, calling for information relative to the affairs of the Bank of the United States, was taken up and agreed to.

The resolution offered yesterday by Mr. WHITTLESEY, respecting the expenditure of appropriations for procuring timber for the Navy, was taken up.

In support of this resolution, Mr. WHITTLESEY called the attention of the House to the several acts providing for the permanent increase of the Navy. No late report had been made to the House of the amount of expenditures under these acts, and what he wished to ascertain was, what portion of those appropriations remain unexpended, in order to be able to decide whether a portion of those unexpended appropriations, if any, could not be diverted to defray the cost of building the sloops of war, for providing which a bill has come to this House from the Senate.

The resolution was then agreed to.

On motion of Mr. CAMPBELL, of Ohio, the Committee on the Judiciary were instructed to inquire into the expediency of providing, by law, for hold-

ing an extra session of the district and circuit courts, in the State of Ohio.

The resolution laid on the table yesterday, by Mr. WRIGHT, was taken up, read, and ordered to lie on the table.

THE TARIFF BILL.

The House then again went into Committee of the Whole, (Mr. CONDUCT in the Chair,) on the bill to amend the several acts respecting duties on imports.

The question pending from the last day of sitting, being on the motion of Mr. BRENT to strike out the clause imposing a duty of six cents per square yard on cotton bagging imported—

Mr. McDUFFIE commenced a speech of half an hour, in favor of striking out this clause of the bill, by stating the grave and solemn feelings with which this discussion impressed him, however slight the subject might, at first view, appear. He perfectly agreed, he said, with the honorable Speaker, that, in the legislation of this country, the most scrupulous regard should be had to the general harmony; but he put it to the Speaker whether it was not the introduction of such a bill which was like to disturb that harmony, rather than its discussion, &c. By the course of this discussion, said Mr. McD., we are admonished that this subject does not belong to the Government of the United States. What is the question before us? It is not a question for providing for the common defence and general welfare, or for maintaining the independence of the country. It is not a question which is urged upon us on national grounds at all, but it is a question distinctly arraying against each other the interests of two different sections of the Confederacy. All the arguments by which the proposed duty is supported have been, therefore, and necessarily must be, of a sectional character. When gentlemen are attempting, by legislation, to affect the interests of two sections of the Union relatively to each other, how can they throw upon us the responsibility of that feeling which the discussion may excite? But, Mr. McD. said, however he might feel on the occasion, he would not permit his feelings to enter into the discussion. He should appeal to the judgment, candor, and liberality of the Committee; and, if the impolicy of the proposed tax could not be sustained by argument, on that appeal, he would abandon altogether his opposition to it.

Adverting to the suggestion that the culture of cotton has been brought into existence and sustained by protecting duties, Mr. McD. said, with whatever pleasure he listened to the arguments of gentlemen, and their statements of facts, his patience almost forsook him when this strange position was attempted to be maintained. To tell him that the culture of cotton ever had been protected by the legislation of the Government, was to insult his understanding. Estimating the average value of cotton, where it is grown, at twenty-five cents, the duty on the importation of foreign cotton being three cents per pound, was in fact only twelve and a half per cent. ad valorem, less

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than the average duty laid on all other objects for the purposes of revenue alone, and could therefore not be regarded, either in intention or in fact, as a protecting duty. The fact was, that, from the moment its culture sprung into existence in this country, it had defied all competition—there never had been a moment in which it would not have defied competition with the cotton of any country on earth. Was cotton raised, in the beginning, for the use of our own manufactories, or for any purpose in which foreign cotton could come in competition with it within the United States? No. From the beginning it had been raised for exportation. The duty did not operate upon the culture of cotton any more effectually than if it did not exist. A bounty on exportation only could afford any protection to the cultivation of it, and he concluded this part of his observations, by repeating that the cotton of the country never has been protected.

But, Mr. McD. continued, the Speaker had laid down a principle in respect to the manufacture of cotton bagging which, in his view, established the impolicy of protecting this article, viz: that it required but simple and unexpensive machinery, and that establishments for the manufacture of it would be of rapid growth; and he had further said, that, if this bill were passed, the Western country would in one year be able to furnish, if necessary, twenty millions of yards of the article. Now, what is the principle on which protecting duties are justified? What is this principle, as assumed by the Speaker himself? What is the principle on which such duties have been heretofore advocated on this floor and everywhere else? It is, that the manufacture proposed to be protected requires large investments of capital, complicated machinery, length of time to bring it to perfection, &c., which causes require protection, to prevent the manufacture from being prostrated in its infancy. In the present case, no such ground was taken. Even the article of cotton fluctuates in price from ten to twenty cents per pound, and so do all other articles which are employed in commerce. But had it ever been the policy of any country, was it the policy of this, to sustain manufactures against fluctuations such as this, to which all the pursuits of life are liable? No; it was extensive, complicated, and costly manufactures, only, which required protection, &c.

Mr. McD. here examined and controverted the argument that the consumer, and not the grower of the cotton, paid the duty on the bagging. The price of cotton depended, he argued, on the competition in foreign markets, and not on the cost of the bagging in which it is baled; if the bagging were to cost a hundred dollars for each bag, it would not raise the price of our cotton abroad, because foreign cotton would, when it began to rise above a certain value, come into successful competition with it. There could be no doubt, he said, that the whole additional cost of the bagging would fall on those who make the cotton.

The argument of the Speaker, that the advantage of this duty would be reciprocal, by the cotton of the South being received in the West in

exchange for the bagging, Mr. McD. pronounced to be an illusive calculation, and made some observations to show that the part of the country which he represented was already tributary to Kentucky for her produce, for which his constituents paid in specie, and not in cotton, &c. The tax would be an accommodation of the West wholly at the expense of the South, if it even enabled them to supply the bagging. But, he added, that the South could not take their bagging. The expense of its transportation from Kentucky would be two or three times as great as that of its transportation from Dundee or Inverness, and that alone would give the latter an advantage over the former, unless the duty on importation should amount to an actual prohibition.

It had been already well remarked, that the proposition for this duty introduces a principle into legislation which never existed before here, and which, he ventured to say, had never before been introduced into the legislation of any country on the face of the earth. What is it? The protection of manufactures? No; not the protection, but the creation of manufactures. He called upon gentlemen to show, in the history of the world, an instance in which any nation had passed a law to create a new sort of industry—to give being to what did not already exist. If this was an article of primary necessity, in a national view, or connected with the defence of the country, &c., he would go as far as any one in support of it. But, as a question of political economy, he argued, you can only protect what exists. Here, he said, was an issue between hemp and cotton. What is cotton? A large item in commerce; it has formed, for a number of years, on an average, one-third part of the exports of the country. It is an article of weight, and bulk also, and it had, therefore, contributed one-third of all that our commerce has done to support the naval power of the country. And now Congress were called upon to adopt a system which was to strike from existence that item, and, indeed, every other article of exportation—for, he contended, on the principles of this bill, Congress could not stop until every article of consumption was protected. And what, said he, will be the result? You annihilate the commerce of the United States. The principles of this bill went to an extent never before proposed. In reference to the particular article now under consideration, the House was called upon to jeopardize the great interests of the cotton growing country—to sacrifice an interest which had contributed to the wealth of the Union, and mainly to the growth of the commercial emporium of the United States, upon a miserable calculation of hemp and cotton bagging, which never had any place in the productive commerce of the country. If there was any value in the policy of protection, let it be confined, at least to what exists. Let us hold fast to the sources of our wealth, the means of our revenue, instead of attempting to protect that which has no existence.

After replying to the argument of the Speaker, respecting the effect of competition, and contending that the argument was fatal to this very duty,

Mr. McD. called upon gentlemen from those States which have no particular interest in the article under discussion, invoking them, by the highest considerations, to interpose to preserve one interest of this country from being sacrificed to the other. He trusted they would decide upon it justly, and without regard to any principle of compromise. He knew there were some members of the House who were disposed for the protection of existing manufactures, who would not vote for this; and he trusted that a general odium would not be cast on the bill by retaining in it such clauses as this, which do not properly belong to it.

The example of Great Britain had been referred to in debate, as to the policy of protecting domestic manufactures. To the argument afforded by her example, Mr. McD. replied, that, if we look at the population of that country, we shall find that her agriculture will not sustain one-third part of her population. What, then, is the principle on which she protects manufactures? The principle of absolute necessity. Strike away her manufactures, and you annihilate the nation—she is gone—her people have perished. Seven millions of her inhabitants cease to exist, if her manufactures are destroyed. It is with her a question of life and death; and many of the sacrifices she makes are the result of this necessity. Can arguments of this sort apply to us, with our almost unbounded territory, sparse population, &c.?

Mr. McDUFFIE concluded his observations by saying that he hoped that gentleman who engaged in this discussion would at least treat it with a gravity becoming its importance. The chairman of the Committee of Manufactures and the gentleman from Kentucky on his left (Mr. TRIMBLE) seemed really disposed to make a frolic of this discussion. Mr. McD. entreated them to consider it more gravely, and treat it in a manner more becoming the great interests which were at stake. If the naval power and commerce of the country were to be sacrificed and entombed here, in this bill, he hoped the House would go through the ceremony in a garb becoming the occasion—he trusted that, at least, they would not treat it with insult and mockery.

Mr. MARVIN, of New York, rose to add something to the few remarks which he had made on this subject, the other day. He entered into a train of reasoning, which he pursued to some length, to show that the consumer of the cotton, and not the cotton grower, actually pays the duty on the bagging, whether it be consumed abroad or at home—principally in reply to the remarks of Mr. COBB, made yesterday. Having concluded his remarks on this point, he passed on to others.

In reply to the argument of Mr. McDUFFIE, that there is no manner in which the cultivation of cotton can be protected by a bounty, he asked, what does this argument admit? That the Southern States possess facilities for the culture of cotton which enables them to compete with the whole world. If this were so, was there not justice in giving this duty for the benefit of those who were so differently situated as to require the interposition of Government?

It had been said that there is at present no reciprocity in the commerce between the Southern and Western States; that the people of the West do not take the cotton of the South, but in fact drain them of their specie, in payment for produce, &c. But, Mr. M. asked, where is the specie acquired by which the people of the South are enabled to pay for the products of the West? It is taken by the people of the South from the people of the North, for their cotton, and the bagging with it. And what becomes of articles manufactured out of this cotton? Why, they find their way over the mountains, and ask for the specie from the West which is received from the people of the South, to whom it is again paid for their raw cotton. And it is thus that every part of this great Republic is made to contribute to the prosperity, strength and durability of the whole.

Referring to the frank proposition of a gentleman from the South to give up the existing duty of cotton, why, Mr. M. asked, was the gentleman so willing to give it up? Is it not because we have establishments in our own country competent to its manufacture without this protection? And is not this, said Mr. M., an argument, and a powerful one, in favor of the doctrine for which we contend? Pass this bill, said Mr. M.—grant this duty; and if in ten years hence any of us should be deliberating within these walls, on a bill analogous to this, and if the people of the West should be called on by the terms of that bill to make the same sacrifice, and were to be told, as an inducement, “You have been aided and assisted by a duty on cotton bagging,” they too would be able to say to us, as is now said by the cotton grower, we ask you not for this protection—you may take it off as soon as you please—we can live without it. And they would say truly: for, give but protection long enough to establish their manufacture on a stable foundation, and they would be able to stand without your aid; they would ask you for no protection.

Referring to the feature of the bill which proposes to lay a duty on articles imported equal to the bounty which is laid by foreign Governments on their exportation, he said it was the most important feature of the bill. It was intended to protect our manufacturer against the shrewdness and astuteness of the foreign competitor. If there never had been a duty here on cotton bagging we should never have heard of a bounty in Great Britain, &c. Let us propose what duty we may, he said, the foreign Government stands ready to establish a duty to precisely that amount, and hence the importance of the provision, which was the very life of this bill, to meet such policy, &c.

From the argument of the gentlemen from South Carolina, contrasting the condition of England and the United States, Mr. M. drew an argument in favor of this bill, the policy of which was to plant the manufacturer and agriculturist side by side, and make them mutually beneficial to each other, &c.

It had been said that it was not the policy of this Government to encourage by protecting duties the manufacture of articles on which its ex-

istence does not depend, but to encourage such as contribute to its wealth, strength, and greatness. What, Mr. M. asked, constitutes the wealth and strength of a Government, unless it be the strength of the arm of its citizens; and if we are to have that wall of defence around us, the interests of our citizens must be sustained—agriculture must be sustained, manufactures must be sustained, and the country must foster its own resources, and not be made tributary to foreign countries. We are told, that if we pass this bill our commerce is gone, and that it is commerce which contributes to our wealth, strength, and greatness. What is that commerce which contributes to our wealth, strength, and greatness? Is it that which brings to us the result of the labor, skill, and industry of every other nation in the known world? Commerce, in this point of light, is one of those necessary evils which must exist—necessary, because we had better be our own carriers than pay other nations for carrying for us. But it is not that sort of commerce that is emphatically the source of the greatness of a country. No: when manufactures are placed on a firm footing; when the agriculturist and the manufacturer shall enjoy equal rights and privileges—when all the interests of the Government shall have been made to contribute to the strength of the whole—when the intelligence of our legislation, and the prosperity of our country are made to bear some proportion to the excellence of our institutions—it is then that the produce of the skill and industry of our manufacturers will seek its market in foreign climes and bring back to us the wealth which is to constitute our strength and greatness. When we have this commerce, which we cannot have until our manufactures are established so as to compete with other countries, then we can expect to derive from our situation all the advantages naturally belonging to it, &c.

Mr. MERCER, of Virginia, expressed his concurrence in opinion with the gentleman from South Carolina, that this was a very grave subject; which gravity, he thought, had not been tested. He had been very much astonished at the whole course of the debate, in which it appeared to him that the information which ought to be the only foundation of the debate, was wanting—that is, the real value of the article proposed to be taxed, the amount of the tax, and the effect of the tax, as a prohibitory duty; and, if it should have that effect, the competency of the manufactories of the country to supply the demand for the article thus proposed to be prohibited. For this information, he intimated, he had looked in vain to the Chairman of the Committee on Manufactures, or to the several statements prepared for the use of the House. Disappointed in these sources of information, he had endeavored, from others, to arrive as nearly as possible at the truth. Taking the statement of the Speaker, that the value of the article of cotton bagging in Scotland, whence it is now imported, is 15 cents per yard, and that of the Chamber of Commerce, of New York, that the duty of six per cent, per square yard, added to the countervailing duty, would be equivalent to 60 per cent. on the

value of the article, with that of the Chairman of the Committee of Manufactures, valuing the article at 17 cents per yard, Mr. M. came to the conclusion that the value of the article, when subjected to duty here, might be computed at 16½ cents per yard, and that the duty proposed by this bill would amount to 66½ per cent. ad valorem, being an advance of 46½ on the present duty of 20 per cent. ad valorem.

When he came to calculate the amount of this commodity of bagging annually consumed, he made a number of statements and estimates, which, from the number of figures they embrace, we cannot pretend to trace: and, calculating the additional duty proposed upon the bagging necessary to bale this quantity of cotton, he arrived at the amount of tax which this bill would impose on the Southern States, which was of startling amount—say upwards of three hundred thousand dollars.

What, he asked, would be the effect of such a duty? The principles of the gentleman from South Carolina, he said, on this subject, were perfectly sound. But in aid of his arguments, Mr. M. asked, if, in regard to this valuable traffic in cotton, the House was apprized that there are two or three new competitors entering the market of Europe for the supply of this article, of which it is now proposed to tax the exportation? The Constitution of the United States was perhaps too often and unnecessarily introduced into this House: but, he said, in regard to Constitutional law, as well as expediency, we ought, in the execution of the letter of the Constitution, to look to the spirit which dictated it. He said, then, that this House has no right to impose such a duty as this. Does not the Constitution say that no duty shall be imposed on exportation? And what matters it, whether an export duty be laid on the article exported, or on the envelope in which it is enclosed? What should we say, if the Jamaica Legislature were, by a duty on staves, to tax the article exported in the hogsheads, out of which they are composed? Yet this was a parallel case. If such export duties were thus imposed on cotton, Mr. M. went on to argue, the article would be exposed to competition with the product of other countries—at a time, too, when the situation of the country emphatically demanded that the products of our agriculture should be left free to seek a market. Apart from the consideration of expediency, however, he argued that such a duty, operating as a duty on exportation would run counter to the principles of the Constitution, and to every sound exposition of it.

After some other observations as to who actually pays the duty on this article of cotton bagging, Mr. M. said, that no man pretends, at present, at least, that we must exclude all intercourse with the rest of the world, because, at some future period, we may ourselves be able to supply all our wants. With regard to the particular article of bagging, the argument drawn from the reduction of the price of coarse cottons by the prohibitory duty, did not apply. In regard to this manufacture, there were difficulties in the way of it: first, in the growth of the raw material; the gathering it in; making it into tow, the inapplicability of

machinery to the spinning of it, &c. Comparing this manufacture with that of cottons, in which a single machine performs the work of four hundred hands, &c., no argument could be drawn from the success of the cotton manufactories to the success of the manufactory of bagging, &c.

But it had been suggested that we are engaged in a competition with Great Britain, and that our spirit of independence, and our pride, ought to induce us to persist in it; and it had been suggested that the British premium on exportation had been introduced to countervail our duty on the importation of this article. As far back, Mr. M. said, as the British colonial system, and that admirable work, Smith's *Wealth of Nations*, on which he passed a high eulogy, there was a bounty on the exportation from Great Britain of this very commodity, of one and a half cents per yard! It was a part of the system of Great Britain—for what? Not to protect her home trade, but to force her commodities abroad. Gentlemen had said, if we impose any duty whatever, she will countervail it. But, Mr. M. said, she has not done so in regard to our coarse cottons. That nation, he said, has a system of policy, founded on her actual condition and relations, to which she steadily adheres. Would that we had a system of policy equally stable and consistent! But, he said, he would not now enter into the general question of policy. In regard to the particular item now under consideration, the Northern and Western States were called upon to conspire to restrain the trade of the Southern States in a commodity which God and nature had furnished them the means of producing, and of which they ought not to be deprived by legislation, &c.

Mr. M. said, he had no idea of embarrassing this bill, but intended to vote in the integrity of his heart for such parts of it as he believed to be favorable to the interests of the country. He knew that the majority had the power to force this bill upon the nation: he only hoped that they would exercise their power with some regard to the Constitution, to the organic law, to the form of our Government, and to the interests of the country, &c.

Mr. ABBOT rose to remove an erroneous idea, that the three cents duty on cotton was applied beneficially to the planter. This was not so. The price he obtained, whether in his own market, that of Europe, or in the Northern factories, was regulated by the value of the cotton alone, and not a cent more was obtained, as he showed, on account of the duty.

Mr. BRENT wished to propose to the honorable Speaker one question. That gentleman says we ought to lay this duty, to excite a competition in the United States; but the Committee will immediately perceive that four or five hundred hands are sufficient to make all the bagging that can be consumed in the whole cotton country; and I wish to ask the honorable Speaker, whether it is fair, that the Southern States should be taxed \$400,000, to support five hundred Western men?

Mr. CLAY rose and said, he would answer the gentleman with pleasure. In the first place, his

honorable friend had entirely mistaken his argument. What I said was, that it was desirable there should be a competition, not between American and American, but between the American manufacturer and the Scotch manufacturer. He is equally mistaken in his fact. He said, I believe, in a former speech, that there was but one factory of cotton bagging in all Kentucky.

[Here Mr. BRENT explained: that he had said that, in 1822, there was but one, according to the report of the census of manufactures, and that in a languishing condition.]

Yes, continued Mr. CLAY, in a most languishing condition, and why? For want of the protection of a parental government. But now there are, I believe, ten, certainly not less than eight, in a single village, in Kentucky. The gentleman is equally mistaken as to the number of hands employed. It is calculated that one able-bodied man can make 1,000 yards of hempen bagging in one year. The largest of the establishments I refer to, has about one hundred hands, and it made 100,000 yards of bagging, and 40,000 yards of baling rope in a year. Here is the datum on which the honorable gentleman can make calculations for himself.

But compare the arguments of the two last gentlemen. One tells us that five hundred hands will make enough of the article to supply the whole of the United States; the other tells us that the whole United States cannot make enough to supply the Southern States. When these gentlemen shall reconcile these two statements, we shall have something more satisfactory to go upon. But, being up, I claim permission to make some reply to arguments adduced by others. The gentleman from South Carolina, who never speaks without illuminating his subject, began, by saying, that the present is purely a sectional question between two portions of the Union, and Congress is called to act as umpire between them. Yet, the gentleman professes to be in favor of some degree of protection being extended to some branches of manufacture. But, if he applies this species of argument to other of the articles enumerated in the bill, it will destroy them each in succession. There is not an article in it that does not principally affect some limited district of the Union. One important article is iron; but that affects only Pennsylvania and New Jersey—and, I think I heard a faint sound, like asking protection for it, from a part of *Virginia*.) One of the honorable gentlemen presented a petition from Virginia, last year also, and, when this article comes up, he will tell us that this is a question between the United States and Pennsylvania, and we must be umpires; and so with cotton; and so with every other articles in this beneficent bill. We shall have the Union versus Kentucky, the Union versus Pennsylvania, and so on, till every item is destroyed by umpirage.

But my idea is, that the happiness of a nation is the happiness of the several parts that compose it; that the protection of the several parts of a nation, is the protection of the nation.

I did not say that this manufacture required no

capital or skill, but only comparatively none. I know it must have buildings to shelter the hands employed, looms to weave, and implements to spin. But these are all nothing in comparison to what is required in other branches of manufactures. Where slaves are used, the capital is chiefly in slaves and hemp.

The gentleman from Louisiana asks why this manufacture cannot subsist of itself? I'll tell the gentleman. It is because doubly protected and bountied industry can put down industry that has neither bounty nor protection. Britain protects her manufacturer; nay, she is not content with protecting—she superadds to all a bounty to encourage him, and purposely to enable him to prostrate the foreign manufacturer, even in his own market. This is the reason. The honorable gentleman from South Carolina has laid down a proposition to which I assent, but with some qualifications. He says no Government can guard trade against fluctuation. This is true in general; but Government can guard it against all such fluctuations as are the result of legislation in other countries; against such overwhelming fluctuations as are purposely occasioned by the acts of other Governments with a hostile design. We do not ask, we never thought of asking, protection against our own citizens. It is against the foreign manufacturer, protected, encouraged, aided, bountied, by a foreign Government. A steady market is equally desirable to the maker and the consumer of the article. With this, the manufacturer can make some sort of calculation to guide him; but not if he is to guard against the acts of the whole universe of hostile Governments. It is only within the circle of our own glorious Republic that he asks or seeks to have his market made secure; and to this extent his request can be granted him. Cotton growers have had to pay fifty and sixty cents a yard for bagging. Now, from a Charleston price current, it appears the price is twenty and twenty-two. Are not such appalling fluctuations as this, produced by the cupidity of foreign monopolists, to be deprecated alike by planter and manufacturer?

Mr. CLAY said the question before Congress was whether the country shall submit to a Scotch monopoly, or shall raise up an American competition? Surely the cotton growers would be the better for having two instead of one to supply them. He would put a case. Supposing one American manufacturer, or one village or town, had, till now, enjoyed the undisturbed monopoly of this article, (sometimes raising it on the planter to sixty cents a yard,) and it was now proposed to admit some other town into the trade for competition; would not Southern gentlemen listen to the proposal! Would they not hail it with joy? and will they be indifferent to it because the new competitor is in America and the old in Dundee? Or, can it be that gentlemen will be indifferent because the competitor resides in the West?

But, surely, Louisiana was the last that should complain. Cotton bagging goes from Kentucky to that State almost free of all expense for transportation. While Louisiana pays one cent or a

cent and a half, Augusta pays four or five cents for transportation, besides the expense of two commission establishments, one in New Orleans and the other at Savannah. Yet, the gentleman from Louisiana continues his attacks upon the bill with a perseverance which plainly shows that, when his constituents chose him, they knew whom they were sending.

I have heard one most extraordinary species of argument used in reply to those urged from the bounty on sugar. It is that the *quo animo* with which a duty was laid, is to be considered, rather than its actual operation in practice. Sir, what have we to do with the motives of the laws? We have only to inquire, what is the law, and how does it operate?

We have been told that Egypt, that South America, that the West Indies, and Asia, are all beginning to cultivate this plant, (a plant that seems designed by Providence to furnish the clothing of the whole human race.) And so, too, are Virginia and even Illinois—for nature herself is violated by the necessities of suffering industry.

As to the gentleman from Virginia, he is answered by the gentleman from Louisiana. He seems to have complained that certain statements were not laid before the House by the gentleman who introduced this bill; but it was equally the duty of every gentleman to search for information, and to lay it before the House for general advantage. The gentleman from Virginia has done this. But, after all his calculations, the fact will turn out to be, that there are about four millions of yards of bagging consumed annually in the United States. Is it not important to put in motion all the active industry necessary to manufacture this amount, and to provide the materials for its fabrication? It seems to have come to this, that the Southern district of the Union is to separate itself from all the rest, and unite itself with Inverness and Dundee! that the prosperity or distress of Inverness and Dundee are to be the prosperity or distress of the Southern States of this Union. Sir, is it not better that the manufacturers, with whom our brethren are to be so closely united, should reside in the Union, than out of it?

Mr. C. then went into an argument illustrative of the general nature of trade, which always moves in a circle, and showed that the trade between the Western and Southern States, was mutually advantageous, it formed (especially as soon to be promoted by internal improvements) part of the great home system which would build up the strength and prosperity of the Union.

He next replied to the gentleman from Virginia, (Mr. MERCER,) who still persists to say that the duty will be, in effect, ten cents on the running yard. I ask him, said Mr. C., whether the three cents allowed by England as a bounty, and met by a countervailing duty on our part, is not honestly to be deducted—for, what does it avail for protection that we lay three cents if England meet this by a bounty to the same amount—our protection is so far neutralized;—it is, therefore, only what is laid over and above this bounty, that can

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operate as any protection—this on the square yard is by this bill made six cents, but the running yard being six inches wider, it will be exactly seven cents on that yard.

Mr. CAMBRELENG observed, that the present item rested on the same principles as the whole bill, and afforded a proper opportunity for the discussion of them, and as the Speaker had taken that course, and had gone into the general policy of the bill, though it would be better at once to take up the general discussion; and being desirous of expressing his views somewhat at large upon it, moved that the Committee rise, but waived the motion at the request of—

Mr. MERCER, who replied to Mr. CLAY, and defended the accuracy of the calculations he had before advanced. The whole duty would amount to 66½ per cent. The present duty was laid when the British bounty already existed, and therefore it was perfectly fair to estimate the proposed increase as relating to the previous duty, on which it was an advance of 46½ per cent. The argument against the duty was rather fortified than weakened by what the Speaker had advanced respecting the British policy; if, through an error in that policy, we were enabled to obtain an article cheaper, shall we not avail ourselves of the advantage? He repelled the assertion, that he and the gentleman from Louisiana, were at war with each other's statements, &c. The commodity taxed, in this case, is but the wrapper to another commodity, the price of which is fifteen cents—while it costs at home thirty cents a yard, in Europe it was useless unless to send to the paper mill. The wrapper was never valued at all.

The honorable Speaker counselled the House to union. That is, virtually, to submit to the whole bill; and he seemed very desirous to strike out the first section, in order to go into the general argument. The gentleman from New York also seemed to participate in this anxiety; but, said Mr. M., what is the tariff? What degree or description of knowledge, I will not ask, does it, but rather does it not, require? A knowledge of the whole globe, of geographical and statistical details, of every variety and extent—a knowledge of the laws of every foreign State—of the policy of every foreign Government—the commercial history of our own country, and from the very earliest periods, and the rise and progress of every different branch of its trade—without knowledge like this, we must legislate in the dark. It is, above all, necessary to know how every part of our present revenue arises, and the competency of the country for each particular branch of manufacture. He would ask, whether it was contemplated that the whole system of encouragement should go into operation at once? And, if it did, whether it would not produce an immediate rise in the price of labor? He went into an argument to show, that the effect of the bill would be injurious rather than beneficial to the West. He remarked on the difference between Russian and American hemp, and contended that the former could not be excluded by the duty proposed to be laid on it. He defended the justice of the complaints against a

bill which went to increase the poverty of the poor, and to increase the wealth of the rich—to beggar the country from which he and his companions in opposition came. Was it to be wondered at, that they should resist and complain?

As to increasing the home demand for agricultural products, if all the manufacturers of England were brought here, it would but little affect the price, except in their own immediate neighborhood, and there it would only convert grain fields into gardens for pulse. He compared the objection of the Speaker to that of a soldier, who, having taken a captive, and being offered a reward for the number of heads he should bring into camp, complained of the impediment of the captive's cravat, and asked him to take it off, that he might cut his head off with greater convenience. He compared the precipitancy of our legislation, on fiscal subjects, with the great caution of the British House of Commons, where committees, both of merchants and manufacturers, were always heard at the bar before the least alteration was made in a single tax that was to affect commerce or manufactures. All that its opponents could hope, was, to mitigate the harshness of the bill; but he was glad that it did not divide the whole country by one great geographical line; he was happy to find some of the members from New England coming forward to aid their brethren in the South; it would prevent much of that alienation of affection, which might otherwise take place.

He doubted whether the bill was not against at least the spirit of the Constitution. That instrument expressly forbade a tax upon exports. No nation had ventured to tax them but England, and even she went no farther than a certain amount. If the Southern States were afflicted by the visitation of Heaven; if the fly ruined their grain, or bad weather blighted their crops of cotton, they bowed with submission; but it was not to be expected they should submit, in the same spirit, to injuries from the hand of Government, when the laws of their country were turned against them. When Hamilton first proposed the system of domestic manufactures, it was done to soothe the country under the new system of commercial taxation, not to irritate and exasperate it. The bounty imposed by Britain on this article was laid sixty years ago for the benefit of her navy, and not as a counteracting duty. It was natural the people should be more attached to their State governments than the General Government. They are the nearest to the people; most conversant with their immediate interests. They give us our early education, and conciliate to themselves our first political attachments. Let us not do any thing to place the General Government at a greater distance from the affections of the people.

Mr. M. concluded, by saying he was too well assured that he could not stop the progress of the measure one moment, (unless, indeed, the moment be occupied in speaking,) and he desired to see manufactures prosperous and suitably encouraged; but that was only done by guarding them against

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intrusions and forcible interruption. That was the only kind of protection they needed.

Mr. BRENT made a few further observations in reply to the Speaker. If the high price asked by the Dundee manufacturers had brought the factories of Kentucky into operation again, and they had been able to reduce the price of cotton bagging from sixty to twenty-five or thirty cents; this was proof that they needed no protection. Why did they not go on? Here was the competition the Speaker desired to see. He then went into a calculation to show that one good hand (not a little negro boy) could make 16½ yards of coarse tow cloth per day; and, allowing for the greater ease of making bagging, could make 25 yards of the latter, which would give 7,875 yards in a year; at which rate the four millions of yards used might be made by 500 hands, and he again asked if Congress would tax the cotton-growing country \$400,000, to support 500 Kentucky laborers?

Mr. BUCHANAN disclaimed the principles advanced by the gentleman from Virginia, (Mr. MERCER,) he was in favor of the general system proposed by the bill—it was the settled policy of this country—we had advanced from one tariff to another on that principle, and we now had a third, but we should advance with cautious steps, and not injure the kindred interests of agriculture and commerce. He entirely agreed with the honorable Speaker in the sentiments avowed in the close of his speech; there must be a system of mutual concession—we must agree to give and take. He was equally opposed to both extremes proposed; one party said, strike out the duty altogether; to this he could not consent—he would indeed rejoice to see trade perfectly unshackled; but, while other countries surrounded it with protecting restrictions, we must do so too in self-defence. Another party were for raising the duty from twenty to forty per cent; he thought this too much; we must have some regard to revenue. He was for pursuing a middle course, which, though it might not at once drive the Dundee manufacturer out of the market, would give life and vigor to our own factories, and enable them to compete with him.

Mr. B. then moved to strike out 6, and insert 2½ cents per square yard. This he hoped would meet the wishes of both parties: as to the general discussion of the principles of the bill, he hoped it would not be gone into; he had derived more instruction from hearing the details of the bill discussed thus far, than he should have done from listening for a month to long sermons on political economy.

Mr. CAMBRELENG observed, in reply, that he had no inclination to deliver what the honorable gentleman was pleased to call a sermon on political economy; but he must say, that he had listened to many a long speech in the present discussion, which was not on the bill at all; for, if he understood the bill, and the honorable Speaker and the Chairman of the Committee understood it, the gentleman last up certainly did not understand it.

Mr. BRENT expressed the idea that the whole

bill, if intended not for protection, but for revenue, was out of order; for then it could not properly be reported by the Committee on Manufactures, but ought to have come from the Committee of Ways and Means. If the question on his motion to strike out could not be put, a question on the passage of the bill itself must be equally out of order.

Mr. BUCHANAN then rose and said, that, in compliance with the request of his friends, rather than the dictates of his own judgment, he consented to withdraw his amendment.

Mr. McDUFFIE rose, in reply to the SPEAKER. He agreed with him, that the principle on which the details of the bill must be settled, was a principle of compromise; but he did not see how the principle applied. The Speaker said that the South asks every thing and gives nothing. Sir, said Mr. McD., we ask nothing—but to be let alone. I defy the gentleman to show any one thing we have asked from this Government, but military protection. Here is a tax proposed upon us of \$250,000 a year, not for the benefit of the Union, but of a small portion of it only. The Speaker says that, if this item cannot be assented to, the whole bill must be rejected at once. I cannot perceive the correctness of this conclusion. Hemp requires less protection than almost any other article; its cultivation requires little either of capital or machinery, and, if this must be protected, the argument will go to every article of human consumption.

Mr. CUTHBERT, of Georgia, thought that the motion for rising ought to prevail. The Speaker, while professing to discuss one of the items of the bill, had gone into the whole question, and had brought to bear upon it the whole weight of his eloquence. He had even gone into a justification of the policy of Britain, in her bounty laws—as if this youthful and happy country was to be bound by the policy of the old Governments of Europe, so differently situated. The honorable Speaker had urged the doctrines he advanced with that daring boldness which belongs to him. But, Mr. C. hoped, the market for the cotton of the South was not about to be contracted within a little miserable sphere, instead of being spread throughout the whole world. If they should drive the cotton growers from the only source from whence their means were derived, they would be unable to take any longer their supplies from the West—they must contract their concerns within their own sphere, and begin to raise flesh and grain for their own consumption. The South was already under a severe pressure; if this measure went into effect, its distress would be consummated. Such were the effects of the attempts of man, vain man, to counteract the arrangements of the God of Nature, and by oppressive legislation to deprive his fellow-man of the free and unshackled exercise of the energies of his being.

Mr. CAMBRELENG now renewed his motion for the Committee to rise, and the Committee rose; and, having obtained leave to sit again, the House adjourned.

WEDNESDAY, February 18.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to which the subject has been referred, by resolution, reported a bill to authorize the legal representatives of the Marquis De Maison Rouge, and those claiming under him, to institute a suit against the United States, and for other purposes; which was read twice, and committed to a Committee of the Whole.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, made a report on the petition of Hugh McCullough, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. McLANE, from the same committee, to which was referred the petition of George Eichelburger and Frederick Eichelburger, and of certain distillers in King's county, in the State of New York, reported a bill for the relief of certain distillers in the United States; which was read twice, and committed to a Committee of the Whole.

Mr. McLANE also reported a bill for the relief of John Wilmot; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. McCoy from the Committee of Claims, made a report on the petition of Robert Strain, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act to authorize the President of the United States to cause to be made a military road from a point opposite to Fort St. Philip, to Johnston's plantation, as an auxiliary to the defence of New Orleans, reported the same without amendment; and it was committed to a Committee of the Whole.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," and the amendment reported by the Committee on the Public Lands to the said amendments was read and concurred in by the House.

A motion was then made by Mr. RANKIN further to amend the said amendments of the Senate, by striking out so much thereof as proposed to insert a fourth section to the said bill. This motion was disagreed to by the House, and the amendments were then concurred in, amended as afore-said.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting a statement of the appropriations and expenditures for the naval service for the year 1823, showing the expenditures under each head, since the 1st of January, 1824, and the unexpended balances on the 1st of February, 1824; which letter and statements were laid on the table.

THE TARIFF BILL.

The House then again went into Committee of the Whole, (Mr. CONDUCT in the Chair,) on the

bill to amend the several acts respecting duties on imports.

The question pending from the last day of sitting, being on the motion of Mr. BRENT to strike out the clause imposing a duty of six cents per square yard on cotton bagging imported—

Mr. CAMBRELENG, of New York, rose. He said it was quite unnecessary to move to strike out the enacting clause of the bill. The motion now pending involved every principle which could be urged in favor of that portion of the bill designed to impose prohibitory or protecting duties. It was not material whether the motion was to strike out one article or fifty—the arguments were similar—the fate of this motion strikes at the principles of the bill as a measure of protection. It matters not what may be the particular condition of any manufacture. The design of this measure is to prohibit the importation of our manufactured supplies—to confer on our own capitalists the exclusive privilege of supplying the country—to extinguish the revenue now derived from these manufactures, and to supply the deficiency by augmenting the duties upon other importations. This is the character of the measure, and these are the principles avowed by the chairman of the Committee on Manufactures.

In the progress of our free Government, said Mr. C., it would be well, occasionally, to revert to the principles upon which it was originally founded. The time is seasonable, and while we are agitating this grave question about the peculiar forms of party, it would be well to attend something to the principles of the Government, according to which, our national affairs are hereafter to be administered. No occasion can be more proper for the inquiry—no question can agitate principles more profound. We may differ about our measures of defence—we may cling with devotion to our remnant of State rights; but the measure now proposed involves the rights of freemen—the principles of civil liberty. It is not this or that section, which alone is interested. The question extends wherever free government is valued and understood—to the North, the South, the East, and the West—the gallant West, where I trust, said Mr. C., the principles of civil liberty will remain imperishable as its glory. Should we sanction by our acts the principles now advocated, we should adopt a scheme of government hostile to the spirit of our institutions, and we shall probably not long have occasion to discriminate between forms of government; for, whilst the generous impulses of chivalry may be tempting us abroad to emancipate the world, passions less pure and elevated will be secretly undermining the foundations of our own Constitutional liberty.

The gentleman from Pennsylvania (Mr. BUCHANAN) for whose judgment, said Mr. C., I have a high respect, supposes that we are acting upon a measure framed according to ancient usage—that we are graduating the scale of encouragement to our manufactures, and moderately augmenting our imposts—that we are still keeping in view the aggregate interests of our country and our revenue;

and such is the character of the measure which was anticipated by the community. But such a measure was never contemplated by the Committee on Manufactures, nor is any such measure now advocated by the chairman of the committee. The character of the measure now proposed is prohibitory. The system contemplated, is to be fashioned after the British model—the bill is framed for the avowed purpose of granting to our capitalists the exclusive privilege of supplying our country with manufactures to the value of millions. Upon this question there is no middle ground. The gentlemen from the West are correct in contending for some reciprocity of these privileges. If the capital of the East is to be employed, so must that of the West. The whole is a scheme of balanced privileges to capital, to borrow an expression—"cutting society horizontally." You must take the whole of it to perfect it. Whatever may be the policy of a system, so long rejected by intelligence, and however feasible the balancing these privileges between the agricultural, manufacturing, and commercial interests, may have been in England, the scheme is utterly impracticable here; legislative privileges, designed, as they must ever be in the aggregate, to give capital employment, must be enjoyed almost exclusively in that section of the country where it is most abundant; it is impossible to execute here any plan of balanced legislation which can diffuse its influence, whatever it may be, equally and justly in the agricultural portions of our country. Even the West must at all times share little advantage from any such legislative compromise. Its operation must always be in our country unequal and unjust; throwing entirely out of view its weight upon the community.

The honorable Speaker has defied us to show a manufacture or a branch of industry, which has flourished without legislative protection. This cannot be a difficult task, when we see industry springing up in every country, and flourishing too, through causes altogether independent of legislation. But, sir, what has been the history of the very manufacture distinguished by that gentleman's attention—I mean, said Mr. C., the cotton manufacture in England. It was virtually prohibited by the act of 1721—it was persecuted for more than fifty years—because the raw material was not a production of the country, and (very probably) through the avarice of the linen manufacturers, who have always enjoyed the special favor and protection of Parliament. But these persecutions, driving genius to its expedients, produced the labor-saving machine. I refer it to the sagacity of speculative philosophy to establish, whether the bounty of Parliament did most injury to the linen, or its persecutions most benefit to the cotton manufacture. Since this discovery, Parliament has done nothing more than accelerate a revolution in industry, which, through the agency of Mr. Arkwright's invention, would have been gradually but inevitably effected, and in a manner more salutary to the aggregate interests of England, and less injurious to previously existing and ancient establishments.

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Much reliance appears to have been placed upon the feeble influence of our laws. We attribute to our act of 1816, what had been previously effected during a long period of restriction and war, when capital, having no employment in commerce, was employed by the labor-saving machine. We are told the price has been diminished since the peace, and so has the value of almost every other manufacture—it is the inevitable consequence of peace.

The honorable Speaker need not trouble himself about the "*quo animo*" of the act imposing a duty upon cotton. Its cultivation was inevitable, with or without our law; it was the labor-saving machine operating, not only directly, but indirectly upon, and giving an impulse to, the industry of the world; the cause of the cultivation of the cotton of the South lies deeper than the surface of our statute book.

But, we are told, our manufacturers are "crying out to us for protection." This, sir, is not a question about Leghorn bonnets and our other interests of minor importance. Gentlemen would find less difficulty with measures of that character. The origin of the measure proposed, lies in another direction; the question was raised and is persisted in by a portion of our most wealthy manufacturers. If gentlemen will take the trouble to examine the memorials, they will find, among those most prominent in "crying out for protection," the name of Mr. Slater, a very respectable Englishman: one of the oldest and most wealthy manufacturers in the country—one who has enjoyed a very large portion of this legislative protection; but who appears to be still unsatisfied, and, in his memorial, strenuously recommends to us the policy of his native country; although his countrymen, after two centuries experience, pronounce it to be a "system of error or a system of abuse."

But, to the question. What, in the aggregate, is the measure proposed? To prohibit the importation of manufactures and other articles to the value of about thirty millions of dollars. It is true that we are told that a certain portion, but that small, will not be prohibited for some time to come. The bill is admirably framed to accomplish the object in view, which is, as we have been very frankly told by the Chairman of the Committee, to restore our country to that state of unparalleled prosperity it enjoyed during the late war—the only period when, as he says, our manufactures were efficiently protected.

Is not this an undisguised war upon the commerce of our country?

Suppose the Government of Great Britain had, by an Order in Council, threatened thus suddenly to destroy the employments of our mariners, to disturb an existing channel of our industry, and force its capital into manufactures—a measure, in its operation, precisely similar to that now proposed. We should promptly resist it, not only as violating our national rights, but as injuring the aggregate interests of our country. And yet, when we are called upon to perform a corresponding act upon ourselves, we are very gravely told it is salutary and wise.

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It is not necessary to advert to the practices of other Governments, nor to indulge in abstract reasoning. The industry of every country must be regulated and protected according to the circumstances and condition of the country. There is nothing in our condition to require that we should, at this late day, search the dusty records of France and England, to mould our laws in absurd conformity to their ancient statutes—nothing to induce us to imitate the venerable follies of every age and every country. There is neither wisdom, honor, nor profit, in a countervailing war of permanent monopolies.

The prosperity of nations depends on their natural advantages, and their constitutional security of property and right. Measures, violating either the one or the other, injure the aggregate interests of the country. Such is the character of the measure now proposed. The manufacturing capital of a nation is formed through the silent and compound accumulations of trade and navigation. When these channels are permitted to contribute their accumulations in a natural way, the three branches flourish together. Such is the actual condition of things in New England, which is, and must continue to be, in defiance of all our laws, the manufacturing district of this country. We may, by our measures, accelerate the transfer of capital from trade and navigation into the channel of manufactures; but we shall not thereby employ the most salutary means of enlarging our manufacturing industry, while we shall essentially injure other and important interests.

There is nothing in the condition of our country calling for such a measure. It is true that in some portions there is distress; but gentlemen have mistaken the remedy. The measure proposed will contribute no relief to the interior: the capital to be employed in these new manufactures is already gathered in the East; and, wherever that accumulation exists, there must be the theatre of the operation of this measure. But the causes of the distress of the interior have also been mistaken. They are, in some measure, incidental to every new country; but they are also to be attributed to errors in legislation—not here, but elsewhere. Wherever laws agitate the security of property and right, confidence is annihilated, industry cannot flourish.

We cannot view the industry of our country in the aggregate, nor contemplate its astonishing march during the last forty years, without feeling satisfied of the wonderful influence of constitutional government upon the industry of nations. It is to this great cause, and not to any of our ingenious regulations, that our rapid national growth is to be attributed. In superintending the operations of industry in a country like ours, embracing every climate, every production, every art, and every science, we should cautiously abstain from any legislative act calculated to agitate its movements, lest we should arrest a wheel or disturb the harmony of so magnificent a work.

But, continued Mr. C., we are told that all branches of industry have an equal claim to protection—that our Southern agricultural interest

and our commercial interest, have shared the peculiar favor and protection of Government, while our manufacturing interest has been neglected, and we are now called upon to legislate on the basis of reciprocity.

Although this argument has been urged with invincible gravity, yet, as it regards our agricultural interest, it cannot be deemed worthy a serious reply. Our agricultural interest, in no section of our country, has ever been the subject of this sort of legislative protection. Whatever may have been the speculations of our legislators, our farmers have generally pursued their labors, without being conscious of any advantages derived incidentally from our laws, and certainly without having solicited any such protection.

It is true we have a Committee on Agriculture; but our Committee on Manufactures, while it keeps in motion its wheels and trip-hammers, has kindly condescended to superintend our ploughs and sheep-folds. While other committees are furnished with spacious chambers, the very respectable representatives of our great agricultural interest are consigned to one of the most cheerless cells in this vast labyrinth. Indeed, were it not for a remnant of respect, which we still profess for our agricultural interest, and a scrupulous regard for Parliamentary forms, we might as well abolish the committee. The revenue now proposed professes to favor our Northern and Western agriculture; but before our farmers accept of this protection, it would be well to mark the dexterity of the compromise. The bill proposes to impose additional duties, but not prohibitory, on agricultural productions, to the value of little more than a million of dollars, while it embraces heavy duties, amounting to prohibition, on manufactures required for agricultural use, to the value of about twenty-six millions of dollars. Before the agricultural interest of this country engages in this compact of balanced monopolies, it would be well to refer to the termination of a similar concern in England, where agriculture is prostrated, while manufactures enjoy all the advantages of this legislative compromise.

We are, however, informed, that our commerce is the offspring of legislative bounty and protection. I shall pass over, said Mr. C., less important regulations, to reach those which have been deemed most essential in protecting our navigation—the coasting trade and discriminating duty.

Our ship owners, we are told, have enjoyed a monopoly of our coasting trade.

Now, I would ask, what sort of a monopoly this can be to the ship owners of a nation, whose commerce has always, even in the remotest quarters of the globe, driven British commerce out of its accustomed channels, wherever navigation was free to both nations? A monopoly of our own coasting trade three thousand miles from competition! Had this been the only motive for such a regulation, it would have been the very mockery of legislation. But there was another, infinitely wiser—and one which will probably perpetuate the regulation. It was very naturally supposed, that if foreign ships were employed on our coast,

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it would more probably be for illicit purposes, than under any expectation of profit in fair competition with an active and more skilful rival. The regulation was necessary to guard our revenue from fraud, and it is presumed to be so still.

But we come now to that mighty foundation of American commerce, the discriminating duty. What was it? An additional duty on merchandise imported in foreign ships of ten per centum, not on the value of the merchandise, but on the amount of the duty. And here let me call the attention of gentlemen to the period when this regulation was adopted—at that time the average rate of duties was not equal to ten per centum ad valorem. Supposing it ten per centum, the discriminating duty would be one per centum on the value of the merchandise. And yet we are now gravely told, that this discriminating duty laid the foundations of our commercial prosperity.

This is the opinion of gentlemen, for whom, said Mr. C., I have a high respect; but I attribute it to other causes than the influence of legislation.

It is, perhaps, travelling a little out of the regular course of argument, to trace the history of our commerce; but I am anxious that the New Bedford memorialists should know what kind of protection the industry of their ancestors enjoyed, and to furnish the honorable Speaker with another evidence, that industry can spring up and flourish, not only without legislative protection, but in defiance of its hostility.

What, sir, was American commerce, before this Government, with all its laws, was in existence?

We have upon record the authority of a celebrated man—of one who was an eloquent advocate of natural rights, till, startled by the spectre of the French revolution, he sought shelter under the shadow of the throne. We must all recollect the portrait of our ancestors by the masterly pencil of Mr. Burke. Struck with admiration at their enterprising labors, he exclaimed, "Whilst we follow them among tumbling mountains of ice, and see them penetrating the deepest frozen recesses of the North—whilst we are looking for them beneath the arctic circle—we hear that they have pierced into the opposite region of polar cold—that they are at the antipodes, and engaged under the frozen serpent of the South."

Such were our ancestors, before the Revolution—bold, hardy, and enterprising—distancing, as we are told, the "perseverance of Holland, the activity of France and the dexterous and firm sagacity of English enterprise." Was this the effect of legislative protection? No, sir; we are also told that the "colonies, in general, owed little or nothing to any care of Parliament—that they had not been squeezed into that happy form by the constraints of watchful and suspicious government; but that, through a wise and salutary neglect, a generous nature had been suffered to take her own way to perfection." But the colonies were not merely neglected—they were cramped and restricted by Parliament, by measures of a character similar to that proposed by the Committee on Manufactures.

The Revolution, for a time, turned the bold and enterprising spirit of our ancestors into a more

glorious direction—from warring with the elements, they turned to grapple with oppression. But our wars once over—our colonial restrictions brushed away—our Union settled, as I trust, on eternal foundations—our mariners, free as the winds, were once more the heralds of older nations in desolate regions. All our restrictions and wars since have been unable to arrest the impetuous march of our commerce to that point of elevation and grandeur towards which a "generous nature" and an emancipated people irresistibly impelled it. Let us not dupe our understandings by attributing our commerce to a few harmless custom regulations.

The mariners of this country fear no competition. They ask no tax for their support. As to the bounty to our fishermen, whenever Government may deem it expedient to take off the duty upon salt, they may abolish the drawback. As to the discriminating duty, it is already practically abolished.

But gentlemen may consider all our navigation laws as protecting to our commerce. If they require only reciprocal justice, the measure is already more than full. The existing rates of duty operate as incidental encouragement to our manufactures, and are more than equal to any advantage commerce ever enjoyed.

But, continued Mr. C., I have now to consider the most important objections to the adoption of the principles advocated by the chairman of the Committee on Manufactures. How will they operate upon our revenue system?

There was a time, sir, when we supposed that in imposing duties on imports, our main object was revenue—a time when our manufacturers were satisfied with the incidental encouragement derived from our taxation. But the war unsettled many of our ancient and salutary rules. We are no longer to guard our Treasury. We established, in 1820, a Committee on Manufactures, which now calls upon us to abandon the principle of all former revisions of our tariff, and to impose duties for the purpose of prohibiting importations and extinguishing revenue. Before we abandon our old-fashioned revenue doctrine, let us inquire what effect the measure proposed will produce on our Treasury.

The object of the committee, as stated by the chairman, is to prohibit manufactures immediately, in most cases; ultimately, in others. It matters not whether the measure operates at once, or ten years hence. Whenever we cease to import the articles designed to be restricted or prohibited, we must inevitably cease to collect the revenue upon them. It may be, sir, that the anticipations of the committee will not be realized; that, notwithstanding these enormous duties, the urgent necessities of the country will still be supplied from abroad; but, in that case, the measure is useless—we augment our taxes without accomplishing the object in view. In arguing this question, however, we must presume that the purpose of the committee will be accomplished, and the articles prohibited. According to a statement which I have prepared, said Mr. C., from Treasury documents, it appears

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that manufactures designed to be protected by prohibitory duties, yielded, in the year ending 30th September last, a revenue of \$7,327,256; that other articles, partially manufactured, or forming raw materials for manufactures, yielded, in the same year, \$913,969, and that the agricultural articles yielded \$278,736—making, altogether, \$8,529,961 of revenue.

It is evident that, if the purposes of the committee be accomplished, a very considerable portion of this revenue must be extinguished. In any event, our revenue system will be seriously injured by the measure.

Are we in a condition to tamper with our revenue? The present crisis is a peculiar one in the history of our country. In our prospective speculations, we cannot be too sensible how much depends on the political events of a few months, whether we look at home or abroad. On these hang the question of peace or war—of diminished or increased expenditure. But, whether we have peace or war, we are not at liberty to tamper with our revenue. Let us suppose that, notwithstanding the present threatening appearances of war, we are destined to be saved from its heavy expenditures and calamities; that we are to be governed by the wise councils of a pacific Administration, consulting rather the happiness and best interests of our country than the gratification of a warlike or projecting ambition. Let us suppose that we are to realize fifteen years of peace, and (what would be a miracle in the history of government,) that we are to extinguish our public debt. Have gentlemen considered that, in that case, it would become our first duty to relieve the people from their taxes? If we believe that such will be the result, ought we not cautiously to avoid any augmentation of our imposts? I trust that our expenditure may not be permitted to keep pace with our revenue, and that we may, in a few years, pay off a large portion of our public debt, and diminish our taxes.

But these are rather the speculations of hope, than the result of sober calculation, and should not be depended upon by statesmen. We have a striking instance of the error of such speculations. In February, 1792, Mr. Pitt congratulated the nation on its general prosperity; the state of the finances; the prospect of a long peace; and calculated upon a reduction of the public debt and expenditure. Little did that statesman anticipate, that, in February, 1793, the twenty-three years' war would commence—a war which shook the foundations of the Christian world. Little did he think, that, in thirty years, the expenditure would be augmented from sixteen to fifty millions sterling, and that the national debt would be trebled. All this, however, happened. And, may it not be fairly attributed in some measure, to an unnecessary interference with the affairs of other nations?

I trust, said Mr. C., our history may not furnish, in the next thirty years, a parallel case; but when I see gentlemen strenuously advocating measures extravagant and magnificent, and, at the same time, threatening to destroy our existing

revenue system, I am not without apprehensions. Whence do we expect to draw our fifty millions for internal improvements, and our hundred millions for South American subsidies?

But, whether we embark in these schemes or not, our revenue ought not to be tampered with. It must be evident to all, that, without the accelerating touch of our Committee on Manufactures, the natural growth of our domestic industry must annually diminish our sources of revenue. Our existing revenue will probably, for many years to come, be sufficient to meet our expenditures, and to enable us gradually to extinguish our debt; but, we should recollect that our expenditure, (as it happens in every country,) advances with our revenue. It was less than two millions thirty years ago. That of the present year will exceed ten millions—in both cases excluding the interest on our public debt. During the last five years our income has very little exceeded our expenditure. We have now a surplus of \$6,466,969, but there is due the Sinking Fund \$11,921,604; our estimated revenue for the present year falls short of the receipts of the past near two millions of dollars, and the next year commences the payment of sixty-five millions of debt contracted during the war. I would again ask, whether this is a time to tamper with our revenue?

I am not disposed, said Mr. C., to excite idle alarms about our national debt, nor, should peace continue, do I doubt our ability to extinguish it, and, at the same time, to support, with judicious liberality and wise economy, our existing establishments; but, nevertheless, I cannot avoid a reference to the experience of England, when I reflect that our debt, which we had, in 1812, reduced to \$45,000,000, has remained almost stationary for five years, and that it now amounts to about \$96,000,000, including our Florida purchase. We should advert to that singular political fact, that the national debt of England has accumulated since 1689—it was then little more than £300,000. It is the office of wisdom to mark, on this political thermometer, the degrees by which taxation has rapidly mounted; and, at this early period in our history, at least to avoid any unnecessary experiments on our revenue. If we are, indeed, legislating for posterity, let us employ our existing revenue in extinguishing our debt, lest another war should add one or two hundred millions to it. Let us not lose an immediate and positive advantage in pursuing a remote speculation, liable at best to all the vicissitudes of the natural, moral, and political world.

But, if gentlemen are determined to execute this ingenious scheme for more rapidly extinguishing our existing revenue system, I trust they are prepared with a substitute of some kind. It would be well, in adopting the proposed measure, to throw a cautious and suspicious glance ahead, lest that licensed robber, the exciseman, should rush unexpectedly upon us; for, however acceptable his presence might be to some of us, upon conditions, I apprehend it would not be acceptable to the American people upon any conditions. The time may come when we may be compelled

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to resort to a system of internal taxation; when it arrives, I shall not shrink from my duty; but I have no desire to accelerate it. Our existing revenue system answers all our federal purposes—let us preserve it. Let us leave all our sources of internal taxation to the use of our State governments, whose necessities are annually increasing, and where they will be required for that very useful branch of expenditure, internal improvement.

I shall now, said Mr. C., notice the practical operation of the principles advocated by the chairman of the committee, upon property and right, as they are exhibited in the measure proposed. In considering the mere expediency of the measure, waiving the character of our Confederacy, I have presumed our internal to be as extensive as our external powers. I have met gentlemen on the broadest national ground, and clothed them with every attribute of sovereignty. But, in touching the points of property and right, we must claim the protection of our Federal Constitution. In applying the principles of our charter to this or any other measure, I shall not refine them into almost invisible webs, not strong enough to bind society together, nor shall I enlarge them to monstrous dimensions, crushing or annihilating every power with which they come in collision. I shall argue in the spirit of our Constitution, according to the maxim of that invincible advocate of colonial rights—the eloquent Chatham, who says, that “in questions of liberty and property, he was apt to distrust the refinements of learning;” he generally “consulted, and was determined by the dictates of common sense.” A guide more sure and penetrating, in such questions, than all the grave conclusions of profound and abstract science; one that cannot be deceived by our modern art of clothing an unconstitutional purpose in a Constitutional dress; that rejects the distinction between the abuse and usurpation of a power—a guide that can never be seduced by modern refinements or selfish patriotism. Common sense, that old and faithful friend of Constitutional liberty, inquires, What, with six or seven millions in the Treasury, are our taxes to be augmented? Is it for the purposes of government? No; they are to increase the profits of our manufacturers. Do they petition for these taxes? Some of them do; but a majority, entrenched within their citadels of power, are busily and usefully employed; they care not for our laws or our taxes; they have enough to do in managing their own concerns, and in regulating the affairs of the little worlds whose movements they superintend.

But, let us reject all these idle forms. Suppose our capitalists were to propose to contract with Government, giving bond and surety, binding themselves and their heirs to furnish this country, in ten years, and forever thereafter, with certain articles, at reduced prices, and in any quantity required, upon condition that Congress should forever prohibit the importation of similar articles. Is any gentleman prepared to advocate such a contract, upon federal and Constitutional ground? And yet, where, in common sense, is the essential

difference between such a contract and the principles of the measure proposed—except, indeed, that by the bill we grant away the rights and property of the people, upon a mere speculation—without bond—without security? If these are the principles upon which the property of the consumers is to be legislated away, we shall always find capitalists ready to accept our contracts without responsibility.

But, let us again waive all forms. This modern scheme of protecting industry will cost our revenue at least two millions annually. Suppose our capitalists were to petition Congress for an appropriation of two millions, to be distributed annually among them, by our Committee on Manufactures, as bounties. Should we even dare to vote for such a disposition of the people's money? Yet, however startling this proposition may appear, what is the character of the measure actually proposed? While one-half of this bill is designed to prohibit importations, and plunder our Treasury, the other half is acknowledged to be an increase of our taxes, to supply the very deficiency thus about to be created. But, in case this increase of taxation should not be sufficient, we are then to resort to internal excise, to supply the wants of Government, thus doubly taxing the people of this country. Can such a measure be defended upon Constitutional ground?

But, how has this bill been framed? We must presume from its structure, from its minimums, its specific rates, and the dexterity of the third section, that the Committee on Manufactures have adopted, in every instance, the rates proposed by the manufacturers themselves; for its provisions are calculated to reach prohibition. We must presume (and that without intending any disrespect to the gentlemen) that the manufacturing members of this House, probably some fifty or sixty, have furnished to the committee the very rates which are specified in the bill; and thus has the bill been framed without consulting the interest of our Treasury, or the rights or welfare of any other interest. Indeed, if we are to judge by this formidable specimen of its labor, the committee must have framed this tax bill without regarding any interest but the one to which it is devoted.

Such, said Mr. C., is the practical operation of these our modern principles of legislation. If we are to adopt these principles—if we are to act upon this unequal plan of Government—we may expect to go on from age to age, receiving petitions for privileges, (for they are absolutely nothing else,) generally from one section of our country, where a large accumulation of moneyed capital is seeking new employments. We shall continue from session to session, granting our Legislative contracts, without responsibility, to our capitalists in one section, while the other sections, and that vast community of men without capital—the body of society in every country—must forever enjoy no other privilege but that of submitting quietly to the Government contracts, and contributing a portion of their annual income or labor, to increase the capitals of the contractors. And is this

legislating in the spirit of our Federal Constitution? Are these the modern principles of Republican government? Is it not despotism? And yet, we have heard the exclamation, What! are we threatened with disunion?

I trust, said Mr. C., that the American people will ever be animated by the spirit of their ancestors. When they were threatened with measures similar to this now proposed—when they were shackled with restrictions—it appears our ancestors had other principles than those now in fashion—they thought it was patriotism to resist. When their property and rights were violated by lawless power, they made a determined stand for the liberties of mankind, and solemnly appealed to the Mighty Arbiter of nations—rejecting, with indignation, all parliamentary sophistries, they broke the chains with which subtle ingenuity and usurpation would have bound them.

When we see measures of this character advocated here upon principle; when we see such principles sanctioned by the names of some of the most distinguished men in our country; when we see gentlemen claiming a Constitutional right to impose on the agricultural and Atlantic States a system of perpetual vassalage, we must lament that, in our short history, we may read—a melancholy lesson for mankind—that even here, as elsewhere, it is not in these idle forms of constitutions, but in the statute book, we are to look for the character and principles of a Government. We may read that, under the name and sanction of a free constitution, private rights and private property may be violated with as much cool indifference as if this Government were armed with the proud authority of the lawless Ottoman. We may read in the zeal with which this measure is advocated an evident indication of the growth of power—we may foresee that even this, the sublimest institution of mankind, is destined to dissolution. We may even apprehend that this Government is destined to fall, like other human institutions, through its usurpations, and an abuse of its powers. The accumulation of power seems, under every form of government, to be inevitable. The people may occasionally rise in their majesty and dissolve these accumulations; our country may feel the salutary influence of such reactions; but power will ultimately triumph; these Alpine accumulations will ultimately bid defiance to the sun's meridian splendor; let us beware of the avalanche.

Our confederacy now rests on a rock of adamant—on our political morality—on an invincible attachment of an enlightened people to the best Constitution in the world. But, we must not fearlessly calculate on the immortality of our Union if we adopt measures like this; for no free Government can stand firm where it becomes a principle of legislation habitually, and without an imperative political necessity, to violate property and natural rights. No free people will ever submit to a Government which substitutes such rules for the essential principles of Constitutional liberty. Let us not, sir, retaining the forms of a free, act upon the principles of an absolute Govern-

ment, and render it, through the tyranny of laws, detestable to any portion of this country.

The measure proposed by the committee can be supported on no ground. Our industry, in every branch, is probably destined to reach a premature perfection; while into the channel of manufactures the accumulations of trade and navigation are naturally and rapidly flowing. The general question is not the protection and encouragement of our domestic industry; it is absolutely nothing but a contest between a small portion of our large moneyed contractors, who solicit monopolies on the one hand, and a multitude of consumers, of all classes, on the other.

The bill reported by the Committee on Manufactures, and the system upon which it is founded, cannot be defended. They are both repugnant to the soundest principles of political economy; they consume our revenue, vitiate our legislation, and sap the foundations of our Union; while, in reference to the measure proposed, the state of the nation, whether we look at home or abroad, exhibits no political necessity to sustain it. Were the question limited to this solitary bill—whatever may be its character, whatever its fate—my fears would be in some degree diminished; but, viewing this measure as a part of a permanent system, I cannot look forward without apprehensions, lest, excited by our sectional jealousies and prejudices, we should be hereafter persuaded that the North has a distinct interest from the South—the East from the West—lest unrestricted power should, at some remote period, sacrifice the rights of the weaker portions of our common country. I trust, said Mr. C., the people on the Atlantic border may never be trampled upon because they are politically weak. We ask nothing but Constitutional justice—we ask only that commerce may not be perpetually cramped by laws, called for by neither policy nor honor. We entreat our political rulers to look to the future and inevitable destinies of this great commercial nation—to reflect upon the wars in which a high-spirited Republic, leading the van of Constitutional Governments, must be hereafter engaged; and we beg them to yield something more than a cold and suspicious attention to the humble rights of our mariners. I trust it will never be the policy of our Government to turn adrift, without chart or compass, our gallant tars, who, in the midnight of our calamities—when this Capitol was blazing with Vandal fires—avenged the insult—blotted out this spot upon our escutcheon, and waved our standard on the shores of England, fearlessly and triumphantly. I trust we shall never wage an angry and unnatural war against the heralds of our reputation abroad—nor drive from its fast moorings the vanguard of our defence.

Mr. G. MOORE, of Alabama, followed Mr. CAMBRELENG. Mr. M. commenced by saying that, notwithstanding this subject had occupied so much of the time of the House, and had called forth much talent and argument, yet, as the provision in the bill relating to the tax on cotton bagging, and which was proposed to be stricken out by the proposition which had been submitted by the hon-

orable member from Louisiana, affected so materially the interest of the citizens of the State which he had the honor in part to represent, he trusted he would be indulged by the Committee, while he submitted a few remarks expressive of his disapprobation of this obnoxious section, and the reasons which influenced him in voting for striking it out.

Sir, said Mr. M., the general provisions of the bill, or the preliminary question whether a modified tariff, under existing circumstances, can be justified or not, are questions which I shall leave to be discussed by abler hands, and confine my arguments to the single item embraced in the provision for striking out.

It would be in vain for me, said Mr. M., at this time, to attempt to add any thing new to the able arguments which have been addressed to the Committee by honorable members who have preceded me, in favor of this proposition; but, sir, I will take the responsibility of attempting to show in what manner these arguments have been attempted to be refuted by the opposition.

Sir, when the Committee are informed that this "measure will operate excessively hard and oppressive upon the Southern section, that Kentucky and Ohio will probably not be able to supply the demand for the article, and if they were, that this measure will give them the monopoly in the sale of the article, at the sacrifice of the Southern interest, and at the same time by this means withdraw a respectable portion of the revenue from the public coffers," what are you told in reply, by the honorable member from Pennsylvania, the chairman of the committee who reported this bill? 1st, "That, true, this measure does press excessively hard, but you have no right to complain, because you have an equivalent in the sale of your cotton; that Pennsylvania consumes more cotton than all the cotton growing States; that there is a bounty of three cents per pound on cotton; that Kentucky and Ohio pay this three cents to the cotton growers, and ask, in return, this duty on cotton bagging."

Sir, the argument of the supposed three cents bounty on Southern cotton has been so completely met and refuted, by those who have preceded me, that nothing is left for me, even were I possessed of more ability than I can pretend to boast of. And, sir, how were these arguments attempted to be refuted by the honorable member from Pennsylvania, the chairman of the committee who reported this bill? By a resort to that substitute for argument, which is frequently made, when the doctrine attempted to be opposed is irresistible and unanswerable—I mean wit and ridicule.

Now, sir, as to the other position of the honorable member from Pennsylvania, "that Pennsylvania consumes more cotton than all the cotton growing States;" is this anywise extraordinary, and what does it prove? Need I tell the honorable member from Pennsylvania that the South is not, nor ever can be made, a manufacturing country; that it is inconsistent with the habits, customs, nay, sir, the interest of the people of this section of the Union; that they are purely agri-

culturists? And is this a good reason why their rights should be sacrificed? And here let me say, sir, I thank the honorable member from Virginia, who spoke yesterday on this occasion, for the very lucid view he took, in drawing the distinction between the situation of the greatest manufacturing country in the world (Great Britain) and our own; the reasons which influence their policy, which cannot ours; and for his unanswerable arguments showing that the West, in supporting this measure, abandon their true interest. Sir, how diametrically opposite is the object and effect of this measure, and a bill introduced by the honorable member from Virginia, over the way—I mean the bill providing for the occupying the mouth of Columbia river, which offers greater bounties and holds out greater inducements for emigration than have ever been known heretofore, and the tariff, offering the greatest bounties to the Northern and Eastern people not to emigrate.

But, Mr. Chairman, I will tell honorable members in the Opposition, that they may impose what tax they please upon the article which envelopes our cotton; trammel it as you can by the provisions of this oppressive bill; take from the Southern planter his privilege of going with his produce to what market he pleases, and say to him you shall not take in return such articles as are indispensable to your prosperity, and, in doing this, withdraw from the public coffers a considerable portion of the revenue which possibly must be supplied by a direct tax upon the people; when all this you have effected, to the oppression of one section of the Union and aggrandizement of the other, still, sir, I say this bill will not possess the magic power (inspired as the honorable gentleman from Kentucky would intimate it was) to change that order of things nature has ordained. The Southern people, after all these sacrifices, and violation of their rights, must still be agriculturists, and the cotton of the South will still cross the Atlantic.

Now, sir, I will endeavor to answer the remark of the honorable member from New York, who sits to my right, which was also assumed by the honorable Speaker. "that the tax imposed on cotton bagging was paid by the consumer." Sir, as a general rule, this may be true, but I deny that it can be applied to this particular case. You may apply this doctrine to broadcloth; the consumer pays it. Apply it to coarse woollens, to foreign spirits; the consumer pays it. But, sir, to apply it to the article under consideration, which is not an article of merchandise, in that interpretation—it is the article only in which that of merchandise is wrapped—its office is performed when the cotton has arrived at its destined market—it is then useless, and thrown away. Sir, the doctrine that the purchaser of cotton will increase the price in proportion to the price which the owner has been compelled to give for the article by which it is enveloped, I cannot subscribe to; and, sir, to contend for this principle, is to advocate a point in disinterestedness and benevolence to which it has not been designed that human na-

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ture shall attain. No, sir; you may take my word for it, the purchaser of cotton will be governed by motives and considerations which govern others on similar occasions, by a consideration in connexion with the cotton; and not with a view to the extravagant price which the bagging may have cost the owner, and which now is useless, and thrown away.

Now, sir, one word in reply to the gentleman from Kentucky, who sits immediately before me, and who, I am sorry to see, is not in his seat at present. Sir, as well as I can recollect, that gentleman informed the Committee that the people of the West had a right to demand this extraordinary tribute of two hundred and odd thousand dollars per annum, of the South, for the following consideration: "They purchase the cotton at twenty-five cents per pound, and furnish bagging of a superior quality, which, from its being weighty, they receive more in weight than the original cost." Now, sir, this position, to me, is so very extraordinary, that I must be permitted to say that I am an infidel to its faith. Sir, if the gentleman will prove its accuracy, I will acknowledge my error, and I will then acknowledge the correctness of another position taken by that gentleman, and which was assumed by the honorable Speaker, "that the Southern delegation, in their opposition to this bill, opposed the interest of their constituents." Now, sir, unpleasant as I considered this compliment as relates to myself, yet, if the gentleman from Kentucky will prove the accuracy of the other position, I will admit the truth of both. Will that gentleman inform the Committee whether there are not some two or three planters in the Southern country whose crop united will glut the market of Kentucky and Ohio? True may it be said, that the Southern delegation—yes, sir, and their constituents, too, are incapable of discovering their own interest, when they ship their cotton to New Orleans, New York, Liverpool, and France, for the prices at which it is quoted at present, when they can send to the honorable member's country and receive twenty-five cents. Sir, they would all be idiots, and need Western guardians.

Now, sir, as to the price, first, of cotton bagging—this article commands, at present, in the section of country which I have the honor to represent, thirty-three and a third cents, and sometimes more; perhaps this may be considered the average price. This is paid for it, sir, in good money, by which I do not mean specie, nor United States bills, but such as is current in the country, such as is receivable in ordinary transactions, and such as will purchase our cotton. Now, sir, will the honorable member from Kentucky take the responsibility of stating that cotton will command twenty-five cents, in this kind of money, in his country? I presume he will not. If it is not in money, what is it in, Mr. Chairman? Not in chips and whetstones, (if I may be allowed the expression in this Hall,) but in old paper rags and trash—such combustibles as the Legislature of the honorable member's State, by a legislative enactment, have consigned a great proportion of, to a

bonfire. Then, sir, away with the argument that our cotton finds such a liberal market in that quarter.

The gentleman from Kentucky urged the propriety of this obnoxious provision, by which the Southern country is to be made to pay this extraordinary tribute for cotton bagging, to the West, upon another ground. He said "that, not only did his countrymen supply the South with the article, but they pursued it, after the cotton bales were formed, to New Orleans, and occupied stations behind it." Sir, all are willing to acknowledge the patriotism and bravery of the hardy sons of the West; and, I assure that gentleman, that bills of patriotism, properly drawn upon my gratitude, will never be protested, but promptly honored. And, sir, that there have been gathered, on the plains of New Orleans, military laurels which now decorate the American brow, and a character for military skill and patriotism, obtained on that memorable occasion, for the people of this Republic, which I, as one citizen of the Union, shall never cease to rejoice in contemplating, is also true, and will be denied by none. But, sir, all I ask, in reference to this subject, is, that the gentleman will give to Cæsar the things which are Cæsar's.

Mr. Chairman, it has been triumphantly asked by the honorable Speaker, "Will you submit to the Scotch manufacturer, or will you create an American competitor, who will rival him?" No, sir, this is delusive. I will state the real question connected with this subject. Sir, it is truly and emphatically this—Will you suffer the duty on this article to remain as it is at present, whereby there exists a fair competition between the American and European manufacturer, derive a considerable annual revenue from its importation, furnish employment for your navy? or will you substitute this prohibitory duty; exclude the foreign imported article, and with it this item of your revenue, which I believe is admitted on all hands to be very acceptable, and which the honorable member from Pennsylvania, the chairman of the committee who reported this bill, admits will be the consequence, but which the honorable Speaker, more on his guard, did not do, knowing this admission would take from the measure one of the principal grounds upon which its plausibility could be supported? Now, this is the true state of the case. And what is the consequence? You create a monopoly in the sale of this article for the benefit of the West, and at the sacrifice of the South.

Mr. Chairman, I have heard upon this occasion a strain of eloquence and oratory with reference to patriotism and the necessity of the American people being free from European dependence, &c., which, sir, is seldom witnessed in this or any other country. But, I confess, sir, I did not think it was applied to the able arguments which have been urged against the bill, or this provision. Many liberal professions have also been made of a disposition to do equal justice to every part of the Union. But, sir, I hope on this occasion honorable members will give us example with precept.

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Sir, the citizens who reside in that part of the State which I have the honor to represent, have already had an awful example of Western liberality, when they possess power. Sir, the time which intervened during the late war was one during which we were entirely dependent. At that time the article could not be imported. They then had the protection which is now sought by this provision. And what were the consequences? The article was scarce, and cost two prices, and even at that could not be procured plentifully.

Sir, I have not forgotten one occasion wherein the Western delegation looked to the South with solicitude (and not in vain) for aid in support of a measure which they viewed as one of the last importance to their constituents—I mean the Cumberland road. No, sir; I believe "Cumberland" was thought inapplicable in the title, and on motion was stricken out, and "Public" inserted; and some gentlemen thought "Western" was still more apropos. Sir, I presume the section of country which I have the honor to represent, is as adjacent to this great highway as any other portion of the cotton-growing country—and perhaps the nearest point is three hundred miles distant—and I venture to say, a bale of cotton will never be found on this road going to market. Now, sir, we ask an interchange of reciprocity in good feeling and good offices.

But, sir, in order to test the declaration of liberality which has been avowed on this floor, that this bill provides equal justice and protection to every part of this Union, let us examine the items of taxation, and see what portion will be found applicable to Southern protection, and begin with broadcloth. Gentlemen will not contend but this operates as much, or more, to the prejudice of the South as to any other quarter. Take coarse wools. This, sir, is still more severe and oppressive; this, it is well known, the Southern country must have, with which to clothe their servants. Wool is also an article they cannot raise. And, sir, more oppressive still is the tax on iron—an article more indispensable to the planters' prosperity, and which the South do not, and perhaps never can, manufacture—not to mention many others, such as foreign spirits, silks, &c. These, although they operate as a tax upon the Southern interest more than any other quarter, are articles more of luxury, and not so indispensable to the prosperity of the agricultural profession. Now, sir, I sincerely hope honorable members will pause, and yet do the Southern section of this Union justice—it is all we ask.

When Mr. Moore had concluded—

Mr. STORRS, of New York, followed, in opposition to the pending motion, and, generally, in reply to Mr. CAMBRELENG—when, on motion of Mr. MARTINDALE, of New York, the Committee rose; and the House adjourned.

THURSDAY, February 19.

Mr. McLANE, from the Committee of Ways and Means, reported a bill for the relief of John S. Moffet; which was read twice, and committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made an unfavorable report on the petition of the trustees in behalf of the United Society, commonly called Shakers, residing at West Union, in Indiana; which was laid on the table.

The Committee for the District of Columbia, to which was referred, on the 26th of January ultimo, a memorial of sundry inhabitants of the said District, in relation to a system of government for said District, were discharged from so much of said memorial as suggests certain amendments to the Constitution of the United States, and it was referred to the Committee on the Judiciary; also, from the memorial adopted at a meeting of the Society of Friends, held at New Garden, in North Carolina, in November, 1823, and the said memorial was laid on the table.

On motion of Mr. JENNINGS, the Committee on the Public Lands were instructed to inquire into the expediency of vesting in the trustees who have been, or may hereafter be, appointed, by the inhabitants of the "Illinois Grant," in the State of Indiana, the fee simple of certain lands appropriated by Congress for the support of schools in said grant, for the sole use for which said lands were originally granted, and conformable to the provisions of an act of the General Assembly of said State.

THE TARIFF BILL.

Mr. OWEN offered the following resolution:

Resolved, That the Committee of Ways and Means be directed to examine and report to this House what will be the effect upon the revenue of the Government of the United States if the bill now before this House entitled "A bill to amend the several acts imposing duties upon imports," should pass into a law—and if its operation would, in their opinion, diminish the revenue to an extent greater than the expenditures of Government will admit of, what course it will be expedient to pursue to supply that deficiency.

Mr. OWEN addressed the Chair to the following effect:

The resolution which I have submitted to the consideration of the House, embraces considerations of the deepest importance. An additional interest is given to it, on account of its being a departure, in some degree, from the ordinary course of proceeding in Parliamentary bodies; and to this point permit me to ask the particular attention of the House, for it is not my wish to make innovations upon ancient usage, or to violate established rule. I should, therefore, be pleased to learn the opinions of honorable gentlemen, who have more experience in legislation than I have, upon this point. But, to me, from my limited experience, from all the sources of information upon such subjects, which have been within my reach, I have concluded, that, though there was to be found no precedent in our legislative proceeding, that yet it is strictly parliamentary, and to this authority only which we could look, I am supported—I mean the proceedings in the British Parliament. And to this point the honorable gentleman from Virginia, who addressed the Com-

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mittee of the Whole on the state of the Union, a few days ago, made so correctly this reference, that it is useless to repeat it. I take it for granted, then, that this proposition is fairly before the House; and, indeed, if it were not, its importance to the dearest interests of this country would call upon the House to exercise the great power with which it is vested, in the universal control of its own proceedings, when the public good demands it.

I will proceed, then, to the consideration of the resolution; though I would here remark that it is not my wish, and I hope gentlemen will not so understand me, to suspend the discussion of the bill alluded to in the resolution, until the report of the committee can be obtained; but, to let it proceed, as if no such resolution had passed. And, before we are called upon finally to act, the information wished for, would, without doubt, be furnished.

There are two distinct propositions contained in the resolution. The first is, to ascertain the effect that the adoption of the proposed tariff will have upon the revenue of the Government—the second, if that effect causes a deficiency in the revenue, in what manner that deficiency is to be supplied.

Many have been the estimates and calculations already submitted to this House, with regard to this effect, all of which go to show that a deficiency in the revenue must necessarily follow the adoption of the tariff, with its present provisions; but, to what extent, there is difference in opinion; that this may be reconciled, and the estimates furnished may be official, I would hope that the House would sustain my proposition. Let it then be conceded (as I believe the most devoted friends of the tariff are willing to do) that the revenue will be diminished to an extent greater than our expenditures will admit of. When is the proper time to take steps to supply the deficiency? My own opinion is, this should go hand in hand; that, with the commencement of the disease should begin the application of the remedy. But, before I proceed further upon this point, I would remark, that the mode I have adopted to attain my object, is the correct one. That the information asked for, is desirable, indeed absolutely necessary, all admit. Through your committees, then, sir, should this information come; the very organization of our body, its distribution of business among our committees, established usage, have prescribed the mode of obtaining information useful and necessary, upon any subject of deliberation, to be through the appropriate committees; this will be admitted. But perhaps I may be told that the committee mentioned in the resolution is not the proper one; that if there was to be a deficiency in our revenue, caused by the act of one committee, that same committee should devise means to supply it; that the committee that pulled down should also build up. From this opinion, should it be entertained, I must dissent; over public revenue and public expenditure, the Committee of Ways and Means have exclusive jurisdiction; from that committee, alone, then, can any information upon

these points come officially, and in this shape we ought to have it.

But, to return to the main object of the resolution—the probable deficiency in our revenue—I did say that it would be conceded that this was inevitable. But, if it is not, I would beg leave to remark, that the subjects toward which the provisions of the tariff are mainly directed, are, also, the most important sources of our present revenue. Against woollens, cottons, linens, hardware, glass, and foreign distilled spirits, are the provisions of the tariff directed; and, some think, even to a prohibition. If this should be the case—as from these our revenue principally arises—there is no member of this House who can, for a moment, hesitate upon the propriety of pursuing the course pointed out in the resolution. We must, therefore, conclude that the passage of the tariff, in its present shape, must be destructive to the revenue. And I am well convinced that no individual is prepared to say that this would not bring upon our governmental operations much embarrassment and retard its regular progress. This is a state of things that we all must be anxiously desirous never to bear witness to. Lest, then, we should be compelled to do so, and that by our own acts, let us inquire what there is to be done—and this brings me to the second proposition contained in my resolution. If there is a deficiency, in what manner is it to be supplied? Here, perhaps, in the outset, I may be told, “that sufficient unto the day is the evil thereof.” But, with due deference to the opinions of all others, for my own part, I should think that it was the true and sound policy of all Governments, that when evil is anticipated, to prepare to meet it by provident provisions; and not to await its injury—lest, to recover from it, might require redoubled energy. What then, is to be done? This is the fit time to make the inquiry.

I am told by honorable gentlemen, that the advancement of the manufacturing interests is of such vital importance, that though we should be driven to excise and direct taxation, that this policy would be willingly adopted; for my own part, I do think that, before this policy is resorted to, the situation of the country should be properly understood; and, from the principles of our Government, this should be the last, the ultimate resort; extreme cases alone can justify it. The State that I represent is unprepared to endure this policy. We are already heavily burdened, the States generally are embarrassed; I shall then most solemnly protest against this resort. Other gentlemen are prepared, perhaps, to say that a “public debt is a public blessing;” and, to obtain this, we will destroy the revenue, and effect a loan to meet public expenditures. From this policy I must also be permitted to dissent. I hope, therefore, a majority of this House will view this subject in the same light that I do, and sustain me in the proposition; at all events, no evil can result from the adoption of the resolution; and indeed I wish the information in this official manner, that the people of the country may know what is to be the immediate effect of this tariff, if made a law, upon their interests. I hope the resolution will be adopted.

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Mr. TON opposed the resolution, conceiving it (until set right by an explanation from Mr. OWEN) to be a measure intended for delaying the discussion of the bill. Procrastination had last session been successfully resorted to to defeat the bill; and the manufacturers, in consequence of the unsuccessful agitation of the tariff question in this House, had sustained a loss of two millions of dollars; because the foreign merchants and manufacturers conceiving it as a thing of course that such a bill, if once proposed, could not be rejected, had poured in their goods in great quantities, in anticipation of its passage. He trusted gentlemen would not attempt the same policy again. The bill would have to be passed upon sooner or later. If put off now, it would certainly come up next year; and if put off then, it would recur the year following; and would gentlemen thus waste the time and money of their constituents? Could not the gentleman from Alabama vote till he had learned the opinion of the Committee of Ways and Means? The bill, at all events, could do no fatal injury to the revenue in one or two years; that a previous plan was indispensable to meet its effects.

Mr. McLANE, of Delaware, (chairman of the Committee of Ways and Means) had no objection to the gentleman's obtaining the information sought by his resolution; but objected to the mode proposed. The chairman of the Committee of Manufactures was the proper organ through whom to obtain it. That committee were in possession of all the facts on the subject; the operation of the bill must, of course, have long been before them; and if the Committee of Ways and Means were applied to, they would only have to go to the Committee of Manufactures to get what they might report to the House. The bill was not for revenue, but for protection; it therefore appertained wholly to the other committee. But, if the gentleman wished a counteracting system prepared, to meet the operation of the tariff bill, he was premature. If the Committee of Ways and Means should now propose a plan, it must be founded on the bill as it at present stands; but, by the time that report should be prepared, the bill might be entirely changed, and a new report must be prepared. When the bill had undergone all its modifications, and had passed the House, if its operation was to be injurious to the revenue, the Committee of Ways and Means would, of course, find it their duty to provide a plan of remedy. But, having, last session, given the subject a careful and deliberate examination, he was decidedly of opinion that a tariff might be adopted, which, while it gave every proper protection to manufactures, instead of diminishing, would augment the revenue. He would not go so far as to say that the present bill needed no alteration in any of its details; but he was satisfied the two objects were perfectly compatible. He referred, in support of this position, to the report of the Secretary of the Treasury, last year laid before Congress, (a part of which he read,) and observed, in conclusion, that the Committee of Ways and Means were prepared to perform their duty, when the proper occasion required it.

Mr. LIVINGSTON considered the information sought for in the resolution indispensable to an intelligent vote on the bill before the House. Some gentlemen believed the revenue would be seriously affected, if not destroyed by its operation. He wished some certain information whether this was likely to be the fact, and if it was about to take away one-half, or one-third, or any other large portion of the revenue, he wished to see beforehand how this was to be made up. He did expect that the honorable chairman of the Committee of Manufactures would have laid some detailed and authentic statement on this subject before the House; he had waited for it, but in vain. He did not care from what committee it was obtained, but thought that, as it was a question which touched the revenue, the Committee of Ways and Means would be the proper committee to present it to the House; and he quoted the standing rules of the House to show the duties of that committee. He wished to see a formal report, that he might have something to show to his constituents, and quiet their apprehensions, and if it could not be prepared in a week, he would wait ten days, or even a fortnight, to obtain it. He hoped the House would not, by the force of a majority, pass any law in such a manner as would put it in the power of a minority to say they forced this measure upon us without giving us the requisite information respecting it.

Mr. BUCHANAN thought this a most extraordinary resolution. After the bill had been almost a month under discussion, when the measure had been examined by every newspaper in the country for years past, and the whole nation had taken sides on the question, that Congress should formally ask for information as to what would be the operation of the bill! He thought gentlemen were competent to obtain this information for themselves, or why were they sent here? The gentleman from Louisiana had now come fairly out, and avowed his willingness for delay; but it was delay that ruined the bill last session, and delay would destroy it now. The chairman of the Committee of Ways and Means had expressed his opinion—the members of that committee were all in the House: Why send them out to make a long report, and then occupy as much time afterwards as before it? It was unreasonable to find fault with the chairman of the Committee of Manufactures, for not laying a general statement before the House; he had not been called on to do so—the debate having thus far been almost confined to cotton bagging. When necessary, he doubted not that gentleman was fully prepared to show what would be the operation of the whole bill, and of all its parts.

Mr. BRENT thought the opposition to the resolution was yet more extraordinary than the resolution could be. It was accused of being a mere scheme for delay; but the gentleman from Alabama had expressly disavowed any intention of suspending the debate. Some honorable gentlemen from Kentucky had said that if the bill was going to lead to an excise, they should oppose it. Surely we wanted information on that point.

Here the debate was arrested by the Speaker, who proclaimed the order of the day.

MILITARY APPROPRIATION BILL.

On motion of Mr. McLANE, all the previous orders of the day were suspended, and the House went into Committee of the Whole, (Mr. TAYLOR, of New York, in the Chair,) on the bill making appropriations for the military service of the United States for the year 1824. The bill was considered as reported in blank; and the first blank, which is for the pay of the Army, and subsistence of officers, including the pay and subsistence of the officers and cadets belonging to the Military Academy, at West Point, was filled with \$994,307 05.

The second blank, for subsistence, was filled with \$269,847.

The third blank, for forage for officers, was filled with \$39,126.

The fourth blank, for the recruiting service, was filled with \$13,400.

The fifth blank, for contingent expenses for the recruiting service, was filled with \$15,800.

The sixth blank, for the Purchasing Department, was filled with \$141,127 59.

In answer to a query of Mr. TRIMBLE, the chairman of the Committee of Ways and Means (Mr. McLANE) replied, that in the purchases for the clothing of the troops, a preference was always given to American manufactures, (unless where the public interest would materially suffer.)

Mr. TRIMBLE thought this rule ought universally to prevail. As we were soon to be called on to attend the funeral of our little Army, he wished to know whether its shroud was to be made of American manufacture or foreign.

Mr. McLANE said that many of our woollen manufactories were sustained almost entirely by purchases from the War Department.

The seventh blank, for the purchase of woollens, during the year 1824, in advance for the year 1825, was filled with \$20,000.

Mr. COBB made some inquiries respecting this item, and Mr. FLOYD moved to strike it out; but its propriety was explained and defended by Mr. McLANE, and the motion to strike out was not agreed to.

The eighth blank, for the Medical and Hospital Department, was filled with \$10,000.

Mr. COCKE moved to strike it out. Mr. WHIPPLE replied and advocated its necessity, and the motion was lost.

The ninth blank, for the Quartermaster General's Department, was filled with \$249,000.

The tenth blank, for the Military Academy, including hospital for cadets and troops, two wings to be added to the Academy, for the departments of philosophy and chemistry; a double stone house, for accommodation of two families of professors; a laboratory and green-house, out houses for superintendent's quarters; office for the professor of engineering; cast iron pipes for supplying water; a modeller, and a plate for a diploma for graduates, was filled with \$33,400.

For the purchase of Gridley's farm, \$10,000.

On this sum, and especially on a component item, of ten thousand dollars, for the purchase of a farm adjoining the Academy, a desultory debate arose, which occupied the House till after four o'clock. The propriety of the purchase was advocated by Messrs. CRAIG, WARFIELD, POINSETT, STRONG, McLANE, SHARPE, ARCHER, WOOD, MERCER, HAMILTON, and McDUFFIE—and opposed by Messrs. COBB, BUCK, COCKE, SANFORD, McCoy, and FLOYD. Mr. COCKE proposed an amendment, making the appropriation for the purchase conditional: 1st, that no more than \$10,000 should be given for the land; and, 2d, that the consent of the State of New York should be given to the sale. The former condition prevailed, but the latter, on motion of Mr. McDUFFIE, was stricken out; and the whole clause, as amended, was carried—ayes 107.

In support of this measure, it appeared that a part of the small isolated spot on which the Academy stands, (surrounded on one side by a deep river, and on the other by steep and almost inaccessible mountains,) is occupied by a farm, owned by a Mr. Gridley, on which there stands a tavern, but a few hundred yards from the Academy. Every effort to remove so great a nuisance, or to bring it under any effectual restraint, had proved unavailing; and its effect, in counteracting the salutary discipline of the establishment, had long been a source of painful regret to the superintending officers. As the only efficient remedy, it was proposed to buy the land for the United States, and attach it to the Academy; to which a farther inducement operated, as it would afford a favorable site for a hospital and other out-buildings. The measure was opposed, as unnecessary, and as insufficient for the end proposed. Unnecessary, because the cadets were supposed to be in no danger from so low and degrading a temptation as a tavern could afford; if any of them were disposed to become sots, they ought at once to be expelled from the Institution. And, besides, the discipline of the establishment ought to be sufficient to restrain immorality among the students. Insufficient, because if the whole farm was purchased, a tavern would be erected a little further off, and the danger as great as ever. Besides, there was a daily communication with Newburg and New Windsor, and also occasionally with New York; and young men disposed to dissipation could not be checked by putting the means of gratification at a little greater distance. Other establishments of the same kind, in the South and in the West, were situated in the midst of cities or populous towns, and yet were in a good condition.

To this it was replied, that the officers on the spot were the best judges of the case, and they were deeply impressed with the indispensable necessity of having that tavern put down. They had endeavored to effect its suppression by the authority of the State Legislature of New York, and some bill on that subject was now before that body. Distance was certainly a most important circumstance in measuring the strength of any temptation on the minds of the young. But the land at West Point was so situated, that if this

little farm was held by the United States, there was no spot for miles round on which a tavern could possibly be erected. An affecting appeal was made by Mr. MERCER, in behalf of parental anxiety, and on youthful accessibility to the approaches of temptation; the warmest encomiums were pronounced upon the state of discipline and the system of instruction in the Academy, its order, regularity, and exact police. Mr. POINSETT had visited the European Military Schools, and pronounced this to be equal to any of them, if not superior. Mr. ARCHER testified with enthusiasm to the same point, and wished that the Secretary of War, in selecting from Congress a Visiting Committee to examine the Institution, would always compose it of its most decided enemies: they needed only one visit to convert them into its warmest advocates.

Mr. WOOD valued it as the best substitute for a standing army, by supplying, annually, a quota of accomplished military men, capable of organizing the militia of the country, and giving immediate efficiency to our Constitutional defence.

Mr. FOOT was a friend to the Institution and to the measure now proposed; but had an objection to its introduction into an appropriation bill.

Mr. LIVERMORE was also a friend to the Academy, but feared the insisting on this purchase might increase the objections of its opponents; and he disliked this indirect sort of legislation. If the farm was wanted, pass an act appropriating a sum for its purchase.

Some little pleasantry occurred in the debate, in consequence of a remark of Mr. WARFIELD, that he spoke in favor of the school from no personal or parental feelings, as, he thanked Heaven, he still enjoyed a state of single blessedness. Mr. FLOYD, in reply, observed, that he was happy to observe the gentleman was very thankful even for the smallest blessing. Mr. BUCK founded his opposition to the measure, from personal observation, having been for years a student at West Point. With this exception, every gentleman who had visited this Institution, warmly advocated the appropriation.

Having proceeded thus far in the bill, the Committee rose, and obtained leave to sit again.

FRIDAY, February 20.

Mr. ARCHER, by leave of the House, presented a memorial of the inhabitants of the town of Petersburg, in the State of Virginia, in opposition to such a revision of the tariff of duties on goods, wares, and merchandise, upon their importation into the United States, as is proposed in the bill now pending before this House, to amend the several acts imposing duties on imports.—Referred.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, accompanied by the statements of the affairs of the Bank of the United States, called for by the resolution adopted on the motion of Mr. STORRS, on the 17th instant; read, and ordered to lie on the table.

CONTESTED ELECTION.

Mr. SLOANE, from the Committee of Elections, to which was referred the memorial of sundry citizens of the Congressional district of Norfolk, in the State of Massachusetts, complaining of the election and return of JOHN BAILEY, as a member of this House from said district, presented a report, concluding with a resolution "that Mr. BAILEY is not entitled to a seat in this House;" which report was laid on the table. The report is as follows:

The Committee of Elections, to which was referred the petition of sundry citizens and inhabitants of the district of Norfolk, in the Commonwealth of Massachusetts, praying, for the reasons therein set forth, that John Bailey, the member returned from said district to the present Congress, may not be admitted to a seat in this House, have had the same under consideration, and submit the following report:

The petitioners found their objections to the right of Mr. Bailey to a seat in this House, on the alleged fact that he is ineligible, not being possessed of those qualifications which, by the Constitution of the United States, are indispensable to the holding of a seat in Congress, "because, at the time the election was held, at which the said Bailey was supposed to have been chosen, he was not an inhabitant of Massachusetts, but then was, and for many years before had been, and still is, an inhabitant of the city of Washington, in the District of Columbia. In pursuance of the authority vested in the committee by the resolution of the House, they have procured a statement from the Hon. John Q. Adams, Secretary of State, and they have obtained the affidavit of Charles Bulfinch, Esq., of the city of Washington. The Secretary states that Mr. Bailey was appointed by him a clerk in the Department of State, on the first day of October, 1817, at which time he was a resident of Massachusetts, and that he immediately repaired to Washington, and entered on the duties of his appointment, and that he has continued to reside in this city from that time, in the capacity of a clerk in the Department of State, until the 21st day of October, 1823, at which time he resigned the appointment. He further states that he has never known Mr. Bailey to exercise any of the rights of citizenship within the District, but always understood him as considering Massachusetts as his home, and his residence here as only temporary; and that he had considered Mr. Bailey as eligible, &c. Charles Bulfinch, Esq., testifies that he has known Mr. Bailey in this city since January, 1818; that he has resided in a public hotel, with occasional absences on visits to Massachusetts, until his marriage in this city, which took place about a year since, at which time he took his residence in the family of his wife's mother, where he still remains; that he knows of no instance of his exercising any of the rights of citizenship in this District. It appears that the election at which Mr. Bailey was chosen was held on the 8th day of September, 1823, at which time he was actually residing in this city in the capacity of a clerk in the State Department. The second section of the first article of the Constitution of the United States provides "that no person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

The subject referred to the committee, they have viewed as one of great national consequence, and they have entered upon the consideration of it with a diffidence corresponding with its importance. The difficulty attending the interpretation of Constitutional provisions, which depend on the construction of a particular word, renders it necessary to a complete explanation, to obtain, if possible, a knowledge of the reasons which influenced the framers of the Constitution in the adoption and use of the word "inhabitant," and to make an endeavor at ascertaining, as far as practicable, whether they intended it to apply, according to its common acceptation, to the persons whose abode, living, ordinary habitation, or home, should be within the State in which they should be chosen, or, on the contrary, according to some uncommon or technical meaning. In what sense this word was intended to apply, can only be determined by reference to the Constitution itself; but some light may, perhaps, be thrown on the subject, by consulting the history of the times in which that Constitution was formed. It is well known that, at that time, much difference of opinion existed throughout the Union as to what form of Government would be best suited to the situation of the country; and that the difficulties which the Convention had to encounter, in adjusting the powers that were to be conferred on the General Government, and those which were to be reserved to the States, were of no ordinary kind. That body was, for a long time, divided into three different parties, unequal in numbers, but alike zealous in support of their favorite theories; one was for a Government of a consolidated form, in which the State governments would scarcely have sustained their existence; another was for a system of the Federal complexion, differing but little from the original compact, under the Articles of Confederation; and a third was in favor of a Government partaking both of the national and federative principle. Those who were in favor of retaining to the States the greatest portion of their sovereignty, were extremely assiduous and persevering, and it was with much reluctance that they finally agreed to unite in that spirit of mutual concession and compromise, out of which resulted the adoption of the present Constitution. This class of politicians had imbibed the opinion that almost any features of a national character, which should be incorporated into the Constitution, would, in the progress of the Government, absorb the most essential powers of the States, and render them little more than subordinate corporations; and it was, no doubt, owing to their exertions that many of those provisions were inserted in the Constitution, which go to sustain the distinctive character of the several States as component parts of the General Government, and which were intended as effectual checks to its progressive influence. Of this nature is the provision that the States shall be equally represented in the Senate; that the votes in the House of Representatives, in deciding the election of President of the United States, shall be by States, each State having one vote; and that none but the inhabitants of the respective States should represent them in either House of Congress. It was supposed that, unless a provision was made by which State distinctions and State feelings were to be preserved, there would be danger of a people who had so much intercourse with each other losing their attachment for the State governments, and thereby add to the powers of the General Government, which many thought, in its origin, alarming in their extent. In connexion with this, there was still another

view of this subject, which in all probability had its influence with the framers of the Constitution, and induced them to confine the people to the election of Senators and Representatives from among the inhabitants of their respective States. They could not but anticipate that, in the progress of time, the General Government would necessarily concentrate, at the Seat of that Government, a number of persons who would be engaged in the different branches of its Administration, and whose long habit of dependence on those who might fill the chief places in the Government, would do much towards enlisting them in support of almost any cause which the Administration might wish to promote. Every person acquainted with human nature must be fully satisfied of the bias which long continuance in particular situations and associations is likely to produce on the mind; and statesmen, so well versed in political history as were the members of the Federal Convention in forming a Constitution of Government, could not exclude from their minds the course of policy pursued by the British Government in this respect. It was well known to them that, by means of the election of favorites to the House of Commons, through the direct influence of the Government, the Ministry were enabled to govern that country in contempt of the public will, thereby rendering representation a mere form. The true theory of representative Government is bottomed on the principle that public opinion is to direct the legislation of the country, subject to the provisions of the Constitution, and the most effectual means of securing a due regard to the public interest, and a proper solicitude to relieve the public inconveniences, is, to have the Representative selected from the bosom of that society which is composed of his constituents. A knowledge of the character of a people for whom one is called to act, is truly necessary, as well as of the views which they entertain of public affairs. This can only be acquired by mingling in their company and joining in their conversations; but, above, all, that reciprocity of feeling and identity of interest, so necessary to relations of this kind, and which operate as a mutual guarantee between the parties, can only exist, in their full extent, among members of the same community. All these reasons conspire to render it absolutely necessary that every well regulated Government should have, in its Constitution, a provision which should embrace those advantages; and there can be no doubt it was from considerations of this kind that convention wisely determined to insert in the Constitution that provision which declares no person shall be a member of either House of Congress, "who shall not, at the time of the election, be an inhabitant of that State in which he shall be chosen," meaning, thereby, that they should be *bona fide* members of the State, subject to all the requisitions of its laws, and entitled to all the privileges and advantages which they confer. That this subject occupied the particular attention of the convention, and that the word inhabitant was not introduced without due consideration and discussion, is evident from the journals, by which it appears that, in the draught of a constitution reported by the committee of five, on the 6th of August, the word resident was contained, and that, on the 8th of the same month, the convention amended that report, by striking out "resident," and inserting "inhabitant," as a stronger term, intended more clearly to express their intention that the persons to be elected should be completely identified with the State in which they were to be chosen. Having examined

the case, in connexion with the probable reasons which influenced the minds of the members of the convention, and led to the use of the word inhabitant in the Constitution, in relation to Senators and Representatives in Congress, it may not be improper, before an attempt is made at a further definition of the word, a little to consider that of citizen, with the view of showing that many of the misconceptions in respect to the former, have arisen from confounding it with the latter. The word inhabitant comprehends a simple fact, locality of existence; that of citizen a combination of civil privileges, some of which may be enjoyed in any of the States in the Union. The word citizen may properly be construed to mean a member of a political society; and although he might be absent for years, and cease to be an inhabitant of its territory, his rights of citizenship may not be thereby forfeited, but may be resumed whenever he may choose to return; or, indeed, such of them as are not interdicted by the requisition of inhabitancy, may be considered as reserved; as, for instance, in many of the States a person who, by reason of absence, would not be eligible to a seat in the Legislature, might be appointed a judge of any of their courts. The reason of this is obvious. The judges are clothed with no discretionary powers about which the public opinion is necessary to be consulted; they are not makers, but expounders of the law, and the constitution and statutes of the State are the only authorities they have to consult and obey.

It is not within the knowledge of the committee, that any of the States have Constitutional or legal provisions on the subject of expatriation, unless, indeed, the laws in relation to the settlement of paupers should be considered of that description; we are, therefore, left without any certain rule by which to determine what length of absence shall amount to a forfeiture of citizenship. Perhaps, the only safe criterion by which to determine the matter, would be to consider every person who removes from one part of the United States and settles in another, as ceasing to be a citizen of the State from which he has removed, whenever, by the constitution or laws of the place where he has taken up his residence, he is entitled to exercise the rights of a citizen there. From what has already been said, it must appear that the words citizen and inhabitant cannot be considered as synonymous; but it may not be improper to quote some authority in support of this opinion. The difference of situation between the people of the United States and that of the people of Europe, in a political point of view, renders it difficult to find in the writings on either national or municipal law, in that country, any thing exactly in point; all, however, agree in considering inhabitant as connected with habitation and abode. Thus, Vattel says, (in book 1, chap. 19, sec. 213,) "The inhabitants, as distinguished from citizens, are strangers, who are permitted to settle and stay in the country. Bound by their residence to the society, they are subject to the laws of the State while they reside there; and they are bound to defend it while it grants them protection, though they do not participate in all the rights of citizens." If, according to the doctrine here laid down, the mere settlement and stay in a country where the laws precluded those who thus settled from becoming members of the civil society, gives the character of inhabitants to such persons, it clearly establishes the distinction between citizen and inhabitant, and shows that the latter appellation is derived from habitation and abode, and not

from the political privileges they are entitled to exercise. Jacob's law dictionary defines "inhabitant" to be "a dweller or householder in any place, as inhabitants of the ville are householders in the ville. The word inhabitants includes tenants in fee simple, tenants for life, &c., tenants at will, and he who has no interest but only his habitation and dwelling." But should these authorities not be considered conclusive as to the definition of the word inhabitant, let the constitutions of the several States be examined, and see if, in some of them, the word has not received a construction exactly similar to what is here contended for. The constitution of New Hampshire contains the following declaration: "And every person qualified as this constitution provides, shall be considered an inhabitant, for the purpose of electing and being elected into any office or place within this State, in the town, parish, and plantation where he dwelleth or hath his home." The constitution of Massachusetts declares that, "to remove all doubts concerning the word inhabitant, in this constitution, every person shall be considered an inhabitant (for the purpose of electing and being elected into any office or place within this State) in that town, district, or plantation, where he dwelleth or hath his home." The constitution of New Hampshire was adopted in 1792, and that of Massachusetts in 1780; the former five years after, and the latter seven years before the formation of the Constitution of the United States; and the word inhabitant is used in these constitutions in the same relation to the members of the State Legislature, that it is in the Constitution of the United States to members of Congress. These constitutions were formed by conventions, in which were many of the most learned and practical statesmen of that day; and the declarations which they contain of the manner in which they intended the word inhabitant should be understood, ought to be considered as settling, conclusively, its true and legitimate meaning. Nearly all the State constitutions require either inhabitancy or residence as one of the qualifications of Representatives in the Legislature; and in those of Delaware, Georgia, and Ohio, a saving clause is inserted in favor of such as may be absent on the public business of the State, or of the United States, thus clearly indicating the opinion that absence from the State divests the person of the character of inhabitant. The act of Congress of the 1st of March, 1790, entitled "An act providing for the enumeration of the inhabitants of the United States," affords another evidence of the same construction of the word inhabitant: the act provides "that the marshals of the several districts of the United States shall be, and they are hereby, authorized to cause the number of the inhabitants within their respective districts to be taken," &c., and by the same act, the marshal is required to make oath that he will cause to be made a perfect enumeration and description of all persons resident within his district, &c. By which it appears that, in the opinion of Congress, at that time, the inhabitants of the respective districts were the persons residing or living therein. The same principle is also recognised in the act of Congress "to establish the judicial courts of the United States," passed in 1789.

In the statement made by the Secretary of State, he refers to the practice of the Legislature of Massachusetts in cases embracing the same principles which are involved in the one under consideration; these, however, cannot be resorted to as precedents, unless it be made to appear that the question has been discussed and decided in that body. The existence of the cases,

H. OF R.

Massachusetts Contested Election.

FEBRUARY, 1824.

and suffering them to pass by without investigation, is no evidence that they were in conformity with the constitution of the State. To contest the election of a person who is the choice of the people, is a very unpleasant task, one that few will undertake, and from that cause alone persons not eligible may have been permitted to retain seats in Legislative bodies. But it does not follow from this, that it was not an infraction of the principles of the constitution. But it is contended by Mr. Bailey that, as he was in the employ of the General Government while in this District, and had expressed an intention of returning to Massachusetts, he still remains an inhabitant of that State, but the committee are unable to perceive the force of the reasoning by which this position is attempted to be maintained. It is true that, by writers on the laws of nations, ambassadors and other agents who go out as such from one Government to reside near that of another, are considered as carrying with them the sovereignty of the Government to which they belong; that their rights as citizens are not impaired by such absence, and that children born in the houses they occupy are considered as born within the territory and jurisdiction of the Government in whose service they are. But the analogy between the cases is not discovered; the one is the case of an agent in a foreign country, not possessing the capacity, by residence in that country, to become one of its citizens, or to lose his allegiance to the country from which he comes; the other is that of a person employed in the service of the General Government within its territory, but without the limits of the State of which he claims to be an inhabitant. That which appertains to Ministers of this Government, who represent the sovereignty of the nation in foreign countries, whatever it may be, cannot be supposed to attach to those in subordinate employments at home. The relation which the States bear to each other, is very different from that which the Union bears to foreign Governments; the several States, by their own constitutions, prescribed the conditions by which the citizens of one State shall become citizens of another; and over this subject the Government of the Union has no control; it would, therefore, be altogether fallacious to pretend that the bare holding of an appointment under the General Government, and residing for years in one of the States, should preclude the holder from being an inhabitant and citizen of such State, when, by its constitution and laws, he is recognised as such. How the expression of an intention to return at some future time to the State from which the person had come, can affect the citizenship and inhabitancy thus acquired, is impossible to comprehend. If citizenship in one part of the Union was only to be acquired by a formal renunciation of allegiance to the State from which the person came, previous to his being admitted to the rights of citizenship in the State to which he had removed, the expression of an intention to return would be of importance; but, as it is, it can have no bearing on the case; the doctrine is not applicable to citizens of this confederacy removing from one State, and settling in another; nor can it, in the present case, be considered as going to establish inhabitancy in Massachusetts, when the fact is conceded that, at the time of the election, and for nearly six years before, Mr. Bailey was actually an inhabitant of the city of Washington, in the District of Columbia, and, by the charter of the city, and the laws in force in the District, was, to all intents and purposes, as much an inhabitant thereof as though he had been born, and resided

there during the whole period of his life; and the refusal to exercise the rights of a citizen can be of no consequence in the case. It is not the exercise of privileges that constitutes a citizen; it is being a citizen that gives the title to those privileges. But there is one other circumstance attending this case that remains to be noticed, and which, it is presumed, cannot fail to explain the true character of Mr. Bailey's residence in the District of Columbia; the ground he assumes is that, although he was resident in the District, his domicile was his father's house in Massachusetts. Vattel says, (book 1, chap 19, sec. 218,) "The natural or original domicile is that given us by our birth, where our father had his, and we are considered as retaining it till we have abandoned it in order to choose another. The domicile acquired is that where we settle by our choice." A question now presents itself for solution. What shall be considered an abandonment of the natural or original domicile? The reason why the father's house should be considered as the domicile of the son is, that, previous to the marriage of the children, they all constitute but one family, of which the father is the head, and his house their common home, so long as they choose to remain in it; but if the son absents himself for years, and, in the mean time, marries a wife, he then assumes the character of the head of a family himself; and the relation in which he before stood to his father's family is thereby entirely changed, and the original domicile must be considered as abandoned, and a new one established where he and his wife continue to reside. This is precisely Mr. Bailey's case; he had left his father's house in Massachusetts, and taken up his residence in Washington city, where he had remained for nearly six years, and where he was at the time of the election; he had married a wife in this city, and his habitation was with the family of her mother; can he, thus situated, have any reasonable ground on which to claim that he is an inhabitant of Massachusetts? The opinion is entertained by some that the government of the District of Columbia being rather of an anomalous character, a residence here would not carry with it the same consequences that would attend the settlement in one of the States of the Union; but the distinction, as applicable to the present case, the committee have not been able to discover. It has also been suggested that, as the United States have the exclusive jurisdiction over the District, each State may be considered as possessing a part, and that although a person formerly a citizen of Massachusetts, or of any other State, may be resident here, yet he is not out of the jurisdiction of his own State. This is an argument more subtle than sound and conclusive. If that view be correct, the limits of the individual States will be found to be vastly more extensive than was ever heretofore supposed; because the same rule that will apply to the District of Columbia, will also apply to the whole of the territory purchased by the General Government, either from individual States or foreign nations. The doctrine is manifestly erroneous. The rights and interests of the individual States, in every thing of a national character, are merged in those of the General Government, the powers of which, within its sphere, are complete and indivisible.

The committee have carefully, and they trust impartially, considered the subject referred to them; they have examined it in every aspect in which it has presented itself to their minds; they have assiduously endeavored to ascertain the true intent and meaning of that part of the Constitution of the United States by

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which the case is to be tested and decided; and they have presented to the House some of the reasons which have induced the conclusion to which they have arrived. They regret extremely that the duty which they owe to themselves, to the House, and the nation, would not permit them to accord in opinion with the citizens of that portion of the State of Massachusetts immediately interested in the decision of the question; but believing, as they do, that the choice of that district was made in direct opposition to an express provision of the Constitution of the United States, they respectfully submit the following resolution:

"Resolved, That John Bailey is not entitled to a seat in this House."

PETITION AGAINST SITTING MEMBER.

To the honorable the House of Representatives of the United States in Congress assembled:

The undersigned, being inhabitants of the district of Norfolk, in the Commonwealth of Massachusetts, and duly qualified voters for a Representative of said district in the Congress of the United States, do respectfully petition and remonstrate with your honorable body against the return of John Bailey, Esq., as a Representative of said district, in the eighteenth Congress of the United States; and do respectfully pray that the said Bailey may not be admitted to a seat in said Congress as the Representative of said district, for the following reasons:

Because, by the first section of the first article of the Constitution of the United States, it is provided that no person shall be a representative, who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Because, at the time when the election was held, at which the said Bailey was supposed to have been chosen, he was not an inhabitant of the Commonwealth of Massachusetts, but then was, and for many years before had been, and still is, as the undersigned have been informed and verily believe, an inhabitant of the city of Washington, and District of Columbia; and, therefore, was not eligible as a representative of said district or any other district within said Commonwealth, by the express letter, and in conformity with the true spirit and intention of the Constitution of the United States.

Samuel D. Hixon.	George Johnson.
Nath'l Leonard, jr.	Isaac Johnson.
Oliver Johnson.	Joel Johnson.
Ransel Jones.	Luther Gay.
Hiram Jones.	Elijah Glover.
Thom. E. Clark.	Warren Johnson.
Charles Richards.	Jedediah Snow.
Willard Morse.	Thomas Glover.
Solomon Richards.	

Certificates in behalf of the sitting member.

In answer to the questions proposed to me by the Committee of Elections of the House of Representatives of the United States, in relation to Mr. John Bailey, I have the honor of stating—

First. That Mr. Bailey was appointed a clerk in the Department of State on the 1st of October, 1817.

Second. That his letter, resigning that appointment, was dated the 21st, and received by me the 23d of October, 1823. His resignation was immediately accepted, and an appointment made to supply his place.

Third. The duties performed by Mr. Bailey were those of a clerk, at the salary of 1,600 dollars a year, that being the highest salary, next to that of the chief clerk, allowed by law. They were different at differ-

ent periods of his service. During the two or three last years, he had charge of the diplomatic correspondence, the most important and confidential portion of the duties of the office.

Fourth. A certificate of appointment is always given to the clerks in the department, appointed by authority of law. A copy of that given to Mr. Bailey is herewith delivered to the committee.

Fifth. Mr. Bailey's residence, at the time of his appointment, was in the State of Massachusetts, in the district which he has now been elected to represent. On tendering to him the appointment of a clerk in the Department of State, I invited him, in the event of his accepting it, to repair to this city, to take upon him the performance of its duties, which he immediately did. His residence, during the time he held the office, was necessarily in this District; but he never, to my knowledge, exercised any of the rights of citizenship within the District. I always understood him as considering the State of Massachusetts as his home, and his residence here as merely temporary, and occasioned by his necessary attendance upon the duties of his office. At two different periods, he asked my opinion, whether I thought him eligible, as a Representative in Congress for the district in Massachusetts to which he belonged; and I answered him, that I did. Upon one, or both of those occasions, I mentioned to him the general reasons of my opinion, founded upon the common principle of national law, that the *animus revertendi*, or intention of return, constitutes the test of domicile, for the preservation of political rights to persons absent from home; and upon the practice, conformable to this principle, in the Commonwealth of Massachusetts, examples of which were within my own knowledge.

JOHN QUINCY ADAMS.

WASHINGTON, January 8, 1824.

In pursuance of authority, under the act of Congress passed on the eleventh day of September, 1789, entitled "An act for establishing the salaries of the Executive officers of Government, with their assistants and clerks," I do hereby appoint John Bailey a clerk in the Department of State.

Given under my hand, at Washington, this first day of October, 1817.

JOHN QUINCY ADAMS.

DEPARTMENT OF STATE,

Washington, 10th January, 1824.

SIR: In answer to the questions of Mr. Bailey, enclosed in your letter of the 19th instant, I have the honor of stating as follows:

To the first. That I returned to the United States, from Berlin, in September, 1801, after an absence of seven years. I was elected a member of the Senate of Massachusetts in April, 1802.

Second. Mr. Eustis returned from the Netherlands in the summer of 1819.

Third. Mr. Gore returned to the United States, from England, in 1804, and was elected Governor of Massachusetts in 1809.

Fourth. Mr. Benjamin Hichborn and General William Hull were both members of the Senate of Massachusetts in the year 1802 with me. They had both, within five years before that time, been absent in Europe upon their private concerns. Mr. Hichborn's absence had been of several years continuance.

I am, with great respect, sir, yours, &c.

JOHN QUINCY ADAMS.

J. SLOANE, Esq., Chairman, &c.

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I have been acquainted with Mr. John W. Bailey from my arrival in this city, in January, 1818, to the present time. He has resided in a public hotel, with occasional absences on visits to Massachusetts, until his marriage in this city, which took place about a year since; at which time he took his residence with the family of his wife's mother, where he still remains.

With respect to the exercise of the privileges of a citizen, I know no act which, in this District, can be so entitled, unless it be the voting for city officers at the annual elections, or holding an office in the corporation. I do not know that Mr. Bailey has voted in any case for city officers, and believe that he has never held any office of the corporation. I do not know what is the interest or property which Mr. Bailey has in Massachusetts, the supervision of which he claims as constituting his inhabitancy there.

CHARLES BULFINCH.

Sworn and subscribed to before me, the 13th January, 1824.

J. SLOANE, *Chairman*.

STATEMENT OF MR. BAILEY.

To the Committee of Elections, H. R.

GENTLEMEN: It was suggested, when I first had the honor of meeting you in session, on the 7th instant, that the true question in my case was the question, *quo animo?* What was my *intention* relative to my residence at Washington? Was it intended to be *permanent*, or only *temporary*? If the latter, my inhabitancy in Massachusetts remained; if the former, it was lost.

I beg leave to state some facts bearing on the question, and to add a few remarks.

It is proper to remark, that those provisions of our constitutions and laws which require inhabitancy as a qualification for holding office, have in all parts of the country, it is believed, received a liberal and not a rigid construction. And it is just that there should be a liberal construction, since there is scarcely the slightest danger of any extensive evil arising from it. We find that in those States where members of Congress are chosen in districts, it is very rare, indeed, that a person is elected who is not an inhabitant of the *district* in which he is chosen, though such inhabitancy is not at all a requisite. Equally rare, probably more so, would be the election of a person not an inhabitant of the State, even if the Constitution of the United States had not made inhabitancy a requisite.

The reason which led our predecessors to establish inhabitancy so generally as a requisite for holding office, was probably this: They had seen the enormous abuses which had taken place in England, connected with the election to Parliament of persons who were almost entire strangers to those whom they represented. Those members were very often the devoted, and often the pensioned supporters of a powerful Ministry. In their minds, therefore, the ideas of non-inhabitancy and of ministerial influence were intimately associated. Hence, the provision of inhabitancy was almost universally engrafted into our constitutions; notwithstanding our more equal representation, the greater number and intelligence of our electors, and the idea, whether true or false, that each section of our country has its peculiar interests, rendered such a provision almost useless.

This view of the probable origin of a provision which in this country seems unnecessary, shows that the liberal construction which by universal consent it re-

ceives among us, is a perfectly just and proper construction. The right of suffrage and the settlement of paupers are construed more rigidly, and properly so. A loose construction of the former would tend to defeat the will of a majority of the people; and, of the latter, would impose on them improper pecuniary burdens. But, in the case of eligibility, neither of these evils can result.

This liberal construction is peculiarly proper in relation to the *District of Columbia*. Stronger evidence of an intention to become a permanent inhabitant of it than of any other part of our country, ought to be required before such intention is presumed. It is subject to the *exclusive legislation* of Congress; of a body which is the Legislature of Massachusetts as well as of the District of Columbia. By coming to this District, I came under no new jurisdiction—the jurisdiction of no Government under whose jurisdiction I had not previously lived. Suppose I had been in the Army or Navy of the United States, and been stationed solely and for several years at an island in Boston harbor, subject to the exclusive legislation of the United States: is it believed that I should have ceased to be an inhabitant of Massachusetts? Yet the jurisdiction is precisely the same. And though the inhabitants of the District of Columbia have a right to elect charter officers, even this pittance of a right is held at the mere sufferance of Congress. That body can at any moment revoke the right.

There are several points in the laws regulating the District of Columbia, (such, for example, as the one giving to aliens the power of holding real estate,) which prove that this District was intended as a great thoroughfare of the nation, an estate in joint tenancy, a spot which should form, in a certain sense, a part or appendage of every State in the Union, and which is, therefore, placed under the exclusive jurisdiction of the common Government of these States.

Thus, the very condition and uses of the District of Columbia show the propriety of a liberal construction of the doctrine of inhabitancy, in relation to persons employed in it by the Government.

Another ground of liberal construction is the fact, that there is no person claiming the seat which, it is alleged, ought to be vacated. Were there such a person, liberality to the sitting member might be injustice to him. But none such is found. To vacate the seat would necessarily leave the district without representation for a portion of the session. A liberal construction therefore, gives effect to the right of representation, without injustice to a rival candidate.

If any thing could further show the propriety of a liberal construction in this case, it would be the clandestine and novel origin and progress of the remonstrances before the committee, tending to prove that the whole complaint originated, and has been pursued, from personal motives. Several weeks before the meeting of Congress, a large number of blank remonstrances were printed, and circulated, anonymously, through the post office, addressed to the municipal officers and other persons in the twenty-six towns into which the district is divided, with a manuscript request on the margin to those persons to obtain signatures, and send them to some member of Congress from the State.

About a week after the commencement of the session, two of these papers, together containing twenty-six signatures, were received by a member, in an anonymous letter, requesting him to present them to the House; and they were presented and committed

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before I knew of their existence. Though this letter had only a fictitious signature, the member who received it is confident that he knows the handwriting. And what shows that the remonstrances were got up from personal motives, and not from zeal to preserve the Constitution inviolate, is the fact that the name of the undoubted writer of this anonymous letter does not itself appear on either remonstrance. Another fact is, that, at the election, the writer of this anonymous letter received nearly the same number of votes, in his own town, as there were names on the remonstrances, which were also from the same town.

When, therefore, we consider that even the genuineness of the signatures is questionable, as they came through an anonymous, and therefore irresponsible channel; that, waiving this objection, still there are but twenty-six remonstrants, equivalent to one elector, in each town, in a district which has several thousand electors; that they are but few more in number than the votes given at the election for the person who obtained and forwarded the signatures, and that they merely express their belief that the person elected was not an inhabitant of the State, sustaining the allegation by no proof whatever, while a contrary belief was expressed, by a thousand electors, in the fact of his election: when we consider all these circumstances, we see much to convince us that these remonstrances originated in personal motives, and very little to convince us that papers of so informal and questionable a character, are entitled to great respect from the House or its committee.

One of the oldest, most experienced, and best informed members of the House, on hearing the circumstances, expressed his belief that *no instance* could be found in which papers of such a character were ever even *received* by the House. If they should not only be received, but be made the ground of the dismissal of a member from the House, it would be still more remarkable.

These circumstances, aided by the general reason in favor of a liberal construction before noticed, render it proper that the clear and undeniable will of the people of the district should not be set aside on any other than the most unequivocal grounds. That such grounds do not exist, is, it is believed, most manifest.

The question is, was my residence in Washington intended by me to be permanent, or only temporary? If permanent, my inhabitancy in Massachusetts was lost; if temporary, it was not lost. Mere residence, of itself, cannot destroy inhabitancy. This all admit. Innumerable examples and authorities prove it. Before we infer the loss of inhabitancy, we must show some facts indicating intention of permanent residence.

The testimony of Mr. Adams, that he always understood me as considering Massachusetts my home, and my residence here as merely temporary, joined with the testimony of both Mr. Adams, and Mr. Bulfinch, (witnesses who were not called at my request,) that they never had knowledge of any exercise by me of the political rights of a citizen of the District of Columbia, is a satisfactory proof in my favor, unless some opposite proof can be brought to countervail it.

No such proof, I am sure, can be found. On the contrary, my whole course, during my residence here, has been in entire conformity to this testimony. And I declare, solemnly and distinctly, that it was always my intention to continue an inhabitant of Massachusetts. In the civil concerns of the District of Columbia, I have never exercised a single privilege, or been required to perform a single duty of an inhabitant;

have never held a local office, or given a vote, or even had the right of voting, and have never owned any real estate, or paid or been assessed in any tax whatsoever. I was at a public hotel till within less than a year before my election, when I was invited to reside in a private family as long as it should be pleasing, keeping, while there, no house, no table, or domestics, but living as one friend would live while on a visit to another friend. On repeated occasions, in conversation and letters, I have expressed the temporary nature of my residence here, and my most intimate friends have distinctly so understood it. My library, consisting of between seven and eight hundred volumes, and constituting nearly all my visible property, I left chiefly (taking with me only a small part for temporary use) in the house of my father, where I had resided, and where they still remain for my use on my return. There, also, I have spent a portion of nearly every Autumn previous to that in which I was elected.

Of these facts I most freely challenge contradiction. They cannot be contradicted with truth. They are already corroborated by testimony now before the committee. Unless, therefore, some testimony should be obtained, which I am sure cannot be obtained from honest persons, the conclusion is irresistible that my intention was to make a merely temporary residence. And I venture to say that, if inhabitancy is not retained by an absentee, for a term of years, under such circumstances as these, it would be impossible for him to retain it under any circumstances whatever.

That the inhabitants of Norfolk district considered me as also an inhabitant, is proved by several facts. A few days before a meeting of citizens to nominate a candidate, I was written to, and asked if I were willing to be supported as a candidate. The reply was affirmative. The meeting was probably the largest ever held in the district on a similar occasion, every town having been represented, and the nomination was supported by nearly three-fourths of it. And, at the election, though there were several candidates, the successful one had a decided majority over all the others, in coincidence with the principle governing elections in the Eastern States. These facts occurred, too, in a State in which there has never been known a single instance of the election to Congress of a person who was not an inhabitant of the very *district* in which he was chosen. They clearly show the opinion of that portion of the Union, who probably best knew the nature of my connexion with it, and who certainly were most interested to prevent an improper choice. They undoubtedly supposed that a person who was a native of that district, whose immediate connexions nearly all resided in it, and who had represented a portion of it in the State Legislature for several years, could not be held to have expatriated himself, without some clear and unequivocal proof, of which none whatever existed. They had seen me go to a neighboring State, Rhode Island, and spend four years at college in my education, and then return to my native district. They had seen me, at the end of a year revisit the same college, and spend six years there as one of the instructors, and then return again to my native district. And though they had, at the time of the election, seen me employed nearly as long by the Government at Washington as I had been, in the second instance, in Rhode Island, they did not doubt that my attachment to my native district continued, and that my avowed intention to return was sincere; nor could they, for a moment, doubt that the House of Representatives of the United States would

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give the same liberal construction of the doctrine of eligibility, which all preceding Houses, and all our State Legislatures, except when under violent excitements, had uniformly given.

The principle of my eligibility is supported by numerous precedents. Precedents, on this point, though not abstractly and absolutely conclusive, are yet of great weight. They are important as guides of action to individuals. Suppose a person elected to a seat in Congress, under circumstances creating some doubt of his eligibility; and suppose he holds, at the time, an office incompatible with such seat, which he must resign if he accept the latter. He looks to precedents in similar cases, and finds that they all sanction the belief of his eligibility, and he accordingly resigns his previous office, and with it his immediate means of living, on the faith of these precedents. It would be plainly improper to set aside all these precedents, and eject the member from his seat, without the clearest and strongest reasons.

It is admitted that no precedents are found of cases exactly similar to the present. In truth, no two cases can ever be found exactly similar. The object, then, is to find the cases most resembling the one in question. These cases, in every instance that has met my view, without an exception, are in my favor. Not a single case, resembling the present, has been decided unfavorably.

The Constitution of the United States declares that a person elected a member of the House of Representatives must be an inhabitant of the State in which he is chosen; leaving each State, it is presumed, to determine what shall be its own terms of inhabitancy. What are the terms of inhabitancy in Massachusetts?

The constitution of Massachusetts, having been formed before the Constitution of the United States, and even before the completion of the Old Confederation, does not provide for cases of employment in the service of the United States; nor do its laws, it is believed, make any such provision. In practice, however, many cases have occurred; and they all, without one exception, speak the same language, that of liberal construction.

The present Governor of Massachusetts resided several years in Europe as a Minister of the United States; and in about four years after his return was elected the Governor, though the Constitution requires inhabitancy for seven years next preceding the election. Mr. J. Q. Adams resided seven years in Europe, in a similar capacity; and in a few months after his return was elected to the Senate of Massachusetts, though the constitution requires inhabitancy for five years next preceding.

It has been said that the case of a Minister of the United States is not applicable to the present question, as he is said to "carry his country with him." It is scarcely to be believed that, at the present day, such a technicality, a mere legal fiction, will be seriously urged to defeat the clearly expressed will of the people. The utmost that can be said in favor of the Minister is, that he is exempt from the ordinary operation of the laws of the country in which he resides. But it might be doubted whether the exemption is much greater than has been enjoyed in the case in question. But, suppose the exemption greater; how is it possible that a little more or less of such exemption shall have so important a bearing on a person's political rights, that one shall retain his inhabitancy five thousand miles distant from his residence, while another

loses his inhabitancy at a distance of five hundred? The distinction is indefensible.

It has been said that the tenure of office is different. In what consists the difference? One is appointed by the President and Senate, the other by the head of a department. Both are removable at pleasure; both have the privilege of resignation; both are subject to the abolition of office; and both continue for life, when neither dismissal, resignation, nor abolition of office takes place. There is, therefore, no difference in the tenure of office, that can create a difference of political rights.

It has been said that one has an appointment of honor, while the other has not. Under a republican Government, this distinction seems not at home. It cannot be correct. The grade of the office cannot vary the rights of the man.

It may be said that we are bound to presume in a Minister an intention of returning when he gives up the duties of his station; as his residence afterwards in a foreign country would be attended with fewer political privileges than he would enjoy in his own country, as well as by a deprivation of the society of his relations and friends. The same intention we are equally bound to presume, in the case of giving up employment at Washington, as a further residence in it would be attended by a similar loss of former society, and by a still greater diminution of political privileges, a mere shadow of privilege being all that remains.

Under every aspect of the subject, therefore, no reason presents itself for viewing the case of a Minister as different from the case in question.

But other cases than those of Ministers are found. Mr. Gore, after having resided many years in England, as a commissioner under our treaty with Great Britain of 1794, returned in 1804, and was elected Governor of Massachusetts in 1809, notwithstanding the requisition of inhabitancy for seven years next preceding. He was not a Minister, and therefore carried no country with him. Suppose his election had been contested on the fact of his absence; what would have been the reply? It would have been said, and said justly, that absence, without any evidence of an intention of making it permanent, could not destroy previous inhabitancy. But no contest was attempted. Mr. Hichborn returned from Europe, after an absence of several years on private business, and was elected to the Senate of Massachusetts in 1802, long before the expiration of the five years. And, in 1818, Mr. Crowninshield was strongly supported as a candidate for the office of Governor, without a question of his eligibility being made, though he was at that time, and had been for several years, residing at Washington, and discharging his duties as Secretary of the Navy.

The person whose seat is now contested, returned to his native town in October, 1814, after residing several years as an instructor in the college at Providence, Rhode Island. In May, 1815, he was elected to represent that town in the State Legislature, though inhabitancy in the town for one year next preceding the election is required. Some of his political opponents took the advice of an eminent lawyer, on the question of contesting the election. The advice was against it, and nothing was done. This is a stronger case than the present, as the employment was private, and not by the Government. But as it was in a literary institution, unaccompanied by civil duties or rights, it was deemed that inhabitancy in his native town was not destroyed by it.

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These instances prove that if the present case were to be decided by the rules and practice of Massachusetts, no doubt of eligibility would exist. Not a single precedent to the contrary is found.

If it be said that it must be decided by the rules and practice of the United States, and not of the particular State in which the person is chosen, the precedents are equally strong. Not one is found unfavorable.

We find a member of the present Congress holding his seat uncontested, though he was elected while residing in Spain as Minister of the United States, though he had been a resident of that country for several years previous, and though his family were residents of the District of Columbia for the first two years of that period, and of Spain for the remainder.

We find Philip Barton Key holding his seat many years ago, under circumstances which prove that a liberal construction of the doctrine of inhabitancy is the practice of Congress.

We find that, recently, Captain Hull, of the Navy, who was at the time, and had been for eight years, a resident of Charlestown, in Massachusetts, was styled, in the proceedings of a court of the United States, as of Connecticut, which was his native State; and that a plea in abatement, which was at first filed, was afterwards abandoned as untenable.

We find the Heads of Departments, though residents of the District of Columbia, universally considered as inhabitants of the States, respectively, of which they were inhabitants before appointment. We find Mr. Crawford nominated by the President to the Senate, and commissioned as of Georgia, though he had for nearly two years before been a resident of the District of Columbia. We find Mr. Rush nominated and commissioned as of Pennsylvania, though he had been for several years a resident of the District of Columbia, as Comptroller of the Treasury. And, what is more emphatically to the point, we find Mr. Pleasanton, to whose situation in the Department of State I succeeded, nominated and commissioned as of Delaware, though he had been for sixteen years a resident of the District of Columbia.

We find our greatest and most experienced statesmen, men who stand in the front rank of past and present official stations, as well as of intelligence and integrity, expressing freely, and distinctly and unitedly, the opinion that simple employment at Washington does not at all destroy previous inhabitancy elsewhere.

We find in the constitution of Kentucky the following principle: "Absence on the business of this State, or the United States, shall not forfeit a residence once obtained." The same principle is recognised, to a greater or less extent, by the constitutions of New York, Pennsylvania, Delaware, Ohio, Indiana, Illinois, Tennessee, Georgia, Louisiana, Mississippi, and Alabama. The general election law of Virginia has the following enactment: "No person inhabiting within the District of Columbia, or elsewhere, not within the jurisdiction of this commonwealth, shall be entitled to exercise the right of suffrage therein, except citizens thereof, employed abroad in the service of the United States, or of this commonwealth, and whose foreign residence is occasioned by such service." This law is more specially deserving of notice, as it respects not eligibility, but the right of suffrage, which is universally, and very properly, construed more rigidly than the former.

We find in the Constitution of the United States itself, the doctrine plainly implied, that inhabitancy

and actual residence are entirely distinct. That Constitution requires that a Senator or Representative in Congress shall be an inhabitant of the State he shall represent. But, in the case of President, it requires that he shall have been fourteen years a resident within the United States. Uniformity would have demanded either that residence should be the requisite for a Senator or Representative, or that fourteen years of inhabitancy should be the requisite for a President. But, as the high importance of the trust reposed in a President of the United States, makes long familiarity with the nature and operations of our institutions indispensable, and as a person might be for fourteen years an inhabitant of the United States, in the legal sense, without being an actual resident for half that period, it was judged proper that actual residence should be the test. And as, on the other hand, some of the most intelligent inhabitants of a State may be temporarily absent in the service of their country at the time when a Senator or Representative is to be elected, it was judged proper that inhabitancy only, and not actual residence, should be the test.

This view is supported by the journals of the Convention of 1787. We there find that, in the early draughts of the Constitution, the qualification for a Representative or Senator was *residence*, but afterwards changed to *inhabitancy*, while that for a President was at first *inhabitancy*, but afterwards changed to *residence*. The fact is remarkable, and shows that the framers of the Constitution made a clear distinction between inhabitancy and mere residence.

These facts, showing the practice of Congress, of the Executive, and of the courts, the opinion of our greatest and wisest men, and especially the general will of the nation, as expressed in their constitutions and laws, comprise a body of public sentiment, which is irresistible, while not a single important fact is found favoring the opposite doctrine. If these facts be added to the positions already established, that the great question is that of *intention*, and that my intention was obviously that of a temporary residence, it is believed that the Committee and the House will be unanimous in the opinion that my eligibility is established.

If, however, any doubt remains, it must be removed by one rule of decision, which in a free Government should never be disregarded. The distinctly expressed will of the people ought never to be set aside on a merely doubtful principle. The principle should be clear indeed, which is vindicated at the expense of this will. As I am sure that the principle is not thus clear *against* me, I cannot, for a moment, doubt that the decision of the Committee and the House will give the will of the people its due effect.

These remarks are grounded on the point suggested when I had the honor of meeting the committee before, that the great question to be decided is the *intention*. If any other point be deemed important, I respectfully request that I may be informed.

JOHN BAILEY.

JANUARY 28, 1824.

Postscript.

GENTLEMEN: The preceding remarks were grounded on the understanding that the real question before the committee was the question, *quo animo*? Yesterday, however, I was informed, for the first time, that there was a change of opinion in the committee, and that they now considered that question as not applicable to my case. Though I am still persuaded that that is

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the real and only question, and am fortified in this persuasion by the highest authorities, all concurring to establish the point, yet some observations will be made in reply to several other points.

1. It is said that though I am unquestionably a citizen of Massachusetts, yet I am not an *inhabitant*, there being a distinction between the meanings of those two terms.

'Perhaps it would be difficult to draw very clearly this distinction, since the terms appear to be used quite synonymously in the articles of the Confederation, in many of our State constitutions, and in numerous works of high authority. But suppose the distinction exists. I have attempted no argument whatever, on any supposed identity of their meaning. I have adduced precedents, and added some observations to show that I am an *inhabitant* of Massachusetts, according to the Constitutional sense of the term. If the precedents and observations have any force, they tend to prove my inhabitancy, without any attempt to blend this question with that of citizenship.

2. It is said that the Constitution of the United States required inhabitancy of the State, in order to prevent the influence of the State governments from being merged in that of the General Government.

We will not stop to enforce the remark that this reason applies as strongly to all our foreign Ministers as to the case in question. The conclusive reply to the proposition is, that nearly all the States, whose constitutions have been framed since that of the United States, have expressly provided that absence from those States in the service of the General Government shall not be a disqualification for certain given offices. And Virginia, whose zeal in defence of the rights of the States is second to none, has established the liberal principle that its citizens shall enjoy even the more rigidly construed right of suffrage, though residing in the District of Columbia, provided such residence is occasioned by their employment in the service of the United States.

It would be a singular spectacle to see the General Government become the champion of the rights of the States, in opposition to the explicit regulations of the States themselves.

3. It is said that a person, who is for years absent from his home, loses his inhabitancy, unless he leaves there something which requires his attention or supervision.

It may properly be asked, in the first place, if this be not a perfectly arbitrary principle, unsupported by any authority whatever.

It may be said, in the next place, that the position is erroneous. No such fact is essential. It is merely one of the many evidences tending to prove an intention to return. The intention may often, however, be sufficiently proved by other circumstances, where this does not exist.

In the next place, it may be replied, that the fact does exist in the case in question. Nearly all my library was left; which fact is perfectly unaccountable, except on the ground that I intended to return. Though this may seem trifling property to those whose fortunes are splendid, yet, as it happened to be the owner's all, its humble nature is as significant in its application to the present question, as would be the treasures of the affluent.

4. It is said that merely an expression of an intention to return to one's former residence is not sufficient to sustain inhabitancy.

This has never been contended. The principle asserted is, that when such intention has been expressed, and when the whole train of circumstances unite to corroborate that expression, particularly the mere disconnection with the civil concerns of the temporary place of residence, then, previous inhabitancy is not lost.

5. It is said that inhabitancy, in the meaning of the Constitution, is the mere fact of living at a place: as a head of a department lives at Washington; as a Minister of the United States lives at a foreign Court; or, as a member of Congress lives at Washington during the session.

That such a doctrine as this should be seriously entertained, is indeed remarkable. Its hostility to all known authorities and precedents, to the express provisions of our State constitutions, and to the clear opinions of our soundest statesmen and jurists, is too glaring for comment.

We must then revert to the original question, and the real question in the case—Did I take up my residence here, with the intention of making it my permanent residence, or not? To attempt to evade this question, and substitute some other, the fiction of our own minds, is doing injustice to the rights of the community.

If we go to foreign authorities, (though it is doubted whether the question be not too purely American,) we find the following:

"The domicile is the habitation fixed in any place, with an intention of always staying there. A man does not then establish his domicile in any place, unless he makes sufficiently known his intention of fixing there, either tacitly, or by an express declaration." Vattel, b. 1, ch. 13, sec. 218.

If we take the highest American judicial authority, we have this:

"Domicil is a residence in a country, with the intention, either tacitly or expressly declared, of making it a permanent place of abode."

"If a party has made no express declaration as to his intention of permanently residing in a country, his acts must be attended to, as affording the most satisfactory evidence of his intention."—8 Cranch, 278, 279.

Authorities might be multiplied to prove that this intention has always been held to be the true test of inhabitancy. All our tribunals, whether legislative or judicial, prove it. To create a new principle for the present case, would be manifestly unjust.

JOHN BAILEY.

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THE TARIFF BILL.

The resolution yesterday offered by Mr. OWEN, proposing certain inquiries by the Committee of Ways and Means, respecting the operation of the proposed tariff, &c., was taken up.

Mr. BRENT, of Louisiana, rose in support of the resolution—the object of which, he said, was not to procrastinate the debate, but to procure information which ought to be possessed before a vote could properly be given on the bill. He insisted that the subject came appropriately within the cognizance of the Committee of Ways and Means, and a report was the more wanting because some, even of the friends of the bill, had declared that if it led to internal taxation, they would oppose its passage. It had been urged that

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the nation were already in full possession of the subject, and that Congress possessed already, from the discussions of last year, all necessary light on the subject; but this did not appear to be the case since some had professed to have received, already, from the discussion thus far, had on the details of this bill, more information than they got from all the long discussions of last session on the general measure. Mr. B. concluded with repeating the profession of his friendly disposition towards manufactures and their protection, provided other interests of society were not to be sacrificed.

Mr. MALLARY, of Vermont, objected to the inquiry proposed in the resolution, as it could not, in his opinion, aid the main object before the House. It was impossible for the committee to make any useful or certain report till the bill had gone through its last modification; and he was confident the effect of the resolution would only be to procrastinate a decision, without rendering it any more correct. If once the inquiry was given to this committee, we should soon hear gentlemen say, they "could not proceed till they had the report—why urge the discussion—a committee has the subject under consideration, let us wait to hear what is their conclusion; and when obtained, it would be a mere opinion, and would bind nobody. Besides, if the Committee of Ways and Means must report the operation of the bill on revenue, other gentlemen might urge that the Committee on Agriculture should afterwards tell the House how it would affect that interest, and when they had reported, some other gentlemen would be very anxious for a similar report from the Committee on Commerce, and thus we were to proceed till the session was wasted away, and then put off the bill because it was too late to act upon it.

Mr. CULPEPER, of North Carolina, observed, that the objections urged by the member last up, rather went to confirm him in his support of the measure. If so much information was needed, ought not the House to pause before they went into the measure?

Mr. STEWART, of Pennsylvania, could perceive no good consequence likely to arise from the resolution. It would be impossible for the Committee of Ways and Means, or any other committee, or any human being, to say precisely what would be the practical operation of all the parts of so extensive a bill—what articles would cease to be imported, or whether the proceeds of duties would be diminished or increased on each item. It must be mere conjecture after all, and would be governed by gentlemen's feelings with respect to the bill. The gentlemen were in the House and could hear their conjectures and opinions, as well on this floor as in a report; but as to the Committee of Ways and Means, the House had already the opinion of its chairman—(who probably expressed the opinion of the committee) that protecting duties to manufactures would increase instead of diminishing the revenue. Mr. S. concluded by moving that the resolution lie on the table; but afterwards consented to withdraw this motion.

Mr. WICKLIFFE, of Kentucky, said he had, on

a former occasion, professed himself friendly to manufactures. He still felt so—but his situation in life had not afforded him the same opportunity as some of the gentlemen possessed, of becoming acquainted with the operation of such a bill as that now proposed, on the revenue. He wished for information. It was true the table had been crowded with memorials for and against the measure; but it would be a task to read one half of them—yet he could not vote blindfold. He thought that there would be time to digest the report before near all the speeches now in embryo on the subject, had reached their birth. It had been said, and he wanted to know if it was true, that the bill would strike off, at a blow, a great sum from the revenue.

Mr. TRIMBLE, of Kentucky, thought nothing would be gained by the resolution. He must correct an error into which gentlemen had fallen. They seemed to represent it as a thing conceded by the friends of the bill, that it was to diminish the revenue. He protested against any such idea. The friends of the bill made no such concession. On the contrary, if he could not demonstrate that it would increase the revenue from three to five millions of dollars, in three years, and beat down completely all arguments to the contrary, he should think he had taken leave of his senses. On that subject, weak as were his powers, he was willing to meet a Hercules, (and he knew that this House contained such.) If gentlemen hardened their ears, and would not be convinced, there was, to be sure, no convincing them. The measure had been before the House since 1789, and no reference had ever before been proposed to committees, to learn its operation. He had the deepest respect for the chairman of the Committee of Ways and Means, but if that gentleman should declare, that the tariff bill would impair the revenue, he would not believe him. He would bow to no man's calculations. Even those of Mr. Madison, when laid before this House on a former occasion, were not received as being wholly correct, or as final authority. But if gentlemen wanted the opinion of an individual on the subject, the proper officer to apply to was the Secretary of the Treasury. He was at the head of the finances of the country, and ought to be competent, if any man should be, to give the information now sought for.

Mr. INGHAM, of Pennsylvania, then rose, and said that, although disposed to accord with any gentleman in seeking to obtain important and necessary information, he thought that the present resolution proposed to go out of the ordinary and settled course. He conceived it to be in contravention of the principles on which the standing committees of this House were organized. They were appointed to devise means for effecting any end proposed by the House—especially the Committee of Ways and Means, whose name appropriately described the ends of its appointment. If any measure determined on in the House should be found to affect the revenue, it was then the duty of that committee to propose the remedy. But while a measure was pending here, the duties of that committee, in relation to it, were suspended

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till the House had acted. As to a decrease of revenue being produced by this bill, if it should be shown that the bill went to increase the actual wealth of the country, he was under no apprehensions for the revenue. The bill, in that case, could at most only change the mode of collecting it. The usual reports on subjects of revenue had hitherto been received from the Secretary of the Treasury; and, should the House agree to apply to the Committee of Ways and Means, that committee would have at last to go to the Secretary of the Treasury for the facts.

[MR. OWEN here said he was willing to modify his resolution in any manner so as to attain his object.]

MR. INGHAM replied, it was not his intention to move such an amendment, nor could he support the resolution, even if so modified. The result could be nothing more than vain speculations. Who could tell whether the amount imported or consumed would remain the same as now? Besides, there was one large class of articles on which no specific calculations could be made—he meant those on which ad valorem duties were imposed. Cotton bagging, for instance, belongs to a large class of hempen goods, and cannot be separated in its result from the rest, with any accuracy at all. The bill, as now shaped, was a compound of a bill for revenue and a bill for protection. He somewhat doubted the policy of such an amalgamation, but it was now done, and he should not oppose it. All the changes which it proposed, from ad valorem to specific duties, belonged to that part of the bill which went to increase the revenue. The measure, nearly in its present form, had been before the nation since 1820, and if gentlemen wanted information they ought to have asked for it at an earlier stage of the discussion.

MR. GARNETT said that, though the information was important, the mode of obtaining it was not so; and since the gentleman from Kentucky had so kindly proffered demonstration upon the subject, he proposed that the House should apply to that gentleman in preference either to the chairman of the Committee of Ways and Means or the Secretary of the Treasury. He preferred certainty to speculation; and, as the gentleman had it in his power to give the House demonstration, he should think very hardly of him if he refused it. The gentleman has told us that an increase of duty produces an increase of tax—a principle for which the House were certainly indebted to him. But, as to the effect of duty upon revenue, we had an example before us in the case of England, from which it appeared that an increase of duties did not always produce an increase of revenue. In the case of teas, and he believed several other articles, when the duty was raised the revenue was diminished, and when the duty was afterwards diminished the revenue increased. The experiment had been several times repeated, and with the same result.

He presumed the gentleman from Kentucky would not say that duties absolutely prohibitory would increase the revenue; but, as he was pos-

sessed of full information on the whole subject, and prepared to demonstrate, the House certainly needed nothing from the Committee of Ways and Means.

MR. TRIMBLE said that the only reason why he had not gone into the demonstration was, because the general effect of the bill had not yet come up for discussion. He could not well introduce it on a motion about figs and oranges. But if the gentleman from Virginia would go with him into a committee-room, (it would take up too much of the time of the House,) if he did not convince him, before he rose, that this bill would increase the revenue, then he would agree to vote with that gentleman; unless, indeed, the gentleman hardened his ears.

MR. GARNETT replied, that he should have said nothing about figs and oranges, had he not perceived that *wheat* was in the bill.

Here the debate was arrested by the Speaker, who announced the orders of the day.

MILITARY APPROPRIATION BILL.

The House then again resolved itself into a Committee of the Whole, (MR. TAYLOR in the Chair,) on the bill making appropriations for the military service of the United States for the year 1824.

The following blanks in the bill were filled up:

For contingencies of the Army	-	\$20,000
Armories	-	360,000
Ordnance service	-	42,000
Pensions to Revolutionary pensioners	-	1,291,716 39

MR. BRECK here made some remarks, not on the amount of this item, but on the want of punctuality in the payment of the pensions. They were, professedly, to be paid in March, but were often not paid till June; by which distressing disappointments were sometimes suffered by aged and infirm soldiers; inasmuch, that they had in some cases assigned their right to receive their pension, at a discount of twenty per cent., to persons who took an ungenerous advantage of their necessities.

MR. McLANE explained this delay as attributable not to the Department of War, but to the late period at which the annual appropriation bill sometimes passed this House.

For pensions of invalids, commutation pensioners, and widows and orphans - \$313,174 42
Arrearages in War Department 26,000 60
Arming the new fortifications - 100,000 00

Much conversation took place on this item between Messrs. COCKE, McLANE, and HAMILTON. The report of Colonel Bomford was read, explanations were given, and inquiries proposed; when, finally, on motion of MR. McLANE, this item was stricken from the present bill, (with a view to its insertion in the other appropriation bill, at the close of the session, by which time farther information would be obtained.)

The Committee then rose, and reported the bill with the amendments.

The questions being successively put, on concurring in the several amendments—

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MR. COCKE moved further to amend the bill by striking out therefrom the following paragraph:

"For the purchase of Gridley's farm, ten thousand dollars: Provided such farm shall not be purchased, unless the same shall be procured for said ten thousand dollars."

MR. RANDOLPH moved to amend the said paragraph, by inserting therein, after the word *farm*, these words, "with the consent of the State of New York."

And, on the question to agree to this latter motion, there appeared—yeas 85, nays 84, as follows:

YEAS—Messrs. Adams, Alexander of Virginia, Alexander of Tennessee, Allen of Massachusetts, Archer, Bailey, P. P. Barbour, Bartlett, Bassett, Blair, Brent, Brown, Buck, Burton, Cambreleng, Campbell of Ohio, Cary, Cocke, Conner, Crafts, Culpeper, Day, Dwinell, Edwards of North Carolina, Ellis, Floyd, Foot of Connecticut, Foote of New York, Frost, Fuller, Garrison, Garnett, Gazlay, Gist, Hall, Hayden, Hayward, Herrick, Hogeboom, Houston, Jenkins, J. T. Johnson, Kidder, Kremer, Leftwich, Lincoln, Litchfield, Livermore, Long, McCoy, McKim, Mangum, Mallary, Marvin, Matlack, Metcalfe, Morgan, Nelson, O'Brien, Randolph, Reed, Richards, Rose, Saunders, Sandford, Sharpe, Sibley, Arthur Smith, Spaight, A. Stevenson, Taylor, Ten Eyck, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyson, Udree, Van Rensselaer, Van Wyck, Whitman, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, and Wood.

NAYS—Messrs. Abbot, Allison, Baylies, Bartley, Beecher, Breck, Buchanan, Cady, Cassedy, Condict, Cook, Craig, Cushman, Cuthbert, Durfee, Dwight, Edwards of Pennsylvania, Findlay, Forsyth, Forward, Govan, Gurley, Hamilton, Harris, Henry, Herkimer, Holcombe, Ingham, Isacks, Jennings, Johnson of Virginia, F. Johnson, Kent, Lathrop, Lawrence, Little, Livingston, Locke, McArthur, McDuffie, McKean, McLane of Delaware, Markley, Martindale, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Neale, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Poinsett, Prince, Reynolds, Rich, Rogers, Ross, Sloane, William Smith, Standefer, Sterling, J. Stephenson, Stoddard, Storrs, Strong, Test, Tod, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Wayne, Whipple, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Woods, and Wright.

The SPEAKER voted with the nays, and, thereby producing an equal division, the question was decided in the negative.

The question was then taken on the motion made by MR. COCKE, to strike out the said paragraph, and was determined in the negative—yeas 57, nays 123, as follows:

YEAS—Messrs. Alexander of Virginia, Alexander of Tennessee, Allen of Massachusetts, Archer, P. P. Barbour, Bassett, Bradley, Buck, Burton, Campbell of South Carolina, Campbell of Ohio, Cary, Cocke, Conner, Crafts, Culpeper, Edwards of North Carolina, Floyd, Foot of Connecticut, Forsyth, Gazlay, Gist, Hall, Herrick, F. Johnson, Kidder, Kremer, Leftwich, Livermore, Long, McCoy, Mangum, Matlack, Matson, Metcalfe, Prince, Randolph, Rich, Ross, Sandford, Sibley, Sloane, Arthur Smith, William

Smith, Spaight, Standefer, A. Stevenson, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Tyson, Vance of North Carolina, Vance of Ohio, White, Wickliffe, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Abbot, Allen of Tennessee, Allison, Bailey, Baylies, Bartlett, Bartley, Beecher, Blair, Breck, Brown, Buchanan, Cady, Carter, Cassedy, Clark, Condict, Cook, Craig, Crowninshield, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Findlay, Foote of New York, Forward, Fuller, Garrison, Gatlin, Govan, Gurley, Hamilton, Harris, Hayden, Hayward, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Houston, Ingham, Isacks, Jenkins, Jennings, Johnson of Virginia, J. T. Johnson, Kent, Lathrop, Lawrence, Lincoln, Litchfield, Little, Livingston, Locke, McArthur, McDuffie, McKean, McKim, McLane of Delaware, Mallary, Markley, Martindale, Marvin, Mercer, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Morgan, Neale, Nelson, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Rankin, Reed, Reynolds, Richards, Rogers, Saunders, Sharpe, Spence, Sterling, J. Stephenson, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tracy, Trimble, Udree, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Whipple, Whitman, Whittlesey, Williams of New York, Williams of Virginia, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

The bill was then ordered to be engrossed for a third reading.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to regulate the surveying of public and private lands in the southern part of Alabama;" in which bill they ask the concurrence of this House.

MR. VAN RENSSELAER moved that, when the House adjourns, it adjourn to Monday next.

An attempt was made to take the yeas and nays on this question, but did not succeed; and the question being put on MR. VAN RENSSELAER's motion, was carried—aye 99. And then the House adjourned.

MONDAY, February 23.

MR. FULLER presented a memorial of Joseph Stroud, of the city of Westminster, in the county of Middlesex, in England, mariner, and Martha his wife, the only surviving child and heiress at law of Jonathan Carver, formerly of the United States, but lately of the city of London, deceased, praying that a petition, which has been heretofore presented to Congress, on behalf of some pretended heirs of said Carver, may be disposed of, and that the right of the said Martha may be recognised to a large tract of land on the river Mississippi, near the Falls of St. Anthony, and that measures may be taken by the Government for the protection and recovery of the estate and effects, in America, late of the said Jonathan Carver, deceased.

MR. TEST presented a memorial of the General Assembly of the State of Indiana, praying that some relief may be devised and granted to those who purchased public lands, and which became forfeited to the Government, together with the

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payments thereon, previous to the passage of the act for the relief of purchasers of public lands before the 1st of July, 1820.

Mr. PRINCE presented a resolution adopted by the General Assembly of the State of Indiana, "relative to taxing lands within that State."

The said memorials and resolutions were referred to the Committee on the Public Lands.

Mr. CUTBERT presented a memorial of sundry inhabitants of the city of Savannah, in the State of Georgia, setting forth, that they are natives of foreign countries, and, upon their arrival in the United States, reported themselves to the clerks of the Courts of the United States, and signed a declaration of their intention to become citizens of the said States. That they have taken the necessary oaths, and have ever since, until lately, esteemed themselves citizens of the United States. That it appears, by a decision recently given by the District Courts of the United States, for the district of Georgia, that, in consequence of not reporting themselves, and signing the declaration before-mentioned, in open court, their acts of naturalization are illegal, and they are declared to be aliens, and praying that an act may be passed to legalize the acts by which it was supposed they became citizens of the United States, respectively.

The SPEAKER presented a petition of sundry counsellors and attorneys at law, admitted as practitioners in the Court of the United States, for the Seventh Circuit, and Kentucky district, representing the numerous defects which, in their opinion, exist in the judicial establishment of the United States, and praying for a re-organization, amendment, and extension of said system, in the manner therein specified and set forth.

The said memorial and petition were referred to the Committee on the Judiciary.

Mr. JENNINGS presented to the House resolutions adopted by the General Assembly of the State of Indiana, approbatory of the sentiments contained in the Message of the President of the United States to the two Houses of Congress, at the commencement of the present session, in reference to the relations between the United States and foreign governments; which were laid on the table.

Mr. McLANE, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act to secure the accountability of public officers and others," reported the same, with an amendment; and the bill was committed to a Committee of the Whole.

The SPEAKER laid before the House the following communications:

I. From the Secretary of War, transmitting a report of the Second Auditor of the Treasury, relative to the accounts for disbursements in the Indian Department, prepared in compliance with the 3d section of the act of the 6th of May, 1822; which was referred to the Committee on Indian Affairs.

II. A report from the Secretary of War on the petition of John Stone; which was laid on the table.

III. From the Secretary of the Treasury, trans-

mitting copies of the reports rendered to the Treasury Department by the incorporated banks in the District of Columbia, showing the state of their affairs on the 31st December, 1823; which were laid on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of James Johnson; in which they ask the concurrence of this House.

Engrossed bills, of the following titles, to wit: An act making appropriations for the military service of the United States, for the year 1824; An act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida; were respectively read the third time, and passed.

Bills from the Senate of the following titles, viz.: 1st. An act to regulate the surveying of public and private lands, in the southern part of Alabama; 2d. An act for the relief of James Johnson; were respectively read the first and second time, and referred, the first to the Committee on the Public Lands, the second to the Committee of Claims.

EXECUTIVE MESSAGES.

The following Messages were received from the PRESIDENT OF THE UNITED STATES, viz:

FIRST.

To the House of Representatives of the United States:

The House of Representatives, on the 12th instant, having "resolved that the President of the United States be requested to inform this House whether the rules and regulations compiled by General Scott, for the government of the Army, are now in force in the Army, or any part thereof; and by what authority the same has been adopted and enforced," I, herewith, transmit a report from the Department of War, which contains the information required.

JAMES MONROE.

WASHINGTON, Feb. 23, 1824.

DEPARTMENT OF WAR, Feb. 16, 1824.

The Secretary of War, to whom was referred the resolution of the House of Representatives, requesting the President of the United States to inform that House "whether the rules and regulations compiled by General Scott, for the government of the Army, are now in force in the Army, or any part thereof, and by what authority the same has been adopted and enforced," has the honor to state that, after the repeal of the 14th section of the act of the 2d of March, 1821, which established the book of rules and regulations compiled by General Scott for the government of the Army, the President caused the said book of rules and regulations to be continued in force, by general order, a copy of which is, herewith, enclosed.

Respectfully submitted. J. C. CALHOUN.

ADJ'T GENERAL'S OFFICE, May 22, 1822.

ORDERS: The fourteenth section of the act of the 2d of March, 1821, having been repealed by the act of the 7th of May, 1822, "the general regulations for the Army" rest solely on the sanction of the President of the United States. The said regulations are, therefore, continued in force by his authority, in all cases where they do not conflict with positive legislation.

By order: CHARLES J. NOURSE,
Acting Adjutant General.

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The Message and report were ordered to lie on the table.

SECOND.

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives, of the eleventh instant, requesting the President of the United States "to inform this House if the line intended to constitute the Western boundary of the Territory of Arkansas, has been run, in conformity with the provisions of the third section of the act of Congress, of the 3d March, 1823, entitled 'An act making further appropriations for the military service of the United States, for the year 1823, and for other purposes;' and, if said line has not been run, that he inform this House what instructions have been given, or measures adopted, in relation to the execution of the provisions of the law, and what causes have prevented said line from being run," I herewith transmit a report from the Secretary of War, which contains the information required.

JAMES MONROE.

WASHINGTON, February 23, 1824.

DEPARTMENT OF WAR, Feb. 13, 1824.

The Secretary of War, to whom was referred the resolution of the House of Representatives, of the 11th instant, requesting the President of the United States "to inform this House if the line intended to constitute the western boundary of the Territory of Arkansas, has been run, in conformity with the provisions of the third section of the act of Congress, of the 3d of March, 1823, entitled 'An act making further appropriations for the military service of the United States, for the year 1823, and for other purposes;' and, if said line has not been run, that he inform this House what instructions have been given, or measures adopted, in relation to the execution of the provision of the law, and what causes have prevented said line from being run," has the honor to state, that the line referred to by the resolution of the House, has not been run. Shortly after the termination of the last session of Congress, General Thomas Hinds, of Mississippi, and Mr. William Woodward, of the Arkansas Territory, were appointed Commissioners to hold a treaty with the Choctaw Indians, for the purpose of carrying into effect the provision of the act above-mentioned; and communications were addressed to them by this Department, notifying them of their appointment, and enclosing instructions for their government. The communication for General Hinds, (who was directed to make the principal arrangements for the treaty,) it appears, never reached him, owing to some failure of the mails, or other cause, unknown to this Department; that for Mr. Woodward, was received by him, of which, however, the Department has only been apprized since the meeting of Congress. Owing to these causes, the proposed treaty with the Choctaws was not held; and, consequently, the line, which depended on the arrangement to be made by the treaty, could not be run.

It may be proper to state, that the Choctaw nation has applied for permission to send on a deputation to Washington, (the object of which is stated to be, to treat with the Government on the subject of their lands west of the Mississippi,) which has been granted; and it is hoped that a suitable arrangement may be made, so that the line may be run the next Summer. All of which is respectfully submitted.

J. C. CALHOUN.

The Message and report were ordered to lie on the table.

THIRD.

To the House of Representatives of the United States:

The House of Representatives, on the 26th ultimo, having "resolved, that the President be requested to cause to be laid before the House an estimate of the expense which would be incurred by transporting two hundred of the troops now at the Council Bluffs, to the mouth of Columbia, or Oregon river," I herewith transmit a report of the Secretary of War, which contains the information required.

JAMES MONROE.

FEBRUARY 29, 1824.

DEPARTMENT OF WAR, Feb. 17, 1824.

The Secretary of War, to whom was referred the resolution of the House of Representatives, of the 26th January last, requesting the President of the United States to cause to be laid before this House "an estimate of the expense which would be incurred by transporting two hundred of the troops now at the Council Bluffs, to the mouth of the Columbia or Oregon river," has the honor to transmit, herewith, a report of the Quartermaster General, which contains the information required. Respectfully submitted.

J. C. CALHOUN.

QUARTERMASTER GENERAL'S OFFICE,
Washington City, Feb. 16, 1824.

SIR: In obedience to your order, dated the 30th ultimo, requiring an estimate of the probable expense of transporting two hundred of the troops, now at the Council Bluffs, on the Missouri river, to the mouth of Columbia, or Oregon river, I have the honor to report, that the expense will consist:

1st. Of an outfit of boats, and the necessary tools and materials to keep them in repair, to transport the detachment from the Council Bluffs to the head of navigation on the Missouri, or Yellow Stone river.

2. The number of horses necessary to transport the detachment, their provisions, and stores, from that place to some navigable point on the Columbia river, and tools to open a road and construct bridges on the route; and

3. The tools and materials necessary to enable them to construct boats to descend the Columbia.

I take it for granted that the ordnance, clothing, provisions, and all the heavy baggage, required for the use of the detachment, after it shall have arrived at its destination, will be transported by sea, and that no other supplies than those actually necessary on the march, will be taken across the Rocky Mountains. If so, the whole outfit, including arms, ammunition, and provisions, for twelve months, would not exceed one hundred and forty tons; to transport which ten boats, which, with all their equipments, would not exceed seven hundred dollars each, would be sufficient.

Fifteen hundred dollars would provide all the tools that would be required in opening a road and constructing bridges between the navigable points of the Missouri and the Columbia. And two hundred horses would be amply sufficient for the transportation over that route. These horses could be obtained from the Pawnees, near the Council Bluffs, or from the Mandans, at about thirty dollars each, in merchandise; and, perhaps, would not cost the Government more than fifteen or twenty dollars each in cash; at all events, not more than twenty-five dollars each.

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Fifteen hundred dollars would provide all the tools and materials necessary to construct boats to descend the Columbia.

The necessary expense, then, incident to the movement, would be—

For 10 boats, at \$700 each	\$7,000
intrenching and other tools necessary on the march	1,500
200 horses, at \$30 each, in merchandise, say \$25 each	5,000
tools and materials for boats on the Columbia	1,500
Total	15,000
Add an equal sum for unforeseen expenses	15,000

And the whole amount required will be - \$30,000

To transport the heavy baggage, ordnance, and a supply of provisions, by sea, whaling or sealing vessels, or northwest traders, it is believed, might be chartered at about five or six thousand dollars each; two would be sufficient, say they would cost \$7,000 each; and the amount of sea transportation would be fourteen thousand dollars, making the entire expenses of the operation, by land and water, forty-four thousand dollars.

Small as this estimate may appear when we consider the magnitude of the object proposed to be accomplished, I feel confident that, if the operations be conducted by the military, it will be more than sufficient. I have the honor to be, &c.,

TH. S. JESUP,
Brig. Gen. and Q. M. Gen.

Hon. J. C. CALHOUN, Sec'y of War.

Ordered, That the said Message and report be referred to the committee appointed on the 29th December last, to inquire into the propriety of taking possession of the Columbia or Oregon river.

FOURTH.

A Message transmitting certain documents relative to the claim of Massachusetts, for services rendered by the militia of that State in the late war, and for which payment was made by the State; which was read and laid on the table. [See Senate proceedings.]

EFFECT OF THE PROPOSED TARIFF.

The motion of Mr. OWEN, of Alabama, charging the Committee of Ways and Means with an inquiry into the effect of the Tariff Bill, being taken up, Mr. STORRS moved that it be laid on the table.

On this question the yeas and nays were taken, and stood—yeas 86, nays 94, as follows:

YEAS—Messrs. Allison, Bailey, Barber of Connecticut, Bartlett, Beecher, Bradley, Brown, Buchanan, Cady, Campbell of Ohio, Carter, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hemphill, Henry, Herkimer, Ingham, Jenkins, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lathrop, Lawrence, Little, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Matlack, Metcalfe, Patterson of Pennsylvania,

Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Sharpe, Sloane, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wood, Woods, and Wright.

NAYS—Messrs. Abbot, Adams, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Baylies, P. P. Barbour, Bassett, Blair, Breck, Brent, Buck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Cary, Cassedy, Clark, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayden, Hayward, Herrick, Hobart, Hogeboom, Holcombe, Hooks, Houston, Isacks, Kent, Kidder, Lee, Leftwich, Letcher, Lincoln, Litchfield, Livingston, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mitchell of Pennsylvania, Moore of Alabama, Neale, Nelson, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Saunders, Sandford, Sibley, Arthur Smith, William Smith, Spence, Standefer, A. Stevenson, J. Stephenson, Tucker of Virginia, Tucker of South Carolina, Tyson, Vance of North Carolina, Van Rensselaer, Warfield, Webster, Wickliffe, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Mr. SHARPE, of New York, moved as an amendment to strike out the words "Committee of Ways and Means" and insert "Secretary of the Treasury."

On this resolution and amendment, a desultory debate arose, in which Messrs. BRENT, MALLARY, INGHAM, WEBSTER, OWEN, FORSYTH, FOOT of Connecticut, and TOD, took part—it was opposed on the ground of the present state of health of the Secretary of the Treasury; which, although it admitted of the ordinary detail of the office going on without interruption, precluded him from any exertion of the kind that would be required by the inquiry now proposed to be referred to him. And it was advocated on the ground of the Treasury Department's possessing all the requisite data in which the required report must be founded. The debate was superseded by the lapse of the time allowed for the consideration of resolutions.

RELIEF OF SARAH PERRY.

Mr. FULLER, from the Committee on Naval Affairs, to whom was recommended a bill, entitled "A bill for the relief of Sarah Perry, mother of the late Oliver H. Perry," reported the bill in the same form in which it was at first brought into the House—[omitting the amendment which proposed to charge Mrs. Perry's support on the Navy Pension Fund.] The report is as follows:

Though this bill was recommended without any definite instructions, yet, from the objections which were made to its original character, and the efforts to change it, by making the relief of Mrs. Perry a charge upon the Navy Pension Fund, the committee are led to consider the nature and expediency of the change proposed.

However strong may be the disposition of the committee to afford to the mother of the illustrious Perry the same tokens of regard which have been accorded to

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his widow and children, it is incumbent on them to abstain from any encroachment upon the fund in question, provided it shall appear that the faith of the Government is pledged to protect this fund, as a consecrated deposit for the support and encouragement of another and different class of persons.

By the act of the 23d of April, 1800, (Sec. 5,) it is provided, that the proceeds of all prizes taken by the public armed ships of the United States, when of inferior force, shall be adjudged one-half to the captors, and the other half to the United States. By the eighth section of the same act it is provided, that all officers, seamen, and marines, disabled in service, shall receive a pension during life, or the continuance of disability; and by the next section it is enacted, that all moneys which may accrue to the United States from prizes "shall be, and remain forever," a fund for the payment of pensions to those officers, seamen, and marines, who may be entitled to receive the same; and if the fund should be insufficient, the public faith is pledged to supply the deficiency; and should there be a surplus, it shall be applied to making further provision for the beforementioned persons, and "for such as may merit, by their bravery and long and faithful services, the gratitude of their country."

Early in the late war with Great Britain, and before the Navy Pension Fund had in any considerable degree accumulated under these provisions of law, an act was passed extending its benefits to the widows and orphan children of such officers, seamen, and marines, as might fall in battle or die of wounds, limiting their pensions to the term of five years. The wisdom and policy of this extension are very manifest; and it was no violation of the sections of the act before recited, as far as it applied to any future or prospective acquisition from prizes. The present fund has arisen from captures made almost exclusively since the extension, and it remains pledged to the purposes of the original law, with no other addition.

Should justice or policy require that any other relatives of seamen be relieved at the public expense, the committee are of opinion that the public faith does not permit it to be done from the acquisitions of the present fund; but, they have no doubt of the right of Congress to provide by law that the proceeds of prizes, which may be hereafter captured, may be applied to new objects of public bounty. But, while so many officers, seamen, and marines, remain, who may require relief, or who may be entitled, by "their bravery and faithful services," to the benefits of the fund, and who, if it were exhausted, might seek in vain the fulfilment of their country's pledge, it is deemed no less unjust than impolitic to assail this sacred deposit—the fruit of valor and of victory—the balm of honorable wounds, and the consolation of bereaved widowhood and helpless infancy.

The committee are of opinion that the bill ought to pass in its original form, and they have accordingly restored the enacting clause, and report it to the House with no other amendment or variation.

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The House then resolved itself into a Committee of the Whole, (Mr. CONDUCT in the Chair,) on the bill to amend the several acts for laying duties on imports.

Mr. MARTINDALE (who had moved on Friday that the Committee rise) rose and said: At the close of the last sitting of this honorable Committee, I moved that the Committee rise before taking

the question on the motion to strike out the article of cotton bagging, in order to give me an opportunity to submit to its consideration my sentiments on the general principles of the bill. I was induced to make that motion, sir, because the discussion of the general principles of the bill seemed to have been fallen into by its adversaries by a kind of common consent. Indeed, sir, it had been distinctly avowed by some honorable gentlemen in the opposition, that they might as well discuss the general principles on the motion to strike out the article under consideration, as on a motion to strike out the enacting clause; and my honorable colleague from New York has delivered a long and able argument on this motion, expressly upon the general principles of the bill, and in opposition thereto; and some friends of the bill have pursued the same course in their observations. It was my intention, sir, at the time I made the motion to rise, to have pursued the course which seemed to be thus marked out. But, sir, upon further and deliberate reflection upon the course proposed—upon an examination of the rules of the House, and upon conferring with some honorable gentleman older than myself, and better acquainted with those rules than I am, I am strongly impressed with the conviction that this course of debate is not strictly in order. What are we doing, sir? Upon this motion to strike out of this bill the article of cotton bagging, we are discussing the general principles of the bill, principles equally applicable to every article in it.

Connect with this, sir, the open avowal, emphatically made by gentlemen in the opposition, that they will fight this odious bill step by step, and inch by inch, and follow the course we are now pursuing, and the debate becomes interminable. Are there not general principles in this bill, sir? That there are general principles upon which it is opposed, is most obvious. Gentlemen say they will oppose every part of it. They will, therefore, move to strike out every part of it. And on every such motion we shall hear repeated, as we have done already, the same objections, that it will ruin trade and commerce—that it will destroy the revenue, and prostrate our Navy—that it will enhance the prices of articles of the first necessity, and thus be taxing the poor; and that it will destroy the cotton market, and stop the further growth of cotton. What shall hinder, sir, the repetition of these arguments on every motion to strike out? And the friends of the bill, too, in their replies, are driven necessarily to general topics of discussion? If this course is to be pursued, sir, the enemies of the bill need take no other way to defeat it.

Perceiving the tendency of this course, sir, the friends of the bill have frequently requested its adversaries to move to strike out the enacting clause, for the purpose of testing the general principles of the bill. This, from proper motives, no doubt, they have declined doing. Urged by these considerations, sir, to save the time of the House, to promote the progress of this bill, and prevent its defeat—for I am entirely devoted to the principles of this bill, and shall sustain them to the

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utmost of my feeble abilities—and to place the argument which I wish to submit to the consideration of this Committee upon its legitimate and orderly foundation, I have come to the resolution, sir, advised as I am that the motion is in order, to move to strike out the enacting clause of the bill. I make you that motion, sir.

Mr. M. then commenced a speech in favor of the bill, which occupied the House till 4 o'clock, when he gave way for a motion that the Committee rise; and the Committee rose, and then the House adjourned.

TUESDAY, February 24.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, who were instructed, on the 21st of January last, "to inquire into the expediency of appropriating five thousand dollars for the use of the Library of Congress," made a report thereon, accompanied by a bill authorizing an appropriation for the use of the Library of Congress; which bill was read twice, and committed to the Committee of the whole House to which is committed the bill making appropriations for the support of Government, for the year 1824.

Ordered, That the Committee on the Judiciary be discharged from the consideration of the petition of sundry aliens residing in the State of New Jersey; the petition of sundry aliens in the State of Indiana; the petition of J. and A. Nattali; the petition of Pierre Berthelet and Oliver Berthelet; and the petition of a committee appointed by a meeting of the citizens of the city of New York, on behalf of the aliens residing in said city. As, also, from the consideration of the inquiry which said committee was directed to make, on the 10th of December last, whether any, and what, alterations are necessary, in the existing laws establishing rules of naturalization; and into the expediency of furnishing copies of those laws to the courts authorized to naturalize aliens; and that the several petitions and resolution be referred to the committee appointed, on the 16th instant, on the memorial of sundry aliens residing in the city of New Orleans.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate entitled "An act to regulate the surveying of public and private lands in the southern part of Alabama," reported the same without amendment; and it was ordered to be read a third time to-morrow.

Mr. SAUNDERS, from the Committee on the Judiciary, to whom was referred the amendments proposed by the Senate to the bill "to alter the times of holding the district court at Mobile, in the district of Alabama;" reported the same with an agreement to those amendments.

Mr. MOORE, of Alabama, moved a further amendment, inserting the word "Blount" immediately after the word "Morgan," in the list of counties in the northern district; which was agreed to, and the bill was ordered to a third reading.

Mr. BARTLETT, by leave of the House, presented a memorial of the merchants, ship-owners, and mechanics of Portsmouth, in the State of New Hampshire, representing the many evils, which, in their opinion, will flow from the passage of the bill now pending in this House to amend the several acts imposing duties on imports, and praying that said bill may not be passed into a law. Referred.

EFFECT OF THE PROPOSED TARIFF.

The resolution of Mr. OWEN being again called up, and the question being put on the amendment of Mr. SHARPE, inserting "the Secretary of the Treasury" in place of "the Committee of Ways and Means," it was decided in the affirmative—ayes 80, noes 69, and the question being on adopting the resolution as amended, the yeas and nays were called for. Before taking the yeas and nays, Mr. McLANE, of Delaware, offered a further amendment, inserting after the word "Resolved," "That the Committee of the Whole be discharged from the further consideration of the bill, and that it be referred to the Secretary of the Treasury, with directions to report," &c.

Mr. McLANE stated his reasons for offering the amendment to be, that, if the resolution were directed to that officer, it must of necessity be accompanied with the subject-matter on which he is to report.

Mr. SHARPE opposed the amendment, as calculated to embarrass the proceedings on the bill.

Mr. HAMILTON supported the amendment, as it would be a loss of time to go on with discussions on the bill, while it was referred for consideration to an officer of the House.

At the suggestion of Mr. STORRS, the resolution was so amended as not to discharge the Committee from the discussion, but to furnish the Secretary with a copy of the bill.

Mr. MANGUM, while professing his general objections to the bill, supported the amendment and resolution now offered, as a measure of fairness, tending to bring light upon the discussion.

Mr. OWEN protested against all intention of retarding the discussion, and assented to the amendment as now proposed.

The question being taken on Mr. McLANE's amendment, it was decided in the affirmative—ayes 107.

Mr. RICH offered a further amendment, to strike out the words "of the Government," and insert after "revenue" the words "the commerce and manufacturing and agricultural interests of the United States."

Mr. R. supported his amendment by a few observations, signifying that revenue was not the only interest to be considered in the legislation of Congress.

Mr. McDUFFIE opposed this amendment as imposing duties which had no reference to the official duties of the Secretary of the Treasury.

Mr. OWEN followed on the same side, and seemed to consider the amendment as intended either to ridicule or evade the object of the resolution.

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Mr. FLOYD objected to the whole course proposed. He thought it was not consistent with the dignity of the House to go for information, and for the suggestion of its future duties, to one of the President's Secretaries; and moved to lay the resolution, with the amendment, on the table.

The yeas and nays being called for, on this question, stood—yeas 96, nays 92, as follows:

YEAS—Messrs. Abbot, Adams, Alexander of Virginia, Allen of Tennessee, Allison, Archer, Bailey, Baylies, Barber of Connecticut, P. P. Barbour, Bradley, Brown, Buchanan, Burton, Cambreleng, Campbell of Ohio, Carter, Clark, Collins, Condict, Conner, Crafts, Craig, Durfee, Dwinell, Eaton, Eddy, Edwards of North Carolina, Ellis, Farrelly, Findlay, Floyd, Foote of New York, Forward, Garrison, Gazlay, Harris, Hemphill, Henry, Herkimer, Hogeboom, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Little, Long, McArthur, McCoy, McKean, McLane of Delaware, McLean of Ohio, Markley, Martindale, Matlack, Metcalf, Morgan, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Richards, Rich, Rives, Saunders, Sloane, Sterling, A. Stevenson, Stoddard, Storrs, Swan, Taylor, Ten Eyck, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tucker of Virginia, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Wayne, Whipple, Whitman, Whittlesey, White, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS—Messrs. Alexander of Tennessee, Allen of Massachusetts, J. S. Barbour, Bartlett, Beecher, Blair, Breck, Buck, Buckner, Burleigh, Campbell of South Carolina, Cary, Cassedy, Cobb, Cocke, Cook, Crowninshield, Culpeper, Cushman, Day, Foot of Connecticut, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayden, Hayward, Herrick, Hobart, Holcombe, Hooks, Houston, Ingham, Isacks, Jennings, Kent, Kidder, Lathrop, Leftwich, Letcher, Lincoln, Litchfield, Livermore, Livingston, Locke, Longfellow, McDuffie, McKee, McKim, Mangum, Mallary, Marvin, Matson, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Neale, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Rose, Sandford, Scott, Sharpe, Sibley, Arthur Smith, William Smith, Spence, Standefer, Strong, Test, Thompson of Georgia, Tucker of South Carolina, Tyson, Vance of North Carolina, Vinton, Warfield, Wickliffe, Williams of New York, Williams of Virginia, and Wilson of South Carolina.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole, on the bill to amend the several acts laying duties on imports.

Mr. MARTINDALE resumed the speech which he had yesterday commenced, on his own motion to strike out the enacting clause of the bill; which is given entire as follows:

I rise, said Mr. M., under a deep conviction of the vast importance of the principles of the bill upon your table, and my utter incompetency to a satisfactory discussion of them. But, sir, my great anxiety that those principles should finally prevail, and that they should now prevail, believing, as I do, that the condition of our country imperiously

demands their adoption, and my consciousness, too, sir, that that country, on this occasion, expects that every man should do his duty, have determined me to make an attempt to overcome my extreme diffidence, and approach the discussion of this most momentous subject. It is a subject deeply interesting, sir, inasmuch as it is the commencement of a new system of policy, fraught with principles which must produce interminable and most salutary consequences, and inasmuch as it is the very first measure of the Government which looks seriously and extensively to the protection of the native productions of the country. This system, sir, is to bring into existence from our own soil, and from the labor of our own countrymen, that which would not exist without it, and in addition to that which we now produce, as a substitute for what we buy. It looks, through the medium of the mechanic and artisan, to the farmer; it can reach him no other way; it can protect him no other way. Unless I greatly mistake the character of the bill, and labor under so strong a delusion that I am led to believe a lie, it is fraught with manifold and lasting blessings to our common country. But, in the accomplishment of this great and good design, I am sensible that some existing and local interests must be temporarily and partially affected. The importing commerce of our country must be suspended, or diverted into another channel, in just so much as the home production shall become a substitute for the imported article. But, on every principle, but that of exclusive selfishness, are they not bound to give up this traffic, if it be pernicious to their country? The increased duty on cotton bagging will, for a little while, enhance the price of cotton to the consumer. Those of the North, East, and West, who produce no cotton, but consume tenfold more of the article than those who do, must, for a moment, as it were, pay this increased price; but a permanent, (and comparatively to them an important interest,) of our brethren of the West, will be promoted by it, and we make the sacrifice cheerfully. Our brethren of the West, enjoying the richest soil and the best climate in the world, are stated, and admitted to be, the poorest among all the members of this great family. That which nature designed to be the richest, through the influence of mistaken policy is the poorest; and, if that policy prevails, will be kept so. And why? They have no market. They produce their food, to be sure, but they must buy a large portion of their clothing. They have bought till they have expended their specie. A mistaken policy induced a resort to a substitute, in the form of bank paper. Experience soon proved the fatal error, in the increased extent and magnitude of the evil. All this goes to prove that the consumers of imported and purchased articles must have a market for their produce or the fruits of their labor, or accumulated distress must ensue. The West have no market and the distress has ensued. And, Mr. Chairman, do the West alone complain? And if they did, will gentlemen say it is only the West; it is not necessary to heed their complaints? Sir, who are these inhabitants of the West? They are our

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kindred and our friends. They are our brothers and our sisters. Many—our fathers and our mothers—who have gone with their children and our brothers, to spend the evening of their days, and to die there. They did not leave their country when they went there. It is their country and our country still; and thank God they may go still farther West, and still be within the boundaries of their country; to where the setting sun quenches his orb in the western wave, and still claim the kind concern and protecting care of our common country, and our country's common Government. The father goes to the West to visit his children, and the brother, after a long separation, to salute his brother. Go where you will, sir, through the Western States, and you find your old neighbors, your nearest relatives, and dearest friends; and while they are encountering the hardships and privations of the pioneers of our new settlements, if their situation is not calculated to awaken our sympathies, and open the hand of a liberal and protecting policy, which the close-fisted cold calculator of pence would shut, I know not what will. Mr. Chairman, in discussing this subject of somewhat conflicting interests, the feelings which these reflections are calculated to produce, should be put in requisition. If we are any of us called upon to make sacrifices, we should look and see to whom; and if we find that the sacrifice is to ourselves, or to those we love as ourselves, as we are commanded to do our neighbors, we shall make the sacrifice cheerfully, or rather, we shall deem it no sacrifice. Acrimony and angry feeling will, at all events, be subdued, and we shall come to this investigation with calmness and deliberation, and a single eye to truth and the good of our country.

But, sir, there is another principle which gentlemen seem to have lost sight of, and which I think should govern in this discussion. Our powers and our duties are reciprocal. They are co-extensive and correspondent. The interests which we can affect, those interests we represent. We are none of us at liberty to disregard the interests which every vote each one of us gives, influences more or less. We are, then, each one of us the representative of every interest, and, of course, of the whole. We are elected by minute districts, I know. This is but a mode in which the whole have agreed to elect their Representatives. But this does not change our powers and our duties when elected. They are precisely what they would have been had we been elected *en masse* by a general ticket of the whole United States. The power of each is to affect every interest in the whole Republic; his duty is to consult, and be governed by those interests. He must, then, look at the whole; and he must look, not to the present only, but to the future also, as far as the keen eye of the statesman can reach, and thus, from this eminence, as from a political observatory, taking a survey of the permanent, ever-during interests of the country, decide as those interests shall indicate. We must, sir, expand our views to the dimensions of our country, or, before long, our country will be contracted to correspond with the lim-

ited extent of those views. On this principle, sir, we are not at liberty to deem ourselves as the Representatives of the particular district or State where we were elected, and may reside, as the envoys of distinct and independent governments, sent here to obtain, by dint of argumentative negotiation, as much advantage, each over the other, as we can, which we are at liberty to protract or break off at pleasure; but, sir, we are the common agents of one common country, the conservators and guardians of the great interests of this great Republic. The Representative from Louisiana is bound to regard the interests of Kentucky, Ohio, and Maine, when he understands them, as much as the Representatives of those respective States, and to sacrifice a minor interest, at least, to promote their greater good. We are but one people, sir. We have but one country, a great and a good one, which our forefathers won for us, and have bequeathed to us; so far as our powers and official capacities extend, we have but one Government—the Government of this great empire, “one and indivisible.” Gentlemen talk of a Confederation—of a Confederated Government. Sir, this language is new to me. I have not read it in the Constitution. It sounds foreign in my ears, and it is foreign to my feelings, and I am confident it is foreign to the feelings of my countrymen generally. We all feel, I trust, sir, as much now as on the memorable 8th of January, 1815, that New Orleans is a part of our country; and the recollections of the hard-fought and sanguinary field of Bridgewater and Chippewa awaken the sympathies, while they gratify the pride of the inhabitants of Georgia and Louisiana. Let us be Americans, sir, and feel and act as Americans. Let us feel that we have a country, and let those feelings embrace the whole of it. Does that country stretch from Florida to the Yellow Stone, and from Maine to the Oregon? A warm and expanded patriotism can embrace this wild region, and entertain a common feeling for their remote and distant inhabitants. I know these are feelings which prevail in this country, and govern this Committee. We are tempted, occasionally, sir, in the warmth of debate, to forget these feelings, and to assume the character of sectional advocates. We will then, sometimes, sir, speak of this Government as a confederation of independent States, and about the inhabitants of such and such a State not submitting to the operation of such and such a measure. By this I presume gentlemen mean that they will remonstrate against it, and endeavor to convince this Government that they ought to repeal it. If more than this is meant; if by this gentlemen mean, “peaceably if we can, forcibly if we must,” I would remind gentlemen that there is one sacred, invariable, enduring principle of our Government, which no portion of our country can ever violate with impunity, and that is, as the majority must govern, their decision must prevail, and the minority must submit. Why, sir, as well might the county of Suffolk, upon the extreme end of Long Island, talk of rebelling against the State of New York, or determining to build a canal, in which she had no interest, but to which it is obliged to

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contribute, as the cotton-growing section of our country oppose the authority of this Government, because the bill on your table, if adopted, may limit, in some measure, their cotton market, and add an inconsiderable sum to the expense of its production. If they think this measure wrong, gentlemen may talk with propriety of appealing to the sovereignty of the people. They have full scope and perfect right to obtain that sovereign majesty—to do what? To secede from the Union; to dissolve this Government? No, it is impossible; but simply in a quiet, pacific, Constitutional way, to change the Administration, to dismiss their public servants, and substitute others more honest, or more intelligent, who will understand and consult their interests better.

Thus prepared, sir, as to my feelings, and the extent and nature of my duties, I come to the discussion of the general principles of the bill upon your table.

I propose to inquire, sir, if there be any evils under the pressure of which this nation suffers. Is full employment provided by the nature and distribution of our occupations for every class of community? Do none stand idle, because no man hireth them? Does not the agriculture of the country languish, and the laborer stand still, because, beyond the supply of food for his own family, his produce perishes on his hands, or his fields lie waste and fallow, and this because his accustomed market is closed against him? It does, sir. From every section of this extended country we hear complaints of poverty and individual distress. From the North, and from the East, and from the West—in all directions, sir, but from the cotton-growing sections—hundreds of petitions and memorials have reached us, pouring forth the loud voice of supplication and prayer for some measures of protection and relief. These have proceeded from the yeomanry of our country, from the industrious mechanic, from the farmer as well as from the manufacturer. And will gentlemen suppose that these complaints are feigned and causeless? Our own personal knowledge excludes the supposition. Let each member of this committee take the circuit of his district, (excepting always the highly favored commercial and cotton-growing districts,) and inquire individually of his agricultural and manufacturing constituents—Sir, are you clear of debt, and if not, have you the ready means of payment? Have you a ready market for all the surplus produce of your farm to the utmost ability of your farm to produce by the labor you can command? Do you keep as many sheep as your farm can sustain, and can you sell the wool they produce? Is your farm adapted to the culture of flax and hemp; and, if so, where can you find a market? The answers these several questions will receive, would show the accumulated and various distresses of his constituents. There is, sir, multiplied and deep distress in this country. We are not in that prosperous and happy condition that some gentlemen would feign persuade us to believe. This distress presses harder upon the farmer and manufacturer, I know, sir, than upon any other class of our fellow

citizens. The reason is obvious. While the merchant was growing rich in the exchange of his importations, for the farmer's produce, during what may be termed emphatically “the golden days of commercial prosperity,” the farmer was consuming these importations to the extent of his ability to purchase. He did not even then become rich. When all his produce commanded an unexampled price and a quick sale, the merchant turned the exchange more to his own advantage than to the farmer's, by paying the price of the purchase of the produce by imported articles of consumption. While this extraordinary demand for the productions of our soil continued, a corresponding activity in our agricultural pursuits was excited, and a kindly soil rewarding the labors of the farmer with abundant crops, enabled him to sustain, for the time, habits of expense and indulgence to which he had not been accustomed. But this day of unclouded prosperity was soon to be overcast. The years of plenty were soon to be succeeded by years of dearth and famine. The European markets were closed against the articles of food with which our farmers had been accustomed to supply them; and thus they were suddenly deprived of the means of satisfying an unabated demand for foreign manufactures. We suddenly discovered the defective organization of our community. We now found ourselves a nation of mere farmers and merchants; producing our own food, to be sure, but dependent on the merchant for our clothing to a vast amount, together with almost every article of domestic convenience, without the adequate means of purchasing them. Foreign nations no longer stood in need of our food; they produced a sufficiency for their own use. But we needed their manufactures, and could not supply them ourselves. This showed at once a defective distribution of the labor of the community. We were incapable of satisfying our own wants from our own resources. Clothing and domestic utensils are as necessary as food, and we can supply but one; and that one we can supply to ten times the amount of the demand.

It may be useful to take a brief retrospect of the causes and policy which have led to this result—to this imperfect organization of our population in the distribution of labor.

Necessity made our forefathers, in their first settlement on this continent, mere farmers. The forest must be felled, and the fields opened to the genial warmth of the sun, and the soil prepared for the reception of seed. Food could be produced here; but clothing and all implements of husbandry and household furniture must be brought from home. With a clear-sightedness which has always distinguished the English merchant, in providing for his own interest, the English nation and Government saw at once a new source of employment and profit in this new intercourse. Her own trade and manufactures would eventually be powerfully sustained by the young colonies. In due time, as they advanced in population, and expanded in extent, and manifested a disposition to fabricate for themselves some articles of the first necessity and the simplest work-

manship, England interposed the authority of her laws to stop the process; and this interdiction of our fathers' manufactures constituted a prominent part of the bill of grievances and complaints which was so repeatedly presented to the British Parliament, and laid before the English throne. Our great Franklin, sir, in embodying some general principles of pacification between the colonies and the mother country, immediately preceding the Revolution, which were to be submitted to some agents of the British Ministry, insisted, among other things, upon abolishing these restrictions upon our manufactures. But he was told that this system of restriction was a favorite idea with the Ministry, and could not be abandoned. We have reason to thank God, sir, that England had not then become as wise as experience has now made her; that she had not then discovered that the best way to secure from competition a market for her manufactures, was to keep it always full; and if she saw a manufacturing establishment rising any where, to smother it by a mass of manufactures of the same kind around it. She had not then discovered that the best way to bind a sturdy and stubborn victim, was not to coerce and drive, but to administer an opiate, and then exhaust, by bleeding. Had she known then as much as she does now, it is much to be feared, that even the virtues of our fathers would not have been proof against her subtleties. But, through her blindness, and those virtues, under the Cloud and the Pillar of Fire, our fathers entered the promised land of freedom. They have left us a rich inheritance, and sealed their testament with their blood. But, sir, the close of the Revolution found us what the policy of England had made us—a nation of farmers and merchants, destitute of all but the simple, plain household manufactures. Our merchants were congregated in the seaports, upon the seaboard, and our farmers thinly scattered over a wide expanse of country, habitually looking to the seaports for a supply of such things as they needed, and could not make. The Revolution threw all our commerce into the hands of the merchants, and the force of habit and immediate interest, induced them to seize, with avidity, the golden prize. Without regard to policy at all, we immediately pursued the path marked out for us by England, and took up the business from which we had just driven her, and eagerly imported her manufactures. Our Government, too, anxious to follow English precedent, resorted at once to this importation, as a source of revenue. Thus far we had gained the inestimable privilege of governing ourselves, to be sure, and of taxing, for our own use, to a tenfold amount, what England had designed for hers; but the commercial system which England had adopted, to make us tributary to her wealth, we still practised. We bought her manufactures, consumed them, and were comfortable; but did not become rich.

But England's wealth increased. All the evils and defects of our system had not had time to develop themselves, before an event occurred, which seemed to make our errors appear the better reason; and, at all events, served to conceal, du-

ring its exhibition, the tendency of our policy, or rather want of policy. A twenty years' war in Europe, which drew into the vortex all its various nations, made our merchants the carriers of a large portion of the world, and our farmers the feeders of immense belligerent armies. An unexampled activity and increase in our commerce followed—our agriculture extended itself, grew, and flourished. An unprecedented demand gave the farmer an extraordinary price for his produce, and authorized, as he supposed, the indulgence of habits of unusual expense. During the operation of these causes, imports kept pace with exports, and consumption with both; and, though the nation grew and expanded on all sides, it was a subject of wonder that the country did not become rich. If any wealth was retained in our own country, it was collected in our cities and in the hands of our merchants, who, as the common agents of both producer and consumer, in exchanging their respective commodities, had managed to keep a comfortable profit in their own hands, with which they not only sustained themselves in a princely style of living, and set pernicious examples of expensive extravagance to the community, which all were swift to follow, but they built houses, and enlarged our cities to a size immensely disproportioned to the population of our country, and multiplied their ships, also, as the vehicles of exportation of our produce and importation of articles of luxury and consumption. To vend these, country merchants' stores were suddenly erected in every nook and corner, at every turn of every road, and thickly crowded in all our villages. The farmer even converted his parlor into a merchant's store, and dismissed his son from following the plough, to waiting on his customers behind the counter. The "mercantile business," as it was called, was perceived to be the road to wealth, and at once to furnish the means of comparative ease and genteel living. It became a most desirable thing to exchange the rough and humble habits and coarse living of the farmer for the comely, the genteel, and tasteful life of the merchant. The rush was simultaneous, I believe, throughout the country. Few had the steadiness to resist this delirium; our Government caught, in common, the giddy spirit of the day, and stood rejoicing at the rich display of foreign fabrics, and the thoughtless eagerness with which the people purchased them—our Treasury was filled, and their constituents did not know they were taxed. This tendency to commercial pursuits became, what may be termed, emphatically a rage. It was commercial madness and infatuation; and, even while the means of indulgence were furnished by an extraordinary foreign demand for our produce, numerous cases of aggravated individual distress were produced. In the mean time, commercial wants, commercial cupidity, and commercial skill, devised a scheme auxiliary to their system of traffic and exchange, which would facilitate their operation, and more than quadruple their means. Banks were generally introduced, and almost infinitely multiplied. These are creatures which I so heartily detest, that I can hardly find language

to characterize them. They are the engines of legalized fraud upon the community—they are an authority to coin a fictitious, unsolid, unreal, spurious currency, as a substitute for the real and legitimate; by which means the legitimate is drawn from circulation, and, in pursuance of our commercial system, sent abroad to buy articles of consumption. They are the medium by which the solid coin and substantial property of the farmer has been, and is obtained for nothing, nay, worse than nothing; for a promise which cannot be performed, is worse than nothing. Will it be said that this is unjustly severe? Let these promises, in the shape of bank bills, be enforced at once, and who will say that they can be performed—that they will not be broken to the amount of many millions? They have been broken to the amount of many millions already, and so far operated as a sudden unexpected tax upon the unfortunate community, where this shadowy, unreal, airy image of the bank, in the shape of a fanciful figure, called credit, stood, and the vision having vanished into thin air, the community found themselves unexpectedly overwhelmed in broad and deep distress. These banks, sir, add nothing to the wealth of a country—not one cent. They are mere promises, false and hollow all. They serve the makers, the stockholders I mean, for cash, so long as they are not enforced. But the deception is practised in the issuing. They are exchanged at once for the solid valuable property of the farmer, and the merchant acquires what the farmer loses, and the merchant is so far enriched. If the bubble bursts in the farmer's hands, the farmer feels the loss; if it goes into circulation, the wound is inflicted wherever it explodes. It would be a curious fact, and one which I think Government should know, the excess of bills in circulation over the deposits of specie in the vaults. In just so much is our seeming prosperity unreal. To nearly that amount, in addition to what we owe, have we consumed beyond our means. To nearly that amount has specie been exported from the country, which would otherwise have remained here. In just so much the cities owe the country, and have drained the country of solid wealth, and amassed it in our cities. Money is the representative of property, but bank bills are the shadow of that representative; adopt the shadow, and the substance is gone. I should not have been led to remark upon this subject, but for the powerful aid banks have afforded commerce in the great process of depletion, which has terminated almost in the debility of exhaustion. They have contributed to blind the nation to its real situation, and to build up, at the expense of the country, a splendid commercial establishment, and have conspired at the same time with that commerce, to encourage and fix our extravagant and expensive habits, which have finally paralyzed our industry, exhausted our resources, and left us deeply in debt.

While the years of plenty continued, it was orthodox to believe, and many still believe, that banks were a fruitful source of blessings to the country, and served to display our commerce in

the golden beams of wealth and glory. But, the day of commercial joy and rejoicing was soon to be succeeded by a day of seriousness and sober repentance. A day of retribution was preparing for a thoughtless people and a thoughtless Government. But the process of correction was gentle and merciful. It carried blessings along with it. Interruptions to our carrying trade, by conflicting belligerent orders, and the ensuing commercial embarrassments, checked a little the flood of importations, and the exportation of our means of living and defence. These were followed by our own embargoes, which reduced still more the mass of importations, and restrained our exports. Individual and national distress ensued, I know; but it was salutary, and prepared us, step by step, and by slow degrees, for the event which followed. Peace came in Europe, and shut out our exports, and found us in war with England, which almost cut off our imports. The shock was violent, and, had we not been armed by a little preparatory suffering, might have been fatal. Now we felt the defective organization of our system. Now we saw the imperfect distribution and classification of labor. We now experienced the blessed effects of permitting trade to regulate itself; that is, of permitting merchants to regulate every thing. We now felt how comfortable it was to have plenty of food, but no clothing; and we were satisfied that it would have been quite as wise to have detached a portion of our labor from the pursuits of agriculture, and put it to the cloth-making business, and other branches of manufactures. But suddenly, and as if by magic, manufacturing establishments arose all over the country, and the native skill, energy, and enterprise of our citizens were never more conspicuously displayed than by the sudden and unexpected supply of various manufactured articles, to nearly the extent of our wants. Flocks of sheep were quickly multiplied and enlarged, and a tolerable supply of wool was furnished. The farmer found a new branch of industry pointed out to him, requiring less labor, and producing more profit. His accustomed productions for food found a new market, a ready sale, and a liberal price. The farmer's prosperity was really greater than it had been in the days of commercial prosperity. His expenses were retrenched and his profits increased, and he began to emerge from debt. Could the war have been continued, unattended by any consequence but that of shutting out foreign importations, it would have been a national blessing compared with the consequences which followed its conclusion. The experience of three years was thrown away upon our Government; the wisdom which the war was calculated to teach seemed to be lost in exultation at its glorious termination. Our ports were opened to the overwhelming inundations of foreign goods, and our own merchants vied with our recent enemies in the extraordinary activity with which they swelled the tide of importation. They now engaged in (to us) the unprofitable contest, not of seeing which could do each other the most harm, but which could contribute most to the ruin of our country. These

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efforts were most successful. In one short year, a supply of foreign goods for several, were crowded into our markets, cheap as dirt, of a handsome exterior and specious *finish*. By the machinery of auction sales, these goods were driven into the country for such price as they would fetch; and a cordon of merchants' stores, at convenient distances, and remarkably near each other, were immediately replenished to overflowing with these fresh goods, on every road leading from our commercial depots to the most extreme verge of our country.

The European ports remained closed against our provisions. Our produce, then, could not be received in exchange for these goods. But our merchants very kindly offered to sell them to us on a credit of six, nine, or twelve months, to give us time to *turn* ourselves, as the phrase is, and pay the cash. Thus these country stores operated as secretory vessels, or glands, for the collection of the small and minute particles of wealth in the country; and, when collected in sufficient quantities, it was hastened away—to New York, for instance, a kind of common reservoir of the wealth of that section of country; from whence, in due time, and through various channels, and by various means, it finds its way to England, the great reservoir of the wealth of nations, and in comparison with which, New York is but a country merchant's store. Our manufacturing establishments were as suddenly consumed as though they had been smitten by the bolt of Heaven. The manufacturers were turned adrift to seek a scanty subsistence by such employments as they could casually find, and to relieve themselves from the pressure of debts by our numerous insolvent laws. The farmer's wool remained on hand for want of a market, and his flocks of sheep became mere cumberers of his ground. Thousands were killed by him, and, after trying up the carcass for tallow, the offals and scraps were fed out to his hogs. While this process of waste and devastation was going on, the provision market was depressed also. There was little demand for the farmer's provisions—for his beef, pork, and wheat. The price was greatly reduced. But the habits of the farmer and his family were formed and suited to better times; the customs, taste, and fashions, of the country and his immediate neighbors, imposed a kind of moral necessity upon him to measure his expenses by theirs, not by his means. His expenses were greater than his income. The consequences were inevitable. His cash was first exhausted, and next the produce of his farm, his credit next, and (by a mortgage) next the farm itself. The expenses which produced the mortgage prevent the redemption; the farm is sold to pay for foreign goods, and the merchant becomes the purchaser. This is no unreal picture, which has no original in nature. I have myself drawn it from what I have seen and know, and many honorable gentlemen, I presume, will recognise in this a resemblance to scenes which they themselves have witnessed. A rigid economy and a stoical indifference to fashion might, perhaps, supply enough of discretion to prevent these evils.

But who is proof against the force of fashion, and who so hardy as to resist her laws? These laws are enacted by chambers of commerce. Our fashions are all commercial, of foreign importation, and of recent adoption. Within my memory, we are not the same people. Our customs, habits, dress, and mode of living, are entirely changed, from the plain agricultural simplicity of our fathers to commercial elegance and extravagance.

In addition to this commercial fashion, some other things have conspired to ruin the farmer, and the farming interest, growing out of our overtrading character. From the frequent failure of country merchants, who had entered into trade without experience or capital, and the heavy losses incurred thereby, the city merchants became wise and cautious, and when they found a country merchant begin to grow slack and fail in punctual payment, he was and is required to give his note, payable at the bank, endorsed by some of his country friends; and, as farmers are generally in good credit to something like the value of their farms, they were generally preferred for endorsers. At all events, the instances are numerous in which the farmer has been invited to lend his credit to his trading neighbor; and, being habitually confiding, honest himself, and not doubting that a merchant must be so, a request of this kind has seldom been refused. In many thousand instances, perhaps, in many I know, the failure of the merchant has produced multiplied distress and widespread ruin to the farmer, and to many farmers. The loss of money and the loss of farms have been the result. Here, too, the money and the farms have gone to pay for foreign goods. They have been brought into the country, sold, and consumed. This is one item in the excess of consumption over the ability to purchase and pay, and is one among the numerous expedients of commercial ingenuity to drain the country, and draw all things to the centre. Banks, we have seen, have the same tendency; and when they fail, as they frequently do, the loss to the amount of thousands, and sometimes millions, falls heavy on the farming interest, drawing ruin after it. Thus the farming interest has been severely taxed by trading with merchants, and through the medium of merchants' banks. They have sustained heavy losses by the failure of merchants, by becoming securities for merchants, and by the failure of merchants' banks. These, connected with the extravagant fashions, and expensive habits of living, introduced by the pernicious examples of the merchant, have well nigh ruined the farming interest, and sunk it in deep distress. All these are so many ways and means by which the fruits of the toil and industry of the country have been taken from agriculture and concentrated in our cities. This is surely wrong. This is an unhealthy action. In the economy of animal life, a healthy action tends to the surface. Change the direction, and the animal dies. Thus the body politic of this great community has become diseased. Exhaustion, debility, and decay, are visible in the extremes. We are in no condition to supply

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more than half our own wants, I undertake to declare, and, so far as my personal knowledge extends, can prove, that individual distress in the farming and manufacturing interest was never so multiform and great as it is now. There is one exception—the cotton growers and cotton manufacturers. They are protected, and have a market.

But, say the gentlemen, "let trade regulate itself; if there be an evil it will cure itself. Let the merchant regulate trade, he will cure the evil." He will cure the evil as death cures disease. Nothing but perfect exhaustion and motionless debility will stop the career of the merchant, and then of what use is a remedy? When gentlemen speak in this way they forget the well known principles of human nature; the force of habit, the strength of fashion, the selfishness of present interest in some, and, as to agriculture and manufactures, the necessity of a market. And what power on earth can make this market but Government? Our merchants will not make it; for then they must stop trade. They will not become manufacturers, for that would injure trade; and there is no market. They will not lend their capital to manufacturers, for that would injure trade. They will not set examples of frugality and economy to the nation, for that would injure trade. But suppose our own merchants were patriotic enough to sacrifice some present interest on the altar of their country's good. Could they effect any thing without the aid of Government? They would sacrifice themselves, but not cure the evil. England has her merchants here already. They crowd our seaports. They compete with our own merchants in swelling the flood of importations and forcing their merchandise into the country. Let our merchants retire, and their places would be instantly filled with English merchants through every section of our country. You find them now, in the shape of pedlars, traversing the country in all directions, vending English silks, English cambrics, and English cottons. It does not comport with the policy of England to permit any of our markets to become empty; nor of our own merchants neither.

It is most obvious, then, that, until Government shall interpose efficiently, we shall continue as we have done to trade and to buy; to import and consume. It encourages commerce, and we must buy; it fills the Treasury, and we must buy; it sustains the Navy, and we must buy; it makes a market for cotton, and we must buy. And now, sir, to see the effect of this upon the farmer, let us see for a moment what we buy. We buy foreign earth, in the shape of Swedish and Russian ore; we hire the Russian boor to dig and smelt it, and the Russian farmer to feed him during these operations; while our own mountains contain an exhaustless supply of iron; we have the laborers to dig it and shape it to our use, who are now poor and idle for the want of employment; and a host of farmers whose coffers would be replenished by feeding and clothing these miners and artisans during their labors. Again, we buy English wool of the English farmer, hire the English manufac-

turer to work it into cloth; and the English farmers to feed him. Thus, every yard of English broadcloth contains in it more or less of English wool, English beef and pork, and English bread stuffs.

This drives from our own markets just so much of our own farmers' produce, of the same kind, and from employment, also, our own mechanics and machinery, to the same amount; and this amount is immense. Can any one shut his eyes to the paralyzing, deadly consequences of this system to our farmers? Mr. Chairman, the question is not whether we shall have these manufactures or not. We must have them. They are necessary to our habits, our convenience, and comfort. The question is not whether we shall have mechanics and artisans, or not; that is, whether we shall employ them or not. We must employ them. We do employ them. We employ more than any other nation on earth, of the same wealth and population; and we consume more of their fabrics than any other nation on earth, of the same wealth and population. But the question is, sir, where shall we keep our mechanics? Who shall enjoy the profit of feeding and clothing them, and furnishing them with the wool, the iron, the hemp, and the flax, which they work up, and we buy and consume? "The English," say the merchants, and cotton planters. It is best to buy these things of the English and the Russian. It will be of no use to your farmers to furnish these things; they can be employed in clearing land, or something else. Besides, we can buy cheaper of England and Russia than we can at home, and they will take cotton in payment, and we can sell more cotton; the transportation will encourage trade; commerce will be sustained, and our Treasury filled. Ah! here lies the mystery of this contention. Here is the explanation of our opposite views. It is employment, after all, that we are all in search of. It is a market for our labor and our produce, which we all want, and all contend for. "Buy foreign goods, that we may import," say the merchants; it will make a market for importations, and find employment for our ships. Buy English manufactures, say the cotton planters; England will take our cotton in exchange. Thus, the merchant and the cotton planter fully appreciate the value of a market when they find their own encroached upon. The farmer and manufacturer claim to participate in the benefits of a market for their labor and produce; and hence this protracted debate and struggle of contending interests. It is a contest for a market between the cotton grower and merchant on one side, and the farmer and manufacturer on the other. That the manufacturer would furnish this market to the farmer, admits no doubt. The farmer should reciprocate the favor, and Government is now called upon to render this market less accessible to foreign fabrics for the mutual benefit of both. By the establishment of manufactures, machinery is extensively introduced and put in operation. Machinery is the means by which labor multiplies itself an hundred fold, or more. The old, the feeble, and infirm, may direct its operations, and the young may feed it with the

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raw material. Whereas the stout and athletic alone can successfully engage in agriculture. They furnish employment to a very numerous class, who could not be employed without them, and who now, in fact, find none. It has been said that machines *eat* nothing, and from this it has been insisted that their introduction does not assist the farmer. They *eat* no food, indeed, but they *eat*, or rather consume, what is quite as important to the farmer—his wool, his flax, and his hemp, and that in a ratio an hundred fold increased. This consumption makes a market for these articles, a large and liberal market, which we seek to secure to ourselves against an almost exclusive occupation by the British. This machinery is what our necessities require. We need labor, sir. In this thinly populated country, labor is what we want; not for the production of food—of that we have already more than we can consume or sell—but for the supply of the other half or three-fourths of our wants—our clothing, and necessary implements of trade, of husbandry, and domestic use. By putting machinery in motion, you create, as it were, at once an hundred men, whom you set at work, instead of one; who perform an hundred times more than that one possibly could. This is precisely what our circumstances require. England, in the extensive use of machinery, has multiplied her power an hundred times in the acquisition of wealth, and in the same proportion has an advantage over us.

This, then, is the remedy we propose, sir, for the evils which we suffer. Place the mechanic by the side of the farmer, that the manufacturer who makes our cloth should make it from *our* farmers' wool, flax, hemp, &c., and be fed by our farmers' provisions. Draw forth our iron from our own mountains, and we shall not drain our country in the purchase of the foreign. It is most evident that, if we import wool and iron, we drive just so much of our own iron and wool from our own markets, and it ceases to be produced. We should keep our mechanics and manufacturers here, instead of England, France, or Russia; and, I may say, (what would seem paradoxical,) we should keep our farmers here, too, instead of in England, France, or Russia. How many farmers do we employ in those countries, sir, tilling their ground, growing their wool, flax, and hemp? Many thousands, sir, who grow rich at our expense, and take the bread from the mouths of our own farmers, by taking away their employment, in taking away their market.

We propose, sir, to supply our own wants, from our own resources, by the means which God and nature have placed in our hands. By the application of our own powers, our own labor, to our own capabilities, the productive powers of our own soil, and our own mines.

England has long understood and practised this policy. For many hundred years she has acted upon this policy. She has bought nothing she could make or produce, nor permitted her people to do so. But she has always had something; and now has an immense quantity of almost every thing to sell. By a steady prosecution of this

policy, for centuries, she has become the most powerful and wealthy nation of the world. Her merchants and manufacturers, and her farmers, too, are the princes and nobles of the earth. How came she so rich? Her wealth has not all sprung up there. Through the medium of her agriculture and manufactures, she has made all the nations of this globe tributary to her; and no nation has subserved her purposes so steadily and perseveringly as we have.

Suppose England had pursued our policy, and instead of manufacturing for herself and the world, had bought of Holland and France, and devoted herself exclusively to agriculture and commerce. Will any gentleman contend that she would have been half so powerful and rich? But, why should she not? She has a fine soil and climate, wonderfully adapted to agriculture, superior to ours, in many respects. She has, at this moment, a large quantity of land uncultivated, superior to much that we cultivate. If we should pursue our present system, why should not England have done so? Because, to supply three-fourths of our wants by buying, is not the way for a nation to become rich. She should sell what she can: buy only what she must.

Spain, on the contrary, furnishes a good practical exposition of the *blessed* consequences of our system. For nearly four centuries, she has commanded the silver and the gold of Mexico and Peru. The rich treasures of Potosi have been poured, with a liberal profusion, into her lap. But, has she grown rich? No. She became able to buy. It was easy to satisfy her wants by purchase; her gold and her silver went through her, simply as a highway, as a medium of passage, and tarried not until it found a resting place in England. England furnished the manufactures, and Spain the silver and gold in exchange. England wrought, and was diligent. Spain purchased, and was idle. England grew wealthy, and Spain grew poor. Her population declined, her industry languished, and her commerce and agriculture were paralyzed. We, too, buy, and are idle. We, too, buy, and are poor. Our agriculture languishes, and our commerce is on the decline.

But, sir, we need not look abroad for examples to prove our doctrine. We have them, on a smaller scale, to be sure, at home. New England, sir, is a partial exception to our general policy. She has recently become extensively manufacturing; more so than any other section of our country. She has become, and is, comparatively, rich. In her intercourse with the other States, the rate of exchange is in her favor. This is another practical proof of the superior wealth growing out of the suitable distribution of labor among the various employments necessary to the comfort and convenience of civilized man, in the same community; and the great acquisition of power, in the application of machinery. The Societies of Shakers, sir, in our country, furnish another example in favor of our doctrine. These, sir, are small commonwealths within themselves. They are their own farmers, their own mechanics, and their own merchants. Their agriculture and their

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manufactures are their leading interests, as they should be every where. Their merchants are subservient to those interests, and are employed in selling their surplus produce and manufactures, and purchasing, in exchange, such things as they cannot produce or make, and are indispensable. By prosecuting this system, they have become rich. No societies or communities, in our country, of the same extent, are equally independent.

The wealth of a nation is produced by the application of its labor to its physical means, for the supply of its own wants; in the resources of its soil, its mines, its labor, its ingenuity, and skill, it will find competency and independence. In the proper application of labor to our soil, we grow wheat. In the same application of our labor, in a fit and suitable way, we produce wool, hemp, flax, and cotton. In the application of the same labor to a subject equally within our reach, we had an abundant supply of iron. It is as absurd for us to buy the iron, as it would be to buy the wheat, when inexhaustible supplies of both lie dormant in our mountains and our soil, and need but the labor and industry of man to call them forth, and fit them for his use. It is better for us, sir, to have our iron where it is, embowelled in the earth, than to have it thrown, already wrought, gratuitously upon our seaboard. For then, our wants would be supplied without exertion; and the very process of separating the iron from the ore, and digging it from the earth, employs a multitude of hands, who will enrich the farmer by consuming his produce. It is the business of a wise Government to find employment for labor. It would seem that there could be no doubt as to the soundness of this doctrine. Theory and practice concur to prove it sound. The experience of all nations who have adopted it, has proved it sound. There is not a nation on the face of this earth, that has not become rich, by its adoption. There is not a nation on this terraqueous globe, that has become rich without it. But, here we are met by a list of formidable objections. We shall ruin our commerce. Sir, I am as much the friend of commerce, as those who thus claim to defend it. But it is in its legitimate office that I will support it; not to control and swallow up all other interests. What is commerce, sir? It is the exchange between the producer and consumer; and merchants are the agents of that exchange. They are the common agents of both producer and consumer, who make a comfortable profit upon the articles while passing through their hands. They add nothing to the value of the commodity, not one cent. They live upon the exchange of the fruits of others' labors. The agent, sir, should never assume to control the interests of his principal. He should be subservient to them. Who are these producers and consumers in our country, to whom our merchants should be subservient? They are our farmers and our mechanics. The merchant has no right to say to them, buy, that I may import and sell; but the farmer and mechanic, as the principals of this common agent, have a right to say, suit your business to our wants; take the surplus of our produce and our labor, seek out a market for it, and bring

us, in return, that which we need, and what we cannot make; but nothing to displace or supplant the fruits of our soil and our labor. Commerce is profitable only as it subserves the two great producing interests, agriculture and manufactures. So far as it interferes with them, it is pernicious. It paralyzes labor, by holding out inducements to buy what our labor might produce; and it exhausts our resources, by tempting us to buy more than we can afford, or have the power to pay for. Sir, we ought not to deceive ourselves; we ought not to withhold from the nation our conviction, that our commerce is overgrown. It is out of all proportion with our population and our wealth. We have more commerce than we can support; we have more merchants than we can support; probably four times the number that we need.

Look at our tonnage, sir, next in amount to that of the most commercial nation in the world, and approximating nearly to it; compare our tonnage with the population whose interests it should subserve. With a population of about ten millions, thinly scattered over a vast extent of country, with a considerable portion of it beyond the reach of commercial benefits, we have a tonnage nearly equal to that of England, with a population, including her dependencies in the East and West Indies, amounting to seventy or an hundred millions. France, with a population of more than thirty millions, has less tonnage than we. Can we sustain this immense commerce? How can we do it? Impoverish the farmer by taking away his market. Sir, this immense visionary fabric cannot be sustained. Our commerce has declined. Its decline will be accelerated. An impoverished yeomanry cannot maintain commerce. Where the farmer is poor, the merchant cannot become rich. The farmer is the substratum of society. There must be a foundation to build the superstructure on. This foundation is the farmers and mechanics' wealth. Take that away, and your commerce perishes. You have taken much of it away, sir, and your commerce is perishing. If we are correct, sir, as to the sources of our national wealth, and in the principle that commerce should look to that wealth as the only legitimate support of its permanent prosperity, then it should adapt itself, at once, to our circumstances and our wants. It would then "grow with our growth, and strengthen with our strength." Its structure would then rest on a sure foundation, and be as imperishable as our freedom and our nation. The tendency of this bill, then, will be to sustain and invigorate commerce. It will divert some portion of it into new channels, I know. But those channels will be deepened and extended. They have been so already, by a very partial adoption of our system. Our coasting trade has been greatly increased by the cotton manufactures of New England. Adopt this bill, sir, and it will soon be trebled. Our manufactures will furnish more valuable cargoes for exportation. Already have they found their way to foreign markets, and there enter into successful competition with the English. This competition will be prosecuted with still greater success. The world, sir, is as

wide for us as for England; the best markets are as accessible to us as to her; and our merchants have the skill and enterprise to seek them out. We have the advantage of them, sir. We furnish for ourselves our own best market; and it is a part of our duty, directed by our wisdom, to secure to ourselves its benefits.

But there is another objection. It is contended that the principles of the bill will administer the seeds of death to our Navy, and we are invited to behave with suitable solemnity while attending its funeral. What, sir, shall we destroy our Navy—the two-edged sword of the nation; the right arm of the national defence; the winged messenger of our vengeance, and of our mercy too; our Navy, the preservation and glory of which every American identifies with his own existence! There is something in this admonition which is calculated to startle and alarm; and if these portentous consequences were not deemed unreal, the friends of this bill would hesitate, pause, and retrace their steps, and not pursue a course terminating in so fatal a catastrophe. What, sir! this bill destroy our Navy! Impossible! How is a navy sustained, sir? By the wealth of the nation. By the treasures of the Government. Impoverish the nation, and a navy cannot exist. It is a most expensive establishment. A poor nation cannot sustain a navy.

If we are mistaken as to the tendency of the system we advocate, we shall injure the Navy. If, on the contrary, it will increase the wealth of the nation, in just so much it will increase our ability to support a navy. We have timber, and iron, and hemp, for the construction and arming our ships, and carpenters to prepare and fit them for their proper use; make the nation rich, sir, give us money, and the object will be speedily accomplished. But, say gentlemen, when commerce is gone, where will you obtain your seamen? Gentlemen talk as if commerce would no more have an existence; as though exportations and importations would cease; our fishermen would be driven from the ocean, and our coasting trade annihilated. Not so. I apprehend, from this bill, but little, very little diminution of our commerce; and that diminution will be but temporary. It will greatly increase our coasting trade. It will invigorate and protect our whale fishery—our best nursery of seamen; and our exporting commerce will be extended and enlarged. Give us money, sir, and we can obtain seamen. They can be drawn from all countries. Should this bill, from this moment, exclude every article intended to be protected by it, and to be made and produced at home, still we should be able to obtain seamen enough to man our fleets, to perform the seaman's part. Landsmen, in the amphibious character of marines, on more than one occasion, have fought on board your ships, and won your victories. And this can be done again. On examination, then, the objection, though formidable in size, and plausible in appearance, is found unreal. It is *vox et præterea nihil*.

But here is another objection: Our revenue. And what will become of our revenue? Where shall we obtain our revenue?

On this subject, Mr. Chairman, there must be some strong delusion, some strange mistake between the friends and opponents of this bill. Who pays the tax now, sir? The consumer. From what source is your revenue drawn? From the people of these United States. The merchant takes care, he never forgets to add the duty to the price of purchase, the cost of freight, and a comfortable profit on the whole. The consumer pays the whole. The farmer, sir, our own farmers, in supporting our own revenue, not only pays this tax, which goes into the Treasury, but he pays the European farmer for the wool he grows, and the European mechanic for the labor bestowed upon it. In every yard of cloth on which he pays this tax, in almost every article we buy, is wrapt up more or less of English beef, pork, flour, provisions of every kind, which have sustained the mechanic and the farmer while growing the raw material, and fitting it for market. Now, sir, the only question on this subject is, Can the consumer pay the purchase of all this, the freight, the duty, the profit, and contingent charges, easier than he can pay the duty alone? The purchase is unnecessary; the freight is unnecessary; the merchant's profit is unnecessary; all these can be dispensed with. The article can be made at home. The tax, in the shape of duty, must be paid; and the only question is, whether it be easier to pay the tax alone, or to pay that and four times the amount with it?

Mr. Chairman, I know that importations are a legitimate source of revenue. It is the readiest, easiest, and perhaps the cheapest, mode of taxation. When importations are necessary to supply our wants, and subserve our interests, they are the proper subjects of taxation. But, I protest against that policy of our Government which would create or continue that necessity for the purposes of revenue. What is the argument? Buy, that we may tax. Buy the article of a foreign nation, as a kind of vehicle, as physicians call it, to cover up and render palatable this nauseous pill of taxation. Buy, to deceive yourselves, and that we may deceive you. I protest against that system of revenue which, to put twenty-five or thirty dollars into our own Treasury, would place a hundred at the disposition of a foreign Power; which, to fill our own Treasury, would exhaust the nation and enrich a stranger. This we do now. This is our process now. I would stop this process. Its operation on the Government and country I have attempted to show. And here the question again recurs as to its operation upon the citizen. Is it easier to pay the thirty dollars into the Treasury alone, or, in paying that, to pay the one hundred dollars, in addition, to a foreign nation? So much as the purchase of the article amounts to, goes out of the country, not in the produce of the soil, but in cash, and stock, and public securities. It cannot, surely, be a good system which would drain the country of its resources to fill its Treasury. This, too, is a portion of our draining system. But gentlemen say, unless you resort to this system, you can have no revenue. The people of my district will not submit to direct taxation.

Sir, have we sworn to support the Constitution of the United States? Is that sacred instrument equally obligatory upon all? Is the power to lay and collect taxes a part of that Constitution? And are we to be told here, on this floor, by honorable members of this House, (for it is here that I hear this language,) that the people of this country will not endure to be taxed by this Government? Then what becomes of this Government? Where is the authority of your Government? Where is your boasted Constitution, and where the virtues of this people? Sir, I deny this doctrine. I protest against this drawing of the character of this nation. I say that, when direct taxation becomes necessary, the people of this country will cheerfully submit to it. They pay the taxes now. They know they pay the taxes. And who shall judge of this necessity? The people. If we disobey their will, the people have the corrective, and know how to apply it. They can dismiss one set of servants, and substitute another. I have no apprehension, sir, that the principles of this bill will induce the necessity of direct taxation; but I feel myself authorized to say that the people whom I have the honor to represent would prefer excise and taxation to our present system. They would prefer direct taxation, with the benefits of a market for their produce, to indirect taxation, to the same amount, without a market for their surplus. If they must pay a tax, they will not quarrel about the form. But the benefits of a market are of vast importance to them. What nation, sir, was ever impoverished by moderate taxation, when the fruits of it are expended at home? This should be the policy of our expenditure. Thus exercised, taxation is a medium of collecting from the affluent and rich, and distributing among the laborious, the active, and the poor. Has this been the system of our Government? No. Year after year we have purchased, with our public revenue, the wool, the flax, and the hemp of foreign nations, their munitions of war, clothing for our troops, and canvass for our ships. This is another portion of our draining system. But, sir, a moderate application of the power of taxation, with a judicious distribution of its fruits within the limits of the nation, is invigorating and benign. It is time, sir, that the doctrine should be controverted, that the people will not bear taxation. I will never believe it. The idea supposes rebellion, insurrection, treason. And against whom? Against themselves. Not against a foreign government; nor against a government over whom they have no control; but against one created by themselves, administered by themselves, and the administration of which they may change at pleasure. To talk of opposition to such a Government, in any other way than the Constitutional one, implies a madness and infatuation equal to that which terminates in suicide—a crime never committed but in a paroxysm, of delirium, or the fatuity of dementia.

But here is a question of sectional interest, which elicits unfriendly feelings and determined hostility to the bill. I deprecate the necessity of awakening these local jealousies. I regret ex-

ceedingly, that, on a question of such vital importance, and so necessary to the permanent welfare of our country, any portion of our fellow-citizens should find occasion to feel themselves injured, so as to prevent a cordial and unanimous co-operation in this, the only step of internal national policy which has ever been taken.

But so it is. The cotton, rice, tobacco, and indigo growers, of the Southern States, claim to be deeply affected and injured by the operation of this system. These complaints claim and merit serious and candid consideration, and should be obviated if possible. I cannot endure to lose friends whom I value so highly as our fellow-citizens of the South, who are growers of cotton, tobacco, &c. Let us examine the subject a little, and see if these complaints are well founded. And, first, let us inquire if the Southern planter does not demand what, in fact, he denies to others. And now, what does he require? That the North and West should buy—what? not their cotton, tobacco, &c., for that we do already, to the utmost of our ability to consume, or pay, or vend to others; and that is to an immense amount, greatly exceeding what they purchase of us. But they insist that we should buy English wool, wrought into cloth—that they may pay for it with their cotton; that we should buy Russian iron, that they may sell their cotton; that we should buy Holland gin and linen, that they may sell their tobacco. In fine, that we should not grow wool; and dig and smelt the iron ore of our country; for, if we did, they could not sell their cotton. Now we have the same capacity for growing wool, and producing iron in our country, and to as unlimited extent, as they have for cotton in the South, and we should do it to the same extent, if we only had a market. Our Southern brethren would think it very unreasonable that they should be required to stop growing their cotton, to make a market among themselves for our wool, and that they should not wear even their own cotton, for, if they did, they could not wear so much of our wool. But their objections to this bill go this length. They admit you have the capacity to produce wool to an unlimited extent, and iron also. But, "fill your market with foreign wool and iron, and woollen and iron manufactures, that we may sell more cotton and tobacco." Is this equal? No. By the bounty of Providence, in the peculiar adaptation of soil and climate, and the controlling influence of circumstances, our Southern brethren enjoy a monopoly of several staple articles, which command a steady and extensive market and a ready sale of Cotton, Indigo, Tobacco, and Rice, are four of them. These are vast and permanent sources of wealth and profit, enjoyed by no other section of our common country. These are the only productions of our country which find admittance into foreign ports to any extent; and they are now the means of purchasing the foreign fabrics consumed, not only in the South, but in the North also. I rejoice that any portion of our country is capable of producing a raw material of such universal demand. I trust they will always command a market, and be sought after by foreigners. But it is clearly unequal, and palpa-

bly unjust, that we should be required to forego our natural advantages, few and inferior as they are, for the purpose of extending theirs. The South will still be at liberty to sell their staples to foreigners, and to buy their manufactures of them. If they prefer buying of them to buying of us, we will not complain. Let them trade with foreigners. They can sell more cotton. We will still buy cotton and tobacco of them—all that we can wear and all that we can sell. If they are obliged to pay an increased duty when the goods arrive in their ports, so do we. In this we are equal. If they say that they shall consume more foreign manufactures than we, it is doubted. The North are the greatest consumers.

But, if they would avoid the increased duty, let them buy of us. We will soon sell to them as cheap as they can buy of England. Give us a market, steady and extensive, and we will soon furnish the necessary supply as cheaply, and of a better quality, than England. The example of coarse cottons is a proof of this.

But here the friends of the bill are met by a number of specious objections. We are charged with taxing the poor and necessitous, by imposing additional burdens upon articles of the most common necessity, which the poor consumer must have; that is, the poor will continue to consume the article imported, on which the additional duty is imposed, and thus be compelled to pay the additional tax. If this were true, there would be force in the objection. But if this be true, what becomes of the objection founded upon the diminution of revenue? For, if the poor continue to pay this tax in the consumption of the imported article, the revenue, instead of being diminished, will be increased in proportion to the increase of the duty. The objections are inconsistent. Both cannot stand. And again, if this objection be true, the object of the bill will be defeated; for the object of the bill is to induce the poor as well as the rich, to avoid the increased duty, by purchasing a superior and cheaper domestic article. Unless this object be attained, the revenue will be swelled beyond all due dimensions, and the friends of the bill will be greatly disappointed, and the opposers of the bill will be equally disappointed, as to its effect upon the revenue.

But the price of the domestic article will be equal to the imported, with the addition of the duty. Then the domestic article will be of a superior quality, or the consumer will buy the imported. But here lies the fallacy of the objection, and the fallacy has been shown by actual experiment, and may be made quite manifest in theory. The actual experiment to which I allude, is the article of coarse cottons. Every objection now raised against the proposed system, was vehemently urged against that experiment. But the experiment succeeded beyond the expectation of its most sanguine friends, and the objectors were silenced. So it will be as to the effect of the proposed system. The domestic article will be rendered cheaper and better, instead of dearer. The reason is obvious, but seems to have been overlooked. The proposed system will furnish a mar-

ket, and a large one too. The increased demand will be met by an increased supply. And a large supply can be afforded at a cheaper rate than a small one, in the same proportion that the merchant who sells much will grow richer on a smaller profit than the one who sells but little. The principle of competition will ever render every thing on which it operates as cheap as it can be afforded. If our manufacturers can but sell what they manufacture, it will be difficult for the adversaries of this bill to show that our mechanics, with the advantages of machinery and cheapness of living, cannot manufacture as cheaply as foreigners. The only difficulty is the want of a market. Ours has been glutted to overflowing by foreign fabrics. Every expedient that ingenuity and wealth could devise, has been resorted to by foreign capitalists, and foreign politicians too; and in this they have been aided by our own merchants, to keep our markets full—to crowd in their manufactures into every empty spot—to force them back into the country, by the machinery of auction sales, and thus anticipate the wants of the country by a supply for several years. Our manufacturers cannot contend with this mighty odds. They must have a ready market; they must make ready sales or stop. Not so with the English; they must go on. They have already on hand at home, and in our markets, a supply for some time. Their immense capital, and the gratuities of the Government, enable them to do this. By this system our markets have been kept constantly filled with every thing but coarse cottons, which we have excluded by prohibitory duties.

But there are certain abstract elementary principles, very beautiful in theory, if adopted by the whole world, but totally impracticable as applicable to the relations of nations, and which no nation but our own ever did adopt, and none can adopt; and no nation having the least policy ever will adopt. "Buy where you can buy cheapest—leave trade to regulate itself;" or, in other words, permit the merchant to regulate, not only trade, but to determine what produce shall be grown in the country; and, in other words, permit the merchant, if he can make any thing by it, to import into a wheat-growing district a cheap cargo of wheat, and sell it to the consumers to the exclusion of the native wheat. True, the consequence is ruin to the farmer. He can raise no more wheat. What he has on hand he must sell at a loss, or it must perish. True, the soil has an inexhaustible supply of wheat in it, to be drawn forth by a proper application of labor to it. The laborers are here, the consumers are here, and the price of the purchase is here; and the wheat grower employs these consumers, and pays them for making his implements of husbandry and keeping them in repair; but it costs a little more to feed and clothe freemen than slaves. But trade should regulate itself; the merchant (true, he adds nothing to the wheat) can make some profit by adding something to the price; and the mechanic in the neighborhood of the farmer, who has heretofore been fed by him, "should buy where he can buy cheapest," and just now having a little cash, should

buy the merchant's wheat instead of the farmer's. True, the cash goes abroad to pay for the foreign wheat, so cheaply produced by slaves, instead of going to the farmer, to enable him to pay his hired men, and raise another crop. "But trade should regulate itself;" and though the money is greatly needed in the country, you should send it abroad, to buy where you can buy cheapest, and you will thereby encourage commerce, and support the merchant, without reducing him to the necessity of productive labor. The same remarks are applicable to every other thing capable of being produced or made in this country. Take the article of wool. The farmer has it in abundance, or, which is the same thing, the capacity or capability of producing it in abundance; and he needs the manufacturer's cash. But, says the manufacturer, I must buy where I can buy cheapest. I can buy foreign wool cheaper than I can buy of you. True, it is not so good. True, you buy my cloth, and, unless I buy your wool, you cannot continue to grow it, nor to purchase my cloth. True, if I exchange my cloth for your wool, it matters little what nominal value we fix upon the articles, so that I get a reasonable compensation for my labor; and, though you need some cash with my cloth now, yet the person to whom you pay that cash needs it, perhaps, for the very purpose of buying cloth of me, and that will enable me to purchase more wool of you, or to buy more machinery, or pay my laborers; and thus we should retain it in the country, and keep it in circulation among us; yet I should violate the standing maxim of buying where I can buy the cheapest; so, I must send my money abroad to buy wool, where I can buy it cheapest, and you, and all my fellow-citizens, must send your money abroad to buy cloth where you can buy cheapest, and you must stop growing wool, and I must stop making cloth, and we must both do—what? Nothing, but buy, because we can buy cheap. Here, sir, is the cheap buying doctrine, your self-regulating doctrine; and the farmer and manufacturer, above mentioned, stripped of their cash, and reduced to the necessity of doing nothing, is a miniature picture of this our happy nation, and illustrates the blessed effects of these theoretical dogmas. The foreign tyrant, who compels his slaves to work for nothing, and to go naked and hungry, could not wish more subtle and sophistical advocates than those who urge this doctrine here. It induces us to buy of him. The purchase goes into his coffers; his treasures are filled; his armies and navies are sustained; his power is confirmed; and he is enabled to rivet his chains upon the nations.

Sir, this cheap buying doctrine is not suited to our condition, in our relation to other nations. To regulate our intercourse among ourselves, it is correct. To regulate our intercourse with foreign nations, it is, to say the least, unsound. The price of living is the price of labor; and, inasmuch as freemen will live better than slaves, and therefore consume more than slaves, in just so much will their labor cost more than slaves; as between them and their employments; in just so much will their condition approach the condition

of their employers, and in just so much will they divide the profits of the business with the employer. The laboring classes of this country, be they rich or be they poor, through the blessing of Providence, stand on an equality, in point of privilege, with the kings and the nobles of the earth. Their style of living is, in some measure, correspondent to the dignity of their rank and station. It is respectable and comfortable, raising, in a proportionate degree, from servility and degradation, that portion of our fellow-citizens. The price of their living is proportionately expensive. This increase of expense must be sustained by increased wages—by an enlarged price for their labor. This price for their labor must be added to the price of their manufactures; and this must be paid by the consumer. God grant that the comfort and respectability of this class may always be thus sustained: God grant that we may never be able to compete with foreigners, in the point of cheapness of their labor, unless it be by elevating that class of the human family abroad, increasing their wealth and importance, and adding to the price of their manufactures, by adding to the price of their labor. We know many of them now to be miserably depressed. The scantiness of food and clothing which their wages supply to them, is extremely distressing. It is the want of abundance of wholesome food and comfortable clothing, and excessive over-working, that enfeebles their frames, and renders them meagre and sickly. Thus, the very flesh and blood, the life, of foreign mechanics, is wrought up into their fabrics, to render them cheap. The poor mechanic, reduced to pauperism, is supported by the parish, and let out to the manufacturer, to obtain a fourth, an half, or any other portion of weekly wages. This is common. The labor costs next to nothing. This renders their fabrics unnaturally cheap. Cheapened by distress; cheapened by the tears and groans of the wretched; cheapened by the shrivelled limbs and famished frames of the poor laborers. To cheapen them still more, and to keep our manufactures down, the English Government, I am well assured, pays a bounty, in the shape of loans, to the amount of several millions, to their manufacturers, to encourage them to go on and multiply their fabrics, and enable them to wait for a market, and sell them eventually for any thing they will fetch, for almost nothing.

And does this policy exhaust the English Government or the English nation? No, sir; it enriches them. Whatever they can sell their manufactures for, is so much clear gain. The greater the price, the more gain, to be sure; but any price is so much gain, so much tribute to England. This will appear, when we consider what it is that England sends abroad in the shape of manufactures. I mean, as to the mass of them. They cost her no cash. She sends abroad, in them, no cash. She produces the raw material. She has the mechanics and machinery to work it up, and her farmers to feed the artisans. These are her powers. By putting them in motion, her manufactures are produced. She sends them to us,

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and fills our markets. If she could not send them abroad, this motion would, to a certain degree, cease. She sends out nothing which would exist, if she did not send it out. It is her labor, wrapped up in a thousand various productions of her soil and mines, which she sells us, and we buy, which would in so much cease, if we did not buy. This labor is necessary to her health and vigor. When it stops, she must perish. She should then work for almost nothing over and above supplying her own wants, rather than be idle. She knows this, and therefore is not idle. If the master of the establishment cannot keep his hands at work, for the want of a ready market, and must dismiss them, the parish pays their subsistence, and the work goes on; and if that be not enough, the Government furnishes the raw material, and the work goes on. This costs nothing. The money does not go out of the kingdom—the power does not go out of the kingdom. It is but the effect of these powers, which does not exhaust or enfeeble her at all, but, on the contrary, keeps her in healthy action, and enriches her by just so much as she gets for her goods. Well may she afford to crowd them into our markets, and drive them into the country, by sales at auction, for if she can sell them for any thing more than the duties we impose, she is a gainer, and we are the loser. For, in just so much as England gains, we, or some one else, lose. We are exhausted. To be sure, we get an equivalent for our money, and perhaps more, but we consume it, when we might make it. England gets our money, and she does not consume it. This is the secret of her wealth and of our poverty. By this process of selling, England has been rendering all the nations of the earth, and us more than any other nation, tributary to her for centuries. A small tribute from all the various sections of the world, concentrated in so small a space, amounts to an enormous sum. Hence her wealth. It did not spring up out of her own soil. Her labor and ingenuity did not constitute it. They were the means. She exchanged these means for the gold and the silver and substantial wealth of other nations. With the wealth she has acquired, she is independent of the markets of the world so long as her own realms can produce the raw material, and subsistence for her population. And will gentlemen insist that we must buy of England, because we can buy of her so cheaply, when they examine the causes of that excessive cheapness? and do they look for the operation of those causes in this our country? I trust in a merciful Providence that neither we, nor our children, nor our children's children, may ever witness them here. And yet I do hope we shall no longer pursue a system of buying almost all we consume, except our food, and a great deal even of that, merely because we can buy cheaper than we can make or produce ourselves. We must stop this progress of depletion, or it will be stopped by perfect exhaustion, and the self-regulating system would never check the evil, until it terminated in debility and death.

Mr. Chairman, there are many other interesting

topics of discussion, growing out of this subject. But I have trespassed too long, already, on the patience of this Committee, and I forbear. In conclusion, permit me to indulge the hope that the principles of the bill on your table will prevail. I see in them the wealth, the honor and independence, of my country. Adopt them, and ours will be, "the flocks upon a thousand hills." We have millions and millions of acres peculiarly fitted to the culture and pasturage of sheep. Give us our own market for their produce, and we will soon cover them. The sturdy arm of labor shall cause our mountains to disgorge their concealed treasure; the busy hum of industry shall succeed to the stupor and listlessness of poverty and idleness; and the voice of complaint and distress which now resounds from every quarter, shall be lost in the song of thankfulness and praise for deliverance from the evils under which we now suffer.

When Mr. MARTINDALE had concluded—

Mr. A. STEVENSON rose, not, he said, to make any remarks in reply to the speech which had just been delivered, but to dissuade both the friends and the opponents of the bill, from going into a discussion of its general principles, on the present motion. He thought the course pursued by the gentleman from New York, was without a parallel. After the House had, for two weeks, been engaged in a discussion which touched the vital interests of the country—after the two sides of the House, in relation to that discussion, had agreed, first to go into the several items of the bill; then to take up its general principles; and, if a decided majority should appear to be in its favor, then to agree to make its provisions as little exceptionable as possible—for that gentleman to get up and occupy the Committee for two days, with a speech against his own motion, and on the general principles of the bill—this was offering an indignity to the House, and was a course which this House ought to spurn. He hoped that a unanimous vote would pass, without discussion, against the motion, and he called on the friends, as well as the enemies of the bill, to pass such a vote.

Mr. FLOYD hoped that the House would vote for the gentleman's motion, and against his speech—in which it would appear that the gentleman had been peculiarly unfortunate, since scarcely any orator before ever failed of convincing, at least himself, that the measure he proposed was proper. In ordinary cases, Mr. F. said, he was against a motion of this kind; but this bill was of such an enormous character, that he should advocate the motion; it ought rather to have been entitled a bill to tear up commerce and destroy agriculture, than to amend the duties on imported articles.

Mr. CLAY was glad that gentlemen would, with whatever views, now vote on the general question; but he saw no cause for so much excitement against the course of the honorable gentleman from New York. It was, to be sure, unusual; it was not one to which he should have advised him. But it had only been adopted to bring up for discussion the general principle of the bill as separated from its details. But, though the course,

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in its form, was unusual, it was not so very unusual to see gentlemen make a speech on one side of a question, and afterwards vote on the other. He had seen frequent instances of this in his public life. He trusted gentlemen would not vote in favor of striking out. As to the bill going to tear up commerce, and God knows what—all that belonged to the discussion of its merits. And if the honorable gentleman from Virginia thought that such was its tendency, he should show it by argument rather than by violent expression. He hoped to hear that gentleman (to whom he always listened with interest) in answer to arguments in favor of the bill.

Mr. MARTINDALE rose, in reply to Mr. STEVENSON, and observed, that he had yet to learn that a motion which had been pronounced in order by the Chair could, with propriety, be considered as an indignity to the House, and if not with propriety, in what spirit had the remarks been made upon it which fell from the gentleman from Virginia? He would not say that those remarks offered an indignity to the House; but he would say that they were not according to the rules of this House. He had prefaced his motion, at the time he made it, with the explanatory remark, that the bill contained general principles equally applicable to one as to another of its items—that it was proper these principles should first be discussed, as otherwise their discussion would come up under each separate item, and might be repeated again and again, and it was likely they would, since gentlemen had given open warning that they meant to oppose the bill, step by step, and inch by inch. Would this be economy of time? In making the motion he had submitted, Mr. M. said he had taken his own judgment alone for his guide, and the established rules of this House, and he was not conscious of having offered to it any indignity.

Mr. STEVENSON, in reply to the Speaker, observed, that, while complaining of excitement in others, he seemed to have shown quite as much himself. In answer to the gentleman from New York, he disclaimed all reflection on the motives of that gentleman. He spoke only of the aspect and bearing of his motion, in connexion with the speech that accompanied it. He thought the course not only unusual, but disrespectful—inasmuch as, by parliamentary usage, the motion to strike out the enacting clause of a bill should proceed from those who are opposed to its passage.

Mr. MARTINDALE said, that when he made the motion, he was not aware of any understanding entered into as to the course of discussion, nor did he think that any such understanding could properly exist.

Mr. COOK said that the gentleman from Virginia (Mr. STEVENSON) would defeat his own object, if he succeeded in obtaining a silent vote on the motion to strike out, as such a motion, once passed upon, could not afterwards be repeated, and thus all general discussion would be precluded. But if he had rightly understood the gentleman from Virginia on his left, (Mr. BARBOUR,) it was the wish of members that the general prin-

ciples of the bill should be discussed in the first instance.

Mr. P. P. BARBOUR explained that he did not mean before the items had been gone through with.

Mr. COOK advocated that discussion, in order that the general objects of the bill might first be settled. If it was a bill to advance the general wealth and prosperity of the country by a system of home protection, it would require one kind of discussion; but, if it was merely a revenue bill, it would require quite another.

Mr. McDUFFIE said that there were no general principles that applied to the whole bill. It was a mass of particulars; and different principles were involved in each of its two hundred and sixty items. He, therefore, suggested to the gentleman from New York the propriety of withdrawing his motion.

The suggestion not being complied with—

Mr. CLAY observed that some experience in legislative bodies had taught him that more stress was often laid upon the modes and forms of doing public business than was at all necessary. If a discussion of the general principle was desired, it might be brought up on any one of the items of the bill. It would necessarily come up in a variety of forms. It was, however, the established parliamentary usage that a motion to strike out the enacting words (formally the first section) of a bill should precede the motions to alter its several features. This was the course lately pursued on the bill for internal improvements. Mr. C. again defended the gentleman from New York.

Some farther conversation took place on the mode of proceeding to be observed in the farther progress of the debate.

Mr. FLOYD made some remarks, which were heard but imperfectly.

Mr. LIVINGSTON protested against his vote not to strike out, being understood as committing him for the bill as it stood, because he viewed it, in its present form, as pregnant with mischief, but thought it might, with proper modifications, become the source of great public blessings.

Mr. HAMILTON said that he was not so incorrigible an infidel, in respect to the specific virtues of the bill, as gentlemen seemed to suppose. That when he had formerly said he should oppose it inch by inch, he meant in its then form; but, if suitably modified, he might possibly vote for it. But its friends seemed to wish to act the part of Dr. Sangrado, and not only compel the opponents to swallow the bill, but to swallow it whole, without any alteration.

The question being put on striking out the first section of the bill, was decided in the negative, 14 only rising in its favor.

The question then recurring on Mr. BRENT'S motion to strike out the clause laying a duty on cotton bagging—

Mr. POINSETT rose principally for the purpose of corroborating the statement made by his friend from Louisiana, in his argument to prove that the price of the cotton bagging was not paid by the consumer. In every market in Europe there is a

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tare allowed for the bagging, varying from four to five and six per cent., and a further deduction is made for the cotton which is frequently stained by the bad quality of the bagging. It is on this account that the cotton bagging of Kentucky, when brought into the same market with that of Dundee and Inverness, always sells from 50 to 75 per cent. lower. His friend from Pennsylvania (Mr. BUCHANAN) would readily perceive, therefore, that nothing short of a prohibitory duty will effect the object gentlemen have in view.

Mr. HOGEBOOM objected to this duty, as bearing unequally on a particular class of the community. Those articles which bore an ad valorem duty were in the bill proposed to be raised only from 20 to 25 per cent., while on this article of bagging an increase of duty of from 60 per cent. was intended on that formerly laid. The chairman of the Committee on Manufactures confessed that the duty would be prohibitory. The honorable Speaker said it would only produce a competition between the American manufacturer and those of Inverness and Dundee. On that competition he wished to submit a few remarks. Those two small Scotch towns were situated in a high Northern latitude, (one in 57°, the other in 58°, N.,) in a poor and cold country. In order to procure the material for this cotton bagging, (there called *hemp sacking*,) they had to send up the Baltic, about twelve hundred miles, to Dantzic, and bring it to Inverness. All the fuel they used was brought from London and Liverpool. All the food they ate they bought. They were at great expense to get the article; for, having nothing to send out in exchange, their vessels went up the Baltic in ballast, and had to pay Sound duties at Elsinore. They were at great expense in sending out the manufactured article to this country, for it was bulky; they paid freight, commission, and insurance. And with all these charges on the article from its origin, and the duties added on its importation, they entered the market with the manufacturer of the West, who raised the material at his own door, and lived in a country where provisions were cheap and abundant, and yet they undersell him. How could this be? What was the explanation of a fact so extraordinary? It was, Mr. H. said, to be found in this—that the weavers of Inverness and Dundee worked with a degree of application that was unparalleled for sixteen hours a day—that is, one-fourth more per day than the laborer of the West, and two-thirds of the value of the coarse article they made lay in the labor they bestowed on it. Putting its value at 30 cents a yard, 20 cents of this price was purely the effect of labor; now, one-fourth of 20 cents is 5 cents; so that their extra labor, beyond the workman in this country, was equal to 5 cents a yard on all the bagging they manufactured. This was the whole secret. The Kentucky manufacturer will not work so hard as the Scotch manufacturer; and shall we for this, said Mr. H., lay a tax on our farmers? I spurn at it. I will act for the whole of my country—I will give to all alike—for this I came here, and in this course I hope I shall ever be found. The honorable Speak-

er, in his zeal for the manufactures of his State, forgot the line which says—

"Help me to look at others' woes."

Mr. H. further said, that he should not have risen had a single man from the northern part of his own State spoken on any but one side of this question. He contended that the duty was not paid by the consumer, but by the grower of cotton; and if gentlemen meant to lay a duty on the cotton growers of the South, let them come out and say so at once. Was the cotton trade an unprofitable one to the United States? On the contrary, there was no branch of its trade more profitable. Yet he was not opposed to the whole bill. Some of its features he highly approved. But he was a decided enemy to this duty on cotton bagging.

Mr. BURTON said, that from the account given by the honorable Speaker, of the manufacture of this article in the West, it appeared that little or no capital was needed to carry it on. Much of it is performed by children, and living is low. Yet the Scotch article is furnished cheaper than the American. The reason Mr. B. stated to be in the dense population of Scotland, where every branch of labor was fully occupied, and its price diminished to about sixpence or a shilling a day—while in the west of our country it was forty or fifty cents. Mr. B. asked if it was just that all the rest of the Union should be taxed to make up this difference in the price of labor between Scotland and Kentucky? He knew that State was under great embarrassments at present, but she would soon get relief. She began to export much tobacco in addition to her hogs and horses. Yet the restless spirit to which the Speaker had with truth alluded, urged them to seek to bring a new article into the market; and they say to the people of the South, "do you be so good as to be at the whole expense of our bringing this new article into market." Instead of this, they would do better to attend to the raising of *people*. Judging from the specimens on this floor, they would excel in that branch of domestic manufacture. The staple articles of export from North Carolina used to be pork and bacon, which they carried into Virginia; but Kentucky had, in a great measure, superseded this trade by underselling Carolina. She had lost the market, and was driven to the growing of cotton. How would the West like it if Carolina should ask Congress to make up to her the difference between the sterile and worn out soil of Carolina, and the fresh and fertile fields of Kentucky? Yet such a request would be as reasonable as that now urged by Kentucky.

Mr. OWEN, in reply to Mr. TRIMBLE's remark, some days since, upon the weight of bagging being included in that of the bale of cotton, and sold as cotton, produced a calculation to show that, in Liverpool, (the ultimate market, by which the price of cotton was regulated,) a deduction in weight was made for the bagging and the bale rope of three per cent. on uplands, by which a bale of 360 lbs. lost 11½ lbs.; Louisiana cotton lost 18½ lbs., and Havre de Grace 25 lbs.—much more than twice the price of the bagging.

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Mr. TRIMBLE, in reply, said, that this loss fell on the foreign consumer, the various charges being eventually added to the price of the article; so that, in the end, the bagging and cotton going in together to make up that price, the bagging did sell as cotton. If it cost the planter less than cotton, he gained by it; if more, he lost. Mr. T. illustrated his position by comparing the tare and transportation on cotton with those on tobacco, and concluded by inquiring whether the gentleman from New York (Mr. HOGEBOOM) meant to advocate such a form of the tariff as would compel the people of Kentucky to work like beasts of burden sixteen hours a day? Was this the equality he spoke of? He said he would protect iron and wood, but not bagging. Let the iron forgers work sixteen hours a day, and let the sheep eat sixteen hours a day, and they would need no more protection than the manufacturers of bagging.—Surely, seven large States could raise hemp enough, and manufacture it too, to supply five comparatively small States. He protested against making the people of the United States beasts of burden.

Mr. HOGEBOOM, in reply, said, that according to the gentleman's own illustration from tobacco, the question resolved itself into this—whether it was better to go to a market where, on a hog-head of tobacco worth \$150, tare was deducted, than to take it to another market where the same hog-head brought \$150 without any tare being deducted at all.

On motion of Mr. LIVINGSTON, the Committee then rose, and the House adjourned.

WEDNESDAY, February 25.

Mr. WILLIAMS, of North Carolina, from the Committee on Claims, to which was referred the bill from the Senate, entitled "An act for the relief of James Johnson," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. ALEXANDER SMYTH made a report on the Message of the President of the United States, transmitting a statement prepared by William Lambert, explanatory of his astronomical observations and calculations, made with a view to establish the longitude of the Capitol; which report was laid on the table.

Mr. CAMPBELL, of Ohio, from the committee appointed on the memorial of the Columbia Institute, made a report thereon, accompanied by a bill for the benefit of the said Institute; which bill was read twice, and committed to a Committee of the Whole.

The House proceeded to consider the resolution laid on the table by Mr. WRIGHT, on the 17th instant, and, being read, was agreed to:

Ordered, That the report of the Committee on the Public Lands upon the subject of the robbery of the land office at Vandalia, in the State of Indiana, be committed to the Committee of the Whole House to which is committed the bill for the relief of the assignees and legal representatives of John H. Piatt, deceased.

Mr. BAILEY, offered the following:

Resolved, That the Committee of Elections, to which were referred several papers respecting the right of the member returned from Norfolk district, in Massachusetts, to his seat in this House, be instructed to report whether any other members, returned to this House, were not, at the time of their election, inhabitants of the States from which they were respectively returned, with the facts of the cases, and their opinion thereon; and that the committee have powers to send for persons and papers.

Mr. BAILEY supported his resolution, and objected to the principle that mere living in a place constituted inhabitancy, in the sense of the Constitution, and showed that, if admitted, it would apply to foreign Ministers, and would exclude sitting members of this House; and he quoted precedents.

Mr. SLOANE replied to Mr. BAILEY, and opposed the propriety of the resolution, inasmuch as the House was already in possession of sufficient information on the subject.

After some farther observations from Mr. BAILEY and Mr. FORSYTH, the resolution was adopted.

On motion of Mr. JENNINGS, the Committee on the Judiciary were instructed to inquire whether any, and, if any, what further legislative provision may be necessary to secure the accountability to the Treasury, of the clerks and marshals of the circuit and district courts, for fines and forfeitures which may accrue to the United States.

On motion of Mr. SIBLEY, the Committee on Agriculture were instructed to inquire if an increase of the duty, now established by law, on any article of foreign growth or manufacture, will be for the interest of the agriculturist, and, if there be any such article, to name the same, together with the additional amount of duty which they deem beneficial to the agricultural interest.

On motion of Mr. STEWART, the Committee of Claims were instructed to inquire into the expediency of granting to Colonel Rees Hill a just compensation for certain expenditures by him incurred, in furnishing supplies, &c., for the regiment of militia under his command, on the northern frontier, during the late war with Great Britain.

Mr. McKEAN submitted the following resolution:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the justice and propriety of so altering and amending the act of the 18th of March, 1818, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," and the several additional and supplementary acts thereto, passed May 1st, 1820, and March 3d, 1823, so that the provisions of the aforesaid act of the 18th of March, 1818, shall be extended, generally, and without distinction, to all and each of the surviving "commissioned and non-commissioned officers, musicians, private soldiers, and all officers in the hospital department and medical staff, who served faithfully in the war of the Revolution, for the term of nine months, or more, at one period of the war;" and, also, to every commissioned officer, mariner, or marine, who served at the same, and for a like term, in the naval service of the United States, without having reference or re-

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gard to the amount of the property possessed by any such individual, and also, without regard to any particular description of troops in which such person may have served.

The resolution being read, the question was put, "Will the House consider the same?" and was determined in the negative.

On motion of Mr. LITTLE, the Committee on the Judiciary were instructed to inquire into the expediency of increasing the per diem allowance of jurors attending the several district courts.

On motion of Mr. HENRY, the Committee on Pensions and Revolutionary Claims were instructed to inquire into the expediency of placing Larkin N. Akers, (a soldier who was wounded in the head, in Dudley's defeat, during the late war, and has from that cause been afflicted with paroxysms of epilepsy,) upon the pension list.

Mr. RICHARDSON, of Michigan, moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a district court of the United States in the Territory of Michigan.

The resolution was read, and laid on the table.

On motion of Mr. FORSYTH, the Committee on Naval Affairs were instructed to inquire into the expediency of providing by law that all persons who shall voluntarily engage to serve in the Navy six months, during peace, and twelve months during war, shall be exempted from all militia duty, except when in cases of great public danger the levy in mass shall be ordered—collectors of the customs, on receiving the names and description of the persons making the engagement, to register the same, giving to each person so registered, a certificate of registry, setting forth his name, age, place of nativity, height, complexion, and general description. Every master of a merchant vessel, whether engaged in the coasting or foreign trade, to specify in his shipping articles, in an appropriate column, opposite to each person's name, such as did or did not, on signing the articles, produce certificates of registry. Every master of a merchant vessel, whether engaged in the coasting or foreign trade, to deposit in the office of the collector, at every port in the United States, from which he may clear or enter his vessel, a certified copy of his shipping articles. The collector of the customs to transmit, quarter yearly, to the Secretary of the Treasury, the names and quality of persons belonging to vessels entering or clearing at the custom-house, within the quarter, designating those who enrol themselves, from those who do not. Whenever the service is required by Government, the persons to perform it, to be ascertained by lot; no person to perform two tours of duty, till all those who are liable to serve, and are within reach of the Government, shall have served their tour. Persons in the public service, to be liable to all the discipline of the Navy, to have the same pay and rations as if regularly enlisted, the same pensions, if disabled while in the public service, and the same prize money; to be punctually discharged when the time of service shall expire, and, if unavoidably detained, to receive as a compensation,

twenty-five per cent. in addition to their pay, for the surplus time. After eighteen months from the date of the act, no person to be considered as a destitute American seaman in foreign countries, and as such entitled to relief under the act or acts of Congress, who shall not have enrolled himself to serve in the Navy as aforesaid. That authority be given to Government to take apprentices, native boys, not less than twelve, nor more than fourteen years old, to serve in the Navy seven years, the number, annually, to be one to every two guns mounted on board ships in commission; the United States to provide a schoolmaster for every national vessel of not less than twelve guns, to teach the apprentices reading, writing, and cyphering, and such other branches of learning, as their capacities may indicate; to find them food and clothes, and, after the expiration of the fifth year, to allow them two dollars per month; at the expiration of the seventh year, to give them a full suit of clothes, and, if meritorious, a certificate of good behaviour, and a sum of money not exceeding twenty dollars; the most promising may be selected during apprenticeship and promoted to midshipmen, master's mate, or any other inferior grade of office; if promoted to midshipmen or master's mates, then their indenture to cease from the day of their promotion; a roll to be kept in the office of the Secretary of the Navy, of all apprentices, showing their age, nativity, and date of their indentures; apprentices transferable from ship to ship, as the good of the service may require, which will give them a knowledge of all classes of ships; that merchant vessels shall take apprentices: vessels of 100 tons, one; 200 to 300 tons, two; of 400 to 600 tons, three; of 700 tons, four; &c. &c.

On motion of Mr. METCALFE, the Committee of Ways and Means were instructed to inquire into the expediency of making an appropriation for the payment of Philemon Thomas, Benjamin P. Thomas, and Lewis Craig, for services rendered in taking Fort Baton Rouge, in 1810, and for losses sustained by them in effecting that object.

On motion of Mr. LIVINGSTON, the Committee on the Public Lands were instructed to inquire into the propriety of making provision by law for the making roads, levees, and other such works on the lands of the United States, in the State of Louisiana, as would be required if such lands were in the hands of individuals.

On motion of Mr. BRECK, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of altering the times appointed by law for the payment of pensions.

On motion of Mr. McCALL, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of establishing a mail route from the Creek Agency in the State of Georgia, passing by Fort Gaines, to the new seat of government in the Territory of Florida.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, accompanied by a report from the Commissioner of the General Land Office, respecting the construction given to the act of 1821, for the relief of pur-

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chasers of public lands, as relates to the compensation of registers and receivers of the land offices, made in obedience to a resolution of the House, of the 11th instant; which communication was referred to the Committee on the Public Lands.

The bill from the Senate, entitled "An act to regulate the surveying of public and private lands in the southern part of Alabama," was read the third time and passed.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled "An act to repeal in part an act, entitled 'An act to lessen the compensation of marshals, clerks, and attorneys, in the cases therein mentioned,'" with amendments. The Senate have also passed a bill, entitled "An act supplementary to 'An act to perfect certain locations and sales of the public lands in Missouri,' passed April 26th, 1822," in which amendments, and bill last mentioned, they ask the concurrence of this House.

The bill was read twice, and referred to the Committee on the Public Lands.

The amendments proposed by the Senate to the bill, entitled "An act to repeal in part an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned,'" were read and referred to the Committee on the Judiciary.

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The House resolved itself into a Committee of the Whole on the state of the Union, on the bill to amend the several acts for laying duties on imports.

And the question still being on the motion of Mr. BRENT to strike out the clause of the bill laying a duty of six cents a yard on cotton bagging, the debate was renewed, and it continued with unceasing ardor till past four o'clock.

The debate was opened by a speech from Mr. LIVINGSTON, of Louisiana, (on whose motion the Committee had risen the evening previous.) Professing himself decidedly friendly to the encouragement of domestic manufactures, he addressed himself, as a friend, to the friends of that measure; and urged, as a general principle, the propriety of extending legislative encouragement only to such manufactures as there was a reasonable prospect would flourish if protected. Cotton bagging, he contended, was not one of these. It was the very last that needed it, for it required, as had been admitted by its friends, little capital or machinery, and the hands employed in it could easily be turned to another occupation. To these features he would add another. The raw material concerned was not, and never could be, raised in abundance and of good quality in this country. The proof of this was to be found in the fact, that a protecting duty, gradually raised, since 1790, from \$10 to \$20, to \$30, and now to \$40, per ton, (100 per cent. beyond the price of the article itself, in Russia,) had proved insufficient to produce it. We had manufactures in this country, the material of which was hemp, they were flourishing, and yet, such was the inferiority of the American article, that they preferred to pay this

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enormous duty to making any use of it. If asked for the reason of this inferiority, he could not explain it; gentlemen tell us it is in the manner of rotting it; he doubted the fact—but, be that as it might, good hemp was not made.

Mr. L. in the course of his remarks, complained that a duty should be laid on all the cotton growing States, not for the good of the whole Union, but of a single State; for the manufacture existed in Kentucky alone. He doubted that the duty, if laid, would prove any material benefit, even to the Kentucky manufacturers, because the article they made was so inferior, that the foreign would still be used in preference. Mr. L. quoted a price current of 1822, to prove that when the price of the imported bagging was 45 to 50 cents, that of the home made was only 25; there was always a difference of at least 10 cents a yard. The Kentucky bagging was not so strong, and it stained and injured the cotton. Gentlemen, indeed, tell us it *will* be made better, and to produce this, they would exclude the foreign article altogether—strange, that, when all competition was removed, the article should improve, in proportion as all inducement to improve it was taken away. If it could have been made better, it would have been, long ago. As to the prohibitory duty's keeping money in the country, Mr. L. said, the Dundee manufacturer had only to remove to New York, carry on his factory till he had made a fortune, and then retire to the banks of the Tweed, and what would this country gain? He entreated gentlemen not to identify this duty with the bill, and vote for it on party principles against the opposers of the bill. They might approve and vote for the bill, and yet strike this out as pernicious.

Mr. SHARPE, of New York, then rose, and said, that he would be the last man on that floor, to cramp the commercial interests of this country; but agriculture and manufactures went hand in hand with commerce, and unless they were fostered, that must soon perish. Mr. S. said he must look at things as they had been, and as they now were. He described the flourishing state of these interests while the calamities of Europe continued, and their sudden depression at the restoration of peace. The fostering of similar interests at home by the European Powers, left us without a market for our products. The farmer hung his harp upon the willow, and the merchant began to turn his capital to manufactures. But, while Europe shut out our breadstuffs, we continued to import her manufactures—the country was perfectly inundated by them, and drained of its last dollar to pay for them. The precious metals disappeared, and we supplied their place by lampblack and rags. The country was as completely inundated with paper money as with British goods.

Yet we are told—let agriculture alone, it will regulate itself; let commerce alone, it will regulate itself; let manufactures alone, they will regulate themselves. What were gentlemen sent here for? to let agriculture, commerce, and manufactures alone?—to let them alone, till, having languished and died, they had regulated themselves! Would gentlemen tell their constituents

that they had rather read their petitions, and then let them alone to regulate themselves?

Mr. S. then stated the question, as now before the Committee; said the South was the last part of the Union that should complain, having protecting duties on cotton and sugar, and asked whether it was not a stain on the American character that a country that raises the finest cotton on the face of the globe, should be dependent on two little Scotch towns for a bag to put it in? Was this the result of prejudice?—if so, how different a prejudice was it from that which our fathers felt, when they brought away even their dwellings with them—dwellings, some of which stand at this day, as monuments of the sort of prejudice that then prevailed.

It was said this was a war between Louisiana and Kentucky—a new scheme of the West. [Here Mr. CAMBRELENG rose, and denied having used that expression.] Mr. S. said that other States, besides Kentucky, were concerned, and would gladly enter into the manufacture, if protected. He then stated the nature of the trade of Kentucky, dwelt on her entire dependence on the Southern States for a market, and urged this as an argument in favor of a protection for this branch of her industry. Mr. S. greatly doubted what was advanced about our inability to make this article; he never could bring his mind to believe that it was beyond the utmost reach of American ingenuity and enterprise to make a bag. As to its staining the cotton, that was a complaint never heard on this side of the Atlantic; he rather thought the stain was felt to be on the Scotch character and interest, and hence the complaints. He did not believe the addition of three cents to the present duty would amount to a prohibition; but if it did, some small sacrifice ought to be submitted to for the good of other parts of the Union. On this principle he had voted for the duty on foreign spirits, because he thought Connecticut should submit to that sacrifice. She would have an equivalent in the duty on straw hats. So in this article, the number of yards imported might be diminished; but the manufactures of the country would be benefited, and ultimately the price to the planter reduced rather than augmented.

Mr. S. insisted that to the planter the merchant who buys his cotton for exportation is in fact the consumer; he allows only two pounds tare on a bale; all the rest of the weight of the bag is sold as cotton. Whereas the farmer is forced to allow the full tare of his tobacco hogshead or flour barrel. Mr. S. quoted a Louisiana price current of last month, to show that while the foreign article is bringing from 24 to 26 cents, the home-made brings from 18 to 19—a very different proportion from that quoted by the gentleman from Louisiana.

The precious metals were so plenty in England that the Bank of England sends them to the country banks, free of expense, and lends to farmers, on bond and mortgage, at 4 per cent.; dollars were under par 6 or 8 per cent. While here the precious metals have almost disappeared, and farmers cannot get loans at any rate of interest. Yet we are told, let things alone.

In conclusion, Mr. S. said that it was urged, that, if we lay this duty, England will cease to take our cotton; he was under no such apprehension. Even our duty on coarse cottons themselves had produced no such effect. England never took a pound of our cotton out of favor; nor will she for a moment, if she can get either better or cheaper. She will serve that as she has done our breadstuffs, the moment she can; but it was not a threepenny duty on a bag that will produce such a result.

Mr. LIVINGSTON replied, and thought it was not treating the understandings of gentlemen with respect, to urge that the three cent duty on cotton was a protection, when, instead of importing, we largely exported the article. Let the duty be repealed, instantly, no cotton-grower would complain. He admitted that the duty on sugar did, in some degree, protect that article; but it was laid with such intent, and would have been laid for revenue, had Louisiana not made a single pound of sugar. As to the manufacturers of the North taking the Southern cotton, would they take it if they could get it as cheap elsewhere? England, then, acted as they did. But the gentleman says there is no danger of her ceasing to take our cotton, even though we cease to receive her manufactures. But did not the gentleman from Connecticut (Mr. TOMLINSON) state to the House that the Connecticut merchant takes the West India rum at a dead loss for the sake of the profit of the outward cargo? And the same principle might induce England to take our cotton. Withdraw the inducement, and she ceases to take it.

Mr. L. reiterated his question, why was not good hemp raised here, if it could be raised? A duty of \$40 a ton, and a difference in price of \$40 more, made, together, a bounty of \$80 a ton to the American hemp grower over the hemp grower of Russia. Were the people of Orange county mad or blind? They must be one or the other, if, with such a bounty, they did not raise the article. The manufacturer refused to take our hemp, and now, to aid manufactures, you propose to increase the duty on foreign. Very extraordinary. Gentlemen say lay the duty, and the hemp will be better. He believed no such thing; but that it would rather grow worse. As to the argument from the reduced price of coarse cottons, the fact was true, but the inference false; because that was an article the very reverse of this. There, the material was abundant, and of the best quality, and almost the whole value of the manufactured article was derived from machinery; here, the material was acknowledged to be bad, and the manufacture employed no machinery at all.

Mr. SHARPE explained. He did not complain of the duty on sugar; but only urged it to show, that, above all other States, Louisiana should not complain. When she sent two hundred hogsheads of sugar to the North, the protecting duties on that quantity amounted to six thousand dollars, over and above the price that would otherwise have been paid. As to the bad quality of

the hemp, it arose from not being water rotted, and he had heard a Southern gentleman say that there was not water enough in Kentucky to rot it. If so, he wished to supply, from elsewhere, both water and hemp.

Mr. LIVINGSTON resumed. The gentleman says they can make good hemp in New York. I again ask him, "Why don't you then?" For want of a market? No. There are flourishing manufactories of sail duck and cordage at your very door. Why don't you take it to Patterson? Because the people at Patterson won't take your hemp.

As to the duty on sugar—there are, in Louisiana, perhaps two hundred persons who make sugar; and because these two hundred persons receive a benefit from a general law of the whole Union, must therefore all the other inhabitants of Louisiana be taxed for the benefit of Kentucky? Shall I sacrifice ninety-nine of my constituents because one is benefited? Away with such arguments!

The gentleman has produced a late paper to show that the home bagging is now within six cents of the foreign, in the New Orleans market. I will explain this. The planters have all got their supply, long since, and the price is now merely nominal. But why any difference? It is from prejudice, they tell us. Why, sir, we know no more of the Scotchmen at Inverness, than that gentleman knows about the Chinese; nor, much as we may love Scotchmen, are we willing, out of love, to give them from six to ten cents a yard more on the bagging they send us. As to the planter deducting only two pounds tare on a bale of cotton, when he sells it to the merchant—suppose he deducted none at all, and sold every ounce of bagging and bale rope as cotton, does not the merchant, who knows that he shall have to deduct the whole tare at Liverpool, allow for this, think you, in the price he gives the planter?

Mr. L. again deprecated so great and sudden a change in our internal policy, as the bill, unless modified, would produce. Shall we, said he, because a rock lies many miles ahead, put the ship about with all standing? No. Let us take time to clew up some of our sails first.

Money may be very plenty in Britain just now. The boys may be playing at chuck-farthing with guineas. But, to say that this is the effect of their protecting duties, won't do, when we know that, under the same duties, money has been almost as scarce there as with ourselves. Besides, those duties have been laid in Britain to encourage exportation. But, are we ready to export our manufactures? No, sir; our luxuriant soil, our multiplied harbors, point us out, by the hand of Nature herself, as an agricultural and a commercial nation. These must be our great national characteristics. Manufactures are a third interest, and a subordinate one. Manufacture if you can, but do not force the country into such a system as is fit for Britain. It would be pernicious, as well to the morals, as to all the fundamental interests of the United States.

Mr. TON rose in reply. The gentleman from

South Carolina (Mr. HAMILTON) had not gone far enough, when he said this bill would be resisted inch by inch—he should have said, half inch by half inch, and hair's breadth by hair's breadth. Here had the House been sitting and debating for ten days, on the very refined article of cotton bagging! Mr. T. produced a letter from a mercantile gentleman of intelligence at Sag Harbor, stating that the American hemp was there preferred to the Russian. The gentlemen from the cotton country, said Mr. T., resist the principle of a compromise of interests for the general good, and cry out, "we get nothing." When reminded of the duty on cotton, they say it was laid for revenue. For revenue! when not a bale of cotton was imported. They ask, Is it fair we of the South should pay three cents more duty on bagging? We ask, Is it fair that all the rest of the Union should pay the South three cents a pound on their sugar? They talk to us about their distresses too! Let us look at their distress. Mr. T. then produced a calculation, in a New Orleans paper, showing that the annual profit on every slave employed in the sugar plantations, was from five to seven hundred dollars. [Mr. LIVINGSTON denied having spoken of distress.] Well, said Mr. T., others did. But, in other parts of the Union, there does exist real distress. A proof of which is in this one fact—that the United States exports, at this day, notwithstanding all her increase in population and territory, less of the staple commodities of the country than she did in 1790. And of this amount, those five cotton growing States, that are now to be ruined—yes, ruined!—by a duty of three cents more on bagging, export more than the whole Union besides. The gentleman asks, Why don't we make the article better? The same question was asked us, when we asked for a duty on coarse cottons. We got the duty, and we made them better. Give us a duty on bagging, and we will make that better too. Gunpowder, coaches, saddles, boots, shoes, are all protected by duties of thirty and forty per cent.; and what is the consequence? We make them good—we make them cheap—and we begin to export them. Why? We have got the market. Give us the market for bagging, and that will follow suit. The duty in the bill, is the very duty recommended by the Secretary of the Treasury—himself a Southern man—who should know, at least, as much about the revenue as the gentlemen who cry out that it will be ruined—and as much about the interests of the South, as other Southern gentlemen. As to the duty being prohibitory, I certainly did not mean that it would be so by any other force, any other compulsion, than that of interest and voluntary choice. But if, as the gentleman says, they will still import the articles, why, then it will help the revenue that they tell us is to be destroyed, and so it will only operate in favor of the bill. Gentlemen cry out about a tax on the Southern States! Let them look at the bounty on sugar. Louisiana now raises thirty millions of pounds, the protecting duty on which is nine hundred thousand dollars! more than the whole duty on bagging—

more, twice over, than is laid by that duty on the whole Southern country put together.

Mr. LETCHER said, he was very sensible this was rather a dry argument, and by this time it was pretty nearly threadbare. The gentleman from Louisiana, who introduced the motion, he did not see in his place to-day. He presumed he had broken himself down by his exertion. That gentleman tried to convince the House that we could not make enough of the article. Being pretty well beaten off of that ground, his colleague had taken another, and had labored equally hard to convince the House that, if we did make enough, it would not be good enough. Of this subject, he presumed fact would be preferred to speculation—and he had a witness before him, just arrived from one of the factories concerned. It was a thread made out of the hemp now used for the bagging made at Lexington, and he wished that gentleman would be good enough to examine it. He entreated honorable gentlemen to consider the condition of the people of Kentucky. They had tried the raising of tobacco. They had carried it to Louisiana for a market, and had returned losers. They had tried the raising of corn; it was the same thing—of whiskey; the same thing. They can raise no one article that will return them a profit. As soon as there is a demand, so great is the competition, and so eager the desire to carry on a trade of almost any kind, that the market is glutted, and the price instantly falls. He defied the gentleman from Louisiana to point out one single article of those which Kentucky could supply, that had ever been scarce at New Orleans. The gentleman says he is in favor of the general principle of the bill—but he seems to oppose its provisions in detail. He puts me in mind of a debtor of whom I once heard, who, when applied to, to pay the interest of an old debt, said it was against his *principle* to do so—and, when asked, then, to pay the principal, replied, it was against his *interest*. If we apply to him to sanction the duty on bagging, he says it is against his *interest*; and, when we ask him to support the other parts of this bill, I expect he will tell us it is against his *principle*; so that, between his interest and his principles, I presume the bill will not get much support from him.

The first question is, Can this article be made in sufficient quantity? We have shown that it can. They then tell us, If we do give you the duty, you will only lose the market, for then it will be made in New York.

[Mr. LIVINGSTON explained.]

If, said Mr. L., enough can be raised, no matter where, then the plain question is, Whether it is better to make it ourselves, or to go to a foreign market to get it. And, while we ask this small protecting duty, we tell the gentleman that Kentucky can export nothing, to any profit, but her hemp. As to the bad quality of the article—when we had the whole of the market, during the late war, did we hear any complaint from the factories, that it injured the cotton? No, sir. These complaints come from abroad. They are Scotch complaints, in an English dress. But, granting

that the article is not at present as good as could be desired—I ask, Will not this duty, by giving us our own market, induce competition among ourselves? It has done so in cotton, and while it has raised the quality, it has lowered the price.

Mr. OWEN rose to explain a remark he had made as to the effect of an observation of a gentleman from Kentucky (Mr. TRIMBLE.) He replied, again, to the argument respecting bagging selling at the price of cotton—and to that of the planter not being the exporter; and showed that the exporter being governed by the price allowed in the foreign market, it resulted in the same thing to the planter, as if he was the exporter himself. He retorted the charge of inconsistency.

Mr. LIVINGSTON explained, and repeated some of his former positions, and still insisted that, if, with a bounty of eighty dollars a ton, which is more than half the whole price, they had not raised hemp that the manufacturer would make use of, there was little prospect that they would in future. When the American manufacturer will consent to take our hemp at all, then a protecting duty may, with more propriety, be asked for. The argument from the effect of the duty on coarse cottons would not hold—because, when that duty was laid, the material was already of the very best quality, and the fabric was made almost wholly by machinery. He was sorry to find his declarations met with so little credit from the gentleman from Kentucky (Mr. LETCHER;) his conduct, he trusted, would always show that he was not in the habit of making false declarations—he hoped that the gentleman's prophecy about an improvement in hemp would prove more correct than about his not supporting the general principle and provisions of this bill.

Mr. CLAY was happy to hear such a declaration from the honorable member from Louisiana, and he was now about to put those declarations to the test. I, said Mr. C., am a hemp grower, (that is, at such times as the situation of the country and the regulations of Government render it possible, without loss.) The gentleman seems to believe that it is impossible, in this country, to make the article good. Sir, as nature delivers it to our hands, it is of as fine a quality as any in the world; it has no natural, inherent defect of any kind whatever. The only difficulty attends the treatment of it after it is cut down or pulled up, (for both modes are pursued.) It is then either dew-rotted or water-rotted. When it is to be dew-rotted, it is stacked till the month of December or January, and then spread under the snow till February—this is called dew-rotting. In the other process, the hemp is immersed in ponds or running streams, where some process goes on by which the glutinous part of the vegetable is dissolved, and when dry it is submitted to an operation called breaking. When thus prepared, the hemp of this country is, in all respects, equal to the Russian, and commands as high a price.

The gentleman from Massachusetts, on my right, (Mr. LATHROP,) tells me that he always water-rots his hemp. I have known in Kentucky entire crops to be water-rotted; and it may be

done wherever hemp is raised, if we were only favored with the protection of Government to secure to us our own market.

The gentleman from Louisiana says that we have already a bounty of eighty dollars a ton, and yet the manufacturer will not take the hemp we raise. Does not the gentleman know that this observation applies only to the dew-rotted? And, besides, what is the bounty without any certainty of the market? A cargo of three or four hundred tons imported will destroy the market for a whole crop. If the gentleman doubts this, will he guarantee the market? The farmers of Kentucky have given this matter a sufficient trial; pressed by suffering at home, and lured by the flattering promises of hope, they have again and again ventured, and again and again they have been broken down by foreigners—by the serfs and boors of Russia. If adequate protection was given, the water-rotted hemp would speedily supersede the dew-rotted article, and all the hemp of the country would become good. But, even the dew-rotted hemp will answer every purpose for cotton bagging, provided the bales are not exposed to the wet. But the gentleman asks, with an air of triumph which I was sorry to witness, why don't you do it? If you can make a good bagging, why is bagging of your make always ten cents a yard below the imported? And he quotes from a price current, to show that ours is put down at half price. But what is the date of that paper? 1822. The very year in which the manufacture was languishing and almost destroyed, and in the latter part of which it began to revive. Yet he reiterates upon us the question, why don't you at once make it both cheap and good? Sir, we want to breathe. We are, in this respect, just born. Our factories are but eighteen months in being, and already they have reduced the Scotch price. The gentleman objects to the recent paper quoted by my honorable friend over the way, (Mr. SHARPE,) because the planters, he says, are all supplied, nothing is doing in the market, and the price is nominal merely. But, sir, I am in possession of another paper, only two or three days later than that quoted, and a different price is given, which shows that there is, at this time, some activity in the market. The majority of the planters may be supplied, but there are also provident men, who reserve their purchases till the market is lowest. When I left my home, which was at the time when the purchases are usually made, I saw letters from highly respectable men, which stated that the bagging of Kentucky (from one particular factory at Lexington) was then bringing a price equal to the Scotch article. Sir, we only ask you to let our manufactures exist *under hope*, and in eighteen months, my word for it, you will have bagging as good as the Scotch, in equal abundance, and at a less price.

Before I sit down, I must add a word or two in reply to a gentleman from New York, (Mr. HOGEBOM,) who told us that the manufacturers of Dundee lived in a cold climate, bought their fuel, and brought their hemp from Dantzic, though they had nothing to give for it in exchange. Why,

sir, though I do not in the least doubt that honorable member had fully convinced his own mind that this was so, did he know so little about trade as not to be aware that it was not the manufacturer, but the merchant who imports the material of British manufactures? And does he suppose that nothing goes from Britain up the Baltic, for the hemp and iron that come down the Baltic? I repeat what I before mentioned, that the Scotch manufacturer may afford to make a sacrifice for a time—that he may enjoy the monopoly in the end. But if that gentleman is really convinced that there must be a monopoly of this article somewhere, would he not rather give it to the American than to the Scotch manufacturer? I put it to his patriotism.

The gentleman from Louisiana says that this manufacture is in no need of protection, because we have been obliged to take our hands from it and employ them in other occupations. Sir, we have done so, it is true—lamentably true. We have tried the raising of tobacco; we have tried horses; we have tried hogs; we have tried hemp; the industry of the country roams from object to object, trying every thing, and alike in vain. We want protection—we ask this Government for protection—not against our brethren—not against other States, but against strangers.

Mr. TOL said, in reply to a remark respecting drawback, that this bill touched no drawback whatever. If the one and a half pence sterling allowed by the British Government on bagging is a drawback, this bill has nothing to do with it, and six cents will be the whole duty; and this is the very amount recommended by the Secretary of the Treasury, himself a Southern man.

Mr. COBB. I don't care who recommends it, I am opposed to it. The Secretary, however, means six cents on the running yard, not on the square yard.

Mr. TOL. Admit this; it is only equal to the raising of the duty from twenty to twenty-five per cent. Yet, surely, the Government would not be so short-sighted as to lay a duty on the running yard, which might at once be evaded by increasing the width of the goods.

Mr. CAMBRELENG. At the time the Secretary recommended six cents on the square yard, that sum differed very little from the ad valorem duty.

Mr. McKIM. It is a bounty, and not a drawback, that Britain allows; it is, therefore, included by the 3d section of this bill, and the duty is ten cents, and not six.

The Committee then rose, on motion of Mr. McDUFFIE, who expressed a desire to deliver his views more fully on the subject.

THURSDAY, February 26.

Two Messages were received from the PRESIDENT OF THE UNITED STATES, VIZ:

To the House of Representatives of the United States:

I transmit, herewith, a report of the Secretary of War, containing the information called for by a resolution of the House of Representatives of the United States, passed on the fourth instant respecting any

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suit or suits, which have been, or are now, depending, in which the United States are interested, for the recovery of the Pea Patch.

JAMES MONROE.

FEBRUARY 24, 1824.

The Message was read and laid on the table.

To the House of Representatives of the United States:

In conformity with the resolution of the House of Representatives, of the 17th instant, I now transmit the report of the Secretary of the Navy, accompanied by statements, marked A and B, showing "the amount of money expended, in conformity with the provisions of the act, entitled "An act for the gradual increase of the Navy of the United States," approved April 29, 1816; and of the act to amend said act, approved 3d of March, 1821; also, the number of vessels built, or now on the stocks, with their rates, the value of the timber purchased, or for which contracts have been made; and whether sufficient timber has been purchased, or contracted for, to build the vessels contemplated by the provisions of said acts."

JAMES MONROE.

WASHINGTON, February 25, 1824.

The Message was read and laid on the table.

The SPEAKER laid before the House a letter from the Postmaster General, transmitting "a statement exhibiting the amount of postage received, during the year 1822, at each post office in the United States and Territories thereof;" rendered in obedience to the resolution of this House, of the 11th of December last; which letter and statement were laid on the table.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, made a report on the petition of Judah Alden, accompanied by a bill for his relief; which bill was read twice, and committed to the Committee of the Whole.

Mr. KENT, from the Committee for the District of Columbia, to which was referred a memorial of sundry inhabitants of the said District, reported "a bill to provide for the government of the District of Columbia;" which was read twice, and committed to a Committee of the Whole.

Mr. KENT, from the same committee, to which was referred a memorial upon the subject, reported a bill amendatory of the act, entitled "An act to incorporate the Provident Association of Clerks in the Civil Department of the Government of the United States, in the District of Columbia;" which was read twice, and committed to a Committee of the Whole.

Mr. McKEAN, from the Committee on the Post Office and Post Roads, made a report on the petition of Henry Lightner, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. BRECK, by leave of the House, presented a memorial and remonstrance of the Chamber of Commerce of the city of Philadelphia, against the passage of the bill now pending before this House, to amend the several acts imposing duties on imports; which memorial was referred to the Committee of the whole House on the state of the Union to which the said bill is committed.

On motion of Mr. FORSYTH, the Committee of Ways and Means were instructed to inquire into

the expediency of reducing the annual appropriation for diplomatic intercourse.

On motion of Mr. REYNOLDS, the Committee of Claims were instructed to inquire into the expediency of allowing, by law, the value of three rifle-guns, pressed from Ica Robertson, Joseph Rosson, and Robert Tolar, during the late war.

On motion of Mr. REED, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of placing John Perry, second, a Revolutionary soldier, on the pension list.

On motion of Mr. GURLEY, it was

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of granting to actual settlers, reported by the commissioners of the land office at St. Helena Court-house, in the State of Louisiana, under the act of Congress, of the 3d March, 1819, a right of pre-emption to one section of land, including their improvements, in all cases where such settler is not entitled to said land as a donation, or by title derived from, or conferred by, the Government of the United States.

Resolved, That the same committee be instructed to inquire into the expediency of allowing to actual settlers, who, by the act of the 3d of March, 1819, were entitled to the right of pre-emption, further time for making payment for such lands, under the act aforesaid.

On motion of Mr. BRENT, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the United States Attorney for the western district of Louisiana.

The resolution was opposed by Mr. COCKE. Mr. BRENT explained, and rejoined in defence of the resolution.

Mr. GURLEY corroborated the statements of Mr. BRENT, and the resolution was carried—ayes 87, noes 72.

Mr. OWEN submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to report to this House, whether the tariff bill, now under consideration, will, in his opinion, if it passes into a law in its present shape, "simplify the collection of duties on imports;" and whether its operation will, without being "onerous to the community, tend to augment the revenue, prove salutary to commerce, and beneficial to the manufactures of the country;" and that the Clerk be directed to furnish the Secretary of the Treasury with a copy of the bill, as reported by the Committee on Manufactures.

The resolution was laid on the table, without debate.

THE TARIFF BILL.

The House having again resolved itself into a Committee of the Whole on the new Tariff bill, the question on striking out the duty on cotton bagging still pending,

Mr. McDUFFIE had the floor, but he yielded it, by courtesy, to

Mr. CAMPBELL, of South Carolina, who opposed the duty in a short speech. He insisted that this duty was equal to a direct tax of two per

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cent. on all the Southern States, and equal to a bounty of one hundred dollars apiece to every laborer in Kentucky who was employed in the manufacture. The manufactures of Kentucky were stated to be, at present, in a state of activity; and, if that fertile State produced more than she could sell or consume, it was unfair to tax the Southern States on account of her fertility, &c.

Mr. McDUFFIE replied to some of the arguments that had been advanced in favor of the duty; urged the thriving condition of the Western States during the last war, when they fed the armies of the United States; insisted that their present distresses arose not from a want of protection, but from their banking system, and the rise in the value of specie. Cotton, he said, had been a subject of most disastrous speculation. A vast amount of capital had been vested in it when it was thirty cents a pound; now it was twelve cents. The Southern States had suffered as much as any part of the Union. All the articles of the tariff bore hard on those States. They were articles manufactured by Great Britain, and for which she takes the cotton of this country. If we cease to receive them, she will change her market for cotton. It is her fixed policy not to take raw materials from those who will not take her manufactures, and as soon as this bill passes she will force a trade with South America. There was a distinction between the sugar planters and cotton growers. Arguments applicable to one did not apply to the other. The Western States would lose their trade in live stock with the Southern States, as those States would now raise for themselves. If they have tried tobacco, and so many other articles, and still failed; if they, with their new and fertile soil, cannot compete in these things with the sterile and worn out fields of Carolina and Virginia, it proves there must be something wrong in their state of society; that evil was their banking system. They cry out for protection against the little towns of Inverness and Dundee, as if some army was invading them, because the poor Scotch weaver can work for sixpence a day. It was vain to compete, while the labor in Kentucky was four times as high as in Scotland. The Speaker cries out, Save us from the overwhelming influence of—what? Little Dundee. He would agree to protect wherever we can make within ten per cent. of the price of the foreign article, but not till then. He repeated his warnings on the subject of British retaliation, as he knew no article of a small amount where a duty was more directed to the very vitals of her polity than that on bagging.

He was succeeded by Mr. FORWARD, of Pennsylvania, who advocated the duty and repelled the argument which attributed the reduced price of coarse cottons to the amount of machinery employed in their fabrication. The same reduction had taken place in umbrellas, leather, hats, &c., all which had a duty of thirty and forty per cent., and were immediately reduced in price, and are now articles of export. He challenged gentlemen to show a single article, under our present tariff, the material of which was in plenty, and the duty

high, that had not at once been reduced to a minimum price. He dwelt on the spirit of rivalry between the British factories and ours, and said that it had been stated on the floor of Parliament, that, if her goods were sold abroad at a sacrifice, Britain had an equivalent in the stifling of our manufactures. Gentlemen had spoken highly of Adam Smith. Did they remember that, in his famous book, he had one chapter expressly devoted to us, in which he congratulated his country on having stores among us, and doing our business in their shipping? Our manufactures were liable to be destroyed by foreigners, and never had succeeded till they got protection. Where was the proof that Britain would cease to take our cotton? Did she cease to take it, even when we laid our duty on coarse cottons themselves? She dare not do so. France is her rival in the cotton manufacture, and she must have the best. All the predictions now urged had been urged before, and none of them were fulfilled, but just the contrary had happened. He produced a letter from one of the Navy Commissioners, which says, that American hemp, when water-rotted, was as good as the Russian. Why don't you raise it then? This was just the question asked before the tariff of 1816, in relation to umbrellas, and shoes, and hats. Why don't you make them as cheap? The tariff had answered the question then, and it would answer it again.

Mr. WARFIELD, of Maryland, opposed the duty, and supported his objections by a calculation in figures, showing, as we understood him, that on the amount of cotton raised last year, (of 850,000 bales,) the proposed bill would lay a tax of forty-six and two-thirds per cent.; the result of which would be, that \$111,000 would be paid by the American manufacturer, and \$230,000 by the foreign.

Mr. GOVAN, of South Carolina, spoke for the first time. He opposed the duty in a short speech, in which he insisted that three millions of yards of bagging would be required for the consumption of the cotton growing States, for which they would have to pay Kentucky, under this duty, supposing it to be prohibitory, a million of dollars; and that she would take nothing from them, in exchange for her produce, but gold and silver.

Mr. WICKLIFFE, of Kentucky, resisted with warmth the implied charge of indolence, which he understood as cast upon the Kentucky population, by Mr. McDUFFIE. He retorted the charge respecting the bank policy, to which, he said, Kentucky had been invited by the example of other States. He insisted on the good quality of American hemp; and said, that there were eleven States that could engage in the growing of it. The sugar of Louisiana, at three cents, gained more than the whole amount of duty laid for bagging on all the Southern States put together. As to the trade of driving live stock, it had ruined almost all concerned in it.

The question was then taken, on Mr. BRENT's motion to strike out the whole clause; and lost—ayes 94, noes 107.

Mr. BUCHANAN then renewed his motion to

change the duty from six cents to four-and-a-half cents per square yard, which was agreed to—ayes 119.

Mr. P. P. BARBOUR then moved to strike out the clause laying a duty of twenty-five cents per bushel on imported wheat. He would submit a very few remarks to the Committee, in support of his motion. The bill seemed to proceed upon the principle of a compensation of equivalents, by affording to the respective interests of the country, their relative share of legislative protection. In relation to the article of wheat, he thought that a few plain considerations would satisfy the Committee, that a duty on importation would be wholly inefficient to the attainment of the end proposed; that it would present the appearance of aid to that description of agriculture, whilst, in practical operation, it would produce no substantial result. For his own part, he had never heard of more than about three cargoes of foreign wheat being imported into the United States; if he were incorrect in this, he would ask any member of the Committee to correct his mistake, by affording information on the subject.

The United States, then, are not an importing but an exporting country in relation to this article. Now, it must be a palpable principle of political economy (if he could venture to use that expression, which had incurred so much denunciation,) that a commodity which can successfully sustain a competition in the foreign market, not only without the aid of our duty on importation, which then cannot operate but with the disadvantage of the price of transportation, &c., cannot need that aid, as against the same foreign article in the home market, where ours would be relieved from these disadvantages, and the foreign one would be subject to them. The duty upon importation clearly can only effectually operate where the dutiable article is imported; but where, as in this case, it either is not imported at all, or in quantities utterly inconsiderable, it cannot afford any practical aid.

Gentlemen seem, on many occasions, to be desirous of imitating the British example, in its protecting system. Permit me to remind the Committee of the course pursued by that Government in relation to its agricultural interest, by means of its corn laws. Until about the year 1761, Great Britain was, in some degree, an exporting country of corn. At that time, they aided their agricultural interest by a bounty. Since the period stated, she has been mostly an importing country; and since this change in her situation, she has prohibited importation until wheat has risen to a given sum per quarter. The application which I propose to make of the example just stated, is this: that legislation, in relation to this subject, to produce any practical result, ought to be adapted to the situation and circumstances of the country. When the country is an importing one, then a duty upon importation is appropriate and effectual; but when, as is the case with us, the country is an exporting one, then a duty on importation is utterly inappropriate and inoperative; and, then, if you propose to give aid which shall

be effectual, it should be by bounty, which will operate upon exportation. Considering, then, the situation of this country, that its character was that, not of an importing, but an exporting one; and that, consequently, the proposed duty was an apparent, not a substantial aid, he wished it to be stricken out, because he did not, on the part of his constituents, wish to have the form of protection, whilst, according to the view he had taken, they certainly had not the substance.

The Committee now rose and the House adjourned.

FRIDAY, February 27.

Mr. WHITTLESEY, from the Committee of Claims, made an unfavorable report on the cases of Ica Robertson, Joseph Rosson, and Robert Tolar; which was laid on the table.

Mr. WILLIAMS, of North Carolina, from the same committee, to which was recommitted the bill for the relief of Daniel Carroll, of Duddington, and others, reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. WEBSTER, from the Committee on the Judiciary, to which was referred the amendment proposed by the Senate to the bill, entitled "An act to repeal, in part, an act, entitled 'An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein mentioned,'" reported their agreement to the said amendment; which was concurred in by the House.

Mr. SANDFORD moved the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of bringing in a bill to provide by law for all settlers on the public lands of the United States; or, where they have made any improvements thereon, and the sale of the public land, where improvements have been made as aforesaid, should take place after the first day of March in any year thereafter, the occupant shall have the right of holding his improvement for one year, or until the first of March next after the sale of said land.

The said resolution was read, and negatived by the House.

On motion of Mr. O'BRIEN, the Committee on the Judiciary were instructed to inquire into the expediency of establishing a term of the district court of the United States in the town of Machias, in the State of Maine, and of raising the salary of the judge of said court.

On motion of Mr. WARFIELD, the Committee of Ways and Means were instructed to inquire into the expediency of providing by law for the payment of any balance due by the Government to the collectors of the internal revenue.

On motion of Mr. McLEAN, of Ohio, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of extending to Joseph Atset, a soldier engaged in the service of the United States, during the Revolutionary war, the provisions of an act of Congress, passed the 18th of March, 1818, entitled "An act to provide for certain persons engaged in the land and naval

service of the United States in the Revolutionary war;" and the several supplementary acts thereunto, passed 1st of May, 1820, and 3d of March, 1823.

On motion of Mr. OWEN, the Committee of Ways and Means were instructed to inquire into the expediency of making an appropriation to compensate the friendly Creek Indians, for property lost and destroyed during the late Creek war.

Mr. FOOT, of Connecticut, by leave of the House, presented a memorial and remonstrance of the Chamber of Commerce of New Haven, in the State of Connecticut, against the passage of the bill now pending in this House, to amend the several acts imposing duties on imports.

The SPEAKER laid before the House a report of the Secretary of War on the memorial of Thomas Baldwin, which was laid on the table.

A motion was made by Mr. OWEN, that the House do now proceed to the consideration of the resolution submitted by him on the 19th instant, and which had been, subsequently, amended, and laid on the table.

And the question, Will the House now consider the said resolution? being taken, it was determined in the negative—yeas 59, nays 114, as follows:

YEAS—Messrs. Allen of Massachusetts, J. S. Barbour, Bartlett, Blair, Brent, Buck, Cambreleng, Cary, Cassedy, Cobb, Cocke, Crowninshield, Cushman, Forsyth, Garnett, Gist, Gurley, Hamilton, Harvey, Hayden, Herrick, Hobart, Hooks, Ingham, Isaacs, Jennings, Kidder, Leftwich, Lincoln, Livermore, Livingston, Locke, McKee, McKim, Mitchell of Pennsylvania, Moore of Alabama, Neale, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reynolds, Rose, Sandford, Sharpe, Sibley, Arthur Smith, Alexander Smith, William Smith, Standefer, Thompson of Georgia, Tucker of South Carolina, Vance of North Carolina, Van Rensselaer, Warfield, Williams of New York, Williams of Virginia, and Wilson of South Carolina.

NAYS—Messrs. Abbot, Alexander of Tennessee, Allen of Tennessee, Allison, Archer, Bailey, Baylies, Barber of Connecticut, P. P. Barbour, Bartley, Bassett, Beecher, Breck, Brown, Buchanan, Buckner, Burton, Campbell of South Carolina, Clark, Collins, Condict, Conner, Cook, Crafts, Craig, Culpeper, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of North Carolina, Findlay, Floyd, Foote of New York, Forward, Garrison, Gatlin, Gazlay, Harris, Hayward, Hemphill, Henry, Herkimer, Hogeboom, Houston, Jenkins, J. T. Johnson, F. Johnson, Kent, Kremer, Lathrop, Lawrence, Lee, Litchfield, Little, Long, McArthur, McCoy, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Reed, Richards, Rich, Rives, Rogers, Ross, Saunders, Scott, Sloane, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole, on the bill to amend the several acts laying duties on imports. The pending question being on the motion of Mr. P. P. BARBOUR, to strike from the bill the proposed duty of twenty-five cents per bushel on wheat—

Mr. GARNETT, of Virginia, said such repeated claims to protection had been founded, by the manufacturers, on the encouragement supposed to have been given to agriculture, that it was the interest of the agriculturists, who knew this notion to be the merest fallacy in the world, to strike from the bill every item which purported to be for their benefit. With this view, he had moved the other day to strike out an item, on which, he supposed, at some future period, a pretext might be founded for saying a small portion of a small section of our country, namely, the fruit-growers of Florida, had been protected. Had he known at the time that the bill contained a proposition for a duty on wheat, (a circumstance that had escaped his notice, from his cursory perusal of it,) he should have struck at that game rather than the other, which was of inferior importance. It was fortunate, however, that he did not know it, as it was the means of the motion being made by his worthy colleague, who was much more able to sustain it.

This attempt to raise the price of wheat, Mr. G. observed, was one of the most remarkable examples of the progress of the American Legislature in the science of political economy which had ever been exhibited. If it was not for the respect which he entertained for the gentlemen who composed the Committee on Manufactures, he should really have supposed that the duty had been introduced merely *ad captandum*—to induce the agriculturists to compound for the certain evil contained in the bill for the promise of contingent good; but the respect he had for these gentlemen forbade the idea that they would endeavor to accomplish, by sleight of hand, by legerdemain, and management, what they could not effect by the force of reason and truth. And, indeed, as this idea of raising the price of grain was not the only extraordinary thing in the theory of political economy which they had adopted, he had no right to attribute to them any other motive than the ostensible one. It was remarked, said Mr. G., by one of the most distinguished writers of the present age, the celebrated Malthus, that, to know what we can do, and how to do it, is the most valuable species of information we can possess. The next is, to know what we cannot do, and why we cannot do it. It appeared to him that, in the present state of our legislation, the latter information was more desirable than the former; for, under the belief that we can do a good which we cannot do, we are about to do an evil which we certainly can do. Under the belief that we can protect agriculture, we are about to ruin it. He said under this belief, because it had been repeatedly avowed, in the course of the debate, by gentlemen, that they would not support the bill but from a conviction that its pressure on the dif-

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ferent portions of the country, and several classes of the community, would be equal. If it could be made to appear that Congress could not efficiently protect agriculture, gentlemen would be bound, consistently with their own declarations, to withdraw their support from the bill—and that it could be made to appear, was unquestionable. He laid it down, as an incontrovertible position, that, with respect to all the great staples of agriculture, of which the country produced a sufficiency for home consumption, and a surplus to export, the price was regulated by that portion of it which went abroad. Suppose a cargo of foreign wheat comes to one of the ports of this country, whilst the American merchant is shipping domestic wheat to another country, and that it can be sold here cheaper than the domestic wheat: Will not the merchant purchase it in preference to the domestic wheat, and ship it instead? And why will he? Because, getting it cheaper, he makes a greater profit on it. But does not this prove that the owner himself may make the profit? Will he be stupid enough to permit the American merchant to make a profit which he can make himself? Will he not carry his wheat himself to the foreign market, and drive us out of that, before he comes in competition with us in our own? And will he not, to avoid additional expense, go thither directly, instead of touching at our ports? It is self-evident that he will, and, that the necessary condition of a competition with us in our own markets, will be, our previous exclusion from the foreign market. A few straggling cargoes that may come to this country, prove nothing to the contrary. The same was true of all the great staples of our agriculture—corn, tobacco, rice, cotton, &c. With respect to cotton, even if the duty could be added to the price, which was impossible, it would be only a tax on the manufacturer to the extent of his individual consumption. In the same way, it would be a tax on the cotton grower, who would pay back to the manufacturer the amount of the duty advanced to him on the raw article. Even with respect to sugar, and other agricultural commodities, the production of which was limited by climate or other causes, competition had a much more rapid effect in reducing prices, than it had in manufactures. Where the lands of the first quality had not all been brought into cultivation, there was no limit to the increase of the supply but the quantity of labor that could be applied. By clearing the land, and rendering it more arable, the facility of production was increased—the same labor could produce more. It was otherwise in manufactures. Additional labor could not permanently diminish prices, unless it was accompanied by improvement in skill, in machinery, by augmented capital, or by some other circumstance that facilitated production, and enabled the same labor to produce more, and these circumstances were generally of slow acquisition, never greatly exceeding the immediate wants of society. The reason why competition from mere additional labor could not permanently diminish the price of manufactures was, that, if a great supply should be

thrown into the market, and thus sink the price below the cost of production, the commodity would cease to be produced; and, if this was continued for any length of time, the capital itself of the manufacturer would be destroyed. With land it was different. Mere labor, without additional skill, increased the facility of production. But even when an extraordinary supply reduced the price of its products below the cost of production, and a certain quantity of land thereby ceased to be cultivated, it was not like the capital of the manufacturer, destroyed, but might be recurred to again, whenever a diminished supply produced a new demand. There was, then, no justice in considering the protection to agriculture as an offset to that of manufactures. It must, necessarily, be partial and temporary. A protection to a small portion of the country, which burdened the rest, was no excuse for burdening the whole. It was most extraordinary to hear gentlemen contend that competition diminished the price of manufactures, but that competition increased the price of agricultural products. He should really like to hear by what ingenuity they explained these opposite and contradictory effects.

When gentlemen fly in the face of received maxims, sanctioned by the universal experience of mankind, they cannot expect, whatever confidence we may have in their opinions, that we shall receive them with implicit faith. When a statesman affirms that a measure will be followed by a consequence, he should be able to explain in what manner the cause and effect are connected with each other. He should be glad to hear some attempt to show in what manner the duty on wheat would raise the price. Until it was made, he should beg leave to differ with gentlemen. It was not by any legislative quackery—by any *hocus pocus* of law—that this effect could be produced. He hoped the agriculturists would unite to strike from this bill every thing that was pretended to be for their benefit. The gentleman from Georgia (Mr. Cobb) had very liberally, (or at least very wisely, for liberality implied sacrifice, and there was none,) offered to give his vote to take off the duty on cotton. He hoped we should strike out the duty on wheat, and that, by striking it out, we should show at least one thing; and that was, that we were not opposed to an entire prohibition of *soft corn*.

The affairs of the agriculturists of this country, said Mr. G., have reached a most eventful crisis. It behooved them to look well to consequences in future. Never had a set of men been so indifferent to their own interests, and never had men suffered more from their own folly. Though possessing a numerical superiority, they had, by their own injudicious policy, reared up classes hostile in their principles, and formidable in their strength. By the funding system they had created a moneyed capital—they had given these capitalists a bank to increase their profits. That portion of the capital which took the direction of manufactures had been increased by a system of protecting duties, and the manufacturers had now a direct influence in the House, altogether disproportionate to their

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numbers and importance. No doubt the considerations of public good which prompted their representatives to prosecute the prohibitory policy, were, in many instances, seconded by motives of individual interest. The manufacturers were not only indebted to the folly of the agriculturists, but to their own sagacity and industry. Nothing could exceed the zeal and activity with which they had promoted their objects. It was almost incredible. Among other means, they appeared to have organized a *corps* of writers—writers whose productions, to judge by the *quantity*, absolutely rivalled the effects of machinery. These literary machines produced vast supplies of pamphlets, which, containing a jumble of patriotic notions, partial statements, and fallacious reasoning, were circulated *gratis*—sent into the remotest corners of the country, by posts, pedlars, and other conveyances, and often fell into the hands of simple farmers, who, having no opportunity to hear the other side, were captivated with their specious statements, and often made converts to a system which would ruin them. He had been told of a gentleman in Virginia who last year sent a parcel of wool to the North to exchange for domestic cloth, and, when the cloth arrived, and the bale was opened, he found in it twelve copies of the Report of the Committee of Manufactures, a book of eighty or a hundred pages—no doubt thrown in *gratis*, to make up for the additional cost of the cloth; though (without intending to disparage the merits of the report, the writer of which he knew to be a man of abilities,) it might be questioned whether the receiver regarded the present in the same light with the donor.

But the agriculturists, many of them, were really interested in manufactures. The disbursement of money benefited the farmers in the neighborhood, and produced an appearance of prosperity, which had been relied on as an argument in favor of the system, though it was evident that this prosperity was at the expense of the great bulk of the agriculturists. This accounted for the petitions of agriculturists in favor of protecting duties, which some had considered as matter of surprise. If you were to build palaces instead of factories, and endow the occupants with revenues drawn from other quarters of the country, the disbursements would benefit the farmers, who were contiguous; palaces would become as popular as factories, and we should, no doubt, see your table loaded with petitions, portraying, in very pathetic language, the sufferings of the occupants. Whilst the manufacturers had been unremitting and indefatigable in their exertions, the agriculturists had been, generally, supine and inactive. They had, in some places organized societies, whose remonstrances had had a good effect. But those societies met occasionally only—apparently more to banquet than to do business. The zeal of a few was great, but the greater part of their members were indifferent to the political interests of agriculture. When they signed a remonstrance, they probably forgot it before it reached Congress. After discharging this task, they retired, reposing, in fancy at least, on the laurels of victory; and

remained perfectly quiet, until a new tariff aroused them from their slumbers, and summoned them to a new remonstrance and another banquet. Agriculture and its interests are neglected and despised. Agriculture, the great source of our wealth, like the militia, the great bulwark of our defence, makes a figure in Fourth of July orations and toasts; but, like the militia, it is toasted, flattered, and despised. We are a despised people—of which our whole legislation is a proof—but there were minor proofs.

Four years ago, a new committee had been created, called the Committee on Agriculture. The circumstances of its creation proved, that it was not intended to devise ways and means for the positive encouragement of agriculture, but to protect its political interests from encroachment. The Committee on Manufactures had been separated from that of commerce; had reported a great tariff which had passed the House. The day after this bill passed, it was, that a gentleman from North Carolina moved to raise this new committee. The committee had been truly symbolical of the interest it represents. As the gentleman from New York, (Mr. CAMBRELENG,) had truly told the House, whilst the other committees had obtained spacious apartments in which to hold their deliberations, that on agriculture had never, until this session, had an apartment at all; but had been bandied about from one room to another, and sometimes indebted even to the Committee on Manufactures, their most deadly enemies, (he spoke of their principles,) for a place to sit in. And now they had a room, it was more like a dungeon than any thing else. It had a single window, looking towards some interior part of the building, into which the sun never darted a ray. This might be called a trifle—and a trifle it certainly was—but feathers show how the wind blows. This was not all. A majority of the committee were in favor of the protecting duty system, no doubt honestly, conscientiously. But, whilst the manufacturers were provided with a committee, to prepare, organize, and concentrate the means of attack, the agriculturists had no committee to prepare, organize, and concentrate the means of defence. He owed it to justice to say, that he had the best reason to believe, that the competition of the committee was purely the result of accident or inadvertence—and inadvertence to the concerns of agriculture, no one had a right to impute, as a fault, to another, for all were equally culpable. But, if it were any advantage at all to have a committee, it was one which the agriculturists were deprived of. It was now time for the agriculturists to change their conduct, if they did not wish to be driven to choose between the alternatives of ruin and resistance. But the Speaker had told us, that he had known several tariffs to pass through the House, accompanied, in every instance, with the predictions of ruin or resistance. But the predictions were not verified: no resistance had taken place. He asked the honorable Speaker, whether it was doing justice to his own liberality, to his own philanthropy, to use this language? Was it not cruel, was it not to taunt us, thus to extract from our patience,

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forbearance, and long suffering, an argument for putting them to a still severer trial? What! because the mechanical pressure has not yet depressed the spring to the point of re-action, shall it be increased? Because the degree of tension has not been sufficient to snap the chord, are further experiments to be made, in order to ascertain its strength? Political writers had frequently predicted, that the national debt of Great Britain would ruin the nation. Their predictions had not proved true—not that they were mistaken in supposing the national debt to be an evil: but that they had miscalculated the prodigious productive powers of the country, and its capacity to resist the evil. So the agriculturists of the South, in predicting that the unjust and oppressive system pursued towards them, would produce resistance, were not mistaken as to the ruinous effect of the system; but they had miscalculated their capacity of endurance, in comparison with their sense of suffering—they had underrated their attachment to the Union, compared with their ability to endure oppression. The Speaker would not undertake to deny, that the Southern States were in a ruinous condition. What was the cause? Vain and visionary philosophers had speculated on these causes. Some had ascribed them to slavery, some to climate, ardent spirits, tobacco, and to other fantastic causes; but we had always had these things, and had sometimes enjoyed very great prosperity; these, therefore, were not the causes. It was nothing more nor less than this: the taxation of the General Government did not leave us income enough to appropriate to the improvement of the soil. Our laws had made the profits of capital greater than the profits of land and labor. It was this that had driven our population into distant lands, reduced them to beggary, and spread desolation over the country. He admitted the influence of State legislation, and the refusal of foreigners to receive our agricultural products. But what was the instrument by which the State legislatures in the South had produced the greatest mischief? It was banks. And what gave rise to them? The General Government had created a moneyed interest in the Northern States. Banks were established for the benefit of the capitalist; and, when the Southern States adopted them, the argument was—at least he knew this to be the case as respected Virginia—that they were necessary to avoid being tributaries to the Northern banks. As regarded our exclusion from foreign markets, he conceded that it was in some degree owing to the general pacification in Europe, which had liberated a great deal of labor that had been then applied to agriculture; but it was also, in some measure, owing to our own policy. By our heavy duties, we augmented the price of foreign manufactures; diminished our consumption of them; thus compelled the manufacturers to turn agriculturists, and then complained that they would not receive our breadstuffs. Why, the true remedy for this was to reverse our system, to retrace our steps, to cheapen manufactures, increase their consumption, and thus to tempt agricultural labor to find more profitable

employment. He had no sort of doubt, that if, by a diminution of price, or by increased means of purchasing, we could consume double the quantity of foreign manufactures, we should give a stimulus to manufacturing industry, which would attract agricultural labor from the poor lands to which it had been obliged to resort, for want of better employment, and thus, by diminishing the quantity of breadstuffs, which were produced at a very great cost, below the domestic consumption, compel foreign nations again to open their ports to us. After all, the General Government was the great *causa causans* of our distresses.

But the Speaker had said, that, while the South declared that it would be ruined with the tariff, other portions of the country asserted, with equal confidence, that they would be ruined without it, and that this was a Government in which the majority must govern. Supposing the latter assertion to be true, he asked whether one portion of the country had a right to save itself from ruin by ruining another? If the smallest member of the Confederacy would be ruined by a system of taxation, the Federal Government would have no right to adopt it; for, in order to preserve the political relation of the States, the Constitution in granting the power of taxation, even for the great purposes of the common defence and general welfare, had prescribed equality as the indispensable condition of its exercise. That this system would ruin the Southern States, he was prepared to show whenever the general question came to be discussed. The Southern States, said Mr. G., have been the victims of the policy of this Government ever since its commencement. They have borne nearly the whole burden of taxation. The funding, banking, protecting duty, and pension systems, had all fallen, in their operation, on the Southern States. I have read somewhere of an African Prince, who, whenever he wants to tax his subjects, takes a windy day, puts a cap lightly on his head, goes out of doors, and, in whatever direction the wind blows the cap, the people in that direction are taxed. It appears to me, that, from whatever quarter the wind blows, the cap of the General Government always comes to the South; whether it be from East, Northeast—he had forgotten how to box the compass—but, whether it be from East, or any other point, *northabout* to West, it was the same thing. We were first made acquainted with this fatal cap by a hurricane called *funding*. It was brought among us soon after by another, called a bank—in both instances, to the great sorrow of all, except those who felt that it was an ill wind that blows nobody any good. We are now again threatened with this unwelcome re-visitation from two terrible tornadoes—one from the East, called a tariff, and the other from the West, called internal improvement, which, meeting in the same point, from opposite directions, might, according to the laws of mechanical philosophy, keep the cap stationary, but a new impetus comes from the North, and again gives it its old due direction to the South. These chilling and blasting winds that have come among us, warmed by the genial heat of the South, have

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returned, spreading luxuriance and verdure over the country, fertilizing and fructifying the land. But, if they come now, they come in vain; the revivifying principle is gone, our sun is dimmed, our light is put out. The farmer of the South, like the silly sheep he shears, has suffered fleece after fleece to be taken from his back, until he has no longer a lock of wool left to gratify the avarice of his shearers; and he has now the melancholy prospect before him of being butchered and devoured, and that, too, without the usual privilege of being previously fattened. Because, like an old dray-horse, that now and then flings out his heels at his driver, to make a show of resistance, he occasionally grumbles or remonstrates, he has vainly thought himself free. A few cracks of the whip have generally quieted him; but if you come to lay the whip on his back—to apply the thong to his skin, I do not know whether he is quite prepared to stand this test of his humility. It is really necessary to put our shoulders to the wheel, unless we mean to submit without further struggle. The time is come when we must either “do or die.” I have heard said, that this is the wisest Congress that has been assembled for many years. It may be so; but, if some of the propositions that are now before it, such as the project for internal improvement—for crusading in favor of universal emancipation, and last, though not least, for a new tariff, are adopted, it will not be the first Legislature I have known, whose acts, at least in my humble judgment, were in the inverse ratio of its reputed wisdom.

Mr. TAYLOR, of New York, then rose, and said, that, from the observations of gentlemen since the present debate commenced, a stranger might be led to conclude that some desperate plot was carrying on against the agriculture of this country, and some new principle started, in the legislative course pursued respecting it. But nothing was further from the fact. In the tariff of 1816, while articles for the use of the United States, articles calculated for the improvement of manufactures, and such as were intended to improve the mode of agriculture, were admitted duty free, wheat was charged with a duty of 15 per cent. *ad valorem*. At an average price of \$1 50 per bushel, this 15 per cent. amounts to 22½ cents per bushel—within 2½ cents of that now proposed. This 2½ cents was added to the former duty, because that duty had not been found sufficient to prevent considerable importations of wheat from the Black Sea, but chiefly from Upper Canada. The principle on which the duty was laid, was to secure to the American agriculturist the whole of the American market. At its former amount it failed to do this, and therefore it had been raised to the present amount of 25 cents.

The gentleman from Virginia had not only represented the tariff as one great evil, but internal improvements as another. Now, how the gentlemen, many of whom were decided friends to the bill for internal improvements, could be enemies to this item, he did not understand. The object of the internal improvement bill, as it respected the agricultural interest, was to facilitate the ac-

cess of the farmer's produce, to a market. The object of this provision is to secure him a market at his own door. Here Mr. T. stated the effect produced by the great canal of New York, in raising the comparative value of agricultural articles raised at a distance from market—(a bushel of wheat, at Rochester, was not worth more than a bushel of oats, within thirty miles of Albany; but the canal abolished this difference entirely; of crackers, made at Auburn, seven were now sold in New York for one cent.) He hoped the article would either be suffered to stand, or that the gentleman from Virginia would move an amendment, making wheat duty-free altogether.

Mr. CLAY rose, not to enter into the discussion, but to reply to the observations of the gentleman from Virginia, respecting the Committee on Agriculture. He said, that when he had placed at the head of that committee, a gentleman from New York, the largest agriculturist in this Union, (General Van Rensselaer,) a gentleman who had ploughed hundreds of acres where the gentleman from Virginia had ploughed one; when he had put on it other gentlemen who were either themselves agriculturists, or the decided friends of agriculture—above all, when the gentleman from Virginia, himself a host, was added to the committee—and, he might add, when the presiding officer of this House was one who had formerly ploughed hundreds of acres with his own hands, he did think the interests of agriculture were pretty well taken care of here. In the commencement of a session, the occupations of all the members could not be known at once—the presiding officer had to exercise a faculty which he had heard was peculiarly possessed in some parts of the United States, he had to guess a little in the appointment of committees—but he felt some doubt whether the gentleman from Virginia would have found it easy to make a better selection. That gentleman seemed to think there existed some general conspiracy against the interests of agriculture—if all who had petitioned for the tariff were to be considered as conspirators, the conspiracy was extensive indeed—(here Mr. C. enumerated seventeen States.) The whole State of New York *en masse* was in the plot, so was all Pennsylvania *en masse*—nay, there were conspirators even in Virginia;—the mischief seemed to extend throughout the Union—and, considering its extent, and the character of those concerned in it, the interests of agriculture must be in serious danger.

Mr. BAYLIES repelled the idea that the Committee on Manufactures were to be considered as deadly enemies to the Committee on Agriculture—nor were that part of the Agricultural Committee, who were in sentiment friendly to the tariff, at all inimical to agriculture or false to their trust. The two interests were inseparably connected, especially in the Eastern States. The prosperity of the manufactures of New England had enriched the farmers of New England.

Mr. GARNETT replied, that he had guarded his language when he uttered it, and had said that he believed the gentlemen were upright and sincere,

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but he thought, nevertheless, that their principles were, in their tendency, hostile to agriculture. As to the compliments of the honorable Speaker, the agricultural interest would have been much more indebted to him, if he had taken a few more members of the committee from South of the Potomac.

Mr. CLAY again explained, as to the structure of the committee. The members were all either farmers, or persons decidedly attached to the farming interest. It was not always possible to observe latitudes, especially where the number of a committee consisted but of seven. Not one Western man had been put on it. The Committee on Manufactures, too, consisted almost entirely of farmers. Surely the gentleman from Virginia ought rather to suspect the soundness of his own views, than to set himself up as a standard, and arraign all who differed from him in sentiment. For himself, Mr. C. believed that the interests of agriculture would be prostrated, not if the bill did, but if it did not pass.

Mr. TON, of Pennsylvania, (chairman of the Committee on Manufactures,) observed, that he had lived long enough to know, that not much was ever got by complaining—yet he thought he had some ground of complaint in what had fallen from the gentleman from Virginia. He had certainly attributed to the committee who reported the bill more sagacity than belonged to them—he seemed to think that they had laid this duty as a lure to attract folks—and he seemed determined to show that he understood trap, and would reject the bait as far as Virginia was concerned. If Virginia were only a wheat-raising State, this might be very magnanimous—but it happened that she exports double the value in tobacco, of all the flour and wheat not only exported from within her own bounds, but from all the rest of the Union beside. The amount of tobacco exported, (he spoke without book,) amounted to about six millions of dollars in a year. The gentleman, to show his contempt for the protection of this duty, says, take it away altogether—Virginia don't want it. But, if he wants to show his magnanimity and his contempt for protection, let him bring forward a proposition to allow tobacco, something that his constituents can understand, to be imported duty free. This bill only proposes to change the *ad valorem* to a specific duty, and what a bustle is created—what a trap is laid. Yet this is the only country in the civilized world that has not a specific duty on wheat. The amount imported, even seaward, is not so very small—three cargoes will probably amount to 20,000 bushels; so much of the market was lost to our farmers—and those that brought it made money by the importation. Now the gentleman contends that it is a rule of trade to buy where we can get cheapest—let him bring this principle home to the farmer. Let that gentleman ask the yeomanry of this country, whether we shall bring wheat from Dantzic because we can get it cheaper—they will soon answer him. Yet this would but fairly bring up and test the general principle of the bill with respect to manufactures—lead, wool, iron, are as plenty in

this country, and as necessary in their place, as wheat, and why not as deserving of protection? The gentleman says, that the Committee on Agriculture should all be anti-manufacture men—and because they are not, he says they are enemies to agriculture; if so, it was certainly good generalship, to put them down in a dark place where they can do it no harm.

Mr. P. P. BARBOUR, of Virginia, rose to reply. He said he had not the least pretension to any thing like wit—it did not belong to him. Still less could he lay any claim to skill in trapping. Whether as trapper, or trappee, he desired to enter his protest against having any thing to do with it. He knew nothing about either trapping or tricking, but pursued a straightforward course as nearly as he could by a mathematical line of strict propriety. The honorable chairman of the Committee on Manufactures must have imagined for himself the idea which he had attributed to him, as he had never thought of imputing it to that committee. I said, and I still say, that this duty will not benefit the country. The gentleman has said that Virginia is a tobacco-growing country, and he has undertaken to give us a statement of the amount to which she exports that article, in which it is quite palpable that he spoke (as he said) without book.

[Here Mr. TON explained, that he meant the six millions as the value of the whole export of that article in the Union.]

Sir, said Mr. B., it happens that that my native State is richer in almost every thing than in money. The great embarrassment under which she labors is the want of capital, from whence it happens that many of the merchants of Virginia are mere factors for the merchants of New York. The tobacco, which swells the nominal amount of the exports of Virginia, belongs, in fact, to the exports of North Carolina—because that State, as was very truly and very handsomely said the other day, is "iron bound," as respects her coast. I also am without book, yet I think I can come nearer, within two or three millions, at least, than the gentleman from Pennsylvania did. The finest tobacco raised in Virginia, (I speak of that grown on the South mountain, where it is said the soil is peculiarly adapted to the culture of that plant,) may bring \$10, and possibly \$12 per cwt.; other samples sell at \$2 to \$3. The fair average is about \$5 the hundred, which is about five cents a pound. This, according to the gentleman's first statement, would require Virginia to produce one hundred and twenty millions of pounds of tobacco annually. But whatever it amount to, I have not introduced any proposition respecting it, and simply for this reason I wish to pursue the subject before us, in other words to stick to the text. Now, tobacco has nothing to do with our present discussion. Besides, the chief part of the tobacco raised in Virginia, is raised south of James river, and I reside north of that river. In my district the great staple is wheat; and in whatever affects that article, my constituents are immediately concerned. I rose with the purpose of showing that the proposed duty is inefficient as an encourage-

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ment to agriculture, and gives to it the form of protection without the reality.

Mr. TRACY, of New York, said, that although the duty now proposed might not, in the opinion of the honorable gentleman from Virginia, be of any service to that State, there were gentlemen on this floor who represented other districts of the Union, which grew far greater quantities of wheat than the district from which that gentleman came, and whose opinions were worthy of respect. He thought that no duty could be more reasonable than that now under discussion, (unless the bill had been intended for revenue.) He knew that the amount of wheat imported from the north and the south of Europe, from the Baltic and the Black sea, was not inconsiderable; but, had the gentleman from Virginia reflected a moment, he might have found one of the finest wheat countries in the world, immediately adjacent to the State of New York—a country from which wheat can be brought in abundance to compete in the same market with that of the gentleman's own district, and undersell him. To his personal knowledge, 5,000 bushels were imported by a single miller at Rochester the last year. It sold in Canada at from 38 to 45 cents the bushel—its transportation to Rochester cost from 15 to 20 cents, and it sold there at 70 and 75 cents a bushel, while that raised in the State of New York was selling at a dollar. It was floured at Rochester, and sent to New York to compete with the wheat from Virginia and Maryland. As soon as the great canal shall be finished to Lake Erie, another large district of Upper Canada will be brought into the field of competition, and its wheat will go to that city without a single rod of land transportation. For himself, he felt so entirely satisfied that the policy on which the present duty was founded was a correct policy, that he intended to move the adoption of a duty on imported flour. Of this article large quantities came in from Canada, and it was sold at Rochester at \$2 a barrel, and he believed had, at one time, brought but \$1 75, and this with a duty of 15 per cent. *ad valorem*. A single merchant, in Upper Canada, had sent to Oswego, last year, 3,000 barrels, and it went to New York for exportation. Was it sound policy thus to give away to strangers the benefit of those invaluable facilities which our own citizens had attained at so great a cost?

Mr. MALLARY, of Vermont, thought that if this duty was perfectly nugatory because of no use to Virginia, the distinguished gentleman from that State only wasted his great talents in an attempt to abolish it. Why not indulge the friends of the bill in an item that he owned could do no harm, and which they believed might be of essential benefit in other parts of the country? Must Virginia be the sole standard according to which every measure is to be tested? It had been shown that great quantities of the Canada wheat came down the New York canal. Now the people of New York made that canal for themselves and the citizens of their sister States, and not for the subjects of His Majesty—shall we let in foreigners to compete with our own citizens in our own

agricultural staples, and this while the country is suffering for a market? Surely it is the duty of the Government to protect the country against such an intrusion.

Mr. MARVIN, of New York, (a member of the Committee on Manufactures) said, that since there had been some speculation as to the motives of the committee in putting this item in the bill, he would state the circumstances under which it was done. A meeting of highly respectable agriculturists was held in Queen's county, on Long Island, and resolutions were passed by them, recommending an increase of duty on several articles of agricultural production, and among others, the present article of wheat. And since the duty would, in the opinion of the committee, produce no injury, they thought it due to the citizens of that very respectable meeting, to comply thus far with their recommendation. Much wheat was imported last year—much more will be imported next. Before the great canal was begun, wheat was of the same value on both sides of Lake Ontario. When wheat was worth one dollar and twelve cents at Albany, at Rochester it was worth only fifty cents. The opening of the canal had raised it at once fifty cents. The price in Canada experienced an equal rise. Was it good policy to give this advantage to strangers and rivals, who had contributed nothing to the expense of the canal? If we lay this duty, while the wheat of our own citizens feels a rise of fifty cents, that of their competitors will get only twenty-five cents rise. And if they still prefer to use our canal, they will come into our market under that difference in our favor, and our revenue will at the same time be augmented.

Mr. HAYDEN, of New York, replied to Mr. BARBOUR, and stated that the quantity of flour imported was greater than that gentleman seemed to imagine. Nor was it brought over the lake, as he had suggested for milling merely. It was within his knowledge that a single individual, an enterprising merchant miller at Rochester, had imported the last season 4,697 bushels, the cost of which, including freight and storage, averaged sixty-three cents a bushel. The duties came to over ten cents, the cartage cost him two cents, making the total price to him seventy-five cents per bushel, while, at the same time, the American farmer was getting from a dollar to one dollar and fifteen cents the bushel. He stated these facts from a demi-official paper furnished him by the collector of the port of Genesee.

He did not doubt that, in ten years from this time, there would not be less imported into the single town of Rochester than 250,000 bushels. He then went into the following calculation to show the result:

250,000 bu. at \$1, would pay for grinding	\$25,000
The manufacture and materials of the	
barrels, 50,000, at thirty cents	15,000
Freight on the canal, at fifty cents	25,000
Tolls on the canal to State of N. York	25,000
	<hr/> \$90,000 <hr/>

So that, looking merely at the manufacturing interest of his own district, he should view the proposed duty as injurious; but, regarding the agricultural interest, he believed it would be very beneficial. He, therefore, felt some hesitation in determining how to vote, but rather thought he should consent to the duty for the general good. It must be remembered that this wheat, when secured, went to compete with that of the Southern States. To give some idea of this trade upon the frontier, he stated that the exports from Rochester, alone, during the last year, had amounted to upwards of a million of dollars.

Mr. Ross supported the propriety of the duty, and showed its operation in Ohio. He stated the embarrassments of the farmer in the interior, and the injury he would suffer, if foreign competition were superadded to his present want of a market; wheat had been sold in Ohio at eighteen cents a bushel; and he had known flour in Cincinnati to bring no more than \$1 75.

Mr. WEBSTER, of Massachusetts, said that it was necessary, on this subject, to legislate with great deliberation, and examine the probable effect of measures proposed for adoption. Imported wheat now pays fifteen per cent., ad valorem. New York exports great quantities of the article; to facilitate its transportation, she has, at vast expense, constructed a general canal. The inhabitants of Canada, finding this the most direct route to the ocean, come the same way. To meet the expense of that great public work, a large amount of tolls is required. The Canadians are glad to pay these, in addition to the fifteen per cent. duty. Now, he should certainly conceive that a transit trade of this description would be highly beneficial to the State of New York, while the duty paid upon it would, at the same time, aid the Treasury of the United States. The wheat is brought into the State, not for consumption, but for exportation. The consumption is in a foreign market. The New York wheat growers would not have that market, by denying their canal to the Canadian wheat grower. The Canadian wheat would still reach the same market, by way of the St. Lawrence, at perhaps a small addition of expense on the transportation. By admitting it, the State of New York not only gains the toll and storage, but the manufacturing of it into flour, and the shipping of it to a foreign market. The United States Treasury, the State Treasury, and the manufacturing and commercial interests, were all gainers by its transit.

Mr. INGHAM, of Pennsylvania, said that the argument of the gentleman from Massachusetts had put the question on a new ground. The question now presented to us, was, whether the United States will promote the cultivation of its own territory, or of the territory of Upper Canada? He proposes to admit the citizens of Canada to an equal participation with ourselves in all our facilities for trade, while our citizens are kept out of Canada by laws that meet and prohibit them at every step. The natural advantages of the two banks of the St. Lawrence are nearly the same; the inducement for settlement on the one in pre-

ference to the other, will depend chiefly on the regulations of the respective Governments; and, important as are the interests of manufactures, the improvement of our land is still more important.

The honorable gentleman from Virginia disregards this duty, and is willing at once to give it up. If there were no existing duty, this might seem very magnanimous; but what does the gentleman give up? A duty of 2½ cents, in addition to 22½ already laid. This is all that he would give up, supposing ever so much wheat to be imported; but he tells us there is none imported, or next to none; he therefore gives up nothing, or next to nothing. The gentleman refuses a proposal to take off the duty on tobacco, because other States, besides Virginia, are interested in raising it; but, are not other States concerned in raising wheat, too? Virginia has not the exclusive dominion over the growing of wheat; and could she look beyond her own boundary for any thing else than political power, she might have discovered that her neighbors have some interest in such a duty, if she has none. The gentleman from Massachusetts speaks of transit tolls, and of mercantile commissions; but these are trifling compensations for facilitating to our own market abroad the access of our agricultural rivals. Will you, by facilities like these, encourage the settlement of the territories of a (hostile I must not say, but of at least a) foreign Power?

Mr. VANCE, of Ohio, said that he was, unhappily, able to speak from personal experience on this subject. He knew, for he had felt the existence and operation of Canadian rivalry. He had shipped large quantities of flour and pork, and when he got to a market, had been there put down by the competition of Canadian shippers. The whole of the military posts of the United States, on the northwest of the Ohio, had been supplied almost exclusively by the people of Upper Canada. The gentleman from Massachusetts says that this flour is not for American consumption; and he is therefore willing to strike out the duty. But it is a fact that the British Government have for years past supplied the American Army with all its flour. When I took flour to the posts, hoping to find for it an American market, I found that the contractor uniformly drew his supplies from my neighbors on the other side of the lines. Upper Canada is in this respect a much more formidable rival to the United States than gentlemen seem to conceive. It is now, and will be more and more so, one of the greatest wheat growing countries in the world.

Mr. BUCHANAN, of Pennsylvania, spoke in favor of the duty. Let the Canadian grain growers go down their own river. While our own farmers are struggling for a market, shall we bring strangers into that market on a cheaper footing than they could otherwise get there, by the use of our facilities? Europe is now in profound peace; she can grow wheat enough for her own consumption, and that of her dependencies; she may soon go farther, and seek to get the supplying of us. Let us anticipate such an idea, and meet them with a duty at our threshold.

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read the third time, and passed	750	reported without amendment	84
Army, so much of the President's Message as refers to the, fortifications, Military Academy, &c., referred to the Committee on Military Affairs	37	debated, and laid on the table	90
Army Register, a copy of the, for each member, transmitted by the Secretary of War	95	ordered to the third reading	92
Ashmead, John, and others, Mr. Findlay presented the petition of, read, and referred	233	read the third time, and passed	96
Atkinson, Moses, and others, Mr. Holmes presented the petition of, read, and referred	258	Bartlett, William, and others, of Newburyport, Mr. Mills presented the memorial of, relative to French depredations, read, and referred	161
adverse report made	307	Mr. Lloyd presented similar memorial of, read, and referred	206
agreed to	309	Barton, David, of Missouri, attended	9
Auction Sales, Mr. Smith presented a memorial of a number of citizens of Baltimore against, read, and referred	123	Baton Rouge, Mr. Johnson submitted a resolution for making a post road from Opelousas to	315
the committee discharged	775	laid on the table	318
Axon, Samuel J., Mr. Elliott presented the petition of, read, and referred	115	bill from the House of Representatives relative to a public lot at	577
committee discharged	342	read, and referred	578
		reported without amendment	674
		ordered to the third reading	780
		read the third time, and passed	788
		bill from the House of Representatives granting a tract of land to West, read twice, and referred	777
		reported	782
		ordered to the third reading	785
		read the third time, and passed	788
		Baudin, Nicholas, Mr. King of Alabama presented the petition of Nicholas Cook, agent for the heirs of, read, and referred	55
		a bill for the relief of the heirs of, and the heirs of Joseph Chastang, reported	137
		read the second time	142
		ordered to the third reading	152
		read the third time, and passed	153
		Bayly, Mountjoy, Doorkeeper and Sergeant-at-Arms, a resolution authorizing, to employ an assistant, read twice	11
		read the third time, and passed	24
		Beard, David, bill from the House of Representatives for the relief of, read twice, and referred	616
		reported without amendment	655
		ordered to the third reading	747
		read the third time, and passed	750
		Beesley, Thomas, and others, Mr. McIlvaine presented the petition of, praying increase of duty on imported iron, read, and referred	481
		Bell, Samuel, of New Hampshire, attended	9
		remarks of, on the bill for settling claims against the United States	480
		Belt, Benjamin M. (See Langley, Hezekiah.)	
		Bennett. (See Napier, &c.)	
		Bennett, Joshua, bill from the House of Representatives for the relief of	582
		read twice, and referred	592
		reported without amendment	653
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		ordered to the third reading	749
		read the third time, and passed	752
		Benneville, Daniel, Mr. Findlay presented the petition of, respecting the tariff, read, and referred	233
		Benton, Thomas H., of Missouri, attended	9
		Barnstable Bay. (See Buzzard's Bay.)	
		Bartlett, William, John Stearns, Nathaniel Carver, and others, bill from the House of Representatives for the relief of, read	77

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speech of, on a proposed amendment to the Constitution, relative to the election of President	- - - - -	167	bill reported without amendment	- - -	675
speech of, on the bill to carry into effect the bill to protect the Indian fur trade	- - - - -	432	ordered to the third reading	- - -	749
remarks of, on the same	- - - - -	456, 459	read the third time, and passed	- - -	752
speech of, on the bill from the House of Representatives for the surveys of roads and canals	- - - - -	534	Branch, John, of North Carolina, attended	- - -	11
remarks of, on the bill for the disposal of refuse lands	- - - - -	583	remarks of, on the bill to secure the accountability of public officers	- - -	237, 241
on the Tariff bill	- - - - -	692	remarks on a resolution proposing an amendment to the Constitution	- - -	411
on his resolution in relation to domestic hemp	- - - - -	753	Brick, Joshua, and others, Mr. McIlvaine presented the petition of, praying increase of duty on iron, read, and referred	- - -	430
Bertrand, J. F., and others, Mr. Johnson presented the petition of, praying alteration of the naturalization laws, read, and referred	- - - - -	255	Bridges, Benjamin, Mr. Johnson presented the petition of, read, and referred	- - -	322
Berry, Taylor. (See <i>Le Sieur, Firman.</i>)	- - - - -		Brooke, John, and others, Mr. Lowrie presented the memorial of, praying a revision of the tariff, read, and referred	- - -	113
Blagrove, William, bill from the House of Representatives for the relief of, read twice, and referred	- - - - -	574	Brooks, P. C., and others, Mr. Lloyd presented the petition of, in relation to French spoliations, read, and referred	- - -	108
reported with amendment	- - - - -	592	Brooks, James, Jehu, and Nathaniel, a bill from the House of Representatives for the relief of, and their heirs	- - -	617
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read the third time, and passed	- - - - -	750	reported without amendment	- - -	690
Blean, Robert, bill from the House of Representatives for the relief of	- - - - -	617	ordered to the third reading	- - -	749
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reported without amendment	- - - - -	716	Bronson, Alvin, a bill from the House of Representatives for the relief of	- - -	570
ordered to the third reading	- - - - -	749	read twice, and referred	- - -	573
read the third time, and passed	- - - - -	753	reported without amendment	- - -	592
Bloomfield, John, and others, Mr. Hayne presented the petition of, praying a modification of the alien laws, read, and referred	- - - - -	502	ordered to the third reading	- - -	747
Blount, J. G., and others, Mr. Branch presented a memorial of, in relation to French Spoliations, read, and referred	- - - - -	115	read the third time, and passed	- - -	750
Boardman, Elijah, resolution of respect for the memory of	- - - - -	25	Brotherton, Robert, a bill from the House of Representatives for the relief of	- - -	657
Boker, Charles, and others, Mr. Dickerson presented a memorial of, concerning duty on foreign iron, read, and referred	- - - - -	107	read twice, and referred	- - -	675
Bombergin, William, and others, Mr. Findlay presented the memorial of, respecting the tariff, read, and referred	- - - - -	233	reported without amendment	- - -	690
Books and Maps, Mr. Dickerson submitted a resolution to appoint a committee to purchase, for the use of Congress	- - - - -	24	ordered to the third reading	- - -	749
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Bowen, William, and others, Mr. Findlay presented the petition of, respecting duty on foreign iron, read, and referred	- - - - -	115	Brown, Daniel, the petition of, called up, and referred	- - -	206
Boyd, Joseph C., Mr. Chandler presented the petition of, stating his inability to settle his accounts from the loss of papers, read, and referred	- - - - -	76	has leave to withdraw his papers	- - -	783
a bill for the relief of, reported and read	- - - - -	89	Brown, Ethan Allen, of Ohio, attended	- - -	11
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read the third time, and passed	- - - - -	110	letter from, resigning his seat in the Senate	- - -	27
Brace, Stephen, bill from the House of Representatives for the relief of	- - - - -	582	Brown, Jonas B., and others, Mr. Mills presented the memorial of, in relation to the tariff, read, and laid on the table	- - -	617
read twice, and referred	- - - - -	592	Brown, Samuel, a bill from the House of Representatives for issuing letters patent to, read, and referred	- - -	242
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read the third time, and passed	- - - - -	750	read the third time, and passed	- - -	305
Bradford, Charles, bill from the House of Representatives for the relief of the heirs of	- - - - -	582	Brush, Elijah, a bill from the House of Representatives for the relief of	- - -	582
read twice, and referred	- - - - -	793	read twice, and referred	- - -	592
			reported without amendment	- - -	656
			ordered to the third reading	- - -	747
			read the third time, and passed	- - -	750
			Burd, Paul, and others, Mr. McIlvaine presented the petition of, read, and referred	- - -	353
			Burns, Malachi, a bill from the House of Representatives for the relief of	- - -	582
			read twice, and referred	- - -	592, 593
			reported without amendment	- - -	616
			laid on the table	- - -	742

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Buzzard's Bay, Mr. Lloyd submitted a resolution directing the Committee on Roads and Canals to make inquiries in relation to a canal between Barnstable, and -	83	read twice, and referred -	703
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		ordered to the third reading -	749
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C.		Causici, Enrico, a letter from, announcing the completion of a group of statuary for the Capitol, referred -	509
Cadwallader, Mitchener, Mr. King presented the petition of, praying leave to copy State papers, &c., read, and referred -	54	committee discharged -	524
Caldwell, John, and others, Mr. Lanman presented the petition of, relative to French spoiliations, read, and referred -	108	Mr. Eaton submitted a resolution directing the payment of \$1,000 to, read -	782
Camp, Jesse, Mr. Ruggles presented the petition of, read, and referred -	126	the third reading negatived -	789
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Canada, Nathaniel, Mr. Lanman presented the petition of, read, and referred -	314	the committee discharged -	532
Canby, Israel T., Mr. Noble presented the petition of, read, and referred -	31	Chandler, John, of Maine, attended -	9
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Capitol, statement of William Lambert relative to the longitude of the, read -	52	on the Tariff bill -	594
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Carlisle Artillery, Mr. Findlay presented the petition of the, praying to be received into service, read, and referred -	258	Chapin, Samuel, and others, Mr. Findlay presented the petition of, praying a modification of the Tariff, read, and referred -	233
Carr, Thomas, and others, Mr. Hayne presented the petition of, against an increase of duties, read, and referred -	422	Chaplain elected -	30
Carroll, Daniel, of Duddington, a bill from the House of Representatives for the relief of -	593	Charleston, Mr. Hayne presented a memorial of the citizens of, in relation to the Bank of the United States, read, and referred -	48
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Carter, John, of Kentucky, a bill from the House of Representatives for the relief of -	617	Mr. H. presented a memorial of the Chamber of Commerce of, praying a uniform system of bankruptcy, read, and referred -	206
read twice, and referred -	653	Mr. H. presented the memorial of William Drayton and others of, against an increase of duties, read, and referred -	255
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Carver, Nathaniel. (See Bartlett, William.)		Cherokee Indians, a communication from a delegation of, concerning Georgia lands, laid on the table -	522
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Mr. Benton presented the memorial of John Ross and others, in relation to their power to impose taxes, read and referred -	775	Clerke, T. W., and others, Mr. Van Buren presented the petition of, relative to the alien laws, read, and referred -	233
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Chesley, William F., and others, Mr. Smith presented the petition of, read, and referred -	122	ordered to the third reading -	783
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Childs, Thomas. (See Willard, Julius.)		reported without amendment -	721
Chitwood, Sarah, a bill from the House of Representatives for the relief of, read -	80	laid on the table -	748
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reported without amendments -	111	read the third time, and passed -	787
laid on the table -	117	Cocke, William, a bill from the House of Representatives for the relief of, and J. T. Johnson -	617
Christ Church, Mr. Lloyd presented a memorial of the vestry of, read, and referred -	313	read twice, and referred -	653
a bill for enclosing the burial ground of, reported, and read -	323	reported without amendment -	656
read the second time -	329	ordered to the third reading -	747
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ordered to the third reading -	532	read the third time, and passed -	752
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Clarke, Audley, and others, Mr. D'Wolf presented the memorial of, praying indemnity for French depredations, read, and referred -	126	a bill to incorporate the company, reported and read -	313
Clarke, John, and others, Mr. Dickerson presented the memorial of, praying increase of duty on iron, read, and referred -	113	read the second time -	315
Clark, Archibald, a bill from the House of Representatives for the relief of -	617	ordered to the third reading -	529
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reported without amendment -	655	Columbian College, Mr. Lloyd, of Maryland, presented the memorial of the trustees of the, read, and referred -	233
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Clarke, Isaac, Mr. Barton presented the petition of, read, and referred -	35	bill read the second time -	532
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Columbus, communications from the Secretary of State in relation to a portrait of, read, and referred -	82	considered -	243, 499
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ordered to the third reading -	778	agreed to -	754
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Commerce and Manufactures, the Committee on, appointed -	27	Crimes, a bill for the punishment of, in arsenals, navy yards, &c., reported, read twice, and referred -	528
so much of the President's Message as relates to, referred to the above committee -	30	reported without amendment -	592
a letter from the Secretary of the Navy transmitting statements of the -	252	read the third time, and passed -	762
Committees, usual orders for the appointment of the -	10	Crosby, John, Mr. Holmes presented the memorial of, in relation to French spoliations, read and referred -	108
Mr. Eaton submitted a resolution respecting chairmen of the -	25	Custom-House Officers. (See Officers of Customs.)	
considered, amended, and ordered to the third reading -	25		
read the third time, and passed -	26	D.	
Mr. Barbour submitted a resolution for the appointment of all, by the presiding officer, unless otherwise ordered -	25	Davidson, William. (See White, Joseph M.)	
adopted -	26	Davis, Charles B., Mr. Eaton presented the petition of, read, and referred -	36
Congress, Mr. Holmes, of Maine, submitted a resolution that the next session of, meet at an earlier period -	336	adverse report made -	91
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Contingent Fund, statements in relation to expenditures from the, read -	11	agreed to -	110
Contingent Expenses, an abstract exhibiting, read -	91	Davis, Mary and Solomon, Mr. Lloyd presented the petition of, read and referred -	95
"Constitution," Mr. Johnson, of Kentucky, presented a petition of Thomas Johnson and the officers and crew of the ship, read, and referred -	307	committee thereon discharged -	318
adverse report made -	474	Davis, Matthew, and others, Mr. Findlay presented a memorial of, praying an increase of duty on iron, read, and referred -	147
laid on the table -	482	Davis, William, and others, Mr. Mills presented the petition of, in relation to French spoliations, read, and referred -	161
concurred in -	530	Mr. Lloyd presented another petition of, on the same subject, read, and referred -	231
Conway, Samuel. (See Rush, John.)		Debt, a bill for the relief of persons imprisoned for, reported, and read twice -	38
Cook, Nicholas. (See Baudin, Nicholas.)		ordered to a third reading -	43
Cooper, David, leave given, to withdraw his papers -	117	read the third time, and passed -	47
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reported without amendment -	653	report made -	77
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Copy-Rights, Mr. Lowrie introduced a bill to extend, to authors of paintings and drawings, read -	417	read a second time -	446
read a second time, and referred -	422	laid on the table -	521
reported without amendment -	446	ordered to the third reading -	778
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a third reading refused -	513	De Krafit, Edward, Mr. Lowrie presented the petition of, praying a subscription to certain copies of the Journals of the Old Congress, read and referred -	37
Cordage, Mr. Lloyd submitted a resolution calling on the Secretary of the Navy for information in regard to the quantity of, manufactured from domestic hemp for the Navy -	128	resolution authorizing the purchase of ten copies, reported -	322
		agreed to, and the committee discharged -	342

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Delaware River, Mr. Findlay submitted a resolution for opening a canal between the Susquehanna and	88	a bill altering the times of holding the courts in the, reported, and read twice	449
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Deming, Demas, assignee of Hugh Glen, Mr. Noble presented the petition of, read, and referred	318	amendments received	709
the committee thereon discharged	422	concurred in	716
Dennie, Thomas, and others, Mr. Lloyd presented the petition of, against the tariff bill, read, and laid on the table	617	(See <i>Registers of Wills</i> .)	
Denton, Stephen, and others, Mr. Dickerson presented the memorial of, praying increase of duty on iron, read, and referred	136	Donelson, John, and Stephen Heard, a bill for the relief of, introduced, read twice, and referred	617
Desobry, Benjamin, a bill from the House of Representatives for the relief of	582	reported without amendment	656
read twice, and referred	593	considered	746
reported without amendment	709	ordered to the third reading	747
ordered to the third reading	749	read the third time, and passed	750
read the third time, and passed	752	amendments received	769
Detroit, a bill from the House of Representatives for the relief of the Church of St. Anne, and for the extension of Larned street in the town of, read twice and referred	574	concurred in	772
reported with amendments	592	Doorkeeper, Mr. Lanman submitted a resolution authorizing the, Mountjoy Bayly, to employ one assistant and two horses, read twice	11
ordered to the third reading	779	read a third time, and passed	24
read the third time, and passed	787	Doughty, John C., and others, Mr. Dickerson presented the petition of, in relation to the tariff, read and referred	119
Devezin, Charles Oliver, Mr. Johnson of Louisiana presented the petition of, read, and referred	205	Dowlen, John, and others, Mr. Findlay presented the petition of, praying an increase of duty on iron, read, and referred	147
the committee discharged.	287	Drayton, William, and others, the memorial of, against an increase of duties, read, and referred	225
Dickerson, Mahlon, of New Jersey, attended	9	Drawbacks, Mr. D'Wolf submitted a resolution in relation to, on domestic manufactures when the material is of foreign growth	42
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Dill, Eliza, daughter of General St. Clair, Mr. Noble presented the petition of, read, and referred	35	Mr. Lowrie presented the petition of, read, and referred	294
Direct Taxes, a report from the Secretary of the Treasury respecting the amount due, read, and ordered to be printed	25	a bill for the relief of, reported, and read	417
Distillers, a bill from the House of Representatives for the relief of certain, in Berks county, Pennsylvania, read	80	read the second time	424
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ordered to the third reading	112	read the third time, and passed	534
read the third time, and passed	116	Dubord, Anna, the petition of, presented last session, referred	530
a bill from the House of Representatives for the relief of certain, read twice, and referred	778	a bill for the relief of, reported, and read	577
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read the third time, and passed	788	read the third time, and passed	750
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Mr. Eaton submitted a resolution in relation to the judicial code of the	120	read twice, and referred	592
agreed to	125	reported without amendment	653
		ordered to the third reading	749
		read the third time, and passed	752
		Duties on Imports, a bill in relation to, and tonnage, read twice, and referred	53
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postponed - - - - -	112, 160	Iron, petitions in relation to duty on, read and referred - - - - -	481, 107, 115, 430, 353
laid on the table - - - - -	242		
considered 258, 276, 291, 346, 352, 419, 482, 484		J.	
recommitted - - - - -	499	Jack, Andrew, and others, Mr. Dickerson presented the memorial of, respecting duty on iron, read and referred - - - - -	136
vote reconsidered - - - - -	503	Jackson, Andrew, of Tennessee, attended - - - - -	24
the bill ordered to the third reading - - - - -	504	remarks of, on the case of Alexander A. White - - - - -	122
read the third time, and passed - - - - -	504	on the bill for making a military road - - - - -	208
a bill supplemental to the acts for the relief of persons under, reported, and read twice - - - - -	474	on the bill for Florida roads - - - - -	292, 294
ordered to the third reading - - - - -	482	on the bill for a supply of cannon, &c. - - - - -	330
read the third time, and passed - - - - -	484	Jackson, James, and J. C. McLemore, securities of Robert Sercy, Mr. Eaton presented the petition of, read, and referred - - - - -	47
Indiana, Mr. Noble presented a memorial of the Legislature of, praying the organization of an additional circuit, &c., read and referred - - - - -	49	a resolution granting the withdrawal of their papers reported - - - - -	322
Mr. Noble presented a memorial of, respecting a canal to unite the Wabash with Lake Erie, read and referred - - - - -	136	agreed to - - - - -	329
Mr. Noble presented a resolution of, respecting the Tariff, read and referred - - - - -	253	Jackson, Joseph, and others, Mr. Dickerson presented the petition of, respecting the Tariff, read and referred - - - - -	119
Mr. Noble communicated a preamble and resolutions from the Legislature of, in relation to the National Road, read and referred - - - - -	208	Jackson, Richard, and others Mr. Knight presented the memorial of, respecting French spoliations, read and referred - - - - -	109
the committee discharged - - - - -	783	Jacobs, Cyrus, and others, Mr. Findlay presented the memorial of, in relation to duty on iron, read, and referred - - - - -	147
Mr. Noble communicated a preamble and resolutions from, respecting the Indian title to lands in, laid on the table - - - - -	255	James, Morris, Mr. Barton presented the petition of, read, and referred - - - - -	37
Mr. Noble presented a memorial of the General Assembly of, praying a revocation of an ordinance in relation to taxation of lands, read and referred - - - - -	295	James, Mary, a bill from the House of Representatives for the relief of - - - - -	570
a report made, with a bill granting the petition in part - - - - -	323	read twice, and referred - - - - -	573
report and bill read - - - - -	324	reported without amendments - - - - -	581
Mr. Noble presented a resolution of, expressive of sympathy with Greece, read and placed on file - - - - -	313	indefinitely postponed - - - - -	745
Mr. N. presented a memorial in relation to purchasers of lands, read and referred - - - - -	325	Jamieson, William, and others, Mr. Findlay presented the petition of, in relation to the tariff, read and referred - - - - -	233
Indians, a report from the Secretary of War, with an abstract of licenses granted to agents, &c., to trade with the, read and referred - - - - -	36	Jenkins, Robert, and others, Mr. Findlay presented the memorial of, praying an increase of duty on iron, read - - - - -	107
so much of the President's message as relates to the, referred to the Committee on Indian Affairs - - - - -	37	read and referred - - - - -	108
Mr. Holmes submitted a resolution respecting the civilization of the, read - - - - -	124	Johns, M. S., and others, Mr. Lowrie presented the petition of, praying duty on auction sales, read, and referred - - - - -	524
agreed to - - - - -	130	Johnson, Henry, of Louisiana, attended - - - - -	9
a report from the Secretary of War in relation to the civilization of the, read - - - - -	141	remarks of, on his resolution respecting officers of the customs - - - - -	97
		on the transportation of the mail - - - - -	118
		on granting a pre-emption right to Alexander A. White - - - - -	121
		on his resolution in relation to settlements on public lands - - - - -	130

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Johnson, Henry—continued.		Judiciary, Mr. Johnson submitted a resolution for amending the - - - - -	28
remarks of, on his resolution respecting lands in Opelousas - - - - -	148	amended, and laid on the table - - - - -	32
on the bill to secure the accountability of public officers - - - - -	238	amended, and agreed to - - - - -	38
on the purchase of cannon, &c. - - - - -	332	a bill respecting invalid laws, reported and read - - - - -	336
on the bill for the settlement of claims - - - - -	478	read the second time - - - - -	339
on his resolution respecting a post route between New Orleans and Washington - - - - -	593	recommitted - - - - -	339
on the bill to improve the navigation of the Ohio and Mississippi rivers - - - - -	762	a bill respecting circuit courts, reported and read - - - - -	336
Johnson, Richard M., of Kentucky, attended remarks of, on his resolution to amend the judiciary system - - - - -	25	read the second time - - - - -	339
speech of, on the bill to abolish imprisonment for debt - - - - -	258	laid on the table - - - - -	419
speech of, on the Tariff bill - - - - -	695	debated - - - - -	574
Johnson, James, a bill for the relief of, introduced and read - - - - -	126	laid on the table - - - - -	577
documents in relation to the accounts of, submitted - - - - -	126	Mr. Talbot submitted a resolution to modify the 25th section of the Judiciary act of 1789 - - - - -	256
the bill read a second time, and referred - - - - -	129	laid on the table - - - - -	258
reported without amendments - - - - -	159	agreed to - - - - -	307
considered - - - - -	257	Judson, Lewis. (See <i>Hobart Peter H.</i>)	
ordered to the third reading - - - - -	291	K.	
read the third time, and passed - - - - -	296	Keating, Oliver, Mr. Lloyd presented the petition of, referred - - - - -	88
Johnson, Henry, Mr. Eaton presented the petition of, read, and referred - - - - -	128	Kelly, William, of Alabama, attended - - - - -	41
adverse report made - - - - -	275	remarks of, on proposed amendments to the Constitution - - - - -	410
laid on the table - - - - -	287	on the bill to repeal an act respecting State government in Alabama, - - - - -	572
Johnson, Thomas. (See <i>Constitution</i> .)		on the Tariff bill - - - - -	618, 652
Johnson, John T. (See <i>Cooke, William</i> .)		Kelly, Hanson, Mr. Macon presented the petition of, read, and referred - - - - -	27
Johnston, Josiah S., of Louisiana, attended remarks of, on the Tariff bill - - - - -	338	an adverse report made - - - - -	51
	755	considered - - - - -	52
Jones, Banister, Mr. Hayne presented the petition of, read, and referred - - - - -	109	recommitted - - - - -	54
Jones, Benjamin, Mr. Dickerson presented the petition of, praying an increase of duties on iron, read, and referred - - - - -	88	report made - - - - -	125
Jones, Obadiah, Mr. King presented the petition of, read, and referred - - - - -	109	recommitted with instructions to bring in a bill - - - - -	127
adverse report made - - - - -	274	a bill for the relief of, reported, and read - - - - -	128
considered - - - - -	289	read the second time - - - - -	133
agreed to - - - - -	290	ordered to the third reading - - - - -	152
Jones, George, and others, Mr. Elliott presented the petition of, against the tariff, read, and referred - - - - -	314	read the third time, and passed - - - - -	153
Jones, Nathaniel, a bill from the House of Representatives for the relief of - - - - -	582	Kendall, William, a bill from the House of Representatives for the relief of, read - - - - -	80
read twice, and referred - - - - -	593	read the second time, and referred - - - - -	84
reported without amendment - - - - -	655	reported without amendments - - - - -	96
ordered to the third reading - - - - -	747	ordered to the third reading - - - - -	102
read the third time, and passed - - - - -	750	read the third time, and passed - - - - -	110
Journals, Mr. King submitted a resolution in relation to a correction of the - - - - -	117	Kennard, Samuel G., and others, Mr. Lloyd presented the petition of, read, and referred - - - - -	119
agreed to - - - - -	134	Kentucky, a bill to change the terms of the District Court of, read - - - - -	287
Journals of the Old Congress, Mr. Johnson submitted a resolution to purchase certain, read twice, and referred - - - - -	448	read the second time - - - - -	288
reported without amendment - - - - -	513	ordered to the third reading - - - - -	318
laid on the table - - - - -	737	read the third time, and passed - - - - -	323
read the third time, and passed - - - - -	750	a remonstrance of the Legislature of, against the decision of the Supreme Court in the case of Green and others, read, and referred - - - - -	290
amendments received and concurred in - - - - -	762	a bill to change the terms of the Circuit Courts in, reported, and read - - - - -	447
the committee on the petitions of Way and Gideon, and Edward De Krafft, made a report authorizing the purchase of ten copies of the - - - - -	322	read the third time, and referred - - - - -	449
concurred in, and the committee discharged	342	reported without amendment - - - - -	474
		ordered to the third reading - - - - -	475
		read the third time, and passed - - - - -	482
		Kerr, Stephen. (See <i>McBride, Robert</i> .)	
		Kilton, James, and others, Mr. Findlay presented the petition of, read, and referred - - - - -	149
		King, William R., of Alabama, attended - - - - -	49

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King, Rufus, of New York, attended	9	Lands—continued.	
a letter from, asking to be excused from serving on committee, on account of ill health	42	resolution agreed to	205
remarks of, on the bill for the relief of Samuel Gilbert	91	Mr. Lowrie submitted documents in relation to the surveys and sales of, ordered to be printed	462
on the bill for making a road from Memphis to Little Rock	118	a bill from the House of Representatives granting pre-emption rights to all counties and parishes in which public, are situated	566
on Mr. Johnson's resolution in relation to settlements on public lands	131	read, and referred	569
on the bill to secure the accountability of public officers	241	reported without amendment	573
on the purchase of cannon, &c.	331	ordered to the third reading	779
speech of, on proposed amendments to the Constitution	355	read the third time, and passed	787
remarks of, on the same	369, 375	a bill from the House of Representatives to provide for the sale of, conveyed to the United States in certain cases	570
on the Appropriation bill	424	read twice, and referred	573
on the Indian fur trade	457, 460	reported without amendment	592
on the Tariff bill	615	ordered to the third reading	779
King, Benjamin, a bill from the House of Representatives for the relief of	617	read the third time, and passed	787
read twice, and referred	653	Mr. Benton introduced a bill for disposal of refuse	582
reported without amendment	690	read	583
ordered to the third reading	749	read the second time, and referred	793
read the third time, and passed	752	reported without amendment	656
King, William, and others, Mr. Lowrie presented the petition of, read, and referred	159	laid on the table	769
Knight, Nehemiah, of Rhode Island, attended	9	Land Warrants. (See <i>Military Land Warrants</i> .)	
L.		Langdon, Henry S., late Navy Agent, Mr. Parrott presented the petition of, read and referred	339
Lafayette, Marquis de, resolutions from the House of Representatives in relation to the intended visit of, read twice, and referred	129	Langley, Hezekiah, Mr. Lloyd presented the petition of, read and referred	204
report made	143	a bill for the relief of, and Benjamin M. Belt reported and read	421
passed unanimously	146	read the second time	424
Lake Superior, Mr. Benton submitted a resolution respecting the Indian title to land near	401	the third reading negatived	510
agreed to	419	vote reconsidered, and the bill ordered to the third reading	514
a bill concerning the extinguishment of said title reported, and read	423	Lanman, James, of Connecticut, attended	9
read the second time	427	remarks of, on the bill for Francis Henderson	93
considered, and laid on the table	723	on the bill regulating the transportation of the mail	119
Lamb, Clayton, and others, Mr. McIlvaine presented the memorial of, praying an increase of duty on iron, read, and referred	353	on the bill to secure the accountability of public officers	229
Lambdin, Jonathan H., Mr. Lowrie presented the petition of, praying relief from imprisonment, read, and referred	28	Larche, Francis, Mr. Johnson presented the petition of, read and referred	96
the committee report a bill for the relief of persons imprisoned for debt	38	Lauderman, John, a bill from the House of Representatives for the relief of	581
Lambert, James, Mr. Lowrie presented the petition of, praying a modification of the tariff, read, and referred	159	read twice, and referred	593
Lambert, William. (See <i>Capitol</i> .)		reported without amendment	675
Land Office. (See <i>General Land Office</i> .)		ordered to the third reading	749
Land Offices, a bill from the House of Representatives in relation to the correction of errors in entries at the	566	read the third time, and passed	752
read, and referred	569	Laurens, Colonel John. (See <i>Henderson, Francis</i> .)	
reported without amendment	656	Law, Thomas, Mr. Talbot presented the memorial of, in relation to a national currency, read and referred	520
ordered to the third reading	780	the committee discharged	524
read the third time, and passed	785	Lead Mines and Salines, Mr. Barton submitted a resolution respecting the sale of	53
Lands, Mr. Johnson submitted a resolution for the repeal of the act respecting settlements unauthorized by law on public	124	agreed to, and referred	56
read for consideration	130	the committee discharged	566
negatived	132	Lee, Richard Bland. (See <i>Young, Robert</i> .)	
Mr. Barton submitted a resolution in relation to frauds in surveying public	16	Leightner, Henry, a bill from the House of Representatives for the relief of	593
		read twice, and referred	616
		reported without amendment	654

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Leightner, Henry—continued.		Lloyd, James, of Massachusetts, attended	9
bill ordered to the third reading	747	remarks of, on the bill for Francis Henderson	97
read the third time, and passed	750	on the bill for additional sloops of war	139, 149, 229
Leland, Joseph, and others; Mr. Holmes presented the petition of, praying the erection of a pier, &c., at the mouth of the Saco river, read and referred	51	speech of, on the pension bill for widows and orphans	104
L'Enfant, Peter Charles, Mr. Mills presented the petition of, read and referred to the Committee on the District of Columbia	307	remarks of, on the bill allowing drawback on cordage	251, 500
referred to the Committee of Claims	308	on the bill regulating the transportation of gold, &c.	320, 321
Le Sieur, Firman, the committee on the petition of Taylor Berry report a bill for the relief of the heirs of, read	110	letter from, to the Editors of the National Intelligencer, correcting a report of the above remarks, (note)	321
read the second time	112	on the bill to abolish imprisonment for debt	346
debated	117	on the resolution in relation to Portugal	515
ordered to a third reading	133	on the Tariff bill 590, 594, 614, 660, 690, 704	
read the third time, and passed	137	Lloyd, James, Mr. Noble presented the petition of, praying a pension, read, and referred	446
Libraries, Mr. Johnson submitted a resolution to distribute documents, journals, &c., to incorporated, read	88	the committee discharged	502
laid on the table	92	Lobdell, Stetson, and others, Mr. Lowrie presented the petition of, praying a revision of the tariff, read, and referred	79
amended and agreed to	96	Longitude of the Capitol. (See <i>Capitol</i> .)	
Library, the Committee on the, appointed	27	Lornan, William, Mr. Smith presented the petition of, praying an increase of duty, read, and referred	161
a bill from the House of Representatives making appropriations for the, and for furnishing the rooms in the Capitol	773	Louisiana, Mr. Johnson submitted a resolution in relation to lands in, derived from the French, British, and Spanish Governments	37
read twice, and referred	776	read, and agreed to	43
reported	782	a bill for the benefit of the holders of lands in, derived from those Governments, reported, and read	166
ordered to the third reading	785	read the third time	205
read the third time, and passed	789	amended	309
Lighthouses, Light-vessels, &c., a bill from the House of Representatives for building certain, read	759	ordered to the third reading	319
read the second time, and referred	760	read the third time, and passed	323
reported with amendments	772	Mr. Johnson submitted a resolution respecting a report of all land claims filed in the Register's office at Opelousas in	142
ordered to the third reading	783	agreed to	148
read the third time, and passed	787	a bill authorizing the Register of the land office for the western district of, to report upon certain claims, reported, and read	205
the House disagrees to the amendments, and the Senate recedes from them	789	read the second time	206
Lincoln, Benjamin, a bill to settle the accounts of, David Humphreys and Cyrus Griffin, reported and read	345	considered	312
read the second time	353	ordered to the third reading	319
ordered to the third reading	427	read the third time, and passed	323
read the third time, and passed	431	a bill explanatory of the act to confirm land claims in, and Missouri, read	253
Mills presented the petition of, read and referred	307	read the second time, and referred	257
evidence in support of the claim of, read and referred	339	Mr. Johnson submitted a resolution respecting certain swamp lands in	417
the committee on their petition report a bill for Benjamin Lincoln and others. (See <i>Lincoln, Benjamin</i> .)		laid on the table	422
Littell, E., Mr. Hayne presented the petition of, praying that no additional duty be placed on books, read and referred	565	a bill for the sale of a warehouse at English Turn, and the erection of a dwelling-house at Balize in, reported, and read	431
Little, Otis, Mr. Holmes presented the petition of, in relation to French spoliations, read, and referred	108	read the second time, and referred	446
Lloyd, Edward, of Maryland, attended	11	reported without amendments	508
remarks of, on the claim of Virginia for certain advances	34	ordered to the third reading	521
on the Tariff bill	58	read the third time, and passed	523
on the bill for Francis Henderson	98	a bill to provide a Surveyor-General for, and Mississippi, reported, and read	342
on the bill allowing a drawback on cordage	249	read the second time, and referred	345
on the Military Appropriation bill	311	reported without amendment	422
on the bill regulating the transportation of gold, jewels, &c.	320, 321	laid on the table	509

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Louisiana—continued.		Marechal, Joseph—continued.	
a bill from the House of Representatives to regulate practice in the United States courts of, read twice, and referred -	778	bill read twice, and referred -	593
reported -	782	reported without amendment -	616
ordered to the third reading -	786	ordered to the third reading -	747
read the third time, and passed -	788	read the third time, and passed -	750
Low, Andrew, and others, Mr. Elliott presented the petition of, read, and referred -	287	Marine Corps. (See <i>Naval Affairs</i> .)	
adverse report made -	345	Marshals, Clerks, and Attorneys, bill from the House of Representatives to repeal in part an act to lessen the compensation of, read -	77
laid on the table -	351	read the second time, and referred -	78
Lowrie, Walter, of Pennsylvania, attended remarks of, on the bill for the relief of Francis Henderson -	9	reported with amendments -	166
on the bill for additional sloops of war -	150, 214, 233	laid on the table -	257
on the bill to secure the accountability of public officers -	239	ordered to the third reading -	301
on the Military Appropriation bill -	310, 311	read the third time, and passed -	305
on proposed amendments to the Constitution -	372	a bill to provide for the better security of public money in the hands of, reported, and read -	160
on the bill to protect the Indian fur trade -	445	read the second time -	167
on the bill allowing a drawback on cordage -	500	recommitted -	291
Lucas's Universal Atlas, a letter from William H. Jones, soliciting patronage for -	123	reported with amendments -	305
a resolution to purchase five copies of, submitted -	124	ordered to the third reading -	354
referred -	129	read the third time, and passed -	375
a resolution authorizing the purchase of one copy of, reported -	154	Martin, David, and Elkanah English, Mr. Benton presented the petition of, referred -	351
ordered to the third reading -	254	the committee discharged -	502
read the third time, and passed -	256	Martin, William D., Mr. Hayne presented the memorial of, against an increase of duties, read, and referred -	481
M.		Maryland, Mr. Lloyd submitted a resolution respecting the claims of, for advances during the late war -	38
Macarylan, John, Mr. Macon presented the petition of, in relation to French spoliations, read, and referred -	161	read, and adopted -	43
Macon, Nathaniel, of North Carolina, attended remarks of, on a proposed amendment to the Constitution -	159, 399, 417	a bill from the House of Representatives altering the times of holding the circuit court for the fourth circuit in, read twice, and referred -	761
on the Military Appropriation bill -	310	reported without amendment -	766
on the Tariff bill -	689	ordered to the third reading -	782
Mail, a bill to discontinue the transportation of the, in certain cases, reported, and read -	109	read the third time, and passed -	788
read the second time -	112	Massachusetts, a Message from the President transmitting documents in relation to the claim of, for militia services -	301
considered -	118	the Message read -	305
laid on the table -	119	two hundred copies of the documents ordered to be printed -	342
Maison Rouge, Marquis de, bill from the House of Representatives for the relief of the heirs of -	773	Mattson, Abraham V., Mr. Lowrie presented the petition of, praying release from imprisonment, read, and referred -	29
read twice, and referred -	776	the committee report a bill supplementary for the relief of persons imprisoned for debt -	474
reported without amendment -	783	(See <i>Imprisonment for Debt</i> .)	
rejected -	784	Mayall, William, and others, Mr. Lowrie presented the petition of, in relation to the tariff, read, and referred -	308
Manning, Jeremiah, bill from the House of Representatives for the relief of, read twice, and referred -	53	Maybury, Thomas, and others, Mr. Barbour presented the petition of, in relation to the duty on iron, read, and referred -	108
reported without amendment -	75	Mayhew, Thaddeus, Mr. Johnson presented sundry documents in favor of the claim of, referred -	35
postponed -	77	a bill for the relief of, reported, and read -	351
ordered to the third reading -	81	read the second time -	354
read the third time, and passed -	84	laid on the table -	428
Maps, Mr. King submitted a resolution calling for information in regard to the completion of certain -	117	considered -	511
agreed to -	125	ordered to the third reading -	512
report from the Secretary of the Treasury in reply -	151	read the third time, and passed -	514
referred -	154	amendments received -	657
Marechal, Joseph, bill from the House of Representatives for the relief of -	582	concurrent in -	675

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McAlister, John, Mr. Holmes presented the petition of, read, and referred -	41	Miami. (See <i>Road</i> .—See <i>Wabash</i> .)	
a bill releasing to, or the heirs of John Forbes, a certain tract of land, reported, and read -	291	Michael, John, a bill from the House of Representatives for the relief of, read -	152
read the second time -	296	read the second time, and referred -	153
laid on the table -	351	reported without amendments -	166
ordered to the third reading -	420	ordered to the third reading -	257
read the third time, and passed -	422	read the third time, and passed -	258
McBride, Robert, and Stephen Kerr, Mr. Findlay presented the petition of, read, and referred -	115	Michigan, notice of a bill in addition to the act in relation to the government of -	275
the committee report a bill for the relief of the heirs of Andrew Mitchell -	233	read twice, and referred -	291
(See <i>Mitchell, Andrew</i> .)		reported without amendment -	317
McCulloch, Hugh, a bill from the House of Representatives for the relief of -	593	laid on the table -	418
read twice, and referred -	617	Military Academy, a report from the Secretary of War, showing the amount of expenditures for the -	314
reported without amendments -	726	Military Affairs, the Committee on, appointed -	27
ordered to the third reading -	749	Military Establishment, a report from the Secretary of War, showing the expenditures for the, read -	141
read the third time, and passed -	752	Military Land Warrants, a bill from the House of Representatives allowing further time for locating -	654
McEwen, James, and others, Mr. Lowrie presented the petition of, praying a modification of the tariff, read, and referred -	159	read twice, and referred -	657
McFarland, Elizabeth, Mr. Dickerson presented the petition of -	147	reported without amendment -	751
the committee discharged, and leave given to withdraw her papers -	206	ordered to the third reading -	781
McIlvaine, Joseph, of New Jersey, attended -	9	read the third time, and passed -	787
McKnight, John M. S., administrator of Charles McKnight, Mr. Van Buren presented the petition of, read, and referred -	275	a bill from the House of Representatives in relation to Virginia -	721
McNair, Alexander, Mr. Benton presented the petition of, read, and referred -	483	read twice, and referred -	726
a bill for the relief of, reported, and read -	522	reported without amendment -	736
read the second time -	524	ordered to the third reading -	781
ordered to the third reading -	723	read the third time, and passed -	788
read the third time, and passed -	737	Military Road. (See <i>Road</i> .)	
amendments received -	773	Military Service, a report from the Secretary of War with a statement of the appropriations for the -	165
agreed to -	779	a bill from the House of Representatives making appropriations for the -	297
McPherson, Joseph S., Mr. Findlay presented the memorial of, praying a settlement of accounts, read, and referred -	31	read, and referred -	300
Mears, Benjamin, and others, Mr. Findlay presented the petition of, in relation to duty on iron, read, and referred -	141	report made, and debated -	310
Mebane, John B., a bill from the House of Representatives to authorize the executors of, to collect certain arrears -	482	ordered to the third reading -	316
read twice, and referred -	484	read the third time, and passed -	317
reported without amendments -	508	a bill from the House of Representatives making further appropriations for the -	773
ordered to the third reading -	521	read twice, and referred -	776
read the third time, and passed -	523	reported -	782
a bill from the House of Representatives supplementary to the above -	654	ordered to the third reading -	785
referred -	656	read the third time, and passed -	787
reported without amendment -	674	Militia, the committee on the, appointed -	27
ordered to the third reading -	749	so much of the President's Message as relates to the, referred to the above committee -	32
read the third time, and passed -	752	a bill to establish a uniform, reported, and read -	287
Meen, John, and others, Mr. Findlay presented the petition of, praying a modification of the tariff, read, and referred -	55	read the second time -	296
Melville, David, Mr. D'Wolf presented the petition of, read, and referred -	101	considered -	343
report made, and the committee discharged -	758	laid on the table -	345
Memphis. (See <i>Road</i> .)		taken up, and again laid on the table -	529
Merchandise, statements showing the value of imported, laid on the table -	577	Miller, Henry, Mr. Findlay presented the petition of, praying compensation for services in the Revolutionary war, read, and referred -	484
		Miller, James, Governor of Arkansas. (See <i>Arkansas</i> .)	
		Miller, James and Robert, Mr. Holmes presented the petition of, in relation to French spoliations, read, and referred -	108

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Miller, John, and others, Mr. Lowrie presented the petition of, praying a revision of the tariff, read, and referred - - -	79	Missouri—continued.	
Mills, Elijah, of Massachusetts, attended - -	36	the committee discharged - - -	522
speech of, on his resolution proposing an amendment to the Constitution - - -	59	the committee on the petition of Charles S. Hampstead and others, report a bill to alter the terms of the district courts in, read - - -	421
remarks of, on a proposed amendment to the Constitution - - -	410	ordered to the third reading - - -	510
on the bill to secure the accountability of public officers - - -	237, 238, 240	read the third time, and passed - - -	514
remarks of, on the Tariff bill - - -	657	Mr. Benton submitted a resolution in relation to lands for schools in - - -	592
Mims, Joseph, a bill from the House of Representatives for the relief of the heirs of, read twice, and referred - - -	574	laid on the table - - -	617
reported without amendment - - -	582	agreed to - - -	654
ordered to the third reading - - -	747	a bill from the House of Representatives to establish an additional land office in, read twice, and referred - - -	776
read the third time, and passed - - -	750	reported - - -	782
Mint, report from the Director of the - - -	123	ordered to the third reading - - -	785
Mississippi, Mr. Williams presented the memorial of the Legislature of, relative to Indian title to lands in, read, and referred - - -	317	read the third time, and passed - - -	789
a bill from the House of Representatives changing the mode of surveying lands in Arkansas, and - - -	566	a bill from the House of Representatives respecting the validity of claims to lands in Arkansas, &c., read twice, and referred - - -	745
read, and referred - - -	569	reported with amendments - - -	757
reported with amendments - - -	581	ordered to the third reading - - -	784
ordered to the third reading - - -	779	read the third time, and passed - - -	787
a bill to provide a Surveyor General for Louisiana and, reported, and read - - -	342	a bill to extinguish the Indian title to lands in, reported and read - - -	746
read the second time, and referred - - -	345	in, reported and read - - -	748
reported without amendment - - -	422	read the second time - - -	748
laid on the table - - -	509	ordered to the third reading - - -	771
Mississippi Land Company, Mr. Mills presented the petition of Ebenezer Oliver, and others, Directors of the New England, read, and referred - - -	101	read the third time, and passed - - -	773
adverse report in full - - -	234	a bill respecting the survey of the southern and western boundary of, reported, and read twice - - -	758
considered - - -	298	ordered to the third reading - - -	774
agreed to - - -	308	read the third time, and passed - - -	779
a motion to reconsider the vote, laid on the table - - -	313	Mitchell, Andrew, the petition of Robert McBride and Stephen Kerr, administrators of, read and referred - - -	115
Mississippi River. (See <i>Ohio and Miss. Rivers.</i>)		a bill for the relief of the heirs of, reported and read - - -	233
Missouri, Mr. Benton presented the memorial of the Legislature of, praying the adjustment of land claims in, and a duty on lead, read, and referred - - -	47	read the second time - - -	242
a bill for the adjustment of land claims in Arkansas and, reported, and read - - -	120	ordered to the third reading - - -	319
read the second time - - -	125	read the third time, and passed - - -	323
ordered to the third reading - - -	148	Mitchell, John, a bill from the House of Representatives for the relief of - - -	617
read the third time, and passed - - -	152	read twice, and referred - - -	653
a memorial of the Legislature in relation to the Indian title to lands in, referred - - -	49	reported - - -	768
a bill providing for the settlement of claims to lands in, reported, and read - - -	430	amended, and ordered to the third reading - - -	780
read the second time - - -	446	read the third time, and passed - - -	785
ordered to the third reading - - -	520	an amendment to their amendment received and concurred in - - -	787
read the third time, and passed - - -	523	Mobile, a bill from the House of Representatives to alter the times of holding the district court of, read - - -	38
amendments received, and concurred in - - -	790	amendments reported - - -	125
a bill to perfect certain locations in, reported, and read - - -	162	considered - - -	142
read the second time - - -	167	ordered to the third reading - - -	143
ordered to the third reading - - -	305	read the third time, and passed - - -	148
read the third time, and passed - - -	306	amendments received - - -	306
Mr. Benton submitted a resolution respecting the "commons" near the towns and villages in - - -	429	concurrent in - - -	307
agreed to - - -	430	notice of a bill explanatory of an act confirming claims to lots in - - -	275
		the bill read, and referred - - -	287
		reported without amendment - - -	291
		amended, and ordered to the third reading - - -	533
		read the third time, and passed - - -	570
		a bill from the House of Representatives granting certain lots to the corporation of - - -	737
		read twice, and referred - - -	744
		reported without amendment - - -	751

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Mobile—continued.		Myers, George, and others, Mr. Lowrie presented the petition of, in relation to duties, read, and referred - - -	308
bill ordered to the third reading - - -	780	N.	
read the third time, and passed - - -	787	Nantucket. (See <i>Pensacola.</i>)	
Moffitt, John S., a bill from the House of Representatives for the relief of - - -	593	Napier, Rapelye, and Bennett, a petition of, praying remission of duties on certain sugar, read, and referred - - -	83
read twice, and referred - - -	616	a bill for the relief of, and of Lewis A. Pe-tray, and Just Viel, reported, and read - - -	295
reported with amendments - - -	702	read the second time - - -	300
ordered to the third reading - - -	749	ordered to the third reading - - -	352
read the third time, and passed - - -	752	read the third time, and passed - - -	354
Money, Mr. Taylor submitted a resolution calling for information in regard to, borrowed during the late war - - -	523	National Road. (See <i>Roads.</i>)	
agreed to - - -	524	Naturalization, a bill to establish a uniform system of, reported, and read - - -	204
Message in reply - - -	581	read the second time - - -	206
Montgomery, John, Mr. Noble presented the petition of, read and referred - - -	141	recommitted - - -	301
Montgomery, J. M. C., a bill from the House of Representatives for the relief of - - -	593	reported without amendment - - -	513
read twice, and referred - - -	616	a bill in further addition to the act to establish a rule of, and to repeal all other acts on that subject, reported, and read - - -	513
reported without amendment - - -	721	read the second time - - -	518
ordered to the third reading - - -	749	laid on the table - - -	522
read the third time, and passed - - -	752	taken up, considered, and ordered to the third reading - - -	770
Montgomery, William W., Mr. Johnson presented the memorial of, praying that a balance in favor of Michael Reynolds be paid the memorialist, read, and referred - - -	51	read the third time, and passed - - -	773
Mooney, Henry, and others, Mr. Dickerson presented the petition of, in relation to duties, read, and referred - - -	119	Naval Affairs, the Committee on, appointed - - -	27
Moore, Alexander. (See <i>Alexandria.</i>)		so much of the President's message as relates to, referred - - -	30
Moore, A., and others, of Alexandria, Mr. Johnson presented the petition of, praying retrocession to Virginia, read, and referred - - -	401	Mr. Lloyd submitted a resolution calling for information at the next session in relation to the expenses of courts martial, &c., in the Navy and Marine Corps - - -	777
Moore, Alfred, and Sterling Orgain, Mr. Kelly presented the petition of, read and referred - - -	166	agreed to - - -	782
a bill for the relief of, reported and read - - -	253	Naval Establishment, a letter from the Navy Department, showing the annual expense of the, with information in regard to a Peace Establishment, read - - -	165
read the second time - - -	256	Naval Service, a report from the Secretary of the Navy, with a statement of appropriations and expenditures for the, read, and referred - - -	286
ordered to the third reading - - -	334	the committee discharged - - -	736
read the third time, and passed - - -	337	Navarre, François, Mr. Johnson presented sundry documents in support of the claim of, read, and referred - - -	316
Moore, Henry, Mr. Lowrie presented the petition of, read and referred - - -	308	Navy, a letter from the Secretary of, transmitting a statement of contracts made by the Commissioners of the - - -	252
Moore, John, and others, Mr. Dickerson presented the memorial of, praying an increase of duty on iron, read and referred - - -	107	a bill from the House of Representatives making appropriations for the, read, and referred - - -	423
Moore, Pliny, Mr. Seymour presented the petition of, read and referred - - -	582	reported, with amendments - - -	480
Moreau, Celestin, Mr. Johnson presented the petition of, read and referred - - -	88	read the third time, and passed - - -	481
a bill for the relief of, reported and read - - -	114	disagreement of the House - - -	482
read the second time - - -	116	the Senate insists on the amendments - - -	484
ordered to the third reading - - -	134	a committee of conference appointed - - -	502
read the third time, and passed - - -	137	their report agreed to - - -	578
Morgan, Charles, Mr. Johnson presented the petition of, read and referred - - -	48	Navy Hospitals, Mr. Lloyd submitted a resolution in relation to the fund for - - -	161
a motion to discharge the committee - - -	137	agreed to - - -	166
the committee discharged - - -	749	a bill in addition to the act to establish, reported, and read - - -	520
Morgan, Jonathan, and wife. (See <i>Venable, William.</i>)		documents from the Secretary of the Navy in relation to the bill laid on the table - - -	520
Morrow, James, Mr. Lowrie submitted a resolution to place, on the pension list - - -	141	the bill ordered to the third reading - - -	722
agreed to, and referred - - -	147	Navy Pensions. (See <i>Pensions.</i>)	
the committee discharged - - -	518		
Mulford, Lewis, and others, Mr. Dickerson presented the memorial of, read, and referred - - -	113		
Muse, James Fort, Mr. Johnson presented the petition of, praying a grant of land, read, and referred - - -	716		

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Navy Register, a letter from the Navy Department transmitting copies of the, for the use of the Senate -	161	Mr. Hayne submitted a resolution respecting the election of -	114
New Haven, Mr. Edwards presented the memorial of the Chamber of Commerce of, against the tariff, read and referred -	532	amended and referred -	116
Newport, Mr. D'Wolf presented the memorial of the President and Directors of the Merchants' Bank of, read and referred -	49	report made -	140
a report made -	124	agreed to -	143
recommitted with instructions -	130	Ogden, Thomas L., a bill from the House of Representatives for the relief of -	593
a bill for the relief of the memorialists, reported and read -	131	read twice, and referred -	616
read the second time -	142	reported without amendment -	675
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read the third time, and passed -	153	Oglethorpe County, Georgia, Mr. Elliott presented a preamble and resolution of, against an increase of duties, read, and referred -	336
Newspapers, a resolution directing a supply of, passed -	12	Ohio, Mr. Brown presented a memorial of the Legislature of, relative to the sale of school lands, referred -	334
New York, Mr. King presented the memorial of the Chamber of Commerce, in relation to the tariff, read -	231	Mr. Brown presented a resolution of, respecting protection to American manufactures, read, and referred -	418
referred -	242	Mr. B. presented a resolution of, respecting the location of school lands, read, and referred -	418
a preamble and resolutions of the Legislature of, relative to losses sustained by persons residing on or near Niagara river, read, and laid on the table -	318	Mr. B. presented a resolution of, in relation to the abolition of slavery, read, and laid on the table -	418
Nimmo, William T., a bill from the House of Representatives for the relief of, read and referred -	578	a bill to change the terms of the circuit and district courts, reported and read -	447
reported without amendment -	592	read the second time, and referred -	449
ordered to the third reading -	747	reported without amendment -	474
read the third time, and passed -	750	ordered to the third reading -	475
Noble, James, of Indiana, attended -	9	read the third time, and passed -	482
remarks of, on Indiana lands -	325	a bill from the House of Representatives respecting three tracts of land in Tuscarawas county in, read twice, and referred -	745
on proposed amendments to the Constitution -	373	reported without amendment -	751
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North Carolina, Mr. Branch presented a memorial from the State of, in relation to claims to Tennessee lands, read and referred -	315	read the third time, and passed -	787
O.		Ohio and Mississippi Rivers, a bill from the House of Representatives to improve the navigation of the -	727
O'Brien, Richard, Mr. Lowrie presented the petition of, praying a settlement of accounts, read and referred -	35	read twice, and referred -	734
adverse report made -	125	reported without amendment -	751
agreed to -	130	considered -	762
Officers of the Customs, Mr. Johnson submitted a resolution to revise the act in relation to the compensation of -	91	ordered to the third reading -	765
agreed to -	97	read the third time, and passed -	769
committee discharged -	757	Old, Joseph, and others, Mr. Lowrie presented the petition of, praying an increase of duty on iron, read, and referred -	128
a report from the Secretary of the Treasury showing the emoluments, &c., of certain -	351	Oliver, Ebenezer. (See <i>Mississippi Land Company</i> .)	
Officers of the two Houses, a bill to revive the act fixing the compensation of, introduced, and read twice -	89	Ore, James, Mr. Kelly presented the petition of, read, and referred -	255
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reported with amendments -	140	Orrery. (See <i>Planetarium</i> .)	
laid on the table -	151	Osage Indians, bill from the House of Representatives to provide an agent for the -	499
considered, and ordered to the third reading -	209	read the first time -	502
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Officers of the Senate, Mr. Eaton submitted a resolution respecting the election of -	54	reported without amendment -	508
modified and postponed -	75	ordered to the third reading -	722
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postponed -	81	Ottremare, J., a bill from the House of Representatives for the relief of -	657
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Ottremare, J.—continued.		the committee report a bill respecting the Florida coast -	716
bill reported with amendments -	709	(See <i>Florida</i> .)	
ordered to the third reading -	749	a bill from the House of Representatives to allow a salary to the Collector of Nantucket and, and to abolish the office of Surveyor at -	773
read the third time, and passed -	752	read twice, and referred -	776
disagreement of the House to their amendments -	766	reported -	782
the Senate recede therefrom -	768	ordered to the third reading -	786
P.		read the third time, and passed -	789
Palmer, William A., of Vermont, attended -	9	Pensions, the Committee on, appointed -	27
Parent, Charles, a petition of C. Parent in behalf of the heirs of, read, and referred -	83	a bill from the House of Representatives extending the term of half pay, to widows and children of officers, seamen, and marines, read twice, and referred -	56
a bill for the relief of the heirs of, reported, and read -	147	reported with amendments -	89
read the second time -	151	considered -	103
laid on the table -	254	postponed -	107
Parrott, John F., of New Hampshire, attended -	9	ordered to the third reading -	111
remarks of, on the bill for additional sloops of war -	138	read the third time, and passed -	112
Passau, George de, Mr. Johnson presented the petition of, praying confirmation to a tract of land, read, and referred -	42	Mr. Parrott submitted a resolution in relation to, for the widows and orphans of persons slain in the private-armed vessels -	114
adverse report made -	96	agreed to -	116
agreed to -	102	a bill extending, to persons disabled in, and the widows and orphans of those slain in, private-armed vessels, reported, and read -	162
Patent Office, a bill relative to the, reported, and read -	508	the report in full -	162
read the second time -	518	the bill read the third time -	167
ordered to the third reading -	722	ordered to the third reading -	254
read the third time, and passed -	737	read the third time, and passed -	256
Patterson, William, and others, Mr. Dickerson presented the petition of, read, and referred -	119	amendments received, and concurred in -	448
Paulus, Barbara, a bill from the House of Representatives for the relief of, read -	446	a bill from the House of Representatives concerning invalid -	127
read the second time, and referred -	449	read the first time -	129
reported without amendments -	284	read the second time, and referred -	133
ordered to the third reading -	520	reported with amendments -	513
read the third time, and passed -	523	laid on the table -	522
Peabody, Joseph, and others, Mr. Lloyd presented the petition of, relative to French spoliation, read, and referred -	108	taken up, amended, and ordered to the third reading -	530
Pearce, William, and others, Mr. Lloyd presented the petition of, relative to French spoliation, read, and referred -	108	read the third time, and passed -	533
Pennock, Abraham, and others, Mr. Findlay presented the petition of, read, and referred -	287	the House agrees to some and disagrees to other amendments -	691
Pennsylvania, Mr. Findlay presented several resolutions of the Legislature of, respecting the tariff, read, and laid on the table -	207	the Senate adhere to their amendments -	750
Mr. Lowrie presented a resolution of the Legislature of, against the bill imposing duty on auction sales, read, and laid on the table -	401	a bill from the House of Representatives to extend the term of certain, read twice, and referred -	745
a letter from the Governor of, with a resolution approving the declaration of the President in favor of liberty on the Western Hemisphere, read, and laid on the table -	481	reported without amendments -	751
a bill from the House of Representatives to alter the judicial districts of -	570	ordered to the third reading -	782
read twice, and referred -	573	read the third time, and passed -	788
reported with amendments -	592	Pensioners, Mr. Noble submitted a resolution respecting the names and amounts received by all -	709
ordered to the third reading -	779	laid on the table -	717
read the third time, and passed -	787	agreed to -	729
Pensacola, Mr. Johnson submitted a resolution respecting a naval depot at or near -	336	Perkins, James, and others, Mr. Holmes presented the petition of, in relation to French spoliation, read, and referred -	108
agreed to -	339	Perley, Frederick, a bill from the House of Representatives for the relief of -	593
		read twice, and referred -	617
		reported without amendment -	653
		ordered to the third reading -	747
		read the third time, and passed -	750
		Persico, G., and others, Mr. Lowrie presented the memorial of, in relation to the tariff, read, and referred -	308

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Peters, Samuel, Mr. Lanman presented the petition of, read, and referred - - -	101	Postmasters, Mr. Knight submitted a resolution for additional compensation to, for stamping ship letters, read - - -	77
the committee discharged - - -	328	agreed to - - -	81
Petersburg and Richmond. (See <i>Vessels</i> .)		Post Roads, a report from the Postmaster General with a list of unproductive, read, and referred - - -	290
Petray, Lewis A., and Just Viel, Mr. Hayne presented the petition of, praying the remission of certain duties, read, and referred (See <i>Napier</i> , &c.)	42	Mr. Johnson submitted a resolution for a post road from Baton Rouge to Opelousas - - -	315
Peyster, Frederick de, and Co., Mr. Van Buren presented the petition of, read and referred	108	laid on the table - - -	318
Philadelphia, Mr. Findlay presented the memorial of a number of citizens of, praying a revision of the tariff, read, and referred -	41	Mr. Johnson submitted a resolution in regard to the nearest post route between New Orleans and Washington - - -	581
Mr. Lowrie presented the memorial of the Synod of, respecting the civilization of the Indians, read - - -	47	agreed to - - -	593
Mr. Lowrie presented a memorial of the Chamber of Commerce of, in relation to bankruptcy, read, and referred - - -	83	a bill from the House of Representatives to discontinue certain, and to establish others - - -	769
a memorial from the Chamber of Commerce of, in relation to an artificial harbor near the Capes, read, and referred - - -	113	read twice, and referred - - -	772
the committee discharged - - -	775	postponed indefinitely - - -	786
Mr. Lowrie presented a memorial of the Chamber of Commerce against additional duties on imports, read, and referred -	308	Potter, Israel R., Mr. Knight presented the petition of, read, and referred - - -	136
Phipps, Thomas, and others, Mr. Lowrie presented the memorial of, praying a revision of the tariff, read, and referred - - -	113	the committee discharged - - -	239
Piatt, John H., a bill for the relief of the heirs of, read twice, and referred - - -	574	Potts, David, and others, Mr. Lowrie presented the petition of, praying additional duties on iron and steel, read, and referred -	159
reported without amendment - - -	726	Potts, Samuel, Mr. Findlay presented the memorial of, praying additional duty on iron, read, and referred - - -	111
laid on the table - - -	749	Pre-emption, a bill from the House of Representatives granting, to all counties or parishes in which public lands are situated -	566
taken up, and again laid on the table -	759	read twice, and referred - - -	569
ordered to the third reading - - -	768	reported without amendment - - -	573
read the third time, and passed - - -	773	ordered to the third reading - - -	779
Planetarium, Mr. Smith presented the petition of Nathaniel Potter, and others, soliciting encouragement for a new, invented by Thomas Newell, read, and referred -	448	read the third time, and passed - - -	787
the committee discharged, and the petition referred to the Secretary of War - - -	524	a bill from the House of Representatives granting, to settlers in the districts of St. Helena and Jackson Courthouse - -	737
Plymouth Beach. (See <i>Presque Isle</i> .)		read twice, and referred - - -	744
Point Coupee, a bill from the House of Representatives granting land to the inhabitants of - - -	773	reported without amendment - - -	761
read twice, and referred - - -	776	postponed indefinitely - - -	784
reported - - -	782	a bill from the House of Representatives concerning, in Arkansas - - -	773
ordered to the third reading - - -	785	read twice, and referred - - -	776
read the third time, and passed - - -	788	reported - - -	782
Portugal, Mr. Lloyd submitted a resolution calling on the President for information respecting commercial relations with -	508	ordered to the third reading - - -	785
considered - - -	515	read the third time, and passed - - -	788
agreed to - - -	518	President of the United States, a committee appointed to inform the, of the organization of the Senate - - -	10
a message in reply - - -	721	the Annual Message of the - - -	12
Ports of Delivery, a bill from the House of Representatives to establish Bowdoinham, Troy, Hudson, and Fairport, as, read twice, and referred - - -	777	President and Vice President, Mr. Eaton submitted a resolution to amend the act relative to the election of - - -	42
reported - - -	782	agreed to - - -	48
postponed indefinitely - - -	786	a bill in addition to the act respecting the election of, reported, and read twice -	317
Portsmouth, Mr. Parrott presented a memorial from the merchants of, in relation to French spoliation, read, and referred -	111	considered - - -	509, 514, 518, 519
Post Offices and Post Roads, the Committee on, appointed - - -	27	ordered to the third reading - - -	523
discharged - - -	786	read the third time, and passed - - -	524
		President of the Senate, the attendance of the declines further attendance during the session - - -	766
		John Gaillard elected, <i>pro tempore</i> - -	768
		Presque Isle, a bill from the House of Representatives for deepening the channel of, and repairing Plymouth Beach - - -	737

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Presque Isle—continued.		Rawle, W., Mr. Lowrie presented the petition of, praying the abolition of slavery in the District of Columbia, read, and laid on the table - - -	375
bill read twice, and referred - - -	744	Rawlings, Rezin, and John Locke, executors of Daniel Rawlings, Mr. Eaton presented the memorial of, read, and referred -	76
reported without amendment - - -	758	adverse report made - - -	132
ordered to the third reading - - -	782	postponed - - -	138
read the third time, and passed - - -	788	laid on the table - - -	142
Price, Chandler, and others, Mr. Findlay presented the petition of, read, and referred	36	recommitted - - -	328
Pritchard, John, Mr. Brown presented the petition of, referred - - -	126	another report made - - -	532
adverse report made - - -	162	concurred in - - -	558
agreed to - - -	166	Read, Samuel, and others, Mr. Dickerson presented the memorial of, praying additional duty on foreign iron, read, and referred - - -	124
Private Bills. (See <i>Rules</i> .)		Registers of Wills, a bill from the House of Representatives to regulate the fees of, in the District of Columbia - - -	737
Prout, Holden W., Mr. Kelly presented the petition of, read, and referred - - -	255	read twice, and referred - - -	744
the committee discharged - - -	295	reported without amendment - - -	748
Public Buildings, a message from the President transmitting a report of the Commissioner of, read, and referred - -	49	ordered to the third reading - - -	780
Public Debt, a report from the Secretary of the Treasury respecting interest on the -	25	read the third time, and passed - - -	787
Public Lands, the committee on appointed -	27	Revenue and Finances, so much of the President's Message as relates to the, referred	32
discharged - - -	789	Revolutionary Pensioners, a letter from the Secretary of War with a statement of the number of, in each State, read, and ordered to be printed - - -	11
(See <i>Lands</i> .)		Reynolds, Michael. (See <i>Montgomery, William W.</i>)	
Public Money, a bill to provide better security for, in the hands of marshals, clerks, and attorneys, reported, and read - - -	160	Richardson, Landie, a bill from the House of Representatives for the relief of - - -	593
read the second time - - -	167	Representatives for the relief of - - -	616
recommitted - - -	291	read twice, and referred - - -	616
reported with amendments - - -	305	reported without amendment - - -	675
considered, and ordered to the third reading	354	laid on the table - - -	748
read the third time, and passed - - -	375	ordered to the third reading - - -	752
Public Officers, Mr. Holmes gave notice of a bill to secure the accountability of - -	81	read the third time, and passed - - -	761
the bill read, and referred - - -	82	Riddick, Thomas F., Mr. Barton presented the petition of, read, and referred - -	109
reported with amendments - - -	141	documents relating to the claim of, referred	125
postponed - - -	151	a bill for the relief of, reported, and read	162
considered - - -	236	read the second time - - -	167
ordered to the third reading - - -	241	laid on the table - - -	275
read the third time, and passed - - -	242	leave given to withdraw his papers - -	733
Purchasers of Public Lands, Mr. King submitted a resolution for the extension of provisions for the relief of - - -	84	Riker, R., and others, aliens, Mr. Van Buren presented the petition of, read, and referred -	233
agreed to - - -	90	Riley, Justice, Mr. Lanman presented the memorial of, in relation to French spoliation, read, and referred - - -	108
a bill to provide for the extinguishment of debt due by, reported, and read - -	287	Rio Hondo and Sabine rivers, a bill from the House of Representatives concerning land situated between the, read twice, and referred - - -	781
read the second time - - -	288	reported - - -	782
laid on the table - - -	337	ordered to a third reading - - -	785
considered - - -	471, 474	read the third time, and passed - - -	788
ordered to the third reading - - -	475	Ripka, Joseph, and others, Mr. Findlay presented the petition of, praying a modification of the tariff, read, and referred - -	233
read the third time, and passed - - -	482	Rist, Samuel, a bill from the House of Representatives for the relief of - - -	582
amendments received - - -	737	read twice, and referred - - -	593
concurred in - - -	747	reported without amendment - - -	747
a bill explanatory of the act reported, and read twice - - -	773	postponed indefinitely - - -	750
ordered to the third reading - - -	778		
read the third time, and passed - - -	779		
Pursers and Navy Agents, Mr. Williams submitted a resolution calling for a list of the names of, who are in arrears - - -	120		
agreed to - - -	125		
report in reply, read - - -	242		
Q.			
Quapaw Indians. (See <i>Arkansas</i> .)			
Quincy, James, and others, Mr. Dickerson presented the petition of, read, and referred	119		
R.			
Rapelye. (See <i>Napier</i> .)			
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Roads, Mr. Johnson submitted a resolution calling for information as to the condition of the national road at Madisonville -	54	Rotch, William, and others, Mr. Mills presented the memorial of, read, and referred -	289
agreed to -	56	Rowland, James, and others, Mr. Dickerson presented the memorial of, read, and referred -	136
report in reply, read, and referred -	107	Rowland, M., and others, Mr. Dickerson presented the petition of, read, and referred -	136
Mr. Noble submitted a resolution for opening a road through Columbus, Indianapolis, &c. -	80	Rucker, Elliott, a bill from the House of Representatives for the relief of -	582
read and agreed to -	85	read twice, and referred -	593
a bill from the House of Representatives to make one from Memphis to Little Rock, read twice, and referred -	92	ordered to the third reading -	747
reported without amendment -	114	read the third time, and passed -	750
laid on the table -	118	Ruggles, Benjamin, of Ohio, attended -	9
considered -	129	remarks of, on the bill for settling claims -	479
ordered to the third reading -	130	on the bill allowing a drawback on cordage -	499
read the third time, and passed -	137	on the Tariff bill -	514, 659
a bill from the House of Representatives for opening certain, in Florida, read -	87	Rules, Mr. King submitted a resolution for a rule respecting the duties of the presiding officer -	117
considered -	291	agreed to -	134
ordered to the third reading -	294	the announcement of new, by the presiding officer -	140
read the third time, and passed -	296	Mr. Holmes submitted a resolution for a new rule respecting the yeas and nays, read -	295
a report from the Secretary of War respecting a military road from Fort St. Philip to the English Turn, read -	111	read the second time -	300
a bill to authorize said road, reported and read -	137	laid on the table -	351
read the second time -	142	a rule in relation to private bills, adopted -	744
debated -	152	Rush, John, and Samuel Conway, Mr. Barton presented the memorial of, read, and referred -	115
laid on the table -	153	the committee discharged -	127
considered -	208, 253	Russell, Isaac, Mr. Holmes presented the petition of, read, and referred -	418
ordered to the third reading -	254	Russell, William, and others, Mr. Dickerson presented the memorial of, read, and referred -	124
read the third time, and passed -	256		
a bill from the House of Representatives to make a road from a point near Miami to Detroit -	769	S.	
read twice, and referred -	772	Scott, Alexander, Mr. Ruggles presented the petition of, read, and referred -	528
ordered to the third reading -	786	a bill for the relief of, reported, and read -	616
read the third time, and passed -	788	read the second time -	657
Roads and Canals, Mr. Brown submitted a resolution to appoint a select committee on amended and agreed to -	26	ordered to the third reading -	749
a bill from the House of Representatives to provide surveys, &c., for, read -	242	read the third time, and passed -	752
read the second time -	253	Seacy, Robert, Mr. Eaton submitted a resolution respecting the accounts of -	31
referred -	253	considered, and laid on the table -	35
reported without amendment -	336	Seamen, a report from the Secretary of State transmitting the returns by collectors of American, read -	233
considered -	419, 534, 558, 566	(See <i>Pensions</i> .)	
ordered to the third reading -	569	Seminole War, a bill for the relief of persons engaged in the, reported, and read -	109
read the third time, and passed -	570	laid on the table -	116
Robbins, Brintnel, a bill from the House of Representatives for the relief of, read twice, and referred -	56	ordered to the third reading -	126
reported without amendment -	95	read the third time, and passed -	127
ordered to the third reading -	102	amendments received -	783
read the third time, and passed -	110	concurrent in -	785
Robinson, General Thomas, Mr. Van Dyke presented the memorial of T. Robinson in behalf of himself and other children of, read, and referred -	447	Senate Officers. (See <i>Officers of the Senate</i> .)	
a bill for the relief of the heirs of, reported, and read twice -	766	Senators, a list of, in attendance at the opening of the session -	9
read the third time, and passed -	779	Seymour, Horatio, of Vermont, attended -	9
Roderick, Anthony. (See <i>Goldsmith, Morris</i> .)		Shakers, Mr. Van Buren presented the memorial of the United Society called, read, and referred -	315
Roddy, James, Mr. Hayne presented the petition of the heirs of, read, and referred -	316	the committee discharged, and the memorial laid on the table -	499
the committee discharged -	757		
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Shaw, Robert, Mr. Johnson presented documents in support of the claim of, read, and referred -	79	Smith, Frederic W.—continued.	
Sharples, Abram, and others, Mr. Dickerson presented the memorial of, praying additional duty on foreign iron, read, and referred -	108	adverse report made -	75
Shields, Thomas, Mr. Johnson presented the memorial of, read, and referred -	51	considered, and concurred in -	85
a bill for the relief of, reported, and read -	448	Smith, Isaac A., and others, Mr. Johnson presented the petition of, praying a pre-emption right to certain settlers, read, and referred -	51
read the second time -	462	the committee discharged -	137
ordered to the third reading -	521	Smith, Colonel John, Mr. Johnson submitted a resolution for the adjustment of the claims of -	569
read the third time, and passed -	523	agreed to -	573
Sibley, Solomon, bill from the House of Representatives for the relief of -	593	Smith, Joseph, a bill from the House of Representatives for the relief of -	582
read twice, and referred -	617	read twice, and referred -	593
reported without amendment -	653	reported without amendment -	715
ordered to the third reading -	747	ordered to the third reading -	749
read the third time, and passed -	750	read the third time, and passed -	752
Sinking Fund, Mr. Smith submitted a resolution calling for information as to the amount due the Commissioners of the -	51	Smith, Moses, leave given, to withdraw his petition -	253
considered, and agreed to -	52	Smith, Noah, Mr. Holmes presented the petition of Comfort Smith, wife of, praying a pension for her husband, read, and referred -	47
a report of the Commissioners of the, read -	107, 233	a bill granting a pension to, reported, and read -	352
a bill from the House of Representatives authorizing the Commissioners of the, to purchase seven per cent. stock, read twice, and referred -	120	read the second time, and ordered to the third reading -	354
reported with amendments, and passed -	125	read the third time, and passed -	375
Skinner, I. L., Mr. Ruggles presented the petition of, read, and referred -	31	amendments received -	654
a bill for the relief of, reported, and read -	353	concurrent in -	656
read the second time -	276	Smith, Samuel, of Maryland, attended -	9
ordered to the third reading -	518	remarks of, on Mr. Barbour's resolution in relation to the claims of Virginia for certain advances -	33, 35
read the third time, and passed -	520	on the Tariff bill -	56, 612, 661, 738
Slater, Samuel, and others, Mr. Knight presented the memorial of, praying a revision of the tariff, read, and referred -	88	speech of, on the same -	738
the memorial ordered to be printed -	102	remarks of, on the bill for the relief of Samuel Gilbert -	90, 91
Sleeper, Nehemiah, and others, Mr. Findlay presented the memorial of, read, and referred -	161	on the bill for additional sloops of war -	139, 149
Slocum, Holden, Mr. Mills presented the petition of, respecting French spoliations, read, and referred -	314	speech of, on the same -	224
Sloops of War, Mr. Parrott submitted a resolution for building additional -	37	remarks of, on the bill to secure the accountability of public officers -	239
read, and agreed to -	43	on the bill allowing a drawback on cordage -	247
a bill to authorize the building of additional, reported, and read twice -	113	on the bill for the supply of cannon, &c. -	329
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read the third time, and passed -	234	South Carolina, Mr. Hayne submitted a resolution calling for information in relation to the arms furnished by, to the United States during the late war -	528
Slough, Jacob, a bill from the House of Representatives for the relief of -	617	agreed to -	533
read twice, and referred -	653	report in reply, read, and referred -	569
reported without amendment -	674	the committee discharged -	775
ordered to the third reading -	749	a bill from the House of Representatives to alter the times of holding the Courts in -	766
read the third time, and passed -	752	read, and referred -	768
Smith, Calvin, Mr. Johnson presented the petition of, read, and referred -	120	reported without amendment -	768
the committee discharged -	233	ordered to the third reading -	774
Smith, Daniel, President of the Pennsylvania Insurance Company, Mr. Lowrie presented a memorial of, in relation to French spoliations, read, and referred -	50	read the third time, and passed -	779
Smith, Frederic W., Mr. Dickerson presented the petition of, stating inability to settle accounts, read, and referred -	29	Spain, Mr. Barbour submitted a resolution respecting relations with, read -	91
		agreed to -	96
		an amendatory bill to carry into effect the ninth article of the treaty with, reported, read twice, and referred -	529
		reported without amendments -	716
		ordered to the third reading -	771
		read the third time, and passed -	773

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Sprigg, Ann, Mr. Noble presented the petition of Israel Canby, executor of, read and referred - - - - -	31	adverse report made - - - - -	274
Standing Committees, Mr. Noble submitted a resolution to appoint the - - - - -	24	laid on the table - - - - -	287
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committees appointed - - - - -	27	report from the Secretary, read - - - - -	721
Stanisford, Thomas, Mr. Lanman presented the petition of, read, and, and referred - - - - -	141	St. John's River, a bill from the House of Representatives to open a canal to unite the bay of St. Augustine with - - - - -	737
a bill for the relief of, reported, and read - - - - -	306	read twice, and referred - - - - -	744
read the second time - - - - -	307	reported without amendment - - - - -	758
ordered to the third reading - - - - -	420	postponed indefinitely - - - - -	784
read the third time, and passed - - - - -	422	St. Mary's and Patuxent Rivers, Mr. Smith submitted a resolution respecting fortifications on - - - - -	127
amendments received - - - - -	657	agreed to - - - - -	129
concurred in - - - - -	675	report in reply - - - - -	308
leave given to withdraw his papers - - - - -	702	Stock, a bill from the House of Representatives for the creation of, for the Commissioners under the treaty with Spain - - - - -	717
St. Anne, the church of. (See Detroit.)		read twice, and referred - - - - -	721
Staughton, Reverend Doctor, elected Chaplain - - - - -	30	reported, without amendments - - - - -	733
St. Augustine, the bay of. (See St. John's river.)		considered - - - - -	766
St. Charles, Missouri, Mr. Barton presented the memorial of the corporation of, respecting lots in, referred - - - - -	322	ordered to the third reading - - - - -	768
referred to the Committee on Public Lands the committee report a bill supplementary, making further provisions respecting lands in Missouri - - - - -	342	read the third time, and passed - - - - -	769
(See Missouri.)		a bill from the House of Representatives to authorize the Secretary of the Treasury to exchange certain, read twice, and referred - - - - -	777
Stearns, John. (See Bartlett, William.)		reported - - - - -	782
Stedman, William, Mr. Kelly presented the petition of, read, and referred - - - - -	520	ordered to the third reading - - - - -	783
Stetson, Amasa, Mr. Mills presented the petition of, read, and referred - - - - -	77	read the third time, and passed - - - - -	788
a bill for the relief of, reported, and read - - - - -	132	a bill from the House of Representatives to authorize the purchase of seven per cent., read twice, and referred - - - - -	120
read the second time - - - - -	138	reported, read the third time, and passed - - - - -	125
the documents ordered to be printed - - - - -	143	Stone, Banister, adverse report on the petition of laid on the table - - - - -	126
the bill laid on the table - - - - -	257	laid on the table - - - - -	129
recommitted - - - - -	288	Stone, William D., Mr. King presented the petition of, read, and referred - - - - -	333
reported with amendments - - - - -	290	Stone, Dorothy. (See Easton, Sarah.)	
considered - - - - -	335	Storer, Woodbury, and others, Mr. Holmes presented the petition of, read, and referred - - - - -	108
ordered to the third reading - - - - -	338	Strain, Robert, a bill from the House of Representatives for the relief of - - - - -	593
read the third time, and passed - - - - -	339	read twice, and referred - - - - -	616
amendments received - - - - -	657	reported without amendment - - - - -	675
concurred in - - - - -	675	laid on the table - - - - -	748
leave given the petitioner to withdraw certain papers - - - - -	691	ordered to the third reading - - - - -	752
Stevenson, Thomas, and others, Mr. Findlay presented the memorial of, praying against additional duty on tallow, read, and referred - - - - -	204	read the third time, and passed - - - - -	761
St. Helena Courthouse, Mr. Johnson submitted a resolution calling for information respecting the official duties of the register and receiver at - - - - -	42	Sumter, Mr. Hayne presented the petition of the citizens of, praying against an increase of duties, read, and referred - - - - -	351
agreed to - - - - -	48	Supreme Court, a bill further to regulate the, reported, and read - - - - -	351
report in reply, read, and referred - - - - -	50	read the second time - - - - -	354
a bill supplementary to the several acts for the adjustment of land claims in the districts of Jackson and, reported, and read - - - - -	275	laid on the table - - - - -	428, 508
read the second time, and referred - - - - -	287	a bill from the House of Representatives to alter the times of holding the sessions of the, read twice, and referred - - - - -	759
reported with amendments - - - - -	300	a bill providing for holding two terms of the, annually, in the city of Washington, and in relation to the Judges of the, reported, and read - - - - -	336
laid on the table - - - - -	354	read the second time, and recommitted - - - - -	339
considered - - - - -	419, 447		
amended, and ordered to the third reading - - - - -	474		
read the third time, and passed - - - - -	474		
amendments received and concurred in - - - - -	781		
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Surveyor General, Mr. Barton submitted a resolution in relation to a contract made by the, of Illinois, Missouri, and Arkansas - - - - -	295	Taylor, Walter, of Indiana, attended - - - - -	9
agreed to - - - - -	300	Ten Eyck, Conrad, Mr. Van Buren presented the petition of, read, and referred - - - - -	147
report in reply read, and referred - - - - -	318	referred to the Committee on Foreign Relations - - - - -	256
a bill to provide a, for Louisiana, and one for Mississippi, reported, and read - - - - -	342	Thomas, Jesse B., of Illinois, attended - - - - -	9
read the second time, and referred - - - - -	345	Thomas, James, Mr. Van Buren presented the petition of, read, and referred - - - - -	313
reported without amendment - - - - -	422	the committee discharged - - - - -	504
laid on the table - - - - -	509	Thomas, John, & Co., a bill from the House of Representatives for the relief of, read, and referred - - - - -	574
a bill to provide a, for Arkansas, reported, and read - - - - -	421	reported without amendment - - - - -	592
read the second time - - - - -	424	ordered to the third reading - - - - -	747
a letter from the Governor of Arkansas showing the necessity of a, read, and referred - - - - -	446	read the third time, and passed - - - - -	750
the bill postponed indefinitely - - - - -	770	Thomas, Martin, and others, Mr. Lowrie presented the petition of, praying a modification of the tariff, read, and referred - - - - -	35
Susquehanna river. (See Alleghany river.)		Thooft, Bernard, a bill from the House of Representatives to authorize the issue of a certain debenture to, read twice, and referred - - - - -	574
Sutton, George, and others, Mr. Noble presented the petition of, in relation to the naturalization laws, read, and referred - - - - -	151	reported without amendment - - - - -	577
Sykes, Joseph, Mr. McIlvaine presented the petition of, read, and referred - - - - -	353	ordered to the third reading - - - - -	744
Sylvester, Nathaniel, a bill from the House of Representatives for issuing letters patent to, read twice, and referred - - - - -	745	read the third time, and passed - - - - -	750
reported without amendment - - - - -	758	Thornton, William, Mr. Johnson presented the petition of, praying a reinstatement of his salary as Superintendent of the Patent Office, read, and referred - - - - -	231
ordered to the third reading - - - - -	782	a bill relative to the salary of the Superintendent, reported, and read - - - - -	508
read the third time, and passed - - - - -	788	read the second time - - - - -	518
T.		ordered to the third reading - - - - -	722
Talbot, Isham, of Kentucky, attended - - - - -	9	read the third time, and passed - - - - -	737
remarks of, on a bill to amend an ordinance of Alabama - - - - -	340	Tilghman, William, Mr. Lowrie presented the petition of, read, and referred - - - - -	375
on the recommitment of the bill for settling claims - - - - -	475	Titles to Lands, Mr. Barton submitted a resolution respecting incomplete - - - - -	30
on the bill allowing a drawback on cordage on the bill further to amend the Judiciary system - - - - -	500	read, and agreed to - - - - -	26
speech of, on the Tariff bill - - - - -	575	Tompkins, Daniel D., a Message from the President respecting the accounts of, read - - - - -	26
Tanner's American Atlas, Mr. Lowrie submitted a joint resolution for the purchase of, read - - - - -	751	a bill from the House of Representatives for the relief of, read twice, and referred - - - - -	39
read the second time - - - - -	766	reported without amendment - - - - -	47
ordered to the third reading - - - - -	771	read the third time, and passed - - - - -	49
read the third time, and passed - - - - -	773	attendance of, in the Senate - - - - -	127
Tansy, Eleanor, Mr. Barton presented the petition of, read, and referred - - - - -	29	another Message from the President respecting the accounts of, read, and laid on the table - - - - -	427
the committee discharged - - - - -	289	a bill from the House of Representatives for the payment of the claims of, read twice, and referred - - - - -	772
Tarascon, Lewis A., Mr. Johnson presented the petition of, read, and referred - - - - -	295	reported without amendment - - - - -	775
the committee discharged - - - - -	573	ordered to the third reading - - - - -	783
Tariff, petitions praying a revision of the, read, and referred - - - - -	113, 119, 206, 233	read the third time, and passed - - - - -	788
petitions against an increase of, read, and referred - - - - -	315, 317, 375, 422	declines further attendance during the session - - - - -	766
(See Duties.)		Tonnage and Imports, report from the Secretary of the Treasury in relation to duties on - - - - -	25
Tate, David, Mr. Kelly presented the petition of, read, and referred - - - - -	508	(See Duties.)	
Taylor, John, of Virginia, attended - - - - -	231	Topp, John, a bill from the House of Representatives for the relief of - - - - -	617
remarks of, on the bill allowing a drawback on cordage - - - - -	250	read twice, and referred - - - - -	653
on proposed amendments to the Constitution - - - - -	386, 408	reported without amendment - - - - -	726
on the bill for the settlement of claims - - - - -	472, 476, 480	ordered to a third reading - - - - -	749
speech of, on the bill for the survey of roads and canals - - - - -	558	read the third time, and passed - - - - -	752
remarks of, on the Tariff bill - - - - -	600, 659	Traders, documents in relation to acts of hostility towards American, by the Indians, laid on the table - - - - -	577
speech of, on the same - - - - -	676		

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Treaties with Indians. (See <i>Indian Treaties</i> .)		Van Syckle, Elijah—continued.	
Treaty of Ghent. (See <i>Fur Trade</i> .)		bill read the second time - - -	446
Treasury Claims, a report from the Secretary		ordered to the third reading - - -	521
showing payments of miscellaneous - - -	290	read the third time, and passed - - -	523
Treasury Reports, Mr. Ruggles submitted a res-		Vaughan, William, Mr. King presented the peti-	
olution for the reprint of - - -	275	tion of, praying an allowance of prize	
agreed to, and referred - - -	287	money, read, and referred - - -	75
the committee discharged - - -	757	the committee reported a bill granting prize	
Trezevant, Peter, Mr. Hayne presented the peti-		money to the officers and crews under	
tion of, read, and referred - - -	299	Captain Gregory - - -	128
the committee discharged, and the petition		(See <i>Gregory, Francis H.</i>)	
referred to the Fourth Auditor - - -	768	Venable, William, Mr. Eaton presented the peti-	
Turner, Samuel, Mr. Lloyd submitted a resolu-		tion of, and his wife, and Jonathan Mor-	
tion for paying a certain sum to the		gan and wife, read, and referred - - -	204
widow of, read - - -	207	a bill for the relief of Sarah Venable, wife	
ordered to the third reading - - -	210	of, and Jane Morgan, reported, and read	274
read the third time, and passed - - -	231	read the second time - - -	287
Tuscaloosa, a bill from the House of Representa-		ordered to the third reading - - -	334
tives granting certain lots, &c., to the		read the third time, and passed - - -	337
Corporation of, read twice, and referred	781	Vessels, a bill from the House of Representa-	
reported - - -	782	tives to authorize the masters of, in cer-	
ordered to the third reading - - -	785	tain cases, to clear out, either at Rich-	
read the third time, and passed - - -	788	mond or Petersburg - - -	570
Tuscarawas, a bill from the House of Representa-		read twice, and referred - - -	573
tives concerning three tracts of land in		reported with amendments - - -	581
the county of, read twice, and referred -	745	ordered to the third reading - - -	779
reported without amendment - - -	751	read the third time, and passed - - -	785
ordered to the third reading - - -	781	a bill from the House of Representatives	
read the third time, and passed - - -	787	allowing bounty to the, engaged in cod	
Tutchell, Philip, and others, Mr. Lowrie pre-		fisheries - - -	570
sented the petition of, in relation to the		read twice, and referred - - -	573
tariff, read, and referred - - -	308	reported without amendment - - -	690
U.		ordered to the third reading - - -	780
Ulmer, George, Mr. Holmes presented the peti-		read the third time, and passed - - -	787
tion of, read, and referred - - -	129	a report from the Secretary of State in pur-	
the committee discharged - - -	691	suance of the act regulating passenger	
V.		ships and, read - - -	708
Van Buren, Martin, of New York, attended -	9	Viel, Just. (See <i>Napier</i> .)	
speech of, on his resolution proposing an		Villier, Jumonville de, leave given, to withdraw	
amendment to the Constitution respect-		his papers - - -	289
ing the election of President - - -	65	Virginia, Mr. Barbour submitted a resolution	
remarks of, on his resolution in relation to		respecting the claims of, for advances	
roads and canals - - -	134	during the late war, read - - -	27
on other resolutions proposing amendments		considered - - -	33
to the Constitution - - -	327, 363	agreed to - - -	38
on the bill respecting an ordinance of Ala-		Mr. Barbour presented a communication	
bama - - -	340, 341	from the Governor of, on the subject of	
on the bill for the settlement of claims -	476	the claim of said State for advances, read	32
on the Tariff bill - - -	601	a message from the President on the same	
Vanderlyn, John, Mr. King presented the peti-		subject - - -	510
tion of, read, and referred - - -	314	read, and laid on the table - - -	511
a bill to authorize him to paint the battle of		referred - - -	514
New Orleans, reported, and read - - -	581	a bill from the House of Representatives to	
read the second time - - -	593	alter the judicial districts of, and for other	
laid on the table - - -	769	purposes - - -	766
Van Dyke, Nicholas, of Delaware, attended -	113	read twice, and referred - - -	768
remarks of, on the bill for settling claims -	478	reported without amendment - - -	772
Van Horne, Peter, and others, Mr. Dickerson		ordered to the third reading - - -	783
presented the petition of, read, and re-		read the third time, and passed - - -	788
ferred - - -	119	Virginia Military Land Warrants. (See <i>Mili-</i>	
Van Noorden, Hadrianus, Mr. Macon presented		<i>tary Land Warrants</i> .)	
the petition of, respecting French claims,		W.	
read and laid on file - - -	50	Wabash and Miami Rivers, a bill from the House	
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Mr. McDuffie submitted a resolution calling		structed to inquire respecting certain	
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Beauregard, Gabrielle Emilie de, Mr. Forsyth		read twice - - - - -	2499
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Beecher, Philemon, of Ohio, attended - -	794	read the third time, and passed - -	2507
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tee of Commerce instructed to inquire into		ported, and read twice - - - - -	2506
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Blair, John, of Tennessee, attended - -	794	Brush, Elijah, a bill for the relief of, reported	
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and read twice - - - - -	1873	ordered to the third reading - - -	2496
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read the third time, and passed - - -	2506	Buchanan, James, of Pennsylvania, attended -	793
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lution respecting a duty on, negated -	815	patent cases - - - - -	933, 936
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Buck, Daniel A. A., of Vermont, attended -	793	a bill for opening a, around the falls of the	
Buckner, Richard A., of Kentucky, attended -	794	Ohio river near Louisville, reported, and	
speech of, on the bill for survey of roads		read twice - - - - -	1961
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tended - - - - -	797	reported without amendment - - -	2236
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Donnellson, John, Stephen Heard, and others, a bill for the relief of the heirs of, reported and read twice	1100	the bill under consideration	1625, 1629, 1665, 1676, 1682, 1705, 1735, 1740, 1750, 1754, 1758, 1791, 1859, 1870, 1880, 1894, 1907, 1915, 1961, 1962, 2001, 2026, 2100, 2154, 2173, 2209, 2213, 2237, 2258, 2289, 2295, 2318, 2335
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ordered to the third reading	2493	read the third time	2357
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Duties on Tonnage, &c., Senate bill concerning discriminating - - - - -	911	Edwards, Ninian—continued.	
bill read the first and second time - - - - -	912	the testimony and documents accompany-	2773
read the third time, and passed - - - - -	912	ing the report - - - - -	2802
a bill to revive certain sections of the act to collect, reported and read twice - - - - -	1099	the testimony of James L. Anthony - - - - -	2802
ordered to the third reading - - - - -	2617	of John S. Barbour - - - - -	2835
read the third time and passed - - - - -	2631	of Thomas H. Benton - - - - -	2836
Mr. Breck submitted a resolution respecting any, which may be imposed by Great Britain - - - - -	1789	of Abraham Bradley - - - - -	2840
laid on the table - - - - -	1790	of Overton Carr - - - - -	2790
modified, agreed to, and referred - - - - -	1808	of Langdon Cheves - - - - -	2805
report laid on the table - - - - -	2694	of Daniel P. Cook - - - - -	2829
the Committee of Ways and Means instructed to inquire into the expediency of repealing a certain act respecting - - - - -	1870	of Asbury Dickins - - - - -	2795
Duvall, Mareen, a bill for the relief of, reported and read twice - - - - -	1319	of Thomas Dungan - - - - -	2792
ordered to the third reading - - - - -	2496	of Jeremiah Elkins - - - - -	2831
read the third time and passed - - - - -	2500	of David English - - - - -	2792
Duval, William P. (See Florida.)		of James Floyd - - - - -	2773
Dwight, Henry W., of Massachusetts, attended speech of, on the resolution for sending an Agent to Greece - - - - -	793	of John Forsyth - - - - -	2803
Dwinell, Justin, of New York, attended - - - - -	793	of William B. Hodgson - - - - -	2844
E.		of Asa E. Hough - - - - -	2846
Earle, William Nichols, a bill for the relief of, reported and read twice - - - - -	1063	of Jonathan Jennings - - - - -	2804
ordered to the third reading - - - - -	2489	of Edward Jones - - - - -	2787
read the third time and passed - - - - -	2491	of Alexander Kerr - - - - -	2787
Eaton, Lewis, of New York, attended - - - - -	793	of Daniel Kurtz - - - - -	2783
Eaton, William, the petition of, referred - - - - -	2334	of Adelaide Lindsley - - - - -	2844
the committee discharged - - - - -	2547	of John Mason - - - - -	2829
Eddy, Samuel, of Rhode Island, attended - - - - -	793	of S. M. McKean - - - - -	2793
Educational Purposes, Mr. Kent submitted a resolution respecting grants of land for - - - - -	834	of James McKenna - - - - -	2782
Edwards, Ninian, the Speaker communicated an address from, in relation to certain charges against him, with notes and documents - - - - -	2431	of Jacob Morgan - - - - -	2780
considered - - - - -	2450	of Jeremiah Nelson - - - - -	2845
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a report made - - - - -	2471	of Augustine Newton - - - - -	2781
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Mr. Forsyth submitted a resolution to inform the President of the investigation ordered by the House - - - - -	2459	of Eliza Queen - - - - -	2843
a Message from the President in reply to information of proceedings in the case, laid on the table - - - - -	2480	of Henry W. Queen - - - - -	2846
the report of the investigating committee in full - - - - -	2713	of William Rhodes - - - - -	2783
a communication from the Secretary of the Treasury in relation to - - - - -	2596, 2723	of Thomas F. Riddick - - - - -	2796
a debate concerning, arising on a question of adjournment - - - - -	2649	of J. C. Rives - - - - -	2847
Mr. Livingston submitted a resolution to allow the Committee to sit after the adjournment - - - - -	2756	of James Sanderson - - - - -	2779
agreed to - - - - -	2761	of William W. Seaton - - - - -	2832
a debate on a publication of Mr. Randolph in relation to the action of the committee an order to allow witnesses the usual per diem allowance - - - - -	2769	of Richard Smith - - - - -	2790
the report of the investigating committee after the adjournment - - - - -	2770	of Thomas Swan - - - - -	2790
		of George Sweeney - - - - -	2842
		of Jonah Thompson - - - - -	2787
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		of C. H. W. Wharton - - - - -	2835
		statements W, X, Y, Z, - - - - -	2785
		the examination of Mr. Edwards 2807, 2824, 2824	
		a list of the departure and arrival of the mails between Washington and Edwardsville - - - - -	2840
		a letter from W. H. Crawford to Richard M. Johnson - - - - -	2812
		a list of notes enclosed in a letter from W. H. Crawford - - - - -	2847
		a copy of letters from W. H. Crawford, found on the files of the Receiver's Office at Edwardsville - - - - -	2847, 2848, 2851
		a copy of other letters from the same - - - - -	2852
		a copy of a letter from Benjamin Stephenson to W. H. Crawford - - - - -	2849
		statement No. 1. of the Bank of Steubenville - - - - -	2854
		statement No. 2. from the Bank of Tombigbee - - - - -	2854
		extract of a letter from George F. Strother to the Secretary of the Treasury - - - - -	2855
		copy of a letter from Thomas Sloo to the Secretary of the Treasury - - - - -	2856
		copy of a letter from the Secretary of War to the committee - - - - -	2858

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copy of a letter from Mr. Edwards to the Secretary of War - - - - -	2858	bill ordered to the third reading - - - - -	2500
letter from Nathaniel Frye to the Secretary of War - - - - -	2858	read the third time, and passed - - - - -	2504
letter from Mr. Edwards to the Paymaster General - - - - -	2359	amendments referred - - - - -	2696
copy of a list of drafts drawn by the Treasury on the Bank of Missouri - - - - -	2859	reported and agreed to - - - - -	2698
replication of, to Mr. Crawford's communication to the committee - - - - -	2861	Fisher, Heriman, a bill for the relief of, reported and read twice - - - - -	2606
communications of, to the chairman of the committee - - - - -	2885, 2906, 2915	Fitch, Pelatiah, the Secretary of State requested to report at next session upon the claim of - - - - -	2711
Edwards, Weldon N., of North Carolina, attended - - - - -	794	Five Sisters, a bill to authorize a register for the schooner, reported and read twice - - - - -	2510
Edwardsville, a bill to define the boundary line of, and Springfield, reported and read twice - - - - -	1460	read the third time, and passed - - - - -	2548
read the third time, and passed - - - - -	1471	Florida, a letter from Samuel R. Overton and Joseph M. White, commissioners on lands in West, asking extension of time, read and laid on the table - - - - -	798
the Committee on Public Lands instructed to inquire into the expediency of defining the boundary line between, and Sangamo Elections, the Committee of, appointed - - - - -	936	the Committee on Public Lands instructed to inquire into the expediency of granting a tract of land to, for the seat of government - - - - -	808
said committee instructed if any of the members were not at the time of elections inhabitants of the State where elected - - - - -	1662	a bill providing a grant of land for that purpose, reported and read twice - - - - -	1100
report made - - - - -	1733	read the third time, and passed - - - - -	2648
(See Contested Elections.)		Mr. McLane submitted a resolution respecting the correspondence with Spain in relation to the Florida Treaty - - - - -	811
Ellis, William Cox, of Pennsylvania, attended Engineer Corps, the Committee on Military Affairs instructed to inquire into the organization, &c., of the - - - - -	793	agreed to - - - - -	814
English Turn. (See Louisiana.)	890	a message in reply laid on the table - - - - -	1319
Engrossed Bills, a resolution to postpone all, until the next session - - - - -	2765	the Committee on Public Lands instructed to inquire into the expediency of extending the time for the settlement of private land claims in, East and West - - - - -	830
Esclava, Don Miguel, Mr. Owen presented the petition of Thomas P. Townley in behalf of himself and other heirs of, referred - - - - -	867	a bill for the settlement of private land claims in, reported and read twice - - - - -	957
a bill for the relief of the heirs of, reported and read - - - - -	1126	read the third time, and passed - - - - -	988
considered - - - - -	2494	amendments received - - - - -	1429
postponed - - - - -	2495	referred - - - - -	1462
read the third time, and passed - - - - -	2542	report made - - - - -	1550
Evans, Edward, a bill for the relief of, reported and read twice - - - - -	2505	concurred in - - - - -	1567
ordered to the third reading - - - - -	2509	the Committee on Commerce instructed to inquire concerning the exclusion of foreign and the protection of American wreckers on the coast of - - - - -	837
read the third time, and passed - - - - -	2510	a bill concerning wrecks on the coast of, reported and read twice - - - - -	1904
Execution, the Committee on the Judiciary instructed to inquire into the expediency of altering the act concerning writs of - - - - -	1894	ordered to the third reading - - - - -	2700
F.		read the third time, and passed - - - - -	2709
Fanning, John B., a bill for the relief of Edward Barnard, administrator of, reported and read twice - - - - -	2505	a bill for opening certain public roads in, reported and read - - - - -	876
read the third time, and passed - - - - -	2508	considered - - - - -	926
Farrelly, Patrick, of Pennsylvania, attended - - - - -	793	ordered to the third reading - - - - -	930
remarks of, on sending an agent to Greece - - - - -	1155	read the third time, and passed - - - - -	932
Farrow, Nimrod S., bill for the relief of, and Richard Harris - - - - -	2699	a copy of certain acts of the Legislature of, referred - - - - -	917
read twice, and referred - - - - -	2700	a letter from William P. Duvall, Governor of, with copies of certain acts of, laid on the table - - - - -	1263
reported - - - - -	2710	a bill granting donations of land to certain actual settlers in, reported and read twice - - - - -	1319
considered, and laid on the table - - - - -	2760	ordered to the third reading - - - - -	2631
Findlay, John, of Pennsylvania, attended - - - - -	793	read the third time, and passed - - - - -	2648
Finances, annual report in full on the state of the - - - - -	919	a bill to amend the act for the establishment of a Territorial government in, reported and read twice - - - - -	1702
Firman, Joseph, and others, a bill for the relief of, reported and read twice - - - - -	2494	ordered to the third reading - - - - -	2665
ordered to the third reading - - - - -	2505	amended - - - - -	2669
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concurrent in -	2700	for a detailed report at the next session in	
Mr. Call presented a petition from the in-		relation to the contemplated -	2547
habitants of East, in relation to a right		adopted -	2551
claimed by Indians to certain negroes,		Fort Griswold, the committee instructed to in-	
referred -	1756	quire into the expediency of completing	1857
the committee discharged, and the petition		Fort St. Philip. (See <i>Road</i> .)	
referred to the Secretary of War -	1792	Fort Washington, the committee instructed to	
Mr. Rankin submitted a resolution calling		inquire into the expediency of enlarging	2491
for information in regard to the compen-		a report in relation to the purchase of addi-	
sation of the commissioners to examine		tional ground for, laid on the table -	2694
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agreed to -	1793	the petition of -	849
a message in reply laid on the table -	1961	rejected, and the committee instructed to	
a message transmitting certain documents		bring in a bill for the relief of -	892
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a report made -	2760	read the third time, and passed -	988
Floyd, John, of Virginia, attended -	866	Forward, Walter, of Pennsylvania, attended -	793
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remarks of, on the case of Ninian Edwards	2451,	Franking Privilege, Mr. Brent submitted a res-	
2476		olution respecting the extension of the,	
on a motion to exclude him from serving		adopted -	1788
on the committee in the above case -	2459	French Spoliations, Mr. Hemphill submitted a	
Foot, Charles A., of New York, attended -	793	resolution calling for information in re-	
Foot, Samuel A., of Connecticut, attended -	793	lation to -	812
remarks of, on the bill for surveys of roads		message in reply, laid on the table -	1371
and canals -	1463	referred -	1399
remarks of, on the Tariff bill -	1493	Mr. Hemphill presented the memorial of	
speech of, on the same -	2296	sundry Insurance Companies of Phila-	
Forbes, John. (See <i>McAllister, John</i> .)		delphia respecting -	848
Foreign Affairs, the Committee on, appointed -	799	Mr. Crowninshield presented a similar one	
so much of the President's Message as re-		from Massachusetts -	886
lates to, referred to the above committee	799	Mr. McKim presented one from Baltimore	889
Foreigners, the Committee on the Judiciary in-		Mr. Mercer presented one from Alexandria,	
structed to inquire into the expediency of		referred -	831
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Forman, Robert S., a bill for the relief of, re-		a report made -	1906, 2701
ported and read twice -	1126	Mr. Longfellow submitted a resolution call-	
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Forrest, Joseph, Senate bill for the relief of -	2696	message in reply -	2758
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Forsyth, John, of Georgia, attended -	794	agreed to -	2759
a report from the Committee of Elections in		Friends, Mr. Long presented the memorial of	
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remarks of, on the address of Ninian Ed-		Carolina, in relation to slavery in the	
wards -	2454, 2472, 2476	District of Columbia, referred -	810
remarks of, on the resolution for adjourn-		the committee discharged and the memorial	
ment -	2660, 2663	laid on the table -	1586
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wards -	2803	fairs directed to report at the next session	
Fortifications, a bill making appropriations for		a plan for -	2506
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Mr. Foot submitted a resolution calling for		election -	1809
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specting -	2495	the correction of an error in a report of his	
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the petition of Charles A. Dale in behalf		relief of, reported and read twice -	958
of the heirs of, referred -	1756	ordered to the third reading -	2488
Fry and Spalding, a memorial and documents in		read the third time, and passed -	2491
relation to, referred -	1429	Gist, Joseph, of South Carolina, attended -	791
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and read twice -	2152	transportation of, and for other purposes	1765
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G.		Goldsmith, Morris, a bill for the relief of, and	
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Gamble, John M., Mr. Holcombe presented the		read the third time, and passed -	2506
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tain prize money, referred -	1954	structed to inquire respecting compensa-	
Garnett, Robert S., of Virginia, attended -	794	tion for certain losses -	1461
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Garrison, Daniel, of New Jersey, attended -	793	expediency of allowing all imported, to	
Gatlin, Alfred M., of North Carolina, attended -	794	be secured in warehouses without payment	832
Gautrais, Don Harpin de la, Senate bill for the		Goven, Andrew R., of South Carolina, attended	797
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tion -	952	ordered to the third reading -	2489
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ment.)		petition of -	886
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States and, referred to a select committee	1961	burg, the Committee on Post Offices	
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Mr. Cobb presented a memorial respecting		Greece, Mr. Webster submitted a resolution for	
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Mr. Forsyth presented a resolution of the		Mr. Williams submitted a resolution call-	
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of, objected to -	1470	for information respecting commerce with	
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Mr. Morgan presented a memorial from the citizens of New York in relation to, laid on the table - - -	889	Hayden, Moses, of New York, attended - - -	1793
a resolution from South Carolina respecting the independence of, laid on the table - - -	916	remarks of, on the Tariff bill - - -	1694
Mr. Webster presented a memorial from the citizens of Boston praying aid to, laid on the table - - -	931	Hayward, William, of Maryland, attended - - -	793
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Gregory, Francis H., Senate bill for rewarding the officers and crew under - - -	1203	Heaton, Orange, an adverse report on the petition of, and Josiah Hubbard, concurred in - - -	836
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reported without amendment - - -	1322	remarks of, on the bill for making a road from Memphis to Little Rock - - -	918
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read the third time, and passed - - -	2509	Henderson, Major, Mr. Forsyth presented the petition of, praying compensation for losses in the Seminole war, referred - - -	829
Guichot, Maturin, a bill for the relief of, reported and read twice - - -	2494	Henley, Arthur H., a bill for the relief of, reported and read twice - - -	1099
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Gurley, Henry H., of Louisiana, attended - - -	842	Henry, Robert P., of Kentucky, attended - - -	794
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Gwynn, Charles, Senate bill for the relief of, read twice and referred - - -	1960	remarks of, on the Tariff bill - - -	1522
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H.		Herrick, Ebenezer, of Maine, attended - - -	793
Hall, William, a bill for the relief of, reported and read twice - - -	1739	Hewes, Thomas, a bill from the Senate for the relief of - - -	2345
Hall, Thomas H., of North Carolina, attended - - -	797	read twice, and referred - - -	2396
remarks of, on the Massachusetts contested election - - -	1852	reported without amendment - - -	2430
Hamilton, Alexander, sundry documents from, in relation to land titles in Florida, referred - - -	2648	Hill, Colonel Rees, the Committee of Claims instructed respecting compensation to - - -	1662
the committee discharged - - -	2681	Hinds, Thomas, S. (See <i>Symmes, John Cleves.</i>)	
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speech of, on the same - - -	2177	Hogan, John B., a bill to repeal the act for the relief of, reported and read twice - - -	1857
remarks of, in reply to Mr. Tod's speech on the Tariff - - -	2232	considered - - -	1870, 1914
remarks of, on the adjournment - - -	2652	ordered to the third reading - - -	1915
Harper's Ferry, Mr. Mercer submitted a resolution respecting a bridge across the Shenandoah near, agreed to - - -	1873	read the third time, and passed - - -	1959
Harlin, George, a bill for the relief of, reported and read twice - - -	1502	Hogeboom, James L., of New York, attended - - -	793
Mr. Moore submitted a resolution calling for information respecting an error in the location of land reserved to - - -	2430	remarks of, on the Tariff bill - - -	1659, 1661
agreed to - - -	2458	on the appropriation bill - - -	1781
a report from the Secretary of War in reply - - -	2494	Holcombe, George, of New York, attended - - -	793
Harris, Richard. (See <i>Farrow, Nimrod.</i>)		speech of, on the bill for the surveys of roads and canals - - -	1013
Harris, Robert, of Pennsylvania, attended - - -	793	speech of, on the Tariff bill - - -	2381
Harvey, Matthew, of New Hampshire, attended - - -	793	Holiday, John, Mr. Sandford submitted a resolution calling for information concerning the claim of - - -	987
		laid on the table - - -	1001

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a bill for the relief of, reported and read twice - - -	1503	a resolution to allow compensation for preparing the said - - -	2551
ordered to the third reading - - -	2498	the Clerk directed to prepare an, to the latest edition of the Laws - - -	2622
read the third time, and passed - - -	2500	Indiana, the Committee of Ways and Means instructed to inquire into the expediency of a further extinguishment of Indian title to lands in - - -	802
Hook, Josiah, Senate bill for the relief of - - -	986	a petition of the Legislature of, respecting the United States courts, referred - - -	804
report made - - -	1126	the Committee on Public Lands instructed to make inquiries respecting unsold lands - - -	827
the bill ordered to the third reading - - -	2505	the same committee instructed to inquire respecting the "Illinois Grant" in - - -	1586
considered - - -	2602	Mr. Test presented a memorial of the Legislature of, respecting relief to purchasers of lands, referred - - -	1618
passed - - -	2603	the committee discharged - - -	1808
Hooks, Charles, of North Carolina, attended - - -	794	Mr. Prince presented a resolution of the Legislature of, in relation to the taxation of lands in, referred - - -	1619
Houssaye, Louis de la, Mr. Brent presented the petition of the heirs of, referred - - -	803	Mr. Johnson presented a resolution adopted by, approbatory of the Message of the President respecting foreign relations, laid on the table - - -	1619
Houston, Samuel, of Tennessee, attended - - -	794	(See <i>Canals.</i>)	
remarks of, on the resolution for sending an agent to Greece - - -	1160	Indianapolis. (See <i>Land Offices.</i>)	
Howland, John H., Senate bill for the relief of - - -	2622	Indian Affairs, the Committee on, appointed - - -	799
read twice, and referred - - -	2630	Indian Department, a report from the Second Auditor respecting disbursements in the, referred - - -	1619
reported without amendment - - -	2665	Indians, so much of the President's Message as relates to the, referred to the Committee on Indian Affairs - - -	800
read the third time, and passed - - -	2713	the committee instructed respecting three agencies west of the Mississippi - - -	828
Hubbard, Josiah. (See <i>Heaton, Orange.</i>)		a bill to establish two agencies, reported and read twice - - -	1099
Huff, Aaron, Mr. Wickliffe submitted a resolution respecting the heirs of, read and disagreed to - - -	2268	debated - - -	1320
Huffman, Benjamin, a bill for the relief of, reported and read twice - - -	876	recommitted - - -	1503
ordered to the third reading - - -	917	reported with amendments - - -	2171
read the third time, and passed - - -	932	read the third time, and passed - - -	2213
Hull, Oliver, and others, cultivators of the castor bean, Mr. Condict presented the petition of, referred - - -	889	a communication from the Secretary of War with a list of licenses granted to traders with the - - -	829
Humphrey, Charles, a bill for the relief of, reported and read twice - - -	1163	the committee instructed to inquire into the expediency of repealing the act for the civilization of the frontier - - -	940
ordered to the third reading - - -	2496	a report made, read, and laid on the table - - -	1878
read the third time, and passed - - -	2500	the committee instructed respecting the purchase of lands by the President for the accommodation of the Indians - - -	1164
Hydrometer, a bill to authorize the adoption of a new, to prove liquors, reported and read twice - - -	1893	Mr. Van Buren presented a memorial of the Board of Missions respecting the civilization of the, referred - - -	1732
I.		a communication from the Secretary of War with a statement of expenditures for the civilization of the, laid on the table - - -	1203
Iberville River, the Committee on Military Affairs instructed to inquire into the expediency of removing an obstruction in the, placed there during the late war - - -	1788	the committee directed to make inquiries respecting the execution of the act to abolish trading-houses with the - - -	1914
a report made - - -	2490	a report made and laid on the table - - -	2710
Illinois, a bill to alter the time of holding the district court in, reported and read twice - - -	1856	Senate bill to enable the President to hold treaties with the - - -	2665
read the third time, and passed - - -	1870	read twice, and referred - - -	2675
the Committee on Public Lands instructed to inquire into the expediency of better defining the boundaries of Edwardsville and Sangamo in - - -	986	reported without amendment - - -	2681
the Committee instructed to inquire what provision is necessary to enable claimants to lands in, to try the validity of their claims - - -	1065	ordered to the third reading - - -	2701
Illinois Grant. (See <i>Indiana.</i>)		read the third time, and passed - - -	2696
Importations by Natives and Aliens, Mr. Trimble submitted a resolution calling for a report at the next session in relation to - - -	2682		
agreed to - - -	2698		
Imprisonment for Debt, the Committee on the Judiciary instructed to inquire into the expediency of amending the laws so as to abolish - - -	805		
Senate bill to abolish - - -	2288		
read twice, and referred - - -	2295		
reported without amendment - - -	2317		
Index, the Clerk directed to prepare an, to certain volumes of printed documents - - -	837		

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a bill making appropriations to carry into effect certain treaties with the, reported and read twice	2694	resolution agreed to	916
ordered to the third reading	2695	a report that the repeal is not expedient, laid on the table	1291
read the third time, and passed	2696	a bill better to provide for taking evidence in the United States Courts reported and read twice	1502
Ingham, Samuel D., of Pennsylvania, attended remarks of, on the Tariff bill 1614, 1695, 1698, 1743	793	the committee instructed to inquire into the expediency of designating jurors to serve in United States Courts, in conformity to the mode adopted in the State courts	1529
Ingraham, Henry, the Committee on Naval Affairs instructed to report a bill for the relief of	1894	the Speaker presented a petition of sundry lawyers in Kentucky, praying a reorganization of the, referred	1619
invalid Pensioners. (See Pensioners.)		a bill further to amend the, reported	1701
Iron, memorials praying additional duty on, presented and referred	931, 1083	read twice	1702
Isacks, Jacob C., of Tennessee, attended	794	considered	2617
remarks of, on the Tariff bill	2135	the committee instructed to inquire into the expediency of increasing the per diem allowance to jurors	1663
J.		the committee instructed to inquire respecting accommodations for the United States courts in the several States	1765
Jackson, Archibald, the committee to put, again on the pension list	890	Judson, Lewis. (See Hobart, Peter H.)	
Jackson Courthouse. (See Pre-emption. See also St. Helena.)		Jurors. (See Judiciary.)	
Jackson, Peter L., Mr. Cobb presented the petition of, referred	866	K.	
James, Mary, a bill for the relief of, reported and read twice	932	Kelly, Hanson, Senate bill for the relief of, read twice and referred	292
ordered to the third reading	2181	reported without amendment	1470
read the third time, and passed	2187	ordered to the third reading	2507
Jenkins, John, a bill for the relief of, reported and read twice	867	read the third time, and passed	2508
recommitted	908	Kendall, William, a bill for the relief of, reported and read twice	867
a report made recommending the indefinite postponement of the bill, laid on the table	1100	ordered to the third reading	908
Jenkins, Lemuel, of New York, attended	793	read the third time, and passed	912
Jenks, Stephen, and Sons, a bill for the relief of, reported and read twice	2586	Kennebunk. (See French Spoiliations.)	
Jennings, Jonathan, of Indiana, attended	797	Kennon, Beverly, Lieutenant, Mr. Alexander submitted a resolution calling for proceedings of a court-martial on	2471
the testimony of, in case of Ninian Edwards	2804	agreed to	2480
Jonathan, Francis, of Kentucky, attended	794	a message in reply, laid on the table	2632
Johnson, James, Senate bill for the relief of, read twice and referred	1620	Kent, Joseph, of Maryland, attended	793
reported without amendments	1661	Kentucky, the Committee on the Judiciary instructed to inquire respecting a judicial district in	877
ordered to the third reading	2508	a bill to divide the district of, into two judicial districts, reported and read twice	2396
read the third time, and passed	2508	Mr. Letcher presented a remonstrance of, against a decision of the Supreme Court in relation to the Occupying Claimant Laws	1428
Johnson, John T., of Kentucky, attended	794	considered	2514, 2618
speech of, on the Massachusetts contested election	1819	Senate bill to change the terms of the district court of, read twice and referred	1758
Johnson, Joseph, of Virginia, attended	794	reported without amendment	1788
Jones, Nathaniel, a bill for the relief of, reported and read twice	1503	read the third time, and passed	1793
ordered to the third reading	2198	Senate bill to change the terms of the courts in Ohio and, read twice and referred	2172
read the third time, and passed	2500	reported without amendment	2317
Journals of Congress, Senate joint resolution for the purchase of certain copies of the	2631	read the third time, and passed	2334
read twice, and referred	2632	Mr. Moore presented a petition from the trustees of an institution for the deaf and dumb in, praying aid, referred	2152
reported with amendments	2660	a bill for the benefit of said institution, reported and read twice	2542
read the third time, and passed	2665	the report in full	2542
Judges. (See District Judges.)		Kidder, David, of Maine, attended	793
Judiciary, the Committee on the, appointed	798		
Mr. Owen submitted a resolution to extend the circuit court of Alabama	805		
amended so as to include all the States where no circuits are now held, and agreed to	810		
the committee instructed to inquire into the expediency of amending the 30th section of the act to amend the	891		
Mr. Wickliffe submitted a resolution respecting the repeal of the 25th section of the act to establish judicial courts	915		

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King, Benjamin, a bill for the relief of, reported and read twice	Page.	Land Offices—continued.	Page.
ordered to the third reading	2471	a bill to establish additional, in Missouri, reported and read twice	1754
read the third time, and passed	2506	read the third time, and passed	2694
King, William, a bill for the relief of, reported and read twice	1319	Mr. Rankin submitted a resolution calling for information at the next session in relation to the number of	1769
Kingry, Joseph, the Committee on Pensions instructed to inquire into the expediency of placing, on the pension list	2344	agreed to	1774
Kremer, George, of Pennsylvania, attended	793	Lands, Mr. Owen submitted a resolution calling for a statement of the amount, &c., of the two per cent. and three per cent. funds out of sales of, in Western and Southern States	833
remarks of, on the bill for the relief of Mrs. Perry	984	agreed to	837
on the Appropriation bill	1781, 1783, 1896	three statements in reply, laid on the table	2318
on the Address of Ninian Edwards	2473	a bill to provide for the sale of, conveyed to the United States in certain cases, reported and read twice	985
Kreymborg & Hagedorn, quill manufacturers, Mr. Breck presented the petition of, referred	931	laid on the table	1216
L.		recommitted	1762
Laducier, Jean Baptiste. (See Myotte, Jacques.)		reported without amendment	2480
Lafayette, Mr. Mitchell submitted a joint resolution in relation to the intended visit of, laid on the table	988	read the third time, and passed	2487
referred	1004	Mr. Stewart submitted a resolution to appropriate the proceeds from the sale of, to internal improvement	1042
reported with amendments	1101	Mr. Strong submitted a similar resolution, laid on the table	2595
ordered to the third reading	1104	a bill authorizing the repayment of, erroneously sold by the United States, reported and read twice	1322
read the third time, and passed	1127	ordered to the third reading	2709
amendments received	1233	postponed until the next session	2765
concurrent in	1263	the committee instructed to inquire into the expediency of allowing actual settlers on, further time for payment	1676
Lake Erie, Mr. Whittlesey submitted a resolution respecting the survey of the south shore of, laid on the table	2595	Mr. Sandford submitted a resolution respecting certain benefits to actual settlers, negatived	1680
Lambert, William. (See Capitol.)		Mr. Owen submitted a resolution respecting the privilege of settlers to gather their crops, agreed to	1832
Land Claims, Mr. Owen submitted a resolution for appointing a committee on French, British, and Spanish	847	Mr. Cook submitted a resolution in relation to laying and collecting taxes on, read twice and laid on the table	2669
laid on the table	848	(See Real Estate.—See Pre-emption.)	
Mr. Owen submitted a resolution to appoint a commissioner to adjust	873	Langley, Hezekiah, Senate bill for the relief of, and Benjamin M. Belt	2345
amended	874	read twice, and referred	2396
debated	882	a report made	2510
laid on the table	886	recommitted	2547
Mr. Scott submitted a resolution calling for records of, &c.	987	reported without amendment	2556
agreed to	1001	read the third time	2698
reply	1322	passed	2699
Land Offices, a bill supplementary to the act for the correction of errors in entries at, reported and read	829	Lathrop, Samuel, of Massachusetts, attended	793
considered	839	Law, Thomas. (See Currency.)	
ordered to the third reading	842	Lawrence, Julia, the petition of, referred	803
recommitted	844	reported with a bill extending pensions to widows and orphans	846
reported with amendments	876	(See Pensions.)	
considered	2464	Lawrence, Samuel, of New York, attended	798
read the third time, and passed	2480	Le Courtois, Anthony, Mr. Poinsett presented the petition of, referred	1954
amendments received and concurred in	2712	Lee, Henry, a report on the petition of, recommitment	1429
Mr. Rankin submitted a resolution calling for a list of defaulters in the	833	Lee, John, of Maryland, attended	793
agreed to	837	Leftwich, Jabez, of Virginia, attended	794
the committee instructed respecting the establishment of one, near the proposed canal to connect Lake Michigan with the Illinois river	1324	Lenox, James, a bill for the relief of, Wm. Maitland, G. B. Abeel, Gulian Ludlow, and Hector Scott, reported and read twice	2616
the committee directed to inquire into the expediency of establishing one, at Indianapolis	1470		
Mr. Cooke submitted a resolution calling for a copy of the report of the register of the office in Louisiana	1399		
agreed to	1429		

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Le Sieur, Firman, Senate bill for the relief of the heirs of - - - - -	1203	Lightner, Henry, a bill for the relief of, reported and read twice - - - - -	1675
read and referred - - - - -	1215	ordered to the third reading - - - - -	2500
reported without amendment - - - - -	2171	read the third time, and passed - - - - -	2504
ordered to the third reading - - - - -	2509	Lincoln, Benjamin, and others, Senate bill for the relief of, read twice and referred - - - - -	1960
read the third time, and passed - - - - -	2510	reported without amendment - - - - -	2317
Letcher, Robert P., of Kentucky, attended - - - - -	794	ordered to the third reading - - - - -	2509
remarks of, on the Tariff bill - - - - -	1671	read the third time, and passed - - - - -	2510
speech of, on the occupying claimant laws of Kentucky - - - - -	2514	Lincoln, Enoch, of Maine, attended - - - - -	793
Levy, Moses Elias, documents relating to the claim of, referred - - - - -	2586	Litchfield, Elisha, of New York, attended - - - - -	793
Lewis, Curtis, Mr. Moore presented the petition of, referred - - - - -	889	Little, Peter, of Maryland, attended - - - - -	793
Lewis, Edward W., a report from the Secretary of War on the petition of, read and laid on the table - - - - -	814	Livermore, Arthur, of New York, attended - - - - -	793
Lewis, Edwin. (See <i>Tait, Charles</i> .)		remarks of, on the bill for the relief of Daniel D. Tompkins - - - - -	822, 824
Library, Mr. Taylor introduced a joint resolution for the appointment of a joint committee on the, read twice, and ordered to the third reading - - - - -	825	on the bill extending pensions to widows and orphans - - - - -	880
a joint resolution from the Senate for appointing said committee - - - - -	825	on the Tariff bill - - - - -	1743, 1867
agreed to, and the committee appointed - - - - -	828	on the resolution for adjournment - - - - -	2598
a bill making appropriations for the, reported and read twice - - - - -	1627	Livingston, Edward, of New York, attended - - - - -	842
ordered to the third reading - - - - -	2695	remarks of, on his resolution respecting certain lighthouses - - - - -	869
read the third time, and passed - - - - -	2696	on the resolution in relation to the visit of Lafayette - - - - -	1101
Lighthouses, Beacons, &c., the Committee on Commerce instructed to inquire respecting a beacon light near Cape Henlopen the committee instructed to inquire respecting a lighthouse near Brandywine shoal - - - - -	815	speech of, on the bill for the surveys of roads and canals - - - - -	1430
Mr. Gatlin presented a petition from Edenton, North Carolina, praying that the floating light near Shell Castle be removed to Nine-foot Shoal, referred - - - - -	829	remarks of, on the Tariff bill 1590, 1665, 1668, 1669, 1671, 1672	
Mr. Livingston submitted sundry resolutions calling for information in relation to lights on the Bahama Islands and the coast of Florida - - - - -	849	remarks of, on reconsidering the vote for adjournment - - - - -	2670
agreed to - - - - -	870	Locke, John, of Massachusetts, attended - - - - -	793
Mr. Ten Eyck presented a petition from New York praying the erection of a light on the river St. Lawrence, referred - - - - -	1202	Long, John, of North Carolina, attended - - - - -	794
the committee instructed to inquire into the expediency of a light on the south shore of Lake Erie - - - - -	1323	Long Island Sound. (See <i>Lighthouses</i> .)	
the committee instructed to inquire respecting a buoy at the mouth of Scuppernon river, and a floating light on Pamptico Sound - - - - -	1757	Longfellow, Stephen, of Maine, attended - - - - -	806
the committee instructed to inquire respecting a light on Shell Island - - - - -	1770	Louderman, Catharine, a bill for the relief of, reported and read twice - - - - -	1470
Mr. Tomlinson presented the petition of certain owners of vessels praying buoys on reef of rocks in Long Island Sound, called the "Hen and Chickens" referred - - - - -	1787	ordered to the third reading - - - - -	2497
the committee instructed to inquire respecting a light on Poole's Island - - - - -	1954	read the third time, and passed - - - - -	2500
a bill to authorize the building of certain, reported and read twice - - - - -	2471	Loughrey, William, a bill for the relief of, reported and read twice - - - - -	2595
considered - - - - -	2617	Louisiana, Mr. Brent submitted two resolutions calling for information respecting land claims in - - - - -	808
ordered to the third reading - - - - -	2630	amended and agreed to - - - - -	813
read the third time, and passed - - - - -	2631	on motion of Mr. Brent sundry resolutions respecting land claims in, referred - - - - -	809
amendments received - - - - -	2759	a report made - - - - -	985
committed to a Committee of the Whole - - - - -	2760	Mr. Gurley submitted a resolution concerning pre-emption to certain actual settlers in, agreed to - - - - -	912
		Mr. Brent presented the petition of sundry inhabitants of, praying an alteration of the present mode of surveying lands, and asking pre-emption to certain settlers, referred - - - - -	1084
		the Committee on Public Lands instructed respecting the law limiting the time for suits for recovery of lands in, under French, British, and Spanish titles - - - - -	1203
		the above committee instructed to inquire respecting the confirmation of land claims in - - - - -	1461
		a bill conferring certain claims to lands in the western district of, reported and read twice - - - - -	1792
		Mr. Cocke submitted a resolution calling for the report of the Register of the land office in - - - - -	1399
		agreed to - - - - -	1429

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Louisiana—continued.		Mallory, Rollin C., of Vermont, attended - - - - -	793
the report received and referred - - - - -	1739	remarks of, on his resolution calling for information respecting Spain and the South American Colonies - - - - -	879
a bill supplementary to provide for the extinction of titles to lands between the Rio Hondo and Sabine rivers in, reported and read twice - - - - -	1807	speech of, on the bill for surveys of roads and canals - - - - -	1058
ordered to the third reading - - - - -	2708	remarks of, on the Tariff bill - - - - -	1488, 1693
read the second time, and referred - - - - -	2709	speech of, on the same - - - - -	1712
the Committee on the Judiciary instructed to inquire into the expediency of increasing the salary of the United States Attorney for the western district of - - - - -	1676	remarks of, on adjournment - - - - -	2599
Senate bill to authorize the Register of the land office in the western district of, to report upon certain land claims, read and referred - - - - -	1758	Maloy, Bartholomew, the Committee on Pensions directed to inquire into the expediency of placing, on the pension list - - - - -	832
reported without amendment - - - - -	1765	Mangum, Willie P., of North Carolina, attended - - - - -	794
Senate bill to enable the holders of French, British, and Spanish titles to lands in, to try the validity of their claims, read and referred - - - - -	1758	remarks of, on adjournment - - - - -	2654, 2659
reported with amendments - - - - -	2317	Manning, Jeremiah, a bill for the relief of, reported, and read twice - - - - -	836
a bill to regulate the practice of the United States Courts in, reported and read twice - - - - -	2629	ordered to the third reading - - - - -	850
ordered to the third reading - - - - -	2699	read the third time, and passed - - - - -	875
read the third time, and passed - - - - -	2700	Manufactures, the Committee on, appointed - - - - -	798
Senate bill for the sale of a warehouse near English Turn, and for the erection of a dwelling-house at Balize in - - - - -	2396	Manumission Society, of Tennessee, Mr. Blair presented the memorial of the, referred - - - - -	931
read twice, and referred - - - - -	2431	the committee discharged, and the memorial laid on the table - - - - -	1064
reported without amendment - - - - -	2463	Maps, Charts, &c., an order to furnish the Committee on the Chesapeake and Ohio Canal with - - - - -	939
Louisville. (See <i>Canals</i> .)		Mareschall, Joseph, a bill for the relief of, reported, and read twice - - - - -	1203
Lucas's Universal Atlas, a letter from William H. Jones accompanied with a specimen of, read and laid on the table - - - - -	814	ordered to the third reading - - - - -	2496
referred - - - - -	843	read the third time, and passed - - - - -	2500
Ludlow, Gulian. (See <i>Lenox, James</i> .)		Marine Corps, Mr. Whittlesey submitted a resolution calling for information respecting the number of non-commissioned officers and privates in the - - - - -	2288
Ludlow's and Roberts' Line. (See <i>Ohio</i> .)		a report in reply, laid on the table - - - - -	2344
M.		Mr. Whittlesey submitted a resolution respecting the amount paid to the Lieutenant Colonel of the - - - - -	2288
Machias, the Committee on the Judiciary instructed to inquire into the expediency of a district court in the town of - - - - -	1680	read and agreed to - - - - -	2294
Macy, Francis G. (See <i>General Jackson</i> .)		a report in reply, laid on the table - - - - -	2344
Mail, Mr. Livermore submitted a resolution for the transportation of the, in day time, only, unless by water, agreed to - - - - -	801	Markley, Philip S., of Pennsylvania, attended - - - - -	797
the committee directed to inquire into the expediency of repealing the act respecting the transportation of letters, &c., in conveyances not employed for the - - - - -	836	Marshals, Clerks, and Attorneys, a bill to amend the act to lessen the compensation of, in certain cases, reported, and read twice - - - - -	867
Mr. Herrick submitted a resolution calling for information respecting the extension of post routes, amount of postage, &c. - - - - -	849	ordered to the third reading - - - - -	894
adopted - - - - -	870	read the third time, and passed - - - - -	895
a statement in reply, laid on the table - - - - -	2681	amendments read and referred - - - - -	1665
part of the above resolution rescinded - - - - -	2711	reported, and agreed to - - - - -	1680
the committee instructed to provide further measures for punishing the robbery of the the committee instructed to inquire concerning a shorter and better route than that from Staunton to Washington - - - - -	877	(See <i>Public Money</i> .)	
(See <i>Post Office</i> .)		Martindale, Henry C., of New York, attended - - - - -	793
Maison Rouge, Marquis de, all the documents in reference to the claim of the, referred - - - - -	1127	remarks of, on the Tariff bill 1625, 1657, 1741	
a bill for the benefit of the heirs of, reported, and read twice - - - - -	1567	speech of, on the same - - - - -	1629
ordered to the third reading - - - - -	2695	Marvin, Dudley, of New York, attended - - - - -	793
read the third time, and passed - - - - -	2696	remarks of, on the Tariff bill 1527, 1555, 1694	
Maitland, William. (See <i>Lenox, James</i> .)		Maryland, an adverse report made on the petition of the levy court of Calvert county, in - - - - -	827
		recommitted - - - - -	844
		another adverse report made - - - - -	847
		concurrent in - - - - -	913
		Mr. Mitchell presented the petition of sundry inhabitants of, praying the erection of certain bridges, referred - - - - -	1953
		Mr. Plumer presented a memorial of the members of the bar in, praying an alteration in the times of holding the court for the fourth circuit, referred - - - - -	2586

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Maryland—continued.		Members, Mr. Randolph submitted a resolution	
a bill for altering the times for holding said		to lessen the per diem allowance of the,	
court, reported, and read twice	2595	laid on the table	1875
ordered to the third reading	2602	refusal to consider said resolution	2289
read the third time, and passed	2669	Memphis. (See <i>Road</i> .)	
Massachusetts, certain documents relating to the		Mercer, Charles F., of Virginia, attended	794
claim of, for militia services, laid on the		remarks of, on the bill for the surveys of	
table	1623	roads and canals	999
referred	2334	on the Tariff bill	1557, 1563
report in full	2511	on the Appropriation bill	1784
a bill to authorize the settlement of said		on the adjournment	2597, 2654
claims reported	2511	on a report in relation to a sale of lots in	
Matlack, James, of New Jersey, attended	793	the City of Washington	2613, 2614
Matson, Aaron, of New Hampshire, attended	793	Merchandise, a letter from the Secretary of the	
Mayhew, Thaddeus, a bill from the Senate for		Treasury with a statement of duties on	
the relief of	2345	imported and drawback on exported, laid	
read twice, and referred	2396	on the table	1343
reported without amendment	2464	Messengers, an order to pay an additional sum	
ordered to the third reading	2509	to each of the	2548
read the third time, and passed	2510	the Doorkeeper authorized to employ one of	
McAllister, John, a bill from the Senate for the		the, during the recess	2698
benefit of the heirs of, and John Forbes		Metcalfe, Thomas, of Kentucky, attended	894
read twice, and referred	1905	speech of, on the bill respecting the Su-	
an adverse report made	1913	preme Court	2635
McArthur, Duncan, of Ohio, attended	794	Mexican Provinces, Mr. Scott submitted a reso-	
remarks of, on the Appropriation bill	1780	lution calling for information respecting	
McCoy, William, of Virginia, attended	794	trade with the	2602
McCulloch, Hugh, a bill for the relief of, report-		agreed to	2602
ed, and read twice	1567	a message transmitting a communication	
ordered to the third reading	2500	in reply, laid on the table	2703
read the third time, and passed	2503	"Miami Purchase," Mr. Gazlay submitted a res-	
McDuffie, George, of South Carolina, attended	794	olution calling for information respecting	
remarks of, on the bill for the relief of Mrs.		the	913
Perry	975	agreed to	914
speech of, on a proposed amendment to the		report laid on the table	1792
Constitution	1067	Miami River. (See <i>Canal</i> .)	
on the bill for surveys of roads and canals	1371	Michael, John, a bill for the relief of the heirs of,	
remarks of, on the Tariff bill	1482, 1495,	reported and read twice	1100
1552, 1556, 1677		ordered to the third reading	1215
speech of, on the same	2400	read the third time, and passed	1232
McKean, Samuel, of Pennsylvania, attended	793	Michigan, Mr. Richardson submitted a resolu-	
McKee, John, of Alabama, attended	794	tion to establish a district court, laid on	
McKim, Isaac, of Maryland, attended	793	the table	1663
McLane, Louis, of Delaware, attended	793	Michilimackinac, the Committee discharged from	
remarks of, on the bill for the relief of Dan-		the petition of sundry inhabitants of	1126
iel D. Tompkins	819	Midshipmen, the Committee on Naval Affairs	
on the bill to purchase certain stock	1048	instructed to inquire concerning provision	
speech of, on the bill for the surveys of roads		for the instruction of	937
and canals	1217	Milholland, John, the Committee of Claims in-	
remarks of, on the Tariff bill	1589, 1697, 1748,	structed to inquire concerning compen-	
on the Senate amendments to the appropri-		sation to, for certain losses	1461
ation bill	1916, 1947, 1951	Military Academy, the Committee on Naval	
on the address of Ninian Edwards	2474	Affairs instructed to inquire into the ex-	
on the bill to provide stock for the Florida		pediency of associating a naval school	
treaty awards	2552, 2554	with the	831
McLean, William, of Ohio, attended	794	Mr. Livingston submitted a resolution for	
McNair, Alexander, Senate bill for the relief of,		the increase of the, laid on the table	877
read twice, and referred	2607	Military Affairs, the Committee on, appointed	799
reported with amendment	2665	so much of the President's Message as re-	
read the third time, and passed	2696	lates to, referred to the above committee	799
Measurer, a bill to abolish the office of, reported		Military Establishment, a letter from the Secre-	
and read twice	1163	tary of War with a statement of the con-	
Mebane, John B., a bill for the benefit of the ex-		tingent expenses for the, laid on the	
ecutors of, reported and read twice	953	table	1164
ordered to the third reading	2026	Military Land Warrants, a bill to allow further	
read the third time, and passed	2160	time to locate, reported and read twice	1754
a bill authorizing the executors of, to collect		read the third time, and passed	2509
certain arrears, reported and read twice	2507	Military Roads. (See <i>Roads</i> .)	
read the third time, and passed	2508		

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Military Service, a bill making appropriations		Missouri—continued.	
for the, reported and read twice	1163	bill reported with amendments	1857
considered	2682, 2694	laid on the table	2712
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read the third time, and passed	2696	district court in	2345
amendments received	2759	read twice, and referred	2396
concurrent in	2760	reported without amendment	2457
a bill making further appropriation for the,		read the third time, and passed	2465
reported and read twice	1203	Senate bill supplementary for settling land	
debated	1591, 1616	claims in	2396
ordered to the third reading	1618	read twice, and referred	2431
read the third time, and passed	1620	reported without amendment	2505
a statement of appropriations and expendi-		ordered to the third reading	2765
tures for the, referred	1322	read the third time, and passed	2766
a bill further to amend the act for compen-		Senate bill to extinguish Indian claims to	
sation for property lost whilst in the, re-		lands in	2696
ported and read twice	2152	read twice, and referred	2697
Militia, a bill concerning the distribution of arms		reported with amendments	2710
to the, reported and read twice	1763	Senate bill to complete the survey of the	
the Committee on Military Affairs instruct-		southern and western boundary of	2699
ed to inquire into the expediency of re-		read twice, and referred	2700
ducing the term of service of the,	1470	reported without amendments	2710
Miller, Daniel H., of Pennsylvania, attended	911	passed	2765
Miller, James. (See <i>Arkansas</i> .)		Mitchell, Andrew, Senate bill for the relief of the	
Mims, Joseph, a bill for the relief of the heirs of,		heirs of, read and referred	1758
reported and read twice	958	reported without amendment	1769
ordered to the third reading	2488	ordered to the third reading	2508
read the third time, and passed	2491	read the third time, and laid on the table	2509
amendments received	2622	Mitchell, George E., of Maryland, attended	793
concurrent in	2629	Mitchell, James S., of Pennsylvania, attended	793
Minifie, Charles, an adverse report on the peti-		Mitchell, James, the petition of, referred	807
tion of, concurred in	957	report made, with a bill concerning errors	
Mint, a communication from the Director of the,		in land offices	829
giving assays of certain foreign coin, read		(See <i>Land Offices</i> .)	
and referred	1084	Mitchell, John, a bill for the relief of, reported	
a report from the Secretary of the Treasury,		and read twice	2396
with statements showing the expenses of		ordered to the third reading	2505
the laid on the table	2682	read the third time, and passed	2506
Mississippi, a bill changing the mode of survey-		amendments read and referred	2712
ing lands on any river, bayou, or water-		reported and concurred in	2758
course in, and Arkansas, reported and		Mobile, a bill to alter the times of holding the Dis-	
read twice	1807	trict Court at, reported and read twice	811
ordered to the third reading	2479	read the third time, and passed	815
read the third time, and passed	2480	amendments received	1233
amendments received and concurred in	2712	read and referred	1263
Mississippi Land Company, Mr. Tyson present-		and reported with an agreement	1627
ed the memorial of James L. Belt, and		the Committee on Commerce instructed to	
others, of the, referred	814	inquire into the expediency of appointing	
Mississippi and Sabine rivers, the Committee on		a naval officer and surveyor for the port of	2288
Commerce instructed to inquire into the ex-		the Committee on Military Affairs instruct-	
pediency of providing for the survey of		ed to make inquiries respecting the work	
the coast along the	1127	on Dauphin Island, for the defence of the	
(See <i>Ohio and Mississippi rivers</i> .)		harbor of, and into the propriety of con-	
Missouri, a bill to enable claimants to lands in,		tinuing the, on Mobile Point	812
and Arkansas, to try the validity of their		a memorial of the Legislature of Alabama	
claims, reported and read twice	1064	on the subject of said fortifications, re-	
ordered to the third reading	2607	ferred	825
read the third time, and passed	2617	Mr. Owen presented the petition of the	
amendments received	2759	Mayor and Aldermen of, praying the	
concurrent in	2760	grant of certain lots	825
Senate bill supplementary to the act to per-		a bill granting certain lots to, reported and	
fect locations and sales of lands in, read		read twice	958
twice and referred	1665	ordered to the third reading	2602
adverse report made	2026	read the third time, and passed	2606
Senate bill for the adjustment of land claims		Senate bill explanatory of an act confirming	
in, and Arkansas, derived from French		claims to lots in, read twice and referred	2491
and Spanish titles	1233	reported without amendments, and postpon-	
read twice, and referred	1263	ed indefinitely	2710

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Moffitt, John S., a bill for the relief of, reported and read twice -	1585	the committee discharged from said petition	1627
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read the third time, and passed -	2504	read twice, and referred -	2697
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read and referred -	2632	passed -	2764
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Monongehala River, the Committee on the Cumberland Road instructed to inquire into the expediency of a bridge over the -	832	Naval Establishment, so much of the President's Message as relates to organization of the, and suppression of piracy, referred -	800
Monroe, an adverse report on the petition of sundry inhabitants of, laid on the table -	958	a bill to organize and fix the, reported and read twice -	1960
Montgomery, J. M. C., a bill for the relief of, reported and read twice -	1832	Naval Peace Establishment, Mr. Fuller submitted a resolution requesting the President to communicate a plan for the, laid on the table -	827
ordered to the third reading -	2500	agreed to -	830
read the third time, and passed -	2504	a Message in reply, transmitting a plan for the referred -	1292
Monument to Washington, Mr. Buchanan submitted a resolution to erect a, in the City of Washington, laid on the table -	1048	Navarre, Duc de, the Speaker presented a memorial of, representing himself as heir to the French throne, laid on the table -	2629
Moore, Alfred, Senate bill for the benefit of, and Sterling Orgain, assignees for Morris Lindsey -	1766	Navy, Mr. Mercer, presented a resolution calling for a list of the officers of the -	831
read twice, and referred -	1769	agreed to -	832
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reported without amendments -	2258	a bill making appropriations for the, reported and read twice -	1203
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read the third time, and passed -	2510	ordered to the third reading -	1880
Moore, Gabriel, of Alabama, attended -	794	the third reading suspended on account of an error in the engrossment -	1894
remarks of, on the Tariff bill -	1580	passed -	1904
Moore, Thomas P., of Kentucky, attended -	794	amendments received -	2026
Moreau, Celestin, Senate bill for the relief of -	1203	referred -	2099
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reported without amendment -	1460	debated -	2153
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Morgan, Jane. (See <i>Venable, Sarah</i> .)		their report laid on the table -	2494
Morgan, John J., of New York, attended -	812	concurred in -	2498
Morris, Richard G., an adverse report on the petition of, read and agreed to -	2480	a letter from the Secretary with a statement of contracts for the, laid on the table -	1487
Myotte, Jacques, a bill for the relief of, Francois Charpentrie, Jean Baptiste Laducier, and reported and read twice -	1769	a letter from the same with a statement of expenditures and appropriations for the, laid on the table -	1567
ordered to the third reading -	2500	Mr. Whittlesey submitted a resolution calling for a statement of the money spent for timber for the -	1529
postponed indefinitely -	2507	agreed to -	1551
N.		a message with a report in reply, laid on the table -	1675
Napier, a bill from the Senate, for the relief of, Rapleye, Petray, and Viel -	1857	the committee instructed to inquire respecting the expenditure of two hundred and twenty thousand dollars appropriated last session for the -	1878
read twice -	1870	the committee instructed to inquire into the expediency of providing that persons engaged in the, be exempted from militia duty, except in certain cases -	1662
ordered to the third reading -	2508	Navy Agents. (See <i>Prize Money</i> .)	
read the third time, and passed -	2508	Navy Department, the Committee on expenditures in the, appointed -	799
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Naturalization, the Committee on the Judiciary instructed to inquire respecting the alteration of the laws respecting -	812		
Mr. Cassidy presented the petition of sundry aliens of New Jersey, praying the revision of the laws of -	1083		
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Mr. Livingston presented the petition of aliens in Louisiana, praying a revision of the laws respecting, referred -	1528		
Mr. Cuthbert, presented the petition of sundry inhabitants of Georgia, praying revision of the laws of, referred -	1619		

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the annual report of the names and salaries of clerks in the, laid on the table -	1001	referred -	1733
the committee instructed to report specially touching contingent expenses in the -	1144	O.	
Navy Hospitals, Mr. Tomlinson submitted a resolution calling for information respecting the sums received and expended for -	1065	O'Brien, Jeremiah, of Maine, attended -	793
agreed to -	1100	Officers of Congress, Senate bill to revive the act to fix the compensation of the -	1429
a report in reply, read and referred -	1774	read twice, and referred -	1462
the export in full -	1774	reported without amendment -	1470
the committee instructed respecting the repeal of the act concerning -	1163	read the third time, and passed -	1470
Senate bill in addition to the act establishing, read twice, and referred -	2607	Officers of Customs, the Committee on Commerce instructed to inquire into the expediency of amending the act respecting the compensation of, &c. -	1529
reported without amendment -	2622	Ogden, Thomas S., and others, a bill for the relief of, reported and read twice -	1788
Navy Pensions. (See <i>Pensions</i> .)		ordered to the third reading -	2500
Navy Yard, Mr. Hamilton submitted a resolution respecting a, either at Beaufort or Charleston, laid on the table -	890	read the third time, and passed -	2504
Neale, Raphael, of Maryland, attended -	797	Ohio, the Committee on the Judiciary instructed to inquire into the expediency of altering the times of holding the circuit and district courts in -	815
remarks of, on the bill for the surveys of roads and canals -	1424	Senate bill to change the terms of the courts in Kentucky and, read twice and referred -	2172
Nelson, Jeremiah, of Massachusetts, attended -	793	reported without amendment -	2317
New Bedford, Mr. Baylies presented a memorial of the citizens of, respecting the spermaceti whale fisheries, referred -	806	read the third time, and passed -	2334
the memorial ordered to be printed -	1756	Mr. Wright submitted a resolution respecting the provision necessary to secure the three per cent. from the sale of lands in, to said State -	916
New Castle, Mr. McLane presented a memorial of the inhabitants of, praying better security of their harbor -	1732	agreed to, and referred -	916
other memorials respecting the harbor of, referred -	1788, 2430	Mr. Wright presented a resolution of the Legislature respecting the three per cent. fund reserved from the sale of lands, referred -	1429
New Hampshire, the Committee on Military Affairs instructed to inquire respecting the settlement of the claims of, for militia services -	833	the Committee on the Judiciary instructed to inquire into the expediency of dividing, into two districts -	1178
New Orleans, the Committee directed to report concerning a more direct route between, and the City of Washington -	1215	Mr. Sloane presented the memorial of the Legislature of, upon the subject of lands set apart for schools in that State, referred -	1763
the Committee on Public Lands instructed to inquire respecting the expediency of vesting in, all right to streets, squares, &c., therein -	1765	a bill to sell and convey certain lands, reported and read twice -	2622
Newport, Senate bill for the relief of the Merchants' Bank of, read twice and referred -	1292	ordered to the third reading -	2709
an adverse report made -	1429	postponed until next session -	2765
Newspapers, the Clerk directed to supply the members with -	796	a committee appointed to inquire into the expediency of granting relief to purchasers of lands located under Virginia military warrants between Ludlow's and Roberts' line in -	2172
the Committee on Post Offices, &c., instructed to inquire respecting the transportation of, &c. -	1263	a bill reported and read twice -	2541
Newton, Thomas, of Virginia, attended -	794	Mr. Barbour presented a petition of the inhabitants of, respecting lands located between those lines, laid on the table -	2551
remarks of, on Mr. Breck's resolution calling for information respecting commerce with Greece -	870	the bill considered -	2576
New York, the Committee on the Judiciary instructed to inquire into the expediency of amending the act for the organization of the courts in -	1203	ordered to the third reading -	2578
Ninmo, William P., a bill for the relief of, reported and read -	889	read the third time, and passed -	2586
ordered to the third reading -	958	Ohio and Mississippi Rivers, a Message from the President with a report of the survey of the, referred to the Committee on Roads and Canals -	1323
read the third time, and laid on the table -	959	referred to a select committee -	1461
debated and passed -	2499	a detailed report made, accompanied by a bill to assist Ohio and Kentucky to open a canal around the falls of the Ohio river, read twice -	1961
Norris, James, the Committee on Pensions, &c., instructed to inquire into the expediency of a certain allowance to the widow of -	2237		

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a bill to improve the navigation of the, re-		bill read the third time - - -	908
ported and read twice - - -	1702	recommitted - - -	910
the report in full - - -	1703	reported with amendments - - -	932
the bill considered - - -	2558, 2578	again recommitted - - -	937
amended by adding the Missouri river	2578	a letter from the Secretary of State with a	
laid on the table - - -	2584	list of the patentees for the last year,	
ordered to the third reading - - -	2588	laid on the table - - -	943
read the third time, and passed - - -	2596	Patterson, John, of Ohio, attended - - -	794
amendments received and agreed to - - -	2694	Patterson, Thomas, of Pennsylvania, attended	793
Opelousas, the Committee on Public Lands in-		Paulas, Barbara, a bill for the relief of, reported	
structed to inquire into the expediency of		and read twice - - -	1954
empowering the Register at, to complete		read the third time, and passed - - -	1960
a certain report - - -	1461	"Pea Patch," Mr. Cooke submitted a resolution	
the committee directed to authorize the pres-		calling for information respecting suits	
ent Register at, to complete all the busi-		for recovery of the - - -	1322
ness left unfinished by his predecessor - - -	1503	adopted - - -	1343
Ordinance Department, a motion to refer to a se-		a message in reply laid on the table - - -	1674
lect committee a message received last		Pembina, Mr. Rankin presented a petition of	
session respecting the, debated - - -	905	the inhabitants of, referred - - -	843
referred - - -	908	the committee discharged - - -	867
Orgain, Sterling. (See Moore, Alfred.)		Pendergrass, Thomas, the Committee on Private	
Orleans Navigation Company, a bill disappro-		Land Claims instructed to inquire	
ving in part an act incorporating the, re-		into the expediency of granting bounty	
ported and read twice - - -	2236	land to - - -	843
Osage Indians, a bill to provide an agent for the,		Pensacola, the Committee on Military Affairs	
reported and read twice - - -	1099	instructed to inquire into the expediency	
ordered to the third reading - - -	2171	of fortifying the harbor of - - -	811
read the third time, and passed - - -	2213	the Committee on Roads and Canals in-	
Ottumware, J., a bill for the relief of, reported		structed to inquire into the expediency of	
and read twice - - -	1551	opening a road from, to St. Augustine - - -	812
considered - - -	2498	the Committee on Post Offices, &c., in-	
ordered to the third reading - - -	2509	structed to inquire into the expediency of	
read the third time, and passed - - -	2510	repealing the law establishing a post route	
amendments received - - -	2631	from, to St. Augustine - - -	833
read and referred - - -	2632	the Committee on Naval Affairs instructed	
reported and disagreed to - - -	2665	to inquire respecting a naval depot at - - -	847
Overton, Samuel R. (See West Florida.)		a bill to allow a salary to the Collector of,	
Owen, George W., of Alabama, attended - - -	798	and to abolish the office of surveyor, re-	
remarks of, on the Tariff bill - - -	1526, 1550,	ported and read twice - - -	1163
1586, 1660		ordered to the third reading - - -	2695
speech of, on the Massachusetts contested		read the third time, and passed - - -	2696
election - - -	1844	a bill granting certain lots to St. Augustine	
P.		and, reported and read twice - - -	1733
Partridge's Military Academy, Mr. Buck sub-		Pennsylvania, a bill to alter the judicial districts	
mitted a resolution respecting the issue		of, reported March, 1822, referred - - -	815
of ammunition to - - -	877	a bill to alter the judicial districts of, reported	
agreed to, and referred - - -	878	and read twice - - -	939
a bill to authorize the issue of ammunition		ordered to the third reading - - -	2481
to, reported and read twice - - -	1734	read the third time, and passed - - -	2487
a detailed report in full - - -	1733	the Speaker presented a resolution of the	
a memorial from Captain Partridge, read		Legislature of, approving the declaration	
and referred - - -	1873	of the President in favor of liberty in the	
Patent Office, Senate bill relative to the, and to		Western Hemisphere, laid on the table - - -	2509
the salary of the Superintendent, read		Pensioners, a letter from the Secretary of War	
twice and referred - - -	2607	transmitting a statement of the number of	
reported without amendment - - -	2629	Revolutionary, laid on the table - - -	797
ordered to the third reading - - -	2695	Mr. Randolph presented the petition of a	
Patents and Patentees, the Committee on the		number of, assembled at Washington, re-	
Judiciary instructed to inquire concern-		ferred - - -	911
ing jurisdiction in cases arising under		a bill concerning invalid, considered - - -	1065
the act respecting - - -	808	ordered to the third reading - - -	1067
a report made - - -	832	read the third time, and passed - - -	1084
the committee instructed to inquire into the		amendments received and referred - - -	2465
expediency of allowing costs in certain		reported - - -	2505
cases - - -	809	considered - - -	2542, 2631, 2632
a bill for that purpose, reported and read		Mr. Sibley submitted a resolution respecting	
twice - - -	867	Revolutionary, read and rejected - - -	1762
ordered to the third reading - - -	894		

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Claims, appointed - - -	798	remarks of, on Mr. Webster's resolution re-	
the subject of Revolutionary, referred to a		specting Greece - - -	919
select committee - - -	806	speech of, on the Greek cause - - -	1104
the committee instructed to inquire as to the		on the Tariff bill - - -	2237
income which shall disqualify for receiv-		Point Coupee, a bill granting a tract of land to	
ing - - -	887	the inhabitants of, reported and read	
a report made - - -	989	twice - - -	1753
the committee instructed to inquire respect-		ordered to the third reading - - -	2695
ing an alteration of the time for payment of	1664	read the third time, and passed - - -	2696
the Committee on Naval Affairs instructed		Pollard, Captain, the petition of, Blue Eyes and	
to inquire into the expediency of continu-		Jim Robinson, Seneca Indians, referred to	
ing, to the widows and orphans of officers,		a Committee of the Whole - - -	1042
seamen, and marines - - -	807	Porter, Abner, the Committee of Pensions in-	
a bill to continue said, to widows and or-		structed to provide for the heirs of - - -	943
phans, reported and read twice - - -	846	Ports of Delivery, a bill to establish Bowdoin-	
debated - - -	880	ham, Troy and Fairport as, reported, and	
ordered to the third reading - - -	882	read twice - - -	2575
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amendments received - - -	1043	read the third time, and passed - - -	2699
read and referred - - -	1065	Port of Entry, the Committee on Commerce in-	
reported and concurred in - - -	1100	structed to inquire into the expediency of	
Mr. Isacks submitted a resolution in rela-		establishing Fernandina as a - - -	987
tion to the extension of, to widows, &c.,		Post Office Department, the Committee on Ex-	
of officers and privates in the Army, laid		penditures in the, appointed - - -	799
on the table - - -	988	so much of the President's Message as con-	
agreed to - - -	1487	cerns the, referred - - -	800
Senate bill granting, to the widows and or-		Mr. Gazlay submitted a resolution respect-	
phans of those slain in private armed ves-		ing defalcations in the - - -	812
sels, read twice, and referred - - -	1504	modified, and agreed to - - -	816
reported with amendments - - -	1960	report in reply, laid on the table - - -	2212
read the third time, and passed - - -	1962	Mr. Allen submitted a resolution calling for	
a bill concerning the allowance of, upon the		certain details of the, for the last three	
relinquishment of bounty lands reported		years - - -	833
and read twice - - -	2430	agreed to - - -	837
a bill to revive and extend certain, reported		report in reply, laid on the table - - -	2681
and read twice - - -	2605	Mr. Storrs submitted a resolution calling	
read the third time, and passed - - -	2617	for information respecting postage - - -	811
Perley, Frederick, a bill for the relief of, reported		report on that subject laid on the table - - -	1675
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ordered to the third reading - - -	2500	lation to deputy postmasters, their duties,	
read the third time, and passed - - -	2504	&c., in full - - -	1216
Perry, John, the committee instructed to inquire		referred - - -	1264
into the expediency of placing, on the		a bill to reduce into one the several acts to	
pension list - - -	1676	establish the, reported, and read twice - - -	1429
Perry, Oliver H., Mr. Hamilton submitted a		debated - - -	2544, 2549
resolution respecting a pension for the		laid on the table - - -	2552
mother of - - -	802	a communication from the, with a statement	
agreed to - - -	803	of contracts - - -	2556
a bill for the relief of Sarah Perry, mother of,		Post Offices and Post Roads, the Committee on,	
reported, and read - - -	832	appointed - - -	798
considered - - -	965	Mr. Allen submitted a resolution calling for	
recommitted - - -	985	a list of distributing offices, the duties re-	
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Pew, William, Mr. Stewart presented the peti-		agreed to - - -	833
tion of, praying a pension - - -	803	reply received - - -	876
Piatt, John H., a bill for the relief of the admin-		read and referred - - -	876
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read the third time, and debated - - -	2491	Tennessee - - -	1232
passed - - -	2493	committee instructed to inquire respecting	
Pierpont, John, the committee instructed to place,		a route from St. Albans to Berkshire,	
on the pension list - - -	1808	Vermont - - -	1429
Piracy, a report in full on the subject of, in the		the committee instructed respecting a route	
West Indies - - -	2666	from Gallipolis to Burlington - - -	1429
Plumer, George, of Pennsylvania, attended - - -	793	committee instructed respecting a route	
Plumer, William, of New Hampshire, attended	793	from Raleigh to Haywood - - -	1430

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Mr. Long submitted a resolution calling for		of, refunded to Government by the agents	2318
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to establish others, reported and read		Provident Association of Clerks, a bill amenda-	
twice	2152	tory to the act to incorporate the, report-	
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read the third time, and passed	2682	Public Buildings, the committee on expenditures	
Postmaster of the House, a resolution respect-		in the, appointed	799
ing an allowance to the	2616	a bill making appropriations for the, re-	
an order to allow extra compensation to the	2710	ported and read twice	1486
Powell, Alfred H. (See <i>Contested Election.</i>)		a report on the expenditure of money appro-	
Powell, Dempsey, the Committee of Claims		riated for the, laid on the table	2317
instructed to allow, payment for two		Mr. Conner submitted a resolution calling	
guns	1529	for information respecting the disburse-	
Pre-emption, a bill granting, to certain settlers		ment of a sum of money appropriated for	
in St. Helena and Jackson Courthouse,		supplying the President's House and,	
reported and read twice	1022	with water, &c.	2295
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Senate bill granting, to certain quarter		Public Debt, so much of the President's Mes-	
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ferred	1101	red	800
reported without amendment	1144	the Committee of Ways and Means in-	
a bill granting, to Arkansas, reported and		structed to inquire respecting that portion	
read twice	1343	of the, which will be reimbursable Janu-	
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to each State and Territory, reported and		Public Lands, the Committee on, appointed	798
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read the third time, and passed	2480	better security of	1857
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a report in full	2481	tability of, read twice and referred	1471
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a bill making provision for a private secre-		the, reported and read twice	1022
tary for the, reported and read twice	876	ordered to the third reading	2605
President and Vice President, Senate bill sup-		read the third time, and passed	2606
plementary to the acts relative to the		Senate bill explanatory of said act, read	
election of, read twice, and referred	2465	twice and referred	2700
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President's House. (See <i>Public Buildings.</i>)		ordered to the third reading	2757
Presque Isle, Mr. Farrelly presented several pe-		read the third time, and passed	2757
titions respecting obstructions in the har-		a letter from the Secretary of the Treasury	
bor of, referred	800	showing the amount due by	1165
a bill making appropriations for deepening		a report from the Commissioner of the Land	
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mouth Beach, reported and read twice	2505	to the act for the relief of, referred	1661
considered	2604	Senate bill for the collection of debt due by,	
ordered to the third reading	2605	read twice and referred	2172
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diency of an additional number of	809	trade with the Indians	896
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Greece	111, 1114	Richmond. (See <i>Vessels.</i>)	
speech of, on the same	1181	Riddick, Thomas F., Mr. Scott presented the	
speech of, on the surveys of roads and canals	1296	memorial of, agent for the Bank of Mis-	
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speech of, on the same	2357	Rio Hondo and Sabine rivers. (See <i>Louisiana.</i>)	
appendix to said speech	2379	Rist, Samuel, a bill for the relief of, reported and	
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Rankin, Mr., of Massachusetts, remarks of, on		read the third time, and passed	2500
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Real Estate, Mr. Tracy submitted a resolution		tle Rock, reported and read	876
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chased by the United States	1292	read the third time, and considered	937
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Mr. Warfield submitted a resolution calling		the committee instructed to inquire respect-	
for a statement of the purchases of	2171	ing a, from Pensacola to St. Augustine,	
modified and agreed to	2288	and from St. Marks to Cape Sable	812
Recess, a resolution for daily, reported, debated,		Mr. Vance submitted a resolution respecting	
and adopted	2488	a, from Detroit to the Ohio State line,	
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Reed, John, of Massachusetts, attended	793	modified and agreed to	1232
remarks of, on the Tariff bill	1867	a bill opening a, from Miami to Detroit, re-	
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ing compensation to	1460	a resolution of the Legislature of Indiana	
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a report in reply, referred	1665	Wheeling to the Mississippi river, referred	1319
a letter from the Secretary of the Treasury,		a bill for opening a, from Wheeling to the	
with sundry statements in relation to, re-		seat of government in Missouri, reported	
ferred	1462	and read twice	1486
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ferred	1462	lip to Johnson's Plantation	1503
a bill for the relief of, reported and read		referred	1504
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Rentroe, J., of Kentucky, a bill to repay, for		the committee instructed to inquire respect-	
lands erroneously sold, reported and read		ing a, from Detroit to Chicago	1733
twice	1322	a bill for making said, reported and read	
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Revisal and Unfinished Business, the committee		Roads and Canals, the subject of, referred to a	
on, appointed	799	select committee	808
Revolutionary Soldiers, Mr. Cushman submitted		a bill to provide for surveys and estimates	
a resolution to extend pensions to all sur-		of, reported and read twice	830
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Mr. McKean presented sundry memorials		a copy of the bill	1042
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Reynolds, James B., of Tennessee, attended	794		

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Robbins, Brintnel, a bill for the relief of, reported		act for the relief of persons engaged in	1100
and read twice	848	the	1101
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Robertson, Ica, the Committee of Claims instructed		ordered to the third reading	2713
to inquire respecting compensation to,		Mr. Cocke presented a resolution of the Le-	
Joseph Rosson, and Robert Tolar	1676	gislation of Tennessee respecting prop-	
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Robinson, Thomas, Senate bill for the relief of		Sergeant-at-Arms, Thomas Dunn appointed	796
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Roderick, Anthony. (See <i>Goldsmith, Morris.</i>)		rejected	889
Rogers, Thomas J., of Pennsylvania, attended	793	Shakers, an adverse report made on the petition	
letter of resignation from, laid on the table	2510	of the Society of	1586
Rose, Robert R., of New York, attended	793	Sharpe, Peter, of New York, attended	793
Ross, Thomas R., of Ohio, attended	797	remarks of, on the Tariff bill	1666, 1668
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Mr. Moore submitted a resolution to amend		Sibley, Solomon, a bill for the relief of, reported	
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Mr. Allen moved to rescind the eighty-fourth		ordered to the third reading	2500
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Mr. Rich submitted a rule respecting peti-		ted a resolution respecting, laid on the	801
tions on the Clerk's table	987	table	805
considered and laid on the table	1318	adopted	805
Mr. Cook submitted certain amendments to		a report from the Secretary of State in rela-	
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Mr. Lloyd submitted a resolution to expunge		Sinking Fund, the report of the Commissioner	
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Mr. Condict submitted an amendment to		read twice, and referred	2396
the, respecting engrossed bills	2494	reported without amendment	2487
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		read the third time, and passed	2510
S.		Slavery, Mr. Breck presented a petition from the	
Salem Laboratory Company, Mr. Crowninshield		"Pennsylvania Society" praying the ab-	
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Salt, instructions to the Committee of Ways and		the committee discharged	1792
Means respecting a repeal of the act lay-		the petition laid on the table	1792
ing duty on, imported	827, 1065	Slave Trade, so much of the President's Mes-	
Salt Springs, a Message from the President trans-		sage as relates to the African, referred to	
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by the House in relation to, lead and cop-		Mr. Mercer submitted a resolution calling	
per mines	1960	for information respecting negotiations	
Sandford, James T., of Tennessee, attended	794	with foreign Governments in relation to	
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Saunders, Romulus M., of North Carolina, at-		a message in reply, received	1870
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Scott, Alexander, Senate bill for the relief of,		a resolution from the Legislature of Ohio	
read twice and referred	2631	respecting the abolition of the, referred	1428
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the committee discharged and the resolution		Spence, John S., of Maryland, attended	797
laid on the table	1460	Spermaceti Whale Fisheries. (See <i>New Bedford.</i>)	
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of amending the existing laws for the ab-		read twice, and laid on the table	1905
olition of the trade	1808	referred	1914
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a copy of the bill	2397	ordered to the third reading	2509
Sloane, John, of Ohio, attended	794	read the third time, and passed	2510
Sloops of War, Mr. Poinsett submitted a resolu-		St. Anne's Church. (See <i>Detroit.</i>)	
tion respecting additional	830	State Department, the Committee on Expendi-	
agreed to	831	tures in the, appointed	799
a bill to authorize the building of ten ad-		St. Augustine. (See <i>Pensacola.</i>)	
dional, reported and read twice	1100	St. Clair, General Arthur, Mr. Jennings pre-	
Senate bill for additional, read twice and		sented the petition of Eliza Dill, daughter	
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Slough, Jacob, a bill for the relief of, reported		laid on the table	943
and read twice	1961	Steam Vessels. (See <i>Vessels.</i>)	
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Smith, Arthur, of Virginia, attended	794	ported and read twice	1319
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Smith, Joseph, a bill for the relief of, reported		read the third time, and passed	2709
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Smith, Noah, Senate bill for the relief of	1857	(See <i>Pre-emption.</i>)	
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read the third time, and passed	2508	relief of	1770
Smith, William, of Virginia, attended	794	read twice, and referred	1774
speech of, on the Massachusetts contested		reported with amendments	2001
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Smyth, Alexander, of Virginia, attended	794	read the third time, and passed	2510
speech of, on the bill for the surveys of		Stevenson, Andrew, of Virginia, attended	794
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remarks of, on the resolution for adjourn-		Perry	978
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South Carolina, a bill to alter the times of hold-		remarks of, upon Mr. Martindale's speech	
ing the circuit court in, reported and read		on the Tariff bill	1656, 1657
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read the third time, and passed	2675	roads and canals	1246
Mr. Poinsett presented a resolution of the		remarks of, on the Tariff bill	1500, 1613
Legislature of, in relation to the struggle		speech of, on the same	2271
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table	916	navigation of the Ohio and Mississippi	
Spaight, Richard D., of North Carolina, attended	794	rivers	2583, 2587
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and canals	1395	tween the bay of St. Augustine and, re-	
Spain, Mr. Mallary submitted a resolution call-		ported and read twice	2171
ing for information in relation to the de-		ordered to the third reading	2602
sign of foreign Governments to aid, in		read the third time, and passed	2602
regaining the South American colonies	868	St. Mary's River. (See <i>Charleston.</i>)	
agreed to	879	Stock, a bill to authorize the purchase of seven	
a message in reply, referred	986	per cent., reported and read twice	957
Mr. Clay submitted a similar resolution	1104	considered	1048
Mr. C. requests that said resolution be al-		ordered to the third reading	1053
lowed to remain on the table	2763	read the third time, and passed	1065
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cle of the treaty with	2696	read and concurred in	1101
read twice, and referred	2697		
reported without amendment	2698		

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a bill authorizing the creation of, for the Florida treaty awards, reported and read twice - - - - -	957	Mr. Gazlay submitted a resolution calling for information respecting a township in Symmes's patent - - - - -	2213
considered - - - - -	2552	agreed to - - - - -	2237
ordered to the third reading - - - - -	2555	a message transmitting a report in reply, laid on the table - - - - -	2397
read the third time, and debated - - - - -	2559	Mr. Gazlay submitted a resolution respecting the appointment of a trustee to carry into effect an act respecting the grant of 2503	
passed - - - - -	2575	read and referred - - - - -	2556
a bill to authorize the exchange of, bearing an interest of five per cent., for that bearing interest of six per cent., reported and read twice - - - - -	1856	(See <i>Miami Purchase</i> .)	
considered - - - - -	2705	T.	
ordered to the third reading - - - - -	2707	Tait, Charles, the Speaker presented a petition of Edwin Lewis praying an inquiry into the official conduct of, laid on the table - - - - -	1202
Stoddard, Ebenezer, of Connecticut, attended - - - - -	793	Taliaferro, John, of Virginia, attended - - - - -	2236
Stone, John, a report from the Secretary of War on the petition of, laid on the table - - - - -	1619	Tallow Chandlers, Mr. Cambreleng presented a memorial of the, of New York combatting the New Bedford petition respecting the sperm whale fishery - - - - -	807
Storehouses, a bill to extend the right of deposit in, to other goods besides wines, teas and spirits, reported and read twice - - - - -	1551	Tanner's Atlas, a resolution from the Senate to furnish each American Minister and Chargé with a copy of - - - - -	2696
Storrs, Henry R. of New York, attended - - - - -	793	read twice, and laid on the table - - - - -	2697
remarks of, on Mr. Breck's resolution respecting commerce with Greece - - - - -	872	Tariff, so much of the President's Message as relates to a revision of the, referred - - - - -	799
speech of, on the New York contested election - - - - -	946	petitions praying a revision of the - - - - -	842, 843, 886, 1083
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on the Massachusetts contested election - - - - -	1832	1487, 1551, 1593, 1628, 1675, 1681, 1738, 1739	
Strain, Robert, a bill for the relief of, reported and read twice - - - - -	1567	Mr. Tod submitted a comparative statement of the present - - - - -	1084
ordered to the third reading - - - - -	2500	Mr. Hamilton submitted a resolution for a detailed revision of the existing, by next session - - - - -	2333
read the third time, and passed - - - - -	2503	read, and laid on the table - - - - -	2345
Strong, James, of New York, attended - - - - -	793	(See <i>Duties on Imports</i> .)	
speech of, on the Tariff bill - - - - -	2118	Tattnall, Edward F., of Georgia, attended - - - - -	1945
Stroud, Joseph. (See <i>Carver, Jonathan</i> .)		Taylor, George, Mr. Mercer presented the petition of - - - - -	985
Supplies, &c., Mr. Floyd submitted a resolution calling for information respecting the transportation of, and payment for - - - - -	2333	laid on the table - - - - -	1064
agreed to <i>nem. con.</i> - - - - -	2344	Taylor, John W., of New York, attended - - - - -	793
a message in reply laid on the table - - - - -	2606	remarks of, on declining to be a candidate for the Speaker's chair - - - - -	794
Supreme Court, Mr. Trimble submitted a resolution respecting a more speedy publication of the decisions of the, agreed to - - - - -	817	on a resolution respecting a delegate from the District of Columbia - - - - -	1505
Mr. Webster submitted a resolution respecting suits in the - - - - -	2541	on the Tariff bill - - - - -	1689
read, and committed to a Committee of the Whole - - - - -	2542	on the Address of Ninian Edwards - - - - -	2473
a bill to alter the time of holding the sessions of the, reported - - - - -	2635	Ten Eyck, Egbert, of New York, attended - - - - -	793
ordered to the third reading - - - - -	2648	Tennessee, Mr. Cocke presented a resolution of the Legislature of, in relation to property lost in the Seminole war, referred - - - - -	1126
read the third time, and passed - - - - -	2648	Mr. Alexander presented a resolution of the Legislature of, concerning lands for educational purposes - - - - -	1202
Surgeons and Surgeons' Mates, the Committee on Naval Affairs instructed to inquire as to the due apportionment of pay to - - - - -	831	laid on the table - - - - -	1754
the committee instructed to inquire into the expediency of providing for the instruction of junior - - - - -	987	Tennessee and Coosa Rivers, the Committee on Roads and Canals instructed to inquire into the expediency of opening a canal between - - - - -	812
Surveyor's Office, the Committee on Public Lands instructed to inquire into the expediency of establishing a, in each State and Territory - - - - -	833	a report thereon laid on the table - - - - -	2630
Swan, Samuel, of New Jersey, attended - - - - -	793	Test, John, of Indiana, attended - - - - -	794
Sylvester, Nathaniel, a bill for the benefit of, reported, and read twice - - - - -	2605	speech of, on the bill to create stock for the Florida Treaty awards - - - - -	2559
read the third time, and passed - - - - -	2617	remarks of, on the bill for a canal between the Wabash and Miami rivers - - - - -	2585
Symmes, John Cleves, the Speaker presented a memorial of, and Thomas S. Hinds, in relation to the occupancy of certain territory between the Rocky Mountains and the Pacific Ocean, referred - - - - -	2152		

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Thomas, John, and Company, a bill for the relief of, reported and read twice - - - - -	1042	remarks of, on the bill for opening certain roads in Florida - - - - -	929
ordered to the third reading - - - - -	2489	remarks of, on Mr. Buchanan's resolution in relation to a monument for Washington - - - - -	1048
read the third time, and passed - - - - -	2491	remarks of, on the Tariff bill 1481, 1482, 1494, 1498, 1519, 1614, 1661	
Thomas, Philemon, the Committee of Ways and Means instructed to inquire into the expediency of providing payment for, Benjamin P. Thomas and Lewis Craig - - - - -	1664	speech of, on the occupying claimant laws of Kentucky - - - - -	2535
Thompson, Philip, of Kentucky, attended - - - - -	794	Tucker, George, of Virginia, attended - - - - -	794
Thompson, Wiley, of Georgia, attended - - - - -	794	remarks of, on the bill for surveys of roads and canals - - - - -	1332
Thooft, Bernard, a bill for issuing debentures to, reported and read twice - - - - -	1064	remarks of, on the Tariff bill - - - - -	2336
ordered to the third reading - - - - -	2490	remarks of, on the Address of Ninian Edwards - - - - -	2450, 2453
read the third time, and passed - - - - -	2491	speech of, on the Beaumarchais Claim - - - - -	2588
Tod, John, of Pennsylvania, attended - - - - -	793	Tucker, Starling, of North Carolina, attended - - - - -	794
speech of, on the Tariff bill - - - - -	1471	Tuscaloosa, a bill granting certain privileges to the corporation of, reported and read twice - - - - -	2616
remarks of, on the same 1498, 1513, 1516, 1526, 1544, 1546, 1589, 1669, 1691, 1740, 1741, 1742, 1751, 1752, 1868, 2175	2214	read the third time, and passed - - - - -	2709
speech of, on the same - - - - -	2214	Tuscarawas County, a bill providing for the disposition of three tracts of land in, reported and read twice - - - - -	2026
remarks of, on the question of adjournment - - - - -	2599	ordered to the third reading - - - - -	2607
Tolar, Robert. (See <i>Robertson, Ica.</i>)		read the third time, and passed - - - - -	2617
Tomlinson, Gideon, of Connecticut, attended - - - - -	793	Tyson, Jacob, of New York, attended - - - - -	793
remarks of, on the Tariff bill 1483, 1506, 1900		U.	
Tompkins, Daniel D., a Message from the President in relation to the accounts of, referred - - - - -	804	Udree, Daniel, of Pennsylvania, attended - - - - -	793
a bill for the relief of, reported and read twice - - - - -	811	Unfinished Business, the Committee on, appointed - - - - -	2457
considered - - - - -	817	their report made and adopted - - - - -	2487
ordered to the third reading - - - - -	825	the Clerk directed to prepare a list of, and to send a copy to each member by mail 2766	
read the third time, and passed - - - - -	828	United Brethren, Mr. Wright submitted a resolution calling for information respecting the title of the, to land in Ohio - - - - -	1528
a message from the President in relation to the claims of, referred - - - - -	1906	laid on the table - - - - -	1552
a report made in full - - - - -	2334	agreed to - - - - -	1661
considered - - - - -	2398	a message in reply, referred - - - - -	1906
agreed to - - - - -	2400	a report made - - - - -	2026
another Message from the President in relation to the claims of, read - - - - -	2501	V.	
referred - - - - -	2503	Vaccination, the Speaker presented a memorial of Dr. James Smith respecting the appointment of a vaccine agent, referred - - - - -	1428
a bill making appropriations to pay a certain sum to, reported and read twice - - - - -	2507	a report made - - - - -	1739
considered - - - - -	2677, 2685	a bill to encourage, reported and read twice - - - - -	1740
ordered to the third reading - - - - -	2693	Vance, John, of Ohio, attended - - - - -	794
read the third time, and passed - - - - -	2697	remarks of, on a bill respecting costs in suits by patentees - - - - -	908
Top, John, a bill for the relief of, reported and read twice - - - - -	2457	remarks of, on the Tariff bill - - - - -	1696
ordered to the third reading - - - - -	2505	Vance, Robert B., of North Carolina, attended - - - - -	794
read the third time, and passed - - - - -	2506	Vandalia, Mr. Cook submitted a resolution calling for information respecting the robbery of the land office at - - - - -	828
Townley, John F. (See <i>Esclava, Don Miguel</i> .)		agreed to - - - - -	830
Townsend, William, a bill for the relief of, reported and read twice - - - - -	2675	report in reply, referred - - - - -	1165
Tracy, Albert H., of New York, attended - - - - -	832	a report made - - - - -	1550
remarks of, on the Tariff bill 1492, 1495, 1499, 1693		committed to a Committee of the Whole on the bill for the relief of the heirs of John H. Piatt - - - - -	1661
remarks of, on the Appropriation bill - - - - -	1786	Van Rensselaer, Stephen, of New York, attended - - - - -	793
Treasury Department, the Committee on Expenditures in the, appointed - - - - -	799	Van Syckel, Elijah, a bill for the relief of, reported and read twice - - - - -	1551
a report from the Secretary of the, with an estimate of appropriations, referred - - - - -	959	Senate bill for the relief of - - - - -	2396
a letter from the Secretary of the, with a printed copy of receipts and expenditures, laid on the table - - - - -	2606	read twice and referred - - - - -	2431
Trimble, David, of Kentucky, attended - - - - -	794		
remarks of, on the bill for the relief of Daniel D. Tompkins - - - - -	823		

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Van Syckel, Elijah—continued.		Washington, Mr. Breck submitted a resolution	
bill reported without amendment	2464	for the purchase of Peale's portrait of,	
ordered to the third reading	2509	read	1762
read the third time, and passed	2510	read the second time	1763
Van Wyck, William, of New York, attended	793	referred	1765
Venable, Sarah, Senate bill for the relief of, and		amendments reported	1869
Jane Morgan	1766	the Committee on Public Buildings in-	
read twice, and referred	1769	structed to inquire into the expediency of	
reported without amendment	1793	purchasing three of Capellano's busts of	2480
amended, and laid on the table	2508	a report made and concurred in	2499
Vessels, the Committee of Ways and Means in-		Washington, City of, Mr. Mercer presented the	
structed to inquire into the expediency of		petition of the Corporation of, praying	
granting bounty to certain	2172	amendments to the act of incorporation,	
a bill to allow bounty to, employed in the		referred	985
cod fisheries, reported and read twice	2465	a bill supplementary to the act to incorpo-	
ordered to the third reading	2481	rate, reported and read twice	1960
read the third time, and passed	2487	ordered to the third reading	2504
the Committee on Commerce instructed to		read the third time, and passed	2507
inquire into the expediency of exempting,		amendments received	2712
employed in canals in New York, from		read and referred	2713
the necessity of being licensed	2295	agreement reported and adopted	2758
a report made that it is inexpedient	2464	Mr. Wright presented a memorial from the	
concurred in	2465	Provident Association of Clerks in, pray-	
a bill to authorize masters of, to clear out		ing a modification of the act incorporating	
at Petersburg or Richmond, reported and		said Association, referred	1428
read twice	2430	a select committee appointed to report con-	
read the third time, and passed	2481	cerning the sale of lots in	1739
amendments received and concurred in	2712	a report made	2602
Mr. Vinton submitted a resolution in rela-		considered	2607
tion to steam	2670	concurred in	2616
agreed to, and referred	2670	Washington Canal Company, a report of the,	
a report made, accompanied by a bill regu-		referred	2465
lating steamboats, read twice	2694	Wayne, Isaac, of Pennsylvania, attended	793
considered	2707	Ways and Means, the Committee of, appointed	798
postponed until next session	2709	Webster, Daniel, of Massachusetts, attended	793
Mr. Condict submitted a resolution in rela-		remarks of, on offering his resolution for	
tion to disasters on steam	2765	sending an Agent to Greece	805
agreed to	2766	speech of, on the same	1084, 1190
Vinton, Samuel F., of Ohio, attended	794	remarks of, in reply to Mr. Poinsett's motion	
remarks of, on his resolution respecting		to defer the consideration of said resolu-	
steam vessels	2670	tion	919
Virginia, a bill to alter the judicial districts of,		on Mr. Breck's resolution in relation to com-	
reported and read twice	1765	merce with Greece	871
read the third time, and passed	2676	on a bill concerning marshals' fees	893
a Message from the President in relation to		on the bill respecting costs in suits by paten-	
the claim of, for certain advances, referred	2295	tees	894, 932, 934
the committee discharged and the Message		on a report respecting a system of bank-	
laid on the table	2317	ruptcy	895
Virginia Military Land Warrants. (See Ohio.)		on submitting a resolution in relation to	
W.		bankruptcy	2762
Wabash and Miami rivers, a bill to open a canal		on the Tariff bill 1695, 1699, 1701, 1867, 1869,	
between the, reported and read	829	1883, 1904	
considered	2534, 2600, 2603	speech of, on the same	2026
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read the third time, and passed	2606	wards	2451, 2473, 2475
Wade, Elisha, an adverse report on the case of,		on the Occupying Claimant laws of Ken-	
laid on the table	943	tucky	2619
War Department, the Committee on Expendi-		on the adjournment	2599, 2650, 2656
tures in the, appointed	799	Wells, Bezaleel, a bill for the relief of, reported	
a letter from the Secretary of the, transmit-		and read twice	1214
ting a statement of contracts, laid on the		ordered to the third reading	2496
table	1343	read the third time, and passed	2500
Ward Samuel. (See Chandler, Walter S.)		West Baton Rouge. (See Baton Rouge.)	
Warfield, Henry R., of Maryland, attended	797	West Florida. (See Florida.)	
remarks of, on the resolutions in regard to		Weymouth, Dean, Senate bill for the relief of	1770
the intended visit of Lafayette	1104	read twice and referred	1774
remarks of, on the Tariff bill	1678	reported without amendments	1893
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the Senate disagree to the amendments	2631	reported without amendment	1064
the House recede therefrom	2632	ordered to the third reading	2505
a bill for the relief of, reported and read		read the third time, and passed	2507
twice	2344	Wood, Silas, of New York, attended	793
ordered to the third reading	2505	remarks of, on the bill for relief of Daniel D.	
read the third time, and passed	2506	Tompkins	824
Wharton, Samuel, a bill for the relief of, report-		remarks of, on Mr. Breck's resolution re-	
ed, and read twice	876	specting commerce with Greece	871, 872
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Wheat, the Committee on Commerce instructed		remarks of, on the bill for the surveys of	
to inquire into the expediency of impos-		roads and canals	1053
ing a duty on imported	831	speech of, on the Tariff bill	2068
Wheaton, Joseph, a bill for the relief of, reported		Woods, William, of New York, attended	793
and read twice	986	a certificate of the election of, presented and	
ordered to the third reading	2489	referred	814
read the third time, and passed	2491	Woollen Manufactures, Mr. Webster presented	
Wheeling. (See Road.)		a petition of the manufacturers of Massa-	
Whipple, Thomas, of New Hampshire, attended	793	chusetts, praying an additional duty on	
White, David, of Kentucky, attended	794	foreign, referred	803
White, John, Mr. Herrick presented the peti-		Mr. Eddy presented a similar petition from	
tion of	1787	Rhode Island, referred	828
White, Joseph M., a bill for the relief of, and		Wooster, General David, Mr. Tomlinson sub-	
William Davidson, reported and read		mitted a resolution calling for information	
twice	2551	respecting monument to	1528
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White, Samuel, Senate bill for the relief of		remarks of, on the bill concerning costs in	
read twice, and referred	1857	suits by patentees	909
reported without amendment	1870	remarks of, on the Tariff bill	1502, 1745
read the third time, and passed	2713	speech of, on the bill for relief of Daniel D.	
Whitman, Lemuel, of Connecticut, attended	793	Tompkins	2686
Whittlesey, Elisha, of Ohio, attended	794	Wyandot Indians, a bill reserving a certain tract	
Wickliffe, Charles A., of Kentucky, attended	794	of land to the, reported and read twice	1792
remarks of, on the bill for the relief of Mrs.		read the third time, and passed	2696
Perry	973	Y.	
on the Tariff bill	1488, 1613, 1678	Yandes, Peter, a bill for the relief of, reported	
on the Senate amendments to the Appropri-		and read twice	1768
ation bill	1949	ordered to the third reading	2500
speech of, on the Occupying Claimant laws		read the third time, and passed	2504
of Kentucky	2527	Yeas and Nays, on the passage of the bill for	
remarks of, on the adjournment	2650	the relief of Jacob Schaeffer	888
Widows and Orphans. (See Pensions.)		on admitting Parmenio Adams to a seat	944
"William," a bill to authorize a register for the		on the engrossment of the bill for surveys	
brig, reported and read twice	1322	of roads and canals	1041
considered	1344	on a motion to recommit said bill	1463
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Williams, Isaac, of New York, attended	793	on the bill making appropriations for the	
Williams, Jared, of Virginia, attended	794	military service	1617
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Williams, Lewis, of North Carolina, attended	794	on the Appropriation bill	1782, 1959
speech of, on the Tariff bill	2100	on the Massachusetts Contested Election	1855
Williams, Thomas, a bill for the relief of, re-		on amendments to the Tariff bill	2235,
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read the third time, and passed	2500	2328, 2329, 2332, 2337, 2341, 2342, 2343	
Wilmot, John, a bill for the relief of, reported		on laying said bill on the table	2427
and read twice	1567	on its final passage	2429
ordered to the third reading	2498	on Senate amendments to said bill 2621, 2626,	
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Wilson, Isaac, of New York attended	793	on agreeing with the report of the commit-	
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Wilson, James, of Pennsylvania, attended	793	on Mr. Owens' resolution respecting the	
Wilson, John, of South Carolina, attended	794	effect of the Tariff bill	1623, 1629, 1681
Wilson, Henry, of Pennsylvania, attended	835		
Wilson, William, of Ohio, attended	794		

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on referring the joint resolution respecting the adjournment -	2470	on the passage of the Post Office bill -	2683
on the third reading of the bill for the relief of Daniel D. Tompkins -	2501	on amendments to the bill for Daniel D. Tompkins -	2693
on the passage of the bill for relief of certain persons who imported goods into Castine -	2548	on the passage of said bill -	2697
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ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

EIGHTEENTH CONGRESS—FIRST SESSION.

THE
DEBATES AND PROCEEDINGS
IN THE
CONGRESS OF THE UNITED STATES;
WITH
AN APPENDIX,
CONTAINING
IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,
AND ALL
THE LAWS OF A PUBLIC NATURE;
WITH A COPIOUS INDEX.

EIGHTEENTH CONGRESS.—FIRST SESSION:
COMPRISING THE PERIOD FROM DECEMBER 1, 1823, TO MAY 27, 1824,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:
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1856.

FEBRUARY, 1824.

The Tariff Bill.

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Mr. McLANE, of Delaware, differed from the gentleman from Massachusetts, not as to his facts, nor as to the inferences he drew from them; but as to the policy of permitting those inferences to induce us to abolish this duty. The question is not whether the State of New York will be benefited in her manufactures and her canal, by the flouring and transit of the Canada wheat, because her own grain can as well be floured and carried as that of Canada. The quantity of wheat grown in our country must always be regulated by the demand in the foreign market. If, then, by facilitating the transit, you bring Canada wheat into that foreign market, just so far you discourage and diminish the growth of American grain. The argument of the gentleman goes only to the benefit of the miller and the canal; but the provision in the bill covers not only the miller and the canal, (by giving to both our own wheat instead of foreign,) but it covers the wheat grower also, by excluding competition. The only difference is, that, in the one case, the Government gets the revenue. But is it sound policy to build our revenue on the growth of a rival and neighboring State? On the encouragement of foreign, in the place of domestic, agriculture? Did any wise government ever pursue such a policy?

Here Mr. P. P. BARBOUR rose and apologized for again occupying the Committee, contrary to his usual habit of never rising twice to speak to the same general subject on the same day. But he felt himself constrained to make some reply to a remark that had fallen from the gentleman from Pennsylvania. He said something about my claiming for Virginia an exclusive dominion over the growing of wheat. I never advanced any such claim. I said that wheat was a great staple in that part of the State from which I came; and I said no more. But the gentleman farther said, if I rightly heard and understood him, that if Virginia ever looked beyond her own confines for any thing but political power, she might have seen that her neighbors were interested in this duty.

[Mr. INGHAM observed that he had not used the word "ever," but had said, "if Virginia could look beyond her own boundaries for any thing but political power, she would have seen," &c. Such was the expression, and the gentleman might make the most of it.]

Mr. BARBOUR resumed. I should hesitate here to be the eulogist of Virginia; but, as a Virginian, born and nurtured within the bounds of that State, I should be lacking in a duty, which is even prior to the duty I owe to the House, did I not vindicate her character from such an aspersion as that cast upon it by the gentleman from Pennsylvania. What is there in the conduct of Virginia to merit such a reflection? If she has enjoyed, at any time, in this confederacy, more power than has been enjoyed by other States, whence was that power derived? Whence did she obtain it? From the free consent of the people of this Union, as expressed on this floor, and elsewhere; in part, from the consent of Pennsylvania herself. Did she possess more power than was justly due to her? He would appeal to all who heard him, whether

these United States were not indebted to Virginia for many and signal benefits? It was Virginia that laid the very foundation of the Federal Government; and, ever since its formation, that share of political power, which her sister States have granted to her, has been exercised for the benefit and prosperity of the whole Confederacy. Of this, there has been the most distinct and universal acknowledgment. Look, said Mr. B., at her moneyed sacrifices to the interest of this Government. Virginia led the way in the voluntary surrender of her immense territory—a territory which has since furnished to this Confederacy three entire States, that are now rising monthly, weekly, ay, hourly, in dignity, in importance, and power. He did think the gentleman from Pennsylvania might have spared the reflection. We live in a country where all are free. The way to power is alike open to all. It cannot be obtained or held but by the voluntary assent of a majority of citizens. If Virginia gave to the Confederacy great men in the field and in the cabinet, was this to be made a reproach? If her citizens had attained to an exalted station, who placed them there? and was it not acknowledged that they had filled that station with an honest and a successful endeavor to promote the public good? and if she had poured millions into the Treasury of the General Government, from the sale of lands that once were hers, should this be imputed to her as a fault? If such things as these were grounds of reproach, then was Virginia indeed to blame.

Mr. INGHAM rose in reply. He said, that the passing remark he had made, was one which grew out of the gentleman's own course of debate. When the gentleman said, that Virginia had no interest in, or wish for, the protecting duty proposed in the bill, he seemed to think he had stated a sufficient reason why it should be stricken out at once. But, in such circumstances, Mr. I said, he could not but advert to another bill that had lately been before this House, the bill for internal improvements, against which Virginia had set herself in array, with all the immense powers of her line. He was not now inclined to controvert the statement the gentleman had made as to the lofty claims and merits of Virginia. He did not think it properly belonged to the present debate, though, if that subject came fairly up for discussion, he believed it would be found there were two sides to that question. In stating the political course of Virginia, in establishing the interests of this Confederacy, the gentleman might have remembered that, in the whole of that course, she was essentially aided by her old friend, Pennsylvania; but now she had increased in power and importance, till she seemed to think she might set up for herself, throw off her old friend and coadjutor, and say to Pennsylvania, "We don't want you." Pennsylvania, the moment she could be relieved from that struggle in which she had so essentially supported Virginia for the general good, turned her anxieties to her individual interests, and, as a darling object, took up the plan of internal improvements, of the domestic policy of the country. But no sooner did she appear with it on this floor, than

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she was met by her old companion and friend with reproach, with ridicule, and, he would add, with contumely. Who was there but would say with him that Virginia *had* looked over this nation with a view to power? The gentleman says she merited it. It may be so. I shall say nothing to her disparagement. I shall not dispute that she has given many great men to the Republic, and I approve her general political course. But it might be said; it had been said, though he should not say it, that she had pursued that course with a selfish view to her own ascendancy. [Here the Chairman called Mr. INGHAM to order.]

Mr. CLAY regretted exceedingly, the course the debate had taken. It was certainly altogether unnecessary. The great merits of Virginia and Pennsylvania were known to all, and need not be repeated on this floor. Why should gentlemen indulge in such a course of reflection? It had no connexion with the subject before the House, and he hoped it was now over.

Mr. ARCHER rose, not to offer an argument, but only for the purpose of making an inquiry.

The CHAIRMAN having pronounced this to be in order,

Mr. ARCHER said, he wished to inquire whether he had heard the gentleman rightly, when he said "he did not mean to say any thing to the disparagement of Virginia?"

Mr. INGHAM replied, that he could scarcely conceive a motive for such an inquiry. He had certainly expressed himself very distinctly. He had not imputed to Virginia a dishonorable ambition, or dishonorable motives in her ambition.

Mr. WEBSTER resumed the course of debate. He said, since the very extraordinary discussion to which they had been listening was at length at an end, he hoped the House would now return to the question properly before them. He thought the argument adduced for the duty was of a singular kind. It amounted to this: Our wheat rots upon our hands in stacks and in sacks. We can't sell it; we don't know what to do with it; and now we must take care lest anybody else should bring any here. The gentlemen think, that to leave the duty without increase will encourage the settlement of Canada. They ask if we shall bring strangers into our market? and the gentleman from Pennsylvania says I ought, at once, to move to strike out the ad valorem duty—as if the whole profit of transit, for which I argue, did not turn on that very duty. No, sir; I am not quite in so wild an extreme, either on the one side or the other. As to encouraging the settlement of Canada, does not that gentleman know that there are inducements on our side of the line, against which no sort of competition can for a moment be presented? Does not he consider that this must necessarily be the case, from the difference between a free, popular, home government, and the colonial government of a distant dependency of a monarchy? Give it what advantages you please—add bounty to bounty, it is the same thing; nothing can destroy this necessary essential difference. The argument amounts to this—if you don't give our own citizens a duty of more than

fifteen per cent., they will go over to the Canada side. Why, let them go then. If this is all that keeps them, they are certainly unfit to be citizens of this Republic. The gentlemen say, if you keep out the Canada wheat from our canal, our wheat will find a foreign market. Why, sir, so will the Canada wheat. The bushel of wheat that grew on one side of the line will very probably meet in the West Indies the very bushel that grew opposite to it on the other side. You can't keep it out. The true question is, whether the expenses of going round by Montreal and Quebec will so raise its price in the foreign market that the gain upon the wheat we sell there will more than compensate us for the loss of the ad valorem duty, the transit toll, and the commercial commission and charges for the shipment? That is the real question, and it must be decided by facts, of which I am not at present master; but I should suppose it would not, by any means. Gentlemen are afraid the Canada wheat will be consumed in New York. Why, sir, it makes not a cent of odds if it is; because so much more of our own wheat will be exported in the place of it. New York is not only a consumer, but an exporter at the same time. The gentleman from Delaware says, if the Canada wheat does not come down the canal, our own will come down in its place. No, sir; because New York is not the place of consumption, not the final market.

The great argument for the transit is from the revenue it will produce at fifteen per cent. ad valorem. All our drawback system is founded on transit, and a very productive system it has proved. Gentlemen ought always to keep it in mind that the admission of the Canada wheat to pass through the State does not prevent the manufacture of our own within the State.

Mr. CLAY said he was greatly surprised at the argument of the gentleman from Massachusetts. It was certainly not correct that, if the Canada wheat did not come down our canal, it would get as cheaply to the foreign market by the way of the St. Lawrence.

[Mr. WEBSTER explained. He had not been so absurd as to say this.]

Mr. CLAY. Then the gentleman surrenders the argument; for it gets to the West Indies, in that route, burdened with additional costs of transportation; it is no longer able to compete with ours, and the market is secured to our own agriculturist. The Canada flour is certainly eaten somewhere, either in the United States or in a foreign market; if in the United States, then so much of our own is displaced, and, to its whole amount, it is an injury to the American wheat grower; if in a foreign market, then, if that market was great enough to consume both all the Canada wheat and all ours, the gentleman's argument might hold. But such is not the fact. Ours and the Canada must compete for the same consumer. Why, then, bring the Canada wheat to that consumer any cheaper, by the use of our canal? Wherever the Canada wheat goes, go where it may, it takes the place of so much American wheat, whether at home or abroad. Besides, if

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you cut off their flour from the use of our canal, you keep it at home for all that portion of the year that the St. Lawrence is closed with ice, while our canal is open. The British warehousing system did not apply to this case. Gentlemen did not seem to be aware of the advantage of the home consumption. The city of New York alone did not consume less than 800,000 barrels of flour annually. If Canada flour comes to New York for consumption, so much American is excluded. No matter, says the gentleman from Massachusetts, because so much more American goes abroad. Very true, if there was a market ready abroad to receive it; but this is not the case, and therefore it is a dead loss to the American farmer. Such was the fertility of the Canadian peninsula, between Lakes Erie and Ontario, and so cheap were the lands sold by the British Government, that the settler there could afford to undersell the farmer of the United States, whose land costs him ten times as much.

Mr. WEBSTER rejoined, and said that the great difficulty, if there were any, lay in telling what would be the effect of the duty if laid. Would it prevent the consumption of foreign wheat in New York? Formerly, the price was the same on both sides of the lines. Now, on account of the increased facility of getting to a market, the price is raised on this side. All that is sought by the Canadian wheat grower is to use this facility: his flour comes in only that it may go out; and it would be easy to adopt regulations such as all foreign Governments have done, who encourage the transit of goods, to prevent breaking bulk. But, the gentleman asks, shall we give a rival facilities to get cheaper to a market where we go ourselves? I answer, yes; if he will pay you for this more than makes up the difference. This very consideration of transit toll from Canada was holden up and largely insisted on, when the great canal in New York was proposed. And it must not be forgotten, that the toll on the canal was not all the Canada flour paid us. It paid the merchant on the lines something; it pays the merchant at Albany something; the merchant at New York something; and, finally, it employs our navigation, and pays something to our tars.

The question being loudly called for from all quarters, it was taken, accordingly, on the motion of Mr. P. P. BARBOUR, to strike out the hundred and eighty-second line of the bill, "on wheat twenty-five cents per bushel," and decided in the negative—ayes 71, noes 113.

And then the Committee rose.

SATURDAY, February 28.

Mr. WEBSTER, from the Judiciary Committee, reported a bill, "further to amend the Judicial system of the United States."

[This bill proposes an important change in the organization of the Courts of the United States, the main features of which are as follows: The sessions of the Supreme Court to be held, hereafter, on the 4th Monday of January, instead of February in each year—the State of Kentucky is

to be divided into two districts, to be called the Eastern and the Western—the State of Ohio also to be divided into two Districts in like manner—the two Districts of Kentucky, hereafter to constitute the seventh Circuit—the two Districts of Ohio, and the District of Indiana, the Eighth Circuit—the District of Illinois and the District of Missouri, the Ninth Circuit—the two Districts of Tennessee and District of Alabama, the Tenth Circuit—the two Districts of Louisiana and the District of Mississippi, the Eleventh Circuit—that a Circuit Judge of the United States shall be appointed for each District, to constitute with the District Judge in each, a Circuit Court, &c.—the compensations of the Judges are left blank, as also are the changes proposed by the bill, of the compensations of some of the existing District Judges.]

The bill was twice read and committed.

Mr. W. from the same committee, reported a bill "to amend an act, entitled 'An act to amend an act for the establishment of a Territorial government in Florida, and for other purposes,'" which was read twice and committed.

Mr. RICH, of Vermont, from a select committee, to whom was referred a proposition to amend the rules of the House, reported the same with an amendment, the principal effect of which would be to devote Friday and Saturday in each week to the consideration of bills and reports of a private nature.

On motion of Mr. MALLARY, the report was ordered to lie for consideration.

Mr. VAN RENSSELAER, of New York, from a select committee, to whom was referred an inquiry into the expediency of establishing a police for the Capitol, &c., reported the following joint resolution:

Resolved, &c., That the police regulations of the Corporation of the City of Washington be construed to extend to the public grounds, so far as relates to the preservation of the public order.

2. That no spirituous liquors be retailed anywhere in the Capitol, or on the public grounds near the same, with or without licence.

3. That the Doorkeeper of the House of Representatives be charged with the preservation of the floor and walls of all the apartments of the Capitol, not under the care of the Sergeant-at-Arms of the Senate, under the direction of the Speaker of the House of Representatives.

4. That the Marshal of the District of Columbia be empowered and directed to employ a deputy, during the session of Congress, to preserve order in the passages and apartments within the Capitol, and on the public grounds surrounding the same, under such rules and regulations as may be prescribed by the presiding officers of the two Houses of Congress.

The resolution was twice read and ordered to lie on the table.

OHIO AND MISSISSIPPI RIVERS.

Mr. HENRY, of Kentucky, from the Committee on Roads and Canals, to whom was referred the Message of the President of the United States, transmitting a report of the Board of Engineers, on the navigation of the Mississippi, made a re-

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port, accompanied by a bill "to improve the navigation of the Ohio and Mississippi rivers."

[This bill proposes to authorize the President to cause dykes and sluices to be constructed, for the purpose of navigation at the lowest stage of the water, upon certain bars in the Ohio river, to remove planters, sawyers, and snags, from the bed of the Mississippi river. The bill was twice read and committed. The report is as follows:]

It is known that the great rivers Ohio and Mississippi are the principal commercial outlets of the vast and fertile regions west of the Alleghany mountains; and it must be obvious that whatever tends to obstruct or endanger the navigation of those streams cannot be regarded with indifference by that portion of our people whose interests are thus seriously and vitally affected. Your committee have, therefore, faithfully endeavored to ascertain the causes and actual condition of the obstacles, whether temporary or permanent, which now, at certain seasons of the year, prevent all navigation upon one of those rivers; and, at all seasons of the year, impair the security of navigating the other. For this purpose they have availed themselves of every source of information in their power; and have carefully examined the "Report on the Ohio and Mississippi rivers," made by General Bernard and Major Totten of the Engineer Corps, which is printed in the third volume of Executive papers, transmitted by the President during the second session of the Seventeenth Congress.

In relation to the Ohio, your committee have ascertained that there are, between the falls and the mouth, twenty-one bars crossing its channel, which render it impassable by steamboats, during six months of the year; and that six of these bars, at the lowest stages, preclude the passage of all vessels drawing three feet of water. To the bars last mentioned, our attention has been particularly directed; believing it to be the better policy, to leave the falls, at Louisville, and the majority of the bars, to be comprehended in some more extensive scheme of internal improvement.

The six bars which, in our opinion, fall within the range of our present policy, are indicated by the following descriptions, viz:

1st. A mile and a quarter below Flint Island, the river is obstructed by a sand bar, of about 1,200 yards in length; for the distance of 360 yards there are three and a half feet of water; for 240 yards, but two feet; and for the remaining distance of 600 yards, three and a half feet. The shoalest part is also the narrowest, the breadth being about 180 yards.

2d. Two miles above French Island, there is a sand bar of about 200 yards in length, and on which only from 20 inches to two feet of water are to be found.

3d. The bar below Henderson is fifty yards long; the channel fifty yards wide; and the least depth of water two and a half feet.

4th. The bar below Straight Island consists of two parts, one of compact, and the other of moving sand. The length of the bar is 150 yards; the breadth of the channel about 40 yards; and the least depth of water is two and a half feet.

5th. Below Willow Island (in the Mississippi Bend) is a sand bank, on which the depth of water is two and a half feet; the length of the bar is 100 yards; and the breadth of the channel about 50 yards.

6th. Opposite to Lower Smithland, and below Cumberland Island, there is a bar of moving sand; its length is 80 yards, and the depth over it, two feet.

In addition to the impediments above described, there is another of a different kind, which deserves to be mentioned, viz: On the right side of the river, (below the mouth of Deer creek,) about fifteen yards from the bank, there is a rock fifty feet long, parallel with the shore, fifteen feet broad, and rising fifteen feet above the surface of the water, at its lowest stage. In times of flood, this rock, covered by a few feet of water, is very dangerous, and can only be avoided by accident or by skilful pilotage.

The most eligible means of producing the uniform depth of three feet over the bars above mentioned, is recommended in the report of the Engineer Corps, already referred to, viz: the construction of dykes, which, by confining the current to a particular channel, will necessarily swell the volume, and increase the depth of the water. These dykes are ordinarily formed by rows of piles, driven with force into the bed of the stream, and strongly wattled together; the spaces between the rows being filled with such rough and flat paving stones as the neighborhood can supply. The piles, being elevated a little above low water, the rises of the river, whether partial or general, pass over them without injury. As the dykes must extend, with the exception of the sluice, quite across the river, the length of the whole, when added together, may be estimated at about four miles and a half. The expense of this improvement will be very inconsiderable, when compared with the permanent benefits which must flow from it to the industrious and adventurous people who inhabit the shores of this great river, and its tributary streams, and have no other vent for the bulky productions of their industry.

The danger arising from the rock below the mouth of Deer Creek, should, in our opinion, be averted, by the erection of a beacon upon it, of sufficient elevation to be always visible above the highest floods.

We now turn our attention to the difficulties which embarrass the navigation of the Mississippi. These arise from the impetuosity of its current, and the almost entire absence of rock on its shores, from St. Louis to New Orleans. Hence, its constant effort to change its course; and hence the frequent submersion of whole acres of land, covered with trees of the most gigantic growth. Of the trees which are thus precipitated into the river, some are borne off by the stream; some lodge upon the shores in great masses, where they form what are called "rafts;" others become fixed, at one end, in the bed of the stream, whilst the other end inclines towards the surface; sometimes appearing above it, sometimes concealed below it. When they are so fixed as to preserve an immoveable position, they are called "planters;" but when they play up and down with restless vibration, now yielding to the pressure of the stream, and again rebounding from beneath it, they are called "sawyers."

These terrible obstacles have been the causes of much calamity to the people of the West. To say nothing of the awful occasion which consigned, in the brief space of five minutes, a large number of human beings, on board the steamboat *Tennessee*, to a watery grave: to say nothing of a thousand similar accidents, differing only in the degree of horror, the annual loss of property is variously estimated at from five to ten per cent. upon the whole amount which is hazarded upon the river. But can these difficulties be removed? Of this we have no doubt. Between Natchez and Baton Rouge, there are now fewer rafts, planters, and sawyers, than formerly; and between

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Baton Rouge and New Orleans, they are rarely to be seen. Below Baton Rouge the forest has been succeeded by cultivated fields, and the disposition of the river to encroach upon its shores, is counteracted by artificial embankments. This description of dyke, we are aware, will never be attempted for commercial purposes alone. To a combination of the future proprietors of the shores, for their own security and advantage, we are to look for the consummation of this desirable improvement, by its extension to the mouth of the Missouri. In the mean time, it is entirely practicable, at the lowest stage of the water, by the aid of suitable machinery, to raise the trees which now obstruct the channel, and to saw them off at a proper depth. The labor may be great, in the first instance, to remove the wreck of centuries; and it may be necessary, from time to time, to prostrate all similar impediments which may intervene. But when the forests shall be entirely cleared, whether for the purpose of cultivation, for supplies of fuel to steamboats, or for the immense, and still augmenting, consumption of New Orleans, these frightful and formidable enemies of Western enterprise will gradually disappear, until it will be as rare to see "a sawyer, a planter, or a raft," above Baton Rouge, as it is now to find one below it.

The committee have had access to no data which could enable them to determine, with accuracy, the probable expense of the improvements above suggested. Indeed, the very nature of the proposed undertaking forbids the application of any ordinary rule of calculation. Your committee would, however, suggest the expediency of dividing those rivers into precincts, and that the President of the United States be authorized to employ supervisors for each precinct, binding each by contract to perform the services which may be assigned to him; and that, for the purpose of carrying into effect the improvements before-mentioned, the sum of — dollars be appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

Which is respectfully submitted.

THE TARIFF BILL.

The House having resolved itself into a Committee of the Whole on the bill for a revision of the tariff of duties on imports—

Mr. FULLER, of Massachusetts, opened the discussion to-day by a motion to strike out from the first section so much as imposes a duty of one dollar and twelve cents per cwt. on iron, in bars or bolts, not manufactured by rolling.

In support of this motion, Mr. FULLER observed that iron was an article of far more general importance than cotton bagging or wheat, which had recently occupied so much attention. Every man in the United States, of whatever occupation, was more or less interested in obtaining the best quality, and at the lowest price. In every village a blacksmith was an artisan indispensable alike to the farmer and the mechanic; and in the manufacturing establishments of cotton and wool, a large consumption of iron, in machinery, was annually necessary. To every farmer and mechanic, therefore, said Mr. F., this increased duty will cause a corresponding increase of price for their implements of husbandry, and of their respective mechanic arts. But of all the classes of the com-

munity who must feel the pressure of this new burden, the ship-builder must suffer most. The average tonnage of the United States, since the year 1810, is, probably, in round numbers, at least one million three hundred thousand tons; of which at least, one-tenth, by some estimates one-seventh, is the annual diminution by marine losses or decay; consequently, this amount must be annually replaced by the ship-builders. Four tons of iron in every hundred tons, one tenth, to take the smallest amount, of shipping necessary to replace the annual consumption, amounts to five thousand two hundred tons of iron annually employed in ship-building, upon which the proposed duty amounts to \$116,500, which is more than the present duty by \$38,833, a very great addition to a burden already as much as can be sustained. And here it may be proper to remark that, while the burden of the new duty is co-extensive with the United States, the benefit intended to result from it will be confined to only one or two, at most to three, of the States; far the greater part will be confined to the State of Pennsylvania alone. Most sincerely do I wish, said Mr. F., that the citizens of that respectable State could have all they expect, and more, if it could be accorded to them without this immense sacrifice by the citizens of the other States. It is true, there are iron manufactories in other States, but we have lately heard, from the honorable Speaker, that those in the Western States need no protection; and those in the Northern States are satisfied, as far as I am informed, with the present duty.

Permit me to say that it seems unreasonable to increase the duty from another consideration. In 1816, when the whole tariff underwent a complete revision, the duty on iron was fixed at nine dollars a ton. In 1818, the manufacturers complained that the duty was too low to enable them to contend in the market against foreign iron, and they prevailed upon Congress to increase it to fifteen dollars, with which, it was understood, they were then satisfied. Notwithstanding this great concession, they have, for four years past, been urging the imposition of a still higher duty, and seem hardly contented even with that now proposed. Should the duty now required be imposed, the numerous consumers of iron have not the consolation of hoping to realize any reduction of price, even after the iron manufacturers shall have been in possession of the "home market," so often spoken of in discussing the tariff, for any series of years. In this respect, the manufacture of iron is more unfavorable in its nature than that of cotton has proved to be. The greatest part of the expense is for labor; no improved machinery can be a substitute for labor; and, for a century to come, the population of our country cannot reach such a state of redundancy as materially to reduce the rate of wages. While, therefore, the price of labor is as high as at present, the price of iron, the product almost of labor alone, cannot be materially reduced. In Russia and Sweden, besides a redundant population, the manufacture of iron is greatly promoted by the circumstance that

their soil is comparatively sterile, and incapable of cultivation. The peasantry of these nations, whom the gentleman from Kentucky calls serfs, have no alternative but to work in the iron mines or die of hunger. Not so in the fertile soil and genial climate of Pennsylvania. There the healthful and moderate labors of the husbandman are amply rewarded; and it does violence to the obvious dictates of policy, no less than of humanity, to transform a thousand or ten thousand cultivators of the soil into so many miners and smelters of iron ore.

It is alleged that a want of capital cramps the manufacturers of this country, and prevents them from resisting, successfully, the shock of competition with foreigners. The correctness of this may well be doubted with regard even to cotton and wool, but certainly is unfounded in relation to iron; for it is well known that some of the proprietors of iron manufactories in Pennsylvania are men of immense capital, and yet these proprietors, instead of making use of their capital in pouring an abundance of the article into the market, and thus excluding foreign iron, are among the most urgent in pressing the increased exaction. There is not even the pretext for extending the protection here, that iron receives any aid in the countries from which it is brought by bounties or drawbacks; it has there no other encouragement than the cheapness of labor: while the American manufacturer must pay a high price for labor, but has already the benefit of the high existing duty, and the expenses of freight for five thousand miles, together with commissions and the mercantile profits, all which about double the invoice price of foreign iron when it reaches our market. If this advantage is not sufficient, it affords conclusive evidence that other objects of industry in our country are preferable, and constitute, in fact, the real obstacle to the manufacture in question.

Should this duty be imposed, together with that upon foreign hemp, the two articles which constitute almost our only imports from Russia and Sweden, our commerce in the Baltic may be considered as nearly annihilated. I know very well, that some of those sages in political economy, who have so long sounded the alarm of the "balance of trade" being against us, and who are perpetually exclaiming, that we are on the verge of perdition in consequence of the appalling "drain of specie" from our country, will hail the destruction of the Baltic trade, as a harbinger of returning prosperity. Without stopping here to refute those weak and fallacious theories about the *balance of trade* and the *drain of specie*, I will merely remark, that our foreign trade is the only channel, in which all the specie now in this country, or which ever was in it, could have flowed thither. It will not be pretended, that gold and silver are native productions to any extent. As to the balance of trade with Russia and Sweden, our economists examine the Treasury report of our commerce, for the year 1822, made under the act of 1820, and they find our imports from Russia for that year, amounted in round numbers to \$3,307,000,

and our exports to that country, to only \$508,000, leaving a balance against us of \$1,799,000; our imports from Sweden the same year were \$1,151,000, and our exports thither, only \$260,000, leaving the balance of \$891,000 against us. Hence, they conclude that these unfavorable balances, amounting to \$2,690,000, must have been paid in specie, and caused a part of the fearful "drain" before mentioned. Fortunately, however, the same commercial report affords the means of dispelling this chimera. The export of specie is there detailed with the same exactness as that of any other article of commerce; and it appears, that not a single dollar was shipped to Russia and Sweden for that year. How they may account for this extraordinary state of things I know not, unless by supposing that the balance has been given to us without any consideration. Sir, the balance has been fully paid for; the poverty of the two countries in question does not even permit them to give any credit in commerce. It was paid for by sugar and coffee, and other produce of the West India islands, by pepper, and spices, and silks, and other commodities from China and the East Indies, which were the fruit of our circuitous trade. This trade furnishes immense cargoes, of which our custom-houses can take no cognizance. The original cargo indeed is shipped from this country, and an invoice of trifling amount registered with the collector. The vessel takes its departure for the Indies. In the distant market, the invoice is of small consideration, compared with the freight and other expenses; a cargo of great value is obtained in return, not suited so well for this country, where similar commodities are plentifully supplied, but well adapted to European consumption. At Hamburg, without having returned to America, an ample market furnishes exchange for St. Petersburg, or Stockholm, or the cargo itself is sold in these latter cities at a profitable advance; and thus a cargo of iron or hemp is provided and brought to our own ports. This, sir, is the course of our traffic with countries upon the Baltic. It brings us, in addition to the particular staples of those countries, a portion of the specie which we occasionally receive, and, indeed, which we never could obtain, but by the profitable employment of the industry and enterprise of our citizens, in transferring our domestic products, not only directly to foreign countries, but from one country to another, as often as an advantageous exchange can be made, till at last, the entire profit returns to enrich ourselves with the various productions of foreign climes. In these returns, specie will always bear such proportion, as its relative value with other commodities shall make profitable to the importer.

It may be said that the duty on iron and hemp, proposed by the bill before us, will not annihilate the trade of the Baltic, nor greatly reduce it. That it must very greatly reduce it, sir, I think cannot be doubted by those, who know the pressure of the existing duties. Under the influence of these, our foreign tonnage has experienced a constant diminution for the last three years, of which we have official reports. In 1820, it was 801,253 tons;

in 1821, 769,084; and in 1822, it was reduced to 747,887. This gradual diminution, can be traced to no other cause than the discouragement of our foreign commerce, under the pressure of a heavy tariff. Should this pressure not only continue, but be increased, the decay of trade must be proportionably rapid; our revenue must be greatly reduced, and the navy itself must be sacrificed.

These considerations are of deep concern to every section and to every interest in this rising country. I trust, sir, they will be fully examined, and, as an earnest of the sound and enlarged views of policy, which alone can insure our prosperity, I hope the motion which I had the honor to submit, will prevail.

Mr. BUCHANAN, of Pennsylvania, followed Mr. FULLER. He said, that the duty upon bar iron, according to the existing tariff, was fifteen dollars per ton. This bill proposes to increase it to \$22 50—and the question for the Committee to decide, was the policy of this measure.

It has been contended, said Mr. B., by the gentleman from Massachusetts, (Mr. FULLER,) that bar iron might be considered as almost a raw material. If that gentleman intended to convey the idea, that the manufacture of this article requires but little capital, he is entirely mistaken. The man who expects to prosecute it with success, ought not only to possess a considerable active capital, but a large body of land covered with timber. Before the ore is manufactured into bar iron, it undergoes two distinct processes, at different factories. At the furnace it is converted into pig metal, which, in the forge, is manufactured into bar iron. These factories are generally distinct, and each of them requires a large capital. If, therefore, you suffer the manufactories of iron to be destroyed, and the capital invested in them to be diverted into other channels, it will be difficult to restore them, when the necessities of the country may demand such a measure.

The gentleman from Massachusetts (Mr. FULLER) has alleged that the manufacturers of iron, in Pennsylvania, are now in a prosperous condition. It is true, said Mr. B., that a few of the ironmasters, who had acquired sufficient wealth to survive the general wreck in which a large proportion of that class of our citizens has been involved, have been able to support themselves. This, however, has been the case only with respect to those who reside at some distance from the seacoast, and in a neighborhood in which there is a demand for all the iron they can manufacture. Foreign iron, before it can come into competition with theirs, must, in addition to the present duty, pay the expense of transportation into the country. Such individuals, by the ruin of rival manufacturers, and by the consequent destruction of domestic competition within their sphere, have become the monopolists of their neighboring markets. In this manner, the farmer is compelled to pay a much greater price for his iron, than he would be obliged to give, if the protecting power of the Government would recall into existence those rival manufactories, which have sunk under its neglect. What, Mr. Chair-

man, is the condition of those manufacturers residing in the interior, who have no market at home, but must depend upon that of the Atlantic cities? As it regards them, the picture is reversed. In addition to the first cost of their iron, they are compelled to incur the expense of transporting it to a market where it comes into competition with that from Russia and Sweden. Such ironmasters, under the present tariff, must inevitably be ruined, if they should continue in the business. They would lose upon every ton of iron which they manufacture. The consequence has been, that most of them, in this situation, have been compelled to stop.

Sir, said Mr. B., the traveller, if he had gone into the interior and mountainous districts of Pennsylvania, but a few years ago, would have found a great number of furnaces and forges in active operation. Their owners were not only prosperous themselves, but they spread prosperity around them. These manufactories presented the best and surest market to the neighboring country, for the products of agriculture. Thus, they diffused wealth among the people, money circulated freely, and the manufacturer and the farmer were equally benefited.

The present aspect of those districts presents a melancholy contrast to that which I have just described. It is a just comment upon the policy of that country which will not afford a reasonable protection to its own domestic industry, and thereby gives to foreigners a decided preference in its markets. Although that portion of Pennsylvania abounds with ore, with wood, and with water power, yet its manufactories generally have sunk into ruin, and exist only as standing monuments of the false policy of the Government. The manufacturers and their laborers have both been thrown out of employment, and the neighboring farmer is without a market.

Sir, said Mr. B., the records of your Government prove, conclusively, that foreign iron is rapidly driving domestic competition out of the market. In the year 1819, 16,241 tons of foreign hammered iron were imported. In the year 1822, it had increased to 26,508 tons. What it was during the last year, I have not been able to ascertain with precision, but I am informed, that it has been regularly progressing in the same proportion. Thus, we perceive, that, in the short space of three years, the increase has been more than ten thousand tons.

Can any statesman, said Mr. B., regard this process with indifference? Is it the policy of this nation to suffer the manufacture of iron to be destroyed? Can any gentleman for a moment sanction such an opinion? No nation can be perfectly independent, which depends upon foreign countries for its supply of iron. It is an article equally necessary in peace and in war. Without a plentiful supply of it, we cannot provide for the common defence. Can we so soon have forgotten the lesson which experience taught us, during the late war with Great Britain? Our foreign supply was then cut off, and we could not manufacture in sufficient quantities for the increased domestic

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demand. The price of the article became extravagant, and both the Government and the agriculturist were compelled to pay double the sum for which they might have purchased it, had its manufacture, before that period, been encouraged by proper protecting duties. We cannot now always expect to remain at peace; and the only means of securing to ourselves, in time of war, an abundant supply of this necessary article, at a cheap rate, is to encourage its manufacture, whilst we are on terms of friendship with all nations.

But after all, Mr. Chairman, what do we ask by this bill for the manufacturers of iron? Not a prohibitory duty, as the gentleman from Massachusetts (Mr. FULLER) seems to suppose, which will exclude foreign iron from our market. We wish only to infuse into our own manufactures sufficient vigor to enable them to struggle against foreign competition. Protection, not prohibition, is our object. The revenue which the country at present derives from foreign iron will, for several years at least, be increased by the proposed additional duty; and at the same time a most important branch of our domestic industry will be gradually cherished. For the proof of this assertion, I refer to the opinion advanced by the Secretary of the Treasury, in his annual report, during the last session, on the state of the finances. In it he distinctly declares "that the duties upon glass and paper, upon iron and lead, and upon all articles composed of the two latter materials, may be increased, "with a view to the augmentation of the revenue." His report during the present session shows that he still entertains the same opinion.

Mr. B. said, revenue was at this time an important consideration. In the imposition of new duties, we should not lose sight of the Treasury. Notwithstanding the siren notes which we have heard on this floor concerning the prosperous condition of our revenue, we know that we are in debt about ninety millions of dollars; a great part of which will become payable before our ordinary resources will enable us to extinguish it. Mr. B. said it was his opinion that, should this bill pass, with a very few amendments, it would for some years considerably increase the revenue of the country, and assist in enabling us to discharge our national debt. The proper occasion, however, has not yet arrived for such a general investigation.

As it regards the article of iron, we may fairly infer, from the history of its importation, that the proposed addition to the duty will increase the revenue. In determining this question, we should inquire whether the foreign importation is increasing under the existing tariff; and if so, whether slowly or rapidly. According to this advance, we may proportion the additional duty, always keeping within reasonable limits. We find that in three years the increase has been more than ten thousand tons. Under the operation of this bill, the revenue will be augmented until the quantity imported shall be less by one-third than it is at present. No person acquainted with the condition of the iron manufactories of the country can suppose that they will be able to produce this effect for many years to come under an additional duty

of only \$7 50 per ton. It will, however, afford them that gradual protection which is in accordance with the settled policy of this nation: a policy which, whilst it encourages domestic manufactures, never loses sight of the great interests of agriculture and commerce.

Mr. B. said there was no article from the importation of which a duty might be more fairly derived than iron. It would not in any degree be partial in its operation. Its use was universal, and all parts of the Union would, therefore, contribute their fair proportion. Mr. B. concluded by observing that there was no item in the bill which had fairer claims to be retained than the article of iron.

Mr. MALLARY said, that no article named in the bill was of more importance than that of iron. It would be a fatal objection in his mind to any measure, which did not give it additional encouragement. It was important to every branch of our industry. It was essential to the safety and defence of the country. Mr. M. considered it impossible to discuss the question before the Committee, without referring to the general policy of giving more decisive aid to manufactures, than has been done by the Government. He hoped he should have the attention of the Committee, while he presented his views on the general subject, as well as on the particular object of the motion.

All who have spoken, admit that the proposed measure is of the greatest magnitude; that it required the most candid examination, as well as the exercise of the most deliberate judgment. It had been demanded by millions of the people of this Union, as the only means of relieving them from the distresses of the times, and it was opposed by others as sure to increase the embarrassments already existing.

The condition of agriculture and manufactures, particularly in the interior of the Northern, Middle, and Western States, had been repeatedly described. The great staples of agriculture have no market which affords a reward for the industry of the people. Instead of the prospect of improvement, the future seemed to promise nothing but additional misfortune. The change from war to peace was attended with the severest calamities. They were natural and unavoidable. It was expected, when the business of the country had returned to its natural channel, the people would again enjoy the blessings of prosperity. But the settled state of the country brings no relief. The vast interior of the Union presents a cheerless prospect of agriculture discouraged, manufactures ruined, and the energies of millions of people relaxed and prostrate.

Sir, other nations have risen triumphant over the havoc and desolation of wars. France was crushed by the combination of Europe against her. Her resources seemed to be exhausted by the exactions of her enemies. She has recovered from her misfortunes, and her people appear to have forgotten their long and dreadful sufferings. England has also astonished the world by an almost instantaneous release from the burdens created by her unparalleled efforts. Her condition was never

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more prosperous, she never made a more sure and steady march towards the summit of power and greatness, than at the present moment.

Sir, why do great and important sections of country afford no evidence of increasing wealth and prosperity? Why do the products of agriculture find such wretched markets? Why does the value of the soil itself daily diminish in value, in almost every interior part of the country? The labor of a nation is said to be the primary source of its wealth. Can Government give it a direction more beneficial? Will any further promotion of manufactures improve our condition?

It has, sir, been maintained by high authority, that "legislation does not create wealth, but simply transfers it from hand to hand, and can enrich one class only by impoverishing others." I refer to the Boston memorial on your table. We are also told by the same, "that it would be surely surprising, that a system of restriction so unequal and so repugnant to all sound theory, should be adopted by a free and enlightened people, at a time when the greatest statesmen of Europe, after a long trial of it, are openly acknowledging its incorrectness, and whole nations suffering and lamenting the consequences of its adoption." The same sentiments have been repeatedly advanced in this debate. We have been told that no enlightened Government ever directed the industry of its people to new employments. That it never gave aid but to manufacturing establishments already in existence.

How can we determine the correctness or incorrectness of the different opinions and statements relating to the subject before us? To theory? We are lost at once amidst the jargon of the schools of political economy. Is it not safer to trust ourselves to the practical experience of enlightened nations, than to their visionary writers, whose opinions were never regarded at home? Whose productions, as was emphatically observed by a distinguished advocate of the policy for which we are now contending, "were like the fabrics of their country, made for exportation, and not for home consumption." We apply to individuals those rules which are found by experience useful to govern the conduct of individuals. We determine their value by the effects they produce. The same may be said of those rules of policy by which nations are controlled. Labor, industry, and wealth, are the same in all countries; they must be acquired by the same general means. A policy, which one nation may adopt with success, may be beneficial to another. If history was ever valuable, it is in the investigation of the important subject now before this Committee. If its measures could ever be employed in aid of legislation, their value must be admitted on the present occasion. In my remarks I shall refer to those manufactures of the greatest importance in a national point of view. Those of inferior character will be found to flourish where the others have been promoted.

The States of Italy were the first which awakened from the slumber of the dark ages. While they distributed the rich products of the East throughout Europe, they engaged in manufactures

themselves. They excelled in the fabrics of silk and wool. For several centuries they furnished the Northern nations with great supplies of these and other products of their own industry. They advanced rapidly to opulence and power. The Lombards, for a great length of time, controlled the currency of Europe. They were the bankers of the civilized world. Arts, sciences, and civilization, made unrivalled progress.

Netherlands contained the depot of Eastern and Italian merchandise, from which it found its way into all the surrounding countries. Netherlands, stimulated by example, soon engaged in manufactures, especially of wool and flax; her fabrics were also distributed among the neighboring nations. For several centuries she advanced before any other nation of the North in wealth, power, and civilization. Her people controlled the commerce and navigation of England, France, and the Baltic States, for a long period. These countries were tributary to her industry, skill, and enterprise. It was against Italy and Netherlands that the first restrictive measures of other nations were first directed. Their wealth and prosperity had at length aroused the attention of some of the principal Powers of Europe.

Until about 1600, France was almost entirely dependent upon those two nations for every valuable manufacture. She received from Italy large supplies of silks of various fabric, and woollens and linens to an immense amount from Netherlands. She was continually drained of the precious metals. Her commerce and agriculture made slow improvement. The contrast between France and her nearest neighbors at this period affords a most instructive lesson. It illustrates the effect of the grand political dogma, that the interest of a country will regulate itself to the best advantage. Sir, it was reserved to Henry IV. to discover the real poverty and weakness of his country. He saw that it was a mere dependant upon the industry and enterprise of others, and he was determined to change the long established policy of his less intelligent predecessors. He encouraged the production of raw silk, which, like the cotton of the Southern States, soon afforded the most abundant supply. He procured manufacturers from Milan, established them in France, and gave them protection and the most liberal rewards. The result afforded demonstration of the wisdom of his measures. In a few years his people supplied themselves with those fabrics of silk which had been procured from abroad at the most ruinous expense. She was immediately the successful rival of the Italians in foreign markets. Henry also extended his protecting hand to the manufacture of linens with equal success. A rapid and beneficial change in the condition of France was every where perceived. Her agriculture was improved, her commerce was extended, and the great mass of the people enjoyed a state of prosperity to which they had ever been strangers. If history is entitled to the least credit; if its page is not darkened with falsehoods, France gained more solid benefits during twenty years of Henry's reign than she had for ages before. He has ever been

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hailed as the Father of his nation; as the most enlightened statesman France ever produced; as an example of wisdom which has never been excelled by any crowned head of Europe.

I shall now, sir, refer to another period of the history of France. It is full of instruction on this point. I mean the age of Louis XIV. France still continued to receive woollens, and many other fabrics, from abroad. The benefits she had received, from the policy of Henry, pointed out a luminous path to national prosperity. The culture of silk had succeeded. Its manufacture, in all its branches, had surmounted every difficulty. The productions of linen and many others gave a triumph to that wisdom which brought them into existence. Louis, aided by the sagacity and intelligence of Colbert, of men whose counsels were the admiration, as well as the dread of Europe, was determined to pursue with zeal a policy from which his nation had already gained such decisive advantages. France had no manufacture of woollens to any amount. The manufacture of broad cloths was of the first importance. Louis did not wait for his people to begin an unaided experiment. He did not wait until he saw them struggling with a competition which they could not withstand. His policy extended to every thing valuable to his people, for their own use and consumption, or foreign commerce. He did not believe that regulations could only transfer wealth from hand to hand, enriching one class only by impoverishing others. He may be said to have created the manufacture of broad cloths. He gave liberal bounties to artists. He laid heavy duties on rival fabrics, and, finally, entire prohibition. On an occasion of national sorrow and mourning, the fashion of the day required the use of certain articles produced by England alone. He issued his mandate against the laws of fashion, and required that French fabrics should be used in preference to all others. In a short period the French manufactures excluded those of England and Netherlands from the valuable markets of the Levant.

The Dutch had the coasting trade of France in their hands. By a moderate bounty on French vessels these foreigners were compelled to retire, and the navigation of the country was instantly sufficient.

Cotton goods were introduced from India. Their use had become extensive. As soon as the raw material was procured, the foreign fabric was at once prohibited. The manufacture instantly sprang into existence. A supply was readily created for domestic use, and for exportation. We have seen the same effect produced in the United States, from the protection afforded to coarser cottons.

France was, at this time, advancing before every nation of Europe. Her agriculture was flourishing. Her commerce was extended. Her manufactures were unrivalled. The interior of the country was every day rising into importance. Cities, towns, and villages, were every where improving. The arts and sciences progressed with unparalleled rapidity, and gave their splendid embellishments to the character of the nation.

It is true, sir, that the mad ambition and wild fanaticism of Louis, plunged his nation into the greatest difficulties. His bloody and extravagant wars would have ruined any other nation. The shameful revocation of the edict of Nantes, it is said, drove eight hundred thousand of his best subjects into foreign countries. Notwithstanding, France adhered to her policy. She soon regained that prosperity which had been interrupted by temporary weakness and folly.

Permit me, sir, to call the attention of the Committee to some further illustrations of the effects of that policy, of which I am an humble advocate. English fabrics, as well as the agricultural productions of England, were excluded from France. Yet England remained under the dominion of French fashions. She continued to take from France a great amount of merchandise. The effects were allowed to be the most disastrous. Her writers inform us that the distress and embarrassments of the people of England were great and universal. They were felt by all classes employed either in agriculture, commerce, or manufactures. Coin disappeared, and there was a general stagnation of every kind of business. We are told that a balance of two millions sterling was ascertained to exist against her in favor of France. The English Government felt the wretched consequences of this trade. It was prohibited for three years. This prohibition was attended with the most salutary benefits. England instantly felt the revival of all the various branches of industry. The three years' prohibition expired. England was suddenly inundated with French manufactures. We are again informed that, in a period of three years, the balance against England was about five millions sterling. We are told by the witnesses of these events, that the trade with France, if suffered to continue, would have completely beggared England. England again prohibited that trade, and again that policy was triumphant. France continued to pursue the course pointed out by Henry and Louis. In 1781, Mr. Neckar says, her exports were three hundred millions of livres; her imports two hundred and twenty millions, which gave her a balance of eighty millions. He estimated the coin in circulation at eighty-seven millions of pounds sterling.

I will now make a brief reference to the policy of England. No very decisive and permanent protection had been given to her manufactures, until the time of Elizabeth. That distinguished princess, celebrated as one of the ablest rulers that ever sat upon a British throne, had the sagacity to see, and the firmness to maintain, the solid interests of her people. She was not blind to the causes of the wealth and power of Netherlands. The example was not suffered to escape her notice. The artisans of that country were decidedly superior to her own. The English had, for a great length of time, sent their woollen cloths abroad to be finished. This was prohibited, and soon the English could equal, if not surpass their neighbors, to whom they had been inferior. Elizabeth prohibited, from time to time, all such fabrics as her own people could produce. The

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result was invariable. British workmen never failed to furnish a supply. That nation never made such advances to opulence and power as during her reign. The agriculture, the commerce, and manufactures of England, all were indebted for their prosperity to her guardian care. Elizabeth is placed by historians, orators, and poets, at the head of British sovereigns. Her reputation for talents and wisdom are the constant pride of Englishmen. Sir, by what means did she ascend to that elevated rank? Because she gave wealth and power to her nation. And how was this accomplished? It was by making England dependent on England alone, as far as nature would allow. It was by throwing off a servile dependence on Italy, Netherlands, and France, for those supplies, which her own people could produce within themselves.

The coasting trade of England, like that of France, was carried on, almost wholly, by Dutch vessels, for several centuries. We are told that five or six hundred Dutch ships were engaged in the trade between Netherlands and England, and not more than fifty English. The English Government well knew that its navigation would always remain contemptible, unless it was aided. The Dutch, having numberless vessels and ample capital, competition could not be sustained against them. Protection was afforded, and the English instantly rivaled their enterprising neighbors. The United States imitated that example, and our navigation has been equally successful.

After Elizabeth, French politics and French fashions gained ground in England. A relaxation of the policy, so triumphantly pursued by that Princess, was allowed to take place. The ruinous effects to England have been already mentioned, and also the measures adopted to save that nation from the fatal consequences of an open and unrestrained trade with France.

Sir, England gave protection to the manufacture of silk. This, of itself, would seem to give conclusive evidence of the benefits produced by attention to manufactures. Of all countries, England must have been the most unfavorable to this branch of industry. Some have doubted whether the efforts of Government to maintain and protect it, under the greatest discouragements, were compatible with its best interests. But Government persevered. The English advanced in skill with a steady pace, and were successful. They could meet the Italians with superior fabrics and undersell them in their own markets. This manufacture is now in the most flourishing condition. It gives employment to multitudes of people, and is a source of wealth to the nation. It has amply repaid the price of the fostering care and unshaken protection it has received. In 1822, England imported raw silk to the value of nine hundred and thirty thousand pounds sterling. For 1823, the importation is estimated at more than a million. The value of silk manufactures is supposed to be above fifty millions of dollars for a single year, a sum nearly equal to all the exports of agricultural products from the United States for the same period of time.

Sir, the attention of the Committee is asked to a further development of the policy of England towards other nations. It is most clearly exhibited in her conduct relating to this country, when her colonies. That conduct is so frankly and honestly expressed in the treatise of Mr. Gee on English trade and manufactures, that his language shall be used. He was a distinguished merchant, and seems fully to understand the subject. As evidence of the weight of his opinions, his Government adopted several of the measures which he recommended. The work to which I have alluded was written about 1730. Speaking of the American colonies, he observes—"Now, as people have been filled with fears, that the colonies, if encouraged to raise the rough materials, would set up for themselves, a little regulation would remove all those jealousies out of the way; for then our merchants and manufacturers would find it their interest to promote and assist them in raising those materials which might prove so much to their and our material benefit." Again he says, "its encouragement is given for raising hemp, flax, &c., doubtless they will soon begin to manufacture, if not prevented; therefore, to stop the progress of any such manufacture, it is proposed that no weaver there shall have liberty to set up any looms, without first registering, at an office kept for that purpose, his name and place of abode," &c. Speaking of the manufacture of nails, he says: "It is proposed they shall, for the time to come, never erect the manufacturing of any, under the size of a two shilling nail, horse-shoe nails excepted; that all slitting mills and engines for drawing wire or weaving stockings be put down." Again: "That all negroes shall be prohibited from weaving either linen or wool, &c. This limitation will not abridge the planters of any privilege they now enjoy; on the contrary, it will turn their industry to promoting and raising those rough materials." Again he says—"New England and the Northern colonies have not commodities and products enough to send us in return for purchasing their necessary clothing, &c., but are under very great difficulties, and therefore any ordinary sort sells well with them, and when they are grown out of fashion with us, they are new-fashioned enough there, and therefore those places are the great markets we have to dispose of such goods." This, sir, is plain, honest dealing.

As the writer recommended, the colonial governors were directed to perform the duty of spies, and report to the Government the progress of the colonists in manufactures. It was ascertained that they exported hats to the Spanish main. This was at once prohibited. The manufacture itself, for domestic use, was embarrassed with the most despotic regulations. Every species of manufacture was discouraged by the art or force of the mother country. This was English policy in 1732; it is the same to-day. It will continue to be the same while England exists. No efforts will be wanting to preserve what she has so long struggled to acquire. It is true, sir, she cannot

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control us by her power, yet she seems able to accomplish her object by other means. When the domestic manufacture makes its appearance in our markets, unless it be some one which has adequate protection, they are instantly inundated from abroad, with a similar kind. Goods of inferior quality, out of fashion in other countries, are good enough for us. Auction sales augment the evil. The domestic manufacturer, who has had the enterprise to begin, has the misfortune of being sacrificed by foreign competition. When the prosperity of England is so dependent upon her manufactures, who can be so blind, sir, as to suppose she can be regardless of the policy of other nations? Whether we shall continue to submit from necessity or interest to a system, which, as colonies, we were compelled to endure, is now to be decided.

Sir, let me ask the indulgence of the Committee while a brief notice is taken of the policy of Germany and Russia. From the formation of the Hanseatic league, about 1240, to the beginning of the eighteenth century, Russia was wholly dependent on those nations which had engaged in manufactures. Germany was nearly in the same condition. They exchanged their raw materials, naval stores, and other rude productions, for the valuable fabrics of Italy, Netherlands, and, for a time, of England. Peter the Great, of Russia, was sensible that his people had made no progress in the arts of civilized life. His country was poor, dependent, and barbarous. He was determined to learn the cause why others were improving in wealth and power, while his was stationary. He descended from the throne of the Czars, and travelled through those countries most distinguished for their prosperity. He observed, with the eye of an intelligent ruler and profound statesman, the causes of that prosperity. He returned to his dominions and laid the deep foundations of their greatness. He introduced manufactures. He turned the attention of his people to new employments. He promoted the internal commerce of his country. He encouraged the arts of civilized life. He endeavored to make Russia dependent on Russia alone. He lived to see the success of his exertions, and his country introduced into the family of civilized nations.

His system of policy has been pursued, with little deviation, until the late pacification of Europe. The restrictions upon commerce had become odious. They were associated with the memory of their grand enemy, Napoleon. The allied monarchs agreed to open the door which had been shut against free commerce. This gave a momentary triumph to the doctrines of modern political economists. It was a still greater one to those nations which wanted a market for their manufactures. The Emperor of Russia adopted the tariff of 1820 to fulfil his engagements. He allowed Russia to become a market for the merchandise of his neighbors. The effects he describes in his manifesto of March, 1823, to which I will refer. He says, "the necessity of giving to commercial relations a more free scope had been felt at Vienna in 1815, &c. It was, therefore, from a cir-

culatation exempt from restraint, and the facility afforded by reciprocal exchanges, that almost all Governments, at first, resolved to seek the means of repairing the evil which Europe had been doomed to suffer. But experience, and more correct calculations, because they were made from certain data, &c., forced them soon to adhere to the prohibiting system. England preserved hers. Austria remained faithful to the rule she had laid down to guard herself against the rivalry of foreign industry. France, with the same views, adopted the most rigorous measures of precaution. And Prussia published a new tariff in October last, which proves that she found it impossible not to follow the example of the rest of Europe." He further tells us what evils Russia experienced. "Agriculture without a market, industry without protection, languish and decline. Specie is exported, and the most solid commercial houses are shaken. The public prosperity would soon feel the wound inflicted on private fortunes, if new regulations did not promptly change the actual state of affairs." The tariff of 1823 was adopted, by which ample and decisive protection is given to the agriculture and manufactures of his dominions. Such is the lesson taught by experience, the ablest of all instructors. It is a complete refutation of the assertion confidently made, and widely circulated, that the greatest statesmen of Europe, after a long trial, are openly acknowledging the incorrectness of restrictive systems.

The policy of Germany has been described by that of Russia. It is distinguished by the same causes, and has produced the same effects.

Permit me, sir, to inquire, what would have been the condition of France, had she continued dependent on Italy for silks, and on the Netherlands for woollens and linens? Suppose England had never checked her trade with France, and left the industry of her people to regulate itself, would she have been the gainer? Suppose Russia and Germany had remained dependent on Italy, France and Holland, what would have been their condition at the present day?

But, sir, we are told that the United States are agricultural, and that the friends of the bill are aiming a fatal shaft at that great and primary interest. To meet this accusation, so often made, and so vehemently urged, I shall refer again to the experience of other nations. When was the agriculture of Italy the most flourishing? It was when her manufactures were the most prosperous. When was the agriculture of Netherlands in the best condition? It was when her manufactures approached the nearest to perfection. Compare the agriculture of these countries, in the thirteenth and fourteenth centuries, with that of England, France, and Germany. Compare the agriculture of France, under Louis XIV, with its state before Henry IV. Compare the condition of agriculture, in England, at the death of Elizabeth, with its appearances previous to her reign. Also, compare the agriculture of England and France with that of Spain, for a century past. The conclusion is irresistible, that agriculture never made

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but little progress when manufactures were neglected. The evidence is beyond contradiction, that agriculture was always prosperous when manufactures were decidedly protected. With them are ever associated industry, wealth, and power, the arts, sciences, and civilization.

With manufactures, is connected another subject of incalculable importance—that of internal commerce. Independent of its security when the world is agitated by wars and revolutions, it contributes, more than foreign trade, to the improvement of a nation. Foreign merchandise first arrives at some commercial mart, on the seaboard. It is sent directly through the great channels of communication to the interior. Domestic commerce is not only carried on through the same channels, but in every lateral direction. It is this kind of commerce which brings every portion of an extended country together. It gives uniformity to feelings, habits, and manners. It promotes harmony among the people, for it blends together all their different interests, and gives solidity to their national character. This commerce will be increased in proportion to domestic supplies. The iron, the salt, the cotton, the hemp, and all the various productions of the country, will be distributed and exchanged. This is also illustrated by the increasing intercourse between the North and South, since manufactures have been established. The distant part of the country from which I come, the town in which I reside, have already exchanged productions with South Carolina and Georgia.

In a political point of view, domestic commerce is also important. It will be exclusively conducted by Americans. Foreign commerce is generally accompanied by a host of strangers, who seldom fail to bring, with their merchandise, a decided hostility to our institutions.

I shall proceed, sir, to answer some of the objections which are made against the proposed measure. We are told that it will discourage foreign commerce; our navigation will be injured; our seamen will be driven from their element, and that great arm of our national defence, the Navy, will be annihilated. Sir, on what does our Navy depend? As was well said by the honorable gentleman from New York, (Mr. MARTINDALE,) give the nation the means, and a Navy can be created. On what does it depend for its seamen? Partly on the fisheries. These will not be injured by the proposed policy. They will be promoted, by enabling the people of the interior to furnish supplies, such as hemp from the West, and iron from the North, in exchange for the products of the fisheries. Now they can purchase silks from Canton as easily as fish from Newfoundland. The market abroad will not be injured. The coasting trade also furnishes its share of seamen. The more extensive this trade, the greater would be the number of seamen it could furnish. Nothing would give greater activity to this branch of employment than the encouragement of manufactures, which would be distributed through every part of the Union, along the seaboard. But it is said that the decrease of foreign commerce would

diminish their numbers. We might send fewer ships to Russia and Sweden—perhaps to France and England. This is not to be dreaded. The interior trade will be doubly augmented. Our rivers and lakes afford unequalled facilities for internal trade and navigation. They will not remain long unimproved, if the Government will but lend its aid to the industry and enterprise of the people. It is but a few years since England improved her inland navigation. Her advantages must sink into insignificance compared with what nature has bestowed on the United States. Yet we are informed, by her ablest writers, that the interior commerce and navigation of England already rival the exterior in the production of seamen for the royal navy, and merchant vessels. Sir, if such are the effects of inland navigation in that country, what may not be expected in this? By pursuing a policy which would give life and activity to our interior commerce, we should soon see our rivers, and canals, and inland seas alive with our navigation. Our seamen would find full employment. In time of war we should not be required to send our seamen from the seaboard to maintain the honor of our flag on the lakes. They would there be found ready to defend our frontiers and their own homes.

Again, sir, we are told that the mercantile interest will be ruined by giving the proposed aid to manufactures. The employment of the merchant is in the exchange and distribution of the products of labor throughout the community. It is strange, indeed, that he should be injured by increasing the wealth and prosperity of the nation; that his interests flourish only in the poverty, misery, and embarrassments of the people. There must be a supply for the wants of a country. It is no more a change of employment or of capital to purchase iron from the forges of Vermont or Pennsylvania, than there is in opening a new trade with other nations, or re-shipping merchandise to other markets, which our own do not require. In time of war, or hostile policy of other countries, no business is more hazardous than foreign trade—none safer than the domestic.

We are charged with pursuing a policy which will be ruinous to the noble art of ship building. There is no ground, sir, for this accusation. Ship building has ever been favored and protected by the people. The agricultural part of the nation has always been firm and faithful to its interest. I cannot concur with the honorable member from New York (Mr. CAMBRELENG) when he stated, the other day, that the only encouragement given to American navigation, was a higher duty imposed on merchandise imported in foreign vessels, than on merchandise imported in our own. It seems to me, sir, that he has entirely mistaken the character of our navigation laws. Was the discriminating duty on foreign tonnage nothing? Was the duty of fifty cents per ton on foreign vessels, payable at every entry, while but six cents per ton was required but once a year on our own, nothing? (Mr. CAMBRELENG requested to make a remark. He still considered the discriminating duty laid on merchandise imported in foreign ves-

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sels, to be the only substantial protection given to our shipping. The duty upon foreign vessels engaged in our coasting trade, he considered so insignificant as not to be worthy of observation.]

Mr. M. said he was very sorry if he had called the attention of the Committee to an insignificant subject. Having bestowed some attention to the history of our navigation laws, he would present a few observations, and leave the Committee to judge between the honorable gentleman and himself. In 1793, the shipping of the United States was not sufficient for our trade. By some it was estimated that we had not one-fourth of the tonnage required. I now call the attention of the Committee to the act of 1789. It provides that, on ships and vessels entered in the United States, if wholly owned by American citizens, a duty shall be paid of six cents per ton. On ships and vessels, wholly owned by foreigners, fifty cents per ton. On American vessels engaged in the coasting trade, six cents per ton, payable once a year. On foreign vessels, carrying American produce from one of our ports to another, fifty cents a ton, payable at each entry. By the act of 1790, foreign vessels engaged in our coasting trade, were subject to a duty of fifty cents a ton on each entry whether they transported foreign or domestic goods and merchandise. Here, sir, is that insignificant protection to our navigation which was so far beneath the notice of the gentleman from New York. The first Congress was composed of the ablest statesmen of the Union. If the honorable gentleman will take the trouble to examine the proceedings of that body, he will find that the law referred to was adopted for the express purpose of creating and protecting American navigation, most especially that part employed in the coasting trade. It was considered an all important measure by which that great object could be accomplished. While supported by such facts, and by the authority of such men, I have but little to fear from a decision of this Committee. I shall leave to the honorable gentleman from New York the distinguished satisfaction of being the first to discover the insignificance of that policy which Mr. Madison and his associates, the most enlightened statesmen of the age, considered of the most vital importance to the country. Sir, let me repeat that our navigation has always been cherished by every American. It is the favorite of the nation. It will not be surrendered. If the present measure should be adopted, and prove injurious in its operation, an instant remedy will be applied. It will be protected. The power of the nation will come to its aid on the least appearance of danger.

Those opposed to the bill, Mr. Chairman, express the most fearful apprehensions that foreign nations would exclude our productions from their markets, if we should diminish the importation of theirs. What more can they do? What does the agriculture of the Middle and Northern States now furnish, and where is it sent? Permit me to refer to the official statements of our commercial affairs. Let us have a practical commentary on that noble system of unrestricted trade, which it

is said we are about to annihilate. Let us see how generous and liberal those nations are which may be affected by the measure under consideration. In 1822, we exported beef, tallow, hides, and horned cattle to the value of \$840,000. We sent across the Atlantic, of this amount - 142,000. Butter and cheese were exported to the value of - 220,000. Sent across the Atlantic - 6,000. Pork, hams, bacon, and lard, exported 1,357,000. Sent across the Atlantic - 40,000. Flour exported - 5,100,000. Sent across the Atlantic - 473,000. Of this, we sent \$127,000 to Madeira, and \$145,000 to Gibraltar, probably for the use of Spain.

Tallow candles and soap - \$788,000. Sent across the Atlantic, less than - 20,000. Even the fisheries, for whose prosperity so much solicitude is constantly expressed, cannot boast of a very distinguished transatlantic favor. For the year 1822, the value of dried and smoked fish exported was \$666,000. Of this, Europe received less than 37,000. Yet the farmers of three-fourths of the Union are told, by those engaged in foreign commerce, to be careful—to be prudent, or they will meet with a dreadful retaliation! This is a proud state of independence. When foreign nations have done their utmost, we must still prostrate ourselves before them, and beg no further exercise of their power. Each European nation consults its own interests, regardless of other consequences. The United States are fearful of pursuing their interests, lest they should incur the displeasure of others.

The West Indies and South America afford the only markets for the productions which have been mentioned. Out of this trade, we must supply ourselves with the commodities which they afford, and the remainder is converted into funds to meet the balance against us in other countries; to give employment to foreigners; to give activity to industry abroad, while ours is neglected. English West Indies now stand on the brink of ruin. Spain dare not interfere with the trade of Cuba. South America controls her own markets.

Another very serious objection is raised, to which I will call the attention of the Committee. We are told that England will exclude the cotton of the Southern States. I admit gentlemen from that section of country well understand and ably maintain its interests. With the greatest deference and respect to their opinions, allow me, sir, to offer some observations for the consideration of the Committee. What has ever been the policy of England, in relation to raw materials, which she could not produce, and which her principal manufactures required? On these she never imposed any discouraging burdens, unless to aid her own agriculture. She never excluded the raw silk of Italy, let the balance of trade be ever so great against her; she never excluded the iron and hemp of Russia, whatever might be the condition of trade with that country. Her manufactures demanded these materials, and they were

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always received. Allow me, sir, to state the condition of the cotton manufactures of England. I assert, upon the authority of the most authentic exposé of English affairs for 1823, that the manufacture of cotton alone is equal in value to all the other manufactures of that kingdom.

She exported, in cotton goods, in 1820, the value of £16,000,000 sterling; in 1821, to the amount of £20,500,000; in 1822, to the amount of £21,600,000; in 1823, at the time of the publication of that exposé, the manufacture was still rapidly advancing. To this amount must be added the quantity required for home consumption. It is supposed that the whole value will exceed \$160,000,000. We do not receive a twentieth of what is manufactured in that country. The entire loss of this part of our trade would be scarcely felt by England; yet, it is confidently said, she would reject our cotton. She would encourage its growth in the West Indies, in Egypt, and Brazil.

I present to the Committee a brief statement of cotton imported into England for several periods, and the countries from which it was received:

	<i>Bales of American.</i>	<i>Brazil.</i>	<i>All other.</i>
In 1802	107,000	74,000	99,000
1803	106,000	76,000	56,000
1814	48,000	150,000	88,000
1815	103,000	91,000	75,000
1816	166,000	123,000	80,000
1821	283,000	—	—
1822	375,000	—	—
1823	448,000	119,000	67,000

I have not been able to procure a statement of the quantity of Brazils and other cottons for 1821 and 1822. The greatest quantity of Brazils was in 1814, when ours was excluded in part by the war. Since that time the cotton of that country has declined. In all others, except American, there has been but little alteration. Ours has rapidly augmented. We receive not more than one twentieth of the cotton fabrics produced in England, while she receives from us nearly two-thirds of the raw material. The culture of cotton is not increasing to any dangerous extent in Brazil or Egypt, or in the English colonies. Is England so regardless of her interests as to close her ports against us and depend upon other countries, which it is certain cannot afford a supply? The very idea would shake the British empire to its centre. It is true, sir, that England will receive this great staple only while her interests will be promoted. The comparatively trifling amount of cotton goods we receive is a matter of secondary importance to her. But, whether we take her manufactures or not, whenever she can procure cotton on better terms from any other country, ours will be at once rejected. Her friendship or compassion is but little concerned in her policy or interest.

If, sir, there is any danger that England may exclude it, is the domestic market to be disregarded? If it must share the fate of the beef, pork, and flour, of other countries, ought we not to be prepared for the event? About two-thirds as much is annually consumed in the United States as was exported in each of the years 1815, 1816,

and 1817. We have advanced faster in the manufacture of this article than the Southern States did in the production. It seems to me that this is deserving of consideration.

Here, sir, permit me to observe, that the honorable gentleman from New York (Mr. CAMBRELENG) was mistaken, when he spoke of the discouragement of the cotton manufacture in England; that we had given it a greater protection already. India first furnished Europe with cotton fabrics. When the raw material could be procured, the manufacture was introduced into England. In 1699, the white cotton goods of India were prohibited entirely. In 1721, the printed cottons were also excluded. I misunderstand the effect of prohibition, if we have given equal protection. France did the same as early as 1687. It is long since that England and France have surpassed the Eastern fabric. This country has made more rapid progress in this kind of manufacture than either, as far as it has received protection. In turn, we may become the successful competitors of those nations in the markets which they command by their present industry and skill.

The inquiry is often made, why do manufactures produce these great results in a country which gives them encouragement? They give an enlarged field for the exercise of the moral and physical energies of a people. They furnish employment adapted to their various inclinations, tastes, and talents. They are associated with all the useful arts and sciences. They afford, also, the immense advantages of machinery. We have been told that the machinery employed in Great Britain performs the labor of two hundred millions of people. On the other hand agriculture is chiefly conducted by manual industry. The labor of a thousand of our citizens on their farms would perhaps be of much less value than the product of a single machine in France or England.

Sir, manufactures give a steady and solid value to the landed property of a country. While we are dependent upon foreign markets, foreign nations may affect, if not determine, the value of every acre of land in the Union. A domestic market will always be safe and permanent. The price of our lands, except in the immediate vicinity of populous towns or navigable waters, is literally reduced to nothing. The ordinary produce of agriculture is heavy and bulky, in proportion to its value. Its cost of transportation to market, leaves no balance to the producer. By establishing manufactures of hemp, iron, wool, and cotton, in all their various branches, you give a demand for additional productions. The labor of the nation is divided. Climate and soil are consulted. Employment has a greater selection of objects. The raw materials are changed, by art and labor, into forms required for use. A supply would be furnished for the surrounding country, and the rest would be sent, with trifling expense, to some common market, and exchanged for the productions of other sections of country. Iron would be given for salt, cloths for cotton, hemp for fish, all that was surplus in one part, for what was to spare in another. Manufactures would, therefore, equal-

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ize the value of property throughout the country, and be advantageous to every portion of it.

Sir, the interior of the country has long suffered from a deficient circulating medium. Property is not represented by a steady currency. Our good citizens desire the ordinary comforts of civilized life. They resort to credit to procure them, and depend upon the fruits of their industry for payment. A constantly declining market brings continued disappointment. What little money may have found its way into the country, is instantly taken out of circulation, and returned to the commercial cities. By increasing manufactures, we shall purchase less from abroad, and augment the means of payment at home.

To give us a little consolation, we are informed that the smaller the amount of money in circulation, the more it will buy. This might be true, if it regulated the price of every article required for consumption. It is true, as to beef and flour, in Vermont and Kentucky, but it is not so, as to foreign articles. The price of sugars, teas, and coffee, would experience but little change, whatever might be the amount of money in circulation in Ohio or Tennessee.

Sir, it is often asserted as a maxim of political economy, that we should buy where we can buy the cheapest. This, I admit, is very captivating doctrine. But I will venture to assert another rule, much safer, and equally intelligible: it is, that we should buy where we can pay the easiest. I believe, upon a moment's reflection, all will admit that the best purchase of an article which is wanted, is when the payment is the most conveniently and easily made. Manufactories distributed through the country, would afford this advantage in a great degree. As has been repeatedly observed, there would be a new market for the raw materials. The farmer would be more frequently enabled to make ready payment in the produce of his land. He would avoid credit, and be free from the dangers of being compelled to change his property into money. If there is a greater nominal value in the article purchased, so there generally will be in the article sold. The great advantage is being able readily to exchange what you have for what you want. This may not be compatible with the rigid rules of cash dealings, but is applicable to the course of business among the great mass of the people.

But, sir, we are repeatedly asked, do you expect to make the people rich by legislation? Do they not understand their own business and interests? Are they not competent to decide what employment is the most profitable? Under an existing state of things, they undoubtedly are. It is also true, that they will adapt their labor and industry to the policy which their Government may pursue. But, it cannot be denied, that the employment of the people of one nation has more or less relation to, and dependence on, the employment of the people of another. It is only by the agency of one Government that the policy of another can be resisted. The people, in their individual capacity, cannot produce the effect. I fully admit, sir, that the people of the United States well understand

their own interests; and they as well understand the duty of their Government also. They knew the benefits which the protection of our navigation would produce. It was the Government alone which could give that protection. They knew that encouragement should be given to the fisheries, and it was given. They demanded that protection should be given to coarse cottons. It was given; and the result proves that they understood their interests. The merchants know, that duties upon sales at auction are necessary, to protect their employment. I hope, sir, that their application to Government will not be in vain. I hope, also, that the people of the interior may be allowed to have some knowledge of what might prove advantageous to them. They do know; and millions have asked and implored, in language which would move the heart of Nero, for the aid of their Government. They do know, that their interests would be promoted by a decisive protection of their industry.

Sir, another objection to the present measure is presented. The memorial of the citizens of Boston tells us, "the burden occasioned by most of the particular duties recommended, would fall on all the community, but chiefly on those least able to bear it. In this country, the poor man, personally, consumes nearly as much tea, coffee, and sugar, as the rich; and, though his clothing is not so fine, yet its cost constitutes a much greater proportion of his whole expenses. Besides, this new tariff is so nicely adjusted as to lay a far heavier impost on coarse cottons and linens, than on those of a finer texture." I am not disposed to call in question the philanthropy of the people of that city. It certainly is gratifying to learn that so large a share of the comforts of life fall to the poorer classes in that section of our country. It would afford as much satisfaction to see those of the interior in the enjoyment of equal blessings. But, sir, how should manufactures be first introduced in a country like ours? Is it by giving the first encouragement to the finest and most perfect fabrics, because they are consumed by the rich? Are we to expect the highest skill at once? It is impossible. It is strange that any friend to manufactures should recommend such a course. The first efforts of manufacturing skill have been properly directed to coarse and common fabrics. It would be the extreme of folly for our Government to introduce the manufacture of fine broadcloths and cambrics, before the country could produce the plainest cottons and woollens. Have the poor no equivalent, even should there be a momentary advance of price on the articles which they consumed. They certainly have that equivalent in the increased demand for the labor of themselves and families. They will be enabled more generally to procure the necessaries and conveniences of life. Our experience already gives demonstration of the correctness of this assertion.

Again, the memorial to which I have alluded observes that, "if they are manufactures of materials raised by us, and we might, by prohibiting their importation, make them ourselves at a higher price than they actually cost us, is it not equal-

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ly true that, if the hostility of the nation which supplies us, or any other cause, should prevent their importation hereafter, we may make them at the same additional expense, then? And why should we assume a burden now, because it may fall on us hereafter?" Can manufactures, sir, be introduced in a moment? Are they to have no protection but the hostility of other nations, and that protection to end when that hostility ceases? Deplorable, indeed, must be the condition of a country governed by such policy. Who will venture their capital? What would be the value of skill? It seems to me that such opinions contain their own refutation.

While one object of the bill is to enlarge the amount of manufactures, another, equally important, is to protect those which already exist. A great proportion of our people engaged, have small capital. Yet, to many, the present encouragement, with a steady market, would be sufficient. They want the advantage of regular and frequent sales. The foreign manufacturer is aware of this. His capital is immense. He is able to fill our market when he pleases, although at a present sacrifice. The domestic manufacturer is interrupted in his business, and perhaps ruined, when regular and reasonable prices would have given a safe and satisfactory profit. It is not a fair course of dealing that is embarrassing, but a kind of speculation which can be sustained by the foreign manufacturer, but which the domestic is unable to meet. When the last is driven away, the other is able to make good any temporary sacrifice. There may be some manufactures which will advance in price for the moment, but competition will soon reduce them to a proper level. Experience has ever proved the absolute certainty of this. A trifling augmentation of value, for a limited time, is at once overwhelmed by considerations of national advantage, which I have endeavored to illustrate.

The importance of the article of iron is admitted on every side. Whether in peace or war, it is of the first necessity. To depend on foreign nations for this, is too dangerous to our safety, and too degrading to our character. The country around Lake Champlain in New York and Vermont contains inexhaustible mines of the richest quality. Other parts of the Union also possess them. If once protected, the most abundant supply of iron would be produced. The country where they exist in the greatest abundance, is generally sterile, mountainous, and of little value in its present condition. With few exceptions, the manufacturer is prostrate beyond redemption, unless the aid of Government is afforded. From the counties of Essex and Clinton, in New York, we have a statement of their number and condition. There are between thirty and forty forges, which could produce nearly four thousand tons per annum. They now produce about one thousand. There are numerous manufactories for rolling and slitting and making nails. But foreign competition has rendered them almost useless. There are many in Vermont which have gone to decay and ruin, or preserve a lingering, doubtful

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existence. Some, on a very limited scale, in the neighborhood of populous settlements, having particular advantages, may afford a moderate profit. But a great proportion in that State and in the Union, are sinking under the pressure of foreign rivalry. We imported forty thousand tons for the last year. The amount will continually increase unless Government interferes. The value in our own ports, exclusive of duties, must be, at least, two millions and a half of dollars. This is furnished by Russia, Sweden, and England.

Look, sir, at our trade with those countries. In 1822, we took of Russia, in iron, hemp, and other merchandise, to the amount of \$3,300,000. She received of us, our productions to the value of \$177,000. We took from Sweden, in the same year, of her productions, to the value of \$1,151,000. That country received from us \$180,000. England takes nothing of consequence produced by the Middle and Northern States. The balance must, of course, be paid in the profits of some other branch of commerce. Suppose, sir, a part of what we send abroad for iron should be expended in the United States. Suppose five hundred thousand dollars should be expended around the shores of Lake Champlain, the effects would be immense. It would cause an investment of capital to a vast amount. It would give profitable employment to thousands of people. The hidden riches of the earth would be drawn from its bosom, where they would otherwise lie useless for ages. Manufactures, of which this metal is the principal material, would at once spring into existence. The agriculture of the surrounding country would be revived and invigorated. Millions and millions in value would be added to sections of territory, which are now desolate, barren, and uncultivated—where wild beasts alone have undisputed dominion. The lake and connecting canals open the way to expanded markets. The products of the mines would be exchanged for the various commodities abroad, which the comforts and convenience of the people would require. The same advantages would also result to New Jersey, Pennsylvania, and every other State where this invaluable article could be produced. What sacrifice, sir, is required of any interest, commensurate with the benefits to be derived from a solid and decided protection of this important production?

The same reasons apply, sir, with equal force to other important manufactures, the raw materials of which, this country affords an abundance. The subject is exhaustless. I have trespassed upon the patience of the Committee too long already.

As to the revenue, it seems to me that no danger is to be feared. The Secretary of the Treasury has recommended a revision of the tariff, for the benefit of revenue and the aid it would give to the manufactures of the nation. The proposed augmentation of the duty to twenty-five per cent. on merchandise now paying fifteen, would add greatly to its amount. It would operate principally on the rich, and tend to equalize the burdens of supporting the Government between them and the poor. Cottons are generally

used by the latter, in the place of linens; and silks are not required by necessity.

It may be remarked, also, that the fine fabrics will but little diminish for years. The ability of the people to procure a greater amount of such commodities, as this country can never produce, will constantly improve. The demand for the consumption of these will continually increase with our rapidly increasing population.

I hope, sir, that the example of other nations will not be considered useless here. They may serve as a guide to our determination on this important subject. The reasons upon which they are founded, are clear and incontrovertible. Our experience had also proved the value of the aid already given to our manufactures. The earnest applications from almost every part of the country, for further assistance, must have an impressive influence on this Committee. I hope that the object of the motion now immediately under consideration, will be the last abandoned, and that the general provisions of the bill will receive the sanction of the Government.

When Mr. MALLARY had concluded—

On motion of Mr. BROWN, of Pennsylvania, the Committee then rose.

Mr. SLOANE, of Ohio, gave notice that, on Tuesday next, he should move that the House go into a Committee of the Whole on the contested election of a member from Massachusetts (Mr. BAILEY.)

The House then adjourned.

MONDAY, March 1.

DEATH OF MR. BALL.

As soon as the journal of Saturday was read, Mr. A. STEVENSON, of Virginia, rose, and addressed the House, as follows:

Mr. Speaker: I rise to perform a painful and melancholy duty. It is to announce the death of my friend and colleague, WILLIAM LEE BALL, a Representative from the State of Virginia. On yesterday, it pleased Almighty God to call him from this scene of suffering and trial to the abode of the blessed! The awful stillness and gloom which pervade this Hall, proclaim, more strongly than any effort of mine could do, the loss which we have sustained! In asking you to pay this last tribute to the memory and virtues of my deceased friend, what can I say to add to the strong and deep sympathy which is so generally and kindly manifested throughout this House? He was known to you all, and by all respected, esteemed, and beloved. I knew him well, for he was the early companion of my youth, and the friend of my manhood. There was nothing dazzling in his character, or shining in action, but his march through life was that of probity, honor, and virtue! He was characterized by a strong and noble mind; by generous and godlike feelings; by a kindness and simplicity of manner, and by a love and indulgence for his fellow men, which won the admiration and esteem of all who knew him. It might with truth be said of him, that he was without fear and reproach. Such was the man

whose loss we deplore, and whose spirit has fled forever! Peace to his ashes! and would to God it could have been so willed that they might have mingled with those of his fathers! I offer the following resolutions:

The House having been informed of the death of William Lee Ball, a Representative from the State of Virginia, and being deeply sensible of the loss of a man whose public and private virtues endeared him to all who knew him, and, being desirous to render a just tribute of respect to his memory—

Resolved, That a committee be appointed to take order for superintending his funeral.

Resolved, That the members of this House will testify their respect for the memory of William Lee Ball, by wearing crape on the left arm for the remainder of the session.

Resolved, That the members will attend the funeral of the late William Lee Ball, to-morrow morning, at 12 o'clock.

The resolves having been unanimously agreed to, the House adjourned.

TUESDAY, March 2.

The House met, and adjourned for the purpose of affording the members an opportunity to attend the funeral of the late WILLIAM LEE BALL.

WEDNESDAY, March 3.

Mr. McLANE, of Delaware, presented a memorial of the inhabitants of the town of New Castle, praying for an appropriation for the purpose of sinking an additional range of piers, for the security of the harbor of said town.

Mr. LONGFELLOW presented a memorial of sundry merchants and underwriters in the town of Portland, in the State of Maine, praying remuneration for losses sustained by spoliations upon their lawful commerce, by French cruisers, between the years 1793 and 1800, or that their right to claim the same from the Government of France, may be restored to them.—Referred to the Committee on Foreign Affairs.

Mr. VAN RENSSELAER presented a memorial of the American Board of Commissioners for Foreign Missions, containing the views of the said board upon the subject of the civilization and moral improvement, generally, of the Indian tribes within the limits of the territory of the United States, and stating, summarily, the proceedings which have been adopted by the said board, and by other boards, of different denominations, as well as of measures now in progress, for the benefit of said Indians; the success of their efforts, hitherto made, and the encouraging prospects as to the future; and soliciting such pecuniary aid from the Government of the United States, as, in the wisdom of Congress, it shall see fit to grant; which memorial was referred to the Committee on Indian Affairs.

The SPEAKER presented a memorial of the General Assembly of the State of North Carolina, praying Congress to make provision for satisfying, out of the lands ceded by that State to the United States, such claims as have been adjudged valid

by said State under the act of cession of 1789, and which have remained unsatisfied; which memorial was referred to a select committee, and Mr. BURTON, Mr. BLAIR, Mr. SAUNDERS, Mr. ALLEN of Tennessee, and Mr. BUCHANAN, were appointed the said committee.

The Committee of Ways and Means were discharged from the consideration of the memorial of the trustees of the Columbia College, in the District of Columbia, and leave was given to withdraw the same.

Mr. COOK, from the Committee on the Public Lands, reported a bill granting certain public lots to the cities of St. Augustine and Pensacola, which was read twice, and committed to a Committee of the Whole.

On motion of Mr. INGHAM, the Committee on the Judiciary were instructed to inquire into the expediency of fixing, by law, the fees proper to be allowed for the official duties performed in relation to naturalization of aliens.

On motion of Mr. RICHARD, of Michigan, the Committee on Roads and Canals were instructed to inquire into the expediency of reporting a bill to authorize the surveying and making a road from Detroit, or from Pontiac, in the county of Oakland, in the Territory of Michigan, to the Lake of Michigan or to Chicago.

The Message of the President of the United States, in relation to the observance in the Army of the rules and regulations compiled by General Scott, was referred to the select committee appointed on the 30th December last, upon a Message from the President in relation to the expenditures in the Ordnance Department.

Mr. SLOANE, from the Committee on Elections, who were instructed to inquire whether any members returned to serve in this House, were not, at the time of their election, inhabitants of the States from which they were respectively returned, made a report thereon, which was read, and committed to the Committee of the whole House to which is committed the report of the same committee in the case of John Bailey. The report is as follows:

The Committee of Elections report, that, in compliance with the instructions contained in the resolution of the House of the 25th of February, they have obtained from the Department of State certain documents in relation to John Forsyth, one of the members returned from the State of Georgia, which they ask leave to make a part of this report. From these documents, it appears that Mr. Forsyth was elected a member of the present Congress during the time of his residing near the Court of Spain, in the character of Minister Plenipotentiary from the United States. The committee are of opinion that there is nothing in Mr. Forsyth's case which disqualifies him from holding a seat in this House. The capacity in which he acted excludes the idea, that, by the performance of his duty abroad, he ceased to be an inhabitant of the United States; and, if so, inasmuch as he had no inhabitancy in any other part of the Union than Georgia, he must be considered as in the same situation as before the acceptance of the appointment. The committee respectfully ask leave to be discharged from the further consideration of the subject referred to them.

PARTRIDGE'S MILITARY ACADEMY.

Mr. HAMILTON, from the Committee on Military Affairs, to which the subject was referred, reported a bill to authorize the President of the United States to cause to be issued to Captain Alden Partridge, fixed ammunition, and for other purposes; accompanied by a detailed report upon the subject; which bill was read twice, and committed to a Committee of the Whole. The report is as follows:

The Committee on Military Affairs, to whom was referred a resolution, instructing it "to inquire into the expediency of authorizing the Secretary of War to permit the issue of ammunition to Captain Alden Partridge, Superintendent of the American Literary, Scientific, and Military Academy, for the improvement of the pupils of the said Academy in practical gunnery," beg leave to report:

That, in the consideration of this subject, they have felt that it was their duty to discuss the policy inseparably connected with the resolution; nor have they been unmindful of the necessity of instituting a proper inquiry into the merits of the Seminary, for which the proposed bounty is intended.

Your committee would deem it altogether superfluous, that they should at this moment enforce, by any argument of theirs, the utility of encouraging the diffusion of useful knowledge, or that they should insist on a position so indisputably true, that a government cannot employ its energies more beneficially, or act under a higher moral sanction, than by advancing the prosperity of institutions of learning. But the proposition submitted for their consideration, affects the country in one of its most interesting relations—its defence; and as such, it forms one of the most important objects of our notice and regard. If it be admitted, that the existence and dissemination of the knowledge of the military science, is perhaps more important to the ultimate defence of the country, than the continuance of a standing army in time of peace, the promotion of this sort of learning may well be called "the cheap defence of nations." The only inquiry would then seem to be, whether the Academy of Captain Partridge is subservient to these important purposes; and here your committee would rely on the fact, that this institution is founded on the basis of military subordination, and one of the primary branches of its course of instruction is the theory of the art of war, as far as it can be taught, in reference to its abstract principles.

It appears that, independently of the Superintendent, (a gentleman of acknowledged genius and distinguished attainments) who takes upon himself the instruction of his pupils in mathematics, natural and moral philosophy, and the military science, there are at this school the following professorships, each filled by a separate instructor: 1st, of Ethics and Belles Lettres; 2d, Geography and History; 3d, Chemistry; 4th, Practical Geometry and Topography; 5th, the Greek language; 6th, of the Latin language; 7th, of the French language. Organized as this institution is, your committee must regard it as a very essential auxiliary to the Academy at West Point, as the lesser tactics are taught by field exercises, together with castrametation, military surveying, and most of the duties incident to active service, in the presence of an enemy.

Out of one hundred and fifty students, now at Captain Partridge's Academy, there are eight officers

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of the Navy of the United States, on furlough, pursuing those studies which are indispensably connected with the duties of their profession; and among the rest of the pupils, there are several who are looking to the navy as their ultimate avocation, and whose names are registered on the list of applicants for appointments in that service.

Indeed, your committee think, without hitherto subjecting the Government to the cost of a cent, that Captain Partridge, by an enlightened public spirit, and ardent devotion to his present enterprise, is carrying into effect a portion of the admirable purposes of our own institution.

The value of the ammunition which, by the bill accompanying this report, is contemplated to be put at the disposal of Captain Partridge, it will be seen, will amount to \$450 for the first year; a little more than the annual expense of a cadet at West Point. When a sum so trifling is contrasted with advantages so obvious, when it is recollected that Captain Partridge could not procure the fixed ammunition (as facilities for its preparation are only to be found in arsenals) except at an expense much beyond the annexed estimate, and not at all, perhaps, without great inconvenience, your committee cannot but believe, that, in recommending the passage of the bill herewith reported, they are firmly sustained by the enlightened policy which dictated the establishment of the Military School at West Point, and by considerations which tend to justify the liberal application of national patronage and beneficence to the meritorious and useful objects of individual enterprise and exertion.

Your committee will not waste your time, or uselessly consume their own, by dwelling on the importance of lessons in practical gunnery to those on whom the future defence of this country may devolve. They cannot, however, refrain from offering one observation, which they think of some importance. Although many of the young men educated at Captain Partridge's Seminary may not be destined to obtain commissions in the Navy or regular Army of the United States, yet it is highly probable, from the military spirit and knowledge which they will thereby imbibe, that they will seek, in the militia of the several States, occasions for usefulness and distinction. In this department of the public service, a knowledge of practical gunnery is much wanted, nor could the General Government supply it more cheaply, (with the same degree of efficiency,) than by aiding its instruction at the fountain head of schools founded on a military basis.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. CONDIOT in the Chair,) on the bill "to amend the several acts laying duties on imports;" and the question still being on Mr. FULLER's motion, to strike out the duty of one dollar and twelve cents per cwt. on bar iron—the debate of Saturday was resumed.

Mr. BROWN, of Pennsylvania, opposed the motion to strike out, and advocated the duty in a speech abounding with the practical details of the subject, stated from his own knowledge and experience, as master and proprietor of extensive iron works, in that State.

Mr. BRECK, of Pennsylvania, looked upon it as an incontrovertible principle of political economy, that raw materials must be furnished cheap to the manufacturer, to enable him to sell cheap.

We have, said he, five or six articles admitted duty free, and the manufacturer of most of these not only supplies the home consumption, but is enabled to export largely. Thus, undressed furs being free, \$86,000 worth of hats were exported in 1822. Raw hides being likewise free, \$326,000 worth of leather shoes were exported that year, as well as 450,000 pounds of gunpowder, owing to the raw material being lightly dutied.

The friends of the bill to regulate the tariff, now under consideration, profess to have, for their main object, the protection of manufactures; and yet, almost every article required by the manufacturer is saddled with enormous duties. Even the very dye stuffs are heavily taxed. Indigo, of which 1,160,000 pounds were imported in 1822, is to be charged with an additional duty, for the ostensible purpose of encouraging that article in Carolina, although it is well known, to those who have occasion to use it, that its quality is so inferior that foreign indigo is universally preferred. Copperas, too, already paying a duty of one dollar per pound, is to be increased, although 16,000 pounds are annually wanted for our manufactures.

As regards the article of iron, Mr. B. supposed there might be about thirty or forty iron masters in Pennsylvania, and perhaps as many more in the other States. They cannot, even if admitted into the class of manufacturers, compare, numerically, as more than one to five hundred, with manufacturers, properly so called, if the smitheries be included. Iron, from the hand of the iron master, can be considered as nothing else than a raw material, and its price is now very nearly what it was thirty years ago. At that period, those who worked the ore became exceedingly rich; and the chief reason why their successors have not been equally fortunate, is, because their skill has not kept pace with the astonishing improvements made in Europe, in the smelting of the ore, and other processes connected with its conversion into bar, hoop, and sheet iron, nail rods, &c.

In England, thirty years ago, there were made only about 20,000 tons of iron, and now that country produces 300,000 tons; and it produces it at considerable less than half the cost of iron in America; the Liverpool price of bar iron being about \$36 per ton. The reason is, that the furnaces are kept in blast the whole year, instead of eight or nine months, as with us. There is a concentration too, of all the works necessary for hammering, slitting, rolling, casting, &c., which, with us, are scattered over the country. There, too, coal, at ten or eleven cents per bushel, is prepared for fuel. These facilities enable the manufacturer to send many articles of iron fabric to the American market, under a duty of twenty-four dollars per ton, with freight, &c., as cheap as our iron masters can afford to sell their bar iron here.

With regard to hemp, Mr. B. stated that the Legislature of Massachusetts had tried the effect of a bounty, in order to supersede the importation

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of that article; but it was soon relinquished, as a hopeless experiment. The error lies, perhaps, in the mode of rotting. Be it what it may, the proposed duty, which increases the \$30 dollars per ton now paid to \$44, will cause our ship owners to seek for cordage abroad; and as a proportional increase is to take place on canvass, our sailmakers, ropemakers, riggers, and other mechanics now employed about ship building, will be left unemployed, whilst those of Russia, and even England, will exclusively possess the advantage of equipping our merchantmen.

The effects of this monstrous bill, which touches upon nearly sixty millions of our imports, and seven millions and a half of our revenue, must be fatal to our navigation. All discriminating duties being abrogated, except with regard to Spain and Portugal, we find the tonnage, in our intercourse with European nations, to have increased, in the last three years, as follows:

In 1821	-	-	-	79,204 tons.
1822	-	-	-	100,541 "
1823	-	-	-	119,000 "

And in our intercourse with the single port of Liverpool, to have increased from 20,676 tons, in 1822, to 42,869 tons, in 1823. By which it appears that the British tonnage in our trade, with that port alone, has more than doubled in one year. What, then, I ask, is to become of the American tonnage, when, by this bill, you lay an additional duty upon iron, hemp, and sailcloth, which will augment the duties paid upon articles used to build a ship of 300 tons to eleven hundred dollars, instead of about six hundred now paid? Especially when unprotected, as our tonnage is, by the repeal of discriminating navigation laws, you deprive it, by prohibitory duties, of the freight of 32,000 tons of iron, 5,000 tons of hemp, and nearly 2,000,000 of pounds weight of raw wool.

These bulky articles will occupy 60,000 tons of shipping, which are equivalent to 200 ships of 300 tons each. Are we prepared to risk the non-employment of so many vessels—to embarrass, if not to ruin their owners; and this, too, at the moment that the foreign tonnage, equipped at less cost abroad, is so fast gaining possession of our export trade?

On the subject of foreign wool I will detain the Committee but a few moments. Imported wool comes from La Plata, Smyrna, Sweden, Denmark, and Germany. A great deal of it is of a coarser kind than any raised in the United States, and the remainder, indeed the whole, gives to the industry of the country the most advantageous employment. One of our most intelligent manufacturers has divided the wool imported in 1822 as follows:

Wool imported that year	-	-	-	1,733,426 lbs.
Cost in foreign countries, \$387,312; paid duty \$58,100; average cost 22 cents per pound.				
700,000 pounds superfine, 6 and 7 1-4 wide, made 350,000 yards, at \$4	-	-	-	\$1,400,000
140,000 pounds common wool made 200,000 yards, at \$2	-	-	-	400,000

590,000 pounds of coarse, made into cassinets, linseys, and negro cloths, 737,500 yards, at 45 cents	-	-	-	331,875
				\$2,131,875
Deduct cost of wool abroad	-	-	-	387,000
				\$1,744,875

Leaving a profit to the laborer of America of more than one dollar per pound. We have not the means of raising immediately 6 or 8,000,000 sheep to furnish this wool. The manufacturers must stop whilst the sheep are growing, and when the wool is ready for market there will be no buyers.

I beg leave to add one word upon the effects of this bill on the revenue. The duty upon foreign spirits is increased by it 15 per cent. This article now pays from 42 to 70 cents per gallon, according to the proof; and this is 2 or 300 per cent. upon its cost abroad. Under the existing law, spirits alone produce to our revenue more than two millions of dollars; but a system of smuggling has been organized in the State of Maine, and other places, which is so successfully carried on, particularly at Eastport and Lubec, near the British province of New Brunswick, that spirits are purchased in that section of the country for less than the average duty; fifty cents being the highest price asked by the dealers. If so bulky an article as rum in hogsheads can be landed without detection, a bale of fine muslins, silks, and other light goods will soon follow. No measure is better calculated to injure the revenue than high duties. I am friendly to manufactures, but I wish our commerce to bring to them the raw material cheap, in order that they and the shipping interest may thrive together.

Mr. B. was succeeded by Mr. STEWART, of Pennsylvania, who moved an amendment to the bill, proposing an additional tax on the descriptions of iron in the item under consideration, of twenty-five cents a year, for three years to come. He supported his amendment by a speech, in which he took a general view of the state of the iron factories, the fatal operation of the tariff of 1816, upon them, and the advantages arising from an effectual protection, towards which his amendment looked.

The question being put, the amendment moved by Mr. STEWART was not agreed to.

Mr. HAMILTON then moved that the Committee rise; which motion was lost—ayes 66, noes 73.

The question then recurring on Mr. FULLER's motion to strike out the duty, it was decided in the negative—ayes 54, noes 85.

When the Committee rose, and, having obtained leave to sit again, the House adjourned.

THURSDAY, March 4.

Mr. COBB, by leave of the House, presented a memorial of the citizens of Wilkes county, in the State of Georgia, remonstrating against the passage of the bill now pending in this House—to amend the several acts imposing duties on imports.

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Mr. COBB also, by leave of the House, presented a similar remonstrance from the citizens of the city of Augusta, in the State of Georgia.

Ordered, That the said remonstrances be committed to the Committee of the whole House on the state of the Union to which the said bill is committed.

Mr. LITTLE, from the Committee on Pensions and Revolutionary Claims, reported a bill for the relief of William Hall, an invalid soldier of the Revolutionary army; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. COCKE, a committee was appointed to inquire what number of public lots in the City of Washington have been sold by the agents of the United States; when sold, by whom, to whom, and for what price; what part of the purchase money has been paid, the amount due, and when payable; whether the debts are well secured, and whether all the money received has been applied to objects authorized by any existing law; how much thereof has been paid into the Treasury; and what disposition has been made of the money placed in the hands of the late Superintendent of the City, for disbursement; and that said committee have power to send for persons and papers. Mr. COCKE, Mr. FLOYD, Mr. MERCER, Mr. VINTON, Mr. MARVIN, Mr. BAYLIES, and Mr. BRENT, were appointed the said committee.

Two Messages received from the PRESIDENT OF THE UNITED STATES were read, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 1st March, 1823, requesting information of the number and position of the permanent fortifications, which have been, and are now, erecting for the defence of the coast, harbors, and frontiers of the United States, with the classification and magnitude of each, with the amount expended on each; showing the work done and to be done; the number of guns, of every caliber, for each fortification; the total cost of a complete armament for each; the force required to garrison each in time of peace and war; I transmit a report from the Secretary of War, containing the information required by the resolution.

JAMES MONROE.

WASHINGTON, March 4, 1824.

The Message and report were laid on the table. *To the House of Representatives of the United States:*

I transmit a report of the Secretary of the Treasury, which communicates all the information in possession of the Department, called for by a resolution of the House requesting a copy of the report of the Register of the Land Office in the Eastern District of Louisiana, bearing date the 6th of January, 1821; together with all the information from the said Register to the Treasury Department.

JAMES MONROE.

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The Message and report were referred to the Committee on the Public Lands.

VACCINATION.

Mr. GAZLAY, from the committee appointed on the 9th ultimo, on a memorial of Dr. James Smith,

made a report, accompanied by a bill to encourage vaccination; which, by leave of the House, was reported, read twice, and committed to a Committee of the Whole. The report is as follows:

The memorial of Dr. James Smith states that the smallpox is now spreading, to a very alarming extent, to most of the great cities, and to many other parts of the United States; and that beside the calamities immediately attendant on the disease, it necessarily suspends and interrupts commerce and intercourse between different portions of the Union. To arrest the progress of this scourge, and to prevent its future appearance, the memorial recommends the appointment of a general agent for the United States, and local agents in the several Congressional districts, to whom the general agent shall at all times furnish the real vaccine matter, free of postage. The memorial also contains much detail on the nature and distinguishable character of the vaccine from the smallpox or variolous disease. It also asserts that medical skill is not required for the effectual and safe application of the vaccine matter; that this process may be performed by any person. But that, to insure confidence and success in the vaccine system, *great care, attention, and experience*, are necessary in obtaining and preserving the *true vaccine matter*, or crusts, and that if it be not pure, no reliance can be placed on it as a guard against the smallpox. To this point much evidence, drawn from practice and long observation, is set forth: also much evidence tending to show its ample protective character when pure.

In a paper accompanying the memorial Dr. Smith has furnished statements, with extracts of letters, and a certificate of a Mr. Phillips, tending to show that the unfortunate occurrence at Tarborough was the result of some wanton interference with his letter and directions, after they were by him enclosed, and before they reached Dr. Ward. That Dr. Ward is inclined to the belief of this fact, and made the first suggestion of it in April, 1822.

The committee do not pretend to account for the unfortunate occurrence at Tarborough, nor do they see as much reason for imputing its wilful commission to those who were publicly engaged, and of course the first to be made responsible, as to some secret hand not responsible. They beg leave to suggest the propriety and public necessity for paying some respect and attention to the general sentiment, which prevails throughout the civilized world, in favor of the preventive power of the vaccine disease against the smallpox; and that to obtain security from the latter, which so materially affects both life and our maritime relations, cannot be less than a national object. They ask leave to report a bill, and with that view offer the following resolution:

Resolved, That the select committee raised on the subject of vaccination have leave to report a bill.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole on the bill amending the several acts laying duties on imports.

Mr. TOP, Chairman of the Committee on Manufactures, moved to amend the first section of the bill, by altering the minimum cost of imported woollen cloths on which a duty of thirty per centum ad valorem is proposed to be imposed, from eighty cents to forty cents, and striking out the subsequent clause, which fixes the minimum for

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flannels, baizes, and other unmilled woollen cloths (except carpets and blankets) at forty cents.

Mr. MARTINDALE, of New York, opposed this amendment. He said that the friends of the bill were taken by surprise by such a motion. The amendment went to alter the whole character of the bill by striking out one of its most important and most valuable parts. The labor of the country, formerly occupied in commerce and agriculture, has, by the reduction of those great national interests, been thrown out of employ, and wants occupation. No manufacture aids the farmer more than those the staple of which consists of wool, a product easily raised, easily extended, and for the manufacture of which we have mechanics in abundance. He hoped the Chairman, and the friends of the bill, would act on the conviction of their own judgment, and not by yielding to that of others, for the sake of conciliation, jeopardize or sacrifice the most valuable parts of the system of protection. The proposed duty would not operate to raise, but to diminish the price, as a similar duty had operated on coarse cottons. This was a sort of fabric with which American manufacturers could easily fill the market.

Mr. INGHAM, of Pennsylvania, considered the item, now proposed to be altered, as a very important part of the bill. Its effect would be to raise the price to the consumer without benefiting the manufacturer. He suggested a modification of Mr. TOP's motion, by which the minimum would be left open for discussion.

Mr. TOP thought there was no way in which to ascertain the views of the members on this part of the bill but by taking a vote. He certainly had no wish to see this clause stricken out; but he had made the motion in consequence of an assurance given him by several leading members, now in opposition to the bill, that, if this feature were removed, they would support the residue, and he wished the friends of the plan to remember that a bill which attained only a part of the object desired, and which passed the House, was better than a bill of the most finished and perfect form that did not pass.

Mr. TRACY, of New York, expressed his regret that this amendment should have proceeded from the honorable Chairman against his own better judgment. It certainly aimed a blow at the most important item in the whole bill. He believed the country is fully able to raise all the wool it needs. He hoped the motion would be withdrawn. If it was intended as a compromise with the opponents of the bill, the honorable Chairman might find that, while he won over a few of them to his side, he at the same time lost many of those who were now its supporters.

Mr. BAYLIES, of Massachusetts, hoped the amendment would not be withdrawn. He did not believe this country possessed (at least not at present) the capacity to raise its own wool; and, if we cannot get it at home, we must get it from abroad. He thought the duty left by the amendment would be sufficient to keep out of the country those fabrics which the gentlemen had described as made of woollen rags ground up, and which

would scarce endure a puff of wind without falling to pieces. The minimum at forty cents would, in his opinion, be sufficient for the present. We must attain a maximum by degrees.

Mr. McKIM went into a calculation in figures, and insisted that the bill would diminish the importation of woollen goods one-half; that the revenue would lose at least eight hundred thousand dollars; the minimum at forty cents was equal to seventy-three per cent; what more was wanted for a protection?

Mr. BUCHANAN, of Pennsylvania, supported the amendment, as a measure proper in itself, and calculated to promote a spirit of mutual conciliation. The present duty on woollen goods is twenty-five per cent. ad valorem—the bill would raise it to thirty-three and a third. The minimum proposed by the amendment is forty cents per square yard; a yard of coarse baize costs eight pence sterling; the ad valorem duty, as amended, is equal to eighty per cent.; without the amendment, it will amount to one hundred and thirty per cent. He thought we were not yet ready for a prohibitory duty on coarse woollens; to which article the arguments from coarse cottons did not apply, because cotton was abundant—wool was not. The amount imported last year was one million six hundred thousand pounds—worth three hundred and forty thousand dollars. By going too rapidly, in pressing the system, we shall injure both the consumer and the manufacturer. If the raw material was abundant, he should oppose any reduction of the minimum; but at present he should advocate the amendment.

Mr. TOP observed that the Committee of Manufactures had used the greatest diligence in collecting information, not only from the members of this House, but from persons in various classes of the community, whose interests were involved in the several parts of the bill. Some doubt existed as to the point at which the minimum on coarse woollens ought to be fixed. And the Committee were unwilling, by going too far, to risk the popularity of the bill, and thereby jeopardize its success. But, as several of its friends had expressed a wish to have time for further deliberation, he would consent to withdraw his amendment.

Mr. T. then moved to amend the third section of the bill by making the annual increase of duty on unmanufactured wool more gradual, and by adding a proviso "That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound shall be charged with a duty of fifteen per cent ad valorem, and no more."

Mr. T. stated that the committee had learned that objections existed to this part of the bill, both among the manufacturers and the raisers of sheep. It appeared that a coarser wool was wanted than any raised in this country, for a particular kind of coarse goods, (negro cloths, &c.) and that that species of wool may be procured sometimes for eight and sometimes as low as six cents a pound, while the lowest priced American costs twenty-five cents.

Mr. McKIM, of Maryland, called for the reading of a memorial from Germantown on this subject; and it was read.

Mr. CLARK, of New York, made some remarks which the reporter was not fortunate enough to hear distinctly.

Mr. INGHAM advocated the amendment. He hoped this coarse wool would not be excluded from importation; it employed a large number of additional spindles, without in the least interfering with our native products; a million of pounds were imported the last year, chiefly from South America, with which country it was our interest to cherish a commercial connexion, as she furnishes a market for many of our manufactures, and, if she can return her native productions for them, will continue and increase her demand. He thought this sort of wool had better be freed from duty altogether—at all events, it was better that we should import it in a raw state than in a manufactured form.

Mr. FORWARD stated that large quantities of wool were raised in his district; and he had, at first, been under the impression that his constituents would be benefited by the item of the bill, without any alteration or proviso; but he had reason to change that opinion, and he advocated the amendment. The Committee on Manufactures had, since the bill was under discussion, obtained a mass of information from all parts of the country, sent up by those about to be affected by the various parts of it, which had, on several points, materially changed the opinions of the Committee, and would lead to motions for corresponding changes in the bill. The fine wool imported from some parts of Germany competes with our own; but this coarse wool brought from Smyrna and South America cannot; it is of a quite different quality, and may be bought at about nine cents a pound. He was in favor of eventually excluding foreign wool; but it must be done by degrees. A large and sudden duty will break down the manufacturer.

Mr. LIVERMORE then rose. He said there was a character in the Eastern part of the Union known by the name of the New England farmer, whose voice he wished might be heard on the present question. When the bill appeared, he had looked over it with anxiety to see what had been done for that character, and he found only two items in it to compensate him for all the rest; these were the duty on wool and the duty on tallow. As to wool, he was sorry to hear that wool mean enough could not be raised in this country. For himself, he should conclude that the better the wool the better would be the article made out of it. Gentlemen, who understand manufactures, tell us that the amendment will benefit the farmer, because he cannot make wool mean enough; but if you will only protect the growth of wool by duties, any quantity of it can be raised. It is a product easily extended. The amount might be doubled in two years, and where you raise fine wool you raise coarse on the same sheep. Exclude the coarse bad wool from abroad, and you will soon have a better article. It is said the

coarse must be imported because we can't raise it; but what was said when the duty on iron was under discussion? The gentleman from Pennsylvania told us they can't make it because it sells for only eighty dollars a ton, and he wants to raise the price to \$140; but the same argument will apply to wool. There are memorials against the duty, from men who raise a great many sheep, but they are men who own, at the same time, large manufacturing establishments, and take on themselves the name of farmers, just as another class of manufacturers take upon them the name of merchants. The cities to the Eastward are full of them. They are capitalists; that is their proper name. They put their money into whatever will bring them the best returns. But these were not to be heard on the interests of the farmer. To him this tariff is a bitter pill. Do give him a little gold on the outside, just to cover it, and take off some of the bitter taste. The people in his district could make carpets at their fireside, and nobody complained that they could not get wool mean enough. If labor is to be protected, let it be protected. Don't give it a less market than it has already. Cities, we all know, stand only by commerce. The ground on which they stand is often good for little. The great city of New York, when the Dutchmen first saw it, was a fine place to make canals on, and that was all. But New York consumes 200,000 barrels of flour, and 800,000 are exported. The cities furnish a market for the farmer. Can the gentleman from Pennsylvania conjure Philadelphia into a Manchester and New York into a Birmingham? Let him do it. Yet it was not manufactures alone which supported the farmer. Fifty or sixty thousand families were occupied in the fisheries—and, reckoning five for a family, these amount to a quarter of a million. They all eat as much as a man who attends a cotton jenny, and the jenny eats none. The New England farmers and the Pennsylvania farmers say "let us alone," except so far as your bill is intended for revenue. This, Mr. L. insisted, is the legitimate subject for consideration. Gentlemen had often been asked how the deficit in the revenue was to be supplied? It must be either by a land tax or an excise. Will gentlemen say they mean to lay a direct tax? They will say no such thing; they tell us it will be time enough to apply a remedy when the disease has grown desperate. I don't like this. One object of the Federal Union was to pay the debts of the United States; the debts were enormous, and this new government was to pay them. Now, we are told, the national debt is a bagatelle. Why is it not paid, then? It is not diminished any. I would give more for a motto uttered some time ago, by a gentleman from Virginia, (Mr. RANDOLPH,) than for all such arguments. "Pay your debts," said he, and his words fell on my mind with great force. Let us pay first, and then tamper with the revenue; a source of supply that calls for almost no expenses in its collection, and always gives us more than we expect. When the gentleman made his motion to strike off this little gilding from the pill he has prepared for us, I

could not think him serious; yet he appears considerably so—I hope he may yet recant. His argument seems to be this—we can't get, at home, coarse wool at the present price; therefore, let us get it from abroad, and not raise the price when wool is now about a shilling a pound. Sir, it ought not to be disguised, that, now-a-days, manufacturers are every body, and every body else are nobody. This is the case, especially in the State I come from. But is the course they propose practicable? They can't do it; the poor can't protect themselves against the rich, against the wealthy few; these will supply what the others try to protect.

The cotton manufactures in Pennsylvania and Ohio, are to be protected, it seems, by an exclusive duty. Well—exclude them—and what follows? Why, the wealth of the Eastern capitalists will supply the article, and undersell you, do what you will. You will compete with Boston, instead of England—that will be all the gain to you. Gentlemen seem to speak at random. Do they not know that between three and four millions of dollars have been invested in manufactures in the State of New Hampshire—and yet, not one of these manufactures has urged a duty on woollen or cotton. They know their interests too well. All that you do will only run down the small establishments for their advantage. He hoped the Committee would cover the pill with a little sweet—and not, after beguiling the farmer by one or two lures, get him to support the bill till it is too late to oppose it and then turn round and leave him.

Mr. WRIGHT did not doubt the gentleman from New Hampshire had made a very excellent speech, but where he sat it was almost impossible to hear one word of it. He took the question now to be, Whether we shall raise wool ourselves, or let foreigners raise it for us? Whether we are in a situation to supply the manufactories with this article, and, if so, whether we shall draw the supply of it from abroad? Look, said Mr. W., at the policy pursued by England. She lays an impost duty of eleven cents a pound on foreign wool, (there might be some reduction on woollen rags intended to make cloths to be sent to the United States,) but she does not stop here; she prohibits the exportation of wool, or of sheep, under a heavy penalty. She considers the woollen manufacture her staple interest; and they give to their agriculturists the exclusive supply of their manufacturers. So great is the anxiety in England to support this manufacture that, by a law, the dead are obliged to be buried in woollen, and the first law officer of the Crown sits on a woollen sack when presiding in the House of Lords.

In France the same policy is pursued. Even during the Revolution, while homes and sanctuaries were pillaged, and all rights of property wantonly disregarded, one thing was guarded—it was the national flock of merino sheep at Rambouillet; this remained unharmed through all the stormy succession of Governments that prevailed in that country. Such were the views of European statesmen on this matter. But can we raise wool enough

in this country for the supply of our factories? Look at our experience during the last war—we did then raise enough to meet the whole demand—our flocks were multiplied to a vast extent; but peace came—the Government refused protection to the wool growers—foreign wool was poured into the country—the flocks were dissipated—they disappeared; part were exported to other and wiser countries, part were sent to the shambles. And now we are told we can't raise enough. Sir, from information communicated by intelligent men, in whom great confidence ought to be placed, large quantities of American wool are now waiting a market in the neighborhood of Philadelphia, and New York, and some in Boston, in whole, probably, equal to two entire shearings of the wool grown in those sections of the country, if not greater. Why? Because the manufacturers on the seaboard are merchants also. Where they have five dollars in manufactures, they have twenty-five in commerce; and, for the sake of that commerce, they bring in the material from abroad. But is this a policy for us to pursue? to put down all the interior for a strip of country sixty miles from the Atlantic, (the "United States proper," of an honorable gentleman,) if that is the real policy intended by gentlemen, let it be avowed—let gentlemen only say so, and we are ready to meet them; only say, in plain words, to the people, that you intend, in all practicable cases, to prefer the raw material from abroad, to that raised at home, and the people will soon speak to you in a language that you will not be able to misunderstand. Laws are not for manufactures alone. They must be for agriculturists also.

In support of a system of gradual prohibition, Mr. W. then proceeded to quote details from the annual statistical tables, from which it appeared that, in 1817, while we imported 386,985 pounds, we also exported 39,400 pounds. In 1822 we imported 1,733,420 pounds, and we exported none. Thus had the foreign wool supplanted our own. Merino wool has for some time been selling at from twenty-five to thirty-two cents a pound, a price at which our wool growers could not supply the article without loss; but American fine wool can be supplied at a profit, of a better quality than the imported, at an average price of fifty cents a pound. The coarse wool from Smyrna may be had at ten cents. We do not grow this kind at all, and it was proper it should be exempted from duty. In matters of mere agriculture, we may proceed with rapidity—but not in a product of this description. He believed that, in four or eight years, say six years, the country could meet the demand, and the prohibition might be total.

Mr. MARTINDALE could not agree with gentlemen who said that this coarse wool did not come in competition with our own. If it was now used where our own would be used; if this were excluded, then, to its whole extent, it does come in competition with ours.

The duty now proposed, was not a prohibition. The article would still be imported, though in less quantity. It would operate moderately, and that was just what the agriculturist wanted. It was

to him we ought to look, throughout the whole of this bill; but we could only reach him through the manufacturer. Gentlemen have shown great anxiety lest the duty should injure the poor. Mr. M. said he also was a friend and an advocate of the poor; but he would aid them by giving them employment; if the duty should, for a time, increase the price of coarse woollen goods, it would, in the same proportion, increase the employment of the poor, who were to buy them. But, whose voice is it, that speaks on this floor for the poor? The voice of the capitalist, who owns large flocks and large factories. He fears the poor—the poor farmer and the poor manufacturer may come in competition with himself; it is for himself he speaks. Mr. M. considered it as a principle of universal truth and application, that where the producing power exists, protecting duties will cause the article to be produced cheaper than before. Gentlemen who advocate the amendment, seem now to forget the policy of England, which is to break down our manufactures by every practicable means. Will she regard this small duty? No; she will pour in her manufactures upon us, so long as she can sell them for any thing more than the duty. It is time to protect our farmers, that they may begin a system of home supply. It is at the beginning, emphatically, that this protection is needed. Gentlemen say we must not tax coarse wool because we cannot now supply the demand; but we are supplying that demand with a substitute—we mix cotton in the woollen fabrics, and this is a benefit to all our Southern country. Surely, it is fair, that when the manufacturer asks of the farmer to buy his cloth, the farmer should ask in return that the manufacturer will take his wool.

Mr. INGHAM observed, that some allusion had been made to personal interests of gentlemen on the subject under debate. With deference, he must deny the propriety of such allusions. All of the members have an interest, direct or indirect, in what is done here, whether they be merchants, manufacturers, or agriculturists, and they were justified in presenting to the consideration of the House the several interests which will be affected by its acts. He made this remark as a general one, and not because he thought the remark of the honorable gentleman fairly applied to him, when he said that there was a combination of manufacturers under the mask of wool growers. He had little or no interest in the article of wool, as he owned but a hundred Merino sheep, which he kept more for amusement than profit. He thought it the interest of the consumer that the duty should be reduced. The only effect of a heavy duty on coarse wool would be, to throw all who are now engaged in manufacturing the raw material into coarse goods, entirely out of employment, and there were not less than ten thousand spindles thus occupied? Were not the farmers interested in feeding this body of men? Where manufactures flourish the farmers flourish.

Mr. CAMBRELENG said, he rose merely to reply to the argument of the gentleman from Pennsylvania, (Mr. INGHAM,) in his rejection of the duty

on wool. He says, that this inferior wool will not be raised in the country; and, therefore, it is not wise to prohibit the importation. Now, if this is a good argument, why not apply it to hemp? The Navy Commissioners cannot use the American hemp, because it is bad; and then, the gentleman says, lay on a prohibitory duty. How can both these arguments stand? He now says, if a duty is laid on coarse wool, a different article must be substituted. Just so his bill will operate in the article of linens—it will not lower the price of linens, but will supply their place by cottons.

Mr. INGHAM replied.—The gentleman agrees with me about the measure proposed: is it not strange that he should take this occasion to find out some other point in which we disagree? He finds that some argument of mine is at war with another argument brought forward on this side, (but which is not mine.) He then assumes that I used it, and next accuses me of inconsistency. I never said any thing about the hemp duty. The honorable gentleman seems kindly to assume opinions for me.

Mr. COBB wished that the question on the two parts of the amendment might be divided.

The CHAIRMAN pronounced this not in order.

Mr. TRACY then moved to amend the amendment, by substituting eight for ten cents, as the price at the place whence imported.

Mr. McKIM opposed this alteration.—He said, that no wool could be purchased so low as eight cents—and he read a statement of the prices at which the article had been imported. He thought the object of the mover could only be to defeat the amendment.

Mr. TRACY said, if no wool could be purchased as low as eight cents, he should then doubt the expediency of the amendment first proposed—in that case, the article needed no exemption. He had certainly been told by manufacturers that they sometimes bought it at six cents.

Mr. McKIM explained.

Mr. McLANE believed that the question was not understood. If the bill passes, the duty on the raw material will countervail the duty on foreign goods—the duty will come on the consumer. This article of coarse wool only concerns the fabric of negro cloths. That cloth is now made out of wool that costs from ten to twenty cents a pound. A high duty will oblige the American manufacturer to substitute a finer cloth for the coarse article, and then the foreigner comes in and supplants him. It is never politic to tax a raw material, unless to encourage its growth at home. But this kind of wool is not produced here—so that, under pretence of encouraging manufactures, you deprive the manufacturer of the very material on which he is to work. The American farmer raises wool from a mixed breed of sheep, and the very coarsest of it costs twenty or thirty cents. But the foreign is raised by the wandering shepherds of Buenos Ayres and the boors of Sweden. The wool is essentially inferior. There are other kinds of wool raised amongst us, which ought to be protected—the Merino, the common, and that of the mixed breed. He would put one fact to the gentleman

from New York, (Mr. TRACY.) It has been stated that this coarse wool costs at the outside twenty cents. There is no wool raised here at less than twenty-five, and the most of it at forty cents. From whence are you to get two millions of pounds of this coarse wool? It would require six hundred thousand sheep, and would take eight or nine years. What becomes of your manufacturers in the meanwhile? They are gone: and, when the wool comes, there is nobody who wants it.

Mr. HAMILTON said he rose to make a single observation, and that was, to comment on the singular attitude of the question before the Committee. A question which had changed the relations of confederates, and now placed in array a certain class of agriculturists with their old friends, the manufacturers. In the progress of the bill, there had been certainly all sorts of arguments. Those who had gone into the bowels of the earth, in pursuit of a metal more precious than gold—those who had fought valiantly in the hempen fields of the West—and, Mr. H. said, he did not now see, according to the principles of the compromise of the bill, by which equivalents in different quarters were to be arranged and modified, why the Northern and Western agriculturists were not also entitled, in the general distribution of the booty, to their *golden fleece*. It was certainly amusing to perceive how readily, when convenient, the arguments of those opposed to the whole monopoly of the bill, could be adopted by the gentlemen advocating the interests of the manufacturer. Even the gentleman from Delaware, (Mr. McLANE,) to whom, said Mr. H., I always listen with instruction and pleasure, had urged in favor of lowering the duty on raw wool, those very reasons which might be advanced against the whole policy of the tariff. But the gentleman from Pennsylvania, the chairman of the Committee on Manufactures, had employed, for the reduction of the duty on wool, the very arguments which had been so unavailingly enforced for the reduction of all the other duties. And now, when he comes out, and says that the very duty reported by himself should be reduced, and proposes an amendment to his own bill, does he not urge the very argument which he has previously resisted? This gentleman has, throughout, gone upon this principle: that domestic production will be commensurate with foreign prohibition, but, as the manufacturers want wool on the cheapest terms, on reflection, this principle will not apply to this raw material, although it does to iron and hemp. Now, said Mr. H., I wish to know why it will not apply to wool. When the foreign supply is cut off, will not those infinite creations of domestic production take place, which the gentlemen have predicted, in relation to other articles? Mr. H. said he believed that flocks of sheep could be multiplied with the same facility as iron forges and hemp factories, and the argument, if worth any thing, applied as well to the former as the latter. Mr. H. said, he confessed that he had no interest in adjusting the separate claims which conflicting monopolies might put in; he had risen to point out an incon-

sistency in the arguments of the friends of the bill, for he might say that in voting either against or in favor of amending the section, he gave his suffrage without bias; for, in whatever way the duty on wool was modified, it would be unimportant to the interest of those he represented; for, if the duty on the manufactured fabric was retained, the planters of the South would make their own clothing for their slaves, for the manufacture of which, the materials, consisting partly of wool and partly of cotton, were to be found in abundance in the interior economy of most of their plantations—a necessity to which grievous duties would unquestionably drive them. Mr. H. said he could not but be surprised at the unlooked-for moderation and generosity of the chairman of the Committee on Manufactures, for which, he said, he had no doubt that gentleman had the best reasons, although he chose to keep them to himself.

Mr. TON observed, in reply, that he began again to have hopes of getting the support of the gentleman from South Carolina, for the whole bill—for all the taxes come to, is this: that we will make our own manufactures. But that gentleman is mistaken if he supposes that the same arguments apply to wool as to iron. The sheep which produce this wool are raised in a country that is always warm, and they have a quite different covering from sheep which live in a Northern country, or any country where the heat is interrupted by a cool season. It is rather hair than wool—and though I am friendly to manufactures, I am not such a friend to them as to raise them in spite of nature herself. I shall not attempt, by protecting duties, to produce whale oil on the top of the Alleghany mountains.

The question being taken, Mr. TRACY's amendment was not agreed to. That of Mr. TON was carried.

On motion of Mr. TON, the following items were also stricken out:

"On scythes 25 cents each."

"On gridirons and griddles, 20 cents each."

"On frying pans, 25 cents each," and insert in lieu thereof "4 cents per pound."

To the article laying a duty of 25 cents per gallon on linseed and hemp seed oil, was added the words "rape seed" (oil.)

The Committee then rose, and the House adjourned.

FRIDAY, March 5.

The Committee of the whole House to which is committed the bill from the Senate, entitled "An act confirming the claims of the heirs of Nicholas Baudin, and the heirs of Joseph Chastang to certain tracts of land," were discharged from the consideration of the same, and it was re-committed to the Committee on Private Land Claims.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole on the state of the Union, on the bill for amending the several acts laying duties on imports.

Mr. TON moved to amend the fifth section of the bill by adding to that article which lays a duty on window glass, of several different sizes, the following proviso, (to prevent the law's being evaded,) viz: "provided that all window glass imported in plates uncut be included in the above duty."

Mr. TON moved to add to the clause which lays a duty "on iron, in bars or bolts, not manufactured, in whole or in part, by rolling, \$1 12 per hundred weight," the following words, (for the same purpose, of preventing the duty from being evaded,) "on ploughs or share moulds a duty of one cent and a half per lb."

On this motion some conversation took place between Messrs. CAMBRELENG, BROWN, SANFORD, UDREE, and COBB.

The amendment was rejected—ayes 59, noes 63.

Mr. TON then moved to add to the clause containing a duty on Brussels, Venetian, Turkey, and Wilton carpets and carpeting, the words "on all ingrain carpets and carpeting 25 cents per square yard;" which motion was carried.

Mr. TON then moved to add to the clause laying duties on nail rods, sheet iron, and iron slit and rolled, the following words, "on pig iron 75 cents per cwt." On this motion a prolonged and desultory debate arose, which continued until past four o'clock.

The speakers in favor of the motion were Messrs. TON, BROWN, STEWART, UDREE, FORWARD, and GARRISON.

Those in opposition to the duty were Messrs. CAMBRELENG, REED, MERCER, FULLER, POINSETT, STERLING, CROWNSHIELD, FLOYD, and FOOT, of Connecticut.

It was advocated, first, on the general principles of the bill, that our own manufacturers should, wherever it was practicable, be encouraged in preference to those of foreign countries, in order to promote internal trade, and the independence of the country, and to provide a resource in case of war. The article of iron is abundant, being found in almost all the States of the Union; its quality is equal to that of any in the world; pig iron is its very rudest form of manufacture—it employs labor that would otherwise remain idle; a duty has already been laid on bar iron, which will lead to the importation of pig, unless that importation is met by a duty on pig also; none was imported previous to 1818; in that year one hundred tons were imported, and the importation has already reached thirty-one hundred tons a year. This goes to keep the native riches of the country buried in the earth, while foreign products and industry are promoted. This is an article that, of all others, should be encouraged, because it converts that which is worthless, (and worse,) into an article of great value, of general utility, and of indispensable necessity. No country that produces iron encourages, but, on the contrary, prohibits, the importation of the raw material; and pig iron is little else.

It was opposed on the general ground that, instead of benefiting manufactures, this duty went to injure them. Pig iron is not imported in any

very large quantity, and that which is imported is not brought from abroad on account of a lower price, but of a peculiar quality. It is the Scottish grey iron, which has a degree of fineness and solidity which renders it peculiarly fit for small castings used in machinery. It must be mixed with our own iron for certain kinds of work—we have no substitute for it, and the duty is only so much laid on the manufacturer; so that this is, in truth, a strife between manufacturer and manufacturer, and not a question whether the general interests of manufactures are to be promoted. The present duty is sufficiently heavy; and the fact that Scottish pig continues to be imported under that duty, shows that the article is needed. For a species of iron analogous to this, the manufacturers of Massachusetts send all the way to New Jersey, and bring the raw ore 400 miles by water and 40 by land. It is not correct that England prohibits the importation of the raw material. She lays on it a tax of no more than fourteen shillings and eight pence sterling a ton, and great quantities are still imported into that country from Sweden and Russia, although the application of coal to smelting the ore has led to a vast production of English iron. This duty is not needed by the makers of pig iron; they are already growing rich, while the manufacturers of bar and bloom iron are growing poor—the duty will go to increase the profits of those already thriving, and to add to the burden of those who are about to sink; as the makers of pig iron have already a duty which gives them the market, all the duty now added will only be so much added to the price paid by the consumer. The argument urged by the friends of the bill, in favor of admitting South American and Smyrna wool, will apply equally to admitting Scottish grey pig iron. Both are articles which cannot be raised in this country, and yet are essential to very valuable branches of its manufactures; and every argument against the one, goes equally against the other. The New Jersey pig iron is no substitute—Heaven defend the merchants who have had one consignment of it from ever receiving another—especially if they have the Scotch pig at the same time for sale. If you prevent the importation of the Scotch metal in pigs, you will only have it imported in a manufactured form, which would be worse, on the principles of those who would lay this duty. Surely, if the manufacturers of Massachusetts can afford to go 400 miles for the raw ore from New Jersey, and make it into pig iron at their own furnaces, the manufacturers of New Jersey cannot need the duty now proposed, who have the ore at their door. The foreign pig iron is used in our foundries of cannon.

It was rejoined, that the quality of the Scotch pig iron did not depend on any thing peculiar in the ore, but in the manner of preparing it; and that the iron of this country could be so mixed as to be made either into what is called grey iron, or white, at the will of the ironmaster, (and details of the process were given.) There was a difference between rock ore and bog ore; the latter was of a finer texture, shrank in cooling, and

made a firm and brittle metal, fit for machinery; the former swelled in cooling, was of a coarser and tougher texture, and was fit for bar iron; one is called red shear, the other cold shear.

The argument that this article was needed because it was imported, if urged against a farther duty, applied equally to every farther duty, and superseded not only the whole bill, but all revisions of the tariff at any future time. By proving too much, it proved nothing. Its importation interfered, to the whole extent, with our own native products and home industry. Admitting the duty in England, on pig iron imported there, to be only 14s. 8d., when compared with the price of the article in England, it was, if not absolutely prohibitory, at least very nearly so. The quantity of iron that swelled the amount imported into England, from Russia and Sweden, was chiefly bar iron. The foreign pig iron cannot be needful in making cannon. During the war we got none of it. The metal, both of the cannon and men employed in that contest, was genuine American. So far is it from being necessary for cannon, that even gunlocks and musket-barrels are made of our own iron.

Many statistical details were given in the course of the debate. The policy of England was discussed, and quoted as an example, especially in the present bill, the whole protecting policy of which was insisted on as being borrowed from Great Britain.

Much occasional pleasantry arose, and agreeably relieved the dryness of the debate. Mr. TON compared himself to the man represented in the title-page of the Almanac, stuck through on every side, and in every part of his body; and, in reply to an intimation that, as chairman of the committee he ought to have been acquainted with certain facts of a statistical and geographical kind, with which he did not seem familiar, replied, that to fight an enemy, and beat them too, it was not needful to know all the names of his captains and colonels, and of the rank and file that made up his army.

The question being put on Mr. TON's amendment, laying a duty on pig iron, it was decided in the negative—ayes 79, noes 111.

On motion of Mr. TON, the duty of twenty-five per cent. ad valorem, "on printing types," was stricken out.

He further proposed a duty of thirty per cent. ad valorem "on oil cloth carpeting, and oil cloth of every description," but, on an intimation from Mr. CAMBRELENG, that a specific duty would be preferred by the manufacturers, agreed to withdraw his motion for the present.

The Committee then rose, and the House adjourned.

SATURDAY, March 6.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred, on the 19th of January last, a memorial of the General Assembly of the State of Louisiana, reported a bill granting a tract of land to the inhabitants of the parish of

Point Coupee, on certain conditions; which was read twice, and committed to a Committee of the Whole.

Mr. RANKIN, from the same committee, to which were referred, on the 5th and 12th of January last, memorials of inhabitants of the State of Missouri, reported a bill to establish an additional land office in the State of Missouri; which was read twice, and committed to a Committee of the Whole House on Monday next.

Mr. HAMILTON, from the Committee on Military Affairs, to which the subject was referred, reported a bill to allow further time to complete the issuing and locating of military land warrants; which was read twice, and committed to a Committee of the Whole.

Mr. NEWTON, from the Committee on Commerce, to which the subject was referred, reported a bill to provide for sick and disabled seamen; which was read twice, and committed to a Committee of the Whole.

Ordered, That the committee appointed on the 3d instant, on a memorial of the General Assembly of the State of North Carolina, upon the subject of grants, by that State, of lands in Tennessee, to which was referred, on the same day, the resolutions of the General Assembly of the State of Tennessee, on the same subject, presented on the 26th January last, be discharged from the consideration of the said resolutions, and that they be laid on the table.

On motion of Mr. OWEN, the Committee of Ways and Means were instructed to inquire into the expediency of making an appropriation to refund George Fisher a sum of money improperly paid by him to the receiver of public moneys at St. Stephen's.

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole on the state of the Union. The Tariff Bill, being the unfinished business of yesterday, was again taken up for consideration.

On motion of Mr. TON, the bill was amended by inserting a new line, laying a duty of thirty per cent., ad valorem, upon "oil cloths and oil cloth carpeting." On his motion, also, the bill was amended by striking out the line imposing a duty of "ten cents per pound on Prussian blue." On his motion, the bill was further amended by raising the proposed duty "on currants and figs" from three cents to four cents per pound.

Mr. BRECK then moved to amend the following clause: "On all manufactures, not herein specified, of cotton, silk, flax, or hemp, or of which either of these materials shall be a component part, a duty of twenty-five per centum, ad valorem," by striking out therefrom the word "silk."

Mr. BRECK supported his motion by a few remarks, to show that we could not, at present, hope to do much in the raising of silkworms and manufacture of silk, and that, therefore, being an article very much wanted in the country, and which we cannot produce, this duty ought not to be levied upon it.

Messrs. CAMBRELENG, LIVINGSTON, and REED,

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of Massachusetts, also supported the proposed amendment, and Messrs. TOD, WRIGHT, SANDFORD, and TRIMBLE opposed it. On the question being taken, the amendment was rejected, without division.

Mr. McKIM then moved to amend the bill, by striking out the following line: "on tallow, four cents per pound." At the request of Mr. BAYLIES, however, the motion was withdrawn until further information on the subject should be laid before the House.

Mr. FORSYTH moved to insert a new line in the bill to levy a duty of "thirty per cent., ad valorem, on millstones, and all articles used in the manufacture of millstones." This amendment was advocated by Messrs. MERCER and MALLARY, and opposed by Messrs. TOD and McKIM; and it was then rejected.

Mr. BAYLIES then moved to amend the bill, by raising the proposed duty on "Epsom salts," from three to four cents per pound. Messrs. BAYLIES and TOD spoke in favor of it.

Mr. REED, of Massachusetts, expressed his wish that the amendment might prevail. He observed that considerable quantities of Epsom salts were now manufactured in his vicinity—that it could be manufactured to any extent on the whole seacoast, and wherever there is salt springs—that the price would, without doubt, be reduced. He further stated that the duty on Glauber salts was of little consequence, because, that, owing to the manufacture of that article in his vicinity, the price had been reduced to less than one-third of the price formerly paid. He had no doubt that a great abundance of the article in question would be manufactured, and the price would be reduced. He judged, from what had been done by the manufacturers of Glauber salts, who would now manufacture Epsom salts also in the same manufactories; that we could suffer no inconvenience from increasing the duty from three to four cents per pound.

The amendment was agreed to.

Mr. FORSYTH then moved that all the third section of the bill be stricken out—it is as follows: "From and after the thirtieth day of June, 1824, to the duties on all goods, wares, and merchandise, herein before mentioned, or any other, there shall be added, and shall be collected and paid, the full amount of such bounty or premium, or allowance in nature thereof, as, on the exportation of similar articles, may be given, paid, or allowed, in the country or place from which the same shall be exported, or in the country or place wherein the same shall be produced or manufactured; which shall be calculated and ascertained, under such rules and regulations as the Secretary of the Treasury shall, from time to time, fix and prescribe."

This motion gave rise to considerable discussion, in the course of which Messrs. FORSYTH, FOOT of Connecticut, WEBSTER, P. P. BARBOUR, and MERCER, spoke in favor of striking out the section, principally on the ground that the addition of the bounty allowed in the foreign country, to the duties levied on the imported article, is an

infringement of that part of our Treaty with Great Britain which provides that no higher duty shall be laid on goods, imported from that country, than on the same articles from any other country. The motion to strike out the section was opposed by Mr. TOD, and, without taking the question—

On motion of Mr. STORRS, the Committee rose.

On motion of Mr. BAYLIES, the memorials of sundry inhabitants of Kentucky and New Bedford, in Massachusetts, praying for an increase of duty on imported tallow, were ordered to be printed.

On motion of Mr. WEBSTER, the memorials of the tallow chandlers and soap boilers of Boston, remonstrating against an increase of the duty on imported tallow, were ordered to be printed.

The House then adjourned till Monday next.

MONDAY, March 8.

Mr. BURLEIGH presented a memorial of sundry merchants of the district of Kennebunk, in the State of Maine, praying to be paid for losses sustained by spoliations upon their lawful commerce by French cruisers, between the years 1793 and 1800; their claims on France having been relinquished by the Convention of 1800; or that their rights and remedies against France may be restored to them.—Referred.

Mr. BRECK presented a memorial of the Pennsylvania Society for promoting the abolition of slavery, for the relief of free negroes unlawfully held in bondage, and for improving the condition of the African race, praying Congress to adopt measures for the total abolition of slavery within the District of Columbia.—Referred.

Mr. KENT presented a remonstrance of sundry inhabitants of the city of Washington, against the alterations in the form of government of the District of Columbia, as proposed by the bill now pending in this House, to provide for the government of said District.

Mr. MERCER presented a similar remonstrance from inhabitants of the town and county of Alexandria.

Mr. KENT also presented resolutions adopted by the magistrates, sitting as a Levy Court, for the county of Alexandria, in said District, disapprobatory of the change proposed to be made in the government of said District.

Ordered, That the said remonstrances be committed to the Committee of the whole House to which the said bill is committed.

Mr. CALL presented a petition of sundry inhabitants of East Florida, praying that a tribunal may be established by Congress to determine the right to certain negroes claimed by Indians; which was referred to the Committee on Indian Affairs.

Mr. VAN RENSSELAER presented a petition of Charles Augustus Dale, in behalf the heirs of Robert Fulton, deceased, stating that a decision, given at the term of the Supreme Court of the United States, now sitting in the city of Washington, has entirely destroyed all the right of

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property which the heirs and representatives of the said Fulton possessed in the invention and application of the power of steam to propel boats or vessels; that his heirs are now destitute of the means of support; and praying such relief in the premises as to Congress may seem equitable and just; which petition was referred to the Committee of Ways and Means.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, reported a bill for the relief of George Fisher; which was read twice, and committed to a Committee of the Whole.

Mr. LIVINGSTON, from the select committee appointed on the petition of sundry aliens, (by leave of the House,) reported, in part, a bill respecting aliens; which was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, who were instructed to inquire into the expediency of authorizing the President of the United States to direct sales to be made, from time to time, of such arms, ammunition, and military stores, as are not wanted, or are unfit for public service, made a report, accompanied by a bill, to authorize the sale of unserviceable ordnance, arms, and military stores; which bill was read twice, and ordered to lie on the table.

The SPEAKER laid before the House a report from the Secretary of the Treasury, communicating the information required by a resolution of this House, of the 12th ultimo, in relation to lands purchased on behalf of the United States; which report was laid on the table.

On motion of Mr. COCKE, the Committee of Ways and Means were instructed to inquire into the expediency of amending an act, entitled "An act to provide for the prompt settlement of public accounts," approved the 3d of March, 1817, so as to reduce the number of auditors, or accounting officers of the Government.

On motion of Mr. COCKE, the Committee on the Judiciary were instructed to inquire into the expediency of prohibiting, by law, the employment of any person, except a citizen of the United States, in any of the Departments of the Government.

On motion of Mr. BURTON, the Committee on Commerce were instructed to inquire into the expediency of erecting a buoy at the mouth of Scuppernon river, in Albemarle Sound; and, also, a floating light on the long shoal in Pamptico Sound.

On motion of Mr. TRACY, a committee was appointed to inquire what further legislative provisions are fit and necessary to carry into effect the provisions of the act of Congress, passed March 3, 1817, entitled "An act to amend the act authorizing the payment for property lost, captured, or destroyed, while in the military service of the United States, and for other purposes," passed the 9th of April, 1816, and that said committee have leave to report by bill or otherwise. Mr. TRACY, Mr. HAYDEN, Mr. MARVIN, Mr. LIVINGSTON, Mr. DWIGHT, Mr. NEALE, and Mr. LETCHER, were appointed the committee.

On motion of Mr. MOORE, of Alabama, the

Committee of Ways and Means were instructed to inquire into the expediency of making an appropriation adequate to the repair of the post road leading from Nashville to New Orleans, usually called "the Military Road."

A Message was received from the President of the United States, representing the necessity of an act of Congress to legalize the acts of James Miller, as Governor of the Territory of Arkansas, from the 3d of March, 1822, to 3d January, 1823, he having, through a mistake, acted, during that time, without a re-nomination by the President, and re-appointment by the Senate, (which was remedied as soon as discovered.) Referred to Committee on the Judiciary.

The following bills were received from the Senate, and referred: "An act to change the terms of the district court of the United States for the Kentucky district;" "An act for the relief of the legal representatives of Andrew Mitchell, deceased;" "An act to amend an act, entitled 'an act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia;'" "An act authorizing the register of the land office for the western district of Louisiana to report upon certain land claims within the said district;" "An act to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana situate to the east of the Mississippi river and island of New Orleans, which have not been recognised by the Government of the United States, to institute proceedings to try the validity thereof."

THE TARIFF BILL.

The House then resolved itself into a Committee of the Whole on the bill to amend the several acts laying duties on imports.

And the question being on the resolution submitted on Saturday, by Mr. FORSYTH, to strike out the third section of the bill, which is in the following words:

"That from and after the thirtieth day of June, one thousand eight hundred and twenty-four, to the duties on all goods, wares, and merchandise, hereinbefore mentioned, or any other, there shall be added, and shall be collected and paid, the full amount of such bounty or premium, or allowance in nature thereof, as, on the exportation of similar articles may be given, paid, or allowed, in the country or place from which the same shall be exported, or in the country or place wherein the same shall be produced or manufactured; which shall be calculated and ascertained under such rules and regulations as the Secretary of the Treasury shall, from time to time, fix and prescribe."

The debate of Saturday was renewed, and continued till past 4 o'clock.

The motion was advocated by Messrs. FORSYTH, RANDOLPH, P. P. BARBOUR, FULLER, BARTLETT, ROSS, MERCER, LIVERMORE, CAMBRELENG, STEVENSON, and FOOT of Connecticut; and opposed by Messrs. CLAY, STEWART, and TOD—the latter two of whom offered amendments, which were not agreed to, and the clause was finally stricken out.

The ground taken by those who spoke in favor

of striking out this section of the bill was, that its operation will be a direct infringement of our treaty with Great Britain of 1815. That treaty expressly provides that articles imported into this country from Britain shall be charged with no more duty than those coming from other countries. But as England grants to her exporters a bounty on certain articles on which other countries grant none, and this section proposes to increase in all cases our duty, by the amount of the bounty granted in the country from whence the goods are imported, its operation will, in fact, be to charge such English goods with a higher duty than articles of the same kind brought from elsewhere; and it will therefore break the treaty, and compromise the faith and honor of the nation.

To this it was replied, that the principle of this section being, like that of the rest of the bill, to protect the domestic industry of this country, by preventing the foreign article to be brought into the market at such a price as to destroy our own manufacturer, that object could never be attained, and the whole bill must be rendered nugatory, if a bounty granted by a foreign nation on the exportation of its commodities might not be met by an equivalent duty here. It was well known that England grants bounties for the express purpose of forcing her goods into foreign markets; and if the objection to this section of the bill is held valid, she will still be enabled to do so with respect to this country.

But it is not valid. In that article of the treaty which this section of the bill is said to violate, two objects were intended. The first was to secure a perfect reciprocity between the two nations, with respect to their navigation. Preferences had previously been given, both by France and England, which threatened altogether to deprive America of the carrying trade; which course of things led to the adoption of what has been called the American policy on this subject—a policy which has proved completely triumphant, and has brought both England and France to terms. But this section of the bill leaves this reciprocity untouched, for no difference is made in our duties, whether merchandise is imported in British or in American bottoms.

The second object aimed at, in the article of the treaty alluded to, was to secure to British goods an entrance into our country on as good terms as those of any other nation; nor does this section make any discrimination to their prejudice; its provisions are general, no more directed against the goods of one country than another. It adds the amount of all foreign bounties to the duty on those goods on which the bounty is granted; and if, in consequence of this general measure of self-defence, British goods have more duty to pay than French, it is not the result of our legislation, but of her own, and when two parties make a contract, no act of one of them is, of itself, to constitute a violation of the contract by the other party.

To this, it was rejoined, that the increase of duty in that case was to be attributed to our act of legislation, and not to that of England, for it

was our act that added the amount of her bounty to our duty, and thereby caused her goods to pay more than those of her neighbor, a thing we expressly promised by the treaty not to do. Britain has a right to grant what bounties she will. That is her own affair; a part of her municipal regulations; a thing between her people and her Government. It was we who now interfere, and make her municipal regulations a part of our law, and found duties on them, contrary to the treaty.

As to the policy of meeting her bounties by countervailing duties, it is a question from which we are precluded, because we have already bound ourselves not to tax her goods more than those of others, who grant no bounties. This may be inconvenient, it may have been impolitic; we have done so, and we must abide by our agreement.

A case was put, on the one side, suppose Britain, when this law passes, makes a certain article on which she grants no bounty, and we receive that article at a certain duty, the same as is paid by a French article of the same kind—here she is on an equal footing with France. She afterwards grants a bounty, which raises her duty in our ports. Is that increase to be charged to us? Is it any thing but her own act? Can her subsequent act construe our act into an offence? It was answered, yes, because our act anticipated such a case, and had a prospective reference to it, and is therefore as much chargeable on us as if it had been done after and not before the case occurred. It was said further, that, if this act placed England, with respect to any bountied article, on less favorable terms than France, her remedy was either to repeal her bounty, or to apply to France to lay one; our law had impartial respect to both.

It was replied that these bounties were usually granted to make up for some disadvantage, real or supposed, between the country which granted them and other countries. The bounty, therefore, only placed the two countries on a level as they came to our ports; and if we charged one more than the other, we created an inequality that we did not find; and we did that very thing which, by the treaty, we had engaged not to do.

It was again argued, that, to forbid these countervailing duties, was against the equity of the treaty. Every agreement ought to bind both parties; but granting bounties was an act of one party only, and an act by which she could, at pleasure, affect the interest of the other party, under the treaty. It was answered, that the granting of bounties was an independent right, that existed anterior to the treaty, and was recognised by the treaty—it existed in both parties—it was no novelty in England, having been practised for a century, and before our manufactures had an existence; it was not granted to the manufacturer but to the exporting merchant, to encourage the commerce and extend the navigation of England, and not to destroy our manufacturers. It was rejoined that the *quo animo* with which it might have been done, was of no consequence—its actual operation was to destroy them. The object of the treaty, it was urged, was to do no more than put Britain on an equality with other nations in the admission of her

goods to this country—but the striking out of this section would go farther than this, and put her on a better footing than other countries which gave no bounty.

It was answered that the advantage was not derived from us, but from causes unconnected with our system of duties. That we could not equalize nations, except in the duties they paid us, and this we had expressly bound ourselves to do towards Britain, and we must keep our word.

The amendment offered to the section went to give it a prospective operation; but this was opposed, on the ground first taken, that, whether prospective or not, it would be equally our act, and equally a violation of the treaty; the words of which expressly referred to acts which should be passed in future, as well as those which should then be in existence. There were only six bounties now left in England, most of the others having taken the form of drawback. These were granted on beer, cordage, sailcloth, plate, silk, and sugar, and their object was to repay the duty which had been paid on the same articles when imported under a different form.

The section applied but to one of these, viz: that on sailcloth or canvass, (which includes cotton bagging,) and even in relation to this it is useless, as Britain can at once evade it by changing the name of the bounty into a drawback. To bring the case home, it was asked, whether, if the United States should grant a bounty to encourage the manufacture of pot and pearl ashes, we should think that Britain might lay a heavier duty on our pot ashes than on that from Russia?

It was said, on the other side, that bounties, though sometimes given by England to foster navigation, sometimes to promote commerce, and sometimes to equalize natural disadvantages, were, for the most part, intended to force a market for her commodities, in instance of which the bounties on glass and on silk were quoted.

To this it was replied, that, resisting her bounty would not necessarily protect our manufactures; and if it would, some of these bounties were on manufactures which we did not know, and could not, for half a century, possess; such as those of silk and of linens; in relation to which this law would only operate as a bounty to the French and German manufacturers. The answers of the British Board of trade to queries proposed by the Lords of the Treasury, contained an exposé of the British policy in relation to bounty and drawback; and showed they meant to compensate the duty paid on the importation of the raw material, used in the exported article.

The question was taken successively on Mr. STEWART's and Mr. TOD's amendments, and lost.

It was then put on striking out the 3d section of the bill, and carried—ayes 114, noes 66.

And then the Committee rose.

TUESDAY, March 9.

Mr. WHITTLESEY, from the Committee of Claims, made a report on the petition of Landie Richardson, accompanied by a bill for his relief;

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which was read twice, and committed to a Committee of the Whole.

Mr. FLOYD laid the following resolution on the table, for consideration, on to-morrow, viz:

Resolved, That the President of the United States be requested to cause to be laid before this House the accounts of all the Generals of the Army; likewise, of the Inspectors General, the Adjutant General, the Chiefs of the Engineer and Ordnance Corps, and the Surgeon General, for the two years preceding the 30th of September last; showing the amount of money paid to each, under the different heads of pay proper, brevet pay, rations, single and double, fuel, straw, quarters, transportation, and all other extra and contingent allowances, as well as the amount paid for rations, pay, and clothes for servants.

Mr. COCKE laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to lay before the House the names of all the officers of the Army, who have been brevetted, stating their lineal rank and brevet rank, when brevetted, and the amount of money paid to each, on account of his brevet rank, and when paid.

Mr. SIBLEY moved the following resolution:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing on the pension roll, under such restrictions as those who served nine months, that class of soldiers of the Army of the United States who served in the war of the Revolution eight months, commencing in the Spring of the year seventeen hundred and seventy-five, who are, or hereafter may, by reason of reduced circumstances in life, be in need of assistance from their country for support.

The resolution was read, and disagreed to by the House.

Mr. BRECK submitted the following joint resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to procure from Rembrandt Peale, of Philadelphia, a portrait of WASHINGTON, to be placed in the Capitol: *Provided*, the same can be obtained for a sum not exceeding — dollars.

The resolution was read the first time.

Ordered, That the bill to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes, be recommitted to the Committee on the Judiciary; and that the report from the Secretary of the Treasury, received yesterday, in relation to lands purchased on behalf of the United States, be also referred to the same committee.

GENERAL APPROPRIATION BILL.

The House resolved itself into a Committee of the Whole on the bill making appropriations for the support of Government, for the year 1824.

A desultory debate on several of the items of this bill occupied the House till past the usual hour of adjournment.

The blank in the eighth line, for compensation to the Senators and Members of the House of Representatives, their officers and attendants, &c.,

was filled with the sum of \$265,140. That in the tenth and eleventh lines, with "19th January."

In the fourteenth line, for the "contingent expenses of the two Houses of Congress," the word "sixty" was substituted for "fifty-eight," and an item of \$3,000 was added to the bill to provide for extra services in the Land Office, (in the employment of clerks to fill up military land warrants, twenty thousand of which are in arrear, some for purchases made seven years since.)

Several attempts were made to amend different items of appropriation, which, after much desultory discussion, were not successful.

The members who engaged in the debate, or rather in the multiplied inquiries and explanations which necessarily arise on a bill of this description, were Mr. McLANE, Chairman of the Committee of Ways and Means, who introduced the bill, Messrs. COCKE, TRIMBLE, TAYLOR, S. WOOD, FORSYTH, RANKIN, COOK, LITTLE, WRIGHT, DWIGHT, COBB, FOOT, of Connecticut, TUCKER, and SIBLEY.

The items which occasioned the most discussion were, the additional aid in the Land Office, the salary of a clerk for the Attorney General, (whose existence became a matter of inquiry,) that of a reporter for the Supreme Court, the clause for extra clerk hire, newspapers, and books, in the Department of State, and that for the erection of a courthouse in Charleston, South Carolina, for the courts of the United States.

Having proceeded in the bill as far as this last item, the Committee rose, and the House adjourned.

WEDNESDAY, March 10.

Mr. RICH, from the Committee of Claims, made a report on the petition of David Cooper, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, to which the subject had been referred, reported a bill concerning the distribution of arms to the militia, accompanied by a detailed report; which bill was read twice, and committed to a Committee of the Whole.

The joint resolution offered yesterday by Mr. BRECK, (in relation to Peale's portrait of Washington,) was read a second time, and referred to a Committee of the Whole.

The resolutions yesterday offered by Messrs. FLOYD and COCKE, (in relation to the brevetted officers in the Army,) were agreed to.

Mr. SLOANE, by leave of the House, presented a memorial of the General Assembly of the State of Ohio, upon the subject of the lands set apart in that State for the support of schools; which was referred to the Committee on Public Lands.

GENERAL APPROPRIATION BILL.

The House then went into Committee of the Whole, (Mr. CAMPBELL, of Ohio, in the Chair,) on the bill "making appropriations for the support of Government for the year 1824."

Mr. McLANE, of Delaware, withdrew the amend-

ment offered by him yesterday, respecting the court room of the United States, in Charleston, in order that the entire subject of providing accommodations for the United States' courts in the several States might be submitted to the Committee on the Judiciary.

On motion of Mr. TAYLOR, of New York, the 298th, 299th, and 300th lines of the bill, which are in the words following: "For erecting the eastern portico of the Capitol, and completing the interior of the building, one hundred thousand dollars," were stricken out, and, on motion of Mr. CUSHMAN, (Chairman of the Committee on Public Buildings,) the following was substituted:

For continuing the work on the centre building, eighty-six thousand dollars.

For alterations and repairs in the room occupied by the Supreme Court, six hundred and forty dollars.

For improving the Capitol square, and painting the railings around the same, eleven hundred and sixty dollars.

For making a foot-way in front of the public grounds, and open spaces between the Capitol and Navy Office, five thousand dollars.

For finishing the north portico to the President's House, twenty-six thousand dollars.

An item was added, after the 307th line, in the words following: "For sick, and disabled, and destitute seamen in foreign countries, forty thousand dollars."

The 314th and 315th lines, were altered to read thus: "for salaries of the Ministers of the United States to London, Paris, St. Petersburg, and Madrid, from the 3d March to 4th November, 1823, and also for the *Chargés des Affaires* at Stockholm, and the Hague, sixty-seven thousand five hundred dollars."

The item for building a north portico to the President's House, and that for the construction of a graveled walk in front of the public grounds, met with considerable opposition.

Mr. FORSYTH also opposed that item which makes appropriation for the payment of the salaries of some of our foreign Ministers, on the ground that the number of Ministers was unnecessarily great, as *Chargés des Affaires* might be substituted for some of them without detriment to the public service and with a saving of the public money, and we should thereby avoid the sacrifice of self-respect now arising from our sending Ministers Plenipotentiary to Powers who send no Ministers of the same grade to represent them at this Government—of which number were our Ministers to Spain and Portugal; and he moved to strike out that clause of the bill until farther information could be obtained, as to the necessity or expediency of such Ministers being sent where they were not, or continued where they were.

After a protracted debate on the subject, the question was taken on Mr. FORSYTH's motion, and lost—ayes 51, noes 75.

He then moved to strike out the word "Lima," in the list of the Ministers to South America. The debate was renewed on this motion, but, before the question was taken, the Committee rose.

The members, who took part in this day's debate, were Messrs. McLANE, COCKE, CUSHMAN, TAYLOR, SHARPE, TEN EYCK, MERCER, GAZLAY, WHIPPLE, FORSYTH, MCCOY, COOK, S. WOOD, and LIVINGSTON.

THURSDAY, March 11.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act authorizing the register of the land office, for the western district of the State of Louisiana, to report upon certain land claims within said district, reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to whom the subject was referred, reported a bill to alter the judicial districts of Virginia, and for other purposes; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. ALLEN, of Massachusetts, submitted the following joint resolution:

Resolved, That the President of the Senate and Speaker of the House of Representatives be authorized to close this session, by adjournment of their respective Houses, on — the — day of April next.

The resolution was read, and ordered to lie on the table.

On motion of Mr. McLANE, of Delaware, the Committee on the Judiciary were instructed to inquire into the expediency of making suitable provision for the accommodation of the courts of the United States at Charleston, in South Carolina; and in the several States of the Union.

On motion of Mr. LIVINGSTON, the Committee on the Public Lands were instructed to inquire into the expediency of vesting in the corporation of the city of New Orleans, all the right of the United States to the streets, squares, and roads, in the city of New Orleans; and also to all the lands lying within the limits of the city, which, by the original plan thereof, was left vacant between the houses and lots fronting the levee and the river.

On motion of Mr. LIVINGSTON, the Committee on the Judiciary were instructed to examine and report whether it is expedient to provide by law for making the system of practice in the courts of the United States in the district of Louisiana conformable to that of the State courts in that State.

The Committee of the Whole House to which is committed the joint resolution authorizing the purchase of Peale's portrait of General WASHINGTON, were discharged from the consideration thereof, and it was referred to a select committee; and Messrs. BRECK, UDREE, MERCER, SIBLEY, McDUFFIE, METCALFE, and McARTHUR, were appointed the said committee.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: An act regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise, in the public vessels

of the United States; An act for the gradual supply of cannon, bombs, howitz, shot, shells, and materials for carriages, for the fortifications, and other purposes; An act to authorize the employing of certain assistants in the General Land Office; An act for the benefit of Alfred Moore and Sterling Orgain, assignees of Morris Lindsey; An act for the relief of Sarah Venable and Jane Morgan; in which bills they ask the concurrence of this House.

Mr. STEWART called up the resolution formerly offered by him, in relation to a change of the hour of adjournment, from twelve to eleven o'clock.

On considering this question, the yeas and nays were called for, and were—yeas 99 nays 57.

The House having agreed to consider it, a debate arose, in which Messrs. STEWART, CAMPBELL, of Ohio, COOK, and TRACY advocated, and Messrs. WHIPPLE, MERCER, WILLIAMS, of North Carolina, and STEVENSON, opposed its adoption.

Before any question was taken, the hour elapsed, and the debate was superseded by the orders of the day.

GENERAL APPROPRIATION BILL.

On motion of Mr. McLANE, the House then resolved itself into a Committee of the Whole, on the bill making provision for the support of Government for the year 1824; and the question still being on the motion of Mr. FORSYTH, to strike out the word *Lima*, in that section of the bill which provides the means of sending Ministers to the Republics of South America, the debate of yesterday was renewed, and became, in some degree, extended to the consideration of our general relations with the South American States.

The motion to strike out was advocated by Messrs. FORSYTH, TAYLOR, McLANE, TRIMBLE, FLOYD, and MALLARY, and opposed by Messrs. WICKLIFFE, STORRS, BUCHANAN, LIVINGSTON, FULLER, and McKIM.

Messrs. BARTLETT, SIBLEY, and FOOT, of Connecticut, also spoke, but only for the purpose of asking or of communicating facts, and not directly taking part in the debate.

The motion to strike out the name of *Lima* was advocated on the ground that the appointment of a resident Minister at that place was unnecessary, as a *Chargé des Affaires* or a Consul might answer every purpose. A *Chargé des Affaires* had been appointed last year, and no change had since occurred to render a Minister necessary; that we have no evidence that the Government of Peru does, or ever has, desired the residence of a Minister from this Government; that it cannot be of any service to the interests of Peru; that, when the Republic of Colombia solicited a recognition of her independence and sent a Minister here, we kept him waiting for years in the galleries of this House, without so much as admitting him to set a foot in the lobby, and that, too, even after the independence of Colombia was fully ascertained. But the independence of Peru was not, to this hour, officially recognised, if, indeed, it were fully established—and no Minister had been sent from that Government here. That before Ministers had

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been sent to Buenos Ayres, Chili, or any other of the South American Governments, the independence of those Governments had not only been achieved, but had stood some test of time. But Peru was lately in the power of a Dictator, and it is even now said, that her capital is in the possession of hostile troops. At all events, the appropriation called for in this bill is unnecessary, because there is already a balance from former appropriations, fully adequate to meet the expense of this mission. The appropriation is more than needless, it is improper; inasmuch as it has the aspect of a measure stimulating the Executive to this mission. He has the subject entirely within his discretion; and the prudence with which he has heretofore employed discretionary authority, in respect to our foreign relations, entitles him to the unreserved confidence of this House. The resolve formerly passed by Congress, pledging its support to the President, in sundry missions to such of the South American Governments as should succeed in establishing their independence, was in general terms, and did not specify any Government in particular. Why should we depart from that course; in relation to Peru, a Government whose independence had never yet been recognised? As her situation is different from that of the four other Governments enumerated in this clause, she can have no good cause to be offended that no Minister is sent to her, while Ministers are sent to them. And, if a Minister's presence should at any time be requisite, it would be easy to send one of the others to Peru, for a limited time. This has been done in the case of several of our Ministers at the Courts of Europe.

The motion was opposed on the consideration that we have already a large commercial intercourse with Peru (and shall have more) which is subjected to many embarrassments, and to considerable risk, from the want of a suitable representative of this Government there; cargoes are consigned to native merchants—are seized on slight pretences, and even our navy officers have had to turn negotiators to preserve them from confiscation. This commerce is sometimes very profitable, a large market exists for our home manufactures and our flour, (the latter article sometimes bringing twenty-five and thirty-six dollars a barrel.) If we send a Minister to the other four Governments, and not to Lima, what will be the appearance of such a line of conduct in the eyes of Europe? It will be inferred that we do not intend to recognise Peru. This was especially to be avoided at this moment, lest it should be said, that while no dangers threaten we could make a gasconading acknowledgment of the independence of the South American States; but, so soon as one of them was menaced with attack, we were glad to avail ourselves of the fact of not having formally acknowledged its independence to turn about and retrace our steps. We ought not only to do nothing to encourage such an idea, but we ought to put it down by measures which could not be misunderstood. The independence of Peru was not doubtful, and, though we have not recognised her individual independence, yet the act of 1822 took

the general ground which covers her case. If we strike Lima from this bill, and Peru should afterwards be attacked by the Holy Alliance, how can we say any thing to those Powers in opposition to the most tyrannical acts against her? The declaration of the President in his last Message has been echoed from every American heart, and has produced a great sensation in Europe. Shall we not act in the spirit of that Message? Shall we stand on etiquette with an infant republic just passed through the last agony in struggling for her independence? We do not, by retaining Lima, hasten or stimulate the Executive; but only give what, in the report of the Secretary of State, he has applied to us to provide; and thus redeem to him the pledge we gave in 1822. Though no resident Minister may be necessary, none but a Minister Plenipotentiary can conclude a treaty, and our commercial interests require that a treaty shall be entered into as soon as practicable, lest commercial rivals anticipate us, and obtain for themselves advantages and privileges to our exclusion or injury. But higher considerations point to the same policy. Republican government is lost in Europe, save in one free country—it is struggling successfully in the Southern Hemisphere of our own continent. It is time that we formed an American spirit. The political principles of our own Government called on us to establish the interests of freedom in other Governments, and to sanction and confirm the representative principle wherever it is acted on—especially near home.

As to there being a balance already in the hands of the Department of State—if so, why are we furnished with estimates, and why was this item introduced into the bill of appropriations? and, if it is not expended, the money will only return into the Treasury. So far from our having no need of a Minister in Peru, we need one more there than in Chili, or almost any other part of South America.

As to etiquette, in only sending a Minister where we have first received one, all nations, as such, are equal, and one party must begin. There is a magnanimity in waiving considerations of this sort toward Governments just struggling into independence. If we stand on ceremony, let it be with the old and the strong Governments of the European world. Etiquette is a very doubtful principle of action for a free Republic; and it is to be hoped it will never stand in the way of a just, wise, and generous policy.

The Committee rose on motion of Mr. BRENT, at half past 4 o'clock.

FRIDAY, March 12.

Mr. McCoy, from the Committee of Claims, made a report on the case of Peter Yendes, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act for the

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relief of the legal representatives of Andrew Mitchell, deceased," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. COOK, from the Committee on the Public Lands, reported a bill for the relief of Jacques Myotte, Francois Charpenkie, and Jean Baptiste Laducier; which was read twice, and committed to a Committee of the Whole.

The resolution offered on a former day, by Mr. STEWART, for altering the hour of adjournment to 11 o'clock, having been taken up, Mr. FINDLAY moved to take the question on it by yeas and nays; but the House refused, twenty-six rising in favor of it, and then the question was put on the resolution, and decided in the negative—ayes 65, noes 73.

Mr. FLOYD laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the thirty-first rule of this House be expunged.

The said thirty-first rule is as follows:

"A motion to adjourn shall be always in order after four o'clock, p. m.; but, before that hour, it shall not be in order, if there be, at the time, any question pending before the House; that, and the motion to lie on the table shall be decided without debate."

A bill from the Senate, "for the relief of Sarah Venable and Jane Morgan," was twice read, and referred to the Committee on Military Affairs.

A bill from the Senate, "for the benefit of Alfred Moore and Sterling Orgain, assignees of Morris Linsey," was twice read, and referred.

A bill from the Senate, "to authorize the employment of certain assistant draughtsmen in the General Land Office," was twice read, and referred to the Committee on Public Lands.

A bill from the Senate, "for the gradual supply of cannon, bombs, howitz, shot, shells, and materials for the fortifications, and other purposes," was twice read, and referred to the Committee on Military Affairs.

A bill from the Senate, "regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise in the public vessels of the United States," was twice read, and committed to the Committee on Naval Affairs.

On motion of Mr. LONGFELLOW, the Committee on the Judiciary were instructed to inquire into the expediency of removing the courts of the United States, which are now holden at Wiscasset, in the State of Maine, to Portland, in the same State.

Mr. RANKIN laid the following resolution on the table for consideration to-morrow:

Resolved, That the Secretary of the Treasury be directed to inform this House, at the next session of Congress, whether the number of land offices in the United States may not be diminished, by consolidating the land districts, or otherwise, without any injury to the public interest, or material inconvenience to individuals; and that he report such a plan for the location of the land offices, and reorganization of the land districts, as will better promote the public interest, than the present location and organization of the

same; with such information as to the receipts and expenditures of the offices, severally, as may enable Congress to decide on the propriety of discontinuing any office.

On motion of Mr. SPAIGHT, the Committee on Commerce were instructed to inquire into the expediency of erecting a lighthouse on Shell Castle island, in Pamptico sound.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of Amasa Stetson;" also, a bill, entitled "An act for the relief of Dean Weymouth;" in which bills they ask the concurrence of this House.

GENERAL APPROPRIATION BILL.

The House then went into Committee of the Whole, Mr. CAMPBELL in the Chair, on the bill making appropriations for the support of Government for the year 1824.

And, the question being on the following amendment, offered by Mr. STORRS—"for the support of such missions as have been, or may, hereafter, be sent to the independent Governments of South America, the sum of \$36,000, in addition to the unexpended balance of the sum of \$100,000, heretofore appropriated for that purpose:"

Mr. FORSYTH moved to strike out the 317th, 318th, and 319th lines, and insert "for the salaries of the Ministers or Chargés des Affaires of the United States, who may be appointed to the Continent of America, \$36,000."

The Chair pronounced the motion not in order—when Mr. STORRS withdrew that previously offered by him, and Mr. FORSYTH explained the alteration he proposed.

The question being put, it was decided in the affirmative—ayes 113.

Mr. McLANE moved to fill the blank, in the 323d line, by inserting \$18,000, (for salaries of the several Secretaries of Legation;) agreed to.

Mr. COCKE objected to the item making provision for "Agents of Claims at London or Paris," and called for information, which was given by the Chairman of the Committee of Ways and Means.

A similar objection was made to the item providing for "expenses of the commission under the first article of the Treaty of Ghent." Mr. McLANE explained.

Mr. A. STEVENSON offered, as an amendment to the bill, the insertion of the following item:

After line 329; insert "for compensation to an Agent, (to be appointed by the President,) on the part of the United States, to collect, arrange, and lay before the Commissioners, under the convention relating to the slaves carried away, in contravention of the first article of the Treaty of Ghent, the evidence of the claims, which have been, or may be, transmitted by the claimants, \$2,000."

Mr. STEVENSON supported this amendment by an explanation of the facts of the case, and laid before the House a letter from Mr. Cheves, one of the Commissioners under the Treaty, written in reply to another addressed to him by Mr. STEVENSON.

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The amendment gave rise to a debate, which occupied the House for more than an hour. It was supported by Messrs. P. P. BARBOUR, BASSETT, TUCKER, FOOT of Connecticut, BAILEY, McDUFFIE, MERCER, and INGHAM, and opposed by Messrs. FORSYTH, MCCOY, McLANE, WEBSTER, RANDOLPH, and WICKLIFFE.

It was supported on the ground that the treaty having directed the Commissioners to receive such evidence respecting the losses of American citizens as should, under the direction of the President, be laid before them, and it being requisite that very considerable investigation should be had before the number and average value of the slaves lost could be ascertained, this officer was to be considered as an agent, not of the claimants, but of the Government, in obtaining information which the President was to lay before the Commissioners; he had thus far performed his duty with diligence, and greatly to the advantage of those interested; his services were still necessary; the claimants had been led to calculate on the continuance of those services—and to drop this officer now would be seriously injurious to them, and look like a want of good faith in the Government towards its citizens; the salary was moderate; the person thus employed was not to be a permanent officer; he was merely such an agent as the President had a right to employ.

The grounds of objection were, that such an officer was not needed, or if he were, as his employment was solely for the benefit of the claimants interested, they ought to pay him; that when a proposal was made to employ an agent of claims under the Florida treaty, Congress refused to appoint one; that the claimants ought to have the choice of their own agent; and if they should choose one and Congress appoint another, there might be collision; that the number of slaves lost was not very great; that it could be matter of no such great difficulty to settle the average value; this agent had already been employed a whole year, time enough, surely, to collect the necessary facts, and if continued much longer his salary would cost more than the slaves. That it was an improper mode of legislation to create offices by an appropriation bill; this officer was not responsible—the law made his salary sure, and he might sit down at his own house and do nothing, and it must be paid.

Mr. TUCKER suggested an amendment to the amendment, by inserting after the word President, "by and with the consent of the Senate." Mr. STEVENSON accepted of this as a modification of his motion; and the question being taken on the amendment thus modified, it was decided in the negative—yeas 67, nays 108.

On motion of Mr. McLANE, the word "fourth," in the 330th line, was stricken out. The item, thus amended, will read:

"For expenses of carrying into effect the sixth and seventh articles of the Treaty of Ghent, including the compensation of the commissioners, agents, and surveyors, and their contingent expenses, sixteen thousand dollars."

Mr. COCKE moved to strike out this entire item in the bill. The motion was not agreed to.

On motion of Mr. McLANE, an additional item was inserted, granting thirty thousand dollars for the expenses of intercourse with the Barbary Powers.

Mr. McLANE moved the following amendment: "for the services of an artificer in the Patent Office \$500;" but, after considerable discussion, the amendment was for the present withdrawn.

Mr. McLANE moved the following—

"For compensation for extra clerks employed in the General Post Office, during the last year, \$939 25;" which was agreed to.

Mr. McLANE moved the following items, which were agreed to:

"For compensation of nine members of the Legislative Council of the Michigan Territory, at \$2 each per day, for sixty days, \$1,080."

"For the contingent expenses of the Legislative Council, including the printing of the laws of said Territory, \$1,200."

"For the salaries of the secretaries of the land commissioners of East and West Florida, at \$1,250 each, \$2,500."

Mr. McLANE moved the following—

"For the completion of the medals voted by Congress to certain General Officers, to purchase gold for the medals, and to replace General Maccomb's medal, \$2,350."

The item was agreed to.

Mr. COCKE moved the following, to come in after the second section:

"And provided also, That no person receiving an annual salary from the Government of the United States, shall receive any thing in addition thereto, for any services whatever, by way of perquisites or extra compensation, except fees of office, which may be established by law."

The amendment was agreed to.

Mr. F. JOHNSON moved to strike out the 334th and 335th lines, viz: "For contingent expenses of foreign intercourse, \$40,000." This motion, after considerable discussion, was not agreed to.

Mr. HENRY moved the following amendment at the end of the 294th line:

"For removing obstructions to the navigation of the Ohio river, from Pittsburg to its mouth, and for removing obstructions to the navigation of the Mississippi, from St. Louis to New Orleans, \$75,000."

Upon submitting the amendment, Mr. HENRY remarked, that it involved a question of immense importance to a large portion of our population—to all the inhabitants of the extensive region beyond the Alleghany mountain, whose interests were vitally affected by the existing impediments to the navigation of the Ohio and Mississippi rivers. He felt it to be his duty, however, on every occasion, to pursue a candid policy. He would not disguise the fact, that a bill had been already reported by him, from the Committee on Roads and Canals, which had for its object the removal of those obstructions, but, owing to the lateness of the period at which it was reported, he was apprehensive that it could not be regularly

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reached during the session, and had, therefore, thought proper to introduce the proposition in the present shape.

Mr. McLANE, of Delaware, hoped that, as there was a bill already reported having in view the same object, the gentleman from Kentucky would withdraw his amendment, and not embarrass the present bill by a discussion which might continue several days. That he had no doubt the gentleman would have an opportunity of calling up his bill before the end of the session.

Mr. CLAY (Speaker) expressed his hope that his colleague would withdraw his amendment. He admitted that the course was not unusual; that, in an appropriation bill at a former session, at his instance, a similar provision had been introduced for a nearly similar purpose. But he hoped that, if the amendment was withdrawn, the House would feel disposed to indulge a spirit of liberality towards the bill which had been reported upon this subject, and would permit his colleague to call it up at a period as early as possible.

Mr. HENRY remarked, that he could assure the gentleman from Delaware that he was not disposed to embarrass the progress of the present bill. That he felt a deep solicitude to relieve the people of the West from the obstacles, the removal of which was contemplated; that he was fearful the bill reported by him might not be reached in time to be sufficiently acted upon during the session, and had been advised by several grave and experienced statesmen to present the question in the shape of an amendment to the present bill. He could not, however, resist the solicitations of the gentleman from Delaware and his colleague, (the Speaker,) and he would withdraw his proposed amendment, with the hope that the House would be disposed to indulge him with an early consideration of the bill "to improve the navigation of the Ohio and Mississippi rivers."

Mr. BASSETT, of Virginia, said, lest the gentleman from Kentucky might take silence for consent, and suppose that the House meant to pledge itself to give him the indulgence alluded to, he for one would say, that he would give no such pledge—that he was opposed to the measure, and he felt no disposition to extend the indulgence solicited.

Mr. McLANE rose to assure the gentleman from Kentucky that he felt a disposition friendly to the improvement of the navigation of those rivers, and felt disposed to grant the indulgence at as early a period as possible.

Mr. HENRY.—One word in reply to the gentleman from Virginia. I thank him for his candor, and hope he is entirely singular in his disposition.

The Committee then rose, and reported the bill as amended; and the House adjourned.

SATURDAY, March 13.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, made a report on so much of the petition of David Beard, as relates to the loss of merchandise brought to the United States from Canada, in 1812, after the commence-

ment of the late war with Great Britain, accompanied by a bill for the relief of said Beard; which was read twice, and committed to a Committee of the Whole.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to whom was referred a Message from the President upon the subject, reported a bill confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes; which was read twice, and committed to a Committee of the Whole.

The resolution yesterday offered by Mr. RANKIN (respecting land districts and land offices) was taken up, and agreed to.

The bill from the Senate, entitled "An act for the relief of Amasa Stetson," was read twice, and referred to the Committee of Claims.

The bill from the Senate, entitled "An act for the relief of Dean Weymouth," was read twice, and referred to the Committee on Pensions and Revolutionary Claims.

NAVY HOSPITAL FUND.

The SPEAKER laid before the House a report from the Commissioners of Navy Hospitals, made in obedience to a resolution of this House of the 20th of January last; which was read, and referred to the Committee on Naval Affairs. The report is as follows:

NAVY DEPARTMENT, March 16, 1824.

SIR: In answer to the resolution of the House of Representatives of the 20th January, "That the Commissioners of the Navy Hospitals be directed to report to this House the amount of the sums which they have received and expended by virtue of the act, entitled "An act establishing Navy Hospitals;" the balance remaining in their hands on the 31st of December, 1823, designating the sum which has been absorbed in the pay of the Navy, and which is due to the Hospital Fund," and what measures they have adopted to carry into effect the provisions of said act," we have the honor to enclose a copy of a letter from the Fourth Auditor of the Treasury, with a statement of the accounts in the Auditor's Office, showing the receipts and disbursements of said fund up to the 31st of December, 1823.

The law separating the Naval from the Marine Hospital Fund was passed on the 26th February, 1811. On that day a balance of \$3,782 86, standing to the credit of the Marine Hospital Fund, was carried to the credit of the Naval Hospital Fund. This sum, with the deductions authorized by law, from the pay of the officers, seamen, and marines, constitutes the whole of the Navy Hospital Fund. These deductions have been regularly made whenever the officers, seamen, and marines, have received their pay, and the sums so deducted have been left in the "pay of the Navy," which is of course responsible for them. They were not, in the first instance, drawn from the "pay of the Navy," at the times in which they accrued, in consequence of the war which succeeded the passage of the law, and were left in the same situation for several years afterwards.

By the report made on the 29th of October, 1823, it appears that the balance to the credit of the fund at that time was \$117,074 34; since which the deductions from the pay of the officers, seamen, and marines,

and for which the "pay of the Navy" is responsible, have amounted to \$2,638 61, making the Navy Hospital Fund, on the 31st December, 1823, amount to \$119,712 95, exclusive of the amount which has been under the control of the commissioners.

After the establishment of the fund in February, 1811, and before the 30th of September, 1821, the expenditures by the commissioners amounted to \$10,652 85; since that time there has been drawn and placed in the hands of the Treasurer of the United States, subject to the orders of the commissioners, \$43,335 87; and, in September, 1823, \$18,000 were paid for a site for a naval hospital near the navy yard at Charlestown, Massachusetts. These three sums added together make \$71,988 72, which, added to the sum of \$119,712 95, for which the "pay of the navy" is responsible, makes \$191,701 67, being the whole amount of money which has accrued to the fund since its establishment.

From this statement it will be perceived that the only funds which the commissioners can immediately control for the objects of the law, are those in the hands of the Treasurer, viz: \$43,335 87. The debt due from the "pay of the Navy" can only be paid as balances of the appropriations for that object shall remain at the end of the year; and as these appropriations are founded upon estimates calculated with great care and accuracy, and are barely adequate to accomplish their object, it is manifest that it will be a long time before the fund is repaid, and the commissioners will have the control of all the means which properly belong to it.

The delay will greatly postpone the accomplishment of the benevolent purposes of the law creating the fund, and do injustice to those who have contributed to it, and who, by the delay, will be deprived of its benefits.

With a view to avoid the difficulties which have heretofore existed on this subject, an order has been given to the Fourth Auditor of the Treasury to make out, at the end of each quarter, from the returns of the disbursing officers, a statement of all moneys accruing to the Navy Hospital fund during the quarter, and give a regular certificate of the amount, that a warrant may be issued for the same in favor of the agent of the fund. By this means it will, at the end of each quarter, receive all the money to which it is entitled, and the "pay of the Navy" will not become any further indebted to it.

In September, 1823, the commissioners purchased a site for a hospital adjoining the navy yard at Charlestown, Massachusetts, for which they paid \$18,000, and have made a contract for another site near the navy yard at Brooklyn. These are all the "measures they have adopted to carry into effect the provisions of the act." Respectfully, &c.

WILLIAM H. CRAWFORD.

J. C. CALHOUN,

SAMUEL L. SOUTHWARD.

Hon. SPEAKER of the House of Rep's.

TREASURY DEPARTMENT,
Fourth Auditor's Office, Jan. 26, 1824.

SIR: In obedience to the request contained in your letter of the 21st instant, enclosing a resolution of the House of Representatives relative to the "Naval Hospital Fund," I have the honor to report:

That, from the 26th February, 1811, to the 31st December, 1823, there has been passed to the credit of

the said fund on the books of this office, and those of the Accountant of the Navy, the sum of \$187,918 81 To which must be added a balance standing to the credit of the "Marine Hospital Fund" on the 26th February, 1811, and carried to the credit of the "Naval Hospital Fund" - - - 3,782 86

\$191,701 67

From this sum is to be deducted the amount of expenditures to 30th September, 1821 - - - \$10,652 85

Moneys drawn and placed in the hands of the Treasurer of the United States - - - 43,335 87

Moneys drawn in September, 1823, for the payment of land purchased for a naval hospital site at Boston - - - 18,000 00

71,988 72

\$119,712 95

Leaving a balance to the credit of the "Naval Hospital Fund" on the books of this office, on the 31st December, 1823, of one hundred and nineteen thousand seven hundred and twelve dollars and ninety-five cents, the whole of which has been absorbed in the "pay of the Navy," and for which the appropriation for that object is responsible.

I have the honor to be, sir, &c.

CONSTANT FREEMAN, Auditor.

Hon. S. L. SOUTHWARD Sec'y Navy.

RULES OF THE HOUSE.

The resolution yesterday offered by Mr. LLOYD (for expunging the 31st rule of the House, which is in the words following: "A motion to adjourn shall be always in order if after four o'clock p. m.; but, before that hour, it shall not be in order, if there be at the time any question pending before the House; that, and the motion to lie on the table, shall be decided without debate.") was taken up for consideration.

A desultory debate arose on this question, in which Messrs. FLOYD, TAYLOR, of New York, RICH, STEWART, WHIPPLE, LITTLE, ALLEN, of Massachusetts, MCCOY, KREMER, CULPEPER, RANDOLPH, McARTHUR, and MARTINDALE, took part.

The amendment, on motion of Messrs. LITTLE and MCCOY, was successively amended, so as to retain those clauses of it which declare that the motion to adjourn, and the motion to lie on the table, shall be decided without debate. On striking out the residue of the rule, which forbids a motion to adjourn being made until four o'clock, while any question is pending before the House, the yeas and nays were called by Mr. TAYLOR, and are as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Alexander of Tennessee, Allen of Massachusetts, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Brent, Buck, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Cocke, Collins, Conner, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Eaton, Eddy, Edwards of Pennsylvania, Edwards of

North Carolina, Floyd, Foot of Connecticut, Forsyth, Frost, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayden, Hayward, Herrick, Hobart, Hooks, Jennings, F. Johnson, Lathrop, Leftwich, Litchfield, Livermore, Livingston, Locke, McCoy, McDuffie, McKee, McLane of Delaware, Mangum, Mallary, Moore of Alabama, Morgan, Nelson, Newton, Plumer of New Hampshire, Poinsett, Prince, Randolph, Rankin, Reed, Reynolds, Richards, Rives, Rose, Saunders, Sanford, Scott, Sharpe, Sibley, Alexander Smith, William Smith, Spaight, A. Stevenson, J. Stephenson, Ten Eyck, Thompson of Georgia, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Van Rensselaer, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—95.

NAYS—Messrs. Adams, Barbour of Connecticut, Bassett, Beecher, Blair, Breck, Brown, Buchanan, Buckner, Burleigh, Campbell of Ohio, Cassedy, Condict, Cook, Crafts, Craig, Crowninshield, Dwight, Ellis, Farrelly, Findlay, Foote of New York, Forward, Fuller, Garrison, Gatlin, Gazlay, Harris, Henry, Herkimer, Hogeboom, Holcombe, Ingham, Isaacs, Jenkins, J. T. Johnson, Kent, Kidder, Kremer, Lawrence, Lincoln, Little, Long, Longfellow, McArthur, McKean, McKim, McLean of Ohio, Markley, Martindale, Marvin, Matlack, Matson, Mercer, Mitchell of Pennsylvania, Moore of Kentucky, O'Brien, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Rich, Rogers, Ross, Sloane, Arthur Smith, Standefer, Stewart, Storrs, Strong, Swan, Taylor, Thompson of Kentucky, Tod, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Vinton, Wayne, Whipple, Whittlesey, White, Wickliffe, Henry Wilson, Wilson of Ohio, Wood, and Wright—89.

The said thirty-first rule, as thus amended, is as follows:

"A motion to adjourn shall be always in order; that motion, and the motion to lay on the table, shall be decided without debate."

GENERAL APPROPRIATION BILL.

The report of the Committee of the Whole, on the bill making appropriations for the support of Government for the year 1824, was taken up, and the amendments agreed to in Committee were in part agreed to.

The question being on concurring in the appropriation of \$25,000 for the north portico of the President's house—

Mr. CUSHMAN, of Maine, addressed the House to the following effect:

Mr. Speaker: I hope the article under consideration will be retained in the bill; and I appeal to the good sense and patriotism of the House for support; nor do I despair of assistance from gentlemen in whose nature the principles of economy seem to be deeply radicated. It appears from statements already made, that the portico, to erect which, the appropriation is required, is a part of the original plan of the house built for the use of our Presidents. It is to be presumed that the edifice, at some period of our Republic, is to be finished. The present, on various accounts, appears to be the proper time to carry on the work to completion. Our country is at peace with all the world, and, rich in resources, can command ample funds; the materials for building are cheap;

the price of labor is low; the Treasury is in a condition to afford the expenditure; and there seems to be a laudable spirit to countenance economy, and to protect domestic industry; and on the principles of economy, and for the benefit of industry, among other reasons, I urge the appropriation. If adequate sums should be granted, the public edifices, in the course of two years, will be brought to such perfection, that the skill and superintendence of the architects may be dispensed with, together with the principal artificers, and most of the workmen; and hereby a great saving of expense will be made to the nation. These considerations address themselves with great force to our passion for economy; and, if we consult its true maxims, we shall certainly grant the appropriation. But there are other reasons. The portico, when completed, will be not merely an ornamental, but a useful appendage.

The house of the President resembles, in some respects, a city set on a hill—it cannot be hid. It becomes the dignified resort of citizens and strangers; the attractive point of all official characters, both of the United States and of foreign Governments. Here, also, are to be seen, on suitable occasions, brilliant assemblages of both sexes—a bright constellation of beauty and accomplishments. If it be asked, For what purpose? The answer is, to smooth the asperities of human nature; to harmonize what is harsh or discordant in the mind; to refine the social affections; to interchange civilities; to pay respect to the Chief Magistrate of the nation and his family; to relieve the State-worn patriot from the monotonous scene of business; to cherish a virtuous emulation, and to foster good feelings.

And do not reason and propriety require that the convenience and elegance of the mansion should be adapted to the station and dignity of the occupant, and to the respectability, refinement, and delicacy, of his guests? Ought not every circumstance and appurtenance conspire to give pleasure, and to make a favorable impression of our national character and taste? But, sir, what is the fact? Need I remind you of the serious inconveniences to be encountered on an inclement evening, in descending from the carriage, or returning from the saloon? If the healthy and robust of our sex have nothing to fear from the cold and dampening snows, the drenching rains, the piercing winds, or the noxious vapors, are these elemental annoyances attended with no ill effects to the fairer and more delicate portion of our race? Must they be debarred the social pleasures of life, the interviews of friendship, or be obliged to enjoy them at the expense of their health and safety? Shall I, Mr. Speaker, be more explicit? It were useless, before such an assembly as this. I know your urbanity. I duly appreciate the gallant spirit of this House. To these I appeal, in behalf of those, to accommodate whom, the generous gladly labor, and for whose protection the brave as cheerfully expose themselves to hardships, to sufferings, and wounds.

There are, however, other strong inducements. I ask, in the language of the Roman orator, but

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not with the same views, "*Quam rempublicam habemus? In qua urbe vivimus?*" Is it not the Republic which owes its existence to the wisdom and valor of our sages and heroes? Is it not the city which bears the proud name of WASHINGTON? And are we not emulous to give suitable dignity to the one, and appropriate decorations to the other? The Capitol, in which we exert our talents and display our eloquence for the common defence and general welfare, stands on an eminence which overlooks a vast extent of country. As far as the eye can extend its vision, the rural scenery around borders on the sublime and beautiful; and, to me, it seems that this site, and landscape, and the objects presented to view, invite us, with a powerful, though silent, eloquence, to give to the metropolis of our nation correspondent magnificence and beauty.

The proud oppressors of the earth, at different periods of time, have erected cities to their own fame, and adorned them with spoils of conquered nations. Not so is it with the city of Washington. The people of the United States, prompted by motives which do honor to the Republican character, decreed it, and are rearing it up to perpetuate the name of the Father of his Country. As long as our Republic shall remain, it will be a standing monument to his glory.

And will it not be gratifying to the best feelings of patriotism, and become a noble excitement to emulation, to behold the stately structures corresponding to the greatness of his achievements, reflecting the splendor of his talents and the munificence of his virtues. But, in all things, Mr. Speaker, I would observe the golden mean. I am no advocate for extravagant expense, empty parade, and useless ostentation. I only aim at simple grandeur. But I certainly entertain the opinion that, of all governments, a republic ought to appear with sober pomp and modest splendor. Not the dazzling radiance of a throne is here reflected; but the mild lustre, the serene majesty, of the sovereign people.

Whatever be the intrinsic excellence of an individual, it not unfrequently happens, that, for the want of a certain decorum, a bland manner, or an ingratiating deportment, his superior endowments are of diminished utility to himself and to his fellow-men. "Dead flies cause the ointment of the apothecary to send forth an unsavory perfume; so doth a little folly him who is in reputation for wisdom and honor." It is the same with government. For the want of a smooth and attractive exterior, by which the harsh features of power are softened, it, alienates public opinion, and loses somewhat of its authority to promote the public good. Hence, the wisdom of giving to our Republic, and all appurtenant, those graceful decorations, which, by the law of our nature, conciliate attachment and engage esteem.

In the course of my reading, I have somewhere met with an observation of this import—"Great men first make the government, and then the government makes great men." Certain it is, that our Government was founded by men pre-eminently great. And it is equally true that they

endowed it with the capacity to produce their own likeness. "My heart's desire, and even prayer to God," is, that this native tendency, or inherent capacity, may never be counteracted or impaired by a short-sighted, narrow-minded, heart-sickening, energy-destroying policy. I have no sympathies in common with those politicians, on whatever part of the globe they may dwell, who are for waging an exterminating war with all that is decorous and ornamental in society; whose policy, whatever be their motive, tends to replunge the civilized world into the depths of Gothic ignorance and grossness, and, Vandal-like, to involve the lofty column, the magnificent dome, the superb structures, the proud monuments of art, the boast and glory of refined ages, together with the works of genius and taste, in one indiscriminate ruin. It is the office of the statesman not to pull down, but to build up; not to deteriorate, but to improve his country. And the genuine patriot, in the work of amelioration and embellishment, will feel the generous ardor, the noble enthusiasm, of the poet who paints for eternity. Our Republic is not destined to crawl on the ground, and feed on dust, like the serpent. It is now erect, and in the image of its creators. Its genius, like theirs, is elevated and noble. The American Eagle is capable of a flight as lofty, and, in the cause of liberty and humanity, far more glorious, than the Roman. This emblem of our greatness already appears with healing under her wings, which, in due time, I trust, will be benignly extended over all oppressed nations.

Mr. McARTHUR, of Ohio, rose in reply. He should not attempt, he said, to follow the gentleman from Maine, in all the windings of the learned speech he had just delivered. For himself, he was a backwoodsman, brought up in tents and camps, and not practised in making fine speeches; but he thought it was sufficiently plain that this portico was not a matter of any necessity, and had better be dispensed with. He believed, according to appearances, that we should be at no loss in finding a tenant for the House without more repairs. The building was now complete, and, in his judgment, better without the portico than with it. The portico, which had just been completed, was, he believed, but little used, if at all. He did not, to be sure, profess to be very intimate at the President's house, but he had frequently passed it, and never yet saw the south portico occupied, or used in any way. As to the difficulty of getting there in bad weather, there is no compulsion which obliges us to visit the President's house while the weather is bad, or, at least, to take the fair ladies there of whom the gentleman had spoken. He could not but consider the proposed item of appropriation as a useless expense, especially when we recollect that the nation has a debt yet hanging over it of ninety millions of dollars. As to the magnificence of this Hall and the Capitol, to which the gentleman had alluded, the expenditure to produce it was, in a great measure, money thrown away. This Hall, as a place for speaking, was nearly useless—it was merely by accident that any thing could be heard at his seat that was read

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from the Clerk's table—members voted in the dark—and might be voting away the public money without knowing it, for the want of distinctly hearing the resolutions read at the Clerk's table. Government would yet have to abandon it, and build a plain square room, where members could hear what each other said. He, therefore, thought that the style of this Hall ought to be no guide in erecting our public buildings; and he hoped never to see it followed. He called for the yeas and nays on agreeing to the appropriation.

Mr. KREMER, of Pennsylvania, said he had no interest in this portico, and he could not vote in favor of it. He was one of those who went upon the old Republican principles; he had started in '98 on those principles, and he meant to adhere to them. He could not see any valuable end to be answered by adding another portico to the President's house, unless, indeed, it was to make a monument of what the gentleman called "simple grandeur." Perhaps the gentleman might think this Hall, too, was a monument of "simple grandeur"—but, for his part, Mr. K. said, he thought it was a monument of pride and extravagance, and not of old Republican principles. He could not undertake to answer the gentleman's fine speech; to him, a great part of it was unintelligible; and, in reply to some quotations he had made in it, from a dead language, he should answer in his own mother German tongue: *Ich habe es nicht verstanden*.* He did not believe that any man had a right to entail debt upon posterity. Congress, to be sure, had the power to do so, but they could not do it on any moral principle. And, before we set about making monuments of "simple grandeur" we had better be sure that we have the money to make them in our pocket. He did not think Congress had a right even to put up a necessary building, till we were able to pay for it—[a laugh, and a call to order.] As to this portico, it was, in his opinion, as unnecessary as a fifth wheel to a wagon. The gentleman, to be sure, had made a long speech about it, and it might be oratory, for aught he knew, but it certainly had nothing of solid reasoning in it.

Mr. HOGEBOOM, of New York, rose for the purpose of obtaining information from the Chairman of the Committee on the Public Buildings, (Mr. CUSHMAN,) whether much expense had already been incurred in preparing materials for the proposed portico. He did not consider the building of this portico as a matter very necessary, but if much expense had been gone into to provide for it, it might, perhaps be better to go on with it; if not, he thought the money might be much better applied to repairing the injuries in the wall which surrounds the enclosure of the President's house, and in smoothing away some of the precipices in the bank within it, which are now so unsightly.

Mr. SHARPE, of New York, made a farther inquiry about some stone which were dressed, and lay in front of the Capitol.

Mr. CUSHMAN explained.

When the question was taken on the appropri-

* I did not understand the gentleman.

ation, and decided in the negative—yeas 65, nays 115, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allison, Archer, J. S. Barbour, Bartlett, Breck, Brent, Brown, Burton, Cambreleng, Campbell of South Carolina, Cobb, Cook, Crowninshield, Cushman, Durfee, Dwinell, Dwight, Ellis, Farrelly, Forsyth, Fuller, Govan, Gurley, Hamilton, Hayward, Kent, Lincoln, Longfellow, McDuffie, McKee, McKim, McLane of Delaware, Markley, Martindale, Mercer, Miller, Moore of Alabama, Morgan, Nelson, Newton, Plumer of New Hampshire, Poinsett, Reed, Reynolds, Rives, Rose, Saunders, Sharpe, Stoddard, Strong, Taylor, Ten Eyck, Tod, Tracy, Tucker of Virginia, Vance of North Carolina, Van Rensselaer, Wayne, Whipple, Whitman, Wood, and Wright.

NAYS—Messrs. Alexander of Tennessee, Allen of Tennessee, Baylies, Barber of Connecticut, P. P. Barbour, Bassett, Beecher, Blair, Buchanan, Buck, Buckner, Burleigh, Cady, Campbell of Ohio, Carter, Cary, Clark, Cocke, Collins, Condict, Conner, Crafts, Craig, Culpeper, Cuthbert, Day, Edwards of Pennsylvania, Edwards of North Carolina, Findlay, Floyd, Foot of Connecticut, Foote of New York, Frost, Garrison, Gatlin, Gazlay, Gist, Hall, Harris, Hayden, Henry, Herrick, Hogeboom, Hooks, Houston, Ingham, Isacks, Jennings, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Leftwich, Letcher, Litchfield, Livermore, Livingston, Long, McArthur, McCoy, McKean, McLean of Ohio, Mangum, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, O'Brien, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Randolph, Rankin, Richards, Rich, Rogers, Ross, Sandford, Scott, Sibley, Sloane, Arthur Smith, Alexander Smyth, William Smith, Spaight, Standefer, A. Stevenson, J. Stevenson, Swan, Thompson of Georgia, Thompson of Kentucky, Tomlinson, Trimble, Tucker of South Carolina, Tyson, Udree, Vance of Ohio, Vinton, Webster, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of South Carolina, Wilson of Ohio.

On the item of appropriation for public walks in front of the lots and ground belonging to the United States, in the city of Washington, \$5,000, a debate arose of a somewhat desultory character.

Mr. COCKE, of Tennessee, said, that when he looked at the appropriations proposed, and heard the gentlemen from Maine support them by telling us that we have an overflowing Treasury, it put him in mind of a boy who had received from his papa a supply of pocket money; he thinks it will never be gone, and is engaged only in contriving ways in which he can spend it. We have, to be sure, said Mr. C., got some money now in the Treasury; but do we forget that whatever we forbear spending out of it will go toward defraying our public debt? or do not gentlemen remember that, next year, there will be twenty-six millions of that debt to be paid? If we squander away our resources as soon as they come into the Treasury, we shall bequeath to our posterity a large debt, which ought to have been paid by ourselves, and which we ought to be paying, now, in a time of profound peace. To give away our money, to make foot-paths for the people of Washington, is not the way to do this, nor are these fine gravel

walks at all necessary. We are told, to be sure, by the gentleman from Maine, who deals so much in gallantry, that he is afraid the ladies may muddy their toes in coming up to the Capitol to hear the members make speeches. But, for his part, Mr. C. said, he thought the present walks were quite sufficient for all useful purposes.

Mr. KREMER thought with the gentleman from Tennessee. He had, for one, found no difficulty whatever in going about the city, or in getting up to the House; and, if ladies do muddy their toes, why let them e'en stay at home, and not come crowding the galleries of this House. For his part, the travelling was convenient enough for him—he found no difficulty from the mud. Nothing in life was, in his opinion, valuable, but as it was useful. The nation wants money, and how do gentlemen propose to get it? By loans? No. By direct taxes? Not at all. But by transfer, the most iniquitous of all modes of paying debts. Look at England. It was not long since her debt was only a small sum, and now it was grown to the enormous amount of upwards of a thousand millions of pounds sterling; and so heavy was her load of taxes that land in that country would not fetch half its value. This course was beginning to be pursued here; nay, it had been pursued, and that too long already.

Mr. COCKE called for the reading of an act relating to the proceeds of the sales of public lots in Washington; and it was read accordingly.

Mr. TAYLOR, of New York, thought that this act, instead of weighing any thing against the proposed appropriation, rather showed that Congress is bound to make the pavement. There is an unexpended balance of the proceeds of these sales now in the Treasury, and it ought, according to the provisions of this act, to be applied to objects of this description. The act passed two years since, and to which the gentleman from Tennessee had alluded as a proof of our liberality to the citizens of Washington, was merely to change the location of a canal, and, when that is completed, the balance of the proceeds of sales must return into the Treasury, &c.

Mr. COCKE explained. Nearly two millions of dollars had arisen from the sales of public property in this city, and what had become of it was not easy to tell, unless it had been divided among the citizens of Washington. Only \$18,000 of it, he believed, ever reached the Treasury; and that has no sooner got in than we have a plan to draw it out again.

Mr. CUSHMAN replied to Mr. COCKE. He had not said, we have an "overflowing Treasury." There were, he believed, about six millions in the Treasury, and the sum he proposed to draw from it, for the portico, was only \$26,000, which would not make any great hole in it. As to what had fallen from the gentleman in relation to his speech, he did not profess to deal in wit, and therefore he should not attempt to answer it. He was a plain man, and aimed only at speaking common sense. In relation to the particular item now under consideration, he said he thought the citizens of Washington had expended much, both of money and

labor, to improve their city and to accommodate the members of Congress; and, as they had to make these walks in front of their own property, it was fit that Government should do as much for property which belonged to the public.

Mr. BUCK, of Vermont, wished to know whether the \$18,000 referred to as proceeds of sales, is still in the hands of the Commissioner, or has been paid into the Treasury; in the former case, let the Commissioner apply it at once to this object; in the latter we must put an appropriation for it into the bill. The object of the appropriation now under consideration, Mr. B. thought, was a proper one.

Mr. TAYLOR called for the reading of a statement from "Burch's Digest," showing how the moneys from the sale of public property in Washington had been applied. [The statement was read; from which it appears that the money has been expended in building the Capitol, &c.]

Mr. MERCER, of Virginia, agreed with the gentleman from Vermont, (Mr. BUCK,) that the whole question was, whether the money still remained in the hands of the Commissioner, or a special appropriation was necessary. This, the gentleman from Tennessee (Mr. COCKE) had not told the House. Mr. M. also suggested that the charter, granted to the city, ought to be examined, to see how far Congress has bound itself to improve the ground in front of public property. It still holds, he believed, five thousand lots in the city, the extent of whose fronts would probably amount to thirty miles. Mr. M. entirely coincided in the sentiment of the honorable gentleman from Maine, that there was not the least ground of complaint against the inhabitants of Washington—they were not his constituents—he had no more interest in them than other gentlemen; but he sympathized with them, from the bottom of his soul, in the burdens they had to sustain, and he thought they had shown an enterprise in improving the city, highly honorable to their character, and entitling them to the consideration of Congress, their only guardians.

The question was then taken on this item of appropriation, and it was carried in the affirmative—yeas 94, nays 49.

On the clause introduced by Mr. COCKE, which provides, that no person receiving an annual salary from the United States shall receive any thing in addition thereto for any service whatever, by way of perquisite or extra compensation, except fees of office established by law, a debate arose, which occasionally grew very warm.

On the suggestion of Mr. FORSYTH, of Georgia, the proviso was modified by the addition of the word "official," so as to make it read "for any official service," &c.

Mr. COOK, of Illinois, was of opinion that the proviso, as modified, was a bad one, and, without the modification, a very bad one. If he understood its operation, it would be to prevent any person holding an office, such, for instance, as a Governor of a Territory, from being temporarily employed to discharge any other function to which emolument was attached—such, for example, as nego-

tiating an Indian treaty—although that person might, of all others, be the best fitted to discharge that duty.

Mr. FORSYTH replied, in explanation, that the proviso would not have this operation. It applied only to the receiving of extra pay or perquisites for the discharge of duties which belong to the very office held, and not to those of another office.

Mr. COOK thought it would be found to bear on a part of the system now sanctioned for the compensation of the officers of the Navy, and to some of those of the Army also.

Mr. COCKE explained, that it could touch none of those persons, as they did not receive "an annual salary," but monthly pay and perquisites, and even those latter were all regulated by law.

Mr. COOK rejoined.—He still thought it would prevent the temporary employment of salaried persons in the discharge of other duties, unless they would consent to perform the duty for nothing.

Mr. COCKE thought it was strange that the member from Illinois should be so zealous on this subject, when he had formerly been equally zealous in opposing a measure of the kind he now advocates, in relation to the investigation of the affairs of certain land offices in his own State.

Mr. COOK repelled the insinuation.—The member from Tennessee talked, as usual, about what he did not understand—but he had been in the habit of doing this so frequently, that the House had given him a sort of prescriptive right to speak about matters of which he was ignorant. Yet the member ought not to mislead the House on points of facts which he did understand. [Mr. COOK then explained the circumstances to which the gentleman from Tennessee had alluded, and defied and invited scrutiny.] He insisted that the proviso could be productive of no economy; for, as these extra duties must be performed by somebody, and that somebody must be paid for performing them, all that this proviso would do, would be to tie the hands of the President from employing the most suitable person to perform them, because such person might happen to enjoy an annual salary, for something else, not incompatible in its nature.

Mr. COCKE replied, and declared that his only object, and the only effect of the proviso would be to cut off perquisites, which rested on custom and not on law, from certain salaried officers who now received them. By this he believed the public good would be promoted, which was his sole inducement in offering the amendment.

Mr. FOOT, of Connecticut, understanding that the gentleman meant to exclude extra pay only when given for duties properly belonging to the office of the person who performed them, offered an amendment to make the proviso read in the words following: "for any official duties whatsoever, appertaining to the office for which said salary shall be received."

Mr. BUCK thought that nothing would be gained by the proviso. It would only prevent clerks in the offices from being employed out of office hours in duties to which, of all other persons, they were most competent, but which it would be un-

reasonable to expect them to perform without extra allowance. If the proviso was adopted, these duties must be given to somebody else to do, not, probably, half so well acquainted with the performance of them. It has besides a squinting towards restricting the powers of the President in the proper discharge of his duty.

Mr. GAZLAY, of Ohio, wishing better to understand the proviso and its operation, moved to lay the bill on the table, and to order the amendment to be printed.

This motion was not agreed to.

Mr. TRACY, of New York, apprehended that the mover of the amendment was hardly aware of the extent to which its terms would operate. No doubt there existed some abuses, which it might remove; but, before he, for one, could consent to its adoption, he must have a clearer knowledge of the cases to which it would apply. It appeared to him to be too crude—it embraced too much, and was too indefinitely worded, to be adopted in its present shape. There are certain allowances to some of the officers, both of the Army and Navy, he believed, which, having been sanctioned by usage, form a part of their support, and did form a part of it when they accepted their commissions, but which probably have never been expressly sanctioned by law. He would not say whether these ought all to continue, but it was very possible that many of them were right and proper. At all events, he wanted a fuller view of the facts before he was prepared to legislate upon the subject.

Mr. COCKE explained.—the proviso was not intended to touch the proper emoluments of either the Army or Navy. It might reach the case of certain Generals, who, besides their annual salary, received rations, quarters, &c., not sanctioned by any law. It would reach the case of the Attorney General, who, whenever he performed any duty out of court, and at his own lodgings, must have extra fees, &c. He was sure that his friend from New York, who had rendered him such important aid on a former occasion, in preventing defaulters from receiving their salaries till their accounts were adjusted, would, if he rightly understood the present proviso, give it his hearty support.*

** To the Editors of the National Intelligencer:*

The Intelligencer of this morning contains a debate in the House of Representatives, on a clause proposed by Mr. COCKE, of Tennessee, to be introduced into the appropriation bill, and providing that no person receiving an annual salary from the United States, shall receive any thing in addition thereto, for any service whatever, by way of perquisite, or extra compensation, except fees of office, established by law. On the suggestion of Mr. FORSYTH, the proviso was modified by the addition of the word *official*, so as to make it read, "No person receiving an annual salary from the United States, shall receive any thing in addition thereto, for any official services." In the course of the debate, Mr. COCKE is reported to have said, among other things, that "this proviso would reach the case of the Attorney General, who, whenever he performed any duty out of court, and at his own lodgings, must have extra fees," &c. The remark, taken in connexion with the subject-matter, is calculated to make the

Mr. TRACY replied, that he had supported the former measure, and was happy in perceiving that its adoption had led to beneficial consequences. But, he was not prepared to strip salaried persons of all that part of their income which was derived from perquisites and extra pay for extra duty, without investigation, and without giving them some permanent equivalent.

The question was then put on the amendment to the proviso which had been moved by Mr. FOOT, and it was negatived.

Mr. WHIPPLE, of New Hampshire, suggested that the object of the gentleman from Tennessee might be accomplished without adding the proviso to this bill, as a bill was shortly to come from the Senate on the subject.

After a few words from Mr. COCKE in reply—The question was taken on adopting the proviso as modified, and carried—ayes 76, noes 68.

The next amendment was an appropriation of \$16,000 for carrying into effect the first and seventh articles of the Treaty of Ghent; which was adopted.

The question then being on the amendment of the committee to the item respecting our Ministers and Chargés des Affaires at foreign Courts—

Mr. GAZLAY moved further to amend the item by striking out the words "Madrid" and "Lisbon."

While this motion was under discussion, the House adjourned.

MONDAY, March 15.

Mr. HERRICK, presented a petition of John White, a Revolutionary pensioner, praying to be allowed arrearages of pension.

Mr. TOMLINSON presented a petition of sundry owners and masters of vessels, in the State of Connecticut, praying that buoys may be placed on a reef of rocks in Long Island Sound, called the "Hen and Chickens."—Referred.

Mr. McLANE, of Delaware, presented a memo-

impression, that, whenever the Attorney General performed any official duty out of court, and at his own lodgings, he must have *extra fees*. This could scarcely have been the sense of the speaker: because, in this sense, the remark is incorrect. The present Attorney General never did receive an *extra fee* for any official duty, in court, out of court, at his lodgings, in his office, or any where else. For the performance of all his official duties, his sole compensation has been the salary of his office. He has, on a very few occasions, (four, only, are remembered, in the course of the six and a half years during which he has been in office,) been employed by the Government to render professional services, wholly out of the line of his official duties; and, for these, he has been compensated as any other professional gentleman, who might have been employed by the Government to render the same services, would have been compensated. But he has never received an *extra fee* for any official duty whatever, or wheresoever performed; and, consequently, the proviso does not reach the case of the Attorney General, nor has it the most distant bearing on any part of his conduct.

WASHINGTON, Tuesday, March 16, 1824.

rial of the Commissioners of the town of New-castle, in that State, praying for the aid of the General Government in erecting additional piers in the harbor of said town.—Referred.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, reported a bill authorizing the employment of additional clerks and certain messengers and assistants, and other persons, in the several Departments, which was read twice, and committed to a Committee of the Whole.

Mr. McLANE, from the same committee, made a report on the petition of Mary H. Hawkins, accompanied by a bill for her relief; which was read twice, and committed to a Committee of the Whole.

Mr. WEBSTER, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to change the terms of the district court of the United States for the Kentucky district," reported the same without amendment, and it was ordered to be read the third time to-morrow.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of Thomas L. Ogden, and others, accompanied by a bill for their relief; which was read twice and committed to a Committee of the Whole.

On motion of Mr. COOK, the Committee on Public Lands were instructed to inquire into the expediency of allowing Matthew Duncan to change his location of the southwest quarter of section No. 22, in township No. 9, south of range No. 4 west, to some other quarter section, it having been located through mistake.

On motion of Mr. GURLEY, the Committee on Military Affairs were instructed to inquire into the expediency of providing, by law, for removing the obstructions to the navigation of the river Iberville, in the State of Louisiana, placed in said river during the late war, by order of the Commanding General of the Southern division of the Army of the United States.

On motion of Mr. JENNINGS, the Committee on Roads and Canals were instructed to inquire into the expediency of aiding the State of Indiana to open a canal at the falls of the Ohio, in conformity to an act of the General Assembly of said State, approved January 31st, 1824.

Mr. COCKE offered the following resolution: "Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire and report whether any arrangements can be made by which the letters addressed to the members of Congress while in session can be supplied at an earlier hour, and at a less expense."

Mr. BRENT moved the following amendment, which was accepted as a modification: "And whether the privilege given to members of Congress to frank letters ought not to be extended." And the question being put, the resolution, as modified, was adopted—ayes 72, noes 56.

Mr. RANKIN laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to inform this House if any of the Commissioners appointed for the examination of titles and

claims to land in the Territory of Florida, have received, in advance, any part of the compensation allowed by law for the performance of the duties required of them, previously to the performance of those duties, or without having performed any service for such advance; and, if any such advances have been made, that he be requested to state, under the provisions of what law they were so made, with the amount, the time when, and to whom advanced; but, if advanced without any law authorizing the same, that a copy of any order or authority, if any there be, by virtue of which any sum of money may have been drawn from the Treasury of the United States, be furnished this House.

Mr. OWEN moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of increasing the salary of the district judge of the district of Alabama.

The resolution was read, and disagreed to by the House.

Mr. STEWART moved the following resolution:

Resolved, That the committee on the Chesapeake and Ohio canal be instructed to inquire into the expediency of providing for the sale of the public lots and public lands belonging to the United States, in the District of Columbia, and that the proceeds be appropriated to the first section of the Chesapeake and Ohio canal, between this city and Cumberland.

TONNAGE DUTIES, &c.

Mr. BRECK offered the following resolution for consideration:

Resolved, That the Committee of Commerce be instructed to report to this House whether any law exists in contravention of the provisions of the convention of the 3d July, 1815, made between this country and Great Britain; also, to inquire into the expediency of countervailing by law any duties on American tonnage, which Great Britain may lay thereon contrary to the stipulations contained in the aforesaid convention.

In offering this resolution, Mr. BRECK stated that it had a twofold object; first, to inquire whether we had been to blame in contravening the provisions of the convention between this country and Great Britain; and, secondly, whether it would not be expedient to countervail, by law, any tonnage duty that may be laid contrary to treaty by England. It appeared, by the proceedings of the Imperial Parliament, that, so late as the 13th of February, resolutions were passed in the House of Commons, authorizing the British King to levy ninety-four cents per ton on American ships trading to his European dominions, and sixty cents per ton on our ships going to the West India colonies. The duty of ninety-four cents, Mr. B. thought, was at variance with the following stipulation, contained in the convention:

"No higher or other duties or charges shall be imposed in any of the ports of the United States, on British vessels, than those payable in the same ports by vessels of the United States; nor in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States, than shall be payable in the same ports on British vessels."

The convention contains no stipulation forbidding our Government's countervailing all tonnage or other duty levied in the colonies. It is believed that a duty equivalent to one dollar per ton has been raised from our tonnage since the West India trade has been open to our commerce; and this has been, in part, countervailed by us. But this we are perfectly at liberty to do, for it is a colonial concern, not incorporated into the convention. Not so on ships coming from Great Britain. Here we are restricted by a positive treaty stipulation; and if any duty on such trade has been laid, it is entirely contrary to law, because a treaty is the supreme law of the land. If no such duty has been exacted at our custom-houses, it will be proper to countervail immediately, by special act, any duty that Great Britain may impose upon our European trade. The tax of ninety-four cents on our commerce, with the single port of Liverpool, will amount, on 136,000 tons of American shipping that entered that port alone in 1823, to one hundred and twenty-eight thousand six hundred dollars; and, upon our trade to other British European ports, to about seventy thousand dollars; making an additional charge upon our commerce of more than \$200,000! As the resolution is only for inquiry, Mr. B. trusted that it would be sent to the Committee of Commerce.

Mr. NEWTON and Mr. CAMBRELENG made some remarks in opposition to the resolution, as believing the inquiry unnecessary; and Mr. MALLARY and Mr. TRIMBLE, taking the contrary ground, made some observations in favor of it.

Finally, on motion of Mr. FOOT, the resolution was ordered to lie on the table.

GENERAL APPROPRIATION BILL.

The House then passed to the orders of the day, and took up for consideration the bill making provision for the support of Government for the year 1824.

Mr. GAZLAY withdrew the amendment offered by him on Saturday, and the question being on concurring in the amendment as reported by the committee—

Mr. GAZLAY said, he hoped the House would not concur, and, if it did not, he should then move to amend the bill, by inserting a proviso to appropriate \$49,000, as a sum adequate to the maintenance of European foreign relations. Mr. G. said, the practice of more than twenty years has been to provide, generally, for foreign intercourse, without designating the places of Ministers. This had obtained through the tide of successful and unsuccessful experiment, and he saw no good reason to change it. He was not prepared for the doctrine, that, whenever, and as often as the President might choose to appoint a Minister to the Court of any despot in Europe, this House was bound to echo the appointment; and, as often as an appointment should be made by taking a member from the Senate—a principle not surely agreeable to the people—that we should do the same; he thought the safest way was, to leave each department to bear the responsibility of its

H. OF R.

The Tariff Bill.

MARCH, 1824.

own Constitutional discretion. The long practice which gave sanction to the course he proposed, was, to his mind, a sufficient proof of its correctness.

He wished the sum reduced for two reasons, viz: because he believed that there were many national objects to which it could be more advantageously appropriated; and, because he saw no good reason for maintaining Ministers of the first grade at the Courts of all the despots in Europe, when there was no national object for them to accomplish. Mr. G. said, he had always understood that foreign Ministers were intended for the making of treaties, or for settling some great national question; and, as we had neither of these now on hand, with the great crowned heads, he must presume that ours had no other design than the maintenance of a system of espionage; and, although this might do well enough for one tyrant to watch another, he thought it totally inadmissible for a great republic. What have we now, said Mr. G., to do in Europe to justify the number and expense of foreign Ministers? and how many great objects have we which demand all our resources? Mr. G. said, he did not believe that this course had, or would meet the wishes of the American people, and he could not reconcile it with any sound principle of democracy.

Mr. McLANE advocated the amendment of the committee, and replied to Mr. GAZLAY. The question being put, the amendment was adopted, as reported by the Committee of the Whole.

The remaining amendments having been, also, concurred in, the bill was ordered to be engrossed for a third reading, and was subsequently read a third time, passed, and sent to the Senate for concurrence.

THE TARIFF BILL.

On motion of Mr. TON, the House then went into Committee of the Whole on the state of the Union, (Mr. CONDIOT in the Chair,) and resumed the consideration of the bill for amending the several acts laying duties on imports.

Mr. BAYLIES, of Massachusetts, moved to amend the bill by striking out the word "one" and inserting "three," in the 65th and 66th lines, so as to make that clause of the section read as follows:

"On all Leghorn hats or bonnets, and all hats or bonnets of straw, chip, or grass, and on all flats, braids, or plats, for making of hats or bonnets, a duty of fifteen per centum ad valorem: *Provided*, That all Leghorn hats and bonnets, and all hats or bonnets of straw, chip, or grass, which, at the place whence imported, with the addition of ten per centum, shall have cost less than three dollars each, shall, with such addition, be taken and deemed to have cost three dollars, each, and shall be charged with duty accordingly."

Mr. BAYLIES supported this motion by a speech, in which he stated the benefits that would result, and gave a succinct history of this branch of manufacture, in this country, from its earliest origin till it had grown to an annual amount of a million and a half of dollars. He stated the manner in which it had been ruined by the im-

portation of Leghorn bonnets, to the amount last year of \$800,000.

The motion was further advocated by Mr. RICH, and opposed by Messrs. CAMBRELENG, SHARPE, MARVIN, and FLOYD. And the question being put, it was lost.

Mr. COOK, of Illinois, moved to amend the 82d line, by striking out "two," and inserting "three," so as to make it read "On lead, in pigs, bars, or sheets, three cents per pound." And he supported the motion in a speech of considerable length. It was opposed by Messrs. SHARPE and CAMBRELENG, of New York—advocated by Mr. STEWART, of Pennsylvania, and further opposed by Mr. SANDFORD, of Tennessee, to whom Mr. COOK replied—when the question being taken, the motion was not agreed to.

Mr. FOOT, of Connecticut, moved to amend the bill in the 148th line—"On muskets, one dollar and fifty cents per stand," by adding the words following: "And on all other fire-arms, and on side-arms, thirty per cent. ad valorem." The motion being explained by Mr. FOOT, was adopted without opposition.

Mr. McKIM then moved to strike out the 177th line, viz: "On tallow, four cents per pound." He supported his motion by a short speech, to which Mr. TON replied. When, on motion of Mr. FOOT, of Connecticut, the Committee rose, and the House adjourned.

TUESDAY, March 16.

The Committee on the Judiciary were discharged from the consideration of the petition of Thomas Collins, as, also, from the petition of the Pennsylvania Society for promoting the abolition of slavery, for the relief of free negroes unlawfully held in bondage, and for improving the condition of the African race; and they were laid on the table; also, from the consideration of the petition of sundry inhabitants of East Florida, upon the subject of negroes claimed by Indians; and it was referred to the Secretary of War.

Mr. RANKIN, from the Committee on the Public Lands, who were, on the 31st December last, instructed "to inquire into the title and right of the United States, in and to one township of land, reserved for certain purposes in the contract entered into with John C. Symmes, as mentioned in the laws passed in 1792 and 1803, relating thereto," made a report thereon, which was laid on the table.

Mr. RANKIN, from the same committee, to which was referred the petition of John Johnson, Indian agent in the State of Ohio, reported a bill reserving to the Wyandot tribe of Indians, a certain tract of land, in lieu of a reservation made to them by treaty; which was read twice, and committed to a Committee of the Whole.

Mr. RANKIN, from the same committee, to which the subject was referred by resolution, on the 10th of February ultimo, reported a bill confirming certain claims to lands in the western district of Louisiana; which was read twice, and committed to a Committee of the Whole.

MARCH, 1824.

Massachusetts Contested Election.

H. OF R.

Mr. RANKIN, from the same committee, to which was referred the bill from the Senate, entitled "An act to authorize the employing of certain assistants in the General Land Office," reported the same without amendment, and it was ordered to be read a third time to-morrow.

Mr. WHITTLESEY, from the Committee of Claims, made a report on the petition of Solomon Sibley, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of Sarah Venable and Jane Morgan," reported the same without amendment, and it was committed to a Committee of the Whole.

The resolution laid on the table by Mr. RANKIN, yesterday, was taken up, considered, and agreed to.

The bill from the Senate, entitled "An act to change the terms of the district court of the United States, for the Kentucky district," was read the third time, and passed.

A Message from the PRESIDENT OF THE UNITED STATES was received and read, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 17th of February last, requesting "information whether any measures had been taken for carrying into effect the resolution of Congress of June 17, 1777, directing a monument to be erected to the memory of David Wooster, a Brigadier General in the Army of the United States, who fell in defending the liberties of America, and bravely repelling an inroad of the British forces to Danbury in Connecticut," I have caused the necessary inquiries to be made, and find, by the report of the Register of the Treasury, that no monument has been erected to the memory of that patriotic and gallant officer, nor has any money been paid to the Executive of Connecticut on that account.

JAMES MONROE.

MARCH 17, 1824.

The Message was referred to the Committee of Ways and Means.

MR. BAILEY'S CASE.

Mr. SLOANE moved to postpone all the previous orders, and take up the report of the Committee of Elections unfavorable to the right of JOHN BAILEY, a member of this House, to a seat therein. Mr. BAILEY was proceeding with some remarks, but the Chair pronounced all discussion out of order till the question was taken on considering it. It was then taken, and decided in the affirmative—ayes 103, noes 62.

The House accordingly went into Committee of the Whole, (Mr. COBB in the Chair,) on the report above-mentioned. The report of the Committee of Elections was read.

Mr. BAILEY, of Massachusetts, rose and addressed the Chair as follows:

Mr. Chairman: I feel peculiar embarrassment in offering my views of the present subject, from a conviction that I shall be unable to do it justice. Even if my health were perfectly good, I should

labor under the disadvantage of being unused—totally unused—to public speaking. This misfortune, joined with a very feeble state of health, renders it impossible that I should do justice to a subject in which I cannot avoid feeling great interest. I hope, therefore, that this Committee will do me the favor to believe my cause really much better than my representation of it will be.

It cannot escape observation that the question now under consideration is not an ordinary instance in the history of contested elections. Nearly all such questions have for their object to ascertain what is the real will of the people. In the present case, the object is to discover if there be any mode of defeating the will of the people.

On this subject, one rule, it is believed, may be laid down with perfect truth. And it is stated with the more confidence, since I have the authority of the chairman of the Committee of Elections for its correctness. In the discussion of a late case, the contested election from New York, which, we all remember, rested mainly on the correctness or incorrectness of the decision of the commissioners of election in that State respecting a single vote, that gentleman remarked that in order to set aside this decision of the commissioners, it was not sufficient to raise a doubt on the case; there must be made out a clear and "positive" case against the decision. This remark, Mr. Chairman, I heard with particular pleasure; both because it was a just remark, and because I hoped that not only that gentleman, but this House, would extend the same just and liberal principle to my own case. The truth of the principle cannot be doubted. And if it applies to the decision of the commissioners of an election, with how much more force does it apply to the expressed will of the people of a whole district? A strong and positive case indeed ought to be made out, before such an expression of the will of the people is set aside. And I undertake to show that the report of the Committee of Elections has entirely failed to make out such a case.

In contested elections, arising under either the General or the State governments, the practice has been to give a liberal construction in favor of the rights of the people. This practice, it is believed, has never been departed from, except in times of great party heat and excitement. In the present times it is trusted that no such excitement will be found to exist. It is not to be denied that efforts have been made, out of doors, both at the time of the election and more recently, to give a party turn to the case now under discussion. But I trust that no such efforts will avail; that this House will permit no such feelings to mingle in the discussion. I appeal with confidence to this House to take that liberal view of the privileges of the people, which has so universally prevailed on questions of this nature.

For the first time, within my knowledge, we have a departure from this liberal construction in the report of the Committee of Elections now before you. The principles of this report are indeed new; they are wholly unprecedented. In no authorities, either legislative or judicial, do we

find the principles here avowed. Inhabitaney, according to this report, means purely and simply "locality of existence"—the mere fact of being in a place. This definition, I venture to say, was never before heard of, and is at war with the spirit of all our free institutions.

When I was elected to this House, in September last, I was employed in the Department of State. The question occurred—Shall I resign that employment, and accept a seat in this House? This was an interesting question, to one who depended for his living on his own exertions. In this country nearly all of us are compelled to pursue some course of honest industry for our support; and, Mr. Chairman, it is most fortunate for the country that this necessity is so general. To a person thus situated, the question presented for decision was an important one. Doubts I know were entertained of my eligibility. I extended my inquiries to all analogous cases within my reach; and they were all, without exception, in favor of my eligibility. I learnt the opinions of some of our first citizens on this point; and they too went to the same result. I have learnt, accidentally in most cases, the opinions of at least twelve of the very first statesmen and jurists of the nation; and, what is most remarkable, those opinions are perfectly unanimous—not one, of the whole number, is opposed to what appears to me to be the truth of the question. I do not mention this fact, under the impression that such opinions should have a binding force with this House. With this House, and this House alone, the Constitution has left the full control of questions like the present. But the opinions of such persons are entitled to respectful consideration. And it is natural to suppose, that they must have had decided weight with me, when determining in my own mind the question of acceptance.

Before examining the principles of the report of the committee, I beg leave to notice several errors in it, in point of fact.

The report (p. 6-7) says: "It is contended by Mr. Bailey, that, as he was in the employ of the General Government while in this District, and had expressed an intention of returning to Massachusetts, that he still remains an inhabitant of that State." I certainly never contended, Mr. Chairman, that I remained an inhabitant of Massachusetts, merely from the two facts here stated. But I did contend for it, from those two facts, supported by another most important fact, that this constant declaration of my intention of returning, was confirmed by my whole course of conduct while I was employed in this District—by my total disconnection with the civil affairs of this place. We all know the irresistible propensity of freemen, to take part in the civil concerns of those communities, in which they intend to make their permanent abode. My entire abstinence from taking such part in this District, most strongly corroborates my uniform declaration, that I intended it as merely a temporary abode.

The report (p. 7) further says: "The fact is conceded, that, at the time of the election, and

for nearly six years before, Mr. Bailey was actually an inhabitant of the City of Washington." The obvious understanding of this remark would be, that this fact had been conceded by me. Such, however, is not the fact. No such concession has ever been made by me.

[Here the Chairman of the Committee of Elections, rose to explain. He said that the committee were obliged to state the points of Mr. B.'s defence from recollection merely, as it had never been put into their hands in writing, but merely read to them. Mr. B. replied, that his defence was read to the committee on the 29th of January, from a rough draught—that he was to have given in a correct draught at the next meeting of the committee, on the fourth of February—but that, in the meantime, on the second of February, he learnt from the committee that they had determined on their report. This fact, together with a desire to incorporate some remarks on several points subsequently suggested by the committee, was the reason why the corrected draught was not submitted to the committee.]

The report (p. 8) also says, that I assumed "the character of the head of a family." This is entirely incorrect, unless there be some peculiar and technical meaning of the phrase, different from its common meaning. I have been accustomed to consider, that a person, in order to be the head of a family, must either own or rent a house—or must have the government of the domestics of the family—or must regulate its pecuniary expenses, or at least furnish the means. Some one, at least, if not all, of these incidents, I have always supposed necessary to constitute the head of a family. Yet not a single one of these incidents has attached to me, during my residence in this District.

These errors in point of fact, in the report before us, I have thought it necessary to notice in the first instance; as they may have had an unfavorable influence on the minds of some members of this House. If they have had such influence with a single member, it is hoped these remarks will correct it.

I will now proceed, Mr. Chairman, to notice some of the points and arguments contained in this very extraordinary report; and will show, not only that many of them are founded in error, but that many are wholly inconsistent with each other.

In the second paragraph of the report, it is stated, that the subject under consideration is "one of great national consequence." This remark could not certainly be intended to apply merely to the individual seat, which is now contested; but must be meant to refer to the general principle involved in the question under discussion. Is the remark correct, even in this respect? Our present National Government has been in operation for thirty-five years. At the end of thirty-five years, one case has occurred, in which a person residing at the Seat of Government has been elected a member of this House. Perhaps in thirty-five years more, another case may occur. Is this an alarming prospect? Is the case one of such "great national consequence?" I will agree

with the chairman of the Committee of Elections, that if another case should occur within the next thirty-five years, and we should both have seats on this floor, I will join him in a vote in favor of an amendment of the Constitution, which shall expressly exclude from this House all persons not actually resident in the States in which they are chosen. But I will whisper in the ear of that gentleman, that if he feels alarmed lest the purity of this House should be destroyed, and is anxious for a remedy, there is an amendment which might be made in the Constitution, far more efficacious than the one proposed. Let the Constitution be amended, so as to prohibit Executive appointments from being made from this and the other branch of Congress. If there is real danger of Executive influence in Congress, here is a field more worthy of the gentleman's labor than the one in which he has been industriously engaged.

In the same paragraph, we have an attempt to elucidate the meaning of the word inhabitant, by adverting to the supposed state of the parties in the Convention which framed the Constitution of the Union. It is alleged, that in this Convention there were three parties, zealous in support of their respective favorite theories; one in favor of a consolidated Government, a second in favor of a confederation not differing widely from the old, and a third in favor of an intermediate form. No authorities are cited in support of these alleged historical facts. But suppose the statement perfectly correct—is not the inference from it precisely the reverse of that drawn by the committee? The committee infer, that, since the second party were zealous in "sustaining the distinctive character of the several States," and in limiting the powers of the General Government, therefore, we are bound to give a rigid interpretation of the word inhabitant. To me, this appears completely a *non sequitur*. Before this inference can be legitimately drawn, it must be proved that this party prevailed in the Convention, and modelled the Constitution according to their own views. But this is not proved—the fact is known to be the reverse. So far were they from this victory, and so erroneous did they consider the principles of the Constitution, that some of them refused to the last to sign it; and others were strenuous in advocating amendments, which should restrain what they deemed the dangerous latitudinarian powers of the General Government. So true is this, that the report itself admits that "it was with much reluctance that they finally agreed to unite, in that spirit of mutual concession and compromise, out of which resulted the adoption of the present Constitution." To infer that a word used in the Constitution ought to be construed rigidly, because there was, in the Convention which framed it, a party in favor of giving very limited power to the General Government, which party it is confessed did not succeed in establishing their peculiar views, is a species of reasoning, which this House will never adopt.

We are further informed, by the report, that the wise framers of the Constitution must have foreseen, that the Seat of the General Govern-

ment would collect a number of persons, "whose long habit of dependence on those who might fill the chief places in the Government, would do much towards enlisting them in support of almost any cause which the Administration might wish to promote." Without stopping to inquire, whether mankind are really as corrupt as this remark implies, I must deny the inference drawn from it in the report. It is inferred, that because these framers foresaw this supposed state of things, therefore, they meant to prohibit the election to this House of any person so residing at the Seat of Government. I have already adverted to the far greater influence of the Executive in this House, by the unlimited power of appointment from among its members. If the number of members which have been thus appointed for thirty-five years past, be compared with the number (one) elected to this House among those employed at the Seat of Government, we shall see the magnitude of the influence from the former source, compared with that from the latter. Now, to suppose that the framers of the Constitution intended expressly to guard against the latter comparatively trifling source of Executive influence, and yet overlooked the former overwhelming one, is to suppose them an assembly of weak and short-sighted men, wholly unworthy of the great trust reposed in them. It is plain, then, that they had no such fears as this report attributes to them; but believed, that men might be honest though once employed at the Seat of Government, or though even under the far stronger influence of a hope of still further Executive patronage.

The report subsequently alludes to the experience of the British nation, and the supposed intention of the framers of the Constitution to avoid the evils incident to the election of members of the British Parliament. In the remarks which I had the honor to submit to the Committee of Elections previous to their report, and which are printed with it, I have suggested what seems to me the reason why inhabitancy has been for a long period made a qualification for office, by so many of our constitutions and laws. Our ancestors had seen the evils experienced in Great Britain from their system of representation, and aimed at preventing their existence in this country, without weighing fully the difference of conditions between that country and this. Such, I presume, was the motive of the first adoption of this rule; a rule which was continued, and engrafted into the Constitution of the United States, rather from habit, than from any serious fears, at that time, of danger to liberty, from the want of such a rule. So different is the condition of representation in this country from that in Great Britain, that I venture to say, that no injury would be experienced by us, if the clause of the Constitution, requiring inhabitancy as a qualification for a seat in this House, were entirely abolished. The equality of our representation, and the great number and intelligence of our electors, render it impossible, even without such a clause, that the evils of representation, found in the British system, should ever exist with us. The vote

of one, or two, or five electors, as in England, may be controlled; but those of five thousand, as in the United States, cannot be. For this reason I believe most fully, that if this clause of the Constitution were entirely abolished, no practical evil would result. And, therefore, I believe, that the clause was inserted by the framers, rather from habit, than from a belief in any necessity for that over-rigid adherence to the principle, which this report inculcates.

When reading this allusion to the improper influence exercised in elections to the British Parliament, I confess I had one regret. I did regret, that the committee did not add, that not the slightest appearance of such influence existed in the case in question. Since the committee allude to such improper influence in Great Britain, as having a bearing on the present subject of debate, some may be led to infer, that possibly it had real existence in the election now contested. It was shown, apparently to the satisfaction of the committee, that none such existed in the case. I do regret that the committee, when alluding to such influence, did not explicitly state their belief, that such was the fact.

The report proceeds to state that "the true theory of representative government" requires that the representative be "selected from the bosom of that society which is composed of his constituents;" and that he should possess a knowledge of their character and political views, and for that purpose should "mingle in their company and join in their conversations;" and that he should especially have "that reciprocity of feeling and identity of interest which exist only among members of the same community." This is a beautiful theory, but happens to make no part of our Constitution, and, therefore, has no application to the case in question. We are all prone to fancy to ourselves what ought to be a rule of action, and thence to infer that such is in fact the established rule. This is an error. Our inquiry now is, what is the Constitution?—not, what ought it to be? That the above picture is ideal, and unsupported by the Constitution, is easily shown. Suppose, when I came to this city, I had, instead of this, gone to the State of Ohio, and settled there, with full and evident intention of making it my permanent abode. And suppose, in one month after this, a district of that State had been as infatuated as a district in Massachusetts seems to have been, and had in its weakness selected me to a seat in this House. This would unquestionably have been a valid and Constitutional election. What, then, becomes of the above beautiful theory of representative government? Where is the representative coming from the bosom of the society of his constituents? Where his mingling in their company—his joining in their conversations—and his intimate knowledge of their character and political views? It is plain that nothing of this is found. Yet a provision securing these advantages, the report asserts, is "absolutely necessary" for "every well regulated government." Either, therefore, our Government is not a well regulated one, or the

report under consideration is incorrect. We shall be safe in continuing to believe that our Government is a good one, and that the people may still be trusted with selecting their own representatives without a danger that they will select persons wholly unacquainted with their interests and views.

The report, in illustration of its doctrine, quotes the Journal of the Convention of 1787, which framed the Constitution of the United States. I feel greatly indebted to that journal; for it proves, conclusively, that the rigid doctrine of the report is unsound. By recurring to the journal, we find that the earlier draughts of the Constitution, when speaking of the qualifications for a seat in this House, use the word "resident;" requiring that the person elected should be a resident of the State in which he should be chosen. But toward the close of the Convention, the word "resident" was changed to the word "inhabitant;" which plainly shows that the framers of the Constitution considered that a person might be an inhabitant of a State though not actually resident in it. We further find that the qualification for the office of President was, in the first draught, twenty-one years an inhabitant of the United States; but this was afterwards changed to fourteen years a resident. This two-fold change proves clearly that the two terms, "inhabitant" and "resident," were understood by the Convention to have distinct and separate meanings. So evident is this fact, that the report itself admits that the word "inhabitant" was inserted in place of "resident," "as a stronger term." This admission completely overthrows the main principle of the report: which is, that, according to the Constitution of the United States, a person is an inhabitant of that place in which he actually resides. If the stronger term "inhabitant" mean mere "locality of existence"—mere residence in a place—what less than this can the weaker term "resident" mean? This one fact, as admitted by the committee themselves, proves that the fundamental principle of their report is unsound, and, therefore, ought not to be sustained by the House.

The report cites *Vattel*, and *Jacob's Law Dictionary*, in support of its definition of inhabitancy: but it does it hesitatingly, as in doubt of the applicability of these foreign authorities to an American question. I agree with the committee in their doubts: I do not believe these authors would be conclusive authority, even if they were most explicit and full. But they are the reverse of this. *Vattel* says: "Inhabitants, as distinguished from citizens, are strangers, who are permitted to settle and stay in the country." Even according to *Vattel*, it is only those who settle in a place, that are inhabitants of it. As I never settled in the District of Columbia, and never intended to settle there, the quotation does not apply. Besides, according to *Vattel*, inhabitants are strangers. What becomes of the delightful theory of representative government laid down in this report? If inhabitants are strangers, where is the representative coming from the bosom of the society, with his knowledge of its character and views? The

quotation from *Jacob* is still more vague. These authorities prove nothing.

The constitution of Massachusetts is quoted in the report, as declaring, that a person shall be considered as an inhabitant "where he dwelleth or hath his home." This the committee consider as "settling conclusively" the meaning of the word. Persons acquainted with the civil concerns of the State well know, that that definition is held as leaving the question as doubtful as it found it. So far is it from settling the question conclusively in favor of the rigid doctrine of the report, that the whole practice of that State proves the reverse. The decisions of the highest judicial tribunal of the State, as well as its legislative proceedings, prove that the word inhabitant, in that State, does not mean, as this report contends, barely residence in a place, but refers to a person as a member of the political community. The qualification of a voter for Governor and Senators is inhabitancy, without using at all the word citizen or citizenship. And yet (see Mass. Reports, vol. 2, p. 245, 263, and vol. 7, p. 523) the question respecting a right to vote, is invariably considered as involving the question of citizenship. Numerous cases also in its legislative history show, that inhabitancy is retained, without actual residence. Besides, the terms citizen and inhabitant are used in the constitution of the State without any apparent distinction.

If, therefore, we take the use of the term inhabitancy in Massachusetts, as the test of the legality of the election in question, it is most unquestionably legal. Every authority is in its favor. And this use, probably, ought to be the test. When the Constitution of the United States says, that a member of this House must, at the time of his election, be an inhabitant of the State in which he is chosen, it probably leaves to each State to determine what shall be its own terms of inhabitancy. If, however, we take the other ground, and consider the question as one to be determined solely by the Constitution of the United States, without reference to the State authorities, it has already been shown, that the framers of the Constitution, as admitted by the committee themselves, had a different understanding of the meaning of the word inhabitant from that contended for in this report.

It is also stated in the report, that the constitutions of Delaware, Georgia, and Ohio, have a saving clause in favor of persons absent from those States; and this saving clause is given as proof, that absence destroys inhabitancy. It might have been stated, that not only these three States, but nearly all the States in the Union, acknowledge the same principle in favor of their citizens, when absent in the service of their State, or of the United States. The constitution of Kentucky, for instance, has the following provision: "Absence on the business of this State, or the United States, shall not forfeit a residence once obtained." The same principle, to a greater or less extent, is recognised by the constitutions of twelve out of the eighteen States, whose constitutions have been formed since that of the United States. And Vir-

ginia, in her general election law, adds also her example to the list. Instead of inferring from these facts, as this report infers, that mere absence destroys inhabitancy, I infer, and confidently infer, the very reverse. This general concurrence of the voice of the nation, in favor of persons in public employment, proves that the principle is founded deeply in the common sense of mankind. It proves that it is an essential principle in our free institutions, that absence on public employment shall not diminish the rights of the person so employed.

The report cites the act of March, 1790, for taking the first census, as proof of the correctness of its own definition of the word inhabitant. We know very well, that laws are often passed, without much regard to critical verbal accuracy. In most cases, the language is such as happens to be reported by a committee; and I am not at all inclined to support the infallibility of committees. But suppose the word inhabitant is used in this law with entire accuracy; even this proves nothing. It does not prove that the first Congress meant to exclude from the enumeration persons who were temporarily absent from their original permanent homes. It therefore proves nothing.

Nor does the judiciary law of 1789, cited in the report, prove any thing. In the whole of that long act, the word inhabitant appears to be used but twice; in the 11th and in the 27th sections. And in neither case does the use of the word give the slightest sanction to the doctrine advanced in this report.

In reply to the almost irresistible argument in my favor drawn from the numerous instances in which persons have enjoyed the privilege of inhabitants, while absent in public employment, the report contends, that such instances cannot be properly adduced as precedents, where the question was not formally agitated and decided. This doctrine I venture to say is unsound. Whatever may be its correctness as applied, in the strict practice of courts of law, to principles, it cannot be true as applied to the meaning of a word. Language, we all know, is perfectly arbitrary. The meaning of a word is determined wholly by its use. If the people of a country, by common consent, consider a person as an inhabitant of a State, though he is temporarily absent in public employment, this must be received as the true meaning of the word, even if there were not a single formal decision on the point. Such general practice shows what is the common-sense interpretation of the word; and is conclusive of the question.

We might go further than this. Even if it were proved that the framers of the Constitution understood the word in the same sense as is contended for in the report, (though we have seen distinctly that they did not,) yet, if it were also proved, that, for thirty years past, the uniform understanding of the people of this country has been different, and their uniform practice different, it would be wrong to reject this uniform understanding and practice, and revive the obsolete use of the word. Language is ever fluctuating. The title of one of the most ingenious treatises on philology ever presented to the world, very aptly

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expresses this character of language—"Winged Words." Words are indeed winged; they are constantly changing their meanings, and assuming new uses. If the constitution of a country, by the lapse of time, have a different construction from that originally given it, and any supposed evil ensue, the proper remedy is to amend the constitution, and not to attempt to revive obsolete interpretations, to the prejudice of the rights of persons who have acted on the faith of long and uniform practice. In the present case, however, there is no necessity for this. We have seen that the framers of the Constitution did not understand the word inhabitant as it is defined in this report.

There is one argument, Mr. Chairman, entitled to great consideration; it is the peculiar condition of the District of Columbia and its government. The Committee on Elections, however, in their report, confess themselves unable to discover any thing in this circumstance applicable to the present case. To my view, the circumstance is a most important one—so important that perhaps the question might be rested safely on this point alone, without even naming any other.

The District of Columbia is a district erected expressly for the accommodation of the States of this Union, as the seat of their common Government. This common Government exercises exclusive legislation over it. Every State, therefore, partakes of its jurisdiction; and every person residing in the District is under the participant jurisdiction of his own State. To say, then, that a person, coming from one of the States to this District, has left entirely the jurisdiction of his own State, is incorrect; he has left its peculiar and separate, but not its participant jurisdiction. Let us suppose a district of ten miles square in the centre of Maryland, divided into four equal parts, and owned by four individual persons. Suppose these persons should convert one square mile, in the centre of this District, into a joint property, for the purpose of a park. And suppose Maryland should pass a game law, prohibiting every person from hunting on any grounds not his own. Can we believe that this law would prohibit those four proprietors from hunting in their joint park? No. Yet in the same sense in which this park is the property of these four persons, is the District of Columbia the territory of each State in the Union. Who will deny that each State participates in the legislation of this House? In the same degree it participates in the jurisdiction of the District of Columbia.

The report says that the same rule will apply to all the territory purchased by the United States, as to this District. The correctness of this position is distinctly denied. The power of Congress over this District, and that over such Territories, are powers derived from two entirely distinct clauses of the Constitution; and clauses having a marked distinction of phraseology. To say that what applies to one power, must apply to the other also, is therefore plainly erroneous. But even if correct, it would not prove the correctness of the report. If any one can by an effort prove, that what

applies to the one applies also to the other, he shall be welcome to the full benefit of his effort. The doctrine will still be true and unshaken, that each State participates in the jurisdiction of the District of Columbia.

It may also be truly said, that a person employed in the business of the United States, is employed in the business of each State. The agent of a commercial house is the agent of each individual associated in the firm. So, the business of the United States is the business of each State so united. A person, therefore, who leaves his own State to discharge any executive duties at Washington, is employed in the business of that State, and continues under its modified jurisdiction. That the Committee of Elections should confess themselves unable to discover a distinction between such a residence at Washington, and an ordinary "settlement in one of the States of the Union," is indeed remarkable.

In the seventh page of the report, we have a statement of the views of the committee respecting ambassadors and other foreign agents, which, taken in connexion with other parts of the report, has indeed surprised me. It is stated that no analogy exists between the cases of such foreign agents, and the case in question; inasmuch as an ambassador cannot become a "citizen" of the country in which he resides, nor can "lose his allegiance" to his own country. Here the committee have fallen into the very error (if error it be) against which, in a former part of their report, they hold out a pointed caution. In page 4 they say that "many of the misconceptions" which prevail respecting inhabitancy, have arisen from confounding the terms *inhabitant* and *citizen*. "The word inhabitant," they say, "comprehends a simple fact, locality of existence; that of citizen, a combination of civil privileges." Yet, in page 7, when speaking of ambassadors, they commit the very error against which they had just protested: and speak of *citizenship* and *allegiance*, saying nothing of *inhabitancy*, and the ambassador's local existence. If the main doctrine of the report be correct, that "civil privileges" relate exclusively to citizenship, and not at all to inhabitancy, and that inhabitancy comprehends barely the fact of local existence, then an ambassador is most plainly and indisputably an inhabitant of the country in which he resides. The doctrine, therefore, in relation to ambassadors, is utterly inconsistent with the fundamental principle of this report.

Equally inconsistent with it is the report of the same Committee of Elections, made on the 3d instant, in the case of the member from Georgia, (Mr. FORSYTH.) "The capacity in which he acted," says this second report, "excludes the idea that, by the performance of his duty abroad, he ceased to be an inhabitant of the United States." How the capacity in which a person acts, can change the "fact" of his local existence, is perfectly incomprehensible. If the doctrine of the first report be true, that inhabitancy means barely the fact of local existence; and if a Minister of the United States actually reside in Spain, it follows by irresistible necessity that he is an inhab-

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itant of Spain, and not of the United States. To speak of the capacity of a Minister, and the privileges resulting to him from that capacity, is, according to the first report, wholly foreign to the question of inhabitancy; since privileges relate wholly to citizenship, and not at all to inhabitancy, which means barely local existence. If, therefore, the first report be correct, the second cannot be correct.

This second report, after having thus attempted to prove that the member from Georgia (Mr. FORSYTH) was, while actually residing in Spain, in reality an inhabitant of the United States, proceeds to say, that "inasmuch as he had no inhabitancy in any other part of the Union than Georgia, he must be considered as in the same situation as before the acceptance of the appointment." Here is laid down the doctrine of constructive inhabitancy, as broadly as I have ever claimed it. A person, though actually living in Spain, is to be considered as living in Georgia, because he was in "the performance of his duty abroad," and because he lived in no "other part of the Union than Georgia." For the same reason a person who performs executive, legislative, or judicial duties at Washington, and who takes no part in the civil concerns of the place, "must be considered as in the same situation as before the acceptance of the appointment." This is the true doctrine of our free and liberal institutions, as well as of the second report of the committee, though it is utterly inconsistent with their first report.

It has been said that the case of an ambassador or other minister is wholly different from the present case, because he is invested expressly with certain privileges by *international law*. This difference is wholly imaginary. The real substance of the privileges of a Minister is, that he is not subject to the laws and government of the country in which he resides. And the reason of this is given by writers on public law. This exemption is given, because without it he could not discharge, properly and independently, the duties of his office. This is the simple account of the case; there is no magic in it whatever. A Minister is allowed certain privileges while abroad, to facilitate the discharge of his duties while there, but having no reference whatever to the continuance or exercise of merely municipal rights at home.

This view is supported by the very meaning of the word *international*. International law is the law which prevails between nations, and is entirely distinct from the internal law of a nation. The qualifications of members of this House are prescribed by our own internal and purely municipal regulations. To call in international law to set aside or restrain a municipal regulation of a purely municipal subject, is plainly an error. A Minister, appointed to a foreign mission, receives the protection of international law the moment he leaves his own country. He enjoys this protection while on his passage out, while in a foreign country, and while on his return; but the moment he touches his own country, that moment

this protection ceases, and he becomes subject again to the municipal regulations of his country. International law returns him to his country, but cannot allot him to this or that particular section of it. The latter is the part, purely, of municipal law. To say that international law determines whether a Minister of the United States, on his return from his mission, is an inhabitant of Georgia or of Maine, within the meaning of the Constitution of the United States, so as to be eligible to a seat in this House, is too obviously incorrect to need comment.

But, even if we could for a moment admit, that international law can determine the municipal privileges of our citizens, it has no bearing on the question of inhabitancy, if the doctrine of the first report be correct, that privileges relate wholly to citizenship, while inhabitancy means the simple fact of local existence. To resort to international law to ascertain the fact where a person has his local existence, is to give that law a use, which it is believed is wholly new.

Under every view of the subject, therefore, it is evident that international law cannot be brought to fix any difference between the case of an Executive officer in foreign employment, and one employed at the Seat of Government. If "the word inhabitant comprehends a simple fact, locality of existence," as the first report contends, then a Minister residing abroad most plainly ceases to be an inhabitant of his own country, during such residence. If, on the other hand, as the second report contends, a Minister, as to his inhabitancy, "must be considered as in the same situation as before the acceptance of the appointment," since he is in "the performance of his duty abroad," equally ought a person, who is in "the performance of his duty" in an Executive office at Washington, to "be considered as in the same situation as before the acceptance of the appointment." The same rule, under a Government of equal laws, must apply to both.

From these views, Mr. Chairman, of the principles contained in the report of the Committee of Elections on the case in question, and of the obvious inconsistency of its different parts, we may easily determine, whether that clear and positive case is made out, without which the right of a sitting member, and the clearly expressed will of the people, ought never to be set aside.

[Minutes of the first part only of Mr. B's remarks, were taken by the reporter. In the subsequent part, Mr. B. contended, that he had a right to complain of the course which proceedings had taken—that very partial and feeble remonstrances, two out of a great number which were got up out of his district, printed, and distributed through it anonymously, were forwarded to a member with an anonymous letter, and were received and made the ground of proceedings, contrary to every precedent in the history of the House—that, in the absence of all evidence whatever accompanying the remonstrances, the Committee of Elections proceeded of their own motion, to collect evidence, thus making themselves the prosecuting party, a situation which, from the very constitution of human

nature, without any improper motives, the imputation of which was expressly disclaimed, must give a bias to the committee unfavorable to the sitting member, and render his position less eligible than if his seat had been regularly contested; and that thus an unfavorable report by a bare majority of the committee was obtained, which, from the confidence habitually and necessarily given by the House to its committees, operated injuriously to the sitting member. Mr. B. proceeded to argue, that whether the rules and practice of the United States, or those of Massachusetts, be taken as the test, the report of the Committee was unsound; since the Journal of the Convention of 1787 proves that *inhabitant* and *resident* were deemed different, and numerous precedents, both of Massachusetts and of the United States, confirm the distinction.]

When Mr. BAILEY had concluded—

Mr. STORRS of New York, put several queries in illustration of the case.

To which Mr. BAILEY briefly replied.

Mr. MOORE, of Alabama, moved that the Committee rise; which motion was negatived—ayes 71, noes 75.

Mr. BRENT then spoke in support of the right of Mr. BAILEY to his seat, and against the report of the Committee, which he moved to amend by striking out the word "not."

Mr. FULLER, of Massachusetts, expressed a wish to deliver his sentiments, but, on account of the lateness of the hour, moved that the Committee rise; which was carried.

The Committee rose accordingly, and, having reported progress, had leave to sit again.

WEDNESDAY, March 17.

Mr. RANKIN, from the Committee on the Public Lands, to whom the subject was referred, by resolution, on the 13th ultimo, reported a bill supplementary to "An act providing for the examination of titles and claims to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river;" which was read twice, and committed to a Committee of the Whole.

Mr. RANKIN, from the same committee, to whom the subject was referred, by resolution, on the 6th January last, reported a bill granting to the counties of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice within the same; which was read twice, and committed to the Committee of the whole House to which is committed the bill granting to the Territory of Arkansas the right of pre-emption to certain quarter sections of land.

Mr. RANKIN, from the same committee, to whom the subject was referred, by resolution, on the 2d of February ultimo, reported a bill changing the mode of surveying the public lands on any river, lake, bayou, or water-course, in the State of Mississippi and Territory of Arkansas; which was read twice, and committed to the Committee of the whole House last mentioned.

Ordered, That the Committee on the Public Lands be discharged from the consideration of the resolution of the 25th of February ultimo, instructing them to inquire into the propriety of making roads, levees, &c., on public lands in the State of Louisiana; also, from the memorial of the General Assembly of Indiana, asking that relief may be given to purchasers of public lands, of a certain description, referred on the 23d of February ultimo; as, also, from the cases of William Conner and E. J. West, and that they be laid on the table.

Mr. SHARPE, by leave of the House, presented a petition and representation of the booksellers, bookbinders, printers, and paper dealers, residing in the city of New York, praying Congress to "impose such an increased rate of duty on the importation of such books as are usually republished in this country, as will protect the American publisher from uncertainty and loss in his enterprises."

On motion of Mr. NEWTON, two thousand additional copies of the communication from the Treasury, containing a digest of the commerce of the United States, were ordered to be printed.

The resolution offered yesterday by Mr. BRECK, was called up for consideration; and, on motion of Mr. B., it was modified so as to read as follows:

Resolved, That the Committee of Commerce be instructed to report to this House whether any law exists in contravention of the provisions of the convention of the 3d of July, 1815, made between this country and Great Britain; also, to inquire into the expediency of countervailing by law any duties or port charges on American commerce or tonnage which Great Britain may lay thereon in her colonies, or elsewhere.

Mr. NEWTON, chairman of the Committee on Commerce, who had yesterday opposed the adoption of this resolution, withdrew his opposition, and explained the circumstances of the case to which the resolution refers.

The resolution was agreed to.

On motion of Mr. WHITE, the Committee on Revolutionary Pensions were instructed to inquire into the expediency of placing John Pierpont, a soldier of the Revolution, upon the pension list.

On motion of Mr. HAMILTON, the Committee on Military Affairs were instructed to inquire into the expediency of repealing or amending the act passed for the relief of John B. Hogan, at the last session.

On motion of Mr. MERCER, the Committee on the Suppression of the African Slave Trade were instructed to inquire into the expediency of amending the existing laws of the United States for the suppression of that traffic, so as to extend the penalties thereof to cases of expeditions fitted out in foreign ports or places for that traffic, by, or on account of, citizens or persons residing within the jurisdiction of the United States.

The bill from the Senate, entitled "An act to authorize the employing of certain assistants in the General Land Office," was read the third time, and passed.

MR. BAILEY'S CASE.

The House then passed to the orders of the day, and went into a Committee of the Whole, (Mr. COBB in the Chair,) on the report of the Committee of Elections in the case of John Bailey.

And the question being, on Mr. BRENT's motion, to strike out the word "not" in the close of that report, so as to make it declare that Mr. Bailey is entitled to a seat on the floor of this House.

Mr. FULLER said he felt some embarrassment in addressing the Committee, in consequence of the notice given yesterday of his intention, a circumstance he always, if possible, avoided. He would not deny, he said, that he felt a strong desire to convince them of the correctness of the views which he entertained upon the subject of the contested election of the sitting member from the district of Norfolk, in Massachusetts.

The power of deciding upon the claims of members to their seats is given in the 1st article, 5th section of the Constitution, in these words, viz: "Each House shall be the judge of the elections, returns, and qualifications, of its own members." This clause comprehends three particulars: elections, returns, and "qualifications." The two first, it is manifest, cannot have been previously considered and determined by the people themselves, and are, therefore, to be determined by the House, unaided and uninfluenced by such previous determination. But the "qualifications" of the member, as they must have existed before and at the time of the election, must be presumed to have had the deliberate consideration of the electors themselves, and if the House should reverse their decision, it ought to be supported by the most clear and incontrovertible reasons. What are the qualifications required by the Constitution for a member of this body? That he be twenty-five years of age, have been seven years a citizen of the United States, and, "when elected, an inhabitant of the State in which he shall be chosen." The last of these qualifications is the only one necessary to be considered in the present case; and of this, above all others, I contend, said Mr. F., that the citizens by whose suffrages the member was elected, and has hitherto held his seat, possessed far better means of judging correctly than this House, or its Committee of Elections, can possibly possess. Without going, at this moment, into technical definitions of the term *inhabitant*, I may safely affirm that the *spirit* and *intent* of the Constitution, in requiring a member to be an inhabitant; to secure a perfect knowledge of the sentiments and interests of his constituents; to identify his views and springs of action with theirs, may be more safely confided in its application to the constituents themselves than to any other tribunal whatever. The general character of a candidate for the people's favor, his habits of intercourse with themselves, his knowledge of their circumstances, opinions, and interests, are peculiarly within their view, and subject to their observation. They cannot possibly err in their judgment upon these points; and their interest coincides with their local and personal feelings in

withholding their suffrages from any candidate who is deficient in these respects. If they are satisfied, there can be very little danger that the member is wanting in the qualification of being an inhabitant according to the *spirit* of the Constitution. Now, this judgment of the Electors is founded upon innumerable circumstances of daily occurrence, which can never admit of being detailed in depositions, and, therefore, cannot be presented in their true and proper light to this House. Hence, arises the obvious inference, that the decision of the people on this point ought not to be reversed but upon palpable grounds, and by no means upon any construction or technical nicety in regard to the terms employed by the framers of the Constitution.

As a preliminary, it is important to ascertain the import of the term *inhabitant*, as used in the Constitution of the United States; and I cannot but express some surprise at the limited and very loose conceptions of the committee on this point. But I ought here to observe that, in the course of my remarks, though I shall often have occasion to dissent entirely from the committee, a majority of whom only concurred in their report, both in their premises, and in their general reasoning, I nevertheless feel a sincere respect for them, personally, and I freely accord to them the merit of honorable intentions and of patient inquiry. Nor ought any censure to attach to those citizens of Norfolk district, however few in number, who deemed it their duty to bring before this House a question upon the Constitution of their country, which they might deem important. In their definition, the committee say, the word *inhabitant*, comprehends a simple fact, "locality of existence." Report, p. 4. In the next page, they quote *Vattel*, book 1, ch. 19, sec. 213, "the inhabitants, as distinguished from citizens, are strangers, who are permitted to settle and stay in the country; they do not participate in all the rights of citizens." Is it possible, that this definition from *Vattel*, who is merely describing strangers and foreigners, can be the sense, in which the word "inhabitant," was used by the framers of our Constitution? It is apparent, that the translator of *Vattel* has used the word *inhabitant*, in the sense which is universally attached to the word *resident*, and without having examined the original for the purpose, I think it probable, the idea of the author would have been correctly expressed in our language, by the latter word. But, however that may be, the Constitution, in speaking of inhabitants, certainly does not mean "strangers" or foreigners. Equally certain it is, that "locality of existence," is not the Constitutional definition, since this transfers a man's inhabitancy from one place to another, whenever he may be obliged to journey from one town or State to another, however short his stay, and however speedy his return. Every absence from the place of his permanent abode, would be a suspension of his inhabitancy, and a temporary disfranchisement of his rights, under the Constitution. The true meaning of the word *inhabitant*, in my opinion, is, a person who has a permanent home or domicile, in a place. In this

definition I am sustained by *Vattel*: "The domicile is the habitation fixed in any place, with the intention of always staying there. A man does not, then, establish his domicile in any place, unless he make sufficiently known his intention of fixing there, either tacitly or by an express declaration. However, this declaration is no reason why, if he afterwards changes his mind, he may not remove his domicile elsewhere. In this sense, he who stops, even for a long time, in a place, for the management of his affairs, has only a simple habitation there, but has no domicile." B. 1. ch. 19, sect. 218. That it is in this sense, of permanent habitation, that the word inhabitant is used in the Constitution, is clearly shown from the fact adverted to, in the report of the committee itself. The word resident, was used in the first draught of the Constitution, and afterwards, upon mature consideration, was struck out, and "inhabitant" substituted, as it now stands, as the qualification for Representatives; while, in art. 2, sec. 1, it was provided, in the original draught, that the President shall have been fourteen years an "inhabitant" of the United States, and was afterwards so altered as to require the present provision, viz: that he shall have been "fourteen years a resident within the United States." Hence, it is certain that it was then intended, as to the candidate for President, not merely that he should have his permanent habitation for that period of time, in the country, because such habitation would not preclude his absence from the country on public or private business, perhaps two-thirds of the time; but he should have the advantage of actual residence, or, in the words of the report, of "local existence," during that period, within the limits of the country, over which he is to preside. At the same time, a Representative is required, not merely to have his residence, or temporary "local existence," in the State "when elected," which he might do, without any fixed habitation there, and without having ever passed a month or even a week within the State, or having any right or interest in common with its citizens; but he must have his permanent habitation or domicile in the State, which is implied in requiring him to be an "inhabitant." How much more wise and effectual is this provision, than the requisition of residence only, must be obvious to all; yet, it is in this sense only, by the construction of the committee, that a Representative is required to be an inhabitant. He must, when elected, have his "local existence" within the State, but his permanent habitation may be in any other State, or in any other country! Their quotations from *Vattel*, showing that inhabitants may be strangers, that is to say, foreigners, fully justifies me in ascribing to them this preposterous interpretation of the Constitution.

The committee very properly concede, that the definition of the word "inhabitant," as it was contemporaneously understood in Massachusetts, ought to have great weight in fixing its import in the present case; and they cite a passage in the constitution of that State, for the purpose of sustaining their own conclusion upon that point, viz:

"To remove all doubt concerning the word inhabitant, in this constitution, every person shall be considered an inhabitant for the purpose of electing and being elected, into any office or place within the State, in that town, district, or plantation, where he dwelleth or hath his home." Rep. p. 6. Now, this passage in our State constitution is in point, not to support, but to confute, the reasoning of the committee; for it shows, conclusively, that the citizens of Massachusetts can elect and be elected, not where they have a mere "local existence," where they are "strangers," in the language of *Vattel*; but, where they have their "home"—their domicile, or permanent residence.

In conformity with this understanding of their constitution, has been the constant usage in Massachusetts, of which it is easy to enumerate many instances in point. As a qualification for the office of Governor, the same constitution requires that the candidate shall have been an inhabitant of the State for seven years "next preceding his election." Mr. Gore had been absent in England six or seven years, as a commissioner under the treaty of 1794, and, within three or four years after his return, was elected Governor. This was in times of violent party contention, yet, among many objections taken at the scrutiny in the Legislature, this was never once mentioned. The present Governor, Eustis, had been absent from his country on a foreign mission, for many years, and, within three or four years after his return, was elected to the same office. It never once occurred to those who preferred his rival, that he was not eligible, because, for more than half the "seven years next preceding his election," he had had his "local existence" in a foreign country. Nor are instances wanting of persons who were absent on their own private concerns, being elected to offices requiring, by the Constitution, that they should have been inhabitants a term of years, which included the period of their absence, "next preceding" their election; among whom the cases of Benjamin Hitchborn and William Hull were in evidence before the committee. To obviate the force of these practical interpretations of the term "inhabitant," as used in Massachusetts, the committee are obliged to resort to the supposition that the elections were not duly contested or scrutinized, because such opposition to the "choice of the people is a very unpleasant task." But the fact is well known that this "unpleasant task" was constantly, and with avidity, undertaken by rivals and partisans, whenever any plausible pretext was afforded; and many examples of successful opposition to sitting members might easily be adduced. The real cause of forbearance to take this exception to the validity of the elections, before stated, was, that the common sense and understanding of the community concurred in giving the construction for which we contend, to the term in question.

How, then, it may be asked, is the permanent domicile, the home or habitation of a person to be determined—of a man who, though once well known as both an inhabitant and resident, has

been several years absent? The answer is not difficult; the true characteristic is the *animus revertendi*, the intent of returning. When a person removes from his proper home, and goes to another State or country with the intention of fixing there his home, his rights, as an inhabitant of the place from which he departs, cease immediately, and do not continue, as the committee erroneously suppose, till he shall have acquired new rights in "the place where he has taken up his residence." Rep. p. 5. The very act of departure, with the intention of not returning, severs at once his relation of citizen, and divests all his rights and privileges as such. On the contrary, if he leaves his home for any other State or country to transact business, public or private—as a minister in a foreign court, or a consul; or, as a merchant, a factor, or a student—still intending, when the object of his departure from his permanent home shall have been accomplished, to return and resume his accustomed residence; then he is never divested of the rights which his inhabitancy conferred. His absence, it is true, deprived him, in some respects, of enjoying those rights, while it continued, but the rights themselves were neither extinguished nor suspended.

In many cases, it is true, there may be much difficulty in determining, or proving, the existence or non-existence of the intention of returning; and I have no doubt the confused and contradictory reasoning of the committee may be, in a great degree, traced to their mistaking the evidence of the criterion for the criterion itself. Thus they say, p. 8., if a son absents himself from his father's house for years, and in the meantime marries a wife—his original domicile must be considered as abandoned, and a new one established, &c. Now, who does not see that the mere circumstances of absence from his home for several years, and marrying a wife in another place, are not *ipso facto* a permanent change of habitation; they are, indeed, circumstances having a tendency to establish the real criterion, the intention. The truth is, a person cannot assume the right of a citizen or inhabitant in the place to which he removes, without his own voluntary assent. The relation of a citizen to the country or community where he belongs, is a contract, and his assent is indispensable. By mere residence, it is true, he incurs certain obligations, and by comity between our States and cities, his silence alone might be considered as implying his assent to become a citizen; but if he remains silent, when he really does not intend to become a citizen by a permanent residence, and by that means is admitted to exercise the rights of a citizen, he commits a fraud upon the community, whose comity is thus abused. If he disclosed the truth, that he considers the place from which he came as his proper home, and that he does not intend to become a citizen of the place of his temporary residence, nor to identify himself as such with its interests; he could not be admitted to the privileges of citizens and inhabitants. Will any one deny that a person, persisting in such an intention, explicitly avowed, of returning to Boston or Philadelphia, his native

city, and the place from which he had emigrated, would not be allowed, at Richmond or Charleston, to exercise the right of suffrage as a citizen? No length of time, not even marriage or any other circumstance, could obviate the single objection as long as it continued to exist. Our laws for naturalization of aliens require a solemn declaration in a court of record of the wish and intention of foreigners to take upon themselves the duties and rights of citizens. The difference between foreigners and the inhabitants of the United States, in relation to each other, is only in the degree of alienage, if I may use the expression; the principles in transfer of rights and obligations from citizens of one State to another are perfectly analogous. The intention in one case must be solemnly avowed in a court, in the other it is sometimes inferred from residence and silence, with other concurrent circumstances; but, in neither case, can the new relation of citizen be obtained against the explicit intention of the individual himself.

Let us apply these principles to the case of the member from Massachusetts, whose seat is contested. He is a native of Canton, in the State for which he was elected; but, at an early age, left his father's house, and received his education at a college in a neighboring State. When his education was completed, he was appointed an instructor in the same seminary, where he remained several years.

On his return to his native place, he was very shortly elected a member of the Legislature of the State, and on that occasion, his absence from the State was urged as a disqualification under the provision of the constitution of the State before stated, requiring the inhabitancy of members within the State for a term of years next preceding. After full investigation, the objection was abandoned, which is another practical interpretation of the term inhabitant, in the State of Massachusetts. In Autumn, 1817, he was appointed by the Secretary of State a clerk in that department, in which situation he remained, till he was elected to the station which he now occupies. During this period, he has frequently revisited his friends in Norfolk district, and has constantly maintained such an intercourse through the medium of friends and correspondents, as has preserved an intimate knowledge of his present constituents, and of their sentiments and political views. Indeed, without this, it may safely be affirmed he could not have obtained a nomination, much less an election, against numerous competitors and powerful opposition. Several years since, it is within my personal knowledge, though not included in the printed evidence before the committee, that he was a candidate for the same station, which, however, was at that time conferred on the worthy predecessor in this House of Governor Eustis. Before his appointment to the State Department, and while an instructor at Providence, he selected a library, of considerable value, which was placed in his apartment in his father's house, and there still remains. In Washington he had lived in a boarding house, and devoted his attention exclu-

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sively to his official duties, taking no share whatever, in the local concerns of the city or the District. He never assembled at the ward or other local meetings, was never a candidate for any office, was never assessed in any tax, or took any other concern in the interests of the place, than any stranger. Had he intended to become a citizen of Washington, it is reasonable to presume he would have intermingled in the various measures which have characterized the citizens of the District. With the ambition which we must admit he has always entertained, of participating in the councils of the nation, an honorable ambition, of which he never lost sight, instead of seeking that distinction from the suffrages of his native district of Norfolk, he would probably have been foremost among those who have so exerted their efforts to obtain a delegate for the District of Columbia upon the floor of this House. In these efforts he might reasonably have expected some distinction; and, could the point have been attained by delivering the citizens from what some of them have recently denominated the "despotism" of Congress—a paternal despotism, however, they admit it to be—he might fairly have challenged a high place among the "liberators" of the present times. From all these overt acts of citizenship, he wholly abstained; and these, in my opinion, constitute a chain of negative facts, which, in coincidence with his continued and uncontradicted declarations of his intention of remaining a citizen and inhabitant of Massachusetts, which are so explicitly proved, can leave no possible doubt that such was his intention, fixed and unchanging, from the day of his departure to the present hour.

The circumstance of his marriage has not the least tendency of an opposite character. His wife was herself a foreigner, having resided only four years in this country; and he has never assumed the station of a housekeeper, but has remained with his wife at board, as before, not indeed, in a public hotel, but with her mother. Members of Congress not very unfrequently enter into the matrimonial connexion in Washington, and it would be as reasonable to fix them, by that act, citizens of Washington, as the sitting member.

It is clearly admitted by the report (p. 7) that Ministers of the United States, resident in foreign countries, do not by such absence lose their rights as citizens or inhabitants of the States in which they had previously possessed them. Here, then, the committee are compelled to admit an exception to their principle before adverted to, that inhabitancy is "locality of existence." They seem also to admit, but less explicitly, that the higher officers of the Government may still retain their right of inhabitancy in the States, though they may reside at Washington, in the discharge of their public functions; while they deny this advantage to those in "subordinate employments." In other words, the President and the Heads of the Executive Departments may remain at Washington, for an indefinite length of time, without prejudice to their respective rights and privileges, as citizens of the States in which they were previously in-

habitants. It never was doubted, I presume, that the President and the principal Executive officers do in fact retain those rights and privileges in the States; and instances have occurred when they have received the suffrages of the citizens of the States for offices, to which by an opposite doctrine they would be ineligible. The true reason of this is, that the circumstances under which they reside at the Seat of Government, raise no presumption that they intend to quit their permanent homes in their respective States, or to become citizens of Washington. Here, too, the committee must admit another exception to their principle; and at the same time it is clear that the intention alone, the *animus revertendi*, determines the point that those high officers remain citizens of the States, instead of being disfranchised by living at the Seat of Government. By what principle of the Constitution, by what doctrine known to our republican system or to human reason itself, can they exclude inferior or "subordinate" officers from the same rights in their respective States, when their intention of retaining those rights, and of remaining citizens of those States, shall clearly appear? It cannot be admitted—this distinction between chief and subordinate is abhorrent to justice and to reason. Our feelings revolt at the assumption. Nor ought it to be overlooked that the origin and the tenure of the principal and subordinate officers of the executive branch of the Government, are alike known to the Constitution. By art. 2, sec. 2, the President is authorized to appoint his "principal executive" officers, which implies the existence of inferior officers in those departments; and the appointment of the latter is authorized to be vested in the Heads of the Departments. Under this authority a law was passed, vesting the appointment of clerks of departments in the Secretaries. Hence it appears that the tenure of their offices is precisely the same with that of the Secretaries themselves. It is not to be tolerated for a moment, therefore, that the interests of the inferiors are to be judged and decided by rules and principles less favorable than those of the principals. Justice knows no distinction—*Rez Jupiter omnibus idem*.

I readily concede that it may be more difficult for a clerk to demonstrate his intention of returning to his original domicile, from the circumstance that many of the inferior officers of the departments do in fact remain in this city, and hold their offices for many years, and often during the remainder of their lives. A Secretary, or even a President, might also adopt the intention of becoming a citizen of Washington, and of relinquishing his former domicile. The point contended for is, that the intention in both cases is the true principle upon which the fact of citizenship, or domicile, is to be determined. In the case before us, I think it may fearlessly be affirmed that the intention of the member to retain his domicile in Massachusetts, is proved beyond all question; and, consequently, it most clearly follows that he was, at the time of his election, an inhabitant there, and eligible to a seat in this House.

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United States, as established by the Constitution, affords in itself a strong presumption against the inference, that persons, who remain here in the execution of public functions, intend to relinquish their domicile and concomitant privileges in the States from which they came. Those functions, in many cases, cannot be performed elsewhere, and the territory of ten miles square is allotted as the central point in the Union for their performance. Add to this the fact, that the citizens of this District are governed by laws, in which no representative, elected by their suffrage, has any voice, and it is evident that an ambition of political distinction, such as the sitting member has repeatedly evinced, could not here be successfully indulged. Surely it ought to be only in clear cases that the House should adopt a conclusion, which divests a citizen of rights in his native State, without remitting him to equal rights elsewhere. The case of a navy yard or arsenal, is analogous in principle, the jurisdiction of those places being ceded to the United States. Suppose a citizen of Charlestown, an officer in the navy or marines, to reside within the limits of the navy yard with his family for a course of years, as is often the case; will it be alleged that his residence within the territory and jurisdiction of the United States, divests him of his rights as a citizen of the State? No such doctrine can be supported. The injustice is too obvious. The residence in the public ground is like residence on board a public ship, and an absence for years in a public ship will not be pretended to produce disfranchisement. Residence in this District, solely employed in public business, without the power of acquiring and enjoying the common privileges of citizens of the United States, and without the intention or wish to possess the imperfect and mutilated rights of the citizens here, ought by no means to be construed a divestment of the ample rights and privileges of a free citizen of one of the sovereign States of this Union.

A gentleman from New York yesterday, (Mr. STORRS,) proposed several questions, all of them in substance admitting of one answer. He asks what would be the condition of an inhabitant of this city, in case of a retrocession of the territory to Maryland? My reply is, the citizens would then be citizens of Maryland; but the residents, not citizens, would then, as at this time, retain their rights in their several States.

The Committee of Elections suppose it to have been a favorite provision in the Constitution, obtained by the exertions of those who were champions for maintaining "State distinctions and State feelings," that the representatives should be inhabitants of the States in which they are elected. Admitting this to have been the fact, the definition of the term, contended for by the committee, would defeat this desirable purpose. Since the "local existence," required by the report, is, in its nature, transient; whereas the construction I have supported supposes continuity and permanence of domicile. Another object of the provision, supposed by the committee, was to prevent those who had held offices under the "General Govern-

ment," meaning, probably, the Executive branch of the Government, from being elected to the Legislative branch; and, yet, by their construction, those who have held such offices, for any period whatever, have only to transfer their "local existence," their temporary abode, from the Seat of the General Government to the State where they are to become candidates, and the objection is removed! Nay, the necessity of even this temporary return is only necessary for "subordinate" officers, clerks, &c., but is not affirmed to be necessary for the chief officers and Heads of Departments. Had the framers of the Constitution had this object in view, they would not have made a provision so easily evaded, nor would they have guarded against the election of inferior officers, while those of superior station remained eligible. Against the latter there might sometimes be grounds of jealousy. They, when resident here, might, indeed, sometimes, too much identify themselves with the Executive, and their partiality might remain after they should have obtained seats in this House; but of inferior officers there can be very little danger of this sort. The humble sphere in which they move precludes the suspicion. On the other hand, it cannot escape the attention of the sagacious people of this country, in selecting their representatives, that the knowledge of public business, of the intricate details of the various departments, which may be acquired in this subordinate situation, may be highly advantageous in the halls of legislation. Knowledge of this nature would enable Congress, while it ferreted out and exposed depredations upon the public treasury, if any existed, to do justice to the honorable and faithful in all the Departments of the Administration.

It is impossible, by provisions in a constitution, to supply the want of knowledge, or virtue, or vigilance, in the people. If these are wanting, the strongest barriers will be overleaped or prostrated. But, happily, in our country, and I speak especially of the State from which I have the honor to be a representative, the people are the faithful guardians, by whom the purity, the spirit of the Constitution will be most strenuously defended. The letter of the instrument may be evaded by cunning or corruption; the spirit is secured, reposing on the affection of millions of freemen.

If the member from Norfolk is to be deprived of his seat, on what ground, let me inquire, will the House decide? Let him, at least, have the consolation of knowing whether he is disqualified because his "local existence" was not in Massachusetts at the time of the election, or because the intention of returning was not sufficiently established, or because he married a wife in this city, or, lastly, because he held a subordinate office in an Executive Department; or, if not for either of them, severally, whether the disastrous result is the consequence of all these causes conjointly?

I trust, however, the decision will be in favor of the member; in favor of the Constitutional elective franchise; in favor of the respectable majority of his fellow-citizens, who have already passed judgment upon the very point now in con-

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trovery. Such a decision, I am confident, will bear the test of sound argument and clear conceptions of the Constitution; a decision won by reason against prejudice, and which may, therefore, be safely cited as a precedent to the remotest period of our political history.

When Mr. FULLER had concluded—

Mr. J. T. JOHNSON, of Kentucky, addressed the Chair as follows:

Mr. Chairman: I should not have troubled the Committee on this occasion, but from a deep conviction of the importance of the question about to be decided.

Having determined to submit my views at some period of the debate, I avail myself of the present moment, while the subject possesses both novelty and interest. The qualifications of a Representative to Congress are prescribed by the Constitution of the United States.

At the period of his election, he must have attained to the age of twenty-five years, been seven years a citizen of the United States, and an inhabitant of that State in which he shall be chosen. Congress, in the plenitude of Constitutional power, has no right to increase or diminish these qualifications.

The question under consideration is confined to the sole inquiry, whether, at the time of election, the sitting member was an inhabitant of the State of Massachusetts; in other words, whether his absence, at that period, was temporary or permanent; whether or not he intended to renounce his citizenship in his native State?

The inquiry involves a matter of fact, as to the permanent home of the party; and I shall attempt to establish the position, that the intention to return, in cases of absence, constitutes the pivot upon which the decision must turn. If any other rule be adopted, a citizen may be disfranchised against his consent. In truth, gentlemen who substitute a different rule are at war with themselves.

It is admitted by some that our foreign Ministers and Consuls, and the Secretaries of the different Departments located within this District, continue to be citizens and inhabitants of the States from which they have been selected, and are constitutionally eligible as Representatives in Congress. Others deny this position, so far as regards the Secretaries of the different Departments, and advance the principle that foreign Ministers, Consuls, and commercial agents alone, are embraced in that liberal rule of construction which prevents a forfeiture of citizenship and inhabitancy in their respective States; and that those only who compose this class during their absence are eligible to a seat in this body. Both concur in the exclusion of a clerk, who is equally in the employ of the Government of the United States.

This diversity of sentiment, with those who oppose the sitting member, added to the doubts and difficulties expressed by other intelligent members, should impress us with the necessity of pausing, and deliberating maturely, before we disfranchise, for the time being, a portion of the citizens of Massachusetts.

In case of bribery or corruption, it is the solemn duty of this House to interpose, and preserve unsullied the representative character. But, to the honor of the Representative, and to the people, of that Congressional district, no such practice is alleged or pretended. The choice was voluntary, proceeding from the impulse of unbiassed preference. We should then be cautious how we trample on the right of suffrage, and stifle the voice of the people. It is a right which should never be denied, except in cases where there is a clear and explicit Constitutional inhibition; in cases where there exists no reasonable doubt of the ineligibility of the member returned. I have deemed it my duty to examine into the meaning of this Constitutional clause, which, as a qualification for a Representative in Congress, requires that he shall be an inhabitant of the State in which he is chosen; and the result of that examination has been satisfactory.

Let us confine our attention, for a moment, to the definition which the report of the committee has given to the word "inhabitant." The general definition given confines it to "locality of existence."

As a necessary and irresistible consequence of this definition, we are all inhabitants of the District of Columbia—or we may be inhabitants of any State, Territory, or foreign country, where we may happen temporarily to reside in the transaction of private or public business. This is certainly a fair inference from the premises; but it is too palpable a violation of common sense to meet the sanction of this body. What is the principle advanced in the report of the committee in relation to foreign ministers? They wisely abandon this rigid rule of construction, which declares that inhabitancy follows the person wherever he may have "local existence." They expressly admit that foreign ministers are not only citizens, but also inhabitants of their respective States, although transported to foreign countries, many thousand miles from their own shores; and, though they may have resided abroad for a number of years, no right has been impaired, nor any privilege abandoned by this temporary absence. By this identical clause of the Constitution now under consideration, they are secured in these rights and immunities, and eligible to a seat in Congress, although elected while absent in the service of the Government.

It is the right of the people to make the selection, and Congress had no right of dictation. The sovereignty of the people is involved in the choice; and, upon the principle of representative government, it would be usurpation to interfere.

Cases precisely in point, such as the election of foreign ministers, during their absence from this country, have occurred. Such a case now exists in this body. No opposition has been made to it. All have yielded their full assent. To what conclusion does this principle conduct us? Doubtless the very principle which actuated the constituents of the sitting member. This is the principle for which I contend, and it has already been conceded.

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We are now driven to the necessity of ascertaining the permanent home of the party. In cases of absence on public employment, or on private business, if doubts arise as to the intention of the party to return, we must resort to facts as the only safe foundation on which to rest our decision. In the nature of things it is impossible to avoid this inquiry. Was the absence permanent or temporary? I appeal to the candor of those who believe in the eligibility of the Heads of Departments located in this City, and of foreign Ministers and Consuls residing abroad, to draw the line of discrimination, which would exclude the sitting member. I hope we are not prepared to adopt a liberal rule in relation to those who have been most favored by the patronage of the Government, and to exclude those who are less elevated, because their duties are more humble, though equally indispensable. The Constitution recognises no distinction of rank—no exclusive privileges. Merit is the sole basis of distinction. As citizens, the Heads of a Department and Clerks are upon an equality. The Head of the Department has a larger salary, and may share more honor than the clerk who performs more of the drudgery of the business; but no Constitutional advantage can be claimed in virtue of this public favor. The tenure of office is the same. Each is subject to the will of his superior. Either may resign, or the offices of both may be abolished. Ministers and Consuls, wherever located, are placed precisely in the same condition; and we are not authorized by the Constitution to change the rule. Why we should attempt to vary it in this case, is unaccountable.

The greatest difficulty, as to the intention of the party, is this: that the sitting member is not surrounded with wealth—as to property, his condition is humble. If he were possessed of an extensive paternal inheritance—if he had left behind him a large domain and splendid domicile, it would not require the testimony before us to induce a belief that he intended to return to his native State. I believe, sir, the most incredulous would have admitted the fact. This is one of the disadvantages of poverty. I know how to sympathize with those who are not blessed with affluence. Sir, I will not disbelieve the positive testimony which declares the fact of his uniform intention, up to the time of his election, not to renounce his citizenship, and his determination to return to his home in Massachusetts. Believing, as I do, that he was constitutionally eligible, I feel more desirous that his rights, and the rights of his constituents, should be fairly presented and impartially decided.

What are the facts in the case before us? The member is a native of Massachusetts; he is intimately acquainted with the policy and interest of that State; he is presumed to participate in the feelings of his immediate constituents; he has been reared up in the bosom of that society, where his father still resides, and is bound to them by the strongest ties; he has been honored, on several occasions, with a seat in their State Legislature. A few years past, he was appointed to

discharge the duties of a clerk in the State Department, within this District; that trust was accepted, with the positive declaration that he did not intend to reside here permanently; that he did not intend to renounce his native State; and that Massachusetts was his home. During his residence here, he boarded at a tavern, until within some few months previous to his election, and occasionally returned to Massachusetts. He purchased no property here; and that which he possessed, consisting of near eight hundred volumes, was left in that State. He has uniformly avowed his citizenship in Massachusetts, and has declined all participation in the concerns of this District. His constituents and himself had intercourse with each other, and understood, much better than we can know, the relations which existed between them. Considering him a citizen and inhabitant of their State, they called upon him to know whether he was willing to serve them in Congress. He yielded to their solicitation, and was elected by a majority of all the votes in the district. No person has claimed his place. But his eligibility has been contested, in a remonstrance signed by twenty-six persons only, and enclosed under a blank cover, to a member of Congress, and we are called upon to vacate his seat.

I contend, that the words "citizen" and "inhabitant," are words of a similar import, so far as this clause in the Constitution is concerned. They are synonymous as regards eligibility to a seat on this floor.

To render this subject more plain and familiar, I remark, that continued residence is not essential to either; that there is a perfect analogy as to the permanence of the settlement.

The committee have resorted to *Vattel's Law of Nations*, for a definition of the term "inhabitant." The essential part of it is in these words: "the inhabitants, as distinguished from citizens, are strangers who are permitted to settle and stay in the country." Is this the exposition that should be given to that term, as used in our Constitution? Permit me to illustrate this position by a plain case, in order to test its correctness. Suppose a citizen of an adjoining State should go into the State of Kentucky, and there take a temporary residence, in the transaction of private business, with the avowed intention of returning to his home, and a family that he had left behind him—would he be eligible to Congress from Kentucky, during this temporary residence? I presume none would contend for such a doctrine. Nor need we apprehend the least danger, that the people will ever become so regardless of their own interests, as to elect a person under such circumstances. And why? For this important reason, that he would remain a citizen and inhabitant of an adjoining State. Yet, the definition from *Vattel* connected with "local existence," would contravene this obvious position.

I can never subscribe to such doctrine. There must be an intention permanently to settle, to make him an inhabitant. Citizenship, being a term of the most extensive signification, includes inhabitancy. A citizen is always an inhabitant, within

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the meaning of the Constitution. So far as regards the offices of the Federal Government, they stand on an equality. Such equality exists in the State Government, except so far as State laws have required a certain period of settlement to confer eligibility. With this exception, they are entitled to the same privileges, and subject alike to the requisitions of the State authority.

Who has denied that the sitting member is a citizen of Massachusetts? If a citizen, he must be an inhabitant. He might forfeit his citizenship in Massachusetts by a permanent settlement in another State, where he would immediately become eligible to Congress; and this might happen before his residence in that State had been of sufficient duration to entitle him, according to its laws, to all the rights of a citizen. Thus, a citizen is always an inhabitant, but an inhabitant is not always a citizen. No individual can properly be regarded as a citizen of one State, and an inhabitant of another. If he could be so considered, this gross absurdity would follow, that he would be eligible to Congress, at the same moment, from two different States; for citizenship cannot sink below inhabitancy; and it will scarcely be contended, that a citizen is ineligible while the Constitution confirms the inhabitant in the enjoyment of this right.

This brings us back to the only safe and Constitutional rule, that, when absent from our respective States, whether on public or private business, the intention of the party is the proper subject of inquiry. We are triumphantly asked by the gentleman from New York (Mr. Storrs) if a Territorial government were extended to this District, and an individual who had removed and married here, were elected a delegate to Congress, whether he would not be an inhabitant and entitled to his seat? Without qualification or explanation, I answer, he would. But, in return, I reply, if the party had uniformly claimed citizenship elsewhere, and invariably disclaimed any other than transient residence here, he would not be eligible.

Other cases are supposed, presenting more difficulty, where the intention of the party is problematical. Such cases do not properly test the principle advanced, but always fail in the important requisite of happy illustration.

I will state a case of frequent occurrence, falling within my own observation. A friend, within my district, has purchased a farm in Louisiana, and cultivates it with the greater part of his force, in the growing of cotton. His family resides on his farm in Kentucky, and, during the year, he spends a portion of his time in each State. Is he an inhabitant alternately of these States, as he may occasionally reside in the one or the other? Or, is it necessary for me to say, that, in accordance with the soundest rules of Constitutional construction, he is a citizen and an inhabitant of Kentucky. The decisions of the first judicial tribunals in our country, fully exemplify and sustain this position.

A citizen of Virginia has resided many years in Kentucky in the transaction of private business.

He has uniformly claimed citizenship in Virginia; and, for the adjustment of his titles to land, suits have been prosecuted by him in the Federal court. Objections were made to the jurisdiction of the court, and overruled, upon the ground that he was a citizen of another State. The great principle established in these cases is this: That no person shall be compelled to expatriate himself or to remove his citizenship. Shall we, then, compel the sitting member to renounce his native State against his own consent and the consent of his constituents?

If this be a doubtful question, what should be our course? Leave it with the people. There is the safe deposite. Reverse their decision, and you may trench upon their rights. You may do violence to the most inestimable privilege—the privilege of self-government.

But it is said that we may establish a dangerous precedent, by which the influence of the Executive Departments will eventually prevail over the virtues of the people.

Such suggestions are not the result of a cool, deliberate judgment. The Executive has the power to appoint members of this body to offices of the highest responsibility. If the Constitution permits this, without danger to our liberties, much less is danger to be apprehended from the case under examination. And if, by possibility, Executive patronage could be so exerted as to procure the election of an individual to Congress, who was absent from his district, might not this influence be much more easily extended to an individual who was present at the canvass? In either case the result cannot be dangerous while the decision rests with the people. I am not a convert to the doctrine, that you are to save them from their own worst enemies—themselves. They know their own interests, and my confidence is based upon their virtue and integrity, and not upon these technical barriers. You cannot corrupt the great body of the people. In small bodies only corruption wields its force.

The report of the committee affixes to the word "inhabitant," the definition which belongs to the word "resident." The journals of the Convention show that the word *resident* was stricken out, and *inhabitant* inserted. This was done for some purpose. The word *resident* carries with it no definite idea beyond that of "local existence." At this time I am a *resident*, but not an *inhabitant* of the City of Washington.

Residence may be temporary or permanent. Inhabitaney is a stronger term—permanency is its essential characteristic. It means a settled home, with the intention to dwell and remain there indefinitely; and temporary absence no more affects it than it does citizenship. Inhabitaney does not depend on the contingency of owning property, but upon intention alone. Shall we then vacate the seat of the member on mere presumption, against matters of fact?

The case of paupers has been noticed in the report of the committee. With what view cannot be clearly ascertained. The object would seem to be, to furnish a rule applicable to ex-

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patriation. The reference is unfortunate, and by no means correct. There is no analogy in the two cases. In relation to paupers, a rigid construction has ever been applied; but to the representative principle, a liberal construction has always prevailed.

The reason is obvious. The rights and interests of the people are advanced by a liberal construction in the one case, and a rigid one in the other. But, in the question before us, we need not resort to construction. The sitting member declares himself an inhabitant of Massachusetts, and his constituents recognise him as such.

The evidence is conclusive; the uniform declarations of the party; the evidence of several persons of high character sustaining and corroborating these declarations; his refusal to exercise the privileges belonging to the inhabitants of this place; his boarding at a tavern; having left his property in his native State; the correspondence which took place between him and his constituents; the manner in which he was elected. With this volume of evidence before us, shall we proclaim to his constituents that their confidence has been misplaced in the election of a person who is alienated from their State and a citizen of this District?

The principle to be decided, though important to the sitting member and his immediate constituents, is much more so to the people of this country. For, to the free exercise of the elective franchise, we must look for the stability and duration of this happy republic.

When Mr. JOHNSON had taken his seat, he was followed by Mr. WOOD, of New York, who stated the result of law decisions on the subject of domicile, and united in opposing the committee's report.

Mr. WILLIAM SMITH, of Virginia, remarked, that this case submitted but a single proposition for the consideration of the Committee. The right of the sitting member to a seat in this House is contested upon the ground that he was not an inhabitant of Massachusetts at the time of his election. The language of the Constitution is explicit, and if he were not an inhabitant of that State, when elected, unquestionably he is not Constitutionally and rightfully here. But, Mr. Chairman, before we deprive him of his seat, we ought to be satisfied, beyond the possibility of rational controversy, that the letter and spirit of the Constitution have been violated by his election. What, sir, are we required to do? The Committee of Elections, after a very patient and laborious investigation of the facts and principles of this case, conclude an able and elaborate report, with the declaration that the sitting member is not entitled, and the House is called upon to yield its assent to this result. However much we may confide in the intelligence and good sense of the committee, our agreement will be withheld, if a reasonable doubt be entertained, and this for reasons which, to my mind, are obvious and conclusive. The sitting member is decidedly the favorite of the people of his district. He has been sent here by an overwhelming majority, after a

full and fair expression of the public will, and we all know that there is no one claiming the seat which is now sought to be vacated. Should he be excluded, therefore, what will be the consequence? His place will not be immediately supplied. Possibly his district may be unrepresented the balance of the session, and we may do violence to one of the most inestimable privileges of an American citizen. What right, in this country, is held more sacred, dearer to the heart of every freeman, or of higher value, than the right of suffrage? Emphatically none. In the possession of this right, the humblest member in the community feels himself elevated to an immeasurable distance above the degraded condition of the miserable slave of power. No matter what may be his pecuniary circumstances; no matter how limited his share of the good things of this world, he feels, thinks, and acts as a freeman, and will always be found prepared firmly to resist the slightest invasion of a privilege secured to him by the Constitution and laws of his country, and which he knows how to value. It befits us, therefore, Mr. Chairman, to approach this great right with extreme caution and deliberation, and let us beware that we do nothing by which its efficiency may be impaired.

With these few preliminary remarks, Mr. Chairman, I will now proceed to offer, very briefly, some reflections upon the question submitted for our decision. And what is the question? It is this: Was the sitting member an inhabitant of Massachusetts at the time of his election? The investigation of this question naturally and necessarily presents another inquiry. *Quo animo*, did he leave Massachusetts and take up his residence in the city of Washington? Did he intend, forever, to abandon his native State, and settle permanently in the District of Columbia? This is emphatically the question. Is it, can it be doubted? If it be, a few remarks, I think, will suffice to prove, incontestably, that such is the true character of the question to be decided. Let me put a familiar case, and one of every day occurrence. An inhabitant of Maryland, Virginia, or any other State in the Union, possessed of but little visible property, goes beyond the boundary line of his State on public or private business, or for any purpose, no matter what. Will it be contended that, by this act, he loses his inhabitancy in the State from which he goes? Surely not. It must be conceded that, in such a case, the individual is uniformly considered, during his absence, as an inhabitant of that State from which he is thus necessarily absent. But, upon what principle? Clearly upon the ground that he does not intend to exchange his original residence for a permanent abode elsewhere. That this is the principle upon which he is regarded, during his absence, as an inhabitant of the State from which he goes, is too palpable to need a single remark. In support and illustration of this position, Mr. Chairman, that intention constitutes the true and only legitimate test of inhabitancy, I will, with leave of the Committee, present some additional examples. A citizen and inhabitant of Pennsyl-

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vania, distinguished for his enlightened and accurate views of the true policy and interests of this Government, is appointed, by the Executive, a Minister to some foreign Court. The appointment is accepted. He leaves this for the foreign country. After an absence of six, eight, or ten years, the people of Pennsylvania, in consideration of his long and useful services, elect him a member of either branch of the Congress of the United States: With what propriety could it be said that he was not an inhabitant of Pennsylvania, and therefore ineligible to a seat in the National Legislature? Not even a plausible objection could be made to his right. He would unquestionably be entitled to it; but upon what principle? Obviously upon the ground that, by accepting the appointment, he did not intend to settle permanently in the foreign country—an intention indicated by the nature of the appointment, the character of the service in which he engaged, and the political condition of the country to which he is sent, compared to the peculiarly happy and prosperous situation of this nation. If, then, in the case supposed, intention constitutes the true test of this term, *inhabitant*, why should it not in the case now under the consideration of the Committee? Can the two cases be distinguished? In what particulars do they differ? In both, the individuals were employed in the service of the Government, equally absent from their respective States, and holding appointments alike temporary in their nature. No substantial difference, Mr. Chairman, can be shown, and it does seem to me that a common principle ought to be applied to cases whose essential features are the same.

The history of the State from which the sitting member comes, furnishes some cases illustrative of the principle for which I contend, to one of which, only, will I now call the attention of the Committee. It appears, from the document which has been laid upon our tables, that the constitution of Massachusetts requires, as a necessary qualification for a Senator in the Legislature of that Commonwealth, inhabitancy for five years immediately preceding his election. I have not examined the constitution of that State, but I presume the provision has been correctly quoted. It also appears, from the same document, that the Secretary of State, in answer to one of the interrogatories propounded to him by the committee, states that he returned to Massachusetts, from his foreign mission, some time in 1801; and in 1802, after a short residence of six or eight months only, was elected a member of the Senate of that State. What principle was it that entitled the Secretary to a seat in that body? What the test of inhabitancy in this instance? Unquestionably the *animus revertendi*, the intention to return to his native State. It was the continued existence of this intention that prevented, during his absence, the loss of his political privileges. But, say the committee, this, and other cases of a similar character in that State; for any thing that appears to the contrary, passed *sub silentio*, and therefore no principle was settled. To this I have but a single remark to make. If

Mr. Adams had opposition, the feeling in relation to such matters, which prevails in the section of country from which I come, and, I apprehend, in every other State in the Union, would no doubt have impelled the rival candidate to contest his election, had there been the slightest prospect of success. But, whether he had opposition or not, or whether his election was contested or not, to my mind it is perfectly clear that the Secretary took his seat in the Senate of Massachusetts, in 1802, upon a principle entirely defensible, and to the soundness of which I most heartily subscribe. It has been said, Mr. Chairman, that this case is distinguishable from the one now under the consideration of the Committee, upon the ground that Mr. Adams, as Minister, carried along with him the sovereignty of the nation, and, therefore, was to be considered an inhabitant of Massachusetts. The premises are admitted, but such a conclusion is utterly denied. Let it be conceded, for a moment, that, as he carried with him the sovereignty of the United States, therefore he is to be regarded, in reference to his rights in this country, as a citizen and inhabitant of the United States. With what propriety, permit me to inquire, can it be contended, that, for the same reason, he continued to be an inhabitant of Massachusetts? What, sir, an inhabitant of Massachusetts because he carried along with him the sovereignty of the nation! The idea is too refined for my comprehension, and, if I am not greatly mistaken, would startle any man of plain unsophisticated mind. With as much propriety might it be said, that he who speaks the French language, is therefore a Frenchman, or he who wears a coat made of foreign cloth, is therefore a foreigner. The attempted distinction cannot be established upon any principle of fair and correct reasoning. The position I maintain, Mr. Chairman, may I think, be also sustained and illustrated by reference to the proceeding of the Federal Convention, by which the instrument was framed, under which we are now deliberating. It is admitted that the draught of the Constitution, reported by the committee in 1787, employed the term *resident* to indicate one of the qualifications necessary for a member of Congress, and that this draught was subsequently amended by the substitution of the term *inhabitant*. But for what purpose? After the lapse of so many years, it is impossible to ascertain, with any sort of precision, the considerations which operated upon the Convention in making this alteration. The inducement, therefore, which led to the change, must, necessarily, be a matter of speculation. This Convention must have had some motive in making the amendment, and we cannot attach the same meaning to both terms, without attributing to them an idle act. My own impression is, (and, in this opinion, I am supported by the more matured and better informed judgments of others,) that the amendment was made under an apprehension, that a literal interpretation of the word *resident*, might prevent the election of any man, however enlightened, however distinguished for talent and information, unless he was living, residing, and actually present in the State at the moment of the

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election. To guard against this result, which the wise men who framed the Constitution never could have contemplated, *inhabitant* was inserted, under a sound construction, whereof any one absent from the State, but having the *animus revertendi*, and possessing the other qualifications indicated by the Constitution, may be elected a member of the Congress of the United States. The Committee of Elections, in their report, have said that the word *inhabitant* comprehends merely the simple fact, *locality of existence*. Well, sir, according to this new, and very contracted exposition of the term, we who are here assembled, are all inhabitants of the City of Washington. Is it possible that an interpretation, which makes us inhabitants of this place, with or without our consent, can be correct? As I am not yet tired of Virginia, as I am still bound to her by the tenderest ties, as I would not willingly exchange my native State for any other State or Territory in the Union, (not intending, however, the slightest disparagement to any other,) I must be permitted to enter my most solemn and deliberate protest against this doctrine. I am not yet prepared, Mr. Chairman, to become an inhabitant of the District of Columbia, particularly in its present civil and political condition, and let me assure you and this Committee, that I shall most cheerfully leave it whensoever we shall have passed the necessary appropriation bills, and gotten rid of the proposed tariff, every item of which is the fruitful source of the most able and eloquent debate.

These considerations, Mr. Chairman, have induced me to believe that the true question, in this case, was one of intention. I admit that absence from one's State, for a long series of years, unconnected with any other fact, raises a violent presumption of an intention forever to abandon it. But this is nothing more than presumption, liable to be repelled by a variety of circumstances. Let us, then, see whether this presumption, if it could exist in this case, is not conclusively repelled. The uniform and repeated declarations of the gentleman whose seat is contested, that he always considered Massachusetts as his home, and intended to return, furnish an indication of his intention, which strongly addresses itself to our judgments. But it may be said, perhaps, that this avowal of intention, is the mere declaration of a party immediately and directly interested in the result of this investigation. In a court of stern, rigid law, such an objection might be successfully raised, but a deliberate assembly like this will not permit itself to be trammelled by technical rules and difficulties. It will look to all the circumstances. Why, in a court of law, are the declarations of a party excluded, which operate in his favor? Clearly, because of the strong temptation to misrepresent. But does that reason apply in this case? Unquestionably not. These declarations were made long anterior to the election, and at a period, therefore, when there could be no possible motive to make false impressions on the public mind. I cannot, Mr. Chairman, for a moment, question the sincerity of the sitting member in all that he has said and written in relation to his residence here.

It is seen in the uniformity and consistency of his declarations; for they were always the same. It is seen, in his regular and repeated visits to his native State, and in the further fact, that, after an absence of six years at one of the colleges in New Jersey, in the capacity of a tutor, he returned to his father's house in Massachusetts, and was honored with a seat in the Legislature of his native State. But, for the purpose of removing all possible doubts upon this subject, it may not be improper to advert to one or two other additional circumstances. An extensive and valuable library was left behind. This fact can only be rationally accounted for, upon the supposition that the sitting member never contemplated a permanent settlement in the District of Columbia, but always intended to return. If he did not so intend, is it not remarkable that his books, which constituted the greater portion of his visible property, were not either sold or brought on to this place? The one or the other course, in relation to his library, would most certainly have been taken, had he intended to settle permanently in this city, and his not adopting either, is a pretty strong and conclusive fact, to show that such was not his intention.

These facts, Mr. Chairman, taken in connexion with the facts, that Mr. Bailey has never in any manner participated in the privileges and burdens of the Corporation of Washington, or purchased a foot of ground in the city, although in the annual receipt of \$1,600 for his services in the Department of State, have conducted my mind irresistibly to the conclusion, that he never contemplated a permanent settlement in the District of Columbia, and therefore, upon the principle which I have been endeavoring to enforce, is clearly entitled to a seat in this House. A remark or two more, and I will close my views on this subject. The Committee of Elections, in their report, have said that the Constitution contemplates an identity of interest and feeling between the constituent and representative. Be it so. The position is undeniably true—but is it possible seriously to believe that this feature in the Constitution will be violated by permitting Mr. Bailey to retain his seat, when it is recollected that he is a native of Massachusetts, that he was born and raised among the people he now represents, that consequently he is intimately acquainted with their character, feelings, and interests, and that, having been honored with the most important and responsible office within their gift, he must therefore feel the very strongest attachment for them? I think not, sir. This feature will remain untouched, should Mr. Bailey be permitted to retain his seat in this House, and I cannot but think that those who entertain the opposite opinion, indulge ideal and unfounded fears. I would not approach the Constitution of my country irreverently. I would not invade a single provision in that sacred instrument, for the purpose of attaining any object, however desirable; but, as I can see nothing in it which requires that the seat of the sitting member should be vacated, as I would not lightly interfere with the free and unbiassed exercise of the elective franchise, and as I have great confidence in the virtue and

intelligence of the people, I feel myself bound by the sternest mandates of duty, to vote for the proposition submitted by the gentleman from Louisiana, to reverse the report of the committee.

Mr. RANDOLPH, of Virginia, made a short speech in support of the report, and against the right of the sitting member.

The question was then taken on the motion to strike out the word "not," and decided in the negative—ayes 55, noes 105.

So the Committee of the Whole refused to reverse the opinion expressed by the Committee of Elections, adverse to Mr. Bailey's claim to a seat.

Mr. RANDOLPH then moved that the Committee rise, and report their concurrence with that report.

Mr. BAILEY expressed a wish to address the House, and was desirous that the gentleman from Virginia would withdraw his motion, and suffer the Committee to report progress, and ask leave to sit again.

Mr. BRENT opposed the motion of Mr. RANDOLPH. Mr. COOK questioned its being in order.

Mr. FULLER moved to report progress and ask leave to sit again.

The Chair pronounced this motion out of order, as it was not yet four o'clock, and the rule of the House forbade such a motion in Committee of the Whole, before that hour, unless to ask leave to sit on a day subsequent to the next succeeding one.

Mr. McDUFFIE contended that the rule did not apply, and appealed from the decision of the Chair.

Some confusion ensued. Several members were up at once. The appeal was withdrawn, and, after much altercation, the question was taken on reporting and asking leave, and decided in the negative—ayes 79, noes 86.

The question was next put on reporting the resolution of the committee without amendment, and carried.

The hour of four having by this time arrived, Mr. FULLER renewed his motion to rise, report progress, and ask leave to sit again, which was carried.

The Committee rose accordingly, reported the resolution, and asked leave to sit again; and the question being put on granting leave, it was decided in the affirmative—ayes 84, noes 80.

And then, on motion of Mr. CULPEPER, the House adjourned.

[The grounds on which this question rests, will be best understood by comparing the report of the Committee of Elections with Mr. Bailey's reply. It may be necessary, summarily, to state that Mr. Bailey, when elected by his constituents at Norfolk, in Massachusetts, was, and for several years had been, residing at Washington, performing the duty of a clerk in the Department of State, and had married in this city; but had taken no share in municipal concerns here, and constantly declared his intention to return to Massachusetts, where his home was stated to be, and where he possessed a valuable library. It is contended by the Committee of Elections, that he was not an "inhabitant" of Norfolk in the sense of the Constitution, but was an inhabitant of Washington; it is insisted on by Mr. B. and his defenders, that, though actually resident at Washington, this residence was temporary, his home was in Norfolk, and

he was, therefore, an "inhabitant" of the latter place, within the meaning of the Constitution, and was to be considered on the same footing with foreign Ministers, who, though bodily absent, on public service, retain, nevertheless, their homes in their own States, and are eligible to Congress, &c.]

THURSDAY, March 18.

Mr. MCCOY, from the Committee of Claims, reported a bill for the relief of J. M. C. Montgomery; which was twice read and committed.

Mr. OWEN offered the following resolution:

"Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making provision, by law, to secure to all persons who have planted on public lands, the privilege of gathering the crops, when the lands shall be sold by the Government while such crops are standing."

Mr. OWEN supported the resolution in a few remarks, which were supported by Mr. ISACKS, and opposed by Mr. WHIPPLE. Mr. OWEN rejoined—and Mr. HENRY advocated the resolution at considerable length.

Mr. WHITTLESEY moved an amendment, by adding, after "public lands," the words "relinquished by Government."

Mr. RANKIN explained the state of the facts; on which Mr. WHITTLESEY withdrew the amendment. Mr. MOORE, of Alabama, then supported the original motion, and Mr. SANDFORD took the same side, stating the circumstances of the early settlers. Mr. WHIPPLE replied. Mr. MOORE, of Alabama, rejoined. Mr. MCCOY, farther opposed the resolution. Mr. SANDFORD explained. And, the question being taken, it was decided in the affirmative—ayes 83, noes 69.

MR. BAILEY'S CASE.

The House then passed to the orders of the day, and took up the report of the Committee of Elections, in the case of John Bailey.

Mr. MALLARY, of Vermont, delivered his views of the subject, in opposition to the report, and in favor of the right of Mr. Bailey to his seat.

Mr. FIOR, of Connecticut, took the same side, and replied to the speech delivered yesterday by Mr. RANDOLPH.

Mr. COOK, of Illinois, made a speech in favor of the same view. He was answered by Mr. STORRS, who opposed the right of the sitting member, in the following remarks:

Mr. STORRS said that the vote of yesterday in the Committee was so decisive, that he had not expected that the debate—if that might be so called which had hitherto been almost exclusively confined to one side of the question—would have been renewed to-day. From the very limited share which the majority has taken in the discussion, gentlemen may have been encouraged to believe that their views of the case have been unanswerable. Their perseverance seems to call for some examination from this side of the House of the principles on which it has been so confidently, and continues to be pertinaciously, insisted that the member is entitled to his seat. He was much gratified, as a Constitutional question was to be

settled, that the vote had been so large in approbation of the resolution reported by the Committee of Elections. It has been very justly considered that the precedent to be established was of great moment. It concerns, said Mr. S., the political rights of every citizen who has voluntarily placed himself in the same predicament with the gentleman who claims to be considered here as a representative of the State of Massachusetts; it affects the elective right of the people; but it most especially concerns the political purity of this House. It is the first occasion which has called on the House to settle the construction of that clause in the Constitution which is drawn in question, and which must test the eligibility of a numerous class of persons, eminent for their personal respectability, and distinguished by their public stations. To those who come after us the principle of our decision should be known. The member himself, and those who have sent him here, have a moral right to the reasons on which we justify a decision which excludes him from this body, and the nation has a deep interest in whatever touches or may affect the independence and purity of their Legislature.

Mr. S. said that he was strongly inclined to think that the seat of the gentleman was vacant on one ground not alluded to in the report of the committee. He was elected after the 4th day of March last—on the 8th day of September. At both these periods he held his office in the Department of State, and continued to hold it until a few days before the commencement of this session, (the 21st day of October,) when he resigned it. I am aware, said Mr. S., that when a similar case arose in the 16th Congress, it was determined that under such circumstances the seat was not vacant. The majority in that case, however, was less than the number of those voting who stood in the same predicament. I was at that time unavoidably absent from the service of the House, and the question was brought up during my absence; but I then thought, from the examination which I had given to it, that the continuance in office to so late a period was at least incompatible with the acceptance of the seat under an election, if not an evasion, and inconsistent with the spirit of the Constitution. It was not his intention now to seek to disturb that decision, or to revive its discussion. He was disposed to acquiescence in it, in the case now before the House, because he thought that, under another clause in the Constitution, the gentleman was clearly disqualified from sitting here as a member from the State of Massachusetts. There is no essential difference of opinion on the facts. He resided in Massachusetts, his native State, until the year 1817, when he accepted an appointment under the Government, in the Department of State; removed to this city, where he subsequently married, and has resided with his family to the present time. Nor does it appear that he has even been in the State of Massachusetts during the past year, or since his election, or resignation, at all; or that he has any domestic establishment there, or any estate, except some packages of

books, which have been denominated a library. Was he, then, an *inhabitant* of that State *when elected*? The Constitution declares, that "no person shall be a Representative who shall not have been seven years a *citizen* of the United States, and who shall not, when elected, be an *inhabitant* of that State in which he shall be chosen." It has been asked of us to point out the distinction which exists between a clerk in the Department and the heads of the Departments—as if it had been admitted that the persons at the head of these Departments were eligible. I make no such distinction, or admission. If the incumbents of these offices reside here, under like circumstances with the gentleman from the district of Norfolk, their eligibility to this House is in the same peril; and they must submit to the same Constitutional disqualification. To those who have expressed alarms that we might violate the right of the citizen, it is enough to say, that the Constitution itself has in this respect restricted them. It has superadded to the capacity of eligibility of all citizens, the further qualification of inhabitancy in the State. Their personal rights are secured in all the States, under another clause in the Constitution; but their political rights are necessarily subordinate to further qualifications. The question before us is, What constitutes an inhabitancy of a State, in the political sense intended by the Constitution? Or has not the gentleman whose seat is questioned, become an inhabitant of the District of Columbia? It is not a safe or proper rule, in ascertaining the sense of this word "inhabitant," to resort to the signification of it as used in the different States. It may import a different sense in every State, and no uniform rule could be devised in seeking from these sources for its meaning. It is used in a great variety of interpretations: often fixed by statute and by local usage. In reference to the settlement of the poor, or the right of voting, in various States, different regulations of the meaning of this word prevail, which import various dissimilar qualifications. In many of the States a person may be an inhabitant in one sense for some purposes but not for others. The Constitution refers to none of these, as a definition, and to attempt to confine it to any one of them is a mere gratuitous appropriation of some particular meaning derived from our local sense of the term. Nor is this plain word shrouded in any of the technical mystery in which some gentlemen in this debate have endeavored to envelop it. We have heard, on yesterday and to-day, of inhabitancy in *esse*, of inhabitancy in *posse*, and inhabitancy in *abeyance*. These may be very learned technicalities in legal science, but the framers of this Constitution could never have dreamed of these ingenious mystifications of this word. Believe you, sir, if the Convention had been asked its meaning, that one would have answered with the gentleman from Illinois, (Mr. Cook,) that a person removing to another Territory or State, to discharge the duties of a public office located there, had left behind him an inhabitancy in *esse*? Another, that, with another gentleman, he considered that it might, under any

circumstances, designate an inhabitancy in *abeyance*? Or that it was to be assimilated to what has been called in this debate the *domicil of goods*?

Let us discard, sir, these subtle refinements, which only lead us from perplexity to absurdity, and construe this Constitution as we should, according to the plain common acceptance of words. It is a question of common sense merely. The gentleman has resided in this city more than seven years; his family are here; his dwelling place is here; it is his home. He is eligible to any office under the corporation of the place—a subject of taxation in the District—liable to jury duties. I repeat the question which I put to the Committee before. It has not yet been answered. If this District was entitled to a delegate in this House, whose qualification should be that he was an inhabitant of the District of Columbia, would he not be eligible to the place? Is he not now entitled to every privilege or right of an inhabitant of this District, be those rights what they may, civil or political? These questions must be answered in the affirmative; and, unless it can be shown, that he has a sort of double capacity, which may constitute him an inhabitant of two distinct places at one time, and furnish him with two different domicils, he must be considered as an inhabitant of this District. What the nature of his rights may be here, or their extent, is a question of no importance. Be they greater or less, he is entitled to them, whatever they may be. It is enough for us that he has become an inhabitant of the District, and has lost his inhabitancy in Massachusetts, and is thereby rendered obnoxious to that clause of the Constitution which forbids his eligibility in that State.

Against these plain conclusions of common sense, it has been maintained, that he is, nevertheless, to be considered, for the purpose of eligibility, an inhabitant of Massachusetts. It is so contended, for the alleged reason that the removal of a person to this District, for the purpose of executing a public office, shall not work a dissolution of his inhabitancy in the State from whence he comes; but that he shall still be deemed to retain his inhabitancy as a citizen of that State. This doctrine can only be maintained on ground derived either from the peculiar political relative situation of the District, or the nature of a public office or employment. What peculiarity, sir, exists in relation to this territory of ten miles square, not common to all other territories of the United States? We have the "power of exercising exclusive legislation in all cases" over it—a phrase which denotes unlimited sovereignty. We are sovereign here precisely in the same sense, and to the same extent, as over all national territory. The same jurisdiction, for the same purposes, to an unlimited degree, we enjoy over them all. Inhabitancy in this District is precisely of the nature of inhabitancy in any other territory of the United States. Are gentlemen prepared to maintain that all the emigrants to the Arkansas, Michigan, or Florida Territories retain their inhabitancy, under any technical notion, in the respective States from which they went? or if a different rule is to be

applied to their case, I hope gentlemen will point out in what particular such a difference exists from this District, and on what principles it is founded. Is it possible that inhabitancy may be acquired in these Territories by removal to, and settlement in them, and not in this District? It is a distinction altogether untenable.

Is there any thing, then, in the nature of the public employment, or the locality of the duties of the office, which can justly create a distinction? Had the gentleman been appointed collector of the port of Norfolk, to which place he had removed, where he had married, and resided seven years, he would clearly be eligible to this House, as an inhabitant of Virginia. His appointment as a judge in the Territory of Michigan or Florida, and removal to the seat of his duties in such territory, would equally constitute him an inhabitant of the territory, and he would doubtless acquire the capacity of being eligible to this House as a delegate.

If the rule which gentlemen contend for applies to a removal to a Territory by reason of some saving power of original State inhabitancy derived from the nature of the employment, the same reason would preserve the inhabitancy on a removal to other States, and all public functionaries would thus retain or acquire the right of eligibility either in the States from which they removed, or which they had adopted, or both. By such an interpretation of the Constitution, all the registers and receivers of your Western land offices, the governors and judges of the Territories from Lake Erie to Florida, and your Indian Agents, are to be deemed inhabitants of their original States and eligible as such to this House. Mr. S. said he hoped gentlemen would also define the extent of this privilege of their original inhabitancy. Were they to be considered as inhabitants of the States from which they emigrated for any other purposes, and for what purposes? Would they be recognised in such States as inhabitants for any local purposes? or must not the argument result in the absurd conclusion that eligibility to this House is the only capacity which they retain during all their migrations? If any such anomalous and incongruous doctrine can be supported, let me, said Mr. S., put a case which has actually occurred and now exists. The present Treasurer of the United States removed from South Carolina to Philadelphia on the organization of the Government—he continued to reside at Philadelphia until the removal of the Seat of Government to this city in 1801. Had he been elected before 1801 as a representative in Congress from the city or county of Philadelphia, would it be seriously urged that he was not an inhabitant of that place, and for that reason ineligible? He has since removed to this city; and I ask whether, by this new doctrine, he is still to be considered as an inhabitant of Philadelphia, or has he been remitted back to his first inhabitancy in South Carolina, because this District is territory and not within any of the States—or for any other reason? It has been asked, in general terms, if we are prepared to disfranchise all who hold public offices in the District? No, sir, I am not prepared to

outlaw them, if this is what is meant by the question. But, when gentlemen use these extreme expressions, it is well to examine how far the political right of all has been abridged in this respect by the Constitution. An inhabitant of one State is deprived of the right of being elected in all the other States. Is there any reason in the imagination of any part of the House, why this District, or those who are inhabitants here, should be more highly favored, and gifted with more unlimited privileges, than the inhabitants of the States? Where, then, is the disfranchisement which has been so often complained of and resounded in this debate, and in what does it consist? The inhabitants of this District are, in this respect, on a perfect equality with all others. If they have not the right of sitting in this House as members, the fault, if any where, is in the Constitution, which has denied the District a representation, because it is a union of the States and not of Territories.

But this view of the case has been supposed to be answered by the consideration that, on a removal from one State to another State, the person succeeds, in his new inhabitancy, to the same right of eligibility to Congress which he relinquished in the State from which he removed. The argument is founded in the notion that a person shall not be deemed to have renounced his original inhabitancy, because, by removing into this District, he succeeds to no continued eligibility, and shall retain, for that reason, this right, as if it had never been divested. If, however, his political rights vary, on his removal to a different State, and become enlarged or abridged, according to the positive institutions of the States to which, respectively, he may remove, there can be no force in this objection, or any reason why he should always carry with him the totality of rights which he may have previously enjoyed. His political rights change in all the States to which he may remove. He may, in some, become an inhabitant on a residence of a week—in another of a year. In one, he may not, until after a certain period, be eligible even to the State Legislature—in another, he may not be eligible to a particular branch of the Legislature without the quality of a freeholder—or to a fixed amount. He may not be eligible at all if belonging to some particular profession. All these rights may change in a day, on his removal to another State. Nor is there any uniformity even in his personal rights, in all the States. His rights are enlarged or abridged, accordingly as he shall, or shall not, voluntarily change his domicil. They are necessarily subordinate to the sovereignty within which he may choose to reside. If, by removing to this District, he loses his inhabitancy in his original State, it is his free act, and he must submit to the disability in return for the advantages, if any, which he may have supposed himself to acquire by changing his previous residence. The whole question, therefore, results in the inquiry, whether the facts, in the case, do not show a change of domicil—whether, under all the circumstances existing in relation to the residence of the gentle-

man in this city, he must not be deemed to have been so established here as to create an inhabitancy in this District? Had his residence here been transient, and not uniform; had he left a dwelling-house in Massachusetts, in which his family resided for any part of the year; had he left there any insignia of a home—furniture, or any property which usually accompanies a household establishment—all, or any of these, would be deemed indications that his domicil in Massachusetts was not abandoned. Instead of any indications of this nature, we find him here for years, discharging the duties of an office permanent in their nature—establishing domestic connexions in this city, and residing here with all the characteristics of a permanent inhabitant. Common sense seems to teach us that he is so—that he has emigrated from Massachusetts in search of better fortunes, which, perhaps, he has acquired. In forming my opinion, sir, I disregard the declarations which have been occasionally expressed by him, that he considered Massachusetts as his home—that this city was a temporary residence. Every man doubtless intends to change his domicil when better prospects elsewhere are presented. It is probable he came here for the enjoyment of the public office which he has held, and that, whenever it became convenient or necessary to leave it, he intended to return to Massachusetts, unless he could more beneficially establish himself elsewhere. All these vague and contingent intentions are entertained by every man.

Much has been said of the *quo animo* of the settlement of the gentleman at this place, and that we are to inquire whether he has continued to cherish, in fact, during his residence, the *animus revertendi*. It would be a strange perversion of the rule to which gentlemen allude, in this respect, to accept the declarations of a party, or even his actual intention, in the face of the facts. The *quo animo* is an inference, or conclusion of law, founded on fact. The law determines from the facts, whether the domicil, or inhabitancy, has been acquired or not. If the facts are clear, and all the legal characteristics of domiciliation exist, the party is not at liberty to assume or dispense with his legal character at his own pleasure. If the facts were doubtful or ambiguous, perhaps the declarations might be called in aid, or the actual intentions sought for, to determine what would otherwise be equivalent. But, in this case, the acts are of that clear and decisive import that it would be dangerous to resort to extraneous circumstances. I can well imagine cases of residence in this city, by public officers, under circumstances which might repel the legal conclusion of inhabitancy. Perhaps such may now exist. Every case must be judged of, however, by its own circumstances.

The circumstances of the case now before us call upon us to maintain with vigilance some of the most important principles of the Constitution—principles which were established for the preservation of the purity and independence of the House of Representatives. We are not only asked to allow a seat here to one whose inhabitancy is not

bona fide among his constituents, but one who comes from the Executive Departments. If this District is to furnish members for this House, it is the more dangerous if they are to be educated under the immediate eye of their political patrons. The framers of the Constitution intended that a Representative here should come from the bosom of his constituents; that he should live among them; be conversant with their feelings, their wishes, and their wants; that he should know their political principles, and be identified with the people whom he represents. They entertained no notions of that technical inhabitancy which has been set up here to fritter away the most salutary purposes of the Constitution. The example of England was before them, where, under the form, though in mockery, of representative government, the Parliament was filled with placemen and pensioners. They never intended to turn the States of this Union into rotten boroughs, or to make this District the great and common rotten borough of all the States. There is something so pregnant with mischief to the character of this House, in the doctrines which have been advanced, and so threatening to its purity, that I feel as if, in giving up or relaxing the construction of this part of the Constitution, we give up the Constitution itself, or render it an idle mockery. If there is any thing to be feared in this Government, it is the corrupting influence of patronage. The Constitution considers all placemen of the Government as unfit to represent the people in the Legislative Department. I speak, sir, with no allusion to the gentleman whose seat is now questioned; but, all history and experience, our observation of human nature, and our knowledge of the motives and springs of human action, warn us to look with jealousy to any interpretation of this part of the Constitution which shall approximate to a relaxation of its spirit and intention. If we sanction the principle that the incumbents of office here are to be universally eligible in the States, I beg gentlemen to reflect what an enormous and irresistible weight of influence may be brought to bear upon the State elections, to promote the views of Government and fill this House with the creatures of Executive power. The patronage of Government in the States will be devoted to this end. The connexions of men in office here are powerful and numerous elsewhere. The officers of your Government, scattered throughout the Union, are multiplying every day. Dependent on Governmental favor, they naturally rally round the power which feeds them, and will be found subservient to its will. This vast machinery, when once organized and put in motion, will exercise a powerful control in the States, and the elections will feel the worst of all influence in a free Government. Candidates for this House, furnished from the Departments here, will be supported by your marshals, judges, and hosts of custom-house and other Executive officers of the States.

The Treasury of the nation will sustain, through the dispensations of Executive bounty, this pernicious system. We have no reason to believe that,

in all our future history, Administrations may not be found, which might avail themselves of such means to sustain their influence in this House. The only barrier to Executive power is here—its only effectual restraint is in preserving the identification of this House with the people, and closing every avenue to the approach of Executive influence in our deliberations. Sanction the doctrine that the officers of the Departments are eligible, and we may find here, at some future day, a semi-official cabinet—a bench of ministers—men who have merely laid aside the forms of office, but whose political feelings and partialities and obligations centre in the Executive will; a packed Parliament—men who are taught to look anywhere, but where they should look for support, to the approbation of their constituents. Why has the Constitution prohibited any officer of the Government from holding a seat in Congress? It is, sir, because they are presumed to be politically unfit for legislation—because the influence of patronage is often too strong to be resisted—because their interests and partialities are not in unison with the mass of the nation; and because all experience has proved that they are the most pliant instruments of the power which supports them in office, and dispenses the public emoluments. On principles adapted to discountenance the same political evil, and to preserve a strict congeniality of feeling between the representative and the nation, the Constitution has required his inhabitancy among his constituents. If those who serve the public here, in the more elevated offices of the departments, or the subordinate places of the Government, are not contented to enjoy the public bounty and public honor of their stations; if they aspire to seats in the Legislature, the path is open and plain. Let them return to the States and resume their original inhabitancy—let them submit to at least some purification in an atmosphere untainted by the influences of power. When returned to this House, let them enter our doors representatives in heart, as well as in form of a people whose confidence has not been beguiled into their support, and who feel that, between them and their representative, there is some sympathy, some bond of intimate union which connects their interests with his own. I hope, sir, that we shall establish at this time, so far as our precedent can do so, an exposition of this part of the Constitution which shall not be misunderstood elsewhere; which shall maintain a close alliance between the nation and this House, and shelter it from those evils which otherwise may threaten its purity and independence, and which shall preserve it uncontaminated by that influence which, whenever successfully brought to control its measures, or mingle in its deliberations, will render the whole system a mere mockery of free Government.

Mr. LIVERMORE rejoined to Mr. STORRS.

Mr. CAMPBELL, of Ohio, said, most of the gentlemen who had preceded him in this discussion considered the question one of great moment. With them he was disposed to concur in opinion, and would say, as it involved the construction of an important clause of the Constitution, it deserved

a full and patient investigation. If any question, said he, agitated during the present session, had, more than another, excited in his bosom an anxiety to arrive at a correct conclusion, it was the one now under consideration.

Mr. C. said the gentleman from Connecticut (Mr. FOOT) has assumed a position which, he thought, was altogether untenable. He has gone so far, if he was correctly understood, as to intimate that the constituents of the gentleman, the right to whose seat is now disputed, are much more competent to decide on his qualifications than we are.

[Mr. FOOT explained, and said he did not wish to be understood as denying this House jurisdiction.]

Mr. C. said, he supposed the gentleman had used language which, upon reflection, he would be inclined to qualify. The gentleman from Massachusetts, (Mr. FULLER,) who addressed the Committee yesterday, advanced a similar opinion. He has informed us the electors of the Norfolk district had long been acquainted with the sitting member. He had been born and educated among them. As his residence here had not suspended his intercourse with them, they knew his sentiments. They believed him eligible, and gave him their votes; that, therefore, this House ought to acquiesce in their decision.

[Mr. FOOT explained, by saying the judgment of his (Mr. BAILEY'S) constituents was entitled to much consideration.]

Mr. C. said he thought so, too; but he would protest against the obligation of such a judgment. It could not be binding on us. It might awaken our vigilance, and induce us to approach a decision with increased care. The recognition of a different doctrine would leave but little to the performance of this body, under that clause of the Constitution which gives it authority to judge of the qualifications and returns of its members. For what purpose is this House required to pronounce sentence in any case of contested election, but particularly in one involving qualification, if the constituents of the returned member be the most competent judges? We constitute the legitimate tribunal; and he, said Mr. C., was, for one, prepared to perform his duty.

The gentleman from Massachusetts (Mr. FULLER) informs us the member from the Norfolk district had, after an absence of four years from the State, been elected a member of the Massachusetts Legislature; that gentlemen, highly respectable for talents, when consulted, declared him eligible, although the constitution of that State required a year's residence. These facts are urged with great force in favor of the member's eligibility to Congress. Upon examination, it will be found nothing conclusive can be deduced from them. Mr. C. asked, whether his election had been contested? He presumed not. If it had been, we should certainly have heard of it, as it would have added much to the weight of the argument. Hence, it is impossible to say what the result would have been had his right to a seat been questioned, as it now is. This disclosure of facts

is very creditable to the sitting member. It proves he was popular where he had been long known. His great popularity, and the sameness of politics in his town, may have left him without a rival—without an enemy to contest his title to a seat. Mr. C. said the constitution of Ohio required, among other things, that a person, to be eligible to a seat in the House of Representatives, must reside at least one year next preceding his election, in the county which he may wish to represent. This clause, he doubted not, would render ineligible every person who might leave the State, and go into another to obtain a livelihood by teaching an academy, as the member from Norfolk is reported to have done. Indeed, he thought, in Ohio, this interpretation would not be disputed for a moment.

Gentlemen, in their liberal interpretation of the word *inhabitant*, say, those who support the principles of the report of the Committee of Elections appear to consider every person ineligible who is not *actually* a resident of the State at the time of his election; that this doctrine would preclude the idea of the eligibility of every one who might be absent on business, whether public or private, on the day of election. This, Mr. C. said, was gratuitous assumption on the part of the gentlemen. It was an abridgment of right. It was an inference which, he felt sure, could not be drawn from any argument he had heard. The rule which would produce this effect could not be a correct or useful one. What! disfranchise a citizen who might be sent on a foreign mission! Surely this could never have been intended. The character of a Minister is this: He is the representative of his country, in its sovereign or national capacity, in the one to which he may be deputed, without the forfeiture of a single right, although he ceases, for a time, to be an *inhabitant*. This is inferred from the necessity of the case. He would be a traitor to his Government if he attempted to become a citizen or subject of the Power to which he is sent. In the nature of things, by his actual change of residence he acquires no political rights. In the enjoyment of those which are essential to him in his representative character, he is protected by the law of nations. This is all he needs—this is all it is proper he should enjoy. An assumption of the civil and political condition of the country to which he might be sent, were such a thing practicable, would terminate his ministerial functions. As, then, he acquires none of those rights in the country of which he is an actual inhabitant, of which his removal, for a time, has interdicted him the exercise, it would be folly in the extreme to say, on his return, he should be classed with aliens. Yet gentlemen liken the case of the sitting member to that of a Minister to a foreign Court. Mr. C. said the similarity, if any existed, had, so far, eluded his observation. Indeed, it was plain to him there was none. The member from Norfolk, by leaving his native State, and locating himself here, has lost nothing. His immunities are not affected by the migration. What he loses there he acquires here. If he ceases to be eligible to office in Massachusetts, he is

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compensated by the acquisition of correspondent privileges in this District. At all events, no one can say, with any expectation of being credited, that he would not have been eligible had he crossed the river into Virginia, and resided there six years, as he has done in this city.

The gentleman from Illinois (Mr. Cook) has favored the House with an ingenious argument, but which, when tested, will be found inconclusive and unsatisfactory. He says we have two forms of Government, meaning the State and Federal—that to carry on the operation of the latter, the citizens of one State are sometimes sent into another, or into a Territory, in the character of officers; and that to say they lost the rights of inhabitants of the States which they might leave, would be violence to State rights, as each State had an interest in the service of its citizens. Mr. C. said this had frequently been the case, and the officers continued in the State or Territory, and enjoyed all the privileges of citizens; as in the case already mentioned, what was lost at one place was fully made up at another. Correlative rights press upon the emigrant, and he may enjoy them if he chooses. To make the case still more intelligible, Mr. C. said, he would suppose an inhabitant of the State of Illinois were appointed a register of a land office in Ohio, and were to move with his family there. What would be his relation in regard to the two States? Certainly his connexion with the first is severed, and a new one formed with the latter. Certainly he ceases to be an inhabitant of Illinois, and becomes a citizen of Ohio. To affirm the State he left is still entitled to his allegiance and service, would give a negative to the right of locomotion—a right which we see exercised every day without complaint, or any supposed prejudice to the right of the States.

The gentleman from New Hampshire (Mr. LIVERMORE) contends, if the word *inhabitant* be properly defined by the Committee of Elections, no person can be eligible to Congress who is not *actually* in the State on the day of election. This, Mr. C. thought, was putting an extreme case. Such an idea he supposed no member whatever entertained. He was certain even the term "locality of existence," which had been examined with so much attention, was not intended to convey this sentiment. It could not be said we were not inhabitants, in the Constitutional meaning of the term, of the States we respectively represent, although in the District of Columbia. To declare we would be ineligible, should an extra session require our attendance here at the period of an election, would be an absurdity, without comparison. A case may be put to operate equally strong against the gentleman. The public architect came to this city six or seven years ago from the State of Massachusetts, with his family. He owns real estate, has built himself a house, and is entitled to all the privileges of a citizen of this District. Is he an *inhabitant* of Massachusetts? The answer is easy. Or, Mr. C. said, he would put a stronger case. He knew a clerk who emigrated to this place more than twenty years ago,

from Maryland, had reared a family, and was the owner of houses and lots, and appeared located for life. Would the gentleman say he was eligible in the State from which he came? Surely not; or else it must be admitted a man can, at the same instant, enjoy the same privileges in two or more separate and distinct jurisdictions. Cases may be supposed, which prove nothing but their own folly. Mr. C. said his opinion was, we ought to give the word *inhabitant* a rational meaning—it ought to be construed to a common and judicious intent—not so as to impair rights, yet so as to guard against the evils designed to be prevented, which have been ably exposed in the report, and by the gentleman from New York, (Mr. STORRS,) and then applied to the facts, as they have been disclosed.

Such is the condition of man, such are his wants and necessities, as to require him to be employed in some avocation. To obtain a livelihood the means are diversified, as if to suit the versatility of genius. Some prefer a maritime life; others choose agricultural and mechanical pursuits; others seek the learned professions; and not a few depend on public favor for subsistence. The clerks of the different departments we know depend almost exclusively on their salaries for support. A clerkship is one of the many ways of obtaining a living. It was the sitting member's preference for the last six years, within which, we are informed, he intermarried. It seems to me, said Mr. C., a man's ordinary business indicates the "locality of his existence." What answer would a plain common sense man, acquainted with the circumstances of the case, give to this question? Of what place was the sitting member an *inhabitant*, at the time of his election? Would he not say of the District of Columbia? Let us say so, too, and support the resolution submitted by the committee.

Mr. OWEN, of Alabama, addressed the Chair as follows:

Mr. Chairman: I shall be pardoned by the House for giving the reasons which influence my course, when it is known that I am in the minority. Were I of the majority, at this stage of the investigation upon this subject, I would not trespass upon your time, because the world and posterity always presume that the majority is right. This presumption is correct, sir; and, as this question will live beyond the existence of this Congress, and is to be handed down to those who follow us, as a precedent, with it, I wish to go the reasoning upon which my mind compels me to oppose so large a majority. Sir, I do not rise with the vain hope (for such it certainly would be) of endeavoring to change the opinion of this House, which has been so clearly manifested. It is true, that I should be much pleased were the majority to go with me, but not so, if induced by any power I possessed, when their settled opinion was to the contrary. I am the more anxious upon this subject, sir, because it is one of Constitutional construction—because it is one that strikes at the very root of the democratic principle of our Government. Were it upon a matter of expediency, or

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of mere policy, I should be almost indifferent on which side of this question I should be found. These, sir, are settled by opinion—by speculation—and there is scarcely any matter of policy, of deep national concern, that has not been tested by the experience of other Governments; and rare, indeed, are the instances arising from the peculiar formation of our Government, where this assertion will not hold good. But, sir, on the other hand, in ascertaining what the principles of our Government are, nothing of experience or history beyond our own time can afford us any light to direct our course. While the investigation of subjects of this kind are the most intricate that can be presented to an American legislator, they are, at the same time, the most unique and dependent upon the powers of the mind, unaided by experience, or influenced by precedent, for their correct decision. Questions arising upon the principles of our Government are to be examined by the charter of our liberty; we need not go beyond; to know what are its provisions, is knowing the principles of our Government. How are they to be known? By the rules, most assuredly, used in giving construction to the prescribed rule, by the sovereign power. We cannot, then, with too much caution approach a subject, in the investigation of which is involved the two main features of our Government; that is, the extent to which power is delegated, and the limitation beyond which it is restricted by the will of the sovereign power of our Government.

The people (for happy it is for our country that in them is vested the supreme power,) have, in prescribing our great rule of action, the Constitution, not only limited those by them appointed to administer the Government, in the exercise of power, but have restricted themselves in the discharge of duties which they have to perform. To us, sir, the responsible duty of preserving the Constitution from violation, is confided. We are the sentinels of the people's liberty. Whenever, therefore, the people, in the exercise of privileges reserved to themselves, act within the restrictions imposed by our Constitution, their act should be sovereign and uncontrollable. When they go beyond these restrictions, it is our duty to restrain them. At the same time that we guard against others, to preserve the purity of our Constitution, we should watch over ourselves, and never in the least transcend our delegated powers.

Pardon me, sir, for here remarking, that, with no little concern, have I, in the progress of our Government, within my limited observation on public concerns, discovered, as I thought, that, in any case where the Constitution was intended to limit the power of Congress, that this branch of it, at least to sustain its power, has ever given the most liberal and the greatest latitude of construction. Even, sir, during this session, have Constitutional questions been agitated, nay, thoroughly discussed, and the principles upon which they have been settled, are, that it should be liberally construed to effect and secure to the people of this nation the great purposes for which it was adopted—the prosperity of the nation and the happiness of the people; but, on the other hand, I do fear, were I to assert

that Congress, at least this branch of it, in ascertaining the power reserved by the people to themselves, in the Constitution, that the most rigid and limited construction is given to support and sustain the restriction, the facts could be adduced to sustain its correctness.

Let not this case present us authority to support such a declaration; let us pursue the same rules of construction in testing the powers of the people under the Constitution as we do in ascertaining our own. Another principle, and I will endeavor to apply the case before us to these principles, which I think no one will doubt the correctness of. It is this: in giving the construction to the acts of sovereign power, the presumption is in favor of sustaining such acts; being understood to be right, to be strictly legal, until the contrary is proved. So it is with individuals in the discharge of lawful acts; the presumption is in their favor, until removed by evidence, by facts to the contrary.

What, then, is the question before this House? It is to concur in the report made by the Committee of Elections, which is to be settled upon the adoption or rejection of this resolution submitted by the committee, "That John Bailey is not entitled to a seat in this House." To sustain this resolution, the committee, though they have laid before you a long and elaborate report, submit the proposition that Mr. Bailey "is ineligible," not being possessed of those qualifications which, by the Constitution of the United States, are indispensable to the holding of a seat in Congress." Under this broad proposition, none but a single allegation is submitted to sustain it, and upon which the whole report is bottomed, that is, that "because, at the time the election was held, at which the said Bailey was supposed to have been chosen, he was not an inhabitant of Massachusetts, but then was, and for many years before had been, and still is, an 'inhabitant' of the City of Washington, in the District of Columbia;" notwithstanding the broad proposition that Mr. Bailey was "ineligible" for the want of "qualifications," but the single qualification alleged to be wanting is, habitation within the State from which he is chosen. The whole question then depends upon the single point. Was Mr. Bailey a resident of Massachusetts, within the purview and spirit of the Constitution? The committee have said that he was not, and to maintain this assertion, what is the testimony adduced?

The first is the certificate of the Governor of Massachusetts.

2d. A memorial by certain inhabitants of the district of Norfolk, in the State of Massachusetts.

3d. A statement of Mr. John Quincy Adams, Secretary of State.

4th. An affidavit of Mr. Charles Bulfinch.

And, lastly, a statement made by Mr. Bailey himself to the committee.

The certificate of Governor Eustis only states that, on a certain day, John Bailey, Esq., "was chosen by the people of this Commonwealth, (Massachusetts,) legally qualified there for a Representative to represent them in the Congress of

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the United States of America," &c. This establishes the fact of his election.

The memorial prays that Mr. Bailey be not admitted to a seat in this House, "because," by the first section of the first article in the Constitution of the United States, it is provided "that no person shall be a Representative who shall not, when elected, be an inhabitant of that State in which he shall be chosen," and alleges the fact that Mr. Bailey was not an "inhabitant" of the State, but of the District of Columbia.

Mr. Adams states that Mr. Bailey was a clerk in the Department of State; that he continued to act in this station until after his election; that he was an inhabitant of Massachusetts, in the district he is now chosen to represent, at the time of his appointment of clerk. His residence during the time he held the office of clerk has been within the District of Columbia; he always considered Massachusetts as Mr. Bailey's home, and his residence in the District temporary, in the discharge of official duty only; gives his opinion that Mr. Bailey was *eligible*, upon the general principle of national law, that the "*animus revertendi*," or intention to return, constitutes the test of domicile; and, to sustain this, at the request of the committee, many instances are submitted, sustaining this principle in practice in Massachusetts.

The affidavit of Mr. Bulfinch establishes the residence within the District, with occasional absences on visits to Massachusetts—boarding at a public hotel until marriage; after which time, in the family of his wife's mother—represents that Mr. Bailey never exercised any privilege within the District—never held an office of the District, within his knowledge.

Mr. Bailey's statement corroborates the statement of Mr. Adams and Mr. Bulfinch, and adds, that he ever considered Massachusetts his home; that, within his district, in that State, was the seat of his property, consisting of a law library; that it had ever remained there, and that he considered it his home; alleges that he never held any office in the District of Columbia; that he always avoided the exercise of privileges within this District—never paid a tax, always considering Massachusetts his place of abode.

These, then, Mr. Speaker, we take to be the facts involved in this case, and none other can be brought into this investigation; none other having been submitted by the committee. Sir, if this resolution had not have been submitted, but the facts reported alone submitted, it does appear to me that precisely the opposite proposition must, necessarily, be founded upon such evidence; let us for a moment examine, and see if this remark is not entitled to some weight. The certificate of Governor Eustis proves the election—in my mind, sir, it proves more, so far as this is a question of fact, at least: it is the duty of the Executive of Massachusetts, by the authority of the State, to certify the result of a Constitutional discharge of duty by the people of that State; that duty is the election of a member of Congress; this officer acts under oath in the discharge of official duty, and this is a part of that official duty. It is to be pre-

sumed then, sir, that he has not certified to us that which the law prohibits; it is to be presumed, sir, that the Constitutional qualifications were possessed, the law presuming in favor of the correctness of the act of the certifying officer; so much then for the Governor's certificate. But, the Constitution correctly secures to each branch of the General Legislature, the sole and exclusive privilege of judging and determining on the "elections, returns, and qualifications, of its own members;" this, then, sir, and this alone, prevents the certificate of the Governor from being conclusive; but still, sir, the presumption exists, and that, which, in almost all other cases of like discharge of official duty, would be conclusive by reason of this provision, (universally admitted to be a wise one,) of the Constitution, is not so, unless supported by the circumstances of the case. What, then, are these circumstances? This brings me to the other facts submitted by the committee, all of which may be summed up in a very few words, there being none which conflict; they are, that Mr. Bailey, in discharge of official duty, resided within the District of Columbia at the time of his election, before and since; that his residence here was a temporary one; and that, at the close of his official duties, which could at any time take place at his own will, or the will of his superior, he intended to return to his abode in Massachusetts; this, sir, is the evidence, to say nothing of the opinion of the Secretary of State, than whom there are but few more learned jurists. But, sir, how has the committee, and gentlemen who coincide with the opinion of the committee, treated this testimony? Why, sir, I must say, that they have used such parts as supported their opinion and seem to have proscribed those which conflicted with it. This to me is an unusual mode of weighing testimony, even in courts of civil or criminal jurisdiction, where testimony is received under the most rigid rule. This course is inadmissible in all statements touching the same matter; the whole made must be received, or the whole rejected; the reason of this rule is obvious; for, if such parts are credited as lead to a certain conclusion, and the remainder rejected, what reason exists for crediting that which is retained? But here it is related that many of these facts are from the confession of the individual interested. Sir, I have been under the impression that the confessions of individuals, when made without motive, were entitled to weight even in courts, though such confessions were to the benefit of the party. It is universally admitted that the intention or design with which any act is performed, gives the character to the act; for all acts of any shape or character, in any performance, are designed by the God of our nature, and so secured by the regulations of society to express and declare the intention of the person or persons doing them.

Can we suppose, for a moment, sir, that Mr. Bailey was actuated by motive in uniformly disclaiming this District as his home and declaring his intention to return? Did he anticipate this event that made him firm to his purpose in indu-

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Massachusetts Contested Election.

H. OF R.

cing all about him to believe that he considered Massachusetts his residence? Was it with the same spirit and design that he disclaimed the exercise of privileges within this District? Nay, sir, was it for this purpose that his fortune, his estate, (a law library if you please,) was studiously kept at the place that he called his domicile? Sir, if these things can be believed, they are of rare occurrence indeed, and I am at a loss whether to admire the stability and firmness of character displayed in pursuing his fixed purpose, or to continue his hypocrisy and plans of dissimulation in order to accomplish an illegal, unconstitutional, and unworthy act. Sir, I must discard this view of the subject; it is unreasonable; it is against common sense; and I am forced to believe that Mr. Bailey did not consider this District his home; that his uniform declaration of his design to return was without motive, and that Massachusetts was his domicile: but the circumstance of his library being at his home, is treated with levity. I suppose, because it is not valued as a cotton or sugar plantation. Sir, principle is not to be established by dollars and cents. If in the latter case the property identified the home, with as much correctness will it in the former. These, then, are the circumstances. Do they destroy the presumption in favor of the legality or constitutionality of Mr. Bailey's election, as it is duly certified to us? For my part, I think not; although they show a residence out of the State, they also show that that residence was temporary, and that his permanent habitation was in Massachusetts. We must believe that Mr. Bailey did intend to return; if so, we must believe that his absence was intended to be temporary, and this does not destroy the right of inhabitancy. Against the loss of privilege in this way, many of the States have made express provisions; in others I consider it provided for by the spirit of our Government, derived from international law; and, sir, that such is the spirit and practice of the Federal Government no one hesitates to admit. Sir, it is under this principle, that our communications with foreign Governments are conducted; but this case is different. Gentlemen tell us we must adhere to the literal definition of the term inhabit, that it is, to use the phrase grown trite by repetition, "*locality of existence*." Sir, we do not in every case, nay we do but in few, confine ourselves to the literal definition of terms; we are constantly, nay, often, by law, giving constructive definitions to terms that are in many instances in direct opposition to their literal definitions. Sir, it is upon this principle that a man in Europe is in Louisiana, or South Carolina; that a man in Great Britain is in Pennsylvania. This, sir, for wise purposes, arises from constructive definition of terms, which constructive definition is sanctioned by law. If, then, there is no legal constructive definition in this case by positive enactment, I do say that a rational constructive definition, if not within the letter, but within the spirit of the principles of our Government, when not in contravention to existing law, is law; and that, if ever literal definition is deviated from, we are justified in deviating when sup-

ported by reason and not prohibited by law, in order to support and give effect to the free exercise of the sovereign power, the will of the people.

But we are told that in this case we must adhere to the letter; that, although in other instances it is not expedient to do so, that in this we must. It is even admitted that the Heads of our Departments claim their domicils or inhabitancy in the States from which they were appointed; and that their residence within this District does not deprive them of any of the privileges they possessed in their respective States, and that the authority from which this is derived is as positive as if prescribed by statute or ingrafted in your Constitution. Sir, if this is admitted, the question is decided: for the Chief Clerk in the State Department is an officer of Government, so made by law, and the same principle that sustains the one case will hold good in the other. I need not make reference to authority to support this position, this having already been done with great energy and ability by the honorable gentleman from Louisiana (Mr. BRENT.)

Again, one honorable gentleman (from New York, I believe,) has said, that Mr. Bailey was not eligible, because, if this District was entitled to a delegate, or representation upon this floor, that Mr. Bailey could be that delegate or representative. Sir, this does not, cannot, apply, with any force, in this case. Your District, sir, is subject to the immediate control of, and its municipal regulations are prescribed by, the Congress of the United States; and, if it was provided, by law, that such delegate should be an inhabitant of Massachusetts, then, Mr. Bailey could make his election, whether to represent a district in Massachusetts, or the District of Columbia, if chosen to do both. It is unnecessary to make any other reply to this kind of argument. But the House will pardon me while I notice another remark made by that honorable gentleman. Sir, he says, we cannot be too cautious in examining the qualifications of the members of this body. In this, I do most heartily concur with that gentleman. Yes, sir, the purity of all of our institutions, of every department of our Government, depends upon the purity of the legislative department. He brings to our view the corruption of other governments—"tells of placemen, corrupt ministry, and seats in Parliament from rotten boroughs." Sir, these are remarks, though, to my mind, entirely unconnected with, and by no possibility can have any bearing on the case on which we are now deliberating, that I do not object to hear. Their frequent repetition keeps fresh in our remembrance the cause of our being a free people. They bring forcibly to the observation and attention of this age, of this generation, that which our forefathers saw, that which they felt, and that which they resisted. Yes, sir, wherever there is corruption, liberty is in danger, and the first and smallest appearance of its approach, under any shape or disguise, to any department of this Government, should be scouted, should be held up to the world and our posterity as a beacon to guard them against danger. But, sir, while we fear and detest corruption on the one hand, let us beware lest

our anxiety to avoid it should lead us into error—let us beware, lest, while we endeavor to provide against this, in the Cabinet, we become ourselves the usurpers. Let us, when we provide against placemen and members of Parliament from rotten boroughs, beware, lest we usurp the elective franchise, the only sure basis of the people's liberty. Sir, if, in this, we are to exercise unlimited power and control—if we can limit and restrain the people, in the free exercise of their own free will, in choosing those who are to rule, the time is not far distant when placemen, created by us, will dictate to the American people, and we ourselves be the members of rotten boroughs, and the corrupt Ministry that we now so much deprecate and carefully provide against.

Sir, gentlemen apprehend danger from Cabinet patronage, in securing seats in Congress from corrupt sources. To me, sir, there does appear to be as much danger to be apprehended, if public service is to destroy Constitutional disqualifications, from Cabinet patronage, in putting down opposition to a favorite asking for a seat in Congress, by holding out and proffering the lure of office. Sir, there is as much danger in the one case, as in the other; and that which is to come from the free exercise of the will of the people, is infinitely the least to be apprehended. Gentlemen should, when they contemplate on the practices of other Governments, by which freedom and liberty are lessened by a Cabinet and Ministry, view the other side of the picture, and remember that even a Parliament has been arrayed against the people, and that, from this source, liberty received a wound that time cannot heal. Can this be a cause of an American Parliament being against the people, and endeavoring to restrain them in the exercise of those Constitutional privileges reserved to themselves? Sir, it may lead to this. Yes, the freedom enjoyed by the people of this Government, in the exercise of their elective franchise, is the palladium of our liberty. Weaken this, and you destroy the distinction that exists between the principles of our Government and those in which the sovereign power is in a King and Ministry, and the people but their minions. These are pictures drawn by the imagination of gentlemen; but, sir, they may be realized. Let us, therefore, choose rather to rely upon the virtue and intelligence of the American people to preserve the purity of the principles of our Government, rather than by restraining them by parliamentary acts. Our liberty is safe in their hands; change its guardian, and it is lost forever.

I thank the House for its indulgence; but I must be pardoned for saying, that the more I reflect upon this subject, the more I am contented to vote with the minority. Therefore, the "*animus revertendi*," the avoiding of District privileges, his estate being in Massachusetts, his residence here being only temporary, and permanent inhabitation being, in the contemplation of the Constitution, and the people's electing him, constrain me to say, that Mr. Bailey is entitled to his seat.

When Mr. OWEN took his seat—

Mr. FORSYTH replied to Mr. STORRS, (on a

point in which he was personally involved,) and gave notice, that, as soon as the present question should be decided, he should move that the Committee of the Whole be discharged from the consideration of the question of his right to his seat.

Mr. FULLER farther explained the grounds he had formerly taken.

Mr. SLOANE, chairman of the Committee of Elections, made some remarks in explanation of certain facts; to which Mr. BAILEY replied.

Mr. COOK moved that, in order to afford the sitting member an opportunity of adducing further testimony, the report be recommitted. The question being taken, it was decided in the negative.

Mr. COOK then called for the reading of certain papers.

Mr. BARBOUR moved to adjourn. It was lost. Ayes 76, noes 99.

The papers were then read.

Mr. BRECK spoke to the general question, and in favor of the disputed right of Mr. BAILEY.

Mr. BAILEY stated some facts of the case.

Mr. HALL, of North Carolina, (a member of the Committee of Elections,) spoke in favor of the report, and in reply to Mr. BAILEY, as follows:

Mr. Speaker: I should not have said a word on this subject, but for a remark which has just fallen from the gentleman from Massachusetts, reiterating a charge of inconsistency upon the Committee of Elections, of which I am a member. An imputation which, if to be made any where, should have been made, not against the committee generally, but against myself. The gentleman must recollect, as I have already stated, in the course of this debate, by way of explanation, for the purpose of exculpating the committee from this charge, that he derived this idea of inconsistency from a conversation with me in the committee room, in which he might have conceived it to have been my opinion, that the *quo animo*, or the feeling of the mind, was the pivot on which this question turns. He must, however, recollect, that, subsequently, I gave it as my opinion, that this principle was not applicable to his case, but rather to the political right of citizenship, or allegiance. But, sir, for the sake of argument, suppose that I should admit that this is the principle upon which the question rests, *cui bono*, what good will it do the gentleman? If he assumes the principle, he must follow it out, whithersoever it may lead; and if he does so, he becomes *felo de se*—he cuts his own throat. It is a bad rule that will not work both ways; and how is the feeling of the mind to be known? It can only be known by external circumstances; and, unfortunately for the gentlemen, all these, (and some of them most stubborn facts,) are against him: the evidence is all against him. Sir, it only comes to this, that the gentleman may have had, at different times, a vague notion of returning to Massachusetts, but did not return; but that, on the other hand, he had much more constantly and effectually, an intention of remaining, and did remain a resident for six or seven years, in the District of Columbia, prosecuting his own interests, at his own will; or, as gentlemen seem

fond of technical phraseology, he had the *animus revertendi*, but, unfortunately, he had a much stronger *animus manendi*, which proved victorious, and kept him from returning, which, had he done, he would have avoided his present difficulty. But, sir, what has all this trumpery about the *quo animo*, the *animus revertendi vel manendi*, about Vattel, and Puffendorf, and all that sort of thing, to do with this plain question of Constitutional law and fact? Just about as much as we have with the man in the moon.

Gentlemen seem to have fallen into some strange hallucination on this subject. In maintaining their doctrine, they undertake to subvert a plain and imperative requisition of the fundamental statute of this land, by applying to it, constructively, the principles of the common law of nations. Suppose, that in some of the State courts, any lawyer, in a plain case of law and fact, a case where a statute applied explicitly to some crime, a case in which the evidence was completely made out, and the law and the fact in entire unison—what would be thought, in such a case, of any lawyer who should attempt to overthrow, by applying to it the principles of the British common law, from Blackstone, or by preaching a politico-moral homily from Paley and Beccaria? And yet it would be of a piece with what is now attempted.

Mr. Speaker: I have prescribed to myself a very plain and simple method of construing this instrument which I hold in my hand, the Constitution of the United States—a method which, if pursued with a view solely to the truth, will generally be right. It is, to take the plain vernacular meaning of the words in which any subject is couched, and endeavor, in their plain sense, to find what was the intention of its framers. Having, to the best of my judgment, done this, I adhere to that interpretation, without attempting to bend or twist it to answer, by a strained construction, any other purpose—which, were I to do, I should be guilty of treason against my understanding and my moral sense. I have applied this rule to that part of the Constitution which says "that no person shall be a Representative, who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen." From which, it appears to me, that the framers of the Constitution meant to exclude two orders of persons from the House of Representatives as members—persons who are not citizens of the United States, and citizens who are habitual non-residents of the States in which they are elected. So that the Constitution demands, in so many words, that, to be a Representative, it is not only necessary to be a citizen of the United States, but, in addition to this, a person to become so, must live among those who are to become his constituents; evidently drawing a plain and marked line of distinction between citizenship and inhabitation. I do not believe it ever entered into the contemplation of the framers of the Constitution that Ministers and Consuls resident in foreign countries, or heads of Departments, or their clerks,

residing in this District, or any other persons, living in any of the Territories the property of the United States, were proper persons for selection as members of this House. Ministers resident, by the very force of the term, and the nature of the office, includes the idea of inhabitation, *pro hac vice*. But a man may cease to be an inhabitant of one place or country, without having a fixed or permanent residence anywhere. A man leaving this country and travelling thirty or forty years over Europe, Asia, and Africa, could hardly be said to be an inhabitant, all this time, of the United States. I should like to know by what sort of *hocus pocus*, Ministers and Consuls residing habitually at foreign Courts and mercantile places, in foreign countries, or Heads of Departments, and their clerks, residing for a series of years in the District of Columbia, surrounded with all the means and appliances of domestic enjoyment, having their wives and children, being housekeepers, in possession of wealth, and all the comforts of life, can be all this time living in Georgia or Massachusetts, or any other State in the Union?

Gentlemen fall into this error by confounding the abstract political right of citizenship with the act of inhabitation which the Constitution requires; but, sir, I consider them doubly disqualified from becoming members of this House, by habitual residence out of the State for which they were, or might be, elected, (I know of no better definition of inhabitation than habitual residence; I would thank any gentleman for a better,) and office-holding under the United States, which, so long as they continue to do, is a disqualification in the face of that part of the Constitution which requires that "no person holding any office under the United States shall be a member of either House during his continuance in office"—showing clearly an intention to keep distinct and immiscible the executive and legislative functions of the Government; and, sir, to return to the gentleman from Massachusetts, I feel no hesitation in saying that his seat ought to be vacated upon this ground, if he labored under no other disability. I know the decision in the case of Herrick and others, has been quoted as bearing analogy to this part of the case under consideration, but I never take, as a precedent to follow, that which I believe is not founded in truth and principle. I think that decision was wrong, and was so decided only because a number of persons voted in a case that tried their own, which, had they been prevented from doing, as they ought to have been, the decision would have been against them. What are the facts in the case now before us? Why, that the election took place on the 8th of September, 1823, at which time he held an office under the United States, though the Congress for which he was elected commenced the 4th of March previous, and he still held the office until the 23d of October thereafter. Sir, I had always thought that the people made members of the House of Representatives, taking care, however, to make them of such materials as were not obnoxious to the Constitution, which is specific in prescribing the quali-

fications. But, according to the decision in the case of Herrick and others, and agreeably to the opinion of some, perhaps, in this case, it may be considered that the Speaker makes them by the administration of the oath to support the Constitution, or, perhaps, that the Governor of a State may do it by his certificate, which, however, is only a kind of pass, the evidence of his election, to be presented to this House. But I am still of opinion that the people make members of Congress, at least for this branch, but they must do it agreeably to law, otherwise the act is void.

I will forbear to remark on the report of the Committee of Elections, in the case of the gentleman from Georgia, as it is not now a subject of discussion, (and is one which has been hooked to this, I will not say with what propriety,) farther than to say that I do not entirely concur with the committee in that report.

A motion was now (about 4 o'clock) made to adjourn; lost—ayes 80, noes 95.

Mr. McDUFFIE offered the following amendment:

"That it is the opinion of this House that John Bailey came to the city of Washington in the year 1817, with the intention of returning to the State of Massachusetts, and that the said intention has continued to the time of his election to this House.

Resolved, therefore, That he is entitled to his seat in this House."

Mr. ARCHER moved to adjourn; but the motion was lost—ayes 80, noes 100.

The question on the amendment was agreed to be taken by yeas and nays.

Mr. TAYLOR called for a division of the question on the amendment.

Mr. SLOANE called for the previous question, which call the House sustained—ayes 93, noes 78.

Mr. MOORE, of Alabama, moved to adjourn, and called for the yeas and nays on the question. The House refused to take it by yeas and nays; and the question being taken, the House refused to adjourn—ayes 41, noes 124.

The main question was then put, (the previous question having precluded all debate as well as amendment,) and decided by yeas and nays, as follows:

YEAS—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allison, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bassett, Beecher, Blair, Bradley, Brown, Buchanan, Burton, Cady, Cambreleng, Campbell of South Carolina, Campbell of Ohio, Cary, Cassedy, Clark, Condict, Conner, Craig, Culpeper, Cuthbert, Day, Dwinell, Dwight, Eaton, Edwards of Pennsylvania, Edwards of North Carolina, Ellis, Floyd, Foote of New York, Forward, Frost, Garrison, Gatlin, Gist, Gurley, Hall, Hamilton, Harris, Hayden, Hayward, Henry, Hogeboom, Holcombe, Hooks, Houston, Isacks, Jenkins, F. Johnson, Kent, Lathrop, Leftwich, Letcher, Lincoln, Litchfield, Long, McCoy, McKee, McLane of Delaware, McLean of Ohio, Mangum, Markley, Marvin, Mailack, Miller, Mitchell of Pennsylvania, Neale, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Randolph, Rankin, Richards, Rogers, Ross, Saunders, Sandford, Sloane, Arthur Smith, Alexander Smyth, Spaight, Standefer, Sterling, A. Stevenson,

J. Stephenson, Stewart, Stoddard, Storrs, Swan, Ten Eyck, Test, Thompson of Georgia, Tod, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Wayne, Webster, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Woods, and Wright—125.

NAYS—Messrs. Breck, Buck, Buckner, Burleigh, Cobb, Cook, Crafts, Crowninshield, Cushman, Durfee, Farrelly, Findlay, Foot of Connecticut, Fuller, Gazlay, Herrick, Hobart, Jennings, J. T. Johnson, Kidder, Kremer, Lawrence, Little, Livermore, Locke, Longfellow, McKean, McKim, Mallary, Martindale, Matson, Mercer, Moore of Kentucky, Moore of Alabama, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Reed, Reynolds, Rich, Rives, Rose, Sharpe, Sibley, William Smith, Strong, Taylor, Thompson of Kentucky, Tomlinson, Vinton, Whipple, and Wood—55.

So it was resolved that John Bailey is not entitled to a seat in this House.

[Pending the call of the yeas and nays, when the vote of Mr. McDUFFIE was called for, he rose and asked to be excused from voting, and gave as a reason, "that he wished those who should come after him into this House, to understand the grounds upon which his vote rested, for which purpose he offered an amendment, and which had been put aside, without a division, by the previous question."]

The Committee of the Whole were discharged from the consideration of the report of the Committee of Elections, on the case of Mr. FORSYTH, and it was laid on the table: and then the House adjourned.

FRIDAY, March 19.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to whom the subject was referred, reported a bill to authorize the Secretary of the Treasury to exchange a stock bearing an interest of five per cent. for certain stocks bearing an interest of six per cent.; which was read twice, and committed to the Committee of the whole House to which is committed the bill to authorize the creation of a stock, to an amount not exceeding five millions of dollars, to provide for the awards of the commissioners, under the Treaty with Spain, of the 22d of February, 1819.

Mr. WILLIAMS, of North Carolina, from the same committee, made a report on the petition of Frederick Perley, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. WEBSTER, from the Committee on the Judiciary, to whom the subject was referred by resolution, reported a bill to alter the times of holding the district court of the United States for the district of Illinois; which was read twice, and ordered to be engrossed and read a third time tomorrow.

Mr. SCOTT, from the Committee on the Public Lands, to which was referred the bill from the

Senate, entitled "An act for the final adjustment of land claims in the State of Missouri, and Territory of Arkansas, derived from the Governments of France and Spain," reported the same with amendments; and the bill was committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, to whom the subject was referred, reported a bill to repeal the act, entitled "An act for the relief of John B. Hogan, approved the 3d March, 1823;" which was read twice, and ordered to be engrossed and read a third time tomorrow.

On motion of Mr. LATHROP,

Resolved, That the Speaker of this House be requested to inform the Executive of the Commonwealth of Massachusetts that the seat of John Bailey, Esq., returned as a Representative from that State, is vacated by a decision of this House.

On motion of Mr. ARCHER,

Resolved, That the Speaker of this House be requested to inform the Executive of the Commonwealth of Virginia that the seat of William Lee Ball, Esq., returned as a Representative from that State, is vacant by the death of Mr. Ball.

On motion of Mr. BARBER, of Connecticut, the Committee of Ways and Means were instructed to inquire into the expediency of granting an appropriation for completing and repairing Fort Griswold, in the State of Connecticut.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: An act to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies; an act for the relief of Napier, Rapelye, and Bennett, and Petray and Viel; an act for the relief of Samuel White; and an act for the relief of Noah Smith, of Maine; in which bills the Senate ask the concurrence of this House.

EFFECT OF THE TARIFF, &c.

Mr. VAN RENSSELAER, from the Committee on Agriculture, who were instructed to inquire if an increase of the duty now established by law, on any article of foreign growth or manufacture, will be for the interest of the agriculturist, and if there be any such article to name the same, together with the additional amount of duty which they deem beneficial to the agricultural interest, made a report; which was laid on the table.

The report is as follows:

The Committee on Agriculture, to whom was referred the resolution of the House of Representatives, instructing them to inquire if an increase of the duty now established by law, on any article of foreign growth or manufacture, will be for the interest of the agriculturist, and if there be any such article, to name the same, together with the additional amount of the duty which they deem beneficial to the agricultural interest, respectfully submit the following report:

That, in the apprehension of your committee, whatever increases the consumption of its products, whether at home or abroad, necessarily advances the interest of agriculture. He who cultivates the soil, looks beyond the supply of his own wants for the profits of

his labor. He looks to a market for the surplus products of his industry. The home market, in the opinion of the committee, is at all times to be preferred to the foreign market, when the reward of agricultural pursuits is equal—the former is less precarious than the latter; it is, also, more permanent and certain, and above the reach of restraining and prohibitory duties of foreign hostility; and when the home market can be increased in its demands, without diminishing in a greater degree the foreign consumption, it would seem wise and prudent to promote its extension by every rational means within the sphere of legislation.

Your committee consider the increase of duties on many foreign articles now imported into the United States, would promote the agricultural prosperity of the nation. A portion of population engaged in manufactures would necessarily depend on the farmer for subsistence, and create a more perfect and profitable division of labor than now exists. A new market would be opened, and a new demand created, for all the raw materials which new manufactures would consume. It cannot be denied, that, if all the manufactured articles now consumed by the people of the United States were manufactured within the bounds of our country, from the raw material furnished by ourselves, the value of our lands would be increased, and the profits of agricultural labor considerably augmented. Demand and consumption would be directly extended—a great extent of soil now devoted to the growing of products that afford no sufficient stimulus to cultivation. The soil and climate of the United States are capable of producing the various articles necessary for such manufacturing establishments as will most naturally flourish in this country, and of such as would inevitably be consumed, provided manufacturing labor should be extended. By a comprehensive and rigorous system of policy, calculated to unfold our agricultural resources, a spirit of emulation and industry would be diffused over the land; a vast and active system of internal exchange would rise up; the expense of transportation in heavy articles would be, in a great measure, saved; and, in fact, that which should be ardently wished for, in every agricultural country, a home market, would appear; this, too, would prove a market at once various, in point of demand, but sure, steady, and unchanging. The policy, the caprice, the selfishness, and the hostility of other nations could not affect it. On this point, therefore, the committee cannot entertain any doubt. The extension of domestic manufactures, depending on the production of such raw materials as can be found in this country, must increase the demand and consumption of those materials, and of course secure a new and ready market.

As to the articles of foreign growth, to which an increase of duty should apply, in order to promote the prosperity of our agriculture, the committee need only remark, that, if the principles which they advance be sound, the duty should embrace every raw material found or procured with ease and cheapness, and in abundance in the United States. The committee have confined themselves to the home market, in the brief view which they have presented. The question how far the increase of this home market, by an increase of duty on foreign articles, would affect the demand of our agricultural products abroad, leads to a new train of considerations. The first inquiry which naturally occurs on this point is, what are the inducements with

foreign nations to purchase the productions of our soil? what their motives? what the moving causes of the market which they extend? Is their policy founded on favor, reciprocity, self-interest, or necessity? On this subject, there is little ground for difference of opinion. Foreign nations act not for us, but for themselves. Favor, and even reciprocity, form no basis for their measures towards us beyond the compass of bare expediency. They will consume our raw materials when they cannot do better; when they can, they will not consume them. When the consumption of our agricultural products comes in contact with any principle of political economy applicable to their own condition, a hostile tariff meets us at their shores. Hence, the foreign market, for the fruits of our soil, depends but little on the sale which foreign manufactures find in this country; and, whether we purchase more or less, foreign nations will graduate their policy towards us, by a standard independent of any general system of duties which we may adopt; at least, so it appears to your committee.

How long would Great Britain purchase our cotton if her own colonies could supply her demands? How many nations would consume any article that is cultivated by the American agriculturist, if they could find their demand supplied on better and more advantageous conditions, by home industry? These questions are answered by their proposition; it is, therefore, the opinion of the committee, that the foreign market for our agricultural products, and for the staple articles of our exports, in the shape of raw materials, will not be essentially affected by any increase of duty on those foreign manufactures which are composed of similar materials.

As to the amount of duty which should be imposed, it must always depend upon a variety of considerations, which need not be detailed; it should be sufficient to secure the exclusive and constant demand of our raw materials, and to sustain the American manufacturer in his pursuits; it must be competent to build up and protect those manufacturing establishments at present in the country, and which, with a reasonable encouragement, will present a constant demand for those raw materials.

In fact, as to the articles of foreign growth or manufacture, which should be taxed in order to increase our agricultural prosperity, your committee would refer, generally, to the tariff now before the House. The committee do not perceive the necessity of selecting any articles, or of imposing any duties, beyond those embraced by that bill.

THE TARIFF BILL.

On motion of Mr. TON, the House again went into Committee of the Whole on the state of the Union, (Mr. CONDIOT in the Chair,) on the bill for amending the acts laying duties on imports.

The question still being on Mr. McKIM's motion to strike out the 177th line of the bill, "on tallow, four cents per pound"—

Mr. BAYLIES said that he felt somewhat discouraged by the symptoms of hostility which had been manifested, in some quarters of the House, to the object of the memorialists of New Bedford and Nantucket. As he had the honor to claim the citizens of one of those towns as constituents, he felt it incumbent on him to offer some remarks touching the memorials and the remonstrances, and, he trusted, that, although four great cities

had combined their forces, on this question, that the interests of two humble and obscure villages would not be neglected, if he could make it appear that it was for the advantage of the nation that those interests should be protected.

In the year 1819, Russian and American tallow was quoted, in the price currents, at from 13 to 15 cents. Sperm oil, at that period, (and for some time previous,) had been sold at 85 to 90 cents per gallon. Tallow is now 7 cents per pound, Summer strained oil 37 cents per gallon, and Winter strained oil 50 cents per gallon—a reduction in price of about one-half.

In the years 1820, 1821, and the three first quarters of 1822, there were imported into the United States 10,276,740 pounds of tallow—equal to 364,890 boxes of candles of 30 pounds each, or to the product of 219,533 head of cattle, or to 1,372,091 gallons of oil, which, if consumed in the United States, supposing the material already here to be equal to the necessary consumption, would prevent the consumption, or impede the consumption of the quantity of oil, or the quantity of tallow, which he had named. The estimates of the memorialists would be found, upon examination, to be correct.

There were also imported during that period 321,821 pounds of tallow candles.

The tallow-chandlers say that the imported tallow is not used for the purposes of light, but that it is made into soap and exported.

If this assertion be admitted to be true, what follows? Why, that the tallow of the country, which otherwise would have been used by the soap-makers, is deprived of its market by the importation of foreign tallow; and the price being depressed, and no sales effected to profit, is either worked up into soap in household manufacture, or for light, as the substitute of oil.

Again it is said, that the difficulties in the oil market arise from the superabundance of the article. Why, sir, so they do; but will not those difficulties be increased, if you increase, by importation, the quantity of an article already superabundant?

It cannot be denied that the cheapest light that can be used is that which is furnished by oil; hence it would be good economy in the farmer to sell his tallow, and to supply himself with oil; his tallow would then be brought into the market. But if he was met in the market with this prodigious quantity of foreign tallow, it is almost self-evident that the home tallow would be depressed, and a heavy loss would fall upon the farmer.

If the foreign tallow was prohibited, domestic tallow, near a market, would be exchanged for oil, the tallow made into soap, and exported. Some candles would still be made and exported. The farmer would receive an increased price for his tallow, and obtain oil at a price affording him a cheaper light, and in this manner he would derive an advantage from the exchange. From accurate experiments it has been ascertained that sperm oil, at one dollar per gallon, is a cheaper light than tallow candles at 10½ cents per pound;

and, of course, oil, at 50 cents per gallon, would be cheaper than tallow candles at 5½ cents per pound.

Oil, at the price at which it can be imported at a profit, is certainly a cheaper light than tallow, even at its present low prices; but the habits of a people are not suddenly changed; and as tallow is very low, compared with the prices two or three years since, the farmers would continue to use it, and not so readily change their light, as they would if the tallow was higher.

It would, in fact, be a saving to those who now use tallow candles, if they were obliged to use oil at double its present price. This fact distinguishes this kind of protection from all other kinds. The expense is not increased to the consumer, but lessened.

A species of reasoning is employed by the tallow-chandlers, which must be fallacious. A pound of tallow (say they) is purchased in Russia, or elsewhere, imported into the United States, and pays one cent duty. It is here manufactured into soap, exported to the West Indies, and exchanged for a pound of coffee; which, when imported into the United States, pays five cents duty; therefore the pound of tallow pays six cents duty. Now, this mode of reasoning, if not convincing, is at least convenient; but it is something like that of the boy, in the story book, who counted his chickens before his eggs were hatched. Every possible case may be supposed: a pair of silk stockings may be purchased in France for one dollar; imported into the United States, pay 15 cents duty, be exported to Madeira, exchanged for a gallon of wine, which, when imported, would pay a duty of one dollar; therefore, according to this reasoning, a pair of silk stockings, purchased for one dollar, would pay \$1 15 duty. Any estimate or calculation, founded on such a basis as this, may, and probably would, fail.

It is said, by the memorialists of New York and Baltimore, that all tallow, for a long time past, introduced into this, from foreign countries, has been attended with a heavy loss to the importer. If it be so, it would certainly be for the advantage of the importer if the importation was prohibited. And if it be so, the prohibition of importation would certainly be advantageous to the nation; for, if we import at a loss, the loss is to the nation as well as to the individuals who import. We buy of Russia much more than we sell to her. Therefore, that branch of trade is not to be particularly favored. The same cannot be said of oil; for, although the whale fishery may be prosecuted at a loss to the ship-owner, and the seamen may be inadequately remunerated for their labors, yet the gain is the result of labor—of labor which takes from the ocean a mass of useless matter, gives it a value, brings it into active operation for the use and comfort of man, or as an article of commerce, or a mean of exchange. The loss is to the individual who engages in the fishery—the gain is to the nation.

The tallow-chandlers say that candles are nearly pushed out of use by the excessive importation of oil. "It is (say they) not probable that there is

more than a tenth part of the candles used in our country that there used to be; and we judge from our own experience that not one-twentieth part the quantity is exported." They certainly must have been in the dark when they made this estimate. There never has been over 50,000 barrels of sperm oil consumed in one year in the United States. Of this quantity, after deducting for lighthouses, the lighting of streets, and what is used for wool and in manufactories, 30,000 barrels may be left for the use of families, shops, &c.; allow six persons to a family, 10,000,000 of people give one million and two-thirds of a million of families—those who use oil will average ten gallons to a family; 30,000 barrels will, therefore, supply but 90,000 families, leaving nearly 1,577,000 families to use tallow candles; this shows that only 5½ per cent. of the families use oil, leaving 94½ per cent. of the families to be supplied with light in some other mode; if the assertion of the tallow-chandlers be true, most of our people must do without light.

Equally are they mistaken (as I think) as to their numerical superiority over the whale fishermen. During the last year there were, in the United States, about 150 ships employed in the sperm whale fishery, and 50 in the right whale fishery; each of these ships was manned with 22 hands—say 4,400 seamen in the whole.

The whole population, directly interested in the whale fishery, cannot be estimated at less than 30,000. The tallow-chandlers say that "imported tallow is not fit to be manufactured into candles for exportation, or for home consumption;" of course it can make no difference to them, so far as the manufacture of candles is concerned. But they say "an increased duty will prevent its manufacture and limit the export." It is evident that they wish to keep down the price of tallow, and therefore their interest is at variance with the interest of the growers of cattle.

Should it be admitted that all the evils which the tallow-chandlers apprehend would be realized, yet they find a remedy in the drawback, and the allowance of the drawback reduces the protection to whalemens to almost nothing. I do not know but that I ought to move that the section which allows the drawback should be stricken from the bill.

They obtain, by that section, 75 per cent. of the duty on the export of the article. I am aware that much may be said about the frauds which may be practised on the revenue—I do not pretend to deny but that frauds may be committed; every article embraced in the bill is liable to the same objection; if the whole community are rogues, there is no question but that many frauds may be successfully attempted; but if these tallow-chandlers are what they represent themselves to be, (and I do not feel disposed to question their assertions,) but little danger on this score is to be apprehended—if they are not, they ought not to receive the benefit of the drawback.

An increased duty on tallow would more immediately promote the interests of the growers of cattle; by the farmer, the effect would be felt at

once, while the benefit to the fishery, though equally sure, would be more remote.

The interests of the whale fishery, and of agriculture, are inseparably connected; this connexion will clearly appear, if the following circumstances are considered: Nothing is used in the construction of the whale ships but what is obtained from the farmers, with the exception of iron, duck, and cordage.

The timber is obtained from the woodlands of the farmer. The plank are sawed at his mills. His teams are employed in the transportation of the timber and plank—a transportation frequently of twenty, thirty, or forty miles. A ship going round Cape Horn requires from 100 to 150 barrels of beef and pork, 150 barrels of flour, a considerable quantity of peas, beans, cheese, butter, rice, corn, &c.; supplies not drawn from a small territorial space, but from a wide country. Staves and hard pine boards for heading are obtained almost exclusively from the South, particularly from Georgia and the Carolinas.

In the construction of the ships the services of a numerous class of mechanics are required, viz:

Shipwrights, ship-joiners, caulkers, riggers, blockmakers, sailmakers, blacksmiths, boat-builders, painters, &c.

All these mechanics are fed by the farmers.

Another branch of mechanical industry, not much required in other vessels, is in constant requisition for the service of the fishery, viz: that of coopers, in manufacturing the casks necessary to contain the oil which is obtained in the whale voyages.

The manufacture of iron hoops for the casks has already become a great and profitable branch of manufacturing labor. Twelve hundred tons are said to be annually required.

Numbers of coasting vessels are constantly employed in the service of the whale ships. First, in bringing from New York and the States further South the flour and provisions for feeding the crew, and in the transportation of staves, boards, &c.; and then in transporting the oil along the coast to supply the lighthouses, and the towns and cities on the Atlantic.

Hemp, iron, and duck, pay high duties to the revenue, as also the molasses, sugar, tea, coffee, liquors, &c., which are used for ship stores.

The mind, in pursuing the business created by this fishery into all its ramifications, is lost in utter astonishment at finding such a vast variety of interests to be involved in it, and such an equal diffusion of its benefits; not enriching monopolists, but bringing plenty to the door of the farmer, the mechanic, the manufacturer, and the merchant; not paying a miserable stipend of monthly wages for the toils, the dangers, the sufferings, the sickness, and the lives of our noble-hearted and invaluable seamen, but admitting them to share the profits as well as the dangers of their long and adventurous voyages. The oil is shared in certain proportions by the ship-owners, masters, mates, seamen, and boys. The interest is common. The profit is common. The loss is common. There is certainly no branch of navigation or manufac-

tures which, according to the capital employed, requires so much labor as this.

The memorialists of New Bedford and Nantucket expect no relief, unless it shall appear, after a full examination, that it would be for the national interest that they should be relieved.

Every day's experience proves that it is to our Navy we must look for the protection of our commerce.

That Navy, to be efficient, must be manned by young, hardy, and active seamen. As a nursery of such seamen this fishery is invaluable. Every whale ship takes from six to nine green hands; and, after one voyage, returns them finished seamen, made so, sir, by the long and continuous voyage, and by the sober, correct, and steady discipline which universally prevails in these ships. They are returned with untainted morals, and with qualities peculiar and great; yes, sir, great. It requires no ordinary resolution to unfurl the sail to the winds of heaven; to separate from persons and objects made dear by association, connexion, and family ties; to abandon for years the face of civilization—their ship their world, with nothing around them but the wide waste of waters;

"Their march upon the mountain wave,
Their home upon the deep."

It is by long separation from accustomed associations, that men acquire that habitude of thought and of action, which qualifies them for the employment to which they are destined. The seamen nurtured in this employment are the hardiest, the boldest, the most adventurous, the most enterprising in the world. Without question, they surpass all others. The nature of their employment stimulates and strengthens qualities the most rare, and the most valuable.

It is not by creeping along our coast, or dodging into a port in the West Indies, or performing a fair-weather voyage to Europe, that seamen are made. In this fishery the very boys are fashioned into heroes: they are inured to danger in its direst form. The man who can steer a boat upon, or strike a harpoon into a whale, cannot be a coward; courage is as necessary to him as the air to life, and not only courage but coolness and presence of mind. Nurtured on the ocean, he is familiarized to its dangers; no circumstance can disconcert, no disasters intimidate him. The horrors of a sea fight have no terrors for the whaler; he is constantly engaged in fights, which render the puny efforts of hostile man but sport to him. Some of these seamen were in the *Essex*, and was the gallant commander of that ill-fated ship now present, he could tell you sir, that, during that horrible scene at Valparaiso, when he stood on his deck knee deep in blood and carnage, when his men were falling in masses around him, until, to use the words of Mr. Madison, "humanity tore down the colors which valor had nailed to the mast"—he could tell you sir, that, during this disastrous time, during this scene of horrors, he found no braver spirits in his ship than the whalers of New England.

A gentleman from New York, (Mr. CAMBRELENG,) in a speech with which he favored this

Committee, a few days since, on the general merits of this bill, has appropriated the splendid eulogium pronounced by Edmund Burke, in the British Parliament, 1774, to our ancestors generally, and to our commerce generally. It was hardly fair in him, hostile as he is to the interests of the whalers (Mr. CAMBRELENG denied that he was hostile to them. Mr. BAYLIES expressed his satisfaction to find it so, and continued)—I say, sir, that this beautiful effusion of eloquence was elicited from Burke on the subject of the whale fishery, when the fishery was confined to Nantucket and New Bedford. It will well bear repeating, and with the indulgence of the Committee I will repeat it.

Mr. BAYLIES then read an extract from Burke's speech on conciliation with America:

"As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar.

"You surely thought those acquisitions of value: for they even seemed to excite your envy; and yet the spirit by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits; whilst we are looking for them beneath the arctic circle—we hear that they have pierced into the opposite region of polar cold; that they are at the antipodes, and engaged under the frozen serpent of the South. Falkland Islands, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting place in the progress of their victorious industry.

"Nor is the equinoctial heat more discouraging to them than the accumulated Winter of both the poles. We know that, whilst some of them draw the line, and strike the harpoon, on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils.

"Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, in the gristle, and not yet hardened into the bone of manhood."

Thus did that most illustrious statesman speak in the British Parliament, of this fishery in 1774, when it had not attained, in any degree, to its present magnitude, whether considered in reference to the capital, tonnage, number of seamen, or the length and duration of the voyages. The flight of an imagination which seemed to pervade the whole circle of human existence, did not waft his mind to the points to which these enterprising, these adventurous navigators, have attained. Instead of stopping at the Falkland Islands, or the polar ices of the South, the all-creating imagination of Burke could scarcely have followed them along the long track of waters which they now en-

compass. The range of their enterprise is limited only by the limits of the world. They now pursue their "gigantic game" all round an ocean which, in 1774, they had not entered, or scarcely approached. Those lonely isles in the South sea, on "ocean's bound," are as familiar to them, more familiar, than the City of Washington. Sometimes they may be found at the desolate Massafuero. Sometimes on the coast of California. Sometimes off the secluded harbors of Japan. Sometimes at Madagascar. Sometimes at New Holland, and sometimes at that horrible region, lately discovered, called New Shetland, the clime of eternal Winter.

This fishery began very early, in the vicinity of Nantucket, in open boats. In 1774, it was what Burke described it to be. With its present condition, the Committee are acquainted.

It has grown to its present greatness without patronage, without bounty, without protection, almost without notice.

For protection, the whalers have never asked. While subsistence was to be derived from their employment, they never obtruded themselves upon the Government. Contented with the gains of their "hard industry," they persisted in this course until, to use the language of the New York and Baltimore memorialists, they found themselves "half ruined," and, to prevent total ruin, they have presented their grievances to the nation.

Much complaint has been made by the tallow-chandlers, that they have selected three particular years to show the excessive importation of foreign tallow. The reduction of oil to its present ruinous prices, happened precisely at the time when that importation was made. When they felt the evil, they complained, and not till then.

So important has this branch of navigation been deemed by the maritime nations of Europe, that Americans are sometimes tempted to leave their homes, and to avail themselves of the great advantages arising from the system of bounties with which it is protected there.

Many of the English whaling ships are commanded by Americans. The South sea whale fishery was, I believe, established at Milford Haven, in England, by an American. Previous to the commencement of the French revolution, the Government of France foreseeing the great advantage which would result from the establishment of this fishery in that kingdom, held out such great inducements in bounties, that a colony of whalers emigrated from Nantucket and New Bedford, and established themselves at Dunkirk, where the fishery was prosecuted successfully, until, in the progress of the revolution, property became insecure, and the French marine was threatened with annihilation. They then abandoned the pursuit, and returned to America.

Europe strives to alter the course of nature, by calling back the descendants of those whom she had forced from her bosom. Europe strives to lure to her shores, by favors and facilities, protection and bounty, a race of men whose value is well known there. Could we witness their departure without inquietude? Could we witness

the decay and ruin of this fishery, which, long ago, the illustrious Burke declared to be unequalled in this world, without regret, without deep regret? This is their first application to their own Government. The application embraces not a solitary interest; not the interest of the ship-owners and seamen only, but the interest of the farmer, the mechanic, and the manufacturer.

I trust the protection which this bill proposes will be granted. It is small—it is small indeed; but it is something—something which will carry to the whalers an assurance that this Government, protecting, as it does, all other interests, will not be entirely regardless of theirs.

When Mr. BAYLIES had concluded—

Mr. CAMBRELENG, of New York, rose in reply, and contended that the proposed duty, if granted, would not be any relief to those engaged in the fisheries. He stated the operation of the duty to be nugatory, because a drawback is allowed by the bill on exported soap and candles, and the whole amount of imported tallow, (about a million of pounds,) is now made into soap and candles for exportation—so that the Government would collect the duty with one hand and pay it back in drawback with the other.

Mr. WEBSTER, of Massachusetts, went fully into an exposition of the facts of the case; showed why the Russian tallow is cheaper, its use in the manufacture of soap—the amount exported, the benefit of its use to the manufacturer, and the gain to the country. He then went on to show that the benefits of the duty to the whalers and oil dealers would be very doubtful, and would by no means compensate for the loss of exports, which must be its effect. He showed that the proposed drawback would be of no use to the manufacturer, being paid to the importing merchant; and if it were, it could not be estimated, because the import is in tallow, and the export chiefly in soap. He remarked with severity on the doctrine that a balance resulting from a comparison of the amount of imports and exports to any particular country, shows whether we gain or lose by trade with that country—which he denominated jargon and nonsense. We export nothing to the South Seas, and bring back great amounts from there; so the balance of the trade is against us. Is it therefore a losing trade?

Mr. LIVERMORE, of New Hampshire, spoke in favor of retaining the duty: he did not think that the manufacture should be protected at the expense of the farmer and the fisherman. If you keep the mean tallow out of the market, you aid the farmer; for his tallow goes to supply its place: and at the next step you benefit the fisherman, because his oil goes to supply the place of the farmer's tallow. This may be an injury to the tallow chandlers; but then the whole bill is built on that principle, and if one is smitten by it, he must strike his next neighbor.

Mr. REED, of Massachusetts, replied to Mr. WEBSTER, and stated the claims of the whalers to the protection of this country. He observed that the inhabitants of Nantucket were almost ruined by the Revolutionary war; that in 1783,

the British, sensible of the great value of such seamen, offered very liberal bounties to the inhabitants of Nantucket to go either to Great Britain or to settle in their colonies in this country. That the French nation, through Marquis de Lafayette, made very liberal offers also; that both offers had been rejected, a few instances only excepted; that, while England, France, and Holland had paid heavy bounties in aid of their whale fisheries, our whale fishery had been prosecuted successfully, unaided by the Government—it had, indeed, paid heavy taxes to the Government. He added that he was proud of the fact; that it was an example worth recording in our history, &c. He objected to the drawback on candles, because of their confessedly bad quality, they being so bad as to render it disgraceful to offer them at home. Mr. R. went into a calculation to show that large quantities of our own tallow as well as the foreign went into the soap exported. He showed how much greater the amount of the interests to be protected in the case of the whalers was than in that of the tallow chandlers—one employed 50,000 tons of shipping, the other but 4 or 5,000, &c.

Mr. WEBSTER replied to the argument of Mr. REED, and contended that, if the duty is to do any good, it must be by prohibition, and in that case the Russian tallow only goes to England, and aids the English tallow chandlers against our own.

Mr. LIVERMORE maintained that the English manufacturer would not gain so much as was contended, because he must still import his pot and pearl ash. Soap, with the additional duty, may be made as cheap in the United States as in England, though with less profit to the manufacturers, &c.

Mr. MERCER, of Virginia, opposed the duty, and went into an extensive calculation to show that, as much more tallow was exported in a manufactured form than was imported, the prohibition would be impolitic. He dreaded the temptation to fraud, and deprecated the creation of a necessity for the English system of guards against evasions of the revenue, &c.

Mr. TOD replied to the various arguments urged against the duty—urged that the one class of memorialists was entitled to as much credit as the other, though it did not seem to be granted to them. That large quantities of the inferior tallow imported, were used in the manufacture of candles. He rebutted the impracticability of a drawback, by the fact that a drawback of the duty on imported molasses is allowed on the export of rum. He replied to the argument from the probability of fraud, by showing that before drawback could be claimed, the amount of tallow imported by the same individual must be proved. He insisted on the disproportion of the imported and exported tallow. He retorted some reflections of Mr. WEBSTER, on the doctrine of the balance of trade; he quoted the advice of Lord Bacon—adverted to the policy of England, and declared his determination to adhere to "jargon," which had raised that empire to the summit of wealth and power. The

whale fisheries were in imminent danger, and without protection must decline if not perish; we give them no bounty, and they now, for the first time, ask a small protection, &c.

Mr. WEBSTER rejoined—explained some of the grounds he had before taken; and further enlarged on the doctrine respecting the balance of trade. He protested against the authority of Bacon, in the reign of James I, (the era of monopolies, and every thing contracted and ridiculous in commercial matters,) and referred to the improvement which had been the result of two centuries. The value of trade was not altered by its being circuitous—provided it was profitable in the end, the more circuitous and multifarious in its intermediate stages the better for the interests of navigation.

Mr. REED spoke in reply. Mr. FOOT stated facts. Mr. TOD corrected some misunderstanding; and the debate was further protracted, between Messrs. MERCER, TOD, WEBSTER, REED, and CAMBRELENG, till past four o'clock; when the question was taken on striking out the duty, and lost—ayes 52, noes 84.

Mr. WEBSTER moved to amend the 6th section, by striking out, in the fourth and fifth lines, the words "by, for, or on account of the person or persons importing the same." [The whole section reads as follows:]

"SEC. 6. And be it further enacted, That there shall be allowed a drawback of seventy-five per centum of the duties by this act imposed on tallow, which may be manufactured into candles or soap, by, for, or on account of the person or persons importing the same, upon the exportation thereof within nine months after the said importation, and in the manner prescribed by the act, entitled 'An act to allow drawback of duties on spirits distilled and sugar refined within the United States, and for other purposes,' so far as the same may be applicable, and under such rules and regulations as may be prescribed by the Secretary of the Treasury."

Before this amendment was acted upon, the Committee rose, and the House adjourned.

SATURDAY, March 20.

On motion of Mr. VANCE, of North Carolina, the Committee of Ways and Means were instructed to inquire into the expediency of making an appropriation adequate to the extinguishment of reservations granted to certain Cherokee Indians, within the limits of North Carolina and Tennessee.

Mr. BRECK, from the committee to whom the subject was recommitted, reported an amendment to the resolution formerly reported to the House, authorizing the purchase of a Portrait of Washington, so as to make it read as follows:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized to procure from Rembrandt Peale, of Philadelphia, a painting (to be placed in the Capitol) of Washington, on horseback, on a canvass of not less than eighteen feet high, and thir-

teen wide; the middle and back grounds to contain a representation of the battle of Princeton, or such other appropriate scenery as the President shall direct: *Provided*, The same can be obtained for a sum not exceeding three thousand dollars; and that the said Peale furnish a rich gilt frame therefor, at least fifteen inches wide.

On motion of Mr. LITTLE, the Committee on Ways and Means were instructed to inquire into the expediency of repealing so much of the act, entitled "An act supplementary to, and to amend an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed March 2d, 1799, and for other purposes," approved the 1st March, 1823, as allows a discount on cash payment for duties on goods, wares, and merchandise, imported.

A bill from the Senate, "for the relief of Noah Smith, of Maine," was twice read, and referred to the Committee on Revolutionary Pensions.

A bill from the Senate, "for the relief of Samuel White," was twice read, and committed to the Committee of Ways and Means.

A bill from the Senate, "for the relief of Napier, Rapelye and Bennet, and Petray and Viel," was twice read, and committed to a Committee of the Whole.

A bill from the Senate, "to provide for the security of public moneys in the hands of marshals, clerks, and attorneys, and their deputies," was twice read, and referred to the Committee on the Judiciary.

An engrossed bill, "to alter the time of holding the District Court of the United States for the District of Illinois," was read a third time, passed, and sent to the Senate.

An engrossed bill, "to repeal an act approved the 3d March, 1823, entitled 'An act for the relief of John B. Hogan,'" which was ordered to a third reading to-day, having been announced, Mr. OWEN of Alabama, moved to lay the bill on the table for further deliberation, but withdrew the motion to give way to Mr. MOORE, of Alabama, who moved that it be committed to a Committee of the Whole.

Mr. HAMILTON, who had moved yesterday for its third reading to-day, explained the circumstances of the case, and read part of the act intended to be repealed, which, he contended, went to excuse John B. Hogan from a settlement of his accounts to an indefinite period.

Mr. MCCOY opposed the commitment.

Mr. HAMILTON rejoined; and the motion to commit it to a Committee of the Whole prevailed.

A Message was received from the President of the United States, accompanied by a report from the Secretary of State, enclosing copies of the correspondence instituted by the President with foreign Governments, since 28th February 1823, relative to the African Slave Trade.

THE TARIFF BILL.

The House then, by a vote of 93 to 19, went into a Committee of the Whole, on the bill for amending the several acts laying duties on imports, and the question being on the amendment yesterday offered by Mr. WEBSTER, to the 6th section, Mr.

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Top withdrew his objection to it, and the amendment was adopted.

On motion of Mr. WEBSTER, the section was further amended, by striking out "nine," in the 6th line, and substituting "twelve," and, on motion of Mr. REED, by striking out the words "candles or," in the 4th line.

The section, as finally amended, reads as follows:

"SEC. 6. *And be it further enacted*, That there shall be allowed a drawback of seventy-five per centum of the duties by this act imposed on tallow, which may be manufactured into soap, upon the exportation thereof, within twelve months after the said importation, and in the manner prescribed by the act, entitled 'An act to allow drawback of duties on spirits distilled, and sugar refined, within the United States, and for other purposes,' so far as the same may be applicable, and under such rules and regulations as may be prescribed by the Secretary of the Treasury."

Mr. BRECK moved to amend the 97th line, by excepting the article of twine from among others on which five cents per pound duty is laid, and adding the words "and on twine ten cents per pound."

Several memorials were read.

Mr. BRECK, Mr. REED, and Mr. BAYLIES, made some remarks for and against the motion; and the question being taken, the amendment was not agreed to.

Mr. FOOT, of Connecticut, moved to add, after the 254th line, "On wines now subject by law to a duty of 15 cents per gallon, a duty of 25 cents per gallon."

Mr. TRIMBLE stated some facts in relation to the reasons which induced Congress to lay the 15 cent duty.

Mr. FOOT replied. Mr. GURLEY wished that claret wine might be excepted, as it was in his country generally used, even by the poor and laboring classes.

Mr. TOP supported the exception.

Mr. POINSETT wished for farther information, dreading the moral effect of driving the people from wine to whiskey.

Mr. CLAY opposed the amendment, as being injurious to the revenue, and the navigating interest, without being beneficial to any branch of American industry.

Mr. WEBSTER supported the same view, and thought that the duty on Madeira wine ought to be reduced rather than augmented.

Mr. HAMILTON hoped that the motion would be withdrawn. He believed that the present duty on wine required a judicious revision, but this did not fairly pertain to the present bill.

Mr. TOP replied.

Mr. STEWART advocated the duty, as a revenue duty. He compared the duties on salt, sugar, tea, &c., with this on wines, and contended that it was out of all proportion. The people of Louisiana were well able to pay the duty, &c.

Mr. HAMILTON replied to Mr. TOP, whom he understood as reflecting, by implication, on his motives, as being aimed at delay.

Mr. TOP disavowed all such implication, and pressed a speedy decision.

Mr. CAMBRELENG agreed with the gentleman last up; spoke to the question of fraud, and asked for facts from the mover.

Mr. FOOT replied, and stated several particulars, and then withdrew his motion, to give time for farther inquiry.

Mr. MERCER moved to amend the bill in the 177th line by striking out four cents (duty on tallow) and inserting one cent.

Mr. TOP objected to the motion, as having virtually been passed upon by the decision of yesterday.

The Chair pronounced the motion to be in order.

Mr. MERCER supported his motion by quotations and calculations from the documents furnished from the Departments, and reasoning from the practice of England.

Mr. REED replied, and thought this country was in such different circumstances from Great Britain that her practice did not furnish an example.

Mr. WAYNE stated a number of facts to show the injury to the farmer and grazier from the importation of foreign tallow, and hoped that one of the few opportunities to benefit the farmer which the bill contains (to which bill, however, he was a friend) would not be neglected.

Mr. MERCER spoke in answer to the opponents of the motion, defended the English precedents, and contended that, if the duty was laid, all the Russian tallow would stop in England, and the English would supersede us in the South American trade. The duty, he contended, would not affect the farmer, as what was imported, would be immediately exported again. He deprecated the necessity of oaths, derived from the collection of the duty, unless the system of public or private warehousing in use in Britain, were adopted, to both of which he objected. The duty would present to the tallow chandler a temptation of \$180,000 a year to fraud; and when fraud is introduced into one branch of the revenue, it quickly spreads into all branches. Mr. M. concluded with some general remarks on the system of the bill.

Mr. WOOD, of New York, opposed the amendment, as the proposed tax would benefit a branch of industry incomparably more valuable than the manufacture of soap and candles; it was the right arm of the nation in respect to her marine interest; while it encouraged ship building, it furnished the best and only permanent nursery for seamen, &c.

Mr. TOP contended that the present motion was virtually the same as that decided yesterday.

Mr. MERCER opposed this view, and explained. The question was then put, and decided in the negative—ayes 49.

Mr. MERCER then moved to strike out four and insert two cents.

The question was taken, and decided in the negative—ayes 62, noes 112.

Mr. CAMBRELENG moved to amend the bill in

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the 40th line, "on hemp two cents per pound," by striking out two and inserting "one-and-a-half."

Mr. C. objected to the duty proposed, as being a mere tax, not calculated to benefit the domestic product, and to injure the manufacturers of that imported. He traced the course of legislation on the subject for thirty years, and insisted that the use of native hemp had retrograded rather than advanced. The British duty was only \$21—that now proposed, more than doubled the duty.

On motion of Mr. REED, the Committee then rose, and the House adjourned.

MONDAY, March 22.

Mr. BUCK presented a memorial of Captain Alden Partridge, accompanied with the results of sundry experiments on the fire of infantry and artillery; which was read, and referred to the Committee of the whole House to which is referred the "bill to authorize the President of the United States, to cause to be issued to Captain Alden Partridge fixed ammunition, and for other purposes."

Mr. WHITTLESEY, from the Committee of Claims, made a report on the petition of Morris Goldsmith and Anthony Roderick, accompanied with a bill for their relief; which was read twice, and committed to a Committee of the Whole.

Mr. WHITTLESEY, from the same committee, also made a report upon the petition of Robert Blean, accompanied with a bill for his relief; which was read twice, and committed to a Committee of the Whole.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with a resolution of the House of Representatives, of the 8th of May, 1822, copies of all the correspondence between the Secretary and the banks in which the public moneys were deposited, from the 1st of January, 1817, to the 8th of May, 1822, that is considered as included, either directly or indirectly, in the terms of the resolution, which has not been heretofore communicated to the House. Laid on the table.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to whom was referred the bill from the Senate, entitled "An act for the relief of Samuel White," reported the same, without amendment, and it was committed to a Committee of the Whole.

Mr. MERCER submitted the following:

"Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of connecting the property of the United States, at or near Harper's Ferry, by the erection of a bridge across the Shenandoah, at or near the mouth thereof."

The mover supported the resolution by a few remarks, when the question being taken, it was adopted—ayes 62, noes 55.

ADJOURNMENT, &c.

Mr. ALLEN called up the joint resolution offered by him some days since, respecting an adjournment; but the House refused to consider it—ayes 44, noes 83.

Mr. RANDOLPH observed, that the vernal equinox was now passed, and he thought it was time that every member who did not intend to rely on the public crib, but to feed out of his own corn-house, should go home and plant his corn; and he hoped that the honorable member from Massachusetts would continue to repeat his motion until it should obtain a more favorable reception by the House. The protracted sessions of Congress (which, however, he thanked God, could take place only every other year) he considered as fraught with incalculable mischief. They excluded from the public service an important and valuable class of men.

[Here the Speaker interposed, and pronounced Mr. R.'s remarks to be out of order, inasmuch as the House had refused to consider the resolution.]

Mr. R. observed that he had intended to conclude his observations by making a motion; but he should stand corrected.

Mr. TAYLOR then made a motion to alter the hour of meeting to eleven o'clock, A. M., and supported his motion by a short speech, in which he adverted to the amount of business in arrear, and the injurious consequence of long sessions.

Mr. RANDOLPH again rose, and said, that he should take the liberty which the gentleman from New York seemed so willing to take himself, but to refuse to others—no uncommon case—of making some observations on an interdicted subject. He should, in the selection of his topics, pursue his own lights, however feeble, without availing himself of the very great discernment, sagacity, experience—(he wished he could enlarge the catalogue)—of the gentleman from New York. I, for one, said Mr. R., voted for the repeal of that preposterous rule which, even if this building were on fire, prevented the House from adjourning before 4 o'clock, and I did suppose that, in its spirit, it went to repeal the other rule on the same subject, in reference to the proceedings of the Committee of the Whole. Four hours per diem is as long as I, at least, am able to endure—I will not say, the pestilential atmosphere of this House, but an atmosphere, such as nothing but the wretched animals plunged in the Grotto del Cane, near Naples, were compelled to breathe, to gratify the laudable curiosity of the very benevolent philosophers of modern Europe. I hope the gentleman's motion will not be adopted—and I now give notice, that I mean to follow up his motion with one which relates to a subject which requires, if not the actual cautery, at least the knife—it is a motion to reduce the per diem allowance of members of this House, to what it was when I first had the honor of a seat here, and which I then thought, and still think, as a per diem allowance, was fixed a great deal too high.

If the present system is suffered to continue, instead of having, in Congress, great leading professional men, we shall have what have been well denominated the merely mechanical, the instrumental members of those professions. And, as to the landed interest, how can we expect it to be represented, when it is ruin to a landed man to attend here? I, for one, cannot, sir, consent to

sit here for so many months, *de die in diem*, for six days in the week, and hear nothing but the same strain forever repeated. It is enough, sir, to worry the patience of Job himself. I shall therefore move that, from and after the end of the present session of Congress, the per diem allowance of members be six dollars, and the allowance for travelling expenses be the same sum for every twenty miles travelling.

The question was then taken on Mr. TAYLOR'S resolution, and carried.

Mr. RANDOLPH moved the following:

"Resolved, That from and after the end of the present session of Congress, the per diem allowance of members shall be six dollars, and six dollars for every twenty miles travelling."

This resolution he desired to lay on the table, and he gave notice that he should call up its consideration on Friday next.

The question being put on laying the resolve on the table, it was carried—ayes 80, noes 60.

NAVY APPROPRIATION BILL.

Mr. McLANE moved to postpone all the previous orders of the day to take up the bill making provision for the naval service of the United States for the year 1824. The motion was carried—ayes 84, noes 68.

The House then went into Committee of the Whole, (Mr. BARTLETT, in the Chair,) on the consideration of the above bill, and proceeded to consider the same, item by item.

Some of the items gave rise to considerable discussion, particularly that which proposes to appropriate \$225,000 for "contingent expenses, including all extra allowances." In this discussion, Messrs. COBB, COCKE, McLANE, TAYLOR, FORSYTH, and others, engaged.

Mr. COCKE examined in detail the expenditures under this head during the past year, to many of which he took exception, and particularly to the charge for travelling expenses, which formed a part of almost every account settled, from which he said, it would appear that almost the whole Navy of the United States was consequently employed in travelling from one part of the country to another. To many other items he also objected, particularly to the allowance to the Navy Agent at New York, of more than \$7,000, under this head, whilst he was largely indebted to the Government, &c.—to *extra* pay, house rent, &c., to surgeons, recruiting officers, &c.—to the payment of \$1,000 to a professional gentleman for services of Judge Advocate; and lastly, to the expenses allowed to the Commissioners of the Navy for going to the Eastward, some time about the New York Races, but perhaps, also, upon other business. Mr. C. concluded by moving to reduce the appropriation for this item to an hundred and fifty thousand dollars, which he afterwards varied to an hundred and eighty thousand dollars.

Mr. McLANE replied to the objections of Mr. COCKE, by statements derived from official papers which he had received in reply to inquiries made upon the subject at the proper offices by the Committee of Ways and Means, although he himself

thought there were items of expenditure under this head which were objectionable, and was inclined to think that this fund had not been administered as it ought to have been. But many of these items, he said, had always been allowed, and were indispensable—such as the necessary expense of travelling to attend courts martial, fuel, quarters, &c. From the information which he had received, this item of appropriation was subject to the payment of clerk-hire, office-rent, stationery, transportation of munitions of war, freight, pilotage, wharfage, storage, and all those objects of expenditure not included under any specific head of appropriation, though forming collectively an important item. If there were any abuse in the expenditure, he was inclined to think it was in allowing travelling expenses to officers who are not ordered on special service, but merely to join their ships. If that were forbidden, it would reduce the amount perhaps some eight or ten thousand dollars. At present, however, he thought it better to make the appropriation called for, and leave the abuses, if any, to be corrected by the administration of the Navy Department. Mr. McL. here read several papers connected with this subject, one of which, from the Secretary of the Navy, stated the sum of \$225,000 to be absolutely necessary for the contingent expenditure of the present year. Mr. McL. also reviewed the history of this particular appropriation, and showed that the amount now asked for was less than the average appropriation for the same item for the last five years, &c.

The question being taken on filling the blank with \$225,000, as asked by the Navy Department, and moved by the Chairman of the Committee of Ways and Means, there were, ayes 32, noes 54; a quorum not being present, an officer was despatched to summons absent members.

Mr. WHIPPLE made some remarks in support of the appropriation; as, if it were withheld, serious embarrassment might ensue. The present incumbent had not had time to reform abuses, if they did exist. He hoped a thorough investigation would take place as soon as the proper time had been allowed to him.

Mr. TAYLOR stated what had been formerly expended under this head. He showed why it should be somewhat larger the present year, from the employment of the West India squadron, &c. He vindicated the conduct of the late Secretary of the Navy, but could have wished that several of the items in the account of contingent expenses had been more explicit. On the whole, he did not see that the sum could now be reduced.

Mr. LIVERMORE observed that, whatever the sum appropriated under the head of contingencies, it was always expended. It was never too much, but always just enough—and so he supposed it would be if it were made half a million. He did not impute this to malfeasance in the Heads of Departments, &c.

Mr. COCKE replied to Mr. TAYLOR. The additional expenses occasioned by the West India squadron, and those for repairs, were not included in this amount. The whole of this sum went to

the gentlemen on shore. Those in service, at sea, got none of it. He had found, on inquiring in the offices, that certain accounts were allowed because S. T. was written against them. He was opposed to all usage and custom not fixed by law.

Mr. CULPEPER hoped the appropriation would be reduced, as he was satisfied some improper sums had been formerly allowed.

Mr. DWIGHT wished information as to one item of expenditure, which was to be allowed to Henry Eckford, of \$2,000 for an acre of ground in a barren country, &c.

Mr. TUCKER stated reasons why the Committee of Accounts for the Navy Department had not reported generally on the subject of these expenditures.

Mr. WHIPPLE replied to Mr. COCKE, and referred to a former year, when the appropriation in the Indian Department had been suddenly reduced, and sad consequences ensued. To Mr. LIVERMORE he answered by referring to the fact that \$17,000 of last year's appropriation remained, at this moment, unexpended.

Mr. LIVERMORE corrected the gentleman last up. The balance was not 17,000, but only \$11 37 cents. The appropriation asked was for extra allowances, and officers would always present demands enough to absorb it.

Mr. STORRS corrected a misunderstanding as to some of the documents which had been quoted, which he showed was no basis from which to calculate the present appropriation.

Mr. McLANE replied, and explained the document referred to by Mr. STORRS.

Mr. WILLIAMS, of North Carolina, required further explanation on the items intended to be covered by the bill—particularly one item of \$1,500, for the service of a Judge Advocate at Boston, who served but for sixty-two days.

Mr. TEN EYCK explained some local circumstances, respecting the Navy Point, at Sackett's Harbor.

Mr. FULLER replied to Mr. WILLIAMS, and explained some circumstances in relation to the item referred to by him.

Mr. COCKE made some further observations, and read a letter from one of the auditors of the Treasury in relation to certain accounts, copies of which had been requested by Mr. C.

The question being then taken on filling the blank with \$225,000, it was decided in the negative.

The question then recurring on the amendment proposed by Mr. COCKE, to fill the blank with \$180,000, and, being put, it passed in the affirmative.

Mr. McLANE moved to amend the 18th line, by inserting, after the word "stations," the following: "also, of naval constructors, store-keepers, instructors, master workmen, clerks of the yards, of the check, and of commanders and porters attached to the navy yards and shore stations."

This amendment was agreed to, and, thus amended, the clause will read, "For pay, subsistence, and allowances of every description, to all commissioned and warrant officers employed at the several navy yards and shore stations; also, of naval constructors, store-keepers, instructors, master workmen, clerks of the yards, of the check, and of commanders and porters attached to the navy yards and shore stations, \$231,293 26."

ence, and allowances of every description, to all commissioned and warrant officers employed at the several navy yards and shore stations; also, of naval constructors, store-keepers, instructors, master workmen, clerks of the yards, of the check, and of commanders and porters attached to the navy yards and shore stations, \$231,293 26."

Mr. McLANE moved to amend the 21st line by inserting the words *in italics*, which was agreed to, and the clause made to read as follows: "For contingent expenses, including transportation of articles, travelling expenses, stationery, commissions, courts martial, coal for smiths, fuel for engines and public offices, and all extra allowances, \$180,000."

The blank in the 23d line, viz: "For repairs and wear and tear of vessels," was filled with the sum of \$350,000.

On motion of Mr. McLANE, the 30th and 31st lines, viz: "For erecting and completing houses over ships in ordinary, for their preservation from the weather," were stricken out, and the following inserted: "For ship-houses, to repay the amount taken from the gradual increase fund, \$78,500."

The blank in the 88th line, viz: "For fuel for the non-commissioned officers, musicians, and privates of marine corps," was filled with \$6,000.

The following clause was, on motion of Mr. McLANE inserted:

"For medicine, hospital stores, and instruments for the officers and marines of the marine corps stationed on shore, \$2,369 71."

On motion of Mr. COBB, the blank in the 46th line, viz: "For contingent expenses, that is to say, fuel for commissioned officers, transportation, stationery, bed sacks, straw, rations to officers, and postage on public letters," was filled with \$9,000.

The remaining blanks were filled with the respective sums inserted in them in the printed copy of the bill, as reported by the Committee of Ways and Means.

The Committee then rose and reported the bill with the above amendments; and the House adjourned.

TUESDAY, March 23.

Mr. McLEAN, of Ohio, from the Committee on Indian Affairs, to whom was referred the resolution of the House, of the 6th of January last, instructing them to inquire into the expediency of repealing an act, entitled "An act making provision for the civilization of the Indian tribes adjoining the frontier settlements," passed on the 3d of March, 1819, made a report thereon, which was read, and laid on the table.

On motion of Mr. McLANE, of Delaware, Resolved, That the committee on so much of the public accounts and expenditures as relate to the Department of the Navy, be instructed to inquire and report, whether the sum of two hundred and twenty thousand dollars, appropriated at the last session of Congress, for the contingent expenses of the naval service, has been expended according to the existing acts of Congress; the

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description of travelling expenses, and the nature of individual claims, in payments of which any part of the said sum has been applied; the nature of extra allowances, which have been paid out of the said fund; and whether the same are specified, or authorized by any act of Congress; whether any claim or accounts which may have arisen, prior to the year 1823, have been paid out of the said fund; and, if so, the nature and circumstances of such claim and accounts, respectively; and that the said committee be instructed further to inquire and report, whether any, and what, provisions are necessary to be adopted, to provide more perfectly for the proper application of the money appropriated for the contingent expenses of the naval service, and to secure the Government from demands, unjust in their character, or extravagant in their amount.

NAVY APPROPRIATION BILL.

The House concurred in the several amendments of the Committee of the Whole, on the bill "making provision for the support of the Navy of the United States for the year 1824," with the exception of the item for contingent expenses, \$180,000.

In relation to this item, Mr. McLANE, of Delaware, made a variety of explanations, going to show that the amount had been agreed to in the committee, from a misapprehension that there remained, of the fund last year granted, only \$11 37; whereas, there was a balance of \$85,300. He stated that, on examination, he had discovered that the appropriations of former years had been applied to objects never contemplated by this House, when granting them, although involving no charge of malversation in the Head of that Department; and he moved to strike out, in the twenty first line, all after the word "expenses," and insert as follows, viz:

"That is to say—

For commissions, clerk-hire, office-rent, stationery, and fuel to Navy agents;

Premiums, and other expenses of recruiting;

Freight of provisions, stores, and materiel from one station to another, and from the United States to distant stations in other countries, where our ships are employed;

Allowances to officers at the several navy yards and stations, for house rent, fuel, and candles;

Travelling expenses for officers and transportation for seamen;

Freight of timber, wharfage, and dockage for vessels where there are no public yards;

Expenses, and a per diem allowance, attending courts martial, courts of inquiry, &c.;

Compensation to Judge Advocates;

Cabin furniture for vessels in commission;

Incidental labor at navy yards, which is not applicable to any other appropriation;

Pilotage of public vessels in the United States and in foreign countries;

Printing Naval Register, blank pay rolls, receipt rolls, stewards' returns, seamen's allotment tickets, the proceedings of courts-martial;

Storage of provisions and stores in foreign parts, and in the United States, where public stores are not provided;

Coals for blacksmiths and anchor-makers, and fuel for steam-engines;

Purchase and maintenance of oxen, carts, large timber wheels, and workmen's tools;

Chamber money to officers in lieu of quarters, other than house rent;

Purchase of books, charts, nautical and mathematical instruments, chronometers, machinery, models, drawings, and all stationery of every description, used throughout the naval service;

Expense of pursuing deserters;

Expense of officers in sick quarters;

Storage of powder;

Lighterage and scow-hire;

Postage of letters on public service, and for no other object or purpose whatsoever, one hundred and eighty thousand dollars."

This amendment was agreed to without debate or opposition.

The question being put on the amendment in the thirtieth and thirty-first lines: "For ship-houses, to repay the amount taken from the gradual increase fund, \$78,500."

Mr. WILLIAMS, of North Carolina, moved to strike out the whole item, objecting to using any part of a fund which was intended for the building of ships, and applying it to the erecting of houses.

Mr. McLANE explained.

Mr. WILLIAMS rejoined, and the question being taken, was decided in the affirmative—ayes 89, noes 45.

The bill was then ordered to be engrossed for a third reading to-morrow.

THE TARIFF BILL.

The House then, on motion of Mr. TON, resolved itself into a Committee of the Whole, on the bill "for amending the several acts laying duties on imports;" and the question being on the motion of Mr. CAMBRELENG to reduce the proposed duty on hemp from two cents per pound to one and a half cents—

Mr. REED, of Massachusetts, addressed the House as follows:

Mr. Chairman: I will endeavor, with as much simplicity and briefness as is in my power, to state my views in relation to the amendment now under consideration. I shall state such facts, and offer to this Committee such calculations and estimates, as are in my opinion calculated to illustrate the subject.

What is the present duty on hemp? Thirty dollars per ton. What is the duty proposed by the bill before us? Two cents per pound, which amounts to \$44 80 per ton, nearly fifty per cent. in addition to the present duty.

The amendment proposed by the gentleman of New York, (Mr. CAMBRELENG,) now under consideration, is to strike out two and insert one and one-half cent per pound. Should the amendment prevail, the effect will be to increase the present duty from \$30 per ton to \$34 80—equal to sixteen per cent. It is material to consider and examine the subject of net and gross hundreds—of cents and half cents; for, although it begins with half cents, it ends with hundreds of thousands of dollars. Although I consider the present duty as

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high as the real interest of the country demands, I am in favor of the amendment, as an amelioration of the bill before us.

The subject now under consideration, is one of vast importance—it deeply affects the navigating interest of the United States. The question is not whether hemp shall pay a duty, but how much duty? He observed he was willing it should be liberally taxed. It always had been taxed from the commencement of the Government; it commenced with ten dollars. It was raised to twenty dollars. By the tariff of 1816, it was raised to the present duty, thirty dollars per ton.

What is the object of increasing the duty on hemp? For, we are informed, that the bill has a triple object—revenue, encouragement of manufactures and agriculture. It certainly comes to us in a questionable shape. Is it revenue? If so, in my opinion, it is most manifestly oppressive to the navigating interest of the country.

He then stated that the following sums were paid to the revenue in 1822:

On hemp	-	-	-	-	\$296,000
Russia Duck	-	-	-	-	86,000
Ravens do.	-	-	-	-	54,000
Cordage tarred	-	-	-	-	8,000
Untarred do.	-	-	-	-	10,000
Twine	-	-	-	-	15,000
Tonnage duty	-	-	-	-	114,000
Estimated duty paid on iron	-	-	-	-	100,000
					<u>\$683,000</u>

The above items are paid almost wholly by the navigating interest, and there are others not named.

The duties imposed on navigation on vessels amounts to more than \$700,000 per year. The bill before us proposes to increase it about 50 per cent., which will amount to more than one million of dollars. This tax is imposed upon a class of men who pay their full share of all other taxes. Suppose there are 350,000 people supported by navigation; the tax amounts to \$1,000 each. If such tax were imposed on the nation, it would amount to more than ten millions of dollars—a sum greater than half the revenue of the country.

Upon whom will this duty fall? Upon the employer of the vessel, or consumer of the cargo? Upon neither. As a general rule, it may be true that the consumer pays the duty. But the rule has exceptions; and it becomes wise legislators to examine the subject with attention.

In Massachusetts or Pennsylvania, the wagoner willingly pays the toll at the gate of the turnpike, because he knows he is benefited. Suppose the Government were to establish a gate near the market, and demand one dollar of broad wheel and narrow wheel wagons—would not the owners of the wagons inquire why it was demanded? And when they were informed it was for revenue—that all paid—that it would finally come out of the consumer—that they could add the dollar paid to the price of the flour—would they not pray, with one accord, to be excused?

Navigation is an exception. Those engaged cannot charge their employers with the extraordinary duties they may pay. We have more engaged in the coasting trade than we have employment for. In the foreign trade, we are competitors against the world. We have run successfully; but we cannot run successfully and carry the weight proposed.

Here Mr. R. begged the Committee to distinguish between the mercantile and navigating interest. They were not necessarily connected. He had heard a number of gentlemen, in the course of their arguments, confound them.

The merchant might not own vessels, and a great portion of the navigation was owned by those who were not merchants, and who were far from being wealthy. The coasting vessels, which are now a very considerable part of our tonnage, are owned by those who have but a small share of property.

Here Mr. R. read the act of March, 1815, which provides for the repeal of all discriminating tonnage duties, and all discriminating duties, as to the importation of goods, &c., provided other nations would repeal their discriminating duties in relation to us. He observed, that the act above mentioned was intended to benefit all—that almost all nations had adopted it—that he had had the honor to vote for it—that, although he considered it somewhat hazardous to offer to meet the world as competitors, he was induced to do it, because he knew many who had no interest in navigation or commerce, were dissatisfied on account of the advantages which, it was believed, were conferred upon it by the Government. We have succeeded, notwithstanding the disadvantages under which we labor, owing to our superior industry, activity, and enterprise; but we ought to remember the situation in which we have placed the navigation and commerce of the country. It cannot bear the extraordinary impositions contemplated in the bill before us. Here Mr. R. observed, that, talk about this subject as we might, it must result in mathematical calculations. He begged leave to state what would be the effect of the bill if adopted, upon the district he had the honor to represent, and, for his part, he was happy to hear gentlemen speak of the effect of laws upon their own States and districts; for, in this way only, could we obtain that minute information which was necessary for correct legislation. He well remembered, that, during the last session of Congress, the chairman of the Committee of Manufactures, when he introduced the tariff bill, observed, that, if it bore with great hardship upon any important interest in the country, he would amend it. It did bear hard upon the navigating interest, and upon the part of the country he represented. He then proceeded to state that the district he represented did not possess more than its average share of wealth in the country—that they did possess sixty thousand tons of shipping. It is estimated that every 100 tons of shipping requires four tons of hemp; 60,000 tons would require 2,400 tons. The duty at the present rate, \$30 per ton, is \$72,000.

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Proposed by the new tariff to add \$14 80 per ton, which will amount to	\$35,520
Add to this the duty now paid	72,000
Amounts to	\$107,520

The rigging of vessels is estimated to last four years; this would be an annual tax of more than \$26,880 for the article of hemp alone.

It is estimated that four tons of iron are used for a vessel of a hundred tons. For 60,000 there would be required 2,400 tons.

Present duty on iron, \$15 per ton, amounts to	\$36,000
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Proposed to add fifty per cent. by the bill before us	18,000
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\$54,000

If vessels last ten years, the tax on iron would amount to, annually, \$5,000;

The annual tax on hemp and iron alone would amount to \$31,880;

If the whole United States were taxed at the same rate, it would amount to more than 7,000,000.

If a tax to that amount were about to be imposed equally on the different parts of the United States, would it not excite our attention? Should we not hesitate? Should we not be slow to act? Here Mr. REED read an extract from a memorial of the merchants, mechanics, and ship owners, of Portsmouth, New Hampshire, as follows:

"Your memorialists further represent, that the duties resorted to by the bill, on the various articles usually imported for the construction and equipment of such a ship as has before been described, is found by a calculation on the quantity of those articles actually used in the building and equipment of ships of this size [350 tons,] without armament, to amount to fourteen hundred and fifty dollars, or, in other words, to about five dollars per ton on every ton of shipping manufactured in the United States, of which, at least one half the cost is mechanical labor, and is equivalent to almost thirty days' labor for every ton of shipping manufactured, to say nothing of the great amount of labor, which is constantly required for sailing and keeping the same in repair. Should this great tax be imposed on the machinery of their trade, at the same time that the employment of this machinery would be, to a great extent, reduced, by the other operations of the proposed tariff, and even if some relief be not afforded on the present rate of duty, the scale must preponderate in favor of the employment of foreign ships, now almost universally admitted into the ports of the United States on the same terms with our own; and, at the reduced price at which foreign ships could be constructed, would soon supplant our own ships, even in the valuable carrying trade of the productions of our own country, which will, if this bill should become a law, pass into the hands of our powerful commercial rivals."

He also read an extract from a memorial of the Chamber of Commerce of Philadelphia, as follows:

"The influence of the tariff will be pernicious to the commerce of the country. This branch of indus-

try has confessedly suffered, more than any other, by the events of recent years; it has borne its disasters patiently; they have been inevitable consequences of events, which, although caused by man, man has neither by action nor legislation been able to prevent, and scarcely to mitigate. It is just now creeping again into life; and what is to be the effect of this new tariff? The effect is morally certain; so much so, as almost to infer the intention in those who promote the cause; it is to paralyze and deaden, by one blow, that portion of the commercial capital of this country which is employed in the purchase, importation, and distribution, of all that the new tariff shall exclude from the country; the ships which are built and navigated for its carriage; the numerous artisans who are employed in their equipment; the seamen who man them, and the fixed capital invested in wharves, warehouses, and other property, created as facilities to trade."

Mr. Chairman, I have stated these facts as simply and as concisely as possible, to show that this tariff will operate with peculiar hardship upon the navigating interests of the country. It is oppressive. Why are such burdens proposed to be laid upon these interests? *Cui bono?* Who is to be benefited by it? Upon former discussions on the subject of cotton bagging, we were frequently informed that the additional duty on hemp was imposed for the benefit of the agricultural interests, and especially for that of the State of Kentucky, and other Western States; that it was for "their encouragement." Are gentlemen aware that the navigating interests now pay more than 25 per cent. upon the value of hemp in Russia? That they actually paid \$296,773 in the year 1822? That they are compelled to bring this article, bulky as it is, from the Baltic sea? If the moderate freight of \$30 per ton be allowed, the freight and duty will amount to \$60 per ton, more than half the value of it in Russia, and more than a third of its value here. Is not this encouragement enough? Do gentlemen desire more?

The chairman of the committee observed, in his first speech upon the subject of the tariff, that, where Europe had one acre of land fit to raise hemp, we had ten. Was it ever questioned that we had abundance of land for hemp? I have no doubt on the subject. Indeed, it does not require a vast tract of land to raise all the hemp we need. I hold in my hand a statement of a gentleman from Massachusetts, by which it appears that he raised more than nine hundred pounds upon the acre. Suppose that eight hundred pounds grow upon one acre, then fourteen thousand four hundred and seventy acres would bear more than one hundred and fifteen thousand seven hundred and thirty-five pounds—the quantity imported the last year. If a township, six miles square, contain twenty-three thousand and forty acres of land, of the first quality, a little more than half of such township would be sufficient. I mention this fact to show that we have abundance of land, in all parts of the country, for the purpose of raising hemp. Why, then, is not hemp, of the first quality, raised in considerable quantities in this country? It is not for the want of a steady market.

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We were repeatedly informed, in the course of the discussion on the subject of cotton bagging, that the reason why that article could not be manufactured in Kentucky was, that Inverness and Dundee frequently overstocked the market, and there was no sale for the article. That argument will not avail in this present case. There always has been a market. I call upon those gentlemen to tell why they have not furnished the article.

If the hemp of Kentucky be fit for cotton bagging, and some other uses, it is not fit for the rigging of vessels. Here Mr. R. read a letter from John Rodgers, one of the Commissioners of the Navy, showing that, in all contracts made for cordage, they had uniformly introduced a stipulation binding the contractors to manufacture the cordage of the best Russian hemp; that the reason why the Russian hemp was better than the American hemp was wholly owing to the manner of preparing it. The Russian method is called "water rotting;" that practised in the United States "dew rotting."

Mr. Chairman, the same reasons which influenced the Commissioners of the Navy in their contracts made for cordage, influence every discreet owner of a vessel. It is not, as is generally the case where a bad article is sold, the purchaser may sustain some loss—upon the rigging of a ship, must depend the ship itself, cargo, and lives, of those on board.

The labor of preparing good hemp, by water rotting, is considerable, and the process is somewhat difficult. It must be done with great caution. It is not in every country where there is fertility of soil for raising this hemp, that there are conveniences for rotting it. The process of preparing hemp might produce great sickness in a warm climate, and he did believe it would never be raised and prepared fit for navigation, in Southern countries, on that account, and on account of the great labor necessary to prepare it for market. If it should ultimately succeed, contrary to his expectations, he assured the committee that none could be more highly gratified than those engaged in navigation; none were more deeply interested.

Hemp has been raised for many years in Massachusetts and New York, but not to any great extent. The art of preparing it in the best manner, is perfectly well understood. Why has not more been raised? The reason must be, that farmers have thought it more profitable to raise corn, grain, and other things. But, if it could be raised in the West, where they have no market for their grain, where the land is cheap, and produces in abundance, it would be profitable, and it requires no further encouragement. But, if one part of the community must be taxed, to support another, I beg the House again to consider the situation of the navigating interest. The last account from New Orleans, February 17, observes, freights have continued dull during the season, and now, when they were expected to be brisk, vessels are less in demand. Little cotton has been shipped coastwise, at half a cent per pound, and to Liver-

pool for five-eighths of a penny—not one-fourth of what was formerly paid. Coasting vessels, from Alexandria and Baltimore, to Boston, a distance of seven hundred to eight hundred miles, now carry flour for 25, 20, and as low as 12½ cents per barrel. They formerly received four times as much. Does the interest and policy of this country demand, at this time, that the navigating interest, which but just keeps above water, should be so oppressively taxed, for the mere experiment of rotting hemp? Why should a most valuable interest be destroyed, even if there was some probability of aiding an interest much less valuable?

Here Mr. R. read extracts from the memorial of the merchants and ship owners of the city of Boston, tending to show the danger and impolicy of the duty proposed.

He said, it had been often contended, that great injustice has been done to some parts of the United States, by the tariff of 1816, and particularly to the West. That it had been often suggested, that that tariff was particularly favorable to the interests of New England, and unfavorable to the interests of the Middle and Western States. That the Western States must have a *quid pro quo*; and that this was given by the duty on hemp. In the first place, he said, he denied the fact, that the tariff of 1816 was particularly favorable to any part of the country. Whether it be so or not, the committee will do me the justice to excuse me from the responsibility of making what is called a "one-sided tariff." I voted against it, Mr. Chairman. I will not trouble the Committee to hear the reasons which influenced my vote. One reason, however, as it has so direct a bearing, (as it is introduced into almost every debate upon this tariff,) I will take the liberty to state. I was opposed to the system of estimating every yard square of coarse cotton, (which costs six cents,) at twenty-five cents—which is called "the minimum." I am every day convinced, that it has had a mischievous effect. It deceives the public. Gentlemen are every day declaring, that coarse cottons have been brought into use by the minimum estimation and duty, excluding the India cottons. This has been called protection. "Protect other manufactures," say they, "and they will be equally successful." I admit, Mr. Chairman, that the coarse cottons of this country are now manufactured cheap, and that they are of the best fabric. But I deny what is alleged to be the cause. They would have been manufactured, although there had been no "minimum," as it is called, in the tariff of 1816. The success of these manufactures has been owing to other causes. He then showed what had occasioned their success; that cotton was cheaper in this country than in any other; that the machinery for spinning and weaving it, was very perfect, and had long been known, in part; that labor was performed by female children, whose labor cost little, &c. Suppose some parts of the country have manufactured more than others, and that the purchasers of the manufactured articles have paid something to aid them, the navigating interest, now proposed to be so severely taxed,

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have been purchasers—they are not manufacturers. Is it not manifestly unjust, in the first place, to tax them to build up manufactories, in common with other parts of the country, and then call for the *quid pro quo*? Call upon them to pay an enormous duty on hemp, as an offset to the West, on account of what they have done to aid manufactures? If the West have any claim, it is on the manufacturers whom they have aided.

The effect of the proposed duties, Mr. Chairman, is to destroy commerce. If commerce be destroyed, the hemp-growing business will be of little consequence.

There is another view of this subject, worthy of the attention of this Committee. All now know and acknowledge the value of our Navy. We have been this day appropriating money for its support. We are preparing to increase it. What is the value of ships and dockyards, &c., without those 70,000 brave men

"Whose march is o'er the mountain wave,
Whose home is on the deep?"

Cannon and munitions of war may soon be procured; an army of raw soldiers may soon be disciplined; but to acquire the skill and dexterity of good seamen, requires years. Yes, Mr. Chairman, I repeat it, it requires years.

Why did the navies of Spain and Holland succeed formerly? Because they had seamen. Why has France failed in latter years, as to her navy? It has not been owing to want of bravery, or skill in gunnery, but to the want of a sufficient number of skilful seamen. The same causes will produce the same effects.

A navy is essential to our own protection. If we would afford any aid to others; if we would redeem the pledges and hopes excited by speeches and resolves, it must be done by a navy. A navy is useless without seamen, and we cannot have seamen without navigation. This duty, which tends to destroy navigation, tends equally to the destruction of our navy.

I do not mean to intimate, Mr. Chairman, that our vessels will be immediately abandoned, or burned, if this bill passes. Those at present engaged will abandon it with reluctance; a part will unquestionably continue. The first effect will be to destroy foreign commerce, the fruits of which have been the cause of building up of our manufactories. The rich will not be materially injured. The first man (Mr. Gray) who signed the memorial from Boston, from which I have read extracts, has commenced manufacturer upon an extensive scale. He can abandon commerce and navigation, and those who, like him, have great wealth, can do so likewise. If they sustain a considerable loss, it will not be ruinous to them; but the public, the United States, will feel it severely.

Vessels engaged in the coasting trade are owned principally by those who are far from being rich. Many go in their own vessels. They will rise early and go to bed late, if they go to bed at all, and eat the bread of carefulness. They will pursue the business so long as it will afford them a

living. Their children will seek a more profitable employment.

I consider the duty of two cents per pound on hemp as oppressive to the navigating interest of the country; that it is calculated and will have the effect of gradually destroying our navigation, and, in its train, our commerce and navy. I therefore hope the proposed amendment will prevail.

When Mr. REED had concluded—

Mr. WEBSTER desired, before the debate proceeded, to be allowed to state a few calculations, which he believed to be accurate, and which he thought might have a bearing on the decision of the present question. He then read the following:

First cost of one ton of hemp in Russia, on the average of prices for the last three years	-	\$99 05
Amount of charges in Russian ports	\$14 49	
Amount of present duty	-	30 00
Freight from Russia to the United States	-	30 00— 74 49
Without adding insurance and commissions.		
By the proposed bill, the cost would stand thus:		
First cost in Russia	-	89 05
Charges in Russian ports	-	\$14 49
Freight	-	30 00
Proposed duty	-	44 80— 89 29

Amount of duties now actually paid on a ship, burden 350 tons:

14 tons iron, including anchors, at \$15 per ton	-	\$210 00
13 tons cordage, at \$30 per ton, \$390, less 1-6 for tar, \$65	-	325 00
40 bolts heavy duck, duties \$2	-	\$80 00
20 bolts Ravens duck, duties \$1 25	25 00—	105 00
3,000 pounds copper bolts, 4 cents	-	120 00
Mahogany, hardware, ship chandlery, paints, dry goods for cabin, &c., estimated at \$1,000, and paying a duty on average of 20 per cent.	-	200 00
44 hhds. salt, used for salting timber, duties \$2 20	-	96 80
		<u>\$1,056 80</u>

These computations, Mr. WEBSTER stated, were furnished by one of his constituents, a gentleman of the utmost probity and accuracy, and he was sure they might be relied on.

The debate was then resumed by Mr. BUCHANAN, who advocated the duty proposed in the bill, and opposed the amendment, as did also Mr. TOD and Mr. Speaker CLAY. It was supported by Messrs. WEBSTER, MERCER, P. P. BARNHUR, FOOT of Connecticut, CAMBRELENG, and McKIM. The debate was continued in a series of speeches, abounding with fact and argument, and occasionally enlivened with attack and retort, in which humor was chastened by decorum.

The following are Mr. BUCHANAN's remarks in reply to Mr. REED:

Mr. BUCHANAN said that, in rising to reply to the gentleman from Massachusetts, (Mr. REED,) he did not intend to follow him through the excursive range which he had taken. Judging from the speech alone, a stranger to the question might be induced to believe that the measure under dis-

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cussion was one, the adoption of which would, in its consequences, destroy the commerce and navigation of the country, and endanger the existence of its navy. Mr. B. said that, able and ingenious as had been the speech of the gentleman, he must be permitted to say that a large proportion of it had but a very remote application to the subject.

What, said Mr. B., is the real question now under discussion? By the existing tariff of 1816, the duty upon the importation of foreign hemp is 150 cents upon each 112 lbs. The present bill proposes to increase that duty, which is now equal to 134 cents on the 100 lbs, and to make it 200 cents upon each 100 lbs. And yet this comparatively unimportant measure has given birth to all the fearful predictions of the gentleman from Massachusetts.

Mr. B. said, if there is a single clause in the bill in perfect accordance with the principles and the policy by which its friends profess to be guided, it is the one now under discussion. If it cannot be supported, we may begin to despair of the passage of the bill through this House.

Mr. B. said it would conduce to a proper understanding of the subject, and, in his opinion, at once demolish the greater part of the argument of the gentleman from Massachusetts, to ascertain and fix with precision the nature of the question under discussion. For this purpose, it is necessary that we should discover the ad valorem duty to which the present specific duty would be equal. In doing so, I shall refer to the authentic official documents prepared by the Secretary of the Treasury under the authority of Mr. Sanford's law, and not to a private letter, such as that upon which the gentleman from Massachusetts (Mr. WEBSTER) has founded his calculations. The writer of that letter, it is fair to presume, must have felt a deep interest in this subject, otherwise he would not have taken the trouble of supplying the gentleman with information. When we reflect that self-interest is the most fruitful source of prejudice, and that, if the letter be correct, then are the official Treasury reports altogether deceptive, I take it for granted that the Committee will have but little difficulty in deciding which is entitled to the preference.

From these reports, it appears that the average cost of foreign hemp in the ports from which it was exported, must have been in 1821 \$5 92 per cwt.; in 1822, \$5 91; and in 1823, \$5 83. For the purpose of my argument, I will assume that its average value, for the last three years, on board of the vessel at the place of exportation, has been \$118 per ton. This comes within a fraction of the truth, as any gentleman may discover by making the calculation. In order to ascertain what ad valorem duty would be equal to the present specific duty of \$30 per ton, we must add to this \$118 the ten per cent. required to be added by existing laws, in estimating an ad valorem duty. This would make the dutiable value of the article \$129 80 per ton; and of consequence the present specific duty is equal to an ad valorem duty of about 23 per cent. The duty proposed by this bill would, therefore, be equal to an ad valorem duty of about 34 per cent., and would be an addition

of only 11 per cent., ad valorem, to the existing impost. These simple facts, taken from official documents in the hands of every member of the Committee, would of themselves be a satisfactory answer to nearly all the arguments of the gentleman from Massachusetts, (Mr. REED.) His conclusions have resulted from mistaken premises.

But, said Mr. B., I will now exhibit to the view of the Committee another statement, derived from the same official source, which I venture to predict will astonish every person whose attention has not been directed particularly to the subject. In 1819 there were 25,578 tons of foreign hemp, on which a duty was paid, imported into this country. In 1820 there were 46,853; in 1821, 59,963; and in 1822 it had increased to 98,958 tons. Thus, under the operation of the existing duty, in the short space of three years the increase has been nearly fourfold.

In this manner, Mr. Chairman, the astonishing spectacle is presented to the world of an agricultural nation, possessing millions of acres of land capable of producing the finest hemp, dependent for its supply of that necessary article upon a distant country. There must be something rotten in the system of policy from which such consequences proceed. The rapid increase of the importation of the foreign article demonstrates that an additional duty is absolutely necessary to check its further progress, unless you wish to give the growers of the article in Russia an exclusive monopoly of our market in preference to our own farmers. The additional duty proposed is moderate; it is no more than a protective duty in favor of our own agriculture, and will not, at least for many years to come, prohibit the importation of foreign hemp.

If, said Mr. B., I understand the great principle of this bill, it is that a moderate additional protection shall be afforded to those manufactures, the raw material of which either is, or may be made, abundant in this country. Where this raw material is a product of agriculture, it has a peculiar claim to our favor; because, by that means, the agricultural interest, which, of all others, we should the most cherish, and which, in the Middle and Western States, is now very much depressed, will be promoted. When, in addition to these considerations, we reflect that hemp is an article essential to our naval defence, it has claims to our regard which are at least equal to any one in the bill. And yet the policy which we have been pursuing, if we continue to persist in it, will render us entirely dependent upon Russia for our supply.

The gentleman from Massachusetts (Mr. REED) has contended that the domestic hemp is not equal in quality to the foreign; and, in order to establish this position, he has read the letter from the Commissioners of the Navy, dated 27th January, 1824.

This authority is, I think, exceedingly unfortunate for the support of the argument. I will read one paragraph of it, which will place the subject in its proper light:

"The reasons, say the Commissioners, which entitle Russia hemp to a preference, are to be found, solely,

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it is believed, in the manner of preparing it for market. In its natural state, American hemp is, unquestionably, as good as that of any other country; and numerous experiments prove the fact, that, when prepared as Russia hemp is, it is fully equal to the best Russia hemp, and, indeed, superior to that generally imported. The Russian method is called "water rotting;" that practised in the United States, "dew rotting."

This proves conclusively that the American hemp, when taken from the ground, is equal, if not superior, in quality, to that produced in Russia. The difference is in the manner of preparing it for market. The Russian hemp is *water rotted*; the American has heretofore generally been *dew rotted*.

Is there any obstacle to prevent us from water rotting hemp? Certainly not; there is water in abundance, for that purpose, in many parts of the Union which are well adapted to its growth. We have been informed by the Speaker, that the process of water rotting American hemp, has already commenced in several places. Such an additional encouragement to the American farmer as this bill will afford, should it be enacted into a law, will enable him, in a short time, to come into fair competition with the Russian hemp grower, and to bring into the home market, water rotted hemp, of home production, fully equal, if not superior in quality, to that for which we are now dependent on a foreign nation. Is there any American who would not rejoice at such an event?

Will this additional duty, said Mr. B., injure the navigating interest of the country? I admit that it may, for a very short time, enhance the price of hemp a trifle; but it cannot produce any of the evils to that interest which the gentleman from Massachusetts (Mr. REED) seems to dread. The effect of this measure will be to create a competition, not only between the foreign and domestic hemp growers, but among the domestic hemp growers themselves—and the consequence will be an eventual reduction in the price. The experience of this country, in regard to other articles, justifies this anticipation. Our capacity for the production of hemp is unbounded. All that is necessary, therefore, to make its cultivation successful, is, to direct a portion of the domestic industry, which is now languishing for want of employment, towards that branch of agriculture.

Whilst I am up, said Mr. B., I will advert to an observation made by the gentleman from Massachusetts (Mr. WEBSTER) a few days ago in reply to the chairman of the Committee of Domestic Manufactures. He stated that the old notions concerning a balance of trade were idle and ridiculous, and that they had been exploded by all enlightened political economists of the present day. This may be true so far as it respects political theorists; but no practical statesman, either in our own or any other country, has ever acted upon such principles. There can be no case put which will be a stronger illustration to show the propriety of attending to the balance of trade, than the ruinous commerce which is now prosecuted between the United States and Russia. In that trade there is an annual balance against us of more

than \$2,000,000. What are the articles which we receive from Russia, and which create this balance? Iron, hemp, and the manufactures of hemp; articles which we are capable of producing and manufacturing in abundance for ourselves. Will any gentleman contend that, if we did supply ourselves with these articles, we would not keep among our own citizens that balance which we now annually pay to Russia, and thus, as a nation, be so much the more rich and independent? Is it necessary to use an argument to prove that this would be a desirable event?

I know, said Mr. B., it has been stated that the trade with Russia is circuitous, and that our domestic products are exported to other countries, and there exchanged for articles which the Russians receive in payment. The trade to Cuba, and from thence to Russia, has been given as an example. This observation, however, applies only to a part of our trade with that country; the larger portion of it is direct, and the balance must be paid in money. And yet this is the kind of commerce which gentlemen wish to continue and extend—a commerce which, while it produces a large balance against us, excludes from our markets the iron and the hemp of our own citizens, and renders us dependent upon foreign countries for these essential articles of national defence. If Russia would receive our productions in exchange for these articles, then there might be some pretence for desiring a continuance of this trade. But, during the last year, whilst the value of our imports from that country was \$2,195,870, our domestic exports amounted only to the small sum of \$51,635.

If, said Mr. B., this were the proper occasion, it would not be difficult to prove that the balance of trade with the world is now, and for years has been, against us. I would not attempt to do this from the books of the custom-house. I agree with gentlemen that they alone do not afford a correct guide upon this subject. It is certain that they may exhibit a large apparent balance against us, and yet the real balance be in our favor. For example, suppose our exports amounted to \$40,000,000, and our imports to \$50,000,000, if we had no evidence upon the subject, except the books of the custom-house, we might fairly conclude that our commercial capital, industry, and enterprise, were worth imports to the value of \$10,000,000, and that thus the account would be balanced and the country enriched. But is this the case? Do we not know, in addition to the testimony which they afford, that specie, that Government stock, that bank stock of the United States, and even the canal stock of the State of New York, have been leaving the country to purchase goods and pay the debts which we owe to Great Britain? Do we not know that the rate of exchange upon London has been largely and continually against us for several years? This shows, conclusively, that, notwithstanding all the money and the stocks which we have exported, funds in England, for years, have been always wanted by the merchants of this country. Bills of exchange on England, and on the rest of Europe, have uniformly com-

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manded a handsome premium for a considerable period of time. I would ask gentlemen the reason why they have been in such demand, if it were not to pay the continual balance against us in our trade with the world. Would it not, then, be desirable to diminish our imports and increase our exports? This bill, should it pass, will, in my opinion, accomplish that desirable object; and the additional duty upon hemp, which it proposes, will, in no small degree, contribute to its attainment. But, sir, said Mr. B., I find I am getting into a discussion of the general principles of this bill, which I do not, at present, intend; and I will, therefore, desist, at this time, from prosecuting the subject farther.

The question was taken on the amendment and decided in the negative—ayes 69, noes 107. And then the Committee rose, and the House adjourned.

WEDNESDAY, March 24.

The SPEAKER laid before the House a letter from the Secretary of War, accompanying a statement of the expenditures at the national armories, and of the arms, &c., made therein, during the year 1823; rendered in obedience to an act of the 2d of April, 1794; which letter and statement were laid on the table.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to which was referred the petition of Joseph C. Tucker and Elisha Dwelle, reported a bill authorizing the Secretary of the Treasury to adopt a new hydrometer for ascertaining the proof of liquors; which was read twice, and committed to a Committee of the Whole.

Mr. LITTLE, from the Committee on Pensions and Revolutionary Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Dean Weymouth," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. EDWARDS, from the Committee on Revolutionary Pensions, to which was referred the bill from the Senate, entitled "An act for the relief of Noah Smith, of Maine," reported the same with an amendment and it was committed to a Committee of the Whole.

Mr. REYNOLDS laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to lay before this House, as soon as convenient, any information which he may have in his possession, showing the reason why the engineers appointed "to examine the most suitable site for a national armory on the Western waters," have not made their report.

Mr. ALLEN, of Massachusetts, laid the following resolution on the table for consideration to-morrow, viz:

Resolved, That the rule numbered eighty-four, of the standing rules and orders of the House, be rescinded.

On motion of Mr. HAMILTON, the Committee on Military Affairs were instructed to inquire into

the expediency of authorizing the President of the United States to exchange five arpens of land, on the south side of the public lot, in the town of Baton Rouge, in Louisiana, for an equal number of arpens on the north side of the same lot, which have been confirmed to the heirs of Eulogia de Casas.

On motion of Mr. OWEN, the Committee on Military Affairs were instructed to inquire into the expediency of making provision by law to authorize the erection of a national arsenal on the Alabama or Tombigbee rivers, at such point as may be thought the most eligible for the defence of that section of the United States.

On motion of Mr. CASSEY, the Committee on the Judiciary were instructed to inquire into the expediency of altering or amending the act of Congress, passed March 3d, 1797, which provides that writs of execution upon judgments obtained for the use of the United States, in any of the courts of the United States, in one State, may run and be executed in any other State or Territory of the United States, in such manner that purchasers and others may be furnished with some convenient means of ascertaining the liens or encumbrances created by the judgments or executions in such cases, upon the property of the defendants.

On motion of Mr. HAMILTON, the Committee on Naval Affairs were instructed to inquire into the justice and expediency of reporting a bill for the relief of Henry Ingraham, survivor of Nathaniel Ingraham and sons, late navy agents, at Charleston, in South Carolina, and their sureties, on the terms proposed by the said Henry Ingraham, to the Treasury Department.

The engrossed bill "making appropriations for the support of the Navy of the United States for the year 1824," was begun to be read a third time; before completing the reading, it was observed that an error had occurred in the engrossing—whereupon, the reading was suspended.

THE TARIFF BILL.

The House went into Committee of the Whole, (Mr. CONDIOT in the Chair,) on the bill "to amend the several acts laying duties on imports."

Mr. FOOT, of Connecticut, moved to amend the bill, by inserting, after the 254th line, the following clause: "on all wines which are now charged with a duty of fifteen cents per gallon, twenty-five cents per gallon."

Mr. POINSETT, of South Carolina, opposed the amendment. He did not desire to see this country a wine growing country, as, in comparison with corn growing countries, they were always poor and miserable.

Mr. BRENT, of Louisiana, opposed it, as not calculated to aid domestic industry.

Mr. GURLEY quoted statistical details, to show that a reduction of the duty on low priced wines had increased the revenue. Raising the duty was, therefore, not calculated to benefit the revenue. He replied to Mr. Ton's remark, as to the ability of Louisiana to pay the duty, the protection of sugar, the profit of negro labor, &c.

Mr. FOOT, of Connecticut, replied, that he only had wished, on this item, to restore the tariff of 1816. The reduction of the duty had destroyed a promising infant manufactory in his district, and he wished to raise the duty for the general purpose of cherishing the produce of wine in the United States.

Mr. TRIMBLE, of Kentucky, made a calculation to show that low duties on these wines would increase the revenue, and augment a trade which was profitable to this country.

Mr. STEWART, of Pennsylvania, combatted the view and argument of Mr. TRIMBLE, and contended that as much wine would be used at twenty-five as at fifteen cents duty.

Mr. TOD, of Pennsylvania, replied, and signified that he had no wish for the adoption of the amendment; and the question being taken on the amendment of Mr. FOOT, it was decided in the negative, without a division.

Mr. TOD moved to strike out from line 99, to 104, inclusive, viz:

"On Russia duck, per piece of fifty-two archeens, two dollars each piece;

"On Raven's duck, per piece of fifty-two archeens, one dollar and twenty-five cents each piece;

"On Holland duck, per piece of fifty-two archeens, two dollars and fifty cents each piece."

Mr. T. stated, that the manufacture of duck was now established; much of the flax had to be imported from Ireland, and there was some reason to apprehend that the duty, as proposed, would interfere with the provisions of the British treaty. He therefore desired to leave this manufacture under another provision of the bill.

Mr. WEBSTER, of Massachusetts, asked for explanation.

Mr. TOD replied, that the ad valorem duty laid on duck in the other part of the bill, was 25 per cent.; that proposed in this, amounted to about 20 per cent.; so that striking out would raise the duty 5 per cent.

Mr. McKIM, of Maryland, wished for farther consideration.

Mr. CLAY supported Mr. TOD's motion. The article now made was of an excellent quality. The American Navy had adopted the use of it. It was a manufacture for which this country was well adapted; and it diminished a trade the most disadvantageous of any in which we are engaged.

Mr. CROWNINSHIELD went into an extended statement of facts, in relation to the manufacture of sail duck, and the several kinds of that article imported from abroad. Of these, he stated the Dutch to be the best, the Russian next, then the French, and, lastly the English. The inferiority of this last kind, he attributed to the English practice of dew-rotting the flax of which the duck is made. In Holland, it is water-rotted; and, in Russia, undergoes another process, somewhat different from both. He gave a detailed account of the factory at Salem, in its first abortive attempt at using the American flax, and its late successful manufacture of sail cloth from flax imported from Ireland. The article he acknowledged to be of the very first quality, but furnished at a price

which the Navy alone would pay. The factory was kept in being by Navy contracts alone—not a bolt of its duck had ever been used in a merchant ship, notwithstanding it was situated in the most commercial district in all the Union. Mr. C. went into a course of general argument against the bill. He censured the grasping ambition of this young country, which nothing could satisfy. We were seeking to monopolize every branch of profit to ourselves; we must have every enterprise of commerce, all the profit of manufactures, and the whole system of agriculture, to ourselves. We said to the North, give up, and to the South, keep not back. And stretched our desires over the whole earth. He stated the commercial character and situation of his constituents; his district contained probably twice the amount of commercial capital to that of any other district represented on this floor; it had honorably paid every custom-house bond, with one solitary exception; and even that could yet be recovered. It had never been a manufacturing district, and never would be. The habits of commercial men were not to be changed by the talismanic touch of an act of legislation. It was vain to expect to draw about the capital of a trading people at your will, by silken cords; it must be done slowly, gradually, surely, and by natural causes. He showed that the proposed duty would be injurious to the navigation of the country, and eulogized the ingenuity, art, and science, displayed in the construction of a ship. In reply to the argument that the consumer pays the duty, Mr. C. asked, who is the consumer? Who eats hemp? Who eats iron? Who wears sail duck? And replied, it was our ships; all that part of the proposed tariff went to oppress the interests of navigation.

Mr. KREMER then rose, and insisted that this was no higher than that recommended by the Secretary of the Treasury. He thought the arguments of the honorable member from Massachusetts were very extraordinary. That gentleman asks if we can change the habits of merchants by cords of silk, and whether we were the Israelites of old? I say yes, we are; and I will prove it to the gentleman from the Good Book. It has been said to us, as it was to Israel of old, if ye will hearken to the voice of the Lord your God, you shall, yes, you shall, be the head, and not the tail, of all the nations of the earth. You shall lend to many, and borrow of none. You shall, like the good people of the gentleman's district of Salem, pay all your custom-house bonds, with the exception of one—to be sure, all the districts of the Union could not compare with the gentleman's district. They were not so rich as the merchants of Salem. But, if those gentlemen had had all the fat of the soup, it was time they spared some to the rest of the country. He was in favor of doing equal justice to all. If the growers of hemp, to the West, were properly protected, perhaps they might, in time, be able to say to the gentleman, "We pay our debts, too." He hoped the amendment would prevail.

Mr. CLAY spoke in reply to the gentleman from

Massachusetts, (Mr. CROWNINSHIELD,) so far as he had not been answered by the speech of the honorable gentleman from Pennsylvania. The gentleman had said that the Navy distributed its contracts at high prices with a view to become popular with the nation. He wished that Government would pursue, throughout, the policy of encouraging our own ingenuity, industry, and enterprise. There could be no more certain or more honorable path to popularity. But he thought the gentleman's argument went to confute himself. He said that, but for the patronage of the Navy, the factory at Salem must die. What did this show? That nothing was wanting to the manufacturer but Governmental protection—the very thing for which the friends of the bill contended. Mr. C. insisted that the effects of the American efforts had greatly lowered the price of this article. It had been furnished to the Navy since the peace, at twenty-two dollars, but could now be supplied at seventeen dollars, while the best Russian was at from sixteen to twenty dollars. The report of the Secretary of the Treasury recommended an *ad valorem* duty of twenty-five per cent. the very rate at which this amendment would place it.

Mr. FLOYD said that he had heard, in the course of this debate, a very frequent reference to the former tariff bills, and it was often said that duties in this bill were not higher than in those—but it must be remembered that the former tariff bills had been professedly for revenue—this was professedly for a different object, and, therefore, there was no proper parallel to be drawn. He insisted that the bill would not benefit the farmers, (of which number he had the honor to be one.) As to its aiding agriculture by requiring more flax, the object was too small to be worth consideration. It was confessed that, unless the factories could get fat contracts from the Government they could not go on. No doubt with such contracts they might thrive and grow rich. It was argued that we must cut off foreign trade, and promote home products. But, he asked, who will buy? Was it contended the manufacturers would themselves supply the farmer with a market? If all the five hundred thousand manufacturers of the United States were put into one of the Western districts, a circle of sixty miles diameter would furnish all they could consume. Could any body believe that we could take hands away from the agriculture of the country, to compete with the manufacturers of Europe? Something had been said about domestic tallow. Did ever a farmer kill his beef for the sake of the tallow?

Mr. CUTHBERT wished to ask one question of the honorable chairman of the Committee of Manufactures. If the article of duck requires protection at this time, and the duty laid on foreign duck is just enough to balance the duty on the foreign flax used in the domestic article, how is it protected? If the one balances the other, what is gained? Mr. C. made some general remarks on the policy of the bill. So soon as we attempted to protect one trade, we interfered with another. Link touched link—and there was no end to our difficulties.

Mr. TOD spoke in reply and explanation.

Mr. CUTHBERT was not satisfied, and required still further explanation.

Mr. CASSEY repeated some statements he had before made. The domestic duck was not made wholly, but only in part, of imported flax. So there was not a balance between the duties.

Mr. CUTHBERT rejoined, and complained that one duty was made a plea for another. We first lay a duty on flax—and, then, having done this, it is urged as a reason, why we must lay another duty on duck.

Mr. CROWNINSHIELD replied to Mr. CLAY, in relation to the quantity of cloth in a bolt of American duck. The domestic article was twenty-four inches wide; the foreign was over thirty, and the length of the piece, the same. The price, it was true, had been reduced; but this was done by deteriorating the goods. Single instead of double warp was used, and tow filling instead of flaxen; and yet, after this adulteration, the article was still dearer than the imported.

The question was then put, on the amendment of Mr. TOD, and carried—ayes 93, noes 77.

Mr. CLAY moved to increase the existing duty on the article of molasses. He believed there was no fairer object of taxation in the proposed tariff. His great wish was to promote American agriculture; and, with this view, to encourage the production of the raw material of any subject of manufacture to which our own country was adapted, rather than the importation of the rival foreign article. Molasses was to be considered—first, as an article of subsistence. As such, the existing duty bore no proportion to that on brown sugar. It was capable of being applied, and was in fact applied, to almost all the purposes of brown sugar. This latter article was subject to a duty of three cents per pound. A gallon of molasses, containing not less than eight pounds, paid a duty only of five cents; that is, a little more than half a cent a pound. Secondly, as a substance capable of conversion into spirituous liquors. The least duty imposed on them was thirty-eight cents per gallon. If the policy of the country be well founded, in imposing this high duty on spirits manufactured abroad, it equally dictates that a high duty should be imposed on an article produced abroad, susceptible of easy conversion into spirits, and which comes into competition with articles raised at home, capable of similar conversion. Thirdly, as a raw material of manufacture. On this point, it appeared to Mr. C., that we ought to discourage, even for the purpose of manufacture, any raw material, raised abroad, of which articles, capable of a similar fabrication, can be certainly produced in abundance at home. No one will doubt that the grain of our country produces a spirit equal, at least, to that which is distilled from molasses; nor our ability to produce it in the greatest abundance. He did not mean to take up the moral considerations of the question. He intended to ask the attention of the Committee to the matter practically. A certain amount of spirituous liquors will be consumed whatever we may think or wish upon it as moral.

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ists or philanthropists. Assuming that practical principle, we are to consider whether it is not better for our country to derive the whole profit, both as to the production of the raw material and the distillation of it, rather than divide it with foreigners. Every gallon of spirits, distilled from foreign molasses, and consumed within the country, takes the place of a gallon of spirits distilled from domestic produce. The foreigner enjoys the benefit of the value of the raw material, and we that of its manufacture only. This latter advantage we should still possess, if we substituted a native raw material to that which is furnished us from abroad; and, consequently, the mere interest of manufacturing would not suffer by the exclusion of the foreign material. There would, at most, be only a change in the theatre of distillation.

The increase in the import of molasses was very great, so great as to threaten the supplanting of the native materials of distillation. From 1790 to 1800, inclusive of both years, the total quantity of molasses imported was 53,323,607 gallons; that is, an average of 4,837,600 gallons for each of these eleven years. From 1801 to 1811, inclusive of both those years, the total quantity imported was 78,224,651 gallons; that is, upon an average, 7,111,320 for each of the latter term of eleven years. The population of the United States increases in a ratio of about four per cent. per annum. And the increased importation of molasses, during the latter term of eleven years, beyond that of the previous term of eleven years, was about what it ought to have been, supposing the increase of consumption to be according to the progressive augmentation of our population. Applying the same principle, the quantity of molasses imported in 1822 ought to have been 9,375,040, instead of which the actual quantity was 11,990,569 gallons for that year, and for the last year it rose to 13,019,328 gallons! The principle which Mr. C. thought ought to govern our manufacturing policy was to encourage—1st, the manufacture of our own raw materials; 2ndly, the manufacture of foreign raw materials which do not come into competition with any that are native; and 3rdly, but least of all, those which compete with our own produce. Of all parts of our country, the grain growing now suffers the most. Whatever, therefore, would tend to reanimate that, without material detriment to others, ought to meet with a favorable consideration. According to an estimate of a former Secretary of the Treasury, in 1810, of the 6,834,878 gallons of molasses, then imported, five millions were supposed to be distilled, and the residue, 1,834,878, were consumed for other domestic purposes. Applying that rule—of the 12,019,328, imported last year, 2,786,413 gallons were consumed in domestic purposes other than that of distillation, and 10,232,915 gallons in distillation. Supposing (which is a low estimate) a gallon of molasses to produce only a gallon of spirits, there was distilled 10,242,915 gallons of spirits. To produce this quantity from grain, would require about five millions of bushels. And the total export of the breadstuffs of the last year

did not equal five millions of bushels of grain. Thus, by excluding the foreign raw material of molasses as an object of distillation, we should create an additional market at home, for a quantity of grain equal to about the whole export, in the form of breadstuffs, of that article last year. Suppose it were attempted to import grain from abroad, for the purpose of distillation, would not every one cry out against it? And where is the difference between such an operation as that would be, and the importation of molasses convertible into a worse spirit than that which is distilled from grain?

Fourthly, and lastly, molasses ought to be considered as a source of revenue. The effect of the additional duty, which he meant to propose, would be merely to lessen the importation, and thereby give greater scope for the consumption of our native produce. To what amount it would lessen it could only be matter of conjecture. If one half, and the duty which the committee might fix should be twelve-and-a-half cents per gallon, there would be an augmentation of revenue in the ratio of twenty-five per cent. upon the present amount. Taxed at that rate, the duty would still be greatly below the standard which is furnished by that on brown sugar, or on that of spirits.

So far as it may be considered as an article of mere subsistence, Mr. CLAY felt no disposition to increase the duty, low as it would be, if his proposition were adopted, in comparison to brown sugar. If there could be a discrimination made between that portion of the material which was distilled and that which was consumed in other domestic uses, he would, with pleasure, adopt the discrimination. He knew of none that was practicable. He finally proposed to insert in the bill a duty of two-and-a-half cents per gallon on molasses, but subsequently reduced the proposed amount of duty to ten cents.

Mr. Foor, of Connecticut, remarked, that the opponents of the bill had early been told that the policy of this country must be changed. He now perceived that the honorable Speaker was sincere in that declaration. All he should observe was, that the gentleman, and those who acted with him, were before a country which was competent to judge and to pronounce upon the course they were taking.

Mr. TOMLINSON, of Connecticut, rose in reply to the Speaker, and observed, that it would have been satisfactory to him to have been apprized that such a motion was about to be made; but, though he had not enjoyed that advantage, and was therefore obliged to reply with less time for consideration than he could have wished, he still felt it his duty to state his views, in answer to those which had been expressed by the honorable Speaker. That gentleman had admitted, that the article now about to be taxed, is an article of subsistence. It is so; and one used to a great extent by the poorer classes of the community. The proposition is, to tax the labor of the country; to draw revenue from the mouth of the poor and hard working man. The gentleman had actually gone so far as to calculate how much of every

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meal was to go to the payment of this contribution. He had stated it at a fraction of a cent. But even a fraction of a cent on every meal, when the meals, as they must be, were often repeated, amounted to a considerable sum in the course of the year. We must look at the actual state of facts. The Speaker had made a calculation, in which, as it consisted in figures orally stated, and not submitted to the eye, Mr. T. said he had not been able to detect any fallacy; but he was satisfied there must be a very great error in some part of it. He also had made a calculation, and its result was very widely different. To arrive at the quantity of molasses actually distilled into spirits, he had resorted to the report of the marshals appointed in 1820, to take an account of the manufactures of the United States. [Here Mr. T. quoted a statement, in figures, the result of which was, that not more than one-fourth of the quantity stated by the Speaker, was distilled.] He had endeavored to arrive at the same fact, by examining the returns of internal duties in 1814; which examination confirmed this conclusion. Mr. T. here read the following statements, going to prove that a large part of the amount of spirits to which the Speaker alluded, was produced, not from molasses, but from his own rye and corn, viz:

By the returns of the marshals, made in 1820, it appears that the quantity of molasses distilled in the United States, in that year, was - galls. 2,492,700

Add, as the estimated increase from 1820 to 1822 - - - - - 199,416

And the quantity distilled in the latter year will be - - - - - 2,692,116

The quantity of molasses imported in the years
1801, was 6,833,261
1802 - 5,877,672
1803 - 5,747,256

18,458,189 Average for the 3 years 6,152,729

1809 - 8,055,629
1810 - 8,634,418
1811 - 8,141,264

24,831,311 Average for those years 8,277,103

1821 - 9,086,982
1822 - 11,990,569
1823 - 13,019,328

34,096,879 Average - - - 11,365,926

If it be supposed, said he, that the augmentation of the population has been in the ratio of 36 per cent. in 10 years, and the average of molasses imported in 1801, '22, '23, be taken as the basis of the calculation, the result will be, that the average consumption of the years 1821, '22, and '23, will require - galls. 11,393,672

In 1810, according to Seybert's Statistical Annals, page 256, the quantity of molasses imported was - - - 8,634,418
Exported in that year - - - 18,837

8,615,581
The quantity of molasses distilled in that

year, is stated by Seybert, page 463, to have been - - - - - 2,827,625

Making the quantity consumed for domestic purposes in 1810 - - - 5,787,956
Increase of consumption, for domestic purposes, in 10 years, at 36 per cent. - 2,083,644

7,871,620
Increase, from 1820 to 1822, at 7 per cent. 551,013

Making the quantity thus consumed in 1822 - - - - - 8,422,033
The average of molasses imported in the years 1821, 1822, and 1823, is - 11,365,926
Consumed, for domestic purposes, in the year 1822 - - - - - 8,422,633

Thus it appears that the quantity distilled in 1822, was only - - - 2,943,293
It is stated in Seybert, page 463, that, in 1810, the marshals returned the quantity of spirits distilled in the United States—
Gallons. Gallons
From fruit and grain - 22,977,167
Exported - - - 133,853
22,843,314
From molasses - - - 2,827,625
Exported - - - 474,990

Domestic spirits consumed in 1810 - - - - - 2,352,635 2,352,635

Making the quantity of domestic distilled spirits consumed in the United States in 1810 - - - - - 25,195,949
The average of imported spirits consumed in that year - - - - - 6,834,878

Total amount of spirits consumed in that year - - - - - 32,030,827
Add for increase of consumption, at 43 per cent. for 12 years, makes - - - 13,510,331

Making the quantity of spirits consumed in 1822 - - - - - 45,541,158
Deducting from this amount the quantity imported in 1822 - - - 5,088,984

Leaves for the consumption of the United States, in that year, of domestic distilled spirits - - - - - 40,452,169

The amount distilled from molasses has been shown to be - - - - - 2,943,293

Thus, the quantity distilled in the United States, from domestic materials, in grain and fruit, is shown to be - - 37,508,876

Mr. T. then went into a statement to show the quantity of sugar imported, at different periods, from which it appeared that the quantity of sugar brought into the country had decreased; and he argued thence, that the domestic use of molasses in families had increased. He admitted, indeed, that the sugar of Louisiana had, to some extent, taken the place of foreign; but not sufficiently to effect this result. But, said Mr. T., even granting the gentleman's premises, allow that ten millions of

gallons of spirits have been made from molasses in one year, still I should not assent to the duty now proposed. How is this molasses procured? By exchanging for it the productions of agriculture, and such productions as could not, by any process, be turned into whiskey, (for now the rage seemed to be, to make every thing into whiskey.) Fish, lumber, butter, cheese, could not, certainly, be so converted; and these were the articles which went to bring the molasses from the West Indies. If you prevented its introduction, you prevented, to the same extent, their exportation; and so far deprived the people of one section of the Union of a market for their industry. By the present tariff, a duty of five cents a gallon is laid on this article. The result of which is, an income to the Government of \$500,000; and the consumers of it are confined to a comparatively small district. To these persons, the proposed amendment will be a direct tax on one of the necessities of life—on an article of the subsistence of the poor. He then went into a statement to show that the original cost of a gallon of molasses, in the West Indies, was only ten cents. So that the duty of twelve and a half cents will be one hundred and twenty-five per cent. on the first cost of the article.

He proceeded to argue, that this increase of duty, instead of augmenting, would diminish the revenue of the country, and would, in effect, exclude the article altogether. He could not believe, that the manufacturer of whiskey needed this duty as an encouragement. By a price-current of New Orleans, it appeared that Kentucky whiskey was worth from 33 to 34 cents; a bushel of rye makes 2½ gallons, equal to 66 cents. If this was not sufficient encouragement, he must be greatly deceived. But to this must yet further be added, the profit of the animals fattened on the grain after the process of distillation was over. Under all these views of the subject, (very hastily presented,) he could not but hope that the proposed amendment would be rejected by the House.

Mr. FULLER accounted for the different results to which the honorable Speaker and the gentleman from Connecticut had come, from the fact, that large quantities of the imported molasses were refined and converted into loaf sugar, for exportation; and that a part of the rum distilled from molasses is also exported. Both these amounts must be deducted from the apparent amount consumed.

Mr. CLAY rejoined. Admitting that part of the molasses is converted into sugar, (though this was the first time in his life he had heard of such a thing; he always supposed that molasses was a residuum which could not be grained.) Still, he asked, if there was any just proportion between the duty on sugar and that on molasses? If the molasses was to be considered as sugar, the case was still worse than if it was to be considered as spirits. Touch it but with the wand of the manufacturer, and straight it would bring, as sugar, a protecting duty of three cents a pound; but, as molasses, it paid only five cents a gallon. He repelled the idea, that this was a duty for the West. He knew not that it would benefit that section of

country more than others. Nor did he care where the benefit fell; it would fall somewhere. Wherever grain was grown throughout the Union, its effects would operate—nor are grain growers alone—the fruit raising districts, (including that of the gentleman from Connecticut,) would all be aided by it. Peach brandy and apple brandy would both be benefited by excluding West India molasses, and diminishing the rum made from it. He aimed not at the eaters, but at the drinkers, of New England; and if the gentleman could devise a plan by which they could be separated, so that the duty would bear upon the latter only, he would immediately vote with him in its favor. As to its taxing the food of the poor, he asked, whether it was equal to the duty on brown sugar, or bohea, both of which were food of the poor?

Mr. C. here quoted a statement from a work by Mr. Pictou, (on whom he passed a merited encomium, and who is a citizen of the same State with Mr. T.) to corroborate the position he had taken in respect to the proportion of molasses distilled, to that used for food; and closed, by reducing his motion to a duty of ten cents per gallon.

[During this reply, Mr. CLAY was several times interrupted by Mr. SIBLEY, of Massachusetts, who appeared disposed to controvert the Speaker's statements; but Mr. C. declined yielding the floor to him.]

When Mr. C. concluded, the question was taken on the motion to insert in the bill, a duty of ten cents per gallon on molasses, and decided in the affirmative—yeas 100 votes to 88.

Mr. WEBSTER then moved an amendment of some length to the bill, the object of which is to allow a drawback to the printers and stainers of imported silks and nankins, on the re-exportation of those articles, accompanied with guards against frauds.

Mr. W. stated, in explanation of his motion, that there existed, near New York, an extensive establishment for the printing of silks, cottons, and nankins. By the present law, the exporters of those articles were not entitled to drawback, because the imported article had undergone a great change. The conductors of the institution were under the impression that a considerable export trade could be carried on if they had this benefit. He believed that it might be so guarded as to prevent any great danger of frauds upon the revenue, and he had drawn the amendment with that view.

The amendment of Mr. W. was ordered to be printed; and then the Committee rose.

The third reading of the Navy Appropriation bill was then gone through with; the bill was passed and sent to the Senate, and the House adjourned.

THURSDAY, March 25.

Mr. NEWTON, from the Committee on Commerce, to whom the subject had been referred, reported a bill concerning wrecks on the coast of Florida; which was read twice, and committed to a Committee of the Whole.

The resolution offered yesterday by Mr. REYNOLDS was taken up and agreed to.

The House took up the motion of Mr. ALLEN, of Massachusetts, made yesterday, to rescind that rule which forbids, in Committee of the Whole, a motion to rise prior to the hour of four, while a question is pending.

After some discussion of the subject, in which Messrs. ALLEN, LIVERMORE, and FLOYD, supported the rescinding, and Messrs. TRIMBLE, MERCER, and TAYLOR, opposed it—

The yeas and nays were then taken on agreeing to the resolution moved by Mr. ALLEN, and are as follows: For rescinding the rule 93; against rescinding it 78.

So the resolution was carried, and the rule of the House was rescinded which forbids adjournment before the hour of four o'clock, when any subject is before the House, in Committee of the Whole, which has been already one day debated.

A bill from the Senate "releasing to John McAllister, or the legal representatives of John Forbes, a certain tract of land," was twice read, and committed to the Committee on Private Land Claims.

A bill from the Senate "for the relief of the heirs of Don Harpin de la Gautrais," was also twice read, and committed.

A bill from the Senate "for the relief of Captain Thomas Staniford," was twice read, and ordered to lie on the table.

Two Messages were received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

Having stated to Congress, on the 7th of December last, that Daniel D. Tompkins, late Governor of New York, was entitled to a larger sum than that reported in his favor, by the accounting officers of the Government, and that, in execution of the law of the last session, I had the subject still under consideration, I now communicate to you the result.

On full consideration of the law, by which this duty was enjoined on me, and of the report of the Committee, on the basis of which the law was founded, I have thought that I was authorized to adopt the principles laid down in that report, in deciding on the sum which should be allowed to him for his services. With this view, and on a comparison of his services with those which were rendered by other disbursing officers, taking into consideration, also, his aid in obtaining loans, I had decided to allow him five per cent. for all sums borrowed and disbursed by him, and of which decision I informed him. Mr. Tompkins has since stated to me that this allowance will not indemnify him for his advances, loans, expenditures, and losses, in rendering those services, nor place him on the footing of those who loaned money to the Government at that interesting period. He has also expressed a desire that I would submit the subject to the first decision of Congress, which I now do. In adopting this measure, I think proper to add that I concur fully in the sentiments expressed by the Committee, in favor of the very patriotic and valuable services which were rendered by Mr. Tompkins in the late war.

JAMES MONROE.

MARCH 25, 1824.

The Message was referred to the Committee of Ways and Means.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 25th February, requesting information whether the title of the United Brethren for propagating the Gospel among the Heathen, to certain sections of land in Ohio, has been purchased for the United States; and, if so, to cause a copy of the contract, and of the papers relating thereto, to be laid before the House, I transmit, herewith, all the documents required.

JAMES MONROE.

WASHINGTON, March 25, 1824.

The Message, &c., was referred to a select committee, and Messrs. WRIGHT, CAMPBELL, of Ohio, BUCKNER, COOK, HAYDEN, MARKLEY, and STERLING, were appointed said committee.

FRENCH SPOILIATIONS.

Mr. FORSYTH, from the Committee on Foreign Affairs, to which had been referred, at the present session, sundry memorials upon the subject of spoliations committed on the commerce and navigation of the United States, by French cruisers, between the years 1793 and 1800, made a detailed report thereon, which was laid on the table. The report is as follows:

On the petitions of Hadrianus Van Noorden, William and Nathaniel Hooper, Daniel Henshaw, several merchants and underwriters of Salem, several merchants of Gloucester, several merchants and underwriters of Alexandria, District of Columbia, several merchants of Washington, North Carolina, Henry Clark and others, of Kennebunk, and several others, merchants, in Maine, referred to the Committee of Foreign Relations, they report—

That no evidence accompanies either of the petitions; all of which, except the first, are literally the same, having been apparently prepared by concert among the claimants, to be presented to Congress. To discriminate between them is not practicable, if it were desirable. The committee are compelled to present, in general terms, the nature of these claims, as set forth by the parties interested, and to examine, as briefly as possible, the grounds upon which relief is asked from the Government of the United States. The claims are founded upon spoliations committed by the private and public armed vessels of France, between the years 1793 and 1800.

The petitioners allege that the French Government, to the date of the ratification of the treaty of 1800, always considered the recognition of their claims as due to its honor, and attached them as a charge upon its national character.

That the Government of the United States, which has volunteered its agency for the recovery of them from France, exercised its power and authority to prevent the petitioners from obtaining indemnity—that the Government of the United States received from France a full and fair equivalent for the claims, in the discharge from its liabilities under the treaties with France, and the abrogation of those treaties.

Similar applications, if not by the same persons, have been frequently made to Congress, and reports upon them are to be found in the records of the House of Representatives and of the Senate. None of these applications have been successful. Without attempt-

ing even to enumerate the failures to obtain a sanction to their statement and to their claims, the Committee refer the House to a detailed report of the various acts of the Government of the United States and of France, from 1793 to 1800, made by a select committee, on the 22d of April, 1802, to which applications like the present were referred. Governed by that report, the Committee of Foreign Relations are not satisfied that the French Government ever admitted the justice of the claims of the petitioners, or ever intended to pay them; that the Government of the United States used every effort, even to war itself, to rescue the property of American merchants from the lawless violence of France; that its efforts to procure payment for the spoiliations committed by the French cruisers, were not discontinued until it was obvious that there was no hope of success. That this Government never received from France any equivalent for the claims of Americans upon France. The war of aggression was commenced by France, and every act of the United States was a just retaliation for previous injury. The treaties with France were annulled by an act of Congress in 1798, in consequence of the utter disregard of the stipulations of them by that Power.

In short, to justify their claims upon the United States, the petitioners assume, that France was right, and their own Government wrong. That France was prepared to make a just reparation for the outrages committed under her own laws, until released from her obligations by the United States, who were faithless to their trust, in the first instance, and have been regardless of the obligations of justice ever since, assumptions not consistent with truth, nor creditable to the patriotism of those who make them. The committee recommend to the House to adopt the following resolution:

Resolved, That petitions of the several persons who ask indemnity for spoiliations committed by French cruisers on their property, between the years 1793 and 1800, be rejected.

THE TARIFF BILL.

The House then again went into Committee of the Whole, on the bill "to amend the several acts laying duties on imports," Mr. CONDUCT in the Chair.

The question being on the amendment of yesterday, offered by Mr. WEBSTER, which amendment is in the following words:

"Sec. 6. *And be it further enacted*, That the drawback allowed by law on plain silk and nankeen cloths, imported in American vessels from beyond the Cape of Good Hope, shall be allowed, although the said cloths, before the exportation thereof, shall have been colored, printed, stained, dyed, stamped, or painted, in the United States. But, whenever any such cloths, so imported, shall be intended to be so colored, printed, stained, dyed, stamped, or painted, and afterwards to be exported from the United States, with privilege of drawback, each package thereof shall, before the same shall be delivered from the public stores, be opened and examined by an inspector of the customs, and the contents thereof measured or weighed, and the quality thereof ascertained, and a sample of each piece thereof reserved at the custom-house; and a particular account or registry of such examination, describing the number of pieces in each package, their weight or measure, and the samples

thereof reserved, shall be entered in the books of the custom-house; and, after such examination, said goods shall be repacked in the original package, and the said original package shall be marked with a custom-house mark. And, whenever any such goods, being thus colored, printed, stained, dyed, stamped, or painted, shall be entered at the custom-house for exportation and drawback, the same shall be so entered in the original package, marked as aforesaid, and not otherwise, unless the person so entering the same shall give satisfactory evidence to the collector or naval officer, or one of them, that such original package has been lost or destroyed by accident; and no such application for drawback shall be made, except on the contents of entire packages; and, upon application for such entry and drawback, the contents of the packages, so offered, shall be examined by an inspector of the customs, and measured or weighed, and compared with the original entry, registry, and samples, and if, upon such comparison and full examination, the collector shall be satisfied that the contents of each package are the same identical goods imported and registered as aforesaid, and not changed or altered, except by being colored, printed, stained, dyed, stamped, or painted, as aforesaid, then the person, so entering such goods, shall be admitted to the oath prescribed by law, to be used in cases of application for exportation of the goods for the benefit of drawback, and shall, thereupon, be entitled to drawback as in other cases: *Provided*, That the exporter shall, in every other particular, comply with the regulations and formalities, heretofore established, for entries of goods for exportation with the benefit of drawback. And, if any person shall present, for exportation and drawback, any colored, printed, stained, dyed, stamped, or painted silk or nankeen cloths, knowing the same not to be entitled to drawback, according to the provisions of this act, or shall wilfully misrepresent or conceal the contents or quality of any package as aforesaid, the said goods, so presented or entered for drawback, shall be forfeited, and may be seized by the collector, and proceeded with, and the forfeiture distributed, as in other cases."

Mr. WEBSTER stated the existence of several other establishments, of a similar nature to that in New York, to which the amendment will apply.

Mr. WICKLIFFE objected to the amendment, as being an extension of the drawback system. He thought such an extension dangerous, as opening a door to frauds and corruption in the collection of duties, &c.

Mr. SHARPE replied to Mr. WICKLIFFE, and showed that the danger of fraud, in this case, was very small, as no American silk was manufactured, &c.

Mr. MARVIN moved to amend the amendment in the second line, by striking out the words "nankeen cloths," to which he objected, because it extended protection to a foreign fabric of cotton, while we had cotton factories at home to manufacture it.

Mr. WEBSTER replied. This kind of goods came into the country now, and all the question was, whether their value should be increased by the industry of our citizens previous to its re-exportation. He did not know, however, that the article of nankeens was made in this country.

Mr. McLANE, of Delaware, advocated the amendment of Mr. WEBSTER, generally, on the principles of the drawback system, which he wished to see extended as far as possible. He objected to the amendment now proposed by the gentleman from New York, (Mr. MARVIN.) This useful factory took nankeens that were stained, and restored them to their original color, and therewith restored their value, and even increased it, &c.

Mr. MERCER agreed with the gentleman last up. Nankeens were already entitled to drawback, and although the drawback system presented to exporters a temptation to fraud, he thought the guards proposed by the amendment were fully sufficient to prevent any successful attempt at it.

Mr. MARVIN repeated his objection to protecting, by bounties, a foreign cotton fabric. Nankeens he understood to be an uncolored cotton cloth.

Mr. WEBSTER replied. Nankeens, he said, are now imported blue, as well as plain. The effect of the proposed amendment would be, to bring them all into this country *white*, and to have them dyed here before exportation, &c.

Mr. TOD inquired if any establishments in this country were now engaged in the dying of nankeens?

Mr. WEBSTER replied that he could not say he knew of any now thus engaged, but he understood they were preparing to engage in this branch of business.

Mr. TOD observed that the memorialists did not mention nankeens in their petitions, and the granting a drawback on the re-exportation of that article might lead to the sending to India for cottons, and thus operate against both the manufactures and agriculture of the country.

Mr. CAMBRELENG, in reply to Mr. TOD and Mr. MARVIN, argued that this amendment, in respect to nankeens, would have the effect to take out of our market so much of an article, which, while in the home market, competed with our own cotton fabrics.

Mr. MERCER enforced his former remarks by some further observations.

Mr. WEBSTER stated, that, since he last spoke, just now, he had learned that immense quantities of nankeens were now dyed at the factory near New York.

Mr. MALLARY opposed the amendment of Mr. MARVIN, and urged arguments to show that the home cotton factories could not be injured by the motion of Mr. WEBSTER, and the branch of dying (in which our manufacturers were chiefly deficient) would receive, by the effect of it, an improvement it was much in want of.

The question was then taken on the amendment of Mr. MARVIN, and it was negatived.

Mr. SANDFORD, of Tennessee, objected to the amendment of Mr. WEBSTER, as being likely to injure the revenue. He thought the practice of coloring, or staining goods, ought not to be thus encouraged, &c.

Mr. FORSYTH moved to amend the amendment in the 1st and 2d lines, so as to read, "a draw-

back of 75 per cent.," instead of "the drawback allowed by law." He stated his object to be to make the drawback on this article to correspond with that laid by the bill on other articles of this description.

Mr. FOOT, of Connecticut, made a few explanatory remarks.

Mr. WEBSTER explained the operation of the amendment, and the provisions of the 6th section of the bill, which operated only on tallow; and Mr. MERCER also made a few observations on the subject.

Mr. FORSYTH replied; as a new system of duties was about to be adopted, he said, a new system of drawbacks should also be adopted. He thought 25 per cent. not too much, as a remuneration to the United States Government for the troublesome mode of preventing frauds in relation to this drawback.

Mr. FOOT moved an amendment, to place European and East India silks upon an equal footing; which he introduced with a few remarks, to express his opinion that the silks from France and Italy should not be put on a different footing from those of India.

Mr. WEBSTER explained. The French and Italian silks were usually dyed. The French, especially, surpassed all nations in dying that article.

Mr. TEST objected to the amendment in a few remarks; and then,

The question being taken on the amendment offered by Mr. FOOT, it was rejected.

The question recurring on the original motion of Mr. WEBSTER,

Mr. BUCHANAN expressed his wish for further light on the subject to which the amendment applied. He thought the system of drawback sufficiently tried, to justify the proposed extension of it. At present it extends only to fish, spirits, and fine sugar. He thought the introduction of nankeens of the East, would interfere with our own cotton factories, as this bill placed the Chinese manufactures on the same footing with our own, in the foreign market. The commerce with China, he said, was a ruinous one; and this amendment went to encourage it, and to discourage our trade to France, which was a profitable one.

Mr. WEBSTER replied. This, he said, was only a transit trade; we encourage our merchants to go to China, buy their silks, and carry them to South America. The only part of the China trade which was unprofitable, was that in articles consumed in this country.

Mr. BUCHANAN rejoined. He objected to the amendment, as complicating the system of drawback. He repeated his argument respecting its effect to encourage foreign manufactures, which, he said, had not been answered. He admitted, that the silks imported, went out again; but, why encourage their introduction from China, in preference to those from France.

Mr. COBB was greatly indebted to the gentleman from Pennsylvania, last up, for his care of the cotton-growing interests; but, he should thank him much more, if he would consent to let them

alone. For his own part, he said, when the friends of the bill talked of extending protection to the cotton growers, he felt much like the Irish recruit who was forced to volunteer. He objected to the amendment as granting an encouragement that was not needed; he had no idea of taking money out of the Treasury to put it in the pocket of those who were already doing so good a business, &c.

Mr. FULLER replied to Mr. BUCHANAN. The coloring of stained nankeens put them into a form to be exported, instead of being consumed at home, to the prejudice of the domestic manufacture. He agreed in the opinion, that no discrimination ought to be made between French and China silks. He argued, however, that the home consumption would not be affected, nor the cotton manufacturer be injured by the proposed amendment. He made some observations on the French trade, to show that it was not so profitable as the gentleman from Pennsylvania seemed to suppose.

Mr. SHARPE replied to the gentleman from Georgia, (Mr. COBB.) All that was asked by the silk dyers, he said, was, that, after they had expended their labor on the article, stained and defaced in transportation, they should be allowed the same drawback upon it, as, under the present law, would be allowed on it, if brought in a perfect state, and exported without any labor at all. Let us try the extension of this drawback system on a moderate scale, and it may be hereafter abolished or extended, as might be advisable.

Mr. MALLARY replied to Mr. COBB, and advocated the amendment on principles of equality. It was no more than just, he said, that the benefit of this branch of labor should be enjoyed by the dyers, as well as the agricultural labor by the cotton grower. He replied to Mr. BUCHANAN, and advocated the propriety of making an experiment, in gradually extending the drawback system, so as to aid in the protection of manufactures.

Mr. POINSETT advocated the amendment. Its operation would be to enable our merchants to carry the goods of China to the South American market, and otherwise, the merchants of Britain and France would have the whole trade to themselves. It would not injure our manufactures, while it would encourage our commerce.

Mr. BUCHANAN replied, and stated an illustration from the case of hemp and calico; the dyed nankeen of India, he said, displaced our cottons in the South American markets.

Mr. POINSETT, in reply, stated, from thorough personal acquaintance with South America, that the people of that country were of fixed habits, as much so as the Chinese themselves. They would go on in their old path and none other. They will not take our cottons, but will have nankeens, as they have been accustomed to; and if we do not carry them there the French and English will.

Mr. SANDFORD repeated and enlarged upon his objections to the amendment, on the grounds of its opening a door to frauds, &c.

Mr. WEBSTER made a few more observations; and

The question being taken, the amendment of Mr. WEBSTER was agreed to, without a division.

Mr. TOD moved to amend the bill in the 238th line by striking out "three," and, in the 241st line, striking out "two;" and inserting in both places "five;" so as to make the clauses read:

"On all wares of cut glass, not specified, five cents per pound, and, in addition thereto, an ad valorem duty of thirty per centum;

"On all other articles of glass, five cents per pound, and, in addition thereto, an ad valorem duty of twenty per centum."

Mr. TOD explained the reason of this amendment to be, the striking out the third section of the bill, which met the British bounty by a proportional increase of duty.

Mr. FOOT, of Connecticut, asked why an ad valorem duty was added to a specific duty on glass.

Mr. TOD explained.—The necessity arose from the modes pursued by the English exporters of glass to introduce their article into this country, without paying the duties, &c.

Mr. FORSYTH stated that no bounty is granted by the British Government on glass, and therefore the argument from the third section does not apply. Much of our glass comes from France; and to this the third section would not apply, even if it still remained in the bill. Mr. F. made some remarks, incidentally, on the slight notice which was taken of any motion or any fact proceeding from those members of the House who are not manufacturers, or are not avowed friends of the bill.

Mr. TOD replied.—The glass imported from France was to a small amount, (not more in the last year than \$10,000.)

Mr. MERCER expressed his astonishment, that, after all that had passed on the bill, the honorable Chairman should persevere in saying that there existed a bounty on glass in England. Mr. M. said he had before denied the existence of such a bounty; and he now rose to verify the statement. Here Mr. M. quoted the excise paid on several materials used in certain kinds of glass; and all that was done by Government is to allow a drawback on this excise when the glass is exported.

Mr. P. P. BARBOUR objected to adding a duty on all glass imported, in order to countervail drawback or bounty on British glass. If the addition was sufficient to meet the latter, it must be enormous on the poorer kinds brought from elsewhere. But there was no positive bounty, but only a drawback in Britain, on manufactures of glass. He insisted on the wide difference between bounty and drawback, &c.

Mr. TOD replied to Mr. MERCER, who always, he said, came prepared with authorities, chapter and verse, to refer to; and who often gave valuable information on subjects in question, and on subjects not in question. Mr. T., nevertheless, insisted there was a bounty on English glass; it might be called by what name the gentleman thought fit; it was as much a bounty as that on cotton bagging, which the gentlemen all argued to be a bounty, and on that very ground the third section of the bill was stricken out. The amount granted

on bagging is in the English books called a drawback, as that on glass is; and Mr. T. produced an invoice in which bounty is charged.

Mr. MERCER rejoined—and reiterated his argument to show that the encouragement in England was a drawback, and not a bounty; and therefore the policy which might apply to a system of bounties for encouragement had no application to the present case, &c.

Mr. CAMBRELENG stated the facts of the English allowance, and insisted that, whether it is called bounty or drawback, it equally operated on the price of the article as bought by us. He thought the duty rather high, but should only oppose it as applied to plain glass.

Mr. FORSYTH referred to the Commercial Digest, to prove that the allowance is drawback, and not bounty. He remarked, in reply to Mr. TOD, on the third section of the bill, and on the capacity in this country to compete with other countries in the manufacturing of glass. The glass imported into the United States, from other countries, from Germany alone, was more than that from England, Ireland, and Scotland put together.

Mr. TOD asked, in reply, why the gentlemen had urged the striking out of the third section? they certainly then considered the allowance of drawback as bounty. He still insisted that it was so, and he referred to the invoice he had before produced, and called for the reading of a petition of certain glass manufacturers, &c.

A good deal of smart repartee passed between Mr. TOD and Mr. MERCER, in relation to their stock of authorities, &c.

Mr. CULPEPER moved that the Committee rise. The motion was negatived—ayes 82, noes 92.

The debate was now renewed, and Messrs. FOOT, of Connecticut, CAMBRELENG, and TOD, made some observations; when

Mr. CAMBRELENG called for a division of the question so as to take it first on the first part of the amendment now proposed.

The question being taken, accordingly, on the first clause of the amendment, as it is above stated, the vote was:—For the amendment 86, against it 87.

So the amendment was rejected—and then the Committee rose.

FRIDAY, March 26.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to which were referred bills of the Senate of the following titles, viz: "An act confirming the claims of the heirs of Nicholas Baudin and the heirs of Joseph Chastang, to certain tracts of land;" "An act confirming the claim of Peter H. Hobart and Lewis Judson to a certain tract of land;" and "An act releasing to John McAlister, or the legal representatives of John Forbes, a certain tract of land," reported, as the opinion of the committee, that the said bills ought not to pass.

The said bills were committed to a Committee of the Whole.

Mr. LITTLE, from the Committee on Pensions

and Revolutionary Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Walter S. Chandler and Samuel Ward," made a report thereon, adverse to the passage of the said bill, and it was committed to a Committee of the Whole.

On motion of Mr. COOK, the Committee on Roads and Canals were instructed to inquire into the expediency of vesting in the State of Illinois, for the purpose of defraying the expense of opening a canal between the waters of the Illinois river and Lake Michigan, the land that has been reserved from sale by Congress, bordering on the proposed canal.

On motion of Mr. METCALFE, the Committee on Indian Affairs were instructed to complete the inquiry which was commenced at the last session, (and reported upon in part,) into the execution of an act, entitled "An act to abolish the Indian trading establishments;" and, also, to inquire what was the general average per centum over and above the prime cost and carriage, for which the articles of merchandise were sold by the factory agents, before the passage of the law aforesaid; the amount of money which ought to have been returned to the Government upon the abolition of the establishment; the amount which has actually been paid into the Treasury, together with that which has been secured to be so paid under the provisions of the law for abolishing the said establishment; and if, by contrasting the said sums, a balance shall be found to be due to the Government, what mode can be devised to recover the same from the person or persons withholding it.

The bill from the Senate, entitled "An act for the relief of Captain Thomas Staniford," was referred to the Committee of Claims.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making appropriations for the support of Government for the year 1824," with amendments; in which they ask the concurrence of this House.

The amendments were read, and committed to a Committee of the whole House to-morrow.

Mr. COBB moved to discharge the Committee of Ways and Means from the consideration of the President's Message in relation to the claims of D. D. Tompkins, and that it be referred to a select committee. He prefaced his motion with a few remarks, to show that the standing committee had not time for a proper investigation of the subject. The motion was supported by Mr. McLANE, chairman of the Committee of Ways and Means, but, on suggestion of Mr. WEBSTER, it was withdrawn for the present.

JOHN B. HOGAN.

Mr. HAMILTON, from the Military Committee, to whom was recommitted the bill from the Senate to repeal the "act for the relief of John B. Hogan," reported an amendment thereto.

At the request of Mr. COBB, Mr. HAMILTON explained the circumstances in relation to the case of Mr. Hogan.

Mr. MCCOY further remarked on the facts of the case, and a conversation ensued upon it be-

tween Messrs. HAMILTON, SHARPE, COBB, OWEN, and CULPEPER.

[Mr. Hogan, it appears, was a paymaster in the Seminole war, who paid about \$20,000 to a corps of gunmen, whom he considered as volunteers, but who, by the construction of the law by the War Department, were declared not to be such. The amendment now reported to the bill, goes to allow him credit for this amount. It was objected to, as sanctioning a dangerous principle, and setting a precedent which, if followed up, would cover all disbursements made *bona fide* but without law.]

Mr. CULPEPER moved to lay the amendment on the table. Not carried.

The amendment was finally agreed to, and the bill, as amended, was ordered to be engrossed for a third reading to-morrow.

THE TARIFF BILL.

The House then went into Committee of the Whole on the state of the Union, on the bill to amend the several acts laying duties on imports, Mr. CONDUCT in the Chair.

The question being on the motion of Mr. TON, to raise the duty on "all articles of glass not specified," from two cents to five cents per pound—

Mr. CAMBRELENG made some observations in opposition to this amendment, as laying an enormous duty on plain glass. The question being taken, it was not agreed to.

Mr. ELLIS, of Pennsylvania, moved to amend the bill, by inserting in it the following clause: "On square iron-wire, used in the manufacture of umbrellas, a duty of twelve and a half per cent. ad valorem."

Mr. E. stated the circumstances of this branch of manufacture, which at present is not made in the United States. The making of umbrellas had greatly increased in the United States, and they were exported to a large amount. Those engaged in it were desirous of adding this branch to their business; but, under the existing duty of 40 per cent. ad valorem, it was impossible.

Mr. SHARPE, of New York, supported the amendment, and confirmed Mr. ELLIS's statement of facts on the subject.

Mr. CASSEY, of New Jersey, stated that he had presented a petition on this subject, which he desired to be read.

Mr. MILLER, of Pennsylvania, moved to amend the amendment, by striking out the word "iron," as many articles of this description were made of copper wire.

Mr. ELLIS accepted this modification of his motion.

Mr. FLOYD stated some facts in relation to a former petition of the umbrella manufacturers, and its effects.

The question was then taken, and the amendment was carried—ayes 75, noes 42.

Mr. ISACKS, of Tennessee, moved to strike out the proviso, from the 33d to the 42d line, inclusive which is in the following words:

"Provided, That all cotton cloths whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China,

the original cost of which, at the place whence imported, with the addition of twenty per centum if imported from the Cape of Good Hope, or any place beyond it, and of ten per centum if imported from any other place, shall be less than thirty-five cents per square yard, shall, with such addition, be taken and deemed to have cost thirty-five cents per square yard, and shall be charged with duty accordingly."

Mr. ISACKS stated that his object was to take away from the bill the proposed minimum on cotton goods. Mr. I. quoted statements, in figures, to show the amount of duties in 1823, paid on different species of cotton goods, &c., to show the reasonableness of his proposition, &c. He did not conceive this further encouragement on the cotton manufacture necessary; moreover, because, if he was correctly informed, the manufacturers neither wished nor needed it, that portion of the capital and industry of the country employed in it, being more productive than almost any other.

Mr. P. P. BARBOUR then rose, and said that, having determined, at some period of the discussion, to present his views of the general principles involved in the bill under consideration, and believing that the present motion afforded an opportunity to do so, he would, with the indulgence of the Committee avail himself of it.

No subject, said Mr. B., of a more important character than this, has occupied the attention of the National Legislature, during its present session. This is the third time that it has been brought upon the tapis, during my short political life; it has not only been debated again and again in this and the other House, but the press has teemed with pamphlets and newspaper publications in relation to it. It is not a question, as was said on another occasion during this session, of political metaphysics, but of severe practical taxation; one which comes home to the sensibility of the pocket nerve. In opposing this bill, I feel that I am defending the cause, not of my own immediate constituents only, but of the whole commonwealth of Virginia, of which they compose a part; not of them only, but of the whole South; not of them only, but of other parts of this Confederacy, against the injurious effects, which, in my opinion, this would produce upon their great and essential interests. I wish, sir, that a cause so great, had an abler advocate; but I shall, to the utmost extent of my ability, endeavor to present the subject in its true light; should I not succeed, whilst I shall have the consolation of knowing that I have done my duty, I shall feel, that my defeat was not ascribable to the weakness of my position, but to the inadequate manner in which it was defended.

The bill has been presented to us in various phases; some gentlemen say, it is a measure to increase the revenue, some tell us it is to encourage agriculture, whilst others sustain it on the ground, that it will afford encouragement to the manufactures of the country. It would indeed be as rare, as it would be valuable, if it could accomplish all these objects; to harmonize these conflicting principles, is just as impossible, as it would be for a person who stood at a medial point between two given objects, to approach the one, without reced-

ing from the other; and I fear, sir, that it would turn out to be in legislation, what certain specifics come to be in medicine; published to the world as a cure for almost every disease, they prove to be an effectual remedy for none. Without further remark, I pass directly to the discussion.

I would not vote for this bill, sir, even if it could be placed upon the grounds, which would be confessedly most advantageous for its advocates—that is, even if it were a bill designed to raise revenue, and if such would be its effect. I would not do it, for this obvious reason, that the exigencies of the Treasury do not call for an increase of revenue.

In proof of this, I beg leave to present to the Committee, a brief view of our financial situation, as exhibited in official documents, giving an exposition in detail. The present condition of the Treasury is such, as to enable us, by anticipation, to purchase our 7 per cent. stock during the current year, which would not become due till the next. The 3 per cent. stock, amounting to \$13,296,099 06, no gentleman would think of paying at par, and consequently it would only be purchased upon such terms as might be agreed upon, between the Government and stockholders. The \$7,000,000 due to the Bank of the United States, may be considered in effect as paid, inasmuch as we own stock to an equal amount, in the bank, the dividends on which are equivalent to the interest which we pay; besides, our debt to the bank is at an interest of only 5 per cent., and therefore falls within the influence of the reasoning applicable to the remaining part of our debt bearing that interest. The residue of the public debt consists of 6 per cent. stock, and 5 per cent. stock; and we have satisfactory reason to believe that a considerable part of the six per cent. stock, can be commuted into a five per cent. Let me add, that gentlemen mistake, when they say that a large share of this debt will successively fall due in the years 1826, 1827, and 1828. Although, in those years, large sums are redeemable, that is, we may pay them, if we choose, yet we are under no obligation to pay them; and it is estimated that, with the exception of the Bank debt, and the three per cent. stock, the existing revenue of the Government will be competent to redeem our whole public debt in the year 1835, a period of eleven years from the present. Now, sir, although I am one of the last men in the world who would subscribe to the doctrine that a public debt is a public blessing, but on the contrary, consider it an evil, and am desirous of paying it, yet, in doing so, I would exercise discretion, I would practise moderation. As a guardian of public interest, I would act, in relation to their debts, as I would in relation to my own; I would not suffer a solicitude to pay a debt not coercible, to induce me to sell property at a sacrifice, or to borrow money at a higher rate of interest, than that of the debt to be paid with it. Let us for a moment apply these plain principles to our situation: there is no part of the debt bearing a higher interest than six per cent.; and there is no part of the United States, it is believed, where the legal rate of interest is less; but as far as the six per cent. stock could be commuted for

a five per cent. stock, and to the whole amount of the five per cent. if we were to draw additional revenue from the people to pay it, it would create an increased pressure upon them, at a time certainly not favorable for the purpose of paying with money worth six per cent., a debt on which we should only pay an interest of five per cent. This would be actually a loss, and even as to six per cent. stock, no gain. I would in this regard, then, adopt the maxim of the celebrated English Minister Burleigh: That it is not desirable to see the Treasury swollen like a disordered spleen, whilst the nation was in a consumption. I would act upon the principle of his mistress, Queen Elizabeth, that at present, beyond the existing revenue, the money is better in the pockets of our people, than in our exchequer, or, I will add, in the pockets of our public creditors.

As far, sir, as this bill is designed to give encouragement to manufactures, or even, if you please, to national industry in general, I would vote against it, for another strong, and, in my estimation, decisive reason. And here, Mr. Chairman, though I am about to derive an argument from the Constitution, I trust that I shall not press upon the confines of political metaphysics. The Constitution gives to Congress the power to lay and collect taxes, duties, imposts, and excises. This bill proposes to lay and collect duties, and, therefore, I shall not undertake to say that it is a violation of the letter of the Constitution. But this I do mean to contend, and I think I shall be able to prove, with as high an approximation to demonstration as moral evidence is capable of, that this bill does violate the spirit of the Constitution. The power to impose taxes, duties, &c., it will not be denied by any gentleman, was given to us for the purpose of raising revenue, which revenue is to be applied to the ends pointed out in the Constitution. Now, sir, as far as, by this bill, it is proposed to encourage manufactures, or any other department of industry, we shall be using this power, not only not for the purpose for which it was given, but for another and a different one, and, as I shall attempt to prove, one which will defeat that for which the power was given; and then this question presents itself, whether we do not, in effect, transcend the limits of our legitimate authority as much by the exercise of a granted power for a purpose for which it was not granted, as by the exercise of a power not granted? I answer, that we do. As no general reasoning strikes the mind as forcibly as examples, I will illustrate my proposition by putting some analogous cases. Congress has power to borrow money. Let us suppose that the capitalists of this country were, by petition to this House, to complain that, in consequence of the general languor of the commerce of the world, they could find no longer any mercantile investment of their capital which would yield them any tolerable profit, or, if you please, any profit at all, and, therefore, they called upon us to borrow of them some millions of money, at any given rate of interest. Let us suppose our finances to be in such a situation as not to need it, and yet, to save these

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capitalists from sinking, we accepted their proposition under our power to borrow money.

Let us suppose that Congress, impressed with a belief that the importation of certain articles of luxury was injurious either to the wealth, the morals, or the simplicity of the manners of our people, with a view to arrest the importation of such articles, imposed very high duties, not at all with a view to revenue, but for the avowed purpose of prohibition, and high enough to produce that effect; and that this was done under the power to lay duties and excises, by which, in effect, we should pass sumptuary laws.

Congress has power to provide and maintain a navy. Let us suppose that, upon the termination of the European war, by the peace of 1814, our navigating interest had represented that, during that war, we, by the circumstance of our neutral character, had, for a series of years, the carrying trade for the belligerents; that we had thereby profited at the rate of \$15,000,000 per annum, at which, I believe, the carrying trade is estimated in Seybert's Statistics; that, by means of the peace, thousands in our mercantile marine were thrown out of employment; and let us suppose that, though the extent of our Navy did not require it, we yet employed many of these persons with a view to give them employment, under our power to provide and maintain a navy. I could go on sir, multiplying examples of this kind, with much more ease than they could be answered. These are sufficient for my purpose. In each of the cases which I have here put, it might be affirmed, with just as much propriety as in the present, that we were exercising powers which were clearly given; yet, every man would admit that we were abusing those powers. And why, sir? For the simple reason that we were using them for purposes for which they were not granted; and let me ask, sir, whether the same objection does not apply here? If, as must be admitted, the power to lay duties were given solely to raise revenue, surely when we apply that power not for that purpose, but for another, and that, too, which defeats the legitimate one, we are exercising that power for a purpose for which it was not granted. Sir, I have no apprehension of these things at present, whilst our virtue, intelligence, and patriotism continue; but, as any one man cannot hope to escape that mortality which is the lot of his species, so neither can any Government expect wholly to avoid those evil times which history teaches us have befallen all the Governments of the earth. When we shall fall upon such times, what now is precedent, will then become principle; and, "by the same example, many an error will rush into the State." They can look back, and find, in the best periods of the Republic, precedents for applying a power for a different purpose from that for which it was given, and thus the whole Constitution may be made to swing from its moorings.

Mr. Chairman, I would not vote for this bill for another reason, which I regret to be under the necessity of mentioning. I regret it, because it has reference to the difference in the local interests

of this mighty Confederacy, and I would be one of the last men in the world who would excite any thing like jealousy, or even sensibility, amongst its constituent parts; but I should feel that I should be wanting in my duty to my constituents, if I did not present this view to the Committee. It has been seen that one object of this bill, and no one will deny but that it is a leading object, is to foster domestic manufactures. This encouragement, sir, from the force of circumstances, and the nature of things, must operate in favor of some parts of the Union, to the exclusion of others. Cast your eye over the map of the United States; look at its geographical situation, and estimate duly the considerations which I am now about to submit. In some portions of this country, there is a large accumulation of capital, the fruit of foreign commerce. In others, there is a great comparative deficiency of capital. In some parts, there is for this Western world a dense population; in others, it is sparse. Thus, take Connecticut and Virginia as the subjects of comparison. By the census of 1810, Connecticut had about 56 to the square mile; Virginia about 14. In some parts, there is free labor; in others, there is only slave labor. Now, sir, let me ask, what hope is there, in the career of competition, between two sections of country, in one of which there is a combination of the three great advantages of large capital, dense population, and free labor; and in the other of which there is a combination of the three great disadvantages of a deficient capital, sparse population, and slave labor? The question needs only to be stated to be answered. It would indeed be the race between the tortoise and the hare; the last must stop, or never be overtaken. Now, sir, it certainly was the intention, in forming this Government, that the different States should, as far as circumstances would permit, participate equally in its burdens and benefits. And hence, the provision, that direct taxes should be apportioned to numbers; that other taxes should be uniform; that no regulation of commerce should give a preference to the ports of one State over those of another, &c. But, sir, the balance is equally disturbed, whether a weight is taken out of one scale, or put into another. If, in the exercise of a power for the purpose for which it was given, one State suffers less burden, or receives more benefit, than others, we must submit to the consequence; but, when a power is to be exercised for a purpose for which it was not given, and this consequence is to follow, then we have just cause of complaint.

I come now, sir, to consider this bill in the different lights in which it has been presented by its advocates, and to examine the several grounds on which they have rested its defence.

In the first place, it is said that the bill will increase the revenue. I think I shall be able to show, that it will have a directly contrary effect; that diminution of revenue, not increase, will be a necessary consequence of its passage. It is conceded, on all hands, that the inevitable effect, in the first instance, will be to increase the price of the goods imported; this can be denied by no

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man. This being the case, the amount of the produce exported from the country, whatever it may be, will furnish fewer commodities than it did before, unless gentlemen are prepared to maintain the proposition that the same sum of money will purchase as much, at a higher price, as it would do at a lower one. The quantity of goods imported then, must be diminished; the only possible ground on which it can be contended that the revenue will not be diminished, is, that the increase of duty on the goods which will be imported, will be equal to the loss of the former duty upon such goods as shall cease to be imported. It is impossible to say, what will be the precise extent of the diminution of importation; but we may resort to some data which will constitute the basis of a reasonable calculation. It may be, that articles of mere luxury, which are consumed only by the wealthy, may, at the advanced price, yet be imported, as before; articles of downright necessity will be so imported; but there is a large description of articles which, though they may be convenient, and may contribute to increase the stock of comfort, may be dispensed with. This latter kind of article is used by that great class of our people, constituting a decided majority of the nation, who are either poor, or in the various gradations of property, from poverty towards wealth, but falling entirely short of that point. Now, sir, it is in this kind of imported goods, and in this part of our population, that I think it fair to infer, that a very great diminution will take place, and considerably more than will countervail any advantage to be expected from the increased duty upon goods which will continue to be imported. Thus, sir, the goods imported in the year 1822, paying an ad valorem duty of 25 per cent. amounted to \$21,701,040; more than one-fourth part of the whole imports of the year. It is known, that all the goods paying this rate of ad valorem duty, are those of which wool and cotton are the materials. How large a portion of the coarse kind of these goods is used by our poorer people, and by the wealthier for their slaves? And yet, these articles can, and most of them probably will, be manufactured in household establishments, rather than pay the high duties imposed by this bill; especially such as plains or negro cloths, which, from the statement appended to the New York memorial, would, upon the minimum in the tariff, and at the rate of duty after June, 1825, pay from 104 to 130 per cent. But, if I should even mistake in this, it is clear, beyond all question, that the progressive and ultimate effect would be a diminution of revenue. The very object which gentlemen have in view, is, by high duties, to exclude foreign articles from coming into competition with those of a domestic manufacture. If this consequence were not to follow, the whole policy of the bill would fail; the manufacturers would not receive the encouragement intended, and the consumer would, unnecessarily, as well as unjustly, be encumbered with higher prices. But, supposing the operation of the bill to be, what it certainly will be, that, in consequence of the protection afforded, the domestic manufactures will progressively displace the

foreign, and be consumed in their place. Then, it is palpable, that in exact proportion as this takes place, foreign goods will cease to be imported, and, consequently, the revenue will be correspondingly diminished; and, finally, whenever the time should arrive, that the consumption of domestic manufactures should entirely take the place of foreign, there would be a total stop to all imports, because there would be an end to importation. But the revenue lost, must be supplied, and I beg leave to inquire how, and by whom? We have been told, that manufacturers themselves, after they shall be firmly established by a system of protecting duties, will be able to supply this deficit. If we were to judge from past experience, this promise holds out but little consolation. In 1816, a duty of 25 per cent. was imposed upon cotton and woollen goods, with a minimum upon coarse cottons, under the expectation that, in three years, these manufactures would reach such maturity that they could sustain themselves, with the aid of a smaller duty. And, accordingly, the act of 1816 declared, that, after June, 1819, it should be reduced to 20 per cent.; but, after continuing the 25 per cent. by a subsequent act, now in the eighth year, so far from being able to do with a lesser duty, we are called upon to increase the duty and create a minimum in relation to wool. Thus, as they grow in years, they seem to decrease in strength; and so far from affording revenue, they cannot exist under a diminution of duty. So far from this, they call aloud for an increase of duty, as necessary to their very existence. No, Mr. Chairman, the deficit must be supplied by a direct tax. The reasoning which could convince Congress that it was right to impose high duties on foreign goods, to aid our manufactures, would be strong enough to prove, that they ought not to be depressed, as their advocates would say, by an excise. And thus the community would be doubly taxed: first, by the high prices which they must pay for domestic manufactures, in consequence of the foreign being excluded by our duties; and, secondly, by the tax which must be paid to supply the deficiency in the revenue, produced by the same exclusion of foreign goods. Whereas, had foreign goods been not excluded, they would have purchased them at a cheaper price than the domestic, and have saved that difference in price. And even of the price that they would have paid for them, a part would, in the shape of impost duty, have gone into the Treasury, and thus there would be no deficiency to supply, by them, in the shape of direct taxation. But, to give the gentlemen all they ask for, let us suppose that an excise could be imposed upon domestic manufactures, what, let me ask, have we gained? Surely I need not attempt to prove to the Committee, that the great body of the community who are consumers, would, as such, ultimately pay this tax too. And thus, after losing all the difference between the high price at which we have to buy the domestic articles, and the low price at which we could have bought the foreign, in supplying the deficit in revenue, occasioned by the exclusion of the foreign, we have the high privilege of being taxed with

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excise, instead of imposts. The loss to us, in this arrangement, I can easily perceive, but the gain I cannot, unless it be the gain of a more disagreeable, instead of a more agreeable mode of taxation.

Mr. Chairman, are the people of this country prepared, in time of peace, for a direct tax, and for an excise, or for either?

Sir, we know, from actual experience, that they are both more expensive in collection, and that the direct tax being by numbers amongst the States, is unequal in its operation; we know that they are more inconvenient, and that the direct tax subjects us to the intrusive visit of the tax-gatherer, whilst the impost is included in the articles which we purchase, and that its payment is an act of volition. In relation to excise, though England raised, according to Mr. Lowe, 27,000,000 sterling, equal to \$120,000,000, by excise, in 1823, though there are now twenty-five different articles subject to excise in that oppressed kingdom, yet, sir, we know that an attempt to impose an excise on tobacco, in the reign of George II., was considered by some of her best patriots as dangerous to the constitution; that its defeat was celebrated with rejoicings; that Walpole, the Minister who proposed it, was burned in effigy; and that he abandoned it, because he thought it could not be carried into execution without an armed force. True it is, sir, that the people of England are now obliged to bear it in multiplied forms; I thank God that it is not our condition, and I hope never will be. But gentlemen say that this bill will increase the wealth of the nation; I readily admit that it will increase the profits, and, consequently, the wealth of the capitalists, whose capital is invested in manufactures; I admit, also, that these establishments may afford some advantage, to a few hundreds, perhaps thousands of persons, who reside contiguously to them; but I utterly deny that it will increase the aggregate wealth of the nation. And here, Mr. Chairman, though I fear it may be somewhat unpalatable, I must beg leave to introduce some principles of political economy.

The sum of my doctrines, on this subject, is this: that the wealth of a nation is an aggregate of the wealth of the individuals who compose it; this is as plain a principle as that the whole is made up of its parts. That there is an instinct implanted in man, the master-spring of his actions, which, through life, impels him to a perpetual endeavor to better his condition; that this principle, acting alike upon all, without concert, and without even looking to the public interest, every man in society is constantly endeavoring to increase his portion of wealth, and, consequently, every man is laboring to add to the stock of public wealth—an increase of a whole being the inevitable result of an increase of all its parts. From these principles, this corollary is deduced; that Government should never interfere but in matters of State; that, in relation to the internal police of a country, it has done all that is required of it, all that it ought to do, when it has secured to its citizens their personal liberty and private property, and an impartial administration of justice; that, as to the

appropriation of his skill, capital, and labor, he ought to be left as free as the air which he breathes, subject to no other limitation, than one which may be expressed in one maxim of the civil law: "So use thy own as not to injure another's." Now, sir, no gentleman will contend that the instinct which I have mentioned, does not prompt every man to desire to improve his condition; upon this point I have the law of nature on my side. Before, then, it can be justified to invoke the aid of Government upon this subject, it is incumbent on those who would do so, to prove that Government knows better how to direct this desire, which all acknowledge to be universal, than the individual citizens themselves. This they cannot do; but, on the contrary, I think it can be clearly shown, not only that Government does not know better, but that it does not know so well; nay, that, in the nature of things, it is, and must be, wholly incompetent to the task. As gentlemen will probably reject the authority of books, I will resort to other proof—to the experience of all who hear me, and, particularly, to our practical experience during this very discussion. Not having the property of the fabled ring of Midas, which converted every thing which it touched into gold, we cannot, by a legislative fiat, create the capital; the only possible remaining method, then, by which it can be contended that the interference of Government can add to the public wealth, is, by increasing the productiveness of capital, by directing it to a more profitable application. Now, sir, I would ask, can any member of this Committee, can the whole Committee united, give me an answer to the following questions? What is the average rate of profit of the great departments of industry, agriculture, manufactures, commerce, and navigation? What is the particular rate of profit in each? What is the particular rate of profit in the different kinds of manufacture, such as iron, wool, cotton, &c? What is the cause of the difference in the profit of different manufacturing establishments engaged in manufacturing the same materials? Does that difference arise from the difference in capital, or in machinery, or in industry, or in skill, or in economy? What is the rate of profit in England in the different kinds of manufactures, which come into competition with ours of the same kind? Is it greater or less than ours; and how much greater or less? What is the precise amount of the advantage or disadvantage produced by the comparative manufacturing facilities in England and the United States? Is it not manifest, that, before we are prepared to settle the various questions arising out of a tariff designed to encourage domestic industry, that we must be able to answer all these questions, and many more of a similar character? And, yet, sir, it must be apparent that these things are not within the scope of human possibility. Now to exemplify: the manufacturers ask for protection; a given sum is proposed as a duty; the commercial interest, as well as the agricultural, allege that the profit of the manufacturer is already larger than theirs. Who amongst us can tell what is the profit

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of either? and, if we cannot, how do we know whether protection is needed? and, if it be, how much? Again, the wool-grower asks a protecting duty to his wool; the manufacturer exclaims that the rate proposed will prostrate his manufacture. What data have we upon which to decide between them.

I could furnish a practical exemplification of our incompetency to this task, drawn from the impossibility of answering each of the questions which I have put. These will illustrate the truth for which I am contending, namely, that the proposed system, as it is without our sphere of action, so it is beyond our means of information. But whilst we are thus without the necessary information, as to all these complicated subjects, each individual in his own immediate and separate pursuit, has, or may have, all the information required, in relation to his business. To individuals, then, let us leave it, with the assurance, that, as they have the desire to give their capital and labor the most profitable direction, so they can much more surely find out that application than we can. If Government interfere, it must be either by turning to manufactures capital not now so invested, or by aiding that which is now so employed. If the reasoning which I have just presented be correct, then as to the new capital, the interference is injurious, because the individual would have so appropriated it, if such appropriation had been the most beneficial. As to the capital already invested in manufactures, if it already produced to its owner an average profit, then nothing could be more unjust than to increase that profit at the expense of the community. If it did not produce the average profit, then it is clear that the same capital would contribute more to the stock of public wealth, if it were applied in some other way. The interference of Government must, then, either be unjust or injurious. But it is said that the community will be compensated by any temporary loss arising from the aid to manufactures, by the ultimate reduction in price, produced by the domestic competition. And, in proof of this, we are triumphantly told of the reduction in the price of coarse cottons. In the first place I would remark that, however the price may be reduced, this very bill proposes to increase the minimum upon coarse cottons; which would seem to show that they yet wanted more protection. But let me ask, if the coarse cottons have fallen in the United States, have they not also fallen in England, and to a price lower than with us? The best proof which gentlemen could give us, would be, to repeal the minimum; a proposition which, I dare say, we shall not hear from them. I do not mean to contend, sir, that domestic competition will not ultimately reduce the price—but our misfortune is this, that the high profits at first resulting from increased duties, allure many persons to embark in the competition with insufficient or small capital, or carry too much capital into that pursuit, and when the reduction in price commences, before it has reached its minimum, and such an one as the foreign article might be bought for, the small capitalists are overpowered in the competition, by the

large ones, and they again cry out to us, Help us, or we sink. This is not fancy, sir, but fact. The Waltham factory asks for no aid; the memorial from Delaware does. It asks for protection to the woollen manufactures, that a part of the redundant capital invested in those of cotton, may flow over into those of wool. Thus, sir, we go on, in a continued circle. Large profits, it seems, allure too much capital to a given pursuit. As soon as by competition those profits begin to decline, and we hope to realize the promise of a minimum price, and thus receive the equivalent for our loss in the intermediate high prices, we are called on to save those who are likely to be crushed in the struggle; that is, we must sustain all our manufacturers against a foreign competition; and we must sustain the smaller capitalist against the domestic competitions.

But, it is said that this system will increase domestic industry. If I have succeeded in showing that it will not increase the public wealth or capital of the nation, then, sir, it is utterly impossible that it can increase the national industry; it is the capital which calls that industry into action, which furnishes its inducement and its reward; and, to say that labor will be increased, whilst the capital of the country is not only not increased, but, as I think I have shown, is diminished, would be as great a solecism in political economy, as to say that population could be increased, whilst the food of the country was diminished; as the food supports population, so capital supports labor. It will certainly divert a portion of labor from one pursuit to another; it will certainly increase the profits of the manufacturing capitalist; but it does not increase the whole stock of the wealth of the nation; it gives only to all the laborers the usual rate of wages, about equal to their maintenance; and that maintenance they might have acquired in some other labor, either for themselves or for others.

It is argued that it will furnish a better and a more steady market to the agriculturists. Let us examine this pretension. The agricultural produce consists either of food, or of the materials of manufacture; so far as it consists of food, there is no increase of consumers; for, as it has been well said in one of the memorials sent to this House, we now feed them all, and we can do no more. The argument, however, proceeds upon the assumption, that a portion of labor now engaged in agriculture, will be transferred to manufactures; and thus, the quantity of agricultural produce being diminished, there will be a better price for the remainder. This is indeed a consoling promise! With countless millions of fertile land yet uncleared, a part of that now in cultivation is to be deserted; then it must remain in a state of waste and desolation, for, whence is to be derived the labor to cultivate it, in lieu of that which has gone to manufactures? Can that system be a sound one, which proposes, not only to arrest our progress in clearing new lands, but even to diminish the area of our present cultivation?

But, after all, what is to be the number of our new consumers? We have no data, on which to

estimate, with any thing like accuracy, the number of persons engaged in manufactures. I speak now of regular manufacturing establishments of articles for sale. The Committee of Commerce and Manufactures, in 1815, reported, that there were then 100,000 persons engaged in the cotton manufacture; probably the whole number employed in the different manufactures, might now be estimated at 200,000; but these ought not to be included in our calculation, as they now consume our food, without the aid of this bill. Let us suppose that the encouragement afforded by this bill, should, in some two or three years, transfer 100,000 persons from agriculture to manufactures. Here we have this number of new consumers to feed. What perceptible advantage, let me ask, will this small number afford to the agriculturist? Particularly, when the same cause that creates this new demand for food increases the price of every article which the agriculturist consumes? Let me illustrate by an example. I will suppose that a bbl. of flour, which before brought five dollars, shall then command six; but the yard of cloth, which before brought five dollars, now costs six, and thus the account is balanced, even upon the favorable supposition, for the advocates of the bill, that this enhancement of price, in agricultural produce, will take place. But we have a much better prospect of new consumers, from our increase of population. Supposing it to have been, in 1820, 10,000,000—as it has been ascertained that we double in a period of about twenty-three years—it will be found that there must be an annual increase of upwards of 400,000 persons. But it is estimated that, in the healthiest countries, one in fifty will annually die. This, upon a capital of 10,000,000, will, annually, be 200,000. To make, then, an actual addition of 400,000, there must, of the children annually born, at least 600,000 survive. Counting, then, from 1820 to 1830, a period of ten years, there would be 6,000,000 of persons, as consumers, not one of whom would be producers, none having yet passed ten years of age. It is true that a number of those born in the preceding period, say from 1810, would be annually coming into the class of laborers, by reaching the age for labor; but, then, it must be remembered that they were the progeny of the capital of population in 1810, which, for round numbers, I will call 7,000,000. And, besides those who are successively, by age, passing beyond the period of labor, one-half of the whole number are to be presumed to be females, who, for the most part, are engaged in household occupations, and not contributing to field labor. Taking, then, into estimate that the stock of those annually coming into the laboring class, was, originally, from a capital of 7,000,000, whilst the number of new consumers was from a capital of 10,000,000; that the new laborers are subject to the deductions which I have mentioned, and the new consumers have to be added to their number, the number necessary to supply the annual deficiency, by death, of 200,000, it will be seen that the number of consumers is constantly increasing in an immense proportion beyond the new pro-

ducers; and hence, gentlemen may perceive that, where population is not checked, the natural course of things is perpetually furnishing a corrective to the complaint of surplus food without a market. Again, by way of quieting gentlemen's apprehensions upon that subject, let me tell them that the whole of the flour exported, during the last year, would scarcely more than feed the whole population of the British Isles for one fortnight.

As far as the agricultural produce consists of materials of manufacture, as we now have a market for all, it would only be an exchange of the foreign for the domestic market. If, for example, we did not purchase the cotton manufactures of Britain, she would not need the material of which that part formerly purchased by us was made; and so of other articles. The effect of gradually displacing foreign commodities, by the use of domestic, would be in proportion to the extent of that exclusion, to cut off the commerce between this and foreign countries; and, with the commerce, our navigation interest would go down, as the one furnishes the necessary measure of the other. These would be the necessary consequences of the favorite doctrine of gentlemen, that we ought to be independent of foreign nations. Now, all commerce implies reciprocal dependence; that is, it implies that each country, carrying it on, has something that the other wants, and which they mutually receive as equivalents. If this be the kind of dependence objected to, then, the independence sought for, implies that there is to be no commerce. When there shall be no foreign commerce, we shall have scarcely any tonnage engaged in foreign trade, in time of peace there being but little carrying trade, except when a general European war should give us that trade for the belligerents; what, then, would become of our 800,000 tons of shipping now engaged in the foreign commerce of the United States?

But fearful apprehensions are entertained from our imports exceeding our exports. The amount of imports, for 1823, was \$77,579,267, and of our exports, \$74,699,030. The excess of imports over exports being apparently near \$3,000,000. But this is only in appearance; for, both imports and exports are estimated at their value at the place of exportation. Now, as we mainly transported all in our own ships, there is nothing to be added to our imports on account of freight; but the value of freight, upon our exports, is to be added, because, having done nearly seven-eighths ourselves, the articles would be sold for as much more, in the foreign market, than they were worth at home, as the freight amounted to; which would more than cover the apparent deficiency. Again, sir, even if the imports did exceed the exports, it does not at all necessarily follow, that we are carrying on an unprofitable commerce. If the imports are used as articles of consumption, then it would be injurious. But, if they are of a character to increase the productive powers of the country, in a subsequent year, then the trade is beneficial, and the excess only operates as a loan to that amount of foreign capital. A practical

exemplification of this truth may be found in the history of the United States previous to the Revolutionary war, when we were constantly in debt to Great Britain, and yet increasing in wealth with unexampled rapidity.

Mr. Chairman, in the discussion of this subject we are always told that, whatever theorists may say, experience proves that great poverty has been the fate of those nations which did not encourage manufactures, and great wealth the lot of those which did; and Spain and England have been uniformly presented as striking examples; the first of poverty, and the second of wealth, which is ascribed to their different policy in this respect. Let us first investigate the causes of the poverty of Spain. Unhappy country! What a contrast it presents to its former self! The time was, when it was the terror of all Europe; when it commanded the resources of Spain proper, the Netherlands, Sicily, Sardinia, Naples, and both the Indies; when, in the great struggle between the rival houses of Bourbon and Austria, the balance of power in Europe was endangered; when Queen Elizabeth, and the whole English nation, trembled at the approach of her invincible Armada. Now, what is her condition? Prostrate, debased, a vassal province to France. Now, indeed, is verified the famous saying of Louis XIV. There are no longer any Pyrenees. And, even in the 19th century, the benighted mind of a part of its population makes them cling to the Inquisition; but his Holiness, the Pope, refuses to comply with their request to re-establish it. Let me assign some of the most prominent causes of this fallen condition. It is owing, in part, to the bigotry of the Government, to the superstition of her people, and to the Catholic religion. Look over the map of Europe, you will find the Catholics much more numerous than the Protestants. And yet how infinite the difference in national industry in favor of the Protestants! What comparison is there between the products of labor of the Flemings, the French, and northern Italians, on the one side; and the Silesians, Saxons, the Prussians, and Englishmen, on the other? In Ireland, we are told, the linen, the only great manufacture, is in the hands of the Protestants. Sir, it is said, the endless holidays in the Catholic religion seriously interfere with labor. The gold and silver of Mexico and South America have been to them a misfortune. While it stimulated the industry of the rest of Europe, it furnished the means to the kings of Spain of carrying on wars of mad ambition, it dazzled the nation with the glare of boundless wealth, and destroyed the elastic spring of industry. Every galleon which crossed the ocean carried with it apparent wealth, but the cause of ultimate poverty. Spain, in her folly, banished from the kingdom the Jews who conducted her commerce; and in the early part of the 17th century a million of Moors, the most industrious of her people in agriculture and manufactures. These exiles carried with them their wealth, their skill, and industry. Examine, sir, the structure of her Government, and her internal regulations. Her king, her nobles, her clergy, under papal bondage;

the people without education; the two orders of nobility and clergy, with one third of the land of the kingdom locked up in perpetual inalienability. Some idea of the operation of this latter cause may be formed from the experience of the French revolution. There, too, a third of the land of the kingdom was in the hands of the privileged orders, and inalienable. The French revolution, though it produced some tremendous shocks, has left some valuable monuments to its memory. The national domain was confiscated and sold, and millions of people, in consequence, became the owners of the soil. Who can doubt that but for this, upon the restoration of the Bourbon dynasty, all the former abuses, and the whole ancient regime, would have been restored with them? To return to Spain. The taxes of the kingdom, the most oppressive in their manner of being laid and collected, and almost the whole borne by the people; while the privileged orders were exempt, or nearly so! Take a particular tax upon the sale of commodities repeated at every new sale, insomuch that an article, in its various transfers, has been taxed ten, ay, twelve different times. Consider the monstrous and absurd practice grown into a prescriptive right in favor of the privileged orders, called the Mesta, by which they are at liberty, at will, to have thousands and myriads of sheep driven through the different provinces for the benefit of pasturage; the most defective administration of justice, perhaps, in the civilized world, which we know sooner than any other cause, to destroy all credit in the transactions of men. Its agriculture, sir, is at as low an ebb as its manufactures, and it is ascribable to the same causes. These, sir, are the outlines of the picture of Spain. The effect of all these causes is, in a great degree, to destroy that master-spring of human exertion—the certainty that we shall reap the profits of our labor. No man can feel this certainty, who does not enjoy security of person and property. The Spanish people are under the yoke of a political, a regal, and a papal bondage. Look at England herself, while she wore the chains of feudal vassalage, and you will find that the active spirit of industry which now achieves so much, then almost lay dormant. Agriculture, manufactures, and every kind of industry, moved with a sluggish pace. A new era commenced, and all the natural consequences followed.

And this, sir, brings me to examine the examples which England offers to our contemplation. The first view which I shall present on this subject, has reference to the statistics of the two countries. The population of Great Britain and Ireland, according to Lowe, for 1823, was 21,500,000. But, as the statement, in relation to Ireland, was conjectural, and that of Great Britain official, I will take that as the subject of comparison; Great Britain, then, in 1823, had a population of 14,500,000, and 165 to the square mile; dividing the population by the number to the square mile, we find the number of square miles to be less than 90,000; the population of the United States for round numbers, I will state at 10,000,000. If we take the whole territory of the

United States, including the boundless region beyond the Mississippi, it is estimated by Seybert at 2,000,000 square miles, and the population would be a fraction less than 5 to the square mile. Can it, Mr. Chairman, be correct for us, with a territory so large, and a population so thin, to follow the example of Great Britain, with a territory so small and a population so dense? I had thought that examples were to be followed, when circumstances were alike; but here, so far from likeness, the example offered for our imitation presents nothing but striking contrast. For a moment, sir, allow me to reverse the picture, to take the converse of the proposition; suppose that it was formally proposed in the British Parliament, that Great Britain should, by legislative interference, attempt to turn her capital and labor from manufactures to agriculture, and the argument offered should be, that America had prospered by agriculture, what would be thought of such a proposition? The answer would be, that our population, compared to territory, points to manufactures; so here, I say, that our population, compared to territory, points to agriculture; when a population equal to that of Great Britain shall be found in New York and Pennsylvania, which, together, contain a greater territory, manufactures will spring up in the natural course of things.

Before I proceed to examine the various causes which have contributed to the wealth of Great Britain, I beg leave to correct gentlemen as to the fact of manufactures there being more productive than agriculture. Mr. Lowe, in his work, gives us Colquhoun's estimate of the property created in Great Britain and Ireland in 1812, which, upon the whole, he considers as about a fair estimate for 1823. The aggregate of that estimate is £430,000,000; of this, agriculture, in all its branches, including pasture, is put down at £217,000,000; manufactures, in every branch, at £114,000,000; thus, it appears that, including pasture, agriculture produces more than manufactures, and every means of creating property put together; but excluding pasture, estimated at from £80,000,000 to £100,000,000, and taking the largest sum, still agriculture produces a few millions of pounds sterling more than manufactures in every branch. The same book gives us a table of the proportions of population engaged in different pursuits; from this it appears, taking the year 1821, that the families chiefly engaged in agriculture were 978,656; those in manufactures, trade, and mechanical employment, 1,350,259; the average estimate of a family being five persons to each. Thus it appears, if you take the whole product of agriculture, it exceeds the aggregate of all other products, by some millions, though the persons engaged in it are not so numerous, by more than a million and an half of people; I do not mean to say laborers, because the estimate, being by families, includes all ages and sexes. If you exclude pasture from the agricultural produce, still it exceeds the whole product of manufactures; the table does not furnish us with the number engaged in manufactures alone, but, if we allow one million eight hundred and fifty seven thousand for trade

and the mechanical arts, which seems to be a liberal one, there will remain as many in manufactures as in agriculture. With all the boast, then, of English writers, of the productiveness of manufactures, here are facts stated by themselves, which bear illustrious evidence in favor of agriculture. I come now, sir, to the causes which have enabled Great Britain to take the lead, in the career of European competition for wealth. They are political, religious, and physical. Certain great events in Europe, over which she had no control, turned greatly to her advantage; the revocation of the Edict of Nantes by Louis XIV., produced by his blind intolerance, drove hundreds of thousands of his Protestant subjects out of his kingdom; the tyranny and oppression of Philip II. of Spain, forced multitudes of his subjects in the Netherlands to quit their native land; the exiles from both these countries took refuge in Holland, the north of Germany, and England—but much the largest number in England; they carried thither with them, besides themselves, much active industry, much skill in the most valuable manufactures, and much capital; these seeds were sown in the most favorable soil in Europe to their growth, and they, accordingly, soon sprung up in some luxuriance. Permit me to pause here a moment, and contrast England with Spain in this regard; England gained people, manufacturing skill, and capital, by the folly and wickedness of the rulers of foreign nations; Spain, on the contrary, having all these advantages in her own bosom, lost them by her own folly and wickedness, by the expulsion of the Moors.

Let us now survey the English Constitution and Government. She at an early period established the reformed religion, the advantages of which I have already mentioned: she was the only country in Europe which had a representative body, thereby elevating the people to a share in political liberty. She led the way in the abolition of the feudal system; one of the most rapacious and unprincipled Kings that she ever had even contributed to this, by an act of cunning, or left-handed wisdom, as my Lord Bacon would call it. I allude to Henry VII., who, by opening the way to the alienation of lands, designed to break down his nobles, without seeing the great consequences which were to follow. Upon the abolition of the feudal system, the third estate of the realm began to acquire property; this stimulated industry of every kind; a spring was given to commerce, which, as early as the days of Elizabeth, we are told by Lord Bolingbroke, carried the English over all the known, and even into the till then unknown, parts of the world—to the Dwina, the Volga, across the Caspian sea, into Persia to the coasts of Africa, to the East Indies, first by the track of the Venitians and then by the Cape of Good Hope; though the same author tells us that in the reign of her father Henry VIII., the English were obliged to hire or borrow ships of Hamburg, Lubec, Dantzic, and other places. I come now to the physical causes, which have given new vigor to her flight, new pinions to her wings. The whole kingdom of

Great Britain is an island, and her internal navigation superior to that of any country of equal extent on the globe. Her insular position teems with advantages. Whilst the nations of the continent of Europe, for purposes of safety, were obliged to keep up standing armies, and barriers of fortified towns, which have been happily said to be like armor too heavy to be borne, which wastes the strength of those who bear them, England was protected by a continued maritime frontier, which cost her nothing to defend it but a navy. Thus, by a rare fortune, her position invited and impelled her by an irresistible destiny to the pursuits of commerce; and whilst in quest of commercial gain, formed, by means of her mercantile marine, a perfect nursery of seamen, to man that very navy, which served her in lieu of a fortified barrier, not only with less expense, but with much less danger to the Constitution, than the armies and barriers of the continent. The people of England, then, being emancipated from feudal bondage, participating by their Representatives in the Constitution and Government, secure in their persons and property, having their minds freed from the fetters of popish superstition, a new, and, compared with the rest of Europe, an unexampled degree of elasticity was communicated to the spring of their industry and enterprise. Operated upon by these impelling moral and political causes, and aided by the gift of Nature with all the local and physical advantages which I have described, it is not surprising that they should, as they did, engage in the most extensive foreign commerce, and acquire the largest mercantile marine in the world. They carried their colonies to the four quarters of the globe—to Europe, Asia, Africa, and America—some for defence, some for commercial gain. The productions of many of these colonies, offering new equivalents for the productions of labor at home, created new stimulants; these new products, both of the parent State and colonies, enriched her, not only by themselves, but by the transportation of them respectively. Thus, sir, it was the rich and extensive foreign commerce of England, produced by the causes which I have mentioned, which contributed essentially to the increase of her wealth.

If, Mr. Chairman, we look into the page of history, we shall find that foreign commerce has been a fruitful source of wealth, in ancient as well as modern times. Look at Sidon and Tyre; at Venice, Genoa, and Pisa; at Lubec, Hamburg, and the other Hanse towns. See to what a pitch of opulence these towns were each carried by its aid. Look, sir, at the Northern States of this Union. It operates as a cause of wealth, by giving increased productiveness to the agricultural and other labor of the country which possesses it, by means of the boundless market which it opens for its surplus produce. Where its own country, either from the poverty or smallness of its territory, has no such surplus produce, it is actively engaged in effecting an exchange of the produce of foreign countries, and thus reciprocally imparting value to that which each wanted, and which

each had to spare. When, by these means, capital is accumulated, and the population full, then come manufactures, which, as they cannot exist without capital, necessarily presuppose its previous accumulation. But if, in the tide of time, and the vicissitudes of human affairs, any circumstances turn this commerce into a new channel, the capital which flowed from it, takes the same direction, and the manufactures, which depended for their existence on that capital, follow in its train, and associate themselves anew with it, in its new habitation. Accordingly, Mr. Chairman, in the Italian cities, and Hanse towns, whilst the capital from foreign commerce remained with them, so did manufactures; but since its departure, nothing is left of them but the sad memento and melancholy remembrance of their former opulence and grandeur! This is the inevitable course of things, and you might as well attempt to arrest the progress of the earth, by the stamp of the foot, as to attempt to alter it. Nothing, then, remains, after these sojourners have taken their flight, but the solid agricultural wealth of the country which possesses it. In this respect, sir, the United States enjoy a felicitous position in the scale of nations; possessed of a territory vast in extent and of great fertility, we have the deep foundations of our wealth laid upon the fixed and permanent basis of agricultural labor; possessed of an extensive foreign commerce, which lays open the world to us, as a market for the surplus produce of that labor, and stimulates its productions by the value of all the diversified commodities, whether of comfort or of luxury, which it offers us in exchange, our lot is cast in pleasant places, and, if we wait with patience, and enjoy the blessings which we have, time and circumstances will raise up manufactures amongst us, when the condition of the country shall require it.

And let it not be supposed, sir, that, without great extension of manufactures, we shall be without wealth. Compare Great Britain and the United States in the rapidity of their progress in prosperity—in this comparison, the question is, which of the two countries has improved most rapidly, in proportion to its capital? For, as in each the whole annual produce (amounting, in Great Britain and Ireland, to £350,000,000 sterling) is used either as revenue for actual consumption, or for the purpose of increasing the productive industry of the country in subsequent years, the increase of wealth is to be measured by the proportion which that improvement bears to the capital of the country. Has Great Britain made as great relative progress as the United States? The question is answered, conclusively, in our favor, by looking at the unexampled increase of our population, by their comforts and independence, by the continued extension of our settlements, the clearing of new lands, the consequent enlargement of the area of cultivation, and, in fine, by every circumstance which marks the rapid growth of a country. Go back forty years, and take the ground which each then occupied. No man will say that we have not moved further from our then position than she has from hers.

I do not mean to say, sir, that manufactures do not contribute to the wealth of a country, that they do not contribute to the wealth of England. My proposition is, that, though they are the cause, they were first themselves an effect. English capital was first accumulated; that gave rise to manufactures, and they, in their turn, now add to the public wealth. But to say that they were the primary cause of that wealth, would be as improper as if a Boston merchant, who had accumulated a million of dollars by commerce, and then invested it in manufactures, from which he received a profit, were to say that manufactures were the cause of his wealth. But, in whatever way, or to whatever extent, manufactures may have contributed to the wealth of England, it is not by protecting duties, as has been contended, that they have been sustained in her competition with Europe. No, sir, the causes of her manufacturing prosperity have a much deeper source than these. They are found, besides the political circumstances before stated, in her inexhaustible fund of coal, and other natural advantages, and the no less important acquired advantages of capital and machinery. The British writers themselves ascribe their success to these causes; and the Ministerial exposé of the British resources, published in 1823, distinctly ascribes it to their immense superiority in capital and machinery, which so multiplies human industry, says the same pamphlet, as to render the cost of labor, as compared with the produce, almost wholly insignificant.

I refer to the same pamphlet, sir, for certain facts which conclusively prove to me the inefficiency of protecting duties. In 1823, the exports of linen from Great Britain were only about £2,300,000; of woollen, about £6,000,000; and of cotton, £20,000. Now, sir, upon the coarse linens, there is an actual bounty upon exportation. As to woollen, it has received a large share of the paternal care of the British Parliament, from the reign of the First Edward to the present time—a period of upwards of 500 years. It has been a perfect legislative bantling in point of protecting duties; yet cotton, the export of which, in the year 1780, did not much exceed £2,000,000, has now grown to half the amount of the whole exports of the kingdom. The reason is, that, from the texture of cotton, it is emphatically fitted for machinery, and hence the astonishing increase in its manufacture.

Let us now, sir, examine the manner in which wealth, acquired by manufactures, is distributed. Some years ago, the persons engaged in manufacturing cotton in England, were estimated at 800,000. They may fairly now, from the extension, be set down, at least, at 1,000,000. It would be a large calculation to suppose, that 50,000 of that number were interested in the capital; but let the profits be ever so great, every one knows that the laborers receive only wages, and that, too, scarcely enough for a comfortable maintenance. Of consequence, the whole profit passes into the hands of the capitalists. Here, then, of 1,000,000 of persons, 50,000 receive the profits, whatever

they are, and 950,000 receive nothing beyond mere maintenance. Now, Mr. Chairman, is it the policy of this country to concentrate wealth in the hands of a few, or to give it the utmost possible diffusion amongst our people? We have been told that we ought to have an American policy. So say I, sir. This system suits well the meridian of Great Britain. It does not suit ours. The immense burdens of that kingdom, the large loans which are sometimes necessary to be effected, make it convenient to the British Government to have its wealth in the hands of a few large capitalists. They are convenient subscribers to a large loan for the service of Government, or for a subsidy. With us, the principles of our Government, the whole frame of our polity, require us not to make large masses of wealth, but rather to break them into smaller pieces. Great inequality in wealth would tend to warp our institutions from their natural course. Sir, the structure of society in Great Britain may be aptly illustrated by one of the stately columns which support the dome of this magnificent hall: Its base is of freestone; its shaft, of domestic marble; its capital, of fine Italian. The emblem of ours is, or ought to be, a column, whose base, shaft, and capital, are of the same material. I repeat, sir, that a system, tending to produce great inequality, may suit Great Britain; it does not suit us. And, after all, Mr. Chairman, is wealth, though desirable, the only great desideratum in Government, especially in ours. Carthage, sir, the richest city in the world, in her day, was, at the same time, the weakest; and, in the last great struggle for her political existence, she relied, for her defence, upon an army of mercenary soldiers, and was utterly defeated and overthrown by her poorer neighbors, the Romans—thus executing their famous denunciation, *Delenda est Carthago*. Sir, there are great moral and political objections to the premature encouragement of manufactures.

I shall not attempt, sir, to take the lecturer's chair, and read a moral homily to the Committee; I shall not stop to speak of the effects of large manufacturing establishments, upon the health, the manners, or the morals of the laborers; let it be, if gentlemen will have it, that continued toil, through the day, and part of the night, the continual smoke, oil, and lamps, of these places, do not affect the health; let it be, that the early withdrawal of children from parents, and the indiscriminate crowding together of sexes and ages, do not affect the morals; let all this be, and yet there is an objection in a political light, which makes me adverse to this policy. In England, sir, if wealth can be accumulated, if the Government can squeeze taxes enough from the people, to save it from sinking under its mountain load of debt, if the privileged orders and capitalists can be kept up, it matters not, that hundreds of thousands, that millions of the people, are doomed to exist, not live; to be considered as the machines which belong to the establishment; with no other difference than this, that, whilst other machines are impelled by water, or fire, they are put into motion by that principle of anima-

tion which nature implanted in them. In this country, sir, we do not want animated machines, we do not want plebs, or populace; we want men, we want people; we want citizens who obey the laws, not task-masters; who do not receive their daily bread from the hand of another, but from their own voluntary labor upon their own soil; who have some stake in the Government, who feel and take an interest in public affairs, and are ready and willing to defend themselves as men and citizens in their rights of property, and civil and political liberty. What comparison, sir, is there, between a million of Englishmen engaged in cotton factories as day laborers, and a million of American citizens cultivating their own soil.

Look, sir, at the riots in England in 1808, and 1812, when whole manufacturing districts were roused into acts of violence from the low price of labor and the high prices of provisions. A sudden check to demand for manufactures, or a temporary scarcity of grain, makes wages an insufficient resource for comfortable maintenance. Remove them, and they settle down quietly to their tasks. Reflect for a moment, sir, on the scene in 1815, when the corn maximum was under consideration, when my Lord Castlereagh, late Lord Londonderry, caused the Parliament house to be surrounded by armed soldiers, to keep off what he was pleased to call a mob; that is the people, who feared, by the high price of grain, they would starve for bread. In this country, sir, where agriculture predominates, no such difficulties occur; our own people eat their own bread, and have some to spare to the British manufacturer. And let us not be uneasy, sir, that we have too much breadstuff; we can always dispose of it at some price; and if it be now low, it is owing to the state of the world; so are manufactures in England low; indeed it seems they are too low; for our manufacturers tell us they are so much so that they shall be ruined if brought into competition with theirs. Let me add, sir, for the comfort of our agriculturists, that some surplus of grain on hand is a national blessing; they serve the purposes which public granaries did in ancient times to supply deficient years; the very year, sir, after the English farmers called for a maximum on corn, from their supposed abundance, the year 1816, such was the scarcity that it rose to £6 sterling the quarter of eight bushels; even in this land of plenty, Indian corn sold at \$10 per barrel, and flour at near \$15. A continual surplus, then, I repeat, is a public blessing.

But it is said that the late war and the double duties gave an encouragement, which caused infant manufactures to spring up, and that they ought to be sustained by Government till they become strong enough to withstand foreign competition. No doubt, sir, that, since the peace, the manufacturers have suffered great reduction in their prices; but in this they participate in common with every class of their fellow-citizens, nay, sir, with every part of Europe. Mr. Lowe estimates the fall in agricultural produce at 60 per cent., and in that of manufactures at from 40 to 50 per cent. The same cause operated in Europe

and America; from 1792 till 1814, except the feverish truce which followed the peace of Amiens, all civilized Europe almost was in arms; half a million of men on the side of France, about the same number on the side of the allies; this created an immense demand for ordnance, munitions of war, clothing, subsistence; this demand gave new stimulus to their production, and enhanced the prices to an enormous extent; upon the peace of 1814, this demand was greatly diminished, and consequently the prices of every article fell to a peace rate. The languor which followed, corresponded to the preceding excitement. Let me present to the Committee the description which Mr. Lowe gives of the prominent characteristic of the national embarrassment of England since the peace of 1814. I use his own words: "A deficiency of employment among part of the lower orders, and distress, from insufficiency of wages, at those intervals, when provisions were high priced. In the middle classes, whether merchants, manufacturers, or agriculturists, the general ground of complaint has been an inadequacy of profit, a disproportion of prices to the cost of production. The principal cause of these and other difficulties, was, doubtless, as explained in the preceding chapter, the magnitude of the transition, the suspension of Government expenditure, and the consequent overstock of hands." He then considers the evil as aggravated by the public burdens, and the expense of living being higher than among their neighbors.

Towards the close of the European war, we were drawn into its devouring vortex with one of the belligerents; the same extravagant enhancement of price occurred here for every article required for the public service or individual consumption; upon the return of peace here, as in Europe, every thing returned to its natural peace price. The same state of things, however, pervaded the whole society; the ship owner, the merchant, the farmer, all shared the same fate. I regret that war prices allured too many persons to embark in manufacturing projects; even in Massachusetts alone I learn that eighty-five manufacturing companies were incorporated in four years. But, Mr. Chairman, I will show that the manufacturers have no cause of complaint against the Government; on the contrary, that the Government has acted with great liberality to them; until the year 1812, there was no duty, except on carriages and their parts, higher than 12½ per cent.; by the act of 1812, the permanent duties were doubled, thus raising them from 12½ to 25 per cent.; there was a duty of 2½ per cent., called the Mediterranean fund, laid in 1804, and continued by successive acts to 1815, when it expired, but it was no part of the permanent duty; the act of 1812, which doubled the duties, declared, that it should continue in force for one year after the peace, and no longer; here then was fair warning to all who engaged in manufactures; they were purchasers with notice.

In 1816, however, the manufacturers represented, that the transition from war to peace, made it necessary to give them a temporary con-

tinuance of protection; accordingly, by the act of that year, we continued the 25 per cent., the war duties on cotton and woollen for three years, and then declared it should be reduced to 20 per cent.; before the lapse of those three years we again continued the 25 per cent. on cottons and woollens to 1826, and now we are asked for further protection. This state of facts, and history of legislation, will certainly acquit us of any charge of want of liberality as to the great articles of cotton and woollen. Let us now take the case of iron. In 1816 that article was subjected to a duty of \$9 per ton; it was raised, in 1818, to \$15. I find by the document from the Treasury, by dividing the whole value of iron imported by the number of tons, the price per ton is \$55 and a fraction. Now, it will be found that \$15 per ton is more than 25 per cent. ad valorem. This was the war duty, excluding the Mediterranean duty of 2½ per cent. But, if we take the price of iron in the interior of Sweden, where it is made, it is not more than \$40 or \$45 per ton; here it sells at least for \$80; and as the manufacturer here gets the whole benefit of the difference between the price to the manufacturer in Sweden and the market price here, his advantage is equal to between 90 and 100 per cent. The case of hemp is as favorable to our growers; but I forbear to go further into particular articles. It may be said, in general, that the present duties equal the war duties. Let us now, sir, institute a comparison between the relative advantages of Great Britain and the United States in manufacturing. The first thing is fuel, of which they boast triumphantly; in that article we are equal to any nation on the earth; our forests groaning with wood, and the bowels of the earth teeming with coal. The next is the raw material. As to cotton, of which half their exports is composed, as appears from their ministerial pamphlet, we raise it, they do not; here, therefore, we have the advantage. As to provisions, we have an immense advantage. As to the relative taxes of the two countries, it is known that theirs greatly exceed ours, and here, also, we have the advantage. As to wages of labor, it is said that ours greatly exceed theirs; but, in the first place, I would remark that, if it be true, as has been said, that machinery multiplies the physical force of a country twelve times, then it follows that eleventh-twelfths of this disadvantage are obviated. But another strong argument arises from the nature of wages; every pursuit to be continued must yield about the average rate of profit in the country after paying all expenses; now wages are a part of those expenses; when, therefore, it is said that manufactures cannot pay the rate of wages that other pursuits do, it shows that those others are more beneficial; besides, high wages, if the business yet goes on, is the best sign of the prosperity of the country; they are paid to the laboring class of the community, who are always a majority; it shows, therefore, that that class is in a comfortable condition. The last point of comparison is capital; now I know the positive amount of British capital greatly exceeds ours, but its relative amount does not much exceed ours; by relative

amount, I mean the proportion which the capital bears to the transactions to be negotiated by it; thus, one man may have a capital of a million, and another only of ten thousand dollars, the one being a wholesale merchant and importer, and the other a small country dealer, the latter may have as much relative capital as the former.

Some idea may be formed of the amount of capital required to negotiate the transactions in Great Britain and Ireland, by the following table given by Lowe, of their national expenditure, or consumption for 1823:

Expended on the produce of the soil for the food of man, or for purposes of manufacture	- £120,000,000
On the produce of the mines	- 10,000,000
On manufactures for home consumption	- 70,000,000
On houses built or repaired, on furniture, and on improvement of land, or whatever is termed in law real property	- 30,000,000
On all goods imported, whether for consumption, such as tea, sugar, coffee, or for manufacture, as wool, hemp, iron	- 70,000,000
On all commodities or products not comprised in the preceding	- 50,000,000
	<u>£350,000,000</u>

The best way to ascertain the relative amount, is the interest of money; that is, the price paid for the use of money; and the price of that, like every other commodity, depends on the proportion between the effective demand and supply. Government in England can command money at four per cent., we at five. This then shows the difference in the relative demand. I have not mentioned machinery, because he who has capital can command it. These are the comparative advantages and disadvantages of the two countries in manufacturing facilities. But our manufacturer of cotton and wool, for example, besides the minimum on coarse cottons, has twenty-five per cent. duty, estimated upon the original cost, with the addition of ten per cent. to that cost—thus making the duty twenty-seven and a half per cent., then the amount of freight. Mr. Hamilton, thirty years ago, estimated it at from fifteen to thirty per cent. As, however, freight has fallen, I will state it at ten per cent. although upon articles whose bulk is large, compared with their value, it may more than double it. Then there are incidental charges of commission, insurance, &c., making the aggregate of advantage to our manufactures from forty to forty-five per cent. If with these extra advantages added to our natural ones he cannot sustain the competition, I must tell him that I cannot go further—I cannot agree to give more for a yard of cloth than forty-five per cent. advance beyond what the foreigner makes it for. Upon what ground does he ask it? Has he skill, capital, and machinery?—he does not need it. Has he capital?—he does not need it; for capital

will command the others. If he have not capital, we cannot advance it to him.

Sir, it has been often urged, that all the other branches of industry in the country have been protected; that commerce, navigation, and agriculture, have all received aid from Government; and that justice therefore requires that manufactures should also receive their proportionate share. Let us for a moment investigate this subject. I think, sir, it will result in the proof that manufactures have received more aid from that source than the three other great interests united. I have made an estimate upon this subject, the principles of which I will first explain before I present it. The whole net revenue for the year 1822 was \$20,500,000. Of this sum, the duties on wines, molasses, teas, and coffee, and certain miscellaneous articles, not coming into competition with any interest, and not benefiting any, I have deducted—leaving a balance of \$15,900,946. I have then taken what seemed to benefit agriculture—viz: duties on spirits, on sugar, deducting drawback; on miscellaneous articles; to this I have added half the amount of discriminating duty on all our tonnage engaged in foreign vessels, and half the estimated profit of all our coasting trade, estimating it at six per cent. upon the whole cost of the tonnage. I have added the extra duty on merchandise in foreign vessels, and the fishing bounties; and the aggregate being \$6,166,604, being deducted from the amount of revenue of \$15,900,946, leaves \$9,734,342 of duties, operating in aid of our manufactures. Gentlemen themselves have said it is no matter for what purpose the duties were laid; the question is, what is their practical effect? I have not included in this estimate the duty on cotton, because it sustains the competition in the foreign market, and therefore derives no aid from duty. But the Committee will perceive that the amount of duties favorable to manufactures, upon this estimate, exceeds the aggregate of those favorable to all the other interests, by \$3,567,698—a sum more than three-fourths of what would be the whole amount of duty upon all the cotton exported from the United States, supposing it to be 500,000 bales, and supposing that an equal amount, but for the duty, would be imported—a supposition utterly out of the question. The much talked-of benefit to the tobacco planter, by the duty on snuff and tobacco, rests on the same ground with cotton—it sustains the foreign competition. But let us suppose that some worthy of notice might be imported, then the excess which I have before stated will fully meet every possible calculation as to cotton, tobacco, and snuff; and thus the manufacturing interest receives as much protection as all the others. I have formed the estimate as to our tonnage duty and coasting trade, upon the possibility that, without the aid which they received, foreigners might have come in for one-half. It will at once occur to the Committee, that is much too large a supposition. In our own trade, and particularly our coasting trade, the advantages which our citizens would have, together with that hardy spirit of enterprise which braves every danger, traverses every sea, and encounters every difficulty,

would have enabled them always to have monopolized three-fourths of this advantage without the aid of Government.

Sir, there is one fact on this subject, which is decisive of our superiority in the competition. The discriminating duty in favor of American vessels is now abolished by treaties with England and France,* and other foreign nations with which we have most commerce, and yet the document from the Treasury shows us that of \$894,739 tons of tonnage which entered our ports during the last year, 775,271 were American, and 119,468 only were foreign. I have not included the duty on molasses in this estimate, amounting to \$617,868, amongst the items favorable to agriculture, because I believe that our domestic molasses is almost all consumed as an article of food, and that it is, in a very small degree, if any, the subject of sale. I have, however, included in my estimate two items, which since the late arrangements with foreign nations, ought not to be included; I mean the sum of \$523,663, the supposed advantage to our tonnage, by the former discriminating duty, now abolished with all nations with which we have a commerce in any degree considerable, and also the amount of extra duty on foreign merchandise. With these remarks, I submit the statement.

Total net revenue of 1822	- \$20,500,000
Deduct duties on articles not aiding manufactures, or other interest, viz:	
Wines	- \$747,996
Molasses	- 617,868
Teas	- 1,676,250
Coffee	- 714,150
Miscellaneous articles	- 842,790
	<u>\$4,599,054</u>
	<u>\$15,900,946</u>

Duties favoring agriculture, navigation, &c., viz:

One-half of 744,764 tons, in foreign trade, the discriminating duty	- \$523,663
Benefit of coasting trade, one-half at 6 per cent. on cost	- 875,670
Extra duty on merchandise in foreign vessels	- 33,690
Fishing bounties	- 161,400
On spirits	- 2,040,413

* "I find the discriminating duties are abolished, as between the United States and the following countries, viz: The British dominions in Europe, Sweden, the European possessions of the Netherlands, Prussia, Hamburg, Bremen, Lubeck, and the Dukedom of Oldenburg. As it respects France, discriminating duties are abolished on goods imported for transit, or re-exportation, and provision is made in certain events for the progressive abolition of the discriminating duty on imports; and, in the meantime, it is declared, that neither the discriminating duties on imports or tonnage shall exceed a given and very moderate sum."

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Sugar, deducting draw-back - - -	1,931,768
Miscellaneous articles - - -	600,000
	\$6,166,604
Balance favorable to manufactures -	\$9,734,342

Sir, I should have been glad to have made a comparison between the relative profits of manufactures and other pursuits, if I could have commanded the data. One of my objections to this bill, however, has been already stated to be, that we cannot procure the necessary information on this subject to arrive at any precise result; yet, there are some facts, which I beg leave to state, as showing the probable profits of manufactures in general, and the certain prosperity of some. The annual Treasury report shows, that in 1823, we imported, of foreign articles, \$5,755,109 less than in 1822; and that, in the same year, we exported, of foreign articles, \$5,244,267 more than in the preceding year. Adding together these sums, it appears that there was a diminution of consumption of foreign articles in 1823, compared with the preceding year, of about \$11,000,000. Now, sir, this additional sum must have been supplied from our own manufactures, more in 1823 than in 1822, unless we could suppose, what is altogether improbable, that, as our population increased, our consumption decreased. Supposing the consumption only to have remained the same, the same conclusion results from this fact. Again: previously to the year 1820, there was actually invested, as appears from the commercial digest, in manufacturing stock, a capital of upwards of \$46,000,000; that, since 1820, companies have been incorporated in four of the Northern States only, with an aggregate capital of about \$15,000,000, about one-third of all the previous investments. Unless, sir, we suppose the capitalists totally to have lost sight of that sagacity for which they are distinguished, which enables them to see what investment of capital is profitable, this fact affords strong presumptive proof of the increasing prosperity of manufactures. Sir, I am informed, from good authority, that an iron factory, in the State of New York, has, for a series of years past, netted 20 per cent., though it transports its ore 12 miles, is 18 miles from water carriage, and 145 miles from the city of New York. As to this item, let me say, that the ministerial pamphlet, before quoted, states the decrease in price of iron in England to be undoubtedly great, and assigns this strong reason, that the sword is succeeded by the ploughshare. I have further been informed, sir, that there are two manufacturing establishments in Massachusetts, which make a profit of 25 per cent.; that certain capital invested in manufactures is at from 40 to 60 per cent. beyond par; and that, within the last ninety days, mercantile capital has been invested in manufacturing stock at 40 per cent. beyond par. Sir, what is there to compare with this in any other department of national industry? If it be said that these are a few well established manufactories with large capital, what is the import of that argument if it be not

this; not that foreign competition is the most serious evil, but that our smaller capitalists call on us to sustain them against the larger ones—against the domestic competition. The irresistible conclusion which follows, is, that the fault is not in the pursuit, but in the pursuer; that there is a want of capital, or skill, or machinery, or economy, or of something, which it is his duty, not ours, to supply.

Mr. Chairman: When we argue upon the impropriety of commencing a system upon the authority of the British example, at a period when the ministers and statesmen have become convinced by experience of its impolicy, we are met with the declaration that whilst this is their theory, they do not carry it into practice. Let us first see the principle now openly avowed to the world by the British ministry, in the pamphlet already quoted. I give it to you in their own words: "Again and again let it be repeated, that they (the ministers) are thoroughly impressed with the truth of the principle, that freedom of trade is alike advantageous to the best interests of the country, and to the solid profit of the merchants, manufacturers, and growers." And, sir, let me inquire, are gentlemen correct when they assume the fact that this theory has not been carried into practice? I answer, no, sir. Within a few years, Great Britain, after successively relaxing the rigor of her double colonial monopoly in her West India islands, has extended the system of free ports to almost all those islands; and the United States are now enabled to import that colonial produce in their own ships, instead of receiving it imported in British ships only. She has admitted us to a direct trade in her ports in the East Indies, so as to excite the clamor of her merchants, that we should rob them of their India as well as China trade; she has, by treaty stipulation, abolished all discrimination between American and British imports and tonnage; and, finally, she has knocked off as many shackles from the monopoly of the East India Company, as, under the circumstances, ministers felt that they could venture upon. The ministers admit that, if the ground were clear before them, a free would be preferable to a restricted market; but they say, that, whether it be called a system of error or abuse, it has grown up under less enlightened times. On account of the capitals that have become fixed, and the interests that are embarked, the question is not what is absolutely best, but what is so, under existing circumstances. Thus, sir, we find, that this theory has, in important respects, been carried into practice; and that the only ground upon which ministers stop short in correcting acknowledged error and abuse, is one beautifully and forcibly expressed in the Philadelphia memorial: That the fetters have sunk so deep they cannot be suddenly removed without tearing away a part of the flesh with them. The British example then, sir, should be to us a beacon, to warn us of the rocks and shoals which lie in the way of this policy. Mr. Chairman, I have endeavored to maintain these propositions: that the state of the Treasury does not require an increase of revenue; that if it did, this bill would

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not effect it; that it is improper in us to exercise a power given for one object, so as to attempt to effect another; that the operation of this bill would be, by legislative coercion, to increase the profits of capital in some parts of the country to the exclusion of others; that it would produce none of the advantages which its friends contend for, but contrary and injurious effects; that manufacturers have a full share of the national protection and prosperity, and that, therefore, we ought not to add to it; that the example of Great Britain, which we are invited to imitate, is fading away in the broad light of experience. If I have succeeded in proving these positions, then, surely, the bill ought not to pass; but if it must pass, if like the meek and patient animal which is annually shorn of its fleece for the use of man, we must suffer, then, whilst the people will submit to the laws passed by the constituted authorities of the country, they will feel that spirit of discontent which arises from a belief that this law is not supported either upon principles of justice or sound policy.

When Mr. B. had concluded, the Committee rose, and the House adjourned.

SATURDAY, March 27.

EDWARD F. TATTNALL, a Representative from the State of Georgia, appeared, was qualified, and took his seat.

GENERAL APPROPRIATION BILL.

On motion of Mr. McLANE, of Delaware, the House then resolved itself into a Committee of the Whole, for the purpose of considering the several amendments proposed by the Senate to the bill "making appropriations for the support of Government for the year 1824."

The first amendment proposed to add \$700 to the amount appropriated for "stationery, fuel, and other contingent expenses of Congress." This amendment was agreed to.

The second amendment proposes to reduce the amount appropriated "for surveys of public lands," from \$100,000 to \$75,000. This amendment was explained and advocated by Mr. McLANE, and was concurred in.

The next amendment increases the sum appropriated "for improving the Capitol square, and painting the railing round the same," from \$1,250 to \$2,000. Mr. CUSHMAN stated the reasons which led to this increase. The amendment was concurred in.

The Senate proposes to insert in the bill a clause, as follows: "For graduating and levelling the grounds round the President's House, \$2,000." Some remarks were made upon this item, by Messrs. MILLER and CUSHMAN; and, at the suggestion of Mr. FORSYTH, who stated that he wished to obtain further information on the subject, it was passed over for the present.

It is also proposed to amend the bill by striking out the sum of \$18,000, which was appropriated "for the salaries of the commissioner and arbitrator under the first article of the Treaty of Ghent, and for half the salary of their secretary, and half

the contingent expenses of the commission," and insert \$4,500 in lieu thereof, for that purpose. The Senate further propose to amend this clause, by inserting the word "agent," after the word "arbitrator." By this amendment, it will be perceived that provision is to be made for a public agent, in connexion with this commission.

Mr. McLANE moved to strike out the word "agent" from this amendment; and, consequently, to reduce the proposed appropriation from \$4,500 to \$2,500. He advocated the amendment he proposed at considerable length, and went into an examination of the terms of the treaty under which the commission was instituted, and the nature of the claims exhibited before it, to show that this agent was neither necessary to the interest of the Government, nor of the individual claimants.

Mr. WARFIELD was opposed to the amendment proposed by the gentleman from Delaware. He alluded to the various instances, from the establishment of the Government down to the present day, in which similar powers, in the appointment of agents, though not expressly provided for by the terms of the treaties, had been exercised by the Executive, when such agents were necessary to the protection of the public interest, or of the rights of the citizens. He adverted to the remarks of an honorable member of the Senate on this subject, which were published in the paper of this morning. He considered this as one of the cases in which an agent was peculiarly necessary, and thought his continuance required to promote the great interests of these claimants.

Mr. FARRELLY spoke in opposition to Mr. McLANE's amendment. He, too, considered this agency as highly necessary. There were no data before the House to show that the services of the agent had not been very faithfully performed. The act by which the commission was established, was a national act, and it ought to be consummated by the nation. The treaty provides that the Government shall establish the average value of the slaves; and, if the agent is taken away, how, Mr. F. asked, could this be done? For this purpose the agent had been highly necessary; and the evidence, on that point, was not yet concluded. And, even if it were, he thought the duty of the Government to the individuals, whose property was involved in this public act, required the continuance of this agency. From the practice of this Government, in relation to other commissions, he considered it bound to provide an agent in this case.

Mr. BRADLEY considered the ascertainment of the average value of the slaves, for which compensation was to be made, as a most important part of the business of the commission. It was a component part of the treaty, and could only be carried into effect by the appointment of an agent. The evidence, on this point, was to be furnished under the authority of the President; and, as it was not to be supposed that he was to appear before the commissioners in person, it must be considered as a specific authority for the appointment of this agent. This was unlike other treaties, by which commissioners were appointed, as there

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was a previous question to be settled, as to average value.

Mr. McLANE explained, in reference to the remarks he had previously made. The average value was to be ascertained, by taking the value of slaves throughout the United States—not by an itinerant agent to be sent throughout the country, but by correspondence with different parts of the country, by the Department of State, or an agent appointed for the purpose. The ascertainment of this average was the basis of the business of the commission, and ought to have been obtained previous to the meeting of the Commissioners. If it had been obtained, the agent was no longer necessary; if it had not been collected, he thought the agent who had not done it ought not again to be provided for. The article of the treaty does not mention the term agent—the business is put upon the President. The Commissioners would not have received this agent—he was not authorized by the treaty. This agent either had, or had not, done his duty; in either case he was no longer necessary. Mr. McL. believed that no agent, of a similar character, had ever been appointed. The President had a right to appoint public diplomatic agents in the recess of the Legislature; these have been appointed—they are a part of the diplomatic corps—but there was no instance, in the history of the Government, of the prospective appointment of a salary officer by the President. The amendment from the Senate constitutes him an agent for Government. Is he necessary for the interest of the Government? He is entirely irresponsible to the individual claimants. Mr. McL. said he was not willing to appoint an agent for the individual claimants; and he did not believe that the public interest required an agent. He thought the Government ought not to connect itself with the commission, by the appointment of an agent.

Mr. BASSETT was opposed to the chairman of the Committee of Ways and Means on this subject. He accorded in the principle, that the President had no right to appoint a salary officer, not provided for by law. But he might certainly appoint a temporary agent, for a certain purpose. He went on to show that the appointment of this agent was necessary. He contended that the agency was created by law, as having been computed in the appropriation made for the support of this commission at the last session. He thought the Government was bound to take an interest in assisting these claimants, and forwarding their business before the Commissioners. The agency has been established for their benefit, and it ought to receive the support of the Government. Mr. B. said, there were many claimants who were not able to employ private agents. He instanced two cases of poor persons in his own neighborhood, who were in this situation. Upon these individual claims the Commissioners were appointed to act. And it was the duty of the Government to provide an agent, for the benefit of those poor claimants, who were not able themselves to employ one.

Mr. RIVES contended for the necessity of an

agent in this case. The Government, he said, had assumed the duty of ascertaining the average value of slaves. The testimony to this point was to be exhibited, not by the President in person, but under his authority. And it was proper for him to appoint some person competent to conduct the business. The Government had come in, and agreed to take upon itself to establish the average value of the slaves. The individual claimants were not required to hunt the country over to procure information upon this point. It was peculiarly incumbent on the Government, under these circumstances, to take the necessary measures to procure this information. The President had not only the right to appoint the agent in question, but it was emphatically proper that he should do it, in order to afford the promised facilities to the claimants.

It had been said by some, that this information might have been obtained through the ordinary organs of the Government—through the Secretary of State or the Attorney General. Mr. R. thought it would have been a very niggardly policy to have imposed this duty upon either of those officers. There was certainly no obligation upon them to perform it. It had no connexion with the duties of their offices. The House would not expect the President to require of them the performance of a duty which they might very properly reject. If, then, the President was compelled to appoint some person, as the duties could be performed in no other way, Mr. R. said, he would like to know why the appointment was improperly made. If the appointment of this officer belongs to another department of the Government, and charges of non-performance of duty are alleged against the person appointed, the burden of proof lies upon those who prefer the charge. Mr. R. asked, what proof there was that this agent had not been vigilant in the performance of his duties? He called the attention of the Committee to the difficulties attending the ascertainment of the average value of the slaves. The value at the time of the exchange of the ratification of the treaty was to be taken. This could be done only by getting at the actual sales made at or about that time. It was to be done, not in regard to one place only, but to various places. The price of slaves varies much, according to the sex, age, and other circumstances. All these points are to be ascertained before the average value can be fixed. It was not at all extraordinary, whatever might have been the industry of the agent, that all the information had not yet been collected. Whatever might have been the want of diligence heretofore, Mr. R. thought it would be better now to continue the appointment. There was no limit, he said, to this commission. The board might continue the business as long as it pleased; and might sit, like an incubus, upon us, until its object was accomplished. The preliminary object, in the proceedings in regard to the commission, was the ascertainment of the average value of slaves; it was well known that this point was not yet decided—the materials for its decision were not yet collected. The session of the Commissioners must, necessarily, be pro-

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tracted, until this is done. Under this view of the subject, he considered the agent as being absolutely necessary—the greater the facilities furnished, the sooner the duties of the Commissioners would be discharged. He thought, therefore, that there could be no sort of doubt of the propriety of appointing this agent, on the part of the Government.

But the gentleman from Delaware contends that, if this agent is not necessary on the part of the Government, it is improper to appoint him in behalf of the individual claimants; and he says that no agent has ever been appointed in a similar case. Mr. R. thought there was an essential distinction between this and other commissions. These claims arise entirely from the acts of the Government. The whole difficulty had arisen from the defective manner in which the article in the Treaty of Ghent had been drawn. In that treaty it was stipulated, that all places captured during the war should be restored, without carrying away any property. It was contended, by the British Government, that they were not bound by that provision in the treaty, to make remuneration for slaves taken away. This difficulty grew out of the manner in which that negotiation was made. The subject was referred to the decision of the Emperor of Russia. He has given his decision on the subject; in which he provides for the organization of a tribunal to make compensation for these slaves. This Government is bound to pay its part of the expenses of this tribunal, and to afford facilities to the claimants in establishing their claims. All their difficulty had arisen from acts of the Government—from the defective manner of conducting this business in the Treaty of Ghent. He meant not to impute any neglect to those who negotiated that treaty; but he did believe it to be the peculiar duty of the Government, under these circumstances, to assist the individuals concerned in these claims. We are told that it had never been contemplated to afford assistance to these private claimants, in this case. Mr. R. said, he differed from the gentleman from Delaware in that opinion. He knew that the agent had, since his appointment, frequently communicated with the private claimants. He knew that great sensibility and apprehension had been expressed by the claimants, at the prospect that this agent would be taken away from the commission. There were a great many nice points, he said, which were growing out of this subject. The award of the Emperor of Russia had made the matter but little plainer than it was before.

Mr. R. said, he did not feel it necessary to say any thing as to the manner in which this agent had discharged his duty. He very well knew the gentleman who had been appointed; and he did not believe there was any man more competent to the business. This was the very period in the progress of these claims, at which the services of the agent were most wanted; and, if he were taken away, the claimants would be involved in great difficulty.

Mr. WICKLIFFE thought that a provision for a salary officer, whose duties were not defined, who

was irresponsible, and not appointed by law, ought not to be introduced into this bill. He believed the appointment of this officer was not authorized or contemplated by the appropriation bill of the last year. We have been told that this officer was appointed by the Secretary of State. Whether this agent should be again appointed, was for the House now to determine. It had been said to be beneath the dignity of the Secretary of State to do this duty. Mr. W. did not consider any of the duties of his office as derogating from the dignity of the Secretary. The description of evidence, in relation to the average value of the slaves, might have been obtained in sixty days, by application to the different marshals. We have given a year's salary to an agent for this purpose, and the fact is not yet ascertained. If the Board of Commissioners is limited by no other provision, the power is in the hands of the House, to make or not to make the appropriation for its support. He considered the appropriation for this agent as one which now ought to be stopped. The argument, that the Government had made this commission for the benefit of the private claimants, and ought to extend further assistance, was not a sound one. Because we have done one good turn, we must consequently do another. We pay the board, and so we must pay the agent. We pay the judges of our courts—but are we bound to pay witnesses and counsel for the parties? The opinion of honest, intelligent men, is the only evidence to be obtained of the average value of slaves; and that is to be laid before the Commissioners. This might have been done without the aid of this agent. It has not been the practice of this Government to prosecute private claims. The claimants will, no doubt, be glad to have their claims conducted at the expense of Government. He felt it his duty to oppose the appropriation for a salary for this agent.

Mr. FULLER thought it manifest that a service of this kind was requisite, and that the appropriation was necessary. If it was contemplated that the Attorney General or the Secretary of State should perform this service, why was the amount appropriated the last year? He considered that the President had a right to appoint one or twenty agents for this purpose, if it had been necessary. The fulfilment of the treaty was in the province of the Department of State; and it is possible that the duty of that appointment might have devolved on the Secretary of State. If there has been any thing improper let us make an investigation on the subject. There is no evidence of unnecessary delay, or any impropriety in this business. He understood it was very difficult to ascertain the average value of slaves at that time. This agent had been under the necessity of resorting to various means of information—the business is not yet concluded. Individuals have been led to rely on the good faith of the Government, and now they are to be cut off in the middle of the subject. It would be an act of gross injustice to take away this assistance.

Mr. TUCKER, of Virginia, thought it was rather singular the House should be engaged in the dis-

cussion of this matter, involving a sum of \$2,000, when it is well known to be the opinion of the Secretary of State, and of Mr. Cheves, the Commissioner, that this agent was very necessary. Mr. T. proceeded to state the reasons which induced him to believe that his services were very valuable towards effecting the objects of the commission, and that those services were now even more requisite than they had been during the past year. He thought the true dignity of the Government was in protecting the rights and the interests of its citizens. He denied that this duty could have been properly performed by the Secretary of State or the Attorney General, consistently with the due performance of their other duties. He thought the individual who held this office was more competent, from his acquaintance with the nature of the duties to be performed, than any other person.

Mr. STORRS said, that two reasons had been given in favor of the appropriation for this agent—the protection of the public interest, and those of the private claimants. But the Secretary of State did not, in 1823, when the first appropriation was to be made, mention the necessity of this agent in relation to the public interest. He merely states that such a person would be desirable to forward the views of the private claimants. Mr. S. thought that, as the duty of this agent was not of a public nature, that the office ought to stop. It was easier to get a man into office than to get him out; and when his services are no longer necessary to the public, his office ought to be discontinued. This agent is not known as a public officer—his name is not to be found in the Register. The reason given for his appointment, in reference to the average value of slaves, had not been discovered until it came up in this House. Six months would have been ample time to have collected evidence on this subject, from all parts of the country.

Mr. S. went on to state his objections to this appropriation. He produced some instances to prove that discretion ought not to be given to the Executive Department to create offices. If there were a necessity for the officer, the office ought to be established by law. As he was only appointed for the benefit of the private claimants, and as they were no more entitled to such a favor than any other claimants, Mr. S. thought Congress ought not to authorize his appointment.

Mr. FORSYTH made some explanation in reference to a remark of Mr. STORRS, relative to the Florida treaty.

Mr. McLANE, of Delaware, replied to some of the remarks which had been made against his amendment. He felt perfectly convinced of the uselessness of this appointment, and, for that reason, considered himself bound to resist it. He had intended no imputation against the Secretary of State. He felt a high respect for him. But if, as the gentleman from Massachusetts had stated, we were bound to take estimates on this subject, it should be recollected that \$18,000 instead of \$4,500, would have been appropriated for the support of this commission. It was the duty of the President, through his Secretary of State, to col-

lect the information for which the agent was appointed. Mr. McL. contended that the Government was not bound to sustain these claims, and that it ought not to commit itself in regard to them. It was the duty of the Government to make the best provision it could for the citizens, at the conclusion of war. This had been done in reference to these claimants, and the Government had done its duty towards them. He wanted no further evidence of the want of necessity for this agent, than, that a year should have been consumed in doing what might have been done in six months. He was rather disposed to argue that the business had already been completed, the duties of the agent having commenced a year ago, while that of the commissioners had begun but six months since. It had been stated by the gentleman from Virginia that the business was not yet done. If so, it was not the fault of the commissioners, but of the agent. He meant no insinuations against the individual in this case, but he spoke of the fact. It was quite time the office was abolished. If the business had been left with the Secretary of State, with his known vigilance, he would have completed these duties long since.

Mr. BUCKNER differed from his honorable colleague (Mr. WICKLIFFE) on this subject. He believed the ground that it was not the duty of Government to provide an agent in this case, because only a portion of its citizens, and not the whole, were concerned, was not correct. He thought there was force in the remark, that these losses were sustained in consequence of an act of the Government. The Government has acted from honorable motives in this case. It had an eye to the rights and interests of its citizens. He proceeded to remark upon the obligations of a Government to see that remuneration was made for the losses sustained by its citizens in time of war. He was not possessed of sufficient information as to the propriety of this appropriation. If the agent had failed in his duty, it was not a good reason, as he thought, for refusing the appropriation. The sum was a mere pittance, hardly worth the interest that had been displayed in regard to it.

Mr. POINSETT said that he believed the duties of this agency had been very arduous, and had been performed in a very satisfactory manner. He thought the business of the commission would suffer materially by withholding the appropriation for the agent.

Mr. FORSYTH replied to the remark of Mr. POINSETT. He denied the existence of the difficulties which had been supposed to exist in connexion with this agency. He said the whole information required of the agent ought to have been prepared at the first meeting of the commissioners in August last. Every particle of the information might have been obtained by circular letters, written by one of the clerks of the Department. The Government had no other interest in the business than to see that justice was done to these claimants. It had placed them in the way to obtain that justice. Its duty had been performed towards them. In regard to the manner in which the appointment was made, it had nev-

er been submitted to Congress until the present session.

Mr. McLANE explained. He stated that the appropriation for this commission had been made the last year, in pursuance of a statement of the amount required, as received from the Department of State. In that statement was included the salary of this agent.

Mr. HAMILTON said that this agent had been engaged in an extensive correspondence on this subject—he had it not in his power to compel persons to answer these letters, and unavoidable delays had taken place. He said, if the subject was not fairly before the House at the last session, it was the fault of the Chairman of the Committee of Ways and Means. He said the agent did not deserve the insinuations that had been thrown out against him. Mr. H. had himself had reason to know that the most important information had been furnished to the claimants by the gentleman who held the office.

Mr. McLANE replied. He had not intended to throw out any censure against the individual who filled this office, nor against any department of the Government, for his appointment. If there had been a necessity of the agency once, it did not follow that it should now be continued. He had said, and he well knew, that other private agents had been appointed by the individual claimants; and he would not consent to the appointment of an agent totally irresponsible to the claimants, and at liberty to do their business or not, as he chose.

Mr. SANDFORD was in favor of the appropriation—he thought that appropriations had been made for much more useless purposes, and that it was the duty of Government to provide assistance for these claimants, and save those who were very poor from the necessity of employing counsel.

Mr. FORSYTH explained in reference to his previous remarks. As a member of Congress, he felt that he must vote against the appropriation, as not being required by the public interest, or the interests of the individual claimants.

Mr. HAMILTON made a few remarks in confirmation of what he had previously said.

The question was then taken on Mr. McLANE's motion to amend the amendment of the Senate, by striking out the provision for the agent, and carried in the affirmative—97 to 52. The amendment of the Senate, as amended, was then agreed to.

The Committee then rose, reported progress, and had leave to sit again.

The House adjourned till Monday.

MONDAY, March 29.

Mr. MITCHELL, of Maryland, presented a petition of sundry inhabitants of the sixth Congressional district of the State of Maryland, praying for the aid of the General Government in the erection of bridges, at places therein mentioned, for the purpose of facilitating the transportation of the United States' mails.—Referred to the Committee on the Post Office and Post Roads.

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Mr. CAMBRELENG presented a petition of Jacob Schieffelin and Son, of New York, merchants, setting forth that, in 1809, a considerable amount of property belonging to them, lying in a port in Holland, was seized by French authorities, transported to the port of Antwerp, and there sold, without condemnation, and the proceeds paid into the Treasury of France, and praying the interposition of Congress in such manner as to procure them redress for their wrongs.

Mr. POINSETT presented a memorial of Anthony Le Courtois, of Charleston, in the State of South Carolina, setting forth that, in 1811, while pursuing a lawful voyage from the United States to Russia, his vessel was captured by a French private armed cruiser, and, with her cargo, was condemned, by which the petitioner has been reduced to poverty and distress; and praying such relief in the premises as, in the wisdom of Congress, may seem meet and proper.

Ordered, That the said petition and memorial be referred to the Committee on Foreign Affairs.

Mr. HOLCOMBE presented a memorial of John M. Gamble, a captain of marines in the Navy of the United States, stating that, while attached to the frigate Essex, commanded by Captain Porter, cruising in the Pacific Ocean, in the late war with Great Britain, he was placed in command of a vessel captured and manned by the Essex; in which vessel he afterwards fell in with, and captured, a British ship of very superior force, and praying to be allowed prize money for himself and crew, for said capture.—Referred to the Committee on Naval Affairs.

Mr. CALL presented a petition of divers inhabitants of the city of St. Augustine, and of other parts of the eastern section of the Territory of Florida, praying permission to cut a canal through public lands, lying between said city and the river St. John's; which petition was referred to the Committee on the Public Lands.

Mr. FULLER, from the Committee on Naval Affairs, reported a bill for the relief of Barbara Paulas; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. MITCHELL, of Maryland, the Committee on Commerce were instructed to inquire into the expediency of erecting a lighthouse on Poole's Island, in the Chesapeake Bay.

GENERAL APPROPRIATION BILL.

The House then went into a Committee of the Whole on the amendments of the Senate, to the appropriation bill "for the support of Government for the year 1824."

The question being then on the amendment striking out of the bill the following clause: "And provided, also, that no person, receiving an annual salary from the Government of the United States, shall receive any thing in addition thereto for any official services whatever, by way of perquisites, or extra compensation, except for fees of office which may be established by law;"

Mr. COCKE stated a number of facts in relation to the compensation received by Governors of Territories, for extra services. He quoted the law

appointing the salaries of those officers, and contended that they had received, in some cases, double what the law warranted, for the performance of duties which properly pertained to their functions as Governors. He acknowledged that he had been under a wrong impression with respect to the Navy Commissioners, who, he was happy to state, received nothing beyond what the laws of their country prescribe. He made some remarks on the compensation received by the Surveyor General, on which he entirely differed from the opinion given by the Secretary of War, and he read a report of the former committee of the House in confirmation of his views.

Mr. VANCE, of Ohio, explained what he apprehended to be the state of the law on the subject of Territorial Governors. He gave a statement of the compensation allowed to the Superintendents of Indian Affairs, from the first organization of the Government, and the changes which had taken place to the present time, and he contended that the gentleman from Tennessee was mistaken in supposing that the emoluments received by the Governors of Territories were not warranted by legal provisions. He reprobated the idea of attempting to regulate the Indian Department by a clause in an appropriation bill; and contended that the clause, if restored, would operate with great injustice, especially on the Governor of Michigan, whose disbursements, in relation to Indian affairs, were very great, and who, if deprived of the compensation now allowed to him, would be placed on a lower and worse footing than a common Indian agent. He dwelt on the improvements which had been introduced into the Indian Department during the present Administration, for which he contended that the present Secretary of War was entitled to the respect and gratitude of the House, and of the country.

Mr. McLANE spoke in reply. He discussed at length the laws in relation both to the Territorial Governors and the Surgeon General, which he stated as fully warranting what they received. If any improvement was to be introduced into the Indian Department, the present bill was not the proper one to effect it, and the discussion was only calculated to embarrass it.

Mr. WARFIELD quoted several laws in relation to the appointment of Indian agents, and opposed the clause which the Senate had stricken out, as being of too broad and unguarded a character. Possibly abuses did exist, and the laws in relation to Indian affairs would certainly be better for revision; but this must be done as a separate matter, and with deliberation. He hoped the discussion of that subject would be now relinquished.

Mr. CALL, of Florida, stated the many valuable services performed by the Governor of that Territory, and argued in favor of the equity of some farther compensation than his mere salary as Governor. He remarked at large on the case of the Surgeon General, stated the value of his services, his necessity of obedience, as attached to the Army, even in the performance of the longest and most expensive journeys. He was in constant activity, and his salary alone might be ex-

hausted by a single journey; talent and services were nowhere so poorly rewarded as in the medical staff of our Army; and if we persisted in this policy, talent would retire from the service of the Government, &c.

Mr. COCKE spoke in reply; and insisted on the grounds he had formerly taken. The provision was not aimed at any one in particular—its language and its aim were general. He stated some further facts as to the compensations received.

Mr. VANCE, of Ohio, explained some of his former statements, and added facts in reply.

Mr. WICKLIFFE recalled the remembrance of the gentleman from Tennessee to what had passed in this House when the clause now stricken out by the Senate had been proposed by that gentleman, when he stated that it was not meant to include Territorial Governors. If the gentleman disapproved of the amounts now received, he wished that gentleman, as head, (to use a phrase of his own) of the "Indian Committee," would introduce a provision to fix and regulate their compensation.

Mr. COCKE explained.

Mr. COOK observed that the present case showed the impropriety of receiving statements from the departments which did not come before the House in an official form. The gentleman from Tennessee had produced some statements, but they were incomplete. Mr. C. had had personal opportunity of observing the performance of the duties by the Governor of a Territory, and he knew them to be difficult and perplexing. He referred to censures formerly cast on Governor Cass, the investigation which had ensued, and the complete vindication which was the result.

Mr. COCKE replied in a few words, and Mr. COOK rejoined.

Mr. RICH advocated, in a few observations, the propriety of the principle of the amendment, but thought it best not to insist on its insertion in the present bill.

The question was then taken on non-concurring with the Senate in their amendment, and decided in the negative—ayes 42, noes 90.

So the House concurred in the Senate's amendment, and refused to restore this clause to the bill.

The following amendment of the Senate being under consideration, viz: "for graduating and improving the ground near the President's house, within the enclosure, \$2,000,"

Mr. FORSYTH opposed it in a few words.

Mr. CUSHMAN, of Maine, said, that it was not to be expected that the Committee on the Public Buildings could carry back their researches to the foundation of this city, in order to ascertain whether every dollar and cent appropriated had been laid out to the best advantage. The task was too arduous for any one committee to perform during a session of Congress. He questioned whether even the Committee on Foreign Relations, with all their commendable industry, and unwearied assiduity and talent, were able to perform so Herculean a labor.

There was a Committee on the Expenditures of the Public Buildings. It was the province of this

committee to inquire whether the sums appropriated had been judiciously expended; to collect all useful information, and report it. With respect to the amendment, he could repeat what he had before said, that it was not of his seeking. The Senate introduced it of their own will and pleasure. They acted, he presumed, not without reason or due consideration. They took a survey of the whole ground. That honorable body had a Constitutional right to make the amendment. Decent respect was due to their opinions. Mr. C. called on gentlemen to view the public grounds, and say whether they did not need the improvements which the appropriation proposes to effect. The grounds attached to the President's house, in particular, were in a rough, uncouth, unsightly, chaotic state, and exhibited an appearance not very honorable to the taste and character of this nation. Much labor was required to level or graduate, to smooth and embellish them. He conceived that gentlemen would feel a pride and pleasure in giving to this little world of the nation's creation, proportion and comeliness. And what more noble displays could they make of their legislative wisdom and energy, than to give to that which is without form, and void, beauty, order, and harmony? It was not, he knew, in the power of this House to create all things out of nothing; but it would be a commendable effort, from chaos to form a regular system.

Mr. C. deemed it decorous, before he sat down, to reply to the worthy member from Tennessee, (Mr. SANDFORD,) who, on a former occasion, so pathetically appealed to the sympathies of this Committee. Whenever that honorable gentleman, said Mr. C., lifts up his voice, I always listen with pleasure, because I consider the worthy member a patriot indeed, in whom there is no guile. That gentleman seemed to consider it strange, and even a "reproach to this House," that, while we were voting liberal sums to improve our grounds and pave our foot-walks, a mere pittance should be refused to pay an advocate to plead the cause of the widow and the fatherless, and him who had no helper. For my part, said Mr. CUSHMAN, if this were a reproach, I had no share in it; I did not vote, neither do I believe I shall vote, against the appropriation. For, whatever reluctance he, Mr. C., might feel in considering human flesh and blood in the light of property, compensation was stipulated to the losers of this species by treaty; and he conceived the honor and faith of the nation to be pledged to the citizens to carry all its provisions strictly into effect. And, if it were necessary for the purpose to employ an attorney, or agent, or minister of subordinate grade, envoy extraordinary, or even an ambassador, he was willing to vote a salary. There is, said Mr. C., a wide difference in the two cases. The sums which we vote even to our useful officers not unfrequently perish in using, and the effect is unseen. Whereas, our grants to improve and embellish the city remain for a long time, to delight the eye, and to subserve purposes of utility and convenience.

While, therefore, we are sparing of our funds in the one case, in the other we may, with great pro-

priety, be bountiful. This city, said he, is the rallying point of the nation; the centre of attraction—a bond of political union. He was ambitious to give it all the improvements and decorations becoming our Confederate Republic. And such was his zeal and enthusiasm, that he would cheerfully vote to diminish his own compensation to aid these desirable attainments.

Mr. FORSYTH replied, and stated his objection to be founded on the existence of an unexpended balance, which might be applied to the object, without any new specified grant.

Mr. WHIPPLE supported the amendment as necessary and proper. He described the state of the grounds referred to, &c.

The question being taken on non-concurring in the amendment of the Senate, it was decided in the affirmative—ayes 89, noes 55.

So the Senate's amendment was concurred in by the House.

Mr. HAMILTON offered the following as an amendment to the fifth amendment of the Senate:

"And the sum of one thousand dollars for compensation to the agent or attorney, employed by the Secretary of State to arrange the testimony to be adduced to the Commission, under the Convention of St. Petersburg, for the purpose of ascertaining the average value of slaves taken by Great Britain at the close of the late war; which appointment is to continue until the average value has been fixed, and no longer; and the said compensation is not to extend beyond the time the said agent is actually employed, and, for the time he is so employed, his said compensation to be estimated at the rate of two thousand dollars per annum."

The Chairman pronounced the motion to be out of order.

Mr. ARCHER, to afford the gentleman an opportunity to have his amendment discussed, moved a reconsideration of the vote of this House on the Senate's fifth amendment of the bill.

Mr. HAMILTON explained the amendment he wished to introduce, and insisted on the value and necessity of the services of the agent; and the guards contained in the amendment against his receiving compensation without performing the service.

The question being put on reconsidering the vote of Saturday, it was decided in the negative.

The Committee then rose, and reported their concurrence in the first, second, third, sixth, seventh, and eighth amendments; their disagreement to the fourth; and reported the fifth with an amendment, as already severally stated.

The question being put in the House on concurring in the decisions of the Committee of the Whole, it was carried.

Mr. HAMILTON offered the same amendment he had moved in Committee of the Whole, modifying it so as to strike out the last sentence of it.

Mr. WILLIAMS, of North Carolina, objected to the amendment as still more objectionable than that from the Senate, in which the House had refused to concur.

Mr. HAMILTON further modified his amendment, (at the suggestion of Mr. RICH,) by striking out

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"Secretary of State," and inserting "President of the United States."

Mr. FORSYTH opposed the amendment on the grounds taken in the former debate on this subject.

Mr. FOOT advocated it in a few words, and Mr. McLANE added a correction in point of fact; when the question was taken by yeas and nays, on agreeing to the amendment—and stood as follows:

YEAS—Messrs. P. P. Barbour, Bassett, Bradley, Buchanan, Buckner, Burleigh, Cassedy, Crafts, Crowninshield, Cushman, Edwards of Pennsylvania, Farrelly, Foot of Connecticut, Fuller, Garnett, Gist, Govan, Gurley, Hamilton, Hayward, Hemphill, Holcombe, Jennings, Johnson of Virginia, J. T. Johnson, Kent, Lathrop, Lee, Leftwich, Lincoln, Livingston, McDuffie, Miller, Moore of Kentucky, Moore of Alabama, Neale, Nelson, Newton, Owen, Patterson of Pennsylvania, Patterson of Ohio, Poinsett, Reed, Rich, Rives, Rogers, Saunders, Sloane, William Smith, Spence, A. Stevenson, Tod, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Warfield, Wayne, Whittlesey, James Wilson, Wilson of South Carolina, and Wood—61.

NAYS—Messrs. Abbot, Adams, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Archer, Baylies, Barber of Connecticut, Bartley, Blair, Brent, Brown, Buck, Burton, Cambreleng, Campbell of Ohio, Carter, Cary, Clark, Cobb, Cocke, Collins, Condict, Conner, Craig, Culpeper, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of North Carolina, Findlay, Floyd, Forsyth, Frost, Garrison, Gazlay, Hall, Harris, Harvey, Hayden, Henry, Herkimer, Hogeboom, Hooks, Isaacs, Jenkins, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Litchfield, Livermore, Locke, Long, McArthur, McCoy, McKean, McKim, McLane of Delaware, Mangum, Markley, Martindale, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, O'Brien, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Rankin, Reynolds, Richards, Rose, Sandford, Scott, Sharpe, Sibley, Arthur Smith, Alexander Smyth, Spaight, Standefer, Sterling, Storrs, Swan, Taylor, Ten Eyck, Test, Thompson of Georgia, Thompson of Kentucky, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Whipple, Whitman, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, Henry Wilson, Wilson of Ohio, Woods, and Wright—113.

So the amendment of Mr. HAMILTON was rejected.

The bill was then ordered to be returned to the Senate, with a message, announcing the decision on the amendment.

The engrossed bill to repeal an act entitled "An act for the relief of John B. Hogan," was read a third time, passed, and sent to the Senate for concurrence.

And then the House adjourned.

TUESDAY, March 30.

Mr. KENT, from the Committee for the District of Columbia, to which was referred, on the 12th of January, 1824, a memorial of the Common Council of Alexandria, reported a bill further to

amend the charter of the said town of Alexandria; which was read twice, and committed to a Committee of the Whole.

Mr. K., from the same committee, to which was referred, on the 12th of January, 1824 a memorial of the corporation of the city of Washington, reported a bill supplementary to the act to incorporate the inhabitants of the city of Washington, passed on the 15th of May, 1820; which was read twice, and committed to a Committee of the Whole.

Mr. K., from the same committee, to which was referred the bill from the Senate entitled "An act to amend an act entitled 'An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia,'" reported the same with amendments; which were read, and agreed to by the House, and the amendments were ordered to be engrossed, and the bill read a third time to-morrow.

Mr. CROWNINSHIELD, from the Committee on Naval Affairs, to which was committed the bill from the Senate, entitled "An act extending the term of pensions, granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds or casualties received while in the line of their duty, on board the private armed ships of the United States during the war," reported the same with amendments; which were read, and the amendments ordered to be engrossed, and the bill read a third time to-morrow.

Mr. CROWNINSHIELD, from the same committee, to whom was referred a message from the President of the United States upon the subject, reported a bill to re-organize and fix the Naval Establishment of the United States; which was read twice, and committed to the Committee of the whole House on the state of the Union.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: 1st. An act for the relief of Charles Gwynn, of Baltimore; 2d. An act to authorize the settlement of the accounts of Benjamin Lincoln, and others; in which they ask the concurrence of this House.

The said bills were read twice, and committed; the first to the Committee of Claims; the second to the Committee on the Judiciary.

An engrossed bill, entitled "An act for the relief of Barbara Paulas," was read the third time, and passed.

Three Messages were received from the PRESIDENT OF THE UNITED STATES, which were read, and are as follows:

FIRST.

To the House of Representatives of the United States:

I herewith transmit a report of the Secretary of War, together with a report from the Commissioner of the General Land Office, accompanied by the necessary documents, communicating the information heretofore requested by a resolution of the House, in relation to the salt springs, lead and copper mines, together with the probable value of each of them, and of the reservations attached to each; the extent to which they have been worked, the advantages and proximity

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of each to navigable waters, and the origin, nature, and extent of any claim made to them by individuals or companies; which reports contain all the information at present possessed on the subjects of the said resolution.

JAMES MONROE.

MARCH 28, 1824.

The Message and accompanying documents were ordered to lie on the table.

SECOND.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 14th instant, requesting information whether an advance of compensation had been made to any of the Commissioners who had been appointed for the examination of the titles and claims to land in Florida, and by what authority such advance, if any, had been made, I transmit a report of the Secretary of State, which contains the information required.

JAMES MONROE.

MARCH 30, 1824.

The Message and accompanying documents were ordered to lie on the table.

THIRD.

A Message enclosing certain papers enumerated in a report from the Secretary of War, relating to the compact between the United States and the State of Georgia, entered into in 1802.—[For this Message and Documents see debate, Senate proceedings of April 1, ante.]—Referred to a select committee. Mr. FORSYTH, Mr. CUTHBERT, Mr. McDUFFIE, Mr. COBB, and Mr. LONG, were appointed the committee.

THE TARIFF BILL.

The House then went into Committee of the Whole on the state of the Union, on the bill to amend the several acts laying duties on imports, Mr. CONDUCT in the Chair.

Mr. CLAY took the floor, about eleven o'clock, in reply to the speech of Mr. BARBOUR delivered on Friday, and in support of the general principles of the tariff bill. Mr. C. had not concluded, when at half-past three o'clock, he gave way to a motion for the Committee to rise; and the Committee rose.

WEDNESDAY, March 31.

Mr. WICKLIFFE, from the committee to which was referred a Message from the President of the United States, communicating a report of engineers appointed to examine and survey the Ohio and Mississippi rivers, made a detailed report, accompanied by a bill appropriating money to assist the States of Kentucky and Ohio to open a canal around the falls of the river Ohio, at Louisville, in Kentucky; which was read twice, and committed to the Committee of the whole House to which is committed the bill to improve the navigation of the Ohio and Mississippi rivers.

Mr. HAMILTON, from the Committee on Military Affairs, made a report on the petition of Jacob Slough, accompanied by a bill for his re-

lief; which was read twice, and committed to a Committee of the Whole.

The bill from the Senate, entitled "An act to amend an act, entitled 'An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia,'" was read the third time, and passed with amendments.

The bill from the Senate, entitled "An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds or casualties received while in the line of their duty on board the private armed ships of the United States during the late war," was read the third time, and passed with amendments.

THE TARIFF BILL.

The House then went into Committee of the Whole on the bill to amend the several acts laying duties on imports, Mr. CONDUCT in the Chair.

Mr. CLAY concluded his remarks on the general principles of the tariff, which are given entire, as follows:

Mr. Chairman: The gentleman from Virginia (Mr. BARBOUR) has embraced the occasion produced by the proposition of the gentleman from Tennessee, to strike out the minimum price in the bill, on cotton fabrics, to express his sentiments at large on the policy of the pending measure; and it is scarcely necessary for me to say, that he has evinced his usual good temper, ability, and decorum. The parts of the bill are so intermingled and interwoven together, that there can be no doubt of the fitness of this occasion to exhibit its merits or its defects. It is my intention, with the permission of the Committee, to avail myself also of this opportunity, to present to its consideration those general views, as they appear to me, of the true policy of this country, which imperiously demand the passage of this bill. I am deeply sensible, Mr. Chairman, of the high responsibility of my present situation. But that responsibility inspires me with no other apprehension than that I shall be unable to fulfil my duty; with no other solicitude than that I may, at least, in some small degree, contribute to recall my country from the pursuit of a fatal policy, which appears to me inevitably to lead to its impoverishment and ruin. I do feel most awfully this responsibility; and, if it were allowable for us, at the present day, to imitate ancient examples, I would invoke the aid of the Most High. I would anxiously and fervently implore His divine assistance; that He would be graciously pleased to shower on my country His richest blessings; and that He would sustain, on this interesting occasion, the humble individual who stands before Him, and lend him the power, moral and physical, to perform the solemn duties which now belong to his public station.

Two classes of politicians divide the people of the United States. According to the system of one, the produce of foreign industry should be subjected to no other impost than such as may be necessary to provide a public revenue; and the produce of American industry should be left to sustain itself,

if it can, with no other than that incidental protection, in its competition, at home as well as abroad, with rival foreign articles. According to the system of the other class, whilst they agree that the imposts should be mainly, and may, under any modifications, be safely relied on as a fit and convenient source of public revenue, they would so adjust and arrange the duties on foreign fabrics as to afford a gradual but adequate protection to American industry, and lessen our dependence on foreign nations, by securing a certain, and, ultimately, a cheaper and better supply of our own wants from our own abundant resources. Both classes are equally sincere in their respective opinions, equally honest, equally patriotic, and desirous of advancing the prosperity of the country. In the discussion and consideration of these opposite opinions, for the purpose of ascertaining which has the support of truth and reason, we should, therefore, exercise every indulgence, and the greatest spirit of mutual moderation and forbearance. And, in our deliberations on this great question, we should look fearlessly and truly at the actual condition of the country, retrace the causes which have brought us into it, and snatch, if possible, a view of the future. We should, above all, consult experience—the experience of other nations as well as our own, as our truest and most unerring guide.

In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is, the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthreshed crops of grain, perishing in our barns and barn-yards for the want of a market; by the alarming diminution of the circulation medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by an universal complaint of the want of employment, and a consequent reduction of the wages of labor; by the ravenous pursuit after public situations, not for the sake of their honors, and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of paper money; by the intervention of legislation in the delicate relation between debtor and creditor; and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation, which has, on an average, sunk not less than about fifty per cent. within a few years. This distress pervades every part of the Union, every class of society; all feel it, though it may be felt, at different places, in different degrees. It is like the atmosphere which surrounds us—all must inhale it, and none can escape it. In some places, it has burst upon our people without a single mitigating circumstance to temper its severity. In others, more fortunate, slight alleviations have been experienced, in the expenditure of the public revenue, and in other favoring causes. A few

years ago, the planting interest consoled itself with its happy exemption; but it has now reached this interest also, which experiences, though with less severity, the general suffering. It is most painful to me to attempt to sketch or to dwell on the gloom of this picture. But I have exaggerated nothing. Perfect fidelity to the original would have authorized me to have thrown on deeper and darker hues. And it is the duty of the statesman, no less than that of the physician, to survey, with a penetrating, steady, and undismayed eye, the actual condition of the subject on which he would operate; to probe to the bottom the diseases of the body politic, if he would apply efficacious remedies. We have not, thank God, suffered in any great degree for food. But distress, resulting from the absence of a supply of the mere physical wants of our nature, is not the only, nor, perhaps, the keenest distress, to which we may be exposed. Moral and pecuniary suffering is, if possible, more poignant. It plunges its victim into hopeless despair. It poisons, it paralyzes, the spring and source of all useful exertion. Its unsparing action is collateral as well as direct. It falls with inexorable force, at the same time, upon the wretched family of embarrassment and insolvency, and upon its head. They are a faithful mirror, reflecting back upon him, at once, his own frightful image, and that, no less appalling, of the dearest objects of his affection. What is the cause of this wide-spreading distress, of this deep depression, which we behold stamped on the public countenance? We are the same people. We have the same country. We cannot arraign the bounty of Providence. The showers still fall in the same grateful abundance. The sun still casts his genial and vivifying influence upon the land; and the land, fertile and diversified in its soils as ever, yields to the industrious cultivator, in boundless profusion, its accustomed fruits, its richest treasures. Our vigor is unimpaired. Our industry has not relaxed. If ever the accusation of wasteful extravagance could be made against our people, it cannot now be justly preferred. They, on the contrary, for the few last years at least, have been practising the most rigid economy. The causes, then, of our present affliction, whatever they may be, are human causes, and human causes not chargeable upon the people, in their private and individual relations.

What, again I would ask, is the cause of the unhappy condition of our country, which I have faintly depicted? It is to be found in the fact that, during almost the whole existence of this Government, we have shaped our industry, our navigation, and our commerce, in reference to an extraordinary war in Europe, and to foreign markets, which no longer exist; in the fact that we have depended too much upon foreign sources of supply, and excited too little the native; in the fact that, whilst we have cultivated, with assiduous care, our foreign resources, we have suffered those at home to wither, in a state of neglect and abandonment. The consequence of the termination of the war of Europe has been the resumption of European commerce, European navigation, and the extension of European agriculture

and European industry, in all its branches. Europe, therefore, has no longer occasion to any thing like the same extent as that which she had during her wars, for American commerce, American navigation, the produce of American industry. Europe in commotion, and convulsed throughout all her members, is to America no longer the same Europe as she is now, tranquil, and watching with the most vigilant attention all her own peculiar interests, without regard to the operation of her policy upon us. The effect of this altered state of Europe upon us has been to circumscribe the employment of our marine, and greatly to reduce the value of the produce of our territorial labor. The further effect of this twofold reduction has been to decrease the value of all property, whether on the land or on the ocean, and which I suppose to be about fifty per cent. And the still further effect has been to diminish the amount of our circulating medium, in a proportion not less by its transmission abroad, or its withdrawal by the banking institutions, from a necessity which they could not control. The quantity of money, in whatever form it may be, which a nation wants, is in proportion to the total mass of its wealth, and to the activity of that wealth. A nation that has but little wealth, has but a limited want of money. In stating the fact, therefore, that the total wealth of the country has diminished, within a few years, in a ratio of about fifty per cent., we shall at once fully comprehend the inevitable reduction which must have ensued in the total quantity of the circulating medium of the country. A nation is most prosperous when there is a gradual and untempting addition to the aggregate of its circulating medium. It is in a condition the most adverse, when there is a rapid diminution in the quantity of the circulating medium; and a consequent depression in the value of property. In the former case, the wealth of individuals insensibly increases, and income keeps ahead of expenditure. But, in the latter instance, debts have been contracted, engagements made, and habits of expense established, in reference to the existing state of wealth and of its representative. When these come to be greatly reduced, individuals find their debts still existing, their engagements unexecuted, and their habits inveterate. They see themselves in the possession of the same property on which, in good faith, they had bound themselves. But that property, without their fault, possesses no longer the same value; and hence, discontent, impoverishment, and ruin arise. Let us suppose, Mr. Chairman, that Europe was again the theatre of such a general war as recently raged throughout all her dominions—such a state of the war as existed in her greatest exertions and in our greatest prosperity—instantly there would arise a greedy demand for the surplus produce of our industry, for our commerce, for our navigation. The languor which now prevails in our cities, and in our seaports, would give way to an animated activity. Our roads and rivers would be crowded with the produce of the interior. Every where we should witness excited industry. The precious metals would reflow from abroad

upon us. Banks, which have maintained their credit, would revive their business, and new banks would be established to take the place of those which have sunk beneath the general pressure; for, it is a mistake to suppose that they have produced our present adversity; they have somewhat aggravated it, but they were the effect and the evidence of our prosperity. Prices would again get up; the former value of property would be restored; and those embarrassed persons who have not been already overwhelmed by the times, would suddenly find, in the augmented value of their property, and the renewal of their business, ample means to extricate themselves from all their difficulties. The greatest want of civilized society is a market for the sale and exchange of the surplus of the produce of the labor of its members. This market may exist at home or abroad, or both, but it must exist somewhere, if society prospers; and wherever it does exist, it should be competent to the absorption of the entire surplus of production. It is most desirable that there should be both a home and a foreign market. But, with respect to their relative superiority, I cannot entertain a doubt. The home market is first in order, and paramount in importance. The object of the bill under consideration is to create this home market, and to lay the foundations of a genuine American policy. It is opposed; and it is incumbent upon the partisans of the foreign policy (terms which I shall use without any invidious intent) to demonstrate that the foreign market is an adequate vent for the surplus produce of our labor. But is it so? 1. Foreign nations cannot, if they would, take our surplus produce. If the source of supply, no matter of what, increases in a greater ratio than the demand for that supply, a glut of the market is inevitable, even if we suppose both to remain perfectly unobstructed. The duplication of our population takes place in terms of about twenty-five years. The term will be more and more extended as our numbers multiply. But it will be a sufficient approximation to assume this ratio for the present. We increase, therefore, in population at the rate of about four per cent. per annum. Supposing the increase of our production to be in the same ratio, we should, every succeeding year, have, of surplus produce, four per cent. more than that of the preceding year, without taking into the account the differences of seasons which neutralize each other. If, therefore, we are to rely upon the foreign market exclusively, foreign consumption ought to be shown to be increasing in the same ratio of four per cent. per annum, if it be an adequate vent for our surplus produce. But, as I have supposed the measure of our increasing production to be furnished by that of our increasing population; so the measure of their power of consumption must be determined by that of the increase of their population. Now, the total foreign population, who consume our surplus produce, upon an average, do not double their aggregate number in a shorter term than that of about one hundred years. Our powers of production increase then in a ratio four times greater than their powers of consumption. And hence their

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utter inability to receive from us our surplus produce.

But, secondly; if they could, they will not. The policy of all Europe is adverse to the reception of our agricultural produce, so far as it comes into collision with its own; and, under that limitation, we are absolutely forbid to enter their ports, except under circumstances which deprive them of all value as a steady market. The policy of all Europe rejects those great staples of our country, which consist of objects of human subsistence. The policy of all Europe refuses to receive from us any thing but those raw materials of smaller value, essential to their manufactures, to which they can give a higher value, with the exception of tobacco and rice, which they cannot produce. Even Great Britain, to which we are its best customer, and from which we receive nearly one half in value of our whole imports, will not take from us articles of subsistence produced in our country cheaper than can be produced in Great Britain. In adopting this exclusive policy, the States of Europe do not inquire what is best for us, but what suits themselves, respectively; they do not take jurisdiction of the question of our interests, but limit the object of their legislation to that of the conservation of their own peculiar interests, leaving us free to prosecute ours as we please. They do not guide themselves by that romantic philanthropy, which we see displayed here, and which invokes us to continue to purchase the produce of foreign industry, without regard to the state or prosperity of our own, that foreigners may be pleased to purchase the few remaining articles of ours which their restrictive policy has not yet absolutely excluded from their consumption. What sort of a figure would a member of the British Parliament have made—what sort of a reception would his opposition have obtained, if he had remonstrated against the passage of the corn law, by which British consumption is limited to the breadstuffs of British production, to the entire exclusion of American, and stated that America could not, and would not, buy British manufactures, if Britain did not buy American flour?

Both the inability and the policy of foreign Powers, then, forbid us to rely upon the foreign market as being an adequate vent for the surplus produce of American labor. Now, let us see if this general reasoning is not fortified and confirmed by the actual experience of this country. If the foreign market may be safely relied upon as furnishing an adequate demand for our surplus produce, then the official document will show a progressive increase, from year to year, in the exports of our native produce, in a proportion equal to that which I have suggested. If, on the contrary, we shall find from them that, for a long term of past years, some of our most valuable staples have retrograded, some remained stationary, and others advanced but little, if any, in amount, with the exception of cotton, the deductions of reason and the lessons of experience will alike command us to withdraw our confidence in the competency of the foreign market. The total

amount of all our exports of domestic produce for the year, beginning in 1795, and ending on the 30th September, 1796, was \$40,764,097. Estimating the increase according to the ratio of the increase of our population, that is at four per cent. per annum, the amount of the exports of the same produce in the year ending on the 30th September last, ought to have been \$85,420,861. It was in fact only \$47,155,408. Taking the average of five years, from 1803 to 1807, inclusive, the amount of native produce exported was \$43,202,751 for each of those years. Estimating what it ought to have been, during the last year, applying the principle suggested to that amount, there should have been exported \$77,766,751, instead of \$47,155,408. If these comparative amounts of the aggregate actual exports, and what they ought to have been, be discouraging, we shall find, on descending into particulars, still less cause of satisfaction. The export of tobacco in 1791 was 112,428 hogsheads. That was the year of the largest exportation of that article; but it is the only instance of which I have selected the maximum of exportation. The amount of what we ought to have exported last year, estimated according to the scale of increase which I have used, is 266,332 hogsheads. The actual export was 99,009 hogsheads. We exported in 1823 the quantity of 1,311,853 barrels of flour; and ought to have exported last year 2,361,333 barrels. We, in fact, exported only 756,702 barrels. Of that quantity we sent to South America 150,000 barrels, according to a statement furnished me by the diligence of a friend near me, (Mr. POINSETT,) to whose valuable mass of accurate information, in regard to that interesting quarter of the world, I have had occasion frequently to apply. But that demand is temporary, growing out of the existing state of war. Whenever peace is restored to it, and I now hope that the day is not distant when its independence will be generally acknowledged, there cannot be a doubt that it will supply its own consumption. In all parts of it, the soil, either from climate or elevation, is well adapted to the culture of wheat; and nowhere can better wheat be produced than in some portions of Mexico and Chili. Still the market of South America is one which, on other accounts, deserves the greatest consideration. And I congratulate you, the Committee, and the country, on the recent adoption of a more auspicious policy towards it.

We exported, in 1802, Indian corn to the amount of 2,074,608 bushels—the quantity should have been, in 1823, 3,734,298 bushels. The actual quantity exported was 749,034 bushels, or about one-fifth of what it should have been, and a little more than one-third of what it was more than twenty years ago. We ought not then to be surprised at the extreme depression of the price of that article, of which I have heard my honorable friend (Mr. BASSETT) complain, nor of the distress of the corn-growing districts adjacent to Chesapeake bay. We exported 77,934 barrels of beef in 1803, and last year but 61,418, instead of 140,274 barrels. In the same year, (1803,) we exported 96,602 barrels of pork, and last year

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55,529, instead of 173,882 barrels. Rice has not advanced, by any means, in the proportion which it ought to have done. All the small articles—such as cheese, butter, candles, &c., too minute to detail, but important in their aggregate—have also materially diminished. Cotton alone has advanced. But whilst the quantity of it is augmented, its actual value is considerably diminished. The total quantity last year exceeded that of the preceding year by near thirty millions of pounds. And yet the total value of the year of smaller exportation exceeded that of the last year by upwards of three and a half millions of dollars. If this article (the capacity of our country to produce which was scarcely known in 1790) were subtracted from the mass of our exports, the value of the residue would only be a little upwards of \$27,000,000 during the last year. The distribution of the articles of our exports throughout the United States cannot fail to fix the attention of the Committee. Of the \$47,155,408, to which they amounted last year, three articles alone—cotton, rice, and tobacco—composed together \$28,549,177. Now, these articles are chiefly produced to the South. And if we estimate that portion of our population who are actually engaged in their culture, it would probably not exceed two millions. Thus, then, less than one-fifth of the whole population of the United States produced upwards of one-half—nearly two-thirds—of the entire value of the exports of the last year.

Is this foreign market, so incompetent at present, and which, limited as its demands are, operates so unequally upon the productive labor of our country, likely to improve in future? If I am correct in the views which I have presented to the Committee, it must become worse and worse. What can improve it? Europe will not abandon her own agriculture to foster ours. We may even anticipate that she will more and more enter into competition with us in the supply of the West India market. That of South America, for articles of subsistence, will probably soon vanish. The value of our exports, for the future, may remain at about what it was last year. But if we do not create some new market; if we persevere in the existing pursuits of agriculture; the inevitable consequence must be to augment greatly the quantity of our produce, and to lessen its value in the foreign market. Can there be a doubt on this point? Take the article of cotton, for example, which is almost the only article that now remunerates labor and capital. A certain description of labor is powerfully attracted towards the cotton-growing country. The cultivation will be greatly extended; the aggregate amount annually produced will be vastly augmented. The price will fall. The more unfavorable soils will then be gradually abandoned. And I have no doubt that, in a few years, it will cease to be profitably produced any where north of the thirty-fourth degree of latitude. But, in the mean time, large numbers of the cotton growers will suffer the greatest distress. And whilst this distress is brought upon our own country, foreign industry

will be stimulated by the very cause which occasions our distress. For, by surcharging the markets abroad, the price of the raw material being reduced, the manufacturer will be able to supply cotton fabrics cheaper, and the consumption in his own country, and in foreign nations, other than ours, (where the value of the import must be limited to the value of the export, which I have supposed to remain the same,) being proportionably extended, there will be consequently an increased demand for the produce of his industry.

Our agricultural is our greatest interest. It ought ever to be predominant. All others should bend to it. And, in considering what is for its advantage, we should contemplate it in all its varieties, of planting, farming, and grazing. Can we do nothing to invigorate it? nothing to correct the errors of the past, and to brighten the still more unpromising prospects which lie before us? We have seen, I think, the causes of the distresses of the country. We have seen that an exclusive dependence upon the foreign market must lead to still severer distress, to impoverishment, to ruin. We must then change somewhat our course. We must give a new direction to some portion of our industry. We must speedily adopt a genuine American policy. Still cherishing a foreign market, let us create also a home market, to give further scope to the consumption of the produce of American industry. Let us counteract the policy of foreigners, and withdraw the support which we now give to their industry, and stimulate that of our own country. It should be a prominent object with wise legislators, to multiply the vocations and extend the business of society, as far as it can be done by the protection of our interests at home, against the injurious effects of foreign legislation. Suppose we were a nation of fishermen, or of skippers, to the exclusion of every other occupation, and the Legislature had the power to introduce the pursuits of agriculture and manufactures, would not our happiness be promoted by an exertion of its authority? All the existing employments of society, the learned professions, commerce, agriculture, are now overflowing. We stand in each other's way. Hence, the want of employment. Hence, the eager pursuit after public stations, which I have before glanced at. I have been again and again shocked, during this session, by instances of solicitation for places before the vacancies existed. The pulse of incumbents, who happen to be taken ill, is not marked with more anxiety by the attending physicians, than by those who desire to succeed them, though with very opposite feelings. Our old friend, the faithful sentinel, who has stood so long at our door, and the gallantry of whose patriotism deserves to be noticed, because it was displayed when that virtue was most rare and most wanted, on a memorable occasion, in this unfortunate city, became indisposed some weeks ago. The first intelligence which I had of his dangerous illness, was by an application for his unvacated place. I hastened to assure myself of the extent of his danger, and was happy to find that the eagerness of succession outstripped the progress of disease. By

creating a new and extensive business, then, we should not only give employment to those who want it, and augment the sum of national wealth by all that this new business would create, but we should meliorate the condition of those who are now engaged in existing employments. In Europe, particularly in Great Britain, their large standing armies, large navies, large even on their peace arrangement, their established church, afford to their population employments which, in that respect, the happier constitution of our Government does not tolerate but in a very limited degree. The peace establishments of our Army and our Navy are extremely small, and I hope ever will be. We have no established church, and I trust never shall have. In proportion as the enterprise of our citizens in public employments is circumscribed, should we excite and invigorate it in private pursuits.

The creation of a home market is not only necessary to procure for our agriculture a just reward of its labors, but it is indispensable to obtain a supply of our necessary wants. If we cannot sell, we cannot buy. That portion of our population (and we have seen that it is not less than four-fifths) which makes comparatively nothing that foreigners will buy, has nothing to make purchases with from foreigners. It is in vain that we are told of the amount of our exports, supplied by the planting interest. They may enable the planting interest to supply all its wants; but they bring no ability to the interests not planting, unless, which cannot be pretended, the planting interest was an adequate vent for the surplus produce of the labor of all other interests. It is in vain to tantalize us with the greater cheapness of foreign fabrics. There must be an ability to purchase, if an article be obtained, whatever may be the price, high or low, at which it was sold. And a cheap article is as much beyond the grasp of him who has no means to buy, as a high one. Even if it were true that the American manufacturer would supply consumption at dearer rates, it is better to have his fabrics than the unattainable foreign fabrics; for it is better to be ill supplied than not supplied at all. A coarse coat, which will communicate warmth and cover nakedness, is better than no coat. The superiority of the home market results, 1st, from its steadiness and comparative certainty at all times; 2d, from the creation of reciprocal interests; 3d, from its greater security; and, lastly, from an ultimate and not distant augmentation of consumption, and, consequently, of comfort from increased quantity and reduced prices. But this home market, highly desirable as it is, can only be created and cherished by the protection of our own legislation against the inevitable prostration of our industry, which must ensue from the action of foreign policy and legislation. The effect and the value of this domestic care of our own interests will be obvious from a few facts and considerations. Let us suppose that half a million of persons are now employed abroad, in fabricating for our consumption those articles of which, by the operation of this bill, a supply is intended to

be provided within ourselves. That half a million of persons are, in effect, subsisted by us; but their actual means of subsistence are drawn from foreign agriculture. If we could transport them to this country, and incorporate them in the mass of our own population, there would instantly arise a demand for an amount of provisions equal to that which would be requisite for their subsistence throughout the whole year. That demand, in the article of flour alone, would not be less than the quantity of about 900,000 barrels, besides a proportionate quantity of beef and pork, and other articles of subsistence. But 900,000 barrels of flour exceeded the entire quantity exported last year, by nearly 150,000 barrels. What activity would not this give? What cheerfulness would it not communicate to our now dispirited farming interest? But if, instead of these five hundred thousand artisans emigrating from abroad, we give, by this bill, employment to an equal number of our own citizens now engaged in unprofitable agriculture, or idle, from the want of business, the beneficial effect upon the productions of our farming labor would be nearly doubled. The quantity would be diminished by a subtraction of the produce from the labor of all those who should be diverted from its pursuits to manufacturing industry, and the value of the residue would be enhanced, both by that diminution and the creation of the home market to the extent supposed. And the honorable gentleman from Virginia may repress any apprehensions which he entertains, that the plough will be abandoned, and our fields remain unsown. For, under all the modifications of social industry, if you will secure to it a just reward, the greater attractions of agriculture will give to it that proud superiority which it has always maintained. If we suppose no actual abandonment of farming, but, what is most likely, a gradual and imperceptible employment of population in the business of manufacturing, instead of being compelled to resort to agriculture, the salutary effect would be nearly the same. Is any part of our common country likely to be injured by a transfer of the theatre of fabrication for our own consumption from Europe to America? All that those parts, if any there be, which will not, or cannot, engage in manufactures, should require, is, that their consumption should be well supplied; and if the objects of that consumption are produced in other parts of the Union that can manufacture, far from having, on that account, any just cause of complaint, their patriotism will and ought to inculcate a cheerful acquiescence in what essentially contributes, and is indispensably necessary, to the prosperity of the common family.

The great desideratum in political economy is the same as in private pursuits—that is, What is the best application of the aggregate industry of a nation, that can be made honestly to produce the largest sum of national wealth? Labor is the source of all wealth, but it is not natural labor only; and the fundamental error of the gentleman from Virginia, and of the school to which he belongs, in adducing, from our sparse population, our unfitness for the introduction of the

arts, consists in their not sufficiently weighing the importance of the power of machinery. In former times, when but little comparative use was made of machinery, manual labor and the price of wages were circumstances of the greatest consideration. But it is far otherwise in these latter times. Such are the improvements and the perfections in machinery, that, in analyzing the compound value of many fabrics, the element of natural labor is so inconsiderable as almost to escape detection. This truth is demonstrated by many facts. Formerly, Asia, in consequence of the density of her population, and the consequent lowness of wages laid Europe under tribute for many of her fabrics. Now Europe reacts upon Asia, and Great Britain, in particular, throws back upon her countless millions of people the rich treasures produced by artificial labor, to a vast amount, infinitely cheaper than they can be manufactured by the natural exertions of that portion of the globe. But Britain is herself the most striking illustration of the immense power of machinery. Upon what other principle can you account for the enormous wealth which she has accumulated, and which she annually produces? A statistical writer of that country, several years ago, estimated the total amount of the artificial or machine labor of the nation to be equal to that of one hundred millions of able-bodied laborers. Subsequent estimates of her artificial labor, at the present day, carry it to the enormous height of two hundred millions. But the population of the Three Kingdoms is 21,500,000. Supposing that to furnish able-bodied labor to the amount of 4,000,000, the natural labor will be but two per cent. of the artificial labor. In the production of wealth, she operates, therefore, by a power (including the whole population) of 221,500,000; or, in other words, by a power eleven times greater than the total of her natural power. If we suppose the machine labor of the United States to be equal to that of 10,000,000 of able-bodied men, the United States will operate, in the creation of wealth, by a power (including all their population) of 20,000,000. In the creation of wealth, therefore, the power of Great Britain, compared to that of the United States, is as eleven to one. That these views are not imaginary, will be, I think, evinced, by contrasting the wealth, the revenue, the power, of the two countries. Upon what other hypothesis can we explain those almost incredible exertions which Britain made during the late wars of Europe? Look at her immense subsidies! Behold her, standing unaided and alone, breasting the storm of Napoleon's colossal power, when all continental Europe owned and yielded to its irresistible sway; and, finally, contemplate her vigorous prosecution of the war, with and without allies, to its splendid termination, on the ever-memorable field of Waterloo.

The British works which the gentleman from Virginia has quoted, portray a state of the most wonderful prosperity, in regard to wealth and resources, that ever was before contemplated. Let us look a little into the semi-official pamphlet, written with great force, clearness, and ability,

and the valuable work of Lowe, to both of which that gentleman has referred. The revenue of the United Kingdom amounted, during the latter years of the war, to seventy millions of pounds sterling; and one year it rose to the astonishing height of ninety millions sterling, equal to four hundred millions of dollars. This was actual revenue, made up of real contributions from the purses of the people. After the close of the war, Ministers slowly and reluctantly reduced the military and naval establishments, and accommodated them to a state of peace. The pride of power, every where the same, always unwillingly surrenders any of those circumstances which display its pomp and exhibit its greatness. Contemporaneous with this reduction, Britain was enabled to lighten some of the heaviest burdens of taxation, and particularly that most onerous of all, the income tax. In this lowered state, the revenue of peace, gradually rising from the momentary depression incident to a transition from war, attained, in 1822, the vast amount of fifty-five millions sterling, upwards of two hundred and forty millions of dollars, and more than eleven times that of the United States for the same year; thus indicating the difference, which I have suggested, in the respective productive powers of the two countries. The excise alone, collected under twenty-five different heads, amounted to twenty-eight millions, more than one-half of the total revenue of the Kingdom. This great revenue allows Great Britain to constitute an efficient sinking fund of five millions sterling, being an excess of actual income beyond expenditure, and amounting to more than the entire revenue of the United States.

If we look at the commerce of England, we shall perceive that its prosperous condition no less denotes the immensity of her riches. The average of three years' exports, ending in 1789, was between thirteen and fourteen millions. The average for the same term, ending in 1822, was forty millions sterling. The average of the imports for three years, ending in 1789, was seventeen millions. The average for the same term, ending in 1822, was thirty-six millions, showing a favorable balance of four millions. Thus, in a period not longer than that which has elapsed since the establishment of our Constitution, have the exports of that Kingdom been tripled; and this has mainly been the effect of the power of machinery. The total amount of the commerce of Great Britain is greater since the peace, by one-fourth, than it was during the war. The average of her tonnage, during the most flourishing period of the war, was two million four hundred thousand tons. Its average, during the three years 1819, 1820, and 1821, was 2,600,000, exhibiting an increase of 200,000 tons. If we glance at some of the more prominent articles of her manufactures, we shall be assisted in comprehending the true nature of the sources of her riches. The amount of cotton fabrics exported, in the most prosperous year of the war, was eighteen million sterling. In the year 1820, it was 16,600,000; in 1821, 20,150,000; in 1822, 21,-

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639,000 pounds sterling; presenting the astonishing increase in two years of upwards of five millions. The total amount of imports in Great Britain from all foreign parts, of the article of cotton wool, is five millions sterling. After supplying most abundantly the consumption of cotton fabrics within the country (and a people better fed, and clad, and housed, are not to be found under the sun than the British nation) by means of her industry, she gives to this cotton wool a new value, which enables her to sell to foreign nations to the amount of £21,639,000, making a clear profit of upwards of 16,500,000 pounds sterling! In 1821, the value of the export of woollen manufactures was £4,300,000. In 1822, it was 5,500,000. The success of her restrictive policy is strikingly illustrated in the article of silk. In the manufacture of that article she labors under great disadvantages, besides that of not producing the raw material. She has subdued them all, and the increase of the manufacture has been most rapid. Although she is still unable to maintain, in foreign countries, a successful competition with the silks of France, of India, and of Italy, and, therefore, exports but little, she gives to the two millions of the raw material which she imports, in various forms, a value of ten millions, which chiefly enter into British consumption. Let us suppose that she was dependent upon foreign nations for these ten millions, what an injurious effect would it not have upon her commercial relations with them! The average of the exports of British manufactures during the peace exceeds the average of the most productive years of the war. The amount of her wealth annually produced is three hundred and fifty million sterling, bearing a large proportion to all of her pre-existing wealth. The agricultural portion of it is said by the gentleman from Virginia, to be greater than that created by any other branch of her industry. But that flows mainly from a policy similar to that proposed by this bill. One-third only of her population is engaged in agriculture; the other two-thirds furnishing a market for the produce of that third. Withdraw this market, and what becomes of her agriculture? The power and the wealth of Great Britain cannot be more strikingly illustrated than by a comparison of her population and revenue with those of other countries and with our own. [Here Mr. C. exhibited the following table, from authentic materials:]

	Population.	Taxes and public burdens.	Taxes per capita.
Russia in Europe	37,000,000	£18,000,000	£0 9 9
France including Corsica -	30,700,000	37,000,000	1 4 0
Great Britain, exclusive of Ireland, (the taxes computed according to value of money on the European continent)	14,500,000	40,000,000	2 15 0
Great Britain and Ireland, collectively,	21,500,000	44,000,000	2 0 0

England alone -	11,600,000	£36,000,000	£3 2 0
Spain -	11,000,000	6,000,000	0 11 0
Ireland -	7,000,000	4,000,000	0 11 0
The United States of America, }	10,000,000	4,500,000	0 9 0

From this exhibit, we must remark, that the wealth of Great Britain (and, consequently, her power) is greater than that of any of the other nations with which it is compared. The amount of the contributions which she draws from the pockets of her subjects is not referred to for imitation, but as indicative of their wealth. The burden of taxation is always relative to the ability of the subjects of it. A poor nation can pay but little. And the heavier taxes of British subjects, for example, in consequence of their great wealth, may be easier borne than the much lighter taxes of Spanish subjects, in consequence of their extreme poverty. The object of wise Governments should be, by sound legislation so to protect the industry of their own citizens against the policy of foreign Powers as to give to it the most expansive force in the production of wealth. Great Britain has ever acted, and still acts, on this policy. She has pushed her protection of British interest further than any other nation has fostered its industry. The result is, greater wealth among her subjects, and consequently, greater ability to pay their public burdens. If their taxation is estimated by their *natural* labor alone, nominally it is greater than the taxation of the subjects of any other Power. But if, on a scale of their natural and artificial labor compounded, it is less than the taxation of any other people. Estimating it on that scale, and assuming the aggregate of the natural and artificial labor of the United Kingdom to be what I have already stated, 221,500,000, the actual taxes paid by a British subject are only about three and seven-pence sterling. Estimating our own taxes on a similar scale—that is, supposing both descriptions of labor to be equal to that of 20,000,000 of able bodied persons—the amount of tax paid by each soul in the United States is 4s. 6d. sterling.

The Committee will observe, from that table, that the measure of the wealth of a nation is indicated by the measure of its protection of its industry; and that the measure of the poverty of a nation is marked by that of the degree in which it neglects and abandons the care of its own industry, leaving it exposed to the action of foreign Powers. Great Britain protects most her industry, and the wealth of Great Britain is consequently the greatest. France is next in the degree of protection, and France is next in the order of wealth. Spain most neglects the duty of protecting the industry of her subjects, and Spain is one of the poorest of European nations. Unfortunate Ireland! disinherited, or rendered, in her industry, subservient to England, is exactly in the same state of poverty with Spain, measured by the rule of taxation. And the United States are still poorer than either.

The views of British prosperity which I have endeavored to present, show that her protecting policy is adapted alike to a state of war and of

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peace. Self-poised, resting upon her own internal resources, possessing a home market carefully cherished and guarded, she is ever prepared for any emergency. We have seen her coming out of a war of incalculable exertion, and of great duration, with her power unbroken, her means undiminished. We have seen that almost every revolving year of peace has brought along with it an increase of her manufactures, of her commerce, and, consequently, of her navigation. We have seen that, constructing her prosperity upon the solid foundation of her own protecting policy, it is unaffected by the vicissitudes of other States. What is our own condition? Depending upon the state of foreign Powers—confiding exclusively in a foreign, to the culpable neglect of a domestic policy, our interests are affected by all their movements. Their wars, their misfortunes, are the only source of our prosperity. In their peace, and our peace, we behold our condition the reverse of that of Great Britain, and all our interests stationary or declining. Peace bring to us none of the blessings of peace. Our system is anomalous; alike unfitted to general tranquillity, and to a state of war or peace on the part of our own country. It can succeed only in the rare occurrence of a general state of war throughout Europe. I am no eulogist of England. I am far from recommending her systems of taxation. I have adverted to them only as manifesting her extraordinary ability. The political and foreign interests of that nation may have been, as I believe them to have been, often badly managed. Had she abstained from the wars into which she has been plunged by her ambition, or the mistaken policy of her Ministers, the prosperity of England would, unquestionably, have been much greater. But it may happen that the public liberty, and the foreign relations of a nation, have been badly provided for, and yet its political economy has been wisely managed. The alacrity or sullenness with which a people pay taxes depends upon their wealth or poverty. If the system of their rulers leads to their impoverishment, they can contribute but little to the necessities of the State; if to their wealth, they cheerfully and promptly pay the burdens imposed on them. Enormous as British taxation appears to be in comparison with that of other nations, but really lighter as it, in fact, is, when we consider its great wealth, and its powers of production, that vast amount is collected with the most astonishing regularity. [Here Mr. CLAY read certain passages from Holt, showing that, in 1822, there was not a solitary prosecution arising out of the collection of the assessed taxes, which are there considered among the most burdensome, and that the prosecution of violations of the excise laws, in all its numerous branches, were sensibly and progressively decreasing.]

Having called the attention of the Committee to the present adverse state of our country, and endeavored to point out the causes which have led to it; having shown that similar causes, wherever they exist in other countries, lead to the same adversity in their condition; and having shown that, wherever we find opposite causes prevailing, a high

and animating state of national prosperity exists, the Committee will agree with me in thinking that it is the solemn duty of Government to apply a remedy to the evils which afflict our country, if it can apply one. Is there no remedy within the reach of the Government? Are we doomed to behold our industry languish and decay yet more and more? But there is a remedy, and that remedy consists in modifying our foreign policy, and in adopting a genuine American system. We must naturalize the arts in our country, and we must naturalize them by the only means which the wisdom of nations has yet discovered to be effectual—by adequate protection against the otherwise overwhelming influence of foreigners. This is only to be accomplished by the establishment of a tariff, to the consideration of which I am now brought.

And what is this tariff? It seems to have been regarded as a sort of monster, huge and deformed; a wild beast, endowed with tremendous powers of destruction, about to be let loose among our people, if not to devour them, at least to consume their substance. But let us calm our passions, and deliberately survey this alarming, this terrific being. The sole object of the tariff is to tax the produce of foreign industry, with the view of promoting American industry. The tax is exclusively levied at foreign industry. That is the avowed and the direct purpose of the tariff. If it subjects any part of American industry to burdens, that is an effect not intended, but is altogether incidental, and perfectly voluntary.

It had been treated as an imposition of burdens upon one part of the community by design for the benefit of another; as if, in fact, money were taken from the pockets of one portion of the people and put into the pockets of another. But, is that a fair representation of it? No man pays the duty assessed on the foreign article by compulsion, but voluntarily; and this voluntary duty, if paid, goes into the common exchequer, for the common benefit of all. Consumption has four objects of choice. 1. It may abstain from the use of the foreign article, and thus avoid the payment of the tax. 2. It may employ the rival American fabric. 3. It may engage in the business of manufacturing, which this bill is designed to foster. 4. Or it may supply itself from the household manufactures. But, it is said by the honorable gentleman from Virginia, that the South, owing to the character of a certain portion of its population, cannot engage in the business of manufacturing. Now, I do not agree in that opinion to the extent in which it is asserted. The circumstance alluded to may disqualify the South from engaging in every branch of manufacture as largely as other quarters of the Union, but to some branches of it that part of our population is well adapted. It indisputably affords great facility in the household or domestic line.

But, if the gentleman's premises were true, could his conclusion be admitted? According to him, a certain part of our population, happily much the smallest, is peculiarly situated. The circumstance of its degradation unfits it for the manufacturing arts. The well being of the other, and the larger part of our population, requires the introduction of

those arts. What is to be done in this conflict? The gentleman would have us abstain from adopting a policy called for by the interests of the greater and freer part of our population. But is that reasonable? Can it be expected that the interests of the greater part should be made to bend to the condition of the servile part of our population? That, in effect would be to make us the slaves of slaves. I went, with great pleasure, along with my Southern friends, and I am ready again to unite with them in protesting against the exercise of any legislative power, on the part of Congress, over that delicate subject, because it was my solemn conviction, that Congress was interdicted, or at least not authorized, by the Constitution to exercise any such legislative power. And I am sure, that the patriotism of the South may be exclusively relied upon to reject a policy which should be dictated by considerations altogether connected with that degraded class, to the prejudice of the residue of our population. But, does not a perseverance in the foreign policy, as it now exists, in fact, make all parts of the Union, not planting, tributary to the planting parts? What is the argument? It is, that we must continue freely to receive the produce of foreign industry, without regard to the protection of American industry, that a market may be retained for the sale abroad of the produce of the planting portion of the country; and that, if we lessen the consumption, in all parts of America, those which are not planting, as well as the planting sections of foreign manufactures, we diminish to that extent the foreign market for the planting produce. The existing state of things, indeed, presents a sort of tacit compact between the cotton grower and the British manufacturer, the stipulations of which are, on the part of the cotton grower, that the whole of the United States, the other portions as well as the cotton growing, shall remain open and unrestricted in the consumption of British manufactures; and, on the part of the British manufacturer, that, in consideration thereof, he will continue to purchase the cotton of the South.

Thus, then, we perceive that the proposed measure, instead of sacrificing the South to the other parts of the Union, seeks only to preserve them from being absolutely sacrificed under the operation of the tacit compact which I have described. Supposing the South to be actually incompetent, or disinclined to embark at all in the business of manufacturing, is not its interest, nevertheless, likely to be promoted by creating a new and an American source of supply for its consumption? Now foreign Powers, and Great Britain principally, have the monopoly of the supply of Southern consumption. If this bill should pass, an American competitor in the supply of the South would be raised up, and ultimately, I cannot doubt, that it would be supplied cheaper and better. I have before had occasion to state, and will now again mention, the beneficial effects of American competition with Europe, in furnishing a supply of the article of cotton bagging. After the late war, the influx of the Scottish manufacture prostrated the American establishments. The conse-

quence was, that the Scotch possessed the monopoly of the supply; and the price of it rose, and attained the year before the last a height which amounted to more than an equivalent for ten years' protection to the American manufacture. This circumstance tempted American industry again to engage in the business, and several valuable manufactories have been established in Kentucky. They have reduced the price of the fabric very considerably; but, without the protection of Government, they may be again prostrated—and then the Scottish manufacturer, engrossing the supply of our consumption, the price will probably again rise. It has been tauntingly asked, if Kentucky cannot maintain herself in a competition with the two Scottish towns of Inverness and Dundee? But is that a fair statement of the case? Those two towns are cherished and sustained by the whole protecting policy of the British empire, whilst Kentucky cannot, and the General Government will not, extend a like protection to the few Kentucky villages in which the article is made.

If the cotton growing consumption could be constitutionally exempted from the operation of this bill, it might be fair to exempt it upon the condition that foreign manufactures, the proceeds of the sale of cotton abroad, should not enter at all into the consumption of the other parts of the United States. But such an arrangement as that, if it could be made, would probably be objected to by the cotton growing country itself.

2. The second objection to the proposed bill is, that it will diminish the amount of our exports. It can have no effect upon our exports, except those which are sent to Europe. Except tobacco and rice, we send there nothing but the raw materials. The argument is, that Europe will not buy of us if we do not buy of her. The first objection to it is, that it calls upon us to look to the question, and take care of European ability in legislating for American interests. Now, if, in legislating for their interests, they would consider and provide for our ability, the principle of reciprocity would enjoin us so to regulate our intercourse with them, as to leave their ability unimpaired. But I have shown that, in the adoption of their own policy, their inquiry is strictly limited to a consideration of their peculiar interests, without any regard to that of ours. The next remark I would make is, that the bill only operates upon certain articles of European industry, which, it is supposed, our interest requires us to manufacture within ourselves; and, although its effect will be to diminish the amount of our imports of those articles, it leaves them free to supply us with any other produce of their industry. And, since the circle of human comforts, refinements, and luxuries, is of great extent, Europe will still find herself able to purchase from us what she has hitherto done, and to discharge the debt in some of those objects. If there be any diminution in our exports to Europe, it will probably be in the article of cotton to Great Britain. I have stated that Britain buys cotton wool to the amount of about five millions sterling, and sells to foreign

States to the amount of upwards of twenty-one millions and a half. Of this sum, we take a little upwards of a million and a half. The residue, of about twenty millions, she must sell to other foreign Powers than the United States. Now their market will continue open to her, as much after the passage of this bill as before. She will therefore require from us the raw material to supply their consumption. But, it is said, she may refuse to purchase it of us, and seek a supply elsewhere. There can be but little doubt that she now resorts to us, because we can supply her cheaper and better than any other country. And it would be unreasonable to suppose that she would cease, from any pique towards us, to pursue her own interest. Suppose she was to decline purchasing from us: The consequence would be, that she would lose the market for the twenty millions sterling which she now sells other foreign Powers, or enter into it under a disadvantageous competition with us, or with other nations, who should obtain their supplies of the raw material from us. If there should be any diminution, therefore, in the exportation of cotton, it would only be in the proportion of about one and a half to twenty, that is, a little upwards of five per cent.; the loss of a market for which, abroad, would be fully compensated by the market for the article created at home. Lastly, I would observe, that the new application of our industry, producing new objects of exportation, and they possessing much greater value than in the raw state, we should be in the end amply indemnified, by their exportation. Already the item in our foreign exports of manufactures is considerable; and we know that our cotton fabrics have been recently exported, in a large amount, to South America, where they maintain a successful competition with those of any other country.

3. The third objection to the tariff is, that it will diminish our navigation. This great interest deserves every encouragement consistent with the paramount interest of agriculture. In the order of nature it is secondary to both agriculture and manufactures. Its business is the transportation of the productions of those two superior branches of industry. It cannot therefore be expected that they shall be moulded or sacrificed to suit its purposes; but, on the contrary, navigation must accommodate itself to the actual state of agriculture and manufactures. If, as I believe, we have nearly reached the maximum in value of our exports of raw produce to Europe, the effect hereafter will be, as it respects that branch of our trade, if we persevere in the foreign system, to retain our navigation at the point it has now reached. By reducing, indeed, as will probably take place, the price of our raw materials, a further quantity of them could be exported, and of course additional employment might in that way be given to our tonnage; but that would be at the expense of the agricultural interest. If I am right in supposing that no effect will be produced by this measure upon any other branch of our export trade but that to Europe; that with regard to that there will be no sensible diminution of our exports, and

that the new direction given to a portion of our industry will produce other objects of exportation, the probability is, that our foreign tonnage will be even increased under the operation of this bill. But, if I am mistaken in these views, and it should experience any reduction, the increase of our coasting tonnage, resulting from the greater activity of domestic exchanges, will more than compensate the injury. Although our navigation partakes in the general distress of the country, it is less depressed than any other of our great interests. The foreign tonnage has been gradually, though slowly, increasing since 1818. And our coasting tonnage since 1816 has increased upwards of one hundred thousand tons.

4. It is next contended that the effect of the measure will be to diminish our foreign commerce. The objection assumes, what I have endeavored to controvert, that there will be a reduction in the value of our exports. Commerce is an exchange of commodities. Whatever will tend to augment the wealth of a nation must increase its capacity to make these exchanges. By new productions, or creating new values in the fabricated forms which shall be given to old objects of our industry, we shall give to commerce a fresh spring, a new aliment. The foreign commerce of the country, from causes, some of which I have endeavored to point out, has been extended as far as it can be. And I think there can be but little doubt that the balance of trade is, and for some time past has been, against us. I was surprised to hear the learned gentleman from Massachusetts, (Mr. WEBSTER,) rejecting, as an exploded fallacy, the idea of a balance of trade. I have not time nor inclination now to discuss that topic. But I will observe, that all nations act upon the supposition of the reality of its existence, and seek to avoid a trade the balance of which is unfavorable, and to foster that which presents a favorable balance. However the account be made up, whatever may be the items of a trade, commodities, fishing industry, marine labor, the carrying trade, all of which, I admit, should be comprehended, there can be no doubt, I think, that the totality of the exchanges of all descriptions made by one nation with another, or against the totality of the exchanges of all other nations together, may be such as to present the state of an unfavorable balance with the one or with all. It is true that, in the long run, the measures of these exchanges, that is, the totality in value of what is given and of what is received, must be equal to each other. But the great distress may be felt long before the counterpoise can be effected. In the mean time there will be an export of the precious metals, to the deep injury of internal trade, an unfavorable state of exchange, an export of public securities, a resort to credit, debt, mortgages. Most of, if not all, these circumstances, are believed now to be indicated by our country, in its foreign commercial relations. What have we received, for example, for the public stocks sent to England? Goods. But those stocks are our bond, which must be paid. Although the solidity of the credit of the English public securities is not surpassed by that of our own,

strong as it justly is, when have we seen English stocks sold in our market, and regularly quoted in the prices current, as American stocks are in England? An unfavorable balance with one nation may be made up by a favorable balance with other nations; but the fact of the existence of that unfavorable balance is strong presumptive evidence against the trade. Commerce will regulate itself! Yes, and the extravagance of a spendthrift heir, who squanders the rich patrimony which has descended to him, will regulate itself ultimately. But it will be a regulation which will exhibit him in the end safely confined within the walls of a jail. Commerce will regulate itself! But is it not the duty of wise Governments to watch its course, and, beforehand, to provide against even distant evils; by prudent legislation stimulating the industry of their own people, and checking the policy of foreign Powers as it operates on them? The supply, then, of the subjects of foreign commerce, no less than the supply of consumption at home, requires of us to give a portion of our labor such a direction as will enable us to produce them. That is the object of the measure under consideration, and I cannot doubt that, if adopted, it will accomplish its object.

5. The fifth objection to the tariff is, that it will diminish the public revenue, disable us from paying the public debt, and finally compel a resort to a system of excise and internal taxation. This objection is founded upon the supposition that the reduction in the importation of the subjects, on which the increased duties are to operate, will be such as to produce the alleged effect. All this is matter of mere conjecture, and can only be determined by experiment. I have very little doubt, with my colleague, (Mr. TRIMBLE,) that the revenue will be increased considerably, for some years at least, under the operation of this bill. The diminution in the quantity imported will be compensated by the augmentation of the duty. In reference to the article of molasses, for example, if the import of it should be reduced fifty per cent., the amount of duty collected would be the same as it now is. But it will not, in all probability, be reduced by any thing like that proportion. And then there are some other articles which will continue to be introduced in as large quantities as ever, notwithstanding the increase of duty—the object in reference to them being revenue, and not the encouragement of domestic manufactures. Another cause will render the revenue of this year, in particular, much more productive than it otherwise would have been; and that is, that large quantities of goods have been introduced into the country, in anticipation of the adoption of this measure. The eagle does not dart a keener gaze upon his intended prey, than that with which the British manufacturer and merchant watches the foreign market, and the course even of our elections as well as our legislation. The passage of this bill has been expected; and all our information is, that the importations, during this Spring, have been immense. But, further, the measure of our importations is that of our exportations. If I am right

in supposing that, in future, the amount of these, in the old or new forms of the produce of our labor, will not be diminished, but probably increased, then the amount of our importations, and, consequently, of our revenue, will not be reduced, but may be extended. If these ideas be correct, there will be no inability on the part of the Government to extinguish the public debt. The payment of that debt, and the consequent liberation of the public resources from the charge of it, is extremely desirable. No one is more anxious than I am to see that important object accomplished. But I entirely concur with the gentleman from Virginia (Mr. BARBOUR) in thinking that no material sacrifice of any of the great interests of the nation ought to be made to effectuate it. Such is the elastic and accumulating nature of our public resources, from the silent augmentation of our population, that if, in any given state of the public revenue, we throw ourselves upon a couch and go to sleep, we may, after a short time, awake with an ability abundantly increased to redeem any reasonable amount of public debt with which we may happen to be burdened. The public debt of the United States, though nominally larger now than it was in the year 1791, bears really no sort of discouraging comparison to its amount, at that time, whatever standard we may choose to adopt to institute the comparison. It was, in 1791, about seventy-five millions of dollars. It is now about ninety. Then we had a population of about four millions. Now we have upwards of ten millions. Then we had a revenue short of five millions of dollars. Now our revenue exceeds twenty. If we select population as the standard, our present population is one hundred and fifty per cent. greater than it was in 1791; if revenue, that is four times more now than at the former period; whilst the public debt has increased only in a ratio of twenty per cent. A public debt of three hundred millions of dollars, at the present day, considering our actual ability, compounded both of the increase of population and of revenue, would not be more onerous now than the debt of seventy-five millions of dollars was, at the epoch of 1791, in reference to the same circumstances. If I am right in supposing that, under the operation of the proposed measure, there will not be any diminution, but a probable increase of the public revenue, there will be no difficulty in defraying the current expenses of Government, and paying the principal as well as the interest of the public debt, as it becomes due. Let us, for a moment, however, indulge the improbable supposition of the opponents of the tariff, that there will be a reduction of the revenue to the extent of the most extravagant calculation which has been made—that is to say, to the extent of five millions. That sum deducted, we shall still have remaining a revenue of about fifteen millions. The Treasury estimates of the current service of the years 1822, 1823, and 1824, exceeds, each year, nine millions. The lapse of Revolutionary pensions, and judicious retrenchments which might be made, without detriment to any of the essential establishments of the country, would probably

reduce them below nine millions of dollars. Let us assume that sum, to which add above five millions and a half for the interest of the public debt, and the wants of Government would require a revenue of fourteen and a half millions, leaving a surplus of revenue of half a million beyond the public expenditure. Thus, by a postponement of the payment of the principal of the public debt, in which the public creditors would gladly acquiesce, and confiding, for the means of redeeming it, in the necessary increase of our revenue from the natural augmentation of our population and consumption, we may safely adopt the proposed measure, even if it should be attended (which is confidently denied) with the supposed diminution of revenue. We shall not then have occasion to vary the existing system of taxation; we shall be under no necessity to resort either to direct taxes or to an excise. But suppose the alternative were really forced upon us of continuing the foreign system, with its inevitable impoverishment of the country, but with the advantage of the present mode of collecting the taxes, or of adopting the American system, with its increase of the national wealth, but with the disadvantage of an excise, could any one hesitate between them? Customs and an excise agree in the essential particulars, that they are both taxes upon consumption, and both are voluntary. They differ only in the mode of collection. The office for the collection of one is located on the frontier, and that for the other within the interior. I believe it was Mr. Jefferson, who, in reply to the boast of a citizen of New York, of the amount of the public revenue paid by that city, asked who would pay it if the collector's office were removed to Paulus Hook, on the New Jersey shore? National wealth is the source of all taxation. And, my word for it, the people are too intelligent to be deceived by mere names, and not to give a decided preference to that system which is based upon their wealth and prosperity, rather than to that which is founded upon their impoverishment and ruin.

6. But, according to the opponents of the domestic policy, the proposed system will force capital and labor into new and reluctant employments; we are not prepared, in consequence of the high price of wages, for the successful establishment of manufactures, and we must fail in the experiment. We have seen that the existing occupations of our society, those of agriculture, commerce, navigation, and the learned professions, are overflowing with competitors, and that the want of employment is severely felt. Now what does this bill propose? To open a new and extensive field of business, in which all that choose may enter. There is no compulsion upon any one to engage in it. An option only is given to industry, to continue in the present unprofitable pursuits, or to embark in a new and promising one. The effect will be to lessen the competition in the old branches of business, and to multiply our resources for increasing our comforts and augmenting the national wealth. The alleged fact of the high price of wages is not admitted. The truth is, that no class of society suffers more, in

the present stagnation of business, than the laboring class. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able-bodied men vary from five to eight dollars per month; and such has been the want of employment, in some parts of the Union, that instances have not been unfrequent, of men working merely for the means of present subsistence. If the wages for labor here and in England are compared, they will be found not to be essentially different. I agree with the honorable gentleman from Virginia, that high wages are a proof of national prosperity; we differ only in the means by which that desirable end shall be attained. But, if the fact were true, that the wages of labor are high, I deny the correctness of the argument founded upon it. The argument assumes, that natural labor is the principal element in the business of manufacture. That was the ancient theory. But the valuable inventions and vast improvements in machinery, which have been made within a few years past, have produced a new era in the arts. The effect of this change in the powers of production may be estimated from what I have already stated in relation to England, and to the triumphs of European artificial labor over the natural labor of Asia. In considering the fitness of a nation for the establishment of manufactures, we must no longer limit our views to the state of its population, and the price of wages. All circumstances must be regarded, of which that is, perhaps, the least important. Capital, ingenuity in the construction, and adroitness in the use of machinery, and the possession of the raw materials, are those which deserve the greatest consideration. All these circumstances, (except that of capital, of which there is no deficiency,) exist in our country in an eminent degree, and more than counterbalance the disadvantage, if it really existed, of the lower wages of labor in Great Britain. The dependence upon foreign nations for the raw material of any great manufacture, has been ever considered as a discouraging fact. The state of our population is peculiarly favorable to the most extensive introduction of machinery. We have no prejudices to combat, no persons to drive out of employment. The pamphlet to which we have had occasion so often to refer, in enumerating the causes which have brought in England their manufactures to such a state of perfection, and which now enable them, in the opinion of the writer, to defy all competition, does not specify, as one of them, low wages. It assigns three; 1st, capital; 2ndly, extent and costliness of machinery; and, 3dly, steady and persevering industry. Notwithstanding the concurrence of so many favorable causes, in our country, for the introduction of the arts, we are earnestly dissuaded from making the experiment, and our ultimate failure is confidently predicted. Why should we fail? Nations, like men, fail in nothing which they boldly attempt, when sustained by virtuous purposes and firm resolution. I am not willing to admit this depreciation of American skill and enterprise. I am not willing to strike before an effort is made. All our past his-

tory exhorts us to proceed, and inspires us with animating hopes of success. Past predictions of our incapacity have failed, and present predictions will not be realized. At the commencement of this Government, we were told that the attempt would be idle to construct a marine adequate to the commerce of the country, or even to the business of its coasting trade. The founders of our Government did not listen to these discouraging counsels; and behold the fruits of their just comprehension of our resources! Our restrictive policy was denounced, and it was foretold that it would utterly disappoint all our expectations. But our restrictive policy has been eminently successful; and the share which our navigation now enjoys in the trade with France, and with the British West India islands, attests its victory. What were not the disheartening predictions of the opponents of the late war? Defeat, discomfiture, and disgrace, were to be the certain, but not the worst, effect of it. Here, again, did prophecy prove false; and the energies of our country, and the valor and the patriotism of our people, carried us gloriously through the war. We are now, and ever will be, essentially, an agricultural people. Without a material change in the fixed habits of the country, the friends of this measure desire to draw to it, as a powerful auxiliary to its industry, the manufacturing arts. The difference between a nation with, and without the arts, may be conceived, by the difference between a keelboat and a steamboat, combatting the rapid torrent of the Mississippi. How slow does the former ascend, hugging the sinuosities of the shore, pushed on by her hardy and exposed crew, now throwing themselves in vigorous concert on their oars, and then seizing the pendant boughs of overhanging trees; she seems hardly to move; and her scanty cargo is scarcely worth the transportation! With what ease is she not passed by the steamboat, laden with the riches of all quarters of the world, with a crowd of gay, cheerful and protected passengers, now dashing into the midst of the current, or gliding through the eddies near the shore! Nature herself seems to survey, with astonishment, the passing wonder, and, in silent submission, reluctantly to own the magnificent triumphs, in her own vast dominion, of Fulton's immortal genius!

7. But it is said, that wherever there is a concurrence of favorable circumstances, manufactures will arise of themselves, without protection; and that we should not disturb the natural progress of industry, but leave things to themselves. If all nations would modify their policy on this axiom, perhaps it would be better for the common good of the whole. Even then, in consequence of natural advantages, and a greater advance in civilization and in the arts, some nations would enjoy a state of much higher prosperity than others. But there is no universal legislation. The globe is divided into different communities, each seeking to appropriate to itself all the advantages it can, without reference to the prosperity of others. Whether this is right or not, it has always been, and ever will be, the case. Perhaps the care of the interests of our people is sufficient for all the

wisdom of one Legislature; and that it is among nations as among individuals, that the happiness of the whole is best secured by each attending to its own peculiar interests. The proposition to be maintained by our adversaries, is, that manufactures, without protection, will, in due time, spring up in our country, and sustain themselves, in a competition with foreign fabrics, however advanced the arts, and whatever the degree of protection may be in foreign countries. Now I contend that this proposition is refuted by all experience, ancient and modern, and in every country. If I am asked, why unprotected industry should not succeed in a struggle with protected industry, I answer, the fact has ever been so, and that is sufficient; I reply that *uniform experience* evinces that it cannot succeed in such an unequal contest, and that is sufficient. If we speculate on the causes of this universal truth, we may differ about them. Still the indisputable fact remains. And we should be as unwise in not availing ourselves of the guide which it furnishes, as a man would be who should refuse to bask in the rays of the sun, because he could not agree with Judge Woodward as to the nature of the substance of that planet, to which we are indebted for heat and light. If I were to attempt to particularize the causes which prevent the success of the manufacturing arts, without protection, I should say that they are—first, the obduracy of fixed habits. No nation, no individual, will easily change an established course of business, even if it be unprofitable; and least of all is an agricultural people prone to innovation. With what reluctance do they not adopt improvements in the instruments of husbandry, or in modes of cultivation! If the farmer makes a good crop, and sells it badly, or makes a short crop, buoyed up by hope, he perseveres, and trusts that a favorable change of the market, or of the seasons, will enable him, in the succeeding year, to repair the misfortunes of the past. Secondly, the uncertainty, fluctuation, and unsteadiness, of the home market, when liable to an unrestricted influx of fabrics from all foreign nations; and, thirdly, the superior advance of skill, and amount of capital, which foreign nations have obtained, by the protection of their own industry. From the latter, or from other causes, the unprotected manufactures of a country are exposed to the danger of being crushed in their infancy, either by the design or from the necessities of foreign manufacturers. Gentlemen are incredulous as to the attempts of foreign merchants and manufacturers to accomplish the destruction of ours. Why should they not make such attempts? If the Scottish manufacturer, by surcharging our market, in one year, with the article of cotton bagging, for example, should so reduce the price as to discourage and put down the home manufacture, he would secure to himself the monopoly of the supply. And now having the exclusive possession of the market, perhaps for a long term of years, he might be more than indemnified for his first loss, in the subsequent rise in the price of the article. What have we not seen under our own eyes? The competition for the transporta-

tion of the mail, between this place and Baltimore, so excited, that to obtain it, an individual offered, at great loss, to carry it a whole year for one dollar! His calculation, no doubt, was, that, by driving his competitor off the road, and securing to himself the carriage of the mail, he would be afterwards able to repair his original loss by new contracts with the department. But the necessities of foreign manufacturers, without imputing to them any sinister design, may oblige them to throw into our markets the fabrics which have accumulated on their hands, in consequence of obstruction in the ordinary vents, or from overcalculation; and the forced sales, at losing prices, may prostrate our establishments. From this view of the subject, it follows that, if we would place the industry of our country upon a solid and unshakable foundation, we must adopt the protecting policy, which has every where succeeded, and reject that which would abandon it, which has every where failed.

8. But if the policy of protection be wise, the gentleman from Virginia (Mr. BARBOUR) has made some ingenious calculations to prove that the measure of protection, already extended, has been sufficiently great. With some few exceptions, the existing duties, of which he has made an estimate, were laid with the object of revenue, and without reference to that of encouragement to our domestic industry; and, although it is admitted that the incidental effect of duties, so laid, is to promote manufactures, yet, if it falls short of competent protection, the duties might as well not have been imposed with reference to that purpose. A moderate addition may accomplish this desirable end; and the proposed tariff is believed to have this character.

9. The prohibitory policy, it is confidently asserted, is condemned by the wisdom of Europe, and by her most enlightened statesmen. Is this the fact? We call upon gentlemen to show, in what instance a nation, that has enjoyed its benefits, has surrendered it. [Here Mr. BARBOUR rose, Mr. CLAY giving way, and said, that England had departed from it in the China trade, in allowing us to trade with her East India possessions, and in tolerating our navigation to her West India colonies.] With respect to the trade to China, the whole amount of what England has done is to modify the monopoly of the East India Company in behalf of one and a small part of her subjects, to increase the commerce of another, and the greater portion of them. The abolition of the restriction, therefore, operates altogether among the subjects of England, and does not touch at all the interests of foreign Powers. The toleration of our commerce to British India is for the sake of the specie, with which we mainly carry on that commerce, and which, having performed its circuit, returns to Great Britain in exchange for British manufactures. The relaxation from the colonial policy, in the instance of our trade and navigation with the West Indies, is a most unfortunate example for the honorable gentleman; for, it is an illustrious proof of the success of our restrictive policy, when resolutely adhered to. Great

Britain had prescribed the terms on which we were to be graciously allowed to carry on that trade. The effect of her regulations was, to exclude our navigation altogether, and a complete monopoly, on the part of the British navigation, was secured. We forbade it, unless our vessels should be allowed a perfect reciprocity. Great Britain stood out a long time; but finally yielded, and our navigation now fairly shares with hers in the trade. Have gentlemen no other to exhibit than these trifling relaxations from the prohibitory policy, which do not amount to a drop in the bucket, to prove its abandonment by Great Britain? Let them show us that her laws are repealed which prohibit the introduction of our flour and provisions; of French silks, laces, porcelain, manufactures of bronze, mirrors, woollens; and of the manufactures of all other nations; and then we may be ready to allow, Great Britain has really abolished her prohibitory policy. We find there, on the contrary, that system of policy in full and vigorous operation, and a most curiously interwoven system it is, as she enforces it. She begins by protecting all parts of her immense dominions against foreign nations. She then protects the parent country against the colonies; and, finally, one part of the parent country against another. The sagacity of Scotch industry has carried the process of distillation to a perfection which would place the art in England on a footing of disadvantageous competition, and English distillation has been protected accordingly. But, suppose it were even true that Great Britain had abolished all restrictions upon trade, and allowed the freest introduction of the produce of foreign labor, would that prove it unwise for us to adopt the protecting system? The object of protection is the establishment and perfection of the arts. In England, it has accomplished its purpose, fulfilled its end. If she has not carried every branch of manufacture to the same high state of perfection that any other nation has, she has succeeded in so many that she may safely challenge the most unshackled competition in exchanges. It is upon this very ground that many of her writers recommend an abandonment of the prohibitory system. It is to give greater scope to British industry and enterprise. It is upon the same selfish principle. The object of the most perfect freedom of trade, with such a nation as Britain, and of the most rigorous system of prohibition, with a nation whose arts are in their infancy, may both be precisely the same. In both cases, it is to give greater expansion to native industry. They only differ in the theatres of their operation. The abolition of the restrictive system, by Britain, if by it she could prevail upon other nations to imitate her example, would have the effect of extending the consumption of British produce in other countries, where, her writers boldly affirm, it could maintain a fearless competition with the produce of native labor. The adoption of the restrictive system, on the part of the United States, by excluding the produce of foreign labor, would extend the consumption of American produce, unable, in the infancy and un-

protected state of the arts, to sustain a competition with foreign fabrics. Let our arts breathe under the shade of protection; let them be perfected as they are in England, and we shall then be ready, as England now is said to be, to put aside protection, and to enter upon the freest exchanges. To what other cause, than to their whole prohibitory policy, can you ascribe British prosperity? It will not do to assign it to that of her antiquity; for France is no less ancient, though much less rich and powerful, in proportion to the population and natural advantages of France. Hallam, a sensible and highly approved writer on the Middle Ages, assigns the revival of the prosperity of the North of Europe to the success of the woollen manufactories of Flanders, and the commerce of which their fabrics became the subject; and the commencement of that of England, to the establishment of similar manufactures there, under the Edwards, and to the prohibitions which began about the same time. As to the poor rates, the theme of so much reproach, without England, and of so much regret within it, among her speculative writers, the system was a strong proof, no less of her unbounded wealth, than of her pauperism. What other nation can dispense, in the form of regulated charity, the enormous sum, I believe, of ten or twelve millions sterling!

[Mr. BARBOUR stated, it was reduced to six; to which Mr. CLAY replied, that he entertained no doubt but that the benign operation of British protection of home industry had greatly reduced it, within the last few years, by the full employment of her subjects, of which her flourishing trade bore evidence.]

The number of British paupers was the result of pressing the principle of population to its utmost limits, by her protecting policy, in the creation of wealth, and in placing the rest of the world under tribute to her industry. Doubtless, the condition of England would be better without paupers, if, in other respects, it remained the same. But, in her actual circumstances, the poor system has the salutary effect of an equalizing corrective of the tendency to the concentration of riches, produced by the genius of her political institutions, and by her prohibitory system.

But, is it true that England is convinced of the impolicy of the prohibitory system, and desirous to abandon it? What proof have we to that effect? We are asked to reject the evidence, deducible from the settled and steady practice of England, and to take lessons in a school of philosophical writers, whose visionary theories are nowhere adopted; or, if adopted, bring with them inevitable distress, impoverishment, and ruin. Let us hear the testimony of an illustrious personage, entitled to the greatest attention, because he speaks after a full experiment of the unrestrictive system, made in his own empire. I hope I shall give no offence in quoting from a publication issued from "the Mint of Philadelphia;" from a work of Mr. Carey, of whom I seize, with great pleasure, the occasion to say, that he merits the public gratitude, for the disinterested diligence with which he has collected a large mass of highly useful

facts, and for the clear and convincing reasoning with which he generally illustrates them. The Emperor of Russia, in March, 1822, after about two years' trial of the free system, says, through Count Nesselrode:

"To produce happy effects, the principles of commercial freedom must be generally adopted. The State which adopts, whilst others reject them, must condemn its own industry and commerce to pay a ruinous tribute to those of other nations."

"From a circulation exempt from restraint, and the facility afforded by reciprocal exchanges, almost all the Governments at first resolved to seek the means of repairing the evil which Europe had been doomed to suffer; but experience and more correct calculations, because they were made from certain data, and upon the results, already known, of the peace that had just taken place, forced them soon to adhere to the prohibitory system."

"England preserved hers. Austria remained faithful to the rule she had laid down, to guard herself against the rivalry of foreign industry. France, with the same views, adopted the most rigorous measures of precaution. And Prussia published a new tariff in October last, which proves that she found it impossible not to follow the example of the rest of Europe."

"In proportion as the prohibitory system is extended and rendered perfect in other countries, that State which pursues a contrary system, makes, from day to day, sacrifices more extensive and more considerable."

"It offers a continual encouragement to the manufactures of other countries; and its own manufactures perish in the struggle which they are, as yet, unable to maintain."

"It is with the most lively feelings of regret we acknowledge it is our own proper experience which enables us to trace this picture. The evils which it details have been realized in Russia and Poland, since the conclusion of the act of the 7-19 December, 1818. Agriculture without a market, industry without protection, languish and decline. Specie is exported, and the most solid commercial houses are shaken. The public prosperity would soon feel the wound inflicted on private fortunes, if new regulations did not promptly change the actual state of affairs."

"Events have proved that our agriculture and our commerce, as well as our manufacturing industry, are not only paralyzed, but brought to the brink of ruin."

The example of Spain has been properly referred to, as affording a striking proof of the calamities which attend a State that abandons the care of its own internal industry. Her prosperity was greatest when the arts, brought there by the Moors, flourished most in that Kingdom. Then she received from England her wool, and returned it in the manufactured state; and then England was least prosperous. The two nations have reversed conditions. Spain, after the discovery of America, yielding to an inordinate passion for the gold of the Indies, sought in their mines that wealth which might have been better created at home. Can the remarkable difference in the state of the prosperity of the two countries be otherwise explained than by the opposite systems which they pursued? England, by a sedulous attention to her home industry, supplied the means of an

advantageous commerce with her colonies. Spain, by an utter neglect of her domestic resources, confided altogether in those which she derived from her colonies, and presents an instance of the greatest adversity. Her colonies were infinitely more valuable than those of England; and if she had adopted a similar policy, is it unreasonable to suppose that, in wealth and power, she would have surpassed that of England? I think the honorable gentleman from Virginia does great injustice to the Catholic religion, in specifying that as one of the leading causes of the decline of Spain. It is a religion entitled to great respect; and there is nothing in its character incompatible with the highest degree of national prosperity. Is not France, the most polished, and in many other respects the most distinguished State of Christendom, Catholic? Is not Flanders, the most populous part of Europe, also Catholic? Are the Catholic parts of Switzerland and of Germany less prosperous than those which are Protestant?

10. The next objection of the honorable gentleman from Virginia, which I shall briefly notice, is, that the manufacturing system is adverse to the genius of our Government, in its tendency to the accumulation of large capitals in a few hands; in the corruption of the public morals, which is alleged to be incident to it; and in the consequent danger to the public liberty. The first part of the objection would apply to every lucrative business—to commerce, to planting, and to the learned professions. Would the gentleman introduce the system of Lycurgus? If his principle be correct, it should be extended to any and every vocation which had a similar tendency. The enormous fortunes in our country—the nabobs of the land—have been chiefly made by the profitable pursuit of that foreign commerce, in more propitious times, which the honorable gentleman would so carefully cherish. Immense estates have also been made in the South. The dependants are, perhaps, not more numerous upon that wealth which is accumulated in manufactures, than they are upon that which is acquired by commerce and by agriculture. We may safely confide in the laws of distributions, and in the absence of the rule of primogeniture, for the dissipation (perhaps too rapid) of large fortunes. What has become of those which were held two or three generations back in Virginia? Many of the descendants of the ancient aristocracy (as it was called) of that State, are now in the most indigent condition. The best security against the demoralization of society is the constant and profitable employment of its members. The greatest danger to public liberty is from idleness and vice. If manufactures form cities, so does commerce. And the disorders and violence which proceed from the contagion of the passions are as frequent in one description of those communities as in the other. There is no doubt but that the yeomanry of a country is the safest depository of public liberty. In all time to come, and under any probable direction of the labor of our population, the agricultural class must be much the most numerous and powerful, and will ever retain (as it ought to

retain) a preponderating influence in our councils. The extent and the fertility of our lands constitute an adequate security against an excess in manufactures; and also against oppression on the part of capitalists towards the laboring portions of the community.

11. The last objection, with a notice of which I shall trouble the Committee, is, that the Constitution does not authorize the passage of the bill. The gentleman from Virginia does not assert, indeed, that it is inconsistent with the express provisions of that instrument, but he thinks it incompatible with the spirit of the Constitution. If we attempt to provide for the internal improvement of the country, the Constitution, according to some gentlemen, stands in our way. If we attempt to protect American industry against foreign policy and the rivalry of foreign industry, the Constitution presents an insuperable obstacle! This Constitution must be a most singular instrument! It seems to be made for any other people than our own. Its action is altogether foreign. Congress has power to lay duties and imposts, under no other limitation whatever than that of their being uniform throughout the United States. But they can only be imposed, according to the honorable gentleman, for the sole purpose of revenue. This is a restriction which we do not find in the Constitution. No doubt revenue was a principal object with the framers of the Constitution, in investing Congress with the power; but, in executing it, may not the duties and imposts be so laid as to secure domestic interests? Or, is Congress denied all discretion as to the amount or the distribution of the duties and imposts?

The gentleman from Virginia has, however, entirely mistaken the clause of the Constitution on which we rely. It is that which gives to Congress the power to regulate commerce with foreign nations. The grant is plenary, without any limitation whatever, and includes the whole power of regulation, of which the subject to be regulated is susceptible. It is as full and complete a grant of the power, as that is to declare war. What is a regulation of commerce? It implies the admission or exclusion of the objects of it, and the terms. Under this power, some articles, by the existing laws, are admitted freely; others are subjected to duties so high as to amount to their prohibition; and various rates of duties are applied to others. Under this power, laws of total non-intercourse with some nations, and embargoes, producing an entire cessation of commerce with all foreign countries, have been, from time to time, passed. These laws, I have no doubt, met with the entire approbation of the gentleman from Virginia. [Mr. BARBOUR said that he was not in Congress.] Wherever the gentleman was, whether on his farm, or in the pursuit of that profession of which he is an ornament, I have no doubt that he gave his zealous support to the laws referred to.

The principle of the system under consideration has the sanction of some of the best and wisest men in all ages—in foreign countries as well as in our own: of the Edwards, of Henry the Great, of Elizabeth, of the Colberts, abroad; of our

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Franklin, Jefferson, Madison, Hamilton, at home. But it comes recommended to us by a higher authority than any of these, illustrious as they unquestionably are—by the master spirit of the age—that extraordinary man, who has thrown the Alexanders and the Cæsars infinitely farther behind him than they stood in advance of the most eminent of their predecessors—that singular man who, whether he was seated on his imperial throne, deciding the fate of nations, and allotting kingdoms to the members of his family, with the same composure, if not with the same affection, as that with which a Virginia father divides his plantations among his children, or on the miserable rock of St. Helena, to which he was condemned by the cruelty and the injustice of his unworthy victors, is equally an object of the most intense admiration. He appears to have comprehended, with the rapidity of intuition, the true interests of a State, and to have been able, by the turn of a single expression, to develop the secret springs of the policy of cabinets. We find that Las Casas reports him to have said:

"He opposed the principles of economists, which, he said, were correct in theory, though erroneous in their application. The political constitution of different States, continued he, must render these principles defective; local circumstances continually call for deviations from their uniformity. Duties, he said, which were so severely condemned by political economists, should not, it is true, be an object to the treasury; they should be the guarantee and protection of a nation, and should correspond with the nature and the objects of its trade. Holland, which is destitute of productions and manufactures, and which has a trade only of transit and commission, should be free of all fetters and barriers. France, on the contrary, which is rich in every sort of production and manufactures, should incessantly guard against the importations of a rival, who might still continue superior to her, and also against the cupidity, egotism, and indifference of mere brokers.

"I have not fallen into the error of modern systematizers," said the Emperor, "who imagine that all the wisdom of nations is centered in themselves. Experience is the true wisdom of nations. And what does all the reasoning of economists amount to? They incessantly extol the prosperity of England, and hold her up as our model; but the custom-house system is more burdensome and arbitrary in England than in any other country. They also condemn prohibitions; yet it was England set the example of prohibitions; and they are, in fact, necessary, with regard to certain objects. Duties cannot adequately supply the place of prohibitions; there will always be found means to defeat the object of the legislator. In France we are still very far behind on these delicate points, which are still unperceived or ill understood by the mass of society. Yet, what advancement have we not made? What correctness of ideas has been introduced by my gradual classification of agriculture, industry, and trade; objects so distinct in themselves, and which present so great and positive a graduation!

"1st. *Agriculture*; the soul, the first basis of the empire.

"2d. *Industry*; the comfort and happiness of the population.

"3d. *Foreign trade*; the superabundance, the

proper application of the surplus of agriculture and industry.

"Agriculture was continually improving during the whole course of the revolution. Foreigners thought it ruined in France. In 1814, however, the English were compelled to admit that we had little or nothing to learn from them.

"Industry or manufactures, and internal trade, made immense progress during my reign. The application of chemistry to the manufactures caused them to advance with giant strides. I gave an impulse, the effects of which extended throughout Europe.

"Foreign trade, which, in its results, is infinitely inferior to agriculture, was an object of subordinate importance in my mind. Foreign trade is made for agriculture and home industry, and not the two latter for the former. The interests of these three fundamental cases are diverging and frequently conflicting. I always promoted them in their natural gradation; but I could not and ought not to have ranked them all on an equality. Time will unfold what I have done, the national resources which I created, and the emancipation from the English, which I brought about. We have now the secret of the commercial treaty of 1783. France still exclaims against its author; but the English demanded it on pain of resuming the war. They wished to do the same after the Treaty of Amiens; but I was then all powerful; I was a hundred cubits high. I replied, that if they were in possession of the heights of Montmartre, I would still refuse to sign the treaty. These words were echoed through Europe.

"The English will now impose some such treaty on France, at least if popular clamor, and the opposition of the mass of the nation, do not force them to draw back. This thralldom would be an additional disgrace in the eyes of that nation, which is now beginning to acquire a just perception of her own interests.

"When I came to the head of the Government, the American ships, which were permitted to enter our ports on the score of their neutrality, brought us raw materials, and had the impudence to sail from France without freight, for the purpose of taking in cargoes of English goods in London. They moreover had the insolence to make their payments, when they had any to make, by giving bills on persons in London. Hence the vast profits reaped by the English manufacturers and brokers, entirely to our prejudice. I made a law that no American should import goods to any amount without immediately exporting their exact equivalent. A loud outcry was raised against this: it was said that I had ruined trade. But what was the consequence? Notwithstanding the closing of my ports, and in spite of the English, who ruled the seas, the Americans returned and submitted to my regulations! What might I not have done under more favorable circumstances?

"Thus I naturalized in France the manufacture of cotton, which includes:—

"1st. *Spun-cotton*.—We did not previously spin it ourselves; the English supplied us with it as a sort of favor.

"2d. *The web*.—We did not yet make it; it came to us from abroad.

"3d. *The printing*.—This was the only part of the manufacture that we performed ourselves. I wished to naturalize the two first branches; and I proposed to

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the Council of State that their importation should be prohibited. This excited great alarm. I sent for Oberkamp, and conversed with him a long time. I learned from him that this prohibition would doubtless produce a shock, but that, after a year or two of perseverance, it would prove a triumph, whence we should derive immense advantages. Then I issued my decree in spite of all; this was a true piece of statesmanship.

"I at first confined myself merely to prohibiting the web; then I extended the prohibition to spun cotton; and we now possess within ourselves the three branches of the cotton manufacture, to the great benefit of our population, and the injury and regret of the English—which proves that in civil government, as well as in war, decision of character is often indispensable to success.

I would trouble the Committee with only one other quotation, which I shall make from Lowe, and from hearing which the Committee must share with me in the mortification which I felt on perusing it. That author says: "It is now above forty years since the United States of America were definitively separated from us, and since their situation has afforded a proof that the benefit of mercantile intercourse may be retained, in all its extent, without the care of governing, or the expense of defending, these once regretted provinces." Is there not too much truth in this observation? By adhering to the foreign policy, which I have been discussing, do we not remain essentially British, in every thing but the form of our Government? Are not our interests, our industry, our commerce, so modified as to swell British pride, and to increase British power?

Mr. Chairman our Confederacy comprehends within its vast limits great diversity of interests—agricultural, planting, farming, commercial, navigating, fishing, manufacturing. No one of these interests is felt in the same degree, and cherished with the same solicitude, through all parts of the Union. Some of them are peculiar to particular sections of our common country. But all these great interests are confided to the protection of one Government—to the fate of one ship; and a most gallant ship it is, with a noble crew. If we prosper, and are happy, protection must be extended to all—it is due to all. It is the great principle on which obedience is demanded from all. If our essential interests cannot find protection from our own Government against the policy of foreign Powers, where are they to get it? We did not unite for sacrifice, but for preservation. The inquiry should be, in reference to the great interests of every section of the Union, (I speak not of minute subdivisions,) What would be done for those interests if that section stood alone and separated from the residue of the Republic? If the promotion of those interests would not injuriously affect any other section, then every thing should be done for them which would be done if it formed a distinct Government. If they come into absolute collision with the interests of another section, a reconciliation, if possible, should be attempted, by mutual concession, so as to avoid a sacrifice of the prosperity of either to that of the other. In such a case, all should not be done for one, which

would be done if it were separated and independent, but something; and, in devising the measure, the good of each part and of the whole should be carefully consulted. This is the only mode by which we can preserve, in full vigor, the harmony of the whole Union. The South entertains one opinion, and imagines that a modification of the existing policy of the country, for the protection of American industry, involves the ruin of the South. The North, the East, the West, hold the opposite opinion, and feel, and contemplate, in a longer adherence to the foreign policy, as it now exists, their utter destruction. Is it true that the interests of these great sections of our country are irreconcilable with each other? Are we reduced to the sad and afflicting dilemma of determining which shall fall a victim to the prosperity of the other? Happily, I think, there is no such distressing alternative. If the North, the West, and the East, formed an independent State, unassociated with the South, can there be a doubt that the restrictive system would be carried to the point of prohibition of every foreign fabric of which they produce the raw material, and which they could manufacture? Such would be their policy, if they stood alone; but they are, fortunately, connected with the South, which believes its interest to require a free admission of foreign manufactures. Here, then, is a case for mutual concession, for fair compromise. The bill under consideration presents this compromise. It is a medium between the absolute exclusion and the unrestricted admission of the produce of foreign industry. It sacrifices the interest of neither section to that of the other; neither, it is true, gets all that it wants, nor is subject to all that it fears. But it has been said that the South obtains nothing in this compromise. Does it lose any thing? is the first question. I have endeavored to prove that it does not, by showing that a mere transfer is effected in the source of the supply of its consumption from Europe to America; and that the loss, whatever it may be, of the sale of its great staple in Europe, is compensated by the new market created in America. But does the South really gain nothing in this compromise? The consumption of the other sections, though somewhat restricted, is still left open, by this bill, to foreign fabrics purchased by Southern staples. So far its operation is beneficial to the South, and prejudicial to the industry of the other sections, and that is the point of mutual concession. The South will also gain by the extended consumption of its great staple, produced by an increased capacity to consume it, in consequence of the establishment of the home market. But the South cannot exert its industry and enterprise in the business of manufactures. Why not? The difficulties, if not exaggerated, are artificial, and may, therefore, be surmounted. But can the other sections embark in the planting occupations of the South? The obstructions which forbid them are natural, created by the immutable laws of God, and therefore unconquerable.

Other and animating considerations invite us to adopt the policy of this system. Its importance,

in connexion with the general defence in time of war, cannot fail to be duly estimated. Need I recall to our painful recollection the sufferings, for the want of an adequate supply of absolute necessities, to which the defenders of their country's rights and our entire population were subjected during the late war? Or to remind the Committee of the great advantages of a steady and unfailing source of supply, unaffected alike in war and in peace? Its importance, in reference to the stability of our Union, that paramount and greatest of all our interests, cannot fail warmly to recommend it, or at least to conciliate the forbearance of every patriot bosom. Now our people present the spectacle of a vast assemblage of jealous rivals, all eagerly rushing to the sea board, jostling each other in their way, to hurry off to glutted foreign markets the perishable produce of their labor. The tendency of that policy, in conformity to which this bill is prepared, is to transform these competitors into friends and mutual customers; and, by the reciprocal exchanges of their respective productions, to place the Confederacy upon the most solid of all foundations, the basis of common interest. And is not Government called upon, by every stimulating motive, to adapt its policy to the actual condition and extended growth of our great Republic? At the commencement of our Constitution, almost the whole population of the United States was confined between the Alleghany Mountains and the Atlantic Ocean. Since that epoch, the western part of New York, of Pennsylvania, of Virginia, all the western States and territories, have been principally peopled. Prior to that period we had scarcely any interior. An interior has sprung up, as it were, by enchantment, and along with it new interests and new relations, requiring the parental protection of Government. Our policy should be modified accordingly, so as to comprehend all, and sacrifice none. And are we not encouraged by the success of past experience, in respect to the only article which has been adequately protected? Already have the predictions of the friends of the American system, in even a shorter time than their most sanguine hopes could have anticipated, been completely realized in regard to that article; and the consumption is now better and cheaper supplied with coarse cottons, than it was under the prevalence of the foreign system.

Even if the benefit of the policy were limited to certain sections of our country, would it not be satisfactory to behold American industry, wherever situated, active, animated, and thrifty, rather than persevere in a course which renders us subservient to foreign industry? But these benefits are two-fold, direct, and collateral, and in the one shape or the other, they will diffuse themselves throughout the Union. All parts of the Union will participate, more or less, in both. As to the direct benefit, it is probable that the North and the East will enjoy the largest share. But the West and the South will also participate in them. Philadelphia, Baltimore, and Richmond, will divide with the Northern capitalists the business of

manufacturing. The latter city unites more advantages for its successful prosecution than any other place I know, Zanesville, in Ohio, only excepted. And where the direct benefit does not accrue, that will be enjoyed of supplying the raw material and provisions for the consumption of artisans. Is it not most desirable to put at rest and prevent the annual recurrence of this unpleasant subject, so well fitted, by the various interests to which it appeals, to excite irritation and to produce discontent? Can that be effected by its rejection? Behold the mass of petitions which lie on our table, earnestly and anxiously entreating the protecting interposition of Congress against the ruinous policy which we are pursuing. Will these petitioners, comprehending all orders of society, entire States and communities, public companies, and private individuals, spontaneously assembling, cease in their humble prayers by your lending a deaf ear? Can you expect that these petitioners, and others, in countless numbers, that will, if you delay the passage of this bill, supplicate your mercy, should contemplate their substance gradually withdrawn to foreign countries, their ruin slow, but certain, and as inevitable as death itself, without one expiring effort? You think the measure injurious to you; we believe our preservation depends upon its adoption. Our convictions, mutually honest, are equally strong. What is to be done? I invoke that saving spirit of mutual concession under which our blessed Constitution was formed, and under which alone it can be happily administered. I appeal to the South—to the high-minded, generous, and patriotic South—with which I have so often co-operated, in attempting to sustain the honor and to vindicate the rights of our country. Should it not offer, upon the altar of the public good, some sacrifice of its peculiar opinions? Of what does it complain? A possible temporary enhancement in the objects of consumption. Of what do we complain? A total incapacity, produced by the foreign policy, to purchase at any price, necessary foreign objects of consumption. In such an alternative, inconvenient only to it, ruinous to us, can we expect too much from Southern magnanimity? The just and confident expectation of the passage of this bill has flooded the country with recent importations of foreign fabrics. If it should not pass, they will complete the work of destruction of our domestic industry. If it should pass, they will prevent any considerable rise in the price of foreign commodities, until our own industry shall be able to supply competent substitutes.

To the friends of the tariff I would also anxiously appeal. Every arrangement of its provision does not suit each of you; you desire some further alterations; you would make it perfect. You want what you will never get. Nothing human is perfect. And I have seen, with great surprise, a piece signed by a member of Congress, published in the "National Intelligencer," stating that this bill must be rejected, and a judicious tariff brought in as its substitute. A judicious tariff! No member of Congress could have signed that piece; or, if he did, the public ought not to

be deceived. If this bill do not pass, unquestionably no other can pass at this session, or probably during this Congress. And who will go home and say that he rejected all the benefits of this bill, because molasses has been subjected to the enormous additional duty of five cents per gallon? I call, therefore, upon the friends of the American policy to yield somewhat of their own peculiar wishes, and not to reject the practicable in the idle pursuit after the unattainable. Let us imitate the illustrious example of the framers of the Constitution, and always remembering that whatever springs from man partakes of his imperfections, depend upon experience to suggest, in future, the necessary amendments.

We have had great difficulties to encounter. 1. The splendid talents which are arrayed in this House against us. 2. We are opposed by the rich and powerful in the land. 3. The Executive Government, if any, affords us but a cold and equivocal support. 4. The importing and navigating interests, I verily believe from misconception, are adverse to us. 5. The British factors and the British influence are inimical to our success. 6. Long established habits and prejudices oppose us. 7. The reviewers and literary speculators, foreign and domestic. And, lastly, the leading presses of the country, including the influence of that which is established in this city, and sustained by the public purse.

From some of these, or other causes, the bill may be postponed, thwarted, defeated. But the cause is the cause of the country, and it must and will prevail. It is founded in the interests and affections of the people. It is as native as the granite deeply embosomed in our mountains. And, in conclusion, I would pray God, in His infinite mercy, to avert from our country the evils which are impending over it, and, by enlightening our councils, to conduct us into that path which leads to riches, to greatness, to glory.

When Mr. CLAY had concluded, Mr. RANKIN, of Mississippi, rose and spoke till past three o'clock, when he gave way for a motion that the Committee rise, and the House adjourned.

THURSDAY, April 1.

Mr. RICH, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Amasa Stetson," reported the same with an amendment, and the bill was committed to a Committee of the Whole.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes;" and "An act altering the times of holding the courts in the District of Columbia;" in which bills they ask the concurrence of this House.

THE TARIFF BILL.

The House then went into Committee of the Whole on the state of the Union, on the bill to amend the several acts laying duties on imports, Mr. CONDUCT in the Chair.

Mr. RANKIN resumed and concluded the speech he commenced yesterday on the general principles of the bill. His remarks are given entire, as follows:

Mr. Chairman: I must leave to others the admiration of that wonderful system of policy adopted by England, which has raised her national debt to the enormous sum of 800,000,000 of pounds sterling, the interest of which is 30,000,000 per annum, a system which, by prohibitions and attempts to protect her manufactures, as I shall presently show, has made a large portion of her people paupers, and which compels her to pay annually, for England and Wales only, in the support of the poor, £6,000,000; a sum exceeding in amount the whole revenue of the United States; a policy which requires her to put a tax on malt, beer, and spirits distilled from grain, with the addition of leather, of £9,150,000; a policy which compels her, with a population one-third less than that of France, to raise a revenue of £44,000,000 for the support of Government, while France meets her expenses by a revenue of £37,000,000, (when it ought, having regard to her population, to be nearly £60,000,000;) a policy which requires every thing to be taxed, except the air her people breathe; others may admire this wonderful system, and "that stupendous monument of human wisdom, the British constitution;" but, I hope to be permitted to look with humble admiration on the Constitution, the institutions, and policy of my own country; a policy which, in less than half a century, has elevated us to a pinnacle of happiness and prosperity which no nation in Europe has reached, in the slow progress of more than ten centuries; a policy which leaves men to pursue wealth and happiness in that way which is most agreeable to them, protected, but not oppressed by legislation; a policy which does not propose to tax one portion of the community for the benefit of another; does not attempt to force into existence things for which we are not prepared; does not subject a man's home to the inquisitive and odious search of the exciseman; or waste the fruits of his industry for the tax gatherer; but which protects all classes, in their lawful pursuits, and fosters industry every where. Gentlemen may, if they please, call this "foreign policy a ruinous system." I have no hesitation in avowing myself its advocate. I am also an advocate for the purchase of an article manufactured by foreign hands, when I can procure it for a price one-third or one-half less than that manufactured in my own country. I do this, first, from a principle which governs almost every one; because it is my interest to do so; and secondly, because it is the interest of the community to which I belong. The public interest is but the aggregate of every individual interest in society. I am not the advocate of any system, the design of which is to make men wealthy without capital, industry, or economy, by imposing taxes on some more prosperous or industrious portion of the nation.

The South, sir, said Mr. R., has been often mentioned in the course of this discussion, and the

patriotism of the South has been appealed to with peculiar force. What does the South demand of Congress? Only that her capital and industry may not be taxed for the benefit of some other section of the Union. She asks not that the North and the West be taxed for her benefit, (as has been alleged,) but to pay her proportions of the public burdens, as she necessarily does, by paying her portion of the duties imposed for the purposes of revenue, on the articles of foreign manufacture she consumes. It is the excellency of our system of collecting revenue, that it is wholly immaterial whether the duty be collected in New York, Philadelphia, or elsewhere; every individual pays his portion of that duty on the article he consumes—no matter where his residence may be—he pays no more—he can pay no more. The allegation, therefore, that the North and West are taxed for the benefit of the South, is without a shadow of foundation. The charge that our policy compels the freemen of the West to become “the slaves of slaves,” comes very ungraciously from the honorable Speaker, many of the products of manufactures of whose own State, and perhaps of his own plantation, pass through the hands of slaves, and to the use of which we might object, if the objection be a good one, and prefer the productions and manufactures of Ohio and Indiana, or those of the North. If the article or commodity suits the purchaser, both in price and quality, there can be no propriety in inquiring by what hands it was produced or manufactured; nor do I presume the gentleman himself would stoop to make such an inquiry.

The picture, said Mr. R., drawn by the Speaker, of the condition of our country, if true, would be melancholy indeed, and might strongly urge the interposition of Congress, for the relief of all, (with the exception of the manufacturing interest, which, I think, he admits to be rather more prosperous than any other,) could any general system of relief be devised. Such a gloomy picture, if confined to this House or to this nation, would be harmless, I am sure, because no one would discover its resemblance to the actual state of things. But foreign nations may believe it, and sympathize with us. Much of the gloom is, however, removed by his admission that the necessities of life, for which the poor of other nations are suffering, are every where here in great abundance; so abundant that they can neither be consumed nor sold; but are actually rotting in the barns and granaries. He represents the prices of cotton, rice, and tobacco, the great staples of the South, as rapidly declining also, and consequently, it will be unnecessary to adopt a course of legislation to reduce us more rapidly to the common level of distress. We must necessarily adapt ourselves to the state of things which exists, and may hereafter exist, and not endeavor, by mere legislation, to create wealth and capital where none exists. Of this system of legislation, I had supposed a portion of the West, at least, had received sufficient information, from their own experience to condemn it and even make it horrible. It was not sufficient that they had the means of

living and becoming wealthy in the ordinary way, but they must become wealthy by the creation of banking institutions, and large issues of bank notes, which gave a factitious value to every thing; destroyed credit; called for a suspension of the collection of debts in the ordinary way; ruined individuals: all of which was consummated with general calamity, if not disgrace. From such a course of legislation, I wish the General Government, at least, to be exempted. The remedy consists in men conforming themselves to the existing condition of affairs, and which they will soon do, if undisturbed by vain and deceitful attempts to relieve them, all of which but sink them deeper in the abyss of misery.

I regret, said Mr. R., that this bill, calculated so deeply to affect all the interests and every class of industry, had not reached this House through the ordinary channel. It has been customary, in such cases, to receive a report of the probable effects of such a measure, upon the revenue and the industry of the country, from the officer who presides over its finances, accompanied by statements of such rates of duty as might be expedient or proper. For such a duty, the officer who directs that department ought to be, and no doubt is, better qualified by information, and a knowledge of the experience of this country, and of other countries, than any individual member, whose pursuits in life may have been diversified, and not much directed to the investigation of such subjects. Such a report should also have passed under the revision of that committee which examines the ways and means of the nation. But what have we presented for our adoption? A bill, reported by a Committee on Manufactures, the professed object of which is to protect manufactures. Thus, one class of industry assumes the privilege of saying to every other what amount they shall severally contribute to its support. Such a state of things is necessarily calculated to awaken suspicion, distrust, and alarm. But, on this subject, we are not left to suspect the design of this measure from its name and its source, as it bears the impress of its character in almost every feature which belongs to it. Many, and indeed most, of the duties proposed, amount to an immediate, or, at no very distant day a prohibition of the foreign manufacture; and the gentleman at the head of the Committee on Manufactures has had the candor to avow that such was its object. Against such a system I must protest.

I shall not, Mr. Chairman, said Mr. R., attempt to establish the unconstitutionality of this measure, but will leave that point to be discussed by other gentlemen. With those who believe that, under the power “to collect taxes,” “regulate commerce,” or “lay imposts,” we have the right to tax every other class of industry to force into existence a particular interest, it would be useless to argue, as they have found, and are determined to exercise, the power. I regret to say, sir, that I never have, since I have been in this House, found a majority of this body desirous and determined to exercise a power, that they have not found such power, if not in the letter of the Con-

stitution, in the spirit of it; if not in the spirit, in what have been very appropriately called “the vagrant powers of the Constitution.”

There are some truths, sir, in political economy, as well as in mathematics, which derive but little force from illustration, and only require to be stated to be believed. Such, I humbly conceive, would be the declaration that all violent attempts to regulate and direct the pursuits of industry in society must produce an unnatural state of things. I know society is itself an artificial body compared with the savage state, which is the natural one. By the natural state of things, I only mean that where there is no attempt by law to regulate and direct the pursuits of men from those occupations and employments which they believe most advantageous. As the natural body is in the best condition when neither stimulants nor depletion is required, so is the political body the most sound and healthy where there are the fewest attempts to force industry from its ordinary and natural course. The proposed system leaves nothing to the discretion and discernment of men—nothing to its natural course. It is also true (and the Speaker admits that truth) that capital, if permitted, will always find its place of profitable employment, as naturally as water will find its common level. From the spirit of enterprise in this country, and the few habits we have to subdue, this truth is peculiarly applicable to the people of this country. What portion of the habitable globe; what howling wilderness, no matter what its depth; what ocean, no matter how remote, or what climate, no matter how inhospitable,—has not been visited by our adventurous people, in pursuit of wealth? Even the depths of ocean have been made tributary to their wishes in this pursuit. This bill proposes to direct the employment of capital, and leaves nothing to individual discretion. What, again, can be more true, than that free importation produces lowness and uniformity in the price of every thing we desire to purchase, by inviting competition, and enabling you to purchase from those who can produce or manufacture cheapest? In this way, you are not sensibly affected by the changes of season, or the destruction of crops, nor are you subjected to the extortion of those from whom you have no alternative but to buy at their own prices. It would, perhaps, add a pang to those of death to be murdered by the hand of a friend; and there can be but little satisfaction in knowing that you were robbed or taxed unnecessarily and improperly for the benefit of professed friends, instead of by those indifferent to your fate. This bill does not permit you to buy where you can buy cheapest, and sell where you can sell dearest, but compels you to purchase at any price the domestic manufacturer may please to demand.

“Will you not protect your own industry, your own manufactures,” has been echoed in every part of this Union, and often within the walls of this House? Yes; I will protect, so far as my vote goes, every species of industry; but no one exclusively. But let us understand the meaning of this word protection, which has been latterly used to signify any thing but protection. When

foreign Governments give a bounty on a manufactured article when exported, and the duty imposed by our Government does counteract the effects of that bounty, we are strictly protecting our produce or manufacture, by imposing a duty that will prevent foreign producers or manufacturers from competing in our own market, and with our own producer or manufacturer, on terms of advantage. We also protect our industry or manufactures, when we impose a duty to prevent foreigners in our immediate vicinity from coming into our market with such produce as we raise in abundance—when their proximity to our shores, by subjecting them to but little expense, enables them to come there, and compete with our own people on equal, or nearly equal, terms. Such is the effect of our legislation, in relation to the fisheries, and the duty we impose on foreign sugar and cotton. The discriminating duties on tonnage has had also the effect of protecting our shipping against the regulations of foreign nations, and the competition of their seamen. In some cases it happens that your policy or your laws have created institutions, and forced the investiture of capital in manufactories, or otherwise; and, in all such cases, the Government cannot, consistently, at once abandon its course, by which ruin would fall upon a class of citizens invited to particular pursuit by existing laws, and resting on the faith of the Government. Some things in the tariff of 1816 were doubtless affected by this principle. But when an adequate protection is afforded, even by adventitious circumstances, there can be no necessity for claiming the interposition of the Government, for any thing beyond that adequate protection; and there is no propriety in the interference of the Government in such a case. The present duty laid upon foreign manufactures for the purposes of revenue, is estimated by those familiar with those subjects, to amount, on an average, to 40 or 50 per cent., and would, doubtless, give adequate protection, were we prepared to manufacture. On some things the duty is 7½, and on others 200 per cent. When you add to those duties the price of freight from the place of exportation, with insurance, commissions, and the various profits and charges, before they reach the consumer, the price is greatly enhanced from the original price of the manufacture. From this duty, together with freight, insurance, &c., the domestic manufacturer is exempted; and it necessarily operates as a premium to him of that amount, as he can add all those things from which he is exempted, to the price of every thing he manufactures, and sell at the same price as the foreign manufacturer. This is an indirect tax on the consumer, and is not noticed. It is a protection not to the industry of the farmer and planter, who does not believe when he purchases an article he wants of the merchant, that if his own manufacturers were at all prepared to manufacture, they ought to be able to sell it to him one-fourth or one-half cheaper; and that one-fourth or one-third, and, in many cases, one-half of the price he pays for an article, operates as a premium on domestic manufactures. When these facts are

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disclosed, the plain common sense of every man would induce him to say, at once, "why, these people are already sufficiently protected." Whence, then, this cry—"Will you not protect your own industry, your own manufactures?" It is all a delusion. Public men, instead of joining in that cry, should say to the people, your manufactures are already protected by a duty averaging 40 or 50 per cent.; and, if they cannot succeed with such protection, it is evident our country is not prepared to manufacture. When our millions of acres of unseated lands are populated, and it becomes an object to find employment for a portion of our people who cannot be employed in agriculture, and when the price of labor is reduced to something like the price of labor in Europe, we shall then manufacture; but, until that period arrives, it is vain to attempt to force them over obstacles they cannot surmount. These manufacturers, they might say, by protection, mean prohibition, and that foreign manufactures must be excluded by high duties, to enable them to obtain the monopoly of the market.

In the further prosecution of the examination of this interesting subject, and for the purpose of showing the effects of such a system on the whole community, I have, Mr. Chairman, proposed to examine its effects on the commerce, the agriculture, the manufactures, the revenue, the morals, and the liberty of the country. If no one of these great interests can be promoted, as I shall attempt to show, by the passing of this bill, it most certainly ought to be rejected.

Commerce, sir, (said Mr. R.) deals in the exchange of the raw material, the money, or the manufactured articles of one country for those of another. If we continue to exchange with other nations, as heretofore, no protection is afforded to our manufactures for what ceases to be consumed ceases to be imported; and, in proportion as we substitute our own for foreign fabrics, our commerce is diminished; so far as the present bill goes, and it goes far enough to exclude the most of the foreign manufactures we want, it excludes them from our market, which exclusion must be followed by almost the total annihilation of our commerce. But, it has been said that, "if we export we will import." We have heretofore imported necessities, and, I presume, according to the new doctrine, we shall import something which is not necessary, and which we cannot use. If it be true that, "if we export we will import," it must be equally true that, if we cease to import, we shall cease to export, and that importation and exportation keep pace with each other. The bill proposes to diminish our importations, and force us to consume our own productions and manufactures, and consequently, most seriously affects our commerce. The number of persons to be affected by this change is considerable, and they are a class of people whose labor and industry ought not to be sacrificed to promote those of the manufacturer, who less deserves your protection. In this branch of industry, which has arisen without your protection, except so far as I have stated protection was strictly due from the Government to its citizens,

there are estimated to be 40,000 mariners employed, and, in the various employments of shipwrights, boat builders, sailmakers, chandlers, &c., 250,000, making an aggregate of 290,000 persons. The greatest number which the Speaker could find employment for under his new system, and that number much exaggerated, as must be evident from a knowledge of the powers of machinery, was 500,000 persons, and those must be employed by the loss either immediate or ultimate of something like \$7,000,000 of our revenue. Is this just? Is this right? In this experiment, you jeopardize, if you do not destroy, as is probable, upwards of 800,000 tons of tonnage engaged in the foreign trade, and which produces annually, of national wealth, by mere labor, about \$70,000. A considerable trade is carried on from the North to the West Indies in lumber and the various products of the soil, which is supposed to be worth about \$150,000 per annum, and a trade in ice, which requires no capital, brings to the country \$100,000. In return for these, the various products of the West Indies are imported to the United States. The proposed duty on molasses, fruits, and spirits, must utterly destroy this trade by its prohibitory action. Who does not remember that, in the last war, when treachery, defeat, and disaster, attended our first efforts, or when at best but doubtful success crowned the most brilliant achievements of our arms, the rapturous enthusiasm that filled every bosom at the victories achieved by our navy. The gallant spirits who covered themselves and the nation with glory; exalted us in our own estimation as a people; made every man, when in a foreign country, lay his hand on his breast, and proudly say, I am an American citizen, where, but shortly before, he concealed himself with shame; and established for us a name and an elevated standing among the nations of the earth, were not reared amidst the fumes of the oil and the noise of the machinery of a manufactory. They were "children of the deep, and nurselings of the storm;" their home was from infancy on ocean, and "their path the mountain wave." There they had learned to discharge their duty—to contemn danger, and disregard death. This school for our navy, for which there can be no substitute when our commerce is destroyed, gentlemen would destroy, and erect on its ruins a thing, as yet in this country, unknown—the untried system of forcing into existence manufactures. Commerce is the handmaid of agriculture and manufactures, and bears their surplus to other countries for a market. Without it, no nation has flourished, from the time of Carthage, of Venice, and the prosperous periods of the Spanish nation, down to that of England, which has excited the admiration, and called forth the eloquent eulogium of the Speaker of this House. Carthage and Venice, it is true, perished in consequence of the prosperity they attained by commerce; but, from the causes of their destruction we are happily free. Carthage was but a speck on the margin of the Mediterranean, and Venice like an excrescence from the ocean. The enemy had but to strike a single part of either, and the whole was destroyed.

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The rock of our strength is a widely extended country, and a vast preponderance of population, whose pursuits are agriculture. While that state of things exists, we are secure alike against domestic faction and foreign invasion. When a large proportion of our population shall have engaged in commerce and manufactures, and especially in manufactures, the stability of our Government will be diminished. A due proportion of a well regulated commerce brings to a nation the arts, the improvements, and the science of every nation with which it has intercourse. This commerce, which deserves so well the protecting hand of the Government, and which is represented by Mr. Speaker to be in a most languishing and deplorable situation already, ought not certainly to receive from the parental hand of the Government this decisive and fatal blow at its existence.

The main spring of agriculture and industry, is a market, in which we can exchange our surplus produce, our money, or our manufactures, for those of other countries. If the maxim of Mr. Speaker be true, that if they buy "of us nothing, we can buy of them nothing," it must be equally true, that, if we buy of them nothing, they can buy of us nothing. It is a good rule that works both ways. The object of this bill is, so far as possible, to force us to be independent of other nations, and produce the manufacture for ourselves. It is impossible that other nations can pay us in specie \$47,000,000, which was the value of the exports of the United States to foreign nations, the last year, and which must, annually, increase, if they were so disposed. They have been enabled to trade with us, especially England, because we received her manufactures in exchange for our raw material; and when we destroy, or mutually diminish that exchange, she cannot, nor would it be her interest, to pursue that unprofitable trade. She will, of course, seek a market where she can trade to advantage. That she will find, in South America and elsewhere, where cotton, the raw material which she most wants, is raised in great abundance, and where her manufactured articles will be in demand. We shall thus, by our policy, find the means of diverting from ourselves our most profitable trade. This exchange with England, if not wholly destroyed, must be much diminished, by the operation of this system. She is supposed, in the last season, to have imported 420,000 bales of cotton; and the amount returned to us, in manufactured articles, after deducting for waste, is only estimated at 40,000 bales, which leaves 380,000 bales to be consumed elsewhere. This she was able to purchase, by the addition of the labor to that portion of the raw material returned to us manufactured; but the object of this bill is to exclude the manufactures, and with that, consequently, to destroy their means of purchasing. If the home market were a substantial substitute for this loss, we should have no reason to complain; but, it is evident it cannot be. England now manufactures 380,000 bales of cotton for her own use, and for the use of those with whom she trades, exclusively of the 40,000 bales returned to us manufactured. We cannot, then, expect a

home market for more than 40,000 bales out of 420,000, as we have no market for any more, if manufactured, as we cannot, requiring high protecting duties at home, in addition to the present high duties, to enable us to compete with her in our own market, expect to vend our manufactures in Great Britain, or any other place where she trades. This all tends to show the impolicy of changing a system, when the change would so seriously affect one of our best articles of exportation. The evil effects of such a measure, would not be confined in its operation to that portion of the country immediately affected by it; but, as the South is dependent on the North and West for implements of husbandry, and all the means of subsistence, would necessarily destroy the market now opened to them, by destroying our means of purchasing and by compelling us to use those means which God and nature has placed within our reach, of supplying our own wants, from our own lands. The idea of a home market, for either our produce or manufactures, to any considerable extent, is most fallacious; it has no foundation in reason or truth; but is calculated to delude and deceive the people. This terrapin policy suits no nation with such varieties of soil and climate; such a spirit of enterprise, and such immense resources, as the American people possess.

We are, said Mr. R., necessarily an agricultural people; and many portions of our country must remain so, for years to come. This proceeds from the nature of our country, which differs from the densely populated portions of the old world, in affording to industry the enjoyment of the most fertile lands, at reduced prices; and from which a great abundance is produced, with but little labor. The price of labor is governed by the price for which the inferior soil can be cultivated, where they are compelled to cultivate such soil. The American farmer can, with the same labor, grow more grain than the farmer of any other nation. Hence, he can better afford to pay from 20 to 50 per cent. on goods of foreign manufacture, than have his attention directed from agriculture to domestic manufacture. This state of things will pass away when our population becomes too dense to be supported by the cultivation of the best soil, and to be employed in commerce. Whenever that period arrives, we are then, and not until then, prepared for manufacturing.

The corn laws of England, which prohibit the importation of grain, except when the scarcity very nearly produces famine, had their origin in the protection extended to the manufactures of silk and lace, which are now considered unimportant branches of their manufacturing establishments. The agriculturist demanded of his Government a similar protection to that given the manufacturer. This protection, so reasonable, when the system was commenced, she was compelled to give, and hence the corn laws. This whole system she would abandon if she could, or if she dare. A bad system, when once created by Government, cannot be readily abandoned. [Here Mr. R. read from Lowe's new statistical work, Appendix, page 33, a passage, to show the correctness

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of his statement, as to the origin of the corn laws, and the opinion of writers on political economy, as to their injurious effects.]

What would be the effect of free trade on England herself, provided her ports were opened to the agricultural products of other nations, and especially those of the United States? She would not then be reduced to the necessity of cultivating inferior soil, where great labor receives but little reward, and keeps up the price of bread; but the price of bread would be diminished, and with the diminished price of bread, the staff of life, the price of labor would fall; and, with the price of labor, the price of manufactured articles dependent on labor. Her manufactures, reduced in price, would enable her to have a monopoly of the market of the whole world. Their policy not only affects them injuriously, but is the best protection which could be presented to our manufactures, by keeping at a high price the necessities of life, labor, and the manufactures which she would be enabled to sell much lower in our market, by pursuing a contrary policy. Her manufactures, however, she must dispose of, or her people perish; and, in order to meet competition abroad, when a season of scarcity arrives, the manufacturer dare not raise the price of wages, because that would raise the price of manufactures, and destroy the sales abroad—throws on society a numerous class of weavers and laborers, clamorous for bread, because perishing with famine. This is the most fruitful source of pauperism in England, and which, it requires six million pounds of poor tax annually to alleviate, without regarding the immense individual suffering, the vices created by pinching want, the prosecutions and convictions, the infamy or execution of many of her citizens, who, if blessed with the distressing abundance which surrounds the people of this country, would have been valuable members of society. In this train follows, also, the rebellions that agitate society, and which require the power of military force to suppress. This is the admirable "American policy," which Mr. Speaker wishes to adopt in this country. A time must come when our country will be subjected to all these calamities; but I hope it is far distant, and I confess I am unwilling to hasten its approach. We must be contented with moderate profits, and not attempt to legislate the nation into wealth, either by issuing bank paper, or forcing into existence establishments which would, least of all, benefit the West, now most clamorous for them.

The manufacturers have been promised the South American markets, in which all their fabrics can be vended. It is truly ridiculous to require something at home, in addition to the protection of a duty averaging forty or fifty per cent. and then believe you can go into a foreign market and monopolize it, limited as that market must be. But I have shown you that, if your system be adopted, you will have driven England there with her manufactures, with whom it will be the interest of the South Americans to trade, because they will receive the raw material wanted by the English, in exchange for their manufactures. You can re-

ceive nothing scarcely but specie, unless you import, to the ruin of your own agriculturist, the cotton of South America.

New England is the only manufacturing part of this country, and yet her people do not demand this tariff at your hands. She has the capital, the industry, the economy, and the density of population, that prepares her for manufacturing. But for the emigration of her people to the West, she would now have advanced much further in that branch of industry. The manufacturers know well the effect of the competition created by forcing capital suddenly to any one employment, and generally only ask you to let them alone. Small establishments, which might secretly and silently work their way into an honorable and comfortable existence, with the numerous individuals now employed in manufacturing by hand, would all be prostrated by your policy, by the large manufacturing establishments, with immense capital and powerful labor-saving machinery. From your system, the nabobs, who are represented as hostile to it, would alone derive benefit. The Digest of Manufactures, prepared by the Secretary of State, shows that many of the manufactories of coarse cotton, after the tariff of 1816, perished by competition. They do not, like the Kilkenny cats, devour each other, all except the tails; but one great establishment rises on the ruins of all the surrounding inferior ones—gorged and bloated with the spoils, and smiling at the desolation created. The prudent manufacturer also fears a reaction, when the people shall have felt their revenue seriously diminished, and shall see a resort to excise or direct taxes necessary; when they have witnessed the prostration of commerce, and shall know, from experience, the delusion of this home market. Society, like a mighty collection of waters, rests peacefully, if undisturbed. A single wave cannot be raised from its bosom, and suddenly sink into tranquillity; but a thousand successive waves are borne impetuously to the shore, and are returned, broken and murmuring into the mass of waters. The people may not be satisfied with reducing things to their present situation.

When we are at all prepared, sir, said Mr. R., to manufacture, the present duties will be found a sufficient protection; and, until we have the requisite industry, economy, and capital, and a population which cannot be employed in agriculture and commerce, we vainly and imprudently attempt to force manufactures into existence. That we are not prepared, is demonstrated by the positions of the advocates of this bill. We have "infinite advantages (says Mr. Speaker) of soil and of internal navigation," &c. If we cannot manufacture with these advantages, and with large protection from duties, what does this prove, but that we are not ready to manufacture? What does the chairman of the Committee on Manufactures say, as to our natural advantages? "We have ten acres," says he, "for one in Europe, fit only for the culture of hemp;" and yet, it seems, we cannot manufacture even cotton, bagging, without a protecting duty of 50 per cent. We have territories of lead, and on navigable waters;

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yet it cannot be protected by a duty of 12½ per cent., the present duty; but a duty of 25 per cent. is necessary, and, on manufactured lead, higher in proportion. We have a climate which will produce wool every where, and a duty of 15 per cent. to protect it; yet we cannot have it produced in this country. We have iron ore in great abundance, fuel, and labor, and iron is now protected by a duty of at least 40 per cent.; yet the makers of iron are suffering for protection. We have grain in abundance, yes, "rotting in our barns and granaries," and a duty on foreign spirits averaging 200 per cent.; yet, this is not a sufficient protection to domestic industry. When you add to these advantages the low price of land, the abundance of fuel, convenience of navigation, and the exemption from the payment of freight, duty, insurance, commissions, &c., to which the foreign producer and manufacturer are subjected, and find we cannot grow or manufacture, is it not evident that the cause is not the want of protection; but that it proceeds from causes connected with the new and unsettled state of the country? As men advance gradually from infancy to old age, so does society. No people have been instantaneously a commercial or a manufacturing people. The natural state of man is the savage state—the next, the pastoral, and the next the agricultural. At the settlement of our country, we had passed the first stages, and had agricultural habits, received from the land of our fathers; and our commerce and manufactures are rising into existence as rapidly as they ought. Whenever agriculture, in any country, has a surplus which cannot be consumed by the producer, commerce rises. If a country has, at the same time, a surplus production, at any one point, which cannot be advantageously employed in agriculture, they are their own carriers; if not, other nations carry for them. When the people become too numerous to find employment in agriculture and commerce, they necessarily seek employment in manufactures. But a small portion of our country, and that certainly not the West, with its millions of unseated lands, has ever found that surplus population which prepares a nation to manufacture. The manufacturing age of any nation is the one which precedes and mingles with its decline. Not, indeed, often an enviable period in its history; because, as the markets fluctuate, as affected by war or peace, or the destruction of crops, it brings forth its swarms of paupers and a starving tumultuous people, imploring Government to relieve them from famine, and are ready to join any faction. In our country, with our free institutions and extended right of suffrage, the influence which the proprietor of a large manufactory must have over those dependent on him for bread, would be severely felt, in destroying the freedom of elections. The command over a man's means of subsistence and that of his family, independently of that servile disposition which dependence creates, gives a command over his will and his freedom. The slavish condition of the laborers employed in manufactories, and in which they only engage from necessity, has a tendency, also, to destroy both the

spirit of patriotism and the physical energy on which the nation might rely, from her militia, in times of war. It is, therefore, calculated to impair our means of national defence and destroy the best feelings of patriotism. I know the correct manner in which the manufactories now established are conducted, and the attention paid to the preservation of morals. But these establishments are now in their infancy, and have a character to create. The time must come, as it has in other countries, when the proprietors will be more anxious to increase their wealth than preserve the morals of their laborers. All experience shows that the contagion of example and the effect of association, where a great number are collected together, tends to contaminate the morals of the whole. The people of cities hence, are less virtuous than the people dispersed, in their habitations, through the country. The Speaker, with a view to another point, states an important fact in relation to the increase of our population. We double our population, he says, in about twenty-five years, while scarcely any other nation has the same result in less than a century. To what other causes can that be attributed but to an exemption from a precarious support, to be obtained by labor in manufactories, and to the ease with which lands can be procured and a family supported, inviting to early marriages? I am not willing to destroy this course of national strength and wealth, by forcing men from agriculture. Who has not witnessed, with pleasure, the happy effects of emigration to the new and unseated parts of our country? A man, with his wife and family of small children, leaves a part of the country where the high price of lands prevent him either from being able to purchase or rent. His earthly substance, with the children unable to walk, are packed upon a horse, followed by himself and wife and those able to travel. In this way he pursues a journey of some hundreds if not thousands of miles, seats himself on lands that soon becomes his own; plenty smiles around him, and he dies with the pleasing thought that his children are freemen, and not slaves—the lords of the soil. On a people of such enterprise, thus educated, you can depend, in the day of battle. There is something in the freedom of the country, in the ownership of the soil—no matter whether the proprietor be seated on the fertile plain, or his habitation be perched near the eagle's nest on the mountain side—which inspires a feeling of independence and a love of country that nothing produced in any other situation can equal. With what enthusiasm, in the last war, did even mothers surrender their darling sons, the only prop of declining age, for their country's defence; and with what Spartan heroism did they offer their lives on the northern and northwestern frontier and on the plains of Orleans? While this proportion of this kind of population greatly exceeds all others, our national defence, liberty, and independence, are secure. Not so when the manufacturing class preponderates. We are then verging to old age and dissolution. I would not, willingly, drive men from those pursuits that make them independent, patri-

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otic, wealthy, virtuous, and happy, to those which make them poor, dependent, servile, corrupt, miserable slaves. I would increase the number of the cultivators of the soil; for there, should ever liberty desert our country, will her last vestiges be found. If this be "foreign policy," I do not blush to be its advocate.

This brings me, Mr. Chairman, to examine the probable effects of this bill on the revenue, should it pass into a law. Our mode of collecting the whole revenue of the country, from a duty on imports, and which is collected with little expense, and scarcely felt by the people, is peculiar to this country. It must fail whenever it becomes our interest to manufacture, instead of directing nearly our whole force to agriculture, finding it more advantageous to pay a duty averaging 40 or 50 per cent. on foreign manufactures, than to manufacture for ourselves. For, it is evident, when our state, as that of England does her, enables us to manufacture, the distance and expenses attending importation will not only protect our own manufactures, but prohibit importation. If this state of things be permitted to arrive gradually, we become better able to bear excise and direct taxes, and may gradually impose them to meet the deficiency in the revenue. If brought upon us, at this time, we are wholly unprepared to meet them, and I am certain would not bear them. That the design of this bill is to diminish importation, and to act as a prohibition, we have from the chairman of the committee who reported it to the House. He says we import, annually, upwards of \$15,000,000 of foreign articles, which we can have as well, and better, in our own country, and which, I presume, it is intended to prohibit, as quickly as possible. If this bill will not answer the purpose, I have no doubt he would consent to report one which would. But, sir, no declaration of intention was necessary. No man can examine this bill without feeling that, regardless of the design, the effect would be to prohibit, or nearly so, the importation of goods, the duties on which, from a statement laid on our tables, amount to upwards of seven millions of dollars. But, admit it should not go the whole extent of prohibition to that amount, even a considerable portion could not be borne, and the Government supported, without resort to internal taxes. The mode of laying the duty on coarse cottons and woollens, is extremely exceptionable, because calculated to deceive. If the intention of the committee was to place a duty of from 93½ to 117 per cent. immediately, and from 104 to 130, after June, 1825, on coarse woollens called plains, and a duty of from 78 to 111 per cent. on printed calicoes, why not say so, in direct terms, and not make a duty nominally only 25 per cent. by fixing the price of a yard at one-third more than it cost, make duty much higher than it appears. The duty on coarse cottons, by the tariff of 1816, was nominally 25 per cent., but every yard was estimated to have cost 25 cents, a price more than three times its real cost, at the place of manufacture, and which made the duty really more than 80 per cent. Here let me remark, that, if the duty

of 1816 on coarse cottons, operated as a prohibition, as it really did, the duty I have mentioned on coarse calicoes and plains ought to have, and would have, the same effect. The proposed duty on cotton shirting is from 49 to 70 per cent.; on cotton checks it is from 67½ to 70 per cent.; on brown Holland, 72 per cent.; on osnaburgs and cotton bagging, about 50 per cent.; and on paper, about 66 per cent. The articles are selected to show the general character of the bill, and to justify my remark, which I have made, that it is, in its nature, prohibitory. These calculations I have not made, but they are made by those much better acquainted with such things, and who, I presume, would not hazard their reputations by false statements. They are principally found in the memorial of the Chamber of Commerce of New York. These duties, if they operate to raise the prices, as they must, fall most heavily on a class of people the least able to bear such burdens, the poor and laboring class. A duty on fine cloths could either be paid by the rich, or would leave them the alternative of wearing something of an inferior quality; but the poor have no alternative but to buy at the prices for which they are offered, or do without them. The experience of the last war also shows, that when prices are unusually high, that portion of the community which can do so, resort to family manufactures, and that the use of all others is much diminished. These high duties, then, if attended with any thing like a corresponding high price of the domestic manufacture, instead of giving protection to domestic manufactures, would diminish the consumption, and force all who could to supply their wants by family manufactures. This was seen in the last war.

The effect of high duties, in producing smuggling, with all its concomitant evils, I never can view without horror. For smuggling, no country—not even England—is so well adapted as the United States. An immense seacoast, studded with islands, and extending from Passamaquoddy to the Sabine, and a large portion of that but thinly populated; by land, bounded on the East, the North, the Northwest, and the West, by the territories of other Governments, a portion of which has a chain of lakes united by rivers, to which there are thousands of inlets, affording facilities to smuggling. Hitherto the feelings of our people have been on the side of the Government, because the duties have been moderate, and, although we have the most virtuous people on earth, the experience of the restrictive measures preceding the last war, and the war itself, show that they can be corrupted. All men are liable to be operated on by their avarice or their necessities. A part of one of the best prayers ever uttered, is "Lead us not into temptation." Do not corrupt your people, by making it their interest to be corrupt, or because the demand for necessary clothing, which they cannot otherwise obtain, requires them to be corrupt. When you do, you will find *Dirk Hateracks* on your coast, and a people ready to deal with and protect him in his illicit trade. Some gentlemen here know that the famous *Lafitte* supplied one part of the coun-

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try with goods, through Barataria, during the restrictive measures and the last war, and publicly walked the streets of New Orleans, in defiance of your public officers, and in contempt of your laws. To prevent this, you must increase the number of revenue officers, now under your moderate duties almost unnecessary, except for the mere purpose of collecting them.

But, sir, the gentlemen have found a remedy for the deficiency anticipated by themselves, by the prohibitory nature of this tariff, in the increase of duty on other articles. What are those articles? Molasses, spirits, fruits, and silks, I presume—the proposed duties on which must diminish the consumption, if not wholly prohibit the importation. If it were true that an increase of duty increased the revenue, it would be easy to collect the revenue from a few articles. Experience shows things will bear a reasonable duty, and no more. Go beyond that, and they are smuggled, they are adulterated, the consumption is diminished, or they are prohibited. The maxim of Dean Swift is true, when understood, that, in the science of political arithmetic, two and two do not always make four. Reducing the duty often increases the revenue, and an increase of the duty often diminishes the revenue, and the revenue does not always increase in the proportion the duty is increased. These positions I propose to illustrate by a few of the numerous examples drawn from the experience of England, France, and the United States. Previously to 1784, the duty on tea, in England, was four shillings a pound, and produced £180,000; and when reduced, in 1745, to one shilling per pound, produced, in 1746, £243,309 in revenue. In 1748, the duty on tea was again increased, and fluctuated between 64 and 119 per cent., until 1784, with but little increase of revenue; but the adulteration, by the use of sloe and ash leaves, was practised to an astonishing extent. In the year 1784, the duty was reduced to 12½ per cent., and in the two next years the consumption was trebled, and in 1819 100 per cent. In 1742, the high duties on spirits ceased, in consequence of which the revenue was increased, and morals improved. Let it be remarked, that foreign spirits is one of the items in this bill, and which now pays a duty of 200 per cent. on the average, and the duty on which it is proposed again to increase—a duty which is in its nature prohibitory, and from which we now derive a revenue of upwards of \$2,000,000. In 1787, Mr. Pitt reduced the duty on wine 50 per cent., by which the revenue was increased. The duty on coffee was increased in 1805 one-third, by which the revenue was diminished one-eighth, and in 1806, one-sixteenth. It was again, in 1808, reduced from two shillings to seven pence per cwt.; and the revenue, which, for three years preceding the reduction, had averaged only £166,000, increased to £195,000. In 1800, the duty on glass was doubled, but there was no increase of the revenue. In 1813, the duty on leather was doubled, which might have been expected to double the revenue derived from that source; but, although it had previously produced £394,000, it only produced half a million. The duty on

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wine, subsequently to the time I have before mentioned, was increased; and, in consequence of that increase, the revenue was diminished one-fourth. A similar instance has been cited, in the course of this discussion, in relation to the revenue of the United States, of an increase of revenue on wines, corresponding with the diminished duty. In France, in 1775, Mr. Turgot is said to have reduced the duty, &c., on fish, in the Paris market; but the revenue was not thereby in the least diminished. From the high duties proposed on the articles from which it is expected the deficiency in the revenue is to be supplied, it appears to me, if experience teaches any thing, the examples I have cited teach us to hope for nothing like an increase of revenue. Although Mr. Speaker is prepared to recommend an excise, I confess I feel some horror at the name of an exciseman; and nothing but a full conviction that nothing else would support the honor, the welfare, and safety, of my country, would induce me to send this odious class of public officers among the people.

I have incidentally shown the corrupting influence of this policy on the morals of the country, by enlisting the feelings of the people against the Government, and in favor of the smuggler, and by collecting people together in numbers; and on the liberty of the country, by its influence on the freedom of elections, and the means of defence by land and sea.

It now becomes my duty, said Mr. R., to examine some of the reasons which are supposed to demand this extraordinary interposition of the Government to rescue a large portion of the people, if not the nation, from degradation and ruin. The balance of trade with other nations, it is said, is against us, as appears from the Treasury reports, and books of the custom-houses. Indeed, the balance of trade has in this way appeared against us constantly, from the origin of our Government, and foreign nations continue to deal with us, and we are not ruined. The very suggestion is so ridiculous, that had it been confined to the Philadelphia mint of pamphlets on the tariff, where, I believe, it originated, I should not have deemed it worthy of notice; but, as it has been echoed and re-echoed within these walls, I propose to give it some examination. Suppose an American merchant exports from one of the ports of the United States a cargo estimated at the custom-house at \$5,000, which he carries to the West Indies, and, in exchange, obtains the produce of that country, worth \$10,000, and which, instead of bringing immediately home, he disposes of in some port of Europe for a cargo of merchandise valued at \$20,000, which he imports to the very place which he had previously left with a cargo valued at \$5,000. In this instance the balance of trade appears to be against us, as we have imported \$15,000 more than we have exported; yet, \$15,000 are gained to the nation. Suppose, again, the merchant exports a cargo valued at \$10,000 where exported, and which, at the port of destination, he is compelled to sell for \$5,000, with which he returns to the United States; here, it would appear, we are doing an excellent business,

because a balance of \$5,000 more is exported than imported, as appears on the books of the custom-house; yet the nation has lost \$5,000. The fallacy of this thing is, that, when our trade is prosperous, the balance is always apparently against us, but when our trade is most disastrous, the balance appears in our favor, in the way I have mentioned. To this you must add many cases where nothing is exported of any value, and where things of value are imported, the products of mere labor. Two or three cases of that kind may be mentioned. We have upwards of 800,000 tons of tonnage engaged in foreign trade and which brings to those engaged in it about \$70,000 per annum, which is acquired by mere industry, is imported in the produce or manufactures of other countries, and appears, on the books of the custom-house, that amount against us, in "the balance of trade." A quantity of ice is annually carried from the North to the West India Islands, which brings to the United States, in the produce of those islands, about \$100,000, and in that case, also, as nothing is exported that can be valued at the custom-house, a balance of trade of \$100,000 appears against us. A most profitable trade to the Pacific presents also a large item in that balance of trade. A fishing vessel leaves New England and proceeds to the South Sea, where, by fishing or trade in furs, she is enabled to make a voyage to the East Indies or China, and returns with a cargo valued at \$100,000, when her export was nothing; and, this, again, swells the apparently unfavorable balance of trade.

It is said, sir, and triumphantly said, "Shall we purchase more than we sell, and purchase to a disadvantage?" The meaning of this is, Are we fools, and our creditors worse fools? When an individual purchases more than he can pay for, from a merchant, his credit soon ceases. Englishmen know too well their own interest to continue such a ruinous business, even if we were disposed to encourage it.

It is asked, shall we encourage foreign workmen? I answer, yes; if to our mutual advantage; and for the same reason that a man employs a neighboring mechanic to make his boots and shoes, instead of making them himself or having them made in his own family.

"Our country is said to be perpetually draining of specie." And what is specie but a mere commodity, which we exchange for something we want more? Recent accounts say that from the abundance of specie in England, the exportation of it to this country has commenced. Water accumulated at any certain point soon finds its level, so silver seeks the place of demand, for it passes in and out of a country by a thousand secret channels. From the estimates on this subject, we have been drained, since the commencement of this Government, of more specie than we ever had.

"We must be independent of foreign nations." What God has decreed, man vainly attempts to counteract. The dependence of nations and parts of a nation on each other are marked in the varieties of soil and of climate, and in the dispensa-

tions of Providence. Why does not the soil and climate of the North bear the products of the South, or the South yield the products of the North? Why is the crop in one country parched by drought or blighted by mildew, while that of another yields an abundant harvest? These all teach men and nations that they are and must be dependent on each other, and on Him who formed the earth and directs the seasons, and who rules the affairs of men and of nations. The wealthiest and most powerful man is made dependent sometimes on the humblest person in society. This dependence pervades creation, is found among beings rational and irrational; things animate and inanimate.

Some have alleged, or at least intimated, that England has sent goods here to destroy our infant manufactures. Who can believe such a strange suggestion? What nation could afford to do it, if willing? At the time when England is supposed to have made this attempt at the destruction of our manufactures, her people, like ours, suffered from the sudden transition from war to peace, and her manufactures were sacrificed in our markets, while her commerce and her agriculture suffered at home. The war found employment for a large portion of her people, not only in the armies, but in the formation of those manufactures necessary for the supply of the army. Peace not only diverted the whole force previously employed for the army to manufacture for exportation, but also found in possession of the manufacturer a stock on hand which the war had prevented him from exporting and vending. Our merchants rushed to supply the wants of the country by importation. Hence, a scene of universal distress, both in England and America, followed the transition from war to peace, involving all classes in the common misery, and the goods which the merchant or manufacturer were compelled to sacrifice at this period, are doubtless those which gentlemen have fancied imported for the destruction of our infant manufacturers. All classes of men and of industry feel the loss of the market war creates, and time alone restores the equilibrium. Time has done the work which it would be madness to destroy.

The examples of England, France, and Spain, have been mentioned to show the effects of this admirable policy recommended for our adoption. From the description, one would suppose that all the information we have heretofore received from every source, as to the situation of the people of England, was false, and that she had scarcely a beggar or a pauper in her dominions; that her agriculture, her commerce, and her manufactures, were in a most flourishing condition; while we are actually a starving, depressed, miserable people, whose commerce languishes, whose agriculture is depressed, and who implore the aid of Government to save them from utter ruin. We look in vain in this country for the original of such a picture, and a search in England for that unexampled prosperity depicted in such glowing colors, would be equally fruitless. England compared with some other nations of Europe is comparatively prosperous as a nation; while a large por-

tion of her people are without rights and privileges, a poor, wretched, starved, miserable population. Does even the comparative happiness she enjoys proceed from protection to her industry? No, sir; her natural advantages have caused her to triumph over a mistaken policy which she would now abandon, if she dare, or if she could without the destruction of interests and institutions which her own laws have created, and which it would be unjust and impolitic at once to destroy. Opening her ports to the produce of other countries, and especially that of the United States, where, from the low price and good quality of the lands, we produce much with little labor, would at once force the agriculturists of that country, now cultivating inferior soil, to abandon it, from an inability to raise any thing at prices which would enable them to compete with us in the market. It would make her what she is destined to be from her situation, the density of her population, and natural advantages—a manufacturing nation; but must, at the same time, prostrate her agriculture. Such a sudden change would be dangerous and unwise. But one period perhaps has arrived within any recent time, and that a most calamitous one for agriculture, when she could with safety have repealed her corn laws, and that was when the unusual abundance of crops in the year 1816, reduced the price of corn nearly to that for which it could be imported. I have already shown that the best protection for our manufactures proceeds from her corn laws, and that the very best protection she could give to her manufactures would be to open her ports to the productions of other countries, by which the price of bread, of labor, and of her manufactures, would be reduced. Is it true that her manufactures have flourished from the protection extended to them by Government? Such is not the opinion of Mr. Lowe. [Here Mr. R. read, from page 168 of Mr. Lowe's work, a passage to show that, of the whole manufacturing productions of England, consumed at home and abroad, estimated at £123,000,000; the cotton, woollens, and hardware, which is the most profitable portion of them, and which received no protection from the Government, by duty, amounted to £80,000,000; while the chief protection had been extended to the manufacture of silks and laces, admitted to be unprofitable.] England owes her prosperity to her situation, which makes her a commercial nation; to the limited extent of her territory, which denies employment to her people in agriculture; to her system of Government, which is comparatively free; and to religious toleration. The persecutions of the Huguenots on the Continent, also, brought her the most learned and skilful men in Europe, with a knowledge of manufactures, which gave the first impetus to that branch of her industry, and, in proportion, depressed those of the countries from which they were banished.

France, admitted by Mr. Speaker to be the next most prosperous nation of Europe, could not be expected, when deprived of the advantages of situation possessed by England, to equal her in those things dependent on situation. In addition

to this, France has long been the scene of the most desolating internal war, while she has waged a perpetual war with all the Powers of Europe, by which her progress in those things that flourish most in times of peace was necessarily retarded. But her people are comparatively happy, and are less burdened with taxes on the necessities of life than the British subjects.

The example of Spain is most unfortunate for gentlemen who advocate this system of protection. Spain, among the most degraded, the most feeble, and the least prosperous of European nations, is, say the political writers, "a Government of imports, prohibitions, duties, and monopolies." The wealth of her foreign possessions, no doubt, contributed to hurl her from that eminence she once proudly occupied among the nations; but, as industry flourishes best when left free to pursue its own course, and seek its place of profitable employment, it is reasonable to suppose that restriction and prohibition contributed largely to crush and depress it.

Another evidence of a most deplorable state of things in this country is derived from a calculation that our exports do not increase in the ratio of our population, or, if they increase, are reduced in price. There is some satisfaction, even if this indicates a want of prosperity, which I am not willing to admit, that our population doubles under all those unfavorable circumstances attending our unhappy condition, in about twenty-five years and that of almost every other nation doubles in about a century. Let it be remembered, that a state of freedom and of plenty alone are favorable to a rapid increase of population. Is it not, let me ask, sir, reasonable to expect, when the peace of 1814, almost as universal as the war which preceded it, had turned millions from the destruction of their own species to the peaceful pursuits of industry, that the abundance in Europe created thereby should diminish their importations, and the price, especially of the products of agriculture?

Mr. Speaker says, if we had war on the continent of Europe we should have a market for our produce. So we should, because the employments of war, not of the soldier merely, as he constitutes but a small part of those to whom employment is given by war, would divert the attention of great numbers from the production of necessities. It produces an unnatural excitement, and gives a factitious value to every thing. And hence the return of peace, which ought to bring nothing but blessings, brings in its train a reduction of the price of every thing, and bankruptcy and ruin on all classes. It is the most depressed and dangerous crisis in the existence of a nation, as we are too apt to apply legislative remedy for what time alone can heal. Another cause why our exports should be diminished in price, if the want of a demand abroad were not sufficient, is, that, from the vast quantity of public lands within our limits, and the preference men have for breathing the free air of the country, the ratio of our population engaged in agriculture increases more rapidly than that of those engaged in other pur-

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suits, and with that increase the agricultural productions also increase, and with that is the diminution of price. Hence, as Mr. Speaker justly observes, the price of the produce of every section of the country is falling, and must continue to fall; and commerce also feels the same effects. From this languishing and suffering, Mr. Speaker would most graciously relieve us by his policy, as the aged, deformed, and sick, of some countries, are relieved, by giving a finishing blow to their existence. The only remedy that can be safely applied to such an evil is to live on our abundance, and bring our expenditures down to the means we possess.

The effect of this system which is designed to tax the sugar, the cotton, and tobacco planter, and the grower of rice in the South, for the benefit of other sections of the country supposed to be less prosperous, would, as I have shown, destroy our market; because, if we do not import we cannot expect to export; or, as Mr. Speaker would have it, "if we export we will import;" or if we buy nothing of them, (other nations,) they can buy nothing of us; or, as Mr. Speaker would have it, "if they buy nothing of us, we can buy nothing of them." But all parts would feel this wound, as the cautery applied to one part of the body affects the whole system. The North would feel it in her navigating interest, now employed in carrying those raw materials to other nations, and returning with their manufactures, and in the destruction of our market for her produce and her manufactures used in agriculture. I have already shown that it must cripple, if not prostrate, her commerce, her ship-building, and her trade with the West Indies.

With the West, it appears to me like a rebellion of the members against the body. It is true we export, but the amount received from those exports is only apparently larger in our favor, inasmuch as we are the consumers of your produce, dependent on you for our implements of husbandry, the means of sustaining life, and almost every thing except our land and negroes; all of which draws much from the apparent profits and advantages. In proportion as you diminish our exportations, you diminish our means of purchasing from you, and destroy your own market. You will compel us to use those advantages of soil and of climate which God and nature have placed within our reach, and to live, as to you, as you desire us to live as to foreign nations—dependent on our own resources. I have already attempted to show that this home market is all a fallacy. When we consider the few who must be employed in consequence of the improvements in machinery; the limited nature of your market, from the inability of your manufacturers to compete in foreign markets, is it not reasonable to suppose that, if Great Britain, from her own soil, supports a population of upwards of 21,000,000, a very small proportion of whom are engaged in agriculture, that Pennsylvania, or Ohio, alone, could furnish bread for the very small proportion of 10,000,000 of people in this country, to be engaged in manufactures? The greatest number, and even that ex-

aggerated greatly beyond a correct estimate, which Mr. Speaker could employ on manufactures, was 500,000, and these are to consume the surplus products of twenty out of the twenty-seven States and Territories of the United States, with some fractions of the remaining seven, stated by Mr. Speaker to be grain growing States and Territories. The idea, then, of a home market, is without reason or truth. The effect of this system would only be felt in the immediate vicinity of the large manufacturing establishments. Can you manufacture in the West? The principal article manufactured heretofore in Kentucky is cotton bagging. In this, you are now protected by a duty of 20 per cent., to which is added the 10 per cent. in calculation of the duties, which would make the whole duty about 22½ per cent. You have also "ten acres of land for one in Europe, fit only for the cultivation of hemp;" it requires little capital to manufacture hemp; your navigable streams enable you to transport it at a small expense, to the market; yet, you are not able to compete, in our own markets, with Inverness and Dundee, (names I have heard so often they sound harshly in my ear,) who purchase the hemp raised by the "serfs" of Russia, transport it to Scotland, and there manufacture it; afterwards transport it to the United States, paying freight, insurance, commissions, and profits, in addition to the duty of about 22½ per cent. Does not this show that the evil lies deeper than want of protection? That, if you could manufacture, your manufactures are already sufficiently protected? We are willing, from the South, to submit to any thing to which, as a people, we ought to submit; but we are not willing to have the industry of our people taxed to enable your manufacturers to demand of us 50 per cent., the proposed duty, more than we give for the foreign fabric. When we examine the provisions of this bill, we understand you to mean by *protection*, nothing less than prohibition, and by "keeping you steady," the exclusion of foreign manufactures. But, sir, suppose the West procures the passage, do you suppose Brother Jonathan will not reap the advantages of it? The people of New England have the necessary capital, industry, economy, and density of population, all of which must precede manufactures. These will enable them to sell their manufactures under the very walls of your manufacturing establishments. They will not manufacture the cotton bagging alone, but raise the hemp, and drive you from our market. Against Inverness and Dundee, the duty, and the peculiar advantages of your situation, give you reasonable protection; but, against this domestic competition, you can neither ask nor have any protection from the Government, unless, in the folly of legislating the people into wealth, and creating markets, we should attempt to protect the several sections of the Union against the competition of the other.

Opinions have been mentioned, and among others, that of the Executive Magistrate of the nation. I regret the course his communications have pursued, in relation to this subject, because

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they are calculated to keep alive the restless spirit of those who are anxious to adopt the policy of other nations, by intimating that something can, and probably ought, to be done. "I would he were either hot or cold." "A judicious revision of the tariff" means nothing—as almost the only question is, What is a judicious revision? If he would declare for or against the tariff, in the shape it has for years past been presented to this House, and agitated the nation, we could give to that opinion such weight as we might suppose it entitled to have; but at present we have nothing tangible, no opinion to support us, and no opinion to combat. The opinions of the Emperor Alexander and of Napoleon cannot thus be mistaken; and, so far as the opinions of monarchs and despots are entitled to weight, support the tariff. Their principles and opinions in favor of what Mr. Speaker was pleased to call "an American policy," in opposition to what he calls "a foreign policy," is better suited to their own arbitrary Governments, than to our Government of laws. Experience is better than opinion, and experience shows that the American policy, which imposes duty for revenue merely, or what I have described as falling strictly within the meaning of protection, and which has hitherto been called an American policy, can, in a few years, elevate a nation to unexampled prosperity; while the foreign policy, attempted to be introduced in its place, may be safely left to arbitrary Governments and the oppressed of other nations. This fair American, the bantling of Mr. Speaker, was born, has grown to manhood, and approached old age, in a foreign country—is not yet naturalized here, and I hope never will be.

"Be of good cheer," ye tariff-men; in the end you will triumph. Let me assure gentlemen, that such a triumph must be of short duration. There is but a step between the throne and the scaffold. When the people shall have discovered that this home market is all a fallacy; that the cry for the protection of manufactures, and domestic industry, has been raised by those interested, or seeking to be interested in such establishments; that it is a triumph over that truly American policy which has made us great and happy; and has established in its place that policy which has ground down and oppressed the people of other nations; that it exposes their houses to the scrutinizing and hateful inspection of the exciseman, and the fruits of their industry to be wasted by the tax gatherer; that it contaminates the morals of the people, prostrates all the best interests of the country, and saps the foundation of its liberty, this triumph will soon end. This beautiful fabric, erected with so much care and industry, will bury in its ruins its most zealous advocates. From such a triumph, may Heaven, in infinite mercy, deliver this nation.

When Mr. R. concluded—

Mr. WEBSTER, of Massachusetts, took the floor and continued his observations till past 3 o'clock, when he gave way for a motion that the Committee rise.

The House then adjourned.

FRIDAY, April 2.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Charles Gwynn, of Baltimore," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act supplementary to an act to perfect certain locations and sales of the lands in Missouri, passed April 26, 1822," reported that, in the opinion of the committee, the said bill ought not to pass; and the bill was committed to a Committee of the Whole.

Mr. WRIGHT, from the Committee to which was referred a Message from the President of the United States, in relation to the title of the United Brethren for propagating the Gospel among the Heathen, to certain tracts of land, made a report, accompanied by a bill providing for the disposition of three several tracts of land, in Tuscarawas county, in the State of Ohio, and for other purposes; which bill was read twice, and committed to a Committee of the whole House to-morrow.

The bill from the Senate, entitled "An act concerning certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes," was read twice, and ordered to be read a third time to-morrow.

The bill from the Senate, entitled "An act altering the times of holding the courts of the District of Columbia," was read twice, and ordered to be read a third time to-day.

The Committee of the whole House to which is committed the bill to authorize the executors of John B. Mebane to collect certain arrears of internal tax, were discharged from the further consideration of the same, and the bill was ordered to be engrossed, and read a third time to-morrow.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1824," with amendments. The Senate have also passed a bill, entitled "An act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in St. Helena and Jackson Courthouse land districts;" in which amendments and last mentioned bill they ask the concurrence of this House.

The bill from the Senate, entitled "An act altering the time for holding the courts in the District of Columbia," was read the third time; when a motion was made, by Mr. LITTLE, that the bill be laid on the table.

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The House then went into Committee of the Whole, on the bill "to amend the several acts laying duties on imports," Mr. CONDUCT in the Chair.

Mr. WEBSTER resumed and concluded his speech on the general principles of the bill, and in oppo-

sition to its passage in its present shape. His speech follows entire:

Mr. Chairman: I will avail myself of the present occasion to make some remarks on certain principles and opinions which have been recently advanced, and on those considerations which, in my judgment, ought to govern us in deciding upon the several and respective parts of this very important and complex measure. I can truly say that this is a painful duty. I deeply regret the necessity, which is likely to be imposed upon me, of giving a general affirmative or negative vote on the whole of the bill. I cannot but think this mode of proceeding liable to great objections. It exposes both those who support, and those who oppose, the measure, to very unjust and injurious misapprehensions. There may be good reasons for favoring some of the provisions of the bill, and equally strong reasons for opposing others; and these provisions do not stand to each other in the relation of principal and incident. If that were the case, those who are in favor of the principal might forego their opinions upon incidental and subordinate provisions. But the bill proposes enactments entirely distinct, and different from one another in character and tendency. Some of its clauses are intended merely for revenue; and, of those which regard the protection of home manufactures, one part stands upon very different grounds from those of other parts. So that probably every gentleman who may ultimately support the bill, will vote for much which his judgment does not approve; and those who oppose it, will oppose something which they would very gladly support.

Being intrusted with the interests of a district highly commercial, and deeply interested in manufactures also, I wish to state my opinions on the present measure; not as on a whole, for it has no entire and homogeneous character; but as on a collection of different enactments, some of which meet my approbation, and some of which do not.

And allow me, sir, in the first place, to state my regret, if, indeed, I ought not to express a warmer sentiment, at the names, or designations, which Mr. Speaker has seen fit to adopt for the purpose of describing the advocates and the opposers of the present bill. It is a question, he says, between the friends of an "American policy," and those of a "foreign policy." This, sir, is an assumption which I take the liberty most directly to deny. Mr. Speaker certainly intended nothing invidious or derogatory to any part of the House by this mode of denominating friends and enemies. But there is power in names, and this manner of distinguishing those who favor and those who oppose particular measures, may lead to inferences to which no member of the House can submit. It may imply that there is a more exclusive and peculiar regard to American interests in one class of opinions than in another. Such an implication is to be resisted and repelled. Every member has a right to the presumption that he pursues what he believes to be the interest of his country, with as sincere a zeal as any other member. I claim this in my own case; and, while I shall not,

for any purpose of description, or convenient arrangement, use terms which may imply any disrespect to other men's opinions, much less any imputations of other men's motives, it is my duty to take care that the use of such terms by others, be not, against the will of those who adopt them, made to produce a false impression. Indeed, sir, it is a little astonishing, if it seemed convenient to Mr. Speaker, for the purposes of distinction, to make use of the terms "American policy," and "foreign policy," that he should not have applied them in a manner precisely the reverse of that in which he has in fact used them. If names are thought necessary, it would be well enough, one would think, that the name should be, in some measure, descriptive of the thing; and since Mr. Speaker denominates the policy which he recommends "a new policy in this country;" since he speaks of the present measure as a new era in our legislation; since he professes to invite us to depart from our accustomed course, to instruct ourselves by the wisdom of others, and to adopt the policy of the most distinguished foreign States, one is a little curious to know with what propriety of speech this imitation of other nations is denominated an "American policy," while, on the contrary, a preference for our own established system, as it now actually exists, and always has existed, is called a "foreign policy." This favorite American policy is what America has never tried; and this odious foreign policy is what, as we are told, foreign States have never pursued. Sir, that is the truest American policy which shall most usefully employ American capital, and American labor, and best sustain the whole population. With me it is a fundamental axiom, it is interwoven with all my opinions, that the great interests of the country are united and inseparable; that agriculture, commerce, and manufactures, will prosper together, or languish together; and that all legislation is dangerous which proposes to benefit one of these without looking to consequences which may fall on the others.

Passing from this, sir, I am bound to say that Mr. Speaker began his able and impressive speech at the proper point of inquiry; I mean the present state and condition of the country; although I am so unfortunate, or rather, although I am so happy, as to differ from him very widely in regard to that condition. I dissent entirely from the justice of that picture of distress which he has drawn. I have not seen the reality, and know not where it exists. Within my observation there is no cause for so gloomy and terrifying a representation. In respect to the New England States, with the condition of which I am, of course, most acquainted, the present appears to me a period of very general prosperity. Not, indeed, a time for great profits and sudden acquisition; not a day of extraordinary activity and successful speculation. There is, no doubt, a considerable depression of prices, and, in some degree, a stagnation of business. But the case presented by Mr. Speaker was not one of depression, but of distress; of universal, pervading, intense distress, limited to no class, and to no place. We are re-

presented as on the very verge and brink of national ruin. So far from acquiescing in these opinions, I believe there has been no period in which the general prosperity was better secured, or rested on a more solid foundation. As applicable to the Eastern States, I put this remark to their Representatives, and ask them if it is not true. When has there been a time in which the means of living have been more accessible and more abundant? when labor was rewarded, I do not say with a larger, but with a more certain success? Profits, indeed, are lower; in some pursuits of life, which it is not proposed to benefit, but to burden, by this bill, very low. But still I am unacquainted with any proofs of extraordinary distress. What, indeed, are the general indications of the state of the country? There is no famine nor pestilence in the land, nor war, nor desolation. There is no writhing under the burden of taxation. The means of subsistence are abundant; and at the very moment when the miserable condition of the country is asserted, it is admitted that the wages of labor are high, in comparison with those of any other country. A country, then, enjoying a profound peace, a perfect civil liberty, with the means of subsistence cheap and abundant, with the reward of labor sure, and its wages higher than anywhere else, cannot be represented in gloom, melancholy, and distress, but by the effort of extraordinary powers of tragedy.

Even if, in judging of this question, we were to regard only those proofs to which we have been referred, we shall probably come to a conclusion somewhat different from that which has been drawn. Our exports, for example, although certainly less than in some years, were not, last year, so much below an average, formed upon the exports of a series of years, and putting those exports at a fixed value, as might be supposed. The exports of agricultural products, of animals, of the products of the forest, of the sea, together with gunpowder, spirits, and sundry unenumerated articles, amounted, in the several years, to the following sums, viz:

In 1790 -	-	-	-	-	-	\$27,716,152
1804 -	-	-	-	-	-	33,842,316
1807 -	-	-	-	-	-	38,465,854

Coming up, now, to our own times, and taking the exports of the years 1821, 1822, and 1823, of the same articles and products, at the same prices, they stand thus:

In 1821 -	-	-	-	-	-	\$45,643,175
1822 -	-	-	-	-	-	48,782,295
1823 -	-	-	-	-	-	55,863,491

Mr. Speaker has taken the very extraordinary year of 1803, and, adding to the exportation of that year, what he thinks ought to have been a just augmentation, in proportion to the increase of our population, he swells the result to a magnitude, which, when compared with our actual exports, would exhibit a great deficiency. But is there any justice in this mode of calculation? In the first place, as before observed, the year 1803 was a year of extraordinary exportation. By refer-

ence to the accounts, that of the article of flour, for example, there was an export that year of 1,300,000 barrels; but the very next year it fell to 800,000, and the next year to 700,000. In the next place, there never was any reason to expect that the increase of our exports of agricultural products, would keep pace with the increase of our population. That would be against all experience. It is, indeed, most desirable, that there should be an augmented demand for the products of agriculture; but, nevertheless, the official returns of our exports do not show that absolute want of all foreign market, which has been so strongly stated.

But there are other means by which to judge of the general condition of the people. The quantity of the means of subsistence consumed, or, to make use of a phraseology better suited to the condition of our own people, the quantity of the comforts of life enjoyed, is one of those means. It so happens, indeed, that it is not so easy in this country, as elsewhere, to ascertain facts, of this sort, with accuracy. Where most of the articles of subsistence and most of the comforts of life are taxed, there is, of course, great facility in ascertaining, from official statements, the amount of consumption. But in this country, most fortunately, the Government neither knows, nor is concerned to know, the annual consumption; and estimates can only be formed in another mode, and in reference only to a few articles. Of these articles, tea is one. Its use is not quite a luxury, and yet is something above the absolute necessities of life. Its consumption, therefore, will be diminished in times of adversity, and augmented in times of prosperity. By deducting the annual export from the annual import, and taking a number of years together, we may arrive at a probable estimate of consumption. The average of eleven years, from 1790 to 1800, inclusive, will be found to be two millions and a half of pounds. From 1801 to 1812, inclusive, three millions seven hundred thousand; and the average of the last three years, to wit, 1821, 1822, and 1823, five millions and a half. Having made a just allowance for the increase of our numbers, we shall still find, I think, from these statements, that there is no distress which has limited our means of subsistence and enjoyment.

In forming an opinion of the degree of general prosperity, we may regard, likewise, the progress of internal improvements, the investment of capital in roads, bridges, and canals. All these prove a balance of income over expenditure; they are evidence that there is a surplus of profits, which the present generation is usefully vesting for the benefit of the next. It cannot be denied that, in this particular, the progress of the country is steady and rapid.

We may look, too, to the expenses of education. Are our colleges deserted? Do fathers find themselves less able than usual to educate their children? It will be found, I imagine, that the amount paid for the purpose of education is constantly increasing, and that the schools and colleges were never more full than at the present

moment. I may add that the endowment of public charities, the contributions to objects of general benevolence, whether foreign or domestic, the munificence of individuals towards what ever promises to benefit the community, are all so many proofs of national prosperity. And, finally, there is no defalcation of revenue, no pressure of taxation.

The general result, therefore, of a fair examination of the present condition of things, seems to me to be that there is a considerable depression of prices and curtailment of profit; and, in some parts of the country, it must be admitted there is a great degree of pecuniary embarrassment, arising from the difficulty of paying debts which were contracted when prices were high. With these qualifications, the general state of the country may be said to be prosperous; and these are not sufficient to give to the whole face of affairs any appearance of general distress.

Supposing the evil, then, to be a depression of prices, and a partial pecuniary pressure, the next inquiry is into the causes of that evil; and it appears to me that there are several; and, in this respect, I think, too much has been imputed, by Mr. Speaker, to the single cause of the diminution of exports. Connected, as we are, with all the commercial nations of the world, and having observed great changes to take place elsewhere, we should consider whether the causes of those changes have not reached us, and whether we are not suffering by the operation of those causes, in common with others. Undoubtedly there has been a great fall in the price of all commodities throughout the commercial world, in consequence of the restoration of a state of peace. When the allies entered France in 1814, prices rose astonishingly fast and very high. Colonial produce, for instance, in the ports of this country, as well as elsewhere, sprung up suddenly from the lowest to the highest extreme. A new and vast demand was created for the commodities of trade. These were the natural consequences of the great political changes which then took place in Europe.

We are to consider, too, that our own war created new demand, and that a Government expenditure of 25,000,000 or 30,000,000 a year, had the usual effect of enhancing prices. We are obliged to add, that the paper issues of our banks carried the same effect still further. A depreciated currency existed in a great part of the country—depreciated to such an extent as that, at one time, exchange between the centre and the north, was as high as 20 per cent. The Bank of the United States was instituted to correct this evil; but, for causes which it is not necessary now to enumerate, it did not, for some years, bring back the currency of the country to a sound state. This depreciation of the circulating currency was so much, of course, added to the nominal prices of commodities, and these prices thus unnaturally high, seemed, to those who looked only at the appearance, to indicate great prosperity. But such prosperity is more specious than real. It would have been better, probably, as the shock would have been less, if prices had fallen sooner. At length,

however, they fell; and, as there is little doubt that certain events in Europe had an influence in determining the time at which this fall should take place, I will advert shortly to some of the principal of those events.

In May, 1819, the British House of Commons decided, by an unanimous vote, that the resumption of cash payments by the Bank of England should not be deferred beyond the ensuing February. The restriction had been continued from time to time, and from year to year, Parliament always professing to look to the restoration of a specie currency, whenever it should be found practicable. Having been in July, 1818, continued to July, 1819, it was understood that, in the interim, the important question of the time at which cash payments should be resumed, should be finally settled. In the latter part of the year '18, the circulation of the bank had been greatly reduced, and a severe scarcity of money was felt in the London market. Such was the state of things in England. On the Continent, other important events took place. The French Indemnity Loan had been negotiated in the Summer of 1818, and the proportion of it belonging to Austria, Russia, and Prussia, had been sold. This created an unusual demand for gold and silver in these Eastern States of Europe. It has been stated, that the amount of the precious metals transmitted to Austria and Russia in that year, was at least twenty millions sterling. Other large sums were sent to Prussia and to Denmark. The effect of this sudden drain of specie, felt first at Paris, was communicated to Amsterdam and Hamburg, and all other commercial places in the north of Europe.

The paper system of England had certainly communicated an artificial value to property. It had encouraged speculation, and excited overtrading. When the shock therefore came, and this violent pressure for money acted at the same moment on the Continent and in England, inflated and unnatural prices could be kept up no longer. A reduction took place, which has been estimated to have been at least equal to a fall of 30, if not 40 per cent. The depression was universal; and the change was felt in the United States severely, though not equally so in every part of them. There are those, I am aware, who maintain that the events to which I have alluded did not cause the great fall of prices; but that that fall was natural and inevitable, from the previously existing state of things, the abundance of commodities, and the want of demand. But that would only prove that the effect was produced in another way, rather than by another cause. If these great and sudden calls for money did not reduce prices, but prices fell, as of themselves, to their natural state, still the result is the same; for we perceive that after these new calls for money, prices could not be kept longer at their unnatural height.

About the time of these foreign events, our own bank system underwent a change; and all these causes, in my view of the subject, concurred to produce the great shock which took place in our commercial cities, and through many parts of the country. The year 1819 was a year of numerous failures, and very considerable distress, and

would have furnished far better grounds than exist at present, for that gloomy representation of our condition which has been presented. Mr. Speaker has alluded to the strong inclination which exists, or has existed, in various parts of the country to issue paper money, as a proof of great existing difficulties. I regard it rather as a very productive cause of those difficulties; and the Committee will not fail to observe, that there is, at this moment, much the loudest complaint of distress precisely where there has been the greatest attempt to relieve it by systems of paper credit. And, on the other hand, content, prosperity, and happiness, are most observable in those parts of the country, where there has been the least endeavor to administer relief by law. In truth, nothing is so baneful, so utterly ruinous to all true industry, as interfering with the legal value of money, or attempting to raise artificial standards to supply its place. Such remedies suit well the spirit of extravagant speculation, but they sap the very foundation of all honest acquisition. By weakening the security of property, they take away all motive for exertion. Their effect is to transfer property. Whenever a debt is allowed to be paid by any thing less valuable than the legal currency in respect to which it was contracted, the difference, between the value of the paper given in payment and the legal currency, is precisely so much property taken from one man and given to another, by legislative enactment. When we talk, therefore, of protecting industry, let us remember that the first measure for that end, is to secure it in its earnings; to assure it that it shall receive its own. Before we invent new modes of raising prices, let us take care that existing prices are not rendered wholly unavailable, by making them capable of being paid in depreciated paper. I regard, sir, this issue of irredeemable paper as the most prominent and deplorable cause of whatever pressure still exists in the country; and, further, I would put the question to the members of this Committee, whether it is not from that part of the people who have tried this paper system, and tried it to their cost, that this bill receives the most earnest support? And I cannot forbear to ask, further, whether this support does not proceed rather from a general feeling of uneasiness under the present condition of things, than from the clear perception of any benefit which the measure itself can confer? Is not all expectation of advantage centered in a sort of vague hope, that change may produce relief? Debt certainly presses hardest, where prices have been longest kept up by artificial means. They find the shock lightest, who take it soonest; and I fully believe that, if those parts of the country which now suffer most, had not augmented the force of the blow by deferring it, they would have now been in a much better condition than they are. We may assure ourselves, once for all, sir, that there can be no such thing as payment of debts by legislation. We may abolish debts indeed; we may transfer property, by visionary and violent laws. But we deceive both ourselves and our constituents, if we flatter, either ourselves or them, with the hope that there is any relief against

whatever pressure exists, but in economy and industry. The depression of prices and the stagnation of business, have been in truth the necessary result of circumstances. No Government could prevent them, and no Government can altogether relieve the people from their effect. We had enjoyed a day of extraordinary prosperity; we had been neutral while the world was at war, and had found a great demand for our products, our navigation, and our labor. We had no right to expect that that state of things would continue always. With the return of peace, foreign nations would struggle for themselves, and enter into competition with us in the great objects of pursuit.

Now, sir, what is the remedy for existing evils? what is the course of policy suited to our actual condition? Certainly it is not our wisdom to adopt any system that may be offered to us without examination, and in the blind hope that whatever changes our condition may improve it. It is better that we should

"Bear those ills we have,

Than fly to others that we know not of."

We are bound to see that there is a fitness and an aptitude in whatever measures may be recommended to relieve the evils that afflict us; and before we adopt a system that professes to make great alterations, it is our duty to look carefully to each leading interest of the community, and see how it may probably be affected by our proposed legislation.

And, in the first place, what is the condition of our commerce? Here we must clearly perceive that it is not enjoying that rich harvest which fell to its fortune during the continuance of the European wars. It has been greatly depressed, and limited to small profits. Still, it is elastic and active, and seems capable of recovering itself in some measure from its depression. The shipping interest, also, has suffered severely, still more severely, probably, than commerce. If any thing should strike us with astonishment, it is that the navigation of the United States should be able to sustain itself. Without any Government protection whatever, it goes abroad to challenge competition with the whole world; and, in spite of all obstacles, it has yet been able to maintain 800,000 tons in the employment of foreign trade. How, sir, do the ship-owners and navigators accomplish this? How is it that they are able to meet, and in some measure overcome, universal competition? Not, sir, by protection and bounties; but by unwearied exertion, by extreme economy, by unshaken perseverance, by that manly and resolute spirit which relies on itself to protect itself. These causes alone enable American ships still to keep their element, and show the flag of their country in distant seas. The rates of insurance may teach us how thoroughly our ships are built, and how skilfully and safely they are navigated. Risks are taken, as I learn, from the United States to Liverpool, at one per cent.; and from the United States to Canton and back, as low as three per cent. But when we look to the low rate of freight, and when we consider, also, that the articles entering into the composition of a ship, with the exception of

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wood, are dearer here than in other countries, we cannot but be utterly surprised that the shipping interest has been able to sustain itself at all. I need not say that the navigation of the country is essential to its honor and its defence. Yet, instead of proposing benefit for it in this hour of its depression, we propose by this measure to lay upon it new and heavy burdens. In the discussion, the other day, of that provision of the bill which proposes to tax tallow for the benefit of the oil merchants and whalers, we had the pleasure of hearing eloquent eulogiums upon that portion of our shipping employed in the whale fishery, and strong statements of its importance to the public interest. But the same bill proposes a severe tax upon that interest for the benefit of the iron manufacturer and the hemp grower. So that the tallow chandlers and soap boilers are sacrificed to the oil merchants, in order that these again may contribute to the manufacturers of iron and the growers of hemp.

If such be the state of our commerce and navigation, what is the condition of our home manufactures? How are they amidst the general depression? Do they need further protection? and if any, how much? On all these points, we have had much general statement, but little precise information. In the very elaborate speech of Mr. Speaker, we are not supplied with satisfactory grounds of judging in these various particulars. Who can tell, from any thing yet before the Committee, whether the proposed duty be too high or too low on any one article? Gentlemen tell us that they are in favor of domestic industry; so am I. They would give it protection; so would I. But then all domestic industry is not confined to manufactures. The employments of agriculture, commerce, and navigation, are all branches of the same domestic industry; they all furnish employment for American capital and American labor. And when the question is, whether new duties shall be laid, for the purpose of giving further encouragement to particular manufactures, every reasonable man must ask himself, both, whether the proposed new encouragement be necessary, and, whether it can be given without injustice to other branches of industry.

It is desirable to know, also, somewhat more distinctly, how the proposed means will produce the intended effect. One great object proposed, for example, is, the increase of the home market for the consumption of agricultural products. This certainly is much to be desired; but what provisions of the bill are expected wholly, or principally, to produce this, is not stated. I would not suggest that some increase of the home market may not follow from the adoption of this bill, but all its provisions have not an equal tendency to produce this effect. Those manufactures which employ most labor, create of course, most demand for articles of consumption; and those create least, in the production of which capital and skill enter as the chief ingredients of cost. I cannot, sir, take this bill, merely because a committee has recommended it. I cannot espouse a side and fight under a flag. I wholly repel the idea, that we

must take this law, or pass no law on the subject. What should hinder us from exercising our own judgments upon these provisions, singly and severally? Who has the power to place us, or why should we place ourselves in a condition where we cannot give to every measure, that is distinct and separate in itself, a separate and distinct consideration? Sir, I presume no member of the Committee will withhold his assent from what he thinks right, until others will yield their assent to what they think wrong. There are many things in this bill acceptable probably to the general sense of the House. Why should not these provisions be passed into a law, and others left to be decided upon their own merits, as a majority of the House shall see fit? To some of these provisions I am myself decidedly favorable; to others I have great objections; and I should have been very glad of an opportunity of giving my own vote distinctly on propositions, which are, in their own nature, essentially and substantially distinct from one another.

But, sir, before expressing my own opinion upon the several provisions of this bill, I will advert for a moment to some other general topics. We have heard much of the policy of England, and her example has been repeatedly urged upon us, as proving, not only the expediency of encouragement and protection, but of exclusion and direct prohibition also. I took occasion the other day to remark, that more liberal notions were growing prevalent on this subject; that the policy of restraints and prohibitions was getting out of repute, as the true nature of commerce became better understood; and that, among public men, those most distinguished, were most decided in their reprobation of the broad principle of exclusion and prohibition. Upon the truth of this representation, as matter of fact, I supposed there could not be two opinions among those who had observed the progress of political sentiment in other countries, and were acquainted with its present state. In this respect, however, it would seem, that I was greatly mistaken. We have heard it again and again declared, that the English Government still adheres, with immovable firmness, to its old doctrines of prohibition; that although journalists, theorists, and scientific writers, advance other doctrines, yet the practical men, the legislators, the government of the country, are too wise to follow them. It has even been most sagaciously hinted, that the promulgation of liberal opinions on these subjects, is intended only for a delusion upon other nations, to cajole them into the folly of liberal ideas, while England retains to herself all the benefits of the admirable old system of prohibition. We have heard from Mr. Speaker a warm commendation of the complex mechanism of this system. The British Empire, it is said, is, in the first place, to be protected against the rest of the world; then the British isles against the colonies; next, the isles respectively against each other—England herself, as the heart of the empire, being protected most of all, and against all.

Truly, sir, it appears to me, that Mr. Speaker's imagination has seen system, and order, and

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beauty, in that, which is much more justly considered as the result of ignorance, partiality, or violence. This part of English legislation has resulted, partly from considering Ireland as a conquered country, partly from the want of a complete union, even with Scotland, and partly from the narrow views of colonial regulation, which in early and uninformed periods, influenced the European States.

And, sir, I imagine, nothing would strike the public men of England more singularly, than to find gentlemen of real information, and much weight, in the councils of this country, expressing sentiments like these, in regard to the existing state of these English laws. I have never said, indeed, that prohibitory laws did not exist in England; we all know they do; but the question is, does she owe her prosperity and greatness to these laws? I venture to say, that such is not the opinion of the public men now in England, and the continuance of the laws, even without any alteration, would not be evidence that their opinion is different from what I have represented it; because the laws having existed long, and great interests having been built up on the faith of them, they cannot now be repealed, without great and overwhelming inconvenience. Because a thing has been wrongly done, it does not therefore follow that it can now be undone; and this is the reason, as I understand it, upon which exclusion, prohibition, and monopoly, are suffered to remain in any degree in the English system; and for the same reason, it will be wise in us to take our measures, on all subjects of this kind, with great caution. We may not be able, but at the hazard of much injury to individuals, hereafter to retrace our steps. And yet, whatever is extravagant, or unreasonable, is not likely to endure. There may come a moment of strong re-action; and if no moderation be shown in laying on duties, there may be little scruple in taking them off. It may here be observed, that there is a broad and marked distinction between entire prohibition, and reasonable encouragement. It is the one thing by duties or taxes on foreign articles, to awaken a home competition in the production of the same articles; it is another thing to remove all competition by a total exclusion of the foreign article; and it is quite another thing still, by total prohibition, to raise at home, manufactures not suited to the climate, the nature of the country, or the state of the population. These are substantial distinctions, and although it may not be easy, in every case, to determine which of them applies to a given article, yet, the distinctions themselves exist, and in most cases, will be sufficiently clear to indicate the true course of policy; and, unless I have greatly mistaken the prevailing sentiment in the councils of England, it grows every day more and more favorable to the diminution of restrictions, and to the wisdom of leaving much (I do not say every thing, for that would not be true) to the enterprise and the discretion of individuals. I should certainly not have taken up the time of the Committee to state at any length the opinions of other Governments, or of the public men of other coun-

tries, upon a subject like this; but an occasional remark made by me the other day, having been so directly controverted, especially by Mr. Speaker, in his observations yesterday, I must take occasion to refer to some proofs of what I have stated.

What, then, is the state of English opinion? Every body knows that, after the termination of the late European war, there came a time of great pressure in England. Since her example has been quoted, let it be asked in what mode her Government sought relief. Did it aim to maintain artificial and unnatural prices? Did it maintain a swollen and extravagant paper circulation? Did it carry further the laws of prohibition and exclusion? Did it draw closer the cords of colonial restraint? No, sir, but precisely the reverse. Instead of relying on legislative contrivances and artificial devices, it trusted to the enterprise and industry of the people; which it sedulously sought to excite, not by imposing restraint, but by removing it, wherever its removal was practicable. In May, 1820, the attention of the Government having been much turned to the state of foreign trade, a distinguished member* of the House of Peers brought forward a parliamentary motion upon that subject, followed by an ample discussion; and a full statement of his own opinions. In the course of his remarks, he observed,

"That there ought to be no prohibitory duties, as such; for that it was evident, that where a manufacture could not be carried on, or a production raised, but under the protection of a prohibitory duty, that manufacture or that produce could not be brought to market but at a loss. In his opinion, the name of strict prohibition might, therefore, in commerce, be got rid of altogether; but he did not see the same objection to protecting duties, which, while they admitted of the introduction of commodities from abroad similar to those which we ourselves manufactured, placed them so much on a level, as to allow a competition between them." "No axiom," he added, "was more true than this: that it was by growing what the territory of a country could grow most cheaply, and by receiving from other countries what it could not produce except at too great an expense, that the greatest degree of happiness was to be communicated to the greatest extent of population."

In assenting to the motion, the first Minister† of the Crown expressed his opinion of the great advantage resulting from unrestricted freedom of trade.

"Of the soundness of that general principle," he observed, "I can entertain no doubt. I can entertain no doubt of what would have been the great advantages to the civilized world, if the system of unrestricted trade had been acted upon by every nation, from the earliest period of its commercial intercourse with its neighbors. If to those advantages there could have been any exceptions, I am persuaded that they would have been but few; and I am also persuaded that the cases to which they would have referred, would not have been, in themselves, connected with the trade and commerce of England. But we are now in a situation in which I will not say that a reference to the principle of unrestricted trade can be of no use, be-

* Lord Lansdowne.

† Lord Liverpool.

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cause such a reference may correct erroneous reasoning; but in which it is impossible for us, or for any country in the world, but the United States of America, to act unreservedly on that principle. The commercial regulations of the European world have been long established, and cannot suddenly be departed from."

Having supposed a proposition to be made to England, by a foreign State, for free commerce and intercourse, and an unrestricted exchange of agricultural products, and of manufactures, he proceeds to observe:

"It would be impossible to accede to such a proposition. We have risen to our present greatness under a different system. Some suppose that we have risen in consequence of that system; others of whom I am one, believe that we have risen in spite of that system. But, whichever of these hypotheses be true, certain it is, that we have risen under a very different system than that of free and unrestricted trade. It is utterly impossible, with our debt and taxation, even if they were but half their existing amount, that we can suddenly adopt the system of free trade."

Lord Ellenborough, in the same debate, said,

"That he attributed the general distress then existing in Europe, to the regulations that had taken place since the destruction of the French power. Most of the States on the Continent had surrounded themselves as with walls of brass, to inhibit intercourse with other States. Intercourse was prohibited, even in districts of the same State, as was the case in Austria and Sardinia. Thus, though the taxes on the people had been lightened, the severity of their condition had been increased. He believed that the discontent which pervaded most parts of Europe, and especially Germany, was more owing to commercial restrictions, than to any theoretical doctrines on Government; and that a free communication among them would do more to restore tranquillity, than any other step that could be adopted. He objected to all attempts to frustrate the benevolent intentions of Providence, which had given to various countries various wants, in order to bring them together. He objected to it as antisocial; he objected to it, as making commerce the means of barbarizing, instead of enlightening nations. The state of the trade with France was the most disgraceful to both countries; the two greatest civilized nations of the world, placed at a distance of scarcely twenty miles from each other, had contrived, by their artificial regulations, to reduce their commerce with each other to a mere nullity."

Every member, speaking on this occasion, agreed in the general sentiments favorable to unrestricted intercourse, which had thus been advanced; one of them remarking, at the conclusion of the debate, that "the principles of free trade, which he was happy to see so fully recognised, were of the utmost consequence; for, though, in the present circumstances of the country, a free trade was unattainable, yet their task hereafter was to approximate to it. Considering the prejudices and interests which were opposed to the recognition of that principle, it was no small indication of the firmness and liberality of Government, to have so fully conceded it."

Sir, we have seen, in the course of this discussion, that several gentlemen have expressed their high admiration of the silk manufacture of England. Its commendation was begun, I think, by

the honorable member from Vermont, who sits near me, who thinks that that alone gives conclusive evidence of the benefits produced by attention to manufactures, inasmuch as it is a great source of wealth to the nation, and has amply repaid all the costs of its protection. Mr. Speaker's approbation of this part of the English example, was still warmer. Now, sir, it does so happen, that both these gentlemen differ very widely on this point, from the opinions entertained in England, by persons of the first rank, both of knowledge and of power. In the debate to which I have already referred, the proposer of the motion urged the expediency of providing for the admission of the silks of France into England.

"He was aware," he said, "that there was a poor and industrious body of manufacturers, whose interests must suffer by such an arrangement; and therefore he felt that it would be the duty of Parliament to provide for the present generation, by a large parliamentary grant. It was conformable to every principle of sound justice to do so, when the interests of a particular class were sacrificed to the good of the whole."

In answer to these observations, Lord Liverpool said that, with reference to several branches of manufactures, time, and the change of circumstances, had rendered the system of protecting duties merely nominal; and that, in his opinion, if all the protecting laws which regarded both the woollen and cotton manufactures, were to be repealed, no injurious effects would thereby be occasioned.

"But," he observes, "with respect to silk, that manufacture in this kingdom is so completely artificial, that any attempt to introduce the principles of free trade with reference to it, might put an end to it altogether. I allow that the silk manufacture is not natural to this country. I wish we had never had a silk manufactory. I allow that it is natural to France; I allow, that it might have been better, had each country adhered exclusively to that manufacture, in which each is superior; and had the silks of France been exchanged for British cottons. But I must look at things as they are; and when I consider the extent of capital, and the immense population, consisting, I believe, of about 50,000 persons engaged in our silk manufacture, I can only say, that one of the few points in which I totally disagree with the proposer of the motion, is the expediency, under existing circumstances, of holding out any idea, that it would be possible to relinquish the silk manufacture, and to provide for those who live by it, by parliamentary enactment. Whatever objections there may be to the continuance of the protecting system, I repeat, that it is impossible altogether to relinquish it. I may regret that the system was ever commenced; but, as I cannot recall that act, I must submit to the inconvenience by which it is attended, rather than expose the country to evils of greater magnitude."

Let it be remembered, sir, that these are not the sentiments of a theorist, nor the fancies of speculation; but the operative opinions of the first Minister of England, acknowledged to be one of the ablest and most practical statesmen of his country. Sir, gentlemen could have hardly been more unfortunate than in the selection of the silk manufacture in England, as an example of the bene-

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ficial effects of that system which they would recommend. It is, in the language which I have quoted, completely artificial. It has been sustained by I know not how many laws, breaking in upon the plainest principles of general expediency. At the last session of Parliament, the manufacturers petitioned for the repeal of three or four of these statutes, complaining of the vexatious restrictions which they impose on the wages of labor; setting forth, that a great variety of orders has from time to time been issued by magistrates under the authority of these laws, interfering, in an oppressive manner, with the minutest details of the manufacture; such as limiting the number of threads to an inch; restricting the widths of many sorts of work; and determining the quantity of labor not to be exceeded without extra wages; that by the operation of these laws, the rate of wages, instead of being left to the recognised principles of regulation, has been arbitrarily fixed by persons whose ignorance renders them incompetent to a just decision; that masters are compelled by law to pay an equal price for all work, whether well or ill performed; and that they are totally prevented the use of improved machinery, it being ordered, that work, in the weaving of which machinery is employed, shall be paid precisely at the same rate as if done by hand; that these acts have frequently given rise to the most vexatious regulations, the unintentional breach of which has subjected manufacturers to ruinous penalties; and that, the introduction of all machinery being prevented, by which labor might be cheapened, and the manufacturers being compelled to pay at a fixed price, under all circumstances, they are prevented from affording employment to their workmen, in times of stagnation of trade, but are compelled to stop their looms. And finally, they complain, that, notwithstanding these grievances under which they labor, while carrying on their manufacture in London, the law still prohibits them, while they continue to reside there, from employing any portion of their capital in the same business in any other part of the kingdom, where it might be more beneficially conducted. Now, sir, absurd as these laws must appear to be to every man, the attempt to repeal them did not, as far as I recollect, altogether succeed. The weavers were too numerous, their interests too great, or their prejudices too strong; and this notable instance of protection and monopoly still exists, to be lamented in England, with as much sincerity as it seems to be admired here.

In order further to show the prevailing sentiment of the English Government, I would refer to a report of a select committee of the House of Commons, at the head of which was the vice president of the board of trade, (Mr. Wallace,) in July, 1820.

"The time," say that committee, "when monopolies could be successfully supported, or would be patiently endured, either in respect to subjects against subjects, or particular countries against the rest of the world, seems to have passed away. Commerce, to continue undisturbed, and secure, must be, as it was

intended to be, a source of reciprocal amity between nations, and an interchange of productions, to promote the industry, the wealth, and the happiness, of mankind."

In moving for the reappointment of the committee, in February, 1823, the same gentleman said:

"We must also get rid of that feeling of appropriation, which exhibited itself in a disposition to produce every thing necessary for our own consumption, and to render ourselves independent of the world. No notion could be more absurd or mischievous; it led, even in peace, to an animosity and rancor, greater than existed in time of war. Undoubtedly there would be great prejudices to combat, both in this country and elsewhere, in the attempt to remove the difficulties which are most obnoxious. It would be impossible to forget the attention which was in some respects due to the present system of protections; although that attention ought certainly not to be carried beyond the absolute necessity of the case."

And in a second report of the committee, drawn by the same gentleman, in that part of it which proposes a diminution of duties on timber from the north of Europe, and the policy of giving a legislative preference to the importation of such timber in the log, and a discouragement of the importation of deals, it is stated that the committee reject this policy, because, among other reasons, "it is founded on a principle of exclusion, which they are most averse to see brought into operation, in any new instance, without the warrant of some evident and great political expediency." And on many subsequent occasions, the same gentleman has taken occasion to observe, that he differed from those who thought that manufactures could not flourish without restrictions on trade; that old prejudices of that sort were dying away, and that more liberal and just sentiments were taking their place. These sentiments appear to have been followed by important legal provisions, calculated to remove restrictions and prohibitions, where they were most severely felt; that is to say, in several branches of navigation and trade.

They have relaxed their colonial system, they have opened the ports of their islands, and have done away the restriction which limited the trade of the colony to the mother country. Colonial products can now be carried directly from the islands to any part of Europe; and it may not be improbable, considering our own high duties on spirits, that that article may be exchanged hereafter by the English West India colonies, directly, for the timber and deals of the Baltic.

It may be added, that Mr. Lowe, whom the gentleman has cited, says that nobody supposes that the three great staples of English manufactures, cotton, woollen, and hardware, are benefited by any existing protecting duties; and that one object of all these protecting laws is usually overlooked, and that is, that they have been intended to reconcile the various interests to taxation: the corn law, for example, being designed as some equivalent to the agricultural interest for the burden of tithes and of poor rates.

In fine, sir, I think it is clear that, if we now embrace the system of prohibitions and restrictions, we shall show an affection for what others have discarded, and be attempting to ornament ourselves with cast-off apparel.

Sir, I should not have gone into this prolix detail of opinions from any consideration of their special importance on the present occasion; but, having happened to state that such was the actual opinion of the Government of England at the present time, and the accuracy of this representation having been so confidently denied, I have chosen to put the matter beyond doubt or cavil, although at the expense of these tedious citations. I shall have occasion, hereafter, of referring more particularly to sundry recent British enactments, by way of showing the diligence and spirit with which that Government strives to sustain its navigating interest, by opening the widest possible range to the enterprise of individual adventurers. I repeat, that I have not alluded to these examples of a foreign State as being fit to control our own policy. In the general principle, I acquiesce. Protection, when carried to the point which is now recommended; that is, to entire prohibition, seems to me, destructive of all commercial intercourse between nations. We are urged to adopt the system upon general principles; and what would be the consequence of the universal application of such a general principle, but that nations would abstain entirely from all intercourse with one another? I do not admit the general principle; on the contrary, I think freedom of trade to be the general principle, and restriction the exception. And it is for every State, taking into view its own condition, to judge of the propriety, in any case, of making an exception, constantly preferring, as I think all wise Governments will, not to depart without urgent reason from the general rule.

There is another point in the existing policy of England, to which I would most earnestly invite the attention of the Committee; I mean the warehouse system, or what we usually call the system of drawback. Very great prejudices appear to me to exist with us on that subject. We seem averse to the extension of the principle. The English Government, on the contrary, appear to have carried it to the extreme of liberality. They have arrived, however, at their present opinions, and present practice, by slow degrees. The transit system was commenced about the year 1803, but the first law was partial and limited. It admitted the importation of raw materials for exportation, but it excluded almost every sort of manufactured goods. This was done for the same reason that we propose to prevent the transit of Canadian wheat through the United States—the fear of aiding the competition of the foreign article with our own, in foreign markets. Better reflection, or more experience, has induced them to abandon that mode of reasoning, and to consider all such means of influencing foreign markets as nugatory; since, in the present active and enlightened state of the world, nations will supply themselves from the best sources, and the true

policy of all producers, whether of raw materials, or of manufactured articles, is, not vainly to endeavor to keep other venders out of the market, but to conquer them in it, by the quality and the cheapness of their articles. The present policy of England, therefore, is, to allure the importation of commodities into England, there to be deposited in English warehouses, thence to be exported in assorted cargoes, and thus enabling her to carry on a general export trade to all quarters of the globe. Articles of all kinds, with the single exception of tea, may be brought into England, from any part of the world, in foreign as well as British ships, there warehoused, and again exported, at the pleasure of the owner, without the payment of any duty, or Government charge whatever.

While I am upon this subject, I would take notice also of the recent proposition in the English Parliament to abolish the tax on imported wool; and it is observable, that those who support this proposition give the same reasons as have been offered here, within the last week, against the duty which we propose on the same article. They say, that their manufacturers require a cheap and coarse wool, for the supply of the Mediterranean and Levant trade, and that, without a more free admission of the wool of the Continent, that trade will all fall into the hands of the Germans and Italians, who will carry it on through Leghorn and Trieste. While there is this duty on foreign wool to protect the wool growers of England, there is on the other hand a prohibition on the exportation of the native article, in aid of the manufacturers. The opinion seems to be gaining strength, that the true policy is to abolish both.

Laws have long existed in England, preventing the emigration of artisans, and the exportation of machinery; but the policy of these, also, has become doubted, and an inquiry has been instituted in Parliament into the expediency of repealing them. As to the emigration of artisans, say those who disapprove the laws, if that were desirable, no law could effect it; and as to the exportation of machinery, let us fabricate and export it, as we would any other commodity. If France is determined to spin and weave her own cotton, let us, if we may, still have the benefit of furnishing the machinery.

I have stated these things, sir, to show what seems to be the general tone of thinking and reasoning on these subjects in that country, the example of which has been so much pressed upon us. Whether the present policy of England be right or wrong, wise or unwise, it cannot, as it seems clearly to me, be quoted as an authority for carrying further the restrictive and exclusive system, either in regard to manufactures or trade. To re-establish a sound currency, to meet at once the shock, tremendous as it was, of the fall of prices, to enlarge her capacity for foreign trade, to open wide the field of individual enterprise and competition, and to say, plainly and distinctly, that the country must relieve itself from the embarrassments which it felt, by economy, frugality, and renewed efforts of enterprise; these appear to

be the general outline of the policy which England has pursued.

Mr. Chairman: I will say a few words upon a topic, but, for the introduction of which into this debate, I should not have given the Committee, on this occasion, the trouble of hearing me. Some days ago, I believe it was when we were settling the controversy between the oil merchants and the tallow chandlers, the Balance of Trade made its appearance in debate, and I must confess, sir, that I spoke of it, or rather, spoke to it, somewhat freely and irreverently. I believe I used the hard names which have been imputed to me; and I did it simply for the purpose of laying the spectre, and driving it back to its tomb. Certainly, sir, when I called the old notion on this subject nonsense, I did not suppose that I should offend any one, unless the dead should happen to hear me. All the living generation, I took it for granted, would think the term very properly applied. In this, however, I was mistaken. The dead and the living rise up together to call me to account, and I must defend myself as well as I am able.

Let us inquire, then, sir, what is meant by an unfavorable balance of trade, and what the argument is, drawn from that source. By an unfavorable balance of trade, I understand, is meant that state of things in which importation exceeds exportation. To apply it to our own case, if the value of goods imported, exceed the value of those exported, then the balance of trade is said to be against us, inasmuch as we have run in debt to the amount of this difference. Therefore, it is said that, if a nation continue long in a commerce like this, it must be rendered absolutely bankrupt. It is in the condition of a man that buys more than he sells; and how can such a traffic be maintained without ruin? Now, sir, the whole fallacy of this argument consists in supposing that, whenever the value of imports exceeds that of exports, a debt is necessarily created to the extent of the difference: whereas, ordinarily, the import is no more than the result of the export, augmented in value by the labor of transportation. The excess of imports over exports, in truth, usually shows the gains, not the losses, of trade; or, in a country that not only buys and sells goods, but employs ships in carrying goods also, it shows the profits of commerce, and the earnings of navigation. Nothing is more certain than that, in the usual course of things, and taking a series of years together, the value of our imports is the aggregate of our exports and our freights. If the value of commodities, imported in a given case, did not exceed the value of the outward cargo, with which they were purchased, then it would be clear to every man's common sense, that the voyage had not been profitable. If such commodities fell far short in value of the cost of the outward cargo, then the voyage would be a very losing one; and yet it would present exactly that state of things which, according to the notion of a balance of trade, can alone indicate a prosperous commerce. On the other hand, if the return cargo were found to be worth much more than the outward cargo, while the merchant,

having paid for the goods exported, and all the expenses of the voyage, finds a handsome sum yet in his hands, which he calls profits, the balance of trade is still against him, and whatever he may think of it, he is in a very bad way. Although one individual, or all individuals gain, the nation loses; while all its citizens grow rich, the country grows poor. This is the doctrine of the balance of trade. Allow me, sir, to give an instance tending to show how unaccountably individuals deceive themselves, and imagine themselves to be somewhat rapidly mending their condition, while they ought to be persuaded that, by that infallible standard, the balance of trade, they are on the high road to ruin. Some years ago, in better times than the present, a ship left one of the towns of New England with seventy thousand specie dollars. She proceeded to Mocha, on the Red Sea, and there laid out these dollars in coffee, drugs, spices, &c. With this new cargo she proceeded to Europe; two-thirds of it were sold in Holland for \$130,000, which the ship brought back and placed in the same bank from the vaults of which she had taken her original outfit. The other third was sent to the ports of the Mediterranean, and produced a return of \$25,000 in specie, and \$15,000 in Italian merchandise. These sums together make \$170,000 imported, which is \$100,000 more than was exported, and is, therefore, proof of an unfavorable balance of trade, to that amount, in this adventure. We should find no great difficulty, sir, in paying off our balances if this were the nature of them all.

The truth is, Mr. Chairman, that all these obsolete and exploded notions had their origin in very mistaken ideas of the true nature of commerce. Commerce is not a gambling among nations for a stake, to be won by some and lost by others. It has not the tendency necessarily to impoverish one of the parties to it, while it enriches the other; all parties gain, all parties make profits, all parties grow rich, by the operations of just and liberal commerce. If the world had but one clime, and but one soil; if all men had the same wants and the same means, on the spot of their existence, to gratify those wants; then, indeed, what one obtained from the other by exchange, would injure one party in the same degree that it benefited the other; then, indeed, there would be some foundation for the balance of trade. But Providence has disposed our lot much more kindly. We inhabit a various earth. We have reciprocal wants, and reciprocal means for gratifying one another's wants. This is the true origin of commerce, which is nothing more than an exchange of equivalents, and from the rude barter of its primitive state, to the refined and complex state in which we see it, its principle is uniformly the same; its only object being, in every stage, to produce that exchange of commodities between individuals and between nations, which shall conduce to the advantage and to the happiness of both. Commerce between nations has the same essential character as commerce between individuals, or between parts of the same nation. Cannot two individuals make

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an interchange of commodities which shall prove beneficial to both, or in which the balance of trade shall be in favor of both? If not, the tailor and the shoemaker, the farmer and the smith, have hitherto very much misunderstood their own interest. And with regard to the internal trade of a country, in which the same rule would apply as between nations, do we ever speak of such an intercourse being prejudicial to one side because it is useful to the other? Do we ever hear that, because the intercourse between New York and Albany is advantageous to one of those places, it must, therefore, be ruinous to the other?

May I be allowed, sir, to read a passage on this subject from the observations of a gentleman, in my opinion one of the most clear and sensible writers and speakers of the age upon subjects of this sort:*

"There is no political question on which the prevalence of false principles is so general, as in what relates to the nature of commerce and to the pretended balance of trade; and there are few which have led to a greater number of practical mistakes, attended with consequences extensively prejudicial to the happiness of mankind. In this country, our parliamentary proceedings, our public documents, and the works of several able and popular writers, have combined to propagate the impression that we are indebted for much of our riches to what is called the balance of trade." "Our true policy would surely be to profess, as the object and guide of our commercial system, that which every man who has studied the subject must know to be the true principle of commerce, the interchange of reciprocal and equivalent benefit. We may rest assured that it is not in the nature of commerce to enrich one party at the expense of the other. This is a purpose at which, if it were practicable, we ought not to aim; and which, if we aimed at, we could not accomplish."

These remarks, I believe, sir, were written some ten or twelve years ago. They are in perfect accordance with the opinions advanced in more elaborate treatises, and now that the world has returned to a state of peace, and commerce has resumed its natural channels, and different nations are enjoying, or seeking to enjoy, their respective portions of it, all see the justness of these ideas; all see, that, in this day of knowledge and of peace, there can be no commerce between nations but that which shall benefit all who are parties to it.

If it were necessary, Mr. Chairman, I might ask the attention of the Committee to recur to a document before us, on this subject, of the balance of trade. It will be seen by reference to the accounts, that, in the course of the last year, our total export to Holland exceeded two millions and a half; our total import from the same country was but \$700,000. Now can any man be wild enough to make any inference from this of the gain or loss of our trade with Holland for that year? Our trade with Russia for the same year produced a balance the other way; our import being two millions, and our export being but half a

* Mr. Huskisson, President of the English Board of Trade.

million. But this has no more tendency to show the Russian trade a losing trade, than the other statement has to show that the Dutch trade has been a gainful one. Neither of them, by itself, proves any thing.

Springing out of this notion of a balance of trade, there has been another idea, which has been much dwelt upon in the course of this debate; that is, that we ought not to buy of nations who do not buy of us; for example, that the Russian trade is a trade disadvantageous to the country, and ought to be discouraged, because, in the ports of Russia, we buy more than we sell. Now allow me to observe, in the first place, sir, that we have no account showing how much we do sell in the ports of Russia. Our official returns show us only what is the amount of our direct exports to her ports. But then we all know that the proceeds of other of our exports go to the same market, though indirectly. We send our own products, for example, to Cuba, or to Brazil; we there exchange them for the sugar and the coffee of those countries, and these articles we carry to St. Petersburg, and there sell them. Again; our exports to Holland and Hamburg are connected directly or indirectly with our imports from Russia. What difference does it make, in sense or reason, whether a cargo of iron be bought at St. Petersburg by the exchange of a cargo of tobacco, or whether the tobacco has been sold on the way, in a better market, in a port of Holland, the money remitted to England, and the iron paid for by a bill on London? There might indeed have been an augmented freight, there might have been some saving of commissions, if tobacco had been in brisk demand in the Russian market. But still there is nothing to show that the whole voyage may not have been highly profitable. That depends upon the original cost of the article here, the amount of freight and insurance to Holland, the price obtained there, the rate of exchange between Holland and England; the expense, then, of proceeding to St. Petersburg, the price of iron there, the rate of exchange between that place and England, the amount of freight and insurance home, and, finally, the value of the iron, when brought to our own market. These are the calculations which determine the fortune of the adventure; and nothing can be judged of it, one way or the other, by the relative state of our imports or exports with Holland, England, or Russia.

I would not be understood to deny that it may often be our interest to cultivate a trade with countries that most require such commodities as we can furnish, and which are capable also of directly supplying our own wants. This is the simplest and most original form of all commerce, and is, no doubt, highly beneficial. And some countries are so situated, doubtless, that commerce in this original form, or something near it, may be all that they can, without considerable inconvenience, carry on. Our trade, for example, with Madeira and the Western Islands, has been useful to the country as furnishing a demand for some portion of our agricultural products, which prob-

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ably could not have been bought, had we not received their products in return. Countries situated still further from the great marts and highways of the commercial world, may afford, still stronger instances of the necessity and utility of conducting commerce on the original principle of barter, without much assistance from the operations of credit and exchange. All I would be understood to say, is, that it by no means follows that that must be a losing trade with any country, from which we receive more of her products than she receives of ours. And since I was supposed the other day, in speaking upon this subject, to have advanced opinions which not only this country ought to reject, but which also other countries, and those the most distinguished for skill and success in commercial intercourse, do reject, I will ask leave to refer again to the discussion which I first mentioned, in the English Parliament, relative to the foreign trade of that country.

"With regard (says the mover of the proposition*) to the argument employed against renewing our intercourse with the north of Europe—namely, that those who supplied us with timber from that quarter would not receive British manufactures in return, it appeared to him futile and ungrounded. If they did not send direct for our manufactures at home, they would send for them to Leipsic, and other fairs of Germany. Were not the Russian and Polish merchants purchasers there to a great amount? But he would never admit the principle that a trade was not profitable, because we were obliged to carry it on with the precious metals, or that we ought to renounce it, because our manufactures were not received by the foreign nation, in return for its produce. Whatever we received must be paid for in the produce of our land and labor, directly or circuitously, and he was glad to have the noble Earl† marked concurrence in this principle."

Referring ourselves again, sir, to the analogies of common life—no one would say that a farmer or a mechanic should buy only where he can do so by the exchange of his own produce, or his own manufacture. Such exchange may be often convenient; and, on the other hand, the cash purchase may be often more convenient. It is the same in the intercourse of nations. Indeed, Mr. Speaker has placed this argument on very clear grounds. It has been said, in the early part of the debate, that if we cease to import English cotton fabrics, England would no longer continue to purchase our cotton. To this, Mr. Speaker has replied, with great force and justice, that as she must have cotton in large quantities, she will buy the article where she can find it best and cheapest; and that it would be quite ridiculous in her, manufacturing as she still would be, for her own vast consumption, and the consumption of millions in other countries, to reject our uplands, because we had learned to manufacture a part of them for ourselves. And would it not be equally ridiculous in us, if the commodities of Russia were both cheaper and better suited to our wants

than could be found elsewhere, to abstain from commerce with her, because she will not receive in return other commodities which we have to sell, but which she has no occasion to buy?

Intimately connected, sir, with this topic, is another, which has been brought into the debate; I mean the evil so much complained of—the exportation of specie. We hear gentlemen imputing the loss of market at home to a want of money, and this want of money to the exportation of the precious metals. We hear the India and China trade denounced as a commerce conducted on our side, in a great measure, with gold and silver. These opinions, sir, are clearly void of all just foundation, and we cannot too soon get rid of them. There are no shallower reasoners than those political and commercial writers who would represent it to be the only true and gainful end of commerce, to accumulate the precious metals. These are articles of use, and articles of merchandise, with this additional circumstance belonging to them, that they are made, by the general consent of nations, the standard by which the value of all other merchandise is to be estimated. In regard to weights and measures, something drawn from external nature is made a common standard, for the purposes of general convenience; and this is precisely the office performed by the precious metals, in addition to those uses to which, as metals, they are capable of being applied. There may be of these too much or too little, in a country, at a particular time, as there may be of any other articles. When the market is overstocked with them, as it often is, their exportation becomes as proper and as useful as that of other commodities, under similar circumstances. We need no more repine, when the dollars, which have been brought here from South America, are despatched to other countries, than when coffee and sugar take the same direction. We often deceive ourselves by attributing to a scarcity of money, that which is the result of other causes. In the course of this debate, the honorable member from Pennsylvania has represented the country as full of every thing but money. But this I take to be a mistake. The agricultural products, so abundant in Pennsylvania, will not, he says, sell for money; but they will sell for money as quick as for any other article which happens to be in demand. They will sell for money, for example, as easily as for coffee, or for tea, at the prices which properly belong to those articles. The mistake lies in imputing that to want of money, which arises from want of demand. Men do not buy wheat because they have money, but because they want wheat. To decide whether money be plenty or not, that is, whether there be a large portion of capital unemployed or not, when the currency of a country is metallic, we must look, not only to the prices of commodities, but also to the rate of interest. A low rate of interest, a facility of obtaining money on loans, a disposition to invest in permanent stocks, all of which are proofs that money is plenty, may nevertheless often denote a state not of the highest prosperity. They may, and often do, show a want of employment for

* Marquis of Lansdowne. † Lord Liverpool.

capital; and the accumulation of specie shows the same thing. We have no occasion for the precious metals as money, except for the purposes of circulation, or rather of sustaining a safe paper circulation. And whenever there be a prospect of a profitable investment abroad, all the gold and silver, except what these purposes require, will be exported. For the same reason, if a demand exist abroad for sugar and coffee, whatever amount of those articles might exist in the country beyond the wants of its own consumption, would be sent abroad to meet the demand. Besides, sir, how could it ever occur to any body that we should continue to export gold and silver, if we did not continue to import them also? If a vessel take our own products to the Havana or elsewhere, exchange them for dollars, proceed to China, exchange them for silks and teas, bring these last to the ports of the Mediterranean, sell them there for dollars, and return to the United States; this would be a voyage resulting in the importation of the precious metals. But if she had returned from Cuba, and the dollars obtained there had been shipped direct from the United States to China, the China goods sold in Holland, and the proceeds brought home in the hemp and iron of Russia, this would be a voyage in which they were exported. Yet every body sees that both might be equally beneficial to the individuals and to the public. I believe, sir, that, in point of fact, we have enjoyed great benefit in our trade with India and China, from the liberty of going from place to place all over the world, without being obliged in the mean time to return home—a liberty not heretofore enjoyed by the private traders of England in regard to India and China. Suppose the American ship to be at Brazil, for example, she could proceed with her dollars direct to India, and in return could distribute her cargo in all the various ports of Europe or America: while an English ship, if a private trader, being at Brazil, must first return to England, and then could only proceed in the direct line from England to India. This advantage our countrymen have not been backward to improve; and in the debate to which I have already so often referred, it was stated, not without some complaint of the inconvenience of exclusion, and the natural sluggishness of monopoly, that American ships were at that moment fitting out in the Thames, to supply France, Holland, and other countries on the Continent, with tea; while the East India Company would not do this of themselves, nor allow any of their fellow countrymen to do it for them.

There is yet another subject, Mr. Chairman, upon which I would wish to say something, if I might presume upon the continued patience of the Committee. We hear, sometimes, in the House, and continually out of it, of the rate of exchange, as being one proof that we are on the downward road to ruin. Mr. Speaker himself has adverted to that topic, and I am afraid that his authority may give credit to opinions clearly unfounded, and which lead to very false and erroneous conclusions. Sir, let us see what the facts are. Exchange on England has recently risen

one or one and a half per cent., partly owing, perhaps, to the introduction of this bill into Congress. Before this recent rise, and for the last six months, I understand its average may have been about seven and a half per cent. advance. Now, supposing this to be the *real*, and not merely, as it is, the nominal par of exchange between us and England, what would it prove? Nothing, except that funds were wanted, in England, for commercial operations, to be carried on either in England or elsewhere. It would not necessarily show that we were indebted to England; for, if we had occasion to pay debts in Russia or Holland, funds in England would naturally enough be required for such a purpose. And even if it did prove that a balance was due England, at the moment, it would have no tendency to explain to us whether our commerce with England had been profitable or unprofitable. But it is not true, in point of fact, that the *real* price of exchange is seven and a half per cent. advance, nor, indeed, that there is, at the present moment, any advance at all. That is to say, it is not true that merchants will give such an advance, or any advance, for money in England, more than they would give for the same amount, in the same currency, here. It will strike every one, who reflects upon it, that, if there were a real difference of seven and a half per cent., money would be immediately shipped to England; because the expense of transportation would be far less than that difference; or commodities of trade would be shipped to Europe, and the proceeds remitted to England. If it could so happen that American merchants should be willing to pay ten per cent. premium for money in England, or, in other words, that a real difference to that amount, in the exchange, should exist, its effects would be immediately seen in new shipments of our own commodities to Europe, because this state of things would create new motives. A cargo of tobacco, for example, might sell at Amsterdam for the same price as before; but if its proceeds, when remitted to London, were advanced, as they would be in such case, ten per cent. by the state of exchange, this would be so much added to the price, and would operate, therefore, as a motive for the exportation; and in this way national balances are, and always will be, adjusted.

To form any accurate idea of the true state of exchange between two countries, we must look at their currencies, and compare the quantities of gold and silver which they may respectively represent. This usually explains the state of the exchanges; and this will satisfactorily account for the apparent advance, now existing, on bills drawn on England. The English standard of value is gold; with us, that office is performed by gold, and by silver also, at a fixed relation to each other. But our estimate of silver is rather higher, in proportion to gold, than most nations give it; it is higher, especially, than in England, at the present moment. The consequence is, that silver, which remains a legal currency with us, stays here, while the gold has gone abroad; verifying the universal truth, that, if two currencies be al-

lowed to exist, of different values, that which is cheapest will fill up the whole circulation. For as much gold as will suffice to pay here a debt of a given amount, we can buy in England more silver than would be necessary to pay the same debt here; and from this difference in the value of silver arises wholly, or in a great measure, the present apparent difference in exchange. Spanish dollars sell now, in England, for four shillings and nine pence sterling per ounce; equal to one dollar and six cents. By our standard, the same ounce is worth one dollar and sixteen cents; being a difference of about nine per cent. The true par of exchange, therefore, is nine per cent. If a merchant here pay one hundred Spanish dollars for a bill on England, at nominal par, in sterling money, that is, for a bill for £22 10s., the proceeds of this bill, when paid in England, in the legal currency, will there purchase, at the present price of silver, one hundred and nine Spanish dollars. Therefore, if the nominal advance on English bills do not exceed nine per cent., the real exchange is not against this country; in other words, it does not show that there is any pressing or particular occasion for the remittance of funds to England.

As little can be inferred from the occasional transfer of United States stock to England. Considering the interest paid on our stocks, the entire stability of our credit, and the accumulation of capital in England, it is not at all wonderful that investments should occasionally be made in our funds. As a sort of countervailing fact, it may be stated that English stocks are now actually holden in this country, though probably not to any considerable amount.

I will now proceed, sir, to state some objections which I feel, of a more general nature, to the course of Mr. Speaker's observations.

He seems to me to argue the question as if all domestic industry were confined to the production of manufactured articles; as if the employment of our own capital, and our own labor, in the occupations of commerce and navigation, were not as emphatically domestic industry as any other occupation. Some other gentlemen, in the course of the debate, have spoken of the price paid for every foreign manufactured article, as so much given for the encouragement of foreign labor, to the prejudice of our own. But is not every such article the product of our own labor as truly as if we had manufactured it ourselves? Our labor has earned it, and paid the price for it. It is so much added to the stock of national wealth. If the commodity were dollars, nobody would doubt the truth of this remark: and it is precisely as correct in its application to any other commodity as to silver. One man makes a yard of cloth at home; another raises agricultural products, and buys a yard of imported cloth. Both these are equally the earnings of domestic industry, and the only questions that arise in the case are two: the first is, which is the best mode, under all the circumstances, of obtaining the article; the second is, how far this first question is proper to be decided by Government, and how far it is proper to be left

to individual discretion. There is no foundation for the distinction which attributes to certain employments the peculiar appellation of American industry; and it is, in my judgment, extremely unwise, to attempt such discriminations. We are asked, what nations have ever attained eminent prosperity without encouraging manufactures? I may ask, what nation ever reached the like prosperity without promoting foreign trade? I regard these interests as closely connected, and am of opinion that it should be our aim to cause them to flourish together. I know it would be very easy to promote manufactures, at least for a time, but probably only for a short time, if we might act in disregard of other interests. We could cause a sudden transfer of capital, and a violent change in the pursuits of men. We could exceedingly benefit some classes by these means. But what, then, becomes of the interests of others? The power of collecting revenue by duties on imports, and the habit of the Government of collecting almost its whole revenue in that mode, will enable us, without exceeding the bounds of moderation, to give great advantages to those classes of manufactures which we may think most useful to promote at home. What I object to is the immoderate use of the power—exclusions and prohibitions; all of which, as I think, not only interrupt the pursuits of individuals, with great injury to themselves, and little or no benefit to the country, but also often divert our own labor, or, as it may very properly be called, our own domestic industry, from those occupations in which it is well employed and well paid, to others, in which it will be worse employed, and worse paid. For my part, I see very little relief to those who are likely to be deprived of their employments, or who find the prices of the commodities which they need, raised, in any of the alternatives which Mr. Speaker has presented. It is nothing to say that they may, if they choose, continue to buy the foreign article; the answer is, the price is augmented: nor that they may use the domestic article; the price of that also is increased. Nor can they supply themselves by the substitution of their own fabric. How can the agriculturist make his own iron? How can the ship owner grow his own hemp?

But I have yet a stronger objection to the course of Mr. Speaker's reasoning; which is, that he leaves out of the case all that has been already done for the protection of manufactures, and argues the question as if those interests were now, for the first time, to receive aid from duties on imports. I can hardly express the surprise I feel that Mr. Speaker should fall into the common modes of expression used elsewhere, and ask if we will give our manufactures no protection. Sir, look to the history of our laws; look to the present state of our laws. Consider that our whole revenue, with a trifling exception, is collected at the custom-house, and always has been; and then say what propriety there is in calling on the Government for protection, as if no protection had heretofore been afforded. The real question before us, in regard to all the important clauses of the bill, is

not whether we will lay duties, but whether we will augment duties. The demand is for something more than exists, and yet it is pressed as if nothing existed. It is wholly forgotten that iron and hemp, for example, already pay a very heavy and burdensome duty; and, in short, from the general tenor of Mr. Speaker's observations, one would infer that, hitherto, we had rather taxed our own manufactures than fostered them by taxes on those of other countries. We hear of the fatal policy of the tariff of 1816; and yet the law of 1816 was passed avowedly for the benefit of manufacturers, and, with very few exceptions, imposed on imported articles very great additions of tax; in some important instances, indeed, amounting to a prohibition.

Sir, on this subject it becomes us at least to understand the real posture of the question. Let us not suppose that we are beginning the protection of manufactures, by duties on imports. What we are asked to do is, to render those duties much higher, and therefore, instead of dealing in general commendations of the benefits of protection, the friends of the bill, I think, are bound to make out a fair case for each of the manufactures which they propose to benefit. The Government has already done much for their protection, and it ought to be presumed to have done enough, unless it should be shown, by the facts and considerations applicable to each, that there is a necessity for doing more.

On the general question, sir, allow me to ask if the doctrine of prohibition, as a general doctrine, be not preposterous? Suppose all nations to act upon it; they would be prosperous, then, according to the argument, precisely in the proportion in which they abolished intercourse with one another. The less of mutual commerce the better, upon this hypothesis. Protection and encouragement may be, and are, doubtless, sometimes, wise and beneficial, if kept within proper limits; but, when carried to an extravagant height, or the point of prohibition, the absurd character of the system manifests itself. Mr. Speaker has referred to the late Emperor Napoleon, as having attempted to naturalize the manufacture of cotton in France. He did not cite a more extravagant part of the projects of that ruler, that is, his attempt to naturalize the growth of that plant itself in France; whereas, we have understood that considerable districts in the south of France, and in Italy, of rich and productive lands, were at one time withdrawn from profitable uses, and devoted to raising, at great expense, a little bad cotton. Nor have we been referred to the attempts, under the same system, to make sugar and coffee from common culinary vegetables; attempts which served to fill the print shops of Europe, and to show us how easy is the transition from what some think sublime, to that which all admit to be ridiculous. The folly of some of these projects has not been surpassed, nor hardly equalled, unless it be by the philosopher in one of the satires of Swift, who so long labored to extract sunbeams from cucumbers.

The poverty and unhappiness of Spain have

been attributed to the want of protection to her own industry. If by this it be meant that the poverty of Spain is owing to bad Government and bad laws, the remark is, in a great measure, just. But these very laws are bad because they are restrictive, partial, and prohibitory. If prohibition were protection, Spain would seem to have had enough of it. Nothing can exceed the barbarous rigidity of her colonial system, or the folly of her early commercial regulations. Unenlightened and bigoted legislation, the multitude of holidays, miserable roads, monopolies on the part of Government, restrictive laws, that ought long since to have been abrogated, are generally, and I believe truly, reckoned the principal causes of the bad state of the productive industry of Spain. Any partial improvement in condition, or increase of her prosperity, has been, in all cases, the result of relaxation, and the abolition of what was intended for favor and protection.

In short, sir, the general sense of this age sets, with a strong current, in favor of freedom of commercial intercourse, and unrestrained individual action. Men yield up their notions of monopoly and restriction, as they yield up other prejudices, slowly and reluctantly; but they cannot withstand the general tide of opinion.

Let me now ask, sir, what relief this bill proposes to some of those great and essential interests of the country, the condition of which has been referred to as proof of national distress; and which condition, although I do not think it makes out a case of distress, yet does indicate depression.

And first, as to our foreign trade. The Speaker has stated that there has been a considerable falling off in the tonnage employed in that trade. This is true, lamentably true. In my opinion, it is one of those occurrences which ought to arrest our immediate, our deep, our most earnest attention. What does this bill propose for its relief? Sir, it proposes nothing but new burdens. It proposes to diminish its employment, and it proposes, at the same time, to augment its expense, by subjecting it to heavier taxation. Sir, there is no interest, in regard to which a stronger case for protection can be made out, than the navigating interest. Whether we look at its present condition, which is admitted to be depressed; the number of persons connected with it, and dependent upon it for their daily bread; or its importance to the country in a political point of view, it has claims upon our attention which cannot be exceeded. But what do we propose to do for it? I repeat, sir, simply to burden and to tax it. By a statement which I have already submitted to the Committee, it appears that the shipping interest pays, annually, more than half a million of dollars in duties on articles used in the construction of ships. We propose to add nearly, or quite, fifty per cent. to this amount, at the very moment that we bring forth the languishing state of this interest, as a proof of national distress. Let it be remembered that our shipping employed in foreign commerce, has, at this moment, not the shadow of Government protection. It goes abroad upon the wide sea to make its own way, and earn

its own bread, in a professed competition with the whole world. Its resources are its own frugality, its own skill, its own enterprise. It hopes to succeed, if it shall succeed at all, not by extraordinary aid of Government, but by patience, vigilance, and toil. This right arm of the nation's safety strengthens its own muscle by its own efforts, and by unwearied exertion in its own defence becomes strong for the defence of the country.

No one acquainted with this interest can deny that its situation, at this moment, is extremely critical. We have left it hitherto to maintain itself or perish; to swim if it can, and to sink if it cannot. But at this moment of its apparent struggle, can we, as men, can we, as patriots, add another stone to the weight that threatens to carry it down? Sir, there is a limit to human power and to human effort. I know the commercial marine of this country can do almost every thing, and bear almost every thing. Yet some things are impossible to be done; and some burdens may be impossible to be borne; and as it was the last ounce that broke the back of the camel, so the last tax, although it were even a small one, may be decisive as to the power of our marine to sustain the conflict in which it is now engaged with all the commercial nations on the globe.

Again, Mr. Chairman, the failures and the bankruptcies which have taken place in our large cities have been mentioned as proving the little success attending commerce and its general decline. But this bill has no balm for those wounds. It is very remarkable, that, when losses and disasters of certain manufacturers, those of iron, for instance, are mentioned, it is done for the purpose of invoking aid for the distressed. Not so with the losses and disasters of commerce; these last are narrated, and not unfrequently much exaggerated, to prove the ruinous nature of the employment, and to show that it ought to be abandoned, and the capital engaged in it turned to other objects.

It has been often said, sir, that our manufactures have to contend, not only against the natural advantages of those who produce similar articles in foreign countries, but also against the action of foreign Governments, who have great political interest in aiding their own manufactures to suppress ours. But have not these Governments as great an interest to cripple our marine, by preventing the growth of our commerce and navigation? What is it that makes us the object of the highest respect, or the most suspicious jealousy to foreign States? What is it that most enables us to take high relative rank among the nations? I need not say that this results, more than from any thing else, from that quantity of military power which we can cause to be water borne, and of that extent of commerce, which we are able to maintain throughout the world.

Mr. Chairman, I am conscious of having detained the Committee much too long with these observations. My apology for now proceeding to some remarks upon the particular clauses of the bill, is, that, representing a district at once com-

mercial and highly manufacturing, and being called upon to vote upon a bill containing provisions so numerous and so various, I am naturally desirous to state as well what I approve, as what I would reject.

The first section proposes an augmented duty upon woollen manufactures. This, if it were unqualified, would no doubt be desirable to those who are engaged in that business. I have myself presented a petition from the woollen manufacturers of Massachusetts, praying an augmented ad valorem duty upon imported woollen cloths; and I am prepared to accede to that proposition, to a reasonable extent. But then this bill proposes, also, a very high duty upon imported wool; and, as far as I can learn, a majority of the manufacturers are at least extremely doubtful whether, taking these two provisions together, the state of the law is not better for them now than it would be if this bill should pass. It is said this tax on raw wool will benefit the agriculturist; but I know it to be the opinion of some of the best informed of that class, that it will do them more hurt than good. They fear it will check the manufacturer, and consequently check his demand for their article. The argument is, that a certain quantity of coarse wool, cheaper than we can possibly furnish, is necessary to enable the manufacturer to carry on the general business, and that if this cannot be had, the consequence will be, not a greater, but a less, manufacture of our own wool. I am aware that very intelligent persons differ upon this point; but, if we may safely infer from that difference of opinion, that the proposed benefit is at least doubtful, it would be prudent perhaps to abstain from the experiment. Certain it is that the same course of reasoning has occurred, as I have before stated, on the same subject, when a renewed application was made to the English Parliament to repeal the duty on imported wool, I believe scarcely two months ago; those who support the application, pressing urgently the necessity of an unrestricted use of the cheap, imported raw material, with a view to supply, with coarse cloths, the markets of warm climates, such as those of Egypt and Turkey, and especially a vast new created demand in the South American States.

As to the manufactures of cotton, it is agreed, I believe, that they are generally successful. It is understood that the present existing duty operates pretty much as a prohibition over those descriptions of fabrics to which it applies. The proposed alteration would probably enable the American manufacturer to commence competition with higher priced fabrics; and so would, perhaps, an augmentation less than is here proposed. I consider the cotton manufactures not only to have reached, but to have passed, the point of competition. I regard their success as certain, and their growth as rapid as the most impatient could well expect. If, however, a provision of the nature of that recommended here, were thought necessary to commence new operations in the same line of manufacture, I should cheerfully agree to it, if it were not at the cost of sacrificing other great interests of the country. I need hardly say

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that, whatever promotes the cotton and woollen manufactures, promotes most important interests of my constituents. They have a great stake in the success of those establishments, and, as far as those manufactures are concerned, would be as much benefited by the provisions of this bill as any part of the community. It is obvious, too, I should think, that, for some considerable time, manufactures of this sort, to whatever magnitude they may rise, will be principally established in those parts of the country where population is most dense, capital most abundant, and where the most successful beginnings have been already made.

But if these be thought to be advantages, they are greatly counterbalanced by other advantages enjoyed by other portions of the country. I cannot but regard the situation of the West as highly favorable to human happiness. It offers, in the abundance of its new and fertile lands, such assurances of permanent property and respectability to the industrious, it enables them to lay such sure foundations for a competent provision for their families, it makes such a nation of freeholders, that it need not envy the happiest and most prosperous of the manufacturing communities. We may talk as we will of well-fed and well-clothed day laborers or journeymen; they are not, after all, to be compared, either for happiness, or respectability, with him who sleeps under his own roof, and cultivates his own fee-simple inheritance.

With respect to the proposed duty on glass, I would observe, that, upon the best means of judging which I possess, I am of opinion, that the Chairman of the Committee is right, in stating, that there is, in effect, a bounty upon the exportation of the British article. I think it entirely proper, therefore, to raise our own duty by such an amount as shall be equivalent to that bounty.

And here, Mr. Chairman, before proceeding to those parts of the bill to which I most strenuously object, I will be so presumptuous, as to take up a challenge which Mr. Speaker has thrown down. He has asked us, in a tone of interrogatory indicative of the feeling of anticipated triumph, to mention any country in which manufactures have flourished, without the aid of prohibitory laws. He has demanded, if it be not policy, protection, aye, and prohibition, that have carried other States to the height of their prosperity, and whether any one has succeeded with such tame and inert legislation as ours. Sir, I am ready to answer this inquiry.

There is a country, not undistinguished among the nations, in which the progress of manufactures has been far more rapid than in any other, and yet unaided by prohibitions or unnatural restrictions. That country, the happiest which the sun shines on, is our own.

The woollen manufactures of England have existed from the early ages of the monarchy. Provisions, designed to aid and foster them, are in the black-lettered statutes of the Edwards and the Henrys. Ours, on the contrary, are but of yesterday; and yet, with no more than the protection of existing laws, they are already at the point of

close and promising competition. Sir, nothing is more unphilosophical than to refer us, on these subjects, to the policy adopted by other nations in a very different state of society, or to infer that what was judged expedient by them, in their early history, must also be expedient for us, in this early part of our own. This would be reckoning our age chronologically, and estimating our advance by our number of years, when, in truth, we should regard only the state of society, the knowledge, the skill, the capital, the enterprise, which belong to our times. We have been transferred from the stock of Europe, in a comparatively enlightened age, and our civilization and improvement date back as early as her own. Her original history is also our original history; and if, since the moment of separation, she has gone ahead of us, in some respects, it may be said, without violating truth, that we have kept up in others, and, in others again, are ahead ourselves. We are to legislate, then, with regard to the present actual state of society; and our own experience shows us that, commencing manufactures at the present highly enlightened and emulous moment, we need not imitate the clumsy helps, with which, in less auspicious times, Governments have sought to enable the ingenuity and industry of their people to hobble along.

The English cotton manufactures began about the commencement of the last reign. Ours can hardly be said to have commenced, with any earnestness, until the application of the power loom, in 1816, not more than eight years ago. Now, sir, I hardly need again speak of its progress, its present extent, or its assurance of future enlargement. In some sorts of fabrics we are already exporters, and the products of our manufactures are, at this moment, in the South American markets. We see, then, what can be done without prohibition or extraordinary protection, because we see what has been done; and I venture to predict that, in a few years, it will be thought wonderful that these branches of manufactures, at least, should have been thought to require additional aid from Government.

Mr. Chairman: The best apology for laws of prohibition and laws of monopoly, will be found in that state of society, not only unenlightened, but sluggish, in which they are most generally established. Private industry, in those days, required strong provocatives, which Governments were seeking to administer by these means.—Something was wanted to actuate and stimulate men, and the prospects of such profits as would, in our times, excite unbounded competition, would hardly move the sloth of former ages. In some instances, no doubt, these laws produced an effect, which, in that period, would not have taken place without them. But our age is wholly of a different character, and its legislation takes another turn. Society is full of excitement; competition comes in place of monopoly; and intelligence and industry ask only for fair play and an open field. Profits, indeed, in such a state of things, will be small, but they will be extensively diffused; prices will be low, and the great body of the people

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prosperous and happy. It is worthy of remark, that, from the operation of these causes, commercial wealth, while it is increased beyond calculation in its general aggregate, is, at the same time, broken and diminished in its subdivisions. Commercial prosperity should be judged of therefore rather from the extent of trade, than from the magnitude of its apparent profits. It has been remarked, that Spain, certainly one of the poorest nations, made very great profits on the amount of her trade; but with little other benefit than the enriching of a few individuals and companies. Profits to the English merchants engaged in the Levant and Turkey trade, were formerly very great, and there were richer merchants in England some centuries ago, considering the comparative value of money, than at the present highly commercial period. When the diminution of profits arises from the extent of competition, it indicates rather a salutary than an injurious change.*

The true course then, sir, for us to pursue, is, in my opinion, to consider what our situation is, what our means are, and how they can be best applied. What amount of population have we, in comparison with our extent of soil, what amount of capital and labor, at what price? As to skill, knowledge, and enterprise, we may safely take it for granted, that, in these particulars, we are on an equality with others. Keeping these considerations in view, allow me to examine two or three of those provisions of the bill to which I feel the strongest objections.

To begin with the article of iron. Our whole annual consumption of this article is supposed by the chairman of the committee to be 48,000 or 50,000 tons. Let us suppose the latter. The amount of our own manufacture he estimates, I think, at 17,000 tons. The present duty on the imported article is \$15 per ton, and as this duty causes, of course, an equivalent augmentation of the price of the home manufacture, the whole increase of price is equal to \$750,000 annually. This sum we pay on a raw material, and on an absolute necessity of life. The bill proposes to raise the duty from \$15 to \$22½ per ton, which would be equal to \$1,125,000 on the whole annual consumption. So that, suppose the point of prohibition which is aimed at by some gentlemen to be attained, the consumers of the article would pay this last mentioned sum every year to the producers of it, over and above the price at which they could supply themselves with the same arti-

* "The present equable diffusion of moderate wealth cannot be better illustrated, than by remarking that in this age many palaces and superb mansions have been pulled down, or converted to other purposes, while none have been erected on a like scale. The numberless baronial castles and mansions, in all parts of England, now in ruins, may all be adduced as examples of the decrease of inordinate wealth. On the other hand, the multiplication of commodious dwellings, for the upper and middle classes of society, and the increased comforts of all ranks, exhibit a picture of individual happiness unknown in any other age."—*Sir G. Blane's Letter to Lord Spencer, in 1800.*

cle from other sources. There would be no mitigation of this burden, except from the prospect, whatever that might be, that iron would fall in value, by domestic competition, after the importation should be prohibited. It will be easy, I think, to show that it cannot fall; and supposing for the present that it shall not, the result will be, that we shall pay annually a sum of \$1,125,000, constantly augmented, too, by increased consumption of the article, to support a business that cannot support itself. It is of no consequence to the argument that this sum is expended at home; so it would be, if we taxed the people to support any other useless and expensive establishment, to build another Capitol for example, or incur an unnecessary expense of any sort. The question still is, are the money, time, and labor, well laid out in these cases? The present price of iron at Stockholm, I am assured by importers, is \$53 per ton on board, \$48 per ton in the yard before loading, and probably not far from \$40 at the mines. Freight, insurance, &c., may be fairly estimated at \$15, to which add our present duty of \$15 more, and these two last sums, together with the cost on board at Stockholm, give \$83 as the cost of Swedes iron in our market. In fact it is said to have been sold last year at \$81½ to \$82 per ton. We perceive, by this statement, that the cost of iron is doubled in reaching us from the mine in which it is produced. In other words, our present duty, with the expense of transportation, gives an advantage to the American over the foreign manufacturer, of one hundred per cent. Why, then, cannot the iron be manufactured at home? Our ore is said to be as good, and some of it better. It is under our feet, and the chairman of the committee tells us that it might be wrought by persons who otherwise will not be employed. Why, then, is it not wrought? Nothing could be more sure of constant sale. It is not an article of changeable fashion, but of absolute, permanent necessity, and such, therefore, as would always meet a steady demand. Sir, I think it would be well for the chairman of the committee to revise his premises, for I am persuaded that there is an ingredient properly belonging to the calculation which he has misstated or omitted. Swedes iron in England pays a duty, I think, of about \$27 per ton; yet it is imported in considerable quantities, notwithstanding the vast capital, the excellent coal, and, more important than all, perhaps, the highly improved state of inland navigation in England; although I am aware that the English use of Swedes iron may be thought to be owing in some degree to its superior quality.

Sir, the true explanation of this appears to me to lie in the different prices of labor; and here, I apprehend, is the grand mistake in the argument of the chairman of the committee. He says it would cost the nation, as a nation, nothing to make our ore into iron. Now, I think, it would cost us precisely that which we can worst afford; that is, *great labor*. Although bar iron is very properly considered a raw material in respect to its various future uses, yet, as bar iron, the principal ingredient in its cost is labor. Of manual la-

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bor, no nation has more than a certain quantity, nor can it be increased at will. As to some operations, indeed, its place may be supplied by machinery; but there are other services which machinery cannot perform for it, and which it must perform for itself. A most important question for every nation, as well as for every individual to propose to itself, is, how it can best apply that quantity of labor which it is able to perform?

Labor is the great producer of wealth; it moves all other causes. If it call machinery to its aid, it is still employed, not only in using the machinery, but in making it. Now, with respect to the quantity of labor, as we all know, different nations are differently circumstanced. Some need, more than any thing, work for hands; others require hands for work; and, if we ourselves are not absolutely in the latter class, we are still, most fortunately, very near it. I cannot find that we have those idle hands, of which the chairman of the committee speaks. The price of labor is a conclusive and unanswerable refutation of that idea; it is known to be higher with us than in any other civilized State, and this is the greatest of all proofs of general happiness. Labor in this country is independent and proud. It has not to ask the patronage of capital, but capital solicits the aid of labor. This is the general truth, in regard to the condition of our whole population, although in the large cities there are, doubtless, many exceptions. The mere capacity to labor in common agricultural employments gives to our young men the assurance of independence. We have been asked, sir, by the chairman of the committee, in a tone of some pathos, whether we will allow to serfs of Russia and Sweden the benefit of making iron for us? Let me inform the gentleman, sir, that those same serfs do not earn more than seven cents a day, and that they work in those mines, for that compensation, because they are serfs. And, let me ask the gentleman further, whether we have any labor in this country that cannot be better employed than in a business which does not yield the laborer more than seven cents a day? This, it appears to me, is the true question for our consideration. There is no reason for saying that we will work iron because we have mountains that contain the ore. We might, for the same reason, dig among our rocks for the scattered grains of gold and silver which might be found there. The true inquiry is, can we produce the article in a useful state at the same cost, or nearly at the same cost, or at any reasonable approximation towards the same cost, at which we can import it?

Some general estimates of the price and profits of labor, in those countries from which we import our iron, might be formed by comparing the reputed products of different mines, and their prices, with the number of hands employed. The mines of Danemora are said to yield about four thousand tons, and to employ in the mines twelve hundred workmen. Suppose this to be worth fifty dollars per ton; any one will find, by computation, that the whole product would not pay, in this country, for one-quarter part of the necessary labor. The

whole export of Sweden was estimated, a few years ago, at 400,000 ship-pounds, or about 54,000 tons. Comparing this product with the number of workmen usually supposed to be employed in the mines which produce iron for exportation, the result will not greatly differ from the foregoing. These estimates are general, and might not conduct us to a precise result; but we know, from intelligent travellers, and eye-witnesses, that the price of labor, in the Swedish mines, does not exceed seven cents a day.*

The true reason, sir, why it is not our policy to compel our citizens to manufacture our own iron, is, that they are far better employed. It is an unproductive business, and they are not poor enough to be obliged to follow it. If we had more of poverty, more of misery, and something of servitude; if we had an ignorant, idle, starving, population, we might set up for iron makers against the world.

The Committee will take notice, Mr. Chairman, that, under our present duty, together with the expense of transportation, our manufacturers are able to supply their own immediate neighborhood; and this proves the magnitude of that substantial encouragement which these two causes concur to give. There is little or no foreign iron, I presume, used in the county of Lancaster. This is owing to the heavy expense of land carriage; and, as we recede farther from the coast, the manufacturers are still more completely secured, as to their own immediate market, against the competition of the imported articles. But what they ask, is to be allowed to supply the seacoast, at such a price as shall be formed by adding to the cost at the mines the expense of land carriage to the sea; and this appears to me most unreasonable. The effect of it would be to compel the consumer to pay the cost of two land transportations; for, in the first place, the price of iron at the inland furnaces, will always be found to be at, or not much below, the price of the imported article in the seaport, and the cost of transportation to the neighborhood of the furnace; and to enable the home product to hold a competition with the imported in the sea-

* The price of labor in Russia may be pretty well collected from Tooke's "View of the Russian Empire." "The workmen in the mines and the foundries are, indeed, all called master-people; but they distinguish themselves into masters, undermasters, apprentices, delvers, servants, carriers, washers, and separators. In proportion to their ability, their wages are regulated, which proceed from fifteen to upwards of thirty roubles per annum. The provisions which they receive from the magazines are deducted from this pay." The value of the rouble at that time (1799) was about twenty-four pence sterling, or forty-five cents of our money.

"By the edict of 1799," it is added, "a laborer with a horse shall receive, daily, in Summer, twenty, and in Winter twelve copecks; a laborer, without a horse, in Summer, ten, in Winter, eight copecks."

A copeck is the hundredth part of a rouble, or about half a cent of our money. The price of labor may have risen, in some degree, since that period, but probably not much.

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port, the cost of another transportation downward, from the furnace to the coast, must be added. Until our means of inland commerce be improved, and the charges of transportation by that means lessened, it appears to me wholly impracticable, with such duties as any one would think of proposing, to meet the wishes of the manufacturers of this article. Suppose we were to add the duty proposed by this bill, although it would benefit the capital invested in works near the sea, and the navigable rivers, yet the benefit would not extend far into the interior. Where, then, are we to stop, or what limit is proposed to us?

The freight of iron has been afforded from Sweden to the United States as low as eight dollars per ton. This is not more than the price of fifty miles land carriage. Stockholm, therefore, for the purpose of this argument, may be considered as within fifty miles of Philadelphia. Now, it is at once a just and a strong view of this case, to consider, that there are, within fifty miles of our market, vast multitudes of persons who are willing to labor in the production of this article for us, at the rate of seven cents per day, while we have no labor which will not command, upon the average, at least five or six times that amount. The question is, then, shall we buy this article of these manufacturers, and suffer our own labor to earn its greater reward, or shall we employ our own labor in a similar manufacture, and make up to it, by a tax on consumers, the loss which it must necessarily sustain?

I proceed, sir, to the article of hemp. Of this we imported last year, in round numbers, 6,000 tons, paying a duty of \$30 a ton, or \$180,000 on the whole amount; and this article, it is to be remembered, is consumed almost entirely in the usages of navigation. The whole burden may be said to fall on one interest. It is said we can produce this article, if we will raise the duties. But why is it not produced now; or why, at least, have we not seen some specimens? For the present is a very high duty when expenses of importation are added. Hemp was purchased at St. Petersburg, last year, at \$101 67 per ton. Charges attending shipment, &c., \$14 25. Freight may be stated at \$30 per ton, and our existing duty is \$30 more. These three last sums, being the charges of transportation, amount to a protection of near 75 per cent. in favor of the home manufacturer, if there were any such. And we ought to consider, also, that the price of hemp at St. Petersburg is increased by all the expense of transportation from the place of growth to that port; so that probably the whole cost of transportation, from the place of growth to our market, including our duty, is equal to the first cost of the article; or, in other words, is a protection in favor of our own product of 100 per cent.

And since it is stated that we have great quantities of fine land for the production of hemp, of which I have no doubt, the question recurs, why is it not produced? I speak of the water rotted hemp, for it is admitted that that which is dew rotted is not sufficiently good for the requisite purposes. I cannot say whether the cause be in

climate, in the process of rotting, or what else, but the fact is certain, that there is no American water rotted hemp in the market. We are acting, therefore, upon a hypothesis. Is it not reasonable that those who say that they can produce the article, shall at least prove the truth of that allegation before new taxes are laid on those who use the foreign commodity? Suppose this bill passes, the price of hemp is immediately raised \$14 80 per ton, and this burden falls immediately on the ship-builder; and no part of it, for the present, will go for the benefit of the American grower, because he has none of the article that can be used, nor is it expected that much of it will be produced for a considerable time. Still, the tax takes effect upon the imported article; and the ship owners, to enable the Kentucky farmer to receive an additional \$14 on his ton of hemp, whenever he may be able to raise and manufacture it, pay, in the mean time, an equal sum per ton into the Treasury on all the imported hemp which they are still obliged to use; and this is called "protection!" Is this just or fair? A particular interest is here burdened, not only for the benefit of another particular interest, but burdened also beyond that, for the benefit of the Treasury. It is said to be important for the country that this article should be raised in it; then, let the country bear the expense, and pay the bounty. If it be for the good of the whole, let the sacrifice be made by the whole, and not by a part. If it be thought useful and necessary, from political considerations, to encourage the growth and manufacture of hemp, Government has abundant means of doing it. It might give a direct bounty, and such a measure would, at least, distribute the burden equally; or, as Government itself is a great consumer of this article, it might stipulate to confine its own purchases to the home product, so soon as it should be shown to be of the proper quality. I see no objection to this proceeding, if it be thought to be an object to encourage the production. It might easily, and perhaps properly, be provided, by law, that the Navy should be supplied with American hemp, the quality being good, at any price not exceeding, by more than a given amount, the current price of foreign hemp in our market. Every thing conspires to render some such course preferable to the one now proposed. The encouragement in that way would be ample; and, if the experiment should succeed, the whole subject would be gained; and if it should fail, no considerable loss or evil would be felt by any one.

I stated some days ago, and I wish to renew the statement, what was the amount of the proposed augmentation of the duties on iron and hemp in the cost of a vessel. Take the case of a common ship, at 300 tons, not coppered, nor copper fastened.

It would stand thus by the present duties:

14½ tons iron, for hull, &c..	\$15 per ton	\$217 50
10 tons of hemp at \$30	- - -	300 00
40 bolts Russia duck at \$2	- - -	80 00
20 bolts Ravens duck at \$1 25	- - -	25 00
On articles of ship chandlery, &c.	- - -	40 00

\$662 50

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The bill proposes to add:		
\$7 40 per ton on iron, which will be	-	\$107 30
\$14 80 per ton on hemp, equal to	-	148 00
And on duck, by the late amendment of the bill, say 25 per cent.	-	25 00
		<u>\$280 30</u>

But to the duties on iron and hemp, should be added those paid on copper, whenever that article is used. By the statement which I furnished the other day, it appeared that the duties received by Government, on articles used in the construction of a vessel of 359 tons, with copper fastenings, amounted to \$1,056. With the augmentations of this bill, they would be equal to \$1,400. Now, I cannot but flatter myself, Mr. Chairman, that, before the Committee will consent to this new burden upon the shipping interest, it will very deliberately weigh the probable consequences. I would again urgently solicit its attention to the condition of that interest. We are told that Government has protected it, by discriminating duties, and by an exclusive right to the coasting trade. But it would retain the coasting trade, by its own natural efforts, in like manner, and with more certainty, than it now retains any portion of foreign trade. The discriminating duties are now abolished, and, while they existed, they were nothing more than countervailing measures; not so much designed to give our navigation an advantage over that of other nations, as to put it upon an equality; and we have, accordingly, abolished ours, when they have been willing to abolish theirs. Look to the rate of freights. Were they ever lower, or even so low? I ask gentlemen who know, whether the harbor of Charleston and the river of Savannah be not crowded with ships seeking employment, and finding none? I would ask the gentlemen from New Orleans, if their magnificent Mississippi do not exhibit, for furlongs, a forest of masts? The condition, sir, of the shipping interest, is not that of those who are insisting on high profits, or struggling for monopoly; but it is the condition of men content with the smallest earnings, and anxious for their bread. The freight of cotton has formerly been three pence sterling, from Charleston to Liverpool, in time of peace. It is now I know not what, or how many, fractions of a penny; I think, however, it is stated at five eighths.

The producers, then, of this great staple, are able, by means of this navigation, to send it, for a cent a pound, from their own doors to the best market in the world.

Mr. Chairman, I will now only remind the Committee that, while we are proposing to add new burdens to the shipping interest, a very different line of policy is followed by our great commercial and maritime rival. It seems to be announced as the sentiment of the Government of England, and undoubtedly it is its real sentiment, that the first of all manufactures is the manufacture of ships. A constant and wakeful attention is paid to this interest, and very important regulations, favorable to it, have been adopted within

the last year, some of which I will beg leave to refer to, with the hope of exciting the notice, not only of the Committee, but of all others who may feel, as I do, a deep interest in this subject. In the first place, a general amendment has taken place in the register acts, introducing many new provisions, and, among others, the following:

A direct mortgage of the interest of a ship is allowed, without subjecting the mortgagee to the responsibility of an owner.

The proportion of interest held by each owner is exhibited in the register, thereby facilitating both sales and mortgages, and giving a new value to shipping among the moneyed classes.

Shares, in the ships of co-partnerships, may be registered as joint property, and subject to the same rules as other partnership effects.

Ships may be registered in the name of trustees, for the benefit of joint stock companies; and many other regulations are adopted with the same general view of rendering the mode of holding the property as convenient and as favorable as possible.

By another act, British registered vessels, of every description, are allowed to enter into the general and the coasting trade in the India seas, and may trade to and from India, with any part of the world, except China.

By a third, all limitations and restrictions, as to latitude and longitude, are removed from ships engaged in the Southern whale fishery. These regulations, I presume, have not been made without first obtaining the consent of the East India Company; so true is it found, that real encouragement of enterprise oftener consists, in our days, in restraining or buying off monopolies and prohibitions, than in imposing or extending them.

The trade with Ireland is turned into a free coasting trade; light duties have been reduced, and various other beneficial arrangements made, and still others proposed. I might add, that, in favor of general commerce, and as showing their confidence in the principles of liberal intercourse, the British Government has perfected the warehouse system, and authorized a reciprocity of duties with foreign States, at the discretion of the Privy Council.

This, sir, is the attention which our great rival is paying to these important subjects, and we may assure ourselves that, if we do not keep alive a sense of our own interests, she will not only beat us, but will deserve to beat us.

Sir, I will detain you no longer. There are some parts of this bill which I highly approve; there are others in which I should acquiesce; but those to which I have now stated my objections appear to me so destitute of all justice, so burdensome, and so dangerous to that interest which has steadily enriched, gallantly defended, and proudly distinguished us, that nothing can prevail upon me to give it my support.

When Mr. WEBSTER had concluded—

Mr. WOOD, of New York, stated that he rose with much reluctance, after the several able and intelligent gentlemen who had opposed the policy of the bill before the Committee; nor did he rise

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so much with a view to reply to what they had advanced, as to state the grounds of his own vote—that as no one had suggested the reasons which influenced his opinion, he deemed it his duty to state them to the Committee.

Sir, said Mr. W., the object of the bill before the Committee is to aid the industry of the country, by adjusting the proportions of the several branches to the state of the country; to aid the introduction and progress of manufacturing industry, by relieving it from the pressure of European competition; to sustain agriculture by providing a domestic market for provisions and raw materials; and to secure a permanent and increasing commerce by providing the materials which are necessary to sustain it. The produce of industry is the nutriment of commerce; and our shipping cannot, for any length of time, exceed the number which that will sustain.

Peace in Europe has cut off the carrying trade, and diminished our commerce in provisions, and the future prosperity of our foreign commerce is involved in the success of our domestic manufactures. However desirable it may be to cherish and enlarge so important a branch of national industry, it would be delusive to expect it to thrive and prosper without employment.

The power of regulating its intercourse with other nations belongs to every independent government. It may admit the productions of other countries, or exclude them. It may admit them freely, or under what modifications it may deem proper. The only way in which domestic manufactures can be aided is, by the imposition of duties; and this power in the distribution of authority between the General Government and those of the States, is allotted to Congress, and they have complete sovereignty over the subject.

It will not be denied that it is the duty of Government to exercise its powers in such manner as will be most conducive to the interests of the country.

In order to form a correct judgment on the subject, it is necessary to examine what are the duties of Government in relation to the industry of its citizens.

This is an important branch of political economy; but, in examining it, very little aid is to be derived from the existing treaties on that subject.

It is the province of political economy to devise the means of promoting the wealth and happiness of nations, and to aid the Government in executing its duties in relation to public industry.

The various writers on this subject have employed themselves principally in abstract and theoretical investigations respecting national wealth, and in estimating the comparative value of different employments of capital and labor, but seem to have framed their several systems without much regard to those elementary principles which lie at the foundation of society, and have omitted to point out the rules necessary to guide the interference of Government, or to define the purposes that require it, and are to be promoted by it, without which, no system of economy can be of much practical utility.

In the absence of all authority, we are compelled to resort to the exercise of our own reason, and to deduce the rules that ought to guide us, from the principles of human nature and of civil society; and I shall now proceed, with the utmost diffidence, to submit the result of my reflections to the candid consideration of the Committee.

Government is instituted for the benefit of the whole community, and is bound to consult the good of the whole; the very existence of society involves some restraint on natural rights, and requires that particular interests should be subordinate to the interests of the whole. A Government like ours, embracing a variety of climate and productions, necessarily requires mutual sacrifices to secure the general welfare. All measures relative to public industry should have reference to the situation of the country, the state of society, the condition of the population, and to the nature and character of the policy of the nation.

It is a constituent principle of the social contract, that the property and employment of the citizens should be conformable with the object of the association, and the ends of its political institutions.

The General Government cannot reach the employments of industry in any other way than by the imposition of duties, and it is the duty of Congress to exercise the power to advance the prosperity of the nation.

It is the duty of Government to introduce and cherish all such branches of industry as are necessary to supply the wants and secure the defence of the nation. This policy is enjoined by the maxim, that a nation should, in time of peace, prepare for war.

A dependence on other nations for necessities of this character, might endanger the safety of the nation; our Navy is a most precious reliance for the defence of the nation, and I humbly conceive it would be true policy to foster the production of the materials necessary to the construction and equipment of our ships, rather than to rely wholly on Russia and Sweden for them. What would be our condition without them in a state of war with those Powers, or with a Power that could exclude us from the Baltic?

The establishments necessary for the fabrication of clothing and arms should be introduced at any sacrifice. No imaginary advantage to be derived from cheaper productions would compensate for the mischiefs that would result from the want of the means of self-subsistence and self-defence in time of war.

A dependence on the exchange of our raw productions of agriculture for manufactured goods, in time of peace, subjects us to all the inconveniences that result from the changes and fluctuations of foreign markets.

Foreign markets are affected by changes in the industry of the country; by changes of policy; by an alteration in their relations with other Powers;—and all intercourse is suspended by a war with this country.

The exchange of our raw productions of agriculture for the manufactured goods of other na-

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tions adds to the industry and wealth of other nations, while it retards the growth and development of our own resources. The industry of the nation is the property of the nation, and requires protection against the interference or encroachment of that of other nations, as much as any other species of property.

It is said that the statesmen of Great Britain are opposed to the policy of supporting their manufactures by protecting duties. If this be true, it is because they no longer need support; they have derived all the benefit that protecting duties can give; they have acquired all the skill and facility in production which can result from three hundred years of protection. By this policy their manufacturing industry has attained a perfection which sets all competition at defiance. Her statesmen are governed by the same principle now as formerly. It was then her interest to impose restraints, and it is now her interest to remove them, with regard to such branches as are beyond competition.

Suppose England, with her present population, to be without manufactures, what would be her course of policy? She would be obliged to send a large proportion of her population to her colonies, or to support them as paupers, or provide them with employment. It would be as impossible for her to withstand the overwhelming competition of France and Holland, as it now is for us to embark in competition with her. She would find it necessary to adopt a system of the most rigid restriction, and to pursue the same course of policy that the nation adopted under Edward IV., and for the same reason.

Every consideration of interest and policy requires the introduction of those branches of manufactures that are necessary to supply the wants and secure the defence of the country.

It is the duty of Government to provide employment for all those whom the existing branches of industry will not accommodate, and who are idle for want of employment.

Production and consumption are the great engines of industry. Their reciprocal influence, like the opposite powers of a machine, keep society constantly in motion. If production exceeds consumption, idleness ensues; if consumption exceeds production, it will produce a more vigorous industry, until the balance is restored. The prosperity of a country without foreign commerce consists in an exact balance between production and consumption.

A difference in climate, soil, and industry, in different nations, renders their respective productions mutually beneficial; and it is the policy of commercial nations to produce more than is necessary for their own consumption, and to maintain a vigorous and diversified industry, by the mutual exchange of their peculiar productions.

A limited portion of the population of every agricultural country is adequate to the supply of its wants. The number of the surplus is different in different countries, and is modified by climate, soil, and state of society. In Great Britain, it is stated by Lowe, that 33 per cent. of the population supply the country with provisions; 46 per

cent. are engaged in trade and manufactures; and that 21 per cent. comprise all the unproductive classes. From his tables of production, consumption, and exportation, it appears that, of the number engaged in manufactures, 28 per cent. supply the domestic consumption, and 18 per cent. are employed for exportation, or foreign consumption.

In the United States, it appears, from the returns of the last census, that 83 per cent. of our population are engaged in agriculture, and only 4½ in trade and manufactures.

The market which has heretofore sustained the excess of our agricultural industry is diminished; and, allowing one-half of our population to be able to supply us with provisions, and an agriculturist to produce as much here as in Great Britain, 33 per cent. of our population do not produce what less than half the number could produce, with the inducement of a market. The unproductive classes, with such as are unoccupied for want of employment, make up the remaining 12½ per cent. of our population.

It is estimated that one-half of our population would be competent to supply the country with provisions; that 25 per cent. could furnish us with the necessary manufactures; that 10 per cent. would embrace all the unproductive classes; and that the remaining 15 per cent. might be employed in agriculture or manufactures for exportation.

Whether the population of a country is more or less numerous, without a foreign market, a portion of the population will be without any sure and constant employment; the production will exceed the consumption of the country, and new branches of industry will become necessary.

The permanent excess of production over consumption is the only correct criterion by which the necessity of a division of labor is to be determined. This does not depend on any particular ratio of the population to the extent of country, or to the square mile. This is altogether arbitrary and uncertain.

It has been alleged that the United States are not populous enough for manufactures; that Great Britain contains 165 to a square mile, and that the whole territory of the United States does not contain four to a square mile.

It would have been as fair to have added Canada and New Holland to Great Britain, as the region beyond the Mississippi to the United States; and that would have made the ratio less unequal. Lowe estimates the population of England, in 1377, some time after the woollen manufacture was established in that country, at 2,300,000, which is only about forty-six to a square mile; which is less than that of some of the States; and states, that there were only eighteen towns that contained above 3,000 inhabitants. The superior capacity of the United States for manufactures, is so obvious, that it would be a waste of time to make the comparison.

It is not the density of population in the country, but the collection of people in towns and villages, that facilitates a division of labor and fur-

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nishes a sufficiency of hands, and a market, that will support a diversified industry. There is no certain rule, but the one before stated; when production exceeds consumption, and a portion of the people are without occupation, for want of employment, the period has arrived when a division of labor has become necessary. This rule is certain, simple, without ambiguity, and admits of universal application.

The disposition, or employment of the surplus population, is a proper subject of legislative regulation. This involves no interference with private rights, and is no violation of the freedom of industry; the object is to provide employment for those who have none, whose industry is repressed by the policy or interfering industry of other nations, and which nothing short of legislative interference can relieve.

The growth of our manufactures is as effectually prevented by the moral restraints imposed by the superior advantages of those countries with whom we have a free and regular commercial intercourse, as if they were under legal restrictions, and no power less than that of the nation can control those obstacles.

This is an important branch of public policy; it is the true foundation of political economy, the basis of national wealth; every system that is not erected on this foundation, rests on the sand.

The interference of Government to secure employment to this class of the population, is absolutely necessary to render the nation industrious. Industry will always be in proportion to its reward. If a farmer has no market for his surplus productions, the supply of his own wants will be the measure of his exertions; and if there be no foreign demand for the surplus produce of the country, the industry of the nation will be limited to the supply of the nation. The want of a market for surplus productions as effectually limits the exertions of industry, as if the surplus was liable to the grasp of a licensed plunderer, as is now the case in Turkey. Whether the surplus of the farmer perishes on his hands, or is taken from him by force, the effect on industry is the same.

It is the policy of Government to provide objects for the occupation of all the citizens. The general prevalence of industry among the great mass of the people is indispensable to good order, peace, and domestic security; to prevent idleness, pauperism, and crime, and all those mischiefs which usually result from an unoccupied and necessitous population.

The interference of Government to provide employment for labor, is necessary to encourage marriage and foster the increase of population. The increase of population is usually in proportion to the means of acquiring subsistence. Man is the only being on earth that is endowed with moral and intellectual powers—to multiply the number, is to subserve the designs of Providence, by extending the empire of moral excellence; numbers also contribute to the wealth and glory of a nation.

Marriage lies at the foundation of society; it involves the tenderest relations of life; is the nur-

series of all the virtues, and the constant scene of their exercise. It is in domestic society that the principles of order, subordination, industry, and virtue, are acquired, and youth are trained for the duties of riper years. An inability to provide support for a family deters from marriage, and retards the increase of population; it is fostered by a thriving state of society—by peace and security—and by all those moral and physical causes which encourage industry and insure its reward.

Again, the interference of Government to procure employment for the surplus population is required to increase the wealth of the nation.

National wealth consists in the improvements and productions of industry, and in the general distribution of the necessaries and comforts of life among the great body of the people.

The great sources of national wealth are agriculture, manufactures, internal trade, and foreign commerce. Each of these branches of business contributes more or less to sustain the industry of the nation—united they multiply the operations of labor, and lay the most secure and solid foundation for the increase of consumable commodities, the genuine ingredients of national wealth. It is necessary to the health of the body politic, that each of these branches should be in proportion to the peculiar office which it is destined to perform in the operations of the industry of the nation.

A disproportion in the organs necessary to enable it to perform its proper functions, deforms society as much as a disproportion in the necessary members would deform the human body—they are all necessary, and intimately connected—the prosperity of one is interwoven with that of the other.

Agriculture furnishes subsistence and raw materials—manufacturing industry fabricates and improves the raw materials for use and consumption, and furnishes a new stock of rich and valuable articles, which commerce exchanges for the produce and manufactures of other countries. The invention of modern times has greatly aided and extended manufacturing industry, by furnishing the means of supplying the place, and avoiding the expense of manual labor, by machinery.

The annual production of Great Britain and Ireland, exclusive of pasture and food for beasts, is estimated by Mr. Lowe at £330,000,000, which is derived from the following sources:

Agriculture	-	-	-	£117,000,000
Mines and minerals, including coal	-	-	-	9,000,000
Manufactures	-	-	-	114,000,000
Internal trade and banking	-	-	-	35,000,000
Foreign commerce and shipping	-	-	-	46,000,000
Coasting trade	-	-	-	2,000,000
Fisheries, exclusive of Newfoundland	-	-	-	2,000,000
Foreign income remitted	-	-	-	5,000,000
				<u>£330,000,000</u>

Manufactures contribute more than twenty-five per cent. of the whole production—the income

from internal trade is less than that from foreign commerce. This is to be ascribed to the limited extent of the country. Internal trade increases with the extent of the country, the variety of climate it embraces, and the facilities of its internal communication. The internal trade of China is said to be equal to the whole trade of the several States of Europe with each other.

It is stated in an official report that the exports and imports of France in 1789 amounted to nearly 800,000,000 of francs, and that the whole was not a fifteenth part of her internal commerce. The profits of the industry which manufactures and internal trade put in motion, are earned within the country, and operate exclusively for its benefit, by augmenting the income and improving the resources of the country, while foreign commerce benefits the industry and resources of all nations indiscriminately.

No country on earth has so many natural facilities for internal intercourse as the United States, and in no country, when our resources come to be fully developed, will it be more productive.

Again, the interference of Government in relation to its surplus population, is necessary to fix the character and policy of the nation. It is the occupation or employment of the surplus population that forms the political character of the nation.

The policy which we have heretofore pursued was adapted to the existing state of the country in relation to the war in Europe, but is not suited to the new state of things which has resulted from a general peace; nor is the political character of the nation fully settled; our moral and physical energies may be devoted to war and conquest, or to peace and the cultivation of the arts, which improve and adorn society according to the direction we give to the passions of our surplus population.

Men are governed by their passions; and it is the province of a wise Government to avail itself of the passions of the people, and to render them subservient to the true interest of the nation. That to which it gives the ascendancy, characterizes the policy of the nation, and fixes its destiny—this will be illustrated by a recurrence to history.

It was the policy of the Romans to render every other passion subservient to the love of military glory, and that formed the distinguishing trait in their national character. The Greeks gave the ascendancy to the love of literary fame, and that formed the most prominent feature in the character of the nation.

These two nations are thus characterized by the great Roman poet, in the form of an ancient prophecy, depicting their future destinies:

Excudent alii spirantia mollius æra,
Credo equidem; vivos ducent de marmore vultus;
Orabunt causas melius: cœlique meatus
Describent radio, et surgentia sidera dicent;
Tu regere imperio populos, Romane, memento:
Hæ tibi erunt artes: pacisque imponere morem,
Parcere subjectis, et debellare superbos.

"Let others better mould the running mass
Of metals; and inform the breathing brass;
And soften into flesh a marble face;
Plead better at the bar, describe the skies,
And when the stars descend, and when they rise;
But, Rome, 'tis thine alone, with awful sway,
To rule mankind, and make the world obey!
Disposing peace and war—thy own majestic sway—
To tame the proud—the fettered slave to free;—
These are imperial arts, and worthy thee!"—DRYDEN.

The disposition of the surplus population has formed the character and policy of every nation.

It was the policy of Egypt and India, as it is that of China, to avoid intercourse with foreign nations, and to live within themselves. They employed their surplus population in vast military establishments, and in public works. To this policy must be ascribed the canals, the magnificent temples, and the pyramids of Egypt, and to the same policy must be ascribed the great wall and the canals of China. They were obliged to preserve a balance between the different departments of industry, in order to secure the subsistence of the nation; every occupation is discouraged in China that would be likely to draw from agriculture the proportion necessary to subsist the nation.

So nicely is the balance of production and consumption adjusted, that foreign commerce, by diverting labor from agriculture to manufactures, would endanger the subsistence of the nation.

It is not from caprice, therefore, but on the soundest maxims of her policy, that China interdicts the extension of foreign commerce to her citizens.

The effect of an anti-commercial policy is to limit industry, and to multiply the proportion of unproductive hands; to retard the progress of improvement; to keep the nation stationary; to render it selfish and unsocial; and to cherish a spirit of jealousy and hostility towards other nations.

The policy of Rome was war and extension of empire. She had no friendly intercourse with other nations, and employed the whole of her surplus population in her armies. The love of military glory absorbed every other passion: to be distinguished in war was the highest ambition of her Consuls, and her soldiers, and military prowess formed the themes of her poets and historians. This policy was hostile to the peace and independence of all nations, and ultimately subjected them to her dominion, and rendered her the mistress of the world.

In Europe, before the decline of the feudal system, every man was a soldier. To that system succeeded the practice of employing mercenaries in time of war, who in peace formed a banditti, and covered Europe with rapine and disorder. To relieve the country from this scourge, recourse was had to standing armies, in which the surplus population was employed.

After the discovery of America, and the passage to India by the Cape of Good Hope, the surplus population of Europe was taken off by colonization. In the meantime, the arts were introduced into Italy from Constantinople. Towns were

erected, with certain immunities favorable to liberty and industry. The influence of these communities, in aiding the sovereigns to curb the power of the nobility; in suppressing robbery; in repressing the spirit of war, by giving employment to the people; in improving agriculture, and in increasing the comforts of society, and the wealth of the country, procured their establishment throughout Europe. These communities were the birth-place and nursery of manufactures in different countries, and are enumerated by all the writers on the subject, as one of the principal causes of civilization in Europe. A demand for the products of industry, which pervades society in every stage of its progress, rendered intercourse between the several nations more frequent, removed their mutual jealousies and prejudices, which had kept them in perpetual wars, and improved the manners and ameliorated the condition of the people.

Commerce and manufactures introduced a new era in the history of Europe. The several nations adopted a policy more congenial with the natural rights of men and the improved state of society than war.

The good effects of industry in tempering the violence of the passions, and in enlisting them on the side of law and order, led the sovereigns of Europe to foster the establishments of industry in their dominions. New objects of desire brought new passions into exercise, and secured the ascendancy of that which is more universal and constant in its operation than any other, and better adapted to the ends of the social union.

They are thus taught by experience to estimate the influence of the passions on society, and the importance of giving effect to that, the prevalence of which is intimately connected with the peace, order, and prosperity, of society; the great secret of modern policy—the true foundation of public security.

They substituted the love of property for the love of military glory, and lessened the inducements to war by making peace the interest of the great body of the people, by a productive industry. This policy characterizes all their regulations that are intended to secure employment to their surplus population. They encouraged manufactures by securing to them the domestic market, and by providing a market for them in other nations, by stipulations with those nations for the mutual exchange of their productions.

The effect of which policy is to increase the quantity of industry—to lessen the number of unproductive hands—to facilitate the means of subsistence and comfort, and to render the whole population contented and happy.

The United States since they were independent, have until recently, found it their interest to continue the policy that was imposed on them by Great Britain while colonies; they have devoted themselves almost exclusively to agriculture, and have exported their provisions and raw materials, and exchanged them for the manufactured goods of other countries, and chiefly for those of Great Britain.

While the war in Europe continued, the demand for our provisions created an active industry, and gave employment to all our citizens. The peace in Europe, by enabling those countries to augment the products of agriculture, has destroyed the demand for our provisions, and has left us without a market for our surplus productions, or with a very limited one; many articles of agricultural produce cannot be sold for the cost of production; this has paralyzed agricultural industry; the farmers have contracted their operations and diminished the number of their hands.

Improved land has fallen, and become the most unprofitable subject for the investment of capital. The whole estimate of real estate in New York fell 18 per cent. under the advantage of a vast expenditure, from 1815 to 1821. Many, who a few years since, purchased their farms on credit, have been obliged to sell them at a sacrifice. In many cases of partial payments, farms have been sold for less than the sum for which they were mortgaged, and the owners are ruined. The uncertainty of a market for the productions of agriculture forbids purchases on credit, and a large class of industrious citizens are without any certain or constant means of employment.

Our manufacturers are excluded from our own markets as well as from those of other countries by the superior advantages of British manufacturers. Their industry languishes, and many of them are thrown out of employment, as well as the farmers; many of our forges are abandoned; factories erected at great expense, are shut up; many flouring mills are idle, and many vessels are lying at our wharves for want of freight. The number of paupers, especially that class which require only occasional relief, is rapidly increasing. The expense of paupers in New York increased from 1815 to 1822, from \$245,000 to \$470,000.

Permanent paupers to the whole population in England are in the ratio - - of 1 to 22
In Pennsylvania - - - of 1 to 265
In Delaware - - - of 1 to 227
In New York - - - of 1 to 220
In Connecticut - - - of 1 to 150
In New Hampshire - - of 1 to 100
In Massachusetts - - - of 1 to 68

Perseverance in our present condition will increase and aggravate these evils. It is the settled policy of the manufacturing nations of Europe to derive the means of subsistence from their own soil, and without a market for our surplus productions or a division of labor by the introduction of new branches of industry, a portion of our population will be without employment.

What is the true policy of the nation in relation to its surplus population?

No plan will afford permanent relief that is not calculated to embrace the whole mass of our surplus population in every stage of society to the utmost extent of its future increase. It is calculated that the United States will, at no very distant period, contain 200,000,000 people, and if we divide this population as that of Great Britain is now divided, the surplus will amount to 36,000,000, of

which, at least 3,600,000 will be men capable of bearing arms.

The whole of these people must be supported; Government must enable them to support themselves, or must support them, or they will be compelled to seek subsistence by means less favorable to the peace and good order of society. It is the province of a wise policy to guard by prudential provisions against an event so unpropitious as the last.

The direction which we now give to the employment of our surplus population is of the highest importance; it is destined to endure for ages, to fix the character and policy of an immense empire, and through its influence to affect the moral condition of the world.

Government must mould the passions to its views, or the passions will mould the Government to suit their gratification: let the current once take its course, you in vain attempt to change its direction; it wears a deeper and deeper channel, till at length every impediment that can be interposed to obstruct its progress, will be swept away by its impetuosity.

The time has arrived, in the progress of society in the United States, when a division of labor has become necessary; it will not be possible much longer to prevent it; prudence requires that we should make provision for its introduction. If we forbear to refuse to act, a policy may be forced on us which may be contrary to our wishes, and hostile to the interests of the nation. We must direct the course of our policy, or accident will determine it. We may now direct and control the popular passions; we may give them an impulse that may fix the character and policy of the nation conformable to our wishes; but an attempt to restrain them, when once they have become inflamed by a favorite pursuit, would be in vain.

There are only three courses for us to pursue: we must adopt the policy of China, of Rome, or of modern Europe.

The policy of China is unsocial, hostile to industry, to population, to the cultivation of the intellectual powers, and to all those improvements that are derived from the mutual intercourse of nations.

It would be incompatible with our moral feelings and habits, as well as views of national prosperity, to imitate the policy of that singular Government.

Shall we adopt that of Rome, and employ our surplus population in wars, for the extension of empire? A military policy would require that the whole energies of the nation should be directed to the improvement of its physical force; that a military spirit should pervade the nation; that the love of military glory should absorb every other passion; and that distinction in war should become the highest object of ambition.

Conquests must be achieved, the empire must be enlarged, your generals must be rewarded with the governments of the conquered countries, and your treasury supplied by taxes levied on them.

What would be the end of this policy? Lift the veil that hides futurity from your view; cast

your eyes down the long vista of time; behold a future Pompey returning from his government, loaded with wealth and military honors, seeking a new command; behold, on the other hand, a future Cæsar, preferring his claim to a choice of the provinces, and returning with his legions to support his pretensions; see the State divided, distracted, and terrified, by the conflict between these mighty conquerors. The sword decides the contest; victory inclines for Cæsar; and now, without a rival, he is no longer satisfied with half of the empire, he claims the whole; and the Senate, the last hope of the Republic, overawed by his fortune, submits to the conqueror, and liberty expires!

Who can contemplate this picture, without shrinking from the thought of a military policy?

What has happened may happen again; human nature is the same in every age, and the tendency of the passions, in like circumstances, is the same. The spirit of conquest lessens the force of domestic attachments, relaxes the ties that bind society together, and enfeebles the restraints of moral obligation.

The spirit of the age, the state of society, our local situation, and the principles of our political institutions, forbid our adopting the policy of Rome, or becoming a conquering nation.

Our true policy consists in the improvement of our physical and moral condition, not in the extension of empire. It is our interest, in imitation of the policy of modern Europe, by a productive industry, to give employment to all our citizens, to insure the means of subsistence to all—to make peace the interest of all, by a community of interests, by a common participation in the enjoyments of society, and by all those ties by which the social union is cemented, and the country endeared to its citizens.

The only practicable course to effect these purposes is to introduce and foster a branch of industry which will contribute to the supply of our own wants and will furnish productions which are in demand in other countries, and to secure a market for them, by establishing commercial intercourse with those countries. No branch of industry can be compared with manufactures in this respect.

Most nations raise their own provisions, but few supply themselves wholly with manufactured goods. There are no commodities for which there is so universal and uniform a market—they are an object of desire to the civilized man and to the savage; the demand for them is co-extensive with the habitable earth, and will be coeval with its duration.

The durable nature of most manufactures, and the general demand for them, render them much fitter to sustain the changes and fluctuations of foreign markets, than the productions of agriculture.

The labor of that portion of our population, which exceeds the number necessary to maintain our present rate of agricultural productions, is competent to produce the greater part of necessary manufactures.

The establishment of manufactures would divide

the labor of agriculture between provisions and raw materials, would furnish a domestic market for a portion of them, and would reduce the surplus for exportation within the limits of the demand for foreign consumption.

The introduction of manufacturing establishments among us cannot be effected without some difficulty; but the advantages that will result to the community will compensate for the sacrifice.

Such are the advantages of the British manufacturer over the American, that the duties heretofore laid, together with all the incidental expenses, do not prevent his underselling him in our own market, except in a few cases in which they were intended to be prohibitory. The superiority of the British manufacturer results from low wages, which lessen the price of production, and an unlimited market, which enables him to sell for a small profit, or at a low price. The price of labor is in proportion to the expense of living and the scarcity of hands. There is very little difference in the expense of living; clothing is dearer, but provisions are cheaper here than there. The expense of a pauper is very nearly the same in the two countries.

Hands are scarcer and common laborers live better here than in Great Britain; this last circumstance is the result of the state of society, and the equality of our political institutions, and it is not the wish of patriotism that it should be otherwise.

Hands are, however, in sufficient numbers for the establishments that would be erected for some time to come, and the number will increase as they may be required for new employments. Besides, the price of labor is relative, it is in proportion to the compensation of other employments, and the price of all other things, and the difference is almost wholly done away by the use of machinery.

The American capitalist has no encouragement to invest his capital in manufacturing establishments, unless he can be assured of the domestic market, and this cannot be assured to him in any other way than by the imposition of duties equal to the difference in the price at which the British and American manufacturer can afford to sell the same article in our market.

The additional duty will necessarily enhance the price of the goods to the consumer, until it is reduced by the acquisition of skill, experience, and an extended market, by the American manufacturer.

The additional price, however, is not, as has been alleged, for the exclusive benefit of the manufacturer. It is divided among all who in any respect contribute to the production of the article. The farmer will receive a portion of it in the increased price of the raw materials and provisions which he furnishes. The workmen will receive a part of it in their wages, and the manufacturer will only retain the ordinary profit on his capital.

Nor is the additional price secured by the duty advanced by the consumers without a consideration; they are compensated by the augmented de-

mand and increased price of their labor and commodities. The additional price will, indeed, be divided among all classes of society, and all will be reimbursed by the impulse it will give to the industry of all.

The additional duties will secure to the country all the advantages which can result to its industry and wealth, from the fabrication of nearly thirty millions of manufactured goods, which now add to the industry and resources of other nations.

If the duties in the bill are not properly graduated, they may be altered; that forms no objection to the principle.

There is very little doubt if our industry is directed to such manufactures as are aided by machinery, and employed on such raw materials as the country produces in sufficient quantity, and at a reasonable rate, but that they will succeed under a reasonable protection. Skill and experience will follow, capital will be accumulated, and our manufacturers will soon be able to supply our own wants at a reasonable price, and to sustain a competition with foreign manufacturers in foreign markets.

The successful establishment of manufactures will give activity to agriculture, will cement our Union by the ties of mutual interest, by creating an internal trade between the different sections of the country, by beneficial exchanges of raw materials and provisions for manufactured goods, will provide materials for a permanent and increasing foreign commerce, will diffuse the means of comfort among the poorer classes of the community, and will augment the wealth, strength, and happiness of the nation.

But the policy embraced by the bill is recommended by still higher considerations. It will repress the spirit of conquest, will secure the peace of the country by making its continuance the interest of all our citizens, and it will have a salutary influence on the moral condition of the world, by exhibiting an example of a people living under free institutions, wholly devoted to the pursuits of private industry and the cultivation of the arts which improve and adorn society—cultivating a friendly intercourse with all nations, and contributing, by mutual exchanges of the products of their industry, and a reciprocation of good offices to the happiness of all.

Under a conviction that the policy involved in the bill will contribute to these results, and render the country a blessing to the world, I shall conclude my remarks with regard to it with the wish of Father Paul, in relation to his country—"esto perpetua."

When Mr. Wood had taken his seat—

Mr. GARNETT said, although the immediate subject before the Committee was a motion to strike out the minimum on cottons, following the example of those who had preceded him in the debate, he should take the opportunity to offer some of his views on the general merits of the bill. He did not intend to take so wide a range as some of the gentlemen who had spoken; for, if he had the inclination, he had not the physical ability to be elaborate.

H. OF R.

The Tariff Bill.

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More important consequences, said Mr. G., than those involved in the policy of this bill, could scarcely be presented to the hopes or the fears of the nation. It is a policy which, departing from the true and safe design of the Constitution, which limits the power of taxation to raising revenue, assumes a principle that renders it undefinable and illimitable—a principle, which, under the pretext of promoting the national wealth and independence, enables the Government to destroy the revenue; to violate the rights of property; to change the political relations of the States that compose the Confederacy; and, perhaps, finally to subvert the Constitution itself. Since I have been a member of this House, said Mr. G., I have witnessed the discussion of many questions of the deepest interest, affecting the integrity and existence of the Constitution—questions which produced an intensity of excitement proportioned to their high importance; but, in my opinion, none has ever been agitated, which more deserves to excite our interest and anxiety, than the present; for, if the policy now proposed should be adopted, the Constitution itself is no longer of any value, it is insufficient for the ends for which it was established; it is inadequate to secure our liberty and happiness. If a legislature, which is supposed to contain the assembled wisdom of the freest, (it does not become me to say the most enlightened,) people on earth, in this advanced age of human reason, in a time of profound tranquillity, without foreign force or internal corruption, can, after mature deliberation, under an idea of public benefit, voluntarily revive a system of policy which belongs to a darker age; which is utterly incompatible with the rights of property, and the principles of free government; which alike sets at naught the speculations of philosophy, the lessons of experience, and the obligations of justice; and which goes to surrender all our acquisitions of wealth, liberty, and knowledge, and to subvert the whole frame of polity which we have established for their security and advancement; such a spectacle must be calculated, not only to destroy all prospects of our own happiness, but to extinguish the best hopes for the future progress and improvement of human society. It will show the perversity of man to be such, that no matter what blessings a kind Providence may have bestowed on him; no matter what advantages he may have secured by his wisdom, or achieved by his valor, they are not destined to endure; that there is a morbid principle in his nature which forbids the perfection, and limits the duration of his happiness; and that, if evil does not assail him from some external source, he will find or fabricate it for himself.

When a new measure of policy is proposed, while it is important to understand its true character, it is sometimes not unimportant to examine the motives which lead to it. And, when I speak of motives, I wish it to be understood, that I allude to the great body of manufacturers in the nation, not to their Representatives in this House, who are acting in obedience to their instructions. The alleged motive of the proposed system is the promotion of the national wealth and independ-

ence; but, is it not strange that the patriotic zeal for these objects should be confined entirely to certain classes of individuals, and to geographical divisions? Is it not strange that the people of the South, whose patriotism has never been impeached, or even suspected, as far as I know, should, all at once, be entirely insensible to considerations of national prosperity, and should not only not participate in the zeal for its promotion, but should be passionately opposed to it? Is it not passing strange that their grievances should be made the pretext for the system, and yet, that the remedy should apply exclusively to others? Yes! their grievances, I say, because the apology is, the refusal of foreigners to receive our agricultural produce; (the people of the South are all agriculturists;) and yet the benefit accrues entirely to the manufacturers. Do not these considerations force every dispassionate mind to the conclusion, that general prosperity and national independence are not contemplated by this system?—that local advantages, individual wealth, and dangerous aggrandizement are its real objects.

But, Mr. G. said, he was willing to meet gentlemen on the question of national wealth and independence. That, after all, was the real question. Gentlemen might consider the subject in as many relations as they pleased—historical, political, economical, financial, metaphysical—and he believed it had been considered in all these and many others,) the true inquiry was this: Would the national wealth be increased or diminished? If it would be increased, were the means just and lawful? And if it would be diminished, were there any advantages to compensate us for the sacrifice? He thought it would not be difficult to demonstrate that the national wealth would be diminished, that there could be no compensation for this diminution, and that the means were unjust and unconstitutional.

Why the very statement of the question implied that there was an immediate loss to the nation from this system. What did it propose? Certain manufacturers came to you, and said they could not sell their manufactures, because foreigners brought commodities of the same kind to this country, and sold them cheaper than they could do, and they asked you to raise the price of them: to make your citizens pay more for them. This immediate loss nobody did, nobody could, deny; but the pretext was, that it was temporary; that subsequently, the consumer would be indemnified, *directly*, by getting the domestic manufacture cheaper than the foreign; and *indirectly*, by getting a higher price in the home market, for his own products. Now, on the reality of this promised indemnification, the whole question depended. If there were no such indemnity, the system must be abandoned, as utterly indefensible and absurd; unless it could be shown that there was some other advantage in it to compensate for its evils. He should endeavor to prove that the expectation of any such indemnity or any other benefit, was entirely fallacious. But, before he entered on this part of the subject, he would take occasion to remark, that, if there really was no

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compensatory circumstances in this system, the manner in which the immediate loss, which was admitted, was distributed in the community, was an inquiry of the highest importance—an inquiry involving the justice of the measure, and the right of the Government to take the property of one citizen without compensation, and give it to another, and to reduce the mass of national wealth, without a public benefit. With a view to show in what manner this loss was distributed, he would read, (if he should not be accused of egotism,) from the report of the Committee on Agriculture, made in 1821, an extract which contained a more precise and accurate illustration of the distributive operation of protecting duties, than any he could then think of; and which, he was bold to say, but for a single error or inadvertence not affecting the general conclusion, which had been pointed out to him by an honorable friend from Virginia, (Mr. RIVES,) would be found entirely unexceptionable:

"The first position that it will be attempted to prove, is, that the necessary effect of an increase of duties is, to diminish both immediately and ultimately, the amount of national wealth. The loss, however, of the nation, the loss of those who pay the duties, and the gain of those who receive them, do not always correspond, but vary, with particular circumstances. In what manner this loss and gain are distributed in society, will be best illustrated by an example. If, for instance, a community of four persons were engaged in an occupation which enabled them to realize six per cent. on equal capitals, and three of them were to give the fourth one per cent. or one-third of one per cent. each, to enable him to carry on an employment in which, unassisted, he could only make five per cent., it is evident that the loss of the contributors would be one per cent., and that it would be exactly the loss of the community, whilst the gain of the receiver would be nothing; and, unless that part of his profits which he received from the others was as productively employed as it was by them, he might be a loser, and thus still further augment the loss of the community. But this is a case that would not be apt to occur. The fourth individual must have something more than six per cent. which he already made, to induce him to abandon his old occupation, and pursue a new one, say seven per cent. In this case, the others would have to pay him two-thirds of one per cent. each. It is obvious, now, that the loss of the contributors would be two per cent.; that the gain of the receiver would be one per cent., and that it would correspond with the loss of the community, which would also be one per cent. or the difference between the productive value of his old and new employment. If this bounty were given to induce an individual to continue an occupation in which he was already engaged, then, although the contributor would lose all he paid, and the receiver would gain it; the community would lose nothing, and there would only be a transfer of wealth from one to another. This, however, would not be the case with a manufacture thus continued by a bounty. There would be an immediate loss, occasioned by the increased cost of consumption; nor would it be possible to make one employment so much more profitable than another, without its attracting capital from that other; and this would be the source of innumerable other losses,

hereafter to be noticed. In the case that has been stated, it is clear, that the loss of the contributors is exactly what they pay; the gain of the receiver is their loss, less the difference between the productive value of his old and new employment, and the loss of the community is precisely this difference. In manufactures, such would be the operation of a duty that was prohibitory; a duty that was merely protective, would permit a portion of the commodities consumed to be bought of foreigners, and thus a part of it would go into the Treasury. This would not vary the proportion of the loss and gain of the contributors and receivers, but would, in some degree, increase the loss of the community, as composed of both, as this portion of the duty would be less productively employed by the Government than it would have been, had it remained in the hands of either of the parties. This does not prove that prohibitory are better than protecting duties. There are other consequences which make duties injurious in proportion to their amount. All these observations may be applied, (*mutatis mutandis*), to the consumers, the manufacturers, and the nation, under the protecting duty system. Two descriptions of persons would derive the benefit; a few, who continue their old employments, and a great many who engage in new ones. In both cases, the loss of the consumer is what he pays, and is unredeemed by any circumstances whatever. In the first case, the loss of the nation arises from the increased cost of consumption; in the second, it arises from this cause, and the diminished productive value of the new employments of society. In the first case, the gain of the manufacturer is the loss of the consumer, less the increased cost of his own consumption; in the second, it is this loss diminished by the same cause, and the diminished productive value of his labor. But, besides these direct losses, there are others, indirect and collateral, which are, however, not less inevitable; losses which affect the consumers, and, in some degree, ultimately reach the manufacturers themselves."

This statement left entirely out of view all those indirect and collateral losses arising from the destruction and suspension of the fixed and the circulating capital of the country; from the diminution of consumption, and consequently of production; from forcing commercial capital abroad in search of employment; and from the general stagnation of business produced by the compulsory transfer of property, and by the reluctant exertions of vicarious and unrewarded industry; these, and many other evil consequences, were inevitable; but they were undefinable and incalculable, because they were immeasurable and progressive. Each might furnish matter for a separate argument; but he meant to confine himself to the immediate, direct, and admitted loss, which, though inferior in magnitude to the collateral losses, was susceptible of more strict calculation. If he could show that there was no compensation for this, it would be enough. The development of all its unhappy consequences might aggravate the inexpediency of the policy, but could not render it more clearly unjust and absurd.

I am aware, continued Mr. G., that every argument which does not profess to be founded on statistical facts, but appeals to general principles, is stigmatized by the advocates of this system as

theoretical. But this is only one of the artifices of the rhetoricians, whereby a speaker endeavors to weaken and discredit a charge, to which he knows himself to be liable, by bringing it against his adversary. In the invidious sense of the term, they are certainly more liable to the charge than their opponents. The truth is, both parties have theories, if they have general principles. The difference is, that the theory of the enemies of the system has been approved and confirmed by the reason and experience of mankind, while that of its friends has been condemned and exploded—has been proved to be (what it will now turn out to be in more than one sense) a speculation—to be a system founded, not on a cautious examination and inductive arrangement of facts, but on partial views, incoherent generalizations, and hazardous conjectures. A theory (which, properly speaking, must be derived from the observation of facts,) is nothing more than the expression of the general principle which explains the relation of cause and effect as to these facts, and being thus evolved by events that have happened, is applicable fairly to those that are to come. If a statesman affirms that a system of measures will be followed by a chain of consequences, he must certainly have some general principles, some theory by which he can explain their connexion. If he can give no better reason for his assertion than his belief that such measures had been followed by such consequences heretofore; if he is unable to explain why the cause should produce the effect; and if his expectations conflict with received maxims, why, there is every reason to suppose that he labors under some mistake; and that such consequences have either not taken place at all, or that they have existed under different circumstances, or have been owing to other causes than those to which he ascribes them. But though we have a right to expect some exposition of the general principles of the system, in all that I have heard in this House, or read out of it, said Mr. G., I have met with no attempt to analyze and demonstrate its necessary tendency to increase the national wealth, its *modus operandi*. Instead of this, gentlemen invariably appeal to what they choose to denominate facts or examples, which either do not exist, or which, if admitted, would depend entirely on the general principles by which they are explained, whether they support or overthrow their argument. Their favorite example, and one which the Speaker has made the theme of a considerable part of his speech, (which was characterized by his usual eloquence,) is that of England. But most of the enlightened men in England, both theoretical and practical, are united in the opinion that she has become wealthy, not by the restrictive system, but in spite of it; presenting a weight of authority against this system, that it would be more chivalrous than logical even for the Speaker to defy. England owes her prosperity to her great moral and natural advantages—to the genius and enterprise of her people—her comparatively free institutions—her insular position—fuel, navigation, colonies, &c. If she owes it to her restrictive system, let it be shown how it has op-

erated. This cannot be done. Gentlemen must first show that the causes I have enumerated, on the authority above alluded to, either have had no effect at all, or they must assign to them the precise *quantum* of effect they have produced; and then, if any yet remain unaccounted for, they still have the task of proving that it is owing to the restrictive system. But political economy, though admitting of a great degree of certainty in its results, is not exactly like the science of experimental philosophy, where, by successively abstracting the circumstances which attend a phenomenon, you may, by the inductive process, determine which of them stands in the relation with it of cause to effect; and I fancy it will puzzle any political metaphysician, however great an adept he may be in the theory of *causation*, to trace the necessary sequence of the wealth of England to her restrictive policy.

The honorable Speaker had ascribed the general distress which pervaded the country to the absence of this system; or, in other words, to the absence of taxation; for though he had defined the tariff to be a tax on foreign industry, it was, to all intents and purposes, a tax on domestic consumption. There was something new in the Speaker's doctrine. He had often heard of the distress and ruin produced by taxation, but had never known them to be occasioned by the absence of it. But there were much more familiar phenomena than that of distress, (if, indeed, any thing could be more familiar,) on the causes of which very knowing persons differed. As he was ascending the marble staircase of the Senate the other day, he heard a member ask a messenger what was the cause of the water with which the steps were covered? The messenger replied, that "the stones were a sweating." A chemist (and he believed the member was a very able one) would probably have ascribed it to the condensation of the moisture in the atmosphere. The Speaker and himself agreed as to the existence of distress; it unfortunately did not admit of dispute; but he, Mr. G., adopted the vulgar theory, and ascribed it to taxation—to "a sweating"—of the agriculturists; while the Speaker, by a refined chemico-politico-economical theory, endeavored to prove that it was caused by the want of taxation—by the want of "sweating," and therefore recommended a new tax—new diaphoretics—a new distillation of agricultural wealth through the alembic of manufactures.

There is, said Mr. G., no political economist in England who ascribes her wealth to this system; there is no political economist any where, of any reputation; none whose writings will be read five years hence, who now supports the restrictive policy. However they may differ on some of the more abstruse questions, as respects the ruinous tendency of this policy they are unanimous. It is in vain to endeavor to discredit their opinions by charging them with being theoretical. Many of the most distinguished have been practical men, engaged in the active business of life—have proved their theories to be supported by principles, and found them to be consistent with practice.

But do gentlemen contend that the theories of those who have written on a science which is susceptible of more certainty than any other branch of political philosophy, are to be renounced, while those of other political writers are to be approved and received? No! We must renounce them all together. We must contend that human reason has accomplished nothing; that, after ages of painful labor and investigation, nothing has been proved; that every thing is yet uncertain—we must, in short, become universal sceptics. As firm, however, as *his* confidence was, in the conclusions of the political economists, Mr. G. said, if one single example could be adduced of the adequacy of this system to accomplish the promised ends, either at home or abroad, he might be induced at least to hesitate, and re-examine the foundations of his opinion. Gentlemen had, indeed, appealed frequently to an example—that of coarse cottons—and they had spoken of it with so triumphant an air that one would suppose it was undeniable and conclusive. But was this really an example? Did it show what was contended for—that the advance made by the consumers, in order to bring manufactures to maturity, were subsequently repaid to them by their getting the domestic article cheaper than the foreign? This brought on the question of *direct* indemnity. If this indemnity did not exist in the case of cottons, it certainly did in no other. In order to determine whether it exists or not, let us suppose a case. A man is accustomed to lay out one hundred dollars a year, for a certain quantity of foreign goods. In order, however, to enable one of his own countrymen to manufacture them, he agrees to make him an advance of fifty per cent. per annum, for a period of eight years, at the end of which his countryman promises to undersell the foreigner, and reimburse him. Now, what has he done? Instead of having paid \$800 for his goods, as he would have done, had he continued to buy of the foreigner, it is evident that he has paid \$1,200; that is, \$400 more than he would have paid. The question, then, is, at what price must his own countryman let him have his goods, in order to reimburse him within the same period of eight years? If he lets him have them at the same price with the foreigner; that is, at \$100, why he loses his principal of \$400, and the interest. Suppose he sells them at a discount of \$24, or for \$75. Twenty-four dollars being the exact amount of his interest, would never reimburse the principal. Would a discount at \$25 do? Why the addition of one dollar to the interest, would (leaving out of view the compound interest) gradually sink the principal; but it would be in a period of somewhere between three and four hundred years? At what price, then, must the consumer be able to purchase these goods, in order to reimburse him within eight years? He must buy them (he had not made the calculation in decimals) somewhere between 50 and 60 per cent. cheaper than he bought them of the foreigner; or, in other words, for something between forty and fifty dollars; and, if the foreign goods had fallen in proportion, he must get them be-

tween fifty and sixty per cent. cheaper than these; that is, they must be given to him for nothing, and he must receive something to boot.

These are elementary calculations; but when elementary truths are denied, it becomes necessary to state them clearly. Let us apply them to the case of cottons. For thirty years and more, we have been paying a duty on coarse cottons. A part of the time this duty was from 83 to 100 per cent. Now, if thirty years are reduced to eight, and eighty per cent. to fifty, no one will pretend that the average is too high. At what price, then, must a man who, for eight years, has given \$150 for a certain quantity of cotton goods, which he might have bought for \$100, be able to buy them, to reimburse him within the same period? He must be able to buy them for something less than fifty dollars; and if foreign cottons have fallen, as they notoriously have, he must be able to buy the domestic cottons between 40 and 50 per cent. lower than them. But the gentleman from Pennsylvania (Mr. TON) has admitted that the domestic cottons are not more than fifty per cent. cheaper than the foreign were at the time the last duty was laid. If, then, the foreign cottons have fallen fifty per cent., he must be able to get the domestic for nothing, and must have something paid him besides. The question, therefore, in every case, is, not whether the domestic can undersell the foreign manufacturer, but whether he can undersell him at an *indemnifying* price—at a price sufficient to repay the consumer for the advances he has made, in order to bring the domestic manufacture to maturity? If the domestic manufacturers can sell their cottons so much cheaper than the foreign as to amount to an indemnity, it is evident that they can withstand, not only the repeal of the existing duty, but a bounty on the foreign cottons to the amount by which they pretend they can undersell them: but, so far from this, here they are, resisting the repeal of the minimum, which would still leave them a protection of 75 per cent., admitting they can undersell foreigners fifty per cent. How can gentlemen reconcile this contradiction? It appears to me, sir, that the consumer can, in no case, ever be indemnified. When we equal foreigners, in every circumstance which is required to enable us to manufacture, it is almost a self-evident proposition to say we can only undersell them by the amount of the cost of transportation; for what man can accomplish by his physical powers in one country, he can do in another. What is the cost of the transportation of a pound of raw cotton from Charleston to Manchester, and back again to the former place, in the shape of cotton muslin? The gentleman from Massachusetts, (Mr. WEBSTER,) who had just sat down, has told us that the freight of a pound of cotton to Liverpool was one cent. Five cents, then, would cover the whole charge of transportation and retransportation between Charleston and Manchester; yet the duty paid in Charleston on this pound of cotton, when returned, would be from 18½ to 25 cents, accordingly as it was manufactured into three or four yards of cotton muslin, at the minimum valuation of 25 cents per yard

On every article in the tariff, the duty greatly exceeds the cost of transportation, and in most of them by such an amount that the diminution of price by this cost, could never reimburse the consumer for the payment of the duty; and yet gentlemen promise us not indemnity only, but bounty; not reimbursement, but reward. In every case the reimbursement depends on the relation of the price of the domestic manufacture, diminished by the amount of the cost of transportation, to the annual advances made to bring it to maturity, and the successive annual accumulation of interest on those advances. If the price can only be diminished by an amount equivalent to the interest on the advances, they can never be repaid; and it depends on the ratio by which the diminution of price exceeds the interest, whether the benefit is to accrue to the present, or only to a future generation. We can never surpass foreigners in the facilities of manufacturing. In many respects, as in the accumulation of capital, cheapness of labor, &c. it will be long before we can equal them. In the latter, it is to be hoped we never shall equal them. If we do, we must equal them in human wretchedness and degradation.

But we are promised an indirect indemnity in the additional price we are to get for our products by the creation of a home market. This promise is equally illusory with the others. I will propose this question: if the advances made to the manufacturers are the least they can do with—if they are the *sine qua non* of their continuance—the *minimum possible* of their existence, as they pretend, how is it possible that they can give back any part of it in the shape of price for produce? It is self-evident that they cannot; but, as self-evident propositions appear to be at a discount in this House, I shall not rest satisfied with this. Price is determined by the relations of supply and demand. If we cease to import, we must cease to export to the same extent the raw materials that purchased the imports. They will then fall on our hands, increase the supply in relation to the demand, and thus diminish the price. But we are told that those who are producers will become manufacturers? If so, how many of them will become manufacturers? Will there be as many as are required to supply us from abroad? There will not; because, the cost of consumption being increased, we cannot consume so many of their commodities; and there cannot be so many persons required to supply our consumption—even allowing for the want of skill, which, although it cannot last long, is itself a source of loss while it continues. In order to increase the demand in proportion to the supply, and raise prices, a greater number of those engaged in other employments must become manufacturers than are required to supply us from abroad; but this cannot be, for all who are not employed in making the surplus that goes abroad are employed in making what is consumed at home; and they will be still required for this purpose, unless men, in consequence of becoming manufacturers, can do with half rations, or at least greatly diminish their wants. The foreign demand cannot continue. The foreign

capital disengaged by our refusal to receive its products will either be wasted; will seek, with the labor it employs, some other occupation; will itself produce what it obtained from us; or, continuing its former employment, will purchase what it wants from other countries. The same causes which make it the interest of the American agriculturists to dispose of their property will depress its price; and the quantity of land thrown into market will diminish the total value of our agricultural capital.

Gentlemen express astonishment at the incredulity of the agriculturists as to the advantages of their system; but perhaps a sufficient reason may be found in the excessive liberality of their own promises, which are at once extravagant and contradictory. We are promised a full indemnity for all our sacrifices in the cheapness of what we have to buy, and more than an indemnity in the dearth of what we have to sell. The system is to raise the price of agricultural produce, and depress the price of manufactures. Can any credulity swallow so gross an absurdity?

But we have not only been fed with the promises of reward, we have been threatened with the terrors of punishment. Our fears and our patriotism have been appealed to on the subject of the balance of trade and the support of foreigners.

Mr. G. said he would not attempt to expose the specious calculations by which a balance was frequently made to appear that did not exist. But suppose it did exist. If we do not pay for what we buy, it is clear gain. It is discreditable, but it is certainly gain. If we do pay, where is the harm? The harm is said to be that we have to pay in specie. Is not this specie purchased with the products of our industry? This is not the case of a spendthrift heir, to which the Speaker likened it. What we send abroad is our surplus—what foreigners send to us is their surplus. Surely it cannot be matter of regret if the latter is of more value than the former. It is not necessarily destroyed in the consumption. A portion of it consists of the implements of industry and the arts—it is capital, stimulating labor, and engaged in reproduction. A nation cannot long continue in debt, and even while it does, the evil is not so great as seems to be imagined. Foreigners, instead of coming into our courts of law, and after expensive and tedious law suits, acquiring real property which they can only manage at a great loss, will bid up for our produce; and, in fact, that is always the effect of a balance being against us. One would suppose, however, if we cannot rely on the prudence of our citizens to keep out of debt to foreigners, we have sufficient security in the interest of the latter, who will not trust them if they do not pay. If they do pay, the objection does not hold. But, after all, the great objection to this notion of the necessity of legislative interference to prevent an unfavorable balance of trade is, that it oppugns the very principle of our Government. It supposes that men have not prudence to manage their own affairs in their own way, and that Legislatures should be their "nursing fathers and mothers." If they do

not understand their pecuniary concerns, the subject on which, of all others, men are almost clear-sighted and sagacious, how can they be supposed to be judges of their great moral and political interests? Yet our Government is bottomed on the principle that man is capable of self-government.

While this idea of the balance of trade oppugns the principle of our Government, the notion that we are guilty of supporting foreigners strikes at the principle of all society. It is as untrue and absurd as it is anti-social, odious, and detestable. Gentlemen seem to suppose that every thing we pay to foreigners is lost, and every thing we pay to ourselves is gained. They throw entirely out of view the equivalents we receive from foreigners; yet, when they descant on the balance of trade, they tell us that we get more than an equivalent; for we fall in debt. Is it possible that gentlemen can really believe that, as a question of loss and gain, our buying of foreigners instead of our own citizens, depends on any other circumstance than buying cheaper or dearer? Let us exemplify this by supposing a case. Four individuals who live on this side of the Tiber, devote a portion of their labor annually to the production of four barrels of corn each, equal to sixteen. They exchange four barrels for four hats. When the exchange is effected, the wealth derived from this portion of their labor consists of twelve barrels of corn and four hats. But one of them, who is a great patriot, and friend to "domestic industry," says to the others: "If, instead of buying your hats of this 'stranger,' this 'foreigner,' who lives three yards over the Tiber, you will each give me half a barrel of corn more for your hats than you gave him, I will make them." They consent. Well, what is the state of the case now? Three of them, as before, make twelve barrels of corn, and the fourth makes four hats. Their wealth, at the end of the year, is precisely the same as in the former case; with this difference, that the corn-makers are poorer by one and a half barrels of corn, and the hat-maker is richer by the same quantity. Now, what odds does it make whether the communities are separated by Goose Creek or the great Atlantic? Observe, however, that this statement is much more favorable to the manufacturers than the real case. The hat-maker could not, with that portion of his labor with which he made the four barrels of corn, make the four hats, or there would be no pretext for his demanding an additional price for them. The consequence would be, that there would be a loss to society equivalent to the difference in the productive value of his new and old employment, and the corn-makers would have to get some of their hats elsewhere, to put up with worse ones, or he would have to encroach on another portion of his labor in order to make them, which would be itself a source of loss. This anti-social doctrine teaches that a nation can never attain the highest degree of prosperity until it shuts itself out from all intercourse with the rest of the world; but, it is to mistake the nature of man, and the spirit of the times, to imagine that the great laws of nature can be controlled by

the puny efforts of empyrical statesmen. Nations have experienced the advantages to be derived from a liberal intercourse. They are sensible that it is to this source that they are indebted for their prosperity and happiness; and that to this source they are to look for those improvements which will render all the treasures of the world, physical and moral—the wealth, freedom, knowledge, which are the accumulated results of the labor and experience of mankind, the common property of the human race. The assertion that we support foreigners, in the sense in which it is made, is unfounded. If we support them, in the same way, they support us. If we stimulate their industry, they stimulate ours. What appears to be meant, is this; that while we buy of them every thing they make, they only buy of us a portion of what we make. Now, would it be good policy in a nation, more than in an individual, to quarrel with a neighbor who receives three-fourths of what it produces, because he will not agree to take the other fourth; unless he could thereby be induced to change his system and take the whole? Even then, it would be a question of the extent of the sacrifice made to obtain this good. But it would be uncandid and disingenuous in the advocates of the manufacturing policy, to say, that their object is to coerce foreigners into a system of free trade. They would regret such a consequence of our policy; and if every nation in the world would proclaim perfect freedom in trade, it would only make them more clamorous for restriction.

Mr. Chairman: If I have been successful in proving that there is no pecuniary indemnity for the loss the consumers sustain, by making advances to enable certain employments to be carried on, which, without such advances, would be unproductive, it is clear (without resorting to the collateral losses which have been mentioned) that the whole amount of national wealth will be diminished. It remains to consider whether there be any other compensation for this diminution of wealth; and whether the distribution of it is just, and within the legitimate powers of Congress.

We are promised a compensation by being made independent of foreign Powers. But how can we promote our independence by becoming poor? This idea of independence does not refer to a state of peace, but a state of war. It would be absurd to say that in peace we are more dependent on foreign nations than they are on us. The fact is the reverse. A nation that produces the raw material is more independent than one that fabricates it. It will be otherwise if we push the manufacturing policy, and become exporters of manufactures. It refers to a state of war, and supposes that during war we have to pay so dear for many things we require, that we are justified in going to a considerable expense in time of peace, to learn how to make them. But this applies to war with only one nation—England. In a war with any other nation, there would be no serious impediment to our obtaining what we wanted. But suppose we have a war with England one year in ten, or even one in five; would it be good

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policy to pay fifty per cent. on a given quantity of goods, for four years, in order to avoid paying one hundred per cent. for one year. It may be good policy, but it is certainly very bad arithmetic. A truer statement of the question would be, to ask whether it would be good policy to give fifty per cent. for twenty years, to avoid paying one hundred per cent. for one year. For, if we pursue that pacific policy which becomes us—which is necessary to perfect our own institutions, and to give efficacy to our example abroad; and should not undertake to go “a colonelling” in favor of universal liberty—we have no reason to expect to be at war with any Power in twenty years—least of all with England. The principles of the Holy Alliance are not less hostile to her constitution than to ours; and if they really entertain the designs against us which are imputed to them, it is not only our interest to cultivate the relations of amity with each other, but to strengthen the ties of connexion. For, if their own fears should ever permit that association to attempt to perpetrate their designs, I believe, next to our own valor, our best security is the attachment of the people of England to the principles of free government. Yet the policy recommended is, to weaken the ties subsisting between the two countries, and to destroy our mutual interest in each other's prosperity.

But the point of view in which this policy is most seriously calculated to affect our independence is, by its gross injustice—by its tendency to produce discord and division among the several classes of society, and the different States. Can it be supposed that Congress can be permitted to enrich one class at the expense of the others, and to aggrandize some States by prostrating the rest, without producing these divisions? And is there not more strength in union, in brotherly love, and affection, than in all the wealth of the world without them? What, sir, has been the effect of this policy, whenever and wherever it has been tried? What has been its effect in England? Why, to raise one part of society to the highest pitch of luxury, and to depress the other to the most abject poverty. Even the *Quarterly Review*—a work devoted to the Ministry, and which makes every sacrifice to conceal their sins—admits that one person in eleven receives parish relief. Some writers say one in seven—some one in five. Such is the effect of the system so eulogized by the Speaker. Say, if you please, that the cause of pauperism is taxation. What was the cause of taxation? Wars. What was the cause of wars? The spirit of monopoly; the desire to engross all the goods of the earth, and to leave nothing to others; the restrictive policy, instead of a liberal and enlightened system, the adoption of which by the nations of the earth would do more to bring about that universal peace which has been considered as visionary, than all the peace societies, holy alliances, and other chimerical contrivances, that ever were invented. Since education has so equalized men, wars will not often be the result of individual ambition. They will more frequently arise from avarice than am-

bition; from the spirit of monopoly; from that dark, unsocial policy, which is now held up by American statesmen for the admiration and adoption of the American people.

I had wished, said Mr. G., to state some Constitutional objections to the power of Congress; but my want of strength renders it impossible to go into this view. Indeed, so little respect is paid to Constitutional objections, even when urged with an ability which I do not possess, that there is no encouragement to present them. The injustice of the system, however, every body will be awake to.

Sir, when Government undertakes to endow certain individuals or classes with exclusive privileges, all the rest of society becomes their enemies. A consciousness of this produces the necessity of combining for self-protection. The monopolists must secure their ill-gotten gains by strengthening the hands of the Government that bestowed them—by increasing its revenue, patronage, powers. The Government, on the other hand, must reward the monopolists by an increase of privileges. Thus a reciprocity is begotten between them utterly incompatible with the rights and the happiness of the rest of the community. It is by this illicit connexion between the privileged classes and the Federal Government that the State sovereignties will be destroyed—that their wise policy, intended to counteract the natural tendency of society to aristocracy will be subverted, and an aristocracy, the worst of all kinds, a moneyed aristocracy, will be established on their ruins. It is no wonder that the friends of a consolidated national government have been invariably the advocates of this partial, arbitrary policy. Some of the loudest declaimers against stars and garters, the mere badges of aristocracy, are the most clamorous partisans of this policy. They have much dread of the *sign*, but have no terror for the *thing signified*. They are alarmed at the badges, but are willing to submit to what is essential in aristocracy—the supremacy of the few. For my part, sir, I would rather see an order of nobility established in this country, provided it be without wealth or primogeniture, than to see one hundred per cent. added to the present tariff. I believe it would do more to bring on us all the evils of aristocracy than a merely titular nobility. A compulsory transfer of property from one class to another is the acme of all the mischief that a Government can perpetrate. The conflicting interests of different portions of society, whether geographical or artificial, whether the result of locality or legislation, have always been difficult for Governments to manage. Under their patronage, they become the most deadly foes of liberty. No Governments have hitherto been sufficient to restrain their ambition and avarice—not even the military Governments of Europe, with the aid of their standing armies. We thought we had discovered, by our division of powers, a system adequate to this purpose; we thought our State governments would be a sufficient check; and I believe, if they had not suffered their powers to be usurped, they would have proved so. They might have even

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made local interests the instruments of self-preservation. But they permitted the General Government to begin its course by assuming local powers; by fostering the separate interests that existed, and creating others, and by endowing them with privileges. It thus gave them an artificial strength, which the State governments are too weak to control. The privileged classes, with their usual sagacity, early perceived that the State governments presented the principle obstacle to the gratification of their ambition and avarice. Hence, the prevalence of that construction of the Constitution which would deprive them of nearly all their powers—a construction which has grown with the growth, and strengthened with the strength of these classes. Does any one think that this *fashionable* construction arises from the mere wantonness of speculation? No, sir; it has a practical end—political power, for the gratification of individual avarice. I do not pretend to say that all those who unite in this construction unite in the design. Many creeds and many systems have obtained disinterested supporters who do not participate in the views with which they were created. But I look not to individuals; I look to causes; and I do not hesitate to express my opinion, that the true cause, the *final* cause of this *ultra liberal* construction is, the ambition of the privileged classes contending for power to gratify avarice. And, with the powers they claim, what may they not accomplish towards the attainment of their objects? Under the power of taxing sales at auction they claim a right over persons. Under that of internal improvement they assert a right over property. With this right over persons and property, and the right of the Federal Judiciary to control State laws and judgments, they may soon remove every impediment placed in their way by the State governments.

Sir, we must look very little to consequences if we do not perceive in the spirit of this construction, combined with the political fanaticism of the period, reason to anticipate, at no distant day, the usurpation, on the part of Congress, of the right to legislate on a subject which, if you once touch, will inevitably throw this country into revolution—I mean that of slavery. And, while the policy of the Government tends directly to produce resistance, it is admirably contrived to render it ineffectual, by exhausting the means, and the strength, of those from whom it is apprehended. In this, as in other points of view, I can never cease to wonder that the prevailing system should have found supporters in some of our Western States. All that Tennessee and Kentucky can gain by internal improvement is nothing in comparison with the interest they have in preserving inviolate the Federal Constitution, under which so many of their dearest rights are secured. As to this manufacturing, anti-commercial, anti-social policy, which makes them, as well as their best customers, the Southern States, poor; which places them in the same and a worse relation to other States than they deprecate as concerns England, that of being obliged to buy, without having any thing to give in exchange; it is exactly the reverse

of what they really want. What they really want is a system which will enable them to purchase foreign goods at the same price with the people of the Atlantic States. Instead of this, they come to you, (some of them at least,) tell you that foreign goods are too cheap for them, and ask you to make them dearer—to make them pay more.

The Western States cannot manufacture. The want of capital, (of which they, as well as the Southern States, have been drained by the policy of the Government,) and other causes, render it impossible. The Southern States are destined to suffer more by this policy than any other—the Western next; but it will not benefit the aggregate population of any State. It is for the benefit of capitalists only. If persisted in, it will drive the South to ruin or resistance. It is painful to be forced to say so, but it is necessary. Our burdens are already greater than we can bear—endurance can go no further. The policy of the General Government, from the commencement, has been as respects us, one of unabating exaction. We have as yet, I verily believe, derived no advantages whatever from the Constitution—not even that of exemption from foreign wars; for our wars have been for Northern, not for Southern interests. The consequence of this oppressive policy has been a degree of distress altogether inconceivable—distress of which there is no example in a new and free country. This condition is not to be regretted solely on account of the individual suffering; but it throws society back—checks its improvement for generations—perhaps ages. If you transfer the wealth of a country by law, you transfer with it the means of education. Its new possessors, before they have time to obtain education, get possession of the Government, and they are interested in so administering it as to perpetuate that state of things to which they owe their elevation. The struggle between the plunderers and the plundered, corrupts the morals of the community, and begets contentions which poison the fountains of social life, and shake the foundations of social order. Society verges to the state which the Abbé Maury said characterized the French Revolution—a state in which every man who has nothing, says to every man who has something, *ote toi, que je m'y mette*—“take yourself away, that I may get into your place.” These are the consequences which may be anticipated, if this system is persisted in.

Sir, can we be mistaken as to the ruinous tendency of this policy? Can whole nations be mistaken? When I speak of nations, I mean Virginia, the Carolinas, and other great Southern commonwealths. I admit that nations have, occasionally, been mistaken; but our republic is founded on the supposition that, in the long run, the people see rightly—that they are capable of self-government. If this maxim be true, and if, for a series of years—for more than a generation—in peace and in war—in prosperity and adversity—in every vicissitude we have undergone—we have entertained but one clear, determined, unalterable opinion of the destructive effect of this policy, is it possible to believe we are mistaken? If you say so, then you renounce the principles of your Gov-

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ernment. If you say we are not mistaken, but that you will use your numerical superiority to impose this odious system on us against our will, then you are willing to incur the guilt and reproach of tyranny. You must either renounce the principles of your Government, or must abuse its powers. The alternatives are before you. But when I look on those by whom I am surrounded, and consider that the very circumstance of their being here is a proof of their attachment to the principles of their Government, I will never believe that they will renounce them. When I regard them as fellow men, with all the kindly affections and generous spirit of humanity, I cannot believe that they will ever be tyrants. When I look upon them in the more endearing character of countrymen, and the more sacred one of patriots; when I remember that our fathers purchased our common freedom with their common blood, I will not, cannot, must not believe, that the sons are going to turn against each other, and the stronger to raise their fratricidal hands to destroy their weaker brothers.

When Mr. GARNETT had concluded—

Mr. WILLIAMS, of North Carolina, commenced a speech on the same side of the question; but, at three o'clock gave way for a motion that the Committee rise. The Committee rose accordingly, and the House adjourned.

SATURDAY, April 3.

Ordered, That the Message from the President of the United States, of the 20th ultimo, communicating information in relation to measures adopted in concert with foreign Governments for the suppression of the African slave trade, be referred to the committee raised upon so much of the President's Message at the commencement of the session, as relates to that trade.

The House resumed the consideration of the bill from the Senate, entitled "An act altering the times of holding the courts in the District of Columbia:" Whereupon, Mr. LITTLE withdrew his motion to lay the said bill on the table, which was depending yesterday, and moved that it be referred to the Committee on the District of Columbia, which was agreed to.

The amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1824," were read, and referred to the Committee of Ways and Means.

The bill from the Senate, "confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes," was read a third time.

Mr. FORSYTH inquired into the circumstances which led to the necessity of this act, which were stated in reply by Mr. WEBSTER. Mr. TAYLOR, of New York, called for the reading of the President's Message on the subject.

Mr. COCKE moved to recommit the bill to the Committee on the Judiciary, to have certain amendments made therein. The motion did not prevail, and the bill was then passed, and sent to the Senate.

An engrossed bill, entitled "An act authorizing the executors of John B. Mebane to collect certain arrears of internal taxes," was read a third time, and passed.

The bill from the Senate, entitled "An act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts," was read twice, and referred to the Committee on Public Lands.

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The House then again resolved into a Committee of the Whole on the state of the Union, Mr. CONDUCT in the Chair, on the bill "to amend the several acts laying duties on imports."

Mr. WILLIAMS, of North Carolina, resumed and concluded his speech on the general principles of the bill, and in opposition to its passage. His speech follows in extenso:

Mr. WILLIAMS said he was admonished, by every circumstance, to use brevity in the observations he was about to submit to the Committee. The late hour of the evening, the exhaustion of the House, and, above all, the length of discussion which had preceded him, could not fail to impress him with the necessity of drawing his remarks to a close as soon as possible. Indeed, said he, the discussion which has already taken place would seem to forbid the belief that any thing more should be offered. Hitherto, I have been content to remain only a listener to the remarks and observations of gentlemen, who, from time to time, have engaged in the debate; not that I have been insensible of the deep importance of this question, or of the vital interests involved in its issue; on the contrary, my concern has increased in ratio with the zeal and perseverance manifested in pressing this subject upon our attention. Year after year this measure has been defeated, and year after year it has been renewed with additional spirit, and still greater determination on the part of its advocates. From these facts, thus annually disclosed, one might be led to think that some choice boon, some great and invaluable blessing, was to be attained. But, on the other hand, we who resist the measure view it as an evil fraught with consequences the most dangerous, tending to results the most pernicious and calculated to blast the fair prospects of this happy country. It is not my purpose to attempt to reconcile this conflict of opinion, but it seems to me that so great a diversity could not exist unless it proceeded from more causes than are generally found to operate upon our regular and unbiassed conclusions. The quick and lively attractives of interests, it must be admitted, have some influence upon our deliberations, because the geographical boundary which separates our minds upon this question proves that we are guided more or less by what we conceive to be the wishes and desires of those whom we represent. In regard to myself, I admit this to be the fact, and I trust gentlemen will not say I want liberality when I impute to them no worse motive than I myself avow. Yes, sir, it is in consequence of the effect which I believe this

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measure will have upon the interest of those whom I represent, it is in consequence of the effect which I believe it will have upon the interest of the country in general, that I am induced, on this occasion, to contribute my mite against its adoption.

There were, said Mr. W., some prominent arguments presented in support of the bill, which it was his intention to examine, but it would, perhaps, be more proper to notice in the first place the peculiar manner employed by gentlemen to aid them in the discussion. The honorable Speaker (Mr. CLAY) had thought fit to call the friends of the bill "the advocates of an American policy," and at the same time characterized us who oppose it, as the friends "of a foreign policy." Sir, these designations must be reversed, because there is neither justice nor propriety in such an application of them as has been made by the Speaker. What policy does he advocate? Not the past or present policy of the United States. How, then, can he be the advocate of an American policy? He wishes to depart from the policy pursued ever since the establishment of our Government, and to adopt that pursued by Great Britain. But those opposed to the bill, wish to maintain the policy the United States have always pursued since their independence as a nation. Then, in truth, and in fact, we are the advocates of an American policy, while the Speaker and his friends are the advocates of a British policy. We reprobate the policy of England; we wish to avoid it, to rescue our country from the danger of falling into it. The Speaker, on the other hand, admires that policy; eulogizes it in the highest terms, and is desirous the United States should adopt it. If it be true, therefore, that Great Britain is a foreign country, the Speaker is the advocate "of a foreign policy," and we who oppose the bill must be considered the friends of an "American policy."

He would notice, he said, in the next place, the very great address with which this subject had, from other quarters, been pressed upon the attention of the American people. The campaign was regularly opened some six or seven years ago, and has been systematically pursued up to the present time. Publications have appeared, in every possible shape; addresses have been made to gain proselytes to what has been termed the great cause of "national industry." Yes, sir; this phrase, *national industry*, has had, and no doubt was intended to have, a most magical influence upon the opinions of our fellow-citizens. The evils of idleness have been portrayed in glowing colors; the miseries of want and wretchedness have been displayed with a kind of fervid eloquence, and we have been required, by every consideration, to aid in promoting the great cause of national industry. From what has been said one might be led to think that our people had abandoned all the pursuits and occupations of labor, and that we were converted into a nation of idle, dissolute vagrants. But, although some such instances may be found, yet, we have reason to believe that general distress does not exist to the extent which has been

imagined. The gentleman from Massachusetts (Mr. WEBSTER) has told us that nothing of the kind has come within his observation. So far as I am enabled to judge, I believe it may be said that the Southern country is generally free from such scenes of suffering and distress as have been depicted. This outcry, therefore, or the greater part of it, has proceeded from one class only, (the manufacturers,) who, being themselves in what they were pleased to consider an unprofitable business, have affected to think that the whole nation was in the road to ruin. What, sir! are the manufacturers the only class in the community? If they should cease to operate entirely, does it follow that all labor would likewise cease? Not at all. The manufacturing labor is very small compared to the aggregate labor of the other pursuits; and, although the former should wholly cease, our condition would not be so wretched as it has been described.

Mr. W. said, he admitted what the Speaker had said, that *labor* was essentially necessary; that, without it, neither individuals nor nations can be prosperous. It is, indeed, a law of man's nature, for it is written "that, in the sweat of his brow shall he eat bread." If we look abroad, we see that the same law applies to all animated nature; that the fowls mount into the air; that the beasts, graze in the fields or range through the forests, all in quest of food. Labor, then, is the universal law of our nature, to which every one is bound to submit. If he violates this law, or neglects the duty it enjoins, evil must ensue, as the necessary, the inevitable consequence. But does it likewise follow, that manufactures are the great object in which the nation should engage, or that we cease to be a laborious, as soon as we cease to be a manufacturing people? No, it does not. Though manufacturing should stop altogether, agriculture, and the other pursuits which constitute the greater object, would still flourish and prosper. We were told, by the gentleman from New York, (Mr. WOOD,) that the agricultural labor was equal to eighty-three per cent., while the manufacturing was only three and a half. Now, until gentlemen show that the greater should subserve the less interest, I shall contend that we are not bound to notice the cries of a small class in the community, especially when that class are not so profitably employed as they would be if directed to other pursuits. Away, then, with the plea, that it is necessary to encourage national industry by protecting manufactures. It is a delusion to employ such terms, because the industry of the nation would flourish without the protection which is sought for manufactures. Indeed, the manufacturing labor of the country scarcely deserves to be considered in forming an estimate of the whole industry of the nation. It might as well be supposed that a single town or country was equal to all the rest of the United States, as to say that *national industry* consisted in the labor applied to manufactures.

He would now proceed, Mr. W. said, to examine those prominent arguments in favor of the bill to which he had before alluded. It had been

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contended by the gentleman from Pennsylvania, (Mr. TON,) the chairman of the committee who reported the bill, that it was necessary to adopt the measure to make us independent of foreign Powers. This had likewise been much insisted on by the Speaker, and the various other gentlemen who have participated in the discussion. But, of all the arguments presented in favor of the bill, it is perhaps the most imposing, while at the same time it is the most fallacious. In my judgment, it is a complete inversion of the fact, to say that we are dependent on England when we furnish the raw material, and she supplies the manufactured commodity. I would rather think that England is dependent upon us, and we independent of her, in such a state of commercial intercourse. To illustrate this idea, I would ask who of all men is the most independent? The answer is easy and obvious: The man who has a sufficient supply of food is the only one who can be called *absolutely* independent, because all others who have not this supply, must be dependent upon him who can furnish it. Breadstuffs are indispensably necessary; and, in proportion as men regard the preservation of their lives as the most important of all objects, in the same proportion will they be dependent or independent, according to the supply they may have of the necessary means of subsistence. Now, it may be asserted, as a truth undeniable and irresistible, that what makes *one man* independent, will also make *any number of men* independent. In other words, if one individual, having a bountiful supply of the articles of subsistence is more independent than the one who has not such supply, it follows that the nation which has a supply of those articles, is more independent than the nation which has it not.

The United States, for example, grow breadstuffs, while England manufactures clothing. Now, in an absolute sense, which is the most independent? we, with all the articles of subsistence, or Great Britain, with all the articles of clothing? Certainly no one can doubt but that the United States would be the most independent, and the same course of reasoning applies to the nation which furnishes the raw material, as contradistinguished from the one which supplies the manufacture. Suppose, again, for the sake of illustration, that *one nation* grows all the wool, while *another* manufactures all the cloth, which, in the same absolute sense, is the most independent? I answer, that the one growing the wool is most independent, because the other, which happens to possess the cloth, must cease to manufacture if the raw material should be withheld, which may be done at any time by the nation growing the wool. Then, if the United States furnish the raw material, and England manufactures it, the former, I say, are more independent than the latter, because we can withhold the article at any time when we please, while Great Britain, for the want of it, must cease to manufacture. If she ceases to manufacture, she must of course cease to sell; and if she ceases to sell, she will consequently be deprived of those articles of subsistence

with which she is supplied by the sale of her commodities.

The gentleman from Pennsylvania, alleges that England will not take our produce; but the allegation is no answer to this part of the argument: for, if England will not take our produce, it is evident our trade with her must cease, and then the exact state of non-intercourse which we expect to bring about by law, will be produced without law. England, sir, is not so foolish as to trade with us, if we do not make payment, and this we cannot do, if she will not receive our produce, as I shall endeavor to show more fully hereafter. So far, then, from our being dependent on England, she is, in fact, dependent on us, and the only way we can keep her in any degree dependent upon us, is, to furnish the raw material, and receive, in return, the manufactured commodity.

Let it not, said Mr. W., be understood that I am the advocate for that state of *absolute* independence of which I have spoken, or that I contend we can do without manufactured commodities, produced either by ourselves or some other country. I admit what the Speaker said, viz., that they are necessary; that we must have them; that the mere supply of our animal wants is not sufficient. Of the correctness of this position, I entertain no doubt; but when he and other gentlemen condemn the policy of our Government, and charge it with subjecting us to an improper degree of dependence on foreign Powers, it becomes a matter of importance to examine their arguments, to trace them into the elements on which they are founded, and see whether in truth and in fact they are applicable to the case, or are entitled to all that weight upon our minds which they are designed to have. If this be done, it will be seen that, although we are dependent upon England for her manufactures, yet she is equally dependent upon us for the raw material, if not more so; that we can do as well without her manufactures, as she can without our raw materials. The argument, then, that we are dependent upon England, should not, I think, have any very great weight on our minds; because, if the fact be admitted, it only proves that the dependence is reciprocal. But, if we wanted to make England completely independent of the United States, we could not take a more direct course to accomplish the object, than to drive her, by our restrictions, to other countries, for the supply of that raw produce with which her manufactures are kept up, and by which her labor is continued in operation.

Again: it had been said by the gentleman from Pennsylvania, that we ought to adopt this policy because other nations are pursuing it; that, although the English writers on political economy condemn the policy of their restrictive system, yet the practice of the Government is different; that we ought to regard and imitate the practice of the Government rather than follow the precepts and doctrines of her writers. In this, the gentleman from Pennsylvania had been joined by the Speaker, who had denounced the authority of all foreign writers on the subject of political

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economy. Mr. W. said that he objected to the whole of the reasoning of those gentlemen, because, by it, every enormity of the British Government could not only be justified, but held up as an example for our imitation. He would as soon look, continued Mr. W., to England for lessons in regard to the form of our Government, as to her practice for lessons teaching us the proper administration of it. When did the Government of England ever pursue a benevolent, humane, and consistent course? when did her practice ever conform to the doctrines of her sage and philanthropic writers? Never, he believed, except in the instances mentioned by the gentleman from Virginia, (Mr. BARBOUR,) and the gentleman from Massachusetts (Mr. WEBSTER.) Were the principles of Sidney less correct, less virtuous, or less republican, because the practice of the Government was different from those principles? or because that illustrious man fell a martyr to them? Was the eloquence of a Chatham less a vehicle of truth and sound policy because the Government did not pursue the course which he pointed out? Nay, more, was the enlistment of the savage—the employment of the tomahawk and scalping knife, during our Revolution, less odious and abominable because it was directly at variance with the views of some of her best and most enlightened men? In all these instances, and many more which might be mentioned, the practice of England had been different from the doctrines of her wisest and most patriotic writers; but are these doctrines, for that reason, less to be admired, applauded, and followed by the American people? Some writers in England contend for a Parliamentary reform, but yet the practice of the Government is against it. If, then, we ought to adopt the practice of the Government, rather than the doctrines of her writers, every institution in our own country must, upon that principle, be changed. Instead of a republic recognising the people as the only sovereign power, we must have a hereditary monarch—a House of Lords, and septennial Parliaments.

Gentlemen could not have been aware of the extent to which their arguments would lead, when they said that the practice of England should be considered as authority, rather than the writings of her statesmen. No, sir, said Mr. W., I would look to the practice of England for authority in nothing; but I would look to the writings of her statesmen for authority in many things. It was from the doctrines of her writers, and not the practice of her Government, that our Revolutionary forefathers derived many useful and important lessons on the subject of freedom; it was from the holy zeal, the patriotic ardor, thus inspired, that they resolved to be independent. Yes, sir, our own Revolution, forming as it does a new era in the history of human affairs, and all the felicitous consequences flowing from it, are to be ascribed, in a considerable degree, to the doctrines of British writers; but in no degree whatever to the practice of the British Government. As, then, that authority has been respected, and attended to in the great work of forming the Government

—in the establishment of our present political system—so, I say, it may be wise and useful to regard the same authority in administering the Government. Hence, when we advert to the authority of British writers, gentlemen should not think that we do so in consequence of any friendly feeling towards the Government of that country. I admit what gentlemen say, that the practice of the Government is opposed to the writings; but it is in consequence of this very opposition that I rely upon the writings. For it must be confessed that I would suspect, nay, instantly reject, the authority of any British writer who should undertake to prove that the practice of the English Government was correct and humane in any respect whatsoever, except in the instances before referred to.

Now, let me ask what is proposed to be done by this bill? The gentleman from Pennsylvania has already answered this question. He has told us that he wishes to regulate trade in a particular way; to make it more advantageous to the country than it has been for some time, or probably will be again unless a measure of the kind he offers should be adopted. But can you succeed in this object? I think not; for trade depends on a thousand contingencies, over which you can have no control. Can you regulate the vicissitudes of the seasons? Can you control the elements? Can you still the wind, or silence the roaring tempest? Can you command the sun to suspend his scorching beams, or call down moisture from the clouds, that the earth may bring forth its accustomed fruits? Unless you can do all this, your present effort will be vain; for trade may be compared to a fluid extremely subtle, impalpable to the touch, always eluding your grasp, and constantly bidding defiance to your regulations. It will go where it listeth, and every attempt to impede its progress only adds to the difficulty and embarrassment of the individuals or nations concerned in making the attempt. Hence, the wisdom of the rule, (though derived from British writers,) that trade will regulate itself; that it is most advantageous when least restricted. If there is any principle in political economy which contains the truth and force of an axiom, it is this.

But, the Speaker says the principle is incorrect, and we ought to adopt a different policy to make money more plenty, and relieve the distress of the country. But this object cannot be accomplished. For, how are we to bring money into the country without foreign commerce? We have not any gold or silver mines to produce a supply of the precious metals; and the specie first brought into the country by foreign trade would have remained with us but for the establishment of banks. Suppose, however, that foreign trade, as gentlemen allege, takes specie away from the country. I contend that it will, in due season, bring it back again, because, in this instance, foreign trade only takes out of the country what foreign trade had previously brought into it. Therefore, if gentlemen charge foreign trade with taking specie away from us, they must credit foreign trade with hav-

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ing brought specie into the country in the first instance; and thus the account will certainly be balanced.

Admitting the position assumed by the gentleman from Pennsylvania that the passage of this bill will prevent our money from going out of the country, I still contend that the objected proposed, viz., of making money more plenty, will not be answered. Every one must acknowledge that we have not, at this time, a sufficient supply of gold and silver, for the purposes of a circulating medium. If you pass this bill, in a great degree prohibiting foreign commerce, how are you to get specie back in sufficient quantity to supply us with a circulating medium? Instead of inviting it to return, you forever exclude and keep it out. If a man, said Mr. W., were to shut his doors upon his neighbor, to give him evidence of a welcome reception, the act would scarcely be more unreasonable or uncivil than the one here proposed. For, if you have not specie enough, you should endeavor to correct the evil by encouraging rather than prohibiting greater importations of it.

Should you choose, however, to pass the bill, in order to make sure of what money we have, to be certain of keeping it amongst us, can you succeed even in this? No, you cannot. Spain, we were told by the gentleman from Massachusetts, (Mr. WEBSTER,) has been more restricted in her commerce than any other nation in Europe; but have her arbitrary, tyrannical laws, prohibiting, under heavy penalties, the exportation of specie answered the objects designed by their enactment? Not in the least. The precious metals were of less value in Spain than in other nations of the world, and go they would, in spite of every regulation to the contrary. Money, like a fluid, will seek its own level; and if the gold and silver now in our country are tempted to go abroad in the channels of regular commercial intercourse, I say let them go. They will certainly come back when more needed in this than in a foreign country. The same cause which first brought them to us will induce them to revisit our shores, if required by the regular demands of trade. We need be under no apprehension to the contrary so long as we avoid the injudicious and impolitic restraints of a prohibitory system.

But the passage of the bill, said Mr. W., destroys foreign commerce, without which we never should have had so much as a guinea or a dollar. If, therefore, you destroy the means of supply, how are our future wants to be answered in regard to a circulating medium? In this condition, we shall be obliged to do, from necessity, what we have already done from a wish to speculate and a desire to possess inordinate wealth. We shall be compelled to establish banks and to depend altogether upon *paper money*; there is no other alternative. To this end we shall finally come, and I must be permitted to ask whether any gentleman would desire to see us in such a condition? I should hope not, because it is evident that our difficulties and embarrassments are ascribed, in a great degree, to an extravagant issue of paper money. This, and not foreign trade, has caused

our afflictions. Instead of aggravating, foreign trade had alleviated the mischief. In the course of the debate, it had been proved, very clearly, that, wherever paper money existed, the same distress had prevailed, in a greater or lesser degree. In the United States, in Germany, and even in England, it had been the case.

From these views, it would seem, then, that the passage of the bill would afford no relief to the distresses of the country. The money, which is to circulate, as gentlemen tell us, in plenty and abundance, will not consist of gold and silver, but bank notes. At one time there was a sort of epidemic in favor of the paper system, and as many as forty new banks were established in a particular State, during one session of their Legislature. This measure was hailed as a panacea for their distresses; but did it turn out so in fact? No; instead of curing, it aggravated the evil in a tenfold degree. Having failed to obtain the desired relief from banks, we now seem anxious to try the manufacturing system, in the hope that, by adopting it, we shall remedy all complaints. But, if I am not greatly mistaken, it will prove no more efficacious than the banking system: on the contrary, it will tend to increase the evil; it will give us a paper money which, not being founded on a specie basis, will be liable to all the evils of depreciation, such as were experienced at the close of the Revolution, or at the termination of the late war: whereas, if you permit foreign trade to proceed as it has done; if you allow the precious metals to be imported; if you prohibit banks entirely, or require them to be founded upon a specie capital, so as to prevent an extravagant issue of paper money, then will the commerce of the country flow in regular and undisturbed channels; then will the laborer be rewarded for his toil with money of a certain, invariable value; then, and not till then, will our whole people be contented and happy.

This view of the subject, Mr. W. said, had been much strengthened by information he had received from a gentleman of this House, who in part represented one of the Western States. That gentleman had told him that the circulating medium of the State from which he comes, had been in a very unsound, disordered condition. The people, at the same time, were much embarrassed with debts to a great amount. Instead of seeking relief by creating more banks, they had depended upon industry; they had resorted to labor, which the Speaker had said was essentially necessary to insure national wealth and prosperity. When they became involved, pork, the great staple of that country, bore a price equal to ten dollars a hundred. It had afterwards fallen, and sustained a price of from three to five dollars, but yet the people had been able, at these reduced prices, to rescue themselves from their embarrassments. Here, then, was evidence, showing how much could be done by labor, and how little by banks. Had these people depended for relief upon further issues of paper money, no doubt their distresses would have been increased: whereas, by adopting a different course, they have completely extricated

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themselves, which will be the case in every instance where reliance is had upon the same means. Here he was met, Mr. W. said, by the declaration of the gentleman from Pennsylvania, that he did not intend to destroy foreign trade. It is due to that gentleman to say, that I believe him sincere in his statements, but I nevertheless think him mistaken in the opinions he formed as to the effects of this measure. For, how can he derive any possible benefit from it, unless it tends to destroy commerce or lessen the importation of foreign goods? The body politic, like the body natural, may at times be given to a little excess. The commercial appetite of the nation, so to speak, may occasionally perhaps take too much, but generally no more will be consumed than is conducive to the health and well-being of the system. You cannot, then, afford to the domestic manufacturer a market for his goods, unless you reduce the amount of the foreign supply. The whole project, indeed, proceeds upon this supposition. The duty on foreign goods is to be increased, to prevent their importation: their importation is to be prevented, to afford the domestic manufacturer an opportunity to sell his commodities; and yet gentlemen say, they do not intend to destroy foreign commerce. I admit that you may not intend its total destruction, but, if you destroy it partially, all the purposes of my argument will be answered.

The gentleman from Pennsylvania, however, had remarked, at the commencement of this debate, that the only effectual protection which manufactures had ever received, was during the late war, and every one knows that our foreign commerce was annihilated within that period. But suppose this not to be his object at present, and that no more than one fifth, or one tenth, or one twentieth, of our foreign trade, will be destroyed by the operation of this system, I contend that our situation will be made worse exactly in that proportion; that we shall be less able by one fifth, one tenth, or one twentieth, to remedy our distress. In whatever degree you injure foreign commerce, in the same degree do you augment our embarrassments, and make a resort to paper money more certain, which it has been previously shown was the remote, if not immediate, cause of all our difficulties.

In opposition to the inferences here drawn, it has been said that England has a metallic currency, although she is in the highest degree manufacturing. But the analogy will not hold. England exports her commodities, which, in the nature of things, we cannot do; we are unable to manufacture for the supply of our own wants, and it would be folly to attempt exportation under such circumstances. I know, said Mr. W., it was alleged by the gentleman from Pennsylvania, that our goods had already found a market in South America, and this proved that we might calculate on making exportations in future to any extent. But, contended Mr. W., this must be deemed an exception to the general rule, and one from which no reasonings can be deduced. In some few instances, wheat, and other articles of breadstuff, had been imported from Liverpool into the Uni-

ted States; but would any gentleman contend that this was according to the regular course of trade? Certainly not. Exceptions of this sort, indicating the capriciousness or volatility of trade may be found in the commerce of all countries. They are not reducible to rule, or to be explained by any general principles. We require a protection equal to an average of forty per cent. to enable us to compete with the foreign manufacturer even in our own markets, and certainly we cannot expect to compete with him in the South American market, where we shall be deprived of this protection. Until gentlemen prove that we can sell our manufactures abroad, at forty per cent. less than we can afford to take for them at home, I shall be justified in asserting that we cannot export them, and we cannot therefore expect to derive specie from importation, as England has done. The argument, then, which has been drawn from the metallic currency of England, will not avail gentlemen in reference to this particular point.

There are yet other points of view in which the gentleman from Pennsylvania has thought fit to present this question, and which, therefore, are entitled to serious notice. He has gravely urged that Great Britain constantly exhausts our wealth; that the labor of our people goes to her support, to swell her coffers, and pamper her pride; that we owe it to ourselves not to permit such a state of things to exist, but should divert the profits of this trade into our own pockets, rather than suffer them to be engrossed by Englishmen. This argument, Mr. W. said, was nearly allied to those he had heretofore attempted to answer, and, in his judgment, was equally incorrect. For, if it be true that we are not dependent upon England, when we furnish the raw material and she manufactures it, then I contend, in the same way, that, if we labor for her support, she, in return, labors for our support; that we can do as well without her manufactures as she can without our raw materials. In illustration of this idea, let me, said Mr. W., put a case—Would it not be extremely unwise in the people of the Eastern States, for example, to grow cotton, when they could buy it in Georgia for much less than it would cost them to raise it? With the labor of ten days, the Eastern man could purchase one hundred weight of cotton; whereas, to produce it himself would require the labor, perhaps, of twelve or fifteen days? The same rule would apply to the Georgian, if he should attempt to raise commodities peculiarly adapted to the climate, soil, and circumstances of New England.

Again: Would not Great Britain act with imprudence, nay, with folly, if she should attempt to raise all the cotton which she buys of the Southern States to be worked up in her manufacturing establishments? Would it not subtract greatly from the profit she makes by the sale of commodities, if she should depend on growing the raw material herself, rather than on purchasing it from other countries? No one can doubt as to the answer which should be given to these questions. Now, sir, it may be asserted, with truth, that the

manufacturing skill and industry of Great Britain are as peculiarly adapted to the circumstances of that country as the production of any raw material is to our own. She can manufacture cheaper than we can, and it would be about as wise in us to manufacture for ourselves, as it would in England to raise cotton. Gentlemen, I know, have denied this, and contend that we can manufacture as cheap as England. But, to refute the assertion, I need only advert to the bill now before us. Why have we been employed for weeks in a discussion of the subject, if, indeed and in truth, we can manufacture as cheaply as the people of Great Britain? We have now a tariff which gives protection equal to forty per cent., and the manufacturers are calling aloud for more. Then, it may be taken for granted that England can manufacture more cheaply than the United States. Our own experience, also, will confirm the truth of the position, for, with the labor of ten days, I can buy a piece of cloth manufactured in England; whereas, the same sort of cloth, manufactured in the United States, would cost me twelve or thirteen days' labor, or a value equivalent to that. How, then, can it be said that we labor exclusively for the benefit of England? Does she not, in return, labor for our benefit? Is it not obvious that, by her skill and industry, we are enabled to buy such manufactured articles as we want cheaper, or with less labor than if we produced them ourselves? Certainly it is, and, if this be the kind of tax we pay to England, the more of it the better. The more cloth she will give me for ten days' labor, the more highly shall I be pleased; and, most assuredly, I should never be disposed to quarrel with her, because I obtained from her, at that price, articles which would otherwise cost me the value of twelve or fifteen days' labor. These are my reasons for not subscribing to the arguments of gentlemen who say that our people labor exclusively for the benefit of England. It is to our interest as much as that of England, that this intercourse should exist.

But it is alleged by the Speaker that England will not take our produce, and, therefore, we must manufacture it ourselves. To this I say agreed; we will manufacture for ourselves, if England will not receive our produce; but this may be done without the aid of any law. For, take the argument as stated, and what does it prove? It proves this, that our trade with England will stop of itself; that it will necessarily cease to exist, and that the law you propose to pass is wholly useless. In confirmation of this point, it is necessary only to advert to the rule which the Speaker himself has laid down. He was asked what would be the extent of our imports after this tariff had gone into operation, and to this question he answered, "that our imports would be measured by our exports." Now, if the imports will be measured and regulated by the exports after the adoption of this system, why will not the same rule apply before the adoption of the system? If the rule acts in one case, as stated and agreed to by the Speaker, it will hold equally good in the other. Thus the evil of overtrading, of buying

more than we can pay for, which seems to alarm gentlemen so much, and which they are so anxious to correct, turns out to be of no consequence at all. For no principle of political economy is more true than this: "that no country can long import unless it also exports; or, can long export unless it also imports." Any regulation, therefore, which we may adopt to restrain the excesses of foreign commerce, and thereby to benefit our own manufactures, is completely a work of supererogation. To suppose that England will give us her commodities would be to charge her with extreme folly, which must be the case if she will not take our produce in payment for what we receive. But, suppose she does continue the folly of thus giving to us. I hope we shall not be guilty of the still greater folly of refusing to receive what is thus given. Any uneasiness on this head, I should think, ought to be felt by the *giver* rather than the *receiver*. Of one thing we may rest perfectly assured, to wit, that she will get tired of it soon enough for all the purposes and designs we may have of promoting our own manufactures. But it seemed to him there was some misapprehension on this point. The gentleman from Pennsylvania, and the most of those who acted with him, urged as a reason in support of the bill, that British goods were sent to this country and sold for little or nothing, in order to break down our manufacturing establishments. No gentleman had asserted this to be a fact coming within his own knowledge, and, until that assertion was made, he should feel at liberty to doubt whether the fact had existed in the manner stated. We all know that distress has prevailed in England as well as the United States. In our own country, sacrifices of property have been made both at public and private sale. Why not, then, ascribe the sales of British goods in this country to the distress which existed in England rather than a wish to subvert our manufacturing establishments? It is, in my judgment, most probable that the former was the cause of those sacrifices of goods at auction sales, of which gentlemen so much complain, and against which they are so anxious to guard. But, if it was not, he contended it would be impossible that the foreign manufacturer should continue the practice for any great length of time, and, therefore, the remedy proposed in the bill was entirely useless.

The Speaker had again said, that England, refusing to take our produce, receives any balance against us in specie. It was for this purpose, he also said, that she had taken off her restriction upon the East India trade, and he therefore argued that the evils arising from such an intercourse ought to be corrected. But, to my mind, replied Mr. W., this is no evil at all, or, if it is, that it will infallibly correct itself. Here let me invite the attention of the House to what was before said. Whence did we procure the gold and silver which circulated among us some years ago? From foreign commerce, must be the answer. Then, if the unfavorable balance of trade with England took specie away from us, the favorable with other nations of the world brought it into

the country in the first instance, and will continue to bring it so long as it shall be demanded. Suppose, for example, that Great Britain, Spain, and the United States, trade together. Suppose, further, that in our intercourse with England, there is an unfavorable balance against us. Now, if the trade continues, it is perfectly immaterial whether this balance is paid in specie or in produce; because, if England will not receive our produce, we carry it to Spain, South America, or the West Indies; we there sell it for cash, and then proceed to England, whence we lay it out as we may choose, to the best advantage. Thus we see that specie is obtained by the sale of our produce, and whether it is made in the first instance to England or to Spain, is a matter of perfect indifference. But, if England will not take our produce, and if we cannot procure gold and silver from Spain, or some other country, then the trade will stop of itself; will necessarily cease to exist, unless, forsooth, Great Britain should adopt the policy of giving to us whatever we want, or, which amounts to the same thing, of trading with us, although we should be unable to make payment for what we receive.

It is in consequence of these principles that I subscribe fully to the sentiments advanced by the gentleman from Massachusetts, respecting the trade to China and the East Indies. It has been fashionable to condemn this trade, because the people of those countries would receive nothing but gold and silver; but, instead of being injurious, it was the most profitable commerce in which we could engage. A merchant, for example, sold his cargo of produce in South America for fifty thousand dollars; with this sum he proceeded to China or the East Indies, and obtained for thirty-five or forty thousand dollars, what would have cost him forty-five or fifty thousand dollars if he had made his purchases in any other country of the world. He then obtained the same amount of commodities, and had a balance left of five or ten thousand dollars, to be put into his pocket, which balance would not have remained if he had traded with any other part of the world. In this point of view, therefore, the commerce with China and the East Indies was the most profitable of any in which we could engage. It is unnecessary here to add any thing in relation to a further advantage to be derived from those particular articles of this traffic for which a market could be found only in China and the East Indies. I have understood that our enterprising merchants and seamen would leave the ports of the United States with only a few thousand dollars worth on board of their vessels; that they would go the Pacific Ocean, would there supply themselves with cargoes, and then proceed to China, and obtain in exchange for their produce ship loads of the richest and most valuable commodities. These returns could not have been purchased with the same articles in any other market; and on this account, again, the China trade was most profitable, and should not have been put down. Another view taken of the subject, by the gentleman from Pennsylvania, was, that it would benefit the planters and farmers, by giving them

a higher price for their produce; and that our manufactures would be better than imported goods. But I beseech that gentleman not to forget himself and his friends in his great zeal to benefit the agriculturists. The results which he predicts cannot take place; or, if they do, the manufacturers must be involved in irretrievable ruin. For, how can they sell their goods cheaper after the price of breadstuffs and raw materials has been raised than they can now, when both breadstuffs and raw materials are absolutely worthless; are, in fact, as the Speaker told us, rotting in our barn yards? Explain the principle why you can sell cheaper, when corn is at a dollar per bushel, and wool at a dollar per pound, than you can when corn is fifty cents a bushel and wool fifty cents a pound. To me it seems unreasonable to suppose that such a result can follow; for, if cloth now sells at ten dollars, when corn and wool are at the inferior price of fifty cents as mentioned above; it is not possible in the nature of things that cloth can be sold at six or eight dollars, when the price of corn and wool shall have advanced to one dollar each. Upon this supposition, the manufacturer would constantly receive less for his labor while his necessary expenditure would be increased, and if such a process would not eventuate in his ruin, I must confess, I do not know what would have the effect. No, sir; if, as gentlemen contend, breadstuffs and raw materials are worthless—are of no value at all—now is the time to begin a manufacturing system, because, now you can afford to work at a cheap rate and to defy all foreign competition.

But, how is it proposed to raise the price of breadstuffs? Why, by lessening the quantity produced. The gentleman from New York (Mr. Woon) said that too much of the labor of the country was devoted to agriculture. Upon this principle the Speaker also proceeded—when he said that 500,000 persons employed in factories would consume 900,000 barrels of flour. This had been put as an example showing the beneficial effects which would result to agriculture by diverting a portion of labor from that pursuit and employing it in manufacturing establishments. Then, said Mr. W., the inference was clear that it was intended to raise the price of breadstuffs by lessening the quantity produced, and he would ask whether this was a blessing? No; but, in his opinion, it was a curse. Ask a famished Irishman, during the late distress in that country, whether he considers it wise to lessen the quantity of sustenance which any country can produce? Ask any poor man in our own country whether he can live better upon three pecks than a bushel of corn? The argument of the gentleman amounts to this, and I should believe that an individual to whom such questions were propounded, would suspect the wisdom or sincerity of him who proposed them. Sir, it is irreverent in us to complain that we are too highly blessed in this particular. It is better to have ten times too much than one-tenth too little of what is to be eaten; of what is absolutely and indispensably necessary to our very existence itself. Therefore, although

the manufacturing project should tend to raise the price of breadstuffs, yet it will do so by lessening the quantity produced, and in this way, will operate as a serious curse upon the poorer classes of society. If any blessings attend the system, England must be in the full enjoyment of them, because she has carried it to the greatest extent. The Speaker, to be sure, had told us that, during his visit to that country, he had remarked that no people were more comfortably provided for or apparently more happy than the laboring part of the population of Great Britain. While disposed to give entire credit to what the Speaker has said, I must be permitted to doubt whether his personal observations into this matter were so full or extensive as he could have made under different circumstances. He associated with kings rather than beggars, and of course his opportunity for observing the condition of the entire laboring class in England was not so favorable as it might have been. Other persons have said that the manufacturers of Great Britain were obliged to labor from fourteen to seventeen hours out of the twenty-four; and to live on a vegetable diet in order to earn a miserable pittance of wages? Is this the way in which you propose also to bless our people? Is this the way in which you propose to raise the price of breadstuffs? If it is, you will do it with a vengeance, indeed; for when the system gets fully into operation, you will have raised the price so high as to put it out of the power of any poor man to eat bread. You will, in this manner, take from him the half loaf which he might otherwise obtain. Now, what is the duty of every wise and beneficent government? It is, to take care of the poor, rather than the rich; because, say the moral and political writers, the rich can take care of themselves. In England, while the poor manufacturer was obliged to work from fourteen to seventeen hours out of the twenty-four, and to live on a vegetable diet, the wealthy owner of the establishment, no doubt, "fared sumptuously every day, and was clothed in purple and fine linen." But, was this right? Is this the condition into which gentlemen would lead our people? Is this the end to which we must finally come? If not, let us ponder well the course we are about to take. Let us deliberate maturely before we commence a system which may possibly tend to the results which have been indicated.

There were other objections to this system, which might be denominated a political nature, but which weighed, said Mr. W., on his mind as forcibly as any that have been mentioned. To me, it seems impossible, that a Government like ours can exist in any country not essentially agricultural. An author, who writes one of the best histories of the American Revolution I have ever read, ascribes the origin and establishment of our Government to the *peculiar felicity of our situation*. He says, that every man in America was a landholder; that, while blessed with health and strength, with genial showers and a warm sun, he could sustain himself in comfort and independence; he could live by his own exertions; he could subsist by the sweat of his brow: that he was, therefore, equal

with, and independent of, all others. This remark was correct and philosophical. In the application of it, we may assert, without hazard, that what led to the establishment of the Government, is equally necessary to its continuance. Could the poor starved manufacturer of England feel that lofty independent spirit in respect to his employer, which every man in this country can feel, in respect to all the rest of his fellow-citizens? No; he could not. Any measure, therefore, of our Government, which tends to derange those circumstances, or to impair that peculiar felicity of situation which led to its establishment, must so far jeopardize its continuance. A concentration of landed property, in the hands of a few, must endanger the existence of the Government, because, according to the principle assumed, a diffusion of that property was the circumstance which first led to its establishment. I will not say, sir, that any one circumstance, or that any particular combination of circumstances, exclusively, conducted to the establishment of the Government: but I will say, that the circumstance alluded to by the historian, of the landed property in this country being generally diffused among the people, was one which prominently tended to that result. Had not this been our condition, it would have been impossible to institute a Government like ours, founded upon the broad basis of equal rights. Inasmuch, therefore, as the manufacturing project tends to disturb that diffusion of property, and consequently to impair that principle of independence and equality natural to our people in their present condition, I, for one, should be disposed to give it a decided negative.

Not only so, but the project would have another effect highly pernicious. It will tend to destroy the health and strength of those engaged in manufacturing establishments, and impair the physical capacity of the people for the great objects of self-defence. The gentleman from Virginia had limited his remarks, when he came to speak on this point, and it is not my purpose to transgress the rule which he prescribed to himself, further than to notice a remark made by the gentleman from New York, who stated it was necessary to adopt this bill, to correct and restrain that spirit which seemed to be growing up in the country. He admitted, with the gentleman, that a military spirit was dangerous in its consequences, and ought to be restrained. But the plan of the gentleman would have an effect the reverse of that which he desires. No one can doubt that, of all pursuits, agriculture is the most congenial to the nature of man, and best adapted to preserve his health and happiness. It also predisposes him to peace: but, if war becomes necessary, it qualifies him to prosecute it with vigor and effect. If, sir, you want a people "swifter than eagles and stronger than lions," will you go to the fields of the agriculturist or the shops of the manufacturer? Certainly they must be looked for in the former, rather than in the latter, situation. He would not be understood as applying these remarks to our present condition. We are not yet sufficiently advanced in the business to have become the sub-

ject of all the pernicious consequences flowing from the system. But, if the effects are pernicious at any time, we should not now begin a work which we may hereafter wish we had never commenced. That evils of the kind he had noticed would ensue, the history of England, indeed of all other manufacturing countries, would most amply prove.

Great diversity of opinion exists as to the effects this measure will have upon the revenue. Any opinion on this subject must be in a considerable degree conjectural. Some gentlemen think the smallest increase of duties will impair the revenue, while others say an addition of thirty or forty per cent. will not prove injurious. Experience alone can determine the point, and of experience we have not as yet the benefit or advantage. But if this bill affords to the manufacturers the relief which they expect, it is evident it must do so by lessening the amount of imported goods. If the amount of imports be lessened, it is fair to presume the revenue will be diminished, and then a resort to internal taxes becomes necessary to supply the deficiency. At this time it is the peculiar privilege—the great boast of the American people—that they are not directly taxed; that the Government sustains them, like the air in which they live, without their feeling it. No one is obliged to pay any part of the revenue which Government annually receives, or, if he chooses to do it, he himself assesses the amount of his contribution. In all this, he acts spontaneously—he is under no restraint or coercion whatever. But he would not be equally free if a direct tax should be imposed upon him. Under this system, whether he was willing or not, he would be obliged to pay. If the seasons had been adverse; if his crops had failed; if all his means of contribution to Government had been entirely cut off,—still he would be obliged to pay; and (if he did not do it voluntarily) his property would be sacrificed at a sheriff or marshal's sale. The coercion or restraint in the one case, and the perfect freedom in the other, ought, Mr. W. apprehended, to leave no doubt in the minds of gentlemen as to the course which should be taken. No measure should be adopted which can possibly interfere with our present system of revenue. The debts of the nation must be paid, and our present system affords us the means of doing it with ease and convenience to the people; whereas, if we destroy it, the people will be subjected to taxes alike vexatious to them and perplexing to the Government.

The injurious effect which the passage of the bill would have upon the Navy should be noticed. The gentleman from Pennsylvania had urged that it would have no effect; and, in proof of it, had called our attention to one of the ports in Rhode Island, the tonnage of which had not been diminished by the increase of manufactures in that vicinity. But, admitting the fact to be as stated by the gentleman, he (Mr. W.) contended it would not avail him in the argument, because mere exceptions prove nothing. All must agree that manufactures are of less bulk than raw materials; and if our vessels are hereafter to be employed in the transportation of the former, it follows most

conclusively that fewer ships will be wanted for that purpose, than if they were engaged in conveying the raw materials. In this view of the case, then, without adverting to any injury which is done to the revenue, it must be conceded that the navigation will be diminished; and, of course, the naval strength of the country will be proportionably weakened. Now, I ask if we should, on any consideration, agree to this? The Navy has been emphatically termed the strong arm of the nation. The late war had proved its efficacy. You, Mr. Chairman, and every other man in the nation, will long remember the feelings inspired by our triumphs upon the sea. You will not forget that the melancholy news of the surrender of Hull was more than counterbalanced by the glad tidings of the victory of another Hull. Shall all the honor we have acquired, and all the brilliant prosperity before us, be sacrificed to an unreasonable thirst for gain in a few citizens? I hope not. On the contrary, let the commerce of the country pursue its accustomed channels; let each one depend on his own exertions; let him be industrious, and content with ordinary profits in his business; let him not ask others to tax themselves exclusively for his benefit.

The project for establishing manufactures is premature. Our country is too new to commence and prosecute such business with advantage. In the Northern and Eastern States, where protection is most loudly called for, the people might be more profitably employed in other pursuits. The protection now afforded to them amounts to an average of 40 per cent., and yet they call for more. Does not this prove that labor, in any other business, would be at least 40 per cent. more valuable to them than if employed in manufacturing establishments? Every business should be free; coercion and restraint upon one, with the view to afford legal aid or encouragement to another, gives to society an unnatural and artificial state of existence which necessarily tends to the injury of all. If we esteem the freedom of our institutions; if we value the equality of our people, we should not adopt a policy calculated to impair the one, or disturb the other. In conclusion, Mr. W. remarked, that he should not go into the details of the bill. That part of the subject had been so fully discussed as to supersede the necessity of consuming any more time in relation to it. He should, therefore, conclude, by again expressing a hope that this measure, so replete, as he believed, with fatal consequences, would not be adopted.

When Mr. W. concluded—

Mr. Strong rose and said, that, at this protracted period of the debate, and after the Committee had so long and so patiently listened to the eloquence, argument, and wit, which the various and interesting topics connected with the bill under consideration had called forth, he could not claim much of their attention to the humble efforts which he felt it his duty to make. He, however, hoped to be gratified with the kind indulgence of the Committee, while he submitted to their better judgment some of the reasons which had induced him to advocate the principles and policy of the bill.

As this occasion, said Mr. S., has been taken by those who have immediately preceded me, to discuss the merits of the bill, the Committee, I trust, will pardon me, if I pursue the same course. But, in doing so, I shall purposely avoid touching upon any matters which have been discussed during the progress of this debate.

Our condition, Mr. Chairman, as a nation, is peculiar. We depend almost wholly upon the production of raw materials, and upon the sale or exchange of these raw materials, in a foreign market, for our commercial prosperity. There is well grounded fear that the foreign market for these articles will fail us. Suppose it should fail, what is the alternative? Is it not either the abandonment of foreign commerce, in American ships, or the establishment of American manufactures? If we intend that this commerce shall go on, must we not provide the means of carrying it on? And what are these means? Articles adapted to the markets in which they are to be offered for sale. The raw material must change its form, as the wants of the purchaser change. This can only be done by the interposition of manufacturing skill. Now, as the earliest efforts of art and skill are rude, and as manufactures do not spring into perfection spontaneously, they need, and must receive, the fostering care of the Government.

Many of the honorable gentlemen who are opposed to this measure, profess (and I am bound to believe them sincere,) to be friendly to the manufacturing interest, while their arguments prove, if they prove any thing, that commerce ought to be unrestrained, and left free as the air we breathe. Now, as the protection sought can be attained only by imposing terms upon the admission of the foreign fabric, how is the free admission of the foreign to protect the American fabric? Thus, their professions and arguments seem to contradict each other. While the former would relieve, the latter go to ruin the American manufacturer.

But it has been urged upon the Committee, and with no small degree of force, that, if this measure be adopted, agriculture, commerce, and navigation, will be injured, and, peradventure, ruined. Indeed! Why, sir, if we are to believe the testimony delivered within this Hall, all these great interests are now on the verge of ruin. They are, in truth, grievously depressed, but not yet on the brink of the precipice; though, in all human probability, they will be there soon, if not relieved; and, if once there, it may be too late to relieve them. This subject is peculiarly interesting to me. The great national interests of agriculture, commerce, and manufactures, have taken deep root in the State of New York. Her interests, therefore, are emphatically and necessarily national interests. They are identified with her prosperity. The integrity of the States is not more closely bound up in the Federal sovereignty, than these interests are intimately interwoven with the vitality of her existence. Thus, I would not, indeed I could not, knowingly, advocate any measure which would injure or impair them.

What, sir, does the bill propose? What are its great objects? To provide revenue—encourage

domestic manufactures, and furnish the means of national defence. These are the objects, and I suppose no one denies their importance. We differ only in the mode of attaining them. Industry is the source of national greatness. Yes, sir, honest, productive industry, is the fountain whence are drawn the strength, wealth, and power of a nation. Should the bill become a law, will it, in its operation, diminish the aggregate amount of the national industry? Far from it. Its policy is, and, if am not utterly deceived, its operation will be, by protecting manufacturing skill, and creating a steady home market, to give continued and productive employment to the greatest number of hands, and thereby to render us independent of foreigners for many of the commonest necessities of life, and the essential means of defence.

A great variety of objections have been urged against this bill. Were I capable of answering, I should not attempt to answer them all. The Committee, I hope, will indulge me while I briefly notice some of them. The assertion has been made, repeatedly, that it will directly prohibit the importation of many foreign articles, which are now brought into the country in considerable quantities. And not a few of the arguments against it have been built upon this assertion. It is easier to assert than to prove what is asserted. I call upon gentlemen for the proof. I ask them to point out the article, the proposed duty upon which amounts, of itself, to a prohibition. No, sir, there is no prohibition in terms—it is in tendency only; and no article of foreign manufacture will be excluded until its place shall be supplied at a better and cheaper rate by the domestic manufacture.

The gentleman from Virginia, (Mr. P. P. BARBOUR,) whose argument was marked with temperance and ability, told the Committee that, from the force of circumstances and the nature of things, the Northern States enjoyed the advantage of a large capital, dense population, and free labor; while the Southern States experienced the disadvantage of a deficient capital, sparse population, and slave labor; and that, consequently, the operation of the bill would be unequal, unjust, and burdensome. If this objection be good, then it is conclusive against any tariff, and all legislation upon this subject must, of necessity, be wrong. But, is it so? Has it come to this? Does the free labor of the nation call for relief; and is no relief to be granted because God and nature, or the industry of man, may have made a difference in the moral and physical condition of the several parts of the Union? Is one portion of our common country oppressed, and shall not the other bear its share of the common burden? What interests are to be consulted but those of the Union? There doubtless is inequality in the condition of the States. It is found in the different kinds and quantity of their agricultural products, and in the diversified habits and pursuits of their citizens. And of all the subjects which require the interference of the National Legislature, perhaps no one than this demands a larger compromise of feelings, opinions, and interests. Cotton,

sugar, rice, and tobacco, the great staples of the Southern States, are not, and the three first cannot be produced in the Northern and Eastern States. In the latter are many productions of prime necessity, the rewards of labor and skill, which are not produced in the former. Now, it is hardly to be expected that any tariff can be so nicely adjusted as to operate equally upon all the conflicting interests, in every climate, throughout this vast Confederacy. The duty of ten cents a pound on manufactured tobacco, amounts nearly to a total exclusion of the fine tobacco of the West Indies and Mexico from the Northern markets. The duty of three cents a pound on brown sugar, is a direct bounty to the Southern planter; both because the article meets with little or no competition, and because its production does not, and probably never can, supply the domestic consumption. The duty also of three cents a pound on raw cotton must be taken as a protecting, if not a prohibitory duty. What other reason can be given for laying or continuing it in the existing law? But this is not all. The proposed duty on cotton and woollen goods will affect the North more than the South, upon the supposition that the market price of these goods will be enhanced in proportion to the increase of the duty. The negro clothing, for example, required for the annual consumption of the slaves of the South and West, bears a small proportion to the amount of woollen goods, which will be annually consumed by the hardy freemen of the North and East. The people of the Northern and Eastern States, in proportion to their numbers, contribute much more largely to the public Treasury than those of the South, because they consume a much greater value of dutiable articles. The reason of this is to be found in the difference of climate and habits. But the small addition of price, which the augmented duty may be supposed to give, will be temporary. It cannot be permanent. Competition and supply will soon reduce the price of the domestic manufactured article below the present price of the foreign articles. The existing low prices of our domestic cotton fabrics will afford conclusive evidence of this result.

The honorable gentleman (Mr. BARBOUR) further insisted that the power to lay and collect taxes, duties, and imports, was granted with a sole view to revenue; and that any application of the power to protect domestic industry, at the expense of the revenue, would be a violation of the spirit of the Constitution. Sir, the power of Congress "to regulate commerce with foreign nations," is absolute. Did the proposed exercise of any power which Congress may possess, go to destroy the subject-matter, that is, the particular kind of article, upon which the taxing power is to operate, the objection would be valid. This, however, can seldom or never be the case. It can happen only when the importation of the foreign article is prohibited, and the domestic production of a similar article forbidden. But if the power of laying duties, to which the gentleman referred, respects revenue alone, whence the discrimination in the existing tariff? Why is the duty on manu-

factured tobacco, for example, so high as almost entirely to exclude the foreign product? Wherefore are other articles, the productions of foreign countries, as dye-woods, for instance, admitted *duty free*? If it be not for the purpose of encouraging manufactures and protecting the national industry, what is it for? Why has the revenue, which might have been derived from a duty on these articles, been sacrificed? But, sir, should the good people of the United States resort to direct taxation, as the only means of raising a revenue for the support of the Government, what then? Are our ports to be opened, and our custom-houses shut? Are foreign productions, of every kind, whether raw or manufactured, to be admitted *duty free*? Sir, foreigners are wont to look to their own interest more than to ours. Suppose they should conspire to keep our markets glutted with tobacco or breadstuffs, for the purpose of breaking down the growers of these articles: is there no power in this Government to secure to the planter or farmer the only occupation upon which his subsistence depends? This power primarily regards the industry, interest, and safety of the people. As it respects foreign fabrics, the question is one of admission only; it is, whether they shall be admitted upon any, and upon what, terms? These terms are indicated in every exercise of power. It is, perhaps, the only one which, while it permits trade and intercourse, stands as a barrier between American industry, and the action, arts, and arms, of its enemies.

Another objection to the bill is, that it will diminish the revenue. This has been pressed upon the Committee with great earnestness. It may, but I think it will not, have this effect. It is difficult, indeed impossible, to ascertain what its precise effect will be upon the revenue. There are, however, some considerations which go to warrant the belief that the revenue derived from imports will not be diminished. The annual increase of our population is nearly half a million. There is an augmented consumption of articles of mere luxury. They are the tribute which the rich and proud pay to pomp and fashion. These are the delicate and costly fabrics of wool, cotton, flax, and silk. Of these, we manufacture comparatively none, and probably shall not for a long time to come. But, of the coarse woollen, cotton, and linen goods, which compose so great a part of the common necessities of life, we do manufacture a large amount. The difference between the gross value of the finer and coarser sorts of foreign fabrics, which are imported and consumed by us, is considerable; and that difference is in favor of the finer and most expensive manufactures. The consumption of the coarse foreign article gradually diminishes, and will continue to diminish, as the domestic article supplies its place. Not so of the articles which we do not manufacture. It is, therefore, not unfair to presume that the consumption of luxuries of foreign production will increase with our increasing population and wealth; and that the augmented duties upon the luxuries of life will, at least, make up the loss which the revenue may

sustain from the diminished importation of the common necessities of life. These observations are made chiefly in reference to articles of dress. The same course of reasoning, however, may be applied, and with greater force, to the articles of tea, coffee, and spices, which our country does not produce, as well as to those of sugar, molasses, and spirits from the cane—the domestic production of which forms, and from the nature of our climate must always form, an inconsiderable part of the annual domestic demand.

Having mentioned the subject of molasses, permit me, sir, to make a few remarks in relation to the proposed increase of duty upon it, from five to ten cents per gallon. I am against this increase. I think the existing duty high enough. A large class of our citizens, who are frugal and industrious, but comparatively poor, are compelled to use it instead of sugar. They can buy this, because it costs less, and is more nutritious than sugar. It composes with them a portion of the common sustenance of life. Why, then, impose a much higher duty on this, than on any other article which makes up a part of our daily subsistence? Why strike this blow, though never so slight, at the navigation of the country, by suddenly diminishing, perhaps excluding, the importation of a bulky article, an article of food—and an article of which the domestic supply does not, and never can, equal the demand? But what is our obvious policy with respect to the West India trade? Is it not to facilitate, cherish, and protect it? Our products sent to the West Indies are mostly such as no other people will take of us at any price. Their products are such as we want—most of them such as we must have—and some of them such as our soil and climate will not produce. If I am right, the agricultural interest of the country will be promoted by encouraging, not by destroying, that trade.

If then, sir, the intrinsic difficulties of forming a tariff are not insurmountable—and if neither the letter nor the spirit of the Constitution will be violated, nor the public revenue destroyed in the attempt, we may inquire into the condition and wants of the country, and ascertain what can be done to better the one and relieve the other. One truth is clear—if our liberties are worth possessing, they are worth defending. But how are we to defend them? Shall it be by depending upon the industry of others, or upon our own? Shall we rest the prosperity and independence of the nation upon the will and caprice of foreigners, or upon our own competent and exhaustless resources? I speak not of men or morals. The resources to which I allude are the great staple productions of our common country. They are breadstuffs, wool, cotton, flax, hemp, iron,—and the enterprise, ability, and readiness of our citizens to fashion them for use, for comfort, for defence. England and France have the advantage of us in skill. But it should be marked and remembered, that neither England, nor France, nor any other State in Europe, produces all these raw materials. And the fact should not be forgotten, that of these, we produce all—while, of some of them, they buy all.

Is it then longer to be tolerated, that a nation, like ours, standing as a citadel, encompassed and watched by the enemies of freedom, should go to foreign workshops for her coats and blankets—for her swords and bucklers? No. The materials, of which they are made, are produced at home—and they should be wrought at home. Sir, but for the manufactures of wool, cotton, hemp, and iron, our domestic comforts would be gone, and the nation, with all her freedom, could not withstand the shock of war a day, an hour. Protect the industry of the nation, and it, in turn, will furnish the means of comfort and defence.

The distresses of the country have been well portrayed by others. It is admitted, on all hands, that the agricultural, commercial, and manufacturing interests, are in a depressed condition—and that they all want relief. One word in relation to the character of these interests, which thus divide the labor, and occupy the time, of most civilized nations. The agricultural interest (and it is the mother interest of this country) produces the raw material—the manufacturing gives it a new form and value, and the commercial distributes the product of the labors of both. The distribution and price of the commodity depend upon accidental causes, often beyond the control or foresight of the commercial agent. And these causes are to be found in the ever varying wants of man. The operations of commerce result in the exchange of equivalents, the price of which is estimated at the place of exchange, and the value to the holders at the places where they are to be consumed, or re-exchanged. But this consumption, or re-exchange, depends entirely upon the wants of the consumer. Hence, no man will exchange one commodity for another, when he has an adequate supply of that commodity. If, for example, he has breadstuff enough, he will not buy or take yours; and so of every other article. What is true of an individual, in this respect, is true of nations. One nation cannot sell more to another than that other will buy. A prudent nation will not buy more than it wants. And no nation will buy what it does not want. For the truth of these remarks, I appeal to the intelligence of the Committee, and to the condition and commercial experience of the country.

Hitherto, sir, nearly all the enterprise and industry of the country have been devoted to agriculture and commerce. As a nation, we have relied, for wealth and prosperity, almost exclusively upon the production and sale of raw materials—that is, upon the surplus product of agricultural labor. This surplus, as well as the means of subsistence, has been drawn, with some trifling exceptions, from the forest, the land, and the sea. As the farmer, who has no other occupation, depends absolutely upon the production of grain; or the planter, upon the production of cotton, for comfort, subsistence, and the reward of labor; so has the nation depended, and so does she now depend, upon the sale or exchange, in foreign markets, of the aggregate surplus products of her citizens. When these raw products cease to be wanted, or taken abroad, foreign trade ceases. It

must then cease. For, if we rely upon the products of agricultural labor with which to buy the foreign fabric, and the foreigner will not take of us these products, we cannot buy—and for the plainest of all reasons, we cannot pay. In proportion as this aliment of foreign commerce fails, our navigation engaged in that commerce fails with it.

Let us now examine into the former and present condition of that part of our trade, which consists in the exportation of the domestic products of the country. I shall not go into any inquiry in relation to the re-exportation of foreign products; because it is apparent that this trade may be carried on to a considerable extent upon credit, and because the inquiry, in any point of view, is not material to the argument.

The value of our exports of domestic produce, compared with our population in 1800, averaged eight dollars and a fraction to each inhabitant; in 1810, six dollars; in 1820, five dollars; and in 1823, about four dollars, omitting the fractions. Thus, though our population within this period has doubled, and our means and ability of production more than doubled, yet the value of our surplus products has diminished. Take the average value of these exports for the three years ending on the 30th of September, 1802, 1812, and 1822, respectively, and you will arrive at the same result. But there is another view of it which, it seems to me, must remove all doubt. The aggregate value of these exports amounted, in 1800, to \$47,473,204; in 1820, to \$51,683,640; in 1821, to \$43,671,894; in 1822, to \$49,874,079; and in 1823, to \$47,155,711. Hence, it appears that the amount of exports has been gradually diminishing since 1820, and was less the last year than it was in 1800 by some hundred thousand dollars. The amount of raw cotton exported in 1800 was \$5,000,000, as near as can be ascertained. In 1823, it amounted to \$20,000,000. In the last year, domestic manufactures, of all kinds, were exported to the value of near \$3,000,000. The total value, therefore, of every description of raw material, exclusive of cotton, wool, and articles of domestic manufacture, exported in 1823, was about \$18,000,000, less than in 1800; and this diminution has fallen almost exclusively upon the Middle, Northern, and Eastern States. The cotton, rice, and tobacco of the South, find a ready market abroad, while the products of the North, small as they have come to be, often find none.

As the tonnage of the nation is intimately connected with this view of the case, so it has an important bearing upon it. The amount of registered tonnage employed in the foreign trade in 1810, was nine hundred and eighty-four thousand two hundred and sixty-nine tons; in 1822, six hundred and twenty-eight thousand one hundred and fifty tons only. During this period there was no material variation in the small amount of foreign tonnage employed. Our tonnage employed in the coasting trade amounted, in 1810, to four hundred and five thousand six hundred and forty-six tons; and, in 1822, to five hundred and seventy-three thousand and eighty tons. In 1810, the

total tonnage of the United States in the merchant service was one million four hundred and twenty-four thousand seven hundred and eighty-three tons; and, in 1822, one million three hundred and twenty-four thousand six hundred and ninety-nine tons. The result, therefore, is, that, since 1810, the tonnage employed in the foreign trade has diminished about three hundred and fifty-six thousand tons, while the tonnage employed in the coasting trade and fisheries has increased about two hundred and thirty-one thousand tons, and the total tonnage has decreased something more than one hundred thousand tons. Since 1818, however, the registered tonnage has increased, about twenty thousand tons. Now, the argument to be drawn from the actual condition of our foreign trade and tonnage is this, that the quantity of raw materials exported during the last year was much less than in 1810; and that the value of these exports has been gradually and annually diminishing, notwithstanding the quantity of agricultural produce sent abroad during the past year or two has somewhat increased, owing to the increased production of raw cotton. What is the cause of this general and fearful depression of our agriculture and commerce? Is it temporary or permanent? The cause probably had its origin in our embargo and non-intercourse acts. Europe, from necessity, learned a lesson which she has not yet forgotten. Countries which used to look to us for breadstuff, provisions, and munitions of war, were compelled to produce them for themselves, or procure them from others. Most of them now do produce enough for their own subsistence. Their policy in this respect is as settled and permanent as ours. They depend no more upon us for what they have thus learned to produce for themselves, than we do upon them for our corn, or cotton, or rice, or tobacco. Now, as it is the surplus product of labor only which can sustain the commerce and navigation of any nation; and as the foreign market for the products of our labor, consisting almost exclusively of raw materials, is failing, and from causes beyond our control, how can our commerce and navigation be much longer sustained without the combined efforts of agricultural labor and manufacturing skill? Sir, it is in vain to undertake to fashion the purchaser to suit the article; the article must be fashioned to suit the wants and taste of the purchaser.

If these things be so, what then, sir, ought we, as a prudent nation, to do? Encourage and protect manufactures. To prosecute them successfully requires skill, capital, the raw material, machinery, and labor. Of these, except the first, it seems to have been generally admitted that we have enough. But, it is said, we are deficient in skill. There is truth in the assertion. We have already much skill, but we want more, and must have it. What is this skill? Is it valueless? No, sir; it has positive value. I do not mean, as some seem to suppose, that this value is the difference between the cost of the ore of which that chandelier is made, and the price of the splendid production. It is the abstract value of which I speak. It is that rare operation of the head and

hand which, only, can impress upon rude matter a peculiar form and beauty. Now, be this value what it may, much or little, it is national property. And the nation that has it is just so much richer than the nation that has it not. My friend from Massachusetts (Mr. WEBSTER,) has attempted (and he rarely fails in what he attempts) to prove that the foreign fabric is as much the product of our industry as if fabricated here. I agree with him that commerce is the exchange of equivalents; but I cannot assent to the conclusion to which the proposition would seem to lead, that while, by any means, we can pay for the foreign fabric, we are as well off as though we fabricated it for ourselves. This is not a mere question of money—a ledger account of profit and loss. It is a question of national prosperity and power. What is the distinguishing difference between civilized and savage life? Numbers and wealth can never compensate the want of skill, or arts, or arms. The nation destitute of these can receive no equivalent. We are not destitute of them. But to the extent to which we consume foreign fabrics, we pay to the foreigner the value of his skill and dexterity; which value, be it more or less, is so much gain to him, and so much loss to us. If, therefore, the time has come, and I think it has, when the products of our agricultural labor begin to be limited to the quantity necessary for mere subsistence, lest the surplus perish on hand for the want of a market at home or abroad, can it be denied, that the nation wants manufacturing skill? And can it be proved that the nation ought not to encourage and protect manufactures?

The gentleman from Virginia (Mr. P. P. BARBOUR) has further insisted that the operation of the bill now under consideration will in no way, increase the national industry. He seems to have taken it for granted that every body has employment enough. Sir, the question is not so much whether all hands are now employed, as whether they cannot be more productively employed? But, if we believe the representations made to us in relation to this bill, from all parts of the country, both from friend and foe, there is a want of employment. How, then, can the greatest number of hands be the most productively employed? This is the problem to be solved. Production, fabrication, and distribution, are the great divisions and occupations of human industry. Can all be employed, in agriculture, in the production of raw materials; or, in commerce, in the distribution of them? No, sir; both employ a greater number of hands than either could alone. But all are not employed in both. Many of our citizens are now engaged in the work of fabrication—in the manufacture of articles of consumption. The operations of our agriculture and commerce appear to be pushed to their limit. Neither can do any more, nor give profitable employment to more hands. Commerce and navigation cannot, for this interest depends upon the carriage and exchange of agricultural products; and agriculture cannot, for its productions are gradually supplanted in foreign markets by the like increasing products of other

countries. Not so with manufactures. This interest presents a vast field. It invites skill and competition. Does not the manufacturing interest, therefore, afford an increasing sphere for national industry?

Much has been said of foreign and of American policy. Sir, what is the true American policy? Is it to open our ports, and admit freely the productions of others, while the ports of others are shut against us, and our productions excluded, or, if admitted at all, admitted upon hard terms; or, is it reciprocity of trade, and the fabrication of our own wool, cotton, hemp, and iron, for domestic comfort, national defence, and foreign demand? But we are told that wages are so high in this country, that, where machinery is not brought in aid of human labor, manufactures cannot succeed. And the gentleman from Massachusetts (Mr. WEBSTER) seems to suppose that we cannot produce the article of iron, though our country is so rich in the ore, because the average rate of wages, in Sweden, for example, is seven cents a day, while it is some four or five times higher with us. The small difference between the original cost of Swedish and American iron, is conclusive proof that this difference is not determined by the different rate of wages. If it was, every pound of American iron would cost four or five times as much as a pound of Swedish iron. The same may be said of every bushel of American wheat, and of most of the raw materials, which our country produces in such abundance and cheapness. Sir, the true secret of our ability to compete, almost, though not quite, upon equal terms with the serfs of Europe, is to be found in our free labor, and in our superior industry and enterprise.

But, sir, how have the opponents of the bill answered the call which has been so repeatedly made upon them, to point out the country in which manufactures have existed and flourished without encouragement and protection? Why, sir, it is true, that England has lowered her import duty, upon foreign wool, admitted the lumber of the north, and somewhat relaxed her colonial system. She has admitted lumber and wool upon easier terms, because she cannot produce enough for her own consumption; and what she cannot produce at home she must buy abroad. She has meliorated her navigation laws to enlarge and facilitate the exchange of her manufacturing industry. But Spain, it is said, with all her onerous commercial restrictions, is unsuccessful in manufactures. I know it, sir; and the fault is both in the manners and habits of her people, and in her peculiar system of monopolies. Other well regulated countries protect their home industry. Does England admit the woollens, cottons, or silks of France? or France those of England? Does either admit those of any country to come into competition with her own manufactures in the home market? The statesmen of England acknowledge that her manufactures of silk, with all the supremacy of English skill, can be sustained only by continued and efficient protection. It is the fact of protecting, and not the impolicy of establishing them, that is material to the present inquiry. The gen-

tleman from Massachusetts (Mr. WEBSTER) not being able to show that manufactures had succeeded in other countries, unaided by the parental care of Government, attempted to prove that they had succeeded in the United States, without care or protection. I think my friend unfortunate in this instance. Manufactories of minor importance have long existed in this country. Others of a more imposing character were established shortly after the adoption of the Federal Constitution. But who is there who has attentively examined the progress of manufactures among us, who does not know that the great manufacturing interest of the nation took root and flourished during the embargo, the non-intercourse acts, and the war that followed. It was in this period—a period of near seven years, and one, too, for the most part, of total prohibition of foreign fabrics, that American manufactures received their highest possible protection. With little or no foreign competition, they enjoyed the home market—all flourished—some came to maturity, and were just able to survive the shock which the peace, and with it, the great and sudden influx of foreign fabrics, produced; while others, like the infant in the tempest, were overwhelmed and destroyed. But, if they received no protection, why were so many of them ruined when the war ceased? Besides, if the manufactures of woollen, and cotton, and hemp, and iron, need no protection, why is it necessary to protect the manufacture of sugar and tobacco? The duty on the former enables the sugar planter to carry on his business, and the duty on the latter amounts almost to a total exclusion of the foreign manufactured article from our markets.

Sir, this measure has been called anti-social; and some gentlemen appear to take it for granted, that its necessary operation will be to destroy commerce and navigation. I am persuaded it will have a contrary effect. Instead of injuring, it will sustain, the commercial and navigating interest. I have attempted to prove, that the quantity and value of our domestic exports annually diminish—and that foreigners will not take our raw produce, as they used to do, because they do not want it. When they will not take the raw material, is there any other mode of relief, than to adapt the thing to their wants, and carry the article to them in the shape of manufactures? Let me ask you, sir, who is to furnish the vast supplies for the South American markets? What we shall neglect or refuse to do towards it, England and France will do for us. The Spanish patriots of the South, allied to us by interest, feeling, and the common ties of freemen, do not want raw materials—because they produce them in abundance—but they do want the manufactures of wool, cotton, hemp, and iron. And, in my humble judgment, we can furnish them with most of these articles, if we choose to do it, better and cheaper than England or France can. Is it not, then, our imperious duty, by passing this bill, to foster skill, protect manufactures, insure the rewards of domestic industry, and thus enable our country to enjoy her full share of the commerce of the world?

The opponents of this bill avail themselves largely of the professions of some of the statesmen of England, which have never been put in practice—and of the writings of political economists, which have no just application to the question now under consideration. I speak not lightly of the works of Adam Smith, Jean Baptiste Say, and others of the same school. They are certainly profound thinkers; and their books contain much valuable information. But they leave off at the very point where commercial practice begins. What is the foundation upon which their system rests? Unrestricted commerce—absolute freedom of trade. Can this state of things exist, but in the absence of all color of restraint? Does not this state of things presuppose the freest competition of mind with mind, skill with skill, capital with capital—and, need I add, free labor with free labor? I do not inquire whether this has ever been the existing state of the commercial world? But I do ask whether it now exists? What nation is there, whose statesmen have adopted the policy so strenuously recommended by these writers? Has France or any other State done it? Where is the nation whose ports are open to the free admission of the products of the world? Whose manufactures, whose skill and industry, are left unaided, and unprotected, against the arts and actions of rival nations? Again, sir: Who, of these writers, after having accurately examined the commercial laws and policy of nations, has told any one of them, England, or the United States, for example, what she ought to do, or not to do, in reference to the existing regulations, and present state, of the commercial world? Not one of them. They speak of things as they wish them to be, not as they are. They talk of freedom of trade, when there is no free trade. In a word, they presume a state of things which does not exist, and which never can be brought about, but by a convention of nations.

In the progress of this debate, the manufacturers of our country have repeatedly been called monopolists. This is an odious term, and one which does not belong to them. What, sir, is a monopoly? It is the grant to one of an exclusive right, which before was common to all. The laws relating to manufactures, like those which relate to agriculture and commerce, are general. Every citizen enjoys an equal right of becoming a farmer, a manufacturer, or a merchant. Labor is left free to seek its own reward. If, therefore, the manufacturer be a monopolist, then all who enjoy the protection and benefits of the Constitution and laws of the land, are monopolists.

But, the poor—we are told it will oppress the poor. Think you, sir, the poor will be oppressed by giving them increased employment? What is it that oppresses the poor? Want of employment, and excises and taxes upon the articles of subsistence. The condition of the American citizen, in this respect, is not to be compared, as it has been, with that of the Englishman. England taxes every thing which is necessary for the subsistence and comfort of the poor man. We tax nothing. The poor man—in truth, sir, no man,

with us, is obliged to consume dutiable articles. If he does consume them, it is because he chooses to do it. The act is voluntary. No man, rich or poor, can be compelled, against his will, to contribute a fraction to the National Treasury for his food, drink, or raiment.

The gentleman from North Carolina, (Mr. WILLIAMS,) who has just taken his seat, has insisted, that the operation of this bill will be to destroy the cotton trade, and ruin the planters of the South; because, if we will not take the merchandise of England and France, they will not take our cotton. Sir, the English and French, like all other prudent merchants, will trade where they can make the best bargain. If England, for instance, can exchange a yard of broadcloth for more pounds of Brazil cotton, than she can of Carolina cotton, of like quality, no matter what the difference in price may be, she will buy the Brazil cotton. And this is the whole secret of "buying where you can buy cheapest." I believe the cotton growers have much to fear, if this measure be not adopted. To me, it appears that their safety, that the common safety of us all, is to be found in the policy of this bill. Let us examine its operation upon the cotton planter. In the direct trade between this country and England, our imports, if I mistake not, have always exceeded our exports. In 1822, the excess was more than \$11,000,000; and, including her dependencies, was more than \$13,000,000 against us. This difference is paid by the transfer of American stocks, and out of the proceeds of American cargoes, sold on the continent. If we take the excess beyond the value of the cotton exported to England, the difference will be more than \$16,000,000; and if that of France be added, it will be more than \$20,000,000 against us. The whole amount of woollen and cotton goods imported from England, in the last year, and which were not re-exported, did not differ much from \$12,000,000. Now, if the effect of this bill should be to exclude the woollen and cotton fabrics of England from our markets, it is apparent, that we shall still take of her manufactures, to many millions of dollars worth, more than she will take of our cotton. Hence it is, that our cotton trade with England, or any other country, cannot be materially affected, until we import less from such country than we export to it. But, the bill will not have this extensive operation; because we shall, for a long time, continue to import and consume a large amount of the fine woollen and cotton fabrics of England. No, sir; if our cotton trade with Europe fails, it will not fail because we refuse to buy their coarse wares, but because they can buy their cotton of others to better advantage. Of the whole amount of cotton, which England annually consumes, about two-thirds is grown in the United States, and the residue in other countries—chiefly in Egypt and Brazil.

My honorable friend, from South Carolina, (Mr. HAMILTON,) gave us, in the early part of this debate, a glowing description of the advantages which the Brazils possess for the successful culture of cotton. It was a true picture. Perhaps

there is no country on the globe better adapted to the production of this staple commodity. In soil, climate, and cheapness of labor, it stands unrivalled. It wants nothing but a stable and temperate government. What, then, let me ask, will give the greatest stimulus to the inhabitants of that vast region to produce cotton? Will it not be by suffering England to monopolize their markets—to supply them with the coarser kinds of woollen and cotton goods, of which they now consume large quantities, and the consumption of which is rapidly increasing? Why? Because England will want their cotton more than she will want any other raw material which they can produce. What, then, is our obvious policy? Is it not to divide the market with England—to come in for our share of the trade? How is this to be done? By encouraging domestic industry, and giving the farmer a home market. By protecting the infant manufacturing establishments of the country against the importation of comparatively worthless fabrics, against the arts and frauds of foreign workshops, and thus enabling them to supply a portion, at least, of the articles which are in so much demand in the South American Republics. But can we enter in competition with England in the markets abroad? We have, for some time, carried on a successful trade with South America, in articles of domestic manufacture; and one of our enterprising citizens of the East, I understand, has recently shipped thither some two hundred bales of domestic manufactured cotton goods. Give reasonable protection, and I am persuaded we can manufacture the coarse woollens and cottons, which enter so largely into the consumption of every country, be it old or new, as cheap as England or France can. But what good will come of it? It will sustain our navigation, by opening to it a new and wider field for employment. It will prevent, in no small degree, the necessity of growing cotton in South American Republics, because we shall not want their cotton; but we shall want many other articles, which they can produce in abundance. But suppose it does not have this effect; what then? Why, sir, still it will give our cotton growers the benefit of two markets. The home market will be sure and steady, subject to none of the fluctuations of the European markets. But, sir, formidable as the South American rival threatens to be, it is not the only one to be feared. The culture of cotton has been recently commenced in Egypt. Here, also, nothing is wanting to insure its success, but a parental government. Now, will not England and France buy this raw material, which they cannot produce, and which they must have, where they can buy it at the most profit? Do you believe that either of them would sacrifice a single dollar, to promote the agricultural interest, in this country? Is it not, then, our imperious duty to adopt that course of policy, which will result in a steady home market? And what is the advantage of a home market? Ask the farmer and mechanic, and the industrious of all classes who live in the vicinity of cities, villages, and factories. In proportion as these increase, nearly

in that proportion, as a general rule, productive employment increases. The farmer, for example, can sell more, though he raise less. The reason is, that he loses none of the proceeds of his labor. It facilitates trade, barter, and the endless interchange of commodities. It stimulates the circulation of money—the profits of labor. And this circulation, like the blood, animates, cherishes, and sustains, every part of the system.

The friends of this measure have been warned to forbear, and not to persist any longer in attempting to establish, by force of law, a new and untried system. Sir, it is no new or untried system. It is a system which originated with the Government. The first Congress encouraged, and partially protected, American manufactures, and American industry. The system rests upon the principles of self-defence. If the Government is bound to protect the persons, dwellings, and money of the citizens, from foreign enemies, is it not equally bound to protect their skill and industry from foreign rivalry? A rivalry sometimes not less fatal to these interests than the sword is to life.

My friend from Mississippi (Mr. RANKIN) said, we were about to adopt the policy of England, which would entail upon us, as it had upon her, pauperism, exactions, taxes, and a debt of countless millions. The measure under consideration differs widely from the English system of policy, of which he has spoken. But, were it the same, the consequences would not follow. The fault is not in the system. Has the protection of British manufactures and British industry ever added one dollar to the national debt of Great Britain? Whence, then, have arisen her debts and burdens? From her foreign wars. Were these waged for the protection of her home industry? No, sir; they were commenced and prosecuted for power—for empire. These have filled up her measure of taxes and cruel exactions. The evil, therefore, is not to be found in the system of protecting domestic industry. My friend, also, contended that, should England abolish her corn laws and give free admission to the grain of other countries, it would reduce the expense of living—lower the wages of labor, and, consequently, the price of her manufactures; and thus put it in her power to command the markets of the world. But did he stop to inquire what effect it would have upon her agricultural interest? And what would be its effect? Is there any doubt; can there be any, that the abolition of her corn laws would totally ruin the greatest portion of her farmers? What could they do? Could they turn merchants and manufacturers? No, sir; most of them would become paupers. This has a direct application to our own home matters. Let me ask the Virginia tobacco planters, whether they are willing to risk the free admission into this country of the tobacco and cigars of Cuba and Mexico? Would not this unequal competition ruin them? View it how you will, no pursuit or occupation in life is safe without protection.

I must again call the attention of the Committee to the maxim, "buy where you can buy cheap-

est." This has been repeated as though there were some magic in it. What does it mean? Does it mean simply the price of the article bought, without any reference to the value of the labor, money, or other thing, given in exchange? If it does, then no man or nation can, for any great length of time, continue to buy cheapest, without the risk of utter ruin. Let us look at the consequence. The industrious farmer abandons his farm, because he can buy the grain from the Baltic, or the Black Sea, and all the other products of his husbandry, from foreign countries, twenty-five per cent cheaper than he can produce them. But, if he cease to produce, has he any thing to give in exchange for the article he wants, however cheap it may be? He certainly has not. The same consequence will follow in regard to any other interest or occupation. The question, then, is not, Where can you buy a bushel of wheat, or a pound of cotton, at a reduction of 25 per cent. in the price, compared with other like articles? But it is, Where can you buy them for the least quantity and value of productive labor and skill? An agricultural nation, when the foreign demand for her products comes to diminish, will find her only safety in a home market. Not that she is to be shut up at home. This is no Chinese policy. Other markets are open, though limited. They always will be open, for no nation can produce or manufacture all she wants. She must, in peace at least, rely upon others for some portion of her annual consumption.

Sir, I am persuaded that this measure is necessary, not only to give activity and energy to agriculture, commerce, and manufactures, but to enable us to provide effectually for the national defence. Upon what does the nation rely for her protection and defence? Is it not upon well fed, well clothed, well armed citizens, and a well appointed navy? It is true we raise food enough, and to spare, but do we produce the other necessary ingredients for building and furnishing a navy, or equipping an army? We do not. With a country peculiarly adapted to the production of wool, cotton, and hemp, and abounding in the ores of iron, lead, and copper, we are still obliged to import many articles, composed of these raw materials, which are useful in peace and essential in war, and without which a battle cannot be fought, or a victory won. Go, examine our army. What proportion of the soldiers' clothing is of American, and what proportion of British manufacture? Go, examine our navy, the bulwark of freedom. There is not a ship in it but has in its construction more or less of foreign iron, canvass, and cordage. Yet there is not an article worth naming in the whole composition of a ship, from truck to keelson, which this country cannot produce. Is it prudent to depend upon England for any portion of our necessary clothing, whether for soldier or citizen? Or, upon Sweden and Russia for any part of the iron and hemp required in the construction of a navy? Is it well for a nation, possessing all resources as ours does, to depend, not upon herself, but upon others, for some of the most essential means of defence? Let the

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history of the last war answer—a war which, all now acknowledge, cost the country millions for the want of adequate manufacturing establishments to furnish those supplies which were indispensable, and which could no longer be derived from Europe but at great hazard and expense. Is it safe to neglect our own resources, and trust the liberties of the people, in any degree, to the friendship or cupidity of foreigners? But, it is said, that, if we undertake to grow hemp, and to manufacture canvass and iron, the expense will fall heavily upon the agriculturists. This consequence will not necessarily follow, because the competition between the home producers will keep these articles, as the foreign articles are now kept, very nearly, if not quite, at their present prices. But, suppose the price of these articles should be somewhat enhanced? Do our citizens prefer money to life? Are they willing to pour out their blood like water in defence of liberty, and will they refuse a small pittance of their wealth in peace to prevent the wasteful expenditure of blood and treasure in war? I will not believe it, sir. The men of this country are not more hardy and brave than humane and generous. They ask for protection; and I think they ought to have it. I believe the policy of the bill before you is required for the encouragement of American skill, for the protection of American industry. I believe it is called for by the spirit of the times, by the common wants and sufferings of the country, and by every consideration of national safety, prosperity, and renown.

When Mr. STRONG had concluded—

Mr. ISACKS, of Tennessee, moved to amend the bill by striking out thirty-five cents, (the proposed minimum price of cotton goods,) and reducing it to twenty-five cents, the present minimum.

Mr. ISACKS, in support of his motion, said, that, before the question was taken, he must ask the attention of the Committee a few moments; and, indeed, from the late time in the week, the late hour in the day, and the late period of the debate, he feared he could not rightfully expect that attention; and to compensate for it was certainly more than he could promise; but one thing he would promise—that his remarks should be confined to the proposition before the Committee.

He said he felt it the more necessary to state the grounds of his objection to this feature of the bill, because, in many of the other items which had been acted on, he had voted with the friends of the bill, and, if he had believed that the same principles upon which he had supported other parts of the bill were applicable to this, he should not have moved the amendment which had given rise to so much debate; that his purpose was to show the manifest difference which exists between the two grand divisions of the bill, so far as it relates to the duties imposed on importations, the places of which are intended to be supplied either in whole or in part by the manufactures of this country. To one class you give encouragement, with a view to enable them to come in competition with the foreign manufacturer on something like fair and equal ground; while, for the benefit

of the other class, you propose (in effect) to exclude the foreign article altogether. The former is done upon the principle of competition, to which he most heartily agreed; the latter is prohibition, to which he was unwilling to subscribe.

Mr. I. said, for the purpose of enabling the domestic manufacturer to compete with the foreign; to produce steadiness of price in the market, (and that not, in the main, at the expense of the consumer, as he believed;) to afford additional consumption for aggregate products which could not find a foreign market; he had voted a moderate increase of duty on foreign distilled spirits, cotton bagging, iron, molasses, and some other articles which had passed in review before the Committee. But what, sir, are we asked to do by that clause of the bill to which this motion applies? Not, as in the depressed condition of other manufacturers, to assist those who are struggling for existence, and who have loaded your table with memorials, but to make a class of manufacturers the special subjects of your favor, who neither ask for, nor need, that favor, and who will not thank you for it when bestowed; for he could say, without the fear of contradiction, that, with regard to the manufactures of cotton cloths, so far as they have yet progressed, the fact must be well known to many in this House, that their business is extremely profitable; that the capital invested in all well-conducted establishments of this kind, produces, at this time, to the owners, a clear profit of from fifteen to twenty-five per cent. per annum.

It is this class, already better provided for than any other, by an existing minimum price of twenty-five cents per yard, and a duty of twenty-five per cent. ad valorem, on foreign cotton goods, that we are asked further to provide for, by increasing the minimum to thirty-five cents, not that they may thereby be enabled to set up for fair competition with the importer, but that the latter may be put down almost entirely as it relates to this article.

Mr. I. said it had been stated, in general terms, that this provision would not amount to a prohibition of the article. He would endeavor to show that it would in effect be prohibition to a great extent—and what would be the consequences of that prohibition.

He said, as the article was required to pay duty according to its value, and that duty being as high as the article would bear, it was clear that the importer could not afford to pay duty at a rateable price upon the article when it was really worth considerably less; this duty upon the amount lying between the real and rated price of the thing, would be to him a dead loss; and he thought it required no argument to prove, that no articles of this description would be imported, which were of inferior value to the minimum price fixed, in the rate of duty.

He said that the minimum of 1816 has had the effect to exclude all cottons below that value, and the present increase will have the same effect to the extent of it, and, if he was not greatly mistaken, the amount thus excluded would be at least one-half of the present importations.

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Mr. I. said, if he was right in considering this clause in the bill as prohibitory, then the consequence of this prohibition made an important question. And the first thing that actually strikes the mind is, what effect will this have on the revenue? Without going further back than the last year, it would be found (if his estimate was correct) that the duty on cotton goods, printed, colored, and white, amounted to the sum of \$2,782,000. Then to exclude half the amount of these importations or even less, you exclude, by that process, upwards of one million of dollars from the Treasury. This deficit must then be made up by some other mode of collection; and we had been told that the increased duties on other articles in the bill would be sufficient for that purpose. He would admit, that upon many articles the amount of revenue will be increased, but, on others, it will as certainly be diminished; and, taking all the items of this bill together, (setting apart from them *this* and other prohibitory parts) he thought, if the loss and gain throughout would balance, it was as much as any one had a right to expect; he hoped it would, and so far he was willing to risk it, but he could not flatter himself that there would be any thing over and above, to carry to the amount of prohibitions.

The whole amount of this deficiency, arising from the prohibitory parts of the bill, had been variously estimated by its opponents—suppose it to be three millions, which was a less sum than any of them had made it, though he admitted most of the estimates were made in relation to the bill as it stood before important reductions were carried.

The question then recurs, how is this deficiency, whatever it may be, (and it will be a sum worth thinking about,) to be raised? This question has been avoided by the quaint saying, "that, although the importer pays the duty in the first instance, yet the consumer pays it in the end even now." This is very true, but at present he only pays the single amount of that duty—pays it but once; but by what argument is the prohibition of articles supported? It is in effect by this: that, as the domestic manufacturer cannot contend with the foreign without taking the duty now paid by the foreign and giving it to the domestic manufacturer, and this to enable him to provide the substitute for the duty-paying article, and which, without this bounty, he could not manufacture; consequently he must, to save himself, sell his fabric as high as the foreign fabric now costs, duty and all. The consumer will then be in the same situation he is now: he will still have this tax to pay, with this difference, that he will then not be paying it to the Government but to the manufacturer—the Government is still that much money out of pocket. If, then, to get it in, you should resort to any species of taxation upon the consumer, then, on the back of the increase of price which they will have to pay the manufacturer in the purchase, they will have also to pay an equal amount to the Government; this he would call a double tax on the consumers, or paying, as a consequence of this prohibition, something like the same sum twice, which they now pay but once.

But, suppose Congress should think it more equitable, when they come to provide for this deficit, (as the loss was occasioned on account of the domestic manufacturers,) to tax *them* to make it up. You will then hear from them, though you do not now. They will tell you, "We did not ask the aid which you gave us: those of us engaged in the business asked for nothing but to be let alone. And as to the rest, you 'led us into the temptation.' We should not have employed our time and capital in this way, if you had not held out the inducement. And now, when our business is but scarcely under way, if you lay this burden on us, it will be insupportable."

But, suppose these arguments, however just, (at least in the way of reproach,) should not prevail, and they should be taxed, (for the money must be raised some how,) what then becomes of the consumer? Why, it's all the same thing in the outcome as though he were taxed himself. The manufacturer lays this tax on the goods, in addition to the former price, and the consumer has it to pay. So that, manage the matter as you may, the result will be that the consumer will then have about twice the amount to pay which the duties now cost him, if these prohibitions should occasion the reduction in the revenue which he had supposed.

Mr. I. said, with a view to *increase* the revenue, he would be in favor of a revision of the tariff; not only to hasten the payment of the public debt, so often mentioned in the course of this debate, but also to enable the Government effectually to move forward with the system of internal improvement, in which this House had at this session taken the first decisive step.

The practical operations of this system he conceived necessary to the promotion of convenient intercourse and interior trade. It stood first in the order of march towards our national prosperity, and should precede the legislative completion of the manufacturing system.

Mr. I. said he had another reason against producing any material reduction in the revenue, which, as a Representative of the people, he was bound to respect. He would not libel his constituents by saying that the imposition of a tax (should that be the consequence of these prohibitions) would excite them to disaffection, and drive them to disunion. He knew they would bear it to the extent of their ability, with that patience and determined fortitude which they had shown on all occasions when put to the trial; but a knowledge of their situation compelled him to say, that at this time they would be unable to bear it. He would not go into an enumeration of the causes and effects of their embarrassment and distress: one thing at least was evident, that, owing to the wretched condition of our currency, we have nothing that we could pay taxes with; and in this respect at least we are as well off, and perhaps a little better, than our good neighbors immediately to the north of us.

Mr. I. said, that, in support of some of the provisions of this bill, an argument had been used, with great effect, that we should provide for our

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defence in the unwished-for event of war; but this argument could only apply to the encouragement of the manufacture of iron, lead, hemp, and perhaps a few other articles, necessary for the national defence. So far he acknowledged all its force; but it did not apply to the part of the bill now under consideration. The country is not to be defended with calico and muslin; that business requires sterner stuff.

Mr. I. said, that his assent was most cheerfully yielded to an increase of duties on silks, India and China goods, and all other articles of fashion and luxury, to the extent they would bear, with a view to revenue.

But, Mr. I. said, he would not so far violate his promise to the House as to permit himself to go into an examination of the general principles of the bill; and he would only add—take away its prohibitions, save the revenue, and then encourage manufactures and reward industry.

Mr. CASSEDY, of New Jersey, addressed the Chair as follows:

Mr. Chairman: After the protracted debate which we have heard on the subject under consideration of the Committee, and the talent and eloquence which have been exerted, as well by the friends of the bill, as by those gentlemen who have considered it their duty to oppose it, I would not presume to intrude my remarks upon the patience of the Committee, were it not for the solicitude which I acknowledgedly feel, in common with my constituents, in the fate of the question which is soon to be decided.

Admonished, however, by many considerations, I propose to ask the indulgence of the Committee but for a short time. The policy of the bill before us, though the bill itself may probably be susceptible of some amendment, is, in my view, neither of a sectional nor partial character, but national in its objects, and adapted to promote the welfare, not of one class or interest of the community exclusively, but that of the nation at large. Were I not a convert to the truth of this doctrine, or if I could believe, with some gentlemen, that the effect of the bill would be to burden the many for the benefit of the few; to depress one section of our country for the advancement of another; to aggrandize the manufacturing at the expense of the commercial and agricultural classes of the community; or to subject the domain of the cultivator of the soil to the operation of a direct tax, for the benefit of the manufacturer, I would have voted in favor of the motion made by the gentleman from New York, to strike out the enacting clause of the bill.

Of all the employments which occupy the attention, or exercise the industry of mankind, that of the cultivator of the soil is among the most honorable, as it is the most useful; all others are, in a great degree, dependent on it. It was the primeval occupation of our species, and is engaged in executing the mandate of Heaven itself, by extracting, with a laborious and persevering hand, from the prolific bosom of the earth, the food which sustains life, the materials for our clothing, and many of the principal articles of commerce.

I, for one, sir, am unwilling that a tax should be imposed by the General Government upon the lands of the agriculturist, under any circumstances but those of imperious necessity. Had I, for instance, enjoyed the honor of a seat in this House during the late war, carried on, be it remembered, at the expense of millions, and to the bankruptcy of the Treasury, for the protection of our commerce and seamen, and the maintenance of our indispensable rights on the ocean—those rights which could not have been abandoned without a virtual surrender of the national independence, and that commerce which would have ceased to be, or at best would have dragged on a miserable existence, fed, not supported, by the crumbs which might have fallen from the table of our adversary, if commerce, in that hour of her peril, had been "left alone to regulate herself;" to nerve the arm of the Government on such an occasion, and for such objects, I would have voted for a tax on the lands of the cultivator; but on no light, or trivial, or ordinary occasion, would I do so.

I am, Mr. Chairman, in favor of the bill upon your table, and of course opposed to every motion which seeks to effect its destruction; because I believe that, while it would not injuriously affect the commerce of the country, in which every class of our citizens, whether immediately engaged in commercial pursuits or not, is deeply interested, it would, at the same time, afford protection and encouragement to some of the most important branches of domestic manufactures; those for which we possess an abundance of the raw material, or the capacity for producing them to any extent. But, more especially, I am in favor of the bill, because, to me it seems manifest that it would strongly tend to relieve the embarrassments, and promote the prosperity of that class which embraces within its scope the great body of the active male population of the country, (I mean the agriculturists,) by creating a home market for a considerable portion of the surplus productions of the soil, which the European nations, at length released from the calamities of war, can furnish for themselves, and which (with the exception principally of rice, cotton, and tobacco) they, therefore, do not receive in exchange for their fabrics, with which our markets are glutted by them, beyond the measure of our ability to pay; thus making us their debtors to a fearful amount, paralyzing the national industry, and prostrating the independence of the country.

The encouragement of the manufacture of wool alone, by some proper provisions, could not, I think, fail to be beneficial to the American farmer, by enabling him profitably to stock his otherwise unproductive waste lands with sheep, to say nothing of the employment which it, together with the encouragement of other of the more important branches of manufactures, would furnish to many of our citizens, now struggling with want, and of the manufacturing skill and capital which would probably be attracted by them from countries beyond the Atlantic. I cannot agree with those gentlemen who entertain the opinion, that the considerations which have been urged by the

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friends of the national industry, in favor of the policy of protecting and encouraging it by legislative enactments, and of its tendency to advance the independence of the country, are mere idle declamation.

In one sense it is true, sir, we are already independent. There is no power on earth that has the right to control us but ourselves. Thanks be to God, and to the virtue and valor of our fathers, we no longer owe allegiance to any foreign Government; but, as free and independent States, have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. Yet, sir, I have been induced to believe there is some soundness in the position, that no nation can be really and practically independent without the ability to furnish, from her own internal resources, not every article, the consumption of which either habit or caprice may have rendered in a degree necessary or desirable, but the essential articles of food, of clothing, and the means of defence. It has been asserted that, during the late war, our Government was compelled, by the necessity of our situation, to be a little blind to the practice of smuggling, in order to obtain the means of clothing our gallant soldiers, who were engaged in fighting the battles of our country in the field.

I readily admit, Mr. Chairman, that, in attempting to anticipate the effects likely to result from the provisions of the bill before us, my conclusions may be erroneous. But, having exercised my best judgment in relation to the probable consequences of those provisions, and having heard the opinions of some gentlemen, whose discernment and experience are entitled to confidence, I do not anticipate that a diminution of the revenue will be found among their number, to induce the necessity of resorting to a system of direct taxation to supply the deficiency. When direct taxation shall come upon us, it will not, I think, be the result of the provisions of this bill. On the contrary, I entertain a confident hope and belief—an opinion, if you please—for it cannot be ascertained by precise calculation,) that the revenue will, under its operation, be at least as great in amount as it is likely to be in the event of the rejection of the bill, and that the diminution which might otherwise ensue, in consequence of a decreased amount of imports, if that shall be found among its effects, will be amply supplied by the increased rates of some of the duties proposed. Not intending to detain the Committee by an examination of all the principal items of the bill, with a view to their effect upon the revenue, I beg leave, in reference to this part of the subject, briefly to advert to one or two of them. Silks are principally consumed by the more wealthy classes of the community. The value of this article, imported into the United States during the year which ended on the 30th September, 1823, (as appears by the last report from the Treasury Department, of the commerce and navigation of the United States,) was upwards of six millions and a half of dollars. The bill proposes an increase of the duty on silks, from

fifteen to twenty-five per cent. ad valorem; and as it may, I think, be fairly assumed that the additional duty of ten per cent. will not materially diminish the consumption, the revenue will be benefited, and the burden (if any) will fall, not on the poor, but on the more wealthy classes of the community. The same observations may be applied to fine linens, and other items contained in the bill.

If, Mr. Chairman, Congress shall continue to withhold from the industry of this nation a due portion of that protection which the most enlightened and prosperous nations of the European world have thrown around their own, instead of alarming ourselves at the spectre of direct taxation, supposed to lie in ambush behind the provisions of this bill, will it not, I ask, become us to "gird up our loins," and prepare to wield the burden with what grace we can? We were told by a gentleman from New York, in the course of this debate, that the estimated amount of the revenue for the current year is less, by about two millions of dollars, than was the revenue of the preceding year. To what cause is this falling off to be ascribed? It cannot well be attributed to Tariff legislation, seeing that the Tariff has not been revised since the year 1816. I know it has been ascribed to the fluctuations of trade, and we are told that the revenue of one year cannot be expected to be precisely the same, in amount, with that of another. It may, perhaps, be owing to this cause, but I fear that the diminution is chiefly to be attributed to a cause of deeper interest to us than the accidental fluctuation of trade; I mean, a decreased ability of the nation to pay for and consume articles of foreign production, on the consumption of which the revenue principally arises.

If the ability of this nation to contribute to the wants of the Government, or, in other words, to pay for and consume merchandise imported from abroad, is gradually lessening under the operation of our present course of policy, (as I believe the fact to be,) the revenue which depends upon consumption must likewise decrease; and as the wants of this, like those of every other Government, are imperious, and must be supplied, internal taxation would seem to be the necessary final consequence. On the other hand, if the wealth and prosperity of the nation shall be increased, by the encouragement of national industry, (as I doubt not they would be,) her ability to purchase and consume imported commodities, such as cannot be produced in sufficient quantities at home, will also be increased, to the advantage of the revenue; and if internal taxation, in any shape, should then become necessary, in consequence of extraordinary occurrences, the burden will be lighter, in proportion to our increased ability to endure it.

Is it not, Mr. Chairman, as deplorable as it is true, that we have for years escaped the clutches of the tax gatherer, by the expedient of loans, to which we have been compelled by our necessities to resort, for the humiliating purpose of enabling the Government of this young and enterprising nation, occupying a country on which nature has shed her bounties with a lavish hand, to defray its

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expenditures; and that, too, during a period of profound peace, and when our military and naval force has been reduced to the level of a peace establishment?

It is said that the condition of the country does not require the species of legislation contained in this bill; that the country is now in a prosperous situation; that of late the revenue has improved, and is now in a flourishing condition; and that there is a considerable surplus balance in the Treasury.

In relation to the balance in the Treasury, the fact is as has been asserted. But have we substantial reason to believe that this state of things will continue? Does the present condition of the Treasury afford conclusive evidence of the general prosperity of the country? Is it not true that, under a system like ours, which derives its revenue principally from duties collected on imports from abroad, the Treasury may flourish for a short and delusive period, by the very means which are gradually exhausting the resources, and undermining the prosperity of the country?

The hectic flush that mantles the cheek of the invalid, may resemble the vivid glow of health; but it serves, in reality, only to indicate the secret disease which corrodes within, and gradually exhausts the vital powers. If, Mr. Chairman, we improvidently suffer ourselves "to live beyond our means," if we annually purchase articles of foreign production, greater in amount than the amount of our current resources, as I have been induced to believe is the case with us; even this state of things may endure, perhaps, for a series of years, and for the time the Treasury may be replenished; but shall we not, by such means, be gradually exhausting our capital, accumulated in more prosperous times, and sinking into debt? I think we shall. These ills, it is admitted, may ultimately find their own remedy, and regulate themselves; but not, I fear, until we shall have been taught the error of our ways in the school of dear-bought experience, and suffered under the lash of protracted adversity.

I do not pretend, Mr. Chairman, to be very conversant with the works of European writers on the subject of national economy; it is said, however, that all those of good repute among them, who have written within the last twenty years, have uniformly condemned the policy proposed by the bill upon your table; and yet, sir, we know that, while the European nations are exporting for our use the theories of political economy recommended in the books of their writers, the wise, the sagacious, the experienced statesmen of those very nations, are practising upon different principles at home—the principles involved in this bill.

Such is the case with nations under almost every variety of circumstances. Such is the case with England, possessed of numerous colonies, and with Prussia, having none. Such is the case with Russia, having, like ourselves, a sparse population, and an almost boundless extent of uncultivated territory, and (omitting the mention of others) such was the policy adopted by Spain, at the era of her short-lived political regeneration.

It has been said, Mr. Chairman, that the principles of our Government, the genius of our institutions, and the character of our population, are so widely different from those of the European nations, that their example furnishes not a fit model for our imitation. In relation to their forms and principles of Government; their wars, generated by avarice or ambition, and followed by their train of never-failing evils; their prodigal expenditures profusely lavished upon objects unconnected with the welfare of the State; I agree that their example is contagious, and ought studiously to be shunned. But, while intent on avoiding the evil, it would be unwise if we should refuse to avail ourselves of the lights of their experience, or disdain to imitate them in the practice of those principles of political economy, which their experience has demonstrated to be sound, and by the influence of their salutary operation at least greatly instrumental in redeeming, within the compass of a comparatively short period, the desolating effects of the wars and calamities of many years. In this we should not disdain to imitate them. Rome, in the plenitude of her power, when she stood the triumphant mistress of the world, did not disdain to stoop from the eminence on which she stood, to take lessons in the arts and sciences, and learn wisdom from the nations she had subdued.

I confess, Mr. Chairman, I am unable to comprehend how it can happen, that the course which the experience of other nations has for ages approved, which has had at least a principal agency in enabling them to endure the enormous burdens of taxation to which they have been subjected—if not in conducting them to power and wealth—is to prove ruinous and destructive to us. At all events, I am unwilling to abandon the safe and beaten path which the finger of experience has pointed out, to pursue the theories of speculative foreign writers, whose doctrines and opinions are at variance, not only with the practice of their own Governments, but also with the principles inculcated by many, if not all, of the most distinguished of our earlier statesmen.

The opinion of Say, Ricardo, Lowe, and others, having been arrayed against the policy of the bill before us, it may not, perhaps, be deemed useless to direct our attention, for a few moments, to the writings of American statesmen, whose opinions we have been accustomed to regard with deference, and who were possessed of the important advantages of an intimate acquaintance with the condition and circumstances of our country, and the genius and character of its inhabitants. The opinion of Alexander Hamilton is well known to have been decidedly in favor of the policy of affording protection and encouragement to domestic manufactures, and it will not be denied, even by those who were politically opposed to him, that he possessed a most powerful and discriminating mind.

We have been told by this statesman, "that the uniform appearance of an abundant specie, as the concomitant of a flourishing state of manufactures, and of the reverse, where they do not prevail, afford a strong presumption of their fa-

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vorable operation on the wealth of a country;" that, "not only the wealth, but the independence and security of a country, appear to be materially connected with the prosperity of manufactures; and that every nation, with a view to these great objects, ought to endeavor to possess, within itself, all the essentials of national supply, which comprise the means of subsistence, habitation, clothing, and defence."

I find, Mr. Chairman, in the works of the same distinguished individual, certain passages, connected with the subject of the present discussion, embracing opinions so strongly verified by the experience of this nation, and so clearly descriptive of the advantages which the friends of the bill anticipate as likely to result from it, in favor of the agricultural class of the community, that I beg leave to recall them to the recollection of the Committee.

"There appear," says he, "strong reasons for regarding the foreign demand for the surplus of American productions, as too uncertain a reliance, and to desire a substitute for it in a domestic market. The restrictive regulations which, in a foreign market, abridge the vent for the increasing surplus of our agricultural productions, serve to beget a desire that a more extensive demand for that surplus be created at home. To secure such a market, there is no other expedient than to promote manufacturing establishments. Manufacturers, who constitute the most numerous class, after the cultivators of the land, are, for that reason, the principal consumers of the surplus of their labor." "This idea of an extensive domestic market, for the surplus produce of the soil, is of the first consequence. It is, of all things, that which most effectually conduces to a flourishing state of agriculture."

Mr. Jefferson, in treating of the subject of duties on foreign productions, and particularly those of the nations who impose high duties upon, or exclude our own, has said, "that such duties, having the effect of indirect encouragement to domestic manufactures of the same kind, may induce the manufacturer to come into these States;" and that "the oppression of our agriculture in foreign parts, would thus be made the occasion of relieving it from a dependence on the counsels and conduct of others, and of promoting arts, manufactures, and population, at home." "To be independent of the comforts of life," says this illustrious statesman, (who certainly was not tainted with British prejudices,) "we must fabricate them ourselves. We must now place the manufacturer by the side of the agriculturist. Experience has taught me, that manufactures are as necessary to our independence as to our comfort."

The President of the United States, at the opening of the present session of Congress, has expressly recommended "a review of the Tariff, for the purpose of affording additional protection to the articles which we are prepared to manufacture, or which are more immediately connected with the defence and independence of the country."

In venturing, Mr. Chairman to express the

opinion which I entertain, that it is the interest of the growers of cotton—that most important article of our produce—to encourage its domestic consumption, I may be told that the planters themselves, with a better understanding of their own particular interests than I perhaps can lay claim to, and having a market abroad, are averse to the policy by which that object might be accomplished.

But, what is the state of the foreign market for this staple? Is it not true, that while the demand for it has increased in the European markets, the price of American cotton has declined within the course of a few years, to less than eight pence sterling a pound; and that a still further decline (notwithstanding occasional variations of price) is seriously to be apprehended? I believe the facts are so. This effect, it is presumed, has been produced by the overstocking of the markets, occasioned, in part, by the increased amount produced in and exported from our country, and, in part, by the increased quantities with which the European markets are supplied from the East and West Indies, from Egypt, and the Brazils. By a statement said to be derived from the Liverpool merchants, it appears that the imports of cotton from the latter country into Great Britain, for the last six years, were—

In 1818 -	-	-	-	-	180,157 bales.
1819 -	-	-	-	-	155,130 "
1820 -	-	-	-	-	179,805 "
1821 -	-	-	-	-	121,777 "
1822 -	-	-	-	-	144,168 "
1823 -	-	-	-	-	148,614 "

The imports from the East Indies, during the same period, are stated as follows:

In 1818 -	-	-	-	-	245,672 bales.
1819 -	-	-	-	-	184,633 "
1820 -	-	-	-	-	57,183 "
1821 -	-	-	-	-	30,095 "
1822 -	-	-	-	-	19,263 "
1823 -	-	-	-	-	38,393 "

From the West Indies, &c., during the same period—

In 1818 -	-	-	-	-	55,177 bales.
1819 -	-	-	-	-	30,339 "
1820 -	-	-	-	-	31,576 "
1821 -	-	-	-	-	37,886 "
1822 -	-	-	-	-	39,875 "
1823 -	-	-	-	-	33,262 "

Egypt, under the auspices of her present enterprising Pacha, is becoming a cotton-growing country. Her soil and climate are well adapted to its cultivation. By commercial letters lately received in this country, and published in our gazettes, it appears that Egyptian cotton, in considerable quantities, has already found its way to the European markets, where it is said to be coming into successful competition with our cottons of the Sea Islands and of New Orleans. One of the letters alluded to, (written from Marseilles to the editor of the *Paris Journal du Commerce*, and dated in December, 1823,) holds the following language:

"It is now four years since M. Jumel, a Frenchman, conceived the idea of introducing the cotton

plant into Egypt from Brazil. The experiment completely succeeded. The Pacha ordered the plants to be propagated as fast as possible, and upon the most extensive scale. In the second year the culture produced nearly 100,000 killogrammes, (320,000 lbs.) in the third year twenty times as much, and now, in the fourth year, at the moment of my writing, there are in the Lazaretto of Marseilles 4,000 bales, equal to 600,000 killogrammes, which are ready for the manufacturer. The Lazarettoes of Leghorn and Trieste contain about the same quantity we have here; and letters of the highest authority say that the entire crop will exceed 5,000,000 killogrammes, (about 40,000 bales.) We can place no limits to the future increase of this plant; the Pacha has it cultivated high up the Nile."

"The quality of this cotton, which is of the long staple kind, is excellent; when it obtains a little more whiteness in color, and is better handled, it will entirely supersede Louisiana and Pernambuco cottons. It is probable that our manufacturers will give it the preference, more especially on account of the low price to which the abundant crops will reduce it. What will be the effect of this upon our commercial relations with the United States?"

It is, I think, fairly to be presumed that Mexico, and the vast and fertile regions which composed the late Spanish colonies in South America, will, at no distant period, produce cotton in great abundance; and that Europe will, without regard to our course of legislation, receive from these, and other foreign sources, large quotas of her supply. The consequence in relation to the United States is obvious. If, then, the foreign market for our cotton is deteriorating, in consequence of causes which it is impossible for us to control, and which seem to partake of a permanent character, I ask the representatives of the cotton-growing States, (and I do so with all the diffidence which becomes me,) whether it is not their true interest to lend their influence in favor of a policy which must result in an increased consumption of the article at home?

As to the present extent of the domestic market for our cotton, I have not been fortunate enough to obtain a statement, which is entirely satisfactory to myself. The quantity used in our manufacturing establishments has been variously stated. The annual domestic consumption of this great staple of the South, may probably amount to about 30,000,000. The town of Paterson, in New Jersey, which contains twelve cotton mills, and about 18,000 spindles, has manufactured (according to information furnished me by gentlemen of intelligence residing there) 1,200,000 pounds a year, for the manufacture of which the annual sum of about \$250,000 has been paid in wages.

In connexion with this part of the subject, I take occasion to remark, that, among the effects which, in my judgment, are likely to result from the policy of the bill before us, may be numbered the acquisition of a new foreign market for our cotton—not as a raw material, but in manufactured form, and that in regions well adapted, by the nature of their own soil and climate, for its abundant production. I mean those interesting countries on the continent of South America, now

happily released, by the achievement of their independence, from the domination of Spain; and from the shackles, for centuries imposed upon them by her jealous policy, which crushed the spirit of their industry, and sought to confine their commerce to herself alone. These countries are just beginning to breathe, after the calamities of a protracted and sanguinary war; the bird of peace is scarcely yet seen to hover over its subsiding billows; their civil institutions are yet to be perfected and consolidated, and a series of years must necessarily elapse before they can become, to any considerable extent, manufacturing nations. The principles and forms of government which they have adopted, are congenial to our own; we were the first to acknowledge their independence, and it is reasonable to presume that we shall stand with them on the footing of the most favored nations, in relation to commercial intercourse.

An apprehension seems to be entertained that, in the event of the passage of the bill, the manufacturers will be enabled, by the monopoly which it is supposed will be secured to them, to exact from the good people of this Union exorbitant prices for their productions.

This apprehension, I feel confident, can never be realized. The true interest and the policy of the manufacturers alike forbid it; and, if this were otherwise, it will not be in their power to extort. They are charged with having done so during the late war, when foreign importations had, in a great measure, ceased; but it cannot be difficult, I think, to show that this charge had its origin in error.

The price of an article will, in general, depend upon its quantity in the market, compared with the extent of the demand for it. If, during the period alluded to, our manufacturing establishments had been annihilated, the supply of manufactured articles would have been greatly diminished, and the prices proportionably enhanced; the domestic supply, therefore, operated to keep the prices in check, and probably benefited the people of this Union to the amount of many millions. Experience, I believe, will warrant the assertion, that protection to the domestic manufacture of an article has generally, if not invariably, had the effect of producing it, abundant in quantity, improved in quality, and, as the result of competition among the manufacturers themselves, reduced in price. As examples of this result, the articles of coarse cottons and cut nails have been frequently adduced. The article called plains, or negro cloth, which is principally used, in the South, may be added. The European article, composed of wool, was formerly sold at seventy-five cents a yard. The American manufacturer produced the negro cloth, of cotton and wool, and foreign plains fell to twenty-five cents. The American article, superior to the foreign, may, at this day, be purchased (as I am informed) for twenty-eight cents the yard, though the planters of the South are probably in the habit of paying a higher price, in consequence of the profits accumulated upon it, by successive dealers, through whose hands it passes to them.

The growers of cotton and tobacco have, at this time, I believe, the monopoly of the domestic market for those articles. Not a spindle nor a shuttle in the cotton manufacturing establishments of the North can be put into operation, without the raw material, the cotton of the South. Of this I do not complain, nor have I learned that extortion has ever been practised by the South in consequence of it; on the contrary, I rejoice that our own country can furnish our own supply of these important articles; that we are not dependent on foreign nations for them, and that a very numerous and respectable portion of our population is benefited by their production.

It was my intention, Mr. Chairman, to have presented other views of the subject, and to have attempted a reply to several of the charges which have been exhibited against the principles of the bill now "upon the country" for its trial; but its more able advocates who have preceded me in the debate having rendered the attempt, in a great degree, unnecessary, I will briefly notice a few of them.

It has been objected that, by the passage of the bill, we shall commit a violation of the Constitution of the Union, which we are bound, by our duty, and our highest interest as citizens, as well as by our official oaths, to maintain inviolate. This objection bears an aspect of the most formidable character. Its effort is to lay the axe at once to the root of the bill before us, and to effect, not only its destruction, but, so long as the Constitution shall remain unaltered, to deny to the General Government the power of protecting the industry of the country, by similar legislative enactments, at any future period. If, however, this objection be well founded, it merits, beyond all dispute, the attainment of its object. The supposed violation, if I have correctly comprehended its nature, is to consist, not so much in overt act as in intention. You may (says the objection) constitutionally pass a bill imposing duties on imports, provided it be done with the sole view and intention of raising a revenue; but, if you intend by its enactment to protect and encourage the industry of the country, and impose duties adequate to the accomplishment of that end, the whole character of the act is changed, and it degenerates into a violation of the spirit of the Constitution.

This mode of interpreting the Constitution, in my judgment, has in it too much of subtlety and refinement to be just, and cannot be sustained by the provisions of the instrument itself; these provisions are too familiar to every member of this Committee to need a recital. It is not the interpretation practically given to them by the Congress of 1789, which sat shortly after the adoption of the Constitution, and was, if I mistake not, composed in part of the same distinguished statesmen who had been members of the Convention which gave it birth.

The preamble of the act of Congress, passed in the year 1790, for passing duties on goods, wares, and merchandise, imported into the United States, refers to the act of 1789 on the same subject, and

informs us that the duties imposed by the latter act were laid, not for the purpose of revenue alone, but "for the discharge of the debts of the United States, and the protection and encouragement of domestic manufactures." If, therefore, the construction of the Constitution, contended for by the opponents of the bill, be correct, the passage of the act of 1789, for the purposes, and with the intention which it distinctly avows, involved in it a violation of the charter of our liberties, and we must be driven to a conclusion which I am unwilling to admit—that that venerable Congress, as it has justly been termed, did not comprehend the true meaning and construction of the instrument, which many of its members had been instrumental in framing.

It has been objected, that extensive manufacturing establishments are the fruitful nurseries of vices and crimes; that that portion of the population of a country, which "inhales their pestilential atmosphere"—I use the language which has been used in this House—feeble and decrepit in body, and deformed in mind, are reduced to the level of slaves; that they are unfit to breathe the pure air of freedom, and are both morally and physically incapable of defending their country in the hour of danger.

This picture is highly colored, and would probably have produced an impression on my mind unfavorable to the policy of the bill, had I not availed myself of the frequent opportunities, which circumstances have afforded, of seeing and judging for myself.

How far the representation may be applicable to the establishments of other countries, where the principles of freedom do not prevail; where the debasing influence of oppression pervades the whole mass of the population, with the exception of the privileged few; and where the people are bowed down beneath a weight of taxation, I pretend not to determine; but, in relation to the establishment of our own country, so far as my observation has extended, it is erroneous.

I could point the attention of gentlemen to the Ramapo manufacturing establishment in the State of New York, of which a member of the last Congress is a part proprietor—to establishments at Paterson, in New Jersey, and others, as signal refutations of this objection. Though often languishing under the want of adequate protection, to my eye they have not presented the loathsome and disgusting spectacle of disease and crime, but the pleasing scene of well regulated industry.

It may, perhaps, be true, sir, that some portion of the population, employed in the manufacturing establishments, are not so well qualified as those whose pursuits have rendered them more hardy and athletic, to wield the arms of the warrior; but they can, and will perform the not less important and essential service of clothing him in the field. It is well known that the greater number of hands employed in our cotton manufacturing establishments are women and children; many of whom, doubtless, would otherwise be idle; and thus become the certain victims of those vices which idleness never fails to generate.

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The objection to manufacturing establishments, which I have just noticed, would apply, with greater force, to our commercial cities. Amid the vast variety of advantages which the nation derives from them, as the emporiums of our commerce; their numerous institutions for charitable and benevolent purposes, and for the promotion of science and the arts; is it not true, that they are also the great theatres of luxury, effeminacy, and disease, and may I not add, of vices and crimes; that a portion of their population, from the nature of their pursuits, have less of physical ability to bring to the defence of the country, in the hour of danger, than is to be found among the more hardy and intrepid cultivators of the soil? And yet, I presume, the individual is hardly to be found who would wish to check the growth or mar the prosperity of our cities.

Finally, Mr. Chairman, believing, as I do, that the encouragement of domestic manufactures is our true policy; that it is even now required at our hands, by the deliberate wishes and expectations of a decided majority of the citizens of this Union; I cannot forego the hope that the motion of the gentleman from Tennessee, which is aimed at one of the most important provisions of the bill, will not prevail; and that the bill, either in its present form, or properly modified, without destroying the efficacy of its character, will receive every necessary sanction, and become a law of the land.

When Mr. CASSEDY had taken his seat—

On motion of Mr. CARTER, the Committee rose, and the House adjourned.

MONDAY, April 5.

Mr. KENT presented a memorial of divers inhabitants of the City of Washington, in opposition to the change proposed to be made in the system of government of the District of Columbia, by the bill now pending before this House, to provide for the government of the District of Columbia; which was referred to the Committee of the whole House to which the said bill is committed.

Mr. COBB presented a memorial and remonstrance of the Senate and House of Representatives of the State of Georgia in General Assembly met, upon the subject of the execution on the part of the United States of the articles of agreement and cession entered into between the United States and Georgia, on the 24th April, 1802, and asking that a liberal appropriation may be made for the extinguishment of the Indian title to all the remaining lands within the limits of the State of Georgia, and that Commissioners may be appointed, with instructions, in every event, to effect this indispensable object by a proper representation to the Indian tribes of the just claims of Georgia, the solemn obligations of the United States, and of the improvement in their own condition, which will result from their acquiescence; which memorial and remonstrance was referred to the committee appointed on the 30th ultimo, on a Message from the President of the United States in relation to the same subject.

Mr. MOORE, of Kentucky, presented a memorial of the trustees of the Kentucky institution for the tuition of the deaf and dumb, praying for aid to enable them to fulfil the objects of their incorporation, which was referred to a select committee; and Mr. MOORE of Kentucky, Mr. STERLING, Mr. TYSON, Mr. CAMPBELL of Ohio, Mr. BLAIR, Mr. WICKLIFFE, and Mr. LONG, were appointed said committee.

The SPEAKER presented a memorial of John Cleves Symmes and Thomas S. Hinds, of Newport, in Kentucky, praying that provision may be made for occupying the territory of the United States lying between the Rocky Mountains and the Pacific Ocean, and suggesting the propriety of incorporating a company with the exclusive right to trade with the Indians, as the best means to effect that object; which petition was referred to the committee appointed to inquire into the expediency of occupying the mouth of the Columbia, or Oregon river.

Mr. FRANCIS JOHNSON, from the Committee on the Post Office and Post Roads, reported a bill to discontinue certain post roads and to establish others; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, made a report on the petition of Warder and Brothers, accompanied by a bill for the relief of the legal representatives of Fry and Spalding; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. McLANE, from the same committee, who were instructed, on the 27th of February last, "to inquire into the expediency of making an appropriation to compensate the friendly Creek Indians for property lost and destroyed during the late war," made a report adverse to the making the said appropriation; which report was laid on the table.

Mr. McLANE, from the same committee, to which were referred the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of the Navy of the United States, for the year 1824," made a report thereon, and the amendments were committed to a Committee of the Whole.

Mr. FORSYTH, from the committee appointed on the Message of the President of the United States, of the 30th ultimo, in relation to Indian lands within the State of Georgia, by leave of the House, reported a bill making further appropriations for the extinguishment of the title of the Creek Indians to lands lying within the State of Georgia; which was read twice, and committed to a Committee of the Whole.

Mr. TRACY, from the committee appointed to inquire what further legislative provisions are fit and necessary to carry into effect the provisions of the act of Congress, passed March 3d, 1817, entitled "An act to amend the act authorizing the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes, passed the 9th of April, 1816," made a report, in detail,

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accompanied by a bill further to amend the said act; which bill was read twice, and committed to a Committee of the whole House to-morrow.

Mr. ALLEN, of Massachusetts, called up the consideration of the resolution offered by him some days since, for fixing the time of the adjournment of this House, and the question on considering being taken by yeas and nays, the votes were, yeas 94, nays 90. So the House agreed to consider the resolution.

Mr. ALLEN moved to fill the blank with "Monday, the third day of May, 1824."

Mr. TOD moved, as an amendment, to fill the blank with the 20th day of May.

Mr. EDWARDS adverted to a fact which occurred at the last session—that, before the time of fixing the day of adjournment, but few acts were passed, while afterwards a great many, and of the most important character, passed the House within a short time.

Mr. FORSYTH made some explanations in reply to Mr. EDWARDS.

The debate was superseded by the SPEAKER passing to the orders of the day.

NAVY APPROPRIATION BILL.

The House resolved itself into a Committee of the Whole, Mr. TOMLINSON in the Chair, on the amendments proposed by the Senate to the bill making appropriation for the support of the Navy. The first question was on concurring with the Senate in striking out the specification of the items of expenditure of the fund for contingent expenses of the Navy.

After some observations by Mr. McLANE, explanatory of the history and intention of this clause of the bill, the House resolved to disagree with the Senate in the amendment to strike out; by which resolution, they retained the clause of specifications, (originally moved in the lower House by Mr. McL.)

The question being next on agreeing to the Senate's amendment striking out the sum of \$180,000, (moved in the House by Mr. COCKE,) and reinstating the sum of \$225,000, (as first reported by the Committee of Ways and Means.)

A debate occurred, in which Messrs. FORSYTH, RANDOLPH, COCKE, WARFIELD, and FLOYD, opposed, and Messrs. McLANE and FULLER advocated the amendment—and the question being put, on disagreeing with the Senate, it was carried, yeas 89, noes 62—so the House refused to reinstate the sum of \$225,000, and left the blank filled with \$180,000.

The next, the question upon the Senate's second amendment, which provides for a small purchase of land near the navy yard, at Charlestown, Massachusetts, was agreed to with the following amendment, proposed by Mr. RANDOLPH, viz: adding after the word "purchase," "by and with the consent of the Commonwealth of Massachusetts." The remaining amendment of the Senate was agreed to without debate—when the Committee rose and reported the disagreement of the Committee of the Whole to the first amendment—its agreement to the second, with an amendment, and its agreement to the third.

The House concurred with the Committee, and the bill was returned to the Senate.

THE TARIFF BILL.

On motion of Mr. TOD, the House then went into Committee of the Whole, on the bill "to amend the several acts laying duties on imports," Mr. CONDUCT in the Chair.

Mr. ISACKS modified his motion of Saturday, for striking out the minimum on cottons, so as to leave the present minimum untouched, viz: by inserting 25 cents instead of 35 cents, as the minimum valuation.

Mr. CARTER, of South Carolina, rose and said, it was with much reluctance he had prevailed on himself, at this advanced stage of the discussion, to ask the attention of the Committee. The length of time that the proposed measure had been the subject of inquiry and speculation, not only within these walls, but throughout the nation; the great talent and research that have been exhibited upon its diversified bearings, have been such as to leave scarcely anything new to be brought to the discussion.

After making this statement, it might be thought necessary by some that he should make an apology to the Committee for obtruding upon them the few remarks which he proposed to make. If there were any who entertained such an opinion, the only and the best excuse which he could offer them, would be found in the peculiar importance of the subject to the whole American people, and the special and vital interests of the Southern section of this Union, which it was apprehended would be injuriously affected by its operations.

The space which the present bill covers, the variety of items which it embraces, expose it to a multitude of objections of different degrees of force, according to the particular provisions which may be opposed. And I confess that the provision now proposed to be stricken out, is freer from objection than some other provisions of the bill. But, as gentlemen who have supported, as well as those who have opposed the motion now before the Committee, have thought it a fit occasion to give their general views of the policy of the whole measure, Mr. C. said he hoped the Committee would pardon him for imitating their example.

It is admitted on all hands to be a wise maxim of legislation, that no change ought to be made in any existing law, unless the reasons for that change be strong, general, and evident. Whether such reasons are to be found in support of the proposed measure, I appeal to those who are acquainted with the best interests of this Republic, and its present actual condition, to say. Will any one pretend to assert that there has been so universal and unequivocal an expression of public opinion on this subject as to leave no room to doubt of its being the nation's will? True it is, sir, that loud and importunate complaints have reached us from various quarters of the country. From one quarter we hear a pressing outcry for protection to the manufacturers of wool, and for the encouragement of the growth of the raw material at home; from another quarter we are importuned to assist the petitioners in their unequal competition with the

manufacturers of glass ware from abroad; from a third quarter we are told that the growers and manufacturers of hemp are laboring under the most unpardonable neglect of Government, and that, in consequence of it, industry is languishing, and capital unemployed. Thus it is, that all these various and distinct interests, scattered over an immense face of country, are simultaneously putting forth their complaints and collectively produce a deep tone of remonstrance. Each one is stimulated by a belief that theirs is a case of peculiar hardship, requiring the special interposition of Congress. But to any one who will attentively examine the sources from which these complaints come, the task cannot be a difficult one of ascertaining the true weight to which they are entitled. Can any one, who will thus examine them, mistake them for the individual voice of the whole American people fairly and deliberately expressed? Are they not rather to be regarded as the interested importunities of certain classes of individuals or of sections of the country, who are determined to make up for their deficiency in numbers by the loudness of their complaints? They are echoed by gentlemen who seem determined to give the appearance of general distress to the country, by the very generality of the terms they use, and the urgency with which they press them upon the public consideration.

The maxim in legislation to which I have before alluded, derives additional force from the consideration, that, of all classes of laws, those which interfere with the industry of the different laboring classes of a community ought, above all others, to be enacted with great caution and circumspection. The tendency of the law now in question is directly of that description. And why ought laws of this description to be ventured upon with so much caution? Because, past experience, as well as daily observation, teach us that there is such a multitude of opposite and conflicting interests to be consulted and accommodated, such a mass of jealous feeling to be neutralized by all such regulations, that it is next to impossible to adopt such a course as will secure the object intended by the Legislature. In all such cases, after a clear and imperative necessity has demonstrated the expediency of doing something, the extreme difficulty of doing that something in the way that will attain the end you have in view, without bringing with it many collateral evils, is such as ought to induce every wise politician to hesitate long before he acts. The manufacturing, the commercial, and agricultural interests of every community are so intimately connected and vitally intertwined, that whatever affects one extends its effects to all of them. What is intended for the benefit of one of them, sometimes operates in an inverse ratio to produce mischief to the others; and examples are to be found where regulations designed to promote either of these great sources of national as well as of individual wealth, have produced consequences which were at first wholly unforeseen, and brought disorder and mischief on the whole system of the industry of a country. And shall we then, sir, with a full knowledge of all the possible evils that

may result from such legislation, with so many circumstances admonishing us to beware, advance rashly on the experiment? And shall we, with the partial evidence of its necessity, which has been shown, boldly hazard the result? For one, said Mr. C., however visionary my fears may be on this subject, I must confess I am not prepared for such a trial.

The more, said Mr. C., I contemplate the proposed measure, the more sensibly am I impressed with its intrinsic difficulty. That there are cases of real hardship existing in some parts of the country, cannot in candor be denied. But you will look in vain through the country for that wide-spread and intense distress of which some gentlemen have spoken.

That the contemplated increase of duties which some politicians regard as the certain means of relief, as a kind of political catholicon, will not, in its operation, produce in some parts of the country a greater portion of alternative misery than it will cure in others, is what the friends of this measure cannot safely affirm. The great difficulty is to pursue that wise and middle course, which, while it affords adequate protection to the manufacturing, does not cripple or prostrate the agricultural or commercial interests of the country. For, Mr. C. said, notwithstanding his opposition to the present measure, he must be permitted to declare, in the sincerity of his heart, and without the slightest reservation, that there is no friend to it who felt a higher and juster pride in the prosperity of the domestic manufacturers of this country, or a more anxious solicitude for their ultimate complete success than he did.

I have said that the country, in some parts of it, exhibits cases of great hardship. It is due to truth and candor that this admission should be made.

The farmer of the grain-growing States will tell you that he has large annual surpluses of grain, which he is doomed year after year to see rot and perish on his hands. That it is to no purpose that he applies himself to the diligent cultivation of a fruitful soil; that each return of autumn finds his barns filled to overflowing with abundance, but that it is all useless, nay, worse than useless to him; for his well-stored barns stand continually before his eyes, as tormenting memorials of his own labors frustrated, and the bounty of his fields most cruelly wasted. He may represent his labors as equalling, in their fertility and vexatious disappointment, the fabled toils of Sisyphus himself. The deplorable accuracy of such a picture will not be disputed. Nor can any one turn away from the contemplation of such a picture, without first bestowing upon it that tribute of his consideration, as well as of his sympathy, which it so well deserves.

It is quite natural that in any portion of the community where distress is sorely felt, where the ordinary stimulants to industry are very much diminished, or wholly withdrawn, that the individuals who experienced this inconvenience should seize with avidity upon any expedient which, by possibility, among its various contingent results,

might contribute to their relief. While they contemplate the reality and extent of their suffering, they are easily cheated into a belief that any measure, no matter how illy contrived, may benefit them. And how do the friends of this measure propose to remedy the evil? The only plan that has been suggested has been so to encourage the manufactures of the country, so to augment the mechanic labor of our citizens that the number of artisans should so considerably multiply and gain upon the number of agriculturists, that we should raise up, in the bosom of our own country, a sufficient number of them to consume all the surplus provisions that the cultivators of the earth could produce. In a word, that we must become our own customers, and furnish a home market for all the superfluous grain which this wide-spread fertile country can grow. Whoever will consider the vast capacities of this country for producing every species of grain, in the most exuberant abundance, and the vast amount of mutual labor that has been superseded by modern discoveries, in labor-saving machinery, must be satisfied that, if this result could ever take place, it must be the effect of time alone. Any attempt to legislate against nature, and to hasten, by law, that which the slow progress of years can alone effect, would at least be vain, if it did not actually retard the very object you professed to accelerate.

Some of the advocates of this bill seem to think that it is only necessary for Congress to grant the protection they ask, in order to insure them immediate and complete success. They seem to think that something magical is to spring out of an act of Congress, and that as soon as the seal of authority is affixed to their chartered privileges, all these manufacturing institutions, which in other countries have required the lapse of ages to bring them to perfection, are, on this side the Atlantic, to spring instantaneously, like Minerva from the brain of Jupiter, into a full, sudden, and perfect maturity. Any one who will attentively examine this opinion for a single moment, will not hesitate to pronounce it a perfect illusion; for, by tracing the early history of manufactures in every country, it will be found that the want of skill in the application of the capital and labor employed, has retarded their first advancement; and that complete success has been attained only after years of disappointment and disastrous experience.

The same causes, Mr. Chairman, in equal circumstances, produce the same effects every where, and at all times. But the circumstances on which these causes operate, produce as infinite a variety of modification to their results, as it is possible for the mind of man to imagine. If, then, such has been the progress of manufactures in other countries; if such has been their growth in old countries, where their population has been redundant, and the usual concomitants of that state of things, an increased cheapness of labor, and an increased demand for the ordinary necessities of human subsistence, have had their full operation, what can we, in the nature of things in this country, expect, but a much more gradual introduction

of them? It ought not, therefore, to surprise or discourage the friends of domestic manufactures, that, in the short history of them, which this country furnishes, some failures have taken place, and that in comparatively few instances has their success been complete. In the first essays of every country to introduce new systems of employment for its citizens, disappointment has always been, and must forever continue to be, the invariable concomitant of enterprise; and, in the United States, it may be unhesitatingly affirmed, that the want of entire success in our manufactures of every sort, is to be attributed to a vast variety of other causes, rather than to the sparing protection of Government.

There is one argument against this measure, which its friends are disposed to treat as visionary, which, I am persuaded, if it be rightly examined, will be found to deserve serious consideration. It is, that the effect of the bill on your table will be, to lessen the revenue. It is true that considerations of this sort have but little weight with some of the supporters of this tariff. It has been avowed, in the course of the discussion, that, if its main object, the improvement of manufactures, could be accomplished, it ought to be attempted, even at the expense of the revenue. This is the great desideratum to which every thing else must give way.

To that portion of the Committee who entertain this opinion, Mr. C. said he could not hope to urge any argument drawn from this source, with success. But he hoped that such an opinion was confined to a small portion of the friends of the bill. It must be admitted that, at this time, a large portion of the coarse imported woollens demanded by the necessities of this country, were consumed in the Southern and Western States; and it is a remark made by a very ingenious and profound writer on the nature and origin of the public wealth, (Lord Lauderdale,) that Great Britain, being, from her situation, a nation peculiarly commercial, and having extensive trading connexions with almost every country upon the face of the globe, is governed, in the cargoes which her merchants make up for distant markets, by no single circumstance more than a regard to the distribution of property to which the cargo is sent. The application of this remark to the Southern and Western States, will show, in the plainest manner, the extent of the demand which these States furnish for coarse woollen fabrics. The distribution of property in these States is, for the most part, very unequal. Much the greater portion of their inhabitants consists of the poor laboring part of the community, whose Winter clothing consists principally of coarse woollens. When you add to this number the whole of the colored population spread over nearly one-half of this whole Union, embracing a number not much, if any thing, short of two millions of souls, you have an amount of domestic consumption in this single article, by no means to be contemned in the estimate you make of the income to the Treasury from foreign imports.

But; it will be said that very object and design

of the bill is to furnish these planters with these commodities, at home, in the same abundance, and on as cheap terms as they are at present enabled to purchase them from abroad. Those who make this answer, surely "reckon without their host." For, it must be evident, that, to supply the large demand which the Southern and Western States furnish, for coarse woollen fabrics, the manufactories at present in operation in this country are wholly inadequate. And, sir, if they be not so, this circumstance of itself furnishes a most unanswerable proof that they are already in a sufficiently flourishing condition, and need not any further assistance from Government. It must be assumed, then, as undeniably true, that our own manufactories are insufficient to supply the present home demand.

In still further answer to this part of the argument, it may be said, that the proposed increase of duty is so small, that it is idle to expect that so trifling an advance upon the burden already imposed, can produce such important consequences; and that the supply will still be adequate to the wants of the country, without any oppressive increase of price; that the deficiency at home will still be supplied from abroad.

Let us examine this supposition for a moment, in detail, to see whether it be true, or whether any the slightest augmentation of the present duty would not have the effect of excluding such fabrics altogether from our markets. The present taxes with which they are burdened to the purchasers, are such as barely to enable the Southern planters to purchase them, for the purpose of clothing their slaves. The extreme depression of their foreign markets has produced so much embarrassment at home, that many of them seriously deliberate within themselves whether they had not better, by some exertion of household economy, manufacture these fabrics of primary necessity within themselves, rather than purchase them at their present prices. And any one who will reflect on the facilities with which a slaveholding State may occasionally devote their labor to this object, without deducting from the average annual product of their crop, cannot be surprised to find this species of manufacture come into general use. How is it conducted? It is produced with hardly any loss of field labor. It is carried on chiefly by women, at seasons when the inclemency of the weather would prevent them from being employed in the field. And, on all large plantations, there are a number of women who, from their skill in this species of employment, their bad health, or infirm constitution, it would be found advisable to devote altogether to this species of labor. Thus, with a very trifling loss on any plantation, and on many without any loss at all, might be produced a substitute for the immense amount of coarse woollens from abroad, at present consumed in the Southern country. The same kind of revolution would take place in the domestic economy of all the poor people. How can any one, then, undertake to say, that the operation of the present measure will not produce a diminution of the revenue?

But, said Mr. C., I hear it repeated, that the proposed increase of duty is so small an advance upon that already paid, that it is futile to expect such eventful consequences from a cause so inadequate; that a slight improvement in the price of cotton, of rice, or of tobacco, will enable the growers of those articles still to consume these foreign fabrics, without feeling any additional burden.

If what has already been said on this subject be not a sufficient answer to this *coazing douceur*, let me, said Mr. C., inform gentlemen, that the history of the world furnishes no example of the commercial or manufacturing part of a community who had any important object to subserve or promote, at the expense of some rival interest, who did not apply themselves to just such devices as the present, and employ the self-same expedients to allay the fears of those on whose interests they meditated an attack. Let me not be misunderstood. I do not mean to accuse the advocates of this bill with any fixed, deliberate purpose of subverting the interests of the Southern States. Nor do I believe that they have any wish to destroy that equilibrium which ought to pervade the industry of every well regulated Government, so that, in the confusion which might ensue, manufactures might, peradventure, be exalted on the ruins of agriculture. I should be unwilling to believe that such a spirit existed in any portion of men, in any portion of this country. But, sir, the extreme subtlety with which such a spirit operates, the insensible influence which it exerts upon those who will not acknowledge its presence, and the thousand insidious forms that it assumes, for the purpose of accomplishing its object, might induce some gentlemen to look well to what they were doing, before they gave this measure their sanction. It would, at any rate, be but a poor consolation to those who are to feel the mischief of its unequal operation, to reflect, that its authors were actuated by the most benevolent intentions; that their design was purely to benefit themselves, without any the remotest intention to injure others. If the evil happens, it matters not what motives gave birth to it, and the mere absence of malignity from the intention of those who inflict it, can never mitigate the sufferings of the victim.

Intimately connected with its diminution of the revenue, may be considered the effects of this measure upon the maritime strength of the country. Its pernicious operation, in this respect, has already been so ably delineated by the gentleman from Massachusetts, that, Mr. C. said, he felt that, to enlarge on this topic, would be an unwarrantable trespass on the Committee. But, it did appear to him, that, exactly in proportion as the effects of this measure would be injuriously felt upon our finances, they would prove discouraging to our seamen; and, shutting our eyes upon the immense proportion of our revenue derived from this source, excluding from our estimate two-thirds of the whole national income, flowing into the Treasury from our duties upon imports and tonnage, shall this Government, to favor a class of

individuals who will not make the return of a single farthing to the Treasury, to compensate for the sacrifice proposed, do an act, the ultimate tendency of which will be to cripple our maritime strength? Every seaman that you deprive of his daily bread, and every merchantman that you send from your employment, inflicts an injury upon the commercial spirit and naval enterprise of this country. And is this the opportune juncture that gentlemen have selected to inflict such a blow on the naval service of their country? Have they already forgotten the numerous "deeds of noble daring," and the gallant achievements that have covered our Navy with a glory which the friends of that bulwark of our defence, trust, may be as lasting as it is unquestionably brilliant? Have they, before the sound has quite died upon their ears, forgotten that it is the dying echo of that thunder which reverberated across the Atlantic, and has dispelled the invincibility of the mistress of the ocean? Will they consent to be instrumental in bringing their country into that situation in which the verdant laurels with which their countrymen have so recently entwined the temples of our naval heroes, will wither and fade away? No! Such questions do equal injustice to the gratitude and magnanimous policy of this country. The legislative provisions of our Government speak a language on this subject, in perfect and delightful harmony with the undivided voice which is uttered from Maine to Florida.

Another danger, to which the present measure would expose this country, and one in which the Southern States have a deep and vital interest, would be the risk we incur by this system of exclusion, of driving Great Britain to countervailing measures, and inducing all other countries, with whom the United States have any considerable trading connexions, to resort to measures of retaliation. There are countries possessing vast capacities for the production of rice, of cotton, and of tobacco, to which England might resort, to supply herself. She might apply herself to Brazil, Bengal, and Egypt, for her cotton: to South America, as well as her colonies, for her tobacco; and to China and Turkey for her rice. And is there any one, who knows the vigilance and jealousy with which that nation watches over her commerce and her manufactures, who can for a moment doubt, that any measures adopted by this country, extending to either of them, would arouse her spirit, and induce her to retaliate in a manner that we should the most sensibly feel?

The merchants and ship-owners, who at present contribute so largely to the amount of our Treasury receipts, ought not, without great deliberation, to be placed under heavy burdens. The nature of the occupation of this portion of our fellow-citizens and the theatre of their enterprise are such as to exclude them from their full share of the sympathies of their countrymen. While the spirit of adventure carries them to distant latitudes, and exposes them to all the perils of the deep, they are rarely, if ever, brought to mind by their friends and acquaintances at home.

"Their march is on the mountain wave,
Their home is on the deep."

While far removed from the scenes of our daily intercourse, from their families and firesides, they, under an angry sky, buffet the rude storms of Winter, and hazard their lives for the treasures of other climes, which they bring to their native shores, the mass of their fellow-citizens are safe in the pursuit of less hazardous occupations at home, and never dream of the frightful dangers that surround them.

If, at any time, equinoctial storms bring fear and anxiety to the breasts of any, it is to but two classes of our people. The one of them is composed of individuals whose losses, by such visitations of Providence, may be estimated in dollars and cents. The other is composed of humbler sufferers, who, when the spirit of the storm is wailing around their dwelling, are disquieted, not for their own sakes, but for the safety of him whose enterprise feeds them with their daily bread, and whose sole dependence on him may, with him, be whelmed in one common ruin "in the deep bosom of the ocean." These anxieties are intense, but they scarcely ever transcend the small but sacred circle of the family fireside. They are unknown and unfelt by the great mass of the community.

We ought, under existing circumstances, to look with an equal, if not with a jealous and parental eye, upon the claim which this class of our people has upon the regard and protection of their Government. That prayer which its divine Author intended for the guidance of all mankind, and which says, "Lead us not into temptation," ought not to be overlooked in what we propose to do in reference to this class of our citizens. They ought not to be placed in that situation in which they should be tempted to lead themselves to the practice of smuggling. We ought to touch with exceeding great caution the interests of that portion of the community who, from the immense contributions they have already made, and from the enormous exactions which are now yearly and monthly made of them, have no reason to suppose that they enjoy a monopoly of the public favor of this country. Let us beware how we adopt a measure which, in reference to the whole of this enterprising class of our citizens, and to nearly one half of all this Union, may emphatically be said to be against public opinion. We all know the lamentable consequences which flow from a measure which thus violates public sentiment; which arrays, on the one side, our long settled habits, affections, judgments, and prejudices, if you please, against what, on the other? Nothing more nor less than your isolated, unsupported, parchment law! Experience as well as reason point to the introduction of the profligate practice of smuggling, and the general demoralizing effects of it on the mercantile community, as the twofold mischief which may be expected to be realized in this country, as the first fruits of this project. And let no one pretend to say, that the extent to which the practice of smuggling may be introduced, will not be such as will be seriously felt on our finances. Remember the strong feelings and

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cherished interests which the passage of this law will violate. Recollect that those feelings are deep rooted, because they spring up in the minds of those who entertain them from a consciousness that they have already contributed more than their proportionate share towards bearing the public burdens. And, sir, when all these things are considered, let it not excite the wonder of any one if many of our merchants, believing their rights to be disregarded, and acting under the impulse of exasperated feeling, and a sense of justice denied them, should not weigh, with the most scrupulous nicety, the morality or immorality of the means they employed to pursue their accustomed trade and enrich themselves.

The history of this country shows that the mercantile part of it are not deficient in that sagacity and foresight which have immemorially distinguished men of the same pursuit, in every part of the world. We know that they calculate the mischief of a measure which affects them by the rules of a very different arithmetic from that which gives to them the list of balances on their ledger, and ascertains for them the amount of their profits. They look to the principle of every thing, and scan with a jealous eye the unborn mischief which its operations may bring forth. While yet every thing presents the exterior of calm and of quietness, they, with a keenness of vision little short of the spirit of prophecy, penetrate into the future, and survey, with a solicitude which their magnitude could alone inspire, all the accumulated and monstrous evils of actual undisguised oppression.

The fate which present appearances authorize us to believe may await this measure, ought to induce its friends to urge it with great caution. The geographical line which separates its friends from its enemies, shows that, in a large portion of this country, there is but one opinion on this subject. That opinion has been very distinctly expressed. Ought not this circumstance to make the Committee pause before they lend the sanction of law to a measure which would, as to this portion of the Union, be registered on our statute book as a dead letter? The demoralizing effects of a law which would thus remain perpetually a memorial of its own impotence, ought, above all others, in this country, to be carefully avoided. In this Republic, where the representative system seems destined to give a practical refutation to all the calumnies which disappointed politicians in other parts of the world have lavished upon it, and where every measure which receives the sanction of law ought to be just, equal, and efficient in its operation, there ought not to be found a single statute whose operation was paralyzed by the public opinion which it outraged.

Mr. C. said, that all that he had thus far said, was against the spirit and in opposition to the abstract policy of the bill, without looking to what was proposed to be done in detail. Indeed, so much had been already said on the various items of the bill, that he would not take up the time of the Committee with any analysis of it. Mr. C. wished that, by this nearer view of the subject—that by

tracing the probable operation of the different provisions of the bill—he could discover any thing which would quiet the apprehensions of that portion of the country from which he came. A closer and more steadfast inspection of its contents was not at all calculated to dispel the alarm it had excited. It looks with an angry aspect to the South. All that this portion of the country can expect from its operation, will be punishment and unrequited suffering.

If, Mr. Chairman, a stranger, wholly unacquainted with the operations of our Government, alike ignorant of the history and of the policy of this country, could by accident be a listener to the present debate, he would conclude that the manufacturing industry of this country (if indeed any could be supposed to remain in it) was, if not most cruelly persecuted, at least most shamefully neglected by the Government; and that starvation and bankruptcy were threatening thousands of our people, without the possibility of their escape, except through the slow and grudging aid of legislative interference; and that, while this unhappy portion of our citizens were thus struggling with poverty and neglect, the Government was most unwisely and unjustly lavishing every species of munificence on the residue of its citizens. How would this conclusion coincide with the fact? How would such a person be astonished to learn that the very men who are now venting their complaints against the illiberality of Government, are the very men who, from time to time, in the short period of our history, have received protection to the full amount of their demands? And many manufacturing capitalists are now receiving from their capital, where that capital has been managed with ordinary care and skill, profits far exceeding the most profitable agricultural capital of the country.

Yes, the plain truth is, that this Government is unjustly charged with a want of liberality towards the manufacturing part of the community. For the protection of such manufactures as it is essentially the interest of it to promote and encourage, the duties are already sufficiently high.

Upwards of thirty years ago, a distinguished statesman of this country, (Mr. Hamilton,) whose views, in relation to its finances, were never thought to be chargeable with a want of energy, recommended a tariff of duties averaging from seven to eight per cent. ad valorem, as being in his opinion, abundantly sufficient to protect our domestic manufactures, and to draw forth and energize all the internal resources of the country; and whoever will consider, for a moment, the immense natural advantages which this country presents for such manufactures, abounding as it does in every variety of soil, in every variety of mineral, and of ores, in every variety of water power, to be applied either to the purposes of transportation, or to be used for propelling machinery, cannot feel the least wonder that such a protection should, at that time, have been thought abundantly adequate. And has the American Government listened to the wise counsels of this distinguished member of her cabinet? It has. And has fulfilled, to the fullest extent, his

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recommendation. The duties that have been imposed, from time to time, since the period of his advice, have more than trebled what he recommended. And I repeat it, said Mr. C., that whoever will consider for himself the exuberant redundancy with which this country produces all the raw materials that can compose our domestic manufactures of every kind—whoever will cast his eye at the same time upon the map and upon the tariff of the United States, and contemplate the immense distance which separates us from all foreign competition, must inevitably come to the conclusion, that, if our manufactories have not already arrived to that degree of perfection which their most sanguine friends could desire, their backwardness is to be imputed to very different causes, from the want of protection.

A nearer view of our manufacturing establishments themselves, will conduct us to the same conclusion. What is their present condition? Mr. C. said he would not pretend, (as he lacked the necessary information,) to go into a minute and detailed history of the manufactures of this country. But a brief outline of some of the most prominent of them would convince any unprejudiced mind that the repeated complaints that had been heard on this subject, were destitute of any foundation.

The manufacture of iron, in many departments of it, has been already attended with complete success. Many utensils of great and general use, made of this material, have long since acquired their utmost degree of perfection. The history of many of these manufactures shows that their success has not depended on extravagant legislative protection. For, sir, long before the protecting duty, designed for their encouragement, had reached its utmost limit, the ingenuity of the American artist had outstripped the bounty of his Government, and reached perfection.

The manufacture of cotton goods in the Eastern States has been attended with a success which has surpassed the expectations of the most sanguine friends of domestic manufactures. Wherever common prudence and skill have been exercised, capitalists who have embarked in this business have derived an annual profit from their investments, averaging from fifteen to twenty per cent. In some establishments their occasional profits have considerably exceeded that rate. Already have their fabrics become an article of export to foreign markets. If these facts be not regarded as a sufficient evidence of the prosperity of this branch of American manufactures, Mr. C. said he was at a loss to know what proof gentlemen would ask. If such profits be not sufficient to satisfy their desires, Congress might exhaust in vain the treasury of the nation to glut their cupidity.

Our manufactures of glass ware have succeeded. Large establishments for this manufacture are now in prosperous operation at Boston, New York, and Pittsburg. Besides these, there are many minor factories scattered through the Northern and Eastern States, of whose profits and situation I cannot speak.

Our woollen factories, although they have not

been crowned with the same success that has attended the cotton factories, have yet come far short of encountering an entire failure. Their progress will bear flattering comparison with the incipient stage of similar manufactures in other countries. And some explanation may be given to the uneasiness and discontent which this portion of our manufacturers have manifested, by calling to mind the fact that they have been reared up, and have had their day in the immediate vicinity of their more fortunate and flourishing sister factories of cotton. Incorporated, as they are, with each other, in point of location, it is quite natural that the daily contemplation of the superior success of the one, should fill the other with murmuring and despondency. But the actual intrinsic condition of the manufacture itself, ought not to be taken as the entire cause of the complaints we hear. Permit me, said Mr. C. to read, for the information of the Committee, a statement of the manufacture of flannel in this country, which has met my eye during this discussion.

[Here Mr. C. read from a newspaper, showing the progress of the flannel manufactories in Boston and its vicinity.]

Nothing in this short review of the condition of our manufactures can more conclusively show that they are not in a languishing condition, than that many of them are receiving the high profits which have been mentioned. And while it shows the fact that their condition is not a languishing one, it does not the less unanswerably show that their progress must, in this country, as it has been in all others, be gradual. For, notwithstanding the acknowledged profit which some of our manufactories yield, we see that capital is slowly vested in them. Since it is the nature of capital, as well as of industry, to seek their most profitable occupation, how can this apparent phenomenon be accounted for? Unquestionably, it is to be traced to no other cause than to the situation of the country. The habits of our people have received a different direction. Their industry has found employments in channels that are more accordant to their genius. And as long as these causes continue to operate, it is in vain to expect to legislate our manufactures into a premature unnatural prosperity. You cannot by legislative enactments, outstrip the course of events. You cannot even attempt it, without running the risk of doing more injury than benefit, to the interest you would promote.

It is worthy of remark, in the present outcry which is made for protection against the ruinous effects of foreign competition, that the interests of large moneyed capitalists is distinctly to be traced. Amidst the general swell of complaint with which we are assailed their voice is plainly to be heard. While they are besieging Congress with their importunities, the laboring crowds which fill their manufacturing houses are working on in silence and contentment. They are not to be benefited by the bounty which is asked. The wages of this numerous class of our citizens are not to receive a proportionate increase. They are still to remain the humble but productive instruments of pampering the pride and augmenting the wealth of

their lordly and avaricious masters. Thus, the evident and direct tendency of this measure is to confer upon moneyed capital unequal advantages, and to raise up, in the bosom of our country, where we have so long boasted of our equal rights and privileges, and of the unsophisticated simplicity of our manners, a haughty, dominant spirit of aristocracy. Of the effects of such a spirit, Mr. C. said, it was needless that he should speak to such an assembly. Suffice it to say, that, in no country has it ever appeared without changing and disfiguring the face of society. And there is no country under the sun where its first appearance should be more earnestly deprecated and carefully avoided than in our own.

Some gentlemen still believe, that, notwithstanding the complaints that are heard from the South, that the present pressure of the times is most sorely experienced in the Northern States. This is a matter of evidence, and can be determined only by observation. Let any one who entertains such an opinion traverse for himself the extensive fertile regions of New York. Let him behold the diversified and thriving industry of her population; her commerce externally and internally flourishing; her agriculture abundant; her villages, which have recently sprung up, as if by magic, in thick profusion, through all her borders, filled with "the busy hum of active men;" her laborious and contented yeomanry, scattered over a thousand hills, and cultivating innumerable farms, which they have reclaimed but yesterday from the wilderness—all bound together, cheered and animated by a canal, whose extensive and increasing benefits can be equalled only by the splendor of the public spirit which has achieved it. And, when he has surveyed this happy portion of his country, progressing eastward, let him behold the patient and systematic industry of New England, content with the certain annual rewards of her toils, growing rich under the combined operation of a lucrative foreign commerce and improved domestic manufactures. And when he has finished this survey, let him turn his eyes to the South, and see if he can avoid being struck with the contrast which all this region presents to that which I have just now sketched. In the South, the prostration of their foreign markets has spread over the face of the country a general, pervading gloom. In all that region which stretches itself from the shores of the Potomac to the Gulf of Mexico, where all the arts of civilized life once triumphed, the arm of industry is now paralyzed. Large and ample estates, once the seats of opulence, which supported their proprietors in affluence and comfort, are now thrown out to waste and decay. And this is the country (will gentlemen believe it while it is uttered?) which it is sought to make tributary to that which, if not already abundantly prosperous, is at least exempt from that general distress which presses upon the South!

The truth is, Mr. Chairman, after all that has been said on this subject, there are no rules which can be derived from the history of other nations in regard to the policy of encouraging any speci-

fic sort of industry which can have any correct application in ours. In the first place, the organization of our Government, and the materials of our society, are essentially different from theirs. In the second place, the abundance and cheapness of our lands must, for a long series of years to come, render the habits and pursuits of our citizens essentially agricultural. While such fields for speculation and enterprise are open in the West, the tide of emigration must continue to set in that direction. And there is no circumstance which can be adduced more clearly to show the natural bias of the human mind to agricultural pursuits than that, ever since the settlement of the Western country, it has operated as a constant annual drain upon the population of the Atlantic States.

Why is it, sir, since the cotton factories of New England have got into successful operation, and offer such strong temptations to avarice, that we find no emigrant from the South going thither to embark his fortunes in any of them? The answer is to be found in the condition of our country, and the character of our people. The present generation must pass away before such a spectacle will be witnessed in this country. Just as soon, said Mr. C., would he expect to see an aboriginal inhabitant coming from beyond the mountains, deserting his native wilderness, and seeking his happiness amidst all the splendid accommodations and luxurious habits of civilized life.

Mr. C. said, he would say nothing about the demoralizing effects of a general introduction of the manufacturing system. For, notwithstanding he believed it fairly exposed to this objection, he had great consolation in believing that, whenever this mischief was seriously to be apprehended, it presupposed so extensive an introduction of the system already made, that he could not think there was much cause for alarm from this quarter. The objection would gather strength as the manufactures of the country became multiplied and enlarged. He was not afraid that the passage of the bill would suddenly convert the people of this country so much to manufactures that their morals would be ruined. We are yet hardly removed from our starting point in the great orbit we are destined to describe; and nothing could be more idle than to suppose that any vote which we may give on the question before us would have such a transforming effect upon the character of the American people. Ages must yet pass away before we can expect to see a Manchester or a Birmingham on this side the Atlantic, except they be scattered at great distances from each other.

Another objection, which is entitled to great weight in determining this question, is the tendency of the policy which dictates it to perpetuate itself. When you have once yielded to it, you are under a moral necessity for continuing it. Such has been the result of the experiment wherever it has been made. This year, one class of your citizens present themselves before you, and appeal to you for protection. You hear them, and grant their request. The second year, ano-

ther class, observing the listening ear which Government lends to such applications, are encouraged to prefer their claims. They succeed, and obtain the passage of a law for their special benefit. The third year opens the way for still a third class, who fortify themselves on equally strong ground, and make their appeal to your justice or your liberality with equal success. Thus, all these laws, from their peculiar nature, being designed to operate upon improper subjects, produce consequences which were at first wholly unforeseen. These unexpected consequences, in their turn, beget the necessity of new legislative enactments. In this way you progress to an indefinite length, filling up your statute book with explanatory, supplemental, and amendatory acts, until you literally lose yourself in a maze of legislation.

Conduct like this has no just parallel, except in that of a man whose disordered health has been produced by the indiscreet use of remedies whose frequent repetition has established their dominion over him, and while they impose upon him the necessity of a ceaseless routine of medicine, render it perfectly certain that his health can never be entirely restored.

This is a policy unbecoming the destinies of our rising and spreading Republic. I do not, said Mr. C., wish to see this country, by this kind of political quackery, enervating and destroying all the wholesome and natural energies of her physical constitution. I am unwilling to see her taking such uncommon pains to superinduce upon herself, before their time, all the infirmities of old age. Such artificial stimulants as the present only suit the decline of life.

Our situation is a peculiar one. It involves us in high responsibilities. In every step we take, in the development of our future destinies, we should ponder with the utmost caution and most solemn deliberation. We are under obligations of the most sacred character, not only to the present generation, who are looking from every quarter of this Union, with the utmost solicitude, to the issue of our present deliberations, but to unborn millions who will yet live to experience the fruits of this measure.

Let the course of policy we adopt be what it may, we ought not to look with too steadfast an eye upon the history of any other nation. We ought not, especially, to gaze with too partial a fondness on the example of Great Britain. That nation, it is true, has extended the most munificent encouragement to the mechanic arts, and has fostered, with peculiar favor, her manufactures; and she has, also, enjoyed more than her proportionate share of wealth and fame in the great family of nations. But it does not, by any means, follow, as some gentlemen seem to imagine, that the last has been the result of the former. If we are to derive any instruction from the example of Great Britain, on this subject, it is, that we should interfere as little as possible with the industry and pursuits of our citizens. At a period when her most sagacious statesmen, as well as her most approved writers upon political economy, unite in expressing their regret at the extent to which that nation has

embarrassed herself with such regulations, shall we shut our eyes upon the lesson which her example teaches? Such regulations were never adopted by Great Britain through choice. The rivalry and jealousy of neighboring States forced her to their adoption. And, because she has been wise and adroit enough to make a virtue of necessity, and to turn to the best account the very disadvantages with which she had to contend, shall we, with the vain hope that, peradventure, equal good fortune may await us, blindly imitate her example? I cannot believe that any gentlemen are disposed to indulge themselves in such hazardous speculations on the future welfare of their country.

There is another peculiarity in our situation. We have, in the same hemisphere with ourselves, embryo republics springing into political being. There are, in South America, materials, in soil and population, for great and extensive States. They are rising into political being at a period of the world peculiarly auspicious for the formation of wise governmental institutions. Their importance has already attracted the eyes of the civilized world. The immense advantages which may grow out of their future trading connexion, have already excited the jealousy of certain European Powers. And, while our near neighbors are esteemed of so much value in the commercial alliance they may form with nations almost on the opposite side of the globe from them, shall we, in their immediate vicinity, remain indifferent to the influence they may exert upon our future destiny? These circumstances ought rather to incline us to a favorable consideration of the friendly and commercial connexions which may, hereafter, subsist between us.

In taking an enlarged view of the situation of our country, and of the policy to which it ought to direct us, it ought not to be forgotten that we are surrounded on all sides by the ocean. Look to what quarter of the horizon you will, and your eye meets an immeasurable waste of waters. What ought this circumstance to intimate to the statesman, who, like the immortal Edmund Burke, believed that the situation of every nation, like that of every individual, ought to be the preceptor of their duty? Would he not infer from it that the same munificent Providence that had blessed our happy country with such unexampled abundance at home, had thrown around us this circumambient world of waters to invite us to transport the fruits of our soil to every region of the earth? Yes sir, it is our duty to beware how we fetter and restrain the spirit of commerce. That, if possible, ought to be left free as the wind of heaven that wafts it on the bosom of the deep. Let us take heed how we legislate our wharves, which are now populous and cheerful, into silent but impressive monuments of the commerce that has deserted them. Mr. C. said, he did not wish to see the flag of American commerce floating to the idle wind in our harbors. He wanted to see it visiting ocean's furthest shore, and returning home with the fruits, the treasures, and the riches of every clime. He wanted to see it extending its peaceful

conquest over every sea, and as much respected in every quarter of the globe, for the skill of our sailors and the enterprise of our merchants, as it confessedly is for the heroism which so lately defended it in war. Trophies, won in this way, will contribute largely to the happiness, the wealth, and the power of this country. And, although they may not hold up, in such a bright relief, a few ambitious spirits who thirst for military conquest, will, when they are collected together by the future historian, constitute the most emphatic eulogium which can be pronounced upon the wisdom that has guided the councils of this nation.

When Mr. CARTER had concluded—

The question being put on Mr. ISACKS' amendment, was decided in the negative—ayes 72, noes 96.

Mr. GAZLAY moved to report the bill as amended, but, before the question was taken, Mr. McKIM offered an amendment laying a duty on certain articles of morocco leather. The amendment was rejected, only 40 rising in its favor.

Mr. CLARK, of New York, then moved to amend the duty on iron, by reducing it from one dollar and twelve cents to ninety cents. A motion was made to rise—ayes 87, noes 96.

Mr. CLARK then supported his motion by a speech, but gave way, at half-past 4 o'clock, for a motion to rise.

The Committee rose accordingly, and the House adjourned.

TUESDAY, April 6.

Mr. COCKE from the Committee on Indian Affairs, to whom was recommitted a bill "for the appointment of two assistant Indian agents," reported the same with amendments.

Mr. C. explained the amendments, with the circumstances which had led to their insertion; when the bill was ordered to be engrossed for a third reading to-morrow.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate entitled "An act for the relief of the legal representatives of Firman Le Sieur," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. RANKIN, from the same committee, to which was referred, on the 29th ultimo, a memorial of inhabitants of St. Augustine, reported a bill to authorize the Territory of Florida to open a canal through the public lands, to unite the river St. John's with the Bay of St. Augustine; which was read twice, and committed to a Committee of the whole House to which is committed the bill to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie.

Mr. WARFIELD laid the following resolution on the table for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to cause to be submitted to this House a statement of the several purchases of real estate in behalf of the United States, within the territorial

limits of any State, since the 4th day of July, 1776, in pursuance of any act of Congress, or by any department or officer of the General Government, denoting in each case the particular authority under which each purchase was made, its date, and the end or use for which it was effected; the nature of the estate thereby acquired, and the person or persons by whom, and to whom, such estate was conveyed, together with the fact whether such purchase was or was not accompanied with the express consent of the State of whose territory such real estate constituted a part; and, in the former case, whether any, and if any, what, special jurisdiction accompanied the cession or conveyance.

The resolution offered heretofore by Mr. ALLEN, of Massachusetts, fixing a time for the adjournment of the House being taken up; after some observations from Messrs. TON and EDWARDS, of North Carolina, it was laid on the table—ayes 93, noes 68.

Mr. RANDOLPH gave notice, that, having been prevented, by indisposition, from calling up his resolution respecting an alteration in the compensation of members of this House, he should call up the same on Saturday next.

On motion of Mr. VANCE, of Ohio, a committee was appointed to inquire into the expediency of granting relief to such persons, purchasers of the public lands, lying between Ludlow's and Roberts' lines, in the State of Ohio, as are liable to be evicted from the same, on the principles of a decision of the Supreme Court of the United States, made at their last term, in the case of Doddridge against Wright and others, and the committee had leave to report by bill or otherwise. Mr. VANCE, Mr. RANKIN, Mr. LATHROP, Mr. BEECHER, Mr. HAYDEN, Mr. ARCHER, and Mr. SAUNDERS, were appointed a committee pursuant to the said resolution.

On motion of Mr. SAUNDERS, the Committee of Claims were instructed to inquire into the propriety of allowing William Clefstan compensation for certain losses sustained by him in consequence of the impressment of his wagon and team, for the transportation of a part of the North Carolina militia to Norfolk during the late war.

On motion of Mr. BURLEIGH, the Committee of Ways and Means were instructed to inquire into the expediency of extending the laws now in force giving a bounty to vessels of certain descriptions employed in the cod fishery, to vessels of the same description employed in the mackerel fishery.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz:

1st. An act to provide for the extinguishment of the debt due to the United States by the purchasers of the public lands;

2d. An act to change the terms of the circuit and district courts of the United States, in the State of Ohio, and one of the terms of the circuit court in the district of Kentucky;

3d. An act supplementary to the act, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt,'" in which bills the Senate ask the concurrence of the House.

The said bills were, respectively, read twice, and referred, the first to the Committee on Public Lands; the second to the Committee on the Judiciary; the third to the same committee.

THE TARIFF BILL.

The House then again went into Committee of the Whole on the bill to amend the several acts laying duties upon imports.

Mr. CLARK, of New York, had moved to reduce the duty on iron from one dollar and twelve cents to ninety cents per hundred weight.

In support of this amendment, he said, that, after the very protracted debate on this bill, it could not be expected he would trespass on the patience of the Committee by going very fully into the discussion of the subject. Indeed, said he, the gentleman from Massachusetts, (Mr. WEBSTER,) by the very able manner in which he has dwelt upon this particular part of it, has left little more to be said. I believe, sir, most firmly, that no additional duty ought to be laid on iron; but, since the Committee have decided against striking it out altogether, I have thought proper to try their opinion on a moderate increase, one which will be less burdensome and oppressive on the industry of the country. I do not doubt that manufacturers of this article, who have good ore near navigable waters, and other conveniences for carrying on their business, can, with proper economy, make it profitable and productive under the present rates of duties. And if others cannot, it is because they have not those advantages, or do not observe the same economy. I have, sir, a statement in my possession, which I received from a respectable source, giving, in detail, all the items of expense in making a ton of iron. This statement I believe to be sufficiently correct, and to contain at least as high rates of labor, &c., as the present prices.

From this statement, sir, it appears that no branch of business in our country is carried on with more profit to those engaged in it, (I mean of the description I have mentioned,) nor with more certainty of success; and any further protection would only be giving them enormous profits. [Mr. C. here read the detailed statement, by which it appeared that the expense of making a ton of iron was only \$63 60.] From the price current, it appears the price of this article, now in our market, is from \$81 to \$83 a ton. So that the profits, at this rate, are from \$17 40 to \$19 40 a ton. Here, sir, is an ample profit, and one that offers better encouragement than almost any other branch of business in the country. I am aware, sir, that this will not apply to more than one-third of our iron factories—that the others labor under disadvantages of various kinds, and probably even with the proposed duty would find no protection. Increase your duties, sir, so as to shut out all imported iron from the country, and those who now really require the protection, would find themselves undersold in the market by their more fortunate competitors, and would as much need protection against them as the importers.

But, sir, if all these considerations were ob-

viated, and none of the objections I have enumerated existed, I should still be opposed to this duty from other considerations. I would oppose burdening this article with heavy duties, because such a measure would be at war with the general objects of the bill.

What is that object, sir? It is the encouragement of the agricultural and manufacturing interests of the country. This bill proposes to load with additional duties one of the staple necessities of both these employments. You also profess, by this bill, to give encouragement and employment to industry. By stopping the importation of it, you drive a large portion of the navigating interest from their usual and accustomed habits of industry; you subject them to poverty and ultimate ruin; you increase the price of a necessary material of nearly every manufacturer and every artisan; and, what is more than all, you are loading the farmers of the country with exactions—exactions which will bear upon and oppress them heavily.

Sir, I have said I would not advance, with this bill, a single step beyond what I believed to be for the interest of him who cultivates the soil; I still adhere rigidly to my determination; and nothing shall drive me from it. I vote for an increase of duty on woollen goods, because I believe it will make a market for wool; on molasses, because, as the importation of it is diminished, its place will be supplied with grain for distillation. But, when you propose a tax on this article, which will bear so heavily upon the farmer, and do so much to empty his pockets, I shall use my feeble efforts against it.

But, we have been told, in the course of this debate, that we must compel ourselves to make this article at home, in time of peace, because, in time of war, our commerce will be driven from the ocean, and our harbors locked up by the enemy. This case, so extreme, so improbable, and unlikely to happen, may, in the course of the strange vicissitudes that visit nations, ultimately be realized. But, sir, when such an event occurs, I trust the want of this article will be among the most tolerable of our sufferings.

Should we go to war with Russia, we could procure it from Sweden and all the rest of Europe. If with England, or Sweden, we could obtain it from Russia. Should our vessels be swept from the ocean, still, however, it would be brought to our ports with but a trifling increase of price.

Sir, I have made all the inquiry in my power, and I have not been able to ascertain that there are more than from five to six hundred of these factories in the United States. These are probably owned by from five to eight hundred individuals. It is for these individuals we are called upon to lay a burden on more than ten millions of people; to drive twenty times their numbers from their favorite pursuit, and involve thousands in ruin. I exhort gentlemen to pause and reflect before they take this broad step in the maze of inconsistency.

Let me not be told, that we are furnishing employment for a great mass of our citizens in car-

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rying on each of these factories; for every one who has had any knowledge of this business must know, that their condition is not bettered by their employment. The workmen around them are generally the least enlightened, the most poor and degraded of any in our country. The employment of most of them is to cut down and make waste of timber, which, in many cases, is seriously to the detriment of the country around them.

Sir, in every point of view I have been able to look at this subject, I have arrived at the same conclusion. It will operate as an unjust and oppressive burden, from which you will ultimately be compelled to recede.

Mr. TOD, of Pennsylvania, in reply to Mr. CLARK, said he had flattered himself that one tedious debate, and one decision upon this item of iron, would have been sufficient, at any rate, in Committee of the Whole. I do not complain, but I must say that the disappointment is extremely mortifying, by a friend of the bill renewing a question in substance once settled—renewing it at this time, when it is evident that delay is destruction; and renewing it in such a manner—for I think the gentleman from New York made his motion, and, as soon as he rose to support it, moved for the Committee to rise. The Committee refused. In a very few minutes after, the gentleman from New York gives way, yields the floor to another member, to renew the motion for the Committee to rise, which motion succeeded, and brings us to the second day of the second debate, on a single item of a bill which has been before us now almost three months, and a decision upon which seems to be protracted to a length, perhaps unexampled in this or any other country.

Mr. TOD said, I blame no one, nor pretend to any right to dictate to any member what course he shall pursue; yet the gentleman from New York will excuse me for saying, that, dismayed as I am at the time and manner of his renewing this discussion, I am still more dismayed at his arguments. From our opponents, I can hear any thing without emotion; but the reasons given by the gentleman from New York strike me with a chill which I will not attempt to dissemble. The gentleman from New York supposes that only six or seven hundred iron masters are to be benefited by this duty. If he is right in that, then it would be true, that only the merchants are benefited by trade and navigation. But it must be a total mistake—the whole agricultural interest of our country is directly interested. The 40,000 tons of iron which we import, the two millions of dollars which we pay for it, only deprive our people of a market to that amount for their grain, beef, and pork, which articles, those governments which send us their iron will not suffer their people to touch, coming from us. Our opponents admit, that domestic industry ought to be protected when we are ripe for it, as the phrase is. Now, iron we are not only ripe for, but, some years ago, actually were in the way of fabricating, to the full amount of our own consumption. One object of the gentleman from New York appears to be, to

mend the morals of our people by importing from Europe. To the workers in iron he has applied the epithets of poor and degraded. As to their poverty, it may be true enough. How can it be otherwise when their business is so reduced, and they cut out of three-fourths of it by foreign importations? "Degraded" is a term not applicable to such men. To be sure, there are many professions and occupations which appear more neat and genteel; they have leather aprons and blacked faces; but a great majority of them are not only laborious, but frugal and careful; and those who are thoughtless and imprudent, are yet almost invariably honest and manly. They love their country. Theirs is a robust and hard business; there is nothing in it degrading to body or mind. Sir, it has been said in this debate, some months ago, or in some other, I forget when—for there is one thing peculiarly lucky in this tariff discussion, that every thing said will bear repeating at least thrice, and still, with all the advantage and grace of novelty, having been forgotten from length of time—it has been said, or might have been said, that the iron workmen of Sweden, when nobles, and gentry, and farmers, and merchants and seamen, had submitted to foreign domination, collected together, and saved their country. It is notorious that, during the gloomiest times of the late war, and afterwards until Government thought fit to abolish the internal duties, there was no resource in our nation for men and money, superior to that of the iron works in the interior. If supported and protected, they will add more real strength and wealth to our country, than the cultivation here of all the cotton raised on this continent, and Egypt and Bengal put together, could possibly do; for this work is carried on by free labor, that by slaves. Before he sat down, Mr. T. said, he wished to relieve the gentleman from New York, (Mr. CLARK,) from his anxiety lest the iron works should consume all the wood; true, they do cut the wood from the hills; but equally true it is, that the wood invariably springs up again, and is ready for another cutting every twelve or fifteen years.

Mr. CLARK replied to Mr. TOD. He said, as to the fears and dismay expressed by the honorable chairman, he could only say, it was unnecessary for him to have disclosed them to the Committee at this time, since he was sure no gentleman would be turned from his course by such disclosure. Indeed, sir, I am not legislating, at this time, for the purpose of pleasing that gentleman. No, sir; I shall vote and act without reference to his opinions. If the gentleman supposes his appointment as chairman entitles him to direct all the friends of the bill in the course they are to pursue in its details, he is mistaken so far as relates to me. True, sir, I am in favor of a revision of the tariff; but it does not, therefore, follow that I am bound to support the whole of every provision the gentleman has chosen to insert in the bill. If that gentleman considers himself a sort of drill sergeant, to manoeuvre the friends of the tariff, I, for one, must beg to be excused from his discipline. Why, sir, all this complaint about the time I have

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taken to introduce this amendment? Are the Committee to be told at what time they shall stop amending the bill? I, for one, cannot recognise his right to such dictation.

But, says the gentleman, we have arrived at the second day of the second debate on this amendment. What then, sir? Is this such an appalling fact as to shake the gentleman's nerves? Surely, the case is no anomaly in legislation. The Committee decided, on a former motion, that they would not strike out the whole of the proposed increase; but does it follow that they will not reduce it? Sir, it was not until I learned that a number of its friends were anxious for this reduction that I proposed it. Indeed, sir, the decision of the question on striking out the whole was not very satisfactory to me. More than seventy members were out of the House, and the majority small. The result, however, will show whether I am correct.

The only answer I have to give to the gentleman's statement, that "two millions of specie are annually exported to pay for iron," is, to point him to the Treasury report of imports, exports, and tonnage, of the United States, where he may learn that, in the preceding year, less than thirty-three thousand tons of iron have been imported from all the world. That nearly all of it was brought from Russia and Sweden, and not a dollar of specie has been exported to either of those countries. On examination, he may also learn that no money is carried from this country to pay for iron, but that it is always purchased with such articles as we can easily spare, and such as we ought to dispose of. Sir, I said yesterday, and I say again to-day, that, as far as my observations have extended, the persons in the employ of iron masters, and their families, are less enlightened, more poor, and unhappy, than any other class of citizens among us; that this is the most undesirable of any employment in the country. I shall not, however, deny that a recruiting officer might fill up his ranks among them as quick as among any other people.

Sir, having made no allusions to "black faces and leather aprons" myself, I presume the gentleman did not mean what he said on that subject as an answer to my argument, but designed it for other purposes. Hoping, therefore, that it may have the desired effect, I shall leave him to enjoy the benefit that is to be derived from such reasoning.

Mr. HAMILTON, of South Carolina, after making a few introductory remarks, on the course which had been pursued in the discussion of the details, as well as the general principles of the bill, which he reprehended as furnishing the most unequivocal tokens that its friends were about, if possible, to limit the freedom of debate, and force the bill into the House at a moment when several important amendments were about to be tried in committee—observed that, in rising to address the Committee, he could but be sensible of the serious embarrassments which awaited him in following, on the same side of the question, the gentleman from Massachusetts, (Mr. WEBSTER,) who had

greatly abridged, if he had not entirely exhausted, the topic before them; and whilst, Mr. H. said, he participated in the pleasure, which all had enjoyed, in hearing the unanswerable argument of that gentleman, (an argument that had scarcely left the honorable Speaker [Mr. CLAY] an inch of ground to stand upon, notwithstanding the vigor and elasticity of his genius,) he should endeavor to avoid a repetition of any of the remarks of the gentleman from Massachusetts, however difficult the task, when speaking on the subject. If, however, he could glean a single topic which had not been gathered in the abundant harvest which had crowned the efforts of that gentleman, he should regard his own exertions as not absolutely useless and unimportant.

Mr. H. said he hoped that, in his reply to the honorable Speaker, he would offer some atonement for the trespass he was now about to make on the patience of the Committee, when he informed them that, at least in reference to those parts of the gentleman's argument in which he sustained himself by the force of British authority, that he would meet him by English doctrine, also; and he undertook to affirm that, notwithstanding the ingenuity with which these authorities had been used, there was more to be found in British precept and example to admonish us to avoid the policy which the honorable Speaker was desirous of forcing upon his country, than the reverse.

And here, at the very outset, Mr. H. said, he would take occasion to remark that, if Adam Smith (an authority, by the way, much contemned by a certain school of political economists in this enlightened age and country) could have risen from his grave, and heard some of the extraordinary opinions of the honorable Speaker, this worthy old philosopher would indeed have believed that the world, ever since his exit from it, had been in a slumber as profound as that which had visited his own tomb. He would have thought, with good reason, that all those anticipations of the progress of truth, and the consequent extirpation of error, which he had cherished in a generous love of his species, had indeed been the idle dreams of a foolish and vain philosophy—for he would have met here the very dogmas of that school of restriction and monopoly which it had been the chief business of his valuable life to refute and overthrow. But there would have been in reservation for him, one astounding circumstance for which he would have been altogether unprepared—and that is, to have heard the pathetically and poetically drawn pictures of the present distress and debility of our country attributed to the freedom of our trade, and the overflowing abundance of our agriculture! However much the narrative of these diseases, and their causes, might have surprised him, the catholicon which is proposed for their cure, would have been more a subject for his especial wonder and speculation—a remedy which embraces in their most potent combination, the old and exploded ingredients of monopoly and restriction. But, Mr. H. said, his business was rather with the living than with the dead. Before, however, he dismissed

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this branch of the subject, he would say, if we were disposed to throw aside, as refuse lumber, all that had been written by this great man, on a subject to which he had brought a philosophic spirit, enlightened by the most extraordinary endowment of intellect, formed by the most propitious opportunities for observation, and warmed by as enlarged a philanthropy as ever animated the human breast, it would be well to advert, for one moment, to the past, and even present, situation of our country, in reference to the great resources of its productive wealth. If the tree was to be judged by its fruits; it might be inquired how it was that, in spite of our deplorable fatuity and blindness, in running counter to the favorite maxims of this school of restriction, this country should have prospered, and still prospers, beyond all example. Yes, sir, it might well be asked, if high or prohibitory duties on imports are essential to the proper development of the industry of a nation, how it comes to pass that, within the ordinary duration of the life of man, we may be said to have built up an empire of such vast power, and possessing, within itself, such varied resources of wealth and happiness.

Serious distrust must be entertained of any scheme, having for its objects a diversion of the capital and labor of the country, when we look about us, from one end of this continent to the other, and see so many monuments of what the enterprise of our people had effected in the ordinary channels in which it had been employed; and, if one or two of these memorials of the industry of our people were selected, they would be amply sufficient for the argument, without a more comprehensive collection. If it were desirable to see what the commerce of the country was capable of effecting, a reference to New York and Boston would satisfy this inquiry. There might be seen the rise of cities, the rapidity of whose progress is without a parallel, in ancient or modern times. If it was necessary to ascertain what sort of wonders the results of agriculture could achieve, it is only requisite to turn to the West, and, within the period measured by the contemporary recollection of the youngest of us, to see a wilderness subdued, a vast and intelligent population created and sustained by the prolific treasures of the earth. It might indeed be seen, that, since the peace of '82, by the conjoint operation of commerce and agriculture, seven millions had been added to our population, eleven States to the Confederacy, innumerable tracts of fertile territory brought into successful culture, and, in spite of all that had been said, a vast and almost incalculable sum added to the active capital of the country.

Before, therefore, we acquiesce in the necessity of changing the existing employment of capital, in our country, which has confessedly done so much for us, there are a few salutary truths, which, however old-fashioned they may be, it may not be unimportant to notice.

One of the first of these is, that the production of a country must depend on its capital and labor, and that the latter bears a just proportion to the degree of skill and industry with which the for-

mer may be employed; now it follows as a fair corollary from these principles, that labor and capital, if left to their own direction, will always seek, and find, their most prosperous exercise and investment, and that this may be safely confided to the sagacity of individuals who, by a law of nature, invariable in its operation, will pursue that department of industry which promises to yield either immediately or ultimately the greatest profit. Thus it is, in the words of a popular author, that, "whenever any thing is to be made by a particular employment of industry, it wants no encouragement; where there is nothing to be made, it deserves none."

We may, at least, be certain of one fact, that no divine alchemy has been revealed to us, that we can, at pleasure, produce wealth, by legislating an alteration in the pursuits of our people. We may, it is true, disturb the ordinary operations of labor, and increase the profits of a given branch of industry; but, as the whole of our society must make up its aggregate account of profit and loss, what is added to one class as profit, in the way of encouragement, must be taken from the other, in the way of a tax and consequent loss. To conclude this part of the inquiry, if there is any truth which appears to be sustained by experience, it is, that the only consequence resulting from the interference of Government in the employment of labor and capital, is to give to them an artificial distribution, and to coerce them into less profitable pursuits, than if left to be disposed of and controlled by their natural owners, who are most sensible of their value, most responsible for their use, and have the greatest immediate interest in their successful employment.

These remarks, Mr. H. said, he made without indulging in any spirit of hostility to the domestic manufactures of the country, and that he was prepared to admit that they were to be encouraged precisely to the extent, and no further, than this encouragement was not calculated to discourage the other great sources of the productive industry of the country. And here he would take occasion to say that the imposition of the duties on imports for the purpose of revenue, furnished in all a reasonable, and in many a high rate of encouragement, to which, if were added the incidental charges on importations, and with which the foreign article was almost exclusively burdened, the manufactures received all the protection to which they were in justice entitled, and all that the country could afford to pay. When, therefore, the gentlemen who were in favor of the scheme of immense taxation, involved in the bill on the table, were so regardless of the past, and so perfectly gratuitous in their assumption of facts, as to found their arguments on the basis that there was no sort of protection, except to a few favored articles, they must be prepared to say that an average duty of nearly twenty-five per cent. on the consumption of the country was nothing, or to admit that there was something so incurably defective in the manufactures of the country, that nothing short of prohibition, or the exclusion of all foreign competition, could furnish a fair return

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for their productions, or force them into an unnatural existence.

The opinions of the former Secretary of the Treasury, Mr. Alexander Hamilton, have been much relied on, and his celebrated report on manufactures (unquestionably a very able and ingenious State paper) has been quoted, but often with a gross perversion of the scope of the argument of that great statesman. Great as was his admiration, said Mr. H., of the talents of this statesman, he was not prepared to take his opinions on this subject, or that of Government, without some qualification and limit. General Hamilton was a contemporary of the younger Pitt, and they may have been said to have been, at the same time, prime ministers of their respective countries. It is perfectly obvious that General Hamilton rather looked to the practice of Pitt, (whom he resembled in the grandeur of genius,) than to the writings of Adam Smith, and the French economists. His opinions came, therefore, from the mintage of the restrictive, exclusive, and jealous systems of trade and finance, which, in spite of the occasional theories of Pitt, oppressed his whole scheme of Government. But, as clear and emphatic as Mr. Hamilton was in his report, he could have formed no conception of the extent to which his doctrines would be pushed, by his present avowed disciples, who have attempted, with singular injustice, to give currency to their schemes of violent taxation and oppressive monopoly, by the authority of his name. As the present question is one of figures, perhaps the best answer to the inquiry of what sort of encouragement Mr. Hamilton deemed necessary for the development of the manufacturing capacities of the country, would be given, by comparing the rates of duties which he proposed, with those in the bill now under the consideration of the Committee. Mr. H. said he would now advert to a few of these items.

We will begin first with an article of universal use and importance—nails—on which Mr. Hamilton proposed placing an import duty of two cents per pound; by the bill on your table this duty is raised to five cents per pound. Fire-arms and military weapons he rated at 15 per cent. ad valorem; you have raised it to 25 or 30 per cent. Manufactures of steel generally, on which he proposed a duty of 7½ per cent., the bill on your table has raised variously, from 25 to 100 per cent. Articles of copper and brass, which he arranged at an ad valorem duty of ten per cent., are now placed in the tariff under consideration, at a rate of duty as exorbitantly advanced as that on articles manufactured of steel and iron. He recommended a duty of two cents per gallon on imported spirits, of the first class of proof; the duty now proposed is fixed at 38 cents. Articles of which hemp is the component part, he puts down at 10 per cent. ad valorem; your bill provides that they should be variously burdened with a duty from 30 to 140 per cent. Mr. H. said he would not fatigue the Committee by any further enumeration, which, if extended throughout all the classes of articles embraced in General Hamilton's report, would be found to sustain the great difference of

opinion which existed between that gentleman and his self-created disciples, as to what might be deemed a fair protection to the domestic industry of the country, and what was in fact a system of undisguised prohibition. But there is one point on which this statesman is at least fairly at issue with the advocates of the proposed tariff. General Hamilton certainly looked rather to an ultimate reduction of the duties on imports, after domestic competition had been brought fairly into operation, than that these duties should be progressively increased; and it was an emphatic maxim of his, that, if an article required repeated and continued bounties and duties to nourish its production, it was a proof that the country was not prepared for its manufacture, and that it was unwise to attempt to force it into a precarious and labored existence. When these two opinions of this great man are taken in connexion with the cardinal principles with which he sets out, that the raw materials of manufactures should be generally admitted free of duty, it will be obvious that his opinions have been grossly perverted, by being pushed to an extremity which he never did or never could have contemplated.

The true question, however, submitted, is not whether the results of manufacturing labor be profitable or advantageous to the country or not, (for there is no man so silly as to dispute so obvious a truth;) but whether this or any other species of labor was, in a Government like ours, to be fostered by a scheme of partial legislation, operating as a bounty on the one hand, and a tax on the other? To this system there was a variety of objections, some of which Mr. H. said he had endeavored to prove were applicable to principle itself, and some to the specific details of the bill. Mr. H. said he did not know that he could treat the subject more appropriately as to what remained to be said by himself, than to attempt an answer to some of the topics which the honorable Speaker had so ingeniously discussed; for, it might be well said, that, if his argument had not produced conviction, it at least had copiously supplied materials for inquiry and speculation.

The honorable Speaker began his effort by a strong and highly wrought contrast between our own country and Great Britain. A contrast which had been so delineated, as to the boldness of the outline, and the disposition of light and shade, as to put our unfortunate land in rather an ill-favored and discouraging aspect. That the force of a picture depends as much on the hand of the painter, as on the subject, he believed, would be readily admitted; whilst he was not prepared to enter into competition with the Speaker in the graphic energy of these sketches, he would endeavor, nevertheless, to vindicate our poor country from a portion of the reproach of blindness and fatuity which has been cast upon her.

The first reply which he should offer to the *exposé* which had been made of the inflated wealth of Great Britain, was, that he conceived it neither a calamity or reproach, that our country was not as rich. That, after all, the wealth of a nation,

like that of an individual, ought to be estimated in reference to its expenditures; the mode in which this wealth was used for the production of the greatest amount of human happiness and virtue.

He believed it would be found to be an axiom as true in politics as in ethics, that wealth was not, *per se*, the *summum bonum*; but he would waive the discussion of a trite subject, and say, that, if this country was tried by even the standard which the Speaker had indicated, she would suffer nothing in the comparison. But, in estimating the amount of the active capital of the two countries, the great disparity in their relative age and existence ought to be considered. The one was a nation of ten centuries, and the other emphatically of one. It is no answer to this argument to say, that we were the vigorous offspring of the older country, and started into life with all that vitality which gives an impulse to the maturity and growth of the mother country. This is not true. A knowledge of the sources of wealth, which we might have learnt by her precepts, or even example, are widely remote from that gradual accumulation of capital, which is the result of labor and skill. Our forefathers came here without money—they did not find it in the bowels of the earth, but they wrung it from our soil and our seas by the grasp of an untiring and persevering industry. If, therefore, all the circumstances be taken into account, there would be no difficulty, he believed, in proving that the progress of this country in the accumulation of capital, had been *much* greater than that of Great Britain, in the same period. It was true that the *indicia* of this accumulation would be dissimilar, but that would not prove our acquisitions were less valuable. From the peculiarities of our situation, both in reference to the extent of our territory and seas, this accumulation had a natural irrepressible tendency to agriculture and commerce, to the opening and cultivation of extensive fields, and to the building up a tonnage that was now second to none but that of Great Britain, and which, in spite of all that had been said, was increasing more rapidly than her own. In that country, with a small territory and dense population, the accumulations of capital, on the contrary, take their direction to manufactures, and this entirely independent of the force of legislation; for human laws are but feeble instruments in comparison with the force with which the whole economy of human things obey the dictates of nature. It was, indeed, an absurd hypothesis, that the country had not grown rich, because its fixed capital had not been invested in spindles and looms, as if they, according to the creed of a certain set of economists, constitute the only true wealth.

Now, Mr. H. said, he would take occasion, as the most appropriate place, to remark, that the difference in the extent of territory and density of population between the two countries, in determining the price of labor, had produced the real difference in the exhibition of their separate industry. And whilst these causes would give to us, forever, a decided advantage over Great Brit-

ain in agriculture, and, ultimately in commerce, they would, nevertheless, secure to her, for a long series of years, a superiority in manufactures. These facts would be obvious, by referring to statistical tables, that were accessible to all. In reference to population, it was to be observed that, whilst we have not any thing like five persons to the square mile, in East Flanders there are 554 persons. In West Flanders, 420. In Holland, 362, and in England, distinct from Wales, 232. If, therefore, the old thirteen United States possessed the population of England, our numbers would exceed one hundred and thirty millions. It was not, therefore, surprising, that the price of labor should be eight times as high in this country as in Flanders, and four times as high as in England. The accumulation of capital in manufactures is the joint result of a comparatively small territory, dense population, and surplus capital. The whole secret was, in one word, to be found in the price of labor. There is, in fact, a species of mechanism, which is still in great demand in our country, a demand that exceeds the supply, and this the noblest of all machines, man. Thus it is, when we come into competition with those nations that have a greater quantum of population than ourselves, we must be undersold, and consequently accumulate less capital. Where labor-saving machines can be used, by the intervention of inanimate agents, the reverse may be true, from the extraordinary ingenuity which characterizes the enterprise of our people.

The honorable Speaker, apparently fascinated by a contemplation of the successful industry of England, has rather attributed the results of this industry to her legislative regulations, and seems to insist, that her prohibitions and monopolies have principally contributed to that prosperity which he has made the theme of his eloquence and praise.

To determine, *a priori*, as to the causes of national prosperity, is, perhaps, after all, one of the most difficult problems in political philosophy. But the discovery that Great Britain owes a large portion of her wealth and power to her restrictive system, may be well calculated to excite surprise. If wealth is, indeed, the result of this species of legislation, we need no longer sigh for the faculty of transmuting every thing into gold. Nothing is more easy, if the majority will it, than to pass an act, cutting off all our intercourse with the rest of the world, by prohibiting their products, and we shall then, indeed, have reached "that millenium which is celebrated in the hosannas of the monopolists." We shall then command "our own consumption;" "for imports;" those curses of national prosperity, "will then cease"—a cabalistic phrase of the most ominous import, which is no where so well understood as in China.

One who may be disposed to speculate on the causes of the wealth and power of Great Britain, will no doubt save himself a vast deal of trouble, by opening her statute book, and, in the compass of a few pages, find in her bounties, drawbacks, and prohibitions, the true secret of her prosperity. This embraces a more easy chain of reasoning, than to consider the thousand peculiarities result-

ing from the climate, insular situation, population, and internal resources of England—resources which, by the means of an immense marine, have been nourished by the other three quarters of the globe, not only by the profits of commercial intercourse, but by military appropriation. And here is offered a fair occasion to advert to the fallacy of the estimate of the Speaker, (Mr. CLAY,) who, in giving, from statistical data, a view of the great resources of Great Britain, founded his calculations upon the population of the United Kingdom, at twenty-four millions; taking ours at ten, he was able to work a sum which left his own country somewhat in the vocative, but it was important to the success of this argument, that the whole external and colonial population of Great Britain should be omitted. No account was taken of the millions that are subject to her sway, in Asia, Africa, and America, who are her consumers on her own terms, and who are paying countless subsidies to her resources. Not a wave of the Ganges rolls to the ocean that does not bear some tribute to her wealth or her power. But the foundations of this power were laid long before Great Britain was a manufacturing nation, when, indeed, she imported almost all her manufactures from the Continent. The statesman who finds in her prohibition of the export of wool, and her corn laws, the true sources of her greatness, has discovered, indeed, the royal road to mathematics. But it is, to say the least of it, not a little singular, whilst the honorable Speaker is insisting, in this House, that the prohibitory system of England has mainly contributed to her wealth and greatness, that Lord Liverpool should, in St. Stephen's, be holding precisely opposite language. This is not all. Every intelligent statesman in the Parliament of Great Britain, no matter whether in the Opposition, or on the Ministerial benches, deplores, as a serious misfortune, the very restrictions which we are about to rivet on our country. This portion of the argument has been so entirely occupied by the gentleman from Massachusetts, (Mr. WEBSTER,) that, Mr. H. said, he was not willing to weaken the force of what that gentleman had said, whose statements were confirmed by every arrival from England.

Notwithstanding all that has been said in this country, and in this House, in reference to the magic wonders which the exorbitant or prohibitory duties of Great Britain have worked, in the productive industry of that country, the honorable Speaker might have found, in the very author of which he has made such frequent and copious use, a paragraph which is pregnant with instruction, and shows at least that the honorable gentleman is, in some points, even at issue with his own authority. In Lowe's "Present State of England," (a work, by the way, which, taken as a whole, furnishes an argument rather against, than in favor, of the restrictive system,) p. 168, he commences a section with this significant interrogatory:

"Are our manufactures actually benefited by protecting duties? That such is the case, and in a very considerable degree, too, is the opinion of the majority of our agriculturists. It is true, however, only in a

slight degree, as soon will be apparent from the following facts. The total value of British manufacture, annually prepared, whether for home consumption or export, was computed, in 1812, by Mr. Colquhoun, at £123,000,000. Since then, their quantity has greatly increased; but, as their price has received a material reduction, we shall probably deviate little from the truth, in assuming that sum as a fair representation of their aggregate value. But, of this very large amount, more than £80,000,000 consist of the three great articles of cottons, woollens, and hardware; none of which receive protection from custom duties, our manufactures being enabled, by inherent advantages, to repel foreign competition, and even to meet our rivals in their own markets. Thus, our cottons are cheaper than those of France, Germany, or the Netherlands, from various causes—the import of the raw material is somewhat less expensive, our machinery is superior, our supply of fuel more abundant, and the capital employed subject to a less heavy charge of interest. In hardware, we possess a similar advantage in point of fuel and capital, with farther aids in the carriage of the ore by water, and in a subdivision of labor, to which the Continent in no degree approaches. If, in woollens, our superiority be less decisive, and if the quality of cloth be more substantial, the fact is, that, from our power of giving long credit to Americans, and others, we as yet retain possession of most of the foreign markets."

From this passage, it would appear that Lowe is by no means as well acquainted with the true source of the manufacturing success of his own country, as our politicians. He has the folly to attribute this success to the capital, population, fuel, subdivision of labor, and internal navigation of England; we have the wisdom to trace these effects to a few exploded regulations, which would now render any man in the House of Commons a laughing-stock, if he were to attempt to uphold them. The conclusion to which I wish the Committee to arrive on the force of this unexceptionable authority, is that, in reference to the three great articles of woollens, cottons, and hardware, the custom-house duties of Great Britain furnish no protection to the manufacturer, from the causes which Lowe has unfolded. And here it will be important to observe, that, in those manufactures which England has endeavored to protect by a series of duties amounting to prohibition, her failure has been the most signal. The fact was so fully illustrated by the gentleman from Massachusetts, from statements as copious as they were authentic, that he should not trouble the Committee with a recital of authorities that have already been so judiciously urged. Mr. H. said, he would close, therefore, this part of the argument, with this remark, that the cause of the failure of the results of any kind of labor, be it manufacturing or otherwise, is very frequently to be found in the effect of a system of bounties, of which high protecting duties are a species. They operate, in fact, as a premium to indolence and a want of skill, and, if combined with the absence of competition, (which foreign importations can only steadily sustain,) they convert all the monopolists that they create, into so many tax-gatherers, who levy their contributions on their own terms. The cause of all this is to be found in a principle strongly radic-

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in the human mind, the true law of its mobility and power, that success in any given branch of industry will always bear an exact proportion to the intensity of the competition of those who are engaged in it. This is true in arms, philosophy, mechanic arts, and letters. The principle is in nature; we cannot extirpate or control it. Exceptions to the rule do not affect its general truth, which is sustained by the almost invariable experience of life.

The honorable Speaker, after descanting with his usual eloquence on the resources of Great Britain, (which he attributes, as has been before said, to what he is pleased to call her protecting policy,) has felt the necessity, in recommending this scheme of government for our adoption, to make some provision in his argument, for the objections which might be urged against it, in reference to the internal taxes, to which high or prohibitory duties, such, indeed, as those contained in the bill on your table, would necessarily lead. And, although, Mr. H. said, he did not dream for a moment that the agriculturists of this country would submit, for any length of time, to the burdens of an excise, to pamper the avarice of a corps of monopolists, yet, as the Speaker had not contented himself with palliating the system of British taxation, but even, in combination with the poor-rates, had made it the theme of his praise, it might be worth a momentary inquiry to ascertain what burdens the people of England bear, in all the multiplied forms of imposts, assessments, and excise. Mr. H. said, he would not fatigue the Committee by any details; the aggregate involved in the proposition was enough for his purpose. He should not deem it worth his while to lay any stress on the difference in the public debt of the two countries, although the most enthusiastic eulogists of England might, perhaps, be able to discover some difference between a debt of eight hundred millions sterling, and one of twenty-four millions sterling; between a debt which it is fully within our power to extinguish, without impairing any of the valuable institutions of the country, in the short period of nine years, (at least, if the bill on your table does not become a law,) and a debt whose final reduction baffles all human calculation, and must be regarded, even by the statesmen of England, as a problem as hopeless in its probable result, as it is inscrutable in its character. In reference, however, to the difference in the actual taxation of the two countries, it is of a nature so widely at variance, that it is impracticable to compare them with any logical or financial accuracy. It has hitherto been the distinguishing felicity of this country that we have been almost entirely exempt from the pressure of taxation, as this word of fearful import is practically understood in Europe. This, perhaps, has been as much the result of the mode by which the national revenue is collected as of the specific lightness of the burden. This scheme, by which our contributions are obtained through the medium of imposts at the custom-house, may well be described as one of the most beautiful contrivances of modern times, and as a mode of assessment pecu-

liarily adapted to a Government like ours. If we were called upon to say what two principles in our institutions were most homogeneous to their character, we should certainly answer, our exemption from a Church establishment, as connected with State, and this mode of levying the public burdens, by which coercion, its harshest feature, is taken from taxation, and the contribution is not only exactly proportioned to the ability, but the inclination of the individual. In other words, an individual is compelled to pay in the way of consumption no more than he is pleased to pay, and in effect he may be said to levy his own tax.

The patriot who desires the immortality of this confederacy, cannot offer up a more appropriate prayer, than that this scheme of financial polity may be perpetual. But, in England, by what a widely dissimilar process are the public contributions levied! Whilst the amount raised by customs is eleven millions sterling, the whole amount of her taxation is equal to sixty-four millions under the various heads of assessed taxes, stamp, excise, &c. The excise, the most onerous of all—extorting from the people, by its inexorable gripe, twenty-nine millions sterling; a sum considerably more than one-third of the whole amount of her taxes, which aggregate is equal to the enormous sum of 25 per cent. on the total national income.

But the process of reasoning, by which the honorable Speaker makes out that we, in fact, pay, *per capita*, a greater amount of taxation than is paid by the people of England, is, to say the least of it, an amusing fallacy. Could the honorable Speaker make out his statement, to the satisfaction of the English Chancellor of the Exchequer, there is little doubt that it would be applauded as a novelty, not less than the discovery of the longitude. But, notwithstanding our proneness to believe to be true, whatever is agreeable, we must think the gravity of Mr. Robinson or Mr. Huskisson would be very seriously invaded, if the notable secret was unfolded to them, that, in effect, the tax paid by each subject of Great Britain was equal to three shillings and seven pence sterling, while the tax paid by each soul in the United States was four shillings and six pence sterling.

The process by which this result is established is as ingenious as the conclusion itself. The honorable Speaker puts down, as tax payers, the labor-saving machines of England, which he estimates as equal to a population of at least two hundred millions, to which he adds the real population of twenty-one millions five hundred thousand; the public burdens he then divides, not among the payers, the 21,500,000, (a number much beyond those who do actually sustain the public burdens, as will be presently demonstrated,) and thus, by a calculation altogether gratuitous and conjectural, puts down our labor-saving population of ten millions, passing an aggregate to our credit of twenty millions, in this most extraordinary sum. Without stopping to inquire how any man, who had not the arithmetical combination of Sir Isaac Newton, the patience of Job, and the age of Methusalem, could be able to calculate the relative

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power of population, to every horse, ox, stream, mill, water wheel, and every other mechanical agent, in that country, as well as in our own, it is a sufficient answer to this argument, to observe, that as these inanimate contrivances neither eat nor drink, they are at least beyond the friendly touch of the malt, salt, or beer excise. And, therefore, the very subject forbids the calculation, or renders it perfectly unavailing.

From Lowe's tabular statement, from which the honorable Speaker has taken his estimate, it would be seen that the burden paid by each person in England is equal to three pounds two shillings sterling. In this calculation the tax receivers, as well as the tax payers, the paupers, pensioners, and placemen, are included. If these were deducted, how different would be the result of the sum; it would make the burdens upon each actual payer equal to ten pounds.

Our taxation is also put down at nine shillings *per capita*, a sum which may be demonstrated, perhaps accurately enough for the books of the custom-house; but who feels this tax? For we may be assured that after all, the weight of a pecuniary burden is better ascertained by the pockets of the people, than by the reveries of a financier, however ingeniously he may work his dead reckoning. A tax is more surely measured by sensation than figures.

To the ingenious tribute of praise which the honorable Speaker had paid, not to the resources of Great Britain, but in some degree to the means by which they were extracted, he could only say, that, whilst he wished his country in possession of these resources, he would not consent to take them, with the scheme of taxation by which they are brought forth and ascertained. The honorable Speaker, aware, however, that by adopting a system of commercial restriction, which would diminish our revenue from imports, a resort to internal taxes would be inevitable—he very wisely smoothed the way for the entry of what might be to a certain degree, the concomitant of his parental "American policy." The excise! Which he tells us he contemplates with any thing but feelings of alarm and consternation. One might almost say that he looks at this monster, whom we are about to domesticate, with the same complacency that a philosopher would survey a mammoth, in speculating on his bones and magnitude. He differed altogether from the Speaker, in believing for a moment that this terrible and vexatious inquisition would be borne by our people—an inquisition that in England is unmatched by any thing that even religious bigotry, in its infernal conceptions, has imagined to vex and annoy its victims, in the shape of a pragmatic interference in all the ordinary concerns of life. It contains within itself a multiform and pitiful despotism, that may be well said to knock at every man's door, to wait at his elbow, to weigh in scales of the greatest capacity, and minutest subdivision, every morsel of human subsistence that he puts in his mouth.

It is by the great powers of extraction this happy contrivance possesses, which at once unites the suction and flexibility of an elephant's proboscis,

that these great resources are brought forth, on which the honorable Speaker has so largely descanted—a contrivance which extorts from a single article, be it the "poor man's salt, and rich man's spice," a sum nearly equal to the entire expenditure of our Government. Yes, this ingenious piece of mechanism lifts out of the pockets of the people of England from twenty-nine to thirty millions sterling annually—an amount considerably beyond our funded debt; which sum, to use the language of Lowe, "bears on the comforts of life, and interferes, more or less," "directly with the extension of productive industry."

Mr. H. said, in concluding this notice of the Speaker's theory of taxation, positive and comparative, he could not resist the temptation of quoting from a writer whose views on the subject of British taxation were somewhat at variance with those of that gentleman. Mr. H. said he was aware he was now touching on tender ground, for he was about to name a reviewer, a personage who had fallen under the sneers both of the Speaker and the Chairman of the Committee on Manufactures. Nevertheless, he would venture to quote from Mr. Jeffrey, and present, for the amusement of the Committee, one of the most graphic, and he believed faithful pictures, that truth and wit had ever concurred in producing. Mr. Jeffrey says, that the unfortunate Englishman pays "taxes upon every article which enters into the mouth, or covers the back, or is placed under the foot; taxes upon every thing which it is pleasant to see, hear, feel, smell, or taste; taxes upon warmth, light, and locomotion; taxes upon every thing that comes from abroad or is grown at home; taxes on the raw material; taxes on every fresh value that is added to it by the industry of man; taxes on the sauce which pampers man's appetite, and the drug that restores him to health; on the ermine which decorates the judge, and the rope which hangs the criminal; on the poor man's salt, and the rich man's spice; on the brass nails of the coffin, and the ribands of the bride; at bed or board, couchant or levant, we must pay: The school-boy whips his taxed top; the beardless youth manages his taxed horse, with a taxed bridle, on a taxed road; and the dying Englishman, pouring his medicine, which has paid 7 per cent., into a spoon which has paid 15 per cent., makes his will on an £8 stamp, and expires in the arms of an apothecary, who has paid the license of an £100 for the privilege of putting him to death. His whole property is then immediately taxed from 2 to 10 per cent. Besides the probate, large fees are demanded for burying him in the chancel; his virtues are handed down to posterity on taxed marble, and he is then gathered to his fathers to be taxed no more."

Mr. H. said he would not detain the Committee by dwelling on the pauperism and poor rates of England, although he might well be tempted to do so from the example of the honorable Speaker, who had found even something to commend in these stupendous evils. He would more especially refrain from this discussion, because he could

not entirely attribute these calamities to the restrictive system of Great Britain, although they were ascribable, in no inconsiderable degree, to the sudden and tremendous fluctuations in the price and demand for labor, to which manufactures were peculiarly liable. He would take occasion to say that, in spite of the honorable Speaker's fervid encomium on the British system, which he wishes to naturalize as an American policy, that there must be something radically wrong in the polity of any country where one-sixth of its population is in a state of vagrant mendicancy, depending for their bread on the other five-sixths.

When our landholders support, at a cost exceeding the revenue of our country, between two and three millions of outcasts, sunk into the lowest condition of human degradation, whose vicious habits and unparalleled debasement require the compass of a volume of 168 pages to detail, and whose infernal orgies surpass, in their moody horrors, all that the genius of Dante or Milton has conceived when most fertile in a loathsome sublimity, we might be, indeed, prepared for the lament which has been so piteously sung, of our "industry paralyzed, our unavailing labor, decreasing capital, bankruptcy, and ruin!"

The honorable Speaker, after disposing of these topics, comes at length to the consideration of the diseases under which the country is laboring. The disease which he has discovered is remarkable enough, but his remedy is no less curious. It is at least, according to his own showing, "a plethoric ill;" for in his own words, the fatal infirmity which is bringing us to the brink of the grave, "is, that our production exceeds our consumption." By which we are to understand, that, in reference to subsistence, we raise more than we can consume or can sell at exorbitant prices. For no man will pretend to assert that the price of wheat and every species of bread-corn does not bear a strict relation to the price of every thing else which we can have to sell, and must be so, from the immutable principles of exchangeable value. What, however, in reference at least to subsistence, is regarded as a great blessing in other countries, is considered as a curse in this—that the poor man's bread should be cheap, and attainable by the smallest sum of human labor. It is from this part of the Speaker's argument that it can be demonstrated that the scope of his "American policy" is to make bread dear and labor cheap—that is to say, that the farmer and the master manufacturer, between them, may grind the laborer down to their own terms. He complains that there is too much labor directed to agriculture, and too little to manufactures. The consequence must be, that there is an excess of subsistence and deficit of hands for manufactures; by which, as a matter of course, in reference to the latter, wages are too high. He then puts the case—"Suppose five hundred thousand hands were drawn from agriculture and directed to manufactures; what a market would it open to the farmer!" This may be admitted, but mark the result. The competition for employment among the five thousand would necessarily tend to lower the rate of wages, whilst

their subtraction from agriculture, if it operated as the honorable gentleman calculated, is to increase the price of subsistence. If this last expectation is not realized, there is no lure held out to the farmer to embark in an experiment, the burden of which, he may be assured, he will, in the end, have to bear. But the probable consequence resulting from this project is, that whilst the price of labor would be diminished, the price of agricultural products would remain the same—at least uninfluenced by the home supply and home demand. It has been justly said, that the surplus of grain exported, however little that surplus may be, is the measure of its price. It has been moreover with equal accuracy remarked, that as long as land is so cheap, the price of grain will bear an exact proportion to the price of labor, adding merely the interest on the capital vested in the land, necessary for its production. In a grain-growing country, like this, it is a gross fallacy to suppose that the farmer can ever receive the exorbitant prices which he has obtained for his grain, except from the wants of other countries, or from a comparative famine in his own—the result of unfavorable seasons. The truth is, that wheat is as high now as any thing else in the market; and if it has fallen fifty per cent., so have lands and houses, ships, cotton, and all the other articles of human use and employment. But, for the sake of argument, admit that there is this large surplus of grain rotting on our hands, as the honorable Speaker is pleased to remark. Is not a country comparatively happy, that its surplus should consist of the primary subsistence of life, by which bad seasons and the sudden exigencies of war may be corrected? How different is the situation of a country whose surplus consists of manufactures, (an evil that has often befallen Great Britain, and is amply illustrated by her experience,) which a starving population cannot eat!

The next remark of the honorable Speaker is, "that England takes from us about five millions sterling value of cotton, out of which she makes twenty-two millions." By which we are to understand that the precise amount of her profit is the precise amount of our loss.

There might be some force in this argument, if it could be proved that the very instant the five millions value of cotton reached England, that moment, by the wand of enchantment, it was converted into twenty-two millions sterling, and which conversion might have taken place, had we kept it at home. But, when it is considered that England has to vest in fixed capital and labor, in fact, a larger amount in proportion, to produce the twenty-two millions, than we have to raise the five millions, what becomes of the triumph of this discovery? It only proves that we find it more advantageous to raise the raw material, than to manufacture it. To remove all sort of doubt or difficulty from this argument, it may be illustrated by a plain example. A planter at the South has vested in lands and negroes a hundred thousand dollars, by which he makes two hundred bales of sea-island cotton, which sells for \$15,000, giving him a profit on his capital, after deducting ex-

penses, of 12 per cent. A manufacturer who works up this cotton, may produce a value infinitely increased, but he has had to vest a larger amount of capital, and so employ a greater quantum of labor, when all of which are deducted, his profits cannot, in the long run, exceed those of the planter. That they probably will be less, it proved from two facts: that the rate of interest and the price of labor are higher in this country than in England.

It might be admitted that the honorable Speaker could make out his proposition, if we had actually existing in our country, languishing for the want of employment, an amount of fixed capital, and labor necessary to work up these five millions sterling value of raw cotton; but, when the reverse is precisely the case; when, in fact, all the capital we have is beneficially employed in the existing channels of agriculture, commerce, and manufactures; when we have, in spite of all that has been said, no idlers, except those whom disease or immorality has doomed to mendicancy; when the departments of human industry are full; when no man is a drone, except through his own perversity; when, in fact, labor and subsistence are in a wholesome and exact proportion to each other; what possible solidity is there in this argument of the Speaker's, of which it might be said, that it is destitute even of plausibility, but for the characteristic ingenuity with which it has been urged?

The discussion of this subject, Mr. H. said, brought him to canvass, in the natural order of the Speaker's argument, a point in which he was willing to confess he felt the most lively as well as the most profound interest. Although not a cotton planter himself, yet it was his peculiar fortune to represent that portion of the State of South Carolina engaged in the production of sea-island cotton, a section that had more staked in the desperate and unholy game about to be played, than any other part of this Union. He would, indeed, prove recreant to his trust if the topic did not challenge his keenest sympathies and best exertions. That the Committee might form some estimate of the value of this branch of the industry of South Carolina, he would bring a few facts to their notice; for, it was by the cultivation of this beautiful staple which unites in itself the valuable properties of silk and wool, that riches and comfort had been lavished on that section—a region that was not, however, exempt from that depression in the value of property and the price of its products, which was common to the whole country. Yet, this cultivation had done so much for its inhabitants, that it was not surprising that they felt such an intense interest in the continuance of its profits. It had reclaimed from a fast-coming poverty worn-out fields, which had been for many years appropriated to the ill requited cultivation of indigo; and, as if by the work of enchantment, transferred wealth and abundance to those spots which seemed to have been cursed by the fiat of nature with an irredeemable sterility.

Mr. H. said that he could, if he were not afraid of exhausting the patience of the Committee, refer

to the statistics of an island, which formed a portion of the district he represented, to illustrate the incalculable value of this staple, and the miracles he might almost say its production had effected. This spot was the Island of Edisto, which, as would be seen by the map of South Carolina, was about forty miles south of Charleston. Thirty-five years since, it was inhabited by a few planters, who were engaged in the culture of indigo, and who wrung, by hard industry, from a reluctant soil, a scanty subsistence. Then the largest income which any one planter was able to realize scarcely exceeded a thousand pounds sterling; now, by the introduction of the long staple cotton, he knew one individual whose crop had sold for fifty thousand dollars per annum. This island, scarcely twelve miles long and four wide, was then inhabited by six or seven planters; it is now almost as thickly settled as the State of Connecticut, and exhibits, in the sobriety, moderation, religious and moral worth of its inhabitants, a singular example of triumphant industry. It would be here that Franklin might see, if he were alive, a beautiful illustration of his thousand wise and frugal maxims. Mr. H. said that he had selected an individual picture, to bring home to the Committee, more emphatically, a knowledge of what the cotton culture had done for his country, although his remarks were applicable to a large portion of the Sea-Island district of South Carolina. It was, nevertheless, true, as he had remarked, that the planters in this section shared in that depression which is common to every department of the industry of the Union, excepting those from which we heard the most clamor for relief. This would be understood when it was known that Sea Island cotton had fallen from fifty or sixty to twenty-five cents—a fall even greater than that which has attended wheat, of which we have heard so much; as if the grain-growing section was the only agricultural interest which had suffered. But, nevertheless, the market of England for this staple, was of vital importance; it was not, therefore, strange that the apprehension of the passage of the bill before you had carried into the hearts of this portion of our common country, the emotions of dismay and bitterness. They perceive the whole value of their labor menaced by a probable destruction of the existing market for this staple, which is better adapted to the soil and climate of the seacoast of South Carolina, than any other that can possibly be cultivated. Whilst the planters of this region do not dread competition in the foreign markets on equal terms, from the superiority of their cotton, they entertain a well founded apprehension, that the restrictions contemplated will lead to retaliatory duties on the part of Great Britain, which must end in their ruin.

Mr. H. said, that he could not better express their fears on this subject than to read to the House an extract from an able and feeling memorial which he had some weeks since the honor of presenting from the citizens of Beaufort, South Carolina. A single paragraph would be abundantly sufficient:

"Your memorialists would respectfully observe, that, engaged in common with their fellow-citizens of the South in agricultural pursuits, they are the cultivators of that species of cotton for which, it is notorious, the manufacturing establishments of our country furnish no demand whatever; that the quantity of fine cotton, annually produced, is already beyond the consumption of Europe; that, with all the markets of Europe open to them, the staple (for which alone their lands are calculated) is depressed to the grievous injury of the planters; that to them, (whatever it may be to others of their fellow-citizens engaged in cultivating the inferior cottons,) the loss of a foreign market would be the annihilation of their income."

I know, said Mr. H., that these fears are treated here as idle and visionary, and that the honorable Speaker has triumphantly asked, "whether Great Britain would have the folly materially to interdict the import of our cottons, from which she makes, annually, upwards of twenty millions, because we imposed an increase of duty on about a million and a half's worth of the manufactured article returned to this country?" In the first place the Speaker has fallen into an error in his estimate. The bill before you provides for the imposition of an increase of duty almost prohibitory in its character on seven millions of our imports of cotton goods from Great Britain, and has a direct operation on thirteen millions of other articles which we take from her. But the Speaker assumes as a fact what his experience as a statesman should have taught him some caution in adopting; that nations invariably pursue a policy dictated by the most enlightened views of profit and advantage, and that they never sacrifice any thing to caprice or resentment. Mr. H. said he feared that the very measure now under discussion was about to illustrate the truth, that there was no folly, however stupid and perverse, into which nations, as well as individuals, were not prone to fall, either from vanity or passion, or that misguided avarice, which invariably "doth o'erleap itself."

In relation to our Upland cottons, Great Britain may, without difficulty, in the course of a very short period, supply her wants from Brazil—to facilitate which, all the ancient relations of a favored intercourse with her steadfast ally, Portugal, would be at once subservient. When it is recollected that Brazil produces a cotton which occupies an intermediate place between the Sea Islands of Georgia and South Carolina, and the Uplands of New Orleans, which the daily improvement in machinery is bringing nearer to the former, as to most of its uses, and that there is in this fine region, stretching through thirty-five degrees of latitude, from the Equator, a section of country admirably adapted to the cultivation of this staple, greater in extent than the whole Atlantic States of this Union, the reasonableness of our apprehensions may be estimated, as well as the gross impolicy, by injurious duties on our imports from England, of driving her, either from caprice or interest, to seek other adequate sources of supply. How long the exclusive production, even of the Sea Island cotton, will remain to our

country, is yet a doubtful and interesting problem. The experiments that are making on the Delta of the Nile, if pushed to the ocean, may result in the production of this beautiful staple, in an abundance which, in reference to other productions, has long blest and consecrated Egyptian fertility. But, the circumstance that many of the costly articles of luxury which are now made of Sea Island cotton, can be manufactured of silk and flax, coupled with the fact of the great efforts which are making in Great Britain to encourage the former establishments, not by bounties and monopolies, but by their destruction, (for these remedies are regarded there as vile quackeries,) will tend emphatically to prove that the present is an awful crisis in the cotton trade of the country.

We are told by the honorable Speaker, that our manufacturing establishments will, in a very short period, supply the place of the foreign demand. The futility, I will not say mockery, of this hope, may be measured by one or two facts. First, the present consumption of cotton by our manufactories, is about equal to one-sixth of our whole production, not very much exceeding 80,000 bales; whereas, the crop of 1824 may be fairly estimated at 600,000 bags. How long it will take to increase these manufactories to a scale equal to the consumption of this production, he could not venture to determine; but, that it will be some years after the epitaph will have been written on the fortunes of the South, there can be little doubt. But suppose, for the sake of argument, that the whole of the cottons of the South could be worked up in this country, where will you find a market for the articles manufactured—not at home; for, of the 448,211 bales of cotton which Great Britain purchased of this country, between the first of January, 1823, and the thirty-first of December, 1823, she has sent back to us, according to the best calculations, in the shape of manufactured articles, about 40,000 bags. Suppose, however, that our home consumption be equivalent to 140,000 bales, (which is an enormous estimate,) where are you to find a vent for the articles manufactured of the 460 bags that will remain? In South America, the honorable Speaker tells us—but what a fallacy have we here! What! whilst we dread British competition on our shores, more than Hamilcar hated the Romans, we can, nevertheless, undersell England in foreign markets! Yes; whilst we are told that, for the very existence of manufactures that have been in operation ten or fifteen years, it is yet necessary to lay protecting duties of from fifty to one hundred per cent., we can, nevertheless, traverse the ocean, encounter freight and charges and duties in other countries, and compete with our old enemy, who is so much dreaded at home. How this is to be effected without a miracle, Mr. H. said he was at a loss to perceive, without our manufactures, like the Prophets of old, were more honored and successful abroad, than at their own firesides.

If there be any soundness in these views, it would lead us to entertain a very serious distrust of the belief that an imposition of high duties would not lead to retaliation. There was a gen-

eral principle, which was so true in reference to the intercourse of nations, that it might well be denominated an axiom, which was, that no trade could be supported long between them, in which there was not a mutually beneficial exchange of their separate products. It is true there was one exception to this rule, which rather went to prove its truth, and that was, the trade with China. This trade was continued, because tea was the exclusive product of the latter, and, consequently, that China might always dictate the medium by which the exchanges for this article were to be effected; but, if tea could be obtained in any other quarter of the globe, this intercourse would have to yield to the universal laws of trade.

Mr. H. said that he protested against any inference being deduced from these remarks, that he considered the trade with China as injurious. He knew the reverse to be eminently true. In connexion with this topic, he would take occasion to observe, that he would as studiously abstain from discussing the balance of trade, as he would the history of witchcraft, as the former was just as absurd and exploded a folly as the latter. The time was fast approaching, when it would be quite as great a reproach to the understanding of a statesman, to indulge in the absurd dogmas of the one as the other. It was, however, a fact not to be concealed, that a direct trade, carried on by specie, was very often the most profitable, for reasons which appeared to him altogether satisfactory. In the first place, specie must be obtained by a product which a nation must gain by the engagement of its own industry. By the conversion of this product into money, a fresh and additional value has been effected, if the exchange has been conducted with skill and sagacity. When, therefore, a purchase is to be made with the specie thus obtained, the purchaser enters the foreign market with the power of promptly effecting his contracts and exchanges. The material which he uses in trade has been burdened with a light imposition of freight, is admitted without the payment of duties, and, being of universal use and currency, it can at once command its own value, without the delay and expense attending a trade which is carried on by the reciprocal sale and purchase of other raw or manufactured products. These truths were so obvious, that he felt ashamed, almost, to state them—but for the plaintive notes of the gentleman from Pennsylvania, (Mr. Top,) that our country was fast sinking into a lethargy from this most "ruinous drain of specie."

Mr. HAMILTON said that he had intended, but for the time he had already consumed, to have gone into a discussion for the purpose of demonstrating that the bill, so far from promoting what with propriety might be called the domestic manufactures of the country, was calculated to have precisely a contrary effect. When he made this remark he had reference to those innumerable mechanic arts which are carried on with such unrivalled success by our countrymen. The justice of this observation might be appreciated by taking for example two or three articles of prime necessity—iron and hemp. The bill provides for the

grievous imposition of high duties on both these articles. For what purpose, as it respects the first of them? To help the countless artisans and mechanics that are engaged in working up this material, in all the various and minute modifications to which it is applicable? No. On them (where there is the largest sum of industry engaged) it operates as an onerous tax. The effect of the duty will be merely to pamper the overgrown wealth of those ironmasters, as they were indeed most significantly called, whose mines were in successful operation, or to give a sort of convulsive, temporary, and galvanic motion, to those that were sunk into a condition of hopeless insolvency. The true causes of the occasional success, as well as the general failure of the iron works of this country, had been so ably unfolded by the gentleman from Virginia, his estimable friend, (Mr. MERCER,) that, Mr. H. said, he would not detain the House by discussing a subject on which it was impossible for human ingenuity to cast an additional ray. When this article was taken in connexion with the burdens levied on hemp, their injurious operation against one description of our domestic manufactures might be easily estimated—and that was ship building. The memorials which had been sent from the several commercial cities, had very sufficiently proved the ruinous extent to which the shipping interest would be taxed. That the contemplated tariff would be equivalent to a tax of from seven to eight per cent. on the value of each vessel that might be built, these memorials established. A ship of 350 tons, according to the proposed rate of duty, would pay \$1,341 75—not including the tax on a chain cable, which is \$250 or \$300—an amount of duty equal to the cost of an hempen cable, and therefore might be regarded as prohibitory of the former article. All this was of most pernicious pressure on a large class of laborers engaged in the building and equipment of ships.

Mr. H. said there was a radical error prevalent that manufacturing establishments, in other words, looms and spindles, were productive of a greater sum of human industry than any other investment of capital. He believed that ship building and navigation employed more of the labor of human hands than any other pursuit. When the various means by which a single ship is set in motion are taken into account, some estimate may be formed of the truth of this opinion. To illustrate it he would ask the attention of the Committee, whilst he read a statement which he had received from a merchant of the city of New York, of great intelligence and respectability, who informed him that "it requires fifty days work to build and equip and manufacture the articles in our own country for every ton of vessel."

"Take, for example, a ship of 300 tons, and allow 120 days to build her, which is about the average time; multiply 300 by 50, makes 15,000 days labor, to manufacture her from the raw material, beginning with the timber in the forest; divide 15,000 by 120 days, the time required, gives you the number of people steadily employed to build ships of 300 tons, in 120 days time, which is 125 men."

"The capital required by a ship builder to carry on the whole manufactory, in its various branches, and to build 1,200 tons a year, would be about \$25,000, and in that ratio, if he built more or less.

"Our yard built, this last year, 2,200 tons of vessels; consequently, if I am correct, has employed 110,000 days labor; and the average of the yards, I should think, would be about 60,000. There are eight yards in this city which manufacture vessels. Five or six, probably, would average as above—say five; 60,000, multiplied by 5, would be 300,000 days labor, in one year, in these yards, and would be equal to the employment of 2,500 men steadily in the various parts of the manufactory.

"The above is distinct from the labor necessary to sail, load, raise, and procure, and transport the loading, and the necessary repair for ten years. A ship of 350 tons, in ten years, will have cost as much for repairs as she did originally, when new; it requires an average of 60 men, steadily employed, to sail her, and keep her fit for use. It also costs 18,900 days labor to raise, bring to market, and fit provisions sufficient to maintain the men necessary to manufacture 1,000 tons of ship, and keep one of 350 tons steadily employed.

"The number of houses used by the men employed, and, consequently, the men employed to build those houses, as well as the provision required for them, I have not calculated, deeming it probable the above would give a general view of the immense manufacture of ships; and, when we look at it in a national point of view, it is of incalculable importance. The men are the most robust and hearty to be found, and a class always that will be most required should we have war.

"*Recapitulation.*—As I have stated, it requires 50 days labor to manufacture the ship and outfits, for each ton; 60 days labor, each ton, to sail, keep her in repair, load and unload, raise, and transport sufficient produce to keep her employed; and will require 28 days labor, for each ton, to raise and fit provisions for those men that are required to build, fit, sail, and repair, and raise the produce, to keep one ton of vessel steadily employed."

It is against this domestic manufacture, which has contributed so much to our wealth and glory, that this pernicious tariff strikes a reckless blow. The honorable Speaker (Mr. CLAY) ventures almost to intimate that he thinks it a perversion of terms to call a ship an article of manufacture, which it has been so justly designated by the gentleman from Massachusetts, (Mr. WEBSTER,) whose defence of the navigating interests of the prosperous city he represents on this floor, must entitle him to its lasting gratitude and confidence.

A ship, said Mr. H., is the *chef d'œuvre* of manufactures. Whilst, in its construction and motion, it sustains a greater amount of human industry than any other mechanical contrivance, it was at once the noblest triumph which man had achieved over the elements, and one of the proudest trophies of his genius. No one, but him whose soul is dead to every generous impulse, can witness this beautiful machine, riding with apparent supremacy over the boisterous main, (which but for the invention would have fixed impassable barriers to the intercourse and civilization of the human species,) without feeling new pride and ex-

ultation in the apparently indefinite capabilities of man. To an American, this spectacle is calculated to convey peculiar emotions. In a ship, he may see the emblem of his country's prosperity and power—an engine which has lavished wealth on our shores and glory on our name.

Mr. H. said that he had made such an unreasonable trespass on the time of the Committee that he was constrained to offer a very brief summary, in the way of reply to the remaining positions taken by the honorable Speaker. One of the most important of these was, that the passage of the tariff would, by the multiplication of manufactures, produce a steady demand for labor. If the experience of Great Britain furnished any instruction on this topic, it warranted quite a different deduction; for her manufacturing establishments supplied, of all her various branches of industry, the least certain demand for labor. This resulted from the very nature of things. The imposition of an import duty in a foreign country, on the article manufactured, or an abolition of its use by the very caprice of fashion, was calculated to disturb, very seriously, the uniformity of this demand. It had been very justly said, that a whim or freak in a Parisian belle, in laying aside a fashionable article of dress, had very often thrown thousands out of employment, and carried starvation and beggary in its train. The melancholy circumstances of distress so often exhibited in the manufacturing districts of England, afforded the best proof of this tremendous fluctuation. Nor is it absolutely certain, if the Speaker could see the capital of the country vested more generally in manufactures, that he would find a cure for those bankruptcies which he says have been of such frequent and fatal occurrence, and which he seems to consider as peculiarly incident to trade. In England, the failures among her manufacturers bear a high and undue proportion to the other business classes. A popular journal of our own country furnishes the following statement in reference to this topic: "We have taken up the first English magazine that came to hand, and out of one hundred and forty bankruptcies in the month from November 14th, to December 15th, 1821, twenty only were of mercantile establishments, and the other six-sevenths of every species of manufactures."

Mr. H. said, that in all that had been urged as objections to building up large manufacturing establishments in this country, on account of the morals and health of the people, (which were no insignificant items in the estimate of a patriot and statesman,) he fully concurred. That a few capitalists should control the votes of three or four hundred electors, he thought an evil exhibiting the most frightful portents. The answer which the Speaker had given to this objection was neither sound nor satisfactory—"that all large employments in which capital is used for the purchase of wages are liable to this complaint." In no branch of human industry has the employer, however, such a perfect dominion over the laborer, and in none is the latter so entirely dependent for his bread on the former. The very

occupation, by a prostration of physical energy, begets a moral subserviency that fits the man for a slave. That taste must be vitiated, indeed, that would prefer seeing a fellow creature fixed down to a loom for sixteen long hours out of the twenty-four, emaciated and spiritless, a mechanical rather than an intelligent agent, whose mind does not travel one inch beyond the monotonous flight of his shuttle—to the contemplation of a healthy, vigorous, and independent husbandman, whose homestead, poor as it may be, gives him, in feeling at least, the independence of a monarch, and the spirit of a man. Mr. H. said that he would not detain the Committee by pushing the inquiry into this part of the subject, through all the affecting relations connected with it, in relation to the health and morals of a people engaged in manufactures. He would say nothing of the hecatombs of human beings that were offered up at the shrine of the Mammon that presides over these establishments, in the persons and fortunes of the unhappy children, scarcely released from the helplessness of infancy, that were brought to be devoured by this Saturn. The pictures which Southey has given of Manchester and Birmingham, in which the poet was supposed to have blended no inconsiderable portion of misanthropy and spleen, will not long remain a questionable fiction on this side of the water. The recent discussion in the Legislature of a manufacturing State, (fruitless in its result, except in demonstrating the existence of the evils intended to be remedied,) whether provision should be made by law for educating the two thousand five hundred children imprisoned in these infernal charnel houses, is full of instruction, and shows that we are gradually and shall rapidly arrive (if this tariff is foisted on the country) at that condition when Espriella himself may travel through our manufacturing districts, and gather abundant materials for a fresh narrative.

Mr. H. said, that he had intended to have discussed the probable effect which the Speaker's "American and paternal policy" (all concreted and concocted in the bill before you) would have on the settlement, and consequent price of our public lands. He would spare the Committee this discussion, and make but a single remark—that it is perfectly obvious, if in large cities and small towns and villages, more especially on the Atlantic frontier, the population of our country becomes more concentrated, by the temptation which will be held forth of immediate employment at these points, by the establishment of manufactures, the stream of foreign emigration that has flowed with a full and prosperous tide to the West, will be seriously arrested. The pecuniary loss in the diminished value of the public lands, which would arise to the country, important as it might be, was perhaps insignificant in comparison with other considerations; and these considerations rendered the zealous and unbroken support which the gentlemen from the Western States had given the tariff an inscrutable problem. That portion of the Union could participate in no part of the bill, except in its burdens, in spite of the fallacious hopes

that were cherished, in reference to cotton bagging for Kentucky, and the woollen duty for Steubenville. He feared, that, to the entire region of the West no "cordial drops of comfort" would come, even in the duty on foreign spirits. To a large portion of our people, who are in the habit of solacing themselves with Hollands, Antigua, and Cognac, Whiskey would still have "a most villanous twang." The cup, he feared, would be refused, though tendered by the hand of patriotism as well as coquiviality. No—the West has but one interest, that is, that its best customer, the South, should be prosperous—that our revenue should be so ample as to preclude the necessity of any resort to internal taxation—that she should not be coerced in reference to her payments for purchases of the public land. He would go further and say, that, after making an adequate provision for the public debt, that this Government could not adopt a more wise and beneficent policy than to expend a part at least of the amount of the sales of the public lands in those great works of internal improvement which are so necessary to the proper development of the resources of that interesting region, and for connecting it by social and commercial intercourse, with every part of the Atlantic section. To enable us to be both just and generous, our finances from revenue must be unimpaired, and he undertook to say that the existing policy of the country would be sufficient for all its wants, both in relation to the public debt, fortifications, our Army and Naval Establishments, if not paralyzed by the odious measure under consideration, which would alone, he believed, prevent the funds arising from the sales of the Western lands being appropriated to the great and enlightened purposes he had indicated.

Mr. H. said, that the honorable Speaker had endeavored, among the other objections to the bill, to remove those to which it is most particularly obnoxious, on the ground of the fostering patronage it would afford to smuggling. High duties were invariably productive of this pernicious fraud. The spread of this vice, would be infinitely extended by the influence of the opinion, that your legislation is partial and your imposts unjustifiably oppressive. If laws do not concur with the moral sentiment of the community, they are feeble instruments, and exist in your statute book as memorials of their own impotency. Prior to the American Revolution the injustice of Great Britain, resulting from the jealousy of her colonial system, led to the most skilful violations of the revenue, which it baffled all the power of her army on shore, and her marine on the coast, to prevent. The same causes will produce similar results. A sense of unmerited wrong inflicted on one portion of your Union, will lead even the virtuous to regard an indulgence in this offence at least with apathy, whilst its immense profits will prove an irresistible lure to the vicious. For the commission of this vice our coast furnishes the most extraordinary facilities, in its extensiveness, sparseness of population, and innumerable indentures by bays and rivers. The whole Navy of the United States, with an army of twenty thousand men,

would be inadequate to the protection of the revenue, when you make it the interest of the worst portion of your people to embark in the hazards of these desperate yet profitable enterprises. Mr. Pitt, after trying every expedient which force and vigilance could supply, considered as hopeless any other remedy than a reduction of the duty on an article, in relation to which he desired to suppress smuggling. It is a remarkable fact in the administration of this statesman, that, having ascertained that the country consumed ten millions of pounds of tea, annually, and that only five millions were entered at the custom-house, he was induced to lower the duty 50 per cent.; the consequence was, that it ceased soon to be the interest of the smuggler to introduce this article, as the rate of duty did not cover the risk of its clandestine introduction. And the Minister was therefore rewarded, as the fruit of his intelligence, with a revenue from this article double in amount, and the custom-house returns forthwith concurred with the estimated consumption of the country.

It is not alone by the loss of revenue that smuggling is injurious; it raises up a class of men who are at all times dangerous to the peace and safety of the community. Men who are habituated to scenes of peril and daring, and tainted with "the accursed thirst of gold," which gives to their wickedness all the energy of courage, and to their efforts that perseverance which belongs to avarice. One of the best accounts he had met with of the peculiar character of these people, was to be found in a description given by Napoleon to O'Meara, of the smugglers at Dunkirk, which was to be found in the interesting sketches given by the latter of that extraordinary man, who, with all his other talents, seems to have shared with Tacitus the faculty of striking off at a moment the most powerful, faithful, and condensed delineations. With the Speaker's eulogium, eloquent as it was, of this remarkable individual, Mr. H. said he had neither time nor inclination to cavil. He would merely remark, that Bonaparte's continental system, on which that gentleman had lavished so much encomium, was now regarded, he believed, by the first statesmen of Europe, as quite of a piece with his expedition to Moscow. That both measures would go down to posterity as a reproach to the sagacity of that great man, he had no doubt. But he confessed that he considered the Speaker's complacent esteem of Napoleon's restrictive system, as rather an evil omen. It looked as if some more tremendous tariffs were yet in reserve, as the *ne plus ultra* of the "parental policy." The three principal authorities on which the Speaker has relied, have been Mathew Carey, the Emperor of Russia, and Napoleon. To give a finished analysis of a smuggler, and to show what sort of animal he is, whilst he would leave the Speaker in undisputed possession of the two first of these personages, he would borrow for a moment his last authority. It was in one of those delightful talks with O'Meara that this interesting exile observed—

"During the war with England, (said he,) all the intelligence I received from thence, came through the smugglers. They are terrible people, and have cour-

age and ability to do any thing for money. They had, at first, a part of Dunkirk allotted to them, to which they were restricted; but, as they, latterly, went out of their limits, committed riots, and insulted every body, I ordered Gravelines to be prepared for their reception, where they had a little camp for their accommodation, beyond which they were not permitted to go. At one time there were upwards of five hundred of them in Dunkirk. I had every information I wanted through them. They brought over newspapers and despatches, from the spies that we had in London. They took over spies from France, landed and kept them in their houses for some days, then dispersed them over the country, and brought them back when wanted. The police had to pay a number of French emigrants, who gave constant information of the Vendean party, Georges, and others, at the time they were preparing to assassinate me. All their movements were made known. Besides, the police had in pay many English spies, some of high quality, among whom there were many ladies. There was one lady in particular, of very high rank, who furnished considerable information, and was sometimes paid as high as three thousand pounds in one month. They came over, continued he, in boats not broader than this bark. It was really astonishing to see them passing your seventy-four gun ships in defiance." I observed that they were double spies, and that they brought intelligence from France to the British Government. That is very likely, replied Napoleon. They brought you newspapers; but, I believe, that, as spies, they did not convey much intelligence to you. They are terrible people, and did great mischief to your Government. They took from France, annually, forty millions of silks and brandy. They assisted the French prisoners to escape from England. The relations of Frenchmen, prisoners in your country, were accustomed to go to Dunkirk, and to make a bargain with them to bring over a certain prisoner. All that they wanted was the name, age, and private token, by means of which the prisoner might repose confidence in them. Generally, in a short time afterwards, they effected it; as, for men like them, they had a great deal of honor in their dealings. They offered several times times to bring over Louis, and the rest of the Bourbons, for a sum of money; but they wanted to stipulate that, if they met with any accidents or interruption to their design, they might be allowed to massacre them. This I would not consent to. Besides, I despised the Bourbons too much, and had no fear of them. Indeed, at that time, they were no more thought of in France, than the Stuarts were in England. They, also, offered to bring over Dumourier, Sarrazin, and others, whom they thought I hated; but I held them in too much contempt to take any trouble about them."

No man can add any thing to this picture. It was full of instruction, and it would always be a serious question with a nation whether they ought to adopt a policy calculated to legislate into existence such miscreants as Napoleon had described. The Speaker, however, complains, that all our employments are overstocked; that the proposed tariff will create new professions and departments of industry. But, after all, would not the renowned and ancient trade and mystery of smuggling be the only profitable avocation created? Its thrift will be unquestionable, and its votaries may, at last, pass for very worthy and patriotic men.

Mr. H. said there was one consideration to be borne in mind, which was inseparably connected with the measure under discussion, and that was, the utter impossibility of satisfying the monopolists engaged in manufactures, who were so clamorous for the passage of this bill, with any thing short of absolute prohibition. They had been, by steadily marching up to this point, gathering numbers, by cunning addresses to popular prejudice and feeling, from 1790, through the several revisions of the tariff, up to the present time. It was as easy to cater for a cormorant as to satisfy their greedy appetite for gain. Their industry, combination, perseverance, and identity of interest, rendered the whole corps more dangerous to the peace and prosperity of a community than even a full and well-organized detachment of smugglers. Their avarice invariably approaches under the guise of public spirit, whilst the unity of purpose with which they act, gives an overwhelming energy to their exertions. Committees of correspondence, public meetings, and the press, more prolific than the herrings of Norway, are all united, in a "holy alliance," to fasten on the country a system which, in taxing nine-tenths of the people, is to reward their pious and patriotic efforts.

Mr. H. said, that he had been indebted to Napoleon for a just delineation of a smuggler; he would now appeal to the writings of a great man for a full length portrait of a monopolist. He believed it would be admitted that Adam Smith knew something of this personage, for it was his good fortune to have been hated by all the patriots of the "protecting and parental policy" of his day, with a cordiality that was almost equal to the success with which he exposed their selfish hypocrisy. In the course of a vigorous and philosophical dissertation on this subject, he remarks:

"To expect, indeed, that the freedom of trade should ever be entirely restored in Great Britain, is as absurd as to expect that Oceana or Utopia should ever be established in it. Not only the prejudices of the public, but what is much more incorrigible, the private interests of many individuals, irresistibly oppose it. Were the officers of the Army to oppose, with the same zeal and unanimity, any reduction in the number of forces, with which master manufacturers set themselves against every law that is likely to increase the number of their rivals in the home market; were the former to animate their soldiers in the same manner as the latter inflame their workmen, to attack, with violence and outrage, the proposers of any such regulation; to attempt to reduce the Army would be as dangerous as it has now become to attempt to diminish, in any respect, the monopoly which our manufacturers have obtained against us.

"This monopoly has so much increased the number of some particular tribes of them, that, like an overgrown standing army, they have become formidable to the Government, and, upon many occasions, intimidate the Legislature.

"The member of Parliament who supports every proposal for strengthening this monopoly, is sure to acquire not only the reputation of understanding trade, but great popularity and influence with an order of

men whose numbers and wealth render them of great importance. If he opposes them, on the contrary, and still more if he has authority enough to be able to thwart them, neither the most acknowledged probity, nor the highest rank, nor the greatest public services, can protect him from the most infamous abuse and detraction, from personal insults, nor, sometimes, from real danger, arising from the insolent outrage of furious and disappointed monopolists."

Has not a portion of this picture been already realized in our own country, at the very commencement of this manufacturing millenium? Is not a man's reputation in Congress "for understanding trade" and finance, just in proportion as he may favor the tariff? Have we not heard "of master manufacturers inflaming their workmen to attack with outrage and violence the proposers of regulations calculated to defeat their profits?" Let the recent events at a public meeting at New York respond to this inquiry. In relation to this extraordinary and disgraceful event, it has been asserted that ruffians belonging to the manufactories of the neighboring towns were brought over for the purpose of overawing the deliberations of an assembly, convened for the purpose of protesting against the passage of the proposed tariff. This may be regarded as a fearful augury, indeed, of the path we are travelling—a path in which there is neither "pleasantness nor peace."

Mr. H. said, that his duty to those who gave him his warrant to be heard on that floor, would not permit him to disguise a single opinion which he entertained in regard to the pernicious character of the measure under consideration. His feelings did not allow him very nicely to measure his words. He would not travel out of his way to say an unkind thing, but for whatever he did say, even in the intemperance of his zeal, he was willing to be regarded as responsible both in this House and out of this House. Privilege with him should never be synonymous with protection and impunity. He would, therefore, speak of the bill and the manner in which it had been got up just as he believed they deserved. The first thing he should say, was, that he believed there had been more outdoor than indoor legislation, in regard to the measure. He feared that the sheet, now so fearfully filled up, had been, for some time before the commencement of the session, held up as a sort of *carte blanche* in which every monopolist might insert just such a tax as he wished levied on the community to encourage his pious labors. If he had understood correctly, all sorts of pilgrims had travelled to the room of the Committee on Manufactures, from the sturdy iron master down to the poor manufacturer of whetstones, all equally clamorous for the protection "of a parental, of an American policy." A friend, in whose veracity and accuracy he had great confidence, had informed him that he had seen, in a paper of one of the cities north of this, a letter from an umbrella maker, in which he boasted of his having successfully used his influence with the committee, to insert an increase of duty on umbrellas, in some way to encourage their manufacture.

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Mr. H. said he would not stop to inquire whether one of these trips to the Seat of Government was as holy as a pilgrimage to Jerusalem or Mecca; but he nevertheless thought that a man might be more worthily employed at home than in journeys having for their object the transfer of other people's money into their own pockets, although the purpose might be most marvellously connected with great considerations of public utility, and the most lofty and spotless patriotism. Even if he was disposed to subscribe to the policy of the bill, he confessed he had serious distrust of its details. He believed that some one who had had the patience to count them, had ascertained that they consisted of nearly 300 items, on which an increase of duty has been laid. He understood that such a lumping revision of a tariff had never been attempted, even in England. There, no alteration in the existing duties ever took place, that was not proposed by the Chancellor of the Exchequer, after it had passed through the scrutiny of the Board of Trade. And even then merchants and manufacturers of intelligence and experience were examined in committee, or at the bar of the House of Commons, as to the practical operation of the contemplated change.

Now, it was a fact, he believed, of universal notoriety, that the Committee on Manufactures had not officially consulted the Secretary of the Treasury; and a bill, either most oppressively to increase or injuriously to diminish our revenue, is about to be passed, without his public sanction. This deficiency had not been supplied by the abundant knowledge of the gentleman from Pennsylvania, the chairman of the committee, (Mr. Ton,) who had been convicted, on more occasions than one, of a gross ignorance of the operation, bearing, and character, of this measure. If it was indeed destined to become a law, it would be some consolation for those who are to suffer from its effects, to believe that they are not the victims of a blundering blindness. The poor wretch who suffers amputation should at least be comforted, under the knife, with a belief that his doctor knows what he is at.

Mr. H. said, after having fatigued the Committee so much, he certainly would refrain from discussing at length the Constitutional question involved in the measure, which the Speaker had rather passed over, than treated with the seriousness it deserves. That the Constitution contains a specific grant of power to encourage manufactures, would not be contended. It has however been found under a power to regulate commerce and to levy imposts. That the framers of the Constitution intended under this clause to confer no such grant, is obvious from the fact of their negating, in Convention, a proposition to insert in that instrument a section giving the power in question, as might be seen by reference to the Journals. Nor can the power be found under the clause giving the grant of authority to levy duties on imports, for the exclusive purposes of revenue. The proposed scheme for the encouragement of manufactures is destructive of that uniformity of taxation which is the imperative

precept of the instrument in relation to this power. A brief statement, which has been founded on the calculations of the Chamber of Commerce of Charleston will show in what this uniformity consists. South Carolina will pay, confessedly, not for the purposes of revenue, but for the encouragement of domestic manufactures, on four articles alone, the following sums:

On 18,500 pices of cotton bagging, at \$4 32,	
amount of duty - - - - -	\$79,910
On 2,000 pieces of Osnaburgh, at \$5 50,	
amount of duty - - - - -	11,000
On 1,350,000 yards of plains, at 11 cents -	148,500
On woollens consumed by white population	324,000
Total - - - - -	\$563,410

A tax, without disguise, levied for the avowed purpose of being put into the pockets of the cotton-bagging manufacturers of Kentucky, and the woollen manufacturers of the North. The cunning implication by which you get at this power, only adds a mockery to an unjustifiable wrong. An act providing that South Carolina should pay from her coffers, in specie, the amount of this bounty, would be quite as righteous and Constitutional. But the objects of this Confederacy furnish the true principles for the interpretation of the instrument. We are independent States, and our league merely looks to a common defence, external and internal commerce, an army, navy, judiciary, and the powers necessary to carry these objects into effect. No one member of this Confederacy could have contemplated joining a Union in which "the common defence and general welfare" meant a sacrifice of any part of it, under fanciful and arbitrary considerations of "the good of the whole." We are not a consolidated empire, and consequently we have no right partially to oppress any portion of the States, however trifling may be the interest violated.

But, on the ground of expediency, is it nothing to weaken the attachment of one section of this confederacy to the bond of Union? Is it nothing to shake the confidence of a portion of our people in the integrity and justice of their Government? Is it nothing to sow the seeds of incurable alienation, by producing a belief that, in your policy you rather consult power than right? Ours is a Government of opinion; it is sustained by the affections of its people. The natural ties and charities of human life cannot remain unbroken under a sense of unmerited wrong. The affections of a child to a parent are sometimes snapt asunder by continued acts of injustice and unkindness. Feeble, in comparison with these, is that artificial contrivance, called a Government. Lord North contended, with a plausibility equal at least to the ingenuity which the honorable Speaker has displayed in proving the power in question, that the colonies had a virtual representation. We, nevertheless, are acquainted with the result. Let no man, however, tax me with holding incendiary doctrines. I know that South Carolina will cling to this Union as long as a plank of it floats on the troubled ocean of events. I know her lofty nationality and gen-

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erous patriotism; but the honorable Speaker, when he makes his appeal to the gentlemen of the South, and calls upon us complacently to witness odious, partial, and undisguised burdens imposed upon our constituents, without even the justification of that expediency which sometimes gives a colorable pretext to injustice, asks from us an unreasonable boon.

In resisting this appeal of the honorable Speaker, Mr. H. said he could not, at the same time, be insensible to the eloquent tribute which the Speaker had paid to those statesmen of the South with whom it had been his fortune to be associated in the interesting events of the late war. The country, he believed, could not forget all that he had done in powerful association with three distinguished individuals from South Carolina, no longer on that floor; a triumvirate which it would be, he feared, presumptuous in the State to hope very soon to furnish as her contingent to the public weal. He would fain hope, too, that his countrymen at home would find some compensation for the Speaker's zealous crusade against their interests in a just recollection of his inestimable services, at an awful crisis, when the existence of this Union was menaced by the agitation of a question of vast and inexpressible interest. But, notwithstanding the character of these recollections, he would say to that honorable gentleman, that the measure he had so strongly advocated was unjustifiable in its principles, offensive in its character, and pernicious in its consequences.

When Mr. HAMILTON had concluded—

Some remarks passed between Mr. MARTINDALE and Mr. HAMILTON.

The question was then taken on Mr. CLARK's motion to reduce the duty on bar iron from \$1.12 to 90 cents per ton, and decided in the affirmative—99 to 90.

At this time, and several times in the course of to-day's sitting, motions were made to rise, all which were rejected.

Mr. BRADLEY, of Vermont, then moved to amend the bill by inserting therein the following provision, viz:

"On all books which the importer shall make it satisfactory appear to the collector of the port at which the same shall be entered, were printed previous to the year one thousand seven hundred and seventy-five, and also on all books printed in other languages than English, four cents per volume.

"On all other books, when bound, forty-five cents per pound.

"On all other books, when in sheets or boards, forty cents per pound."

This motion was negatived without a division.

Mr. WEBSTER, of Massachusetts, then moved, as an amendment to the bill: the following, to come in at the end of the 5th section:

"And be it further enacted, That, from and after the — day of — next, the duties now imposed and payable on the wines, herein enumerated and described, shall, at their importation into the United States from any foreign port or place, cease and determine; and, in lieu thereof, the following rates or duties, respectively, shall be laid, levied, and collected,

on all such wines, at their said importation, that is to say: Upon all Madeira wines, 70 cents per gallon; upon Sherry, St. Lucar, Lisbon, Oporto, and other wines of Spain and Portugal, not herein enumerated, 50 cents per gallon; on Teneriffe and all other wine of the Canary Islands, 40 cents per gallon; on Fayal and all other wines of the Western islands, 40 cents per gallon; on Sicily wine, 50 cents per gallon; on Malaga wine, 30 cents per gallon; all other wines, not enumerated in this or some other law, when imported in bottles or cases, 50 per cent. *ad valorem*; on all other wines, when imported otherwise than in bottles or cases, 40 per cent. *ad valorem*: Provided, That the amount of duty thereupon shall, in no case, exceed 100 cents per gallon."

After some brief debate on this motion, it was decided in the affirmative—ayes 110.

Mr. WICKLIFFE then moved to amend the bill by inserting therein the following:

"Be it enacted, That the provisions of the second section of the act of Congress, entitled 'An act to regulate the duties on imports and tonnage,' approved 27th April, 1816, shall extend and inure to the benefit of schools and colleges within the United States or the Territories thereof, in the same manner (under the like limitations and restrictions provided in said act) in which they apply to seminaries of learning."

This motion was agreed to—ayes 116.

Mr. CLAY then moved to amend the bill by inserting the following:

"On all manufactured copper in sheets and bottoms of every description, three cents per pound."

This motion was negatived—ayes 76.

Mr. ALLEN, of Massachusetts, then moved to amend the bill by inserting therein the following:

"On brown sugar, two cents per pound; on white clayed or powdered sugar, three cents per pound."

This motion was negatived without debate and without a division.

Mr. FULLER, of Massachusetts, then moved to amend the bill by inserting the following:

"On printed books, thirty-three and one-third cents per lb."

This motion, also, was negatived without a division.

Mr. MILLER then moved to amend the bill by inserting "on mustard in bottles, fifty cents per dozen." This motion was negatived.

Mr. SANDFORD, of Tennessee, then moved to amend the bill by inserting the following:

"And be it further enacted, That no debenture or drawback shall be allowed to any foreigner, who is not an inhabitant of the United States, on any goods, wares, and merchandise, he may have imported into any of the aforesaid United States, or Territories thereof."

This motion was negatived without a division.

Mr. HAYDEN, of New York, then moved to amend the bill by striking out the following: "On wheat flour, fifty cents per hundred weight," and inserting, "On wheat flour, eighty-five cents per one hundred pounds."

This motion was negatived without a division.

Mr. BAYLIES, of Massachusetts, then moved to amend the bill by inserting, "On race ginger, one

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dollar per hundred weight; on ground ginger, two cents per pound."

This motion was negatived.

Mr. CONNER, of North Carolina, then moved to strike out eighty cents, the proposed minimum valuation of imported woollens, and insert, in lieu thereof, forty cents.

This question was decided in the negative by the Chair, 94 votes to 92; but, a new count being demanded and taken, there were ayes 100, noes 95; so the motion was decided in the affirmative.

Mr. MERCER, of Virginia, then moved to amend the bill by striking out the second section of the bill; which is in the following words:

"And be it further enacted, That, in all cases whatsoever, all articles, composed of various materials, shall pay the highest duty to which articles manufactured from any of such materials are subject."

This motion was, after considerable debate, decided in the negative—99 to 94.

Mr. MERCER then moved to strike out of the bill the 30th day of June, (the day on which the bill is to go into operation,) so as to defer it to a later day; which motion was negatived—92 votes to 89.

Mr. VAN WYCK then moved to amend the bill by inserting, in lieu of the duty on woollens, to take place after 30th June, 1825, the following:

"Afterwards a duty of thirty-five per centum ad valorem, until the 30th day of June, 1827; afterwards a duty of forty per centum ad valorem, until the 30th day of June, 1829; afterwards a duty of forty-five per centum ad valorem, until the 30th day of June, 1831; and, after that time, a duty of fifty per centum ad valorem."

This amendment was negatived without a division.

Mr. LIVINGSTON then moved to strike out the whole of the proviso which proposes a minimum valuation on imported woollens.

The question on this motion was taken without debate, and decided in the negative—ayes 73.

Mr. BARTLETT, of New Hampshire, moved, at the close of the first section of the bill, to insert a duty on all domestic distilled spirits, of fifty cents per gallon, with a declaration of an intention to propose a drawback on such as should be exported.

Mr. STORRS suggested the necessity of provision, with such an amendment, for officers to collect the duty, &c.

Mr. BARTLETT said his object was merely to introduce the subject in Committee of the Whole, so that he might be able to introduce the motion, with all its necessary details, when the bill should come before the House.

Mr. FORSYTH suggested that a proposition of this sort, for an excise duty, could not, with propriety, be introduced into a bill proposing a duty on imports.

The motion was negatived without a division.

Mr. CRAIG moved to amend the bill, by striking out the proposed duty of four cents per lb. on white and red lead, and inserting a duty of five cents on that article.

The question on this motion was decided in the negative without a division.

Mr. CLAY rose to speak in explanation on one or two points which had been touched upon in debate.

The question was taken on the Committee's rising and reporting the bill, with the amendments made to it, and determined in the affirmative. The Speaker resumed the chair, and the report was made from the Committee of the Whole.

Mr. FORSYTH then gave notice that he should, to-morrow, move for the indefinite postponement of the whole subject, and require the yeas and nays on the question.

And then the House adjourned.

WEDNESDAY, April 7.

The SPEAKER laid before the House a letter from the Postmaster General, accompanied by a statement prepared in obedience to the resolution of this House, directing him to state "the amount of defalcations in his department, which accrued previous to July, 1823, and which were not sued for, as directed by the 29th section of the act regulating the Post Office Establishment, designating the years when each accrued, and not to extend beyond sixteen years; and the amount of such deficiencies as have been charged against the Postmaster General of the United States;" which letter and statement were laid on the table.

Ordered, That the Committee of Claims be discharged from the further consideration of the bill from the Senate, entitled "An act for the benefit of Alfred Moore and Sterling Orgain, assignees of Morris Linsey," and that it be referred to the Committee on Military Affairs.

Mr. WHITTLESEY, from the Committee of Claims, made a report on the petition of Samuel Cleveland, jr., accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

The select committee, to which was referred the petition of John Cleves Symmes and Thomas S. Hinde, were discharged from the consideration thereof, and the petition was referred to the Committee on Commerce.

Mr. FORSYTH, by leave of the House, presented a report and resolutions adopted by the General Assembly of the State of Georgia, in relation to the running and marking the boundary line between that State and the State of Alabama; which report and resolutions were referred to the Committee on Public Lands.

The House took up, and proceeded to consider, the resolution submitted by Mr. WARFIELD, yesterday; and, the same being read, it was, on motion of Mr. TRACY, laid on the table.

Mr. FORSYTH laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to communicate to this House the proposals made, through General Jackson, by the Path-Killer and his chiefs, of the Cherokee tribe of Indians, in the year 1820 or 1821, to make a cession of their

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lands to the United States, together with any other propositions made in relation to the subject, of which he may be possessed.

Mr. GAZLAY laid the following resolution on the table for consideration on to-morrow, viz:

Resolved, That the President of the United States be requested to inform this House whether the 5th section of the act relating to a township of land lying within John Cleves Symmes' patent, and passed 3d March, 1803, has been executed; and, if not, what reasons have prevented the execution of the same.

Mr. BARTLETT moved the following resolution, viz:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of imposing a tax upon domestic distilled spirits, and of providing, by law, for the collection of the same.

The question was taken, Will the House consider the resolution? and determined in the negative.

An engrossed bill, providing for the appointment of two Indian agents, in addition to those already provided for, and fixing their compensation, was read the third time, and passed.

Ordered, That the title be "An act providing for the appointment of an agent for the Osage Indians, west of the State of Missouri, and Territory of Arkansas, and for other purposes," and that the Clerk do carry the said bill to the Senate, and ask their concurrence therein.

The engrossed bill "providing for the appointment of an agent to reside with the Osage Indians," was read a third time, passed, and sent to the Senate.

A message was received from the Senate, notifying that they insist on their amendment to the Naval Appropriation bill, which was to strike out the specification of the items to which the contingent fund is to be applied, leaving it to the discretion of the Secretary of the Navy; and ask a conference upon the subject.

On motion of Mr. McLANE, the House resolved to insist on their disagreement to the amendment of the Senate; agreed to the conference, and a committee of five were appointed to meet the committee appointed on behalf of the Senate.

Mr. OWEN, of Alabama, rose, and asked of the Chair, whether a resolution, moved by himself, calling for certain information from the Treasury Department, respecting the two and three per cent. funds arising from the sales of public lands in the several States, had been transmitted to the proper Department; and, if so, whether an answer had been received.

The SPEAKER said the resolution had, doubtless, been forwarded by the proper officer of the House, and, if an answer had been returned, it would have been laid before the House.

Mr. OWEN said, then, of course the information called for by the resolution, had not, as yet, been furnished.

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The House then proceeded to the consideration of the amendments reported by the Committee of the Whole to the tariff bill.

Mr. FORSYTH rose and withdrew the intima-

tion, yesterday given, of his intention now to move the indefinite postponement of the bill. This he did at the suggestion of several members (contrary to his previous impression,) that the features of the bill were not sufficiently fixed by votes in Committee of the Whole, as to determine all the members to vote decisively for or against the rejection of the bill in its present state. He should therefore defer his motion until the question had been settled as to the amount of duties to be proposed on the leading articles, wool, cotton and iron.

The Clerk then read the several amendments reported by the Committee of the Whole. And the question being on concurring in the first amendment, (reducing the minimum on woollens, from 80 to 40 cents the square yard.)

Mr. TOD, of Pennsylvania, rose and addressed the Chair, as follows:

Mr. Speaker: It was the intention of the Committee of Manufactures that no more of the time of the House should be taken up by any of them, in this debate. Such was generally, I believe, the wish and intention of the friends of the bill. But now some few things appear almost necessary to be said. One thing, perhaps, requires to be repeated; that the measure here proposed is not designed chiefly to promote the profit of manufacturers, but, through manufactures, to relieve the poverty and distresses of the agricultural portion of the country. Petitions and addresses are no proof of distress. That is admitted. Yet, there is a certain extremity of poverty, which, spreading over a great extent of country, wants no proof but the notoriety of the fact. Every one knows that some great portions of this Union are almost exclusively agricultural; that, with few exceptions, they can have nothing wherewith to purchase manufactures, but grain, or the products of grain. It is evident that an agricultural, grain-raising people, importing the manufactured necessities of life from countries which refuse to take, in return, the only articles they have to dispose of, and for which articles they have no other market, must inevitably be poor, and in debt. Statistical recorded facts will of themselves give proof. The gentleman from Massachusetts (Mr. WEBSTER) has observed, that the years of former prosperity, selected by the honorable Speaker from his statements of exportation, were probably those most favorable to the argument. Take, then, a different set of years. Take five years together, those of 1790, '91, '92, '93, and '94. The yearly average quantity of grain and flour exported for those five years, was 1,421,335 barrels. The commercial statements of that day do not give the value. But Mr. Pitkin has calculated the value for 1792 at \$7,649,887.

Our population, in 1790, was about four millions. In the present times, for the last three years, our exportation of every species of grain and flour has been as follows:

1821	Barrels, 1,360,453	Value, \$5,184,999
1822	1,098,768	6,327,510
1823	1,074,528	6,263,237

Yearly average, 1,177,949 Av. val. \$5,925,249

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Our population has now reached to ten millions, and let it not be forgotten, that, during those times when we exported breadstuffs to the amount of \$7,649,887, the whole agricultural grain-exporting population of the United States did not, probably, equal the present population of one single State. By far the greatest proportion of our increase of numbers, since 1790, has been to the grain-raising population of the country. Large States and Territories, which are now the most fertile in grain, have been since that time acquired, or were then a wilderness. A few people might then have been encamped in the West, but, to all the purposes of this argument, the States of Kentucky, Ohio, Tennessee, Indiana, and Illinois, have been since settled. So, probably, one half of the grain-raising parts of Virginia, Vermont, Maine, Georgia. Add, not Territories only, but States, since acquired, and now cultivated. Add the improvements in agriculture, mills, roads, and in all the facilities of production and transportation. I will not dispute about particular items and sums. Whatever deduction any gentleman thinks he can in conscience ask for, let him make it, and he will find that our country could now, were there any adequate market, raise and export five times the amount of grain we exported thirty or thirty-four years ago. It is not, perhaps, extravagant to say, that those parts of the single State of New York, which have been settled during the last thirty-four years, are now capable of raising and exporting more grain than was exported from the whole United States in 1790. Thus, with all this increase of numbers and capacity, almost beyond calculation, our exports of grain are reduced from \$7,649,887 to \$5,925,249; while the importation of foreign manufactures has been increasing with the decrease of the facilities of payment.

The gentleman from Massachusetts (Mr. WEBSTER) has seemed to question whether this diminution of exports shows any diminution of prosperity. On that head, let it be observed, that the most vehement of the opposers of this bill are so because they apprehend that, at some future day, the effects of the measure may be to prevent the exportation of some part of their staple commodity, cotton. Then they, at any rate, put no very great practical faith in this opinion of the gentleman from Massachusetts. They show their idea to be that, as to cotton at least, "agriculture without a market" may be an inconvenience. We indeed believe that their fears are most groundless in supposing that domestic manufactures are to lessen the demand for cotton. We believe the exactly reverse effect to be most inevitable. But they are clearly right in insisting that a defect of market must be certainly hurtful. For, beyond all doubt, those who purchase abroad, without the means of payment abroad, must suffer every description of pecuniary vexation.

Now, in one case, without descending into the odious particulars of misfortune, I would ask whether any one imagines that such reduction of almost all the means of decent living, as is shown by our commercial records, can fall upon such

multitudes of people, without oppression? An oppression the more intolerable, because it is produced solely by the policy of our own Government. The victims of it have not, since the close of the war, ceased to petition. They complain that the only surplus products they can have to dispose of are shut out from foreign markets, particularly by the very countries whose manufactures we consume. They show that our own country has, within itself, all the means of producing these manufactures, without paying for them one cent of tribute to foreigners; and that, if the policy of our Government should be only so far changed as to secure to them the privilege of supplying with provisions and with the raw materials, the workmen employed in the fabrication of articles which they, the agriculturists of our country, themselves consume, they might be relieved from their present absolute exhaustion, and be enabled to enjoy, in part, at least, the prosperity they were accustomed to during the general war in Europe. They show that, to protect manufactures, is to protect agriculture, and that protection, to answer any valuable purpose to the country, must be a liberal and bold protection, placing our manufactures not only beyond the reach of foreign competition, but beyond the fears of it. They show that they ask nothing new, nothing visionary or untried. And they prove, by the invariable examples of nations, that the dependence of any country, exclusively, upon its own agricultural and manufacturing industry, is the sure beaten high road to private wealth and national power. With these complaints, and these proofs, suffering, for years together, distresses produced solely by the national policy, which, under any other than a Republican Government, might create an insurrection, these petitioners, coming here, the only place where relief can be had, are, it seems, to be told, "Honest friends, you have altogether mistaken your case; we see you are worn to the bone, sure enough; but it all comes out of your independent banks and your stop-laws." Thus, with much gravity, it is to be attempted to make us believe that the plain and palpable consequences of the distress of the country, are not the consequences, but the causes of it. Worse than all that—we are to be consoled with scraps from the metaphysical books of the economists, and it seems an experiment is to be made upon our understandings, whether we are composed of exactly that sort of stuff as to think ourselves fully compensated for the severest extremity of actual poverty, by imaginary and metaphysical relief, and by the abracadabra of "let us alone," and "get rich by making nothing, selling nothing, but buying where you can buy cheapest."

The matter and substance of the remarks upon our application for relief, have not been much helped by the manner, as far as respects the observation of one gentleman—I mean the gentleman from South Carolina, (Mr. HAMILTON.) Some of those observations I did not hear. The gentleman from South Carolina, no doubt, believed me to be present. I ought to have been present. The truth is, when the gentleman from South Carolina

APRIL, 1824.

The Tariff Bill.

H. OF R.

came to a part of his speech in which he seemed to be commencing a dissertation upon the useful and sublime discoveries of the political economists, calling them, or some of them, immortal, &c., thinking I had heard all these matters before, I concluded nothing would be lost by my going to the committee-room upon some committee business, and stayed, perhaps, longer than I intended. The gentleman from South Carolina charged the Committee of Manufactures, very directly, with gross ignorance of their business; that the chairman of that committee had been repeatedly convicted of gross ignorance. I mention this matter because it is connected with something more material, and not for the sake of any personal complaint. Besides, the gentleman from South Carolina has already explained that part of his observations. It is proper to take this occasion to say, that the Committee of Manufactures have not yet made pretensions to any superior learning. As to myself, I know, perhaps, better than the gentleman from South Carolina, my own inadequacy to this station. It is a station which was not sought for, nor wished for, by me. It certainly found me very unprepared. Much was to be learned; and, no doubt, much yet remains unlearned. But my humility goes no further. It is not admitted that the great cause of domestic industry has suffered from any insufficiency of the Committee of Manufactures. It was their business to know our own laws upon the subject, and all the changes before made in them: also to know from what countries and in what quantities we draw our supply of manufactured articles; to know, also, how they can be paid for, and what commodities of this country are prohibited or permitted to be sent in return; and to know, further, the capacity or incapacity of the several parts of our own country to furnish a supply for our own population.

If the committee know these things, and if they have sense enough to make the proper use of information furnished by practical men, or by experienced officers of Government, communicated to the House heretofore, and to follow, with due precaution, a bill drawn up by abler men, and approved and passed at a former session, by a majority of this House, it is perhaps enough. We admit it to be the business of the committee to be able to know and to do all these things. But it is not admitted that we are bound to know all the usages, nor even all the regulations of foreign countries, nor to know the particular names of all the places in each foreign country, from which manufactured articles are imported. Even if we did know all these things, (which I for one, do not pretend to,) it is not certain that it would have been thought worth while to make a display of our learning. Very minute information is apt to be a very dull matter. We have heard, at some length, the particulars of a story relative to a bull. Have the gentlemen who are disposed to catechize upon these little points, ever heard a certain other story, how upon a time, a certain town corporation had convened upon public matters. The proposition was to banish all the dogs—upon some

alarm; it is immaterial what. One Alderman, when it came to his turn to speak, said, that he very much approved of the plan so far, but suggested, that, in his opinion, to act *understandingly* upon the subject, they should first appoint a committee to ascertain the names of the dogs. Sir, all these niceties of detail do not appear to be wanted to understand the great question whether the industry of our own country is to be preferred to that of foreign nations. The gentleman from South Carolina was pleased to say, as I am informed, that the Committee of Manufactures had been surrounded by blackguards—as I understand the word was—congregated blackguards, each one thrusting his share into the bill; and much more, in the same style. [Here Mr. HAMILTON explained, denied that his language was so applied, said he had spoken of the ruffians sent from a distant manufactory to disturb the meeting at New York.] Mr. TON—As to the disturbance of the New York meeting, if the gentleman from South Carolina had been attentive to the publications on the subject, he would have seen a refutation of the charge of the attendance of the Paterson manufacturers at the New York meeting, supported by proof so conclusive, that I believe it never has been, and never will be, controverted, showing the charge to be a mere fabrication of the same stamp, and for the same purpose, with that pretended letter from this city, published in sundry newspapers, and stating, Down with commerce! to be the cry here of the friends of the Tariff.

As to the persons who have attended the Committee of Manufactures, on the invitation of the committee, or without invitation, it is due to them and to us to say, that they have all been citizens of our country, and gentlemen of good appearance and good credit. And it may be further said, that among the few of them who had any particular interest and manufacture of their own to promote, there has been scarcely one who has not gone away disappointed.

There is a part of the speech of the gentleman from South Carolina, which he has not attempted to explain, and which, not for our own sake, but for the sake of the cause which we advocate, it becomes our duty to protest against. I understand he closed his personal comments on the Committee of Manufactures with a defiance, that, if any gentleman thought himself insulted, he knew where to come for satisfaction, or words of equivalent import. I do not happen to remember that a single word had been said by any one of the Committee of Manufactures against the gentleman from South Carolina, or against any one of those writers called the political economists. There has been no such complaint, nor pretence of complaint. If any severity of comment has been made use of on our side, it came from others. Now, this may be according to rule, but it appears rather odd that all the quarrel, all the provocation, all the insult, whatever it is, and the challenge to boot, should come all from one side; and that a gentleman, by nothing but his own speech, should undertake to fret himself into a passion first, and then into a fight. The gentleman from South

Carolina has also thought proper to inform us that he was in the army in the late war. It may be remembered that, in this debate, or some other in the House lately, a gentleman has been mentioned, called Don Quixote. I learn that his practice was to go upon the high road, with sword and pistol, and insist upon fighting with peaceable travellers, unless they would confess, off hand, that, of all fair ladies, there was none in the country to be compared with a certain friend of his, one Dulcinea—I forget the rest of the name, and never was good at remembering long names—perhaps it will not be considered material. I do confess myself to be one of those who, rather than have a duel with Quixote, would say any thing almost for Dulcinea, to the best of my knowledge; and, in preference to a quarrel with the gentleman from South Carolina, I should, if it could be done with any sort of conscience, be most strongly tempted to go as far for the wisdom of the political economists, as I would for the beauty of Dulcinea. Formerly, it is said, the law was, that, when disputes arose, and a cause happened to come up, very hard to comprehend, such puzzling case was to be settled by a mode of decision, called, in the law style of that day, a trial by battle, the very sort of trial which the gentleman from South Carolina seems to prefer. A party might fight his cause by himself, or by his attorney, called, in that process, his champion. Now I give notice that I will not be the champion for this tariff bill, particularly since the amendments. Should I ever change my mind, and agree to enter the lists with the gentleman from South Carolina, I solemnly promise to release him from the oath against the employment of all conjuration and witchcraft. To be more serious, it is a mode of decision which I have never studied. It is not what I was sent here for. It would be conceding what might prove a very injurious advantage. It is a call to a sort of honor which I do not want. I live, and am glad of it, in a part of the country where what little respectability a man may chance to have, needs no such propping—nor does the cause of domestic industry require any such support. If it does, I for one, have no ambition to be a martyr to the best tariff that ever was devised. Besides, it is no discredit to the gentleman from South Carolina to say, that he greatly over-rates his own importance, as well as mine, if he supposes any thing we can do can settle the question. I have other very good reasons. I have, perhaps, mentioned enough. If the gentleman from South Carolina is determined to have a personal contest upon this tariff, he shall not have it with me, without an actual attack.

The gentleman from South Carolina has thought proper to take this occasion to applaud some distinguished citizens of his State. Some of them are living, and too near to make it worth while for me to enter into a discussion of their characters. On the memory of Mr. Lowndes I could go, in the way of encomium, perhaps farther than the gentleman from South Carolina. I have frequently heard him in this House—I have known him out of it. I speak not for the purpose of pre-

sending any contrast, but give my opinion, often declared in the hearing of some who now hear me, that Mr. Lowndes was a statesman, who has not left his superior in this nation, nor scarcely his equal. Every one who remembers Mr. Lowndes, remembers that, with talents almost beyond the lot of mortality, and seeing nothing about him but respect and veneration, yet a man more unassuming never entered this House. There was nothing pompous in him, no blustering, no rant. Of one thing only did he ever appear ignorant, and of that always most grossly ignorant—that was, the magnitude of his own powers. If this was a defect in that great man, it was a defect which, I must say, his successor does appear most happily exempt from. To end this matter: I have lived longer than the gentleman from South Carolina, and have, probably, seen more of the events and turns of life, and more of mankind, and have some right to say to him, that he must have been young when he entered into the army, too young to profit at that school, and young when he came out of it; that, in one sense, he is young still, and has much yet to learn, or he will die young. If I have thought it my duty to protest, with some earnestness, against the course which the gentleman from South Carolina has thought fit to take in this debate, it is not that I have suspected any thing in him invidious or malicious. On the contrary, I have no objection to assent, with those who know him better, to the usual frankness of his disposition, and am willing to believe that he exhibits an ardor of feeling, and a vivacity, which, at some day, with a great deal of cultivation and discipline, may render him not a useless defender of the interests of his country.

There is one objection to this bill, which seems to require peculiar notice; an objection that has been most vehemently pressed upon us by gentlemen here, and by memorials and publications without number; the destruction of commerce and the navy. Not in this House, to be sure, have the friends of domestic manufactures been directly charged with the intention and design of destroying trade and commerce; it is only contended that such destruction must be the certain effect. But out of doors our opponents are not quite so generous. There, we are represented as a rustic, envious, malignant, and unprincipled combination, making agriculture and manufactures a mere pretence for the ruin of trade and the navy. It is degrading to plead guilty to such a charge, but the falsehood of it must be shown.

The late war was a war for commerce only. It was not provoked by any injury but to our trade and to our people connected with, and in pursuit of, trade and navigation. Our territory was not touched—our citizens on shore were not molested. That able paper of the declaration of war mentions, for its causes, no outrages but those to commerce and seamen, except the miserable business of John Henry, which, in very doubtful and indefinite language, appears to have been stuck in by way of amendment. The sections of our country, always foremost and unanimous in asking

protection for domestic industry, and here assailed as enemies to foreign trade, suffered their full share of whatever there was of hardship or disaster in that war for commerce. It will be admitted that, in paying taxes, in marching against the enemy, and here, by their representatives, they did never, for one moment, shrink from the conflict, in the darkest of times; and it is not extravagant to say that, under God, to the firmness of these people, now calumniated as the sordid malignant enemies of commercial wealth, does foreign commerce owe every solid, sure, and established right it now enjoys; and, from their devotion to the interests of the whole, their contempt for the low and selfish principles upon which this bill is opposed, does it come that we now have a flag that can protect foreign trade, and that we are not, abroad, the common plunder of the world.

Yet it would not have been surprising, in that war for commerce, on occasions of extreme gloom and disaster, which often happened, if some timid few, or some demagogue, anxious to get himself into Congress, by supplanting some of those who had voted for the war, had attempted to inflame the minds of those people against such vexatious war, supported by their blood and their money, to revenge injuries done to foreign trade. But even that never happened, nor was the man found among them who, at any time, would declare his willingness to give up the contest without securing the commercial rights for which it was entered into; and, since the war, they will be found to have adhered to the same principles of attachment to the commercial interest. No matter how their requests have been received; no matter from what selfish motives their interests have been disregarded, if, from the whole immense agricultural population that now demands a tariff of protection, a single vote, in the House, can be found to have been given against any plan for extending or protecting foreign commerce, or against building ships, or providing naval materials, or sending embassies to promote trade, or squadrons to the Pacific ocean or Mediterranean sea, or any other sea, or any other of the immense expenses of foreign trade, let that vote be produced, and, as far as it goes, let it be set down to enmity to commerce—but I believe no such vote can be found.

Does any gentleman imagine that our people who sustained that commercial war with such steadiness and spirit, did so in pursuance of doctrines such as we have here now? or dreaming that, in case of success, they themselves were to be excluded from every possible benefit of it? or, after exerting themselves to the utmost, and risking every thing, they should come to the merchant, reinstated in their rights by their aid and their fidelity, with their hemp, their iron, and their lead, and say to him, "We have no customers but you. If we raise grain, we have no market for it. There is nothing we can sell but the things we have here;" and be told by the merchant, "True; your hemp is water rotted and strong; your iron is tough, and good for cannon and anchors and shipbolts; but it is all country make. And, friends,

you don't understand the new light of political economy—it is only when you come in the capacity of purchasers that we can deal with you. We employ the workmen and farmers of England, Wales, and Russia, and we think, in the long run, we can save something to ourselves by it. You have never read Adam Smith. Every man for himself, is the only thing for the country. Here it is in the book. In this way we enrich ourselves, as we know; and we make the nation rich, as the book shows. No monopoly, no restriction, except in our favor. Let us alone, until another war. When the doctrine of Algiers comes next into fashion, with the naval Powers of Europe, or any one of them, you may then have just so much interest in navigation, as to pay taxes and do the fighting for it." Surely no manufacturing or agricultural man, in that war for commerce, could have been slave and fool enough to contend in the cause, had he imagined that there was no community of interests in this nation; no advantage by commerce but to the merchant; no helping of each other; or, if he had foreseen, what has since actually happened, that the very peace and commerce contended for, with such profusion of money and of blood, should, with the exception of some trifle of profit to a handful of merchants, produce, after all, nothing but prosperity to foreign nations, and chiefly to Great Britain, with whom we contended, and nothing but destruction and death to three-fourths of the agricultural, grain-raising, and manufacturing interests of our own country.

There is one species of commerce which we avow ourselves opposed to. It is that which is employed in bringing from abroad, for our consumption, those common necessities of life which we can produce at home, lead, glass, iron, hemp, and at least one half our present supply of imported cotton and woollen goods. And here arises a dispute with the advocates of commerce. We say we are beggared and undone by these importations—that the nations which send them to us will not take in return any thing we have to spare. We say, that, to make all these things at home, will take nothing from us but grain and things which we at present know not what to do with; while we are utterly exhausted by buying them from foreigners. The men of commerce contend, that, to supply us with these articles, is one of their perquisites. They claim it as a right, not, as they say, altogether for their own profit, but because the commercial interests of the country and the Navy in a great measure depend upon it. Now examine the case, and see if this trade of importation of goods ought to be upheld for the benefit of the merchant, or for any other purpose. First, the very freight, the benefit so much talked of, is not confined exclusively to our own citizens, nor to our own ships. About one-eighth or one-seventh of the importations which such a clamor is made about the profits of, are by foreigners, in foreign ships, and this even in time of peace. In times of war with any naval Power, even that miserable advantage of freight will certainly go, almost entirely, with the rest of the profits, to foreigners.

Even if it could be secured entirely to our own merchants, it would be no sort of indemnity for the evils of the trade. Observe, I speak only of those things which we may have made at home, of our own materials. But, if made at home, there is no freight or profit to the importer. He seems to think it very reasonable that we should agree to pay one hundred dollars to foreigners, in order that he may gain a profit of ten dollars, or fifteen. On this head, let it be remembered, that it has been often said, and never, as I know, denied, that more than half of all the importations of manufactures from Europe, are by foreigners themselves, directly on their own account, and vended here by themselves or their agents. From that fact the true nature of all this alarm about the trade and the Navy of the country may be understood. So far from agreeing that the naval power of the country depends upon the consumption of foreign goods in preference to the domestic, I contend that all we hear about the destruction of trade and the Navy, by checking the importation of dry goods, means nothing more than the diminishing the profits of the importer. Are we to believe that these merchants are seriously apprehensive only for navigation and the Navy? Why, sir, it has been during this very session of Congress, that the deplorable case of our spermaceti whale fishery has been presented to us; the noblest nursery and school of the noblest seamen perhaps on the globe, comprising two years ago, 142 ships, and 3,100 seamen—a quantity of tonnage double or thrice that employed in the trade of importing all the woollen and linen goods, and cutlery, and hemp, and lead, and glass, and leghorn hats, that we get from Europe; and a body of men perhaps combining a greater mass of nautical skill, hardihood of body and mind, devotion to country, discipline, self-command, and obedience, than was brought into action on both sides, in the battle of the Nile—all now dwindling, perishing, on the point of extinction. But has any one ever heard of any Chamber of Commerce, or any merchants, or any of their advocates, interfering with us, or any where else, in favor of this perishing whale fishery?—they, who can snuff danger a mile off, to the Navy and to the navigation, when it threatens to stop the importation of a yard of calico, or a hob nail: and who, almost before the bill for the protection of domestic industry can be printed, are here with their remonstrances. I complain not of the merchants. They wish us to import the necessities of life, instead of making them at home. They are right; for, by it, they gain their freight and profit. They wish to go far for our supply, and they are right; for the farther they go the less chance there is of competition, and the greater the chance of profit. Hence, all that outcry, some years ago, against the protection of domestic cottons, and the exclusion of cheap muslins from the East Indies. I repeat it, the merchants are right. They act just as Providence intended they should act, taking care of their own interest, and adhering to that solely. They were created for this purpose, and all very good. There is no possible harm in it; because Providence in-

tended also to give to the men of the land sense enough to take some little care of themselves, and, when they are the immense majority of a nation, not suffer themselves to be made beggars in order to make nobles of a few merchants; not suffer all their resources to be exhausted in paying for foreign goods, that the merchant may be enriched by the profits of transporting them.

The land part, the agricultural part of a nation like this, Providence intended to be supreme. Our country is the land. Every thing permanent is on the land. Yet the commercial interest is to be cherished. Certainly it is; but not with such extravagant devotion as to make ourselves tributaries and slaves to foreign industry. If, indeed, we found ourselves thus picked to the bone, and consumed by our own citizens for their own benefit, and if the means and resources of our own country were increased by exhausting us; that is, suppose it to be the case that some sections of our country should supply us with manufactured goods, as Europe does now, and, thus supplying us, suppose they by some means should refuse to take from us, in exchange, the chief articles we have to give, our grain, our flour, and agricultural productions, though we could afford them at half the price which they would be obliged to pay for them at home—in that situation, impossible, indeed, under our form of Government—but which, if it was the very actual fact, would, indeed, as to all purposes of individual poverty and oppression, leave us exactly as we are now—yet then we should have the consolation to know that what caused weakness and depression to us, produced some wealth and power to our country. But there is nothing of that in our case. Our distress is more bitter from the reflection that we are exhausted for the purpose of giving affluence and power to strangers, to aliens, to rivals, to enemies. And so far from helping the case, it is an aggravation and an insult to be told by our own merchants that we ought to submit tamely to be devoured by foreign industry, because some of the crumbs, one miserable tenth part of the plunder, may go, by way of freight and profits, into the pockets of the merchants.

As to fact and experience, there is not now, nor was there ever since the world began, a country possessing commerce and naval power, and maintaining them by the importation of foreign commerce; nor is there any possible connexion between naval power and consuming foreign goods. We import nothing, which can be strictly called manufactured goods, from the Island of Cuba; we import none such from Hayti; yet we have more ships and more tonnage employed in the trade with these islands than we employ in the importation of goods from all parts of Great Britain. Further, the only considerable articles, the importation of which is likely to be diminished by this tariff, are woollen and cotton goods, iron, lead, hemp, hempen and linen goods, and Leghorn hats. We know the quantity and weight of iron, lead, and hemp, imported, and what tonnage they employ; and we may, by estimate, come near enough to the amount of tonnage employed

in importing those other goods. Then, sir, let any gentleman make the calculation; let him set it down that all these importations are in our own ships, which is not the fact, and that they will always continue in our own ships, and no war ever molest us; let him set it down that, by excluding a part of these things, we are to import nothing instead of them; that our domestic manufactures are never to be exported, and their prosperity to have no beneficial effect upon the wealth, and of course upon the commerce of the country, and what will it all amount to? Why, sir, he will find that the loss of tonnage, by the diminished importation of woollen and cotton goods, iron, lead, hemp, hempen and linen goods, and Leghorn hats, cannot, by any tolerable mode of calculation, be made to reach anyways near the amount of our tonnage now employed in the importation of the three articles of molasses, coffee, and tea.

I pray, then, that we may have an end to this charge of hostility to commerce; there is not solidity enough in it for a congregation from the wharves of a city. To import the necessities of life, which may be produced at home, is not commerce; it is the worst abuse of commerce; it is to be the victim of commerce. We declare ourselves to be the friends of commerce, when we profess ourselves the friends of industry on shore; they may consist together—indeed they may stand better together. We are not bound to choose between them; if we were, I should say that the land is our home, and not the sea. I should say that internal wealth and manufacturing industry can of themselves create commerce. Without them commerce is precarious; liable to total destruction in the first war with any first, second, or third rate naval Power of Europe. With them commerce is imperishable. Sink every ship, public and private, in the ocean—with domestic industry, and freedom from foreign tribute, we can be able, in less than five years' time, to replace them all. But why rely on argument? I repeat it, we have experience to go by, and the actual fact that every commercial nation in Europe, without exception, is prosperous exactly in proportion to the vigilance with which it protects its own manufacturing industry, by excluding the foreign, and puts down this spurious, pernicious commerce of importation of manufactured goods. As to the island of Great Britain, the first commercial country of the world, everybody knows that not only her wealth, but her salvation, is supposed to depend upon her naval power and her commerce, both of which it has been her chief aim for ages to promote. If any interest predominates in that country, it is the commercial interest. Yet no temptation of cheapness, no employment or encouragement of shipping or seamen, no argument of the political economists, has ever induced her for one day, since her naval ascendancy, to permit the importation of any article for domestic use which domestic industry could possibly be made to produce. France, probably the second naval Power of Europe, follows the same policy with the same success. So other coun-

tries; and from their examples, and from the contrary examples of weak and miserable nations, we may learn and may know, that to employ commerce to supersede home manufacture, by the importation of foreign goods, is ultimately as destructive to the naval power as it is to the domestic industry of a country.

Gentlemen have apprehended the resentment of foreign nations if we discontinue the use of their manufactures. They ask, Will not Great Britain retaliate? The same gentlemen are very unanimous in denouncing what is called the system of restrictions, the system of exclusion of the foreign, and protection of the home industry. They say it is despotic, useless, pernicious. That it can serve no possible purpose but that of mischief, and destruction to commerce, trade, and the Navy. They say that not only all the philosophers and economists of England condemn it, but the speakers in Parliament, the committees of the Commons denounce it; that the opinions of Lord Bacon, and of all the statesmen of that great country, from time immemorial, have all gone out of fashion; and that, since the light of the economists has sprung up, the Government and the nation are tired of the present destructive system, and watching the first opportunity to rid themselves of it. Further, they say that England has acquired her wealth and power, not by her restrictions, not by her protection of domestic industry, not by her manufactures, but in spite of them all; and that the truest estimate of the balance of trade, and criterion of national wealth, is, not what a nation fabricates and sends abroad, but what she imports. In fine, that England is very unhappy, from having started her system before the new light of modern times; while we, by following the dogmas of the economists, are in the high road of prosperity. Very good. Then, it seems, England is to be very much hurt if we presume to beggar ourselves by the passage of this tariff bill. The English will show resentment if we do all we can to relieve them from the effects of a system which they are anxious to abandon; which they find to be pernicious; and, most dreadful of all, they are sure to be grievously offended at our destruction of our own Navy. I despair of throwing any light upon such arguments, and quit them with one word. It appears worse than idle to apprehend, in the British Government, such a silly malignity as to resent our attempting to do a part of our own work, to relieve our own distresses, and give employment to our own people. Does any one among us feel resentment against the British Government, for their policy, which extracts from us a voluntary tribute of so many millions a year? Do we think ourselves injuriously treated, because Great Britain refuses to take from us our grain and flour cheaper than she can produce them herself? Every one knows the prodigious efforts made, and the immense expenses incurred, by Great Britain, for the restoration of the royal family of France. They succeeded, at last, and restored the Bourbons to the throne. If ever England had a fair title to a great foreign customer, here certainly was one;

and how gladly British policy would have seized this occasion to break down the new manufacturing establishments of France, particularly the cottons, every one may judge. Yet the French Government was deaf to all terms for the admission of British manufactures. One of the first acts of power, by the restored Government, was, to protect the industry of their own nation, by excluding British competition. Did this produce in England any resentment, or any complaint? Never any, that we know of. It may be said, and I believe has been said, somewhere, that the French Government, newly seated in power, were deterred from admitting foreign manufactures, through fear of popular displeasure. How that may be, we cannot pretend to know. But let it be so. What a lesson ought it to give us. The populace of France, whom we sometimes affect to consider as not the deepest thinkers—France, the chief nest of the brood of political economists, and of the advocates for buying always where you can buy the cheapest—they, it seems, could have firmness of purpose and forethought sufficient to resist the temptation of buying cheap foreign goods, some of them, particularly the cottons, at a price very greatly below what they could be had for at home, and could forego a present advantage for the sake of futurity. Largely, indeed, have they been indemnified for the temporary loss occasioned by this wise protection of the rising manufactures of the country, by a subsequent prosperity, almost unexampled.

Are we, then, to be led away by the words, freedom of trade, monopoly, restriction, and every man gaining most for the nation who gains most for himself? They are all mere words, mere sound, as applicable to this argument. Sir, Government is restriction; laws are restriction. It is for the sake of restriction, and for combining and directing the parts for the good of the whole, that men enter into society. It is only by restriction that we can meet the unanimity and discipline of foreign nations. As well in time of war might it be insisted on that soldiers should fire and load, and advance and retreat, each one according to his own discretion, under pretence that every man who does best for himself does best for the army.

It is apprehended that the encouragement of domestic industry will injure the public revenue. We admit that our present revenue is derived chiefly from the duties on importations. Yet I trust it will be admitted on the other side, that the consumption of foreign goods is not the only means of raising the revenue. And further, I trust, it will be admitted, that while the nation exists, and while our people are wealthy and prosperous, there never can be a want of revenue to support the credit or defence of the country. There must be taxes. The question is only as to the preferable mode of taxation. The tax on imported manufactures is paid by the people, the consumers. It is said to be a concealed tax, and therefore paid willingly. Let it be that it is paid willingly. I deny that it is paid ignorantly. Now, then, let us in a few words, with an eye

constantly to the bill before us, examine the soundness of this policy which is contended for with such gravity by some, and with such heat by others, of importing, for the sake of revenue, manufactures from abroad which we are capable of producing at home. For that portion of woollen and cotton goods, hempen and linen goods, iron, hemp, lead, glass, and Leghorn hats, now imported from abroad, and which will be excluded and supplied by domestic industry, if this bill becomes a law, we now pay to foreigners, say ten millions of dollars a year. These articles, on their importation, afford, on the average, to the revenue, a tax, say of twenty-five per cent. This tax is paid by the people of the country, the consumers of the goods. It amounts to \$2,500,000; which sum goes into the public treasury. Clearly, the people of the country not only pay this tax, but in paying it they have also to pay the prices of the articles, the ten millions of dollars original purchase money. They must pay, also, the importer's profits, the merchant's profits, the freight, the insurance—not, probably, less, altogether, than twenty-five per cent. on the \$12,500,000. So that, in advancing to the public treasury the sum of \$3,500,000, our citizens actually pay the sum of \$15,625,000; ten millions of dollars of which sum, as far as respects ourselves, might as well be sunk in the ocean—perhaps better—for it goes, perhaps, to rivals; perhaps to enemies. At any rate, our citizen, contributing by this sort of assessment to the support of his Government, for every one dollar he pays to his own country, has four dollars to pay to foreign industry. But, worse than any thing yet mentioned in this mode of raising revenue, is the circumstance that, with respect to the greatest proportion of the people, who pay this \$15,625,000, in order to place \$2,500,000 in the Treasury, so far are they from getting the slightest incidental advantage from this mode of supporting their Government, that, by it, they only drive their neighbors, the manufacturers, into idleness and beggary, and deprive themselves of the only possible market they can have for their agricultural productions. And this is the very popular mode of taxation spoken of. Sir, if there is, among our countrymen, such fanatical blindness, as to prefer to pay their taxes in this way, I do not know where it exists.

In answer to the objections that we are too young a country to do our own work, and that we lack capital necessary for manufactures, I ask leave to adopt a remark of the gentleman from Massachusetts, (Mr. WEBSTER,) who, if I am able to judge of the matter, is more of a philosopher than a politician; and when I apply the word philosopher to him, if the term has more than one sense, I give it no sinister meaning. He has remarked that the age of a nation is not to be counted from the settlement of a country—never was a thing said more truly. We were taken not from the seed, but, like a tree, or rather a branch, transplanted; and when our forefathers landed on these shores, and had formed themselves into Governments, they were, for all the chief purposes of this discussion, as old as the stock they sprung

from. As to capital, whenever there has been in our country a demand for the products of domestic industry, there never has been felt a want of capital to carry it on. Have our glass works, our iron works, sunk for want of capital, our lead mines, our straw and grass hats, our hemp? Are our woollen factories now sinking for want of capital? Or rather, are they not all sunk, or sinking, for want of customers, for want of a market? Industry is capital—credit is capital—protection is itself capital; and whenever a moneyed capital may be wanted, all these will insure it.

Not a little has been said about the balance of trade, and we have been beset, throughout almost the whole of this debate, by authorities drawn from the books of the writers called modern political economists. The practical rule for national wealth has been, not willingly to purchase the products of a foreign country more than they will take of your own; that is, not to encourage the industry of those who refuse to encourage yours: for example, not buy the manufactures of those who reject your grain. This is wrong, gentlemen say, in theory. So be it; but, in practice, it is adhered to, I need not say by every wise nation, but certainly by every wealthy and prosperous nation. Gentlemen say, and so say the economists, that what is called an unfavorable balance of trade, is no reason against importing manufactures instead of making them. It is impossible, they say, to purchase more than you are able to pay for. The remark is true and intelligible enough, but it has no application to the subject. What sluggishness, what dependence, what beggary, either of an individual or of a nation, may not be defended by the same argument? You cannot be exhausted of more than you have. Very true; but, what would be just as bad, you can be exhausted of all that you have—all the consolation of that argument will apply as well to a pauper in the poor house. Bonaparte and the British ministry, it has been stated, wrangled for whole weeks, if not for months, during the peace of 1803, about the quantities of goods which the people of the two nations might exchange with each other. Each party, obstinate to the very last in refusing to take the products of the other, unless they were permitted to be paid for in the products of the nation receiving them. Whether right or not, all this was done by statesmen; and let it not be forgotten that, while doing it, they had all the metaphysical books of the economists before their eyes; or, if not all their books, yet all their discoveries had been made before that time, made and published by Frenchmen and by Britons, for the good of their own dear countries, and calculated for their own latitudes. Of these discoveries, the grandest is said to be that, in order to get rich, a nation has nothing to do, but to refuse to eat or drink or wear any thing made or produced at home, provided it can be had cheaper from abroad, so that we see how completely opposite to these discoveries has been the practice of the two nations; and, from this, and from all their conduct before and since, it is

plain that the two countries which produced these political economists have always looked upon them as so many conceited enthusiasts, and have taken special care never to meddle, practically, with their books, except so far as to print and export them. In some foreign countries, they have had, to be sure, an amazing run. I am not going to try my hand at disentangling their arguments. Let it be, that all their reasoning on the subject is so correctly metaphysical, and so deep, as not to be comprehended nor refuted. What then? In legislating for a great country, are we to draw our information and our opinions from the deductions of theoretical writers? Or are we to look to the practice of statesmen, and to the actual effect which different systems have had upon the prosperity or the decay of nations? In the concerns of private life, we know how to guard ourselves from the delusions of theory. If a projector brings us his patent machine, we do not ascertain its utility by sitting down to chop logic with the inventor, and puzzle ourselves with his metaphysical reasons, wherefore the contrivance ought to answer the purpose; but we cut short the debate by asking, how will it go? how will it work? So, if you are sick, and a quack produces a bottle full of his medicine, though he may call it the very elixir of life, and may enter into all the most sophisticated refinements of unanswerable reasoning to show the properties and effects of the ingredients he may have put into the kettle, yet, because you cannot refute the doctrine, you do not, therefore, swallow the drug, at any rate, not until you ascertain the small matter of fact that it has cured, or at least not killed, some former patient. So in every thing else relating to the real business of private life, we, in the same way, know how to distinguish what is useful from what is good for nothing, or pernicious, and we invariably trust not to the palaver of argument, but to the test of experience. Let us, then, apply the same rule of common sense to the business of the public, and not think it enough to be told that such and such is the opinion of the immortal modern philosophers. The best of philosophers are not, perhaps, of much use in practical legislation. The gentleman from New York (Mr. CAMBRELENG) has instructed us by a very good quotation from Edmund Burke. Let him, if he pleases, try his hand again at the business, and see if he cannot produce Burke's opinion of this race of political economists.

Somebody (no matter who) once imagined how thunderstruck a quack would be, if, in the very heat and midst of his harangue upon the virtues of his medicine, one of his patients, at the first draught, should drop down dead before his eyes! But he (whoever he was) knew nothing of modern times, our quacks of economists, and their disciples, so far from being confounded, seem to acquire fresh assurance upon the death of every new patient. Holland took the dose, and is blasted. Russia tried it for a while—with what effect, has been already sufficiently stated. To describe the condition of that country, while under the operation of the drug, is exactly to describe our present

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condition. We have had fully enough of it. No nation has ever escaped, that has followed "the new guide to wealth." Even our very Indians have not escaped. They, to be sure, have never read Adam Smith. But, corrupted and undone by partial civilization, or by the neighborhood of civilization, (not all of them, perhaps,) they are true modern political economists from instinct or habit, and without dreaming of any exertion to help themselves, from mere laziness, depend on begging, as we do on importing. And what a glorious proof it must have been of the wisdom of the immortal modern philosophers, to have seen those Indians, with their bare backs, waiting for an arrival from England, and our importing Government obliged to depend upon the magnanimity, or, if you please, upon the avarice of our enemy, for a supply of blankets to save the yellow economists of the forest from perishing!

I have said that Great Britain and France, the countries that produced the political economists, reject their doctrines. Gentlemen say that Great Britain is fast becoming a convert to the books; and they prove it, not by acts of legislation, but by selecting a stray speech or two. If the strictness of their laws respecting navigation has been in some instances relaxed, what has that to do with their protection of agriculture and manufactures? So, some of our regulations in favor of our own navigation have been relaxed, not from any liberality to foreigners, but for the benefit, and probably at the request, of our own merchants. In these restrictions on navigation, it is found at last there are two sides. But will gentlemen seriously contend that the British Government have thought of admitting our grain and flour, and the manufactures of France, without restriction, into the consumption of their country?

The gentleman from New York, (Mr. CAMBRELENG,) in opposing this bill, has asked, "Do you not see the angry war-clouds gathering in the South?" As if the probability, or even the possibility of war, was not of itself the strongest reason; and even if there was no other, was not of itself a sufficient reason for our encouragement of domestic manufactures, and dependence upon our own industry. Whether we regard the revenue necessary for carrying on war, and the inconvenience and danger of stopping it at the time it is most wanted, or any other of the resources demanded for carrying it on; or the loss and confusion which attends the sudden interruption of our usual supply of manufactures,—it is very clear that domestic industry is more wanted for war than for peace.

There is a matter which, as it has been already discussed, I shall advert to very briefly. It is said the passage of this bill will be peculiarly injurious to those portions of the country whose staple article is cotton. Let it be remembered that it has been asserted (and though denied, the denial has not been supported by fact or argument or probability) that the protection allowed by this bill, to the different interests comprehended in it, is not so high nor so complete, generally, as the protection by the existing law to the cotton grower

of a duty of three cents per pound on the imported article. And further, it has been said with great truth, that no article better deserves to be protected; and that there is no portion of our agricultural industry, nor scarcely any portion of our manufacturing industry, that requires a larger protection. The consumption of cotton in our country is at present immense. With a due encouragement of our own manufactures, it must be next to incalculable. Those manufactures must afford a certain market—it ought to be the *greatest* market—it *will* be the greatest market.

I speak the opinions of men practically acquainted with the whole subject, when I say that, with what is called free trade, our cultivators of cotton must be undersold by other nations; and their reasons appear conclusive; that it is an article which, in some other countries, has but lately began to be cultivated, with the greatest success; and that nearly all countries, where it is raised, are possessed of advantages in almost every respect superior to ours; that they have generally a better soil; that the greater rigor of our climate in Winter makes the clothing of slaves in our country much more expensive—while the greater lenity with which they are treated, a lenity produced by our laws or our manners, makes their labor less profitable to the master. So that of all parts of our country those most unanimously opposed to this bill owe the most, and must continue to owe the most to the system of protection. If protection is a tax for the benefit of those protected, that tax is imposed for the benefit of the cotton grower: rightly, I say. And if an increase shall be required to effect the full purpose, I am for increasing it. But I am not for stopping there, but for giving, upon the same principles, a just and equal protection to domestic industry wherever else it may be wanted, so as to secure at least our own markets for the productions of our own country.

Mr. TOL having taken his seat—

Mr. HAMILTON, of South Carolina, rose in reply, and observed that, although the gentleman from Pennsylvania has buried in the very centre of his argument the personal notice with which he has been pleased to honor me, in a manner somewhat calculated, at this late hour, to subtract from the effect of its pungency, I cannot permit his sarcasms, caustic and successful as they have been, (and however hopeless the warfare on my part,) to pass without a brief, and I trust, temperate notice. I confess, without any feeling of self reproach, that the excitement they occasioned has gone by, and I now regard what he has said "more in sorrow than in anger."

The gentleman from Pennsylvania knows, and knows full well, that I did not require his admonition this morning to convince me that I had wronged him yesterday in the tone and temper of my remarks. He has, therefore, correctly stated, what I do not blush to hear, that I waited on him this morning, and expressed my sorrow and voluntary regrets for the unkind and disrespectful character of these remarks. In truth, sir, the reflections of my pillow advised me of my

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error. Yesterday, in the heat of an irritating discussion, I spoke intemperately of the gentleman, without just provocation; for it would be uncandid in me not to admit that, during the unpleasant and protracted discussion of the tariff, his manner has been civil, and his temper, on the whole, conciliatory. When, therefore, I made him this atonement, I did it without parsimony or stint, from the sincere overflowing of my regrets. I moreover confess, in making him the reparation to which he had, then, so just a claim, I did not measure my words with a punctilious jealousy, but went cordially and honestly to the purposes of conciliation; for I felt that these were offices which became me, as a gentleman, even if I could be altogether insensible to the obligations of a Christian. From this statement, I might, I think, without hesitation, submit to the candor and magnanimity of this House the question, (if I desired such support) how far I have merited the harsh and unkind retort of the gentleman, *after all that has passed*. Yet, nevertheless, though his conduct does not permit me to reiterate, on the present occasion, the atonement I privately made him, I scorn to take back one jot if it. No, sir: This is due to the House, if not to the gentleman himself. I was wrong yesterday; I will not put myself more entirely in the wrong, to-day, by the smallest intemperance. The gentleman has got his reparation, and may keep it.

The gentleman will, I hope, bear with me, when I say that, from the character of that gallant and luckless knight (Don Quixote) to whom he has alluded, (and who, by the way, was one of the best bred men of his time,) he might have learnt a useful lesson of courtesy and generous feeling, neither difficult in its practice, nor requiring very romantic notions of honor: That, when a foe proffers atonement, to receive it in the spirit in which it is tendered. But let this pass. The gentleman may have sentiments of his own, on this subject, the permanency of which I will not disturb, either by my counsels or commentary.

There are a few things, however, which it has pleased him to say of me, that are somewhat too serious, at least for my own laughter. He accuses me of an overweening conceit in my own merits and opinions. As this is one of those charges to which, if a man pleads, the very plea involves him in ridicule, I shall say nothing. But there is one thing which I have no hesitation in confessing, that the charge might be urged with great force and justice against me, if I had risen in my seat time after time, and sneered at the authority of Smith, Ricardo, and Say. I thank God that I have not had the presumption to speak of these men as shallow and visionary thinkers, or to put my exploded common place, and idle prosing in competition with the fruits of their wisdom, experience, and research. I leave the application to be made by those who have witnessed the career and the opinions of the gentleman, and content myself with telling him, he had better take care how he throws stones. His own tenement may be more frail than his self complacency will permit him to believe.

But, in reference to another subject, the gentleman's sarcasms have indeed been most triumphantly successful. He has tried me by a standard, and I have been found wanting. He has contrasted me with that gentleman (Mr. LOWMEES) whose most unworthy successor I am. The very contrast has barbed the keenest arrow in his quiver. I could have learnt my immense inferiority to that great and good man without the lessons of that gentleman. It would almost be presumptuous in me to say, that I was humbled by the comparison, for I know the distance between the orbit of my predecessor and my own. I nevertheless thank the gentleman even for his tribute to the memory of this pure patriot and profound statesman. It has been delightful to my heart in spite of his unfeeling parallel. Will he permit me, however, to say to him that I think we may both of us live and learn by the example of this individual. He must pardon me, moreover, for saying that I regret, when this example was a living instruction for him, he profited so little by the advantages he enjoyed. The opinions of this statesman might have taught him less confidence in his own, more especially in relation to the tremendous measure of which he is the leading and uncompromising champion. I might even recommend, as a pattern for the adoption of this gentleman, the modesty and humility of my predecessor; but I will not turn his own comparison against him. It might be made stinging enough for the purposes of the most vindictive retribution.

The gentleman has likewise accused me of having referred, (no doubt he meant to imply,) with some vaunting and presumption, to the fact of my having been in the army. I do not mean to charge him with intentional error, but, by the most painful tax to which I can subject my memory, I have not the most distant recollection of ever having discussed a subject before this House, into which I could have forcibly lugged any such reference. I would fain believe, as well as hope, that the gentleman is mistaken; for, however proud I may be of having once belonged to one of the noblest of all professions, yet I am habitually cautious of alluding to it. It was not my fortune to win laurels, or perhaps to deserve them. The soldier who cannot show these memorials of his valor had better speak sparingly of his calling. I will, therefore, say to that gentleman, that, to prevent the passage even of the pernicious bill on our table, I would make no appeal to the sword, which he accuses me of having done. When, therefore, in jest or earnest, it matters not which, he ascribes to me a disposition to fight him into a conviction of my own opinions on the subject, I will say to him, and I thank God I say it with the most perfect sincerity, that I would not, in malice, seek his blood even to prevent the passage of forty tariffs as potent as the one he has advocated!

The gentleman has most generously told me that I may be, at some future period, not entirely useless to my country, after a protracted discipline and cultivation to which, in his candor and condescension, he has indicated no limit. Even this

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single lump of sugar he has not permitted to come to my lips without being dissolved by the surrounding acid in which it is dropped.

I fear, however, in his estimation, I shall never reach this point of improvement. If my usefulness is to be measured by his own utility, I shall perish in the desert before I reach his land of promise. I do not think I shall ever attain that *acme* of wisdom which will qualify me to sit in judgment on Smith, Say, and Ricardo. I trust, however, if I do, I shall be able to prove, by something more significant than unmeaning sneers, that I have at least read, if not digested, what they have written.

I must, before I have done with the gentleman, not permit him to have the whole game of playfulness in his own hands. He must recollect I am still somewhat in his debt, although I feel that, in humor and wit, I can never discharge it.

When I commence my knight errantry, (for the adventures of which he seems to think me quite as well qualified as Don Quixote,) I shall certainly select him, above all other men on the face of the earth, for my Sancho. For the offices of a faithful squire he is admirably qualified. "Right merry and conceited," prudent and discreet withal, full of mirth, and with such an admirable knack at raising a laugh, even at his own expense, that I should find in his wit a never-failing resource, even after a rib-roasting in a blanket, or during the operation of the sacred balsam. It is true that he tells me he will not fight, with, or without compulsion, and, although I should have to do all this troublesome part of our adventures myself, yet I think I might calculate on the unpremeditated gallantry of my squire on some occasions. If he would leave me to myself to rescue a forlorn damsel, or to attack the genius of an enchanted castle, I am sure that the sight of a flock of sheep would inflame his valor to the highest pitch of enthusiasm. Chivalry itself would co-operate, at such a crisis, with his ruling passion; for, on this enterprise, he would be merely at his old game, sir—*wool-gathering*. Yes, sir, a business in which he has been engaged for the last seven weeks, with a perseverance that is beyond all comparison or praise.

But I am done with the gentleman. If I possessed both the gall and the wit of Aristophanes, I would not say one word more. I part with him in the spirit and with the feelings of peace.

Mr. Ton rose, and, after making one or two remarks in reply, said, that he would not consent to become the squire of the gentleman from South Carolina without he would enter into bond and security to give him the island of Barrataria as the reward of his services.

Mr. HAMILTON replied, that the gentleman should have his island to a certainty, but upon the express terms and condition that he should confine his tariff exclusively *within its precincts*.

The question was then put, and decided by yeas and nays, as follows:

YEAS—Messrs. Alexander of Virginia, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Blair, Brent, Buchanan,

Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Farrelly, Floyd, Forsyth, Frost, Fuller, Garrison, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hooks, Houston, Isacks, Kent, Kremer, Lee, Leftwich, Lincoln, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Matson, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Richards, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of S. Carolina—101.

NAYS—Messrs. Adams, Allen of Massachusetts, Allison, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buck, Cady, Campbell of Ohio, Cassey, Clark, Collins, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Findlay, Foot of Connecticut, Forward, Harris, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Lathrop, Lawrence, Letcher, Litchfield, Little, Livermore, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—99.

So the House concurred with the Committee of the Whole, in reducing the minimum on woollens from 80 to 40 cents.

And then the House adjourned.

THURSDAY, April 8.

A new member, to wit, JOHN TALIAFERRO, in place of William Lee Ball, of Virginia, deceased, appeared, was qualified, and took his seat.

Mr. HAMILTON, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act for the gradual supply of cannon, bombs, howitz, shot, shells, and materials for carriages, for the fortifications of the United States, and for other purposes," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. BRENT, from the Committee on the Judiciary, to whom the subject had been referred, reported a bill disapproving, in part, an act of the government of the late Territory of Orleans, incorporating the Orleans Navigation Company, passed on the 5th day of July, 1805; which was read twice, and committed to a Committee of the Whole.

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The resolution offered yesterday by Mr. GAZLAY, respecting a township of land in Symmes's patent, was taken up, and agreed to.

The resolution offered yesterday by Mr. FORSYTH, in relation to cessions of land to the United States by the Cherokee Nation, was taken up, and agreed to.

On motion of Mr. TATTNALL, the Committee on Naval Affairs were instructed to inquire into the expediency of establishing a navy yard for the purpose of building and repairing sloops of war, and other vessels of an inferior class, at some suitable point on the St. Mary's river.

On motion of Mr. WICKLIFFE, the Committee on Pensions and Revolutionary Claims were instructed to inquire into the justice and propriety of settling and allowing to the widow of Lieutenant James Norris, the arrearages of pay due to him for his Revolutionary services.

THE TARIFF BILL.

The House then passed to the unfinished business of yesterday, being the report of the Committee of the Whole, on the bill for a revision of the Tariff of Duties on Imports.

The question being on the second amendment reported by the Committee of the Whole, viz: to strike out, after "manufactured," in the 51st line, to the end of the section, "a duty of twenty-five per centum ad valorem, until the first day of June, 1825; afterwards, a duty of thirty per centum ad valorem, until the first day of June, 1826; afterwards a duty of forty per centum ad valorem, until the first day of June, 1827; and, after that time, a duty of fifty per centum ad valorem;" and insert the following: "A duty of twenty per centum ad valorem, until the first day of June, 1825; afterwards, a duty of twenty-five per centum ad valorem, until the first day of June, 1826; afterwards, a duty of thirty per centum ad valorem, until the first day of June, 1827; afterwards, a duty of thirty-five per centum ad valorem, until the first of June, 1828; afterwards, a duty of forty per centum ad valorem, until the first of June, 1829; afterwards, a duty of forty-five per centum, until the first of June, 1830; and, after that, a duty of fifty per centum ad valorem: *Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more."

Mr. POINSETT rose, and said, that he should make no apology to the House for making, at this time, the remarks he was about to submit on the general principle of the bill. In adopting this course, he only followed the example of the chairman of the Committee on Manufactures, and of those who had preceded him in this debate. That, in what he was about to say, he begged to be understood as not calling in question the sincerity of those gentlemen who declared that, in this measure, would be found a relief for the depressed state of the country, and the means of promoting its present prosperity, but he wished the Committee to believe him equally sincere in expressing his deliberate conviction that this measure will check

the growth, if it does not utterly destroy the prosperity of the country; that it is calculated to change the character of our institutions; to drive thousands of our fellow-citizens from the business and pursuits for which they were educated, and in which they have hitherto found wealth and happiness; to build up large fortunes among a favored class at the expense of the people, and on the ruins of the commercial and agricultural interests of this Union; to substitute the miserable population of manufacturing towns for our hardy race of husbandmen and sailors, to whom we owe our liberties, our safety, and our national glory; to plunge this country into all the corruption and immorality which are the never-failing consequences of a prohibitory system of duties; and, by depriving Government of the revenue now derived from duties on imports, to compel it to resort to internal taxation and excise, which, however lightly gentlemen may treat them, are most odious to a free people. But, sir, said Mr. P., the evil to be dreaded, above all others, from the adoption of this measure, is the hostile feelings it will create between the different interests in various parts of this Union, and the combinations that will be formed, in the agricultural States of the South, to protect themselves against its destructive effects. The agricultural States of the South, said Mr. P., are devotedly attached to the Union; and even this measure, harsh and unjust as it is, and violating, as it does, the spirit of the compact, cannot drive them from it. They have proved their attachment to the Federal Government, not only by submitting to sacrifices without a murmur, but by courting them whenever they believed the good of the whole required sacrifices at their hands. They have never murmured at any revision of the tariff for the purposes of revenue, however hard and exclusively it bore upon their interests; but this attempt to encourage one branch of industry at the expense of all others; to protect the manufactures of the country, by sacrificing to them the navigation, the commerce, and the agriculture of the country, they will resist, by every Constitutional means in their power to adopt, and they will resist it successfully; for they will be aided by the interest of a vast majority of the people of this country—interests which will be deeply affected by a very short trial of what may be truly called a foreign policy—for it has nothing American in it.

The people of the West will soon discover that they cannot enter into successful competition with the Eastern States in the manufacture of the simplest articles; it will require but a brief trial to convince them that they cannot contend with a people who possess the advantages of capital and a sound currency; of superior skill, more steady habits of industry, free labor and cheaper, and more direct transportation to the markets of consumption.

The gentlemen of the West are deceived by the market that portion of the Union enjoyed for its manufactures during the last war. They forget that the communication along the coast, at that time, was interrupted by the enemy. In time of

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peace, when the easy and cheap transportation by sea is open, they will be undersold, even in the simple article of cotton bagging, by their more active competitors. Perhaps we shall be told, by the admirers of the parental policy of Great Britain, that, as England is protected against Scotland and Ireland, Kentucky ought to be protected against Massachusetts and Rhode Island. This might give that State a market for its manufactures—nothing else can. As this cannot be done, the inhabitants of the Western States will feel only the evils of this English policy, they will be deprived of the advantageous market they now enjoy in the South; for, if we are cut off from our intercourse with Europe, as there is good reason to believe we shall be by the operations of this law, we shall no longer be able to purchase the produce of the West; we shall not have wherewith to pay for it; we shall be compelled to adopt the last of the "alternatives" so kindly presented to us by the honorable Speaker—we must raise and manufacture every article we require, or we must starve. And when, besides this certain loss, the people of the West have to contribute to the support of Government, not as at present, indirectly, by imposts on articles which they may consume or not, as they think proper, but by direct taxes, and by an oppressive excise, they will become as eager and as clamorous for the repeal of this law as they now are for its passage.

The people of the Eastern States, after being compelled to abandon the pursuits of their early life; after being driven from the employments afforded by navigation and commerce, and from the manufacture of ships to that of woollen and cotton cloths, will find that the same act leaves them without a market at home or abroad for this product of their industry. The general poverty to which the agricultural States of the South will be reduced by the operation of this law, will deprive the manufacturers of their best market at home; and advantageous treaties between the manufacturing nations of Europe and the cotton-growing countries south of us, will deprive them of their only foreign market. In our political combinations we ought always to infer, that nations will pursue that policy which their interest dictates. If we refuse to take the manufacture of Great Britain, it will become the interest of that nation to foster those States that will do so. The free Governments of South America, south of us, already manifest a preference in favor of that great commercial and manufacturing nation, and we are about to furnish them both with still farther inducements to unite more intimately, to the exclusion of our raw material on the one hand, and of our manufactures on the other. The inevitable consequence of such a system will induce the people of the Eastern States to unite their efforts more strenuously than ever to those of the people of the South, to restore that order of things under which they have enjoyed unexampled prosperity, and will be content to lose one-half of their capital to effect the change. It is well known to every gentleman on this floor, that a very large proportion of the capital of the manufacturer is

fixed capital, buildings and machinery; and if, after this dangerous experiment, a reaction should ensue, as it certainly must, there is no calculating the amount of capital that will be lost to the nation. One of the most serious obstacles to the creation of manufactures by legislative provision, in a Government like ours, consists in the uncertainty of the duration of such unequal laws. This consideration ought to deter us from adopting this measure, even if it were as politic as it is really unjust, arbitrary, and ruinous. It is difficult, likewise, to calculate the amount of capital that will be sunk in trying this scheme. Capital never changes its course suddenly and violently without great losses. They will be experienced on all property now employed in navigation and commerce, on ships, docks, magazines, warehouses, and lands, and houses in our seaport towns. And for what are we called upon to hazard this costly experiment? To protect and foster the manufactures of the country. They do not need it. They have grown up rapidly and steadily with the protection they now enjoy. Capital has been gradually withdrawn from commerce and agriculture, and has been invested in manufactures as a more profitable employment for it. They are not only able to meet the foreign article in the home market, but are brought into successful competition with foreign fabrics abroad. From the advantage now enjoyed by our manufactures, of having the best cotton in the world at their own doors, their fabrics are of superior quality to the same description of goods manufactured in Europe, and are preferred by the Americans of the South. The consumption of our manufactures is already great in Buenos Ayres and Peru, in the Brazils and in Mexico, and whenever our interests shall be properly attended to in those countries that consumption will be increased, unless, indeed, the policy we are about to pursue deprive us of those markets. If we refuse to take the wool and tallow of Buenos Ayres, and the hemp of Chili, must we not expect countervailing regulations on their part? It is ridiculous to compare the complaints of the manufacturers with the provisions of this bill. One of their memorials sets forth—"That they are unable to cope with foreign nations in supplying our markets with woollen goods. Their machinery is more perfect, the wages of labor are less, and wool is more abundant and cheaper." And we propose by this tariff, (if we credit its advocates,) while we find employment for half a million of the idlers of the land, who exist only in the imagination of gentlemen, to augment the wages of labor, and to raise the price of wool, by prohibiting the importation of the foreign article. The defect of skill and machinery is probably to be provided against, by prohibiting the importation of the best iron for casting the finer parts of machinery. But it is New York that will feel most oppressively the injurious effects of this measure. It is there that its operation will be most ruinous. That State, with its sea-girt frontier, (if I may be allowed the expression,) is essentially commercial. Its prosperity depends mainly upon that of the city, which must be deeply affected by

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the privation of the carrying trade of the bulky agricultural products of the South, and by the prohibition of foreign importations, which the chairman of the Committee of Manufactures told us yesterday was the avowed object of the bill. With the decline of navigation and commerce, the great advantages now derived from the happy situation of this seaport will be wrested from it; the market of New York must fail; it cannot remain one of great consumption. Capital will depart from it, and be diverted into other channels. There will remain nothing to give in exchange for the produce of the interior, and it must rot upon the hands of the farmer. The great canal, so justly the pride of the State, will become a stagnant pool, choked with weeds, instead of bearing on its surface the rich products of the West, and the produce and manufactures of every soil and of every clime. I saw, said Mr. P., the seaport towns of France during the existence of the restrictive system of Napoleon. The houses were abandoned; they were worth little more than the dry trees of the forest. Grass grew upon the borders of the docks and in the streets. They were the abode of poverty and wretchedness, and such must be the condition of New York under the operation of this law. The honorable Speaker quoted, the other day, Napoleon's account of the operation of his favorite prohibitory system—a measure directed entirely to injure Great Britain, not to benefit France. He attributed the prosperous and flourishing state of France to the effects of prohibition. I, said Mr. P., humbly apprehend that the prosperity of that country is due to other and very different causes—to the emancipation of that people from despotism and superstition, to the distribution of the Church and Crown lands into small farms, by which means the peasantry of France became proprietors of the soil, and were elevated to the rank of free and independent landholders. This change is in itself sufficient to account for the improved condition of that country. The state of the seaport towns of France during the prohibitory system of Napoleon, was not more deplorable than that of the manufacturing establishments. The fabrics of other countries found their way into France, notwithstanding the vigilance of a host of custom-house officers. Their price was enhanced to the consumer, the revenue was defrauded, but they could be purchased in any part of France. It is true, that the internal commerce of the country was extensive and flourishing. But what did it arise from? From war! That was the only trade which flourished during the reign of Napoleon. The only manufacture in successful operation was that of arms, with the exception, perhaps, of that of silks, and their prosperity was due to other causes, and principally to the superior quality of the raw material, the produce of the country. Such was the state of the cotton manufactures that Government connived, and, indeed, still connives, at the introduction of the finer sorts of thread from England, without which the manufactures of fine cottons could not go on. They are prohibited, but if the manufacturer can smuggle them over the frontier he may

use them. I shall not comment on this most singular policy—the natural consequences of measures like the one proposed by this bill. The wars in which France was engaged, were carried on beyond her own frontier, and at the expense of enemies and allies. The beneficial effects of such wars upon the internal commerce of the country must have been great. Clothing half a million of soldiers, feeding them on their peaceful passage to the frontier, the transportation of provisions, clothing, arms, munitions of war, gave life and activity to the interior of France—causes altogether foreign to the prohibition of imports. Our attention has been called to the public works erected in France, as a proof of the prosperity of that country—a prosperity arising, it is said, out of the prohibitory system. What were they? Magnificent roads over the Alps to open an easy communication with Italy, in order to keep those States in subjection; roads and canals for the transportation of heavy ordnance and munitions of war to the frontiers; monuments erected as trophies of the victories of the conqueror of Europe. Neither such causes nor such effects ought to be subjects of admiration to the people of this Republic, much less, of imitation. The honorable Speaker and the Chairman of the Committee of Manufactures account for the prosperity and depression of nations by the existence or absence of a prohibitory system of duties; they reject the theories of speculative writers as too absurd to require refutation; they triumphantly appeal to facts; they would direct their footsteps by the lamp of experience. Let us, then, examine the facts on which they rely. Ireland and Spain are the two countries of the world where the industry of the inhabitants is most unprotected, and are, on that account, the most miserable countries in the world. That was, I think, the proposition of the honorable Speaker, and of the Chairman of the Committee of Manufactures. The subject of the state of Ireland is now before the British Parliament, and it would appear that both the Treasury benches and the Opposition are so blind as to attribute the depressed state of that country to the unequal distribution of property, to the non-residence of landholders, to the system of underletting, so oppressive to the poor cultivator, to the exaction of excessive taxes and tithes, and to the degraded state of four-fifths of the population, who are denied the privileges enjoyed by their Protestant countrymen. Not one word of want of protection; nothing said of the necessity of prohibition. That oppressed people themselves would be not a little astonished, if told, that the remedy for all they suffer was so simple. Parliament had only to extend the "sweets of prohibition" to Ireland, to render the people prosperous, and to make the land flourish like a garden. It is surprising that so simple a remedy never occurred to her patriot statesmen—to Curran, Grattan, Hamilton, Rowan, Tone, or Emmett. But I cannot discover any essential difference, in this respect, between England and Ireland. What difference there is, is in favor of the latter. The linen manufacture, the most important in that

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country, is not only protected from foreign competition, but enjoys a bounty on its exportation. By an agreement between the two countries when they were united, a duty of ten per cent. is exacted upon the manufactures of each country, when imported into the other. These union duties, as they were called, were intended to favor Ireland, and the duty on the raw materials of manufactures is somewhat less when imported into Ireland, than when imported into England. The Irish manufacturers have lately prayed for a repeal of the union duties. They say nothing of the propriety of further protection from foreigners. They are now able to enter into competition with the English manufacturer, and desire to have the markets of England and Ireland open to the rival industry of the manufacturers of both countries.

What is the fact with respect to Spain? The depression of that country was very satisfactorily accounted for by the gentleman from Virginia; but, Mr. Speaker denies that the causes assigned by that gentleman have had any effect, and attributes the decline of Spain altogether to the want of protection. All the writers on Spain attribute the depressed state of that country to the *mesta*, the free transit of immense flocks of sheep from the plains to the mountains and back, feeding freely and destroying the timber enclosures of the land in their passage; to the large amount of property in mortmain, to exactions of oppressive taxes and of tithes, and to the abuse of the power of the Church. Jovellanos, with the fear of the Inquisition before him, accounts in this manner for the decline of every branch of industry. I will not trouble the Committee by reading any part of this report, but will refer them to the fourth volume of "Laborde's view of Spain," where they will find a bad translation of that eloquent work. And, sir, is it not true that the abuses of the Catholic Church have produced a powerful effect both upon the liberties and the prosperity of Spain? I speak only of its abuse. As it exists in this country, I feel for that religion the greatest respect—freed from its superstition and abuses, I join the honorable Speaker in all his admiration of its principles. But, sir, the power and influence of the Church in Europe has been abused to the destruction of the prosperity of many countries under its dominion.

The Speaker says it is not so, and calls upon us to look at France—France is not now under the dominion of superstition; and compare its present state with what it was before the Revolution. Look, said that gentleman, at the States of Germany, and to the difference between the Catholic and Protestant States of Germany. The gentleman from Virginia may confidently appeal for the truth of what he advanced. Look, said Mr. Speaker, at Switzerland. Well, sir, look at Switzerland—pass from the Catholic to the Protestant cantons—pass from Luzerne to Zurich, and the distinction is not more obvious; the line is not more strongly marked, that separates the desert of Atacama from the fertile plains of Chili. But, there are other causes which operate in Spain, to depress the industry of the people, and destroy

their prosperity; and, as the state of this country has been so strongly urged by the advocates of this measure, as a proof of their theory, the Committee will pardon me for dwelling upon them. Laborde says that—

"The country contains 100,000 persons, existing as smugglers, robbers, pirates, and assassins, escaped from prisons and garrisons; about thirty or forty thousand appointed to guard the public from these depredators, and often having an understanding with them; 250,000 servants, according to the enumeration of 1788; 60,000 students; 100,000 beggars, fed by 60,000 monks; 600,000 persons who are of no use to the mechanic arts."

But the number of those that live upon the fruits of the earth, without adding to them by productive labor, of the "*fruges consumere nati*," is much greater. Spain contained 10,143,965 persons. Subtract women, children, and old and infirm men, five-eighths at least of the population, leaving 3,803,981 men.

Of this number, the secular and regular clergy,	
were	125,000
The land forces	149,956
Seamen and marines	101,379
Nobility	478,716
Students	47,312
Councillors	5,673
Scriveners	9,351
Domestics	276,090
Persons employed in collecting taxes	27,922

Total - - - - 1,221,799

Leaving only 2,582,592 employed in productive industry. Among the many complicated and oppressive taxes on industry, a tax was levied in some of the provinces, on the wages of labor. In Catalonia, it amounted to 8½ per cent. upon the earnings, which were calculated upon one hundred and eighty days of labor; one hundred and eighty-five days being supposed to be consumed by Sabbaths and festivals of the church. Look at the difference between the Alcabala and other provincial duties on articles of home produce, and manufactured in Spain, and on those imported. The first paid only two per cent., the second fifteen; and, as this duty was paid as often as the article was sold, the foreign article never paid less than 30 per cent., besides other duties; for, it first paid the Alcabala, when placed in the warehouse of the merchant, and again when sold at retail; very often, indeed, 45 per cent. was paid in this way alone, on goods brought from foreign countries; so that the Spaniards enjoyed the "sweets" of protection, if not of prohibition. On this subject, Laborde has the following passage:

"The provincial taxes include a variety of articles. These are levied upon all kinds of produce of the soil, and every branch of agriculture, trade, manufacture, wheat, and other grain, oil, wine, fruits, pulse, vegetables, animals of all kinds, and beasts of every description; upon all merchandise manufactured in Spain, as often as it is sold; upon all foreign goods, the same, after having been subject to the import duties; and these taxes must be paid every time the articles are bought or exchanged.

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"The husbandman, the proprietor, or farmer, cannot sell or exchange the produce of the soil, the increase of his flocks, his poultry yard, stud, or kennel, nor the manufacturer the goods in his factory, nor the merchant those he has in his warehouses, without, at every sale and resale, paying this duty. No individual can sell his horse, ass, or pig, without being equally liable. No person can kill a calf, sheep, or lamb, from his own stock, without having previously made a solemn declaration that the animal is *bona fide* one of his own herd or flock, and that he kills it merely for the use of his own family.

"This duty is fixed at the rate of two per cent. ad valorem, for the home produce and articles manufactured in Spain; but fifteen per cent. for that brought from foreign countries. It is paid every time the goods change their owners; and instances have occurred where they have paid it ten, twelve, and fifteen times before they came into the possession of the consumer. Numerous substances pay many times when they are converted into different forms: as grease, three times—first, when purchased with the animal which produces it; afterwards, as tallow; and thirdly, when made into candles; oxen, calves, sheep, lambs, and pigs, twice—first, when purchased by the head; and, secondly, when the carcass is sold retail; the first three pay it a third time, upon the skins when dressed; grapes pay it three times, as, first, when converted into wine, and again when made into vinegar; oil three times; first, as oil, second in soap, and lastly when changed into paint; wool and silk pay twice; first, in the raw material; and, secondly, when converted into cloths and stuffs.

"This duty is one grand obstacle to agricultural improvements, because chiefly falling upon articles of prime necessity, and of ordinary and most extensive consumption. It principally oppresses those persons who, from their scanty means of subsistence, are obliged to purchase from a fourth or a fifth hand, and who, consequently, pay this duty an equal number of times over, while the rich, who can buy by the wholesale, and of the first supplier of the market, pay it only once."

Speaking of the state of the manufactures in Spain, Laborde says:

"The very high price at which goods manufactured in Spain, sell, arises from a combination of causes. The dearness of provisions, the great expense of manual labor, the few hours workmen labor in the course of the day, the number of holidays, in which none or very little work is performed, the difficulty and high rate of conveyance of articles used in the manufactories, from want of canals, navigable rivers, good roads, and convenient carriages; and the duties imposed, not only upon the raw, but also upon the manufactured article, the constant restraint resulting from fiscal obligation, the domiciliary visits, the difficulties continually arising from persons employed in collecting the customs, are all so many obstacles which hinder the sale of national manufactures, and consequently impede the progress of national prosperity."

The prosperous state of Great Britain is due, say gentlemen, entirely to the protection afforded to its commerce and manufactures, to its restrictive and prohibitory systems. The first was intended to foster the navigation of the country, and was considered, at the time of its adoption, as hostile to commerce. I will not detain the

Committee by reading extracts from the work I hold in my hand, "Reeves on Shipping." From that work, it appears that all the acts on this subject were intended to protect navigation. They were at first entitled "acts for the maintenance of the Navy;" and afterwards, "acts for the encouraging and increasing shipping and navigation;" and, in the history of these acts, it will be seen, that a constant struggle was maintained between the Government and the merchants.

On the part of the Government of Great Britain, this was certainly a wise policy at the time it was adopted. Surrounded as that nation was, by great maritime Powers, it was essential to create a navy, and the immediate interests of commerce were sacrificed to that paramount consideration. By steadily pursuing this policy, they became masters of the seas, and masters of the commerce of the world. But, for a long period, they continued to export little else than the produce of the soil. After being engaged for a long series of years in successful and lucrative trade, a vast amount of capital was accumulated, and a part of it was naturally directed to manufactures. Their establishment was favored, too, by the arrival of the refugees from France, who were driven from their country by the edict of Nantz, to seek an asylum in England. The system of protecting duties grew up slowly, and always in consequence of excessive taxation and excise upon every article of life. The corn laws which we complain of, originated in the necessity of protecting the agriculturist in England, who pays tithes, land tax, and poor rates, from the farmer of other countries, who pays none of those taxes, or where they are moderate, and who could, therefore, undersell him in the home market. It is a tax levied upon the whole community, so as to equalize the burden of general taxation, which would otherwise overwhelm the English cultivator. Such a regulation here would be an odious imposition upon the people for the benefit of one class. So far is the prosperity of the manufactures in that country from being due to protecting duties, that Lowe, in the work so frequently quoted by gentlemen on the opposite side, says, expressly, "that, of 123,000,000, the total value of British manufactures, 80,000,000 consist of the 'three great articles, cotton, woollen, and hardware,' none of which receive protection from custom duties." "What," he asks, "was the real motive 'on the part of Government for these multifarious regulations—this long list of duties, drawbacks, and bounties? Not to confer on any of the parties, whether agriculturists or manufacturers, an absolute advantage, but to reconcile them to the taxes imposed on the respective articles of their produce." Great Britain has been compelled, from frequent and expensive wars, to resort to an oppressive system of taxation, and to lay an excise on every manufactured article. To encourage her navigation, and to enable the English manufactures to meet the foreign fabrics in foreign markets, drawbacks are granted, and, without that provision, English goods could not be exported or sold on any thing like equal terms with

those produced by the same measure in other countries where no excise exists. Such a system would be unjust here; it would be a tax upon the people for the benefit of a single class; as for many articles of English fabric, an Englishman pays more at home than we do here. It is true that Great Britain does present a magnificent spectacle of increasing national prosperity and greatness; but gentlemen have not attributed this to its true causes—the vast accumulation of capital, superior mechanical skill, persevering industry, and minute division of labor. They have ascribed it altogether to the defects of the regulations of that country, for such they are acknowledged to be by all their writers, and all their enlightened statesmen.* There is another cause which has great weight: it is the existence of a sound national currency. Even the Opposition in England attribute the present highly prosperous state of the country mainly to the resumption of specie payments. But, sir, let us look at the state of individual happiness, and at the prosperity of the people of that country, as compared with our own. I heard, with the utmost surprise, an assertion that they were better fed, and better clothed, and enjoyed more comforts, than the people of this country. It has been my lot, said Mr. P., from inheriting a feeble constitution, to be compelled to travel much. I have been frequently in England, and, in returning to my native country, I have remarked, with pride and delight, the superior condition of the people of the United States—superior to that of every other people on the face of the earth that I have ever seen. For the truth of this, let us look at the facts. A large proportion of the people of England, about three-fifths, are manufacturers, I mean artisans, workmen, and laborers, in manufactories; for the capitalists who own them are too inconsiderable in numbers to be counted, although we seem to regard them as the only part of the community worthy to be encouraged. These men toil through life on a small stipend, barely sufficient to enable them to rear up a family, to become themselves laborers at a very tender age. This is all they ever aspire to. Owing to this circumstance, the poor laws have become a part of the manufacturing system. †If the laborer is thrown out of employment, by accident, disease, or the invention of a

* "For some years past, there certainly has prevailed, in this country, among its ablest statesmen and most eminent writers, I should say, indeed, among all men of sense and reflection, a decided conviction, that the maintenance of this prohibitory system is exceedingly impolitic."—*Speech of the Chancellor of the Exchequer on the financial state of Great Britain.*

† At a late meeting in England, to take into consideration the state of prison discipline in that country, it was objected, that convicted felons received a larger share of meat, vegetables, and bread, per day, than could be procured by an agricultural laborer. The reply was, that the agricultural laborer could, from the poor's rates, obtain that supply which his own wages were inadequate to procure:—A state of things the American farmer is called upon to envy!

new labor-saving machine, he must be relieved by the parish or starve. Such is the division and perfection of labor in that country, that a man thrown out of employment from his place being usurped by another machine, cannot, in many years, hope to earn his livelihood in any other manner. The only advocates of the poor laws in England, and I never expected, said Mr. P., to have heard any one here praise such a system, contend that they have become necessary, in order to provide for laborers, and to equalize taxes. That is to say, to tax the landed interest for the support of the poor laborer and artisan in sickness, in want of employment, or when the proprietor finds it convenient to lower their wages below their actual necessities. The workmen whose condition is represented to be so happy, cannot insist upon an advance of wages, let the profits of the manufacturer be what they may. The wages of labor bear an exact proportion to the price of provisions, and, so far is the laborer from having it in his power to accumulate any thing, that, if his labors are accidentally suspended, he must be relieved by the parish. The workman passes in this manner through life, hopeless of ever bettering his condition; this is the case with all the lower classes in England. The servant who puts on a livery is content to die with it on his back. This makes excellent artisans and good servants; but we ought not to seek to reduce our fellow-citizens to such a state.

I will not refer to Colquhoun's statements to prove the number of beggars and disorderly persons there are in England; that is now considered of very doubtful authority. But I will refer gentlemen to the report of a committee of the House of Commons on the state of mendicity in England. God forbid that the assertion made on this floor that there are as many, if not more, beggars in our towns, should be true. The number of poor supported by the poor rates in England and Wales amounts to one million, one-twelfth of the population, at an annual expense of 6,000,000*l.* sterling, more than \$26,500,000. So much for the people whose lot we, in the United States, are called upon to envy!

The effect of these regulations, which may be traced all to a system like the one proposed by the bill upon your table, upon the middle class of landholders, has been most oppressive. Thousands have abandoned their farms, and gone into voluntary banishment, to avoid the pressure of taxation, tithes, and poor rates. They may be seen in thousands, settled in France, in the Netherlands, and in Italy, living where the necessities of life are within the reach of men of moderate fortunes.

The laws and regulations which the advocates of this bill think have been productive of the greatness and prosperity of England, and which they believe that we have only to adopt, in order to arrive at the same result, if they have had any effect, have produced the extremes of wealth and poverty—a state of society we ought carefully to avoid, if we value our republican institutions, and desire to preserve them.

Look, too, at the force constantly kept on foot to suppress smuggling, where such a system as the one proposed exists. In Great Britain, besides a host of custom-house officers, there is an army employed in what is termed the preventive service.

In France, upwards of thirty thousand men are kept in constant employment to guard the customs from fraud. In Spain, it requires twenty-seven thousand men to collect the taxes; yet, notwithstanding those armies of custom-house officers, smuggling is carried on so extensively that a small premium will insure the transit of prohibited articles between England and France. From the Netherlands to Paris costly articles are smuggled at a premium of less than one-half per cent.* Our customs are now guarded by public opinion; destroy that—let it no longer be considered infamous to violate our revenue laws, and the whole Navy of the United States, and ten times our present land force, will not prevent smuggling. In the States of Europe, the existence of these armies of officers adds to the strength of Government. They are more dependent upon, and more devoted to, the authority that employs them, than any other description of force—we ought to be extremely cautious how we place such means at the disposal of our Treasury to enforce this prohibitory system; and on a coast like ours, no maritime force this Government can afford to keep up, will prevent smuggling.

The example of Russia is cited; Russia, say gentlemen, tried a free and unrestrained trade, which occasioned her ruin, and has wisely resolved to abandon it. The distresses of that country are to be attributed to any other cause—to the maintenance of nearly a million of soldiers—to the civil institutions of the country, and, principally, to the excessive issue of paper money. During the long wars with France, Russia, in order to subsist her armies abroad, was compelled to send almost all the specie out of the country, and to replace it by paper money, which has now depreciated so much that a ruble is not worth more than one-third of its original value. We can draw no lessons from the experience of Russia. This country is totally dissimilar. But, if their experience does apply at all to us, it is all against the conclusions of the honorable Speaker. The restrictive system was tried by the Emperor Paul; and Russia was not only greatly impoverished at the time, but lost markets for her produce, which she has never regained. The Emperor Alexander, after the peace of Tilsit, attempted to carry into effect the prohibitory sys-

* Mr. Huskisson, in his speech on the silk trade, repeatedly states, and quotes evidence to prove, that, notwithstanding the prohibition, French silks are introduced into England for a premium of ten per cent.; one of the witnesses says: "When I was at Paris, they had no idea I was a manufacturer, and they offered me, for an insurance at ten per cent. to send me any quantity of manufactured silks I chose to select, to any part of London I pleased, notwithstanding their liability to be seized as French wherever they were found."

tem of Napoleon; but even he was compelled to yield to the will of his people. They bore, without murmuring, every burden but that. It is well known that the relaxation of that system led to the war between Russia and France, which terminated in the overthrow of Napoleon. The "enlightened Minister" of Russia will find himself as much mistaken as the advocates of this bill, in his attempt to restore Russia to prosperity, by adopting a prohibitory system of duties. The remedy must be applied to the causes of the depression he complains of. This experiment, however, may be tried without danger to Russia, already depressed as low as possible; but here, in a country in an unexampled state of prosperity, its failure will be ruinous.

And here let me remark that the happiness or misery of a people, and the prosperity or depression of a State, are comparative terms. The condition of this country, and the sum of human happiness in it, if compared with any other, would bear me out in the assertion that we are, at this moment, the most prosperous and happiest people in the world.

The honorable Speaker was at great pains to explain the amount of taxation each nation bears, and considered that as showing the comparative wealth and capacity of a country. It is true "that the burden of taxation is always relative to the ability of the subjects of it." But it is not true, that the existence of immoderate and excessive taxes in a country, proves the ability of the people to bear them without serious inconvenience or ultimate ruin. It is true, that the same amount of taxation would press more heavy upon a poor, than it would upon a rich nation; more heavy upon Spain, than upon England. But it is not true, that the amount of contributions a Government draws from the pockets of its citizens, is a proof of the prosperity or capacity of the country. It proves little more than that the expenditure of that Government is extravagant; it is not true, that because the taxation *per capita* in England, is three pounds two shillings sterling, (\$13 78,) and that in the United States, nine shillings, (\$2,) the prosperity of England, and the capacity of that people to bear taxation, are to those of the United States in the ratio of \$13 78 to \$2. This fact shows only that we live under a wise and economical Government, which, instead of lavishing the substance of its citizens, leaves them the means of accumulating wealth from the most humble beginnings. Look at the condition of the people of the two countries. How easy it is here, where the taxes are light, for the poor man to elevate himself by industry and economy to wealth and consideration; how impossible is it for the same description of person to succeed in England, where the last surplus cent is drawn from him for the support of Government; there he can do little more than maintain himself above want.

The true test of the prosperity of a people consists in their means of consumption; and, if judged by this standard, by the quantity and quality of the food and clothing they consume; by the man-

ner in which they are lodged, and their rapid accumulation of wealth, the great mass of the people of this country are more prosperous and better able, in proportion to their numbers, to bear an equal burden of taxation, than any people in the world.

Situated as we are, with an extensive seacoast frontier, our independence, our very existence as a nation, depends upon our ability to protect our shores from the attacks of great maritime Powers. The effects this bill is calculated to produce on our navigation, have been clearly and unanswerably shown by the gentleman from Massachusetts. I know, said Mr. P., we shall be told, that if it does affect our foreign commerce, it will increase the coasting trade. But, if the Atlantic States be impoverished, and deprived of the means of purchase, how can the coasting trade be carried on? If the Eastern States and New York cease to import the articles we want, what will remain to be carried? If the South is compelled to raise and manufacture for its own consumption, if it is deprived of the means of purchase, must not the coasting trade suffer? Commerce, of every description, coasting or foreign, cannot be carried on advantageously, if at all, unless it embraces articles of every description; confine it to one or two, and it perishes.

It is idle to say, that any one trade is a losing trade to the nation, if it furnishes the merchant with the means of carrying a variety of articles to other markets. The East India trade has been cited. Let us see how it operates. A vessel is sent out to Europe, with a cargo of domestic produce, and returns laden with French and German goods, suited to the Mexican and South American markets. To these are added more produce and domestic manufactures, silks and nankeens of China, dyed here. This assorted cargo is sold in Mexico, for what is the produce of the earth there—for gold and silver—which are brought to this country to be shipped to China for more silks and nankeens and teas, which are again sent to South America and to Europe.

On every one of these transactions, there remains a profit to the revenue and a profit to the merchant: yet we are told that commerce is not productive. It is productive always in proportion to its extent,—in proportion to the variety of articles the merchant has to make up his cargoes with. Speaking on this subject, the eloquent Patrick Henry exclaimed, "Fetter not commerce; let it be free as air; she will range the whole creation, and return on the four winds of heaven, to bless the land with plenty."

The gentleman from Massachusetts has demonstrated the fallacy of the assertion, that the ruinous state of our commerce is deducible from the unfavorable balance of trade. He has shown, too, that the difference of exchange between this country and Great Britain did not depend only upon the state of trade between the two countries, but, in a great measure, upon the difference of their currencies. In corroboration of what he advanced, I will, said Mr. P., mention a circumstance which will make it familiar to every gentleman

that hears me. Being about to leave England in 1820, and having a few sovereigns more than I required, I exchanged them, in Liverpool, for dollars. The dollar, at par value, is 4s. 6d., 54 pence sterling. I bought them for 4s. 2d., 50 pence sterling, which has been the price for some years past. I received for my 20 sovereigns, 96 dollars, whereas, at par value, they were only worth 88; and, by this operation, I gained more than eight per cent. The exchange at this time was in favor of England, nominally, ten per cent., so that if we take into account the freight and insurance, it was, in fact, very nearly at par. The exchange is made, not in currency, but in a merchantable commodity, liable to some fluctuation in value, in England, where only a given quantity of silver coin is issued and where payments over a certain sum must be made in gold.

The effect of this bill on our revenue, if it produces the results anticipated by its advocates, must be ruinous. It is, however, useless to urge this topic on the attention of the Committee.

It is clear that, if this bill produces the effect anticipated, of protecting and encouraging our domestic manufactures by preventing the introduction of foreign fabrics, the revenue now derived from imports must be diminished; if it does not produce that effect, it will not afford that protection—if the foreign article continues to be imported, it is, in the present state of our Treasury, an unjust and impolitic tax on consumption.

Its effects on the cotton-growing States, no one can deny. We now supply Great Britain with more of that raw material than all the world besides. But, says Mr. Speaker, "Will she refuse to take our cotton because we refuse to take her cotton fabrics, and thereby deprive herself of the market she now enjoys?" This would be true enough if Great Britain could not obtain cotton elsewhere, and must either consume ours or stop her manufactures altogether. We now supply Great Britain because we are her best customer; she may not refuse to take our cotton, but her manufacturers, who are many of them shipping merchants, will bring their cotton from those places where they sell their fabrics—from Brazil and from Mexico.

How this bill is to operate in favor of agriculture, I am at a loss to understand. Will it increase the consumption of bread corn? This can only be done by opening foreign markets, and by augmenting our population; and is this to be effected by prohibiting foreign fabrics, or by shutting the people up in manufactories? Will it augment the comforts of the people to compel them to become artisans, or enable them to consume more? The only possible effect this policy can have upon the agriculture of the country, will be, to augment the price of produce by diminishing its quantity. The farmer, deprived of a market, and cut off from all means of support by cultivating the earth, condemned to pay an increased price on every article of consumption, and driven from his home by tax-gatherers and excisemen, must seek refuge in some manufactory. The rich man will alone be able to contend against the

effects of this law, and the lands must fall into the hands of a few.

And yet we are told that "the opponents of this system are the rich of the land." The effects of a system which transfers property into few hands, upon the liberties of the people, I leave the intelligence of the Committee to infer. The effects upon the freedom of election, by the existence of great manufacturing establishments, containing half a million of people, who must be under the control of a few men, is too obvious to require a comment.

The honorable Chairman of the Committee of Manufactures has likened the inhabitants of this country to an army marching to battle, and asks, what would be the condition of such an army, if every man was allowed to march as he chose, and to load and fire when he pleased? This, then, is an avowal of the intentions of that gentleman. We shall not be permitted any longer to do as we please. We are to be marshalled as an army. We must march with a regular front. No man must leave the ranks; no man is to be allowed to surpass his fellow-men, and to spring forward to gain the prize his talents and industry had placed within his grasp. We are to be reduced, like the Hindoos, to castes, and condemned to toil all our lives at one employment. I trust in God the Committee will not sanction a law intended, avowedly, to produce such effects.

The natural progress of a country like ours is first to become a great agricultural State; from that agricultural prosperity springs commerce, which ought to be fostered unremittently until it has created a navy sufficient to protect our maritime frontier, and that commerce which gave it birth. The accumulation of capital from successful commerce leads naturally to the establishment of manufactures: to this order of things they now owe their flourishing condition in this country. The extensive commerce this nation enjoyed during the late wars of Europe, led to the accumulation of a large capital, which, as it could no longer be profitably employed in navigation and trade, was invested in manufactures. They presented to the capitalist the best prospect of profit. But, say gentlemen, we are not advancing fast enough—let us legislate the nation into greater prosperity; let us direct how every man shall employ his capital.

The most sanguine projectors of this scheme cannot believe that the prohibition of foreign fabrics will create capital; their object can only be, in their zeal for long exploded doctrines of political economy, to drive their fellow-citizens from their present pursuits; to control the industry of individuals; to urge forward the premature growth of manufactures by forcing the capital now in existence from all other channels: attempts that have proved ruinous wherever they have been made.

Look, said Mr. P., at the unexampled prosperity of this country; a population advancing with a rapidity beyond all parallel—an accumulation of capital, within a small space of time, which is almost incredible; a revenue more than adequate to

all our wants in time of peace, without resorting to internal taxes. Within half a century we have become a great and powerful nation; and by what means? By the freedom of our institutions. By the liberty every man enjoyed to employ his industry and capital in the manner he judged most advantageous. By the Government having kept steadily in view the spirit of the Constitution, and having enacted laws for the benefit of the whole, without favor and without partiality. That the law now contemplated is the reverse of all this, no one can deny. It is intended to control industry, and to favor a few at the expense of the vast majority of the people. It is a law intended for the rich man, for the capitalist; it will not profit the laborer, but will drive him from a healthy pursuit to a sedentary and sickly employment—if, indeed, the number of industrious men who now gain a livelihood by the prosperous state of our seaports and of our navigation and trade will find employment, when we shall have taken from them their present means of support. There are, said Mr. P., other considerations, which he had intended to have offered to the attention of the House, but his exhausted strength compelled him to conclude.

It requires, indeed, no arguments to prove, that, by destroying our navigation, by restricting importation, and consequently exportation, the maritime power of the nation must be annihilated. By prohibiting the introduction of foreign fabrics our revenue must be impaired. By crushing the enterprise of our merchants, all who depend upon commerce for support must suddenly be reduced to poverty and distress.

When Mr. POINSETT had concluded—

The question was taken on agreeing to the amendment, and decided in the affirmative without a division.

The House then proceeded to the third amendment, which is, to strike out the words "printing types" from the class of twenty-five per cent. ad valorem duties. This amendment was agreed to.

The fourth amendment proposes to insert, in the eighty-seventh line, the following: "On all ingrain carpets or carpeting, twenty-five cents per square yard."

The fifth amendment proposes to insert, "on oil cloth carpeting, and on oil cloths of every description, a duty of thirty per centum ad valorem."

With these two amendments, the clause reads as follows:

"On Brussels, Venetian, Turkey, and Wilton carpets and carpeting, fifty cents per square yard; on all ingrain carpets or carpeting, twenty-five cents per square yard. On all other kinds of carpets and carpeting of wool, flax, hemp, cotton, or parts of either, twenty cents per square yard; on oil cloth carpeting, and on oil cloths of every description, a duty of thirty per centum ad valorem."

Both these amendments were agreed to, the first without a division, and the latter by a vote of ayes 99, noes 72.

Mr. KREMER, of Pennsylvania, then observed that he had been requested by several members who were absent yesterday when the vote was

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taken on reducing the minimum on woollens from eighty to forty cents, and by some others who had voted under a misapprehension with respect to the consequences of their vote, to move for a reconsideration of the vote taken.

Being called upon by Mr. A. STEVENSON, of Virginia, for his reasons, Mr. KREMER stated them more fully.

It was then resolved, that the question of reconsideration should be taken by yeas and nays; and after a prolonged debate, in which Messrs. LIVERMORE, STORRS, and KREMER advocated, and Messrs. MERCER, RANDOLPH, OWEN, and FORSYTH, opposed reconsidering.

On motion of Mr. FORSYTH, a call of the House was made, the names of the absentees were called over, and the doors closed; when

On motion of Mr. RANDOLPH, all farther proceedings in relation to absent members were dispensed with.

The doors were then re-opened, and the debate was renewed by Mr. WEBSTER, who spoke in opposition to reconsidering.

The question was then taken, and the House agreed to reconsider—yeas 110, nays 95, as follows:

YEAS—Messrs. Adams, Allen of Tennessee, Allen of Massachusetts, Allison, Barber of Connecticut, Bartley, Beecher, Blair, Bradley, Brown, Buchanan, Buck, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Findlay, Foote of New York, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Henry, Herkimer, Hogeboom, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Letcher, Litchfield, Little, Livermore, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Breck, Brent, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hobart, Hooks, Kent, Leftwich, Lincoln, Livingston, Lock, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Mercer, Mitchell of Maryland, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Richards, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alex. Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephen-

son, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of N. Carolina, Warfield, Webster, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

The question then recurring on the House's agreeing to the report of the Committee of the Whole in that amendment of the bill which reduces the minimum on woollen goods from eighty to forty cents the square yard—

Mr. McDUFFIE, of South Carolina, rose, and delivered his sentiments, at length, in favor of agreeing.

Mr. CUTHBERT of Georgia, and Mr. LIVINGSTON of Louisiana, followed on the same side.

The debate was further continued by Messrs. LIVERMORE of New Hampshire, McLANE of Delaware, and TOD of Pennsylvania, in opposition to agreeing with the Committee; and by Messrs. LIVINGSTON of Louisiana, WEBSTER of Massachusetts, COBB of Georgia, MERCER of Virginia, RANDOLPH of Virginia, and P. P. BARBOUR of Virginia, in favor.

Mr. RANDOLPH expressed his surprise that the votaries of humanity—persons who could not sleep, such was their distress of mind at the very existence of negro slavery—should persist in pressing a measure, the effect of which was to aggravate the misery of that unhappy condition, whether viewed in reference to the slave or to his master—if he were a man possessing a single spark of humanity—for, what could be more pitiable than the situation of a man who had every desire to clothe his negroes comfortably, but who was absolutely prohibited from so doing by legislative enactment? He hoped that none of those who wished to enhance to the poor slave (or, what was the same thing, to his master) the price of his annual blanket, and of his sordid suit of coarse, but to him comfortable woollen cloth, would ever travel through the Southern country to spy out the nakedness, if not of the land, of the cultivators of the soil. It was notorious that the profits of slave labor had been, for a long time, on the decrease, and that, on a fair average, it scarcely reimbursed the expense of the slave, including the helpless ones, whether from infancy or age. The words of Patrick Henry, in the Convention of Virginia, still rung in his ears: "They may liberate every one of your slaves. The Congress possess the power and will exercise it." Now, sir, the first step towards this consummation, so devoutly wished by many, is to pass such laws as may yet still further diminish the pittance which their labor yields to their unfortunate masters. To produce such a state of things as will insure, in case the slave shall not elope from his master—his master will run away from him. Sir, the blindness, as it appears to me—I hope gentlemen will pardon the expression—with which a certain quarter of this country—I allude particularly to the seaboard of South Carolina and Georgia—has lent its aid to increase the powers of the General Government on points—to say the least, of doubtful construction—fills me with astonishment and dismay. And I look forward, almost with-

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out a ray of hope, to the time which the next census, or that which succeeds it, will assuredly bring forth—when this work of destruction and devastation is to commence in the abused name of humanity and religion—and when the imploring eyes of some will be, as now, turned towards another body, in the vain hope that it may arrest the evil and stay the plague.

The question was finally taken, and the House refused to agree in reducing the minimum to forty cents—yeas 101, nays 104, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Breck, Brent, Buchanan, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hobart, Hooks, Isacks, Kent, Kremer, Lee, Leftwich, Lincoln, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Matson, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Richards, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smith, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Thompson of Kentucky, Tucker of Virg'a, Tucker of South Carolina, Vance of North Carolina, Van Rensselaer, Warfield, Webster, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—101.

NAYS—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allison, Barbour of Connecticut, Bartley, Beecher, Blair, Bradley, Brown, Buck, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Findlay, Foot of Connecticut, Foote of New York, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Houston, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Lathrop, Lawrence, Letcher, Little, Livermore, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Prince, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—104.

And then the House adjourned.

FRIDAY, April 9.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts," reported the same with amendments; and the bill was

committed to the Committee of the whole House to which the bill of this House upon the same subject is committed.

Mr. RANKIN, from the same committee, to which was referred the bill from the Senate, entitled "An act to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands," reported the same without amendment; and it was committed to the Committee of the whole House to which the bill of this House, upon the same subject, is committed.

Mr. HAMILTON, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of Alfred Moore and Sterling Orgain, assignees of Morris Linsay," reported the same without amendment; and it was committed to a Committee of the Whole.

Mr. HAMILTON, from the same committee, made a report on the petition of William Cocke, accompanied by a bill to compensate him for certain military services rendered the United States during the late war; which was read twice, and committed to a Committee of the Whole.

THE TARIFF BILL.

The House then resumed the consideration of the report of the Committee of the Whole on the bill for the revision of the tariff.

The House concurred with the Committee of the Whole in the fifth amendment, which is to strike out the following:

"On Russia duck, per piece of fifty-two archeens, two dollars each piece;

"On Raven's duck, per piece of fifty-two archeens, one dollar and twenty-five cents each piece;

"On Holland duck, per piece of fifty-two archeens, two dollars and fifty cents each piece."

The House also agreed to the sixth amendment, which is to substitute the four and a half cents, instead of six cents, as the duty on cotton bagging. Ayes 84, noes 62.

The seventh amendment, which is to reduce the duty on bar iron, from \$1 12 to 90 cents per cwt., being under consideration—

A debate arose, in which Messrs. BUCHANAN, UDREE, BROWN, and STEWART, opposed the reduction; and Messrs. REED, RANDOLPH, TUCKER, McDUFFIE, MERCER, CAMBRELENG, WEBSTER, and MARVIN, supported it.

Mr. BUCHANAN, of Pennsylvania, spoke as follows:

Mr. Speaker, it is not my design to enter into a discussion of the general principles of the bill now before the House. Although I am fully prepared to do so, yet, time has become so precious, and so much has already been said upon the subject, that I have abandoned any such intention.

I will, however, take the liberty of asking the Committee to attend to some observations which I shall make, in reply to that part of the argument of the gentleman from Massachusetts (Mr. WEBSTER) which related to hemp and iron. The reasons which that gentleman urged, with great ability and zeal, against an additional duty upon these articles, were, that much injury would re-

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sult from it, to the manufacture of ships and to the navigation of the country. In the course of his remarks, he alleged that our navigation had been left dependent upon its own resources, without any protection from Government; that it was in a depressed and declining condition; to use his own phrase, that it was barely able to keep its head above water; and that the weight which this bill would bring to bear upon it, by the additional imposts on hemp and iron, might destroy it, or, to repeat the gentleman's words, might be the last ounce which would break the camel's back. As a consequence from all these observations, he inferred that the Navy was in danger of destruction.

In opposition to this argument, I trust I shall be able to show, conclusively, that no branches of domestic industry have ever been cherished by the legislation of this country with as much care as those of ship-building and navigation; that both these branches, although they have suffered in the general depression of the country, are now in a more prosperous condition than any other portion of domestic industry; and that they are perfectly able, and ought to be willing, to bear the additional duty upon hemp and iron proposed by this bill, even if it should amount to what the gentleman supposes. If, said Mr. B., I can establish these positions, it will result as a necessary inference, that our Navy is in no danger from the measure now under consideration.

Sir, said Mr. B., it is fortunate that the first Congress which sat under the Federal Constitution, when they came to legislate upon the navigating interest of the country, were not guided by the principles which we have so often heard reiterated in this Hall. They did not belong to that school of politicians whose principal dogmas are, "Let trade regulate itself;" "Let not legislation attempt to divert industry or capital from the channels in which they are flowing into other branches." On the contrary, they believed that the manufacture of ships, and their navigation, were interests which required legislative protection, and they afforded it in the most effectual manner.

The third act which ever passed the Congress of the United States was that of the 20th July, 1789, imposing duties on tonnage. It was afterwards repealed by the act of the 20th July, 1790; which, however, re-enacted in substance the same provisions. Whilst these acts declare that ships or vessels of the United States, arriving from any foreign port or place, shall pay a duty of only six cents per ton upon each entry, they enact that all other ships or vessels shall pay a duty of fifty cents per ton, except those built within the United States and belonging to foreigners, which shall pay thirty cents per ton. The legislative protection afforded by these acts, to that portion of our tonnage employed in the coasting trade and in the fisheries, was of a still more decisive character. Whilst ships or vessels of the United States, engaged in these pursuits, paid a duty of but six cents per ton, in each year, those "not of the United States" paid fifty cents per ton upon each entry.

In addition to these discriminating duties upon tonnage, in favor of our own citizens, the act of the 10th August, 1790, added 10 per cent. to the rates of duties imposed, "in respect to all goods, wares, and merchandise, which shall be imported in ships or vessels not of the United States."

What, Mr. Speaker, was the effect of this legislative protection upon our tonnage and navigation? Let Mr. Pitkin and Dr. Seybert answer this question. Mr. Pitkin, in his View, declares that—

"These extra charges on the navigation and commerce of foreign nations were sufficient to drive from our ports the greatest proportion of the foreign tonnage. All foreign nations were affected by the system we had adopted in favor of the ship-owners in the United States. The diminution of the foreign tonnage employed in our trade was, with very few exceptions, rapid, regular, and permanent."

Dr. Seybert, in his Statistical Annals, bears the same testimony. He states that—

"Our discriminations operated powerfully in favor of our shipping. Vessels not of the United States, of 200 tons burden, on entering our ports, paid £20 tonnage duty, and for a cargo of the value of £2,000, they paid £15, extra duty, more than did the vessels of the United States, of the same tonnage, and laden as aforesaid. These extra charges were sufficient to drive from our ports the greatest proportion of the foreign tonnage. All foreign nations were affected by the system we had adopted; it seemed to operate like magic in favor of the ship-owners in the United States. The diminution of the foreign tonnage employed in our trade was, with very few exceptions, rapid, regular, and permanent."

I will freely acknowledge, said Mr. B., that the wars in Europe, and our neutral condition, by placing within our reach a large portion of the carrying trade of other nations, assisted these discriminating duties in producing their effect upon our navigation, with such astonishing rapidity. Dr. Seybert states, that "in 1789, our shipping was not sufficient for the transportation of the domestic produce of the States; one-third of that which was then employed for that purpose, belonged to foreigners;" and that "in 1793, our tonnage exceeded that of every other nation, except Great Britain."

These discriminating duties, and the unexampled increase of our tonnage, alarmed the Government of Great Britain. They dreaded the rapid progress of our navigation, and made it a primary object to check its augmentation. For this purpose, they proposed, in the year 1791, "that British ships trading to the ports of the United States, should be there treated, with respect to the duties of tonnage and impost, in like manner as ships of the United States should be treated in the ports of Great Britain." By this means, they expected to crush our navigation in its infancy. They well knew, if they could persuade our Government to cast it, at that period of its existence, upon the ocean, without protection, they would obtain what they so ardently desired—a monopoly of our trade. They were convinced, that our navigation could not then endure a com-

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petition with the long established navigation of Great Britain.

The statesmen of that day, thanks be to Providence, did not act upon the modern fashionable doctrines of political economy. They refused to accept this offer of a reciprocity of trade between the two countries, which Great Britain had made. They did not adopt the principle, that trade should regulate itself. No, Mr. Speaker, they cherished and nourished our navigation in its infancy, by protecting duties; and, in this manner, infused into it such energy and vigor, that it can now fearlessly go forth, and, upon equal terms, challenge competition with the world. The same kind of protection will produce the same effect upon the manufactories which this bill proposes to encourage.

Dr. Seybert informs us, that these discriminating duties on tonnage and imports alarmed the British merchants and ship-owners. That was a most favorable omen. In this particular, I can congratulate the advocates of the present bill that they are equally fortunate. Every British merchant, every British agent, and every vender of British goods, within the United States, have taken the alarm. Should this bill pass, they know that the day is not far distant, when they shall cease to drain from us our wealth, and to enrich themselves and the British manufacturers, at our expense.

The House have distinctly perceived the effect of these discriminating duties upon the foreign tonnage of the United States. Their operation upon that employed in the coasting trade was still more decisive. In this trade, the voyages from port to port in the United States being, comparatively speaking, but short, the burden of fifty cents per ton, upon every entry, imposed upon foreign vessels, was so onerous that, in its effect, it soon amounted to an absolute prohibition. In this manner our own navigation was virtually put in the exclusive possession of that important branch of our commerce, long before the act of 1817 declared "That no goods, wares, or merchandise, shall be imported, under penalty of forfeiture thereof, from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign Power."

It is manifest, therefore, that these acts of Congress went much further in protecting our navigation against foreign competition, than the bill now before the House contemplates going, in regard to any branch of our agriculture or manufactures. And yet the representatives of the navigating interest in this House, not only complain that it has been left dependent upon its own resources, without any protection from Government; but they are the first and loudest in resisting the moderate encouragement which this bill proposes to other branches of domestic industry. Is this grateful? Is it generous? Is it just?

Here, Mr. Speaker, it may be necessary to show in what manner the acts of Congress, to which I have referred, gave our ship-builders protection. It will be found that the statesmen, by whom they

were enacted, had a proper idea of the importance of encouraging the manufacture of ships; and, I trust, those of the present day are not so degenerate, that they need to be reminded of it by the toast of a Prime Minister of England, which the gentleman from Massachusetts (Mr. WEBSTER) has thought fit to repeat for our edification.

We have seen that these discriminating duties upon imports and tonnage, in favor of our own citizens, were confined in their operation to "ships or vessels of the United States." To constitute "a ship or vessel of the United States," it is necessary not only that it should be owned by a citizen or citizens thereof, but that it should have been built within the same. This is a general rule, to which I know of but two exceptions—the one in favor of vessels captured by our citizens from the enemy, and declared to be lawful prize, and the other of vessels condemned for a breach of the revenue laws. There never was a time in the history of the United States when an American merchant could purchase from a foreign ship-builder a vessel built in a foreign country, and have her so naturalized under our laws as to free her from the imposition of these discriminating duties. Of consequence, the domestic manufacture of ships was as completely protected by these regulations against foreign competition as was our navigation. The ship-builder and navigator moved hand in hand. The same encouragement was afforded to both, and the same success attended that encouragement. We are now able to manufacture ships much cheaper, as I shall show hereafter, than they can in Great Britain.

Let us now pause for a moment, and reflect what would have been the present condition of our ship-building and navigation, had the same system of policy been pursued in relation to these important interests, which gentlemen now wish to pursue towards our domestic manufactures. England, our great rival, possessed tonnage in abundance, capital, and skill. It was both her interest and her inclination to overwhelm our rising navigation. The struggle would have been between the vigor of manhood and the feebleness of infancy. Our navigation, without protection, must have been crushed. It then stood in the same relation to British navigation, that our infant manufactures do at present towards the long existing establishments of a similar nature in Great Britain.

The very same arguments which the navigating interest have used against this bill, might have been urged in opposition to the discriminating duties for their protection. The agriculturists, who had produce to be transported to a foreign market, might have argued that, if freight could be procured at a cheaper rate in an English than in an American vessel, they had a right to this advantage; that these discriminating duties were bounties, paid by the great mass of the people to the navigating interest, and, therefore, they should not be imposed. The shipping merchants might have said, Let us buy where we can buy the cheapest, and sell where we can sell the dearest. If it be for our advantage, permit us, without the

payment of discriminating duties, to purchase our ships in foreign countries. Government should not, by legislation, divert capital from other branches into ship-building and navigation. Whenever it shall be for the interest of individuals to employ it in this manner, it will be so employed; and then, and not till then, will it be the interest of the nation.

The true answer to all the suggestions of this nature, which might have been urged against our discriminating duties, and have been used against the present bill, is, that a wise nation, like a wise individual, should be willing to suffer a trifling temporary inconvenience in the beginning, that it may attain a great permanent good in the end. Should you plant and nourish those domestic manufactures only, which are congenial to your country, and of which you possess the raw material in abundance; if, in their infancy, you shield them, by protecting duties, against destruction from foreign competition and foreign capital; although, for a short time, the price may be enhanced to the consumer, yet, before long, it will be reduced below that of the foreign article. Our experience with respect to coarse cotton goods completely justifies this remark.

But, upon the present occasion, we should be governed by higher considerations than these. I would vote for this bill upon the same principle that I would for the erection of a necessary fortification or the building of a navy. Are not the woollen and the cotton manufactures necessary to our independence? Is a nation perfectly independent, without clothing for its people, without iron, and without hemp? Is it either patriotic or wise to rely for the means of defence upon foreign nations, when we possess them in abundance within ourselves?

In the days of peace, whilst those nations are all desirous of pouring their manufactures upon us, and of exhausting our wealth for their aggrandizement, we shall experience no difficulty in obtaining supplies. But, let the clouds of war lower over our heads, let the nation be deprived of its foreign supplies, and cast upon its own energies for its defence, and what will then be our condition? The events of the late war, within the recollection of every gentleman on this floor, afford the best answer to this question. If there ever were a nation which should have been taught wisdom on this subject, by the lessons of experience, it is our own.

But, Mr. Speaker, I have been wandering from that portion of the subject, to which I promised I would confine myself, into the general principles of the bill. The best apology which I can make for this digression is to return to it immediately.

I admit, said Mr. B., that the navigating interest, in common with the other great interests of the country, suffered considerable depression in consequence of the general peace in Europe. I deny, however, that this depression was at all in proportion with that experienced either by agriculture or manufactures. During the long period in which the nations of Europe were involved in war, we had a large portion of the carrying trade

of the world. The general pacification terminated this profitable branch of commerce, and left our navigating interest dependent upon its own resources, and those of the country. It will be found, however, upon examination, that, notwithstanding the disadvantages against which it had to contend, the Government and the people of the United States sustained it in this crisis. It has always been the favorite of our legislation.

The American tonnage, employed in foreign trade, which entered the ports of the United States, during the year ending the last day of September, 1823, was 775,271 tons. This is greater than it has been in any year ending on the last day of December, since 1811, except the years 1816, 1817, 1819, and 1820. It is nearly 5,000 tons less than in 1817; but it is above 20,000 tons more than in 1818, and upwards of 5,000 tons more than in 1821. The House will understand that I am now speaking of the tonnage which paid duties. It will at once be perceived, that this is greater than our actual foreign tonnage, inasmuch as the same vessel may, and often does, pay duty more than once in a year. If, however, we look at the actual registered tonnage of the United States, engaged in foreign trade, the prospect is equally cheering. It has been gradually increasing for several years. I hold a statement of it in my hand, from 1816 up till 1822, both inclusive; from which it appears that, in 1822, it amounted to 628,150 tons. In 1818, it had been 606,088. Between these two periods, its increase was 22,062 tons. Although, from this statement, it appears that, in 1816, it was 800,759 tons, in 1817, 809,724 tons, and that, in 1818, it was suddenly reduced to 606,088 tons, yet this is not a true state of the case. The Register of the Treasury has certified that this sudden decrease arose "principally from the registered tonnage having been corrected in 1818, by striking off all the vessels, the registers of which were granted prior to the year 1815, and which were supposed by the collectors to have been lost at sea, captured," &c.

Whilst the present state of our foreign tonnage presents nothing calculated to produce despondence, the condition of that employed in our coasting trade is flourishing beyond example. It has been increasing gradually and rapidly ever since the adoption of the Federal Constitution. In 1816 it amounted to 522,164 tons. In 1822 it was 624,188 tons. Thus, it appears that, in the short space of six years, it increased more than 100,000 tons. The same quantity of tonnage, in this trade, affords employment to a much greater number of sailors than in the foreign trade; and the actual tonnage engaged in each is now about equal.

This branch of our commerce must grow with our growth, and strengthen with our strength. Human foresight cannot calculate its future extent or advantages, should it be directed by a wise system of policy. The territory of this nation is so vast, and its capacities for the production and manufacture of almost every article of necessity or luxury are so extensive, that nearly all our mutual wants will, at no very distant day, be supplied by a free and unrestricted commerce with each other.

Besides, this trade will be a powerful means of perpetuating our Union. Providence, by rendering the different portions of our country dependent upon each other, has laid the foundations of that intercourse which will bind us together by the adamant bonds of mutual interest and affection.

Sir, said Mr. B., it must strike every person with astonishment, who examines this subject, that our foreign tonnage has not been greatly diminished since the general pacification of Europe. How has this interest been able to support itself at its present amount, notwithstanding the loss of the foreign carrying trade? I answer, by the aid of Governmental protection; and, although this allegation may be at variance with that of the gentleman from Massachusetts, (Mr. WEBSTER,) I hold myself bound to prove it.

In the year 1815 the United States, believing her marine to have acquired sufficient strength and vigor to sustain a competition upon equal terms against the world, proposed to all nations a fair reciprocity of trade. By the act of the 3d of March of that year, we declared that we would admit into our ports the vessels of every nation, carrying articles the produce or manufacture of such nation, without levying any other tonnage or impost duty than was levied on American vessels; provided such nation would admit into their ports American vessels, laden with American produce or manufactures, without imposing any impost or tonnage duty beyond that which was paid by their own vessels. On the 3d July, 1815, the United States concluded a commercial convention with Great Britain, founded upon these principles, so far as respected our trade with her territories in Europe; but her possessions in the West Indies, and on the continent of North America, were expressly excluded from its operation.

The British Government, after the general peace in Europe, determined to adhere rigidly to their colonial system, so far as their own navigation was concerned. Although they were willing that there should be a direct trade between the United States and their West Indian and North American colonies, yet they insisted that it should be carried on by their own vessels. The ports of these colonies were therefore closed against American vessels, and they were entirely excluded from any participation in the trade.

What portion of our citizens was injured by the exclusion of American tonnage from these ports? It was not the farmer, who had corn and flour, nor the planter, who had tobacco, nor the merchant, who had lumber, to be transported to market. To them it was a matter of no importance, whether these articles were carried to the West Indies in an English or an American vessel. In either case, they could be exchanged for the same quantity of rum, sugar, or molasses. It was the navigating interest alone, which was directly injured by this regulation. No other class of society had any concern in the question, except that general one, which every good citizen ought to feel in protecting the useful establishments of his country. Our navigating interest petitioned Congress

for relief. What was the consequence? For their benefit, we conceived the bold design of compelling Great Britain to abandon her colonial system, and to break those fetters in which she had for ages bound this portion of her trade. On the 18th April, 1818, the Congress of the United States passed a law, declaring that "the ports of the United States shall be and remain closed against every vessel owned wholly or in part by a subject or subjects of His Britannic Majesty, coming or arriving from any port or place in a colony or territory of His Britannic Majesty, that is or shall be, by the ordinary laws of navigation and trade, closed against vessels owned by citizens of the United States." The provisions of this act were considerably extended by those of the supplementary act of the 15th May, 1820.

What, then, were the weapons with which we commenced this great undertaking? For its accomplishment, we depended altogether upon the patience and patriotism of our people. The contest was, whether our citizens interested in the trade with the British colonies, or those colonies, could the longest, and with the most fortitude, endure its destruction. How much those citizens suffered, for the benefit of the navigation of the country, will appear from the very able memorial from Norfolk, which was presented during the first session of the last Congress. The memorialists urged the repeal of these acts. They stated their conviction, that the attempt to compel Great Britain to abandon her colonial system was altogether hopeless; as she had "often and openly avowed her determination not to abandon it but with her existence." They declared that, under the operation of the existing laws, their farmers, their merchants, their dealers in timber and lumber, in fact all classes of their citizens were deprived, in a great measure, of their former resources, and were, many of them, burdened with debts which they were unable to pay. This picture, drawn by the inhabitants of Norfolk, of their sufferings for the benefit of our navigation, is applicable to every other part of the Union interested in the trade with the British West Indies.

The spirit of the country, however, nobly sustained its navigation in this contest. The great agricultural interest stood unmoved. They were willing to suffer for the benefit of the ship owners. Congress refused to repeal these acts.

Our bold policy finally triumphed, and, on the 24th June, 1822, an act of the British Parliament repealed their colonial system in favor of the United States, and opened their ports in the West Indies and North America to vessels belonging to our citizens. And yet, notwithstanding, the navigating interest complain that they have been left unprotected by the Government to struggle against the world.

Here, said Mr. B., I will take leave to remark, that I was astonished to hear it alleged by the gentleman from Massachusetts, (Mr. WEBSTER,) that this concession, made by the British Government in favor of our navigation, was an evidence that they were departing from their restrictive system. No, sir; if it proves any thing, it is the

efficiency of this system. This concession was extorted from them by the adoption of our countervailing restrictions, and is strong testimony in favor of the power of that policy, when properly exercised, to obtain justice from foreign nations. However much English statesmen may talk about the new doctrine of the freedom of trade, they take care to act, in every case of importance, upon their old principles. It is, therefore, not improbable, that the scraps of speeches made by my Lord Liverpool, and others, which the gentleman from Massachusetts (Mr. WEBSTER) has collected and read to this House, have found their way to the very market for which they were intended. Should this bill be defeated at the present session, as I trust it will not, I have no doubt but that we shall have a fresh supply of the same articles imported before the next session of Congress. In Great Britain they dread nothing more than the adoption by our country of that system, which the Speaker has aptly styled the American policy. Rest assured, sir, they will leave no means untried to defeat it.

I will mention one other example to show with what care, and at what expense to the other interests of the country, this Government has fostered, and I admit wisely, its navigation. France, immediately after she had extricated herself from the long wars in which she had been involved, devoted herself to the cultivation of the arts of peace. Among other things, she immediately directed her attention towards her marine. She was anxious to obtain the exclusive privilege of carrying those of our productions which she used in her manufactures. For this purpose she established discriminating duties, in favor of cotton, tobacco, and potashes, imported in her own vessels, which are equivalent to a tonnage duty of from \$18 to \$21 per ton. The navigating interest of the United States took the alarm, and memorialized Congress upon the subject. To that interest Congress never lent a deaf ear. On the 15th of May, 1820, an act passed, which imposed a countervailing duty of \$18 per ton, upon all French vessels entering the ports of the United States. The consequence of this measure was the suspension, in a great degree, of the direct trade between this country and France. That profitable branch of our commerce was at once sacrificed to promote the interests of our navigation. The House will readily perceive to what degree that portion of the citizens of the United States, who had commodities to be carried to market in France, must have suffered under the operation of this system. They, however, suffered without murmuring; because they knew that their misfortunes were intended to benefit that class of their fellow-citizens concerned in navigation.

Our countervailing duties on French tonnage produced the desired effect. On the 24th June, 1822, the very day on which the British Parliament opened their colonial ports to our vessels, the convention with France was concluded, which placed our carrying trade with that country upon a fair and reciprocal basis.

From this brief history, we have learned that

the patience and patriotism of the people of this country have obtained for their foreign navigation, a signal triumph over both England and France; and have opened new and profitable avenues for its enterprise. And yet the Representatives of that interest upon this floor, complain loudly that it has been left unprotected. They make this complaint in the face of a system of legislation in its favor, which is unparalleled in the annals of the country in regard to any other object. The Government watched over its infancy with parental care, and afforded it protection against foreign rivals, whilst such protection was necessary. When it had attained sufficient vigor to fear no rival—when a fair competition with all nations was that which it most desired, the Government obtained for it this important advantage. Now, when it is in a prosperous situation, having got every thing which it asked, it is the first to cry out against affording a comparatively trifling protection to other branches of American industry. Is this gratitude? Is it even-handed justice? Is it doing unto others as you would they should do unto you?

I shall now proceed to prove, that the navigation of the country is perfectly able to bear the additional duty upon hemp and iron proposed in the bill, as reported by the Committee on Manufactures. In order to establish this position, it will not be necessary to add much to what I have already said. For the sake of the argument, I shall suppose, with the gentleman from Massachusetts, (Mr. WEBSTER,) that the small additional duties upon these articles will be permanent additional burdens to that amount imposed upon our navigation. Even under this view of the subject, that interest is able to bear them; and considering what has been done for it by the country, ought to bear them for the common good, without a murmur.

The House, I feel certain, will understand, I do not admit that these additional duties will continue to be additional burdens upon the navigating interest. On the contrary, I firmly believe that the domestic competition which must necessarily spring up under this protection, will, in a few years, reduce the price both of hemp and of iron.

These additional duties cannot injure the tonnage employed in our coasting trade. This portion of our navigation, which, in 1822, was nearly equal to that engaged in foreign trade, and which must increase rapidly, has no competition to dread. It enjoys a monopoly. It will, therefore, sustain no loss in consequence of the additional duties, because, in proportion as you enhance the price of the vessel, you will increase the freight. The case might be different, if foreign competition were not altogether excluded. Would it not, then, be just, that this portion of our tonnage should be compelled to use the hemp and iron of our own production, even at an advanced price? We have established a prohibitory system in its favor—should not, then, the same rule be adopted in favor of our farmers and manufacturers, at least so far as respects the hemp and iron necessary in the construction and repair of the vessels which it

employs? The bill before the House, however, instead of proceeding thus far, only imposes a small additional duty upon these articles, and yet it has been denounced, as though it would prostrate the navigation of the country.

I admit, said Mr. B., that our foreign tonnage must enter into competition with the world, and, therefore, it stands upon a different basis from that employed in our coasting trade. Under these circumstances, can it endure the proposed additional duties? I answer boldly in the affirmative. The gentleman from Massachusetts (Mr. WEBSTER) has stated, that all the materials of ship building, except the timber, are cheaper in England than in this country.

This may be, and no doubt is the case. But is not timber the chief, and by far the most expensive material in the construction of a ship? In England they are compelled to purchase this article in foreign countries, and to pay the heavy expense of its transportation; whilst we possess it in abundance at home. The consequence is, that a ship of the same tonnage may be built much cheaper in this country than in England. We have the testimony of the Mercantile Society of New York to this effect. The Committee of Manufactures, before they reported their bill to this House in January, 1821, addressed certain questions to that Society, two of which, with their answers, I will take leave to read to the House:

"Question. What is the cost of a British ship of say 300 tons? What of an American of the same force and burden; and, generally, the difference in the price of shipping, by the ton, in each country, completely equipped?"

Answer. A British ship of 300 tons, equipped for sea, will cost \$24,000, or \$80 per ton. An American ship of the same quality, will cost \$18,000 or \$60 per ton.

Question. The quantity of iron and cordage to the 100 tons of shipping?

Answer. It will require 4 tons of iron, 1,500 lbs. of copper bolts, 4½ tons cordage, and 20 bolts of duck to the 100 tons."

In answer to another question, the same Society state, that "foreign vessels would not have a preference, in our ports, over American built vessels, unless at a reduction in freight of 25 per cent. or advantages equivalent, at the port of destination."

Thus, it appears that the additional duty of \$7 50 per ton, proposed upon iron by the bill, as reported, on a ship of 300 tons burden, would amount only to \$90, and that upon hemp would be equal to about \$200. How, then, sir, can this additional duty of \$290 upon a ship of 300 tons, seriously injure, much less destroy, our navigation? Is it possible we can, in the slightest degree, be alarmed by such a clamor, when we consider that a vessel of this description now costs, in England, our great rival in navigation, \$6,000 more than it does in our country?

It has been urged, by the gentleman from Massachusetts, (Mr. WEBSTER,) against the proposed additional duties on hemp and iron, that if a sufficient quantity of these articles to supply the domestic demand, were produced in this country,

that our navigating interest would lose their freight from Russia and Sweden. Sir, said Mr. B., has it come to this? Shall we be compelled to purchase articles in foreign countries for no other reason but to increase the employment for our navigation? Are all the other interests of the country to be sacrificed, that the welfare of this one may be promoted? I trust not. It appears to me that the bare statement of this argument is its best refutation. We are asked to buy hemp and iron from foreigners—we are called upon to transport our wealth to distant countries to pay for these articles—and for what reason? Not that we cannot produce them in abundance for ourselves; not that we need them; but simply because the favored class of our citizens concerned in navigation want to enjoy the advantages resulting from their carriage. You must, sir, purchase the merchandise, that they may receive the freight. I am glad the gentleman has come out boldly and avowed this position.

After what I have already said, it will be necessary I should add a few words only, concerning the Navy; because it is manifest that it cannot be injured by the additional duties upon hemp and iron, if I have taken a correct view of their operation upon our ship building and our navigation. I feel myself constrained, however, to make one or two observations on this subject.

I am a sincere friend to the Navy. One of the earliest political maxims impressed upon my mind was, that it would be our most safe and natural bulwark against foreign invasion. This opinion has been confirmed by the victories which it achieved during the late war—victories which have equally covered both itself and the nation with glory. I would, therefore, warn its true friends to have a care how they introduce it into every debate upon the subject of this tariff. Like all the other institutions of this country, it must depend, for its support, upon public opinion. Withdraw that from it, and it must and will sink. Are those gentlemen, then, its genuine friends who wield it as the chief weapon of opposition against the present bill?

If, whenever any measure calculated to promote the domestic industry of the country, and to benefit its landed interest, shall be introduced into Congress, the cry is resounded, that it cannot be adopted, because thereby you may injure the Navy; the people will at last begin to believe that there is something incompatible between their prosperity and its existence. If they shall at any time be impressed with this conviction, which I trust in God they never may, but to which the course of argument that has been pursued by the enemies of this bill directly leads, its swift destruction will be the inevitable consequence. The people will not continue to sustain an institution which they have been taught to believe stands as a perpetual barrier against the adoption of any system, calculated to encourage the agriculture and manufactures of the country, and for the promotion of whose glory their own welfare must be the sacrifice. The Navy has nothing to fear except from such friends and from itself. Recent events have

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alarmed its true friends with serious apprehensions that it has become intoxicated with prosperity, and has been relaxing in discipline. If, at this moment, when such impressions are abroad throughout the land, it shall be made the instrument by which this bill shall be defeated, and you should pass the one now on your table creating a magnificent establishment of vice admirals and rear admirals, the consequence may be justly dreaded. Should these measures not shake its standing in the opinion of the people, I confess for one I shall be disappointed. Thanking the House for their attention, I shall not trouble them longer upon the subject, having already said much more than I intended when I rose.

When Mr. BUCHANAN had taken his seat—

Mr. STEWART, of Pennsylvania, rose, and said he regretted that the motion now submitted, to reduce the proposed duty on iron, compelled him to depart from the determination he had formed not to trouble the House with any remarks of his upon this subject. But when he saw, in this motion, a blow aimed at the vital interests of those whom he had the honor to represent upon this floor, it would be a culpable dereliction of public duty in him to remain silent. He did not intend, however, he said, to enter upon the discussion of the general principles of the bill, further than was necessary to meet and obviate the arguments which had been employed by gentlemen who had supported the proposition now under consideration.

The objections urged by the honorable gentleman from Massachusetts (Mr. FULLER) who first addressed you, are in substance these: That the proposed increase of duty on iron would impair the revenue; injure the farmer; tax all classes of the community; destroy the business, and increase the burdens of commerce and navigation; prostrate the Navy; create monopolies; shut the ports of Russia against our produce—and all for the benefit of a few overgrown and wealthy iron masters. This, Mr. S. said, he believed was a fair and full statement of the grounds of opposition assumed, not only by the honorable gentleman, (Mr. FULLER,) but also by his colleagues, (Mr. WEBSTER and Mr. REED,) as well as the gentlemen from South Carolina and Virginia, (Messrs. McDUFFIE and RANDOLPH.)

In the first place, Mr. S. said, it would be proper to inquire into the nature of this proposition, fraught with such direful consequences. It was, he said, nothing more nor less than a proposition to add thirty-seven cents a hundred to the existing duty on bar iron, equal to \$7 40 cents per ton—not a protecting, but a mere revenue duty.

The quantity of iron consumed in the United States was estimated at 45,000 tons per annum. During the existence of the embargo, non-intercourse, and war, which created a necessity for the domestic manufacture of this article, capital to a large amount was invested, iron works sprung up in almost every part of the country, and the home supply was soon equal to the demand. However, peace was soon restored, which again let in the foreign article. Still our infant establishments maintained the unequal contest successfully, un-

til Congress interposed, not to protect but to destroy them; and by the iniquitous tariff of 1816, which increased the duties upon sugar, &c., near one hundred per cent., reduced the duty upon iron from thirty-two per cent. to nine dollars per ton. This gave the death blow to the American manufactures. They sunk one after another—the importations increased regularly every year, until they rose from 3,000 to 33,787 tons per annum, leaving about 12,000 tons for domestic production; and the importation of pig iron had also increased, from 104 tons to 3,000 per annum. But, sir, we are told by the honorable gentleman from Massachusetts (Mr. FULLER) that the Russians, (from whom we get the most of our iron) are poor, and if we do not buy their iron they cannot buy our produce. The gentleman feels no regret for the fate of the American manufacturer who is thus destroyed—the American laborer who is thus left without employ and without bread—the American farmer who is thus left without a market for his produce—but his sympathies are all alive for the poor serfs and Cossacks of His Imperial Majesty the Emperor of all the Russias, lest they should starve for want of our produce. But, sir, do they take our produce for their iron? No, sir; they are not such fools as to follow our example, and take from us what they can produce at home. Sir, they take almost nothing but your cash. How stands the account? Last year we imported from Russia to the amount of \$2,258,797; while the amount of domestic produce exported to Russia amounted to only \$51,635; leaving a balance to be paid in cash, of \$2,207,162. So much for the often repeated argument that we must buy from Russia, or Russia would not buy from us. We give at the rate of \$44 for their produce, and get back one for ours. Such a policy as this would ruin any nation. No wonder that, with such a system, our currency was reduced in three years from one hundred and ten to forty-five millions; no wonder that our stocks, and every thing transferable, was remitted to Europe to pay an unfavorable balance of trade; no wonder that agriculture, commerce, and manufactures, were all alike struggling for their existence. If there is, however, continued Mr. S., any article we ought to manufacture above all others, an article for which we should be independent of the world, he contended that it was iron; it was equally necessary in peace and in war; it was intimately connected with the defence of the country—as much so as powder and ball. Our country, he said, abounded with ore, with coal, provisions, every thing necessary for its manufacture, and the raw material was useless for any other purpose; the capital was already vested, and labor unemployed, which wanted but the vivifying touch of Governmental patronage and protection, to spring at once into successful operation, saving millions to the nation, affording a market to the farmer, and employment to labor.

But, we are told by the gentleman from New York, (Mr. CAMBRELENG,) that our iron is not so good as the imported—that it is not suitable for the manufacture of cannon. And, sir, is it come

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to this? Are we to depend on Europe for our cannon? Is this nation, boasting of its independence, to look to Europe, to the Holy Alliance, for the means of national defence? He disputed the fact of inferiority. The cannon, as well as those who manœuvred them, during the late war, were purely American; and where, sir, is the evidence of their inferiority? He fearlessly affirmed that neither the metal of our guns, nor the metal of our men, were ever surpassed. He would appeal for proof to the splendid achievements on the plains of Bridgewater and New Orleans—to the glorious deeds on Erie and the ocean.

Mr. S. then went on to another objection urged by his colleague, (Mr. BRECK,) who said we must wait till we acquire capital and skill. These, he contended, were in existence, and it was the object of this measure to put them in motion. During the war there was no want of either capital or skill. Though they were put down at present by an unwise and ruinous policy, yet he hoped, by the adoption of this measure, they would be re-suscitated. If his colleague, he said, wished to create capital and skill, the only way to arrive at his object was to pass this bill. He would wait forever, if he withheld protection and encouragement, which was the breath that gave being, life, and motion to industry, capital, and skill, in every country where they were seen to prosper. Gentlemen might ransack all history, ancient and modern, and they could not find a single instance to the contrary.

The gentleman from South Carolina, (Mr. McDUFFIE,) continued Mr. S., has contended, with more ingenuity than force, that the country could not furnish the article in question, and that the only effect would be to increase the duty, which operated as a tax upon the whole community, without benefiting the manufacturer—he also contended that it would impair the revenue. Mr. S. said he could not comprehend how the tax on the imported article could be increased, and the revenue diminished; both positions, he contended, could not be correct—the duty and the revenue were the same. If the duty was increased on an article imported, the revenue must, of necessity, be increased in the same proportion. But it appeared that the effect of a measure on the revenue, did not depend on the nature of the measure itself, but upon the source from which it originated. A bill was reported during the last Congress, by the Committee of Ways and Means, in which, (according to the recommendation of the Secretary of the Treasury,) a duty of \$20 per ton was proposed on iron, not for protection, but to increase the revenue. Now, when the same duty is recommended by the Committee of Manufactures, together with fifty or sixty other items of that revenue bill, at the same rate of duties, we are told it will ruin the revenue. So that the same duties, when proposed by the "Ways and Means," will improve the revenue, which, when proposed by the "Manufactures," will destroy the revenue, and lead to direct taxation. Such arguments might do to frighten and alarm the people; but, for his part, he did not believe there was any witchcraft in the word "man-

ufactures," which could thus change the effect and operation of this measure. He had no doubt but that this bill would greatly promote the prosperity of the farmers and manufacturers, and, at the same time, add several millions per annum to the revenue. The true plan to increase the revenue, according to his judgment, Mr. S. said, was, by a wise policy, to increase the wealth and resources of the people who pay it. Cherish and sustain your own industry; rely upon your own means; develop and bring into activity your own vast resources; keep your money at home; buy less and sell more; in short, make a rich and prosperous people, and you will make a rich and flourishing Treasury—depress the people, and the revenue would sink with them. The revenue derived from imposts, he contended, would always be in proportion to the ability of the people to purchase and consume foreign products; those who now merely raised bread enough to live upon, would, if employed in manufactures, be able to consume tea, coffee, sugar, and other articles, which paid an enormous revenue to the public Treasury.

To illustrate this, he would, with the permission of the House, refer to a few facts which fell within his personal knowledge and observation. In the county in which he resided, during the late war, and at its close, there were in successful and prosperous operation some twenty or thirty iron works, of different kinds, employing perhaps fifty persons each, and saving to the nation from ore (which now remains buried and useless) near \$500,000 a year. Attached to many of these works were found stores of foreign goods, supplying the workmen and others, to the amount of say \$2,000 per annum—mostly groceries, tea, coffee, sugar, &c.—of which nearly one half of the whole price went into the public Treasury, in the shape of duties. Since the restoration of peace, and the repeal of the protecting duties in 1816, these works, he said, had been mostly abandoned; their owners were ruined and insolvent; the miserable hands were turned adrift without employment; the farmer, who then received from fifty to eighty cents per bushel for his grain, was now unable to get half that amount; the Government had lost the thousands of revenue derived from the sale and consumption of foreign goods; and commerce and navigation had lost the profits of their importation. The nation was impoverished by the annual loss of millions of money, which now went to support and enrich the farmers and manufacturers of England and Russia, instead of our own, who were suffering for want of a market. Land, and its produce, property of every kind, had depreciated more than 100 per cent., producing the most heart-rending scenes of distress, embarrassment, sacrifice, and bankruptcy, among those who lately enjoyed the most cheering and flattering prospects. Sir, upon what principle can such policy as this be justified or defended? He put it to honorable gentlemen to say, whether they could look on such a scene with indifference; whether they could reconcile it to their consciences to give a vote which would withhold protection from their suffering fellow-citizens, who were strug-

gling with the boors of Russia and Sweden? He hoped the protection would be granted; if not for the sake of the manufacturer, he asked it for the sake of the farmer; for the sake of the revenue; for the merchant; for the nation; it was demanded by every thing American—by every proud and patriotic feeling. But, sir, even if it would diminish the revenue, (which he by no means admitted,) and created a necessity for an excise, still why was an impost preferable to an excise? They were both equally a tax upon the people. They were paid by the consumer. The only difference was, that the impost was paid upon the consumption of the products of foreign industry, and the excise was paid upon our own. The impost was a kind of financial trick, by which the people were compelled to pay fifteen or twenty millions of taxes without their knowledge; it was taken out of their pockets without their observing it, while they paid the excise with their eyes open; and they would, therefore, look to its appropriation and expenditure by those who represented them. This would check extravagance and promote economy, which was the life and soul of Republican Government. Extravagance and prodigality always led the way to aristocracy, when the few fed and fattened on the hard earnings of the many. Besides, he contended that the revenue derived from imposts was precarious and uncertain. In time of war it failed, when it was most wanted; the whole price of the article consumed was lost to the nation, and went to support the industry of foreign countries, to the destruction of our own. It was a most miserable policy, which sent millions out of the country to purchase what we could and ought to produce at home, for the sake of obtaining a few thousand dollars of revenue upon it, which was ultimately paid by the people. In the case of excise, the money was retained and kept in circulation to reward our own industry; and \$10, which changed hands once a day, was better than \$3,000, which changed hands once a year.

But, sir, we are told by the honorable gentleman from Virginia (Mr. RANDOLPH) that this duty on iron will oppress the poor; that it will tax the farmer, who, having no market for his corn, cannot buy iron, and "will be compelled to plough his fields with a crooked stick." Sir, the object of this bill is to give to our farmers a market. Iron works consumed immense quantities of grain, and would gladly give iron in payment; whereas, in Europe, they refuse our grain, and require cash. He could safely assert, upon the best evidence, that there were single manufactories in the United States which consumed, annually, more of our grain than both England and France put together, from whom we purchased to the amount of thirty or forty millions a year. He would refer the honorable gentleman to the farmer himself: ask him whether the erection of manufacturing establishments in his neighborhood will injure his farm or his business; whether it will compel him to "plough with a crooked stick?" But, says the gentleman, it will oppress the poor, and tax all classes. Let gentlemen be-

fore they pronounce the proposed addition of 37 cents a hundred on iron oppressive, look to some of the existing duties.

By the existing tariff, which is too sacred to be touched or altered, you impose duties varying from 50 to 180 per cent. on tea, coffee, sugar, salt, &c., articles consumed by the poor, while many of the most refined luxuries, jewelry, &c., pay but seven and a half per cent. According to the existing duties, the poor man who buys fifty dollars worth of sugar, tea, and salt, a year, pays twenty-five dollars of taxes into the Treasury; while the rich man, who buys fifty dollars worth of jewelry, pays but three dollars and seventy-five cents. A more iniquitous system of taxation never existed in any country; yet it must not be touched! A duty of a few cents on iron, for the purpose of encouraging the manufacturer at home, was pronounced by the gentleman from South Carolina (Mr. McDUFFIE) an intolerable tax; while a duty of one hundred and twenty per cent. on tea, which could never be raised here, was not worth the gentleman's notice at all; it excited no uneasiness whatever. But we are referred by gentlemen to the remonstrances from our Chambers of Commerce. Sir, and who compose these Chambers of Commerce? He was credibly informed that a majority of them were composed of British merchants, and persons connected with British merchants and manufacturers. No wonder, sir, that they complain; that they remonstrate against any alteration of a system of policy by which they have been enabled to grow rich at our expense—which has rendered this nation more dependent and more completely tributary to Great Britain than we were when colonies—a system which favored foreigners and destroyed our own merchants, which gave them almost the entire supply of our market. It was a fact, of universal notoriety, that more than two-thirds of all the goods imported from Great Britain were imported on account of British merchants and British manufacturers, who, if let alone, with the facility of our auctions, and the benefit of our system of credits, by which we loaned to British merchants, out of the pockets of our people, more than five millions a year, without interest, they would soon succeed in driving the American merchant completely from the ocean. No wonder, then, that they should remonstrate against any change in such an admirable system, by which they receive from us more than thirty-four millions a year. But the British Minister, it is said, has remonstrated with the Secretary of State against the increase of duty on iron! The British Minister has remonstrated! And are we so humbled? Must we ask the British Minister whether we may employ our own people to make our own iron? Sir, does Great Britain ask us whether she may exclude our produce from her ports? Such a suggestion there would meet with merited contempt. These remonstrances against the measure were, with him, Mr. S. said, so many arguments in its favor. It would benefit us in the same proportion that it would injure them; our loss was their profit, and our profit would be their loss.

The honorable gentleman from Massachusetts (Mr. WEBSTER) has made a most pathetic appeal to the House in behalf of "commerce and navigation," which he represented as struggling for its existence, scarcely able to keep its head above water. If you impose this duty on iron, the honorable gentleman says, you throw the last stone to sink the ship. What! \$7 40 a ton on iron, ruin commerce and navigation! An interest which had experienced more favor than any other in the nation—which was owned and directed by men of great wealth and capital, ruined by a trifling duty on iron! It was impossible. To build a ship of one hundred tons burden, only four tons of iron were required, upon which the whole increase of duty would be only \$29 60. So that \$29 60 on each vessel of one hundred tons burden, was to "sink the ship," ruin commerce, and destroy the navy. He had a better opinion of our commerce and our navy than to suppose they were to be seriously affected by a matter of this kind. But, sir, with what propriety can commerce complain, when a slight protection is asked by the manufacturing interests of the country—foreign commerce, which has ever been the favorite of Government; which has been protected at the expense of every other interest in it—not only by fleets and navies, but by discriminating duties, equal to six or seven hundred per cent. An American coasting vessel, of one hundred tons burden, for instance, making twelve entries a year, only pays six dollars duty, while a foreign vessel of the same size, and for the same entries, pays six hundred dollars. An American vessel of three hundred tons, engaged in foreign trade, making five entries per annum, would pay only ninety dollars duty, while a foreign vessel, under like circumstances, must pay seven hundred and fifty dollars. But, sir, permit me to remind the honorable gentleman from Massachusetts (Mr. WEBSTER) of some of the other burdens and taxes to which the farmers and manufacturers of this country are subjected, for the benefit and protection of foreign commerce. Sir, for what was the late war declared? Was it not, emphatically, for the protection and defence of "free trade and sailors' rights?" A war which had involved this nation in a debt of more than a hundred millions of dollars; had filled this land with widows and with orphans; a war in which the farmers and manufacturers had suffered every privation; in which they had freely and bravely fought and bled and died, for the defence of "free trade" against foreign aggression; and now, when they ask a trifling duty to protect them against foreign competition, equally destructive to them, they are gravely told that it cannot be afforded, lest it may injure "commerce and navigation." But, sir, this is not all. Are we not called upon, almost daily, in this House, to appropriate millions after millions of the public money to erect lighthouses, buoys, and beacons, along the coast, for the protection and benefit of "foreign commerce;" to support ministers, consuls, and agents, throughout the civilized world; for the regulation and protection of our "foreign commerce;" for the erection of forts and fortifications, for the defence of our

harbors, dock-yards, and commercial cities; for the support and maintenance of fleets and public ships to guard and protect our foreign commerce throughout the world; and he understood, it in some instances cost the Government more money to protect our merchants, especially in the Baltic, than the whole commerce was worth. Look, sir, at the enormous expense of sending abroad fleets to distant seas, to suppress the pirates that annoy our foreign commerce. And who pays these immense expenditures? Not the merchants, but the farmers and manufacturers of this nation. And when they, the farmers and manufacturers, ask, in turn, that their interests may be protected, not by duties of six or seven hundred per cent.; not by war, nor by forts, nor lights, nor fleets, nor navies—not at the expense of millions of the public money, but by a mere act of legislation; what, sir, is the reply of the friends and champions of commerce and navigation, this highly favored interest? They gravely tell us, that we don't need protection; they cry "Let us alone; you will injure the revenue, tax commerce, and destroy the carrying trade." Might not these replies be retorted, when the merchants claim protection? Might they not be told, that the protection they sought would diminish the revenue, tax the farmer and manufacturer? Might they not, moreover, be asked, what great and signal service the foreign merchants had rendered this country, to entitle them to such special favor? Look at the ruinous balance of trade against us. But he would not recriminate. He was willing to extend every reasonable aid and protection to commerce; but he, at the same time, thought that this was not the only interest in the country; he thought there were other great and important interests in the nation entitled to favor. But commerce was represented as being on the decline, as well as agriculture and manufactures. This was, he considered, a matter of course. Commerce was the offspring of agriculture and manufactures. Where there was neither agriculture nor manufactures, there could be no commerce: they must rise and fall together. The only legitimate business of commerce was to distribute and exchange the surplus productions of labor. If by a wise policy you restore your agriculture and manufactures to their former prosperity, commerce will revive; and soon again will it be seen to spread its white bosom to the prosperous breeze. But, even if this measure should have the effect of lessening the foreign carrying trade, still we would be more than compensated by the increase of internal commerce and the coasting trade. But, would it be seriously contended that we should import what we do not want, for the sake of employing foreign commerce? Was it consistent with sound policy to import our iron from Russia, when we could produce it at home, merely to employ commerce? As well might it be contended that we ought to export our flour to England, and have it manufactured into bread, and reimported, to keep navigation and commerce employed! And this would not be more absurd and ruinous than much of the system now in operation.

Mr. S. begged leave here to notice another argument which had been urged, not only against the duty now under consideration, but against the bill generally. It was this: that the proposed measure would operate injuriously on the farmers—that it was “taxing the many for the benefit of the few.” The effect, Mr. S. contended, would be directly the reverse—it would benefit the farmers much more than the manufacturers. To simplify his views on this point, he said, he would confine them to a single county, in which he would suppose there to be at present a single manufacturing establishment, employing 100 hands, consuming \$10,000 worth of grain and other agricultural productions, and making \$20,000 worth of the manufactured article; and then suppose, that, by the operation of this measure, there should spring up in this country ten new and rival establishments, of equal extent,—you thus withdraw 1,000 hands from agricultural employment, and make them consumers instead of producers. You give the farmers an increased market, to the amount of \$100,000; and you save \$200,000 a year in one county, which is kept in profitable circulation at home, giving life and activity to every branch of industry, instead of being sent to support the industry of England, who, by her existing laws, will not suffer her people to consume a pound of our flour, even if it were offered at fifty cents a barrel? This, Mr. S. contended, was the plain and obvious tendency of the great measure under discussion. And which, he begged leave to ask, was the most benefited, the farmer or the manufacturer? Undoubtedly the farmer. The increased market, and increased demand for his produce, necessarily increased the price; while the increased competition among the manufacturers, and the increased quantity of the manufactured article thrown into the market, as inevitably diminished the price;—so that the farmer would get more for his grain, and give less for his manufactured goods. Yet, with these plain results before us, it was still gravely urged upon the House by almost every honorable gentleman who had opposed this bill. It was a principal ground of opposition, that it would “ruin the farmers—tax the many for the benefit of the few—create monopolies—enable the rich manufacturer to extort from the people,” &c.—while, in fact, its real tendency and effect was, he contended, precisely the reverse.

But, Mr. S. said, there was another and still stronger view of this subject, in relation to its effects upon the interest of the farmer and agriculturist. It was a fact, however strange it might appear, susceptible of the clearest demonstration, that this nation, almost entirely agricultural, instead of exporting, actually imported agricultural labor from the poor and wretched countries of Europe to the amount of twenty or thirty millions a year. He did not mean to say that it was imported in its rude and original shape, but it entered into the composition of manufactures, and thus altered and modified, was imported and consumed among us. Sir, of what is your imported cloth composed? your imported iron, spirits, hemp,

linen—in short, almost every thing? Count the cost of the raw material, the wool, hemp, flax; then add the price of the provisions, the bread, meat, fuel, &c., consumed by those employed in the fabrication of the manufactured articles, and you will find that one-half, nay, two thirds of the price of our imported goods consisted of agricultural labor, and went to support and sustain the farmers of foreign countries, of England, France, and Russia; while our own, shut out from Europe, and shamefully abandoned at home, were left without a market, and without a motive to industry. With an almost unlimited extent of fertile territory, abounding with the finest soil and most delightful pastures, we were importing even grass from foreign countries in the shape of tallow and wool. Last year we had imported vast quantities of both; four million pounds of tallow, equal to the product of 80,000 cattle. And, was it wise in this nation, where eighty-three per cent. of the whole population were employed in agriculture, to import twenty or thirty millions of dollars' worth of agricultural produce every year, in the shape of manufactures from abroad, and most of it from England, whose territory was not much larger than some of our States, and where the proportion of agriculturists was not equal to one-third of her population? The immense sums, thus sent to Europe, he argued, were worse than thrown away, for the amount was not only lost to the country, but it introduced the labor and industry of other countries to paralyze and destroy our own. He compared it to the money expended by an individual in the purchase of spirituous liquor, or other deleterious drugs, the use of which impaired the health and ruined the constitution; in both cases, the loss of money was the smallest part of the evil. These being the effects of the present system on the farmers, any change would be to them desirable—it might be for the better, it could not be for the worse.

The honorable gentleman from Massachusetts (Mr. WEBSTER) has been pleased to denounce the restrictive policy as unwise and injudicious. He, Mr. S., would respectfully ask the honorable gentleman to point to the country which, neglecting the protection and encouragement of its own industry, and depending on foreign labor and skill for the supply of its wants, was not ultimately ruined? History furnishes, he said, no such instance. Look at miserable Poland, Italy, and Portugal, adopting the free trade policy. Look at wretched Ireland, dependant on England. Look at the once flourishing, but now degraded Holland, sinking, like ourselves, under the deleterious influence of the free trade system. He also referred to the once powerful and proud, but now poor and prostrate Spain. She, when self-dependant, relying on her own internal energies and resources, was feared and respected by the most powerful nations on the Continent; but since, like us, she has opened her ports to foreign nations, and become dependant on foreign labor, foreign capital, foreign industry, and skill, for the supply of her wants, all the wealth of her South American provinces, the rich mines of Peru and Chili, could

not save her; she soon sunk under the withering influence of this wretched and ruinous system, to her present abject and degraded condition. And, were it not for the cheapness of our Government, the freedom of our institutions, the wars in Europe, which gave us a market, and the great and unparalleled advantages, natural and political, that we enjoy, this country, too, would have long since sunk under our present unnatural, anti-American, and destructive system of policy. But, sir, look, for a moment, on the other hand, to the condition of those nations with inferior advantages, protecting by high duties and prohibitory laws their own people, and their own industry, against the injurious effects of foreign competition. Look at France, rapidly rising, like the Phoenix, from the ashes of a wasting and desolating war of thirty years; her finances prosperous; her revenue ample; every branch of industry protected, prosperous, and successful; excluding even England, who had so recently placed the Bourbons on the throne. Look at all-powerful Russia, guarding herself against foreign competition by a perfect system of prohibitions, selling us iron, &c., to the amount of between two and three millions a year, and taking in return less than a fortieth part in the produce of our soil, and the balance in cash. It is true, sir, that, in 1820, Russia determined to try our system of free trade, of “buying where she could buy cheapest.” But mark the consequence. She soon found herself on the brink of ruin, and quickly retraced her steps. In less than two years, the Russian Minister, Count Nesselrode, declares, in his official report, that this policy compelled Russia to pay a “*ruinous tribute*” to England, France, Prussia, and Austria, “*who remained faithful to their prohibitory systems.*” “Agriculture,” he says, “without a market, industry without protection, languish and decline; specie is exported, and the most solid commercial houses are shaken,” &c. Accordingly, in 1822, Russia re-enacted her tariff; not like ours, proposing mere revenue duties, but one which contained no less than 340 prohibitions, and, in January last, a few months since, this Russian tariff underwent a “judicious revision,” by which the number of prohibitions was greatly increased. And finally, look, sir, at Great Britain, the most illustrious instance that the world has ever furnished of the complete triumph of the protecting policy. But we are told that England prospers in spite of this system. As well might it be said, that men live in spite of the bread they eat; that the grass grows in spite of the rain and sunshine; or that the globe we inhabit performs its splendid course in spite of the agency of that Being “who rides on the whirlwind and directs the storm.” Sir, England extends ample protection to every branch of her industry—agriculture, manufactures, and commerce. England is dependent on England alone; she buys nothing that she can produce, and produces every thing that can be bought. By the use of labor-saving machinery, England, with a population of fourteen millions, wields a manufacturing force equal to 220 millions of hands; one boy, in an English factory, will produce as much as will purchase the

produce of fifty American farmers; one pound of cotton is so manufactured as to purchase 2,000 pounds; thus, ten cents is made equal to \$200, by the addition of labor, principally of machinery. Her cotton manufactures, alone, are estimated at 224 millions, while the raw material costs less than 25; her agricultural produce, upon a territory comparatively limited, and of inferior soil, is estimated at \$487,000,000 a year, while our whole agricultural exports, exclusive of cotton and tobacco, is less than \$12,000,000—not equal to the support of 250,000 manufacturers, at \$50 a head. Sir, what is it that enables Great Britain to lay the world under contribution? What enabled her to subsidize all Europe; to support an army of 400,000; to sustain, for nearly thirty years, an exhausting, bloody, and desolating war, with the colossal power of France, and finally enabled her to triumph on the ever-memorable field of Waterloo? Was it not the wealth derived from her manufactures? What was it, he asked, that enabled her, during that period, to raise 7,038 millions of dollars, 4,653 millions by taxes, and 2,070 millions by loans, whilst her people, notwithstanding these tremendous burdens, enjoyed an unusual degree of prosperity? Was it not attributable to her flourishing manufactures? And how was it that now, in time of peace, she could raise, and her people could pay with ease, and without a murmur, 252 millions of revenue per annum; 119 millions of which arose from the excise on twenty-five articles of manufacture, while it would convulse this nation to its centre to raise, in the same way, one-twentieth part of the amount? Sir, were we not ruined in our resources, and prostrate in our power, by a petty war of two and a half years' duration? The revenue paid by the people of Great Britain, in one year, was equal to half the whole amount of the expenditures of this Government for thirty years. Since the late war she had reduced her taxes twenty-eight millions a year; and, after defraying her enormous expenditures, and paying 135 millions, the annual interest of her national debt, she had left an efficient annual sinking fund of twenty-two millions and a half. And whence did she derive these immense resources? Trace them to their origin, and you will find it to result from the protection and encouragement afforded to her national industry, to her manufactures; which, at the same time, afforded a market for her farmers, and employment for her commerce. In Great Britain, without manufactures, neither agriculture nor commerce could be sustained; they were to them the breath of life—the daily bread they fed upon. The opposition to this measure, Mr. S. said, sprung from two sources: The commercial interest on the seaboard, and the cotton and tobacco planting interest in the South; the first from an unfounded, though sincere apprehension, that it would diminish the business and increase the burdens of commerce and navigation; the second from an apprehension, no doubt equally sincere, but equally unfounded, that, if we cease to purchase from Europe what we can and ought to make for ourselves, Europe will cease to purchase their cotton and tobacco, which now con-

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stituted three-fourths of the whole agricultural exports of this Union. These two powerful interests had hitherto governed this nation, and dictated its policy. The interior, and the West, until lately, constituting but a small part of the great concern, of course had to submit; but, having now arrived at the age of discretion, they claimed a right to participate in the administration of the Government. They were opposed to the present ruinous system of policy, which was predicated on a state of war in Europe. While all Europe was in arms—when Kings, abandoning all other pursuits, were contending in fields of blood for kingdoms, crowns, and diadems, the United States, enjoying an unbounded market, grew rich at their expense. But Europe had changed in her condition; instead of universal war, there is now universal peace; millions of men had exchanged the sword for the plough; had quit war and went to work; instead of consumers they had become producers; instead of customers had become rivals; and our produce was not only excluded from Europe, but the rival commodities had, in many instances, followed us to our own shores. During the last year even wheat, potatoes, oats, &c., had been imported in considerable quantities; and it had become necessary to protect ourselves, by duties, against these importations; and even this (the proposed duty of twenty-five cents on wheat) had been opposed by the honorable gentleman from Massachusetts, (Mr. WEBSTER,) on the ground that the importation of foreign wheat gave additional employment to our mills, and increased the business on our canals. Our own iron works were also to be abandoned, to import our iron from Russia, for the sake of employing our "commerce and navigation!" This, he said, appeared to him to be about as wise as it would be in a Pennsylvania farmer, who, having a mill on his own farm, yet carried his grain a hundred miles into Virginia to have it ground, for the sake of employing his wagon and horses! Would it not be better for the farmer to sell his wagon, or employ it in some other way? And so he would say to the merchant.

But, sir, look at the effects of this policy—this system of free trade—"buying where we can buy cheapest." Look to what it has brought this once happy and prosperous land. With a Government the cheapest, the freest, and the best upon earth; with a country possessing every advantage of climate, situation, and soil; yet filled with monuments of misery and wretchedness, of general embarrassment, and bankruptcy, and ruin. Peace brought no relief to the farmer—none to the manufacturer; to them it brought no blessings; to the country at large it presented a cheerless prospect—of agriculture depressed, manufactures ruined, and the energies of the nation relaxed, broken, and prostrate. And even commerce, we are told by the honorable gentleman from Massachusetts, (Mr. WEBSTER, though he contends that the country was never in a more prosperous condition,) is "scarcely able to keep its head above water." Sir, all the great interests of the country are at the lowest point of depression; they are

struggling for life—sinking with agriculture, the basis and foundation of all, into a common grave. And why was this land of freedom, this home of liberty, thus clouded and overcast with this dark gloom and despondence, without a ray of hope to lighten or to cheer the long vista of futurity? There was no war, no famine, no plague, no taxes in the land. Could the cause then be doubtful? Did it not evidently result from our present ruinous system of policy? Was it not because the national industry was unprotected?—because we looked to Europe, instead of our own people, our own resources, for the supply of our wants?—because we buy from abroad almost every thing we eat, and drink, and wear? Look at the national currency, reduced, says the Secretary of the Treasury, in three years, from 110 to 45 millions of dollars—all gone, together with the evidences of the public debt, government, canal, and bank stocks, to pay part of the debt due to foreign merchants and manufacturers, to whom it was estimated that we were still in debt 92 millions of dollars; more than double the whole currency of the country. Our imports increased, and our exports diminished. In 1815 and 1816, our imports amounted to the enormous sum of 244 millions, and our exports to only 134 millions. Property of almost every kind, and in almost every part of the country, with which he was acquainted, depreciated more than 100 per cent.; the migration of foreign skill and capital into the country checked; eight millions of dollars of revenue lost by the surrender of public lands; sales stopped, and the price reduced to \$1 25; the manufacturing establishments, erected throughout the country during the war, abandoned and dilapidating; insolvencies, sales, and sacrifices, had become common and familiar matters of every day's occurrence; while all the efforts of State legislation to administer relief had proved unavailing; the disease was beyond their reach; it was national, and required a national remedy. That remedy, he said, was contained in the bill under consideration, and he hoped to see it speedily and successfully applied. It was true it had been called by the gentleman from Virginia (Mr. GARNETT) a "bitter pill;" he believed, however, that the best medicines were not always the most pleasant; and it was certainly better to take even a "bitter pill," than perish. But it certainly could not, with propriety, be pronounced bitter, since the honorable Speaker had just thrown in such a vast quantity of molasses.

The strong ground, however, on which this measure was met and opposed was, that it would operate injuriously on the interests of the sugar, cotton, and tobacco planters of the South; that it would increase the price of the coarse fabrics with which they clothe their slaves, &c. This argument takes for granted the fact in controversy; a fact which he could not admit, viz., that this measure would enhance the price of the article manufactured. This he denied; and insisted that New England could, and would, manufacture the raw materials of our own country cheaper than it could be done in Europe, after being trans-

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ported 3,000 miles, and encountering all the expenses of shipping and reshipping, excises, imposts, &c., to which it was subjected. When it was proposed to increase the duty upon coarse cottons, this same objection, that it was "taxing the many for the benefit of the few," was echoed in newspapers, speeches, and memorials, from Maine to Georgia. The duty was nevertheless imposed; and what has been the result? Coarse cottons, of superior quality, are now manufactured in this country, for one-half the price formerly paid to Great Britain; and now, instead of importing, we exported, last year, to the amount of \$545,000 worth to foreign countries, after supplying the home consumption, amounting to many millions; which was saved and distributed among our own farmers and cotton growers, instead of going to Europe to reward foreign industry instead of our own. The same result had attended every thing that had received adequate protection—leather, nails, wood, umbrellas, shoes, boots, hats, &c.; and, from estimates made, it appeared that we saved by the manufacture of shoes, boots, and hats, alone, upwards of \$34,000,000 per annum. He therefore felt warranted, by uniform experience, in the opinion, that the articles proposed to be protected by this bill—cotton, iron, coarse woollens, hemp, &c., would ultimately, and at no distant period, be furnished cheaper of American than foreign manufacture. If there was any certainty in the laws of cause and effect, this result was inevitable. But the establishment of manufactories of cotton, &c., would not only afford a market for grain and other provisions, but also for the cotton of the South; for the time might come, and was perhaps not distant, when the planter of the South might share the fate of the farmers of the Western and Middle States. They, too, might be deprived of their European market, which might be interrupted and cut off, not only by war, and the many other vicissitudes that interrupt the intercourse between nations, but it was a fact of serious import to the South, that the culture of cotton was rapidly extending itself, not only in the British islands, but also in Egypt and South America. Since 1818, the price had fallen, as appeared by the English prices current, from 28 to 7 cents a pound; our flour had also, owing to the glut of the market, fallen from \$8 and \$10 a barrel, to \$4 50; and tobacco from \$185 to \$75 per hogshead.

These were some of the effects of a general peace in Europe, and they furnished powerful arguments in favor of the abandonment of a policy subject to such ruinous vicissitudes; and pointing out the necessity of adopting a permanent system of American policy, which should extend protection and encouragement to American industry, and look to American means for the supply of American wants; and if there was any nation under the sun capable of supplying all its own wants, he contended it was this. It was as inconsistent, he said, with our interest, as it was incompatible with our honor and independence, to look to the crowned heads of Europe—the Holy Alliance, for either the means of national defence or

national subsistence; our fathers had achieved their independence in vain, if it was thus to be compromised and "sold for a mess of pottage." What did we not suffer, during the late war, for want of necessary supplies? It cost you at least one hundred per cent. more to clothe a soldier than it does at present. And the humiliating spectacle was presented to the world, of an American Minister applying to Congress to suspend the non-intercourse, to enable us to get from our enemies blankets, to fulfil our treaty stipulations with the Indians! This state of things soon forced into existence every variety of manufactures. Millions of capital was promptly invested, which relieved the nation. But, as soon as peace was restored, Congress, by an act of the most flagrant injustice, instead of extending protection to those who relieved them in the hour of need, repealed the duties, and enabled the enemy to crush them at once, by throwing into our market a supply of goods equal to two years' consumption; the customs that year (1816) amounted to thirty-six millions, whereas, in 1820, (four years afterwards,) they amounted to but twelve millions. In 1815 and 1816, our imports, he repeated, amounted to 244 millions, and our exports to only 134. Great Britain thus, by a single blow, did more to prostrate and destroy American wealth, independence, and power, than they could have effected by a ten years' war. We were thus at once reduced to our former dependent, colonial, and tributary condition. But he hoped the period had now arrived when these shackles, forged and riveted by foreign hands, were to be broken asunder; when this nation, taking a high, a dignified, and independent stand, summoning forth her own boundless resources, should tell the kings of Europe that she would no longer "pay them tribute." When the South and the West would look to *New England*, instead of *Old England*, for a market and supply for an exchange of equivalents, thus strengthening the bonds that unite us, by the strong ties of interest and intercourse.

And, in conclusion, he would beg leave to appeal to the liberality, the magnanimity, to the patriotism of the enlightened Representatives of the South, who, under an ample protection, were basking in the sunshine of prosperity; and he would ask them, in a spirit of frankness and conciliation, whether they could reconcile it to their consciences to withhold the trifling protection offered in this bill to the suffering farmers and manufacturers of the interior and the West? He would appeal to the distinguished Representatives of the sugar planters of Louisiana, who, with a protecting duty of three cents a pound on sugar, were rapidly acquiring unbounded wealth and princely fortunes. He would also appeal, with the same friendly feelings, to the liberality, nay, he would say to the justice of the gentlemen from the North, who so ably represented, upon this floor, the interests of "commerce and navigation," the favored few, and he would ask them whether, while they were protected and defended, not merely by enormous discriminating duties, but also at the expense of millions of the public treasure—at

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the expense of the best and richest blood of this country—they would turn a deaf ear to the calls of the farmers and manufacturers, the great mass of the community, for protection, not by the sword or the purse of the nation, but by a simple act of legislation—by the passage of this bill. Sir, said Mr. S., I hope and trust the protection they ask will be granted, and granted by the votes of some of the gentlemen, at least, to whose liberality, to whose justice, to whose patriotism, he had appealed. He hoped the present destructive system of policy would now be abandoned; and, upon its ruins, there would arise a system of American policy, protecting and cherishing American industry; a policy which, in his conscience, he believed would alone save this nation from ultimate bankruptcy, and raise it to that proud pre-eminence among the nations of the earth, to which the distinguished advantages derived not only from the valor of our forefathers, but from nature, and from nature's God, give us a just right to aspire.

When Mr. STEWART had concluded—

The question was taken by yeas and nays at a quarter of an hour before four o'clock, when the House agreed to the reduction—ayes 120, nays 85, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Breck, Brent, Buck, Buckner, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Carter, Cary, Clark, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of North Carolina, Floyd, Foote of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Kent, Kidder, Lathrop, Lawrence, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Matson, Mercer, Mitchell of Maryland, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Prince, Randolph, Rankin, Reed, Reynolds, Saunders, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stevenson, Stoddard, Taliaferro, Tattall, Ten Eyck, Thompson of Georgia, Thompson of Kentucky, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Tyson, Vance of North Carolina, Van Rensselaer, Warfield, Webster, Whipple, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, and Wilson of Ohio.

NAYS—Messrs. Adams, Alexander of Tennessee, Allison, Bartley, Beecher, Blair, Bradley, Brown, Buchanan, Campbell of Ohio, Cassidy, Collins, Condict, Cook, Crafts, Craig, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Isacks, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Letcher, Livermore, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Metcalfe, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Richards,

Rich, Rogers, Ross, Sandford, Scott, Sharpe, Sloane, Standefer, Sterling, Stewart, Strong, Swan, Taylor, Test, Tod, Tracy, Trimble, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wood, Woods, and Wright.

A motion to adjourn was then made, and carried—Ayes 102, noes 90.

So the House adjourned.

SATURDAY, April 10.

On motion of Mr. OWEN, the Committee on Commerce were instructed to inquire into the expediency of making provision by law for the appointment of a naval officer and surveyor of the port of Mobile; and to make such other provisions relative to said port as may aid commerce and secure the revenue.

Mr. WHITTLESEY laid the following resolutions on the table for consideration on Monday, viz:

1. *Resolved*, That the Secretary of the Navy be directed to report to this House the number of non-commissioned officers and privates of the marine corps in the service of the United States, and where stationed or performing duty.

2. *Resolved*, That the Secretary of the Navy be directed to report to this House the amount paid the lieutenant colonel of the marine corps, the past year, for his monthly pay and emoluments of office.

Mr. WICKLIFFE moved the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of allowing to the heirs of Aaron Huff, late a private in the United States Army, the privilege of commuting the bounty lands for money, according to the provisions of the act of Congress heretofore in force.

The resolution was read, and, on the question being put, was disagreed to by the House.

The House proceeded to consider the resolution submitted by Mr. WARFIELD on the 6th instant; and the same being modified, was agreed to, as follows:

Resolved, That the President of the United States be requested to cause to be submitted to this House a statement of the several purchases of real estate in behalf of the United States within the territorial limits of any State, since the 4th day of July, 1776, for public purposes, in pursuance of any act of Congress, or by any department or officer of the General Government, denoting in each case the particular authority under which each purchase was made; its date, and the end or use for which it was effected; the nature of the estate thereby acquired; and the person or persons by whom and to whom such estate was conveyed; together with the fact whether such purchase was or was not accompanied with the express consent of the State of whose territory such real estate constituted a part; and in the former case whether any, and if any what, special jurisdiction accompanied the cession or conveyance.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to abolish imprisonment for debt;" in which they ask the concurrence of this House.

Mr. RANDOLPH moved that the resolution sub-

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mitted by him some days since, to reduce the per diem compensation of members of Congress to six dollars, should now be taken into consideration.

The question being put, the House refused to consider the resolution.

Mr. RANDOLPH then remarked that he thought this a subject of so much importance that he should feel it his duty to press it upon the notice of the House so long as he had the honor of a seat there.

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The unfinished business of yesterday, being the further consideration of the amendments agreed to in Committee of the Whole, to the bill "to amend the several acts for imposing duties on imports," was again taken up.

Two or three material amendments to strike out or reduce certain items, were agreed to by the House.

The question being put on concurring in the insertion of the following clause: "On all other fire arms, and on side arms, 30 per cent. *ad valorem*." Mr. RANDOLPH said, he could not consent that the people should be taxed, even if it were but a penny or two a pound upon tea, without knowing who taxed them; he, therefore, called for the yeas and nays upon the question. The yeas and nays were accordingly taken, as follows:

YEAS—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, Bartley, Breck, Brown, Buchanan, Buck, Buckner, Burleigh, Cady, Campbell of Ohio, Carter, Cassidy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Day, Durfee, Dwight, Eaton, Eddy, Ellis, Findlay, Foote of Connecticut, Foote of New York, Forward, Frost, Garrison, Gazlay, Govan, Harris, Harvey, Hayden, Hemphill, Henry, Herrick, Herkimer, Hogeboom, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, Kidder, Kremer, Lathrop, Lawrence, Letcher, Little, Livermore, Locke, Longfellow, McArthur, McDuffie, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, O'Brien, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Reed, Reynolds, Richards, Rich, Rogers, Rose, Ross, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Tatnall, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, and Wright—123.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Brent, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Culpeper, Cushman, Dwinell, Edwards of North Carolina, Floyd, Fuller, Gatlin, Gist, Hall, Hamilton, Hayward, Hooks, Kent, Lee, Leftwich, Litchfield, Long, McCoy, Mangum, Moore of Alabama, Neale, Owen, Poinsett, Randolph, Rankin, Saunders, Sandford, Arthur Smith, William Smith, Spaight, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South

Carolina, Vance of North Carolina, Warfield, Williams of New York, Williams of Virginia, Williams of N. Carolina, and Wilson of South Carolina—59.

So the amendment was concurred in.

Several other amendments, to reduce the proposed duty on scythes, to strike out the duty on fowling pieces, drawing knives, &c., were agreed to.

On the amendment which proposes to strike out the duty of 25 cents each on frying pans, and insert four cents per pound, as the duty, Mr. RANDOLPH said, this also was a tax on the people, and he must call for the yeas and nays upon it. A short discussion took place upon the propriety of this amendment, between Messrs. McDUFFIE, TOD, CAMBRELENG, and SHARPE. The question was then taken, and decided as follows:

YEAS—Messrs. Abbot, Adams, Alexander of Virginia, Alexander of Tennessee, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartlett, Bartley, Blair, Bradley, Breck, Brent, Brown, Buchanan, Buck, Buckner, Burleigh, Burton, Cady, Cambreleng, Campbell of S. Carolina, Campbell of Ohio, Cary, Cassidy, Clark, Cobb, Cocke, Collins, Condict, Cook, Conner, Crafts, Craig, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Ellis, Findlay, Floyd, Foote of Connecticut, Foote of New York, Forward, Frost, Fuller, Garrison, Gatlin, Gazlay, Govan, Harris, Harvey, Hayden, Hayward, Hemphill, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Hooks, Houston, Jenkins, Johnson of Virginia, F. Johnson, Kent, Kidder, Kremer, Lathrop, Lawrence, Lee, Leftwich, Letcher, Lincoln, Litchfield, Little, Livermore, Locke, Long, Longfellow, McArthur, McDuffie, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Morgan, Neale, Nelson, Newton, O'Brien, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Rankin, Reed, Reynolds, Richards, Rich, Rogers, Rose, Sandford, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, J. Stephenson, Stewart, Stoddard, Storrs, Strong, Swan, Tatnall, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—168.

NAYS—Messrs. Bassett, Carter, Edwards of North Carolina, Forsyth, Gist, Hall, Hamilton, Herrick, Isacks, McCoy, Mangum, Mercer, Randolph, Ross, Saunders, Arthur Smith, William Smith, Spaight, Spence, A. Stevenson, Taliaferro, Thompson of Georgia, Tucker of Virginia, Williams of South Carolina, and Wilson of South Carolina—25.

So this amendment, also, was concurred in.

The several amendments, proposing to strike out the duty on griddles and gridirons, on indigo, and on Prussian blue, and to increase the duty on Epsom salts from three to four cents per lb., and to insert a duty on rape seed oil, were severally agreed to.

The question being put on concurring in the insertion of the clause, "On molasses ten cents per gallon," was decided as follows:

YEAS—Messrs. Adams, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Allison, J. S. Barbour, Blair, Brent, Brown, Buckner, Campbell of South Carolina, Carter, Cary, Clark, Cobb, Cocke, Collins, Edwards of North Carolina, Gist, Govan, Hayden, Houston, Isacks, F. Johnson, Kent, Kremer, Lathrop, Lee, Leftwich, Letcher, Livingston, Long, McArthur, McCoy, McDuffie, McLean of Ohio, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Prince, Rankin, Rogers, Rose, Ross, Sandford, Scott, Arthur Smith, Alexander Smyth, William Smith, Standefer, Storrs, Tattnell, Thompson of Georgia, Thompson of Kentucky, Tracy, Trimble, Udree, Vance of North Carolina, Vance of Ohio, Wayne, White, Wickliffe, Williams of Virginia, and Henry Wilson—65.

NAYS—Messrs. Abbot, Allen of Massachusetts, Archer, Baylies, Barber of Connecticut, P. P. Barbour, Bartlett, Bartley, Bradley, Breck, Buchanan, Buck, Burleigh, Cady, Cambreleng, Campbell of Ohio, Cassedy, Condict, Conner, Cook, Crafts, Craig, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Findlay, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Forward, Frost, Fuller, Garrison, Garnett, Gatlin, Gazlay, Hall, Hamilton, Harris, Harvey, Hayward, Hemphill, Henry, Herrick, Hobart, Hogeboom, Holcombe, Hooks, Jenkins, Johnson of Virginia, Kidder, Lawrence, Lincoln, Litchfield, Little, Livermore, Locke, Longfellow, McKean, McKim, McLane of Delaware, Mangum, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Mercer, Miller, Mitchell of Maryland, Morgan, Neale, Nelson, Newton, O'Brien, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Randolph, Reed, Reynolds, Richards, Rich, Saunders, Sharpe, Sibley, Sloane, Spaight, Spence, Sterling, A. Stevenson, J. Stephenson, Stewart, Stoddard, Strong, Swan, Taliaferro, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Tyson, Van Rensselaer, Van Wyck, Vinton, Warfield, Whipple, Whittlesey, Williams of New York, Williams of North Carolina, James Wilson, Wilson of South Carolina, Wilson of Ohio, Wood, Woods, and Wright—132.

So this amendment was rejected.

The next amendment, proposing to strike out the second section of the bill, which provides that "in all cases whatsoever, all articles composed of mixed of various materials, shall pay the highest duty to which articles manufactured from any of such materials are subject," was agreed to.

The amendment proposing to strike out the third section of the bill, which provides that there shall be added to the duty imposed on any article the amount of bounty or premium allowed on that article, in the country from which the same is exported, was decided as follows:

YEAS—Messrs. Abbot, Adams, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Archer, Baylies, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Blair, Bradley, Breck, Brent, Buchanan, Buck, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Campbell of Ohio, Carter, Cary, Clark, Cobb, Cocke,

Collins, Conner, Cook, Crafts, Craig, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harris, Harvey, Hayden, Hayward, Hemphill, Henry, Herrick, Hobart, Hogeboom, Hooks, Houston, Isacks, Jenkins, Kent, Kidder, Lathrop, Lawrence, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mallary, Matson, Mercer, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Alabama, Morgan, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Prince, Randolph, Rankin, Reed, Reynolds, Richards, Rose, Ross, Sandford, Scott, Sharpe, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stephenson, J. Stephenson, Taliaferro, Tattnell, Taylor, Ten Eyck, Thompson of Georgia, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Van Rensselaer, Vinton, Warfield, Wayne, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, Wilson of Ohio, and Wood—144.

NAYS—Messrs. Allison, Brown, Buckner, Cady, Cassedy, Condict, Findlay, Forward, Garrison, Gazlay, Herkimer, Holcombe, Johnson of Virginia, F. Johnson, Kremer, Letcher, Little, McArthur, McKean, McLean of Ohio, Markley, Martindale, Marvin, Matlack, Miller, Moore of Kentucky, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Rich, Rogers, Sloane, Sterling, Stoddard, Storrs, Strong, Swan, Test, Thompson of Kentucky, Tod, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Woods, and Wright—53.

So this amendment was concurred in.

The question was then taken on the amendment, proposing a new section to the bill, to allow a drawback on silk goods, which may have been unpacked for the purpose of dyeing, staining, printing, or cleansing them from stains, &c., the same as if they had not been so unpacked, passed in the affirmative.

The amendment adopted in Committee of the Whole, specifying the different duties on wines, was then taken up. Some remarks were made upon this subject by Messrs. WRIGHT and McKIM.

Mr. McKIM moved to amend the amendment by inserting "Burgundy, Champagne, Rhenish, and Tokay," as subject to the same duty as is imposed on Madeira wine, say 70 cents per gallon. This was agreed to.

The same member moved to exempt from the operation of the amendment such Spanish wines as were not enumerated in it, so as to leave them subject to the duty already imposed; which was agreed to.

The same member, also, moved to reduce the proposed duty on "Fayal and all other wines from the Westera Islands" from 40 to 30 cents per gallon. This was not agreed to.

He then moved to reduce the proposed duty on Malaga wine from 30 to 25 cents per gallon; which was also disagreed to.

He then moved to strike out "50 per cent. ad

valorem," as the duty to be imposed on "Claret wines, and all other wines not before enumerated, in bottles," and insert in lieu thereof "30 cents per gallon." This was opposed by Messrs. WEBSTER and MILLER, and supported by Mr. McKIM. It was not adopted.

Mr. FOOT, of Connecticut, moved to strike out the clause imposing a duty on Claret and Malaga wines. The amendment was not adopted.

Mr. FORSYTH then moved to amend the amendment by striking it out, and inserting a new section, imposing a duty of 50 per cent. ad valorem on all wines imported in bottles and cases; and on all wines, imported otherwise than in bottles, 40 per cent.; provided that no duty on any wine shall ever exceed 100 cents per gallon. This was advocated by the mover, and opposed by Messrs. WEBSTER and POINSETT. It was not agreed to.

The question was then taken upon concurring in the amendment as agreed to in Committee of the Whole as amended by the House, and was decided as follows:

YEAS—Messrs. Alexander of Virginia, Alexander of Tennessee, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, Bartlett, Bassett, Blair, Breck, Brent, Burleigh, Burton, Campbell of South Carolina, Carter, Crowninshield, Culpeper, Cushman, Cuthbert, Durfee, Dwight, Eddy, Edwards of North Carolina, Fuller, Garnett, Govan, Hamilton, Hayden, Hayward, Hemphill, Herrick, Houston, F. Johnson, Kent, Lee, Livermore, Livingston, Locke, McCoy, McDuffie, McKee, McLane of Delaware, Mercer, Miller, Moore of Alabama, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Saunders, Sandford, Arthur Smith, Spaight, Taliaferro, Tattnell, Tucker of Virginia, Udree, Vance of South Carolina, Vinton, Webster, and Whipple—66.

NAYS—Messrs. Abbot, Adams, Allison, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartley, Bradley, Brown, Buchanan, Buck, Buckner, Cambreleng, Campbell of Ohio, Cary, Cassedy, Cobb, Cocke, Condict, Conner, Cook, Crafts, Craig, Day, Dwinell, Eaton, Findlay, Floyd, Foot of Connecticut, Forsyth, Forward, Garrison, Gatlin, Gazlay, Gist, Hall, Harris, Harvey, Henry, Herkimer, Hogeboom, Holcombe, Hooks, Isacks, Johnson of Virginia, Kidder, Kremer, Lathrop, Lawrence, Leftwich, Letcher, Lincoln, Litchfield, Little, Long, Longfellow, McArthur, McKean, McKim, McLean of Ohio, Mangum, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Neale, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Alexander Smyth, William Smith, Spence, Standefer, Sterling, A. Stephenson, J. Stephenson, Stewart, Stoddard, Swan, Taylor, Ten Eyck, Test, Thompson of Georgia, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tucker of South Carolina, Tyson, Vance of Ohio, Van Rensselaer, Van Wyck, Warfield, Wayne, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Wood, Woods, and Wright—126.

So the amendment was rejected.

Mr. TOD then moved to amend the bill by adding to the clause which now reads thus: "On cotton bagging four and a half cents per square yard," the words, "until the 30th day of June next, and six cents per square yard after that time." This amendment was supported by Messrs. TOD, COOK, LETCHER, and WRIGHT, and opposed by Messrs. BRENT, COBB, OWEN, and McDUFFIE.

The question on the motion of Mr. TOD was decided by the following vote:

YEAS—Messrs. Alexander of Tennessee, Allen of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Blair, Bradley, Brown, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Cook, Crafts, Craig, Durfee, Eddy, Ellis, Findlay, Foot of Connecticut, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herrick, Herkimer, Holcombe, Johnson of Virginia, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Lincoln, Little, McArthur, McKean, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Rich, Rogers, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—97.

NAYS—Messrs. Abbot, Adams, Alexander of Virginia, Allen of Massachusetts, Archer, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Clark, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Dwight, Eaton, Edwards of North Carolina, Floyd, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Hogeboom, Hooks, Houston, Isacks, Jenkins, Kent, Lathrop, Lee, Leftwich, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mercer, Mitchell of Md., Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Richards, Saunders, Sandford, Sibley, Arthur Smyth, Alexander Smith, Wm. Smith, Spaight, Spence, Standefer, A. Stephenson, J. Stephenson, Taliaferro, Tattnell, Thompson of Geo., Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina—99.

So the motion of Mr. TOD was rejected.

The House then adjourned to Monday next.

WEDNESDAY, April 12.

The resolution laid on the table by Mr. WHITTLESEY, on Saturday last, was taken up, read, and agreed to by the House.

The two Messages received from the PRESIDENT OF THE UNITED STATES, on Saturday, were read, and are as follows:

FIRST.

To the House of Representatives of the United States: I herewith transmit the report of the Secretary of

War, with the accompanying documents, containing the information requested by resolution of House of the 10th ultimo, and which communicates the accounts of all the Generals in the Army; likewise of the Inspector General, the Chiefs of the Engineer and Ordnance Corps, and Surgeon General, for the two years preceding the 30th of September last; also, showing the amount of money paid to each, under the different heads of pay, fuel, straw, quarters, transportation, and all other extra and contingent allowances; which report, together with the statements herewith transmitted, furnish all the information required.

JAMES MONROE.

APRIL 9, 1824.

The Message was referred to the committee appointed on the 30th of December last, upon the report of expenditures in the Ordnance Department.

SECOND.

A Message from the President of the United States on the subject of the claim of the State of Virginia to interest on sums advanced by that State for militia services, during the late war; which was referred to the Committee of Claims. [See Senate proceedings of April 12, *ante*, for this Message.]

Mr. CONNER laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to cause to be laid before this House a detailed account of the manner in which the \$9,125 have been disbursed, which was appropriated by the act of the 3d of March, 1819, for purchasing a lot of land, and for constructing pipes for supplying the Executive offices and President's house with water. Also, a detailed account of the manner in which the \$10,000 have been expended, which was appropriated by the act of the 30th of April, 1818, for graduating and improving the President's square.

Mr. CUSHMAN moved the following resolution:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing on the pension roll, all the surviving officers and soldiers of the Revolutionary army, who entered the service, or enlisted for three years, or during the war, prior to the year 1781, and who served out the time for which they engaged, or were honorably discharged; which was ordered to lie on the table.

On motion of Mr. MARTINDALE, the Committee on Commerce were instructed to inquire into the expediency of so modifying and amending the "Act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," as to exempt all vessels and boats employed in navigating the canals in the State of New York, from the necessity of being enrolled or licensed, and from the payment of tonnage duties.

The bill from the Senate, entitled "An act to abolish imprisonment for debt," was read twice, and committed to the Committee on the Judiciary.

THE TARIFF BILL.

The House then passed to the unfinished business of yesterday, which was the consideration of the Tariff bill, when—

Mr. RICH moved to strike out the minimum

valuation (of forty cents per yard) on woollens, and to insert, after the words "on all manufactures of wool, or of which wool shall be a component part, a duty of thirty per cent. *ad valorem*," until June 30th, 1825, and after that time a duty of thirty-three and one-third per cent. *ad valorem*," the following words: "until June 30th, 1826, and after that time a duty of thirty-seven and a-half per cent. *ad valorem*."

Mr. McKIM advocated the amendment in a few observations.

Mr. FOOT, of Connecticut, addressed the Chair as follows:

Mr. Speaker: It is not my intention to appeal to theory on this subject. The deep interests of my constituents, whose capital and industry are very equally distributed between agriculture and commerce, (which embrace the pursuits of my life,) and the manufacturers of wool, cotton, cotton gins, muskets, rifles, swords, and pistols, as well for your Army and Navy as for your distinguished officers, which are all in my immediate vicinity, constitute my apology for addressing you; and the declaration of the Chairman of the Committee of Manufactures, that this bill was designed for the encouragement of each of these branches of national industry, in my opinion, makes the duty imperative on me.

The principles which have been advanced by some of the zealous advocates of the bill under consideration, with some of its provisions, which seem to be founded on those principles, in my opinion call loudly on the friends of agriculture, of commerce, and even on the friends of manufactures themselves, to examine its details with a scrutinizing, if not with a jealous eye.

Although the bill itself does not openly and fairly propose, in every instance, a duty which, at first sight, appears to be prohibitory, still, as it is advocated upon that principle by many of its friends, it is fair to infer that such is the object.

A distinguished member, to whom I shall not now allude, for reasons which will be well understood, but whose arguments will not plead privilege, in the Committee of the Whole, has told us, "That the great leading policy of this Government must be changed;" "that a new system must be adopted;" "that we must become a great manufacturing nation;" that the people of these United States must no longer be permitted to pursue the occupations of their own choice, or employ their capital and their industry in those pursuits to which their own good judgment, or their natural advantages, their education, and their skill, are best adapted; but the farmer must leave his plough, and the sailor his ship, and the merchant his counting house, and be immured within the walls of large manufacturing establishments; that your agriculture and your commerce must become tributary to manufactures; that agriculture, the mother, and commerce, the elder sister, must be sacrificed to the ambition of manufactures, the younger sister, the miss in her teens. This is the new, this is the grand system of policy, which you propose to force upon the good people of these United States.

Sir, you will soon find your impotence and your weakness in this attempt. The people are yet your masters, although you may think them your slaves. Before you can effect this great change in the leading policy of the country, you must first make the people slaves. I am well aware, if you could carry your new system of policy into full and complete effect, the people would soon become slaves; the genius and spirit of your Government would be entirely changed; the equal distribution of property, on which alone a free government can long exist, and the independent spirit of our hardy yeomanry, would soon be destroyed; your Government changed into a purse-proud aristocracy, and your population become lords and tenants.

But this you cannot effect. Any attempt to force the people of these States into this silk-worm policy, by the magic power of your tariff bills, will prove abortive. Their habits are too deeply rooted. The great variety and fertility of soil, the immense extent of territory, and the ocean which washes nearly three thousand miles of your coast; the majestic navigable rivers which, like the grand arteries in the human body, flow from the heart of your country to the ocean, speak a language which cannot be misunderstood, and never will be disobeyed; you must, and will, be a great agricultural and commercial nation, in spite of all your legislation.

You may, by your restrictions, embarrass and fetter their enterprise for a short period; you may legislate them into adversity, but it is impossible to legislate a people into prosperity.

The greatest degree of national and individual wealth is obtained by permitting labor, skill, and capital, to find their own employment and investment unshackled, and encourage a free and unrestricted trade. Every attempt of Government to direct or regulate the employment of capital, or enterprise, is mischievous. The only object of a wise Government should be, to remove obstructions to the free use of capital and industry. The politicians of Great Britain have become sensible of the truth of this position, and are receding from the system of arbitrary dictation and restrictions, and shall we now plunge into it? Shall we, at this time, put on the tattered garments of an exploded policy?

The power to regulate commerce was never designed to authorize its destruction, or prescribe its channels. It may be, and often is, necessary to suspend it by embargo, for a time, as the most efficient mode of protection; but the interests of agriculture or manufactures cannot be improved by continued restrictions on commerce.

What will be the effect of imposing heavy duties on the produce and manufactures of other countries, but retaliation, by similar, or perhaps even higher duties on our productions in their ports, which will drive us entirely from their markets, and turn the channel of their trade to other countries, for those supplies which we can furnish in abundance? And, while we are destroying our commerce, in the wretched attempt to foster our manufactures by law, Europe will monop-

lize the whole trade with the South American States, and we shall find, to our cost, that there is no foreign market for our manufactures, which have been nursed with so much care in this hot-bed system; but we must be compelled to use our own manufactures, and agriculture must pay the increased price, and make up the deficiency in our revenue, while the produce, as well of agriculture as manufactures, will be confined to home consumption. I ask, will this increase your wealth and your independence? Will this furnish a market for your surplus produce? Will this encourage domestic industry?

Commerce has afforded you about \$400,000,000 of revenue! Will your manufacturers, without a foreign market, be able to supply the deficit of duty on imports? Can you collect twenty millions of dollars annually from manufactures, even if you could transform all your hardy seamen and farmers into spinners and weavers? Your manufacturing interest generally, even now, is less depressed than your agriculture and commerce, when skilfully and prudently managed. What stronger evidence of this fact can there be, than that manufacturing capital is rapidly increasing? You have already afforded protection to this branch of industry, equal to nearly 40 per cent. on the cost of your fabrics; and if, with this bounty, they cannot compete with foreign manufactures, at home, I think it would puzzle the ingenuity of that gentleman, aided by the whole host of professional gentlemen, to show how our manufactures are to find a fair competition in foreign markets, when you add to the original cost the freight and insurance to a foreign market.

In our country, sir, every branch of lawful industry is entitled to an equal portion of your fostering care, and has a right to demand equal protection from the Government. Your tariff bill, by taxing one interest for the encouragement of another, operates as a bounty, which lays every other interest under contribution for the support of the manufacturer, and is, therefore, unequal and unjust; it taxes the many for the support of a few. As a general principle, the perfect freedom of trade or commerce, which is the interchange of commodities, should never be restricted or burdened, except for the necessary purpose of revenue, in the benefits of which every portion of the community is interested; and by universal consent, every well regulated Government has resorted to it.

The policy of England, which the gentleman has taken as a model for his new American policy, is quoted by the advocates of this bill to prove its utility, and the necessity of adopting this new system of political economy.

Sir, it is much to be regretted that this subject is not better understood. Her wisest statesmen deprecate that policy, to which they have been driven by necessity, in order to meet the enormous expenses incurred in her long protracted continental wars. Her system of bounties, and drawbacks of excise, which some of our knowing ones seem to admire, and to consider as the true philosopher's stone, the magic wand which has

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produced her great wealth, is nothing but the miserable effect of her otherwise ruinous system of restriction; and the gentleman might have found the table of the British Parliament groaning under the petitions of her suffering subjects, painting in colors equally glowing with his own description of imaginary distress in this happy country, and signed by ten times the number of half-starved victims which have been obtained by hawking petitions about our country for signatures. Her system is a mere opiate to relieve extreme distress—a dose of poisonous or noxious drugs to counteract a raging disease, and the temporary relief, afforded by this violent remedy, has been mistaken by some of our political doctors as evidence of perfect health in the body politic.

I cannot, I will not believe that the zealous admirers of British policy; the warm advocates of this wonderful tariff bill—this patent medicine, which is to cure all diseases, really intended to hazard the operation of this "nostrum" as a mere experiment upon the healthy, youthful, and vigorous Constitution of our infant country, merely to test its effects; that they mean to produce disease merely to show their skill in curing the patient. No, sir; gentlemen, in my humble opinion, have been deceived by the visionary dreams of pamphleteers and political quacks, who have inundated this country with their "specifics" and "nostrums;" who have conjured up imaginary scenes of distress, borrowed, perhaps, from novels, or the effusions of a fervid imagination in painting scenes of distress in other countries to which we are total strangers; or, perhaps, merely for the mercenary purpose of finding a catch-penny market for their books, by the relation of horrid tales, made up to frighten old women or credulous children:—like the story of the "Jersey dancers, who were represented as having danced their feet off to the fiddle of the Arch Deceiver, and were left dancing on the stumps of their legs after the feet were worn off."

I ask any member of this Committee if he has seen any such picture of extreme distress in this country? A gentleman from Pennsylvania, (Mr. Brown,) on the subject of iron, indeed, told us, he had seen a sheriff hovering about his iron works, and probably, the iron was hot; but I did not understand him to say that any of the owners or workmen were starving for want of bread; or that there was any insurrection or rebellion against the laws; or that the bloody scenes of Manchester were exhibited in the State founded by the peaceful Penn.

That the golden days of our prosperity have continued unclouded to the present time, no one will claim. The whole civilized world has received a shock by the sudden transition from a state of universal war to universal peace. The best remedy is repose; universal languor and lassitude is the natural effect which is uniformly produced by violent exercise, and unusual excitement in the human body, and rest and quiet repose are indispensable to restore the system. Apply the same principle to the body politic, and its effects will be found equally salutary.

Every interest in our country is gradually re-

covering from the shock which has affected every class of our citizens; and, if the officious interference of misguided legislation does not prevent it, our agriculture, commerce, and manufactures, will soon find their proper place on a peace establishment. Your tariff of 1816 was intended to afford relief to your manufactures. It did, like the British policy, afford a temporary relief; but its effects are still visible on our commerce, and sensibly affects and injures our agriculture; and, at this moment, and for more than three years past, has depressed our manufactures by restrictions imposed on our commerce. For, let me assure gentlemen, that manufactures can no more exist and flourish without commerce, than animal life can be sustained without air.

Agriculture is the first and noblest employment of man. On this we depend for subsistence. It is the mother of commerce, and all the useful arts. With the increase of population, commerce, or an interchange of commodities of necessity, springs into being, because the variety of soil and climate produces a variety of the fruits of the earth adapted to our conveniences and our wants, and manufactures of different kinds spontaneously grow up to meet the necessary demands of both agriculture and commerce. The mere exchange of commodities with our neighbors—the passing of an article from hand to hand, requires but little aid from manufactures; but the labor of many artists is required to build the ship to carry on commerce with foreign nations; and I believe I may safely say, that ship building, at this moment, employs more native American citizens than all the manufactures of the country.

From this view of the subject, it must be clear, that any attempt to build up manufactures on any other foundation than agriculture and commerce, or upon the ruins of either of these great interests, would be as absurd and preposterous as to attempt to build a house on a soap bubble. What has supported the manufactures of Great Britain—what the manufactures of India, but their commerce with the whole civilized world? The amount of supplies always has been, and always will be, regulated by the demand. Commerce is the great artery through which the blood flows to the extremities, which returns with supplies through the veins again to the heart, and gives life and energy to the whole system. It is truly the *vis viva* of the system.

The gentleman has told us there are two classes of politicians in this country—the one devoted to foreign policy, who would lay duties on imports only for the purpose of revenue, and has attempted to prove (with what success we shall probably see hereafter) that this policy actually encourages the industry and manufactures of foreign countries to the injury of our own. Sir, it would have been very gratifying to the Committee, I presume, if the gentleman had told us what country had adopted this policy, except our own, previous to the tariff of 1816. The other class, to which he professes to belong, and which he is pleased to style the American policy, would adopt the system of restrictions and prohibitions which Bonaparte attempted to

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enforce against Great Britain, as the last desperate effort to distress his inveterate enemy, and which he then called the Continental Policy of Europe—a system of entire exclusion and prohibition of British manufactures on the Continent of Europe, while, at the very same time, the boasted "Army of England," as he then styled it, was clad in British manufactures. Spain, poor degraded Spain, has tried this same system of restrictions and prohibitions, until she has sunk from the lofty station which she once held in the scale of nations to her present condition, but a small remove from colonial vassalage. England, in time of war, has resorted to it, for the purpose of extorting from every class a heavy contribution. And now, sir, we are told this is the new discovered, true American policy—lay prohibitory duties on imports from foreign countries; destroy your commerce, which has furnished your whole revenue; prevent the export of any of your produce by prohibiting the import of any thing in return; prohibit any interchange of commodities with foreign nations: and all this to find a market for our surplus produce, and for our domestic manufactures!

The gentleman highly extols the British policy, (which he will claim as American,) because the enormous amount of taxes paid in England furnishes strong evidence of her prosperity and ability to pay! I strongly suspect the American people are not very ambitious of showing evidence of their prosperity in the same way, by the amount of taxes they can pay. Besides, sir, it will require a long course of instruction, and strong argument, to convince us that the bloody scenes at Manchester among the starving manufacturers, or the famine and distress in Ireland, furnish the best evidences of prosperity and happiness, or induce our people to adopt their policy, or excite a wish to exchange conditions.

But, sir, in the same speech in which the gentleman has recommended the adoption of this system of encouraging manufactures by restrictions on commerce, he has, if I understood him correctly, declared himself "the firm friend of a free commerce, upon the principles of perfect reciprocity." The propositions made by him, in committee, for the benefit of the whiskey trade, of an increased duty on molasses, of 100 per cent. which must entirely destroy the trade with the West Indies, or impose a heavy tax on the laboring poor, I do not feel myself bound to reconcile with his argument.

The gentleman has expressed his extreme mortification, on looking at a book lately published in England, in which the writer states, "that Great Britain enjoys a more profitable trade with the United States, since their independence, than when they were colonies." Sir, this would not be the first time in which particular and detached parts of a work have been quoted, in support of particular tenets, or pre-conceived opinions, if such were the case here; which, however, I will not believe was designed in this instance. But, sir, if the gentleman had read the whole work, in my opinion, he would have found stronger grounds for exultation and national pride, than for "mortification." The writer has endeavored to reconcile the Brit-

ish nation to the loss of the colonies, by proving that she has enjoyed a better trade with us, as an independent nation, than she ever did, or ever could have enjoyed, if these United States had remained British colonies. He contrasts our present condition with that of the colonies; paints, in glowing colors, our prosperity; and recommends the entire abandonment of the colonial policy, and that Canada should become also independent, because she now costs the mother country more than she is worth.

The tariff of 1816, avowedly supported on the same principle, of giving a spring to domestic industry, and encouraging our infant manufactures, as the present tariff bill, has been in full operation for seven years; and if the picture of distress so ably drawn by the gentleman, be a fair representation, we should suppose that gentlemen would be more disposed to abandon it, than to increase the evils, by extending this system of American policy. One petition, from Delaware, contains much useful instruction on this subject: "The duties on low priced cottons, amounting nearly to prohibition, have created such competition in the manufacture of this article, it cannot be manufactured to a profit;" and they pray Congress to increase the duty on the finer cottons for the purpose of turning some part of the capital now employed in coarse cottons, to the manufacture of fine cottons, or to some other employment. The only answer I can give this, is, if this has been the effect "in the green tree, what will be done in the dry?" While you still have some commerce remaining, and these coarse cottons find their way to South America, what will be the condition of these, and all other manufactures, when your commerce is destroyed?

Perhaps, sir, this should be called the American policy. It is the policy which has been adopted in our country, in relation to banks, which by this time must be tolerably well understood in some parts of our country. You now propose to adopt the same policy in relation to manufactures. Sir, in my opinion, call it by what name you will, it is a ruinous policy.

The gentleman tells us the present system operates unequally; some portions of the country suffer greater distress than others. And how does he propose to remedy this evil? By making the others suffer as much! Are we to engage in the unprofitable contest which can do the other most harm? Would it not be better to adopt a liberal system of policy, instead of further restrictions, and leave industry, enterprise, and capital, free from any unnecessary restraint? Each portion of the country would then prosper in proportion to their natural advantages, and their industry and economy.

The gentleman has endeavored to prove that our agriculture and commerce are languishing, by a paper calculation, showing that our exports have not increased in proportion to our population. Such a calculation is as deceptive as the estimates of the "balance of trade against us;" because we sold our produce in a foreign market, for more than it cost at home, which was much relied on

by the friends of a former tariff, but seems now to be abandoned. If the labor of one man is capable of producing sustenance for one hundred, does it follow, that if our population has increased tenfold, that the foreign demand must increase in the same ratio?

But, sir, we have been told that our commerce is already destroyed, and therefore this bill cannot injure it. But does your receipts from imports prove this? From whence do you derive twenty millions of dollars revenue? It is true, your agriculture and your commerce languish, even more than your manufactures; every interest is in some degree depressed; and what is the cause? It is necessary to ascertain the true cause to enable you to apply the proper remedies. Several causes have combined to produce this result. The enjoyment of the whole carrying trade for the belligerents of Europe, during the long Continental war, from the commencement of the French revolution until the jealousy of Great Britain towards our rising commerce, and the inveterate hostility of France against England, produced the famous Orders in Council and French decrees, which almost swept our commerce from the ocean, and which produced on our part the adoption of the restrictive system of embargo and non-intercourse, and finally of war with Great Britain, had induced our citizens to engage deeply in commerce. From the year 1790 to 1805, this country enjoyed uninterrupted prosperity; perhaps no nation on earth ever increased so rapidly in wealth; our commerce literally covered the ocean, and our flag waved over every sea. Our surplus agricultural products found a ready market, and industry received a rich reward; we feasted and fattened on the distresses of others.

In this situation the war of 1812 found us. The immense amount of capital which had been employed in commerce readily found a profitable investment in manufactures, and during the short period of war received a profit fully equal to its previous investment—the enormous price of our own manufactures lured the cupidity of avarice to vest a large amount of capital in large manufacturing establishments. The sudden and unexpected peace of 1815 found many of these establishments just commencing; extensive and very expensive buildings had been erected; and the cost of machinery in many instances had absorbed the whole capital, and the speculator depended on the promised profits, in a very short period, to reimburse the expense and convert this temporary loan into active, solid capital; and in the meantime the farmer found a ready market for his produce. But the peace blasted the fond hopes of the speculator, and destroyed the home market for the produce of the agriculturist.

Under these circumstances, strong appeals were made to Congress for relief; and the tariff of 1816 was the remedy prescribed by the wisdom of Congress; it had its effect in affording a temporary relief; but here, sir, in my humble opinion, commenced the error in our system. I would ask the candid attention of every sound politician to this point: If, at the time of adopting the tariff of

1816, the internal duties had been continued for one year, and the tariff limited to two years, whether many of the present evils would not have been avoided? Your manufactures had been nursed in a hot-bed; they had sprung into existence as if by magic; they were tender plants, and should have been exposed carefully to the open air. But your tariff induced further investments, which the fate of this country and the state of the world would not warrant; but they were built on your tariff alone, and you still hold out further inducements to manufacturing capital, by the continual promise of further legislative aid, while your foreign commerce, and of course your agricultural interests, is languishing under your restrictive system; and with your manufacturing interest, if you pursue this American policy, will constantly become more and more embarrassed, as you increase manufactures, while at the same time you are gradually destroying their market by your restrictions on trade.

Your export trade was much diminished by your tariff; the surplus produce of your agriculture perished on your hands, or sold at one-fourth of its former value; individuals were in debt; your country was in debt; and the general distress increased rather than diminished, under your restrictive system. In this state of adversity, you flew to remedies poorly calculated to afford relief; you incorporated banks, with the delusive hope of increasing your wealth by the issue of a flood of paper money, without reflecting that the mere increase of a circulating medium, instead of increasing your stock of wealth, only increased your distress, by raising the price of your produce in your own market so high as to prevent a fair competition with others in a foreign market; and while you have been engaged in devising ways and means to restore prosperity, your foreign customers have been driven to other sources for the supply of the articles, which have been perishing on our hands, and which would have found a ready market, but for the system of policy to which you have resorted in vain for relief.

During the three years succeeding the treaty of peace, your agriculture and your commerce were at the lowest state of depression, while your manufactures were supported by a contribution levied on these great interests for their support. During the last four years, manufacturers have felt the evils of the system under which agriculture and commerce had suffered for three years, under the accumulated pressure of hard times and the burdens imposed on them to sustain the manufacturing interest, but still more by the influx of foreign goods forced through your auctions. Yes, sir, by the importation of fabrics of a very inferior quality—woollen goods manufactured like sheathing paper, neither spun nor wove, but merely pasted together, the remnants of old garments, picked up and manufactured with as little expense as paper, and through the medium of your auction brought into competition with your manufactures, subject to no charges, except, perhaps, a small ad valorem duty and one fourth of one per cent. commission to the auctioneer. In this way the

foreign manufacturer has been enabled to compete with your American manufactures, and almost entirely destroy the manufactures of coarse woollen goods. This evil may easily be remedied by your auction bill now on your table, and by the minimum in the bill now under consideration, without any essential injury to either your agriculture or your commerce.

But, sir, another cause of embarrassment begins to be felt, and is complained of in a petition from the cotton manufacturers in Delaware. Competition in our own country, in the article of coarse cottons, which has distressed the manufacturers; and yet you propose to give the same encouragement to fine cottons and other manufactures, which have produced this evil, and which experience has proved injurious to coarse cottons, under your prohibitory duties. Sir, the only relief which can be afforded in this case, is in a foreign market. But you seem determined to prevent the export to a foreign market, by laying such duties on imports of articles which do not affect your own manufactures, as will inevitably prevent exports; for trade can never exist but in an interchange of commodities. Will you still pursue this *ignis fatuus* while your experience shows you its baneful effects?

The gentleman has called upon us to look at the petitions from every section of the country, and view the picture of general distress drawn up by the suffering citizens. Sir, I have examined these petitions, and have sought in vain for the picture of extreme distress which his warm imagination has painted. They state coolly and dispassionately, generally, that the great interests of the country are depressed; that industry does not receive the same liberal rewards as in former times; the manufacturers of the various articles of wool, cotton, iron, hemp, glass, &c., have stated the burdens and the pressure upon the particular articles, and appeal to the wisdom of Congress to provide some relief if practicable. But, sir, if gentlemen will examine these petitions, and the sources from which they come, they will find that those sections of our country which have most manufacturing capital make the least complaint. Take, for instance, the six Eastern States, which, by the return of the amount of capital invested, or employed in manufactures in the several States, embraces about one-half of the whole amount employed in the whole country, while the population of these States comprises about one-sixth part of the whole population: from this whole section you do not find one-half as many petitions as from the State of New Jersey, or one-fourth as many as from Pennsylvania. Indeed, you find about as many remonstrating against your tariff bill, as of those who have appealed to your wisdom for relief, and very probably some of the same persons. After seeing the bill—for it does not appear probable that these petitioners ever expected such a remedy from the wisdom of Congress—where do you find a memorial praying Congress to impose additional duty on spirits and molasses? What petition can be found among the whole number, which asks you to change the

great "leading policy," by compelling the people to change their occupations? What petition calls on Congress to sacrifice either agriculture or commerce for the support of manufactures? Where is the petition from the farmers, which asks you to impose additional duty on wheat? On hemp? On flax? Or even on wool? I believe there is one which asks for a duty on potatoes. But, sir, I understand the people of that State (Maine) are not much in favor of your tariff, nor are their Representatives among the strong supporters of this bill.

I ask the attention of the House to the bill itself. Let us examine its provisions, and see whether it is calculated to produce the effects contemplated by its advocates. It proposes a gradual increase of duty on manufactures of wool; but, in the next place, it proposes a higher rate of duty on the raw material—on the wool itself. This would operate as a bounty on the foreign manufacture, but for the minimum value of low-priced cloths; in fact, it will operate against the manufacture of fine cloth. But this duty on wool is for the benefit of agriculture and the consumer. I will not take up the time of the House in enumerating the many articles specified in the bill.

The next article I shall notice is *lead*. On this raw material you impose a tax of two cents per pound, for the benefit of the lead mines; and then on red and white lead manufactured from this raw material, four cents per pound, for the benefit of the manufacturer.

On hemp and flax, and on iron, you impose a duty in favor of agriculture; and on the manufacture of these articles a high duty, to protect the manufacturers. But here you seem to have forgotten the consumer—the ship, which is compelled to bear the burden of these double taxes, without any possible relief.

On mill cranks and mill irons, four cents per pound! I would ask whether this tax is for the benefit of the farmer, or the miller, or the man who eats the bread?

On almost every tool, by name, used by the mechanics, and on every implement used by the farmer—ploughs, hoes, scythes, spades, &c.—you impose heavy duties. Are these for the encouragement of agriculture or the mechanic arts? You propose even to tax heavily the cooking utensils used by the poor—the frying pans—but you have, in your great wisdom, struck out gridirons and griddles; whether because these are more generally in use among the rich, we have not been told.

On tallow, four cents per pound! This is to make fat beef and a good market for all the whale oil which can ever be collected. But, as it bears rather heavily on the tallow chandler and soap boiler, you allow a drawback on soap for his relief.

On indigo, alum, vitriol, copperas, and other articles used in manufacture, you propose a tax. We are bound to believe these are designed for the protection and encouragement of these manufactures.

In Committee, you laid on molasses 100 per cent. on the present rate of duty. Thus, you proposed a heavy tax on an important article of subsistence among the poor, either for the benefit of that small part of our country where molasses is produced, or to encourage the use of whiskey. But the House has rejected it. You proposed to prevent the export of grain, and convert it into whiskey! You prefer whiskey, which pays no duty, to rum, on which a heavy duty is levied—even when a small portion of molasses is distilled. Strange as it may appear, there is no branch of industry so well protected, or so much encouraged by your tariff, as the manufacture of whiskey—perhaps for the benefit of the morals of the people!—for you have, by increasing the duty on imported spirits, laid a large bounty on whiskey, at the hazard of at least one-half of the most profitable commerce of the country—I mean the trade with France, Holland, and the West Indies—which afford a better market for the surplus produce of agriculture, than all the rest of the world.

Sir, in my opinion, your bill, like the Indian's description of *punch*, is made up of contradictions. The principles contained in it are at war with each other. You tax the implements of husbandry, and all the mechanic arts, to promote industry! You tax necessities, instead of luxuries! You tax the raw material and the dyestuffs of your manufactures! You tax one man to support another, and then you tax the other to support him! You tax industry! You tax yourselves to support yourselves! You seem determined to bear your own burdens, and will not consent that others, who are willing, should assist you! In this way, you expect to grow rich and become independent!

But, Mr. Speaker, there is one article in this bill, to which my attention has been called, particularly, by a letter lately received, and to which I beg leave to call the attention of the House. I will not require the chairman of the committee, who has compared himself "to the man in the almanac—stuck full of sticks"—to answer this question; for, I do really think, he has had a hard time of it. But I will ask the gentleman from New York, (Mr. STORRS,) who, some time since, in committee, declared: "If this bill would not encourage household manufactures, and find employment for our wives and daughters, he would not give his vote in its favor." I ask him to show the House what encouragement is provided, in this bill, for a very considerable domestic household manufacture, and which, in my opinion, will not be much encouraged by building up large manufacturing establishments, and the employment of foreigners and labor-saving machinery. I ask the indulgence of the House while I read a part of this letter, which is from a gentleman of high respectability in the State which gave birth to the chairman of the committee, the gentleman from New York, to seven Senators and about twenty members of the present Congress. Notwithstanding her interests have been so much neglected in the present bill, perhaps on account of the small space she occupies on the map of the

United States; and, notwithstanding she lays before you an incorporated manufacturing capital of \$7,440,000, about one-ninth part of the amount in the whole Union, while her population comprises but one-twenty-sixth part; and her territory bears a still less proportion.

Mr. F. here read from the letter—

"That previous to the tariff of 1816, 100,000 yards of tow cloth were annually manufactured, in their families, by the industrious females in the vicinity, for market, at from twenty to twenty-five cents per yard. That this cloth was made by the industrious poor. That, in the same extent of country, the last year, not fifteen thousand yards were made; that these females are now out of employ; that the writer has had applications, within the last two years, for employ, by these females, in spinning flax, or any other employment, for from fifty to eighty cents per week. This manufacture gave employ to many industrious females, who, by their own labor, were well fed and clothed, and contributed much to support their families."

What, sir, let me ask, does this bill propose, in relation to this subject? A duty of three cents per pound on flax, to encourage the raising of the article! to aid the agriculturist! while the use of the article is almost entirely superseded by the manufacture of cotton. Sir, your three cent duty on the importation of flax, is very much like prohibiting the importation of coal to Newcastle, and it is much to be feared that the country will find its fond hopes and expectations of relief from your tariff as much disappointed as was the philosopher who attempted to extract sunbeams from cucumbers.

Mr. Speaker, these are my views of the proposed tariff, and of the system of policy which is proposed for our adoption. I stated, on a former occasion, that our present tariff needed revision; my opinion is not changed, that such a judicious revision might be made as to afford suitable aid to manufactures without materially injuring any other interest.

You have built up some manufacturing establishments by your laws; they call on you for aid and for protection. It is your duty to prevent any unfair or unequal competition of foreign manufactures with our domestic manufactures in our own market. This may be effectually done by laying a heavy duty on sales at auction of foreign manufactures, and by the present minimum in the bill. Some of our present manufacturing establishments require a further temporary encouragement to put them in successful operation. This may be effected by a moderate increase of duty on the articles which directly compete with them in our own market, and which are imported from those countries with which our trade has been least profitable; but their ultimate success must depend on their own industry and economy, and the facilities which may be afforded for a foreign market by means of a free and active commerce, to the prosperity of which they will essentially contribute, with suitable encouragement.

I cannot believe that sound policy would dictate such a degree of encouragement to manufac-

tures in this country, as to invite capital from other pursuits, at the present time. Our country is in its infancy; our territory too extensive; our population not sufficiently dense; nor the raw materials of the various manufactures sufficiently plenty; nor labor sufficiently cheap; nor are the habits of our people, nor the genius of our Government, calculated for a large and extensive manufacturing people.

But, sir, my firm belief is that by reducing the present rate of duties on the importation of foreign articles, which do not, and will not, compete with our own manufactures, so as sensibly to affect any of our existing establishments, a foreign market might now be found for all our surplus produce, and more life and vigor restored to our industry, than by all the legislative aid which we can afford. Reduce the duty on Madeira wine, on ardent spirits, on sugar and coffee, the products of those countries in which your agriculture finds the best market, so as not to prevent their importation from the certainty of loss to the importer, and you will find every cent which you take from the imported article added with interest and a handsome profit to the produce of your farms, and the export of your surplus produce. Your commerce will flourish, your agriculture revive, your manufactures receive a powerful stimulus, your revenue increase, and the "golden days of commercial prosperity" will soon be restored; not, indeed, to the full extent which you enjoyed when you monopolized the trade of the whole civilized world. Commerce is a common inheritance of all nations, and in times of general peace, we must be contented with our full share, which the industry and enterprise of our citizens will always command, unless they are prevented, by the restrictions of our own laws. Gentlemen mistake, if they think there is no foreign market for our produce. I believe, at this time, the price of our produce in the West Indies is nearly the same as in the days of our greatest prosperity; but they cannot purchase of us, unless we can receive their produce in return, and this we cannot do without incurring an immense loss, in consequence of our heavy duties on imports; and thus, the only market for our agricultural products is transferred to others, who understand their interests better. You give to Canada all the West India trade, and the rum, on which you charge a duty of forty-six cents a gallon, when imported by your own citizens, is smuggled into the United States, and you not only lose the trade, but you lose the duty; you encourage smuggling, and you do not much improve the whiskey manufacture, for the rum will compete with it. A gentleman from Pennsylvania stated that rum in Quebec, I think, costs only about five cents more than your present duty.

Sir, I must be allowed to say, that your tariff needs a judicious revision, and that such a revision might be made; but, I cannot say the present bill provides such a judicious revision.

When Mr. Foot had concluded—

Mr. BARBOUR suggested to the mover of this amendment to modify his proposition, by moving

first to strike out the minimum, and then to increase the ad valorem duty, in order that those who were opposed to the minimum, might have an opportunity of voting so as to express that opinion without, at the same time, voting to raise the duty.

Mr. RICH declined thus to modify his amendment.

The debate was further continued by Messrs. KREMER, FOOT, and McDUFFIE. Mr. BARBOUR then declared that, as the gentlemen from Vermont had refused the modification requested, he should vote against the amendment to strike out and insert, and if the question on that amendment should be decided in the negative, a motion would then be in order simply to strike out the minimum.

After some observations by Mr. MERCER, the question was then taken on Mr. RICH's motion, by yeas and nays, and decided in the affirmative—yeas 103, nays 97, as follows.

YEAS—Messrs. Adams, Alexander of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Blair, Bradley, Breck, Brown, Buchanan, Buck, Cady, Campbell of Ohio, Cassedy, Cook, Crafts, Culpeper, Durfee, Dwight, Eaton, Eddy, Farrelly, Findlay, Forsyth, Forward, Fuller, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Isaacs, Jenkins, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Letcher, Little, Livermore, McArthur, McKean, McKim, McLean of Ohio, Mallary, Markley, Marvin, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rogers, Rose, Scott, Sharpe, Sibley, Sloane, Arthur Smith, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Taylor, Test, Tod, Trimble, Tyson, Udree, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whitteley, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, P. P. Barbour, Bassett, Brent, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Clark, Cobb, Cocke, Collins, Condict, Conner, Craig, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Ellis, Floyd, Foot of Connecticut, Foote of New York, Frost, Garrison, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hobart, Hogeboom, Hooks, Johnson of Virginia, Lee, Leftwich, Lincoln, Litchfield, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McLane of Delaware, Mangum, Martindale, Matlack, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Rives, Ross, Saunders, Sandford, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Swan, Talisferro, Tattall, Ten Eyck, Thompson of Georgia, Thompson of Kentucky, Tomlinson, Tracy, Tucker of South Carolina, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Warfield, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Mr. PHILIP P. BARBOUR then moved further to

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amend the said bill, by striking out the following paragraph of the first section thereof, viz:

"First. On all manufacturers of wool, or of which wool shall be a component part, a duty of thirty per centum ad valorem, until the 30th day of June, 1825; and after that time, a duty of thirty-three and one-third per centum ad valorem, until the 30th day of June, 1826; and after that time, a duty of thirty-seven and a half per centum ad valorem."

Mr. BARBOUR explained.

And, on the question to agree to this amendment, it was determined in the negative—yeas 75, nays 124, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, Philip P. Barbour, Bassett, Breck, Brent, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Culpeper, Cushman, Cuthbert, Dwinell, Edwards of North Carolina, Floyd, Forsyth, Fuller, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hooks, Lee, Leftwich, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Neale, Newton, O'Brien, Owen, Poinsett, Randolph, Rankin, Reynolds, Rives, Saunders, Sandford, Arthur Smith, Alexander Smith, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Alexander of Tennessee, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, Bartley, Blair, Bradley, Brown, Buchanan, Buck, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Day, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Letcher, Lincoln, Litchfield, Little, Livermore, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Nelson, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Reed, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Mr. CONNER moved further to amend the said bill, by striking therefrom the following item: "On iron in bars or bolts, not manufactured in whole, or in part, by rolling, ninety cents per hundred and twelve pounds weight."

And, on the question to agree to this amendment, it was decided in the negative—yeas 81, nays 114, as follows:

YEAS—Messrs. Alexander of Virginia, Allen of

Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, Bassett, Brent, Buck, Burleigh, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Dwinell, Edwards of North Carolina, Floyd, Foote of New York, Forsyth, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hamilton, Harvey, Hayward, Herrick, Hobart, Hooks, Kidder, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Mercer, Moore of Alabama, Neale, Nelson, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Rives, Saunders, Arthur Smith, Alexander Smith, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Warfield, Whipple, Williams of New York, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Adams, Alexander of Tennessee, Allison, Barber of Connecticut, Blair, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Cook, Crafts, Craig, Day, Durfee, Dwight, Eaton, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lathrop, Lawrence, Letcher, Little, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rogers, Rose, Ross, Sandford, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, Williams of Virginia, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

In the second paragraph of the first section of the said bill, is the following proviso:

"Provided, That all cotton cloths, whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which at the place whence imported, with the addition of twenty per centum if imported from the Cape of Good Hope, or any place beyond it; and of ten per centum if imported from any other place, shall be less than thirty-five cents per square yard, shall, with such addition, be taken and deemed to have cost thirty-five cents per square yard, and shall be charged with duty accordingly."

Mr. ISACKS moved to amend this proviso, by striking out the words "thirty-five," and inserting "twenty-five."

And, on the question to agree to this amendment, it was determined in the negative—yeas 88, nays 115, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Archer, P. P. Barbour, Bassett, Blair, Breck, Brent, Buckner, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Culpeper, Cush-

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man, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hobart, Hooks, Houston, Isacks, Kent, Lee, Leftwich, Lincoln, Litchfield, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Nelson, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sandford, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Adams, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, Bartley, Bradley, Brown, Buchanan, Buck, Burleigh, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foot of Connecticut, Foote of New York, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Letcher, Little, Livermore, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Mr. CROWNINSHIELD then moved further to amend the said bill, by erasing therefrom the following clause:

"Third.—On wool, unmanufactured, a duty of 20 per centum ad valorem, until the 1st day of June, 1825; afterwards, a duty of 25 per centum ad valorem, until the 1st of June, 1826; afterwards, a duty of 30 per centum, until 1st of June, 1827; afterwards, a duty of 35 per centum ad valorem, until the 1st of June, 1828; afterwards, a duty of 40 per centum ad valorem, until the 1st June, 1829; afterwards, a duty of 45 per centum ad valorem, until 1st June, 1830; and, after that time, a duty of 50 per centum ad valorem: Provided, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more."

And, on the question to agree to this amendment, it was determined in the negative—yeas 74, nays 129, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Archer, Baylies, P. P. Barbour, Bassett, Bradley, Breck, Brent, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Dwight, Edwards of North Carolina, Floyd, Forsyth, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton,

Hayward, Herrick, Hooks, Kent, Leftwich, Livingston, Locke, Long, McDuffie, McKee, McLane of Delaware, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, Owen, Poinsett, Randolph, Rankin, Reed, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Warfield, Williams of New York, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allen of Tennessee, Allison, Barber of Connecticut, Bartley, Blair, Brown, Buchanan, Buck, Buckner, Burleigh, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Day, Durfee, Dwinell, Eaton, Eddy, Ellis, Farrelly, Findlay, Foot of Connecticut, Foote of New York, Forward, Frost, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Lee, Letcher, Lincoln, Litchfield, Little, Livermore, Longfellow, McArthur, McCoy, McKean, McKim, McLane of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, O'Brien, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Spence, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of Virginia, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Mr. ALLEN, of Massachusetts, moved to insert, after the 180th line, the following: "On brown sugar two cents per pound, and on white or clayed sugar three cents per pound."

A debate took place, in which Messrs. ALLEN, BRENT, ROSS, WICKLIFFE, COOK, LIVINGSTON, McLANE of Delaware, and RANDOLPH, took part.

Mr. RANDOLPH said that if the House would lend him its attention for five minutes, he thought he could demonstrate that the argument of the gentleman from Delaware, in favor of the increased duty on brown sugar, was one of the most suicidal arguments that ever reared its spectral front in a deliberative assembly.

The gentleman objects to reducing the duty on sugar, because it will diminish the revenue, which he says we cannot dispense with—and yet he wishes to continue it as a bounty of three dollars per one hundred pounds, (not the long hundred of 112 lbs.) until the sugar planting and sugar manufacture should be extended, so as to supply the whole demand of our consumption. Then, what becomes of the revenue from sugar that we cannot dispense with? This is what I call a suicidal argument—it destroys itself.

But, we must not reduce the duty to what it stood at, only eight years ago, because it will injure the sale of the public lands. Yes, sir, the

public lands! for which, sold or unsold, we never get paid. The gentleman would persuade us that we are under obligation to such purchasers as bought the sugar lands under the existing duty—and how many sugar estates have been established on lands bought of the public—and since the year 1816, too? Sir, this argument of obligation to tax ourselves, for the profit of these overgrown sugar planters, will not hold water. It will not even hold cotton.—[Mr. TON's reiterated motions to enhance the tax on cotton bagging, had just succeeded by the Speaker's casting vote.] We are not to reduce the duty on sugar for fear of injuring the sale of the public lands, for which, although we may obtain nominal payment, we shall never receive one penny.

[Mr. McLANE, at the commencement of his reply, appearing to be much irritated, Mr. RANDOLPH rose and assured him that he intended not the slightest personal disrespect or offence—but Mr. McLANE went on to say that the gentleman from Virginia had displayed a good head—but he would not accept that gentleman's head, to be obliged to have his heart along with it.]

Mr. RANDOLPH replied.

It costs me nothing, sir, to say that I very much regret that the zeal which I have not only felt but cherished, on the subject of laying taxes in a manner which, in my judgment, is inconsistent, not merely with the spirit, but the very letter of the Constitution—should have given to my remarks, on this subject, a pungency which has rendered them disagreeable, and even offensive to the gentleman from Delaware. For that gentleman I have never expressed any other sentiment but respect—I have never uttered, or entertained, an unkind feeling towards that gentleman, either in this House or elsewhere—nor do I now feel any such sentiment towards him—I never pressed my regard upon him—I press it upon no man. He appears to have considered my remarks as having a personal application to himself. I certainly did not intend to give them that direction, and I think that my prompt disclaimer of any such intention ought to have disarmed his resentment, however justly it may have been excited. He has been pleased, sir, to say something which, no doubt, he thinks very severe, about my head and my heart.

How easy, sir, would it be for me to reverse the gentleman's proposition, and to retort upon him, that I would not, in return, take that gentleman's heart, however good it may be, if obliged to take such a head into the bargain.

But, sir, I do not think this—I never thought it—and, therefore, I cannot be so ungenerous as to say it: for, Mr. Speaker, who made me a searcher of hearts?—of the heart of a fellow man, a fellow sinner? Sir, this is an awful subject! better suited to Friday or Sunday next, (Good Friday and Easter Sunday,) two of the most solemn days in the Christian calendar—when I hope we shall all consider it, and lay it to heart as we ought to do.

But, sir, I must still maintain that the argument of the gentleman is suicidal—he has fairly worked

the equation, and one half of his argument is a complete and conclusive answer to the other. And, sir, if I should ever be so unfortunate as, through inadvertence, or the heat of debate, to fall into such an error, I should, so far from being offended, feel myself under obligation to any gentleman who would expose its fallacy, even by ridicule—as fair a weapon as any in the whole Parliamentary armory. I shall not go so far as to maintain, with my Lord Shaftesbury, that it is the unerring test of truth, whatever it may be of temper—but if it be proscribed as a weapon as unfair as it is confessedly powerful, what shall we say (I put it, sir, to you, and to the House) to the poisoned arrow?—to the tomahawk and the scalping knife? Could the most unsparing use of ridicule justify a resort to these weapons? Was this a reason that the gentleman should sit in judgment on my heart?—yes, sir, my heart—which the gentleman, (whatever he may say,) in his heart, believes to be a frank heart, as I trust it is a brave heart. Sir, I dismiss the gentleman to his self-complacency—let him go—yes, sir, let him go—and thank his God that he is not as *this* Publican.

A motion to adjourn was now made, and decided in the negative—ayes 89, noes 99.

And then the question on Mr. ALLEN's motion was taken by yeas and nays, and decided as follows: Yeas 89, nays 102.

YEAS—Messrs. Adams, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, P. P. Barbour, Brown, Buckner, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Cobb, Conner, Cook, Crafts, Culpeper, Cushman, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Foot of New York, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Henry, Herrick, Hooks, Houston, Kent, Lathrop, Lee, Letcher, Little, Livermore, Longfellow, McArthur, McCoy, McDuffie, McKim, Mangum, Martindale, Matlack, Mercer, Metcalfe, Miller, Mitchell of Maryland, Neale, Nelson, Newton, O'Brien, Plumer of New Hampshire, Randolph, Reynolds, Rich, Ross, Saunders, Scott, Sibley, Arthur Smith, Alexander Smyth, Spaight, Spence, Sterling, Andrew Stevenson, J. Stephenson, Stoddard, Strong, Taliaferro, Tattall, Thompson of Georgia, Tomlinson, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Udree, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Abbot, Alexander of Ten., Allison, Archer, Baylies, Barber of Conn., Bartley, Bassett, Blair, Brent, Buchanan, Buck, Burleigh, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Craig, Crowninshield, Cuthbert, Day, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Forsyth, Forward, Frost, Fuller, Garrison, Garnett, Gatlin, Gazlay, Gurley, Harris, Hayden, Hemphill, Hobart, Holcombe, Isacks, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lawrence, Leftwich, Lincoln, Litchfield, Livingston, Locke, Long, McKee, McLane of Delaware, McLean of Ohio, Mallary, Markley, Marvin, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Richards, Rives, Rogers, Rose, Sandford, Sharpe,

Sloane, William Smith, Standefer, Stewart, Storrs, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Whipple, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

So, the motion was rejected.

Mr. LONG then moved to amend the bill, by reducing the duty on bolting cloths, from fifteen per cent. ad valorem to ten per cent. ad valorem. And the question thereon being stated, the House adjourned.

TUESDAY, April 13.

Mr. WEBSTER, from the Committee on the Judiciary, to which was referred bills from the Senate, of the following titles, viz:

1st. An act to provide for the security of public money in the hands of clerks of courts, attorneys, and marshals, and their deputies;

2d. An act to abolish imprisonment for debt;

3d. An act supplementary to the act, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt';"

4th. An act to change the terms of the circuit and district courts of the United States in the State of Ohio, and one of the terms of the circuit court in Kentucky;

5th. An act to authorize the settlement of the accounts of Benjamin Lincoln, and others; reported the said bills, severally, without amendment. When it was

Ordered, That the first and second of the said bills be committed to a Committee of the whole House to-morrow; that the third and fourth of the said bills be read a third time to-morrow; and that the fifth be laid on the table.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act to enable the holders of French, British, and Spanish titles to lands within that part of the State of Louisiana, situated to the east of the river Mississippi, and Island of New Orleans, which have not been recognised as valid by the Government of the United States, to institute proceedings to try the validity thereof," reported the same with amendments; and the bill was committed to the Committee of the whole House to which is committed the bill of this House, granting pre-emption rights to certain settlers in the district of Jackson Courthouse.

The Committee of Claims to which was referred, yesterday, a message from the President of the United States, relating to a claim of the State of Virginia, for interest on money advanced for militia service, during the war with Great Britain, were discharged from the further consideration thereof, and it was laid on the table.

Mr. NELSON, from the Committee on Expenditures on the Public Buildings, made a report in relation to the application and expenditure of moneys appropriated for the public buildings; which was laid on the table.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, trans-

mitting three statements in relation to the amount and disposition of the two and three per cent. funds, arising from the sale of public lands; prepared in obedience to a resolution of this House; which communication was ordered to lie on the table.

Mr. COCKE laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to inform this House what amount of money has been refunded to the Government by the several prize agents, since the 1st day of March, 1823, designating the amount paid by each agent, and when paid; what legal proceedings have been instituted against each delinquent agent, when instituted, and the present state of said proceedings; and whether the provisions of the joint resolution of Congress, approved March 3, 1823, have been enforced in all cases.

On motion of Mr. JOHN S. BARBOUR, the Committee on Military Affairs were instructed to inquire into the expediency of making further provision, by law, for the relief of Nimrod Farrow and Richard Harris, and their securities.

The resolution yesterday laid on the table by Mr. CONNER, calling for information of the expenditure of certain appropriations for improving the President's Square, &c., was taken up, and agreed to.

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The House then passed to the unfinished business of yesterday, which was the motion of Mr. LONG, to reduce the duty on bolting cloths from fifteen to ten per cent. *ad valorem*. The question being taken, the proposed amendment was rejected.

Mr. MOORE, of Alabama, then moved the previous question on the bill. (which precludes all further amendment as well as debate.) The call was not sustained by the requisite number of members.

Mr. TON proposed, as an amendment, to add to the clause laying a duty on cotton bagging, the following words: "until the 30th day of June, 1825, and, afterwards, a duty of five and a half cents per square yard," the object being to lay on this article a duty of four and a half cents per yard until the 30th June, 1825, and, after that date, of five and a half cents per square yard.

Mr. HAMILTON, of South Carolina, then moved the indefinite postponement of the bill.

At the request of Mr. LETCHER, of Kentucky, a call of the House was ordered—ayes 127.

The call having been ordered, and the Clerk proceeding to call the absentees, the further proceedings in the call were suspended.

The question recurring on indefinite postponement,

Mr. GOVAN, of South Carolina said, that, after the very able view which had been taken by the opponents of this measure, who had preceded him in the discussion, he should not attempt a detailed exposition of the grounds which would influence his vote; because, in so doing, said he, I am well convinced I shall be compelled to use many of the arguments of my friends, which have been ex-

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pressed in a much more forcible manner than I should be capable of expressing them. I hope, sir, the magnitude of the subject, the great interest which our country must feel in the discussion, is a sufficient excuse for me to trespass, but a few moments, on the patience of the House. The tendency of the measure now before us, and which, I hope to God, will not be adopted by the Committee, I view as one of the most dangerous schemes to the interest of this happy and prosperous nation that ever could have been conjured up by the imagination of man. But, sir, the tendency of it will be lamentable in the extreme to the great interest of that section of country from which I come.

I look upon this question, sir, as pregnant with the most dangerous consequences of any that has been agitated on this floor since the establishment of our Constitution. I regret, sir, to see any measure introduced here, which is, in any way, calculated to excite sectional feeling and create dangerous jealousies. I shall regret much to see one section of the Union arrayed against the other, but such, I fear, will be the effect of the bill now before the Committee. Gentlemen are certainly not aware that they are about to introduce into our country a system which strikes at the very root of civil society, and is calculated to change the character and feelings of our population. No one will deny but that the character of a population depends, in a great measure, on the pursuits and occupations of civilized man. The effects of this measure will be to introduce into our country a system which is calculated to change this nation from an agricultural to a manufacturing people. Instead of breathing that pure and wholesome atmosphere which nature intended us to enjoy, in the delightful cultivation of our fields, and in pursuit of those avocations which are the delight and boast of every American, we are to shut our population up in a miserable factory, as it were in prison, entailing upon this nation one of the most pernicious evils that could be inflicted on human society. Can there be any comparison, sir, of a population reared in the confined apartments of a factory, where they are doomed to waste their free spirits on looms and shuttles, to that which is reared in the delightful pursuits of agriculture, which gives strength to the arm, elevation to the soul, and independence to the profession? The effect of the bill now before us will, I fear, be quite different from that which is anticipated by the advocates of it. It will introduce among this sober, happy, and industrious people, a spirit of division, disunion, and discontent, will diminish the patriotism of our citizens, and corrupt the morals of our people. No one who is acquainted with the progress of manufactures will deny but that the labor in them is calculated to diminish the strength and resources of a nation. Small children are generally employed in these factories, entirely under the control and influence of their parents, who are driven frequently by necessity and the prospect of gain, without taking into consideration the serious evils they are about to inflict on their families. The

employment of persons of such a tender age, in these continued and sedentary habits, prevents population from attaining that size which they would were they employed in agricultural pursuits. Many melancholy instances may be cited of the dreadful effects of the influence of this system in Europe, but more particularly in England. We are told by Mr. Peel, one of the most distinguished men of the House of Commons, that the effects of this system on the population of one of the most healthy and flourishing towns in England, has been truly lamentable. He says, that the town of Manchester, which is now one of the most manufacturing towns in England, which used to furnish numerous and healthy recruits for the Army, by the dreadful effects of this system, was rendered wholly unproductive in that respect. In the manufactures of a new and unsettled country, it appears to me, above all others, to be the most uncertain place to invest capital, if the capitalist anticipates an immense profit in the commencement of his business. It requires great skill, and persevering industry, before they can give profit. The habits of the people must undergo a complete change before they can attain any degree of perfection. It is impossible, in the very nature of things, to suppose they can be speedily successful in a country like ours, abounding in extensive forests and untamed lands; and when recourse is had to prohibitions, premiums, and such like forced systems of monopoly, to encourage the prosperity of a country, there is always great reason to fear a mistake has been committed.

No nation in the world has advanced more rapidly to prosperity and wealth than the United States, unassisted by the advantages of conquest, but by the development and natural growth of her own resources. There is no nation under the sun where capital increases more rapidly, and the advantages of industry greater; and we shall still continue to grow and prosper, unless a check is given to us by improper and imprudent legislation. To be sure we have experienced a momentary check to our prosperity, but which has grown out of a state of things partly beyond our control, and partly by our own imprudence in legislation. The nominal price of property may change, our currency may depreciate, but a country possessing so many natural advantages, of soil and climate, with a population doubling every twenty-three years, and the productions of the earth increasing in a still greater proportion, furnish incontestable evidence of its rapid growth and rise to greatness. One of the best evidences of the prosperity of a country is, the price of labor; and I venture to assert, without the fear of contradiction, that in no country in the world is labor so high as in the United States, and it arises from the habits and feelings of our population, growing out of the nature of our Government, and character of our institutions. In no country in the world is there so many inducements for men to cultivate the earth, and become proprietors of the soil. Any man can, in this country, with the fruits of two days labor, purchase an acre of land, which, if well

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cultivated, will subsist a small family. Can it be possible, with all these inducements to cultivate the soil, and with all the advantages which accompany pursuits of this kind, that an attempt will be made by legislative enactments to force capital from its natural course? Gentlemen say the nation is in debt and distress, and their object is to legislate it into a happy and prosperous condition, and that too by encouraging a particular branch of industry. If, by legislation, we foster and encourage any one particular branch of industry, it must be at the expense of another. It must be by taking from the pocket of A and putting it into that of B. Capital, without the aid of Government, will always seek that kind of employment which is most profitable. And when any attempt is made to divert it from its accustomed channel, it must be at the expense of the other, and perhaps sacrificing the interest of the greater part for the advantage of the few. Mr. Hamilton had said, that "as often as a duty upon a foreign article makes an addition to its price, it causes an extra expense to the community for the benefit of the domestic manufacturer." There is no fact more clear and conclusive, than that, if the manufacturer cannot succeed, with the present high rate of duty, he cannot succeed without imposing an additional tax on the community. The article which it is the object of the consumer to purchase cheap, will rise in proportion to the duty laid on that article. By laying this high duty, which amounts to a complete prohibition, you deprive the Government of the income which arises from importations, and you make the article higher to the consumer, which is all for the benefit and advantage of the manufacturer. If we are to adopt this complicated system, let it be gradual, not speedy. This is the opinion of Adam Smith, to whom, after all that has been said on this subject, we owe more than to any other man. He says, all changes of this kind should be gradual and slow. In this country particularly, this change should be gradual and progressive, inasmuch as Governments like ours, are subject to violent changes of parties, often accompanied with a change of measures. Extensive investments have no security in any particular branch of industry, which are to be encouraged by sudden changes in legislation, and which depend on the whim and caprice of every session of Congress. No nation in the world in proportion to her income, pays so large a bounty for the support of manufacturing industry as the United States. Much has been said on this subject, about establishing what gentlemen have termed an American policy. I am afraid there is a delusion in the sound. It is a popular term which gentlemen have made use of to effect their purpose, when they say, we should build up for ourselves an American policy, and, say they, it is high time we should begin to encourage home industry. The merchant who invests his capital in a ship, and by his enterprise, skill, and industry, brings an article of English manufacture into market, is as much the producer of that article as he who invests his capital in a factory of looms and shuttles, and manufactures

the article at home. The process by which the article is acquired may be different, while the effect on the capital and industry of the country may be the same.

This House, sir, has been inundated with petitions and memorials from the noisy and clamorous manufacturers of our country, ambitious of their own personal aggrandizement, and with a view to the accumulation of wealth. They ought to be aware, and, no doubt, are, that experience, skill, and the knowledge of machinery, are necessary to their success. They will have first to rear a population in their factories, persons who must have all the advantages of a well regulated life, to their business, before they can either labor with ease to themselves, or with profit to their employers. It is a fact too notorious, and the history of events will bear me out in the assertion, that, when once we commence this kind of business, there will be no getting out of it. We rear a population in the factory, totally unfit for any other kind of business, or any of the common or ordinary purposes of life, and must, in the very nature of things, continue in the same kind of employment. They become mere machines themselves. Could the advocates of this system be but reasonable in their desires, and await the progress of time, they would soon acknowledge that the present duties were sufficiently high, and that the time is not far distant when we shall see the greater portion of the capital of our country going into the hands of the manufacturer. What has been the course of things already? Have not all the great and well-conducted factories in the United States increased their capital every year? Has this not been the case with the factories at Boston, Providence, and Philadelphia, and others? We are willing to let them decide the question at issue. They are in favor of an increase of duty. This noise and clamor come from a few clamorous sets of manufacturers, who, I venture to say, could not prosper under any state of things, even with an entire prohibition. But, I would ask, is it just or reasonable that we should be called on to protect the improvident and unskilful manufacturer, who has his factory in a section of country possessing few or no natural advantages?—I mean such advantages as water power, and convenience to the seaboard. The time is not far distant when those very men who are now crying out most loudly to protect them against foreign industry, will be equally clamorous for protection against the well-conducted factories of the Eastern States. We may go on passing tariff upon tariff, and, sir, we never can benefit the Western grower of hemp, or manufacturer of cotton bagging. From the very best of information which I have been enabled to obtain on the subject, some of the well-conducted factories of the North have divided this year twenty-five per cent. per annum. One of the arguments which has been urged by the advocates of this system, is, that, if we do not do something to counteract the effect of this difference between our exports and imports, that the country, in a short time, will be drained of a very precious metal. That this difference must be paid in specie, and

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with this drain is connected all those horrid ideas of national bankruptcy and political ruin. Gentlemen appear not disposed to let the commercial part of the country—I say, gentlemen are not disposed to let them have any thing to do with the regulation of commerce. They will take it under their own protection. They appear to be ready and willing at “one fell swoop” to sweep all our foreign commerce from the ocean, and dry up those sources from which are derived almost every thing which is great and glorious in this Republic. It is presumed that no intelligent merchant would either import or export any article but that on which he expected to realize something more than an equivalent for. No man would continue that trade which, sooner or later, would lead to bankruptcy. To be sure, accidents sometimes happen from various circumstances; from any business being overdone; from the common accidents to which all long and dangerous voyages are liable. But, I venture to assert that every judicious investment of a capital, whether it be in specie or any thing else, returns with an increased value added to our capital by the energy and activity of our countrymen. It is somewhat strange that these instances of what they call balances against us, will be cited to prove a proposition, the converse of which has been established by the best writers on the subject for the last twenty years. We will only refer, for a moment, to the most prosperous period of our history, from 1795 to 1801, a period which must be recollected with pleasure and delight by all the commercial men of the nation; a time when we enjoyed more uninterrupted commercial prosperity than any other nation in the world. And, I ask, was there not then what some gentlemen have called a balance against us, and which has always been the case at every period of our prosperity, and which always must be the case so long as England—“that England, hedged in with the main—that water-walled bulwark”—that emporium of the commerce of the world—enjoys any thing like her present commercial ascendancy over every quarter of the world? In the supposition that the specie of England formed the tenth part of the specie of Europe, it is very certain that the other nations of Europe must, and are compelled to, exercise great activity and persevering industry to procure for themselves the other nine-tenths of specie which is necessary for their commerce; and, when they fail to procure that portion which is necessary, the English will soon take to them that part of the precious balance which is wanting. This is very reasonable and obvious, because the exportation of specie gives more profit to the enterprise of the merchant than any other article of commerce.

There must always be what has been termed a balance of trade in favor of England, so long as she maintains her present extensive credit, and carries on so much commerce with the other nations of the world. The inflexibility of her laws with regard to creditors, the undoubted value of her paper money, which governs every thing, go to place her far above all other nations which have neglected, or whose situation cannot procure

for them the same advantages. She regards specie in the light which her best interests dictate to her. Nearly all the moneyed transactions of the country are effected by paper money more quick and agreeable than it can be done in any other way. Specie, by all nations, is considered as much an article of commerce as any thing else—as much so as we consider our flour or tobacco. No merchant sends a single dollar abroad but what he receives in return something which he considers more than an equivalent, for every exchange is a *quid pro quo*.

One of the greatest arguments against this bill is that it strikes at the total annihilation and destruction of our foreign commerce—that commerce which has built up, and beautified our most flourishing towns and cities, and given an impetus to that American industry, activity and enterprise, to which we owe the present happy and flourishing condition of our country. Capital will naturally seek that kind of employment which is most profitable; and hence it is, that most of our capital, which is but the accumulation of thirty years, has been directed to commerce. It is true our navigating interest, from a peculiar state of things, has been much depressed, and this, sir, is to be the final blow it is to receive; this is to be our shipwreck. A great portion of the capital of our country is commercial, accumulated by the active enterprise of our citizens, and which, we were told at the last session, by a gentleman who delivered one of the most able speeches on the subject I have ever heard, employed upwards of seventy thousand seamen, for the maintenance of which somewhere about ten millions of dollars were annually paid, to which, if we add the five millions which is necessary to keep this tonnage in repair, we shall find the enormous sum of fifteen millions of dollars annually disbursed to that class of our community. The effect of this measure on the cotton, rice, and tobacco-growing States will be pernicious in the extreme. It will exclude them from those markets where they depended almost entirely for a sale of those articles, and force Great Britain to encourage the cottons (Brazil, Rio Janeiro, and Buenos Ayres,) which, in a short time, can be brought in competition with us. Nothing but the consumption of British goods in this country, received in exchange, can support a command of the cotton market to the Southern planter. It is one thing very certain, she will not come here with her gold and silver to trade with us. And should Great Britain, pursuing the principles of her reciprocal duty act, of last June, lay three or four cents on our cotton; where would, I ask, be our surplus of cotton? It is well known that the United States cannot manufacture one-fourth of the cotton that is in it; and should we, by our imprudent legislative enactments, in pursuing to such an extent this restrictive system, force Great Britain to shut her ports against us, it will paralyze the whole trade of the Southern country. This export trade, which composes five-sixths of the exports of the United States, will be swept entirely from the ocean, and leave but a melancholy wreck behind. I am well convinced the agricul-

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tural interest of this country, but more particularly that of the South, is doomed to great distress. Already are our storehouses crowded with bales of cotton, which no sale can be got for, and our granaries filled with grain, rotting on our hands. And yet, gentlemen say, we have protection for our cotton, and they will give us one for our grain. I could not have anticipated such arguments as these. No legislation, on our part, can avert the common distress which the agricultural interest of our country is doomed to suffer. We must look to a change of things on the other side of the Atlantic. An alarming fact has already presented itself. The exports of cotton this last year, from the Levant or from Egypt, into England, has been 143,000 bales; and it arises from the short-sighted policy of the people of the Eastern and Middle States. They have, by their petitions and memorials, together with acts of remonstrance, induced this Government to commence that system of restriction which has forced Great Britain to begin to look somewhere else for a market for her manufactured goods, and that raw material which she will only receive by way of exchange.

The people of the Eastern States should be the last in the Union to give their support to a measure of this kind, which aims a death-blow at the commercial and navigating interest of that portion of country, which has been clearly demonstrated by the gentleman from Massachusetts, (Mr. WEBSTER.) Have they not been the carriers of our exports, and the venders of our imports, which they have brought in in return? Have they not speculated in England on the capital of our raw material? The growers of wheat, the manufacturers of hardware, cotton, or woollen goods here, can have no trade with the growers of wheat, the manufacturers of hardware, cotton, or woollen goods in England. There must be difference of productions, difference of climate, and difference of wants, to create, barter and exchange. The debt of the North to England has been paid by the cotton and rice of the South. Paralyze the South, and you strike from the ocean at once, as I said before, five-sixths of the export trade of the United States. Various causes have induced the Governments of Europe, but more particularly England, to adopt this complicated system of monopoly and prohibitions—a system which she has established, to the serious regret of the wise men of that country—a policy which was once considered sound, but now, as theories, universally exploded. It is the interest of every consumer to buy where he can get cheapest; and we are all, to a certain extent, consumers, and the more markets we have, the cheaper can we buy, and the better can we sell. As long as we trade with Great Britain, so long will she trade with us. But the moment we pass this bill, now before us, which is equal, and, I may say, intended, as a prohibition, that moment will the markets of Great Britain be closed against us. No commerce can be beneficial to both nations, unless it be founded and conducted on the perfect principle of reciprocity. Not only should the article be brought into the market as cheap as possible, but

the less labor employed in the making, so much is a gain to the consumer. I should be glad to know if any gentleman from the South, on this floor, was willing to say he was prepared to give his vote for the passage of a bill for a direct tax; that he was ready to send the tax-gatherer among his constituents. I hope not. We shall have neither the means of paying a direct tax, nor of purchasing the manufactured article from the manufacturer. We shall all be driven, in our small way, at great expense and loss of labor, to manufacture for ourselves. For not only does this article, which it is the object of the consumer to purchase cheap, rise in value, but it cuts off the means which the consumer might have in paying for it.

Mr. Speaker has drawn a most unfavorable picture of the distress of our country, but he has dwelt with more than ordinary feeling on that portion of the country west of the Alleghany mountains, and the object of this bill is to relieve them of that distress. If such are the fond anticipations of gentlemen from that quarter, I fear they will be disappointed. I am really disposed very much to question, whether there be any thing like distress in that section of country of which most is complained—I mean the West. There may have been a great depreciation of property, and individuals may not have got rich as fast as they might have wished, or might have anticipated, forming their conclusions from an unnatural state of things, which existed some eight or ten years ago there. I, sir, at various periods, have travelled through that portion of the Union, and I assure you, sir, if there was any thing like distress in the country, it retired from public view altogether. I never, in the whole course of my life, saw a people more happy and contented, in the full fruition of the best of every thing which a rich and luxuriant soil could afford. The cause of the depreciation of property in that country has not been owing to a want of protection to what has been termed American industry. It is owing, sir, to other causes—to a want of a sound currency. It is to be traced in their over issues of paper money, and the regulation of the land office system, which offers such great inducement for emigration, and by that means has drained the country of its moneyed resources. The unparalleled prosperity of that country during our late war, gave a stimulus to industry, and a value to property, which no one who reasoned on the subject could have supposed would continue in time of peace. While the war threatened the Southern and Eastern States with distress and ruin, the Western country were enjoying a height of prosperity never before experienced in any country. And, sir, this measure, if adopted, will be worse than war upon the Southern country, without any of those advantages to the West which grew out of the late war with Great Britain. We, sir, who suffered in war, should at least be allowed some of the advantages incident to a peace. This bill will bear particularly hard, and be extremely onerous and burdensome on the poor and laboring classes of our community; even the spade of the

ditcher, the axe of the timber-cutter, the gun of the hunter, and all the common implements of agriculture, are proposed to be taxed to an entire prohibition. Instead, sir, of taxing the rich man's banquet, and those articles which the interest of the country demands we should not encourage, we find those articles taxed highest which enter into the domestic concerns of every man's household. I, sir, should not object to this bill, could it be founded on a great national principle; but, I protest, most solemnly, against any measure so unequal in its operation, and the tendency of which will be to oppress one section of country for the advantage and benefit of another, and which must precede, but a little while, the necessity of an excise, which is inconsistent with the genius and spirit of our Government, and character of our institutions. I should not object to this measure, if the operation could be confined to that portion of the Union which has been so loud and clamorous for it. But, sir, it involves us also. We are ready and willing to make any sacrifice for the good of the nation. Any thing for revenue, but not a cent for monopoly.

When Mr. GOVAN had concluded—

Mr. HAMILTON, withdrew his motion for indefinite postponement.

The question on Mr. TOLSON's motion, before stated, was then taken, and stood—yeas 101, nays 101, as follows:

YEAS—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Blair, Bradley, Brown, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Cook, Crafts, Craig, Durfee, Eddy, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Holcombe, Houston, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lawrence, Letcher, Lincoln, Little, McArthur, McKean, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Rich, Rogers, Ross, Scott, Sharpe, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Archer, P. P. Barbour, J. S. Barbour, Bassett, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Clark, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Herkimer, Hobart, Hogeboom, Hook, Isacks, Jenkins, Kent, Kidder, Lathrop, Lee, Leftwich, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Ran-

kin, Reed, Richards, Rives, Rose, Saunders, Sandford, Sibley, Arthur Smith, Alex'r Smith, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Ten Eyck, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Van Rensselaer, Warfield, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

The House being equally divided, the SPEAKER voted with the yeas, and the question was thereby carried in the affirmative.

Mr. FOOT, of Connecticut, then moved further to amend the said bill, by striking out the following item:

"On all foreign distilled spirits, fifteen per centum upon the duties now imposed by law, and in addition thereto."

And on the question to agree to this amendment, it was determined in the negative—yeas 80, nays 123, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Baylies, Barber of Connecticut, P. P. Barbour, Bassett, Bradley, Breck, Buck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Conner, Crafts, Culpeper, Cushman, Cuthbert, Day, Durfee, Eddy, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Govan, Hall, Hamilton, Harvey, Herrick, Hobart, Hogeboom, Hooks, Jenkins, Lathrop, Lincoln, Livermore, Locke, Longfellow, McKee, McKim, Mangum, Mallary, Matson, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Saunders, Sharpe, Sibley, Spaight, Spence, J. Stephenson, Stoddard, Strong, Taliaferro, Tattall, Thompson of Georgia, Tod, Tomlinson, Tucker of Virginia, Webster, Whipple, Williams of North Carolina, and Wood.

NAYS—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Archer, Bartley, Blair, Brent, Brown, Buchanan, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Cobb, Cocke, Collins, Condict, Cook, Craig, Crowninshield, Dwinell, Dwight, Eaton, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Gist, Gurley, Harris, Hayden, Hayward, Hemphill, Henry, Herkimer, Holcombe, Houston, Isacks, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kidder, Kremer, Lawrence, Lee, Leftwich, Letcher, Litchfield, Little, Livingston, Long, McArthur, McCoy, McDuffie, McKean, McLane of Delaware, McLean of Ohio, Markley, Martindale, Marvin, Matlack, Mercer, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rives, Rogers, Rose, Ross, Sandford, Scott, Sloane, Arthur Smith, Alex'r Smyth, William Smith, Standefer, Sterling, A. Stephenson, Stewart, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tracy, Trimble, Tucker of South Carolina, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, James Wilson, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Woods, and Wright.

Mr. BRADLEY renewed the motion made by him in Committee of the Whole, for laying a duty on certain imported books.

Mr. B. supported the amendment, by submitting at length his views in relation to it.

Mr. TUCKER, of South Carolina, opposed the views expressed by Mr. BRADLEY, and moved to postpone the bill to the 1st day of December.

The previous question was then again called for, by Mr. WRIGHT. There were in favor of taking it 70 votes, and against it 94. So the call was not sustained by the House.

The question then recurring on the postponement, as moved by Mr. TUCKER, of South Carolina—

Mr. MERCER opposed the motion in a short speech; to which Mr. TUCKER replied in a few words.

Mr. RANDOLPH requested the gentleman from South Carolina to withdraw his motion, as a personal favor to him, that the question might be taken on the motion of Mr. BRADLEY.

Mr. TUCKER complied; but with notice that, as soon as the present amendment should be disposed of, he should renew his motion for postponement.

Mr. ALLEN made a few remarks introductory to the reading of a memorial drawn up by Mr. Jefferson, (to whose liberal sentiments and philosophical and literary character he bore ample testimony,) on the subject embraced by the amendment now under consideration.

Mr. BRADLEY modified his amendment so as to read to the following effect:

"On all books which the importer shall make it satisfactorily appear to the Collector of the port were printed previously to the year 1775, four cents per volume; and on all books printed in other than the English language, four cents per volume; on all other books, if bound, 37 cents—if in sheets, 33 cents per pound."

Mr. WEBSTER stated several facts on the subject.

Mr. POINSETT supported the amendment by a few remarks.

Mr. FORSYTH moved to amend the amendment, by striking out its last clause, viz: "on all other books, when bound, 37 cents per pound, and when in boards or sheets, 33 cents per pound."

Mr. BRADLEY opposed this alteration, and it was disagreed to.

Mr. CONDUCT suggested, as a modification, to insert "or parts of" books, which was accepted by the mover.

Mr. MCARTHUR called for a division of the question, and it was accordingly taken, first, on the first clause of the amendment, and decided by yeas and nays, as follows—yeas 184, nays 12:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, Bassett, Blair, Bradley, Breck, Brent, Buchanan, Buck, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Campbell of Ohio, Carter, Cary, Cassedy, Cobb, Cocke, Collins, Condict, Conner, Cook, Crafts, Craig, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of North Carolina, Ellis, Farrelly, Findlay, Floyd, Foot of Connecticut, Forsyth, Forward, Frost, Fuller, Garrison, Garnett, Gatlin, Gazlay, Gist, Govan, Gurley,

Hall, Hamilton, Harris, Harvey, Hayden, Hayward, Hemphill, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Hooks, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kidder, Lathrop, Lawrence, Lee, Leftwich, Letcher, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McArthur, McCoy, McKean, McKee, McKim, McLane of Delaware, McLean of Ohio, Mangum, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Patterson of Ohio, Plumer of New Hampshire, Poinsett, Prince, Randolph, Reed, Richards, Rich, Rives, Rogers, Rose, Ross, Saunders, Sandford, Scott, Sharpe, Sibley, Sloane, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, Sterling, A. Stephenson, J. Stephenson, Stewart, Stoddard, Storrs, Strong, Swan, Taliaferro, Tattall, Taylor, Ten Eyck, Test, Thompson of Georgia, Tod, Tomlinson, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Webster, Whipple, Whitman, Whittlesey, Williams of New York, Williams of Virginia, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Wood, Woods, and Wright—184.

NAYS—Messrs. Adams, Alexander of Tennessee, Allison, Barber of Connecticut, Bartley, Brown, Buckner, Kremer, Little, Patterson of Pennsylvania, Plumer of Pennsylvania, and Reynolds—12.

The question then recurring on the second part of the amendment, the yeas and nays upon it were dispensed with, and that part of the amendment was adopted, without a division.

Mr. RANDOLPH then moved to amend the bill so as to reduce the duty on brown sugar to two and a half cents per pound.

Mr. RANDOLPH spoke as follows: I rise, sir, for the purpose of offering to the consideration of this House an amendment to the bill before them, which nothing but an imperious sense of duty could have induced me, *rebus existentibus*, to propose. It will be recollected that, in the year 1816, an additional duty was laid on brown sugar. My present object is to reduce the duty to what it then was. I shall not take up the time of the House—I never have done it—in discussing the general principles of any bill on the consideration of its details. We all know the depreciation of money which has taken place since 1816; that revulsion in the pecuniary concerns of this country, many of us, in our own persons, and all of us in the persons of our friends, yet live to deplore. Sir, what was the comparative value of money then and at present? Do we not all know that at that time a duty of six cents per pound on sugar would not have been as much felt as a duty of three cents is felt now? Sir, there was not a man, with the exception, perhaps, of a few miserable usurers and muckworms, who could not then get six dollars easier than he now can get three. For myself, I could more easily have paid three dollars at that time than I can pay one dollar today. Sir, the demon of speculation had taken possession of the public mind—the bubble, not,

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sir, of the South Sea or the Mississippi, but one every whit as mischievous—was then fully blown to its utmost expansion, and was near bursting. Yet the duty on this article—an article we are all obliged to consume; in its necessity next to the articles of salt and iron, in universal demand; and entering into the food of the poorest man in the community, would not have been as great, in proportion to the value of money—at six dollars then, as it is now at three dollars. Sir, I want to know on what principle it is that the sugar planter, who gets his mules, his stave timber, the provisions for his slaves, at the first hand and on the cheapest possible terms, cannot be satisfied with a *protection*—(the word is not mine; I disclaim every thing of the kind, but I use it in gentlemen's own sense of the term,) yes, sir, a protection of two and a half cents a pound on their sugar? Sir, we have had a practical commentary in the success of the last amendment, (Mr. Ton's, on cotton bagging,) on the effects of perseverance—I hope we shall profit by it; I hope it will animate, especially, every opponent of the bill to keep the faith; to fight the good fight, and to hold out to the end. [Here Mr. BRENT interposed.]

Sir, I have not yet done. My proposition, sir, is not to lay a tax, but to take one off. But, from the effect it seems to produce, I could really think that by some necromantic process, I had been suddenly transferred to a Chamber of Deputies, or to a British House of Commons, to the deliberative hall of some one of the older—I will not say the more corrupt—I disclaim the imputation; but one of the older and more *astute* Governments of Europe. Sir, I am wrong. I rather could wish I was thus transferred; for, in the British Parliament, I should see duties reduced to less than one-half of their former amount; not, indeed, from choice, sir, for power is sweet, and so is money; but the British ministry have been driven to the reduction, and on the necessary article of salt, seven-eighths of the duty has been taken off, and they are pledged to repeal the remainder. But here, sir, by some strange conjunction of the planets—for evidently it cannot have been by any constellation being in opposition—a most extraordinary effect has been produced. In this most popular branch of the most popular Government in the world, we, who come immediately from the people, whose arteries may be expected to pulsate and keep measure with their own, instantly become extremely fastidious, so soon as any proposal is made, the object of which is to lessen the burdens of the country. Sir, were it not as plain as the noonday sun, I would quote high authority in this House, to prove what I have said of the distresses of the country. Sir, the very stamp act itself could hardly throw us into a greater flame than a proposal to diminish any of the taxes—ay, sir, or our own emolument, seems to excite in this House. But as it is a feeling in which I do not participate, as my feelings run in quite another direction, I find myself quite cool—never more unmoved in my life; for if, as I have some reason to fear, the tax shall

not be reduced, I, sir, shall pay as little of it as any man.

Mr. CONDUCT opposed the motion, and referred to the facts which existed when the present duty was laid.

Mr. RANDOLPH replied.

Mr. BRENT said a few words; and

Mr. FLOYD argued at some length in favor of the reduction.

Mr. COOK took the same side of the question, and was opposed by Mr. GURLEY; when

Mr. WICKLIFFE called for the previous question. The House refused to take it—ayes 81, noes 99.

Mr. FARRELLY opposed the reduction.

Mr. WARFIELD avowed a change of sentiment on the subject, and argued in favor of the reduction, and in answer to Mr. FARRELLY.

Mr. COOK spoke in vindication of the course he had pursued, and in answer to a charge of inconsistency.

Mr. LIVINGSTON explained some facts in relation to the consumption and raising of sugar, and urged arguments against the proposed amendment.

Mr. MALLARY inquired into the state of the sugar-growing interest, and the prospects of its increase.

Mr. LIVINGSTON replied, and stated details in explanation.

Mr. MOORE, of Alabama, moved an adjournment.

The House refused to adjourn—ayes 87, noes 100.

Mr. FORSYTH gave the history of the imposition of the tax on sugar, to show that it was raised for revenue only, and advocated the reduction.

Mr. MALLARY spoke in opposition to it.

The question was then taken on Mr. RANDOLPH's motion, by yeas and nays—yeas 96, nays 99, as follows:

YEAS—Messrs. Abbot, Adams, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, P. P. Barbour, Breck, Brown, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Cook, Culpeper, Cushman, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Forsyth, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Henry, Herrick, Hobart, Hooks, Houston, Kent, Lathrop, Lee, Leftwich, Letcher, Little, Livermore, Locke, Longfellow, McCoy, McDuffie, McKim, Mangum, Matlack, Mercer, Metcalfe, Mitchell of Maryland, Neale, Nelson, Newton, O'Brien, Plumer of New Hampshire, Randolph, Reynolds, Rives, Ross, Saunders, Scott, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Sterling, A. Stevenson, J. Stephenson, Stoddard, Strong, Taliaferro, Tattnell, Ten Eyck, Thompson of Georgia, Tomlinson, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, Williams of North Carolina, and James Wilson—96.

NAYS—Messrs. Alexander of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Bassett, Blair, Brent, Buchanan, Buck, Campbell of Ohio,

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Cassedy, Cocke, Collins, Condict, Crafts, Craig, Crowninshield, Cuthbert, Day, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Forward, Fuller, Garrison, Gazlay, Gurley, Harris, Hayden, Hemp-hill, Herkimer, Hogeboom, Holcombe, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lawrence, Lincoln, Litchfield, Livingston, Long, McArthur, McKean, McKee, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reed, Richards, Rich, Rogers, Rose, Sanford, Sharpe, Sibley, Sloane, Standefer, Stewart, Swan, Taylor, Test, Thompson of Kentucky, Tod, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Webster, Whipple, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Wood, Woods, and Wright—99.

So the motion was negatived.

A motion was made by Mr. WILLIAMS, of North Carolina, to amend the bill, by inserting the following, viz: On salt, twelve and a half cents per bushel of fifty-six pounds, instead of twenty cents, 'as now imposed by law.'

And then the House adjourned.

WEDNESDAY, April 14.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to whom was referred a resolution of the House of the 26th of February, directing an inquiry into the expediency of granting the right of pre-emption to certain actual settlers in the district of St. Helena Courthouse, in the State of Louisiana, made a report thereon, which was read, and referred to the Committee of the whole House to which is committed the bill granting the right of pre-emption to certain actual settlers in that part of the former Province of West Florida included in the district of Jackson Courthouse.

Mr. HAMILTON moved the following resolution:

Resolved, That the Secretary of the Treasury be directed to lay before Congress, on the first day of the next session, a detailed revision of the existing tariff; a revision which shall have for its object the production of revenue equal to the exigencies of Government, and which shall be beneficially accommodated to the various and existing branches of the productive industry of the country.

The resolution was read, and ordered to lie upon the table.

Mr. FLOYD submitted the following resolution for consideration to-morrow:

Resolved, That the President of the United States be requested to cause to be laid before this House any information he may possess showing the kind and quantity of provisions, stores, or supplies, of any kind, which have been sent from the United States to any of the ports of South America, on the Pacific ocean, for the use of the vessels of war of the United States; designating the ports from whence such supplies were sent, the name of the ship or vessels so employed; the time when, and the amount paid for such, and for transportation thereof; likewise, the name of the owner or owners of such ship or vessels; how and when

paid; also, the amount paid in said ports by any agent of this Government for supplies of any kind for the vessels of war of the United States, stating the name and office of the person, the time when, the place where, and the mode of payment; whether in bills, notes, or money; if in bills or notes, whether at par value, if not, at what discount or advance.

The resolution yesterday offered by Mr. COCKE, calling for information respecting payments of arrears by navy agents, &c., was taken up and agreed to.

Mr. CROWNINSHIELD, from the Committee on Naval Affairs, to which was referred the bill from the Senate, entitled "An act regulating the transportation of gold and silver bullion, specie, and jewels, and carrying of passengers, and to prohibit the receipt of merchandise in the public vessels of the United States," reported the same without amendment, and the bill was committed to a Committee of the Whole.

The petition of William Eaton, presented to the House on the 16th day of February last, was referred to the Committee on Military Affairs.

The Message of the President of the United States, upon the subject of the claim of the State of Massachusetts, for the services of the militia of said State during the late war with Great Britain, was referred to the Committee on Military Affairs.

Bills from the Senate, of the following titles, to wit: "An act, supplementary to the act, entitled 'An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt,'" "An act to change the terms of the circuit and district courts of the United States, in the State of Ohio, and one of the terms of the circuit court in Kentucky;" were, severally, read the third time, and passed.

CLAIM OF DANIEL D. TOMPKINS.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to whom was referred the Message of the President of the United States upon the subject of the claim of Daniel D. Tompkins, late Governor of the State of New York, made a report thereon; which was read, and is as follows:

The Committee of Ways and Means, to whom was referred the Message of the President of the United States of the 25th of March, 1824, relative to the accounts of Daniel D. Tompkins, report:

That the accounts of Mr. Tompkins underwent a full investigation by a committee of the House, appointed at the second session of the last Congress, who made a detailed report thereon, and in the views of the committee then expressed, as to the services of Governor Tompkins, and his claims to the justice and liberality of his country, this committee fully concur.

On a consideration of the claims and accounts of Governor Tompkins, the committee, at the last session, reported in favor of, and recommended—

1. An allowance of interest on all moneys advanced by him, on account of the public, from the time of making such advances to the time of his being reimbursed.
2. An allowance of a reasonable commission on all moneys disbursed by him during the late war.
3. An indemnity for losses sustained by him, in consequence of any failure on the part of the Govern-

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ment to fulfil its engagements to send him money and Treasury notes, within the time specified, to be deposited in certain banks as collateral security for loans procured by him at the request and on account of the Government.

4. An irresponsibility for losses incurred by any frauds or failures of sub-agents to whom moneys were advanced through his hands.

In conformity with this report, a bill was passed authorizing "the proper accounting officers of the Treasury to adjust and settle the accounts and claims of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States."

The committee have no doubt that Governor Tompkins has been and yet is a creditor of the Government to a large amount, and that every principle of justice would recommend a prompt and liberal settlement of his accounts, upon the basis of the foregoing report; but they are of opinion also that the act of Congress before recited gives sufficient authority for this purpose.

So far as the committee have been informed, it appears that the aforesaid act has been liberally interpreted by the President and the accounting officers, and that, under the provisions of that law, the President of the United States now possesses the power, and ought, in the opinion of the committee, to exercise it, of doing full and liberal justice to Governor Tompkins.

The committee do not perceive any good reason, therefore, for making any change in the existing law, and recommend the following resolution:

Resolved, That the Committee of Ways and Means be discharged from the further consideration of the subject, and that it be again referred to the President of the United States for his final decision.

Some conversation arose between Mr. McLANE and Mr. COCKE, on the subject, when Mr. COCKE moved to lay the report on the table. The motion was agreed to—ayes 76, noes 60.

THE TARIFF BILL.

The House having resumed the consideration of the bill for a revision of the Tariff—

Mr. TUCKER, of South Carolina, renewed the motion he had yesterday made for a postponement of the Tariff bill to the first day of December next; on which question the yeas and nays were required.

Mr. TRIMBLE moved for a call of the House; the motion was agreed to—ayes 87, noes 78. A call of the House was accordingly ordered. The names of the absentees were called and the doors closed.

Mr. LITTLE then moved to dispense with all further proceedings in the call. The motion was negatived. Ayes 78, noes 103.

Excuses were then offered for several absentees, and accepted.

Mr. WEBSTER moved that all further proceedings on the call be dispensed with.

Mr. TRIMBLE opposed the motion.

The question was taken and decided in the affirmative. Ayes 110.

Mr. MERCER protested against either an indefi-

nite postponement, or taking the previous question on this bill, whilst amendments were pending, and others ready to be offered.

Mr. TRIMBLE then required the previous question. The House refused to sustain the call—ayes 94, noes 97.

Mr. WEBSTER stated his reasons for voting against the indefinite postponement of the bill.

Mr. RANDOLPH expressed nearly the same views.

Mr. TUCKER said, on making his motion to postpone the Tariff bill to the 1st of December next, he did not rise to make a speech, because other gentlemen had already expressed his views of the subject under discussion much better than he was capable of doing, and much more to his satisfaction. But I am of opinion, said Mr. T., that this discussion, and the course that has been pursued, are sufficient evidence of the impropriety, at least, of laying duties for any purpose except revenue. And if we can place any confidence in the opinion of the President of the United States, and Secretary of the Treasury, there is no necessity for increasing the revenue, except it should be thought necessary to carry into operation a system of internal improvement—a project, he believed, equally as unconstitutional as the proposed tariff, and which will be equally as partial in its operation, and oppressive in its effect; both of which I consider a violation of the spirit of the Constitution, unwise, and impolitic—measures which I protest against. Some gentlemen contend that, if the bill should pass, it will increase the revenue, and encourage domestic industry; and that, by increasing the duty, the articles will come cheaper to the consumer, &c. I cannot believe such doctrine. To say that the manufacturers cannot go on without increasing the present duties, to enable them to compete with foreign manufactures, and thereby place it in the power of the manufacturers to charge more for their articles, and yet that they will come cheaper to the consumer, seems to me absurd.

Our Constitution was formed to establish justice, insure domestic tranquillity, provide for the common defence and general welfare of this Union. But, if these projects are carried into operation, they must and will have a contrary effect. From some sections of this Union, petitions have been presented from many manufacturers, praying for protection; which, if they succeed, must operate against the interest of every other class, except themselves, and be particularly oppressive to the people in the Southern States.

This subject has been too long discussed, and I have no doubt every gentleman's mind is made up on it, and that the vote now would be the same, that it would be a month hence. I think the bill worse now, than when it was reported by the Committee of the Whole, and as I am opposed to the bill with any amendments that could be made; and, for the purpose of putting an end to further discussion and amendment, I shall move for the postponement of it. I think it time for the present session to come to a close; I, for one, wish to go home; but, if gentlemen think we should stay longer, I am of opinion our time can be much bet-

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ter employed on other subjects. I call for the yeas and noes on the question of postponement.

Mr. HAMILTON and Mr. P. P. BARBOUR made a few observations in reply. When the question was taken on indefinite postponement—yeas 45, nays 155, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, J. S. Barbour, Burton, Campbell of South Carolina, Cary, Cobb, Cocke, Conner, Culpeper, Edwards of North Carolina, Floyd, Forsyth, Gatlin, Gist, Govan, Gurley, Hall, Hayward, Hooks, Kent, Lee, Leftwich, Long, McCoy, Mangum, Moore of Alabama, Neale, Owen, Rankin, Reynolds, Saunders, Sandford, Arthur Smith, Alexander Smyth, William Smith, Spaight, Taliaferro, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Archer, Baylies, Barber, of Connecticut, P. P. Barbour, Bartley, Bassett, Beecher, Blair, Bradley, Breck, Brent, Brown, Buchanan, Buck, Buckner, Burleigh, Cady, Campbell of Ohio, Carter, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foote of Connecticut, Foote of New York, Forward, Frost, Fuller, Garrison, Garnett, Hamilton, Harris, Harvey, Hayden, Hemphill, Henry, Herrick, Herkimer, Hobart, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lathrop, Lawrence, Letcher, Lincoln, Litchfield, Little, Livermore, Livingston, Locke, Longfellow, McArthur, McDuffie, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallory, Markley, Martindale, Marvin, Matlack, Matson, Mercer, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Nelson, Newton, O'Brien, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Prince, Randolph, Reed, Richards, Rich, Rives, Rogers, Rose, Ross, Scott, Sharpe, Sibley, Sloane, Spence, Standefer, Sterling, A. Stevenson, James Stephenson, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Warfield, Wayne, Webster, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—121.

Bartlett, Buck, Burleigh, Burton, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Culpeper, Cushman, Edwards of North Carolina, Floyd, Foote of Connecticut, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Houston, Kent, Lathrop, Lee, Leftwich, Little, Livermore, Long, McCoy, McDuffie, McKee, McKim, Mangum, Matlack, Mercer, Mitchell of Maryland, Moore of Alabama, Neale, Owen, Plumer of New Hampshire, Poinsett, Randolph, Reynolds, Rives, Rogers, Saunders, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, Sterling, A. Stevenson, J. Stephenson, Stoddard, Taliaferro, Tattall, Thompson of Georgia, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Wayne, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—81.

NAYS—Messrs. Adams, Alexander of Tennessee, Allison, Baylies, Bartley, Bassett, Beecher, Blair, Breck, Brent, Brown, Buchanan, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foote of New York, Forward, Fuller, Garrison, Gazlay, Gurley, Harris, Hayden, Hemphill, Henry, Herrick, Herkimer, Hobart, Hogeboom, Holcombe, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Lincoln, Litchfield, Livingston, Longfellow, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallory, Markley, Martindale, Marvin, Matson, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Newton, O'Brien, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rankin, Reed, Richards, Rich, Rose, Ross, Sandford, Scott, Sharpe, Sibley, Sloane, Stewart, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Webster, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright—121.

So the motion of Mr. WILLIAMS was negatived. Mr. CONDUCT moved to amend the bill by adding to the clause, fixing the duty on bar iron, at 90 cents per cwt., the following words: "Until the 1st day of June, 1825; and, from that time, a duty of one dollar per cwt."

I did not rise, said Mr. CONDUCT, to discuss, at length, the principles of the bill. It was my intention to submit my views of its general policy, and of the effects which probably would result from its adoption; but, being precluded an opportunity, when in Committee of the Whole House, where the debate has been protracted to a great length, knowing how precious the time of the House is, and how impatient gentlemen are to vote upon the final question, I will content myself with a very few remarks connected with the amendment I have the honor to submit.

I will, first, ask the attention of the House to the condition of the iron works in the district where I reside. In the county of Morris there are about forty establishments for the manufacture of bar iron—in all, about ninety forge fires; most of them are located upon one stream, a branch of the

The question then recurred on the amendment previously offered by Mr. WILLIAMS, reducing the duty on salt to 10 cents per bushel.

Mr. ROSS called for the previous question.

The House refused to sustain the call—ayes 93, noes 95.

Mr. SANDFORD made some general remarks in opposition to the bill.

Mr. REED stated facts, and quoted memorials in opposition to the amendment proposed.

Mr. FLOYD advocated the reduction, which was also supported by Messrs. RANDOLPH and MOORE, of Alabama; when the question was taken by yeas and nays—yeas 81, nays 122, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Barber of Connecticut, P. P. Barbour, J. S. Barbour,

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Passaic river. During the restrictive system, and whilst the war continued, these works were in a flourishing condition; the iron found a ready sale, and commanded a good price. At the close of the war, the large importations from Europe reduced the price below the actual cost of making it, and these works ceased. The owners petitioned Congress for relief, by additional duties on foreign iron. In the hope that aid would be granted, they struggled for existence, endeavoring to employ their workmen, rather than discharge them, although every ton of iron made was sold at a loss. In 1815 or 1816, Mr. Dallas, then Secretary of the Treasury, recommended an increase of the duty on foreign iron, to \$15 per ton. But, such was the hostility to this important branch of industry, so strong was the joint influence of the merchants and planters, that, instead of advancing the duty, as Mr. Dallas had advised, they reduced it to forty-five cents per cwt. or nine dollars per ton. The consequence was, irretrievable ruin to the great body of iron-masters in every section of our country. Of the forty establishments before referred to, with the exception, perhaps, of four or five, the works have either been abandoned, or have changed owners. The few who withstood the shock, were men who had accumulated property whilst the business was profitable, and who, during the time of depressed prices, merely converted the surplus produce of their farms into cash, by the operations of their forges, following the iron business as a secondary employment; whilst every man who made it his principal concern, who sold his iron and purchased his provisions and stock, was ruined. His forge, his lands, his goods and chattles, were all struck off under the sheriff's hammer, at public auction. He himself was driven to jail; his workmen were unemployed; some of them followed their employer to the jail; some emigrated to new countries; their families were reduced to abject want, and compelled to ask relief from the town, or resort to beggary. The sound of the axe and the forge hammer was no longer heard from the mountains, where, but a few years before, all was life, and action, and gladness.

Such, Mr. Speaker, was the actual condition of these unfortunate people; a condition, not the result of their idleness or prodigality, but of the neglect of their own Government, which had looked on as an unconcerned spectator, upon the ruin of our own citizens, accomplished by the policy of foreign Governments.

About the year 1819, a duty of seventy-five cents per cwt. or \$15 per ton, was imposed, under which act many of those works gradually revived, and, with the most rigid economy, their owners were enabled for a time to pursue the business. The general peace of Europe, the disbanding of about 600,000 men, so long employed in arms, had the effect of reducing the price of labor to so low a degree, as to enable the manufacturers in Sweden and Russia and England to undersell us. The importations of iron in 1821, 1822, and 1823, have been so enormous, as to drive American iron from our market. Our average import

had been about 20,000 tons annually, but, in 1823, we imported 31,000 tons. Not a bar of American iron can now be sold in our cities, except at a dead loss to the manufacturer. Our citizens, employed in this business, have loaded your table with their memorials, stating their difficulties, and imploring relief. Will you turn a deaf ear to their distresses? Will you suffer these establishments to fall into utter decay? Will the Government be dependent on foreign nations for an article so essential to our national defence—so necessary for every purpose of agriculture? Will you look to Europe for your cannon and muskets, your swords and your ploughshares, your spears and pruning hooks? With your hills and mountains abounding with the richest iron ore on the globe, competent, not merely to supply your own wants, but amply adequate to supply the whole world, with fuel and water power in the vicinity of every mine, sufficient to prepare it for use, will you still look to England and Sweden and Russia, for this indispensable article? Will you transport it three and four thousand miles, merely to give employment to your surplus tonnage? To give your merchants the benefit of the freight, and a profit upon the purchase?

What is the objection to raising the duty on this article? It is said it will enhance the price to the consumer. I admit, Mr. Speaker, it may produce that effect for a limited period; but, in the end, the domestic competition will insure an abundant supply, and at a reasonable price. There is no greater fallacy, than the assertion, so often repeated, that increased duties always enhance the price of the article. On the contrary, I maintain that, when the Government has afforded a duty amounting to a protection from foreign importation, a reduction of price has followed. I would instance coarse cottons as a most conclusive and triumphant proof. In 1816, when the protective duty of twenty-five per cent. was enacted, with a minimum valuation of twenty-five cents per square yard, all the arguments which sophistry and mercantile cupidity could invent, were urged against the measure. All the gloomy predictions, now enforced against this bill, were arrayed. Commerce was to be destroyed; the Navy would be annihilated; the whole nation was to be taxed for the benefit of a few cotton spinners; the poor of the land would be compelled to pay double prices for the coarse garments they wore. The law, however, went into operation, and the coarse cottons of India were excluded. The trade in that article was cut off, and this is the only prediction in the whole catalogue which has been fulfilled. The wants of the country, in respect to coarse cottons, are most abundantly supplied; we produce, from the skill and industry of our own people, an article most essential to our comfort, of a quality vastly superior to any ever imported, and at a price greatly reduced. Sir, if this fact stood alone, it would speak volumes in favor of the policy of this bill. Gentlemen may tax their ingenuity as they please, to account for the success of this measure of national policy, and for the failure of their own predictions; they cannot mis-

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lead the public mind. The facts are apparent to the capacity of every man. But, sir, this is only one instance which goes to show the fallacy of the assertion, that increased duties augment the price to the consumer. I might enumerate the various articles manufactured from leather—as boots, shoes, harness, saddles, bridles—cabinet furniture, as chairs and tables—carriages, hats, nails, shovels, and spades, and various other articles, as furnishing conclusive evidence that, where Government has granted an adequate protective duty, to articles of prime necessity, the raw material of which is produced at home, domestic competition invariably produces an adequate supply, at prices generally not exceeding those of the imported articles, and frequently much lower, taking into calculation the quality of the goods.

Taking, then, experience as our guide, may we not expect the same results, in regard to iron? New mines of this valuable treasure are daily discovered, producing, in the greatest abundance, the best iron in the world. Protect your manufactures from being ruined by foreign importation; give them the supply of the home market, which will insure them a regular demand and a ready sale for the fruits of their industry. Let them progress gradually in perfecting their machinery, and in acquiring skill, which experience alone can give. The resources of our country, the enterprise and energy of our citizens, with our experience in relation to other subjects, all justify the conclusion that domestic competition will insure us a full supply, at reasonable prices, of an article so intimately connected with our national defence in war, and so essential to our agricultural, our manufacturing, and our commercial pursuits in peace.

Mr. BAYLIES opposed the amendment in a short speech.

Mr. McDUFFIE moved to amend the amendment, by striking out one dollar and inserting eighty cents, as the duty per cwt., and supported his motion by a speech, in which he delivered at length his sentiments on the iron duty.

Mr. ARCHER followed, on the same side, in a speech of considerable extent.

Mr. WEBSTER spoke at length in favor of the duty of eighty cents.

Mr. TOD rose in reply, and, having spoken for some time, after he concluded,

Mr. KREMER called for the previous question.

The House, this time, sustained the call—ayes 98, noes 86.

The question, "Shall the main question be now put?" was taken by yeas and nays—yeas 111, nays 93, as follows:

YEAS—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Barber of Connecticut, J. S. Barbour, Bartley, Beecher, Blair, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassidy, Clark, Cocke, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foote of New York, Forward, Garrison, Gazlay, Gurley, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Jenkins, Johnson of Virginia, J. T. Johnson, Kent, Kidder,

Kremer, Lestwich, Letcher, Little, Livingston, McArthur, McKean, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Sanford, Scott, Sharpe, Sloane, Wm. Smith, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Archer, Baylies, P. P. Barbour, Bartlett, Bassett, Breck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Isaacks, F. Johnson, Lathrop, Lawrence, Lee, Lincoln, Litchfield, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mercer, Mitchell of Maryland, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sibley, Arthur Smith, Alexander Smyth, Spaight, Spence, Standefer, A. Stevenson, James Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

The said main question was then put, to wit: "Shall the bill be engrossed, and read a third time?" and passed in the affirmative—yeas 105, nays 102, as follows:

YEAS—Messrs. Adams, Alexander of Tennessee, Allison, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassidy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Blair, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuth-

bert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Isaacs, Kent, Lathrop, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

So the bill was ordered to be engrossed and read a third time.

The question being then stated, as to the day on which the bill should receive its third reading—

Mr. TOD moved that it have its third reading to-morrow.

Mr. RANDOLPH moved that it have its third reading on Monday next, and supported the motion by a few remarks.

On this question a warm debate arose, in which Messrs. LIVINGSTON, MERCER, and WARFIELD, advocated, and Messrs. TOD, KREMER, METCALFE, and STORRS opposed the postponement.

Mr. SAUNDERS moved for the indefinite postponement of the bill.

The Chair pronounced this motion out of order.

Mr. SAUNDERS then, at the suggestion of Mr. RANDOLPH, moved that the third reading take place on the 4th of July next.

Mr. WRIGHT made some observations in explanation of the actual state of the question, in regard to the bill.

An unsuccessful motion was made to adjourn.

Mr. FOOT, of Connecticut, moved that the bill be laid on the table.

The Chair pronounced this motion to be out of order, as the bill itself was not, at the present moment, before the House, and the only question before the House being the fixing of the day for a third reading.

The question was then taken on the 4th day of July next, as the day for the third reading, by yeas and nays—yeas 68, nays 131, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Archer, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Day, Edwards of North Carolina, Floyd, Forsyth, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hooks, Kent, Lee, Leftwich, Livingston, Long, Longfellow, McCoy, McKee, Mangum, Mercer, Moore of Alabama, O'Brien, Owen, Poinsett, Randolph, Rankin, Rives, Saunders, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allen of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Blair, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Cuthbert, Durfee, Dwinell, Dwight, Eaton, Eddy, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Houston, Isaacs, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lathrop, Lawrence, Letcher, Lincoln, Little, Locke, McArthur, McDuffie, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Neale, Nelson, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Reed, Reynolds, Richards, Rich, Rogers, Rose, Ross, Sandford, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Rensselaer, Van Wyck, Vin-ton, Warfield, Wayne, Whitman, Whittlesey, White, Wickliffe, Williams of New York, Williams of Virginia, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

Mr. RANDOLPH withdrew his motion for Monday, and the bill was then ordered to be read a third time to-morrow.

The House then adjourned.

THURSDAY, April 15.

Mr. HAMILTON, from the Committee on Military Affairs, made a report on the petition of Dean Weymouth, accompanied with a bill for his relief; which was read twice, and committed to a Committee of the Whole.

The SPEAKER laid before the House a letter from the Secretary of the Navy, accompanied with a report of the number of non-commissioned officers and privates of the marine corps in the service of the United States, and where stationed or performing duty; also, a report of the amount paid to the Lieutenant Colonel of the marine corps the past year, for his monthly pay and emoluments of office, prepared in compliance with a resolution of the House of Representatives of the 12th April instant.—Laid on the table.

The resolution yesterday offered by Mr. FLOYD, respecting transportation of private property in national vessels, purchases of naval stores abroad, &c., was taken up and agreed to, *nem. con.*

On motion of Mr. CALL, the Committee of Ways and Means were instructed to inquire into the expediency of allowing a compensation to Joseph M. White and William Davidson, of Florida, for services rendered the United States, in the capacity of district attorney and marshal of the district of West Florida.

On motion of Mr. FRANCIS JOHNSON, the Committee on Pensions and Revolutionary Claims were instructed to inquire into the expediency of placing Joseph Kingry, late a private in the service of the United States, on the pension roll.

The resolution laid upon the table yesterday, by Mr. HAMILTON, was taken up, read, and again laid upon the table.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act for the relief of Thaddeus Mayhew;" "An act for the relief of Ichabod Lord Skinner;" "An act to alter the times of holding the district court in the district of Missouri;" "An act for the relief of Hezekiah Langley and Benjamin M. Belt;" and "An act for the relief of Thomas Hewes; in which bills the Senate ask the concurrence of this House.

Mr. ALLEN, of Massachusetts, called for the consideration of the resolution proposed by him for fixing a day for the adjournment of Congress; and, on his motion, the question of consideration of this proposition was taken by yeas and nays.—The vote stood as follows: For considering it, 100; against considering it, 100.

The House being equally divided on the question, the SPEAKER voted thereupon in the negative.

So the House refused now to consider the said resolution.

Mr. RANDOLPH moved—and there was no occasion, he presumed, for him to indicate the grounds of that motion—that when the House adjourns, it shall adjourn to meet on Saturday next. On this question Mr. TOD asked for the yeas and nays, but the House refused to order them. The question was then taken on Mr. RANDOLPH's motion, and decided in the negative, without a division.

OCCUPATION OF COLUMBIA RIVER.

Mr. FLOYD, from the committee appointed on the 29th of December last, to inquire into the expediency of occupying the mouth of the Oregon or Columbia river; made a report thereon, which was read, and laid on the table. The report is as follows:

The committee to which was referred the resolution of the 29th day of December last, instructing them to inquire into the expediency of occupying the mouth of the Oregon or Columbia river, have had the same under consideration, and ask leave further to report: That they have considered the subject referred to them, and are persuaded, that, both in a military and commercial point of view, the occupation of that Territory is of great importance to the Republic; but, as much has been submitted to the House on these points, by former committees, they have now deemed it necessary only to present a view of the difficulties which would probably present themselves in accomplishing that object, and the manner in which they can be overcome.

To obtain information, a letter to this end was addressed to an officer of the Army, whose integrity in the public service is well known to the House, and whose military knowledge is entitled to the highest respect; that officer, Brigadier General Thomas S. Jesup, answered so satisfactorily to the committee, that they have presented the answer, in its entire form, to the House, and adopt it as a part of this report.

QUARTERMASTER GENERAL'S OFFICE,
Washington, April 26, 1824.

SIR: In reply to your letter, dated the 30th ultimo,

requesting me to communicate "any facts, views, or opinions, which may have presented themselves to me, relative to the probable difficulty of making an establishment at the mouth of Columbia river, and the military advantages of that establishment," I have the honor to remark, that, ever since my attention was first directed to the subject, I have considered the possession and military command of the Columbia necessary not only to the protection of the trade, but to the security of our Western frontier. That flank of our country, extending from the Lakes to the Gulf of Mexico, is every where in contact with numerous, powerful, and warlike Indian nations; who, altogether, might be able to bring into the field, from twenty to thirty thousand warriors. Most of those nations communicate, either with the British to the North and West, or the Spaniards to the South. In the event of war, that force, with a few hundred foreign troops, or under the influence of foreign companies, might be made more formidable to us than any force which Europe combined could oppose to us. On the other hand, if such measures be adopted as to secure a proper influence over them, and, in the event of war, to command their co-operation, they, with the aid of a few small garrisons, would not only afford ample protection for that entire line, but would become the scourge of our enemies.

The dangers to be apprehended, can only be averted by proper military establishments; and whether the post at the mouth of Columbia be intended to secure our territory, protect our traders, or to cut off all communication between the Indians and foreigners, I should consider a line of posts extending from the Council Bluffs entirely across the continent necessary. Those posts should be situated, as well with a view to command the avenues through which the Indians pass from the north to the south, as to keep open communication with the establishment at the mouth of the Columbia.

A post should be established at the Mandan villages, because, there the Missouri approaches within a short distance of the British territory, and it would have the effect of holding in check the Hudson's Bay and Northwest Companies, and controlling the Rickarees, Mandans, Minnatarees, Assiniboin, and other Indians, who either reside or range on the territory east, north, and west of that point.

A post at, or near, the head of navigation on the Missouri, would control the Blackfoot Indians, protect our traders, enable us to remove those of the British companies from our territory, and serve as a depot, at which detachments moved towards the Columbia might either be supplied, or leave such stores as they should find it difficult to carry with them through the mountains. It might also be made a depot of trade, and of the Indian Department.

To keep open the communication through the mountains, there should be at least one small post at some convenient point between the Missouri and the Columbia, and on the latter river and its tributaries, there should be at least three posts. They would afford present protection to our traders, and, on the expiration of the privilege granted to British subjects to trade on the waters of the Columbia, would enable us to remove them from our territory, and to secure the whole to our own citizens. They would also enable us to preserve peace among the Indians, and, in the event of foreign war, to command their neutrality or their assistance, as we might think most advisable.

The posts designated, might be established and maintained, at an additional annual expense not exceeding forty thousand dollars.

By extending to those posts the system of cultivation, now in operation at the Council Bluffs, the expense of supplying them would, in a few years, be greatly diminished. Mills might be erected at all the posts at a trifling expense, and, the whole country abounding in grass, all the domestic animals necessary, either for labor or subsistence, might be supported. This would render the establishment more secure, and, consequently, more formidable to the Indian nations in their vicinity.

As to the proposed posts on the Columbia, it is believed they might be supplied immediately at a low rate. Wheat may be obtained at New California, at about twenty-five cents per bushel, and beef cattle at three or four dollars each. Salt, in any quantity required, may be had at an island near the Peninsula of California. Should transportation not be readily obtained for those articles, vessels might be constructed by the troops.

To obtain the desired advantages, it is important, not only that we occupy the posts designated, but that we commence our operations without delay. The British companies are wealthy and powerful; their establishments extend from Hudson's Bay and Lake Superior to the Pacific; many of them within our territory. It is not to be supposed they would surrender those advantages without a struggle, and, though they should not engage in hostilities themselves, they might render all the Indians, in that extensive region, hostile.

The detachment intended to occupy the mouth of Columbia might leave the Council Bluffs in June, and one hundred and fifty men proceed with the boats and stores; and, as the country is open, and abounds with grass, the remaining fifty might proceed by land, with the horses intended for the transportation across the mountains, and might drive three or four hundred beaves to the Mandan villages or to the falls of Missouri; at one of those places the parties should unite and spend the winter. The latter would be preferable, because there they might be able to establish a friendly intercourse with the Blackfoot Indians, or, at all events, by impressing them with an idea of the power of the nation, restrain their depredations upon the neighboring tribes, and deter them from acts of outrage upon our traders. They might, also, during the winter, reconnoitre the several passes through the mountains, prepare provisions necessary to support them on the march, and down the Columbia; and, if authorized to do so, remove from our territories all British traders on the waters of the Missouri. They would necessarily remain at, or in the vicinity of, their wintering ground, until June, but might be occupied during the months of April and May, in opening a road to the mountains, and constructing bridges over the numerous streams on the route. This work performed, they might, in about twenty days, reach the navigable waters of Clark's river, a branch of the Columbia, and, in ten days more, prepare transportation to descend to their destination, where, after every necessary allowance for accidents and delays, they would certainly arrive by the month of August.

The vessels employed to transport the stores by sea, might leave the United States in the month of November, and would arrive at the mouth of Columbia in April, at least four months before the detachment

from the Council Bluffs could reach that point; and, unless the ships should be detained during that time, which could not be expected, the stores would be exposed to damage and depredation, and perhaps, by the time the troops should arrive, would be entirely destroyed. It would, therefore, seem to me a measure of prudence, that at least one company of artillery be transported with the stores. That description of force would be found necessary at the post, and the ships would afford them ample accommodation.

That the route from the Council Bluffs to the mouth of Columbia is practicable, has been proved by the enterprise of more than one of our citizens. It, no doubt, presents difficulties; but difficulties are not impossibilities. We have only to refer to the pages of our history to learn that many operations, infinitely more arduous, have been accomplished by Americans. The march of Arnold to Quebec, or of General Clark to Vincennes, during the Revolutionary war, exceeded greatly in fatigue, privation, difficulty, and danger, the proposed operation; and I believe I may say, without fear of contradiction, that the detachment might be supplied, during the whole route, with less difficulty than in the war of 1756 was experienced in supplying the forces operating under General Washington, and General Braddock, against the French and Indians, on the Ohio.

A post at the mouth of Columbia is important, not only in relation to the interior trade, and the military defence of the western section of the Union, but, also, in relation to the naval power of the nation. Naval power consists, not in ships, but in seamen; and, to be efficient, the force must always be available. The northwest coast of America is an admirable nursery for seamen—many of our best sailors are formed there; without a naval station, however, on the Pacific, the force employed in the whale fishery, as well as in sealing, and the northwest trade, would, in the event of war, with a great maritime Power, be, in some measure, lost to the nation. But, that establishment made, it would afford a secure retreat to all our ships and seamen in that section of the globe; and the force, thus concentrated, might be used with effect against the trade, if not the fleets or possessions of the enemy, in place of being driven to the Atlantic, or perhaps captured on their way.

The establishment might be considered as a great bastion, commanding the whole line of coast to the North and South; and it would have the same influence on that line which the bastions of a work have on its curtains; for the principles of defence are the same, whether applied to a small fortress, or to a line of frontier, or even an entire section of the globe. In the one case, the missiles used are bullets and cannon shot; in the other, ships and fleets.

I have the honor to be, &c.,

TH. S. JESUP.

Hon. J. FLOYD, *House of Representatives.*

INDIAN RESERVATIONS IN GEORGIA.

Mr. FORSYTH, from the select committee to which was referred the President's Message of the 30th of March, 1824, relating to the execution of so much of the compact of 1802 between the United States and the State of Georgia, as relates to the extinguishment of the Indian title to lands within that State; also, a memorial of the Legislature of the said State; made a report thereon; which was read, as follows:

The select committee, to whom was referred the President's Message, of the 30th of March, with the documents accompanying it, relating to the compact of 1802, between the United States and the State of Georgia, submit to the House, on that Message, and on the memorial of the Legislature of the State of Georgia, also referred to them, the following report:

The State of Georgia claimed, on the establishment of the independence of the United States, all the lands now forming the States of Georgia, Alabama, and Mississippi, with the exception of those portions of the two last States which formed a part of Florida and Louisiana.

This claim was founded upon the charter of incorporation of the proprietary government; on the Royal commissions issued to the Governors of the State, after the proprietors had surrendered their charter to the Crown. The claim was disputed by South Carolina and by the United States. The conflicting claims of South Carolina and Georgia were adjusted by a convention between them, in 1787. The United States recognised, by the treaty with Spain of the year 1795, the claim of Georgia, having refused, in 1788, a cession from the State, on account of the remoteness of the lands, and of the terms proposed by Georgia.

In April, 1798, Congress passed a law in relation to the western part of the territory of Georgia, with a reservation of the rights of Georgia to the jurisdiction and soil.

In May, 1800, another act was passed, containing a similar reservation.

In December, 1800, Georgia remonstrated against these acts, as a violation of her right of sovereignty and soil. The compact of 1802 put an end to the disputes which were likely to arise out of this collision between the General and State Governments. By this compact, the United States obtained a surrender of the right of Georgia to the sovereignty and soil of two States, containing, by estimate, eighty-six millions of acres of land, for the paltry consideration of the payment of \$1,280,000 out of the proceeds of that land, and of a promise to extinguish the Indian title to the land within the territorial limits not ceded to the United States, as soon as it could be done peaceably, and on reasonable terms. The execution of this compact produced no change in the right of Georgia to the sovereignty and soil of the land within her newly defined boundaries. Its only effect was to throw upon the United States the expense which might attend the extinguishment of the Indian title, an expense which, but for this compact, must have been borne by the State. Nor did this compact, in the slightest circumstance, add to the title of the Indians; it recognised only the claim which they, as Indians, were allowed to have, according to the usages of the States, and the liberal policy adopted towards them by the General Government.

In relation to the Cherokees, the principal topic of the President's Message, it would appear that new doctrines are permitted to be entertained of them, in the opinion of the committee neither consistent with the opinions heretofore entertained, with the practices of the Government, nor with the interests of the Union. The Cherokees claim to be an independent tribe. The President avows the belief that the articles of cession of 1802 is a full proof that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents.

The acts of the General Government, in 1814, in relation to the Creeks; the language of the President of the United States, in 1817; the language of the Secretary of War, in 1818; of the agent of the Government in that year, in treating with the Cherokees; of the agent treating with them in 1823, does not correspond with the opinions now expressed.

In 1814, General Jackson, acting under the authority of the Government, took from the Creek Indians, for an equivalent named by himself, all the land the United States chose to require, to effect a great object of national policy in regard to the Indian tribes. It cannot be alleged that this was done by virtue of conquest. The letter of the late Indian agent, Colonel Hawkins, of the 11th of August, 1815, laid before the House of Representatives on the 5th of April, 1824, shows that nearly eight millions of acres were taken from the friendly Indians, (our allies in the war,) over and above all the hunting grounds of the upper friendly Creeks, for what was called an equivalent, but which the Indians did not deem such.

In 1817, in his Message at the opening of Congress, the President says, "the hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form, and greater force of civilized population; and, of right, it ought to yield, for the earth was given to mankind to support the greatest number of which it was capable, and no tribe or people have a right to withhold, from the wants of others, more than is necessary for their own support and comfort."

In a letter of the 29th July, 1818, the Secretary of War says to Mr. McMinn, speaking of the attempts to prevent the Cherokees from going to Arkansas, "the United States will not permit the treaty to be defeated by such means. Those who choose to remain are permitted to do so in quiet—those who choose to emigrate, must be equally free." And further: "It is vain for the Cherokees to hold the high tone which they do, as to their independence as a nation, for daily proof is exhibited that, were it not for the protecting arm of the United States, they would become the victims of fraud and violence." Mr. McMinn tells the Cherokees, in conformity with this declaration, in his talk to the chiefs, of the 23d of November, 1818, "It must surely be, my brothers, that you view me as an impostor, acting upon my own authority, with a view to deceive the nation, or that you flatter yourselves with the empty expectation that the United States cannot execute a measure of general defence for the safety of her citizens, which shall, in the slightest degree, affect your interest or your wishes." The agents of 1823 assert an unqualified right in the United States to take from the Indians any of their lands for public use. It is asserted, however, by the Secretary of War, that there were treaties existing with the Cherokees, in 1802, which guaranteed their lands. These guarantees were only of the Indian title, as understood by all at the date of the execution of these treaties—a title of mere occupancy, for the purposes of hunting.

The idea of title to the soil was, until lately, unknown to the Indians. Their lands were overrun by them, not inhabited; their rights not transferred, but extinguished, dependent upon the will of the power to whom the sovereignty over them belongs. This sovereign power was Georgia, prior to the adoption of the Constitution of the United States. That Constitution gave to the United States the authority to manage the affairs of

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the Indians, for the peace of the Union, and the eventual benefit of Georgia. The Indians had mere occupation; the United States were the agents of Georgia for the extinguishment of this allowed possession. The compact of 1802, required this to be effected out of the general fund. No act of the United States, nor of the Indians, nor of both, could, without her consent, impair the rights of Georgia to the jurisdiction and soil of the territory in question, whenever the Indians should be removed from it, by accident, by contract, or by force. This doctrine is confirmed by the decision of the Supreme Court of the United States, which has declared sales made by States, of Indian territory, valid, prior to the extinguishment of Indian title: That there is a species of seizin in fee, which enables a State to grant to individuals. In fact, the compact of 1802 is the acknowledgment of the United States of this doctrine, as their only title to the soil of Alabama and Mississippi is founded upon it. The Secretary of War, in his attention to the treaties guarantying the Indian title, has entirely omitted to notice the first and most important document in relation to this subject, the Treaty of Hopewell, of 1785—a document sustaining the opinion of the committee, and giving to it, what is now deemed important, the sanction of Indian acquiescence. The fourth article of the Treaty of Hopewell, is, "the boundary allotted to the Cherokees for their hunting grounds, is, and shall be, the following:" The Indians acknowledge, by that treaty, the United States as their sovereign; and, by the 9th article, Congress assumes, for the interest and comfort of the Indians, the power to regulate their trade, and manage all their affairs as they may deem proper. This treaty existed at the adoption of the Constitution of the United States, and Georgia, as a member of the Union, was vested with the sovereignty and soil of the Cherokee lands, subject only to the Indian right of hunting within the allotted limits, which right, the General Government was bound to extinguish as early as the general convenience would permit.

The duty of the General Government was to do all acts which would accelerate this event; to refrain from all acts which would retard it. Over the territories of the United States, the General Government could rightfully exercise unlimited power, in relation to the Indian tribes. Within a particular State, the sole power was that of agency, for the preservation of peace, the regulation of trade, and the extinguishment of title. To this general obligation, imposed by the Constitution on all the States, a special promise was added in favor of Georgia, in 1802; partially executed; but, to the complete execution of which, difficulties are alleged to exist, which require the interposition of the power of Congress.

How far this promise has been complied with, is attempted to be shown, by two documents, marked A and B, sent to Congress by the President. By the document A, it appears that the Indian title to 15,744,000 acres has been extinguished; and that there remains 10,240,000 acres yet in their possession, as hunting grounds. The first quantity is alleged to be all that could be peaceably obtained on reasonable terms.

The document No. 1, accompanying this report, will show that, since 1802, the United States have been able to obtain, for their own use, more than 30,000,000 of acres in Alabama and Mississippi, in addition to 7,633,400 obtained in 1801; to 5,006,880

obtained for Tennessee, by treaty, from the Chickasaw Indians, subsequently confirmed by a treaty with the Cherokees; 700,000 for North Carolina; and a quantity, an estimate of which is not in the hands of the committee, for South Carolina. No satisfactory explanation is afforded to show how this difference in the quantity of lands procured by the United States, for their own account, and in compliance with their promise to Georgia, has occurred.

The document B is intended to show the expense incurred in the execution of the compact of 1802. It is defective and delusive. It contains no credit for the money received at the treasury of Georgia, viz: the Yazoo fund, \$184,515 94. It is omitted to be stated that the \$1,250,000 was paid out of the proceeds of the property acquired. It charges the Yazoo compromise as a benefit to Georgia, who had no interest in the settlement but a common interest with the other States. The land procured for the Cherokees, on the Arkansas, is charged at the minimum value of lands surveyed and offered for sale by the United States, and not at its trifling actual cost, about twenty-five thousand dollars.

The committee are at a loss to know what bearing this defective document has on the question of the Cherokee lands. As, however, they presume it has a relation not well understood, they conceive it proper to show, by the statement No. 2, what pecuniary advantages have accrued, and will accrue, to the United States, under the compact with Georgia. By this statement, it appears that \$4,512,850 23, exclusive of Mississippi stock, have been received into the public Treasury; that \$6,444,821 51 are due from sales made; that the land ceded by the Indians, and not yet sold, is 27,588 800 acres, which, at the minimum price, is \$34,486,000. That there remains yet, as hunting grounds for the Indians, 22,977,576 acres.

The balance of profit is sufficiently with the United States to justify contracts for the extinguishment of Indian title for the benefit of Georgia, without great scrutiny as to the amount of expense incurred. The committee agree with the Secretary of War, "that no opportunity of extinguishing the Indian title, on reasonable terms, has been neglected by the General Government," for its own use; but they do not perceive that the same zeal has been successfully exerted for the State of Georgia. The treaty of 1814, with the Creeks, was dictated by General Jackson to the Creeks, by order of the Department of War. As has been already seen, a large territory was taken from the Creeks.

The policy of the United States, as explained by the Secretary, required a separation of the tribes of Indians from each other, and from the ocean. To this policy a compliance with the promise to Georgia was sacrificed. It is alleged that the obligation to Georgia extends only to the purchase of lands, &c. The term purchase is an interpolation; it is not found in the articles of cession of 1802. It is alleged, also, that this land was obtained by conquest, and therefore the nation was at liberty, laying the contract with Georgia out of view, to pursue its plan of policy. Without entering into any considerations to show that the United States, having obtained, by force not used for that purpose, but defensively, the opportunity to extinguish the Indian title within the limits of Georgia, was bound, in good faith, to use it, it is deemed sufficient to refer the House to the facts, disclosed by the extract from Colonel Hawkins's letter, already quoted,

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that this acquisition by conquest was an acquisition of lands from friends and allies, for an equivalent named by the United States.

The propriety of accommodating the State of Georgia was suggested to the commissioner of the United States by the Indian agent; but the answer was, that the instructions of the Government would not permit a compliance with this suggestion. The committee are of opinion that an acquisition of land to Georgia, to any extent, could have been obtained from the Creeks in 1814. The attention of Congress has been called to the arrangements made with the Cherokees in 1817 and 1819. The arrangement of 1817 was for the purpose of carrying into effect the wishes of the Cherokees, as declared to Mr. Jefferson in 1808, by a deputation from the upper and lower towns. According to the preamble of the arrangement of 1817, the upper towns desired to remain fixed above the Hiwassee river, to contract their society within narrow limits, and begin the establishment of fixed laws and a regular government. The lower towns desired to continue the hunter life, and for that purpose wished to remove across the Mississippi. The wishes of the upper and lower towns were granted, and arrangements made for the removal of the latter across the Mississippi. No line was drawn between the upper and lower towns, although a request was made of the Indians that it should be done by the United States. The arrangement of 1817 provides for the fulfilment of the wishes expressed in 1808, and the promises of the Government of 1809. The wishes of the lower towns was a removal beyond the Mississippi, of the upper, a contraction of their society within narrower limits. By the 3d and 4th articles, it was agreed that a census should be taken of the population beyond the Mississippi, and of those who chose to emigrate thither; and a census of those who chose to remain in their present location. The territory occupied by them on this side of the Mississippi was to be divided according to the relative numbers of those who had migrated, and would migrate, to the remainder; and that portion which fell to the migrators was to be received by the United States in place of the lands furnished to the Cherokees beyond the Mississippi. From this plan, the extinguishment of the title of the Cherokee Indians was anticipated, and would have taken place had it been executed in its spirit by the General Government. It appears, however, that the census was never taken, and that, in 1819, a deputation of Cherokees was permitted to come to Washington to adjust, finally, the difficulties arising out of the treaty of 1817. The lower Cherokee towns, in the limits of Georgia, did not remove beyond the Mississippi. Most of the removals took place from the upper towns, out of the limits of Georgia. In place of the proportion of lands to be abandoned, according to the treaty of 1817, a fixed quantity was accepted, a very small and worthless part of which is in Georgia.

It is alleged by the Secretary of War that the desire of Government was, to have a cession in such form as would separate the Creeks and Cherokees; but that it was found impossible to induce the Cherokees to yield to that proposition, or to any other more favorable to Georgia, than that which was adopted. He does not, however, state that any other was made, with a view to comply with the compact of 1802. The proposition made for the separation of the Creeks and Cherokees, was not for the benefit of Georgia, had it been acceded to, although the interests of the

State would have been more advanced than by the actual arrangement; yet, even in that case, the United States would have sacrificed the obligations of the compact to the policy of separating the Indian tribes, and to the consequent acquisition of lands for their own use in the State of Alabama. The committee cannot understand why a cession of the whole quantity of land in Georgia could not have been obtained. The obligation of the Indians was simple—a line, a boundary—and the United States had only to insist upon fixing that boundary, according to the preamble of the arrangement of 1817. The Secretary of War, however, states that the Indians will not yield, and it seems that the United States did yield. It is obvious to the committee that the interest of Georgia was considered a mere secondary object, from the terms of the arrangement of 1819. The preamble to that arrangement is a satisfactory evidence of the entire forgetfulness of the obligations of the compact of 1802.

The treaty is made in consequence of the earnest desire of a great part of the Cherokee nation to remain on this side of the Mississippi, to commence the measures necessary to the civilization and preservation of the nation. The committee are surprised that the occasion was not taken to satisfy the Indians that their continuance in Georgia was impossible, unless Georgia consented to it, and still more so, that the Indians should be encouraged, by this preamble of a treaty, made at the Seat of Government, under the eyes of the President, to entertain that expectation. The treaty of 1817, and that of 1819, show a strange forgetfulness of the limited extent of the power of the United States over the land in question. The Secretary of War, acting under the direction of the Executive Magistrate, and pursuing the example set in 1817, seems to have imagined that the United States and the Indians could do, lawfully, whatever suited their mutual convenience, without regard to the State of Georgia; an error which had been previously committed in treaties with the Creeks. No difference was made between Indian lands within the limits of the State claiming the eventual jurisdiction and soil, and the Indian lands where the soil is the property of the United States. Provisions are made, in both treaties, for vesting individuals with fee simple titles to land, and to convert them, by a short process, into citizens. The right of the United States to do either is absolutely denied by the committee. The General Government can take the property of individuals for public use, but the Constitution withholds the power even to prejudice the claims of any State. Congress can establish a uniform rule of naturalization; the Executive Magistrate cannot make, by an Indian treaty, special exceptions to the established rule. The effect of such acts on the part of the General Government was to be anticipated. The Indians were taught the value of separate property, and the advantages to be obtained by a continuance in their present position. The General Government authorized, also, the establishment of missionaries among the Cherokees, to instruct their children, and to give them a taste for the cultivation of the soil. The committee are not informed that the influence acquired by these missionaries has been exerted to induce the Indians to seek a residence beyond the Mississippi, nor are they informed that the Government has ever thought it necessary to impose upon them such a task. The committee are not to be understood as expressing any disapprobation of the policy of the United States for the civilization of the Indian tribes; they confine

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themselves to the policy, as it has affected the performance of the promises of the United States, under the compact of 1802. As it relates to that compact, they express their decided conviction that the attempts which have been made to civilize, and permanently fix, the Cherokees in Georgia, is in direct violation of the promise to extinguish their title, as soon as it could be done peaceably, and on reasonable terms; nor do the committee perceive the necessity of holding out the idea of permanent settlement in Georgia, as a prelude to the establishment of a regular government for the Indians. As it regards expense, it would certainly be, for the United States, the cheapest mode of effecting this object, as the cost would be paid by Georgia, and the United States would be saved from the onerous obligation of removing the Indians for the benefit of that State; a saving of expense which, however, the United States will not desire, as it involves a breach of their faith.

From the circumstances thus detailed, the House will not be surprised at the present pretensions of the Cherokees, to be regarded as independent, or their declarations, that they will neither sell nor quit the lands occupied by them. Some surprise cannot but be felt at the acquiescence of the United States in the substitution of diplomatic correspondence for Indian talks, and at the manner in which the subject of the Cherokees is presented to Congress. The Legislature of Georgia, at their last session, sent to the Chief Magistrate a memorial on the subject of the compact of 1802. The President of the United States has not laid that memorial before Congress, but has preferred to present to the Legislative body a correspondence of the Secretary of War with certain Cherokee chiefs, which begins, on their part, by a declaration that they would sell no more land; contains a request that no more appropriations should be made for that purpose; and a suggestion that the United States should, in some other way, satisfy Georgia, as, by a cession in Florida. To the formal answer of the Secretary of War, a rejoinder is given, and, on this rejoinder, Congress are informed that its power must be exerted, as it is obvious that the Executive can do nothing further without the intervention of Congress. The President has given his opinion, that the use of force would be unjust, and that without force nothing can be done. What should be done by Congress, is a subject of the most serious and important concern. The parties to the compact of 1802 anticipated the extinguishment of the Indian title to all the lands in Georgia. The United States agreed to extinguish it, as soon as it could be done peaceably, and on reasonable terms. The compact imposed upon the General Government the obligation to use all the means necessary to accomplish the end in view. It was especially their duty to refrain from doing any thing calculated even to retard, much less to render impracticable, the attainment of that end. If the committee have not deceived themselves, it must be apparent, that the United States have omitted to embrace two occasions, when a fuller performance of the conditions of the compact was in their power. It is equally apparent that the United States have not only omitted to express constantly, and with firmness, to the Cherokees, the necessity of their ultimate removal from Georgia, but have held out to them the idea of a permanent residence, as citizens, in that State; have taught them the value of their position, and intimated, that it depended upon themselves, to remain or to remove; have attempted to vest, in individuals, a per-

manent property in the soil. From these causes, every day increasing in their effect upon the inclination of the Cherokees, have arisen the determination of the Cherokees, as made known to the President. It is the policy of the United States which has created the difficulties; if peaceable acquisition is impossible, that impossibility is the work of the General Government.

In this state of things, encountering contradictory obligations, the course for the Government is plain and obvious. Justice should be done to Georgia. The Indian claim should be extinguished, even should force be required for that purpose; or the consent of the State must be obtained to some arrangement, which will free the United States from the embarrassments arising from its regard to the unhappy condition of the Indians, from a respect to the expectations they have erroneously permitted this tribe to entertain, and from their formal and solemn obligation to a member of the Union.

The committee do not, however, believe that any serious difficulty now exists, to the peaceable extinguishment of the Indian title, on reasonable terms. An order from the General Government for their removal, would be cheerfully acquiesced in, if accompanied by the necessary preparation for the prosperity of the tribe, and a just equivalent for the temporary inconveniences they might suffer. The committee agree with the President, that it would promote essentially the security and happiness of the tribes of Indians, if they could be prevailed on to retire beyond the limits of the States; but, they cannot see the injustice of any measure, short of actual hostility, which would essentially promote the security and happiness of the Cherokees. There is another consideration which should be brought into view; the only plausible objections to the proposed order, is its injustice, and inhumanity, to the Indians. That it is just to promote their essential security and happiness, even by means not agreeable to their wishes, cannot be denied; that it is humane to preserve them from dangers, to which they will be exposed, by an obstinate adherence to their own opinions, is equally true. Their present position is incompatible with the claims of the State of Georgia; the knowledge of the fact, that the United States will not, in consequence of the perverseness of the Cherokees, comply with the obligations of the compact of 1802, will necessarily produce irritations and resentments, the consequences of which may be easily foreseen. The United States may be under the fatal necessity of seeing the Cherokees annihilated, or of defending them against their own citizens. The committee offer to the House the following resolutions, under a full conviction that the adoption of them will not be followed by any consequences injurious to the Cherokee tribe, or to the character of the General Government for justice and humanity.

Resolved, That the United States are bound, by their obligations to Georgia, to take, immediately, the necessary measures for the removal of the Cherokee Indians beyond the limits of that State.

Resolved, That such an arrangement with the State of Georgia should be made, as may lead to the final adjustment of the claims of that State, under the compact of 1802, with the least possible inconvenience to the Cherokee and Creek Indians, within the boundary of the State.

Resolved, That the sum of — dollars should be appropriated for the purposes expressed in the above resolutions.

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The Tariff Bill.

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Mr. FORSYTH moved to refer the report to a Committee of the Whole on the state of the Union.

To this reference, Mr. ALLEN, of Massachusetts, objected, as giving to this subject an undue preference over other business earlier introduced into the House.

In reply to this objection, Mr. FORSYTH said, among other things, that, if gentlemen had examined the documents connected with this report, they would have seen, that a state of irritation exists, which requires to be allayed, or it would require something stronger than resolutions of this House to allay it.

Mr. LITTLE supported the reference to a Committee of the Whole on the state of the Union, as being most proper for a subject which might be considered as of national magnitude, &c.

Mr. ALLEN said his reason for objecting to this reference was, that he was unwilling that the claims of individuals, which have been long pending in this House, and were now in an advanced stage, should be postponed in order to take up a claim which has been but recently introduced into the House, and on which, until this morning, a report had not been made. The present session, he thought, was now too far advanced to go into an investigation of this new matter.

The question was then taken on Mr. FORSYTH's motion for a reference, and decided in the affirmative—52 votes to 75.

THE TARIFF BILL.

The engrossed bill to amend the several acts for imposing duties on imports and tonnage, was then read a third time; and the question being stated, "Shall this bill pass?"

Mr. RANDOLPH, of Virginia, addressed the Chair. I am, said he, practising no deception upon myself, much less upon the House, when I say that, if I had consulted my own feelings and inclinations, I should not have troubled the House, exhausted as it is, and as I am, with any further remarks upon this subject. I come to the discharge of this task, not merely with reluctance, but with disgust; jaded, worn down, abraded, I may say, as I am by long attendance upon this body, and continued stretch of the attention upon this subject. I come to it, however, at the suggestion, and in pursuance of the wishes of those whose wishes are for me in all matters touching my public duty, paramount law; I speak with those reservations, of course, which every moral agent must be supposed to make to himself.

It was not more to his surprise than to his disappointment, Mr. R. said, that, on his return to the House, after a necessary absence of a few days, on indispensable business, he found it engaged in discussing the general principle of the bill, when its details were under consideration. If he had expected such a turn in the debate he would, at any private sacrifice, however great, have remained a spectator and auditor of that discussion. With the exception of the speech, already published, of his worthy colleague on his right, (Mr. P. P. BARBOUR,) Mr. R. said, he was nearly deprived of the

benefit of the discussion which had taken place. Many weeks had been occupied with this bill (he hoped the House would pardon him for saying so) before he took the slightest part in the deliberations on the details, and he now sincerely regretted that he had not had firmness enough to adhere to the resolution which he had laid down to himself in the early stage of the debate, not to take any part in the discussion of the details of the measure.* But, as he trusted, what he now had to say upon this subject, although more and better things had been said by others, might not be the same that they had said, or might not be said in the same manner, he here borrowed the language of a man who had heretofore been conspicuous in the councils of the country; of one who was unrivalled for readiness and dexterity in debate; who was long without an equal on the floor of this body; who had contributed as much to the revolution of 1801 as any man in this nation,† and had derived as little benefit from it; as, to use the words of that celebrated man, what he had to say was not that which had been said by others, and would not be said in their manner, the House would, he trusted, have patience with him during the short time that his strength would allow him to occupy their attention. And he begged them to understand, that the notes which he held in his hands were not notes on which he meant to speak, but of what others had spoken, and from which he would make the smallest selection in his power.

Here permit me to say, observed Mr. R., that I am obliged, and with great reluctance, to differ from my worthy colleague, who has taken so conspicuous a part in this debate, about one fact, which I will call to his recollection, for I am sure it was in his memory, though sleeping. He has undertaken to state the causes by which the difference in the relative condition of various parts of the Union has been produced; but my worthy colleague has omitted to state the *primum mobile* of the commerce and manufactures to which a portion of the country I need not name owes its present prosperity and wealth. That *primum mobile* was Southern capital. I speak now not of transactions *quorum pars minima fui*, but of things of which, nevertheless, I have a contemporaneous recollection. I say, without the fear of contradiction, then, that, in consequence of the enormous depreciation of the evidences of the public debt of this country—the debt proper of the United States (to which must be added an item of not less than twenty millions of dollars, for the State debts assumed by the United States) being bought up and almost engrossed by the people of what were then called the Northern States—a measure which nobody dreamt any thing about, or which nobody had the slightest suspicion—I mean the assump-

*By so doing, many of Mr. R.'s strongest objections to the bill were in a manner dissipated, there being no report of these skirmishes. Some of them, with which he thought it indecent again to trouble the House, will be found (substantially) appended to this speech. †See note 1, Appendix.

tion of the State debts by the Federal Government; these debts being bought up for a mere song, a capital of eighty millions of dollars, or, in other words, a credit to that amount, bearing an interest of six per cent. per annum, (with the exception of nineteen millions, the interest of that debt, which bore an interest of three per cent.,) (see note 2, *Appendix*)—a capital of eighty millions of dollars was poured, in a single day, into the coffers of the North; and to that cause we may mainly ascribe the difference so disastrous to the South, between that country and the other portion of this Union, to which I have alluded. When we, said Mr. R., roused by the sufferings of our brethren of Boston, entered into the contest with the mother country, and when we came out of it—when this Constitution was adopted, we were comparatively rich—they were positively poor. What is now our relative situation? They are flourishing and rich; we are tributary to them, not only through the medium of the public debt of which I have spoken, but also through the medium of the pension list, nearly the whole amount of which is disbursed in the Eastern States; and to this creation of a day is to be ascribed the difference of our relative situation, (I hope my worthy colleague will not consider any thing that I say as conflicting with his general principles, to which I heartily subscribe.) (Note 3, of *Appendix*.) Yes, sir, and the price paid for the creation of all that portion of this capital, which consisted of the assumed debts of the States, was the immense boon of fixing the Seat of Government where it now is. And I advert to this bargain, because I wish to show to every member of this House, and, if it were possible, to every individual of this nation, the most tremendous and calamitous results of political bargaining.

Sir, when are we to have enough of this Tariff question? In 1816 it was supposed to be settled. Only three years thereafter, another proposition for increasing it was sent from this House to the Senate, baited with a tax of four cents per pound on brown sugar. It was, fortunately, rejected in that body. In what manner *this bill* is baited it does not become me to say; but I have too distinct a recollection of the vote in Committee of the Whole, on the duty upon molasses, and afterwards of the vote in the House on the same question; of the votes of more than one of the States on that question, not to mark it well. I do not say that the change of the vote on that question was effected by any man's voting against his own motion, but I do not hesitate to say that it was effected by one man's electioneering against his own motion. I am very glad, Mr. Speaker, that old Massachusetts Bay, and the Province of Maine and Sagadahock, by whom we stood in the days of the Revolution, now stand by the South, and will not aid in fixing on us this system of taxation, compared with which the taxation of Mr. Grenville and Lord North was as nothing. I speak with knowledge of what I say, when I declare, that this bill is an attempt to reduce the country South of Mason and Dixon's line, and East of the Allegany mountains, to a state of worse than colonial bondage; a state to which the domina-

tion of Great Britain was, in my judgment, far preferable; and I trust I shall always have the fearless integrity to utter any political sentiment which the head sanctions and the heart ratifies; for the British Parliament never would have dared to lay such duties on our imports, or their exports to us, either "at home" or here, as is now proposed to be laid upon the imports from abroad. At that time we had the command of the market of the vast dominions then subject, and we should have had those which have since been subjected to the British empire; we enjoyed a free trade, eminently superior to any thing we can enjoy if this bill shall go into operation. It is a sacrifice of the interests of a part of this nation to the ideal benefit of the rest. It marks us out as the victims of a worse than Egyptian bondage. It is a barter of so much of our rights, of so much of the fruits of our labor, for political power to be transferred to other hands. It ought to be met, and I trust it will be met, in the southern country, as was the Stamp act, and by all those measures, which I will not detain the House by recapitulating, which succeeded the Stamp act, and produced the final breach with the mother country, which it took about ten years to bring about; as I trust in my conscience, it will not take as long to bring about similar results from this measure, should it become a law.

All policy is very suspicious, says an eminent statesman, that sacrifices the interest of any part of the community to the ideal good of the whole; and those governments only are tolerable where, by the necessary construction of the political machine, the interest of all the parts are obliged to be protected by it. Here is a district of country extending from the Patapsco to the Gulf of Mexico, from the Allegany to the Atlantic, a district which, taking in all that part of Maryland lying south of the Patapsco and east of Elk river, raises five-sixths of all the exports of this country that are of home growth—I have in my hand the official statements, which prove it, but which I will not weary the House by reading, (see *Appendix*, note 4,)—in all this country. Yes, sir, and I bless God for it; for, with all the fantastic and preposterous theories about the rights of man, (the theories, not the rights themselves, I speak of,) there is nothing but power that can restrain power—I bless God that, in this insulted, oppressed, and outraged region, we are, as to our counsels in regard to this measure, but as one man; that there exists on the subject but one feeling and one interest. We are proscribed, and put to the ban; and if we do not feel, and feeling do not act, we are bastards to those fathers who achieved the Revolution; then shall we deserve to make our bricks without straw. There is no case on record in which a proposition like this, suddenly changing the whole frame of a country's polity, tearing asunder every ligature of the body politic, was ever carried by a lean majority of two or three votes, unless it be the usurpation of the Septennial act, which passed the British Parliament by, I think, a majority of one vote, the same that laid the tax on cotton bagging. I do not stop here, sir, to argue about the constitutionality of this bill; I consider the Con-

stitution a dead letter; I consider it to consist, at this time, of the power of the General Government and the power of the States—that is the Constitution. You may intrench yourself in parchment to the teeth, says Lord Chatham, the sword will find its way to the vitals of the Constitution. I have no faith in parchment, sir; I have no faith in the abracadabra of the Constitution; I have no faith in it. I have faith in the power of that Commonwealth, of which I am an unworthy son; in the power of those Carolinas, and of that Georgia, in her ancient and utmost extent, to the Mississippi, which went with us through the valley of the shadow of death, in the war of our independence. I have said that I shall not stop to discuss the constitutionality of this question, for that reason, and for a better; that there never was a constitution under the sun, in which, by an unwise exercise of the powers of the government, the people may not be driven to the extremity of resistance by force. "For it is not, perhaps, so much by the assumption of unlawful powers, as by the 'unwise or unwarrantable use of those which are most legal, that governments oppose their true end and object; for there is such a thing as tyranny as well as usurpation.'" If, under a power to regulate trade, you prevent exportation; if, with the most approved spring lancets, you draw the last drop of blood from our veins; if, *secundum artem*, you draw the last shilling from our pockets, what are the checks of the Constitution to us? A fig for the Constitution! When the scorpion's sting is probing us to the quick, shall we stop to chop logic? Shall we get some learned and cunning clerk to say whether the power to do this is to be found in the Constitution, and then, if he, from whatever motive, shall maintain the affirmative, like the animal whose fleece forms so material a portion of this bill, quietly lie down and be shorn?

Sir, events now passing elsewhere, which plant a thorn in my pillow and a dagger in my heart, admonish me of the difficulty of governing with sobriety any people who are over head and ears in debt. That state of things begets a temper which sets at naught every thing like reason and common sense. This country is unquestionably laboring under great distress, but we cannot legislate it out of that distress. We may, by your legislation, reduce all the country south and east of Mason and Dixon's line, the whites as well as the blacks, to the condition of Helots—you can do no more. We have had placed before us, in the course of this discussion, foreign examples and authorities; and among other things, we have been told, as an argument in favor of this measure, of the prosperity of Great Britain. Have gentlemen taken into consideration the peculiar advantages of Great Britain? Have they taken into consideration that, not excepting Mexico, and that fine country which lies between the Orinoco and the Caribbean sea, England is decidedly superior in point of physical advantages to every country under the sun? This is unquestionably true. I will enumerate some of those advantages. First, there is her climate. In Eng-

land, such is the temperature of the air, that a man can there do more days' work in the year, and more hours' work in the day, than in any other climate in the world; of course I include Scotland and Ireland in this description. It is in such a climate only, that the human animal can bear without extirpation the corrupted air, the noisome exhalations, the incessant labor of these accursed manufactories. Yes, sir, accursed; for I say it is an accursed thing, which I will neither taste, nor touch, nor handle. If we were to act here on the English system, we should have the yellow fever at Philadelphia, New York, &c., not in August merely, but from June to January, and from January to June. The climate of this country alone, were there no other natural obstacle to it, says aloud, you shall not manufacture! Even our tobacco factories, admitted to be the most wholesome of any sort of factories, are known to be, where extensive, the very nidus (if I may use the expression,) of yellow fever and other fevers of similar type. In another of the advantages of Great Britain, so important to her prosperity, we are almost on a par with her if we knew how properly to use it. *Fortunatos nimium sua si bona norint*—for, as regards defence, we are, to all intents and purposes, almost as much an island as England herself. But one of her insular advantages we can never acquire. Every part of that country is accessible from the sea. There, as you recede from the sea, you do not get further from the sea. I know that a great deal will be said of our majestic rivers, about the father of floods, and his tributary streams; but with the Ohio frozen up all the Winter, and dry all the Summer, with a long, tortuous, difficult, and dangerous navigation thence to the ocean, the gentlemen of the West may rest assured that they will never derive one particle of advantage, from even a total prohibition of foreign manufactures. You may succeed in reducing us to your own level of misery; but, if we were to agree to become your slaves, you never can derive one farthing of advantage from this bill. What parts of this country can derive any advantage from it? Those parts only, where there is a water power in immediate contact with navigation, such as the vicinities of Boston, Providence, Baltimore, Richmond, &c. Petersburg is the last of these as you travel south* You take a bag of cotton up the river to Pittsburg, or to Zanesville, to have it manufactured and sent down to New Orleans for a market, and before your bag of cotton has got to the place of manufacture, the manufacturer of Providence has received his returns for the goods made from his bag of cotton purchased at the same time that you purchased yours. No, sir; gentlemen may as well insist that because the Chesapeake bay, *mare nostrum*, our Mediterranean sea, gives us every advantage of navigation, we shall exclude from it every thing but steamboats and those boats called *kat' exochen*, *per emphasin*, *par excellence*, Kentucky

* Petersburg is the last of these situations combining navigation and water power, as you travel southward from Boston to New Orleans.

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boats—a sort of huge, square, clumsy wooden box. And why not insist upon it? Hav'nt you "the power to regulate commerce?" Would not that, too, be a "regulation of commerce?" It would, indeed, and a pretty regulation it is; and so is this bill. And, sir, I marvel that the representation from the great commercial State of New York should be in favor of this bill. If operative—and if inoperative why talk of it?—if operative, it must, like the embargo of 1807, '8, '9, transfer no small portion of the wealth of the London of America, as New York has been called, to Quebec and Montreal. She will receive the most of her imports from abroad, down the river. I do not know any bill that could be better calculated for Vermont than this bill; because, through Vermont, from Quebec, Montreal, and other positions on the St. Lawrence, we are, if it passes, unquestionably to receive our supplies of foreign goods. It will, no doubt, also, suit the Niagara frontier.

But, sir, I must not suffer myself to be led too far astray from the topic of the peculiar advantages of England as a manufacturing country. Her vast beds of coal are inexhaustible; there are daily discoveries of quantities of it, greater than ages past have yet consumed; to which beds of coal her manufacturing establishments have been transferred, as any man may see who will compare the present population of her towns with what it was formerly. It is to these beds of coal that Birmingham, Manchester, Wolverhampton, Sheffield, Leeds, and other manufacturing towns, owe their growth. If you could destroy her coal in one day, you would cut at once the sinews of her power. Then there are her metals, and particularly tin, of which she has the exclusive monopoly. Tin, I know, is to be found in Japan, and perhaps elsewhere, but, in practice, England has now the monopoly of that article. I might go further, said Mr. R., and I might say that England possesses an advantage, *quo ad hoc*, in her institutions; for there men are compelled to pay their debts. But, here, men are not only not compelled to pay their debts, but they are protected in the refusal to pay them, in the scandalous evasion of their legal obligations; and, after being convicted of embezzling the public money, and the money of others, of which they were the appointed guardians and trustees, they have the impudence to obtrude their unblushing fronts into society, and elbow honest men out of their way! There, though all men are on a footing of equality on the highway, and in the courts of law, at mill and at market, yet the castes in Hindostan are not more distinctly separated one from the other than the different classes of society are in England. It is true, that it is practicable for a wealthy merchant or a manufacturer, or his descendants, after having, through two or three generations, washed out what is considered the stain of their original occupation, to emerge, by slow degrees, into the higher ranks of society; but this rarely happens. Can you find men of vast fortune, in this country, content to move in the lower circles—content as the ox under the daily drudgery of the yoke? It

is true that, in England, some of these wealthy people take it into their heads to buy seats in Parliament; but, when they get there, unless they possess great talents, they are mere nonentities; their existence is only to be found in the Red Book, which contains a list of the members of Parliament. Now, sir, I wish to know, if, in the Western country, where any man may get beastly drunk for three pence sterling—in England, you cannot get a small wineglass of spirits under twenty-five cents; one such drink of grog as I have seen swallowed in this country would there cost a dollar;—in the Western country, where every man can get as much meat and bread as he can consume, and yet spend the best part of his days, and nights too, perhaps, on the tavern benches, or loitering at the cross-roads asking the news,—can you expect the people of such a country, with countless millions of wild land and wild animals besides, can be cooped up in manufacturing establishments, and made to work sixteen hours a day, under the superintendence of a driver—yes, a driver, compared with whom a Southern overseer is a gentleman and man of refinement; for, if they do not work, (these work people in the manufactories,) they cannot eat; and, among all the punishments that can be devised, (put death, even, among the number,) I defy you to get as much work out of a man by any of them, as when he knows that he must work before he can eat.

But, sir, if we follow the example of England, in one respect, as we are invited to do, we must also follow it in another. If we adopt her policy, we must adopt her institutions also. Her policy is the result of her institutions, and our institutions must be, as the result of our policy, assimilated to her's. We cannot adopt such an exterior system as that of England, without adopting also her interior policy. We have heard of her wealth, her greatness, her glory; but her eulogist is silent about the poverty, wretchedness, misery, of the lowest orders. Show me the country, say gentlemen, which has risen to glory without this system of bounties and protection on manufactures! Sir, show me any country, beyond our own, which has risen to glory or to greatness without an established church, or without a powerful aristocracy, if not an hereditary nobility. I know no country in Europe, except Turkey, without hereditary nobles. Must we, too, have these Corinthian ornaments of society, because those countries of greatness and glory have given in to them? But, after we shall have destroyed all our foreign trade; after we shall have, by the prevention of imports, cut off exports—thus keeping the promise of the Constitution to the ear, and breaking it to the hope—paltering with the people in a double sense,—after we shall have done this, we are told, "we shall only have to resort to an excise; we have only to change the mode of collection of taxes from the people; both modes of taxation are voluntary." Very voluntary! The exciseman comes into my house; searches my premises; respects not even the privacy of female apartments; measures, gauges, and weighs every thing; levies a

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tax upon every thing; and then tells me the tax is a voluntary one on my part, and that I am or ought to be content. "Yes, voluntary," as Portia said to Shylock, when she played the judge so rarely—"Art thou content, Jew? Art thou content?"

These taxes, however, it seems, are voluntary, "as being altogether upon consumption." By a recent speech on this subject, the greater part of which, said Mr. R., I was so fortunate as to hear, I learn that there have been only two hundred capital prosecutions in England, within a given time, for violations of the revenue laws. Are we ready, if one of us, too poor to own a saddle-horse, should borrow a saddle and clap it on his plough-horse, to ride to church or court or mill or market, to be taxed for a surplus saddle-horse, and surcharged for having failed to list him as such? Are gentlemen aware of the inquisitorial, dispensing, arbitrary, and almost Papal power, of the Commissioners of Excise? I shall not stop to go into a detail of them; but I never did expect to hear it said, on this floor, and by a gentleman from Kentucky, too, that the excise system was a mere scarecrow—a bugbear—that the sound of the words constituted all the difference between a system of excise and a system of customs; that both meant the same thing. "Write them together; your's is as fair a name. Sound them; it doth become the mouth as well." Here, sir, I must beg leave to differ; I do not think it does. "Weigh them; it is as heavy." That I grant. "Conjure with them"—excise "will start a spirit as soon as customs."

This I verily believe, sir, and I wish, with all my heart, if this bill is to pass—if new and unnecessary burdens are to be wantonly imposed upon the people—that we were to return home with the blessed news of a tax or excise, not less by way of "minimum," than fifty cents per gallon upon whiskey. And here, if I did not consider an exciseman to bear, according to the language of the old law books, *caput lupinum*, and that it was almost as meritorious to shoot such a hell-hound of tyranny, as to shoot a wolf or a mad dog—and, if I did not know that any thing like an excise in this country is in effect utterly impracticable, I myself, feeling, seeing, blushing for my country, would gladly vote to lay an excise on this abominable liquor, the lavish consumption of which renders this the most drunken nation under the sun; and yet, we have refused to take the duties from wines, from cheap French wines particularly, that might lure the dog from his vomit, and lay the foundation of a reformation of the public manners. Sir, an excise system can never be maintained in this country. I had as lief be a tythe-proctor in Ireland, and met on a dark night in a narrow road by a dozen white-boys, or peep-of-day boys, or hearts of oak, or hearts of steel, as an exciseman in the Alleghany mountains, met, in a lonely road, or by-place, by a backwoodsman, with a rifle in his hand. With regard to Ireland, the British chancellor of the exchequer has been obliged to reduce the excise in Ireland on distilled spirits, to comparatively nothing to what it was

formerly, in consequence of the impossibility of collecting it in that country. Ireland is, not to speak with statistical accuracy, about the size of Pennsylvania, containing something like twenty-five thousand square miles of territory, with a population of six millions of inhabitants, nearly as great a number as the whole of the white population of the United States; with a standing army of 20,000 men; with another standing army, composed of all those classes in civil life, who, through the instrumentality of that army, keep the wretched people in subjection—under all these circumstances, even in Ireland, the excise cannot be collected. I venture to say, that no army that the earth has ever seen—not such an one as that of Bonaparte, which marched to the invasion of Russia—would be capable of collecting an excise in this country—not such an one as that described, if you will allow me to give some delightful poetry in exchange for very wretched prose, as Milton has described:

"Such forces met not, nor so wide a camp,
When Agrican, with all his northern powers,
Besieged Albracca, as romances tell,
The city of Calliphron, from whence to win
The fairest of her sex, Angelica,
His daughter, sought by many prowrest knights,
Both Paynim and the Peers of Charlemagne."

Not such a force, nor even the troops with which he compares them, which were no less than "the legion fiends of hell," could collect an excise here. If any officer of our Government were to take the field a still-hunting, as they call it in Ireland, among our Southern or Western forests and mountains, I should like to see the throwing off the hounds. I have still enough of the sportsman about me, that I should like to see the breaking cover; and, above all, I should like to be in at the death.

And what, said Mr. R., are we now about to do? For what was the Constitution formed? To drive the people of any part of this Union from the plough to the distaff? Sir, the Constitution of the United States never would have been formed, and if formed, would have been scouted, *una voce*, by the people, if viewed as a means for effecting purposes like this. The Constitution was formed for external purposes, to raise armies and navies, and to lay uniform duties on imports, to raise a revenue to defray the expenditure for such objects. What are you going to do now? To turn the Constitution wrong side out; to abandon foreign commerce and exterior relations—I am sorry to use this Frenchified word—the foreign affairs, which it was established to regulate, and convert it into a municipal agent, to carry a system of espionage and excise into every log house in the United States. We went to war with Great Britain for free-trade and sailors' rights; we made a treaty of peace in which I never could, with the aid of my glasses, see a word about either the one or the other of these objects of contention; we are now determined never to be engaged in another for such purposes; for we are, ourselves, putting an end to them. And, by the way of comfort in this state of things, we have been told,

by the doctor as well as by the apothecary, that much cannot be immediately expected from this new scheme; that years will pass away before its beneficial effects will be fully realized. And to whom is this told? To the consumptive patient it is said—here is the remedy; persevere in it for a few years, and it will infallibly cure your disorder; and this infallible remedy is prescribed for pulmonary consumption, which is an opprobrium of physicians, and has reached a stage that, in a few months, not to say days, must inevitably terminate the existence of the patient. This is to be done, too, on the plea that the people who call for this measure are already ruined. I will do any thing, sir, in reason, to relieve these persons; but I can never agree, because they are ruined, and we are half ruined only, that we shall be entirely ruined, for the contingent possibility of their relief. We have no belief in this new theory—new, for it came in with the French revolution, and that is of modern date—of the transfusion of blood from a healthy animal to a sick one: and, if there is to be such a transfusion for the benefit of these ruined persons now, we refer the gentlemen to bulls and goats for supplies of blood, for we should be the veriest asses to permit them to draw our own.

We are told, however, that we have nothing to do but to postpone the payment of the public debt for a few years, and wait for an accumulation of wealth, for a new run of luck—

*"Rusticus expectat dum defluet omnis et ille
Labitur et labitur in omne volubilis ævum."*

This postponement of the public debt is no novelty. All debts are, now-a-days, as old Lilly bath it, in the future in *rus*, "about to be" paid. We have gone on postponing paying the national debt, and our own debts, until individual credit is at an end; until property, low as it is reduced in price by our fantastic legislation, can no longer be bought but for ready money. Here is one, and there the other. I am describing a state of society which I know to exist in a part of the country, and which I hear, with concern, does exist in a greater degree, in a much larger portion of the country, than I pretend to be personally acquainted with.

In all beneficial changes in the natural world—and the sentiment is illustrated by one of the most beautiful effusions of imagination and genius that I ever read—in all those changes, which are the work of an all-wise, all-seeing, and superintending providence, as in the insensible gradation by which the infant bud expands into manhood, and from manhood to senility; or, if you will, to caducity itself—you find nature never working but by gradual and imperceptible changes; you cannot see the object move, but take your eye from it for a while, and like the index of that clock, you can see that it has moved. The old proverb says, God works good, and always by degrees. The devil, on the other hand, is bent on mischief, and always in a hurry. He cannot stay: his object is mischief, which can best be effected suddenly, and he must be gone to work elsewhere. But we have the comfort, under the pressure of

this measure, that at least no force is exercised upon us; we are not obliged to buy goods of foreign manufacture. It is true, sir, that gentlemen have not said you shall not send your tobacco or cotton abroad; but they have said the same thing, in other words; by preventing the importation of the returns which we used to receive, and without which, the sale or exchange of our produce is impracticable, they say to us, you shall sell only to us, and we will give you what we please; you shall buy only of us, but at what price we please to ask. But no force is used! You are at full liberty not to buy or to sell. Sir, when an English Judge once told a certain curate at Brentford, that the court of chancery was open equally to the rich and the poor, Horne Tooke replied, "so, my lord, is the London Tavern." You show a blanket or a warm rug to a wretch that is shivering with cold, and tell him you shall get one no where else, but you are at liberty not to buy mine.

No Jew, who ever tampered with the necessities of a profligate young heir, lending him money at an usury of cent. per cent., ever acted more paternally than the advocates of this bill, to those upon whom it is to operate. I advise you, young man, for your good, says the usurer. I do these things very reluctantly, says Moses—these courses will lead you to ruin. But, no force—no sir, no force short of Russian despotism, shall induce me to purchase, or, knowing it, to use any article from the region of country which attempts to cram this bill down our throats. On this, we of the South are resolved, as were our fathers about the tea, which they refused to drink; for this is the same old question of the stamp act in a new shape, viz: whether they, who have no common feeling with us, shall impose on us, not merely a burdensome but a ruinous tax, and that, by way of experiment and sport. And I say again, if we are to submit to such usurpations, give me George Grenville, give me Lord North for a master. It is in this point of view that I most deprecate the bill. If, said Mr. R., from the language I have used, any gentleman shall believe I am not as much attached to this Union as any one on this floor, he will labor under great mistake. But there is no magic in this word *union*. I value it as the means of preserving the liberty and happiness of the people. Marriage itself is a good thing, but the marriages of Mezentius were not so esteemed. The marriage of Sinbad, the sailor, with the corpse of his deceased wife, was an union, and just such an union will this be, if, by a bare majority in both Houses, this bill shall become a law. And, I ask, sir, whether it will redound to the honor of this House, if this bill should pass, that the people should owe their escape to the act of any others rather than to us? Shall we, when even the British Parliament are taking off taxes by wholesale—when all the assessed taxes are diminished fifty per cent.—when the tax on salt is reduced seven-eighths, with a pledge that the remainder shall come off, and the whole would have been repealed, but that it was kept on as a salvo for the wounded pride of Mr. Chancellor of the Ex-

chequer,* who, when asked—why keep on this odious tax, which brings but a paltry hundred and fifty thousand per annum? answered, by subterfuge and evasion, as I have heard done in this House, and drew back upon his resources, his majority—how will it answer for the people to look up for their escape from oppression, not to their immediate Representatives, but to the Representatives of the States, or, possibly, to the Executive? And, permit me here to say, and I say it freely, because it is true, that I join as heartily as any man, in reprehending "the cold, ambiguous support of the Executive Government to this bill." I do not use my own words; I deprecate as much as any member of this House can do, that the Executive of this country should lend to this bill, or to any other bill, a cold and ambiguous support, or support of any sort, until it come before him in the shape of a law, unless it be a measure which he, in his Constitutional capacity, may have invited Congress to pass. I may be permitted to say, and I will say, that, in case this bill should be unhappily presented to him for his signature, and as an allusion has been made to him in debate, I presume I may repeat it,—I hope he will recollect how much the country that gave him birth has done for him, and the little, not to say worse than nothing, that, during his administration he has done for her. I hope, sir, he will scout the bill as contrary to the genius of our Government, to the whole spirit and letter of our confederation—I say of our confederation—Blessed be God, it is a confederation, and that it contains within itself the redeeming power which has more than once been exercised—and that it contains within itself the seeds of preservation, if not of this Union, at least of the individual Commonwealths of which it is composed.

But, sir, not satisfied with an appeal to the example of Great Britain, whom we have been content hitherto very sedulously to censure and to imitate—as I once heard a person say that it was absolutely necessary for persons of a peculiar character to be extremely vehement of censure of the very vice of which they are themselves guilty—the example of Russia has been introduced, the very last, I should suppose, that would be brought into this House on this or any other question. A gentleman from South Carolina (Mr. POINSETT,) whose intelligence and information I very much

* It is a subject of much regret to me, that, at this time, I had not had the benefit of the very able speech of his successor in office, (Mr. Robinson,) which reached the United States a few days after. It ought to be reprinted in every leading paper in the Union. With the good sense, liberality, manliness, and good faith, which characterize the whole speech, he states that Government is pledged to the abolition of the small remnant of the salt tax; and, if insisted on by the Opposition, the pledge shall be redeemed. He suggests, however, the policy of substituting some other reduction in lieu of the small tax now payable on salt, which he conceives to be as little burdensome, at its present reduced rate, as any other, and more easy of collection.

respect, but the feebleness of whose voice does not permit him to be heard as distinctly as could be wished, remarked the other day, and, having it on my notes, I will, with his leave, repeat it—Russia is cursed with a paper money, which, in point of depreciation and its consequent embarrassment to her, can boast of no advantage, I believe, even over that of that of Kentucky—so cursed, that it is impossible, until her circulation is restored to a heathful state, she can ever take her station as a commercial or manufacturing nation, to any extent. Nay, more, Russia, with the exception of a few of her provinces, consists, like the interior of America, of a vast inland continent, desolated and deformed by prairies, or steppes, as they are there called, inhabited by a sparse population; and, as an appeal has been made to experience, said Mr. R., I ask any gentleman to show me an instance of any country under the sun that has, under these circumstances, taken a stand as a manufacturing or great commercial nation. These great rivers and inland seas cut a mighty figure on the map, but, when you come to consider of capacities for foreign commerce, how unlike the insular situation of Great Britain, or the peninsular situation of almost the whole continent of Europe—surrounded or penetrated as it is by inland seas and gulfs! May I be pardoned for adverting to the fact—I know that comparisons are extremely odious—that, when we look to Salem and Boston, to parts of the country where skill, and capital, and industry, notoriously exist, we find opposition to this bill; and that, when we look to countries which could sooner build one hundred pyramids, such as that of Cheops, than manufacture one cambric needle, or a paper of White Chapel pins, or a watch-spring, we hear a clamor about this system for the protection of manufactures. The merchants and manufacturers of Massachusetts, New Hampshire, the Province of Maine, and Sagadahock repel this bill, whilst men in hunting shirts, with deer-skin leggings and moccasins on their feet, want protection for manufactures—men with rifles on their shoulders, and long knives in their belts, seeking in the forests to lay in their next Winter's supply of bear-meat. But it is not there alone the cry is heard. It is at Baltimore—decayed, deserted Baltimore, whose exports have more than one-half decreased, whilst those of Boston have four times increased—it is decayed and deserted Baltimore that comes here and asks us for the protection of those interests which have grown up during the late war—privateering among the number, I presume. Philadelphia, too, in a state of atrophy, asks for the measure—Philadelphia, who never can, pass what bill you please, have a foreign trade to any great amount, or become a great manufacturing town, for which she wants all the elements of climate, coal, and capital—this city, now over built, swoln to the utmost extent of the integument, and utterly destitute of force or weight in the Union, wants this bill for the protection of the domestic industry of her free blacks, I presume. New York, too, is now willing to build up Montreal and Quebec at her expense—to convert the Hudson into a theatre for rival dispu-

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tants about steamboats in the courts below stairs, and for them, and such as them, with a coasting license, to ply upon. The true remedy, and the only one, for the iron manufacturer of Pennsylvania, who has nothing but iron to sell, and that, they tell us, is worth nothing, would be to lay on the table of this House a declaration of war in blank, and then go into a Committee of the Whole, to see what nation in the world it would be most convenient to go to war with—for, fill the blank with the name of what Power you please, it must be a sovereign State, and, though it have not a seaman or a vessel in the world, its commissions are as good and valid in an admiralty court, as those of the Lord High Admiral of Great Britain. In this way you will put our furnaces in blast, and your paper mills into full operation; and many, very many, who, during the last war, transported flour on horseback for the supply of your army, at the cost of an hundred dollars per barrel, and who have since transported provisions in steamboats up and down the Missouri river—very many such individuals would thus be taken out of the very jaws of bankruptcy and lifted up to opulence, at the expense of that people, at whose expense, also, you are now about to enable these iron manufacturers to fill their pockets. New England does not want this bill. Connecticut, indeed, molasses having been thrown overboard to lighten the ship, votes for this bill. A word in the ear of the land of steady habits—I voted against that tax, on the principle, which has always directed my public life, not to compromise my opinions—not to do evil that good may come of it—let me tell the land of steady habits, that, after this bill shall be fairly off the shore; after we shall have cleared decks and made ready for action again; after she shall have imposed on me the onerous burden of this bill, she shall have the benefit of my vote to put on again this duty on molasses—not at this day—this is not the last tariff measure; for, in less than five years, I would, if I were a betting man, wager any odds that we have another tariff proposition, worse by far than that, amendments to which gentlemen had strangled yesterday by the bow-string of the previous question. Fair dealing leads to safe counsels and safe issues. There is a certain left-handed wisdom, that often overreaches its own objects, which grasps at the shadow and lets go the substance. We shall not only have this duty on molasses, I can tell the gentlemen from Connecticut, but we shall have, moreover, an additional bounty on intoxication by whiskey, in the shape of an additional duty on foreign distilled spirits.

The ancient Commonwealth of Virginia, one of whose unworthy sons, and more unworthy representatives, I am, said Mr. R., must now begin to open her eyes to the fatal policy which she has pursued for the last forty years. I have not a doubt, that they who were the agents for transferring her vast, and boundless, and fertile country to the United States, with an express stipulation, in effect, that not an acre of it should ever inure to the benefit of any man from Virginia, were as respectable, and kind hearted, and hospitable, and polished, and guileless Virginia gentlemen, as

ever were cheated out of their estates by their overseers; men who, so long as they could command the means, by sale of their last acre, or last negro, would have a good dinner, and give a hearty welcome to whomsoever chose to drop in, to eat, friend or stranger, bidden or unbidden. What will be the effect of this bill on the Southern States? The effect of this policy is, what I shudder to look at; the more, because the next census is held up in *terrorem* over us. We are told, you had better consent to this—we are not threatened exactly with General Gage and the Boston Port bill—but we are told by gentlemen, we shall, after the next census, so saddle, and bridle, and *martingale* you, that you will be easily regulated by any bit, or whip, however severe, or spurs, however rank, of domestic manufacture, that we choose to use. But this argument, sir, has no weight in it with me. I do not choose to be robbed now, because, after I am once robbed, it will become easier to rob me again. *Obsta principiis*, is my maxim—because every act of extension of the system operates in a two-fold way, decreasing the strength and means of the robber, and increasing those of the robber. This is as true as any proposition in mathematics. Gentlemen need not tell us, we had better give in at once. No, sir, we shall not give in; no, we shall hold out—we shall not give in. We do not mean to be threatened out of our rights by the menace of another census. We are aware of our folly, and it is our business to provide against the consequences of it, but not in this way. When I recollect, that the tariff of 1816 was followed by that of 1819-'20, and that by this measure of 1823-'24, I cannot believe that we are, at any time hereafter, long to be exempt from the demands of those sturdy beggars, who will take no denial. Every concession does but render every fresh demand and new concession more easy. It is like those dastard nations who vainly think to buy peace. When I look back to what the country of which I am a representative was, and when I see what it is—when I recollect the expression of Lord Cornwallis, applied to Virginia, "that great and unterrified colony," which he was about to enter, not without some misgivings of his mind as to the result of the invasion—when I compare what she was when this House of Representatives first assembled in the city of New York, and what she now is, I know, by the disastrous contrast, that her councils have not been governed by statesmen. They might be admirable professors of a university, powerful dialecticians *ex cathedra*, but no sound counsels of wise statesmen could ever lead to such practical ill results as are exhibited by a comparison of the past and present condition of the ancient colony and dominion of Virginia.

In the course of this discussion, said Mr. R., I have heard, I will not say with surprise, because *nil admirari* is my motto—no doctrine that can be broached on this floor can ever, hereafter, excite surprise in my mind—I have heard the names of Say, Ganilh, Adam Smith, and Ricardo, pronounced, not only in terms, but in a tone, of sneering contempt, as visionary theorists, destitute of

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practical wisdom, and the whole clan of Scotch and Quarterly reviewers lugged in to boot. This, sir, is a sweeping clause of proscription. With the names of Say, Smith, and Ganilh, I profess to be acquainted, for I too, am versed in *tulle pages*, but I did not expect to hear, in this House, a name, with which I am a little further acquainted, treated with so little ceremony, and by whom? I leave Adam Smith to the simplicity, and majesty, and strength of his own native genius which has canonized his name—a name which will be pronounced with veneration, when not one name in this House will be remembered. But, one word as to Ricardo, the last mentioned of those writers—a new authority, though the grave has already closed upon him, and set its seal upon his reputation. I shall speak of him in the language of a man of as great a genius as this, or perhaps any, age has ever produced—a man remarkable for the depth of his reflections and the acumen of his penetration. "I had been led," says this man, "to look into loads of books—my understanding had for too many years been intimate with severe thinkers, with logic, and the great masters of knowledge, not to be aware of the utter feebleness of the herd of modern economists. I sometimes read chapters from more recent works, or part of Parliamentary debates. I saw that these [ominous words!] were generally the very dregs and rinsings of the human intellect." [I am very glad, sir, he did not read our debates. What would he have said of ours?] "At length a friend sent me Mr. Ricardo's book, and recurring to my own prophetic anticipation of the advent of some legislator on this science, I said, 'Thou art the man. Wonder and curiosity had long been dead in me; yet I wondered once more. Had this profound work been really written in England during the 19th century? Could it be that an Englishman, and he not in academic bowers, but oppressed by mercantile and senatorial cares, had accomplished what all the universities and a century of thought had failed to advance by one hair's breadth? All other writers had been crushed and overlaid by the enormous weight of facts and documents; Mr. Ricardo had deduced, *a priori*, from the understanding itself, laws which first gave a ray of light into the unwieldy chaos of materials, and had constructed what had been but a collection of tentative discussions, into a science of regular proportions, now first standing on an eternal basis."

I pronounce no opinion of my own, said Mr. R., on Ricardo; I recur rather to the opinion of a man, inferior in point of original and native genius, and that highly cultivated, too, to none of the moderns, and few of the ancients. Upon this subject, what shall we say to the following fact? Butler, who is known to gentlemen of the profession of the law, as the annotator, with Hargrave, on Lord Coke, speaking with Fox as to political economy—that most extraordinary man, unrivalled for his powers of debate, excelled by no man that ever lived, or probably ever will live, as a public debater, and of the deepest of political erudition, fairly confessed that he had never read

Adam Smith. Butler said to Mr. Fox "that he had never read Adam Smith's work on the 'Wealth of Nations.'" "To tell you the truth," replied Mr. Fox, "nor I neither. There is something in all these subjects that passes my comprehension—something so wide that I could never embrace them myself, or find any one who did." And yet we see how we, with our little dividers, undertake to lay off the scale, and with our pack-thread to take the soundings, and speak with a confidence peculiar to quacks (in which the regular bred professor never indulges) on this abstruse and perplexing subject. Confidence is one thing, knowledge another; of the want of which, overweening confidence is notoriously the indication. What of that? Let Ganilh, Say, Ricardo, Smith—all Greek and Roman fame be against us—we appeal to Dionysius in support of our doctrines; and to him not on the throne of Syracuse but at Corinth—not in absolute possession of that most wonderful and enigmatical city, as difficult to comprehend as the abstrusest problem of political economy, which furnished not only the means but the men for supporting the greatest wars—a kingdom within itself, under whose ascendant the genius of Athens, in her most high and palmy state, quailed, and stood rebuked. No; we follow the pedagogue to the schools—dictating in the classic shades of Longwood—(*lucus a non lucendo*)—to his disciples.

We have been told that the economists are right in theory and wrong in practice; which is as much as to say, that two bodies occupy at the same time the same space; for it is equally impracticable to be right in theory and wrong in practice. It is easy to be wrong in practice; but if our practice corresponds with our theory, it is a solecism to say that we can be right in the one and wrong in the other. As for Alexander and Cæsar, said Mr. R., I have as little respect for their memory as is consistent with that involuntary homage which all must pay to men of their prowess and abilities; and if Alexander had suffered himself to be led by the nose out of Babylon and banished to Sinope, or if Cæsar had suffered himself to be deprived of his imperial sway, not by the dagger of the assassin, but by his own slavish fears, I should have as little respect for their memory as for that of him whose example has on this occasion been held up to us for admiration. Speaking of that man who has kept me awake night after night, and has been to me an incubus by day, for fear of the vastness of his designs, I cannot conceive of a spectacle so pitiful, so despicable, as that man, under those circumstances; and if the work dictated by him at St. Helena be read with the slightest attention, no forsworn witness at the Old Bailey was ever detected in so many contradictions as he has been guilty of. No, sir, the Jupiter from whose reluctant hand the thunderbolt is wrung, is not the one at whose shrine I worship—not that I think that the true Amphitryon is always him with whom we dine—he is not the political economist who is to take place of Smith and Ricardo. Will any man make me believe that he understood the

theory or the practice of political economy better than these men, or than Charles Fox? Impossible. When I recollect what that man might have done for liberty, and what he did; when I recollect that to him we owe this Holy Alliance—this fearful power of Russia—of Russia, where I should advise persons to go who desired to be instructed in petty treason by the murder of a husband, or in parricide by the murder of a father, but from whom I should never think of taking a lesson in political economy—to whom I would say, rather, pay your debts, not in depreciated paper; do not commit daily acts of bankruptcy; restore your currency; practise on the principles of liberality and justice, and then I will listen to you. No, sir, Russia may, if she pleases, not only lay heavy duties on imports; she may prohibit them if she pleases; she has nothing to export but what some other inland countries have, political power—physical, to be sure, as well as intellectual power—but she does not even dare to attack the Turk; she cannot stir; she is something like some of our interior people of the South, who have plenty of land, plenty of serfs, smoke-houses filled with meat, and very fine horses to ride, but who, when they go abroad, have not one shilling to bless themselves with; and so long as she is at peace, and does not trouble the rest of the world, so long she may be suffered to remain; but, if she should continue to act hereafter as she has done heretofore, it will be the interest of the civilized world to procure her dismemberment, *per fas aut nefas*.

But it is said a measure of this sort is necessary to create employment for the people. Why, sir, where are the handles of the plough? Are they unfit for young gentlemen to touch? Or will they rather choose to enter your military academies, where the sons of the rich are educated at the expense of the poor, and where so many political Janissaries are every year turned out, always ready for war, and to support the powers that be—equal to the Strelitzes of Moscow or St. Petersburg? I do not speak now of individuals, of course, but of the tendency of the system—the hounds follow the huntsman because he feeds them, and bears the whip. I speak of the system. I concur most heartily, sir, in the censure which has been passed upon the greediness of office, which stands a stigma on the present generation. Men from whom we might expect, and from whom I did expect better things, crowd the ante-chamber of the palace, for every vacant office; nay, even before men are dead, their shoes are wanted for some barefooted office-seeker. How mistaken was the old Roman, the old Consul, who, whilst he held the plough by one hand, and death held the other, exclaimed, "*Diis immortalibus sero!*"

Our fathers, how did they acquire their property? By straightforward industry, rectitude, and frugality. How did they become dispossessed of their property? By indulging in speculative hopes and designs, seeking the shadow whilst they lost the substance; and now, instead of being, as they were, men of respectability, men of substance, men capable and willing to live independently and honestly, and hospitably too—for who so par-

simonious as the prodigal who has nothing to give? What have we become? A nation of sharks, preying on one another through the instrumentality of this paper system, which, if Lycurgus had known of it, he would unquestionably have adopted, in preference to his iron money, if his object had been to make the Spartans the most accomplished knaves, as well as to keep them poor.

We are told that this is a curious Constitution of ours: it is made for foreigners and not for ourselves—for the protection of foreign, and not of American industry. Sir, this is a curious Constitution of ours, said Mr. R.; and if I were disposed to deny it, I could not succeed. It is an anomaly in itself. It is that supposed impossibility of all writers, from Aristotle to the present day, an *imperium in imperio*. Nothing like it ever did exist, or possibly ever will, under similar circumstances. It is a Constitution consisting of confederated bodies, for certain exterior purposes, and, also, for some interior purposes, but leaving to the State authorities, among a great many powers, the very one which we now propose to exercise: for, if we were now passing a revenue bill—a bill, the object of which were to raise revenue—however much I should deny the policy, and however I could demonstrate the futility of the plan, I still should deem it to be a Constitutional bill—a bill passed to carry, bona fide, into effect, a provision of the Constitution, but a bill passed with short-sighted views. But this is no such bill. It is a bill, under pretence of regulating commerce, to take money from the pockets of a very large, and, I thank God, contiguous territory, and to put it into other pockets. One word, sir, on that point; I can assure the gentlemen whose appetites are so keenly whetted for our money—I trust, at least, that if this bill passes, there will be a meeting of the members opposed to it, and a general and consentaneous resistance to its operation throughout the whole Southern country—and we shall make it by lawful means; *quant à nous*, the law will be a dead letter. It shall be to me, at least, as innocuous as the pill of the empyric, which I am determined not to swallow. The manufacturer of the East may carry his woollens, or his cottons, or his coffins, to what market he pleases—I do not buy of him. Self defence is the first law of nature. You drive us into it. You create heats and animosities amongst this great family, who ought to live like brothers; and, after you have got this temper of mind roused among the Southern people, do you expect to come among us to trade, and expect us to buy your wares? Sir, not only shall we not buy them, but we shall take such measures (I will not enter into the detail of them now,) as shall render it impossible for you to sell them. Whatever may be said here, of the "misguided counsels," as they have been termed, "of the theorists of Virginia," they have, so far as regards this question, the confidence of united Virginia. We are asked—does the South lose any thing by this bill—why do you cry out? I put it, sir, to any man, from any part of the country, from the Gulf of Mexico, from the Balize, to the Eastern

shore of Maryland—which, I thank heaven, is not yet under the government of Baltimore, and will not be, unless certain theories should come into play in that State, which we have lately heard of, and a majority of men, told by the head, should govern—whether the whole country, between the points I have named, is not unanimous in opposition to this bill? Would it not be unexampled, that we should thus complain, protest, resist, and that all the while nothing should be the matter? Are our understandings (however low mine may be rated, much sounder than mine are engaged in this resistance,) to be rated so low as that we are to be made to believe that we are children affrighted by a bugbear? We are asked, however, why do you cry out?—it is all for your good. Sir, this reminds me of the mistresses of George II. who, when they were insulted by the populace on arriving in London, (as all such creatures deserve to be, by every mob,) put their heads out of the window, and said to them, in their broken English, "Goot people, we be come for your goots;" to which one of the mob rejoined "Yes, and for our chattels too, I fancy." Just so it is with the oppressive exactions proposed and advocated by the supporters of this bill, on the plea of the good of those who are its victims.

There is not a member of this House, said Mr. R., more deeply penetrated than the one who is endeavoring to address you, with the inadequate manner in which he has discharged the task imposed upon him—in this instance, he will say, on his part, most reluctantly. But, as I have been all my life a smatterer in history, I cannot fail to be struck with the fitness of the comparison instituted by a historian of this country with the Roman republic, just as it was in a state of preparation for a master.

"Sed, post quam luxu, atque desidia civitas corrupta est; rursus respublica, magnitudine sua, imperatorum atque magistratum vitia sustentabat; ac veluti effoeta parentum, multis tempestatibus, haud sane quisquam Romæ virtute magnus fuit."

Of this quotation, I will, as they sometimes say in the Parliament, for the benefit of the country gentlemen, attempt a translation. "But, after the State had become corrupted by luxury and sloth"—in the Arabian Nights' Entertainments, we are told of one who laid by his sequins in good money, and when he afterwards came to use them, he found them to be bits of paper, not worth more than old continental (or Kentucky) money—"by luxury and sloth, again the republic,"—and here I press the comparison—"by dint of its own magnitude, its own greatness, its own vastness, bore up under the faults, the vices, of its generals, magistrates, and that, too, as if effete—(past bearing) since, for a long while"—I hope the comparison will not hold here—"for a long time scarcely any man had become great at Rome by his merit." So, sir, it is with this republic. It does not sustain, by its greatness and growing magnitude, the follies and vices of its magistracy. Had this Government been stationary like any of the old Governments of Europe, of the second class, Prussia, for instance, or Holland, by the political evolu-

tions of the last thirty years—I might say the last twelve years—it would have sunk into insignificance and debility: and it is only upon this resource, the increasing greatness of this republic, that the blunderers who plunge blindfold into schemes like this, can rely for any possibility of salvation from the effect of their own rash, undigested measures. It is true, that the race is not to the swift, nor the battle to the strong; and elsewhere than in the republic of Rome and of other times, than the days of Catiline, it may be said, "*Haud sane quisque virtute magnus est.*"

"Tis not in mortals to command success!—

But do you more Sempronius—don't deserve it, And take my word you won't have any less;

Be wary, watch the time, and always serve it:

Give gentle way when there's too great a press;

And for your conscience only learn to nerve it—

For, like a racer, or a boxer, training,

'Twill make, if proved, vast efforts without paining."

I had more to say, Mr. Speaker, could I have said it, on this subject. But I cannot sit down without asking those who were once my brethren of the church, the elders in the young family of this good old republic of the thirteen States, if they can consent to rivet upon us this system, from which no benefit can possibly result to themselves. I put it to them as descendants of the renowned colony of Virginia—as children sprung from her loins—if, for the sake of all the benefits with which this bill is pretended to be freighted to them—granting such to be the fact, for argument's sake—they could consent to do such an act of violence to the unanimous opinion, feelings, prejudices, if you will, of the whole Southern States, as to pass it? I go farther. I ask of them what is there in the condition of the nation, at this time, that calls for the immediate adoption of this measure? Are the Gauls at the gate of the Capitol? If they are, the cacklings of the Capitoline geese will hardly save it. What is there to induce us to plunge into the vortex of those evils so severely felt in Europe from this very manufacturing and paper-policy? For, it is evident that, if we go into this system of policy, we must adopt the European institutions also. We have very good materials to work with. We have only to make our elective King, President for life, in the first place, and then to make the succession hereditary in the family of the first that shall happen to have a promising son. For a King we can be at no loss—*ex quo vis ligno*—any block will do for him. The Senate may, perhaps, be transmuted into a House of Peers, although we should meet with more difficulty than in the other case: for, Bonaparte himself was not more hardly put to it, to recruit the ranks of his mushroom-nobility, than we should be to furnish a House of Peers. As for us, we are the faithful Commons, ready made to hand; but with all our loyalty, I congratulate the House—I congratulate the nation—that, although this body is daily degraded by the sight of members of Congress manufactured into placemen, we have not yet reached such a point of degradation as to submit to suffer Executive minions to be manufactured into members of

Congress. We have shut that door; I wish we could shut the other also. I wish we could have a perpetual call of the House in this view, and suffer no one to go out from its closed doors. The time, Mr. R. said, was peculiarly inauspicious for the change in our policy which is proposed by this bill. We are on the eve of an election that promises to be the most distracted that this nation has ever yet undergone. It may turn out to be a Polish election. At such a time, ought any measure to be brought forward which is supposed to be capable of being demonstrated to be extremely injurious to one great portion of this country, and beneficial in proportion to another? Sufficient for the day is the evil thereof. There are firebrands enough in the land, without this apple of discord being cast into this assembly. Suppose this measure is not what it is represented to be; that the fears of the South are altogether illusory and visionary; that it will produce all the good predicted of it—an honorable gentleman from Kentucky said, yesterday, and I was sorry to hear it, for I have great respect for that gentleman, and for other gentlemen from that State, that the question was not whether the majority or minority should rule. The gentleman is wrong, and if he will consider the matter rightly, he will see it. Is there no difference between the patient and the actor? We are passive: we do not call upon them to act or to suffer, but we call upon them not so to act as that we must necessarily suffer: and I venture to say that, in any government properly constituted, this very consideration would operate conclusively, that, if this burden is to be laid on 102, it ought not to be laid by 105. We are the eel that is being flayed, while the cook-maid pats us on the head, and cries, with the clown in King Lear, "down, wantons, down!" There is but one portion of the country which can profit by this bill, and from that portion of the country comes this bare majority in favor of it. I bless God that Massachusetts and old Virginia are once again rallying under the same banner, against oppressive and unconstitutional taxation: for, if all the blood be drawn from out the body, I care not whether it be by the British Parliament or the American Congress—by an Emperor or a King abroad, or by a President at home. Under these views, and with feelings of mortification and shame at the very weak opposition I have been able to make to this bill, I entreat gentlemen to consent that it may lie over, at least, until the next session of Congress. We have other business to attend to, and our families and affairs need our attention at home—and indeed I, sir, would not give one farthing for any man who prefers being here to being at home—who is a good public man and a bad private one. With these views and feelings, I move you, sir, that the bill be indefinitely postponed.

Appendix to Mr. R.'s Speech, furnished by himself.

NOTE 1.

I ought to have excepted Albert Gallatin, "the apostle of Truth, and the favorite votary of Liberty,"

as he was hailed by the companion of my early manhood. This gentleman might say, of the place in which he finds himself, what was said of a certain Doge of Genoa, I think, whom the arrogance of Louis XIV. ordered to Paris to make an apology, in his own person, for some offence on the part of that once proud republic, against the dignity of the Grand Monarque.

Had Montgomery, instead of falling on the heights of Abraham—where Montcalm and Wolfe, congenial spirits, also

— "forsook

their mansions in this fleshly nook,"

survived to see the Revolution of 1788-'9, brought about, would it have ever been objected to him that, by birth, he was an Irishman? Would his foreign descent have stood in the way of his other claims to the Chief Magistracy of the country?

Were Mr. Gallatin a French or Englishman, there would be some color to this objection. But he is a native of Geneva, and no good Genevese can worship at the shrine of a Bonaparte or a Bourbon. I think it must be his citizenship of Virginia that stands mostly in the way of the elevation of this extraordinary man, who sees himself postponed to persons in no respect considerable, except for the modesty of their pretensions, who have never, and can never, render a tithe of his public services, and whose names were not known out of their own parish, so late as the acquisition of Louisiana, and the commencement of Mr. Jefferson's second term of Presidential service.

No foreigner, be it remembered, can ever become President, who was not a citizen at the time of the adoption of the new Constitution of 1787. The door will soon be closed against them forever, be their merits and services what they may.

NOTE 2.

The principal of the debt proper of the United States was funded at 6 per cent., but the payment of one third was postponed for ten years.

The interest, the evidences of which were called "indents of interest," was funded at 3 per cent.

Of the assumed debt, one-third was taken, on estimate, to be the amount of interest due upon it, which, at the time, could not be ascertained; and, also, funded at 3 per cent.

These two sums constitute the 3 per cent. stock of the United States.

Of the remaining two-thirds of the assumed debt, two-thirds, being the estimated amount of principal, equal to 2s. 8d. Virginia money, to a dollar, were funded at 6 per cent.; and the remainder (one-third of two-thirds, or 1s. 4d. Virginia money, on the dollar) was also funded at 6 per cent., but the payment postponed in like manner, as on the debt proper of the United States.

This is the origin of the term deferred stock, in our laws and financial statements.

One-third of the dollar	= 2
taken as interest and funded at 3 per cent.	
Two-thirds of the remaining 4s. = 2s. 8d. at 6 per cent.	2 8
One-third of two-thirds or one-quarter deferred; also at 6 per cent.	1 4
	<hr/> s. 6 0

NOTE 3.

From this admission, I feel myself compelled to except the opinions, however long established, as to the

impolicy of the expulsion of the *Moriscoes* from Spain, and of the *Huguenots* from France by the revocation of the edict of *Nantes*. Never having been "*addictus jurare in verba magistri*," I have long ago taught myself to believe, that the alleged impolicy of these two celebrated measures (which I have never heard called in question by any authority whatsoever) is one of those "vulgar errors" that ought to go to swell the catalogue of the ingenious Sir Thomas Brown. From the institution of the Passover to the latest experience of man, it will be found that two essentially different and hostile nations cannot peaceably and advantageously inhabit the same territory, and live under the same form of government. I have been led to ascribe the subsequent grandeur and power of France, mainly to the removal of this fruitful source of schism and of weakness. Had the Protestants remained in the bosom of France, their superior industry and intelligence would speedily have raised them to a level with their Catholic enemies and fellow-subjects; and the seeds of incurable division and weakness would thus have been sown, never to be eradicated.

With some millions of wealthy and exasperated *Moriscoes* in her bosom, could Spain have made the stand she did against the power of Bonaparte? It is this which renders Ireland a dead weight upon England, instead of a powerful auxiliary. Would Virginia have been impoverished in case she had expelled her black population, constituting the great mass of her productive labor at the peace of 1783? Suppose, instead of ceding her northwestern territory to Congress, she had, at the peace of 1783, driven every negro and mulatto, bond or free, across the Ohio? Would she now, think you, be less populous or powerful than she is at present? Would she now be driven to the humiliation of receiving the law, and, perhaps, a master, from the Congressional and electoral influence beyond, not only the Ohio, but the Mississippi—beyond Aurora and the Ganges?

I speak of the results, not of the motives, of those celebrated measures. Was the Reformation not eminently beneficial to England, because it was owing to the lewd passions and ungovernable caprices of a tyrant, even more odious than Louis XIV. or Philip IV.? Were the motives of his overgrown subjects, greedy for the spoils of the church, panting for the plunder of the rich *abbeyes* and *benefices*, less infamous than those of their master? Is the Jackall, who humbly receives the offal carcase, when the hunger of the royal beast is appeased by its blood, distinguished in any way to his advantage from the monarch of the forest?

NOTE 4.

List of exports of domestic growth.

Cotton,
Tobacco,
Rice,
Indian corn—exclusively Southern.
Flour, wheat, &c.,
Lumber,
Naval stores.

When Mr. RANDOLPH had concluded his speech—

Mr. HOLCOMBE rose, and stated to the Chair that he wished to make some observations on the subject under consideration. I have been, he observed, so patient and persevering a listener

throughout this long discussion, that I feel myself entitled to the indulgence of the House for a short time. The fate of the bill, Mr. Speaker, is no longer doubtful. Signs and indications, which can neither be resisted nor mistaken, have announced its destiny. It will pass, I doubt not, at least in this House, by a small but decisive majority. Such facts, on ordinary occasions, would seem to render all further discussion unnecessary, if not intrusive. But, when the policy of a great nation, in relation to one of its most important interests, is about to assume a new character, or, at least, receive additional impulse; when the manufacturing interest of this country, already under the protection of the Government, is demanding yet more efficient protection, in opposition to the remonstrances and hostility of a large and imposing minority, within and without this House, public opinion seems to require—public opinion, indeed, does require—from the friends of the new policy, the fullest exposition of the views and causes which have led to its adoption.

With such apologies, I come before the House at this late period of the debate. But, sir, I scarcely know how or where to commence my observations. The manufacturing question is utterly exhausted. The field of discussion which it presents has been so long preoccupied, so perseveringly explored, that neither fruit nor flower remains to reward the adventurer. If we refer to history for illustration, nothing can be more familiar than its examples. If to political economy, or the labors of the statist, their tables and statements, their axioms and principles, have been urged upon us, from every department of the House, by friend and foe, even to satiety.

Mr. H. observed, the general principles of the bill had been so fully discussed by others, that he would proceed at once to examine, as rapidly and briefly as possible, the principal objections which had been urged against it. The bill, Mr. Speaker, is combatted on this floor by three interests essentially distinct; the agricultural interest of the South, the manufacturing interest of the East, and the general interest of commerce and navigation. For the sake of perspicuity, the objections arising out of the supposed hostility of the bill to each of these interests, will be noticed separately. The protection of the manufacturing interest is said to be hostile to the agriculture of the South. If gentlemen were able to establish the truth of this objection, the principles as well as the policy of the bill would remain, at least to me, entirely indefensible. For I have neither the right nor the disposition to advocate any measure calculated to build up the interest of one section of the Union at the expense of another. I have no personal interest which this bill can possibly promote. I support it, as a measure purely national in its character, intended to advance the prosperity, not of sections only, but of the Union; to equalize all our great interests; to promote, by its direct and necessary operation, the manufacturing interest; to promote, by the creation, or rather the extension, of the home market, the agricultural interest; and, finally, to promote the commercial interest,

by enabling the American merchant, by the abundance and cheapness of the fabrics of the manufacturer, to adventure successfully in the great markets of the world; particularly in the opening and growing markets of South America.

The gentlemen of the South must pardon me for believing, as I certainly do believe, that they mistake altogether the ultimate operation of this bill, as far as their agriculture is concerned. It is true, we can only speculate upon this point. But it has always appeared to me that, if there be one section of the Union more deeply interested than another in the friendly operation of our manufacturing policy upon its agriculture, it must be the South, inasmuch as the creation of a steady home market for its rich agricultural staples must be to the South an object of vital and lasting consideration. The European market is at best precarious. A state of war impairs, and may extinguish it. Competition, also, seriously threatens it. The Southern planter, indeed, has already found in it growing and formidable rivals. Cotton, the great staple of the South, is at this moment extensively cultivated for exportation in three quarters of the globe, in India, Brazil, and, lately it would seem, in Egypt. And the time cannot be considered distant when it must form no inconsiderable staple of the whole series of South American Republics. Driven, therefore, as, in a great measure, it appears to me it necessarily must be driven, from the European market, where is the Southern planter to find refuge and protection, except, indeed, in the home market, which it is one of the first objects of this bill to assist in establishing? And a refuge and protection it assuredly will prove, ample and unchangeable, (the derision and infidelity of gentlemen to the contrary notwithstanding,) if we will consent to extend to it, from time to time, that legislative aid which its necessities may require, and which its great national importance will always justify. The American market, at present, consumes probably one-fourth, at least one-fifth, of all the cotton grown in the South; stimulated to excess as that culture has been by the extraordinary demands upon it, growing out of the peace of Europe. Extend, therefore, extend to the cotton manufacture of this country efficient protection, and I mistake, utterly and hopelessly mistake, the genius and enterprise engaged in it, if, before the revolution of another national period—the period of ten years—it be not able to absorb all the surplus cotton of the South,—for a part of Southern cotton, from its quality, will always find a market in Europe; provided, no more additional lands be appropriated to its culture; and the quantity is said already to trespass greatly upon correct agricultural proportions.

But, the gentlemen of the South deny that the cotton market of Europe is in danger. They contend that they will always be able to undersell the foreign agriculturist in it. But, is not this confidence, Mr. Speaker, both dangerous and delusive? Can the labor of the slave be made as profitable as the labor of the freeman? And, if the labor of the slave be not as profitable as the

labor of the freeman—and that it is not is almost universally conceded—how will the Southern planter be enabled to compete successfully, in years to come, with the millions of free agriculturists rising up and scattered over the immense and fertile regions of the Southern continent? He will be crushed by the competition; he must be driven from the market. There is, indeed, one method whereby the labor of the slave may be made more profitable than the labor of the freeman. The fact has been established; but, happily, not by the experience of this country, for the process is a dreadful one. It is by furnishing the wretched slave with the smallest portion of raiment sufficient to protect him from the inclemency of the elements, and graduating his coarse food to the minimum barely necessary to sustain, for the purposes of his labor, his miserable existence, stimulated into all its capabilities by the unceasing lash of the task master. A state of society, of servitude, and suffering, not more incompatible with the public opinion of the age than unequivocally abhorrent to the sensibilities of the South.

But gentlemen contend that England will refuse to purchase our cottons, if we refuse to purchase her fabrics. Mr. H. observed that this was no novel argument, but one which had been repeatedly urged in Congress, and also in the reviews and essays of the day. He denounced it; and particularly the principle upon which it is founded, as offensive and fallacious. And what, Mr. Speaker, is this principle? It is, that we, the guardians and protectors of the rights and interests of the good people of these States, should look calmly on, whilst our infant manufactures perish before us; or, that we should see them struggling into existence, unnoticed, unaided, and unprotected. That we should consent to postpone indefinitely one of our greatest interests, and subscribe, officially, to articles of virtual and lasting dependence upon foreign nations! For what? To protect the cotton culture of the South from imaginary extinction! Or rather, which is really the fact, to give to the English manufacturer the monopoly of the American market forever.

But the proposition which is assumed, that England will refuse to purchase our cottons if we refuse to purchase her fabrics, is wholly gratuitous. Long before this Government first manifested any serious disposition to foster the manufacturing interest, cotton had been extensively imported into England from India and Brazil, and its culture in those places sedulously encouraged. The English manufacturer purchases from the cheapest market, (can we suppose he can or will pursue for any length of time any other course?) entirely regardless of the country that grows it. It is true, the prices being alike, and the quality the same, he will purchase the cottons of every other country in preference to ours. And the cause is obvious. He has foreseen, from our uncommon skill as manufacturers, and the extraordinary progress which we have already made in every department of useful industry, that the time is not distant when the monopoly which he enjoys upon these shores will not only be extinguished, but rivals

will here grow up to compete, with him, in all the great markets of the world. And hence his disposition to promote, in preference to ours, the agriculture of every nation, where new markets can be created. And this is the course which he will pursue—this indeed is the course which he must pursue—in despite of every effort of conciliation—of every act of favoritism which we may be disposed to extend towards him. As long as we continue to undersell the foreign agriculturist in the European market we shall be preferred—but certainly no longer. Every other consideration is idle—is but dust in the balance when weighed against this obvious, this irresistible fact.

But this bill, Mr. Speaker, is further said to be hostile to the general agricultural interest of this country. I must pass over very rapidly an objection so decisively extravagant. For where in the history of the world has the encouragement of manufactures ever proved hostile to the interests of agriculture? Look to the present age—go to the Lothians of Scotland; the rich agricultural districts of England; the kingdom of the Netherlands; the banks of the Rhine and the Elbe; the Rhone and the Seine; go indeed to every manufacturing hamlet, circle or city in Europe, and witness everywhere the refutation of this extravagant objection. Ask history—summon from the dead the Saracens of Spain, the Lombards of the twelfth century—the Genoese; the Venetian—ask the illustrious house of Medicis whether the fostering care which they awarded to manufactures proved hostile to the agriculture of the beautiful region over which they presided? Even our own short experience amply refutes the objection.

Wherever manufacturing establishments have been successfully located amongst us, the country has, in all instances, flourished around them—exhibiting the strongest evidence of their friendly influence upon the interests of the farmer. And were we disposed to receive, with due courtesy, the representations of our constituents, our tables at this moment would be covered with memorials from our agricultural constituents—at least from those of the middle States and the East and the West, praying for the protection of the manufacturer—experience having dissipated their early hostilities, and convinced them, by the most irresistible testimony, that in the protection of the manufacturer is embraced their own surest and best protection.

But the bill, Mr. Speaker, is said to be hostile to the interests of commerce. This, if sustained, would prove an argument entirely unanswerable. Inasmuch as it would not only render a resort to excises or direct taxation necessary to meet the ordinary expenditures of the Government, but involves seriously and lastingly the interests of the Navy. Mr. H. controverted this argument at some length. He maintained that it was opposed by the testimony of innumerable facts, and the universal experience of the commercial world—that commerce is directly promoted by whatever tends to promote national wealth and industry. That the bill, in its present shape, was as judicious

a revision of the tariff as could be devised; and, consequently, that the interests of commerce and the revenue, instead of being impaired, would be promptly and decisively promoted by it. That domestic manufactures create a multitude of new wants, and furnish the means of gratifying them; and hence, consumption is increased; and hence, the loss which the revenue sustains by the lessened importation of articles manufactured at home, is more than repaired by the increased consumption of others; and that, if to these considerations be added the steady and extraordinary advance of our population, and the necessary increase of luxury, the interests of the revenue may be fairly regarded, as secure from all future contingency and danger. As a striking illustration of the above positions, Mr. H. referred to the example of England, whose revenue has constantly increased, exactly in proportion as the restrictive system, for the encouragement of the manufacturing interest, has been enforced. Mr. H. contended further, that a more rigid tariff than the present—a tariff for the ample and exclusive protection of the great objects of our industry, would, whatever might be its immediate operation, ultimately advance (and at no distant period too) the interest of commerce. Such a tariff, it is acknowledged, would extinguish some of the fountains of commerce—but open a four-fold number in their stead.

It is impossible for me to say, Mr. Speaker, how far the feeble encouragement which we have thus far awarded to our manufactures, has advanced the interests of the Treasury. But if numerous facts be not entirely fallacious, we have already reaped a golden harvest from the limited sacrifices which we have heretofore so reluctantly made. How is the present remarkably flourishing state of the Treasury to be accounted for, unless we refer it, partly at least, to the friendly operation of our manufacturing establishments upon our foreign commerce? The great markets of Europe are closed upon our agricultural productions. And we have lost, consequent to a state of general peace, the carrying trade of half the world. Besides, sir, from the cultivation of sugar within our own territories, and the lessened importation of West India spirits, the revenue, as formerly constituted, has been lessened millions. But, notwithstanding these fearful fallings-off (and fearful they would have been, and wide-spread and desolating in their influence upon ordinary nations) we are steadily advancing in the career of commercial prosperity. Successive Treasury reports mock the predictions both of friend and foe. The canvass of our marine—I use, or wish to use no figure—still swells upon the remotest seas, and our flag yet streams upon every shore.

And where, I demand, are the realities of those gloomy forebodings—of those appalling pictures of national bankruptcy—of taxes, loans, and excises, conjured up, and so gloomily portrayed, to alarm the fearful and despairing politicians of 1816 and 1820? Faded away forever, and lost in the light of that general prosperity, of that energy and enterprise, of that industry and universal improvement, which is shedding a distinguishing

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lustre around the present moment, and illuminating, with the intensest brilliancy, the path of our future destinies.

I would not mock, Mr. Speaker, the House with idle tales, with visionary pictures; but I must be permitted to repeat, and to reiterate, again and again, in despite of the sombre picture of the Speaker, and of the innumerable examples of deep distress, embarrassment, and ruin, which have been and may be referred to, during the discussion, that the real, the vital, the lasting prosperity of this country, is not only not impaired, but steadily advancing. And here I am gratified to find myself upon ground, which has been so ably pre-occupied by the distinguished member from Massachusetts, (Mr. WEBSTER.) And further, sir, when we take into consideration the state of the world, growing out of the peace of Europe, and our own peculiar embarrassments, resulting in a great measure from the disastrous and temporizing policy which we have heretofore pursued, our situation, I apprehend, will be found to be one, not of ruin or despondency, but rather of wonder and congratulation. Our prosperity has heretofore resembled a stream, swelled by transient and extraordinary causes, into a torrent. The torrent has subsided, and the traces of its desolation, it is certain, are every where visible. But the stream, sir, the stream remains; sunk, indeed, into its accustomed channels, but still full and flowing, diffusing every where, life, fertility, and blessings, throughout our vast domain. But, wherefore this concession? What, sir! Because this great nation—ay, great nation—in the vigor of youth, and the freshness of her glorious institutions, has been sustained without fainting or falling, under the tremendous pressure of the times, shall we, her rightful guardians and protectors, refuse to lighten officially her immense burdens, or lessen, by every possible means of legislation, the duration of that long minority among nations to which she must otherwise necessarily be subjected?

I have spoken incidentally of the disastrous policy which we have pursued. One moment, sir, in explanation of this policy, of its origin, progress, and results. A state of universal warfare in Europe, by putting into requisition our entire commercial and agricultural energies, flooded us with wealth. Success, by intoxicating, lulled us into a delusion in relation to our real and permanent interests, unhappily as profound as it became universal and alarming. And when the shock of reaction, consequent to the sudden and universal peace which succeeded, awakened us from our golden dreams, we were absolutely astounded to discover that bread could grow in other soils, and enterprise flourish under other flags. Our great markets closed suddenly upon us, and the convulsion which succeeded forms a memorable epoch in our history, and would have proved inexpressibly jeopardous to the safety of the body politic, had not the redeeming spirit of our institutions interposed to save it from dissolution. And even at this moment, it is not difficult to perceive; that a silent but powerful cause of

indisposition, if not hostility, to the manufacturing interest, arises from an undefined wish, from a lingering hope, that the circumstances of the world would again open to us the carrying trade, and the profitable markets of Europe. Thus, betraying a disposition to stake, as desperately as ungenerously, our great and lasting interests upon the contingency of foreign war, and the consequent miseries of the human race!

But this bill, sir, has excited the hostility of the manufacturing interest itself, particularly of the flourishing manufacturing interest in the East. A single remark, in reply to this objection. This hostility, ungenerous and unbecoming as it may seem, is perfectly natural. The manufacturer has perceived, (and certainly the perception required no preternatural illumination,) that the ultimate operation of this bill, by bringing additional skill, capital, and competition into the business, will tend to lessen, rather than multiply, his profits. And hence his hostility. A fact worth a thousand speculations, urged, as they may be, with all the zeal and perseverance of the gentlemen of the South. Do not gentlemen perceive the dilemma to which this argument reduces them? The South combats the bill, because it will advance the price of goods, and thus operate as a permanent and oppressive tax upon its agriculture. The manufacturing interest of the East, on the contrary, combats it, because it will destroy monopoly, and reduce the price of the manufactured article below its present value, to the minimum of a living profit.

But, Mr. Speaker, is it correct policy, to stimulate, at this moment, by additional protection, the manufacturing interest of this country? This is the more immediate question before this House? My views, in relation to it, are soon expressed and easily understood. To the manufacture of cotton and woollen goods, of iron and glass, flax, and hemp, and lead, and all other manufactures, the material of which we either possess, or can create in abundance, and which are indispensable for our security and independence in peace and war, I would grant ample, and, as rapidly as circumstances would permit, exclusive protection. Between these, and the innumerable other articles which constitute a great mass of our foreign commerce, I would draw a line of perpetual distinction. The first, as I have observed, I would protect amply and immediately. For the last, I would remain dependent upon foreign nations, or reserve as subjects for future legislation. This, sir, very briefly expressed, is the manufacturing policy which I am disposed to advocate, and of which this bill, as originally reported by the Committee, was a fair exposition; a policy equally removed from the system of bounties and monopolies on the one part, as from the visionary and degrading system of foreign dependence and unrestricted commerce on the other. "A policy which purports not to protect the manufacture of gold and silver; not the velvets of Lyons, or the silks of Spitalfields; not the lawns of Brussels, or the laces of Cambray; not the clinquillerie or the bijouterie of Paris or Birmingham, but such

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as we feel the want of in time of war, and such as may fairly be regarded as of prime necessity, or immediately connected with agricultural wants and pursuits."—*Professor Cooper.*

And this policy, whatever may be said or imagined to the contrary, is the growing, and is, indeed, already the favorite policy of the American people. It is an appeal to their interests, their patriotism, and experience, which, from its very nature, must be irresistible. And gentlemen may denounce the bill in the bitterest possible manner; they may originate for it, and affix to it the most opprobrious epithets; and they surely have betrayed no lack of capacity in this respect; they may hold it up to public reproach, to public execration, as high and as perspicuously as they are able—stigmatizing it as a tax, levied most unrighteously upon the agricultural community; as "an odious monopoly," calculated to benefit the few at the expense of the many; as a "voracious idol," which is to swallow up all the other interests of the country; as "a vast experiment," got up for the amusement of speculative politicians; or, finally, as "a hateful and accursed measure," which is to bring down upon the Republic dissolution, penury, and pauperism. But, sir, in despite of this host of imaginary evils—of this storm of epithets, which gentlemen have literally showered upon the bill,—its policy, the American policy of the Speaker—will prevail—will remain fixed and irreversible—its foundation being deeply sunk in public opinion—in the confidence, favor, and affections of the people.

Permit me now to make a few general observations upon the bill. If there be a principle in political economy, or any other science, entitled to unquestionable assent, it is, that commercial restrictions, or a tariff of duties, calculated to protect the manufacturing or home industry, is indispensably necessary, in the present state of the world, to develop the resources, and establish the wealth of nations. It is a principle sustained by the universal testimony of the present and the past. Its truth is written in letters emphatically of gold, in the history of every country that has adopted it, and marked, on the contrary, in characters of ruin and bankruptcy, and utter extinction, in the examples of such as have rejected or abandoned it. It is the great wand, indeed, of the magician, which, when stretched over nations, sheds upon the most unpropitious regions the bounties and blessings of Providence; but which, reversed, withers away from the fairest portions of the globe the munificence of nature. Language, Mr. Speaker, as unequivocal as this, will probably be denounced as declamation; but it is notwithstanding the sober evidence of experience, in every period of the civilized world. Consult both ancient and modern history, and you will find the restrictive system, either in its natural or artificial existences, virtually the basis upon which every nation has erected the superstructure of its distinction and wealth. It was this principle which, upwards of thirty centuries ago, collected upon the rock of Tyre the riches of the ancient world, and which in modern Europe has

given to Venice and Genoa, to Holland and England, a rank and influence among nations entirely denied them by the dispositions of Providence. Since the agitation of this subject, I have examined, or rather glanced over, the history of every distinguished modern nation in its relation to manufactures. And it is a striking and gratifying fact to observe in every instance civilization and science, intelligence, and freedom, dominion and wealth, following in their footsteps. From the modern Greeks, (in the twelfth century the most polished people in Europe,) they passed to the Venetians and Lombards. From the Lombards to the Hanseatic towns of Germany and Holland; from Holland to France and England. An imposing and magnificent march—destined to receive its final consummation, (who will presume to doubt?) in the land of Fulton and Franklin.

But the early manufacturing cities and nations of Europe, the gentleman from Virginia (Mr. BARBOUR) who opened this discussion says, have disappeared—have perished from the earth. And the eloquent gentleman seems to deduce from this fact a general argument against the manufacturing interest, as tending more than any other interest, from the contingent and perishable nature of its capital, to hasten prematurely, the decay of nations. But alas! sir, upon what communities, however constituted, does the breath of time alone pass over, not to blight or destroy? The Eternal City itself is sinking beneath the influences of an agent the most fearful and mysterious in its march of desolation of any of the hitherto visitations of the Almighty. The cities and republics referred to were the creations of accident—of fortuitous circumstances, from the beginning. And they have declined and perished by being absorbed by the nations around them possessing from nature most extensive manufacturing advantages, and availing themselves of them.

It is with nations, Mr. Speaker, as with individuals; and the economy of nations, it has been said during the debate, should be represented in miniature by the economy of well regulated families. I subscribe with pleasure to the doctrine. And the whole policy of the bill before us may be beautifully illustrated by the family of an American farmer. The farmer, in all the essentials of life, of food, and clothing, is perfectly independent. Accidental circumstances—a state of war, for example—brings to him, as it brings to every one, embarrassments and privations; but it does not, it cannot, abridge materially the necessities, or even the conveniences and comforts of his household. He is independent. But, independent as he is, he is willing to continue dependent upon other countries for the finer articles of clothing, and the luxuries of his table. And such is the nature of the independence which this bill contemplates to give to this country. I have not time to extend the illustration further. Yes, sir; it is indeed with nations as with individuals. And, if there be in national economy a spectacle more gratifying than the independence of an American farmer, it will only be found in that more extended and magnificent spectacle—the independence of

this great Republic—with all its interests, agricultural, commercial, and manufacturing, aided, sustained, advanced, and carried to perfection.

But, what kind of tariff would gentlemen be willing to tolerate? What, I repeat, is the nature of the commercial system which they are disposed to establish as the permanent policy of this country? It is something which I can scarcely comprehend, and certainly not define. Something, I presume, graduated to the minimum of an ordinary revenue law, and based upon the principle of Adam Smith, that national prosperity is best promoted by an entire dissolution of commercial restrictions—by a free and liberal intercourse among nations. Come, then, let us test for a moment this specious, captivating theory. Let us pursue this free, this liberal system, to its legitimate, its ultimate consequences. Repeal your revenue laws; raze your custom-houses to their foundations; give your commercial restrictions, of every description, to the winds; and, after you have achieved these triumphs over the institutions—the delusions, if you please, of ages—go reap the golden, glorious harvest which awaits you. Alas! you have sown in the winds and must reap the desolation of the whirlwind. The Kalmuc of the Crimea will supply you with bread; the Copt of Egypt, and the Indian of Bengal with cotton; England, as formerly, with your household furniture, and France with the articles of your wardrobe. Your great interests paralyzed; your agriculture languishing; commerce declining; manufactures perishing; your—But, sir, I cannot, will not finish the picture. It is too utterly repulsive and extravagant. But, repulsive as it is, and extravagant as it may seem to be, it is a picture faithfully correct, and exhibits, in strong relief, the desolation and extremity to which the favorite system of gentlemen opposed to this tariff—the system of unrestricted commerce, in the present state of the world, if adopted and persevered in, would necessarily and rapidly reduce us.

But gentlemen contend that manufactures will naturally arise whenever population acquires a certain degree of density; that capital will seek its most profitable investments; will flow into its most profitable channels; and, consequently, that the interference of Government to give it impulse or direction, is to be deprecated as intrusive, unnecessary, and unjust. I do not say, Mr. Speaker, that such opinions are either "jargon or nonsense;" these would be ungracious terms, notwithstanding their recent application, from a distinguished quarter of the House, to a proposition apparently obvious and irresistible. But I do contend, that the doctrine which maintains that manufactures will arise of themselves, in the present age of stern and universal competition, without the aid and protection of Government, if not "jargon or nonsense," is mockery—the bitterest mockery. They cannot arise. It is true, that the ordinary domestic manufactures may arise and flourish, as they have arisen and flourished, in a remarkable manner among us. But the greater manufactures, national manufactures—the manufactures devoted to the great articles of com-

merce—cannot be established or sustained without the fostering and unceasing aid of commercial restrictions. They will otherwise fail, and sink, and perish, and be withered away from the face of the earth, before the skill, the competition, and enterprise, of older and more protected nations.

But England, gentlemen say, is tired of the restrictive system, and willing and anxious to abandon it. This fact, Mr. Speaker, if established, would prove a strong argument against us, inasmuch as we depend much upon the example of England for the illustration and defence of our doctrines. But what facts do gentlemen adduce, to prove that England is really tired of the restrictive system, and willing to abandon it? Is it from the occasional declamation which we hear, and to which we have been referred, in the English Parliament; or is it from the letters of English commercial agents; or from essays in English newspapers and reviews, written designedly to mislead and bewilder other nations—particularly this country? Is it from sources like these that gentlemen have deduced the proposition that England is tired of her commercial system, (the restrictive system,) and willing to abandon it? England tired of her commercial system! Sir, it is a system so interwoven with every tissue and fibre of her existence, that the relaxation of a moment would seriously endanger its vitality. England tired of her commercial system! England is self-styled "the fast-anchored island"—"the mistress of the seas." Let her but abandon her commercial system, and the bark—the proud, proud bark—of her destinies will be driven, almost instantaneously, from its innumerable moorings, and soon dismantled and a wreck, with the billows of the ocean dashing over it! England tired of her commercial system! England is the Queen of Islands—the great mart of the commercial world. Let her but abandon her commercial system, and this day and generation shall not pass, before she shall become desolate and a waste, and present to history, like the Babylon of the Apocalypse, a mighty and memorable ruin, from age to age, forever. England tired of her commercial system! But, why should England be tired of her commercial system? Has it failed to accomplish any of the great objects for which it was established? On the contrary, has it not rendered her distinguished and wealthy and powerful beyond all example, and beyond all calculation? We are told in Eastern fables of gold unbounded—of riches inconceivable. We read in classic history of Plutus and Midas and the golden sands of Pactolus. But these fables—these brilliant dreams of poetry and romance—have been realized—ay, more than realized—by the commercial system of England. Her land is the land of palaces; her streams are richer than the sands of the Lydian river; and her commercial and manufacturing cities present wealth more abundant than the gold of the modern Ophir, or the multiplied productions of the hither and further India. But, with all her wealth, England is, notwithstanding, gentlemen observe, the land of debt irredeemable, of paupers, and taxation. True, sir, true; the

result, however, of every cause rather than her protective system—of her ruinous and interminable wars; of the bitter blessings of legitimacy; of kings and courts and pensioners; and that all-pervading and unceasing spirit of parade and expenditure, which, by the perversion of public opinion, is regarded as indispensable for throwing a becoming splendor round the altar and the throne; and sustaining, what Burke has absurdly denominated the grace and majesty of a great people!

But, sir, the very fact that England has been enabled to accumulate her immense debt, and sustain herself under its tremendous pressure, appears to me to carry with it strong evidences of the extraordinary influences of her system upon the resources and wealth of nations. There are several facts which so strongly illustrate the results of her restrictive system, that I must be permitted to present them to the House. The revenue of England has amounted, in a single year, the Speaker has informed us, to four hundred millions of dollars! An unprecedented fact in financial history. Again, sir. The annual interest of the English national debt amounts, at present, to between one hundred and fifty and one hundred and sixty millions of dollars! a sum greatly exceeding the whole interest and principal of the national debt of this country; and which, moreover, is sufficient to provide for, and maintain comfortably at one great public table, the entire population of the United Kingdom forever! But, sir, there is another fact which exhibits the resources and wealth of England to an extent still more unprecedented and extraordinary. In 1798, when the genius of the modern Cæsar was carrying the victorious arms of the French Republic over Europe; at a moment when the excessive loaning system of Pitt had excited dismay and consternation throughout the moneyed circles, and the Kingdom itself seemed tottering upon the brink, if not of revolution, at least of some great convulsion—at this moment, I say, of universal despondency, the idea was conceived that the attitude of the nation might still be preserved, and the vast expenditures of the war successfully met by additional impositions upon the revenue and income of the people of England, or, in the language of the Exchequer, by creating the supplies within the year. The idea was adopted; England was thrown upon her own resources; and, in less than twenty-three years, in addition to the loans and the ordinary war taxes of the Kingdom, already carried to the supposed maximum of possible payment or endurance, upwards of three thousand millions of dollars were realized from the internal revenues of the Kingdom; a sum largely transcending the entire wealth dug, for ages past, from all the mines of all the world. A single remark more in relation to England. Contrast her situation, for a moment, with any other country that has pursued an opposite commercial system—with Spain, for example. England is, naturally, the land of mist and gloom; a comparatively barren island in the Northern ocean: Spain, the most delightful region in the temperate

zone. Three hundred years ago Spain was rich and powerful—so much for the industry of the Saracens: England, poor and resourceless. About this period, they exchanged commercial systems, or rather, they adopted new ones; and the result, after the lapse of three centuries, is before the world. England sways a sceptre, compared with which, the power of the Roman Cæsars shrinks to nothing. But Spain—sir, it would be as possible to give form and stature, and flesh and blood, to the ashes of her ancient kings, as to extort, by any possible means of legislation, from the entire population of the Spanish monarchy, the ordinary revenue of England for a single year. And yet, sir, such is the result, the splendid, the magnificent, the almost inconceivable result, of a system which is so bitterly denounced, even in its least exceptionable parts, in its application to this country!

I will detain the House but a few moments longer. But, before I take my seat, I must be permitted to express my surprise and regret at the extraordinary excitement which the system under consideration has produced. It embraces no monopoly. On the contrary, there is not an article which it purports to protect, which time alone, unaided and unprotected, would not establish. No, sir. The policy of this bill, I mean the policy of efficient protection to the great objects of our industry, is no sickly exotic, whose miserable existence can only be sustained by unceasing nurture and protection, but the hardy native plant that, unassisted, attains slowly to maturity, but which strikes its roots deeply, and extends its branches loftily in proportion to the care and protection which we award to it.

The adversaries of the bill affect to regard it as a question, whether we shall, or shall not become, a manufacturing people. This is not the question. We are already a manufacturing people; the greatest, with the exception of France and England, in the world—at least in the Christian world. We manufacture, by computation, from one hundred to one hundred and fifty millions of dollars worth of fabrics—similar articles of which we imported, or the greater part of which we imported, before and since the Revolution, from England, France, and Holland. The monuments of our dependence upon the old world, are yet every where visible. Within our immediate vision stands a house (and such houses are found in all the Atlantic States,) built of imported materials, and constructed probably—for in many instances houses were so constructed—by European artificers. The progress indeed which we have made in every department of useful industry is unexampled. And if gentlemen would but look back and observe what we have accomplished for the last thirty years, by means of our own unassisted energies; and then look forward for the same period, and reflect upon what these energies—stimulated and sustained by protective laws, and operating on the rapid development of our internal wealth and resources, may and must accomplish, a single glance at the brilliant prospect would be sufficient—at least should be suf-

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ficient to remove all doubts—to extinguish all apprehensions, in relation to the policy under consideration.

But I despair of being able to direct the attention of gentlemen either to the past or the future. They are so deeply interested with the present moment, in combatting the shadows—the Gorgons and Chimeras, which imagination has conjured up from this bill, that both precedent and prospect are alike lost upon them.

But the bill is further denounced as a novel project—as a vast and wanton experiment—as a bill containing new and extraordinary principles. Sir, it is neither project nor experiment. It contains no new nor uncommon principles.

Its principles, indeed, are as ancient as history; and have been incorporated into the policy of every nation, distinguished for success in commerce or the arts. A novel project! Sir, it is the policy we combat—the unrestrictive system of modern economists, the dissolution of all tariffs—which is the real novelty of the day. A system captivating in theory, but totally inapplicable to the present state and temper of the commercial world. The age of free commerce, like the millennium of Patmos, the reign of universal peace, is evidently reserved for times less stern than ours. The temple of Janus, we may confidently predict, will be closed for the last time, and forever, among men, before its revolutions commence. But to close my remarks—What sir, is the real nature of the bill before us? of this “fearful, frightful bill?” of this “stamp act measure?” which is to be the precursor, if we are to credit the honorable gentleman from Virginia, (Mr. RANDOLPH,) who immediately preceded me, of rebellion and revolution? of this “fire-brand,” which is about to be thrown (not indeed into the Ottoman empire but) into a region of spirits infinitely more fiery and formidable than Turk or Greek—the South? What I demand is the real nature—the pervading spirit—the grand design of the bill before us? Sir, the full front and face of its offending, is this, and simply this, to secure to American industry, by a liberal, progressive, and protective tariff, the monopoly of our own resources—of that vast manufacturing material, which nature, in her munificence, has every where created around us, in immeasurable abundance.

I have nothing further to add, but to thank the House for its indulgence, and apologize for having trespassed so long upon its time.

FRIDAY, April 16.

The SPEAKER presented a memorial of John Ross, George Lowrey, Major Ridge, and Elijah Hicks, delegates from the Cherokee nation of Indians, representing the unwillingness of the Cherokees to abandon the territory upon which they now reside, declaring their determination to pursue peaceably, agriculture, manufactures, and the mechanic arts, and praying that the General Gov-

ernment will protect their rights.—Referred to the Committee of the whole House on the state of the Union.

The SPEAKER also presented a petition, signed by Thomas Law, Walter Jones, and Elias B. Caldwell, a committee appointed at a public meeting of the citizens of Washington, praying the attention of Congress to the pecuniary embarrassment of the country, and the establishment of a national paper currency, as best calculated to remedy the evil.—Referred to the Committee of Ways and Means.

Mr. WEBSTER, from the Committee on the Judiciary, reported a bill to divide the district of Kentucky into two judicial districts; which was read twice, and committed to a Committee of the Whole.

Mr. RICH, from the Committee of Claims, made a report on the petition of John Mitchell, accompanied with a bill for his relief; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. GURLEY, the Committee on Public Lands were instructed to inquire into the expediency of relinquishing to the parish of West Baton Rouge, in Louisiana, the title of the United States to a tract of land containing about eight acres front on the Mississippi, for the purpose of making and keeping in repair a levee on said land.

Bills from the Senate, of the following titles, viz:

- 1st. An act for the relief of Hezekiah Langley and Benjamin M. Belt;
- 2d. An act for the relief of Thadeus Mayhew;
- 3d. An act for the relief of Ichabod Lord Skinner;
- 4th. An act to alter the times of holding the district court in the district of Missouri;
- 5th. An act for the relief of Thomas Hewes; were, severally, read the first and second time, and referred; the 1st, to the Committee of Claims; the 2d, to the Committee of Claims; the 3d, to the Committee on Roads and Canals; the 4th, to the Committee on the Judiciary; and the 5th, to the Committee of Ways and Means.

A Message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: “An act for enclosing the burial ground of Christ Church, Washington parish;” “An act to provide for the sale of the warehouse at the former quarantine ground, near the English Turn, in the State of Louisiana, and for the erection of a dwelling house at the Balize, in the said State, for the use of the boarding officer at that place, and for other purposes;” “An act supplementary to an act of Congress, passed on the 30th day of June, 1812, entitled ‘An act making further provision for settling the claims to land in the Territory of Missouri;’” “An act for the relief of Elijah Van Syckel, of Philadelphia;” and “An act for the relief of Thomas Shields;” in which bills the Senate ask the concurrence of this House.

Three Messages were received from the PRESIDENT OF THE UNITED STATES, to wit:

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Claim of Daniel D. Tompkins.

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FIRST.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of War, containing the information requested by a resolution of the House, dated 25th ultimo, showing the reason why the engineers appointed to examine the most suitable site for a national armory on the Western waters, have not made their report.

JAMES MONROE.

APRIL 16, 1824.

The Message and report were laid upon the table.

SECOND.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 8th of April, requesting information whether the 5th section of the act of the 3d March, 1803, relating to a township of land, lying within John Cleve Symmes' patent, had been executed, and, if not, what reasons had prevented it, I transmit a report from the Secretary of the Treasury, which affords the information desired.

JAMES MONROE.

APRIL 16, 1824.

The Message and report were laid upon the table.

THIRD.

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of War, which contains the information requested by a resolution of the 8th instant, respecting the proposals that were made by certain Indians therein described, of the Cherokee nation, for the cession of their lands to the United States.

JAMES MONROE.

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The Message and report were committed to the Committee of the whole House on the state of the Union.

AFRICAN SLAVE TRADE.

Mr. GOVAN, from the committee to which was referred so much of the President's Message as relates to the suppression of the African slave trade, reported a bill respecting the slave trade; which was read twice, and committed to a Committee of the Whole. The bill is as follows:

Be it enacted, &c., That, from and after the passing of this law, if any citizen of the United States, or any person resident therein, shall, in any port or place whatsoever, build, or in any respect fit, equip, man, load, or otherwise prepare, or cause to be prepared, or in any respect fitted, equipped, manned, or otherwise prepared, or be in any respect concerned in equipping, manning, or preparing any ship or vessel, for the purpose of being employed in the slave trade, or in the transportation of slaves from any foreign port or place to any foreign port or place whatsoever, for the purpose aforesaid, every such citizen or other person, so offending, shall, on conviction, be punished by fine not exceeding five thousand dollars, and by imprisonment not exceeding seven years; and such ship or vessel,

her tackle, apparel, furniture, provisions and cargo, on board thereof, shall be forfeited. And any citizen, or other person resident as aforesaid who shall voluntarily serve on board such ship or vessel, or shall sail on board thereof, knowing the same to be intended to be employed in the slave trade, or in the transportation of slaves as aforesaid, shall, on conviction, be liable to be punished by fine not exceeding three thousand dollars, and by imprisonment not exceeding five years.

SEC. 2. And be it further enacted, That nothing in this act contained shall be construed to affect, or in any wise repeal, any acts hitherto passed for the prohibition or suppression of the slave trade; but the same acts, and every clause thereof, shall remain in full force, in the same manner as if this act had not been made.

CLAIM OF DANIEL D. TOMPKINS.

The report of the Committee of Ways and Means, on the claim of D. D. TOMPKINS, which, on motion of Mr. COCKE, was laid on the table a day or two ago, was taken up.

Mr. COCKE then moved to recommit the report to the Committee of Ways and Means, with instructions to report a bill. This motion he grounded on the fact that, to agree to the report of the committee, would only leave the matter where it was before. He proceeded to examine, in detail, the report of the committee, in part of which he said he cordially acquiesced, being willing to make every just, and even liberal allowance to this individual, and in other particulars of which he was of opinion the Government was not bound to make to Governor Tompkins any indemnification whatever. He specified the sort of allowances which he was disposed to make, and those to which he objected. He concluded his observations, by moving the instructions to the Committee of Ways and Means to report a bill, viz:

“1st. To authorize an allowance of interest on all moneys advanced by Daniel D. Tompkins on account of the United States, from the time of making the advances until its repayment.

“2d. To provide indemnity for actual losses sustained by him in consequence of the United States failing to furnish him with money and Treasury notes within the time stipulated, and on account of which failure the losses were sustained.”

Mr. FLOYD, of Virginia, made a few remarks expressive of his opinion, that the most liberal adjustment of the accounts of this officer should be made. He would not only settle his accounts liberally, he said, but, if within the powers of this House, he would vote him from the national funds any reasonable amount of compensation besides, for the eminent services he has rendered his country. This country must be reduced low, indeed, if it was not disposed to remunerate such services as his. Such a man as Daniel D. Tompkins was not always to be found when wanted. The virtue and integrity of that man led mainly to the fortunate termination of the war with Great Britain. He would not trammel the settlement of his accounts with the same checks and restrictions as are required upon the settlement of the accounts of a disbursing officer, acting under prescribed rules; for, when the United States had no credit,

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that individual had not spared his own—at a time, too, when, as our fleets were endeavoring to get to sea, there were men, in a neighboring State, who showed blue lights as a signal to the enemy. The destinies of this nation were, in a manner, in the hands of that man, and his patriotism and virtue saved us from disgrace and defeat, &c.

Mr. McLANE suggested to the gentleman from Tennessee the propriety of a recommitment, with less limited instructions.

Mr. COCKE professed a desire to do every thing that justice should dictate to Governor Tompkins, and any modification of the instructions, compatible with that view of the subject, he was willing to assent to.

Mr. McLANE then expressed his views of this subject. He considered it unfortunate that the subject had been again brought before the House, and was averse to a recommitment of it now, because it was at too late a period of the session to take up the subject *de novo*, and act upon it. He then stated what was the particular situation of the accounts of this gentleman, adverting to the act of Congress passed at the last session, and the principles of the report of the select committee on which that act was founded. At that time, he suggested, the subject of these accounts underwent an elaborate discussion. The question, whether or not it was proper to make an equitable settlement of the claims of Governor Tompkins, was then decided in the affirmative. If the House were now to undertake to resettle these claims, he did not know when any settlement of a principle by this House was to be considered conclusive. There must be some end to questions of this sort, and he was desirous that the same weight should be given to decisions on questions of right by Congress, as if the same decisions had been made in a court of justice. On the question of commissions, for which the President was disposed to make a liberal allowance to Governor Tompkins, and which the accounting officers were disposed to allow, on the principles usual in the settlement of ordinary accounts, Mr. McL. said, that Mr. Tompkins had procured for the Government, during the war, loans of money for the use of the Government to the amount of one million eight hundred thousand dollars, and had also disbursed those funds; and, without the aid which it thus received from this individual, every one must know that the operations of the war would have been exceedingly embarrassed. For this service, of borrowing and disbursement, it was proposed to allow him a commission of five per cent., which would make an amount of about \$95,000. And of this amount, Mr. McL. said, there was a sum of \$460,000, for which the Government had agreed to send to the Vice President Treasury notes to take up the personal notes which he had given for it. But the Treasury notes did not arrive until his own notes had become due and been protested, by which his credit was destroyed, to which, in a great degree, all the subsequent losses and misfortunes of this gentleman were to be attributed. The Committee of Ways and Means, Mr. McL. said, did not wish to reinvestigate this case, or they would have been

disposed to recommend a more liberal allowance than was proposed. If instructed, however, by the House, it would be their duty to take it into consideration. He replied to some other suggestions of Mr. COCKE, as to the nature of the services rendered by Mr. Tompkins in the capacity of a Major General. If the gentleman had had an opportunity of becoming fully acquainted with the facts on the subject, he would have learned that his services, in that capacity, had been of great importance. On one occasion he had left his family, then in a deplorable situation, and departed in the night for the frontier, where he called forth the militia, and at that moment saved the country. The Committee of Ways and Means, he added, would have acceded to the propositions of the Vice President, in regard to the difference which now exists between him and the Government, if they had not considered the law of the last session so broad as to make any further legislation on the subject unnecessary.

Mr. HAMILTON rose to testify to the fact of the Vice President having exercised military command during the war, which was within his personal knowledge.

The question was then taken on Mr. COCKE's motion, and decided in the negative by a large majority.

And the question was then taken on the report of the Committee of Ways and Means, referring the subject back to the final decision of the President, and decided in the affirmative, without a division.

THE TARIFF BILL.

The House then resumed the consideration of the bill for the revision of the several acts laying duties upon imports—the question being on Mr. RANDOLPH's motion for the indefinite postponement of the bill.

Mr. McDUFFIE rose and said, the unsolicited indulgence of the House, to which he was indebted for the opportunity of presenting his views on this interesting subject to-day, instead of being compelled to perform that duty yesterday, under the fatigue and exhaustion of a long sitting, had laid him under obligations of which he was profoundly sensible. The only return, however, said Mr. McD., which I can promise, for the kindness thus shown to me, is the brevity of the remarks which I propose to offer. At so late a stage of this already protracted discussion, I cannot flatter myself with the expectation that I shall interest the attention of the House by the novelty of my arguments, but must be content to indulge the hope that I may not exhaust its patience by their prolixity.

During the progress of this debate upon the various questions which have arisen upon the details of the bill, I have studiously avoided entering into the consideration of the general principles and policy of the protecting system. And I have done so in compliance with this general rule, by which I have determined to regulate my conduct, so long as I have the honor of a seat upon this floor, never to consume the time of the House by discussing any question which is not distinctly be-

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fore it for consideration. I have the less cause to regret having thus abstained on the present occasion, because it is now obvious that the subject has assumed more than its usual interest, as well from the crisis at which we have arrived, as from the peculiar circumstances under which the question is now presented to us. In all the various stages of our proceedings, we have still had before us the opportunity of reviewing our work. But the question being now on the passage of the bill, whatever decision we shall make upon it, will be, as to us, final and irrevocable. And we are called upon to give this final sanction to the measure, with the fact clearly ascertained, that it cannot be adopted but by a very small majority. Waiving, for a moment, any inquiry into the policy of protecting domestic manufactures, I put it to gentlemen to say whether prudence does not dictate, even to the most firm and independent statesman, that a measure laying very heavy burdens upon the whole community—a measure which, however we may speculate upon the subject, the people must sensibly feel—a measure which has already produced, in some parts of the Union, the most intense excitement, ought to be adopted with a bare majority of the national representatives in its favor? Sir, a Government emanating from the people, and responsible to public opinion, ought not to be indifferent to this prudential consideration. I do not profess to be minutely acquainted with the Parliamentary history of Great Britain; but I hazard little in asserting that no British Minister, in the height of his ascendancy, would venture to pass even a tax bill for the public service, to the extent of this, with a majority so small as that which has ordered this bill to its third reading.

This measure, all agree, is part of a system intended to produce a great and fundamental change in the policy of the country—a change, to be effected by disturbing the relations which now exist between the different portions of the Union and the different classes of society. That such a change as this can be produced by legal regulations, operating, of necessity, as a tax upon the people, without exciting a strong feeling of popular discontent, not to say indignation, is an expectation which gentlemen delude themselves if they indulge. An acute and lively sensibility to every invasion, by Government, of the rights of property, is one of the strongest characteristics of freedom in modern times; and there is no people on earth more distinguished for it than the citizens of the United States. I therefore submit it, respectfully, to the consideration of the friends of the manufacturing interest themselves, whether there is not serious danger that a measure of this character, enacted by a lean majority, will produce a reaction among the people, which may result in the entire prostration of the system they are so anxious to foster and extend.

In soliciting the attention of the House to a very brief examination of the policy of this measure, it is far from my intention to enter into a formal dissertation upon the general principles of political economy. This is neither the place nor the occasion for such dissertations. My observa-

tions shall be confined to a practical examination of the question, in reference to the actual state of things in this country, assuming, as a basis, a few palpable and obvious principles, which have long ceased to be questionable in the estimation of the most enlightened philosophers and statesmen of Europe.

Whilst, sir, on the one hand I unequivocally deny, what is maintained by some, that manufacturing industry is, in itself, more profitable than agricultural or commercial, I distinctly disclaim the notion, maintained by others, that the pursuits of agriculture are more profitable than those of manufacture or commerce. All such notions are utterly erroneous and visionary, and are founded upon a misconception of what it is that constitutes wealth, and of the principles which regulate the distribution of capital and labor. What is wealth? The wealth of a nation consists in the abundance of those articles which administer to the necessities, the comforts, and the luxuries of life, according to the existing habits of society. It results from this, that a combination of the products of agriculture and of manufacture is essential to the wealth of a civilized community, such as exists in the United States. With the most unlimited abundance of the products of agriculture, we should be poor without the products of art; and with an equal abundance of manufactures, we should perish without the productions of the soil. It is conceded, on all hands, that we abound in articles of the latter description; and the only question to be debated is, how can we most advantageously obtain the former? Shall we fabricate them ourselves or import them from abroad? To the common understanding of mankind, it would seem to be a self-evident proposition that the cheapest mode of obtaining them is that which a nation ought to pursue, as it is certainly that which individuals would pursue, with a view to the promotion of their own interest. But here we are met with the argument that commerce is a barren and unproductive pursuit. A very few remarks will serve to refute this notion, which, when examined, will be found to be a mere verbal proposition. It is true that commerce does not produce either the one or the other of the elements of wealth, but it communicates value to both. Without commerce the surplus production, both of individuals and nations, would be utterly valueless. Of what value, for example, are the surplus productions of the manufactories of Manchester and Birmingham, either to us or to those who produce them, until, by the agency of commerce, they are brought to our stores and distributed to the consumers? It would be precisely as correct to say that their entire value is derived from commerce, as to maintain that its operations are unproductive. Either proposition would be equally absurd. While, therefore, I view any proposition, which asserts the superior productiveness of one of the great divisions of human industry over the others, as being not only erroneous, but absolutely unmeaning and unintelligible, I admit that the wealth of a community depends upon the maintenance of a due proportion between them. And

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the question for a practical statesman to determine is, how is this proportion to be maintained, so as to produce the greatest aggregate benefit to the community?

On this question, if I may be permitted, and I scarcely know whether I ought to venture upon it, I will lay down a general principle, upon the authority of Adam Smith, who, notwithstanding the terms of sweeping condemnation which have been applied to his speculations, has done more to enlighten the world on the science of political economy than any man of modern times. He is the founder of the science. All that has been since done is but a development or modification of the principles he established. What, then, is his great elementary principle? That labor and capital, if left to receive their direction from individual sagacity, will naturally seek, and speedily find, the most profitable employments. And this is founded upon the idea that individuals are more capable of forming a judgment as to what will promote their pecuniary interests, than the most enlightened Government can possibly be, from the very nature of things. This, however, is denounced as empty theory! Every thing, it seems, which does not result from legislation, from the officious restrictions of Government, is to be regarded as the operation of a ruinous theory. But, sir, I put it to the common sense and common observation of every gentleman in the House, whether this theory does not rest upon the most steady and immutable and powerful principles of human action—principles which never cease for a moment to actuate the great mass of every community. What stronger instinct belongs to the character of man than that which impels him to improve his condition? And what conceivable obliquity of perception can prevent him from discovering, upon a survey of the various pursuits which are open to him, that from which, with his peculiar capacities, he can derive the greatest profit? I can very well imagine the case of a rude and barbarous people, unaccustomed to the enjoyments of civilized life, in which a Government, despotic in its character, and rising much above the existing state of intelligence in the country over which it holds dominion, might produce great and beneficial changes in the pursuits of society by legal regulations. The Government, for example, which should conduct a people from the hunter to the shepherd state, or from the latter to the agricultural, would undoubtedly confer the most signal benefits upon the community. Such a change, however, could be accomplished only by a gradual improvement of the people, and by giving them a taste for comforts and luxuries to which they were unaccustomed. But, I will venture to say that there is not a people on the face of the earth to whom a policy of this kind would be so utterly inapplicable as to the people of these United States. What, sir, is their character? Is there a nation more acute, ingenious, or enterprising, more keen and sagacious in perceiving the avenues to profit, or more prompt and energetic to pursue them? Do they need the direction of this Government to indicate the way to indi-

vidual prosperity? Shall we undertake to enlighten the capitalists of Boston as to the most profitable mode of investing their disengaged capital? They would laugh to scorn the folly and impotence of such officious dictation. It will scarcely be alleged that our people have not a taste for the products of manufacture. For all the productions of human industry—for all the articles, at least, of which we propose to encourage the domestic fabrication, the people of this country have perhaps too keen an appetite. Indeed, the complaint of the friends of this measure is, that they import them in too great abundance. No legislation, therefore, is necessary to create a demand for those articles. In such a state of things, the general principle is indisputably true, that capital and labor will naturally flow into the most profitable channels of industry, without the control of Government.

But, to this general principle I admit there is an exception, which I will candidly state. And here I will take leave to remark, that, anxious as I am to defeat this measure, which I believe would be ruinous to some portions of the Union, and beneficial to none; yet I would not, if I could, accomplish this object by stating any principle which I believe to be false. An elevated morality, which regards the establishment of correct principles as more important than victory, should characterize our deliberations here. I admit then that when from the revolutions of trade or the progress of society a crisis has occurred in which a great and fundamental change must take place in the distribution of the capital and labor of a nation, a wise, moderate, and cautious legislation may aid in effecting the change, and is even necessary to effect it in the manner most beneficial to the community. But, sir, if we attentively examine the principles upon which this proposition is founded, we shall perceive that useful legislation on this subject is confined to very narrow limits, and that there is much greater danger of doing harm by transcending these limits than by abstaining from legislative interference altogether.

What, then, are the principles upon which the interference of Government can be justified, in such a crisis as that to which I have alluded? In the first place, the habits of a community, operating with something like the force of laws, will induce an adherence to accustomed pursuits, after they have ceased to be profitable. But the principal ground upon which the protecting policy can in any case be justified, is the inability of infant manufacturing establishments to sustain a successful competition with their foreign rivals, even after the country has reached the point at which the domestic article can, with the experience of a few years, be fabricated cheaper than the foreign. And here, sir, the limit of the protecting system is distinctly indicated. It must be satisfactorily shown, that the protection sought is only temporary; and that, after a reasonable time is given to acquire experience and skill, and bring the domestic manufactures to perfection, they can furnish the domestic fabrics cheaper than similar fabrics could be obtained from abroad. Now, if we apply

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these principles to the actual protection heretofore extended to our domestic manufactures, it will be seen that the Government has already fulfilled its obligations to them, in the amplest manner. Gentlemen have argued this question as if the manufacturing interest of the country had been unjustly assailed by some foreign power, and Congress had manifested the most cruel indifference to their sufferings. But is there the slightest foundation for either of these assumptions? The only power with which our manufacturers have had permanently to contend, is the superior natural advantages of the foreign artisan; and I will now call the attention of the House to the protection which our establishments have actually received from this Government. I venture to assert, that since the commencement of the restrictive system in 1807, the manufacturers of this country have enjoyed an unusual and artificial stimulus from our legislation; and I am perfectly satisfied that it is this extraordinary stimulus that has given them that voracious appetite for prohibition which nothing, it seems, but the absolute protection of all rival articles can satiate.

Manufactures not protected! Why, sir, during the restrictive system, our commerce with the manufacturers of Europe was almost entirely annihilated, and our own manufacturers had little short of an absolute monopoly of the home market. And here, sir, let me call the attention of these practical gentlemen, who so contemptuously discard every theory but their own, to the effect of this restrictive system, upon the distribution of the capital and labor of the country. During the five years of commercial restrictions which preceded the war with Great Britain, when there must have existed in the country a superabundance of surplus capital, suddenly disengaged from commerce, we find that manufactures, notwithstanding they enjoyed the advantages of a prohibitory system, made but a very slow and gradual progress. If gentlemen would duly consult this portion of our experience, I think it would at least admonish them to have a little patience. They would see that, under any possible protection which legislation can provide, particularly in time of peace, when there is no extraordinary consumption of manufactures, these must, in the very nature of things, advance by slow degrees. It cannot be otherwise, unless we ascribe to an act of Congress the magical power of forcing on manufactures beyond the natural capacity of the country, either to produce or to pay for them. Yes, sir, it would be well for us to reflect that it is much more easy to diminish the consumption than to increase the production of manufactured articles, by prohibitory legislation. Such was undoubtedly the effect of the restrictive system. But the measure which gave the strongest impulse to our manufactures, was the war of 1812. And here it is worth remarking, that a war with England gives a stimulus to manufactures, which no other kind of protection can possibly afford. For, at the same time that it cuts off our trade with the nation that principally supplies us with manufactures, it compensates the diminished consumption

of them by the people, by the extraordinary consumption of the Government. At the close of the war, the system of double duties was continued till 1816, when the existing tariff was enacted for the avowed purpose of sustaining those establishments which the war had brought into existence, against the extraordinary influx of foreign manufactures, resulting from the universal restoration of peace in Europe. And while I contend that the tariff of 1816 afforded a most liberal protection to the manufacturing interest, I most perfectly accord in the policy which dictated that measure. I distinctly recognise the principle, that, wherever large investments of capital have been made in consequence of a state of things produced by the necessary acts of the Government itself, the Government is under a moral obligation to extend to the interests, thus created, a reasonable protection.

But, sir, what is a reasonable protection in such a case? Can it be expected that the manufacturing interest is to be maintained permanently in the same degree of prosperity that it enjoyed during the war? That it is to be exempted from a participation in that general distress which has pervaded the whole community? This would not only be unreasonable, but utterly impracticable. Nothing but a perpetuation of the war could have accomplished so much for the manufacturers. What, sir, was the light in which the tariff of 1816 was viewed by the liberal statesmen who then supported it? It was intended merely to mitigate the shock which our manufacturing establishments must experience, in passing from a state of general war to a state of general peace. More than this was neither expected nor claimed by the manufacturers themselves. As the persons then engaged in the business had nobly sustained the war, gratitude mingled with justice in the policy adopted. But no intelligent man was so visionary as to expect that, when the ordinary channels of trade, so long obstructed, were suddenly opened, there could still be maintained, by artificial means, the same demand for domestic manufactures as before. It was apparent that many of the existing establishments must go down, and that neither the wisdom nor the folly of human legislation could possibly prevent it. And, sir, such has been the fact. Eight years of probation have elapsed since the passage of the existing tariff, and, if policy or humanity required it of us, it is now too late to relieve the distresses of those manufacturers who made their investments during the war. Those of them who have been enabled to sustain themselves till this time, under the extraordinary pressure of the four or five years immediately succeeding 1816, when the country was almost literally overwhelmed with the surplus manufactures of foreign establishments, can certainly maintain themselves now, when foreign commerce is rapidly returning to its ordinary channels, and contracting within its proper limits. Those who have passed through the furnace, do not require to be protected from the ordinary heat of the sun. And it is a fact that they now stand firm, and constitute the most

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prosperous interest of the country. As to those who were swept away during the disastrous period to which I have alluded, they are irretrievably destroyed, and beyond the reach of our remedies, unless, indeed, we had the power of producing a resurrection by an act of legislation.

It is obvious, then, that the protection of these establishments, which originated in the war, is not the object of the present bill. It does not even assume this modesty of pretension. Doctrines are now advanced, which never entered into the conception of those who advocated the tariff of 1816—doctrines which, though maintained by gentlemen who have waged a special war of sneers and sarcasms against the theories of political economy, throw into the shade the boldest theories of the French economists. We are now told that it is the duty of a paternal Government not only to protect existing interests against extraordinary reverses which it has contributed to produce, but to create new manufactures and new pursuits, by the mere energy of legislation. The people, it is said, are absolutely idle and in wretchedness, for the want of employment; and a gentleman from New York, (Mr. Wood,) who often edifies the House by his philosophical speculations, has told us, if I understood him correctly, that 30 per cent. of our population are actually in idleness for the want of pursuits to which their labor can be applied. These three millions of people, who are thus destitute of employment, as the gentleman has demonstrated by statistical tables and mathematical calculations, (the obvious and palpable facts to the contrary notwithstanding,) are to obtain employment by the notable expedient of an act of Congress!

[Mr. Wood here explained. His argument was, he said, that thirty-three per cent. of our population produce no more than fifteen per cent. ought to do. Thirteen and a half per cent. only of our population, he calculated, was absolutely employed in productive industry, and in this proportion was included the army, navy, and public officers, amounting to three and a half per cent.]

I am glad, resumed Mr. McDuffie, that the gentleman has removed an erroneous impression from my mind as to the extent of his argument. But, even modified and limited as it now stands, it will be difficult to make it pass current for a practical argument. Is it in the power of tables and calculations to make any man seriously believe, in opposition to the evidence of his own senses, and to the result of his general observation and knowledge of the country, that one million of our population are not only idle, but destitute of employment? Shall we be told, in a country like this, abounding with almost interminable wilds of fertile lands, that a tithe of the people are suffering for the want of something to do? Sir, there are innumerable avenues to employment in this country, and if any man were to make his complaint to me that he was without employment, I could tell him simply *to go to work*. That is the obvious remedy, a remedy in the reach of every one; and, if it were more generally pursued, there must soon be an end of this wretched and

delusive dependence upon the quackery of legislation for employment. Sir, I boldly assert that there is not a single individual in the vast extent of this Republic, that cannot readily obtain, not only employment, but such an employment as will enable him to improve his condition. This is the only country on earth where a common laborer, of industry and enterprise, can, in the course of an ordinary lifetime, besides comfortably supporting himself and his family, leave to his children an inheritance of real estate: and, with these facts staring us in the face, we are required to believe, on the authority of tabular statements, that the people can only be saved from suffering and discontent, by the adoption of this measure, to provide them with employment. The gentleman from New York, by way of confirming his general conclusion, has stated that the wages of a laborer in his vicinity, is only twelve and a half cents a day. In answer to this, I can only say to the gentleman, that, if his distressed neighbors will only make a transition from Long Island to any other point in the whole Union, even the most unfavorable, I will be responsible for their obtaining fifty cents per day. But, as the cry of distress has been reiterated until it has made a strong impression upon the country, I beg leave to recur, with a view to illustrate and enforce them, to some remarks which I offered during the discussion of the duty on cotton bagging. I believe the causes of the disease, and the tendency of the proposed remedy, to be equally misconceived, as to some portions, at least, of the Union. I stated, on the occasion to which I have referred, that the distresses of the country, such as they were, resulted from the change of circumstances occasioned by passing from a state of war to a state of peace, in connexion with the excessive issues of bank paper, which threw forward and increased the pressure of the evil. During the war, there was a considerable proportion of our population—those engaged in the military service of the country—who consumed the products of the grain-growing States, but produced nothing. All those States which were near the theatre of war, found a ready market, and high money prices for their grain. To them the war was therefore a source of prosperity, and peace was, in one sense of the word, regarded as a calamity. And whence do we now hear the loudest complaints of distress? Whence come the most strenuous demands for the passage of this bill? From the very points of the Union which enjoyed the advantages of a war demand and war prices for their produce—New York, Pennsylvania, and the Western country. You cannot define the boundaries of any State more accurately, than you can trace the limits of the region of country favorable to this tariff, by the positions of our armies in the late war, and the multiplication of banks during that contest, and since its termination. Pennsylvania and the Western States supplied the Northwestern army, and I believe the Government paid as high as one hundred dollars per barrel, at the theatre of war, for flour purchased in Ohio; a State now unanimous for this tariff. New York, every one knows,

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was in the immediate neighborhood of extensive and permanent military operations, and supplied numerous armies with provisions. Now, it happens that the very States I have enumerated, have been most afflicted with the curse of banks that did not pay specie, (a delusive expedient to perpetuate the war prices and war prosperity,) and have also been most earnest and persevering in their appeals to this Government for protection. New England, and the Southern States, on the contrary—States which sustained the privations of the war without the same mitigating circumstances, and from necessity regulated their enjoyments by the rules of a severe and self-denying economy, are now to be subjected to an onerous taxation—and for what? Not to relieve the other States from positive distress, but to restore certain interests in them, to the state of artificial prosperity which they enjoyed during the war. During the whole period of that contest, the Southern country was deprived of a market for its great staples, and there was nothing in the military operations of the Government to compensate the loss. Even if the people had devoted themselves to the growing of grain, there were no armies in the field to consume it, and that, like their cotton and tobacco, would have remained without a market. In this state of things they not only ceased to make any progress in wealth, but were compelled to contract their accustomed expenses, and use an economy before unknown to them, to provide a decent maintenance for their families. These habits made the return of peace, to them, the harbinger of prosperity. It is a dispensation of justice resulting from the very nature of things, that those who suffer the greatest privations in war, shall be least affected by the changes resulting from the restoration of peace.

But, sir, I will venture to assert, that the Middle and Western States have, at this moment, as large a share of the means of positive enjoyment as any other portion of the Union. Their distresses are relative, and in a great degree imaginary. It is not what they *are*, but what they *were*, that causes the prevailing discontent. The reduction of an inflated currency has reduced the nominal price of property; and the man who, a few years past, estimated his wealth at fifty thousand dollars, and now finds it only twenty-five, complains of his distresses as though he were in want of the necessities of life. I admit that the Western people are embarrassed, but I deny that they are distressed, in any other sense of the word. Where is the evidence of actual suffering? In some of the Western States, I am informed, they have no poor laws at all, and such a being as a pauper is scarcely known. Regarding, therefore, the aggregate enjoyments of the whole community as the true criterion of national happiness, I should select the Western States as the part of the Union where the highest degree of prosperity prevailed. Indeed, sir, I believe there is not on the face of the earth a region of country of equal extent, where so few are suffering from poverty, and where the means of comfortable subsistence so abundantly reward the toil of the laborer. It is not distress, I repeat

it, but discontent, that has excited this rage for creating wealth by legislation. To prove this, I will advert to another standard of prosperity, referred to, very unfortunately, I think, for his own purposes by the honorable gentleman from New York, to whom I before alluded. He told us that the prosperity of a nation was indicated by the increase of its population; and then favored us with a beautiful disquisition on the comforts of matrimony, and the duty of a Government to promote it. I perfectly accord with these views of the honorable member; but I must be permitted to say, that, according to the criterion to which he has referred, there is no other nation so prosperous as the United States, and no part of the Union so prosperous as that from which we hear so much about their distresses. And if the honorable member wishes to promote the cause of matrimony, I would advise him to send his twelve-and-a-half cents per day laborers to the Western country. What, sir! a country which doubles its population in ten years, call upon the Government to relieve it from distress, by creating new employments! The thing will not bear examination. The historian will scarcely be credited, in future time, who ventures to record it. Permit me to call the attention of the House to a few facts, illustrative of this part of the subject, which I am sure will not be disputed. In the States where the public lands are in market, you can purchase land of the first quality for one dollar and fifty cents—one dollar and twenty-five cents, says a gentleman near me—when land of the same quality is worth, in some parts of the Union, fifty dollars per acre. This single fact speaks more than volumes of declamation on the subject of popular suffering. Indeed, it may be safely asserted, paradoxical as it may seem, that the imaginary distresses of the Western country proceed from the very abundance in which they possess the primary aliment of national wealth. What is their complaint? Not, as one would suppose, the scarcity, but the superabundance of the necessities of life. And here, I will observe, that nothing, in my opinion, has contributed more to the existing derangement in the elements of wealth in the Western States, than bringing the public lands into market injudiciously, and without any regard to the existing demand. The inevitable tendency of this policy, by overstocking the market, is, to reduce lands to the minimum price; and if that were fixed at fifty cents per acre, the land would command no more. The consequence is, that the people purchase large quantities of productive lands, which have all the constituents of value, but scarcity. And, because they have not every thing else in proportion, they are discontented and restless. And I will avail myself of this occasion to declare, that I never will give my vote to bring another acre of the public lands into the market, but under the strongest conviction that there is a fair and natural demand for it. Our very system converts our land into a mere drug in the market, and the people into speculators.

I will now take the liberty of addressing a few words especially to the Representatives of the

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West, on the subject of their own interests. A subject upon which I certainly will not presume to instruct them. But I am sure they will excuse a friendly admonition, when I state the particular topic to which it relates. I am well assured that the permanent prosperity of the West depends more upon the improvement of the means of transporting their produce to market, and of receiving the returns, than upon every other subject to which the legislation of this Government can be directed.

On measures of this description, I have heretofore given them my earnest and cordial support. Most of my colleagues, and many others, who represent the Southern portion of the Union, have pursued the same course. As for myself, nothing will induce me to change my views or conduct on the subject; but I submit it to the dispassionate consideration of the Western gentlemen, whether there is not danger, that, by urging upon us a system which we believe to be oppressive, they will alienate the kind feelings of the portion of the country to which I have alluded, and lose its co-operation in relation to that system of internal improvements, which, in my opinion, is of more importance to the West than all the tariffs that can be passed in half a century.

I will also present another view of certain interests of the West, which are intimately connected with the portion of the country I have the honor to represent.

Gentlemen are aware that a very profitable trade is carried on by their constituents with the Southern country, in live stock of all descriptions, which they drive over the mountains and sell for cash. This extensive trade, which, from its peculiar character, more easily overcomes the difficulties of transportation than any that can be substituted in its place, is about to be put in jeopardy for the conjectural benefits of this measure. When I say this trade is about to be put in jeopardy, I do not speak unadvisedly. I am perfectly convinced, that, if this bill passes, it will have the effect of inducing the people of the South, partly from the feeling, and partly from the necessity growing out of it, to raise within themselves, the live stock which they now purchase from the West. It is at least certain that more will be lost in this trade, than is gained in that of cotton bagging.

I will now attempt to show that the progress which our manufactures have made, and are now making, is as rapid as they can make consistently either with their own prosperity or that of the country. And I must be excused for saying that the attempt to make this a great manufacturing nation, suddenly, and by a single sweep of legislation, is more indicative of restlessness than of wisdom. The country seems to me to have been excited to that kind of feeling which actuates an individual speculator—a vain desire to become wealthy by a bold dash, but utterly regardless of the maxims of prudence, and the habits of industry and economy, which are indispensable to the attainment of his object. The friends of this measure appear to me to have overlooked entirely

these practical considerations, upon which the policy of such a measure as this must depend. The progress of manufactures must be regulated, not by our desires, but by our capacities. Now, I believe there is no proposition, in which the gentlemen who are best informed on the subject of manufactures will more generally concur, than that it is essential to their own prosperity that their progress should be slow and gradual. Their success depends mainly upon capital and skill; and it is utterly impossible that they can advance, prosperously, faster than the one is accumulated, and the other acquired. And when I speak of capital as being essential to the progress of manufactures, I mean surplus capital—capital which does not find a ready employment in the pre-existing pursuits which have produced it. It is in vain that gentlemen tell us we have capital, unless they can show that it is disengaged, and seeking investment. And here I will remark to the gentlemen from the Western States, and the interior of the Middle States, who are the most strenuous advocates of this measure, that they cannot participate, to any considerable extent, in the advantages which are anticipated from this system. Sir, if you were to prohibit commerce altogether, manufactures would follow capital; and Boston, Providence, and Philadelphia, the points at which there is the greatest accumulation of it, and the greatest difficulty of investment, would realize the principal part of the benefit resulting from the restriction. Before the interior of the Middle States or the Western States can hope to enjoy the advantages of this system, they must be protected not only against foreign competition, but against that of New England. But I have heard it contended, and I believe the argument has weight, in the estimation of many, that the Boston manufacturers are opposed to this bill, because they dread the domestic competition that it will rear up. There cannot be a notion more absolutely fallacious than this, as will be seen upon a moment's examination. It assumes that the Boston manufacturers, who flourish in defiance of foreign competition, cannot compete with those domestic rivals who are now claiming the protection of the Government, and who admit that they cannot sustain the foreign competition! This involves the absolute inconsistency that the weaker rival is more to be dreaded than the more powerful.

Sir, I repeat it, that almost the entire benefit of any protection you can extend to manufactures, will be engrossed by those portions of the Union to which I have referred, as having superior advantages for that business. But I shall be told that manufactories do already exist in the interior of the Middle States, and in some of the Western States. But upon what principles and under what circumstances have most of those establishments grown up? And what is the extent of the market they can command? To this inquiry I ask the attention of the House for a few minutes. I maintain, sir, that the manufactories to which I have just alluded, have risen up and flourish because they enjoy a sort of local monopoly, and

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that they cannot command a market beyond the sphere of that monopoly. I will advert, for the purpose of explaining this view of the subject, to what was said very correctly by the Speaker the other day—that it was better for a people, abounding in the products of the soil, to give a high price for manufactured articles, provided they could thereby obtain a market for their produce, than to obtain manufactures at much lower prices, from those who would not take produce in exchange for them. Take, for example, any district of country in the interior, producing a large surplus of grain, which the foreign manufacturer will not take in exchange for his fabrics. Is it not obvious that the manufacturer who would, under these circumstances, erect his establishment in the supposed district, and take the products of the soil in exchange for his manufactures, would enjoy a perfect monopoly of the local market, and be absolutely free from foreign competition? The farmer has nothing to give but grain. This the foreign manufacturer will not take. It is to no purpose, therefore, that the foreign fabric can be purchased cheaper, if the only thing the farmer has to give will not be taken in exchange for it. And, on the other hand, the farmer can well afford to give a higher price to the domestic manufacturer, who will give him a good price for his grain. To present the same idea in another view, the value of any given trade depends as much upon the highness of the price of what is sold, as upon the lowness of the price of what is bought. It results, therefore, that the foreign manufacturer, who will not take the produce of the farmer at any price, must be absolutely excluded from the competition with the domestic manufacturer, provided the latter will take it, even at a very low price. It is upon the same principle, that, within a very small sphere, even household manufactures, in one sense the dearest of any, can hold a competition with those made by the most perfect machinery. The error of the argument, however, which has been founded upon the foregoing principles, consists in the assumption that the manufactures, thus sustained by local monopolies, can, under the protection of this bill, maintain a competition in distant markets, beyond the sphere of the monopoly. But that is impossible. In fact this bill can have no effect at all in favor of those manufactures; for how can they be benefited by excluding foreign manufactures that never come in competition with them? As to the more distant markets, those which are now supplied by foreign commerce, nothing is more certain than that the manufacturers of Boston, Rhode Island, and Philadelphia, will occupy them.

That our domestic manufactures cannot hold a successful competition with those of other nations, except at the points of the Union most eligibly situated, and, consequently, that the attempt to make this a manufacturing country, in a much greater extent than it is already, is unwise and impracticable, will be apparent, from a few considerations, to which I solicit the attention of the House. In all those manufactures which principally result from manual labor—such, for exam-

ple, as iron—the high price of labor here, which is the most conclusive evidence of our prosperity, renders it impossible that we can maintain a competition with foreigners. It was stated by a gentleman from Kentucky, on a former occasion, that our citizens labored but eight hours a day, whereas the manufacturers of Inverness and Dundee labored sixteen. And, he asked, emphatically, if we were disposed to compel our population to labor sixteen hours per day, also? I answer, no. But is it not evident that, if our manufacturers labor only eight hours a day, they cannot compete with the foreign manufacturer, who labors sixteen, even if they are equally skilful? Can leisure contend with industry, unless you give it a premium? I do not complain that our citizens devote less time to labor than the people of other countries. I rejoice, on the contrary, that they can live more comfortably than any other people, with half the labor. But I do complain of this attempt to divert their industry into pursuits, in which they must either double their exertions, be involved in ruin, or receive a bounty at the expense of the country. Indeed, the admitted fact, that a common laborer in this country receives double the wages that a common laborer receives in the most favored nations of Europe, and labors little more than half the time, conclusively demonstrates the impolicy of protecting, by duties, those manufactures, of the price of which labor is the principal constituent.

But, sir, I admit that, owing to the improved state of the machinery by which most of the articles we import are fabricated, (those manufactured of wool and cotton,) labor constitutes a very inconsiderable item in their cost. In determining, therefore, the question how far such manufactures can successfully contend with foreign competition, more depends upon the price of capital than upon the price of labor. How, then, stands the comparison between this country and England, assuming the rate of interest as the standard of that comparison? The rate of interest in this country is higher than it is in England, in the proportion of about five to three. The English manufacturer, therefore, has the decided advantage, indicated by this proportion, over the American, so far as capital is concerned; and a much greater advantage, so far as labor enters into the estimate. And these are advantages against which we should have to contend, even if our machinery and skill were equal to those of our foreign rivals. The only circumstances which can tend to counterbalance the disadvantages under which we thus labor, are the superior cheapness of the raw material, and the saving of the charges of transportation, which are incurred upon the imported manufacture. The former advantage exists only in the case of manufactures of cotton; and the latter is quite inconsiderable, owing to the very small bulk of the articles imported, in proportion to their value. The two circumstances taken together, will not put us on a footing of equality with the British, even in relation to cotton fabrics. But, as relates to woollens, as we are laying a high duty on the raw material, the advantage will be

on the side of the British manufacturer, in all the constituents of the price of his fabric, the transportation excepted. In this comparative view, I have not taken into consideration the duties imposed upon foreign manufactures, because my object is to compare and estimate the natural advantages of this country, and that from which its principal importations are made, for prosecuting the manufacturing business. For, it is only when the natural advantages of our own country are not decidedly inferior to those of the country which supplies us, that the application of artificial or legislative aids can be expedient.

Now, we cannot disguise the fact that Great Britain has a decided ascendancy over us in the aggregate of natural advantages for manufactures. She has a vast surplus capital, the accumulation of centuries. We have very little capital that is not readily absorbed, either in the business which produces it, or in some of the pre-existing pursuits of the country. She has a crowded population, driven, from the necessity of their circumstances, to labor for a bare subsistence. We have a population thinly scattered over a vast and fertile territory, capable of sustaining ten times the number of human beings that now inhabit it. While these permanent natural advantages are against us, advantages resulting essentially from time and the progress of population, and which nothing but time and the progress of population can counteract; it is in vain that we attempt to legislate ourselves into a great manufacturing nation. Nature rises up against it, and every attempt to countervail her laws must be impotent. I admit that it is possible to bring our machinery to perfection, and to acquire manufacturing skill in a comparatively short time. These results may illustrate the power of genius. But what human power can suddenly give this nation an accumulated surplus capital, and a crowded population; or, in other words, convert a young country into an old one? We have all the advantages of a youthful and growing nation; and, if we were wise, we would be satisfied with our lot. But we vainly aspire to attain the advantages peculiar to an old nation, without participating in the disadvantages of age. If capital could be obtained at three per cent., and labor for half its present price, as they may be a century hence, I have no doubt we could surpass the British manufacturers in the excellence and cheapness of their fabrics. But would any one purchase success upon such conditions? In other words, would any one consent to reduce the income of every capitalist in the country thirty-five per cent., and of every laborer fifty, for the mere purpose of enabling our own manufacturers to undersell the British in our own markets?

But, sir, even if it were true, that the interest of this country required that we should give an additional encouragement to manufactures, I think it can be shown that this is almost as injudicious a measure as could be devised for that object. It is obvious that the cotton and woollen are the only manufactures of any importance, which can claim to be protected, consistently with the general in-

terest of the country. These are made by machinery; and nothing is more certain than that it is such manufactures only, that we can hope to make as cheap as we can import them. Now, let us examine the provisions of this bill, as they bear upon these two descriptions of manufacture. As to cotton fabrics, no protection is claimed by those manufacturers who have made the largest investments, and have the deepest interest in them: but protection is obtruded upon them by the officious kindness of those, who, it seems, understand their interest better than they do themselves. But as to woollen fabrics, although they are protected by ultimate increase of twelve and a half per cent. duty, yet this is fully counterbalanced by the ultimate increase of forty-five per cent. duty on the raw material. There cannot be a greater inconsistency than that in a bill professedly designed for the protection of domestic manufactures, the raw material of one of the most important of those manufactures should be subject to a much higher duty than the manufactures themselves! And here I will advert to an authority which has not only escaped the denunciations of the advocates of this measure, but received their most unqualified eulogies—I mean the authority of Alexander Hamilton—of whom, whatever odium the party conflicts of his time may have cast upon his political character, I will say, that this country has never produced a statesman of higher endowments. And although I widely differ with him as to what are said to have been his views of the principles of our Government, yet none of his contemporaries, unless Washington be an exception, entertained more profound and correct views of its policy. The name of Hamilton has been introduced into this discussion, as a sanction to the heterogeneous provisions of this bill. I wish to God, sir, he were living and present, to vindicate himself from so unjust an imputation! Recurring to his recorded opinions, what does he recommend? That a heavy duty should be laid upon unmanufactured wool? The very reverse. He recommended not only that it should be imported duty free, but that a bounty should be given upon the importation. If you really desire to promote and protect domestic manufactures, it is our true policy to encourage, instead of discouraging, the importation of the raw material, so that the manufacturer may obtain it as cheap as practicable. But instead of this, you absolutely lay almost a prohibitory duty upon the raw material. Upon what can this be founded, unless upon the erroneous and unjustifiable policy of buying up different interests to insure the passage of the bill? I presume I may use this language without offence, as some gentlemen have distinctly avowed that they view this measure as a compromise of interests; or, in other words, that one provision is to be regarded as the consideration for another. But, sir, I do most earnestly protest against this principle, as one of the most dangerous that can be introduced into our legislation. Each provision should stand upon its own separate and distinct merits, and if it cannot be sustained in this way, it ought to be abandoned. But, in relation to this article of wool, it

is a mistaken notion to suppose that you really promote the interest, even of the wool grower, by laying a heavy duty upon foreign wool. The only effectual mode of benefiting the wool-grower, is to increase the domestic manufacture, and, consequently, the demand for wool; but you defeat this object precisely in the degree that you increase the duty on the raw material. Great Britain has recently made an experiment upon this very subject, which is not unworthy of our attention. The Chancellor of the Exchequer, with a view to reconcile the landed interest to a considerable increase of taxes, laid a duty of six pence per pound on foreign wool, which has, theretofore, been subject to a nominal duty only. The consequence was, that the export of woollen manufactures was rapidly reduced, the market for domestic wool, and consequently its price, were diminished, and all the interests connected with wool were seriously injured.

But, sir, there are various other articles embraced in this bill, the duty upon which, so far from promoting manufactures, will operate directly against them. Iron, which enters largely into the cost of the machinery used in all the manufacturing establishments—and hemp, a raw material used in various manufactures, which we propose to encourage, are considered by the friends of this measure as two of the leading articles entitled to the protection of Government. Indeed, we are told that this is not a bill for the protection of manufactures merely, but for the protection of home industry. The argument is, that we ought to discourage, by duties, the importation of every article which can be produced at home, whether it be the product of manufacture or agriculture. Sir, there never prevailed in an enlightened body so perfect a delusion. It assumes that foreign commerce is a national evil, that every nation that can furnish us with the articles we consume cheaper than we can make them, is an enemy to our prosperity; and, in a word, that we should be more prosperous and wealthy, if there were no country in existence but our own. Disguise it as you may, sir, this scheme of protecting home industry in the general, without reference to the kind, involves the almost entire annihilation of foreign commerce. It embraces within its proscription, as I stated on a former occasion, almost every important article of human consumption. When it is urged that too much of our capital and labor are applied to agricultural pursuits, and that we ought to encourage manufactures, because we have not a due proportion of our industry devoted to that essential branch of national wealth; though I believe that existing laws and the natural course of things, will afford all the encouragement that ought to be desired; yet I can understand the argument. It is not only intelligible, but plausible. But when it is contended that we must protect and encourage, by duties on rival productions, not only manufacturing industry, of which it is alleged we have too little, but agricultural, of which we have too much, I confess myself utterly at a loss to comprehend what is the practical end at which gentlemen are aiming. But, whatever may be their aim, it is

certain that the result of their system would be the destruction of commerce. If we make every thing we consume at home, we will, of course, import nothing; and if we import nothing, it is a self-evident proposition that we can export nothing.

Sir, we have been urged to the adoption of this measure by the highest considerations that can be addressed to the patriotic spirit of a free people—we have been told that it is essential to the independence of the country and the defensive power of the Government. No man can be more sensible to these considerations than I am; and by no one, I believe, have they been more sincerely and anxiously regarded. There is no sacrifice essential to the independence and safety of the country that I would not make. I would disdain the huckstering spirit that would even count the cost of these objects. But, if I am not greatly in error, the bearing of this measure upon our independence and safety as a nation, is precisely the reverse of what gentlemen have supposed. I believe there is no proposition relative to the policy of this country, in which politicians of all parties so generally concur, as that the Navy is the most important arm of our defence. Now, the naval power of the country absolutely depends upon its commerce and navigation; and you impair the one precisely in the proportion that you diminish the others. The sailors who fight your battles in war, must be trained in your merchant ships during peace. You may build ships, but you cannot make sailors, upon an emergency. How, then, stands the argument on the subject of national defence and national independence? In order to provide iron, and hemp, and clothing—articles of which the production could be increased so as to meet all the demands of the country in six months from the declaration of war—you destroy the elements of our naval power, which cannot exist in war, if they are not created in peace, by the slow and gradual operation of commerce.

But we have been informed, in the course of this debate, that this measure will have the effect rather to increase than diminish our foreign commerce! A most extraordinary anticipation, certainly; and it requires the most unlimited faith in the efficacy of political nostrums, to believe it can be realized. Our commerce now consists in exchanging the productions of our soil for the manufactures and peculiar productions of other countries. The great mass of our imports consists of manufactures.

Now, the professed object of this measure is to provide a substitute for foreign manufactures, and thereby prevent their importation. Is it not self-evident, then, that you will diminish our existing commerce precisely to the extent that you augment your domestic manufactures? But this wonder-working bill, it seems, is to furnish a substitute for those branches of our foreign commerce that it will destroy. If any thing, on such a subject, is susceptible of demonstration, I think it is the delusiveness of such an expectation. Of what, I ask, is this new commerce to consist? It will be at once perceived that it cannot exist without new articles, both of exportation and importation.

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What, then, shall we be enabled to export that we do not now? Manufactures, it is said. But, can it be seriously contended that manufactures, which cannot hold a competition with the foreign in our own markets, with the heavy duties which have existed for the last eight years, but require the additional protection provided in this bill, can maintain a successful competition in foreign markets? In other words, when, with an average protection (including duties and transportation) of at least thirty per cent., we cannot command the home market, how is it possible that we can command the foreign markets, in which we shall have no such protection? I do pronounce it to be absolutely a visionary expectation. For at least half a century to come, the British manufacturers will exclude us from foreign markets. A few occasional exceptions, resulting from peculiar circumstances, do not weaken the general proposition.

But, another inquiry remains to be made in relation to the commerce which is to compensate for that which we destroy. What description of articles shall we import in this new commerce? It cannot be manufactures, for our policy excludes these of course. They are to be our exports under this new system. What, then, shall we import? The productions of the soil? These, we are told, are superabundant, and literally rotting on our hands for the want of a market. This new commerce, then, is to realize the splendid but empty vision of exporting every thing and importing nothing! By such a commerce, we should certainly avoid one evil which haunts the imaginations of some gentlemen: The balance of trade would never be against us. But, sir, let us examine this subject a little more minutely. It is said we shall export our manufactures to South America. There we shall come in competition with British manufactures. Admitting, for a moment, that we could sell our manufactures as cheap as the British could sell theirs in the markets of South America, yet we should be excluded, because that country produces nothing that we want, but precisely that which our rivals want. The great staple of South America will be unmanufactured cotton, which is the great staple of this country also. And nothing can be more idle than to calculate upon a profitable commerce, or, indeed, any commerce at all, between two countries that produce precisely the same articles for exportation. The argument, therefore, that our commerce will not be diminished by this system, is, in my judgment, utterly fallacious. And even if it were true, in point of fact, that a new commerce could be substituted for that which we cut off, it would only be giving up a natural and profitable, for a forced and unprofitable trade. And here I will remark that there seems to be a palpable inconsistency in the arguments of the advocates of this measure. They tell us, in one breath, that their object is to relieve the country from its dependence on foreign commerce, and in the next, that our foreign commerce will be increased. If this latter proposition be true, our dependence on foreign commerce will be greater under the pro-

posed system than it now is. And, unless it can be shown that this measure will produce two opposite and inconsistent effects at the same time, it will be difficult to make out the proposition that our commerce will be increased, and our dependence on commerce diminished.

I will now invite the attention of the House to a few remarks as to the practical operation of this bill upon the community. Whatever may be its effect upon domestic manufactures, I speak advisedly when I say it will operate as a tax upon the people to the extent of at least four millions of dollars. And whether the proceeds of this tax shall go into the national Treasury or into the pockets of individuals, the thing about which there can be no doubt, is, that the tax will be paid by the people. If it shall operate merely as a revenue measure, it will not benefit the manufacturers, and is subject to the objection that it is unnecessary, and therefore oppressive, taxation. If it shall operate to exclude foreign manufactures, it is liable to the still greater objection of being not only an oppressive, but an unproductive tax. The people pay, but the Government does not receive. In point of fact, it will probably, for a short time, operate partly as a productive, and partly as an unproductive, tax; partly as an increase of the revenue, and partly as a bounty to the manufacturing interest. But we are advised to submit quietly to these burdens, and to be satisfied with the assurance that we shall, at some future time, obtain the domestic manufacture as cheap as we can import the foreign. Let us examine this idea for a moment. And I would remark, at the threshold of the examination, that it is not sufficient for gentlemen to show that the articles for which they claim protection can be made at home as cheap as they can be imported from abroad under our system of revenue duties; but they must further show that they can be made as cheap as the foreign articles could be imported if there were no revenue duties levied upon them. Suppose, for example, that the gentlemen could clearly make out their case, that all the manufactures we import can be made at home precisely as cheap as we now import them, but no cheaper; and, to make the illustration more complete, suppose that they actually were made at home, and that the foreign importation had ceased. What would be the result? It is true we should obtain the articles as cheap as we do now, but we should lose the whole revenue of the country derived from imposts, and be compelled to resort to other sources of revenue. Even, therefore, in the case supposed, the country would sacrifice above fifteen millions of dollars per annum at the shrine of this anti-commercial system. And this is the strongest case which can be supposed in favor of domestic manufactures. The supposition that they can ever be made as cheap as the foreign fabrics could be imported free of duty, is too extravagant to be indulged for a moment. And yet this supposition, chimerical as it is, must be realized before any benefit can result to the country from this measure, to compensate the great and palpable sacrifices which it involves.

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Looking to the operation of this measure upon the different classes of the community, it may be fairly stated as its general result, that it will sacrifice the laboring classes for the benefit of the capitalists. And when I say capitalists, I include as well those who employ capital in some of the products of agriculture, as in manufactures. You propose to protect, by duties, not only manufactures, but wool, hemp, and even grain. Ridiculous as the duty upon this last article is, it serves admirably to illustrate the genius of the system.

Although the manufacturing interest makes the most prominent figure in this scheme of protection, the question is no longer between the manufacturing and agricultural interests, but between all those who produce more than they consume of the articles subject to duty, and those who purchase that surplus production. From this it is obvious, that but a very small part of the community can enjoy the benefit of this system, which operates as a permanent tax upon the remainder. As to the manufacturers we know their number is exceedingly small in comparison with the aggregate of our population. But the smallness of the number of farmers who can be benefited by this bill, is not so obvious. There exists a delusion on this point, which is easily removed. It is supposed that the great mass of the farmers will participate in the bounties provided. But every practical observer must know, in relation to wool, for example, that a great majority of the farmers can produce no more than they consume in their own families. It will be the more wealthy farmers, therefore, who will realize the advantages, such as they may be, of this compromise with the manufacturers, while the small farmers and the whole class of mere laborers will be compelled to bear the burdens of the system, such as they certainly are, without the slightest equivalent. No man has pretended, no man will venture to assert, that the price of labor will be increased by this measure. That, sir, the thing which most deserves encouragement, is left unbountied to its fate. I do pronounce it, that this is a combination, not only of the few against the many, but of the wealthy against the poor; we take from those who have not, and give to those who have. I speak with studied precision when I say, that those who consume what they do not make, are taxed for the benefit of those who make what they do not consume. These are the true antagonist powers of this system.

The experience of Great Britain, of whose prosperity we have had such extravagant descriptions, furnishes a most striking and conclusive illustration of that tendency of the protecting system which I am now considering. It is true, that Great Britain is a nation of vast power and resources. To the eye of a distant beholder, she undoubtedly presents a splendid spectacle. But history, while it records the achievements of her policy and her arms, says nothing of the condition of her people. If you but look beyond the dazzling surface, you will see a vast population pushing their industry to the utmost extent of their physical power, for a bare subsistence, to say noth-

ing of the great proportion (about one-sixth, I believe, of the whole number) who are absolutely or partially dependent upon public charity. Yes, sir, the fact is so universally true in that country, that the wages of labor never rise higher than to the point at which the laborer can barely subsist and perpetuate his race—that it is laid down by the British writers on the subject, as a settled principle of political economy. If, from disease or other casualty, a laborer is unable to work for a week, he runs the risk of perishing. It never enters into the calculation of the British laborer to improve his condition in life; and it is in the power of very few, even to lay up a pittance for the future. Such is the condition of the great body of the people of Great Britain, who have been characterized by the Speaker as the happiest people on earth, and held up to us for our special admiration.

But, sir, even if the prosperity and happiness of Great Britain were much greater than they are, upon what principle of sound reasoning can they be ascribed to her system of commercial restrictions? I am ready to admit, if gentlemen desire it, that her prosperity is derived mainly from her manufactures; but I unequivocally deny that these have been fostered into existence by the restrictive system. A few palpable facts of her history will render this apparent. Which of her manufactures have been the great sources of her prosperity? Those of cotton, wool, and iron, undoubtedly. Will any gentleman venture to say that these have derived their prosperity from the protecting system? Where, sir, is the nation that ever for a moment held a competition with Great Britain in cotton fabrics, and against whom, therefore, protection was necessary? From the first moment of its existence, this manufacture in Great Britain, like the raw material in our Southern States, set all competition at defiance. Neither ever needed or received the protection of Government. Both have succeeded, because the countries in which they respectively flourish are peculiarly adapted to their production. The same remarks are true (though not so strikingly true) in relation to manufactures of wool and iron. On the contrary, those manufactures which have been forced into existence by artificial stimulants, are regarded by all the enlightened statesmen of the present day as so many obstacles to British prosperity. This is emphatically true in relation to the manufactures of silk. In fact, sir, you might as well tell me that the muscular energy of a giant is derived from the fetters he sunders into atoms, as that the prosperity of Great Britain is derived from her restrictive system.

But we have been admonished to adopt this system, with a view to countervail the restrictions and bounties by which other nations sustain their domestic industry; and it was conceded by the Speaker, that, if all other nations would pursue the same liberal policy, it might be expedient to leave commerce unshackled. I am perfectly willing to meet the gentleman upon this ground; and if I do not show that the principal restriction which the existing laws of foreign countries impose upon our commerce operates as a protection

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to our manufactures, instead of giving them a claim to the protection of this Government, I will acknowledge my entire ignorance of the subject. What, then, is the principal restriction of which we complain? It is the exclusion by Great Britain of our grain from her market. And what claim does this give our manufactures to the interference of Congress? How does it operate against them? On the contrary, is it not perfectly apparent that it operates in a two-fold manner to give them an advantage over their British rivals? By raising the price of grain in England, it enhances the price of labor there; and by diminishing the price of grain here, it also diminishes the wages of the laborer here. As far, therefore, as labor enters into the price of manufactures, this very restriction (of British policy) is a direct encouragement to our manufacturing industry. But, perhaps gentlemen will say, it is the growers of grain whose interests require us to countervail this injurious restriction. But how do you propose to accomplish this object? The British Government injure our farming interest by excluding our grain and reducing its price! And we are called upon to relieve the farmer, not by increasing the price of the grain which he has to sell, but of the manufactures which he must purchase! Sir, there is more spirit than wisdom in such a policy as this: it defeats its own object.

I will now offer a few remarks upon another view of this subject, to which our attention was called by the Speaker. He told us that this Government ought to pursue, as nearly as practicable, such a policy in relation to the different portions of the Union, as each of those portions would respectively pursue, if existing as a separate confederacy. Let us then inquire what would be the relative situation of the principal subdivisions of the Union, if each were free to legislate for itself. And I will first examine the probable condition of that subdivision which the Speaker himself represents—the Western country. If that region were separated from the rest of the Union, and formed a distinct confederacy, how would it stand in relation to this very question? It would derive its supplies of foreign manufactures principally through the Atlantic States. I presume it would, because it has done so heretofore, and it would continue to be the interest of the people to do so. What would be the result? What power would they have in regulating the imposts upon foreign merchandise, and how could these imposts affect their interests? It is obvious that they would have no agency in regulating the tariff of duties, and would yet have to pay, indirectly, the amount of those duties, in the increased price of imported articles they would consume. In a word, the Western States would be tributary to the Atlantic States. When, therefore, the gentlemen from the West call upon us to adopt this measure for their benefit—a benefit which I am sure they will never realize—they require us to do what they could not themselves do, even if separated from the rest of the Union, unless indeed they would cut off all commercial intercourse, not only with Europe, but with the Atlantic States also. But

how would the principle laid down by the Speaker operate upon the Southern portion of our Union? If that were a separate confederacy, (which God forbid that it ever should be!) what power could restrain it from pursuing its own most obvious and decided interest, by having a free and unrestricted intercourse with Europe? And when we are about to be deprived of this natural right, and to see our interests immolated at the shrine of a voracious idol, which devours every thing, and produces nothing, it ought not to be a subject of surprise that we oppose the measure as a direct invasion of our most essential rights. And, if I may be permitted to give an opinion as to the true interests of another portion of the Union, I would say, most confidently, that, if New York were a separate State, this would be a most unwise and ruinous policy for her to pursue. For, if there be a State in the Union more interested in foreign commerce than any other, it is New York; and I will add, if there be one more interested than all others, in the cotton trade of the South, that, also, is New York. Yes, sir, that commerce which the majority of her representatives now seem to condemn, is the true source of her prosperity and greatness; and there is no portion of that commerce so important as that which this measure is calculated to jeopardize, if not to destroy—the carrying trade of the South. Without this, the city of New York, the great emporium of the Union, would be deprived of half its wealth, and shorn of half its splendor. And here, sir, I will say a word or two in relation to a view of this subject, which seems to have great weight with the gentlemen who represent the interior of the State of New York. They believe that, by rearing up manufactories, they will create a market for their grain: but, do they not perceive, that commerce furnishes a market for this article, much more extensive than they can reasonably anticipate from the manufactories they can create? The city of New York alone, nourished and sustained by the very commerce which this bill is calculated to destroy, creates, by its consumption, a more extensive market for the grain of the interior than will be created by all the manufacturing establishments which this system will bring into existence in half a century. Indeed, this idea of obtaining a market for grain, by forcing manufactures into existence—an idea which has made a very strong impression upon the farming interest in the Middle and Western States—can never be realized, but to a very moderate extent. In the existing state of the arts, manufactures are made principally by machinery, which consumes no grain—so that it would not, perhaps, be going too far to say, that the agents directly and indirectly employed, by commerce, in supplying the country with a given quantity of foreign manufactures, consume as much of the products of the soil, as would be consumed by the agents who would be employed in the fabrication of the same quantity of domestic manufactures.

While considering the operation of this measure upon the several divisions and interests of the Union, I hope I shall be excused for repeating,

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with a view to further illustration, an idea which I advanced at an early stage of the discussion upon the details of this measure, the correctness of which, however, has been since repeatedly denied. I stated, and I now deliberately repeat it, that the cotton of the Southern States, the great source of our prosperity, constituting one-third of the whole export of the Union, has reached that critical point in the competition with foreign cottons, when any material derangement of our commercial relations with Great Britain must inevitably expose us to the hazard of losing the market of that country, at least to a very considerable extent. If we cease to take the manufactures of Great Britain, she will assuredly cease to take our cotton to the same extent. It is a settled principle of her policy—a principle not only wise but essential to her existence—to purchase from those nations who receive her manufactures, in preference to those who do not. You have, heretofore, been her best customers, and therefore it has been her policy to purchase our cotton to the full extent of our demand for her manufactures. But, say gentlemen, Great Britain does not purchase our cotton from affection, but interest. I grant it sir, and that is the very reason of my decided hostility to a system which will make it her interest to purchase from other countries than our own. It is her interest to purchase cotton, even at a higher price, from those countries which receive her manufactures in exchange. It is better for her to give a little more for cotton, than to obtain nothing for her manufactures. It will be remarked, that the situation of Great Britain is, in this respect, widely different from that of the United States. The powers of her soil have been already pushed very nearly to the maximum of their productiveness. The productiveness of her manufactures, on the contrary, is as unlimited as the demand of the whole world. She, therefore, has no choice of pursuits. Her surplus capital and labor must be directed to manufactures, or remain idle and unproductive. A demand for her manufactures is, then, from the very necessity of her condition, the primary consideration, to which every other must be subservient in the regulation of her commercial relations. To say, therefore, that she will continue to purchase our cotton, because she can get it a little cheaper than other cottons, after we have ceased to purchase her manufactures, is to suppose that she will be utterly blind to her own necessities; that she will, in fact, abandon, where it is most indispensable, that very policy which the friends of this bill now call upon us to adopt, in a spirit of reckless speculation, without considering that our circumstances are the very reverse of those which render such a policy necessary to Great Britain. In fact, sir, the policy of Great Britain is not, as gentlemen seem to suppose, to secure the home but the foreign market for her manufactures. The former she has without an effort. It is to attain the latter that all her policy and enterprise are brought into requisition. The manufactures of that country are the basis of her commerce; our manufactures, on the contrary, are to be the destruction of our commerce. And

yet, in a spirit of blind and indiscriminating imitation, we are called upon to follow the example of Great Britain, by adopting a policy which will produce a result precisely the opposite of that which she has experienced of her policy; or, in other words, we are required to adopt, in deference to British wisdom, a system the very reverse of that which British policy would pursue, under the same circumstances! It cannot be doubted that, in pursuance of the policy of forcing her manufactures into foreign markets, she will, if deprived of a large portion of our custom, direct all her efforts to South America. That country abounds in a soil admirably adapted to the production of cotton, and will, for a century to come, import her manufactures from foreign countries. Under these circumstances, it is obvious that Great Britain will use every effort to stimulate the industry of South America, by the various commercial advantages she has it in her power to present, and to make up, by this new trade, the loss she will have sustained in being deprived of ours. But I must hasten to bring my remarks to a conclusion, lest I should exhaust that indulgent patience which, I fear, I have already taxed too severely. A few words, and I shall have done.

It would be some consolation to me, sir, if I could believe that the heavy impositions, which must operate so oppressively upon the part of the Union I have the honor to represent, would produce an equivalent benefit to other portions of the Union. If my constituents must be sacrificed, it would in some degree soothe their injured feelings, if they could have this excuse, at least, for quietly submitting to their fate, hard as it is, and unjust as they believe it to be. But even this humble consolation is denied us. We are doomed to suffer, under a clear conviction that our sufferings will administer no relief to the distresses, whether real or imaginary, of any portion of our fellow-citizens. We are to be made the victims of a system "which not enricheth them, but makes us poor indeed"—a system which wages war, not against our enemies, but our friends; not against the hostile regulations of other countries, but against the advantages of our natural position in the world, and the munificent bounties of an all-wise Providence—a system which has originated in discontent, and must inevitably end in disappointment. Against such a system I do most solemnly protest, as a palpable invasion of those rights and interests which I am charged to defend and protect. And I do beseech its advocates, as they regard the principles of justice, the interests of the Republic, or the mutual good will of its members, to pause before they give this bill the irrevocable sanction of their final vote. If, however, they should pass it, even with a majority of a single vote, I shall, as bound by my allegiance, submit to it as one of the laws of my country. I have endeavored, with zeal and fidelity, to discharge my duty as a Representative. I trust I shall never be found wanting in my duty as a citizen. I must take leave, however, to say one parting word to the authors of this measure; I thank God that, if mine is to be the suffering, theirs will be the responsibility.

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When Mr. McDUFFIE had concluded—

Mr. MARKLEY, of Pennsylvania, rose, not, he said, to make a speech upon the bill, although such had originally been his intention; but he thought, after so long a discussion, the House must be ready and anxious to take the final question on the bill. He therefore moved a call of the House.

After the call was concluded, the doors were closed; four members only were found to be absent.

Mr. STEWART then moved to dispense with all further proceedings in relation to the call: his motion was carried.

Mr. TRIMBLE, of Kentucky, rose to call for the previous question. He said he thought the present a proper time to finish the debate. It was known that one member was attending, contrary to the advice of his physicians, and two or three others contrary to the advice of prudence. He admitted that some courtesy was due to those who wanted to speak, but much more, he thought, was due to those whose sense of duty had brought them to the House from sick beds. He was one of those who had intended to present his views of the subject before the final question was taken, and some things had been said on yesterday which called for a reply from the friends of the bill; but he had predetermined to waive his right to do so, and hoped that gentlemen on both sides would consent to close the discussion. No tariff had ever been debated in cold blood, and the old members would support him in saying, that the debate on the present bill was marked with more temperance than on former occasions. He hoped it would terminate in the same spirit of moderation and forbearance that had marked its progress. He assured the House that he made the call under a sense of duty, but in the full spirit of deference for those who might oppose it.

The call was sustained—101 members voting in favor of, and 98 against it.

Mr. RANDOLPH rose and demanded another count.

The CHAIR, in pursuance of a rule of the House, then appointed Messrs. RANDOLPH and TAYLOR as tellers; and the members on each side of the question were counted, by passing between the tellers, and returned as follows: In favor of the previous question 103, against it 95.

So the House determined in favor of the previous question.

Mr. WEBSTER then rose. He said he had been waiting in the House for several days, laboring under severe indisposition, in order to make a motion in relation to this bill, which was of vital importance to his constituents; but as he had not yet had an opportunity to do it, he moved that the bill be ordered to lie upon the table. Upon this question he requested the yeas and nays.

The yeas and nays were accordingly ordered; and the House refused to lay the bill on the table—yeas 98, nays 110, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, Bartlett, Bassett, Blair, Breck,

Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Kent, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Lock, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Adams, Allen of Tennessee, Allison, Barber of Conn., J. S. Barbour, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Sterling, Scott, Sharpe, Sloane, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

The previous question was then put, to wit: Shall the main question be now put? and passed in the affirmative—yeas 110, nays 97, as follows:

YEAS—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Barbour of Connecticut, J. S. Barbour, Bartley, Beecher, Blair, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Collins, Condict, Cook, Crafts, Craig, Durfee, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Houston, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McKim, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Sandford, Scott, Sharpe, Sloane, Standefer, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, Williams of New York,

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James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Archer, Baylies, P. P. Barbour, Bartlett, Bassett, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Clark, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Dwight, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Lathrop, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McLane of Delaware, Mangum, Mercer, Mitchell of Maryland, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

The main question was then put, to wit: Shall the bill pass? and passed in the affirmative—yeas 107, nays 102, as follows:

YEAS—Messrs. Adams, Alexander of Tennessee, Allison, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rogers, Rose, Ross, Scott, Sharpe, Sloan, Sterling, Stewart, Stoddard, Storrs, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Rensselaer, Van Wyck, Vinton, Wayne, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Blair, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Hobart, Hogeboom, Hooks, Isacks, Kent, Lathrop, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Randolph, Rankin, Reed, Reynolds, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer,

A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Whipple, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

Ordered, That the title be "An act to amend the several acts imposing duties on imports," and that the Clerk do carry the said bill to the Senate to ask their concurrence therein.

MONDAY, April 19.

Mr. McKEAN presented memorials from sundry citizens of the United States, praying that the benefits of the law of the 18th of March, 1818, may be extended, without distinction, to all the Revolutionary few who faithfully served their country in the Revolutionary war.—Laid upon the table.

Mr. McLANE, of Delaware, presented a petition of sundry inhabitants of New Jersey, praying for the aid of Government, in improving and rendering safe the harbor of Newcastle, Delaware.—Referred to the Committee on Commerce.

Mr. KENT laid before the House an act of the Legislature of the State of Maryland, incorporating the Chesapeake and Ohio Canal Company.—Referred to the select committee, appointed on the 5th of December last, on so much of the President's Message as relates to a connexion of the waters of the Chesapeake and Ohio, by means of a canal.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act for the relief of Thomas Hewes," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. NEWTON, from the Committee on Commerce, reported a bill to authorize the masters of vessels, in certain cases, to clear out either at the custom-house of Petersburg, or that of Richmond; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. HAMILTON, from the Committee on Military Affairs, reported a bill concerning the allowance of pensions upon a relinquishment of bounty lands; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. MALLARY, the Committee on Commerce were instructed to inquire into the expediency of establishing the city of Troy, in the State of New York, as a port of delivery.

Mr. MOORE, of Alabama, laid the following resolution on the table for consideration to-morrow, viz:

Resolved, That the Secretary of War be directed to communicate to this House such information as may be in the possession of the department, connected with the circumstances under which it is alleged an error was committed in the location of 640 acres of land, reserved to George Harlin, by the 3d article of the treaty made with the Cherokee nation of Indians, on the 27th of February, 1819, with such explanatory remarks as may be justifiable from all the circumstances of the case; in reference to the supposed difference in the

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value of the reservation as granted by the said 3d article of the treaty, and that which it is alleged was designed to be obtained by it.

Mr. LONGFELLOW laid the following resolution on the table for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to communicate to this House the correspondence between this Government and France, relating to spoliation committed on American commerce between the years 1793, and 1800; and also, relating to the claims of France upon this Government, for not complying with the treaties of alliance and commerce of February 6, 1778.

Bills from the Senate of the following titles, viz:

1st. An act to provide for the sale of the warehouse at the former quarantine ground, near the English Turn, in the State of Louisiana, and for the erection of a dwelling-house at the Balize, in the said State, for the use of the boarding officer at that place, and for other purposes;

2d. An act supplementary to an act of Congress, passed on the 30th day of June, 1812, entitled "An act making further provision for settling the claims to land in the Territory of Missouri;"

3d. An act for the relief of Elijah Van Syckle of Philadelphia;

4th. An act for the relief of Thomas Shields;

5th. An act for enclosing the burial ground of Christ Church, Washington Parish; were severally read the first and second time, and referred—the 1st, to the Committee of Ways and Means; the 2d, to the Committee on the Public Lands; the 3d, to the Committee of Ways and Means; the 4th, to the Committee of Claims; the 5th, to the Committee for the District of Columbia.

ADDRESS OF NINIAN EDWARDS.

The SPEAKER communicated to the House an address of Ninian Edwards, late a Senator of the United States, from the State of Illinois, complaining that injustice has been done him in a report from the Secretary of the Treasury, accompanying the correspondence between the Treasury Department and the banks in the different States, upon the subject of the deposits of public money in said banks; exculpating himself, and also, preferring certain charges against the said Secretary. The address is as follows:

WHEELING, VA., April 6, 1824.

SIR: I have the honor to request you to present the address herewith transmitted, with its accompanying notes and documents, to the House of Representatives of the Congress of the United States.

I have the honor to be, &c.

NINIAN EDWARDS.

Hon. HENRY CLAY,
Speaker of the House of Reps.

To the honorable the House of Representatives of the Congress of the United States:

As certain proceedings at the last session of Congress, under the authority of the House of Representatives, and a recent report to your honorable body, by the Hon. Wm. H. Crawford, Secretary of the Treasury, seem to have been intended, and are calculated, to cast upon me imputations injurious to my character, which I know to be unjust, and which, I think, I

can demonstrate to be so, I trust no apology can be necessary for my requesting leave to present my vindication against those imputations, directly to your honorable body; in order that it may be conveyed to the nation through the same channel by which I have been assailed.

This is a right which, under similar circumstances, I should suppose, ought not to be denied to the humblest individual in the Union. In this case, it is due to the nation itself, in consideration of the station I lately held, and that which I have now the honor to hold; and, owing to the peculiar circumstances of my case, it is emphatically demanded, on my account, by every principle of honor, and every regard to justice. Nor is it unprecedented in either House of Congress, in cases which certainly had no greater claim to such indulgence.

It will be seen that I was called upon by a committee of the House of Representatives of the last session, as a witness to testify before it; that I was subjected to an examination, which has not its parallel in the records of any free country; and that, after the lapse of about twelve months, and just as I was on the eve of my departure for a foreign country, an attempt has been made to impeach my credibility, on grounds which must have been, at all times since my testimony was given, within the command of the honorable gentleman by whom they have been so *opportunistically* alleged.

To refuse to permit me to repel such an attack, in the manner proposed, would be to overthrow the longest established precedents, and to establish in their place the odious, oppressive, unjust, and indefensible principle of allowing the credibility of a witness to be impeached, and yet denying to him the right to support it before the tribunal under whose authority he had been called on to testify.

But, independent of all considerations, in regard to myself, personally, I humbly conceive that your honorable body might well desire to receive my vindication, and every corroboration which I can give to my testimony, on your own account, in order to enable you the more clearly to ascertain the truth of, and the more satisfactorily and correctly to decide upon, statements now before you, and not yet acted on.

Notwithstanding all the canting about an "A. B. plot," the ingenious attempts that have been made, and the stratagems that have been adopted, by certain newspaper editors and others, to mislead and deceive the public mind into a belief that the committees, appointed at the last session on that subject, had thoroughly investigated all the statements made by a writer under the signature of A. B. in regard to certain suppressed documents; and that Mr. Crawford had been "triumphantly acquitted," in relation to the whole of them; I assert, without the fear of contradiction, that it is known to your honorable body that neither of those committees extended their investigations into those statements, beyond about four paragraphs, which were mere bagatelles in comparison with other letters and matters that were expressly charged, and incontestably proved, by the documents furnished by Mr. Crawford himself, to have been withheld, contrary to the resolutions of the House which required their production.

These important statements, and the matters and things contained in my testimony, have neither been investigated by any committee, nor acted on by the House; and if my testimony had been, it is now re-

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vived by Mr. Crawford himself; and, surely, if it be competent to him to attack it, it cannot be fair or just to withhold from me the equal right of defending and supporting it.

By referring to the resolution of the House, (note 1,) under which the second committee of investigation was appointed, and to my examination by that committee, (2,) it will be seen that the latter fully merits the character I have given to it; that it was wholly unauthorized by any powers delegated to the committee; and that it evinced a far greater disposition to implicate me in some kind of censure, in regard to the public deposits in the Bank of Edwardsville, than to investigate the conduct of Mr. Crawford, or to inquire into those subjects for which the committee had been professedly appointed. Whatever may be thought by those who may be at the trouble to examine the list of interrogatories that were put to me, as to the source from whence they originated, none can read some of the following statements and documents, without being convinced, that a very small portion of candor would have rendered a part, at least, of those interrogatories unnecessary and useless, even in the opinion of the committee itself, (3.)

Whatever may have been my agency in procuring the Bank of Edwardsville to be made a depository of public money, it had nothing to do in originating the great system adopted by Mr. Crawford, of employing the local banks, and in several instances, in direct violation of law, by allowing them a permanent deposit of nine hundred thousand dollars, equal to a salary of \$54,000 per annum, for receiving and transmitting the public money, which the Bank of the United States was bound to do without compensation, and would have done, without those immense losses to the public, which must inevitably result from the adoption of a plan so contrary to the letter and spirit of the bank charter; and to the avowed intentions and objects of Congress in granting it.

The effect of my application to have the Bank of Edwardsville made a depository of public money, was merely to have deposits made there, that otherwise would have been made in the Bank of Missouri, which previously had been authorized to receive the public moneys, collected by the two Receivers in Illinois, who alone were directed to make their deposits in the Bank of Edwardsville. My agency in this transaction, therefore, did not prevent the depositing of a cent in the Bank of the United States; and your honorable body may well judge, whether the public interest could have been much jeopardized, by the change I recommended, from the following statement, extracted from the documents presented to you by Mr. Crawford.

The Bank of Missouri had a capital of \$210,000, of which, the stockholders drew out of it, on pledges of stock, \$186,335, leaving only \$23,665 for the further accommodation of themselves and others. Upon this last sum, its real banking capital, it discounted and paid on over drafts, to the amount of \$244,345 53. The whole amount of its discounts, including payments on over drafts, was \$430,680 43; of which sum, its directors alone were responsible for \$297,492 13, if, as is presumed to be the case, they are chargeable with over drafts, to the amount of \$11,622 27.

To this bank, Mr. Crawford allowed a permanent deposit of \$150,000, equal to a salary of \$9,000 per annum. He permitted the public money to accumulate in it, to the amount of \$726,031 90, in the course of nineteen successive months, ending with the 1st of

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September, 1819, without exacting those precautionary returns and statements, which he himself considered essential to insure the fidelity of all the banks appointed to receive the public money; and, eventually, he received from it, in part payment of its debts, contrary to the positive injunctions of the resolution of Congress, of 1816, a large amount of uncurrent notes, some of which were not worth twenty-five cents in the dollar.

Much as he has mystified this subject, in several of his reports, and particularly in that one which is part of document 105, (in the 8th volume State Papers, 2d session 17th Congress,) in which he blends a deposit in the Bank of Missouri, of \$64,613 58, with "the special deposits which passed through the Bank of the United States," it cannot excuse, or even successfully disguise, the flagrant impropriety of his having received, at par, the uncurrent notes above referred to; for, by the very document last mentioned, it appears that this deposit had been "re-transferred to the Bank of Missouri, and assumed *as cash*, in September, 1819," which was previous to the receipt of those notes. His own letter to the Cashier of the Bank of Missouri, dated 23d March, 1819, and the Cashier's answer, dated 25th of June, 1819, (4 and 5) clearly show, that no justification for receiving uncurrent paper can be derived from that circumstance. Because, he received uncurrent notes that *were not*, and *could not*, have been included in that deposit; for, not to mention other cases, the notes which he received on the "Bank of Georgetown, Kentucky," were not, at that time, even receivable in the land offices. Nor was there ever any contract between the Bank of the United States, or the Treasury Department, with the Bank of Missouri, from which the latter could derive any right to tender, or be any justification for receiving, those uncurrent notes.

But, had it been otherwise, it would not be less difficult to justify the placing of this bank upon a footing so different from that of all other similar depositories of public money.

Under all these circumstances, it would seem incredible, that any injury to the public could have resulted from the change of deposit, for which I applied; and the attempt to subject me to censure, for the small participation which I have had in this business, ought to be considered as a plain acknowledgment of the awful weight of responsibility that rests upon him, whose especial duty it was, to take care of the public money.

My responsibility, however, did not long continue; for, finding the Bank of Edwardsville, on my return from Congress, soon after it had been authorized to receive the public money, involved in some difficulties, I determined to sustain it against the danger that then threatened it, and, after seeing it in a safe situation, to relieve myself from all kind of responsibility for that, or any other bank. Accordingly, in the same year, I made a publication in several newspapers, and in two different States, of my determination to be held no longer responsible for that, or any other bank. This publication can be established by a part, if not the whole, of the respective delegations, now in Congress from the States of Illinois and Missouri. It was forwarded to Mr. Crawford, and I have no apprehension that he will ever deny having received it.

He had, also, been put upon inquiry, in regard to the Bank of Edwardsville, by a bitter philippic, in ample detail, against it, which he received from the Hon. Mr. Benton, of the Senate. This was shown to Col.

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Johnson and myself, and a copy of it was transmitted to the bank, where I suppose it now remains.

He was fully apprized of those very difficulties of the bank, which produced my determination to retire from it. They were communicated in letters from myself to Colonel Johnson, which were intended to be, and were, forwarded to Mr. Crawford. The receipt of two of them is acknowledged by his letter to Colonel Johnson, of 15th July, 1819, in which he says, "Yours of the 28th ultimo came to hand this morning. The circumstances connected with the Bank of Edwardsville, as developed in the two letters of Governor Edwards, submitted by you to my perusal, will receive due consideration." In the same letter, he says, "With Governor Edwards I had no personal acquaintance, before the last Winter. The opinion which I had formed of his talents and integrity, from the official correspondence which had been carried on between us, both in the War and Treasury Department, has been confirmed by personal acquaintance."

"The different subjects upon which he had occasion to ask my opinion or decision, during the last session of Congress, were fairly and candidly stated; his comments upon them were judicious, and it afforded me great pleasure to be able, after due examination and reflection, generally to coincide with him." The session here spoken of is the one in which I made the application in favor of the Bank of Edwardsville.

Had Mr. Crawford been as much disposed to profit by the impressive lessons of experience, which he was constantly receiving, as I was by those of a few months only, it might have prevented a vast accumulation of "unavailable funds," and have enabled him, much earlier, to have secured to the Bank of the United States, "in their just extent, the advantages intended to be secured to it by the charter," which he fairly promised to Congress, in his report of the 10th December, 1817, [6] and the necessity for which he seems to have been duly sensible of, in another report, (8 vol. State Papers, 2d session 17th Congress, p. 77,) in which he says, "In the Winter and Spring of 1819, the Bank of the United States was, in the opinion of the enlightened officer who presided over its direction, in a great degree indebted for the preservation of its credit to the forbearance of its creditors, and to the support which it received from the Treasury Department. Such were my impressions of its critical state, that I felt it my duty to accept propositions made by the Board of Directors, which, under other circumstances, would have been declined." It is wonderful, therefore, that, with these impressions, he should have thought it consistent with his duty to have extended such favors as have been noticed to a single local bank; much less to the multitude that shared his patronage, and could not have existed without it.

It would be just as fair and candid to implicate me in the unjustifiable indulgence that has been extended to the Bank of Edwardsville, since its failure, as to endeavor to involve me in any kind of censure for its continuance as a depository of public money after the Fall of 1819. At the time of its failure, its resources were, I am well satisfied, more than amply sufficient to have secured its debt to the Government. But, every man of common experience and observation knows, that the resources of all banks, in its situation, must necessarily become more and more impaired, and are more liable to be misapplied. Yet, strange and incredible as it may appear, I have never heard, nor do I believe, though I reside in the same village in which the bank is located, that Mr. Crawford has

collected one cent from it; or made any adjustment with it; or resorted to any measure to coerce the payment of its debt. He, who could find motives for an indulgence so extraordinary, and at the same time so inconsistent with, and detrimental to, the public interest, could not have required either my recommendation or sanction for continuing this bank a depository of the public money after the Fall of 1819.

I come now to the report that contains the dextrous insinuation against my credibility. So much of it as relates to this subject is in the following words, viz: "The honorable Mr. Edwards, late a Senator from Illinois, having stated, on his examination before a committee of the House, on the 13th of February, 1823, that the late Receiver of Public Money at Edwardsville had, on his advice, and in his presence, written a letter to the Secretary, enclosing a copy of the publication which Mr. Edwards represents himself to have made some time in the year 1819, announcing his intention of retiring from the directorship of the Bank of Edwardsville, and that he had advised the Receiver to withhold his deposits from the bank until he could receive further orders from the Secretary; and that the Receiver afterwards informed him that he had received a letter from the Secretary, directing him to continue the deposits: The Secretary deems it proper to state, that no such letter from the Receiver is to be found on the files of the Department; that the officers employed in it have no recollection of the receipt of such a letter; and that, on an examination of the records of the Department, it appears that no answer to any such letter, directing the Receiver to continue the deposits, was ever written to him by the Secretary of the Treasury."

This statement bears intrinsic evidence that it was intended to deprive me of the benefit of my justification—not voluntarily made, but drawn from me by the committee, in regard to the Bank of Edwardsville; and to subject me to the odious suspicion of having sworn falsely. Were there any doubt on this subject, it would be removed by the conduct of a distinguished individual, whom it might not be respectful to name in this communication, and who, since I left the city, has not thought it beneath his dignity to go about exhibiting the report, and expressing his opinion that it "placed me in a dilemma." He may yet find it more difficult for his patron to get rid of one, of infinitely deeper interest.

Believing, as I call upon my God to witness I sincerely and confidently do, that Mr. Crawford did receive the letter mentioned in the above report, and that it is now in his possession, or has been purposely destroyed, I can but regard this attack upon my reputation as unparalleled by any thing I have ever witnessed or heard of, as emanating from so respectable a source, except certain manœuvres and stratagems to fix upon a much more distinguished individual of this nation the disgraceful charges of a guilty participation in horse-stealing, and the passing of counterfeit money, which I have somewhere met with in the course of my reading. Malicious insinuation is the resort of a timid mind. Wilful misrepresentation denotes a wicked one.

In regard to the time which has been selected for making this attack upon me, it very much resembles the management which Mr. Crawford resorted to, at the last session of Congress, to defeat a certain applicant for a land office appointment. This gentleman had been before the President for many weeks. He was supported by gentlemen of the first respectability,

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and of different parties, in the States of Illinois, Missouri, and Tennessee. No objections to him were anticipated by himself or his friends. And none was made till the President was about to transmit his nomination to the Senate. Then, when a nomination could no longer be kept back, by any contrivance whatever, and not till then, did Mr. Crawford exhibit his objections. The gentleman's residence was too remote, and the session of Congress too far spent, to admit of any defence or explanation from him; and thus he lost the appointment. As this case is strongly marked by certain characteristic traits, which tend to illustrate the objects and design of this well-timed attack upon me, I refer, for a further explanation of it, to my letter to Mr. Crawford on the subject-[7]

In the latter part of the week previous to my departure from the city, on calling to take my leave of the President, I met with Mr. Dickens, to whom, in a short conversation with him, I communicated my intention of leaving the city on the Sunday following, (one day before the date of Mr. Crawford's communication,) and, but for an accidental engagement of the Secretary of State, which prevented his signing a paper that it was necessary for me to carry to the Treasury Department, till after the hours of business in that Department had elapsed, I should have departed from the city before Mr. Crawford's communication was made; and probably should not even have heard of it till after I had left the United States.

But, independently of what I stated to Mr. Dickins, my intended departure was strongly indicated by the business I was engaged in transacting in the public offices. It was generally known; and, if it had not been, it was very naturally to have been expected.

Deprived of all opportunity of defence, a victory over me might, indeed, have been easy; but, surely, the triumph would have been most ignoble.

By way of availing myself of further characteristic traits, I beg leave to state, that an inspection of the public documents is sufficient to show that, in repeated instances, Mr. Crawford's replies to calls upon him by the House for information, &c., have been so tardy and protracted, as to prevent the possibility of investigating them during the sessions in which the calls were made; and to require a great degree of charity—possibly however, not more than is justly due—to resist the belief that he has been as much disposed to evade as to invite a scrutiny into his conduct.

Even the correspondence which accompanied the report in question, though required by a resolution of the 8th May, 1822, to be laid before the House as early as practicable, after the commencement of the then next succeeding session, has been delayed to so late a period of the present session as to render an investigation of it, before the first Monday in December next, impossible.

Notwithstanding all these circumstances, it may be that Mr. Crawford did not intend to take an undue advantage of my absence. He must well know with what indignant condemnation such an attempt would be denounced by every magnanimous and generous bosom. What surprises me most is, that a just apprehension of so degrading a suspicion had not induced him to have exhibited his insinuation a little sooner, or to have declined it altogether. But, whatever may have been his intentions, I could not have been more disadvantageously affected by any contrivance or stratagem that he could have adopted, to deprive me of a fair opportunity of defence.

Scarcely convalescent from a long indisposition, ex-

hausted with the fatigue of travelling, and required to proceed on my journey with all convenient despatch, I must leave him unanswered, or content myself with such a defence as, with all these disadvantages, a very short time of necessary delay on my journey may enable me hastily to present. But, what I regard with the most concern is, that writing, as I must do, without having it in my power to refer to, and re-examine, certain documents, I shall not be able to avail myself of some important circumstances which they would establish, and may be betrayed into some slight inaccuracies, to which all men are liable who have to trust to memory alone. I promise, however, to be more accurate than Mr. Crawford has been, in cases in which he had before him every means of being entirely so.

Having endeavored to establish my right to make my defence before your honorable body, and taking it for granted that a request so reasonable, under all the circumstances that have been mentioned, will not be denied me, I presume I shall be indulged in every legitimate right of defence that belongs to my case.

Among these, it will scarcely be denied that I have a right—

1st. To corroborate my own testimony.

2dly. To show, by any means in my power, that the statements made against me are inconclusive; and, particularly, to avail myself of any circumstance that is presented by the documents in the case in which I was called on to testify, for the purpose of invalidating those statements. And,

3dly. Directly to impeach the credibility of those who have assailed mine.

The latter I shall probably waive; for, though I have, at all times, felt myself at liberty to animadvert upon Mr. Crawford's official conduct, and to defend my own, both of which he has found me prompt to do, in cases that never yet have met the public eye, I never have intentionally treated him with the slightest indecorum, or a want of that respect that is due to his station. (8.) Respect for your honorable body would, of itself, be sufficient to induce me to abstain from the language of passion, or abusive vituperation, before you. Respect for myself would prevent me from it anywhere else. I cheerfully leave that resource to bullies, political tools, mercenary hirelings, and those who, conscious of their inability to defend their own conduct, can find no better means of diverting public attention from themselves to others. I shall, nevertheless, freely urge, and insist on, such facts as I know to be true, disclaiming, however, any other construction of them than the most innocent of which they are susceptible. If I shall point out palpable omissions and violations of duty, or show that letters, which ought to have been communicated to the House, have been suppressed, and that various misstatements have been officially made, I shall attribute them to nothing more than forgetfulness, inattention, inadvertence, or some erroneous, but innocent views of the subject.

This will be sufficient to show that the negative statements of Mr. Crawford, and "the officers employed in the Treasury Department," ought not to prevail against my positive statement on oath. If others should suppose this forbearance on my part a little too fastidious, and that the cases which I shall exhibit are evincive of intentions less innocent, let it be remembered that their views of the subject would unquestionably render the case the stronger in my favor.

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With these preliminary remarks, I proceed to my defence against this mal apropos statement of Mr. Crawford.

It will be recollected, that I was not a volunteer in giving my testimony before the committee, and I can conceive of no motive which could be supposed, by any but a most depraved mind, misled by its own wicked operations, to have influenced me to make an uncandid statement. As to my responsibility, in consequence of having applied to Mr. Crawford to cause certain deposits to be made in the Bank of Edwardsville, in preference to that of Missouri, surely I have shown that enough was known about the latter bank, at the time my testimony was given, to have freed me from all apprehensions in regard to any responsibility that I had imposed upon myself, even if I had not withdrawn, as already stated, from the "Directorship" of the former. But, Mr. Crawford does not deny that he received my publication, and even if he had not received it, it having been made in two different States, and he having been, as I have shown, put upon inquiry in regard to that bank, and informed of the difficulties it had had to encounter, I certainly might rely upon the notoriety of my acts, in this respect, with a much better grace than he relies upon a supposed notoriety of his repeated but unpublished omissions, to comply with the most positive legal injunctions as an excuse for those omissions, which he does in his letter of the 24th February, 1823, to the chairman of the committee of investigation; and in which he also seems, almost, to insist that his violation of his duty was equivalent to a fulfilment of it.

It could have been no object with me to have established an additional suppression upon him; for, if time do not fail me, it will be seen, before I am done with this subject, that I had in my possession proof, whose credibility could not be questioned, of his having suppressed, in a variety of other instances, letters enough, of a much more important character and delicate bearing, for any purpose that the utmost malignity could have contemplated, as possible to be effected by such means. [9.]

The amount of my statement before the committee, as well as I can now recollect it, (not having it in my power to refer it for examination,) but which will be supplied at Washington is,

1st. That, for the reasons therein mentioned, I made a publication of my intention to retire from the "Directorship" of the Bank of Edwardsville.

2d. That I advised the Receiver of Public Money at that place, to withhold his deposits from the bank, till he could receive further orders from the Secretary of the Treasury.

3d. That the Receiver did write to the Secretary on the subject, enclosing my publication, &c.

4th. That the former afterwards informed me that he had received a letter from the latter, directing him to continue the deposits.

Now, it is not denied, and dare not be, that I did make the publication alluded to, and this I could not have done, for the reasons that influenced me, consistently with the known friendship and intimacy that then subsisted between the Receiver and myself, without giving him the advice mentioned in the second part of the above statement. But that I did give that advice is much more strongly corroborated by the fact that the Receiver did actually withhold the deposits, and Mr. Crawford knows it. This might be established by the monthly returns of both the Receiver and

the bank. But these are in the possession of Mr. Crawford. I, however, felicitate myself upon being able to satisfy your honorable body of the fact, by documents that have been furnished by himself, but which, thank God, are now out of his power.

By his report of the 27th February, 1823, (8 volume State Papers, 2d sess. 17th Congress, pages 31, 33, and 35,) it will be seen that the amount of deposits stated to have been in the Bank of Edwardsville, to the credit of the Treasurer, was—

At the end of the 2d quarter of 1819, \$45,560 68

At the end of the 3d quarter of 1819, 45,475 04

At the end of the 4th quarter of 1819, 53,191 59

The two first of these statements are presumed to be correct, or nearly so. The latter is entirely otherwise, as I will prove to your satisfaction, if there is any kind of confidence to be reposed in previous statements exhibited to you by Mr. Crawford. Had it been intended to disguise the fact of the Receiver's having withheld the deposits, as above stated, and to give some semblance of plausibility to the recent insinuation against myself, nothing could have been more ingeniously, or more disingenuously, contrived, for these purposes, than this last statement. If it had been truly stated that, instead of \$53,191 59, the real amount in deposits, at the end of the fourth quarter, was \$98,191 59½, the contrast between this sum and the amount of the previous deposits, might have afforded some corroboration to my statement before the committee. But this, subsequent events have proved, it was intended to question. I will, however, make the case too plain for doubt.

By the report last referred to, it appears that the amount of deposits in the Bank of Edwardsville, to the credit of the Treasurer, on the last days of June and September, was a little upwards of \$45,000.

By Mr. Crawford's previous report of the 27th of April, 1822, (in which is an ingenious contrivance of placing December before November,) it is shown by the bank returns themselves, that, on the 30th of November, 1819, the amount of deposits was \$45,475 04½, and that, on the last day of the succeeding month, (the end of the fourth quarter of 1819,) it was \$98,191 59½, [10] and not \$53,191 59, as subsequently reported from the Treasury Department.

From the correspondence between the several amounts of deposits in the bank, on the last days of June, September, and November, and the difference between them and that of the last day of December, in the same year, no one can doubt that the Receiver at Edwardsville did actually withhold the deposits as above suggested; unless it can be believed that he did, in one single month, distinguished by no particular circumstances, receive to the amount of \$52,716 55, equal to the rate of \$692,598 60 per annum.

Let us, then, inquire a little into the probability of his having written to Mr. Crawford, or, rather, into the great improbability of his not having done so.

This gentleman united in himself the office of Receiver and President of the Bank of Edwardsville. As Receiver, he had positive orders to make his deposits in that bank, and was bound to make monthly returns of his accounts to the Secretary of the Treasury. As President, it was his duty to have monthly returns of the state of the bank, and the amount of public deposits therein, regularly transmitted to the Secretary. Is it, then, to be believed, that he should have withheld the deposits contrary to his orders, without having given to Mr. Crawford some reason, either as Receiver or President, for his having done

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so! And, if he had failed to perform this duty, is it credible that Mr. Crawford would have been so negligent and inattentive to his duty, and so regardless of the public interest, as not to have called him to an account for such conduct?

But, if further confirmation of the letter's having been written, and received by Mr. Crawford, too, were wanting, strong presumptions in favor of both may be derived from the very guarded and characteristic artifice by which he would seem equally to deny the receipt of the letter, and that any instructions had been given to the Receiver to continue to make the deposits. Let it be observed, that my statement, as quoted by Mr. Crawford, is, "that the Receiver informed me he had received a letter from the Secretary, directing him to continue the deposits." Mr. Crawford does not deny that such directions were given, but he says, "it appears that no answer to such letter, directing the Receiver to continue the deposits, was ever written," &c. From this peculiar manner of denial, I can but infer that, not being willing, from some cause or other, to admit the receipt of the letter, Mr. Crawford contrived to give the directions under some other form or pretext than that of a direct answer to it. But that such directions were given, I cannot doubt, though I have nothing to rely upon for this opinion but the Receiver's word for the fact. If Mr. Crawford did not write to him specially on the subject of his having withheld the deposits, it can only be satisfactorily accounted for on the supposition that he (Mr. Crawford) did, in some form or other, give such directions as he supposed would produce the proper corrective.

Another fact, in confirmation of my statement, is, that one of the two Receivers who had been directed to make their deposits in the Bank of Edwardsville, was ordered to make his elsewhere. But under what pretext I do not know, nor do I recollect ever to have heard; probably, however, under some one equally calculated to disguise the real motive, as the giving of directions, without acknowledging the receipt of the letter that produced them.

It will not, I persuade myself, be considered a trifling corroboration of my statement, that it was not made to the committee for the first time; but that, in a private correspondence between Mr. Crawford and myself, more than twelve months before my examination by the committee, I had asserted the same facts substantially to himself.

In my letter to him of the 9th February, 1822, (which I would not venture to refer to if I had not his answer to it,) I say, "I beg leave most respectfully to suggest, that it would be but an act of justice to me to present my publication of 1819, in which I declared I would be no longer responsible for the bank [of Edwardsville] in any way whatever. This publication was contained in the St. Louis Enquirer, which I believe you took at that time. It was also contained in a paper which I forwarded to you myself. And it was enclosed, and referred to, in a letter from Colonel Stephenson, the President of the Bank, [and the Receiver also] to you, which letter, he informed me, had been answered. Since the Fall of 1819, my connexion with that bank has entirely ceased, except that I am a stockholder in it, without, however, ever having borrowed one cent from it."

In my letter to Mr. Crawford, of 14th February, 1822, I say to him, "I must, however, say, sir, that, as the information, in the Treasury Department, relative to my original recommendation of the Bank of

Edwardsville, has, for some time past, been distinctly understood, and freely used at this place, [Washington,] I can but consider it somewhat unfortunate for me, that other communications in the Department, which ought to have terminated all responsibility on my part, have not been equally known. That I was the cause of the deposits being made there, in the first instance, I freely acknowledge. But, that I unequivocally declared, I would not be held responsible for that or any other bank, in any way whatever, after the Fall of 1819; that you were notified thereof in due time; that the deposits have not been continued there in consequence of my recommendation since that period; and that the bank was then in a good situation, I may, I think, according to my present impressions, fairly insist upon. And, if so, the partial information, now in circulation at this place, is not calculated to do me that justice which, I hope, I have a right to expect from your magnanimity. It would, therefore, afford me great pleasure, I assure you, sir, that the whole of my conduct, in relation to that business, should be so fully known as to be no longer misunderstood."

The first of these letters was written five days before his report of the 14th February, 1822. The second bears the same date of the latter. They must both, therefore, have been written before any charge of suppressions had been made or suggested.

Had the existence of the Receiver's letter been denied, or the slightest intimation of questioning it been given, at the time it was thus asserted, I could, and would, have proved every fact contained in my statement in regard to it, by that gentleman himself. But he is now dead. Mr. Crawford knew this before he made the report in question—and dead men cannot contradict living ones.

No one can read the interrogatories that were put to me by the committee, and believe that Mr. Crawford was not well informed of my testimony before the date of his letter to the chairman of the same committee, which was eleven days later than my examination. From the nature of the inquiries which he was then called upon to answer, they afforded as suitable an occasion, as the one he has selected, for questioning my credibility. Why, then, has he so long postponed it? One thing is certain, it never could have been undertaken with greater hopes of success than when it was supposed I should have no opportunity of defending myself.

I will now submit to your honorable body a few remarks, to show that the negative statements of Mr. Crawford, and his "officers of the Treasury Department," however confidently relied upon by him for my total overthrow, are too inconclusive for his purpose.

You have been informed by him that, previous to the calls for his correspondence with the local banks, which were made the depositories of public money, it had been usual to refer all such calls to Mr. Jones, his chief clerk, but that, in these cases, another clerk had been selected to collect the letters, &c., which were called for. Why this change was made, at that particular juncture, (being wholly unaccounted for by Mr. Crawford,) is left to conjecture. Was Mr. Jones incompetent to the discharge of this duty? The very station he holds in the Department forbids such a supposition. Had he proved himself unworthy of confidence? If so, he could not have retained his station; and such is acknowledged to be his stern, unyielding, inflexible integrity, that no one could have

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supposed him capable of a subserviency in any unfair purpose. I confess I regret that the change was made: for, had it not been, I cannot resist the belief that I should have been spared much of the labor of this vindication. But, without yielding to unavailing regrets, I must be content to take things as I find them. I, therefore, proceed to examine the testimony that is offered against me.

This is substantially, 1st. That no such letter from the Receiver [as that mentioned in my examination] is to be found in the files of the Department. 2. That the officers employed in it have no recollection of the receipt of such a letter. And 3. That the records of the Department do not show that it was answered.

Supposing it to be true that this letter cannot be found "in the files of the Department," it by no means proves that it was not received by Mr. Crawford.

This is not the first occasion on which I have had to regret that a letter received by him could not be found when it became necessary for my defence.

Finding myself grossly misrepresented in relation to a letter I had written to him, and being determined to vindicate myself against the insinuations that were predicated upon it, I wrote to him on the 5th of January, 1821, requesting a copy of it. In his reply, dated 10th January, 1821, he says: "The letter which you have described in yours of the 5th instant, has been sought for in vain. Mr. Jones states that, according to the best of his recollection, he considered it not of a description to go on the files, and that consequently it was not filed. If his recollection is correct, it accounts for the absence of the letter from the files, and for its being lost or mislaid." My letter being thus disposed of, Mr. Crawford, in his answer, impliedly repeated one of the insinuations above referred to. This was promptly repelled by me; and, since then, I have heard no more on that subject.

From this case alone, it might not be unreasonable to presume that some similar disposition may have been made of the letter now in question. But, with every motive to make such an assertion, Mr. Crawford has not ventured to say he did not receive this letter. It will not be difficult to show that other letters, of infinitely more importance, have been received by him, about which it might be truly said, "no such letters are to be found in the files of the Department." He has sometimes another depository for them, in which the letter mentioned in my examination may also have been placed. It may have been addressed to him "without the addition of Secretary of the Treasury," which we have seen it gravely insisted on as giving him a right to consider any letter as "a private paper," though exclusively relating to matters of official duty. Or he may have "considered it not of a description to go on the files;" and thus may "its absence from the files," or "its being lost or mislaid," be very naturally accounted for, according to the practices of the Department.

The probability of this supposition is greatly strengthened by the following case:

Between 1816, and the 31st December, 1819, he received important communications on the subject of the illicit introduction of a large number of African slaves into the United States, which strongly implicated one of his particular friends. By a resolution of the House of Representatives, of the last mentioned date, he was directed to lay before the House copies of such communications as he had received since 1816, and such information as he possessed, in relation to the illicit introduction of slaves into the

United States. But, notwithstanding this positive call upon him, I assert, and I challenge investigation, that he did withhold letters and information upon this subject, implicating his friend, which ought to have been communicated to the House, and some of which, he did not even permit "to go on the files of the Department." Of course, it might be very truly said of them, "that no such letters are to be found on the files of the Department; and that the officers employed in it have no recollection of the receipt of them;" for, having been deposited in his own private bureau, those officers could have no means of ascertaining the fact, and the very motives for withholding them from the files, would render fruitless all attempts to find "answers" to them "by an examination of the records of the Department." And yet, there is no doubt of their having been received, and the strongest probability that they were answered also. If the authority of the House of Representatives was not sufficient to obtain their production, the non-production of the letter of the Receiver at Edwardsville ought not to excite a moment's surprise.

But it also appears that he, and his "officers of the Treasury Department," have not been able to find a great number of other letters, and even some of his own official ones, when required by other calls of the House; or, if they could have been found, they were suppressed. Of this, the documents furnished by himself afford both abundant and conclusive proof. Many instances might be stated. For the sake of brevity, I will allude to a few of them only.

Several cases of this kind are presented by the correspondence with the Bank of Huntsville. I will refer to but one of them. This is too conclusive for any artifice to elude it; and it requires but a bare inspection of the documents themselves to be convinced of it.

In his letter, "L., No. 7," to the President of the Bank of Huntsville, dated the 30th July, 1819, he says, "You will perceive, by the contents of my letter of the ninth instant, that the failure of the Nashville Bank, and its offices, was, at that time, known to this Department. It was then foreseen that the Bank of Huntsville could not fail to be injuriously affected by that event, and by others of a similar nature, which were then anticipated." The reasons stated in my letter of the ninth instant, in favor of the prompt adoption, by the bank, of the measures necessary to the transfer of the public money in the possession of the bank, beyond the permanent deposit, remain unimpaired.

This letter of the 9th of July, 1819, is also referred to in letter "L., No. 8," from the President of the Bank of Huntsville, dated September, 1819. Yet this same letter of the 9th instant, whose "relevancy to the subject-matter of the call" admits of no question, "was not to be found on the files of the Department," or it was purposely suppressed, for it has not been communicated.

By an examination of the documents No. 66, and No. 119, it will be seen that more than half the correspondence with the Bank of Missouri, though called for by a resolution of the House has been suppressed. The importance and very delicate import of a few of these letters will be noticed presently, in connexion with another subject.

But, though there were two calls in this case, either of which rendered it the duty of Mr. Crawford to have transmitted all the correspondence; and though, in answering the second call, he expressly stated that he

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had transmitted "all the correspondence required by the resolution, except two letters from the Receiver at St. Louis, which were of a confidential nature," yet, your honorable body will find very strong reasons to doubt the correctness of this statement, and I shall be much surprised if the third call, with which he has so tardily complied, has been sufficient to draw from him all the correspondence, even with the Bank of Missouri. The omission of letters, addressed to the Department, might be accounted for on the supposition that they might have miscarried. But this is a casualty to which the letters, or copies of the letters, of the Secretary himself, which should always remain in the Department, are not liable. They may, however, sometimes disappear, as the letter of the Receiver at Edwardsville seems to have done. If not, it will be difficult to account for the absence of a letter of the 30th July, 1819, which is presumed to have been addressed by Mr. Crawford to the Bank of Missouri, upon the authority of a report of a committee of the Legislature of Missouri, at its session in 1822.

This was a committee appointed to examine into the concerns of the Bank of Missouri. Mr. Crawford's letters to that bank were submitted to the inspection of the committee, and the report, which I have the honor herewith to transmit, (11) contains extracts from several of them, among which is one from his letter of 30th July, 1819, of which enough appears to prove that it was embraced by the call, and ought to have been communicated, unless, indeed, it is a mere fabrication by the committee, for which no imaginable motive can be perceived.

I have not time to dwell upon several curious particulars that are disclosed by this report. I beg leave, however, to refer your honorable body to the contract with the Bank of Missouri, as therein set forth. An inspection of it will enable you to decide at once whether it is correctly represented in Mr. Crawford's report of it, and whether he had a right to withdraw any part of the permanent deposit, under any pretence whatever, before the expiration of six months "after it ceased to be employed to receive the public moneys."

In regard to the letters that have been alluded to, I will barely remark, that, if so many of them, actually belonging to the Department, could not be found on "its files," it will not be strange if it shall hereafter appear that the letter of the Receiver at Edwardsville has been overlooked; or, if the former were purposely suppressed, there is nothing improbable in the belief that the latter has shared the same fate.

But this letter may have been received by Mr. Crawford, and he may have forgotten it.

This, I presume, I may fairly demonstrate, by showing that his memory has been extremely treacherous, in other instances, of far greater consequence. For this purpose, I beg leave, in the first place, to call the attention of your honorable body to his oath, before the committee.

Regardless of the salutary admonitions of the proverb "of the glass windows," he has treated my oath somewhat freely, and he can have no reasonable cause to complain if his own shall undergo a slight investigation.

On his examination before the committee, he says, "I never sanctioned the omission of any part of the correspondence."

Now let us hear Mr. Dickens, his confidential clerk. On the examination of this gentleman before the same committee, he says, "It is the general direction of the

Secretary, when information is called for, to give every thing that relates to the subject. When the call was made, I looked over all the papers, filed and unfiled, relating to the subject. The papers, after selected, are laid before the Secretary; and in this case, he directed me to collect every thing in the office relating to the subject. They were selected and submitted to his inspection. In this case, from the urgency of it, I took the originals and rough draughts. The papers remained some time before the Secretary, while he was making the report, after I gave them to him, and before he communicated to the House."

Let it be recollected that Mr. Dickens is one of Mr. Crawford's witnesses against me, and enjoys his highest confidence. Now, if this gentleman swears the truth, I would ask, how it could have happened that so many letters of the correspondence with the Banks of Huntsville and Missouri alone were suppressed, without Mr. Crawford's sanction?

The document No. 119, before referred to, most indisputably proves that upwards of twenty letters of the correspondence with the latter bank were suppressed, on the first call for them; and that these very letters were "in the office." If, then, Mr. Dickens did collect, and lay before Mr. Crawford, "all the papers, filed and unfiled, relating to the subject," which he was strictly ordered to do, and swears he did; by whom could the suppression of so great a portion of the correspondence with the Bank of Missouri have been effected? If not by Mr. Crawford, his own statement shows that it must have been done by Mr. Dickens. To permit so flagrant a breach of trust and confidence to pass with impunity, is to sanction it. If this suppression escaped Mr. Crawford's notice, when he answered the first call for those letters, he could not have been ignorant of it, when he shortly afterwards complied with the second call, by transmitting the very letters that had been suppressed. Yet, we have never heard that Mr. Dickens has been punished, in any manner whatever; and from the relation in which these gentlemen stand to each other, it cannot be presumed that he has been even blamed.

Again: Mr. Crawford, in his testimony, says, "It is usual when resolutions require information which the records or files of the office afford, to send copies; but when there is a press of business, the originals are sometimes sent, as in the present case."

Thus, it appears, from the oath of these two gentlemen, that Mr. Dickens delivered all the "originals and rough draughts" to Mr. Crawford: and that the latter sent them all to the House. No one therefore could reasonably expect to find copies among them. Yet, upon an examination of the correspondence with the Huntsville Bank alone, it will be found that about one-third of the pages it occupies, and more than that proportion of the letters, are given as extracts. These, surely, can not be originals, unless Mr. Crawford and the President of the Bank of Huntsville were in the habit of sending extracts of their own letters to each other—a novelty that can scarcely be believed to have occurred.

But, besides the striking variance between Mr. Crawford's statement of having sent the originals to the House, and the fact of this case, the transformation of those originals into extracts requires explanation, at least. It is difficult to conjecture any motive for sending these extracts, instead of the originals, unless it was for the purpose of omitting and withholding something which the latter contained. And

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Address of Ninian Edwards.

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if Mr. Crawford "never sanctioned the omission of any part of the correspondence," by whom and with what motives could these extracts have been made, and foisted into the place of the originals?

It cannot be too much to say that there appears to have been considerable forgetfulness in some part of this affair.

Mr. Crawford must also have forgotten the resolution of 1816, when, in direct violation of its positive injunctions, he received from certain local banks, in discharge of their debts to the United States, and at par, the large amount of uncurrent notes which, in his report, he admits he did receive from them.

But his memory must have been much more unfortunately treacherous to him in two other particulars relating to this business; for I shall show that he has made two palpable and important misstatements in regard to it.

Being called on by a resolution of the House of Representatives to state the amount of uncurrent paper which he received from the local banks that had been made depositories of public money received from the sale of public lands, he admits the receipt of a large amount from the banks of Edwardsville, Missouri, and Tombeckee. But, as an excuse for his conduct, he represents those notes to have been deposited in these banks "before the date of their contracts," under which they agreed to account for the public deposits in specie.

This I do most unequivocally and positively aver to be a misrepresentation, and an indefensible apology; and your honorable body cannot fail to be convinced of it, by adverting to the contracts themselves. I will refer to only one of them at present. The very first article of the contract with the Bank of Edwardsville, under which it received the first cent of public deposits, is in the following words, viz: "1. That the public moneys shall be entered to the credit of the Treasurer *as cash*; which may be seen in document No. 66, letter G, Nos. 1 and 2.

But, for his own opinion upon the subject, even in a case where there had been no express stipulation "to pay cash," I refer your honorable body to his letter L, No. 1, to the President of the Bank of Huntsville, dated the 11th January, 1818, where it will be found that he says: "In making the Planters and Merchant's Bank of Huntsville a place of deposit, at its particular solicitation, it was expected that the transfer of the funds which it undertook to make, would be effected in funds that circulated at par at the place where the transfer was directed. As the Receiver had been directed to receive the bills on no banks which did not discharge them in specie upon demand, it was expected that the bank would be answerable for the amount deposited in specie, or in bills which would be received as specie, at the place to which the money should be directed to be transferred, unless it should state the contrary."

But this is not the worst case. He has, in the same report, misstated the amount of uncurrent notes which he did receive from those banks, making it much less than it actually was; and some of the suppressed letters in the correspondence with the Bank of Missouri will prove it.

This statement, no doubt, will surprise and astonish your honorable body; but you will not long regard it as a proof of temerity. I shall, however, content myself with barely stating enough to carry resistless conviction to your own minds of the truth of it. None shall doubt who will either read or hear the testimony exhibited to you by Mr. Crawford himself.

The suppressed letters B, No. 13, from the President of the Bank of Missouri, dated the 11th October, 1819, and B, No. 19, from Thomas Reddick, agent of the bank, dated the 18th February, 1820, taken in connexion with Mr. Crawford's settlement with the said agent, will prove that the sum of \$1,175, which he (Mr. Crawford) received from that bank, though artfully stated so as to disguise the fact, was composed of \$290 of notes on the Franklin Bank of Alexandria, and \$885 on the Mechanics' Bank of Alexandria.

His own suppressed letter B, No. 7, dated the 29th May, 1819, contains a notification to the Bank of Missouri of the failure of the former of these banks. And a friend has furnished me with the following extract from the files of the National Intelligencer in regard to the latter, viz: "August 28, 1819. The Mechanics' Bank of Alexandria does not redeem its notes in specie, and its notes no longer pass here currently."

The suppressed letters B, No. 25, from himself to the President of the Bank of Missouri, dated the 14th November, 1820, and the President's answer B, No. 26, dated the 12th December, 1820, will show that he received from that bank \$40,156, in notes on the Bank of Tennessee and its branches, which were deposited in the Branch of the United States Bank at Louisville, on the 21st May, 1820, to meet the Treasurer's draft.

A report from Luke Lea, pension agent at Knoxville, to J. L. Edwards of the Pension Office, dated the 27th January, 1823, shows that these notes were "mostly on the branches of the Knoxville Bank."

I have in my possession proof that those branches stopped payment in the Summer of 1819, but I deem it unnecessary to exhibit it, as every member of the delegation in Congress from Tennessee, as well as other members of Congress, must know that they had failed to redeem their notes in specie, long before the notes in question were received by Mr. Crawford. It is only necessary to add, that none of these notes are included in the amount of uncurrent notes reported by Mr. Crawford.

Now, though the probability that these misstatements were innocently made, is somewhat weakened by the suppression of the letters that would have detected their inaccuracies, I do not deem it necessary to insist that they prove any thing more than a greater degree of forgetfulness and inadvertence, than to have forgot or overlooked such a trifling affair as the letter mentioned in my examination. If they were intentional, it would prove the statement made against me so much the less entitled to credit.

In making deposits in the local banks of Louisville, Cincinnati, Chillicothe, and of the District of Columbia, (in all of which places branches of the Bank of the United States were established,) and, in some instances, continuing those deposits for years in succession, without making any report thereof to Congress, Mr. Crawford must have forgot, for a very long time, indeed, and on a great variety of occasions, both the letter and intention of the following section in the law establishing the Bank of the United States, viz:

"Be it enacted, &c. That the deposits of the money of the United States in places in which the said Bank or branches thereof may be established, shall be made in said Bank or branches thereof, unless the Secretary of the Treasury shall, at any time, otherwise order and direct; in which cases the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction."

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Indeed, I am under the impression that, notwithstanding his compliance with the above requisition, on the 10th December, 1817, which proved that it was then fresh in his recollection, and though his connexion with the Bank of the United States, its pressing wants, and the nature of the business he had to transact with it, were all calculated to recall his attention to that part of his duty, almost every day, he himself has, in some one of his reports, admitted that he had overlooked it through "mere inadvertence."

I regret to have to say to your honorable body, that both the state of my health, and the want of time, absolutely compel me, most reluctantly, to close this investigation of Mr. Crawford's well-timed statement against me. In this situation, I beg leave to refer you, for further facts, of which I might, under more favorable circumstances, fairly and successfully avail myself, to a few of the publications under the signature of "A. B.," herewith transmitted.

Avowing myself the author of these publications, and, with the exception of a few unimportant typographical errors, and a mere verbal inaccuracy in regard to the time of a certain report's being made, reasserting, before your honorable body, and the nation, that the facts they allege are substantially true, I do most respectfully solicit that they may be taken as a part of, and be printed with, this communication. In order to strengthen my claim to this indulgence, combining all the rights of defence, of accusation, and of asking for investigation, which can entitle me, as a citizen of the United States, or an officer of their Government, to appear before your honorable body, I do expressly state:

1. That the honorable William H. Crawford, Secretary of the Treasury, has mismanaged the national funds.

2. That he has received a large amount of uncurrent notes from certain banks, in part discharge of their debts to the United States, contrary to the resolution of Congress of 1816.

3. That, being called on by a resolution of the House of Representatives to state the amount of uncurrent notes which he received from these banks, he has misstated it, making it less than it really was.

4. That he has, in his report to the House, misrepresented the obligations of these banks, or some one of them, at least, and predicated thereon an indefensible excuse for his conduct in receiving those uncurrent notes.

5. That he has acted illegally, in a variety of instances, by making and continuing deposits of public money in certain local banks, without making report thereof to Congress, according to law; and

6. That he has, in several instances, withheld information and letters, called for by the House, and which it was his duty to have communicated.

His Oath.—Let it speak for itself.

For specifications of these statements, I offer the publications under the signature of A. B., above mentioned, and this communication; and, for proof, I offer that which they respectively refer to.

All this I do defensively; for, if the facts stated be true, no rational man can doubt that they must weaken, at least, the force of Mr. Crawford's statement against me.

I will not charge him with bad intentions in any of those acts. It is more properly the duty of others to inquire into and judge of that matter. I do not ask for an investigation of his conduct. Such a request ought more naturally to be looked for from himself. But

I will say, that if, being an officer of the same Government under which he holds his office, I have wilfully and maliciously misrepresented him, in the six foregoing allegations, it is a misdemeanor that would prove me unworthy of the office I hold. I invite him, or any of his friends, to make this charge against me, pledging myself to waive all notice, and, with all the disadvantages of absence, to submit to an investigation thereof by either or both Houses of Congress, and to abide by the decision thereupon. If this proposition is declined, I trust we shall have no more canting about an "A. B. plot." As to myself, I fear not the consequences of any fair investigation, for I know I shall be able, whatever may be the result, to justify myself to the nation. And never having obtained any office by the slightest sacrifice of independence, I never will owe the holding of one to reluctant forbearance, or the courtesy of my enemies.

I will only add, that, if any attempt should hereafter be made, meanly to take advantage of my absence, by those who have forborne to attack me when I could have had an opportunity of defending myself, I must beg of your honorable body, and the nation, to suspend your opinions, and to be assured that there shall be no avoidable delay in vindicating myself. I have in reserve much matter of defensive accusation, and should most certainly have invited your attention to the report concerning the Receivers of Public Moneys at Huntsville, and other matters of no less importance, had time permitted.

NINIAN EDWARDS.

WHEELING, VA., APRIL 6, 1824.

Some desultory conversation took place, as to the proper course to be taken with this communication, between Messrs. A. STEVENSON, FLOYD, CUTHBERT, KREMER, TRACY, McLANE, of Delaware, and WARFIELD.

Mr. FLOYD moved to lay the memorial on the table.

Mr. TUCKER, of Virginia, moved that the address and accompanying papers, be printed, desiring to see the whole truth, whatever it might be. Mr. WARFIELD called for the reading of the address, and the Clerk proceeded accordingly to read it.

The reading had continued about half an hour, when, the address not having been gone more than half through, Mr. WARFIELD said he was satisfied as to the character of the paper, and did not wish the time of the House to be taken up with it longer, as it would obviously require considerable time. Mr. BUCHANAN inquired what the object of the memorialist was, or whether he requested any thing specifically of the House? Mr. MOORE, of Alabama, required that the reading should proceed.

The reading having been finished—

Mr. TUCKER, of Virginia, said, he was free to declare, now that he had heard the memorial read, that the style and temper in which it was written, manifested so much personal and party feeling, that he should then withdraw his motion to print, but for one consideration. It is well known, he said, that the distinguished individual whose character is assailed in that memorial, stands in a very peculiar relation to the public, and that every thing which concerns his character, in the smallest degree, will be regarded with the liveliest interest by the people of this country. Sir, we are

bound to represent, not merely the interest of the people, but their feelings too; and they will not be satisfied if this accusation is prevented from going abroad to the world. This was all I meant, in saying I wished the whole truth to come out. I was far from meaning to imply, that any gentleman was not willing to have a full investigation of the subject. Mr. T. remarked that, although that House ought not to be made the vehicle of private calumny and detraction, nor be the theatre on which individuals, however elevated they may be, should settle their controversies, yet, when it was recollected how sensitive, how tremblingly alive the people were to every thing which affected the characters of those who stood in the same relation to the public as the officer who was now accused, he thought the whole of the charges brought against him ought to be published. If these charges deserved the character of malignity imputed to them by his worthy colleague, (Mr. FLOYD,) and he was not now disposed to contest the matter with him, or to give any opinion on the subject, that malignity would recoil upon its author. Mr. T. said he had unshaken confidence in the character and integrity of the distinguished officer who had been thus attacked, and he had no doubt that on this, as on all other occasions, the accusations against him would prove to be false and unfounded. He must, however, persist in his motion for printing.

Mr. WEBSTER observed, that, in the present delicate affair, the first duty of Congress was, to look to its own course, and preserve its own dignity. He had no idea that this House was to be converted into an arena on which prominent political men were to carry on their personal contests; or a mere instrument, through its power to order papers to be printed, of giving publicity to any thing they might choose to write against each other. If the gentleman from Virginia, who had made the motion to print, did not intend to follow up that motion by any other, he should certainly oppose it—as the only legitimate end of printing papers in this House was for information of members of the House, and not to spread it through the nation. But, if any motion should be made for a committee of investigation, it should have his support; and if the present motion to print, was only preparatory to such a measure, he should not object to it, though he could not consider it as very necessary.

Mr. FLOYD, of Virginia, said, that when he made the motion to lay the memorial on the table, he had done so, because it was the usual course with such papers; but, since it had been read, he was disposed to have it examined, not, he said, because it purported to be a defence, but because, it contained specific charges against one of our officers. Mr. F. said he was opposed to the printing of the memorial, until it could be examined by a committee, and determined, on more reflection and investigation, what ought to be done. This was due to the charges made. As to the rest of the extraordinary production, said Mr. F., it cannot be advertised upon in terms suitable to it. The charges appear to contain nothing but a

reiteration of those made by the A. B. conspirators; nor did I think the author of that plot would have ever had the unblushing effrontery to acknowledge himself such. This Iago, however, has chosen to acknowledge the fact, and reiterate the charges formerly made, and seems to think, that his late station as Senator, and his recent appointment by the President, as Minister Plenipotentiary to Mexico, will give a more imposing character to the plot, and that, under the sanction of his own name, with the authority of office, that may now be effectuated, which the anonymous writer failed to do.

Every member of the last Congress, said Mr. F., will recollect that two several committees were appointed to investigate this matter; and every one then seemed to consider that attack as the most infamous conspiracy that was ever formed against the reputation of any man. I am unwilling that this House should become the theatre for any political juggler, or the arena where individuals can come to adjust their disputes. I have too high a respect for the dignity of the House, and, I trust, for myself; but, as there is a specific charge, that may be attended to, I am willing to investigate it; though I will not admit that, because he has been a Senator, is now a Minister to Mexico, and enjoying the confidence of the President, that, therefore, his statements are to be received as he would wish them. The writer has not justified himself or defended himself from charges, which he says were made against him, but has cast imputations upon all who seem to have been in the way of his original design, which has been pursued with pertinacious malignity. Were this man's request allowed, and his calumnies printed by the House, would it not be right to receive and print also the defence of Mr. Dickens, or any other citizen? Why has he left the subject of his own defence to attack the character of Mr. Dickens? That could not have been necessary. Mr. Dickens has a right to be heard as well as a Minister to Mexico, as, I trust, every other American citizen has, without regard to station, and when the two former committees of this House investigated this matter, his character was admitted by all to be good, and entirely unexceptionable. I, too, have heard this of him ever since I have been in Congress, though I should not know him, were we to meet in the street; and, all agree, that he has discharged his official duties with honesty and attention, which is, in my opinion, no small recommendation.

Why has this Minister to Mexico, who enjoys the confidence of the President, left the subject of his defence and referred to the subject of the illicit introduction of slaves by a man who was the friend of Mr. Crawford? Is he to be accountable too for his friend's conduct? I do not know any thing of that matter, said Mr. F., but this I know, that one of the gentlemen who suffered by that attack, of which that memorial reiterates a part, has been here demanding reparation for wrongs suffered in that affair; I know him too, to be an honorable man, and that he will have that matter adjusted. His presence here was known, I pre-

sume, to the Minister to Mexico, and he should then have taken up this part of his subject. One would think, said Mr. F., that the object of this political Caliban was more extensive than merely to do himself justice, or his scope would not have been so broad. The A. B. conspirator, however, ought not to have again attempted to consummate the object of his wishes, after he had, in such a sort, succeeded in obtaining the appointment of Minister to Mexico and the President's confidence. He had obtained the reward of so much toil, so much industry, and so many dangers, and he ought to have left behind him the honest reputation to those who had it, as it no longer proved a barrier to his march to the Mission to Mexico and the President's favor.

Look at it. Can any man believe, for an instant, from the manner in which this memorial is brought up, that it is not a deliberate design to operate upon those feelings which, at this time, so much agitate this country and this House? How all that volume could be written from Wheeling, on the Ohio river, with a reference to so many public documents, is more than I can comprehend, and more than I believe. There are two or three charges specifically made, and yet, from his absence, he wishes the public to suspend an opinion in regard to him, should matters turn out unfavorable to him, until he can get back. Why then make them? There are, said Mr. F., several persons in the Government, in whom I have great confidence—but I have more in myself; and I wish these charges to be investigated again, and justice done, though I do not doubt it will result, as did the inquiry by the former committees, which I had thought would have prevented all similar attempts; and, considering the question which now occupies the public, and his success in obtaining office, I did not think that one of those conspirators would have had the audacity, in his own name, to avow himself, and show his unblushing front to this House and the nation; though, if my memory does not fail me, I saw in the newspapers, whilst his nomination was before the Senate, a statement which I believed was authorized by himself, that he was not the author of that plot. Had he been known as the author of that infamous conspiracy, I think I hazard little in saying, that the Senate would not have confirmed his appointment. Mr. F. concluded by moving that the memorial and papers be referred to a select committee.

Mr. LIVERMORE suggested to Mr. TUCKER the propriety of withdrawing his motion to print the papers, that a decision might first be had on their reference to a select committee.

Mr. TUCKER, of Virginia, observed, that he thought the gentleman from Massachusetts (Mr. WEBSTER) somewhat mistook the character of an order to print. Mr. T. did not consider that, in doing so, the House lent its sanction, in any degree, to the document ordered to be printed. It was merely to enable the members to examine a subject at leisure, and understand it thoroughly. Here is a very long memorial, containing facts and argument, and much of it subtle argument

too, of which it is impossible to judge without a deliberate examination. After it is printed and examined, it may appear that further inquiry is proper—or, it may seem to be unnecessary. I thought it premature, at this time, to give an opinion on the subject. But, as my colleague seems not unwilling to engage in the investigation, and has moved a reference of it to a select committee, my object of giving it publicity will be attained, and I withdraw my motion to print.

Mr. RANKIN wished that the communication of the Secretary of the Treasury, to which the present document refers, might be referred to the same committee.

Mr. WRIGHT moved to amend Mr. FLOYD's motion, by adding, "and to print it."

Mr. FORSYTH said, he thought much more importance was given to this subject than it deserved. It was an ordinary question to print a long statement for the use and information of the House, and not for the public. He was never unwilling to print any paper of public interest. During the many years he had been a member of this House, he had never seen any evil arise from printing papers. Whether the House ordered the statement to be printed or not, it would doubtless be circulated in the public newspapers, and he had no doubt it was prepared for that purpose. It was intended, he presumed, as a sort of legacy to the country, by the author, who was going as Minister to Mexico—as a mark of his gratitude for the honor of his appointment. This honorable gentleman, said Mr. F., was a Senator in Congress when the former investigations took place by committees of this House; the committee gave him an opportunity of disclosing all he knew of the allegations, and, after a full examination, reported that they were fully satisfied of the groundlessness of the charges. It was the duty of this Senator, as a public man, at that time, and while he was a member of the Senate of the United States, to hold up to the public every defaulter in office with which he was acquainted; but, instead of doing this, he waits until his appointment to a foreign mission is confirmed, and when he is about to leave the country, sends forth this precious paper, pretending to be a defence of himself, but in reality an attack on a high officer of the Government, to be circulated after he shall have been beyond the reach of any call on him to substantiate his charges. He does not ask us to go into an investigation of the subject; and Mr. F. believed that the writer did not expect the House would take any notice of his communication. That was not the writer's object; he only requests the House to put it on its files—to print it, when he shall not be here to make his charges good. This, I believe, said Mr. F., is the third impeachment exhibited against the Secretary of the Treasury, during the present session of Congress: one of them is by this honorable gentleman; another was by a certain John Henry—a name of evil omen in this country, said Mr. F.—[some member here said to Mr. F., that the person's name was Robert Henry.]—I am sorry for it, said Mr. F., as their designs were so similar, it is a pity their names were not the same.

H. OF R.

Fortifications.

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Mr. F. concluded by saying, he hoped the communication would be printed as a matter of course, and that the subject might go to a select committee for investigation.

Mr. WRIGHT, of Ohio, (who was not a member of Congress when the former investigation took place into the subject of the bank correspondence and the alleged suppression of a paragraph in one of the letters,) said that, since he had taken his seat as a member, he had bestowed much attention on the report of the committee of investigation, and he was perfectly satisfied with the correctness of the conclusion, which the committee had come to; but he was willing it should again be investigated, and therefore withdrew his own motion to print the statement of Mr. Edwards.

Mr. SANFORD thought a matter of so much importance should be referred to a committee composed of a member from each State; that is, twenty-four members.

This motion was rejected almost unanimously, and a committee of seven members was ordered.

Mr. McARTHUR moved that the committee be appointed by ballot, instead of by the Speaker; which motion was also negatived.

Messrs. FLOYD, LIVINGSTON, WEBSTER, RANDOLPH, TAYLOR, McARTHUR, and OWEN, were appointed the said committee.

On motion, the committee were then empowered to send for persons and papers.

FORTIFICATIONS.

On motion of Mr. McLANE the previous orders of the day were dispensed with, and the House went into Committee of the Whole, on the bill "making appropriations for completing the several fortifications of the United States—Mr. LATHROP in the Chair.

In relation to the appropriation of \$125,000, for the fort at Mobile Point, Mr. COCKE called for further explanation, which was given by Mr. McLANE, Mr. HAMILTON, and Mr. OWEN of Alabama.

Mr. McLANE moved to change the appropriation of \$50,000 from Fort Fayette, in New York harbor, to the projected work on New Utrecht Point, in the same harbor; and supported the motion by giving a statement of the circumstances bearing on the question.

Mr. COCKE opposed the amendment, as going to authorize a new fortification, before those already commenced were finished.

Mr. HAMILTON spoke in reply, and defended the propriety and necessity of erecting the work proposed.

Mr. McLANE confirmed the same view, and explained the connexion of the proposed fort with the general plan of defence.

Mr. SHARPE stated some further facts, and contended that the proposed fortification, as a necessary defence to Fort Lafayette, was not a new measure, but only completing what was already begun.

Mr. COCKE again urged his objections, and was replied to by Mr. CAMBRELENG and Mr. McLANE.

Mr. COBB thought that a clause in an appropriation bill was not the mode in which Congress should express its will for the extension of the plan of defence; and that the size and location of the several fortresses should be designated by law before money was appropriated for building them.

Mr. McLANE replied, and Mr. COBB explained, and enforced the grounds he had taken, and Mr. HAMILTON spoke in reply.

The question was then taken on Mr. McLANE's motion, and decided in the affirmative—85 to 45.

Mr. McLANE moved further to amend the bill, by inserting a clause to appropriate, for the gradual armament of the fortifications, one hundred thousand dollars.

Mr. HAMILTON supported this amendment. He stated that a bill to this effect, appropriating a larger amount, had passed the Senate, and was referred to a committee of this House. That committee had agreed not to press the passage of the bill from the Senate, provided the amendment, now proposed, were agreed to by the House.

Mr. COBB and Mr. VANCE, of Ohio, were opposed to the incorporation of this appropriation with the bill now before the House, desiring that it should be separately presented.

Mr. HAMILTON replied.

Mr. REED, of Massachusetts, made some remarks in reference to the prices which had been heretofore given for cannon, and the means which ought to be taken for procuring them.

Mr. McLANE said, he did not particularly wish to press the subject on the House at this time. He therefore withdrew his amendment.

Mr. McL. then moved to amend the bill, by inserting an appropriation for certain improvements to be made in the buildings attached to the Military Academy at West Point. This amendment was rejected—37 to 72.

Mr. STEWART moved to amend the bill, by inserting an appropriation for surveying the route of a canal to connect the waters of the Chesapeake with the Ohio, and of the Ohio with Lake Erie, \$9,000. Mr. S. read an extract from the late Message of the President to prove the propriety of this amendment.

Messrs. MERCER and VANCE, of Ohio, opposed this appropriation; and Mr. STEWART spoke again in support of it. The amendment was rejected, without a division.

The Committee then rose, and reported the bill to the House.

Mr. FORWARD gave notice that he should, on Thursday next, ask the House to go into Committee of the Whole, to take into consideration the bill "imposing a tax on sales at auction."

Mr. CROWNINSHIELD gave notice, that he should, to-morrow, ask the House to go into Committee of the Whole on the bill from the Senate, "to provide for building ten additional sloops of war."

The House then adjourned.

APRIL, 1824.

Indian Reservation.

H. OF R.

TUESDAY, April 20.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to alter the times of holding the district court in the district of Missouri," reported the same without amendment, and it was ordered to be read a third time to-morrow.

Mr. HAMILTON, from the Committee on Military Affairs, made a report on the petition of John Top, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. LONG laid the following resolution on the table, for consideration to-morrow, viz:

Resolved. That the Postmaster General be requested to lay before this House a statement of all the post routes now established, not included in his statement of unproductive post routes already submitted to the House; together with a statement of the amount paid for the transportation of the mail on each route, the number of mails on each route per week, and the amount of profits arising from each one. Also, the amount that would be saved by discontinuing certain unproductive routes, as proposed by the bill reported by the Committee on the Post Office and Post Roads; likewise, the amount that might be saved by having one mail instead of two, on all routes where there are now two mails a week.

On motion of Mr. TAYLOR, a committee was appointed on the part of this House to join such committee as may be appointed by the Senate, to examine and report what business ought to be acted upon at the present session; and, also, at what time the session may be closed, by the adjournment of the two Houses.—Messrs. TAYLOR, McLANE of Delaware, FORSYTH, RANKIN, and CAMPBELL of Ohio, were appointed the committee on the part of this House.

Mr. CUSHMAN submitted the following resolution, viz:

Resolved. That the Committee of Ways and Means be instructed to inquire into the expediency of laying a duty on stills, or on spirits distilled from foreign and domestic materials, within the United States.

The resolution was read; and, on the question, Will the House now consider it? it was determined in the negative.

The resolution of Mr. LONGFELLOW, calling on the President for information respecting certain spoiliations on our commerce by French cruisers, was taken up, and, having been supported by Mr. L. in a few observations, was adopted.

Mr. FORSYTH suggested that the same information had been called for by a resolution of the Senate, but, afterwards withdrew that objection to the resolve, which finally passed *nem. con.*

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 13th instant, requesting a detailed account of the disbursement of the sums appropriated by the acts of the 30th April, 1818, and of the 3d March, 1819, for making certain improvements in

the grounds connected with the public offices and the President's house, I transmit a report from the Commissioner of the Public Buildings, which contains the information desired.

JAMES MONROE.

WASHINGTON, April 18, 1824.

The SPEAKER, by leave, presented the memorial of Amelia Eugenia de la Rue, heiress of M. De Beaumarchais, in relation to her claim for repayment of moneys advanced by her late father for the service of the United States.

Mr. TAYLOR expressed a hope that the memorial would receive the early attention of the House.

Mr. TUCKER, of Virginia, chairman of the committee to whom was referred the papers in relation to this claim, after some observations on its importance, gave notice that he should, on Tuesday next, call up the consideration of the committee's report on the subject.

INDIAN RESERVATION.

The resolution, offered yesterday by Mr. MOORE, of Alabama, calling for certain information from the War Department, in relation to an Indian reservation, was taken up. Mr. M. said it was doubtless expected of him to assign some reasons for the call on the War Department for the information sought by the resolution, which he should endeavor to give in as concise a manner as possible. It will be recollected, said he, that, some time since, a petition of the said George Harlin, alluded to in the resolution, was presented, setting forth that he held, by virtue of the treaty alluded to, a reservation of 640 acres of land; that, in the location of this reservation, for the want of better knowledge of the geography of the country, he committed an error in its location, and did not cover the land he designed, and asked the liberty of changing its location to a more favorite and valuable tract. A bill, embracing the prayer of his petition, has been reported, and is now on file. Since it was so reported, I have received several communications from gentlemen of the first standing and respectability in the county and neighborhood where this reservation is situated, remonstrating, in the strongest terms, against the propriety of the passage of this bill, stating, among other objections, that the tract of land which the petitioner wishes to obtain has been made more valuable by means of the labor and improvements placed upon it by unfortunate settlers, and the high state of cultivation it has been put in, together with the accidental circumstance of the establishment of the seat of justice for the county immediately on its borders. It is also intimated, sir, that this idea of a mistake and wish to change the location has originated in speculative motives.

Now, sir, that we may have all the light and information of which the subject is susceptible, and act understandingly, and be enabled to do justice to the present occupants, who, I have no hesitation in saying, are more entitled to our sympathies than an Indian, I have proposed the resolution calling upon the proper department for all the information in relation to the transaction, and hope, sir, it will be acceptable to the House to adopt it. The resolution was agreed to.

H. OF R.

Address of N. Edwards.—Fortification Bill.

APRIL, 1824.

ADDRESS OF NINIAN EDWARDS.

Mr. FORSYTH submitted the following resolution for adoption by the House:

Resolved, That the President be officially informed that this House has ordered an investigation of the memorial presented to this House on the 16th instant, by N. Edwards, lately appointed Minister to Mexico; that the said N. Edwards may be instructed not to leave the United States before that investigation has taken place.

The question of consideration of this motion being called for, (a previous, but not usual question,) was taken; and there were: for considering the motion 61; against considering it 84.

So the House refused *now* to consider the proposition.

Mr. MOORE, of Alabama, then rose, and said that, connected with the subject, he would take occasion to say, that the gentleman from Virginia (Mr. FLOYD) was absent from the House this morning when that part of the Journal was read which announces the names of the persons appointed on the committee to consider the memorial of Mr. Edwards. As he believed that, from considerations of delicacy, the gentleman from Virginia would not wish to be a member of the committee, Mr. M. took this mode of apprizing him of the fact, that he might have an opportunity of asking to be excused from serving upon it.

Mr. FLOYD rose, and requested the gentleman from Alabama, if his allusion was to him, to repeat his statement. Mr. M. accordingly, in substance, repeated his statement.

Mr. FLOYD then said that, in a case of delicacy concerning him, (Mr. F.) he had hoped that the gentleman from Alabama was the last man in this nation to undertake to make suggestions, and he did not think his doing so showed any delicacy on his (Mr. M.'s) part. I am, said Mr. F., the sufficient judge of my conduct in such a case. Perhaps the gentleman from Alabama may be acquainted with some circumstances of the A. B. Plot, so called in the discussion last Winter, and subsequently. If I know any thing of myself, however, I am capable of doing justice to every individual in this nation, whose conduct may be presented to me, in my official capacity, for examination. When a specific charge is made against a public officer, after the friends of that officer, and myself by name, have been called upon, through that paper which is the channel of every thing but truth, to propose an investigation, I thought it became peculiarly my duty to investigate the charge. What I think of the accuser in private life is for me to consider, and does not touch my public duty. Mr. F. here alluded to a friend of the gentleman from Alabama, (as we understood him,) who had for several successive sessions called upon this House for the impeachment of a judge, whom, it seemed, he had previously attempted to bribe, &c.; and here, he said, were charges one, two, and three, asserting certain accusations against the Secretary, and calling for an investigation. This, surely, was sufficient reason for an investigation being pressed by those thus called upon. The devil himself might

prefer charges here—it would not change our opinion of that personage—but it would surely be a particular reason for an investigation by those who are implicated. So far as the gentleman from Alabama is concerned, said Mr. F., perhaps there may be other reasons for consulting motives of delicacy. When I do want suggestions of that sort, I should think very differently of myself from what I have been accustomed to do, were I to be obliged to go to him for them.

The SPEAKER said there was no question before the House, and the suggestion of the gentleman from Alabama having been made and answered, the conversation must drop.

Mr. MOORE then rose, and moved that the gentleman from Virginia should be excused from serving on the committee.

The question of consideration being called on this motion, the mover withdrew it.

Mr. MOORE then asked to make a remark in reply to Mr. FLOYD; but the SPEAKER declared it to be out of order. Mr. MOORE wished to know if it would be in order to ask leave of the House to speak in reply? The SPEAKER thought not.

Mr. MOORE then renewed his motion, in the following words, with a view in this way to have an opportunity of addressing the House.

Resolved, That JOHN FLOYD, a member of this House, be excused from serving on the committee appointed yesterday, on the subject of the memorial of Ninian Edwards.

The question being taken on considering this motion, it was decided in the negative, almost unanimously; and so this matter ended.

FORTIFICATION BILL.

The amendments yesterday reported by the Committee of the Whole on the bill making appropriations for erecting fortifications were read.

The House agreed to the several amendments, with the exception of that which substituted some other words for the term *reconnaissance*.

Mr. COCKE moved to strike out the appropriation of \$50,000 for a fortification on Narragansett bay. He objected to the general policy of erecting insulated fortifications for the defence of single towns. He thought that the strength of the Government ought to be devoted to securing two or three great points, such as New York, the Chesapeake, and the Mississippi; and he called upon the chairman of the Military Committee for information on the subject.

Mr. HAMILTON replied, and went into an illustration, at some length, of the present system of exterior defence to which the bill had reference.

Mr. DUFFEE, of Rhode Island, succeeded, and replied to the objections of the gentleman from Tennessee, supporting his observations by extracts from the reports of the Commissioners of the Navy, stating the importance of Narragansett bay as a rendezvous for the Navy. He contended that its fortification was a national, and not a merely local object. He showed its value to an enemy, and quoted authorities to show that the British were well aware of the importance of this point on our coast.

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Mr. COCKE replied. His observations, he said, had not had any exclusive reference to this point, but to the general system on which the Government seemed to be acting, but which had never been submitted to, or affirmed by, the judgment of this House. He should oppose the appropriation till that system had been fully explained, and the House had had an opportunity to approve or condemn it.

Mr. DUFFEE rejoined, and further referred to documents in support of the expediency of the appropriation.

Mr. STEWART opposed the appropriation for this fort, on account of the time and the manner in which it was asked for. He would vote to complete such works as are begun, but for no new works, until the whole system is exhibited, and Congress can determine how far it is proper to go in its adoption. He advocated at large, as a preferable system of defence, the adoption of canals along the seaboard, and wished that both these systems should be submitted to Congress. He also referred to the large contributions of the Western States for the defence of the seaboard.

Mr. FARRELLY, in reply, advocated the propriety of the present fortification, and of forts in general, as a suitable support to the exertions of militia for the defence of the country, and referred to the history of the late war for confirmation of the correctness of his position.

Mr. BARTLETT rose in reply to Mr. STEWART, and condemned the strain of some of his remarks, as referring exclusively to the interests of the West. He noticed the objections made to the appropriation, which, he contended, did not apply to it. The present fort might be erected without pledging the country to any general extension of the system of defence, by means of fortifications. He dwelt on the importance of this point as one necessary to be defended.

Mr. McARTHUR wished for further information as to the total cost of the fortifications contemplated for protecting Narragansett bay.

Mr. McLANE replied, and gave a general account of the contemplated system of defence. He went into an extended exposition of the importance and necessity of the fortification now asked for; he stated the capacity of the country generally to sustain the expenses of defending itself; and on this part of the subject, declared that, according to the present prospect of its finances, the national debt will be extinguished by the year 1832, even allowing for any diminution occasioned for a time by the proposed tariff.

Mr. WOOD, of New York, supported the appropriation in a short speech.

Mr. TRACY was opposed to the measure, which he did not think warranted by the finances of the country. He was of opinion that we are going too far and too fast in these appropriations.

Mr. FULLER replied to the gentleman last up, combatted the several objections which had been advanced, and contended that this was a proper time to commence the fortifications in Rhode Island.

Mr. DUFFEE corrected what he considered to be

a misstatement of Mr. TRACY, on the expenses of the general system.

Mr. ROSS, intending to vote against the appropriation, stated the views that would govern him, and he adverted to the misapplication of part of the moneys heretofore appropriated for fortifications of importance superior to that now in question, &c.

Mr. TRACY explained, in reply to Mr. DUFFEE, and further insisted on the views he had formerly expressed.

Mr. COBB called for the yeas and nays.

Mr. COCKE now modified his amendment, so as to strike out, also, the appropriation for a fort on New Utrecht Point, in the harbor of New York.

Mr. WOOD, of New York, opposed the motion, and adverted to the experience of the war of the Revolution, as showing the necessity of such a fortification. He insisted that it was sound economy to put up these forts; great interests were jeopardized by admitting the erection of these defences, and double expense incurred for an inefficient defence by militia.

Mr. FOOT, of Connecticut, in a short speech, advocated the striking out.

Mr. SHARPE replied. He thought these forts could not be commenced a day too soon. If New York and Rhode Island were not thought worth protecting, he should vote against the whole bill. On the requisition of Mr. S. the question was divided, and being first on striking out the appropriation for Narragansett bay—

Mr. TRIMBLE said he had no objection to these appropriations, provided the whole amount granted this year for the purpose of erecting fortifications, did not exceed \$500,000. The haste with which the system had heretofore been pursued had brought the nation to loans, and to postponing the payment of the public creditors. He thought that it would be sufficient for the present year to buy the land for these forts.

Mr. WOOD replied, and dwelt on the necessity for fortifications. In the late war, the nation had paid three hundred and twenty-six thousand militia, besides her regulars. With sufficient forts, twenty-six thousand would have done as much. Money applied wisely in defence, was the best means of preventing the augmentation of the public debt.

Mr. ALLEN, of Massachusetts, was opposed to the appropriation. He discussed the merits of the general system devised for fortifications, which he thought was going beyond the resources of the country.

Mr. McLANE, of Delaware, again rose, and replied to the objections urged in various parts of the House, and made a variety of explanations on the subject of the bill.

Mr. TRIMBLE said a few words in reply to Mr. WOOD, on the expenses of the last war, as arising not from the want of forts, &c., but of sufficient roads, and other conveniences for the movement of troops.

Mr. HAMILTON advocated the appropriation, and went at large into a defence of the system of permanent fortifications, of which this was a part.

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Mr. COBB remarked on the present state of the national funds, and contended that the balance now in the Treasury was almost all liable to be drawn out by the Commissioners of the Sinking Fund, to comply with the national engagements.

The question was then taken on striking out the appropriation for the fort at Narraganset Bay, and decided in the negative—yeas 62, nays 120, as follows:

YEAS—Messrs. Abbot, Bartley, Beecher, Blair, Brown, Buchanan, Buck, Buckner, Campbell of Ohio, Cary, Cobb, Cocke, Conner, Culpeper, Day, Edwards of North Carolina, Findlay, Floyd, Foot of Connecticut, Gazlay, Gist, Henry, Johnson of Virginia, F. Johnson, Kremer, Leftwich, Letcher, Long, McArthur, McCoy, McKean, McLean of Ohio, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Ross, Saunders, Sandford, Sloane, Spaight, Standefer, Stewart, Test, Thompson of Georgia, Tracy, Vance of North Carolina, Vance of Ohio, Warfield, Whittlesey, White, Wickliffe, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, Wilson of Ohio, and Wright.

NAYS—Messrs. Adams, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Allison, Archer, Baylies, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Bradley, Breck, Burton, Cady, Cambreleng, Carter, Cassidy, Clark, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Cushman, Cuthbert, Durfee, Dwight, Eaton, Eddy, Ellis, Farrelly, Foote of New York, Forsyth, Frost, Fuller, Garnett, Gatlin, Gurley, Hamilton, Harris, Harvey, Hayden, Hayward, Hemphill, Herrick, Herkimer, Hubart, Hogeboom, Hooks, Houston, Isaacs, J. T. Johnson, Kent, Kidder, Lathrop, Lawrence, Lee, Lincoln, Litchfield, Little, Livermore, Livingston, Locke, Longfellow, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mallary, Martindale, Marvin, Mercer, Mitchell of Maryland, Moore of Alabama, Morgan, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Rankin, Richards, Rives, Scott, Sharpe, Sibley, Arthur Smith, Alex'r Smyth, William Smith, Spence, Sterling, A. Stevenson, Stoddard, Strong, Swan, Taliaferro, Taylor, Thompson of Kentucky, Tod, Tomlinson, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyson, Udree, Van Rensselaer, Van Wyck, Vinton, Wayne, Whipple, Whitman, Williams of New York, Henry Wilson, Wood, and Woods.

Mr. COCKE then withdrew the residue of his amendment, and the bill was ordered to be engrossed for a third reading to-morrow.

And then the House adjourned.

WEDNESDAY, April 21.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, reported a bill for the relief of Archibald Clarke; which was read twice, and committed to a Committee of the Whole.

Mr. McLANE, from the same committee, to which was referred the bill from the Senate, entitled "An act to provide for the sale of the warehouse at the quarantine ground, near the English Turn, in the State of Louisiana, and for the erec-

tion of a dwelling-house at the Balize, in said State, for the use of the boarding officer at that place; and for other purposes," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. McLANE, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of Elijah Van Syckel, of Philadelphia," reported the same without amendment, and it was committed to a Committee of the Whole, to which is committed the bill of this House, for the relief of the same individual.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Thaddeus Mayhew," reported the same with an amendment; and the bill was committed to a Committee of the Whole.

The following bills from the Senate, viz: "A bill in addition to the acts relative to the election of President and Vice President of the United States;" also, a bill "for the relief of William Duane," were twice read and referred.

The amendments of the Senate to a bill from this House concerning invalid pensioners, was referred to the Committee on Pensions.

The House then went into Committee of the Whole, (ayes 69, noes 54,) on the state of the Union.

Mr. CROWNINSHIELD moved to take up the bill from the Senate, authorizing the building of an additional number of sloops of war. The question being taken, it was decided in the negative, ayes 69, noes 71. The Committee then rose.

On motion of Mr. RANKIN, the House then went into a Committee of the Whole on the bill "supplementary to an act providing for the correction of errors in the entry of lands at the land offices."

The bill was read. On motion of Mr. RANKIN, it was slightly amended in the 1st section.

The question being on rising and reporting the bill, a debate arose, in which Messrs. RANKIN, of Mississippi, CAMPBELL, of Ohio, COOK, of Illinois, MCCOY, McLEAN, of Ohio, SANDFORD, of Tennessee, CONWAY, of Arkansas, and HENRY, of Kentucky, took part.

Several farther amendments proposed to the bill were rejected, and the bill was reported to the House.

Mr. WHITTLESEY, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Captain Thomas Staniford," reported the same with an amendment, and the bill was committed to a Committee of the Whole.

Mr. NEWTON, from the Committee on Commerce, who were instructed on the 12th instant, to inquire into the expediency of so modifying or amending the act for enrolling and licensing ships or vessels to be employed in the coasting trade or fisheries, and regulate the same, so as to exempt all vessels and boats employed in navigating the canals in the State of New York, from the necessity of being enrolled or licensed, and from the payment of tonnage duties, reported, that it is in-

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expedient so to modify or amend the said acts; which report was read and concurred in by the House.

Mr. NEWTON, from the same committee, reported a bill to allow the bounty to vessels employed in the cod fisheries, in certain cases; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. LONG, the Committee of Ways and Means were instructed to inquire into the expediency of so amending the act of the present session, authorizing the executors of John B. Mebane to collect certain arrears of tax, as to authorize the said executors to collect arrears of internal duties.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled "An act concerning the invalid pensioners," with an amendment. They have also passed a bill, entitled "An act in addition to the acts relative to the election of President and Vice President of the United States;" and a bill, entitled "An act for the relief of Colonel William Duane;" and a joint resolution fixing the time for an adjournment of Congress; in which amendments, two bills last mentioned and resolution, the Senate ask the concurrence of this House.

The bill from the Senate, entitled "An act to alter the times of holding the District Court in the District of Missouri," was read the third time, and passed.

The SPEAKER laid before the House a report of the President of the Washington Canal Company, of their receipts and expenditures, during the last year, made in obedience to the requisitions of their charter; which was referred to the Committee for the District of Columbia.

Mr. LONG, of North Carolina, moved that the Committee of Ways and Means be instructed to inquire into the expediency of so amending the act for the relief of John B. Mebane, as to include in its provisions, internal duties as well as direct taxes, to be collected by his executors.

The motion was agreed to.

The resolution yesterday offered by Mr. LONG, on the subject of post routes, was taken up. He explained the object of the resolution, which was opposed by Mr. TAYLOR, of New York, in a few remarks.

Mr. LONG then modified his resolution by omitting all but the following:

"Resolved, That the Postmaster General be directed to lay before this House a statement of the amount that would be saved by discontinuing certain unproductive routes, as proposed by the bill reported by the Committee on the Post Office and Post Roads; likewise the amount that might be saved by having one mail instead of two, on all routes where there are now two mails a week."

Mr. COCKE and Mr. REED opposed the resolution, and, at the motion of Mr. MCCOY, it was laid on the table.

ADDRESS OF NINIAN EDWARDS.

Mr. McDUFFIE offered the following:

"Resolved, That the Clerk of this House be directed to furnish the President of the United States with a

copy of the memorial of Ninian Edwards, recently presented to the House, containing certain charges against the Secretary of the Treasury."

Mr. McDUFFIE said, that he regretted that the subject had been presented to the House at all; but, since it had, he thought the facts should be submitted to the President of the United States, that he might take such course as he may deem proper in this matter, it being a dispute between his own officers.

Mr. SAUNDERS accorded in the propriety of the resolution, and suggested an amendment, that the President be informed of the organization of a committee, by this House, to investigate the case. This course, he said, would not surprise the President. If the President should choose to recall Mr. Edwards, he would have it in his power to do so. He might be permitted to say, that the course of Mr. Edwards was not the same as that pursued towards Mr. Hamilton, then Secretary of the Treasury, in 1794. Mr. Giles called for information, and boldly offered and supported his motion, and did not throw charges into the House, and leave them to pursue them if they could. The same course ought to have been pursued by Mr. Edwards in this case, instead of which he has departed hence on his way to a foreign station, and thrown his charges back upon those he has left behind.

Mr. WEBSTER said, he hoped he might be excused for making a single remark, without going farther. It was obvious that the committee, which had been appointed, had no time to make any progress in investigating the charges of Mr. Edwards, at this session. He hoped the House had confidence enough in the committee to agree to the motion he should now make, which was, to defer acting upon this motion until to-morrow morning. With this view, Mr. W. moved that the motion lie on the table.

This course was agreed to, without a division.

FORTIFICATION BILL.

The engrossed bill making appropriations for the fortifications of the United States, was read a third time.

Mr. COBB moved that the bill be recommitted to the Committee of Ways and Means, with instructions so to amend it, as to reduce the total sum appropriated for the present year to \$400,000; and supported the motion by a speech, in which he insisted that the system of defence, to which this bill has reference, had never been adopted by the Government of the United States. It might have been desired by one of the Departments, but had received no sanction from Congress. He wished to have the whole system spread out before the House, and to know its form and extent. He at present knew little or nothing about it—and he should oppose all appropriations, at least for new works, until Congress had opportunity to investigate and decide upon the eligibility of the general plan.

Mr. LITTLE moved to amend the motion by striking out 400,000 and inserting 500,000.

Mr. COBB spoke in explanation.

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Mr. LITTLE replied, and advocated the propriety and necessity of permanent works of defence. During the late war, more money had been expended in temporary works, now useless, than all that had since been appropriated to the erection of the large and valuable works that have been erected. He thought, in the present state of the Treasury, it was perfectly proper to proceed with the system of defence which had been commenced.

Mr. TRACY, advocated the amendment, and contended that, in general, \$500,000 was as much as could advantageously be applied to this object, within a year. He replied to the argument of the gentleman from Maryland, drawn from the last war, which, he insisted, would go to show the propriety of a great standing Army, and an immense Navy. This branch of expenditure should be restricted, as well as other branches. If so large a sum was indispensable for Fort Jackson, and the fortification at Mobile Point, let it be taken from other parts of the plan. If these sums were granted now, more would probably be asked for next year, &c.

Mr. OWEN spoke in reply—and contended that it was bad economy to grant the sums necessary for completing these works, in such small parts at a time, as to delay their completion, and expose what was already done to loss and injury, by standing still, and going to partial decay, &c.

Mr. STEWART was in favor of the amendment. Granting \$500,000 would be proceeding as we have heretofore done, gradually increasing the sums appropriated. If more was given, it would possibly lead to a wasteful expenditure. The best preparation for war was, to preserve the credit of the country, and reduce its debt.

Mr. MERCER went into a recapitulation of what had been done by Government in relation to the plan of general defence. Congress had formerly thought an annual appropriation of \$800,000 expedient. He thought the amount should approach that sum still as far as the state of the country and of the Treasury would allow. He referred to an attempt, once made, to reduce the standing army to two thousand men. General WASHINGTON had suggested, as an amendment to this plan, a proviso that the enemy should never invade the country with more than two thousand men. He thought a similar proviso ought now to be inserted: that no nation should declare war against the United States within twenty years; the period some gentlemen proposed for completing the defences of the country. Mr. M. adverted to the experience of the last war, and stated what had happened at Norfolk. He concluded that the interior had an equal interest with all other parts of the country in the defence of the coast, as going to render less necessary the services of the militia, &c.

Mr. LITTLE withdrew his motion.

Mr. TRACY renewed it, and Mr. COBB accepted it as a modification.

Mr. CONDUCT moved to amend the motion by striking out the clause for instructing the committee, and leaving the question simply on a motion for recommitment.

Mr. COBB objected to this amendment.

Mr. McLANE opposed the recommitment, and stated that there never had been any settled rule or ratio of appropriation for fortifications determined by the practice of the House, but the sums voted had always been governed by the exigency of each year. He went into a history of the several appropriations which had been made, explained the necessity of the present appropriations, and replied to some of the objections urged against them.

Mr. WOOD opposed the notion of being restricted to an annual sum for appropriations for this object. The object of expenditure was a definite one, but how much should be given in each year, must depend on circumstances. He dwelt on the distress on the coast occasioned by the approach of an enemy, and argued that this was the chief danger to which the country was exposed in war. He stated the condition of New York harbor, and reprobated the idea of abandoning the new work proposed for its defence. The motion of the gentleman from Georgia aimed at an abandonment of the system of defence altogether.

Mr. COBB replied, and further insisted on the ground he had before taken; and he read extracts from documents to support his argument. He did not understand, and could not discover, what was the plan on which we were now proceeding. No war was impending; and he thought that Congress was not bound to adopt every magnificent scheme that should be suggested by any Department of the Government. He saw no limit to the expenditure; for he did not know where the plan stopped. Every extension of the plan of fortification, necessarily involved an increase of the Army, and a proportional augmentation of the national expenses. There was another bill on the table for arming the fortresses. If both should pass, the appropriation this year, for fortifications, would exceed \$700,000. Once begun, the works must be gone on with and completed. He was not opposed to all systems of defence, but wished that Congress should have the modification of the system.

Mr. FULLER thought that the views of the gentleman from Georgia should have led to a different course. He was surprised he would attempt so small a measure as the cutting off \$100,000 from an appropriation of \$600,000. He contended that the system had been laid before Congress in a series of reports, and, by appropriations thereon, Congress had given it so much sanction as amounted to an adoption of it. He insisted that confidence must be reposed by the different departments of the Government in each other, and by a Congress of one period in that of another. He stated the caution with which surveys had been made; the waste and loss which would ensue from temporary erections, &c. The appropriations had been continued, by the good sense of this House, from year to year, and he hoped this would not be the period at which they were to be suspended.

Mr. MCCOY went into a history of what had already been done by Congress, and referred to

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the useless works on Dauphin Island; the loans which became necessary from too great expenditures on these objects, and the subsequent reduction of the public expenditures, &c.; and he called for the yeas and nays on the motion of the gentleman from Georgia.

Mr. DUFFEE remonstrated, at some length, against the House retracting what it had yesterday deliberately done. He insisted on the wisdom of measures of defence even in an economical view, and particularly on the expediency of the measures proposed by the bill.

Mr. McDUFFIE declared the motion now offered to be the same which the House had yesterday rejected by a vote of nearly two to one, viz: whether the new works at New York and Rhode Island shall be commenced? He trusted, as no new argument had been adduced to-day, no new result would be obtained.

The question was then taken by yeas and nays on the motion of Mr. COBB to recommit the bill, &c., as follows:

YEAS—Messrs. Allen of Massachusetts, Beecher, Brown, Buchanan, Buck, Buckner, Campbell of Ohio, Cary, Cobb, Cocke, Conner, Culpeper, Edwards of North Carolina, Findlay, Foot of Connecticut, Forsyth, Gatlin, Gazlay, Hall, Harris, Henry, Hooks, Johnson of Virginia, F. Johnson, Leftwich, Letcher, Long, McArthur, McCoy, McLean of Ohio, Markley Matlack, Matson, Metcalfe, Moore of Kentucky, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rives, Ross, Sloane, Arthur Smith, Alexander Smyth, Spaight, Standefer, Test, Thompson of Georgia, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Whittlesey, White, Wickliffe, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, and Wright—64.

NAYS—Messrs. Adams, Allison, Archer, Baylies, P. P. Barbour, Bartlett, Bartley, Bassett, Breck, Cady, Cambreleng, Cassidy, Clark, Collins, Condict, Cook, Crafts, Craig, Cushman, Duffee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Farrelly, Foote of New York, Fuller, Garnett, Gist, Gurley, Hamilton, Harvey, Hayden, Hayward, Herrick, Herkimer, Hogeboom, Holcombe, Houston, Isaacs, Jenkins, Kent, Kidder, Kremer, Lathrop, Lawrence, Lee, Lincoln, Litchfield, Little, Livingston, Longfellow, McDuffie, McKim, McLane of Delaware, Mangum, Martindale, Mercer, Mitchell of Pennsylvania, Mitchell of Md., Moore of Alabama, Morgan, Neale, Nelson, Newton, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Richards, Rose, Saunders, Sandford, Scott, Sharpe, Sibley, William Smith, Spence, Sterling, A. Stevenson, J. Stephenson, Stoddard, Strong, Swan, Taliaferro, Tattnall, Thompson of Kentucky, Tod, Tomlinson, Tyson, Udree, Van Rensselaer, Van Wyck, Wayne, Webster, Whipple, Whitman, Williams of New York, Henry Wilson, Wood, and Woods—103.

The question was then put, Shall the bill pass? It passed in the affirmative.

ADJOURNMENT OF CONGRESS.

The joint resolution from the Senate fixing a time for the adjournment of Congress—15th May next—was twice read.

Mr. ROSS moved to refer it to the joint committee yesterday appointed on the part of this House to determine on what business shall be taken up at the present session, and at what time the two Houses shall adjourn.

Mr. ALLEN opposed the commitment, remarked at some length on the evil of prolonged sessions of Congress, and adverted to the early adjournment of Congress of 1816, when a compensation was substituted for a per diem allowance, and the arduous duties which that Congress had nevertheless accomplished, &c.; and he called for the yeas and nays on the question of commitment.

Mr. WRIGHT was opposed to an early adjournment, while important business remained undone, and objected to a decision upon the resolution whilst a joint committee, appointed to consider the subject, had not yet reported, &c.

Mr. MCCOY inquired whether it was in order to subject a resolution from the other House to a committee consisting in part of members of the House which had already passed upon the resolution.

The CHAIR pronounced it to be in order.

The question was then taken on the commitment, and decided by yeas and nays, as follows:

YEAS—Messrs. Allison, Archer, Bartley, Beecher, Breck, Brown, Buchanan, Burleigh, Cady, Campbell of Ohio, Cary, Cassidy, Condict, Crafts, Craig, Duffee, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Foote of New York, Frost, Gatlin, Gazlay, Hall, Harris, Hayden, Hayward, Hemphill, Henry, Holcombe, Jenkins, Johnson of Virginia, F. Johnson, Kidder, Kremer, Lawrence, Lincoln, Little, Livermore, Livingston, McArthur, McLean of Ohio, Markley, Martindale, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rose, Ross, Sandford, Scott, Sharpe, Sloane, Sterling, J. Stephenson, Stoddard, Strong, Swan, Test, Tod, Tracy, Trimble, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Wyck, Vinton, Warfield, Whittlesey, White, Williams of North Carolina, Henry Wilson, Wood, Woods, and Wright—87.

NAYS—Messrs. Alexander of Virginia, Allen of Massachusetts, Baylies, P. P. Barbour, Bartlett, Bassett, Buck, Buckner, Cambreleng, Carter, Clark, Cocke, Collins, Conner, Crowninshield, Cushman, Day, Dwight, Eaton, Edwards of North Carolina, Foot of Connecticut, Fuller, Gist, Govan, Gurley, Hamilton, Harvey, Hogeboom, Hooks, Houston, Isaacs, Kent, Lathrop, Lee, Leftwich, Letcher, Litchfield, Locke, Long, Longfellow, McCoy, McDuffie, McKean, McKee, McKim, McLane of Delaware, Mangum, Mercer, Moore of Alabama, Neale, Nelson, O'Brien, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Rives, Saunders, Sibley, Arthur Smith, William Smith, Spaight, Spence, Standefer, A. Stevenson, Taliaferro, Tattnall, Thompson of Georgia, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Van Rensselaer, Webster, Whipple, Williams of Virginia, and Wilson of South Carolina—77.

So the resolution from the Senate was referred to the joint committee yesterday appointed on the motion of Mr. TAYLOR.

And the House adjourned.

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THURSDAY, April 22.

Mr. FULLER, from the Committee on Naval Affairs, made a report on the petition of Benjamin King, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

Mr. KENT, from the Committee on the District of Columbia, reported a bill from the Senate "for enclosing the burying ground of Christ Church, Washington Parish," without amendment; which was committed to a Committee of the Whole.

Mr. RANDOLPH wished to move to reject the bill; but, in this stage of the proceeding, the motion was not in order.

Mr. NEWTON, from the Committee on Commerce, reported a bill to authorize the building of lighthouses, light vessels, and beacons, therein mentioned, and for other purposes; which was read twice, and committed to a Committee of the whole House on the state of the Union.

Mr. ALEXANDER, of Virginia, submitted the following, which lies one day:

"Resolved, That the President be requested to cause to be laid before this House the proceedings of a court martial lately held at Norfolk, for the trial of Lieutenant Beverley Kennon, of the United States Navy."

The amendments made in Committee of the Whole to the bill "for correcting errors in entering lands at the land offices," were read and agreed to by the House, and the bill was ordered to be engrossed for a third reading.

ADDRESS OF NINIAN EDWARDS.

Mr. FLOYD, from the committee to whom was referred the memorial of Ninian Edwards, vindicating himself and accusing Mr. Secretary Crawford, pursuant to instructions of the committee, communicated the following minutes of its proceedings, viz:

"The committee, to whom was referred a communication from Ninian Edwards, report the following minutes of their proceedings to the House of Representatives:

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Present, all the members of the committee.

Voted, That the committee ought to proceed to make inquiry into the matters contained in the said memorial, and connected therewith.

Voted, That, for the purpose of such inquiry, the attendance of the said Ninian Edwards upon the committee, to be by them examined, is requisite; and that his attendance be accordingly ordered.

Voted, That the chairman do inform the House of the foregoing resolutions of the committee; and inasmuch as it is suggested that the said Ninian Edwards is about to leave the United States on foreign diplomatic service—

Voted, That the chairman do move the House that information of said communication, of the votes of the House thereon, and of the foregoing resolutions of the committee, be communicated to the President of the United States."

The latter proposition having been put into the

form of a motion by Mr. TAYLOR, of New York, and the question being upon agreeing thereto—

Mr. FORSYTH, of Georgia, said, he had the honor, a day or two ago, of submitting a motion to the House on this subject, the object of which he had not an opportunity to explain, in consequence of a call for the question of consideration. The object I had in view, said Mr. F., was the same as that which the committee seem to have had in contemplation in their report of this morning. I understand this to be, to prevent any collision between the orders of the Executive branch of the Government and those of the Legislative. I understand the committee to have determined on calling Mr. Edwards before them to ascertain what he has to say upon this subject, in addition to what he has stated in his memorial. As a matter of courtesy, that being the case, it is proper for the House to give notice of the fact to the President of the United States, that the individual in question might not seek to escape, under the plea of Executive orders, from the investigation which he has himself asked of this House to institute. The object of my motion was the same with that now before the House, and it appears to me that the form of mine was more proper than the form of that which has been submitted. What interest has the President of the United States in knowing what are the votes of any committee of this House? All that is necessary for him to know is, that this House has taken up the subject for investigation. We do not ask from him any thing to enable us to exercise our rightful power in this matter, and our motives for acting are therefore of no importance to the due information of the Executive. The simple announcement of the fact is sufficient. Under these impressions, Mr. F. moved to strike out all the above, after the word "Ordered," and insert, in lieu thereof, his motion, in the following words:

"That the President be officially informed that this House has ordered an investigation of the memorial presented to this House on the 19th instant by Ninian Edwards, lately appointed Minister to Mexico; that the said Ninian Edwards may be instructed not to leave the United States before that investigation has taken place."

Mr. RANDOLPH, of Virginia, said, as the course pointed out by the committee would attain all the objects which the gentleman from Georgia had in view, he did not see why the change should be made. If the gentleman will attend to the terms of the proposition before the House, said Mr. R., he will see that there is nothing in it which, in the smallest degree, compromises the proceedings of this body; that we are acting by our own inherent power; that it is not proposed to call on the Executive Department, though a co-ordinate branch of the Government, for any ancillary aid. We are acting by our own virtue and power; but, having done so, we have thought it proper to advise the Executive branch of the Government, that he might take such order on the matter, in his own exclusive sphere, as to him may seem fit and proper. And what more can we do? I hope the amendment will not be adopted, but that we

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shall decide on this motion, and give to the chairman an opportunity to make a further motion, which he is authorized by the committee to make.

Mr. TAYLOR, of New York, said, it was true that, on a former occasion, when the gentleman from Georgia presented his motion, he (Mr. T.) did call for the question of consideration upon it. The reason why he had done so, was, that the subject had just been referred to a committee without any special instruction. The first question, it was apparent, which would present itself to that committee would be, Does the memorial contain sufficient matter to justify proceeding in the investigation of its contents? That question had not been, in any manner, decided, when the gentleman from Georgia offered his motion. It was not until last night that the committee came to the determination that it was proper that they should proceed in their inquiry. This, Mr. T. said, was necessarily a previous question to be determined. For, if the committee had been of opinion that the subject was not, for any reason, fit to be inquired into, it would not have been proper to give to the President the intimation in question. After the committee had decided the preliminary question, the next step was to require the attendance of Mr. Edwards. The House will perceive that the committee propose to apply to the Executive for no power, but to notify him of the decision requiring the attendance of Mr. Edwards, as a fit regard for that comity and respect which is due from this House to a co-ordinate branch of the Government. Mr. T. believed that the notification of both these decisions of the committee was necessary, for the purpose of apprising the President of the reasons of this House for requiring the attendance of an individual who was known to be absent on diplomatic services, &c.

Mr. WEBSTER, of Massachusetts, did not see that any difficulty was presented by this question to the House. Here, said he, is a communication referred to a committee of this House, in the course of investigating which, the personal attendance of an individual, understood to have been recently despatched on a foreign service, is found to be necessary, and is required. All that the committee aim at, therefore, is to inform the Executive of so much as to show that business before us requires the personal attendance of one whom he has despatched, or is about to despatch on foreign diplomatic service. This is all that is proposed by the resolution now before the House.

Mr. KREMER, of Pennsylvania, rose, and observed that, before he voted on this question, he must know whether the committee can wait for the return of the person proposed to be sent for. He knew not, for his own part, where Mr. Edwards was to be found. The session was now near its close, it would be unnecessary to send for him, if, when he came, the House had adjourned, or the committee was not prepared to go on. If we do send to Wheeling, when our messenger gets there Mr. E. will be gone, and we shall be pursuing him from town to town nobody knows how long.

If it was in order, he should move that the resolution lie on the table.

The motion to lay the subject on the table was decided in the negative, by a large majority.

Mr. McLANE, of Delaware, said, the objection he had to the matter now before the House, would apply as well to the resolution of the gentleman from Georgia, as to the recommendation of the committee. He could perceive no necessity for the further interposition of the House, and it might be improper to call for it. We have referred the memorial to a committee, said he, with what propriety it is not for me now to say, and have vested that committee with full power to send for persons and papers. We could give no greater power. Under the authority already possessed, the committee were authorized to send for this individual, without our interference, and he thought they should do so. If the public character of the individual rendered it improper to compel his attendance, without the interference of the Executive, it would be competent for the committee, without applying to this House, to request such interference. He had some experience of parliamentary proceedings, and he believed it unprecedented for a committee, vested with full powers, to call upon the House to do what might be as well done without their aid. He could easily conceive, that a subject of no great magnitude, in itself, might be clothed with much artificial importance, by such proceedings; and he saw no propriety in the committee reporting the journal of their private proceedings, from time to time, to this House. He was averse to the repeated agitation of the subject in this manner, to the prejudice of other business, by the daily or weekly report of the journal of the committee's proceedings. He desired a full and prompt investigation; the prompt the better; but he thought the committee had ample power over the subject, and he hoped the House would not be called upon to act unnecessarily in the business.

Mr. CUTHBERT, of Georgia, referring to the intimation, as he understood it, of the committee, that the presence of Mr. Edwards was so necessary that the investigation of the charges made by him could not go on without his presence, said he thought there could be no such indispensable necessity for the presence of Mr. Edwards here. The House would perceive, he said, that any individual, intending to do a serious mischief to another, might select a particular moment to prefer charges against another, and, by abandoning his position, preventing an investigation of his motives as well as his charges, leave an erroneous impression on the public mind. It was desirable that the accuser should be where he places his accusation; the common sense of mankind shows that the accuser ought to abide by the consequences of his accusation. But, if he flies from that responsibility, the investigation should not, therefore, be delayed. Such delay would be to furnish the individual with an opportunity of doing all the mischief he desired. Unless it could be ascertained that the individual in question could be brought to this place within a reasonable time, it

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was desirable, it appeared to him, that the investigation of his charges should not be delayed until he could be sent for.

Mr. WEBSTER replied to the gentleman from Delaware, as to the report made from the committee. It was certainly no unusual thing for the chairman of a committee to make a motion in this House, by the instruction of the committee; and, if a portion of the minutes of the committee were coupled with it, he did not see that that would alter the case, as to the expediency or propriety of the practice. With respect to the suggestion, which had been made, that sending for Mr. Edwards would procrastinate the inquiry, the gentleman from Georgia was not to suppose that the committee was going wholly to suspend this investigation, to wait for anybody's attendance.

Mr. McLANE, still fully impressed with the correctness of the view which he had taken of this matter, moved to recommit the report.

Mr. RANDOLPH said he hoped the motion for recommitment would not prevail; and he rose for the purpose only of calling the attention of the House to a fact, that the select committee have acted by the authority and in the name of this body, and that, whether gentlemen think that Mr. Edwards ought to be brought before the committee or not, the writ is now on its way; that it will be served upon him; and that he will be brought here, whether we vote in one way or another, on this question. In case this inquiry is to be prosecuted, said Mr. R., I cannot consent to act, on that committee, except by the imperious mandate of this House, without the presence of the informer. The committee having first resolved that this inquiry should be prosecuted—that the informer should be brought before the grand jury, have reported the fact—for what? That the House, being one of the co-ordinate branches of this Government of ours, should communicate to the other co-ordinate branch, that which, in courtesy, the other branch ought to be put in possession of. What do we ask of the President? To aid us to bring this Minister before us? No; we need no authority from him. We will, in despite of any man in this land, have him before us. If, indeed, he shall have made his escape from the country, we cannot follow him to Mexico; but, any where short of the Balize, the warrant of this House is as high authority as any known in this land, and, as such, I trust it will be supported. If I had thought that, in the act of that committee, the privileges of this House, the privileges of the American people in their Representatives, had been compromised, no consideration that man can name, would have induced me to give it my sanction. It was at my motion that the order was passed to bring the accuser before us. I hope the House will proceed as proposed. The committee have maintained the authority of this House, which I never will surrender, and have, in their report, acted to the Executive with that comity and urbanity which, when it shall cease to prevail between the co-ordinate branches of any Government like ours, must throw every thing into confusion.

Mr. COOK, of Illinois, said it had been, and should be, his course, pending this subject, to abstain from saying any thing in relation to the merits of it, and to abstain from exhibiting any thing like feeling in relation to it. In his opinion, the course which the committee had pursued, on this occasion, was a proper one. The Executive had probably given its orders to this individual, and his actual position might not be so well known to any one as to the Executive. Mr. C. thought it was probable that, before any process could reach him, he would have left Illinois, and might have reached New Orleans, and the information communicated to the Executive might be effectual to answer the end of the process of this House reaching him. Mr. C. concluded by repeating that he would not trust his feelings on this occasion, for he wished to suppress them, so far as to speak on the merits of this controversy, &c.

Mr. FORSYTH asked if he had understood the gentleman from Illinois rightly, when he informed the House that this person was now on his way to New Orleans, and about to pass thence from the United States?

Mr. COOK said that he had so stated, presuming it to be the fact.

Mr. FORSYTH said it was only what he suspected. The Parthian throws behind him his poisoned arrows as he retreats, and then flies beyond the reach of pursuit. But, Mr. F. said, he could not fortunately leave the United States before the process of the committee could reach him. The vessel which was to have the honor to bear him out, had not yet left the navy yard at this place, and, as he would scarcely venture to sail without the protection of the guns of the nation, he could yet be overtaken.

Mr. COOK said that, when up before, he had intended to suggest, that the vessel which was destined to carry Mr. Edwards to Mexico, was yet at this place; that by this vessel, information could be given to him of his presence being desired here; and that the only, at least most probable way, in which the process of this House could reach him, and he could be recalled for the purposes of this House, would be by means of this vessel.

Mr. FLOYD said that the committee had thought it necessary that this individual should be present during the examination of his charges. They were perfectly aware that the authority with which they were invested by the House, was sufficient for all the purposes of bringing him here, and, in the course which they had pursued, had no object but to give the President of the United States, in a respectful manner, information of the course which it had been thought proper, by the committee, to pursue; and he hoped the opposition to it would be withdrawn.

Mr. McLANE said he was not anxious to embarrass the proceedings by the motion which he had made, under the conviction, in his own mind, that the President ought not to be called upon to do what the House has the perfect power to do. He was anxious for this investigation to go on. He thought, with the gentleman from Virginia,

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that the informer on this occasion ought to be present; but he thought, also, that the whole matter was already within the power of the committee. To save trouble to the House, however, he would withdraw his motion for recommitment.

Mr. MALLARY, of Vermont, said the House had given the committee all the powers which it possesses in relation to this matter. The question is now, whether it is necessary to call upon the House to aid the committee to carry its powers into execution. The committee have all the powers of this House on the subject, and have certainly the same power to communicate the fact of their proceedings to the President, that this House has, and on the same principle on which they would have power to ask information from him.

Mr. FORSYTH said that he had not offered his first motion on this subject (that which the House refused to consider) before this House had referred the inquiry into the subject to a committee, with power to send for persons and papers. It appeared to him, he said, at the time he made the motion, that such a proceeding was absolutely due, in courtesy to the Executive. Perhaps, he said, he had some little feeling on this subject, arising from the difference of the manner in which his proposition, and the nearly similar one of another gentleman, had been received. He saw no necessity, however, for pressing his amendment, though he could not see any occasion for all this particularity on the subject. In deference, therefore, to the wishes of several of his friends, whose opinions he always respected, he withdrew his motion for amendment.

The question recurring on the report of the Committee—

Mr. FULLER, of Massachusetts, said, he was rather sorry that the gentleman from Georgia had withdrawn his motion, because it was perfectly free from any ambiguity, which the proposition of the committee was not. If the amendment had prevailed, however, he could not have voted for this reason: He was one of those who hoped, the other day, that the motion for printing the memorial would have prevailed, and that he should thus have been enabled to judge of the necessity of the presence of the accuser. At present, he said, he did not feel himself competent to decide whether his presence was necessary or not. He, for one, moreover, was not willing to notify the President that the committee thought the interposition of the authority of the House necessary, because the committee are themselves competent to do it, and, if they think proper, it is their duty to do it. There was another consideration on this subject, which Mr. F. thought must occur to the mind of every one. Is it possible, is it probable, at any rate, that Congress will remain in session for two months to have the presence of this gentleman? It would take a month to give notice to this individual, another month to get him here, and after he got here, the investigation of the case by the committee would not occupy less than two or three weeks. A full investigation of this case, Mr. F. hoped, would take place at the next session. Under the present circumstances, he saw

no occasion for giving information to the President of the opinion of the committee.*

Mr. BARTLETT, of New Hampshire, said, he was desirous of understanding rightly what was the object of the motion before the House. If he had a correct view of it, some other gentlemen who had spoken had not. It had been suggested, that there was not time to send for this person, and that the House ought not to give this notice to the Executive, because by so doing it would commit itself. Those questions, said Mr. B., are not now before the House. The House has confided the question to a select committee; that committee has decided it, and it is a question no longer to be discussed. I do not understand the resolution as it is understood by one gentleman, as being intended to give facility to the execution of the power which the committee have undertaken to exercise, but as intending this, and nothing more: that this person, whom the committee have sent for, who, they have said, shall come here, and who, I have no doubt, will come here, is a person whom the President, with the consent of the Senate, has ordered on service to a foreign Government. Some time ago, we gave to the President power to appoint Ministers to certain Governments, whenever he should think it expedient to do so. We have, by the act of our committee, temporarily revoked that power so far as he has exercised it in this particular instance. He has said, that Ninian Edwards shall be Minister to Mexico; we have said, that he shall not go. If the United States have great interests at stake in Mexico, and it is necessary we should have a Minister there, it is proper that we should inform the President that the person whom he has appointed for that purpose we have recalled. If the President sent him, and we, in the plenitude of our power, ordered him back, is it not necessary that the President should be informed of the fact? It had been suggested, that the committee has the power to communicate this information to the President. My opinion, said Mr. B., is, that they have not. They have not the power to communicate directly with the President on the subject, but they have the power to give information on the subject to this House, of which they are the organ, and, the information being so

*WASHINGTON, 23d April, 1824.

Messrs. Gales & Seaton: You will oblige me by correcting an error in reporting, in your paper of this morning, the remarks made by me, respecting the investigation of the charges in Mr. Edwards's memorial. In stating the impropriety of protracting the session of Congress for several months, to examine Mr. E. personally, I observed, "that the committee ought immediately to proceed in the investigation; and that, if his presence should be found to be necessary, I hoped the examination, as far as he was concerned, would be made at the next session."

I by no means intended to express the opinion that the investigation ought to be deferred, being clearly of the opinion, that no time or means, within the power of the committee, ought to be neglected.

I am, respectfully, your obedient servant,

TIMOTHY FULLER.

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given, the question now is, whether it be proper to give it to the Executive. If the appointment of a Minister was necessary, it continues to be so. If it was necessary a month ago, no change of circumstances having occurred, the interest of the country now equally demands that a Minister proceed directly to Mexico; in which case it might be necessary for the President, on receiving this information, to designate some other person for this station, &c.

Mr. BUCK, of Vermont, made a few observations, the import of which were, that it was not material whether this information were given to the Executive by the committee, or by a vote of this House—so that whether the present proposition was agreed to or not, appeared to him to be of little importance.

The question was then taken on the report of the committee, as above stated, and it was agreed to, almost without a dissenting voice.

Mr. FLOYD then moved that the Clerk of this House be directed to adopt measures to expedite the printing of the report of the Secretary of the Treasury, upon which the said communication is founded, and that the said communication, with its accompanying documents, be printed; which was agreed to.

ORDERS OF THE DAY.

Mr. FORWARD postponed his motion to take up the bill "laying duties on sales at auction" till Monday next.

The House then went into Committee of the Whole, (Mr. CAMPBELL, of Ohio, in the Chair,) on the following bills, viz: "A bill granting to the Territory of Arkansas the right of pre-emption to certain quarter sections of land;" "A bill changing the mode of surveying the public lands on any river, lake, bayou, or water course, in the State of Mississippi and Territory of Arkansas;" and "A bill granting to the counties of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land for seats of justice within the same."

Considerable discussion took place on amendments to these bills, in which Messrs. MOORE, of Alabama, WICKLIFFE, OWEN, WHIPPLE, LETCHER, MCCOY, and RANKIN, took part.

Finally, the bills were ordered to a third reading.

The House then went into Committee of the Whole, (Mr. CONDUCT in the Chair,) on the report of the Committee of Pensions and Revolutionary Claims, unfavorable to the petition of Richard G. Morris.

Mr. BASSETT, of Virginia, moved to reverse the resolution reported by the committee, by striking out the word "not."

The report was read.

Mr. TAYLOR, of New York, suggested the expediency of farther proceeding in the consideration of this affair.

Mr. BASSETT pronounced the whole report to be deceptive—the case had never been thoroughly or fairly examined.

Mr. TAYLOR explained.

Mr. BASSETT resumed, and went at length into the illustration and defence of the claim of the petitioner, referring occasionally to documents in support of his statements.

Mr. LITTLE, chairman of the Committee on Pensions and Revolutionary Claims, spoke in reply.

Messrs. P. P. BARBOUR and WRIGHT advocated, and Messrs. WHITTLESEY, LITTLE, and MCCOY, opposed the amendment; and the question being taken, it was negatived by a large majority.

The Committee then rose, and reported their agreement to the original report—

And the House adjourned.

FRIDAY, April 23.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Colonel William Duane," reported the same without amendment; and it was committed to a Committee of the Whole.

Mr. WEBSTER, from the Committee on the Judiciary, to which was recommitted the bill to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes, reported the same without amendment; and it was ordered to be engrossed, and read a third time to-morrow.

The resolution yesterday offered by Mr. ALEXANDER, in relation to Lieutenant Kennon's case, was taken up, and agreed to.

On motion of Mr. HAYWARD, the Committee on the Public Buildings were instructed to inquire into the expediency of purchasing three of Capellano's marble busts of Washington, to be placed in the public buildings, under the direction of the said committee.

Engrossed bills of the following titles, viz:

An act supplementary to an act approved on the 3d of March, 1819, entitled "An act providing for the correction of errors in making entries of land at the land offices;"

An act changing the mode of surveying the public lands on any river, lake, bayou, or water-course, in the State of Mississippi, and Territory of Arkansas;

An act granting to the counties or parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice within the same; were, respectively, read the third time, and passed.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

In conformity with a resolution of the House of Representatives, of yesterday, I have received a copy of the proceedings of the committee to whom was referred a communication from Ninian Edwards, lately appointed a Minister Plenipotentiary to Mexico, in which it is decided that his attendance in this city, for the purpose of being examined by the committee, on matters contained in the said communication, was requi-

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site. As soon as I was apprized that such a communication had been made to the House, anticipating that the attendance of Mr. Edwards might be desired, for the purpose stated, I thought it proper that he should be informed thereof, and instructed him not to proceed on his mission, but to await such call as might be made on him, either by the House, or its committee; and, in consequence, a letter was addressed to him to that effect, by the Secretary of State.

JAMES MONROE.

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The Message was read, and laid on the table.

On motion of Mr. LEFTWICH, the House went into Committee of the Whole, (Mr. BRENT in the Chair,) on the bill "for the relief of Mary James." The report of the Committee of Claims on the case having been read, the bill was reported to the House without amendment, and ordered to a third reading.

On motion of Mr. BUCHANAN, the House went into Committee of the Whole, (Mr. STERLING in the Chair,) on the bill "to alter the judicial districts of Pennsylvania." The blanks in the bill were filled, and it was reported, and ordered to a third reading.

On motion of Mr. NEWTON, the House went into Committee of the Whole, (Mr. LATHROP in the Chair,) on the bill "for the relief of Isaac Collier and others;" and on the bill "allowing bounties to persons employed in the cod fisheries, in certain cases;" which bills were reported without amendment, and ordered to a third reading.

An engrossed bill, entitled "An act to authorize masters of vessels, in certain cases, to clear out at the custom-house of Petersburg, or that of Richmond;" was read the third time, and passed.

PRE-EMPTIONS—PUBLIC LANDS.

Mr. WHIPPLE, from the Committee on Public Lands, who were instructed by resolutions passed by the House, on the 31st December, 1823, the 2d and 23d of January last, to inquire into the expediency of granting pre-emption rights in the purchase of public lands, in certain cases, and to whom was referred the petition of Hardy Doyal and George Caperton, and the petition of L. C. Davis, made a report thereon; which was laid on the table.

The report is as follows:

Before advertng to the particular cases embraced by the resolutions and petitions referred, the committee deem it proper to make some general observations on the subject of pre-emption grants, as connected with the general policy of the Government in relation to the public lands.

By reference to the various laws on the subject of pre-emptions, it will be perceived that, where the United States have acquired territory where settlements existed at the time of the acquisition, the persons having made such settlements have been permitted by the Government to retain their lands by paying therefor the minimum price, subject to a reasonable limitation as to the quantity to be retained.

In cases where territory has been acquired from foreign Powers by treaty, this privilege has been ex-

tended to the period in which the United States took the actual possession of the ceded territory. Some modifications of these principles have, at times, and under particular circumstances, existed, but the main principle has been generally adhered to.

The committee are of opinion that an extension of these principles would be injurious to the Government, as well as to those who may hereafter become the purchasers of the public lands, and probably to those, also, who may venture to settle upon Government lands without authority hereafter.

It cannot be perceived by what principle persons having no color of title should, after lands on which they have settled were known to belong to the United States at the time of making such settlement, claim the pre-emption right to such lands.

Should the Government sanction applications of this nature, an inducement would be offered to persons of an enterprising disposition to anticipate, in every quarter, the Government in its sales of the public lands, and to settle upon and improve the most valuable tracts of land, which they would claim at the minimum price, whenever such lands were brought into market by authority of the United States.

Purchasers of land finding themselves prevented from acquiring good lands, would abstain from purchases, and resort to illegal settlements, in the hope of obtaining that at the minimum value, which they could not obtain at fair and open sale.

Thus, a competition would be excited among a certain description of our population, to locate themselves upon the public lands without much regard to lines or boundaries, and with very little respect for the rights either of the Government or their Indian neighbors.

When it might become necessary for the Government to offer for sale the tracts on which these settlements had been made, the persons interested would find arguments at hand, in their poverty and distress, and the situation of their families, to show why they should be permitted to retain their homes and their improvements.

Abuses like these would necessarily attract the attention of the Government, and induce Congress to adopt rigorous measures to repress them, by which many who had thus precipitately made unauthorized settlements would be deprived of their labor and again be compelled to begin anew, thus losing the labor of years.

A system of indulgence to those who trespass by making unauthorized settlements upon the lands of the United States, after those lands are known to be the property of the Government, would, in the opinion of the committee, be productive of much perplexity to the Government as well as of injury to those concerned in the purchase and settlement of the national domain.

The committee will now proceed to consider the several resolutions and petitions referred to them, which relate either to pre-emption rights or to indulgences prayed for by those who have made unauthorized settlements upon the public lands.

By the resolution of December 31st, 1823, the committee are "instructed to inquire into the justice and expediency of granting to actual settlers in that part of the State of Louisiana, lying east of the Mississippi and island of New Orleans, a right of pre-emption to public lands, in the same manner, and for the same period of time after possession thereof by the Govern-

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ment of the United States, as was granted to such settlers in the late Territory of Orleans, after possession thereof as aforesaid."

It will be perceived, by reference to the act of Congress of April 12th, 1814, that pre-emption rights were granted to actual settlers in that part of the State of Louisiana west of the river Mississippi, up to the date of said act, that is, to the 12th April, 1814.

The United States took possession of this portion of the State of Louisiana on the 10th of December, 1803, consequently, settlers for a period of eleven years after the possession of the territory of Orleans by the United States, had the right of pre-emption of the lands on which they had settled secured to them.

In that portion of the State of Louisiana which lies east of the river Mississippi and Island of New Orleans, a different rule was adopted.

The Government did not get possession of this portion of the ceded territory until the Autumn of 1810; prior to which time it was under the Government of Spain, consequently, settlers in this portion of the territory had the right of pre-emption secured to them by the act of 1814, only for a period of four years after the possession by the United States.

The resolution, therefore, contemplates extending to all who had made settlements on the public lands of the United States, in the portion of the State of Louisiana east of the river Mississippi, up to the year 1821, the right of pre-emption of the land on which they have settled.

The committee deem it inexpedient to extend the right of pre-emption in this manner.

The act of the 12th April, 1814, extended equally to all portions of the State of Louisiana, and if any inequality existed in the situation of the people of different sections of the State, this circumstance ought not of itself to be made ground of claim upon the Government. Those who reside east of the river Mississippi and Island of New Orleans, had, by that law, the right of retaining their lands at the minimum value, although they had settled on them without leave of the Government, four years after the lands were, by solemn transfer and formal possession, known to be the property of the United States: the Government has, therefore, treated these settlers with great lenity and indulgence; and if some of their neighbors have, by the peculiarity of their situations, derived greater benefits from the act of April 12th, 1814, the committee cannot, on this account, be induced to deem it proper to sanction the principle that persons ought to be encouraged to settle upon the public lands for ten or eleven years after they are known to be the property of the United States. It may, however, be doubted, whether the act of 1814 has not operated nearly equally upon the settlers on the public lands within the State of Louisiana. It was well known by the people, that the whole territory acquired by the treaty ceding Louisiana to the United States, would ultimately fall under their Government, and there can be little doubt that many settlements were made within the territory in anticipation of this event, hence, the time of taking possession of different portions of that tract of country, could produce very little inequality with respect to those who had pre-emption rights granted them by the act of the 12th April, 1814.

By the resolution of January 2d, 1824, the committee are instructed "to inquire into the expediency of granting the right of pre-emption to all persons to mill seats on public lands, where the same may have been actually improved as such by them."

It will be readily perceived that, if the Government should sanction a principle of this kind, these valuable appendages to the public lands would be universally taken up and occupied to the great injury of the Government, and with no advantage to those who may wish to purchase public lands, except to the favored individual.

The committee are therefore of opinion, that it would be injudicious and that it is inexpedient to adopt such a provision.

By a resolution of the same date, the committee are instructed "to inquire into the expediency of granting to actual settlers prior to the 1st of July, 1820, in the State of Alabama, the right of purchasing, by pre-emption of at least one quarter section of land, embracing their family residences."

The committee refer to the general observations in the commencement of this report, and again repeat that they can see no sound reason for permitting persons who have knowingly made unauthorized settlements on the public lands, to have and enjoy peculiar privileges and indulgences; they are therefore of opinion that the adoption of such a measure would be impolitic and inexpedient.

By a resolution of January 23d, 1824, the committee are instructed "to inquire into the expediency of reviving the law of the 25th March, 1816, relating to the settlers on the lands of the United States."

This act, as will be seen by reference to it, provides that persons settled on the public lands of the United States, may, upon application to a register, recorder, or marshal, or to such person as either of them may appoint, be permitted to remain on such lands, provided the applicant shall sign a declaration, purporting that he or she has no claim to the lands on which he or she may be located. Books are to be kept and a registry of the applications and permissions is to be made, and such forms prescribed as the Secretary of the Treasury, with the approbation of the President of the United States may direct. The persons availing themselves of the provisions of this act are to be considered as tenants at will, and to obligate themselves not to commit waste, and to yield quiet possession when the lands shall be sold by the Government.

The committee can see no good reason for renewing this law, which has been continued in force until the 3d March, 1819, a period of three years.

Those who had located themselves on the public lands prior to, and until the 3d of March, 1819, have had opportunity to avail themselves of the benefits of this act, and those who have since that time made unauthorized settlements on the vacant lands of the United States can have no just ground of complaint, if left to the ordinary operation of the laws relating to such persons.

To revive the law of 1816, would be to hold out inducements to settle on the public lands, under the expectation, that until such lands were sold, the persons making settlements would be permitted to cultivate and improve them for their own profit and benefit. Were the Government to grant these facilities, it is easy to perceive that no regard whatever would be paid to the regulations of the laws forbidding unauthorized settlements upon the public lands.

The experience of the Government would lead us to conclude, that the final request of these settlers would be for pre-emption rights, or at least to be permitted to retain their crops. But the committee trust that enough has been said to show the indefensible nature of this proposition; they will therefore dismiss it.

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Penelope Denney.—Alvin Bronson.

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The petition of Lewis C. Davis was referred to the committee on the 26th January, 1824. He states that he purchased a quarter section of land in the State of Alabama, for which he gave fourteen dollars per acre, that he is unable to pay for it and was compelled to relinquish it, and prays to be permitted to re-enter the land at the pre-emption price. There appears to be nothing in this case to entitle the petitioner to particular favor, and the committee see no cause why he should not be subjected to the operation of the laws and regulations of the Government relative to such cases.

The petition of Hardy Doyal and George Caperton, of Alabama, referred to the committee on the 27th January, 1824, states that the petitioners have erected a gristmill on the public lands and cleared a farm adjoining it; that they have expended their whole property in the enterprise; they therefore pray to be permitted to take a certain quantity of land including their mill at the pre-emption value, and that the Government should grant them a credit of six months from the issuing of the patent.

The committee deem it unnecessary to enter into detailed reasoning to show the inadmissibility of this proposition. It is sufficient to remark, that it is in direct contravention of the policy which it is believed the Government ought to pursue, for the purpose of putting a stop to unauthorized settlements on the public lands.

PENELOPE DENNEY.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole, (Mr. CONDUCT in the Chair,) on the bill "for the relief of Penelope Denney." Several documents were read. The question being still pending from a former sitting, in January, to amend the bill, by providing the support of Mrs. Denney from the Navy Pension Fund, instead of the Treasury of the United States, a debate arose, in which Messrs. CAMBRELENG, FULLER, WOOD of New York, WARFIELD, and BUCHANAN, took part.

Mr. BUCHANAN moved to strike out the enacting clause—and the debate was then farther continued by Mr. FULLER, Mr. BUCHANAN, Mr. CAMBRELENG, Mr. LIVINGSTON, Mr. WARFIELD, and Mr. SHARPE.

In this debate, the merits of Denney were not disputed, nor the wants of his mother, but it was objected to the bill that it introduced a new principle in the pension laws of the United States, by providing for *parents*; the present laws only making provision for widows and children; and it was further argued that, if given at all, the pension should come out of the Treasury of the United States, and not out of the Navy Pension Fund. That fund, consisting of contributions of prize money, was, at its creation, pledged to a class of persons to which cases of this kind did not belong, and it would be a breach of public faith to touch it.

The question was then taken on striking out the enacting clause, and decided in the negative—ayes 58, noes 63.

The question then recurring on striking out the clause of the bill which provides to pay the pension "out of any moneys in the Treasury of the United States," and inserting, in its place, "the Navy Pension Fund," the debate was resumed by

Messrs. BRECK, CAMBRELENG, FULLER, HAMILTON, and BUCHANAN; and the question being taken, it was decided in the affirmative—ayes 89, noes 58.

The bill was then reported to the House; the amendment was agreed to, and the question being on ordering it to a third reading, Mr. BRECK called for the yeas and nays.

Mr. METCALFE then moved to lay the bill on the table, which was negatived—ayes, 50 noes 83.

The yeas and nays, on ordering the bill to a third reading, were then taken, as follows: Yeas 62, nays 98.

YEAS—Messrs. Adams, Archer, Brent, Cady, Cambreleng, Carter, Cary, Collins, Condict, Conner, Cook, Crafts, Craig, Culpeper, Cushman, Dwight, Ellis, Foot of Connecticut, Foote of New York, Garnett, Gurley, Hamilton, Harris, Hayward, Hemphill, Herick, Herkimer, Hogeboom, Houston, F. Johnson, Kidder, Kremer, Litchfield, Livingston, Locke, Longfellow, McDuffie, McLane of Delaware, Mallery, Marvin, Miller, Mitchell of Maryland, Moore of Kentucky, Morgan, Nelson, Plumer of Pennsylvania, Richards, Rives, Saunders, Sanford, Sharpe, Spence, James Stephenson, Strong, Taylor, Test, Thompson of Kentucky, Tyson, Van Rensselaer, Van Wyck, Wood, and Woods.

NAYS—Messrs. Abbot, Alexander of Virginia, Allison, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Beecher, Breck, Buchanan, Buck, Buckner, Burleigh, Burton, Campbell of Ohio, Cobb, Cocke, Crowninshield, Cuthbert, Day, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Findlay, Floyd, Fuller, Garrison, Gazlay, Gist, Hall, Harvey, Hayden, Henry, Hobart, Hooks, Isaacs, Jenkins, Johnson of Virginia, Kent, Lathrop, Leftwich, Letcher, Lincoln, Little, Livermore, Long, McArthur, McCoy, McKean, McKee, McKim, McLean of Ohio, Markley, Martindale, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Neale, Newton, O'Brien, Owen, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Prince, Rankin, Reed, Ross, Scott, Sibley, Sloane, Arthur Smith, William Smith, Spaight, Standefer, Sterling, Stoddard, Taliaferro, Tattnall, Tod, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Udree, Vance of North Carolina, Vance of Ohio, Vinton, Warfield, Whipple, Whitman, Whittlesey, White, Williams of New York, Williams of Virginia, Williams of North Carolina, Henry Wilson, and Wright.

So, the bill was rejected.

ALVIN BRONSON.

On motion of Mr. TRACY, the House went into Committee of the Whole, (Mr. FOOT, of Connecticut in the Chair,) on the bill "for the relief of Alvin Bronson."

The memorial of the petitioner, and report of the Committee of Claims, were read.

Mr. WILLIAMS, of North Carolina, stated his objection to the claim, and called for the reading of an opinion of Chief Justice McKean, of Pennsylvania, on a similar case.

Mr. WHITTLESEY contended that that case was not analogous, and went into a recapitulation of the circumstances.

Mr. MCCOY declared that, by recent testimony,

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Adjournment of Congress.—Daily Recess.—Orders of the Day.

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his view of the case was now changed, and he advocated the claim.

The bill was then reported, without amendment, and ordered to a third reading.

SATURDAY, April 24.

Mr. HEMPHILL, from the Committee on Roads and Canals, to which was committed the bill from the Senate, entitled "An act for the relief of Ichabod Lord Skinner," reported the same without amendment; and it was committed to a Committee of the Whole.

Mr. GAZLAY offered the following:

Resolved, That the President of the United States do cause to be executed the act of the Congress of the United States, passed on the 3d of March, 1803, as far as the same relates to a township of land situated in the tract of land patented to John Cleves Symmes, and reserved for schools.

The House refused to consider the resolution.

Mr. ALLEN gave notice that, on Monday next, he should call up the joint resolution, offered by him some time since, on the subject of the adjournment of this House.

An engrossed bill "to provide for the sale of lands conveyed to the United States, in certain cases, and for other purposes;"

An engrossed bill "for the relief of Mary James;"

An engrossed bill "to alter the Judicial Districts of Pennsylvania, and for other purposes;"

An engrossed bill "for the relief of Isaac Collier and others;"

An engrossed bill "for the relief of Alvin Bronson;"

An engrossed bill "to allow bounties to persons engaged in the cod fishery, in certain cases," were, respectively, read a third time, passed, and sent to the Senate.

ADJOURNMENT OF CONGRESS.

Mr. TAYLOR, from the joint committee appointed to report what business required the attention of Congress, during the present session, and at what time Congress shall adjourn, made a report in part with respect to the business to be taken up, which is divided into classes, and reported the following resolution:

Resolved, That all the legislative business before the Senate; the bills before the House of Representatives, mentioned in schedule No. 1, 2, 3, 4; and so many of those mentioned in schedule No. 5, as time shall permit,—be acted upon at the present session. That precedence be given to private claims, examined and sanctioned by the committees to which they were respectively referred, and to bills of a public nature which it is believed will not require protracted discussion. And that those which are embraced in schedule No. 5, which shall not be decided upon before the rising of Congress, be preferred in the orders of the day, at the commencement of the next session of Congress.

Mr. TAYLOR explained the arrangement which the committee had made, and the resolution was adopted.

DAILY RECESS, &c.

Mr. TAYLOR, from the same committee, reported the following resolution:

Resolved, That, after this day, until otherwise ordered, the House will daily take a recess, from two o'clock until four o'clock, in the afternoon.

Mr. CAMPBELL spoke in opposition to the resolution. There would be a difficulty in procuring a quorum. The evening session must be short. He was utterly opposed to nocturnal sessions, &c.

Mr. TAYLOR replied, and insisted that the measure proposed was the best mode of avoiding the necessity of nocturnal sessions. It would obviate the necessity of prolonging the session.

At the suggestion of Mr. WEBSTER, the motion was modified, so as to propose a recess from two o'clock until four, and the hour of meeting in the morning to be ten o'clock.

Mr. DWIGHT inquired whether, if this resolution should be adopted, it is probable the committee would concur in the date of adjournment resolved upon by the Senate?

Mr. TAYLOR replied, and explained.

Some conversation took place between Messrs. STEWART, WRIGHT, LITTLE, TAYLOR, McCoy, KREMER, and STEWART.

Mr. TATTNALL wished to inquire of the chairman of the committee whether they included in the calculation they had made, in reference to a time of adjournment, the investigation of a late document submitted to the House by Ninian Edwards. He thought the House bound, having ordered that investigation, not to adjourn till it was fully gone through.

Mr. TAYLOR replied, and repeated the explanation he had already given.

Mr. WILLIAMS, of North Carolina, moved to lay the resolution on the table. The question being taken, it was decided in the negative—ayes 52, noes 91.

The resolution was then adopted, and the arrangement of the orders of the day was ordered to be printed.

Mr. ALLEN moved that the joint committee be discharged from the consideration of the joint resolution from the Senate, on the subject of adjournment.

The House refused to consider the motion.

ORDERS OF THE DAY.

The House then went into Committee of the Whole on the bill "for the relief of David Giffin and Samuel Hoag." The report of the Committee of Claims in the case was read. The bill was then reported without amendment, and ordered to be engrossed for a third reading.

On motion of Mr. TEST, the House went into Committee of the Whole on the bill "for the relief of the representatives of Joseph Mims, deceased." The report of the Committee of Claims was read; and the bill being reported, was ordered to a third reading.

On motion of Mr. ROSS, the House went into Committee of the Whole, (Mr. CONDUCT in the Chair,) on the bill "for the relief of the assignees and legal representatives of John H. Piatt, deceased." The report of the committee was read. The bill was reported, without amendment, and ordered to a third reading.

APRIL, 1824.

Donnelson, Hurd, and others.

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On motion of Mr. RICHARDS, of New York, the House went into Committee of the Whole, (Mr. LATHROP in the Chair,) on the bill "for the relief of George B. R. Gove." The report of the Committee of Ways and Means was read; and the bill was reported, and ordered to a third reading.

The House went into a Committee of the Whole, (Mr. SHARPE in the Chair,) on the bill "for the relief of Joseph Wheaton." The report of the Committee of Claims, on his case, was read. The bill was reported, and ordered to a third reading.

On motion of Mr. FULLER, the House went into Committee of the Whole, (Mr. COBB in the Chair,) on the bill "for the relief of William Blagrove." The report of the Committee on Naval Affairs, in this case, was read. The bill was reported, and ordered to a third reading.

On motion of Mr. VANCE, of Ohio, the House went into Committee of the Whole, (Mr. STERLING in the Chair,) on the bill for the relief of "John Thomas." The report of the Committee of Military Affairs, relating to this case, was read. The bill was then reported, and ordered to a third reading.

On motion of Mr. McLANE, of Delaware, the House went into Committee of the Whole, (Mr. CONDUCT in the Chair,) on the bill "for the relief of certain persons who have paid duties on certain goods imported into Castine." The report of the Committee of Ways and Means, in this case, was read.

Mr. COCKE spoke in opposition to the petition of the persons concerned in this bill, and called for the reading of further documents.

Some conversation then arose between Messrs. COCKE, McLANE, McCoy, FOOT of Connecticut, P. P. BARBOUR, and WEBSTER; after which the Committee rose, and reported the bill without amendment; and it was ordered to a third reading a week from this day.

On motion of Mr. HAYWARD, the House went into Committee of the Whole, (Mr. COCKE in the Chair,) on the bill "for the relief of William N. Earle." The memorial of the petitioner was read. The bill was then reported, and ordered to a third reading.

On motion of Mr. REED, the House went into Committee of the Whole, (Mr. LATHROP in the Chair,) on the bill "releasing the owners of the ship General Jackson from the payment of certain duties." The report of the Committee of Ways and Means on the case was read. The bill was then reported, and ordered to a third reading.

On motion of Mr. HAMILTON, the House went into Committee of the Whole, (Mr. CONDUCT in the Chair,) on the bill "for the relief of the corporation of St. Ann's church, Detroit, and for the extension of Larned street." The report of the Committee on Military Affairs, in relation to this case, was read. The bill was then reported, and ordered to a third reading.

On motion of Mr. McLANE, the House went into a Committee of the Whole, (Mr. HERRICK in the Chair,) on the bill "authorizing the issuing

of debentures to Bernard Thooft." The bill was reported to the House, and ordered to a third reading.

The House then went into Committee of the Whole, (Mr. FOOT, of Connecticut, in the Chair,) on the bill "for the relief of Arthur H. Henley," which was reported, and ordered to a third reading.

DONNELSON, HURD, AND OTHERS.

The House then went into Committee of the Whole, (Mr. SHARPE in the Chair,) on the bill "for the relief of John Donnelson, Stephen Hurd, and others." Mr. RANKIN stated, at length, the circumstances of this case, and advocated the claim of the persons named in the bill.

Mr. COCKE opposed the claim.

Mr. CAMPBELL, of Ohio, called for the reading of a former report on the case, and opposed, at considerable length, the passage of the bill.

Messrs. THOMPSON of Georgia, ISACKS of Tennessee, and RANKIN of Mississippi, at great length advocated the bill, going into a recapitulation of the whole transactions between the United States and the State of Georgia, in relation to the Yazoo claims, &c.

Mr. COBB moved to amend the bill by inserting the name of Thomas Carr among those for whose relief it was drawn. This motion was supported by the mover, but was not agreed to by the Committee.

The bill was then reported to the House without amendment, and, without taking the question on its third reading, the House adjourned till Monday next.

MONDAY, April 26.

Mr. NEALE presented a memorial of sundry inhabitants of the county of Alexandria, in the District of Columbia, praying that they may be restored to their parent, the State of Virginia.—Referred to the Committee for the District of Columbia.

Mr. HAMILTON, from the Committee on Military Affairs, reported a bill to authorize the President to exchange five arpens of land on the south side of the public lot at Baton Rouge, for an equal quantity of land on the north side of said lot; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. HAMILTON, from the same committee, who were instructed to inquire into the expediency of removing the obstructions in the river Iberville, placed in it by order of the Commanding General, during the late war, made a report; which was read, and laid upon the table.

Mr. HEMPHILL, from the Committee on Roads and Canals, to whom the subject was referred, reported a bill to authorize the surveying and making a road from Detroit to Chicago; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. McLANE, of Delaware, the Committee on Military Affairs were instructed to inquire into the expediency of authorizing the purchase of an additional quantity of land, for the

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enlargement of the site of Fort Washington, and for completing the title in the United States to a part of that on which the said fort is now erected.

On motion of Mr. LIVINGSTON, the Committee on Private Land Claims were directed to report whether the claim of Dussau de la Croix to certain lots in the town of Mobile, ought not to be confirmed.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act explanatory of an act, confirming claims to lots in the town of Mobile;" and "An act supplementary to 'An act to incorporate a company for making certain turnpike roads in the District of Columbia,'" in which bills the Senate ask the concurrence of this House.

The said bills were read twice, and referred; that "explanatory of an act confirming claims to lots in the town of Mobile," to the Committee on Public Lands; and that "supplementary to an act to incorporate a company for making certain turnpike roads in the District of Columbia," to the Committee for the District of Columbia.

The engrossed bill "for the relief of David Giffin and Joseph Hoag," an engrossed bill "for the relief of the representatives of Joseph Mims, deceased," an engrossed bill "for the relief of George B. R. Gove," were severally read a third time, passed, and sent to the Senate for concurrence.

An engrossed bill "for the relief of William Blagrove" was read a third time. Mr. KREMER opposed the passage of the bill; and it was advocated by Mr. HARVEY and Mr. FULLER. Mr. KREMER then moved to lay the bill on the table. The motion was negatived, ayes 26, noes 79; and after some further conversation, the bill was passed, and sent to the Senate for concurrence.

The engrossed bill "for the relief of John Thomas & Co.," an engrossed bill "for the relief of William N. Earle," were read a third time, passed, and sent to the Senate for concurrence.

An engrossed bill "for the relief of Jos. Wheaton," being read a third time, Mr. COCKE asked for information, and spoke against the passage of the bill.

Mr. WILLIAMS, of North Carolina, called for the reading of a letter from the Comptroller of the Treasury on the subject, which was read, and the bill was passed, and sent to the Senate for concurrence.

An engrossed bill "for the relief of the corporation of the church of St. Anne, and to authorize the extension of Larned street, in the town of Detroit," an engrossed bill "authorizing the release of certain debentures to Bernard Thooft," were read a third time, passed, and sent to the Senate for concurrence.

JOHN H. PIATT.

An engrossed bill "for the relief of the executors and legal representatives of John H. Piatt," having been read a third time, Mr. FORSYTH moved that the further consideration of the bill be postponed until the second Monday in December next.

Mr. ROSS spoke in opposition to this motion, and in favor of the passage of the bill. He went at considerable length into a recapitulation of the circumstances of this case, showing that the claim of Mr. Piatt's heirs grows out of his relation as a contractor for the supply of the army ten years ago.

Mr. LIVERMORE took a similar view of the case, and remonstrated against the postponement, in a speech of considerable extent.

Mr. FORSYTH shortly replied, not in a direct denial of the equity of the claim, but expressing a desire for a better understanding of it.

Mr. McLANE, of Delaware, spoke at length in favor of the bill, which, he contended, did not go to the whole extent of what was justly due to the claimants. He gave a history of what had been done; read the opinion of Mr. Pinkney on the construction of the law under which the claim is advanced, and argued from the whole case, the propriety of immediately passing the bill.

Mr. McARTHUR testified to many of the circumstances of the case of this claimant, who had been ruined by adhering to his contract, and died in extreme distress. Mr. McA. passed a strong eulogium on his honesty, activity, and patriotism.

Mr. DWIGHT explained the facts on which the claim rested, and advocated its equity.

Mr. WRIGHT bore witness to other facts, and confirmed the views of his character and claim which had been already given.

Mr. MCCOY advocated the passage of the bill. He had gone into an extensive examination of the case, and was fully satisfied of the justice of the claim. The bill fell far short of appropriating all that was due to the estate of Mr. Piatt.

Mr. FORSYTH replied—stated his views of the law on which the claim was founded, and on which he differed from the gentlemen who had spoken on the other side. He nevertheless withdrew his motion for postponement.

Mr. McLANE further dwelt on the nature of the law, defended the interpretation given to it by Mr. Pinkney and by the Second Auditor of the Treasury, and urged the passage of the bill.

Mr. MALLARY read a letter of the late Mr. Piatt, in which he refuses to abandon a disadvantageous contract, and resolves to go on in supplying the army at Detroit, trusting to the equity and liberality of the Government.

Mr. LONGFELLOW called for the reading of the contract—and spoke at length in opposition to the passage of the bill, occasionally referring to the accounts in support of his views.

Mr. CULPEPER spoke in favor of the bill. He had been a member of this House when the claim was first presented, and his only doubt about the bill was, whether it went to the extent of what was due.

Mr. MCCOY explained a number of facts in answer to Mr. LONGFELLOW.

Mr. VANCE, of Ohio, went into the history of the contract, and of the law which passed for the settlement of the accounts of Mr. Piatt, and explained the reason of the discrepancy between the settlement allowed by different accounting officers

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of the Treasury, and stated some of the dying expressions of Mr. Piatt.

The question was then taken, and the bill was passed with a single dissenting voice.

An engrossed bill "for the relief of Arthur H. Henly," and an engrossed bill "releasing the owners of the ship General Jackson from the payment of certain duties," were read a third time, and passed.

DONNELSON, HURD, AND OTHERS.

A bill "for the relief of John Donnelson, Stephen Hurd and others," being taken up, Mr. COBB renewed the motion he had made on Saturday in Committee of the Whole, for inserting the name of Thomas Carr in the 4th line of the bill—and stated the reason for such insertion. He went into a full statement of the transactions to which the bill refers—and maintained that Carr had the same right to compensation with Donnelson, Hurd, and others.

Mr. COOK opposed the amendment, and was proceeding to adduce the reasons for the opposition, when the hour of recess arrived—and the House had a recess till 4 o'clock.

The House met after the recess; and the question being on the amendment proposed by Mr. COBB, to insert the name of Thomas Carr—

Mr. WHIPPLE spoke in opposition to the amendment.

Mr. WICKLIFFE moved indefinitely to postpone the bill.

Mr. RANKIN opposed the indefinite postponement, and went at some length into the facts of the claim, enforcing the arguments he advanced on Saturday.

The CHAIR refused to take the question on indefinite postponement until that on the amendment should have been decided.

Mr. COBB further advocated the propriety of inserting the name of Thomas Carr—referring to documents to support his arguments.

Mr. COOK followed on the opposite side, and contended that there was no proof that Mr. Carr had performed any service as a commissioner.

Mr. FORSYTH spoke in reply to the gentleman from Illinois, and contended that Mr. Carr had performed important services.

Mr. WICKLIFFE replied to Mr. RANKIN; spoke against the amendment, and referred to documents to confirm the sentiments he advanced.

Mr. WHIPPLE insisted on the grounds he had formerly taken, in opposition to the amendment.

Mr. THOMPSON argued that, though Mr. Carr had not been engaged in exploring lands, he might, as commissioner, perform other important duties, worthy of recompense.

The question being then taken on the amendment, it was carried—ayes 92.

And the bill was then ordered to a third reading—ayes 79, noes 76.

A motion was made to adjourn, which was lost—ayes 70, noes 85.

On motion of Mr. CAMPBELL, of Ohio, the House then went into Committee of the Whole, (Mr. DWIGHT in the chair,) on the bill "for the

relief of Robert S. Forman." The report of the Committee on Private Land Claims, in this case, was read, and the bill was reported and ordered to a third reading.

On motion of Mr. OWEN, the House went into Committee of the Whole, (Mr. EDWARDS, of North Carolina, in the chair,) on the bill confirming to the heirs and legal representatives of the late Don Miguel de Esclava, the title to certain lands in the town of Mobile. The report of the Committee on Private Land Claims having been read—the bill was reported.

And then the House adjourned.

TUESDAY, April 27.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, reported a bill for the relief of Maturin Guichot; which was read twice, and committed to a Committee of the Whole.

Mr. CAMPBELL, from the same committee, reported a bill for the relief of Joseph Firman and others; which was read twice, and committed to a Committee of the Whole.

Mr. McLANE, from the Joint Committee of Conference, appointed on the part of this House, to meet a committee on the part of the Senate, in relation to the Navy Appropriation bill, made a report, recommending a compromise of the difference between the two Houses as to the item of contingent expenses of the Navy; which was ordered to lie on the table.

The SPEAKER laid before the House a report from the Secretary of War on the case of George Harlin, made in obedience to an order of this House, of the 20th inst.; which report was committed to the Committee of the Whole to which is committed the bill for the relief of said Harlin.

Mr. HAMILTON moved that the rule adopted on Saturday last for holding a daily recess from two till four be rescinded. Mr. COCKE objected to this motion, and moved that it lie on the table. And the question being taken on laying it on the table, it was decided in the negative—ayes 41, noes 70.

The question then recurring on rescinding the rule, Mr. KREMER opposed the motion, and called for the yeas and nays upon it, which were ordered.

Mr. HAMILTON spoke in support of rescinding the rule. Mr. TAYLOR, of New York, spoke in opposition to it, and moved that the further consideration of the subject be postponed to to-morrow. The question on postponement was taken, and decided in the negative—ayes 62, noes 70. Mr. WAUFIELD spoke in favor of rescinding; and the question was decided in the affirmative—yeas 100, nays 69. So the rule was rescinded.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act declaring the consent of Congress to certain acts of the State of Alabama;" in which they ask the concurrence of this House.

The bill was read twice, and referred to the Committee on the Judiciary.

Mr. CONDUCT moved the following amendment to the rules and orders of the House, viz:

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"When a bill is engrossed for a third reading, it shall be handed by the Clerk to the chairman of the committee reporting it; and it shall be the duty of such committee carefully to examine and compare such engrossed bill, and report thereon to the House."

The said amendment was laid on the table until to-morrow.

Mr. FOOT, of Connecticut, laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to lay before this House, at the next session, a detailed report of the system and plan of fortifications as at present contemplated by the Government and established by the Board of Engineers; and also the plans and surveys of such fortifications, with an estimate of the amount necessary to complete the same; and also the amount expended on fortifications since the year 1815.

An engrossed bill "for the relief of Robert S. Forman" was read a third time, passed, and sent to the Senate for concurrence.

An engrossed bill "to authorize the President to exchange five arpents of land on the south side of the public lot at Baton Rouge, for an equal quantity on the north side of said lot," was read a third time, passed, and sent to the Senate for concurrence.

An engrossed bill "for the relief of the heirs and legal representatives of John Donnelson, Stephen Hurd, and others," was read a third time. Mr. MILLER called for the yeas and nays; but the House refused to sustain the call. The question recurring on the passage of the bill, it was decided in the negative—ayes 61, noes 76. So the bill was rejected.

The question then recurring, from yesterday, on ordering the bill "for the relief of Don Miguel de Esclava" to a third reading, Mr. CAMPBELL, of Ohio, moved an amendment, striking out that part of the bill which confirms to M. de Esclava, among other tracts, the title of 5,000 arpents of land, on Dog river, near Mobile. Mr. MOORE, of Alabama, opposed the amendment at considerable extent, and was replied to by Mr. BRENT, who advocated the amendment on the ground that the establishment of the principle contained in it would bear hard on his constituents, as the passage of the section proposed to be stricken out, would be destructive to a large class of land claims in Louisiana. Mr. OWEN, of Alabama, spoke in favor of granting the tract under discussion, and opposed the amendment at considerable length. Mr. TAYLOR, of New York, without going into the merits of the claim, moved that, as the principle of the bill admitted of a great extent of debate, and the session was far advanced, and much time could not be devoted to private claims, the bill be postponed till the first day of the next session; which motion was agreed to, and the bill was postponed accordingly.

Mr. SLOANE moved a reconsideration of the vote rejecting the bill "for the relief of Donnelson and others," and the question being taken on reconsidering, it was negatived—ayes 73, noes 74.

The House went into Committee of the Whole,

(Mr. CONDUCT in the Chair,) on the bill "for the relief of Charles Humphrey." The report on his case having been read, the bill was reported to the House, and ordered to a third reading.

On motion of Mr. WHITTLESEY, the House went into Committee of the Whole, (Mr. BUCK in the Chair,) on the bill "for the relief of the representatives of Elijah Brush." The report of the Committee of Claims was read, and the bill being reported to the House, was ordered to a third reading.

On motion of Mr. HAMILTON, the House went into Committee of the Whole, (Mr. LATHROP in the Chair,) on the bill "for the relief of Joseph Mareschall." The report of the Committee on Military Affairs, in this case, was read. Mr. HAMILTON moved to fill the blank in the bill with the sum of \$288, which was agreed to. Mr. H. then moved an amendment, remitting the costs of a suit of the United States against Mareschall; which was carried. The bill was then reported, as amended, and ordered to a third reading.

On motion of Mr. VINTON, the House went into Committee of the Whole, (Mr. HARVEY in the Chair,) on the bill "for the relief of Bazaleel Wells." Mr. VINTON stated the facts of the case; and the bill was reported, and ordered to a third reading.

On motion of Mr. MCCOY, the House went into Committee of the Whole, (Mr. BEECHER in the Chair,) on the bill "for the relief of Joseph Smith, of Alexandria." The report of the Committee of Claims was read. The bill was then reported, and ordered to a third reading.

On motion of Mr. CAMPBELL, of South Carolina, the House went into Committee of the Whole, (Mr. STERLING in the Chair,) on the bill "for the relief of Malachi Burns." The report of the Committee on Private Land Claims, in this case, having been read, and a small error in the bill having been corrected, it was reported, and ordered to a third reading.

On motion of Mr. MCCOY, the House went into Committee of the Whole, (Mr. FINDLAY in the Chair,) on the bill "for the relief of Stephen Brace." The report of the Committee of Claims having been read, the bill was reported, and ordered to a third reading.

On motion of Mr. WHITTLESEY, the House went into Committee of the Whole, (Mr. LEFTWICH in the Chair,) on the bill "for the relief of Lemuel Arms." The report of the Committee of Claims was read—when the bill was reported, and ordered to a third reading.

On motion of Mr. WHITTLESEY, the House went into Committee of the Whole, (Mr. TEST in the Chair,) on the bill "for the relief of Mareen Duval." The report of the Committee of Claims was read. Mr. WRIGHT moved to amend the bill, by striking out \$81 93, and inserting \$67 18, which was agreed to; and the bill was reported, and ordered to a third reading.

On motion of Mr. EDWARDS, of North Carolina, the House went into Committee of the Whole, (Mr. CAMPBELL, of Ohio in the Chair,) on the bills "for the relief of Samuel Rist," and "for the

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relief of John Hall." Mr. EDWARDS stated the case of Samuel Rist, (an insane soldier.) The Chairman of the Committee on Pensions and Revolutionary Claims in the case of Hall, stated the circumstances in his case. Mr. FORSYTH moved to amend the bill, by adding to it the following clause; "and to allow Lewis Joseph Beaulieu \$250 per annum, in place of the pension allowed to him by the Continental Congress. Mr. EDWARDS objected to the amendment, as being not in order. The Chair pronounced it to be in order; and the report of the Committee of Claims in the case of Beaulieu, was read. The amendment was rejected, and then the bill was reported, and ordered to a third reading.

On motion of Mr. WILLIAMS, of North Carolina, the House went into Committee of the Whole, (Mr. WHITTLESEY in the Chair,) on the bill "for the relief of Joshua Bennett." The report in this case being read, the bill was reported and ordered to a third reading.

On motion of Mr. WHITE, of Kentucky, the House went into Committee of the Whole, Mr. CONDUCT in the Chair, on the bill "for the relief of Elliot Rucker." The report of the Committee on the Post Office and Post Roads having been read, the bill was reported and ordered to a third reading.

On motion of Mr. LITTLE, the House went into Committee of the Whole, Mr. TOMLINSON in the Chair, on the bill "for the relief of Catharine Louderman." A bill from the War Department on the case of Louderman, was read. Mr. Cady moved an amendment placing Thomas Burk on the pension list. The Chairman pronounced the amendment to be out of order. The bill was then reported.

Mr. MCCOY objected to ordering the bill to a third reading, as setting a precedent which might have extensive consequences. Mr. CULPEPER replied, and the bill was ordered to a third reading.

On motion of Mr. LITTLE, the House went into Committee of the Whole, Mr. HOGEBOOM in the Chair, on the bill "for the relief of the legal representatives of Charles Bradford." The report of the Committee on Pensions and Revolutionary Claims in this case having been read, the bill was reported, and ordered to a third reading.

On motion of Mr. CAMPBELL, of Ohio, the House went into Committee of the Whole, Mr. WICKLIFFE in the Chair, on the bill "for the relief of Thomas Williams." The petition and documents in this case were read, and the bill was reported, and ordered to a third reading.

On motion of Mr. McLANE, the message from the Senate, accompanied by a report of the joint committee of conference, signifying that they had receded from their amendment formerly insisted on to the bill making appropriation for the naval service of the United States for the year 1824, and proposing certain other amendments, was taken up.

Mr. COCKE spoke in opposition to one of the amendments, which recognises per diem allowances for extra services by officers of the Navy, and he moved to lay the bill and report on the table, but withdrew his motion at the request of

Mr. McLANE, who urged a speedy passage of the bill, for which the public service was suffering. He explained the several amendments proposed, and replied to the objections of Mr. COCKE.

Mr. COCKE insisted on the objections, and supported them by a series of remarks, which he closed by renewing the motion to lay the bill on the table. The motion was lost, and the House concurred in the report of the committee of conference.

On motion of Mr. MCCOY, the House went into Committee of the Whole, Mr. ALLEN in the Chair, on the bill "for the relief of Nathaniel Jones." The report in the case having been read, the bill was reported, and ordered to a third reading.

On motion of Mr. MCCOY, the House went into Committee of the Whole, Mr. COOK in the Chair, on the bill "for the relief of John Holliday." The report of the Committee of Claims having been read, the bill was reported, and ordered to a third reading.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole, Mr. CRAFTS in the Chair, on the bill "for the relief of Benjamin Desobry." Mr. CAMBRELENG having stated the circumstances of the case, the bill was reported, and ordered to a third reading.

On motion of Mr. CADDY, the House went into Committee of the Whole, Mr. CULPEPER in the Chair, on the bill for the relief of Jonas Duncan. The report of the Committee on Naval Affairs in the case having been read, the bill was reported, and ordered to a third reading.

On motion of Mr. MCKIM, the House went into Committee of the Whole, Mr. STRONG in the Chair, on the bill for the relief of John Wilmot. The report of the Committee of Ways and Means having been read, and a blank date in the bill supplied—

Mr. COCKE spoke in opposition to the bill, and moved to strike out the enacting clause.

Mr. McLANE replied, and urged the judgment of the Supreme Court of the United States in this case.

Mr. TRIMBLE made some remarks on what had formerly been done in this case.

Mr. FOOT, of Connecticut, explained the facts to which the bill refers.

Mr. McLANE read the report of the Committee of Ways and Means, made in 1818, which he explained and enforced.

Mr. COCKE withdrew his motion to strike out; and the bill was reported and ordered to a third reading.

The House, on motion of Mr. MCCOY, went into Committee of the Whole, Mr. TEN EYCK in the Chair, on the bill "for the relief of J. Ottramare."

The chairman of the Committee of Ways and Means not being in his place, Mr. MCCOY moved that the committee rise, and the bill lie over till further information could be given to the committee.

Before the question was taken, the petition of Mr. Ottramare was read, and the bill was reported, but, on motion of Mr. TRACY, was laid on the table.

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William P. Nimmo.—Daniel Carroll.

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WILLIAM P. NIMMO.

On motion of Mr. WHITTLESEY, the House, by a vote of 88 to 51, took up the bill for the relief of William P. Nimmo.

Mr. WHITTLESEY having spoken in support of the passage of the bill—

Mr. WILLIAMS, of North Carolina, observed that, since this bill was formerly considered, a general bill had been reported, proposing to make provision for all cases similar to that of Mr. Nimmo. If that bill should pass, this one would be unnecessary; if not, it would be wrong to distinguish this sufferer from the others. He moved to lay the bill again upon the table; but withdrew the motion, to give way to Mr. NEWTON, who advocated at length the equity of the claim, and pressed the passage of this bill. Mr. STRONG spoke in reply, and moved the postponement of the bill to the first day of the next session.

The question being taken on this motion, it was decided in the negative—ayes 65, noes 71.

Mr. SHARPE moved the reference of the bill to the same committee to whom was referred the general bill for similar cases to the present.

The question being taken, the votes stood—ayes 70, noes 69.

The SPEAKER voting against the recommitment, it was lost by the equality of votes *pro* and *con*.

The question recurring on the passage of the bill, Mr. SANDFORD opposed and Mr. WHITTLESEY advocated it. When the question on the passage of the bill was taken, and decided in the affirmative—80 to 66. So the bill was passed, and sent to the Senate for concurrence.

WEDNESDAY, April 28.

Mr. E. WHITTLESEY, from the Committee of Claims, made a report on the petition of James, Jehu, and Nathaniel Brooks, accompanied by a bill for their relief, or the legal representatives of either of them, which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. HARVEY, from the Committee on Naval Affairs, made a report on the petition of John K. Carter, accompanied by a bill for his relief, which was read twice, and committed to a Committee of the Whole.

Mr. CUSHMAN, from the Committee on the Public Buildings, made the following report:

"The Committee on the Public Buildings, to whom was referred the resolution instructing them to inquire into the expediency of purchasing three of Capillano's marble busts of Washington, having had the subject under consideration, report:

"That, however laudable it may be in the Government to cherish a disposition friendly to the fine arts, and to patronize ingenious artisans, or politic to adorn our public halls or libraries with the likenesses of departed sages or heroes, it is inexpedient to purchase these busts, at this time, under existing circumstances."

The report was concurred in.

The resolution offered yesterday, by Mr. Foor, of Connecticut, calling on the President of the United States for information in relation to the

plans of fortification now pursued by Government, was taken up.

Mr. COCKE suggested that the inquiry ought to be further extended, and wished that the resolution should be laid on the table one day more, that it might be modified.

Mr. FOOT not acceding to this suggestion, Mr. COCKE then moved to lay the resolution on the table; which motion was carried.

Engrossed bills of the following titles, to wit:

For the relief of James Duncan;
For the relief of Lemuel Arms;
For the relief of John Wilmot;
For the relief of Joshua Bennett;
For the relief of Nathaniel Jones;
For the relief of John Holliday;
For the relief of Charles Bradford;
For the relief of Elliott Rucker;
For the relief of Catherine Louderman;
For the relief of Malachi Burns;
For the relief of Bazaleel Wells;
For the relief of the representatives of Elijah Brush;
For the relief of Joseph Mareschal;
For the relief of Charles Humphreys;
For the relief of Joseph Smith;
For the relief of Mareen Duval;
For the relief of Samuel Rist;
For the relief of William Hull;
For the relief of Thomas Williams;
For the relief of Stephen Brace;
For the relief of Benjamin Desobry;

were severally read a third time, passed, and sent to the Senate for concurrence.

The following bills, all of a private nature, viz:

A bill for the relief of Hugh McCulloch;
A bill for the relief of Robert Strain;
A bill for the relief of John S. Moffet;
A bill for the benefit of the Columbian Institute, (allowing the Institute the temporary use of certain public lots in Washington);
A bill for the relief of Judah Alden;
A bill for the relief of Henry Lightner;
A bill for the relief of George Fisher;
A bill for the relief of Landie Richardson;
A bill for the relief of David Cooper;
A bill for the relief of Jacques Myctte, Francis Charpentrie, and Jean B. Laducier;
A bill for the relief of Daniel Carroll, of Duddington, and others;
A bill for the relief of Peter Yandes;
A bill for the relief of David Beard;
A bill for the relief of Thomas L. Ogden, and others;

A bill for the relief of Mary H. Hawkins;
A bill for the relief of Solomon Sibley;
A bill for the relief of J. M. C. Montgomery; and
A bill for the relief of Frederick Perley;

were severally considered and discussed, in Committee of the Whole, and ordered to a third reading.

DANIEL CARROLL.

On the bill "for the relief of Daniel Carroll, of Duddington, and others," an extensive debate arose.

Mr. MCCOY went at length into a statement of the facts of the case, and spoke in favor of the bill.

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Mr. COCKE opposed its passage, and moved to strike out the enacting clause. Mr. MCCOY replied and explained; and a desultory debate arose, in which Messrs. COCKE, MCCOY, WARFIELD, BRENT, LIVERMORE, LITTLE, GAZLAY, and ROSS, participated—when the motion to strike out the enacting clause was negatived.

Mr. HAYDEN moved to amend the bill by striking out \$1500 and inserting \$1000; and the debate was further continued by Messrs. MCCOY, REYNOLDS, LETCHER, and BRENT.

The question being taken, was decided in the negative—ayes 65, noes 66. The Chairman voted in the negative. So the amendment was lost. The bill was then reported.

Mr. COCKE called for the yeas and nays on ordering the bill to a third reading; and the question being taken was decided—yeas 78, nays 77, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Archer, Baylies, J. S. Barbour, Bassett, Brent, Buchanan, Buck, Cambreleng, Cobb, Collins, Condict, Cook, Crafts, Craig, Cushman, Cuthbert, Durfee, Dwinell, Eaton, Eddy, Farrelly, Foot of Connecticut, Forward, Garnett, Gurley, Hamilton, Harvey, Hayward, Henry, Hogeboom, Hooks, Jenkins, J. T. Johnson, Kent, Lathrop, Lawrence, Leftwich, Litchfield, McCoy, McKim, McLane of Delaware, McLean of Ohio, Mallary, Matson, Metcalfe, Mitchell of Maryland, Neale, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reynolds, Ross, Saunders, Sloane, Spence, A. Stevenson, Strong, Swan, Ten Eyck, Thompson of Kentucky, Tomlinson, Tracy, Trimble, Tucker of Virginia, Vance of Ohio, Van Wyck, Warfield, Whipple, Whittlesey, Williams of Virginia, Williams of North Carolina, Henry Wilson, Wood, and Wright.

NAYS—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allen of Tennessee, Barber of Connecticut, P. P. Barbour, Bartlett, Bartley, Beecher, Blair, Bradley, Brown, Buckner, Burleigh, Cady, Campbell of Ohio, Cary, Clark, Cocke, Conner, Day, Dwight, Ellis, Findlay, Foote of New York, Forsyth, Frost, Garrison, Gatlin, Gazlay, Gist, Harris, Hayden, Herrick, Houston, Isaacs, F. Johnson, Kidder, Ktomer, Letcher, Livermore, Locke, Longfellow, McArthur, Marvin, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Moore of Alabama, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Richards, Sandford, Sharpe, Sibley, Arthur Smith, William Smith, Spaight, Standefer, Sterling, Taliaferro, Taylor, Test, Thompson of Georgia, Tod, Tucker of South Carolina, Tyson, Udree, Vance of North Carolina, Vinton, Whitman, Wickliffe, James Wilson, Wilson of South Carolina, Wilson of Ohio, and Woods.

To-morrow was then assigned for the third reading of said bill.

CLAIM OF DANIEL D. TOMPKINS.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read as follows:

To the House of Representatives:

The House of Representatives having referred back the accounts and claims of Daniel D. Tompkins, late Governor of New York, to be settled on the principles established by the report of the committee, and the law founded on it, in the last session, I have re-

considered the subject, and now communicate the result.

By the report of the committee, which it was understood was adopted by the House, it was decided that his accounts and claims should be settled on the four following principles:

First. That interest should be allowed him on all moneys advanced by him for the public, from the time of the advance to that of his being reimbursed.

Second. That a reasonable commission should be allowed him on all moneys disbursed by him during the late war.

Third. That an indemnity should be allowed for all losses which he had sustained by the failure of the Government to fulfil its engagements to send him money, or Treasury notes, within the time specified, to be deposited in certain banks, as collateral security, for loans procured by him, at the request, and on account of, the Government.

Fourth. That he should not be held responsible for losses incurred by the frauds and failures of sub-agents, to whom moneys were advanced through his hands.

On the first: That of interest on his advances for the public, I have allowed him \$14,438 68. This allowance is made on advances admitted by the accounting department, and on the declaration of Mr. Tompkins that the remittances made to him, after his advances, and previous to the 24th of December, 1814, when a very large sum was remitted to him, were applied to public purposes, and not to the reimbursement of his advances.

On the second head: That of a reasonable commission for his disbursements, during the late war, I have allowed him five per cent. on the whole sum disbursed by him, amounting to ninety-two thousand two hundred and thirteen dollars, thirteen cents. I have made him this extra allowance in consideration of the aid which he afforded to the Government at that important epoch, in obtaining the loan of a considerable part of the sums thus disbursed.

On the third head: That of an indemnity for losses sustained by him, in consequence of the failure of the Government to fulfil its engagements to send him money or Treasury notes within the time specified, I have allowed him \$4,411 25, being the amount of the loss sustained on the sale of the Treasury notes, for which he was responsible.

On the fourth head: That of losses sustained by him by any frauds or failures of sub-agents, none such having been shown, no allowance whatever has been made to him.

From the amount thus allowed to Mr. Tompkins, after deducting the sum paid him, under the act of the present session, and the moneys charged to his account, there will remain a balance due him, of \$60,238 46, as appears by the sketch herewith communicated.

In making a final decision on Mr. Tompkins's claims, a question arises, shall interest be allowed him on the amount of the commission on his disbursements? The law of the last session grants to the President a power to allow interest on moneys advanced by him to the public, but does not authorize it on the commission to be allowed on his disbursements. To make such allowance belongs exclusively to Congress. Had his claims been settled at the end of the last war, on the principles established by the law of the last session, a commission on disbursements would

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then have been allowed him. This consideration operates with great force in favor of the allowance of interest on that commission, at this time, which I recommend to Congress.

I think proper to add that the official relation which I bore to Governor Tompkins, at that very interesting epoch, under the highly distinguished and meritorious citizen under whom we both served, enabling me to feel very sensibly the value of his services, excites a strong interest in his favor, which I deem it not improper to express.

JAMES MONROE.

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The Message and document were referred to the Committee on Ways and Means.
And then the House adjourned.

THURSDAY, April 29.

Mr. SCOTT, by leave of the House, presented a representation and memorial of the Bank of Missouri, by Thomas F. Riddick, its agent, in relation to its transactions with the Treasury Department of the United States, and praying that the Secretary of the Treasury may be directed to settle the claims of the said bank, upon the principles of equity.—Referred to the Committee of Ways and Means.

Mr. GAZLAY submitted a joint resolution, for the appointment of a trustee on behalf of the United States, to carry into execution an act of Congress of 3d March, 1803, relative to a township of land in the State of Ohio, reserved for an academy in the grant of John Cleves Symmes; which said resolution was read twice, and ordered to be laid upon the table.

The resolution of Mr. FOOT, of Connecticut, calling on the President of the United States for certain information respecting fortifications, was, on motion of Mr. COCKE, taken up and considered.

Mr. COCKE offered an amendment to strike out the word "established," [by the Board of Engineers,] and insert the word "recommended," which was agreed to.

At the motion of Mr. TAYLOR, the word "government" was stricken out, and the word "President" inserted in its stead.

The question being on adopting the resolution, as amended, some debate arose, in which Messrs. COOK, LITTLE, and FOOT, took part.

Mr. POINSETT offered an amendment to qualify the call for information, by a clause which limits it to such only as may be communicated without injury to the public defence.

Mr. CONDUCT moved that the resolution be farther modified by adding to it a clause in these words: "so far as the same has not heretofore been communicated." This amendment was not agreed to, and, on motion of Mr. LITTLE, the resolution was laid on the table.

The following engrossed bills of a private nature, which were yesterday ordered to a third reading, were this day read a third time, passed, and sent to the Senate for concurrence, viz:

A bill for the relief of Hugh McCulloch;
For the relief of Robert Strain;

For the relief of John S. Moffett;
For the benefit of the Columbian Institute;
For the relief of Judah Alden;
For the relief of Henry Lightner;
For the relief of George Fisher;
For the relief of Landie Richardson;
For the relief of David Cooper;
For the relief of Peter Yandes;
For the relief of David Beard;
For the relief of Thomas S. Ogden and others;
For the relief of Mary H. Hawkins;
For the relief of Solomon Sibley;
For the relief of J. M. C. Montgomery;
For the relief of Frederick Perley;
For the relief of Daniel Carroll, of Duddington, and others;

On the passage of this bill, Mr. McARTHUR called for the yeas and nays, which were ordered. Farther documents were read, and Mr. WILLIAMS, of North Carolina, chairman of the Committee of Claims, spoke in favor of the passage of the bill. The question on its passage was decided by yeas and nays, as follows: Yeas 82, nays 79. So the bill was passed.

The following bills, of a private nature, were then considered in Committee of the Whole, reported to the House, and ordered to a third reading, viz:

A bill for the relief of Morris Goldsmith and Anthony Roderick;

A bill for the relief of Robert Blean;

A bill supplementary to the act to incorporate the inhabitants of the City of Washington;

On this bill some discussion arose between Messrs. KENT, NEALE, LITTLE, CULPEPER, and ALEXANDER, of Virginia.

Mr. ALEXANDER offered an amendment:

"SEC. 6. And be it further enacted, That the Board of Aldermen and Board of Common Council, in joint meeting, shall have power to judge of the legality of the elections, returns, and qualifications, of the Mayor, and to order new elections when they may deem the same necessary. And, in cases where a new election may be ordered, the Mayor for the preceding term shall continue to act as such, until a Mayor shall be elected and qualified. And, if the Mayor for the preceding term shall be incapable, or shall refuse or neglect to serve as such, then the two Boards, in joint meeting, may elect a person as Mayor until a Mayor shall be elected and qualified as aforesaid. And, in case the Mayor shall, at any time, become incapable of acting as such, by reason of absence, sickness, or disability, the two Boards may elect a Mayor, to act until such incapacity or disability shall be removed."

The question being taken, it was decided in the negative—yeas 53, noes 67.

The bill being reported to the House, Mr. LITTLE offered the foregoing amendment.

On this amendment, the debate was renewed by Messrs. LITTLE, CULPEPER, NEALE, COOK, TRACY, and TAYLOR; and the question being taken, it was rejected.

A bill for the relief of Jacob Slough;
A bill for the relief of the legal representatives of Fry and Spalding;

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A bill for the relief of Samuel Cleaveland;
A bill to compensate William Cocke for certain military services rendered the United States during the late war;

[This bill was amended by a section allowing to John T. Johnson, aid of General Harrison in the late war, the pay of a captain, together with the emoluments usually allowed to the aids of generals in the militia service.]

A bill for the relief of Dean Weymouth;
For the relief of John Mitchell;
For the relief of John Topp;
For the relief of Archibald Clark;
For the relief of Benjamin King;
For the relief of Maturin Guichot, (with an amendment);

For the relief of Joseph Firman and others, (with an amendment);

For the relief of James, Jehu, and Nathaniel Brooks, and the legal representatives of either of them;

For the relief of John K. Carter.

Also, the following bills from the Senate:

For the relief of Joseph Wood, of Ohio;

For the relief of Josiah Hook, jun.

This bill gave rise to much debate. A motion was made to lay it on the table, and negatived. Many documents were read. A motion was made to postpone indefinitely, and, after extended argument, in which Messrs. WILLIAMS of North Carolina, LONGFELLOW, MCCOY, WEBSTER, and WHITTESEY, took part, the indefinite postponement was negatived by a large majority, and the bill was reported, and ordered to a third reading, as also was the one preceding it.

Mr. NEWTON, from the Committee on Commerce, reported a bill "making appropriations for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth beach;" which was twice read and committed.

Mr. MCCOY, from the Committee of Claims, reported a bill "for the relief of Edward and Owen Evans;" which was twice read and committed.

And then the House adjourned.

FRIDAY, April 30.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act supplementary to an act of Congress, passed on the 13th day of June, 1812, entitled 'An act making further provision for settling the claims to land in the Territory of Missouri,'" reported the same with amendments; and the bill was committed to a Committee of the Whole.

Mr. LITTLE from the Committee on Pensions and Revolutionary Claims, to which was referred the amendment proposed by the Senate to the bill, entitled "An act concerning invalid pensioners," made a report; and the amendment was committed to a Committee of the Whole.

Mr. FULLER, from the Committee on Naval Affairs, made a report on the petition of Edward Barnard, administrator on the estate, &c., of John B. Fanning, deceased, late a purser in the Navy

of the United States, accompanied by a bill; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of Robert Brotherton; which was read twice, and committed to a Committee of the Whole.

Mr. WHIPPLE, from the Committee on the Public Lands, to whom the subject had been referred, reported a bill for the relief of the registers and receivers of public money of the several land offices; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. TATTNALL, the Committee on Military Affairs were instructed to inquire into and report, at the next session of Congress the extent to which it is expedient to adopt the system of defence, proposed in the several reports of the board of engineers, for the defence of the maritime frontier of this country; the amount which it is estimated the works in contemplation, approved of by the committee, may cost, specifying the location and estimated cost of each particular work; and also, the amount which it may be proper and expedient to appropriate annually for gradually effecting the above contemplated plan of defence.

The House proceeded to consider the bill to authorize the issuing a register to the brig William, of New York, and the said bill being amended, was ordered to be engrossed, and read a third time to-morrow.

The bill from the Senate, entitled "An act for the relief of Joseph Hook, junior," was read the third time, and, being on its passage, it was ordered that the further consideration of the bill be postponed until Monday next.

Mr. WARFIELD offered the following:

"Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing an act of the Legislature of the State of Maryland, (so far as the said act extends to the District of Columbia,) passed in the year 1785, entitled 'An act ascertaining what shall be recovered on protested bills of exchange; and to repeal an act of Assembly therein mentioned.'"

Mr. BUCHANAN called on the mover for an explanation, which was given at length by Mr. WARFIELD; and the resolution was agreed to.

The following engrossed bills, viz:

A bill for the relief of Morris Goldsmith and Anthony Roderick;

A bill for the relief of Robert Blean;

A bill for the relief of Jacob Slough;

A bill for the relief of the legal representatives of Fry & Spalding;

A bill for the relief of Samuel Cleaveland, jun.;

A bill for the relief of Dean Weymouth;

A bill for the relief of John Mitchell;

A bill to compensate William Cocke for certain military services rendered the United States during the late war, and for the relief of John T. Johnson;

A bill for the relief of John Topp;

A bill for the relief of Archibald Clark;

A bill for the relief of Benjamin King;

A bill for the relief of Maturin Guichot;
A bill for the relief of Joseph Firman, and others;
A bill for the relief of James, Jehu, and Nathaniel Brooks, and the legal representatives of either of them;

A bill for the relief of John K. Carter;
were, respectively, read a third time, *passed*, and sent to the Senate for concurrence.

The bill for the relief of Jacques Myotte, Francois Charpentrie, and James B. Laducier, having been read, Mr. VINTON, of Ohio, moved for its indefinite postponement, on the ground that there was no sufficient evidence of the petitioner's having performed military services in Illinois. Mr. COOK replied, and advocated, at length, the equity of the claim. Mr. RANKIN strongly doubted, and thought the presumption, from the circumstances of the case, was against the claim. Mr. COOK farther defended its justice, in a speech of considerable length—to which Mr. RANKIN rejoined, and the debate was farther continued by Messrs. COOK, VANCE, of Ohio, FORSYTH, and WHIPPLE:

And the question being taken on Mr. VINTON's motion, it was decided in the affirmative—ayes 86, noes 45.

So the bill was indefinitely postponed.

The engrossed bill "supplementary to the act to incorporate the inhabitants of the City of Washington;" and the bill from the Senate "for the relief of Joseph Wood, of Ohio;" were read a third time, *passed*, and sent to the Senate.

Mr. TUCKER moved to take up the report of the Committee on the claim of the heirs of Beaumarchais; which was agreed to—ayes 63, noes 52; and the House went into Committee of the Whole, (Mr. BASSETT in the Chair,) on the report. Mr. T., having commenced a detailed statement of the circumstances of the claim, and made some progress, the Committee rose, on motion of Mr. CLAY, with an understanding that this subject shall be taken up on Monday next.

The following bills, viz:

A bill for the relief of the representatives of Joseph C. Boyd;

A bill for the relief of Celestin Moreau, of Louisiana;

A bill rewarding the officers and crew of two gigs, or small boats, under the command of Lieut. Francis H. Gregory, of the United States Navy;

A bill for the relief of Hanson Kelly;
severally passed through Committees of the Whole, and were ordered to a third reading.

Mr. A. STEVENSON, from the committee to whom was referred the Message of the President of the United States, in relation to the accounts of Daniel D. Tompkins, reported a bill, (in blank,) "making appropriation for the payment of the amount adjudged to be due to him;" which was twice read and referred.

Mr. A. STEVENSON, from the Committee of Ways and Means, reported a bill "authorizing the executors of John B. Mebane to collect certain arrears of taxes;" which was twice read, and ordered to a third reading to-morrow.

Mr. F. JOHNSON gave notice, that on Tuesday next he should move the House to take up the bill

"to reduce one of the several acts establishing and regulating the Post Office Department."

The bill from the Senate, for the relief of James Johnson, passed through a Committee of the Whole, and was ordered to a third reading.

The bill from the Senate, "for the relief of the legal representatives of Andrew Mitchell, deceased," was taken up.

On a motion of Mr. COCKE, indefinitely to postpone this bill, (which is for the remission of duties on a still, not worked while its owner was a volunteer officer in the late war,) a considerable debate arose, in which Messrs. COCKE, MCCOY, BROWN, WILLIAMS, of North Carolina, BUCHANAN, WARFIELD, LIVERMORE, and WHIPPLE, took part. And the question being taken, it was decided in the negative—ayes 61, noes 65; and the bill was then ordered to a third reading—ayes 67, noes 54.

The following bills from the Senate, viz:

A bill for the relief of Napier, Rapelye, and Bennett, of Charleston, South Carolina;

A bill for the relief of Noah Smith, of Maine;

A bill for the relief of Dean Weymouth, (with an amendment, including two other invalid soldiers in the increase of pension given by the bill;—

Were, respectively, considered in Committee of the Whole, and, having been reported to the House, were ordered to a third reading.

A bill for the relief of Sarah Venable and Jane Morgan, was amended in Committee of the Whole, and, having been reported to the House, was laid on the table; and then the House adjourned.

SATURDAY, May 1.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of Elisha Snow, junior; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to which was recommitted the bill for the relief of George Harlin, reported the same without amendment; it was then ordered that the bill be postponed indefinitely.

The following engrossed bills, viz:

A bill to authorize the executors of John B. Mebane to collect certain arrears of taxes;

A bill to authorize the issuing of a register to the brig William, of New York;

A bill for the relief of the administrator of John B. Fanning, deceased, late a purser in the Navy of the United States;

And the following bills from the Senate, viz:

For the relief of the legal representatives of Joseph C. Boyd, (late district paymaster of the State of Maine;)

For the relief of Celestin Moreau, of Louisiana;

For the relief of Hanson Kelley;

For the relief of James Johnson;

For the relief of Napier, Rapelye, and Bennett, and Petrie, and Viell;

For the relief of Noah Smith, of Maine—as amended;

For the relief of Dean Weymouth—as amended;

For rewarding the officers and crews of two gigs or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy;

were respectively read a third time, and passed;

A bill from the Senate for the relief of the legal representatives of Andrew Mitchell, deceased, was read a third time—and then, on motion, was laid on the table.

Mr. P. P. BARBOUR moved to postpone the previous orders of the day, and take up a bill to allow further time to complete the issuing and locating of military land warrants.

The bill was taken up; and, on motion of Mr. TAYLOR, it was amended, by striking out "two" (years) and inserting "five," and it was then ordered to a third reading this day.

A bill from the Senate for the relief of Walter S. Chandler and Samuel Ward, after considerable discussion, was laid on the table.

A bill from the Senate, "to allow further time to complete the issuing and locating of military land warrants;" was read a third time, passed, and sent to the Senate.

A bill from the Senate, "confirming the claim of Peter H. Hobart and Lewis Judson," was read a third time, and laid on the table.

The following bills from the Senate—

A bill for the relief of Amasa Stetson, with an amendment;

A bill for the relief of Charles Gwynn;

A bill for the relief of the legal representatives of Firman Le Sieur;

A bill for the relief of Alfred Moore and Sterling Orgain, assignees of Morris Linsey;

A bill for the relief of Thaddeus Mayhew;

A bill for the relief of Captain Thomas Staniford;

A bill for the relief of Elijah Van Syckel, of Philadelphia;

A bill enclosing the burial ground of Christ Church, Washington Parish;

Also, the following engrossed bills, viz:

A bill for the relief of Ichabod Lord Skinner;

A bill for the relief of J. Ottremare;

A bill for the relief of Edward Evans;

A bill for the relief of Robert Brotherton; and

The bill from the Senate for the relief of the legal representatives of the late Benjamin Lincoln, David Humphreys, and Silas Griffin, were respectively considered in Committee of the Whole, and ordered to a third reading.

And the House adjourned.

MONDAY, May 3.

The SPEAKER laid before the House an attested copy of a resolution adopted by the General Assembly of the State of Pennsylvania, "approving of the declaration of the President of the United States in favor of the cause of liberty in the Western hemisphere;" which resolution was laid on the table.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the re-

lief of Hezekiah Langley and Benjamin M. Belt," made a detailed report thereon, recommending that the said bill be postponed indefinitely; and the bill was committed to a Committee of the Whole.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to which was recommended the bill confirming to the heirs and legal representatives of the late Don Miguel Esclava sundry claims to land in the city and county of Mobile, in the State of Alabama, reported the same with an amendment; which was read and agreed to; and the bill ordered to be engrossed, and read a third time to-morrow.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act declaring the consent of Congress to certain acts of the State of Alabama," reported the same without amendment, and the bill was ordered to be read a third time to-morrow.

Mr. NEWTON, from the Committee on Commerce, to which was referred the petition of William Kellogg, made a report thereon, accompanied by a bill to authorize the issuing of a register for the schooner Five Sisters; which was read twice, and ordered to be engrossed, and read a third time, on Wednesday next.

The following engrossed bills, viz:

A bill for the relief of Robert Brotherton;

A bill for the relief of Edward Evans;

A bill for the relief of J. Ottremare;

were severally read a third time, passed, and sent to the Senate for concurrence.

The following bills from the Senate, viz:

A bill for the relief of Charles Gwynn, of Baltimore;

A bill to authorize the settlement of the accounts of Benjamin Lincoln and others;

A bill for the relief of Elijah Van Syckel, of Philadelphia;

A bill for the relief of Ichabod Lord Skinner;

A bill for enclosing the burial ground of Christ Church, Washington parish;

A bill for the benefit of Alfred Moore and Sterling Organ, assignees of Morris Linsey;

A bill for the relief of the legal representatives of Firmin Le Sieur;

A bill for the relief of Thaddeus Mayhew, as amended;

A bill for the relief of Amasa Stetson, as amended;

A bill for the relief of Captain Thomas Staniford;

were severally read a third time, passed, and returned to the Senate.

The SPEAKER laid before the House a letter from THOMAS J. ROGERS, resigning his seat as a member of this House, from the State of Pennsylvania; which was laid on the table; and it was ordered that the Governor of Pennsylvania be informed of the vacancy occasioned by this resignation.

CLAIM OF MASSACHUSETTS.

Mr. HAMILTON, of South Carolina, from the Military Committee, to which was referred the

Message of the President of the United States on the claim of Massachusetts for services rendered by the militia of that State during the late war with Great Britain, made a report, accompanied by a bill "to authorize the settlement and payment of the claims of the State of Massachusetts for certain services rendered during the late war." The following is a copy of the report:

The Committee on Military Affairs, to which was referred the Message of the President of the United States, "on the claim of Massachusetts for services rendered by the militia of that State during the late war with Great Britain," beg leave most respectfully to report:

That, in considering the subject submitted to their investigation, they have been fully impressed with its intrinsic importance, and its association with events which were once the occasion of much sensibility and excitement. They trust, however, that they have approached the discussion, devoid of all prejudice, with an honest desire, in doing justice, to sustain those great principles of concord and power, which are essential to the durability of this Union.

Your committee deem it entirely unnecessary that they should recite all the circumstances comprising a history of this claim, as they are generally known to the nation, and are to be found in an authentic shape, in the documents accompanying the President's Message. To this source your committee would ask a special reference.

It will be sufficient for present purposes to premise, that a large portion of the claim of Massachusetts does not appear to be affected by those Constitutional difficulties which so long, in the consideration of the Executive of the United States, operated as an impediment to its adjustment.

Your committee are unanimously of opinion that the services rendered by the militia of Massachusetts, which may be considered beyond all exception, and as entitled to remuneration, are comprised in a class of cases in which, by the spontaneous impulse of the militia, with or without the sanction of the Executive of that State, or with or without a requisition on the part of the officer of the United States commanding the department, they assembled, either for the purpose of repelling actual invasion, or under a well founded apprehension of invasion. It is, in fact, on this principle, and on this principle only, that the claims for militia services of the various States have been audited and allowed at the Department of War. Services of this description, patriotically performed, ought not to be prejudiced by a pre-existing difference of opinion between the Executive of Massachusetts and the commanding officer of the United States forces, as to an abstract construction of the Constitution, when such a difference of opinion appears to have had no sort of effect on the extent and character of the services afforded. But, on the other hand, your committee are equally unanimous in declaring that, in all cases where the acts of the Executive of Massachusetts gave a direction to the services of the militia of that State, in opposition to the views of the General Government, the claim for such services is altogether inadmissible; for these, the government of Massachusetts may be considered to have incurred an ulterior and exclusive responsibility to her own people.

Your committee waive the discussion of the question how far the renunciation, on the part of the Executive and Legislature of the State of Massachusetts,

of the unconstitutional principles on which the then Governor of that State acted, in the early stages of the war, is necessary to the allowance of any portion of the claims of the State for the services in question. These claims, when first presented for adjustment, immediately after the late war, were considered rather in the mass, than in reference to the particular items of which they are composed. In fact, at that early period, the principles on which the claims for militia services ought to be audited and allowed, were but imperfectly fixed. The subsequent presentation and examination of the claims of the several States, for such services, have shed much light on this subject, and have afforded many advantages at the present moment in examining those of Massachusetts. Distinctions, important to the elucidation of principles, and to the ascertainment of justice, have been taken, and sustained, which might naturally have been overlooked at the commencement of the discussion.

Your committee, however, cannot abstain from indulging in one remark, that, if the fact of the Government of Massachusetts having declined, for some years subsequent to the late war, to renounce the unconstitutional doctrines of her then Executive, as developed in the opinions of the judges of her supreme judicial court, can be supposed ever to have borne upon that portion of the claim which the committee have recommended for payment, the recent disavowal of her present Executive and Legislature furnishes at least a belief that all danger of a future collision between the General Government and the States, in reference to the authority of the former over the militia of the latter, has been permanently removed. In this light, the committee cannot but regard the renunciation as honorable to the Chief Magistrate and Legislature of Massachusetts, and as highly useful in fixing the true interpretation of the Constitution, on an interesting and important point. This disavowal, in consonance, as it is affirmed, with the sentiment of the great mass of the people of Massachusetts, is, indeed, a reiteration of the language which was expressed by the Senate of that State, as early as October, 1812, at the moment when the unfortunate irritation between the National and State functionaries was most exasperated, and when remuneration for these services formed neither a subject of calculation or desire.

Your committee, in conclusion, recommend that, in all cases where the militia of the State of Massachusetts were called out in conformity with the desire of an officer of the General Government, or to repel actual invasion, or under a well-founded apprehension of invasion, during the late war, the claim of the State for such militia services be allowed, under the usual rules of auditing and allowing similar claims; provided the number of troops so called out were not in undue proportion to the exigency.

Your committee likewise recommend that the claims of Massachusetts, not comprehended in the above description of cases, be disallowed. And, in conformity with the foregoing principles, ask leave to report a bill.

Mr. HAMILTON moved to refer this report to a Committee of the Whole on the state of the Union.

Mr. COBB, of Georgia, objected to this course, as giving undue preference to this over other business. He wished it to be referred in the usual course of business, for the purpose of discussion, simply to a Committee of the Whole.

Mr. HAMILTON urged the importance of this claim, as claiming from them urgent consideration. The course which he now proposed had been pursued in regard to certain claims of the State of Georgia, and he thought the claims now reported upon were at least equally entitled to attention from the House. The misrepresentation in some cases, and misunderstanding in others, under which this claim labored, rendered it highly expedient that it should have a prompt examination, when he had no doubt of being able to satisfy the House of the expediency of providing for its liquidation, &c.

Mr. COBB said he did not mean to utter a single word in opposition to the justice of this claim. It was very probable the gentleman from South Carolina might be able to convince even incredulity itself on the subject. My only objection to the proposed reference is, said Mr. C., that there is no resemblance between this case and that of the Georgia militia claims, to which, I presume, the gentleman refers; but, if there were, that the subject of those claims of Georgia is before an ordinary committee, and not a Committee of the Whole on the state of the Union. I am willing to give this claim the same direction as they have received.

Mr. HAMILTON said, that, with regard to the Georgia militia claim he knew it had taken that direction. The claim of Georgia to which he alluded, however, was that last reported upon, respecting the Indian reservations within the limits of that State.

The question was then taken upon the motion of Mr. HAMILTON, and decided in the negative.

On motion of Mr. COBB, the report was then referred to a Committee of the Whole.

PROPOSED ADJOURNMENT.

Mr. TAYLOR, of New York, from the joint committee appointed to consider the subject of the day for terminating the present session of Congress, reported an amendment to the resolution from the Senate on that subject, proposing to substitute the nineteenth day of May for the day proposed by the Senate.

The question being on agreeing to the amendment thus reported—

Mr. McLANE, of Delaware, professed himself, for one, to be unprepared to vote upon this question now, for want of the means of ascertaining what time would be required for the completion of all the necessary business before the House. Adverting to the committee appointed on Mr. Edwards's address, he remarked, that, although he should be as unwilling to institute such an investigation as any member of the House, yet, having constituted a committee for that investigation, he was, for one, unwilling to terminate the session, until it was completed. Until, therefore, he could know when that investigation would end, he could not give his consent to any proposition fixing a day for the adjournment. We shall probably have satisfactory information on this subject within a few days, and to give the House time to receive it, he would move that the report of this committee should lie on the table.

Mr. TAYLOR said, if the gentleman had intended to address an inquiry to him as to the time at which the committee of investigation might be able to report, he could only answer, that he had no information to communicate to the House on that point, except that the committee in question were actively engaged in the discharge of their duty. The joint committee had confined their inquiry and report to the legislative business before the House.

Mr. McLANE here rose, and said he had not intended to direct an inquiry to the gentleman as a member of the committee of investigation—he did not think it would have been proper to do so. Believing, however, that this House ought not to fix on a day of adjournment before it finishes its proper business, he moved to lay the report on the table.

Mr. STEVENSON wished to have it postponed to a day certain, and named Monday next, to which Mr. McLANE assented. Mr. BASSETT, however, renewed the motion to lay the report upon the table.

On this question, which admits of no debate, Mr. ALLEN required the yeas and nays, which were ordered and taken accordingly. There were for the motion, 101; against it, 78.

So the report was ordered to lie on the table.

OCCUPYING CLAIMANT LAWS, &c.

On motion of Mr. LETCHER, of Kentucky, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. DWIGHT in the Chair, on the remonstrance addressed to the Congress of the United States, by the State of Kentucky, on the subject of the decision of the Supreme Court, in the case of *Green vs. Biddle*, involving the constitutionality of the occupying claimant laws of Kentucky, as they are usually called.

Mr. LETCHER then submitted a proposition, in the following words:

"Resolved, That provision ought to be made by law, requiring, in any cause decided in the Supreme Court, in which shall be drawn in question the validity of any part of the constitution of a State, or of any act passed by the Legislature of a State, that — justices shall concur in pronouncing such part of the said constitution or act to be invalid; and that, without the concurrence of that number of said justices, the part of the constitution, or act of the Legislature, as the case may be, so drawn in question, shall not be deemed, or holden, invalid.

"Resolved, That the justices aforesaid, in pronouncing their judgment in any such cause, as aforesaid, ought to be required, by law, to give their opinions, with their respective reasons therefor, separately and distinctly, if the judgment of the Court be against the validity of the part of the constitution or act drawn in question, as aforesaid.

"Resolved, That the Committee on the Judiciary be instructed to report a bill in conformity to the preceding resolutions."

Mr. LETCHER observed that, in the much celebrated and never to be forgotten case of *Green vs. Biddle*, the judgment pronounced and the principles decided by the Supreme Court of the United

States, had given great alarm to the people of Kentucky. As that was a case which bore upon the present question, and which, indeed, had immediately led to the resolutions and memorial now before the committee, it might not be irrelevant for him to take a very brief review of it.

He did not intend, he said, to make a tedious law argument; he would, however, suggest, in the threshold, if any gentleman, from Virginia or elsewhere, felt the slightest wish to attempt to maintain that decision as correct, upon any of the well-settled doctrines of the law, without wishing to be understood as using language of a gasconading character, he would say, the limited delegation from Kentucky were ready, at any time, and before any tribunal, to meet them.

In the year 1789, Kentucky, then an integral part of Virginia, and being desirous of becoming an independent State of the Federal Union, entered into a compact with Virginia, with a view to a separation for that end. It consisted of eight articles; one of which was drawn into dispute in the case to which he had alluded; and the decision of the Supreme Court upon it, had virtually declared that Kentucky, although nominally a sovereign and free State, has, nevertheless, no legislative jurisdiction over her own soil. She is a sovereign State; but yet has no power to pass any law for the aid, the convenience, the comfort, and the protection, of her own citizens. This decision, the people of Kentucky had viewed as a most ruinous and extraordinary one; and it is only because they have entertained the liveliest hope that the case still admits of some remedy, that a greater excitement has not prevailed.

But what, said Mr. L., are the laws of Kentucky, which that decision has pronounced a violation of the compact, and therefore unconstitutional? and what were the circumstances under which they were enacted? The first act of the Kentucky Legislature passed in the year 1797, the second in 1812. Each had for its object, in case of his eviction, by a paramount title, to secure to the occupant, who had settled upon the land in good faith, believing it to be his own, and who had made valuable improvements upon the same, a reasonable compensation for those improvements.

The necessity of these several laws grew out of the condition of the country. The early settlers of the State had to contend with the most complicated and appalling difficulties. They had not only to encounter every species of toil, of peril, and of suffering, incident to the settlement of an unexplored wilderness, but they had to struggle with a formidable and savage foe, in a war of ten years' duration. When, sir, they had conquered this enemy, and in some small degree begun to enjoy the fruits of their efforts, innumerable claims were set up to the land, which they had first conquered and then defended; claims which grew out of the mistaken policy, not of Kentucky, but Virginia. That policy had literally covered the country over and over again with a great variety of conflicting claims. These adverse claims necessarily occasioned, to the first settlers, the great-

est distress, and trouble, and litigation. The early adventurer to the country, who had experienced every sort of privation, was very illy requited for his boldness, his industry, and his enterprise. Just after he had been able to obtain a good tract of land, to build houses, to clear fields, with the most flattering prospects before him of providing for a dependent family; at the moment he was prepared for the enjoyment of quiet and repose, suddenly he found himself expelled from the possession of the very farm he had been laboring to improve; with nothing left him, but the privilege of buying and improving another place, and again losing it at law, without the most distant hope of compensation for his labor thus employed upon it. Such was the melancholy condition of the first settlers in Kentucky. This state of things brought about the injurious practice of buying and selling every sort of land claim, some real, others fictitious; of alarming the ignorant and illiterate; of extorting money for a compromise; of swindling, in all its various moods and tenses—in short, sir, of creating a system of speculation, of fraud, and oppression, from the effects of which we shall never, I fear, be able, to get entirely rid. The existence of such afflicting evils required a speedy remedy; that remedy was the immediate passage of the law of 1797. It was a just and beneficent law, imperiously called for by existing circumstances, demanded by every consideration of justice, and most salutary in its operation. It is a duty, said Mr. L. which every Government owes to each and all its citizens, to furnish every means in its power to diffuse among them happiness, contentment, and equal rights—to reward industry, by protecting every one in the free enjoyment of the benefits of his own labor, and to prevent the cunning and the idle part of the community from fattening upon the proceeds of their neighbors' hard earnings. The Legislature of Kentucky, therefore, in the enactment of those laws, acted correctly, if they were not already precluded from the rights of legislation over the soil of the State, by the terms of the compact. Now, what are the provisions of this compact, which bear upon this question, and which, in the opinion of the court, amount to a consent upon the part of Kentucky never to exercise legislative rights in connexion with her freehold?

The third article, to which the court refers, in exclusion of the residue, to maintain the correctness of their opinion, is in the following words: "That all private rights and interests of lands within the said district, derived from the laws of Virginia, prior to such separation, shall remain valid and secure, under the laws of the proposed State, and shall be determined by the laws now existing in this State."

To understand correctly the meaning of the words expressed in the foregoing provision, by the contracting parties, it becomes important to look to the relative condition of each, and to ascertain the contemplated object of the contract. Kentucky, unprotected and unaided, had experienced all the fortunes and all the horrors of an Indian war. She had waded through her troubles, had been

weighed in the balance, and not found wanting; had borne down every opposing obstacle, and proved herself worthy of enjoying all the blessings, the privileges, and immunities, of a free and sovereign State. She petitioned Virginia to aid her in obtaining them. Virginia was ready, willing, and anxious to render her every facility. All the feelings of Virginia towards her were of the most partial and benevolent character; she felt as a parent to a child. Indeed, there existed mutual affection; each understood well the situation of the other. In this state of things, they made the compact. The object was—what? Why, to enable Kentucky to set up for herself; to confer upon her the right of enacting laws to suit her condition; to adopt such regulations as were most conducive to her own interest, and to superintend her own internal affairs in a manner most agreeable to her own will, free from any and every control of the mother country.

How, then, are you to interpret the words of the stipulation just referred to? The first and best rule is, to use as much common sense as you can well employ, in giving a construction to any contract, and to lay aside the doctrine of "construction construed;" to crowd in as few artificial, unmeaning distinctions, as possible; and to endeavor to ascertain the fair meaning of the parties, as expressed by the words of the contract.

"That private rights and interests, &c., derived from the laws of Virginia, &c., shall remain valid and secure," &c. What was the nature of those private rights here agreed to be made secure? They were rights and interests of an imperfect character, such as surveys, warrants, entries, &c., which were preparatory to obtaining a grant or patent from the Government; not absolute rights, which had been made complete by the emanation of grants; for this obvious reason: the latter class required no agreement to make them valid and secure; they were already as much so as they could be, even with the strongest provisions—they were vested rights. It would, therefore, be at once saying that neither of the parties to the aforesaid instrument understood what they were doing, to suppose they would have engaged in a serious negotiation to guard against an evil which could not happen. "Rights derived from the laws of Virginia," &c. The term "laws of Virginia," as here used, as understood by both parties, as understood in common usage, meant nothing more nor less than the statute laws of Virginia, as contradistinguished from the statute and common laws of England—the acts of the Virginia Assembly, which had from time to time been enacted, creating rights of various kinds, such as poor rights, settlement and pre-emption rights, village rights, military rights, &c. Under these Virginia statutes, many of the citizens of Virginia had become interested, to a considerable extent, in inchoate rights to lands in Kentucky, which grew out of this course of legislation. Virginia, therefore, felt anxious (and very justly too) to make a provision of this kind, to enable those who had, under the several acts aforesaid, vested capital in the purchase of these lands, and whose rights

were incomplete, to have them made secure; and Kentucky, willing also that Virginia should act a faithful part towards her own citizens, agreed to the aforesaid article; the meaning of which is, that she, (Kentucky,) on her part, would pass no law which would destroy those inchoate, equitable rights, created by the State of Virginia; that she would present no obstacles in the way to prevent their ultimate perfection. Sir, the term "laws of Virginia," is still understood in Kentucky, and Virginia also, up to the present period, in legal as well as common style, to apply distinctly and exclusively to the Virginia code of laws, without the slightest connexion with or dependence upon the common law of England. The parties, therefore, who draughted this compact, never once thought of including the common law. If such had been their object, it was very easy, by the use of a single expression, to have made a declaration to that effect. But the principles of the common law could not very well apply to the situation of the country. To prove, however, that the interpretation given by the court of the clause to which I have alluded is wholly erroneous; we have but to look a little further into this compact, and examine for a moment the fourth stipulation. What does it declare?

"That the lands within the proposed State, of non-resident proprietors, shall not in any case be taxed higher than the lands of residents; at any time prior to the admission of the proposed State to a vote, by its delegates in Congress, when such non-residents reside out of the United States; nor at any time, either before or after such admission, where such non-residents reside within this commonwealth, within which this stipulation shall be reciprocal; or where such non-residents reside within any other of the United States, which shall declare the same to be reciprocal within its limits; nor shall a neglect of cultivation or improvement of any land within either the proposed State or this Commonwealth, belonging to non-residents, citizens of the other, subject such non-residents to forfeiture, or other penalty, within the term of six years, after the admission of the said State into the Federal Union."

The second rule of construing a contract, (if not already laid down by legal writers, for the guidance of judges, ought to be,) is, to *examine the whole of it*; to see if all the parts will harmonize, and to look into the consequences, which will of necessity result by this or that mode of construction; and to ascertain, by such and such interpretation, whether the object of the contractors is or is not defeated. This second rule has been entirely overlooked by the court in pronouncing their decision; the fourth article makes no sort of figure whatever in the opinion delivered; and, by construction, one might presume they did not see it. It is however, very clearly expressed by this clause of the contract, that Kentucky, after the expiration of six years, for a failure upon the part of non-residents to cultivate or improve any of the land within her boundary, belonging to them, might properly and justly subject such lands to forfeiture, or might affix any other penalty she, in her sound discretion, should think fit.

Now, sir, a question necessarily presents itself, not for the consideration of the Supreme Court, for they have made their final decision—Are those occupant laws as rigid, as severe, as hard, in their operation against non-residents, as a law creating forfeiture of land, in pursuance of the power unquestionably given to Kentucky, in the foregoing clause? Surely not. Kentucky, then, for adopting the measures which she has done to protect her citizens, has manifested a greater forbearance in relation to non-residents than the court has given her credit for. She has refused to extend her powers of legislation, so as at once to put an end to all controversies, with which she has been so much oppressed.

Mr. Chairman, said Mr. L., the construction given by the court to the third article of the compact is wholly inconsistent with the stipulations contained in the fourth. It renders the latter null and void. It defeats the very object and purpose which each of the contracting parties had in view. It confers all the benefits of the agreement upon one side, without any corresponding advantage on the other; one party gets all, the other nothing. Such was not the wish and understanding of those who formed the agreement. In a few years after its date, the first occupant law, it will be seen, was adopted by Kentucky. Her course of policy was not a matter of secrecy; Virginia was apprized of it, and fully acquiesced in its justice. No murmuring or complaining is heard of. Had then the course of legislation upon the part of Kentucky have been so highly unjust—so entirely in opposition to her agreement—is it not fair to presume, when the whole subject was fresh in the recollection of all, that some dissatisfaction would have displayed itself? No official communication, however, is sent to Kentucky, alleging a breach of faith. Again, in confirmation of the right to pass these several laws, we have a long course of legal decision, by the inferior and appellate courts, for the last twenty-five years; by judges, too, whose firmness, intelligence, and legal acquirements, are in no manner lessened in consequence of the Supreme Court's declaration, in this same opinion, that the Kentucky courts may have made such and such decisions, but they had never seen them. These judges, whose decisions are treated so cavalierly, sir, (it might be said in strict truth) would not fear a comparison of legal skill, even with their *Supreme Honors*. We have, sir, in support of our laws, our Legislature, our lawyers, our judges. Indeed, more—we have the disinterested and concurrent testimony of other gentlemen, not citizens of the West, high, very high, in legal reputation, who are practitioners before the same court, most decidedly upon our side of the question.

Now, Mr. Chairman, look for one moment to the effects and consequences of the construction contended for by the court. Kentucky comes into the Union—how? Possessed of equal rights and privileges with the other sovereign States? No; a mere appendage; in no better situation than when a district, without the ability of regulating her own internal concerns. Her expectation was

to be ranked among her sister States as an equal. But, how wofully has she been disappointed! Now, she is told, for the first time, she surrendered and relinquished all pretensions of that sort long since. Construction brings about all this. Yes, construction! Its mighty powers are irresistible; it bears down every thing before it; it creates new principles; it infuses the spirit of the common law into a contract, against the will of both parties; it destroys laws long since established; and it is daily acquiring new strength. From this case, and others to which reference might be made, the result is plain, that, unless some regulation is made, and some necessary and salutary restraints are adopted, the Supreme Court, by its extensive jurisdiction, as it now exists, will finally draw into its vortex all State authorities.

My proposition, Mr. Chairman, is not of a mere theoretic and speculative character. It introduces no new and dangerous principle. If you desire to amend your Constitution, it cannot be done unless by a concurrence of two-thirds of all the States. If, upon the passage of any bill upon your table, the President of the United States chooses, in the exercise of his Constitutional privilege, to put his *veto* upon it, what is the result? It is returned with the objections, and cannot be incorporated into your statute book, as a law, without a majority of two-thirds of both Houses concurring in declaring it shall be. But a minority of your Judiciary, upon the most solemn and important questions, involving the rights, the interests, and prosperity, of a whole community, can so expound laws and constitutions, as to prostrate all State rights! This, sir, most certainly is an evil which may be remedied by judicious and prudent legislation. It is an evil which is growing rapidly, and which, if not checked, will produce very serious discontent.

Sir, said Mr. L., the resolutions which I have the honor of presenting for the consideration of this Committee, cannot, I apprehend, endanger the dignity or importance of the judges. Their firmness will not be weakened; their intelligence will not be affected; their reputation will not be impaired by their passage. I would agree to no proposition which had for its object such results. It is indispensably necessary, in every well regulated Government, to have the most enlightened judiciary, prepared at all times to do their duty, without fear, favor, or affection. A timid, time-serving court, in any country, is worse than a nuisance. But, sir, in legislating upon this subject, let it not be forgotten that judges, at last, are but men; perfection and infallibility are properties which do not attach to them. Let us, therefore, increase the chances of a correct decision upon such occasions as are embraced by the resolutions, by requiring five to concur.

Mr. Chairman, how does the matter stand, according to the present state of facts? You have now seven Judges upon the Supreme Bench; four constitute a quorum. Say three are absent, upon some Constitutional question which comes before that tribunal, vitally important. The arguments are heard; three *concur* in declaring the law unconstitutional—one *dissents*. The judgment of the

court below is reversed. A decision is obtained in this way by a *minority*. One of the judges writes his opinion, and two hear it read, perhaps, say *agreed*, as we often do, in this House, without knowing the question—more for the sake of form than substance. Their decision goes out, is published, and is received by the State courts, as binding authority. Suppose, at the next term, all the judges are present—a similar question is again before the court; the absentees concur with the one judge who dissented upon the former occasion. What, then, is the consequence? You have two contradictory decisions in relation to the same subject matter—both sent out as a sound exposition of Constitutional law, as precedents for the country. One decision determines A shall have this property; another declares B, whose cause was precisely such a one as A's, shall not recover in his case. Thus stood the cause from Kentucky; four judges present—three concurred in believing the laws involved in the controversy were against that clause of the Constitution of the United States, which declares, among other things, that no law, impairing the obligation of a contract, shall be passed. One dissented. Try the weight of intellectual authorities pro and con; put them in the scales—which will preponderate? The judge who dissents, most assuredly is at least equal to one of the three who concurs in the decision. There are then two left in the balance. I will not stop to inquire whether they were likely to understand the kind of case submitted to their consideration, involving intricate doctrines, in relation to a species of land titles with which they were in nowise very familiar. Let it be conceded, for the sake of argument, that they deserve to be ranked amongst the most enlightened jurists of the country—you cannot, however, make more than two upon that side of the question. Look to the opposite scale—and what have we? The Legislature of a whole State, year after year, have asserted, in the most unqualified manner, their Constitutional right to enact these laws. They so decided, upon mature deliberation, not influenced by excitement. All the judges of all the courts have, by a long course of decision, without exception, maintained the same power; they have done so, after having repeatedly given to the subject the fullest investigation. Two Judges of the Supreme Court, strangers, in every sense of the word, to the subject, have asserted no such right existed. Upon whose decision would you place most reliance? Which is entitled to the greatest share of confidence—that of the two, or the collected wisdom of a whole State, both of the political and the legal kind? Which, under all the circumstances, is most likely to be correct? The answer is by no means perplexing. One leading principle, in all our institutions, is, that a minority in the exercise of any official duties shall not control. But, in this instance, there is a departure from the rule; a minority has given an exposition of the Constitution, upon a question of the first magnitude, which is to be acknowledged by all as correct doctrine, and treated accordingly. Can this be right? Is it according to the spirit and

genius of our Government? But what is there objectionable in requiring five to concur, before any law of a State shall be held null and void? There is more safety in such a regulation than to leave it as it now stands. You may rest assured, sir, the States would be much better satisfied with a decision unfavorable to their laws by five judges than by two or three; and, should it become the duty of the court, in the administration of justice, to make such decisions, five will not hesitate to do it. There is little or no danger of the judges of the Supreme Court being under the influence of the several States. The danger is altogether upon the other side. They are not dependent upon the States for their office, or the emoluments of it. No reason does or can exist, therefore, to suppose that the judges of this court ever did, or ever will, lean in favor of the States, against the General Government.

A gentleman near me, Mr. Chairman, whose opinions and suggestions at all times, in this House and elsewhere, deserve the highest consideration, will allow me to correct his misapprehensions. In a whisper, loud enough to be heard, he fears that great harm might grow out of the proposed resolutions, and that they are a Kentucky project. If great injury would be likely to ensue by their adoption, I should think it could be made manifest by argument. Let the dangers be pointed out. Let us see whether the evil which is likely to happen is equal to that now in existence. The gentleman will find some difficulty in proving that all is right; that a minority of the court should decide any question, and that nothing ought to be done. I will hear him with great pleasure. Perhaps he can remove every difficulty. We have "already lost the land;" we have nothing left but the argument, and we may lose that also.

Why, sir, is this called a Kentucky project? It is not to have a mere local operation. It is not to be limited to any particular place. It is general in its character; it applies to the whole nation; it is co-extensive with the existence of the evil, and is intended as a remedy. It is true, Kentucky feels an anxious solicitude upon the subject; not from local and selfish considerations, but from a most thorough conviction that the General Government is greatly interested in the adoption of some measure in relation to the Supreme Court.

I am sorry, sir, that almost every measure which has been brought before this House, for some months past, is emphatically styled "the Kentucky policy—the Kentucky measure." These local distinctions had much better be avoided; they are not pleasant. They have no good effect, particularly when uttered in connexion with marked indications of malice and hatred against a whole people. The gentleman from Virginia (Mr. RANDOLPH) has, from the commencement of this session, and more especially in a very recent debate, manifested a strong spirit of this sectional sort. He has sought every possible occasion to pour forth his gall and bitterness, and to display his wit, against the people beyond the mountains.

He has given to this House a most ludicrous description of their dress, their appearance, their manners, and their habits. He has taken peculiar pleasure in attempting to exhibit them before this nation as uncivilized savages, rather than as American citizens. I must, said Mr. L., take the liberty of declaring to that gentleman that he is most grossly and inexcusably ignorant of the character, the feelings, the intelligence, and the habits of the Western people. Sir, with the utmost frankness, I admit, their external appearance is not the most fashionable and elegant kind; they are not decorated in all the style, the gaiety, and the taste, of a dandy of the first water. Their means are too limited, and their discretion is too great, I trust, for the indulgence of such foppery and extravagance. The fact is, a dandy is not a character in great demand, with either sex, in our country; and when, by chance, one happens to go there, even with his slender share of intellect, he soon discovers that is not the proper theatre for him to acquire glory and renown, and accordingly he makes his exit suddenly. I concede, also, that the Kentuckians, in the general, would not make a brilliant figure at a levee or drawing-room. Their bows would not be quite so obsequious, their smiles not quite so fascinating, their manners not quite so refined, as the orders in council or etiquette of the day might demand. They have not acquired that gracefulness of action, that ease of deportment, that elegance of accomplishment, so as to make you three bows in two seconds; nor have their representatives acquired never-fading laurels for their proficiency in that great science. The people of our country do not attach the least importance to beings entirely lost in admiration of themselves, and devotion to personal appearance. Such trifling follies they leave to the weak; to those who can do nothing else, and who have the means of indulging in a taste so illy directed, and so little envied. Let those, sir, who have a pride of that kind, enjoy, to the fullest extent, all its charms, and all its consequence.

Again, we are told these bear-hunters, these fellows with their leather leggings, rifle guns, and moccasins, get every thing they ask for; but not being contented, wish to control the whole political concerns, and to direct the destinies of this nation. Why, sir, are such unfounded and illiberal assertions made, in relation to the people of the West? What fact have you to authorize such imputations? Who, from that quarter of the country, ever attempted to manage every thing, to direct every thing, and require every thing? Ah, sir, there was a time—I hate to think of it; it is with most painful and unfeigned reluctance, I can bring myself to allude to it—there was a time, however, when it would have been better for this nation if these backwoodsmen could have had a little more direction in the management of your military operations in this quarter. Perhaps you have some faint recollection of the time when a few of His Majesty's troops travelled a distance of fifty miles, over broken ground, and through thick woods, burnt your Capitol, made your pal-

ace soldiers' quarters, and compelled your citizens to abandon their habitations, and to seek a shelter in the distant woods. That was the very time, sir, when five hundred of those persons, who have been made the subject of ridicule, and who are stigmatized with the epithet of the moccasin gentry, and hunting-shirt gentlemen, would have won for themselves imperishable fame; would have saved millions of money to your country; yes, and would have saved, also, your national honor.

But, sir, said Mr. L., it is not to the exterior of men we should look. Fortune affords advantages which may enable one to appear well, when, in truth, there is nothing worthy of admiration. It is the conduct, the deportment, the principles of men, we should examine. Will the people of the West, will Kentuckians, fear an examination of this sort? Can they not undergo the most strict scrutiny as citizens, as patriots, always prepared to present themselves at their country's call; ready, upon all occasions, to afford the most prompt and timely assistance, when that assistance is required? Who can boast of a preference over them? Of the past, however, I will not speak. I will not make disagreeable and invidious comparisons. Let the firmness, the valor, the suffering, of the people of the West, during our recent conflict, be forgotten. Say nothing of the laurels which they won in battle; say nothing of the many patient seats of starvation they endured, without a murmur. Withhold, if you choose, the gratitude of the nation; but I beg of you to do justice to their private virtues, to allow them, at least, a character for integrity of motive, for benevolence of heart, for hospitality of conduct. Suffer me, sir, to tell you, these Kentuckians, who have been treated in the debates with so much unkindness, are about the very finest fellows in this Government. I make no exceptions. Try them in any way you may select, and you will readily acquiesce in the truth of my assertion. Their hospitality is without ostentation, without parade, without hypocrisy; it is not contaminated, and I trust never will be, by the fashionable vices which might be enumerated, as the tip of the *ton* in some other places. If a Kentuckian meets you, gives you a hearty shake of the hand, and says, "Sir, I am very happy to see you," he tells you the truth; he utters not the commonplace, unmeaning compliments; he speaks the language of his heart. If he make declarations of friendship, you may believe him. If you visit him, there is no waiter to meet you at the door, and avow his master is not at home, when he is actually in the house; and should you spend a few hours unceremoniously with him and his family, in social conversation, so soon as you retire, he will not say, after pressing you to make it convenient to call and see him again, "Oh! what a tiresome visitor; I was never more out of patience in all my life; such another visit would really kill me; I hope he will never come again." And, after you are gone, your reputation is not assailed. No; these wise and happy inventions are unknown to the people of the West. I wish I could use the same remark in

relation to the people every where else. Why, sir, you may visit the humblest cottage in our country, and you will find every thing to admire. So soon as the faithful dog, by his saluting bark, announces that a stranger is coming, your astonishment would commence; you would have the singular felicity of beholding a most delightful spectacle—about twelve or thirteen fine, ruddy, well-formed, hearty-looking young *Democrats*, would run out to see the stranger; and upon entering the house, you would be met by a very plain, unaffected woman, to all appearance about thirty years old, whose countenance would at once tell you to make yourself easy; you would meet with kindness, and, in casting your eyes around, you would see two more little fellows, who were too small to run out at the first alarm. Presently, would come from the labors of the day, an honest, good-looking man, to rest himself awhile in the bosom of his family, dressed, sir, not in fine ruffles and broadcloth, with powdered hair, but in good, substantial, plain clothes, manufactured by the industry of his wife; and, upon entering into conversation with him, an ample theme for reflection would be afforded; you would wonder how one in his humble station could have known so much, upon so many subjects, with such limited opportunities. You might here see a model worthy of admiration, indeed, of imitation—conjugal felicity, parental and filial affection, undivided and unfettered. And here, too, the philosopher, as well as the statesman, might learn some useful and practical lessons. In some short time, you would find a repast set before you, if not of all the niceties, and luxuries, and parade, which are to be met with elsewhere, of good plain wholesome diet, among which would be one of the most pleasant dishes that can possibly be prepared in any country, and that is, a hearty, sincere welcome, without apologies and without price. Sir, these are the very citizens of whom the nation ought to be proud. They constitute the bone, and sinew, and strength, of your Government. In the hour of peril and danger, they are always ready to rally around the standard of their country. Call upon them to maintain the honor of the nation, to defend her rights, they set up no Constitutional scruples, in answer to your call, *about crossing boundary lines!*

Such are the people of the West, the people of Kentucky; and such are those whom our State, by the exercise of her legitimate rights of legislation, has attempted to shield, and protect, from the iron grasp of the land speculator. Are they not entitled, from every consideration, to the kind attention of the Government? These, sir, are the people for whom our occupant law was enacted. Do they not deserve the protection of their Government? What man is there, who could stand by, without exclaiming, "This is not right, to unhouse such families as these, take from them their little improvement, and proclaim—'go hence; what you have labored for, I will enjoy.'"

Again, sir, we are told, such are the extraordinary demands of the people of the West, who

have swallowed up all the loaves and fishes, such are their repeated claims there is no such thing as tolerating them—"like sturdy beggars, they will take no denial;"—that rebellion must be the ultimate consequence. For myself, I protest against this mode of legislation; this display of sectional feeling; of crying out to one part of the Union "You get every thing—we get nothing; the Government is kind to you, careful of your interests, whilst ours is neglected, overlooked, and forgotten." Sir, these suggestions and assertions, so far as the West is concerned, are not true. What have we ever received from the fostering hand of the Government? Point out the single instance. Yes, the public lands, it is said, were sold for our accommodation. But who got the money? It all came into your coffers; we never have enjoyed the benefit of a single copper. But, we are told, the Government has been good enough to suffer us to enjoy the privileges of a mail. A mighty privilege, indeed! one for which we ought, in humble submission, with bended knees, to acknowledge the most unbounded gratitude, for your very great condescension. What news do you send to the West by these mails? Very good, I hope. No, sir; doleful, melancholy tidings are conveyed to them weekly. You bid them be industrious, labor hard—you have more demands against them—your account is already very great; but you are going on every day to make it still more enormous: eight hundred thousand dollars to be appropriated to the erection of fortifications—where? not in the West, but in the East—\$250,000 to be added for this purpose—\$200,000 for that purpose; and \$100,000 to be paid out of the public Treasury, to one gentleman, for his patriotism. This is the kind of news you send them by your mails. But, sir, do you ever tell them of any public moneys to be expended in the West? No, sir; no such letter in your statute book; no one there gets \$100,000 more than he ought to have, for services rendered in the late war. But you say, all this is so very oppressive, it is not to be borne—rebellion rather than oppression. Why, sir, we should like very much that sort of oppression, of enjoying all the public expenditures. It would be quite comfortable. If you must have rebellion, suffer me to tell you, you had better travel any other road than over the mountains. In the language of the gentleman from Virginia, it would be a stumpy road.

But, Mr. Chairman, this is a most fruitless and unpleasant topic; and really there is no apology for its introduction into the debates of this House, under any circumstances whatever. And why it should make a figure so often, in reference to the West, I am at a loss to perceive. No national or individual advantage is likely to flow from its discussion. If any gentleman, sir, is so mad as to suppose, by the use of such idle threats, his dignity or his importance is enhanced in the estimation of the country, the sooner he is restored to his right reason, the better. He adds nothing to his reputation as a statesman, or to the goodness of his heart as a citizen. I hope never to hear another allusion, in this House, to that sub-

ject; for, let it be understood, by these presents, that we, the people of the West, will never suffer any rebellion to take place. There is not the most distant prospect of it; the declaration of the gentleman from Virginia, (Mr. R.) to the contrary notwithstanding. I do not see that gentleman, at this moment, in his seat. I regret his absence. I had a particular desire, sir, to tender him my best respects, for the many kind civilities he has, voluntarily, paid to the people I have the honor, in part, to represent. His polite attention shall not go unrewarded. I hope to have the pleasure, upon some suitable occasion, in my awkward way, to acknowledge the great debt of gratitude which is so justly due to that gentleman.

Mr. FORSYTH offered the following amendment, as a substitute to the first of the above resolutions:

Resolved, That a quorum of the Supreme Court, to transact the business of that tribunal, should consist of such a number of the Justices composing it, that a majority of the quorum shall be a majority of the whole court, including the Chief Justice.

Mr. FORSYTH supported his motion in a short speech; and Messrs. WICKLIFFE, CLAY, FORSYTH, WEBSTER, MERCER, P. P. BARBOUR, RANDOLPH, and TRIMBLE, respectively, spoke at considerable length on the question.

Mr. WICKLIFFE addressed the Committee, in substance, as follows:

Mr. Chairman: The subject is an important one; and, on that account alone, I hope to engage the attention of the Committee in its discussion. Some of the friends of the measure on your table, were inclined not now to press it, under the belief that the time was unfavorable to the full and free discussion which its magnitude demanded. The duty of those, charged by the remonstrance, with its presentation here, required, at their hands, an effort, in furtherance of the views of the Legislature of Kentucky; and I am gratified to discover a wish in the Committee that the debate should now progress.

The character of this question, which proposes an important modification in the Judiciary act; the deep interest which one of the States feels upon the occasion; require of Congress an indulgent, and, I hope, a favorable consideration of the resolutions submitted by my colleague, (Mr. LETCHER.) Were it a subject in which the State of Kentucky was alone interested, her representatives on this floor would regard the determination of the Committee now to progress with its discussion, more an act of kindness to them, than a matter of right. But it is one involving a principle of vital importance to the whole Union; and, although presented to us by a single State, (inferior to none in the practice and support of Republican principles,) it demands of Congress a dispassionate deliberation.

I will not unnecessarily consume your time, and I hope not to exhaust your patience, whilst I endeavor, in a few words, to call your attention to the true character of the question, presented by the remonstrance and resolutions now before us.

It may not be improper, in order to arrive at

that object, to state some of the causes which have brought them into existence, and forced them upon our attention. You are informed, by the memorial of the Legislature of Kentucky, accompanied by the decision of the Supreme Court of the United States, (of which it complains,) that the power of that State to pass certain laws, denominated the Occupying Claimant Laws, is denied by that court; that they violate the compact between the States of Virginia and Kentucky; and, therefore, impugn the 10th section of the 1st article of the Constitution of the United States, which declares, among other things, "That no State shall pass any law impairing the obligation of contracts." A question naturally presents itself to the mind of every person unacquainted with the history of Kentucky and her internal police: "Are these laws of such mighty importance as to call forth, in strong language, the feelings of the Legislature? Are the principles settled by the case of Green and Biddle, and the evils which flow from that decision, such, that the Legislature of Kentucky cannot, by some modification of the laws in question, avert or palliate them?" I answer, Yes; such is their character. They are laws rendered necessary to the prosperity and happiness of the State, by the fatal policy pursued by Virginia, in the disposition of her vacant lands, in the then district of Kentucky. And if the court be correct, to the extent of the principles assumed in that opinion, no legislative aid, no change or modification of these laws, can avert or palliate the miseries which must inevitably ensue. The people, in the exercise of their high and sovereign powers in convention, cannot rid themselves of the effects of the principle settled by the Supreme Court; which principle is fixed like an incubus upon the rights of the State. We can do nothing but present our grievance before you; point to the injury which has been inflicted; and beseech you to adopt the measure on your table, and thereby strengthen the ramparts of State sovereignty. It is by the preservation of legitimate State rights, that you give the best security to the stability and happiness of this Union.

I said, sir, these laws were rendered necessary to the prosperity and happiness of the citizens of Kentucky, by the misguided policy of Virginia; a policy ruinous but liberal, benevolent and patriotic in its objects. With the exception of the delegation of Virginia and Kentucky, but few, if indeed any, of the members of this House are acquainted with the mode by which lands were acquired, and are now held, in the latter State. Prior to the Revolution, large portions of those lands were granted by the Crown to the officers of the army engaged in the French and Indian wars, which preceded the Declaration of Independence. Toward the close of the Revolution, many persons, as if in quest of danger, penetrated the wilderness; and after many dire struggles with the savages for empire, maintained with loss of much blood their infant settlements. Virginia, (in a spirit of justice to her creditors, and in fulfilment of that pledge of public faith of which she has always been proudly tenacious,) after securing to the early ad-

venturers and settlers in Kentucky, what are called "settlement and pre-emption rights, poor-rights, and corn-rights;" (terms well understood by the citizens of Kentucky,) opened her land office, 1779-80; and by it she poured out the contents of a Pandora's box upon the ill-fated inhabitants of the State. By the provisions of the land law of 1779, warrants for land were issued to any and every person, upon the payment of the State price in the paper currency of Virginia. The proprietors of these warrants were required to locate the same by an entry in the surveyor's books, with such certainty and precision, that each subsequent locator, in like manner, could appropriate the adjacent residuum. I am certainly correct when I tell you, that warrants for three times the quantity of vacant land, then owned by Virginia, in the district of Kentucky, were issued. In many districts of country in Kentucky, I have known to exist there, four, five, and six, distinct adversary claims to the same tract of land. Hence the phrase, in frequent use, "that Kentucky is shingled with land claims." Many of these claims were settled by the original proprietors and first adventurers to that country; men who had to contend with dangers, and endure sufferings, not easily to be imagined by the present population; and more easily conceived than described by those who witnessed and participated in them.

In this state of things, removed at a great distance from the seat of government in Virginia, laboring under difficulties and embarrassments, which were not felt and duly appreciated by the great body of the people of Virginia, the citizens of the then district of Kentucky petitioned the Legislature of Virginia to permit them to become a free and sovereign State. The politicians who filled the public councils of the State, at that period, upon becoming more intimately acquainted with the wants, interests, and difficulties of the people of Kentucky, were satisfied that their future happiness and prosperity depended upon the favorable issue of their application.

In 1789, a law passed the Legislature prescribing the conditions upon which this new government was to be established. This is what is termed, in the decision of the Supreme Court, "The compact with Virginia." By the seventh section of that compact, it is provided that all private rights and interests of lands within the proposed district, derived from the laws of Virginia, prior to such separation, shall remain valid and secure under the laws of the proposed State, and shall be determined by the laws now in existence in this State.

The latter clause of the eighth section reads as follows: "Nor shall a neglect of cultivation or improvement of any land within the proposed State, or this Commonwealth, belonging to non-resident citizens of the other, subject such non-residents to forfeiture, or other penalty, within the term of six years after the admission of the said State into the Federal Union." These are, substantially, the only parts of the compact which have any connexion with the present subject.

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This compact is made a part of the constitution of Kentucky. The Supreme Court, in their opinion, do not decide upon it as a part of the constitution of the State, but as a contract between the State of Virginia and the State of Kentucky. Whether this act of the Virginia Legislature can be denominated a contract, within the meaning and purview of the tenth section of the first article of the Constitution of the United States, which prohibits "a State from passing laws impairing the obligation of contracts," is a question I leave for others to decide. It is not necessary for my purpose that I should here discuss it. Virginia, at the date of the compact, had no statutory provision similar to the occupying claimant laws of Kentucky. She had not then felt the necessity of them—circumstances since that time have made it necessary for her to protect the occupants of her land, under a practice adopted by her courts, not very unlike the laws of Kentucky. I believe many States in the Union have been compelled to resort to such laws. As early as 1796, Kentucky commenced her legislation upon this subject. Her best and wisest statesmen projected and approved the law which was then enacted. This law provides, in substance, that if any person shall peaceably, and in good faith, seat and improve land, to which he shall have a title derived from the Commonwealth, upon eviction therefrom, by a paramount title, he shall be paid for all valuable and lasting improvements which he shall have made upon the land before notice of the adversary claim, and subjects the occupant to the payment of rents and profits, after suit brought; and also compels him to account for all waste, &c., committed upon the land; and to pay for the deterioration of soil. Is there any thing unjust or iniquitous in this law? I answer, no. It received the sanction of the courts of Kentucky, and was acquiesced in by all classes of her citizens. There was no murmuring, no denial of the power in this State, to legislate upon the subject, from 1796 to 1811 and 1812, at which period the act of 1796 was repealed, and that of 1812 passed. Then it was, for the first time, I believe, made a question of Constitutional power in the State. The law, however, passed, not without a violent opposition, by a respectable and intelligent minority, who, I believe, were governed more in the opposition, by the question of policy and expediency, than Constitutional power.

It is due to candor to state this law did not receive the sanction of the Governor of the State. It was suspended for twelve months. Its principles were the subject of free and full discussion before the people; and at the succeeding Legislature it was passed by a Constitutional majority of both branches, the Governor's objection notwithstanding.

This latter act exempts the occupant from the payment of rents and profits, until after judgment of eviction or decree shall be pronounced against him. It compels the successful claimant to pay the cost of seating and improving the land; and moreover provides, that, if the valuation of the improvements shall exceed three-fourths the value

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of the land in its unimproved state, then the successful claimant may compel the occupant to keep the land, and to pay for the same the amount of valuation fixed by commissioners to be appointed by the court. These commissioners are directed to make the estimates, as well of the rents, profits, and value of the land, as the costs of seating and improving the same, together with the waste and damage committed, and reduction of soil. The report of these commissioners upon oath, (seven in number,) was to receive the sanction of the court, and to be made the basis of their judgment. Until the court had thus disposed of the question of improvements, &c., no writ of possession could issue upon the original judgment. Such are the outlines of the two acts of the Legislature of Kentucky, passed under a most thorough conviction that she possessed the power, and deeply impressed with the belief, that they were demanded by the condition of the country.

And, whatever may have been said about the infraction of Constitutional law, the purity of the motives of the Legislature who passed, and the judges who approved their adoption, has never been, cannot be, questioned. It requires the efforts of refined legal subtilty to demonstrate clearly the unconstitutionality of those laws. The eighth section of the compact permits the Legislature of Kentucky, after six years, to subject the lands of non-resident proprietors to forfeiture for non-cultivation. From this clause, it seems a milder power might be inferred—one of less magnitude—a power which, by its exercise, saves to the non-resident his land from forfeiture for non-cultivation, by requiring him to pay the meritorious occupant for doing that which the State had a right to compel him to do, viz: the improvement of his land within her territory. The delay incident to the investigation and trial of a land cause, (to say nothing of the designed procrastination of it by the artful claimants, with a view to swell the item of rents on the final account,) furnished a very just reason for a change or repeal of the act of 1796.

Suits have lingered upon the dockets for twenty years, and, in some instances, longer. Under the act of 1796, the occupant was charged with the rents after the commencement of the suit; and it not unfrequently happened that, after losing his home, and his labor of twenty years, he was ruined by a demand for rents of land which he believed to be his own. It was thought the act of 1796 was defective in other respects. The number of suits was continually increasing, and the occupants not only feared the loss of their lands and improvements, but ruin by a claim for back rents. The gradual improvement of the country was consequently retarded.

I have been thus particular, Mr. Chairman, (and, I fear, tedious,) in order that the Committee and the public shall understand the nature and character of those laws. I am anxious that the councils of my State shall be acquitted of all impurity of motive.

If I have given you a correct history and character of these laws, (and I believe I have,) you

will acknowledge that Kentucky ought to feel on this subject; and she has, through her Legislature, expressed that feeling to the nation.

Not long after the passage of the act of 1812, its validity was questioned in the appellate court of the State. The judges of that court, men of intelligence, and who, as jurists, would not be shaded in a comparison with the justices of the Supreme or any court, decided, not by a minority, but by the undivided opinion of the whole court, that the Legislature had the power to pass the law of 1812.

This decision, supported by reasons irresistible, the Supreme Court, (although the book which contained it, was in the Library of Congress, to which they had unlimited access,) say they "have not had an opportunity of examining it." It was not my purpose, nor is it required of me, by the nature of the proposition on your table, to maintain the validity of those laws; nor will I indulge an uncharitable opinion of those whose interest or duty it was to contest them. I am only anxious to evince to the Committee their importance, and to satisfy them they were not the enactments of hasty and inconsiderate legislation, but the productions of soberness and reason, dictated by a sound policy, imperiously demanded by necessity, and approved by the judgments, not only of the people, but the Legislature and the courts of the State. When laws of so much importance to the prosperity and happiness of a State, sanctioned by successive Legislatures and courts, consisting of judges of great talents, shall have been prostrated by the opinion of three justices, however learned and dignified, it becomes the duty of the States to inquire into the expediency of so organizing that court that more security shall be given to their respective rights. The opinion of the Supreme Court in the case of Green and Biddle may be correct; it is, nevertheless, unsatisfactory and afflicting to my constituents; nay, sir, to the whole State—unsatisfactory, because it is the opinion of a minority of the members of the court, without the aid of its head, opposed to the opinion of the Legislature, and the inferior and superior courts of the State; afflicting, because the character of the State has been traduced—not by the court, but by those who, like the justices, were unacquainted with the real condition and character of the people for whose safety and protection these laws were enacted. I will not contend, as some have done, that the case of Green and Biddle was not legitimately before the court, nor that it was an act of usurpation in the court to have assumed jurisdiction of the cause. The question involving the validity of these laws was fairly presented to the court for its decision. I admit the right and the power of the Judiciary to decide upon Constitutional questions; and, when fairly presented, it becomes their duty to decide them upon their Constitutional responsibility. I am desirous, therefore, that, whenever the occasion arises for the exercise of this high and important power by the Judiciary, it shall be exercised in the mode best calculated to administer justice, and inspire confidence in the public mind. What better mode can you

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adopt, combining these two great objects, than the one suggested by the resolutions offered by my colleague?

The prostration of those laws, so indispensable to the prosperity of the State; laws which secured to the industrious occupant, should he be unhoused by a better title, an indemnity for his labor bestowed upon the land; and of a policy, existing for twenty-five years, sanctioned by a large majority of the Legislature; approved and sustained by the unanimous decisions of the supreme court of the State; made the basis of numerous compromises and contracts, was well calculated to produce a shock in public feeling, and to call forth the almost unanimous voice of the whole State, against the correctness of the opinion of the three justices of the supreme court.

I have said, the power to decide upon Constitutional questions, involving the validity of the laws or constitution of a State, appertain to this court. Yes, sir, they have the power, not only to fritter down the sovereignty of the State governments, but to set at defiance the legislative powers of Congress. It is necessary that the power to decide upon Constitutional law, should be vested in the judiciary; and it is the duty of the Representatives of the people to watch, with a vigilant eye its exercise. I do not mean to say, that the power, in this case, has been intentionally abused. Its exercise, however, by a minority of the court, has spread dismay over the whole State. In ordinary cases, where the Legislature may have trespassed upon the confines of the Constitution, and the encroachment is repelled by the judiciary, reform and amendment may take place. Was this the condition of Kentucky: did the decision leave a hope that any future legislation upon the subject, even in conformity with what Virginia, since the compact, has prescribed for her own citizens, was permissible, we should not not feel so sensibly the effects of the opinion of the court. The court deny to Kentucky the right to legislate in reference to this subject. Virginia has parted with the soil and sovereignty: she cannot therefore legislate; nor can the two States, by any alteration of the terms of the compact, (if the decision be correct,) resume the power in themselves, jointly or separately, to legislate upon the question of land titles, acquired prior to 1792, in the State of Kentucky.

Did Virginia possess the power, and were her statesmen made acquainted with the real condition of those for whose benefits those laws were passed, I know that she estimates too highly the blessings of a free Government, to refuse relief, such as that extended by the Legislature of Kentucky, to those whose lands were lost by adversary titles.

Kentucky has no hope that she can be relieved by any act of Congress, from the evils which the misguided policy of her parent State forced, and the decision of the Supreme Court has riveted, upon her. She must, and she will, with that firmness and patriotism with which she has been hitherto characterized, maintain, under all circumstances, her attachment to the Union, her reverence for the constituted authorities of the

Government. She has never deserted the General Government, nor is she willing to be abandoned by it.

It is her anxiety for the preservation of this Union, which has produced the memorial on your table. She believes it is best preserved by a due regard to the inviolability of State rights; and, sir, what does she ask you to do? To declare, by law, that the solemn act of the Legislature, the Constitution, the sound and settled policy of the States, shall not be prostrated by your judiciary, which was once thought the weakest department of Government, unless there shall be at least the concurrent opinion of five judges. I would extend it further, and say, they should not declare an act of Congress unconstitutional, without such coincidence of opinion. This, by many, is thought not necessary; and since I have reflected upon the subject, I do not recollect that they have, in any instance, decided against the validity of an act of Congress, save one, which required some unimportant duty to be performed by themselves, under the pension act. I have thought it would be altogether useless legislation, and this determination is strengthened by the fact, that the alien and sedition act received the support of the Federal judiciary. The doctrine of "incidental, resulting, and necessary powers of Congress," recognised by the court in the bank and other cases, furnishes us ample security in the free exercise of our powers, if it does not tempt us to transcend them.

The ill fate which has befallen my State, in that court, induced me to make some little examination into the "current of decisions," where the rights of States were directly or collaterally drawn in question; and, sir, I find them, like the needle, which always directs us to the same pole, invariably tending to the amplification of the powers of the General Government, and a corresponding restriction of State sovereignty. Georgia, Pennsylvania, Virginia, New York, Ohio, and Kentucky, have shared, each in their turn, the same fate. I do not recollect a single case before that court, in which the question of State power, in conflict with the supposed powers of the General Government, was involved, where the decision has been in favor of the power claimed by the State. I will not undertake to say that the whole of these opinions were wrong. I must be permitted to say that the States have been extremely unfortunate before that enlightened tribunal. At the rate they have heretofore progressed, it will not take long to fritter down the State governments to "mere petty corporations," acting by the authority and permission of the General Government—I should have said the weakest department of that Government. It is time for the States to inquire into the cause of this state of things; and in order, at least, to inspire greater confidence in the opinions of that tribunal, which shall declare null and void their constitutions, and the solemn acts of their legislatures, they should cause a greater volume of intellect to flow into the judicial channel. The powers which the Supreme Court possesses under the Constitution, to

be exercised in the manner prescribed by the 25th section of the judiciary act are tremendous; such as, if abused, from ignorance or by design, may, one day or other, shake this confederative Republic to the very centre. Let us provide, then, by law, as far as we have the power, against the chances of such an event. Is there any valid objection to the resolution? Is there any thing in them contrary to the theory of our Government? Will it prevent, or obstruct, a due administration of justice in that court? I have not been able, in my own mind, to anticipate any evil consequences which are to grow out of the adoption of the resolutions offered by my colleague; I have not, as yet, heard any opposition suggested; and I shall conclude, under the hope that none will be made. At least, I shall have the consolation of having discharged a duty which I owed to my State, whose interest and character are dear to me; and which, I regret I have not been able to do in a more acceptable manner.

Mr. TRIMBLE, of Kentucky, wanted to say a few words, and would detain the Committee only a few minutes. He thought the subject might be placed in a new aspect, as important as any that had been given to it. What, said he, is the question; and how does it come before us? A compact exists between the States of Virginia and Kentucky. A citizen of Kentucky, holding a title to land there under the laws of Virginia, or a non-resident (say a citizen of Virginia) holding, in like manner, a title to lands in Kentucky, derived from the laws of Virginia or Kentucky, brings an action at law or suit in chancery for the land, and obtains a judgment or decree in his favor, under which he is put in possession of his right. The occupant, who was sued, holds a title of record for the same land, derived under the same code of laws, which title he exhibits to the court, and thereupon demands payment for the value of the lasting improvements made by him on the land, and requires an assessment of the value of those improvements under the laws of Kentucky, usually called the "Occupant laws;" the adverse party contests the right of the occupant to claim payment for his improvements, upon the plea that the Occupant laws are in violation of the compact between the two States. The Supreme Court of the United States and the inferior courts take cognizance of the case under the second section of the third article of the Federal Constitution, in which article we find the following clauses, among others, viz: "The judicial power (of the United States) shall extend to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects." And thus the right and power of the State of Kentucky to pass the Occupant laws, and the validity of the laws themselves, are drawn in question before the Supreme Court. Mr. T. referred to the case of Green and Biddle as an example, the details of which would be found in the

remonstrance from the Legislature of Kentucky. It was known, he said, that only four of the seven judges sat in that case, three of whom were of opinion that the State of Kentucky had no power to pass the Occupant laws just referred to, and the other judge dissented; so that, in point of fact, only three judges concurred in the opinion declaring those laws invalid. In this respect it is a question of State powers and State rights, and he would like to know when and how a minority of the Supreme Court became possessed of the power to decide against the validity of a State law? Was it right to suffer a minority of the court to exercise such broad powers? The friends of State rights insist that a law of Congress ought to pass, declaring that no decision shall be given by the court in such cases, unless a majority of all the judges shall concur in it. His own opinion, looking to the policy of the question, was, that the law ought to require a concurrence of at least five of the seven judges, if not all of them. Would any member show him a solid objection to that number? Look, said he, at the root of the question: each State has plenary power—legislative, executive, and judicial—over all its municipal concerns. The power of each is paramount within its own limits, except in those cases where all have brought themselves under Federal subordination. The States grant to Congress and the nation the supremacy over certain enumerated subjects, and they retain the supremacy over all other subjects. Now, suppose the States to be yet independent of each other, and foreign to each other, as they were before the Federation; how would two or more of them decide a dispute between them, or between their citizens? Exactly as all sovereigns have done, and are compelled to do—abandon the dispute, or settle it by making war, or by reprisals, to enforce the right, or by sending ambassadors to make a treaty of settlement and compromise; or by referring the matter in contest to friendly sovereigns as arbitrators. But the framers of the Constitution foresaw that Federal and State rights and powers might come in conflict with each other, and that controversies might arise between two or more States, or between a State and citizens of other States, or between citizens of different States; and they knew that the system of Federation would be incomplete, unless some mode could be devised by which such disputes could be peaceably adjusted, because they must have known that such disputes had dissolved and destroyed all the old confederations of the old continents. Two modes of adjustment were suggested, first, to leave each State the right of naming friendly arbitrators upon each contested question as it should arise; and, second, to constitute a body of perpetual arbitrators. The first mode was in use among the ancients, and the last was once in use, and probably yet is, among the Swiss Cantons. It is the mode adopted in our Constitution; the power is vested in the Supreme Court, and its subordinate courts, and the judges are constituted a perpetual body of friendly arbitrators. He called them *friendly* arbitrators, because there was no magic in the word *judge*—all judges being

nothing more nor less than friendly referees. The court takes the place of friendly sovereigns, and are agreed upon before-hand to determine certain high disputes, which, if that provision had been left out of the Constitution, would have been settled by war or by treaties, as among other sovereign powers. But the Constitution itself is in the nature of a treaty; it is an agreement—a solemn compact—a compact of union—a perpetual treaty of union—and therefore he thought it strictly proper to say, that the States, and the people of the States, had stipulated and agreed that the judges of the Supreme Court should be friendly arbitrators, to determine all controversies arising in the class of cases enumerated in the second section of the third article of that instrument; and here the main question comes forward: How many of these arbitrators ought to concur in a decision, where the validity of State laws are disputed? Shall all concur, or a bare majority; or some intermediate number; or can a minority decide? We are here debating the proposition, but no one ventures to defend the propriety or policy of letting a minority exercise the power. Shall it be left to a bare majority? Can we deduce a sound rule from the theory or practice of our Government? The Constitution is silent on the subject. It declares that—"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish." The Federal courts were established by the law of September, 1789, and that law enacts that the Supreme Court shall consist of one Chief Justice and five Associate Justices, any four of whom are declared to be a quorum to do business; but it omits to say how many shall concur in giving a decision. That omission, however, was supplied by the compulsive operation of the law: If the six judges sat in a cause, three of them could not decide against a State law; but if four of them were ready to concur, the court could then give judgment; but four is two-thirds of six; and so, from the necessity of the case, a State law was not invalidated until two-thirds of all the judges were against it. If only five judges sat in a cause, three, being a majority of five, could render a decree; and if only four sat, three of them must concur, or else the court would be equally divided; and thus it happened from necessity that no decision could be made against a State law, unless two-thirds of the whole court concurred when all sat, or three-fifths when five sat, or three-fourths when only four sat. And here he entreated gentlemen to remark, that no state of things could possibly occur, in which a minority of the whole court could invalidate a law. The conformation of the court put it out of the power of the body to encroach upon State rights by the invalidation of State laws. By the act of February, 1807, the court is to consist of seven judges, but no further regulation is made in that law, and of course four continued to be a quorum to do business. But as three is a majority of four, or of five, and a minority of seven, it is obvious, that when only four or five of the judges sat in a cause, a minority of

the body could invalidate a State law. The act of 1807 ought to have directed how many of the judges should concur upon questions touching State rights, but it was then neglected, and Congress is now called upon to supply the omission. Shall we leave the court to regulate itself, or shall it be put "under such regulations as the Congress shall make." How shall we find a rule? By analogy, by looking into the theory and practice of the Federal Government and the State Governments, by consulting the reason of the thing, by following the dictates of sound policy.

By analogy: State power and State rights are put in question, and therefore the case of two sovereigns, referring a matter in controversy to other friendly sovereigns, bears a close analogy. It would be called, at the bar of the court, a case in point; and yet there is not a case to be found in all the books of international law, wherein three or more friendly sovereigns have decided a dispute referred to them, unless all of them concurred in the opinion. In such cases, an award by a minority, or a bare majority, would be pronounced as an outrage upon the parties making the submission. No sovereign would submit, and no nation ought to submit, to an umpire of minorities. Mr. T. again asserted, that by our own Constitution, the judges are put in the place of friendly sovereigns, acting as referees between sovereigns, so far, at least, as State rights and State laws are drawn in question before them, and that, therefore, they ought to govern themselves by the rules and usages adopted by those who arbitrate between sovereigns. These rules would require a concurrence of all the judges, and he thought it quite probable that the time would come, when those rules would have to be adopted. Take the case of a reference in court, to three arbitrators, by consent of parties; all of them must concur in the award, unless the order of reference specially declares, that any two of the number may decide the matter. From this, and similar cases, he argued, that all analogies required a concurrence of the whole body of judges or arbitrators. In all the State constitutions, there are clauses declaring what number of members shall form a quorum to do business in the legislative body; and why? Because it is generally understood that, without such a clause, none of the members could rightfully act until all were present. A similar clause, he said, would be found in the Federal Constitution.

But again: in all the States, without exception, if a court is constituted of three or more judges, we shall find a law declaring how many of the judges shall form a quorum to do business: and why? Because it is believed every where, that, without such a regulation, no cause could be heard unless all the judges were on the bench. The rule of quorums is sometimes found in the constitution of the State, as in Ohio; but is generally found in the State laws. And in the case before the Committee, the Congress of 1789 must have held the same opinion, or else, why enact that four judges of the Supreme Court should be a quorum? In fact, said he, we find the general prin-

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ciple every where, and in all the departments of our Federal and State Governments. And all the exceptions to it appear to have grown up under special provisions. This much at least was clearly true as to all our judicial departments; first, that the body cannot fractionize its integral powers; second, that its power of action belongs to its integer, and not to fractions of it, unless the law has so provided; and, third, that there is no judicial usage to justify this alarming arrogation of power by enormities, more especially as all the exceptions are found to rest upon special reasons, which only fortify the general principle. It is true that our system operates upon majorities generally; and yet we often find departure from that principle; not in behalf of minorities, but always in favor of augmented majorities approximating unanimous concurrence. For instance, the Federal Constitution cannot be amended unless three-fourths of the States concur. Now, it is known to every one, that the construction of the judges is the true reading of the Constitution, and the person and property of every citizen must stand or fall by it. But these constructions are in the nature of explanatory amendments; and surely, if less than three-fourths of the States cannot amend the Constitution, less than three-fourths of the judges ought not to construe it. The analogy, as it struck him, was too close to be resisted. Similar provisions were to be found in the State constitutions, and if any of the States have allowed a minority of their own judges to invalidate their own laws, that was their own affair; and it did not thence follow, that the same State ought to permit a minority of the Federal Court to send a mandate into its territory, abrogating its municipal laws and State regulations. There was one question which he would barely state, but not discuss, because it was too grave to be lightly considered. Can a minority of the Supreme Court render a judgment or decree abrogating State laws? Is such a judgment obligatory on the States, or is it not a dead letter in law? Are a minority of the judges legally competent to render such a judgment or decree? He had no doubt that this question would be made before long at the bar of the court. In his opinion, the court ought themselves to have settled it, when they, for the first time, gave a decision against the validity of State laws.

As a matter of policy: Was it safe and fitting that a State law should be vacated by less than five judges out of seven? If it could be shown, that, according to juridical usage, a court has the power of declaring that a majority of its body should be a quorum, and that a majority of that quorum may determine ordinary cases, it would not follow, in his opinion, that the Supreme Court ought to arrogate such power. That court sits in judgment upon a class of cases, such as were never submitted to the arbitration of any judicial tribunal. It is invested with higher powers than were ever before conferred upon any judicial institution. It may vacate a treaty made between the United States and foreign nations; it may invalidate a compact or treaty made between the Gen-

eral Government and one or more of the States; it may vacate a compact or treaty between two or more States; it may invalidate a law of Congress; it may vacate a State constitution, or annul one or more of its clauses; it may invalidate a State law, or annul and reverse the judgments and decrees of the highest judicial authorities of the States! And these are only a part of the extraordinary powers with which it is clothed, over and above the ordinary powers vested in a court of justice. It is in fact a political body, invested with high political powers and functions. It is a perpetual arbiter between political bodies—between sovereign powers. Was there no danger in suffering a minority or a bare majority of such a body to decide such grave and solemn controversies between such parties? Suppose this Committee was now sitting as a Convention to frame the Constitution, and, after vesting the Supreme Court with those high powers, under the name of *jurisdiction*; let us imagine that some member has offered a proposition to permit a minority or a bare majority of the court to pass judgment on these great questions, involving matter of such deep concernment to the States,—would any member of this House vote for the proposition? He thought himself justified in saying that no one would venture to give it his sanction. The last thing a free people ought to surrender, should be the power of making their own laws; and, next to that, the power of repealing them. A State makes a dangerous grant of power, when it gives another body the power of annulling and vacating its own laws against its own consent. Such a power ought to have strong checks upon it. A bare majority is not a sufficient counter-guard. The concurrence of five-sevenths ought to be required, and entire unanimity would perhaps be still better. A court ought to do justice; and next to that comes the policy of giving general satisfaction, if it can do so and do right. But the Supreme Court will never be able to give general satisfaction, so long as it allows a minority of its body to abrogate State laws. Such things might be tolerated by good men, in peaceful times; but among bad men, and in bad times, no one ought to be held responsible for the consequences.

Mr. T. insisted that all the States had an equal interest in the proposition before the Committee. The case of Green and Biddle had been fully explained by his colleagues; and he would only add that, in his opinion, the judges did not understand the cause, or the points involved in it; and that the decision was not sound law. He did not think that any five of the judges could be brought to concur in that opinion; and (waiving the pride of consistency) he did not believe that the same judges would again concur in it; he was sure, that among first-rate judges upon any State bench a different decision would have been given. Waiving the question of sheer law, and keeping a single eye to the justice of the matter, he had as yet met with no man who condemned the Kentucky acts of Assembly, after fully understanding them; and in his opinion it would be easy to show that, under all circumstances, the State had acted with

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a degree of liberality and forbearance towards non-resident landholders which ought to command the respect of all enlightened statesmen. He knew that contrary impressions had been made by land speculators and their advocates upon persons unacquainted with the situation of the country; and it was a duty which the State owed to itself, as a member of the Union, to vindicate the moral justice of its laws against the unjust aspersions thrown upon them. But as the Committee did not then wish to pursue that branch of the inquiry any further, he would reserve what he had intended to say until some one should arraign those laws as unjust in principle; if, indeed, any one could be found possessing temerity enough to do so. He hoped that the amendment offered by the gentleman from Georgia (Mr. FORSYTH) would be rejected, and that the blank in the resolution would be filled with the number *five*.

On motion of Mr. McKIM, the Committee rose, and the House adjourned.

TUESDAY, May 4.

Mr. CROWNINSHIELD, from the Committee on Naval Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of Thomas Shields," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. WHITTLESEY, from the Committee of Claims, made an unfavorable report on the petition of Lewis Dolive, and others, inhabitants of Mobile, in the State of Alabama, for compensation for cattle taken for public use in the late war; which report was laid upon the table.

Mr. VANCE, of Ohio, from the committee appointed to inquire into the expediency of granting relief to certain purchasers of public lands lying between Ludlow's and Roberts's lines, in the State of Ohio, made a report, accompanied by a bill to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia Military Warrants, lying between the said lines; which bill was read twice, and ordered to be laid on the table.

Mr. WEBSTER submitted the following resolution:

Resolved, That provision ought to be made by law that, in all suits now pending, or which may hereafter be pending in the Supreme Court of the United States, where is drawn in question the validity of any treaty, or statute of a State, or the constitution thereof, or of any authority exercised under any State, on the ground of repugnancy to the Constitution, treaties, or laws, of the United States, no judgment shall be pronounced or rendered until a majority of all the justices of said court, legally competent to sit in the cause, shall concur in the opinion, either in favor of or against the validity thereof; and, until such concurrence, such suit shall be continued under advisement: *Provided, however*, That said court should not, by such provision, be prevented from rendering judgment in any such suit when it should be of opinion that the final adjudication of the merits thereof did not require the

decision of such Constitutional or legal question as aforesaid.

The resolution was read, and committed to the Committee of the whole House on the state of the Union.

On motion of Mr. LITTLE, the House took up the bill "concerning invalid pensioners," with the Senate's amendment, (striking out the names of a part of the pensioners.) Some conversation took place between Messrs. LITTLE, CULPEPER, CADY, and TRACY. Mr. CADY moved to lay the bill on the table; which was negatived.

On motion of Mr. LITTLE, the House disagreed to so much of the Senate's amendment as strikes out the names of the pensioners at first included in the bill, with the exception of the names of Sutton, Lord, and Zimmerman.

Mr. OWEN, of Alabama, advocated the case of Sutton; Mr. LONGFELLOW, that of Lord; and Mr. CADY, that of Zimmerman—pensioners included in the Senate's amendment.

On the question of agreeing with the Senate to strike out the name of Ebenezer Lord, there were 69 ayes, and noes 58; so his name was stricken out.

The questions on Sutton and Zimmerman were also decided in the affirmative; and their names were agreed to be stricken out.

The engrossed bill "for the relief of the heirs of Miguel de Esclava," was read a third time, and passed.

DEAF AND DUMB ASYLUM.

Mr. MOORE, of Kentucky, from the committee appointed on the memorial of the Trustees of the institution for the instruction of the deaf and dumb in the State of Kentucky, made a report on the said memorial, accompanied by a bill for the benefit of the said institution; which was read twice, and committed to a Committee of the Whole. The report is as follows:

Your committee entered upon the investigation of the subject referred to them, deeply impressed with the conviction that the great object of human legislation is to promote the happiness, as well as the security of the species. Its legitimate sphere extends beyond the erection of fortresses, the creation of military and naval armaments, fiscal arrangements, the punishment of public crime, and the reward of public virtue; and it is, when it interposes its benignant power in behalf of those domestic institutions, which are formed to alleviate the ills which originate in the infirmity of our nature, that its advantages are most generally felt and acknowledged by the mass of society. In the infancy of nations, indeed, institutions of this character are so limited in number and extent, as to claim but little attention, because the necessity of them is less obvious and imperative. But, as wealth, refinement, and population increase, bringing in their train a melancholy series of casualties and anomalies, the necessity of some provision for human infirmity becomes more apparent, and charity finds a rapidly expanding area, in which she may exercise her godlike propensities. For evidence of this truth, we may appeal to the universal history of civilized nations, as well as to the annals of those States of our Commonwealth, which have made the most rapid progress in popula-

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tion. If institutions, precisely similar to that to which the attention of your committee has been called, are less numerous, and of more recent origin, than other receptacles of human misfortune, these circumstances may be attributed, partly, to the relative paucity of cases, partly to an amiable weakness, which has prevented parents from banishing their children, thus affected, from the cheering comforts and endearments of home and kindred, and partly to the incredulity which has so long prevailed on the subject of any effectual alleviation which the skill of man could devise and apply. The influence of these causes has, however, been, for some time, diminishing. The fame of the philanthropic Abbé de L'Épée, has reached the utmost limits of the civilized world, and humanity triumphs in the conviction that, even in cases which come so entirely home to the "bosoms and business" of mankind, the imperfections of our nature may be, in some degree at least, corrected by the skill and perseverance of science and of art. Entertaining these general views, your committee admit neither difficulty nor hesitation, in applying them to the case which has been referred to their consideration.

The Kentucky institution for the tuition of the deaf and dumb, appears to your committee to have strong claims on the protecting benevolence of Congress. It is the only institution of the kind existing in all that vast and fertile range of country which lies west of the Alleghany chain of mountains. Institutions of this description, can never, for reasons which we deem sufficiently obvious, become so general, even in the diminished ratio of the number of persons for whose benefit they are founded, as those which have for their object the instruction of the more favored, and, happily, far more numerous portion of our species. Your committee, therefore, believe, that the National Legislature would pursue a wise policy in adopting as its own, and cherishing by its protecting care, a few establishments of this kind, already in successful operation. Applications have already been made for the admission of pupils, from many of the circumjacent States; nor have such applications been made in vain. Kentucky, forgetting her inability, in the zeal and fervor of her philanthropy, has placed the unfortunate sons of her sister States upon an equal footing with her own. The aid solicited by the petitioners is a boon asked, not for a single member of the Confederacy, but for a whole section of country rapidly increasing in population and resources, and justly entitled to the attention of Congress. The deaf and dumb asylum was incorporated and endowed by the Legislature of Kentucky, in 1822, and went into operation in the Spring of the following year. At the late session of that body, a most respectable committee, composed of two members of the Senate, and four of the House of Representatives, was appointed to visit and examine the institution. In their report they say "that they remained in Danville, and visited the asylum on two successive days, and were greatly gratified in witnessing the progress made by the pupils, whose facility and correctness in comprehending the signs made by the teacher, and in expressing their ideas, exceeded any thing that could have been anticipated by the most sanguine friends of the institution. All those who had been instructed for four months in the asylum, wrote good hands, spelled correctly, &c." And the committee, after noticing, in the highest terms of approbation, the administration of the institution, concluded by recommending it "to the continued and extended patronage of the Legislature." The number

of pupils, at that time, was fourteen; five more were expected in a few days, and it was anticipated that, in the course of the present year, the whole would amount to forty. The trustees have ascertained that more than one hundred and thirty persons in Kentucky needed the benefits which that institution alone could confer, and of these more than one-third could receive them only from public munificence. It is believed that the number of cases in the adjacent States will bear a like proportion to their population. Under these circumstances, the following resolution passed both Houses of the Kentucky Legislature. "Resolved, That a respectful memorial from the Legislature be transmitted to the Congress of the United States, on behalf of the Kentucky Institution for the tuition of the deaf and dumb; soliciting their attention to the petition of the trustees of said institution for the aid of the National Legislature." From some cause, unknown to us, the memorial thus ordered, was never presented by the committee appointed to prepare it. Your committee find that the principle and policy of extending relief to institutions of this character, have been recognised by the Congress of the United States, in a grant made to the Connecticut asylum, and in that case they discover a strong precedent to justify the passage of a bill for the benefit of the Kentucky asylum. They, therefore, beg leave to report a bill.

POST OFFICE BILL.

On motion of Mr. F. JOHNSON, the previous orders of the day were dispensed with, (ayes 76, noes 59,) and the House went into Committee of the Whole on the bill "reducing into one the several acts for establishing and regulating the Post Office Department."

Mr. LONG offered an amendment, inserting after the words "Military post," the words "or town;" which was not agreed to.

Mr. TUCKER, of Virginia, moved that the Committee rise, with a view of taking up the subject of the Beaumarchais claim; which was negatived, only 44 rising in its favor.

Mr. LITTLE moved to strike out the words "one fourth," in the first section of the Post Office bill, and insert "one sixth," but, on suggestion of Mr. JOHNSON, modified the motion to "one fifth."

Mr. RANDOLPH opposed the amendment, and moved to strike out the whole clause, from the 19th to the 25th line, viz:

"And where a route has been in operation two years, and does not produce one-fourth of the expense incident to the same, he shall discontinue the transportation of the mail on such route, except it be the only route that leads to the seat of justice of any county, a place where a land office is established, or an important military post, and report the same to the next session of Congress."

He advocated his motion by a short speech.

Mr. MALLARY took the same side, and Messrs. ROSS and LIVERMORE further advocated the motion.

Mr. LITTLE then withdrew his amendment in favor of that of the gentleman from Virginia.

Mr. J. JOHNSON opposed the amendment, and advocated the retaining of this clause of the bill, which he insisted was likely to produce a great saving to Government, without any serious inconvenience to the people.

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Mr. HAMILTON advocated the amendment, and contended that the saving contemplated would be a bad and narrow economy.

Mr. WICKLIFFE spoke in reply, and stated facts to show that the provision in the section would be wise and salutary.

Messrs. SAUNDERS and LIVERMORE followed in opposition.

Mr. F. JOHNSON offered so to amend the section as not to make it imperative, but only discretionary, in the Postmaster to strike out such routes as did not produce more than one-sixth of the expense of transporting the mail.

Mr. WHIPPLE hoped the section would be retained, and assigned various reasons in its favor.

Mr. MANGUM opposed the section in a short speech, and advocated the amendment, on the ground of the indispensable necessity of diffused information in a free Government.

Mr. ISACKS spoke a few words on the same side; and, the question being then taken, was decided in the affirmative—ayes 75, noes 37.

So the section was stricken out.

Some further amendments were agreed to, in respect to certain dates in the bill, making its operation commence three months later than at first.

Mr. OWEN, of Alabama, moved a proviso to the third section, in the following words:

"Provided, That no postmaster shall be considered as in arrears, until a reasonable time be allowed him (the postmaster) for settling his accounts."

Mr. SHARPE opposed this amendment as unnecessary, since postmasters are only to settle once in three months.

Mr. COCKE, also, objected to its adoption.

Mr. OWEN replied, and insisted on the difference between being in arrears to Government, for want of an opportunity to settle, and being a defaulter, after such opportunity has been afforded.

Mr. WRIGHT went into some details of the establishment, and suggested, as a preferable amendment, the following words:

"Provided, That the postmaster shall not have refused to pay any draft made upon him by the Postmaster General."

Mr. F. JOHNSON explained that part of the bill proposed to be amended, and replied to the arguments for the amendments.

Mr. REED opposed the whole section, as over strict, and calculated to defeat its own object.

Messrs. WHIPPLE, WOOD, and BARTLETT, spoke in reply, and defended the provisions of the act in its proposed form.

Mr. GAZLAY suggested an amendment, which went to strike out the word "arrears," and insert a clause which provides, "that the postmaster shall have neglected either to transmit his accounts or to forward the money he owes."

Mr. TEST suggested another amendment, which went to strike out the words "is in arrears," and substitute the words "shall not at the time be in default."

The question was taken on this amendment, and decided in the negative—ayes 36, noes 75.

Mr. GAZLAY offered the following amendment: "Provided every postmaster shall execute the duties of his office, and his securities be holden until his successor be appointed and qualified."

Messrs. F. JOHNSON and WILLIAMS, of North Carolina, opposed this amendment, and Mr. GAZLAY defended it, as common in all other offices, and necessary in this.

Mr. BRADLEY opposed, and Mr. REED advocated the amendment.

Mr. WHIPPLE replied, and the amendment was rejected.

Mr. F. JOHNSON moved to strike out, in the 4th section, "in a penalty equal at least to one year's salary," and insert "in such penalty as the Postmaster General shall require;" which was agreed to.

Mr. MCKIM moved to strike out "eight," and insert "four," in the 5th section; agreed to.

Mr. GAZLAY opposed, at considerable length, the whole of the 7th section of the bill.

Mr. PLUMER, of New Hampshire, moved to amend the 8th section by inserting, after the words "a free white person," the words "of not less than eighteen years of age."

Messrs. LIVERMORE and McLEAN, of Ohio, opposed, and Mr. COCKE supported, the amendment; and, the question being taken, it was rejected.

Mr. LIVERMORE moved to amend the 12th section, by striking out "one" and inserting "two." The amendment was not agreed to.

Mr. P. P. BARBOUR stated, at length, the case of the Postmaster at Fredericksburg, and pleaded the propriety of raising his salary.

Mr. F. JOHNSON acknowledged the salary to be inadequate, but opposed making an insulated provision, in a bill of this kind, while so many other cases of a similar kind might be urged.

Mr. A. STEVENSON replied, and quoted provisions of the bill for the Postmaster at New Orleans, at Wheeling, and other offices. If it was proper in their case, it was equally proper in this.

Mr. P. P. BARBOUR further supported his application, and insisted that the case of Mr. Gray, the postmaster at Fredericksburg, was a stronger one than any other which could be produced in the whole United States, and he challenged such production. He read extracts from the printed documents in support of his position, and followed them by a speech of considerable length.

Messrs. F. JOHNSON and INGHAM replied, and stated what had been attempted towards providing better salaries for postmasters, and the want of success which had arisen from the want of funds in the Department.

Mr. LIVERMORE opposed the motion, and contended that the compensation was fully adequate to the labor.

Mr. COCKE replied, and maintained that, even with the proposed addition, the salary would be a miserable pittance in comparison to the duties performed.

Mr. P. P. BARBOUR rejoined, and reiterated and extended the arguments before advanced, and

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compared the compensation of the Postmaster at Fredericksburg with that at New York, Baltimore, and other Atlantic cities.

Mr. LIVERMORE spoke in reply, and denied that the character or talents of the individual had any thing to do with the question, except his honesty. The duties were not so heavy as was supposed.

Mr. CULPEPER wished to make some remarks, and moved that the Committee rise. The motion was negatived.

Mr. CULPEPER then stated a number of facts in relation to the duties of postmasters.

The question was then taken on the amendment, and was decided in the negative—ayes 51, noes 68.

After some other not important proceedings on the bill—

Mr. McKIM moved that the Committee rise, which was carried—ayes 82. The Committee rose accordingly, and the House adjourned.

WEDNESDAY, May 5.

The Committee on Military Affairs were discharged from the consideration of the petition of William Eaton, and leave was given to withdraw the same.

Mr. TATNALL was appointed on the Committee on Military Affairs, in the place of Thomas J. Rogers, resigned.

The Committee of the whole House to which is committed the bill from the Senate, entitled "An act for the relief of Hezekiah Langley and Benjamin M. Belt," were discharged from the consideration thereof; and the bill was recommitted to the Committee of Claims.

Mr. COCKE laid the following resolution on the table for consideration to-morrow, viz:

Resolved. That the President of the United States be requested to lay before this House at its next session, a detailed report of the system and plan of fortifications, at present contemplated by him, and as recommended by the Board of Engineers, including the plans and surveys of said fortifications, so far as, in his opinion, the same may be communicated without injury to the public service; and, also, the number and position of the fortifications, heretofore at any time erected, or which are now erecting, or to be erected, for the defence of the coast, harbors, and frontiers of the United States, distinguishing those on the seacoast in one class, and those on each frontier, in like classes, and including all the fortifications which are to be preserved, as part of the plan for the future defence of the country: And, showing, under proper heads, the State in which each is situated, when begun, which of them are finished, and when; with the magnitude of each, (as well those erected before, as since the year 1815,) the aggregate amount expended in erecting such as are completed; the amount of repairs since made, particularly upon those that were finished prior to the year 1815; the amount expended on those now erecting, and the estimates to complete the same; the number of guns, of every description and caliber, for each fortification, to complete its armament; the total cost of a complete armament for each; the force required to garrison each in time of war; the same in time of peace; noting those ac-

tually occupied, and with what force; and showing which, and how many of those erected prior to the year 1815, are found useless in the contemplated plan of defence; which, and how many of them have been, or are to be, abandoned; and the cost of each so abandoned, or to be abandoned; distinguishing between the original cost and subsequent repairs.

An engrossed bill, entitled "An act to authorize the issuing of a register for the schooner Five Sisters," was read the third time, and passed.

REMISSION OF DUTIES.

The engrossed bill for the relief of certain persons who imported goods into Castine during the late war, was read a third time, and the question upon its passage, gave rise to some debate.

[The case of these persons is substantially as follows: They were importers of British merchandise into Castine, in the Province of Maine, during the late war, whilst the place was in the possession of the British forces, on which they paid duties to the British authorities. When that port again passed into the hands of the United States at the close of the late war, the officers of the United States demanded payment of duties on the goods which they found there, having been thus imported. The importers, to avoid difficulty in regard to their property, gave the bonds required of them, for the duties. When these bonds became due, a part of them were paid, and payment of part of them was resisted, and successfully resisted in the courts of the United States, by whom the importers were exonerated from the payment of their bonds. The object of this bill is to refund to those who had paid their bonds the amount thereof, so as to place them on the same footing with those who had refused to pay them, and were sustained in that refusal by the courts of the United States.]

The passage of the bill was opposed by Mr. COCKE, and supported by Mr. McLANE of Delaware, who explained the principles which governed the Committee of Ways and Means in reporting the bill. It was also supported by Mr. SHARPE, Mr. WEBSTER, Mr. HAMILTON, Mr. LIVERMORE, and Mr. LINCOLN; and opposed by Mr. GAZLAY, Mr. MALLARY, Mr. GARRISON, Mr. FOOT of Connecticut, Mr. BUCK, Mr. WHIPPLE, and Mr. TOD.

The ground of the opposition to the bill was, that the importers paid to the British authorities nominal duties only, and that great part of the goods imported were transported overland into the United States, thus evading payment of duties to the United States, and the portion found in store by the officers of the United States took a similar course, and were actually the first goods brought into the markets of the United States at the close of the war.

The question on the passage of the bill was taken by yeas and nays: For the bill 89, against it 86, as follows:

YEAS—Messrs. Alexander of Tennessee, Allen of Massachusetts, Allen of Tennessee, Baylies, Beecher, Blair, Bradley, Breck, Burleigh, Burton, Cady, Cambreleng, Cassidy, Clark, Cook, Crafts, Crowninshield, Culpeper, Cushman, Cuthbert, Dwinell, Dwight, Eaton, Edwards of Pennsylvania, Findlay, Floyd, Foote

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of New York, Forward, Gatlin, Hamilton, Hayden, Hayward, Hemphill, Henry, Hobart, Holcombe, Houston, Ingham, Isaacs, Kent, Kidder, Kremer, Lathrop, Lawrence, Lincoln, Litchfield, Little, Livermore, Livingston, Locke, Long, Longfellow, McKim, McLane of Delaware, McLean of Ohio, Mangum, Marvin, Matson, Mercer, Miller, Mitchell of Maryland, Moore of Alabama, Neale, O'Brien, Owen, Patterson of Ohio, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Sharpe, Sibley, Spaight, Spence, A. Stevenson, J. Stephenson, Storrs, Strong, Tattnall, Taylor, Thompson of Kentucky, Tracy, Vance of North Carolina, Webster, Whittlesey, Williams of New York, and Wood.

NAYS—Messrs. Abbot, Adams, Alexander of Virginia, Allison, Barber of Connecticut, P. P. Barbour, J. S. Barbour, Bartlett, Bassett, Brown, Buchanan, Buck, Buckner, Campbell of South Carolina, Campbell of Ohio, Cary, Cocke, Collins, Condict, Conner, Craig, Day, Eddy, Edwards of North Carolina, Elliot, Foot of Connecticut, Frost, Garrison, Gazlay, Gist, Gurley, Harris, Herkimer, Hogeboom, Hooks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Leftwich, Letcher, McArthur, McCoy, McKean, Mallary, Markley, Martindale, Matlack, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Nelson, Patterson of Pennsylvania, Plumer of Pennsylvania, Prince, Richards, Rose, Ross, Sanford, Scott, Sloane, Arthur Smith, William Smith, Standefer, Sterling, Stoddart, Taliaferro, Ten Eyck, Test, Thompson of Georgia, Tod, Tomlinson, Trimble, Tucker of South Carolina, Udree, Vance of Ohio, Vinton, Whipple, Whitman, White, Wickliffe, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, Wilson of Ohio, Woods, and Wright.

So the bill was passed.

POST OFFICE BILL.

On motion of Mr. F. JOHNSON, the House went into Committee of the Whole, on the bill to reduce into one the several acts establishing and regulating the Post Office Department.

Mr. LONG, of North Carolina, after stating some change of opinion in relation to the vote of yesterday, refusing to increase the compensation of the Postmaster at Fredericksburg, moved a reconsideration of that vote.

The motion was supported by Mr. P. P. BARBOUR, Mr. HOGESBOOM, and the mover, and opposed by Mr. WICKLIFFE, of New York, and Mr. GAZLAY, of Ohio, and decided in the negative—ayes 47, noes 61.

The question then recurring from yesterday, on a motion to strike out the extra allowance to the Postmasters at Warrenton, Wheeling, and New Orleans.

Mr. EDWARDS, of North Carolina, stated the details of the business transacted at the office at Warrenton, and opposed the striking out of so much of the clause as relates to that office.

Mr. GAZLAY replied, and argued against the allowance.

Mr. MOORE, of Alabama, supported his motion to strike out the whole of these extra allowances, on the ground of equal dealing to all the officers in this kind of employment.

Mr. WICKLIFFE spoke in opposition to the extra allowance to the Postmaster at New Orleans.

Mr. GURLEY, of Louisiana, spoke in reply, and contended that this compensation was reasonable and necessary.

Mr. CAMPBELL, of Ohio, took the same ground with Mr. WICKLIFFE, and went somewhat into detail, in a statement of the facts connected with the business of the offices, &c.

The question, at the request of Mr. EDWARDS, of North Carolina, was divided; and being on the extra allowance for the post office at Wheeling—

Mr. JOHNSON, of Virginia, opposed the abolition of it. Mr. GURLEY argued in favor of the extra compensations, particularly that at New Orleans, and corrected some alleged mistakes in point of fact. Mr. ROSS contended that the postmaster at Wheeling was as much entitled to the compensation he received as either of the others in question.

The question being then taken on striking out each of these extra provisions, it was carried almost unanimously, in each case, to strike them out.

Mr. SAUNDERS then moved to strike out all that part of the section which relates to the Postmaster at Washington, as follows:

"The Postmaster General is hereby authorized to allow to the Postmaster of the city of Washington, in addition to the allowance made by this act, for postage collected, and for free letters received by him for delivery, a commission of five per cent. on the amount of mails distributed at his office: *Provided, nevertheless,* That the whole annual emolument of the said postmaster, including the extra compensation of one thousand dollars which is hereby allowed him, shall be subjected to the restrictions imposed by the forty-second section of this act."

Mr. F. JOHNSON opposed this motion; and, on the question being put upon it, there were in the affirmative 65, in the negative 27.

This not being a quorum, the discussion was renewed by Mr. TAYLOR, of New York, who went into a calculation to show that the effect of the motion would reduce the salary of the Postmaster at Washington, from \$1,900 to \$900 per annum, which he opposed.

Mr. COCKE replied; and was followed by Mr. LIVERMORE, on the same side.

A motion was then made by Mr. FOOT, of Connecticut, to strike out the enacting words of the bill, which was decided in the negative, by a large majority; and, the question being then taken on striking out the clause last recited, it was decided in the affirmative. So the clause was stricken out.

Mr. WRIGHT moved to add to the section, as now amended, the following words: "Whenever, in the opinion of the Postmaster General, the compensation allowed by law is inadequate to the service required of him, (viz. the postmaster,) he may make him such further allowance as the public interest may require."

Mr. JOHNSON and Mr. ROSS opposed the amendment, and it was rejected by a large majority.

On motion of Mr. LATHROP, the Committee then rose, and the House adjourned.

THURSDAY, May 6.

Mr. KENT, from the Committee for the District of Columbia, to whom the subject had been referred, by sundry memorials from inhabitants and millers, residing in Virginia, reported a bill further to regulate the inspection of flour, in the county of Alexandria; which was read twice, and ordered to be engrossed, and read a third time tomorrow.

Mr. KENT, from the same committee, to which was referred the bill from the Senate, entitled, "An act altering the times of holding the courts in the District of Columbia," reported the same with an amendment; which was read, and agreed to by the House, and the amendment ordered to be engrossed, and the bill read a third time tomorrow.

Mr. RANKIN, from the Committee on the Public Lands, reported a bill, granting a tract of land to the parish of West Baton Rouge, on certain conditions; which was read twice, and committed to a Committee of the Whole.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, made a report on the cases of Joseph M. White and William Davidson, of Florida, accompanied by a bill for their relief; which was read twice, and committed to a Committee of the Whole.

The resolution, yesterday offered by Mr. COCKE, calling on the President for information in respect to the fortifications, was taken up.

The mover offered an additional clause in the words following: "And in all cases wherein sums of money have been already expended, or authorized to be so expended, the authority therefor, by reference to the amount and date of each appropriation; with a like reference to the law under which any of said works were erected." Agreed to.

Mr. LITTLE objected, that resolutions had already passed requiring, in substance, the same thing with that now offered.

Mr. COCKE replied, and explained. It was desirable to have a general statement of the whole mass of information on this subject in one document—it could not now be procured except imperfectly, and in detached parts. After some farther conversation between Mr. SHARPE and Mr. FOOT, of Connecticut, the resolution was adopted.

Mr. P. P. BARBOUR, by leave of the House, presented a memorial and petition of divers inhabitants of the city of Cincinnati, in the State of Ohio, holders of Virginia military land warrants, representing their inability to locate the said warrants, on lands set apart for that purpose by the State of Virginia, lying between Ludlow's and Roberts's line, in the State of Ohio; and praying that other lands may be set apart by the United States, to satisfy said warrants; which memorial and petition was laid upon the table.

On motion of Mr. RANKIN, it was

Resolved, That the Committee of Accounts allow to the Clerk of this House an account for an adequate and reasonable compensation to the person employed by him to prepare an Index to the volumes containing the Executive communica-

tions, &c., directed to be prepared, by a resolution of this House, at the present session of Congress.

POST OFFICE BILL.

Mr. F. JOHNSON made a few observations on the necessity and importance of taking up and going through this bill, which has been already partially acted upon; the system, extensive and cumbersome, required several modifications and improvements which had been carefully prepared, after mature reflection, by the Postmaster General and the Committee of this House, and he should consider the vote of the House, on going into Committee of the Whole on the bill as indicative of its determination to pass the bill or not, at the present session.

The House then went into Committee on the bill, (Mr. TOMLINSON in the Chair.)

Mr. JOHNSON offered a substitute to the 19th section; which was read.

Mr. CLAY now rose, and observed that a bill of such great extent, containing more than forty sections, and involving some new principles of criminal law, could not, at this late period of the session, receive that mature attention which it required. There was scarcely a possibility that it could pass both Houses at the present session, and it would only consume time peculiarly precious. He therefore moved, that the Committee rise, with an understanding that leave be refused to sit again.

Mr. F. JOHNSON opposed this motion, on account of the importance of the bill, &c.

Mr. CLAY replied, in a few words, and the question on rising was then decided in the affirmative—ayes 76, noes 62.

The Committee rose accordingly; and, on giving leave to sit again, there were ayes 70, noes 76.

So the House refused leave to the Committee to sit again, and the bill was then laid on the table.

FLORIDA TREATY AWARDS.

On motion of Mr. McLANE, the House went into Committee of the Whole, (Mr. LATHROP in the Chair,) on the bill "to authorize the creation of a stock to an amount not exceeding five millions of dollars, to provide for the awards of the Commissioners under the treaty with Spain of the 22d February, 1819."

Mr. McLANE explained the object and provisions of this bill. He went into an examination of the stipulations of the Florida treaty, and contended that the United States are thereby bound to pay the whole sum of five millions, whatever might be the proceeds of the sales of the lands ceded. To do this, the treaty suggests three different modes, and the selection of one of these is a question of expediency, of which this Government is to judge—and he stated the comparative advantages of different modes, and contended that that provided in the bill is the most advantageous. He objected to the creation of a 6 per cent. stock, payable out of the public lands, and maintained that it would be a saving of nearly one million of dollars at once to pay the money at the Treasury,

borrowing a like amount at a rate not exceeding five (possibly four) per cent. per annum. He offered an amendment, which would cause the clause amended to read as follows:

"That the Secretary of the Treasury be and he is hereby authorized, with the approbation of the President of the United States, to cause to be issued and sold to the Bank of the United States, or to others, at a sum not less than the par value thereof, certificates of stock," &c.

Mr. F. JOHNSON opposed the bill as premature—and thought it would be better to pay the claimants for spoiliations by Spain, by offering them either stock or lands in Florida. It would be better to wait for the report of the decisions of the board of commissioners before provision was made to pay the amount of their awards.

Mr. McLANE replied. The decision referred to must, by the treaty, be rendered in June next—so that provision must now be made to meet it.

Mr. P. P. BARBOUR was of opinion that the payment of the capital of the five millions might be postponed till the public lands were sold; but, that, in the interim, the interest must be paid on the amount awarded.

Mr. CLAY maintained that, by the treaty, we are not bound to pay interest on the capital of five millions, and thought it was premature to pay it at this time. The mode selected to discharge the debt was the most onerous of those pointed out in the treaty, and though something had been said of getting the money at four per cent. he doubted if such would turn out to be the fact. If it could be had at that rate, why was not such rate put down in the bill?

He went into a discussion of the stipulations of the treaty, and compared the three optional modes of paying the money agreed on. He differed from Mr. BARBOUR in the opinion that the interest must be paid, whether the lands are sold or not. He thought both principal and interest were payable out of the sales of the lands in Florida. He would prefer issuing a stock, both the principal and interest of which should be payable out of the fund created by the sales of the Florida lands. The saving proposed by the bill, between five and six per cent. was deceptive. The stock, when thrown into the market, would not bring more than 75 per cent. and yet must be paid at par. He opposed the bill, and gave warning that, if its passage were pressed, he should offer amendments, the effect of which should be to make the stock payable only out of the sales of the lands.

Mr. STORRS went into a history of the Florida treaty. He contended that, by its provisions, the Government is bound to its citizens to make satisfaction for the Spanish spoiliations, as soon as the amount of their claims shall be liquidated. He, therefore, thought Congress had no moral right to leave this stock unprovided for till the next session. He insisted that interest on this stock must be paid, as interest on all the other Government stock is paid, and might not be left to run on till the lands shall be sold. He thought the sooner the debt was paid, the better, especially if the money can be had on low terms.

Mr. McLANE rose in reply. He had spoken on authority, when he had said the money could be got at four and a half per cent. Such an offer had actually been made—and five had been inserted in the bill as a measure of precaution, to cover fluctuations in the money market. It would not be wise to defer this payment to next session: as then five millions of the war debt must be provided for. The measure now proposed was not one of the Committee of Ways and Means. It had been urged upon the House by the people of the United States. Mr. McLANE defended the mode now proposed as only meeting the spirit and form of the treaty stipulation. He denied that the interest might be deferred. If it might, and should be so deferred, in seventeen years the sum would be doubled, and the claimants lose their debt. He insisted that the difference between the interest of four and a half and six per cent. would be an actual saving to the Government. Suppose the Florida lands should not bring the five millions, the Government must make up the deficiency.

Mr. LIVERMORE contended, that, if the lands failed to bring the whole sum, the Government is not, under the treaty, bound to pay any more than the actual amount of sales. He recommended that, if money could be had at four and half per cent. the bill should be altered to that rate.

The debate was farther continued by Messrs. RANKIN, CAMBRELENG, MALLARY, BUCHANAN, and LIVINGSTON, who advocated, and by Mr. TAYLOR and Mr. CLAY, who opposed the bill.

Mr. TAYLOR moved that the Committee rise and report progress, with a view that leave might be refused to sit again. The motion was negatived, ayes 69, noes 76.

The debate was then renewed, by Mr. FORSYTH, who spoke in favor of the passage of the bill.

On motion of Mr. SHARPE, the bill was amended by reducing the rate of interest at which the five millions may be borrowed, from five per cent. to four and a half per cent.

Mr. CLAY moved so to amend the bill as to make it read—

"The Secretary of the Treasury be, and he hereby is, authorized, with the approbation of the President of the United States, to cause to be issued certificates of stock of the United States to any amount not exceeding the sum of five millions of dollars, and bearing an interest of six per centum per annum, from the — day of June, 1824, which stock, so created, shall be redeemable out of the proceeds of the sale of the lands ceded to the United States by the aforesaid treaty."

Mr. McLANE opposed the amendment, and the debate was further prosecuted by Messrs. CLAY, FOOT, of Connecticut, CALL, REED, and ARCHER.

The question on the amendment of Mr. CLAY was then disagreed to, ayes 62, noes 89.

Mr. COCKE offered the following amendment, which was adopted, *nem. con.*

"And provided, also, That, in all cases where the person or persons in whose name, or for whose benefit and interest, the aforesaid awards shall be made, be in debt and in arrears to the United States, the

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Secretary of the Treasury shall retain the same out of the amount of the aforesaid awards, in the first instance, and a warrant or certificate, as the case may be, shall issue only for the balance."

The bill and amendments having been read, were reported to the House.

Mr. F. JOHNSON moved to postpone the further consideration of the bill till the first day of December next.

Mr. J. supported his motion in a short speech, and called for the yeas and nays upon it; but afterwards withdrew his motion to postpone.

Mr. ROSS renewed the motion made by Mr. F. JOHNSON, to postpone the consideration of the bill to the first day of December next.

Mr. WEBSTER spoke in opposition to the motion, and in favor of the passage of the bill as amended.

Mr. FOOT, of Connecticut, added a remark on the same side; and the question on postponement was then decided in the negative, by yeas and nays—yeas 53, nays 105—as follows:

YEAS—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, J. S. Barbour, Beecher, Brent, Brown, Buckner, Campbell of Ohio, Cocke, Condict, Conner, Garrison, Harris, Hayden, Henry, Hooks, Isaacs, Johnson of Virginia, F. Johnson, Leftwich, Long, McArthur, McCoy, McLean of Ohio, Marvin, Matlack, Matson, Metcalfe, Moore of Kentucky, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Ross, Sanford, Sloane, Standefer, Sterling, Taliaferro, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Vance of Ohio, Van Wyck, Whitman, Wilson of Ohio, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Archer, Baylies, Barber of Connecticut, P. P. Barbour, Bartlett, Bassett, Blair, Breck, Buchanan, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Cary, Clark, Cobb, Collins, Crafts, Craig, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Ellis, Farrelly, Findlay, Foot of Connecticut, Foote of New York, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Harvey, Hayward, Herrick, Holcombe, Houston, Jenkins, J. T. Johnson, Lathrop, Lawrence, Lee, Lincoln, Litchfield, Livermore, Livingston, Longfellow, McKim, McLane of Delaware, Mangum, Mallory, Markley, Martindale, Mercer, Mitchell of Pennsylvania, Neale, Nelson, Newton, O'Brien, Owen, Patterson of Pennsylvania, Plumer of New Hampshire, Poinsett, Rankin, Reed, Sibley, Wm. Smith, Spaight, A. Stevenson, J. Stephenson, Stewart, Stoddard, Strong, Ten Eyck, Thompson of Georgia, Tracy, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Vinton, Webster, Whipple, Whitteley, Williams of North Carolina, Williams of Virginia, Williams of North Carolina, James Wilson, Wilson of South Carolina, and Wood.

The bill was ordered to be engrossed and read a third time to-morrow.

FRIDAY, May 7.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was recommended the bill from the Senate, entitled "An act for the relief of Hezekiah Langley and Benjamin M.

Belt," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. GAZLAY moved to consider the resolution, some days since offered by him, in relation to a lot in Symmes's patent; which was carried. The resolution was read, and referred to the Committee on the Judiciary.

Mr. MERCER called up a joint resolution, offered long since by Mr. VAN RENSSLAER, (now absent on leave,) and which makes provision for including the Capitol and public grounds under the police regulations of the Corporation of the City of Washington.

The House agreed to consider it, and it was ordered to be engrossed, and read a third time to-morrow.

The following bills from the Senate, viz:

A bill altering the times of holding the courts in the District of Columbia;

A bill declaring the consent of Congress to a certain act of the State of Alabama; and

The engrossed bill further to regulate the inspection of flour in the county of Alexandria were respectively read a third time, and passed.

A communication was received from the Post Office Department, containing a statement of contracts made during the year past.

A bill from the Senate, "for the relief of Colonel William Duane," was considered, in Committee of the Whole, and ordered to a third reading.

A bill "for the relief of Thomas Shields" was taken up, in Committee of the Whole, reported to the House, and was then ordered to lie on the table.

CUMBERLAND ROAD.

Mr. HEMPHILL, from the Committee on Roads and Canals, to which was referred that part of the President's Message which relates to repairs of the Cumberland road, made a report thereon; which was referred to a Committee of the Whole. The report is as follows:

The committee, to which was referred that part of the President's Message which relates to the repairs of the Cumberland road, report:

That, in the opinion of the committee, the Congress of the United States have complete power to establish tolls on the Cumberland road, for the purpose of defraying the expense of future repairs, and of providing, by suitable penalties, for its protection against future injury. This right in Congress has been solemnly declared by both branches of the Legislature, on several occasions, and in particular by the passage of a bill for the erection of toll-gates on this road, containing the usual penalties, which bill passed in the Senate and House of Representatives by considerable majorities. The principle contained in the bill, in the opinion of the committee, assumed no State jurisdiction; it was simply the exercise of a power to secure the full enjoyment of a law of the United States, which had been constitutionally enacted. The act of an infringement of a United States law, with a few exceptions, must necessarily be committed within the territory of a State, but he who commits the offence is to be punishable by the United States. This does not carry with it any State jurisdiction; and it would

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seem to be a position indispensable, that, in order to give efficacy to the laws, the General Government must be invested with a power to protect its own Constitutional legislation.

The General Government cannot acquire exclusive jurisdiction, except over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; the States can, in no other instance, give jurisdiction to the United States. The General Government derives its whole power from the Constitution, and it can neither be increased nor diminished, in the slightest particular, by any other means than by an amendment of the Constitution.

The General Government and the States are to act in their own proper spheres, upon the powers they respectively possess; they cannot exchange powers, or, by any consent or combination of powers, give or take jurisdiction from each other.

To recommend a law to authorize the President to enter into an arrangement with the several States through which the road passes, to establish tolls, each within its limits, would imply a doubt on this important subject, which the committee do not entertain.

Concerning the policy of the measure, also, the committee will most respectfully suggest, that it probably would not answer the end expected. The mixing of authorities over this road might lead to unpleasant results; one State might erect toll-gates within its limits, and the other refuse; in that case, the road would belong to different jurisdictions; and, even if all were to unite in the erection of toll-gates within their respective limits, different interests might be felt, and the road unequally repaired. The Western States, too, might complain of the state of repairs, which would produce irritation and uneasiness among sister States.

And, as regards the States themselves, would they be willing to undertake the trouble of the management of a road, not made mainly for their own accommodation?

If they enter into any arrangement, they must take care that it is annually complied with. One statement must be annually sent to the State Legislatures for their examination, and another account of the proceeding must be sent, annually, to the General Government, for its inspection.

If the States do not comply with the arrangement, the right over the road must be receded to the United States—some might comply, and others fail; in this case, the road again would belong to different jurisdictions.

And, if there should be a difference of opinion as to a compliance with the arrangement, how is it to be adjusted? Would any of the States be willing to hold a jurisdiction so conditional and dependent—one by which they would be obliged to render an annual account of their proceedings to another authority? It appears to the committee, that the superintendence of the road ought exclusively to belong to a single jurisdiction.

It has been the constant and anxious solicitude of the Committee on the Cumberland Road, that the expense of repairing it should be raised by the collection of tolls; and it is believed that it is the general wish of the western section of the country, that the road should be maintained at the expense of those who use it, and not by the annual appropriation of money.

Resolved, That it is inexpedient to authorize the President of the United States to enter into any arrangement with the several States, or any of them, on the subject of the Cumberland road.

NAVIGATION OF WESTERN RIVERS.

Mr. HENRY, of Kentucky, moved to postpone all previous orders of the day, to go into Committee of the Whole, on the bill "for improving the Ohio and Mississippi rivers;" and a bill "for deepening the harbor at Presque Isle, and for repairing Plymouth beach;" which was carried—yeas 69, noes 46.

The House went into Committee of the Whole on these bills, Mr. MARKLEY in the Chair.

Mr. HENRY, of Kentucky, moved to strike out the two first sections of the first of the above bills, and insert the following:

"That the President of the United States is hereby authorized to take prompt and effectual measures for improving the navigation of the waters of the Ohio river, by causing channels to be cut through all the bars which cross the current of said river, from Brownsville, in Pennsylvania, to the Mississippi, upon which said bars there shall not be, at the lowest stage, at least three feet of water; or by causing dykes or sluices, and wing walls, to be constructed upon said bars, or by such other mode as, in each particular case, may be deemed most advisable."

Mr. HENRY made an explanatory statement of the facts, and of the nature of the plan proposed.

Mr. WICKLIFFE objected to the plan proposed in the amendment, and thought the improvement should be confined to the eradication of trees partially sunk in the river.

Mr. RANDOLPH coincided in this view, and stated the result of experiments on the Rappahannock and Roanoke rivers.

Mr. HENRY replied, and defended his amendment.

Mr. CLAY suggested the following modification, viz: to strike out the clause which describes the mode of improving the river by dams, sluices, &c., and insert the following "so as to insure, at the driest season, a uniform depth of three feet of water over each of said bars; and, for this purpose, the President is authorized to employ any of the engineers in the public service which he may deem proper."

The amendment, thus modified, was agreed to, *nem. con.*

The blank for the distance below the surface at which the planters and sawyers shall be cut off, was filled with *ten feet*.

Mr. SCOTT moved to amend the bill in the fourth section, by including in its provisions the river Missouri.

The amendment was agreed to.

The blank for the sum to be appropriated was filled with \$75,000.

Mr. CLAY moved to rise and report the bill, and accompanied the motion with a series of observations on the circumstances of the case for which the bill provides.

The Committee rose, and reported the bill concerning the navigation of the Ohio and Missis-

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issippi, and asked leave to sit again upon the other bill committed to it; which was granted.

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The engrossed bill "to authorize the creation of a stock to an amount not exceeding five millions of dollars to provide for the awards of the Commissioners under the treaty with Spain, of the 22d of February, 1819," was read a third time.

Mr. BEECHER moved to lay the bill on the table. The motion was negatived—only 45 members rising in favor of it.

Mr. SLOANE expressed an opinion unfavorable to the bill, and demanded the yeas and nays on the question of its passage; which were ordered.

Mr. ALLEN, of Massachusetts, delivered his sentiments in opposition to the passage of the bill; and was followed on the same side by Mr. GAZLAY.

Mr. SHARPE spoke in reply, and the debate was further continued by Mr. RANDOLPH, Mr. CALL, and Mr. TEST; all of whom opposed the bill. Mr. FARRELLY spoke in its support.

Mr. TEST addressed the Chair as follows:

Mr. Speaker: I have very seldom intruded myself upon this House, and nothing, sir, but the firmest conviction, that to be silent would be a dereliction of my duty, could induce me, at this time, to ask the indulgence of the House to offer a few remarks upon the subject under consideration. I am called upon, by the bill upon your table, to vote away five millions of the people's money, and such is the repugnance of my mind to the feature and principles of that bill, that I feel myself called upon, by every consideration of justice and sound policy, to place upon it my solemn veto. I shall endeavor to condense my ideas into as few words as possible, to render myself intelligible; and, although I cannot hope to change the opinion of a single member of this House, after the protracted discussion which the subject has undergone, yet I cannot feel that I shall have done justice to my country, if I pass it by in silence. The charge against the Government, to the extinguishment of which the moneys intended to be raised by the operation of the present bill is to be applied, arises out of a treaty concluded between the United States and the persons exercising the Government of Spain in the year 1819, wherein it is stipulated between the two Powers, that "the Government of the United States shall pay to its own citizens a sum not exceeding five millions of dollars, for spoliations committed upon our commerce, and unlawful seizures made by Spain, of the property of our citizens;" the payment to be made immediately, "at the Treasury, or by the creation of stock bearing an interest of six per cent. per annum, payable out of the proceeds of the sales of the lands in Florida, or in such other manner as the Congress of the United States may by law prescribe;" these payments to be made "after certain Commissioners, named in the treaty, or a majority of them, shall have adjusted and allowed the claims," which

claims, it is admitted on all hands, never have, as yet, been adjusted and allowed, and which have been under consideration about three years. The decision of this question depends in part upon the construction which may be given to the above clause of the treaty, and the policy proper to be pursued under that construction. Hence, two general questions present themselves for our consideration—1, What is the proper construction to be given to this treaty? and 2, What shall be a correct policy to be pursued under that construction? In the solution of the first question, it becomes necessary to inquire, what were the motives or causes which led to the making of, or entering into, the treaty? What is the nature of the obligation imposed upon the contracting parties? and, lastly, What rights do the claimants derive under it? There are two leading causes or motives for making and entering into treaties between nations—one is of a nature mild and peaceable, for the extension and regulation of friendly relations already subsisting between the parties; the other is of a nature adverse and hostile, for the reparation of friendly relations which once subsisted between them, but which had been broken off, and for a redress of grievances which had occurred during the suspension of those friendly relations, and comes in place of war. In the last general class of causes, there may be various motives for entering into a treaty with a foreign Power—as when you are totally incapable of contending on equal grounds, for the want of an adequate force, or the want of due preparation, or, where the nation with which you contend has nothing to indemnify you for going to war; and when, from their peculiar situation, to go to war with them would not add to your honor or your present or future safety; and, under all or any of these circumstances, the most powerful nation would find a sufficient motive, and be fairly warranted in making a treaty, inadequate to the purposes of equal retribution and indemnification.

The causes which led to the making of the treaty under consideration seem to be of the latter kind; that is, for the reparation of friendly relations which once subsisted between this Government and Spain, and for the redress of grievances which occurred during the suspension of those friendly relations; and is expressed in the treaty to be for spoliations committed on our commerce, or "unlawful seizures made by Spain of the property of our citizens." As the causes or motives which led to the promulgation of this treaty are only adverted to as matters of reference in its construction, and as they are set out in the treaty itself, it would seem a waste of time (which has now become very precious) to go into a detail of the various aggressions which induced this Government to call upon Spain for indemnity, and more especially as every honorable gentleman in this House must be well acquainted with them.

The next inquiry which occurs is, what is the nature of the obligations imposed upon the contracting parties? Every treaty comprehends several duties or obligations. Those which arise between the contracting Powers as bodies politic;

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those which exist between the citizens or subjects of those Powers; those which subsist between the respective Governments, and the citizens or subjects of each Power; and those which are common to the Government, and its own citizens or subjects. Without going very deeply into abstract reasonings, it seems necessary to inquire a little into the nature of Governments, to come to a correct conclusion upon the case before us. Man, in a state of nature, independent of all political regulations, is bound to act honestly toward his fellow-man, and to do him all the good he can without subjecting himself to an injury; hence, where one man in this state of existence does another an injury, that other has a right to indemnity in some mode allowed by the law of nature, and, under such circumstances, might redress his own wrongs. But, having entered into the social compact, he is precluded from doing so: and, being so precluded, he has a right to call upon his Government to do that for him which he is not at liberty to do for himself; but, at the same time, that he has a right to call upon his Government to redress wrongs committed against him by other Governments or their subjects, he has no right to expect any other reparation than that which he himself could have obtained, with competent power to enforce his claim; or, in other words, he can have no claim to an indemnity from his own Government which would not have been in the power of the aggressor to make. The examination of these principles will lead to a correct understanding of the obligation which the Government is under to those claimants for whose benefit the money in this bill is to be applied. Let us for a moment refer to the relative situation of the Government to those claimants, and see how they stand toward each other. It is a well established, fundamental principle of the social system, that a man gives up a share of his natural rights and privileges, that he may have the remainder better secured to him; and one of those privileges which he surrenders, as before hinted, is his right to redress his own wrongs; and having given up that privilege, he has a right to expect of his Government to redress them, so far as shall be convenient and proper, taking into view every circumstance connected with its accomplishment. The Government, therefore, takes upon itself the task of redressing the wrongs of its subjects or citizens, agreeably to the principles before stated, keeping always in view the good of the whole community. Therefore, when it makes a treaty with an aggressing Power, it is its duty to provide for its own indemnity and the indemnity of all its subjects, if convenient, and reasonably practicable; hence, it becomes a protector or guardian for them, not only to see that other nations do them justice, but to do them justice itself; and from this parental and protecting character, and none other, arises all the claims which its citizens or subjects have upon it; and for the purpose of carrying into effect all its functions with the greater facility, it is divided into departments, each of which has assigned to it certain limited and defined powers, and which every other depart-

ment, as well as every citizen, is bound to respect, confide in, and submit to, so long as it acts within the sphere of its own authority; among these departments, or divisions of the Government, is the treaty-making power, and which is as perfect and absolute in the exercise of its various functions, and is entitled to as much deference, as any other power acting within the scope of its authority; and when that power has been exerted upon a particular occasion, its act is binding, not only on those immediately connected with the transaction, but upon the whole community.

Having examined the general powers of the Government, and its duties towards individuals who compose it, so far as they seem necessary for my purpose, I will apply those principles to the case before us, and see what will be the result. If I have laid down a single principle which is not substantially warranted by the authorities, or which will not stand the test of ethical analysis, I shall be open to correction and conviction by honorable gentlemen opposed to me. In this case, then, the Government of Spain has made unlawful seizures of the property of the claimants; this Government, as the guardian and protector of their rights, has interposed between them and Spain, and concluded the treaty now under consideration, to indemnify and remunerate them for losses sustained in consequence of such unlawful seizures. For the clear understanding of the nature of the obligation of the Government to those claimants, it will be necessary to give the several clauses of this treaty a separate and distinct consideration. As it regards the adequacy or inadequacy of the redress secured by it to those claimants; or, in other words, whether it be a provident or improvident treaty, I conceive, is not a subject for our present consideration. If, however, I were to give an opinion, I should say we had a right to presume it was the best that could have been gotten at the time. There is no honorable gentleman in this House that does not know the deranged—nay, the miserable vassal and bankrupt condition of that nation at the time it was made. And, although it may suit some honorable gentlemen to decry the treaty and the treaty-makers, I am disposed to make the best of the one, and think the most charitably of the others. Yet, however improvident the whole treaty may be, and inadequate the redress to the claimants, it is not for us now to change the nature of the former, or make up the deficiency in the latter; a duty has devolved upon us to carry it into effect, according to the terms of it, as the treaty-making power has laid them down—for that having passed upon it, it is conclusive with us. It is a co-ordinate branch of the Government, it has its powers to exercise, and its duties to perform; and, having performed them, it is not for us to violate our trust by trampling upon its authority, even if it had acted wrong; for, by so doing, we should make ourselves *particeps criminis*. If the honorable gentlemen who signed this treaty have looked over the interests of these claimants, and have taken an insufficient indemnity, let the responsibility rest with them; let us do our duty, and

carry it into effect, in the manner they have prescribed. It was their duty to make the treaty; it is ours to carry it into effect according to its terms. The honorable gentleman from New York cannot see in this treaty a triple alternative; I think I can very plainly see a double one.

The language of the treaty is: "The Government may, after the Commissioners shall have admitted and allowed the claims to an amount not exceeding five millions of dollars, pay them immediately at the Treasury, or in the creation of stock at six per centum per annum, payable from the proceeds of sales of the public lands in the territories ceded, or in such other manner as the Congress of the United States may prescribe by law."

If these, then, are the terms of the treaty, what is the duty of the Government resulting from it, as regards the claimants? It is the duty of the Government now to discharge its obligations to the claimants in good faith, according to equity and justice. Obligations between the Government and the people are like all other obligations, and ought to be construed like them. I lay down the following as correct rules of construction with regard to contracts: All implied contracts (of which this is one) are to be construed according to equity and natural justice, taking into consideration all the circumstances connected with the transaction, or that thing which forms the consideration for making it. That each has a right to have it performed according to his reasonable expectation. That, in express contracts, where there is an alternative, or more than one mode of discharging them, the obligor has a right to select which of the modes he pleases; but when he has selected his mode, or made his choice, he is not at liberty afterwards to change it without the consent of the obliged. I further lay it down, as a fundamental principle with regard to trust and trustees, that the trustee can never be made accountable beyond the value of the trust estate, and that, where money is to be paid out of a certain or uncertain fund, you can never make the trustee or holder of the fund pay the money out of his own estate; and in no case can he be required to pay it until it becomes due. Here, then, it appears clearly, by the terms of the treaty, that the Government intended to reserve to itself the right to take into its own hands the fund out of which this money was to be paid, if circumstances would seem to warrant it—that is, if it should appear the lands were likely to turn out a productive fund, the object of the Government, no doubt, was to hold the land and pay the money immediately at the Treasury, or in such other manner as Congress might prescribe. Several reasons for such construction urge themselves upon the mind with great force.

It is said, by an honorable gentleman on the side of the question with myself, who is somewhat acquainted with its geography, that, although it is called "a land of flowers," it is, in fact, a land of sand heaps, mosquitoes, frogs, serpents, and alligators. I know nothing of it myself, except what I have gathered from the general history of the

country. But, I presume, its history or geography, at the time of the purchase, was very little known, which rendered its value very uncertain indeed, besides which, it may be recollected, that, by that same treaty, a part of that beautiful country, west and south of the Sabine river, and said to be more valuable than all the Floridas, was ceded to Spain as a part of the consideration for making the treaty—leaving it, indeed, very doubtful whether all the lands ceded to the United States would be more than sufficient to the demands of those claimants. Again, it does appear evident, that something of this kind must have borne weight with the treaty makers, as they have only undertaken by the treaty to secure to the claimants, a sum of not more than five millions of dollars—leaving the balance, which is said, by some, to amount to more than ten millions, to future negotiation or total abandonment, guarding, very cautiously, all the time, against pledging the Government, in any shape, for more than five millions of dollars. And further, for the very purpose of meeting the contingent or uncertain value of the Florida lands, they introduced the optional provision in the treaty, before alluded to, which secures to the Government the right to keep those lands, should they be found valuable, as an indemnity for the cession of the lands beyond the Sabine; and at the same time to exclude the idea of a responsibility beyond the value of the Florida lands. The Floridas, while under the dominion of Spain, had already occasioned a hiatus in our sovereignty along the Gulf. To obtain possession of it, therefore, was considered a matter of great importance; and, no doubt, a sacrifice of a portion of land beyond the Sabine was made for the purpose of accomplishing an object of so much importance to the Government as that of securing the control of a maritime frontier, from the northern extremity of Maine to the mouth of the Sabine. I think, then, I am fairly warranted in saying, that, considering every circumstance connected with the transaction, the deranged and impoverished condition of Spain, the probability of her total incapacity to make any reparation for injuries done us, the peculiar situation of the Floridas in relation to the United States, and the necessity of taking them, or nothing, this country at the time, still bleeding with wounds inflicted by a recent war, the facility, which its possession by a foreign Power gave to drain the Southern country of its black population, the miserable imbecility and corruption of the Spanish authorities, calculated rather to favor than detect and punish piracies; besides the reflection that the sinuosities and indentations of the coast, being eminently calculated to furnish a safe retreat in case of pursuit—hence, I say, under all these considerations, it was thought advisable to obtain the dominion and sovereignty of the country, if it could be had without actually paying money out of the Treasury—and hence, the sum stipulated to be paid the claimants was limited not to exceed five millions of dollars; and, at the same time, the payment confined to, and contingent upon, the value of the proceeds of the sales of the public lands in those territories. This

accounts, too, for the peculiar phraseology of the treaty in stating, "The five millions to be paid by the creation of stock, bearing an interest of six per centum per annum, payable from the proceeds of the sales of the public lands, within the territories ceded." If it were intended that the whole of these claims should have been paid, why limit them to five millions? or, if it were intended that even this sum should be positively and unconditionally paid, why introduce the above restrictive clause? Why, I say, make it payable by the creation of stock with interest payable from the proceeds of the sales of those lands? The reason, I think is very obvious. It was never intended to pledge the Government beyond the value of those lands, and at the same time to make for the claimants the best possible bargain that could be, under these restrictive circumstances. I am here met by a position taken by some of the friends of this bill, that Government is bound, at all events, to pay the interest, annually, on the stock created, and that to issue it, redeemable only out of the proceeds of the sales of the lands in Florida, would be creating a stock, in its nature irredeemable, which is always unfavorable, say they, for the Government, as it goes to create a perpetuity, except at the caprice of the holder.

In reply to this proposition, I would remark, (and I think I am warranted by the rule of construction and the language of the instrument in making it,) that you cannot torture the words of the treaty, or so distort its meaning, as to draw from it such a conclusion. If the treaty-makers had intended that such construction should be given to it, why were they not explicit—why not put down the very words to be paid annually? Why use the circumlocution they have, when they might have come to it at once? Why leave it in doubt, or to construction? I say they have placed it, in my mind, beyond all doubt, and I conceive, in the mind of the whole world, except by the most unnatural distortion of the fair import of the words. Why did they not say the claims should be paid by the creation of stock at six per centum per annum, if such was their intention? If such language had been used, and they had stopped there, there could have been no misunderstanding, even with the most illiterate; or had they said they should be paid at the Treasury without saying more, no men—not even the claimants themselves—could have pretended to misunderstand them. They might have been much more concise, and have only said, the United States shall satisfy the claimants to the amount of five millions of dollars; that would have ended the matter with the most sceptical mind, and Government would have been left to its discretion to pay it in any way satisfactory to the claimants. But they have gone on and said, "Those claims should be paid, not exceeding five millions of dollars, in the creation of stock, bearing an interest of six per centum per annum, payable from the proceeds of the sales of the lands in the territories ceded;" and the friends of the bill supply the words payable annually, not out of the proceeds of the sales of the lands, but at the Treasury

of the United States: for such is the effect of the construction for which they contend. Here principles for which I contended in the outset apply. The Government becomes a trustee for the claimants; it has negotiated for them; has made the best bargain it could for them, without going into a doubtful contest with the sword. It has secured to them a fund of uncertain value, of which it is willing to give them the whole benefit, if it becomes necessary to the satisfaction of their claims; reserving to itself, however, the right to the surplus, if any there be. I say that it is a fair presumption that it was the best bargain that could have been made for them with a bankrupt nation. The Government being the natural, or rather the legal guardian, of the claimants, it stands completely in the place of a trustee for them, and by no principle in equity can it be required to pay more than the value of the fund which it holds. Let it be however a good or bad bargain, it has been made by the treaty-making power of this country, a power over which this House has no immediate legal control. It is a contract completely binding upon this House, the nation, and the claimants themselves; and unless we mean to trample upon one of the constituted authorities of the country, and usurp a power never intended by the Constitution to have been placed in our hands, we shall conform ourselves to the contract made by that power. It is the duty of the Government, as the guardian of these claimants' rights, to make the best of the funds placed in its hands for them; and if they can be paid their interest annually out of the proceeds of the sales of the lands, agreeably to the contract made for them, they ought to be paid; if not, they ought to be paid as speedily as possible, but without encroaching upon other funds of the Government. What will be the principle established by the passage of the bill upon your table? You not only set aside the solemn act of a co-ordinate authority, but, sir, you establish the principle, that, unless you can obtain complete pecuniary redress by treating with a nation, you must go to war. An honorable gentleman on my right tells you that the Government has interfered between the claimants and the Spanish authorities; it has undertaken their cause, and prevented them from seeking redress in their own way against that Power; and now, says the honorable gentleman, after interfering, and preventing them from making the best bargain they could, you are not willing to make them full reparation.

Why, sir, this is but begging the question, and is in fact only quarrelling with the constituted authorities of the country; it is admitting the Government had the right to interfere and make a bargain for the claimants, (which is the fact,) but because they have made, as gentlemen say, a bad bargain, they will not comply with it. Because the Government has not been able to obtain for them full indemnity for their losses, it must make them up for its goodness in interfering in their behalf. It is saying to the Government, you have been good enough to interpose your power, and obtain for us a partial redress of our

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grievances; we admit you have done the best you could, but as you have not done all you could, we now require of you to do the balance. We have trusted you to endeavor at obtaining the claims which were due to us; you have got for us all you could, but we are not satisfied. You ought to make us whole. When they are told that the Government had done the best it could for them, that is true enough, say they, but it has not done all it could—it might have gone to war; and as it has not done so, we now require it to pay us the whole amount of our claims. The principle which gentlemen on the opposite side contend for is really this: that where the Government interferes to negotiate, and cannot succeed in securing a perfect indemnity for all the losses of its citizens or subjects, it is bound, under every circumstance, to go to war, or make them full reparation for the aggressions of the enemy. What, then, sir, is the true nature of the contract between the Government and these claimants? Why, clearly, sir, that when those Commissioners, mentioned in the treaty, shall have admitted and allowed their claims to an amount not exceeding five millions of dollars, that the Government should create the stock for that amount, bearing an interest of six per cent. per annum, and issue certificates to the holders, (not subject to pay interest annually at the Treasury, as the gentlemen contend for,) but payable from the proceeds of the sales of the public lands in those territories. Suppose, Mr. Speaker, a certificate of such stock were issued for a thousand dollars, expressing upon the face of it, that it would be good to the holder for the sum mentioned, payable out of the proceeds of the sales of the public lands in the Floridas, and it were by accident to fall into the hands of any man but a stockjobber or a broker, (I have no insidious allusion to any set of men,) or into the hands of any man unacquainted with (the science of) this kind of dealing—for it has really become a matter of science at this day—would it ever strike him for a moment that he was to receive it in any other way than that expressed upon its face? I say, sir, would it ever strike him that he had nothing to do but to go to the Treasury of the United States once in every year and draw his sixty dollars' interest? Would he not be perfectly astonished, sir, on being told that that was the effect of the paper which he held in his hand? I ask the question emphatically, sir, would it not astonish him to hear, that, although these lands were not worth even the trouble of selling, yet he would be entitled to receive sixty dollars annually for his certificate. I say, sir, it would be matter of perfect astonishment. Nothing can be more plain than that the contract between the Government and these claimants is simply this: that after the claims are admitted and allowed, and not till then, they shall be paid by the creation of stock at six per cent. per annum, to be paid (principal and interest) out of the proceeds of the sales of the public lands in the Floridas, and in no other manner whatever; and, sir, as a matter of justice, it becomes the duty of the Government to offer these lands for sale as

soon as convenient, and in the way best calculated to secure for them a fair price. And, sir, I say again, with the firmest conviction of its truth and rectitude, that this Government is not responsible beyond the value of the lands. The nature and extent of the obligation being thus ascertained, it will not be a very difficult matter to determine the rights of the parties or claimants under it. It may be necessary, however, to make some general observations with regard to the rights of individuals in relation to their own government. As a man, when he enters the social compact, relinquishes the right of revenging his own wrongs, or procuring redress in his own person, it is the duty of his government to do that for him which he has put it out of his power to do for himself; and to observe, at the same time, to do justice itself; but it is not to do more than justice, for whatever it does more than justice to one individual, is so much injustice done to another.

The present claimants can have no pretensions to the lands ceded, but only to the proceeds of the sales, so far as may be necessary to satisfy their claims, to the amount of five millions of dollars, and the interest on their stock, and no more; for, as the Government has interested itself so far as to permit the treaty-making power to negotiate for them, that power is unlimited in its operations, as respects the subjects within its sphere; so that, whatever stipulations it may have made in their behalf, those stipulations are conclusive between them and the Government, and no power under heaven has a right to infringe them, or set them at naught. No matter how improvident the treaty, made by the proper authority, acting within its sphere, it is binding on the Government, as well as on the individuals for whose benefit it was made. A treaty once made and ratified, no matter how absurd it may appear in its terms, it is fair to presume, was the best that could have been gotten, and that it was better, at the time, to have entered into it than to have gone to war; and were it otherwise, a nation or an individual could never be safe in relying upon a treaty. And if the treaty-making power were to enter into an absurd compact which was totally inadequate to secure the Government, or the individuals concerned, it ought never to be ratified; but, after it has received the solemn sanction of the revisory power, there is, and ought to be, an end to the matter, and the Government, as well as the individuals concerned, have no right to claim any other redress under it, than that which it has expressly or impliedly stipulated to give them. Hence, those claimants, so long as they claim a right under this treaty, must be content to take such as is guaranteed by it, or none at all; for it is by *that* and *that* alone, they have any right whatever. This position will appear perfectly clear on a little reflection. These claims are said to be due for unlawful seizures of vessels and property, which, from every appearance, were chiefly insured, and for which the insurers have made indemnity to the insured, whereby the claims under this treaty have fallen into the hands of insurance companies, brokers, and underwriters. They were adventurers

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in the habit of this dangerous kind of speculation, and of receiving premiums in proportion to the hazard they run; and, perhaps, with all these apparent losses, have made their fortunes, and have been quite as successful as they had a right to expect. Whatever premiums were paid them, have not been charged to the loss of the shipper, but have been put upon the goods of other shipments, with a premium again upon that premium, all which went to enhance the price of the articles, and has been paid by the consumers, and which operates as a tax upon the people at large; hence, it may be said that the people have once paid these claims; besides viewing those claims in this light, as being in some measure different from those which are the immediate result of useful labor, (though I admit them to be legal, and, indeed, honest,) the treaty-makers were, perhaps, induced to take a more precarious indemnity than they otherwise might have done. Hence, I take it, these adventurers come with a poor grace, after having made their fortunes in those hazardous speculations, and after having in fact virtually received the amount of their claims, to ask any other redress than that stipulated for them in the treaty. They could have recovered nothing from the belligerent or aggressing nation without the aid of the Government; they have, therefore, no right to expect any other redress than such as it was able to procure for them. Private adventurers, whose property falls into the hands of the enemy, are not entitled to remuneration from the Government, nor is the Government responsible for property seized by the enemy, unless the seizure happens in consequence of its having been in the occupation of the Government at the time of the seizure. I believe, sir, no one will contend, that, in this case, the Government was bound farther than merely to negotiate for the claimants, and make for them the best bargain it could; that bargain has been made; they are now claiming under it, and I say, and say it without fear of contradiction, that they have no right beyond it.

The next inquiry that presents itself is, what is a correct policy to be pursued under this contract, agreeably to the construction I have given it? Governments, like individuals, are bound to do justly; they are never at liberty, wrongfully, to take from one part of the community to give to another; and as they can only subsist by what they receive from the people, all which one individual, or portion of the community, receives over and above its due portion, must, as a natural consequence, be taken from the other. They are not authorized even to be liberal, unless they are thereby to attain an end of more importance than the value of the bounty bestowed; for liberality, although a virtue in an individual, may be rendered a species of oppression in a Government. It follows, of course, that whatever these claimants receive, more than the fair value of their right under the treaty, which has been made in their behalf, must be taken from the other part of the community, and so far would be doing palpable injustice to them. And, sir, I aver that, by the passage of the bill upon your table, you rob the honest, in-

dustrious part of the community of more than a million of dollars, to put it in the pockets of those adventurers, who are not at all entitled to your favor. To discover the effects of this bill, it is only necessary to examine into the principles it adopts. It proposes to create a stock of five millions of dollars, at an interest of six per cent. per annum, payable, annually, at the Treasury, redeemable at pleasure, without any regard to the special provisions of the treaty, or to the lands which form the fund out of which it ought to be paid. There are several objections to this mode of discharging this obligation of the Government to these claimants. In the first place, the money is not due to them; the Commissioners have neither admitted nor allowed the claims. We are told, to be sure, by honorable gentlemen, that they will be adjusted by the first of June next. I would ask, sir, what evidence we have of the fact? They have been in a course of arrangement now for three or four years, and for aught we know, or can know, they may continue under arrangement between the parties for seven years to come, and all this time the Government must be paying annually three hundred thousand dollars interest on the stock; and my word for it, sir, if you pay the claimants the amount of their demands, and leave them to future adjustment, you will have them adjusted with a vengeance. Or, suppose you keep the money in the Treasury, will the pleasure of having five millions in the Treasury compensate for the three hundred thousand dollars which you annually wring from the sweat of the poor man's brow? And what, sir, is the excuse urged for creating this stock at this time, before we are under any obligation to pay it? Why, sir, that we can now borrow the money at four and a half per cent. when, perhaps, as gentlemen say, we cannot, at the end of twelve months, borrow it at less than six. Let us examine this policy a little and see if it will bear the test of investigation. You are to borrow the money now at four and a half per centum per annum, or, in other words, you are to sell the stock which you create at one and a half per cent. advance, whereby gentlemen say they gain a profit of seventy-five thousand dollars. This sum, to be sure, is worth saving to the Government; but, sir, what follows? The moment you sell the stock it begins to bear an interest of six per cent. per annum against you, and in three months your profit is all gone. If your claims should remain, in the course of adjustment, for the space of a year, you are out of pocket two hundred and twenty-five thousand dollars—and I say they remain so for that time; or longer, for aught we know. We are told by an honorable gentleman from Delaware, that money is less valuable now than when this Congress commenced its present session—suppose that to be the fact, and I am not disposed just now to question it, have we any evidence it will be more valuable in twelve months from this time? What are the causes which have led to its depreciation, the gentleman did not stop to inquire, nor shall I; but the causes, I take it, are obvious, and I think it equally obvious that those causes are not likely to

cease to operate within a twelvemonth, if any judgment can be formed from a view of the present state of the world, and more especially of Europe, which always has, and so long as we pursue this miserable course of policy that drives domestic industry from the country, always will have a powerful influence, not only upon our pecuniary concerns, but upon the general concerns of the nation.

Another pretext, (for it can really be no more if my construction of the treaty be correct, and that it is I have no doubt.)—I say another pretext is offered for going into this measure now, which is, that the nation is pledged to pay these claims so soon as they shall be admitted and allowed by the Commissioners appointed to adjust them, and that they may possibly get them adjusted before the next session of Congress; and, that if the Government shall not be ready to discharge them at the time they shall be so adjusted, our faith is broken, the pledge is gone, public confidence destroyed. If any weight ought to be allowed to such an argument, in any case resting upon contingencies, it cannot be admitted in this case. Such an argument would come with a very poor grace from these claimants, who have kept their claims hanging before the Commissioners for years, waiting, as I presume, for evidence, while those Commissioners were drawing upon the Treasury for their support. Why have they not been adjusted before this time? We have heard no complaint of the Commissioners neglecting their duty; the fair presumption is, that the fault, if any, is with the claimants—and even if there be no fault with either, the argument has no weight. What, sir, is the language of the treaty under which they claim? It is, that when those claims are admitted and allowed, they shall be paid by the creation of stock; hence, there can be no obligation on the Government to create the stock until they be admitted and allowed. There is no stipulation in the treaty to have the money waiting in the Treasury until it shall suit those claimants to get their accounts adjusted. It is certainly a very extraordinary doctrine to propagate in this House, that the faith of the nation is pledged to travel out of its ordinary course of legislation to accommodate a few individuals who may chance to have claims upon it. It goes the whole length of saying that we shall continue in session until it shall please those gentlemen to be ready to receive their money, or that we must anticipate them, and pay half a million of dollars interest upon the stock created, for fear we should not be prepared to pay those individuals their money the moment they get their claims ready for presentation, and thereby be guilty of a breach and violation of public honor and faith. Such a doctrine, I trust, will find but few advocates in this House, and such arguments bear but little weight with those whose minds are open to conviction. Again, sir, there is no obligation upon this Government to pay money in this case, nor is there any on the claimants to receive it. They may, therefore, if they think proper, refuse your money and require your stock, and it is stock they are entitled to;

and my word for it, if your stock is better than money, as contended by some honorable gentlemen, these claimants, who from their characters are well acquainted with per cent. per annum calculations, will certainly require it, and those gentlemen who are such sticklers for public faith, dare not deny it to them. Gentlemen may tell us the public faith is only pledged for the money, as the Government is at liberty to pay them in such manner as Congress may prescribe. True, such is the language of the treaty, but those wary claimants will tell you there are three modes pointed out for the extinguishment of those claims, one of which is to discharge them with stock bearing interest at six per centum per annum; that you have thought proper to adopt that mode of payment; that you are not now at liberty to choose another, and put them off with less than their contract; money is not stock, nor stock money. The Government is bound to perform its contracts specifically, if required to do so, and money, in equity, will not discharge a contract for stock. Indeed, as I before remarked, an argument proposing to make such a change, in the nature of their contract, would come with a very ill grace from those gentlemen who are such sticklers for a firm adherence to public faith. There is another objection, sir, to the policy of this bill. You pledge the Government immediately and directly for a sum of money it never was intended to be made responsible for, but upon contingencies. In support of this position, I think I need only remind the House of the argument in relation to the construction of the treaty. The honorable gentleman from Delaware tells us that the Government is bound, at all events, to pay the interest annually upon the stock created. I have no doubt but it would be bound to do so, if there were funds in hand sufficient, arising from the proceeds of the sales of the Florida lands, and not otherwise.

If the construction which I have given to this treaty be a correct one, the Government cannot be responsible beyond the value of the Florida lands. And, sir, suppose the lands were at this time really worth more than the five millions; nay, suppose they were worth ten millions—I still insist upon it, it would not be good policy to take them and pay the claims. In the administration of the fiscal affairs of the nation, you must, in general, be governed by the same rules that govern private concerns. The great question to be settled here is, whether it would be good policy to take the fund and pay the claims or not. If it be not policy to do so, this bill ought not to pass; for, in passing it, you violate one of the most obvious principles of political justice; you take from the many that which is their right, and give it to the few who have no right. Suppose you adopt the principles of the bill, and create the stock in the manner proposed, you enter into a new contract, not immediately with those claimants, but with other persons. The moment the certificates are handed out, even suppose they fall into the hands of those very claimants, they are no longer known as claimants under the Spanish Treaty; they as-

sume another character of creditors; they have a fair claim on your Government for five millions of dollars, chargeable with six per cent. interest thereon annually, for so many years as it may be unredeemed. And, sir, when you have done so, what have you done, and what have you got? Why, sir, you have riveted upon the necks of the people a yoke they will never be able to throw off, until they have performed the servitude, until they have served the favored few, the darling objects of this bill, to the amount of five millions of dollars—no small sum in these hard times. I say, sir, you have fixed, irretrievably fixed, upon the community the yoke, and that without any the smallest shadow of right to do so.

And, sir, what are you to get in lieu of your five millions of dollars? I will not say a land of mosquitoes, frogs, serpents, and alligators. I will suppose the best that can be said of it. You know not what you have got; you have got some wild lands in a country whose geography no man in this House can know with any certainty; you have relinquished the bird in the hand for the bare possibility of obtaining the one in the bush. You have indemnified a few insurance companies and underwriters, and have saddled the nation with a certain debt of five millions, and the interest until paid. By the bargain you drive, you violate one of the first rules of private economy, that is, "never to buy, at any price, an article you can neither use nor sell." Have you not already more public lands than you can dispose of to advantage? Are they not the greatest drug in the market? Have you not lands in nine different States and Territories? And, sir, will the Florida lands pay the interest on the capital vested? They certainly will not. If, indeed, you appropriate the proceeds of the sales of all the public lands in the United States, they will scarcely pay the debt and interest in ten years. If you make a calculation of the proceeds of the sales of the public lands in that State where the population is increasing more rapidly than in any other State in the Union, and at that period, too, when there were more lands sold, perhaps, than at any other—I mean the years 1820-1-2; upon such calculation, sir, it will be found that this debt and the interest can scarcely be paid in one hundred and fifty years. I have allusion to the State which I have the honor in part to represent. The sales of the public lands in that State, if I mistake not, averaged in the years 1820-1-2, three hundred and thirty two thousand one hundred and sixty-five dollars. From this sum deduct the interest of the debt, which is three hundred thousand dollars, and we find a balance of \$32,165 to be applied annually to the extinguishment of the original debt. And, sir, can you hope that the lands in Florida will ever be as productive as the lands in Indiana? If so, it is a vain hope, which will never be realized.

One further view of this subject, and I have done. Gentlemen may endeavor to make themselves believe those calculations are fallacious, and my views visionary. I presume a fair method of calculating, and one that no honorable gentleman can object to, will be to compare the value of

the two kinds of stock. What would be the difference in value of stock, payable from the proceeds of these lands, the value of which is totally unknown, and the value of that kind of stock proposed by this bill? The one directs you to the Treasury of the United States annually, for the sum of three hundred thousand dollars; the other leads you through this land of reptiles described by my friend from Virginia. I say, what is the fair value of each, and what the discrepancy? This tests the policy of the bill. I put it to every honorable gentleman in this House, what difference would you make in the price of the stock? Would you make 20 per cent.? If so, you are throwing away a million of dollars on the claimants. But, sir, I say there is forty per cent. difference; and, if so, you are throwing away two millions.

Mr. Speaker, I intended to have gone more into detail upon this subject, and am sorry my state of health will not admit of it. However, as I remarked in the outset, I can hardly hope to have changed the opinion of one honorable gentleman in this House. I can say no more: nor could I have rested satisfied to have said less. I do think this bill is, in its operation, calculated to defraud the public. And, sir, I can never consent to stand and look on in silence, and see the honest community defrauded of its rights in any form; and, sir, if this bill passes, I say it robs them of two millions of dollars.

When Mr. TEST had concluded—

Mr. RANDOLPH moved its recommitment to the Committee of Ways and Means, and supported the motion by a speech.

The question being taken, it was decided in the negative—ayes 73, noes 93.

The question then recurring on the passage of the bill—

Mr. McLANE, of Delaware, rose, and delivered, at considerable length, his views, in reply to the gentlemen who had opposed the bill.

Mr. LIVINGSTON also spoke on the bill; and Mr. WRIGHT renewed the motion to recommit the bill.

After some remarks from Mr. BARTLETT, the question was again taken on recommitting the bill, and decided in the negative.

The question was then taken on the passage of the bill, by yeas and nays.—For the bill 117, against it 66, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allison, Archer, Baylies, P. P. Barbour, Bartlett, Bassett, Blair, Breck, Buchanan, Buck, Burleigh, Burton, Cady, Cambreleng, Campbell of South Carolina, Carter, Cary, Cassedy, Cobb, Collins, Condict, Cook, Crafts, Craig, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Farrelly, Foot of Connecticut, Foote of New York, Forsyth, Forward, Frost, Garnett, Gatlin, Gist, Govan, Hall, Hamilton, Harvey, Hayward, Hemphill, Hobart, Holcombe, Houston, Jenkins, Kent, Kidder, Kremer, Lathrop, Lawrence, Lee, Lincoln, Litchfield, Little, Livermore, Livingston, Locke, Longfellow, McKee, McKim, McLane of Delaware, Mark-

H. or R.

Police of the Capitol.—Virginia Military Lands.

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ley, Martindale, Matson, Mitchell of Pennsylvania, Mitchell of Maryland, Morgan, Neale, Nelson, Newton, O'Brien, Owen, Patterson of Pennsylvania, Plumer of New Hampshire, Poinsett, Rankin, Reed, Rose, Saunders, Sharpe, Sibley, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Storrs, Strong, Swan, Tattnell, Ten Eyck, Thompson of Georgia, Tracy, Tucker of Virginia, Tucker of South Carolina, Vinton, Webster, Whipple, Whitteley, Williams of New York, Williams of Virginia, Williams of North Carolina, Wilson of South Carolina, and Wood.

NAYS—Messrs. Adams, Alexander of Ten., Allen of Massachusetts, Allen of Tennessee, Barber of Connecticut, J. S. Barbour, Beecher, Brent, Brown, Buckner, Campbell of Ohio, Cocke, Conner, Ellis, Garrison, Gazlay, Harris, Hayden, Henry, Herkimer, Hooks, Ingham, Isacks, Johnson of Virginia, J. T. Johnson, F. Johnson, Leftwich, Letcher, Long, McArthur, McCoy, McKean, McLean of Ohio, Mangum, Marvin, Matlack, Metcalfe, Moore of Kentucky, Moore of Alabama, Patterson of Ohio, Plumer of Pennsylvania, Prince, Randolph, Reynolds, Richards, Ross, Sandford, Scott, Sloane, Standefer, Sterling, Taliaferro, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Vance of Ohio, Van Wyck, Whitman, White, Wickliffe, Wilson of Ohio, Woods, and Wright.

So the bill was passed, and sent to the Senate for concurrence.

SATURDAY, May 8.

Mr. NEWTON, from the Committee on Commerce, reported a bill to establish Bowdoinham, in the State of Maine; Troy, in the State of New York; and Fairport, in the State of Ohio, ports of delivery; which was read twice, and laid upon the table.

The bill from the Senate "for the relief of William Duane," was read a third time, passed, and returned to the Senate.

Mr. ALLEN, of Massachusetts, called up his resolution for adjournment; but the House being thin, and Mr. Cocke having moved for a call of the House, Mr. A. waived his call for the present, giving notice that he should move for the consideration of the resolution on Monday next.

POLICE OF THE CAPITOL.

The engrossed resolution for the regulation of the police of the Capitol, (one provision of which authorizes the extension of the authority of the corporation of Washington to the public grounds about the Capitol,) was read a third time. Mr. WOOD, inquiring the particular object of the latter provision, Mr. LATHROP, in the absence of the chairman of the committee who reported it, said, that, as he understood it, the object was to give such authority to the corporation of Washington as should carry into effect its provisions against the establishment of grog-shops or stands, on the public property, &c. A motion was then made to lay the resolution on the table, and agreed to.

Subsequently, the resolution was again taken up, on the motion of Mr. MERCER, and the question being on its passage—

Mr. COCKE spoke against that part of the resolution which authorizes the appointment of a deputy, by the Marshal of the District, during each session of Congress, to attend and preserve order in the precincts of the Capitol, considering it wholly unnecessary to appoint an additional officer, while the House had so many officers and messengers, &c.

Mr. MERCER expressed his regret that this resolution should give rise to any discussion, but went on to say, that some provision of the sort was absolutely necessary. There is now no police in the central part of the Capitol or its exterior, &c. The exhibition (of the Panorama of Paris) now going on in the centre building, was by permission of the officers of the two Houses, but not by their authority, for the obvious reason that they have no authority there. As to the officers of this House, they cannot attend to the police of other parts and avenues of the building, because their presence is necessary here, to attend to their duties within this Hall. There were a variety of petty offences liable to be committed on the premises, which it was necessary to the dignity and character of this House to provide against.

The resolution was further opposed by Mr. ROSS, on the ground of the sufficiency of this House, by its officers, to protect its own dignity, &c.

The resolution was further supported by Mr. WOOD, who said, having examined the resolution, he was decidedly in favor of it, and would even go further, if it were necessary. It was obvious to every sense, that there were nuisances here which required removal, some of them, he intimated, of such a nature that there was no man of honor whose moral sense must not revolt at encountering them, &c. He hoped, therefore, that the resolution would pass.

Mr. LIVERMORE, of New Hampshire, said, that the gentlemen who supported this measure seemed to be very much alarmed by something, which for his part he did not understand. We have sat here, said he, for many years, without any inconvenience to the body politic, or, as far as I know, to the body natural. I should be as willing as any one to expel from the temple those who sell doves for the sacrifice; but the doves of Venus will not, I believe, fly in the face of any one, if he will let them alone. We do not, therefore, want a police here to protect ourselves from such evils as these. We have a doorkeeper, with his deputies, and an assistant doorkeeper, always on their posts, (except that we have given the latter leave of absence for a while.) I thought, too, sir, we had the power of exclusive legislation over this District; but this resolution proposes to put us under the protection of the corporation of Washington. Not believing this to be necessary, I move to lay the resolution on the table.

The question on this motion was determined in the affirmative, by a small majority.

VIRGINIA MILITARY LANDS.

On motion of Mr. VANCE, of Ohio, the House took up the bill "authorizing the President of the

MAY, 1824.

Navigation of Western Rivers.

H. or R.

United States to enter into certain negotiations relative to lands located under Virginia military land warrants, lying between Ludlow's and Roberts' lines, in the State of Ohio."

[This bill provides, "That the President of the United States shall be, and he is hereby, authorized to ascertain the number of acres, and, by appraisal or otherwise, the value thereof, exclusive of improvements, of all such lands lying between Ludlow's and Roberts' lines, in the State of Ohio, as may, agreeable to the principles of a decision of the Supreme Court of the United States, in the case of Doddridge, lessee, against Thompson and Wright, be held by persons under Virginia military warrants, and on what terms the holders will relinquish the same to the United States; and that he report the facts at the commencement of the next session of Congress."]

Mr. P. P. BARBOUR, of Virginia, presented a memorial on the subject, which had been transmitted to him by an individual in the State of Ohio; which was read.

Mr. VANCE, of Ohio, stated the grounds of the bill, and the merits of the titles which are proposed to be quieted by it. He replied, also, to certain statements in the petition just read, which he considered not entirely accurate.

Mr. P. P. BARBOUR, with a view to cover as well the claims not located, as those which are, and which it appeared to him equally proper to provide for, moved to lay the bill on the table, to allow him time to prepare an amendment for that purpose.

Mr. VANCE said, that, however the description of claims referred to by Mr. BARBOUR might require future legislation, he did not think it ought to be connected with this bill, which embraced a distinct class of cases.

Mr. BARBOUR withdrew his motion, with a view to introduce his proposition separately from it.

Mr. WICKLIFFE, of Kentucky, moved to amend the bill by adding to it a provision requiring a statement of the amount paid by the purchasers to the General Government for the land, and when paid, to be included in the communication to Congress.

After some observations from Mr. RANKIN and Mr. VANCE, this motion was withdrawn by the mover, under the impression that the information might be otherwise obtained.

Mr. MCCOY, of Virginia, expressed his doubts of the expediency of legislating on this subject at all. When Congress did legislate on the subject, they ought, at least, to give the holders of military warrants the option of locating the warrants on other lands than those now open to them, &c.

Mr. McARTHUR, of Ohio, feeling himself interested in this bill, said he should decline voting upon it. He stated, however, some of his views on the subject, one of which was, that the bill was one-sided, regarding the United States only, and could not prejudice any interest of the United States. He had hoped the claimants under Virginia would have been allowed a participation in the investigation proposed by this bill, but the

committee, it seemed, had determined otherwise. Some of the statements in the petition which had been read, he pronounced to be false, and it had apparently been drawn up without any knowledge of the decision of the Supreme Court.

Mr. VANCE, of Ohio, further explained and defended the provisions of the bill, gave a history of the case embraced in it; and, on his motion, the report of the select committee in the case, was read.

The bill was then ordered to be engrossed for a third reading, without opposition.

NAVIGATION OF WESTERN RIVERS.

The House took up the report of the Committee of the Whole, made yesterday, upon the bill making an appropriation towards removing the sand bars and obstructions to the bed of the Mississippi, Ohio, and Missouri rivers, and the question being upon agreeing to the amendment, which introduces a substitute for the original bill—

Mr. BUCHANAN, of Pennsylvania, objected to the amendment, as too far enlarging its extent, and leaving it without a sufficiently definite object. If a system of internal improvement were to be adopted by the General Government, he should not be hostile to the object of this bill as a part of it. Considering this amendment as not sufficiently specific, or guarded, he should, if it succeeded, be obliged, under present impressions, to vote against the bill.

Mr. SHARPE, of New York, was in favor of the object of the bill, but had considerable doubt of the practicability of the means proposed to carry it into effect. In New York, he said, large sums of money had been appropriated for dams and sluices, &c., in its great river; and, after the expenditure of all this money, the navigation of the river was worse now than it was before ever a dollar was laid out upon it. The moment a bar was removed from one place in the river, a substitute for it was created in another. Those bars had increased to such an extent, that the steamboat cannot now find her way to Albany; and he feared that the attempt to remove the sand bars in the Ohio, Missouri, and Mississippi rivers, might place those rivers in the same situation. We may begin, said he, with \$75,000, which is a very small beginning; we may remove the bars from one place, but I fear it will only be to create them in another, &c. The bill, he thought, proposed to begin on too large a scale; and, if he was compelled to vote on a proposition so general as this amendment, he should be compelled to vote against it.

Mr. HENRY said, the bill on the table proposed to test the great system of internal improvement, by its application to a precise and definite object. The advocates of that system, said he, have taken high ground. They contend that Congress have power to establish roads and canals, and to improve existing channels of intercourse, for national purposes; and that it is expedient to exercise it. Their adversaries, with some few exceptions, waive the question of expediency, and stake their whole defence upon a denial of the power.

Before I proceed to notice the main question, I take this opportunity to declare, that I am a friend of State sovereignty; that I regard it, in its appropriate sphere of action, as the best security for the success of our great Republican experiment; and that I would be among the last to give my assent to the passage of any law, however apparently expedient, which could only be enacted by encroaching upon those powers, which have been exclusively retained to the States or to the people.

After the elaborate and able discussion which has already taken place, during the present session, upon the bill "to procure the necessary surveys for roads and canals," it would be almost presumptuous in me to enter at large into the Constitutional question of power. I might, indeed, assume it in argument, to be the settled rule of the Government that Congress have the power to do what is proposed to be done by the bill under consideration. I might, also, fairly contend, that the Constitutional difficulty is not at all involved in the present investigation. Let it be remembered, that the Ohio and Mississippi rivers, are the boundaries of neighboring States; and, with the exception of Louisiana, that they do not pass through the territorial limits of either of the States; that they are the common commercial highways of all who inhabit the vast regions through which they flow; and are justly regarded, not as the property of particular States, but as common stock—as national property. The inquiry, therefore, shall be directed, throughout, to the naked questions of expediency, necessity, practicability, and propriety.

In the particular case before us, it could not be expected, that a single State would take upon herself the burden of accomplishing an object, in which so many other States were equally concerned. And, if she were willing to do so, it is certain that the plans adopted for the purpose, would be satisfactory to all who are interested in the result? Might not jealousies, feuds, and border animosities ensue, gradually engendering those hereditary hatreds, which would, by and by, break out in open hostility? But, suppose an association of several States is formed, for the effectuation of this desirable object; would the mischief be diminished? The patriots who framed the Constitution, were not indifferent to the dangers to be apprehended from the supposed or actual existence of separate interests, which might, eventually, give birth to several distinct confederacies, each pursuing its own objects in its own way.

Among the leading motives, which led to the adoption of that instrument, the necessity of guarding against such sectional and selfish alliances, was not the least influential. And who would not shudder, to see a combination among the States and Territories composing the valley of the Mississippi, for the protection of a class of interests which were avowed and admitted to be peculiar to themselves? If we regard the Union as worth preserving, we must sedulously avoid every tendency, in principle or in practice, which might, by possibility, endanger its security. Let

the people look to the national Government, as the fountain of all benefits, which are to be felt by the whole nation, or by more than one of its members. We shall thus avoid, not only those petty contentions, which merely disturb the public tranquillity; but also those dreadful disorders, which might, at some distant period, rend in twain our glorious and happy Union.

Let us next inquire, whether it is necessary to exert that power "to improve the navigation of the Ohio and Mississippi rivers?" The report upon your table exhibits a brief narrative of facts, making out the strongest possible case for the interposition of Congress. The bars which cross the channel of the Ohio, render it impassable, except by vessels of the smallest size, during six months of every year. The obstructions to the navigation of the Mississippi are not peculiar to any season. They proceed from the impetuosity of its current, and the nature of the country through which it rolls on its restless mass of waters to the ocean. Its navigation is always dangerous; and the surprise, which a passenger could not but feel, after a survey of its numerous impediments, would be, not that so many boats were wrecked, but that so many should escape. It may be safely affirmed, that a stronger case for the interference of Congress can never occur.

In relation to the plan recommended in the report, and provided in the bill, for improving the navigation of the Mississippi, I am happy to find that there is no division of opinion. As regards the navigation of the Ohio, I am sorry to perceive that we are likely to encounter more difficulty from collision among ourselves, than from all other sources of danger put together. In order to meet the views of an honorable gentleman from Pennsylvania, (Mr. STEWART,) and, also, to gratify several gentlemen from Ohio and Kentucky, I consented to such a modification of the original bill, as would extend the contemplated improvements to Brownsville, where the national road crosses the Monongahela. This, however, was not acceptable to another gentleman from Pennsylvania, (Mr. BUCHANAN,) who has submitted an amendment, substantially restoring the provision of the original bill, with the exception that the mode of operation is left, in each particular case of obstruction, to the discretion of the engineer. It is impossible that gentlemen should think precisely alike. In such cases, it is the duty of a legislator to concede something, in deference to those whose judgments he is obliged to consult, and whose good will he must conciliate. I exhort my worthy friend from Pennsylvania, (Mr. STEWART,) the firm and vigilant sentinel of the interests of his constituents, with whom I have acted with so much pleasure on former occasions, not to withdraw his countenance and his aid from this measure, because he cannot get it fashioned, in all respects, according to his wishes. It is of paramount importance to obtain a recognition of the principle embraced in the bill, and the particular modification of it is comparatively immaterial. For the sake of conciliating the opinions of all who are friendly to the principle, I am willing to

yield my own opinions as to its details; and, with this view, I do not hesitate to accept the amendment. In the mean time, the honorable gentleman from Pennsylvania, (Mr. STEWART,) and all others who think and feel with him, may assure themselves that when the great scheme of internal improvement comes to be matured, the removal of every obstacle to the free and safe navigation of this noble river, will claim and receive the early and special attention of Congress.

But the gentleman (Mr. STEWART) objects to the amendment because it requires an experiment to be made upon one of the six bars, indicated below the falls of Ohio, and makes the improvement of the remainder of said bars dependent upon the success of that experiment. Now, to me, there seems to be no just grounds of objection upon this score. A similar provision is to be found in the original bill. Upon much reflection, I then thought such a provision necessary, and I think so still. Anxious as I am, sir, for the improvement of Western navigation; sensible, as I have long been, that we have a just claim to an equal share of the benefits resulting from the expenditure of money; and happy as I should be to hasten and to hail the day when the great system which will contribute so much to equalize that expenditure, is put fully into operation, I am still more anxious that the Government should get a good bargain for every dollar that is expended in the West. I wish for no lavish or unjustifiable appropriation of the public money. My sole object is, to promote such lasting and valuable improvements as will benefit the whole community; and, when we draw money from the public Treasury, to be sure of getting a fair equivalent, to the objects upon which it is expended.

Having thus endeavored, I trust not in vain, to bring the friends of the principle together, upon the ground of mutual concession, I will direct your attention, for a moment, to the vast importance of the interior communication which the bill proposes to facilitate, and the value of the commerce of which it is the channel. Upon this head, it will be sufficient to say that eight of the States, together with all western Pennsylvania and Virginia, and two Territories, have scarcely another vent by which the surplus productions of their industry can be conveyed to market.

The Government has done much for the protection, I might almost say, for the creation, of foreign commerce. What are the principal stipulations in all our treaties with foreign Powers? The regulation of commerce. Why do we maintain diplomatic relations with the nations of Europe and America, at an annual expense exceeding \$100,000? For the protection of foreign commerce. Why do we submit to pay tribute to the piratical States of Barbary? For the protection of foreign commerce. For the same purpose we establish lighthouses, seawalls, buoys, and remove all obstructions to the navigation of the bays, harbors, and inlets, which communicate with the ocean. To say nothing of the late war, which was commenced for commercial aggressions, during the last year we fitted out a formi-

dable and expensive naval armament for the extermination of the pirates, whose wanton depredations had become the terror and the scourge of our commercial adventurers in the Gulf of Mexico. We complain not of this. It was all right. It is the duty of the nation to cherish, by every means in its power, the prosperity of this great interest. We have borne our share of the burden; we have borne it cheerfully. But, whilst so much has been done, and is still doing, for the benefit of the seaboard, may we not insist that it is high time to do something for us? Whilst the care of the nation is liberally extended to every other interest, shall the farmer, the staff of the Government, be comparatively neglected? We now put it to the magnanimity and justice of our Atlantic brethren to say whether they will not protect our agriculture and our internal commerce, against the bars, the sawyers, the planters, the snags, those stationary pirates of the Ohio and Mississippi?

In point of expense, there is no doubt that the heavy losses sustained upon those rivers, in a single year, would be more than sufficient to defray the whole charges of the proposed improvements. In the report upon your table, the average estimate of loss, by accidents, in each year, is stated to be from five to ten per cent. From five to twenty per cent. would have been nearer the truth. In that report, there is also a passing allusion to a most shocking calamity—the loss of the steamboat Tennessee; a disaster which is hardly surpassed in the annals of shipwreck! I do not mean to harrow up your feelings, by dwelling upon the sad particulars of that dreadful scene! I hope, however, that the recollection of the ills we have suffered will beget a lively attention to this great concern; and that we shall deserve that high recommendation—

"The Congress let no partial favors fall;
The people's servants, they protected all."

Mr. BASSETT, of Virginia, denied that the people of the Atlantic States derive any other benefit from foreign commerce than such as the people of the West equally participate in. To both of them, commerce furnished, at diminished cost, and with increased facility, articles of necessity or convenience, &c. The lighthouses, and other expenditures of that sort, he said, were not for the benefit of the persons living near them, but of the whole country, and, properly considered, the people of the West were as much interested in them as the people of the East. Mr. B. decidedly objected to the principles of this bill, which he considered to be as unconstitutional as if the Constitution itself rose up against it. He considered it directly in the teeth of the Constitution, and was therefore opposed to it in any shape.

Mr. WICKLIFFE, of Kentucky, replied at large to Mr. BASSETT. He explained the nature of the obstructions to the navigation of the Western rivers, and the importance of removing them, if practicable. The Mississippi and the Ohio, he said, were not interior but boundary rivers. They washed twelve States and Territories, and formed the only channel of communication with the ocean. His plan for executing this improvement, he said,

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would be, first, to remove the snags in the Mississippi, because the improvement in the navigation of rivers must begin at the mouth of them, &c., and thence to proceed up the river.

Mr. BUCHANAN, that he might be distinctly understood as to how far he was willing to go on the subject, stated the comparative merits of the bill, and the amendment now under consideration. By the bill, an experiment was to be made in removing a sand bar; if successful, it was to be followed up by other similar operations; if not, the attempt was to be abandoned. The amendment, however, reported by the Committee of the Whole, was as indefinite in its terms as language could make it; it pledged the Government to proceed to remove every obstruction to navigation from the town of Brownsville to the mouth of the river Ohio, and down the Mississippi, and this Herculean work was proposed by an amendment to the bill, which could scarcely be understood, as read from the Clerk's table. Mr. B. said he was friendly to the improvement of the navigation of the Western waters, and also to the improvement of that of the Susquehannah, the Hudson, and the Connecticut, and he was willing that the experiment should be made in the Western waters, before it is made in the Susquehannah, though he by no means admitted that they possessed superior claims. His objection was, not to the object of the bill, but to the indefinite terms of the amendment.

Mr. STEWART, of Pennsylvania, having been one of the members of the committee which reported this bill, and assisted in preparing the amendment, rose to explain the grounds on which it was presented to the House. He adverted to the surveys and reports which had been made by the commissioners appointed for that purpose, furnishing all the facts of the actual condition of the river, and recommending the very measure now proposed for improving the navigation. The losses sustained at present by those who navigate the rivers Ohio and Mississippi, were estimated as high as from five to ten per cent. on the amount; and, when it was recollected that the commerce with Pittsburg alone amounted to a million and a half of dollars, the amount of the annual loss would be enormous, and to justify a much larger expenditure than is now proposed. He compared this expenditure with those for improving and protecting other bays and rivers, affecting but one or two States, whereas eleven States bounded on this river; and asked with what conscience gentlemen on the Atlantic could ask this House for a hundred thousand dollars a year for its lighthouse establishment, and refuse the people of the West, for their navigation, this pittance of \$75,000.

Mr. BRENT, of Louisiana, had no objection to the object of this bill, but considered the amendment, as it now stands, embracing as well all the tributary streams as the main streams of the Ohio and Mississippi, as too comprehensive; and moved an amendment, the object of which was to confine it to the latter.

Mr. SHARPE made some additional remarks on the subject, the general import of which was, that he thought the appropriation now to be made

ought to be confined to the purposes of an experiment.

Mr. MERCER, of Virginia, delivered those views of this subject which his personal knowledge and investigations suggested. Any attempt to extend the improvements of navigation to the streams tributary to the Ohio, would, he believed, be entirely inconsistent with any reasonable limit to the expenditure on this object; for, he believed, nothing short of a canal the whole way from Brownsville to Pittsburg could effect a navigation of that distance. He was in favor of the amendment of Mr. BRENT, with a farther amendment, that the expenditure should commence from the mouth of the Mississippi. At some future day, he hoped to see a general system adopted for the purposes of internal improvement, founded on the very local feelings which opposed any improvement of a particular point, by embracing all objects of this description calling for the national interposition. Mr. M., in conclusion, exposed the error of those who attribute to the seaports the payment of the imposts, which are not paid by them, but by the consumer, in the West as well as the East—and the error, on the other hand, of supposing that expenditures for improving navigation profited only those who lived near the seat of it, &c.

Mr. LIVERMORE said, he verily believed, if the simple question were presented to appropriate money to improve the navigation of the Western rivers, nine tenths of the House would be in favor of it. The bill was embarrassed by its details, and, if it was lost, would fall by them. These details were unnecessary, and he wished they might be excluded by some amendment.

Mr. CONWAY, Delegate from Arkansas, proposed an amendment to the bill, the object of which was to give the President a general power to apply \$75,000 to the improvement of the navigation of the Mississippi, Ohio, and the Missouri, as high up as Franklin.

Mr. BUCHANAN said, that every amendment offered to the bill, proved that a general amendment was necessary, embracing the object of making an experiment to improve the navigation of the Ohio and Mississippi rivers, which a decided majority of the House would be in favor of. To allow of its being properly prepared, he moved to lay the bill on the table.

Which motion was agreed to, and the bill was ordered to lie on the table accordingly.

After refusing two successive motions to interrupt the regular progress of the assigned orders of the day—

The bill to confer certain powers on the Levy Court of the county of Alexandria, passed through a Committee of the Whole, (Mr. LATHROP in the Chair,) and was ordered to be engrossed for a third reading.

WABASH AND MIAMI CANAL.

The House then resolved itself into a Committee of the Whole, (Mr. Ross in the Chair,) on the bill to authorize the State of Indiana to open a canal through the public lands, to connect the

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navigation of the rivers Wabash and the Miami of the Lake.

Mr. CALL, Delegate from Florida, moved to amend the bill by striking out the words "ninety feet," proposed by the bill to be given for the location of the canal, and insert in lieu thereof a provision for giving the square of a mile on each side for the whole length of the canal.

In support of this motion, Mr. CALL delivered a speech of some length, which he commenced by replying to an anticipated objection on the score of precedent, by saying that a grant of land for a road was in principle the same as a grant for a canal, and a grant similar to this, for a road through a part of the State of Ohio towards Detroit, had been lately made. He then turned his attention to the importance of the canal proposed to be made, which, he said, would open a communication which would connect New Orleans with the Western Lakes, to the great facilitation of military operations for the purposes of defence, &c., not to speak of the facilitation of commerce. But this channel, however important, it would not be possible to open, for a long time at least, without the aid of a grant of the public lands, &c.

Mr. RANKIN, the Chairman of the Committee of Public Lands, stated the views of the committee on the subject. They duly appreciated the importance of such a canal, believing it to be the best point for the connexion of these waters, but were restrained, by principles on which they had always acted, from going beyond the space necessary for a canal, and for assisting the collection of tolls thereon. If Congress intended to give a grant to this canal, or any other road or canal, it was much preferable that the grant should be in money, rather than in land. The road which has been spoken of, was claimed as a right, accruing under the treaty of Brownstown, and could not be considered as a precedent for this measure. With regard to the expediency of granting aid to this measure, Mr. R. said, if it should be included in a general system of internal improvement, he should be in favor of it, but was opposed to acting upon it in the manner now proposed.

Mr. McLEAN, of Ohio, made a few remarks, expressive of the deep interest he felt on this subject, and of his conviction that the benefit to accrue from it to the United States, would doubly repay the whole expense of making the canal.

Mr. TEST, of Indiana, explained the geographical character of the country through which the canal is to run. It was a measure so perfectly practicable, that he believed the deepest part of the canal from the surface, supposing the canal to be a dead level, would not be more than twenty-five feet. Its length would be only from fifteen to twenty miles. The country on both sides of the route was extremely rich, as rich, indeed, as it possibly could be, and capable of producing a vast amount of agricultural products. On the importance of this work to that country, and to the United States generally, he dwelt at some length, and then replied to the objections made by Mr. RANKIN, on the ground of the obligations of the compact with Virginia, and showed by

computation that the proposed appropriation of land would advance the value of the public lands to a much greater amount than that of the proposed appropriation.

On motion of Mr. TRACY, of New York, the Committee then rose, reported progress, and obtained leave to sit again.

MONDAY, May 10.

Mr. CALL presented sundry documents in relation to a claim of Moses Elias Levy, to a tract of land in the Territory of Florida.—Referred.

Mr. PLUMER, of New Hampshire, presented a memorial of the Judges of the Fourth Circuit of the United States, in the district of Maryland, and of the members of the bar of the said court; praying for an alteration of the times fixed for holding court; which memorial was referred to the Committee on the Judiciary.

Mr. McKEAN presented a memorial of sundry citizens of Pennsylvania, praying for an extension of the system of granting pensions for Revolutionary services; which memorial was laid upon the table.

Mr. WEBSTER, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act in addition to the acts relative to the election of a President and Vice President of the United States," reported the same without amendment; and it was committed to the Committee of the Whole on the state of the Union.

Mr. WHITTLESEY, from the Committee of Claims, made a report on the petition of Stephen Jenks & Sons, accompanied by a bill for their relief; which was read twice, and committed to a Committee of the Whole.

Mr. J. T. JOHNSON moved to consider the resolution of the joint committee, fixing a day for the adjournment of this House. The motion was negative—ayes 80, noes 85.

The bill from the Senate "to confer certain powers on the Levy Court of the county of Alexandria, in the District of Columbia," was read a third time, and passed.

The bill "to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants lying between Ludlow's and Roberts's lines, in the State of Ohio," was read a third time, passed, and sent to the Senate.

Mr. BEECHER, from the Committee on Roads and Canals, reported on the petition of Moses Shepherd. After some objections and inquiries from Mr. COCKE, the report was laid on the table.

NAVIGATION OF WESTERN RIVERS.

On motion of Mr. BUCHANAN, of Pennsylvania, the House took up the bill "for the improvement of the Ohio and Mississippi rivers."

Mr. BUCHANAN offered, as an amendment to the bill, the following:

"That the President of the United States be, and he is hereby, authorized to cause the navigation of the

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Ohio river to be improved over the following sand bars, or either of them, at his discretion, to wit: the sand bar which crosses said river one mile and a quarter below Flint island; the sand bar two miles above French island; the bar just below Henderson; the bar below Straight island; the bar below Willow island, in the Mississippi bend; and the bar opposite to Lower Southerland, below Cumberland island; and, for the purpose of ascertaining and directing the best method of carrying the provisions of this act into effect, he may employ any of the engineers in the public service which he may deem proper: *Provided, nevertheless*, That an experiment shall first be made upon one of the sand bars, and if, in his judgment, it shall be successful, then, and not otherwise, he is hereby authorized to cause experiments to be made upon the remaining bars."

Mr. STEWART, of Pennsylvania, was opposed to this amendment of the bill, as being calculated to embarrass it, and, in effect, to defeat it. He objected especially to the proviso, which requires a previous experiment before the appropriation is to be applied. The obstacles in the Western rivers are, he said, so various in their kind, that an experiment on one could not apply to the rest of them—and the President must depend on the opinions of others as to the success of the experiment when made, &c. He preferred direct legislation on the subject to any contingent provision. Mr. S. went on at considerable length to show the propriety of the amendment adopted in Committee, making Brownsville the point of commencement where the proposed improvement met the national road, and rendered complete and entire the chain of communication between the East and West, &c., stating a variety of facts to show the great advantages to the West which would result from this measure.

Mr. HENRY, of Kentucky, replied, and advocated the amendment, on the ground that it was of paramount importance to obtain a recognition of the principle embraced in the bill, and that the particular modification of it was not of so great importance. For the sake of conciliating the opinions of all who were friendly to the principle of the bill, he was willing to yield his own opinion as to the details of it; and, with that view, he was in favor of the amendment.

Mr. MALLARY, of Vermont, moved to amend the proposed amendment so as to cause two experiments to be made instead of one, &c.

Mr. BUCHANAN rejoined—expressed his regret that the debate should be renewed—the committee's report was confined to certain bars in the river which were not of different kinds, but of one kind; and all he wished was, that a trial should be made on one of these before money should be expended on the rest.

Mr. TRIMBLE advocated the amendment. He was in favor of an experiment, and thought it ought first to be attempted on the lower part of the river.

Mr. McARTHUR was indifferent whether one or two experiments were made in the Mississippi, but advocated the propriety of extending the experiment to the Ohio river also, the obstructions

in which were quite as dangerous to property as those in the Mississippi.

Mr. STEWART suggested to Mr. MALLARY to modify his motion so as to require two "or more" experiments.

Mr. MALLARY did not accept of the suggestion.

Mr. KREMER advocated the amendment of Mr. BUCHANAN. He had had some experiments in attempts to remove sand bars in the Susquehanna, the result of which had been very unfavorable. He therefore wished an experiment made on one of those in the Ohio.

Mr. HOGBOOM, of New York took similar ground, and stated the difficulties which had been experienced in the Hudson, where vast sums had been thrown away in attempts to remove sand bars, without any permanent benefit from the expenditure.

Mr. POINSETT, of South Carolina, suggested that there was a great difference between removing obstructions from sand in tide rivers and those where the stream always ran one way. In the former class of streams, the removal of one sand bar was succeeded by the formation of others; but, in streams like the Mississippi and the upper part of the Ohio, where the water always ran in one direction, the case was very different.

The amendment of Mr. MALLARY, proposing two experiments, was agreed to—ayes 77, noes 71.

Mr. BUCHANAN's amendment, as thus amended, was then put, and carried.

The several other amendments, reported by the Committee of the Whole, were then agreed to.

Mr. McARTHUR then offered an amendment in the fourth section, to make its commencement read as follows; "And for the purpose of improving the navigation of the Mississippi river, from the mouth of the Missouri to New Orleans, and of the Ohio river, from Pittsburg to its junction with the Mississippi," so as to include the Ohio river in the experiment.

The amendment was agreed to, and the bill, as amended, was ordered to be engrossed for a third reading to-morrow.

CLAIM OF BEAUMARCHAIS.

On motion of Mr. TUCKER, of Virginia, the House agreed to take up the report of the committee on the claim of Beaumarchais. The motion was carried—ayes 81, noes 54.

The House went into Committee of the Whole, Mr. CAMPBELL of Ohio in the Chair, on that report.

Mr. TUCKER, of Virginia, addressed the Chair as follows:

Mr. Chairman: It is well known to most of the Committee that Mr. Beaumarchais, in the first years of the Revolution, furnished clothing and military supplies to the United States to the amount of several millions of livres; that his account has been finally settled at the Treasury, and the whole amount paid, except one million of livres, which the accounting officers of that Department contend he received from his own Government, and was one of the nine millions which

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Louis XVI. gratuitously gave to the United States. It is admitted by the claimants that he did receive a million in behalf of the United States, but they say, and the agents of the French Government say, that it was given him to be expended in secret service money, and that he has satisfactorily accounted for the disbursement of it to his Government, to whom alone he was accountable. From this decision of the Treasury Department, an appeal is made to Congress.

Hitherto, Mr. Chairman, the merits of this claim have hinged upon the fact whether the million in question was received by Mr. Beaumarchais, for the purchase of supplies, or not; and, as the arguments adduced on either side of the question are, in the absence of the highest evidence, derived from a great mass of circumstantial testimony, and are comprehended in long and numerous documents, I will beg leave to call the attention of the Committee to the most important facts. Such a review will give the necessary information to those who have not found time to read the report, and refresh the memories of those who have.

Early in the year 1776, Mr. Beaumarchais called on Mr. Arthur Lee, then an agent of the United States, in London, and informed him that the French Government were willing to furnish the United States with supplies to the amount of two hundred thousand louis d'or, which he proposed to transmit through the French West Indies, under color of a commercial transaction. Mr. Beaumarchais soon afterwards returned to Paris, and there made a more special and formal arrangement with Mr. Silas Deane, also an agent of the United States, for the transmission of these supplies; and to give it the appearance of a commercial adventure, and conceal it from the British Government, it was further agreed that tobacco, and other American products, should be remitted to Mr. Beaumarchais.

In pursuance of this arrangement, eight cargoes of military stores, clothing, and other merchandise, were shipped, by Mr. Beaumarchais, to the United States, in the years 1777 and 1778—and, during the same time, France furnished the American Commissioners, who were, at that time, Dr. Franklin, Mr. Lee, and Mr. Deane, with two millions of livres in cash, and they obtained a third from the Farmers General. During the shipment of these supplies, there seemed to have been great uncertainty, on the part of the Commissioners, about the source from whence they were derived. Mr. Lee, judging from what had passed between him and Mr. Beaumarchais, and from the subsequent assurances of the French Minister, always insisted that they were derived principally from the King—while Mr. Deane seemed to think that we were indebted for them solely to Mr. Beaumarchais. On a comparison, however, of their several letters, it is impossible to reconcile the statements of the different Commissioners with one another, or those of the same gentlemen, at different times.

In the year 1778, Mr. Deane was recalled, and Mr. Adams, late President of the United States,

was sent to supply his place. In September of that year, the three Commissioners wrote to the Count de Vergennes, then Premier of France, stated their doubts about the source of these supplies, and requested to know of him what part of them had been furnished by Beaumarchais, and what part by the King—that both they and the people of the United States had always believed the greater part of the supplies had been furnished by His Majesty, and that they would discharge the obligation as soon as Providence should put it in their power. To this application Mr. de Vergennes answers, that the King had furnished nothing—that he had permitted Mr. Beaumarchais to furnish himself from his arsenals, on condition of replacing the articles, and that he would, as to these articles, interpose to prevent the United States from being pressed for immediate payment. This correspondence was transmitted to America, and in the following year, Congress directed their President, Mr. Jay, to write to Mr. Beaumarchais, acknowledging the debt and promising payment. From that day to this, he has stood upon the books of the Treasury as a creditor for the whole amount of these supplies, and payments were made him from time to time. Besides the remittances in tobacco, and other domestic products, equal to about 10 per cent. of the value of the supplies, bills were drawn in his favor, on our Commissioners in France, for between two and three millions of livres, payable in one, two, and three years.

In the year 1782, Mr. Deane returned to France, and made a settlement with Mr. Beaumarchais, by which the balance due to him was about nine hundred thousand dollars. This settlement, however, was not ratified by Congress, because it was said Mr. Deane had no authority to make one; and because, I presume, Congress did not approve it. But in 1784, Mr. Barclay, who was appointed our Consul General to France, was vested with authority to make a settlement with Mr. Beaumarchais, subject to the ratification of Congress. He accordingly made one, differing not materially from the settlement since made at the Treasury, but it did not receive the confirmation of Congress. Probably this settlement would have been ratified, if a circumstance had not come to light, which is a curious one, as well in the history of diplomacy, as in the life of that distinguished man, Dr. Franklin. In the year 1786, on a settlement of the account of Mr. Grand, our banker in Paris, it was discovered that he had given credit but for eight millions received from the French Government by way of gratuity, instead of nine, which, in a treaty dated three years before, Dr. Franklin had acknowledged to have received. Dr. Franklin, on being informed of the variance, applied to Mr. Grand for an explanation, who, in turn, applied to the Count de Vergennes, but he refused to state to whom the million in question was paid; and that, as it was paid out of the Royal Treasury on the 10th June, 1776, (which was before Dr. Franklin arrived in France, and before Mr. Grand became the American banker,) a copy of the receipt for this million could not be

necessary for their exoneration. It was then conjectured by Dr. Franklin that Mr. Beaumarchais had received this million. In 1788, a committee of three members of Congress (of which Mr. Arthur Lee was the chairman) had the subject of Mr. Beaumarchais' accounts referred to them for settlement; and, in their report, by not allowing many of his claims for commission, insurance, and other charges, and charging him with some supposed losses,—they made him a debtor to the United States to a large amount.

After the adoption of the new Constitution, Mr. Beaumarchais, complaining of the injustice that had been done him, renewed his application to the Government; and, in 1793, a settlement of his accounts was made by the Auditor, under the superintendence of Mr. Hamilton, on more liberal, and it appears to me more correct principles, by which a balance was found due to him of upwards of two millions of livres. But the report recommends that payment should be suspended until some further explanation should be given of the "lost million," as it was often called. But, in the following year, Mr. Gouverneur Morris, as Minister from this country to France, applied to the Minister for Foreign Affairs for information relative to the million that remained unaccounted for, and, by a well-timed compliment, succeeded in obtaining the receipt for this million advanced in June, 1776, by which it appeared to have been paid to Mr. Beaumarchais.

In the following year, Mr. Beaumarchais wrote a long and eloquent memorial on the subject of his claim, in which he insisted that he had rendered an account to his own Government of the money he had received from it. But the coincidence of sums and dates furnished such strong circumstantial evidence against him, that he was held chargeable at the Treasury for the million he had received in June, 1776. After his death, (which took place about 1799,) the claim was renewed, in behalf of his representatives, in 1802, by Mr. Petion, the Chargé d'Affaires from France; and in 1805 by Mr. Turreau, the Minister Plenipotentiary, who then stated, for the first time, that, on an examination of the archives of his Government, it had been discovered that the million received by Mr. Beaumarchais in June, 1776, had been paid him for a secret political service. On the last application, the subject was referred to a committee of this House, who, after charging Mr. Beaumarchais with the million in question, reported a balance of about forty-one thousand dollars, which was paid him, with interest. In the succeeding year, Mr. Turreau again pressed the claim on the notice of the Government, and stated that the million had been paid for a secret political service, but not for the purchase of supplies. The subject was not then acted on by the House. Since that time it has been repeatedly brought before Congress, and from first to last the memorial of the present claimants has been referred to six different committees, exclusive of that of the present year—three of whom reported in favor of the claim, and three against it.

On the question whether Mr. Beaumarchais re-

ceived the million, of June, 1776, for the purchase of supplies, or not, (the point on which the committee chiefly differed,) there is much circumstantial evidence on both sides. The following facts are unfavorable to the supposition that the supplies were purchased from his own funds: The mediocrity of his fortune; many of the articles furnished were drawn from the King's arsenals; the repeated declarations of the French Minister to our Commissioners; the letter of the Minister to the King, in May, 1776, in which he speaks of advancing a million for the use of "the colonies;" the letter from the King of France to the King of Spain, in which he says he has furnished money and other succors, ostensibly on the score of trade; and, lastly, the letter of Mr. Beaumarchais himself, of December, 1776, wherein he states his advances to have been about one million of livres.

But, on the other hand, there is the solemn declaration of Mr. De Vergennes that the King had furnished nothing. He certainly was not warranted in saying the King had furnished no supplies, if he had furnished money to purchase supplies. But, again: there can be no doubt but Mr. Beaumarchais must have been held accountable to his Government for this million, for whatever purpose it was put into his hands. But if it was intended as *douceurs* for persons about the Court, or to procure intelligence, or to bribe foreign agents, or for any of those purposes for which secret service money is usually employed, it is said, and it seems not improbable, that the vouchers in such cases are destroyed. The evidences of such details they might wish to withhold, not only from the world, but from their successors. But there could be no reason to destroy the vouchers, if they related merely to the purchase of supplies. The absence, then, of all vouchers of the particulars of disbursement affords some evidence that the money was expended for one purpose and not for the other.

On weighing this conflicting evidence, I am free to admit, Mr. Chairman, that there is a preponderance of testimony that Mr. Beaumarchais received the million in dispute, for the purchase of supplies; and, if France had been passive on the occasion, or, if we had paid any valuable consideration to her for this million, I should think we were justified in charging Mr. Beaumarchais with that amount. But, when it is recollected that we received these supplies immediately from Mr. Beaumarchais, have settled the account upon our own terms, that the million which we claim as a credit was paid, not by us, but by France, as an act of bounty, and that the French Government insists that this bounty was used for another purpose—when these things are recollected, it does seem to me, that we are precluded from entering into a contest with France on this subject; or, in other words, that we cannot, consistently with our honor or self-respect, pay off an undisputed debt, with a doubtful and disputed gift. On this occasion, Mr. Chairman, I cannot recognise one rule of morality for the nation, and another for individuals. I would pursue the same course in public as in private life; and, as an individual, I

never could seek to give the bounty of a benefactor a direction which he objected to, for the purpose of making a discount to the acknowledged debt of a third person. Sir, in this case, France is right, or she is not. If she is right, that the million was furnished to Beaumarchais for secret service money, then we have no pretext for refusing to pay him the balance of his account; but, if she is wrong, then the error consists in claiming our gratitude for nine millions when she has given us but eight, which can in no manner affect the account of Beaumarchais.

The whole of the present difficulty has grown out of the mistake of Dr. Franklin, in the treaty of February, 1783. When he signed that treaty, suppose he had been aware that but eight millions of livres had actually been received, and that he had said to the Count de Vergennes, "You call on me to acknowledge the receipt of nine millions, as the gift of your Government, while I know only of eight; show me how the other million was used for our benefit, and I will freely acknowledge that too;" if, in answer to this, the Count de Vergennes had said, what his successors have said, that the million was used for a "secret political service," can it be believed that Dr. Franklin would have hesitated to receive the assurance, and to sign the treaty which he actually did sign? If he would not, there would have been no ground for the present dispute. But, let us suppose that he would not have been content with the simple assurance of the French Minister, then either that Minister must have given him satisfactory evidence concerning the disposition of the doubtful million, or he would have acknowledged only eight millions, in either of which cases Mr. Beaumarchais's claim is indisputable. Assuredly, if our agent had signed a treaty under a mistake, as he himself states, that mistake should be rectified with the French Government, which should either give us a satisfactory explanation, or hold us bound in gratitude but for eight millions, neither of which can affect the claim of Beaumarchais.

Mr. Chairman, we ought to be consistent with ourselves, with regard to the declarations of the French Government. When Monsieur de Vergennes declared to our Commissioners, in September, 1778, that the military supplies were furnished solely by Mr. Beaumarchais, we acquiesced in that assurance, and required no further proof. Again: Mr. Gallatin, in his late correspondence with the Duke de Richelieu, Minister of Foreign Affairs in France, stated, that if the French Government would make an explicit negative declaration, that the million paid to Mr. Beaumarchais, in June, 1776, was not applied to the purchase of supplies, the difficulty with the accounting officers of the Treasury would have been removed. And, although the answer of the Duke de Richelieu may be considered as somewhat equivocal, yet that which Mr. Turreau had made in 1807, was as positive and explicit as it could be. Had this declaration been made the year before, it would seem, from Mr. Gallatin's letter, the million would not have been deducted from Beaumarchais's account; and, it having been

made since, the same consequence should follow. On every ground, then, Mr. Chairman, I am free to say I would vote at once for an appropriation to the whole amount of this claim, whatever may be my private opinion of the source whence Mr. Beaumarchais derived the million; it being certain that he did not derive it from us, and that we have used the supplies which it purchased. But, as our citizens have claims against France for spoiliations on their commerce to a large amount, (probably twenty times as much as this claim,) and the French Government has itself introduced Mr. Beaumarchais's claim into the negotiation, I think we may adjust the whole together, without any dereliction of national justice or honor, and I therefore hope the Committee will adopt the resolution for that purpose offered by the committee.

When Mr. TUCKER had concluded—

Mr. DWIGHT called for the reading of the report of the Committee of this House in 1814, (and of which committee Mr. LOWNDES was chairman,) unfavorable to the claim.

Mr. FARRELLY called for the reading of the opinion of the Attorney General, Mr. Rodney, in 1807.

Mr. CLAY, in a short speech, expressed a very decided opinion in favor of the claim.

Mr. LIVERMORE took the opposite side, and delivered a few observations in opposition to an allowance of the claim.

Mr. DWIGHT then rose, and went at great length into the whole subject, in reply to Mr. TUCKER and Mr. CLAY, quoting a number of documents in support of his statements, and concluded his speech with offering a resolution that the petitioner have leave to withdraw her petition.

Mr. FARRELLY followed in reply, and spoke at considerable length, to show that the demand was just, and ought to be allowed.

Mr. CAMBRELENG rose in opposition to the claim, quoted declarations of the Count de Vergennes, remarked on the opinion of Mr. Pinkney, and adduced general arguments against allowing any part of the demand.

Mr. LIVINGSTON, of Louisiana, rose, and, expressing a desire to deliver his sentiments, which were most decidedly in favor of the claim, moved that the Committee rise.

The Committee rose accordingly, and had leave to sit again.

Mr. STEWART gave notice that he should, on Thursday, ask the House to consider the following resolution, submitted by him some time since:

"Resolved, That the Committee on Roads and Canals be instructed to report a bill appropriating the annual proceeds of the sales of the public lands, and the dividends of the United States Bank stock, commencing from the 1st of January, 1823, to the purposes of internal improvements, to be distributed among the States according to their representation, and to be expended on objects to be designated by Congress, within or bordering on the respective States, unless where any State may consent that its proportion of the fund shall be applied to an object not immediately connected with its territorial limits."

And then the House adjourned.

H. OF R.

Navigation of Western Rivers.

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TUESDAY, May 11.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to which was referred, yesterday, a memorial upon the subject, reported a bill for altering the time of holding the circuit court of the United States for the fourth circuit, in the Maryland district; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, made a report on the petition of William Loughrey, accompanied by a bill for his relief; which was read twice and committed to a Committee of the Whole.

Mr. STRONG, of New York, offered the following resolution:

Resolved, That all moneys which shall be received on account of the sales and entries of the public lands, after the 4th day of July, 1825, ought to be appropriated exclusively to the support of common schools, and the construction of public roads and canals; and that the said moneys ought to be divided between the several States and Territories, in proportion to the representation of each in the House of Representatives of the United States, and applied by them respectively, to the aforesaid purposes, in such manner, and with such limitations and conditions, as the Congress may prescribe.

Mr. COCKE suggested, that a proposition, nearly similar, was already before the House, and moved to lay the resolution on the table, till the other should be discussed, but subsequently withdrew his motion; and Mr. STRONG replied, and explained the object of his resolution; and, after some further conversation between the mover, Mr. COCKE, and Mr. COOK, the resolution was laid on the table and ordered to be printed.

Mr. WHITTLESEY submitted the following resolution, viz:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of causing a survey to be made, under the direction of the President of the United States, of the south shore of Lake Erie, from Carrying river to Erie, in the State of Pennsylvania; and of causing surveys to be made of the mouths of such bays and rivers, or other places, within the boundaries aforesaid, as the engineer, who may be employed for the purposes aforesaid, shall deem necessary or important; at which to construct or improve harbors, for the security and promotion of the commerce on said Lake; with plans of the places so designated, and estimates of the expense of constructing or improving such harbors.

The resolution was ordered to be laid upon the table.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report of the Secretary of War, containing the information called for by the resolution of the 10th of March, requesting the names of all the officers of the army who have been brevetted; stating their lineal rank and brevet rank; when brevetted; and the amount of money paid to each; and when paid;

which report, with the accompanying documents, contain the information desired.

JAMES MONROE.

MAY 11, 1824.

The Message was read, and laid upon the table.

The SPEAKER laid before the House a report of the Secretary of the Navy on the memorials of merchants and others from Baltimore, for farther compensation for damage sustained by the sinking of their vessels in the entrance of the harbor of that city in the late war; which report was laid on the table.

Mr. LIVINGSTON, from the Committee of Investigation in the case of Ninian Edwards, stated that that committee had received from the Secretary of the Treasury a communication in reply to the memorial of Mr. Edwards, and asked that it might be printed; which was ordered accordingly.

NAVIGATION OF WESTERN RIVERS.

The engrossed bill making an appropriation for improving the navigation of the Ohio and Mississippi rivers, was read a third time.

Mr. WILLIAMS, of New York, demanded the yeas and nays on the question of its passage; and they stood, yeas 155, nays 60, as follows:

YEAS—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Baylies, Barber of Connecticut, J. S. Barbour, Bartley, Beecher, Blair, Breck, Brent, Brown, Buckner, Burleigh, Cambreleng, Campbell of Ohio, Cassedy, Condict, Cook, Craig, Crowninshield, Cushman, Durfee, Dwight, Eddy, Ellis, Findlay, Forward, Gurley, Harris, Harvey, Hayden, Hemphill, Henry, Herrick, Herkimer, Hobart, Holcombe, Houston, Ingham, Isacks, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kidder, Kremer, Lawrence, Lee, Letcher, Lincoln, Livermore, Livingston, Locke, Longfellow, McArthur, McDuffie, McKean, McKee, McKim, McLean of Delaware, McLane of Ohio, Mallary, Markley, Mercer, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Neale, Nelson, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Prince, Rankin, Reed, Reynolds, Rich, Ross, Sandford, Scott, Sharpe, Sloane, William Smith, Spence, Standefer, James Stephenson, Stewart, Strong, Swan, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Udree, Vance of Ohio, Van Wyck, Vinton, Warfield, Webster, Whitman, Whittlesey, White, Wickliffe, James Wilson, Wilson of Ohio, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Archer, P. P. Barbour, Bradley, Cady, Carter, Cary, Clark, Cobb, Cocke, Collins, Conner, Crafts, Culpeper, Day, Dwinell, Eaton, Edwards of North Carolina, Foot of Connecticut, Foote of New York, Frost, Garrison, Garnett, Gatlin, Gist, Govan, Hayward, Hogeboom, Hooks, Jenkins, Leftwich, Litchfield, Long, McCoy, Mangum, Marvin, Matlack, Matson, Owen, Rives, Arthur Smith, Alexander Smith, Spaight, Sterling, A. Stevenson, Stoddard, Taliaferro, Tattall, Ten Eyck, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Tyson, Vance of North Carolina, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson, of South Carolina.

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Claim of Beaumarchais.—Proposed Adjournment.

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[After the call was concluded, Mr. BURTON and Mr. BUCHANAN, both accidentally absent when the yeas and nays were called, wished to be allowed to record their votes—the former against the bill, the latter in favor of it; but the leave was not granted, and, according to the rules of the House, could not be, without unanimous consent.]

So the bill was passed and sent to the Senate for concurrence.

CLAIM OF BEAUMARCHAIS.

The House then went into Committee of the Whole, (Mr. CAMPBELL, of Ohio, in the Chair,) on the unfinished business of yesterday, which was the report of the committee to whom was referred the claim of the representatives of M. de Beaumarchais.

Mr. LIVINGSTON, of Louisiana, who was by custom entitled to the floor, having yesterday moved for the Committee's rising, then rose, and delivered, at great length, his views in favor of the claim.

Mr. RANDOLPH, of Virginia, delivered his views in opposition to the claim; and concluded his speech, by moving that the Committee rise, report progress, and ask leave to sit again, with a view that leave be refused.

The question on the Committee's rising, being then taken, was decided in the affirmative—yeas 105, noes 40.

The question, on granting leave to sit again, was decided in the negative—yeas 60, noes 91.

On motion of Mr. RANDOLPH, the report of the committee was then ordered to lie on the table.

Mr. McLEAN, of Ohio, moved to postpone all the previous orders of the day, to take up the bill "for extending the national road from Wheeling to the Missouri. The House refused to take it up.

PROPOSED ADJOURNMENT.

Mr. TUCKER, of South Carolina, called up the consideration of the joint resolution for an adjournment, and required thereon the yeas and nays.

The question of consideration was taken by yeas and nays, and decided as follows—yeas 80, nays 73.

So, the House took up the resolution.

Mr. KREMER, of Pennsylvania, opposed the resolution, on the ground that an important investigation was pending before the House, which ought to be terminated previous to adjournment. Charges of great weight had been brought forward against a public officer, which had been referred to a committee of this House, and ought to be decided upon before the House adjourned. He therefore moved to lay the resolution on the table.

Mr. ALLEN required the yeas and nays on the question of laying it on the table.

Mr. KREMER, at the request of several members, withdrew the motion for the present.

Mr. MERCER, of Virginia, said he had voted to take up this resolve, in the hope that the House

would be put in possession of such information as should enable it to act understandingly on this subject, with reference to the investigation which the House had instituted, in consequence of the address of Mr. Edwards, the late Senator of Illinois. That individual has been sent for, under the authority of the House. Mr. M. was not disposed to adjourn, before time was allowed for his arrival, for his subsequent examination, and for due deliberation, by the committee and the House, upon his testimony. How is it possible, said he, that we can ascertain at what time we can adjourn, unless we should receive from that committee, or from some other source, information to guide our decision?

Mr. M. said, he rose now to inquire, from the Representative from Illinois, the State in which Mr. Edwards resides, when his arrival might, by computation, be expected, that the day for adjournment might be so fixed as to allow time for his arrival, and some days to spare, that the committee of investigation might have an opportunity to make a report, in whole or in part, so as to determine what course in regard to this matter became the dignity and the honor of the House, which, for one, he would do all in his power to maintain. If the time which should be fixed, should prove too short to allow of the transaction of the necessary business of the session, there would be no difficulty in extending it. In thus expressing his wish that some day should be fixed for the adjournment, Mr. M. said he was actuated by no outrageous zeal to do the public business, much less by any very special view to the saving of the public money, considering the public money as nothing, compared with public justice. He desired, however, to see some period fixed for the termination of the session.

Mr. LIVERMORE, of New Hampshire, said—Teach me so to number my days, that I may apply my heart to wisdom, is doubtless the prayer of every individual in this Hall. Teach us so to number the days of this session, that we may apply ourselves to the appropriate business of it, is equally proper, though not perhaps equally important. Under this impression, he had voted to consider the resolution appointing the day of adjournment. The tariff bill in the Senate, and the communication of the Hon. Mr. Edwards to this House, seemed calculated, more than any thing else, to retard the hour of adjournment. He hoped that some of the committee who had charge of the communication of Mr. Edwards, would express their opinion whether the public good required that Congress should continue in session until the arrival of Mr. Edwards, who had been sent for. For his own part, he said, he had never been able to find any thing in Mr. Edwards's letter of public consequence, which might not have been communicated at the opening of the session, and he had been surprised that that gentleman had thought fit to keep the secret in his own breast all the time he was here, and to send back his complaints at so late an hour, and after he had taken his departure from the city. If this subject may be viewed in the light of a prosecution, there

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Canal in Indiana.

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can be no absolute necessity, because witnesses have been summoned, for the Court to continue in session until their arrival. The opinion of the committee of investigation, as to what the public good requires, ought, in his opinion, to govern our decision in this instance. The Senate must have control of our resolution, until the tariff shall have been disposed of.

Mr. COOK, of Illinois, rose to answer the question which had been addressed to him, as to the time at which Mr. EDWARDS might be expected to arrive here. From having travelled the journey some ten or a dozen times, and sometimes in the mode in which he presumed Mr. EDWARDS would take, Mr. C. was of opinion that he might be able to reach this city on the 23d or 24th of this month.

Mr. MALLARY, of Vermont, observed that much time had been spent on the subject of the tariff. It was now before the Senate, and numerous amendments are understood to have been made to it in that House. When the bill should be returned to this House, as amended, if it pass the Senate, much discussion will probably arise on it, and a reasonable time should be allowed for the deliberate consideration of that bill. This was due to the House and to the nation. It was unworthy of the House to bind itself to a day, in order to spur members to diligence and despatch. The first duty of the House, was to attend to the public business. He was therefore opposed to fixing a day for adjournment, at present.

Mr. TOD, of Pennsylvania, observed that, if the resolution must pass, he hoped arguments of a little more force and consistency would be advanced in its favor. When the House sent for Mr. EDWARDS, it knew that no certainty respecting the time of his arrival could be attained at that time, and nothing had occurred to change the uncertainty on the subject. He replied to Mr. LIVERMORE, and observed that, in that affair, this House was not the court, but, as far as it could become so, the accuser. It had given all the weight it could to the charges submitted. It had directed its committee to proceed in the investigation, and it was bound in consistency to allow time for the return of its messenger, unless it meant to suppress the investigation altogether.

Mr. WEBSTER said that he had not been present when this motion was brought up, nor had any other member of the committee of investigation. But, in regard to one interesting topic which belonged to this discussion, he remarked that the House was apprized that the officer of this House had been deputed in quest of the witness, and, as he understood the matter from the statement given by the member from Illinois, barring accidents, he presumed that he may be expected to be here by the 23d or 24th of the month. But, as far as he understood it, Mr. W. said, the House was as able now to form a judgment of the probable time of the arrival of Mr. EDWARDS, as it could be a week hence, as, in the Western country, a traveller might often outstrip the mail, and in all probability no intelligence would be received of the arrival of the messenger at the place of residence of

the person summoned earlier than the 23d or 24th of the month. It seemed to him, Mr. W. said, that the best course would be, now, to fix a period for adjournment so far remote as to give the party summoned an opportunity to come here and be examined touching the subject. To fix a period for adjournment earlier than that, would be wholly inconsistent with all that had been hitherto done. He thought a period should be fixed, however important the subject of inquiry might be, beyond which the House would not wait, for the arrival of Mr. EDWARDS, some days beyond that at which it had been suggested he might arrive, &c.

Mr. FORSYTH, of Georgia, agreed entirely with the gentleman from Massachusetts, in the general view he had taken of the subject, except that he thought, for the present, it would be best to lay the resolution on the table. He knew there was a strong disposition in the House to adjourn; but, for himself, he could not vote for an adjournment till the individual referred to should either have arrived, or it should be ascertained that he would not come.

Mr. WEBSTER replied that the objection to that course was, that no farther information was to be expected, with any probability, as to the coming of Mr. EDWARDS before the 23d or 24th of this month; and, from this time to that, the House would be in precisely the same situation that it is now.

Mr. STEWART, of Pennsylvania, was opposed to fixing on any day at present. Information might, by some accident, arrive before the time mentioned, which would enable them to do it. But, fixing on the day now would also have a tendency to protract the discussion of the tariff in the other House, and was calculated to defeat that measure.

Mr. TRACY, of New York, moved to lay the resolution and amendment on the table.

Mr. ALLEN, of Massachusetts, called for the yeas and nays on this motion, which were ordered; and the question of laying it on the table was decided as follows:—Yeas 99, nays 87.

So the resolution was ordered to lie on the table.

CANAL IN INDIANA.

The House went into Committee of the Whole, (Mr. MARVIN in the Chair,) on the bill "authorizing the construction of a canal through the public lands, in the State of Indiana, between the Wabash and Miami of Lake Erie."

The question recurring, from Saturday, on Mr. CALL's motion to strike out "ninety feet," and insert "one mile," for the extent of the reservation on each side of the canal—

Mr. ALEXANDER, of Virginia, objected to the amendment, as trenching on the terms of the cession of the Northwestern Territory by Virginia to the United States, which declare that the whole of that cession shall be a fund for the payment of the common expenditures of the United States.

Mr. RANKIN took the same ground; the proposed canal was a local work, and not one of the

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Josiah Hook, Jr.

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"common expenditures" of the United States, and thought it was better to give money than land in aid of it.

Mr. TEST contended, that giving a mile on each side of the canal did not violate the terms of the cession more than 90 feet—it was in the spirit of that cession, because it enhanced the value of all the rest of the lands ceded. Unless this land was given, Indiana would be unable to effect the object. This was the only opportunity, at once, of giving timely aid to the canal, and of enhancing the value of the public lands.

Mr. STEWART, of Pennsylvania, denied that this canal was a local measure, and he stated its effects on the Union at large. He advocated the amendment—and read an extract from the writings of Mr. FULTON on the benefits of canals. He replied, also, to the objections of Mr. ALEXANDER, &c.

Mr. BROWN, of Pennsylvania, thought that, if the canal would so greatly enhance the value of the public lands, it would be better for the United States to make the canal than to give all the benefit of the work to Indiana. The calculation was, that the canal would cost only \$300,000, and they asked land to the value of \$500,000. He for one would never consent to give it.

Mr. CALL, Delegate from Florida, spoke in reply, and urged the present low value of the public lands in that quarter as an argument in favor of the bill. All that was proposed to be given would, at present value, amount only to \$35,000. The additional value would arise from the enterprise and industry of the State of Indiana. He replied to the arguments of Mr. ALEXANDER, and dwelt at some extent on the value of this line of water communication, and the facility of making the canal.

Mr. SHARPE, of New York, thought the only question was, whether this was the proper time to engage in the undertaking. He wished farther information on this point, and expressed some apprehensions of the danger of the precedent.

Mr. RANKIN replied, and explained the facts of the case, and repeated and confirmed the arguments he had before urged.

Mr. JENNINGS called for the reading of the memorial of the Legislature of Indiana on this subject. It was read accordingly.

Mr. JENNINGS stated the topography of the country through which it was proposed to cut this canal. He adverted to the opinion of General WASHINGTON, in favor of this and other Western water communications. He went at considerable length into a discussion of the objection from the terms of the Virginia cession, and of the practicability and general importance of the measure.

Mr. TEST followed in farther explanation of the bill and the amendment.

Mr. MCCOY delivered at some length his objections to the amendment, as granting to one State what was intended only for general objects. He urged the danger of the precedent, the difficulty with which Virginia could get enough land to pay her Revolutionary soldiers, &c.

Mr. SHARPE thought the grant in the amendment very large, and the time for completing the work too great. This measure would be superseded, moreover, by the general plan for internal improvements. He thought it was enough, at present, to provide for surveys, as had been already done.

The question on the amendment moved by Mr. CALL, for giving a mile on each side the canal, being then taken, was decided in the negative.

The Committee then took up a bill to authorize the Territory of Florida to open a canal through the public lands; and, having gone through it, reported the latter bill, which was ordered to a third reading, and asked and obtained leave to sit again on the former.

And then the House adjourned.

WEDNESDAY, May 12.

Mr. BRENT, from the committee appointed on the 4th of March last, upon the subject of the sale of public lots, within the city of Washington, made a report; which was read, and laid upon the table until to-morrow.

Mr. SCOTT laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the President of the United States be requested to communicate to this House any information which he may possess, in relation to the intercourse and trade now carried on between the people of the United States (and particularly the people of the State of Missouri) and the Mexican provinces; how, and by what route that trade or intercourse is carried on; in what it consists; the distances, &c.; the nations of Indians through which it passes; their dispositions, whether pacific or otherwise; the advantages resulting, or likely to result, from that trade or intercourse.

An engrossed bill for altering the time of holding the circuit court of the United States in the fourth circuit of the district of Maryland, was, on motion of Mr. McKIM, laid on the table.

An engrossed bill to authorize the Territory of Florida to open a canal through the public lands to unite the river St. John's with the bay of Augustine, was read a third time, passed, and sent to the Senate for concurrence.

A bill "to regulate the fees of the registers of wills in the District of Columbia" being under consideration in Committee of the Whole, a prolonged debate arose on some of its details; in which Messrs. SWAN, NEALE, COCKE, SHARPE, KENT, and FINDLAY, took part; when the bill was reported to the House, and ordered to be engrossed for a third reading.

The House then went into Committee of the Whole, on the bill granting certain lots of ground to the city of Mobile, and to certain individuals of said city. The bill having been slightly amended, was reported to the House, and ordered to a third reading.

JOSIAH HOOK, JR.

On motion of Mr. LONGFELLOW, the House took up the bill from the Senate for the relief of Josiah Hook, jr., (collector at Castine,) who was prose-

H. OF R.

Indiana Canal.—Harbor of Presque Isle, &c.

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cuted for the amount of a seizure during the war, and had judgment recovered against him.

Mr. WHITTLESEY, of Ohio, went at length into a statement and legal examination of this case, with a view to show that the collector had been negligent in his duty.

Mr. LONGFELLOW, of Maine, spoke, in reply, and, after a full statement of the facts, contended that no such negligence appeared as should subject Mr. Hook to the loss of the money for which he had been sued.

It was admitted, on both sides, that he was a vigilant and faithful officer, and had acted in good faith when he made the seizure.

Mr. WRIGHT, of Ohio, took the same view of the subject, and opposed the report of the Committee of Claims. The supposed neglect arose from a mistake of eminent counsel, and a mistake which, at that time, prevailed in the Treasury itself.

Mr. BARTLETT, of New Hampshire, rose in reply, and quoted dates and statutes to show that it was through the negligence of Mr. Hook, the Government had suffered very heavy loss, the expense of losing which amount it was now applied to to pay. He had no personal hostility to the claimant, but rather the contrary, as he always understood him to be an excellent officer.

Mr. COCKE, of Tennessee, declared that the opinion he had formerly held in opposition to this claim had been changed, by a fuller investigation of the case; and he should vote in favor of the bill.

Mr. STRONG, of New York, replied to Mr. BARTLETT, and went into a legal argument to show that the loss of the Government was not owing to the neglect of the collector.

Mr. LIVERMORE, advocated, at considerable length, the same side of the question, and the debate was farther continued by Messrs. BARTLETT, LIVERMORE, LONGFELLOW, and MCCOY; when the question being put, the bill was passed, and returned to the Senate.

INDIANA CANAL.

The House went into Committee of the Whole, (Mr. CAMPBELL, of Ohio, in the Chair,) on the bill to authorize the State of Indiana to open a canal through the public lands; and the question recurring from yesterday on the amendment granting ninety feet of land on each side of the proposed canal, it was agreed to.

The blank in the second section was so amended as to require the survey to be finished within three, and the canal to be finished within twelve years.

Mr. TEST offered an amendment to the third section, the effect of which will be, to reserve from sale, till further ordered, the sections of land through which the canal shall pass, and those adjoining these on each side, and he supported the motion by a series of explanatory observations.

Mr. RANKIN, of Mississippi, objected to the amendment as a departure from the course heretofore adopted in similar cases, and as calculated to retard the settlement of the State of Indiana.

The question being taken, the amendment proposed by Mr. TEST was negatived—ayes 41.

The Committee then rose, and reported the bill as amended.

Mr. TEST renewed in the House his motion for reserving from sale the sections of land through which the canal shall pass, and those adjoining them on each side.

Mr. VINTON, of Ohio, argued the necessity of this reservation from the terms of the contract of cession, as well as from principles of policy.

Mr. WHIPPLE, of New Hampshire, advocated the amendment, in a few observations, and, the question being taken, it was rejected—ayes 55, noes 59.

The bill was then ordered to be engrossed for a third reading.

HARBOR OF PRESQUE ISLE, &c.

On motion of Mr. FARRELLY, the House went into Committee of the Whole, on the bill "for improving the harbor of Presque Isle, and for repairing Plymouth beach."

Mr. NEWTON explained the facts with respect to Presque Isle, and commented on the report of the Board of Engineers, by which it appears that the work is important, and practicable, and that its expense will amount to about \$35,000. The State of Pennsylvania having made an appropriation in part for the work, the bill is for the purpose of supplying the deficit.

Mr. FARRELLY spoke from personal knowledge of the importance of Presque Isle, and the loss of lives and property which had occurred for want of a good harbor there.

The blank in that part of the bill which relates to the work at Presque Isle, was filled with the sum of \$20,000.

Mr. NEWTON, then stated the circumstances of Plymouth beach; the value of that harbor to all vessels pressed by hard weather in the neighborhood of Cape Cod; and the danger of its being seriously injured and ultimately destroyed, for want of the repairs contemplated; and moved to fill the blank for this work with \$20,000.

Mr. REED, of Massachusetts, confirmed, from personal knowledge, the accuracy of the statement given by the chairman of the Committee of Commerce.

Mr. HOBART added some particulars to the statement, in respect to the beach of Plymouth, and the amount of navigation interested in the safety of the harbor, and its advantages as a harbor for vessels of war, &c.

Mr. TRIMBLE, of Kentucky, supported the appropriation, and made some remarks on the readiness of Western members to vote for the improvements on the seaboard, and the liberality which members from the Eastern sections of the Union had recently shown in voting improvements on the Western waters.

The motion to fill the blank with \$20,000, was carried without opposition.

The Committee then took up a bill to authorize the State of Kentucky to open a canal round the falls of the river Ohio, at Louisville.

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Mr. WICKLIFFE, of Kentucky, went into a detailed discussion of the value and importance of the proposed canal. He stated the estimate of the expense. More than three thousand boats, he said, passed these falls annually, and damages to the amount of \$150,000 had been sustained, in a year, for want of this improvement. If the canal were made, steamboats could be substituted, in navigation, for the flat-bottomed boats now employed. He referred, for further statements, to the report of the committee on the subject.

Mr. McDUFFIE, of South Carolina, thought that the Committee was not yet prepared to act on the last bill, and moved that it rise and report that already acted on.

The Committee rose accordingly, reported the bill for Presque Isle and Plymouth beach, and it was ordered to a third reading.

Progress being reported on the bill respecting the canal at Louisville, the House refused leave to the Committee to sit again upon that bill.

The House then went into Committee of the Whole, Mr. CADY in the Chair, on the bill "granting pre-emption to certain actual settlers in the district of Jackson Courthouse," which bill was slightly amended, and, being reported to the House, was ordered to a third reading.

PUBLIC LAND DEBT.

The House then went into Committee of the Whole, on the bill from the Senate, "to provide for the extinguishment of debts due to the United States, by purchasers of public lands."

Mr. RANKIN stated, at length, what had been previously done by Congress, on the subject, explained the object of the bill under consideration, and offered an amendment extending its provisions to certain town lots reserved by the United States.

The Committee then rose, the bill was reported, and ordered to a third reading.

The House went into Committee of the Whole, on the bill "to extinguish the Quapau title to lands in the Territory of Arkansas." The memorial from Arkansas and the report of the Secretary of War thereon, having been read—

Mr. CONWAY moved an amendment to the bill, striking out all after the enacting words, and substituting a clause appropriating \$5,000 to enable the President of the United States to make a treaty with the Quapau Indians.

At the suggestion of Mr. CLAY, the sum was increased to \$7,500; and the bill, as thus amended, was reported and ordered to a third reading.

And then the House adjourned.

THURSDAY, May 13.

Mr. HARVEY, from the Committee on Naval Affairs, reported a bill to revive and extend the term of certain pensions which have expired by limitation; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill to authorize the issuing of letters patent to Nathaniel Sylvester; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Mr. LITTLE, from the Committee on Pensions and Revolutionary Claims, reported a bill for the relief of Herman Fisher; which was read twice, and committed to a Committee of the Whole.

The SPEAKER laid before the House a letter from the Comptroller of the Treasury, transmitting—

1st. A list of balances which have remained unsettled, or appear to have been due from collectors of the customs, &c., more than three years prior to the 30th of September, 1823.

2d. A list of balances on account of the old internal revenue and direct tax, on the books of the Register of the Treasury, which have remained unsettled or appear to have been due more than three years prior to the 30th of September, 1823.

3d. A list of balances due by Receivers of Public Money, on account of the sales of public lands, which have remained due or unsettled on the books of the Treasury, for more than three years prior to the 30th September, 1823.

Which letter and lists were laid upon the table.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a printed copy of an account of the receipts and expenditures of the United States for the year 1822, with an appendix, containing statements of the debt of the United States, and of its redemption, to the close of the year 1822; which letter was laid upon the table.

Engrossed bills of the following titles, viz:

An act to authorize the State of Indiana to open a canal through the public lands, to connect the navigation of the river Wabash and the Miami of Lake Erie;

An act granting a right of pre-emption to certain actual settlers in that part of the former province of West Florida included in the district of Jackson Courthouse, in the State of Mississippi, and in the district of St. Helena Courthouse, in the State of Louisiana;

An act making appropriations for deepening the channel leading into the harbor of Presque Isle, and for repairing Plymouth beach;

An act granting certain lots of ground to the corporation of the city of Mobile, and to certain individuals of said city;

An act to regulate the fees of the Registers of Wills in the several counties within the District of Columbia;

An act making an appropriation towards the extinguishment of the Quapau title to lands in the Territory of Arkansas;

were respectively read the third time, and passed.

The bill from the Senate, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands," was read the third time, and passed, with an amendment.

The resolution laid on the table by Mr. SCOTT yesterday, was taken up, read, and agreed to by the House.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States: In compliance with the resolution of the House of

Representatives, of the 15th of April, requesting the President to cause to be communicated to the House a statement of the supplies which have been sent from the United States to any ports of South America, for the use of our squadron in the Pacific ocean; of the amount paid for such supplies, with the names of the owners of the vessels; and other details therein specified; I transmit herewith a report from the Secretary of the Navy, which, with the documents accompanying it, furnishes the information desired.

JAMES MONROE.

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The Message was read, and laid upon the table.

A message from the Senate informed the House that the Senate have passed a bill of this House of the following title, viz: "An act to amend the several acts imposing duties on imports," with amendments, in which they ask the concurrence of this House. They have also passed bills of the following titles, viz: An act relative to the Patent Office, and to the salary of the Superintendent thereof; An act in addition to an act establishing Navy hospitals; and An act for the relief of Alexander McNair; in which bills the Senate also ask the concurrence of this House.

The House then went into Committee of the Whole on the bill "enabling the claimants to lands within the limits of the State of Missouri to institute proceedings to try the validity of their claims."

The bill was reported to the House as amended, and ordered to be engrossed for a third reading.

The amendments proposed by the Senate to the bill, entitled "An act to amend the several acts imposing duties on imports," were read, and referred to the Committee on Manufactures.

Bills from the Senate of the following titles, viz:

1st. An act relative to the Patent Office, and to the salary of the Superintendent thereof;

2d. An act in addition to an act establishing Navy hospitals;

3d. An act for the relief of Alexander McNair; were read the first and second time, and referred—the first to the Committee of Ways and Means; the second to the Committee on Naval Affairs; and the third to the Committee of Claims.

The House resolved itself into a Committee of the Whole on the bill providing for the disposition of three several tracts of land, in Tuscarawas county, in the State of Ohio, and for other purposes; which was reported with amendments, which were concurred in by the House, and the bill ordered to be engrossed, and read a third time tomorrow.

PUBLIC LOTS IN WASHINGTON.

The following report was yesterday made by Mr. BRENT, of Louisiana:

The committee appointed by virtue of a resolution of the House of Representatives, of the 4th day of March, 1824, have had the subject which that resolution proposes under consideration, and submit the following report, viz: A letter from J. Elgar, Commissioner of the Public Buildings, dated 5th of May, 1824, by which it appears that the gross amount of the sales of the public lots, in Washington City, as made by the

Commissioners and Superintendent, was six hundred and eighty-nine thousand four hundred and forty dollars eleven cents, subject to a deduction for losses, occasioned by failures of purchasers, the amount of which has not been ascertained. The committee have not been able to obtain information from the books of the Commissioner of the Public Buildings, of the number of public lots sold, when sold, by whom, to whom, and for what price each lot; what part of the purchase money has been paid, and the exact balance due. To obtain this information, would require more time than probably remains of the present session of Congress, as the Commissioner of the Public Buildings states that it could not be done in less than two months.

As to the disbursements which were made by the late Samuel Lane, Commissioner of the Public Buildings, the committee find that a balance of \$22,961 77 was due by the late Samuel Lane, Commissioner of the Public Buildings, at the time of his death, together with the balance of \$1,740 14, which he had received on account of the sales of city lots; and that, since his death, his estate has received credit for different sums of money amounting to \$9,075 6, which leaves a balance due the United States of \$15,590 85; that his executor has not yet completed the settlement of his estate; and, therefore, it is impossible for the committee to say how much of that balance will eventually be refunded to the United States. It is probable the balance will be somewhat diminished, but that a large sum will remain unpaid.

The committee, therefore, submit the following resolution:

Resolved, That the President of the United States be requested to cause to be made, and submitted to this House, upon the first day of the next session of Congress, a full and complete statement of the exact number of lots belonging to the United States, in the city of Washington, which have been sold by the public agents for that purpose, when sold, by whom, to whom, and for what price each lot was purchased; what part of the purchase money has been paid, the amount due, and by whom due, and when payable; whether the debts are well secured, and whether the money received has been applied; to what purposes, and by whom.

The resolution with which the report concludes being taken up for consideration, a debate arose upon it, of which the following outline will serve to give a general idea:

Mr. COCKE said the report of the select committee, now under consideration, was not as full a response to the resolution as the documents before them would have warranted, although a complete and full report to all the objects of inquiry might not have been had at the present session of Congress. The number of lots sold, and price of each, was not so much desired as information in what manner the money placed in the hands of officers for disbursement was applied, and the objects of its application; especially, whether any law existed to authorize the expenditure. To this inquiry, the resolution creating the committee, directed their attention, and used the words "whether all the money received had been applied to objects authorized by any existing law; how much thereof has been paid into the Treasury." To these inquiries the committee might have re-

ported, as the evidence was within their power. They have not, said Mr. C., pretended to state the amount which was appropriated, each year, for the repairs and completion of the Capitol, the President's House, and public offices, or to show what disposition was made of it. They have reported the sums due at the time of the Commissioner's death, and state the payments made since by his representative, leaving a balance still due to the public of more than fifteen thousand dollars. Besides the appropriations for those objects, Congress authorized large sums to be expended to purchase furniture for the President's House, and placed its disbursement under the control of the President. The letter of the Register of the Treasury accompanying the report, and to which the committee refer, shows that the sum of thirty-eight thousand dollars of the money, applicable to the purchase of furniture, was placed in the hands of the late Commissioner, thirty thousand dollars by the draft of the President, and the residue by its receipt from Mr. Whann, who had previously drawn it by the authority of the President.

The committee declined to inquire, or report, what disposition has been made of this \$38,000, alleging that it was a private transaction between the President and Commissioner Lane; that, as the money was to be expended under the direction of the President, he could appoint whomsoever he pleased, as his agent, and that the resolution did not authorize the inquiry. In this, sir, I think the committee are mistaken. Permit me, Mr. Speaker, to call your attention to the last clause of the resolution, to wit: "and what disposition has been made of the money placed in the hands of the late Superintendent of the City, for disbursement." I know that it was the intention of the mover to inquire into this expenditure, and I believe the resolution warrants it.

Before I advert to a settled account between Mr. Lane's executors and the agent of the President, I will use the language of Mr. Vinson's deposition now before me, "that it was generally understood that Lane was insolvent at the time he entered the army, and that he was not considered a man of property at the time he commenced on the duties of his office as Commissioner;" and this statement is corroborated by the amount of the assets which came to the hands of his representatives.

The first item of the settled account between Colonel Lane and Mr. Monroe is a charge by Mr. Monroe against Lane.

To amount of furniture sold to the United States, and carried to his credit with the United States - - - - - \$9,071 21

On the opposite side is a credit—
By cash for furniture - - - - - 10,000 00

I am unable, sir, to account for this difference in amount.

The second item of the charge is—

Amount of ditto, bought by Mr. Lee, paid for by Mr. M., and credited to S. Lane, with United States \$9,659 66.

The third item, which appears to relate to the furniture, is, a balance of \$33,000, public money,

appropriated for furniture, not accounted for by S. Lane, and for which Mr. M. is responsible, \$1,556 15.

Amount paid to Mr. M. for articles for the President's House, and for which the vouchers were delivered to S. Lane, \$778 21.

Error in the sum allowed for Geater, \$36, paid for mattresses, being for the house.

Amount of check on the Bank of Columbia, for the amount in the hands of Mr. Whann, \$6,000. Check on the Bank of Columbia, \$1,500.

The other items of charge, I am not prepared to explain; but the whole amount of charge is \$29,950 96; against this sum, is the \$10,000 before spoken of, as a credit, with sundry other items for cash paid to individuals, for Mr. Monroe, by Lane, some of which, sir, I shall notice.

Cash paid Mr. Yard, \$2,000.

I have no document to show for what articles this sum was paid, but the committee was informed by one of its members, the gentleman from Virginia, that the President's carriage constituted a part.

It appears, from this account, that the sum of \$2,785 49, was paid by Mr. Lane, to Russell & La Farge, and for which Mr. Monroe has entered a credit. The account of those individuals I hold in my hand, which Mr. Monroe, on the 4th of May, 1818, endorsed as just, and approved by him. The letter accompanying the account, after the usual compliments, states:

"We have the honor to enclose, herewith, duplicate bills of lading, of which one is sent by us to the collector of the customs at Alexandria, for forty-one packages, amounting, as per invoice enclosed, to francs 83,026 30. Bill of lading for five cases paper hangings, amounting, as per invoice, to francs 6,185 55. Bill of lading for thirty-nine cases, containing 1,200 bottles Champagne and Burgundy wine, as per invoice, francs 5,962 47; and bill of lading for seven cases, of which six are for Mrs. Monroe, amounting to francs 9,056 30, and one for Mrs. Decatur, amounting to francs 803—for which we have debited the account of your Excellency, by virtue of the letters of credit of your Excellency and of Colonel Lane."

The account of Russell & Lafarge also shows the application of \$12,000, which has been remitted to Europe, and the net proceeds of which they had received. The residue of their account, I understand, was paid by Mr. Lane, for which, I presume, the above credit in the settled account, constitutes a part.

The next item that I shall notice, is the sum of \$266, paid to Mrs. Elzey, a milliner, in this city, as I am informed; of the particular items, I have never inquired. The sum of \$96 62½, paid Mr. Mauro, and credited, appears, from his statement before me, to be for brandy, wine, spirits, lemons, demijohns, tea, porter, and mustard, delivered by orders of Colonel Lane, for the use of the President's House. The sum of \$28, paid Mr. Graeff, and also credited in the account, appears from his statement to be for two cases of claret. The next item of \$124 25, paid to Thomas Coote & Co., is by his statement, for beer, delivered to Mr. Monroe, and paid for by Colonel Lane. As to the

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other items of credit, I have no statement to show for what the sums were expended; but the amount of credits given in the account, is \$36,466 51½, leaving a balance due S. Lane of \$6,515 55½; and immediately below the balance thus stated, is the following entry: "Tom's expenses and a cart to Albemarle, in 1817, \$60," which, if added to the above balance, would make \$6,575 55½.

Sir, I have founded these observations on documents now on my table. If I have erred I regret it—they are made from a sense of duty which I owe to my constituents—and I have no unfriendly feelings to gratify. The furniture of the President was valued, before delivery to the Government; but as he had authority to direct the disbursement of the money, it seems to me that it was making a contract with himself. The settlement of which I have been speaking, was made in June, 1822; on the 18th November following, as well as I recollect, \$2,000 was paid into the Treasury and credited to Colonel Lane: 1st. To balance the furniture account, for which Mr. Monroe seems to have held himself responsible, and the residue to his credit as Commissioner of the Public Buildings. On the 2d January following, one other \$2,000, was paid and credited to Lane's account.

If, sir, I am not mistaken in the views I have taken, an inquiry ought to be had. To this end I move you to recommit the report, with instructions to inquire—

"In what manner the money arising from the sale of city lots has been expended: in what manner the money appropriated by Congress to complete a repair of the public buildings has been disbursed; and how the money appropriated to purchase furniture for the President's House has been disbursed; by whom, and to whom paid, and for what."

Mr. BAYLIES, of Massachusetts, spoke in reply, and explained and defended the report of the committee, stating the reasons why the report did not go into farther statements.

Mr. BRENT, of Louisiana, (who made the report from the committee,) replied to the observations of Mr. COCKE nearly as follows: He said it had been stated by the honorable gentlemen that he opposed this report, to have impartial justice done, and that he was actuated by a consideration for the public interest. Mr. B. then observed that he meant not to arraign the motives of the gentleman, but he could assure the House that the members composing that committee were as true friends to their country and to impartial justice, as the honorable member who had stated it. [Here Mr. COCKE interrupted Mr. B., and declared he meant no insinuation against the committee, and that he believed their conduct flowed from the best of motives.] Mr. B. continued. I receive the explanation for myself and for the committee, but the statement made of the facts has not been given with the candor the gentleman ought to have observed. He has made a statement of accounts between the President of the United States and Lafarge Russell & Co., of France, Samuel Lane, of this city, and others, of their private transactions, and has stated them as if these accounts had been contracted for the pub-

lic, and paid out of the public money, when he knows full well that such are not the facts. He has thrown out insinuations against the Chief Magistrate of the nation, calculated to tarnish the honest reputation of that patriot, which he has earned in the faithful service of our country. As a member of the committee, Mr. B. observed, he was acquainted with those facts, and would state them to the House, and he vouched for their correctness. Mr. Monroe took the Presidential Chair after the war, after the President's House had been reduced to ashes, with its furniture in it, and Congress, as usual, made an appropriation to purchase new furniture. The President wrote to Lafarge, Russell & Co., of France, to send, for the use of the President's House, certain descriptions of furniture, and also to send several articles for his own private use and that of his family. These merchants, in making out their account, blended the public and private account of the President together, and made out one account, which was forwarded to the President, with a draft for the money. This draft arrived when Mr. Monroe was absent in the discharge of an important and useful duty to his country. Mr. Lane, who was the Commissioner of the Public Buildings, and the proper person to pay the charge for the furniture to the President's House, paid for it, and, the President being absent, as his friend, he also paid for the articles for the private use of the President, not out of the public money, but out of his own money, and charged Mr. Monroe with it upon his private account. A subsequent settlement took place, in which Mr. Monroe paid this sum to Mr. Lane, as a private debt; all the other cases named by the gentleman from Tennessee, are of the precise, same nature; all of them private transactions between Mr. Monroe and Mr. Lane. Several years after these accounts were settled, Mr. Lane died, and it appears that his estate is in arrears to the United States. It is now contended that because Lane received public money, that, therefore, the money he paid for Mr. Monroe on his private account, must be presumed to have been paid with the public money, and that Mr. Monroe knew it, and must pay back the money to the United States, although he has fairly and honestly accounted for it to Mr. Lane. Who ever heard of such an unjust, illiberal, and unjustifiable attack?

As regards the charge about the furniture of the President taken for the United States by the Commissioner of the Public Buildings, the proceedings in that case can show the accusation of *indecenty*, *indelicacy*, made by the gentleman, to be incorrect. There was no furniture when Mr. Monroe went into the President's House, fit for its use. Mr. Lane proposed to purchase some valuable furniture that had been sent from France to Mr. Monroe. Mr. Monroe agreed to let the United States have it on condition that he might re-take it when he went out of office, upon repaying the money he received for it. To this effect a written agreement was made, and is on file. The furniture was then valued by two highly respectable gentlemen, (General Van Ness, of the

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city, and General Mason, of Georgetown,) assisted by two mechanics, judges of its quality, and, after estimation made, it will be seen, by Mr. Lane's letter, that the President sold it for twenty-five per cent. less than similar furniture could be purchased for. All these facts were shown in the committee, and why did not the gentleman, (Mr. COCKE,) if he is actuated by no other motive than impartial justice, state them to the House? Mr. B. then observed that there was something wrong in this business. He would not indulge in observations which this attack might justify. The object of it occupied too elevated a stand, was too well known to his country, and had served her too faithfully in every situation to which he had been called, to be reached by any ungenerous allusions, whether made in the discharge of a public duty, or to gratify other views. From this statement, the House will perceive, Mr. B. continued, that the committee acted correctly in not interfering with the private concerns between Mr. Lane and the President. He then showed that the subjects submitted to the Committee had been properly considered, and that the report was as full as it could be made.

Mr. B. concluded by deprecating a false impression produced by the observations of the gentleman from Tennessee, injurious to the President, whose conduct he indicated as not only pure and honest, but as honorable, in a high degree; and expressed his hope that the motion of the gentleman, (Mr. COCKE,) would be rejected, and the report of the committee approved, and, by its approval, an expression might be given to the conduct of the President. He wished it so to be considered.

Mr. MERCER, of Virginia, followed Mr. B., and expressed his unfeigned regret at the course pursued by the gentleman from Tennessee. He alluded to the personal intimacy he had enjoyed and esteem he had felt for Mr. Monroe from his boyhood; uttered his scorn at the style of insinuation in which a private account had been examined on this floor, which was wholly of a private character, and which it would degrade the House to meddle with. He went into a detailed statement of the conduct of the President in relation to the expenditures for his family use and for the furniture of the President's house, and closed with moving that the amendment proposed by Mr. COCKE, lie on the table. But this motion he withdrew, to give an opportunity for reply.

Mr. COCKE rose in reply, and explained some of the observations he had before made—went into a further examination of the account of the late Colonel Lane, and of his transactions with the President, and persisted in maintaining that the report ought to have gone farther than it did, in the investigation of these particulars.

Mr. A. STEVENSON, of Virginia, said, that it was due neither to the character of the distinguished individual concerned, nor to the duty and dignity of the House, to reply to the observations just made. He observed that, when the Chief Magistrate now in office should retire, he would retire poor, and that no man would have it in his

power to detect the public money in his hand, and that it would be found that that officer had acted in the affair adverted to, and all others of a pecuniary nature, not only with purity, but with liberality.

Mr. KREMER, of Pennsylvania, expressed his hope that the motion to lay the resolution on the table would never be renewed: that the investigation should be made and fairly met, and the opinion of the House expressed by yeas and nays, that it might be seen who they were who had assailed a man grown gray with honor in his country's service.

Mr. MERCER rose to explain why he should not renew the motion he had made, to lay the subject on the table. He stated what had been done in the select committee, and urged the unreasonableness and impracticability of endeavoring to obtain, in the few remaining days of the session, information which nine weeks had been insufficient time to procure. He concurred with his colleague, in the opinion that the President, instead of having appropriated improperly any part of the public money, was, and would be found, a creditor, rather than a debtor of the nation. He gave a testimony to the purity and honor of Mr. Monroe's private character, and expressed a hope that, by yeas and nays, the House would mark its sentiments of what had passed in relation to this subject.

The yeas and nays were ordered.

Mr. ROSS expressed a determination to vote for the recommitment. He entertained the highest respect for the Chief Magistrate, but thought, on the principles of a republican government, that officer, as well as any other, should be held to a strict account for public moneys intrusted to his hands. He should not feel any greater delicacy from the fact of his being a Virginian, (which had been alluded to by Mr. STEVENSON,) than if he was from Ohio, or Michigan, &c., and he thought the investigation was due to the President himself.

Mr. STEVENSON explained. In alluding to Mr. Monroe's being a Virginian, he only meant to state one of the reasons why he felt it his duty to vindicate his good name.

Mr. BUCHANAN, of Pennsylvania, expressed his surprise at the course of the debate. The evidence on which the grovelling and unworthy charge of peculation was now attempted to be brought against the first officer of the Republic had been in the possession of a committee of this House ever since last Winter. He expressed a high sentiment of respect for the character of Mr. Monroe, and thought that he was the very last person against whom the charge of an avaricious love of money, and base collusion with a subordinate officer, would ever be brought, or could ever be substantiated. He trusted this House, at this late period, would not enter into another investigation, probably of groundless charges.

Mr. COCKE then rose, and stated that since there seemed much objection to the motion, in point of time, he would consent to withdraw it till the next session.

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The question then recurring on concurring with the committee in the resolution reported by them—

Mr. HAMILTON, of South Carolina, rose, and wished distinctly to understand whether or not the gentleman from Tennessee meant to charge the Chief Magistrate of the Union with an embezzlement of the public money. If he did, it was proper that that gentleman should remember, that it was due to this House and to this nation that an accuser, bringing such a charge, should be himself without suspicion. That gentleman could appreciate the effect of injurious charges on the reputation of persons holding distinguished stations, having been himself the subject of them—

[Here Mr. LITTLE called the gentleman to order.]

The Chair pronounced him to be not out of order.

Mr. HAMILTON proceeded, and observed that, in certain public prints of this city, the gentleman from Tennessee had been openly charged with fraudulent conduct—

[Here Mr. SPEAKER pronounced Mr. HAMILTON to be out of order.]

Mr. POINSETT, of South Carolina, rose to corroborate the statements made by the gentlemen from Virginia, and was proceeding to say that he had seen an explanation of these transactions the most satisfactory and honorable to the President, when

Mr. SPEAKER asked him to give way to allow Mr. H. to proceed.

Mr. HAMILTON then resumed, and expressed his reprobation of the course pursued in introducing a charge of this magnitude and complexion at such a period of the session, and his confidence in the unblemished purity of the character now attempted to be destroyed.

Mr. BRENT stated that the delay in bringing forward the report of the committee was to be attributed to the chairman alone, (Mr. COCKE,) and stated certain facts in relation to the course of the committee's proceedings.

Mr. COCKE rose in reply, and denied that he had ever been absent from the committee's meetings. His sole object was to have a full and fair investigation, &c. With respect to himself, he admitted that insinuations had been brought forward against him in a certain print, and at a proper time he meant to notice them, and to explain the facts to which they had reference. He declared his determination to persevere in doing his duty to the people in this House, whatever feeling it might excite in the minds of some gentlemen towards him.

Mr. WOOD, of New York, then rose and observed, that, having been three years since on a committee to whom these accounts had been submitted, he felt it to be his duty to testify to the vigilance, integrity, and perseverance in his duty of the honorable gentleman from Tennessee—whom he commended for probing radically every rotten part of the public expenditure. He thought that gentleman had, on the present occasion, done

himself immortal honor, by breasting the storm in this House.

Mr. VINTON, of Ohio, asked an explanation of Mr. COCKE, which he gave; when,

Mr. BARTLETT, of New Hampshire, moved to lay the report of the committee on the table.

The question being taken, it was decided in the negative—ayes 77, noes 89.

The resolution having been again read—

Mr. FORSYTH, of Georgia, rose and said, that, approving the resolution, he should vote for it, but he protested against any conclusion being drawn from that vote as to the matter which had been discussed that morning. In making this protestation, he did not intend to sanction the statements or opinions of the gentleman from Tennessee, (Mr. COCKE.) All he meant was, that he gave no vote upon a question which had not been examined.

The SPEAKER suggested the propriety of dispensing with the yeas and nays on this resolution; there seemed to be no opposition to it; but, Mr. MERCER, who had moved for their being taken, continuing to insist upon them, they were ordered accordingly.

Mr. COBB and Mr. WILLIAMS, of North Carolina, made in substance a similar protest to that of Mr. FORSYTH.

When the question on concurring with the select committee, in the resolution reported by them to the House, was decided by yeas, unanimously, in the affirmative—yeas 183, nays none.

So the resolve was agreed to.

FRIDAY, May 14.

Mr. RANKIN, from the Committee on the Public Lands, to whom a petition was referred on the 22d of March, upon the subject, reported a bill granting to the Corporation of Tuscaloosa, certain lots, and privileges over the reservations and commons, in said town; which was read twice, and committed to a Committee of the Whole.

Mr. NEWTON, from the Committee on Commerce, to whom the subject had been referred, reported a bill for the relief of James Lenox, William Maitland, G. B. Abeel, Gulian Ludlow, and Hector Scott; which was read twice, and committed to a Committee of the Whole.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, covering a report, and statement of balances due by receivers of public money, on account of sales of public lands, against whom suits have been instituted; which communication was read, and laid upon the table.

On motion of Mr. ALLEN, of Massachusetts, it was

Resolved, That, from and after the commencement of the present session of Congress, there be allowed to the Postmaster of this House four dollars per day, during the sessions; and that the Committee of Accounts be authorized to make him such further allowance for services rendered, as such Postmaster, during the recess of Congress,

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as they shall think reasonable and just; and that the same be paid out of the contingent fund of the House.

Engrossed bills of the following titles, viz:

An act to revive and extend the term of certain pensions, which have expired by limitation;

An act to authorize the issuing of letters patent to Nathaniel Sylvester;

An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas, to institute proceedings to try the validity of their claims;

An act providing for the disposition of three several tracts of land in Tuscarawas county, in the State of Ohio, and for other purposes; were respectively read the third time, and passed.

On motion of Mr. WEBSTER, the House went into Committee of the Whole, on the bill further to amend the judiciary system of the United States. The bill was amended by substituting the third Monday of January for the first Monday of January, as the day of commencing the Winter term of the Supreme Court, (the court at present meets on the first Monday of February.)

Mr. W., despairing of getting through a discussion of the whole provisions of the bill, moved to strike out all after the first section; but, at the suggestion of Mr. BRENT, moved that the Committee rise, (with the understanding that a separate bill be reported to cover the object in the first section of this bill;) the Committee then rose, and had leave to sit again.

Mr. LIVINGSTON moved to postpone the orders of the day to take up the bill for employing Mr. Peale to paint an equestrian statue of WASHINGTON. The motion was lost.

A similar motion in favor of some other bills was also lost; when, on motion of Mr. McLANE, the House went into Committee of the Whole, on the bill to revive and continue in force the first, second, third, fourth, and fifth sections of the act further to provide for collecting duties on imports and tonnage; which was slightly amended, and ordered to a third reading.

On motion of Mr. NEWTON, the House went into Committee of the Whole, on the bill "to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes." Several amendments were proposed and agreed to. Some discussion arose on the location of a lighthouse on the south shore of Lake Erie, for which two different positions were proposed—the Committee preferring the mouth of Grand river, and Mr. WHART offering a resolution in favor of a point between Erie and Sandusky bay. Mr. WHITTLESEY having explained the facts, the amendment was rejected, and the bill reported to the House.

Mr. BEECHER moved to lay the bill and amendment on the table. The motion was lost. The House concurred in the amendment, when the further consideration of the bill was postponed to to-morrow.

The Committee of the whole House to which have been committed, respectively, the bill granting donations of land to certain actual settlers in

the Territory of Florida; and the bill providing for a grant of land for the seat of government in the Territory of Florida, and for other purposes, were discharged from the consideration of the said bills.

OCCUPYING CLAIMANT LAWS.

The resolutions some time since offered by Mr. LETCHER (in relation to decisions by the Supreme Court of the United States) were taken up—ayes 80, noes 48.

The House accordingly went into Committee of the Whole on the state of the Union on those resolutions, which are as follow:

"*Resolved*, That provision ought to be made by law, requiring, in any cause decided in the Supreme Court, in which shall be drawn in question the validity of any part of the constitution of a State, or of any act passed by the Legislature of a State, that — justices shall concur in pronouncing such part of the said constitution or act to be invalid; and that without the concurrence of that number of said justices the part of the constitution or act of the Legislature (as the case may be) so drawn in question shall not be deemed or holden invalid.

"*Resolved*, That the justices aforesaid, in pronouncing their judgment in any such cause, as aforesaid, ought to be required by law to give their opinions, with their respective reasons therefor, separately and distinctly, if the judgment of the court be against the validity of the part of the constitution or act drawn in question, as aforesaid.

"*Resolved*, That the Committee on the Judiciary be instructed to report a bill, in conformity to the preceding resolutions."

Mr. WEBSTER moved to amend the first resolution by striking out all after the word *Resolved*, and inserting—

"That provision ought to be made by law that in all suits now pending, or which may hereafter be pending, in the Supreme Court of the United States, where is drawn in question the validity of any treaty or statute of the United States, or where is drawn in question the validity of any statute of a State, or the constitution thereof, or of any authority exercised under any State, on the ground of repugnancy to the constitution, treaties, or laws, of the United States,—no judgment shall be pronounced or rendered until a majority of all the justices of said court, legally competent to sit in the cause, shall concur in the opinion either in favor of or against the validity thereof; and, until such concurrence, such suit shall be continued under advisement: *Provided, however*, That said court should not, by such provision, be prevented from rendering judgment in any such suit, when it should be of opinion that the final adjudication of the merits thereof did not require the decision of such continuance or legal question as aforesaid."

The CHAIR decided this amendment to be out of order, as there was another amendment pending.

Mr. FORSYTH, who had offered this amendment, withdrew it, to allow discussion on that presented by the gentleman from Massachusetts.

Mr. CLAY spoke in opposition to the amendment, and in defence of the resolution as offered by Mr. LETCHER. He objected to that part of the

amendment which prescribes that a majority of the judges, "competent" to decide, shall be required—there being no umpire to decide upon their competency; and if two declined, a majority will be only three judges. He thought that when four judges should be found on one side and three on the other, the united decisions of the State Legislature and State Judiciary, together with the three Supreme Court judges, would outweigh the judgment of the remaining four. He insisted on the equity and policy of requiring five judges to concur when the whole authority of one or of many States was to be set aside. He adduced the case of the bankrupt laws, passed by a majority of all the States, as an illustration of the position. He thought that no danger could arise from such an arrangement to the interest of the General Government. It would soothe the States whose laws were set aside, and conciliate the confidence of all parties concerned.

Mr. P. P. BARBOUR met the objection made to the resolution of Mr. LETCHER, that, if it prevailed, a minority might control a majority, by refusing to concur in their decision. This, he said, was no more, but much less, than happened every day in the case of an ordinary jury, where one man's refusal controlled the decision of eleven men.

Mr. WEBSTER spoke in reply, and stated a difference in these two cases, since, in the one, a minority did virtually give a decision, (because the court must decide, one way or the other,) whereas, in the other, the refusal prevented a verdict, and no decision was given on either side. He went into the general principles on which the Supreme Court was erected, by the Constitution, as a safeguard to the General Government against the State Governments, when disposed to violate the Constitution. He maintained that no greater number should be required when a State was a party, than when an individual, claiming under a State law, was a party—because the authority of the State was involved in its laws. He stated the improbability that all the seven judges should, in each case, attend; and, if one judge should be involved in the question, five only would be left. If this resolution passed, not even four out of these five, could decide. He referred to the late case of the steamboat monopoly. In that case one judge was absent, and if it had happened, as it might, that another was indisposed, or interested in the question, so as to leave a court of five judges only, four out of the five would not have been competent to pronounce a decision, if the provision of Mr. LETCHER's resolution had been law. It was a fair presumption, that State judges would lean toward the authority of their own State. A mere majority of those judges could decide against the United States, but now, more than a majority was to be required to decide against a State. This was unequal. The very case of the bankrupt laws, quoted by gentlemen, furnished a strong instance. He protested against a greater number being required to decide a cause one way than the other. He passed a eulogy on the Supreme Court as a tribunal. Its whole weight with the community rested on the strength of the reasons it brought for

its decisions. He adverted to the encomium pronounced on a great judge in New York, (Chancellor Kent,) and subscribed to it with the most entire assent, and he quoted from an introductory lecture lately delivered by that jurist a very decided testimony to the distinguished character of the Supreme Court.

Mr. CLAY replied—and while he subscribed to a very high opinion of the Supreme Court, he could not acknowledge that the moment a man was appointed a member of that court, he became exalted above his whole species in intellect and virtue. He spoke of their power practically to make the Constitution, by giving, authoritatively, their interpretation of it. He warned the country of the consolidating influence of this power, and maintained the necessity of guarding the State tribunals. The Supreme Court was virtually an umpire between the General Government and the States—its appointment was by one of these two parties, and its bias might be expected to be towards that party on which every member of the tribunal was dependent.

On the subject of the attendance of judges, he had attended sixteen or seventeen terms, and had never witnessed more than two, at the most three, where a full court was not present. In the steamboat case, he asked whether, had four Supreme Court judges decided against three, the opinion of the Supreme Court of New York; of Judge Kent, (than whom there was not more, at the utmost, than one greater jurist on the bench of the Supreme Court,) and of the Court of Errors of that State, added to the opinion of three judges of the Supreme Court, ought not to outweigh the opinions of four Supreme Court judges?

In reference to the argument respecting a jury, he observed, that the want of a verdict, when all did not agree, was not owing to the mere declaration of law, but to the reason of the case, on which the law was founded. He viewed the amendment of the gentleman from Massachusetts as worse than nothing in the case, and he concluded by expressing an earnest hope that it would not be adopted.

The debate was farther continued by Mr. BUCKNER, who spoke in opposition to the amendment; when, on motion of Mr. METCALFE, the Committee rose and had leave to sit again.

THE TARIFF BILL.

The Committee of Manufactures reported the bill from the Senate, "to amend the several acts laying duties on imports," recommending the concurrence of the House in the amendments made to it by the Senate, with certain exceptions. The bill and amendments were referred to a Committee of the Whole on the state of the Union.

Mr. FORSYTH moved to print the committee's report. The motion was opposed by Messrs. TON and TAYLOR; when it was superseded by a motion to go into Committee of the Whole upon the bill.

The yeas and nays being required on this question, it was decided in the affirmative—yeas 110, nays 72, as follows:

YEAS—Messrs. Adams, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassedy, Clark, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Farrelly, Findlay, Foot of Connecticut, Foote of New York, Forward, Garrison, Harris, Harvey, Hayward, Hemphill, Henry, Herkimer, Hogeboom, Ingham, Isacks, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kent, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Rose, Ross, Saunders, Sandford, Sharpe, Sloane, William Smith, Spence, Standefer, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, Williams of New York, James Wilson, Wilson of Ohio, Wood, Woods, and Wright—110.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, P. P. Barbour, J. S. Barbour, Bartlett, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Forsyth, Frost, Gatlin, Gist, Govan, Hall, Hamilton, Hayden, Herrick, Hobart, Hooks, Lee, Lincoln, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, Mangum, Mercer, Neale, Nelson, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Scott, Sibley, Arthur Smith, Alexander Smyth, Spaight, A. Stevenson, J. Stephenson, Taliaferro, Tattnall, Thompson of Georgia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—72.

The House, accordingly, went into Committee of the Whole on the state of the Union, Mr. TAYLOR in the Chair.

The amendments of the Senate to the bill were about to be read by the Clerk, when an inquiry was made whether those amendments could be present, when they had been ordered to be printed? On this subject a desultory conversation arose, in which much excitement was evinced. Messrs. CUTHBERT, WEBSTER, A. STEVENSON, CAMBRELENG, METCALFE, McDUFFIE, CLAY, TOD, and HAMILTON, took part in this conversation. When the amendments of the Senate were all read—

Mr. CAMPBELL, of Ohio, thinking it due to the House that it should have the amendments before it in a printed form, and having ascertained that this could be effected by to-morrow morning, moved that the Committee rise.

The motion was carried—ayes 97, noes 91.

Mr. CAMPBELL moved for printing the bill and amendments; on which a desultory debate took place between Messrs. CAMPBELL, FOOT of Connecticut, MCARTHUR, RANKIN, WRIGHT, HAMILTON, TAYLOR, and CLARKE; and it was finally ordered.

SATURDAY, May 15.

Mr. HARVEY, from the Committee on Naval Affairs, to which was referred the bill from the Senate, entitled "An act in addition to an act establishing naval hospitals," reported the same with an amendment, and the bill was committed to a Committee of the Whole.

Mr. VINTON, from the Committee on the Public Lands, to which was referred a memorial of the General Assembly of the State of Ohio, upon the subject of the lands set apart for the purposes of public schools, made a report thereon, accompanied by a bill to authorize the Legislature of said State to sell and convey certain tracts of land, granted to said State for the use thereof; which bill was read twice, and committed to a Committee of the Whole.

On motion of Mr. A. STEVENSON,

Resolved, That the Clerk of this House be directed to cause to be prepared a general index to the latest edition of the laws of the United States, from the commencement of the present form of Government, as well as the treaties with foreign nations and the Indian tribes; in which shall be specified the year in which each law or treaty was passed or concluded, as well as the volume, and page of the volume, in which it will be found; and to cause the said index to be printed, and a copy thereof, in a bound form, to be delivered to each member of Congress, at the next session.

Ordered, That the third reading of the bill to revive and continue in force, the first, second, third, fourth, fifth, and seventh sections of the act, entitled "An act further to provide for the collection of duties on imports and tonnage," passed the 3d of March, 1815, be postponed until Monday next.

A message from the Senate informed the House that they have passed a bill, entitled: An act for the relief of the representatives of Samuel Mims, deceased, with an amendment; in which the Senate ask the concurrence of this House. The Senate have also passed bills of the following titles, viz: An act for the relief of John H. Howland, of New York; an act to permit Anna Dubord to bring certain slaves into the State of Louisiana; an act for the relief of the representatives of John Donnelson, Stephen Hurd, and others; an act authorizing an examination and survey of the harbor of Charleston, in South Carolina; of Saint Mary's, in Georgia; and of the coast of Florida, and for other purposes; in which four bills last mentioned, they ask the concurrence of this House.

THE TARIFF BILL.

On motion of Mr. TAYLOR, the House went into Committee of the Whole on the state of the Union, and took into consideration the bill for amending the several acts laying duties on imports, with the Senate's amendments thereto.

The first amendment having been read, as follows:

"First. On Russia, Hollands, and Ravens duck, osenburs, burlaps, and ticklenburs, a duty of fifteen per centum ad valorem."

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Mr. TOD moved to strike out "Russia, Holland, and Ravens," and insert "sail," so as to read "on sail duck."

This amendment was advocated by Mr. McKIM, and agreed to.

The second amendment having been read, as follows:

"Except worsted-stuff goods and blankets, which shall pay twenty-five per centum ad valorem."

It was agreed to.

The third amendment having been read, viz:

To strike out, "until the thirteenth June, one thousand eight hundred and twenty-six, and after that time a duty of thirty-seven and a half per centum ad valorem;" and insert, "Provided, That, on all manufactures of wool, or of which wool shall be a component part, the actual value of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem."

Mr. TOD opposed this amendment, as holding out a strong temptation to the importer to undervalue his goods, (an evil already complained of.)

Mr. WEBSTER proposed to amend this proviso, by making a distinction in the goods to which it applies between those made in this country and others—and he moved the following amendments:

First. To strike out the words, "or of which wool shall be a component part."

Second. To insert, after the word, "except baizes and flannels," so as to make it read, "Provided, That, on all manufactures of wool, except baizes and flannels, the actual value of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem."

Mr. INGHAM, although preferring this proposition to the Senate's amendment, objected to it as operating against an important manufacture now much and increasingly used in this country for negro cloths, and which was made of woollen and cottons.

The question being taken, the amendment was adopted.

The question then recurring on the proviso, as thus amended, a desultory debate arose between Messrs. INGHAM, MARVIN, CAMBRELENG, POINSETT, MALLARY, WRIGHT, McDUFFIE, TOD, A. STEVENSON, COBB, SHARPE, WARFIELD, FORSYTH, MERCER, HAMILTON, and WEBSTER, in relation to the fact of the use of this kind of mixed goods for negro cloths, their relative quality, cheapness, and warmth—in comparison to cloths made wholly of wool—the probability of fraud in the invoices—the exclusive operation of the tax on the Southern States—the effect upon the health of the slaves, &c.

The question being taken on the proviso, as amended, it was rejected—ayes 83, noes 85.

So the Committee refused to insert the Senate's proviso to the first section of the bill.

The fourth amendment, which is to strike out the word "silk" from those on which 25 per cent.

ad valorem is charged—and the insertion of the following words: "and on all manufactures of silk, or of which silk shall be a component material, coming from beyond the Cape of Good Hope, a duty of 25 per centum ad valorem, on all other manufactures of silk, or of which silk shall be a component material, 25 per centum ad valorem" also,

The fifth amendment, which is to decrease the minimum on cotton goods from 35 to 30 cents per square yard; also,

The sixth amendment, which is to strike out only so much of the prospective duty on wool as increases that duty by an annual addition of 5 per cent. from 30 per cent. until it shall reach 50 per cent.; also,

The eighth amendment, which strikes out the duty on "Venetian" carpeting; were respectively agreed to.

The ninth amendment, which is to strike out "two cents per pound," as the duty on hemp, and substitute "thirty-five dollars per ton," having been read—

Mr. TOD moved to insert before the words "thirty-five dollars," the words "at the rate of," which was agreed to.

The tenth amendment, which is to strike out the words "On flax three cents per pound," was agreed to.

The eleventh amendment, is to strike out the following clause: "On cotton bagging, four and a half cents per square yard, until the 30th day of June, 1825; and, afterwards, a duty of five and a half cents per square yard."

Mr. CLAY requested a division of the question. It was divided accordingly; and, the question first being on agreeing to strike out the first clause, viz: "On cotton bagging, four and a half cents per square yard," it was negatived—ayes 76, noes 99.

So the Committee refused to concur with the Senate's amendment to the first part of this clause.

The question then being put on striking out the remainder, it was agreed to without opposition.

The twelfth amendment, which is to change the specific duties on cutting knives, scythes, sickles, reaping hooks, spades, and shovels of iron or steel, to an ad valorem duty of 30 per cent.;

The thirteenth amendment, which changes the specific duty on iron screws, and on screws of iron for wood, called wood screws, to 30 per centum ad valorem;

The fourteenth amendment, which is to strike out the duty on frying-pans;

The fifteenth, changing the specific duty on vessels of copper, to an ad valorem duty of 35 per cent.;

The sixteenth, which changes the specific duty on quills, to an ad valorem duty of 25 per cent.;

The seventeenth, which changes the specific duty on slates and tiles for building, to an ad valorem duty of 25 per cent.;

The eighteenth, which changes the specific duty on black lead pencils, to an ad valorem duty of 40 per cent.;

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The nineteenth, which strikes out the duty on tallow;

The twentieth, which inserts a duty on oats, of ten cents per bushel;

The twenty-first, which inserts a duty on prunelle and other shoes or slippers of stuff or nankeen, 25 cents per pair, and on laced boots or booties, one dollar fifty cents per pair;

The twenty-second, which strikes out the duty on pepper, pimento, cassia, cocoa;

The twenty-third, which inserts a duty on ginger of two cents per pound;

The twenty-fourth, which strikes out the duty on filberts, pine apples, oranges, lemons, and limes;

The twenty-fifth, which inserts the "highest rate of duties" in place of the word "same," on all window glass, imported in plates, uncut;

The twenty-sixth, which strikes out the duty on glass beads;

The twenty-seventh, which inserts in the clause laying a duty on books the following: "except books printed in Latin or Greek; on all books printed in Latin or Greek, when bound, fifteen cents per pound; when not bound, thirteen cents per pound;"

The twenty-eighth, and twenty-ninth, which reduce the duty on other books, when bound, from 37 to 30 cents per pound; and, when in sheets or boards, from 33 to 26 cents per pound;

The thirtieth, which changes 12½ per cent. ad valorem to 7½ per cent. ad valorem, as the rate now paid, on which an additional duty of 12½ per cent. is to be laid, and adding certain words, so as to make the whole clause read: "A duty of 12½ per centum ad valorem on all articles not herein specified, and now paying a duty of 'seven' and a half per centum ad valorem; with the exception of patent adhesive felt, for covering ships' bottoms, which shall be admitted free of duty, until June 30th, 1826;"

And the thirty-first, which strikes out the duty on all foreign distilled spirits; were respectively agreed to.

The thirty-second amendment, which is to strike out the 4th section of the bill being read—

Mr. WEBSTER moved to concur in so much of the Senate's amendment as strikes out the allowance of drawback "on nankeens," and the words "imported in American vessels from beyond the Cape of Good Hope." Agreed to.

The question then recurring on agreeing to strike out the residue of the 4th section—

Messrs. CLAY, TOMLINSON, and RICH. advocated striking out the whole section, not on its principle, but as objecting to a disagreement with the Senate on a matter of this kind—and, also, apprehending frauds on the revenue. Messrs. POINSETT, LIVINGSTON, MERCER, and CAMBRELENG, opposed the striking out.

The question on striking out the residue of the section, was decided in the negative—ayes 74, noes 79.

So the section, as amended, was retained.

The thirty-third amendment, which is to strike out the fifth section of the bill was agreed to without objection.

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The Committee then rose, and reported the bill to the House. The question was taken on the several amendments, as reported by the Committee of the Whole, and agreed to, with the following exception:

On agreeing to the proviso, in the first section, in relation to woollens under 33½ cents, excepting baizes and flannels, the question was taken, and decided in the affirmative—ayes 97, noes 96, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, P. P. Barbour, Bartlett, Blair, Breck, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Foote of New York, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayden, Hayward, Herrick, Hobart, Houston, Isaacs, Kent, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Mercer, Mitchell of Maryland, Moore of Alabama, Morgan, Neale, Nelson, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Reynolds, Richards, Rives, Rose, Saunders, Sanford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Thompson of Kentucky, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Adams, Alexander of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassidy, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Harris, Harvey, Hemphill, Henry, Herkimer, Hogeboom, Ingham, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McLane of Delaware, McLean of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Moore of Kentucky, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Rich, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Wood, Woods, and Wright.

The SPEAKER voting in the negative, produced an equality of votes, which amounted to a rejection of the motion. So the House refused to concur with the amendment of the Senate, which inserts the proviso.

After the vote agreeing to a duty of 4½ cents on cotton bagging had passed the House, Mr. MERCER objected to the term "cotton bagging," as equivocal, and moved to reconsider the vote of concurrence. And the vote being reconsidered, after a prolonged and animated debate, the question on concurring with the Senate, in the first clause of the amendment, which strikes out the

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duty on cotton bagging, was decided in the negative—ayes 82, nays 108, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Archer, P. P. Barbour, J. S. Barbour, Bartlett, Brent, Buck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Foote of Connecticut, Foote of New York, Forsyth, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hobart, Hogeboom, Kent, Leftwich, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mercer, Moore of Alabama, Neale, Nelson, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Rives, Saunders, Sandford, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Warfield, Webster, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Baylies, Barber of Connecticut, Bartley, Beecher, Blair, Bradley, Brown, Buchanan, Buckner, Cady, Campbell of Ohio, Cassedy, Cocke, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Frost, Garrison, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Holcombe, Houston, Ingham, Isacks, Jenkins, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kremer, Lawrence, Letcher, Lincoln, Little, McArthur, McKean, McLane of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rose, Ross, Scott, Sharpe, Sloane, Standefer, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Wilson of Ohio, Wood, Woods, and Wright.

The House then agreed to the said amendment, to wit: to strike out these words "until the 30th June, 1825; and afterwards a duty of 5½ cents per square yard."

Other amendments were then concurred in; and the question arose to concur in that which proposes to strike out the following item, viz:

"On all foreign distilled spirits, fifteen per centum upon the duties now imposed by law, and in addition thereto."

And being put, it passed in the affirmative—yeas 107, nays 84, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Archer, Baylies, Barber of Connecticut, P. P. Barbour, Bartlett, Bradley, Buck, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cassedy, Collins, Crafts, Craig, Crowninshield, Cushman, Cuthbert, Day, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Foote of Connecticut, Foote of New York, Forward, Frost, Garnett, Gatlin, Gist,

Govan, Hall, Hamilton, Harris, Harvey, Hayden, Hayward, Hemphill, Herrick, Hobart, Hogeboom, Holcombe, Hooks, Ingham, Jenkins, Kent, Lawrence, Lincoln, Litchfield, Livermore, Locke, Longfellow, McArthur, McDuffie, McKee, McKim, Mallary, Martindale, Marvin, Matson, Mercer, Moore of Alabama, Morgan, Neale, Nelson, Newton, Owen, Patterson of Ohio, Plumer of New Hampshire, Poinsett, Rankin, Reed, Rich, Rives, Sharpe, Sloane, Spaight, Spence, Sterling, A. Stevenson, J. Stephenson, Stoddard, Strong, Tattall, Taylor, Ten Eyck, Tod, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Tyson, Udree, Vinton, Webster, Whipple, Whittlesey, Williams of North Carolina, Wood, Woods, and Wright.

NAYS—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, J. S. Barbour, Bartley, Beecher, Blair, Brent, Brown, Buchanan, Buckner, Cady, Campbell of Ohio, Cobb, Cocke, Condict, Conner, Cook, Dwinell, Farrelly, Findlay, Forsyth, Garrison, Gurley, Henry, Houston, Isacks, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lee, Leftwich, Letcher, Little, Livingston, Long, McCoy, McKean, McLane of Ohio, Mangum, Markley, Matlack, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Patterson of Pennsylvania, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rose, Ross, Saunders, Sandford, Scott, Arthur Smith, Alexander Smyth, William Smith, Standefer, Stewart, Swan, Test, Thompson of Georgia, Thompson of Kentucky, Tracy, Trimble, Vance of North Carolina, Vance of Ohio, Van Wyck, Warfield, Wayne, Whitman, White, Wickliffe, Williams of New York, Williams of Virginia, James Wilson, Wilson of South Carolina, and Wilson of Ohio.

The residue of the said amendments of the Senate were then agreed to by the House, with an amendment to that which proposes to strike out the fourth section of the bill.

A motion was then made by Mr. MOORE, of Kentucky, that the House do reconsider the vote by which it disagreed to so much of the third amendment of the Senate as proposes to insert a proviso in said bill, subsequently amended in this House, to read as follows:

Provided, That on all manufactures of wool, except baizes and flannels, the actual value of which at the place whence imported shall not exceed 33½ cents per square yard, shall be charged with a duty of 25 per centum ad valorem.

And the question being put to reconsider said vote, it was determined in the negative—yeas 94, nays 100, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Alexander of Tennessee, Allen of Tennessee, Archer, P. P. Barbour, J. S. Barbour, Bartlett, Blair, Brent, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Conner, Crowninshield, Cushman, Cuthbert, Day, Dwinell, Edwards of North Carolina, Foote of New York, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hayward, Herrick, Hooks, Houston, Isacks, Johnson of Virginia, Kent, Kidder, Lee, Leftwich, Lincoln, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, Mangum, Mercer, Moore of Kentucky, Moore of Alabama, Morgan, Neale, Nelson, Newton, Owen, Plu-

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mer of New Hampshire, Poinsett, Rankin, Reed, Rives, Saunders, Sandford, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, Standefer, A. Stevenson, James Stephenson, Taliaferro, Tattall, Thompson of Georgia, Thompson of Kentucky, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

NAYS—Messrs. Adams, Allison, Baylies, Barber of Connecticut, Bartley, Beecher, Bradley, Brown, Buchanan, Buck, Cady, Campbell of Ohio, Cassedy, Collins, Condict, Cook, Crafts, Craig, Durfee, Dwight, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Ingham, Jenkins, Jennings, J. T. Johnson, F. Johnson, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McLane of Delaware, McLane of Ohio, Mallary, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Reynolds, Richards, Rich, Rose, Ross, Scott, Sharpe, Sloane, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tracy, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, Wickliffe, Williams of New York, James Wilson, Wilson of Ohio, Wood, Woods, and Wright.

The Clerk was then directed to acquaint the Senate of the decision of this House on their said amendments.

The amendment proposed by the Senate to the bill, entitled "An act for the relief of the representatives of Joseph Mims, deceased," was read, and concurred in by the House.

And then the House adjourned.

MONDAY, May 17.

The SPEAKER presented a memorial purporting to be from Louis Charles, Duc de Navarre, Dauphin de France, &c., representing himself to be the legitimate heir to the French Throne, and praying the friendly interference of the Government of the United States in his behalf.—Laid on the table.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act relative to the Patent Office, and to the salary of the Superintendent thereof," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. WEBSTER, from the Committee on the Judiciary, reported a bill "to regulate the mode of practice in the courts of the United States for the district of Louisiana," which was twice read, and committed.

Mr. HEMPHILL, from the Committee on Roads and Canals, to which was referred a memorial of the Navigation Company for the purpose of connecting the waters of the Tennessee with those of the Alabama; as also, a resolution, instructing them to inquire into the expediency of making

provision for connecting the waters of the Coosa and Tennessee rivers, made a report thereon; which was ordered to be laid upon the table.

Bills from the Senate of the following titles, viz:

1st. An act to permit Anna Dubord to bring certain slaves into the State of Louisiana;

2d. An act for the relief of the representatives of John Donnelson, Stephen Hurd, and others;

3d. An act for the relief of John H. Howland, of New York;

4th. An act authorizing an examination and survey of the harbor of Charleston, in South Carolina; of St. Mary's, in Georgia; and of the coast of Florida, and for other purposes, were read the first and second time, and referred; the 1st, to the Committee on the Judiciary; the 2d, to the Committee on the Public Lands; the 3d, to the Committee of Ways and Means; and the 4th, to the Committee of Commerce.

The bill to authorize the establishment of certain lighthouses, which had been discussed on Saturday, was again taken up. The discussion on the proper point on the South shore of Lake Erie, for the erection of a lighthouse, was resumed.

Mr. BARTLEY, Mr. NEWTON, Mr. TAYLOR of New York, Mr. TOMLINSON, Mr. McARTHUR, and Mr. WHITTLESEY, engaged in the debate.

An amendment, offered by Mr. BARTLEY, which proposes to erect a lighthouse at the mouth of Cayahoga river, (Cleveland,) was rejected—ayes 58, noes 66.

Mr. BARTLEY then offered an amendment, to strike out the words "Grand river," and insert "the most proper place on the South shore of Lake Erie."

This amendment was also rejected; and then the bill was ordered to be engrossed for a third reading.

Mr. CONNER called for the consideration of the resolution fixing a day of adjournment. The House refused to consider it—ayes 73, noes 75.

Mr. TUCKER, of Virginia, moved the following resolution, which he supported by a short speech:

Resolved, That the petition of Eugenie Amelie Beaumarchais de la Rue be referred to the President of the United States; that he be requested to cause the same to be considered in the pending negotiations with the French Government, relating to the claims of American citizens, for property illegally seized and confiscated; and if found to be just, then, and in that case, to be allowed in the final adjustment of the aforesaid claims."

The House refused now to consider this resolution by a small majority.

On motion of Mr. McARTHUR, the House took up for consideration the report of the Committee of Roads and Canals, in favor of the claim of Moses Shepherd.

Mr. BEECHER explained the principles of the report. Mr. JOHNSON, of Virginia, advocated the claim; and the resolution recommended in the report was adopted, as follows:

Resolved, That the Secretary of the Treasury be directed to make up the account of Moses Shepherd for the work done on the Cumberland road, upon the

principles adopted by the committee in their report on the said petition; and if he should, from the facts and evidence known to him, applicable to the rights of the parties, differ in opinion with the committee in part or in whole; then, in that event, also state the account as to him shall appear to be right in equity and justice. the contract considered; and that he transmit the same to this House at the beginning of the next session of Congress, with all the evidence and documents in his possession, that he may deem necessary to a fair and full investigation of the claim of the petitioner.

Mr. FORWARD moved that the House take up the bill "laying duties on sales at auction." The motion was negatived.

Mr. FORSYTH made a similar motion in respect to a bill "to extinguish the title of certain Indians to lands in Georgia."—Negatived.

Mr. CALL moved for the consideration of the bill "granting donations of land to certain actual settlers in the Territory of Florida;" from which the Committee of the Whole was discharged on Saturday last. This bill was then read; its principles explained by Mr. RANKIN, in reply to some queries and objections of Mr. MCCOY. Mr. CALL made further statements in explanation, and the bill then was ordered to a third reading.

Engrossed bills of the following titles, viz:

An act to revive and continue in force the first, second, third, fourth, fifth, and seventh sections of the act, entitled "An act further to provide for the collection of duties on imports and tonnage," passed the 3d of March, 1815; "An act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes, were read the third time, and passed.

A message from the Senate informed the House that the Senate have concurred in the amendments proposed by this House to the first and fourteenth amendments to the bill, entitled "An act to amend the several acts imposing duties on imports;" they insist on such parts of their third and sixteenth amendments to the same bill as have been disagreed to by this House, and they recede from such parts of their forty-eighth amendment as was also disagreed to by this House. The Senate adhere to their amendment, disagreed to by this House, to the bill, entitled "An act concerning invalid pensioners;" they have agreed to the first amendment proposed by this House to the bill which originated in the Senate, entitled "An act for the relief of Dean Weymouth;" and have disagreed to the second amendment to the said bill. They have passed bills of this House of the following titles, viz: An act for the relief of J. Ottramare; An act for the relief of John S. Moffit; with amendments to each, in which the Senate ask the concurrence of this House. They have passed a bill, entitled "An act for the relief of Alexander Scott, late collector of Pensacola;" and a joint resolution to authorize the purchase of a certain number of the copies of the Journals of Congress, from 1774 to 1788; in which bill and resolution the Senate ask the concurrence of this House.

The bill from the Senate, entitled "An act for

the relief of Alexander Scott, late Collector of Pensacola," was read twice, and referred to the Committee on Commerce.

The joint "resolution from the Senate, to authorize the purchase of a certain number of the copies of the Journals of Congress, from 1774 to 1788," was read twice, and referred to Mr. TAYLOR, Mr. VANCE, of Ohio, Mr. WICKLIFFE, Mr. WOOD, and Mr. ALEXANDER SMYTH.

The House proceeded to consider the message from the Senate informing of their disagreement to the second amendment proposed by this House to the bill from the Senate, entitled "An act for the relief of Dean Weymouth;" whereupon, it was resolved, that this House do recede from their said second amendment.

The House proceeded to consider the message from the Senate informing of their adherence to their amendment to the bill of this House, entitled "An act concerning invalid pensioners," disagreed to, in part, by this House: whereupon, it was resolved, that this House do recede from their amendment to the amendment of the Senate to the said bill, and that they do agree to the same.

The amendment proposed by the Senate to the bill, entitled "An act for the relief of J. Ottramare," was read, and referred to the Committee of Ways and Means.

The amendment proposed by the Senate to the bill, entitled "An act for the relief of John S. Moffit," was read, and also referred to the Committee of Ways and Means.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report of the Secretary of the Navy, together with the proceedings of a court martial lately held at Norfolk, for the trial of Lieutenant Beverly Kennon, as requested by a resolution of the House, bearing date the 25th of April, 1824.

JAMES MONROE.

The Message was ordered to lie on the table.

Mr. F. JOHNSON moved that the House take up the bill "to discontinue certain post roads, and to establish others." Carried, ayes 94.

The House then went into Committee of the Whole, Mr. CONDIOT in the Chair, on that bill. Much discussion took place on the details of the bill. A motion was made to strike out the entire section, which provides for discontinuing roads. Before any decision was had upon it, the Committee rose, reported progress, and had leave to sit again.

THE TARIFF BILL.

The message received from the Senate, stated, among other particulars, that they had receded from the 1st and 14th amendments of the Senate to the bill amending the several acts laying duties on imports, viz: that which strikes out "Russia, Hollands, and Ravens" duck, and substitutes "sail" duck; and that which inserts "at the rate of" before the duty on hemp by the cwt., and insisted on their third amendment (which strikes out the minimum on woollens and inserts

a proviso;) and also insisted on their 16th amendment, (which strikes out the duty on cotton bagging.)

Mr. FORSYTH moved that the House recede from its disagreement to these two amendments of the Senate.

Mr. TAYLOR objected to this motion, and preferred that a conference should be requested between committees of the two Houses.

Mr. SLOANE moved for a call of the House before taking the question of Mr. FORSYTH's motion. It was agreed to—ayes 81, noes 73.

The roll was called—when farther proceedings in relation to the call were dispensed with.

The motion to recede from the two amendments was divided; and the question being first put on receding from the disagreement to the amendment with relation to woollens—[the effect of receding being to adopt the Senate's amendment to the first section of the bill, which strikes out the words "until the 30th of June, 1826, and after that time a duty of 37½ per cent. *ad valorem*," and inserts the following proviso: "Provided, That, on all manufactures of wool, or of which wool shall be a component part, the actual value of which, at the place whence imported, shall not exceed 33½ cents per square yard, shall be charged with a duty of 25 per centum *ad valorem*."]]

The question on receding from the amendment was taken by yeas and nays.

Mr. DWIGHT, of Massachusetts, said he rose to ask the indulgence of the House to excuse him from voting on the two questions of disagreement with the amendments of the Senate—an indulgence, he said, which he was sure the House would unanimously grant, when they understood the grounds upon which it was claimed. An honorable friend had entertained, in common with himself, and almost all others, an opinion that the tariff bill would not come back from the Senate. They were both anxious to leave town, and had agreed to depart this morning. Another question of importance had unexpectedly detained him. The gentleman from Virginia, who was, upon all questions of the tariff, opposed to himself, had left town, and he felt himself bound in honor not to vote.

Mr. DWIGHT was excused from voting—ayes 115.

The yeas and nays were as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Blair, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cocke, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Eddy, Edwards of North Carolina, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Herrick, Hobart, Hogeboom, Holcombe, Hooks, Kent, Lee, Leftwich, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mercer, Moore of Alabama, Morgan, Neale, Nelson, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Saunders, Sanford, Sharpe, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Warfield, Webster, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—87.

liam Smith, Spaight, Spence, Standefer, A. Stevenson, Taliaferro, Tattall, Thompson of Geo., Thompson of Kentucky, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—94.

NAYS—Messrs. Adams, Alexander of Tennessee, Barber of Connecticut, Bartley, Beecher, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassidy, Collins, Condict, Cook, Crafts, Craig, Eaton, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Foot of Connecticut, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Ingham, Jenkins, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, McArthur, McKean, McLane of Delaware, McLean of Ohio, Markley, Martindale, Marvin, Mallack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Moore of Kentucky, Nelson, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Richards, Rich, Ross, Scott, Sloane, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Tod, Tomlinson, Tracy, Trimble, Tyson, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Wilson of Ohio, Wood, Woods, and Wright—93.

The SPEAKER voting in the negative, the motion was lost. So the House refused to recede from its disagreement to the amendment of the Senate (as above stated) and insisted in striking out the proviso, and on restoring the duty of 37½ per cent.

The question was then put, will the House recede from their disagreement to so much of the sixteenth amendment of the Senate as proposes to strike from the said bill these words:

"On cotton bagging, a duty of four cents and a half per square yard."

And determined in the negative—yeas 87, nays 103, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Massachusetts, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartlett, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Day, Durfee, Dwinell, Eddy, Edwards of North Carolina, Foot of Connecticut, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Herrick, Hobart, Hogeboom, Holcombe, Hooks, Kent, Lee, Leftwich, Litchfield, Livermore, Livingston, Locke, Long, Longfellow, McCoy, McDuffie, McKee, McKim, McLane of Delaware, Mangum, Mercer, Moore of Alabama, Morgan, Neale, Nelson, Newton, Owen, Plumer of New Hampshire, Poinsett, Rankin, Reed, Saunders, Sanford, Sharpe, Sibley, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Warfield, Webster, Williams of New York, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina—87.

NAYS—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Allison, Barber of Connecticut, Bartley, Beecher, Blair, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassidy, Cocke, Collins, Condict, Cook, Crafts, Craig, Eaton, Ed-

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wards of Pennsylvania, Ellis, Farrelly, Findlay, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Houston, Ingham, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Lincoln, Little, McArthur, McKean, McLean of Ohio, Mallory, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reynolds, Richards, Rich, Rose, Ross, Scott, Sloane, Standefer, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Tracy, Trimble, Tyson, Vance of North Carolina, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Wilson of Ohio, Wood, Woods, and Wright—103.

It was, thereupon, resolved, that a conference be asked with the Senate, upon the subject of the disagreeing votes of the two Houses on the bill aforesaid; and that managers be appointed to attend the said conference on the part of this House; and Mr. TAYLOR, Mr. TOD, Mr. BUCHANAN, Mr. TRIMBLE, and Mr. BEECHER, were appointed the said managers.

SUPREME COURT.

Mr. WEBSTER, from the Committee on the Judiciary, reported a bill to alter the time of holding the sessions of the Supreme Court.

Mr. METCALFE offered the following amendment to the bill:

"Be it further enacted, That, in any case now or hereafter depending in the Supreme Court, in which shall be drawn into question the validity of any part of the constitution of a State, or of any part of an act passed by the Legislature of a State, unless two-thirds of the whole number of Justices composing the said court shall concur in pronouncing such part of the said constitution or act to be invalid, it shall not be held or deemed invalid."

Mr. METCALFE, of Kentucky, addressed the Chair as follows:

Mr. Speaker—It is an indispensable duty, which I owe not only to the Legislature of Kentucky, but particularly to those whom I have the honor immediately to represent, that I should, on the present occasion, exercise one of the privileges properly pertaining to the Representatives of a free people—a privilege which I but seldom claim, but which, I am persuaded, will be liberally and generously accorded to me, provided I do not abuse it, by the enlightened patriotism and magnanimity of the body over whose deliberations you preside.

In looking around me, however, I behold an audience composed, not only of the most distinguished statesmen, but mainly of the brightest luminaries of the law in this Union; and reflecting that this is a question peculiarly suited to the investigation and discussion of lawyers, and that I am not a member of that respectable profession, it would require, more hardihood than I possess to shield me entirely from feelings of embarrassment—feelings which, I presume, do not result from any unusual timidity of character; nor am I willing

to admit that those feelings proceed from any indisposition on my part to express my sentiments here, or elsewhere, either upon this, or upon any other subject, but more especially upon a subject of such vital importance, and so deeply interesting to those from whom I derive my power, and whose agent I am. But I cannot help perceiving that I am liable to be taken in the net of legal technicality, at least. Besides, I am conscious of the magnitude of this question—of the anxious solicitude with which my countrymen look forward to the decision which may ultimately be had upon it—of the want of time in this body to investigate it fully during the present session, and my own want of preparation, or learning, or capacity, to do it any sort of justice. A knowledge of one truth, however, affords me some consolation. In the eyes of wise and honorable men, even the rude, uncultivated man, in his efforts to do good, in whatever light the strength of those efforts may be viewed, will always find some favor. And in this question, Mr. Speaker, said Mr. M., the interest of the most humble, as well as the most exalted, of our citizens, is deeply, very deeply, involved. Indeed, it must be conceded that, in such a question, the most humble are the most interested—it being a maxim, admitted by all, denied by none, that the further you remove power from the people, the further you put their rulers out of their reach, or beyond their control, the greater will be the oppression of the industrious and productive classes of the community, the more abject and miserable will be the condition of the unlearned, the ignorant, and the poor.

I unhesitatingly give it as my opinion that a poor man, for an inconsiderable sum, ought not to be subject to a suit in the Federal court. In matters of contract and dealing between man and man, if no difference is made, or attempted to be made, between resident and non-resident citizens; if no obstacle is thrown, or attempted to be thrown, in the way of the latter, which does not equally apply to the former, either as it respects the process by, or the principle upon, which their respective rights are to be decided, the enactments and adjudications of the States ought to be final—if you please, the supreme law of the land. Cite a poor man, or a man who, in point of wealth, is not above mediocrity, especially if he is not very dextrous and crafty in the management of law suits, to appear himself, or by counsel, hundreds and thousands of miles from home, for the purpose of trying his title to the little all he possesses, and he has but little prospect of success; besides, it is not very material whether he gains or loses his cause—the process by which he arrives at a decision, robs him of all he is worth, and leaves him in penury, want, and misery. Such laws are not only exceedingly vexatious, but a departure from the benign and salutary principle of administering justice as near to every man's door as practicable. And is it not doubly vexatious, unequal, and partial in its operation, to allow a non-resident to institute his suit in the State courts, thereby apparently waiving his right to use the Federal courts; and, after harassing the resident for many years,

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and subjecting him to much cost and trouble, before the former tribunals, then to allow the said non-resident, by appeal, writ of error, or some other process, to revive the suit which he had lost before the tribunals of his own selection in the Federal courts? Do you call this justice, or sound policy?

A distinguished poet has said: "He that thinks must govern him that toils." A doctrine which I shall not attempt to controvert. But, said Mr. M., if the thinking few who rule, are not to be responsible to the toiling million, for their conduct, it requires no great share of penetration, or of experience, to satisfy the mind that the latter will, sooner or later, become the slaves of the former, and all the labor of their hands, over and above what their absolute necessities require, will go to enrich and pamper their thinking masters.

If, said Mr. M., I may be permitted to use the appropriate, elegant, and I will venture to say, among philanthropists and lovers of human equality, the never-to-be-forgotten figure of the honorable member from Massachusetts, (Mr. WEBSTER,) I will say, that, if you divide society horizontally, placing the thinking few, who rule, above, and the toiling million below, the prediction which I have just now uttered, will soon come to pass. In behalf of that toiling million who are now struggling and groaning beneath the weight of that horizontal partition—an intolerable load—allow one of themselves, who never expects or desires to be placed upon the upper side of it, for a short time, the kind indulgence of the House.

We have the happiness, it is true, to live under a Government, the model of which is not to be found; and it is in vain to search for its likeness, either in ancient or modern history—a Government which may be considered as the offspring of an union of many Governments, and, in its turn, the prolific parent of many more, all of which are united and uniting in one, with continual increase of numbers—a splendid system, in which the divisions of power are vastly numerous, but extremely complicated, requiring the keenest intellectual perception, the most discriminating powers of mind, with much learning, experience, and soundness of judgment, to enable us to assign to the different Governments, and their various departments, their due portions respectively, and proper limitations of power.

If any one of these departments, or of the different functionaries, shall attempt, by virtue of the soft and easy process of construction, to gain an accession of power, not fairly delegated or authorized by the Constitution; and, thereby to prevent a co-ordinate, or any other branch of the Government, from exercising the power and discharging the duty which properly pertains thereunto, it certainly becomes us to impose some restraint upon the usurping department.

If, in reality, there exists a disposition on the part of this court to encroach upon the authorities of the States, as is believed to be the case by many of the most patriotic and wise republican statesmen in the Union, will not the proposition which is now under consideration, if adopted, have a ten-

dency to check that disposition, or to render the effects of it less frequent and common than under the present arrangement? That it will have such a tendency, must be admitted. But, on the other hand, if the fears and apprehensions of those who look upon the court with an eye of jealousy, are unfounded and unreasonable, the tendency of this amendment will be to remove that jealousy, to reconcile discordant departments, and to give more satisfaction and peace to society.

Of late, we have the mortification very frequently to hear of conflicting claims of power, between the Federal and State Governments, between the various departments of the several Governments, and more especially between the Federal judiciary and the States.

How are we to check the growing evil? Will the proposition which is now under consideration do it? For my own part, said Mr. M., I answer with trembling uncertainty—for it is not exactly the plan which, above all others, I would prefer—in the affirmative. It would most certainly diminish the chances, and lessen the probability of encroachment. In cases wherein the validity of State laws are brought into question, and laws, too, which have received the sanction of the State courts, so large a majority of this body of magistracy will seldom if ever concur in giving an opinion against such enactments and decisions, unless they are clearly and manifestly unconstitutional; a thing which it is believed will but seldom occur; and when it does, the opinion of the court will be so well supported by argument so strong and conclusive as to carry conviction wherever it goes—and thus, by reconciling all parties, the court will regain its popularity and high standing among the citizens of this Republic—the Federal and State Governments, and their different departments, will then move on harmoniously, while the people are contented, prosperous, and happy.

If the eye of the patriot is turned to the present condition of things in this country, what a singular and disheartening spectacle does he behold! By some, it is insisted that the Federal Government is aiming at consolidation. By others, and myself among the number, it is believed that the Federal Judiciary is aiming, by virtue of the spherical sovereignty which it claims for itself, at the supreme control of the State governments; and assuming to itself political, as well as judicial power.

On the other hand, it is insisted that the State governments are in the habit of reeling from their proper orbits, of impinging upon the Federal authorities, and thereby creating great confusion and disorder. And it is probably true that none of those governments, and that no one of the different departments, do in every instance confine themselves, as strictly as they ought to do, within their respective Constitutional limits; and, at other times, by failing or refusing to fill up the whole space allotted to them, as much injury is produced as by transcending their respective limits. Indeed, I presume this is true. But, whenever a conflict occurs between the Federal and

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State authorities, whether in the right or wrong; the former is sure to prevail against the latter—hence, the necessity and propriety of restraining this strong power, and of guarding the weak against its usurpations and encroachments; and, at the same time, it would be wholly useless to impose any additional restraint upon the State authorities, because of their comparative feebleness, their want of strength to resist the Federal authorities. It is notorious that they cannot long make defensive, much less can they make offensive war.

But, how to remedy those evils, and at the same time to guard and protect the people against the hurtful and pernicious consequences of these alarming conflicts, is the question. To effect this desirable object, said Mr. M., is what the proposition contemplates. Can there be any danger in making the experiment? I put this question most respectfully, and with due deference; but I put it emphatically—Can there be any danger in making the experiment?

There are other difficulties, too, resulting more, I believe, from the happy, or rather, the unhappy, faculty we have in construing or misconstruing the Constitution, than from any real defect in that instrument. Look at the various and contradictory constructions which have been put upon it, not only by subordinate departments, but by the highest functionaries of this Government; and from thence let any man, if it be possible for him to do so, move on to the conclusion that it is either wise or politic to compel all the departments of the State governments, legislative, executive, and judicial, all of whom are sworn to support the Federal Constitution, as well as their honors, to yield their own opinions upon the Constitutional validity of State laws, and to bow submissively to the constructive dictum of three members, a minority of the Federal Judiciary.

For instance, the sanction of the enlightened Executive of this nation is withheld from a measure which he acknowledges to be one of vast importance, and well calculated to promote the lasting prosperity and happiness of the citizens of this Republic; because, forsooth, his Constitutional scruples will not allow him to sign the bill. From this doctrine of the President, the inference is irresistible that the Constitution is incomplete, or a very bad one; since, under its provisions, we are either not authorized to do that which the public good requires, or prohibited from doing it.

Now, it is admitted on all hands that the State governments have no power to make national roads for national purposes; so that the power of performing a work of indispensable utility to this noble Confederacy exists nowhere. In what nook or corner does this power lie concealed? It has fled from the world, and left us in a most awkward predicament. What a singular spectacle, then, does this nation exhibit, when compared with other nations—shorn by itself of a portion of that sovereignty or power which remains as a shield of protection and security to the happiness and well-being of every other civilized nation on the globe!

Turning our eyes from this extraordinary decision—this singularly chilling and enfeebling construction of the Constitution, to certain difficulties which have arisen between the Federal Judiciary and one of the States, (for it would not be proper, at this late period of the session, for me to occupy the time of the House with remarks upon similar difficulties with the other States; and I feel it my duty, as respects my own State, to treat the subject with as much brevity as possible,) and the heart of the patriot sickens at the dark and gloomy prospect before us.

The State of Kentucky is known to be composed of what was formerly a district of Virginia. Prior to the separation of the former from the latter, owing to the improvident and mistaken legislation of Virginia, from three to five times as much land as was contained within the limits of the then district was sold for a price to myriads of purchasers. It was utterly impossible for these poor deluded purchasers so to locate their respective quantities of land as to avoid conflict with each other. The laws of Virginia on that subject being very defective, the expeditious manner in which the locations had to be made, among the bears, wolves, panthers, and savages, of the howling wilderness; added to the fact that there was not only not a sufficient quantity of land upon which to make the locations—but not the one-half or one-third of the necessary quantity;—and consequently it did so happen that Virginia received pay for, and conveyed, with all the solemnities of a patent from that Commonwealth, the same tract of land to from one to more than ten different individuals.

Now, I entreat the House to bear in mind these indisputable facts. It is only by understanding the truth of our condition, and the causes by which that afflicting condition was produced, that honorable members can duly appreciate our complaints, or know how to apply the remedy.

Here, then, we find this fair and fertile portion of the soil of this Union sown, and thickly sown, over by the hand of the parent State, (though doubtless unintentionally; for with all my heart do I acquit the Representatives of that day, of my native State, of any unjust or dishonorable motive,) with the seeds of contention and strife; leading to a scene of landed litigation, the most dark and dismal in its aspect that ever frowned malignity upon any community; more ruinous and afflicting and demoralizing in its consequences—more corrupting in its influence—than the imagination of one who has not witnessed its effects upon society can possibly conceive of.

This enormous firebrand, thus inadvertently thrown into the bosoms of our countrymen, had been permitted to burn for many years, with unabated fury, to the great terror and dismay of all good citizens; driving many of them beyond the limits of the State, and preventing others from settling in it; and operating as a curse upon the cultivators of the soil, and also upon every other class of citizens, except upon the iniquitous land-jobber, and such others as derive a profit from landed litigation.

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At length, the representatives of that injured people attempt to extinguish this burning fury, by discharging a most solemn duty, which they ought to have discharged many years before. And, in the fair exercise of one of the first and highest, the most legitimate, and last to be dispensed with, attributes of sovereignty that any State or Government can possess; and a portion of sovereignty or of power, which their ancestors or predecessors not only never intended to deprive them of, but which, in the very nature of things, they could not barter away even if they had not been debarred the right of doing so, as they most clearly were, under the provisions of the Federal Constitution, which allows no State to be introduced into the Union fettered, or upon any other footing than the old States. The Legislature, I repeat it, in the fair exercise of its Constitutional power, passes a law, which has for its object to secure to the innocent and deluded occupant a reward for the labor and capital which he has vested in improvements, in removing the load of timber with which the soil was covered; making fences, gardens, raising orchards, erecting comfortable buildings—the shelter which was intended to protect the husbandman, his wife, and hardy offspring, the future props and stay of his country—to cover their heads, and shield them from the inclemency of the seasons; and in all things to promote the peace, and happiness, and prosperity of the country. And what can be more just and equitable than such a law? especially when it is considered that the benefit of its provisions extended to no other than to those deluded purchasers whose titles to the land is deducible of public record; and at the same time leaving it at the election of the successful claimant either to pay for the improvements, or to compel the occupant to keep the land at its original unimproved value? And this law passed at so late a period, too, that it was not then possible for any lawyer, judge, or jury, in the State, to decide, with any sort of certainty, who had the best title to the land. This difficulty resulted from a number of causes: the lapse of time, the death or removal of the early adventurers to the country, by whose testimony, perhaps, the occupant, some fifteen or twenty years ago, might have established his better title to the land, without inconvenience; the names of licks, springs, buffalo and Indian traces or trees, for which the entry calls, as places of notoriety, have now undergone some change, or cannot be satisfactorily established, and probably, if established at all, it is done by subornation and bribery. Under this state of things, was there any thing unjust or dishonorable in the conduct of the Legislature of Kentucky in passing a law which made the labor and capital of the husbandman, vested by him in improvements, as sacred to the possessor as the little pittance of capital in a depreciated and worthless currency, which had been applied by the adverse claimant as well as himself in purchasing a land warrant? On the contrary, does not such a law rest on the principles of eternal and immutable justice? And was not such a law

called for, and loudly demanded, by the soundest and wisest policy? And will any disinterested and enlightened statesman of the present age pretend that the sons and daughters of Kentucky, comprising the present and all future generations, have been sold by the first settlers of the district, in order to become a separate State, into worse than Egyptian bondage? That, for the mere name of governing themselves, they have not only parted with that privilege, but have also deprived posterity forever of the right of exercising it? Can the enlightened and well-informed mind contemplate such absurdity, and not recoil with the profoundest astonishment?

But the Legislature of Kentucky did pass a law, the validity of which was contested by the nest of worthies with which that State abounds, and has long abounded, and who are known by the mild name of land speculators. The Federal, not the Delphic oracle is consulted, and the response is, that the law is unconstitutional and void, the first settlers of that district having bartered away a portion of that power and sovereignty which belongs to, and is exercised by, every other State in this Union, and by every other people or Government on the globe, having bartered away the right of succeeding generations, and succeeding legislators, throughout all time to come, to suit their legislation and their laws to the ever-varying condition of things, which necessarily arises in the progress of civil society." Such, in substance, is the response which has been uttered and proclaimed to the world; and even more than this, for it goes to establish the fact, that the said first settlers of the district not only banished from Kentucky that portion of her sovereignty, but that they absolutely extinguished it; that they did not even leave it with Virginia, which State, I verily believe, if she had the power, would grant us relief in some form or other.

But, what is the consequence of this decision? The cords of peace and social intercourse, by which society is bound together like a band of brothers, is cut asunder; the home of the husbandman is again rendered insecure; the hand of industry is paralyzed, and discouraged from the performance of its duty, the oracular music of this trio of the Federal judiciary having fallen sweetly upon the ears of a set of men, who ought to have been drummed out of Kentucky many years ago, with a certain appropriate march at their heels, announcing to them that the delectable and happyfying business of land jobbing would again become profitable, up they spring, like so many birds of prey; with keenly whetted beaks, they pluck the crumbs from the hand of honest industry; and they pluck anew at the vitals of society, the very heart-strings of which they would pull away if they could. Now, as the response runs "the bleeding victim may writhe in agony, but there is no power beneath the sun by which a remedy can be applied. It is true, that society is greatly retarded in its march to prosperity and happiness, but the die is cast, and, like the decree of fate, it is unalterable!"

Such are the effects of a decision which has been

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given by this, not soon to be forgotten—three; to whom your laws seem to attach something like infallibility, but who could not, by possibility, in their situations, have understood the subject.

Now, what opinion would a stranger form of the boasted excellence of our Constitution, after being told of the decisions of the Executive and Judicial branches of this Government upon it, and of the consequences resulting from those decisions? The one denies the existence of any power in Congress, or elsewhere, to pass a good and wholesome law, the effect of which would be, in a thousand ways, to promote the national interest, and to bind together, and forever to perpetuate this grand and noble Confederacy; the other denies the existence of any power in the Legislature of a State, to remove one of the most afflicting evils—an evil of such magnitude that it is an abomination to the land where it exists—from society.

I understand this decision of the court to mean nothing more, or less, than that their honors have a right to take the consciences of all the departments of the State governments under their sovereign care and protection. I understand it to be a denial of the right of the Representatives of the people, by statutory provisions, to regulate the affairs of the people. If the doctrine maintained by the court be correct, their own peculiar notions of what is equitable between man and man, between adverse claimants of land, and so on, as the different individual cases may arise and be submitted to this august three, is to be the supreme law of the land. Have we come to this? Is it true that our ancestors or predecessors have deprived us of the power of passing a plain law, which may be read by the plain, unsophisticated farmers of our country, as they run; and a law which, by reading, they may understand? Are we to have no page in our statute books, indicating to the toiling husbandman what are his rights, or in what way the fruits of his labor and industry are secured to him? Instead of referring him to the statute books for such information as he may desire respecting the laws, is it intended to turn his eyes upon the judges of the Supreme Court, and tell him that the law is, or will be, whatever their honors may choose to make it?

Would not a stranger think it very strange, that neither the National or State legislators had a right to do the things to which I have referred? That the Constitution had no redeeming spirit in it; that the people had no redeeming spirit left in them; that the Constitution was continually presented as a stumbling block in the way of good and wholesome enactments, but never in the way of the passage of a bad law?

But, sir, said Mr. M., the fault is not in the Constitution. It is in those who construe and misconstrue that instrument.

In referring to these facts, said Mr. M., I intend no ungenerous imputation against those high functionaries of the Government—no disrespect whatever; for they have the same right to their opinion that I have to mine; and it is as much their duty to exercise it. But, having given an opinion which I conceive to be most glaringly er-

roneous, and most afflictively injurious and hurtful to those whom I have the honor immediately to represent, my object is, as it ought to be, to effect an amendment to the law, which will go to save my countrymen in future from the effects of a decision to be given by this feeble, and yet powerful three. And my reference to the opinion of the President has been made for the purpose of showing that you do not, by placing a man in an elevated station, render him infallible; and thereby, to prove the unsoundness of the policy that would bestow upon such a tribunal as this, the power of dictating according to their peculiar notions of what is the orthodox construction of this charter of our rights, to each, and to all of the departments of the State governments. Three individuals! a majority of the court, as now organized, truly; but a minority of the whole court are to decide upon the Constitutional validity of State laws; and to annul adjudications of the State courts; and from their decision there is no appeal; it is irrevocable.

Before, said Mr. M., I consent to the lodgment of such a power, in the hands of such a tribunal, I must be convinced that the whole three are beings of a superior order; that they are not the slaves of human passion; that they do not love power; that they are not to be set in motion by that powerful spring of human action, called self-interest; that they have an exemption from all the frailties of human nature; and, in fine, that the link which they form in the chain of created beings, is at least half way between that little forked, feeble animal, that inhabits this our planet, and those superior intelligences that fill the celestial regions. For be it remembered, that this is the controlling power of this Government—a power of such superior dignity, that it has become the Government itself; and he that questions, or attempts to expose its decisions, is sure to be accused of having a devil, or to be denounced as a rebel against his country.

It seems to me, Mr. Speaker, said Mr. M., that the proposition now under consideration, will, if adopted, by adding hereafter an additional number of members to the court, not only bring together more talent, but a greater variety of knowledge of the laws of the States generally, and of the true interests of each section of the country in this wide-spread and flourishing Republic. And the court will be less liable to corruption, or to be suspected of corruption. For it is well to bear in mind, that millions and millions of dollars, as was actually the case in this decision against Kentucky, may be involved in the immediate consequences of their decisions. Upon the whole, nothing can be more clear, if the proposed amendment is adopted, than that it will greatly increase the chances of a correct decision, diminish the chances of corruption, lessen the probability of encroachment, and do much for the restoration of the court to the confidence of the people. I am aware, said Mr. M., that any decision of this court, no matter how erroneous it may be, no matter how unjust, or injurious, or ruinous to society, will always have its supporters. Even when the motive is

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good, and interest the same, we cannot always think alike. And, besides, there are individuals in every country whose interest is not only separate and distinct from that of society generally, but so completely at war with that general interest, that those who are influenced by it, stop at nothing for the accomplishment of their purposes. With such men as these, the most ruinous and desolating decision will be the most warmly supported; and this I conceive to be most clearly and unequivocally the case in relation to the decision against the occupying claimant laws of Kentucky.

The writer of that decision seems to console himself, from his knowledge of the fact, that he is to be sustained in his opinion by some of the Kentuckians themselves. The honorable writer, however, does not appear to bestow a single thought upon what I know to be another fact; and that is, that these same learned Kentuckians are the very mercenaries to whom we are indebted for all the evils of which we complain, and that through the united instrumentality and well-concerted plans of this host of mercenaries, who, having long banqueted, and still delight to banquet, upon the distresses and agonies of society, it is, that this injurious and hurtful decision has been obtained. And these are the men who now run with every prop, no matter how insignificant, to support and uphold this decision—these are the selfish patriots and juggling political managers of the wire, who have deluded the court, by persuading their honors that their opinion has the approbation and sanction of many of the independent and well-informed men of Kentucky. The voice of the husbandman toiling on his farm, not being heard by this court, his rights are disregarded, the truth of his condition unknown. For one, I do not wonder that the puffing eulogies of this decision, by such men as these, should resound in our ears, and in the ears of the honorable court too, whose praises from such a source can never be envied them. Such notes may jingle sweetly upon the ears, and thrill to the hearts of the very venerable three, who, I have no doubt, are as innocent as they are ignorant of the causes from whence they proceed. But to me, and to my neighbors, who, unfortunately for us, have some practical experience in this thing; to me, and my countrymen, who are now struggling beneath the weight of that horizontal partition, of which we have had such an appropriate and suitable description, but which, with three members of the Federal court on the upper side of it, becomes an intolerable load; these notes, or this sound, is not unlike the requiem of so many grave-diggers, or the hosannas of so many coffin-makers, over the fruits of a desolating and terrible pestilence or epidemic, against which it is pretended that no antidote can be applied.

Upon the whole, sir, said Mr. M., I am fully persuaded, that unless the law in relation to this court is amended, so as to extend protection and security to the industrious and productive classes of the community, against the arts and chicanery of that set of individuals who love to riot upon the fruits of the labor of others, the blighting

breath of the Federal judiciary will be more dreaded in this land of liberty, than the coming of an Egyptian sirocco. Mr. M. said there were yet many strong points of view in which this subject might be presented to the House; but, as no one had denied the right of the Legislature of Kentucky to enact any law upon this subject—as no one either attempted to question the validity of the laws, or to advocate the decision of the court, by which it seemed they were to be rendered a nullity, he would not, at so late a period of the session, trespass upon the precious time of the House, to whom he tendered his thanks for the politeness which had been extended to him.

When Mr. METCALFE had concluded—

Mr. McDUFFIE, of South Carolina, rose and opposed the amendment, as practically operating to leave the constitutionality of any State law interminably uncertain. He vindicated the decision of the Supreme Court, in the case of Cohens, (formerly referred to in the debate on Mr. LETCHER's resolutions,) and maintained that that decision was virtually a decision of the question whether the United States have or have not a Government.

Mr. Cook, of Illinois, said, a consideration to which he should allude, in the few remarks he was about to submit, he hoped would be received as a just excuse for now troubling the House. Before he made that allusion, however, he begged leave to say a word or two on the general principles involved in the motion of his friend from Kentucky. It had been urged that the Supreme Court was subject to the influence of the Government, under which it derived its creation. In reply to this, he said, the Constitution of the United States was the creature of the several States forming the Confederacy, and, for the purposes of its institution, it was as much the creature of the people as the constitutions of the several States; and the Judges of the Supreme Court, therefore, were as much the judges of the people for those purposes, as the State judges were for the purposes of local adjudication. But he would ask, whether there was likely to be a greater inclination on the part of the Supreme Court, to increase the powers of the Federal Government, than there might be in the State judges to enlarge the powers of the States? In many States, it was known, he said, that the judges hold their appointments for short or limited periods. In some cases, they are appointed by the Legislatures. If, then, the Legislature should, under a particular state of excitement, adopt a particular measure supposed to be for the relief of the State, although in contravention of either the Federal or State Constitution, he should submit whether judges thus circumstanced, thus dependent on the Legislature for a renewal of their appointments, were not at least—he would ask if they were not more—likely to yield to the popular feelings and excitement in such State, and carry such law into effect, than the Supreme Court would be, from a mistaken love of power, to thwart the just and Constitutional measures of any State? He thought, under such circumstances, the Supreme Court would

be the safest tribunal to decide the question, even with reference to the permanent interests of the State itself. But, said he, if you require the concurrence of so large a proportion of the members of that tribunal, do you not endanger the whole—some correction which it was intended that court should make of any measures of abuses which the States, under a state of excitement, might adopt?

The Constitution of the United States secures to the citizens of each State the rights of citizens of the several States. The citizens of one State may hold property in any other State. They may contract with the citizens of any other State, and are entitled to a just remedy to enforce such contracts. Might it not happen that non-residents might acquire large claims against the citizens of any given State? Such, for example, as was the case a few years ago in relation to Eastern merchants with the people of the West. Such, indeed, as was the case with the people of the State whence this proposition originated, and the merchants east of the mountains. In such a case, if the debtor State should adopt unconstitutional measures for the relief of its citizens, would not the principle requiring the concurrence of a large portion of the Judges of the Supreme Court to correct such a procedure, more expose the creditors to the injury, than the usual mode of decision would the debtors? Such a principle, indeed, he conceived well calculated to alter the whole theory of our Government.

The object of government was as well to protect minorities as majorities. This principle would go far to destroy those rights.

But the particular case, which might by possibility occur for the decision of this tribunal, was one of grave and serious importance. He said the United States had admitted the State he had the honor to represent into the Union, under a compact that slavery shall not exist within its limits. At present, a large portion of the citizens of that State were under the impression that the introduction of slavery would tend greatly to relieve their pecuniary embarrassments, embarrassments which, indeed, afflicted every portion of the West. Acting under the influence of a strong anxiety to relieve themselves from their distress, many of them were now disposed to test the binding character of this compact, and to abrogate it. Without intending to express any opinion on the effect of this compact, he would remark that, should a majority of the people decide on the adoption of the measure, it would doubtless make a case for the decision of the Supreme Court; and, should it happen, it will be a fearful question. It will involve nothing less, sir, than the balance of power between the slave and non-slave holding States. Those who witnessed, as well as those who know of, the convulsive discussion in this House on the Missouri question, cannot fail to appreciate the magnitude of this subject. In deciding that question, should it ever arise, if a majority of that court shall be found to decide against the validity of the act of the State, but not a sufficient majority under the provision now under

consideration, it could not fail to shake the nation to its centre.

While this tribunal may be called on to decide questions of such momentous magnitude, he thought it behooved the House to examine well the effects of the principle now proposed. For such examination, we certainly are not prepared at this time, and the amendment, therefore, should not now be adopted.

Mr. A. STEVENSON, of Virginia, suggested that, as the session was far advanced, and this subject was of great moment, it would be most expedient to withdraw the amendment at this time.

Mr. METCALFE expressed some reluctance at adopting this course, but finally consented to withdraw the amendment; and, having done so—

The bill was ordered to a third reading.

TUESDAY, May 18.

The Committee on Commerce were discharged from the further consideration of the bill from the Senate, entitled "An act authorizing an examination and survey of the harbor of Charleston, in South Carolina; of Saint Mary's in Georgia; and of the coast of Florida; and for other purposes;" and it was referred to the Committee on Naval Affairs.

On motion of Mr. JOHN T. JOHNSON, Resolved, That the Clerk of this House be authorized and directed to pay to each messenger, for his extra services, fifty dollars, in addition to what was allowed at the end of the last session.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

I communicate to the House a report, with accompanying documents, received from Alexander Hamilton, one of the Commissioners of land titles in East Florida; deeming the statements therein contained to be worthy of the particular attention of the House, and of a nature which may, perhaps, require their interposition, or that of both branches of the Legislature.

JAMES MONROE.

WASHINGTON, May 18, 1824.

The Message was referred to the Committee on the Public Lands.

Engrossed bills of the following titles, viz: An act providing for a grant of land for the seat of government in the Territory of Florida, and for other purposes; An act granting donations of land to certain actual settlers in the Territory of Florida; An act altering the time of holding the sessions of the Supreme Court; were read the third time, and passed.

The House went into Committee of the Whole, on the bill to discontinue certain post roads, and to establish others.

Various amendments were made in the details of this bill—a motion was made by Mr. BARTLETT, of New Hampshire, to strike out the 2d section, which discontinues certain routes from and after the 25th of April next. The motion was negatived. And the section was gone through, and almost the whole of it stricken out, line by line; when the Committee rose, reported progress, and had leave to sit again.

The Committee of the whole House, to which is committed the bill to alter the judicial districts of Virginia, and for other purposes, were discharged from the further consideration thereof.

DAY OF ADJOURNMENT.

Mr. CONNER, of New York, moved to consider the joint resolution on a day of adjournment, and called for the yeas and nays on the question of consideration; which were ordered.

Mr. COCKE moved for a call of the House, previous to calling the yeas and nays.

The motion was carried—yeas 62, noes 50.

The roll was then partly called, when Mr. TAYLOR moved to dispense with the further call; which was agreed to. The question of consideration was then taken by yeas and nays, and determined as follows—yeas 99, nays 73.

So the House agreed to consider the resolution.

Mr. TAYLOR, of New York, proposed the 26th instant.

Mr. ALLEN, of Massachusetts, proposed an earlier day.

Mr. CULPEPER, of North Carolina, was opposed to an adjournment at so early a day as even the latest which was proposed. He adverted to the appointment of a committee of investigation on charges preferred against a high officer of the Government, and to the summons which had been despatched by an officer of the House for the person who preferred those charges. The House had been heretofore informed that, allowing time for going and returning, the individual in question might be expected to arrive here by the 26th of this month. For his part, he said, he was unwilling to go away without allowing a reasonable time for the return of the messenger, &c. The charges which had been preferred, had been considered of sufficient importance to entitle them to investigation, and he was not disposed to adjourn until that investigation was completed, and the whole facts of the case reported to the House, when, he said, he would express his opinion of the merits of it, regardless of consequences, and he hoped the House would do the same.

Mr. WARFIELD, of Maryland, said, that every one knew that the Sergeant-at-Arms of this House had gone for the purpose of bringing to this House Mr. Edwards, to be examined respecting certain charges which he had preferred against one of the highest officers of the Government. Whether, in sending for him, the committee of this House had done right or wrong, was not now the question; but, having done it, he was of opinion that a due respect to the parties interested, to public opinion, and to consistency in the course of this body, would induce the House, at all events, to continue the session until the person to whom he referred should have had a reasonable opportunity of reaching the Seat of Government. Otherwise, said he, in what situation before the public shall we present ourselves? He was as willing as any gentleman to bring this session to a close; but, a due respect to the distinguished officer whose conduct is arraigned, and to every consideration connected with the subject, forbade, in his opin-

ion, an adjournment earlier than the 31st instant; which day, therefore, he proposed.

Mr. WICKLIFFE, of Kentucky, put it to the House whether, under the circumstances known to them, they would remain in session to await the arrival of the officer of this House. He had just been informed that the Sergeant-at-Arms arrived at Louisville, so as to leave that place for Edwardsville on the 4th of this month; by the 10th of the month he may have reached Edwardsville; by the 17th he may have arrived at Louisville, on his return: it will take 8 or 10 days to get thence to Wheeling, and three or four days thence to this place, supposing no interruption of the journey to occur: and when it is recollected that there was no regular chain of steamboat navigation, and that travellers have sometimes to wait several days for a passage, could it be in the contemplation of any gentleman to wait here until the messenger returns—say, till the 15th, or even the 10th of June. He wished the resolution were made blank, so as to fill it with such day as a majority of the House should be found to approve.

Mr. WEBSTER, of Massachusetts, said that, when this subject was before the House the other day, the member from Illinois stated, from his knowledge of the distance, &c., that an answer to the summons of this House might be expected by the 23d or 24th of this month. From the facts which had since come to the knowledge of the gentleman, Mr. W. said, he should like to know what was his present opinion on that subject.

Mr. COOK said that, when he made a statement on this subject some days ago, it was impossible that he should be apprized of the obstructions to the progress of the messenger of the House. He had stated that he might return by the 23d or 24th of the month, but that was upon the supposition that no difficulty had occurred in his progress in the river. Since making that statement, he had seen a letter from the Sergeant-at-Arms, that he was not able to leave Louisville before 4 o'clock in the afternoon of the 4th of May. He might reach Edwardsville in five or six days. If an opportunity should present itself for resuming his journey by water, he might return to Louisville in five days, say by the 15th of this month. It was not probable that he could reach this place in less than fifteen days after his arrival at Louisville. It would not be reasonable, therefore, to calculate on the arrival of the messenger or Mr. Edwards sooner than the 30th of the month, under any circumstances. And if the House is disposed to wait for him, said Mr. C., as I sincerely hope it is, that object will be entirely defeated by fixing on an earlier day for the adjournment than the last of this month. Mr. C. repeated, that he most sincerely hoped that the House would continue in session until Mr. Edwards should arrive.

Mr. McLANE, of Delaware, said, that there was no member of the House who would remain here, were the session prolonged, at greater personal inconvenience, or sacrifice of interest or of feeling, than himself. But it was too late now for gentlemen to listen to considerations of that description. The decision has been taken. Every gen-

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tleman must have known, when this investigation was instituted, that it would be attended with serious inconveniences. I was myself fully aware of it, said he, and it was for that reason, among others of higher import, that I was opposed to the institution of this committee of investigation. The House, however, determined to go on, and it does appear to me to be due to the parties and to the character of the House, that it shall now be carried through, and that every opportunity shall be given, to all the parties concerned, for a full investigation. Laying aside all personal considerations, the public good demanded this course. From what had been said by the honorable member from Illinois, it was apparent that an earlier day for the arrival of Mr. Edwards, than the last day of the month, could not be fixed. But the reasons which influenced him, Mr. McL. said, would prevent him from voting, at this time, to fix any day of adjournment. The committee of investigation had sent for the individual who preferred the charges which are under investigation. If I understand the process with which our officer is charged, said he, it does not authorize the Sergeant-at-Arms to bring this individual here. It is a mere summons to him to attend, which he may obey, or not. He probably may not be ready—few individuals would be ready, at so short a notice, to set off on so long a journey, the day he receives the summons. In any event, he cannot get here before the thirty-first of the month, and perhaps not for some days later. And for what purpose, sir, have we sent for him? Is it to present himself here, and say, "Here I am," and thus let the business end? That is certainly not my view of the case. Here is a charge which the House has deemed of sufficient importance to institute an inquiry in relation to it. They have sent for Mr. Edwards, to deliver what testimony he may be able to afford in relation to it. After this is done, time should be allowed for an investigation of all matters connected with this individual; and I am free to say that I, for one, want time to follow it up. I do not want merely to have Mr. Edwards here, and to have a report made upon the subject, but I want to have a full investigation. For these reasons I am not willing now to fix a day of adjournment. If that be done, in what situation will the House be placed? Suppose that any accident should occur to prevent the arrival of Mr. Edwards on the thirty-first: the day being now fixed, the House will have adjourned, perhaps, the very day before he arrives. This course, Mr. McL. said, he conceived, would be unjust to the party whose reputation had been assailed in the address to the House. He was willing, at all risks, to remain till this individual should come—have been examined by the committee, and the result reported to this House, and acted upon. If necessary to public justice, he would wait here until midsummer to see these objects accomplished.

Mr. BUCHANAN, of Pennsylvania, entirely concurred in most of the views of the gentleman from Delaware, but he differed from him as to his conclusion. From the information which had been

given to the House, by the gentleman from Illinois, it was perfectly evident, and must strike the mind of every body, that Mr. Edwards cannot be expected to arrive here before the fourth or fifth of June. If the House waited for his arrival at all, consistency and a sense of duty would require them to remain in session until he was examined, that the information which he possesses may be eviscerated and laid before the House. On a moderate calculation, this will take to the tenth of June; and, said Mr. B., I ask whether we will delay our adjournment till that day on this account, or whether we shall not rather adjourn at an otherwise convenient season? If I thought, that, to await the arrival of Mr. Edwards was of any importance to the country, or to the distinguished officer whose conduct is implicated by the charges, I would remain here at any sacrifice. But I am not of that opinion. When Mr. Edwards presented his charges to this House, he referred for the foundation and support of them to documentary testimony, and to that alone. That testimony, with the charges, is in the possession of as able and impartial committee as was ever raised in any public body. I am persuaded that the committee is, or can be in one or two days, ready to report upon that testimony. Now, I ask, how can the Secretary of the Treasury be implicated by an adjournment, without waiting for Mr. Edwards? The proofs are here; the committee is diligently engaged in the examination of them, and are ready (or can be in a short time) to make their report; and I protest against the idea of the House having committed itself, or pledged itself in any way, to wait for Mr. Edwards. The House has not, in any way, confirmed the decision of that committee to send for Mr. Edwards. At the time this accusation of Mr. Edwards was brought to the House, I tried three several times to get the floor, to move to lay it on the table for one day. Had this been then done, I am persuaded we should have had no further trouble with it. Believing that the House is not pledged, and that it is not expected of us to wait for Mr. Edwards; and that, as regards our legislative business, we shall be perfectly prepared to adjourn on Monday, I will propose that day. In any event, the motion of my friend from Maryland ought not to prevail. If the House determine to wait and examine Mr. Edwards, they ought to adopt the views of the gentleman from Delaware, and not at this time fix upon any day for the adjournment. If otherwise, the earliest day that had been named should be taken.

Mr. HAMILTON, of South Carolina, said he was as little disposed as his friend from Delaware to adopt a course calculated to preclude any decision on this subject, that was due to the character of the House, or properly subservient to the ends of justice. But, believing that the views which he had taken of this subject were erroneous, he could not but believe, if the House came to the decision which he recommended, it would not subserve the purpose of justice, but only vexatiously prolong the session. He begged leave to call the attention of the House more directly to the subject

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involved in this question. What is it? said he. An officer who has received an appointment within the gift of the Executive of this country, has made a charge against an officer in the Cabinet of the Executive. Instead of directing this charge to his proper Chief, the Executive, the accusing party has improperly, and I regret it, thrown it into this House. Under the excitement of the moment, which I also regret, this charge took what I conceive an improper direction in this House. It has been put into the possession of a committee, acknowledged on all hands to be exceedingly well qualified to investigate it. But, in reference to the course which the House ought now to take, Mr. H. said, it is very proper that the grounds of the accuser himself should be taken into consideration. In support of his charges, to what does he refer us? To his own testimony hereafter to be delivered? To oral proof of any description whatsoever? To any evidence beyond the walls of the Capitol? No; but to documents already in the possession of the House. Under a belief that this individual may have done wrong, to the character of the officer to whom his charges relate, a messenger has been despatched by this House to summon him here. That was supererogatory, for the Executive had anticipated this act of the House, and, with great propriety, because that is the branch of the Government to which he is at present amenable, transmitted to him instructions to await the proceedings of this House. His presence here, however, Mr. H. said, was not in the slightest degree material to the decision of the case before the House. Now, if the individual preferring these accusations could have any just ground of complaint against the House for not awaiting his arrival, he admitted it would be proper that they should do so. But, could he, under all the circumstances, have any cause of complaint on that score? Mr. H. conceived not. He understood (he said) that it was in the power of the committee of investigation, from the materials which they have collected, to make a report in the course of four or five days. Admitting that, in the result of that investigation, it might arise, that justice required, on one or the other hand, further measures, was this House to take them? No; for, he said, he did not apprehend that, in any event, it was proposed to carry the matter to the extent of impeachment. What then? Was it desirable to have a debate got up in this House, to involve the discussion of angry and irritating topics—a discussion which, it is possible, would be attended with most unpleasant consequences? If ultimate justice was necessary to be done, by whom is it to be done? By the Executive of the country; and, if either individual concerned shall conceive that any injustice has been done to him, to that authority let him appeal for redress. Mr. H. here disclaimed, most positively and emphatically, any intention of unkindness in regard to either of the individuals, in the course which he was disposed to pursue. But, remaining here, at vast cost to the country, and at vast inconvenience to the individual members of Congress, he should consider wholly unjustifi-

able. The gentleman from Delaware, he said, had admitted some things fatal to his own argument. It was impossible, he had remarked, to say whether Mr. Edwards would be able, from ill health, or other circumstances, to come at all. The very uncertainty attending this subject was conclusive why an early day should be fixed upon for adjournment. If Mr. Edwards can come at all, he will probably be here by the 24th or 25th, as estimated heretofore, and, as yet, possible. But, honestly believing that it was not necessary he should be present, Mr. H. said, he should vote for an adjournment on the 26th instant.

Mr. MERCER, of Virginia, said, if he was unwilling to fix the time of adjournment at present, it was not from regard to the accuser, whose charges had, from the choice of the individual himself, been made from a point distant from the Capitol, when he might have made them here, had he supposed it due to himself to be present at their investigation. Certainly, after delaying the mission to Mexico for eighteen months, the Executive would have had no difficulty in granting the Minister five or six days more for that purpose. With regard to the interests of the accused, and of the country, one thing it was highly important to know, viz: whether the testimony of this individual was considered by the committee of investigation to be material or not. This House had no agency in sending for him. The warrant was issued antecedent to any proceeding on the part of this House upon the subject. We are to infer, from the fact that the committee sent for him, that Mr. Edwards is deemed a material witness. The committee had no right to send for him unless his testimony was considered important. We have, therefore, a right to suppose that his testimony is material, because otherwise he would not have been sent for. If his testimony is material, and we adjourn before his arrival, the public opinion will be, that we have arrested the investigation of his charges. If that be the only question to be decided, my mind, said Mr. M., is made up. I will not do any act that shall compromise the dignity or justice of this House. Unless we have information, from the committee, that the witness is not deemed a material one, I cannot consent to adjourn short of the period when Mr. Edwards may arrive and be examined. Was it possible, Mr. M. asked, that the House would receive this accusation, appoint a committee to investigate it, and then adjourn without acting conclusively upon it? It was highly important, to the proper decision of the pending question, to know from the committee what were the views which he entertained of the consequence of Mr. Edwards's testimony; and Mr. M. rested the question on this ground—that, if the testimony of Mr. Edwards was material, the House ought to remain in session until he arrived, and that the House had a right to presume it was so, until informed by the committee to the contrary.

Mr. MANGUM, of North Carolina, said he was as anxious as any member of the House could be, to leave this wretched place, and return home, if,

contrary to his opinion of the matter, a sense of duty would allow of an adjournment as early as was proposed. It had been said that the act of calling for Mr. Edwards was not the act of this House, and, further, that the presence of the accuser is not necessary—and that he himself has shown that it is not. But, said Mr. M., we have committed the investigation of this matter to a committee composed of gentlemen esteemed on all sides of the House for their superior intelligence and unquestionable integrity. That committee, in its wisdom, has decided, and, I believe, with perfect unanimity, that Mr. Edwards should be brought before them. It is to be presumed there are some matters of fact which he is expected to disclose, which make his presence necessary; and, until I hear to the contrary from that committee, I shall oppose my humble opinion and voice against an adjournment before Mr. Edwards's arrival. And this view of the case appeals most strongly, not to the friends of the distinguished person who stands accused before us, and in so delicate a relation to this House and to the nation, but to the friends of Mr. Edwards. What will be the consequence if, after the solemn decision of our committee, that it is necessary Mr. Edwards should be brought before this House, we should say his presence is entirely unnecessary, and that a reference to documentary testimony only is necessary? If such be the fact, why is it not announced to the House from the proper source, the committee which sent for him? It is not announced, and I, therefore, presume that the opinion still exists that Mr. Edwards ought to be here. And, whilst this is the fact, we shall treat the just claims of this high officer (the Secretary of the Treasury) with worse than scorn and contumely, if, after having sent for his accuser, we adjourn before he comes, and deprive the accused of the opportunity of a full and fair investigation of these charges. On the other hand, what have you done? Have you not, to a certain extent, endorsed these charges? That which never could have stuck to the character of the Secretary, have you not fixed there, by a solemn act, in recognising the claim of these charges to investigation? And will you abandon the investigation, and, as far as you can, suffer the obloquy to remain? It has been said that it is due to both these high officers, the accuser as well as the accused, that this investigation should not be closed without waiting for Mr. Edwards. As to one of these persons, Mr. M. said, he differed from the gentleman who thus said; because, as to the accuser, he could have made his charges at any time, as well as when he did make them—and, if it had been absolutely necessary that he should be present during the investigation, he could have procured himself the opportunity of being so, without the invitation of this House. He selected his time; and, near the close of the session, when he is at a distance from the Seat of Government, he has preferred to present his charges. We have partially sanctioned those charges by consenting to investigate them; and shall we submit to the humiliating construction of abandoning the in-

quiry by adjourning before the investigation is closed? To try the sense of the House on the subject, whether it is prepared to act upon its present information, he moved that the resolution lie on the table.

The question on this motion was taken without debate, by yeas and nays, and decided in the negative.

Mr. ALEXANDER SMYTH, of Virginia, then rose and said that he should vote for adjourning on the 31st of the present month. He should not be in favor of waiting till that day for the arrival of the individual who had been sent for, and the prosecution of the inquiry which had been commenced, were that to be the sole object. But he thought that the time of the House might be fully and usefully occupied in business of a public and strictly parliamentary kind. He had been informed by a gentleman, on whose accuracy, in matters pertaining to the business of this House, he had been in the habit of relying, that there yet remained as many as ninety bills and thirty reports of committees, yet unacted upon, or only in part attended to. These would usefully occupy the time, and it was very possible that, before the day he had mentioned, the person expected might arrive. He thought the gentleman from Illinois mistaken in his calculation when he said that that person could not be here before the 31st instant. He believed that the journey from Louisville to this city might be accomplished in ten days; and, in that case, the messenger might return by the 24th of this month. He considered the House bound to allow a reasonable time for the arrival of the person whose attendance it had required. Public opinion, with what justice he should not say, would set down every individual of this House, on one side or the other, in this affair, and would attribute every part of their conduct to partiality and design. It was the duty of the House, as much as possible, to avoid giving occasion for such reflections. It had been objected that the sending for Mr. Edwards was only the act of a committee. True: but that committee received its authority to send for him, from this House; they have reported their proceedings in sending for him to this House, and this House has transmitted those proceedings to the President of the United States; and thereby given to the act of sending for him every sanction which the circumstances would admit. The accuser had made a variety of statements in relation to the officer accused; it was proper that he should be put upon his oath, and cross-examined. On the whole, considering the public interest, the dignity of this House, and the character and public station of both the individuals concerned, he could not consent to vote for an earlier day than the 31st instant.

Mr. WEBSTER observed that, as in a case of fact with which he was not personally acquainted, he must rely on the opinion of some other person, he thought it proper to take, as his best guide, the opinion of the gentleman from Illinois, who, being an inhabitant of that part of the Union through which the person sent for had to travel,

was to be presumed best acquainted with the probable time at which he could arrive. That gentleman declares it as his opinion that he cannot be in this city before the 30th of the present month. If so, the 31st was, of all days in the year, the most improper and the most unlucky that could have been selected. He had much rather agree to an earlier or a later day. The question to be settled was, whether the House shall wait for the witness who had been summoned? If it determined to wait, then the 7th or 8th of June would be the earliest period which it could, with propriety, fix for adjournment. As to the expediency or in expediency of waiting, he meant to express no opinion, far less to represent that of the investigating committee. It was agreed, on all hands, that the ordinary legislative business, which demanded the attention of the House, might be got through with by the 24th or 25th instant. If the House did not choose to wait for Mr. Edwards, he presumed one of those days would be a proper one; if it did choose to wait, then the 7th or 8th of June would be the proper time. At all events, he considered the middle ground as the worst.

Mr. WARFIELD rose in reply, and said he was very sorry that the honorable gentleman from Massachusetts should consider the 31st day of the month as so peculiarly unlucky. That day, he believed, came on a Monday. If it had fallen on a Friday, he should have been less surprised at the opinion, as he had heard Friday called the hangman's day. He had proposed that day, on the first suggestion of the gentleman from Illinois, that Mr. Edwards would probably arrive on the 24th, in which case the 31st would leave ample time for any examination the House or the committee might require. That the House can get through with the legislative business by the 24th, was mere matter of opinion. An honorable gentleman from Virginia, on whose minute attention to the business of this House he had been in the habit of relying, had just told the House that it had business enough to occupy its attention till the 31st of the month; in which case, he did not see how that could be considered as an "unlucky" day, or as "middle ground." It was true, the House itself had not sent for the individual, but its resolution had empowered a committee of its own members to send for persons and papers. No farther act of authority was needed, and the House had sanctioned the act of the committee so far as it could do so.

It was urged that the personal testimony of this witness was not material; that he had referred to documentary evidence for every part of his charge, and that none other was requisite. If this was the fact, the House need sit no longer; and, if the committee of investigation will report that fact to this House, he would vote for a speedy adjournment. But he considered the argument as unsatisfactory. No such fact had been reported by that committee. On the contrary, they had themselves sent for this witness. He viewed the reputation of all parties as involved, and he heartily assented to the sentiment that, let the result strike

where it may, the investigation should proceed. He trusted the House would persevere, as he thought they could not, with propriety, retrace their steps.

Mr. COOK said, in rising, that he had not taken the floor to discuss the propriety of fixing on any particular day for the adjournment of the House. He was disposed to think that, from the course this business had taken, the presence of the person sent for might be material to the accused, and to the other party also. The House having so far acted as to recognise the propriety of sending for Mr. Edwards, it appeared proper, with regard to consistency of conduct, that the House should wait for his arrival. What he more particularly rose for, was to reply to some remarks of the member from North Carolina. As (said Mr. C.) no member of the House appears disposed to express an opinion in regard to the merits of the matter now before the committee of investigation, I was some little surprised that the honorable gentlemen should venture or think it necessary to express an opinion as to the merits of the claim of either party concerned to be heard before this House, or contest the claim of one party as he did, when he intimated that the situation of the absent party claimed no indulgence at the hands of the House. The honorable member spoke of the time of preferring the charges, and said, in substance, that other and previous times might have been selected, and, not having been, that party had no claim on the consideration of the House. It is to correct this statement only that I have risen, for my honest wish was, and is, not to indulge in feeling in regard to this matter until I see something which is in my opinion calculated to place in an unfair light the facts respecting this controversy, and then the relation in which I stand to the House, to the country, and to the party* which has preferred these charges, would require me to correct such erroneous statements; and for this purpose I now rise. I will state the circumstances of this case, in a preliminary point of view, without attempting to state what will be its ultimate result. It is known to this House that a report was made by the Treasury Department to this House on the 22d of March. That report impugned the veracity, and of course impeached the character of Mr. Edwards. Upon the face of the document itself, it is to be presumed, and I believe it can be incontestably proved, that it was that report which elicited the Address of Mr. Edwards to this House. But, the gentleman from North Carolina says that a previous time might have been selected for it. Let me remind the gentleman, who was not a member of the last Congress, that this House did then undertake to investigate a part of this subject. There is nothing, upon the ground of his silence upon this subject, that can in any degree justly prejudice Mr. Edwards's standing on the same footing with the individual whose conduct he has arraigned. They

* It may be proper for the due understanding of this passage, and of others in the debate, to state that Mr. Cook is the son-in-law of Mr. Edwards.

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both stand on the same ground. The individual who has sent this memorial to Congress, has his reputation assailed; and, in the course of the argument of his memorial, he goes on to show that the foundation is not solid—and this argument he addresses to this House, to whom the report in question was made. These individuals, therefore, ought both to be considered as standing on the same ground. Let justice be done to them; let the truth be disclosed; and, nearly as I stand in relation to one of them, I am willing to see justice done, and the sharp edge of truth cut whosoever shall come in the way of it. It is not just—it is not consistent with the nature of the discussion this morning, to express opinions to the prejudice of one or the other of these individuals. I have myself abstained from doing so, and trust I shall continue to abstain, having risen now only to correct what appeared to me to be incorrect in the view which had been taken by the gentleman from North Carolina.

Mr. TAYLOR here required the previous question, but the House refused to sustain the call.

Mr. MANGUM then replied to Mr. COOK. He said he could not but exceedingly regret that the gentleman from Illinois should have misconceived the remarks which he had made. If I understood myself, if the House understood me, and I beg the gentleman from Illinois now distinctly to understand me, I expressed this opinion: that the situation of the Secretary of the Treasury is at this time one of peculiar delicacy, as it relates to his standing towards the American people; that, these charges having been preferred at this late period of the session, and the House of Representatives having instituted an inquiry into them, it behooved the House to prosecute this inquiry to a close. I did draw a distinction, and I believe that every gentleman in this House who is unconnected with the parties in point of feeling, will sustain me in it, between the relative situation of the parties. This is not as interesting a matter to the accuser as to the accused. The personal attendance of the former is in nowise necessary, unless he is in turn assailed, and he desires a suspension of opinion until he can be heard. Were these charges referred to a committee for the purpose of trying Mr. Edwards? Is it with a view of ascertaining whether he is guilty or not guilty that this committee has been instituted? I had understood to the contrary, and I regret that the gentleman should be so fastidious on the occasion—on an occasion on which he professes not to have any feeling, and, it is to be presumed, has none. It is because this committee is raised, not to try Mr. Edwards—upon whose merits I expressly disavow having formed any opinion, and much less would I now express any, if I had formed one—but to try the Secretary of the Treasury, that he is most interested in it. It is due to consistency—it is due, if I may say so, to an honorable course, not to abandon this inquiry after having instituted it. Upon this subject, I hope my course has appeared perfectly correct in the estimation of every gentleman in the House, the one from Illinois excepted. I mean not to throw myself into the arena as the

partisan of any man. If a blow is to fall, let it light on the right one, fall where it may. The public mind is excited by this subject. All circumstances call upon us to pursue the investigation; and, if I were a political enemy of the individual accused before us, I should feel myself bound to prosecute the investigation whilst his friends claimed it. And if when it is brought to a close, the accuser cannot substantiate his charge; if the blow fall on him, and he stagger under it, it will not have been aimed at him either by this House or others. If it fall on the Secretary, it will be because it was aimed at him: and, whilst he claims a trial; whilst his friends claim a thorough investigation of these charges, shall we refuse him a right which is due to the vilest culprit in the land? I hope, sir, I shall be understood, when I expressly disavow appearing here as the partisan of any body. I am only the humble defender of what I consider to be due to the character of this House, to the individual charged, and to a just respect to the people whom we represent.

Mr. FORSYTH, of Georgia, said, he entirely concurred in the opinion that, granting all sufficient time for the arrival and examination of Mr. Edwards, the House might be able to adjourn by the 7th day of June, and he proposed that day accordingly. It was due to the character of this House that it should remain here till that time, even at great expense, and great personal sacrifice. He adverted to the necessity of acting on this case with precision and on mature reflection, that improper conclusions may not be drawn, as to the motives which govern the House in its course, by the people of the United States. This memorial of Mr. Edwards, said Mr. F., bears date the 6th of April, and, by due course of the mail, should have arrived here on the 10th day of that month. The first information which the House had of the existence of this packet, was on the 19th of April; and, by a singular coincidence, that was the very day when the Senate fixed upon a day for the adjournment of the two Houses. The House of Representatives, with a feeling which a sense of justice was calculated to inspire, instituted a committee to investigate the subject, and clothed it with power to send for persons and papers. On the 21st, a resolution was submitted by me, which was not agreed to, to communicate the fact to the Executive. On another day, a nearly similar resolution was offered by another gentleman. On the 22d, the committee reported a part of their proceedings, and advised this House that they had ordered the messenger of the House to pursue Mr. Edwards, for the purpose of calling him before them. This messenger left the City of Washington on the 24th. To make the greater speed, he passed by Baltimore, under the absurd pretext that he was liable to be interrupted in his journey by the usage of the stage office giving preference to other passengers, as if it were possible for any stage-coach usage to arrest the messenger of this House. He went down the river from Wheeling, and arrived at Louisville on the 3d; and we are now informed that it is impossible he can arrive here before the 4th of next month. In what sit-

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uation, sir, shall we be placed if this investigation be suspended; if the House adjourns without waiting for this individual? What was the object of the address in which the charges have been preferred? To defend the reputation of the late Senator from Illinois? To defend himself! How? By accusation of another? It is not worth while to mince matters in a case of this kind. It is impossible for any individual—

Mr. TRIMBLE, of Kentucky, here rose, with permission of Mr. FORSYTH, to explain, that the messenger of the House, in going by Baltimore, had acted by the advice of others who knew, by experience, that it was the surest route, with a view to expedition.

Mr. FORSYTH disclaimed any intention to blame the messenger, having no doubt he had acted upon advice and information of others—there certainly was a day lost by his taking that route. Mr. F. resumed his argument. It is impossible, said he, for any member of the House to read this address to believe that the object of the person making the charges was to punish the individual charged, through the agency of the powers of this House. My own impressions are, that the individual expected that his address would be printed, under the sanction of this House, and that no further notice would be taken of it; and that it would be the foundation for assailing the reputation of the individual whom he accuses, through the ensuing Summer—for what purpose, everybody can understand. This object has been disappointed, by the investigation which the House had ordered. In justice to the individual whose conduct is assailed—I speak not of him as an officer; not of the purity of his character, and the integrity of his conduct, which I believe to be, in truth, his only reproach—but of his pretensions to the first office in the gift of the people—this investigation should be fully prosecuted, unless this House means to make itself a party in the projects of the individual who has addressed it. A portion of the charges contained in his address have been rung through the country these twelve months past, or more, without effect. A part of them have been investigated in this Hall, to the utter confusion of the assailants of the Secretary. What is the object of the address which now embodies them? Unquestionably, to give to them an artificial importance, to put a stamp of credit on what had been already condemned by the people. And by whom is this investigation carried on? I mean to excite no unpleasant feeling in the mind of any gentleman in this Hall; but it is proper, in coming to the determination which we are to make on the question now before us, that all things should be considered, which bear upon it. It is known that there were, at the commencement of this session, five individuals presented to this House as candidates for their favor and that of the people, for the Presidential office. It is known that a majority of this House is favorable to the claims of the four other candidates in opposition to the claims of the remaining one. It is by this House, thus disposed, that this investigation has been instituted. What will be the inference, if these charges are left in

suspense, by the adjournment of this House? I ask gentlemen to consider, what will be the effect of such a course? I am sure sir, that there is no member of this House who is desirous to do injustice to the individual in question; but I put it to every member of this House, whether he does not at least leave a "loop to hang a doubt upon" if he agrees by his vote to an adjournment before Mr. Edwards arrives. All that is wanted is, that the individual sent for should be brought here, and questioned—"What have you more to say? What are these defensive accusations which you talk about as having in reserve?" A single hour, after his arrival, will suffice for his answers to these simple interrogatories. It is due to the nature of the subject, that we should wait for the arrival of Mr. Edwards. As it is stated, that there is reason to believe he may be here by the 30th of the month, and seven days will be sufficient for every possible allowance of time for his examination, and a report by the committee, and decision by the House upon it, I am in favor of fixing on the 7th June as the day of adjournment.

Mr. COOK said, it must be painful, it could not but be painful, to a dignified and enlightened body, whose duty it was most solemnly to decide upon the merits of the matter before the committee of investigation, to see, upon an incidental discussion of this description, the motives of individuals misrepresented, and erroneous statements made, either from improper views, or because the facts were not correctly understood. The honorable gentleman from Georgia, said he, has stated his belief as to the motive of the individual who lately transmitted an address to this House, which he has ascribed to motives, at which, if true, every honorable mind ought to revolt. He stated, that the memorial was presented, not with the hope of bringing on an investigation, but to have it printed without being investigated: If I have misunderstood the gentlemen, he will correct me—[Mr. FORSYTH said, the gentleman understands me correctly.] I am not now, nor at any other time, if I can avoid it, about to give any opinion as to the merits of this controversy—but let the language of the memorial speak for itself. In the 18th page of it, the memorialist states that, under calls for information respecting the illicit introduction of slaves into the United States, information called for by the House had been withheld, and says, in making the statement, "I challenge investigation." And, at the conclusion of his memorial, he says, that, if his charges are made in malice or in falsehood, it is a misdemeanor that would prove him unworthy of the office he holds, and expressly invites the Secretary, or his friends, to make the charge against him. Language like this, said Mr. C., is in direct repugnance to the idea that he wishes to shrink from an investigation of his charges, and that he merely wished to afford food for the newspapers during the recess of Congress. Whether it be true or not, I ask whether it is proper for a member of this House, who is to pass upon this case before God and man, to express so decided an opinion, which would go to stamp infamy upon one

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of the parties in this controversy. I ask whether this is consistent with the dignified attitude which we ought to occupy. The honorable gentleman had better wait for his opinions until the report from the committee be made, for that committee, able and honest as he believed them to be, would present nothing but the truth in their report. Then is the time to express such an opinion, if the facts shall warrant it; and, sorely as I shall regret it, on account of the particular relation in which I stand to that individual, let the power of truth be brought upon him—if it be sufficient to crush him, if due to justice, and the character of the country, let it be so. I will not undertake to express an opinion, as to the merits of the Secretary—I will wait until the facts shall come in solemn form before us—in that form which shall justify us in expressing an opinion thereupon, before this House and the nation. If malice be proved, let the seal of reprobation be stamped upon the author of the address. Sincerely as I should lament it, my duty to myself and to my country would oblige me to express the truth upon the evidence before us.

Mr. FORSYTH said, the gentleman from Illinois was not well acquainted with the address, or he would not have put upon it the construction which he had: for the author of it expressly says, after making various charges against the Secretary of the Treasury, "I do not ask for an investigation of his conduct;" and yet, with this staring us in the face, the gentleman tells us that the object of the address was an investigation! Whether the opinion I have formed of the motives of the addresser be just or not, is for the House and the country to judge. It has been formed from a fair and simple view of the facts. The conclusion appears to my mind, and must be to every prejudiced mind, irresistible. Whether I am disqualified by this opinion, forced upon me by facts universally known, from passing upon this case, it is not for the gentleman from Illinois to undertake to determine.

I have never mingled in this transaction: my opinion is formed from what has appeared publicly in this House, and from the documents before us; I know nothing further of this transaction.

Mr. TUCKER, of Virginia, observed, that there was by no means that necessity for the arrival and personal presence of Mr. Edwards, which seemed to be supposed. Since sending for him, the committee had investigated farther into the facts of the case, and, he believed, they were in circumstances to make a report satisfactory to themselves and to this House. In the meanwhile it was very possible that that gentleman may come from Louisville in ten days. He could not think it needful for the House to sit here till the 8th of June. Should he not come even till the 30th, the House can, in that case, give its powers to a committee, and the committee may sit during the recess; at all events he could not approve the present proposition, and must vote against it.

Mr. ALLEN, of Massachusetts, said, that he concurred with his colleague (Mr. WEBSTER) in the

opinion that, if the inquiry which has been commenced is to be prosecuted, the session must, necessarily, be protracted at least to the most distant day yet named. But, as he was of opinion that no measures were to grow out of that investigation directly affecting either of the parties, he thought it might safely be committed to the bar of public opinion. Let the people investigate—they would investigate the case, and the public voice will pronounce upon the parties at issue. On this ground he was in favor of the earliest day named, which was Monday the 24th. From what had already been manifested, in the course of the present debate, it must be easy to see what collisions of feeling will be the result, if the discussion is to be pursued on this floor. Who could set limits to that discussion? He did not mean to impugn the motives of honorable gentlemen—he did not doubt the purity of their intentions. But we are human beings—we have passions and prejudices which would mingle with the operations of our judgment. The American people would approach the subject with greater calmness—they were not in the same atmosphere which surrounded the members of this House, and he was for leaving it to their decision.

Mr. P. P. BARBOUR, of Virginia, rose, not to engage in the debate, but to suggest, with great deference, that the opinion of every gentleman must, before this time, be made up as to the proper time for terminating the session, and to entreat that the question might be taken without further debate.

Mr. MERCER rose to state the ground on which he should now vote. He had distinctly appealed to the committee to know whether they would consider the testimony of the individual who has been sent for material to the investigation before them. I have not investigated these charges myself, said he. The ground of them are to be found in four volumes of documents which I have not had time to examine. Upon the silence of the committee, in answer to my distinct application to them, I shall consider the testimony of that witness not material, and shall, therefore, vote against a late day of adjournment.

The question was then taken on fixing on the 7th day of June, and decided in the negative.

The question was then taken on the first day of June, and decided in the negative, 95 to 75.

The resolution was then made blank.

Mr. SAUNDERS, of North Carolina, declared that he had voted for the latest day, and for the 1st June; but as the House appeared to be determined not to allow time for Mr. Edwards to arrive, he should now vote for the earliest day proposed.

After a few observations, from Mr. CAMPBELL, of Ohio, who proposed and advocated an adjournment on the 22d, and from Mr. ROSS, in favor of the 27th instant, the question was taken on filling the blank with that day and agreed to, 101 votes to 73.

Thus amended, the resolution was passed, and returned to the Senate, who agreed to the amendment.

And then the House adjourned.

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Piracy in the West Indies.

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WEDNESDAY, May 19.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to which was referred the amendment of the Senate to the bill for the relief of J. Ottramare, reported their disagreement to the same; and the question being taken, Will the House concur in the report of the Committee of Ways and Means? it was decided in the affirmative.

Mr. McLANE, of Delaware, from the same committee, to which was referred the amendment of the Senate to the bill for the relief of John S. Moffit, reported their agreement to the said amendment, which was concurred in by the House.

Mr. McLANE, of Delaware, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of John H. Howland, of New York," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. RICH, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Alexander McNair," reported the same, with an amendment; and the bill was committed to a Committee of the Whole.

A message was received from the Senate informing the House that the Senate have passed acts of the following titles, to wit: "An act to enable the President to hold treaties with the Indian tribes, and for other purposes;" and, "An act to provide for the punishment of certain crimes when committed in any navy yard, fort, arsenal, magazine, dock-yard, lighthouse, or other place belonging to the United States;" in which they ask the concurrence of the House.

The joint resolution authorizing the purchase of 630 copies of the Journals of the Old Congress, from 1774 to 1788, was read a third time, and, after some conversation between Messrs. TAYLOR, and FORSYTH, it was passed—yeas 87, noes 40.

On motion of Mr. P. P. BARBOUR, the House again took up the bill "for establishing a Territorial government in Florida."

Mr. CALL moved to fill the blank for the salary of the Judge of the Supreme Court with \$2,000.

Mr. TAYLOR opposed the motion for \$2,000, and moved to fill the blank with \$1,500.

This amendment was opposed by Messrs. CALL, and BARBOUR, and carried—yeas 64, noes 56.

Mr. TAYLOR offered a farther amendment, to strike out \$500 as the salary of the District Attorney, and insert "the same salary as is provided by law for the District Attorney of the State of Kentucky." The motion was decided by yeas and noes as follows—yeas 77, noes 62.

Mr. CALL offered an amendment to the fourth section of the bill, which was adopted, and the bill, as amended, was ordered to a third reading.

Mr. CAMBRELENG moved to take up the bill in relation to the accounts of Daniel D. Tompkins. Negatived.

Mr. F. JOHNSON moved to take up the Post Office bill. This motion was carried, and the House again went into Committee of the Whole, on the bill to discontinue certain post roads, and to estab-

lish others. A great number of amendments were made to this bill; a long list of new post routes were agreed to, and a few unproductive routes, of small importance, were stricken out.

Mr. F. JOHNSON offered the following amendment:

"Be it further enacted, That the sum of fifty thousand dollars be, and the same is hereby appropriated, and made subject to the order of the Postmaster General, to aid in defraying the expense of transporting the mails; to be paid out of any money in the Treasury, not otherwise appropriated."

The amendment was rejected.

Several farther alterations were made; when the Committee rose and reported progress.

PIRACY IN THE WEST INDIES.

Mr. POINSETT, from the Committee on Foreign Affairs, to which was referred so much of the President's Message as relates to "piracies, by which our commerce in the neighborhood of the island of Cuba has been afflicted," and to the "depredations which have been committed on the lawful commerce of the United States, under other pretences, and other color, in the neighboring island of Porto Rico," made a report thereon; which was read, and laid upon the table. The report is as follows:

That the prompt and energetic measures adopted by Congress, at the commencement of their last session, seconded by the zeal and enterprise of the officers intrusted with the command of the light squadron destined to suppress piracy in the West Indies and the Gulf of Mexico, have succeeded in putting a stop to the piracies by which our commerce had been afflicted in the neighborhood of the island of Cuba, as far as a foreign force, unaided by the public authorities of the island, could succeed in accomplishing this object.

These piracies had been continued for years, under the immediate observation of the Government of the island of Cuba, which, as well as the Spanish Government, has been repeatedly and ineffectually required to suppress them. Many of them have been committed by boats, which remained concealed in the harbors and under the head land, until they discovered their prey, which they captured, plundered, and destroyed upon the shores of the island. When pursued by a superior force, the pirates have escaped to the shore; and our commanders have been refused permission to land in pursuit of them, even on the desert and uninhabited parts of the island.

It appears, from the most respectable testimony, that these atrocious robberies were committed by persons well known in Havana and in Regla, where they were organized into a band; and that the traffic in their plunder was carried on openly; that they were sometimes committed by vessels equipped at Havana and at Regla; and that they cautiously avoided molesting Spanish vessels, but attacked, without discrimination, the defenceless vessels of all other nations.

The present Captain General of the island of Cuba has acted with great courtesy towards our commander and officers engaged on this service, and has co-operated with them, by arresting the pirates who had escaped to the shore, nor has he complained when our officers have found it necessary to pursue them, and to break up their haunts on the desert and unfre-

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quented keys that surround the island. In no case, however, within our knowledge, where pirates have been seized by the authorities of the island, have they been brought to that punishment their crimes merited; and those who are well known to have fitted out piratical cruisers, and to have sold their plunder with the utmost notoriety, are suffered to remain in Havana and Regla, in the unmolested enjoyment of the fruits of their crimes. Under these circumstances, the British and American squadrons in those seas may repress piracy, so long as they continue cruising in the neighborhood of the island; but there is reason to apprehend, that, on their removal, similar outrages on our commerce will be renewed. In the opinion of your committee, piracy can only be effectually suppressed by the Government of Spain, and by the authorities of the island taking the necessary measures to prevent piratical vessels or boats from being equipped or sailing from any part of the island, and to apprehend and punish every description of outlaws, as well those who actually commit acts of piracy, as those who receive and traffic in goods plundered on the high seas.

The commerce of the United States with the island of Cuba, superior to that with Spain and all its other dependencies, and fully equal to that with France, claims in a peculiar manner the protection of Government. The safety of that commerce requires that the Government of Spain should be urged to adopt prompt and vigorous measures, effectually to suppress piracy in the neighborhood of the island, and to co-operate with the maritime Powers most interested in effecting this object; and, your committee are of opinion, that, for the protection of this important commerce, and of the persons and property of our fellow-citizens, when in the ports of the island, the residence of consuls, or authorized commercial agents of the United States, at these places, is absolutely necessary, and ought to be insisted upon.

Privateers, distinguished from pirates only by commissions of most equivocal character, from Spanish officers whose authority to issue them has never been shown, have been equipped in the island of Porto Rico, and have committed outrages and depredations upon the persons and property of the citizens of the United States; outrages, which no commission could divest of their piratical character. With no other naval force than a frigate, a brig, and a schooner, they presumed to declare a blockade of more than twelve hundred miles of coast. To this violation of all the rights of neutrality, they added the absurd pretension of interdicting the peaceable commerce of other nations with all the ports of the Spanish Main, upon the pretence, that it had heretofore been forbidden by the Spanish colonial laws; and, on the strength of these two inadmissible principles, they issued commissions in the island of Porto Rico, to a swarm of privateers, which have committed extensive and ruinous depredations upon the lawful commerce of the United States. Frequent remonstrances have been made, both to Spain and to the authorities of the island, by the Executive, without producing any effect. During the last Summer, a special agent was sent to Porto Rico, to obtain the restitution of American vessels captured by the privateers of that island, and to collect documentary evidence of the trials and condemnation of others. To the first demand, the political chief referred the agent to the Government of Spain, declaring that he could not, without an open infraction of fundamental laws, take cognizance of

causes legally determined; that the officers of that province could not proceed, but by the express orders of the Supreme Government, and to that, the United States, after the example of Great Britain, must have recourse.

It appears by the testimony collected by this gentleman, that it had been the practice of these privateers, not to send in their prizes to the large and frequented ports, where impartial judges could determine on the validity of the capture, and where the captured could have the means of fairly defending their rights; but to send them into distant and obscure seaports, where the courts are notoriously corrupt, and where the captains and owners were deprived of the means of making even statements of their cases. There are many instances of vessels condemned most unjustly; and, even where they have had the rare good fortune to escape condemnation, their owners have been subjected to ruinous costs and charges; and, in some cases, before the vessels have reached the port, the cargoes and property have been plundered, and the officers and crew treated in a cruel and barbarous manner.

In San Juan, the principal town of the island of Porto Rico, attempts have been made to assassinate the commercial agent of the United States, and the master of a merchant vessel, in order as they believe, to prevent them from taking legal measures to recover property unlawfully captured. Your committee deem it unnecessary to enumerate the vessels that have been captured and condemned without the color of justice, or to recapitulate each particular case of barbarous outrage committed upon the persons and property of the citizens of the United States, by privateers fitted out in the ports of Porto Rico; outrages, which, in their opinion, would justify reprisals and a rigorous blockade of the ports of that island. Your committee forbear to recommend the immediate adoption of those measures, only, because the Minister of the United States at Madrid has been instructed to remonstrate with His Catholic Majesty on the culpable neglect of the Spanish authorities in the island of Porto Rico, and to require indemnity for the losses sustained by the citizens of the United States, from the lawless conduct of the commanders of privateers, bearing His Majesty's commission. That this remonstrance and demand was not made earlier, arose from circumstances beyond the control of Government. The former Minister had left Madrid before his instructions on this subject reached that place, and the subsequent invasion of Spain by France, and the conduct of the French commander of the blockading squadron off Cadiz, retarded the arrival of our present Minister. While the committee advise, that Government wait the result of the negotiation now pending, at Madrid, or, at all events, the answer to the remonstrance of our Minister at that Court, before a resort is had to reprisals and blockade; they earnestly recommend, that two or more small cruisers should be constantly kept off the ports of San Juan, and in the Moro Passage, so as to protect our commerce, and intercept at the entrance of San Juan, Aguadilla, Mazaguez, Cape Roco, and Ponce, American vessels unlawfully captured by Spanish privateers; and, that the commanders of the United States vessels of war be instructed to capture, and send into a port of the United States for trial, any privateer that commits an outrage on the persons, or plunders the property, of citizens of the United States, on the high seas, whenever good and sufficient testimony of such piratical act can be obtained.

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Government of Florida.—Regulation of Steam Vessels.

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GOVERNMENT OF FLORIDA &c.

A bill "to amend an act, entitled 'An act to amend an act for the establishment of a Territorial government in Florida,'" was read by sections and amended. On the item which fixes the salary of the District Attorney, some debate arose, in which Messrs. COCKE, P. P. BARBOUR, CALL, TAYLOR, and WRIGHT, took part.

Mr. CALL proposed to fill the blank with five hundred dollars. Mr. TAYLOR, of New York, to fill it with two hundred.

The former sum was carried—ayes 71, noes 62. When the bill and amendments were, on motion of Mr. TAYLOR, ordered to lie on the table.

Mr. TAYLOR, from the Committee of Conference on the disagreeing votes of the two Houses upon the amendment of the Senate to the bill, entitled "An act to amend the several acts imposing duties on imports," made a report thereon.

Mr. TOD moved for a call of the House previous to taking a vote on this report. The motion was not agreed to.

Mr. A. STEVENSON moved to lay the report on the table until the House should be fuller.

This motion was agreed to—ayes 81, noes 72.

Mr. COOK offered the following joint resolution, which was twice read, and, on motion of Mr. P. P. BARBOUR, was laid on the table:

"Resolved, &c., That the several States which have been admitted into the Union, under any compact prohibiting such States from levying and collecting a tax on land for five years next succeeding the sale of such land by the United States, be, and they are hereby, severally authorized, whenever they may deem it expedient, to subject all lands hereafter sold by the United States, within their respective limits, to the same tax that they may levy and collect on lands not subject to the provisions of such compacts."

Mr. TAYLOR, from the committee to whom the bill from the Senate, "authorizing the purchase of 300 copies of Way & Gideon's edition of the Journals of the old Congress," was committed, reported the same with an amendment, which altered the number of copies from 300 to 630. The House agreed to the amendment, and the bill, as amended, was ordered to a third reading this day.

On motion of Mr. McKIM, the bill "for altering the time of holding the circuit court of the United States in the district of Maryland," was, by consent, amended by substituting May for July; and the bill was then read a third time, passed, and sent to the Senate.

A bill "to alter the judicial districts of Virginia and for other purposes;" and the engrossed bill "to alter the time of holding the circuit court of the United States for the district of South Carolina," having undergone several amendments, were ordered to be engrossed for a third reading.

Mr. STEWART offered the following, which lies one day:

"Resolved, That the President of the United States be requested to cause to be communicated to this House any report that may have been made by the Superintendent of the Cumberland Road, showing the manner in which the appropriation made during the

last session of Congress for the preservation and repair of the said road has been expended."

Mr. LIVINGSTON, of Louisiana, rose, and said, that he had understood from several members who voted yesterday for an adjournment on the 27th, that they had done so because they considered the silence of the members of the committee of investigation to the inquiry, Whether the evidence of Mr. Edwards was necessary? as equivalent to an admission that they did not think his examination necessary. Mr. L. said he rose to correct this erroneous conclusion. The members of the committee had not answered, he presumed, although he only spoke for himself, because no other vote had ever been taken as to the necessity of such examination, except that by which the witness had been ordered to attend; and no member of the committee could, therefore, express the opinion of that body in answer to the inquiry. The fact, however, was, that every member of the House could as well judge of the propriety of waiting for the arrival of Mr. Edwards as the committee could. The committee had no other evidence than that before the House. He thought it necessary to make this explanation, to give any gentleman who had voted under an erroneous impression, an opportunity to move for a reconsideration.

REGULATION OF STEAM VESSELS.

Mr. VINTON offered the following:

"Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing by law, that no license to navigate any of the waters of the United States shall be granted to any boat or vessel hereafter built and moved or propelled by fire or steam, upon the principle of construction commonly called "high pressure;" nor to any boat or vessel heretofore built and moved or propelled by fire or steam, that shall hereafter be fitted up or provided with any engine or other machine intended to move or propel such boat or vessel upon the principle of construction aforesaid."

Mr. LIVERMORE was desirous of information on the difference of construction between steam engines of high and of low pressure.

Mr. VINTON said he believed the Parliament of Great Britain had, some years ago, prohibited, by law, any boat or vessel from navigating the waters of that country by steam propulsion, upon the principle of construction embraced in the resolution he had the honor to submit; that, when he first heard of the existence of such a law, he was forcibly struck with the propriety of adopting some regulation upon that subject in this country, also; and he thought our disastrous experience was sufficiently ample and mournful to leave no doubt in the mind of any gentleman present, of the policy of providing a speedy remedy for so alarming an evil. For himself, he said, the many accidents from explosion, upon almost every public water of the United States, producing death in its most terrific forms, and in none more so than the recent casualty in the harbor of New York, (the melancholy intelligence of which, yesterday, excited in every part of this Hall the deepest sen-

sation,) had satisfied him, not merely of the propriety, but of the *absolute necessity* of legislative interposition for the preservation of the lives of our people. A country agitated with terror and dismay looks to us for protection, and demands, at our hands, security for the future—a security which, he trusted, would not be denied. For these reasons, he had brought forward this subject, at the present time, with the hope of now calling that attention of the House to it, which might result, on some proper occasion, hereafter, in a concentration of its united intelligence, as well as that of the very able committee to whom the resolution was proposed to be committed, in devising some way of putting a stop to this tragic waste of human life. Mr. V. said it must be perfectly familiar to every gentleman present, that boats are navigated by steam upon two different constructions, one of which is commonly denominated *high* and the other *low pressure*. The latter is universally admitted to be comparatively free from liability to explosion, and much less dangerous, on the occurrence of such an accident. Notwithstanding this advantage, which ought to be a matter of the very first consideration with all engaged in this business, who regard the lives, happiness, and peace of mind of their fellow-men, yet, in many, if not all the waters of the United States, except the Hudson, boats are propelled by high pressure, and that, too, after the most multiplied and calamitous experience of its danger. This, Mr. V. said, was particularly the case on the rivers Ohio and Mississippi, where more than one hundred vessels are now navigated by steam, (and the number almost daily increasing,) a great majority of which are constructed upon this dangerous plan—and here, as might be expected, until quite lately, has been the principal theatre of these distressing accidents. Two reasons he had heard assigned for the introduction of this description of boat upon those waters, though, in his opinion, there was but one, and that entitled to not much weight. It had been said the *high pressure* possessed a greater power, giving to the boat a greater velocity of motion, and consequent momentum or ability to resist and move up against a strong opposing current, like that of the Mississippi. If boats moved by *low pressure* were unable to overcome the currents of our rivers, it would present a strong argument against acting upon his resolution; but he doubted whether there was any such difference of power in point of fact. The *high pressure* boat was somewhat less expensive, and cost, perhaps, something less to navigate it; and this, he believed, was the real motive for the introduction of this dangerous description of navigation. Whatever justification interest might furnish to him who thus endangers, and perhaps destroys the life of his fellow-mortal, or however his cupidity may lead him, with full knowledge of this disastrous experience, still to persevere in exposing, even to *possible* danger, the lives of those who commit themselves to his care and protection, he felt assured this House would not for a moment give its sanction to such a motive, nor permit it to be put in contrast with the comfort,

quiet, and safety, of the travelling public, and, he might add, the anxious solicitude of friends, and all connected with it in the various relations of life. Numerous as these accidents have been, yet this species of navigation continues to increase, and nothing short of the power of Government can arrest its progress within any reasonable time, and, until the evil shall correct itself by the waste of life, give that security to the people of this country which they have a right to claim at our hands, and we are in duty bound to guaranty to them. Boats are constructed upon the cheapest plan, and with a view almost exclusively to velocity of motion. The traveller is always in haste to go forward, and hence, the *fastest running* boat obtains the highest character. This naturally keeps up a constant and most dangerous competition, that has been, and ever must be, fruitful in disaster. The comparative history and experience of steam navigation on the Hudson, and the waters of the Ohio and Mississippi, are decisive of this question. No accident, Mr. V. said, had ever occurred on the former river, from explosion, within his knowledge; but it was to be feared the recent decision of the Supreme Court of the United States, which had unlocked its waters, would give rise to the introduction of this kind of navigation also, from which it had hitherto been excluded. Compel your boats to adopt a different construction, and while interest will insure diligence in the prosecution of the voyage, the standard of character will at once be changed. That boat will obtain the best reputation which best consults and promotes the ease, comfort, and enjoyment, of its passengers. In short, all experience, every principle of policy, humanity, and regard for the lives and welfare of the people of this nation, call upon the House for its speedy and effectual interposition to give practical security to the enjoyment of this most valuable invention.

The resolution was advocated by Messrs. POINSETT, MCKIM, BUCHANAN, and WARFIELD. Mr. LINCOLN, and Mr. FOOT, of Connecticut, wished the resolution extended, so as to prohibit an improper material for the construction of boilers in steam engines.

Mr. ABBOT thought the session too far advanced to admit of the proper time to mature a law on this subject. It required much research and practical information.

The resolution was adopted.

TARIFF BILL.

The report of the Committee of Conference in relation to amendments to the Tariff bill, was read again.

Mr. TAYLOR moved that the House concur with the report of the committee, and asked for the ayes and noes, which were ordered.

Mr. FORSYTH made a motion, prefaced by some general observations on the character of the bill, (which he maintained was, as amended, no longer a bill to protect manufactures, but merely to increase the revenue,) to postpone indefinitely its farther consideration, and asked the yeas and noes on that question; which were ordered.

Mr. TAYLOR explained the course adopted by the Committee of Conference, and defended the report as accomplishing all that would be attained under existing circumstances—and urged a concurrence in the result; since the two branches of the Legislature had got so nearly to one point as to be within half a cent, on a single duty, of each other's measures.

Mr. TRIMBLE expressed a hope that the friends of the bill would adhere to each other, and not lose a measure for which they had been struggling for years because the amount of one contested duty was half a cent below the point they wished. He made a few observations on the share of favor dispensed by the bill to Kentucky and the West—and, though not approving it as just or sufficient, was yet willing to acquiesce, and hoped other members from the West would do so too. In the course of his remarks, Mr. T. incidentally passed a merited eulogium on the character and services of the late General Wayne, to whose son, sitting near him, he was willing to appeal as an umpire between himself and the gentleman from Georgia.

Mr. CAMBRELENG contended that the bill was now wholly a revenue bill—he dwelt upon the large amount it would add to the burdens of the country, the needlessness of such an increase, &c.

Mr. McLANE, of Delaware, spoke in support of the view given by the gentleman from New York, (Mr. TAYLOR) advocated the bill as being, what was so long desired, a judicious revision of the duties. He replied to the argument of Mr. CAMBRELENG, and adduced calculations to show that the increase of the revenue which its effect would produce was opportune to the state of the finances, as it would enable the nation to redeem the 6 per cents. and extinguish the national debt by the year 1834.

Mr. CAMBRELENG spoke in reply, insisting on the view he had before given; and then

The question on indefinite postponement was taken, and decided in the negative—yeas 70, noes 120, as follows:

YEAS—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, P. P. Barbour, J. S. Barbour, Brent, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Crowninshield, Culpeper, Cushman, Cuthbert, Edwards of North Carolina, Floyd, Forsyth, Frost, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hooks, Kent, Lee, Leftwich, Lincoln, Litchfield, Livingston, Long, McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Owen, Poinsett, Rankin, Reed, Reynolds, Saunders, Sandford, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Webster, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

NAYES—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, Bartlett, Bartley, Beecher, Blair, Brown, Buchanan, Buck, Buckner, Cady, Campbell of Ohio, Cassidy, Cocke, Collins, Condict, Cook, Crafts, Craig, Day, Durfee, Dwinell, Eaton, Eddy, Edwards of

Pennsylvania, Ellis, Farrelly, Findlay, Foote of New York, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hogeboom, Holcombe, Houston, Ingham, Isacks, Jenkins, Jennings, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Letcher, Little, Locke, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallory, Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Nelson, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Richards, Rich, Rose, Ross, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Whipple, Whitman, Whittlesey, White, Wickliffe, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

So the House refused indefinitely to postpone the bill.

Mr. FORSYTH objected to the principle of taxing the Southern States, in the article of cotton bagging, to however small an amount, for the benefit of a particular district of the Union, and he gave notice that, should the motion of concurrence with the committee of conference be rejected, he should submit a motion, that this House recede from its disagreement to the Senate's amendment.

After a few remarks from Mr. TRIMBLE, in reply to those of Mr. FORSYTH, the question was taken on concurring with the report of the committee of conference, and decided in the affirmative—yeas 125, noes 66, as follows:

YEAS—Messrs. Adams, Alexander of Tennessee, Allen of Massachusetts, Allison, Baylies, Barber of Connecticut, Bartlett, Bartley, Beecher, Blair, Brown, Buchanan, Buck, Cady, Campbell of Ohio, Cassidy, Cocke, Collins, Condict, Cook, Crafts, Craig, Cushman, Day, Durfee, Dwinell, Eaton, Eddy, Edwards of Pennsylvania, Ellis, Farrelly, Findlay, Foot of Connecticut, Foote of New York, Forward, Garrison, Gazlay, Harris, Harvey, Hayden, Hemphill, Henry, Herkimer, Hobart, Hogeboom, Holcombe, Houston, Ingham, Isacks, Jenkins, Johnson of Virginia, J. T. Johnson, F. Johnson, Kidder, Kremer, Lawrence, Leftwich, Letcher, Little, Locke, McArthur, McKean, McKim, McLane of Delaware, McLean of Ohio, Mallory Markley, Martindale, Marvin, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Morgan, Nelson, Newton, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Prince, Reed, Reynolds, Richards, Rich, Rose, Ross, Scott, Sharpe, Sibley, Sloane, Standefer, Sterling, Stewart, Stoddard, Strong, Swan, Taylor, Ten Eyck, Test, Thompson of Kentucky, Tod, Tomlinson, Trimble, Tyson, Udree, Vance of Ohio, Van Wyck, Vinton, Wayne, Webster, Whipple, Whitman, Whittlesey, White, James Wilson, Henry Wilson, Wilson of Ohio, Wood, Woods, and Wright.

NAYES—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, P. P. Barbour, J. S. Barbour, Brent, Buckner, Burleigh, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Conner, Crowninshield, Culpeper, Cuthbert, Edwards of

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of North Carolina, Floyd, Forsyth, Garnett, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Hooks, Kent, Lee, Lincoln, Litchfield, Livingston, Long McCoy, McDuffie, McKee, Mangum, Mercer, Moore of Alabama, Neale, Owen, Poinsett, Rankin, Saunders, Sandford, Arthur Smith, Alexander Smyth, William Smith, Spaight, Spence, A. Stevenson, J. Stephenson, Taliaferro, Tattall, Thompson of Georgia, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Warfield, Wickliffe, Williams of Virginia, Williams of North Carolina, and Wilson of South Carolina.

So the House did concur in the report of the said committee of conference, which is as follows:

1st. That the House of Representatives do recede from its disagreement to the third amendment of the Senate, and do agree to the same, with the following amendment: after the word "wool," where it occurs in the proviso, strike out the words, "or of which wool shall be a component part;" and insert, "except flannels and baizes."

2d. That the Senate do recede from so much of its sixteenth amendment, in reference to the specific duty on cotton bagging, as is disagreed to by the House of Representatives, and that the clause be modified, so as to read, "on cotton bagging, three cents and three fourths of a cent per square yard."

Mr. WEBSTER gave notice that, to-morrow, (Thursday,) he should call up the consideration of the bill from the Senate in relation to the election of President and Vice President, and that, also from the Senate, in relation to imprisonment for debt.

THURSDAY, May 20.

Mr. HARVEY, from the Naval Committee, reported a bill "for the relief of William Townsend;" which was twice read, and committed.

Mr. WHIPPLE, from the Committee on the Public Lands, reported a bill from the Senate, "for the relief of the representatives of John Donnelson, Stephen Hurd, and others," with an amendment, inserting the name of Thomas Carr, in which the House concurred—ayes 66, noes 53.

On the question of its engrossment for a third reading, a short debate arose, in which Messrs. COBB, WHIPPLE, ISACKS, HOUSTON, and CULPEPER, took part, and the motion to engross prevailed.

The resolution yesterday offered by Mr. STEWART, calling for certain information from the President of the United States, as to the application of the money last year appropriated for the repairs of the Cumberland road, was taken up, and agreed to.

The following bills from the Senate, viz:

An act to provide for the punishment of certain crimes when committed in any navy yard, fort, arsenal, magazine, dock yard, lighthouse, or other place belonging to the United States; An act to enable the President to hold treaties with certain Indian tribes, and for other purposes; were twice read, and referred to committees.

The following engrossed bills, viz:

A bill altering the time of holding the circuit court of the United States for the district of South

Carolina; An act to alter the judicial districts of Virginia, and for other purposes; A bill to amend an act, entitled "An act to amend an act to establish a Territorial government in Florida, and for other purposes;" were severally read a third time, passed, and sent to the Senate.

On the last of these bills, the discussion of yesterday was renewed. The provisions of the bill were objected to by Mr. BEECHER, of Ohio, and defended by Mr. CALL, of Florida, and Mr. SCOTT, of Missouri.

On motion of Mr. VANCE, of Ohio, the House went into Committee of the Whole, on the bill "to authorize the surveying and making of a road from a point on the northwest boundary of the State of Ohio, near the foot of the rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan;" which was read by sections.

The facts were stated and explained by Mr. VANCE. The road, partly opened by the troops during the late war, passes over many deep morasses, through a country sparsely peopled, and is of importance as a military road on the frontier, &c. He adverted to the disasters which had been experienced for want of a road between these points, and moved to fill the blank in the appropriating clause with the sum of \$20,000.

This sum was objected to by Mr. SANDFORD, of Tennessee, and advocated by Mr. McARTHUR, who explained, from personal knowledge, the necessity of the road, and the aspect of the country through which it is proposed to pass.

The amendment passed *nem. con.*, and the bill was reported and ordered to a third reading.

THE POST OFFICE BILL.

Mr. F. JOHNSON moved to resume the consideration of the Post Office bill.

Mr. CAMPBELL, of Ohio, suggested the propriety of recommitting it.

Mr. F. JOHNSON objected to this course, and then the House, having given leave to sit again, went into Committee of the Whole, on that bill.

A variety of amendments were proposed, the greater part of which were adopted. The bill was then reported to the House, as amended, and a number of farther amendments were proposed and carried. One of the amendments, proposed by Mr. MOORE, went to extend the privilege of franking letters, during the whole time any member retained his right to a seat on this floor. Another (offered by Mr. COCKE,) went to repeal that privilege as now extended to 30 days before and after the sessions of the House, and confine it to the time the House is in session—while another, (offered by Mr. COOK,) took a middle course, and extended that privilege to sixty days before and after the session.

Mr. McDUFFIE moved an amendment appropriating fifty thousand dollars in aid of the Post Office Department, to enable it to meet the additional post routes now agreed to: and he supported his amendment by a speech, in which he advocated the principle of expending the funds of the country for the diffusion of intelligence.

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After much discussion, this amendment was adopted—ayes 76, noes 50.

An amendment offered by Mr. INGHAM, which required the Postmaster General, whenever the disbursements of the Department exceeds its income, to suspend so many of the least productive routes as amount to the balance, was negatived—ayes 54, noes 76. As was also the following, offered by Mr. WHIPPLE:

That the bill be re-committed to the Committee on Post Offices and Post Roads, with instructions that the Committee report the number of miles added to the present post routes by the bill, the expense of carrying the mail on the same, the amount of available revenue which accrued to the Post Office Department during the last year, and the expenses thereof for the same period, with the balance, if any, which now exists against the General Post Office.

The bill and amendment were then ordered to be engrossed for a third reading.

ACCOUNTS OF DANIEL D. TOMPKINS.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole on the bill making appropriation for the payment of the claim of Daniel D. Tompkins, late Governor of the State of New York.

Mr. WICKLIFFE moved to amend the bill by striking out that part of it which allows interest on the commission allowed Mr. T. on disbursements for the Government.

The letter of the President of the United States on this subject, was read.

Mr. A. STEVENSON went into a history of the settlement of Mr. T.'s accounts, and advocated the propriety of the allowance proposed in the bill on principles of public justice. He dwelt with warmth on the services of the individual concerned, and insisted that the appropriation was no more than his due.

Mr. WICKLIFFE acknowledged the merits of Mr. Tompkins, but contended that his claim was to be put on the same footing with every other. He went into an examination of several provisions of the bill—to many of which he did not object—but he could not assent to the allowance of interest on commission. This was not required or warranted by any statute, nor was it allowed in private transactions.

Mr. McLANE, of Delaware, spoke in reply—allowed that if there was nothing to discriminate this from ordinary cases, it would be improper to make the allowance—but contended that it was a case of marked and very peculiar character. He showed that the injuries of the individual concerned arose from the inability of the Government to pay his just demands at the time when they were due—he stated the promises under which he had acted in aiding the Government. The violation of those promises, and his consequent ruin; he contrasted the principles on which Government had settled with others, and contended that, even if the bill passed, he would not be as well dealt with as they. He adverted to the pressure on the national credit during the late war, and insisted that rules which applied in a time of

peace and tranquillity could not, with fairness, be applied to transactions under all the exigencies and risks of a state of war.

The debate was farther continued by Messrs. WARFIELD and WICKLIFFE, who opposed, and Mr. STEVENSON, who supported the bill.

Mr. A. STEVENSON moved to amend the bill by striking out all after the enacting words, and inserting the following: "That there shall be paid to Daniel D. Tompkins out of any money, &c., the sum of \$136,799 97; deducting therefrom the amount paid him in virtue of the act to amend an act appropriating a certain sum of money for the relief of Daniel D. Tompkins, amounting to — dollars, as a full compensation and discharge for his claim against the United States, arising out of the advances made, losses sustained, and services rendered, by him during the war between the United States and Great Britain: that being the amount found due to him from the United States, by the verdict of the jury in the case of the United States of America vs. D. D. Tompkins, decided in the District Court of the United States for the Southern District of New York. That the act heretofore passed, referring the claims of said Tompkins, shall be, and is hereby, repealed."

On this amendment a discussion arose, in which Messrs. STEVENSON, CADY, CAMBRELENG, INGHAM, FORSYTH, and WILLIAMS, of North Carolina, took part.

Mr. CADY, of New York, wishing to state certain facts more fully, and to express his views on this subject, moved that the Committee rise.

This motion was not carried—ayes 70, noes 72.

Mr. McDUFFIE supported the amendment of Mr. STEVENSON, as going to enable Congress to do an act of justice to a meritorious individual, without involving any principle which might be drawn into injurious precedent. He testified, in the most explicit and cordial manner, to the merit and value of the services of Mr. Tompkins during the late war, and remarked on the ruinous consequences which had ensued to his private fortune.

Mr. P. P. BARBOUR took the same side, and observed that, if there was on this side of the grave an object of interesting contemplation, it was a great and good man struggling amidst surrounding difficulties, and in danger of being overwhelmed by them. All his impressions concerning the conduct of the individual concerned in this bill were of the most favorable kind, and he did not know whether he might not, unconsciously, be too much influenced by his feelings to be a perfectly unbiassed judge. Mr. B. then went into a review of some of the calamitous scenes in the early part of the late war. He adverted particularly to the time when this Capitol was nothing but a heap of smouldering ruins; when the metropolis was ransacked; when the inhabitants of his own State were in uncertain dread of an attack of the enemy on Baltimore or Richmond; when an attempt was made to renew the project of Burgoyne, to divide the United States into two moieties by gaining possession of the State of New York;

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when it was almost a literal fact that the vessel of State was aground; when we had neither men in the field, nor money in the Treasury, nor credit with those who had it to lend:—at this period, the services of Governor Tompkins were tendered. He went into the service of his country with a fortune ample and unembarrassed. During his continuance in it, no palaces had risen like exhalations; no equipages flashed like meteors; yet he came out of the war ruined in fortune, ruined in credit, having not only lost his own property, but sacrificed that which he possessed by his connexion in life, and was reduced to absolute poverty. Mr. B. said, it might do very well to read in history of a Cincinnatus, who returned from the highest station in the State to hold a plough, and who still retained a lofty standing among his countrymen. If such things ever had existed, they certainly did not exist at the present day. He made some forcible remarks on the effects of poverty, and, having again deprecated any undue influence of feeling over his judgment, he proceeded to the naked question of right, adverted to the verdict which had been rendered in favor of the claims of Mr. T. by a jury at New York, on the circumstances under which it was rendered, and the weight to which it was entitled; and though he did not admit it as authority which ought to bind this House, and admitted that verdicts might be influenced by prejudice, by a strong current of party feeling, and other causes, yet, till evidence should be produced to shake the decision which the New York jury had given, after a full and laborious investigation, he should presume it to be a correct finding in the case, and rejoiced that the dictates of his own judgment united with and corroborated the feelings of his heart toward the claimant.

Mr. BARTLETT proposed that the amendment be so modified as to admit that part of it which relates to the decision of a grand jury in the case.

Mr. STEVENSON accepted this modification, and altered his amendment so as to read: "The sum of \$101,609 97, as a full compensation and discharge for his claim against the United States, arising out of advances made, losses sustained, and services rendered by him during the war between the United States and Great Britain."

Mr. WICKLIFFE moved to amend the amendment by striking out no more than a part of the first section of the bill.

Mr. KREMER moved that the Committee rise, and accompanied the motion with a few remarks, it was negatived—ayes 60, noes 79.

Mr. CAMBRELENG replied to the remarks of Mr. CADY, and called upon him to state the information he possessed and to which he had alluded. He went into some history of the crisis in which the services of Mr. T. were rendered. He regretted the offering of the amendment, and would prefer that the bill remain as at first reported—he thought the House ought to comply with its decision at the last session, and carry the principles then sanctioned into full effect.

Mr. CADY replied to Mr. CAMBRELENG, and complained that he should be forced into the de-

bate by his colleague. He avowed no hostility to Governor Tompkins, and disclaimed any reflection on the President of the United States or his officers. He adverted to the short period in which he had served in the field, the services of others equally meritorious, the allowances made to the claimant by the State of New York, &c.

Mr. CAMBRELENG replied—and observed that his only object had been to elicit from his colleague any information he might be willing to communicate on the subject.

Mr. WARFIELD moved to rise.

The motion was negatived—ayes 70, noes 87.

Mr. WILLIAMS, of North Carolina, inquired of Mr. STEVENSON for the items which made up the sum he had moved. Mr. STEVENSON explained that he had founded the calculation on the verdict of the jury of New York, and deducting from it such sums as had been paid Mr. T. at the Treasury.

Mr. WILLIAMS replied, and still wished for particulars.

Mr. MCCOY spoke in opposition to the amendment.

The debate was then further continued by Messrs. WRIGHT, of Ohio, KREMER, of Pennsylvania, BEECHER, of Ohio, INGHAM, of Pennsylvania, who opposed the amendment, and Messrs. J. S. BARBOUR and HOGEBOOM, who advocated it.

The question being taken on the amendment of Mr. STEVENSON, (founded on the New York verdict,) was decided in the negative.—Ayes 61, noes 74.

The question then recurring on the amendment proposed by Mr. WICKLIFFE, (which strikes out all the first section except the enacting clause,) it was decided in the negative.—Ayes 62, noes 77.

Mr. CAMBRELENG moved to fill the blank in the second section, with the sum of \$115,000—and, the question being taken, it was decided in the affirmative—ayes 86, noes 65.

The bill was then reported as amended.

Mr. MCCOY moved to adjourn. Negatived—ayes 63, noes 70.

Mr. WRIGHT then gave notice, that, if the House refused to concur in the report of the committee, he would move to fill the blank with \$60,000, and the ayes and noes on concurring were called for and ordered by the House.

The question of concurring in the committee's report—filling the blank with \$115,000—was then decided in the affirmative—ayes 76, noes 61, as follows:

YEA—Messrs. Alexander of Virginia, Allen of Tennessee, Archer, P. P. Barbour, J. S. Barbour, Brent, Brown, Burton, Cambreleng, Cary, Cobb, Collins, Conner, Craig, Crowninshield, Cuthbert, Day, Dwinell, Eaton, Eddy, Edwards of North Carolina, Foot of Connecticut, Foote of New York, Frost, Garrison, Gatlin, Gist, Govan, Gurley, Hamilton, Henry, Herkimer, Hogeboom, Hooks, Houston, Jenkins, Johnson of Virginia, J. T. Johnson, Kent, Lawrence, Litchfield, Livermore, Long, McDuffie, McKim, McLane of Delaware, Mangum, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Newton, Owen, Poinsett, Richards, Scott, Sharpe, William Smith, Spaight,

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A. Stevenson, J. Stephenson, Stoddard, Taliaferro, Tattall, Taylor, Ten Eyck, Thompson of Georgia, Tyson, Udree, Vance of North Carolina, Vance of Ohio, Van Wyck, Wayne, Whipple, Williams of New York, Henry Wilson, and Woods.

NAYS—Messrs. Alexander of Tennessee, Baylies, Beecher, Blair, Buck, Buckner, Burleigh, Cady, Campbell of Ohio, Cocke, Condict, Cook, Crafts, Culpeper, Ellis, Forsyth, Harris, Harvey, Hobart, Ingham, Isaacs, F. Johnson, Kremer, Leftwich, Letcher, Lincoln, McArthur, McCoy, McLean of Ohio, Martindale, Matlack, Matson, Metcalfe, Miller, Mitchell of Pennsylvania, Neale, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Reynolds, Rich, Ross, Sandford, Sibley, Sloane, Arthur Smith, Standefer, Swan, Tomlinson, Vinton, Warfield, Whitman, Whittlesey, Wickliffe, Williams of Virginia, Williams of North Carolina, James Wilson, Wilson of Ohio, Wood, Wright.

Mr. WICKLIFFE then moved further to amend the bill by striking from the first section the following:

"That the President of the United States, in the final decision of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States, be, and is hereby, authorized to allow the said D. D. Tompkins interest upon the amount of the commission which may be allowed him for disbursements."

And the question thereon being stated, the House adjourned.

FRIDAY, May 21.

The SPEAKER laid before the House a letter from the Postmaster General, transmitting a statement of the extent of the post roads, amount of postage collected, compensation of postmasters, incidental expenses, cost of transporting mails, &c., in each State and Territory, in the years 1820, 1821, and 1822; prepared in obedience to a resolution of this House of the 17th of December last; which was read, and laid on the table.

Mr. COCKE, from the Committee on Indian Affairs, to which was referred the bill from the Senate, entitled "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes," reported the same without amendment; and it was committed to a Committee of the whole House to-day.

Mr. NEWTON, from the Committee on Commerce, to which was referred the bill from the Senate, entitled "An act for the relief of Alexander Scott, late collector of Pensacola," reported the same without amendment; and it was committed to the Committee of the whole House to which is committed the bill to allow a salary to the collector of Pensacola.

The Committee on the Public Lands were discharged from the consideration of the Message of the President of the United States, of the 18th ultimo, accompanying a communication from Alexander Hamilton, relative to titles to lands in Florida; and the said Message was referred to the Committee on the Judiciary. And the said committee were also discharged from the petition of Marianne Lasselle and others, and leave given to withdraw the same.

On motion of Mr. TAYLOR, it was Resolved, That the Commissioner of the Public Buildings dispose of the building south of the Capitol, now used for committee rooms, to the best advantage, and that the same be removed.

Mr. TRIMBLE laid the following resolution on the table for consideration:

Resolved, That the Secretary of the Treasury be directed to report to this House, at an early day of its next session, whether any, and what, provision can be made, by law, to distinguish between importations made by aliens, or on foreign account, and those made by citizens of the United States. And, also, report the amount of duties which accrued on imports during the year 1822, or 1823, classing the imports according to the aggregates of the several credits allowed by law upon the duty bonds, so as to show the aggregate under each head of credit, for the year selected; and so as to show, also, by estimate, the amount of interest that would have accrued upon the bonds, if the several credits had been allowed upon the payment of interest at the rate of six per centum per annum.

On motion of Mr. WRIGHT, the Committee on Military Affairs were instructed to inquire whether further legislative provision is necessary to carry into effect the act of Congress of the third of March, 1823, entitled "An act to establish a national armory on the Western waters."

A message from the Senate informed the House that the Senate have appointed JOHN GAILLARD President of the Senate, *pro tempore*, in the absence of the Vice President of the United States. The Senate have passed a bill of this House, entitled "An act to improve the navigation of the Ohio and Mississippi rivers," with amendments, in which they ask the concurrence of this House.

The SPEAKER laid before the House a report from the Secretary of the Treasury, accompanying three statements prepared in obedience to the act establishing a Mint, showing the expenses of that establishment; which report was laid upon the table.

The engrossed bill "to authorize the surveying and making of a road from a point on the north-west boundary of the State of Ohio, near the foot of the Miami of Lake Erie, to Detroit, in the Territory of Michigan," and the bill from the Senate, "for the relief of the representatives of John Donnelson, Stephen Hurd, and others," were read a third time, and passed.

On motion of Mr. McLANE, of Delaware, the House went into Committee of the Whole, (Mr. FOOT, of Connecticut, in the Chair,) on the bill "making further appropriations for the military service of the United States for the year 1824."

Several amendments having been made, the Committee rose, reported progress, and had leave to sit again.

POST OFFICE BILL.

The engrossed bill "to discontinue certain post routes, and to establish others," was then read a third time; and, having been slightly amended, the question was put, "Shall it pass?"

Mr. BEECHER spoke a few words in opposition, and called for the yeas and nays, which were ordered, and were—yeas 93, nays 46, as follows:

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Committee Rooms, &c.

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YAS—Messrs. Adams, Alexander of Tennessee, Allen of Tennessee, Archer, Baylies, P. P. Barbour, J. S. Barbour, Bartley, Brent, Brown, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Cobb, Cocke, Collins, Conner, Cook, Cushman, Cuthbert, Dwinell, Dwight, Eaton, Edwards of Pennsylvania, Ellis, Foote of New York, Forward, Frost, Garnett, Gatlin, Govan, Gurley, Hall, Hamilton, Henry, Hogeboom, Houston, Isaacs, Jennings, F. Johnson, Lawrence, Leftwich, Lincoln, Litchfield, Livingston, Locke, Longfellow, McCoy, McDuffie, McKee, McLane of Delaware, McLean of Ohio, Mallary, Markley, Marvin, Mercer, Metcalfe, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Alabama, Newton, Owen, Patterson of Pennsylvania, Poinsett, Richards, Sandford, Scott, Sharpe, Sibley, Sloane, Spaight, Standefer, J. Stephenson, Stewart, Taliaferro, Ten Eyck, Test, Thompson of Georgia, Udree, Vance of Ohio, Vinton, Warfield, Wayne, Webster, Whittlesey, Henry Wilson, Wilson of South Carolina, Wood, Woods, and Wright.

NAYS—Messrs. Alexander of Virginia, Bartlett, Beecher, Burleigh, Campbell of Ohio, Crafts, Craig, Crowninshield, Culpeper, Day, Foot of Connecticut, Forsyth, Harris, Harvey, Herrick, Hobart, Ingham, Johnson of Virginia, J. T. Johnson, Little, Livermore, Long, McArthur, Martindale, Matlack, Matson, Nelson, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Reed, Rich, Ross, Arthur Smith, Sterling, Strong, Swan, Taylor, Tod, Tomlinson, Van Wyck, Whipple, Whitman, Williams of Virginia, Williams of North Carolina, and Wilson of Ohio.

So the bill was passed, and sent to the Senate.

COMMITTEE ROOMS, &c.

Mr. TAYLOR, from the joint committee appointed by the two Houses of Congress to make such distribution of the rooms of the centre building of the Capitol, as the business and convenience of the two Houses require, made the following report, viz:

The joint committee of the Senate and House of Representatives, to which was referred the resolution directing them to make such distribution of the rooms of the centre building of the Capitol as the business and convenience of the two Houses of Congress require, report:

That, in the centre building, besides the Rotunda and Library room, (the purposes of which are already designated,) there are the following rooms:

In the basement story.

2 corner rooms	-	-	-	19 by 27 feet.
2 looking west	-	-	-	22 30 "
2 smaller rooms	-	-	-	14 30 "
1 looking north	-	-	-	18 24 "
1 looking south	-	-	-	18 24 "

8 rooms suitable for committees.

4 opening into courts.

In the second story.

2 corner rooms	-	-	-	19 by 27 "
2 looking west	-	-	-	22 30 "
2 looking south and north	-	-	-	18 24 "
1 looking on south court	-	-	-	19 20 "
1 looking on north court	-	-	-	19 24 "

1 looking west, under Library	30	42	"
4 open to east courts	-	17	17 "

13 rooms in second story.

In the third story.

2 corner rooms	-	-	-	19 by 27 feet.
2 looking south and north	-	-	-	18 24 "
2 looking south and north	-	-	-	12 18 "
1 on south court	-	-	-	19 20 "
1 on north court	-	-	-	19 24 "

8 rooms in third story.

In the fourth story.

2 corner rooms	-	-	-	19 by 27 feet.
2 looking south and north	-	-	-	18 24 "
2 looking south and north	-	-	-	12 18 "
1 looking on south court	-	-	-	19 20 "
1 looking on north court	-	-	-	19 24 "

8 rooms in fourth story.

RECAPITULATION.

Rooms in basement story (exclusive of four opening into courts)	-	-	-	8
Rooms in second story	-	-	-	13
Rooms in third story	-	-	-	8
Rooms in fourth story	-	-	-	8

Total number of rooms - - - 37

The committee have appropriated the room in the third story, adjoining the Library room, and on the north of it, and the room adjoining thereto on the east, numbered 22, as reading rooms, to be connected with the Library. They recommend that the room adjoining the last mentioned, and on the east of it, numbered 23, be appropriated as a consultation room for the use of the Judges of the Supreme Court of the United States. They also recommend, that, until Congress shall make a further disposition of the large room under the Library, in the second story, the same may be occupied by the Columbian Institute as a place for holding their meetings, and a place of deposit for their books, papers, furniture, and collections.

As to the remaining rooms, the committee have appropriated all those north of the centre of the building, except the fourth story, to the Senate; and all those south of the centre, together with the whole of the fourth story, to the House of Representatives.

The committee, therefore, submit the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the distribution of the rooms in the centre building of the Capitol be made agreeably to the above report.

The report and resolution were read, and agreed to by the House.

On motion of Mr. TAYLOR, it was then resolved that a committee be appointed to make distribution of the rooms in the Capitol, appropriated to the use of the House of Representatives; and Mr. TAYLOR, Mr. HAMILTON, Mr. KENT, Mr. TOD, Mr. HEMPHILL, Mr. CONDUCT, and Mr. EDDY, were appointed the said committee.

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ACCOUNTS OF DANIEL D. TOMPKINS.

The House took up the bill "making provision for the settlement of the accounts of Daniel D. Tompkins, late Governor of the State of New York."

The question recurring, from yesterday, on the motion of Mr. WICKLIFFE, to strike out the first section of the bill, he modified that motion, by proposing, as a substitute for the part stricken out, a section which went to allow only the amount settled at the Treasury, and contained in the President's Message on this subject, (viz, \$60,239 24.) He supported this amendment by going into a summary view of the pecuniary transactions between Mr. TOMPKINS and the Government, and contended that the sum already allowed to that individual, was equivalent to a salary of \$76,000 per annum for his personal services, a reward much greater than had ever been given to any other person for public services. Mr. W. referred to similar exertions made by others to support the national credit, &c.

Mr. LIVERMORE spoke in reply, and contended that, having referred the settlement of these accounts to the President, and having received his decision, it was unworthy of the dignity of the House to go into a farther contest of the claim. He remarked on the justice of the principles on which the claim rested, but said it was too late to investigate those principles, since the President had given his award. It was better to pay him his demand than to occupy the time of the House in passing eulogies on his patriotism and services.

Mr. WILLIAMS, of North Carolina, said, that there was no dispute, on either side, whether the amount awarded by the President was to be paid, but only concerning an item on which the President had not made up a determination, viz: the allowance of interest on his commissions. He denied that the amount of these commissions was due as soon as the money was disbursed by Mr. Tompkins, since there was no law which sanctioned any such demand. Those commissions were not due till the law was passed which allowed them; and, if any interest on the commissions was due at all, it would not be due farther back than the date of that law. He contended for a principle of equal dealing with all claimants—which he insisted was a fundamental principle of this Government. He condemned the idea of settling a debt of moral gratitude in dollars and cents. Interest was never allowed, by law on a running account, and this account was not settled till last year. He deprecated the precedent which the proposed act would establish. If it passed, its principle must be applied to the multitude of various claims which are presented to this Government.

Mr. MANGUM replied, and took the opposite side of the question, contending against the presumption that Government is always both ready and willing to pay a just demand against it; a presumption which, in many cases, could not be denied to be in flat contradiction of fact. He showed how the claim arose, and contended that Governor Tompkins had been a lender to the

Government to a great amount, at a moment of its utmost need—when the President and all the Secretaries could not raise \$3,600, to pay the most pressing demand. He maintained the equity of allowing, that, if commissions were due at all, they were due as soon as the disbursements were made.

Mr. ROSS argued, that as the President had awarded a sum different from that found by the New York jury, the House ought not to consider itself under any obligation to be governed by it. He went into a review of the settlement of Mr. Tompkins's accounts, as made by the Treasury and allowed by the President, and contended that it ought not to go any further.

Mr. ELLIS protested against the negative vote of all who yesterday opposed the passage of the bill being interpreted as expressive of an opposition to the whole claim, but only so much of it as respected the interest on commissions. Many who gave that vote were willing to subscribe to the account as audited at the Treasury. He objected to any argument from the patriotism or services of the claimant; the claim was a matter of justice, and not a question of generosity or gratitude. He maintained that interest was applicable only to cases of absolute certainty—it followed certainty in a debt, as the shadow followed the substance. These commissions were wholly uncertain previous to the act which allowed them. Neither the sum on which they were to be allowed, nor the rate by which they were to be allowed, was ascertained till the law settled it. He did not object to the allowance of interest on the balances due—it had his hearty assent—although it was a departure from the ordinary rule of the Government. He thought the extraordinary circumstances of the advances made, was sufficient to justify it. But he objected to the principle of allowing interest on commissions, and deprecated the precedent.

Mr. McLANE rose in reply—maintaining that this was not a claim for interest on commissions as such; but for interest on a balance justly due, into which those commissions happened to enter; if the balance was due the interest was also due. As to the rate of commissions being greater than usually allowed by Government on disbursements, he contended that they were not allowed in this case on mere disbursements, but on the raising of money on private responsibility and disbursing it at personal risk, (and which had issued in the ruin of the individual.) To the argument from precedent, he replied by adducing a long list of cases taken from the records of the Treasury, in which interest had been allowed.

The debate was then farther continued by Mr. COCKE, Mr. WRIGHT, Mr. WARFIELD, Mr. WILLIAMS, Mr. TOD, Mr. MALLARY, and Mr. REYNOLDS, who advocated the amendment of Mr. WICKLIFFE; and Mr. HAMILTON, Mr. McLANE and Mr. BRENT, who opposed it, and contended for \$115,000.

Mr. WRIGHT, of Ohio, spoke as follows:

Mr. Speaker: Reluctant as I am to enter into debate on this question, or to oppose the passage

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of a bill, having for its object the settlement of the claims of an highly distinguished and meritorious public officer, a sense of public duty impels me to present to the House my views upon the subject under consideration. But, before I proceed to examine the case, it may be well to give you my conception of the real state of the question before you.

The bill, as reported by the Committee of Ways and Means, contains two provisions of widely different character—one for paying to the Vice President \$60,239 24, the sum awarded by the President; the other for paying, in addition to that sum, the further sum of about \$55,000, as interest upon the commission of five per cent. allowed him for disbursing the public money. The proposition of the gentleman from Kentucky goes to the rejection of the whole bill, and to substitute a simple provision, appropriating a sum for the payment of the award of the President, without the allowance of interest. I am, sir, in favor of the substitute; and, if it be adopted, shall vote for the bill, but, if rejected, shall feel myself bound to vote against the bill. I am in favor of this appropriation, because it is the decision of the President, the umpire chosen by ourselves to settle this claim; and it is not my design to enter into an examination of the meritorious and distinguished services of the late Governor of New York, or of the allowances made him by the President. But, sir, it may be important to recall to your recollection the situation of the affairs of this country, and the position the claimant occupied in relation to them, at the commencement and during the rendition of these services.

The present Vice President, during the late war, filled the gubernatorial chair of New York, at a salary of \$7,000 or \$7,500 per annum, and at the same time acted as a Major General in the service of the United States, in the receipt of pay and emoluments, in addition to the salary as Governor, of at least \$4,000 per annum, making a total amount of pay, &c., of upwards of \$11,000 a year. As Governor he was commander-in-chief of the military force of New York, and bound in duty, as such, to provide for the protection of that State. As Major General of the United States, he was equally bound to secure his command from the inroads of the enemy, and I believe his command was the whole State of New York. In discharging the duties pertaining to him, in the very important station he filled, he exhibited a zeal, vigilant industry, and perseverance, that could only be incited by an ardent attachment to the Constitution and liberties of his country, and a fixed determination, at any and all hazards, to sustain her cause, as well against foreign enemies as domestic foes. This conduct secured to him the admiration of his countrymen, and entitled him to their gratitude—an admiration and gratitude in which I claim to participate in no small degree. Sir, every citizen in a republic owes to his country the exertion of every faculty of mind and body, and however meritorious the services of this distinguished individual were, they reached only a faithful discharge of the duties of his station.

Owing to causes which it is unnecessary for me to explain to you, the affairs of your Treasury became extremely embarrassed during the war, and its credit sunk so low that it could not, without difficulty, raise a dollar to meet the many and urgent demands upon it; and, while at the lowest point of depression, the calls for protection, along an extended and exposed frontier, were the most pressing. An emission of Treasury notes was resorted to, but the combined efforts of brokers and stock-jobbers sunk them immediately below par. The necessity of defending the great and important city and State of New York, was palpable, but the means of affording protection seemed to be without the reach of the General Government. Governor Tompkins was urged to negotiate loans from the banks in New York; the Treasury of the Union was pledged for the ultimate payment, and for the transmission of Treasury notes, to be held as collateral security. This is evidenced by matters of general notoriety, and by the report of the Committee of Ways and Means, which I shall have occasion hereafter to notice. Governor Tompkins received, in addition to the assurances of the Executive Department, those of many influential men in New York, of the ultimate ability and disposition of the Government to indemnify him. The banks refused the loan direct to the National Government, (probably because no law authorized it to be made,) and Governor Tompkins was only able to procure the advances by using his own credit, backed by his friends. In this way, about \$900,000 was procured from the Corporation of New York, (to be expended in protecting the city) and the banks; and Governor Tompkins disbursed this sum, and about as much more, \$1,844,262 67.

In the discharge of the various duties confided to him, some irregularity in his vouchers was to be expected, and a consequent embarrassment. In the settlement of his accounts with the State of New York, as well as with the General Government, difficulties occurred, and balances were reported against him. That of New York, to an amount of about \$100,000, was released to him by a legislative act, while the Treasury reports on his accounts with the United States remained unpaid. The act of Congress prohibiting the payment of salaries, &c., to any officers against whom balances were standing upon the Treasury books, until those balances were paid, occasioned a suspension of the salary of the Vice President, and drew from him a request to have suit against him. Suit was brought against him in the District Court of New York, and a verdict found in his favor, accompanied by an unofficial certificate, which I need not notice; for no one since has regarded it as furnishing any evidence in support of the claim. In this state of things application was made to Congress, and the prohibitory clause of the law was repealed, so far as regarded the salary of the Vice President; and the accounting officers of the Treasury were authorized to settle his accounts upon principles of justice and equity, subject to the revision and final decision of the President. It is manifest that the claims of Governor Tomp-

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kings were not predicated upon any laws of the United States, existing at the time of his disbursements, or at the time of the passage of the act of February, 1823, otherwise that act would have been useless.

Sir, the accounts of this officer, under the law just mentioned, were adjusted at the Treasury, and a balance reported in favor of Governor Tompkins of \$35,190, which was communicated by the President, in a Message to the House, on the 7th December last, in which you are told, that, having the report and the claim for additional allowance under consideration, the President is of opinion that a large sum ought to be allowed to Governor Tompkins, which would have been before decided on, had he not delayed the decision, at his request, I know not what induced the request for delay; for it does not appear that any vouchers were wanting, nor is any reason whatever given for it. An appropriation was recommended for the balance reported, and we unhesitatingly made it. This Message was referred to the Committee of Ways and Means—one of the ablest in the House—and, it is worthy of remark, that, although the President only reported in part, and did not surrender the power given him to decide on the residue of the claims, the allowance of which had been delayed, in consequence of Governor Tompkins's request, or even doubt their extent—yet that committee reported that the powers vested in the President, under the act, were amply sufficient to a decision of the claim, and recommended its reference back to the President; to be settled, upon the four following principles:

First, That interest should be allowed to him on all moneys advanced by him, for the public, from the time of the advance to that of his being reimbursed.

Second, That a reasonable commission should be allowed him in on all moneys disbursed by him during the late war.

Third, That an indemnity should be allowed him for all losses which he had sustained by the failure of the Government to fulfil its engagements to send him money, or Treasury notes, within the time specified, to be deposited in certain banks, as collateral security for loans procured by him at the request, and on account of, the Government.

Fourth, That he should not be held responsible for losses incurred by the frauds and failures of sub-agents, to whom moneys were advanced through his hands.

This report was concurred in by the House, without opposition, and is, to my mind, a singular interference with the Executive in the performance of a power limited in its terms only by his discretion. But, sir, the report speaks the opinion this able committee then entertained of the principles by which the Executive and ourselves should be governed in settling the accounts of Governor Tompkins, and furnishes me evidence, which the committee will certainly deem creditable, that the allowance of interest on the commission, (which is now so eagerly pressed by them,) was not then considered by them as embraced within any recognised principle. This

House, in adopting this report, made its assumptions and principles its own.

The President again had this account under consideration, and, in his Message, of the 28th of April, communicated to you the result. He states that, under the first head of allowance, he had allowed Governor Tompkins \$14,438 68, on the "declarations of Mr. Tompkins" that the remittances made to him after his advances, and previous to the 24th of December, 1814, when a very large sum was remitted to him, was applied to public purposes, and not to reimburse his advances; that, under the second head, he allowed him \$92,213 13, or five per cent. on the whole sum disbursed by him, "an extra allowance, in consideration of the aid which he afforded to the Government at that important epoch, in obtaining the loan of a considerable part of the sum thus disbursed." Under the third head, he allowed \$4,414 25, being the "amount of the loss sustained." Under the fourth head, "no loss being shown, no allowance whatever has been made." These sums amount to \$111,063 06, and leaves, after deducting the payments and sums charged to his account, due to Governor Tompkins a balance of \$60,238 46, the sum the proposition under consideration provides to pay. The President tells you also, sir, that, upon this settlement, a question arises as to interest on the commission, and that, inasmuch as if the claims had been settled upon the principles of the law of the last session, the commission would have been paid him, that "consideration operates with great force in favor of the allowance," which he recommends to Congress, to whom he considers the question exclusively to belong.

I do not understand this as recommending the payment of interest, but as presenting to our consideration the reasons which suggested themselves to him for an allowance not embraced within any general principle, or the provisions of the law of the last session. The law of the last session authorized the settlement of these accounts upon principles of justice and equity; and if justice and equity require of us to pay the \$55,000 interest upon this commission, which the President considers an extra allowance, it was embraced within the express authority given in the act. Sir, I mean no disrespect to the Executive, nor would I treat his recommendations lightly; but my public duty is a paramount consideration, and in my character of a guardian of the public Treasury, I cannot consent to appropriate the people's money without my own mind is satisfied that justice requires it. If the President had decided that the interest should be paid, I should have felt bound, because by law the matter was referred to his decision. The allowance is not made by the President, and was not heretofore considered by the Committee of Ways and Means as proper, but seems to be an after-thought of the committee, influenced by feelings of gratitude, and to be pressed rather as a matter of experiment than conviction. I feel myself warranted in saying this, sir, by the course pursued by the committee. If the allowance rests upon principles of justice and equity

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why not present it to us and urge it upon that ground alone? If dependent upon these principles, the whole sum is due, and the committee should insist upon every dollar of it; yet we are one moment urged to give \$115,000, which is several hundred dollars short of the interest computed upon their own principles, and the next moment besought to give \$100,000, predicated upon the unofficial certificate of the New York jury, which is some \$14,000 less than the interest would swell this balance to. These several sums are all pressed upon you, as resting upon the same principles of justice and equity! Sir, those principles are unchangeable, and gentlemen cannot vary them to answer their varying purposes. When gentlemen seek to change the settled rules of conduct, they should at least endeavor to observe the rules of consistency in the reasons they offer to effect their end.

It is urged, sir, that this is an extraordinary case, and not subject to the common rule. That the services rendered were of the highest character, and most eminently beneficial; and the gentleman from South Carolina (Mr. HAMILTON) urges us to make a distinction between the rule applicable to the settlement of a blacksmith's account, and the rule applicable to the great and beneficial services of this distinguished citizen! I must be permitted to look at this claim, when presented, as a matter of account, at least; in the same way I would look upon the demand of the humblest individual in community, and to settle it by the same rule. The doctrine of the gentleman from South Carolina is not founded in any principle known in this Government, and I, for one, sir, will protest, as long as I can raise my voice, against applying one rule of justice in the adjustment of the claims of the rich and powerful, and another more contracted, to those of the poor mechanic or laborer, who perform your service.

Again, it is urged that Governor Tompkins has claims upon the gratitude of this nation, which should induce a departure from the established rule, to allow this interest. If your grateful feelings induce you to give, and you will say in your bill, they are the moving cause of your apprehension, the claim would be better than it now is; yet I should be compelled to oppose it. The gratitude of this nation never *has been*, and, I trust, never *will be*, measured by dollars and cents, or satisfied by appropriations of money. The fine feeling of patriotism, which all are proud to cherish, should not be deadened by the admission of such a principle. I do not intend to examine the merits of the allowances made by the President, but when gentlemen charge the American people with ingratitude; when they attribute to the advocates of this proposition motives adverse to the principles of justice, I must claim your indulgence a short time, while I notice them. Your public officers are paid by salaries, per diem allowances, or perquisites, and it is no uncommon thing to incur the responsibility of disbursing large sums of money; but it is believed this is the only instance where it has been claimed that a salary

officer, disbursing money in his official station, was entitled to a broker's commission upon disbursements. I know many gentlemen in the West, who served during the last war, and rendered valuable aid to the Government, who were called upon to disburse large sums of money, (and one, who is now near me, not only disbursed large sums of money, but frequently exerted his own credit to procure funds to sustain his command,) and yet, I believe, no one of them ever thought of making a charge of commission upon the sums disbursed. The case of Stetson, of Boston, employed in the supply department, has been alluded to by the gentleman from North Carolina, as a strong case, and has but a few days ago been under your consideration. He was merely a disbursing officer, and under no obligation, except that of the patriot, to expend a dollar beyond the funds in his hands. His case, among the documents on your table, shows an expenditure by him of about \$750,000, much of which he had advanced of his own funds, and procured loans from individuals and banks for much more. He saved you a large amount of money by his unremitted industry, besides keeping your Army from great suffering and distress. The law under which he acted allowed him a commission of 2½ per cent. provided it did not exceed \$2,000 a year. He kept an exact account of interest. He presented his account to you, and after pressing it upon you by every consideration, you rejected his claim *as interest*, and compromised, by allowing him, and it was all he could extort from you, a sum not quite equal to the \$2,000 a year, and far short of 2½ per cent. upon the moneys he disbursed. What distinguishes that claim from this? Cases of this kind are numerous. Your tables are loaded with them; but your rules as to them are inflexible.

These are the ordinary cases of persons going beyond the requirements of their duty, to serve the country, although the exertions used, and the responsibilities incurred, are of an extraordinary and meritorious kind. If you begin to make exceptions, where will you stop? This Government, sir, has not been ungrateful or illiberal to this meritorious officer. On the contrary, the facts of the case show an extraordinary liberality. It is said the services of Governor Tompkins continued for a period of eighteen months. If you compute his salary as Governor, his pay and emoluments as Major General, the allowance by the Legislature of New York, and the allowance by the President, exclusive of interest, he will get about \$230,000, or near \$13,000 a month. There are no three officers of the Government, including the President, that has been allowed as much. Yet we are told the people are ungrateful, and that we are persecuting this individual. The President considers the allowance he made as an "extra" one. The committee propose to go further than we have gone before in any case, and because we cannot see our way clear, we are charged with opposition to this officer, and of lending our aid to persecute him. You have seen, sir, the imputation is wholly groundless. I regret that I felt called upon to make these observations,

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but the course taken in opposition seemed to require it. Before I quit the subject, allow me to add, that not only the President's Message, but the report of the Committee of Ways and Means themselves, and notorious facts, warrant the assumption that the loans were negotiated by Governor Tompkins, as the agent of the Government, upon the credit and on account of the Government; and, if it had not been for an ultimate dependence upon, and confidence in, the Government, no loans would have been effected; whatever reason there may have been for securing the ostensible responsibility of Governor Tompkins, the credit must have been mainly given to the Government, and obtained under an agreement between the Government and Governor Tompkins.

The proposition, sir, is an important one, and, in order to give every gentleman an opportunity to record his vote on the question, I call for the yeas and noes.

When Mr. WRIGHT had concluded—

The question was taken by yeas and nays, and stood—yeas 83, nays 80, as follows:

YEAS—Messrs. Alexander of Tennessee, Allen of Massachusetts, Baylies, Bartlett, Bartley, Beecher, Blair, Buck, Buckner, Burleigh, Cady, Campbell of Ohio, Cocke, Cook, Crafts, Culpeper, Cushman, Dwight, Edwards of Pennsylvania, Ellis, Forward, Harris, Harvey, Henry, Herrick, Hobart, Hooks, Houston, Ingham, Isaacs, Jennings, Johnson of Virginia, J. T. Johnson, Kremer, Lettwich, Letcher, Lincoln, Little, Locke, Long, Longfellow, McArthur, McCoy, McLean of Ohio, Mallory, Martindale, Matlack, Matson, Mercer, Mitchell of Pennsylvania, Neale, Nelson, Patterson of Pennsylvania, Patterson of Ohio, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Rankin, Reynolds, Rich, Ross, Sandford, Sibley, Sloane, Arthur Smith, Standefer, Sterling, Swan, Test, Tod, Tomlinson, Vance of North Carolina, Vinton, Warfield, Webster, Whittlesey, Wickliffe, Williams of Virginia, Williams of North Carolina, James Wilson, Woods, and Wright.

NAYS—Messrs. Abbot, Alexander of Virginia, Allen of Tennessee, Archer, P. P. Barbour, J. S. Barbour, Breck, Brent, Brown, Burton, Cambreleng, Campbell of South Carolina, Carter, Cary, Casady, Cobb, Collins, Conner, Crowninshield, Cuthbert, Day, Dwinell, Eaton, Edwards of North Carolina, Floyd, Foot of Connecticut, Foote of New York, Frost, Garrison, Gatlin, Gist, Govan, Gurley, Hall, Hamilton, Herkimer, Hogeboom, Holcombe, Kent, Kidder, Lawrence, Litchfield, Livermore, Livingston, McDuffie, McKim, McLane of Delaware, Mangum, Markley, Marvin, Mitchell of Maryland, Moore of Alabama, Newton, Owen, Poinsett, Richards, Rose, Saunders, Scott, Sharpe, Alexander Smyth, Spaight, A. Stevenson, J. Stephenson, Stoddart, Taliaferro, Tattnall, Taylor, Ten Eyck, Thompson of Georgia, Tucker of South Carolina, Tyson, Udree, Vance of Ohio, Van Wyck, Wayne, Whipple, Williams of New York, Henry Wilson, and Woods.

So the amendment of Mr. WICKLIFFE, which appropriates \$60,239 24, was adopted.

The bill was then reported, and ordered to be engrossed for a third reading.

The House then adjourned.

SATURDAY, May 22.

Mr. NEWTON, from the Committee of Commerce, who were instructed to inquire into the expediency of providing that no license shall be granted to any boat or vessel hereafter built or fitted up, and moved or propelled by fire or steam, upon the principle of construction commonly called "high pressure," made a report, accompanied by a bill for the regulating of steamboats, and for the security of passengers therein; which was read twice, and committed to a Committee of the Whole.

Mr. NEWTON, from the same committee, who were instructed to inquire whether any law exists in contravention of the provisions of the Convention of the 3d of July, 1815, between the United States and Great Britain; and, also, to inquire into the expediency of countervailing, by law, any duties or port charges on American commerce and tonnage, which Great Britain may lay thereon, in her colonies or elsewhere, made a report thereon; which was read, and laid upon the table.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, reported a bill making appropriations to carry into effect certain treaties; which was read twice, and committed to a Committee of the Whole, to which is committed the bill making further appropriations for the military service of the United States for the year 1824. (Indian expenses.)

Mr. HAMILTON, from the Committee on Military Affairs, to which the subject was referred, made a report relative to a purchase of additional ground in the vicinity of Fort Washington, to be added to the site of said fort; which report was laid upon the table.

On motion of Mr. HERRICK, the House took up the bill "to erect Bowdoinham, in Maine; Troy, in New York; and Fairport, in Ohio, into ports of delivery.

Mr. STRONG moved to insert the city of Hudson; which was agreed to, and the bill was then reported and ordered to a third reading.

The amendments of the Senate to the bill "to improve the navigation of the Ohio and Mississippi rivers," were agreed to by the House.

A bill "to establish an additional land office in the State of Missouri," was ordered to a third reading this day, which it subsequently received, was passed, and sent to the Senate.

On motion of Mr. McLANE, the House went again into Committee of the Whole, on the bill "making appropriations for the military service of the United States for the year 1824," (Indian department;) and the question recurring on an additional item for compensating the commissioners to ascertain a suitable site for a national armory on the Western waters, Mr. WILLIAMS, of North Carolina, moved to amend the amendment, by a proviso limiting the completion of the survey to one year from the present time. This amendment was opposed by Mr. CLAY. Mr. McLANE made some statements of the facts of this survey; and Mr. WILLIAMS replied to Mr. CLAY in explanation, and withdrew his motion.

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The bill was then further amended by a proviso to extinguish the title of the Creek Indians to lands within the limits of Georgia.

The same Committee then took up the bill "making appropriation to carry into effect certain Indian treaties," and also the bill "making appropriation for the Library of Congress," which having been amended, the three above bills were reported to the House, and ordered to a third reading to-day.

On motion of Mr. BRENT, the House took up the bill "to authorize the legal representatives of the Marquis de Maison Rouge, and those claiming under him, to institute a suit against the United States to try the validity of their titles;" which was amended, by extending the time allowed for this suit, and adding a proviso saving bona fide claims which have been confirmed.

The bill was then ordered to a third reading this day.

On motion of Mr. INGHAM, the House went into Committee of the Whole on the bill "authorizing the employment of additional clerks, messengers, assistants, and other persons, in the several departments of the Government."

Mr. COCKE moved to strike out that part of the bill which provides a clerk for the Surgeon General, and supported the motion by a speech, and the reading of the rules of the Medical department. The motion was opposed by Mr. INGHAM, and rejected by a large majority. Several amendments were made, providing for extra clerk hire, &c.

The same Committee also took up the bill relative to the Patent Office, and to the salary of the Superintendent thereof.

On this bill considerable discussion took place between Messrs. INGHAM, McLANE, LIVERMORE, ROSS, and WARFIELD; and, on motion of Mr. LIVERMORE, the enacting clause was stricken out. The Committee then rose, the amendments were concurred in by the House, and the former bill was ordered to a third reading this day.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of the Navy, in compliance with their resolution of the 14th of April last, respecting Prize Agents, which report contains the information requested.

JAMES MONROE.

WASHINGTON, May 22, 1824.

The above communication was laid on the table.

On motion of Mr. NEWTON, the House went into a Committee of the Whole, (Mr. SHARPE in the Chair,) on the bill to allow a salary to the collector of the port of entry for the district of Pensacola, and to abolish the office of surveyor; which was amended by allowing a salary to the collector of Nantucket; and being reported to the House, was ordered to a third reading to-day.

The bills "granting land to the parishes of Point Coupee and of West Baton Rouge on cer-

tain conditions," (viz: making a levee,) were ordered to be engrossed for a third reading.

An engrossed bill, entitled "An act making further appropriations for the military service of the United States, for the year 1824," was read the third time, and passed. The title was amended by adding "and for other purposes."

An engrossed bill, entitled "An act authorizing an appropriation for the use of the Library of Congress," was read the third time, and passed. The title was amended by adding thereto these words: "and for furnishing rooms in the Capitol."

A message from the Senate informed the House that the Senate have passed a bill of this House, entitled "An act for the relief of George Fisher, with amendments, in which they ask the concurrence of this House. The Senate have also passed bills, and a resolution, of the following titles, viz: An act for the relief of Joseph Forrest; An act in further addition to "An act to establish a uniform rule of naturalization," and to repeal the acts heretofore passed on that subject; An act to amend an act, supplemental to an act, entitled "An act to carry into effect the ninth article of the treaty concluded between the United States and Spain, the 22d of February, 1819," approved the 3d of March, 1823; An act to extinguish the Indian claims to lands within the State of Missouri; Resolution authorizing the Secretary of State to furnish a copy of Tanner's American Atlas to each of the Ministers Plenipotentiary and Chargés des Affaires of the United States at foreign Governments; in which the Senate ask the concurrence of this House.

Engrossed bills of the following titles, viz:

An act to authorize the legal representatives of the Marquis de Maison Rouge, and those claiming under him, to institute a suit against the United States, and for other purposes;

An act making appropriations to carry into effect certain Indian treaties;

An act concerning pre-emption rights in the Territory of Arkansas;

An act granting a tract of land to the inhabitants of Point Coupee, on certain conditions;

An act reserving to the Wyandot tribe of Indians a certain tract of land in lieu of a reservation made to them by treaty;

An act to allow a salary to the collectors of the Districts of Nantucket and Pensacola, and to abolish the office of Surveyor of the District of Pensacola; were severally read the third time, and passed.

The bill from the Senate, entitled "An act for the relief of Alexander McNair," was read the third time, and passed, as amended.

The bill from the Senate, entitled "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes," was read the third time, and passed, as amended.

The amendments proposed by the Senate to the bill, entitled "An act for the relief of George Fisher," were read, and referred to the Committee on the Public Lands.

Bills from the Senate, of the following titles, viz:

MAY, 1824.

Accounts of Daniel D. Tompkins.

H. OF R.

1st. An act for the relief of Joseph Forrest;

2d. An act in further addition to an act to establish a uniform system of naturalization, and to repeal the acts heretofore passed on that subject;

3d. An act to amend an act, supplemental to an act, entitled "An act to carry into effect the ninth article of a treaty concluded between the United States and Spain, the 22d day of February, 1819," approved the third of March, 1823;

4th. An act to extinguish Indian claims to lands in the State of Missouri; were, severally, read the first and second time, and referred, the 1st, to the Committee on Commerce; the 2d, to the Committee on the Judiciary; the 3d, to the Committee on Foreign Affairs; the 4th, to the Committee on the Public Lands.

The joint resolution, from the Senate, "authorizing the Secretary of State to furnish a copy of Tanner's American Atlas to each of the Ministers Plenipotentiary and Chargés des Affaires of the United States at foreign Governments," was read twice, and laid upon the table.

ACCOUNTS OF DANIEL D. TOMPKINS.

The engrossed bill "making appropriation for settling the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States," was read a third time.

Mr. SLOANE said a few words in opposition to its passage, and called for the yeas and nays, which were ordered, and stood—yeas 114, nays 16, as follows:

YEAS—Messrs. Abbot, Allen of Tennessee, Archer, P. P. Barbour, Bartlett, Bartley, Breck, Brown, Cambreleng, Cary, Cobb, Collins, Condict, Conner, Cook, Crafts, Crowninshield, Culpeper, Cuthbert, Day, Durfee, Dwinell, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Foote of Connecticut, Foote of New York, Frost, Garrison, Gatlin, Gist, Gurley, Harris, Harvey, Hemphill, Henry, Herrick, Herkimer, Hobart, Hogeboom, Hooks, Houston, Jenkins, J. T. Johnson, Kent, Kidder, Kremer, Lawrence, Litchfield, Little, Long, McCoy, McDuffie, McKim, McLane of Delaware, Mallary, Matlack, Matson, Miller, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Moore of Alabama, Morgan, Neale, Newton, Patterson of Pennsylvania, Plumer of New Hampshire, Plumer of Pennsylvania, Prince, Reed, Reynolds, Richards, Rich, Saunders, Sandford, Scott, Sharpe, Sibley, Alexander Smyth, William Smith, Spaight, Standefer, Sterling, J. Stephenson, Stoddard, Talliaferro, Tattall, Taylor, Teat, Thompson of Georgia, Thompson of Kentucky, Tod, Trimble, Tucker of South Carolina, Udree, Vance of North Carolina, Vance of Ohio, Van Wyck, Vinton, Warfield, Wayne, Whipple, Whittlesey, White, Williams of New York, Williams of Virginia, Williams of North Carolina, James Wilson, Henry Wilson, Wilson of South Carolina, Wilson of Ohio, Wood, and Wright.

NAYS—Messrs. Baylies, Beecher, Buckner, Cocke, Forward, Garnett, Isaacks, Leftwich, McArthur, McLean of Ohio, Martindale, Metcalfe, Patterson of Ohio, Ross, Sloane, and Arthur Smith.

So the bill was passed, and sent to the Senate. And then the House adjourned.

MONDAY, May 24.

Mr. FORSYTH, from the Committee on Foreign Affairs, to which was referred the bill from the Senate, entitled "An act to amend an act supplemental to an act, entitled 'An act to carry into effect the ninth article of a treaty concluded between the United States and Spain the 22d day of February, 1819,' approved the 3d of March, 1823," reported the same without amendment, and it was ordered to lie upon the table.

Mr. KENT, from the Committee for the District of Columbia, to which was referred the bill from the Senate, entitled "An act supplementary to an act to incorporate a company for making certain turnpike roads in the District of Columbia," reported the same without amendment, and it was ordered to be laid upon the table.

The Committee on the Public Lands were discharged from the consideration of the amendments proposed by the Senate to the bill, entitled "An act for the relief of George Fisher," and the said amendments were referred to the Committee of Ways and Means.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to provide for the punishment of certain crimes, when committed in any navy yard, fort, arsenal, magazine, dock-yard, lighthouse, or other place belonging to the United States," reported the same without amendment, and the bill was committed to a Committee of the Whole.

The Committee on the Judiciary were discharged from the further consideration of the Message from the President of the United States, of the 18th instant, communicating a report of Alexander Hamilton, respecting land claims in Florida, and the same was again referred to the Committee on the Public Lands.

On motion of Mr. CAMPBELL, of Ohio, the Doorkeeper was authorized to continue one of the messengers in his service during the recess of Congress, to be employed in cleaning and preserving the furniture, and in cleaning and airing the House.

Mr. CAMBRELENG laid the following resolution, on the table, for consideration to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to ascertain and report to Congress, at its next session, the rate of interest at which the Bank of the United States will continue the United States' loan of seven millions.

On motion of Mr. GURLEY, the House went into Committee of the Whole, (Mr. INGHAM in the Chair,) on the bill supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse districts; which was amended; and, having been reported, was ordered to a third reading.

The resolution offered a few days since, by Mr. TRIMBLE, in relation to importations by natives and aliens, was taken up, and agreed to.

A bill from the Senate "for the relief of Hezekiah Langley and Benjamin M. Belt," was read a third time. Mr. COCKE moved to lay the bill on

the table. The motion did not carry. Its passage was then advocated by Messrs. WILLIAMS, of North Carolina, KENT, WHITTLESEY, SHARPE, NEALE, A. SMYTH, and WARFIELD, and opposed by Messrs. COCKE, WHIPPLE, and MCCOY; when it was passed, and sent to the Senate.

Engrossed bills of the following titles, viz:

An act to authorize the Secretary of the Treasury to exchange a stock, bearing an interest of four and a half per cent., for certain stocks bearing an interest of six per cent;

An act establishing Bowdoinham, in the State of Maine, Troy and Hudson in the State of New York, and Fairport, in the State of Ohio, ports of delivery;

An act granting a tract of land to the parish of West Baton Rouge, on certain conditions;

An act authorizing the employment of additional clerks, and certain messengers and assistants, and other persons, in the several Departments; were severally read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill of this House, entitled "An act to amend an act, entitled 'An act to amend an act for the establishment of a Territorial government in Florida,' and for other purposes," with an amendment; in which they ask the concurrence of this House. The Senate have also passed bills of the following titles, viz: An act to fix the western boundary line of the Territory of Arkansas, and for other purposes; An act for the relief of Nimrod Farrow and Richard Harris; An act to complete the survey of the southern and western boundary of the State of Missouri; An act for the relief of the legal representative of Thomas Robinson, deceased; and An act explanatory of an act, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands," approved on the 18th day of May, 1824; in which bills the Senate ask the concurrence of this House.

On motion of Mr. A. STEVENSON, the bill for the relief of Joseph M. White and William Davidson; and,

On motion of Mr. LIVINGSTON, the bill regulating the mode of practice in the Circuit Court for the District of Louisiana—were ordered to a third reading.

On motion of Mr. LEE, the House went into Committee of the Whole, (Mr. STERLING in the Chair,) on the bill "for the relief of certain distillers in the United States." The bill was slightly amended, and, having been reported, was ordered to a third reading.

On motion of Mr. NEWTON, the House took up the bill "to abolish the office of measurer."

This bill was opposed by Messrs. WOOD, SHARPE, and CAMBRELENG, and advocated by Messrs. NEWTON and TOMLINSON.

An amendment was offered by Mr. WEBSTER, excepting from the operation of the bill the port of Boston, which was successively modified by adding to the exception the ports of New York, Philadelphia, Salem, Charleston, &c.

Mr. CAMBRELENG moved to lay the bill on the table; which motion prevailed—ayes 61, noes 50.

Engrossed bills, of the following titles, viz:

An act for the relief of certain distillers in the United States;

An act for the relief of Joseph M. White and William Davidson; were, severally, read a third time, and passed.

The bill "to regulate the practice of the circuit court of the United States, in the district of Louisiana," being read a third time, Mr. COBB expressed a wish for further information before he was called upon to vote on its passage. Messrs. LIVINGSTON, BRENT, and WEBSTER, went into an exposition of the principles of the bill, and explained the circumstances of that part of the United States, in respect to the legal practice which had prevailed there, and the oppressive operation which an introduction of the practice under the common law would have, an evil to be strongly deprecated.

Mr. ROSS spoke in opposition to the bill, as introducing the principles of the civil law, and leading to a fruitful harvest of litigation, especially among those settlers in Louisiana who had been educated in other States.

The bill was then passed, and sent to the Senate.

The Committee of the whole House, to which is committed the bill concerning wrecks on the coast of Florida, were discharged from the consideration thereof. The said bill was then amended, and ordered to be engrossed, and read a third time to-day.

Bills from the Senate, of the following titles, viz:

1st. An act to fix the western boundary line of the Territory of Arkansas, and for other purposes;

2d. An act for the relief of Nimrod Farrow and Richard Harris;

3d. An act to complete the survey of the southern and western boundary of the State of Missouri;

4th. An act for the relief of the legal representatives of Thomas Robinson, deceased;

5th. An act explanatory of an act, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of the public lands," approved on the 18th of May, 1824; were, severally, read the first and second times, and referred: the

1st, to a select committee, consisting of Messrs. CONWAY, BRENT, LETCHER, SCOTT, and HOUTON; the

2d, to the Committee on Naval Affairs; the

3d, to the Committee on the Public Lands; the

4th, to the Committee on the Judiciary; the

5th, to the Committee on the Public Lands.

The amendments proposed by the Senate to the bill, entitled "An act to amend an act, entitled 'An act to amend an act for the establishment of a territorial government in Florida, and for other purposes,'" were read, and concurred in by the House.

On motion of Mr. McLANE, the bill reserving to the Wyandot tribe of Indians a certain tract of land in lieu of a reservation made to them by treaty, was considered, and ordered to a third reading.

On motion of Mr. CONWAY, the bill "concerning pre-emption rights in the Territory of Arkansas," was taken up, and ordered to a third reading.

On motion of Mr. COCKE, the House went into Committee of the Whole, (Mr. BRENT in the Chair,) on the bill from the Senate "making appropriation to enable the President of the United States to hold treaties with certain Indian tribes; and, being reported without amendment, was ordered to a third reading.

On motion of Mr. WILLIAMS, the House went into Committee of the Whole, (Mr. BURTON in the Chair,) on the bill from the Senate "for the relief of Hezekiah Langley and Benjamin M. Belt," and "for the relief of Alexander McNair, of Missouri."

The reports of the Committee of Claims were read, when the bills were reported, and ordered to a third reading.

FRENCH SPOILIATIONS.

Mr. FORSYTH, from the Committee on Foreign Relations, to which have been referred during the present session sundry petitions and memorials from insurance companies, and from merchants, and other citizens of the United States, upon the subject of spoliations committed on their commerce, on the high seas as well as in certain ports, under the orders or decrees of the Government of France, subsequent to the year 1806, made a report thereon, which was laid upon the table. The report is as follows:

The Committee of Foreign Relations on the several petitions of Archibald Gracie, Ezra Davis, Matthew, Thomas S., and Levinus Clarkson, William Gray, and others, of the Merchants' and Insurance Companies of Philadelphia, of the merchants and underwriters of Baltimore, referred to them by the House, report: That the petitioners ask the intervention of Congress for the recovery of their just claims against France, for spoliations committed, and property seized or destroyed, under different pretexts, since the year 1806. These claims are alluded to by the President, in his Message, at the opening of the present session of Congress, as resting upon the same principle with other claims which have been admitted by the French Government, and are the subject of the correspondence of the Minister of the United States with the French Government, communicated to the House of Representatives on the 5th of February last. To this correspondence the attention of the House is invited, for a full and fair understanding of the claims of the present petitioners, and of the other citizens of the United States, having similar demands against France, but who have not joined in this application for redress.

The committee have seen, with surprise, that, although the attention of the present Government of France was especially invited to this subject in 1816, and has been repeatedly recalled to it, since that time, that France has not yet thought proper to enter upon the discussion of it. No other answers have yet been given to various official communications of the Minister of the United States, than those required by the mere obligations of international courtesy.

The committee are of opinion that measures ought to be taken to impress upon France the necessity of an early and definite adjustment of this subject; and they would offer such measures to the consideration

of the House, if the hope was not entertained that the Government of France would be found, during the ensuing Summer, prepared to investigate it.

The committee are confident that a fair examination, entered into with a disposition to do full justice, will be followed by an arrangement satisfactory to all parties.

The claims of our citizens may be divided into four classes.

1. For property sequestered.
2. For property condemned, regularly, under the Berlin and Milan decrees.

3. For property irregularly condemned under the same decrees, including that condemned by imperial mandate, without the intervention of any judicial tribunal.

4. For property burnt or destroyed at sea; a portion of it after the decrees authorizing such destruction had been repealed.

The first class includes, in addition to other property not acted upon by the judicial tribunals, the seizures at Antwerp in 1807, at St. Sebastian in 1809-10, in Holland in 1810, under a secret article of the treaty incorporating Holland with France. The right of the claimants to an immediate and full indemnity for all property sequestered and never condemned, cannot be plausibly contested. It was put under sequestration by an imperial decree, on suspicion that it was English property, merely to give time to ascertain whether it was English or not. That it was not English, is now well known to the Government of France. Had it been English, it must have been given up or paid for, under the fourth article of the additional articles of the treaty of the 30th May, 1814, between that Power and Great Britain. By that article, the parties stipulate to release all property put under sequestration since 1792. If the property of our citizens seized at Antwerp, St. Sebastian, and in Holland, had been what it was, without the shadow of reason, alleged to be, payment would be due for it to English owners. A singular spectacle will be exhibited, if payment is denied when the motive for the seizure is shown to have been false, or should any doctrine of France place the property of a neutral in a worse situation than if it had belonged, as was suspected, to an enemy. Such doctrine cannot be advanced by France, unless she intends to instruct other Powers, that, in all future wars in which she may be engaged with a formidable rival, it will be more prudent to be her enemy than her friend. Nor can the committee anticipate any grounds upon which a decision unfavorable to the other claims embraced in the other three enumerated classes, can be justly made, resting as they obviously do upon the immutable bases of justice and national law.

A due regard to those relations of amity that have ever united this Government with France, to the stipulations of her treaty with us, to her character for liberal justice to foreign claimants, will doubtless induce the Government of that country to adjust those claims whenever they are fairly considered.

Under the hope and expectation that attention will be given to this interesting subject by France, prior to the next session of Congress, the committee, without asking to be discharged from the further consideration of the several petitions referred to them, recommend to the House the following resolution:

Resolved, That the President of the United States be requested to lay before the House, at the next ses-

H. OF R.

Trade with Mexican Provinces.

MAY, 1824.

sion, as early as the public interest will permit, the correspondence which may be held with the Government of France, prior to that time, on the subject of injuries sustained by citizens of the United States since the year 1806.

TRADE WITH MEXICAN PROVINCES.

The following Messages were received from the PRESIDENT OF THE UNITED STATES, viz:

FIRST.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 13th instant, requesting the President to communicate any information he may possess, in relation to the intercourse and trade now carried on between the people of the United States (and, particularly, the people of the State of Missouri) and the Mexican provinces; how and by what route that trade or intercourse is carried on; in what it consists, the distances, &c.; the nations of Indians through which it passes; their dispositions, whether pacific or otherwise; the advantages resulting, or likely to result from that trade or intercourse; I herewith transmit a communication from the Department of State, which contains all the information which has yet been collected in relation to those subjects.

JAMES MONROE.

MAY 24, 1824.

The said Message was read, and laid upon the table. The communication is as follows:

WASHINGTON CITY, April 27, 1824.

SIR: Permit me, through you, to communicate to his Excellency the President of the United States, the following ideas; from which, if circumstances would allow of their going into operation, much good might, perhaps, result to the young and enterprising of the West, as well as to the nation generally. I mean the interposition of the General Government for the protection of an intercourse between the citizens of the United States and the inhabitants of the northern and eastern parts of Mexico. This intercourse has been, on a small scale, attempted by a few brave and enterprising men from the State of Missouri, but with much risk of lives and property. The latter, they have frequently been robbed of by the Indians. These evils can only be prevented by means of a negotiation, to be opened by the General Government, with the Indians, through which the route would pass, from a favorable point on the Missouri river to Santa Fe. The Indians should be made responsible for depredations committed on citizens of the United States, as on citizens of the Republic of Mexico visiting the United States.

The benefits which would result from a safe intercourse between the United States and those parts of Mexico, it might be considered presumption in me to comment on. Its many important advantages will be obvious to the judgment of those much more capable of doing justice to the subject than myself. I will therefore submit it with the following few remarks:

1st. A safe intercourse between the citizens of this Government and the northern and eastern parts of the Mexican dominions, will awaken the inhabitants of the latter to the blessings of a republican system of Government; blessings which the American people wish all nations to enjoy, and the value of which will be more deeply impressed on the minds of strangers by an experimental knowledge of our enjoyments.

2dly. Many advantages will flow from the commerce to which the establishment of a safe intercourse will naturally lead; and many of the productions and manufactures of our country will be exchanged for silver, mules, horses, and other articles, in demand with us.

3dly. The establishment and protection of safe intercourse would not only essentially benefit the people of the two Governments, but would be attended with a beneficial result as it relates to the Indian nations, through which the communication would pass, and those bordering on them. Some of these nations yet know little of the American character. The most effectual mode of maintaining friendship with the Indians, is to impress them with a deep sense of your superiority. This, when judiciously attended to, does not require a great expense; and the saving of much blood will unquestionably result from a timely interposition on the part of the Government.

4thly. A portion of the Western people have been in the habit of hunting and trapping for a living; should the privilege be denied them of following their pursuits in the Indian country, they will seek other employments. All cannot be engaged in the Indian trade, and some will extend their enterprises into the Mexican dominions. These, if not protected by Government, they will hazard at their own risk; difficulties with the Indians will inevitably follow; and a train of mischievous consequences can alone be prevented by laying of the foundation, on the part of the General Government, of a proper understanding with them.

5thly. The city of Mexico is situated at so great a distance from the northern and eastern limits of the Republic, that a safe and harmonious intercourse cannot be opened and maintained without the establishment of an agency at Santa Fe, in strict subordination to the Government at Washington, and the American Minister at Mexico.

Such an agent would have much in his power towards producing and maintaining the proper friendly understanding between the American people and the citizens of Mexico, as well as with the numerous Indian nations. This agent would be extremely useful to the Government, in keeping a constant communication of the state of affairs in that section of the country with the Government at home, as well as with the American Minister at the city of Mexico. Such an agent ought to have the charge, in a certain degree, of the Indians bordering on the Mexican Republic.

6thly. The route in contemplation would pass through a healthy country, and would be attended with many facilities, too numerous at present to detail. Those who would not have the means of visiting Mexico in a more expensive mode, could pursue this route, with little comparative cost.

The establishment, the encouragement, and the protection of this intercourse will be, I have no doubt, cheerfully met on the part of the Mexican Government; and, with the means thus afforded them, the day will rapidly approach when the people of that country will become genuine, orderly, and patriotic republicans.

Respectfully, I have the honor to be, &c.

A. McNAIR.

Hon. J. Q. ADAMS, Sec'y of State.

SECOND.

To the House of Representatives of the United States:

In compliance with a resolution of the 20th instant, I transmit, herewith, to the House of Representatives,

MAY, 1824.

Five Millions New Stock.

H. OF R.

a report of David Shriver, Superintendent of the Cumberland Road, stating the manner in which the appropriation made at the last session for the repair of that road has been expended, and also the present condition of the road.

JAMES MONROE.

MAY 24, 1824.

The Message was read, and laid upon the table.

FIVE MILLIONS NEW STOCK.

On motion of Mr. McLANE, the House went into Committee of the Whole, (Mr. CONDUCT in the Chair,) on the bill "to authorize the Secretary of the Treasury to exchange a stock bearing an interest of five per cent. for certain stock bearing an interest of six per cent."

Mr. McLANE moved to amend the first section of the bill by inserting the following:

Be it enacted, &c., That the President of the United States be, and he is hereby, empowered to borrow, on or before the 1st day of April next, on the credit of the United States, a sum not exceeding five millions of dollars, at a rate of interest payable quarter yearly, not exceeding four and a half per centum per annum, and reimbursable at the pleasure of the Government, at any time after the 31st day of December, 1831, to be applied, in addition to the moneys which may be in the Treasury at the time of borrowing the same—to pay off and discharge such parts of the six per cent. stock of the United States of the year 1812, as may be redeemable after the 1st day of January next.

SEC. 2. *And be it further enacted,* That it shall be lawful for the Bank of the United States to lend the said sum, or any part thereof: and it is hereby further declared, that it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of the stock signed by the Register of the Treasury, or by the Commissioner of Loans for the whole or for any part thereof, bearing an interest not exceeding four and a half per centum per annum, transferable and redeemable as aforesaid, and to cause the said certificates of stock to be sold: *Provided,* That no stock be sold under par.

Mr. McLANE prefaced this motion by a statement, in explanation, of considerable length.

This amendment was agreed to, and the other parts of the bill were correspondingly altered; when the bill and amendments were reported to the House.

Mr. F. JOHNSON opposed the passage of this bill, not believing it necessary to borrow at present; as there was a considerable balance in the Treasury, and by an estimate of the gentleman from New York, (Mr. CAMBRELENG,) the operation of the tariff will increase it three millions. He went into a calculation to show the balance of revenue would increase every year; and that this country would lose, instead of gaining by postponing the debt at a reduced rate of interest—and he moved to postpone the further consideration of the bill till the 1st day of April next, (which amounts to an indefinite postponement.)

Mr. CAMBRELENG, of New York, had not intended to rise on this question, but deemed it necessary to reply to the gentleman from Kentucky,

(Mr. F. JOHNSON,) who had referred to his revenue estimates, and to the fate of a former stock exchange bill. That gentleman had very much misunderstood him. He had never been so absurd as to circulate that a tariff, which would go into operation on the 30th of June and 1st of January next, levying additional duties, payable at distant periods in 1825, could contribute directly to the revenue of 1824, whatever might be the effect of anticipated importations. Considering that bill as it actually passed, as a revenue measure—and an unnecessary one, too—he had presumed that, when in operation, it would augment the annual receipts. We are not now making any distant calculations—the period is near at hand. The first proposition in the bill, is to convert that portion of the six per cent. payable on the 1st January next, which we may not have the means to redeem, into a stock bearing an interest of four and a half per cent. or less. It is presumed that, after redeeming \$8,600,000, in seven per cents, authorized during the present year, and estimating the revenue of 1824 above the Treasury estimate, which can now be safely done, there will be, on the 1st of January next, including the usual amount of the unexpended appropriations, about five millions applicable to the redemption of the debt due on that day. The object of the bill is to enable the Government to reduce the interest on the amount unredeemed. The second proposition is, to renew, at a diminished rate of interest, that portion of the sixes falling due on the 1st of January, 1826, which we shall not be able to redeem. With regard to the period of the final redemption of the public debt, Mr. C.'s calculation corresponded, in its result, with that of the gentleman from Delaware, (Mr. McLANE.) Assuming a revenue of twenty millions—less than the actual revenue for two years past—and a permanent expenditure of ten millions—more than the annual expenditure during the same term—ten millions, at least, would remain annually applicable to the payment of the interest and the redemption of the public debt. With such a revenue, and such an expenditure, without estimating the increase of revenue under the new tariff, the public debt would be extinguished in 1835. Such calculations are, however, always to be considered as hypothetical, being founded on an anticipation of continued peace.

The gentleman from Kentucky is mistaken in supposing that the stock which we had proposed to exchange in 1822, is the identical stock we are now about to pay off. From 1825 to '28, sixty-five millions become payable—that bill contemplated exchanging only a part, leaving about thirty millions to be redeemed with the revenue anticipated. With regard to the failure of that negotiation, it was owing entirely to our delay in adopting the measure. Before proposals could be issued a reaction had occurred in the money market, which rendered the negotiation impracticable, except for a small amount. In that case, too, it was at the option of the creditor to accede or not to our proposals; the stock was not then redeemable. The bill before us contemplates a negotiation at and near the period of redemption, and of

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a different character. From the fate of that measure, however, we may draw an argument against postponing the bill under consideration. The rate of interest is low—much below our former anticipations; a second reaction may happen, and in that event Government will be compelled to negotiate a loan on less favorable terms, or continue to pay six per cent.

If we are to found our calculations on the rate of interest in England, there would not now appear to be the same danger of reaction. The moneyed and stock operations of that great banking house of nations, seem to regulate the affairs of the commercial world; and they have undoubtedly an influence on interest even in this country. Nevertheless, the period is favorable for reducing the rate of interest on our unredeemed stocks; there is no probability of our gaining anything by delay, and we may lose—he hoped we should adopt the measure in season.

Mr. McLANE again rose, and further extended the explanation he had before given. He submitted a calculation to the Committee.

Mr. F. JOHNSON spoke in reply, and insisted that the view presented by the gentleman from Delaware was fallacious. He went into an extensive argument in support of the ground he had taken, and referred to various statements and calculations to show, that the Treasury did not need the proposed loan in order to pay off the public debt, and that the nation would be a loser by the pretended saving in the rate of interest.

Mr. P. P. BARBOUR, in reply, advocated the plan proposed by the Committee of Ways and Means, and reduced the calculations to a simple form, which he presented in a few words, and appealed to the common sense of the House, whether it was not better to pay $4\frac{1}{2}$ per cent. interest, on an unpaid debt, than 6 per cent.

Mr. CAMBRELENG rejoined in a few remarks, and was followed by Mr. McDUFFIE, who defended the policy of the plan provided for in the bill.

The question on postponing the further consideration was then put, and decided in the negative—ayes 36, noes 102.

The bill and amendments were then ordered to be engrossed for a third reading.

REGULATION OF STEAM VESSELS.

On motion of Mr. TOMLINSON, the House went into Committee of the Whole, on the bill "for the regulation of steamboats, and for the security of passengers therein."

On this bill a discussion arose, in which Mr. TOMLINSON advocated its passage, Mr. DWIGHT proposed an amendment, and Mr. WICKLIFFE urged its postponement till the next session. [The bill proposes to lessen the danger of high pressure steam engines by adding to that safety-valve which is in the control of the engineer, another, to be in the exclusive possession of the captain of the boat, and which shall be loaded with no more than a prescribed weight, viz: one-third of the pressure by which the boiler has been proved, or one-sixth of that which it is capable of sustaining.] Mr. INGHAM objected to restricting low

pressure engines to a pressure of seven pounds to a square inch, adverted to the vast amount of property now invested in high pressure engines, and hoped that, with the exception of so much as provides that notice be given to passengers whether the engine of any steamboat is of the high or of the low pressure construction, the bill would be postponed till next session.

Mr. POINSETT replied, and explained the facts in relation to low pressure engines, and insisted that no injury could result to the holders of high pressure engines in consequence of this law.

Mr. WICKLIFFE thought the House was not prepared in its present state of information to legislate on a subject so extensive and important in its effects—and went into a series of remarks in support of this position.

Mr. LIVERMORE moved to strike out all of the bill excepting the fourth section.

Mr. POINSETT explained the facility of adding a safety-valve.

Mr. DWIGHT observed, that, from the words of the bill, it could have no effect till the next day of issuing licenses, which will not occur till April next, and in the mean while Congress would hold another session—he moved that the Committee rise; but, again withdrawing the motion, the discussion was farther prosecuted by Messrs. LIVINGSTON and DWIGHT. The Committee then rose and reported the bill, and on the question of leave to sit again,

Mr. LIVINGSTON insisted on the views he had before expressed, and earnestly advocated the passage of the bill. Leave was refused to the Committee to sit again.

When it was agreed to have a recess till five o'clock.

FIVE O'CLOCK, P. M.

A message from the Senate informed the House that the Senate have passed a joint "resolution providing a place of deposit for the Portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State," in which they ask the concurrence of the House.

The resolution was read twice, and ordered to be read a third time to-morrow.

Mr. CONWAY, from the select committee to which was referred the bill from the Senate, entitled "An act to fix the western boundary line of the Territory of Arkansas, and for other purposes," reported the same without amendment, and the bill was committed to a Committee of the Whole.

On motion of Mr. BRENT, the House took up the bill "supplementary to an act providing for the examination of titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river."

The blank was filled with two hundred dollars, and then the bill was ordered to a third reading.

On motion of Mr. TAYLOR, the execution of the resolution of this House, directing the disposition and removal of the building south of the Capitol, now used for committee rooms, was suspended until after the next session of Congress.

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Engrossed bills of the following titles, viz:

An act concerning wrecks on the coast of Florida; An act supplementary to "An act providing for the examination of titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river;" were severally read the third time, and passed.

On the bill concerning wrecks on the coast of Florida, some debate arose. It was contended, in defence of the bill, that when American property, wrecked on that coast, was saved by the Providence wreckers, not only a high salvage was paid to foreigners, but the goods, being taken into Providence, paid high duties to the British Government, and the result usually was, that nearly the whole of the property was lost.

On the other hand, it was insisted that this consideration was as nothing in comparison to affording to vessels and crews in distress the aid now derived from those wreckers.

It was rejoined that, if the British wreckers were driven off by the operation of the act, their places would immediately be filled with our own citizens, all the foreign duties would be saved, and some chance enjoyed of getting the property saved.

The bill was passed by a large majority.

A bill from the Senate, entitled "An act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse land districts," was read a third time, and passed.

The further consideration of the bill "to regulate steamboats, and provide for the safety of passengers therein," was postponed till the first Monday of November next—ayes 67, noes 47.

The following bills were ordered to a third reading:

A bill authorizing repayment for land erroneously sold by the United States; and a bill to authorize the Legislature of the State of Ohio to sell and convey certain tracts of land granted to said State for the use of the people thereof.

The engrossed bill granting to the corporation of Tuscaloosa certain lots and privileges over the reservations and commons in said town, was read a third time, passed, and sent to the Senate for concurrence.

TUESDAY, May 25.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to which was referred the amendments proposed by the Senate to the bill, entitled "An act for the relief of George Fisher," reported their agreement thereto.—The amendments were read at the Clerk's table, and concurred in by the House.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act in further addition to 'An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject,'" reported the same without amendment; and it was committed to a Committee of the Whole.

Mr. HARVEY, from the Committee on Naval

Affairs, to which was referred the bill from the Senate, entitled "An act authorizing an examination and survey of the harbor of Charleston, in South Carolina, of St. Mary's, in Georgia, and of the coast of Florida, and for other purposes," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. HAMILTON, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of Nimrod Farrow and Richard Harris," made a report thereon, recommending an amendment to said bill; and the bill was committed to a Committee of the Whole.

Mr. RANKIN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act explanatory of an act confirming claims to lots in the town of Mobile," reported the same without amendment; it was then, on motion, postponed indefinitely.

Mr. RANKIN, from the same committee, to which was referred the bill from the Senate, entitled "An act to extinguish Indian claims to lands within the State of Missouri," reported the same with amendments; and the bill was committed to a Committee of the Whole.

Mr. RANKIN, from the same committee, to which was referred the bill from the Senate, entitled "An act to complete the survey of the southern and western boundary of the State of Missouri," reported the same without amendment; and it was committed to a Committee of the whole House to-day.

Mr. RANKIN, from the same committee, to which was referred the bill from the Senate, entitled "An act explanatory of an act, entitled 'An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands,' approved on the 13th day of May, 1824," reported the same without amendment.

Mr. COOK then moved to amend the said bill by adding an additional section thereto; when the bill was ordered to be laid upon the table.

Mr. COCKE, from the Committee on Indian Affairs, who were instructed by resolution, adopted on the 26th of March last, to make certain inquiries, therein specified, in relation to the late system of trade with the Indian tribes, made a report; which was laid upon the table.

On motion of Mr. LIVERMORE, it was

Resolved, That there be allowed to the Postmaster of this House, for his prompt and faithful services as such, an extra compensation of one hundred dollars, in addition to what was allowed him at the end of the last session of Congress, making an extra allowance of three hundred dollars, to be paid by the Clerk, out of the contingent fund.

On motion of Mr. NEALE, the Clerk was directed to procure, and cause to be deposited in his office, fifty copies of the laws, &c., of Congress in relation to the District of Columbia, as compiled by Samuel Burch.

Mr. COCKE wished further time to inquire, before passing this resolution.

Messrs. NEALE and KENT explained the facts,

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and supported the resolution. A debate of considerable spirit then arose between Messrs. LIVERMORE and WOOD; and Mr. COCKE moved to lay the resolution on the table. Negatived—ayes 51, noes 59.

After further observations from Mr. NEALE, Mr. LIVERMORE moved to refer the resolution to the Committee on the Library.—Negatived.

Mr. SHARPE advocated the adoption of the resolution, and, having been modified so as to read "fifty copies," it was adopted.

On motion of Mr. HERRICK,
Resolved, That so much of a resolution, passed by this House on the 23d day of December last, as contains the following words, viz: "And the amount of postage which accrued on each route, after deducting the compensation of postmasters and incidental expenses, for one year next preceding the first day of April last," be, and the same is hereby, rescinded.

The resolution submitted by Mr. CAMBRELENG, yesterday, was taken up, read, and agreed to by the House.

On motion of Mr. STRONG, the Secretary of State was directed to report, at the next session of Congress, his opinion upon the claim of Pelatiah Fitch, of the State of New York, which was referred to him by order of this House of the 9th day of January, 1822.

Mr. STEWART laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the Secretary of the Treasury be directed to report to this House, at the next session of Congress, the amount of losses sustained during the last eight years upon bonds given for the duties upon imports, distinguishing the amount in each year; and to state whether any, and if any, what measures should be adopted by Congress, to prevent similar losses in future; and also, what effect the total repeal, or a limitation, of the credits now given for said duties would, in his opinion, have upon the revenue.

The joint resolution from the Senate, providing a place of deposit for the portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State, was read the third time and passed.

Mr. CONDUCT submitted the following joint resolution, viz:

1. *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be instructed to institute, with all convenient despatch, an inquiry into the causes of those fatal disasters which have so frequently occurred on board steamboats navigating the waters of the United States, and that he be authorized to call to his aid the knowledge and experience of such engineers and skilful men, as he may deem competent and best qualified to decide.

2. *Resolved*, That the said Secretary be, and he is hereby, empowered, after such advisement, to prescribe and publish such rules and regulations for constructing the apparatus of vessels propelled by fire or steam, the mode of regulating the power, the materials composing the boilers, with all other regulations, which, from time to time, he may deem necessary and proper,

to afford the best security to the lives of passengers and crews.

3. *Resolved*, That, from and after the — day of —, it shall be the duty of the Secretary of the Treasury to withhold a license from any vessel propelled by fire or steam, until satisfactory proof be made that the owner or commander thereof has, in all respects, conformed to the rules and regulations prescribed for such vessels, and any license granted thereafter shall be considered null and void, on failure of the owner or commander to comply with the terms.

4. *Resolved*, That it shall be the duty of the Secretary of the Treasury to report his proceedings hereon, at an early period of the next session.

The resolution was read, and the question was put, Will the House now proceed to consider the same? And was determined in the negative.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles viz: An act supplementary to an act, approved the 3d March, 1819, entitled "An act providing for the correction of errors, in making entries of land in the land offices;" An act changing the mode of surveying the public lands on any river, bayou, lake, or water course, in the State of Mississippi and Territory of Arkansas; An act for the relief of John Mitchell; An act to authorize the masters of vessels, in certain cases, to clear out, either at the custom-house of Petersburg, or that of Richmond; An act supplementary to the act to incorporate the inhabitants of the City of Washington, passed 15th May, 1820, with amendments to each; in which they ask the concurrence of this House.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of Alexander Scott, late collector of Pensacola;" which was reported without amendment, and ordered to be read a third time now. It was accordingly read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the final adjustment of land claims in the State of Missouri and Territory of Arkansas, derived from the Government of France and Spain;" which was reported without amendment, and laid on the table.

The amendments proposed by the Senate to the bill, entitled "An act to authorize the masters of vessels in certain cases, to clear out, either at the custom-house of Petersburg or that of Richmond, were read and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act for the relief of John Mitchell," were read and referred to the Committee of Claims.

The amendments proposed by the Senate to the bill, entitled "An act changing the mode of surveying the public lands on any river, lake, bayou, or water course, in the State of Mississippi and Territory of Arkansas," were read and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act supplementary to an act, approved the 3d March, 1819, entitled 'An act providing for the correction of errors in making

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entries of land in the land offices," were read and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act supplementary to the act to incorporate the inhabitants of the City of Washington, passed 15th May, 1820," were read and referred to the Committee for the District of Columbia.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of Samuel White;" which was reported without amendment, and the bill read a third time and passed.

The House again went into Committee of the Whole on the bill for the relief of persons suffering losses in the Seminole war.

The amendments before under consideration were adopted. The bill was then reported to the House, and ordered to a third reading to-morrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of John H. Howland, of New York;" which was reported without amendment, and read a third time and passed.

On motion of Mr. HOUTON, the House went into Committee of the Whole, on the bill explanatory of an act, entitled "An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians," passed the 14th May, 1822.

Mr. RICH explained the purposes of the bill, and offered an amendment, extending the provisions of the act to field officers, and to horses slain in battle. The amendment was supported by Mr. MCCOY and Mr. ISACKS, and adopted.

Mr. COBB moved a further amendment, extending the relief proposed by the bill, to wagoners, whose horses were impressed. On this amendment a debate of some extent arose, which was suspended, that the report which follows might be received. The Committee then rose, and had leave to sit again.

REPORT ON THE ADDRESS OF NINIAN EDWARDS.

Mr. LIVINGSTON, from the committee appointed on the 19th of April ultimo, on an address or memorial of Ninian Edwards, preferring certain charges against the Secretary of the Treasury, made a report; which was read. The report is as follows:

The select committee, to which was referred the memorial, or address, of Ninian Edwards, report: That, immediately on their appointment, as the House has already been informed, they communicated a copy of this address to the Secretary of the Treasury; and they also ordered the attendance of Mr. Edwards to be examined before them, as a witness, touching the various charges in the memorial. For, although, in that address, he refers to papers and documents, accessible to the committee without his presence, as the main supports of his charges, yet the committee were of opinion that these charges were not such as should be either lightly made, or superficially examined; and that it ought not to content itself with any investigation short of one in which the accuser should have an

opportunity of being personally present; the better to sustain the charges, if they were capable of being sustained, or to bear the proper responsibility, if, failing to sustain them, he should appear to have brought them forward, in a form thus positive and imposing, from personal and improper motives, or upon frivolous pretexts. And the committee is still of opinion that this investigation ought not to be finally closed, without the personal examination of Mr. Edwards; and, in proceeding to make any report on the subject, at the present time, and before such an examination is had, the committee acts only from the necessity imposed upon it, by the approaching close of the session, and by a sense of duty which dictates that it ought not to postpone, to a distant day, all communication to the House on a subject so interesting to the Government, and so nearly affecting the honor and integrity of one of its highest officers.

Under the influence of these motives, the committee makes this report, as the result of its examination of the papers referred to in the address, and such other proofs as the committee could command. Whatsoever is here said, therefore, must be received with the qualification, that, although the committee do not know that Mr. Edwards, if present, could communicate any fact likely to be important, they do not know, on the other hand, that he might not do so; and he has had no opportunity to be examined, or to give any reply to the answer of the Secretary, which the committee has received, and which has already been printed, by order of the House.

The address contains two general charges against the Secretary; one, of mismanaging the public funds, under which various illegal transactions are alleged, in reference to the deposit of the public moneys in certain banks, and the mode in which such moneys were allowed, afterwards, to be repaid; the other, imputing to the Secretary the suppression of papers and documents, or failing to communicate them, when they ought to have been communicated, in answer to resolutions of the Houses of Congress.

The committee has given its attention to each of these divisions of charge.

And, first, as to the conduct of the Treasury Department, in regard to the deposits of the public moneys in the banks, and the manner in which such banks were allowed to repay to the Treasury the balances of such deposits.

By the resolution of Congress of April 30th, 1816, it is declared "That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing, or becoming payable, to the United States, to be collected and paid in the legal currency of the United States or Treasury notes, or notes of the Bank of the United States, as by law provided and declared; or in the notes of banks which are payable and paid, on demand, in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing, or becoming payable, to the United States, as aforesaid, ought to be collected or received, otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid, on demand, in the said legal currency of the United States."

At the time of the adoption of this resolution, debts

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accruing to the United States, whether on account of the sales of public lands, or at the custom-house, or from other sources of revenue, were, in fact, received, in some parts of the country, but evidently in disregard of the law, in the notes of the State banks which did not redeem their paper by cash payments. By this resolution, it was obviously made the duty of the Treasurer to correct that departure from law, as soon as practicable; and it was, as is equally obvious, imperative on the Department, after the 20th February, 1817, to allow nothing to be received in payment of debts due to the United States, but the legal money of the United States, Treasury notes, notes of the Bank of the United States, or of those State banks the notes of which were payable and paid, on demand, in cash.

The Bank of the United States was incorporated in April, 1816, and went into operation at the commencement of the next year. By the act of incorporation it is provided and declared, "that the deposits of the money of the United States, in places in which the said bank and the branches thereof may be established, shall be made in said bank and branches thereof, unless the Secretary of the Treasury shall, at any time, otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction."

The present Secretary of the Treasury was appointed to that office in October, 1816.

In the early part of the year 1817, it is represented by the Secretary, and it appears to be true, that an arrangement was made with the Bank of the United States, by which the public funds were to be deposited in the branches of that institution, in all places where such branches existed; and where there were no such branches, that bank was to designate certain State banks for which it would be responsible, and in which such public moneys should be deposited; and notes of all banks which the Bank of the United States would receive in deposit as cash, and none other, were to be received on sales of the public lands.

It is further represented, that, in the execution of this arrangement, difficulties and controversies arose between the Bank of the United States and the State banks thus employed in receiving the deposits of the public moneys; and, ere long, the Bank of the United States signified to the Department of the Treasury that it could not continue such arrangement; and that, thenceforward, it could receive nothing in deposit, as cash, but the legal currency of the country for its own notes. The agreement with the Bank of the United States terminated, for these reasons, on the 30th June, 1818.

It would appear that many of the State banks which had, in 1817, resumed specie payments soon after this period, that is to say in the latter part of 1818, discontinued such payments; and that the debt due to the United States, on account of the sales of the public land, had very greatly increased; amounting, in the early part of 1819, to not less than \$18,000,000. The public expenditure in the Western States was not such as to require, within those States, the disbursement of the money received on account of this debt; but much the larger part was to be remitted, either to the Seat of Government, or to other places in the Atlantic States.

About this period, also, the Bank of the United States issued orders prohibiting its Western branches

from issuing any of their own notes for circulation, even in exchange for, or on deposit of, specie.

Under these circumstances, the Secretary of the Treasury appears to have entered into arrangements with some of the local or State banks, generally those which had acted as agents of the Bank of the United States, for the purpose of employing them as depositories of the public money, and in the transfer of such money, when required, to places where it might be wanted in the course of Government disbursements.

Among the earliest of these, was that proposed to the Bank of Missouri, by letters from the Secretary, of the 1st and the 11th of July, 1818, immediately after the termination of the agreement before mentioned with the Bank of the United States; which letters, indeed, have the form of circulars to all the banks in which the public moneys were at that time deposited, that is to say, the banks which have been employed by the Bank of the United States, during the continuance of its arrangement before mentioned, with the Treasury. The Bank of Missouri was one of these. It was now informed that, since that agreement had come to an end on the 30th of June, all sums deposited in the Bank of Missouri after that time, must be subject to the drafts of the Treasury, and would be drawn for, as occasion should require, in the following manner, viz: if in favor of individuals, drafts to be paid at sight; if in favor of the Bank of the United States, in sixty days; drafts of the latter description to be so made that the money should be drawn out and transferred gradually, and not *en masse*. The reason of this distinction between drafts to individuals and drafts to the Bank of the United States, appears to be, that drafts in favor of individuals, being probably intended for funds to be expended in the neighborhood of the bank, would be ordinarily paid in the notes of the bank itself, or other similar paper; but that those in favor of the Bank of the United States would be such as required payment in specie, or in United States' Bank bills, or transfers of credit to its branches; operations which might reasonably require time. On the 1st of August, the Bank of Missouri signified its acceptance of the conditions of this proposition.

On the 21st of December, 1818, the Secretary, by letter, addressed to the President of the Bank of Edwardsville, signified his disposition to employ that bank also in receiving the deposits of the public moneys; and, on the 1st of February following, that bank assented to the terms. A similar arrangement was made, nearly at the same time, with the Bank of Illinois, the Bank of Huntsville, and the Tombigbee Bank.

Shortly after the date of these transactions, however, a more general system of employing State banks, for the purposes before mentioned, was adopted, and conditions more precise, and which were thought more favorable to the banks, were proposed. The leading feature in this new proposition was, that, as an inducement to undertake the engagement, it was agreed, on the part of the Treasury, to allow to the bank a permanent deposit of a stipulated sum, not liable to be drawn out or diminished, except in a specified case. The use of this deposit was to be the equivalent for the responsibility of receiving and keeping the funds, and the expense of transferring them, without further charge on the Treasury, to such places as might be agreed on, or required.

Arrangements of this nature were made with the Bank of Steubenville, Bank of Chillicothe, Franklin

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Bank of Columbus, Farmers and Mechanics' Bank of Indiana, Bank of Illinois at Shawneetown, Branch Bank of Kentucky at Louisville, Bank of Tombigbee at Saint Stephen's, Planters and Merchants' Bank of Huntsville, Bank of Missouri, Bank of Edwardsville, and Farmers and Mechanics' Bank of Cincinnati.

The terms, in general, agreed to between the Treasury and these several banks, were, in substance—

1st. That the bank should receive, in deposit, to the credit of the Treasury as cash, from the receivers of public moneys, all current notes of such banks as maintain cash payments; with power, however, to discontinue to receive the notes of any particular bank on giving seasonable notice of such intention to the Receiver.

2d. That the bank should pay, at sight, all drafts from the Treasury; and should also transfer, on request, all sums on hand beyond the amount of the stipulated permanent deposit, to the Bank of the United States, or certain enumerated branches of that bank; and that a fixed sum should remain in the bank, as before mentioned, as a permanent deposit, to be transferred, however, to the Bank of the United States, in six months after the termination of the agreement.

3d. That, if the money were wanted for disbursement in the neighborhood of the banks, it might be drawn for, at sight, notwithstanding such drafts might reduce the permanent deposit below the stipulated sum.

The amount of this permanent deposit was to be increased, if it should appear that the bank should receive and transfer such large sums as that the expense thereof should not be considered as compensated by the benefit of the deposit which had been stipulated. It was also prescribed, that the bank should render to the Secretary of the Treasury, and to the Treasurer, duplicate monthly returns of its accounts with the Treasury; and to the Secretary, confidential monthly returns of the state of its own affairs; showing, also, the credits of all public officers in the bank; and also quarterly lists, or returns, of all its debtors; to the end that the Secretary of the Treasury might determine on the propriety of continuing the public deposit in such bank.

Such was the general nature of the arrangements as they were adopted and entered into with the banks. There were, however, variations in some other particulars. In the Bank of Steubenville, for instance, the public money in the bank, or due from it at the time of the arrangement, was declared not to fall within the arrangement; in other instances, nothing is said of such balances; and, in others again, it was declared that they should be embraced by the agreement.

The following table shows the amount of the permanent deposit allowed to each bank, respectively, as the equivalent for the services rendered, or expected to be rendered, by it to the Treasury:

Bank of Steubenville - - - -	\$50,000
Bank of Chillicothe - - - -	100 000
Franklin Bank of Columbus - -	20,000
Farmers and Mechanics' Bank of Indiana -	40,000
Bank of Illinois at Shawneetown - -	50,000
Branch Bank of Kentucky at Louisville -	100,000
Bank of Tombigbee at St. Stephen's - -	100,000
Planters and Merchants' Bank of Huntsville	75,000
Bank of Missouri - - - -	150,000
Bank of Vincennes - - - -	75,000

Bank of Edwardsville - - - - 40,000
Farmers and Mechanics' Bank of Cincinnati 100,000

The amount of these permanent deposits is nine hundred thousand dollars, the interest on which sum, at six per centum, would be fifty-four thousand dollars.

It is alleged in the memorial, that this sum of fifty-four thousand dollars was thus annually paid for receiving and transmitting the public money; a service which, it is said, the Bank of the United States was bound to perform without any compensation. The committee does not see the ground of this obligation on the Bank of the United States. That institution is, indeed, bound to give necessary facilities for transferring the public funds from place to place, but this can only mean cash funds; and it is bound, also, to receive money in deposit for the United States; but it is not bound to receive in deposit, as cash, the bills of any banks whatever but its own, although they may come within the provisions of the resolution of 1816. The committee does not perceive any thing in the principle of these arrangements with the banks, either in violation of law, or contrary to the usage of the Government; since the Treasury has, for many years, had agreements with more or less of the banks, by which the public moneys were deposited in such banks, and drawn from them when wanted; certain terms and conditions, as to the mode of drawing, being stipulated, such as were thought beneficial, both to the Treasury and the banks. Indeed, it may be proper to observe here, that it seems to have been assumed, by different officers at the head of the Treasury Department, that it was their duty to direct its operations to the support of different moneyed institutions whenever their affairs required support, so as to defeat combinations against them, and preserve an equilibrium of credit among them. And the practice appears to be in conformity with this principle from a very early day. That benefit may occasionally result, and has resulted from such operations, is evident; but this is no legal employment of public funds. It is nothing but a gratuitous loan. The existence of the practice, however, as well as the avowal of the principle by different officers at the head of the Treasury, will be found by referring to a letter from the Secretary of the Treasury to the President of the Senate, of the 25th February, 1823, in answer to a resolution of that body. Such, however, was not either the object, or the character, of the agreements with the State Banks, which are the subjects of this examination.

On the 1st of August, 1820, the Treasury issued circular instructions to the Receivers of Public Moneys, authorizing them to receive, in addition to specie and bills of the Bank of the United States and its branches, notes of the incorporated banks in Boston, New York, Philadelphia, Baltimore, and Richmond, and in the States of South Carolina and Georgia, (except the City Bank of Baltimore,) and of those specie-paying banks in the State in which the Land Office is situated. "This instruction," it is added, "supercedes those which have heretofore been given on the subject, except in so far as they prohibit the receipt of the paper of any bank which does not discharge its notes, on demand, in specie; and that prohibition must, in every case, be rigidly adhered to."

Among the banks with which these negotiations were made, the attention of the committee was called, particularly, to the Farmers and Mechanics' Bank of Cincinnati, the Bank of Chillicothe, and the branch of the State Bank of Kentucky, at Louisville, as form-

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ing the subject of a charge that does not apply to the others. In the several places where these banks were situated, the Bank of the United States had offices of discount and deposit, and the law incorporating that institution, as has been before observed, creates an obligation on the Treasury of the United States to use them as places of deposit, in preference to any other banks, unless the Secretary shall, for special reasons, otherwise direct; and, in that case, such reasons shall be laid before Congress at its then, or next session. The charge is, that no such communication was made to Congress. This omission is acknowledged by the Secretary, who says it was owing to inadvertence, and that the inattention to the provision of the law was unimportant, inasmuch as the provision was intended, obviously, for the benefit of the bank; and the bank had full notice. The notoriety of the fact is also relied on, to show that no improper conduct, or desire to conceal it, produced the omission.

The committee sees no reason to doubt this statement, or to attribute any improper motive to the Secretary, in this inattention to the directions of the act.

The charges relative to the Bank of Missouri are, in substance,

That this bank was unworthy of credit at the time the deposits of public moneys were suffered to accumulate in it to a large and improper amount:

That the permanent deposit allowed it was illegal, and unreasonably large:

That those returns and statements of its affairs, which the Secretary had himself considered essential, were not exacted:

And, finally, that, in payment of its debt, a large amount of uncurrent notes was received, some of them not worth twenty-five cents in the dollar, contrary to the positive injunctions of the resolution of 1816.

The committee thinks it very probable that the Bank of Missouri did make an improper, perhaps an excessive, issue of its paper; although the mode adopted in the address, of estimating that excess, appears not altogether correct, as it omits to mention the permanent deposit of the Government in calculating the fund on which the emission might be made. If the capital of the bank were, as is stated, \$210,000, and its permanent deposit from Government \$150,000, supposing it to have no other deposits, a discount to the extent of \$430,000 would not have been alarmingly excessive, supposing the loans to have been limited to safe hands, and that punctuality of payment might have been expected. It is probable that a failure in this latter respect was the immediate cause of the bank suspending its payments.

The sum of \$726,000, which appears, at one time, to have been in this bank, was certainly a very large sum to have been suffered to remain in a country bank; but, whether it was a greater accumulation than ought to have been allowed, is a question that depends on many considerations, chiefly on that of the solidity of the institution, which itself again depended on the solvency of its debtors. Of this the committee has no other evidence than that arising from the report of the committee of the Legislature of Missouri, appointed to examine the affairs of the bank, who declare that the debts due on personal security, as well as those secured by mortgage, are safe. If this were well founded, the bank, even at the time it stopped payment, had, in those two items alone, more than enough to pay all it owed.

What information, to put the Secretary on his guard, would have been derived from the monthly returns, the committee cannot determine. They appear to have been furnished only up to the 1st of February, 1820. Nor has the committee observed any demand made by the Secretary for a compliance with this stipulation, at any time between that date and the time the bank stopped payment. Whether, however, if it had been demanded and complied with, any different result, favorable to the United States, would have been produced, it seems impossible to determine, because, judging from the last and most unfavorable return, made immediately previous to the stoppage of the bank, nothing in those returns would have appeared to indicate any danger.

A more important part of the charge is, that the Secretary received from this bank, in part payment of its debt, a large amount of uncurrent notes, contrary to law.

By the first arrangement made with the bank, which has been already stated, it was not responsible, as far as the committee can perceive, for the solvency of the banks, the notes of which might have been deposited in it by the public receivers. When the new contract was made, in August, 1819, it did not form any part of that contract, as it did with some of those of the other banks, that the bills already on hand should be at once passed to the credit of the Treasury as cash, as may be seen by a copy of the contract annexed to this report, marked B. So that the important question is, whether those notes were received before or after the 9th of August, 1819, the day on which the bank assented to the new contract. If before, then they are received on account, and at the risk of Government; if after, at the risk of the bank.

The committee think there were sufficient reasons to justify the Secretary in believing them to have been received before the 9th of August, because, by the letter of the bank, of that date, it appears that a much larger sum in notes essentially of the same description, was in possession of the bank: and an offer is therein made to transfer them to various other banks, to the order of the Treasury. And, by the statement marked E, annexed to the address of Mr. Edwards, it appears that, as early as the 6th of September, 1819, a much larger sum, in notes of the description of those thus offered by the bank, had actually been received on account of the Treasury from the several receivers, and were then on hand. On this point the committee also refer to the deposition of Thomas F. Riddick, hereunto annexed, marked F.

The committee think it proper to add, that, of the whole sum received by the Treasury in these notes, from the Bank of Missouri, a sum of about twenty thousand dollars only appears to be unpaid; and of this sum it is stated by the Treasury there are hopes that a considerable part will be secured.

A very large part of the address is occupied with observations on the transactions between the Treasury and the Bank of Edwardsville. This bank was made a depository of public money, at the solicitation of Mr. Edwards himself, in December, 1818. It stopped payment in September, 1821, owing, at that time, a balance to Government of forty-six thousand two hundred and two dollars and forty-three cents.

It is not deemed necessary here to repeat all that is said on that subject, in the address and the answer. The address, in this part of it, seems to have two objects—one to clear Mr. Edwards himself from any imputation on account of having procured the public

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deposits to be made in the bank originally, and to repel the supposition that he had been the means of continuing them after they became unsafe; the other to charge the Secretary with continuing the deposits after he ought to have been alarmed for their safety, and with receiving uncurrent notes from the bank against law; and also with the negligent omission of proper means to collect the debt due from it to the Government.

It appears to be for this double purpose, that the address alleges that in 1819 its author made a publication, announcing his intention to withdraw from the bank in which he had been a director, and no longer to be considered responsible for its engagements; which publication, as is alleged, was transmitted to the Secretary; that he also advised the Receiver of Public Moneys to withhold the deposits from the bank until he should receive further orders from the Treasury; that the Receiver, thereupon, wrote to the Treasury, enclosing Mr. Edwards's publication, and (as he afterwards declared) received a letter from the Secretary, directing him to continue the deposits. The Secretary has said, that no such letter from the Receiver was on file in the Department, and that none of its officers had any recollection of such a letter; and, moreover, that there was no record of any answer. The address, notwithstanding this declaration, aims to prove that such letter was written; and, among other arguments, adduces the fact that there was, about this time, an actual suspension of deposits at the bank; which the address attributes to the caution of the Receiver, under the advice which had been given to him. To this, it is answered by the Secretary that this suspension was owing to the negligence, not the caution, of the Receiver; that the Receiver was directed frequently and repeatedly to continue his deposits, and to make them regularly and punctually—danger then being apprehended, not from the bank, but from the continuance of large sums in the hands of the Receiver.

Without entering into a detail of all the facts connected with this subject, it seems to the committee that there is no doubt that Mr. Edwards did make a publication (paper C) in the newspapers in 1819, as he represents, and that he gave such advice as he represents, to the Receiver. But there is no evidence that the Receiver communicated it, or wrote on the subject of it, to the Secretary. Indeed, it is not very probable he would have done so. It is to be remembered that he was President of the Bank, as well as Receiver of Public Moneys, and he would hardly advise the Secretary that he, as Receiver, could not repose confidence in the Bank, the President and head of which he was.

The committee does not deem it at all material to inquire whether the Secretary received or saw a copy of Mr. Edwards's publication. There is nothing in that communication which should have alarmed him for the safety of the public money in the Edwardsville Bank; for, although Mr. Edwards announces his intention of withdrawing from a participation in the direction of it, he speaks in most decided terms of its solvency and safety. While the committee sees no reason to believe that Mr. Edwards acted with any impropriety in procuring the deposit of the public money in that bank, or in regard to the continuance of such deposit, it perceives, on the other hand, no reason whatever for supposing that the Secretary continued the deposits after being admonished by the Receiver that they were unsafe. On the contrary, the committee thinks the correspondence fully shows that

the deposits were omitted (or thought to be so) through negligence and fault; and that, in enforcing and insisting on them, the Secretary was governed by a proper regard for the security of the public funds. The committee, however, would take this occasion to observe that, in their opinion, the appointment of the Presidents of the local banks, in which public moneys are deposited, to be Receivers of the Public Moneys, to be deposited in the same bank, is injudicious; that it has happened in several cases; and that inconvenience or mischief may not be unlikely to result from such a practice.

As to the charge of receiving uncurrent notes from this bank also, contrary to law, the committee thinks that the construction, which appears to have been contended for by the bank, and acquiesced in by the Secretary, of the first article of the arrangement between them, is not the true construction, especially if nothing be regarded but the terms of the contract. The words of the first article are, "that the public moneys shall be entered to the credit of the Treasurer as cash." It would seem impossible that these terms could mean any thing else than that, for the amount of these deposits, the bank should become directly debtor to the United States, and that this debt, thus assumed, should, like others, be legally paid. If this construction, which the committee has given to the contract, be correct, these notes were illegally received.

The Secretary's view of the case appears, however, to have been different. He says the term "cash" was used in opposition to the term "special deposit," and was not intended to subject the bank to the payment of specie for notes which were not convertible into specie; and that it was not understood by either of the parties, that the bank was responsible for the credit of other banks whose notes were deposited in it. The correspondence sufficiently shows that the bank expressed the same opinion, at an early period of the connexion, and long before this case arose. The construction insisted upon was, in effect, that the bank was to receive such bills as the Receivers had lawfully taken, and wished to deposit; and, as these would be of different banks, more or less remote, the bank should, for the compensation which it received, be at the expense of collecting them, so that the proceeds might be transferred, without farther expense or trouble on the part of the Government, to the order of the Treasury; but that, nevertheless, if any such bills became discredited, while in this process of collection, by the failure of the bank which issued them, the loss should fall on the Government.

Although the committee do not agree to the correctness of this construction, yet they see no reason to doubt that the Secretary may have honestly supposed that the banks entered into the arrangement with this understanding of its meaning; nor any ground to believe his conduct, in this respect, to have been governed by any improper motive. It ought to be added, that the Secretary states that one reason for receiving these bills from the Edwardsville Bank was, that he had at that time some reason to apprehend a want of punctuality or good faith on the part of that bank itself.

The case of the Bank of Tombigbee, as it is explained in the Secretary's answer, does not call for any particular observations. It is not unlike that of Edwardsville, except that, in the former case, no loss appears to have occurred. The loss in the case of the Bank of Edwardsville, arising from the receipt of uncurrent notes, will be twenty thousand dollars; un-

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less it should turn out, as the Secretary says he is assured it will, that the notes will yet be paid.

The committee has requested of the Department to be informed of the present amount due to the United States from the following banks, to wit: The Branch Bank of Kentucky, at Louisville; the Huntsville Bank; the Bank of Missouri; the Bank of Vincennes; the Bank of Edwardsville; and the Farmers and Mechanics' Bank of Cincinnati; and of the present circumstances of those banks; and, whether there be reason to apprehend loss from any other bank in which the public money is deposited.

In answer to this request, the Secretary has communicated a statement of the Treasurer, giving the information required, which accompanies this report, marked D.

By this it would appear, that the balance now due the Government from these banks, is four hundred and forty thousand eight hundred and twenty dollars and sixty-three cents.

The committee has no particular information of the measures which have been adopted to enforce the collection of these balances. In regard to some of them, as has already appeared, the Secretary expresses a confident hope of ultimate payment; a great portion of the amount, however, may be considered as lost.

The amount of money collected on account of internal taxes, and from the sales of the public lands, mostly the latter, since 1816, is stated by the Secretary at twenty-one millions of dollars. If of this sum half a million should be lost by means of the failure of the banks which have stopped payment, the loss would be less than two and a half per cent. on the whole sum.

Considering the great and violent shock which credit of all kinds has sustained within this period in the Western States, and comparing this amount of loss, if it should eventually happen, with that of the Bank of the United States, of other banks, and of individuals, arising in the same part of the country, from similar causes, the committee is of opinion that the result does not show in the Treasury Department any want either of fidelity or prudence in the management of the public funds.

The other division of the charge contained in the Address, relates to the alleged suppression, or withholding of papers called for by different resolutions of the Houses of Congress.

One specification under this head is that relating to the correspondence between the Secretary and Mr. Stephenson, the President of the Edwardsville Bank. The opinion of the committee on that subject has been already given, and need not be repeated.

Another relates to the correspondence with the several Western banks generally. The charge is, that material parts of it were retained, when all was called for by the House.

The first call was made on the 9th of January, 1822, and was, as the committee think, limited in its proper construction to a requisition for the correspondence relative to the contracts for making deposits. In this way, the Secretary says, he understood it; but, that he did, nevertheless, transmit letters not directly embraced by the resolution, but which, he thought, were necessary to elucidate the subject.

The next resolution was on the 12th of March, in the same year, and the only correspondence it called for, was that with the Missouri Bank, and there is no reason to believe that this was not substantially complied with.

A third call was made in the same year, on the 8th of May, requiring the correspondence with all the banks that had not before been communicated.

The committee have not been able to discover, in the very voluminous return to this last resolution, any material letters not before communicated, except a circular instruction to the Western banks, directing them to note, on the back of each return of the Treasurer's account, a description of the moneys credited in such return, and the amount of each, according to a form of return therein given. This form is the same with that in which the return referred to in Mr. Edwards's Address, marked E., is made out. This circumstance would seem to give a greater weight to the evidence to be drawn from that paper, considering it as an official document intended for the Treasury, under the agreement.

Another charge of suppression, incidentally made, but which the committee deem it proper to notice, relates to a report made by the Secretary, in obedience to a resolution of the House of the 31st of December, 1819, calling for such information as he possessed in relation to the introduction of slaves into the United States. On this point, the committee addressed an inquiry to the Secretary, and received from him the answer annexed to this report, marked E.

Although they are of opinion that there were papers in the Department containing information called for by the resolution, and which ought to have been communicated, yet, judging from the statement made by the Secretary, in his answer, connected with the fact that the papers in question were communicated to the Attorney General, it is the opinion of the committee that the omission was not caused by a design to screen the person implicated from punishment or blame.

As to the other cases in which the Secretary is charged in the Address, with having suppressed or withheld papers or information called for by the Houses of Congress, the committee is of opinion that, although papers coming within the scope of the resolution, or call, were not, in some instances, communicated, such omissions were either the result of accident, or of a belief, on the part of the Secretary, or of the persons necessarily employed by him on such occasions, that the papers so omitted were not called for, or were not material; and the committee have seen no evidence that any documents or information has been withheld from the House, from the operation of any improper motive or design.

Referring to what has been said in the introduction to this report, and repeating that Mr. Edwards has not had an opportunity of supporting his charges, by his presence and testimony, the result of the facts which have appeared to the committee, thus far, in this investigation, and of their deductions from them, when applied to the recapitulation of charges, as stated at the end of the Address, is—

First. That the evidence referred to, and examined, does not support the charge of having mismanaged the public funds.

Second. That the uncurrent notes, mentioned in the second charge, appear, by evidence satisfactory to the committee, to have been received and deposited by the public receivers, at a time when they were receivable under the resolution of Congress of 1816. That, in the principal case, that of the Bank of Missouri, the bank did not make itself responsible for such notes as cash, and therefore the Secretary was bound to receive them from the bank; that, although the banks of Tombigbee and Edwardsville were liable

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to account for such deposits as cash, if the construction which the committee gives to their contracts be correct, yet, that both the Secretary and the banks expressed a different opinion as to the meaning of those contracts, and that the Secretary, in receiving fifteen thousand dollars from the one, and twenty thousand dollars from the other, of those banks, appears to have acted according to what he supposed to be the rights of the parties, and with a proper regard to the interest of the United States, under the circumstances which then existed.

Third. That no intentional misstatement has been made to the House, of the amount of uncurrent bills received from the banks; although a sum of two hundred and eighty dollars of such bills was omitted through mistake.

Fourth. That, although the Secretary may have misconstrued the effect of some of the contracts with the banks to the extent before mentioned, the committee find no grounds for the charge that he has misrepresented them, inasmuch as the contracts themselves were submitted, with his report, to the House.

Fifth. That the Secretary did omit to communicate to Congress the reasons which led him to direct the deposit of public moneys in the three local banks of Chillicothe, Cincinnati, and Louisville, where the Bank of the United States had branches, but there is no reason for supposing that any concealment was intended, or that the omission was occasioned by design.

Sixth. That in some instances, papers called for by resolutions of the House have not been communicated with other papers sent in answer to such calls, but that these omissions have happened either from accident, or from a belief that the papers so omitted were immaterial or not called for; and that there is no evidence that any document or information has been withheld from improper motives.

Having already expressed the opinion that this investigation ought not to be terminated, until the person preferring the charges shall have been examined, and regretting the circumstances which render such an examination impracticable during the present session of Congress, and thinking that Mr. Edwards may be expected at Washington within a few days, the committee feel it their duty to recommend to the House that they be required to sit after the adjournment, for the purpose of taking his examination, if an opportunity shall be presented.

B.

Conditions proposed by the Secretary of the Treasury to the Bank of Missouri, for the future employment of that bank as a depository of public moneys.

1st. The bank will receive from the Receivers of Public Moneys, and others having moneys to deposit on account of the Treasurer, the paper of such banks as pay their notes in specie on demand, or are otherwise in good credit, and whose paper is in circulation in its vicinity, a list of which banks will be furnished by it to the Secretary of the Treasury, and will credit the same to the Treasurer of the United States as cash. The bank may, however, discontinue to receive the paper of any of the said banks; but, in such case, it will give immediate notice thereof to such Receivers and others, who usually deposit public moneys in it; and the notes of any such banks, which may have been received by them before such notice, shall nevertheless be taken and credited by the Bank of Missouri as cash.

2d. The bank shall pay, at sight, all drafts which the Treasurer of the United States may draw on it; and it shall, from time to time, transfer to the Bank of the United States, or its branches at New York, Philadelphia, Baltimore, Washington, or New Orleans, in such moneys as will be received by them as cash, the excess of public money remaining on deposit, after such drafts are paid, over and above the sum of \$150,000; which sum of \$150,000 shall remain on deposit in the Bank of Missouri during the continuance of this arrangement, and shall be transferred in like manner by the bank, within six months after it shall cease to be employed to receive the public moneys. It is agreed, however, that, if the amount received by the bank shall be so large as that the expense of remittance shall exceed the benefit of the deposit, the sum which is to remain on deposit in the bank shall be proportionably increased.

3d. The bank shall render to the Secretary of the Treasury, and to the Treasurer of the United States, duplicate weekly returns of its account with the Treasurer, and shall also render to the Secretary of the Treasury, monthly returns of the state of its affairs, which latter returns shall be considered confidential, and will, in no case, be made public, they being intended solely to aid the Secretary of the Treasury in determining on the propriety of continuing or discontinuing the arrangement with the bank.

4th. It is understood that if the moneys deposited in the Bank of Missouri, under this arrangement, can be disbursed at the bank, the drafts of the Treasurer shall be paid at sight, notwithstanding such payments may reduce the deposit below the sum of one hundred and fifty thousand dollars.

I have the honor to be, your most obedient servant,
WM. H. CRAWFORD.

TREASURY DEPARTMENT, June, 1819.

Original made part of the answer of the bank, in a suit instituted by the United States against it, and filed with said answer in the clerk's office.

"I certify that the foregoing, with the exception of the memorandum, is a copy from the original conditions proposed by the Secretary of the Treasury to the Bank of Missouri, for the future employment of that bank as a depository of public moneys."

THOS. F. RIDDICK,
Pres't Bank of Missouri.

Sworn and subscribed before me, May 24, 1824.
DANIEL RAPINE,
Justice of the Peace.

C.

WASHINGTON, May 24, 1824.

SIR: I have received your note of this day's date, and now enclose you a copy of the publication of Mr. Edwards, made in 1819, in reference to the Bank of Edwardsville, in the Edwardsville Spectator and St. Louis Inquirer, and from the former copied in the Illinois Gazette, published at Shawneetown, and from which last mentioned paper the enclosed is taken.

I have the honor to be, very respectfully, your obedient servant,

DANIEL P. COOK.

The Hon. JOHN FLOYD.

FROM THE EDWARDSVILLE SPECTATOR.

To the Editors of the St. Louis Inquirer:

GENTLEMEN: The honorable Secretary of the Treasury having, at my particular application, directed

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certain deposits of public money to be made in the Banks of Shawneetown and Edwardsville, I feel myself called upon, by the repeated publications in your paper against the latter bank, to make the following statements, merely for my own justification, without, however, either wishing or intending to engage in any further controversy upon the subject, unless it should become necessary to support the facts themselves, which I shall state.

Whatever might have been the original intention of those who had been most active in procuring the incorporation of the Bank of Edwardsville, I did sincerely believe, at the time it was about to be put into operation, that it was intended to be conducted with the utmost prudence and honesty; and, with that belief, I, myself, subscribed for one hundred shares. I personally knew that \$30,000 had been, actually, and bona fide, paid upon the stock subscribed; and the election of directors was a further confirmation to me, that nothing like fraud or imposition was contemplated.

The gentlemen chosen, as directors, were—

1. Col. Benjamin Stephenson, formerly Delegate in Congress; then, and now, Receiver of Public Moneys in the Land Office at this place.

2. William Kinney, Esq., a Senator in our State Legislature.

3. Abraham Prickett, Esq., a member of our House of Representatives.

4. Joseph Conway, Esq., Clerk of the Superior Court.

5. Doctor Joseph Bowers, a gentleman of the first respectability, and highly distinguished for his professional abilities.

6. Mr. Robert Pogue, a respectable merchant of this place.

7. T. W. Smith, Esq., with whom I had no previous acquaintance, but in favor of whose character I have seen the most flattering and pointed testimonials from members of Congress, the Vice President of the United States, and several other gentlemen of the first respectability in the State and city of New York.

8. Major Robert Latham, whom I had known from infancy to manhood, and against whose honor I had never heard the slightest insinuation; and

9. Myself.

Reposing that confidence in a board composed of those gentlemen which their individual characters did justify, I felt myself warranted in giving it, as my opinion, to the honorable Secretary of the Treasury, that the public deposits could be as safely confided to them as to the directors of any other institution whatever; and I am happy to say that Mr. Crawford, who has been regularly informed, and is intimately acquainted with the general conduct of the board, has had no reason to believe that my confidence was misplaced.

To say nothing of the three last named directors, whose residence among us is of more recent date, the five first named, who, in my absence, constituted five-eighths of the board, are generally and well known; and I hazard nothing in stating that there is not one man of respectability in this State, that knows them, who will deny that their characters forbid the belief that they could so far degrade themselves as to become the wicked accomplices or willing instruments of effecting the fraudulent designs, that, by its enemies, have been imputed to the bank. The personal interests of the directors could have afforded no such temptation; for the accommodation that any of them have

asked, or received, has been very moderate; and it is a fact that the President, and several of them, have never yet borrowed a cent from the bank.

As to General Payne, who subscribed for a greater amount of stock than any other individual, and who has been so frequently alluded to in the publications against the bank, I can only say that he has uniformly stated to me that his object in purchasing the stock was to set apart a fund, and to obtain facilities for the payment of public lands, which he then had purchased, and thereafter intended to purchase; and as far as I am informed, his conduct has corresponded with his professions; for, while he has recommended the utmost caution and circumspection in the management of the bank, neither he, nor any of his connexions, has ever obtained a loan from it.

But, whatever may have been the objects of any one or more gentlemen, it is certain that the bank has been managed with such caution and discretion that I am convinced it could have nothing to fear from a comparison of its situation with that of any other bank in the United States; and so far from "struggling," as you suppose it to be, "in the last agonies of death," I pledge my honor that the amount of specie in its vaults exceeds, by several thousand dollars, twice the amount of its notes in circulation; and that it is able to pay, at a moment's warning, the whole amount it owes the Government; which statement it would be folly for me thus publicly to make, if it were not true, because I well know the Secretary of the Treasury possesses the means of detecting and exposing any error which it might contain.

My object, however, in this address, is not to support the future credit of the bank, but merely to show the grounds upon which my recommendation of it was predicated; its present condition; and that the expectations which I authorized, have, so far, been completely fulfilled.

For, notwithstanding I do verily believe that neither the Government, nor any individual, is in danger of being intentionally imposed upon by the bank, so long as it continues under the control of its present directors; yet, intending to be absent from the State; and considering the disastrous pressure of the present times; the hostility which the bank has to encounter; and particularly the opposition of gentlemen in this State, high in office, who have been extremely anxious to get other banks into operation, with the aid of "foreign capital," as it is termed, I have determined to resign my seat in the directory, and to withdraw from all future responsibility of any kind whatever, in relation to this or any other bank, without making any further unsupported effort to retain any portion of the public deposits in this State—leaving it to the directors to maintain their credit by their own good conduct, and to the Secretary of the Treasury to judge for himself upon the returns he requires how far it may be prudent to trust them.

I will only add, that in the support which I have heretofore given to the Banks of Shawneetown and Edwardsville, I have been wholly uninfluenced by any motives of pecuniary interest; and that I never have applied for or obtained a loan from either; nor am I under any kind of obligations to them.

Very respectfully, I am, &c., &c.,

NINIAN EDWARDS.

EDWARDSVILLE, Sept. 13, 1819.

D.

TREASURY DEPARTMENT, May 12, 1824.

In answer to the letter of the Honorable Mr. Floyd

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Report on the Address of Ninian Edwards.

H. OF R.

chairman of a select committee of the House of Representatives, of the 1st instant, the Secretary of the Treasury has the honor to transmit the accompanying statement from the Treasury, showing the balances at the credit of that officer, in the banks mentioned in Mr. Floyd's letter.

By this statement, it appears that the Branch Bank of Kentucky, at Louisville, owes nothing to the Treasury; the debt lately due by that institution having been entirely discharged in August last.

Of the present condition of the other banks mentioned by Mr. Floyd, the Secretary is not sufficiently informed to offer any opinion. As far, however, as relates to the debts due by them, respectively, to the Treasury, he has the honor to state:

1. That the debt due by the Planters and Merchants' Bank, at Huntsville, is considered safe, and is in a course of payment—having been reduced, since the report made by the Secretary of the Treasury, on the 14th of February, 1822, from \$64,044 to \$45,167 11.

2. That the debt due by the Bank of Missouri is also considered safe, having been secured in a manner acknowledged by persons competent to judge on the subject, to be satisfactory; and, moreover, that some portion of it is understood to have been already paid to the agent.

3. That the debt of the Bank of Vincennes was heretofore supposed to have been secured; but, that some doubts have since arisen, both as to the validity and the value of part of the security; and that, although no correct opinion can now be formed on the subject, there is reason to suppose that a loss will be eventually sustained by the United States. To what extent this may be the case, cannot at present be estimated: but measures will be taken to guard the interests of the Treasury as far as practicable.

4. That the Bank of Edwardsville, and the Farmers and Mechanics' Bank of Cincinnati, having failed to make any provision by security or otherwise, for the payment of the debts due by them to the United States, suits have been instituted against them. In these cases, also, some loss is expected, though no correct opinion can now be formed as to the extent.

The Secretary has no reason to apprehend loss from any other bank in which the public money is deposited.

The Hon. JOHN FLOYD, Esq.

Chairman of the Select Committee.

Balances at the credit of the Treasurer of the United States, in the following banks, May 3, 1824.

Branch of Kentucky, Louisville	-	-	None.*
Planters and Merchants' Bank, Huntsville	\$45,167	11	
Bank of Missouri	-	-	159,955 87
Bank of Vincennes	-	-	168,511 64
Bank of Edwardsville	-	-	46,973 00
Farmers and Mechanics', Cincinnati	-	-	20,213 01
			\$440,820,63

THOMAS T. TUCKER,
Treasurer of the United States.

* The balance was \$40,943 88, which was drawn for by bill No. 1846, in August 1823, and credited Branch of the United States Bank, Louisville, same month.

E.

TREASURY DEPARTMENT, March 20, 1824.

The Secretary of the Treasury has had the honor to receive the letter addressed to him, on the 12th in-

stant, by the Hon. Mr. Livingston, on behalf of a select committee of the House of Representatives.

As the correspondence with Mr. D. B. Mitchell, to which the Committee refers, though relating partly to public transactions, was unofficial; it was not placed on record in the Treasury Department. And, on examination, it appears that only two of the letters included in it have been preserved. These are Mr. Mitchell's letters of the 19th of February, and 28th of April, 1818; the former of which has been found on the files of the Department, and the latter among the private papers of the Secretary. They are both transmitted herewith.

To explain the circumstance of public matters being introduced into an unofficial correspondence between two public officers, it is proper to state, that Mr. Mitchell, having been Governor of Georgia, and having for many years taken an active part in the public affairs of that State, had long been personally well known to the Secretary; and that during the Secretary's residence at Washington, though his own duties left him but little leisure for private correspondence, Mr. Mitchell had been in the habit of writing to him freely and frequently; introducing into his letters, as may naturally be supposed from the former and actual situation of the parties, a variety of topics, both of a public and local character. It is, also, to be observed, that although Mr. Mitchell, as Indian agent, was not precluded from any official correspondence with the Secretary of the Treasury, yet, as it was the War Department to which, under the President, he was officially accountable, it was to that Department that his communications, in relation to his public duties, were properly to be addressed. And it appears by a publication, which has been since made by Mr. Mitchell, that, on the 3d and 18th of February, 1818, he communicated officially to the Secretary of War, the same information, in substance, respecting his conduct in relation to the Africans, as was contained in his private letter of the 19th of February, to the Secretary of the Treasury.

An examination of Mr. Mitchell's letters, of the 19th of February, and 28th of April, will show that they were not merely unofficial, but in part at least, private and confidential. The letter of the 25th of December, 1817, which is the only other letter of Mr. Mitchell required by the committee, is believed to have been of the same character; but in what degree, is not now recollected.

Although it was no part of the duty of the Secretary of the Treasury to have taken official cognizance of the subject of Mr. Mitchell's letter, of the 25th of December, even if the letter had been official, yet he submitted it to the President: and, as the circumstances communicated in it appeared to show a defect in the existing laws on the subject, he submitted it, also, to a committee of the Senate, which had been appointed to inquire into the expediency of making further provisions by law for preventing the introduction of slaves. Whether the letter was returned to the Secretary by that committee, or what disposition was finally made of it, he is now unable to state. He has written, however, to Mr. Roberts, who was chairman of that committee, for such information as he can furnish: and when the answer is received it shall be communicated to the committee.

The additional circumstances disclosed in Mr. Mitchell's letter of the 19th of February, induced the Secretary to submit it to the Attorney General; and while it was before him, the letter of the Collector of Darien, of the 9th of March, 1818, containing his

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Report on the Address of Ninian Edwards.

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official report of the seizure of the Africans was received, and was also submitted to the Attorney General. As the opinion of the Attorney General recommended that the case should be left to the decision of the Courts, before which it was then supposed to be pending, the Secretary informed Mr. Mitchell of the fact; presuming that, as far as the Secretary was concerned, the affair was then terminated; as, indeed, it soon after was, by the delivery of the Africans to the Executive authority of Georgia. As this letter was written in answer to unofficial letters, and, probably, contained allusions to some of the private matters noticed in those letters, it was not made official; and, consequently, was not placed on the records of the Treasury Department. Copies of unofficial letters are rarely retained by the Secretary; and, of this letter, none was taken.

The opinion of the Attorney General, however, was filed in the Department; and it appears, that with it were filed the papers upon which the opinion was founded, viz: Mr. Mitchell's letter of the 19th of February, and the letter of the Collector of Darien of the 9th of March.

There is reason to believe that it was owing to the circumstance of these papers having been filed with the opinion of the Attorney General, that the letter of the Collector of Darien was overlooked when the papers were collected to be transmitted under the resolution of the House of Representatives of the 31st of December, 1819. It will be seen by the endorsements made on the original resolution [which is herewith transmitted,] by the Secretary and Mr. Jones, the Chief Clerk of the Department, that the duty of collecting the papers called for by the resolution was assigned by the Secretary to the Chief Clerk, and was performed by him. And, by the interlineation in his handwriting in the original rough draught of the Secretary's report, under that resolution, [which is herewith transmitted,] it will be seen that the report passed through his hands from the Secretary to the House. From the lapse of time, that gentleman is not now able to explain why the Collector's letter, of the 9th of March, was not transmitted with other letters; but the probability is, that, in collecting the papers required, his examination was confined to the files of the several collectors and officers of the customs, without recollecting that this letter of the Collector, and Mr. Mitchell's letter of the 19th of February, had been put up with the Attorney General's opinion, and placed with it on the file set apart for that officer's communications. The originals, of the opinion and of those papers, with the endorsements made on them at the time, are now transmitted in the same state as that in which they were filed; and, it is believed, that their appearance affords intrinsic evidence that they were so filed.

The papers herewith transmitted, include all the correspondence in the possession of the Secretary, or in the Treasury Department, having relation to the subject of the letters required by the committee, not heretofore communicated to the House of Representatives.

It has been insinuated by Mr. Edwards that these letters were withheld by the Secretary, in violation of the resolution of the House of Representatives of the 31st December, 1819, for the purpose of screening Mr. Mitchell. The charge, however, is contradicted by the facts; and particularly by the facts upon which it purports to be founded. The letter of the Collector of Darien, of the 14th of March, which was communi-

cated under that resolution, and to which, as well as the other papers, communicated by the Secretary on the 11th of January, 1820, the committee is respectfully referred, begins thus: "I had the honor to address you per last mail, and to enclose to you papers respecting forty-seven African negroes, taken by the Surveyor of Darien, from one Jared E. Groce, on their way to the Alabama Territory, through the Indian nation, and forty-one others at the Creek agency, from the negro houses of the agent for Indian affairs." Here, then, is a disclosure of the very fact, which, if the Secretary's design was to screen Mr. Mitchell, it was fatal to disclose, viz: that a large number of Africans, who had been illicitly introduced, had been seized, not only at Mr. Mitchell's residence, and at the seat of his authority, but in his own negro houses. It will be seen by the committee, that the Collector's letter of the 9th, though it contains the details of the seizure, does not more strongly implicate Mr. Mitchell than he is implicated by this disclosure. But, whatever may be the purport and bearing of the letter of the 9th, that letter is particularly pointed to in the letter of the 14th, as containing papers respecting the seizure of those negroes. And, if there had been a design to suppress the letter of the 9th, it was necessary to its success that this reference to a letter which would have defeated the design, should also have been suppressed. But, upon what principles that govern human conduct can the design of favoring Mr. Mitchell, at the expense even of honor and of duty, be reconciled with the suppression of papers that tended to his justification? For it will be seen by the committee that Mr. Mitchell's letters, which the Secretary has been charged with concealing and withholding, represent his conduct in the transaction referred to as that of a vigilant, intelligent, and faithful public officer. And, it is believed that, if the guilt or innocence of Mr. Mitchell were to be determined on no other grounds than those afforded by the communications made to the Secretary by the Collector of Darien and himself, all of which (with the exception of the letter of the 25th of December) are now before the committee, Mr. Mitchell would be free from suspicion. So far, then, from having been improperly influenced by any sentiment of partiality towards Mr. Mitchell, in withholding these papers, it is believed that if any error has been committed by the Secretary in relation to them, it is on the other side. If, on the one hand, the letters of the Collector inculcate Mr. Mitchell, so, on the other hand, his own letters justify him; and, though one letter of the Collector was omitted to be communicated to the House, yet, on the other hand, all the letters of Mr. Mitchell were omitted. So that, as far as Mr. Mitchell was concerned, the charge was presented without the justification.

It is believed that, while the circumstances stated in this communication explain satisfactorily the reasons why the correspondence referred to by the committee was not laid before the House, under the resolution of the 31st December, 1819, it is demonstrated by the communications made by the Secretary to the President, to the committee of the Senate, to the Attorney General, and to the House itself, that there has been no wish nor intention on the part of the Secretary to withhold from the proper authorities any information, whether made known to him officially or unofficially, of the violation of the law, in the case alluded to, or of Mr. Mitchell's conduct in the transaction.

F.

Thomas F. Riddick, President of the Bank of Mis-

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Answer of the Secretary of the Treasury.

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souri, having been called on by the committee of investigation, on the Address of Ninian Edwards, to state whether or not it is known to him that the sum of \$138,179, paid by the Bank of Missouri to the Treasury of the United States, in bills of certain banks, was received by the bank on public account, prior to the arrangement made by the Secretary of the Treasury with said bank, by which the bank became bound to pay in specie or its equivalent—

Answers: That it is known to him that the bank did receive all the notes transferred by said bank to the Treasury, amounting to \$138,179, from the several receivers of public moneys, prior to the 9th of August, 1819, the day when the bank became, for the first time, bound to pay cash for all deposits on public account, made after that date.

Thomas F. Riddick further states, that he was elected a director of the Bank of Missouri when the bank first commenced its operations, and has continued, until this day, either as director or president; that he has always taken an active part in the direction of said bank; and that all its affairs and business has passed under his immediate inspection; that the paper marked E, accompanying Mr. Edwards's Address, is a copy from a memorandum kept by John Dales, former cashier, in his lifetime, for the purpose of showing to the Secretary of the Treasury the amount received by the bank in funds at par, and the amount received in notes under par, that, on final settlement, the bank might pay in kind, according to its receipts.

That the Bank of Missouri did transfer, in Eastern funds, to the Bank of the United States and its branches, near \$450,000; which funds were worth four per cent. premium to the bank; and he believes that the price of good bills at Louisville, Kentucky, was at that time four per cent. and upwards—a part of the time as high as six. These funds were transferred, on drafts issued by the Treasurer of the United States, for the use of the Treasury.

He further states, that a part of the balance due by the Bank of Missouri to the United States has already been paid, and that the remainder is in a course of payment; and he verily believes the ultimate payment to be well secured.

THOMAS F. RIDDICK.

Sworn and subscribed before me, May 24, 1824.

DANIEL RAPINE,

Justice of the Peace.

ANSWER

Of the Secretary of the Treasury to the Address of Ninian Edwards.

TREASURY DEPARTMENT, May 8, 1824.

The Secretary of the Treasury has had the honor to receive the letter of the honorable Mr. Floyd, chairman of a select committee of the House of Representatives, dated on the 28th ultimo, transmitting the "Address of Ninian Edwards," and expressing the readiness of the committee to receive any communication which the Secretary may think proper to make, in reference to the same, and he now submits the following remarks in answer to the accusations contained in that address:

But, before he enters upon an examination of the subject of the "address," he thinks it due to himself to disclaim the imputation of having taken advantage of the moment of Mr. Edwards's departure to arraign the testimony which had been given by him before a

former select committee of the House. As the Secretary had no recollection of the communication to which that testimony referred, and as they were not on record in the Treasury Department, he considered himself bound to state the fact; and the occasion which was presented by the transmission to the House of other paper relating to the same subject, appeared a suitable one for making the statement. The terms in which it was made, will show that no disrespect toward Mr. Edwards was intended. And, if the occasion was not earlier presented, the delay, so far from being caused or sought by the Secretary, was produced by circumstances beyond his control. For reasons stated to the House at the last session, the papers could not then be transmitted; and, although considerable exertion was used, it was not until the day on which they were sent to the House, that the preparation of them was completed.

It is not deemed necessary, in this communication, to recapitulate the injurious allegations contained in the "Address." The lateness of the session requires despatch; and this answer shall be brief and explicit.

The first charge to be noticed relates to two letters which Mr. Edwards, in his testimony before the committee, on the 13th of February, 1823, had stated to have passed between the Receiver of Public Moneys at Edwardsville, and the Secretary of the Treasury, and which, not having been communicated to the House under the resolutions of the 9th January, 1822, and 12th March, 1822, agreeably to Mr. Edwards's alleged expectation, and which the Secretary having stated to be neither on file nor on record in the Department, nor to be recollected by himself or his officers, he is accused of having suppressed or denied.

As the resolutions under which it is alleged that these letters should have been communicated, call only for the correspondence between certain "banks" and the Secretary, it is unnecessary to explain why, among the letters which were communicated, any correspondence between a "Receiver" and the Secretary was not to be found. Nor is it easy to imagine how any one, informed of the tenor of those resolutions, should have entertained the expectation of seeing the letters in question among the papers which were transmitted.

The blame of not having communicated these supposed letters, having been thus easily removed, by referring to the terms of the resolutions themselves, which show that no such letters were called for, the next question is, whether such letters ever passed between the parties.*

In the absence of all direct testimony in support of his assertion, Mr. Edwards has resorted to probabilities, and has endeavored to infer a confirmation or corroboration in its favor, from circumstances that are susceptible of no such interpretation. That which he chiefly relies upon is the omission of the Receiver at Edwardsville to make his deposits in the Edwardsville bank, in the fourth quarter of 1819, which, he states, was in consequence of his publication and advice; and, he asks whether it is to be believed that the Receiver would have withheld the deposits, contrary to the Secretary's orders, without giving him a reason; and whether, if he had done so, the Secretary would not have called him to account.

* Two facts must have occurred, if these communications were made, to account for the letter of the Receiver not being on file, and for the Secretary's answer not being on record, or among the rough draughts: 1st. That the letter itself has been lost; 2d. That the answer was not copied. Though the concurrence of these two facts is possible, it is highly improbable.

H. OF R.

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The means exist, in the monthly returns of the Receiver, and the correspondence between him and the Secretary, on record in the Department, by the aid of which this may be investigated. Copies of these papers are herewith transmitted.

By these it will be seen that the first instructions given to the Receiver to make his deposits in the Bank of Edwardsville, were of the 21st December, 1818; that, in pursuance of these instructions, he made his first deposit in that bank on the 28th February, 1819; of \$12,000, at which time he retained in his possession a balance of \$20,092. On the 31st of March, he deposited \$4,500, and retained a balance of \$18,600. On the 30th April, he deposited \$5,861, and retained \$19,158. In May, he made no deposit, and in June, only \$8,179, retaining \$19,143; and from that time to the 30th December, he made no deposit. Whence, it appears, that, with the exception of a small sum in June, amounting to less than one-third of the money then on hand, he made no deposit between the last of April and the last of December, a period of eight months; during which he retained an increasing balance of from \$20,000 to \$56,000; and that, even on the last of December, he did not pay over, by about \$10,000, all the money then in his possession.

Instead of a withholding of the deposits, in the fourth quarter of the year, here is a retention of them, with the exception before noticed, for eight months. It was scarcely contended that all these omissions of duty were the result of the advice given by Mr. Edwards to the Receiver, to withhold the deposits, until he could receive the Secretary's instructions. On the contrary, it will be shown, by the correspondence, as far as it is susceptible of being shown, negatively, that no part of these moneys was withheld from deposit upon that pretext.

On the 6th of August, at about which time the Receiver's monthly return, for June, was received, the Secretary wrote to the Receiver to know why he retained the public moneys in his hands, contrary to his instructions, and informing him that, as there was a bank at his place of residence, there could be no excuse for his doing so.

On the 18th September, (see No. 20,) Mrs. Stephenson, the wife of the Receiver, answered this letter, in consequence of the absence of her husband, and informed the Secretary that, from what she had heard in conversation between the Receiver and others, she believed he had retained the money to meet the drafts of certain public agents in that country, which the Secretary had authorized him to purchase. And it is to be observed, that, though this was the "Fall of 1819," Mrs. Stephenson said nothing of Mr. Edwards's publication or advice.

On the first of November, (see No. 23,) the Secretary wrote again to the Receiver, complaining of the continued detention of the public money in his hands, which he presumed had been the result of his letter of the 9th of April, (see No. 17,) and directed that, immediately on receipt of this letter, he will pay into bank the whole of the public money in his possession on the 30th instant, and further instructing him not to consider the letter of the 9th of April as authorizing him to retain the public money in his hands at the end of each month. Here it appears that, so far from attributing the withholding of the deposits to the cause alleged by Mr. Edwards, the Secretary attributes it to the cause assigned by Mrs. Stephenson in her letter of the 18th September. And it is worthy of remark, that this is the last letter on record, from the Secretary

to the Receiver, in relation to the deposits, in the year 1819; and that this was the last letter written to him on that subject in that year will appear by a reference made to it in a letter from the Secretary to the Receiver, of the 20th of April, 1820, (see No. 26,) which is more particularly noticed hereafter.

On the 28th October, (see No. 22,) the Receiver, who had then returned home, wrote to the Secretary, acknowledging the receipt of a letter of the 21st of September, (see No. 31,) with a new form of an account current.

On the 5th of November, (see No. 24,) the Receiver wrote to the Secretary, enclosing a draft, which he had purchased, transmitted his monthly return for October, and noticing a small error in his account for August.

On the 16th of November, (see No. 25,) he again wrote to the Secretary, enclosing the second of the draft which he had transmitted on the 5th. But in all this time there was no allusion to Mr. Edwards's publication and advice, although "the Fall of 1819" was now nearly gone.

At last, on the 31st of December, (see No. 12,) the Receiver made a deposit in bank; in consequence, it is fairly to be inferred, of the peremptory order of the Secretary of the 1st November, and in consequence of that only.

That Mr. Edwards's publication and advice were not the cause of the retention of the money by the Receiver before the 18th of September, is manifest from Mrs. Stephenson's letter of that date.

That no such cause of retention existed, within the knowledge of the Secretary, before the 1st of November, is manifest from his letter of that date. If the Receiver had, at any time between the date of his wife's letter and of his own letter of the 15th November, made the communication alleged by Mr. Edwards, it is to be presumed that he would, in some manner or other, have alluded to it in that letter, or in the previous one of the 5th of November. He must have discovered, on his return from Kentucky, that the Secretary was dissatisfied with him for retaining the public money in his hands. He must have been aware that every subsequent return which he transmitted to the Treasury, as it exhibited an increasing balance, and as it showed that he had made no deposits in bank, would aggravate the Secretary's dissatisfaction. Under such circumstances, what would be so natural for him, when he had occasion to write to the Secretary, as to make some allusion to the communication which explained the reason of his apparent disobedience, and to the instructions which he had expected in answer, for the government of his conduct in that important particular? The presumption is, that if such a justification of his conduct as is now pretended had existed, he would without doubt have assigned it; but, instead of doing so, he contented himself with the excuse made by Mrs. Stephenson. Therefore he was silent on the subject. He waited the result of her letter. That he received in December; and, accordingly, in December it is found that, in partial compliance with the peremptory order contained in the Secretary's answer to his wife's letter, he made a deposit in bank.

That no other letter was written to him on the subject of his deposits, after that of the 1st of November, is to be inferred from the tenor of the Secretary's letter of the 20th April, 1820, which was produced by his renewed remissness. This letter begins thus:

"On the first of November last, you were instructed

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to pay into bank the whole of the money in your hands on the 30th of that month, and not to retain the public money in your hands at the end of each month. By referring to your monthly returns for the months of December, January, and February, it appears that the instruction has not been complied with—a sum exceeding \$10,000, upon an average, having been retained by you during those months. As the bank in which your deposits have been directed to be made, is established in the place in which your office is kept, the retention of the money, or any part of it, one day beyond the expiration of the month, is without any apparent excuse." After again repeating the directions for him to deposit, and remarking upon some irregularity in his returns, the Secretary concludes thus: "It is expected that all regulations addressed to public officers will be promptly complied with; and that, when, from any circumstance, this should be found impracticable, the cause of non-compliance shall be communicated without delay."

If any instruction in relation to his deposits had been given to the Receiver, since the order of the 1st of November, that order would scarcely have been referred to alone. And, if any excuse or explanation had been received by the Secretary, subsequent to the 1st of November, such as would have been afforded by Mr. Edwards's publication and advice, the order of the 1st of November would not have been repeated and renewed as an order unsatisfied and unanswered. The style and manner of this letter of April 20 indicate not only that neglect had occurred, but that no explanation had been offered for the neglect. The Receiver's answer confirms this conclusion. The Receiver had found, by the letter of the 1st of November, that, so far, the excuse offered by Mrs. Stephenson of retaining money to meet the Indian payments, had been admitted. But, when, in the month of April following, he was called upon to account for his subsequent omissions of duty, omissions for which that excuse would no longer avail, would he not, in justification of himself, have naturally referred to any and every letter that he had written on the subject; and if, in any such letter, he had made a communication of the kind alleged by Mr. Edwards, would he not, on this occasion, have made some allusion to it?

All these circumstances, corroborating each other so fully, are not only irreconcilable with the inference which Mr. Edwards draws from the withholding of the deposits by the Receiver, but they lead inevitably to the conclusion, that the alleged communication of his publication and advice, as a reason for withholding the deposits, was never made to, or received by, the Secretary, and that no such letter, as he alleges to have been written by the Secretary, was ever written in consequence of any such communication.

There is, however, other testimony furnished by the Receiver and Mr. Edwards themselves, which confirms this conclusion.

Mr. Edwards has stated, on oath, that he made the publication, and had it specially communicated to the Secretary by the Receiver, for the purpose of apprizing the Secretary of his intention to withdraw from the bank, and his determination to relieve himself from all responsibility in regard to it, leaving the Secretary to judge for himself, from the returns, which he required it to make, of the propriety of continuing it a depository of public money; that, "according to the pledge which he had given in his publication, he resigned his seat as a director. And, though he was once elected to the same station since that time, he refused to ac-

cept it, nor has he had any thing to do with the management of the bank, since the Fall of the year 1819."

Yet, in the following Winter, Mr. Edwards is found presenting himself to the Secretary, not only in the character of a director of the bank, but of a director, specially delegated and authorized by the bank to conclude an important arrangement with the Secretary, in respect to the terms on which the bank was to continue a depository of public money. By the printed papers accompanying the Secretary's report to the House, of the 27th of April, 1822, it appears that, on the 16th of February, 1820, Mr. Edwards being then in Washington, transmitted to the Secretary a letter from the bank to the Secretary, signed by this very Receiver as President of the bank, containing a list of the directors, for the year 1820, in which Mr. Edwards's name is included; that, at the same time, he also transmitted to the Secretary a letter from the bank, signed by the same Mr. Stephenson, informing the Secretary that Mr. Edwards, "one of the directors of the institution" is authorized to suggest certain modifications of the contract between the Secretary and the bank, and to conclude such arrangements as he may deem acceptable, "which will be considered obligatory;" and he likewise transmitted, at the same time, a letter from the bank addressed to himself, signed also by Mr. Stephenson, stating to him at large the changes desired by the bank, and the reasons therefor.

Is this compatible with the impressions which the statement, contained in his testimony, is calculated to produce? If he had ceased to be a director, and publicly withdrawn from all concern in the management of the bank, in "the Fall of 1819," how was it that Mr. Stephenson, the Receiver, the President of the Bank, who, as well from his official situation as from "the known friendship and intimacy" (Address, page 14) which Mr. Edwards has stated to have subsisted between them, may be supposed to have known something of his conduct and views in regard to the bank, should, so soon after Mr. Edwards's public withdrawal, have written to him, and constituted him, in his character of director, the representative of the bank, in a negotiation with the Secretary—that Secretary whom Mr. Edwards was so anxious to satisfy of his having no connexion with the bank? And, finally, how could he, if such had been the fact, communicate to the Secretary, without explanation, all these papers, which were totally at variance with it? If he had supposed the Secretary to have been informed, at the time of his having withdrawn from the bank, in 1819, would he not also have supposed that the Secretary would be at some loss, on receiving these papers, to understand what was Mr. Edwards's actual relationship to the bank? If he had not wished to be considered, by the Secretary, as a director and agent of the bank, which the papers purported, would he not, in some way, have given him to understand that he was not so? Instead of doing this, in his letter to the Secretary, accompanying the papers, he referred to them as fully explanatory of their object, and thereby gave his assent to their contents.

Evidence might, indeed, be more positive; but, taking all these circumstances in connexion with each other, it is doubtful whether any negative evidence could more satisfactorily establish the conviction, in any candid mind, that no such communications, as Mr. Edwards has alleged, ever passed between the Secretary and the Receiver.

Mr. Edwards claims to have found a further con-

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firmation on the Receiver's letter having been written and received by the Secretary, in the expressions used by the Secretary in speaking of the letter alleged to have been written to him by the Receiver. This idea, however, is groundless. There is no real difference in the meaning of the words employed by the Secretary and those of Mr. Edwards, in relation to the letter. If the Receiver had discontinued the deposits, for reasons stated by him to the Secretary, (as Mr. E. alleges,) and if he had, in consequence, received a letter from the Secretary, directing him to continue the deposits, (as Mr. E. also alleges,) such a letter, whatever might have been its form, was, in fact, an answer to the letter of the Receiver. The denial of the Secretary that any such answer was recollected, or was on record, so far from being evasive, was direct and explicit, and covers, as was intended, the whole ground presented in the charge.

But this charge, contradicted, as it is, by all the facts which have been adduced in the case, is also rendered more improbable by the want of any assignable motive for the Secretary's alleged conduct on the subject. What object had he to serve by continuing the deposits in the Bank of Edwardsville, if he had received any communications which authorized the opinion that they were insecure in that bank? Mr. Edwards has charged him with an improper partiality for the Bank of Missouri, yet it was that bank from which the deposits were taken, to be placed in the Bank of Edwardsville; and it was to that bank that they must have been restored, if they were withdrawn from the Bank of Edwardsville. There was no other bank within reach. If the charge of favoritism towards the Bank of Missouri were well founded, the Secretary would have readily availed himself of the pretext furnished by the alleged communication of the Receiver, for restoring the deposits to that bank.

The instructions given to the Receiver at Kaskaskia, to deposit in the Bank of Missouri, so far from confirming the allegation, that a letter from the Receiver at Edwardsville, enclosing the publication of Mr. Edwards, had been received by the Secretary, lead to a contrary conclusion. The correspondence with that Receiver, at the period in question, is herewith transmitted. It appears that, on the 18th of September, 1819, this Receiver wrote to the Secretary, enclosing his account current for the month of August preceding; and, as there appeared, by that account, a large balance of public money in his hands, amounting to about \$30,000, he seems to have considered it necessary to explain the cause. His explanation was the same as that offered by Mrs. Stephenson, for a like retention of money, to meet the Indian payments; and, in this case, as in the other, not any publication of Mr. Edwards, or any circumstance affecting the character of the Bank of Edwardsville, which, if such had existed, he was bound by the Secretary's instructions to communicate. It was known to the Secretary that it was not so convenient for this Receiver to deposit at Edwardsville, between which place and Kaskaskia there was very little communication, as at St. Louis, with which there was frequent intercourse. In the next letter written to this Receiver by the Secretary, which was on the 1st of November, 1819, the Secretary without alluding to any publication of Mr. Edwards, or any letter from the Receiver at Edwardsville, which, if any had been known to him would naturally have been alluded to on such an occasion, directed the Receiver at Kaskaskia to deposit in the Bank of Edwardsville all the money in his possession,

at the close of the month, and afterwards to deposit in the Bank of Missouri. The Receiver did not make this deposit, for reasons stated by him in his letter of the 10th of January, 1820, until the 3d of that month, as will be seen by the list of moneys deposited by him on that day. From his silence on the subject, it is evident that there was nothing in the circumstances of the bank to render the deposit improper.

The accusation of having presented contradictory statements of the amount of public money in the Bank of Edwardsville, and of having transposed other statements from that bank, in the communications made by the Secretary to the House, and of having done so for the purpose of disguising the truth in relation to the deposits in that bank, with a view to their bearing on the charge connected with these supposed letters, is altogether without foundation. The bank statements of December and November, which are referred to, either formed part of, or accompanied the letters, which they immediately follow in the printed papers; the first having been written on part of the same paper as the letter of the 7th of January, 1820, to Mr. Edwards, and the latter having been enclosed in the letter of the 6th of January, and both the letters and statements having, when transmitted by Mr. Edwards, in his letter of the 16th February, been, it is believed, in the same order as that in which they appear in the documents. The Treasury statements, from which the balances in the Bank of Edwardsville, at the end of the 2d, 3d, and 4th quarters of 1819, are quoted by Mr. Edwards, were prepared, by the Treasurer, from materials in his own possession; and the Secretary had no more to do with the preparation of them, than Mr. Edwards himself. They were communicated as the statements of that officer. The cause why the statement of the fourth quarter of 1819, differs in amount from that rendered by the bank for the same period, is, that, in the former, the Treasurer has deducted from the sum standing to his credit in the bank, the amount of two drafts which he had drawn on the bank, and which had not been paid at the time, when the bank statement was prepared. The sum stated by the bank is, therefore, more than that stated by the Treasurer, by the amount of these drafts. This is more particularly shown in the accompanying note from the Treasurer, all of whose statements are prepared on the same principle, and have always been so prepared. It is considered unnecessary to dwell longer on this branch of the subject. That no such communications, as Mr. Edwards alleges, were made, is believed to be conclusively demonstrated; and if so, no arts could have been resorted to for the purpose of concealing them. But, at every stage of this investigation, this remark naturally suggests itself; that even if both the communications alleged had actually been made, there was nothing in that fact for the Secretary to conceal; Mr. Edwards has stated, on oath, his opinion, that, in the Fall of 1819, the Bank of Edwardsville was in as good a condition as any bank in which the public moneys were deposited; and, if so, what necessity was there for the Secretary to discontinue the deposits? Whether Mr. Edwards was, or was not, a director, and whether he did or did not choose to be responsible for a bank, if the bank were in a good condition, was a matter that ought to have had very little influence upon the conduct of the Secretary of the Treasury. In connexion with this charge, it is to be remarked, that it is true that communications were made to the Secretary against the Edwardsville Bank, and particu-

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larly in a letter from the President of the Bank of Missouri, of the 9th of August, 1819. But, as the Receivers, both at Edwardsville and Kaskaskia, were instructed, by the Secretary's letter of the 31st December, 1818, that, if any circumstance affecting the character of the Edwardsville Bank, should come to their knowledge, they should communicate the same to the Department, and as no such information was received from them, and as the bank continued to fulfil its engagements, there was no sufficient reason for discontinuing the arrangement which had been made with it. The fact is, that it was not until two years after the letter of the President of the Bank of Missouri referred to, that the Edwardsville Bank stopped payment. But although this charge is considered as sufficiently answered, the only remaining circumstance presented by Mr. Edwards in its support shall also be noticed. He represents himself to have stated, in two letters written by him to the Secretary, in February, 1822, that he had made such a publication, that the Receiver had transmitted it, that the Receiver's letter containing it had been answered, and infers, from the Secretary's silence on the subject, admission of the fact.

That the Secretary did not reply to this, or to any of the other matters contained in those letters, resulted from his having declined any correspondence with Mr. Edwards on the subjects to which they referred, in consequence of a menace which the first of them contained. This will be seen by the Secretary's answer, which, together with Mr. Edwards's letters, are herewith transmitted.

The next principal accusation to be examined, relates to the Secretary's transactions with the Bank of Missouri, and charges him with having, in the arrangements made with that bank, in regard to the public deposits, allowed it advantages for which it rendered no equivalent, and with having received from it uncurrent bank notes, which he was neither bound nor authorized to receive. The direct connexion between the Treasury and the Bank of Missouri began on the 1st of August, 1818. Before that time the bank had acted as the agent of the Bank of the United States. It had fulfilled its engagements with that institution with good faith; its condition was considered sound and prosperous; and its reputation stood high, as well in the Atlantic as in the Western States. The large amount of money to be received from the sale of public land in that quarter, rendered a connexion with such a bank not only convenient but necessary.

In the first arrangement with the bank, there was no stipulation as to what kinds of money it should receive or pay for the Treasury. The Receivers were instructed to receive the notes of such banks as paid specie on demand for their notes, and no others; and to deposit them in bank to the credit of the Treasurer. When public disbursements were to be made, the Treasurer issued his drafts, and the bank discharged them in such funds as it had received.

On the 23d of June, 1819, the Secretary, in the execution of a general system, which had been adopted with the approbation of the President, for the reasons stated in his report to the House of Representatives of the 14th February, 1822, and in his letter to the chairman of a select committee of the House, of the 24th of February, 1823, proposed a new arrangement to the bank. By this arrangement, the bank was to receive the notes of such specie-paying banks as were in good credit, and in general circulation, and to account for them as cash; to transfer to the Bank of the United

States, or its branches, the surplus of the money which it might receive, that could not be disbursed at the bank; and, for the expense and risk of making those transfers, which were expected to amount to a very considerable sum, it was to have a standing deposit of \$150,000, which standing deposit was always subject to be reduced by any disbursements that could be made at the bank. This arrangement was accepted by the bank on the 9th of August, 1819. It was modified in August, 1820, by limiting the local bank notes to be received to those of the Atlantic cities, and of the State of Missouri, and thus it continued until the bank stopped payment on the 14th of August, 1821. To estimate, justly, the advantages offered to the bank by this arrangement, it is necessary to examine what were the probable services to be rendered by the bank under it. About the time when the Secretary's proposition for allowing a standing deposit was made to this bank, there was a balance remaining in bank, over and above what could be expended there, of upwards of \$640,000; and this, too, after the bank had transferred upwards of \$100,000. This large balance had accumulated in rather less than a year. Taking into consideration the revival of credit among the Western banks, which had then taken place, it was reasonable to suppose that the payments into that bank would not decrease more than one half during the next year; upon this supposition, the amount to be transferred under the arrangement would be about \$320,000 a year. The risk and cost of transferring money from St. Louis to Louisville, which was the nearest point to which it could be transferred, has been stated by the President of the bank, in his letter of the 29th November, 1819, to be at least three per cent., which upon that sum would be \$9,600; and that was reasonably to be looked to, at the time the arrangement was made, as the value of the service probably to be rendered under it, in this respect, by the bank to the Treasury.

It is true that, from causes not then to be foreseen, the subsequent payments into the bank fell short of what had been anticipated. But it is also true, that the whole of the stipulated standing deposit was not always on hand. It has already been stated that this standing deposit was, at all times, liable to be drawn upon by the Treasury. By the Treasurer's statement of quarterly balances, accompanying the Secretary's report to the House, of February 27th, 1823, it appears that it had been so drawn upon, and that, at the close of six different quarters, the whole amount in bank, for which drafts had not actually been issued, was less than the stipulated amount of standing deposit by an average of \$20,000. By a statement accompanying the letter from the President of the bank, of the 30th June, 1821, it appears that, at the close of ten successive months, "the whole sum in bank was actually less than the amount of the stipulated deposit by an average of \$20,000;" and if, at all other times during the two years' continuance of the arrangement, the full amount were in bank, the average of the sum actually in bank, during the whole period, would have been but \$140,000. But, it is to be observed that, in estimating the value of such a deposit to a bank, the certainty of its continuance, for a given time, at least, is to be taken into consideration. In respect to this standing deposit, there was no such certainty; it depended wholly on the convenience of the Treasury. It was constantly subject to drafts for any part, or even the whole, and it was frequently drawn upon. The idea, therefore, that this stipula-

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tion, in regard to the standing deposit, was equal to an allowance to the bank of \$9,000 a year, is wholly fallacious.

It is proper to look, on the other hand, to the services rendered by the bank. During the continuance of the arrangement, the bank transferred, at its own risk and cost, \$454,000 in cash, and about \$38,000 in notes in kind. Calculating, then, the value of the transfers at the rate stated for transferring to Louisville, which was the nearest point, at three per cent., and the value of the standing deposit actually on hand at six per cent. a year, (the rate of interest,) it appears that the services actually rendered by the bank, in transferring the public money, may be estimated to amount to \$17,800; and that the benefit enjoyed by the bank from the standing deposit, without making any deduction on account of its uncertainty, may be estimated at \$16,000; thus leaving a balance in favor of the bank. But, allowing the advantage and the service to be equal, in this respect, nothing then remains but the advantage derived by the bank from the temporary and uncertain possession of the surplus which sometimes remained over and above the deposit, as a compensation for all its other services, in becoming responsible for the notes received by it, in converting them, as far as was requisite, into such funds as might be transferred to the United States Bank, or as might be required in payment of Treasury drafts, which were always demanded in specie or its equivalent; and which, as appears by the letter from the President of the Bank, of the 30th June, 1821, were always so paid. Hence it appears that not only were no undue advantages intended to be granted to the bank by the arrangement, but that, supposing the payment of the debt now due by it to be secured with interest, (as is believed to be the case,) the bank has actually enjoyed no advantages under the arrangement for which it will not have rendered an equivalent.

It is true, this bank has failed. But, it appears by a document produced and relied upon by Mr. Edwards, that after a thorough examination by order of the Missouri Legislature, that its failure is not attributable to any act of dishonesty on the part of the directors, but to that cause only which has produced a general suspension in the Western country; and that, "with a reasonable indulgence, it will be enabled to redeem its notes and pay all its debts." The sum due by it to the Treasury is already in a course of payment, and its ultimate discharge with interest is deemed, by persons who are well acquainted with the security, to be well secured.

The correspondence which led to the reception of the uncurrent notes, which Mr. Edwards has charged the Secretary with having improperly received from the Bank of Missouri, commenced with the letter of the President of the Bank, of the 9th of August, 1819. He there proposed, among other transfers, to transfer \$50,000 in such paper of North and South Carolina and Georgia as was authorized to be received; \$40,000 in notes of the Bank of Virginia; \$103,000 in notes of the Bank of Kentucky and its branches; \$15,000 in notes of the Bank of Vincennes; and \$70,000 in notes of the Banks of Tennessee, (such as were authorized to be received;) and \$25,000 in such Ohio notes as were authorized to be received,—all of which were then in bank.

It is to be observed that the letter in which this proposition was made, is the same letter which contains the acceptance by the bank of the arrangement under which it was for the first time to be responsible

in cash for all the public money which it might receive. If then it can be shown that these notes had been previously received on account of the Treasury, and were at that time on hand, the agreement of the Secretary to receive the whole or any portion of them, so far from being a subject of blame, was an obligation of duty.

It is also to be observed that all notes which the bank here proposed to transfer were not actually transferred. Before the Secretary's answer was received, the bank had, on its own account, otherwise disposed of a great portion of them; and there were finally transferred the following:

<i>Of Tennessee notes, viz:</i>	
Bank of Tennessee and branches	\$40,156
Nashville Bank and branches	29,844
<i>Of North Carolina notes, viz:</i>	
State Bank of North Carolina	42,000
<i>Of District notes, viz:</i>	
Mechanics' Bank of Alexandria	890
Franklin Bank	285
<i>Of Ohio notes, viz:</i>	
Farmers and Mechanics' Bank of Cincinnati	11,845
Miami Exporting Company	8,661
Bank of Cincinnati	3,846
Bank of Muskingum	291
Farmers, Mechanics, and Manufacturers' Bank of Chillicothe	350
Bank of Marietta	4
Bank of Steubenville	7
Making together	\$138,179

The Kentucky Bank notes mentioned in the Secretary's letter of the 2d March, 1820, were not transferred—having been otherwise disposed of by the bank. Nor were the Georgetown Bank notes, mentioned in the same letter, then transferred; and it is only within a few days that the Treasurer has received from the agent of the Missouri Bank an order for transferring them.

That the notes, thus received from the bank, had been properly taken by the Receivers, will appear from the instructions given to those officers by the Secretary, copies of which are herewith transmitted; and that, at the time those instructions were given, they were considered, by the Secretary, as the notes of banks which discharged their notes in specie, on demand, and, consequently, notes which, by the resolution of Congress of the 30th April, 1816, were authorized to be received in payments to the United States, is manifest from the terms of the same instructions, in which the Receivers are positively interdicted from taking the notes of any bank which does not discharge its notes on demand in specie.

That these notes were received by the bank from the Receivers, during its first arrangement with the Treasury, and, consequently, previous to its engagement to account as cash, and that, at the time they were offered to the Secretary, they were actually in the possession of the bank, is established by evidence adduced by Mr. Edwards himself. This evidence is statement E, prepared at the Bank of Missouri, and laid before the Missouri Legislature by a committee which was appointed to examine the report of the bank, and which committee represents itself to have had before it, and carefully examined, the books, notes,

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and such other papers of the bank, as were necessary. The statements is "Of moneys on hand, September 6, 1819, received of the several Receivers of Public Moneys, being such as they were authorized to receive, by the honorable William H. Crawford, Secretary of the Treasury." It purports to have been taken from a register kept by the Cashier of the bank, from the 8th August, 1818, to the 6th September, 1819; which period includes only twenty-seven days not embraced by the first arrangement, under which the bank was accountable only in kind. By this statement, it appears, that the bank had then on hand, notes, taken from Receivers, of a description not receivable by it on general deposit as cash, amounting to \$569,064; of which \$283,757, were of the kinds transferred by it to the Treasury. Hence, it appears, that, instead of the Secretary's having received of the bank uncurrent notes which he was not bound to receive, the bank not only took upon itself the conversion into cash of other notes, to a large amount, which it had a right to pay over to the Treasury in kind, but that of the very description of notes which Mr. Edwards has censured the Secretary for having received, the bank had actually a right to require that he should receive more than double the amount of what he did receive.

It would be a great mistake, however, to suppose that the notes, which were received of the Bank of Missouri, were the notes of insolvent banks. Those of the Bank of Tennessee, and its branches, were immediately placed to the credit of the Treasurer as cash; those of the Nashville Bank and its branches, and of the North Carolina Bank, have long since been paid; those of the Mechanics' Bank of Alexandria, Bank of Marietta, and Bank of Steubenville, were cashed by the banks to which they were transferred; of those of the Miami Exporting Company, \$5,220 76, have recently been collected. Thus, of the whole amount transferred, there remains unpaid only about \$22,000, and, of this sum, it is believed the greater part will be ultimately paid.

Considering the state of the currency in the West, during the time, and the large amount received by this bank, which was about \$1,164,000, it is doubtful whether any individual transactions, of equal extent, though attended to with great care, would have been followed by less ultimate loss.

That the charge of having favored this bank, at the sacrifice of the public interest, is without foundation, must be evident from the facts which have been here exhibited. That the bank does not consider itself as having been favored by the Treasury, is proved by the fact that a claim has been preferred by the bank for an allowance, upon the ground that the services, which it has rendered to the Treasury, have not been sufficiently compensated. And it is a remarkable coincidence of circumstances, that, at the very time that a charge is preferred by Mr. Edwards against the Secretary, for having done too much for that bank, the agent of the bank is at Washington, petitioning Congress, because the Secretary has done too little.

The transactions with the Bank of Missouri being thus explained, the only other acts, included in the charge against the Secretary, of having received uncurrent funds, in payment from banks, are the receipt of \$15,000, in notes of the State Bank of North Carolina, and \$18,562, in notes of the Bank of Kentucky; the former from the Tombigbee Bank, and the latter from the Bank of Edwardsville.

Although, by a rigid construction of the arrangement, by which these Banks agreed to account for the

public deposits, received by them, as cash, the whole amount might, perhaps, have been demanded of them in specie, or United States' Bank notes; yet, such was never the intention of the parties. The term "cash" was used, in opposition to that of "special deposit," and was not meant to render the banks liable for the payment of specie, for notes, which they might receive, on behalf of the Treasury, and which might cease to be convertible into specie. Such a construction is opposed by the Tombigbee Bank, in its letter of the 13th of August, 1819, [see M. No. 5, [66,] although the President of that institution expresses its willingness to leave the construction to the "justice and liberal policy" of the Department. It is more emphatically disclaimed, however, by the Bank of Edwardsville, in its letter to the Secretary, of the 18th of April, 1820, [see G. No. 3, [66,] and in his letter to Mr. Edwards, of the 6th of January, 1820, [see A. No. 2, [119,] heretofore referred to. In that letter the bank maintains that "It is not supposed that any construction of the conditions, upon which the deposits were received, can render the bank the guarantee of those banks, because it would be contrary to every principle of reason, to suppose that the paper of other banks, who have, or may, suspend specie payments, shall, by the mere act of deposit, in this Institution, by the Receivers, be converted into specie, or its equivalent, and this bank held accountable for it as such. We are persuaded this never was the intention of the Secretary of the Treasury, nor can be inferred, from the conditions upon which the deposits are made." This letter, as it was written by the President of the bank, to one of its Directors, whom it had constituted an agent for negotiating a modification of its arrangement, with the Treasury, may be naturally supposed to contain its real views. And, although Mr. Edwards now denies the construction then contended for, by the bank, yet, from the terms in which he communicated the letter to the Secretary, it is presumed that he then gave it his assent.

But, although this construction could not be formally acknowledged by the Secretary, without leading to the evil which the terms of these arrangements were partly intended to prevent, that of "special deposits," yet, it was always his intention, whenever the case presented itself, to admit such an interpretation of the contract, as might be equitable, and not injurious to the public interest. The letter of the Tombigbee Bank, of the 3d of August, 1819, stating that there were then on hand, in that institution, \$15,000, in North Carolina notes, which had been received, on deposit, for the Treasurer, and which it had not yet been able to exchange, although no care had been spared in effecting that object, "since some difficulties were understood to affect the bank," presented a case of this kind. At that time, the State Bank of North Carolina had not stopped payment, although it did so before the Secretary's answer was communicated to the Tombigbee Bank. The Secretary, having called upon the State Bank to disclose the means of paying such of its notes as had been received, on account of the Treasury; and having been informed, by the bank, that it did possess the means, and would speedily apply them to that object, consented that these notes should be transferred, from the credit of the Treasurer, in the Tombigbee Bank, to the credit of the Treasurer, in the State Bank of North Carolina; and, by that bank, they were afterwards paid, as were all the other claims, of every kind, which the Treasury had upon it.

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The case of the Edwardsville Bank, added to the equitable considerations which were presented in that of the Tombigbee Bank, were considerations of policy. The communication of the Hon. R. M. Johnson, made on behalf of the bank, and referred to in the Secretary's letter of the 2d February, 1821, [see G. No. 8. [66.] which communication was made with the concurrence of Mr. Edwards, stated that the bank had on hand upwards of \$20,000, in notes on the Bank of Kentucky, which had been received on account of the Treasurer before the suspension of specie payments by the bank. This representation being corroborated by an examination of the bank statements and certificates, as appears by the Secretary's report to the House, of the 27th April, 1822; and there being then some reason to apprehend a want of punctuality or of good faith on the part of the Bank of Edwardsville, the Secretary consented that these notes should be transferred at the risk of the bank, from the credit of the Treasurer in that bank, to the credit of the Treasurer in the Bank of Kentucky. In doing so, the Secretary considered himself not only satisfying the demands of equity, but promoting the public interest; inasmuch as the Bank of Kentucky, though it had suspended the payment of specie, was known to be solvent. Although the notes, thus transferred, have not yet been paid, the most positive and formal assurance has been given, that the debt is perfectly safe, and will most certainly be repaid at no very remote period.

Mr. Edwards has offered an extract from the Secretary's letter of the 11th of December, 1818, to the President of the Planters and Merchants' Bank of Huntsville, as proving that the Secretary's conduct in receiving these notes, is at variance with his own interpretation of the obligations of the banks in that respect. But, by referring to the letter itself, it will be found that, in presenting the extract, an important omission has been made, by which the Secretary's opinion on the point is wholly misrepresented. As quoted by Mr. Edwards, the passage is in these words: "In making the Planters and Merchants' Bank of Huntsville a place of deposit, at its particular solicitation, it was expected that the transfer of funds which it undertook to make, would be effected in funds that circulated at par, at the place where the transfer was directed. As the Receiver had been directed to receive the bills of no banks which did not discharge them in specie on demand, it was expected that the bank would be answerable for the amount deposited, in specie, or in bills which would be received as specie, at the place to which the money should be directed to be transferred, unless it should state the contrary. "But," as continues the Secretary, (and this is the part omitted by Mr. Edwards,) "as no explanation of this nature has been made or sought on either side, this requisition will not be rigorously required." There is, however, no question concerning this bank, as no uncurrent notes were ever received from it.

The charge of having received uncurrent notes from the Banks of Missouri, Edwardsville, and Tombigbee, contrary to the agreement with those banks, and contrary to law, being thus answered, there remains, in connexion with this branch of Mr. Edwards's accusation against the Secretary, only that of having, in his report to Congress, misstated the amount so received. Upon a thorough examination, however, it is asserted, that all the notes received from those banks, for which the Treasurer did not receive a cash credit in the banks to which they were transferred,

were specified in the report made by the Secretary on the subject, with the exception of \$285, in notes of the Franklin Bank of Alexandria, which formed part of the funds received from the Bank of Missouri, agreeably to his letter of 20th of March, 1820, but which, in his report of the 14th of February, 1822, were accidentally omitted to be mentioned. That there was no intentional concealment on this subject, is evident, from the manner in which the Secretary complied with that part of the resolution which referred to it. By the resolution he was required to state whether any uncurrent or depreciated paper had been received from certain banks, which the Government was not bound to receive. As the Secretary was of opinion that all the paper of that description which he had received from those banks, was paper that he was bound to receive, he might, without blame, have answered, that none such as were alluded to in the resolution had been received. Desirous, however, to put the House in possession of all the facts, he stated what uncurrent paper had been received, and why it had been received; and he included in the statement paper to the amount of several thousand dollars, which, at the time he made his deposit, had actually been paid in cash. Under these circumstances, it might have been reasonably supposed that this trivial omission was, as was truly the case, wholly accidental and unintentional.

The charge of withholding letters and information called for by the House, rests upon no better foundation. This, however, may have originated in part, in the want of attention to the true import of the resolution under which these letters and information were called for. The resolution of the House, of the 9th of January, 1822, as printed, required "a statement showing in what banks the moneys received from the sale of the public lands have been deposited since the 1st of January, 1818; the contracts under which the said deposits have been made; the correspondence between them and the Treasury Department relative thereto," &c. It has been doubted whether, according to the proper rules of construction, the correspondence here called for, related to any thing more than the contracts. It is believed, however, that this doubt gives place to certainty upon an inspection of the resolution, as transmitted to the Secretary by the Clerk of the House, between which and the resolution as printed, there is a remarkable difference in the punctuation. That which appears in the latter as the first member of a sentence, terminating with a semicolon, is, in the original, (see annexed No. 41, which is herewith transmitted,) a complete sentence ending with a period. By this difference, the words "relative thereto," are made applicable exclusively to the contracts; and, of course, the correspondence required by the resolution is the correspondence between those banks and the Treasury, relative to the contracts under which the moneys received from the sales of public lands since the 1st of January, 1818, have been deposited.

It will be seen, however, that, in the collection of the correspondence, it was not confined to that object; but, that, in addition to every thing which related thereto, there was communicated so much of the other correspondence with the banks referred to, as would enable the House to form a just opinion of the whole subject, not only of the arrangements with these banks in this particular, but of the relationship subsisting between them and the Treasury.

The resolution of the House, of the 12th of March,

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1822, had reference only to three banks, those of Edwardsville, Tombigbee, and Missouri; it called for no correspondence except in relation to the Bank of Missouri, and, as it required all the correspondence in relation to that bank, not before communicated, all such correspondence as could be found was transmitted. Yet, although these two resolutions are distinct from each other in their requirements, Mr. Edwards affects to consider every letter which was communicated under the latter as having been improperly withheld under the former.

That some of the papers transmitted under this resolution might not, with propriety, and perhaps with advantage, have been sent under the first resolution, is not asserted. Whether any such, if any such there be, were accidentally omitted, or whether they were not deemed necessary to an understanding of the subject, is not now recollected. As there was no consciousness on the part of the Secretary that any of his transactions required concealment, or merited censure, and as it was supposed that the object of the resolution was exclusively to obtain information, the whole aim in selecting the papers and making the communication, was to put the House in possession of such information, and such only, as would best serve to elucidate the subject to which it related.

But, to whatever cause the omission of any of these papers is attributable, the omission itself is unimportant. It is believed that the papers communicated under the second resolution, or the great mass which has been communicated under the third resolution, disclose no new fact which it was important, in relation to the subject of the resolution, either to communicate or to withhold. The idea of concealment was wholly out of the question. The delicate nature of many of the letters communicated under the first resolution, shows, perhaps, a leaning the other way. But, there was really nothing of moment to be concealed. The general outline of the arrangements with the Western banks was well known. They had been published in most of the newspapers in the countries interested in them; and they were familiar to many gentlemen in Congress, some of whom had been among the first to press upon the Secretary the necessity and advantage of such arrangements.

Disclaiming, then, in the most unqualified manner, any wish or intention in the Secretary, of concealing any part of his conduct in relation to those banks, the opinion is confidently repeated, that, after an examination of all the correspondence that has been, at various times, communicated to the House, it will be found that, although more ample details are exhibited, because the papers subsequently presented are more numerous, as clear and faithful a view of the connexion between the Western banks and the Treasury, was presented under the first resolution, as is exhibited in the whole mass of the correspondence. But, if the fact were otherwise, nothing could be more unjust than to consider the omission of every letter not communicated under that resolution, as a suppression with an improper design.

Although these explanations may be deemed a sufficient answer to Mr. Edwards's charge of suppression, generally, yet, there are some particular instances which he has specially dwelt upon, and to which he attaches particular importance, that it may be well specially to notice. The first of these is, the circumstance that "extracts" were communicated instead of entire letters, in parts of the correspondence with the Planters and Merchants' Bank of Huntsville.

By referring to the letters alluded to, and which have been transmitted entire, under the last resolution of the House, it will be seen that the parts omitted to be communicated, relate to an occurrence wholly of a temporary nature, entirely unimportant in itself, and having no bearing whatever on the subject of the call. It seems that, after the termination of the arrangement between the Bank of the United States and the Bank at Huntsville, the Cashier of the former drew certain drafts upon the amount standing at his credit in the latter bank. These, the Bank at Huntsville declined to pay, under an erroneous idea that it was accountable to the Treasury for the money.

As soon as this was made known to the Secretary, he wrote to the Huntsville Bank, to remove the misunderstanding. The bank justified itself by quoting certain expressions of the Secretary's circular, of July, 1819. The Secretary replied that, if the bank had quoted correctly, the circular must have been imperfect, and desired to have it sent back for examination. It was sent back; was found to be inaccurately copied; the misunderstanding was removed; the drafts were paid; and there the whole matter ended. In the passages relating to this subject, notice was also taken of the accidental omission of the bank to render some returns. These are the parts of the letters in the correspondence which were not communicated; and this explanation will show with what little reason it has been inferred that every omission in the correspondence contains something which the Secretary must have an improper motive to conceal.

These observations apply to all the extracts transmitted in that correspondence, except the letter of the President of the Huntsville Bank, of the 30th September, 1819. As this letter does not appear to have been transmitted under the last resolution, it is presumed to have been mislaid. The purport of the preceding part of it is not recollected, but search is now making for it, and as soon as it is found, it will be communicated.

An additional importance is attached, by Mr. Edwards, to the circumstance of "extracts" being sent in this case, as contradicting that part of the Secretary's testimony before a former select committee of the House, which, speaking of the correspondence generally, states that, in consequence of the pressure of business, the original letters and rough drafts had been communicated under the resolution of the 14th February, 1822. No such contradiction, however, can be imagined without misinterpreting the obvious import of the Secretary's words. He spoke of the communication generally; and it is a fact well known, that it consisted almost entirely of originals and rough drafts. But it is irreconcilable with common sense, to suppose that he meant to convey the idea that papers which bore on their face the title of "extracts," which he had himself communicated and described as "extracts," were either originals or rough drafts.

Neither the Secretary nor Mr. Dickens has any where said, in their testimony, as Mr. Edwards supposes, that the latter delivered all the originals and rough drafts to the Secretary, and that the Secretary sent them all to the House. The fact is otherwise. All the correspondence with the banks referred to, was not called for, as has been already shown; nor was it ever asserted that all was sent. Mr. Dickens collected, as he has stated, all the correspondence that he could find, filed and unfiled, that was likely to have any bearing on the subject; from this he selected

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such as, in his judgment, was required by the resolution; and such "extracts" as were made, were made under the exercise of this judgment. After the papers had been thus selected and arranged, he laid them before the Secretary, together with such statements in relation to other parts of the resolution, as the Secretary might require for his report. These papers were in the possession of the Secretary while he prepared his report, but were referred to no further than was necessary for that object; and the correspondence thus prepared by Mr. Dickens, was transmitted, in the same state, to the House. This circumstance will explain the appearance of the marks on the passages which Mr. Dickens has stated to have been marked by him for the purpose of calling the Secretary's attention to them, and which, if they had been observed by the Secretary, would have been acted on by him, either by directing the marks to be removed, or extracts excluding those passages to be prepared.

To remove all pretext for the insinuation which Mr. Edwards has founded upon the circumstance of Mr. Dickens having been employed to select the papers, in this case, instead of Mr. Jones, the Chief Clerk, to whom it had been usual to commit the selection of papers required by Congress, it is proper to state, that the resolution of the House did, in this instance, take the usual course of reference to Mr. Jones; and that it was at his request, and upon his suggestion of the propriety of referring it to Mr. Dickens, because of his better knowledge of the subject, that the duty was transferred to him.

There is one other omission in the correspondence which has been emphatically alluded to by Mr. Edwards, and which shall, therefore, be particularly noticed. It is a letter from the Secretary to the President of the Bank at Huntsville, of the 9th of July, 1819; and is more than once referred to in other parts of the correspondence: whether it had been communicated or not, was never a subject of investigation with the Secretary, until the notice taken of it in Mr. Edwards's address rendered the inquiry necessary. After a thorough examination, however, it could not be found, either among the records or rough draughts; but, on referring, as a last resort, to a file of confidential correspondence which is kept by Mr. Jones, the rough draft of the letter was there discovered. A copy of it is herewith transmitted. According to the views with which the correspondence was selected, under the first resolution of the House, this letter was one which would have been then communicated. It is believed, however, that the sentiments and opinions disclosed in it, are far from furnishing a subject of blame to the Secretary; and, as he had communicated a letter of similar import, written on the same day, to the Tombigbee Bank, it may be inferred, that he was not withheld by any improper considerations of delicacy in respect to the matters to which they both relate, from communicating this letter also. It is believed that the letter to the Tombigbee Bank, of the 9th of July, 1819, was also marked "confidential," and the opinion is strengthened by the reference made to it as "confidential," by the President of the Bank, in his letter of the 13th August, 1819. The word "confidential," was probably omitted through inadvertence, in the copy that was retained in the Department; and thus it went upon the ordinary records. If this opinion is correct, the communication of this letter corroborates the fact that the omission to communicate the letter to the Huntsville Bank, was not owing to the matters it contained, but to the circumstance

of its being on a file not before the person by whom the correspondence was selected.

The Secretary is not aware, that any other letters on the confidential file appertain to the objects of the present inquiry. He submits, however, such of them as are addressed to banks, to the examination of the committee. He takes the occasion, also, to tender to the committee, as he did to the committee appointed under the resolution of the 6th of February, 1823, the inspection of any of the records or correspondence in the Department, that may be deemed necessary to elucidate any of the matters connected with the inquiry.

Having disposed of all the minor topics of accusation brought against the Secretary in Mr. Edwards's address, it now remains to notice the grave charge which he has preferred, of having mismanaged the national funds. As far as this charge is founded upon the particular transactions which have formed the subject of the foregoing observations, it is presumed to be sufficiently refuted. The only remaining ground of charge then is, the measure of employing the State banks as depositories of the public moneys in the Western country.

The circumstances by which this measure was rendered necessary, and the views with which it was adopted under the sanction of the President of the United States, have already been explained in the Secretary's report, of the 14th February, 1822, and in his letter to the select committee, of the 24th of February, 1823, to which a reference is now requested. It may be proper, however, to remark here, that, throughout the Western country, a general and severe distress had followed the resumption of specie payments. On the part of the Treasury, every disposition had been entertained to make the demands of the Government press lightly on a suffering people. With this view the Receivers and Collectors had been authorized, generally, to receive in payments to the United States all the specie paying bank notes in circulation; and the Bank of the United States had liberally seconded the views of the Treasury, by authorizing the reception of these funds from the Receivers and Collectors. This experiment, though it gave relief to the public debtors, had been found injurious to the welfare of the bank; and, by a proper regard for its own safety, that institution considered itself constrained to decline the reception of almost all of those funds which form the currency of that portion of the country, and of those which alone it could prudently take, scarcely any were in circulation. What effect this change had upon the state of things may be inferred from a few extracts from some of the communications which were about that time made to the Secretary in relation to the subject.

"The debtors of the United States," say the Directors of the Bank of Vincennes, in their memorial of the 9th January, 1819, "in the Western country, labor under distressing and almost insuperable difficulties in meeting their engagements; not so much from the want of means; as from the scarcity of such funds as are receivable in payment of public lands. Should the country continue in its present situation with respect to these funds, many an honest citizen, many an industrious farmer, who has migrated to this country, and has paid his last eighty dollars as a first instalment on his quarter section of land, will be compelled, at the end of five years, to leave his favorite spot, his cabin, and all the comfortable improvements, which the labor of his own hands has acquired, and

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with his wife and children, seek a new home, without money to procure it. And why? Because the produce of his farm, although he may have an abundance to spare, will not command such funds as Government demand for the completion of his payments. Other representations, which are herewith transmitted, from Senators and Representatives, whose character is a sufficient guarantee for the truth of their statements, corroborate these views. The Hon. Mr. Herrick, in a letter of the 11th of March, 1818, considers the adoption of some measure on the subject as desirable, as well with a view to relieve the people, as to preserve their affections for the present administration of the General Government. The Hon. Waller Taylor, in a letter of the 31st March, 1818, encloses a letter from a respectable source, stating that twenty per cent. had been given by those who had payments to make in the land offices, to obtain such money as would be received; that few entries of land were made; and that many who had come from a distance to enter land, had gone away without doing so, because the money they had brought, though consisting of the notes of banks of established character, could not be received. And Mr. Taylor concurs in opinion, that the operation of the existing system was prejudicial to the purchasers of public lands, as well as the citizens of the State. In a joint letter addressed to the Secretary, on the 18th April, 1818, by fourteen Western members of Congress, viz: the Hon. Joseph Desha, William H. Harrison, Robert Moore, Henry Baldwin, William Hendricks, James Noble, Waller Taylor, Richard C. Anderson, Levi Barber, Thomas Speed, John W. Campbell, Samuel Herrick, Peter Hitchcock, and Philemon Beecher; these gentlemen all concur in stating, that "every mail from the West brings us the complaints and requests of the people, on the subject of the pecuniary state of our country;" and they conclude, by recommending, as a measure of vital importance, the redemption of such Western paper of specie-paying banks, as were in good credit. The Hon. J. McLean, of Illinois, in a letter of the 5th of June, 1819, speaking of one of the districts in that State, makes the following representation: "I am well assured, from my own knowledge, and the letters of respectable gentlemen in that part of the country, that, if every note that will be received in payment of land, and every dollar of specie that is in the country, were in the hands of those indebted to the Government for land, it would be insufficient to enable more than one tenth man of our settlers to comply with his engagement. I almost daily receive letters from the people of Shawneetown Land District, and of that part of Illinois included in the Vincennes District, stating that they are in a situation truly distressing, and that, unless there be some amelioration in the directions to the Receivers, that the time is but very short, until they expect to see the little farm and dwelling they have provided for the support and shelter of themselves and family, torn from them by the merciless avaricious speculator. I am sorry to be constrained to say, that their apprehensions are but too justly predicated, and that they represent facts."

These are letters which have presented themselves on a hasty reference to the files of the Department. It is well remembered, however, that numerous and earnest personal representations were made by other gentlemen in Congress, both as to the pecuniary distresses of the Western country, and the necessity of a change in the existing regulations. Representations like these, could not be received with indifference. It

is to be recollected, also, that, at the time when this state of things existed, the debt due for public lands amounted to about twenty millions of dollars; the greatest part of which had been contracted during the suspension of specie payments. Upon mature reflection, therefore, and with the approbation of the President, it was deemed advisable to make the arrangements with the Western banks, which are the subject of Mr. Edwards's condemnation.

The details of these arrangements are so fully exhibited in the Secretary's former communications on the subject, that it is not thought necessary here to explain them.

As far as the interests of the people, and of the Treasury, were concerned, it is believed that those arrangements were not merely defensible, but commendable. As far as the measure affected the interests of the Bank of the United States, it is believed to be equally deserving of approbation. In a letter written by the Secretary to the President of that institution, on the 14th September, 1819, he thus explained the motives which, as far as the bank was concerned, influenced his course on the subject:

"It has been my constant endeavor, for more than twelve months past, to prevent, as far as practicable, all collision between the Bank of the United States and the State banks; as far at least as that collision might be connected with the transactions of this Department. It is not my intention, therefore, to give drafts upon the State banks for public money, without previously arranging with them the mode of payment.

"Acting upon the same principle, I have endeavored, in the course of the present year, to make arrangements with the State banks in the Western States, by which they should become the depositories of the public money collected in that section of the Union. I considered the deposits there positively injurious to the bank, for the following reasons, viz:

"1st. That the offices had already extended their discounts in Ohio and Kentucky, further than was consistent with the interest of the bank.

"2d. That every dollar deposited in them on account of the Government, that could not be disbursed there, would have to be employed in discounts, or transferred to the bank in Philadelphia, or its Eastern offices.

"3d. That owing to the state of exchange, transfers could only be made by the transportation of specie across the mountains.

"4th. That, owing to the geographical position of Kentucky and Ohio, the public expenditure would be extremely limited.

"5th. That the transportation of specie from the Western to the Eastern States, by the bank, invariably had produced, and would continue to produce, irritation in the public mind against the bank.

"An additional reason for endeavoring to make State banks in that section of the Union the depositories of the public money, was to increase the receipts, by enabling the public debtors to pay in the notes of specie-paying banks, which would not be received by them, without increasing that collision, which it was my desire to diminish."

These views, it is believed, were too just, not to meet the approbation of the distinguished individual who presided over, and of the enlightened Board which then directed the affairs of, that institution. Accordingly, Mr. Cheves, in his answer of the 5th October, 1819, thus expresses himself: "The Board

entirely concurs with you in the views you take, as to the Government collections and deposits in the Western States, which they believe to be calculated to ease the moneyed pressure on that portion of the country, as well as to meet the interests of the Government, and relieve the bank from embarrassing collisions with local banking institutions."

It happened, however, that, in three of the places where the banks were situated, with which the Secretary had made these arrangements, branches of the Bank of the United States were also established. By the charter of that bank, it was the duty of the Secretary to have stated to Congress, at its next session, the reasons why he had directed deposits of the public money to be made in these three banks. This statement, through inadvertence, was not made, as the Secretary has stated in his letter of the 24th February, 1823, to the select committee of the House. But, as a full explanation of the motives of these arrangements had been made to the Bank of the United States, whose interests it was the object of that provision in the charter to guard, and as that institution had approved of the arrangements, and as the arrangements themselves had been published in various newspapers; and as the facts which were to be reported to Congress were of general notoriety, it is submitted, whether the Secretary could have had any motive for withholding the formal communication of the information to Congress.

On the policy of the measure adopted by the Secretary in the employment of the Western banks, it is presumed there can be no doubt. That it has not been entirely successful, is considered to be a subject rather of regret than of censure. But that it has been mainly beneficial it is thought will not be denied by those who candidly examine the subject in all its bearings. And although very little ultimate loss is expected, yet if the whole sum now due by those banks which have stopped payment were to be lost, it is believed that the advantages which have resulted to the country will have been cheaply purchased at that cost.

As some misunderstanding in respect to the special deposits seems to prevail in the public mind, resulting from the misrepresentations that have been made on the subject, it may be proper to take this occasion to remove it.

About the time that the present Secretary of the Treasury took charge of that Department, the special deposits amounted to upwards of three millions of dollars, being, on the 31st of December, 1816, \$3,031,459, all of which has since been converted into cash funds, except \$291,803. At the date of the Secretary's report of the 22d February, 1823, the amount of the special deposits was \$927,107, including the \$291,803 above mentioned. Of this sum of \$927,107, about \$64,000 have since been paid.* Hence, it appears, that of the whole sum now on special deposits, only about \$571,000, including the sum due by the defaulting Western banks, have become special during the pre-

* This sum consists of \$5,220 76 received from the Miami Exporting Company, \$13,726 40 from the Bank of Huntsville, and \$40,943 38 in discharge of the debt due by the Branch Bank of Kentucky, at Louisville.

It is believed, however, that it will now be proper to include in the special deposits the sum due by the Bank of Columbia, amounting to \$75,361 87; of this sum, all but forty thousand dollars were special when the present Secretary came into the Treasury, and was placed in this bank for the purpose of being converted into cash funds, as stated in the Secretary's report of the 14th of February, 1822. Having effected this object, the bank is not now in a condition to refund the money, but an arrangement has been made by which the payment of it, with interest, has been, it is believed, well secured.

sent Secretary's administration of the Department. When it is considered that this embraces a period of about seven years, during which great disorders have existed, and a great revolution has been effected in the currency, and during which upwards of one hundred and sixty-three millions of dollars have been paid into the Treasury, exclusive of loans and Treasury notes; and that of this sum, upwards of twenty-one millions and a half of dollars having been received from the sale of lands, and internal duties and taxes must have been collected in those portions of the country where the greatest disorders existed; when these circumstances are considered, it is believed that the sum which has become uncurrent during the Secretary's administration of the Treasury, instead of furnishing ground either of censure or surprise by its magnitude, justifies the conclusion, that in this respect, as he trusts will be found the case in all others, the Secretary of the Treasury has not mismanaged the national funds.

In conclusion, the Secretary has the honor to state, that, although it is believed that every material charge contained in the address of Mr. Edwards has now been satisfactorily explained, yet if, in the opinion of the committee, any further explanation be deemed necessary, it will afford him pleasure to give it, either personally, or in writing.

WM. H. CRAWFORD.

Mr. LIVINGSTON moved that the report be laid on the table, and printed.

Mr. FORSYTH hoped that a copy would be sent, by order of the House, to the President of the United States.

The question was divided, and being first put on laying the report on the table, it was carried.

Mr. COOK expressed an intention to address the House, should the report be called up for consideration, and hoped it would be printed in time.

The question on printing was then put, and carried.

Mr. LIVINGSTON then offered, by direction of the committee, the following:

"Ordered, That the committee, to which was referred the Address of Ninian Edwards, be required to sit after the adjournment of the House, for such time as shall be necessary, in their judgment, for further examination; that any additional report which may be made by them, be filed in the office of the Clerk of the House; and that any three members of the committee be a quorum for the transaction of business."

Mr. WILLIAMS wished that the resolution should be suffered to lie on the table for one day.

Mr. TAYLOR hoped that the House was prepared to act on the resolution without delay.

Mr. McDUFFIE moved to lay it on the table; and, the question being put, it was carried—ayes 92.

Mr. FORSYTH then moved that a copy of this report be transmitted by the Clerk of this House to the President of the United States. He observed, that the same courtesy which had dictated the former communication, when the memorial was presented, and the committee had sent for Mr. Edwards, was proper on the present occasion.

Mr. WEBSTER said, that, with great deference to the honorable gentleman from Georgia, it appeared to him that, when the resolution proposed in the report of the committee should be adopted,

it would then be proper to make such communication, but not in the present stage of proceeding.

Mr. FORSYTH then moved to lay the resolution he offered on the table, till the determination of the House with respect to that reported by the committee should be known.—Agreed to.

PUBLIC LAND DEBT.

On motion of Mr. COOK, the House took up the bill from the Senate, to provide for the extinguishment of the public debt due to the United States by the purchasers of public lands.

Mr. C. offered an amendment, which goes to extend the provisions of the act to a class of settlers not now included in its relief; and supported it by a course of observations explanatory of the circumstances of the case.

Mr. VANCE, of Ohio, proposed to amend it by confining its operations to a different class.

Mr. COOK objected to this amendment, as leaving a deserving class of sufferers without any relief.

Mr. VANCE suggested to the gentleman from Illinois to modify his amendment, by a proviso, guarding it from misapplication.

Mr. RANKIN spoke in opposition to the amendment of Mr. COOK.

When, it being found that a quorum was not present, a call of the House was moved, and ordered.

The roll was called, in part, accordingly, when a quorum appearing, the farther call was dispensed with.

The debate was then resumed by Messrs. COOK, WOOD, McARTHUR, MCCOY, WHIPPLE, and LIVERMORE; when all the amendments were rejected. The bill was then read a third time, and passed.

ARKANSAS BOUNDARY.

On motion of Mr. CONWAY the House, in Committee of the Whole, (Mr. SHARPE in the Chair,) considered the bill to fix the western boundary line of the Territory of Arkansas.

On this bill an animated debate of considerable extent arose, in which Mr. RANKIN opposed the extension of the present boundary of that Territory, as violating the provision of Indian treaties, as giving an improper size to the future State into which this Territory will soon be formed. He denied the right of the settlers to the lands they occupied, and contended that that Territory ought to afford a resting place to the Indians from the eastern side of the Mississippi, &c.

Mr. CONWAY remonstrated with warmth against forty thousand Choctaw Indians turned in among the settlements of Arkansas, to turn out those who had subdued the wilderness, and were surrounded with improvements, the fruit of their own labor, fields, mills, cotton factories, distilleries, &c. He contended that the limits of the Territory should be removed farther to the West, to allow room for these Indians, having a separate home from the whites, &c., and to give strength to Arkansas as a future frontier State.

Mr. WOOD made some remarks in opposition to the bill.

Mr. CONWAY explained.

Mr. CLAY advocated the passage of the bill—represented the hardships of the circumstances of the settlers—considered the new Territories as younger daughters in the common federative family, and, as such, entitled to an indulgent policy—denied that the size of the territory must necessarily govern the size of the future State to be formed out of it, and even if it did, he urged the policy of making Arkansas a strong frontier State. The bill only asks the Indians to consent to remove the line farther west, and does not violate any treaty. It had received the deliberate consideration of the Senate, and he hoped it would pass this House.

Mr. RANKIN rejoined. If this extension of the limits be allowed, the whole must be received as a State, or a small section of its western part must remain (probably forever) a Territory, or else the Indians must be driven still farther west.

Mr. CLAY responded. If Louisiana was not as large as the gentleman could wish, it was an argument rather for than against this bill. He (Mr. C.) had opposed the treaty by which Texas was ceded, and Louisiana consequently reduced in extent. If Louisiana was comparatively weak, the greater need that the adjoining frontier State should be a strong one.

The debate was further continued by Mr. WOOD, Mr. F. JOHNSON, and Mr. ISACKS, when the Committee rose, and reported the bill to the House; and, the question being put on its final passage, it was decided in the negative—ayes 52, noes 56.

Two Messages were received from the President of the United States; the one transmitting an addition to the Digest of Foreign Commercial Law, previously transmitted—the other, certain documents called for in relation to foreign spoliation on our commerce, &c.

And then the House adjourned.

WEDNESDAY, May 26.

Mr. WEBSTER, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act for the relief of the representative of Thomas Robinson, deceased," reported the same without amendment; and the bill was ordered to be read a third time this day.

Mr. KENT, from the Committee for the District of Columbia, to which were referred the amendments proposed by the Senate to the bill, entitled "An act amendatory of an act to incorporate the inhabitants of the City of Washington, passed the 15th of May, 1820," reported their agreement to the same. The amendments were then read, and concurred in by the House.

The amendments of the Senate to the bill for the relief of John Mitchell, agent of prisoners of war at Halifax, with a further amendment, ordering certain parts of his account to be settled on principles of equity, and a balance of five thousand dollars passed to his credit, (lost by the absconding of a third person,) were concurred in.

The resolution, yesterday offered by Mr. CAMBRELENG, calling for information with respect to the amount of French spoliation, was called up, and being by the mover amended so as to extend

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to thirty instead of eight years, was adopted by the House.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Joseph Forrest," reported the same without amendment; and the bill was laid upon the table.

The resolution laid on the table yesterday, by Mr. STEWART, was taken up, read, and agreed to by the House, amended to read as follows:

Resolved, That the Secretary of the Treasury be directed to report to this House, at the next session of Congress, the amount of losses sustained, during the last thirty years, upon bonds given for the duties upon imports, distinguishing the amount in each year; and to state whether any, and, if any, what, measures should be adopted by Congress, to prevent similar losses in future; and, also, what effect the total repeal, or a limitation, of the credits, now given for said duties, would, in his opinion, have upon the revenue.

Mr. HAMILTON laid the following resolution on the table, for consideration to-morrow, viz:

Resolved, That the Secretary of the War Department be instructed to lay before Congress, at the commencement of the next session of Congress, a statement of the present state of the works at Dauphin Island, and of the materials which were collected at that point; as well, also, a statement of the probable loss which the country may have sustained from the suspension of said works; and that he, moreover, be instructed to submit a plan and estimate for the works to be erected on Dauphin Island; provided, the Executive should still deem such fortifications necessary.

The bill from the Senate, entitled "An act for the relief of the representative of Thomas Robinson, deceased," was read the third time, and passed.

The House proceeded to consider the report of the Committee of Foreign Affairs, made on the 24th instant, on memorials and petitions upon the subject of spoliation on the commerce of the United States, committed by authority of the French Government; whereupon, it was

Resolved, That the President of the United States be requested to lay before this House, at the next session, as early as the public interest will permit, the correspondence which may have been held with the Government of France, prior to that time, on the subject of injuries sustained by citizens of the United States since the year 1806.

A message from the House informed the Senate that they have passed bills of this House, of the following titles, with amendments, viz: An act authorizing the employment of additional clerks, and certain messengers and assistants, and other persons, in the several departments; An act making further appropriations for the military service of the United States, for the year 1824, and for other purposes; [Indian affairs.] An act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes; An act enabling the claimants to land within the State of Missouri and Territory

of Arkansas to institute proceedings to try the validity of their claims; in which amendments they ask the concurrence of this House.

The amendments proposed by the Senate to the bill last mentioned, was read and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes," were read, and committed to the Committee of the Whole on the state of the Union.

The amendments proposed by the Senate to the bill, entitled "An act authorizing the employment of additional clerks, and certain messengers and assistants, and other persons, in the several Departments," were read, and concurred in by the House.

The amendments proposed by the Senate to the bill, entitled "An act making further appropriations for the military service of the United States for the year 1824, and for other purposes," were read, and concurred in by the House.

The bill from the Senate "for the relief of Nimrod Farrow and Richard Harris," was taken up. The report of a committee in the case was read. Mr. HAMILTON and Mr. BARBOUR stated the history of the transactions to which the bill alludes. The latter gentleman advocated the passage of the bill, and the former opposed it. Mr. WARFIELD, Mr. STRONG, Mr. HAMILTON, and Mr. COCKE, further opposed, and Mr. MCCOY advocated the passage of the bill; when, on motion of Mr. STRONG, the Committee rose and reported progress. Leave was refused to sit again, and the bill was laid on the table—ayes 65, noes 41.

Mr. WHIPPLE, from the Committee on the Public Lands, to which was referred a Message from the President of the United States, communicating a report from Alexander Hamilton, a land commissioner in Florida, made a report thereon; which was read; whereon, it was

Resolved, That the President of the United States be requested to cause to be prepared and transmitted to the Commissioners for the examination of claims and titles to lands in Florida, such instructions touching their powers, and the performance of their duties, under the existing laws, as he may deem necessary, from an examination of the report of Alexander Hamilton, one of the Commissioners, and the report of the other two Commissioners for East Florida.

Resolved, That the President of the United States be requested to adopt such means as he may deem necessary for the safe-keeping and security of the public records of the Spanish Government, in relation to lands in Florida.

ARKANSAS BOUNDARY.

A motion was made, by Mr. ROSS, that the House do reconsider the vote, taken yesterday, on the question, Shall the bill from the Senate, entitled "An act to fix the western boundary line of the Territory of Arkansas, and for other purposes," be read a third time? and on the question, Will the House reconsider the said vote? it passed in the affirmative.

The question was again put, Shall the bill be

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read a third time? and passed in the affirmative. To-day was then assigned for the third reading of the said bill. The bill was, accordingly, read a third time. And, on the question, Shall it pass? it passed in the affirmative—ayes 70, noes 58, as follows:

YEAS—Messrs. Abbot, Adams, Alexander of Va., Alexander of Tennessee, J. S. Barbour, Breck, Brent, Buckner, Cocke, Condict, Cook, Craig, Cushman, Findlay, Floyd, Foot of Connecticut, Forward, Harris, Henry, Holcombe, Houston, Ingham, Isaacs, Jenkins, Jennings, F. Johnson, Kent, Kidder, Kremer, Lawrence, Leftwich, Litchfield, Little, Livermore, Livingston, McArthur, McDuffie, McKim, Martindale, Metcalfe, Mitchell of Pennsylvania, Mitchell of Maryland, Moore of Kentucky, Neale, Patterson of Pennsylvania, Patterson of Ohio, Plumer of Pennsylvania, Reynolds, Richards, Rich, Rose, Ross, Scott, Sloane, Standefer, A. Stevenson, J. Stephenson, Stewart, Strong, Swan, Talliaferro, Tattall, Taylor, Test, Udree, Van Wyck, Warfield, Williams of North Carolina, James Wilson, and Henry Wilson.

NAYES—Messrs. Bartlett, Beecher, Blair, Cambreleng, Campbell of South Carolina, Cary, Cobb, Crafts, Culpeper, Cuthbert, Durfee, Dwinell, Dwight, Eddy, Foote of New York, Forsyth, Frost, Gatlin, Gist, Gurley, Hall, Hamilton, Harvey, Hayden, Hobart, Hogeboom, Hooks, Lee, Lincoln, McCoy, McKee, McLane of Delaware, Matlack, Matson, Moore of Alabama, Nelson, Newton, Plumer of New Hampshire, Poinsett, Rankin, Reed, Sharpe, Alexander Smyth, Spaight, Thompson of Georgia, Thompson of Kentucky, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Vance of North Carolina, Vance of Ohio, Webster, Whipple, Whitman, Williams of Virginia, Wilson of South Carolina, Wood, and Wright.

CASE OF NINIAN EDWARDS.

Mr. LIVINGSTON moved for the consideration of the resolution reported yesterday by the committee of investigation in the case of Ninian Edwards. Carried—ayes 83, noes 26.

Mr. A. SMYTH moved to amend the resolution by striking out so much of it as provides that three members shall be a quorum of the committee—carried.

Mr. FORSYTH moved farther to amend the resolution by adding a clause directing that a copy of the committee's report and accompanying documents be transmitted to the President of the United States.

Mr. COOK moved to amend this amendment by including the reports of the Secretary of the Treasury to Congress in relation to his transactions with the Western banks; the correspondence laid before Congress on that subject, and the report in relation to the illegal introduction of Africans into the United States, among the papers laid before the President.

On these amendments and the following questions, a debate arose. The gentleman who took part in it were Messrs. COOK, FORSYTH, JENNINGS, and WEBSTER.

Both the amendments were rejected.

On motion of Mr. LIVINGSTON, the resolve was amended so as to direct that the Clerk cause the final report of the committee to be printed and transmit a copy to each member of the House.

The question then recurring on the resolution as amended—

Farther debate took place. In the course of it, Mr. A. SMYTH moved to lay the resolve on the table; which motion was negatived—ayes 49, noes 58.

The question being put on the resolution as amended, it was decided in the affirmative—ayes 74.

So the resolve was agreed to.

CLAIM OF BEAUMARCHAIS.

Mr. McDUFFIE offered the following resolution:

Resolved, That the President of the United States be requested to avail himself of all the means in his power, to ascertain whether any farther evidence can be obtained in relation to the claim of the heirs of Caron de Beaumarchais; and that, if any such evidence shall be obtained, that he communicate the same to this House, at an early period in the next session.

Mr. McDUFFIE stated the reasons in favor of the above resolution; the principal of which was, a wish to show the French Government that this country is disposed to do justice in the case of the Beaumarchais claim.

Mr. FORSYTH stated that it formed a part of the instructions of our Minister to France, to negotiate on all just claims of citizens of the two nations against each other's Government, which included this case, and that this proposition was therefore unnecessary.

Mr. McDUFFIE thought, that, though this was true, yet it was expedient to adopt the resolution, to prevent mistaken impressions, which might be produced by the late vote of this House on that claim.

Mr. SHARPE feared that the resolution might be the means of holding out false hopes to the claimant, that this House might recognise her claim—which were better prevented.

Mr. LIVERMORE observed, that this would be the first instance of the chief executive magistrate of a country's being called on to search for evidence in support of the claim of a private foreign citizen against his own Government. He hoped the resolution would not prevail.

The question being taken upon agreeing to the resolution, it was decided in the negative.

SYSTEM OF BANKRUPTCY, &c.

Mr. WEBSTER submitted the following resolution:

Resolved, That it is expedient to establish a uniform system of bankruptcy throughout the United States.

In presenting this resolve for consideration—

Mr. W. said he presented this resolution now with the intention of asking the House to act upon it early at its next meeting. He thought the next session would be a favorable opportunity to settle this important question one way or the other. Causes were understood to be pending before the Supreme Court in which the power of the States to pass bankrupt laws, so far as to operate on subsequent contracts, was to be decided. The court having heard arguments on that question, and now holding the causes under advisement, a judg-

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ment might probably be expected at the commencement of the term. That decision, which ever way made, would present a fit opportunity for taking the sense of Congress on the expediency of a uniform bankrupt law. If the decision should be against the power of the States to pass such acts, then it might be hoped that members from those States which had, in fact, hitherto maintained such laws, might be willing to co-operate with others in the establishment of a general system. If it should be in favor of the State authority, on the other hand, then the question would be, whether it were better to have a general system, under the authority of this Government, or a local system, in each State? In one event, the question would be, between a general uniform bankrupt law and no bankrupt law at all; in the other, between one uniform system and twenty-four different and clashing systems. He had intended to present, not merely a single resolution, but a series of resolutions, describing the outline of such a system as appeared to him expedient to adopt. But other engagements had not allowed him sufficient leisure. He earnestly hoped that members would take this important subject into consideration, and that the House would be prepared to act upon it at the next session.

The resolution was laid on the table.

On motion of Mr. NEWTON, the House went into Committee of the Whole on the state of the Union, and took up the Senate's amendments to the bill "for the building of certain additional lighthouses, light-vessels, &c." After an extended discussion, a part of those amendments were agreed to, and the residue dissented from, when the result was reported to the House.

[While the House remained in Committee of the Whole on the state of the Union, Mr. CLAY rose and said, that he would ask a single moment's attention of the Committee whilst he said only one word in respect to a resolution which he had had the honor to present some time ago. The resolution to which he referred was that which proposed an expression of the feelings of Congress in regard to an attack supposed to be meditated by Allied Europe upon the independence of Spanish America. He had offered that resolution in consequence of information disclosed in the President's Message, at the opening of the present session of Congress; and most certainly, if the design imputed to the Allies had really been entertained, every consideration connected with the interest, the safety, and even the independence of this country, called for the most deliberate attention to his proposition. But such a purpose, abominable as it would have been, ought not to be attributed upon any other than the strongest evidence. Events and circumstances, subsequent to the communication of the Message, evinced, that, if such a purpose were ever seriously entertained, it had been relinquished. For his part, whilst he was disposed to keep a vigilant eye on every movement of the Allies, as to America, and to be ready to give his feeble co-operation to every measure calculated to repel their aggressions, if any such should be attempted, on the independence of any

part of America, he was, on the other hand, unwilling to give them any just cause of offence against us. But, to pass the resolution, after all that has occurred—in the absence of any sufficient evidence of their cherishing inimical designs on this continent—might be construed by them as unfriendly, if not offensive. Under the full conviction, therefore, that they did not entertain any purpose so diabolical as that would be of attempting to reduce Spanish America to its ancient subjection, or of compelling it to adopt the monarchical form of Government, he should continue to abstain from pressing upon the attention of the House his resolution; and should allow it to sleep where it now reposes, on the table.]

And then the House determined to take a recess until seven o'clock, P. M.

EVENING SESSION, May 26.

The House resumed its session.

The bill from the Senate "in addition to the several acts regulating naturalization" was taken up and passed.

COMMITTEE ROOMS, &c.

Mr. TAYLOR, from the Committee appointed to make distribution of the rooms in the Capitol appropriated to the use of the House of Representatives, reported that the committee had distributed the rooms in the following manner:

- To the Speaker, No. 3, of the south wing;
- To the Committee of Elections, The room in the fourth story of the centre building over No. 23;
- To the Committee of Ways and Means, No. 77 of the south wing;
- To the Committee of Claims, No. 50 of the south wing;
- To the Committee on Commerce, No. 40 of the centre building;
- To the Committee on the Public Lands, The north west corner room of the fourth story;
- To the Committee on the Post Office and Post Roads, No. 42 of the centre building;
- To the Committee of the District of Columbia, The southwest corner of the basement story;
- To the Committee on the Judiciary, The room in the fourth story over No. 14;
- To the Committee on Pensions and Revolutionary Claims, No. 69 of the south wing;
- To the Committee on Public Expenditures, No. 43 of the centre building;
- To the Committee on Private Land Claims, No. 39 of the centre building;
- To the Committee on Manufactures, The room in the fourth story over No. 15;
- To the Committee on Agriculture, The room in the fourth story over No. 22;
- To the Committee on Indian Affairs, No. 59 of the south wing;
- To the Committee on Military Affairs, The room to the right of the west entrance on the basement story;
- To the Committee on Naval Affairs, No. 64 of the south wing;
- To the Committee on Foreign Affairs, The southwest corner room of the fourth story;
- To the Committee of Revision and Unfinished Business, No. 70 of the south wing;

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To the Committee of Accounts, No. 63 of the south wing;

The Committees on Expenditures in the different Departments, shall have the right of holding their meetings in the rooms appropriated to the committee appointed on the subjects to which they severally relate;

To the Clerk of the House and his Clerks, Nos. 14, 15, 16, of the centre building;

To the Sergeant at Arms, No. 2 of the south wing; The unappropriated rooms shall be subject to the order and disposal of the Speaker until the further order of the House.

The said report was read; whereupon it was resolved that this House do agree to the same.

The bill "to complete the survey of the southern and western boundaries of the State of Missouri," was taken up, at the urgent instance of Mr. SCOTT, and passed.

The bill "to complete the surveys of the harbor of Charleston, in South Carolina, St. Mary's in Georgia, and the coast of Florida, and for other purposes," was taken up, on motion of Mr. POINSETT, and passed.

On motion of Mr. WHIPPLE, it was Resolved, That all the bills which have been ordered to a third reading, but which, owing to a rule of the House, cannot be transmitted to the Senate, be postponed to the first Monday of November next.

The bill "more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," was taken up, on request of Mr. SCOTT, and passed.

Ordered, That the bill to authorize the legislature of the State of Ohio to sell and convey certain tracts of land granted to said State, for the use of the people thereof; and the bill authorizing the repayment for land, erroneously sold by the United States; which bills were, on Monday, the 24th instant, ordered to be engrossed and read a third time, respectively, be read the third time on the second Monday of December next.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act supplementary to an act, passed on the 13th of June, 1812, entitled 'An act making further provision for settling the claims to land in the Territory of Missouri,'" which was reported with amendments; which were read and concurred in by the House, and the amendments ordered to be engrossed, and the bill read a third time to-day.

Mr. CONDUCT moved the following resolution:

Resolved, That the Secretary of the Treasury be instructed to inquire, and report to this House at the commencement of the next session of Congress, what are the material causes of those fatal disasters, which have so frequently occurred on board steamboats, in the waters of the United States; and what regulations may, in his opinion, afford better security to the lives of passengers and crews: And for the purpose of this inquiry, the Secretary is hereby authorized to call to his assistance the knowledge and experience of engineers, and others, skilled in navigating and constructing vessels propelled by fire or steam.

The rule, which requires that a proposition re-

questing information to be furnished by the Head of an Executive Department shall lie on the table one day, for consideration, being, in the case of the above resolution, dispensed with, by the unanimous consent of the House:

The question was taken to agree to the said resolution, and passed in the affirmative.

On motion of Mr. NEWTON, the Clerk of this House was directed to make the same compensation to the extra clerks, employed to expedite the engrossing and enrolling the bills of the House, as has heretofore been allowed by the committee, for similar services.

The bill from the Senate, entitled "An act supplementary to an act passed on the 13th June, 1812, entitled 'An act making further provision for settling the claims to land in the Territory of Missouri,'" was read the third time, and passed, with amendments.

On motion of Mr. TAYLOR, Ordered, That the Clerk of this House cause to be prepared a list of all business remaining undetermined, which, by an existing rule, is to be resumed, in the state in which the same now is, and acted upon at the next session of Congress; designating that which is committed from that which is laid on the table; and that a copy of said list, when printed, be forwarded by mail to each member of this House.

THURSDAY, May 27.

The House met at 8 o'clock.

Several communications were received from the President of the United States, announcing his approbation and signature of bills passed by both Houses.

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Mr. TAYLOR then rose, and said, that it had yesterday been decided that three members of the Committee of Investigation, in the case of Mr. Ninian Edwards, should not be a quorum of that committee. He had understood that one of the members of that committee had left the United States, and that another was gone home to his residence in Alabama. It was very desirable that the committee should be filled up; and, with a view to that object, he moved that two members be added to the committee, to supply the place of the two members present.

Mr. WEBSTER said, he rose partly to second the motion of his honorable friend, but more particularly to express his astonishment at a paragraph which he had this moment seen in a Richmond paper, of Tuesday, in a communication signed "John Randolph, of Roanoke." The paragraph is in these words:

"It was at my instance, and not without considerable resistance on the part of a majority of the committee, that the Secretary had the opportunity given him to file his answer to the accusation of Mr. Edwards."

A regard to my own character, sir, said Mr. W., and to the character of the committee with whom I am associated, does not allow me to pass over

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this statement; and I rise for the purpose of saying that the order in committee for communicating the address to Mr. Crawford, for the purpose of giving him an opportunity of answering it, was not made at the instance of Mr. RANDOLPH; and, further, that no one of the committee made any opposition to that motion. I hope I am fully and distinctly understood—I wish to be so. And I again assert that no one of the committee intimated the least opposition to the motion. Fortunately, the original minutes of the proceedings of the committee are preserved, and the entry, as it now stands, in the handwriting of one of the committee, is as follows:

"APRIL 28, 1824.

"Committee met. All present.

"On motion of Mr. TAYLOR,

"Ordered, That the chairman transmit to Mr. Crawford a copy of Mr. Edwards's memorial, and the accompanying papers, together with a copy of the resolution creating the committee. To which Mr. RANDOLPH proposed the following amendment: 'And inform him that the committee are proceeding in the examination, and that they are ready to receive any communication which he may think proper to make, in reference to the same;' which amendment was accepted by Mr. TAYLOR; and, thus amended, was unanimously adopted."

Mr. LITTLE, of Maryland, thought the measure proposed by the gentleman from New York was not necessary. He thought the present committee entirely competent to the business which had been referred to them, and that it would be best to leave them to settle their own affairs. It must be a very disagreeable thing to remain confined here after the session of the House was closed, and he would not willingly impose upon another that to which he should be averse himself. He regretted, for his part, that this matter had ever been brought before the House, and that it had been referred to the committee, giving it thus an importance which did not properly belong to it.

Mr. WILLIAMS, of North Carolina, observing that the House was very thin, thought it best to defer the consideration of the motion till a fuller House should be obtained; and with that view moved to lay the resolution on the table.

Mr. A. SMYTH expressed a hope that the mover would consent to withdraw the resolution.

Mr. WILLIAMS said, he could not consider the measure proposed as at all necessary. Every gentleman, he believed, was entirely satisfied with the present committee, and prepared to place every proper confidence in the proceedings—and he wished a division of the House on his motion to lay the resolution on the table.

Mr. POINSETT observed, that there was evidently not a quorum of members present; and from the best information he could obtain, he was induced to believe, that so many had last evening and this morning availed themselves of the various conveyances which were departing in all directions, that there was not a quorum left in the city—and he hoped the gentleman from New York would not persist in his motion.

Mr. Cook then observed, that the remarks of

the gentleman from Virginia, yesterday, (Mr. A. SMYTH) required of the committee of investigation to ask what had now been moved by the gentleman from New York. He did not think the measure was at all required by the parties concerned. The examination of their case might be safely left to the present committee, without any augmentation; and he thought it would be best, under all circumstances, that the committee should agree to withdraw the motion.

Mr. ELLIS spoke a few words to the same effect.

Mr. TAYLOR then observed, that it would probably be the best course to lay the resolution on the table by unanimous consent, in the hope, that, in the course of an hour a quorum might be obtained.

Mr. POINSETT observed that he had, from the first, been opposed to directing the committee to sit in the recess; but the House had determined otherwise, and he now thought that it was wholly unnecessary that other members be added. So far from being increased within an hour, he believed the number of attending members would be lessened.

Mr. LIVINGSTON rose and said that he had that instant come into the House, and that a paper had been put into his hands, containing a letter signed by an honorable member of this House, who was also a member of the committee appointed on the address of Ninian Edwards, which letter contained a statement that he thought it incumbent on him, as a member of that committee, to notice. It is there said that "it was at his (Mr. RANDOLPH'S) instance, and not without considerable resistance on the part of a majority of the committee, that the Secretary had the opportunity given him to file his answer to the 'accusation of Mr. Edwards.'" Mr. L. said he was bound to declare that there was not on his part the slightest opposition, nor did any other member of the committee express any, or show the least disinclination to communicate the accusation to Mr. Crawford, or to give him an opportunity of answering it; that, on the contrary, it was one of the first measures proposed after the papers were printed; that the motion was made, as appeared by the minutes of the committee, by a member from New York, to communicate the papers, that Mr. RANDOLPH'S amendment was adopted by him, and it was unanimously agreed to, as amended. Mr. L. said that the statement could only have arisen from a very great misapprehension of the proceedings of the committee; but that it conveyed so serious a charge on their character and impartiality, that he appealed to the recollection of all the members now present, to declare whether the statement he had made was not correct.

Mr. McARTHUR said that he distinctly recollected the proceedings of the committee on the 28th April—that it was upon the motion of Mr. TAYLOR, the order was made to transmit to Mr. Crawford a copy of Mr. Edwards's address, and the accompanying papers, together with the resolution creating the committee, which was acquiesced in by all the members then present. Mr.

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FLOYD, perhaps, suggested the propriety of first examining the communications and documents, but did not urge the suggestion. Upon Mr. RANDOLPH'S arrival, the proceedings of the committee were read to him, when he remarked that he hoped the committee would not be delayed in its investigation for the Secretary's answer—that he was for progressing with the investigation, but was willing that the Secretary should be advised of it; and moved to amend the motion of Mr. TAYLOR, as stated in the minutes of the committee. That the modification proposed by Mr. R. was accepted by Mr. TAYLOR, and unanimously adopted. That he was confident that the statement relative thereto, which appeared in the Richmond Enquirer of the 25th instant over the signature of JOHN RANDOLPH of Roanoke, is not correct.

Mr. FLOYD said that he had just come in, and did not know very well what it was the gentleman had been saying. If, as he was told, it related to the occurrences in the committee, he could only state the impression which was made on his memory, though he did know that he was correct, but believed he was. So far, however, as he was told what Mr. RANDOLPH had written, it seemed to him that there was evidently some mistake in the business. He presumed it must relate to conversations in the committee, rather than to the measure adopted by them. A proposition was read by some member, he believed the gentleman from New York, to this effect: that the chairman be directed to transmit a copy of Mr. Edwards's address to the Secretary of the Treasury, and request his answer. This was conversed on, and the latter part stricken out. Mr. RANDOLPH came in and made the motion to amend the proposition of the gentleman from New York, very similar to the first; which proposition was then put to the committee, and a vote taken, which seemed to be satisfactory to all, and was so noted, he believed, by the committee. This seemed to him to be nearly the state of facts, as he remembered them.

Mr. WEBSTER said that he held in his hand the original paper containing the resolution offered by Mr. TAYLOR. It had at first been proposed to request an answer from Mr. Crawford, but it was suggested that there might be some objection to that form. This was afterwards modified so as to say the committee would receive any communication Mr. C. should think proper to make.

[Here, for the present, the conversation dropped.]

Mr. TAYLOR moved that the Clerk, on the order of the Chairman of the Committee, pay witnesses who may attend the committee of investigation, the usual allowance per diem for their attendance. Agreed to.

Mr. STEWART offered the following:

"Resolved, That the members of the committee appointed on the memorial of Ninian Edwards be paid at the usual rate of compensation, for the time they may remain in session, during the recess of Congress, out of the contingent fund."

At the suggestion of Mr. POINSETT, and there being no quorum, Mr. S. withdrew the resolution.

Mr. TAYLOR moved the following:

"That a committee be appointed on the part of this House, jointly with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and notify him that, unless he may have other communications to make to the two Houses of Congress, they are ready to adjourn."

After a short time,

Mr. TAYLOR, from the Joint Committee, appointed to wait on the President, reported that they had performed that duty, and that the President had informed them that he had no farther communication to make to Congress.

Ordered, That a message be sent to the Senate to inform them that this House, having completed the business before them, are ready to close the present session of Congress by an adjournment on their part, and that the Clerk go with the said message.

Mr. TAYLOR then rose and said that, in reference to the letter of Mr. RANDOLPH, that had appeared in the public prints this morning, he thought it proper to observe, in corroboration of what had been said by the honorable gentleman from Massachusetts, that his recollection was very distinct that the original motion made by him in committee was stronger, and went farther, than the order finally adopted. It not only required that Mr. Crawford should be furnished with a copy of Mr. Edwards's memorial, and the accompanying papers, together with a copy of the resolution creating the committee, but that Mr. Crawford should be requested to answer the same. It having been suggested that it ought to be left to Mr. Crawford's option whether or not to communicate an answer, the suggestion was approved by him, and the latter clause withdrawn accordingly. Mr. RANDOLPH'S amendment was adopted by the committee, as expressing their decision, on the point to which it referred, more precisely than it would do either with or without the latter clause. Opposition was not made by any one of the committee to giving Mr. Crawford an opportunity of answering the accusation of Mr. Edwards.

On motion of Mr. FOOT, of Connecticut, the House was then adjourned by the SPEAKER till the first Monday of December next.

REPORT OF THE COMMITTEE OF INVESTIGATION.

The select committee, (of the House of Representatives,) to whom was referred the memorial, or address, of Ninian Edwards, having, in obedience to the resolution of the House of Representatives, of the 26th of May, continued to hold its sittings, after the adjournment of the House, until the 21st day of June, have agreed on the following report:

In recommending, in their former report, a continuance of the existence and powers of the committee, it will be remembered that the reason given for that recommendation was, the obvious propriety, before a

final close of the investigation, of having the personal presence and examination of the author of the address which had occasioned the appointment of the committee. Such examination has now been had. Mr. Edwards attended the committee, in obedience to its summons, on the 7th of June; has been examined as a witness, by its direction, cross-examined by a gentleman attending in behalf of the Secretary of the Treasury; and his testimony, together with that of the other witnesses, is communicated with this report; as are, also, various documents and papers, which have been referred to, and produced, in the course of the examination.

A paper, in reply to the communication heretofore received by the committee, from the Secretary, and another, in the nature of an argument on the whole case, have also been presented by Mr. Edwards, and considered by the committee.

The evidence has run into much detail, and some parts of it, probably, have not a very material application to the main subject of inquiry. It seemed proper, however, to the committee, to allow to those concerned a liberal indulgence in this respect.

After a patient attention to all the evidence, and to whatever has been urged, in the way of reasoning on the case, the committee see no cause to change or modify, in any material respect, the result to which they came on the former investigation, and which they have already submitted to the House. On the contrary, they find, in this further and fuller examination, a corroboration, generally speaking, of the opinions which they have heretofore expressed.

On some parts of the inquiry, indeed, evidence has now been produced to points which were not, individually and particularly, taken into the consideration of the committee on the former occasion. To these, perhaps, some reference ought now to be made. They may be considered as new articles, or new specifications of charge; and although not very definitely or formally made, yet, as evidence has been taken, intended to support them, they become subjects of consideration.

One of these respects the deposits of public money, made or allowed by the Secretary, in the banks of this District, at the instance and on the solicitation of the banks themselves, and as an accommodation to them, at a time of considerable pecuniary pressure, in 1819.

In their former report, the committee expressed their opinion in relation to deposits of this nature; and referred to a public communication of the Secretary, in which the facts were avowed, and in which a practice, of a like character, was stated to have been of early existence and long continuance. The committee did not deem it necessary to call for proof of that which was admitted; as it was of opinion that the practice itself was irregular and dangerous, it did not think it material to inquire, particularly, whether, in the only case in which loss was apprehended from this cause, the probability of such loss was either greater or less than the Secretary had supposed. This apprehended loss is in the case of the Franklin Bank of Alexandria. In the letter of the Secretary to the President of the Senate, of the 25th of February, 1823, he says, in regard to this bank, that a letter of the District Attorney, therewith communicated, showed that there was no danger of loss to the United States.

The evidence now offered and received, tends to

show that there is a probability of final loss from this bank; but in other respects there is no new view of the case presented.

The debt due to the Government from the Bank of Vincennes, has also been brought forward, and made the subject of inquiry and proof. Nothing distinguishing this case from those of other Western banks in which the public money had been deposited, and in regard to which loss had happened, or was expected, had attracted the attention of the committee, as important to be considered, at the time of their former report.

The case of this bank had been previously made the subject of a report to the House by the Secretary, on the 21st of February, 1824, in answer to a resolution passed on the thirty-first of January preceding, in which a statement of the debt, and the means which had been taken and used to secure it, were laid before Congress. The evidence now taken, relates principally, as in the preceding case, to the amount of the loss which may be expected to be incurred.

The only remaining charge which may be regarded as not before examined, is an allegation, or intimation, that, owing to the fault of the Secretary, the pensioners and public creditors of the Government in East Tennessee, were, in some instances, paid in bank paper not equivalent to specie.

The circumstances attending this transaction seem to be fully stated in the testimony of Hugh L. White. It does not appear that any knowledge of these payments having been made in depreciated paper was communicated to the Senate. The measures adopted by him for the reasonable provision of a proper fund at the place of disbursement, were, as far as the committee can judge, suitable and judicious. He had a right to expect the payments to be made in specie, or its equivalent; to be informed if any thing should happen to prevent such payment. No information was given to him of any disappointment of his expectation in this respect, by those whose duty it was to pay; and no complaint appears to have been preferred by those whose right it was to receive.

In regard to the contested letter of Benjamin Stephenson, of the 12th of October, 1819, the committee see no cause to change the opinion which was entertained, and which they intended to express in their former report—that, although the letter was written, as stated by Mr. Edwards in his testimony, there was no evidence that Mr. Stephenson communicated or transmitted it to the Secretary of the Treasury.

The committee do not deem it necessary to extend their report, by protracted observations on the various parts of the evidence, as the whole is submitted to the House. They content themselves with saying, that, in their opinion, nothing has been proved to impeach the integrity of the Secretary, or to bring into doubt the general correctness and ability of his administration of the public finances. To this point, as the main object of inquiry, the chief attention of the committee has been directed; and they have come to the result, which has now been stated, with the unanimous concurrence of the members present. Other points there are, of less importance, but which may, nevertheless, be supposed not to have escaped consideration by the committee. These, however, under all the circumstances, they have thought it proper to leave, without observation, in the light in which they are placed by the evidence.

TESTIMONY AND DOCUMENTS Accompanying the Report of the Special Committee of the House of Representatives, ON THE MEMORIAL OF NINIAN EDWARDS.

James Lloyd, of the Senate, sworn, at the request of Mr. Edwards.

Questions by Mr. Cook, in Mr. Edwards's behalf.

Question. State, if you please, what is meant by a special deposit made in banking institutions.

Answer. That will depend on the custom of the place, or the usage of the bank where the deposit is made. A special deposit is not a very definite term. A piece of blank paper, said to contain a thousand dollars, may be a special deposit; as may a bundle of notes left at a bank for collection or safe-keeping. Some banks receive, as special deposit, paper issued by other banks in the same State, or in other States, and which is repaid by the bank receiving it in the same bills as those in which it was deposited or in bills of banks previously designated. I should consider as special deposit that which did not mix nor mingle with the general circulation of the bank.

Q. Are special deposits ever made without designating the amount and description of money, or the things deposited?

A. I should think they were, sometimes, merely for the purpose of safe-keeping. More generally, there would be a label on the outside, specifying the contents of the bundle, box, &c., deposited. It may be noted in the memorandum book of the Cashier, but does not enter into the transactions or records of the bank at all. Plate is often deposited in this manner, and other valuable articles. In one of the Boston banks, I have now a deposit of this description.

Q. When deposits are made for safe-keeping, is it ever understood that the bank is allowed to trade upon them as its own funds?

A. Never, I believe. Some of the banks in Massachusetts keep accounts in two kinds of money; Boston money, for example, and foreign money; which latter means bills of banks located out of the city. If a sum is deposited, repayable in foreign money, the banks designate on a list, generally posted in the banking house, a certain number of banks whose bills they will receive as "foreign money," which money they use; and if they repay the sum deposited in the bills of these banks, they deem the contract fulfilled. If any one of these banks becomes insolvent previous to the payment, it is my opinion that the bank receiving its bills runs the risk of the loss thence accruing.

Q. When a deposit is made of foreign money, or such as is not received as general deposit, but subject to be refunded to the depositor in paper of a similar kind to that deposited; if paper of a similar kind, at the time of making the deposit, should afterwards depreciate in value, would the depositor be bound to receive it in its depreciated state, in payment of such deposit?

A. I should say yes to a question thus specific;

but I do not know whether, strictly considered, the notes of different banks can be viewed as precisely similar. If the bank specifies beforehand in what money it will repay, it is a special contract, and the depositor must abide by his own agreement. But, if one of the banks in whose paper the deposit is agreed to be repaid, has subsequently failed, the bank receiving the deposit would not, in my opinion, be authorized to repay the deposit in the notes of such bank as had thus failed. What rate of depreciation would justify a bank in offering to pay, or a depositor in refusing to receive, depreciated notes, I cannot state.

Q. Where money of any description is deposited in any bank, and is mingled with the funds of such bank generally, and the bank uses it in its general transactions, is not such bank always considered liable to pay the amount in legal money to the depositor?

A. I should consider the bank liable, if the deposit is received and credited as general deposit.

Questions by Mr. Webster.

Q. By a general deposit, you understand a deposit to be credited as cash in account?

A. Yes.

Q. By a special deposit, you understand a deposit for safe keeping merely?

A. Yes; or a deposit on particular conditions.

Q. If there be a deposit of an intermediate character between a general deposit and a deposit for safe-keeping, where, though the particular notes deposited may be used or put in circulation by the bank, yet the bank is not answerable for the amount in cash; do the rights of the parties, in such case, depend mainly on their contract or agreement? or is there any general bank usage which would govern the case?

A. I know of no established usage. The conditions of the deposit are indicated by the terms prescribed by the bank from time to time, which are frequently varied, by it according to its sense of its own interest.

Q. Is your knowledge of bank usage confined principally to that prevailing in the banks of the Atlantic cities; or does it include the usage of the Western banks?

A. It is confined wholly to the former.

JAMES LLOYD.

Hugh L. White sworn, at the request of Mr. Edwards.

Question by Mr. Edwards—Have you any recollection of the sum of forty thousand one hundred and fifty-six dollars of notes on the Bank of Tennessee and its branches which was directed, to be transferred by the Bank of Missouri to the branch bank of Louisville, and which was to be subject to the drafts of the Treasurer in favor of the Bank of Tennessee?

Answer. I think it proper to state to the Committee, that my memory of the transaction is not to be entirely depended on, as it took place several years since, and latterly my mind has been so much taken up with other concerns, that I may not recollect correctly some matters relative to this. So well as I remember, it was in the Fall

of 1819 the Knoxville Bank received from Mr. Crawford a letter, the substance of which was, that he proposed to give the Bank at Knoxville a draft on the Bank of Missouri for the whole amount of Tennessee paper then in the hands of the Missouri Bank, and which had been received by it for the United States, which should be payable at Louisville in Kentucky, in Tennessee bank paper; and that, upon the receipt of such draft, the State Bank at Knoxville should place to the credit of the Treasurer of the United States a like sum as specie, which would be drawn for as the Government might have occasion to use it, in that quarter of the country. On the receipt of this letter, he was answered that we could not agree to such an arrangement; that, as to the amount of Tennessee paper upon the Bank of the State of Tennessee and its branches, we were willing to accept such draft on the Missouri Bank upon the terms proposed in his letter; that, as to other Tennessee paper, that did not belong to the State Bank or its branches, we could not agree to receive it. In pursuance of this arrangement, early in the year 1820, I think in March or April, a draft was received from the Treasury for \$40,156, on the Bank of Missouri, payable at the place and in the descriptions of notes agreed upon. I think the amount was placed to the credit of the Treasurer of the United States, immediately after receiving the draft. We had no correspondence with the Bank of Missouri, but only with the Secretary of the Treasury, so far as I can remember, at this time; and upon this point I feel pretty certain I am not mistaken. After waiting what we supposed a reasonable time, to allow the Missouri Bank to have the money at Louisville, where the draft was to be paid, I went, and took a young man with me, to receive the money. For form's sake, the draft was transferred to me. I went to Louisville, (and no particular place in Louisville being specified in the draft where the money was to be paid,) I went to the Branch Bank there. I found no funds provided to meet the draft; and after waiting a few days without being able to hear any thing which induced me to think a longer delay would be useful, I had the draft protested, a copy of the protest forwarded to the drawer, with such notice as would make him responsible, and returned to Knoxville. Some time afterwards, I think in the same year, a letter was received from the Cashier of the United States Bank, stating that a bundle, said to contain the \$40,156, had been forwarded, and left there by the Missouri Bank, for the purpose of lifting this draft; but as we had had the trouble and expense of going once to receive it, we took no notice of this communication, and wished to have the money sent to us at our own place, at the expense and risk of the Missouri Bank. We were content with the paper, and ready to receive it, at any time. Thus matters stood, until we heard that the Knoxville Bank had failed. I advised that the Knoxville Bank should again send to get this money. This was in the Winter of 1821. As soon as they could make the arrangement, they sent on and received the money at

Louisville early in the year 1822. I understood that the whole amount of \$40,156 was received in notes of the Knoxville Bank and its branches. In the meanwhile, the Treasury continued to draw on the Knoxville Bank, and, as President, I directed the Cashier not to pay cash for these drafts, but, if current money would be taken, to make advances in it, though the money was not yet received for the draft, under a belief that, ultimately, the Secretary would cause the amount of the draft to be paid to our bank.

My impression was, that when the Missouri Bank had received these notes, the banks were all paying specie, but that afterwards the branches had ceased to do so. The first information we got was from Mr. Cochran, Cashier of the Branch Bank of the United States at Louisville, that the money was ready for us, and was in the same Summer, viz., of 1820, as I believe, but cannot be certain. I never exchanged a line with the Missouri Bank, nor received a line from it, according to my best recollection. I considered our transaction only with the Treasury. The mail from St. Louis to Knoxville was at that time tedious, and not very regular. I am yet ignorant of the reason why the money was not ready for us at Louisville. I had no reason to doubt, nor have I now, that the Treasury did all that was reasonable towards notifying all parties concerned of having given the draft. The amount of notes on the principal bank itself was small in comparison to that on its branches.

I understood that the draft for \$40,156 was a mode of transfer from one bank to another, for the purpose of having placed to the credit of the United States as cash or general deposit this sum which the Bank of Missouri could not transfer to the Bank of the United States. We paid creditors of the United States who presented drafts in current bills, though not in specie, and there were no complaints at the time, of which I have at present any recollection. We did not pay the specie, because the fund had not been received upon the foundation of which we had agreed to pay it; and if any blame is due, it is due to myself in preference to the Cashier; as I forbade him to pay the specie, as it related to this transaction, until the fund for which we had agreed to pay it should be paid to us.

Question by Mr. Edwards. I want to know the character of Mr. Lee, whose report is in my hand?

A. I have seen that report. Mr. Lee is a man of the utmost integrity; and if that report varies from my statement as to this transaction, it is more to be relied on than my own statement, which is from memory, without the same means of being correct which Mr. Lee had.

Q. Was a part of the money deposited to be suffered to remain in the Bank?

A. The Treasury was to draw out the money only as the wants of the Government required; something may have been said as to the time it was to remain in the bank; but I have no recollection of any positive agreement on that subject. Mr. Crawford's letter shows the understanding

upon that subject more correctly than I can state from memory merely.

Q. What was the discount on your paper?

A. None upon that of the principal bank; but upon that of the branches, and other Tennessee paper, it has fluctuated from ten to twenty-five per cent.

Q. What were notes on the branches of the Knoxville banks worth at that time?

A. I cannot recollect at that particular time. The depreciation taken for a series of years was from ten to twenty-five per cent., as before stated, in East Tennessee; in West Tennessee the discount has been sometimes higher.

Q. Did not the pensioners receive from ten to twenty per cent. less than if they had received specie?

A. The money in which they were paid was of the kind which was at the discount before stated.

Question by Mr. Taylor. At the time these payments were made at the Bank of Knoxville, was there a credit in that bank to the United States?

Answer. Yes; and that credit always stood as a specie credit; but we thought that it was more than balanced by the draft unpaid; and we held the Treasury responsible for the amount of that draft.

Question by Mr. Webster. In other transactions, did you pay specie for the drafts of the United States?

Answer. Our rule always was, to pay in such funds as had been placed with us, if the payee so wished. If the fund on which the draft was drawn was specie, we paid it in that, if desired. If the fund was other than specie, we did not pay specie.

Question by Mr. Edwards. In crediting the draft from the Treasury, in your favor, was the word "cash" used?

Answer. I cannot remember. The intent was to credit it as cash. A deposit, when nothing is said to the contrary, is considered by us as being payable in cash, if demanded. We viewed special deposits of certain kinds of notes as not binding us to repay in those identical notes, but only similar notes, or such as the depositor would be as well satisfied with.

Q. Did you receive deposits from the Treasury in drafts on the Bank of Tombigbee?

A. That draft never was included in the arrangement before spoken of; and nothing has been received, by us, upon it; and, if it ever was credited, on our books, I don't remember it. That bank is, however, a specie-paying bank, as I have understood and believe.

Question by Mr. Edwards. Was the paper of the Huntsville Bank received at your bank?

A. We never had a draft on the Bank of Huntsville. The paper of that bank is esteemed rather better than our own branch notes; and we have, until long after this transaction, made no distinction between it and what is called, by us, current Tennessee paper.

Q. Was the notice of the protest, at Louisville, forwarded to the Treasury?

A. I do not recollect, farther than that I took the ordinary steps to make the drawer liable, before leaving Louisville; and, upon my return, in May, wrote the letter now shown me, by one of the committee, to the Secretary.

Q. When you received the draft, did you credit the amount to the Treasury?

A. Yes, as I now believe. That, I think, was our understanding of the agreement, and I suppose and believe we complied with that part of it.

Question by Mr. Webster. Did you inform the Treasurer that you did not pay his drafts in specie but in your own bills?

A. I have no recollection of making any communication to Mr. Crawford on that subject. The cashier may have given such notice—but I do not know that he did. I gave him no orders to do so; and think, if he had done so, I should have known it.

Question by Mr. Edwards. Do you believe that any one pensioner would have taken your bills, if he had supposed he could get specie?

A. Doubtless he would have preferred specie to any of the bills in which he was paid.

Questions by Mr. Forsyth, on the part of Mr. Crawford. Did you hold the United States responsible for the amount of its draft on the Bank of Missouri? A. Yes.

Q. How then did you refuse to pay in specie?

A. We thought that, as the money for the draft had never been paid to us, it was a just interpretation of the agreement that we should not pay in any thing till we received the proceeds of the draft; but preferred advancing in such funds as we could spare, to having the drafts protested.

Question by Mr. Edwards. When you received the amount of the draft, was it not chiefly in notes of your branches?

A. I understood so, but have no personal knowledge, as I was not then in Knoxville.

Q. Had not most, or all, of those branches then stopped payment?

A. They had ceased cash payments when we made the agreement, but my impression is, that when these notes were received in the Bank of Missouri, the banks all paid specie. This answer is given, however, upon the presumption that the Missouri Bank had received them as they represented to the Secretary. How that fact was, I, of course, do not know.

Q. What means has a director of knowing from what persons a sum, say of \$100,000, found in bank, and received in a series of months, has been so received?

A. I can only speak as to the rules of the bank to which I have belonged. As to the rules of others, I could only speak from information. By the rules of ours, the President, Cashier, &c., can inspect all accounts of every person whatever, but no individual Director has such power; but the Board of Directors, if they choose, have as much right as any of the individual officers, to examine any and all accounts; but any information thus acquired would be confidential, and is intended to prevent any improper conduct, and to enable

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the directors and officers to discharge their respective duties, to the public, and to individuals.

Question by Mr. Forsyth. As the President of the bank, would you not have preferred advancing in current notes, with the Government bound to pay the draft, to its having been paid punctually, and your being bound to pay in specie?

A. I would have preferred that the payment of the bill should have been made when I was at Louisville, and that the transaction should have gone on as originally intended; because we would then have been as able as we ever may be to lift our paper, and as I never expected more from the Government than payment at our bank in the same kind of money specified in the face of the draft; but at the same time felt a confidence that the Government would cause us to be paid in such funds at our own place—it could make but little difference, as most of the pensioners were very probably paid in branch paper, or funds equal to it, and I have ever believed, as President, that the interest of the bank was most promoted by acting honestly. I make this observation without feeling that the question was intended to doubt our integrity.

H. L. WHITE.

James Sanderson, of Alexandria, sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. I wish you to state what you know concerning sums of money obtained by the Mechanics' Bank of Alexandria from the Secretary of the Treasury.

Answer. In January, 1819, I was President of that bank. At that time, there was a run on that bank, and the bank was much embarrassed. I waited on the Secretary of the Treasury, and he loaned, at one time, \$17,000; at another, \$20,000. I showed him a statement of the concerns of the bank, proving its condition to be good, and reminded him of former loans by the bank, to Government, in an hour of necessity. He replied, that he would consult the President of the United States, and let me know the result; and, when I called again, told me the Government was disposed to do all it could to relieve the bank, as well as the other banks of the District, and gave me a draft on the Bank of Alexandria for \$17,000. This was on or about the 12th of January. On or about the 23d of the same month, I called on him again, and he gave me another draft on the same bank for \$20,000. I understood these sums as loans or deposits, made to relieve and aid the bank. I continued President of the bank a few weeks, and, soon after I left, it stopped specie payment for a time, some time about the middle of March.

Q. Has the bank repaid any of these loans?

A. I went, this morning, to look at the books of the bank, and find that the amount appears to have been repaid.

Question by Mr. Forsyth. When did you first call on the Secretary?

Answer. It was on Friday—but, as I understood he was much engaged, on Saturdays, in re-

ceiving visits of members of Congress, I called again on Monday, when I received the \$17,000.

Question by Mr. Forsyth. Were there any deposits made, by Government, in that bank, previously to those you have now spoken of?

Answer. There were not, I believe, except the money which had been loaned to the Government previous to the time I speak of.

JAMES SANDERSON.

Jacob Morgan, of Alexandria, sworn, at the request of Mr. Edwards.

I was Cashier of the Mechanics' Bank of Alexandria, for a time after Mr. Sanderson left it. There were some loans obtained by Mr. Swan, President, from the Secretary of the Treasury, and received by me. Mr. Sanderson had left it. One loan, I think, was of \$10,000, another of \$20,000. The first was returned in a short time, say thirty or sixty days, and a few weeks after the first, the second loan was obtained. This latter was not repaid, when I left the bank, which was, I think, in 1821. When I came into the office of cashier, I found little specie, and a very small amount of current money, and about \$80,000 of notes in circulation. (I reduced these, before I left, to less than \$7,000.) The second loan, of \$20,000, was, as I understand, subsequently paid, or secured to be paid, through the Bank of Alexandria, but when I left the bank, the two loans mentioned by Mr. Sanderson, and the second, mentioned by me, remained unpaid. This last was received in Treasury drafts on Carolina and Virginia. I went to Raleigh, in North Carolina, and exchanged the drafts for Virginia paper. The Raleigh bank then paid specie, and was willing so to pay these drafts, but I did not wish to take away the specie. The first \$10,000 were obtained to enable the bank to pay specie, but this being found insufficient, the second loan was obtained. The bank paid some of its notes as it was able, and as fast as the notes were paid, they were withdrawn—but many notes were not paid when presented. I did understand, from the Secretary of the Treasury, that the loans were obtained in order to enable the bank to wind up its affairs. The Secretary frequently applied to me for repayment, and being told by me that the bank was unable to do it, he insisted upon interest being allowed on the loan, which was agreed to by the bank. I do not recollect when this agreement for interest was made—not, however, before the money had remained due for a year. Nor do I remember from what date the interest was to be calculated. The present statement I make from memory, merely—not having had access to the books of the bank for several years.

Augustine Newton sworn, at the request of Mr. Edwards.

I was Cashier of the Franklin Bank, and became so in March, 1821. There is a credit on the books of the bank to the Treasurer of the United States, for \$48,000. The money was obtained before I went into office. Mr. Crawford was once

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at the bank while I was cashier, say in August, 1821, applying to have the money either paid or secured; at which time the bank agreed to transfer to him all its property, as security, and that this loan was the first debt to be paid. The charter of the bank expired on the 1st January, 1822—but I have the books in my possession.

The discounted notes were first to be resorted to, and if these proved insufficient, resort was to be had to stock notes. A small sum, less than \$1,000, has been collected. The notes are now in suit, by Mr. Swan, district attorney. The stock notes are notes given by stockholders for stock, for the payment of which stock is pledged as security. I know of no reason for the agreement that one class of notes was first to be sued for, unless it may have been the convenience of the debtors on the stock notes. All the real property was also transferred. It consisted of a few houses, taken for debts.

The agreement was accepted by Mr. Crawford, before the expiration of the charter, and sent to Mr. Swan to have a regular conveyance drawn up. That conveyance was not consummated till after the charter had expired, say in October, 1822. Many of the notes assigned were under protest, and some of them in suit. Notes, including stock notes, to the amount of \$185,000, and real estate to the amount of \$5,000, were offered to be transferred, but Mr. Crawford did not at that time accept of the offer, because it did not extend to the payment of interest; but afterwards, the interest being stipulated for, the agreement was accepted, and the transfer made in October, 1822, as I have above stated. The stock notes are still in my possession. They have never been endorsed to the Government by any one. If suits can be sustained, there will be ample funds to repay the loan.

When I went into the office of cashier, I was under the impression that provision had been made by Congress for continuing the charter of the bank for five years beyond the time originally limited for its expiration. I continued under that impression for a long time, and I believe the directors were under the same impression.

AUG. NEWTON.

June 9, 1824.

Mr. Newton again called, (10th June.)

The transfer above referred to, from the bank to the United States, was made on the 3d October, 1822.

The terms of the agreement were finally arranged and assented to by the parties, on the 5th December, 1821.

A. NEWTON.

Charles T. Chapman sworn, at the request of Mr. Edwards.

I was Cashier of the Union Bank of Alexandria. In June, 1819, owing to the heavy pressures upon the bank, and considering a disadvantageous loan had been made by this bank to the Government, and believing as I then did, and do now, that unless some temporary relief could be obtained at

the moment, a serious inconvenience would have resulted to the institution; under such circumstances a committee was appointed to solicit from the Honorable William H. Crawford, Secretary of the Treasury, temporary aid—which he was pleased to grant, under the condition that the amount should be refunded, when demanded. The sum received from the Treasury was \$30,000, in June, 1819, and having received information that it must be refunded in January 1820, a part was paid in the latter month, and the balance in February of the same year; and although the funds we received from the Treasury, were not, nor could have been desirable, under any other circumstances than those abovementioned, yet, interest was paid upon the same. The money thus received from the Treasury was all, I believe, paid into the Office of Discount and Deposit of the Bank of the United States at Washington, either by deposits or drafts, of the Treasurer through that bank upon us.

The solvency of the Union Bank was, I believe, never questioned at any time during its operations.

C. T. CHAPMAN.

June 9, 1824.

James L. McKenna sworn, at the request of Mr. Edwards.

I am Cashier of the Bank of Alexandria. I became so in 1811. The bank has never had a loan or an indulgence from the Treasury. It has always had the deposit of the Government from the collector. It has made advances to the Government, when under pressure, and, at one time, remonstrated with Mr. Crawford on the closeness with which the public deposits were drawn. The average amount of public money remaining on deposit, in the bank, since Mr. Crawford has been Secretary of the Treasury, has been less, I think, than it was during the incumbency of Mr. Gallatin.

June 9.

J. L. MCKENNA.

I had an agency in obtaining one of the loans made by Mr. Crawford to the Mechanics' Bank of Alexandria, when that bank was in difficulty. I accompanied Mr. Sanderson in his visit to the Secretary when he obtained the second loan, and represented the injurious consequences of permitting that bank to fail. I redeemed repeatedly the notes of that bank out of the hands of brokers and others. Mr. Crawford seemed dissatisfied at the second application so soon after the loan of \$17,000. He applied to me for my opinion of the solvency of that bank, and whether the loan would enable it to redeem its paper. I represented the circumstances of the bank as being safe, (to the extent of its debts, but that its stockholders might lose,) though I doubted the sufficiency of the loan to enable it to redeem its paper. I represented the permitting the Mechanics' Bank to fail, as being calculated to injure, and the granting of the loan to benefit, materially, the commercial interests of Alexandria; and Mr. Crawford acquiesced in the wishes of Mr. Sanderson, and made the loan in

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drafts on some of the Eastern banks, in sums of two, three, and four thousand dollars each.

Question by Mr. Edwards. When a general deposit is made in your bank, without any thing being said on either side, is the amount demandable in cash?

Answer. Always—except when plate or notes of District banks are left for safe-keeping, to be delivered to order. J. L. McKENNA.

William Rhodes sworn, at the request of Mr. Edwards.

I was Cashier of the Franklin Bank of Alexandria, from May, 1816, to June, 1819. When I left that bank it was indebted to the United States, I think, in the sum of \$48,000. I cannot certainly tell when it became indebted, but believe it was in 1818 or 1819. It became indebted, as I understood, in consequence of an application by our directors to the Secretary of the Treasury for a loan. There were, I believe, three such applications. At the first we received \$18,000, at the second \$18,000, and at the third \$12,000. The money was advanced to the bank to relieve it from its embarrassments. I feel very certain as to the aggregate amount of \$48,000, but am not so sure as to the amount of the different sums obtained at each application, nor respecting the time when they were obtained. My impression is, that the loans were all obtained within the course of about six months. I cannot state whether interest was or was not to be allowed upon them. I have no further knowledge of the transaction than that I received the warrants from the Treasury, and passed the amount to the credit of the United States. I now recollect that I was in one instance requested by the directors to write a letter to the Secretary, requesting a deposit in our bank; which I did, accordingly, but I do not remember at what time, nor whether it was before or after the first loan.

WILLIAM RHODES.

Daniel Kurtz sworn, at the request of Mr. Edwards.

I am Cashier of the Bank of Columbia, and have been for more than two years. Since I have been cashier, the bank has been indebted to the United States, in all, about \$300,000. The bank was appointed agent for the Treasury, to collect certain uncurrent money. The whole amount above mentioned did not, however, consist of such collections. There were some balances—about \$40,000—left from former transactions with the Treasury. The sum I have mentioned was owing by the bank when I became cashier, and has remained about the same ever since. When the United States Bank went into operation, the Bank of Columbia owed the Government from \$30,000 to \$60,000—a part of which was drawn for by the Treasury, say about \$15,000. The balance has not been drawn for, and remains a cash debt to the United States.

I do not know precisely what arrangement was made with the bank respecting the collection of uncurrent notes; but I have understood that so much of those notes as the bank could collect and

turn into current money, might remain in the bank on deposit; but I cannot state for how long a time. About \$200,000 worth of uncurrent notes have been thus converted, and credited, as cash, to the Treasury; part of the residue has been drawn out by the Secretary of the Treasury, and part remains now in the bank. These uncurrent notes were a part of those reported as uncollectable by the Bank of the United States, and were received from that bank by an order of the Treasury.

Question. What is the amount of notes delivered for collection, and what were the dates of delivery, and specify on what banks?

Answer. The amount of notes delivered for collection was \$545,991 37, as appears by a statement now delivered, marked Z, in which also the dates of the orders for the delivery of the notes to the bank will appear. The notes were actually received between the months of December, 1818, and August, 1819. The banks whose notes were so received, are so numerous, that it has been impossible for me at this time to make out the list. A statement of a number of them is, however, contained in a paper now delivered, marked Y.

Q. What were the amounts of these notes cashed by the bank?

A. \$238,361 87, as also appears by the paper marked Z.

Q. What was the amount of uncurrent notes drawn out of the bank by the Treasury?

A. \$123,102 59, as appears by a statement now delivered and marked X.

Q. What is the amount of such uncurrent notes now on hand, and where are they lodged?

A. \$53,661 40, lodged, principally, at the several places contained in a statement now delivered, and marked W.

Q. What is the total amount of the debt now due from the Bank of Columbia to the United States?

A. About \$372,000, of which \$318,361 87 is cash, and includes about \$30,000 standing to the credit of the Treasurer, on sundry accounts, and the remaining balance of \$53,661 40 is special deposit.

Q. What probability is there of the United States recovering this debt?

A. In my opinion the security given for the debt is amply sufficient, and I believe that the whole will be recovered. The bank owes in all about \$800,000, and the nominal amount of its assets is more than a million and a half of dollars. An agreement has been made with the Bank of the United States to assign to it property and debts to secure the debt due from the Bank of Columbia to the Bank of the United States, and to the United States. For the whole of the above amount of \$318,361 87, excepting the sum of \$30,000, above specified, the Government received a credit on the books of the bank, as cash, in 1819 or 1820. At that time the Bank of Columbia paid specie. The above sum, credited as cash, was suffered to remain in the bank from that time to the present. This, as I understand, was in pursuance of an agreement with the Treasury.

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This deposit was the only compensation the bank received for the trouble of collection. I do not know that any time was specified for the continuance of the deposit. The Secretary of the Treasury has pressed the bank very much for the amount; more, I think, than he ought to have done, considering the trouble and expense to which the bank was put.

D. KURTZ.

STATEMENT W.

Evidences of debt in possession of the Bank.

Cumberland Bank of Alleghany	\$1,176 61
Bank of Wilmington and Brandywine	7,376 00
Farmers and Mechanics' Bank, Pittsburg	1,311 00
Urbana Banking Company	2,339 00
Bedford Bank of Pennsylvania	4,059 57
German Bank of Wooster	23,761 00
Union Bank of Pennsylvania	9,758 00
Sundry Bank notes, among which are Kentucky In. Co. \$797, Marietta and Susquehanna Trading Co. \$1,360, Susquehanna Bridge Co. \$796, and \$482 counterfeits of various banks	3,880 22
	\$53,661 40

STATEMENT X.

Evidences of debt in these cases delivered, and in possession of the Treasury, August, 1820.

Elkton Bank of Maryland	19,865 25
Alexandria Society, Granville	2,463 00
Owl Creek Bank	64 00
Western Bank of Virginia, Parkersburg	198 00
German Bank of Wooster	11,344 00
Farmers' Bank of New Salem	1,835 00
Bank of Green Castle	595 00
Commercial Bank of Lake Erie	10,900 00
Virginia Saline Bank	10,121 00
Bank of Somerset and Worcester	1,375 00
Merchants' Bank, Alexandria	3,217 00
Urbana Banking Company	500 00
Juniata Bank of Pennsylvania	3,200 00
Huntingdon Bank	2,380 00
Bank of Muskingum	291 00
Do	7,930 00
Do	29,741 00
Lebanon Miami Exporting Company	9,575 00
Bank of Washington, Pa.	7,508 34
	\$123,102 59

STATEMENT Y.

Bellefont Bank of St. Clairsville; Bank of Marietta; Franklin Bank of Columbus; Alexandria Society, Granville; German Bank of Wooster; Muskingum Bank, Zanesville; Centre Bank, Pennsylvania; Farmers and Mechanics' Bank, Greencastle; Union Bank, Pennsylvania; Farmers' Bank, Pittsburg; Farmers, Mechanics, and Manufacturers' Bank, Chillicothe; Farmers' Bank, Canton; Bank of Mount Pleasant; Lebanon Miami Banking Co. Ohio; Juniata Bank; Farmers and Mechanics' Bank, Pittsburg; Huntingdon Bank; Virginia Saline Bank; Cumberland Bank of Alleghany; Merchants' Bank of Alexandria; Kentucky Insurance Company; Urbana Banking

Company; Farmers and Mechanics' Bank, New Salem; Owl Creek Bank; Western Bank of Virginia, Parkersburg; Bank of Vincennes; Lancaster Ohio Bank; Zanesville Canal and Manufacturing Company; Ohio Company; Commercial Bank, Lake Erie; Bank of Beaver; Bank of Chillicothe; Alleghany Bank, Bedford; Northwestern Bank, Pennsylvania; Farmers and Mechanics' Bank, Cincinnati; Bank of Washington, Pennsylvania; Westmoreland Bank, Pennsylvania; Miami Exporting Company; Farmers and Mechanics' Bank of Steubenville; Indiana Manufacturing Company; Bank of West Union; Banks in Delaware; Banks in Virginia.

STATEMENT Z.

T. T. Tucker, Esq., Treasurer of the United States, in account with the Bank of Columbia.

Dr.		Cash.	Sp'l. Dep.
1820.			
Jan. 20	To draft No. 953	-	\$41,275 65
Aug 18	J. Norris	-	7,779 18
23	W. Neil	-	11,194 32
Sept. 4	draft No. 165	-	1,636 00
30	160	-	8,120 00
	161	-	23,600 00
Oct. 21	163	-	130 00
	162	-	23,550 00
Nov. 21	Bank of Vincennes	-	1,200 00
1821.			
Oct. 15	Cash	5,000	
Dec. 2	draft No. 164	-	558 36
	1,096	-	1,822 00
1822.			
June 20	1,237	-	5,000 00
July 18	1,379	-	5,000 00
	cash account	-	238,361 87
	bal. to new account	278,361 87	176,763 99
	Dollars.	283,361 87	545,991 37
1818.			
Dec. 19	By draft Bank U. S.	-	468,588 37
30	Do	-	13,640 00
	Do	-	10,900 00
	Do	-	17,744 00
1819.			
Jan. 14	A. D. Stewart's dep.	-	8,322 00
Apr. 30	Bank Wilmington & Brandywine	-	17,376 00
May 17	Sundry Treas. drafts	45,000	
July 13	Treas. draft on Chillicothe	-	7,930 00
1820.			
Aug. 2	Do do	-	291 00
1821.			
Aug. 4	Bank United States Special deposit	-	1,200 00
		238,361 87	
	Dollars.	283,361 87	545,991 37
	By balance of special deposit	-	176,763 99
	Do of cash account	278,361 87	
	X Special deposit, evidences at the Treasury	-	123,102 59
	W do do Bank of Columbia	-	53,661 40
			\$176,763 99

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In addition to the balance, as stated in the account current, there is due to the United States, on the books of the Office of Pay and Deposit, on sundry accounts, about \$30,000.

Alexander Kerr sworn, at the request of Mr. Edwards.

I am Cashier of the Bank of Metropolis, in this city, and have been so for ten years past. It was one of the banks in which public deposits were made previous to the existence of the United States Bank. When the Bank of the United States went into operation, the Bank of the Metropolis owed to the United States about \$90,000, which was drawn for by the former in one check. This sum had come into the bank by deposits of individuals only, and not by loan. There is a deposit now in the bank, to the credit of the United States, in consequence of payments for Western lands being made partly in bills which the United States Bank would not receive as cash, and which were received by the Bank of the Metropolis, and receipted for to the Treasurer of the United States, as cash. The notes were on specie paying banks; we received them as cash; and considered the accommodation to the Government quite equal to any benefit received by the bank. The sum has gradually increased and vibrated, from 40 to \$60,000. It was never made at the solicitation of our bank; but the Secretary of the Treasury directed persons wishing to pay for lands as above stated, to apply to our bank, to know if we would receive the notes, and credit them as cash; which we agreed to do. The amount of deposit, as reported to the Treasury the 1st day of January, of the present year, was about \$60,000. Neither specie nor United States notes, to any considerable amount, were included in the above deposits.

ALEXANDER KERR.

June 10, 1824.

Jonah Thompson sworn, at the request of Mr. Edwards.

I am President of the Bank of Alexandria, and have been since March 1st, 1819.

The bank never applied to the Secretary of the Treasury for a loan, but have always had the deposits from the custom-house. On the 9th of January, there was an application, and understood to be the wish of the Secretary of the Treasury, that the Bank of Alexandria would assume and pay the sum of forty-six thousand dollars to the Government. The Bank of Alexandria gave credit to the Government for the amount, and the Mechanics' Bank agreed to secure it by notes and real estate. The bank pays the drafts of the Government when called upon. It has a deposit of more than \$139,000. The Bank of Alexandria has never applied to the Treasurer for any indulgence, to my knowledge.

JONAH THOMPSON.

Edward Jones sworn, at the request of Mr. Edwards.

I am Chief Clerk in the Office of the Secretary of the Treasury. I have heard of a letter men-

tioned by Mr. Edwards as having been written by Mr. Stephenson, Receiver of the Public Moneys at Edwardsville, to the Secretary of the Treasury—I first heard of it very lately—I believe the first intimation I had concerning it was derived from Mr. Edwards's memorial to Congress.

Question by Mr. Cook. Did you ever see, in the Treasury Department, previously to Mr. Edwards' memorial, any letter or notice in any of the public papers, concerning Mr. Edwards' having withdrawn from the directorship of the Bank at Edwardsville?

Answer. Never.

Question by Mr. Cook. Does the correspondence between the Secretary of the Treasury, and the banks which are depositories of the public moneys, pass through your hands?

A. Yes. When the Secretary is in town he opens the mail himself, writes on the different bundles such directions as will designate what is to be done with each, so that they may respectively be acted on; they are then sent out to me, and I distribute them amongst the clerks.

Q. Have you read the report of the Secretary of the Treasury, made to Congress on the 22d day of March, of the present year?

A. Yes, I have.

Q. Did the Secretary consult you in making out that report?

A. No.

Q. Did he say any thing to you in reference to that report before it was made?

A. No.

Q. Do you, or do you not, know that the letter from Mr. Stephenson, referred to by Mr. Edwards, has since been found in the Treasury Department?

A. No, I do not know any such thing.

Q. Have you heard that that letter has been found?

A. Never.

Q. Do you remember whether the Secretary of the Treasury received the St. Louis Enquirer in 1819?

A. I do not recollect. I have seen that paper several times in the Department. Papers are frequently sent to the Secretary, which he has not subscribed for, and after a few numbers are sent and no subscription obtained, they are sent no longer.

Q. When, according to your best recollection, did you first see that paper in the Department?

A. I do not recollect.

Q. Do you think it was several years past?

A. I have seen it within two years.

Question by Mr. Forsyth. Does all the official correspondence of the Secretary of the Treasury pass through your hands?

A. Yes.

Question by Mr. Forsyth. In order to distribute the different papers sent out to you by the Secretary, is it not necessary that you should read them?

Answer. To read them all would occupy more time than I can spare; but on merely opening them I can immediately perceive whether they are from banks or Receivers of Public Moneys, or what is their general character.

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Question by Mr. Forsyth. Who makes the endorsements on these letters?

Answer. If they require an immediate answer, I usually draw the answer, and in that case I endorse them myself; but if they do not require immediate attention, or do not need any answer at all, I hand them over to a young man who assists me, and he makes the endorsement. The greater part of the letters received are of the description first mentioned. I do not draught all the answers; but most of the letters are of such a kind that there are precedents for the answer required.

Question by Mr. Forsyth. When calls are made upon the Secretary of the Treasury for papers, does the direction usually pass through your hands?

Answer. Yes, it usually does. (The direction is generally endorsed on the back.) In some few cases it has been sent immediately by the Secretary to the person having charge of the papers.

Question by Mr. Forsyth. To which of the clerks go the letters from the Receivers of the Public Moneys?

Answer. They remain with me, unless where they contain inquiries for directions concerning the kinds of moneys to be received, and the place of deposit; in which case they are considered as pertaining to the duty of Mr. Dickens.

Question by Mr. Cook. Where and by whom were the copies of the voluminous documents laid before Congress at the present session, in answer to a call for the correspondence of the Treasury with the Western banks, made?

Answer. That is a question which I cannot answer very fully. I had no share in making out those copies. Mr. Dickens was engaged in superintending that business—a Mr. Elkins, a Mr. Phillips, and a Mr. Washington, were employed; and Mr. Laub, an extra clerk in the office.

Question by Mr. Cook. Was any part of the correspondence taken away from the Department to be copied?

Answer. I was told by Mr. Richards, who had the largest portion of the letters from the banks to copy, that he took them with him to Connecticut. I also understood from Mr. Elkins that he took some of those assigned him to his lodgings. Those given to both these gentlemen were letters from banks to the Department; those given to the extra clerks were records taken from the files of the office.

Question by Mr. Cook. At what time did this copying commence?

Answer. I think about the first of last July.

Question by Mr. Cook. At what time was it finished?

Answer. A few days before the report went into Congress. It occupied some days to arrange so great a number of copies of letters; but as soon as that was done, and the report made out, the whole was sent in. I understood that the arrangement intended was, that each letter should be followed by the answer to it; but I had no hand in the business, from the commencement to the end of it.

EDWARD JONES.

Clement Smith sworn, at the request of Mr. Edwards.

I am President of the Farmers and Mechanics' Bank of Georgetown, and have been for about four years. The bank has not been in that time indebted to the United States, nor is there a credit now on the books to the United States.

CLEMENT SMITH.

Overton Carr sworn, at the request of Mr. Edwards.

I am Cashier of the Patriotic Bank, and have been since its establishment in 1815. The bank had one deposit from the Treasury of \$10,000, on the 13th of September, 1819. It was made at my request, in consequence of the pressure then existing in the concerns of the bank. It consisted of a draft on Salem, Massachusetts, for \$5,000, Portsmouth \$2,000, Bristol \$1,000, Petersburg \$2,000. On the 11th February, 1820, this loan was repaid by a deposit in the United States Branch Bank in this city. Interest of 6 per cent. was paid on the deposit, and a loss was sustained of 1½ per cent. in converting these funds into cash, which was done through the agency of brokers. The banks drawn on were specie-paying banks, and their notes current in their own States, respectively. The loss arose merely from the rate of exchange. The bank has never before or since been indebted to the United States.

OVERTON CARR.

Richard Smith sworn, at the request of Mr. Edwards.

I am Cashier of the Branch Bank of the United States in this city, and have been since its institution.

Question by Mr. Cook. In what manner was the deposit of \$1,175 made by Colonel Riddick in that bank, and how was it credited to the United States?

Answer. To the best of my recollection, it was entered to the credit of the United States—part as cash, and part as special deposit—perhaps \$285 entered as special deposit on paper of the Franklin Bank of Alexandria, the residue entered as cash. I have no memorandum with me to refer to, but presume the above to be the transaction referred to in the question.

RICHARD SMITH.

Thomas Swann sworn, at the request of Mr. Edwards.

Question. Please to state at what time the transfer of the effects of the Franklin Bank of Alexandria to the United States was made, for the purpose of securing certain loans made to it by the Treasury, and all the circumstances connected with such transfer.

Answer. I was applied to as the Attorney of the United States for the District of Columbia, by the Secretary of the Treasury, some time in the Summer or Fall of 1821, to carry into effect an agreement which had been entered into between the Secretary of the Treasury and the Franklin Bank of Alexandria, in relation to a debt of about \$48,000 due from the Franklin Bank

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to the United States. The agreement appeared to have been entered into on the 23d of August, 1821, and the bank bound themselves to transfer to William H. Crawford, and his successors in office, all the debts due to that bank, and all the real estate of every description belonging to the bank, and all the notes given by the stockholders of the bank, on account of stock by them severally subscribed thereto. The real estate was to be disposed of on the most advantageous terms, and the whole amount of the moneys collected were to be placed in the Bank of Alexandria, to the credit of the Treasurer of the United States. The debts were to be collected by gradual instalments, excepting the stock debts, which were to be applied, in the first place, to the payment of the deposits and issues then due from the bank; and, in the second place, to make up any deficiency that might be due to the United States. Schedules of the debts due to the bank were annexed to the agreement.

Very shortly after this application was made by the Secretary of the Treasury, I prepared a deed of assignment for the purpose of carrying this agreement into effect, and made various efforts, in the course of the Fall of that year, to get it executed by the Board of Directors of the Franklin Bank, but without effect; objections and difficulties, of one sort or other, were constantly made, and an indisposition to execute the assignment, as I thought, manifested on the part of the board. I had understood that the deposit had been originally made by the Secretary of the Treasury in that bank at the instance of General Thomson Mason and Mr. Jno. T. Ricketts, who were then Directors of the bank, and, if they had been alive at the time that I prepared the assignment, I have no doubt that the assignment would have been promptly executed; but the death of these gentlemen, and of my brother, William T. Swann, who had acted as the President of the bank, produced, I am inclined to think, the delays which attended the final completion of this business. After making my efforts to get this paper executed, I was requested to send it to the Secretary of the Treasury; and I accordingly did so, and I believe that a correspondence took place between him and the bank upon the subject of the deed; it was returned to me about the month of May, 1822, and was finally executed by the Board of Directors of the bank some time afterwards, the precise period I do not now recollect. At the time it was executed none of us, I believe, were aware that the charter of the bank had expired. The impression generally was, that a power had been reserved to it, in common with the other banks of the District, to wind up its affairs, and the time given was, I think, five years; but so it was, upon looking at the law, the Franklin Bank was omitted, and its charter at an end, before the deed of assignment was finally executed.

When this information was obtained, I was requested to turn my attention again to the original agreement, and to see whether the United States would be able to recover their moneys upon that paper—upon considering that paper, it seemed to

me that the notes which had been negotiated in the bank while it was incorporated and endorsed in blank, might be applied to the use of the United States, and I accordingly obtained possession of those notes, and filled up the endorsements payable to the United States, and brought suits at law upon those notes in behalf of the United States, which suits are still mostly depending.

As to the stock notes, no measures have yet been taken upon them, nor did the agreement with the bank authorize any steps to be yet taken, but when it may be necessary to resort to them, it seemed to me that a court of chancery would compel the payment of them and give to the United States the same relief as if the assignments had been regularly made.

If the United States should be able to enforce the payment of these stock notes, I should entertain no doubt but that the money due to the United States may be obtained—but otherwise, a considerable loss would be sustained.

THO. SWANN.

David English sworn, at the request of Mr. Edwards.

I am Cashier of the Union Bank of Georgetown, and have been since its institution in 1809. That bank received one deposit in August, 1819, from the Treasury, of \$25,000. The bank was under some fears on the subject of the resumption of specie payments, and application was made to the Treasury for aid, and the loan was obtained; which was repaid in October following, by deposits in the United States Bank or its branches. No other deposit has since been made by the Treasury in the Union Bank, to my knowledge. No interest was paid on the above loan.

D. ENGLISH.

Thomas Dungan sworn, at the request of Mr. Edwards.

I am a clerk in the office of the Secretary of the Treasury, and have been about eight years.

Question. Have you heard of a letter said by Mr. Edwards to have been written by Mr. Stephenson, Receiver of Public Moneys at Edwardsville, to the Treasury, in 1819.

Answer. Not until lately, when it has been mentioned in the public papers. I never heard of it until after Mr. Edwards's memorial was communicated to Congress.

Q. Was it after that memorial was presented to Congress that you first heard the subject spoken of?

A. I have answered that question.

Q. Have you heard any thing of that letter's having been found in the Treasury Department since that memorial was presented to Congress?

A. I have not.

Q. Do you know whether the St. Louis Enquirer was received at that Department in 1819?

A. I do not know.

Q. Did you see the report of the Secretary of the Treasury, of the 22d of March of the present year, previous to its communication to Congress,

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or did you know any thing of the subject of its contents before it was communicated?

A. I did not see or copy any part of the report before it went to Congress. I had only a general knowledge of its contents, such as every body else had, from the call to which it was an answer. My business in the office did not lead me to any special knowledge of that report.

THOMAS DUNGAN.

Samuel M. McKean sworn, at the request of Mr. Edwards.

I am a clerk in the office of the Secretary of the Treasury. I never heard of the letter said to have been written by Mr. Stephenson, Receiver of Public Moneys at Edwardsville, to the Treasury Department, before the evening of the day on which Mr. Edwards's memorial was presented to Congress. I attend, among other things, to that part of the business of the office which relates to the remission of fines and forfeitures, and also to the issuing of commissions. I have never heard of that letter's having been found by any one in the Treasury Department.

S. M. McKEAN.

Peter G. Washington sworn, at the request of Mr. Edwards.

I am a clerk in the office of the Secretary of the Treasury, and have been since 1st July, 1822. I copied a portion of the documents submitted to Congress the present session by the Treasury Department. I first heard of Mr. Stephenson's letter to the Treasury on the day after the memorial of Mr. Edwards was presented to Congress. I have never heard that that letter has been found in the Department since the presentation of that memorial. The letters addressed to the office in general, and among them those which contain the correspondence with the banks, are mostly deposited in the room in which I am employed, and are considered as placed more particularly under my charge; and I think, that, had such a letter been found, I must have heard of it. The letters have always been under my charge since I went into the office; but every gentleman in the office has free access to them as a matter of course in the discharge of his official duty—my duty in relation to them consists in placing and keeping them on the proper files, and restoring them to their places when removed. The custom of the office in relation to letters sent from it, is to preserve in the Department the draught of letters, and to send away the fair copy of that draught made by one of the clerks. The original draught is sometimes made by the Secretary himself, and if it is sufficiently fair, the original itself is sometimes sent, and a copy retained. These copies or draughts are filed, and usually recorded monthly. No directions were ever given me by the Secretary to search for the letter of Mr. Stephenson; as I before said, I never heard of that letter until Mr. Edwards's memorial was presented. The instructions of the Secretary were, that all the letters to

and from banks should be communicated to Congress; in consequence of which, many letters were so communicated which I did not conceive to be embraced in the call of the House.

PETER G. WASHINGTON.

Peter G. Washington again called.

Question by Mr. Webster. Are you able to state at what time the copying of the correspondence with the banks commenced, by order of the Secretary of the Treasury, which was called for by a resolution of the House of Representatives of May 8, 1822, and which was communicated with a letter of the Secretary to the House, of 22d of March, 1824?

Answer. Soon after the adjournment of Congress, in 1823—I think, in April.

Question by Mr. Cook. Look at the paper now shown to you. [Here Mr. Washington was shown a paper, submitted to the Committee by Mr. Edwards, as the enclosure contained in the letter of the Secretary of the Treasury to the Cashier of the Bank of Edwardsville, dated 1st of November, 1819.] Do you know the handwriting?

Answer. I do.

Q. Will you state whose it is?

A. It is the handwriting of the late Edward Fox, formerly a clerk in the office of the Secretary of the Treasury.

Q. Do you know who copied the letter of the 1st of November, above referred to, for the purpose of being communicated to the House, with the report of the Secretary of the 24th of March last?

A. I do. It was copied by myself.

Q. Did the original copy of the enclosure accompany the original letter, when copied by you?

A. It did not. The enclosure was a letter to a Receiver. The letters called for, were letters to and from banks.

Q. Do you, or do you not, know that the Secretary of the Treasury could have commanded the same means during the recess of Congress, in 1822, for the purpose of preparing the documents to accompany the report made on the 22d March, 1824, as were employed during the succeeding year, to prepare the same documents; and, if so, do you know what reason prevented their employment?

A. The power of the Secretary of the Treasury, on that subject, must always be the same. In his report of February, 1823, he states why all the correspondence with the banks was not then communicated; and I know of no other reason than the one he assigned.

Q. Do you know of any reason to doubt the truth of the facts, stated in that report, as the cause for not sooner communicating the correspondence?

A. I do not.

Question by Mr. Forsyth. At what time did Mr. Crawford return from Georgia to Washington, in that year?

Answer. Late in the Fall.

PETER G. WASHINGTON.

*Case of Ninian Edwards.**Robert Newell sworn, at the request of Mr. Edwards.*

I am a clerk in the office of the Secretary of the Treasury. I never heard of the letter of Mr. Stephenson to the Treasury, until I read the memorial of Mr. Edwards to Congress. I have been in the office three years. I had charge of the letters in the apartment where Mr. Washington now is, for a time. I never saw such a letter as that said to have been written by Mr. Stephenson, in the Department. It is now nearly two years since I left that room. I have heard nothing of such a letter's being found in the Department, since Mr. Edwards's memorial was presented to Congress. Nothing was ever said to me, either by Mr. Crawford or by any other person, respecting that letter, previous to Mr. Crawford's report of the 22d of March, 1824.

R. NEWELL.

Asbury Dickins sworn, at the request of Mr. Edwards.

I am a clerk in the office of the Secretary of the Treasury. I do not recollect that I had any agency in the negotiation concerning the collection or securing the loan to the Franklin Bank of Alexandria, after the time at which the terms of the agreement were settled, which appears to have been on the 5th of December, 1821. I never heard any thing, as I now recollect, of the letter said to have been written to the Treasury, by Mr. Stephenson, of Edwardsville, previously to the Secretary's directing me to draw up the report of the 22d of March last. I wrote the report, according to directions previously given me, by the Secretary; and, when it was completed, I read it to him. Before receiving those directions, I do not recollect to have heard Mr. Stephenson's letter spoken of by any one. At the time Mr. Edwards was examined, last year, before a committee of the House of Representatives, I was not present. I may have, afterwards, read Mr. Edwards's deposition concerning that letter. But, when I received the directions above alluded to, I had forgotten every thing in relation to it. I received Mr. Crawford's instructions to prepare the report a few days before the papers were ready which were to accompany it. He expressed impatience at the delay which had taken place, and urged me to use despatch myself, and to hasten the other persons employed. The greater part of the correspondence of the Secretary with the banks, has passed through my hands, ever since I have been in the office, which has been since October, 1816. I had no instructions to search for the alleged letter of Mr. Stephenson, until the time I received Mr. Crawford's instructions to draw up the report. He then directed me to have the search made. I made the search, accordingly, but did not find such a letter, nor have I since heard of its being found. I searched for it on the files of the office. The letters had been put away in bundles. I directed the messenger to bring me the bundles which contained the letters of the period alluded to. I searched all of those bundles, and examined all the files of letters they contained. Those bundles were not in my charge, and I can-

not say how long they had remained untouched—they are usually put away by the junior clerks. They may be said to be in the particular care of Mr. Jones, or rather the messenger; they are put away in cases. The report, as I believe, bears date the same day it was sent to the House, which, I think, was, also, the same day on which the fair copy was written. I do not remember that I had any conversation with Mr. Crawford, on the subject of that letter, between the time when I first received his instructions to draw up the report, and the time when I read the draught of the report to him. He then inquired whether I had made the search directed, and I informed him that I had, and of the result. Mr. Richards, as far as I recollect, returned the letters he took away to copy, in October or November. When he returned, I employed several persons in making farther copies. At the time I had the first conversation with Mr. Crawford, concerning the letter of Mr. Stephenson, he directed me to search the records for an answer to that letter, which I did, accordingly, and found none.

ASBURY DICKINS.

Thomas F. Riddick sworn, at the request of Mr. Edwards.

The Bank of Missouri had a capital of \$250,000, of which \$40,000 was placed in an office of discount and deposit at St. Genevieve, which said office was entirely under the control of the principal bank, in all respects; the cashier and all the directors and officers were appointed by the mother bank, and removed at pleasure. Their general operations were also directed by the principal bank, at St. Louis. The office at St. Genevieve loaned money on personal security, but never on pledge of stock. Stockholders residing at St. Genevieve pledged their stock at St. Louis, if they wished to borrow on that security; not more than eighty per cent. was allowed on such pledge, which was considered only as collateral security. These loans were always considered safe, and better than any personal security. I believe that the stock has never fallen below eighty per cent.

A large amount of public moneys had accumulated in the bank prior to the 9th August, 1819, but it consisted, for the most part, in notes of the various banks of the West, which had been received by the land offices, and could not be used in the Treasury in discharge of debts due by the Government. The Bank of Missouri, at its own expense and risk, (and for which they have not as yet been allowed any compensation,) converted those funds to a large amount, say \$600,000, into such funds as would pay the Treasurer's drafts at St. Louis. But the Government having no occasion to disburse any considerable amount at St. Louis, (as the bank were informed,) made a proposition to the bank to transfer its funds to the Bank of the United States, and certain of its branches; and, as a compensation for this service, agreed that \$150,000 should remain in bank as a permanent deposit, but which might, nevertheless, be drawn on when

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disbursements could be made at St. Louis; agreeing, also, that further compensation should be made if the deposit should not be found adequate for the service proposed to be rendered. This was accepted in part on the 9th August, 1819, and a sum, amounting to near \$450,000, before and after that time, was paid to the Bank of the United States and branches, or funds worth four per cent. premium to the bank. The permanent deposit was frequently drawn on, and reduced to an amount considerably below \$150,000. The bank has been allowed no compensation as yet for this service beyond what the uncertain benefit of this deposit might have been worth to them, which, under circumstances, ought to be estimated at a very small sum. Moreover, the Bank of Missouri had to encounter the hostility of nearly all the institutions of the West from whom the Bank of Missouri had to make demand for specie funds, or such other funds as would satisfy the Treasurer's drafts; and, also, from gentlemen connected with those banks. This fact will be seen by a reference to the printed correspondence with banks. See letters from the President of the Bank of Kentucky to the Secretary of the Treasury, May 25, 1819; September 29, 1819; letter from honorable W. H. Crawford to President of the Bank of Kentucky, July 30, 1819; also, letters from honorable Ninian Edwards, a Senator of the United States, May 10th and 12th, 1819, directed to Thomas F. Riddick, one of the Directors of the Bank of Missouri, which said letters last named are filed with the Committee of Ways and Means, in support of a petition presented by Thomas F. Riddick, as agent for the bank.

It will also be seen, by reference to the several agreements made by the Bank with the Treasury Department, and the general correspondence; also, the original certificates of deposit, that the Bank of Missouri never became bound, until the 9th of August, 1819, to pay over to the Treasury any other or better funds than such as they should receive from the land offices, not having it in their power, before the said 9th of August, to direct what kind of paper should be received in payment for lands; this was, before that date, regulated by a list furnished the different Receivers, by the Treasury Department, and, whether at par or not, was received from them by the Bank of Missouri, and certificates of deposit, issued by the cashier, stating the amount received in par funds, and the amount received in such paper as had been authorized by the Treasury Department. The bank, therefore, clearly had a right to pay over such funds as was received by them; and the Government, in common justice, is bound to make compensation for the risk and loss incurred by the bank, in converting those funds into such other funds as could be used by the Treasury, in payment of demands against them.

Whenever these fair demands of the bank shall be liquidated and settled, the amount that will be then found due the United States will be much lessened, and the amount that has been transferred by the bank ample, and greatly more than sufficient to satisfy every cent justly due by the bank

to the United States. The amount that now stands charged on the books of the Treasury, if the nominal amount of all the moneys of every description paid into bank by the land offices, without any deduction having been made for services rendered, and for risk and loss in exchange.

It will also be seen, by reference to the reports of the bank, and the report of the committee of the Missouri Legislature, that the Bank of Missouri did, at all times, conduct its operations with great care and circumspection, never having an average discount including notes on pledges of stock (with the exception of the deposit of \$150,000) greater than the capital stock, and never having its paper signed for circulation to a greater amount than \$204,938 29, of which sum (if the books of the bank were within my reach,) I am satisfied it would be found that the average amount in circulation, from the completion of the payment of the capital stock, to the day of suspension, did not exceed \$80,000; the greatest amount that appears ever to have been in circulation, was \$153,899 50; of which sum \$25,000, or near that amount, was specially deposited in the Branch Bank of the United States at Lexington, and belonged to the Bank of Missouri; at the time the bank suspended payment, only \$86,000, or thereabouts, was in circulation.

The suspension, in August, 1821, cannot, therefore, be attributed either to excessive loans, or to an excessive issue of the paper of the bank; but to the general situation of the Western country, which rendered it impossible for the bank to collect from its debtors, with sufficient promptness, to meet the demands for specie, created by the pressure that existed at that time, and to the circumstance of this bank being almost the only one who continued to pay specie on demand in the Western country.

Question by Mr. Cook. Were you President of the Bank of Missouri in 1821?

Answer. I was.

Q. by same. Do you believe that the account and monthly returns made by that bank were correct, just, and true?

A. I believe they were, and that the statement made by myself, and forwarded to Mr. Crawford, under date of 30th June, 1821, was also just and true.

Q. From what land office were the largest deposits made in the Bank of Missouri, between the 1st of July, 1818, and 9th August, 1819?

A. From the land office at Franklin.

Q. When did General Smith make his first deposit?

A. I believe on the 7th December, 1818.

Q. How much larger do you suppose these deposits were than those from any other office?

A. Something more than twice the amount from the office at St. Louis.

Q. What was the amount of General Smith's deposit between the aforesaid periods?

A. I believe they amounted to \$460,966 76; this I take from a memorandum in my possession.

Q. Were any of the notes received from him

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refused to be received as cash, and were they specially entered? If so, state the circumstances, and whether General Smith was apprized thereof.

A. General Smith very seldom made his deposits in person. His office being near two hundred miles from the bank, they were generally placed in bank by some person in whom the General had confidence, travelling to St. Louis or to the eastward, or by boats trading on the Missouri. I do not remember that the bank ever had any difficulty with General Smith or any other person, about his deposits. I believe they were always made in the same funds which he received for lands, and certificates were issued to him by the cashier, stating the kind of funds deposited which certificates were, no doubt, forwarded by him to the Treasury Department, as vouchers.

Q. What amount of internal taxes were deposited, much or little?

A. I do not remember of any deposits being made of that description.

Q. by Mr. Forsyth. When were the deposits of the Tennessee paper made by the Bank of Missouri, at Louisville?

A. I believe in May, 1820, having promised Mr. Crawford to have it forwarded as soon as I arrived at St. Louis, which was done by a special agent. I was afterwards informed that the agent of the Nashville Bank received the amount of the Nashville Bank paper, but that the agent of the Tennessee Bank had left Louisville a short time before the arrival of the special agent of the Missouri Bank at Louisville, and deposited it in the Branch Bank of the United States.

Thomas F. Riddick states, that while a director of the bank, he had access at all times to the books and papers of the bank, being nominated by the President to act in his place pro tem., when he was absent at his farm, or was holding Indian treaties, or otherwise unable to attend; that he counted the Tennessee and other paper transferred to the Treasury, before the proposition of the 9th August, 1818, was made, and that he took with him, when he left St. Louis for Washington City, in December, 1819, a considerable part of the funds intended to be so transferred, and made a deposit at Chillicothe, and in the Branch Bank of the United States at Washington; which deposits made a part of the charge against him as agent of the bank, as contained in the monthly returns made to the Treasury in the months of January and February, 1820. Also, that what I have stated before the committee of my own knowledge is true, and what I have stated as matter of opinion, I believe to be true.

Q. by Mr. Cook. When you discounted notes for individuals, in what kind of money did you advance the amount of such notes?

A. Those discounts were usually left in deposit, and drawn for in small sums at different times. They were then paid generally, in notes of the Bank of Missouri, or in such other funds as the bank had at the time, or as the party demanded.

Q. Did not the amount of discounts by the Bank of Missouri always very greatly exceed the amount of its notes in circulation?

A. It is my impression that it always greatly exceeded that amount.

Q. Did not so much of the money advanced for discounts as exceeded the amount of the bank's own paper, consist of moneys deposited in it by the Government?

A. It consisted in part of such moneys, but not wholly, because some part of those moneys were in notes that the bank could not use.

Q. Did the bank ever refuse to receive deposits made by General Smith as cash?

A. So much of the deposit as was in cash was received as cash; so much of it as consisted of bills was receipted for as such; but the whole amount was credited together, without distinction.

Q. Did you, in receiving deposits from the Land Offices, ever keep a separate account of paper and of cash?

A. A memorandum of the sort of funds received was kept by the cashier, but it did not go into the books of the bank. But, in private accounts with individuals, a separate account was in some instances kept for cash and for notes, by inserting in the ledger, opposite to the sums paid, the words "cash," or "foreign notes," as the case might be. When deposits were made on account of the United States, a certificate was issued by the Cashier, stating whether the deposit had been made in cash, or in such notes as the Land Offices were directed to receive.

Q. Was not the principal part of the funds deposited by Government in the Bank of Missouri, transferred to the Branch Bank of the United States at Louisville, and other banks in Kentucky?

A. There was no transfer made to any other bank in Kentucky but the bank at Louisville. The transfers made by the bank will appear in the communication of the Treasurer No. 2, dated March 1st, 1823.

Q. Were not the funds which you say were worth four per cent. premium, and paid over by the bank to Government, derived from the Government deposits?

A. Some part of them might have been; the greater part was by the purchase of bills on the Government, sent to the Bank of the United States at Philadelphia, and to the Branch Bank of the United States at Washington City, for collection on the part of the bank.

Q. Were not these bills paid for in the funds that had been deposited in the bank by the Government?

A. They were paid for out of the general fund of the bank.

Q. Did such general fund embrace the public deposits?

A. There was no distinct account kept between the public fund and the general fund of the bank.

Q. Was any premium paid by the bank on those Government bills in their purchase? and if so, on how many, and to what amount?

A. A premium was frequently paid by the bank upon such purchase. I cannot say, without a reference to the books of the bank, to what amount. A premium of two per cent. has in some cases

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been paid, but it varied from par to one and a half and two per cent. When the bank sold their own bills on the Bank of the United States, it sold them at four per cent. premium.

Q. By what means did the Bank of Missouri acquire funds in the Bank of the United States, on which it could draw bills?

A. By collections made in the Bank of the United States for and on account of the Bank of Missouri, and perhaps in some instances by deposits made there by individuals to the credit of the Bank of Missouri.

Q. What description of debts were they which were collected by the Bank of the United States for the Bank of Missouri?

A. A part of them were bills drawn by individuals, and a part of them were bills drawn by persons authorized to draw on the Secretary of the Treasury for the expenditure of public moneys. Much the greater part, I believe, however, were bills drawn by individuals.

Q. You stated that the Government funds in the Bank of Missouri, at the time it suspended cash payments, consisted of bills which could not be converted into cash, or such suspension would not have happened. I wish you now to state what amount of bills deposited on account of the Government was in the Bank of Missouri at the time the suspension of cash payments took place.

A. I was not correctly understood; if it was supposed that I said that the Government funds in bank at the time of the suspension consisted of bills. Although a credit then stood on the books of the Bank of the United States, the money corresponding with that credit was not actually in the bank. The amount due the Government, as appeared on the books of the bank, was very near the amount allowed as a permanent deposit, which was payable six months after the bank ceased to be employed as an office of public deposit.

Q. What sum did, then, remain in bank, of bills which had been entered to the credit of the United States?

A. A very small amount, perhaps about five thousand dollars.

Q. When the arrangement was made with the Bank of Missouri, under which it was to retain a permanent deposit, what was the amount first understood it should so retain?

A. One hundred and fifty thousand dollars.

Q. Was there not an arrangement made with the Secretary of the Treasury by letters of August and September, 1819, by which the same moneys were to have been received by the Government, or a considerable portion of them, as were received under the subsequent arrangement of March, 1820? And did not the bank fail to comply with the first arrangement alluded to?

A. The letter of the bank of the 9th of August, 1819, and the arrangement made by me, in March, 1820, will answer that question. Whatever paper, under the first arrangement, was not transferred, the bank, of course, was accountable for in cash.

Q. Was not a part of the same paper which

was to have been transferred under the first arrangement, afterwards received under the second, in a depreciated state?

A. No. I believe that all the paper transferred to the Government was of the same value at the time of the transfer, as it was at the time it was agreed to be transferred by letter of the 9th of August.

Q. Was not a considerable part of the paper transferred under the arrangement contained in the letter of the 20th of March, 1820, greatly below par?

A. It was.

Q. What amount of it, as nearly as you can recollect, was below par?

A. Something more than one hundred thousand dollars.

Q. Did the Bank of Missouri ever receive an answer, from the Secretary of the Treasury, to the following clause in a letter signed by Augustus Chouteau, President, and dated 9th August, 1819, viz:

"As to the Bank of Edwardsville, the only one near us, we cannot give it our confidence. Their paper is received with distrust, even in their own neighborhood, and passed from hand to hand as soon as possible. Owing to the intimate connexion which it had with the Bank of St. Louis, which cannot pay its debts, and has entirely discontinued business, the capital stock of that bank has been taken for the most part, and is now owned by five or six individuals, some of them living out of the State, and the direction secured to such persons as they may choose to appoint. There are other objections which we forbear to mention."

A. I never saw any answer to this clause, and believe that none was ever received by the bank.

Q. Was the opinion here expressed by the Bank of Missouri, concerning the Bank of Edwardsville, continued to be entertained by the former, for any length of time after the date of that letter, and how long?

A. I cannot positively say, as to any other person but myself; but my impressions were changed after I understood, from common report, that the Bank of Edwardsville had determined to forfeit the stock of those persons who should not pay the requisitions of the bank. I understood that General Payne, of Kentucky, and others, were stockholders to a large amount, and I believed that they would fail to pay for the stock subscribed if demanded in cash. This, I think, was my impression at the time, but it was derived merely from report then prevailing.

THOMAS F. RIDDICK.

James L. Anthony, sworn at the request of Mr. Edwards.

I am a clerk in the office of the Secretary of the Treasury. I first heard of Mr. Stephenson's alleged letter to the Department, since Mr. Edwards's memorial was presented to Congress. I have at all times free access to the room in which the bank letters are kept, and have had occasionally to go there to consult those letters with re-

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spect to deposits by individuals, in payment of debts to the Government. I was not consulted, previously to the report made by the Treasury to Congress, on the subject of its correspondence with the banks, as to my knowledge of the receipt of the alleged letter from Mr. Stephenson. I have not heard that that letter has been found in the Department, since Mr. Edwards's memorial was presented, nor have I ever heard from any person in the Department, or in any way connected with it, or from any other person, that such a letter ever was there, or that the Secretary had, at any time, seen it.

J. L. ANTHONY.

Exhibit of the amount, &c., deposited in the Bank of Missouri, by the Receivers of the Land Offices at Kaskaskia, Franklin, St. Louis, and Edwardsville, as contained in twenty six certificates of deposit, enclosed in a communication from the Secretary of the Treasury, of the 8th of June, 1824, to the Committee appointed on the Address of N. Edwards.

Land offices and dates of the certificates of deposit.	Deposited in the notes of banks designated by the Secretary of the Treasury.	Deposited in specie, in U. States bank notes, & in notes of the Bank of Missouri.	Amt. of each deposit.
Kaskaskia.			
Sept. 4, 1818	\$20,243	\$4,236 21	\$24,479 21
Oct. 3, 1818	9,887	2,698 81	12,585 81
Nov. 23, 1818	9,990	6,010 45	16,000 45
Dec. 1, 1818	6,139	861 00	7,000 00
Feb. 5, 1819	8,129	3,611 00	11,740 00
Franklin.			
Dec. 7, 1818	50,446	7,078 87	57,524 87
Jan. 14, 1819	38,322	5,245 62	43,567 62
Jan. 20, 1819	2,776	0 70	2,776 70
Feb. 6, 1819	28,479	1,775 19	30,254 19
Mar. 22, 1819	14,258	0 86	14,258 86
Mar. 24, 1819	73,924	27,078 00	101,002 00
Mar. 24, 1819	37,235	20,800 00	58,035 00
April 29, 1819	16,667	209 04	16,876 04
May 25, 1819	42,834	28,734 30	71,568 30
June 19, 1819	18,670	44,353 02	63,023 02
June 22, 1819	-	2,080 16	2,080 16
St. Louis.			
Oct. 6, 1818	23,315	2,309 04	25,624 04
Nov. 3, 1818	10,225	1,775 00	12,000 00
Dec. 2, 1818	7,802	199 00	8,001 00
Dec. 17, 1818	15,500	328 43	15,828 43
Feb. 5, 1819	9,825	-	9,825 00
Feb. 26, 1819	33,916	810 00	34,726 00
Mar. 30, 1819	23,464	1,415 00	24,879 00
April 30, 1819	40,364	5,758 59	46,122 59
Edwardsville.			
Sept. 26, 1818	7,080	1,135 00	8,215 00
Oct. 29, 1818	4,000	-	4,000 00
Total	553,490	168,503 29	721,993 29

John Forsyth, of the House of Representatives, sworn at the request of Mr. Edwards.

I first heard of the alleged letter of Mr. Stephenson to the Treasury, after Mr. Edwards's me-

morial was presented to Congress. A day or two after Mr. Crawford's report came into Congress, I read that report, but had no conversation with any person respecting Mr. Stephenson's letter until afterwards. I never have heard from the Secretary of the Treasury, from any person connected with the Treasury Department, or from any member of Congress, that such a letter has been found. I was shown by a member of the House of Representatives a letter from a gentleman in Richmond, in which the writer stated that a passenger on board the steamboat from Washington down the river, had said that Mr. Cook, a member of Congress from Illinois, had Mr. Crawford's answer to the letter of Mr. Stephenson ready to produce, on which I called upon the Secretary of the Treasury, and mentioned to him what I had heard. He replied "it was possible, but it scarcely could be so."

J. FORSYTH.

Jonathan Jennings, of the House of Representatives, sworn at the request of Mr. Edwards.

Question by Mr. Cook. In the report made by the Secretary of the Treasury to Congress, 14th February, 1822, he states, that "for the public money on deposit in the Bank of Vincennes at the time of its failure, collateral security has been obtained." I wish you to state your knowledge of the nature of that security.

Answer. The collateral security consisted of assignments of certain bonds given to the Bank of Vincennes, in behalf of the State of Indiana, and a note of a Mr. Piatt and his endorsers, as also a transfer in trust for the use of the United States, of certain real property. The value of the collateral security, when given, I should have estimated, provided there had been no substantial objections to the character and circumstances under which the assignments and transfers were made, as being worth a sum not to exceed \$80,000; the greater part of which, however, since the assignments and transfer, owing to various causes, has become unavailable to the United States, and, in my opinion, the residue will not yield more than \$20,000.

Q. Do you know of any steps taken since the arrangement of 1821, to get security for this debt?

A. I know of none, except what was obtained through General Noble, at Brookville, Indiana, in the year 1822; of the value of which I am unacquainted.

Question by Mr. Floyd. Had you any agency in procuring the Bank of Vincennes to be made a depository of public moneys?

Answer. Among others, I recommended that measure. The bank then appeared from its quarterly returns, submitted to me as Governor of the State, to be entirely solvent. Those returns contained only the general accounts of the bank; nor was the institution required by any provision of its charter, to submit any list of its debtors, and the amount owing by each, to any State authority; which it uniformly refused to do when applied to for that purpose.

Question by Mr. Floyd. When the bank thus

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refused, and you were Governor, did you communicate that refusal to the Secretary of the Treasury, or did you at any time express to him any doubts or suspicions touching its solvency?

A. I never entertained any doubt of the solvency or integrity of the Bank of Vincennes, until late in the year 1820, and the records of the State government will show, that, in my communications to the Legislature, I did not recommend an examination into the situation of the bank until December, 1820; prior to which time, it will appear, however, from the communications of the Secretary of the Treasury to the bank, that the latter had committed a breach of its engagements with the former, in failing to pay drafts drawn by the Treasury as early as the 19th of October, 18th of November, 28th December, 1819, and 10th of March, 1820; of which failure to pay those drafts, I have no recollection of having had any information, until the session of Congress before the last. I was informed, however, of one small draft, drawn on the bank by the Treasury, having been dishonored during the Winter of 1820-21, shortly before I personally examined said bank. Upon this examination, I discovered the bank had not two hundred dollars of available funds, and that a draft drawn upon it for moneys in favor of the Pension Agent for the Indiana roll, had been diverted from its legitimate object, to the prejudice of the Government. I advised the Secretary of War of the circumstances.

I made no communication to the Secretary of the Treasury when the bank declined giving a list of its debtors, and the amount owing by each. The bank was not bound to give such list, nor was it required by me only in compliance with resolutions of the Legislature, nor was it incumbent on me, or necessary, to detail to the Treasury Department such refusal on the part of the bank, and the reasons offered by the bank as inducing a refusal, on its part, to give publicity to such list, inasmuch as the Secretary of the Treasury made the rendition of such list, by the bank, quarter yearly, to himself, a condition upon which deposits were to be made in the Bank of Vincennes, and which was acceded to by the latter.

JONATHAN JENNINGS.

Langdon Cheves sworn, at the request of Mr. Edwards.

I became President of the Bank of the United States on 6th March, 1819, and continued till the beginning of January, 1823. I know but very little concerning the liability of local banks to the Government of the United States. My duties in the United States Bank consisting wholly of superintendence, I could not concern myself with the details of its business. I considered the liability of local banks to the Government as a matter external to the business of the United States Bank. The chief of what I do know on that subject is derived from a letter from the Cashier of the Branch Bank of the United States, at Louisville, dated 2d May, 1820, a copy of which I now produce. [Here Mr. Cheves read the letter.]

Question. When the Treasury of the United

States gave drafts to the Bank of the United States on any of the local banks, did the Bank of the United States feel itself bound to receive in payment of such drafts any thing else than its own paper, or the legal currency of the country?

Answer. The Bank of the United States did not feel itself legally bound to receive any thing but its own paper and the legal currency of the country. But it was in the habit, with a view of being useful to the Government and the country, of receiving almost any thing that it could convert, safely and conveniently, into cash.

Q. The rule of the United States Bank in receiving deposits is, that, when a deposit is made generally, the bank is liable for the amount of such deposit in cash, is it not?

A. That is the general rule, to which I recollect but one exception, which was under a particular arrangement in respect to certain Western banks, by which the bank received deposits from Receivers of Public Moneys in current bills of these banks, and credited them as cash, on the condition, that if not duly paid, they should again be charged to the Government.

Q. This exception grew out of an arrangement which took place after you entered into the superintendency of the United States Bank, did it not?

A. Yes.

Q. by Mr. Forsyth. Do you know what is the per centage of the loss of the United States Bank on their debts in the Western States?

A. I cannot state with accuracy. It exceeded ten per cent. and amounted, perhaps, to fifteen.

Q. As President of the bank, you had, of course, constant intercourse with the Secretary of the Treasury; can you testify as to the zeal, integrity, and ability, with which that part of his duty, which relates to the collection of the public moneys, was performed, so far as it came under your observation?

A. I had much and anxious intercourse with the Secretary of the Treasury personally, and by letter, in relation to the currency of the country, and the collection of the public debts, as well in the Atlantic as the Western States. It was a crisis of unexampled difficulty. The great object was to restore and preserve a sound currency, generally, through the Union. As it regarded the Atlantic portion of the Union, it appeared, to my judgment, to involve the soundness of the currency; but, as it regarded the Western States, it seemed to me to involve the existence of any currency at all. I understood, distinctly, that it was the object of the Secretary of the Treasury, in the Western States, to prevent its sudden and total prostration. In my opinion, the Secretary of the Treasury displayed much ability, great zeal and industry, perfect integrity, and commanded as much success as was practicable, under the circumstances of the times.

Q. by Mr. Cook. In expressing this opinion, do you do it with a full knowledge of the connexion between the Treasury Department and the Western banks in which the public moneys were deposited, and of the manner in which those banks fulfilled their engagements with the Treasury?

A. I do not do it with a full knowledge of these circumstances, but I do it with a great deal of knowledge of the subject. If this question be intended to refer to my answers to previous questions concerning the arrangements between the Western banks and the Government, it is necessary to state that I understand those questions and answers to refer to the details which governed the transactions of those banks with the Government, of which I am ignorant; but the answer which I have just given refers to the general conduct and the success of the measures of the Treasury, and I know them from my correspondence and intercourse with the Secretary, and from the operations of the Bank of the United States, through which large sums of money were collected for the use of the Government in the Western States.

LANGDON CHEVES.

Hon. Ninian Edwards sworn, by order of the Committee.

Question by Mr. Livingston. You stated in an examination before a former committee, in your answer to the 8th interrogatory, that you had prevailed upon Colonel Stephenson to write a letter to the Secretary of the Treasury relative to the propriety of continuing deposits of public money in the Bank of Edwardsville, and that you saw him write the letter, and enclose a publication made by you therein. The committee wish to know whether you read that letter immediately after it was written, and, more particularly than is stated in that deposition, what passed between yourself and Colonel Stephenson on that occasion?

A. The circumstances under which it was written were these: Colonel Stephenson was, at that time, the Receiver of Public Moneys, and also the President of the Bank. He was very unwilling that I should withdraw from the bank, and supposed that my doing so would be likely to impair its credit, and increase the responsibility upon him for the deposits in it. I was myself glad of the opportunity of circumstances so favorable to my advising him with success to write the letter to the Secretary, and he was very easily prevailed upon to do so, and applied to me to write such a letter for him, as I thought he ought to write to the Secretary; and I accordingly wrote the draught of such letter—went to his office—remained there until he had copied it, and afterwards compared the copy made by him with the draught. At the same time that he wrote the letter, he enclosed, to be sent with it, as I believe was his intention, a printed copy of my publication announcing my intention to withdraw from the Bank of Edwardsville. I have no doubt that he sent the letter, because, from the conversation I had with him, it appeared to be his desire to send it, so far as I could discover; and his subsequent conversation left no doubt on my mind that he did send it. I have no recollection of having seen the original draught abovementioned from the time it was copied by Colonel Stephenson until the time of my late return to Edwardsville. It was then shown to me by Thomas Lippincott, who was employed in

doing business in the Land Office, and who took it in my presence among the files of that office. The copy now presented was made out, I think, by himself, and is either sworn or affirmed to as a true one. Mr. Lippincott is a gentleman of fair and respectable character, and, as I understand and believe, was secretary or clerk to one branch of the last Legislature of Illinois. Although I cannot swear that this is a literal copy of the original draught, I know it to be substantially correct, nor have I the least doubt of its being literally so. Upon the original draught, as found in the files of the office, was an endorsement, in the handwriting of Mr. Stephenson, the words of which were, as far as I recollect, the following: "Copy to the Treasury Department, October, 1819," or words to that effect. An additional reason which induces me to believe that the letter was sent, is, that the said Mr. Lippincott also showed me the copy of another letter which he took from the files of the office, which was in the handwriting of Colonel Stephenson, the late Receiver, and purported to be a letter from the said Receiver to Mr. Crawford, dated, I think, the 22d October, 1819, which, from the subject of it, appears to refer to the before described letter.

Q. by Mr. Forsyth. Was there any part of the original draft of the letter from Mr. Stephenson of October 12, 1819, underscored?

A. I do not recollect that there was. I perceive that there is an underscoring in a part of the copy now presented, which may have been done in consequence of the object for which this copy was taken; which, originally, was not that it might be sworn to, but that it might be published. It was sworn to subsequently to the arrival of the summons from this committee to myself.

Q. by Mr. Forsyth. Was that underscoring made by you, or at your request?

A. I do not think it was made by me, and I do not remember that it was made at my request. I do suppose it was made by the gentleman who took the copy, and that it was done by him in consequence of his knowledge of my object in searching for the letter.

Q. by Mr. Forsyth. You say that you perceive a part of the copy is underscored. Is this the first time you have noticed the circumstance?

A. I do not recollect noticing it heretofore, but think it is highly probable that I did, as the copy was intended for publication, and this is a point to which I should naturally have wished to call the public attention, and of which wish the gentleman who made the copy was well apprized.

Q. by Mr. Forsyth. Your belief is that this underscoring was done before the affidavit was attached to the copy?

A. Such is my belief. I have no doubt of it.

Q. This copy has been already published. Have you seen the publication of it in one of the public newspapers of this city?

A. I have.

Q. Was the copy for that publication furnished by you?

A. I submit to the committee whether that is a proper question.

[Mr. Forsyth here stated that he had a particular reason for making the inquiry. The letter as published contains a part in italics which corresponds to the part underscored in the copy now presented; and he wished to ask whether the types of the publication were set from this copy?]

A. I have no objection to answer, provided the committee think it a proper question. This copy is that from which I suppose the publication was made, as it was furnished by myself for that purpose.

Q. How long was it out of your hands?

A. Not more than a day or two, as well as I can recollect.

Q. Was it sent to the editors of the paper in which it was published, or was it delivered personally?

A. I do not recollect which. My impression is, that I delivered it to some person to take it to the printers—probably Mr. Cook. Whoever took it, I consider the act as equivalent to a personal delivery of it by myself.

Q. Did you search, or cause search to be made, in the office of the Receiver at Edwardsville, for the answer of the Treasury Department to the letter of which you now present a copy?

A. I went to the office for the special purpose of endeavoring to ascertain if there was not a letter in it from Mr. Crawford to the late Receiver, directing him to continue the deposits in the Bank of Edwardsville.

Q. Did you find the answer to the letter of which you now present a copy?

A. I found a letter from Mr. Crawford, of the 6th of August, 1819, I think; another of the 1st of November, of the same year; and one of April (probably the 20th) 1820. The second of these, viz: that of the 1st of November, it is my opinion, was written in consequence of the letter of the Receiver of October 12th, 1819.

Q. You state, in your examination before the committee of the last Congress, that Colonel Stephenson informed you, after he had written that letter, that he received a letter from the Secretary of the Treasury directing him to continue the deposits in the Bank of Edwardsville. In your letter to the Secretary, of the 9th February, 1822, you say that he (meaning Mr. Stephenson) informed you that that letter had been answered. I wish to know exactly what the declaration made to you by Mr. Stephenson was; whether he said he had received an answer to the letter, or whether he said he had received a letter directing him to continue the deposits in the Edwardsville Bank.

A. The letter of the 12th October was written previously to my coming on to Congress. On my return from Congress, after the session succeeding the date of this letter, I asked the Receiver what answer Mr. Crawford had given to that letter. He told me either that he had received a letter from Mr. Crawford directing him to continue the deposits, or that Mr. Crawford had written to him directing him to do so; from which I understood him that he had received an answer from Mr. Crawford. I am positive he told me that he

had received a letter from Mr. Crawford, directing him to continue the deposits; but, whether he alluded to the letter of the 1st November, 1819, or to that of the 20th April, 1820, or to any other letter in particular, I do not know; for I do not recollect to have seen either of these letters from Mr. Crawford until my late return to Edwardsville.

Q. Did not you consider that letter which you draughted for Mr. Stephenson, as a letter from the Receiver of Public Moneys to the Secretary of the Treasury?

A. It was certainly a letter from the Receiver of Public Moneys, but he was, at the same time, President of the Bank of Edwardsville. I perceive, from the copy, it is dated at the "Receiver's Office." I know that the Receiver's letter was written there from the draught alluded to.

A. You state that you returned from Congress in the Spring of 1819, and found the Bank of Edwardsville under great pressure. I wish to know whether you apprized the Secretary of the Treasury that such was the fact, or advised the Receiver of Public Moneys to withhold deposits in that bank on account of it?

A. I do not recollect that I did write directly to the Secretary myself; but I am under an impression that the President of the Bank did write him a letter, the object of which was to induce him to forbear drawing upon the bank while it was under difficulty. I made a communication to Colonel Johnson, during that Summer, whose brother-in-law held more stock in the bank than any other person, of the difficulties with which the bank was then struggling, and with a view that he should, and the expectation that he would, communicate the same to Mr. Crawford. I am induced to believe that he did so, from a letter from Mr. Crawford to Colonel Johnson, of the 15th July, 1819, which I now submit to the committee, and which acknowledges the receipt of a communication from me to Colonel Johnson, upon the subject alluded to. Nothing of this, however, was done with a view to show Mr. Crawford the danger to Government of continuing the deposits in that bank, but rather to induce him not to draw upon it at that particular time.

The difficulties of the bank I considered, at that time, but temporary; I thought it could be conducted through them, and did not feel myself at liberty to withdraw from it until this had been done, which finally was effected, as I conceived, in a great measure, by my own diligent management of, and my assistance to the bank.

I do not recollect that I did particularly advise the Receiver of Public Moneys to withhold deposits in the Edwardsville Bank at that time, nor until after I had made my publication in the St. Louis Enquirer.

Q. After your publication, and when you considered the bank as out of danger, you then advised the Receiver to withhold deposits?

A. Yes. My object in that publication was to free myself from all responsibility for the bank—to state what I believed to be the real truth concerning it, and to leave the public and the Secre-

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tary to judge for themselves, how far they could confide in it without any responsibility on my part.

Q. You state that you enclosed a copy of this publication to Mr. Crawford; was it accompanied with any thing written to him, or simply covered with an envelope, and directed to him?

A. I think it was simply enclosed and directed to him, and that nothing was written but the direction.

Q. Did you not write, at Mrs. Stephenson's request, a letter purporting to be from her to the Secretary of the Treasury, and dated 18th September, 1819?

A. I submit to the committee whether this is a proper question. I am perfectly willing to answer it if they so decide; and I am also willing to waive the objection.

[The committee having decided that the question was a proper one—]

A. I did write a letter for Mrs. Stephenson, which I believe she copied, signed, and, I have no doubt, sent, in reply to a letter from Mr. Crawford to Colonel Stephenson, which was received during his absence on a journey to Kentucky; and the original draught, which was written by myself, I have lately seen on the files of the Receiver's Office, at Edwardsville.

Q. Do you recollect whether Mr. Stephenson was in Edwardsville at the time your publication in the "Enquirer" appeared?

A. I do not.

Q. After your publication, and before the writing of this letter of Mr. Stephenson's, which you allege to have been written, you knew that complaints had been made, on the part of the Treasury, of his withholding deposits of public moneys in his hands?

A. I have no knowledge of having seen or heard any thing on that subject, saving the letter which arrived at Edwardsville directed to Colonel Stephenson, during his absence.

Q. Do you, or not, know that, before or about the time of this transaction, in the Spring, Summer, or Fall of 1819, Colonel Stephenson had loaned large sums of money to different individuals?

A. I do not recollect of knowing or hearing of any such loans by him. A list, I understood, was found after his death, of moneys loaned; but this was subsequent to the time mentioned in the question; nor do I remember hearing the name of more than one individual to whom it was then ascertained he had loaned money.

Q. You insinuate, in your memorial to Congress, that there was a letter written by Mr. Crawford to the Receiver at Edwardsville, which was, in reality, an answer to the letter alleged by you to have been written by Mr. Stephenson, but which was so contrived as to appear not to be such an answer; can you assign any conceivable motive which could lead to such a course on the part of Mr. Crawford at that time?

A. Mr. Crawford, as I believe, had received much information against the Bank at Edwardsville, some of which appears in the documents,

and particularly the letter of the President of the Bank of Missouri, dated, I think, 9th August, 1819. This was naturally calculated to excite his fears for the safety of the deposits; my withdrawal from the bank was calculated to confirm those fears; and I think it highly probable that he might not have been willing to disclose any circumstance which was calculated to increase his responsibility for continuing those deposits in that bank; and I believe those deposits were continued there more through the influence of General Payne and his connexions, than from that of any other persons.

Q. I understand you, then, to say that Mr. Crawford at that time anticipated the failure of that bank, and sought to provide a screen from the responsibility of having continued the public deposits there.

A. My opinion is, that he did receive my publication and the Receiver's letter, and that he has withheld them, and I have already assigned the motive which I supposed might have governed him in doing so; but, whether that resulted from an actual anticipation of the failure of the bank, or from an apprehension only, that it might fail, I do not undertake to decide.

Q. You state that you determined to sustain that bank, and you lay great stress on the circumstance of your withdrawal from it; will you state how you were enabled to sustain it?

A. I endeavored to sustain it by my influence, by my own funds, and by my personal attention to it.

Q. Did you make any deposits about that time with a view to sustain it? and if so, to what amount?

A. I aided it by advancing my own money or bills; but cannot say to what amount. I held myself ready to give it further assistance, if it had required it.

Q. When you stated that you did not see the draught of the Receiver's letter until "your late return to Edwardsville," did you mean your return in April or May last?

A. I did.

Q. Did you see that draught after it was copied of the Receiver and examined, and previously to its being taken from the files by Mr. Lippincott?

A. Not that I recollect.

Q. Was a letter-book kept in the office of the Receiver at Edwardsville?

A. I believe there is.

Q. Is this letter from the Receiver copied in that book?

A. I think that in the letter-book I saw, that letter does not appear. There are also other letters, and one or more, I think, from Mr. Crawford, which are on the files in the office, which are not recorded in the book I examined, or if they were I did not see them.

Q. Are there any of the letters from the Receiver to the Department of the Treasury, of the same year with the alleged letter, which are not recorded in that book? I include Mrs. Stephenson's letter in this question.

A. My examination of the letter-book was so

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slight that I cannot pretend to say whether it was so or not. I do not recollect whether Mrs. Stephenson's letter appears upon the letter-book or not. It is my impression that Mr. Crawford's letter of the 1st of November, 1819, is not recorded in the book that I saw, though I cannot speak with certainty about it.

Q. Were you not engaged, prior to your journey to Edwardsville, in preparing a publication with respect to these documents against Mr. Crawford?

A. To that question I positively object. My communication to the House is here; it speaks for itself; it cannot be material when or where it was written.

[The committee decided he was not bound to answer.]

Q. You have stated in your communication to the House of Representatives that you are the author of the A. B. publications which accompanied your address; are you not also the author of the other A. B. publications which appeared either before or since in the *Washington Republican* against the Secretary of the Treasury?

A. To that question I object to answer. I am answerable only for those A. B. publications which I have acknowledged.

[The committee decided that he was not bound to answer.]

Q. Have you not, at another time, denied your being the author of the said A. B. publications which you now avow?

A. To this question I also object to answer.

[The committee decided that he was not bound to answer.]

Q. The packet I now present to you contains the original address presented by you to the House of Representatives; will you please to separate those parts of that address which were sent to this city by mail, from those parts which were supplied after its arrival here?

A. The communication is before the House as a whole, and as a whole was referred to this committee. I do not feel myself under any obligation to state how its several parts got here.

[The committee decided that he was not bound to answer.]

Q. I wish to know whether you are not the author of the printed letter now shown to you, and which is contained in the *Washington Gazette* of the 24th December, 1821, and dated the 12th of that month, and purporting to be written by a gentleman in Ohio?

A. I do not consider myself bound to answer the question, unless the committee shall so direct me.

[The committee decided that he was not bound to answer.]

Q. Are you the author of all those A. B. publications which accompany your memorial to Congress.

A. I am.

Q. Were not the materials of your memorial to Congress collected and prepared by you before you had seen that letter of Mr. Crawford to Congress which you allege to be the ground of that memorial?

A. I had no intention last session of attacking Mr. Crawford, unless it should be necessary to my own defence, or unless I myself had been attacked. I had no knowledge of Mr. Crawford's report until the morning after it was made. A copy of it was then brought to my room by Mr. Cook, in consequence of which I changed my determination to have left here on that day, and endeavored then to collect such documents as I thought might be useful to me in case I should reply to it. Not one word of my address to the House was written in the City of Washington, nor have I any recollection of having conversed on the subject of Mr. Crawford's report with but three members of the House of Representatives, viz: Mr. Cook, Colonel Moore, and Mr. Campbell of Ohio. I left the city the next day, the 24th, without any settled plan of answering it, and, with the aid of no other materials than those I collected here in the city, and my own memory. In making the references which are contained in my address to the House of Representatives, I had recourse, in general, to the A. B. publications which I had collected here, and which contained a reference to those documents. I occasionally made some notes on my journey to Wheeling, where my address was written, and from which place it was sent to this city; and I expect the documents referred to by Mr. Forsyth, as having been furnished here, were obtained by Mr. Cook, to whom I wrote for that purpose. I regretted the necessity that I felt myself under to write at all, and would not have done so, if I could have hoped, by any more pacific means that would not have been degrading, to have obtained a withdrawal of an insinuation which I conceived was calculated to injure me. Every single thing used in my address to the House was collected from a mass of my own private papers, and by two of my friends as they could get them elsewhere, after the report of Mr. Crawford was presented. These things, thus collected, with the aid of my own memory, constituted the materials from which my address to the House was written.

Q. Did you not, immediately after Mr. Crawford's report was made to Congress, and before you left this city, state to Mr. Campbell, of Ohio, that you then had twenty or thirty pages prepared against Mr. Crawford? State what conversation took place between you and Mr. Campbell, on that subject.

A. I think it was on the morning I left this city, that I met with Mr. Campbell, who introduced a conversation concerning this report of Mr. Crawford's, by asking me whether I had seen the report, and appeared, from the remarks which he made, to consider that report as containing an attack upon me. He spoke of its being presented at so late a period of the session. In the course of the conversation, I mentioned to him that I considered it, on this last account, as being very ungenerous, or words to that effect. I stated to him that I had, during last Summer, received information that I was to be attacked at the then ensuing session of Congress; and I think it is probable I stated to him the particulars of that informa-

tion. Thinking it so probable that I may have stated it, I will now repeat what the information was. In travelling through Kentucky last Summer, in Russelsville, I received a confidential communication from Virginia, stating that I was to be attacked, as is before alleged; that Governor Coles, of Illinois, was expected to co-operate in the attack, and advising me to come on a week or two before the meeting of Congress, to be prepared for it. In consequence of this information, and not expecting to return home for some considerable time, I wrote to Mr. Cook to call upon Governor Coles upon the subject. And I have since seen a correspondence between Mr. Cook and Mr. Coles, on the subject, which I mention, because it affords to any who may be inclined to make a further inquiry, the means of ascertaining the truth of the fact. Under an expectation thus produced, I had been engaged in writing, and in preparing for the warfare which I expected was to come on, and I believe I stated that fact to Mr. Campbell. I know that I alluded to it, in speaking to him, but there is nothing copied into my address that I had previously written with that view. In consequence of the impression which Mr. Campbell's conversation left upon my mind, that he thought I ought to answer Mr. Crawford's statement, I wrote back to him, while on my journey, that I should do so the first leisure time I got, and intimated that I did not expect to occupy more than three hours in doing it. I do not know whether he received the letter, but I expect that he did.

Q. Did you not state, in that conversation, to Mr. Campbell, that you had written twenty or thirty pages against Mr. Crawford, which you could not complete until you got to Wheeling, for want of documents which you expected to find there?

A. I do not recollect that I made such a statement to Mr. Campbell; but I think I made some allusion to what I had written, and stated some things, in general terms, admitting my preparation to meet, and determination to repel, an attack that I had expected would have been made upon me; but I cannot suppose that I could have stated to him any thing like preparation for the particular case of Mr. Crawford's report, which was entirely unexpected to me.

Question by Mr. Forsyth. In one of the A. B. publications, which accompany your memorial to the House of Representatives, you refer to a short article calling the public attention to suppressions by the Secretary of the Treasury, which produced an investigation in that House. Do you allude, in this part of your publication, to the article which was the foundation of what you call, in your address, the A. B. plot?

[The Committee decided that this question was inadmissible.]

Question by Mr. Forsyth. When did you reach Wheeling, after leaving this city, on the 24th of March last?

Answer. My impression is, that I arrived there on the first Sunday in April, which was the 4th day of that month.

Q. When did you leave Wheeling?

A. I have no distinct recollection of the precise day, but think it was on or about the 12th of April.

Q. Did you apply to the President of the United States, or the Secretary of State, before you left Washington, for permission to remain here for a short time, for the purpose of defending yourself from the accusation which you understood Mr. Crawford to have brought against you?

A. I did not. I have never seen the President since I saw the report of Mr. Crawford to Congress.

Q. Was there any thing in your instructions which prevented you from remaining in Washington which did not equally apply to your remaining at Wheeling, on this business?

A. I had no written instructions at that time. But the President had expressed great anxiety that I should get off as soon as possible; and the arrangement was, that I should leave this city, so as to attend to my own business, and be ready to meet the vessel at New Orleans on the 1st of June, at farthest, which was to carry me out. In conformity to which, I left this city on the 24th, went to Baltimore to settle some private business, and also to lay in some articles which I intended to take to Mexico. I afterwards went to Wheeling, where I also had private business to attend to, connected with a part of my business in Baltimore.

Q. You knew, then, that you were not expected to leave the United States till the 1st of June?

A. The arrangement was, that I should reach New Orleans by the 1st of June at farthest; and this left me but little time, considering the extent of my business, to arrange my private affairs, preparatory to going to Mexico. I did not believe, at the time, nor do I yet believe, that the President would have consented to my staying for the purpose suggested by Mr. Forsyth.

Q. Was not the vessel in which you were to embark, in a course of preparation for her voyage, when you left this city?

A. If the vessel had arrived here, I did not know it. It was expected that she could reach New Orleans about the 15th of May; but there was no certainty; and, I think, she had not arrived.

Q. You say "it was expected." What do you mean by that expression?

A. I waited upon the President in consequence of a wish he had expressed for my early departure; and, in conversation with him, he requested me to go to the Secretary of the Navy, and inquire about a vessel to carry me out on the mission. I called on the Secretary of the Navy, who called in Commodore Rodgers to consult upon the subject—and, from them, I understood, that the vessel, in which it was concluded I should go, had not arrived, but was, shortly thereafter, expected. Commodore Rodgers spoke of some repairs which would have to be made upon the vessel; made some calculation as to the time these repairs and the voyage to New Orleans would take; and, in this way, "it was estimated that the vessel could

probably reach New Orleans about the middle of May, or between that time and the 1st of June."

Q. You stopped at Wheeling, then, instead of at Washington, for your own personal convenience?

A. I left here because it was necessary to attend to my business at Baltimore, and a part of my business at Wheeling, which was in the route to my own home, that I intended to visit previous to my departure.

Q. I see, by referring to your address, that, in addition to the numbers of the Washington Republican, there are ten numbered documents, from No. 1 to No. 10. Were not all these documents in your possession at the time Mr. Crawford's report was made to Congress?

A. They were not. I had no expectation of such an attack as was contained in Mr. Crawford's report—and had made no preparation in anticipation of such an attack as constitutes the subject of that report in relation to myself.

Q. Which of these documents were then in your possession?

A. I had No. eleven (11)—I had also No. 7—I had the paper from which No. 3 is taken—all among my papers, but not collected for any purpose of attack. I may have had some of them in the published documents; but, I think I had, at that time, none of those documents in my possession. I was preparing to leave the city, and, if I had had any printed documents but my own, I presume I must have returned them; and my own I had sent to Mr. Cook. Nothing was collected or prepared for the subject of my memorial, or to be used for any such purpose, till after Mr. Cook furnished me the copy of the report.

Q. Did you send your address by mail from Wheeling?

[The Committee decided this to be an improper question.]

Q. Do you know when that address arrived in Washington?

A. I do not know, but presume it must have arrived here the latter part of the week before it was presented to Congress. After it was written in part, it was detained for some time, with the hope that I should have been able to obtain a document I wanted, from the residence of the honorable Mr. Ruggles, about ten miles from Wheeling—to which residence I sent twice to procure it. It was kept open from the paragraph preceding the last on page 24 of the printed address. I had intended to have pursued the subject farther at that time; but, from indisposition, from the want of the document I desired, and from my anxiety not to be longer detained, I concluded not to do so; and I referred to the A. B. publications in consequence thereof. I had to have a copy of it made, which would, of itself, have occasioned some delay, and this was increased by waiting for the document above alluded to. I sent on the copy of such part as was ready, as I believe, by mail before the original was forwarded. I think I enclosed it to Mr. Cook. When I

*The 8 preceding pages are erroneously paged: folio 3000 should read 2800, &c.

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left Wheeling, my intention was, to avail myself of the earliest opportunity of making an additional defence; and I did not expect to be able to make a full defence until I could reach Edwardsville, where I hoped to find some of the documents that would establish the truth of my statements. On my journey, at Shawneetown, in Illinois, I found my publication of 1819, announcing my intention to retire from the Bank of Edwardsville, from which place I transmitted that publication to this city; and, after my arrival at Edwardsville, I wrote another address to the House of Representatives, and had obtained documents to accompany it, which I was prepared to transmit when the Sergeant-at-Arms arrived at my house—intending, if Congress had adjourned, to get the same inserted in the National Intelligencer, if I could.

Q. Did you transmit the original of your address by mail? and, if so, when did you put it into the post office at Wheeling?

A. I did not put it into the post office myself; I gave it to a gentleman to put in for me, the post office being at a considerable distance from my lodgings, and I expect he did so, in time for its arrival here in the latter part of the week before it was presented to Congress.

Q. Who was that gentleman?

A. It was some one of the gentlemen about the house where I stayed, but I don't recollect which one.

Q. On what day of your stay at Wheeling, did you deliver it to him?

A. I have no recollection except from the calculation which I think I then made as to the probable time of its arrival here, and I, therefore, suppose it must have been about the 10th or 12th of the month.

Q. You intended, then, that it should arrive the latter part of that week?

A. I knew from the time I delivered it to be put in the mail, that it could not arrive before that time—and I intended it should arrive by the due course of mail.

Q. Do you know when the copy of your address was finished?

A. I do not know the particular day; but I think that the copy, so far as one was made, was sent on by the first mail after it was finished. And that it was sent in the mail before the original was sent.

Q. Please to read this address in the Washington Republican of January 20, 1822, signed A. B., and addressed to Gales & Seaton. Is that the publication to which you refer in one of the A. B. publications communicated with your address, (page 62 of that address.) A. It is.

Q. Were you not just about to leave Edwardsville when the messenger from the House of Representatives arrived?

A. I expect I should have left it for New Orleans in about three days.

Q. Did you find, in your examination of the office of the Receiver, any letter from the Secretary of the Treasury, to which that conversation could possibly refer, which you had with Mr. Stephenson after your return from Congress, respect-

ing the letter he is said to have written on 12th October, except the letters of the first of November, 1819, and the 20th April, 1820?

A. I did not.

Q. I remind you that in the 4th quarter of 1819, there was a deposit of upwards of \$50,000, made by Mr. Stephenson, in the Bank of Edwardsville, and I ask you whether you think it possible he could have referred, in that conversation, to the letter of the 20th of April, 1820?

A. At the time of that conversation I did not know what deposits he had made after 12th October, 1819, nor to what amount. I think it possible he may have referred to the letter of April, 1820, although I consider that the letter of the 1st November, 1819, was the letter written in consequence of the Receiver's letter of the 12th October preceding. The letter of November directs the Receiver to deposit the money he should have in his hands on the last day of that month, in the Bank of Edwardsville; but I think it contains no express order in regard to future deposits. A letter of the same date was written by Mr. Crawford to the Cashier of that bank, with an enclosure, and the paper I have presented to the committee was delivered to me by the Cashier of the bank as being that enclosure, from which it would appear that both the Receiver at Kaskaskia and at Edwardsville had been directed to make their future deposits in the Bank of Missouri, until otherwise ordered. And it appears, by the letter of the 20th April, that the Receiver at Edwardsville was specially directed to make his deposits in the Bank at Edwardsville. Being President of the bank, to the Cashier of which the letter was directed, he may have supposed he was bound to take notice of the information which it is natural to suppose he must have received concerning the order contained in that enclosure. But these are all circumstances which have come to my knowledge since the conversation alluded to, and I cannot undertake to say what letter it was the Receiver referred to in that conversation.

Q. Do you know that in January and February, 1820, notwithstanding this circumstance, he did make deposits in the Bank of Edwardsville?

A. I do not. I was at Congress during the time spoken of, and I have no recollection of having known any thing at that time concerning his deposits; all I know on the subject is from recent publications. I am under the impression that, during the Winter succeeding the letter of 1st November, either Colonel Johnson or myself was written to on the subject of the enclosure above spoken of, but my recollection is so indistinct that I cannot speak with any certainty about it.

Q. It is stated in an account current of Benjamin Stephenson with the United States, printed with Mr. Crawford's publication, ordered to be printed on the 11th of May, No. 13, that there was cash deposited in the Bank of Edwardsville, on the 31st January, 1820, amounting to \$2,526 82; and in another account, No. 14, that there was cash deposited in the same bank, by Stephenson, on the 29th February, \$2,881. If these statements are true, do you now think it possible that the

letter of the 20th April was the letter alluded to in that conversation before mentioned by Mr. Stephenson?

A. I still think it possible. His own letter being silent on the subject of the future deposits, he may have thought that that would have justified him in continuing to make those deposits; and yet, from the enclosure above referred to, Mr. Crawford may have intended to prohibit their being made there. I have already stated that my impression is, that Colonel Johnson, or myself, received a letter on the subject of that enclosure, and suppose the enclosure and the Receiver's letter together may have occasioned the latter some uncertainty how he was to act.

Q. You speak of your impressions concerning a letter to yourself or Colonel Johnson. By whom was that letter written?

A. My impression is that it was written by the President of the bank, who was also the Receiver. Colonel Johnson's brother-in-law holding a very large portion of the stock of that bank, he has been principally relied upon for some years past to make all negotiations with Mr. Crawford concerning it that have been made here, and we have generally had conversation upon the subject when he has had to act in those cases. If I received the letter, no doubt it was communicated to him; and if he received one, it is equally probable that it was shown to me.

Q. Do you know that the Receiver at Edwardsville ever saw that paper called the enclosure in the letter of 1st November?

A. Of my own knowledge, I do not, but I should think it very strange if he had not seen it, he being the President of the bank.

Q. In examining the records in the Receiver's office, did you see a letter from Mr. Crawford of the 1st November?

A. I did.

Q. Does it contain any direction to the Receiver to deposit moneys in the Bank of Missouri?

A. I think not. I have already stated that I believe it is silent as to his future deposits, after the one therein specially referred to.

Q. The letter to the Receiver, of 1st November, and the enclosure of which you speak, differ in this respect. That part of the enclosure which relates to the Bank of Missouri is not found in the letter to the Receiver. Is there not this difference?

A. The letter which I saw at the Land Office at Edwardsville from Mr. Crawford to the Receiver, of November 1st, 1819, I feel confident contains no directions to make the deposits in the Bank of Missouri, but is silent, as I have before stated, as to future deposits.

Q. Could the Receiver, if he had seen this enclosure, have doubted about the propriety of continuing his deposits, with the letter of 1st November in his hands?

A. I think he could.

Q. In giving your advice to the Receiver in the Fall of 1819, did you give it in the character of his friend, or as a person holding a high place in

the Government, with a view to promote the public interest?

A. At that time I had lost confidence in banks generally, so much so that I did not wish to be held responsible for any bank. I advised the Receiver as a friend to him, and also with a view to free myself of all responsibility for the bank, by placing things in such a situation that Mr. Crawford could act in the case as he should think fit on his own responsibility, leaving the funds in the Receiver's hands entirely to his control.

Q. Did you consider the funds of the United States safer in the hands of the Receiver than in the Bank of Edwardsville for ninety days?

A. I considered the funds, at that time, as safe in the hands of either, with this difference, however, that the bank might have been more liable to use them than the Receiver.

Q. Did you not, after or about this time, write to a Paymaster or Paymasters, recommending, suggesting, or soliciting him or them to pay the troops of the United States in notes of the Bank of Edwardsville?

A. I have no recollection of having written to any Paymaster at all on the subject. I had at that time as much confidence in the notes of the Bank of Edwardsville as in any other of the local banks. Their notes were receivable in the Land Office, and were current in that part of the country, and I should suppose might have been taken by persons to whom the Paymaster was to make his payments, as safely as any other notes in that quarter of the country, nor should I have had any objection to recommend them to any Paymaster as readily as any others of the notes of the local banks which circulated there. I think about that time I had heard of some order having been given by the War Department, which, as well as I now remember, required the troops to be paid either in Missouri paper or in specie; and I think I wrote to the Secretary of War, and probably to other persons, probably to Colonel Johnson, complaining of the order.

Q. Do you recollect whether it was before or after you attended Congress, that you wrote these letters?

A. I do not recollect the time, but I suppose it must have been after the first, and before the second session I served in Congress. The bank only got into operation a short time before my departure for Congress, in 1818. I recollect but little of the case alluded to. I am, however, strongly impressed with a belief that there was, or that I so understood it, an order to Paymasters that I considered very partial to the Bank of Missouri.

Q. Was the letter which you wrote at the request of Mr. Stephenson, dated on the same day on which it was copied?

A. I do not recollect, but I presume it was.

Q. Did you see him, on that day, enclose a printed copy of your publication? and were both in the same package?

A. It was on the same day, and I think both letter and paper were put in one cover.

Q. Was the Land Office then kept in Mr. Stephenson's house, or in a separate building?

A. It was in a separate building, not far from his house.

Q. Did you see him carry the letter to the post office; or do you know that he did so?

A. I did not see it put in, nor do I know that it was. The post office was at a considerable distance from the place.

Q. At what time of the day, in the morning or the afternoon, was the copy taken?

A. I do not recollect.

Q. Did you make the draught at the office, or in your own house, before you went there?

A. I think it was written in my own house.

Q. Was it made on the same day on which it was copied, or the day before?

A. I do not recollect, but I think it was on the same day.

Q. At what hour of the day did the mail leave Edwardsville for Washington City, at that time?

A. I do not remember the hours of arrival or departure.

Q. How long does it usually take letters to reach Washington City, from Edwardsville, by mail?

A. From sixteen to eighteen days, I think, in regular course of mail, and when the weather is good; but it may be very much delayed when the weather is bad. The mail has been very irregular.

Q. What is the average time in which you have received letters from that place, when you have been in this city? Would twenty days be an unreasonable allowance?

A. I do not know how to make an average; miscarriages are more liable to happen in the Winter time, not only from accidents, but from the accumulation of letters, and I cannot now specify in how long a time I have received a single one of my letters after it was mailed from there. I think I have received much fewer in twenty days than those which have taken a longer time. The mail has been irregular in the Winter time, during the sessions of Congress, or letters at least have arrived very irregularly.

Q. I understand you to have said, that, but for the Secretary's report to Congress, on the 22d of March, you would have gone quietly to Mexico, without disturbing yourself with any of those charges against him?

A. I believe I have stated, and I now state again, that I should not have made the attack upon Mr. Crawford, if I had not considered him as attacking me.

Question by Mr. Webster. Have you been pretty well acquainted with the general operations of the Treasury, in the Western States, for several years, in regard to the collection of the public debts?

A. I have been, in regard to the collection from the sale of public lands, but of the special facts contained in the documents, I had no other means of knowing than every other member of Congress, except what I knew from being a director of the Bank at Edwardsville, while I was such.

Q. When did you first become a member of Congress?

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A. I was elected in 1818.

Q. Have you continued a member, without intermission, from that time until your recent diplomatic appointment?

A. I have.

Q. Have you, generally, attended the sessions of Congress?

A. I have.

Question by Mr. Livingston. Do you know any thing further, of your own knowledge, in support of the facts and specifications against Mr. Crawford, contained in your memorial?

A. Nothing that I recollect, at this time, that relates to the matters specifically alleged in my Address to the House.

NINIAN EDWARDS.

June 16, 1824.—*Mr. Edwards being again called.*

Question, by Mr. Forsyth. You state that you received from the Cashier of the Bank of Edwardsville an enclosure, contained in a letter from Mr. Crawford to him, of 1st November, 1819. Can you state whether there was not another paper enclosed in that letter?

A. I cannot. I neither saw nor heard of any other.

Q. For what purpose was your address to Congress, and the letter to the Speaker accompanying it, sent in a different manner and to a different person from the documents and the copy of the address, which you state was first sent?

[The committee decided that the question should not be put.]

Q. You state, in one of your addresses to the public, at Louisville, dated 18th May, 1824, that you sincerely believed, and had been advised by your most dispassionate friends and other impartial gentlemen, that it was absolutely and essentially due to your own character to enter into this controversy with Mr. Crawford. I wish you to state who these dispassionate friends and impartial persons were.

A. I object to the question.

[The Committee decided it should not be put.]

Q. Did not your affidavit, before the committee of investigation of the last Congress, with respect to this correspondence, which you allege took place between the Secretary of the Treasury and Mr. Stephenson, impose upon the Secretary the necessity, when he made his final report, either to produce that correspondence or to account for the omission to produce it?

A. I submit the question to the committee.

[The Committee decided it should not be put.]

Q. Do you think it possible that, in the year 1819, a letter should have come by mail, from Edwardsville to Washington, from the 16th of October to the 1st of November following?

A. Judging from the statement I have to-day seen, from the Post Office Department, I should think it was not; but, if the letter of the Receiver did not leave Edwardsville before the 16th of October, I do not believe that Mr. Crawford's letter to the Receiver, of the 1st of November following, was written or sent on the day of its

date, unless the letter of the Receiver was sent, by private conveyance, to Louisville, and mailed there.

Question, by Mr. Floyd. When, in your deposition, heretofore taken, you mention the name of "Colonel Moore," to what Colonel Moore did you allude?

A. To a representative in Congress from Alabama.

Q. by Mr. Floyd. You state that you had prepared another address to the House of Representatives, subsequently to writing the first, which, should Congress have adjourned, you intended to get published in the National Intelligencer, if you could. What was your object in wishing to have it so published?

A. I thought I had obtained sufficient testimony to establish my innocence of the charge or imputation which I understood Mr. Crawford as having made against me; and I wished to lay that testimony and my address before the people of the United States.

June 19th.—*Mr. Edwards further examined.*

Q. by Mr. Forsyth. Have you, or have you not had, in your possession, the paper which you say Lippincott found in the Receiver's office in your hand-writing, at any time since the 12th of October, 1819?

A. I presume that the draught of the letter of the Receiver of the 12th of October is alluded to. There is nothing that I more firmly believe than that I have never seen that paper from the time it was copied by the Receiver, as has been before stated, until it was found by Mr. Lippincott in the office, in April or May last, as has also been stated. I then had it in my hands, and read it, I believe, more than once, but never had it in my possession, out of the office, after it was so found by Mr. Lippincott.

Q. Do you know who prepared the rough draught of the letters from the President of the Edwardsville Bank to you, of January 7, 1820, to the Secretary of the Treasury of the same date, and to the Secretary of the Treasury of the 18th of April, 1820, or either of them?

A. I do not.

NINIAN EDWARDS.

James Noble, of the Senate, sworn, on the part of Mr. Crawford.

Q. You were employed by the Treasury in some arrangements with the Bank of Vincennes, were you not? Will you be so good as to state whether, in your opinion, the debt due by that bank to the Government is secured, or any part of it, and, if any, what?

A. So far as I had the agency in it, which is to the amount of about \$26,000, I believe and consider the debt as secured.

Q. Do you consider the claims of the United States on that bank, apart from the collateral security, as being safe?

A. As to the residue of the claim which the United States has against the Bank of Vincennes, I know nothing of it, except from information

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which has been derived from the Directors, who say that the bank is able to pay the debt, and has secured its payment. A part of that debt, consisting of \$10,000, (not included in the \$26,000 beforementioned,) was transferred by that bank to the Treasurer of the United States, in a draft on John H. Piatt, secured by two good endorsers; and, from very recent information, I learn that this draft is now in the hands of the Treasury Department, or the District Attorney, Mr. Dewey, and in a train to be recovered. A further sum of \$7,000 is secured in obligations against the State of Indiana, which is a matter in negotiation between that State and the Treasury of the United States.

Q. Have you had any conversation with Governor Edwards concerning Mr. Crawford's management of the Western banks, and concerning his authorship of the A. B. letters?

A. I have; and it was introduced by himself.

Q. State that conversation, with the time and circumstances.

A. The precise day I cannot recollect; it was pending his nomination made by the President of the United States to the Senate, as Minister to Mexico; and it was after the 21st or 22d of February last. I make this statement, from the fact, that on the 21st or 22d of February, I went to Mrs. Queen's to board, where Governor Edwards resided, and this conversation was after I went there. He stated that he was about to be attacked in the Senate of the United States for the purpose of defeating his nomination; that party and political spirit was now high; that he understood that charges would be exhibited against him, and that it had been so declared in the Senate Chamber. I remarked to Governor Edwards that he well knew, according to the rules of that body, while on Executive business, secrecy was required; that I was not at liberty to mention any occurrence, or the remark of a single member, excepting so far as related to myself; that I was not governed by party or political feelings or motives; that I adhered to the expression made use of by Jefferson—and the only inquiry with me was, is he capable and is he honest? Governor Edwards then remarked, that, although secrecy was required in that body, yet he was informed almost every day of the transactions and remarks of individuals when his nomination was called up; and he added, "Noble, I shall not forget you." I then replied, that I did not understand his meaning. He said it was unimportant—he was satisfied I was not governed by the party feelings which were then prevailing. It was on the day, in the evening of which this conversation took place, that I had moved to take up his nomination in the Senate. This must have been his meaning, when he said he would not forget me; for he explained it the next day, and said he had heard that I had done so. Mr. E. farther remarked, that he knew me to be the decisive friend of William H. Crawford; and, said he, I am considered as being his bitter enemy—and I am charged with being the author of the numbers signed A. B.; but, (raising his hand,) I pledge you my honor, I am not the author, nor do I know who

the author was. Crawford and I, said Mr. Edwards, have had a little difference, but I have always considered him a high-minded, honorable, and vigilant officer of the Government; he has been abused about the Western banks and the unavailable funds; (leaning forward and extending his hand,) he added, now down it, you know we both live in States where there are many poor debtors to the Government for lands, together with a deranged currency. The notes on various banks being depreciated, after the effect and operation of the war in that portion of the Union, and the banks, by attempting to call in their paper, having exhausted their specie, the notes that were then in circulation became of little or no value. Many men of influence in that country, said he, have united to induce the Secretary of the Treasury to select certain banks as banks of deposit, and to take the notes of certain banks in payment for public lands. Had he not done so, (meaning Mr. Crawford,) many of our inhabitants would have been turned out of doors, and lost their lands; and the people of that country would have had as universal disgust against Mr. Crawford; and I will venture to say, said Mr. Edwards, notwithstanding I am considered his enemy, that no man in this Government could have conducted the fiscal and financial concerns of the Government with more integrity and propriety than Mr. Crawford did. I farther remarked to Governor Edwards, in speaking of his nomination, that, inasmuch as he was nominated by the President, unless some charge was brought against him, I had already evinced in the Senate my disposition to vote for the confirmation of his nomination, without any previous consultation with him; but added, if I had the power of making the nomination, I would not have nominated him; and, as an evidence of it, I had written a letter to Mr. Monroe, urging the nomination of William Henry Harrison, and with that letter I had enclosed the unanimous recommendation of the members of the Legislature of Indiana in favor of General Harrison.

Question by Mr. Cook. When Governor Edwards mentioned to you that he received information of what the Senate was doing, did he not at the same time observe that he was a member of the Senate, and had a right to know what they were doing as much as any other member?

A. If he made that observation, I do not recollect it. He might have done so.

Q. When you had this conversation with him, had not the Richmond Enquirer on that, or some day not long before, been received in this city, containing an allegation that Mr. Edwards, "the author of the A. B. plot," had been nominated as Minister to Mexico? and can you say positively that the denial of the authorship on the part of Mr. Edwards did not relate to the plot instead of the writings themselves under that signature? and did not the conversation grow out of that publication?

A. I saw an article in the Richmond Enquirer, stating that Ninian Edwards, the "author of A. B." or "of A. B. plot memory," (I do not recollect which,) had been so nominated. The paper

I saw at the boarding-house of Mrs. Queen, and I think in the hands of Mr. Elkins; whether it was before the conversation with Governor Edwards, or afterwards, I do not distinctly recollect. I am inclined to think it was after the conversation; but I am very well satisfied, that, in the conversation with Governor E., when he declared himself not to be the author of A. B., and pledged his honor to the declaration, that I understood him to have an explicit reference to the numbers signed A. B. which appeared in the *Washington Republican*; and I so understood him, because he had reference to the reports of the two committees who examined into that subject at the previous session of Congress. No allusion whatever was made in this conversation to the article in the *Richmond Enquirer*.

Q. In the course of the conversation, was reference made to any particular numbers of the publications signed A. B.

A. There was not.

Q. Was the name of General Cocke at all introduced?

A. It was not.

Q. When did you first mention the conversation you have now repeated as having passed between yourself and Governor Edwards? and to whom?

A. According to the best of my recollection, I never repeated it to any person until the evening of the day that I was informed that Governor Edwards's address was presented to the House of Representatives; on that evening, in conversation with several of the members of that House, amongst whom were Mr. Reed and Mr. Nelson, some of whom said that Governor Edwards had avowed himself to be the author of A. B., and others said that he had not done so, I remarked that they must have misunderstood the address, for Governor Edwards had pledged his honor to me that he was not the author of A. B. In the same evening I made the same remark to Mr. Elkins.

Q. Did you mention the subject to any member of the Senate?

A. Not while his nomination was pending, nor before his address appeared; afterwards I spoke of it, without reserve.

Q. I perceive from the *Richmond Enquirer* that a letter, purporting to have been written in the Senate Chamber, and dated April 26, 1824, states, that "Mr. N. Edwards declared to Mr. Noble, Senator from Indiana, that he was not the author of the A. B. publication; he did this pending his nomination as Minister to Mexico; in consequence of this declaration, Mr. Noble states that he voted for him." Did you make any such communication to any member of the Senate?

[Mr. Forsyth objected to this question, and the Committee decided the question was improper.]

Q. Did you ever have any conversation with Colonel Benton, of the Senate, on the subject of your conversation with Mr. Edwards?

A. Yes.

Q. In the conversation you had with Mr. Edwards, did he speak of the original plan adopted by the Secretary of the Treasury for the relief of

the people of the West, or did he speak of the manner in which that plan was executed?

A. He spoke of the conduct of the Secretary of the Treasury generally.

Q. Did you understand the conversation you have mentioned as intended to affect your vote on the then pending nomination?

A. I did not suppose that that was its design, nor had it any such effect upon myself. I considered him as speaking as an honest man. If he had told me he was the author of A. B., it would not in my opinion have had the least weight with me whatever in relation to my vote; for I considered that matter as done with, and I had already taken an active part for him in the Senate.

Question by Mr. Forsyth. What do you now understand as having been the effect intended to have been produced by that conversation?

Answer. Governor Edwards having pledged his word and honor to me, unsought for, that he was not the author of A. B.; and having expressed his opinion of the integrity and vigilance of the Secretary of the Treasury, and mentioned that he expected an attack in the Senate, as I now suppose from the friends of Mr. Crawford, I consider him as having expected that I would take this information that he gave me into that body, and it would be the means of securing the confirmation of his nomination.

Question by Mr. Cook. Did Governor Edwards request you to mention what he had said to any members of the Senate, or did he afterwards inquire whether you had done so?

A. He did not.

Q. Did you, in the conversation with Mr. Edwards, signify to him that his being or not being the author of A. B., would have no influence on your vote?

A. I did not.

JAMES NOBLE.

Witness called again.

Question by Mr. Edwards. Please to state the value of each division of the property you received at Brookville as security for the debt of the Bank of Vincennes to the United States.

Answer. As to the value, it would be but mere opinion, and I cannot, from recollection, name each division of the property. But, at the time the property was conveyed by mortgage to the Treasurer of the United States, I supposed and believed that it would cover nearly the sum of \$26,000, according to the terms of the mortgage, and the valuation fixed on the property by two disinterested persons who had valued it previously to its being conveyed by the owners to attorneys or trustees for the use of the Directors of the Bank of Vincennes, and for the purpose of discharging their debts, as will fully appear from a report of the Treasury Department, marked F, and dated 29th April, 1822, (see Executive papers of second session of 17th Congress.)

Q. What is its present value?

A. It is impossible for me to state.

Q. Was it not your opinion, while my nomination was pending, and shortly after you came

to Mrs. Queen's to lodge, that there would be no opposition to it in the Senate?

A. It was my opinion that there would be an opposition, and you yourself told me that there would; but the fact turned out that there was no opposition, for reasons which you know. You know that the opposition was expected from Colonel Benton, and he was sick. I did not know what the charges to be brought against you were, and I told you at the same time that if there were no charges brought, I should vote for you and should not regard political feeling. You remarked to me that the friends of Mr. Crawford would oppose you. I replied, that some of those whom I knew to be his friends would scorn such a line of conduct—I mean, would scorn to suffer political feeling to bias their votes in such a case.

Q. Where did the conversation which you have testified as having passed between you and myself take place?

A. In my room, at Mrs. Queen's.

JAMES NOBLE.

John Mason sworn, on the part of Mr. Crawford.

Question by Mr. Forsyth. Have you, or not, had a conversation with Mr. Edwards, concerning the A. B. publications? and if so, state what it was.

Answer. I had such a conversation with Mr. Edwards, and, as far as I recollect, it occurred while his nomination was pending in the Senate, and before it had been confirmed, but of this I will not be positive. He stated to me that there would probably be, or that he had expected, an opposition in the Senate, and that one of the grounds of that opposition was the authorship of the A. B. publications, which had been imputed to him; that as to that, although it was well known that he had taken a decided stand against Mr. C., he had done nothing which he had hesitated to avow, or would hesitate to avow, (I cannot be certain which he said,) and that his opposition had been open and fair.

J. MASON, JR.

Mr. Mason called again.

Question. When you first saw me, after I occupied the back room of Mrs. Queen's boarding-house, what was the state of my health?

Answer. You were, as I thought, quite ill.

Q. Was not this shortly after my nomination?

A. It was.

Q. Was it at this time that you had the conversation you have related?

A. It was subsequently to this visit.

Q. Had I not then got well?

A. You were then certainly much better.

J. MASON, JR.

Daniel P. Cook, of the House of Representatives, sworn, on the part of Mr. Crawford.

Question. Did you receive the address of Mr. Edwards, to Congress, by mail? and if so, at what time?

Answer. I received it on the Saturday next previous to the Monday on which it was presented to the House, accompanied by a letter through the mail, from Wheeling, requesting me to place it in the hands of the Speaker, after supplying some documents which were referred to in the memorial, but were not forwarded with it. These documents I supplied, and, on the next day, did place it in the hands of the Speaker.

Q. Was the address itself communicated by mail?

A. Yes.

Q. Did the address come through the mail addressed to you?

A. No.

Q. To whom did it come addressed?

A. I submit to the committee whether this is a proper question.

[The committee decided that the question ought not to be put to the witness.]

Q. State what reasons you have for knowing that it came by mail at all?

A. By the mail preceding that which I believe brought it on, I received a copy of a part of the same memorial, with a letter from Mr. Edwards stating that he expected by the next mail to forward it complete; and by the next mail I received a second letter from him, stating that he had by that mail forwarded the memorial, as suggested in his former letter; and the person to whom it was sent did early on that day place the memorial in my hands, which was in the original blank envelope, having the post mark of Wheeling upon it, and directed by Governor Edwards, whose handwriting I know; and therefore I believe that it came by mail.

Q. Was it opened?

A. The seal of the envelope had been broken.

Q. I think it was early in the day that you received your own letter and this envelope?

A. I think it was not later than ten o'clock.

Q. Do you not know that Mr. Edwards is not the author of those A. B. publications printed in the *Washington Republican*, which he has avowed in his memorial?

A. Since I understood he was the author of any of them, I have understood from him that he was the author of all those which relate to the subject of this investigation. I did understand that the first number of those publications was communicated to that paper by a different person, but I have since learned from Mr. Edwards that he wrote all of them which refer to the subject of this investigation, and I know nothing to the contrary.

Q. Did you, in supplying documents for that memorial, furnish any but printed ones?

A. I furnished none others. The rest came in the packet.

Q. Was postage charged on the packet you received?

A. If there was I have no recollection of it. I am sure I paid no postage.

D. P. COOK.

Mr. Cook called again.

Q. by Mr. Forsyth. Please to separate those

papers which you furnished for the memorial of Mr. Edwards, from those which came enclosed to you.

A. I furnished one, and am not certain but two, of the A. B. publications; and I furnished Nos. 1 and 2 of the documents annexed to the memorial. My impression is that these are all which I furnished.

Q. You state that the seal of the envelope which was handed to you had been broken. Were the papers within it sealed up and directed to you?

A. They were not. I received six or seven newspapers and documents directed immediately to myself, but the memorial was not.

Q. What motive did Mr. Edwards state to you for sending the memorial to you indirectly?

A. He expressed none. The memorial and the letter to the Speaker of the House came in the same envelope.

D. P. COOK.

Jeremiah Elkins sworn, on the part of Mr. Crawford.

Q. Had you a conversation with Mr. Edwards about the A. B. publications?

A. I have heard him allude to those publications, and mention his being charged with the authorship of them.

Q. State what took place?

A. I think it was an article in the *Richmond Enquirer* which led to the remark I heard him make, in which article it was stated that "Mr. Edwards, of A. B. plot memory," or words to that effect, had been nominated by the President as Minister to Mexico. Mr. Edwards observed that he was not the author of those publications; or, as I think the expression was, that he was no more the author than the editor of the *Enquirer* himself.

Q. by Mr. Cook. Where and when did this conversation take place?

A. It was at Mrs. Queen's boarding-house, and during the dependency of Mr. Edwards's nomination before the Senate. I cannot recollect the particular day.

Q. Was any other person present at this conversation?

A. Probably there were others present. I think it was either at dinner, or during the time that the boarders were coming in to dinner. Mr. Edwards inquired whether any gentleman took, or had seen the *Richmond Enquirer*, that he understood there was in it an article to the effect stated above, and then made the remark relative to it which I have mentioned.

Q. Can you remember in what part of Mrs. Queen's house he then had his room?

A. I do not recollect.

Q. Did General Noble then board there?

A. I think it was about the time General Noble came there—probably within a day or two before or after. Of this, however, I am not certain.

Q. Do you remember having any conversation with General Noble about that article in the *Richmond Enquirer*, before the presentation of Mr. Edwards's memorial?

A. No. I might have had, but do not recollect any.

Q. Had you the *Richmond Enquirer*, in which this article was contained, then in your possession?

A. It is impossible for me to recollect. The *Enquirer* was taken by Mr. Locke, a member of Congress from Massachusetts, who then lodged at Mrs. Queen's.

Q. Did you, at or about that time, hand or show that paper to General Noble?

A. I do not remember. Such a thing might have occurred without my recollecting it.

Q. Is that the only conversation you ever had with Governor Edwards on the subject?

A. I do not recollect any other.

JEREMIAH ELKINS.

Witness again called.

Q. by Mr. Cook. Did Mr. Edwards, in making the denial you have referred to, use the words "A. B. plot," or "A. B. publications?"

A. I knew of no difference between the two, and therefore do not recollect.

JEREMIAH ELKINS.

William W. Seaton sworn, on the part of Mr. Crawford.

Question by Mr. Forsyth. Did you ever have a conversation with Mr. Edwards, relative to the authorship of the A. B. publications?

Answer. Mr. Edwards spoke of those papers to me, incidentally. He came to our office to have, as he said, a free and frank conversation. It was the first time he had been there, to my knowledge, for a year. It was during the pendency of his nomination before the Senate as Minister to Mexico, and some time before Mr. Crawford's report was made to Congress. He wished to know, he said, if we would publish his defence. I asked him what defence—a defence against whom? He replied, that he expected to be attacked, and whenever he turned upon his enemies, he generally got the better of them, (or words to that effect.) He further said, (and this I remember distinctly, for he twice or thrice repeated it,) that when he commenced, he never stopped at the line of just retribution. I answered him, that, if he was attacked in our paper, he should have the free use of it to defend himself; that if he was attacked anywhere else, he should have the same rights extended to him as were extended to all other citizens; but he could have no positive promise of publication, until we had read the matter which he wished published. Passing then from that subject, Governor Edwards said he knew that we had thought him for some time hostile to us, on account of that foolish business of last session, (or that A. B. affair of last session—I do not recollect which phrase he used,) but he had nothing to do with it. Mr. Gales was present during the greater part, if not the whole, of this conversation. It was on the authority of this conversation alone, that we expressed in the paper our belief that Mr. Edwards was not the author of the A. B. publications.

Question by Mr. Cook. Had you not, previous to this conversation, said to others that you did not believe Mr. Edwards was the author of the A. B. publications?

Answer. At the time the A. B. papers appeared, it did not strike me that Mr. Edwards was the author; and when the subject was continued in the *Franklin Gazette*, after Congress had adjourned, and Mr. Edwards gone to Illinois, I believed that another member of Congress was the author. Such being my impression, I may have stated it, but do not recollect having done so. But the conversation with Mr. Edwards was the only authority beyond conjecture we had for stating that he was not the author; nor should we have published the paragraph, but for that conversation.

Q. Can you say distinctly that in that conversation Mr. Edwards did not speak of an imputed plot; and, in saying that he had nothing to do with it, that he did not refer to a plot, and not to the publications?

A. I do not distinctly recollect Governor Edwards's language, except so far as that it left a strong impression on my mind that he disclaimed having any thing to do with the A. B. business. He spoke of it generally, and I do not recollect that he made the distinction referred to in the question now put.

Question by Mr. Livingston. When you speak of the A. B. business, the A. B. plot, and the A. B. publications, do you not mean the same thing?

Answer. In applying some of those terms, I have used the language commonly applied to them, and understand them all to mean the same thing.

Question by Mr. Cook. Was not the word *plot*, as applied to the subject, first used in the *National Intelligencer*?

Answer. I cannot tell. It has frequently been used in the *National Intelligencer*; but I believe that epithet was applied to it by the public as early as it was by the *National Intelligencer*.

Question by Mr. Edwards. Do you not recollect that in the conversation which I had with you and Mr. Gales, I stated, that, in consequence of certain rumors about the publications of A. B., and what had been stated in your paper about an A. B. plot, that I might find it necessary to say something about yourselves, and show that there was no A. B. plot in the case at all—or words to that effect? And did not Mr. Gales reply?

Answer. Such a remark may have been made, but I cannot call it to my recollection. As it seems Mr. Gales replied to the remark, it is possible it was addressed to him; and on this account I may not particularly have noticed it.

Q. In saying (as you have done) that I intimated that I had nothing to do with the A. B. affair, did you not consider me as rather alluding to any effects it might have upon you, than upon others?

A. Your object at the time appears to me to have been to remove any impression of your entertaining feelings of hostility to us; but the concurrent impression which you conveyed to my mind was, that you were not the writer of the A. B. publications.

Q. Was not this an inference of your own, from the general scope of the conversation, rather than from any expressions of mine?

A. Your exact language I do not remember.

I can only speak with certainty of its effect upon my mind, which is as I have stated. We thought the denial clear, because that was the "good reason" spoken of in our paragraph, which we stated ourselves to be in possession of, for not believing you to be the author.

Q. Did I not expressly state, in connexion with the conversation about the A. B. affair, that I had no intention of injuring you?

A. I think not; because that would have been a virtual admission that you were the author—and we understood you to deny being so.

Q. Do you not recollect my making the following remark—that I never was the aggressor in any controversy, and never would be; but that when attacked, I did not know that I always stopped at the just bounds of retribution?

A. Of this remark, I remember distinctly only that part which I have already stated; but the residue may have been expressed by you in connexion with it.

Q. In Mr. Dickens's testimony, he mentioned you as having procured the copying of some of the bank correspondence. By whom was this copying executed, and under what circumstances?

A. Being informed last Fall, by Mr. Little, of this city, that he should be glad to obtain from some of the public offices some clerical employment to fill up his leisure time, and knowing that, in times of pressure, writing was given out by some of the public offices, I inquired of Mr. Dickens, in the month of October last, if there was, in the Treasury Department, any extra writing he could give out. He mentioned that the voluminous bank correspondence, called for by a resolution of Congress, was more than the clerks in the office could get ready, and, as others were employed on it out of the office, if I knew of any trust-worthy person, he would give him a part of it to do. On my vouching for the integrity of the gentleman mentioned, Mr. D. gave me a bundle of the letters, which he wished might be copied without delay, as the Secretary of the Treasury was anxious to transmit the correspondence to Congress early in the session. These letters were transcribed in three or four weeks and returned. Soon after, Mr. Dickens called on me, and said he was afraid the other persons would not be able to get the remainder of the letters copied in time, and asked me if the same gentleman would undertake some more. He left another bundle with me, which were also copied. On their being returned, I inquired if he could tell me how soon the correspondence would be sent in. He could not say, as there was yet much of the correspondence remaining to be transcribed. I told him the same gentleman, and one or two others, also, would be glad of as much writing as they could get. I then received from Mr. Dickens a third large bundle of the letters, and they were immediately put in hand. I afterwards received several messages from Mr. Dickens to hurry the copying, as the Secretary was very impatient to send the correspondence to Congress, and as, after the copying should be completed, it would take much time to compare the transcripts with the originals. To-

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ward the latter part of the copying, I received, every day, a message from Mr. Dickins, urging despatch, as all the rest of the copying was finished, and he was so importunate to have it done, that I was induced to obtain for Mr. Little the aid of an additional person. The precise time that this copying was completed, I do not remember, but it was, I think, some time in March.

W. W. SEATON.

Charles H. W. Wharton sworn, on the part of Mr. Crawford.

Question by Mr. Forsyth. Have you ever had a conversation with Mr. Edwards about the authorship of the A. B. publications? If yes, relate it.

Answer. Yes. I have had a conversation with him on that subject in December or January last, at his lodgings, at Mrs. Queen's. Mr. E. said he was not the author of the A. B. plot, that he did not know any thing about it.

Q. In what manner was this denial made, and in what words, so far as you can recollect?

A. The manner appeared to be solemn; the expressions were—"He would be damned if he knew any thing about that damned A. B. plot."

Q. How came he to say any thing about the A. B. plot?

A. I called upon Mr. Edwards for the purpose of procuring recommendations to the different Secretaries of the Departments with a view to obtaining for myself a clerkship. He stated that he was intimately acquainted with all of them, and could give letters to all of them, except Mr. Crawford, and a letter to him would do no good, for, (to use his own expressions) that he and Mr. Crawford "did not set horses together;" "that Mr. Crawford was under a belief that he was the author of the damned A. B. plot, the authorship of which he disavowed; and he concluded by saying that he considered Mr. Crawford a very clever and honorable man."

Q. by Mr. Cook. Are you certain that Mr. Edwards, in speaking of an A. B. plot, did not say that he knew nothing of any plot?

A. I have correctly stated the conversation as it occurred.

C. H. W. WHARTON.

John S. Barbour, of the House of Representatives, sworn, at the request of Mr. Edwards.

Question by Mr. Cook. Have you had any conversation with Mr. Noble on the subject of a conversation held between him and Mr. Edwards, relative to the authorship of the A. B. publications? If so, please to state what that conversation was.

A. I will relate the circumstances under which such conversations were held. Shortly after the communication of the addresses of Governor Edwards, I read, with two members of the Kentucky delegation, a letter printed in the Richmond Enquirer, in which Governor E. is said to have declared to Mr. Noble that he was not the author of those publications signed A. B., and that, in con-

sequence of such disavowal, Mr. Noble had voted to confirm his appointment in the Senate. I felt anxious to know whether such disavowal had been made for such a purpose. Under the influence of that anxiety, I met with General Noble in this Capitol, and heard him say that such was not the fact; that Governor E. had disavowed the authorship of those publications; that it had no connexion with his vote, as he was his friend, and should have voted for the confirmation of his appointment in any event.

Q. Did General Noble say, at that time, that he did not believe that disavowal was intended to have any effect upon the nomination of Governor Edwards?

A. All that I know of it is embodied in my answer to the first interrogatory.

Q. Have you had any conversation with Mr. Elkins on the same subject? If so, please state what it was, and when?

A. I think at some period of time, shortly after the address of Governor Edwards was presented to the House, and after the publication in the Enquirer, to which I have alluded, Mr. Elkins informed me in a conversation, sought by myself, that he had heard Governor E. incidentally remark, upon reading this article in the Enquirer, in which he is spoken of as "Ninian Edwards of A. B. plot memory," that he was no more the author of that plot than the Editor of the Enquirer—I speak with more preciseness of the conversation with Mr. Elkins than of that with General Noble.

JNO. S. BARBOUR.

Thomas H. Benton, of the Senate, sworn, on the part of Mr. Crawford.

Question by Mr. Forsyth. Were you not well acquainted with the connexion of Mr. Edwards with the Edwardsville Bank?

Answer. From general report only. I never did any business with him in that character.

Q. Do you know that he has made efforts, from the establishment of the institution till its failure, to keep up its credit with the public?

A. What I know personally is the publication in the St. Louis Enquirer, of which I was an editor.

Q. Do you know whether the statements in that publication are correct.

[To this question Mr. Cook objected. The Committee decided that it might be put.]

A. I very well remember my opinion at the time the publication was made. It was, that the publication would give a credit to the bank, to which it was not entitled. In conformity with that opinion, and from no other motive than to counteract the effect of that publication, I wrote an article, which was published either in the same paper, or in one next succeeding, (but I think the same,) in which I gave some of the reasons which induced me to believe that the bank was not entitled to the credit which Mr. E. gave to it in his publication. I have not seen that article since, but the facts and circumstances rest upon my mind, and I am still of the opinion that I then was.

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Q. What were the facts on which this opinion was formed.

A. The first was one leading fact, which I had from general report, that a majority of the stock was held by two or three stockholders who were persons of little or no property. The stockholders to whom I allude were Mr. Robert Latham and General Payne, the latter of whom was reputed to cover stock for the Messrs. Johnson, of Kentucky. Mr. Latham was generally reported to be the insolvent partner of a firm in Kentucky—I think either Latham & Broadhead, or Latham & Morehead; and that he was insolvent I am certain, having been employed as a lawyer to collect debts from him. The Messrs. Johnson were generally reputed to be in bad pecuniary circumstances. The stockholders having a majority of the stock, could change the Directors at any election. This circumstance deprived the bank of credit in my eyes. Another circumstance which made me believe that the publication of Mr. Edwards would give the bank a credit which was not due to it, was its silence upon points necessary to be known, such as the pecuniary stability of several of the Directors. Mr. Smith, one of the Directors, of whom a high character is given in that publication, was generally reputed to be without property, or very recently insolvent. Dr. Joseph Bowers, of whom a high character is also given, was a speculator lately arrived in the country, claiming and talking of much property, but, as was believed, without solid foundation. The other directors, with the exception of two or three, were generally reputed to own but little property, and to hold a minority of the stock. Another circumstance to the prejudice of the bank, was my belief that it could not do a business which would defray its expenses and support it, owing to the little commerce existing in the place where it was established.

Question by Mr. Cook. You state that Mr. Edwards made his publication in the St. Louis Enquirer of 1819; was Mr. Crawford on the list of those to whom that paper was statedly sent?

A. Yes.

Q. At the time you spoke of the character of the Bank of Edwardsville, and its claims to public credit, did you know any thing of its actual condition?

A. I had no personal knowledge of its affairs; my opinions were bottomed on general current report.

Q. Did you not, about the same time, write to the Secretary of the Treasury, stating strong objections to the claims of this bank upon his confidence, and that of the public?

A. I did so, some time before, soon after the bank went into operation.

Q. Did you receive any reply from the Secretary on that subject, by which you ascertained that he had received your letter?

A. I did; and he stated that, availing himself of the permission expressed in my letter to show it to whomsoever it concerned, he had shown it to Mr. Edwards and Colonel Johnson.

Q. Were you at that time a Director of the Bank of Missouri?

A. I was not till long after, say two years or more.

Q. About this time, however, did you not make communications in your paper to the public, strongly supporting the claims of the Bank of Missouri to the public confidence?

A. I made very few, if any; I do not now remember one.

Q. Was it not your opinion, that that bank was entitled to confidence?

A. It was, most decisively. After my first arrival at Washington City, in 1820, I had spoken to Mr. Crawford in favor of the Bank of Missouri. After that bank had stopped payment, and resolutions had been submitted in the House of Representatives, upon the subject of its failure, and of the public deposits in it, myself and Mr. Scott, representative from Missouri, went to Mr. Crawford, and offered to give him, in writing, the previous statements which we had made, verbally, in favor of the bank. Mr. Crawford declined receiving any statement from us. His precise words I do not remember, but he declined taking from us any thing like vouchers to shield him from responsibility, stating, I think, that the correspondence would show that every thing was fair, and that he had proceeded on sufficient grounds.

Q. Which bank first failed to pay specie for its notes, the Bank of Missouri or the Bank of Edwardsville?

A. The Bank of Missouri. But I have been informed and believe, that the Bank of Missouri had assets at the time of its stopping specie payment, to an amount beyond the claims upon it; that it has settled all these claims, either by paying them or securing them to be paid, while the Bank of Edwardsville has neither paid or secured its debt to the United States.

Q. At what time were you employed to collect debts against Mr. Latham?

A. Some time before I came to Congress, in 1820.

Q. Do you, or do you not, know that General Payne is reputed to be, and do you not believe him to be, amongst the wealthiest men in Kentucky?

A. I have always understood that he was a man of large property; but the general report was, that the shares in his name were really the property of the Messrs. Johnsons.

Q. Do you, or do you not, know or believe that the Messrs. Johnsons were at that time also considered among the wealthiest men in Kentucky?

A. All the information which I had upon the subject, represented them to be engaged in large and critical moneyed enterprises, and that their pecuniary credit was most uncertain.

Q. Do you not know that Robert Pogue, another Director in the Bank of Edwardsville, was at that time engaged in large mercantile concerns, and of unsuspected credit?

A. I knew Mr. Pogue as a merchant, and his credit and standing were very good.

Q. William Kinney, Joseph Conway, and Abraham Prickett, were also Directors. Were not these gentlemen all at that time of high respectability,

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and of considerable unencumbered property, so far as your knowledge extends?

A. I knew them all personally. Mr. Kinney was always represented to me as a person of considerable property. I never heard the others so spoken of. I know nothing about the encumbrances on any of their estates. They were all respectable.

Q. Dr. Joseph Bowers, another Director, is spoken of by Mr. Edwards as a gentleman of respectability. Was not that his general character at that period?

A. It was. But, my objection to Governor Edwards's publication was, its omitting to speak of the pecuniary circumstances of the directors and stockholders.

Q. Were the directors and stockholders liable beyond the amount of the stock paid in?

A. The Bank of Edwardsville was an incorporated bank, and I suppose, of course, they were not.

Q. What was the conversation you had with General Noble, which induced you to write the letter in the Richmond "Enquirer," in relation to that conversation?

A. I had two conversations with Mr. Noble, upon the subject of his conversation with Mr. Edwards. The first, soon after the appearance of Mr. Edwards's address. It occurred accidentally, while passing each other in the large circular room, in the centre of the Capitol. It was very short. I was going in haste into the Senate Chamber. Either replying to a question from me, or from some other person, for there were several passing at the same time, Mr. Noble said that Mr. Edwards had declared that he was not the author of the A. B. publications, and that he had supported him in the Senate. In repeating that conversation, I reported it, and in writing to the Editor of the Richmond "Enquirer" the letter in question, I represented it as if Mr. Noble had voted for Mr. E. in consequence of that disavowal.

It was the construction which I put upon the support which he had given. I was not in the Senate during the time that Mr. E.'s nomination was pending. A week or two afterwards, and when there occurred some leisure in the Senate, and in consequence of suggestions that Mr. Edwards had only denied the authorship of the A. B. publications by way of avoiding an improper curiosity, I asked Mr. Noble whether he had made inquiries of Mr. Edwards which led to the disavowal? Mr. Noble then stated to me particularly his conversation with Mr. Edwards. He said that the disavowal was wholly voluntary on the part of Mr. Edwards; that he had pledged his honor that he was not the author of the A. B. publications, but Mr. Noble had intended to vote for him before he heard this disavowal; that he had, before hearing it, made a motion in the Senate to take up his nomination; that Mr. Edwards, in that same conversation, spoke honorably of Mr. Crawford; spoke well of his management of the finances, and of his relief to the Western debtors. The second and full conversation was the same as has been detailed before the committee by Mr. Noble in his

testimony. The first was short and imperfect, and so slight, that Mr. Noble with difficulty could recollect it when I have since mentioned it to him.

Q. Do you not know, that the representations which you have stated were made by you to the Secretary of the Treasury, against the Bank of Edwardsville, were contradicted by those of Mr. Edwards and Colonel Johnson?

A. I do not know that they were.

THOMAS H. BENTON.

Abraham Bradley, junior, sworn, on the part of Mr. Crawford.

Q. by Mr. Forsyth. In October, 1819, what was the shortest time in which a letter could come by the mail from Edwardsville to Washington?

A. I have examined the contracts, and am unable to state.

Q. Could a letter have come, at that time, in less than twenty days?

A. It is difficult to answer with certainty; but, according to my best information, I should say it could not.

Q. Have you made out a list of the arrivals and departures of the mail between this city and Edwardsville? Is the paper now shown to you such a list? and is it made out according to the best information you possess?

A. It is. I have made it out from the contracts, in all its items, saving one, and that I have stated from the advertisement of the Post Office Department, for a contract which is the route from Wheeling to Louisville. The mail takes a longer time to come from Edwardsville than to go there.

Q. Do the dates on the bills of the mails sent, which appear in the quarterly returns, ascertain the time of the departure of the mails?

A. They always ought to do so.

ABM. BRADLEY, Jr.

List of departures and arrivals of the mail between Washington and Edwardsville.

[Arrangement mails 1818 and 1819.]

Washington—Leave Sunday, Tuesday, and Thursday, at 2 a. m.; arrive Monday, Wednesday, and Friday, at 10 p. m.

Fredericktown—arrive Sunday, Tuesday, Thursday, at 2 p. m.; leave Monday, Wednesday, Friday, at 10 a. m.; Leave Sunday, Tuesday, Thursday, at 3 p. m.; arrive Monday, Wednesday, Friday, at 9 a. m.

Cumberland—arrive Monday, Wednesday, Friday, at 8 p. m.; leave Saturday, Tuesday, Thursday, at 3 a. m.; Leave Tuesday, Thursday, Saturday, at 9 a. m.; arrive Friday, Monday, Wednesday, at 8 p. m.

Brownsville—arrive Tuesday, Thursday, Saturday, at 8 p. m.; leave Friday, Monday, Wednesday, at 4 a. m.; Leave Wednesday, Friday, Monday, at 3 a. m.; arrive Thursday, Saturday, Tuesday, at 9 p. m.

Wheeling—arrive Wednesday, Friday, Mon-

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day, at 4 p. m.; leave Thursday, Saturday, Tuesday, at 8 a. m.; Leave Wednesday, Monday, Friday, at 5 p. m.; arrive Thursday, Saturday, Tuesday, at 7 a. m.

Shelbyville—arrive Tuesday, Thursday, Saturday, at 10 a. m.; leave Friday, Monday, Wednesday, at 2 p. m.; Leave Tuesday, Thursday, Saturday, at 11 a. m.; arrive Friday, Monday, Wednesday, at 1 p. m.

Louisville—arrive Tuesday, Thursday, Saturday, at 8 p. m.; leave Friday, Monday, Wednesday, at 9 a. m.

Bairdstown—arrive Tuesday at 8 p. m.; leave Wednesday at 5 a. m.; Leave Wednesday at 5 a. m.; arrive Tuesday at 8 p. m.

Shawneetown—arrive Saturday at 10 a. m.; leave Saturday at 2 p. m.; Leave Saturday at 2 p. m.; arrive Saturday at 10 a. m.

Kaskaskia—arrive Tuesday evening; leave Wednesday morning; Leave Wednesday at 6 a. m.; arrive Tuesday at 6 p. m.

Cahokia—arrive Thursday at 2 p. m.; leave Monday morning; Leave Thursday at 3 p. m.; arrive —

Madison Courthouse, or Edwardsville—arrive [no time;] leave [no time—cannot find contract.]

Extract from the 1st page of the original "Account of the mails sent from the Post Office at Edwardsville," for the quarter beginning the 1st October 1819.

Date of the bills sent.	To what office the letters were sent.	Letters unpaid.	Paid letters.	Free letters.	Unpaid news-papers.
1819.					Nos. cts.
Oct. 9.	Golconda, Illinois -	\$0 43½			
	Brownsville -	0 12½			
	English Prairie -	0 12½			
	Cape Girardeau -	0 37			
	Waterloo, Illinois -	9 20			
	Edwardsville -	0 18½			
	Elvira, Illinois -	-	\$0 18½		
	Southward -	2 50			
	Franklin, M. T. -	0 18½			
	Eastward -	27 47		10	
	Kaskaskia -	0 62½			17
	Bellville, Illinois -	0 06			13
	St. Louis -	0 18			59
	Nashville -	0 25			
	St. Genevieve -	0 37			
13	St. Louis, M. T. -	0 06			
16	St. Michael -	0 25			
	Albion, Illinois -	0 12½			
	Carmi, Illinois -	0 37½			
	New Haven -	0 18½			
	Nashville -	0 25			
	Southward -	3 00			
	New Orleans -	0 50			
	Eastward -	15 48	1 50	9	
	Kaskaskia -	0 12½		1	
	Bellville -	0 12			
	St. Louis -	0 06			
	New York -	0 25			
20	St. Louis -	0 12		1	

The within is a true extract from an original paper, headed "Account of mails sent from the post office at Edwardsville, Illinois, 1819," furnished to the Committee appointed by the House of Representatives of the United States to investigate the charges preferred against the Secretary of the Treasury by Ninian Edwards.

S. BURCH,

Ch. Clk. House of Representatives.

JUNE 16, 1824.

George Sweeney sworn, on the part of Mr. Crawford.

Q. Are you a clerk in the City Post Office?

A. I am.

Q. Look at the post-mark on this letter. What is the date there marked?

[Here the witness was shown the letter from Mr. Crawford to the Cashier of the Bank of Edwardsville, dated 1st November, 1819.]

A. The day appears to be the 3d; but of what month cannot be discovered.

GEORGE SWEENEY.

WASHINGTON, July 15, 1819.

DEAR COLONEL: Yours of the 28th ultimo came to hand this morning.

The circumstances connected with the Bank of Edwardsville, as developed in the two letters of Governor Edwards, submitted by you to my perusal, will receive due consideration.

I am much surprised at the contents of his first letter to you. I am gratified with the explanation you have given him upon that subject. With Governor Edwards I had no personal acquaintance before last Winter. The opinion which I had formed of his talents and integrity, from the official correspondence which had been carried on between us both in the War and Treasury Departments, has been confirmed by personal acquaintance.

The different subjects upon which he had occasion to ask my opinion or decision, during the last session of Congress, were fairly and candidly stated; his comments upon them were judicious, and it afforded me great pleasure to be able, after due examination and reflection, generally to coincide in opinion with him.

The gentleman who has stated that I was unfriendly to Governor Edwards, has entirely mistaken my feelings and motives of action. Certainly every thing which occurred between the Governor and myself was decidedly calculated to inspire feelings of a very different character. I had every reason to be satisfied with him, and hope that nothing occurred on my part to produce dissatisfaction with him with any part of my conduct. I believe the only difference of opinion that occurred between us was in relation to the eligibility to office of a minor. In that case, it would have afforded me great pleasure to have thought with him, inasmuch as it would have enabled me to have aided in doing an act highly acceptable to my friend Colonel McKee. My inability to concur with him in opinion was cause of regret, and not of complaint. I had, therefore, no possi-

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ble cause of hostility with the Governor, and assure you that I never felt any thing like hostility to him.

I remain, with sentiments of the highest respect, your friend and most obedient servant,

WM. H. CRAWFORD.

Colonel RICHARD M. JOHNSON.

P. S. I return you Governor Edwards's first letter.

Eliza Queen sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. I wish you to state what you know concerning my sickness at your house after my removal into the room in the back building which opens on the balcony?

A. I know that you were very sick while you lodged in that room, so ill that a servant was obliged to sit up with you every night.

Q. How long do you think that I continued in that situation? do you suppose it was two weeks?

A. I do not recollect the exact time—I should think two weeks, but cannot be certain.

Q. Do you recollect how long it was after General Noble came to lodge at your house that I became so sick as to be confined to my room?

A. I am not certain—but think it was two days or three—it was on a Tuesday or Wednesday.

Q. Do you recollect that I breakfasted or dined at the table with the other boarders after breakfast on the Monday next after General Noble came to your house?

A. I do not recollect that you did.

Q. Was it not in consequence of my indisposition that I did not?

A. I supposed that it was.

Q. Was not my room, in which I was sick, one of the remotest back rooms on the second floor of the back building, and was not Mr. Noble's the front room on the first floor of the front building?

A. Yes.

Q. Do you recollect my being very lame after I began to recover?

A. I remember your wearing socks and complaining of pain.

Q. Do you think I could have walked from my room to the front part of the house within a week after my being taken so ill?

A. I do not recollect seeing you do so.

Q. Was not your room adjoining mine; and would I not have had to pass by your room to get to the front of the house?

A. Yes.

Question by Mr. Forsyth. You have answered that you do not recollect that Mr. Edwards dined with the other boarders after breakfast on the Monday next after General Noble came to board at your house; do you recollect that he did not come to the table?

A. I do not recollect seeing him at table after that time, at breakfast or tea; I do not go to the table at dinner, but I do at breakfast and tea.

Q. When did Mr. Noble come to lodge at your house?

A. On Saturday the 21st of February.

Q. And you think it was on the Tuesday or Wednesday following that Governor Edwards was taken so sick?

A. Yes.

Question by Mr. Forsyth. Where was Governor Edwards's room when Mr. Noble first came to lodge at your house?

A. It was the front room on the first floor, the same room which General Noble afterwards occupied.

Q. When did Governor Edwards remove to the back building?

A. On Sunday; the next day after General Noble came.

ELIZA QUEEN.

Adelaide Lindsley sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. Did you not board at Mrs. Queen's during the whole of the last Winter?

A. Yes.

Q. What do you know concerning my being sick there after I removed into the back building?

A. You were taken sick about the middle of the week, and continued confined to your room I should think about a fortnight.

Q. Was I not sick previous to my being taken so very ill in that room?

A. Yes.

Q. Do you recollect my eating at table with the other boarders after the Monday which succeeded General Noble's coming to Mrs. Queen's to lodge, until I got well?

A. I do not recollect that you did.

Question by Mr. Forsyth. Do you recollect that he did not?

Answer. I was never at table saving at breakfast and tea.

Q. Do you recollect that he did not come to table?

A. I don't know.

ADELAIDE LINDSLEY.

William B. Hodgson sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. Please to state what you know about my being sick after my removal to the room in the back building at Mrs. Queen's.

A. I recollect finding you frequently very ill in that room, when I visited you there, so much so as to be confined to bed.

Q. How soon was this after my nomination?

A. I think it was the week after I understood the nomination to have been made, and I believe on Tuesday.

Q. Do you not recollect calling on that day and telling me that you understood my nomination had not on that day been taken up in the Senate?

A. If I did not say so on that day, I recollect to have made the observation frequently at other times when I visited you.

Q. Do you recollect that I told you that Mr. Francis Key had been to see me on the day before you visited me?

Case of Ninian Edwards.

A. I think you did.

Question by Mr. Forsyth. Are you employed in the office of the Secretary of State?

A. I have been occasionally employed in that office to translate foreign languages; but I am not a stated clerk. I have only been employed there within six or seven weeks past.

Question by Mr. Forsyth. Did you visit Governor Edwards before he removed into the back room?

Answer. Yes.

Q. At what time?

A. On the same week on which I understood the nomination to have been made.

Q. Had you in these visits any conversation with Governor Edwards on the subject of the nomination?

A. Yes.

Q. Did he speak, in these conversations, of an opposition which he expected to his nomination, and of the grounds on which he expected it would be made?

A. The opposition was casually spoken of; but I do not recollect that any special grounds for it were stated by Governor Edwards.

Q. Did he say any thing about the A. B. plot or A. B. publications.

A. If he did not, I mentioned it.

Q. Please to state what passed between you on that subject.

A. I had seen it mentioned in a New York paper that Governor E. was supposed to be the author of these A. B. publications; this I mentioned to him. At that time nothing positive was said by the Governor as to the authorship; but, at a subsequent visit, knowing that there were doubts entertained of his having been the author, to satisfy myself I asked him if he did write them. He replied, "I neither confess nor deny."

Q. What was the reason of your frequent intercourse with Governor Edwards on this subject?

A. Motives of friendship and interest.

Q. Has there been a former connexion or acquaintance between you and Governor Edwards?

A. Not before my first visits to him at Mrs. Queen's. I was an applicant to be appointed his private secretary.

Q. Were you so appointed?

A. Yes.

Q. Are you to go to Mexico with Governor Edwards?

A. I am not; I have procured other employment.

WILLIAM B. HODGSON.

Jeremiah Nelson, of the House of Representatives sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. Please to state what you recollect of my being sick, at Mrs. Queen's, after Mr. Noble came to lodge there.

Answer. I then lodged at Mrs. Queen's, and understood, from several members of the family, that Governor Edwards was very sick. I should think it was more than a week after Mr. Noble's coming there, that I visited Governor Edwards,

in his room. He was then very much indisposed; but I do not know whether he had or had not been out of his room since his being taken sick.

Question by Mr. Forsyth. When you visited him, was he, in your opinion, well enough to go from one room of the house to another?

A. I cannot tell. He often went out when I thought that a person so sick as he ought not to have done so.

Q. Have you not known him to be out, night or day, when he was apparently more indisposed, than he appeared to you to be at the time?

A. I have not.

Question by Mr. Edwards. Do you recollect seeing me out of my room for a fortnight after Mr. Noble's coming there?

A. I cannot recollect whether you were or were not.

Question by Mr. Forsyth. Do you recollect whether Mr. Edwards had any medical attendance at that time?

A. I cannot tell whether he had or had not.

JEREMIAH NELSON.

Asa E. Hough sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. Do you recollect to have seen me at Mrs. Queen's after I occupied the back room?

Answer. I do.

Q. What was my situation at that time?

A. You were sick in bed.

Q. Do you recollect at what time this was?

A. I cannot remember the precise day. It was some time towards the latter end of February. I recollect that you were so much indisposed that I did not communicate the business for which I had come. I called again, some time afterwards, but learning that you were still confined to your room, I did not go in.

A. E. HOUGH.

Henry Washington Queen sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. Did you lodge in the same house with me, during the last session of Congress?

Answer. Yes.

Q. Please to state what you know about my being confined to my room, after General Noble came there to lodge.

A. You were not, during your illness, at that time, out of your room, to my knowledge, after Wednesday, while General Noble remained there. I am under the impression that you became confined to your room after Tuesday. I remember your being at breakfast on the Monday morning previous. I do not recollect your being out of your room after Thursday, until you recovered.

Question by Mr. Forsyth. What enables you to fix, with so much certainty, on Monday and Tuesday?

A. General Noble came on Saturday: was not at breakfast on Sunday, and came to breakfast, for the first time, on Monday, in company with Governor Edwards.

Case of Ninian Edwards.

Q. Were you much in Governor Edwards's room during his confinement?

A. I was several times there.

Q. Do you know how long he was confined to bed, after his first being taken so ill.

A. I do not.

H. W. QUEEN.

John C. Rives sworn, at the request of Mr. Edwards.

Question by Mr. Edwards. Please to state what you know of my indisposition, while I was in the back room, at Mrs. Queen's.

Answer. I know that you were sick while there, but I cannot say, exactly, at what time. I visited you between the beginning and middle of March. You told me that you were then unwell, and had had, on the day before, a very severe ague. I think it was two or three days after Mr. Hubbard, (Lieutenant Governor of Illinois,) was in this city.

JOHN C. RIVES.

List of Bank Notes which will be received by the Bank of Missouri, according to the letter of the President of that Bank, dated the 9th of August, 1819.

United States Bank and its Branches.

Bank of Missouri and Branch.

Bank of Kentucky and its Branches, at Louisville, Shelbyville, Lexington, and Paris.

Bank of Virginia and its Branches, at Fredericksburg, Lynchburg, and Petersburg.

Bank of Illinois, at Shawneetown.

All the banks in New Orleans, Philadelphia, Baltimore,* New York, and District of Columbia,† whose paper is received on deposit at the United States Bank and its Branches.

State of Illinois, Madison County, ss.

On the 13th day of May, 1824, personally appeared before the undersigned, Justice of the Peace in and for said county, Thomas Lippincott, who, being duly affirmed according to law, deposes that the above is a correct copy of a paper found on the files of official letters in the Receiver's Office, at Edwardsville; that the paper, of which the foregoing is a copy, was folded in the letter of the Hon. William H. Crawford, of the 1st of November, 1819, and is in the same hand-writing of the letter of the Hon. William H. Crawford, of the 6th August, 1819.

THOS. LIPPINCOTT.

Affirmed and subscribed before me.

HAIL MASON, J. P.

TREASURY DEPARTMENT, Aug. 6, 1819.

SIR: Observing, by your monthly return, ending on the 30th of June, that there remained in your hands a considerable sum of the public moneys, I wish to be informed why the same was

* Except the "City Bank."

† Except the "Franklin Bank" and the "Mechanics' Bank," both of Alexandria.

not deposited in bank, in conformity with the instructions from this Department. Heretofore, when there was no bank in your vicinity, all reasonable allowance was made, on account of the difficulties to which you were subjected in making your deposits; but now, that a bank has been established in your place of residence, there can be no longer any excuse whatsoever for retaining the public money.

I am, very respectfully, sir, &c.

WM. H. CRAWFORD.

BENJAMIN STEPHENSON, Esq.

Receiver of Public Moneys, Edwardsville.

State of Illinois, Madison County, ss.

On the 13th day of May, 1824, personally appeared before the undersigned, Justice of the Peace in and for the county aforesaid, Thomas Lippincott, who, being duly affirmed, according to law, deposes that the above is a correct copy of a letter found by the deponent, on the files of official letters in the Receiver's Office, Edwardsville; that the said letter appears to be in the hand-writing of a clerk, but with the proper signature of the Hon. William H. Crawford, as the deponent believes, from a comparison with other letters received from the Treasury Department.

THOS. LIPPINCOTT.

Affirmed and subscribed before me.

HAIL MASON, J. P.

RECEIVER'S OFFICE,
Edwardsville, Ill., October 12, 1819.

SIR: My absence from this place on a necessary and indispensable visit to Kentucky, has put it out of my power, by an earlier opportunity than the ensuing mail, to acknowledge the receipt of your letter of the 6th of August last, in which you express a wish to be informed why the public money in my hands has not been deposited in the bank of this place, in conformity with your instructions.

I should certainly have continued to make the deposits in the bank, had it not been for your letter of the 9th April, in which you requested me to pay certain bills which you expected to be drawn on me by the Indian Agents of Chicago, Green Bay, Michilimackinac, Fort Wayne, and Piqua; at the same time apprizing me that the sum which would be required at the close of each quarter was estimated at eleven thousand dollars.

Knowing that if I deposited the money in the bank, to the credit of the Treasurer of the United States, I could not, without special authority, draw it out, I conceived I was fulfilling your wishes by retaining the money in my own hands, for the purpose of paying, when presented, the drafts mentioned in your letter of the 9th April. And I presume that the same construction has been given by the Receiver of Public Moneys at Kaskaskia, to a similar letter, which I have been informed he received from you, as he also, for a considerable time past, has made no deposits in the bank.

Case of Ninian Edwards.

As your letter of the 6th August makes no reference to that of the 9th of April preceding, I should, at all events, feel somewhat at a loss how to act; but I believe I should make the deposits were it not for other considerations, which I feel it my duty previously to communicate to you.

You are doubtless apprized of the hostility of the Bank of Missouri and citizens of St. Louis towards the bank of this place, supposed to be produced in consequence of certain deposits being withheld from that bank and placed in this. It seems to be believed, with what justice I do not pretend to say, that their object is to destroy this bank, with a view to coerce the regaining of the deposits in that. And under the impression that they employ the public funds for the purpose of accomplishing that object, stockholders in, and several directors of, this bank, have, in disgust, either withdrawn, or declared their intention to withdraw from any further concern in the bank. Some of them seem even willing that the Bank of Missouri should regain the deposits, professing to believe it would be the readiest means of causing the State pride, and public feeling of this and some of the neighboring States to react upon that institution with the more effect.

In this state of things, the principal part of the stockholders have declined paying the instalments that otherwise were expected to be paid upon their stock. Two of the directors have already resigned, others talk of doing so, and the publication of Governor Edwards, herewith transmitted, shows the course he is disposed to pursue.

Though these measures, adopted probably with too much irritation, may not produce any serious evils to the bank, and I hope they will not, yet I feel that they impose a greater responsibility upon me than I am willing to take upon myself, without the full disclosure of the whole circumstances to you, and such instructions as you may think fit to give thereupon.

The situation of the bank at present I consider as favorable as could either be expected or desired. And under the control of the directors who have hitherto had the management of it, I should apprehend no kind of danger to the public, or to individuals: but I know not who may succeed those that have resigned, and intend to resign, nor who may be elected at the next annual election, on the first of January next. It is true that I have no reason to apprehend, nor do I anticipate, any unfavorable change in the directory; but, under all the circumstances of the case, I would not wish to risk the responsibility of making the deposits in the bank, till after the first of January next, without your instructions, given upon a knowledge of the facts above disclosed.

I am the more averse to doing so, from the difficulty that the bank must constantly encounter in converting Land Office notes into specie, so as to be prepared at all times to meet your drafts; and from the fear that those drafts may fall into the hands of persons who, under the influence of St. Louis, would be disposed to insist upon specie, when notes would answer their purposes

equally well, merely for the purpose of harassing and distressing the bank.

In fact, while such a variety of notes are receivable for public lands, and specie so much in demand, I do not consider it any advantage to the bank to receive the deposits on terms that subject it to the payment of cash as often as you find it necessary to draw for it, unless the times of payment could be fixed upon at certain regular periods, that would afford ample opportunity for the necessary preparation. The land offices now receive but little money of any kind. This consists of notes on such a variety of banks, so remotely situated from each other, that it must be a considerable time before the notes upon any bank would accumulate sufficiently to bear the expense of sending for the money, and, in most cases, there is no opportunity of converting these notes into specie, owing particularly to the locality of the banks from which they issue.

To make the deposit to any advantage, the time of payment ought to be fixed as above suggested, or the drafts made payable in such notes as should be land office money at the time of presenting those drafts; or, partly the one and partly the other. To continue to convert all the notes receivable in this office into specie, and concentrate it at a single spot, must be utterly impracticable, and if practicable would be attended with great expense.

I beg leave to add, that the Bank of Edwardsville has received foreign gold under the expectation that it would be taken by the Government even after the 1st November next, and it is now held ready to be paid in consequence of notice from you of an intended draft for \$30,000. It is to be hoped that no difficulty upon the subject will arise, if the expected draft should not be presented till after the 1st November.

I have the honor to be, with great respect, sir, your very humble servant.

State of Illinois, Madison County, ss.

On the 13th day of May, 1824, personally appeared before the undersigned Justice of the Peace in and for the county aforesaid, Thomas Lippincott, who, being duly affirmed according to law, deposes that the foregoing is a true copy of a paper which was found by the deponent on the files of official letters appertaining to, and now in the Receiver's Office at Edwardsville, and endorsed or filed in the hand-writing of the late Benjamin Stephenson, Esq., Receiver of Public Moneys, as follows, to wit: "Copy to the Treasury Department, October, 1819."

THOMAS LIPPINCOTT.

Affirmed and subscribed before me,

HAIL MASON, J. P.

EDWARDSVILLE, ILLINOIS, Oct. 22, 1819.

DEAR SIR: Twelve thousand five hundred dollars of the capital stock of the Bank of Edwardsville having been paid into the bank since the date of my last letter, I feel it my duty to inform you

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of the circumstance, in consequence of some of the suggestions made in that letter.

I have the honor to be, &c.

BEN. STEPHENSON.

Hon. WM. H. CRAWFORD,
Secretary of the Treasury.

State of Illinois, Madison County, ss.

On the 13th of May, 1824, personally appeared before the undersigned Justice of the Peace, in and for the county aforesaid, Thomas Lippincott, who, being duly affirmed according to law, deposes that the above is a true copy of a paper on the files of official letters in the Receiver's Office at Edwardsville, in the hand-writing of the late Benjamin Stephenson, Receiver.

THOMAS LIPPINCOTT.

Affirmed and subscribed before me,
HAIL MASON, J. P.

TREASURY DEPARTMENT, Nov. 1, 1819.

SIR: Upon referring to your monthly accounts, it appears that you have retained all the money which has been received by you since the month of August last.

As it is presumed that this has been the result of my letter of the 9th April last, I request that you will, immediately after the receipt of this letter, deposit in the Bank of Edwardsville the whole of the money in your possession on the 30th instant.

You will consider the letter of the 9th of April as authorizing the purchase of bills in the manner therein directed, when you have funds, but not as authorizing the retention of the public money in your hands at the end of each month for that purpose.

It is presumed that, if any draft should be presented, when you have not money in your hands, that there will be no difficulty in having the draft taken up by the Bank of Edwardsville, on its own account, or to be repaid by you, as soon as you have funds sufficient for that purpose. I remain, with respect, your most obedient servant,

WM. H. CRAWFORD.

State of Illinois, Madison County, ss.

On the 13th day of May, 1824, personally appeared before the undersigned Justice of the Peace in and for the county aforesaid, Thomas Lippincott, of said county, who, being duly affirmed according to law, deposes that the within is a true copy of an original letter on the files of official letters in the office of the Receiver of Public Moneys at Edwardsville; that the deponent has been employed in the Receiver's office the greater part of the time since the Winter of 1821-2, and has had access to the files and papers thereof, and that the letter of which the within is a copy, appears, from a comparison with the signature, and with the signature of other letters and papers received from the Treasury Department into the said office, evidently to be the hand-writing of the Honorable

William H. Crawford. And further the deponent saith not.

THOMAS LIPPINCOTT.

Affirmed and subscribed before me,
HAIL MASON,
Justice of the Peace.

TREASURY DEPARTMENT, Nov. 1, 1819.

SIR: The letter, of which the enclosed is a copy, was addressed to the Receivers of Public Money at Kaskaskia and Edwardsville.

From the returns of those officers, it appears that the whole of the public money received by them since the month of August last, has been retained, as it is presumed, for the purpose of meeting the drafts which might be drawn in pursuance of that letter. From the same returns it appears that no such drafts have been presented.

To prevent the inconvenience and risk which may result from the accumulation of such large sums in the hands of those officers, I have this day directed them to deposit in the bank the sums which may be in their possession on the 30th instant, and to deposit, monthly, the money which may be received during each month. Should any bill be presented to the Receiver of Public Money at Edwardsville, or Kaskaskia, when they have not funds to meet it, I presume the bank will have no difficulty in making the advance, which will be refunded by the Receiver, when funds to that amount shall be received by him; or the amount will be remitted to the bank by the draft of the Treasurer on the bank itself. Either course will be acceptable to the Department. Payments made in this manner will be found to be the most convenient mode of meeting the demands of the Treasury upon the bank, on account of the public money deposited in it.

WM. H. CRAWFORD.

CASHIER of the Bank of Edwardsville.

TREASURY DEPARTMENT, Nov. 1, 1819.

SIR: Upon referring to your monthly accounts, it appears that you have retained all the money which has been received by you since the month of August last.

As it is presumed that this has been the result of my letter of the 9th of April last, I request that you will immediately deposit in the Bank of Edwardsville whatever sum may be in your hands on the 30th instant.

You will consider the letter of the 9th April, as authority to purchase bills therein described when presented, if you have funds sufficient for that purpose, but not as authority to retain in your hands, at the end of each month, any part of the public money received in the course of the month.

You will, after the deposit herein directed, make your deposits in the Bank of Missouri, until otherwise directed. I am, &c.

TREASURY DEPARTMENT, June 12, 1824.

In compliance with a request of the committee on the Address of Ninian Edwards, communica-

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ted through Mr. Forsyth, the Secretary of the Treasury has the honor to transmit the accompanying statements (No. 1, 2, and 3) from the Treasurer, showing—

1st. The balance of public moneys in the Bank of Steubenville, at the end of every quarter, from the commencement of March, 1817, to the 31st of March, 1824, and continued to 7th June, 1824.

2d. The same, in relation to the Bank of Tombigbee, from the commencement of March, 1819.

3d. The aggregate of moneys deposited to the credit of the Treasurer, and the balance remaining at his credit on the 7th June, 1824, in each of the following banks: Steubenville, Chillicothe, Mississippi, Tombigbee, Missouri, Vincennes, Edwardsville, Illinois, Franklin Bank of Columbus, Farmers and Mechanics' Bank of Indiana, Branch Bank of Kentucky at Louisville, Planters and Merchants' Bank of Huntsville, and Farmers and Mechanics' Bank of Cincinnati.

The Secretary has the honor to state that no payments have been made directly by the Bank of Missouri since its failure. It is known, that, previously to the 23d of November last, \$781 43 had been paid in specie by some of the parties whose debts had been assigned by it to the Treasury; and it is understood from the President of the bank that other sums have been paid in like manner; but the Receiver at St. Louis, who is employed by the Treasury as its agent in collecting the debt of that bank, has not yet reported them to the Secretary. Among the debts assigned to the Treasury was one of \$10,030; and it appears that, for the reasons and under the circumstances stated in the accompanying papers, (marked *A and B,) the agent entered into our arrangement, by which \$3,000 in notes of the treasury of the State of Missouri (commonly called loan office paper) were taken, at the rate of seventy-five cents to the dollar, in part payment of this debt; and these notes the Secretary directed to be specially deposited in the Branch Bank of the United States at Louisville, to the credit of the Treasurer. It also appears, by the same papers, that there were, among the securities assigned by the bank for the payment of its debt to the Treasury, \$15,006 in paper of this description; of this sum, (together with another of \$50, which he appears to have since received,) the agent at St. Louis, on his own judgment, subject to the approval of the Secretary, exchanged \$4,539 64, for certificates of the Auditor of Missouri, and \$5,000 for notes of the State Bank of Illinois, all which, with the balance of the loan office paper, have been placed to the credit of the Treasurer, as a special deposit in the Branch Bank of the United States at Louisville. The exchange is represented as advantageous to the United States, but has not been sanctioned by the Secretary of the Treasury.

Hon. Chairman of the Committee on the
Address of Ninian Edwards.

* A. Extracts of a letter from G. F. Strother to the Secretary of the Treasury, dated St. Louis, Ap' 127, 1823.

B. Extract of a letter from Thomas Sloo, to the Secretary of the Treasury, dated November 23, 1823.

No. 1.

BANK OF STEUBENVILLE.

Statement showing the balance of public moneys at the end of every quarter, from the commencement of March, 1817, to the 31st of March, 1824, and continued to 7th of June, 1824.

March 31, 1817	-	-	-	\$3,200 00
June 30, 1817	-	-	-	40,934 00
September 30, 1817	-	-	-	69,277 80
December 31, 1817	-	-	-	107,277 08
March 31, 1818	-	-	-	107,277 80
June 30, 1818	-	-	-	81,075 15
September 30, 1818	-	-	-	54,854 68
December 31, 1818	-	-	-	53,638 90
March 31, 1819	-	-	-	54,443 47
June 30, 1819	-	-	-	162,311 30
September 30, 1819	-	-	-	138,494 18
December 31, 1819	-	-	-	141,428 37
March 31, 1820	-	-	-	152,302 76
June 31, 1820	-	-	-	100,873 92
September 30, 1820	-	-	-	119,793 95
December 31, 1820	-	-	-	146,817 33
March 31, 1821	-	-	-	143,159 10
June 30, 1821	-	-	-	154,541 63
September 30, 1821	-	-	-	176,511 47
December 31, 1821	-	-	-	184,649 16
March 31, 1822	-	-	-	193,352 13
June 30, 1822	-	-	-	178,056 14
September 30, 1822	-	-	-	201,485 32
December 31, 1822	-	-	-	176,448 78
March 31, 1823	-	-	-	167,445 63
June 30, 1823	-	-	-	175,517 57
September 30, 1823	-	-	-	180,415 54
December 31, 1823	-	-	-	181,835 06
March 31, 1824	-	-	-	185,737 21
June 7, 1824	-	-	-	186,995 85

TH. T. TUCKER,

Treasurer of the United States.

TREASURY OF THE UNITED STATES,
June 11, 1824.

No. 2.

BANK OF TOMBIGBEE.

Statement showing the balances of public moneys at the end of every quarter, from the commencement of March the 1st, 1819, to the 31st of March, 1824, and continued to 7th of June, 1824.

March 31, 1819	-	-	-	\$74,828 47
June 30, 1819	-	-	-	459,003 26
September 30, 1819	-	-	-	613,874 10
December 31, 1819	-	-	-	368,033 03
March 31, 1820	-	-	-	396,433 17
June 30, 1820	-	-	-	320,053 50
September 30, 1820	-	-	-	240,759 93
December 31, 1820	-	-	-	215,911 62
March 31, 1821	-	-	-	229,929 09
June 30, 1821	-	-	-	207,464 10
September 30, 1821	-	-	-	215,528 67
December 31, 1821	-	-	-	207,569 91
March 31, 1822	-	-	-	391,801 63
June 30, 1822	-	-	-	212,863 48
September 30, 1822	-	-	-	287,084 48
December 31, 1822	-	-	-	273,230 90
March 31, 1823	-	-	-	274,698 37
June 30, 1823	-	-	-	283,780 74

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September 30, 1823	- - -	278,012 98
December 31, 1823	- - -	428,585 52
March 31, 1824	- - -	453,689 92
June 7, 1824	- - -	319,597 41

TH. T. TUCKER,
Treasurer of the United States.

TREASURY OF THE UNITED STATES,
June 11, 1824.

No. 3.

A statement showing the aggregate of moneys deposited to the credit of the Treasurer of the United States in the following banks, and the balance remaining in each of said banks on the 7th of June, 1824.

Banks.	Aggregate received.	Balance.
Steubenville - - - -	\$633,009 56	\$186,995 85
Chillicothe - - - -	266,101 04	No balance.
Franklin, Columbus - -	336,080 06	53,936 63
Far. & Mechanics', Ia. -	599,070 16	25,775 52
Branch, Louisville, Ken.	132,231 61	No balance.
Mississippi - - - -	343,780 01	7,004 34
Tombigbee - - - -	2,023,360 85	319,597 41
Plant. & Mer., Huntsville	671,700 82	45,167 11
Missouri - - - -	1,074,301 04	159,963 87
Vincennes - - - -	294,123 77	168,511 64
Edwardsville - - - -	204,338 90	46,973 00
Far. & Mer., Cincinnati -	50,796 25	20,213 01
Illinois - - - -	188,980 36	54,311 63

TH. T. TUCKER,
Treasurer of the United States.

TREASURY OF THE U. STATES, June 11, 1824.

[a] Extracts of a letter from George F. Strother to the Secretary of the Treasury, dated

"St. Louis, April 27, 1823.

"SIR: Amongst the debts transferred to the United States by the Missouri Bank, was one of \$10,000 upon Wilson P. Hunt. This debt was secured by mortgage, but the land pledged to secure the payment had been previously mortgaged to Mr. Astor, of New York, for \$10,000, upon which was due eight or nine years' interest. When this note was proposed to be transferred, the debt was desperate, as the land would not bring more than \$10,000, and the debt was considered nominal until Mr. Hunt stated that, by mortgaging the land to a friend, if relieved from the bank encumbrance, he could procure \$5,000, with which he could purchase a sufficient sum of money to purchase the amount of the bank debt in loan office paper. Upon reflection, it was determined to receive loan office paper in payment of his debt, in loan office paper, at 25 per cent. discount. Mr. Hunt, on that day, and frequently, expressed to me a great desire to discharge this debt, and expressed a wish that, if I should see any for sale, to send it to him. In February last, he paid Mr. Barton \$1,800.

"Considering the debt in some peril, my wish was to have it placed upon a sure footing. Three

or four weeks since, a gentleman applied to me to procure a loan of money. I informed him that I had none, but that if he would give ample security to return the loan office paper when wanted, I would put him upon the plan to secure it; that Mr. Hunt wished to discharge a debt due the Government, in loan office paper, and if he would give his note, with sufficient security, to pay the United States \$6,000 in loan office paper, with 6 per cent. interest, upon demand, that Mr. Hunt would give him in money the selling price, amounting to \$2,250. My object was to accommodate two deserving meritorious men, and serve the Government, by placing the debt upon a sure footing. The whole arrangement I communicated to Mr. Hunt, and told him I should communicate the transaction to you. He considered it a fair and advantageous arrangement for the Government."

[b] Extract of a letter from Thomas Sloo to the Secretary of the Treasury.

St. Louis, Nov. 23, 1823.

SIR: Agreeably to your request of the 24th August last, I called on George F. Strother, Esq. on the 19th instant, to exhibit to me the evidences of transfer received by him from the Bank of Missouri as collateral security for the public money in its possession at the time of its failure. Not having received the list mentioned in your letter, I requested Colonel Strother to furnish me with one, a copy of which is herewith transmitted, and with which the evidences of debt generally agree. In some cases, however, they exceed, and in others they fall short of, the amount stated in the list. The former is owing to credits which the parties are entitled to, that have not been entered on their notes; the latter arises from interest due on stock notes, accounts of which were to have been furnished by the bank, as appears from a memorandum of the President, in the hands of Mr. Strother, and which, he informs me, has been repeatedly called for without effect. Amount received by Mr. Strother, as will appear from notes of payment on the list, is \$781 43 in specie, and \$50 in loan office money. The only case in which the evidence of debt has been at all changed, is that of Wilson P. Hunt, who appears to have owed at the time of transfer \$10,030, secured by mortgage on a tract of land in the neighborhood of St. Louis, that had been previously mortgaged to John Jacob Astor, of New York, for \$10,000. Such was the uncertainty of this claim, that the bank agreed to receive the amount in loan office paper, when it was worth only twenty-five cents in the dollar, as I am informed by Mr. Strother. At present the debt of Hunt appears to stand thus:

Debt transferred - - - -	\$10,030 00
Offset claimed - - - -	\$108 00
Amount received by Joshua Barton, Esq., as per his receipt in the hands of Mr Strother, in loan office money - - - -	1,866 67

Case of Ninian Edwards.

Hunt's note in the hands of Strother - - - -	3,333 33
Amount secured by conveyance of the Missouri Hotel to George F. Strother, (in trust,) to be paid in loan office money, at any time the Government may require it, with 6 per cent. interest - - - -	6,000 00

From every information which I have been able to obtain in relation to this debt, I believe the change to have been a favorable one, inasmuch as I deem the security for the payment of the \$6,000 as amply sufficient, and you now hold for the payment of the balance due by Hunt, the same security which was held for the payment of the whole debt transferred.

I have received from Mr. Strother in Missouri loan office money - - -	\$5,466 50
Auditor's warrants - - - -	4,539 64
Illinois State Bank paper - - - -	5,000 00

\$15,006 14

Received by Mr. Strother in Missouri loan office money—	
From Franklin Bank - - - -	\$8,000
From Branch - - - -	6,956
From P. Detchemendy - - - -	50
	15,006,00

I have received this paper from Mr. Strother, considering it equal to the whole amount in loan office money. The loan office paper bears an interest of 3 per cent. per annum, the auditor's warrants an interest of 6 per cent. per annum, and the Illinois paper 2 per cent., and as to the warrants, no difficulty can arise in regard to the constitutionality of the issue. Mr. Strother informs me that it was his wish to have exchanged the whole amount of loan office money for auditor's warrants, by which arrangement the interest would have been increased 3 per cent. and the debt rendered eventually more certain. Should this transaction not be considered as entirely satisfactory, Mr. Strother has assured me that he will make good the amount in loan office money, by redeeming the auditor's warrants and Illinois paper. The amount received I shall deposit as directed in the branch of the United States Bank at Louisville, Kentucky, in the early part of next month.

You will herewith receive the act of the State of Missouri, establishing loan offices—I thought it necessary to incur the expense of obtaining an exemplification from the office of the Secretary of State, presuming that you wished it for your own satisfaction, and not to exhibit in a court of justice.

Mr. Strother informed me that he had brought all the suits, commenced on the debts transferred by the Bank of Missouri in the State courts, in consequence of doubts having arisen of the bank's being chartered, for want of the signature of the Governor. The Supreme Court of the State, however, pronounced it chartered.

DEPARTMENT OF WAR, June 15, 1824.

SIR: Your letter of the 14th instant is received, enclosing a note of the honorable Mr. Forsyth, expressive of his wish to have "a copy of Mr. Edwards's letter to the War Department, remonstrating against, or complaining of an order which prevented the receiving of the Edwardsville Bank notes in payment to the troops of the United States, written in or after 1819, and any other letters on the subject of the Bank of Edwardsville from Mr. Edwards;" and, in answer thereto, I have the honor to transmit a copy of a letter from Mr. Edwards to this Department, dated 11th June, 1819, which the clerk charged with the files of letters received by the Department, states to be the only letter from Mr. Edwards on the files of the Department in relation to that subject.

In addition to my own files, I directed the files of the Paymaster General's Office to be examined, and herewith transmit a copy of a report from that office containing a copy of a letter from Mr. Edwards to the Paymaster General, of the same tenor and date as the one addressed by him to this office, which it will be seen by the report from that office, is the only letter in relation to the subject on its files.

I have the honor to be, &c.

J. C. CALHOUN.

Hon. EDWARD LIVINGSTON,
of the Committee of Investigation, &c.

EDWARDSVILLE, ILLINOIS,
June 11, 1819.

DEAR SIR: I beg to inform you that the paymaster of the United States' troops, (Major Hall, now at St. Louis) is, by an order, (to which I hardly think you have ever given your approbation,) required to pay those troops in specie, United States Bank notes, or notes of the Bank of Missouri, in which latter, it is understood, those troops are generally, if not exclusively paid.

I am sure I need not remark to you, that such a preference of a little, petty bank of a Territory, over all the respectable banks of the Western States, enabling it exclusively to circulate its notes, at the distant points to which the troops are destined, cannot fail to be very objectionable to those States, even if such a distinction were not unjust in itself.

I have the honor to be, &c.

NINIAN EDWARDS.

The Hon. SECRETARY OF WAR.

PAYMASTER GENERAL'S OFFICE,
City of Washington, June 15, 1824.

SIR: I have the honor to enclose, in obedience to your directions, a copy of a letter from the honorable Ninian Edwards to the Paymaster General, dated "Edwardsville, Illinois, June 11, 1819," in relation to payments said to have been made, by order of the Paymaster General, to the troops in that part of the country, "in specie, United States Bank notes, or notes of the Bank of Mis-

Case of Ninian Edwards.

souri," &c., being the only letter found on the files of this office upon that subject.

I am, very respectfully, &c.

NATH'L FRYE, JR.,

Chief Clerk.

The Hon. JOHN C. CALHOUN,
Secretary of War.

EDWARDSVILLE, ILLINOIS,

June 11, 1819.

DEAR SIR: I think it my duty to apprise you that Major Hall, the Paymaster of the United States troops is, and has been for some time past, acting under an order (which I am convinced you never authorized,) requiring him to pay those troops in specie, United States Bank notes, or notes of the Bank of Missouri, in which latter it is understood that they are generally, if not exclusively paid.

Considering the remote points at which those troops are destined to be stationed, the advantages which the present arrangement must afford to the Bank of Missouri, by enabling it to issue and circulate a great amount of its notes without danger of their returning upon it for payment, are not less obvious than such a preference of a little petty bank of a Territory, over all the respectable banks of the Western States would be odious to those States. More, I am sure, it cannot be necessary to say on the subject.

I have the honor to be, &c.

NINIAN EDWARDS.

The PAYMASTER GENERAL
of the Army U. S., Washington City.

A List of Drafts drawn by the Treasury of the United States on the Bank of Missouri, since the first of July, 1818:

No. 9167	\$1,478 86			
9180	5,000 00			
9181	10,000 00			
9211	240 00	Transferred to the U. States		
		Branch Bk. at Washington.		
9212	250 00	Do do do		
9214	25,000 00	Do do do		
9250	48 00			
9263	30,000 00	Do do do		
9264	258 60	Do do do		
9286	10,000 00	Do do do		
9300	106 00			
9373	300 00			
9377	250 00			
9378	125 00			
9385	208 00			
9415	206 00			
9420	300 00	Do do do		
9423	250 00			
9433	16 00			
9442	712 00			
9446	13 46			
9463	33,000 00	Do do do		
9475	35 48			
9480	1,000 00			
9494	100 00			
9531	1,002 85			
9537	250 00			

No. 9557	\$200 00	
9568	1,000 00	
9571	6,000 00	
9573	36,541 00	
9581	300 00	
9582	300 00	
9584	300 00	
9585	125 00	
9586	18,530 10	
9587	250 00	
9588	500 00	
9617	50,000 00	Transferred to the U. States
9629	160,000 00	Br. Bank, Washington.
9648	3,000 00	
9654	752 51	
9663	120 00	Do U. S. Br. Bk. at Wash'n.
9665	20,000 00	
9715	300 00	
9719	25 50	
9757	500 00	
9758	250 00	
9759	125 00	
9760	300 00	
9761	300 00	
9827	10 00	
9837	21,775 79	
9857	14,000 00	Do U. S. Br. Bk. Louisville.
9858	40,156 00	Do Bank of Tennessee.
9859	29,844 00	Do Bank of Nashville.
9860	25,000 00	Do Bank of Chillicothe.
9861	20,000 00	Do U. S. Br. Bk. at Wash'n.
9862	1,175 00	Do do do
9863	42,000 00	Do do do
9868	24,887 81	
9899	20,000 00	
9900	200 00	
9901	500 00	
9904	125 00	
9915	300 00	
9916	300 00	
9917	250 00	
9918	500 00	
9939	1,214 47	
9952	39,000 00	
9962	2,000 00	
9974	101 67	
9975	128 60	
9997	10,000 00	
10000	62 50	
9	520 53	
28	84 79	
9630	2,482 80	
37	10 50	
41	48 00	
46	500 00	
62	10,391 00	
89	2,316 92	
104	250 00	
105	500 00	
107	300 00	Transferred to the U. S. Br.
108	300 00	Bank at Washington.
113	125 00	
150	62 50	
135	4,000 00	
136	2,000 00	
145	27,846 94	
146	6,139 50	
169	193 00	
177	500 00	
193	902 28	

Case of Ninian Edwards.

No. 195	\$15,000 00
216	20,000 00
217	433 70
262	250 00
263	125 00
267	18 00
286	500 00
291	300 00
292	300 00
295	1,631 00
305	300 00
335	62 50
354	11,760 00
363	243 13
406	34,000 00
438	500 00
439	125 00
498	11,500 00
504	11,380 00
509	867 53
536	10,000 00
538	43 50
597	8,000 00
612	1,000 00
616	1,500 00
617	24 00
646	82 00
680	1,000 00
685	8,000 00
736	598 57
771	737 50
803	417 00
804	634 00
835	40 00

\$914,337 17

Those drafts, opposite to which no remarks are made, were drawn in favor of individuals for the payment of warrants.

Payments to individuals	\$432,293 57
Transferred to different banks	481,943 60

\$914,337 17

THO. T. TUCKER,
Treasurer of the United States.

TREASURY UNITED STATES, June 11, 1824.

Replication to Mr. Crawford's communication to the Committee.

In replying to Mr. Crawford's communication to the committee on the 8th ultimo, the subject that seems first to demand notice, in the order in which he has presented it, is, his attempt to free himself from the imputation of having taken advantage "of the moment of my departure, to arraign the testimony which had been given by me before a former select committee of the House." In this, however, he does not pretend to deny any of the facts upon which that imputation was predicated, and, consequently, may be fairly considered as admitting them. For, seeing how ready he has been to advert to, and dilate upon other minute and unimportant particulars, he would hardly have been silent in regard to the circumstances which I had relied on to prove that he must have

been apprized of my intended departure, had he not been conscious of their truth.

Laboring, as he has done in his communication, to prove that no such letter as I swore I saw the Receiver at Edwardsville write, could have been written, and that no such directions to continue the deposits, as those mentioned in my testimony, had ever been given, it can no longer be doubted by any one that the object of his report was to impeach my credibility.

As nothing could justify so serious an insinuation upon light and frivolous grounds, he ought not to have made it without the most thorough conviction that it was well founded; and, being so convinced, if he felt it his duty to allege it at all, it should have been done in distinct, unambiguous, and intelligible terms. Making it in a doubtful and equivocal manner, shows a disposition to inflict the injury, and, at the same time, to secure a retreat from a just responsibility for it. His delay would, under any circumstances, render his motives suspicious. Under the particular circumstances of this case, it affords the strongest presumption that he intended to take advantage of my absence. The facts which he now affects to question, I had asserted to himself two years, and, with his knowledge, had sworn to them more than one year, before he thought proper to indicate the slightest doubt of their truth. How, then, is his silence on the subject, during the whole of this period, to be accounted for? Can any one, who knows his disposition towards me, believe that he would have delayed this imputation a moment if he had believed he could have sustained it in a fair and honorable contest? His having so long forbore to make it, when he knew I could have had an opportunity to defend myself, affords reasonable ground to believe that he would not have made it at all if he had not supposed I had actually lost that opportunity by having taken my departure for a foreign country. Why did he not question any of the facts to which I had deposed, in his letter of February, 1823, which he addressed to the chairman of the select committee alluded to, eleven days after my examination? Had he really believed that I had not sworn truly, there was then a most suitable occasion for making his present statement, and his conduct being then under investigation, there would have been every motive for making, and none for withholding, it.

But, this was not the only opportunity he let pass by unimproved. On the 27th of February, 1823, he made a partial report to the House, in obedience to the very resolution of the 8th May, 1822, of which he availed himself to make his recent attack upon me. This he might with as much propriety have done on the former as on the latter occasion. According to his own view of the subject, the letter in question, being from a Receiver of Public Money, was not embraced by "a call only for the correspondence between certain banks and the Treasury," and, of course, if "no such letter was called for," his official duty did not require him to make any reference whatever to it. His communication on that subject was therefore, wholly gratuitous, and might

just as well have been made without any resolution of the House as under one that had no relation to it. But, even supposing it to be otherwise, it is certainly a poor excuse for his not having transmitted the information called for on the 8th May, 1822, before the 22d March, 1824, that he could not get the correspondence copied sooner, when, from the swarm of applicants for employment, competent to this business, with which the city constantly abounds, it cannot be doubted that he might at any time, have had the whole of the correspondence copied in less than one month. From the very nature of it, many hands might have been employed on it at the same time; and with a call so imperative, and his own plighted word afterwards, that he would have the correspondence "prepared and transmitted to the House at the commencement of the late session of Congress," he should not have felt himself at liberty to have made a profitable job of this business in favor of any individual, so as to have delayed it till the 22d March last.

But I shall not conclude this replication, without exhibiting still greater difficulties to overcome, before he can successfully exempt himself from the suspicion of having contemplated some advantages, by postponing his attack to "the moment of my departure." At present, I will proceed to a brief examination of some of the new grounds, and arguments thereupon, by which he has elaborately endeavored to prove me guilty of perjury.

In meeting him upon this accusation, I must protest against the dexterous use he makes of the same facts to establish directly opposite conclusions in his favor. I am perfectly willing to yield him one side of the argument, and have no right to object to his taking choice, but more than this it would be unreasonable in him to ask, and imprudent in me to concede.

He attempts to infer, that "my publication, announcing my intention of withdrawing from the directorship of the Bank of Edwardsville," as mentioned in my "oath," could not have been communicated to him by the Receiver at Edwardsville, and even that it could not have existed; because it was not referred to in the letter of the Receiver at Kaskaskia, of the 18th of September, 1819, who, if it had existed, was bound by the Secretary's instructions to communicate it," as "a circumstance affecting the character of the Bank of Edwardsville." And yet he contends, "that, even if both the communications (my publication and the letter in question) alleged had actually been made, there was nothing in the act for the Secretary to conceal. Mr. Edwards has stated on oath his opinion that in the Fall of 1819 the Bank of Edwardsville was in as good a condition as any bank in which the public moneys were deposited; and, if so, what necessity was there for the Secretary to discontinue the deposits?"

Now, if the latter be true, there was surely "nothing in the fact" of my publication having been made which the Receiver at Kaskaskia was bound by the Secretary's instructions to communicate." On the other hand, if there was any

thing "in the fact" which the Receiver was bound to communicate, according to those instructions, it must have been something indicative of danger in continuing the deposits. It must be evident, therefore, either that the silence of this Receiver as to my publication is no evidence against its existence, or that it contained something "to conceal," or at least to render the propriety of continuing the deposits somewhat questionable.

The truth however is, that I have nowhere contended that the Receiver's letter rendered it Mr. Crawford's duty to discontinue the deposits; and the avowal of such an opinion is most erroneously imputed to me, in direct opposition to the explanations I have given, and my declared objects in referring to that letter. Neither in my publication of 1819, avowing my intention of retiring from the bank; nor in my correspondence with him in February, 1822; nor in my oath before the Committee in February, 1823; nor in my late communication to the House of Representatives, of the 6th April last,—is any such idea suggested. In fact, owing to the responsibility which I thought I had imposed upon myself, by recommending the bank as a depository of public money, I did not think myself at liberty to retire from it until I had seen it through all the difficulties and embarrassments with which I found it struggling on my return from Congress, shortly after it had been authorized to receive the public money. These difficulties having been overcome, and the time arrived when I thought I could with propriety announce my intention of resigning, I made the publication which has been submitted to the Committee; in which, after explicitly stating that "I was convinced it [the bank] could have nothing to fear from a comparison of its situation [as to solvency] with that of any other bank in the United States," I add, "notwithstanding I do verily believe that neither the Government nor any individual is in danger of being intentionally imposed upon by the bank, so long as it continues under the control of its present directors. Yet, intending to be absent from the State; and considering the disastrous pressure of the present times; the hostility which the bank has to encounter; and particularly the opposition of gentlemen in this State, high in office, who have been extremely anxious to get other banks into operation, with the aid of "foreign capital," as it is termed,—I have determined to resign my seat in the directory, and to withdraw from all future responsibility, of any kind whatever, in relation to this or any other bank, without making any further unsupported effort to retain any portion of the public deposits in this State; leaving it to the directors to maintain their credit by their own good conduct, and to the Secretary of the Treasury to judge for himself, upon the returns he requires, how far it may be prudent to trust them."

Although I believed at the time that one of the papers in which my publication appeared was regularly sent to Mr. Crawford, yet I enclosed to him a paper containing it; and that he might have as perfect control over the subject as possible, I prevailed upon Colonel Benjamin Stephen-

son, the Receiver, and the President of the Bank, who apprehended that ill consequences would result from my withdrawing from it, to write to the Secretary of the Treasury on the subject, and to enclose to him one of my publications also; and I advised him (the Receiver) in the mean time to withhold the deposits until he should receive further orders from the Secretary.

In my correspondence with Mr. Crawford, in February, 1822, which is exhibited by himself, referring to my publication, and the situation of the bank at that time, I say, in one of my letters, "This publication was contained in the St. Louis Enquirer, which I supposed you took at the time; it was also contained in a paper which I forwarded to you myself; and it was enclosed, referred to, and commented upon, in a letter of the President of the Bank to you." In the other letter I say, "that I was the cause of the deposits being made there, in the first instance, I freely admit; but that I unequivocally declared that I would not be held responsible for that or any other bank, in any way whatever, after the Fall of 1819; that you were notified thereof in due time; that the deposits have not been continued there, in consequence of my recommendation, since that period; and that the bank was in a good condition, I may, I think, according to my present impressions, fairly insist on."

In my oath before the select committee, on the 13th February, 1823, which Mr. Crawford has thought proper to impeach, after having testified to Colonel Stephenson's having written the letter in question, and enclosed my publication, &c., I add, "The bank continued to pay specie, notwithstanding the pressure, and in the Fall of that year, I expect, was in as good a situation as any bank in which the public money was then deposited."

In my late communication to the House of Representatives of the 6th April last, I not only reassert the same facts, substantially, in regard to the situation of the bank, but, by its monthly return for November, 1819, have, unquestionably, proved them true to the fullest extent. And I expressly state, in that communication, that, even "at the time of its failure, its resources were, I am well satisfied, more than amply sufficient to have secured its debt to the Government."

It is, therefore, inconceivable to me, upon what ground it has been assumed that, in referring to the Receiver's letter, my object was "to charge the Secretary with continuing the deposits after he ought to have been alarmed for their safety," especially, while it is admitted that I spoke "in the most decided terms of the solvency and safety of the bank," at the time the letter was written.

It is true, I cannot consider it very prudent management in Mr. Crawford to have continued it a depository of public money, after he had, as he says himself, "reason to apprehend a want of punctuality, or good faith on its part," especially without enforcing a compliance with its stipulation to make those returns, which he considered necessary to insure the fidelity of all the banks that were made depositories of the public money. The former is acknowledged in his communication to the

committee, (page 18;) the latter appears by his letter to the President of the Bank of Edwardsville, of the 10th November, 1821; in which he states that "no statement of the account between the Bank of Edwardsville and the Treasurer of the United States, has been rendered to this Department, since that of the 31st January last." [See Document 140, part 2, page 439.]

But, whatever may be my opinion of his subsequent careless management in regard to this as well as other Western banks, I certainly never intended to refer to the letter in question for the purpose of showing that there existed, at that time, any such state of things as rendered it necessary to withdraw the deposits from that bank. But, as my having been a director thereof, at the time it was authorized to receive the public money, might have had its influence with Mr. Crawford in selecting it for that purpose, I deemed it important to give him timely notice of my intention to resign, and to afford him a fair opportunity of adopting such a course as he might think expedient under the circumstances of the case. The Receiver, who was also President of the bank, and who was more afraid of jeopardizing the former, than anxious to retain the latter office, (for which he was not then allowed a cent of compensation,) fearing that the credit of the bank might be impaired, and that other ill consequences might result from my withdrawing from it, and being, also, bound by the Secretary's instructions "to communicate any circumstance affecting the character of the bank," was very easily prevailed on to write the letter in question, to enclose my publication, and to withhold the deposits, for the purpose of lessening the additional weight of responsibility which he thought—and truly thought—the circumstances mentioned in his letter had devolved upon him.

My objects in referring to my publication and to this letter were twofold.

1. To show the course of conduct I had pursued in relation to my withdrawal from the bank.
2. To show that Mr. Crawford was well informed, and duly notified thereof. Both were rendered necessary by the ungenerous and disingenuous attempts to subject me to unjust censure, which are adverted to in my correspondence with him, in February, 1822.

It is remarkable that, with a pertinacity the most extraordinary, he still perseveres in his efforts to implicate me in the transactions of that bank, well knowing that my connexion with it has long since ceased. And hence is his labored effort, in his late communication to the committee, to prove that I continued to be a director thereof, after the Fall of 1819. In doing this, he must have attempted to impose upon others what he himself could not have believed. With all the information which he must have had at the time of writing his late communication, what could be less justifiable than the implications to which he has thus so recently endeavored to subject me? Whatever else he may think of me, you cannot believe that he thinks me so great a fool as to have so repeatedly and publicly asserted, and finally sworn to,

the fact of my having withdrawn from the directorship of that bank, if it had not been true; since, in that case, it would have been so easy to have convicted me of falsehood and perjury. What, then, can be thought of his candor in insisting, even at this late period, that I continued to be a director of that bank, after the Fall of 1819.

Let us, however, see how he endeavors to establish this fact.

Referring to that part of my oath before the Committee, in February, 1823, in which I had sworn that though I had once been elected a Director, since the Fall of 1819, I had refused to accept the appointment, and had had nothing to do with the management of the bank, since that time. "Yet," says he, "in the following Winter, Mr. Edwards is found presenting himself to the Secretary, not only in the character of a Director of the Bank, but of a Director specially delegated and authorized by the Bank to conclude an important arrangement with the Secretary, in respect to the terms on which the bank was to continue a depository of public money. By the printed papers accompanying the Secretary's report to the House, of the 27th April, 1822, it appears that, on the 16th February, 1820, Mr. Edwards, then in Washington, transmitted to the Secretary a letter from the bank to the Secretary, signed by this very Receiver, as President of the bank, containing a list of directors for the year 1820, in which Mr. Edwards's name is included; that, at the same time, he also transmitted to the Secretary a letter from the bank, signed by the same Mr. Stephenson, informing the Secretary that Mr. Edwards, "one of the directors of the institution," is authorized to suggest certain modifications of the contract between the Secretary and the bank, and to conclude such arrangements as he may deem acceptable, which will be considered obligatory;" and he likewise transmitted, at the same time, a letter from the bank, addressed to himself, signed also by Mr. Stephenson, stating to him, at large, the changes desired by the bank, and the reasons therefor."

Contrasting all this parade of circumstances, with all that I did, in regard to the authority thus conferred upon me, "to suggest certain modifications of the contract;" and to my "special delegation to conclude the important arrangement," it would seem that Mr. Crawford could not have desired a stronger confirmation of the truth of the very statement which he now affects to question. What did I do? Nothing more than write to him a short note, in the following words, viz: "I have the honor, herewith, to transmit to you certain communications, which I have recently received from the Bank of Edwardsville, the object of which is fully explained by the communications themselves." Is it presumable that any member of the Senate, (not excepting my colleague, who was opposed to the bank,) would not, under similar circumstances, have done this much? Could I, with any kind of decent respect for a portion of the people I represented, have done less?

Without otherwise saying any thing to him on

the subject, I simply left the papers to speak for themselves. At this time he and myself were on terms of intimacy, and, as I thought, cordiality and friendship. Had I not been determined not to interfere further in the business, I should certainly have spoken to him about it. Had he not perfectly understood, from my publication, &c., the reasons of my silence, he would, doubtless, have mentioned the subject to me. But no conversation having taken place between us, in regard to this matter, confirms my statement, and affords a very strong presumption that he had received all the information before referred to.

His attempt to produce an impression unfavorable to me, from the circumstance of my name's appearing on the list of Directors, is the more extraordinary, since he himself has prefaced his remarks on that subject, with an extract from my oath, from which it appears, "that, though I had been once elected to that station since 1819, I had refused to accept it." He well knows that to constitute a Director, requires the concurring wills of the electors, and the person elected; and, knowing I had "refused to accept the appointment," nothing can be more disingenuous than to pretend to recognise me in that character. If he had entertained the least suspicion that I had not sworn truly on the subject, his whole conduct towards me can leave no doubt that he would have spared no pains to have been prepared to prove the fact. It being, therefore, obvious that he must have believed my statement, in this particular at least, what can be thought of his effort to mislead others in regard to it? More frankness and candor surely were due to the exalted station he occupies.

My name's appearing in the list of Directors, was produced by the following circumstances. The election took place on the 1st January, 1820, while I was attending to my public duties in this place, as a Senator of the United States, and, though I had positively declared that I would not serve, I was elected by the influence of General Payne, of Kentucky, who held nearly half the stock of the bank, and hoped that he could prevail upon me to change my determination, which he in vain attempted to accomplish; all of which, I have no doubt, Mr. Crawford well understood. It was probably owing to this gentleman's influence, and that of his powerful connexions in Kentucky, that this bank continued so long a depository of public money.

From Mr. Crawford's present attempt, under all these circumstances, still to implicate me in the transactions of that bank, it may well be supposed that his first efforts for that purpose, in 1822, which have been systematically and pertinaciously persevered in, to the immediate cause of the present controversy, have not left me without just cause of complaint.

My conduct, in regard to that bank, has been fairly stated. It was the result of a justifiable desire to protect my own character against casualties that might have injured it; and not with a view to injure or give dissatisfaction to any human being. Nor did I imagine that it could have pro-

duced any motive, or furnished any ground, for accusation against me. Finding, however, contrary to every reasonable expectation, that "partial information from the Treasury Department," concerning my agency in bringing that bank into connexion with the Treasury, was extensively used, with no little success, for the purpose of producing injurious implications against me; and thinking that I had just reason to apprehend they were about to be presented in a more imposing form, I felt myself called upon to address to Mr. Crawford my letter of the 9th February, 1822, in which, from a desire that my conduct should be fairly understood, and with no intention or expectation of giving offence, I referred to and asserted the facts, substantially, in relation to my publication of 1819, and the Receiver's letter, which are contained in my oath before the select committee, in February, 1823.

Nothing could have been more preposterous than my assertion of these facts, and the request with which it was accompanied, if I had not supposed that all these documents were in Mr. Crawford's possession. Nor can any thing be more reasonable than to suppose that, if they had not been received by him, he would then have said so.

He, however, alleges, that "his not having replied to this, or any other matters contained in those letters, resulted from his having declined any correspondence with Mr. Edwards on the subjects to which they referred, in consequence of a menace which the first of them contained." But let us inquire what that menace was?

Having stated, in my letter above referred to, circumstances which induced me to suppose, as well they might, that he intended to make some use of my name, in a report he was about to make to the House of Representatives, on the subject of the Bank of Edwardsville, I say, "I beg leave, most respectfully, to suggest that it would be but an act of justice to me, to present my publication of 1819, in which I declared I would be no longer responsible for that or any other bank, in any way whatever;" declaring in the same letter, that the object of it was to manifest my disposition or willingness to avoid the necessity, on my part, of calling for any information upon the subject, or referring to other matters.

It is this declaration, candidly made with a view to avoid any measure that might be construed into an evidence of hostility, that he is pleased to consider "the menace which my first letter contained." As, however, my real object was what I had declared it to be, I had no hesitation in saying, in my second letter, that "I owe it to myself, unhesitatingly and promptly, to disavow any intention of offering personal disrespect to you, or the station you occupy." The menace, then, if any had been made, was withdrawn. Still, however, he did not think proper to deny that the communications alluded to were in his possession, which no doubt he would gladly have done, if such had been the fact.

But he did not, in fact, "decline any correspondence with me on the subjects to which my letters referred;" for, in his answer to my first one,

among other observations which he made in relation to those "subjects," he says: "I assure you, sir, it will afford me great pleasure to communicate to Congress all the information in the possession of the Department, concerning that bank, your agency in bringing it into connexion with the Treasury, and the representations which were made against," &c.; thereby manifesting a disposition rather to show that he had no desire to conceal and withhold the documents alluded to, than to deny their existence.

Under these, and other circumstances mentioned in my communication to the House of Representatives, it would be extraordinary, on the supposition that my publication and the Receiver's letter had not been received, even if he had declined replying to my letter of February, 1822, that their existence should have remained for a period of more than two years unquestioned; and that even a doubt upon the subject should have been for the first time suggested "at the moment of my departure for a foreign country."

But Mr. Crawford has, in his communication, attempted to avail himself of an additional ground to convict me of false swearing, in what he is pleased to call my "alleged expectation" that the letters referred to in my testimony as having passed between himself and Colonel Stephenson, would have been communicated to the House, under one or other of the resolutions of February, 1822.

"As the resolutions," says he, "under which it is alleged these letters should have been communicated, call only for the correspondence between certain banks and the Secretary, it is unnecessary to explain why, among the letters which were communicated, any correspondence between a Receiver and the Secretary was not to be found. Nor is it easy to imagine how any one, informed of the tenor of those resolutions, should have entertained the expectation of seeing the letters in question among the papers which were transmitted."

In order to a correct understanding of this part of the subject, it may be useful to advert to my testimony before the committee. In this, after stating that I had prevailed upon "Colonel Benjamin Stephenson, the Receiver, and the President of the Bank at Edwardsville, to write to the Secretary," &c., I say: "I was much surprised at not seeing this correspondence in the report, as well as one or more letters, which, I confidently believe, were written to the Secretary of the Treasury, 1819, for the purpose of apprizing him of the situation of the bank, at that time, and inducing him to forbear to draw upon it, until it could relieve itself from the pressure it was then encountering." Now, as from my whole statement, in regard to this matter, it is evident that the subject-matter of the letter referred to in my testimony, related much more to the affairs of the bank than to the ordinary duties of the Receiver, it surely is not more extraordinary that I should have expected to have seen this letter, or so much of it at least as related to the affairs of the bank, "among the papers which

were transmitted," than that Mr. Crawford himself should have transmitted a variety of letters from this same Receiver, under the resolutions referred to. But he has, in other instances, acted upon the very consideration which induced the "expectation," on my part, to which he now expects; or why did he transmit his letter to the Receiver at St. Louis, of 19th January, 1822, (see document No. 119,) and state, in the report which it accompanied, that he had transmitted "all the additional returns and correspondence required by the resolution, except two letters from the Receiver at St. Louis, which were of a confidential nature?" Nothing could have rendered it necessary to have communicated the first, or to have apologized for not transmitting the other, but the circumstance of their relating, as the letter of Colonel Stephenson did, to the affairs of the bank.

Having thus disposed of the amplifications which he has given to his original charge, as contained in the report in question, I now return to the letter, which is as follows:

"The Hon. Mr. Edwards, late a Senator from Illinois, having stated, on his examination before a committee of the House, on the 13th February, 1823, that the late Receiver of Public Moneys at Edwardsville had, on his advice and in his presence, written a letter to the Secretary, enclosing a copy of a publication which Mr. Edwards represents himself to have made, some time in the year 1819, announcing his intention of retiring from the directorship of the Bank of Edwardsville, and that he had advised the Receiver to withhold his deposits from the bank until he could receive further orders from the Secretary; and that the Receiver afterwards informed him that he had received a letter from the Secretary, directing him to continue the deposits; the Secretary deems it proper to state, that no such letter from the Receiver is to be found on the files of the Department; that the officers employed in it have no recollection of the receipt of such a letter; and that, on an examination of the records of the Department, it appears that no answer to any such letter, directing the Receiver to continue the deposits, was ever written to him by the Secretary of the Treasury."

Whatever different interpretations, ingenious and forced constructions might have given to this report, Mr. Crawford's elaborate commentary upon it must now carry conviction to every mind, that its real object was, at least, to create a suspicion of the truth of my statement, both in regard to the Receiver's having written the letter mentioned in my testimony, and of his having "afterwards informed me that he had received a letter from the Secretary directing him to continue the deposits." The report itself, as well as the commentary, alleges circumstances which are intended to invalidate the former, and he has impeached the latter by denying that he ever gave such instructions to the Receiver.

The facts, then, fairly at issue between us, are:

1st. Whether the Receiver did write the letter alluded to?

2d. Whether he "afterwards informed me, that

he had received a letter from the Secretary, directing him to continue the deposits?"

As to the first:—It appears, that on the 6th of August, 1819, Mr. Crawford addressed a letter to the Receiver, most emphatically requiring him to state, why he had not then "deposited the public moneys in his hands in the bank, in conformity with the instructions from the Department," and alleging that there could be no longer any excuse whatever for retaining the public money. (See No. 1.)

It is difficult to believe, either that the Receiver would have neglected to answer this peremptory letter, or that Mr. Crawford would have tolerated such a disrespectful omission. The latter, however, has stated additional circumstances which render it wholly improbable that any such neglect should have occurred. He represents the Receiver as having been guilty of great remissness in regard to making his deposits for months before, and says that he, (the Receiver,) "must have discovered that the Secretary was dissatisfied with him for retaining the public money in his hands. He must have been aware that every subsequent return which he transmitted to the Treasury, as it exhibited an increasing balance, and as it showed that he made no deposits in bank, would aggravate the Secretary's dissatisfaction." Mr. Crawford, however, relies upon these circumstances to prove, that if the Receiver had answered this letter, he would, in his subsequent correspondence, consisting of two short notes, have made "some allusion to the communication which explained the reason of his apparent disobedience, and to the instructions which he expected in answer, for the government of his conduct in that important particular;" but would it not, let me ask, have been much more extraordinary and unaccountable, that he should not have answered the letter at all, than that he should have failed, in one or two short subsequent communications, to have alluded to this answer?

The letter, in fact, was fully answered on the 12th October, 1819. No other answer was ever given by the Receiver. And this is the very letter in question, which, after accounting for its delay, assigns as a reason for not having theretofore made the deposits, a difficulty that might thereby have been created, of complying with previous instructions: presents an account of the then situation of the bank; intimates apprehensions as to its future prospects; declares an unwillingness to make further deposits, without such instructions as the Secretary might think fit to give, "on a full disclosure of the whole circumstances of the case;" and, among other things, expressly states, that "the publication of Governor Edwards, herewith transmitted, shows the course he is disposed to pursue." All of which, I am happy to say, can be established by the original draught of the letter itself, on file in the office of Samuel D. Lockwood, Esq., Receiver of the Public Moneys, at Edwardsville, with an endorsement thereon in the hand-writing of the late Receiver, (who has been dead about eighteen months,) purporting that the letter was sent to Mr. Crawford in October,

1819, (of which an attested copy is hereto annexed, see No. 2.)

On the 22d October, 1819, ten days after the date of the letter last referred to, the Receiver again writes to Mr. Crawford, and states, that "twelve thousand five hundred dollars of the capital stock of the Bank of Edwardsville, having been paid into the bank since the date of my last letter, I feel it my duty to inform you of the circumstances, in consequence of some of the suggestions made in that letter. (See No. 3.) The first fact in issue between Mr. Crawford and myself, is therefore established.

As to the 2d, viz: "That the Receiver informed me he had received a letter from the Secretary, directing him to continue the deposits," it must be admitted that my statement does not render me at all responsible for the truth of this information; and, that it might have been given to me, even if it had not been true. But as this circumstance would have weakened, so the fact of Mr. Crawford's having actually written a letter to the Receiver in November, 1819, expressly saying "I request that you will, immediately after the receipt of this letter, deposit in the Bank of Edwardsville the whole of the money in your possession on the 30th instant," must sufficiently corroborate my testimony.

This letter, it is true, does not profess to be an answer to the letter of the Receiver of the 12th of October, 1819, nor have I imposed upon myself any obligation to prove it to be so. But there are certainly strong circumstances to show,

1st. That it was written in consequence of the Receiver's letter;

2d. That it could not have been written on the grounds upon which it professes to have been written.

As to the first. It is worthy of remark that, in noticing "the difficulty" suggested by the Receiver as an excuse for not having made the deposits, Mr. Crawford is so particular in pointing out the means of obviating that difficulty, that it is almost impossible to resist the belief that he had then received the letter in question.

This belief, however, acquires great additional, if not irresistible strength, from another document which Mr. Crawford enclosed in his letter to the Receiver, of the 1st November, 1819. It will be perceived that, among the strongest reasons urged by the Receiver for declining to make the deposits, in the Bank of Edwardsville, without further instructions from the Secretary, were his apprehensions of danger to it from "the hostility of the Bank of Missouri, and citizens of St. Louis," and his apprehensions that the drafts of the Secretary might fall into their hands, or those of "persons who, under their influence would be disposed to insist upon specie, when notes would answer them equally well, merely for the purpose of harassing and distressing the bank." It is presumed that it was to allay these apprehensions that Mr. Crawford (who had checked the Bank of Missouri for its conduct towards other banks) transmitted in his letter to the Receiver, who was also the President of the Bank of Edwardsville,

the document alluded to, which is headed "A list of bank notes which would be received by the Bank of Missouri, according to the letter of the President of that bank, dated 9th August, 1819." (See No. 5.) For what other possible purpose could this "list" have been intended? And what else could have induced him to send it to the Receiver at Edwardsville?

Further corroboration of his having received the letter in question, is furnished by the circumstances of his having, on the same day that he wrote to the Receiver at Edwardsville, written on the same subject to both the Receiver at Kaskaskia, and the Cashier of the Bank of Edwardsville, giving to the former particular instructions about making his deposits; and enclosing to the latter a copy of a letter that he represents himself to have written to both these Receivers, from which it appears that he ordered them to deposit all the public moneys which they should receive after the last day of the month in which he wrote—not in the Bank of Edwardsville, but in the Bank of Missouri, until otherwise directed. (See No. 6.)

Considering the circumstances disclosed by Mr. Crawford, in regard to the withholding of the deposits by those two Receivers, it is not to be presumed that either of them would have been guilty of any unnecessary delay in making the deposits after the receipt of his letters to them of the 1st November, 1819; and, if these letters, which purport to have been written at that time, were promptly transmitted by mail, according to their respective destinations, it is inexplicable that the Receiver at Edwardsville, who resided within about two hundred yards of the bank, of which he was also the President, should not have deposited "the whole of the money in his possession on the 30th November," before the 31st December; and, that the Receiver at Kaskaskia should not have made his deposit till 3d January following. Mr. Crawford admits that the former did not receive his letter till some time in the month of December, but at what time in that month is not stated, nor how the fact was ascertained, or is ascertainable, (see his communication, page 6.) Such delays as must have intervened between the date and receipt of those letters, at a season of the year when the mail is liable to so little obstruction, affords matter of speculation, in which, for the present, I forbear to indulge.

But I would ask what, but the letter of the Receiver at Edwardsville of the 12th October, could have startled Mr. Crawford into all this hurry of writing, and sudden change of the place of deposit; and, at the same time, account for the subsequent hesitation that seems to be fairly inferrible from those otherwise unaccountable delays? As that letter was well calculated to produce such results, and nothing else appears to account for them, it cannot be unreasonable to refer them to that cause.

He attempts to avoid the inference of his having received this letter, and my publication, by stating "that if they had been known to him, they would naturally have been alluded to on such an

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occasion" as that of writing to those Receivers; in other words, that the receipt of them would have been acknowledged by him. But he admits the receipt of the letters of Mrs. Stephenson, and the Receiver at Kaskaskia of the 18th September, 1819, and attaches much importance to them in his communication; yet, though it would have been just as "natural" that he should have alluded to them, as to the letter of the Receiver of the 12th October, he is as silent as to either of them, as he is to the latter, or as he was to that part of the letter of the President of the Bank of Missouri, of the 9th August, 1819, which gives such an alarming account of the Bank of Edwardsville. His not having noticed the letter in question, in any of his subsequent communications, therefore, furnishes no evidence to rebut the strong presumption, that I have relied upon, to prove that he must have received it.

Let us then briefly inquire, whether his letter of the 1st November could have been written on the grounds upon which it professes to have been written.

He professes to have been induced to write it, from an inspection and examination of the monthly accounts of those Receivers, and commences it in the following words, viz: "Upon referring to your monthly accounts, it appears that you have retained all the money which has been received by you since the month of August last." Now, a moment's reflection is all that can be necessary to convince you that there could not have been, at Washington, on the 1st November, more than one monthly account of moneys received after the month of August preceding. And, if he had referred to their monthly accounts, he would have perceived that the Receiver at Kaskaskia had retained in his hands, all the money received by him after the 18th May, and the Receiver at Edwardsville had made no deposit since the 1st day of the preceding July—circumstances, which it is extremely improbable he would have overlooked, or neglected to advert to in his letter, unless, indeed, there was some peculiarity in these cases that defies all skill in guessing, which rendered it more excusable in these officers to have retained one part of the public money than another.

But, if something more than meets the eye was not intended, why was his letter to the Bank of Edwardsville, of 1st November, 1819, together with its enclosure on the subject of those very deposits, suppressed? Their omission concealed a fact which affords a very strong presumption that he had received the letter of the Receiver at Edwardsville of the 12th October; and it is rendered less probable that they were withheld through inadvertence or forgetfulness, from the circumstance of my having called his attention to the subject by my correspondence with him in February, 1822, just about the time he made the report that ought to have contained them.

This letter, though at last brought out upon the third call upon Mr. Crawford for his correspondence with the banks, and accompanying the report that was intended to affect me so injuriously, is still given in such a manner, as not only to conceal

the true state of the case, but to produce an impression directly contrary to the fact, by omitting to communicate its enclosure, which is so referred to as necessarily to make it a part of the letter; and this impression would probably never have been questioned, but for the present contest, in which the report has involved me.

The letter commences by saying, "The letter, of which the enclosed is a copy, was addressed to the Receivers of public money at Kaskaskia and Edwardsville * * * * *". To prevent the inconvenience and risk which may result from the accumulation of such large sums in the hands of those officers, I have this day directed them to deposit in the bank the sums which may be in their possession on the 30th instant, and to deposit, monthly, the money which may be received during each month."

Now, in what bank would any one suppose these monthly deposits were to be made? Certainly in the Bank of Edwardsville, to which the letter was addressed. But, palpable as this conclusion may appear, the fact is directly otherwise, and the enclosure will prove it. By the latter, Mr. Crawford says, "I request that you will immediately deposit in the Bank of Edwardsville whatever sums may be in your hands on the 30th instant, (November, 1819.) * * * * *". You will, after the deposit herein directed, make your deposits in the Bank of Missouri, until otherwise directed." Who, let me ask, could have inferred, from the letter above, that these directions had been given to those Receivers, or to either of them? And can it be denied that this enclosure ought to have been communicated, for the sake of truth if nothing more?

But let us see how this case stands in other respects. If he did not send such a letter, and give such instructions to those Receivers, he made a direct and positive misrepresentation to the bank, for which no adequate motive can be perceived. But if, as he himself asserts, he did give such instructions, it shows most clearly that he did intend to suspend the making of deposits in that bank, and accounts much more satisfactorily than he has done in his communication to you for his letter of the 20th April, 1820, which directs the deposits to be continued with a degree of particularity that would scarcely have been thought necessary, if there had been no reason to suppose it had been his intention to discontinue them.

But he has appealed to the want of any assignable motive for the concealment of any of the foregoing facts, as proof that none was intended. I take no issue with him upon his motives or intentions. I may, however, be permitted to say, that the pertinacity with which, in opposition to all the proofs I have exhibited, he still endeavors to hold me responsible for the Bank of Edwardsville, after the Fall of 1819, renders it probable that he might not have been willing to let me escape from responsibility at that time. Overwhelmed, as he was, with representations against the bank, my withdrawal from it may have confirmed his fears, and rendered him reluctant to disclose any circumstance that was cal-

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culated to devolve upon him an increased responsibility for events then apprehended, and since realized.

Having received a communication through the committee, that contains a reference to a conversation that I am represented to have had with Mr. Campbell, of Ohio, on the day of my departure from the city, in March last, I feel myself authorized to give the following explanations:

In travelling through Kentucky last Summer, I received, at Russellville, in that State, a confidential communication from Virginia, warning me that I was to be attacked at the then succeeding session of Congress, and that Governor Coles, of Illinois, was expected to co-operate in it, and advising me strongly to come on to Washington a week or two before the meeting of Congress, for the purpose of preparing for a defence. These intimations coming from a source that I knew to be entitled to the highest respect, I did not think it prudent to disregard them; and, not expecting to return to Illinois for some time thereafter, I wrote to the honorable Daniel P. Cook on the subject, in consequence of which, a correspondence took place between him and Governor Coles, in which, I believe, the latter disavowed the correctness of the information as it related to him. I refer to this correspondence with the less reluctance, because Governor Coles, whose character is well known here, can establish it.

Being thus warned, I endeavored to prepare for the threatened attack, and came on to Congress with a determination to do nothing unnecessarily to provoke it, but to meet it, whatever it might be, with firmness, whenever it should be made. I however, never once suspected any thing like the insinuation contained in Mr. Crawford's report, and though I may have written as much, or even more than has been supposed, preparatory for an anticipated attack, yet it is most certain that not one word of it related to the subject of the report. This I had neither anticipated, heard of, or seen, till about one hour before my intended departure, on the day after it was communicated to the House. It then took me by such perfect surprise, that I neither knew, nor could decide, what was best to be done with it, and I left the city without ever having mentioned the subject, as well as I can recollect, to any person or persons, except three members of the House of Representatives, of whom Mr. Campbell of Ohio, was one.

I met with him on the morning I left the city, and my impression is, that he introduced the subject, and seemed to have no doubt that the report was intended as an attack upon me. In the course of the conversation with him, I alluded to the confidential information above referred to, probably spoke of what I had prepared and intended to have done, in any event that might have rendered it necessary to have defended myself, at an earlier period, and regretted that I could not have been permitted to get off in peace. It is idle to insinuate that my answer to the report could have been written before my departure from this place. The latter could not be answered till it existed, and, after it was known to me, I did not

remain here long enough for any such purpose. Besides, a letter which I wrote to Mr. Campbell, on my journey, (towards whom I had no motive for concealment, will show that my communication was then not only not written, but that I did not expect to employ more than three hours in replying to the report. One thing is certain, that no man could have been less disposed than myself to be the aggressor, in any controversy whatever, at that time; and, if I had not considered the report as intended and calculated to fix an indelible blot upon my reputation, which I knew I did not deserve, nothing would have been heard from me, in regard to Mr. Crawford.

The anxiety which the Committee manifest, and must so naturally feel, to get through with this investigation, and my continued indisposition rendering it impossible to proceed with my replication to Mr. Crawford's communication, as I had intended, so as to finish it within the time which I could reasonably hope to prevail upon the Committee to wait, I feel myself compelled to postpone, to a future occasion, which will not be neglected, a full answer to all his remarks, and, at present, to content myself with a few observations upon those of them which are most prominent, and seem to demand the most immediate attention.

Commencing his justification for receiving so much uncurrent paper, some of which was greatly below par, from certain local banks, with a history of the commencement of the direct connexion of the Bank of Missouri with the Treasury Department, on the 1st August, 1818, he says: "Before this time the bank had acted as the agent of the Bank of the United States. It had fulfilled its engagements with that institution with good faith, &c. * * * * *". The large amount of money to be received from the sale of public lands in that quarter, rendered a connexion with such a bank not only convenient, but necessary. * * * * * The Receivers were instructed to receive the notes of such banks as paid specie on demand for their notes, and no other, and to deposit them in the bank, to the credit of the Treasurer." But (says he) in this arrangement with the bank, "there was no stipulation as to what kinds of money it should receive or pay for the Treasury." These, therefore, must have been general deposits, and having been made at the solicitation of the bank, without any special agreement, it thereby imposed upon itself the highest obligation in regard to them, that the acceptance of an unconditional general deposit could create upon any bank whatever.

But besides this general principle, there was a contract that excludes every construction which could have imposed upon him any obligation, moral or legal, to have taken from the bank any paper that was not of as much value as the deposit, at the time it was made.

This bank was continued a depository of the public money on the same terms on which it had been employed as the agent of the Bank of the United States, except that, instead of the deposits being subject to the drafts of the Cashier of the

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Bank of the United States, they were, on this second arrangement, to be drawn out, "from time to time, by Treasury drafts."

In both cases they were to be drawn for as occasion might require, subject to the following conditions, viz:

1. If in favor of individuals, to be paid at sight.

2. If in favor of the Bank of the United States, payable in sixty days.

It appears, from Mr. Crawford's own reports, "that, in 1817, an arrangement was made between himself and the Bank of the United States, by which the public funds were to be deposited in the branches of that institution, in all places where such branches existed; and, where there was no such branches, the bank was to designate certain State banks, for which it would be responsible, and in which such public moneys should be deposited," &c.

In conformity with this arrangement, the Bank of the United States, having selected and employed the Bank of Missouri as a depository of the public money, became responsible to the Treasury Department to pay cash for all moneys therein deposited. This it could have had no motive for doing, without a correspondent obligation on the part of the Bank of Missouri. Who could be better judges of what would create such an obligation, than the enlightened President and Directors of the Bank of the United States? Their disinterested opinion on the subject is practically demonstrated by the adoption of measures which they must have considered fully adequate to secure their own interest, and impose upon the Bank of Missouri the correspondent obligation above referred to. Their, therefore, not requiring "a stipulation as to what kind of money the Bank of Missouri should pay," is the best proof that they did not consider any stipulation in addition to those expressed or implied by the contract, as necessary to impose upon that bank the obligation to pay cash.

If, then, notwithstanding the want of such a stipulation, the Bank of Missouri was answerable to the Bank of the United States for the public deposits as cash, by what kind of argument can it be demonstrated that the absence of such a stipulation exempted it from a similar obligation in its subsequent engagements with the Treasury Department?

By the contract, there were but two ways by which the Secretary could claim the right to demand, or the bank the right to make, payment. The one by drafts in favor of individuals, payable at sight. The other by drafts in favor of the Bank of the United States, payable in sixty days. There was, therefore, no obligation on Mr. Crawford to receive one cent himself, nor to enter into an arrangement with other banks to receive any part of the deposits from the Bank of Missouri. How, then, was he "bound" to accept the uncurrent money which he received from that bank? By the contract he could have lawfully required it to pay the whole amount of deposits, either on drafts in favor of individuals, or of the Bank of the Uni-

ted States, subject to the conditions that apply to each. Had he drawn for the whole amount of the deposits, according to the contract, his drafts could not have been discharged, without the consent of the holders thereof, in any thing but legal money, and a protest of the drafts would unquestionably have furnished good cause of action against the bank.

But it is manifest, from other considerations, that it could not have been the intention of the parties that the deposits were not to be considered as a cash demand upon the bank. Both parties knew, at the time of the contract, that the Bank of the United States would not receive, in payment, any thing but cash, or its equivalent; a contract, therefore, on the part of the Bank of Missouri, to pay, if required, the whole amount of the deposits to the Bank of the United States, must have been understood as an obligation to pay it in legal money, or such other funds as that bank would consent to receive.

If the construction now contended for by Mr. Crawford be correct, it equally applies to all the other banks which he employed, whose connexion with the Bank of the United States ceased on the 30th June, 1819, and a more injudicious arrangement, nor one better calculated to perpetuate "the evils of special deposits," could not well have been made. They were not bound to receive any notes which at the time of deposit were not equal to cash; and if they might thereafter discharge the obligations created by those deposits in depreciated paper, there could not be worse management than permitting the deposits to accumulate, as he says they did in the Bank of Missouri, in rather less than one year, to the amount of upwards of \$640,000, composed principally of notes most liable, from the very nature of the times, to depreciate.

Under such circumstances, however solvent the Bank of Missouri might be, such an amount of notes could not be kept on hand so long, without danger of great loss to the Treasury, and therefore it must have been bad management not to have found some means of exchanging them for cash, or applying them to the public service.

It is, however, but a waste of time to dwell upon a point which the testimony of some of the best informed and most distinguished gentlemen of which this country can boast, taken in this case, proves to be so incompatible with the general usage and practice of banks in such cases.

I will, therefore, notice this part of Mr. Crawford's communication no farther than to make a single remark upon the evidence, by which he endeavors to prove that he was "bound" to have taken even more uncurrent notes than he did receive from the Bank of Missouri. "This evidence (says he) is statement E, prepared at the Bank of Missouri, and laid before the Missouri Legislature, by a committee which was appointed to examine the report of the bank, and which committee represents itself to have had before it, and carefully examined, the books, notes, and such other papers of the bank, as were necessary. The statement is 'of moneys on hand, September 6, 1819, re-

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ceived from the several Receivers of Public Moneys, being such as they were authorized to receive by the Hon. William H. Crawford, Secretary of the Treasury." It purports, he adds, to have been taken from a register kept by the Cashier of the bank from the 8th of August, 1818, to the 6th of September, 1819, which period includes only twenty-seven days not embraced by the first arrangement under which the bank was accountable only in kind. By this statement it appears that the bank had then on hand notes taken from Receivers, of a description not receivable by it on general deposit as cash, amounting to \$569,064, of which \$283,757 were of the kinds transferred by it to the Treasury."

In stopping so short, however, with his quotation from this document, he has omitted a most material part of it, which overthrows his whole conclusions; for, in reference to those very notes, the document states that though they had been received as above stated, "the bank did, at its own expense and risk, convert the same into specie." If, then, this document is good for any thing, it leaves him wholly destitute of any apology whatever for receiving uncurrent notes from that bank.

But waiving all question of his obligation to receive uncurrent notes from this bank, I return to, and insist upon, a specific statement contained in my communication to the House, which I think he has but poorly evaded.

It is this: "That being called on by a resolution of the House of Representatives to state the amount of uncurrent notes which he received from these banks, he has misstated it, making it less than it really was."

To decide this matter, it is necessary to see both what he has said and what he has done in regard to it.

In his report of the 14th February, 1822, page 8, in replying to the call that had been made upon him for the amount of uncurrent paper which he had received from certain banks, he says as follows, viz:

"From the Bank of Tombigbee there have been received \$15,311, in the notes of the State Bank of North Carolina.

"From the Bank of Missouri there have been received the following sums, viz:

In notes of the State Bank of North Carolina -	\$42,000
of the Bank of Nashville -	29,844
of the Farmers and Mechanics' Bank of Cincinnati -	11,845
of the Miami Exporting Company -	8,661
of the Bank of Cincinnati -	3,846
of the Bank of Muskingum -	291
of the Farmers, Mechanics, & Manufacturers' Bank of Chillicothe -	350

"And, from the Bank of Edwardsville, there have been received \$18,562, in notes of the Bank of Kentucky and its branches.

"In the two first cases, the notes were received in the month of March, 1820, and in the third, in October, 1821. All these notes, above described, were uncurrent at the time they were re-

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ceived from the banks. * * * * In no other case have uncurrent bank notes been received from any bank in which the public money has been deposited."

These are the assertions of Mr. Crawford, about which there can be no dispute. If, then, I can show another case, or other cases, in which uncurrent bank notes have been as clearly received from the Bank of Missouri, as in the cases he has mentioned, I make good my statement. This being all that I desire, I shall content myself with but a single case at present.

In his letter I. No 9, of the 2d March, 1820, to the President of the Bank of Missouri, he acknowledges that, "in consideration of a proposition made by Colonel Riddick, as agent of the Bank of Missouri, he had agreed to take a draft "in favor of the Bank of the State of Tennessee, payable at Louisville, for \$40,156, in notes of that bank and its branches." (See document 66.)

His letter B. No. 25, to the President of the Bank of Missouri, of the 14th November, 1820, and the President's answer, B. No. 26, of the 12th December, 1820, (see document 119,) show, that the said 40,156, in notes of the Bank of Tennessee and its branches, were transmitted to the Branch Bank of the United States, at Louisville, on the 21st May, 1820, according to his orders, where they were received by him.

The Hon. Hugh L. White's testimony shows that these notes were mostly on the Branches of the State Bank of Tennessee, and that these Branches had suspended specie payments some time in the Summer of the previous year.

These notes, it will be seen, are not included among the uncurrent notes which Mr. Crawford acknowledges to have received, though they were equally entitled to that denomination. I therefore submit the naked fact to the Committee, that he did receive uncurrent notes, to a considerable amount, in another case, besides those specified in his report on that subject.

Without positively denying this statement, Mr. Crawford would seem to impugn it, by alleging that those notes were immediately placed to the credit of the Treasurer, as cash, by the Bank of Tennessee. This, if ever so correct, cannot disprove the fact I have alleged. The notes in the hands of the Treasurer were as much a cash demand upon the bank, as any entry it could make on its books upon their alleged transfer. But, had they been paid the next day, it would not prove that they were not uncurrent when received. They, however, remained at Louisville, from the 21st of May, 1820, till January, 1822, and have only been discharged by payments in depreciated paper, to pensioners, and, possibly, a few other public creditors; so that, if the Treasury has escaped a loss, it has fallen upon those who were entitled to the gratitude and justice of their country. But I have not pretended to allege any thing more upon this subject than the mere fact that more uncurrent notes were received than has been stated by Mr. Crawford; and therefore it is not incumbent upon me to show, that the Treasury has sustained any loss, or that the Bank of Missouri has gained an

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advantage at the expense of the poor pensioners on the Government. I have not represented these "as notes of insolvent banks," like those on some of the Banks of Ohio actually were. But, I have no doubt, that as much might have been said in favor of the receipt of some of the other Tennessee notes, which Mr. Crawford acknowledges were uncurrent, as of those on the Branches of the Bank of Tennessee. If, however, I am bound to pursue the subject further, for my own justification, then certainly I have a right to call for, and should wish to see, the proof on which Mr. Crawford has predicated the statements which he has made to the Committee on this subject.

The next subject to which I beg leave to call the attention of the Committee, is, to my fifth statement, in the following words, viz:

"That he has in his report to the House, misrepresented the obligations of those banks, or some one of them, at least, and predicated thereon an indefensible excuse for his conduct in receiving those uncurrent notes."

It is evident that I have been misapprehended in regard to this statement. I certainly never intended to be understood as alleging that Mr. Crawford had misrepresented the contracts which were submitted with his report; for I myself relied upon these contracts, and the fact that no public money had been received by the Banks of Edwardsville and Tombigbee, before the date of their respective contracts to pay cash for the deposits, for proof of my allegation.

The Committee justly consider this statement as the recapitulation of a charge previously made; and it will be seen that, for a specification thereof, I referred to a preceding part of the communication that contained it. This is expressed in the following words, viz:

"Being called on by a resolution of the House of Representatives to state the amount of uncurrent paper which he received from the local banks that had been made the depositories of the public money received from the sale of the public lands, he admits the receipt of a large amount from the Banks of Edwardsville, Missouri, and Tombigbee. But, as an excuse for his conduct, he represents those notes to have been deposited in these banks 'before the date of their contracts, under which they agreed to account for the public deposits as specie.'"

My opinion certainly is, that any statement which either adds to or diminishes the real obligations of those banks, must be a misrepresentation of their obligations; and, taking Mr. Crawford's statement to be correct, it implies the existence of obligations different from those contained in "the contracts submitted with his report;" for the deposits could not have been made "before" the date of those contracts, without an expressed or implied contract thereupon, which was not communicated, but which, from his statement, must be understood as giving to those banks a right to tender the money which he received from them.

My object, however, was to show that he had misstated the fact "in saying that the uncurrent notes which he had received from the Banks of Ed-

wardsville and Tombigbee," had been deposited in these banks *before* the date of their contracts, under which they agreed to account for the public deposits as specie." And this statement I now beg leave to submit to the decision of the committee, holding myself ready, if the committee have any doubts on the subject, to show that those deposits were made in the bank *after* and not *before* the date of their contracts to pay cash for them.

Mr. Crawford has labored to show that the interest of the Western country required the employment of the local banks as depositories of public money. I am not disposed to contest this point, nor to deny that a judicious employment of solvent and prudent local banks for this purpose, might have afforded some relief, though the principal object which he seems to have had in view was to relieve the Bank of the United States from the odium of collecting the public revenue, and converting it into available funds, by substituting the local banks for that purpose. According to his arrangement, as he himself has developed it, his intention was to render the public money, by whomsoever collected, available wherever the public service might require it. Of course, whether collected by the local banks or the Bank of the United States, it was *intended* that all of it which could not be appropriated to the public service in the Western should be transferred to the Atlantic States. The drain of specie, or its equivalent, therefore, from the West, with the exception of the permanent deposits, was *intended* to be the same in either case, and it is doubtful, at least, whether the ephemeral relief thus afforded to the Western community, has not been more than overbalanced by the evils which finally resulted from the injudicious execution and suicidal extension of this plan. Certainly great losses have resulted from it, as the events of almost every day exhibit, and if they have not fallen upon the Treasury, the people cannot have escaped them.

The principal ground of my objections to Mr. Crawford's conduct in this respect, has been exhibited to the House in the following words, viz:

"The most objectionable parts of his conduct, in regard to these matters, are, his mismanagement of those banks, and his continuing to employ them after he himself had become sensible of the danger of doing so."

To establish this statement, I rely upon his communication to the committee to show that he continued the Bank of Edwardsville a depository of public money, after he was so convinced of its want of good faith, as to act, in other respects, upon that opinion.

I rely upon his correspondence with the Banks of Tombigbee, Huntsville, Steubenville, and Vincennes, and Governor Jennings' testimony in regard to the latter, to show that he was apprized that there was danger in continuing the deposits in the three first, and that he continued the latter a depository of public money after it had forfeited all claim to his confidence, and proved, to his own satisfaction, that it could not safely be trusted.

I rely upon the testimony that has been taken

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before the committee, to prove, 1, That he has acted illegally in making deposits of public money in local banks in the District of Columbia, and even in this city, without making report thereof to Congress, according to law. 2. That he has, in a variety of instances, abused his power to make deposits of the public money by actually making pure gratuitous loans of them; and 3, That of the loans which he thus made, in 1819; a part thereof has not been repaid, and is in danger of being lost.

By the document 66, A. No. 10, it appears that, notwithstanding he had made loans to certain local banks in the District of Columbia, which were so crippled as not to be able to continue their operations without the assistance he afforded them from the Treasury, and particularly the Mechanics' Bank of Alexandria, whose situation he well knew, and to which he had made five several loans of public money, to enable it as the witness say, to wind up its affairs, and which loans, or the major part thereof, remained unpaid, he did, on the 1st of August, 1820, the year after these loans were made, direct the Receivers of Public Moneys in Ohio, Indiana, Illinois, Missouri, and Michigan, to receive the notes of those banks in payment for public lands.

By document No. 66, it appears that the Farmers and Mechanics' bank of Cincinnati, into which he directed the public deposits to be made, in 1819, besides its other debts, owed to the Bank of the United States \$220,000; had issued its own notes to the amount of \$77,550, and had of specie only \$19,430; and that he was twice offered any additional security for the fulfilment of its engagements, which he might require, but which he declined taking.

By the same document it appears that he declined the offer to pay interest by the Bank of Huntsville, which the Treasury was justly entitled to receive from that bank.

By his report in the case of Mr. Brahan, Receiver of Public Moneys at Huntsville, it appears that that officer had appropriated a very large amount of the public money to his own use; that he was continued in office an improper length of time after his misconduct was known to Mr. Crawford; that, finally, in settling with him, a large amount that was justly due to the United States, as interest upon the money which he had misapplied, was relinquished; and that the indulgence he received, as to the time of repayment, was more than he deserved.

By Mr. Crawford's own communication to the committee, he himself has shown a case of a Receiver, which would have rendered it improper to continue any man in such an office, under the circumstances which he has stated.

There must also have been some bad management in his permitting the deposits in the Bank of Missouri to accumulate to the amount of \$726,000, when the transfer of any part thereof to the Branch Bank of the United States at Louisville, was so practicable by the facilities constantly afforded by steamboat navigation between St. Louis and that place; in his permitting the Bank of

Missouri to delay the payment he required from it in June, 1819, for about five months; in his withdrawal, in March, 1820, of his previous drafts upon it, and then agreeing to take a much less sum, and a great portion of it in uncurrent notes, with an intimation to the President of the bank, of ten months additional indulgence, (see his letter I, No. 9, 66;) and this, too, at a time when the bank must have had in its vaults, besides its other good funds, about \$221,599 40, in specie, which it was permitted to retain and use, and which was \$43,424 40, more than the whole amount of the payments stipulated for by Colonel Riddick, as the agent of the bank. (See bank return, February, 1820.)

Admitting that Mr. Crawford was right in receiving so much uncurrent money from this bank, I submit it to the committee whether he was not wrong in permitting the bank, at that time, still to retain such a large amount of public money in its possession; and for a more detailed illustration of this subject, I beg leave to invite the attention of the committee to the last document attached to my communication to the House, and to a comparison of the statements therein contained, with the public documents to which they refer.

I greatly regret that the want of time will not permit the committee to allow me the benefit of testimony that I otherwise could produce, in relation to the management of the Banks of Tombigbee and Steubenville. I beg leave, however, to refer you to a table, herewith transmitted, which shows the amount of continued deposits in those banks, for years in succession, above the permanent deposits allowed to them, respectively, and to submit to you, whether these deposits, thus continued, can be considered in a less objectionable light than loans without interest.

NINIAN EDWARDS.

JUNE 11, 1824.

ARGUMENT.

To the Hon. JOHN FLOYD, Chairman, &c.

Deeply impressed with the importance of the present investigation to myself, personally, I beg leave, with unfeigned deference and respect, to submit to the consideration of the committee the following remarks:

Sensible I am, that the statements of my address to the House, to use the language of the committee, are such as should not be "lightly made," and resolved I am, that, if they are "superficially examined," it shall be in spite of my utmost exertions.

It is obvious to the common sense of mankind, and apparent from the reasoning of the committee, that, from the active nature of responsibility, both moral and official, in this country, upon him who undertakes to arraign the conduct of an important functionary, must the weight of his charges recoil, if he fail to establish them. This consideration, while it furnishes a motive for zeal and perseverance on my part, is calculated to oppress me with mortification, at finding that the com-

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mittee have given this decided and injurious direction to the statements which they think fit to denominate charges, contained in my address, after they had commanded, and before they could procure, my appearance for the purpose of explaining and enforcing those statements.

This having been done, I trust I shall be pardoned for endeavoring to show, to the satisfaction of the committee, that the course of reasoning, by which it was effected, is not authorized either by the facts admitted by themselves, or by the evidence which was presented to them.

To relieve this subject, as far as may be, from the complexity of words and inferences in which it is involved, I must be permitted to define, beyond the power of misinterpretation, the character and import of the statements which I made, and to claim, if I show that they are sustained, by the facts and evidence offered to the committee, relief from the culpable responsibility with which their report has a tendency to burden me, and from the onerous task of investigating motives, which my address does not assign, or of abiding, in the accountable position indicated by the committee, the result of a moral inquiry, which, however it may comport with the partiality of Mr. Crawford's friends, is certainly excursive and gratuitous in reference to the statements which I had the honor to advance. These the committee, not averting to the document by which they were occasioned, have denominated charges, and, as such, they are fairly and conveniently susceptible of a division into two general heads, each of which may be supported by maintaining the specifications upon which they depend.

According to this arrangement, the first is to this effect, viz: That the Secretary of the Treasury, the Hon. Wm. H. Crawford, has mismanaged the national funds; and the second amounts to this: that the Secretary of the Treasury has been guilty of neglect of official duty.

In order to sustain these charges, I shall follow the example of the committee, and shall, in the first place, recite the resolution of Congress of 30th April, 1816, which declares "That the Secretary of the Treasury be, and he is hereby, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing, or becoming payable to the United States, to be collected and paid, in legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared, or in the notes of banks which are payable and paid on demand, in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing, or becoming payable to the United States, as aforesaid, ought to be collected or received, otherwise than in the legal currency of the United States, or in notes of banks which are payable, and paid, on demand, in the said legal currency of the United States."

By the terms of this resolution, it is not only plain to the understanding of every man, but expressly declared by the committee, it was made

"obviously imperative" on the Secretary of the Treasury, after the 20th February, 1817, "to allow nothing to be received for debts due to the United States, but the legal currency of the United States, Treasury notes, notes of the Bank of the United States, or of those of State Banks, the notes of which were payable, and paid, on demand, in cash."

In conformity with the injunctions of this resolution, and with the act incorporating the Bank of the United States, an arrangement, (agreement,) it is affirmed by the committee, was concluded, in the early part of 1817, between the Secretary of the Treasury and that institution, by which it was stipulated that the public funds were to be deposited in the Branches of the Bank of the United States, in all places where such branches existed; and, in others, that bank was to select and designate certain State Banks, for which it was to be responsible, and in which such public moneys were to be deposited; and notes of all banks, whose paper the Bank of the United States would receive, in deposit, as cash, and none other, were to be received on sales of the public lands. On the 30th June, 1818, this agreement, it is stated by the committee, terminated, at the instance of the Bank of the United States; and, under the circumstances attending this fact, the Secretary entered into agreements with certain State Banks, by which they were employed as points of deposit and instruments of transfer for the public money, in the course of its collection and disbursement. Engagements, of this description, were effected by the Secretary with the Bank of Missouri, on the 1st of August, 1818, with the Bank of Edwardsville, on the 1st of February, 1819, and with those of Illinois, Huntsville, and Tombigbee, about the same time. Soon, however, it is declared by the committee, this connexion between the State Banks and the Secretary of the Treasury was extended in its application, and varied in its obligations. A greater number of banks were embraced by it, and more favorable conditions were allowed them. It was agreed that, as an equivalent for the risk and expense of deposit and transfer, the use of a stipulated sum should be permitted them, as a permanent deposit, which was not to be withdrawn, except in a certain specified case.

The substance of this agreement between the Treasury and these State banks, is expressed by the committee in the following words:

1. "That the bank should receive in deposit, to the credit of the Treasury, as cash, from the Receivers of Public Moneys, all the current notes of such banks as maintain cash payments; with power, however, to discontinue to receive the notes of any particular bank, on giving reasonable notice of such intention to the Receiver.

2. "That the bank should pay, at sight, all drafts from the Treasury; and should also transfer, on request, all sums on hand beyond the amount of the stipulated permanent deposit, to the Bank of the United States, or certain enumerated Branches of that Bank, and that a fixed sum should remain in the bank, as before men-

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tioned, as a permanent deposit, to be transferred, however, to the Bank of the United States, in six months after the termination of the agreement.

3. "That, if the money were wanted for disbursement in the neighborhood of the banks, it might be drawn for at sight, notwithstanding such drafts might reduce the permanent deposit below the stipulated sum.

"The amount of this permanent deposit was to be increased, if it should appear that the bank should receive and transfer such large sums as that the expense thereof should not be considered as compensated by the benefit of the deposit which had been stipulated. It was also prescribed that the bank should render to the Secretary of the Treasury, and to the Treasurer, duplicate monthly returns of its accounts with the Treasurer; and to the Secretary, confidential monthly returns of the state of its own affairs, showing, also, the credits of all public officers, in the bank; and also, quarterly lists or returns of all its debtors, to the end that the Secretary of the Treasury might determine on the propriety of continuing the public deposit in such bank."

The effect of this arrangement is thus summed up by the committee.

"The following table shows the amount of the permanent deposit allowed to each bank, respectively, as the equivalent for the services rendered, or expected to be rendered, by it to the Treasury:

Bank of Steubenville	- - -	\$50,000
Bank of Chillicothe	- - -	100,000
Franklin Bank of Columbus	- - -	20,000
Farmers and Mechanics' Bank of Indiana	- - -	40,000
Bank of Illinois at Shawneetown	- - -	50,000
Branch Bank of Kentucky at Louisville	- - -	100,000
Bank of Tombigbee at St. Stephen's Planters and Merchants' Bank of Huntsville	- - -	75,000
Bank of Missouri	- - -	150,000
Bank of Vincennes	- - -	75,000
Bank of Edwardsville	- - -	40,000
Farmers and Mechanics' Bank of Cincinnati	- - -	100,000

"The amount of these permanent deposits is nine hundred thousand dollars; the interest on which sum, at six per cent., would be fifty four thousand dollars." And I allege, in support of my first charge, that, by means of it, the Treasury of the United States was made to pay to the State banks enumerated, the sum of \$54,000, annually, for receiving and transferring the public money: service which the Bank of the United States was bound, by the provisions of its charter, as well as by the agreement of the early part of 1817, to perform, without compensation.

This allegation the Committee declare to be unfounded. They consider that the Bank of the United States was bound to transfer no other description of public funds, than cash funds; and in order to sustain their declaration, they affirm that the Bank of the United States was not bound to receive in deposit "as cash, the bills of any banks but its own." In this affirmation there appears to

me to be something of a fallacy, the detection of which may, perhaps, induce the Committee to doubt the correctness of their construction of this obligation of the Bank of the United States. By the circular of the Treasury to the State banks, under date of the 1st of July, 1818, announcing the termination of the agreement between the former and the Bank of the United States, and expressing conditions, upon the acceptance of which the advantage of deposit and the services of transfer between the former and the Bank of the United States were extended to these banks, they are instructed, in relation to all sums deposited subsequently to the 30th June, 1818—the period at which the agreement with the Bank of the United States expired—"to enter them, as heretofore, to the credit of the Bank of the United States, for the use of the United States." And in his letter to this institution, of the 30th June, the Secretary maintains, earnestly and successfully, the existence of a complete right in the Treasury to hold the Bank of the United States responsible for whatever "moneys were deposited to its credit in the State banks;" and, after remarking that "an examination of the returns made by the bank to the Treasury, of the public money in its possession, for which the Treasurer [of the United States] is credited, supports this position," he alleges, in illustration of it, "for whatever the bank has charged itself, in its account with the Treasury, except for the special deposits, it is, I presume, in point of law and common sense, responsible. The special deposits were entered to the credit of the Treasury, upon the express stipulation that the bank should not be accountable until they were converted into specie, or into bills admitted by the bank to be equal to specie." He adds, below, "I am persuaded that the facts, and inferences drawn from them, in the preceding pages, will be sufficient to show that the responsibility, deemed so extraordinary by the Directors, has been assumed from the date of the arrangement, and continues to the present moment unimpaired."

These extracts establish the following conclusions, viz: That, up to the moment when the Secretary permitted the obligation of the Bank of the United States to expire (as he says in his circular of the 1st of July following) "by agreement," that institution was responsible in cash for all the public funds received by it on deposit, except such in regard to which the contrary was expressly stipulated, and that, consequently, it was bound to transfer them at the will of the Secretary of the Treasury, free of expense and without compensation. This, it is admitted by the Committee, it was bound to do, in reference to "cash funds"—a description from which it will be difficult to exclude all sums, not held as special deposits; for all other funds were entered by the bank, as the Secretary declares, and as the returns of the bank prove, to the credit of the United States; and of course represented such an amount of ready money, or pecuniary force, at the disposal of the Secretary, on the books of the bank. Cash funds is a phrase not restricted to coin, or the precious metals; for no one will deny that ready money is cash, and

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that \$1,000 in United States' Bank notes is \$1,000 cash.

These extracts further exhibit the proper and admitted distinction between general and special deposits. They show, as would appear, *ex vi termini*, that all sums not received expressly as special deposits, were considered as general deposits, were credited to the United States as cash, and under that description were embraced by the obligation of the bank to transfer the cash funds of the United States, at the request or order of the Secretary of the Treasury. It follows, then, that, according to the Secretary's own showing, the Bank of the United States was under an obligation to the United States to transfer all public funds, other than special deposits, received by it or its branches, or by the State banks it had designated, at the request of the Secretary of the Treasury, free of all expense, and without compensation; and it can hardly be denied that, when the Secretary of the Treasury, "by agreement," as he declares, permitted the bank to withdraw from this obligation, and agreed to allow certain State banks \$54,000 annually, (a fact which is not disputed,) for performing the very same services, he voluntarily increased the annual expenditure of the Treasury by that amount; relinquished "by agreement," a right which, by the charter of the Bank of the United States, and its own engagement with him, he held in the fiscal services of that institution, and then gave to the State banks \$54,000 annually, for a right to command the same fiscal services from them.

This new agreement, injudiciously extended and carelessly executed, I have ventured to denominate, in what the committee consider my first charge, "mismanaging the public funds," nor am I now able to devise a more appropriate expression. The committee would, probably, have come to the same conclusion in regard to this subject, but for what I suppose to be the fallacy, which, as already intimated, they admitted into their reasoning, of restraining the import of the word *cash* to the synonyme of coin; and of considering the public funds as consisting of other than such as were cash, or equivalent to coin, and such as were not; a mode of classification which implies, obviously, that the parts are greater than the whole.

Under their favorable, but, as I conceive, erroneous view of this part of the Secretary's conduct, which, in a private individual, would be considered highly indiscreet, the committee justify it as conformable "to usage for many years," and to the practice of different officers at the head of the Treasury, of assuming that it was their duty "to manage the public funds in a manner similar to the case here investigated." But this reference to antecedent usage, is not likely to strengthen the position it was intended to support. The duty of Mr. Crawford, and the usage of the Treasury, were necessarily repugnant; for the resolution of 1816, and the law incorporating the Bank of the United States, were adopted for the express purpose of correcting the evil of *usage*, which, according to the admission of the committee, was evidently in disregard of law." Therefore, when they

prove, as they do prove, that the management of Mr. Crawford was in conformity to usage, and the practice of his predecessors, they prove it was "evidently in disregard of law;" was contrary to the resolution of 1816, which thus themselves declare "made it the duty of the Secretary to correct this departure from law;" and thus demonstrate not only that he mismanaged the public funds; but that he violated, at the same time, both his duty and the law.

If these permanent deposits, and the accumulated sums which were patiently permitted to remain in some of those banks, are not to be considered gratuitous loans, and an illegal employment of the public money, the loans which, it is now in proof before the committee, the Secretary had made to various banks of this District, cannot fail to satisfy the committee that the charge of mismanaging the national funds has been clearly established.

The corruption of the British Parliament, and the illegal conduct of the British Ministry, are subjects of frequent and just reprobation, as the purity of our Legislature, and the exact subservience of every branch of our Executive to the laws of the land, are deemed causes of satisfaction and sources of pride. When Mr. Pitt, whose influence in Parliament was as transcendent as his fame, undertook, at a period of great commercial pressure, and at a calamitous season of war, to make a loan of £40,000 to the house of Boyd & Benfield, the subject was brought before Parliament, and as the loan, though not gratuitous, was found to be "no legal employment of public funds," and, although the opposition admitted there was no ground to impute improper motives to the Premier, it was declared by the House of Commons, an act of dangerous usurpation; and to prevent its being assumed as a precedent, or extended into usage, as well as to acquit this powerful and celebrated minister of moral or official liability, on account of it, a bill of indemnity was introduced by one of his friends, and passed into a law.

Here it is to be observed, that the loan of Mr. Pitt was advanced (even as Mr. Whitbread confessed,) on unquestionable securities. Those of Mr. Crawford do not appear to have been so safely provided for. On Mr. Pitt's loan no loss occurred. A considerable part of Mr. Crawford's loans is yet endangered, and probably will be lost. Mr. Pitt's loan carried interest. Mr. Crawford's were made without any such stipulation. If Mr. Pitt's conduct could be exculpated only by an act of Parliament, can Mr. Crawford's be justified in the teeth of an act of Congress? In this case, let me ask, would not the vital principle of our Government be lost sight of? This is a Government of laws. Responsibility is the soul of the Republic, and is intended, like gravitation in the material world, to hold every orb and every atom, every officer and every citizen, in their legal position. It was intended to prevent the Secretary of the Treasury from committing any act which could be justly called "no legal employment of the public funds;" and will hardly be satisfied by the declaration, that any officer of the Government, but especially the

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head of the Treasury, can employ the national funds in disregard of law, and yet not mismanage them. Surely there is something less secured in the public treasure of the United States than in that of England.

Having proved, clearly, by the declarations of the Secretary, and the expressions of the committee, that the former relinquished, "by agreement," on the 30th June, 1818, the right of the United States to the fiscal instrumentality of the Bank of the United States, in the collection and disbursement of the national funds, and employed, by conditions offered to them, on the 1st July following, the instrumentality of certain State banks, for the same purpose; and having shown that, when, shortly after the latter date, an extended agreement was entered into on conditions more favorable to these banks, allowing them, as an equivalent, or rather as pay, for similar instrumentality, \$54,000, annually, by way of interest on permanent deposits; and having also shown that the Secretary has made various loans of the public money, I shall proceed to a subject connected with my second charge.

This imputes to the Secretary of the Treasury, without any investigation of his motives, neglect of duty. In relation to it, the committee admit that the act of Congress incorporating the Bank of the United States, makes it the duty of the Secretary of the Treasury to employ the offices of that institution as places of deposit for the public funds, in preference to all other banks, unless, for special reasons, he should think fit to use other banks for the purpose; and, in that case, the special reasons are to be communicated to Congress by the Secretary, at its then, or its next session. This communication the committee pronounce, and the Secretary confesses, he failed to make. I may safely rest the truth of my second charge on this admission, since a failure in an officer of the United States, from any cause, to comply with the directions of a law prescribing his duties, is, to all intents and purposes, a neglect of duty. The Secretary, however, accounts for it, and the committee justify it upon the ground of inadvertence.

The admission of inadvertence, in this case, is a concession of neglect of duty so complex, that it may fairly be denominated a violation of duty; for, as the object of the law, in requiring the prompt communication of these special reasons, was not only to know that they existed, but also to know that they were sufficient, a failure to make the communication, if justified by inadvertence, is justified only as to the existence of the special reasons, and leaves the Secretary more directly obnoxious to the charge of having proceeded in the business upon reasons that were insufficient, a charge which, if substantiated by inquiry, could not, from its nature, be justified by inadvertence, but would infallibly discredit either the judgment or the integrity of the presiding officer of the Treasury.

After recapitulating my statements in regard to the intercourse between the Secretary and the Bank of Missouri, the committee remark upon

that which (they say) declares that this bank was unworthy of credit at the time the public money was suffered to accumulate in it to a large and improper amount; they admit that, at one time, this accumulation amounted to \$726,000, and then affirm that the propriety of permitting this state of things is a question of prudence, depending on the solidity of the institution. I endeavor to show, in my address to the House, that, in reference to this enormous accumulation, the limited capital, and excessive issues of the Bank of Missouri, left nothing like a substantial or reasonable security to the United States. But the committee, not denying the justness of this inference, seem to avoid it by affirming that my estimate of the capital of this bank is incorrect, inasmuch as it does not comprehend the amount of permanent deposits as part of its capital, and, as raising the latter to such a proportion to the amount of its issues of paper, as would give it, in relation to the whole sum of public money confided to it, the character of solidity. The reasoning involved in this affirmation cannot be maintained. If the bank had lost its solvency from the excess of its issues above the amount of its capital, a common creditor would hardly be persuaded, in order to secure a debt of \$576,000, due to him from the bank, to lend it \$150,000 more, to add to its capital, and restore its proper proportion to the issues of the institution. This step might be beneficial to the other creditors, and friendly in regard to the stockholders and officers, but, except in this benevolent light, would certainly be considered folly on the part of the creditor. The proportion, then, between the capital and the circulation of this bank, upon the fitness of which the committee declare the prudence of accumulating \$726,000 of public money in it, depended, is not as \$360,000 is to \$430,000, but as \$210,000 is to \$430,000; and the amount hazarded in deposits, by the Secretary of the Treasury, stands related to the capital of the bank to which it was confided, not in the proportion of \$526,000 to \$360,000, but in that of \$726,000 to \$210,000; and this \$210,000, endangered by its disadvantageous and inadequate proportion to an admitted excessive amount of issues. Besides, this nominal capital of \$210,000 was subjected to the pressure of other exhausting operations. The discounts to the stockholders and directors were made on a pledge of their stock, so that, to this extent, that species of financial capacity, which \$100 of capital may represent, and authorize \$150, in issues, was destroyed.

As this proposition of the committee cannot be sustained, the force of my statement, which it was intended to obviate, still bears upon the conduct of the Secretary, and demonstrates that, in his intercourse with the Bank of Missouri, he not only was guilty of neglecting his duty, but of mismanaging the public funds.

In my address to the House, it was alleged that the Secretary had neglected to exact monthly returns, and quarterly lists of its debtors, from this bank, and thus disregarded the means in his power of understanding the condition of the bank,

and of providing against any loss which might occur to the United States from the embarrassment or insolvency of this institution. This fact is admitted by the committee to its full extent, but is not viewed by them as evincing neglect of duty, or censurable inattention to the interests of the United States, although, in the Secretary's contract with this bank, (as represented by the committee,) these returns, &c., are carefully insisted on, in order "solely to aid the Secretary in determining the propriety of continuing or discontinuing the arrangement with the bank."

In considering my statement, which falls under both charges, and imports that the Secretary received a large amount of uncurrent paper from the Bank of Missouri, the Committee declare this institution was not bound by the condition proposed to it by the Secretary, previously to the 9th August, 1819, to receive as cash, on account of the United States, such sums as the Receivers should deposit in it, but was responsible for the same only in kind. But this, if correct, does not diminish, but only removes, to an earlier point, the mismanagement of the Secretary. It appears to place him in a dilemma. If his contract with the Bank of Missouri did not, as is stated, secure to him the right of general deposit and transfer, to the same extent, that, by the charter of the Bank of the United States, and his contract with that bank, he possessed that right, it follows that he was indiscreet in permitting the Bank of the United States to withdraw from this obligation, before he could impose it on another bank. And if, as may be inferred from the observations of the Committee, it was proper that the Secretary should receive, in kind, notes which, under the contract with the Bank of Missouri had been for months deposited to the credit of the United States, because, at the time they were deposited they were good, it would seem that a custom-house bond might be discharged, when it became due, in notes, however depreciated, provided they had been good at the date of the bond.

To justify this unwise and irregular proceeding upon the ground that, from the conjectures of the Secretary, no ultimate loss will be sustained by the United States on the uncurrent paper received, would be to proceed upon a principle which would allow of every species of speculation, on his part, with the public funds—a principle at war with integrity and prudence in fiscal operations, and with the practice and regulations of this and other countries.

In the British House of Commons, the first charge brought against Lord Melville, was, not for the loss or waste of the public funds, but for permitting their mismanagement by a subordinate officer, who had deposited them in private banks, in a manner similar in all respects to the operations of the American Secretary of the Treasury, with this only difference, that the British Government sustained no loss by this malversation of Mr. Trotter. It was the *practice*, and not the *event*, which was denounced before the House of Commons. "I am appalled (said Mr. Whitbread) at the reflection of no less than thirty-four millions

of the public property having passed through Lord Melville's paymaster's hands. Why, sir, the report states explicitly that upwards of eight millions had been in the hands of his private bankers, and nearly seven millions more are allowed to have passed through the same channel. I cannot but think that this negligent criminality is deserving the severest reprehension."

Mr. Pitt, the warm and powerful advocate of Lord Melville, was forced by a sense of truth to confess that this permitted misapplication of the public money contrary to law, though "without actual loss to the State," was not to be justified; was constrained to advise the erasure of his friend's name from the list of Privy Counsellors; and thus expressed to his admiring country the conflict between the tenderness of his friendship and the sublimity of his patriotism. "I am not (said that magnanimous man) ashamed to confess that I have not given this advice without a bitter pang. I will not erase from my bosom the feelings of private friendship."

When the report of the Committee was framed, the only evidence which was known to exist that I gave the advice represented in my Address, to the Receiver at Edwardsville, was my own solemn declaration to that effect, and my publication of 1819, announcing my intention of withdrawing from the directorship of the Bank of Edwardsville. Upon this evidence the Committee thought fit to admit, "that there was no doubt Mr. Edwards gave such advice as he represents to the Receiver;" and at the same time, and against the same evidence, they deny "that the Receiver wrote on the subject of this advice to the Secretary." For this discrepancy, there is no apparent reason. The second fact is as credible at least as the first; indeed the admission of the first seems to establish the probability of the second—a probability not weakened by the remark of the Committee, that, inasmuch as the same person was the Receiver of Public Money and President of the Bank, "it is hardly probable that as Receiver he would advise the Secretary that he could not repose confidence in the Bank of which he was President. Even if in this double relation he might not have dissuaded excessive confidence, it is yet very clear that, as his interest in the former capacity greatly exceeded that which he held in the latter, he was under the operation of a direct motive to give such information as he did communicate. And upon this motive, which the Committee declare could not exist, the Secretary actually relied, as insuring the faithful communication of all such information. These remarks apply with equal force to the declaration by which the Committee would seem to accuse me of swearing falsely, "that there is no evidence that the Receiver wrote on the subject of this advice to the Secretary. I asserted, upon oath, "that I saw the Receiver write to the Secretary, and enclose my publication;" and I confess that I feel no inconsiderable distress at the reflection that my oath is falsified by the Committee, in regard to a fact probable in itself, and at least as credible as one which my oath is suffered to establish.

As to the famous letter from the Receiver, there can now be no doubt that it was written and despatched to the Secretary; or, if from technical objections to the testimony, the committee should not be disposed to act upon it, enough may be seen to show the propriety of allowing further time for producing, in due form, testimony enough to establish the fact; and this I ask the committee to do, if they are not satisfied of the fact. It must be admitted, that, as I had no power to summon witnesses after I myself was summoned, I could do no more than obtain voluntary affidavits, and that I had but little time for doing this much. The question of this letter having been received by the Secretary, appearing to depend on a comparative estimate of the opposing weights of the probabilities of the fact on which I have relied, and of the Secretary's denial, it is proper to examine, minutely, the character of that denial. This will be found to be very equivocal. I assert, that such a letter was written, and that I believe, as is now evident, it was transmitted, and, of course, received. The Secretary does not deny that it was received, but declares it is not on file, and is not recollected by the officers employed in the Department to have been received, of whom, however, it now appears, by their own testimony, (with the exception of Mr. Dickens,) that neither himself nor any one else made any inquiry in regard to that matter.

When I state my belief that the letter was received, I obviously mean by the Secretary; and it is an infirm, and fallacious answer to reply, not that the Secretary did not receive it, but that it is now not on file, and is not recollected by the officers employed in the Department (whose credit is rather liberally pledged,) to have been received, both which declarations may be true, and yet the letter be in the Secretary's pocket. Again, I stated that the Receiver told me he had, after transmitting this letter to the Secretary, received a letter from him directing him, the Receiver, to continue the deposits. This, also, the Secretary denies in his report, and in the same indirect and evasive manner. He does not say that no such letter was written, but, that no letter, to this effect, was written in answer to the one which he had laboriously asserted was never received—has strenuously argued was never written! Now, it is very clear that, if the letter from the Receiver was never written, or even never was received, no answer of any sort could have been returned to it; and yet the letter, directing a continuance of the deposits, may have been written. These careful ambiguities in the report, do not seem calculated to make the defensive declarations of the Secretary outweigh the strong improbability, that a public despatch, deposited in the post office, should have miscarried in a mail to which no casualty or interruption is known to have occurred; and at a season of the year, too, when the mail is least liable to any difficulties in its transportation.

In addition to his neglect of duty in his transactions with this bank, as suggested in my address to the House, and in my replication to his communication to the committee, they might have

adverted, in support of the same charge, to the case of the Bank of Vincennes; where, also, the Receiver was President of the bank, where the United States lost \$168,000; on which bank the Secretary drew, successively, from October, 1819, to March, 1820, four drafts, together amounting to 165,000, suffered as many continuous protests, and after neglecting, as usual, all measures of precaution, took no measure of redress until July, 1820.

A course of didactic admonition, in the form of four official letters, is then pronounced to this delinquent institution, the initial gravity of which is compensated by its final lenity. (See documents.) He recapitulates the acts of ill faith which he had patiently endured, mentions the protests of his drafts for \$165,000, warns the directors that, unless they reform their demeanor, and pay the drafts, it will be proper for him to proceed with rigor; but concludes, with proposing a relaxation of that meditated rigor, provided they will agree to honor the drafts within forty days, and even promises to pay for this tardy and extorted justice (out of his never failing fund,) by continuing the course of deposit in a bank, thus attempted to be bribed and threatened into common honesty by himself! To this persuasive proposal, the bank, increasing in audacity, and sagacious of the character of its customer, did not condescend to reply for nine months; at the expiration of which pregnant period, the President was delivered of the abortive fact of the corporation's insolvency. In this feeble and exhausted state, it asks further indulgence, and concludes its appeal to its munificent benefactor, with the most eloquent encomiums upon his liberality. This letter reflects, in interesting colors, the substance and complexion of the intercourse between the Treasury of the United States and the banks of the West; and, whatever may be said of its prudence, must certainly be commended (by a hunter of motives, at least,) for its candor. As the presentation of a moral scene, it is delightful to contemplate the sordid gratitude of the delinquent corporation, glowing under the injudicious, if not illicit, favors of this liberal minister of finance. "Your friendly disposition towards the West, in times peculiarly difficult, and the interest you have evinced for this remote section of our common country, leads to a hope, that the hand that has hitherto protected us, will not be withdrawn." This friendly hand was not withdrawn for at least twenty-one months; when measures of recovery were commenced, in a manner evincing such interest for this remote section of our common country, that the bank was allowed three years more to pay the debt; a period extending beyond the present important year, and upon conditions of collateral security, imposed with such "a friendly hand," that the security was defeated by private creditors, in this remote section of our common country; and, in consequence of the friendly dispositions of the Secretary, for the West, the loss falls upon the United States.

As both my charges have now been established, and, of course, the specifications upon which they

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depend, by the confessions of the Secretary, and the admissions of the committee, I shall not press the distinction which it seems escaped the committee, when comparing the amount of money lost by Mr. Crawford's mismanagement, (about half a million,) with the amount collected, (twenty-one millions,) they contrast favorably to the Secretary this proportion, with that which obtains in the ordinary collections of private, or mercantile debts. They appear to forget, besides the superior regularity, vigilance, and power, at the disposal of the nation, and the difference between the profits and loss of trade, and the even exaction of the revenue; that the loss incurred by the Secretary was not of debts outstanding, but of funds collected, and collected, too, by salaried officers, at an enormous expense.

Upon one point, however, which has already been considered, I shall add some remarks. The committee have admitted, distinctly, and in correspondence with my statements, that Mr. Crawford did, on some occasions, neglect to make such communications to Congress, as by law it was his duty to do, and that on others, he failed to report such facts and documents, as, by a resolution of the House of Representatives, he was required to do; yet, as they very naturally cannot detect the motives of this misconduct, (which God alone can do,) they acquit him of all blame or responsibility. In this they appear to lose sight of the distinction which has hitherto obtained between private and official rectitude; and of the well established fact, that bad motives in the man, are not necessary to constitute misconduct in the minister. When Burke brought Hastings to the bar of the House of Lords, and, in strains of portentous eloquence, invoked upon the head of the Indian Viceroy the vengeance of humanity, the power of justice, and the imprecated terrors of the English law, in portraying to this august tribunal a course and torrent of plunder and desolation which had overrun regions that the arms of Alexander could not reach; in charging him with the pillage of towns, the ruin of districts, the sacking of cities, the plunder of princedoms, the devastation of provinces, the waste of empires, he did not fail also to accuse him, with intense and awful formality, of having neglected to communicate to the Government the documents which were called for by the proper authority. (Burke's works, vol. 12, p. 454.) "That, in defiance of the said orders, and in breach of the above recited act of Parliament, the said Warren Hastings has, in sundry instances, concealed from his counsel the correspondence carried on between him and the princes or country powers in India; and neglected to communicate the advices and intelligence he from time to time received," &c.

This great statesman, this political philosopher, this experienced orator, did not appear to consider, that the illegal conduct of a minister could be justified by an alleged absence of improper personal motives, nor that a duty, upon the punctual performance of which the whole fabrication of legislation rests, should be repeatedly violated, and with perfect impunity.

I will not complain of any thing that has happened to myself in this business; of the liberality with which *bad motives* have been imputed to me; of that impatient justice, which, on this floor, condemned me for defending myself, and argumentatively accusing a responsible officer, upon *statements*, which are now established, but which were not then examined. But, I beg leave to ask, whether treatment like this can be just in itself, or is likely to sharpen that inspection, which it is the right of every citizen to apply to the conduct of the high officers of this Government, and which cannot be repressed without great danger to the liberties of the people?

The disadvantages under which I have labored in this investigation, must be obvious to the committee. While I have been informed by them that no charges against me have been submitted to them, the trial, if such it may be called, has assumed much more the appearance of an investigation of my conduct, than that of Mr. Crawford. Called upon as a witness, against my own consent, not being willing to rest any of my charges against the Secretary, or my own defence, upon my own oath, I have been required to swear to facts that I consider wholly immaterial, as it relates to his conduct, at least, the avowed object of the inquiry; and the occasion has been embraced of requiring me to defend, not only my general character for veracity, but to maintain it in particular, and special cases, by which I have been perfectly surprised, and for which no adequate time is allowed me.

In my address to the House, I have made certain statements against Mr. Crawford, which the committee are pleased to denominate charges. For specifications of some of these statements, I have referred to certain publications under the signature of A. B., of which I acknowledged myself to be the author, thereby making myself responsible, from that moment, for the charges they contain. When I wrote them, or whether I actually wrote them at all, neither could add to, nor diminish, the responsibility I had taken upon myself, by exhibiting them as charges to the House; and it might, with as much propriety, have been asked of me to swear that I wrote my address, as that I wrote the publications which, by the reference made to them, became a part of that address. How they originated, or what was their object, before they were offered to the consideration of the House, does not appear to me to be either material, in an inquiry into Mr. Crawford's conduct, nor to have been within the intention of the reference to the committee, especially "if no charge against me has been submitted to them."

The only inquiries that appear to me material, in regard to those publications, are, whether the facts they allege are true or false, and, if true, whether they amount to proof of any thing on the part of the Secretary, worthy of reprehension. If the charges against him are well founded, no motive for making them can justify or excuse him.

If I am to be convicted of having made them unjustifiably, and criminally, not barely by an ac-

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quittal of him, but by a positive judgment against myself, distinct allegations ought to have been made against me, and a fair opportunity of defence should have been allowed me. Such a trial I should be very willing to meet, but against any collateral and indirect operation for that purpose, and, particularly, where technicality has not been overlooked, I solemnly protest.

I have been required to swear that I wrote these publications more than two years ago, and this has afforded the ground for attacking my veracity, in the special cases alluded to, without my being allowed the necessary time to disprove, invalidate, or explain, the allegations that have been made against me.

With regard to my having denied the authorship of those publications, I have no hesitation in admitting that I have frequently and truly denied that I wrote all that appeared under that signature, during the time referred to by the testimony in this case; that is to say, the period that includes the first and the last of those publications.

I have, also, constantly denied that there was any A. B. plot, or conspiracy, in the case; and have, at all times, treated such suggestions with the contempt they deserved. Not only has the existence of such a "plot," or "conspiracy," been affirmed in several of the most distinguished newspapers of the Union, but the committee have recently heard it boldly asserted on the floor of the House of Representatives. This I have denied, and still do deny, so far as it is intended to implicate me. No man, but myself, is, or ought to be, responsible for any thing I have written, on the subjects embraced by those publications, and one man cannot make a conspiracy. For whatever purpose the assertion of a "plot, or conspiracy," has been made, it has, I know, been more correctly denied than affirmed.

I am, also, equally free to admit, that though my general course was neither to deny nor acknowledge that I was the author of these publications, yet, I may have repeatedly spoken in regard to that matter, as any man has a right to speak in regard to an anonymous publication which he may have written, but which he does not choose, and is under no kind of obligation to avow. But, that I ever said any thing that could be considered as equivalent to a denial of my authorship of these publications, for the purpose of avoiding any kind of responsibility, or to gain any point whatever, I do most positively deny. In fact, no man who did not choose to give his name to the public, on such an occasion, could have taken less pains to conceal it than I have uniformly done in this case; and hence, there is reason to believe that nine-tenths of Congress, and almost every one else who read these publications, and knew the general circumstances of the case, considered me as the author of them. In one of them I offered to avow my real name, provided the House of Representatives, then seeming to threaten to do so, would adopt any measure to operate directly upon me in consequence thereof. And it must be known to several of my friends, that I intended

to avow myself the author of such of those publications as I had then written, if the question had been put to me (as was expected) by the committee before whom I was examined in February, 1823, and that I had prepared the preface for my deposition, which is designated No. 3, in the documents accompanying my address to the House, for that and other like objects.

That I had justifiable cause, as well from private, as public considerations, for writing these publications, I shall always be able to prove whenever it may become necessary. At present, I will barely ask, whether the public attempt that was made in several respectable newspapers, and even on the floor of the House of Representatives, to implicate me in the suppression, alluded to in the first of those publications, did not justify me in endeavoring to show that such a charge was ridiculous and absurd? This is fully shown in the subsequent publications; and, containing nothing but the truth, expressed in decent and respectful terms, what could there be in them to be ashamed of? No attempt, that I have ever seen, has been made to prove, that they contained even an indecorous expression, in regard to the Secretary, or that the facts they allege were not true.

As to a suggestion which has been made, that, if they contained any thing which, in my opinion, was wrong in the conduct of the Secretary, it was my duty, as a Senator of the United States, to have noticed it in a different way, I have only to remark, that it may be seen that they treated of "suppressed documents," and it will, I think, hardly be contended by any reflecting and well informed man, that it was my duty, as a Senator of the United States, to have noticed, officially, a contempt offered to the House of Representatives by the suppression of information called for by that House; the more especially as the House itself had taken the subject under its own consideration.

That I denied my authorship of those publications for the purpose of obtaining a confirmation of my appointment as Minister to Mexico, is certainly but poorly supported by proof, (if admitted to its fullest extent,) that such denial was made or known to one Senator only, who had previously taken an active part in my favor; and who swears that he was wholly uninfluenced by that consideration. Considering the time and circumstances when, and under which, this controversy commenced, and that all the Senators were then present, it is hardly to be presumed that, if such an attempt had been made by me, or such a denial had been known to any other Senator, further proof could not, and would not, have been produced.

If, however, the committee should suppose there is proof enough before them to support this imputation, I ask it of their justice to afford me a fair opportunity of producing testimony to the contrary, which I only want time to do. This being granted me, if it shall appear, or there shall be the least reason to believe, that I obtained a confirmation of my nomination by such means, I pledge myself instantly to surrender my appointment.

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The committee having requested me, since the foregoing was written, to reduce to writing my motion to have Mr. Crawford examined as a witness, that there may be no misunderstanding on the subject, I proceed to comply with their request, and to explain the grounds of this application.

I deduce my right to claim the benefit of his testimony from the precedent that has been established by the committee in my own case. Legal principles have been pretty rigidly insisted on, in some instances, in the course of the present investigation; and, although I am not able to point out the legal principle or usage that justifies this precedent, I presume it will be sufficient to entitle me to the benefit of it, to show a strict analogy between the case to which it has been applied, and the one to which I now respectfully propose to apply it.

I am considered by the committee as Mr. Crawford's accuser. I might rely upon his report and his subsequent communication to the committee to show that he has made himself mine. But I also wish to prove that such was his intention. If, under these circumstances, either he himself, or the committee, have a right to make me a witness against my own consent, in order to inquire into my motives, and a variety of other matters not included in either of my six charges against him, or in any of their specifications, justice must accord to me the same privilege, in regard to his implications against me. I claim the same right to examine him, and with equal latitude, in regard to all matters contained in his report, and subsequent communication, which implicate me, that has been demanded of me in relation to all the matters contained in my address to the House.

It is true that I myself consider such a course, either in his or my own case, as equally contrary to all former usage, and inconsistent with well established and incontestable legal principles. But, if I have been mistaken, or a new rule is to be adopted, all I ask is, that, while it is applied against me in one instance, I may not be denied the benefit of it in a similar one.

I had supposed that neither of us could, either as accuser or accused, be required, contrary to our consents, to become a witness, and to testify for or against ourselves. The rights of a prosecutor and a defendant, in this respect, are the same in any form of trial that has been adopted in this enlightened country. Either has a right to decide for himself upon how much, or how little testimony he may choose to submit his case, and neither can be compelled to strengthen or weaken it by his own oath.

I invite the committee to review all the facts that have been required to be proved by myself, and that have been admitted to be proved by others in regard to my conduct, and to contrast them with your own decisions, to confine the present investigation of Mr. Crawford's conduct to the charges which I have alleged against him. It will be perceived, from the whole of the testimony in this case, that I have been put upon my trial for a malicious prosecution, in the most injurious possible form, requiring me to convict myself by

my own oath, before it is decided whether the charges I have alleged against the Secretary are true or false.

If those charges are true, as I alleged them to the House, I would ask what have the committee to do with my motives for making them, and upon what legal principles could I be arraigned, even in due form, for a malicious prosecution?

If, on the other hand, these charges are not true, (there being "no charge against me submitted to the committee,") it may not only justify the acquittal of Mr. Crawford, but may furnish ground of future trial of myself for having maliciously and falsely made them. It cannot, however, authorize any distinct judgment against me, till I shall be put upon my trial, and have a fair opportunity of defending myself. This I am ready to meet, but I cannot consent to the blending of both trials together.

If you should think such a charge against me sustainable, I would rejoice to have an opportunity to meet it fairly before the House of Representatives, or the Senate of the United States; and for this purpose, I beg leave, earnestly, to request the committee, in case that should be their opinion, to state, distinctly, which of the six charges I have alleged against Mr. Crawford are false, and in what respect they are so, that I may know how to prepare for my defence. In this, I ask no more than any subaltern in your Army is entitled to, in cases of infinitely less importance. I presume, and hope, therefore, it will not be denied me.

In the mode of trial of myself, that has been adopted, (as appears by the testimony,) by which I have only known against what I should have to defend myself from the mouths of the witnesses, the common sense of all mankind must perceive that I cannot have had any reasonable opportunity of defence. If, therefore, the committee think themselves authorized to inquire, for any purpose, whether I denied my authorship of the writings signed A. B. at all, or that such denial was made with a view to obtain the confirmation of my nomination as Minister to Mexico, by the Senate, I claim additional time to rebut the testimony that has been given, and to summon every Senator, if less will not satisfy you, to prove that no member of the Senate either voted for me or forbore to vote against me, on account of any such supposed denial, and thereby to demonstrate the utter improbability of any such intention on my part.

I have not made myself Mr. Crawford's prosecutor, and am not willing to be so considered. With his immense advantages over me, I have not the hardihood to be willing to take issue with him upon his intentions. My object has been, and is still, to defend myself in the most effectual manner in my power, against his attack upon me. This being accomplished, I care not what disposition is made of his part of the case. I had a right to urge the facts I have alleged, in my own defence; and none can admit their truth, and deny the justness of the arguments I have deduced from them.

In doing all this, I have imposed upon myself the obligation to show my own innocence of his imputation against me, and to prove the six spe-

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cific statements I alleged against him to be true, without reference to his intentions. This is the extent of my responsibility; the public regard it in that point of view, and I protest against any further responsibility, and all collateral and indirect trials of myself; being, however, perfectly willing to meet any charge in due form.

These statements against Mr. Crawford, I have, I think, completely established. If the committee think otherwise, and will specify wherein I have failed, I will still redeem the pledge I have given to the public, in the proper place.

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P. S. All the witnesses, except one, who have testified on the subject of the A. B. publications, say they considered them, and the A. B. plot, as one and the same thing. It will be perceived, however, that, in my address to the House, I made a material distinction between them, before I could have anticipated any contest on the subject; for, while in that address, I spurn the insinuation of "a plot," I acknowledge myself the author of the publications themselves.

NINIAN EDWARDS.

I submit to the committee the testimony herewith transmitted, with a statement of the points to which it is intended to apply.

Thomas F. Riddick states, in his affidavit, annexed to the report of the committee, as follows viz:

"That the Bank of Missouri did transfer, in Eastern funds, to the Bank of the United States, and its Branches, near \$450,000, which funds were worth four per cent. to the Bank."

I refer to the "list of drafts drawn by the Treasurer of the United States on the Bank of Missouri, since 1st July, 1818," [see document 9,] to show that the whole amount of transfer to different banks, was - - - \$481,943 60

By the said Riddick's affidavit, it also appears that he, himself, gives an account of funds, of a very inferior kind, transferred - - - \$138,179 00

By letter B, No. 16, document No. 119, it appears that there was transferred to the Bra'h, at Louisville, of Kentucky notes - 67,731 00

By the enclosure of letter I, No. 16, document 66, page 104, it appears there had been transferred to Louis'le, of Georgetown, and Kentucky notes - - - 6,000 00

211,910 00

Leaving only, that could have been transferred, - - - \$270,033 60

I have not had time to examine further into this statement.

I refer to a statement of the Treasurer of the United States, dated 11th June, 1824, headed "A statement showing the aggregate of moneys deposited to the credit of the Treasurer of the United States, in the following banks," &c., [see document 83,] to show the proportion of loss to the amount deposited in certain banks that were depositories of public money, received from the sale of public lands, and which have failed to fulfil their engagements with the Treasury."

I refer to the enclosure of letter I, No. 16, document 66, p. 104, to show that more uncurrent notes were received by Mr. Crawford than I have alleged in my address to the House, viz: Georgetown and Kentucky notes, \$6,000, which appear to have been received between the 20th May, 1820, and the 30th June, 1821. Or, if they were not received, this document, furnished by Mr. Crawford himself, must afford a very sufficient apology for thinking so.

I refer to an "extract of a letter from Thomas Sloo to the Secretary of the Treasury," furnished by the Treasury Department, see [b] and to the letter of George F. Strother, see [a] to show that the prospects of collecting the debt of the Bank of Missouri to the United States are not as good as they have been represented to the committee to be, &c.

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To the Hon. JOHN FLOYD, Chairman, &c.

The committee having again repeated to me, on last evening, that there are no charges against me submitted to them; that their investigations will be confined to the six specific statements which I have alleged against Mr. Crawford in my address to the House; and that, if I wished to produce further testimony, I must state in writing the names of the witnesses whom I wish to have summoned, and the points I expect to prove by them; I cannot consent to take upon myself the responsibility which may be imposed upon me by subjecting the Government to a great expense, and many gentlemen to much personal inconvenience, without explaining the causes and reasons which, in my opinion, impose upon me the necessity to do so.

I need not enlarge upon the reasons, heretofore given, why I think I have been unnecessarily called upon, against my own consent, to give testimony in this case. That measure has been adopted; its effect has been to bring on a trial of myself upon collateral points, in the most injurious form, surprising me by accusations and imputations of my character, of which I could have had no previous notice.

Having been made a witness, I might have had less ground of complaint if I had only been required to defend my general character for veracity; but as the thing now stands I am compelled to defend it against particular allegations, the first notice of which has been from the mouths of the witnesses summoned against me. This, I think,

was not demanded by any material fact in this case, and it surely can derive no justification from the rules of common law. If I mistake not, it is a sound legal principle that a witness shall neither be compelled to discredit himself, nor shall an adverse party be permitted to ask him a question with a view to discredit him.

Why I was forced to become a witness, I neither knew, nor could conjecture, until the committee did me the honor, on last evening, to state to me that it was in consequence of my having charged Mr. Crawford, in one of my six specific statements, with having suppressed the letter of the Receiver at Edwardsville, mentioned in my examination before the select committee of February, 1823, and with a view to ascertain what I knew upon that subject.

This, I must insist upon, is a very great misapprehension on the part of the committee, and a most injurious one to me if it shall be persevered in.

I do most positively disclaim ever having had, or now having, any intention to include that letter in the charge of suppressions submitted to the investigation of the committee by the House of Representatives.

It is not reasonable to suppose that I could have intended to impose upon myself an obligation to produce proof of the suppression of a particular letter, which the whole scope of my address, and every fair inference from it, showed I considered it as my misfortune not to be able to produce.

But it is not a fair inference from any thing expressed in my address, that I intended to include this letter in the charge of suppressions.

In page 13 of that address, I say, "it could have been no object with me to have established an additional suppression upon him, for, if time do not fail me, it will be seen, before I am done with this subject, that I had in my possession proof, whose credibility could not be questioned, of his having suppressed, in a variety of other instances, letters enough, of a much more important character and delicate bearing, for any purpose that the utmost malignity could have contemplated, as possible to be effected by such means."

Here, then, is a clear indication that, in what I should thereafter say, I did not intend to rely upon that letter, but others much more important, and whose credibility could not be questioned, evidently meaning those that could be established by the documents furnished by himself.

Turning to the charge itself, (see address, page 25,) it is found to be expressed in the following words, viz: "That he has, in several instances, withheld information and letters, called for by the House, and which it was his duty to have communicated."

The specifications of this charge, after referring to a particular case only, commence in the following words, viz:

"But it also appears that he and his officers of the Treasury Department have not been able to find a great number of other letters, and even some of his own official ones, when required by

other calls of the House; or, if they could be found, they were suppressed. Of this the documents furnished by himself afford both abundant and conclusive proof. Many instances might be stated; for the sake of brevity, I will allude to a few of them only."

Here, then, is the practical exposition of the intention indicated in the 13th page of my address, in regard to the suppressions on which I intended to rely. The suppressions referred to in the last above recited paragraph, are expressly confined to those which could be proved by the documents furnished by himself, and of these a few only are specifically designated, and being all that I exhibited against the Secretary, must be all that I am bound to prove. They were deemed enough for my purpose, and more, therefore, were not intended to be included.

The publications under the signature of A. B., transmitted with my address, are also referred to for specifications, but these contain no reference to any suppressions but those which the documents establish.

Besides the suppression of the Receiver's letter, according to the decision of the committee, which I am not disposed to contest, was a fact wholly immaterial, since the description which I gave of it in my examination in February, 1823, and the copy I produced to the committee, both prove that it was not one of those letters which the committee suppose was embraced by the call of the House upon Mr. Crawford.

For these, and the reasons I have heretofore had the honor to submit to the committee, I not only think the testimony I am about to ask for, ought not to be considered necessary in the present investigation, but, that my own testimony, and all that which has already been taken in regard to the publications of A. B. ought to be rejected. Understanding, however, that the committee intend to publish all the testimony that has been taken against me, and believing that its publication, under the sanction of the committee, will be calculated to do me essential injury, and great injustice, without further testimony on my part, I feel compelled to ask that Samuel D. Lockwood, Esq., Receiver at Edwardsville, and Thomas Lippincott, Esq., of the same place, and all the Senators of the United States, may be summoned; the two former to support my testimony, and the latter to give testimony to oppose that which has been given against me, in relation to an alleged denial of my authorship of the A. B. publications, and I renew my application for the examination of Mr. Crawford.

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Remarks submitted by Mr. Forsyth.

When, on the 16th June, a question was proposed to Colonel Benton, touching the general character of Ninian Edwards, with a view to show him unworthy of belief, the committee said, that if that question was pressed, and the opposite party asked for a delay to enable him to procure testimony to defend his character, it would be

granted; and, as Mr. Cook, acting for Mr. Edwards, distinctly stated that he should want testimony from the Western country, to avoid further delay the question was waived. The committee now say, that certain papers brought from Edwardsville, to be used as evidence by Ninian Edwards, are not duly authenticated; and, as they are deemed by him important, unless they are admitted as evidence, time will be allowed to enable him to procure a proper authentication of them. With the same motive that prevented the question proposed to Colonel Benton from being pressed, a consent is now given that these papers should be received. But it is proper that the character of these papers, the motives for producing them, and all the testimony relating to them, should be examined.

The papers to which this consent applies, are five in number; to each of which is attached an affidavit of Thomas Lippincott, taken before a justice of the peace, viz., a copy of a letter from Mr. Crawford to the Receiver of Edwardsville, of the 6th of August, 1819. 2d. A copy of a letter from Mr. Crawford, of the 1st of November, 1819, to the Receiver. 3d. A copy of a paper which was folded in the letter of the 1st of November. 4th. A copy of a paper dated the 12th October, 1819, neither directed nor signed, but filed away, and endorsed with these words: "copy to the Treasury Department, October, 1819." 5th. Copy of a letter of 22d October, 1819, signed by the Receiver of Edwardsville, and directed to the Secretary of the Treasury. The first and second of these papers were communicated to the committee by the Secretary; the others are not officially certified by the officer whose business and duty it is to authenticate copies of the papers which belong to his office. The affidavit of Lippincott has been preferred by Mr. Edwards to the official certificate; and he, it is presumed, was perfectly aware that such an affidavit was insufficient to make the copy to which it might be attached evidence. The testimony of Lippincott was preferred also to that of a person (Oswald Dunn) who preceded Mr. Edwards to Washington, and who might have testified, after examining the copies and originals, that the copies produced were copies of papers in the office of the Receiver of Edwardsville. This preference was obviously given, that the affidavits might show in whose handwriting the papers in the office were written. The handwriting of each is shown by Lippincott, except the paper with the date of October 12, 1819. By the testimony of Ninian Edwards, given most reluctantly, it is now known that that paper is his own work, a fact obviously intended to be concealed, and to which concealment Lippincott lent himself, if he was, as it is presumed he was, acquainted with Mr. Edwards's handwriting. Even were he not acquainted with it, it will be seen by the affidavits that this paper is the only one the handwriting of the original of which the affidavit attached to it does not go to ascertain. The original letter of the 1st of November is said to be in the handwriting of Mr. Crawford; that of the 6th of August, of a clerk,

and signed by Mr. Crawford; the paper folded in the letter of the 1st of November, in the same handwriting as the letter of Mr. Crawford of the 6th of August; the letter signed by Mr. Stephenson, of the 22d of October, in the handwriting of Mr. Stephenson. The explanation of this difference in the affidavit, is found in the fact disclosed by Mr. Edwards, that the paper from which that now offered was copied, was the work of his own hand. The affidavit of Lippincott, that the copy offered is a true copy of that paper now on file, is contradicted by the testimony of Mr. Edwards. There is an underscoring in the copy, and in the original none. Mr. Edwards, although he never remembers to have seen the underscoring until he saw it before the committee, states, that before the affidavit was affixed, he or Lippincott must have underscored a particular part of it; which underscoring, making emphatic a particular sentence, brought the copy somewhat nearer than the original to the description given by Mr. Edwards, in his affidavit of 1823, of the letter of Mr. Stephenson. The oath of Mr. Edwards was, that the purpose of Mr. Stephenson, in writing the letter, was to enclose the publication of Mr. Edwards of the 13th of September, 1819, and that he (Mr. E.) prevailed on him to write it. The letter produced, refers to the publication as enclosed, but does it incidentally, as a circumstance of no particular importance; and the agency Mr. Edwards alleged he had in procuring it to be written, is not stated; nor is there any allusion to the advice he declares he gave to Mr. Stephenson to withhold all further deposits until he received the order of the Secretary. Mr. Edwards now states that this advice was given to prevent, not immediate, but future remote danger, while the paper produced by him, as the copy of that letter written by himself states, as from the Receiver, that "he would not wish to risk the responsibility of making the deposits in the bank until after the first of January next, 1820, without your instructions, given upon a knowledge of the facts above disclosed;" of which facts the course Mr. Edwards was disposed to pursue, was one the least important in its character.

The peculiar manner in which the affidavit is drawn, deserves notice. The paper now produced is intended to prove that Mr. Stephenson wrote the letter in 1819, described by Mr. Edwards, and that he gave the advice he stated he gave to Mr. Stephenson, and, as presumptive evidence that his publication, and this letter, were sent to the Secretary of the Treasury. For these purposes it is necessary that it should appear that the original, from which it is copied, should have been always in the office of the Receiver since 1819, and was obviously preserved as an official document. While the others are in ordinary form, the affidavit of Lippincott, on this paper, is of studied and singular phraseology: "that the original was found by him on the files of official letters, appertaining to, and now in, the Receiver's office at Edwardsville;" a phraseology which implies that the deponent knew that the files of official letters in which he found the original pa-

per, although belonging to, had been out of, the Receiver's office; a fact totally destructive of all the presumptions arising from the finding of the paper on the files of the official letters in the office. This paper of the 12th of October, it is shown by Mr. Edwards, is not on the letter-book of 1819, in which it would have been the duty of Mr. Stephenson to have recorded it, had it been sent to the Secretary of the Treasury. But there is something written upon it by the Receiver. The affidavit is on this point, also, equivocal. The paper was found by the deponent on the files of official letters appertaining to, and now in, the Receiver's office at Edwardsville, and endorsed or filed in the handwriting of the Receiver of Public Moneys, as follows: "Copy to the Treasury Department, October 1819." No punishment could be inflicted for this statement as false, if the paper is not endorsed, provided the alternative that it is filed is true. It is filed if the paper was enclosed in a separate envelope, with the words upon it in the Receiver's handwriting; but, if the Receiver's handwriting is not on the paper itself, the only presumption in its favor arises from its being found among papers appertaining to, and now in, the office.

It is not necessary to pursue this inquiry further. The Secretary of the Treasury could have no knowledge of the conversation or the acts of Mr. Edwards and Mr. Stephenson in Edwardsville in 1819, nor has he expressed either belief or opinion respecting them. What was officially known to him he has communicated. For the correctness of that knowledge only is he solicitous. Nor would this scrutiny into the circumstances of the paper dated 12th of October, 1819, be made, if Mr. Edwards had contented himself with the production of it in explanation of his oath of 1823, and his justification of that part of it which depended upon his own knowledge. It is, however, now produced as presumptive evidence that the copy of it was received by the Secretary; and Mr. Edwards sought for the answer in the office of the Receiver, and has now sworn that he believes the letter of the Secretary, of the 1st of November, 1816, is the letter written after the reception of that of the 12th of October, to direct the Receiver to continue the deposits in the Bank of Edwardsville. The letter of the 1st of November makes no allusion to such letter; it is not a direction to continue the deposits; it is the determination of the Secretary that the course alleged in the letter of Lucy Stephenson of the 18th of September, which letter it now appears was also the work of Mr. Edwards, for the detention of the public moneys in the hands of the Receiver, did not authorize that detention.

Since Mr. Edwards has produced the paper purporting to be dated on the 12th October, 1819, it has been shown that it was impossible that the letter of the 1st November should have been the answer to it, or written in consequence of it. By the mail arrangements of 1819, prevailing until the 16th November of that year, as shown by the testimony of Mr. Bradley before the Committee, it required twenty days to transmit a letter from

Washington to Edwardsville, and a longer time to transmit a letter from Edwardsville to Washington. The original accounts of the Postmaster of Edwardsville, taken from the Comptroller's office, and of which an extract is before the Committee, show that no mail left Edwardsville for Washington from the 9th October until the 16th of that month. More than twenty days from the 16th of October reaches beyond the 4th November. The letter of the 1st November was therefore written before it was possible for the letter of the 12th October, 1819, (if such had been written at Edwardsville,) to reach Washington. Admitting the impossibility that this should be otherwise, Mr. Edwards seeks to avoid the effect of this admission, by declaring on oath his belief that the letter of the 1st November was not written or sent before that of the 12th October was received. Either, therefore, the letter was fraudulently antedated or retained until the arrival of that document. To find a colorable pretext for this belief, Mr. Edwards (as the Committee will recollect) turned to the original letter of the Secretary of the Treasury of the 1st of November, to the Cashier of the Bank of Edwardsville, brought by Mr. Edwards from that place, which enclosed a copy of the letter of the same date to the Receiver, in order to ascertain the postmark upon it; and succeeded in persuading himself that there was the figure 8 in the postmark. A clerk of the post office (Mr. Sweeney) was sent for by one of the Committee, (Mr. Taylor,) but Mr. Edwards declined examining him. Mr. Sweeney, however, was examined; and the postmark was ascertained to be the 3d of a month which could not be distinguished. This postmark, if of November, was on the original letter before the letter of the 12th October could have reached Washington. On the 19th June, after a deliberation of three days, Mr. Edwards amended his own testimony, and then declared that it was possible the letter of the 12th October might have arrived here in time to be answered by one of the 1st November, because it might have been carried by a private conveyance to Louisville, from whence it could have been brought by mail within the required time. In making this amendment to his former answer, Mr. Edwards appears to have forgotten how much he had previously said of the safety of the mail, and the improbability that any thing committed to it should have miscarried; and that Mr. Stephenson could not have felt so much anxiety to despatch a paper which it had required Mr. Edwards's influence to prevail on him to write, as to seek unusual means of hurrying it on by a mode of conveyance never before or after used by him for the conveyance of his official letters to the Department.

Mr. Edwards, however, has asserted that Mr. Crawford's letter of the 20th of April, 1820, was possibly the answer to the one of the 12th of October, 1819. In making this assertion, on oath, Mr. Edwards has not recollected the stress he lays upon the circumstance of the deposits having been withheld till the 31st of December, 1819, as proof that he had advised the Receiver to with-

hold the deposits; as evidence that the Receiver did write to Mr. Crawford the letter of the 12th October, and that that letter was answered; that, in consequence of that answer, the large sum of \$8,191 was paid into the bank. In laying this stress upon the withholding of the deposits, as evidence that Mr. Stephenson was acting by his advice, he had forgotten that he knew (having written Lucy Stephenson's letter of the 18th September, 1819) that the deposits had been withheld for months before he gave the advice, of the giving of which, that withholding is afterwards considered as satisfactory proof. Without weighing the ingenious suppositions made under oath, founded upon a paper not proved to have been seen by the Receiver, differing from his official directions and yet probably influencing him to do what he did not do— withhold the deposits—it will be sufficiently apparent that a letter of the 20th April, 1820, could not be the cause of deposits made in December, 1819, and January and February, 1820; in all which months, notwithstanding the advice Mr. Edwards has sworn he gave the Receiver, deposits were made by that officer, as appears by his accounts in the hands of the Committee, among the documents accompanying the Secretary's communication. The letter of the 20th of April is written, as appears on the face of it, in consequence of the deposits of public money having been partially made. In the Receiver's office at Edwardsville, has been found no letter answering the description of Mr. Edwards, in his testimony in 1823, or which could have been an answer to the paper of which the copy is now produced. Mr. Edwards has stated that he searched the office with the special object of discovering such a document, and that, except what he has produced, none such is to be found.

It is therefore respectfully submitted—

That the paper in the handwriting of Mr. Edwards found on the files of official letters appertaining to and now in the Receiver's office, is evidence only that Mr. Edwards wrote such a letter:

That it is not official, although filed in the handwriting of the Receiver; as it is not in his handwriting, nor in that of any person employed in his office, and is not recorded in his letter-book:

That there is no evidence that the Receiver ever carried or sent a copy of it from his office:

That such letter never has been received at the Treasury Department; that no answer is in the Treasury Department, or Receiver's office at Edwardsville, or was ever written to such letter.

Mr. Edwards having declared, in his last address to the committee, delivered on the 19th of June, that he had made no charge against the Secretary, of suppressing the alleged correspondence with Mr. Stephenson, to which his oath of 1823 refers, it might appear superfluous to trouble the committee with these remarks. But, on the very day that Mr. Edwards presented this disclaimer, the alteration in his testimony, heretofore mentioned, was made; and made, too, after the disclaimer was prepared and delivered. The conviction, therefore, is, that Mr. Edwards seeks to leave the stain of this charge on the Secretary,

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while he intends to avoid, if he can, the responsibility of having made it, and seeks to procure for his own testimony, which is the only testimony in support of it, a degree of respect to which it is not entitled. With this view of his intention, it will not be deemed improper to examine what has been said and attempted by Mr. Edwards on the subject.

In 1823, Mr. Edwards declared, on oath, to the committee of Congress, that he was very much surprised that this correspondence (meaning the alleged letter of Mr. Stephenson, of 12th October, and the alleged answer,) was not communicated by the Secretary, under resolutions of the House of Representatives, of the 9th January and 12th March, 1822, calling for certain correspondence between the Treasury Department and sundry banks.

In his address to the House, on the 6th of April last, he says: "Believing, as I call my God to witness I sincerely and confidently do, that Mr. Crawford did receive the letter mentioned in the above report, and that it is now in his possession, or has been purposely destroyed." In the same address, he infers that, if this letter was not answered, Mr. Crawford being for some cause or other unwilling to acknowledge the receipt of it, "contrived to give the directions (to continue the deposits) under some other form or pretext than that of a direct answer to it."

In his replication, presented to the committee since the adjournment of Congress, whole pages are occupied by an argument to show that the alleged letter of the 12th October was sent, was received, and was answered. All the officers in the Secretary's office were called, as witnesses, to prove that the letter had been received in 1819, or had been found since the Secretary's report, of 22d March, 1824; and that the Secretary had purposely delayed making that report until Mr. Edwards was about to leave Washington. In all of which, the testimony adduced was conclusive, that neither the charge itself, nor either of the incidents alleged in aggravation of it by Mr. Edwards, was true.

Mr. Edwards argues, too, in his replication, that the Edwardsville Receiver's letter ought, according to Mr. Crawford's own view of the subject, to have been communicated to the House of Representatives, under the beforementioned resolutions, because one other Receiver's letter (the Receiver at St. Louis) had been communicated with his report of the —, omitting to remember that this was communicated under a call requiring all the correspondence in relation to the Bank of Missouri, which made it his duty to transmit all letters respecting that bank, from whomsoever received.

In his testimony, now taken before the committee, Mr. Edwards declares he believes that, in 1819, the Secretary might have conceived the idea of concealing the letter of Mr. Stephenson, if it had been received, to screen himself from responsibility, if the Bank of Edwardsville afterwards failed, an event which, although he did not anticipate, he might have apprehended. In the same testimony, when compelled to admit that a

Case of Ninian Edwards.

letter could not have arrived, by mail, from the 16th of October to the 1st of November, 1819, he added, to that admission, an insinuation, on oath, that the letter of the Secretary was antedated, or retained, until the arrival of the alleged letter of the 12th October, 1819. After the testimony of Mr. Sweeny was given, instead of disavowing this insinuation, he was silent, and, three days afterwards, adds to that part of his testimony that from which it might be inferred that the letter of the 12th of October was sent, by private conveyance, to Louisville, and thence, by mail, to Washington.

All these declarations, and the publication of Mr. Edwards, at Louisville, in which he asserts that he has the most irresistible proof that the Receiver at Edwardsville did write the letter mentioned in his examination, and that Mr. Crawford did write a letter to the Receiver, directing him to continue the deposits in the Bank of Edwardsville, make it necessary that it should be distinctly brought before the committee. That Mr. Edwards, in different parts of his testimony, contradicts himself; that his testimony of 1823 does not agree with the testimony taken before the present committee; that his statements, in his addresses to the committee, are contradictory to each other; that his statements, now given on oath, show that the impressions which his addresses were intended to make, were as he knew, unfounded; that he voluntarily declared, in the most emphatic manner, to different persons, that he was not the author of various publications against the Secretary, which he now acknowledges to have written; and finally, that he was, as admitted by himself, a party to a material alteration in a paper, produced by himself, purporting to be a copy of a paper appertaining to, and now in the Receiver's Office, at Edwardsville; an alteration, the obvious effect of which was to deceive the committee and the public, as to the character of the original, from which the copy was taken.

It is, therefore, respectfully submitted, that nothing, affecting the Secretary, and depending upon the oath of Mr. Edwards, can be taken as proved.

Hon. JOHN FLOYD, *Chairman, &c.*

Unprepared, at present, to defend myself against the testimony of the Hon. Mr. Noble, by which I have been perfectly surprised, I have been compelled to look to a future period for that purpose. Lest, however, some erroneous inferences to my prejudice may be drawn from the want of a formal defence on this subject before the Committee, I do most solemnly declare before God and my country, that, in the conversation which Mr. Noble states to have passed between him and myself, whensoever or wheresoever any part of it may have happened, he must, at least, have greatly mis-

understood me, both in regard to the A. B. publications, and to Mr. Crawford; and that, if the conversation alluded to, or any part of it, happened, as he says it did, in his own room, it must have been after my nomination was confirmed by the Senate.

It will be recollected that Mr. Noble, disclaiming all party considerations, had professed to be my friend, and had taken "an active part" in favor of the confirmation of my nomination; of which, he proves, I was well apprized. It would, therefore, have been most extraordinary, that I should have thought it necessary to have made such statements to him, by which nothing was to be gained, and that I should have totally forborne to make them to any other Senator.

Nor can it be considered less strange, if those statements were made to him during the pendency of my nomination, that he, with all his zeal in my favor, and acting in direct opposition to the wishes of his political friends, should never, either with a view to aid me, or to justify himself, have given the slightest intimation of such conversation as he represents to have passed between us, to any one of those gentlemen whom it was calculated to conciliate, and from whom opposition was expected.

As to the conversation he mentions in regard to Mr. Crawford, it alludes to some facts which happened before I became a member of Congress, and of which I had no knowledge until since the commencement of the present controversy.

The very professions of gratitude which he says I made to him, would apply with much more force and propriety to a period after, than before, the confirmation of my nomination; and, from the nature of the case, they would seem to have been predicated upon a disinterestedness on his part, which was the more highly appreciated, because it overlooked the circumstances of his friendship and my hostility to Mr. Crawford, which is at war with the whole statement he has made, concerning my opinion of the conduct of that gentleman.

That Mr. Noble may have misunderstood me, I will not attempt to gainsay. But, as I hope for future happiness, I never did intend to have expressed myself to him, or any other person, so as to have conveyed the opinion and sentiments which he has imputed to me; nor can I account, by any thing within my own knowledge, for such great misapprehensions.

My object, however, is not now to present an argument upon the case, but simply to request the committee to accept of this as my denial of Mr. Noble's testimony, and to have it printed with my other communications to the committee.

NINIAN EDWARDS.

JUNE 21, 1824.

APPENDIX

TO THE HISTORY OF THE EIGHTEENTH CONGRESS.

[FIRST SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

CONDITION AND PROSPECTS OF THE GREEKS.

[Communicated to the House, December 31, 1823.]

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with accompanying documents, containing the information requested by the resolution of the House, of the 19th instant, relating to the condition and future prospects of the Greeks.

JAMES MONROE.

WASHINGTON, December 31, 1823.

DEPARTMENT OF STATE,
Washington, Dec. 31, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the United States, of the 19th instant, requesting the President of the United States to lay before the House any information he may have received, and which he may not deem it improper to communicate, relating to the condition and future prospects of the Greeks, has the honor of reporting to the President the papers in the possession of this Department, containing the information requested by the resolution of the House.

JOHN QUINCY ADAMS.

LIST OF PAPERS SENT.

Extract of a letter from Mr. Forsyth to Mr. Adams, dated 13th December, 1822—with translation.
Note, dated Corinth, 8th [20th] April, 1822—translation.
Note, Mr. Luriottis to Don Evaristo San Miguel, dated 21st November, 1822—translation.
Mr. Rush to Mr. Adams, 24th February, 1823—copy.
Mr. Luriottis to same, 20th do. do.—copy.
Mr. Adams to Mr. Rush, 18th August, do.—copy.
Same to Mr. Luriottis, 18th do. do.—copy.

Extract of a letter to Secretary of State, dated Marseilles, 6th August, 1823.

Extract of a letter to Secretary of State, dated Marseilles, 27th August, 1823.

Statistical table of Greece—translation—original copy received from Mr. Middleton.

Extract of a letter from Mr. Forsyth to the Secretary of State, dated Madrid, December 13, 1822.

"The Greeks have an agent in this Peninsula Luriottis. He was here a fortnight, asking aid of money, which he did not receive. Indeed, he left this, disgusted with the coldness with which he was treated by San Miguel. He has gone to Lisbon, with sanguine hopes of meeting, if not aid, at least kinder treatment. I enclose to you copies Nos. 1 and 2 of an official statement, made for him in April last by his Government, of the state of their affairs, and of his letter to the Spanish Government. We have favorable news from the Greeks, from various sources. The Albanians are now their allies; they have again been successful, by sea, against the Turks, and the best hopes of their ultimate and complete triumph are entertained.

[TRANSLATION.]

Department of Foreign Affairs—No. 66 of the protocol.
View of the present state of Greece.

The most cruel of tyrannies, of exactions without number, induced the Greeks to a just revolt. Their first operations were attended with some successes, which were of very little consequence, owing to the want of union among themselves. Some particular governments were established, but they did not answer the purpose which was intended. Then the deputies of the nation were called together at Epidaurus, for the purpose of establishing an Organic law. This assembly, of which Prince Mavrocordato was President, after a month of deliberations, fixed the mode of a provisional government, the duration of which was to be one year.

After the dissolution of this assembly, the Government which had been formed in it was proclaimed, and recognised in the Islands, the Pelo-

Condition and Prospects of the Greeks.

ponnesus, and the Continent. The people being satisfied, submitted with joy to its decisions, and order and justice succeeded to violence and anarchy.

The authority of this Government acquires, every day, new strength, and it may be hoped that, soon, Greece, regenerated by the benefits of a wise and paternal administration, will show herself worthy of its independence.

By the efforts of its defenders, the Peloponnesus will be no more polluted by the presence of its oppressors. Four fortresses, Patras, Coron, Modon, Napoli de Romani, only remain in the power of the Turks; and the hour of their fall approaches. Napoli de Romani is about to follow the example of Corinth, which surrendered at discretion, and the other places are about to be entirely deprived of provisions and munitions, by the flight of the Turkish fleet. This fleet having left the Dardanelles, in the month of February, was favored by the winds, which prevented their passage of the Archipelago from being disputed. But at Navarino the Greeks, seconded by the ability of General Lenormand, and by the courage of some European officers, who were shut up there, rendered the projects upon that place abortive; this, doubtless, compelled it to go against Patras, and there effect the landing of the troops, which it had on board. It was after this operation that it was encountered by the naval forces of the Greeks. The Turkish fleet, beaten, pursued, and entirely dispersed, was obliged to seek refuge towards the coast of Egypt, where it was surprised by a tempest, in which it lost four frigates and two brigs. All the crews of these ships, and the commander of the squadron, Ismael Gibraltar, were drowned. It was also obliged to abandon, on our coasts, several transports loaded with provisions, destined for the army which came to be landed.

This army, composed of four thousand men, weakened every day by the diseases and dissensions which have sway in it, takes refuge under the cannon of the fortress of Patras, into which entrance has been refused it. There, blockaded on one side by a Greek squadron, and on the other harassed, night and day, by the troops of General Colocotroni, it will prove, by its total annihilation, that every effort will always be vain, against a people which wishes for its liberty, cost what it will.

In Attica, the fortress of Athens alone is in the power of the Turks, and the bombardment of it, to which a fortunate issue is expected, commenced several days ago.

Bœotia, Phocis, and Locris, have driven out the enemies of their beautiful provinces. The Government is very seriously occupied with the means of possessing itself of Zittony, where there is still a body of the Turkish army, in order to enable it to cause the troops in Thessaly to advance simultaneously with the general movement of the inhabitants of Mount Olympus, a bold and warlike people, and render the position of the enemy more critical.

The defiles of Pindus being in our possession, all communication between the rest of Turkey

and Thessaly, and all retreat for the enemy's army, that shall then be in this province, will be immediately, from that time, impossible. All Etolia, Epirus, and almost all Arcania, are in the power of the Government, with the exception of some places which are under a rigorous blockade.

I have now to speak of Albania. What will be its relations with us? The future alone can resolve this important question; and the well known character of this people does not permit the calculation of events from probabilities; sometimes neuter and sometimes partisans, by turns our allies and enemies, which they have practised to the present time, passing in appearance from one party to another, without really serving the interests of that which they had adopted. The death of Ali Pacha has produced little effect. The Turks, proud of this success, which they owe only to the treachery of the very soldiers of this Pacha, have appeared to take courage; but, being repulsed at Wonizza, they appeared to have almost abandoned their attempts. Such is the situation of affairs in the Peloponnesus and on the continent.

Almost all the Islands being free, have submitted to the Government, and cause the Greek flag to be respected in the Archipelago. At Chios, six thousand Samiotes have landed, to favor the independence of that island, and have shut up the Turks in the fortress. Mitylene in a short time will have shaken off its yoke, and Candia still combats, with advantage, against superior forces; but the known valor of its inhabitants, and the justice of their cause, will make up for number.

At the moment I am writing, the news of the victory obtained over the Turks at Riguassa, comes, to be communicated to the Government; four hundred of the enemy remain upon the field of battle, and the rest of their army has been put to flight. The Suliotes, by their accustomed bravery, have covered themselves with glory.

More recent news come to inform us of more new successes; Colonel Ulysses, with fifteen hundred men, landed on the 1st of April at Helisa; after an obstinate battle against forces superior in number, he became master of the village, as also of the port of St. Marine, pursued the enemy to Zittoni, killed three hundred men, and made some prisoners. General Niketa, commander of the Peloponnesian troops, joined his operations to those of Colonel Ulysses, and, from every thing, it is believed they have already entered Zittoni. Colonels Mitzi, Kondojobanni and Skalzodini advanced upon Patradjik, and have gained some advantages. Of the body of the Greek army, composed of ten thousand men, who act from this side to the centre, commanded by Colonel Panvurja, supported by Miezatis, the right wing is formed by the troops of General Eritika and of Colonel Ulysses, and its left wing by those of Colonels Kondojobanni and Skalzodini.

A new fleet is just gone from Constantinople; it is composed of vessels of different sizes; it has attempted a landing on the island of Chios, but, repulsed with loss at that point, it has retired.

Condition and Prospects of the Greeks.

The Secretary of State and Minister of Foreign Affairs, TH. NEGRIS.
The Secretary General, V. GALLIVA.
CORINTH, the 8th [20th] April, 1822.

[TRANSLATION.]

Note of Mr. Luriottis, Agent of the Greeks, at Madrid, to his Excellency Evaristo San Miguel, Secretary of the Despatch of State of His Catholic Majesty.

May it please your Excellency:

If there is a time when the principles ought to be revived, which an unfortunate, but very celebrated philosopher of France, published in 1793, "That the men of all countries are brothers, and the different nations ought mutually to assist each other according to their power, as citizens of the same State:

"That those who make war on a people for the purpose of arresting the progress of liberty, and destroying the rights of man, ought to be every where pursued, not as ordinary enemies, but as assassins and rebellious robbers:

"That tyrants, whoever they may be, are slaves revolted against mankind, the sovereign of the earth, and against nature, the legislator of the universe:"

And if there is a nation, in whose favor these principles ought to be applied, it is, doubtless, Greece, at the present time. It is not intended, here, to press the rights which the Greeks have to the being recognised by the civilized nations of Europe, for the lights which their ancestors have given them in liberal sciences, arts, legislations, and in true models of men, illustrious for their love of country; and still less the most evident rights which they will now have to shake off the Mussulman yoke, with which any of the despots, against which the other nations of Europe contend, could not be compared. It will be sufficient only to remark, that Greece, victorious and free, is the most certain security of the liberties of the Spanish peninsula:

Because, from the certain liberty in Greece, necessarily flows that of Italy, which is enslaved, if I may be allowed the expression, between the Peninsula and the new Grecian States:

Because, the establishment of a free State, raised in Greece, upon the ruins of the legitimate Ottoman power, at the time when open war has been declared between the people and the despots, as between the principles of light and the principles of darkness, ought to result in the annihilation of this Empire of the Crescent, and, consequently, that of its accessaries, Tunis, Tripoli and Algiers; and, the Greeks being once masters of the Egean Sea, these three pirates will be no more able to recruit their bands of assassins in Albania, at Smyrna, and at Constantinople; and they will there lose their forces, which have been always restless, and even now, Spain, and the increase of this moral fire, which the legitimates call pest, which ought to deliver Germany from despotism, and encourage the French to resume their ancient

post in the career of liberty; and because, in fine, this will only be after the accomplishment of these prophecies, that this peninsula will be left sufficiently tranquil at home and abroad to be able to reckon upon its consolidation of its liberty, which has cost, and does every day cost, it so many sacrifices of every kind.

Spain has no real need of succor from any other nation for maintaining itself a State free and independent.

The courage, the heroism of her children, are, in every respect, a proof; but the despotism, to succeed in its liberticidal projects, does not always please to excite, to irritate this valor. It is sure of its triumph, provided that it should succeed in keeping alive the fire of civil discord. Even the most courageous people feel themselves fatigued of so trifling, yet continued a war, and often, after the torments of despotism, they have recourse to this as to a guardian angel; preferring the future, but little felt evil, to the present; and tranquillity, although cadaverous, to a struggle which leaves them no repose—at this very moment, Spain makes trial of a part of this sad truth. The insulating, therefore, of a nation which wishes to be free, is, in the times wherein we live, the most impolitic measure which she can adopt.

Despotism has formed and published its alliance; and has, if I may be allowed the expression, hurled a formal defiance at the nations that wish to maintain or to recover their liberties. It insults them all, because it is conscious of its power to vanquish them, either by the force of hiring bayonets, with which it inundates them, or by the silent manœuvres which organize civil war, the division and quarrels of parties with which it harasses them. It is, therefore, necessary to oppose to this alliance of tyrants, that of the nations who have achieved their liberty.

If, for a nation to be free, the will of being so were sufficient; if, what gives the disposition, insured equally success; if, in fine, the valor of a people were a sure guarantee of success, Greece and the Greeks would not this day doubt of their triumph. The modern Greeks have already, in more than one engagement with the Turks, shown themselves worthy successors of the Greeks of Marathon, of Thermopylæ, of Salamis, of Strimon, of Cnidus, &c., but they want men, for frightful despotism capriciously destroyed them, and of it population has never been an accompaniment. They want money, because it would have been the price of their head to have been rich. They want arms, powder, lead; because no despotic government leaves these at the mercy of slaves; and because the struggle which the Greeks have so long maintained, has consumed the provisions which their bravery and the small succors brought by the foreigner had procured them. Yet, they still continue, in more than one place, to fight, and defend themselves against the Turks, with inferior weapons.

They have abundance of lands and national property: for three-fifths of the territory belonged to the Mussulmans, as the price of confiscations

made after cutting off the heads of opulent Greeks; but these lands, this property, are nothing at the present moment, when the Greeks ought to handle the musket instead of the plough, when money is wanting, and when the public credit is not yet established.

The Greeks will never return under the Ottoman yoke. But, in continuing a struggle so unequal, without other support, without other succor, they will all perish. What is the use of liberty in the tomb? What the advantages which Spain, Italy, and Europe, panting after liberty, can expect from a triumph over the Greeks?

The United States of America, after having sustained, with equal courage, and at equal sacrifices, their cause of Independence, against a despotism much less dreadful, owed their triumph to the protection of a European Power. Why should not Greece rely upon some protector among the free States of that same part of the world to which she belongs? By what fatality is she persecuted by the Government of England, which ought to be the father of free nations, and forgotten by those Governments which profess the same principles which she has just proclaimed?

The Greeks have till now been flattered by a number of private associations who came to their aid, but no Government has as yet partaken of this generous enthusiasm; and yet the succors, as well moral as physical, which are necessary for them, cannot be afforded them but by Governments.

There is some reason to believe that the Government of Corinth has opened some negotiation with the said United States of America. May these States pay, in favor of Greece, the tribute of recognition which they owe to Europe for the liberty which they know so well how to enjoy.

The same Government, which leaves nothing untried which may conduce to the triumph of the holy cause which it directs, cannot forget to address itself to magnanimous Spain, to a nation which, more than every other, shows to the universe that she feels all the value of liberty and independence, to a Government which, each day, ought to be more persuaded that the allied despotism aims, and will aim, more or less, openly, but always obstinately enough, at the consolidation of its present system. As to politics, the before cited Wicqueford says that the infallible means of vanquishing one's rivals in diplomacy, is to be frank, because he is sure of not meeting them in his way.

If, then, Spain can believe it to be to her advantage to recognise, and to protect, and to succor the Government of Corinth, what measure, what conduct, has she to pursue towards the other Governments, which have never openly pronounced against the Hellenic revolution?

The undersigned is not authorized to speak upon this article. He is only commissioned, in general, to solicit every species of succor which the Spaniards can send to the Greeks, either in money, or arms, powder, lead, men, ships, frigates, brigs, &c., of war.

But he knows how far, among the generous

succors, the article of a like moral aid would preponderate. Interested for his country, he confines himself to the making the rough draught, and to offer up prayers that the Spanish Government would be pleased to send some one to Greece, to treat upon this important subject, and upon all the others which might be necessary, and of great utility to Spain.

In the meantime, upon the point of physical succor, the undersigned has the honor to observe to your Excellency, that the question is not respecting a donation, but only respecting a loan, and that the responsibility of a free Government in Greece is beyond all the wants and those which it will have to fulfil to arrive at its consolidation.

That small succors are also useful to the Greeks in their present situation, because every little thing becomes a great deal to one who is pressed by want.

That the manner of carrying them into Greece, and securing the reimbursement, is left to the will of the Spanish Government.

That the greatest secrecy ought to be observed in all that Spain wishes to do, as a Government, in favor of the Greeks, in order that the diplomatic spies may not try to perplex it, and may not succeed in rendering it abortive.

That, finally, in the absence of the persons to whom the undersigned had letters to deliver here at Madrid, on the part of Prince Mavrocordato, of the Minister of Foreign Affairs, Negri, and of the Bishop Ignatius of Pisa, that they would be pleased to support their requests as well before the Government as before the brave Spanish patriots, it was, doubtless, a happiness for the undersigned to have met here a Minister so eminently well affected, and a Minister of Foreign Relations so liberal as your Excellency, to whom he can directly address himself in the two-fold aim mentioned, and in the accomplishment of his mission.

Your Excellency's most obedient and most humble servant,

LURIOTTIS.

MADRID, November 21, 1822.

Extract of a Letter from Mr. Rush to Mr. Adams, dated

LONDON, February 24, 1823.

"I received, the day before yesterday, a paper, of which a copy is enclosed, addressed to you, by Andreas Luriottis, an agent or deputy from Corinth, on behalf of the cause of the Greeks."

It will be perceived that, after describing the general nature of the revolution now going on in Greece, the object of the paper is to solicit aid of the United States, and the establishment of diplomatic connexions with them.

This gentleman, who has recently arrived in London, brought me a letter of introduction from General Dearborn, at Lisbon, and I received him in a manner due to the interesting character which he bears. I assured him that the fortunes of his country were dear to the people of the Uni-

ted States, who, cherishing the freedom which they themselves inherited and enjoyed, looked with the warmest sympathy upon the struggle of the Greeks for their national liberties; and that the Government of the United States participated in this feeling. Of the latter, I considered the late mention of the subject by the President, in his Message to Congress, at the opening of the session, as the authentic proof.

To the inquiries of Mr. Luriottis, whether my Government would open political or diplomatic relations with his, at the present day, I replied, that this formed a point on which I was wholly uninformed, and could not undertake to give my opinion. That it involved considerations of expediency, as applicable to the United States, as well as of advantage, or otherwise, as applicable to the Greek cause itself, that would be maturely weighed at Washington, before any decision could be pronounced. All that I could say, was, to reiterate the assurance of the friendly interest that was felt amongst us, for the success of the cause in which his country was embarked; and I adverted to the part which my Government had acted, in relation to the South American struggle—a part so much in advance of that of any other Government—as a sure indication that it could feel no backwardness in welcoming, when the proper day arrived, the new-born freedom of Greece, into the family of nations. In the end, I informed him that I would gladly become the organ of transmitting to my Government whatever distinctive overtures or communication he might determine to make to it—a request which, in the course of our conversation, he had himself made of me. These overtures he has set forth in the paper enclosed.

Mr. Luriottis dwelt with confidence upon the advances which his country has made in the career of her independence—advances the more solid and encouraging, as they have been won amidst formidable difficulties, by the mere unassisted efforts of her own valor and constancy. Since the capture of Napoli de Romania, the strongest fortress which the Turks had in the Morea, he seemed to consider that the cause of independence was placed upon a sure basis. The Greeks, since this event, have removed the seat of their Government from Corinth, where it was fixed at first, to Napoli."

Andreas Luriottis, Envoy of the Provisional Government of Greece, to the Honorable John Quincy Adams, Secretary of State to the United States of America.

SIR: I feel no slight emotion, while, in behalf of Greece, my country, struggling for independence and liberty, I address myself to the United States of America.

The independence for which we combat, you have achieved. The liberty to which we look, with anxious solicitude, you have obtained, and consolidated in peace and in glory.

Yet Greece, old Greece, the seat of early civilization and freedom, stretches out her hands imploringly to a land which sprung into being, as it

were, ages after her own lustre had been extinguished, and ventures to hope that the youngest and most vigorous sons of liberty will regard with no common sympathy the efforts of the descendants of the heir and the elder born, whose precepts and whose examples have served, though insufficient hitherto for our complete regeneration, to regenerate half a world.

I know, sir, that the sympathies of the generous people of the United States have been extensively directed towards us; and since I have reached this country, an interview with their Minister, Mr. Rush, has served to convince me more strongly how great their claim is on our gratitude and our affection. May I hope that some means may be found to communicate these our feelings, of which I am so proud to be the organ? We still venture to rely on their friendship; we would look to their individual, if not to their national co-operation. Every, the slightest assistance, under present circumstances, will aid the progress of the great work of liberty; and if, standing as we have stood, alone and unsupported, with every thing opposed to us, and nothing to encourage us but patriotism, enthusiasm, and, sometimes, even despair; if thus we have gone forward liberating our provinces, one after another, and subduing every force which has been directed against us, what may we not do with the assistance for which we venture to appeal to the generous and the free?

Precipitated by circumstances into that struggle for independence which, ever since the domination of our cruel and reckless tyrants, had never ceased to be the object of our vows and prayers, we have, by the blessing of God, freed a considerable part of Greece from the ruthless invaders. The Peloponnesus, Etolia, Carmania, Attica, Phocida, Bœotia, and the islands of the Archipelago, and Cândia, are nearly free. The armies and the fleets which have been sent against us have been subdued by the valor of our troops and our marine. Meanwhile, we have organized a Government founded upon popular suffrages, and you will probably have seen how closely our organic law assimilates to that Constitution under which your nation so happily and so securely lives.

I have been sent hither by the Government of Greece to obtain assistance in our determined enterprise, on which we, like you, have staked our lives, our fortunes, and our sacred honor; and I believe my journey has not been wholly without success. I should have been wanting to my duty had I not addressed you, supplicating the earliest display of your amicable purposes; entreating that diplomatic relations may be established between us; communicating the most earnest desire of my Government that we may be allowed to call you allies as well as friends; and stating that we shall rejoice to enter upon discussions which may lead to immediate and advantageous treaties, and to receive as to expedite diplomatic agents without delay. Both at Madrid and at Lisbon I have been received with great kindness by the American representative, and am pleased to record the expression of my gratitude.

Though, fortunately, you are so far removed, and raised so much above the narrow politics of Europe as to be little influenced by its vicissitudes; I venture to believe that Mr. Rush will explain to you the changes that have taken place, and are still in action around us in our favor; and I conclude, rejoicing in the hope that North America and Greece may be united in the bonds of long-enduring and unbroken concord, and have the honor to be,

With every sentiment of respect, &c.,
AND. LURIOTTIS.
LONDON, February 20, 1823.

Mr. Adams to Mr. Rush.
DEPARTMENT OF STATE,
Washington, August 18, 1823.

SIR: I have the honor of enclosing, herewith, an answer to the letter from Mr. Luriottis, the agent of the Greeks, addressed to me, and a copy of which was transmitted with your despatch, No. 295.

If, upon the receipt of this letter, Mr. Luriottis should still be in London, it will be desirable that you should deliver it to him in person, accompanied with such remarks and explanations as may satisfy him, and those whom he represents, that, in declining the proposal of giving active aid to the cause of Grecian emancipation, the Executive Government of the United States has been governed, not by its inclinations, or a sentiment of indifference to the cause, but, by its constitutional duties, clear and unequivocal.

The United States could give assistance to the Greeks only by the application of some portion of their public force or of their public revenue in their favor, and it would constitute them in a state of war with the Ottoman Porte, and perhaps with all the Barbary Powers. To make this disposal either of force or of treasure, you are aware, is, by our Constitution, not within the competency of the Executive. It could be determined only by an act of Congress, which would assuredly not be adopted, should it even be recommended by the Executive.

The policy of the United States with reference to foreign nations has always been founded upon the moral principle of natural law—*peace* with both belligerents. From whatever cause war between other nations, whether foreign or domestic, has arisen, the unvarying law of the United States has been *peace* with both belligerents. From the first war of the French revolution to the recent invasion of Spain, there has been a succession of wars, national and civil, in almost every one of which one of the parties was contending for liberty or independence. To the first revolutionary war, a strong impulse of feeling urged the people of the United States to take side with the party which, at its commencement, was *contending*, apparently, at least, for both. Had the policy of the United States not been essentially pacific, a stronger case to claim their interference could scarcely have been presented. They nevertheless declared themselves neutral, and the principle

then deliberately settled has been invariably adhered to ever since.

With regard to the recognition of sovereign States, and the establishment with them of a diplomatic intercourse, the experience of the last thirty years has served also to ascertain the limits proper for the application of principles, in which every nation must exercise some latitude of discretion. Precluded, by their neutral position, from interfering in the question of right, the United States have recognised the *fact* of foreign sovereignty, only when it was undisputed, or disputed without any rational prospect of success. In this manner, the successive changes of Government in many of the European States, and the revolutionary Governments of South America, have been acknowledged. The condition of the Greeks is not yet such as will admit of the recognition upon these principles.

Yet, as we cherish the most friendly feelings towards them, and are sincerely disposed to render them any service, which may be compatible with our neutrality, it will give us pleasure to learn, from time to time, the actual state of their cause, political and military. Should Mr. Luriottis be enabled and disposed to furnish this information, it may always be communicated through you, and will be received with satisfaction here. The public accounts from that quarter have been, of late, very scanty, and we shall be glad to obtain any authentic particulars which may come to your knowledge, from this, or through any other channel.

I am, with great respect, &c.,
JOHN QUINCY ADAMS.
RICHARD RUSH, Envoy, &c., at London.

Mr. Adams to Mr. Luriottis.
DEPARTMENT OF STATE,
Washington, August 18, 1823.

SIR: A copy of the letter which you did me the honor of addressing to me, on the 20th of February last, has been transmitted to me by the Minister of the United States at London, and has received the deliberate consideration of the President of the United States.

The sentiments with which he has witnessed the struggle of your countrymen for their national emancipation and independence, had been made manifest to the world in the public Message to the Congress of the United States. They are cordially felt by the people of this Union; who, sympathizing with the cause of freedom and independence, wherever its standard is unfurled, behold with peculiar interest the display of Grecian energy in defence of Grecian liberties, and the association of heroic exertions, at the present time, with the proudest glories of former ages, in the land of Epaminondas and of Philipæmon.

But, while cheering with their best wishes the cause of the Greeks, the United States are forbidden, by the duties of their situation, from taking part in the war, to which their relation is that of neutrality. At peace themselves with all the world, their established policy, and the obligations

of the laws of nations, preclude them from becoming voluntary auxiliaries to a cause which would involve them in war.

If, in the progress of events, the Greeks should be enabled to establish and organize themselves as an independent nation, the United States will be among the first to welcome them, in that capacity, into the general family; to establish diplomatic and commercial relations with them, suited to the mutual interests of the two countries, and to recognise, with special satisfaction, their constituted state in the character of a sister Republic.

I have the honor to be, &c.,
JOHN QUINCY ADAMS.
ANDREAS LURIOTTIS,
Envoy of the Provisional Government
of the Greeks, London.

Extract of a letter to the Secretary of State, dated Marseilles, August 6, 1823.

"I have endeavored to obtain accurate information relative to the actual state of the struggle between the Greeks and the Ottomans. The following particulars, I think, may be relied on. The Porte is making great preparations by land to bring the war to a successful conclusion. The Turkish fleet has succeeded in provisioning, for a year, the garrisons of Carysto, in Negropont, Canée, the capital of Candia, (or Crete,) and also Coron, Modon, Patras, and Corinth, in the Morea. The two last places have been repeatedly and incorrectly represented, in the American newspapers, as having long since surrendered. The Porte has offered the Greeks, through the mediation of Lord Strangford, to place the Morea on the same footing as the provinces of Wallachia and Moldavia; i. e. to place it under the government of a Greek Prince, who should have the entire administration of the affairs of the province, and who should annually pay a certain portion of its revenues into the treasury of the Porte. The British Ambassador, in order to induce the Greeks to accept these terms, has dispersed among them a declaration, that they are not to expect aid from any of the European Sovereigns. On the other hand, the Greeks do not seem as yet disposed to peace, but are making preparations to resist, as they may, the forces which are approaching them on all sides. Such was the state of things by the last advices."

Extract of a letter to the Secretary of State, dated Marseilles, Aug. 27, 1823.

"There is no certain intelligence from Greece later than that contained in a letter I had the honor to forward to you a fortnight since. The Turkish Admiral was, fifteen days ago, in the neighborhood of Patras, where he had landed five thousand men. The Smyrna Gazette reports, that the main Turkish army, 60,000 strong, had obtained, after some hard fighting, possession of the defiles of Thermopylæ, but this as yet is not confirmed."

[Translation.]

STATISTICAL TABLE of Greece, according to the work of Mr. POUQUEVILLE. Original received from Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States at St. Petersburg.

[N. B. * This mark indicates the cities and provinces freed since 1821, and at present in submission to the National Congress of Corinth.

† Indicates the countries in insurrection.

‡ Indicates the cities and forts besieged by the Turks.]

Greece may be apportioned into three grand divisions—continental Greece,† the isthmus of Peloponnesus,* and the islands.

Continental Greece.—It contains seven provinces, which are—Epirus,† Macedonia,† Thessaly,† Acarnania,* Etolia,* Locris,* Phocis,* comprehending Livadia.†

Epirus† has an extent of 1,100 square leagues of 2,500 toises. The population is estimated at 373,000 souls. Its principal cities are Janina, Zagori, Conitza, Prémithy, Cleissoura, Condessi, Canina, Tebelen, Aulone, (a port,) Bérat, (a fortress,) Elbassan, Durazzo, (a fort,) Argyro-Castron, Liboro, Delvino, (fortified,) Conispolis, Paramythia, Gomenitza, (a port,) Margariti, Parga, (a fort,) Regniassa, (a fort,)* Preresa, (a port and fort,) Souli, (a fort,)* Arta, (a fort and seaport,) Calarites,* Metzowo,* Syraco, &c.

The rivers which pass through Epirus in different ways, are the Voïoussa or Aous, the Calamas or Thyamis, the Glykys or Acheron.

The country generally is mountainous, intersected with large valleys; its aspect is various, and may be said to present an abridgment of all the climates; it abounds in cattle, and in rich pastures. The articles of exportation consist of grain, of sheep and goats, of building timber, cotton, wool, pitch, wax, tobacco; and some mountains of Epirus contain mines, which the Government neglect to explore, and which the Christian inhabitants dare not discover, fearful of being themselves buried in these mines, to gratify the cupidity of their masters.

The principal seaports of Epirus are—L'Arta, Aulone, Prevesa, Vonitza, Port Palarme, Porto Raguzo, Gomenitza, Durazzo. The value of wares and foreign productions imported by these ports was, in the year 1812, 6,590,902 piastres; the exportation, during the same year, was 7,804,063 piastres. The Epirotes are, in general, warlike, and of a robust constitution, impatient of the yoke, and proud, in spite of the dependence in which they live; shepherds rather than agriculturists, they almost all carry arms, and prefer to inhabit the mountains, and the situations most difficult of access. Divided into colonies, and long governed by the feudal administration of the Beys, they have seen, too late, all these partial tyrannies united into one only, and the most monstrous of all, that of Ali Pacha of Jannina. In the midst of the chaos of the administration of this Vizier, it may be calculated that Epirus paid annually to the Grand Seigneur a tribute of two

millions of piastres, and that Ali received for himself ten other millions, without including the revenues of his sons, the advances and spoiliations of every kind to which this province was exposed.

Macedonia,† divided into Illyrian and Cisaxian, has an extent of 1,692 square leagues. Its population may approximate to 436,000 inhabitants. Its most remarkable cities and towns are—Bitolia or Monastir, Prilipé, Cojani, Delvendos, Flourina, Cailary, Castoria, Greveno, Lepsini, Bichlistas, Croupitcha, Piassa, Gheortelia, Staria, Prespa, Critchowa, Ochrida, Chiatista, Veria,* or Karaveria, Jenidjé, Salonica.

The rivers which water Macedonia are the Vardar or Axios, and the Bichlista or Haliæmon. This province abounds in small cattle, corn, wines, cotton, and tobacco.

The Macedonians are agriculturists and merchants. The merchants of Bitolia, of Castoria, of Chatista, and of Salonica, have frequent correspondence with the commercial places of Europe; they send caravans to Bosnia and Hungary. The Macedonians, as well as the other nations of Greece, partake of their Hellenic origin; they are brave and considerate. Numerous Bulgarian and Albanian colonies are established in this province, actually divided into cantons, and subject to the destructive administration of the Pachas of Romelia and their subordinates.

Thessaly† contains, within an extent of 516 square leagues, 275,000 inhabitants; there are reckoned 962 villages, and the following cities: Tricala, (the chief place, and residence of a Pacha,) Klinoro, Stagous, Pharsalia, Larissa, Alason, Rapchana, Tournovo, Platamon, (a fort,) Caterin, Agia, Velestina, Dechani, Volo, (a port,) Armyros, Thaumaco. Thessaly, watered by the Peneus, and by several other rivers, tributaries of that river, is one of the most fertile countries of European Turkey: it produces corn, silk, cotton, tobacco, and, until the year 1810, the manufactures of Tournovo, of Ambelakia, and of Agia, sent abroad dyed cottons, stuffs, and woollens, to the amount of several millions; the Greek merchants of these cities had factories in Germany. The seaport of Volo, situated on the gulf of the same name, favored the exportation of the grain which the sailors of Idra, and of other islands, came there to load. The natives of Thessaly vary in their character, and their occupations, according to the places which they inhabit; industrious and submissive in the cities, laborious and peaceful husbandmen in the country, intrepid sailors in the cantons situated near the sea, they are bold and independent in the mountainous regions. Numerous bands of these mountaineers go from Olympus, from Ossa, and from Mount Pelion, and having at their heads enterprising chiefs, sometimes contend with the forces of the Pacha of Epirus, and of Romelia; They have even possessed themselves of several cities of Thessaly, and defended them for years. Worn out with efforts, disappointed in their hopes, and deprived of their brave chiefs, they retired to their mountains, where they still form a population warlike and independent.

Acarnania* has an extent of 92 square leagues, and 8,635 inhabitants; the remains of a population formerly flourishing. There are still reckoned there sixteen cities and villages, the most remarkable of which are, Vonitza, Catona, Dragomestre, and Catochi, (a seaport.) This province, which made a part of the Government of Ali Pacha, and which has undergone all the torments of his administration, presents only ruins and solitude. It, nevertheless, carries on a feeble commerce with the Ionian Islands and the Ambracian or Artan Gulf; its inhabitants keep up the fisheries in the same gulf, as well as on the numerous lakes in the interior of the country.

In this province, as in all the continent of Greece, there are found, in the declivities of mountains, hamlets and villages inhabited by men, who, flying from oppression, and striving to insulate themselves wherever they find a savage nature. Masters of the defiles which form the passage between Epirus and the southern provinces of Greece, the mountaineers of Acarnania can interrupt the communication between these two provinces, and oppose, with success, the movements of an army which might try to advance from this side towards Etolia and the Morea. Some cantons of this province are, at this day, entirely uncultivated and depeopled; others are covered with forests and barren grounds, which only want strength to be converted into productive lands.

Etolia,* separated from Acarnania by the river Aspropotamos or Achelous, contains, in its present subdivisions, four cantons; and 83,455 inhabitants, distributed among 236 towns and villages, the principal of which are: Vrachori, Carpenitze Agrapha, Missolonghi, (a port,) Lepante† or Naupacte, (a fort, and residence of a Pacha.) This province produces grain, rice, oil, silk, and wine. These productions, added to the revenue of the fisheries and customs, give an annual produce of 3,293,700 piastres.

The cantons of Etolia, annexed, according to the register of the Ottoman Government to the Pachalik of Negropont, had been successively seized upon by Ali Pacha, who intrusted the administration of them to his lieutenants. The pure blood of the ancient Etolians, their carelessness, their contempt of death, is still found among the colonies of Agrapha and of Carpenitze. Animated with the energy which the vital air of the mountains of these cantons gives them, they are always induced to repel the attacks of the tyranny. In this part of Etolia, the league of the *armatolis* was formed. These bands, reinforced by all the discontented of Greece, have sometimes opposed force to force, fanaticism to fanaticism, and have caused the satraps of Thessaly and Epirus to make satisfaction for the unjust enterprises formed against their liberty.

The country comprehending Locris,* Phocis,* Livadia,† and Attica, contains, by an approximating calculation, 450 square leagues, and a population of about 140,000 souls. Salone, Thebes, Livadia, and Athens,† are the principal cities of this country; the face and resources of which are, with some variations, nearly the same as in the

countries which have been just above delineated in the table. It may be affirmed, that, in all these provinces, forming continental Greece, the number of Christian inhabitants is, to that of Mahometans, in the proportion of five to one; which would give to all this region a total of 1,316,080 inhabitants, of which there are more than a million of Christians, dispersed over an extent of country which could abundantly contain and support upwards of thrice that population.

PELOPONNESUS.

Peloponnesus,* or the Morea, has a surface of 840 square leagues. Its population is 240,000 Christian inhabitants, distributed in 1,421 villages, towns, and cities, the principal of which are: Corinth, (a fort,) Argos, Naupli, (a fort and port,)† St. Pierre, Mistra, or Sparta, Monembossie, (a fort,) Calamate, Androussa, Coron, (a fort and road for shipping,)† Modon, (a fort and road,)† Navarin, (a fort and port,) Arcadia, Gastonni, Lala, Patras, (a fort and port,)† Vostitza, Calavryta, Tripolitza, (a fort,) Cariténe, Leondari.

Its rivers are the Rofia or the Alpheus, the Vossili-Potamos, or the Eurotas, and several others of a shorter course. The mountains of Arcadia, those of Lala or the ancient Pholœ, Mount Olenos, and the Taygete, connect the country in different ways. Notwithstanding the catastrophes which the Peloponnesus has experienced, and notwithstanding the ruinous administration of the Pachas, this province still preserves immense resources, owing to its fertility as well as to its topographical situation. Its agricultural productions are numerous and various; and, according to a calculation made upon the places, the different cantons of the Peloponnesus produce, one year with another, 820,000 kilos. of corn, (wheat,) which fetches 6,560,000 piastres, reckoning the kilo. at eight piastres, the selling price upon the places; 1,169,000 kilos. of maize, barley, and dry vegetables, making 7,402,000 piastres, according to the ordinary sale price; 53,000 barrels of oil, making 2,790,200 piastres, reckoning the barrel at from 40 to 45 piastres; 227,550 pounds of silk, making 3,738,500 piastres; 278,000 quintals of cotton and raw wool, making 1,388,800 piastres. The other revenues of agriculture and of industry—such as wine, cheese, butter, cattle, currants, honey, cotton thread, and stuffs of wool—produce annually in cash the sum of 8,818,500 piastres, which gives a total of 30,698,000. The different imposts and ground rents of the Province amounted, in the year 1814, to 12,816,241 piastres, which left in favor of the managers a difference of 17,881,759 piastres. With this excess, of which the seventeenth went into the treasuries of the Beys, the Agas, and the great proprietors, the inhabitants pay their individual expenses, and the cantons buy in the markets of the province the provisions of the first necessity which they do not grow, and the articles coming from abroad.

In the above extract of revenues and of ground rents of the Peninsula, the country of Magna* or ancient Laconia, is not included. This canton, placed upon the declivities of Mount Taygete, from

the city of Calamata to Cape Matapan, is divided into twelve captaincies, and forms a particular species of government, subject to the authority of a native Bey or Prince, held of the Grand Admiral of the Porte. The Magnates (poor, and naturally ferocious) know no other business than that of arms and piracy. In 1813, there were reckoned 10,000 men capable of bearing arms, in a population of 30,000 inhabitants, (Christians and aborigines,) who depended only nominally on the Ottoman Porte.

ISLANDS OF GREECE.(1)

The islands of Greece, according to their geographical order, from south to north, and from —, are:

Candia† or Crete. It is sixty leagues long, and twenty broad. The ports are, the city of Candia,† Rethymo,* Canca,† Kissamos. Its population is two hundred and forty thousand inhabitants.

Milo* or Melos, twelve leagues in circuit, and seven thousand inhabitants.

Santorin,* nine leagues in circuit; twelve thousand inhabitants.

Siphanto or Syphnos,* nine leagues long, and two broad; seven thousand inhabitants.

Nio or Ios,* twelve leagues in circuit; two thousand seven hundred inhabitants. It has a good harbor.

Amargos,* twelve leagues in circuit; six thousand inhabitants, and a good harbor.

Paros,* four leagues long, and three broad; two thousand inhabitants.

Naxos,* thirty leagues in circuit; ten thousand inhabitants.

Serpho,* four leagues long, and two broad, with a good harbor, and two thousand inhabitants.

Thermia or Cythnos* five leagues long, and two broad, with a good harbor, and four thousand inhabitants.

Engia or Egyne,* near the Morea, five leagues long, and three broad; five thousand inhabitants.

Coloury or Salamine,* twenty leagues in circuit, with a good harbor, and eight thousand inhabitants.

Zea or Ceos,* six leagues long, and three broad; six thousand inhabitants.

Syra or Syros,* fifteen leagues in circuit, with a harbor, and five thousand inhabitants.

Dili or Delos,* not inhabited.

Myconi,* twelve leagues in circuit, with a good harbor, and four thousand inhabitants.

Tine or Tenos,* seven leagues long, and three broad, and nine thousand inhabitants.

Andros,* thirty leagues in circuit; a harbor, and twelve thousand inhabitants.

Negropont or Eubœa,† four leagues long, and ten broad; twenty-five thousand inhabitants.

Skiros, six leagues long, and three broad; six thousand inhabitants.

Scopelos, eight leagues long, and four broad; seven thousand inhabitants.

Thassos, thirty leagues in circuit, with a good harbor, and eight thousand inhabitants.

(1) Vid. Abridgment of Geography, by l'Anglois, T. 2, pp. 24, 320.

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Samandraky or Samothrace, eight leagues in circuit, and two thousand inhabitants.

Imbros, ten leagues in circuit, with a fortified harbor, and three thousand inhabitants.

Stalimène or Lemnos,* ten leagues long, and eight broad, with a fortified harbor, and twenty thousand inhabitants.

Tenedos, fifteen leagues in circuit, with a fortified harbor, and five thousand inhabitants.

Mitylene or Lesbos, twenty leagues long and fifteen broad, with a fortified harbor and eighteen thousand inhabitants.

Chio,† fifteen leagues in circuit, [long] and five broad, with a large and good harbor, and sixty thousand inhabitants.

Samos,* twelve leagues long and six broad, with two harbors, and twelve thousand inhabitants.

Nicari, or Icaria,* eight leagues long and three broad; two thousand inhabitants.

Patmos* few inhabitants.

Leros,* with a large harbor and few inhabitants.

Calimne, or Claros,* six leagues in circuit, with a good harbor, and three thousand inhabitants.

Stanco, or Cos,* ten leagues long and four broad, with a fortified harbor, and five thousand inhabitants.

Stimpalie, or Astipaloe,* seven leagues long and three broad, with a good harbor and six thousand inhabitants.

Carpathos,* twelve leagues in circuit, with a harbor and four thousand inhabitants.

Rhodes, twenty-five leagues long and twenty broad; one hundred and fifty thousand inhabitants. The city of Rhodes is fortified; it has a large and good harbor.

Cyprus, one hundred and thirty leagues long and sixty at its greatest breadth. Its population is eighty-three thousand. The cities are, Nicosia, Cerina, (a large harbor,) Paphos, Limassal, Famagouste and Lamaca.

The islands of Idra,* Spetzia,* and Ipsara,* very important for their marine, reckon a population of fifty-eight thousand souls, or thereby.

The sum total of the population of the islands of Greece, may be estimated at eight hundred and thirty thousand inhabitants, among which are included about one hundred and sixty thousand Mahometans, and seven hundred and seventy thousand Christians. Add two hundred and seventy thousand for the Morea, and one million for continental Greece, and there is two million and forty thousand for the Greek population of these countries. The Greek inhabitants of Thrace, of Bulgaria, of Constantinople, of Smyrna, and of all Asia Minor, are not included in this number.

According to a detailed table, digested in the year 1813, the Greek marine of the islands and of different ports of Greece, amounted to six hundred and fifteen merchant vessels, five thousand eight hundred and seventy-eight cannons, and seventeen thousand five hundred and twenty-six sailors; of which, two hundred and forty vessels, four thousand three hundred and twenty cannons, and nine thousand nine hundred sailors, belong to the three islands alone, of Idra, Spetzia, and Ipsara.—(Vide Pouqueville, T. 5. page 68.)

FRENCH SPOILIATIONS.

[Communicated to the House, Feb. 5, 1824.]

To the Speaker of the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, agreeably to a resolution of that House of the 11th of December last, with the papers which accompanied that report.

JAMES MONROE.

WASHINGTON, Feb. 2, 1824.

DEPARTMENT OF STATE,
Washington, Feb. 2, 1824.

The Secretary of State, to whom has been referred the resolution of the House of Representatives, of the 11th of December last, "requesting the President of the United States to communicate to that House copies of such parts of the correspondence of the late Minister of the United States at the Court of France, with the French Government, and such parts of the correspondence of said Minister with the Secretary of State, relative to claims of citizens of the United States for spoliations upon our lawful commerce, as, in his opinion, may not be inconsistent with the public interest;" has the honor of submitting to the President the papers required by that resolution.

JOHN QUINCY ADAMS.

Extracts from the general instructions of Mr. Monroe, Secretary of State, to Mr. Gallatin, Envoy Extraordinary, and Minister Plenipotentiary of the United States to France, dated

DEPARTMENT OF STATE,
Washington, April 15, 1816.

"It has, at all times, since our Revolution, been the sincere desire of this Government to cultivate a good intelligence with France. The changes which have taken place in her Government have never produced any change in this disposition. The United States have looked to the French nation, and to the existing Government, as its proper organ, deeming it unjustifiable to interfere with its interior concerns. The existing Government has, in consequence, been invariably recognised here, as soon as known. Should you find, that unfounded prejudices are entertained on this subject, which a frank explanation may remove, you are authorized to make it.

"Cherishing these sentiments towards the French nation, under all the Governments which have existed there, it has not been less a cause of surprise, than of regret, that a corresponding disposition has not, at all times, been reciprocated by the French Government towards the United States. The history of the last ten years is replete with wrongs, received from that Government, for which no justifiable pretext can be assigned. The property wrested, in that space of time, from our citizens, is of great value, for which reparation

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has not been obtained. These injuries were received, under the administration of the late Emperor of France, on whom the demand of indemnity was incessantly made, while he remained in power. Under the sensibility thereby excited, and the failure to obtain justice, the relations of the two countries were much affected. The disorder which has, of late, existed in France, has prevented a repetition of this demand; but now, that the Government appears to be settled, it is due to our citizens, who were so unjustly plundered, to present their claims, anew, to the French Government."

"A gross sum will be received, in satisfaction of the whole claim, if the liquidation and payment of every claim, founded on just principles, to be established, cannot be obtained.

"The management of this important interest is committed to your discretion, as to the moment and manner of bringing it under consideration, in which the prospect of obtaining a satisfactory reparation will, necessarily, have its due weight. You will be furnished with a letter of instruction, authorizing you to provide for it, by convention, should that mode be preferred."

The Secretary of State to Mr. Gallatin.

DEPARTMENT OF STATE,
Washington, May 7, 1816.

SIR: On the presumption that His Most Christian Majesty may be disposed to provide, by special convention, for the just claims of the citizens of the United States against France, as, also, for the like claims of French subjects against the United States—this letter is given to you by direction of the President, as an authority and instruction to negotiate a convention for that purpose, with such person or persons as may have a like authority from His Most Christian Majesty.

I have the honor to be, &c.

JAMES MONROE.

Extract of a letter, No. 10, from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Monroe, Secretary of State dated
PARIS, November 11, 1816.

"I have the honor to enclose the copy of my note, of the 9th instant, to the Duke de Richelieu, on the subject of indemnities due to citizens of the United States, on account of the illegal and irregular sequestrations and condemnations made under the authority of the former Government of France. I had some difficulty in collecting, from scattered documents, the information necessary to present a correct view of the subject, and adapted to existing circumstances."

PARIS, November 9, 1816.

MONSIEUR LE DUC: I had already the honor, in some preliminary conversations, to present to your Excellency a general view of the losses sustained by American citizens, under various illegal acts of the former Government of France; and,

for which, the United States claim an indemnity from the justice of His Most Christian Majesty.

The right to an indemnity, being founded on the law of nations, extends to all cases, where there has been an evident infraction of that law, such as it is recognised by civilized nations.

Of the acts of the former French Government, openly violating that law; those issued on the 21st November, 1806, at Berlin, and on the 17th December, 1807, at Milan, were promulgated in the shape of public decrees, applicable, at least nominally, to other nations, as well as the United States. Other acts were, exclusively, directed against America; appearing, also, sometimes under the form of decrees, as that of Bayonne, of the 17th April, 1808, and that of Rambouillet, of the 23d March, 1810; and, at times, being only special orders for seizing or selling certain American vessels and cargoes. To these various acts, must be added, the wanton destruction, at different times, of American vessels on the high seas.

That the Berlin and Milan decrees, so far as they declared liable to capture and condemnation neutral vessels, pursuing an innocent commerce, and contravening no municipal laws, were an evident violation of the law of nations, has not been, and cannot be, denied. The plea of retaliation, grounded on a supposed acquiescence of neutral Powers in certain acts of Great Britain, and urged in justification of those decrees, was unjust in its principle, and altogether inadmissible, when affecting a neutral instead of an enemy. And, even that pretence for plundering a friendly Power was abandoned, when the two belligerent Governments, whilst continuing to capture the vessels of the neutral trading with their respective enemy, permitted a direct commerce, by means of licenses. But that plea was, in point of fact, destitute of foundation with respect to the United States. That they had uniformly opposed the aggressions of Great Britain, on their neutral rights, is notorious. It is not less true, and appears from all their public acts, and from the tenor of their negotiations with both belligerents, that it was solely owing to the acts of France, to the Berlin and Milan decrees, that still more decisive measures of resistance were not early adopted against Great Britain. So long as France and England equally continued to violate the neutral rights of America, she could not have selected either of those nations for an enemy, without tamely submitting to the aggressions of the other, and without deviating from that impartial course which it was her constant endeavor to pursue. And when, at last, the French decrees had been revoked, so far as America was concerned, the perseverance of England in continuing her unlawful orders, and in violating the rights of the United States, produced a declaration of war, on their part, against that country.

Notwithstanding the intrinsic justice of the claim of the United States for losses sustained by their citizens, under the Berlin and Milan decrees, it was intimated by your Excellency that those decrees having been of a general nature, other nations, that had also experienced losses by their operation, would have had an equal right to an

indemnity, and that those acts not having been enumerated in the last treaties and conventions between France and the other European Powers, amongst those for which a compensation should be made by France, the United States ought not to expect to be placed on a better footing than other nations.

It would be preposterous to suppose, and it cannot have been intended to suggest, that the United States can in any case be bound by treaties to which they were not parties, and in which no attention whatever could have been paid to their interest. Nor can, by any correct analogy, the principles therein adopted be applied to America.

The allied Powers naturally sought to obtain indemnity in those cases in which they were most interested. Almost all, if not all of them, had been, during the late European wars, either at war, or in alliance with France, whilst the United States had never stood in either of those relations towards her. Hence, it necessarily followed, that the injuries sustained by the subjects of those Powers, differed essentially from those inflicted by France on American citizens. The Berlin and Milan decrees, so far as they extended beyond prohibitory municipal regulations, although nominally general, applied in fact almost exclusively to the United States. If there was any exception, it was in amount too small, and applied to nations whose weight was too inconsiderable to be taken into consideration. Of the other Powers, many had no interest that indemnities should be obtained on that account, whilst several of them, namely, England, Spain, Holland, Denmark, and Naples, had a direct interest that the principle should not be admitted. It will, of course, appear, that, by the Convention between France and Great Britain, compensation is to be made by France for all the property of English subjects confiscated or sequestered, not only during the last war, but also during that which preceded the Treaty of Amiens, and including even the loss arising from the reduction of the public debt of France, to one-third of its nominal amount, with the exception of the seizures and confiscations made in consequence of the laws of war, and of the prohibitory laws. And the exception precisely embraces the principal classes of injuries, for which the United States are entitled to indemnity, since their grounds of complaint against France are the abuse on her part of belligerent rights and the unlawful extension of prohibitory laws beyond their legitimate sphere.

Not only were the Berlin and Milan decrees an evident and acknowledged violation of the law of nations; not only the plea of retaliation against England, and of a presumed acquiescence in her aggressions, was unfounded, with respect to the United States; not only neither the treaties between France and the allied Powers are binding on America, nor the principles adopted in those treaties applicable to the relations in which she stood towards France; but those decrees were also an open infraction of the treaties subsisting between the two countries; namely, of the 12th, 13th, and 14th articles of the Convention of the

30th of September, 1800, which did not expire till the 31st of July, 1809. For, it was therein stipulated, that the citizens of either country might sail with their ships and merchandise (contraband goods excepted) from any port whatever, to any port of the enemy of the other, and from a port of such enemy, either to a neutral port, or to another port of the enemy, unless such port should be actually blockaded; that a vessel sailing for an enemy's port, without knowing that the same was blockaded, should be turned away, but neither be detained, nor her cargo be confiscated; that implements and ammunition of war should alone be considered contraband of war; and that free ships should make free goods, extending that freedom even to an enemy's property, on board the ships belonging to the citizens of either country. The French decrees, in violation of those stipulations, after having declared the British islands and possessions in a state of blockade, although they were not pretended to be actually blockaded, made liable to capture and condemnation all American (as well as other neutral) vessels, sailing on the high seas, from or to any English port, or even which might have been visited by an English vessel, as well as every species of merchandise belonging to English subjects, or of English origin.

It is true that, in answer to the American Minister who had applied for explanations respecting the construction intended to be given to the Berlin decree, assurances were at first given that it would produce no change in the previous regulations respecting neutral navigators, nor in the convention with the United States. This construction, which gave to that decree the character only of a prohibitory municipal law, was adhered to during the ten first months which followed its promulgation; and it was only in September, 1807, that merchandise, found on board of neutral vessels at sea, was declared liable to condemnation, merely on account of its being of British growth or manufacture. This fact is here stated for the purpose of observing, that the assurances which had thus been given, and the practical construction thus first put on the Berlin decree, prevented the early opposition which otherwise the United States would have made to it; and that this supposed acquiescence on their part served as a pretence for the British Orders in Council of November, 1807, which were immediately followed by the French decree of Milan.

The decrees and orders of the French Government, which applied exclusively to the United States, will now be noticed.

Assailed by the simultaneous aggressions of the two belligerent Powers, the first step of the American Government was to withdraw the commerce of the United States from the depredations to which it was every where exposed. An embargo was laid in the latter end of the year 1807, on all their vessels; and notwithstanding the extraordinary privations and the great loss of revenue which were incurred, that measure was persevered in during fifteen months. In the mean while, strong remonstrances were made to the

French and English Governments, on the subject of their unlawful acts. Not only was the appeal to their justice fruitless, but it appears that, by an order said to have been issued at Bayonne, on the 17th of April, 1808, all American vessels then in the ports of France, or which might thereafter come into them, were directed to be seized, on the pretence that no vessel of the United States could then navigate, without infringing a law of the United States, as if the infraction of a municipal law could be lawfully punished by a foreign Power; as if it had not been notorious that a number of American vessels, which were abroad when the embargo became known to them, remained in foreign seas and countries, in order to avoid the effect of that law.

The pressure of the embargo on the agriculture and commerce of the United States became such, that Congress found it proper to modify that measure. By a law of the 1st March, 1809, the act laying an embargo was repealed with respect to all countries, England and France only excepted, and the vessels and merchandise of both countries were excluded from the United States after the 20th of May following; with the proviso, that, in case either France or Great Britain should so revoke or modify their edicts, as that they should cease to violate the neutral commerce of the United States, the commercial intercourse of the United States should be renewed with the nation so doing. This law in its nature was entirely municipal and pacific; and its object was to avoid immediate hostilities and to give further time for negotiations; to withdraw, as far as practicable, the navigation of the United States from the operation of the unlawful acts of both France and England, and to give to both sufficient inducements for repealing their edicts, by the actual privation of the benefits derived from the American commerce, and by the prospect that, in case of such repeal by either nation, she would again enjoy those advantages of which her enemy would continue to be deprived.

The act was officially communicated on the 29th of April, 1809, by the American Minister, to the French Government. It was not at that time treated as hostile; and if it produced no favorable change, no remonstrance was made against it. But, towards the end of the same year, orders were given to seize all the American vessels in France, or in the countries occupied by her arms; and after a great number had been thus seized, principally in Spain and in Holland, an imperial decree was, on the 23d March, 1810, issued at Rambouillet, ordering or rather confirming that seizure, extending it to all American vessels which had entered France or those countries since the 20th May, 1809, and directing that the product of the sales should be deposited in the *caisse d'amortissement*. The act of Congress of 1st March, 1809, was alleged as the motive for that outrageous measure. In point of fact, it is not believed that any vessel, the property of French subjects, had been forfeited for a violation of that act. At least, it is not recollected that any application was made for the remission of such forfeiture, to the

Treasury Department, which, by the law, was authorized to grant such remissions, and would certainly have done it, in any case where the law might not have been within the knowledge of the parties. But it cannot be necessary seriously to discuss a plea which was evidently but a pretence for plunder. It will be sufficient to observe, that the gross injustice of the Rambouillet decree consists in its retrospective operation; and that if the French Government had promulgated an order, excluding American vessels from the ports of France and of the countries occupied by her arms, and pronouncing the penalty of confiscation after due notice of that order, American citizens who might have voluntarily and knowingly violated the provisions of what was only a municipal law, would have been justly liable to its penalties.

The American property seized or captured, by virtue either of those four general decrees, or of special orders, which are but partially known to the Government of the United States, may, in reference to its present situation, be classed under two general heads, viz: that which has never been condemned, and that which has been actually confiscated.

The first class embraces the vessels and cargoes burnt at sea, and those which have been sequestered.

It is not necessary to make any observations on the destruction of vessels at sea, your Excellency having already intimated that the Government of France was disposed to make compensation for acts of that nature.

The vessels and cargoes sequestered, and not condemned, consisted principally of those seized at St. Sebastian, and other places, in the latter end of the year 1809, and in the beginning of 1810, and sold by virtue of the decree of Rambouillet. Fourteen vessels which, during that Winter, had been driven into Holland, and which, by a particular agreement between the Government of that country and that of France, bearing date, it is said, the 16th of March, 1810, were put at the disposal of France, are of the same description. And exclusively of other special orders of the same nature, which may not be known to me, the cargoes of seven vessels arrived at Antwerp in the beginning of the year 1807, and which were permitted to be landed there, were also sequestered and finally sold by virtue of an order of Government, dated the 4th of May 1810. In all these cases there has been no condemnation, no final decision. The vessel and cargoes were only seized and sold by order of Government, and the proceeds of sales deposited in the *caisse d'amortissement*, or in some other public chest.

The right to demand and obtain a decision on all those suspended cases, is undeniable. Either the proceeds of sales will be restored to the lawful owners, by virtue of that decision, or the present Government of France must go beyond what had been done by the former Government, and decree the final confiscation of property, which even that Government had been unwilling to condemn. I will not permit myself for a moment to suppose that there can be any hesitation on that question.

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With respect to property actually condemned without intending to impair the indisputable right of the United States to an indemnity for every condemnation made by virtue of decrees, violating the acknowledged law of nations, I will beg leave to add some observations on the manner in which those decrees were executed, for the purpose of showing that an investigation and revision of those condemnations ought to take place, even if it was admitted that France had a right to issue the Berlin and Milan decrees, and to condemn vessels contravening their tenor. The time necessary to obtain information in that respect, has occasioned the delay which has taken place in making this communication, since the last conference I had the honor to hold with your Excellency.

1. These condemnations have, as has already been stated, been made in contravention of an existing treaty; so far at least as relates to property seized or captured prior to the 31st of July, 1809.

2. Several of the condemnations, or rather, acts of confiscation, were made by what has been called "imperial decisions, meaning thereby, not those cases where an appeal may have been made from that Council of Prizes to the Council of State, but those instances where the order of condemnation issued from the Council, or from Napoleon himself, without any previous regular trial and condemnation by the Council of Prizes. Such proceedings must be considered as irregular and arbitrary acts, contravening the usages and law of nations: It is sufficiently hard for the neutral that his property should be tried exclusively by the tribunals of the belligerent, where a natural bias exists in favor of the captors. It is at least necessary that the decisions should be made by a regular and permanent tribunal, acting according to fixed rules, and affording every security of which such an institution is susceptible. But the United States have a right to demand that those imperial decisions should be annulled not only as contravening the usages and law of nations, but as violating, also, an existing treaty. It has been stipulated by the 22d article of the Convention, of the 30th of September, 1800, "that in all cases, the established courts for prize causes, in the country to which the prizes might be conducted, should alone take cognizance of them." Of twenty-seven vessels and cargoes (captured or seized prior to the 1st of November, 1810) which, as appears by a list before me, were condemned by imperial decisions, eighteen had been seized or captured prior to the 31st of July, 1809, the day on which the Convention expired.

3. I have been assured that, upon investigation, it will be found that some of the decisions of the Council of Prizes itself, have taken place without observing the forms prescribed by law; without giving an opportunity to the parties of bringing their proofs; without an examination of the ship-papers, and, in fact, in obedience to an imperial order. A decision of the Council, dated 10th of September, 1811, and by which six ships and cargoes were at once condemned, is particularly mentioned.

4. The retrospective operation of the Rambou-

illet decree has already been mentioned. It will also be found that, in several instances, the Milan decree has received a similar construction, and that vessels have been condemned for having contravened that decree, which could not have known its existence, having sailed from American ports either before, or a short time after, it had been issued, and the alleged infraction of the decree itself having, at least in one instance, taken place prior to its date.

5. It might have been expected that, when the Berlin and Milan decrees were declared to be revoked from and after the 1st of November, 1810, no further condemnations would take place with respect to cases not yet decided at that time; notwithstanding which, it appears that forty-eight ships and cargoes, previously seized or captured, were condemned subsequent to that day, namely: by the Council of Prizes, eighteen before, and ten after, the 28th of April, 1811; and by imperial decisions, eleven before, and nine after, the last mentioned day. Yet the decree of that day (28th of April, 1811) enacts and declares that the Berlin and Milan decrees are, from and after the 1st November, 1810, definitively considered as if they had not existed (*comme non avenus*) with respect to American vessels.

6. Several condemnations were made, for frivolous pretences, of vessels captured after the 1st November, 1810, or, in other cases which the general decrees could not reach; such as alleged irregularities in the certificates of origin, or in other ship-papers; presumed navigation under British convoy; mutiny on board; intention to remit the proceeds of sales through England.

It appears, from the preceding statement, that, independent of the illegality of the Berlin and Milan decrees, there is sufficient cause for the revision of the condemnations which have taken place. Nor is there any thing novel in that course. A number of unlawful captures of American vessels having been made by Great Britain during the commencement of her war with France, particularly by virtue of certain British Orders in Council, of the 6th November, 1793, it was agreed, by the 7th article of the treaty of November, 1794, between the United States and England, that full and complete compensation should be made by the British Government for the losses and damage sustained by citizens of the United States, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from His Britannic Majesty; and a sum exceeding twelve hundred thousand pounds sterling, in specie, was actually paid to American citizens, by the decision of the joint commission appointed in conformity with the said treaty.

From this view of the subject, I have the honor to propose to your Excellency an arrangement, founded on the following basis, in which, without abandoning the just rights of the citizens of the United States, a positive stipulation is avoided, which would, at that time, bind the Government of France to make compensation generally for

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all the condemnations under the Berlin and Milan decrees.

1st. That the Government of France will engage to make compensation to the citizens of the United States: 1. For all vessels and cargoes captured, seized, or sequestered, which have not been definitively condemned by the Council of Prizes, and the proceeds of which were placed either in the public treasury, in the *caisse d'amortissement*, or in any other public chest; and also for all vessels and cargoes destroyed at sea, and likewise not condemned by the Council of Prizes: 2. For the losses sustained by reason of such other irregular or unlawful seizures, captures, or condemnations, as will be decreed, by a joint commission; to have been made contrary to public law and justice, or in contravention of existing treaties.

2d. That a joint commission (or commissions) shall be established, with power, 1. To liquidate the amount due for property, either destroyed at sea, or sequestered and not definitively condemned as aforesaid: 2. To decide in what other cases of irregular or unlawful seizures, captures, or condemnations, the Government of France is justly bound to make also compensation, and to what amount.

The manner in which the commission or commissions should be appointed and organized, may, it is presumed, be easily arranged, and every reasonable stipulation will be admitted which may be necessary to limit exclusively the right to compensation to cases of *bona fide* American property.

I cannot end this communication without saying, that the present situation of France is known and felt by the Government of the United States. It is evidently the interest of America that France should be prosperous and powerful. It is the sincere wish of the Government of America, that the present Government of France may soon be relieved from the difficulties which the lamentable event of March, 1815, has occasioned. It is, therefore, with reluctance, and only in obedience to a sacred duty, that a demand is made, at this time, which may have a tendency to increase those difficulties; and every disposition exists to accede to such time and mode of payment as, without being inconsistent with the just rights of the citizens of the United States, may be least inconvenient to France.

Permit me to request your Excellency to take the subject into early consideration, and to communicate to me, as soon as may be practicable, the determination of His Majesty's Government.

I have the honor to be, &c.

ALBERT GALLATIN.

His Ex^{cy} the DUKE DE RICHELIEU,
Minister, Sec'y of State for the Department
of Foreign Affairs, &c.

Extract of a Letter, No. 19, from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Monroe, Secretary of State, dated
PARIS, January 20, 1817.

"Having received no answer from the Duke de 18th CON. 1st SESS.—93

Richelieu to my letter of the 9th November last, I addressed to him, on the 26th December, a short note, of which, and of his answer, dated the 16th instant, copies are enclosed.

"In the interview which accordingly took place to-day, I requested that he would proceed to state what he had concluded to offer in answer to the basis proposed in my note of the 9th of November last. He said that his offer would fall very short of our demands; that he would not go beyond an indemnity for vessels burnt at sea, and for those, the proceeds of which had been only sequestered and deposited in the *caisse d'amortissement*. He added, that he would make his proposal in writing, and this would not be attended with much delay. I then said that I could not give any opinion on his proposal, until I had received his note, but that I wished him to understand that, if the Government of the United States thought it proper (which I could not at present promise,) to accept an indemnity for certain classes only of our claims, this never would be purchased by a relinquishment of the other just demands of our citizens."

Mr. Gallatin to the Duke de Richelieu.

PARIS, December 26, 1816.

The undersigned, sensible of the important business which, at the opening of the two Chambers, must have engrossed the attention of His Most Christian Majesty's Government, has heretofore avoided to urge the consideration of the subject-matter of the letter, which he had the honor to address, on the 9th of November last, to His Excellency the Duke de Richelieu. It has, however, become necessary that he should be able to communicate to his own Government, the result of his application. He, therefore, requests an interview, as early as will suit the convenience of the Duke de Richelieu.

The undersigned embraces, with pleasure, this opportunity of presenting to His Excellency the Duke de Richelieu the reiterated assurance of his most distinguished consideration.

[TRANSLATION.]

The Duke de Richelieu to Mr. Gallatin.

PARIS, January 16, 1817.

The Duke de Richelieu cannot but deeply regret that his weighty and multiplied avocations have compelled him to put off, until this moment, the time he had promised himself to receive Mr. Gallatin, and now fixes the time for Monday morning, the 20th of the present month, at noon, if that day meets his convenience.

He prays him to accept, meanwhile, the renewed assurance of his most distinguished consideration.

Extract of a letter, No. 27, from Mr. Gallatin to the Secretary of State, dated Paris, 23d April, 1817.

"I had an interview on the 13th instant with the Duke de Richelieu, in which he announced to me, that he had concluded not to give a written answer to my note of the 9th of November last,

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on the subject of American claims. The claims of the subjects of European Powers which France was, by the Convention of 1815, bound to pay, had been estimated at a sum not exceeding, at most, one hundred and fifty millions of francs (or an annuity of seven and a half millions.) But it was now found that the terms thus imposed were much harsher than the French Government had expected, or than the Allies themselves had intended. The reclamations, under the Convention with Great Britain, did not, indeed, exceed the sum of fifty millions, at which they had been estimated; but those of the subjects of continental Powers, filed with the commission appointed for that purpose, exceeded twelve hundred millions, without including a portion of the Spanish claims, the time for presenting which had not yet expired. Many of those demands would undoubtedly be rejected, or reduced by the commission. Still, the probable amount which might be declared justly due, so far exceeded every previous calculation, and was so much beyond the ability of France to pay, that he (the Duke) was now employed in seeking some means of obtaining modifications which might bring the payments in some measure within the resources of the country. Under such circumstances, and whilst unable to face the engagements which superior force had imposed on them, it was, he said, utterly impossible for his Majesty's Government to contract, voluntarily, new obligations. They were not willing to reject, absolutely and definitively, our reclamations *in toto*; they could not, at this time, admit them. What he had now verbally communicated, could not, for many reasons, become the ground of an official answer to my note. He had, therefore, concluded that a silent postponement of the subject was the least objectionable course, since, having now made our demand for indemnity in an official manner, the question would be left entire for discussion at some more favorable time, after France was in some degree disentangled from her present difficulties. He added, that, if there was any apparent inconsistency between the language he had formerly held, and what he was now compelled to say, it must be ascribed to the circumstances he had stated, to the extraordinary and frightful amount to which he had lately found other foreign claims to have swelled.

"After some remarks on the disappointment which, after what had passed in our first conversation, this unexpected determination must produce, I repeated, that the payment by France of exaggerated and doubtful claims to the subjects of every other foreign Power, did but increase the injustice of refusing to admit the moderate and unexceptionable demands of the American citizens. The present embarrassments of France, however increased by the magnitude of those foreign private claims, could form no solid objection to the recognition and liquidation, although they might impede the immediate discharge of our reclamations. It was with this view of the subject that I had, from the first outset, expressed the disposition of the Government of the United

States to accommodate that of France, as to the time and manner of making compensation to the claimants. I added, that his declining to answer my note in writing, would, exclusively of other objections, leave no trace of the ground on which he placed the postponement of the subject.

"The Duke, without answering my observations in a direct way, gave me to understand, that, after the great sacrifices to which the King's Ministers had been compelled to give reluctant assent, and the magnitude of which would soon be known, they would not dare to take the responsibility of acknowledging a new debt, although made payable at a distant period.

"On my mentioning that His Majesty's Government had voluntarily recognised all the engagements previously contracted with French subjects, and which constituted what was called the *arriere*, and suggesting that the sequestrations of American property might be considered as coming under that description, which would prevent the necessity of asking a specific credit for that object from the legislative body; he answered that the law would not justify such a construction.

"Having exhausted every argument which the occasion suggested, I ended the conference, by saying, that, as I could not compel him to give me a written answer, I would reflect on the course which it behooved me to pursue, and that, probably, I would refer the case to my Government. He said that he intended to write to Mr. de Neuville to make to you a communication similar to that which he now had made to me.

"I addressed to him yesterday the letter of which a copy is enclosed. Its principal object, as you will perceive, is to put on record the ground on which he had himself placed the postponement of the subject, and to leave the door open to further representations respecting cases of property not condemned, in case you should think it best not to urge further at present the demand for indemnity in all cases."

Mr. Gallatin to the Duke de Richelieu.

PARIS, April 22, 1817.

MONSIEUR LE DUC: In the interview which I had the honor to have with your Excellency on the 13th instant, you intimated that the increased magnitude of the claims made upon France by subjects of European Powers, under the Conventions of the year 1815, rendered it necessary to postpone, to a more favorable time, the discussion of the American claims which were the subject of my note of the 9th of November last. Without repeating here the unavailing arguments which I urged against this indefinite and unexpected delay, I will only say that I am not authorized to accede to it, and that it cannot be viewed favorably by the Government of the United States, after the assurances which had been given of its disposition to concur in any reasonable arrangement which might be proposed, with respect to the time and manner of making compensation to the claimants.

I presume, however, that the postponement is

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intended to apply only to those claims, which, though founded on strict justice, were found by His Majesty's Government in a situation that seemed to render a convention necessary for their proper adjustment. The demands for property burnt at sea, or seized and sequestered without having ever been condemned or even brought to a trial before any tribunal whatever, are not of that description. They are, to all intents and purposes, an *arriere*, or unliquidated debt, for property seized, which, if not condemned, must be paid for, and the settlement of which does not require a specific convention. It cannot be supposed that, after His Majesty's Government has not only agreed to pay various foreign claims, of a different nature, but has recognised all those of French subjects arising from the acts of the former Governments of France, the citizens of the United States should alone be excepted from the operation of those measures dictated by justice and sound policy, which, under most arduous circumstances, have so eminently contributed to surmount every difficulty, and to restore the public credit.

If any distinction was indeed attempted to be made, it should be in favor of the citizens of a foreign nation at peace, whose property was forcibly arrested from them, rather than in favor of subjects who voluntarily advanced theirs, and in many instances with a view to an expected profit. But no such distinction is claimed; and I only trust that, whilst the communication made to me compels me to wait for further orders from my Government on the subject of American claims, generally, those of the description last mentioned shall not remain suspended, and that orders shall be given to the proper authorities for their speedy liquidation, and for discharging them in a manner as favorable at least as that which has been provided for the claims of French subjects known by the name of *arriere*.

I request your Excellency to accept the assurances of the distinguished consideration with which I have the honor to be, your most obedient servant,

ALBERT GALLATIN.

Extract of a letter from Mr. Gallatin, No. 37, detailing the substance of a conversation with the Duke de Richelieu, to the Secretary of State, dated

PARIS, July 12, 1817.

"He (the Duke de Richelieu) then said, that he wished it to be clearly understood that the postponement of our claims for spoliations was not a rejection; that a portion of them was considered as founded in justice; that he was not authorized to commit His Majesty's Government by any positive promise; but that it was their intention to make an arrangement for the discharge of our just demands, as soon as they were extricated from their present embarrassments. He still persisted, however, in his former ground, that they could not, at present, recognise the debt, or adjust its amount."

Extract of a letter from the same, No. 55, to Mr. Adams, Secretary of State, dated

PARIS, January 2, 1818.

"Fifteen millions are spoken of, which, with the five millions already paid, and the three allotted to British subjects, will make an aggregate of four hundred and sixty millions, in five per cent. stock, paid by France for European private claims. Ours, in the meanwhile, remain in the same situation; and I wait for an answer to my despatch, No. 27, (of the 23d of April last,) before I take any new steps on the subject."

Extract of a letter from the same, No. 67, to the same, dated

PARIS, April 27, 1818.

"I had, in my letter of the 2d of January last, mentioned, that I would wait for an answer from your Department to my despatch of the 22d April, 1817, before I took any new steps on the subject of our own claims; and I had no expectation that a new application would, at this moment, prove successful. Yet, it appeared that, to remain altogether silent, at the moment when an arrangement for the claims of the subjects of every other nation was on the eve of being concluded, might, in some degree, be injurious to the rights of our citizens. It was also apprehended, that, in their public communications, the Ministers of the King, wishing to render the new convention as palatable as possible, might announce to the nation, in general terms, that all the foreign claims of individuals were now satisfied. These considerations induced me to address to the Duke de Richelieu the note of the 3d instant, of which I have the honor to enclose a copy, as well as of that by which he acknowledged the receipt of mine. You will perceive that, in his communication to the Chambers, (which has been inserted, correctly, in no other newspaper than the *Moniteur*,) that he has expressed himself in the following terms: 'France (by this payment) is liberated, both as to principal and interest, from all the debts contracted towards the subjects of the other European Powers, prior to the 20th November, 1815.' The consideration of our claims is not therefore barred by any thing which has taken place; but there is not yet any disposition to take up the subject."

Mr. Gallatin to the Duke de Richelieu.

PARIS, April 3, 1818.

MONSIEUR LE DUC: I have not had the honor to address your Excellency on the subject of American claims, since my letter of the 22d of April last. The disposition of the Government of the United States never to abandon the just rights of her citizens, and, at the same time, to pay every due regard to the unfavorable circumstances under which France has been placed, is sufficiently known to your Excellency. It is, however, notorious, that negotiations are now carried on, for the amicable liquidation of all the private claims of

the subjects of European Powers against France; and it is generally believed that the negotiations are on the eve of being terminated, and that the sum to be paid on that account will be definitively settled. The magnitude of those claims, and the uncertain result of the liquidations contemplated by the former conventions with the Allied Powers, had been alleged, in April last, as reasons which rendered it necessary to postpone, at that time, the consideration of American reclamations. It has therefore become my duty to bring these once more to your Excellency's recollection.

It is not my intention to renew, at this moment, the discussion of the justice of our demands. In this stage of the business, I could only refer to the facts and observations, contained in former notes, which still remain unanswered. But I must say, that further delays in the adjustment of American claims, when those of the subjects of other nations are settled, could not be viewed favorably by the Government of the United States; whilst, on the other hand, a simultaneous and definite arrangement of all foreign demands arising from the injustice of the former Government of France, seems most consistent with sound policy, and could not fail to have a beneficial effect on public credit.

Whatever course may be pursued, I feel satisfied that the result of the late negotiations with the European Powers will not be considered or announced by His Majesty's Government as a total liberation of all the foreign claims of individuals; for, however unsuccessful my endeavors may heretofore have been, I have uniformly ascribed that result to the untoward situation of France; and I know that my Government has never ceased to place a firm reliance on the spirit of justice and good faith which animates His Majesty's councils.

I request your Excellency to accept the assurance of the distinguished consideration with which I have the honor to be, your Excellency's most obedient servant,

ALBERT GALLATIN.

[TRANSLATION.]

Duke de Richelieu to Mr. Gallatin.

PARIS, April 7, 1818.

SIR: You have done me the honor to address to me, on the 3d of this month, some new observations on the American claims, which I shall take care to lay before His Majesty.

Accept, sir, the assurances of the high consideration with which I have the honor to be, your very humble and obedient servant,

RICHELIEU.

Extracts of a letter from the Secretary of State to Mr. Gallatin, dated

DEPARTMENT OF STATE,

Washington, December 31, 1818.

"No communication from you, since your return to France, has yet been received; but it is hoped that, since the foreign troops have been

withdrawn from that country, and an adjustment has been made by the French Government of the claims of the subjects of European Powers, there will be time and a disposition to make a suitable provision for those of citizens of the United States."

"Meanwhile, you have, herewith enclosed, a copy of a statement made to this Department, of a claim of Archibald Gracie and sons, which appears to stand upon grounds so peculiar and unexceptionable, that we cannot but hope the French Government will give immediate satisfaction upon it, without waiting for the discussion or delay which may be thought necessary for others, and without prejudice or disparagement to them."

Mr. Gallatin to the Marquis Dessolle, Minister of Foreign Affairs.

PARIS, February 11, 1819.

MONSIEUR LE MARQUIS: I have the honor to transmit to your Excellency a memorial, addressed by Mr. Parish, a citizen of the United States, to his Excellency the Minister of Finance, on the subject of a claim which, it appears, has been laid before that Department.

Having been confined for the last three weeks by indisposition, I have been prevented from asking an interview of your Excellency, with which I was desirous of being favored before I presented to you this memorial, and renewed my application for the settlement of the American claims in general. But, having recently received very special orders from my Government, accompanied by a particular recommendation of Mr. Parish's claim, I am no longer at liberty to defer the discussion of this interesting concern.

I have, therefore, to request your Excellency to have the goodness to examine the official notes which I had the honor to address to the Duke of Richelieu upon the subject of these claims, and to which I have yet received no answer. I shall not now enlarge upon the view presented in my note of the 9th November, 1816. By that of the 22d of April, 1817, it will be seen that the negotiations on that subject were suspended solely in consideration of the trying situation in which France was then placed, and, especially of the embarrassments of the administration by the enormous and unexpected mass of claims brought forward by the subjects of allied Powers. These obstacles are now happily removed; every demand of all the European Powers and their subjects has been amicably adjusted and settled. The rights, so legitimate, of the citizens of the United States, alone remain unsatisfied. My Government, preserving an unshaken confidence in his Majesty, cannot doubt that the time has at length arrived when ample justice will be rendered to its claims.

With respect to that of Mr. Parish, it may be remarked, that it is very simple, and is susceptible of being adjusted without waiting the result of, or in the least interfering with a general settlement. In fact, the cargoes in question, were never condemned, but were only sold for the joint

benefit of all, and the proceeds deposited, provisionally, in the Sinking Fund. It is further important to remark, that, by an order of the French Government, permission was granted to the consignees of cargoes sequestered at that period, at Antwerp, to take possession and dispose of them, on their giving an obligation to become responsible for the amount, to the public treasury, in the event of a decision pronouncing their confiscation. The house of Mr. Ridgway, Consul of the United States, together with that of Mr. Parish, refused their assent to a condition which implied an admission of the legality of the seizure. The European consignees, with whom this consideration had no weight, received and sold their goods, and their obligations were subsequently returned to them. Thus, by refunding to the houses of Ridgway and Parish the proceeds of the cargoes consigned to them, the decision which was virtually carried into effect in the case of all others, similarly situated, will only receive its due application as it regards them.

I have to observe, that, although the claims of both these houses are perfectly similar to each other, that of Mr. Parish is the only one which appears to have been taken into consideration by the Department of Finance.

In the hope that my health may soon permit me to confer personally with your Excellency I have the honor to be, &c.

ALBERT GALLATIN.

Extract of a letter from Mr. Gallatin to the Secretary of State, dated

PARIS, July 3, 1819.

"I transmitted, in my despatch No. 100, the copy of the letter which I had addressed to Marquis Dessolle, on the 11th of February last, on the subject of American claims in general, and more particularly of that of Messrs. Gracie and Parish.

"On the 23d of March, in transmitting to the same Minister a letter from Mr. Hyde de Neuville, in behalf of Mr. Gracie, I reminded him of my preceding note, and requested that a report which the Director General of the Douanes was shortly to make on the claim, might be communicated to me before the Minister of Finances should decide upon it. This was the more important as the director was known to be decidedly hostile to the claim, and to the restitution of any sum which had, in any shape, found its way to the public treasury.

"My request was not complied with; but, Mr. Parish still thought that the affair had taken a favorable turn, and, not expecting an immediate decision, left this city for Antwerp, and went thence on some business to England. From this last country he wrote to me a few days ago, and transmitted the enclosed copy of a letter addressed to him by the Minister of Finances, and by which he is informed that his claim is inadmissible.

"The Minister's letter is not less incorrect as to facts than weak in argument. The order to sell and to pay into the treasury the proceeds of the

sales of sequestered property, is not, and was not, by the then existing Government, considered as a condemnation. When the vessels in question arrived at Antwerp, the only penalty to which they were liable for having touched in England was, to be refused admission, and the only question was, whether this exclusion should be enforced, or whether the consignees should be permitted to sell the cargoes. It was not at all, by giving a retrospective effect to the Milan decree, that the cargoes were sold. The sale took place about the same time that the property seized at St. Sebastian was sold. It was done by virtue of an order from Government, distinct from the Rambouillet decree, and for which no motive was assigned. I have requested Mr. Parish's lawyer to procure copies of the order of sale, and of that by which the money was paid into the public treasury, instead of the *caisse d'amortissement*; for, although the substance of the orders is known, the text has not been communicated.

"But, however easy it might be to answer the Minister's letter, there would be some inconvenience in pursuing that course, or in prosecuting further Mr. Parish's claim, distinct from others of the same nature."

"The decision of the Minister of Finances, founded on the assumed principle that no redress remains when the money has been paid into the treasury, and been expended, would apply with equal force to all the American claims. If it becomes necessary to combat seriously that doctrine, it will be better to do it generally, and in a direct correspondence with the Minister of Foreign Affairs, than by answering a letter which is not addressed to me, and applying my arguments to a single case."

"In the present state of things I will try, until I am positively instructed, to keep the negotiation alive, but without urging a decision, unless I can ascertain that a favorable result will be thus obtained."

[TRANSLATION.]

The Minister of Finance to Mr. Parish.

PARIS, May 22, 1819.

SIR: You have applied, in behalf of Mr. Archibald Gracie, of New York, for the restitution of the value of the cargoes of three American ships, the *Perseverance*, the *Hiram*, and the *Mary*, sequestered by the Imperial Government in 1807, and the proceeds of which were afterwards confiscated by it.

Having had a detailed statement laid before me, of the circumstances connected with this transaction, the documents exhibited established the following facts:

By a decree, issued at Berlin, 21st November, 1806, the British islands were placed in a state of blockade. By articles 7 and 8 of this decree, every vessel coming directly from England or from the English colonies, or having been there since the publication of the said decree, was refused admission into any port; and every vessel attempting to contravene that clause, by means

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of a false declaration, was, together with the cargo, subject to seizure and confiscation, as if they were English property. It was while these legislative measures were in force, that the three ships in question arrived at Antwerp, to your address. They had put into England; a circumstance which was, however, not considered by the custom-house as an irremissible cause of confiscation, there being reason to presume that it was through stress of weather.

In the interval of time previous to the decision which was to be made by the chief of the State, a proposal was made to you to dispose, conditionally, of the cargoes of these vessels, on your engaging to refund the proceeds, in the event of their final confiscation. You refused your assent to this offer, and, at a subsequent period, claimed its execution; but things had then changed, the legislative measures having become more rigorous.

By a decree of 23d November, 1807, it was declared:

ART. 1. "That all vessels, which, after touching in England, from any cause whatsoever, shall enter the ports of France, shall be seized and confiscated, together with their cargoes, without exception or distinction of goods and merchandise."

By a retrospective effect, which I am certainly very far from wishing to justify, but to which it is proper to advert, because it forms one of the striking features of the case, this decree of 23d November was enforced as to the three vessels. It was ineffectually that the Director General of the customs represented to the head of the Government, that the English had no interest whatever in these three vessels, and that they were solely and bona fide American property; an immediate sale of their cargoes having been ordered by the supreme authority on the 4th of May, 1810. This order was carried into execution on the 15th of June following, and the proceeds, at first deposited in the sinking fund, were subsequently withdrawn, in conformity, also, with the same superior orders, and placed in the public treasury, as having definitively become the property of the State.

I admit with you, sir, the iniquity of these measures; and with you I deplore their effects; but to repair them is not within the compass of my power. If the cargoes in question still existed in the custom-house store, they should be immediately restored to you; but they were sold, and their proceeds no longer exist. The whole transaction was terminated, irrevocably terminated, four years prior to the restoration, and it is not within the power of His Majesty's Government to revive an obsolete claim, to renew a discussion on rights which are extinct, or to repair individual losses by an augmentation of the public burdens.

With the expression of my regrets, be pleased, sir, to accept the assurance of my perfect consideration.

The Minister of Finance and Secretary of State,
BARON LOUIS.

No 140.

PARIS, March 16, 1820.

SIR: I had, on the 9th of June, 1818, addressed

a letter to the Duke de Richelieu, in relation to the American vessels "Dolly" and "Telegraph," burnt at sea by two French frigates, in the latter end of the year 1811. Mr. Lagrange, the lawyer of the owners, communicated to me a short time ago, the decision of the Council of State in that case, copy of which, as well as of my letter to the Duke de Richelieu, is herewith enclosed. You will thereby perceive that the application for indemnity has been rejected, principally on the ground that the French captains must have been ignorant of the revocation of the Berlin and Milan decrees, since the decree of the 28th of April, 1811, was not published till the 8th of May, 1812.

It appeared to me essential, not only to remonstrate against this flagrant injustice, but also to refute at large the doctrine thus attempted to be established, in violation of the solemn engagements of the French Government. The effect the decision might have on our claims in general, and the ground which had been uniformly assumed by the Government of the United States, in its discussions with that of Great Britain, and in all the public reports made on that subject, are considerations too obvious to require any comment on my part. I have the honor to enclose a copy of the letter which I have addressed to Mr. Pasquier on the occasion, and am, with great respect, sir, your obedient servant,

ALBERT GALLATIN.

The Hon. JOHN Q. ADAMS,
Secretary of State, Washington.

PARIS, June 9, 1818.

MONSIEUR LE DUC: I had heretofore abstained from addressing your Excellency on the subject of special American claims for spoliations committed on our commerce by the French authorities. A general decision had appeared, and still seems to be, the most eligible mode of coming to a satisfactory arrangement. Being, however, informed, that some cases are still pending before the Council of State, it becomes my duty to depart in these instances from the line of conduct I had adopted.

I have, therefore, the honor to transmit to your Excellency a memoir, addressed to the King in Council, in behalf of the owners of the ships and cargoes of the American vessels Dolly and Telegraph, burnt at sea in November and December, 1811, by the French frigates la Meduse and la Nymphe.

It is certainly preposterous to suppose that His Majesty's Council will, at this time, condemn American vessels for any presumed contravention to the iniquitous decrees of Berlin and Milan. But a discussion of that point is not even necessary in these cases. It is evident that those vessels were destroyed several months, at least, after the solemn revocation of those decrees, so far as respected the United States. It is equally evident that neither the presumed fact that the captors were ignorant of that revocation, nor the omission of formalities, to use no stronger language, on their part, can be plead against the American owners. It seems unnecessary, in a case so plain, to enforce

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these arguments, or to anticipate objections. In simply recommending it to your Excellency's attention, I feel a perfect confidence that the parties will obtain from his Majesty's Council that decision in their favor, which has been too long protracted, and to which they are so justly entitled.

I pray your Excellency to accept, &c.

ALBERT GALLATIN.

His Ex'cy the Duke de RICHELIEU,
Minister of Foreign Affairs, &c.

[TRANSLATION.]

COUNCIL OF STATE.

Extract from the Register of deliberations, session 23d December, 1819.

LOUIS, by the grace of God, King of France and Navarre, upon the report of the Board of Questions:

Having seen the petition presented to us in the name of the proprietors and owners of the American ships the Dolly, and the Telegraph, captured on the 29th November, and 6th December, 1811, by the French frigates the Meduse and the Nymphe, and burnt at sea, by the orders of Mr. Raoul, Captain of the frigate Meduse, and commander of said division, the said petition being registered at the Secretary's General's office of our Council of State, the 11th June, 1818, and that it would be our pleasure,

1st. To declare the said captures null and illegal;
2d. To ordain that the proprietors of said ships, and of their lading, should be indemnified for the losses which the burning them has occasioned;

3d. To remit them to the legal tribunal for the liquidation of said indemnities, under the reservation of all means and exceptions; especially to proceed and conclude, as shall be proper, against the authors or accomplices of the abstractions which they pretend to have been committed on board of the two ships, and generally under all the reservations of right;

Having seen the procès-verbal of the capture, and of the burning of the American ships Dolly and Telegraph, which occurred at sea on the 29th November and 6th December, 1811, signed by the Captain, Lieutenant, Ensigns de Vaisseau, (second Lieutenants,) and Purser, (agent compatible,) composing the crew of the frigate la Meduse:

Having seen the acts of protest and declaration made before the Consul of the United States at L'Orient, to wit: by Mr. Stephen Bayard, Captain of the ship Telegraph, on the 11th January, 1812, and by Mr. William Friat, passenger on board the Dolly, and calling himself proprietor of divers merchandise embarked on board of said vessel, dated the 29th December, 1811:

Having seen the bills of lading and affidavits annexed to these declarations:

Having seen the conclusions, dated 31st October, 1814, of the Attorney General, before the Council of Prizes, to whom these claims had been submitted:

Having seen the decisions made by this council, on the same 31st October, 1814, by which it was

ordained that, before a decree, the persons composing the crews of the frigates la Meduse and la Nymphe should be interrogated upon the different circumstances of said captures:

Having seen the procès-verbal of the interrogatories undergone, on the 13 January, 1815, by Mr. Raoul, captain of the frigate la Meduse, and Mr. Crom, at that time boatswain's mate in the same frigate, from which it results, that the captures and burnings took place in consequence of their instructions, which prescribed to them the execution of the Berlin and Milan decrees:

Having seen the decrees, dated that of Berlin on the 21st November, 1806, and that of Milan on the 23d November and 17th December, 1807:

Considering that it is evident that the ship Dolly, laden with merchandise for Havana, sailed from Liverpool, a port of the English dominion, and that the ship the Telegraph, laden with flour at Philadelphia, was destined for Lisbon, at that time occupied by the English troops; and that, since that time, these vessels sailed in contravention of the Berlin and Milan decrees:

Considering that the first public notification which was given of the revocation of said decrees, with respect to the Americans, took place only by the notes inserted in the Moniteur, of the 8th of May, 1812, several months after the capture of said vessels, and that, from that time, the captains of the la Meduse and la Nymphe could not know it; and that it even appears, according to the note dated 12th March, 1812, imputed by the petitioners to the Ministers Plenipotentiary of the United States, that, at that time, this Minister himself did not know it:

Having heard our Council of State, we have ordained and do ordain as follows:

ART. 1. The petition of the proprietors and owners of the ships Telegraph and Dolly is rejected, without prejudging any thing of the reservations inserted in their conclusions.

ART. 2. Our Keeper of the Seals, Minister Secretary of State of the Department of Justice, and our Minister Secretary of State of the Department of the Marine and of the Colonies, are charged, each in what concerns him, with the execution of the present ordinance.

Approved the 29th December, 1819.

LOUIS.

By the King, the Keeper of the Seals, Minister of Justice.

H. DE SERRE.

Copy conform to the minute registered at Paris, the 6th January, 1820, by Billard, who had received 29f. 50c. duty included.

The Secretary General of the Council of State.
HOCHET.

Mr. Gallatin to Baron Pasquier.

PARIS, March 15, 1820.

SIR: The American brig "Dolly," bound from Liverpool to Havana and New Orleans, with a valuable cargo, was captured or burnt at sea, on the 29th of November, 1811, by the French frigates "Meduse" and "Nymphe." On the 6th De-

ember following, the same frigates also captured and burnt the American ship "Telegraph," bound from New York to Lisbon, with a cargo consisting principally of flour. Mr. Barlow, then Minister of the United States at Paris, addressed, on the 12th of March, 1812, a strong remonstrance on the subject to the Duke of Bassano, then Minister of Exterior Relations. The death of the American Consul, with whom the captains of the vessels destroyed had left their powers, and the interruption of the communications, occasioned by the war which took place in 1812, between the United States and Great Britain, created a delay in the regular application of the parties, and prevented an immediate decision. The affair in the meanwhile took the usual course, and was transferred, in 1815, from the Council of Prizes to a Committee of the Council of State. On the application of the parties, I had the honor, on the 9th of June, 1818, to transmit their *memoire* to his Excellency the Duke de Richelieu, and added such short observations as the case seemed to require.

It was with equal astonishment and regret, that I received, a few days ago, the information that the application of the parties for indemnity had been rejected by a decision of the Council of State, of the 23d of December, 1819, on the following grounds:

"Considérant qu'il est constant que le navire le *Dolly* chargé de marchandises à la destination de la Havane, sortoit de Liverpool, port de la domination Anglaise, et que le navire le *Telegraphe*, chargé de farine à Philadelphie, étoit destiné pour Lisbonne, occupé à cette époque par les troupes Anglaises; et que, dès lors, ces bâtiments naviguoient en contravention aux décrets de Berlin et de Milan:

"Considérant que la première notification publique qui ait été donnée du décret de révocation des dits décrets, à l'égard des Américains, n'a eu lieu que par les notes insérées dans le *Moniteur* du huit Mai, 1812, plusieurs mois après la prise des dits bâtiments, et que, dès lors, les capitaines de la *Méduse* et de la *Nymphe* ne pourroient, en avoir connoissance; et qu'il paroît même, d'après la note en date du 12 Mars, 1812, attribuée par les requérans au Ministre Plénipotentiaire des Etats Unis, qu'il à cette époque lui-même ne la connoissoit pas:

"Notre Conseil d'Etat entendu," &c.

I must in the first place enter my most solemn protest against this decision, so far as it seems to sanction the Berlin and Milan decrees. These acts were in flagrant violation of the law of nations and of common justice. The United States never acquiesced in them, and have never ceased to claim the indemnity justly due to American citizens for the injuries and losses they suffered by reason of those illegal enactments. But it is unnecessary, on this occasion, to discuss that question. The owners of the *Dolly* and *Telegraph* claimed indemnity solely on the ground of the previous revocation of the decrees, so far as they applied to the American commerce; and it is to that point alone that I beg leave to call your Excellency's attention.

I am at a loss to understand whether, by the decision of the Council of State, it was intended to assert that the ignorance, on the part of the French captains, of the revocation of the decrees, deprives the parties of their right to an indemnity, or to suggest that the revocation was to take effect only from the date of its publication in the *Moniteur*. Both positions are equally untenable.

The Council of State seems to have been unacquainted with the circumstances which attended the revocation of the decrees, and to have supposed that that revocation depended only on a decree of the 28th of April, 1811, and to have considered this last decree, not as the result of a solemn engagement, but as a mere municipal law, or, at best, as a gratuitous concession to the United States. It is difficult, even on that supposition, to understand how they could omit altogether to take notice of the clause which gives to the decree a retrospective effect. But it is not on that decree, as an insulated act, that the United States found their demand for indemnity. A recapitulation of the facts connected with the revocation will place the question on its true ground. Permit me first to take notice of an error in the statement of the Council.

This error consists in supposing that the Minister of the United States, when writing his letter of the 12th of March, 1812, to the Duke of Bassano, was not aware of the revocation of the Berlin and Milan decrees. His ignorance in that respect, had it been real, would not have affected the rights of the claimants; but the supposition, on the part of the Council of State, that he was unacquainted with it, is an evident proof that their own decision is founded in error, and must be solely ascribed to the facts not having been properly laid before them. If, in his letter to the Minister of External Relations, Mr. Barlow did not mention by name the revocation of the illegal decrees, it was because he considered the burning at sea of two American vessels as a wanton outrage, not at all connected with those decrees, which, indeed, did not authorize any such proceeding. It was, perhaps, also because the revocation was so well known, both to him and to the Duke of Bassano, that it had become unnecessary to refer to it on every occasion. That it was thus known, is sufficiently proven by all the correspondence between them, as it stands in the archives of the department over which your Excellency presides. It will be sufficient for me to quote Mr. Barlow's letter to the Duke of Bassano, of the 6th of February, 1812, and written, therefore, about a month prior to the time at which he is supposed to have been ignorant of the revocation. In that letter (of the 6th of February, 1812) Mr. Barlow complains that the brig *Belisarius* of New York was about to be confiscated as liable to the decree of Milan, and then says: "I know positively that this American vessel left New York the 17th of June, 1811, seven months after the revocation of the decrees of Milan and Berlin!" He concludes by ascribing the decision to an error of date, by which the year 1810 may have been taken for the year 1811, and asking for a revision of the affair.

The Duke of Bassano, in his answer, dated the 16th of March, 1812, informs Mr. Barlow that the difficulty in that case arose from some irregularity in the ship-papers respecting the ownership, which was a formal contravention of the rules of navigation generally adopted and established at all times; that the vessel and the part of the cargo of which the ownership (*pour compte*) was proven, would be given up, and time allowed to establish the fact that the residue of the cargo was American property, conformably to the ancient rules.

All the facts relative to the revocation of the decrees are, indeed, so perfectly known to the French Department of Foreign Affairs, that I thought it unnecessary, in my letter of the 9th of June, 1818, to his Excellency the Duke de Richelieu, to say any thing more on the subject, but barely to refer to it. I had presumed that every explanation on that point which the Council of State might require, would be of course supplied by that department; and the following statement of facts is intended for that body, and not for the purpose of giving any new information to your Excellency.

It is well known that the Government of the United States attempted, by various successive measures of the most moderate and conciliatory nature, to avert the injuries inflicted on the commerce of their citizens by the unlawful decrees of France and Great Britain, to obtain redress for those injuries, and, above all, to induce both Powers to rescind those decrees, and to adopt a course consistent with justice, and with the acknowledged law of nations.

An embargo of fifteen months' duration was succeeded by the act of Congress, of the 1st of March, 1809, which prohibited the introduction of British and French merchandise in the United States, and interdicted their ports to vessels of both nations. To this temporary act, which expired on the 1st of May, 1810, another was substituted, of the same date, by which it was enacted, 1st, That the ports of the United States should be interdicted to the armed vessels of France and Great Britain; 2dly, That, if either of those two Powers should, prior to the 3d March, 1811, revoke its unlawful edicts, (which fact the President of the United States should declare by proclamation,) the interdiction thus imposed on armed vessels should cease, in relation to such Power; 3dly, That, if the other nation should not, in that case, revoke her unlawful edicts within three months thereafter, the restrictions imposed by the act of the 1st of March, 1809, that is to say, the prohibition to import merchandise, and the interdiction of all vessels, should, at the expiration of three months after the proclamation aforesaid, be revived, in relation to the nation thus refusing to revoke her edicts.

This last act of Congress, of the 1st May, 1810, having been communicated both to the French and to the British Government, the Duke de Cadore, then Minister of External Relations, addressed, on the 5th of August, 1810, a letter to Mr. Armstrong, then Minister of the United States at Paris, in which, after having commented on

the various acts of Congress, he says: "In this new state of things, I am authorized to declare to you, that the decrees of Berlin and Milan are revoked, and that, after the first of November, they will cease to have effect; it being understood that, in consequence of this declaration, the English shall revoke their Orders in Council, and renounce the new principles of blockade which they have wished to establish, or that the United States, conformably to the act you have just communicated, shall cause their rights to be respected by the English."

The execution of this revocation depended, then, on the alternative of two conditions, one of which was not under the control of the United States; but the other was only that they should act conformably to what they had already announced to be their determination.

The President of the United States did, accordingly, by his proclamation, of the 2d of November, 1810, declare, that the decrees of France, in question, had been revoked, so as to have ceased to have effect on the 1st of that month, and that all the restrictions imposed by the act of Congress, of the 1st of May, 1810, were henceforth to cease, in relation to France.

On the same day, the 2d of November, 1810, the Secretary of the Treasury Department of the United States transmitted the President's proclamation to the several collectors of customs, and gave them instructions for the immediate admission of French armed vessels in the ports of the United States, and for the exclusion of all British vessels, and the prohibition of all British merchandise, after the 2d of February, 1811, that is to say, three months after the date of the President's proclamation, in case they, the said collectors, should not, before that day, be officially notified, by the Treasury Department, that Great Britain had revoked her unlawful edicts.

Although both those documents were, at the time, officially communicated to the French Government, copies are again herewith enclosed.

Great Britain not having revoked her edicts, the interdiction of her vessels and merchandise took place accordingly, on the 2d of February, 1811. It received an additional sanction by the act of Congress, of the 2d of March following, and continued in force till the month of June, 1812, when, in addition to that measure, Great Britain still persevering in her refusal, the United States found themselves at last obliged to declare war against her.

The United States having thus, with perfect good faith, fulfilled the engagement contracted by their act of the 1st of May, 1810, and on which the execution of the revocation of the Berlin and Milan decrees was made to depend, it follows, that the right to demand the complete execution of that revocation from the 1st of November, 1810, and an indemnity in every case where injuries were sustained subsequent to that day, by American citizens, under color of those decrees, is fully established as the result of a positive compact, and is altogether independent of any subsequent act of the French Government. That right would

remain entire, even if that Government had departed from their engagement, and had attempted to revive the Berlin and Milan decrees with respect to the United States. This, however, was not the case.

On the 25th of December, 1810, two letters were addressed, one by the Duke of Massa, Minister of Justice, to the President of the Council of Prizes, the other by the Duke of Giate, Minister of Finance, to the Director General of the Customs. Both letters recapitulate the paragraph already quoted, of the Duke of Cadore's letter, of the 5th of August, 1810, to Mr. Armstrong, and the substance of the proclamation of the President of the United States, and of the circular letter of the Secretary of the Treasury Department, of the 2d of November, 1810. The Director General of the Customs is accordingly informed, that the Berlin and Milan decrees must not be applied to any American vessels that have entered French ports since the 1st of November, or may enter in future. By the letter of the Grand Judge, Minister of Justice, it is ordered that, "in consequence of the engagement entered into by the United States, (the President's proclamation, and the circular of the Secretary of the Treasury,) all the causes that may be pending in the Council of Prizes of captures of American vessels, made after the 1st of November, and those that may, in future, be brought before it, shall not be judged according to the principles of the decrees of Berlin and Milan, but they shall remain suspended; the vessels captured or seized, to remain only in a state of sequestration, and the rights of the proprietors being reserved for them, until the 2d of February next, the period at which, the United States having fulfilled the engagement to cause their rights to be respected, the said captures shall be declared null by the Council, and the American vessels restored, together with their cargoes, to their proprietors."

It is not irrelevant to observe, that these two letters were immediately made public in France. They appeared even in a Bordeaux newspaper as early as the 30th of December.

Accordingly, as soon as the restrictions on British vessels and on British merchandise, as announced by the previous acts of the American Government, had actually been carried into effect, on the 2d of February, 1811, and an account of it had been received by the French Government, the American vessels were admitted to entry in the French ports, although they might have been in contravention to the Berlin and Milan decrees; and the vessels which had been captured subsequent to the 1st November, 1810, by virtue of those decrees, were released in all cases where some other objection, unconnected with those decrees, such as the question of ownership in the case of the *Belisarius*, did not occur.

It was with reference to all these circumstances that his Excellency the Minister of Marine, in a letter of the 30th of November, 1818, to the Council of State, stated that the revocation of the Berlin and Milan decree had been definitively pronounced only on the 2d of February, 1811. His

expressions are, "que le Capitaine Raoul, commandant les deux frigates, parti de la rivière de Nantes de 28 Décembre, 1810, n'a pas avoir connaissances de la révocation des décrets de Berlin et de Milan, à l'égard des Américains, révocation qui n'a été définitivement prononcée que le 2 Février suivant." Without admitting the correctness of that statement in all its parts, it is at least evident that the Minister knew, and that the Council of State might have seen, by that letter, that there was some other act besides, and previous to the decree of the 28th of April, 1811, by which the revocation had been already definitively pronounced.

The general admission of American vessels to entry was announced to Mr. Russell, Chargé d'Affaires of the United States, by a letter of the Duke of Bassano, of the 4th May, 1811. To prove that no distinction was made with respect to vessels, in contravention to the Berlin and Milan decrees, it will be sufficient, in addition to the case of the *Belisarius*, to mention that of the *New Orleans Packet*.

That vessel arrived from Gibraltar, at Bordeaux, the 3d of December, 1810, and had, besides, been boarded by two public British vessels. She was immediately, for these express causes, seized by the Director of Customs, as having violated the Milan decree. On the representation of the American Chargé d'Affaires, and in conformity with the letter of the Minister of Finances, of the 25th of December, 1810, which has already been quoted, the vessel and cargo were restored to the consignees, on giving bond to pay the estimated value, should it definitively be so decided. And, according to orders given to that effect, the bond was cancelled shortly after the date of the Duke of Bassano's letter of the 4th of May, 1811.

With respect to vessels captured subsequent to the 1st of November, 1810, I can appeal to the records of the Court of Prizes for proof, that not a single one was condemned for a contravention to the Berlin and Milan decrees. The archives of this legation, though necessarily defective in that respect, enable me to mention the following vessels, viz: *Two Brothers*, *Good Intent*, *Star*, *Neptune*, and *Acastus*, all of which, having been captured and brought into port for having contravened those decrees, were acquitted and released, in consequence of their revocation. Whether, besides the *Dolly* and *Telegraph*, there might not be some other cases which remained undecided in April, 1814, I cannot positively assert. There is none within my knowledge.

It is material to add, that all the vessels which I have mentioned, were released before the 8th of May, 1812, the day on which the decree of the 28th of April, 1811, is stated, by the Council of State, to have been published in the *Moniteur*. And your Excellency may have perceived, that, in the preceding statement of facts, I have not alluded to that decree. Indeed, if the Council of State, instead of suggesting that the revocation of the Berlin and Milan decrees was unknown to the Minister of the United States, at the time when he wrote his letter of the 12th of March, 1812,

had only said, that he was unacquainted with the decree of the 28th April, 1811, I would, whilst showing, as I have done, that his ignorance, in that respect was irrelevant to the question, have acknowledged the fact to be true. That decree was first communicated to him on the 10th of May, 1812, and did not reach the Government of the United States till the 13th of July following, that is to say, one month after war had been declared against England. It, therefore, had no effect on any of their acts, or any part of their conduct. The compact was complete without it, and rested on the official declarations of the Minister of Foreign Relations, and on the execution of the engagement on the part of the French Government. In that manner what Government chose to announce the revocation to its officers and subjects, was immaterial to the United States. The only point in which they were concerned, was, that that revocation should, according to the engagement, be faithfully carried into effect. And this is the reason why I thought it necessary to show in what manner it was executed in France. Why the publication of the decree of the 28th April, 1811, was delayed, is not known to the United States, and they have no interest in knowing it. The delay cannot affect them, since their rights, founded on compact, are independent of the decree, and would be precisely the same if it had never been enacted.

Had all these facts been brought within the view of the Council of State; had that body been aware that the revocation of the Berlin and Milan decrees had been the result of an engagement taken by the French Government, on a condition which had been faithfully fulfilled by that of the United States; had they been informed that it was thus considered by the former Government of France, and that every decision which had heretofore taken place in relation to American vessels, was consistent with the principle that those decrees had ceased to have effect with respect to American commerce, from the 1st of November, 1810; it is impossible to suppose that the presumed ignorance of that revocation, on the part of the captains of two French frigates, could have been alleged as a reason why the owners of the *Dolly* and *Telegraph* should not be indemnified for the destruction of their vessels and cargoes, more than one year after that date.

That ignorance on the part of the captains may be accepted as a sufficient justification for every part of their conduct, so far as respects their responsibility towards their own Government, if that Government thinks it proper. That is a point in which the United States have no concern. But that circumstance cannot release the Government of France from their engagement with that of America, that the decrees should have no effect after the 1st of November, 1810, nor from the obligation of indemnifying the American citizens who may, in contravention of that engagement, have sustained losses by the erroneous application of those decrees subsequent to that day.

The Government of France, having once en-

tered into that engagement, became responsible for its faithful and complete execution. The solemn promise was made the 5th of August, 1810, and it became irrevocable, provided the condition attached to it was fulfilled. In postponing the execution till the 1st of November, an epoch fixed by the French Government itself, time was taken, sufficient in its own opinion, to give the necessary orders, and to insure the performance of the promise. It became the duty of that Government to give instructions to that effect to their tribunals and officers; and they are bound to indemnify, if, through neglect, or any other cause, some of their naval officers were not duly instructed, and American citizens have suffered any injury on that account. The condition annexed to the revocation, as announced on the 5th of August, 1810, was only that the United States should act in conformity with the act of Congress of the 1st of May preceding. As there was, of course, the strongest probability that that condition would be fulfilled, and that the revocation would, as in fact it did, take effect on the 1st of November following, orders ought to have been immediately issued to prevent, after that day, any act violating the engagement. It may be added, without attaching much importance to the fact, that the President's proclamation and the Treasury circular, of the 2d November, 1810, were communicated by Mr. Russell to the Duke of Cadore, on the 17th of December following; that is to say, eleven days prior to the sailing of the *Medusa*.

In the case of the *Dolly* and *Telegraph*, there are two distinct acts committed by the captains of the French frigates—the capture of the American vessels, and afterwards their destruction. In all cases of capture, the United States have a right to demand a trial by a competent tribunal. According to the present jurisprudence of France, that tribunal appears to be the Committee of the Council of State, known by the name of "Comité du Contentieux." The first question they had to decide was, whether the capture was legal or not. On that question there could not have been any hesitation. The series of the acts connected with the revocation, the decree itself of the 28th of April, 1811, all the former precedents, all the decisions of the Council of Prizes, left not the smallest doubt that the Berlin and Milan decrees had ceased to have effect, on the 1st of November, 1810, and that any subsequent capture, founded on those decrees, was illegal and null. Indeed, there would have been no difficulty, if the captains of the frigates, ignorant of the revocation, had only captured the *Dolly* and *Telegraph* and sent them into port for adjudication. Those two vessels would have been acquitted and restored, as were all the other American vessels that were brought into French ports, under similar circumstances. Instead of pursuing this course, the French captains plundered and burnt the ships. This act renders the restoration impracticable; but, the capture being illegal, it does not, at least, release the French Government from its responsibility.

A belligerent has a right to capture, and, at his discretion, to destroy the vessels of the enemy.

With respect to neutrals, he can only capture, and send in for adjudication, the vessels pursuing a trade contrary to the duties imposed on neutrals, by the law of nations. It is already sufficiently hard on them that the decision should be made by a tribunal of the belligerent Power. But the benefit of such trial was never denied to them, not even by the Berlin and Milan decrees. Those decrees declared, in violation of the law of nations, neutral vessels liable to capture and condemnation for pursuing a legitimate commerce; but they did not change the course of proceedings with respect to the mode of decision. A trial and condemnation, by a competent tribunal, were still necessary. Navy officers, by the law of nations, never are, and even by those decrees were not, authorized, in any case, to burn at sea the vessels of a nation at peace. Such an act is a wanton outrage, wholly unjustifiable, and for which, if at any time committed, even under a plea of necessity, the nation is always responsible. The most aggravating circumstance of the whole case cannot, in any view of the subject, be adduced as a reason to defeat the right of the parties to an indemnity. That indemnity is equally due by the Government of France; that Government is equally responsible for the outrage committed by the officers of its navy, whether the act be owing to neglect, in not issuing in time the necessary orders, to improper or unauthorized conduct on the part of the officers, or to any other cause.

Having laid before your Excellency what, I trust, will be considered a conclusive statement of facts, it grieves me to be compelled to say, that the decision of the Council of State, of the 19th of December last, is the first positive act by which the Government of France seems to have considered itself as released from the solemn obligation contracted with the United States, "that the Berlin and Milan decrees were to cease to have effect, after the 1st of November, 1810." And it has afforded me great relief to find, on the face of that ordinance, irrefragable proofs that it must be ascribed to an unintentional error, arising from the Council not having been put in possession of all the material facts connected with the case.

I apply, therefore, to your Excellency, with perfect confidence in the justice of His Majesty's Government, and have the honor to request, 1st, that you will be pleased to lay the subject before His Majesty, in order that the ordinance, of the 23d of December last, may be rescinded, and a revision of the affair ordered. 2dly, that when brought again before the Council of State, you will have the goodness to have all the facts relative to the revocation of the Berlin and Milan decrees fairly laid before that body, in order that the owners of the Dolly and Telegraph may receive the indemnity justly due to them for such a wanton and unjustifiable outrage as the destruction of their vessels and cargoes.

I request your Excellency to accept the assurances, &c.

ALBERT GALLATIN.

His Ex'cy Baron PASQUIER,
Minister of Foreign Affairs, &c.

No. 143.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to France, to Mr. Adams, Secretary of State, dated

PARIS, April 27, 1820.

"Mr. Pasquier has also informed me that he had referred to the Minister of Justice my remonstrance, of the 15th March last, against the decision of the Council of State, in the case of the *Dolly* and *Telegraph*. This a very unusual course in an affair where our rights are founded on a positive agreement between the two countries—an agreement entirely political, and in which the Minister of Foreign Affairs was the organ of the French Government."

No. 147.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to France, to Mr. Adams, Secretary of State, dated

PARIS, June 9, 1820.

"Being yet without instructions, on the subject of our claims for indemnity, I acquiesced in Mr. Parish's wish to lay the Antwerp cases before the Department of Foreign Affairs; and have the honor to enclose the copy of a letter which I wrote to Mr. Pasquier on that subject."

In duplicate of Mr. Gallatin's, No. 147.

PARIS, May 9, 1820.

SIR: I had the honor, on the 11th of February, 1819, to transmit to his Excellency General Dessolle, a memorial of Mr. David Parish, to his Excellency the Minister of Finances, relative to certain American vessels and cargoes sequestered at Antwerp, in the beginning of the year 1807; and I now beg leave to transmit a new application of that gentleman, addressed to your Excellency. Permit me to add a few observations to those contained in those memorials, and in my letter of the 11th of February, 1819, to General Dessolle.

The only extraordinary French decree in force, when those vessels arrived at Antwerp, was that of Berlin, dated the 21st November, 1806. Some of its enactments were unjust, and contrary to the law of nations; yet it made merchandise liable to confiscation, only in case of its being British property, or of the manufacture or produce of Great Britain or her colonies. With respect to vessels coming from England, it was by that decree only declared that they should not be received in French ports; and such vessels were, with their cargoes, made liable to confiscation only in case they should have contravened that provision by means of a false declaration. It was not until the 17th December, 1807, that, by the still more arbitrary decree of Milan, neutral vessels, which might have been searched by an English ship, or sent to England, were declared to be denationalized, and good prize.

The vessels in question were bound from the United States to France, but had on their passage been sent forcibly to England, and were afterwards released. They do not seem to have come, in any shape, within the purview of the Berlin decree.

But even if considered as coming from England, within the meaning of the act, as they had not concealed the fact by any false declaration, the utmost penalty to which they were liable by that or any other existing decree, was not to be received in a French port. Their being nevertheless admitted and sequestered, instead of being sent off, was the act of the French Government. They were detained, as will immediately be shown, only in order to ascertain whether there was not some other contravention of the decree—whether the cargo, or some part of it, was not British property. Unless this can be established, or that they had made a false declaration, the simple fact of their having arrived at Antwerp from an English port did not make them liable to confiscation.

By an Imperial decision of the 2d July, 1808, the cargoes being of a perishable nature were ordered to be sold, and the proceeds to be placed as a deposit in the *caisse d'amortissement*; and an inquiry was directed to be made, in order to ascertain whether the property was not English. His Excellency Baron Louis, to whom, as Minister of Finances, the memorial of Mr. Parish above-mentioned had been addressed, wrote to him on the 22d May, 1819, that the proceeds of the sales had been withdrawn, by superior orders from the *caisse d'amortissement*, and paid into the public treasury; and he adds that they were thereby definitively acquired by the State. He has communicated neither the date nor the tenor of those orders. That he should have considered them as precluding him, on his own authority, and without the sanction of Government, from ordering the money to be repaid to the American owners, may be understood; and it is presumed that this was his meaning. He cannot have intended either to pronounce on the merits of the case, or to maintain the untenable position that the transmission of the money from one public chest to another could have affected the rights of the parties. Its being expended for public purposes, instead of remaining as a deposit, is a proof of the wants of Bonaparte, but it is not a decision on the case. A definitive confiscation, even under the Imperial regime, could only take place with the usual forms, and by virtue of a direct and positive act to that effect. All that was done by that Government with respect to this property was the order of sale, the order to place the proceeds in some public chest, and the inquiry relative to the ownership. No final decision, no condemnation, has ever taken place.

It happens, even that, with the exception of these vessels and of four others consigned to Mr. Ridgeway, the American Consul at Antwerp, all the other cargoes sequestered in that port, under similar circumstances, were delivered to the owners, and that the conditional bonds they had given were returned to them. The principle has thus

been decided in favor of the claimants, and nothing remains but to apply it to their special case.

Having received special instructions from my Government in regard to this claim, it is in its name that I beg leave to call your Excellency's attention to Mr. Parish's memorial, and that I ask for that decision which justice requires, and which has been but too long protracted.

Your Excellency will perceive that this decision does not depend on the question of the legality or illegality of the Berlin and Milan decrees, and that I have argued as if those acts had been valid. Although they cannot certainly be admitted as such by the Government of the United States, it is a question unconnected with the present case, and which is reserved for a future discussion.

I request your Excellency to accept the assurances, &c.,

ALBERT GALLATIN.

His Excellency Baron PASQUIER,
Minister of Foreign Affairs, &c.

Extract of a letter from Mr. Adams, to Mr. Gallatin, dated

DEPARTMENT OF STATE,
Washington, March 31, 1821.

"Mr. Archibald Gracie has again solicited some special interposition of this Government to press that of France for an adjustment of his claim. He considered it as standing upon grounds so clear and incontrovertible, that the French Government cannot ultimately resist the equitable obligation of providing for it.

"The Government of the United States cannot undertake to discriminate between the comparative merits of the claims of their citizens upon the Government of France. It asks justice for them all; it asks no more than justice for any. More than two years since, the claims of Mr. Gracie, and all the Antwerp cases, were recommended to your special attention, in the presumption that, standing on ground peculiarly imposing on the French Government, it would not be able to resist them, and that success in those cases would pave the way for it in all others. It is in this view, that is, by pressing this, and the Antwerp cases generally, the other cases would not only not be injured, but benefited, that your attention to them is suggested. The force of example, added to the other powerful considerations in their favor, might do much. But that is left altogether to your judgment, aided as you are by all the lights belonging to the subject; and, unless you shall be satisfied that the proposed pressure will have the good effect contemplated, it is expected that you will of course decline it."

Mr. Adams to Mr. Gallatin.

DEPARTMENT OF STATE,
Washington, June 29, 1821.

SIR: I have the honor of enclosing, herewith, a copy of a letter received at this Department some time since, from Mr. Connel, as agent for sundry insurance companies in Philadelphia, hav-

ing claims upon the French Government; upon which I would refer you to the letter which I lately wrote you concerning the case of Mr. Gracie's claim. These gentlemen appear to have received recent information, upon which they place some reliance, indicating on the part of the French Government a disposition more favorable to claimants upon their justice, than had been previously manifested. Should any prospect of that nature be perceived by you, your own disposition to make it available for the benefit of the sufferers, will, itself, serve the purpose of a standing instruction.

I am, with great respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

No. 193.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to France, to Mr. Adams, Secretary of State, dated

PARIS, November 15, 1821.

"Mr. de la Grange, the lawyer generally employed in American cases, having requested me to transmit to the Minister of Foreign Affairs a copy of his memoir in the appeal of Richard Faxon, now pending before the Council of State, for indemnity on account of a seizure made at Santander, in the year 1812, I addressed to Mr. Pasquier, on the 31st ultimo, a note on the subject, copy of which, as well as of the said memorial, I have the honor to enclose. You will perceive that I took that opportunity of reminding the Minister of the case of the 'Dolly' and 'Telegraph,' on which it does not seem that the Minister of Justice has yet made any report."

[TRANSLATION.]

Mr. Gallatin to Baron Pasquier.

PARIS, October 31, 1821.

SIR: I have the honor to transmit to your Excellency, under this cover, a memorial addressed to the King, in his Council of State, for Richard Faxon, a citizen of the United States, who complains of a judgment of the Board of Finances, approved by his Excellency the Minister of the same department.

The question is, of a seizure made by the French customs, in 1812, at Santander, in the stores of Joachim Munios, of a quantity of sugars, belonging to said Faxon. The Board of Finances seems to have dismissed his claim, from supposed presumption that he was not the proprietor; and your Excellency, by glancing over the memorial, will be convinced that there can be no doubt in this regard.

But the board has, if I may be allowed the expression, reserved a subsidiary question, that of knowing if a citizen of the United States could pretend to any indemnity for having suffered, in this part of Spain, the application of the laws of France, which then aimed at colonial goods. Ignorant of what laws the board speaks, I can only

observe, generally, that none could ever give the right of seizing, without indemnity, upon the known property of a citizen of the United States, deposited, for three years, without having been there molested, in the stores of his correspondent.

As it is, however, possible, that the laws in question may be no other than the Berlin and Milan decrees, and the different imperial or administrative decrees which have been the consequence of them, I pray your Excellency to be pleased to lay before the Council of State the correspondence between the Ministers of the Government, from that time, and those of the United States, as well as the other documents, which prove that these decrees had been repealed, in regard of the United States, long before the seizure of the sugars of Mr. Faxon.

I ought also to remind your Excellency of another affair, more important for the principles which apply to it, but which depends, likewise, upon the date of the repeal of these two celebrated decrees. I had the honor to address to you, under date of 15th March, 1820, a very long note on the subject of the decision of the Council of State, by which the claim of the proprietors of the vessels *Dolly* and *Telegraph*, burnt on the open sea by two French frigates, in November and December, 1811, was rejected. This decision could only have taken place because the documents, proving the date of the repeal, had not been laid before the Council; but is supported by considerations which can only produce the most troublesome effects. I can assure your Excellency, that the revision is of high importance, and I hope that you will judge, that a delay, which is already upwards of twenty months, ought to be no farther prolonged.

I pray your Excellency to accept the assurance, &c.

ALBERT GALLATIN.

No. 200.

Extract of a letter from Mr. Gallatin to the Secretary of State, dated

PARIS, January 14, 1822.

"I have the honor to enclose the copy of a note which I wrote on the 10th instant, to the Minister of Foreign Affairs, on the subject of the Antwerp claims."

PARIS, January 10, 1822.

SIR: I had the honor on the 9th of May, 1820, to transmit to your Excellency's predecessor, a memorial of Mr. David Parish, relative to the American cargoes sequestered at Antwerp in the beginning of the year 1807, and to add some observations in support of the claim. Twenty months having since elapsed, a time amply sufficient to make every inquiry respecting the merits of the case, I have been instructed by my Government to renew the application, and to call, in the most forcible manner, the earnest attention of His Majesty's Ministers to that subject.

In urging a decision on this reclamation, sep-

arately from others, there is not the most distant intention of abandoning the other claims of citizens of the United States for the indemnities so justly due to them. But it is time, after so many delays, to obtain at least a decisive answer, and to ascertain the determination of the Government of France in that respect. And this claim has been selected because it is altogether free of any of the objections, however unfounded, these may be, which have been suggested in regard to other cases.

It is not, in the first place, necessary in this instance, to discuss questions connected with the illegality of any of the decrees contravening the law of nations, which were issued by Bonaparte. The vessels in question had not violated any of those decrees; their cargoes were not liable to confiscation by virtue of any provision contained in any edict in force at the time of their seizure.

And, secondly, not only is the case entire; not only has there been no trial or condemnation of the cargoes; but the principle, that they were not liable to confiscation, has been settled, by the decisions of Government in analogous cases, and even with respect to portions of the identical property for which indemnity is now claimed.

I trust that I will be able to establish both these positions, to your Excellency's satisfaction.

The only extraordinary decree of the French Government affecting the navigation of neutral nations, in force at the time of the arrival of the vessels alluded to, in a French port, was that issued at Berlin, the 21st of November, 1806.

It was, by that decree, amongst other provisions, declared, 1st, that merchandise belonging to a British subject, or being the produce or the manufactures of colonies of Great Britain, should be condemned as good prize, (Article 5 and 6;) 2d, that no vessel coming directly from England, or from her colonies, or going there (*qui s'y rendra*) after the known publication of the decree, should be permitted to enter any French port, (Article 8;) 3d, that every vessel contravening the decree by a false declaration, should be seized, and her cargo confiscated as British property, (Article 9.)

During the first months subsequent to that decree, a number of American vessels arrived in France, coming from the United States, but having on their passage been compelled to stop in England, either by British cruisers or by stress of weather. The question arose, whether it was intended by the 8th article of the decree, to exclude only vessels which had gone voluntarily to an English port, or whether it included even those which had been compelled to do it by what is called *relâche forcée*. The words used in the article, *venant directement*, and *qui s'y rendra*, seemed to favor the first construction; and it was clear that if the last was adopted, British cruisers had nothing to do but to stop for a few days every neutral vessel bound to France, in order to destroy her external commerce. These, however, were questions for the French authorities exclusively to decide. It was altogether in their power to have decided that the vessels in question were embraced by the

decree, and to have refused to admit them in any port. The Minister of Finances, impelled by what was evidently for the interest of the French commerce, allowed the cargoes to be provisionally landed and deposited in the public stores until the decision of Bonaparte on the question was known; and permitted, also, that they should be delivered to the consignees on their giving an obligation to pay to the custom-house the estimated value thereof if so ordered by that decision. It was, therefore, by the act of the French Government, that the vessels landed their cargoes instead of being ordered off. And that provisional construction continued in force till the 4th of September, 1807, when the Director General of the Douanes announced, by a circular, "That the Emperor had decided that the 8th and 9th articles must have their full and entire execution, and that no vessel which had touched in England, or been conducted there, could be admitted." "Thus," added the Director, "the immediate retrogradation of those vessels shall be required, whatever be the alleged causes of superior force, and the documents produced in proof thereof. Those which, by a false declaration, may conceal the fact of having touched in England, and succeed in thus entering our ports, shall be seized, and the vessels and their cargoes shall be proceeded against in the form prescribed by the decree, in relation to English property." In conformity with this decision, several American vessels, bound to Antwerp, were sent away, amongst which may be mentioned, the "Dragon" and the "Two Brothers," and also the Orozimbo, belonging to one of the owners of the cargoes for which indemnity is now claimed, although her cargo had already been actually landed. It would have been fortunate for the owners of the merchandise, which is the object of this reclamation, that this decision should have been made from the first, or that when made, it should have been applied to their property.

Amongst the American vessels arrived from the United States in French ports, in the year 1807, prior to the decision of the 4th of September, and which had been compelled to touch in England, seven came to Antwerp, consigned to two American houses; the Bordeaux Packet, Helena, North America, and Diamond, to that of Mr. Ridgway; and the Perseverance, Hiram, and Mary, to that of Mr. Parish. The consignees declined availing themselves of the option offered by the French authorities to receive the cargoes on giving bond for their value, to abide by the final decision of Bonaparte.* They preferred that the cargoes should remain in the custom-house stores subject to that decision. Their motive was obvious.

* To this there were two exceptions, the consignees having subscribed obligations, 1st, for a small quantity of potash, (about fifteen thousand francs in value,) received and sold by them on the first arrival of the vessels; 2dly, for the value of some of those vessels, in order to enable them to leave the port. The others were permitted to depart without the bond being required.

It was only by the subsequent decree of Milan, of the 23d November, 1807, that it was enacted, "That all vessels which, after having touched in England, might, from any motive whatever, enter the ports of France, should be seized and confiscated, as well as their cargoes, without exception or distinction of produce or merchandise." The only causes of confiscation by the Berlin decree, were, concealment of the fact of having touched in England; and the merchandise being either British property, or the produce of England or of her colonies. It was known to the consignees, had already been acknowledged, and was further substantiated by a subsequent inquiry, that every part of the cargoes belonged to American citizens, and that no part was the produce of Great Britain, or of her colonies. It was equally known, and has never been denied, that the captains of all the seven vessels had, on their first arrival, made no concealment; that they had all made true declarations of the compulsory touching in England, (*relâche forcée*.) The expected imperial decision could, therefore, only apply to the doubtful question, whether the vessels and cargoes in that predicament embraced, or not, by the article of the decree, which forbade, in general terms, the admission of vessels that had touched in England, whether the cargoes in question should be admitted or sent away. In case the decision should be that the vessels were, notwithstanding, the *relâche forcée*, included in the article of the decree, and that the cargoes were inadmissible, they might, by remaining in the public stores in their original state be sent out of France, and the decision be strictly complied with. But if, instead of that, those cargoes were sold, (and the consignees could have had no object in receiving them, but that of selling them,) the exportation could not have taken place in conformity with the decision; and the consignees, unable to comply with it, might have been compelled to pay the amount of the bond, which would have been tantamount to a confiscation of their property.

The decision of the 4th of September, 1807, being made only prospective, the consignees at first hoped that the cargoes of the seven vessels previously arrived, would be admitted to be sold for home consumption, and accordingly delivered to them. But when they found themselves disappointed in that respect, adhering to the same line of conduct which they had pursued, not to depart from the enactments of the Berlin decree, they applied, on the 22d of March, 1808, to the Director General of the Douanes, and on the 7th of April ensuing, renewed the application, both to him and to the Minister of Finances, stating that the steps they had taken to obtain the definitive admission of that merchandise having been fruitless, and the goods, especially the potash, rice, brown sugar, and cochineal, becoming gradually damaged in the *entrepôt*, they now asked the permission to export the merchandise to a foreign country, and that in conformity with the decree of the 21st of November, 1806.

In answer to that petition Bonaparte ordered, by a decision of the 2d of July, 1808, that the

cargoes should be sold, and the proceeds deposited in the *caisse d'amortissement*, and that an inquiry should be made on each of the vessels which had brought in the cargoes, in order to ascertain whether the owners were not British. On this decision, it is only necessary to observe that it corroborates what has already been stated, and was, indeed, evident, that no concealment having been made by the captains of their *relâche forcée* in England, no other cause or pretence for confiscation could be, or was alleged, than the apprehension that the property was British, or of British origin.

To the sale of the cargoes for the purposes intended, the consignees did of course object; and they succeeded in preventing it for two years. But to that part of the decision which ordered an inquiry, they cheerfully submitted, and communicated all the documents, papers, and letters, connected with the vessels and their cargoes. A severe scrutiny took place, the result of which was altogether favorable, it being proven, in the clearest manner, that the cargoes were exclusively owned by American citizens. Of their origin there does not appear to have ever existed any doubt.

The merchandise, notwithstanding the result of this inquiry, was not restored to the consignees. By a decree dated at Ebersdorf, the 29th of May, 1809, 780 barrels of potash and pearlsh, making part of the cargoes of the Perseverance and Mary, were put at the disposal of the Minister of War, and the estimated value directed to be paid by him in the *caisse d'amortissement*. That portion of the cargoes was accordingly taken from the *entrepôt* and delivered to that department, having previously been valued at near 450,000 francs, notwithstanding a deduction, made on account of the damages arising from the long detention in the public stores. Finally, the whole residue of the cargoes was sold in June, 1810, by virtue of an imperial decision, of the 4th of May, of that year. It is asserted, that, by virtue of an order subsequent to the sales, which has never been published nor communicated, the proceeds of those sales were ultimately paid in whole, or in part, into the public treasury.

Your Excellency must agree with me, that, from the preceding statements of facts, it evidently follows, 1st, That, as I had stated in the beginning of this letter, there has been, in this case, no violation of any existing decree, that the cargoes were not liable to confiscation by virtue of any provision contained in any edict then in force; 2d, That the consignees uniformly took those decrees as the basis of their conduct, and committed no act which might impair the rights of the owners of the property; 3d, That, by allowing the cargoes to be deposited in the public stores, until the decision of Bonaparte was known, whether the vessels were or were not embraced by the article of the decree which forbade the admission of those which had gone to England, a formal engagement had been contracted on the part of Government, to permit the exportation of the merchandise in conformity with the decree, in case the decision

was against its being admitted for home consumption; 4th, That although nothing could be farther from the views of the Minister of Finances, yet it was solely owing to the doubts he entertained respecting the construction of the Berlin decree, that the cargoes fell in the possession of the custom-house; that it was the unforeseen consequence of his act, which was that of the proper French authority in that case, that the above mentioned engagement not having been fulfilled, the owners have, by a flagrant injustice, been to this day deprived of the merchandise and of its proceeds.

The fact that there has been no trial or condemnation of the property is notorious; and I would at once proceed to the decisions made in analogous cases, was it not necessary to take, in the first place, notice of a most extraordinary unfounded inference, drawn from a fact immaterial in itself, and which, although not officially communicated, has been made known to me by the parties.

Amongst the several applications for indemnity, made at different times, and in various shapes, by the consignees, a memorial had been addressed to the Minister of Finances, by Mr. Parish, which, at his request, I transmitted on the 11th of February, 1819, to Marquis Dessolle. I wrote again to that minister on the same subject, on the 23d of March following, and had requested, that a report intended to be made by the direction of the Douanes to the Minister of Finances, might be communicated to me. This was not done: but H. E. Baron Louis wrote to Mr. Parish on the 22d of May, of the same year, that the proceeds of the sales had been withdrawn, by superior orders, from the *caisse d'amortissement*, and paid into the public treasury; and he added, that they were thereby definitively acquired by the State. This inference appeared so preposterous, that, when alluding to it in my letter of the 9th of May, 1820, to H. E. Baron Pasquier, I said, that I presumed the meaning of the Minister of Finances to have simply been, that he considered the orders in question as precluding him, on his own authority, and without the sanction of Government, from ordering the money to be repaid to the American owners.

The assertion having, however, been made in that broad way, I am compelled to refute it. But I beg your Excellency to be persuaded that I do it only in an hypothetical way, and in the discharge of my responsibility, and that I do not suppose, or mean to insinuate, that it ever has been, or can be, the intention of His Majesty's Ministers, seriously, to resort to such an untenable pretence, for the purpose of avoiding the payment of a just debt. I consider the objection as being the work of a subordinate agent, whose duty it may have been to collect whatever might be suggested against claims on the public treasury, and the communication to Mr. Parish, as only intended to afford him the means of knowing and repelling every such suggestion. For that purpose, the following observations will, it is hoped, be deemed conclusive:

1. It was agreed, by the 22d article of the convention

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between France and the United States, of the 30th September, 1800,* which was in full force when the vessels in question arrived at Antwerp, that the established courts for prize causes should alone take cognizance of them; that whenever such tribunal, of either of the parties, should pronounce judgment against any vessel, or goods, or property, claimed by the citizens of the other party, the sentence, or decree, should mention the reasons, or motives, on which the same should have been founded; and that an authenticated copy of the sentence, or decree, and of all the proceedings in the case, should, if demanded, be delivered to the commander, or agent, of the said vessel. By the 10th article of the Berlin decree, the Council of Prizes at Paris was, accordingly, charged to decide on all cases arising under the said decree, in the following words: "Notre Conseil des Prises à Paris est chargé de décider de toutes contestations qui pourront s'élever au sujet des prises qui en vertu du présent décret pourront être faites, tant dans notre empire que dans les pays occupés par nos troupes." There having never been any trial, in the cases in question, before the Council of Prizes, there can have been no condemnation of the property, in conformity either with the solemn obligations of the treaty, or with the provisions of the only decree in force at the time, and applicable to those cases.†

2. Independent of any of the considerations drawn from treaty obligations, or from the provisions of the decree itself, it is equally repugnant to the principles of the law of nations, as generally recognised by the civilized world, and to those of the municipal laws of any civilized nation, to consider the order in question as implying the condemnation of the property of the parties, or as, in the smallest degree, affecting their rights. There was not, in this case, even the form of a trial; no hearing of the parties; no notice given to them of any alleged grounds of condemnation, or even of any intention to bring them to a trial. Nor was the order alluded to communicated to them, or made public, either in the bulletin of laws, or in any other manner. On those topics it is unnecessary to dwell—it is sufficient to have stated them. I will only observe, that, without publicity in laws or decrees, there would be no guarantee

*The convention was to be in force for eight years, from the date of the exchange of the ratifications, which took place at Paris on the 31st of July, 1801.

† This provision appears to have been omitted in the Milan decrees of the 23d of November and 17th December, 1807. But even then, condemnations took place only by virtue of special and positive imperial decisions to that effect, and were not inferred from an order to pay in the treasury. Thus, in the case of the *Sally*, condemned under those decrees, the Minister of Finances wrote on the 6th of November, 1810, to the Director General of the Douanes, "J'ai l'honneur de vous informer que par décision du 30 Octobre dernier, Sa Majesté a ordonné la confiscation du navire Américain la *Sally*, Capitaine M. Brown, ainsi que de sa cargaison, pour cause de deux relâches en Angleterre."

for the rights of individuals; that publication has, therefore, by the laws of every well-ordered country, of France as well as of every other, always been made a necessary ingredient of any judgment or decree affecting such rights; and that the fact of the order, in this case, not having been published, or at least communicated, is alone a conclusive proof that it was a mere administrative order, binding on the public functionaries to whom it was directed, and in no shape impairing or affecting the ultimate rights of the parties.

3. The official reports and acts of Government, since the restoration, are in direct contradiction with the inference attempted to be drawn, that the payment (*versement*) into the treasury, or the application to public purposes, of funds before deposited there, is tantamount to a definitive acquisition to the State of such funds, and releases it from the obligation of repaying the same. This will be fully demonstrated by the following quotations from the report of the Minister of Finances (Baron Louis himself) of July, 1814.

[The French is here, as in every other place where it occurs in the document, omitted, when supplied by a translation.]

"The *caisse d'amortissement* was instituted as a depository of the funds of securities; the judiciary deposits, and several individual deposits, were intrusted to it on a provision of restitution. All these funds were, for a long time, by the orders of the chief of the Government, employed for the expenses of the State; —. The funds deposited in the *caisse d'amortissement*, are the securities—they amount — to the sum of —, (of which it) has only actually received a sum of —. The surplus has been paid over, and remains in the Treasury, for 88,675,000 francs, &c. The judiciary deposits placed in the *caisse d'amortissement*, amount to 11,814,000. The other funds in deposit, are — total 7,358,000. The reimbursements on these funds have been continued, &c.

"The funds deposited in the *caisse de service*, amount — tot. 43,000,000. The reimbursements of the funds deposited have been faithfully continued, although they had been expended, &c.

"The necessity of anticipations introduced them from the commencement of each duty, and they have often been extended to all the funds which this Minister (of Finances) could obtain, and they have devoured the funds deposited, &c. The arrearage of the Minister of Finances on the 1st April, is composed of deposits expended," &c.

I must here beg leave to observe, that I do not mean to say, that H. E. Baron Louis was inconsistent with himself with respect to the question relative to the proceeds of the Antwerp cargoes. The transaction was probably unknown to him, or not attended to at the date of the report alluded to; or he may, at that time, have already been told, that they made no part of those deposits (*dépôts consommés*) which Government was bound to reimburse. All that concerns me is, to refute the inference, as made in his letter to Mr. Paribb, that such deposits were acquired to the State merely because they had, by superior orders, been withdrawn from a certain *caisse*, and paid (*versés*)

in the Treasury. And it follows, irresistibly, from the quotations I have made, that it was the general habit of the head of the Government, at that time, to apply, to the expenses of the State, whenever exigencies required it, every species of deposited funds, without regard to their origin, or to the particular chest in which they were deposited; that the proceeds of the Antwerp cargoes would not have been any more respected had they been nominally left in the *caisse d'amortissement*, instead of being transferred (*versés*) into the treasury; that the funds originally deposited, although withdrawn and expended, (*consommés*) continued to be faithfully reimbursed by Government, and especially that the payment (*versement*) in the treasury did not, as is clearly proven in the instance of the *cautionnements*, operate as a release from the obligation of reimbursing the funds thus diverted and expended. I will add, that, although those *cautionnements* are not, from their nature, generally considered as a debt, the payment of which may be required, (*dette exigible*) yet a very considerable portion has actually been reimbursed to the functionaries or persons belonging to territories formerly annexed to France, which make no longer part of it.

4. The Council of State has decided, in an analogous case, that the payment in the treasury was not tantamount to a condemnation. In January, 1810, the American vessel *Eagle* had been captured within five leagues of the shore, by a French privateer, and conducted to the port of Passage. The captured and captors made a compromise on the subject; but the vessel and cargo were seized, sequestered, sold, and the proceeds paid in the treasury, by virtue of the decrees passed at that time by Bonaparte, under color of reprisals. The case was brought before the Council of State, who, on the 20th of April, 1820, ratified the compromise above mentioned, notwithstanding the opposition both of the captured and the general direction of the Douanes. The first reason assigned for this decision is in the following words: "Considérant qu'il n'existe dans l'espèce aucun acte qui ait prononcé la confiscation du navire l'*Aigle* au profit du Gouvernement Français." This case and that of the Antwerp vessels may differ in many other respects; but the *Eagle* was included in the general, arbitrary, and unjustifiable seizures, known by the name of the St. Sebastian sequestration; and the vessels and cargoes, thus sequestered, are, so far as relates to the particular question now under discussion, precisely in the same predicament as the Antwerp cargoes. They were equally sold, nearly at the same time, and the proceeds were equally, by a similar order, paid in the treasury and applied to public purposes. Indeed, from the comparison of dates, and other information obtained, I may assert that the identical order by which the proceeds of the Antwerp cargoes were directed to be paid in the treasury, included all the others which had been sequestered; and, amongst them, the St. Sebastian and Passage vessels and cargoes, including the *Eagle*. The fact, at all events, of the proceeds of sales in this last case, having, like those

of the Antwerp cargoes, been paid into the treasury, is not only notorious, but was within the full knowledge and view of the Council of State when the above decision was made. For, in the observations laid before it by the direction of the Douanes, in opposition to the claim of the captors, it is expressly stated "que c'est en vertu d'ordres émanés de S. M., et ayant pour base le droit de représailles, que le séquestre a été mis, la vente effectuée, et le produit versé au trésor." In declaring, therefore, that there existed no act which had pronounced the confiscation of the vessel *Eagle* to the profit of the French Government, the Council of State has explicitly and directly decided that an order issued from Bonaparte, directing the sale of a vessel and cargo, and that the proceeds should be paid in the treasury, was not an act pronouncing the confiscation of such vessel and cargo, or of their proceeds.

Your Excellency will probably think that it was superfluous on my part to have accumulated such an overwhelming mass of proofs for the purpose of crushing a mere shadow, which may be dissipated without recurring to any extraneous consideration. In taking for granted the order alluded to by Baron Louis, it must be assumed such as he had stated it, that is to say, as simply directing the withdrawing of the proceeds of sales from a certain chest, and their being paid into the treasury. Indeed, had there been any thing further affecting the question, in that document, he would not have failed to mention it in support of the inference attempted to be drawn. Such a decree, from its nature, must be strictly construed; it cannot be extended beyond what appears on the face of it, beyond its positive enactments, and be made to say what is not contained in it. Had it been intended, not only to make use of the property for immediate exigencies, but to pronounce its definitive condemnation, there could have been no motive, since the decree was not to be published, for not inserting in it a positive clause to that effect, as was done in the other cases where condemnation was the object. But, whatever may have been the intention, the omission of such a clause is of itself, and alone, conclusive against the gratuitous and unjustifiable assertion, that the order is tantamount to a condemnation. The order in question does not confiscate the property, because it contains no clause to that effect.

The acts and the decisions of the Government, directly supporting or recognising the justice of the claim, will now be stated.

All the vessels which arrived, under similar circumstances with those whose cargoes were sequestered at Antwerp, subsequent to the decision of the 4th of September, 1807, and prior to the Milan decree of the 23d of November ensuing, instead of being detained, were refused admittance and sent off. One of them at least, the *Orozimbo*, was within the power of the Government, and her cargo, which, as has already been stated, was actually landed on account of repairs wanted by the vessel, might certainly have been seized. On the same principle on which she was suffered to depart with that cargo, those of the seven vessels

previously detained, should have been allowed to be exported. To admit that she was not liable to seizure, was an acknowledgment that there was no right to sequester and sell those of the other vessels. But there are other cases still more in point.

It was only in the instance of the seven vessels in question that it was agreed that the cargoes should be deposited in the public stores until the final decision respecting the construction of the Berlin decree was known. The consignees of all the other numerous vessels which arrived during the same period, and under the same circumstances, in the other ports of France, preferred to avail themselves of the opinion given by the Minister of Finances, to receive the cargoes, and to give bond for the estimated value thereof. The obligations (*soumissions*) subscribed by the consignees, were in the following form:

"State of the merchandise brought into this port by the ship —, which we claim from the sequestration of the custom-house, where they are deposited by order," &c.

[Here follows the enumeration and valuation of the merchandise.]

"Which sum of — we submit, with our security for the whole debt —, to represent to the receiver of the customs of —, if the decision of His Imperial Majesty ordain it, on account of the forced visit in England of said ship —, we reserving, in need, recourse to the legal tribunal. Done at —, the —.

"(Signed) The trustees and their security."

The number of cases in which obligations of this kind were given, is known to the French Government, though not to me; but it embraces, as already stated, all the vessels, the seven which came to Antwerp only excepted, which, having been compelled to touch in England, arrived in French ports, from the publication of the Berlin decree in the latter end of the year 1806, until the decision of the 4th of September took place.

In no instance whatever has the payment of any one of these obligations been enforced. In every other instance but that of the Antwerp cargoes, those of vessels precisely in the same predicament, have been sold for the use of the owners, no steps taken to recover the estimated value for which the obligations were given, and, in some instances, at least, those obligations have been positively annulled. Notwithstanding the difficulty of obtaining information on the last point, the parties interested in the Antwerp claim have been able to furnish me with the following extracts of two decisions:

"NAPOLÉON, &c. 20th September, 1809.

"The underwritten recognizance to the custom-house of Marseilles by M. M. Autran Bellier, to answer for the value of the cargo of the American ship *Eliza*, which was remitted to their disposal, is annulled."

"16th November, 1809.

"The same decrees in favor of M. Hottinguer, for the cargo of the American ship *Ann*, arrived at Cherbourg."

Whatever may have been the motive of Gov-

ernment for not enforcing the payment of those obligations, the omission of doing it in any case whatever, is an absolute recognition, on its part, that there was no ground for confiscation; and the two instances quoted are sufficient to establish the fact of positive decisions, in cases perfectly similar to that which is the object of the present reclamation.

The same principle has been applied even to a portion of the identical property sequestered at Antwerp, the payment of similar obligations, which, as already stated, had been subscribed, not only for some of the vessels, but also for a small part of the cargo of one of them, having never been enforced.

Finally, indemnity has actually been paid, since the restoration, for a considerable portion of one of the cargoes.

The house of Mr. Parish had, a short time after the arrival of the vessels, sold to Messrs. Fillietaz & Co., of Antwerp, 256 bales of cotton, part of the cargo of the ship *Hiram*. It being then confidently expected that the merchandise would be delivered to the parties, the sale was absolute, and at the risk of Mr. Fillietaz. He paid the purchase money, received a proper bill of sale, and became thus vested with all the rights of the original shipper, but without recourse against him or the consignees. He was disappointed in his expectation of receiving the merchandise thus purchased. His cotton shared the fate of the rest, and was sold in the same manner, and at the same time, for a sum exceeding 400,000 francs. The proceeds, undistinguished from those of the other cargoes, were, in the same manner, and under the same order, paid in the Treasury. He applied for indemnity, as a subject or resident of Belgium, to the mixed commission, appointed under the treaties and conventions of Paris. His claim was allowed, and placed in the first class, that of cautionnements and deposits;* and he has received, in payment, an inscription of five per cent. consolidated French stock, amounting, in principal, to 495,760 francs, bearing interest from the 22d of March, 1819, together with 10,726 francs in specie, for arrears of interest, after deducting the commission expenses or charges.

It has now been fully demonstrated, not only that the claim is founded in strict justice; not only that the property was never confiscated, and that there never was any decision to that effect, either in that or similar cases; not only that, on the contrary, there have been positive decisions recognising the validity of the claim; but, also, that other foreigners, who had become owners of

* Mr. Mertens, of Bruxelles, formerly a partner in the house of Mr. Ridgway, presented a claim to the same commission, for the whole amount which had been consigned to that house. His application was rejected on correct grounds; because, although himself a subject of Belgium, his house was American, and because they were only consignees, and not owners of the cargoes, the right to which, with the exception of the sale to Mr. Fillietaz, has remained the property of American citizens.

part of it, have been indemnified by virtue of the treaties concluded between His Majesty's Government and foreign Powers. Permit me to add, that France has received, and continues to enjoy the benefit of, the money arising from the sales of the cargoes.

That money was paid in the Treasury, and applied towards defraying the public expenses of the State. Had it been restored to the legitimate owners, and not thus applied, those expenses would have been exactly the same. The only difference would have been that the large *arriere* left unpaid by Bonaparte, would have been still further increased precisely by the sum thus detained from the American citizens. With what good faith the whole of that *arriere*, without even excepting the expenses of the Hundred Days, has been liquidated and paid by His Majesty's Government, is well known. In fact, unless France sets up two measures, one for her own subjects and all other foreigners, and another for the citizens of the United States, it is impossible that she can refuse discharging this just debt.

I beg leave to apply, not only for that payment, but, also, for a speedy decision. The United States had, from the most friendly motives, yielded to the reluctance to take up the subject of American claims, which was evinced in the year 1817. The objection arising from the state of the finances, and from the enormous amount of the demands pressing, at that time, on the resources of France, has now happily ceased to exist. Time amply sufficient has, in the mean while, been taken, for every possible investigation of this claim. The parties have already experienced most grievous losses, from the long detention of so large an amount of property. They should not be tortured by further vexatious delays. Justice, when too tardy, often fails in its object. When it is known, as in this case, that such is the nature of the claim that it will ultimately be paid, intriguing speculators are never wanting, who try to take advantage of the distance and the necessities of the claimants, to purchase their rights at a depreciated rate. Such attempts, which, even when not actually tainted, never can avoid the suspicion of corruption, it has been my duty to repel, and heretofore with success. I have told the parties to listen to no proposals, to reject every indirect interference, that their claim was indisputable, and must necessarily be allowed. We employ, to attain that object, no other but direct means; no weapons but those of argument. I trust they will not have been used in vain, when the appeal is made to your known loyalty, to His Majesty's high sense of justice, to those principles of good faith, in discharging the obligations of the State, which, in every instance but that of the American claims, had uniformly distinguished his Government.

I request your Excellency to accept the reiterated assurances of the distinguished consideration with which I have the honor to be, &c.,

ALBERT GALLATIN.

Viscount DE MONTMORENCY,
Minister of Foreign Affairs, &c.

No. 203.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States to France, to Mr. Adams, Secretary of State, dated

PARIS, January 28, 1822.

"I had yesterday a conference with the Minister of Foreign Affairs, on the subject of the Antwerp claims. In the course of it, I referred him to my letters to one of his predecessors, of the 9th November, 1816, and of the 22d of April, 1817; to the first, in order that he might have a general view of the nature and extent of our claims; to the other, for the purpose of showing both the cause of the delay which had taken place on that subject, and that we had always considered the reclamations for property sequestered and not condemned, to be of such nature that the claims ought to be liquidated and paid in the ordinary course of business, and did not require any diplomatic transaction. I then stated, that although our commercial difficulties might have justly claimed the more immediate attention of the two Governments, yet there was this difference between the two subjects, that the last was only one of mutual convenience, each party being, after all, at liberty, though at the risk of encountering countervailing measures, to regulate his own commerce as he pleased; whilst the question of indemnity, for injuries sustained, was one of right. In this case we demanded justice, and I was sorry to be obliged to say, that, notwithstanding my repeated applications, during a period of near six years, I had not been able to obtain redress in one single instance for my fellow-citizens; an observation, which applied not only to cases which had arisen under the former Government of France, but also to wrongs sustained under that of His Majesty. Such result could not escape the notice of my Government, and had accordingly, been complained of, in the most pointed manner, in the instructions I had from time to time received. There was, indeed, an aggravating and most extraordinary circumstance, with respect to the applications relative to injuries sustained under Bonaparte's Government. Not only had I failed in obtaining redress, but I had not even been honored with an answer. It could not be concealed, that such a course of proceeding, on the part of France, had a tendency to impair the friendly relations between the two countries, and might have an unfavorable effect, even in the discussion of other subjects. I therefore earnestly requested that he would immediately attend to the reclamation now before him, and no longer delay the decision which we had a right to expect."

"Viscount Montmorency at once answered, that he had read the papers relative to the Antwerp sequestrations, and that he was struck with the justice of the claim. He regretted, he added, that the settlement of this reclamation should have fallen on the present Ministry; that a decision had not taken place in the year 1819; that such an objection as that complained of, had, at that time, been raised by the Ministry of Finances.

This candid declaration was made, he said, in full confidence that I would understand it as an opinion formed on a first impression, and as being only his individual opinion; he had not yet conferred on the subject with the Minister of Finances or his other colleagues, which he promised to do without delay, and to lay the subject before the King as soon as possible. Speaking of our claims generally, he alluded to the hardship that the King's Government should be made responsible for all the misdeeds of Bonaparte; an observation, to which I did not think necessary to answer, as he spoke only of the hardship of the case, and did not assert that the obligation did not exist."

No. 208.

Extract of a letter from Mr. Gallatin to Mr. Adams.

PARIS, April 23, 1822.

"In several conversations I had with Viscount de Montmorency, on the subject of the Antwerp cases, he always evinced a sense of the justice of the claim, and a disposition that indemnity should be made, but I have not yet been able to obtain an official answer; and finding that objections, which were not distinctly stated, were still made by the Department of Finances, I asked Mr. Montmorency's permission to confer on the subject with Mr. de Villele, in order that I might clearly understand what prospect there was of obtaining justice. This was readily assented to, and I had accordingly an interview yesterday with that Minister.

"I found that Mr. de Villele had only a general knowledge of the subject, and had not read my note of the 10th January last, to which I referred him, and which he promised to peruse with attention. It appeared, however, to me, that, although he was cautious not to commit himself, he was already satisfied, from the inspection of the papers in his Department, and without having seen my argument, that the claim was just, and that the ground assumed by Baron Louis, in his letter to Mr. Parish, was untenable.

"His objections to a payment of the claim at this time, supposing that on a thorough investigation it proved to be just, were the following:

"1st. There were no funds at his disposal, from which the payment could be made; and it was absolutely necessary that an application should be made to the Chambers for that purpose: a demand which would be very ill received, as it had been generally supposed that France was relieved from every foreign claim of that description.

"2d. Such was the amount of wrongs committed by Bonaparte, and the acknowledged impossibility that France could repair them all, that the European Powers, although with arms in their hands, and occupying a part of the country, had consented to receive, as a payment in full, a stipulated sum, which fell very short of the amount of their claims. The payments thus made by France, had therefore been in every instance the result of an agreement, (d'une transaction,) founded on equitable principles, and on an abandonment, on the part of the foreign Powers, of

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a considerable part of their claims. It appeared to him impossible that an application for funds could be made to the Chambers, for the purpose of satisfying American claims, unless it was also the result of a *transaction* of a similar nature.

"3d. Even in that case, the engagement to pay any sum at this time, for that object, would for the reasons already stated, and for many others arising from the change of Government, appear extremely hard. The only way to render it palatable was, that it should be accompanied by the grateful information, that our commercial difficulties were arranged in a satisfactory manner. He regretted, therefore, extremely, that the discussion of the two subjects had been separated, one being treated in the United States, and the other here; and he asked, whether it was probable that the result of the negotiation at Washington would be known at Paris before the next session of the Chambers, which is to take place in June next.

"I must say, that these observations did not appear to be made with an intention of throwing new obstacles in the way of an adjustment of our claims, but for the purpose of stating the difficulties which the Government would have to encounter, in any attempt to effect that object. It was not the less necessary to reply to the suggestions thus made: and I observed, with respect to the delays which had taken place, that they were to be ascribed solely to the French Government. It was in consequence of the determination of the Duke of Richelieu, and I referred to my letter to him of the 22d of April, 1817; it was against my opinion, and notwithstanding my strong remonstrances, that the subject had been postponed, and that provision was not made for our claims at the same time as for those of subjects of the European Powers. But I had taken care to remind the Duke of Richelieu, when the communication for the last object was made to the Legislative Body, that the American claims were not included in the settlement; and he had accordingly expressly stated in that communication, that the sum to be voted would discharge France from all demands on the part of the subjects of the European Powers. This was so well understood, that the subsequent grant of seven millions had been voted for the purpose of discharging the Algerine claims. Ours alone remained unsettled; and the Chambers must have expected, and could not therefore be astonished, that an application for that object should also be made to them.

"As to the propriety of a convention, for the general adjustment of the claims of American citizens, I informed Mr. de Villele, that this was precisely what the United States had asked; and I referred him to my note of the 9th November, 1816, which to this day remained unanswered. The extraordinary silence of the French Government, was at least a proof of its reluctance to adopt that mode of settlement, and there was an intrinsic difficulty in what he called a transaction. The United States could have no objection to a partial admission and reimbursement of the claims of their citizens; but they would not, in order to obtain that object, sacrifice other re-

mations equally just, and give that general release which France was desirous to obtain, in consideration of that partial payment. Under these circumstances, it was a natural, and perhaps the most practicable, course to press a settlement of those claims, which it might be presumed she intended ultimately to pay. To repel this, on a plea that a convention, embracing the whole, was a preferable mode, was an untenable position, so long as our overture, having the last object in view, remained unanswered.

"After having expressed my sincere wishes, that an arrangement of our commercial difficulties might soon be effected, and having shown, from a recapitulation of what had taken place at the time, that the transfer of the negotiations, for that object, to Washington, was owing to the French Government, I stated that there was no connexion, whatever, between that and the subject of our claims, and that even when discussed at the same place, they had always been treated distinctly. Our reclamations were of much older date, and not to speak of the former Government of this country, they had, since the restoration, been pending near four years, before any discussion of our commercial relations had commenced. I was ready to acknowledge that it would be, at any time, an unpleasant duty for His Majesty's Ministers to be obliged to ask funds for the purpose of repairing the injuries sustained, during a former period, by the citizens of a foreign nation; and I was sensible that the task would be more easy after the settlement than during the existence of other difficulties. But justice, and our perseverance, on which he might rely, required that the duty, however unpleasant, should, at some time, be performed; and I was the less disposed to acquiesce in new and vexatious delays, on the ground alluded to, because the result of the negotiations was very uncertain. The delay, in that respect, was solely due to the French Government; they had thrown great obstacles in the way of an arrangement, by blending other subjects with that immediately to be attended to; afterwards, they became sensible, in the latter end of September last, that it was necessary to send new instructions to Mr. de Neuville. I had, in the month of October, made every representation, and given all the explanations which could be necessary; yet, the instructions to Mr. de Neuville were not, as I understood, sent till late in January, and had not yet, I believed, been received on the 12th of March. The success of the negotiation depended on the nature of those instructions, with which I was not acquainted. If they produced no favorable result, the consequence would only be, that the commerce between the two countries would be lessened, and flow through indirect channels—probably to our mutual loss, and to the profit of the British manufacturers and navigation. But, however this might be lamented, it was only a question of policy—each of the two nations had a right to regulate her commerce, as in her opinion best suited her interest. But, with respect to our claims, it was a question of right, the consideration of which ought not, and could not, be abandoned or post-

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poned, even if the commercial relations should continue to be less extensive and less advantageous than they had formerly been, or might again become, in case a satisfactory arrangement, respecting the discriminating duties, was made; whether the result of the negotiation would be known here in June, it was, of course, impossible for me to say.

"Mr. de Villele, having taken memoranda, and promised to read the notes to which I had alluded, asked me, whether there was any difference between Mr. Parish's claim (meaning the three vessels consigned to his house) and that for the four other Antwerp ships? to which I answered, most decidedly, in the negative. He then, having the decree of the 22d of July, 1818, before him, inquired in what consisted the difference between the Antwerp claims and those for other property sequestered and embraced by the same decree, viz: the St. Sebastian seizures and the vessels given up by Holland. I answered—none, whatever, in substance, and that the reason why a specific application was made for the Antwerp claims, alone, in my letter of the 10th January last, was that, having already demanded indemnity for all the claims, particularly in my note of 9th November, 1816, the claimants, who relied on the exertions of their Government to obtain redress, had generally thought it unnecessary to make separate applications; Mr. Parish, however, being on the spot, had urged a special decision in his case, and my Government having, for the reasons already stated, acquiesced in that course, the Antwerp claims were, in that manner, first presented to the consideration of that of France. But, I had expressly stated in my note, that this was not, in any way, to be construed as an abandonment of other claims, equally just, although their features might not, in every respect, be precisely the same. Between the Antwerp and the other claims for property sequestered and not condemned, I knew none but merely nominal differences. The St. Sebastian vessels and cargoes had been seized and sold under an untenable and frivolous pretence, that of retaliation, to which a retrospective effect had been given. The Antwerp cargoes had been seized and sold, without any pretence whatever being assigned for it. In neither case had a condemnation taken place. In both cases we had always claimed restitution, or trial, before the ordinary competent tribunal. The right to ask for such trial was, in both cases, derived from the law of nations, and it was, for the Antwerp cargoes, also founded on positive treaty stipulations."

Mr. Gallatin to the Secretary of State—No. 212.

PARIS, May 13, 1822.

SIR: I have the honor to enclose the copy of a letter I wrote, on the 3d instant, to Viscount Montmorency, on the subject of the Antwerp claims. He has promised an answer; but, as he spoke, though in vague terms, of objections, which it would be better to prevent, rather than to answer,

I asked him an interview, which is to take place on Saturday next.

I have the honor to be, &c.

ALBERT GALLATIN.

Mr. Gallatin to the Viscount Montmorency.

PARIS, May 3, 1822.

SIR: I had the honor, on the 10th of January last, to address to your Excellency a note, relative to the American cargoes sequestered at Antwerp. But, although the conversations I had since the honor to have with your Excellency on that subject, had led me to hope that there was a disposition to render a tardy justice to the claimants, the note still remains unanswered.

It is my duty to remind, also, your Excellency, that all the former notes which I had the honor to address to His Majesty's Ministers, either with respect to that reclamation, or, generally, on the subject of the American claims, and particularly the note of the 9th of November, 1816, have shared the same fate. That, on a subject so important, no official answer should, for such length of time, have been given to the earnest and repeated applications of a friendly Power; that, where favors are not asked, but justice is demanded, there should have been such a tacit perseverance in avoiding even to discuss the question, must be allowed a most uncommon proceeding in the intercourse between independent nations.

To these considerations I beg leave to add, that two American citizens, with powers from the owners of the greater part of the Antwerp cargoes, have been here for a length of time, one of them for a year, for the sole purpose of pursuing and liquidating that claim; and that they both unite in requesting that they may be no longer detained, and that, at all events, a decision may be made in that case.

Permit me, therefore, most earnestly to request from your Excellency, that no further delays may take place, and to ask that official answer, which I have never doubted, would, when made, prove satisfactory to the just expectation of the parties interested.

I request your Excellency to accept the renewed assurance of the distinguished consideration with which, &c.

ALBERT GALLATIN.

Extract of a letter from Mr. Gallatin to the Secretary of State, No. 216, dated

PARIS, June 13, 1822.

"The conference I had, on the 18th ultimo, with Viscount de Montmorency, on the subject of the American claims, turned principally on the difficulties which this Government would find in effecting an arrangement with us. The result of a free conversation on what was practicable, seemed to be, that a definitive agreement was preferable to a partial payment, and that the choice must, in that respect, be between the two following modes: either the payment of a stipulated sum, in full discharge of the demands of the Uni-

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ted States for spoliations, and to be distributed by their Government; or, the reference of the whole case to a joint commission, which, in case of disagreement, would refer the disputed points to a Sovereign chosen by the two Governments."

"Although Mr. de Montmorency appeared to continue to be personally well disposed, he did not conceal that there were objections in the Council of Ministers; and he stated, a few days after, that they were inclined to postpone the subject, until the result of the negotiation at Washington was ascertained. I concluded, nevertheless, to insist for an answer to my last note, being satisfied that it would not amount to a rejection, which would have committed hereafter this Government, and that there would be some advantage in obtaining, at least, something more than verbal from them. The answer of the 1st instant, was accordingly received, copy of which is herewith enclosed. We had so many accounts of a near prospect of an arrangement being on the eve of being concluded, between you and Mr. de Neuville, that I waited a few days before I made a reply; but, having now heard of the adjournment of Congress, without any convention having been made, I this day have made the answer, of which I have the honor to enclose a copy."

[TRANSLATION.]

Viscount Montmorency to Mr. Gallatin.

PARIS, June 1, 1822.

SIR: I have received the letter which you did me the honor to write me on the 3d of May, relative to the American cargoes sequestered in the port of Anvers, and to the other claims which you have already heretofore laid before the Ministers of the King.

I could have wished, sir, to have been able to answer you sooner, and, especially, to have been able to welcome your demands; but I was under the necessity of first submitting them to the King, who is engaged in Council; His Majesty having nothing more at heart, than to see adjusted, in a proper and satisfactory manner, the affairs of mutual interest for both countries, and thus to multiply between them useful and amicable relations.

The object of your claims is, without doubt, interesting to a great number of individuals; and we have, also, individual claims to make, which are likewise of great interest to the subjects of the King, whom they concern. I would be first to wish that the Government could be engaged with them; but you are not ignorant, sir, that there is, at this moment, at Washington, a negotiation which embraces general interests of the highest importance to the navigation of France and of America.

The King's Council has judged, that it was better to put off the examination of the individual claims, until the negotiation upon the general interests was concluded; and, as soon as that shall take place, I shall hasten, sir, to move, in the

King's Council, the examination of the claims which form the object of your letter of the 3d May. I have the honor, &c.

MONTMORENCY.

Mr. Gallatin to the Viscount Montmorency.

PARIS, June 23, 1822.

SIR: I had the honor to receive your Excellency's letter of the 1st instant, in answer to mine of the 3d of May, relative to the American reclamations.

It is satisfactory to find that the unfavorable suggestions heretofore made on that subject are no longer alluded to, and that the only reason assigned for its postponement is foreign to the merits of the claim. I had expected no less from the justice of His Majesty's Government. But this new delay is as vexatious as unexpected; and the grounds on which it is placed appear altogether untenable.

It will appear by my letter of the 22d of April, 1817, to his Excellency the Duke of Richelieu, that the magnitude of the claims made upon France by subjects of European Powers was the reason alleged at that time for postponing to a more favorable moment the discussion of the American claims in question. The Government of the United States, from the most friendly motives, though with great reluctance, acquiesced so far in that delay as to have abstained from pressing again the subject until the European claims had been arranged in a satisfactory manner. I made at that time, as will appear by my letter to the Duke of Richelieu of the 3d April, 1818, an unavailing effort to obtain a simultaneous and definitive arrangement of the American claims, as most consistent both with common justice and sound policy. And now, when the original cause of the postponement has ceased to exist; when the prosperous situation of the finances of France leaves no ground for the primitive objection; a new cause for delay is sought in circumstances of a subsequent date, and which are wholly unconnected with the subject in question. The consideration of American claims was adjourned on a presumed plea of temporary inability or inconvenience, early in 1817; and the commercial difficulties which it is the object of the pending negotiation at Washington to arrange did not arise till the year 1819. That the question of indemnity ought not to be made to depend on the fate of that negotiation is equally evident.

An arrangement which will restore to the navigation of America and France those advantages now enjoyed, to the exclusion of both, by foreign vessels, and which will have a tendency to extend the commercial and friendly relations between the two countries, is undoubtedly a most desirable object, and of the highest importance. But it is after all a question, not of right, but of policy. Either of the two Governments may, on that subject, make an erroneous determination; but each of them, should they not unfortunately be able to agree on that point, has ultimately the right to make its own commercial regulations, exposing

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itself without doubt to countervailing measures, but without giving thereby any just ground of complaint, or disturbing in other respects the harmony subsisting between the two nations. In fact that state of things exists to a much greater extent between France and many European Powers, particularly with Great Britain. The commerce between America and France, and which may be estimated to amount in value to about eighty millions of francs a year, may still be carried on in foreign vessels, or through indirect channels. Neither country has prohibited the importation of the products of the soil or industry of the other. The only question under discussion, and on which they may happen not to agree, is that of the navigation—that is to say, of the freight of the articles of exchange, which may in the whole be worth about three millions a year. But, from the respective prohibitions existing in France and England, it is not merely the navigation, but the commerce itself, between the two countries, which is so nearly annihilated as not to exceed twelve or fifteen millions a year. It has certainly in this case never been suggested that because each Government follows in that respect its own views, the other questions of right or general policy should on that account be suspended; that because a treaty of commerce may appear injurious to either of them, the other would for that reason be justified in refusing to do justice in other respects. The question of the indemnity claimed by the United States from France is one, not merely of policy, but of right. It will again revert, and with the same force, in case there should be no arrangement of the commercial difficulties. The foundation on which the demand rests cannot be affected by that result. France must still acknowledge or deny the justice of that claim. She is bound, in the first case, to grant the indemnity; in the other, to adduce satisfactory reasons for her denial.

I must beg leave to observe, that the object of these reclamations cannot be, and is not considered by the Government of the United States, as only affecting the interests of private individuals, but as an important subject of public concern. It is not for private contracts voluntarily entered into, or other claims of a similar nature; it is for numerous spoliations, committed not only contrary to every principle of common justice, but in violation of the acknowledged law of nations, and of positive treaty stipulations; it is for the most flagrant and continued infractions of their rights, as a neutral and independent nation, that the United States demand that, at least, a satisfactory indemnity should be made to her citizens for the losses thus suffered. The whole series of their public acts, at home and abroad, when those outrageous proceedings took place, and the peculiar circumstances, (arising from simultaneous aggressions on the part of England,) which alone prevented a resort to war, are facts of such notoriety, as to render it difficult to conceive how the subject can be viewed as of an inferior importance, and as only affecting private interests. If any further proof was required, in that respect, the 10th article of the treaty of the 16th of March, 1810, between France and

Holland, might be quoted. Certain American cargoes, which make part of our reclamations, were, by that treaty, put at the disposal of France, "in order," according to the said article, "that the same may be dealt with according to circumstances, and to the political relations between France and the United States."

Not knowing to what reclamations, by subjects of France against the United States, your Excellency alludes, I can only observe that, if there are any, respecting which a stipulation should be deemed necessary, it must of course be understood that every such stipulation will, in every respect, be reciprocal, and embrace, on both sides, all reclamations of a similar nature, and for the same period of time.

I request your Excellency to accept the assurances, &c.

ALBERT GALLATIN.

VISCOUNT DE MONTMORENCY,
Minister of Foreign Affairs, &c.

No. 230.

Extract of a letter from Mr. Gallatin to the Secretary of State, dated Paris, September 8, 1822.

"I had, on the 17th ultimo, written to Viscount Montmorency, and again on the 31st to Mr. de Villele, on the subject of our reclamations, only to remind them, that the late convention had removed the sole cause assigned for delay. I received, last night, Mr. de Villele's note of the 3d, of which copy is enclosed."

Mr. Gallatin to Mr. de Montmorency, dated 17th August, 1822.

I beg leave to call again your Excellency's attention to the American claims, for sequestrations and spoliations. The cause assigned by your Excellency, in your letter of the first of June last, for suspending their consideration, being happily removed by the late commercial arrangement, I trust that no further delay will take place, and that, in conformity with the tenor of that letter, your Excellency will be pleased to bring that important subject before the King's Council.

I request your Excellency to accept, &c.

[TRANSLATION.]

Extract of a letter from Mr. Gallatin to Mr. de Villele, dated Paris, August 31, 1822.

"Permit me to remind your Excellency, that the three last letters which I had the honor of addressing to his Excellency the Viscount de Montmorency, are still unanswered. The first, under the date of the 17th current, had, for its object, the different claims of citizens of the United States. The second, of the 20th, contained my observations on the project of an ordinance, necessary that the execution of the convention of 24th June may commence on the 1st of October next. The last, of the 27th, remonstrated against the conduct pursued by the local authorities, in regard to the American vessel the General Hamilton, thrown upon the coast, near Montreuil, on the sea."

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"I eagerly seize this occasion to beg your Excellency to be pleased to accept the assurance," &c.

[TRANSLATION.]

Mr. de Villele to Mr. Gallatin, dated Sept. 3, 1822.

You did me the honor, on the 31st of August last, to remind me of several American claims, of which you had formerly apprized the Viscount de Montmorency. It is necessary for me to collect some documents respecting this affair, in order to judge of what consequences they may be susceptible. Be pleased to believe, sir, that I shall attend to them with a good deal of interest and attention. Accept, sir, the assurances, &c.

No. 233.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Adams, Secretary of State, dated Paris, 24th September, 1822.

"I had yesterday a conference with Mr. Villele, on the subject of our claims. He expressed his wish that a general arrangement might take place, embracing all the subjects of discussion between the two countries; stated those to be, the reclamations of the United States for spoliations on their trade, those of France, on account of Beaumarchais' claim, and of the vessels captured on the coast of Africa, and the question arising under the Louisiana treaty; and asked, whether I was prepared to negotiate upon all those points? I answered that I was ready to discuss them all, but that I must object to uniting the Louisiana question to that of claims for indemnity, as they were essentially distinct; and, as I thought that, after all that had passed, we had a right to expect that no further obstacle should be thrown in the discussion of our claims, by connecting it with subjects foreign to them."

No. 236.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Adams, Secretary of State, dated Paris, 13th November, 1822.

"I received, on the 18th instant, a letter from Mr. de Villele, of the 6th—copy of which is enclosed, together with that of my answer, of the 12th."

[TRANSLATION.]

Mr. de Villele to Mr. Gallatin.

PARIS, November 6, 1822.

SIR: The Convention, concluded at Washington, on the 24th of June last, has removed the obstacles which have, momentarily, impeded the relations of commerce between France and the United States. Although this Convention is only temporary, it holds out the expectation of a treaty more extensive and more durable. It has left leisure proper for discussing and establishing this treaty, upon bases the most conformable to the

interest of the two States. Already the communications are re-opened, on both sides, on the most amicable footing. His Majesty has seen, with satisfaction, this happy effect of the arrangement concluded in his name, and in that of the United States.

If any partial difficulties still remain to be removed, they will be easily arranged between two Powers, who sincerely wish to establish their relations upon the most perfect equity.

In this spirit of reciprocal justice, I have received the claims which you have done me the honor to transmit to me, and without prejudging any thing in their regard, I must, first of all, sir, remark to you, that France has also claims pending, or to be produced, to the Government of the United States. It would appear agreeable to the interest of the two parties, and to the reciprocity of justice, and of protection, to which the subjects of the two States have equally a right, that these affairs should be examined and arranged unanimously, by way of negotiation.

His Majesty's intention would be, that these claims and the other points in dispute, upon which the Convention, of 24th June, has not been able to pronounce, should be the object of this negotiation, in order to terminate simultaneously, and in a definitive manner, every dispute between the two States, especially in what concerns the duties received in Louisiana, on the French commerce, contrary to the tenor of the 8th article of the treaty of cession.

You will only perceive, sir, in this intention of His Majesty, the most firm desire of leaving, in future, no cause or pretext of misunderstanding, or of complaints between the two States, and on the part of their respective subjects.

If you are authorized, sir, to follow this march, I pray you let me know, and I will hasten to demand of the King the necessary powers to a negotiator, charged with treating with you.

If you were also authorized to sign a consular convention, the same Plenipotentiary would receive powers, *ad hoc*, for also pursuing the negotiation.

Accept, sir, the assurance of the high consideration, &c.

The Minister of Finance, charged, *ad-interim*, with the Portfolio of Foreign Affairs.

JH. DE VILLELE.

PARIS, November 12, 1822.

SIR: I had the honor to receive your Excellency's letter of the 6th instant.

I have special powers to negotiate a convention providing for the just claims of citizens of the United States against France; as, also, for the like claims of French subjects against the United States, with such person or persons as may have a like authority from His Most Christian Majesty.

As Minister of the United States, I am authorized to discuss the question respecting the construction of the 8th article of the Louisiana treaty, and to give and receive explanations on that subject. But the negotiation on that point having

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been transferred to Washington, no special powers in that respect have been transmitted to me. I had understood, in the course of the conference I had the honor to have with your Excellency on the 23d of September, and had accordingly written to my Government, that it was not intended to insist that that subject should be blended with that of private claims. It is, indeed, obvious, that it would be utterly unjust to make the admission of these to depend on the result of a negotiation on a subject with which they have no connexion whatever, and the difficulties respecting which are of a date posterior to that of the claims.

All the representations which His Majesty's Government has made to that of the United States, whether on private or on public subjects, have uniformly been taken into consideration, and received that attention to which they were so justly entitled. In no instance has the Government of the United States declined to open a discussion on any subject thus offered to their consideration by France, or made it a preliminary condition that the discussion should also embrace some other subject in which they might happen to take a greater interest. The question respecting the 8th article of the Louisiana treaty has, in particular, been the subject of a voluminous correspondence, in the course of which the arguments in support of the construction insisted on by each party, respectively, were made known to the other. I have, in the mean while, for six years, made unceasing applications to His Majesty's Government for the settlement of claims to a vast amount, affecting the interest of numerous individuals, and arising from flagrant violations of the law of nations and of the rights of the United States, without having ever been able to obtain to this day satisfaction in a single instance, or even that the subject should be taken into consideration and discussed. After so many vexatious delays, for which different causes have at different times been assigned, it cannot now be intended again to postpone the investigation of that subject, by insisting that it should be treated in connexion with one foreign to it, and which has already been discussed. The United States have at least the right to ask that their demands should also be examined and discussed, and I trust that, since I am authorized to treat, as well concerning the claims of French subjects against the United States, as respecting those of American citizens against France, a distinct negotiation to that effect will be opened without any further delay.

Permit me, at the same time, to renew to your Excellency the assurances that the United States have the most earnest desire that every subject of difference between the two countries should be amicably arranged, and their commercial and political relations placed on the most friendly and solid footing. They will be ready to open again negotiations on the subject of the 8th article of the Louisiana treaty, and on every other which remains to be adjusted, and will have no objection that the seat of those negotiations should be transferred from Washington to this place.

Although my powers to treat, respecting every

subject connected with the commerce of the two countries, may embrace that of a Consular Convention, yet, as this had not been contemplated by my Government, I am not at this time prepared to conclude an arrangement for that purpose.

I request your Excellency to accept the assurances, &c.

ALBERT GALLATIN.

His Ex'cy COUNT DE VILLELE,
Charged with Dep. of Foreign Affairs, &c.

No. 237.

Mr. Gallatin to the Secretary of State.

PARIS, November 19, 1822.

SIR: I received last night, and have the honor to enclose, a copy of Mr. de Villele's answer (dated 15th instant,) to my letter of the 12th. You will perceive that, without taking any notice of the reasons I had urged, why a distinct negotiation should be immediately opened on the subject of the claims against both Governments, he insists that this shall be treated in connexion with the question respecting the construction of the 8th article of the Louisiana treaty. The object is too obvious to require any comments on my part, and this final decision leaves me no other course than to refer the whole to my Government.

I have honor to be, &c.

ALBERT GALLATIN.

[TRANSLATION.]

M. de Villele to Mr. Gallatin.

PARIS, November 15, 1822.

SIR: You did me the honor to announce to me, on the 12th of this month, that you were authorized to negotiate a convention, relative to the claims of Americans against France, and to those of France against the United States; but, that you had no power to enter upon a negotiation concerning the interpretation of the 8th article of the Louisiana treaty.

The discussions which have arisen upon this last point, between your Government and the King's Minister Plenipotentiary to the United States, having had no result, and this question being thus left undecided, it is both proper and just to resume the examination of it; it touches upon too great interests not to be treated of with renewed attention, or to be abandoned.

If a new arrangement takes place for the claims, which are still in controversy, it ought to comprehend the whole, and the desire of the King's Government is not to leave any difficulty, any indecision remaining in the relations of the two countries.

It is for the same reason, sir, that I demanded, in the letter which I had the honor to address to you on the 6th of this month, that the negotiation to be opened on the respective claims should also include a consular convention.

If your powers for discussing these difficult points should not appear to you sufficiently extensive to make it the object of a negotiation, I think,

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sir, that you will deem it fit to ask of your Government supplementary authority, to come at an arrangement, which cannot be of the utility proposed by the two Governments unless it shall embrace all the questions and the claims which are still in dispute.

I can only refer, sir, on this subject, to the communications which I had the honor to make to you on the 6th of this month, and with which you have, doubtless, acquainted your Government.

Accept, sir, the assurance of my high consideration.

JH. DE VILLELE,
Minister of Finances, &c.

No. 250.

Extract of a letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary to France, to Mr. Adams, Secretary of State, dated Paris, 27th February, 1823.

"The more I have reflected on the ground assumed by this Government, on the subject of our claims, and on the attempt to connect their discussion with the question arising under the 8th article of the Louisiana treaty, the more I have felt satisfied that it was impossible that the United States should depart from the true construction of that article, and acquiesce in that contended for by France, and that the renewed discussion on that subject would be unprofitable, and lead to no result whatever. As a last, but I believe unavailing effort, I have concluded to express that conviction to the French Government, and have accordingly addressed, this day, to Mr. Chateaubriand, the letter of which I have the honor to enclose a copy."

PARIS, February 27, 1823.

SIR: I had the honor to receive his Excellency Count de Villele's letter, of the 15th November last, by which, notwithstanding the remonstrance contained in mine of the 12th, his Excellency, being at that time charged with the Department of Foreign Affairs, still insisted that the discussion of the claims of individuals of both nations upon the two Governments, respectively, should not take place, unless it was connected with a renewed negotiation on the 8th article of the Louisiana treaty.

A conversation I had the honor to have with his Excellency the Duke de Montmorency, after his return from Verona, induced me to hope, although he did not encourage any expectations of a different result, that he would, however, again lay the subject before His Majesty's Council of Ministers. This circumstance, the subsequent change in the Department of Foreign Affairs, and the objects of primary importance which have hitherto necessarily engrossed your Excellency's attention, have prevented an earlier official answer to his Excellency Count de Villele's letter.

It has, together with the others on the same subject, as he had naturally anticipated, been of course transmitted to my Government. But, on a review

of the correspondence of Mr. Adams with Mr. Hyde de Neuville, and with myself, I must express my perfect conviction, that the subject having been maturely examined, and thoroughly discussed, there cannot be the least expectation that the United States will alter their views of it, or acquiesce in the construction put by His Majesty's Minister on the 8th article of the Louisiana treaty.

It is not my intention, at this moment, to renew a discussion which seems to have been already exhausted; but I will beg leave, simply, to state the question to your Excellency.

It was agreed, by the article above-mentioned, that the ships of France should forever be treated upon the footing of the most favored nation in the ports of Louisiana.

Vessels of certain foreign nations being now treated in the ports of the United States, including those of Louisiana, on the same footing with American vessels, in consideration of the American vessels being treated in the ports of those nations on the same footing with their own vessels, France has required that French vessels should, by virtue of the said article, be treated, in the ports of Louisiana, on the same footing with the vessels of those nations, without allowing, on her part, the consideration, or reciprocal condition, by virtue of which those vessels are thus treated.

The United States contend that the right to be treated upon the footing of the most favored nation, when not otherwise defined, and when expressed only in those words, is that, and can only be that, of being entitled to that treatment, gratuitously, if such nation enjoys it gratuitously, and on paying the same equivalent, if it has been granted in consideration of an equivalent. Setting aside every collateral matter and subsidiary argument, they say that the article in question, expressed as it is, can have no other meaning, is susceptible of no other construction, for this plain and incontrovertible reason: that, if the French vessels were allowed to receive, gratuitously, the same treatment which those of certain other nations receive, only in consideration of an equivalent, they would not be treated as the most favored nation, but more favorably than any other nation. And, since the article must necessarily have the meaning contended for by the United States, and no other, the omission or insertion of words to define it, is wholly immaterial, a definition being necessary only when the expressions used are of doubtful import, and the insertion of words to that effect in some other treaties, belonging to that class of explanatory but superfluous phrases of which instances are to be found in so many treaties.

It might, indeed, have, perhaps, been sufficient to say that, in point of fact, there was no most favored nation in the United States, the right enjoyed by the vessels of certain foreign nations to be treated in the ports of the United States as American vessels, in consideration of American vessels receiving a similar treatment in the ports of those nations, not being a favor but a mere act of reciprocity.

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Let me also observe that the pretension of France would, if admitted, leave no alternative to the United States than either to suffer the whole commerce between France and Louisiana to be carried exclusively in French vessels, or to renounce the right of making arrangements with other nations deemed essential to our prosperity, and having for object not to lay restrictions on commerce, but to remove them. If the meaning of the 8th article of the Louisiana treaty was such, indeed, as has been contended for on the part of France, the United States, bound to fulfil their engagements, must submit to the consequences, whatever these might be; but this having been proven not to be the case, the observation is made only to show that the United States never can, either for the sake of obtaining indemnities for her citizens, or from their anxious desire to settle, by conciliatory arrangements, all their differences with France, be brought to acquiesce in the erroneous construction put upon the article in question.

The proposal made by his Excellency Mr. de Villele, in his letter of the 6th of November, and reiterated in that of the 15th, can, therefore, have no other effect than to produce unnecessary delays, and would, if persisted in, be tantamount to an indefinite postponement of the examination and settlement of the claims of the citizens of the United States. It will remain for His Majesty's Government to decide whether this determination be consistent with justice, whether the reclamations of private individuals should be thus adjourned because the two Governments happen to differ in opinion on a subject altogether foreign to those claims. Having nothing to add to my reiterated and unavailing applications on that subject, my only object, at this moment, has been, to show that I cannot expect any instructions from my Government that will alter the state of the question.

I request your Excellency to accept the assurance, &c.

ALBERT GALLATIN.
*Viscount de CHATEAUBRIAND,
Minister of Foreign Affairs, &c.*

AFRICAN SLAVE TRADE.

[Communicated to the House, March 20, 1824.]
To the House of Representatives:

I transmit, herewith, to the House of Representatives a report from the Secretary of State, with the papers therein referred to, in compliance with a resolution of that House, of 27th January last.

JAMES MONROE.
WASHINGTON, March 19, 1824.

DEPARTMENT OF STATE,
Washington, March 18, 1824.

The Secretary of State, to whom has been referred a resolution of the House of Representatives, of the 27th of January last, requesting the

President to communicate to that House such part, as he may not deem inexpedient to divulge, of any correspondence or negotiation, which he may have instituted with any foreign Government since the 28th of February, 1823, in compliance with a request contained in a resolution of the same House of that date, relative to the denunciation of the African slave trade as piracy, has the honor to submit to the President copies of the correspondence requested.

JOHN QUINCY ADAMS.

LIST OF PAPERS SENT.

1. Mr. Canning to Mr. Adams, 29th January, 1823.
2. Mr. Adams to Mr. Canning, 31st March, 1823.
3. Mr. Canning to Mr. Adams, 8th April, 1823.
4. Mr. Adams to Mr. Canning, 24th June, 1823.
5. Mr. Adams to Mr. Nelson, (Extract,) 28th of April, 1823.
6. Same to Mr. Rodney, do., 17th May, 1823.
7. Same to Mr. Anderson, do., 27th May, 1823.
8. Same to Mr. Rush, with one enclosure; convention slave trade, (Extract,) 24th June, 1823.
9. Same to Mr. Middleton, (Copy,) 28th July, 1823.
10. Same to Mr. Everett, do., 8th August, 1823.
11. Same to General Dearborn, (Extract,) 14th August, 1823.
12. Mr. Rush to Mr. Adams, do., 9th October, 1823.
13. Mr. Sheldon to same, do., 16th October, 1823.
14. Same to same, with two enclosures; correspondence with Viscount Chateaubriand, (Extracts,) 5th November, 1823.
15. Mr. Everett to Mr. Adams, with two enclosures; correspondence with Baron Nagell, (Extracts,) 20th November, 1823.

Mr. Canning to Mr. Adams.

WASHINGTON, Jan. 29, 1823.

SIR: To the complete abolition of the African slave trade, Great Britain, as you are well aware, has long devoted her anxious and unremitting exertions; she availed herself, during war, of her belligerent rights, and extended dominion in the colonies, to put down the inhuman traffic; in peace, she has spared no labor, and shrunk from no sacrifice, to supply, by a general co-operation of the maritime Powers, whatever has been withdrawn from her peculiar control by the cessation of hostilities, and the colonial arrangements consequent on that event. It is matter of deep regret to His Majesty's Government, that the result of their exertions is far from corresponding either to the cause which demands, or to the zeal which sustains them. The pest, which they have pledged themselves to destroy, if it be in human power to destroy it, not only survives, to the disgrace and affliction of the age, but seems to acquire a fresh capacity for existence with every endeavor for its destruction.

To whatever fatality it may be owing, that, while the obligation of adopting and enforcing measures for the extermination of the slave trade,

is solemnly acknowledged by the civilized world, this great object seems rather to elude the grasp than to approach its consummation. Great Britain perceives, in the postponement of her hopes, however mortifying for the moment, no reason either to relax from her efforts, or to abandon the expectation of final success. Impelled, by the noblest motives, to persevere in the cause of abolition, and mindful by what slow laborious steps the present point has been attained, she looks forward, through surrounding obstacles, to that triumphant accomplishment of her purpose, the benefit and glory of which will only be rendered more signal by the difficulties attendant on its progress.

In calling on Europe and America to join with them in the discharge of this sacred duty, His Majesty and his Ministers have appealed, sir, with the more confidence, to your Government, as the United States have long proclaimed their decided hostility to the slave trade, and are surpassed by no country in the vigor of their legislative enactments for its repression. The identity of principle existing on this subject between the two Governments, is distinctly recorded in the Treaty of Peace; and, in answer to every proposal which has since, by His Majesty's command, been addressed to your Cabinet, for redeeming that pledge, by a broad and effectual application of the principle, a fresh assurance has been given of the unceasing interest with which the United States continue to promote the cause of abolition. When, to this accord, in principle and sentiment, is added the conviction, avowed by both parties, that, in spite of laws and treaties, the accursed traffic still thrives, under the eyes of an indignant world, it would seem impossible that the two Powers should be long prevented from concerting a joint system of measures against the common object of their abhorrence and just proscription. Whatever circumstances, views, or impressions, may have hitherto defeated this expectation, His Majesty's Ministers are still unwilling to despair of finding the United States at length prepared either to close with the system of concert already offered to their acceptance, or to suggest a plan of equal efficiency in its place. The alternative embraces a duty, for the performance of which both countries are responsible before God and man.

A deep sense of this duty, and a reliance, by no means relinquished, on the general disposition of the United States, have prompted the several communications on this question, which have been addressed to you at successive periods, either through me, or by means of the American Envoy in London. You will readily call to mind, sir, that, in the course of last Summer, I apprized you of the intention of His Majesty's Ministers to press for an early reconsideration of the subject, submitting whether it might not prove agreeable to the American Cabinet to anticipate that intended recurrence to it on the part of Great Britain, by some efficient proposal, originating with itself. I took occasion, in repeated conversations, to urge anew those various arguments which support and justify the opinion of His Majesty's Government; and I also placed in your hands the official papers,

then recently printed by order of Parliament, in further evidence of the extent to which the traffic in human beings was still carried on from Africa, under circumstances of aggravated cruelty. In declaring, as on former occasions, the readiness of His Majesty's Ministers to examine, with respect and candor, whatever scheme of concert, if any, the American Cabinet might think proper to bring forward, as a substitute for theirs, you will remember how strongly I expressed my belief that the only effectual measure devised, or likely to be devised, was a mutual concession of the right of search. In the exercise of that right, under such guards, and with such limitations as may serve to tranquillize the most apprehensive and scrupulous minds, it is still conceived that the best and only cure for this intolerable mischief is to be found. You assured me, at a subsequent conference, that my representations had been duly submitted to the President. I wish it were in my power to add that the cause which I pleaded had prevailed.

From the printed documents which I had the honor of communicating to you, it appears that the French flag is more particularly employed to cover the illicit trade on the coast of Africa. It would, perhaps, be unfair to conclude that French property and French subjects are concerned to the full proportion in which the colors of that nation are used; but it is manifest that both are engaged in this commerce of blood to an extent which reflects discredit, if not on the motives of the French administration, at least on the efficiency of its measures; and makes it imperative on those Governments which are pledged to each other for the suppression of the slave trade, to declare their reprobation of what is, at best, a culpable remissness, and to omit nothing that may rouse the French Cabinet to a more active exercise of its authority.

It was a part of my instructions to bring this point under your immediate consideration, and to intimate that the remonstrances of His Majesty's Ambassador at Paris might be attended with more effect, if the American Envoy at that Court were directed to concur with his Excellency in a joint representation on the subject. It would be idle at present to repeat the arguments adduced in executing this instruction. The answer which you returned in the name of the President, was unfavorable to the step I had suggested; and such was the result which it became my duty to announce to His Majesty's Secretary of State. But no doubt was started with respect to the grounds on which my application rested; and, of those notorious facts, to which I referred, as calling for a joint and impressive appeal to the good faith and good feelings of the French Government, you seemed to be equally convinced with myself.

The reasons, indeed, which you alleged for declining, at that time, to comply with a proposal no less simple in its nature than useful in its object, I understood to be rather of a temporary character; and, under this impression, I cannot but hope that the period is now arrived when they will no longer be found to stand in opposition to the great considerations involved in this question.

In repeating, therefore, the invitation which I have already had the honor to convey to you on the part of His Majesty's Government, it only remains for me to request an early communication of the intentions at present entertained on this head by the Government of the United States.

I beg, sir, that you will accept the assurance of my distinguished consideration.

STRATFORD CANNING.

Hon. JOHN QUINCY ADAMS,
Secretary of State, &c.

Mr. Adams to Mr. Canning.

DEPARTMENT OF STATE,
Washington, March 31, 1823.

SIR: Your letter of the 29th of January was, immediately after being received, submitted to the consideration of the President of the United States. The delay which has hitherto procrastinated a reply to it, has been occasioned, not by any abatement of the interest, on the part of the Government of the United States, with which it regards every effort and proposal for the full and final suppression of the African slave trade; nor by any hesitation with regard to the decision which had already been formed and declared respecting the proposal of submitting the vessels and citizens of the United States to the search of foreign officers upon the high seas; but by an expectation that measures contemplated by the national House of Representatives might, before the close of the session of Congress, indicate to the Executive Government of this country, views upon which it would be enabled to substitute a proposal for accomplishing the total abolition of the traffic, more effectual to its purpose, and less liable to objections on other accounts than that to which the United States cannot be reconciled, of granting the right of search. These measures were matured in the branch of the Legislature where they originated, only at the very termination of the session; and the Senate had not the opportunity of pronouncing its opinion upon them. There is, however, no doubt on the mind of the President that they would have obtained their sanction; and he has, therefore, no hesitation in acting, so far, upon the expressed and almost unanimous sense of the House, as to declare the willingness of this Union to join with other nations in the common engagement to pursue and to punish those who shall continue to practise this crime, so reprobated by the just and humane of every country, as enemies of the human race, and to fix them, irrevocably, in the class, and under the denomination, of pirates.

I have the honor of enclosing herewith a copy of the 4th and 5th sections of a law of the United States, passed on the 15th of May, 1820, by which it will be seen, that any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel, owned in whole or part, or navigated for, or in behalf of, any citizen or citizens of the United States, participating

in the slave trade, is declared to have incurred the penalties of piracy, and made liable to atone for the crime with his life. The legislation of a single nation can go no further, to mark its abhorrence of this traffic, or to deter the people subject to its laws, from contamination, by the practice of others.

If the inference in your letter of the 29th of January, from the documents to which it refers, be correct, that the French flag is more particularly employed to cover the illicit trade on the coast of Africa; and the conjecture likewise suggested in it, that this flag is used to cover the property and the persons of individuals bound to other allegiances, be well founded, this statute makes every citizen of the United States, concerned in such traffic, liable, if detected in it, to suffer an ignominious death. The code of Great Britain herself has, hitherto, no provision of equal severity in the pursuit of her subjects, even under the shelter of foreign banners, and to the covert of simulated papers, and property.

I am directed by the President of the United States to propose, on their part, the adoption, by Great Britain, of the principle of this act; and to offer a mutual stipulation to annex the penalties of piracy to the offence of participating in the slave trade, by the citizens or subjects of the respective parties. This proposal is made as a substitute for that of conceding a mutual right of search, and of a trial by mixed commissions, which would be rendered useless by it. Should it meet the approbation of your Government, it may be separately urged upon the adoption of France, and upon the other maritime Powers of Europe, in the manner most conducive to its ultimate success.

I have the honor of tendering to you the renewed assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Right Hon. STRATFORD CANNING,
Envoy Extraordinary, &c.

Mr. Canning to Mr. Adams.

WASHINGTON, April 8, 1823.

SIR: I have received your official letter, dated the 31st ultimo, in answer to that which I had the honor of addressing to you on the 29th of January; and, together with it, a transcript of the 4th and 5th sections of an act of Congress, approved the 15th of May, 1820.

From this communication I learn that the Government of the United States is willing to join with other Powers in declaring slave trade piracy under the law of nations, and treating the perpetrators of this crime as enemies of the human race; that the American Government is further prepared to enter into a formal engagement with Great Britain to the effect of carrying the principle just specified into immediate operation, reciprocally, as to their respective subjects or citizens; and, finally, that, as soon as this proposal shall be accepted by the British Government, the United States will be ready to concur in pressing its adoption on the Court of France and other maritime

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Powers, in such manner as may afford the fairest prospect of success.

In whatever degree His Majesty's Government may be disposed to receive this offer as an acknowledgment that measures more efficient than any now generally in force, are indispensable for the suppression of the slave trade, it is not difficult to foresee, that fresh sentiments of regret will be excited, by the unfavorable view which the American Administration continues to take of the principal measure suggested on the part of His Majesty. That measure, you are well aware, sir, is a mutual limited concession of the right of search; and though, as I have frequently stated, His Majesty's Government, in adopting it by treaty with several of the maritime Powers, and in recommending it with earnestness to the acceptance of others, particularly of the United States, have never opposed the consideration of any other plan brought forward as equally effective; yet, having from the first regarded it in conscience as the only true and practical cure for the evil in question, they are naturally anxious, from a deep sense of duty, to place it in its proper light, and to guard it, as far as possible, from prejudice or misconception. I therefore deem it of importance, on this occasion, to bring into one point of view the several limitations under which, it is conceived the right of search might be so exercised as to clear it of every imaginable difficulty. To give the intended limitations their just value, it is requisite to bear in mind the particular objections which have been urged against the interchange of a right of search; and for those, in their full extent, I can hardly be wrong in referring to your previous correspondence, since the last communication which I have received from you on this subject, though it describes the impressions of the American Government as remaining unaltered, does not exhibit any argument in support of their opinion.

In answer to that class of objections which relate to the mixed commissions established by treaty, between His Majesty and the Courts of Lisbon, Brussels, and Madrid, it may suffice to remind you of the intimation conveyed through Mr. Rush, in the early part of last year, which I had subsequently the honor of confirming at the Department of State. It might be expected, that any arrangement for the adjudication of vessels engaged in the slave trade, independent of those tribunals, would either leave the detained vessels to be disposed of in the ordinary way, by the sentence of a Court of Admiralty in the country of the captor, or place them under the jurisdiction of a similar court in the country to which they belonged. On the former supposition, it is not to be anticipated, that the United States could hesitate to admit the jurisdiction of a foreign Court of Admiralty, when sanctioned by mutual agreement, over the persons and property of citizens, abandoned to a pursuit, so flagrantly iniquitous, as to be classed by the Legislature of their country with crimes of the most heinous description; and which the American Government has declared its willingness to treat as piracy,

under the law of nations. Great Britain, for her part, desires no other than that any of her subjects who so far defy the laws, and dishonor the character of their country, as to engage in a trade of blood, proscribed not more by the acts of the Legislature, than by the national feeling, should be detected and brought to justice, even by foreign hands, and from under the protection of her flag. In either of the supposed cases, it is clear that all impediments connected with the forms of proceeding, and peculiar construction of the mixed commissions, would be completely avoided; and, with respect to any embarrassment attending the disposal of condemned vessels and liberated slaves, it has already been suggested by a committee of the House of Representatives, that the provisions of the act of Congress, passed the 3d of March, 1819, might be applied to them without difficulty or inconvenience.

The question being thus relieved from all connexion with the mixed commissions, every Constitutional objection, arising out of their alleged incompatibility with the institutions of the United States, is at once removed from consideration. The remaining obstacles may be reduced under the following heads: the unpopularity of the right of search in this country; its tendency, if mutually employed, to produce an unfriendly collision between the two nations; and a certain supposed inequality, which would attend its exercise.

With respect to any doubt of its utility, created by a persuasion that very few vessels, under American colors, have been discovered, for some time past, on the coast of Africa, it requires but little reflection to prove, that no conclusive inference can be drawn from that circumstance. Not to dwell upon the extent and nature of the slave coast, peculiarly favorable to the concealment of trading vessels, it must be remembered that the United States have maintained, at no time, a greater number of cruisers than two, rarely more than one, and latterly, during several months together, no ship-of-war, whatever, on the African station. As late as the 14th of January, 1822, it was stated, officially, by the Governor of Sierra Leone, "that the fine rivers Nunez and Pongas, were entirely under the control of renegade European and American slave traders."

But, if it were even manifest, that the active and judicious exertions of your naval officers, in that quarter, had really effected a total disuse of the American flag in slave trading, the right of search would still be most highly desirable, in order to secure and extend so important an advantage. As an example, indeed, to other Powers, particularly to France, whose subjects, encouraged by the loose and equivocal measures of their Government, are convicted, by a mass of evidence too strong to be resisted, of being concerned, to a deplorable degree, in this atrocious commerce, the concurrence of the United States in a system, of which the very first result is to augment considerably the means of bringing offenders to justice, can hardly be rated at too high a value. The example which they are called

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upon to give, is not merely due to the claims of humanity; Great Britain and the United States are not only pledged to put down the slave trade within the limits of their immediate jurisdiction; they are also bound, by solemn obligations, to employ their utmost endeavors for its complete and universal extermination. They have both succeeded in their great and benevolent object, so far as the rigor of legislative enactments is capable of counteracting the temptation of enormous profit, which stimulates the unprincipled avarice of the slave merchant. It is facility of escaping detection, and not any want of severity in the punishment attached to a violation of their laws, which, as far as they are concerned, requires a more decisive remedy; and, a remedy adequate to the evil, can only be found in such measures as will strip the illicit trader of every disguise, and throw the chances entirely on the side of failure in his inhuman speculations. In the case of search, at sea, the means unavoidably employed in the commission of this crime are fortunately, it may be said providentially, of such a nature, as in general to furnish a plain substantial body of proof, for the conviction of the criminal.

For the satisfaction of those who seriously apprehend that the friendly relations subsisting between the two countries would be endangered by the admission of a practice which, in their opinion, must necessarily produce a vexatious exercise of authority on the part of the searching officer, and frequent complaints on that of the merchant, whose vessel is subjected to search, with the supposed aggravation of an unequal pressure on one of the contracting parties, His Majesty's Government would, doubtless, agree to confine the right of visit to a fixed number of cruisers on each side; restricted, in the performance of this duty, to certain specified parts of the ocean, and acting under regulations, prepared, by mutual consent, for the purpose of preventing abuses. To these important limitations, if not deemed sufficient, others might easily be added; the arrangement, for example, might be temporary; adopted, in the first instance, for a short period, and only to be continued in the event of its being found on trial, to operate in a satisfactory manner. With this understanding, a speedy termination would, at least, be insured, to any objectionable result attending its operation; and, for the sake of interests as dear to humanity, an experiment, of which the advantage, as to its main object, is certain and complete, the inconvenience, contingent and momentary, might surely be reconciled with a due regard to considerations exclusively national.

Supposing that inconvenience should be found, in practice, to press unequally on either of the two parties, Great Britain, and not the United States, is most likely to have cause of complaint, inasmuch as the greater extent of her trade, especially on the coast of Africa, must naturally expose her, in a greater degree, to any injurious consequences of the agreement. Great Britain, however, is less disposed to shrink from any sacrifice, by which she can materially advance the sacred cause of abolition, than to lament, and, if possible, to dis-

pel those mistaken notions, and unfounded jealousies, which deprive her exertions of their full effect, and serve, but too successfully, to protract the existence of a mischief, which all unite in deploring. In point of principle, the honor of neither flag would be tarnished, by having its protection withdrawn for a season from those who perpetrate the atrocities of the slave trade; and permit me, sir, to add, that what Great Britain is ready to allow, in a matter so vital to her pride and to her power, may surely be allowed, reciprocally, by any other nation, however scrupulous in the maintenance of its maritime independence.

That an agreement between our respective cabinets, founded on a mutual right of search, thus guarded and explained, would fail to obtain the consent of the American Senate, or that a nation so inquiring and enlightened as the United States, would confound the proposed measures with that practice, which afforded matter of painful contention during the last wars in Europe, is what I am extremely unwilling to anticipate. The two objects are, in fact, so totally distinct from each other, in principle, purpose, and mode of execution, that the proposal of the British Government need only be presented to the examination, I will not say of a select and experienced assembly, but of the people at large, in order to be seen in its true bearings.

So far is the British proposal from tending to commit the American Government on the long disputed question of the belligerent right of search, that, if it may be supposed to touch that question at all, it appears rather to operate in the sense of the United States, than unfavorably for their view of the subject.

The officers intrusted on either side with the duty of examining suspected vessels, would necessarily act under instructions calculated to insure a perfect harmony between the principle and the application of this conceded right; nor is it to be feared that they would presume, in any case, to extend the visit thus authorized at sea, beyond the particular and specified object to which it is meant to be confined.

I have the honor to request, sir, that you will again accept the assurance of my highest consideration.

STRATFORD CANNING.

Hon. J. Q. ADAMS, *Sec'y State, &c.*

Mr. Adams to Mr. Canning.

DEPARTMENT OF STATE,
Washington, June 24, 1823.

SIR: In the letter which I had the honor of addressing you, on the 31st of March last, a proposal was made, to be submitted to the consideration of your Government, that the principle assumed in an act of the Congress of the United States, of 15th May, 1820, of considering and punishing the African slave trade as piracy, should be adopted as the basis of a stipulation by treaty between the United States and Great Britain; and to be urged separately upon the adoption of France, and upon the other maritime nations of Europe,

in the manner most conducive to its ultimate success. It was observed that this offer was presented as a substitute for that of conceding a mutual right of search, and a trial by mixed commissions, to which the United States could not be reconciled, and which would be rendered useless by it.

Your letter of the 8th of April, to which I have now the honor to reply, intimates that His Majesty's Government will be disposed to receive this offer only as an acknowledgment that measures more efficient than any now generally in force, are indispensable for the suppression of the slave trade; and that, although they have never opposed the consideration of any other plan, brought forward as equally effective, yet, having from the first regarded a mutual limited concession of the right of search, as the *only* true and practical cure for the evil, their prevailing sentiment will be of regret at the unfavorable view still taken of it by the Government of the United States. Your letter, therefore, urges a reconsideration of the proposal for this mutual right of search, and, by presenting important modifications of the proposal heretofore made, removes some of the objections which had been taken to it as insuperable, while it offers argumentative answers to the others which had been disclosed in my previous communications on this subject to you.

In the treaties of Great Britain with Spain, Portugal, and the Netherlands, for the suppression of the slave trade, heretofore communicated, with the invitation to the United States to enter into similar engagements, three principles were involved, to neither of which the Government of the United States felt itself at liberty to accede. The first was the mutual concession of the right of search and capture, in time of peace, over merchant vessels, on the coast of Africa. The second was, the exercise of that right even over vessels under *convoy* of the public officers of their own nation; and the third was, the trial of the captured vessels by mixed commissions in colonial settlements, under no subordination to the ordinary judicial tribunals of the country to which the party brought before them for trial should belong. In the course of the correspondence relating to these proposals, it has been suggested that a substitute for the trial by mixed commissions might be agreed to; and, in your letter of the 8th of April, an *expectation* is authorized, that an arrangement for the adjudication of the vessels detained, might leave them to be disposed of in the ordinary way, by the sentence of a Court of Admiralty in the country of the captor, or place them under the jurisdiction of a similar court in the country to which they belonged; to the former alternative, of which you anticipate the unhesitating admission of the United States, in consideration of the aggravated nature of the crime, as acknowledged by their laws, which would be thus submitted to a *foreign* jurisdiction. But it was precisely because the jurisdiction was *foreign* that the objection was taken to the trial by mixed commissions; and if it transcended the Constitutional authority of the Government of

the United States to subject the persons, property, and reputation of their citizens, to the decisions of a court partly composed of their own countrymen, it might seem needless to remark, that the Constitutional objection could not diminish in proportion as its cause should increase, or that the Power incompetent to make American citizens amenable to a court consisting one-half of foreigners, should be adequate to place their liberty, their fortune, and their fame, at the disposal of tribunals entirely *foreign*. I would further remark, that the sentence of a Court of Admiralty in the country of the captor, is not the *ordinary way* by which the merchant vessels of one nation, taken on the high seas by the officers of another, are tried in time of peace. There is, in the ordinary way, no right whatever existing, to take, to search, or even to board them; and I take this occasion to express the great satisfaction with which we have seen this principle solemnly recognised by the recent decision of a British Court of Admiralty. Nor is the aggravation of the crime for the trial of which a tribunal may be instituted, a cogent motive for assenting to the principle of subjecting American citizens, their rights and interests, to the decision of foreign courts; for, although Great Britain, as you remark, may be willing to abandon those of her subjects who defy the laws and tarnish the character of their country, by participating in this trade, to the dispensation of justice even by foreign hands, the United States are bound to remember that the power which enables a court to try the guilty, authorizes them also to pronounce upon the fate of the innocent; and that the very question of *guilt* or innocence is that which the protecting care of their Constitution has reserved for the citizens of this Union, to the exclusive decision of their own countrymen. This principle has not been departed from by the statute which has branded the slave trader with the name, and doomed him to the punishment of a pirate. The distinction between *piracy* by the law of nations, and *piracy* by statute, is well known and understood in Great Britain; and while the former subjects the transgressor guilty of it to the jurisdiction of any and every country into which he may be brought, or wherein he may be taken, the latter forms a part of the municipal criminal code of the country where it is enacted, and can be tried only by its own courts.

There remains the suggestion that the slave trader, captured under the mutual concession of the power to make the capture, might be delivered over to the jurisdiction of his own country. This arrangement would not be liable to the Constitutional objection which must ever apply to the jurisdiction of the mixed commission, or of the admiralty courts of the captor. And if your note is to be understood as presenting it in the character of an alternative, to which your Government is disposed to accede, I am authorized to say that the President considers it as sufficient to remove the insuperable obstacle which had precluded the assent of the United States to the former proposals of your Government, resulting from the char-

acter and composition of the tribunals to whom the question of guilt or innocence was to be committed.

The objections to the right of search, as incident to the right of detention and capture, are also in a very considerable degree removed by the introduction of the principle that neither of them should be exercised, but under the responsibility of the captor to the tribunals of the captured party, in damages and costs. This guard against the abuses of a power so liable to abuse would be indispensable; but if the provisions necessary for securing effectually its practical operation would reduce the right itself to a power merely nominal, the stipulation of it in a treaty would serve rather to mark the sacrifice of a great and precious principle, than to attain the end for which it would be given up.

In the objections heretofore disclosed to the concession desired, of the mutual and qualified right of search, the principal stress was laid upon the repugnance which such a concession would meet in the public feeling of this country, and of those to whom its interests are intrusted in the department of this Government, the sanction of which is required for the ratification of treaties. The irritating tendency of the practice of search, and the inequalities of its present operation, were slightly noticed, and have been contested in argument, or met by propositions of possible palliatives, or remedies for anticipated abuses, in your letter. But the source and foundation of all these objections was in our former correspondence scarcely mentioned, and never discussed. They consist in the nature of the right of search at sea, which, as recognised or tolerated by the usage of nations, is a right exclusively of *war*, never exercised but by an outrage upon the rights of *peace*. It is an act analogous to that of searching the dwelling-houses of individuals on the land. The vessel of the navigator is his dwelling-house, and like that, in the sentiment of every people that cherishes the blessings of personal liberty and security, ought to be a sanctuary inviolable to the hand of power, unless upon the most unequivocal public necessity, and under the most rigorous personal responsibility of the intruder. Search at sea, as recognised by all maritime nations, is confined to the single object of finding and taking contraband of war. By the law of nature, when two nations conflict together in war, a third (remaining neutral) retains all its rights of peace and friendly intercourse with both. Each belligerent, indeed, acquires by war the right of preventing a third party from administering to his enemy the direct and immediate materials of war; and, as incidental to this right, that of searching the merchant vessels of the neutral on the high seas to find them. Even thus limited, it is an act of power which nothing but necessity can justify, inasmuch as it cannot be exercised, but by carrying the evils of war into the abodes of peace, and by visiting the innocent with some of the penalties of guilt. Among the modern maritime nations an *usage* has crept in, not founded upon the law of nature—never universally admitted—often successfully re-

sisted—and against which all have occasionally borne testimony, by renouncing it in treaties—of extending this practice of search and seizure to *all* the property of the enemy in the vessel of the friend. The practice was, in its origin, evidently an abusive and wrongful extension of the search for contraband, effected by the belligerent, because he was armed; submitted to by the neutral, because he was defenceless; and acquiesced in by his Sovereign, for the sake of preserving a remnant of peace, rather than become himself a party to the war. Having thus occasionally been practised by all as belligerents, and submitted to by all as neutrals, it has acquired the force of an usage, which, at the occurrence of every war, the belligerent may enforce or relinquish, and which the neutral may suffer or resist at their respective options.

This search for, and seizure of, the property of an enemy in the vessel of a friend, is a relic of the barbarous warfare of barbarous ages; the cruel, and, for the most part, now exploded system of private war. As it concerns the enemy himself, it is inconsistent with that mitigated usage of modern wars, which respects the private property of individuals on the land. As relates to the neutral, it is a violation of his natural right to pursue, unmolested, his peaceful commercial intercourse with his friend. Invidious as is its character, in both these aspects, it has other essential characteristics, equally obnoxious. It is an uncontrolled exercise of authority, by a man in arms, over a man without defence; by an officer of one nation over the citizen of another; by a man intent upon the annoyance of his enemy, responsible, for the act of search, to no tribunal, and always prompted to balance the disappointment of a fruitless search, by the abusive exercise of his power, and to punish the neutral for the very clearness of his neutrality. It has, in short, all the features of unbridled power, stimulated by hostile and unsocial passions.

I forbear to enlarge upon the further extension of this practice, by referring to injuries which the United States experienced, when neutral, in a case of vital importance; because, in digesting a plan for the attainment of an object, which both nations have equally at heart, it is desirable to avoid every topic which may excite painful sensations on either side. I have adverted to the interest in question, from necessity, it being one which could not be lost sight of in the present discussion.

Such being the view taken of the right of search, as recognised by the law of nations, and exercised by belligerent Powers, it is due to candor to state, that my Government has an insuperable objection to its extension by treaty, in any manner whatever, lest it might lead to consequences still more injurious to the United States, and especially in the circumstance alluded to. That the proposed extension will operate, in time of peace, and derive its sanction from compact, presents no inducements to its adoption. On the contrary, they form strong objections to it. Every extension of the right of search, on the principles

of that right, is disapproved. If the freedom of the sea is abridged by compact for any new purpose, the example may lead to other changes. And if its operation is extended to a time of peace, as well as of war, a new system will be commenced for the dominion of the sea, which may, eventually, especially by the abuses into which it may lead, confound all distinction of time and circumstances, of peace and of war, and of rights applicable to each State.

The United States have, on great consideration, thought it most advisable to consider this trade as piracy, and to treat it as such. They have thought that the trade itself might, with great propriety, be placed in that class of offences; and that, by placing it there, we should more effectually accomplish the great object of suppressing the trade, than by any other measure which we could adopt.

To this measure, none of the objections which have been urged against the extension of the right of search, appear to be applicable. Piracy being an offence against the human race, has its well known incidents of capture and punishment by death, by the people and tribunals of every country. By making this trade piratical, it is the nature of the crime which draws after it the necessary consequences of capture and punishment. The United States have done this by an act of Congress, in relation to themselves. They have, also, evinced their willingness, and expressed their desire, that the change should become general, by the consent of every other Power, whereby it would be made the law of nations. Till then, they are bound, by the injunctions of their Constitution, to execute it, so far as it respects the punishment of their own citizens, by their own tribunals. They consider themselves, however, at liberty, until that consent is obtained, to co-operate, to a certain extent, with other Powers, to insure a more complete effect to their respective acts; they placing themselves, severally, on the same ground, by legislative provisions. It is in this spirit, and for this purpose, that I have made to you the proposition under consideration.

By making the slave trade piratical, and attaching to it the punishment, as well as the odium, incident to that crime, it is believed that much has been done by the United States to suppress it in their vessels and by their citizens. If your Government would unite in this policy, it is not doubted that the happiest consequences would result from it. The example of Great Britain, in a manner so decisive, could not fail to attract the attention and command the respect of all her European neighbors. It is the opinion of the United States that no measure, short of that proposed, will accomplish the object so much desired; and it is the earnest desire of my Government, that the Government of His Britannic Majesty may co-operate in carrying it into effect.

I pray you, sir, to accept the renewed assurances of my distinguished consideration.

JOHN Q. ADAMS.

Right Hon. STRATFORD CANNING,
Envoy Extraordinary, &c.

Extract of a letter from Mr. Adams to Mr. Nelson, dated

DEPARTMENT OF STATE,
Washington, April 28, 1823.

"A resolution of the House of Representatives, at the last session of Congress, requests the President to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world. You will take an early opportunity to make known this disposition to the Spanish Government; communicating to them copies of the fourth and fifth sections of the act of 3d March, 1819, which declares this traffic piratical when pursued by citizens of the United States; and you will express the willingness of the American Government to enter into negotiations for the purpose of declaring it so, by the common consent of nations."

Extract of a letter from Mr. Adams to Mr. Rodney, dated

DEPARTMENT OF STATE,
Washington, May 17, 1823.

"A resolution of the House of Representatives, at the late session of Congress, requests the President of the United States to enter upon, and prosecute, from time to time, such negotiations, with the several maritime Powers of Europe and America, as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation, as piracy, under the law of nations, by the consent of the civilized world.

"In pursuance of the object, proposed by this resolution, you will communicate to the Government of Buenos Ayres, copies of the several acts of Congress, for the suppression of the slave trade, of the 20th of April, 1818; (U. S. Laws, vol. 6, page 325;) 3d March, 1819, (page 435,) and of 15th May, 1820, (page 529;) pointing their attention, particularly, to the fourth and fifth sections of the list, which subject to the penalties of piracy every citizen of the United States, guilty of active participation in the African slave trade. The adoption of this principle, in the legislative code of all the maritime nations, would, of itself, probably, suffice for the suppression of the trade. But, as it would yet not authorize the armed vessels of any one nation to capture those of another, engaged in the trade, a stipulation to that effect might be agreed to, by treaty, conditioned that the captor shall deliver over the captured party to the tribunals of his own country for trial; to which should be added, some guard of responsibility upon the capturing officer, to prevent the abusive exercise of his power."

Extract from the General Instructions to Richard C. Anderson, appointed Minister Plenipotentiary to the Republic of Colombia, dated

DEPARTMENT OF STATE,
Washington, May 27, 1824.

"A resolution of the House of Representatives,

at the late session of Congress, requests the President of the United States to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world.

"In pursuance of this subject, you will communicate to the Colombian Government copies of the several acts of our Congress for the suppression of the slave trade, of the 20th of April, 1818, (U. S. Laws, vol. vi. p. 325,) of 3d March, 1819, (p. 435,) and of 15th May, 1820, (page 529,) pointing their attention particularly to the 4th and 5th sections of the last, which subject to the penalties of piracy every citizen of the United States guilty of active participation in the African slave trade. The adoption of this principle in the legislative code of all the maritime nations, would, of itself, probably, suffice for the suppression of the trade; but, as it would yet not authorize the armed vessels of any one nation to capture those of another engaged in the trade, a stipulation to that effect may be agreed to by the treaty, conditioned that the captor shall deliver over the captured party to the tribunals of his own country for trial; to which should be added some guard of responsibility upon the capturing officer, to prevent the abusive exercise of his powers."

Extract of a letter from Mr. Adams to Mr. Rush, dated

DEPARTMENT OF STATE,
Washington, June 24, 1823.

"A resolution of the House of Representatives, almost unanimously adopted at the close of the last session of Congress, requested the President of the United States to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world."

"At the two preceding sessions of Congress, committees of the House had proposed a resolution, expressed in more general terms, that 'the President of the United States be requested to enter into such arrangements as he may deem suitable and proper, with one or more of the maritime Powers of Europe, for the effectual abolition of the African slave trade;' and this resolution had, in each case, been the conclusion of a report, recommending that the United States should accede to the proposal of a mutual and qualified concession of the right of search. The sentiments of the committee were, in this respect, different from those which had been expressed by the Executive Department of the Government, in its previous correspondence with that of Great Britain. No decision, by the House of Representatives, was made upon these resolutions, proposed at the preceding sessions; but, upon the adoption of that

which did pass at the last session, it was well ascertained, that the sentiments of the House, in regard to the right of search, coincided with those of the Executive; for they explicitly rejected an amendment which was moved to the resolution, and which would have expressed an opinion of the House, favorable to the mutual concession of that right.

"You have been fully informed of the correspondence between the Governments of the United States and of Great Britain concerning the suppression of the slave trade heretofore; and have been, from time to time, effectually instrumental to it yourself. You are aware of the grounds upon which the proposals, on the part of Great Britain, that the United States should accede to the stipulations similar to those which she had succeeded in obtaining from Spain, Portugal, and the Netherlands, were on our part declined.

"The subject was resumed by the British Minister residing here, Mr. S. Canning, a short time before the decease of the Marquis of Londonderry. It was suggested that, since the total disappearance of the British and American flags, as well as of those of the nations which had consented to put the execution of their laws against the trade under the superintendence of British naval officers, it continued to flourish under that of France; that her laws, though in word and appearance equally severe in proscribing the traffic, were so remiss in the essential point of execution, that their effect was rather to encourage than to suppress it; and the American Government was urged to join in friendly representations to that of France, by instructing the Minister of the United States at Paris to concur in those which the British Ambassador at that Court had been charged with making, to insure a more vigilant fulfilment of the prohibitory laws. This invitation, at that time given only in oral conference, was also declined, from an impression that such a concurrence might give umbrage to the French Government, and tend rather to irritation than to the accomplishment of the object for which it was desired. Mr. Gallatin was, nevertheless, instructed separately to bring the subject to the notice of the French Government, and did so, by a note communicating to them copies of the recent laws of the United States for the suppression of the trade, and particularly of that by which it has subjected every citizen of the United States, who, after the passage of the law, should be polluted with it, to the penalties of piracy.

"On the 29th of January last, Mr. Canning, in a letter to this Department, repeated the invitation of a joint and concurrent remonstrance, to be made by the British Ambassador, and our Minister in France; and at the same time called, with great earnestness, upon the Government of the United States, either to accede to the principle of the mutual and qualified right of search, emphatically pronounced, in his belief, to be the only effectual measure devised, or likely to be devised, 'for the accomplishment of the end, or to bring forward some other scheme of concert,' which it again declared the readiness of His Majesty's

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Minister to examine with respect and candor, as a substitute for that of the British Cabinet.

"However discouraging this call for an alternative might be, thus coupled as it was with so decisive a declaration of belief, that no effectual alternative had been, or was likely to be, devised, an opportunity was offered, in pursuance of the resolution of the House of Representatives, adopted at the close of the late session of Congress, for proposing a substitute, in our belief more effectual than the right of search could be, for the total and final suppression of this nefarious trade, and less liable either to objections of principle, or to abuses of practice.

"This proposition was accordingly made in my letter to Mr. Canning of the 31st of March last, to which his letter of the 8th of April was the answer. In this answer, Mr. Canning barely notices our proposition to express an opinion that his Government will see in it nothing but an acknowledgment of the necessity of further and more effectual measures, and then proceeds with an elaborate review of all the objections which, in the previous correspondence between the two Governments, had been taken on our part to the British connected proposal of a mutual right of search, and a trial by mixed commissions. Our objection had been of two kinds; first, to the mixed commissions, as inconsistent with our Constitution; and secondly, to the right of search, as a dangerous precedent, liable to abuse, and odious to the feelings and recollections of our country.

"In this letter of Mr. Canning, the proposal of trial by mixed commissions, is formally withdrawn, and an alternative presented as practicable, one side of which only, and that the inadmissible side, is distinctly offered, namely, of trial by the courts of the captor. The other side of the alternative would, indeed, remove our Constitutional objection, and with it might furnish the means of removing the principal inherent objection to the concession of the right of search, that by which the searching officer is under no responsible control for that act.

"But, in our previous correspondence, our strong repugnance to the right of search had been adverted to, merely as a matter of fact, without tracing it to its source, or referring to its causes. The object of this forbearance had been to avoid all unnecessary collision with feelings and opinions, which were not the same on the part of Great Britain and upon ours. They had been willingly left undiscussed. This letter of Mr. Canning, however, professedly reviewing all the previous correspondence, for the removal or avoidance of our objections, and contesting the analogy between the right of search, as it had been found obnoxious to us, and as now proposed for our adoption by formal compact, I have been under the absolute necessity of pointing out the analogies really existing between them, and of showing that, as right of search, independent of the right of capture, and irresponsible, or responsible only to the tribunals of the captor, it is, as proposed, essentially, liable to the same objections, as it had been, when exercised as a belligerent right. Its encroaching character,

founded in its nature as an irresponsible exercise of force, and exemplified in its extension from search for contraband of war, to search for enemies' property, and thence to search for men of the searcher's own nation, was thus necessarily brought into view, and connected the exhibition of the evils inherent in the practice, with that of the abuses which have been found inseparable from it.

"We have declared the slave trade, so far as it may be pursued by citizens of the United States, piracy; and, as such, made it punishable with death. The resolution of the House of Representatives recommends negotiation, to obtain the consent of the civilized world to recognise it as piracy, under the law of nations. One of the properties of that description of piracies is, that those who are guilty of it may be taken up on the high seas, and tried by the courts of every nation. But, by the prevailing customary law, they are tried only by the tribunals of the nation to which the vessel belongs in which the piracy was committed. The crime itself has been, however, in modern times, of so rare occurrence, that there is no uniformity in the laws of the European nations with regard to this point, of which we have had remarkable and decisive proof within these five years, in the case of piracy and murder, committed on board the schooner *Plattsburg*, a merchant vessel of the United States. Nearly the whole of her crew were implicated in the crime, which was committed on the high seas. They carried the vessel into Christiansand, in Norway, there abandoned her, and dispersed; three of them were taken up in Denmark, one in Sweden, one at Dantzic, in Prussia, and one in France. Those taken up in Denmark, and in Sweden, were delivered up to officers of the United States, brought to this country, tried, convicted, and executed. The man taken at Dantzic, was, by the consent of the Prussian Government, sent to Elsinour, and there confronted with those taken in Denmark. The evidence against him on the examination was decisive, but, as he persisted in the refusal to confess his guilt, the Prussian Government, bound by an established maxim of their municipal law, declined either to deliver him up, or to try him themselves, but sent him back to Dantzic, there to remain imprisoned for life. The French Government, upon advisement of the highest judicial authority of the Kingdom, declined, also, either to try the man taken up there, or to deliver him up, unless upon proof of his guilt being produced against him, at the place where he was confined; with which condition, it not having been in our power to comply, the man remained there, also in prison, presumably for life. From these incidents, it is apparent that there is no uniformity in the modes of trial, to which piracy, by the law of nations, is subjected in different European countries; but that the trial itself is considered as the right and the duty only of the nation to which the vessel belongs, on board of which the piracy was committed. This was, however, a piracy, committed on board of a vessel by its own crew. External piracies, or piracies committed by, and from one vessel against another, may be tried by the courts

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of any country, but are more usually tried by those of the country whose vessels have been the sufferers of the piracy, as many of the Cuba pirates have been tried in the British West India islands, and some of them in our courts.

"This principle we should wish to introduce into the system, by which the slave trade should be recognised as piracy under the law of nations; namely, that, although seizable by the officers and authorities of every nation, they should be triable only by the tribunals of the country of the slave-trading vessel. This provision is indispensable to guard the innocent navigator against vexatious detentions, and all the evils of arbitrary search. In committing to foreign officers the power, even in a case of conventional piracy, of arresting, confining, and delivering over for trial, a citizen of the United States, we feel the necessity of guarding his rights from all abuses, and from the application of any laws of a country other than his own.

"The draught of a convention is herewith enclosed, which, if the British Government should agree to treat upon this subject on the basis of a legislative prohibition of the slave trade by both parties, under the penalties of piracy, you are authorized to propose and to conclude. These articles, however, are not offered to the exclusion of others which may be proposed on the part of the British Government, nor is any one of them, excepting the first, to be insisted on as indispensable, if others equally adapted to answer their purposes should be proposed. It is only from the consideration of the crime in the character of piracy, that we can admit the visitation of our merchant vessels by foreign officers for any purpose whatever, and in that case only under the most effective responsibility of the officer for the act of visitation itself and for every thing done under it.

"If the sentiments of the British Government should be averse to the principle of declaring the trade itself, by a legislative act, piratical, you will not propose, or communicate to them, the enclosed project of convention. Its objects, you will distinctly understand, are two-fold; to carry into effect the resolution of the House of Representatives; and to meet, explicitly and fully, the call so earnestly urged by the British Government, that, in declining the proposals pressed by them upon us, of conceding a mutual and qualified right of search, we should offer a substitute for their consideration. The substitute, by declaring the crime piracy, carries with it the right of search for the pirates, existing in the very nature of the crime. But, to the concession of the right of search, distinct from the denomination of the crime, our objections remain in all their original force.

"It has been intimated by Mr. S. Canning, that the suggestion itself, to the British Government, of the propriety of their passing a legislative act, might excite in them some repugnancy to it. We should regret the excitement of this feeling, which the very nature of the negotiation seems to foreclose. Besides the legislative enactments which have virtually been pressed upon us, by all the invitations to concede the right of search, and

to subject our citizens to trial for violations of our own laws, by foreign tribunals, Great Britain, in almost all her slave-trade treaties, has required, and obtained, express stipulations, for the enactment of prohibitory laws, by France, Spain, Portugal, and the Netherlands. It was not expected that she would receive with reluctance, herself, a mere invitation to that which she had freely and expressly required from others. Still, if the sentiment should exist, we would forbear pressing it to the point of irritation, by importunity. You will, in the first instance, simply state, that, if the British Government is prepared to proclaim the slave trade piracy, by statute, you are authorized to propose and to conclude a convention, by which the mutual co-operation of the naval force of Great Britain and of the United States may be secured, for carrying into effect the law, which, on that contingency, will be common to both. Should the obstacle to the preliminary prove insuperable, you will refer the objections, on the part of the British Cabinet, to this Government, for consideration.

"By the loose information hitherto communicated in the public journals, it would seem that the proposition for recognising the slave trade as piracy, by the Law of Nations, was discussed at the Congress of Verona. We are expecting the communication of the papers relating to this subject, promised by Lord Liverpool to be laid before Parliament. Heretofore, although the United States have been much solicited and urged to concur in the measures of Great Britain and her allies, for the suppression of the trade, they have been always communicated to us as purposes consummated, to which the accession of the United States was desired. From the general policy of avoiding to intermeddle in European affairs, we have acquiesced in this course of proceeding; but, to carry fully into effect the late resolution of the House of Representatives, and to pursue the discussions, hereafter, with Great Britain herself, whether upon her proposals or upon ours, it is obviously proper that communication should be made to us of the progress of European negotiation, for accomplishing the common purpose, while it is in deliberation. If we are to co-operate in the result, it is just that we should be consulted, at least, with regard to the means which we are invited to adopt."

SUPPRESSION OF THE SLAVE TRADE.

A Convention for the suppression of Piracy, committed by the African Slave Trade.

ARTICLE 1. The two high contracting Powers, having each separately, by its own laws, subjected their subjects and citizens, who may be convicted of carrying on the illicit traffic in slaves on the coast of Africa, to the penalties of piracy, do hereby agree to use their influence, respectively, with the other maritime and civilized nations of the world, to the end that the said African slave trade may be recognised and declared to be piracy, under the law of nations.

ARTICLE 2. It is agreed by the high contracting

parties, that the commanders and commissioned officers of either nation, duly authorized, under the regulations and instructions, of their respective Governments, to cruise on the coast of Africa, of America, or of the West Indies, for the suppression of the slave trade, shall be authorized, under the conditions, limitations, and restrictions, hereinafter mentioned, to capture and deliver over to the duly authorized and commissioned officers of the other, any ship or vessel carrying on such illicit traffic in slaves, under the flag of the said other nation, or for the account of their subjects or citizens, to be sent in for trial and adjudication by the tribunals of the country to which such slave ship or vessel shall belong. And the said commanders and commissioned officers shall be further authorized to carry, or send in, any such slave-trading ship, so by them captured, into the ports of the country to which such slave-trading ship shall belong, for trial by the tribunals, and conformably to the laws, of said country. But the slave ship, so captured, shall not be sent into the ports, or tried by the tribunals of the captor.

ARTICLE 3. If any naval commander or commissioned officer of the United States of America, shall, on the high seas, or any where without the territorial jurisdiction of the said States, board, or cause to be boarded, any merchant vessel of Great Britain, and visit the same as a slave trader, or on suspicion of her being engaged in carrying on the illicit traffic in slaves, in every case, whether the said visited vessel shall be captured and delivered over, or sent into the ports of her own country for trial and adjudication, or not, the boarding officer shall deliver to the master or commander of the visited vessel a certificate in writing, signed by the said boarding officer with his name, and the addition of his rank in the service of the United States, and the name of the public vessel of the United States, and of her commander, by whose order the said visit shall have been ordered; and the said certificates shall declare, that the only object of the said visit is to ascertain whether the said British merchant vessel is engaged in the slave trade, or not; and if found to be so engaged, to take, and deliver her over to the officers, or the tribunals of her own nation, for trial and adjudication. And the commander of the said public vessel of the United States shall, when he delivers her over to the officers or tribunals of Great Britain, deliver all the papers found on board of the captured vessel, indicating her national character, and the objects of her voyage, and with them a like certificate of visitation, in writing, signed by his name, with the addition of his rank in the Navy of the United States, and the name of the public vessel commanded by him, together with the name and rank of the boarding officer, by whom the said visit was made. This certificate shall, also, specify all the papers received from the master of the vessel detained, or visited, or found on board the vessel, and shall contain an authentic declaration, exhibiting the state in which he found the vessel detained, and the changes, if any, which have taken place in it, and the number of slaves, if any, found on board at the moment of detention.

And the same duties herein described shall devolve upon every commander, or commissioned officer, of the royal navy of Great Britain, by whom, or by whose order, any merchant vessel of the United States, or navigating under their flag, shall be visited for the said purposes, and upon the boarding officer by whom the visit shall be effected, on the high seas, or any where without the territorial jurisdiction of Great Britain.

ARTICLE 4. No merchant vessel of either of the contracting parties, under the convoy of a public vessel of her own nation, shall, under any circumstances whatever, be captured, or visited by, or from, any public vessel of the other nation, as being engaged, or on suspicion of being engaged, in the slave trade.

ARTICLE 5. No search shall be made by, or under the orders of, the commander or boarding officer of any public vessel of either party visiting any merchant vessel of the other, as being engaged, or under suspicion of being engaged, in the slave trade, excepting such as may be necessary to ascertain if there be slaves on board for the purposes of the said traffic, or other proof that the said vessel is so engaged. No person shall be taken out of the said visited or captured merchant vessel of either nation, by the commanding officer of the visiting vessel, or under his order. Nor shall any part of the cargo of the said visited vessel be removed out of her, until delivered over to the officers, or tribunals, of her own nation.

ARTICLE 6. When a merchant vessel of either nation shall be captured, as being engaged in the slave trade, by any commander, or commissioned officer, of the navy of any other nation, it shall be the duty of the commander of any public ship of the navy of the nation to which the captured vessel shall belong, upon the offer thereof being made to him by the commander of the capturing vessel, to receive into his custody the vessel so captured, and to carry, or to send, the same into the ports of his own country, for trial and adjudication. And at the time of the delivery of the said vessel, an authentic declaration shall be drawn up, in triplicates, signed by both the commanders of the delivering and of the receiving vessel; one copy of which shall be kept by each of them, stating the circumstances of the delivery; the condition of the vessel captured, at the time of the delivery; the number of slaves, if any, on board of her; a list of all the papers received, or found on board of her at the time of capture, and delivered over with her, and the names of the master or commander of the captured vessel, and of every person on board of her, other than the slaves, at the said time of delivery; and the third copy of the said declaration shall be transmitted with the said captured vessel, and the papers found on board of her, to one of the ports of the country to which the said captured vessel shall belong, to be produced before the tribunal appointed, or authorized, to decide upon the said capture; and the commander of the said capturing vessel shall be authorized to send the boarding officer, and one or two of his crew, with the said captured vessel, to appear as witnesses of the facts in relation to her

capture and detention, before the said tribunal. The reasonable expenses of which witnesses, in proceeding to the place of trial, during their necessary detention there, and for their return to their own country, or to rejoin their station in its service, shall be allowed by the tribunal of trial: and in case of the condemnation of the captured vessel, be defrayed from the proceeds of the sale thereof; and in case of the acquittal of the said vessel, they shall be paid by the Government of the capturing officer.

ARTICLE 7. The commander or commissioned officer of the navy of either of the contracting parties, having captured a merchant vessel of the other, as being engaged in the slave trade, if there be no public vessel of the nation to which the said captured vessel belongs, cruising upon the same station, to the commander of whom the said captured vessel may be delivered over as stipulated in the preceding article, shall carry or send the said captured vessel to some convenient port of her own country, there to be delivered up to the competent tribunal for trial and adjudication. And the said captured vessel shall there be libelled, in the name and behalf of the captors; and in case of the condemnation of the said vessel, the proceeds of the sale thereof and of her cargo, if also condemned, shall be paid to the commander of the said capturing vessel, for the benefit of the captors; to be distributed according to the established rules of the service of the nation to which such capturing vessel shall belong, for the distribution of prize money.

ARTICLE 8. The captain or commander and crew of the said vessel, so captured and sent in for trial and adjudication, shall be proceeded against conformably to the laws of the country, whereinto they shall be so brought upon the charge of piracy, by being engaged in the African slave trade; and the captain, or commander, the boarding officer, and other persons belonging to the capturing vessel shall be competent witnesses to the facts relating to the said charge and to the capture of the said vessel, to which they shall be personally knowing. But every such witness, upon the criminal trial for piracy, shall be liable to be challenged by the person accused, and set aside as incompetent, unless he shall release and renounce all his individual claim to any part of the prize money, upon the condemnation of the vessel and cargo.

ARTICLE 9. It is agreed between the high contracting parties that the right of visiting, capturing, and delivering over for trial the vessels engaged in the African slave trade, and assuming their respective flags, is mutually conceded to the officers of their respective navies, on the consideration that they have, by their respective laws, declared their citizens and subjects, actively participating in the said traffic, guilty of the crime of piracy.

That no part of this Convention shall be so construed as to authorize the detention, search, or visitation, of the merchant vessels of either nation, by the public officers of the navy of the other, except vessels engaged in the African slave trade, or for any other purpose whatever than that of

seizing and delivering up the persons and vessels concerned in that traffic, for trial and adjudication, by the tribunals and laws of their own country.

ARTICLE 10. It is further agreed that this right of visiting, detaining, and delivering, over for trial, vessels engaged in the slave trade, shall be exercised only by the commissioned officers of the navy of the parties, respectively, furnished with instructions from their respective Governments, for the execution of their respective laws for the suppression of the slave trade. That the boarding officer, and the captain, or commander, of the vessel exercising these rights, or either of them, shall be personally responsible in damages and costs to the master and owners of every merchant vessel so by them delivered over, detained, or visited, for every vexatious or abusive exercise of the right. In the case of every vessel delivered over, as herein stipulated, for trial, the tribunal shall be competent to receive the complaint of the master, owner, or owners, or of any person on board of such captured vessel, or interested in the property of her cargo at the time of her detention, and on suitable proof of such vexatious or abusive detention or visitation, to award reasonable damages and costs to the sufferers, to be paid by the said commanding or boarding officer, or either of them, so charged with vexatious or abusive detention, or visit. And the high contracting parties agree that their respective Governments shall, in every such case, cause payment to be made of all such damages and costs so awarded, to the persons so entitled to receive them, within twelve months from the date of such award. And if any case of such vexatious or abusive detention, or visit, should occur, in which the vessel detained or visited shall not be delivered over for trial and adjudication, as herein provided, the commander and boarding officer by whom such vexatious and abusive detention or visit shall have been made, shall, also, be responsible in costs and damages to the sufferers, upon complaint before the competent Admiralty Court of the country of the said commander and boarding officer. And the respective Governments shall, in like manner, cause payment to be made of any damages and costs awarded by said court, within twelve months from the date of the award.

ARTICLE 11. A copy of this Convention, and of the laws of the two countries actually in force, for the prohibition and suppression of the African slave trade, shall be furnished to every commander of the public vessels, instructed to carry into effect such prohibition. And in case any such commanding officer of the Navy of the United States, or of Great Britain, shall deviate in any respect from the dispositions of this treaty, and from the instructions of his Government conformable to it, the Government which shall conceive itself to be wronged by such conduct shall be entitled to demand reparation; and in such case the Government of the nation, to the service of which he may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon him, if he be found to have deserved

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it, a punishment proportioned to the transgression which may have been committed.

ARTICLE 12. The present Treaty, consisting of — articles, shall be ratified, and the ratifications exchanged within one year from this date, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and thereunto affixed their seals.

Done at —, the — day of —, in the year of our Lord —.

Mr. Adams to Mr. Middleton.—No. 17.

DEPARTMENT OF STATE,
Washington, July 28, 1823.

SIR: At the close of the last session of Congress, a resolution was adopted by the House of Representatives, almost unanimously, requesting "the President of the United States to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world."

In pursuance of this resolution, instructions for carrying it into effect have been given to the Ministers of the United States destined to the Republics of Colombia, and Buenos Ayres, and to the Minister who has recently departed for Spain. But, as a negotiation for co-operation to effect the suppression of the African slave trade, had already been commenced with Great Britain, a special instruction upon the subject was forwarded to Mr. Rush, together with a full power, and a draught of a convention, to be proposed, in substance, to that Government, and which he has been authorized to conclude.

A copy of that instruction and draught are herewith enclosed; the general terms of which you will communicate, at such time, and in such manner, to the Imperial Russian Government, as you shall think proper.

You will, also, communicate to them the purport of the resolution of the House of Representatives above cited, and copies of the laws of the United States prohibiting the slave trade. You will particularly invite their attention to the two sections of the act of the 15th May, 1820, by which this offence, when committed by citizens of the United States, is subjected to the penalties of piracy.

The proposal that this principle should be recognised by the general consent of civilized nations, recommended by the resolution of the House of Representatives, appears to be substantially the same with that made by Great Britain, at the Congress of Verona. It was not acceded to by any one of the other Powers there assembled, and the conferences on this subject terminated there by a mere renewal of the joint declaration against the traffic, of the Congress at Vienna. So long as the trade shall not be recognised as piracy by

the law of nations, we cannot, according to our Constitution, subject our citizens to trial for being engaged in it, by any tribunal other than those of the United States.

The admission of the crime as piracy, by the law of nations, would seem necessarily to subject the perpetrators of it to capture, by the armed force of every nation. And this might endanger the lawful commerce of the maritime nations, by subjecting them to the abuses of vexatious searches, without some special provision to guard against them.

This is the object of the stipulations proposed in the draught herewith transmitted; requiring that all vessels of one nation, which may be captured as slave traders by the cruisers of another, should be delivered over for trial to the tribunals of their own country.

You will see that Mr. Rush is instructed to correspond with you upon this subject. If the draught of the articles enclosed should lead to the conclusion of a convention between the United States and Great Britain, a communication of it to the Russian Government will be made as soon as possible, and we shall propose that His Imperial Majesty's accession to it, if agreeable to him, shall be invited.

In the mean time, you will informally suggest to his Ministry, that it will be the desire of the Government of the United States to proceed in this matter, in perfect good understanding and harmony with them; and you will farther intimate that, as this has now become a general concern of the whole civilized world, and as Great Britain is negotiating, jointly and severally, with each and every of her allies in Europe, apart, and again with them altogether, while she is also separately treating with us, we wish it to be considered whether it would not be expedient on all sides, that communications should be made to us of all the jointly concerted measures, while they are mere proposals; and not that the knowledge of them should be withheld from us, until they are matured into positive treaties.

I am, with great respect, sir, yours, &c.

JOHN QUINCY ADAMS.

HENRY MIDDLETON,
Envoy, &c., at St. Petersburg.

Mr. Adams to Mr. Everett.—No. 10.

DEPARTMENT OF STATE,
Washington, Aug. 8, 1823.

SIR: At the close of the last session of Congress, a resolution was adopted, almost unanimously, by the House of Representatives, "That the President of the United States be requested to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world."

In pursuance of this resolution, instructions for

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carrying it into effect have been given to the Ministers of the United States, destined to the Republics of Colombia and of Buenos Ayres, and to the several Ministers of the United States in Europe.

As a negotiation for co-operation to effect the suppression of the slave trade had already been commenced with Great Britain, a special instruction upon the subject has been forwarded to Mr. Rush, together with a full power, and a draught of a convention to be proposed in substance to the British Government, and which he is authorized to conclude.

A necessary preliminary to the conclusion of the proposed convention, should it meet the assent of the British Government, will be the enactment of a statute declaring the crime of African slave trading piracy by the British law. In that event, it is proposed, by proper co-operation, that the influence of the two Powers should be exerted to obtain the consent of other nations to the general outlawry of this traffic as piracy. In the mean time, to give at once effect to the concert of both nations, it is proposed that the armed vessels of both, duly authorized and instructed, shall have power to capture the slave-trading vessels which may assume the flag of either, and, if not of their own nation, to deliver over the captured slave trader to the officers or tribunals of his own country for trial and adjudication.

This principle is essential, as connected with that of constituting the traffic piracy by the law of nations. So long as the offence was considered as of inferior magnitude, the Constitution of the United States forbade the submission of it, when charged upon their citizens, to any foreign tribunal; and when the crime and the punishment are aggravated to involve the life of the accused, it affords but a more imperative inducement for securing to him the benefit of a trial by his countrymen and his peers.

It appears that at the conference of Verona the proposition was made by the British Government that the slave trade should be recognised and proclaimed as piracy by the law of nations. We have therefore reason to hope that the proposal now made to them, on the part of the United States, will be favorably considered by them. In that case, further communications on the subject with other Governments will ensue.

In the mean time, to fulfil the intentions of the House of Representatives, in relation to the Netherlands, you will communicate to their Government a copy of the resolution, together with copies of the laws of the United States prohibiting the slave trade, with particular notice of the two sections of the act of the 15th of May, 1820, by which the crime of being concerned in the African slave trade, when committed by citizens of the United States, is declared to be and is made punishable as for piracy. And you will announce the readiness of the American Government, should it suit the views of His Majesty, the King of the Netherlands, to enter upon a negotiation, for the purpose of carrying into effect the object of the resolution of the House of Representatives—namely,

the denunciation of the African slave trade as piracy, by the law of nations.

I am, with great respect, sir, yours, &c.

JOHN QUINCY ADAMS.

ALEXANDER H. EVERETT, Esq.,
Chargé d'Affaires U. S. to the Netherlands.

Extracts of a letter (No. 6) from Mr. Adams to General Dearborn, Envoy Extraordinary and Minister Plenipotentiary of the United States, at Lisbon, dated

DEPARTMENT OF STATE,
Washington, Aug. 14, 1823.

"At the close of the last session of Congress, a resolution was adopted, almost unanimously, by the House of Representatives, 'That the President of the United States be requested to enter upon, and to prosecute, from time to time, such negotiations with the several maritime Powers of Europe and America as he may deem expedient, for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world.'"

"A negotiation for concerting measures of co-operation to effect the suppression of the African slave trade had already, for several years, been pending with Great Britain, for which reason a special instruction has been transmitted to Mr. Rush, together with a full power, and a draught of a convention to be proposed, in substance, to the British Government, and which he is authorized to conclude."

"Should this proposal meet the assent of the British Government, a necessary preliminary to the conclusion of the convention will be the passage of an act of Parliament, declaring the crime of African slave trading, when committed by British subjects, piracy. An act of Congress to that effect, as relates to citizens of the United States, has been in force, as you are aware, these three years. When the crime shall have been constituted piracy by the statute law of both countries, each with reference to its own citizens or subjects, the principle offered by the projected convention is, that the armed vessels of each, specially empowered and instructed to that end, shall be authorized to capture slave-trading vessels assuming the flag of the other, and to deliver over the captured vessels to the public cruisers, or to the tribunals of their own country, for trial. This plan is offered as a substitute for that which was offered to us by Great Britain, which was predicated on the treaties already concluded between that Power and Spain, Portugal, and the Netherlands. The leading principle of those treaties was the mutual concession of the right of maritime search, in time of peace, to the armed vessels of both, cruising for slave traders, and a mixed court of commissioners and arbitrators, sitting in colonial possessions of the parties, for the trial of the delinquents. To this system the United States have steadily declined to accede, for two reasons: One, because they had an invincible repugnance to subject their merchant vessels

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to the maritime search of foreign officers, in time of peace: and the other, because they could not subject their citizens to the jurisdiction of foreign tribunals, upon trials for offences against their laws.

"At the conferences of Verona, the British Government appears to have proposed, that the African slave trade should be declared piracy by the law of nations. This is the same proposition recommended by the resolution of the House of Representatives of the United States. The ultimate object of the United States and of Great Britain, therefore, is the same.

"The negotiations suggested by the resolution of the House, must depend, materially, for their character and progress, with reference to other Powers, upon the event of that which is thus pending with Great Britain. The instructions to the Ministers of the United States in other countries have, therefore, been only of a general character.

"Portugal is the only maritime Power of Europe which has not yet declared the African slave trade, without exception, unlawful. Her own internal situation has, perhaps, recently tended to diminish the influence of those interests, which have heretofore prevailed to delay and postpone her acquiescence in the principle of total proscription upon that trade. It is hoped that she will not much longer resist the predominating spirit of the age, calling so loudly upon the rulers of mankind effectually to put down the crying sin of that abominable traffic.

"In communicating to the Portuguese Government copies of the resolution of the House of Representatives, and of the laws of the United States prohibiting the slave trade, you will state, that the Government of the United States will be ready to enter, at any time, when it may suit the views of that of Portugal, upon the negotiation contemplated by the resolution."

Mr. Rush to Mr. Adams, giving him the substance of a conversation with Mr. Canning.

[EXTRACTS.]

LONDON, October 9, 1823.

"This latter subject, (the slave trade,) he said, it was his wish to take in hand with me himself, and thus keep it detached from the general negotiations."

"Whilst we were speaking of the mode of taking up the question of the slave trade, I did not scruple to intimate, even at this early stage, that, unless this Government was prepared to say, that it would cause a statute to be passed, declaring the trade by its own subjects to be piracy, and rendering it punishable as such, in manner as had been done by the United States, that I was not authorized to make any proposals upon the subject; that this, in fact, was the only basis upon which it fell within the intentions of my Government to attempt any arrangement of the subject whatever. I was happy to hear Mr. Canning say, in reply, that he did not, speaking from his first impressions, see any insurmountable obsta-

cle, upon this score, to our proceeding with the subject."

Extract from No. 11 of Mr. Sheldon, Chargé d'Affaires of the United States at Paris, to the Secretary of State.

PARIS, October 16, 1823.

"In the same conference, I also informed Mr. Chateaubriand of the resolution of the House of Representatives respecting the slave trade, which made the subject of your despatch, No. 2, of the 14th of August. He repeated, in substance, what he had before stated to Mr. Gallatin, in conversation, viz: that the French Government were sincerely desirous of putting an end to that trade, and were taking all the measures in their power to effect it, by pursuing offenders, and executing rigidly the laws now in existence; but that the public opinion, generally, in France, and more especially in the Chambers, was against it, owing, not only to the prevalence of the colonial interest in the question, but, particularly, to the circumstances under which their stipulations with England upon this subject had been made; so tender were they upon this point, that the proposition of adding new rigors to their laws, would be taken as a new concession to that Power, and, instead of being adopted in the Chambers, would be more likely to provoke an attempt to repeal the prohibitory measures already established, in order to rid themselves, in that way, of one of the charges imposed upon them by the foreign occupation; that time was necessary to wear away these impressions; and, until that should have arrived, no Minister in France could be strong enough, upon this point, to do more than to watch over the execution of the laws already in force, which they were now disposed to do, fully and faithfully, and which, if not entirely efficient, at least made the prosecution of the trade, under the French flag, hazardous and difficult.

At present, therefore, it is not probable that France will consent to the proposal of the President, to enter upon the negotiations contemplated by the resolution of the House of Representatives. I have, however, made the proposal, in obedience to your directions; and have the honor to enclose a copy of the letter to Viscount de Chateaubriand, in which I have communicated to him that resolution."

Extracts from No. 14 of Mr. Sheldon, Chargé d'Affaires, to the Secretary of State, dated

PARIS, November 5, 1823.

"I have received answers from Viscount de Chateaubriand, on the subject of the new and more effective measures proposed against the slave trade."

"On the subject of the slave trade, the answer manifests a disposition to adopt such new provisions as may be found necessary, for its more effectual suppression; and this disposition really exists; but, after what Mr. de Chateaubriand had stated in conversation, and which I have already

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communicated, these new and more rigorous legislative provisions can only be introduced gradually, and some time will be required for effecting that purpose."

Mr. Sheldon to the Viscount de Chateaubriand.

PARIS, October 15, 1823.

SIR: The Minister of the United States to this Court had, some time before he left Paris, transmitted to your Excellency copies of the laws successively adopted by the United States for the suppression of the slave trade. This communication was intended for the special purpose of making the French Government acquainted with the fact, that, so far as the United States were concerned, their legislation upon this subject had been ineffectual; that their laws had been violated, and the trade had continued, until they had denounced against it the highest punishment that a human tribunal can inflict. Since it has been declared to be piracy, and punishable with death, the American flag has no longer been soiled with it.

At the last session of Congress, that body, desirous that the co-operation of the other maritime Powers might be obtained in measures which we had found to be so effectual, formally requested the President to enter upon, and prosecute, negotiations with those Powers, to that end. I have the honor to enclose a copy of the resolution adopted, with great unanimity, by the House of Representatives, upon that subject; and I am directed to declare, that the President is ready to enter upon the negotiation contemplated by it with France, whenever it may be agreeable to her. Instructions to the same effect have been given to all the Ministers of the United States accredited to foreign Powers, and the favorable results which are hoped from them will be made known, at the earliest opportunities, to the French Government. It may be expected that a co-operation in measures equally effectual with those heretofore brought forward for the suppression of this trade, and not open to similar objections, will be generally and readily afforded.

I beg to offer to your Excellency the renewed assurances, &c.

D. SHELDON.

[TRANSLATION.]

Viscount de Chateaubriand to Mr. Sheldon.

PARIS, October 29, 1823.

SIR: You did me the honor of writing me, on the 15th of this month, that the Government of the United States had only attained the effectual suppression of the slave trade by making it piracy, and by rendering those guilty of it liable to the same punishment. You have, at the same time, informed me, that that Government was disposed to co-operate with the other Powers, by negotiations, to attain, by the same means, the complete and general abolition of this traffic.

The communication which you did me the honor to address to me, cannot but deserve great

consideration. I have requested the Keeper of the Seals to review, with great care, the laws and ordinances which have been made in France for obtaining the abolition of the trade; to certify, after this examination, in what points they may be insufficient, and to propose, for completing them, in case of need, all the new dispositions which might accord with the independence and rights of the flag, and which might appear most proper to assure, in France, in an efficacious manner, the absolute cessation of a traffic so contrary to the rights of humanity.

Accept, sir, the assurances, &c.

CHATEAUBRIAND.

Extract of a letter from Mr. Everett, Chargé d'Affaires, to the Secretary of State, dated

"BRUSSELS, November 20, 1823.

"I have received from the Baron de Nagell a preliminary answer to my note of the 7th, upon the slave trade, of which I have the honor to enclose a copy."

[TRANSLATION.]

Mr. Everett to Baron de Nagell.

BRUSSELS, November 7, 1823.

SIR: I have the honor to subjoin, to your Excellency, by order of my Government, a printed copy of the laws of the United States, which forbid their citizens to pursue the slave trade; also, a copy of the resolution of the House of Representatives, of the 8th of February, 1823, by which the President is requested to concert, with the maritime Powers of Europe, and of America, the measures which may be most proper to effect the abolition of that trade, and to make it, by the universal consent of the civilized world, equivalent to the crime of piracy.

Your Excellency will remark, that it is already viewed in this light by the laws of the United States. The act of 15th March, 1820, declares, (section 4 and 5,) that the persons subject to the jurisdiction of the Republic, who shall be engaged in the slave trade, either by seizing these unfortunates, by force or fraud, and carrying them on board their vessels, or by keeping them there, and making them an object of traffic, shall be deemed pirates, and punished with death.

In fact, this pretended commerce bears all the characteristics of piracy: that is, of felony committed on the sea. And, as it has been denounced as a crime by the greater part of civilized nations, it ought to fall into the particular class of crimes to which it naturally belongs, and undergo the penalties which the usage and the law of nations impose upon them. An unanimous declaration of the Christian Powers, to this effect, would inevitably produce the entire cessation of the trade. The public ships of each Power would then be authorized, by the law of nations, to cruise against the persons who might be engaged in it, without regard to the color of the flag with which they might pretend to be sheltered. Whilst, if the trade is only regarded, in each country, as an

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offence against the municipal laws, it would be lawful for any one nation alone, by permitting it, to afford an asylum under its flag to the pirates of all the others.

The known character of the King, and the zeal which His Majesty has already displayed in his efforts to bring about the abolition of this infamous commerce, furnishes a presumption to the Government of the United States, that that of the Low Countries will voluntarily co-operate with it to that effect. In communicating to your Excellency the subjoined papers, and in praying that you will be pleased to lay them before the King, I am charged to announce to him the desire of the President of the United States to obtain the co-operation of His Majesty in this work of justice, and to establish a concert between the two Powers, in the measures which they may pursue, in common, to render the slave trade equivalent to the crime of piracy, by the universal consent of the Christian world.

I eagerly embrace this occasion to renew to your Excellency the homage of my most distinguished consideration.

A. H. EVERETT.

[TRANSLATION.]

Baron de Nagell to Mr. Everett.

BRUSSELS, Nov. 13, 1823.

SIR: I have the honor to acknowledge the receipt of your note of the 7th of this month, containing some propositions in regard to the slave trade, and to inform you that, without delay, I laid this paper, and its enclosures, before the King.

I shall hasten to impart to you the determination of His Majesty, as soon as I shall have been informed of it; and, in the meantime, I seize this opportunity to renew the assurance of my distinguished consideration.

A. W. C. DE NAGELL.

INTERCOURSE WITH PORTUGAL.

[Communicated to the Senate, May 10, 1824.]
To the Senate of the United States:

I communicate herewith, to the Senate, a report from the Secretary of State, with the documents relating to the present state of the commercial intercourse between the United States and Portugal, requested by the resolution of the Senate of the 13th ultimo.

JAMES MONROE.

WASHINGTON, May 7, 1824.

DEPARTMENT OF STATE,
Washington, May 6, 1824.

The Secretary of State, to whom was referred the resolution of the Senate of the United States of the 13th of April last, requesting that the President would cause to be communicated to the Senate, so much of the correspondence of the

Minister of the United States, at the Court of Lisbon with the Government of Portugal, as has reference to the commercial relations between the two countries, together with such other information, connected therewith, as might be in possession of the Government; and which, in his opinion, might, without injury to the public interests, be made known, has the honor of submitting to the President the papers required by the said resolution.

JOHN QUINCY ADAMS.

LIST OF DOCUMENTS.

Mr. Adams to General Dearborn, 25th June, 1822.
Mr. Correa de Serra to Mr. Adams, 4th June, 1820. Copy.
Mr. Correa de Serra to Mr. Adams, 8th June, 1820.
Mr. Correa de Serra to Mr. Adams, 16th July, 1820.
Mr. Adams to Mr. Correa de Serra, 20th July, 1820.
Mr. Correa de Serra to the Secretary of State, 26th August, 1820.
Mr. Adams to Mr. Correa de Serra, 30th Sept., 1820.
Mr. Correa de Serra to Mr. Adams, 9th Nov., 1820.
Mr. Amado Grehon to Mr. Adams, 4th Dec., 1820, with enclosures. Translations.
Mr. Amado Grehon to Mr. Adams, 14th Dec., 1820, with an enclosure. Translation.
Mr. Amado Grehon to Mr. Adams, 1st April, 1822. Translation.
Mr. Adams to Mr. Grehon, 30th April, 1822. Copy.
Mr. Grehon to Mr. Adams, 3d May, 1822. Translation.
Mr. Grehon to Mr. Adams, 5th May, 1822.
General Dearborn to Mr. Adams, 28th August, 1822. Extract.
General Dearborn to Mr. Adams, 10th October, 1822. Project of Convention. Copy.
General Dearborn to Mr. Adams, 13th Dec., 1822. Extract.
General Dearborn to Mr. Adams, 30th January, 1823.
General Dearborn to Mr. Adams, 20th Feb., 1823.
General Dearborn to Mr. Adams, 3d March, 1823.
General Dearborn to Mr. Adams, 24th March, 1823.
General Dearborn to Mr. Adams, 4th June, 1823.
General Dearborn to Mr. Adams, 29th June, 1823.
General Dearborn to Count de Lapa, 8th March, 1823.
Count de Lapa to General Dearborn, 12th March, 1823.
General Dearborn to Mr. Pinheiro, 18th April, 1823.
Mr. Penheiro to General Dearborn, 2d May, 1823. Translation.
General Dearborn to Mr. Adams, 15th July, 1823. Extract.
General Dearborn to the Marquis Palmella, 15th July, 1823.
Marquis de Palmella to General Dearborn, 10th July, 1823. Translation.
General Dearborn to Mr. Adams, 21st July, 1823. Extract.
General Dearborn to Mr. Adams, 25th October, 1823.
General Dearborn to Mr. Adams, 7th November, 1823.
General Dearborn to Marquis Palmella, 7th November, 1823. Copy.
General Dearborn to Mr. Adams, 27th Nov., 1823. Extract.
Project of a Treaty.
General Dearborn to Mr. Adams, 26th January, 1824. Extract.
General Dearborn to Mr. Adams, 4th March, 1823. Extract.

Intercourse with Portugal.

Mr. Adams to General Dearborn.

General H. DEARBORN, appointed Envoy Extraordinary and Minister Plenipotentiary to the Court of Portugal, at Lisbon.

DEPARTMENT OF STATE,
Washington, June 25, 1822.

SIR: The political and commercial relations between the United States and Portugal, have always been of an interesting character. By the revolution in the Government of that country, recently consummated, and by the return of the King, and part of his Court and family, to Europe, they have been, and may be further affected in a manner to require the agency of a person, not only generally conversant with the intercourse which has heretofore subsisted between the two countries, but by long experience in the public affairs of this Union, and a familiar acquaintance with its interests, qualified to represent them at a time, and under circumstances in many respects critical. Fully acquainted with your long and faithful services to this Union in some of its highest trusts, the President has been induced, by these considerations, to invite your co-operation again in the public service, and has learnt, with great satisfaction, your acceptance of the appointment of Envoy Extraordinary and Minister Plenipotentiary to Portugal.

Independently of the changes in the diplomatic relations of the two countries, which have resulted from the removal of the King from Rio de Janeiro to Lisbon, other accidental circumstances have concurred to cause some irregularity and disorder in them. In the Spring of the year 1819, Mr. John Graham was appointed Minister Plenipotentiary of the United States to the Court of Brazil, to succeed Mr. Thomas Sumpter, junior, who had resided there in that capacity almost from the time of the transfer of the Portuguese Government thither. Mr. Graham, within little more than a year from the time of his departure on that mission from the United States, was compelled to return home, and barely lived to reach this country.

About the same time, the Chevalier Correa de Serra, who had for several years resided as the Minister Plenipotentiary of Portugal in this country, was recalled, and left the United States. A resolution of the Senate of the United States in March, 1821, recommended to the President the appointment of a Minister to the Court of Brazil, but the return of the King of Portugal to Europe very shortly afterwards, rendered the compliance with this resolution unavailing.

The departure of that Prince from Rio de Janeiro had been preceded by various movements of a revolutionary character, as well there, as in Portugal. He had, immediately before embarking, appointed as his Minister to the United States, the person who, since his arrival in Europe, has acted as his Secretary of State for Foreign Affairs. And it appears that, since the revolution there, which has invested the Cortes with a principal portion of the sovereign authority, the policy of maintaining Ministers of the Plenipo-

tentiary rank from that country has been suspended. A Chargé d'Affaires has been appointed to repair to Washington, but has not yet arrived. In the mean time, that office has been discharged by the Chevalier Amado Grehon, who had been Secretary of Legation to Mr. Correa, and recently a Mr. Dacosta has been here, and announced himself as attached to the Legation, and to exercise the powers of Consul General.

The usual diplomatic intercourse between the United States and Portugal has thus been for the last three years in a great measure suspended: Nor is it probable that the mission of the United States now instituted, will be of long duration. There are objects, political and commercial, which require its most serious attention, and which it is hoped may be adjusted satisfactorily to both countries, by your intervention.

After the invasion by the Brazilian Portuguese Government of Montevideo, and the eastern shore of the river La Plata, a revolutionary Government, under the name of the Oriental Republic of La Plata, and subject to the authority of a military chief, named Artigas, for several years maintained a defensive war, at once against them, and against the rival Revolutionary Republic, styled the United Provinces of La Plata. The latter, the seat of Government of which was at Buenos Ayres, never came to a state of declared war with Portugal, but the Republic of Artigas did, and that commander issued commissions for privateers and letters of marque, against the Portuguese, under which, the commerce of that nation was, for three or four years, much annoyed. Of the captures made by these privateers, several were brought into the ports of the United States, and frequent complaints were received from Mr. Correa, that some of the privateers were fitted out within the United States, and partly manned by their citizens. To these complaints every attention, compatible with the rights of the citizens of the United States, and with the laws of nations, was paid by this Government. The laws for securing the faithful performance of the duties of neutrality were revived and enforced. Decrees of restitution were pronounced by the judicial tribunals in all cases of Portuguese captured vessels, brought within the jurisdiction of the United States: And all the measures, within the competency of the Executive, were taken by that department of the Government for repressing the fitting out of privateers from our ports, and the enlisting of our citizens in them.

These measures, however, do not appear to have been altogether satisfactory to the Portuguese Government, doubtless, because they were not sufficiently understood by them. Shortly before the Chevalier Correa de Serra left the United States, he addressed to this Department several notes, copies of which, as well as of two subsequent notes from Mr. Amado, are herewith enclosed, containing lists of Portuguese vessels captured by privateers, alleged to have been fitted out in the United States, or partly officered and manned by citizens of this country. To these lists were added claims of indemnity to a large

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amount upon the United States, for the value of these vessels and cargoes; and with them was connected a demand for the appointment of a joint commission, to be appointed by the two Governments, to determine and assess the amount of damages to be paid by the United States for these captures. As there was no precedent for the appointment of such a commission under such circumstances, and as not a single case of capture had been alleged, for which the United States were justly responsible, this proposal was, of course, denied; and nothing further was heard upon the subject, until the 1st of April last, when a note was received from the present Chargé d'Affaires of Portugal, leading to a correspondence, copies of which are now furnished you.

Among the first and most important objects of your mission, will be the charge of reviewing the whole course of this correspondence, from the time when the proposition for the appointment of Commissioners was made by the Chevalier Correa de Serra. The President wishes that this service should be performed in the most conciliatory manner, and with all possible regard to the feelings of the Portuguese Government.

It will, however, not be necessary that you should commence the correspondence with them. The menace of retaliation by commercial regulations favoring the trade of other nations, it can scarcely be supposed was intended to be carried into effect; for it would not be less impolitic than unjust; and with the experience which they have of the pernicious consequences of granting favors to one nation to the detriment of others, it is incredible, that, under a Government in which the public interest is felt through the medium of a popular representation, resentments, in themselves so unfounded, should be indulged, by measures so injudicious and self-annoying.

You will, nevertheless, attentively watch, and forthwith report, any measure which may be adopted, or even specifically contemplated, of that character; and you will observe the disposition and temper of understanding between the Portuguese Government, as now constituted, and those of the other Powers of Europe. It is believed that they have no Ministers at present residing in any part of Europe, nor Ministers from any European Government residing with them. Some of the Allies have not yet recognised their revolutionary movement, and all have manifested, in some form, their dissatisfaction with it. These prejudices, it is probable, will gradually subside, and the usual intercourse between them and the rest of Europe, will be restored. While its interruption continues, it is scarcely to be apprehended that they will adopt measures of rigor and injustice towards the nation which is the first to sympathize with them.

With regard to the proposal contained in the letter from Mr. Amado, of the 1st of April, of a treaty of commerce, in which special advantages shall be granted to the United States, even if it were offered by itself, and separately from the inadmissible condition connected with it, we should not consider it as desirable, or compatible with the

true policy of either nation. We have never sought exclusive advantages in our treaties with any foreign nation. The policy of the United States, on the contrary, has invariably been to form its commercial institutions and engagements on the broadest and most liberal principles of reciprocity. We are neither solicitous, nor unwilling to treat with Portugal upon subjects of commerce; but if we do treat it must be upon those principles, and in conformity with them. The Convention of 3d July, 1815, with Great Britain, so far as it goes, exhibits the system upon which we are desirous of settling our commercial arrangements with other nations, and the only one upon which we should be inclined to treat with Portugal.

We have seen in the public journals, accounts purporting some dissatisfaction in the Island of Madeira, at the rates of duties levied in the United States upon its wines. They are, however, moderate when considered in reference to the comparative prices of the article; and still more so, when compared with the duties levied upon the same article in Great Britain. There is, indeed, no other country, except Great Britain, which imports and consumes the wines of Madeira, in quantities comparable to those taken by the United States.

The connexion between the kingdom of Portugal and that of Brazil, has already been greatly affected by revolutionary movements in both countries. It can scarcely fail, within no distant period, to be more so. It is not conceivable that Brazil should ever again be subjected to the colonial state, nor is it likely long to submit to any direct control from a Government so distant from it. Information of the proceedings of the Cortes on this subject, especially so far as they may affect our commercial intercourse with Brazil, will be desirable, whenever, and with as much accuracy as you can obtain it.

I am, with great respect,

JOHN QUINCY ADAMS.

ENCLOSURES.

Mr. Correa de Serra to the Sec'y of State, June 4, 1820.	Do	do	June 8, 1820.
	Do	do	July 16, 1820.
	Do	do	Aug. 26, 1820.
	Do	do	Nov. 9, 1820.
Mr. Amado to	do	do	Dec. 4, 1820.
	Do	do	Dec. 14, 1820.
	Do	do	April 1, 1820.
	Do	do	May 3, 1820.
	Do	do	May 5, 1820.
Secretary of State to Mr. Correa de Serra, July 20, 1820.	Do	do	Sept. 30, 1820.
Mr. Amado to the Secretary of State, April 30, 1822.			

Mr. Joseph Correa de Serra to the Secretary of State.

PHILADELPHIA, June 4, 1820.

SIR: Mr. Joachim Barozzo Pereira, appointed by my Sovereign Consul General of Portugal, in these United States, is arrived in Philadelphia, and has shown me his commission, accompanied by the official communication from the Minister

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of Foreign Affairs. I have, consequently, the honor of presenting him to this Government in that capacity, and request the exequatur of the President to his commission. I present, also, Mr. Henry Hutton, as Vice Consul of Portugal, in the port of New Orleans, and all the others of the United States in the Gulf of Mexico, and request the necessary exequatur.

Permit me, sir, to profit of this occasion, to offer my thanks to this Government for the law that prohibits the entrance of privateers in the most important ports of the Union, and for the other that declares piracy the landing and committing outrages ashore in foreign lands. I acknowledge the salutary influence of the Executive in obtaining these ameliorations. The courts of justice also seem to take a more adequate view of the practices about which I have been forced to importunate this Government by my reiterated complaints. At least, henceforward, those who engage in such pursuits will have in prospect a lesser chance of impunity.

Undoubtedly, the aforesaid provisions will diminish the evil, but something remains still to be done to suppress it entirely. In the full persuasion of the sincere wishes of this Government to put a final stop to practices so contrary to the friendly intercourse between our two nations, I propose to have the honor of submitting to your consideration my views on this subject, in the occasion of personally paying my respects to you, and taking my leave previous to my visit to the Brazil.

I beg the acceptance of the renewed assurances of the high consideration and respect, with which I am, &c.

J. CORREA DE SERRA.

Mr. Joseph Correa de Serra to the Secretary of State.

PHILADELPHIA, June 8, 1820.

SIR: I think it my duty to represent to this Government that the Portuguese ship Montalagre was brought to Baltimore twenty-two months ago, a prize to a so-called Artigan privateer, and has been all this time the subject of litigation with the Artigan captors, American citizens. Past things are not intended to be in any way the object of this communication, but merely the prevention of future evil. In the first of this month this ship was sold by judicial authority in Baltimore, under the hammer, to Captain Chase, a notorious privateersman, standing under an indictment of piracy. It is to be immediately fitted as a privateer, (and a formidable one it will prove, by its size and strength, which are those of a good frigate,) to cruise against the Portuguese India-men, and the command of it to be given, as it is assured, to the notorious Captain Taylor.

I have not the least doubt that the Supreme Executive of this nation has both the power and the will of putting a stop to this hostile armament, particularly when, as in this case, he has timely information, which will be successively put under his eyes, at every stage of this inimical attempt on the Portuguese commerce.

18th CON. 1st Sess.—96

I beg you to accept the renewed assurances of my high consideration and respect.

J. CORREA DE SERRA.

Mr. Joseph Correa de Serra to the Secretary of State.

WILMINGTON, July 16, 1820.

SIR: I am ordered by my Sovereign to lay before this Government the names and value of nineteen Portuguese ships, and their cargoes, taken by private armed ships, fitted in the ports of the Union by citizens of these States. The values have been ascertained by the proper courts of justice, and revised with all care and attention by the Royal Board of Commerce. In proportion as the value of the other ships stolen is in the same manner ascertained, their names, and the amount of losses, will be laid before this Government.

His Majesty, consistently with his friendly and equitable sentiments towards the United States, wishes that this affair be treated with all that candor and conciliating dignified spirit that becomes two Powers who feel mutual esteem, and have a proper sense of their moral integrity. In this spirit I have the honor to propose to this Government to appoint commissioners on their side, with full powers to confer and agree with His Majesty's Ministers in what reason and justice demand. It is not expected that a Government who, on every occasion, has so steadily and nobly protected the just pretensions of its own citizens, like that of the United States, may have the least difficulty in concurring with such candid views of a Sovereign, who feels equally with them what he owes to himself in the protection of his subjects.

The ships are the following: 1. D. Pedro de Alcantara. 2. S. Joao Baptista. 3. D. Miguel Torjáz. 4. Sa. Maria Vencedora. 5. Thalia. 6. S. Joao Protector. 7. Montalegre. 8. Luiza. 9. Logo the Direy. 10. Lord Wellington. 11. Ninfa de Lisboa. 12. General Sampaio. 13. Perola. 14. Pacquette de Porto. 15. Condé de Cavalleiros. 16. Globo. 17. Carlota. 18. Flora. 19. Sra. da Piedade.

The amount of their value which is reclaimed, is four hundred ninety-two thousand nine hundred eighteen milreas, which, at the common and general rate of the milreas in your market, is equal to six hundred sixteen thousand one hundred fifty-eight dollars.

I am proceeding to an excursion in the mountains, at the end of which, I intend having the honor of seeing you in Washington. The reason of my mentioning this is, because a written answer, which you might possibly give to this communication, would naturally miss me.

I beg you, sir, to receive the assurances, &c.

J. CORREA DE SERRA.

Mr. Adams to the Chevalier Joseph Correa de Serra.

DEPARTMENT OF STATE,

Washington, July 20, 1820.

SIR: I have had the honor of receiving your notes of the 4th and 8th ultimo.

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The exequaturs for Mr. Pereira, as Consul General of Portugal, and of Mr. Hutton, as Consul at New Orleans, and the other ports of the United States in the Gulf of Mexico, have been made, and transmitted to you.

The acts of Congress to which you refer, in the first of these notes, may be justly considered as affording the most decisive proofs of the determination both of the Legislature and Executive, to discharge, with the utmost fidelity, all their duties towards friendly nations, and particularly towards that whose representative you are. In remarking that the section of the statute for the further punishment of piracy, which brings the landing and committing acts of robbery on a foreign shore within the definition and penalties of that crime, was obviously suggested by a case of that description which had occurred in a Portuguese island, I take satisfaction in the assurance that your Government will perceive, in that provision, a proof of the earnestness with which the United States cherish the most friendly dispositions towards your country.

It will give me pleasure to receive any further communication, verbal or written, from you, which may contribute towards the same effect; and I am authorized to assure you, that, upon the information contained in your note of the 8th instant, such measures have been, and will continue to be taken, under the direction of the President, as are within the competency of the Executive, and may serve to maintain inviolate the laws of the United States, applicable to the case.

I avail myself of this opportunity of renewing to you the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Mr. Correa de Serra to the Secretary of State.

WASHINGTON, August 26, 1820.

SIR: In consequence of the wish you expressed in our last interview, I have the honor of transmitting to you the names of the officers of the Navy of the United States, who, in October, 1818, embarked and served on board the armed schooner *General Artigas*, Captain Ford, under the so called Artigan flag, and cruised for many months on the coast of Brazil, capturing several Portuguese ships, amongst others, the *Sociedade Feliz*, which was brought to Baltimore. Their names are, Lieutenants Peleg and Dunham, of Rhode Island, Midshipman Augustus Swartwout, of New York, Benjamin S. Grimke, of South Carolina.

The griefs against the particular judges, who I believe have disgraced the commission they have from the United States, shall be laid before you, as soon as I have returned to Philadelphia, and looked into my papers.

I am perfectly sure that a candid and friendly examination of this unpleasant business cannot fail of bringing a mutual accord, such as both our Governments wish; and therefore, according to what I asked in my notes from Philadelphia, and your offer in that of the 20th of last month, which I have received on my arrival here, I beg of you

to fix the day and time most convenient to you, in which I may have the honor of meeting you, in order to put an end, as I hope, to all these causes of discontentment and discord, the work of unprincipled men, and so utterly opposite to the harmony and good understanding, which is equally the intention and the interests of our two Governments to maintain and cultivate.

Accept the renewed assurances of my distinguished respect and consideration.

J. CORREA DE SERRA.

Mr. Adams to the Chevalier Correa de Serra.

DEPARTMENT OF STATE,
Washington, Sept. 30, 1820.

SIR: The proposal contained in your note of the 16th July last, has been considered by the President of the United States, with all the deliberation due to the friendly relations subsisting between the United States and Portugal, and with the disposition to manifest the underiating principle of justice by which this Government is animated in its intercourse with all foreign Governments, and particularly with yours. I am directed by him to inform you that the appointment of commissioners, to confer and agree with the Ministers of His Most Faithful Majesty upon the subject to which your letter relates, would not be consistent either with the Constitution of the United States nor with any practice usual among civilized nations.

The judicial power of the United States is, by their Constitution, vested in their Supreme Court, and in tribunals subordinate to the same. The judges of these tribunals are amenable to the country by impeachment; and if any Portuguese subject has suffered wrong by the act of any citizen of the United States, within their jurisdiction, it is before those tribunals that the remedy is to be sought and obtained. For any acts of citizens of the United States, committed out of their jurisdiction and beyond their control, the Government of the United States is not responsible.

To the war in South America, to which Portugal has for several years been a party, the duty and the policy of the United States have been to observe a perfect and impartial neutrality.

The Government of the United States has neither countenanced nor permitted any violation of that neutrality by their citizens. They have, by various and successive acts of legislation, manifested their constant earnestness to fulfil their duties towards all the parties to that war; they have repressed every intended violation of them which has been brought before their courts, and substantiated by testimony conformable to principles recognised by all tribunals of similar jurisdiction.

But I am instructed to request that you would furnish me with all the documents upon which the complaints in your notes of the 16th of July, and 26th of August, are founded, as well relating to the vessels mentioned in the former, as to the naval officers in the service of the United States, and to the judges whom, in the latter, you accuse of having, in your belief, disgraced the commissions which they bear. And I am further com-

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manded to assure you, that if those documents shall be found to contain evidence, upon which any officer, civil or military, of the United States, or any of their citizens, can be called to answer for his conduct, as injurious to any subject of Portugal, every measure shall be taken, to which the Executive is competent, to secure full justice and satisfaction to your sovereign and his nation.

I pray you to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

Mr. Joseph Correa de Serra to the Secretary of State.

NEW YORK, November 9, 1820.

SIR: I have received, in due time, your official letter of the 30th September last, and though I found that there was much to reply on my side, I resolved, after mature consideration, to refer it to His Majesty's Ministers of State, who, no doubt, will give a convenient answer. Being now on the point of leaving this country, I thought it proper to inform you of this step, both out of regard to this Government, taking in this manner a respectful notice of your communication, and in order that, out of my silence, no belief may arise of any tacit acquiescence in the reasons that you exposed in it.

Accept, sir, the renewed assurances of my high consideration and respect.

J. CORREA DE SERRA.

[TRANSLATION.]

Chevalier Amado Grehon to the Secretary of State.

PHILADELPHIA, December 4, 1820.

SIR: It falls to my duty to present to the Government of the United States the enclosed abstract of a new case of piracy, which I have lately received from my Court; and to request of you to subjoin it (that it may appear) to the list of others which has been presented to this Government by the Chevalier Correa, Minister Plenipotentiary of His Most Faithful Majesty.

I embrace this occasion to have the honor of testifying to you, sir, the sentiments of esteem and of respect, with which I am, &c.

J. AMADO GREHON.

Hon. J. Q. ADAMS, Sec'y of State.

[TRANSLATION.]

Chevalier Amado Grehon to the Secretary of State.

PHILADELPHIA, December 14, 1820.

SIR: I have the honor of again transmitting to you an authentic copy of twelve claims, requesting you to add them to the list of others, which the Chevalier Correa de Serra, Minister Plenipotentiary of His Most Faithful Majesty, presented to your Government.

I expect the honor of your answer to this note, and also, to the former which I addressed to you, on the 4th instant, that I may be enabled to give an account to my Court.

I am, sir, &c.

JOSEPH AMADO GREHON.

Hon. J. Q. ADAMS, Sec'y of State.

Table of the general values claimed on twelve joint claims, from No. 52 to 63, (which are all that, from the 14th of December, 1819, to the present time, have been legalized by the respective claimants,) with a classification of the ships which have been taken and robbed by pirates, and extracted from the particular tables of each ship, as follows, from F 2 to F 4.

Names of Ships.	Names of Captains.	Port of departure and destination.	Value of Ships.	Value of Freights.	Value of Goods.	Agio of Paper.	Premium of Sea risk.	Total Claim.	Interest.
2 Sta. Maria Vencedora	Jose Joaquim de Lima	Pernambuco to Lisbon	4,000+000	r	6,607+552	308+690	136+691	7,053+233	r
2 Luzitania Filiz	John Jos. de Fonseca	In the Island Gratioto	17,977+000	r	15,870+000	r	r	19,870+000	2,959+405
2 D. Miguel Forjaz	Miguel Theotonio	From Rio to Lisbon	r	6,026+530	4,000+000	r	1,200+360	32,164+072	r
3 Nymph of Lisbon	Augustine dos Santos	From Lisbon to the Para	r	r	1,755+891	r	r	1,755+891	r
3 Lord Wellington	Alex. Jos. Rodriguez	Do. do.	r	r	3,977+775	r	r	3,977+775	r
3 Monte Alegre	Joaq. Jos. Goncalves	From Bahia to Lisbon	r	r	4,817+230	490+990	r	5,308+220	r
4 Reynhados Mares	Joaq. de Silva Lima	Do. do.	r	r	860+050	87+653	r	947+703	r
4 Luza	Jno. Borges Pamplona	Lisbon to Maranham	r	r	2,885+525	r	r	2,885+525	r
4 Globo	Th. de Va. Nova Ribro	Bombay to Lisbon	r	r	5,641+253	r	r	5,641+253	r
4 Logo the direi	Antonio Jose da Silva	Lisbon to Maranham	r	r	1,168+727	r	r	1,168+727	r
			21,977+777	6,026+530	47,583+723	887+333	1,337+351	80,772+119	2,959+405

Office of the General Accountant of the Royal Junta of Commerce, Agriculture, Manufactures, and Navigation, 27th July, 1820.
JOSEPH AMADO GREHON.
FRANCISCO MORATO ROMA, Accountant General.

Intercourse with Portugal.

[TRANSLATION.]

Abstract from the Procès verbal, &c.

PHILADELPHIA, December 4, 1820.

On the 5th of March, 1820, to the north of Cape St. Augustine, latitude $7\frac{1}{2}$ degrees south, the brigantine packet of His Most Faithful Majesty, named "The Infant D. Sebastiano," was attacked and pillaged by a brigantine pirate of American construction, with an "S" instead of a figure-head; armed with sixteen 24 pounders, and a crew of about a hundred men; the captain of which, who has lost a hand, the other officers, and three-fourths of the crew, are Americans, according to the formal evidence which has been given before the Intendant General of the Police of the Court and Kingdom of Brazil, by the officers, crew, and passengers of the packet brig, who, after having been outraged and pillaged, have returned, in the same brig, to Rio de Janeiro.

JOSEPH AMADO GREHON,
Chargé des Affaires of H. M. F. Majesty.

[TRANSLATION.]

Mr. Grehon to the Secretary of State.

WASHINGTON, April 1, 1822.

SIR: I am about to repeat, in writing, all that I had the honor to communicate to you in the interview of Saturday last, as well in compliance with your request, as on account of its being in conformity with the orders of my Government, of which Verissimo Antonio Ferreira da Costa, attached to the legation, was the bearer; and by which I am empowered to notify and show to the Government of the United States, and to the nation, what follows:

That the Portuguese Government has resolved to recognise the United States as its first ally, by a treaty which it is desirous of concluding, forthwith, for the purpose of giving every possible impulse to reciprocal commerce, and to the industry of the two nations, and to guard the national independence, which constitutes the most sacred of all rights, against the direct or indirect attacks of Powers unfriendly to the Constitution freely chosen by the people: but, as a fundamental principle of the said treaty, there should be a preliminary condition that the Government of the United States accede to the proposition made by the Chevalier Correa da Serra, Ex-Minister Plenipotentiary of Portugal, in his note of the 16th July, 1820, of having recourse to commissaries chosen by both Governments, for the purpose of arranging the indemnities justly due to Portuguese citizens, for the damages which they have sustained, by reason of piracies, supported by the capital and the means of citizens of the United States; an essential condition, which, in this way, repairing the past, secures also the future.

That the Portuguese States, in the four quarters of the world, can offer to the United States the most important advantages of commerce; the more so, because the relation which the Portuguese Government is disposed to establish with that of the United States, are founded in a perfect

union against the common enemies of their industry and of their independence.

But, if all efforts on the part of the Portuguese Government should be fruitless towards obtaining from that of the United States a just and reasonable indemnity, which England does not hesitate to make in analogous cases of unjust captures, the Portuguese Government is fully determined to resort to the right of reprisals, and to adopt proper measures to indemnify itself for the losses which have been occasioned to their commerce by the acts complained of, as it has been manifestly made to appear, in the face of the world, that unworthy citizens of the United States have been parties in this perfidious practice; and it is very certain that the Portuguese Government has it in its power to exercise reprisals against the United States, by granting to their rival Powers advantages in commerce, in cases in which it is disposed to give the United States the preference, if, acting in good faith, they make indemnity for the past and secure the future.

These are the earnest sentiments and views of the Portuguese Government, which have been communicated to me, with orders to make them known to that of the United States and to the nation. I have, therefore, the honor, sir, to communicate them to you for that purpose; and I shall be happy if the result of this communication, (which I expect from a just and liberal Government, such as is that of the United States,) may be conformable with the sentiments and the desire of the Portuguese Government.

I have the honor to be, &c.

JOSEPH AMADO GREHON,
Chargé des Affaires of Portugal.

The Secretary of State to Mr. Amado Grehon.

DEPARTMENT OF STATE,
Washington, April 30, 1822.

SIR: Your letter of the 1st instant has been submitted to the consideration of the President of the United States, by whom I am directed to assure you of the great satisfaction with which he has received the friendly declaration of the Portuguese Government towards the United States, and the disposition manifested by them to promote the mutual interests and the amicable intercourse between the two countries, by a treaty, founded upon principles favorable to the commercial relations and industry of both. The President desires that you would, in return, make known to your Government the sentiments of friendly reciprocity which animate the Government of the United States towards Portugal, and the earnest wish of the President that the relations of the United States with that nation may continue on terms of the most entire reciprocity. I am, at the same time, directed to state, that the proposition of the Chevalier Correa da Serra, in his note of the 16th of July, 1820, for the appointment of commissioners, chosen by both Governments, to arrange indemnities claimed by Portuguese citizens, for damages stated by them to have been sustained by reason of piracies supported by the capital and means of

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citizens of the United States, cannot be acceded to. It is a principle well known and well understood, that no nation is responsible to another for the acts of its citizens, committed without its jurisdiction, and out of the reach of its control. Of the numerous piracies which have, within these few years, annoyed the commerce of every maritime nation, a much greater number have been committed by the subjects of other Powers, than by citizens of the United States. The lawful commerce of the United States themselves have suffered by these depredations, perhaps, more than that of Portugal. When brought within the jurisdiction of the United States, the pirates have been punished by their laws, and restitution has been made to its owners, of property captured by them. Should any citizens of the United States, guilty of piracy, be captured by the Portuguese Government, the United States will, in no wise, interfere to screen them from punishment.

The citizens of the United States are amenable, also, to the tribunals of their own country, as the people of Portugal are to theirs, for any wrong done by them to the subjects of other nations. For acts of so aggravated a nature as piracy, the authority of the Government of the United States itself is not competent to withdraw them from the jurisdiction of their natural judges, or to subject them to a trial consisting partly of foreigners and without the intervention of a jury. These principles of protection and security to individual rights, are, doubtless, well understood, and will be duly appreciated in Portugal, under the liberal system of Government now established in her dominions.

The laws and tribunals of the United States are adequate to the punishment of their citizens, who may be concerned in committing unlawful depredations upon foreigners on the high seas, at least to the same extent as the laws and tribunals of other nations. The legislation of the United States upon this subject, was even rendered more severe and effectual for the suppression of such offences, during the residence here of the Chevalier Correa de Serra; and justice, conformably to the established principles of the laws of nations, has always been rendered by the courts of the United States to the Portuguese subjects, whose property, after capture by pirates or privateers, has been brought within the jurisdiction of this nation. It will continue to be so rendered in all cases which may occur hereafter.

Of the advantages to the commerce of the United States, in the four quarters of the world, which it may be in the power of the Portuguese Government to offer, it would be acceptable to receive a more particular specification, than is contained in your letter. The Government of the United States would then be able to judge of their value, and of the consideration with which they may be returned. It is not perfectly understood who are meant in your note, by the "common enemies of their industry and their independence," and I am directed to ask of you a precise explanation of that expression. The Government of the United States, while willing, cheerfully, to meet and re-

ciprocate any commercial arrangement with Portugal, propitious to the interests of both nations, will not solicit, and cannot grant, any exclusive favors, to the prejudice of any other Power whatsoever.

This principle, which has long been fundamental to the commercial policy of the United States, furnishes a reply to the latter part of your letter, which, in the case of a non-compliance with proposals, as I have informed you, cannot be accepted, threatens reprisals upon the United States, by granting to their rival Powers advantages in commerce, which you allege your Government is disposed to give the United States, on condition of what you call indemnity for the past, and security for the future.

The Government of the United States knows, that there is nothing, and has been nothing, in the relations between them and Portugal, which, by the laws and usages of civilized nations, could justify reprisals of any kind, by the latter against the United States. And, as I have assured you, that they desire no exclusive favors to the detriment of others, so they are fully persuaded, that upon further advisement, your Government will perceive that they cannot grant commercial favors to any other nation, to the detriment of the United States, without injuring their own subjects more than the people of this Union. Such, it is believed, would be the result of any experiment of reprisals, by granting exclusive favors to one nation, with the view to damage another. The party granting exclusive favors, is the party most severely punished.

Far more agreeable will it be to the Government of the United States to reciprocate, as heretofore, with that of Portugal, offices of kindness and good will, and to promote the friendly intercourse between the two nations, by a multiplication of good offices, and of all the sources by which the interests of both may be advanced.

I pray you to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[TRANSLATION.]

Chev. Amado Grehon to the Secretary of State.

PHILADELPHIA, May 3, 1822.

SIR: I have the honor to inform you that I have just received your letter, which you addressed to me on the 30th of last month.

The explanation which you demand of me, and which I am to give you, according to what I meant by saying: "the common enemies of their industry and of their independence," and which appears to me to be clearly expressed, is this: all nations, in general, who act contrary to the two principles of our industry and of our independence.

I have the honor to be, sir, &c.,

JOSEPH AMADO GREHON,
Chargé des Affaires of Portugal.

Hon. JOHN Q. ADAMS,
Secretary of State of the U. S.

[TRANSLATION.]

Chev. Amado Grehon to the Secretary of State.

PHILADELPHIA, May 5, 1822.

SIR: I make it my duty to acquaint you, that, by the packet of the tenth of this month, I shall have the honor to remit to my Government a copy of your note of the 30th of April last, that it may understand, without delay, the sentiments of reciprocal friendship which animates the Government of the United States towards the Government of Portugal, and the great desire of his Excellency, the President, that the relations between the two nations may continue on terms of the most perfect cordiality; and, that I may, at the same time, be able to inform my Government of the principle well known and well understood, as you call it, as well as of other principles which you have developed in your said note; on which, I think that it would be well to say more, and that my Government will give the solution of it, if it judge proper to do so, and also the more particular specification which you desire; as for my part, I have only pointed out the sentiments and the views which now exist in the Portuguese Government, according to the orders which I have received in that regard.

I have the honor to be, sir, &c.,

JOSE AMADO GREHON,

Chargé des Affaires of Portugal.

Hon. JOHN Q. ADAMS,
Secretary of State of the U. S.

Extract of a letter from General Dearborn to the Secretary of State.

LISBON, August 28, 1822.

"When the Minister for Foreign Affairs called on me, soon after my arrival in the city, some observations occurred in relation to our late Treaty with France, which the Minister had not seen; and having a newspaper containing a copy of the Treaty, I gave it to him. He then mentioned our Treaty with Great Britain with approbation, observing that that treaty would be his model. Presuming, from his observations, that he did not possess a copy of it, I have had one fairly made out and presented to him. My principal motive for furnishing him with those copies, was, that of giving to the Minister and his Government a fair sample of the general policy and practice of our Government in regard to commercial regulations with foreign nations, and that it might operate as a preparatory step to a negotiation on commercial regulations. I shall consider the answer to my note as acquiescing in the hope expressed in my note, and inform him that I possess full powers for commencing negotiations for forming a treaty, or convention, regulating commerce between the United States and Portugal, and propose a personal interview as a preparatory step."

Extract of a letter from Mr. Dearborn to the Secretary of State, dated

LISBON, October 10, 1822.

"On the 3d of September, I had a conference

with his Excellency the [Secretary of] State for Foreign Affairs, by his appointment. Mr. Brent accompanied me as an interpreter; and, after some conversation on general topics, the Minister introduced the subject of the conference, and observed that a treaty for regulating the commerce between the two countries was very desirable on the part of Portugal, such as would be mutually advantageous. I then observed, that being empowered by the President of the United States, I was disposed to commence an arrangement on the subject of commerce as early as would be agreeable to him, and would propose our convention with Great Britain as a basis, with such additions as would be mutually advantageous to our countries, respectively, wishing only such conditions as would operate perfect reciprocity and mutual advantage, and that we did not desire any exclusive advantages or privileges; but, considering the great extent of the United States, with her numerous ports and diversity of productions, it would be expected, on the part of the United States, that the whole of the colonies of Portugal should be included in the arrangement, and that, in every respect, we should be entitled to whatever privileges or immunities are, or may be, enjoyed by the most favored nation. The Minister then observed, that he fully approved of the general principles, as stated by me, but intimated some doubts as to what might be proper in relation to the Brazils, under the existing circumstances and condition of that country; and suggested the necessity of leaving it out of the treaty, or to so modify whatever should relate to it, as would provide for any future change of circumstances. I observed that it might not be difficult to form an article that would apply to any change that might occur in that country; with which he appeared to acquiesce. He then inquired whether I was authorized to enter into any other kind of treaty; and, on my answering in the negative, he appeared (as I thought) to be pleased. He then proposed that I should make out a sketch of such a treaty, or convention, as would be satisfactory to my Government, that his Government might take it under consideration. I replied, that as we appeared to entertain similar views on the subject, it would be more desirable, on my part, that he would make out the outline of one that would be satisfactory to his Government. After some general observations, he proposed that we should each make out such a sketch as we, respectively, think proper; and to have another conference for the [purpose] of comparing our respective sketches, to which I readily assented. He then said, that as soon as he could lay the subject before the Council, he would prepare a sketch, and would notify me when we should have another meeting. And here our conference ended.

"I immediately made out the outlines of a convention, or treaty, a copy of which I have the honor of enclosing; and I have waited for an invitation to the proposed interview, but have not yet received any such notice; but knowing how constantly this Government has been occupied, for some time past, with concerns of the highest

interest and importance, I am disposed to make all reasonable allowance for the delay of a second conference."

Project of a Convention.

ARTICLE 1. There shall be, between the whole of the territories of the United States of America, as now existing, or as they may hereafter exist, and all the territories of His Most Faithful Majesty, in Europe and elsewhere, as existing at this time, or as may hereafter exist, being under their control, respectively, a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty, freely and securely, to come with their vessels and cargoes to all such places, ports, and rivers, in any of the territories aforesaid, to which any other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also, to hire and occupy houses and stores, for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their persons and commerce, but subject always to the laws and statutes of the two countries, respectively.

ART. 2. No higher or other duties shall be imposed on the importations into the United States of any articles, the growth, produce, or manufacture of His Most Faithful Majesty's territories, in Europe or elsewhere, and no higher or other duties shall be imposed on the importation into the territories of His Most Faithful Majesty, in Europe or elsewhere, of any articles, the growth, produce, or manufacture of the United States, than are, or shall be, payable on the like articles, being the growth, produce, or manufacture of any other foreign country; nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles, to the United States, or to His Most Faithful Majesty's territories, in Europe or elsewhere, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the growth, produce, or manufacture, of the United States, or of His Most Faithful Majesty's territories, in Europe or elsewhere, or to or from the United States, which shall not extend to all other nations.

No higher or other duties or charges shall be imposed, in any of the ports of the United States, on Portuguese vessels, than those payable in the same ports by vessels of the United States, nor in any of the ports within the territories of His Most Faithful Majesty, on vessels of the United States, than shall be payable in the same ports on vessels belonging to the dominions of Portugal, in Europe or elsewhere.

The same duties shall be paid on the importations into the United States of articles, the growth, produce, or manufacture, of the dominions of His Most Faithful Majesty, in Europe or elsewhere, whether such importations shall be in vessels of

the United States, or in vessels of Portugal or any of her colonies; and the same duties shall be paid on the importations into any of the ports of Portugal, or her colonies, of any articles, the growth, produce, or manufacture, of the United States, whether such importations shall be in vessels of Portugal or her colonies, or in vessels of the United States.

The same duties shall be paid, and the same bounties allowed, on the importation of any articles, the growth, produce, or manufacture of His Most Faithful Majesty's dominions, in Europe or elsewhere, to the United States, whether such exportations shall be in vessels of the United States, or in vessels of Portugal or her colonies; and the same duties shall be paid, and the same bounties be allowed, on the exportation of any articles, the growth, produce, or manufacture of the United States, to the territories of His Most Faithful Majesty, in Europe or elsewhere, whether such exportations shall be in vessels of the dominions, in Europe or elsewhere, of His Most Faithful Majesty, or in vessels of the United States.

It is further agreed, that in all cases where drawbacks are, or may be allowed upon the re-exportation of any goods, the growth, produce, or manufacture of either country, respectively, the amount of the said drawback shall be the same, whether the said goods shall have been originally imported in a vessel belonging to the dominions of Portugal or her colonies, or a vessel of the United States; but when such re-exportation shall take place, from the United States in a Portuguese vessel, or from the dominions of His Most Faithful Majesty, in Europe or elsewhere, in a vessel of the United States, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing in such case, the amount of the said drawback.

ART. 3. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared, that, in case of illegal or improper conduct towards the laws of the Government to which he is sent, such Consul may either be punished according to law, if the laws will reach the case, or be sent back; the offended Government assigning to the other reasons for the same.

Extracts of a letter from Mr. Dearborn to the Secretary of State, dated

LISBON, December 13, 1822.

"From the apparent intentional delays on the part of this Government, in relation to the proposed commercial regulations between the two countries, combined with the existing state of affairs of this country, I am satisfied that I must expect further delays. The relations respecting Brazil; the completion of the organization of the Government under the new constitution; the refusal of the Queen to subscribe and swear to the

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constitution as the law directs; and negotiations with Spain, for forming a treaty of alliance, together with the anxiety which generally prevails, in regard to what may be the result of the deliberations of the Congress at Verona, all conspire to afford an apology for the delays above referred to."

"Mr. Correa was appointed by the King to negotiate a treaty with me, of which I was informed by the Secretary of State, on the 20th day of October, but having been elected a member of the Cortes, he declined the appointment, and although the Secretary of State assured me that some other person would be soon appointed, no appointment has yet been made."

Extracts of a letter from General Dearborn to the Secretary of State, dated

LISBON, January 30, 1823.

"I embrace the opportunity of adding to my other communication, by informing you, that I have had two meetings with the Count da Lapa, who has been appointed Plenipotentiary on the part of Portugal, for negotiating and completing a commercial treaty with the United States; and having exchanged our full powers, a conversation ensued, in which, the Count expressed sentiments fully according with those heretofore expressed by Mr. Pinheiro, Secretary of State for foreign Affairs, as noticed in the letter I had the honor of writing to you, on the 13th of December, which induces a reasonable hope, that a satisfactory arrangement may be effected; but I am not without some doubts as to its being the real intention of this Government to conclude a treaty immediately, although the Secretary, but a few days since, verbally assured me, that there existed no obstacle in the way of a speedy conclusion of such a convention or treaty as would be mutually satisfactory. It must very soon be ascertained, whether words and actions so fully correspond as would be desirable."

"We shall have another conference within a few days, when I shall be able to ascertain, with more certainty, how our ideas correspond with each other. Having at his desire, furnished him with the basis and outlines of such a treaty, as would be satisfactory to the United States, he will, of course, express his opinion at our next meeting on the basis and outlines by me proposed, by which it may be understood whether we shall be likely to succeed ultimately, or not, in a satisfactory arrangement."

Extract of a letter from General Dearborn to the Secretary of State, dated

LISBON, February 20, 1823.

"The Count da Lapa has agreed to the basis I had proposed for the treaty; but, by his instructions, he considers it necessary to divide the treaty into three distinct heads, viz: navigation, commerce, and persons, and he has agreed to furnish me immediately with a sketch of the first head, and soon after, with the second. I have some doubts whether his second part will be acceptable,

but I hope that, within a few days, my doubts may be removed. He does not appear to be in any haste, and I have an opportunity for the full exercise of my stock of patience."

Extract of a letter from General Dearborn to the Secretary of State, dated

LISBON, March 3, 1823.

"I have not yet heard from the Count da Lapa, since the 10th ultimo, when he agreed to make out the form of the first head of the treaty, and call on me within the course of that week; but, subsequently to our last meeting, a report was made to the Cortes, on the subject of the present existing treaty with England, particularly in relation to the article which stipulates that certain English manufactures should be admitted into Portugal, on paying a duty of fifteen per cent. on their cost. The report concluded by saying that, under existing circumstances, the Portuguese Government have the right to suspend the operation of the article alluded to, until new negotiations should be had on the subject. The report was sanctioned by a vote of the Cortes. I presume that the discussion of this subject, by a committee, and by the Cortes, has occasioned the long delay on the part of the Count da Lapa. By the above-mentioned report, it appears, that negotiations have been going on between Portugal and Great Britain, for some time, with a view on the part of the former, of effecting such alterations in certain parts of the existing treaty, as would enable her to enter into such liberal and reciprocal commercial treaties with other nations, as would be acceptable. But it appears, by the said report, that England, as might be expected, is very unwilling to relinquish any of the exclusive advantages she now enjoys, under the present treaty; and I am persuaded, that this Government still finds itself embarrassed by certain stipulations in her treaty of 1810, with Great Britain, and that, to that source, the long delays I have experienced are to be principally attributed. I am satisfied, however, that the Government is very earnestly engaged in endeavoring to effect such arrangements with England, as may be necessary for preparing the way for a liberal and reciprocal treaty with the United States."

Extract of a letter from General Dearborn to the Secretary of State, dated

LISBON, March 24, 1823.

"Our negotiation has been suspended for some time, and will not, I presume, be recommenced until the present unfortunate affair shall be decided."

Extract of Despatch, No. 9, from General Dearborn to the Secretary of State, dated

LISBON, June 4, 1823.

"Nothing unfavorable to a speedy completion of the proposed commercial treaty has occurred for several months past, and I have waited with a hope that the repeated assurances of the late

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Minister might be verified, until a counter revolution has been actually effected, and the King again restored to absolute power. It is very evident that the concluding of any commercial regulation with this Government, such as could be acceptable to the United States, will be procrastinated, so long as this Government shall continue to consider the friendship of Great Britain as essential to its safety. I shall endeavor, as early as possible, to learn the disposition of the King and his Minister, in relation to the renewal of the negotiations, and the probability of a satisfactory result."

Extract of Despatch, No. 10, from General Dearborn to the Secretary of State, dated

LISBON, June 29, 1823.

"I have now the honor of transmitting copies of my correspondence with the late Minister and Count de Lapa. I have not had any other correspondence with the present Minister of Foreign Affairs, Count Palmella, than that of receiving a note from him announcing his being the Secretary of State for Foreign Affairs, to whom I should, in future, address any communication I might have occasion to make to his Government, and my answer, together with a ceremonious call upon him, and have no means of ascertaining the present disposition of this Government in relation to commercial arrangements with us, excepting the assurance of the King, which I noticed in my last letter."

Copy of a letter from Mr. Dearborn to the Count de Lapa.

LISBON March 8, 1823.

SIR: Being quite at leisure, I take the liberty of giving you an historical sketch of the pending negotiations between the United States and Portugal.

Considering the facts and circumstances set forth in it, combined with the recent report of a committee to the Cortes on the subject of the existing treaty with Great Britain, I cannot avoid being impressed with a belief that, owing to these or other circumstances, the present time is not considered as propitious by this Government for concluding such a treaty with the United States as has been contemplated; and as I am not authorized, nor inclined, to urge the conclusion of a treaty on your Government, I am induced to suggest, with candor, the expediency of an entire suspension of the negotiation, as preferable to such a protracted one as may probably extend beyond the term of my mission. I beg leave, at the same time, to assure you, that this frank communication is entirely unassociated with the slightest unfriendly feelings, or with any disposition to censure, or complain; being satisfied, as I am, that His Most Faithful Majesty and his Government are disposed to act, not only with good faith, but in the most friendly manner, to the United States. I renew the assurances, &c.

HENRY DEARBORN.

To the COUNT DE LAPA, &c.

SKETCH.

Soon after my arrival here, I received information from his Excellency, Silvestre Pinheiro Ferreira, Minister and Secretary of State for Foreign Affairs, showing a desire on the part of His Most Faithful Majesty's Government for entering into liberal arrangements with the United States in relation to commerce, with a disposition for drawing closer the bonds of friendship between the two nations. After informing his Excellency that I possessed full power for negotiating and concluding such commercial arrangements, we had a conference, in which it was agreed that we should adopt for a basis of a treaty, the general principles of the late treaty, or convention, between the United States and Great Britain; and ultimately agreed, that each of us should make out a sketch of such a treaty, as would be in conformity with the convention above alluded to, and would be satisfactory to our respective Governments; and within a few days I was to be notified of another meeting, for the purpose of comparing our sketches of a treaty; this was on the 3d of September. On the 20th of October, I received information from his Excellency the Secretary of State, that His Majesty had appointed the Commandeur Correa de Serra, as a commissioner to treat with me. I immediately answered the note, and observed, that I should, with pleasure, meet the Commandeur Correa de Serra at such time and place he should please to appoint. I heard nothing from the Commandeur; and on the 24th December I received a note from the Secretary of State, informing me of the appointment of the Count de Lapa, as Plenipotentiary to treat with me. In the mean time, I had a conference with his Excellency the Secretary of State, and informed him, that I had written to my Government to the following effect: That I had reason to believe, from the long suspension of the negotiations, that this Government found itself so embarrassed with the affairs of Brazil, the organization of the several departments of the new Government, with negotiations with Spain, and by the existing treaty with Great Britain, as might be considered a reasonable excuse for postponing the negotiations with me, at least for a time. I then observed to Mr. Pinheiro, that neither my instructions, nor my own feelings, would allow me to urge his Government to a conclusion of a treaty; and that I had not made the statement to my Government by way of complaint. Mr. Pinheiro explicitly replied to my observations in detail, and declared, that neither of the circumstances I had mentioned, formed any obstacle to the conclusion of the proposed treaty between Portugal and the United States; and that the Count de Lapa would, within a few days, recommence with me the negotiations. The Count very soon called on me; and, as was proposed by him, it was agreed that the conferences should be held at my house. A day was appointed for the exchange of our respective full powers; and after the exchange of powers, a day was agreed on for a conference, and I, at the same time, delivered to the Count my sketch of a treaty, and on the tenth

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of February had a meeting, and discussed the subject generally, and mutually agreed to adopt the sketch I had made out, with some unimportant exceptions; which exceptions we agreed to and minuted. The Count de Lapa having proposed a regular division of the treaty into three heads, to wit: Navigation, Commerce, and Persons, I made no objection, and he agreed to make out the form of the first head, which he proposed showing to me in the course of that week. It is now the 8th day of March, and I have not had the honor of hearing from the Count since the 10th of February.

HENRY DEARBORN.

The Count de Lapa to Mr. Dearborn.

The undersigned has the honor of informing his Excellency General Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the United States, of His Most Faithful Majesty's invariable desires for the conclusion of a treaty with the United States. The same reasons that have been expressed to H. E. of there being no difficulties to its conclusion subsist, and the state in which the negotiation may be considered to be, is an incontestable proof of it. The good faith with which His Majesty praises himself, of corresponding to the sentiments of the Government of the United States, and its not urging for the brevity, have retarded the proceedings, where extraordinary concurrences have happened.

This frank declaration seems to the undersigned as answering the different points mentioned by His Excellency in his letter and historical sketch of the negotiation.

The undersigned avails himself of this opportunity to renew the assurances of his particular esteem and perfect consideration.

THE COUNT DA LAPA.

LISBON, March 12, 1823.

[The original of this letter is in English.]

Mr. Dearborn to Mr. Penheiro, Minister of Foreign Affairs.

LISBON, April 18, 1823.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, near His Most Faithful Majesty, having very recently seen what is stated to be a decree of His Most Faithful Majesty, dated March 12, 1823, relating to the treaty of 1810, between Portugal and Great Britain, and particularly to the fifteenth article of the said treaty: The confidence which he has, in the candor of his Excellency Mr. Penheiro, Minister of Foreign Affairs, induces him to take the liberty of asking his Excellency whether this decree, or the pending negotiations of the new treaty between Portugal and Great Britain, referred to in the decree, will interfere in any manner with the negotiations respecting the treaty between Portugal and the United States, which has been proposed, and to a certain extent mutually agreed on.

If, from the above-mentioned decree, or from

the pending negotiation with Great Britain, or from any other consideration, a temporary suspension of the negotiation between Portugal and the United States would be convenient to the Government of His Most Faithful Majesty, the undersigned will readily acquiesce in such a suspension.

The undersigned renews to his Excellency the assurance of his high consideration and particular esteem.

HENRY DEARBORN.

[TRANSLATION.]

Mr. Silvestre Penheiro Ferreira to General Dearborn.

The undersigned, Minister and Secretary of State for Foreign Affairs, having before him the note of General Henry Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the United States of North America, under date of the 18th of last month, takes pleasure in repeating to His Excellency what he had verbally the honor of affirming to him twice before, when his Excellency made him the same request; besides what a short time since the Count de Lapa had orders to repeat, in answer to a letter which his Excellency addressed to him upon the same subject, dated the 8th of March last, agreeing in this point entirely with the Government of the United States, in regard to the importance of the treaty in question.

The undersigned, on this occasion, renews to his Excellency the assurances of his perfect consideration.

S. PENHEIRO FERREIRA.

Office of the Secretary of State for Foreign Affairs, May 2, 1823.

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated

LISBON, July 15, 1823.

"Having obtained no satisfactory information from the present Government, in regard to its disposition in relation to commercial regulations, I addressed a note to the Marquis of Palmella on the 8th instant, a copy of which I have the honor of enclosing, (No. 1;) and on the 12th I received an answer, a copy of which is also enclosed, (No. 2.)"

No. 1.

Mr. Dearborn to his Excellency the Marquis de Palmella, Minister and Secretary of State for Foreign Affairs to His Most Faithful Majesty.

SIR: Presuming that your Excellency has been made acquainted with the measures which have been pursued in relation to a commercial treaty between His Most Faithful Majesty and the Government of the United States of America, and of course, with the basis and principles agreed on by the Count de Lapa on the part of His Most Faithful Majesty, and by the undersigned on the part of the United States: The undersigned will esteem it as a favor to be informed, as early as

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may be quite convenient to your Excellency, what may be the present disposition of His Most Faithful Majesty's Government, in relation to a completion of such a commercial treaty between the two countries as has already to a certain extent been mutually agreed on.

Be assured, sir, that it is with the greatest pleasure, that the undersigned embraces the present occasion for presenting to your Excellency his most respectful and friendly regards.

HENRY DEARBORN.

[TRANSLATION.]

The Marquis de Palmella to General Dearborn.

The undersigned, Counsellor, Minister, and Secretary of State for Foreign Affairs, having received the note which, of the date of the 8th instant, General Henry Dearborn, Envoy Extraordinary and Minister Plenipotentiary from the Government of the United States of America, addressed to him, relative to the intended commercial treaty between His Most Faithful Majesty and the Government of the same United States, has to answer His Excellency, that the present events not having yet permitted a full investigation of this business to be made, the undersigned will, as soon as possible, apply himself to it, and then will have much satisfaction in inviting His Excellency to a conference.

Upon this occasion the undersigned repeats to Sen. Henry Dearborn, the assurances of his particular esteem and perfect consideration.

Office of the Secretary of State for Foreign Affairs, 10th July, 1823.

PALMELLA.

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated

"LISBON, July 21, 1823.

"By the request of the Marquis of Palmella, I waited on him on the 15th instant; his manner and deportment was pleasing; he observed that he had been so constantly occupied with business hitherto, as not to have had it in his power to examine the correspondence in relation to the proposed commercial treaty between Portugal and the United States, but that certainly he would attend to it very soon; and that whatever commercial regulations might be framed between the two countries, to be useful and durable, must be perfectly reciprocal; and that he thought the late treaty between the United States and Great Britain a good model."

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States, at Lisbon, to the Secretary of State, dated

"LISBON, October 25, 1823.

"Having received no intimations from this Government, of a disposition for recommencing negotiations for a commercial treaty, I begin to doubt whether any further progress may be ex-

pected; but a few months more must afford sufficient time for either completing what has so long since been begun, or for ascertaining the real dispositions of this Government on the subject."

Extract of a letter from Henry Dearborn, Minister Plenipotentiary United States, at Lisbon, to the Secretary of State, dated

LISBON, November 7, 1823.

"The vessel by which my other letters will be conveyed, not having sailed, I have concluded to profit by the delay, by writing a note to the Marquis Palmella, as my probable last effort for drawing from him the real disposition and intention of this Government, in relation to a renewal of the negotiation for a commercial treaty; a copy of which note I have the honor of enclosing. I hope I may receive his answer, before the vessel sails, so that I may have the honor of enclosing it with my other letters; if not, I will forward it by the earliest opportunity."

General Dearborn to the Marquis of Palmella, Counsellor of State, Minister and Secretary of State, for Foreign Affairs.

LISBON, November 7, 1823.

SIR: Several months having elapsed since your Excellency was pleased to say, that you would, as soon as possible, look over the papers relating to the commercial treaty, which had, to a certain extent, been mutually agreed on, by the Count de Lapa, on the part of His Most Faithful Majesty, and myself, on the part of the United States, and that you would give me early notice of your having examined the subject; and your Excellency was pleased to express an opinion that a treaty, on the basis of our treaty with Great Britain, would be most desirable; I at the same time informed your Excellency, that my Government did not wish me to press this Government on the subject of a treaty, but if it should find it inclined to enter into literal and reciprocal arrangements, to show an equal desire on my part, for forming a treaty on the basis of the late treaty between the United States and Great Britain. I have, therefore, waited for a communication from your Excellency, as proposed at your last conference at your Excellency's office; but not having received any intimation of a desire on the part of His Most Faithful Majesty's Government to renew the negotiation, I conclude that I may now with propriety state to my Government that there is very little, if any, probability of effecting any commercial arrangement with this Government within the probable term of my mission. My motive for communicating the foregoing observations to your Excellency, is no other than that of merely placing the subject once more before your Excellency, in a plain and candid manner, free from any complaint on my part, or a disposition to urge the renewal of the negotiation.

I renew to your Excellency the assurance of my distinguished consideration and respect.

HENRY DEARBORN.

Intercourse with Portugal.

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated

LISBON, November 27, 1823.

"On the 12th instant, I received a note from the Marquis de Palmella, in reply to my note to him of the 7th, of which I had the honor of enclosing a copy in my letter to you of the 9th. The Marquis proposed a conference on the 14th, at his office; I waited on him accordingly; he very candidly admitted that, previous to the expiration of the term of the fifteen years stipulated in their treaty with England, concluded in June, 1810, and to such modifications of said treaty as would remove the obstacles now existing, to a satisfactory arrangement with the United States, the Government of His Most Faithful Majesty could not, with propriety, form any such treaty with the United States, as is desirable, but that we might, nevertheless, form a short convention, merely relative to navigation, which would be a commencement of such a friendly and reciprocal arrangement as both Governments desired, which should be on the basis of our convention with Great Britain. I agreed to make a sketch of such a short convention, relating to navigation, as he had proposed, and accordingly made out one and sent it to him on the 19th, a copy of which I have the honor of enclosing. I met the Marquis on the 22d, when he assured me that, within a very few days, he would communicate to me the result of His Majesty's decision on the sketch I had proposed. I doubt whether the 3d article will be considered as admissible at present, and whether we shall ultimately agree on any thing that will be of much consequence; but, by the 1st and 2d articles, some advantage would be gained, as we have so great a number of vessels entering the ports of Portugal, compared with the Portuguese vessels that enter the ports of the United States."

Project of a Treaty.

ARTICLE 1. There shall be a reciprocal liberty of navigation and commerce between the United States of America and the Kingdom of Portugal, and such of her colonies as any other foreign nation are or shall be allowed to carry on commerce with.

The inhabitants of the countries, respectively, shall have liberty freely and securely to come with their vessels and cargoes to all such places, ports, rivers, and harbors, in their respective territories, to which any other foreign vessels are or shall be permitted to come; to enter into the same, and remain and reside in any parts of the said territories respectively; also, to hire and occupy houses and stores for the purpose of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, persons, and property, but subject always to the laws and statutes of the two countries respectively.

ART. 2. No higher tonnage, anchorage, light money, or other charges of any kind, shall be imposed on vessels belonging to the subjects of His

Most Faithful Majesty, on entering any of the ports of the United States, whilst remaining in port, or on clearing out and leaving any of the said ports, than shall be paid on like vessels belonging to citizens of the United States arriving from foreign ports, other than those belonging to the United States. Nor shall any higher tonnage, anchorage, light money, or other charges of any kind, be imposed on vessels belonging to citizens of the United States on entering any of the ports of Portugal, or such of her colonies as foreign vessels may be allowed to enter; or while remaining at, or on clearing out and leaving any of the said ports, than shall be paid on like vessels belonging to the subjects of His Most Faithful Majesty, arriving from foreign ports, other than those belonging to the dominions of His Most Faithful Majesty.

ART. 3. No higher duties shall be paid on articles the growth, produce, or manufacture of Portugal, or such of her colonies as vessels of the United States shall be allowed freely to trade with, being imported into the United States in vessels belonging to Portugal or her colonies, as aforesaid, than would be paid on similar articles imported into the United States in vessels of the United States. Nor shall any higher duties be paid on articles the growth, produce, or manufacture, of the United States, being imported into Portugal or her colonies, as aforesaid, in vessels of the United States, than would be paid on similar articles imported in vessels of Portugal or her colonies, into the ports of Portugal.

ART. 4. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party, but before any consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and it is hereby declared, that, in case of illegal or improper conduct towards the laws of the Government of the country to which he is sent, such consul may be punished according to law, if the laws will reach the case, the offended Government assigning to the other the reasons for the same.

Extract of a letter from Henry Dearborn, Minister Plenipotentiary of the United States at Lisbon, to the Secretary of State, dated

LISBON, January 26, 1824.

"Since the date of my letter of the 27th of November, in which I had the honor of enclosing a sketch of a short convention, as proposed by the Marquis de Palmella, I have heard nothing from him on the subject; and, under existing circumstances, I have not deemed it expedient to press the subject any further, or to attempt to refresh his memory; being fully satisfied that, whatever might have been his own views, he has found such insurmountable obstacles to carry them into practical effect, as has compelled him to be silent. I am fully convinced that there remains no probability of effecting any satisfactory arrangement with this Government at present."

Commerce with Great Britain.

Extract of a letter from General Dearborn to Mr. Adams.

LISBON, March 4, 1824.

"I have received no intimation from the Marquis de Palmella, in relation to the proposed convention, since the date of the last letter I had the honor of writing to you; nor is it probable I shall; of course I am quite at leisure.

"I have not yet received the copies of the regulations of the custom-houses of Portugal, and her colonies, which I had expected to receive as early as the first of December.

"I am now anxiously looking for the President's permission to return home, as early as I proposed in my former letters."

COMMERCE WITH GREAT BRITAIN.

Report of the Committee on Commerce, made to the House, May 22, 1824.

The Committee on Commerce, to which has been referred a resolution "instructing them to report to this House whether any law exists in contravention of the provisions of the convention of the 3d of July, 1815, made between this country and Great Britain; also, to inquire into the expediency of countervailing, by law, any duties or port charges on American commerce and tonnage, which Great Britain may lay thereon, in her colonies, or elsewhere," report:

That, having bestowed on the first part of the resolution the consideration due to its importance, take leave to state to the House, that no law has been passed, by Congress, which contravenes or violates any provision of the convention subsisting between the United States and Great Britain. They regret, however, to find that an opinion is entertained by the British Government, that the act of Congress, passed the 27th of April, 1816, entitled "An act to regulate the duties on imports and tonnage," in imposing a higher duty on iron, manufactured by rolling than on hammered iron, contravenes the provisions of that convention, on the ground that the duty operates exclusively on iron manufactured by that mode in Great Britain. Were the facts on which this opinion rests established, the committee do not think they would, giving to the convention either a strict or liberal construction, warrant the inference.

From the views taken of this subject by the committee, they are much gratified in being relieved from the necessity of going into a long and elaborate argument on that point, by stating, that the facts set forth and relied on by the British Government, to support the position taken by it, will not enable it to maintain, successfully, that position, as will satisfactorily appear, by reference to the report of the Secretary of the Treasury of the 11th of February, 1824, stating the imports into, and exports from, the United States. That report informs the committee, that iron, manufactured by rolling, is an import into the United

States, not only from Great Britain, but also from Sweden, Russia, and other countries. During the last fiscal year, ending the 30th of September, 1823, 27,700 cwt. of iron, manufactured by rolling, was imported from Sweden, and 2,003 cwt. from Russia, which iron was subjected to the payment of one dollar and fifty cents per hundred weight.

These facts, therefore, evidently and conclusively show that iron manufactured by rolling is not, according to the position taken by the British Government, a manufacture exclusively British. One, among many reasons, which influence Congress to impose a higher duty on rolled than on hammered iron, was the inferiority of the former to the latter, in use and quality. Mr. Stratford Canning, in his letter to Mr. Adams, Secretary of State, November 26, 1821, says: "Any difference of use or quality, resulting from the mode of manufacture, may indeed constitute a fair ground of distinction; but there is every reason to believe that no such difference exists in the present instance." That a difference, in use and quality, does exist, which Mr. Canning admits to be a fair ground of distinction, is known to every blacksmith, and to every man who has used it. Every man of judgment gives the preference to hammered iron, because it is freer from dross or impurities than the rolled; and because, whatever articles are made of the former, are not only better, but more durable. The allusion made by Mr. Canning to Mr. Whitney's saw gin, and his comparison of that machine to the machinery employed in rolling iron, is an ingenious effort to get over a puzzling difficulty, by attempting to make things similar which have in them nothing common to each other, on which to found a similitude. It is known, and it not unfrequently happens, that the importance of the interest threatened to be attacked, produces a solicitude for its security, which often occasions its advocates, more zealous to preserve it from injury than judicious in their defence of it, to surrender, unwarily, the vantage ground. Aware of this, the committee have given to the suggestion, or allusion of Mr. Canning, all the consideration it merits, and have satisfied themselves, on investigating it, that it does not support him in the argument he founds on it. The machinery employed in rolling or manufacturing iron, requires, to use it properly, expert and skilful workmen, disciplined in that business, and also the constant and vigilant attention of an intelligent superintendent, to make that mode of manufacturing iron succeed. But Mr. Whitney's saw gin, how happy soever the invention may be, or how much credit soever it may reflect on his genius, is so simple in its construction, so easily worked and managed, that negroes, in the Southern States, are employed to work it, and the effect of its operation is not to produce a change in the use or quality of the cotton, by that mode of separating the cotton from the seed; for, after the process is completed, the cotton is as much a raw material as iron ore is, when taken from the mine.

The ports of the United States have been open,

generally, to the introduction of British manufactures, before and since the convention, on principles of amity and liberality; and the committee are not a little surprised to find that the Government of the United States should be charged with giving to the convention an astuteness of construction incompatible with its provisions, especially when the ports of His Britannic Majesty in Europe are closed against the introduction of the staple articles of the Eastern and Middle States. Will the Government of Great Britain allow the importation into Great Britain of cotton and wool cards, and cut nails, manufactures of the United States, on the ground that those articles are manufactured exclusively in the United States, by machines, the invention of ingenious citizens? Or does it allow, on any terms, the importation of those articles into Great Britain? The statutes of that kingdom will give the answer and the commentary. In short, on which side soever the committee look, they see the industry and enterprise of the citizens of the United States subjected by British policy to prohibitions or restrictions, that are not retorted by the Government of the United States, on the industry and enterprise of British subjects. From the views which the committee have taken on this subject, they cannot recommend to the House any alteration or modification of the act of Congress imposing a higher duty on iron manufactured by rolling, than on that prepared by the hammer.

As to the second part of the resolution, the committee respectfully state, that, although the commerce and navigation of these United States with the British West India islands, experience many embarrassments, and are subjected to high duties and charges, to which the commerce and navigation of those islands are not liable in the United States, yet the committee forbear at this time to recommend the adoption of any countervailing measure, as the points of difference in relation to this subject are in negotiation between the two Governments.

The committee, having performed the duty assigned them, respectfully submit to the House the following resolution:

Resolved, That the committee be discharged from the further consideration of the resolution referred to them.

Mr. Canning to Mr. Adams.

WASHINGTON, Nov. 25, 1822.

SIR: The approach of another session of Congress induces me to remind you of the correspondence which I had the honor of addressing to you last year, by the express commands of my Government, on the subject of the unequal duties levied on rolled and hammered iron, according to the tariff which is now in force. Being aware that the correspondence in question has been communicated officially to Congress, and that the consideration of it by that assembly has been deferred only in consequence of the great pressure of business at the close of the last session, I confine myself at present to requesting your good offices that,

as far as depends upon the Executive Government, this matter may be brought, in the course of the ensuing session, to a just and satisfactory conclusion.

I beg, sir, that you will accept the assurance of my perfect consideration.

STRATFORD CANNING.

Hon. JOHN Q. ADAMS, &c.

Mr. Canning to Mr. Adams.

WASHINGTON, March 17, 1823.

SIR: Not having the honor to hear from you during the late session of Congress, or since its close, respecting the equalization of the duties on British rolled and hammered iron, imported into the United States, on which subject I have frequently had occasion to address you, it becomes my duty to request a communication of the intentions of the American Government on this point, for the information of His Majesty's Ministers. The message which was sent down to Congress last year, by the President of the United States, together with the correspondence relative to the duties on rolled and hammered iron, afforded a reasonable expectation that the many strong facts and arguments, repeatedly urged against the existing discrimination in the duties on those articles, had at length produced their just effect, and that the American Legislature would hasten to pass an act for placing the duties in question on a footing consistent with a fair and equitable construction of the commercial treaty.

In ignorance of the circumstances, if any, which may have prevented this expectation from being realized, I cannot but hope, sir, that your occupations will admit of my being honored with an early answer to this letter.

I avail myself of the opportunity to repeat to you the assurance of my most distinguished consideration.

STRATFORD CANNING.

Mr. Addington to Mr. Adams.

WASHINGTON, Nov. 20, 1823.

SIR: It is now seven years since, in pursuance of instructions from His Majesty's Secretary of State, the first representation was submitted by the British Minister, resident in this Capital, to the Government of the United States, against the unequal and unjust duties laid on British rolled iron, imported into the United States.

Since that time the subject has been repeatedly brought under their consideration, as well as under that of the Supreme Legislative body.

It has been presented in so many lights, and all the arguments in support of the claim advanced by the British traders to be exonerated from those duties, have been so often, and so unanswerably pressed, that it would be presumption in me to attempt to add any thing in support of a cause advocated by persons so much more capable, by their weight and ability, of doing justice to it, than myself.

I feel, therefore, sir, that, as far as regards the

discussion of the merits of the question, I cannot do better than refer you to Mr. Stratford Canning's letter, to yourself, dated November the 26th, 1821, in which the subject is handled with a clearness and soundness of logic difficult to surpass, and which must carry conviction to every candid and unprejudiced mind.

Setting aside, then, all further argumentation of the question, I shall content myself with appealing, which I do with confidence, to the feelings of integrity and justice which animate the Government of this country, for the exertion of its powerful influence with the Legislature, in order to procure the revision of an act passed under an erroneous impression, or rather total misapprehension of the subject.

That act is manifestly contrary to the spirit, indeed, to the letter, of the convention, concluded in 1815, between Great Britain and the United States, in which it is stipulated, that like duties shall be reciprocally leviable upon like articles. No mention is therein made of the specific mode of manufacturing those articles.

By imposing an extra duty on rolled iron, between which, and that produced by hammering, it is now proved that, if there exist any difference in quality, that difference is in favor of the former, a shackle is placed on the hands of genius and invention, and a premium offered for the discouragement of science. But surely, sir, this war against useful innovation and improvement is altogether unworthy of a nation distinguished by its love of novelty, by its rapid progress in the arts, and by the native vigor, and inventiveness of mind, of its inhabitants.

If Great Britain, instead of allowing in her own markets to the manufactures of the United States a fair and free competition with those of other nations, were, by a forced construction of the terms of her conventions to burden with oppressive duties such of the articles of the former as, being the produce of the creative talents of their citizens, evinced in the superiority of their machinery, enjoy thereby an advantage over "the like" wares of other countries, would she not render herself justly obnoxious to the imputation of injustice, and illiberality? And yet, sir, this is but the course which the United States have adopted with regard to the iron manufactures of Great Britain.

But I am persuaded that this course is not accordant with the genuine feelings of the country: that the duties in question were originally imposed by Congress, under a misapprehension of the real merits of the case; that those merits being once well known, and duly appreciated, as they must now be, the appeal made to the candor of a body so distinguished by integrity, and liberality of sentiment, as the Congress of the United States, will not be urged in vain; and that the inventive genius of Great Britain will be allowed to secure to her manufacturers those honest profits to which they are so justly entitled.

I have only to add, sir, the expression of my hope, that you will lose no time in submitting to Congress, as shortly after its convocation as may

be expedient, the application now made in behalf of the British iron merchants, and that you will lend it the powerful aid of a recommendation from the Government, that the subject may be taken by that body into their immediate consideration.

I have the honor to be, &c.

H. U. ADDINGTON.

Hon. J. Q. ADAMS, *Sec'y of State*

Mr. Addington to Mr. Adams.

WASHINGTON, March 4, 1824.

SIR: I take the liberty of calling your attention to a letter which I had occasion to address to you on the 20th of November last, to which I have not as yet had the honor of receiving an answer, in which I requested the interposition of the Executive Government with the Houses of Congress, for the purpose of procuring an equalization of the duties on British iron.

In a conversation which, posterior to the date of that letter, I had the honor of holding with you, I received an assurance that, although no step in furtherance of the above object had, at that time, been taken by the Government, yet, as soon as the question of the tariff should be brought under the consideration of the Legislature, my wishes should be attended to.

It was with no small mortification that I learnt, yesterday, that the subject of the duties on iron had been already brought to an issue unfavorable to the just demands of the British Government; and that, without any formal intervention in favor of those demands having taken place on the part of this Government with the House of Representatives. I have also been assured that, had such an intervention taken place at the proper time, the point desired would, in all probability, have been carried.

I have now, therefore, the honor of addressing you once more upon this subject, and of submitting a request, in the name of His Majesty's Government, that the President will be pleased to recommend to the Senate the consideration of this matter, in order that, according to the express terms of the commercial treaties existing between the two countries, the iron manufactures of Great Britain may be placed upon a footing of strict equality with those of the nations which, in the existing state of things, enjoy an undue advantage over the former.

I have the honor to be, &c.

H. U. ADDINGTON.

Hon. JOHN Q. ADAMS, &c.

Mr. Addington to Mr. Adams.

WASHINGTON, May 5, 1824.

SIR: Agreeably to your desire, as expressed to me yesterday, I have the honor to transmit to you, herewith, the copy of a despatch, which I have recently received from His Majesty's Secretary of State for Foreign Affairs, relative to the unequal duties levied in this country upon rolled iron, the manufacture of Great Britain.

State of the Sinking Fund.

In this despatch you will perceive, sir, that I am instructed to press this subject once more, and in the most earnest manner, upon the attention of the American Government, and to represent to them, that, in case a claim, founded upon the clearest grounds of right and equity, be still disregarded by the Legislature of the United States, it must become a question for the consideration of His Majesty's Government, whether, in justice to the interest of Great Britain, it may not be expedient to act upon the principles laid down by the United States themselves, by considering their cotton, which stands in precisely the same relation to that of other countries, as the iron of Great Britain to foreign iron, as a manufactured article, and subjecting it as such, to a higher rate of duty than is charged on other cotton, which has not been cleansed by machinery.

I trust, sir, that the Legislature of the United States, by candidly admitting the validity of the claim advanced by Great Britain, will spare His Majesty's Government the pain of taking a measure which, however just, would not be resorted to by them without unfeigned reluctance, and as a step called for by an imperious sense of justice to the interests of His Majesty's subjects.

The equalization of duties, desired by the British Government, is of comparatively trifling importance to this country, but of very serious moment to the interests of Great Britain; inasmuch as those duties directly affect one of her staple commodities; and surely, sir, it were much to be regretted, that, by persevering in a course, by which, independent of its injustice, the United States, in general, are so little benefited, the Legislature of this country should hazard any diminution of the friendly feelings and good correspondence which subsist between the two nations, by forcing Great Britain (for it would be a matter of positive compulsion) into the adoption of measures, which, however undeniably equitable, might yet tend to create in the United States, sentiments of a character opposite to those which at present so happily animate both people in their relations with each other, and which it is the earnest desire of His Majesty's Government to perpetuate by every legitimate means.

I have the honor to be, &c.,

H. U. ADDINGTON.

Mr. Canning to Mr. Addington.

FOREIGN OFFICE, March 13, 1824.

SIR: In consequence of renewed applications from the persons engaged in the iron trade of this kingdom, His Majesty's Government have again had under their consideration the difference of duty levied in the United States, on rolled and hammered iron, the produce of Great Britain.

The British Government had hoped that the Message sent by the President of the United States to the Congress, in the year 1823, and the very strong facts and arguments repeatedly used by Sir Charles Bagot, and Mr. Stratford Canning, during their several missions in America, against the existing discrimination in the duties on these arti-

cles, would have produced their just effect; but as this unfortunately does not appear to have been the case, I have to instruct you to bring this business again before the American Government, and to represent to them the injury to which the iron trade of this country continues to be exposed by this measure, and the injustice of withholding that relief, to which they in effect admitted our claim, by the Message of the President above referred to.

You will observe, that, if the principle, which appears to have led the Congress to delay the repeal of this discriminating duty, were admitted, it might, with equal justice, be applied by His Majesty's Government to the article of American cotton, imported into this country, as compared with that brought from the East Indies or South America; for the cotton of the United States, being cleaned and separated from the seeds and husks, by a process requiring the aid of machinery, becomes, (if this principle is to be acted upon to its fullest extent,) by parity of reasoning, as much in truth, as the rolled iron, a manufactured article when compared with the cotton of the other countries above mentioned; this last article being imported nearly in the state in which it is gathered, without undergoing any process for the purpose of cleaning or separating it from the seeds, &c.

In pressing, therefore, the American Government to come to a conclusion on this subject, in conformity with the repeated representations addressed to them from hence, I have to request that, in addition to the very able reasoning contained in the notes of your predecessor to the American Government, of the 31st March and the 26th November, 1821, on this subject, you will urge this argument also; and that you will apprise them, that, if, contrary to our just expectation, the existing inequality of duty on rolled and hammered iron be not removed, it must become a question for the consideration of His Majesty's Government, whether, in justice to the interests of this country, it may not be expedient to act on the principle laid down by the United States themselves, by considering their cotton as a manufactured article, and subjecting it, as such, to a higher rate of duty than is charged on other cotton, which has not been cleaned by machinery.

I am, &c.,

GEORGE CANNING.

STATE OF THE SINKING FUND.

[Communicated to the House, February 6, 1824.]

The Commissioners of the Sinking Fund respectfully report to Congress:

That the measures which have been authorized by the Board, subsequent to the last report, of the 6th of February, 1823, as far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this Board, dated the 5th day of the present month, and in the state-

State of the Sinking Fund.

ments therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

DANIEL D. TOMPKINS,
Vice President of the U. S.
JOHN MARSHALL,
Chief Justice of the U. S.
JOHN QUINCY ADAMS,
Secretary of State, U. S.
WM. WIRT, Attorney General, U. S.
WASHINGTON, February 6, 1824.

TREASURY DEPARTMENT,
February 5, 1824.

The Secretary of the Treasury, respectfully reports to the Commissioners of the Sinking Fund—

That the sums disbursed from the Treasury, during the year 1822, on account of the principal and interest of the public debt, amounted, as per last annual report, to

And have been accounted for in the following manner, viz:

There was applied, for the payment of a sum short provided, on account of the public debt, prior to the 1st of January, 1822, as per statement B, annexed to the last annual report

There was applied, during the year 1822, towards the payment of the principal and interest of the public debt, as ascertained by accounts rendered to this Department, as per the annexed statement (A) the sum of

In the reimbursement of the principal of the deferred stock - \$566,971 83
In the redemption of the Louisiana stock 5,294 12
In the redemption of the Mississippi stock 23,388 94
In the redemption of Treasury note stock 277 00
In payment of certain parts of the domestic debt 438 99
In payment of the six per centum stock of 1796 80,000 00
In payment of the six per centum stock of 1820 2,000,000 00

On account of the interest which accrued in that year, viz:
Amount of interest which accrued - 5,165,819 99
\$7,842,190 87

Of this sum there was short provided, consisting of unclaimed

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dividends not applied for by the proprietors, as per the annexed statement B

27,620 18
7,814,570 69
\$7,849,159 67

That, during the year 1823, the following disbursements were made by the Treasury, on account of the principal and interest of the public debt:

On account of the interest of the debt and reimbursement of the deferred stock - \$5,525,400 09
In payment of certain parts of the domestic debt 294 42
In payment of the Mississippi stock 5,477 07

Making, together, as appears by the annexed statement C, the sum of \$5,531,171 58

Which disbursements were made from the appropriation of ten millions of dollars for the year 1823, and from a repayment, in that year, of moneys heretofore advanced on account of the public debt, as per statement D, and will be accounted for in the next annual report, in conformity to accounts which shall then have been rendered to this Department. In the mean time, the manner in which the said sum has been applied is estimated as follows:

There is estimated to have been applied to the payment of the deficiency, at the end of the year 1822, as per statement B - \$27,620 18
In the reimbursement of the deferred stock 601,611 73
In the payment of the Mississippi stock 5,477 07
In the payment of certain parts of the domestic debt 294 42
\$635,003 40

And in the payment of interest on the debt, viz:

The interest for 1853 is estimated at - \$5,004,113 22
Deduct this sum, short provided, per estimate F - 107,945 04
4,896,168 18
\$5,531,171 58

A statement (G) is annexed, which exhibits the balance of the annual appropriation of \$10,000,000 remaining unapplied on the 1st of January, 1824; and a statement, marked H, of the funded debt, on the 1st January, 1824.

All which is respectfully submitted.

EDWARD JONES,
Chief Clerk for
WM. H. CRAWFORD,
Secretary of the Treasury.

[The tabular statements are omitted.]

MEMORIAL

Of a committee of the citizens of Charleston, South Carolina, against the proposed increase of the Tariff.—February 9, 1824.

The memorial of the citizens of Charleston and its vicinity, by their committee, respectfully sheweth:

That your memorialists have not witnessed, without the liveliest anxiety and alarm, the efforts that have been made, for some time past, and are still pertinaciously persisted in, by certain persons professing themselves the exclusive friends of domestic industry, to force upon the good people of the United States a system of protecting duties, which, your memorialists do seriously believe, is calculated most deeply to affect the great interests of the agricultural States; perhaps even to work their speedy and utter ruin.

Your memorialists did, upon a former occasion, apply to your honorable body upon this very subject, and they trust that their remonstrance was then marked with all that calmness and decency with which it is fit that citizens, under such a Government as the American, should address themselves to their representatives and rulers. They are persuaded that they took a full and candid view of the whole question, whether it be regarded as one of theoretical curiosity or of great practical moment—whether it be considered in relation to the whole Union or to their own peculiar situation. Upon a solemn review of these their reasonings and representations, (a copy of which is herewith respectfully transmitted,) they see nothing in them that ought to be retracted, or even in the slightest degree qualified. They still maintain that a system of monopoly and bounties is inconsistent with every idea of equal rights and sound policy. They still deprecate so violent a diversion of capital and industry from the channels in which they would naturally flow, for the purpose of forcing them into others, in which their operations must needs be more embarrassed and less efficient. They still protest against that unequal distribution of the public burdens which must necessarily result from the imposing such heavy indirect taxes upon consumption, as a violation of the spirit at least, if not of the very letter of the Federal Constitution. They still think it probable that the failure of the national revenue from the customs, in consequence of the proposed tariff, will make a resort to direct taxation inevitable, and they look forward with concern to the troubles and inconveniences incident to that odious and vexatious system.

But the objections which your memorialists have now to urge against the adoption of the measure in question, are not these general ones. They do not imply a refined discussion of any abstract principles of political economy. They do not involve any complicated calculations of political arithmetic. Unfortunately for the people of the Southern States, they are of a very obvious and palpable kind. They arise immediately out of the situation of this part of the country, and come home with a force, greater than that of any

argument, to the business and bosoms of all its inhabitants.

The change that has taken place in the circumstances of this State, since the former memorial was transmitted to Congress, is unprecedented and inconceivable. At that time (and it is no longer ago than three years) South Carolina was enjoying advantages, as an agricultural State, that have seldom if ever been exceeded in any other part of the world. Her staple commodities were sent to a ready market, and commanded prices that showed she shared in a sort of monopoly of it. Thin as her population is, (not above twenty inhabitants to the square mile,) the value of lands every where rose considerably. On the sea islands in particular, to eight, ten, and even twenty times as much as they were rated at thirty years ago, while that of slaves and other property also greatly advanced. The citizens of this State might then contemplate a measure like that in question, if not without disapprobation, at least without dismay, and although they did protest, as they had a right to protest, against an impolitic and premature encouragement of manufactures, in a country like the United States, where there is so much good land unoccupied and in woods, and against the injustice of taxing so heavily almost all the classes of the community, and almost all the States of the Confederation, to fill the pockets of comparatively few speculators and monopolists; yet, as they did not perceive, at that time, the pernicious tendency of the measure in its whole extent, they would probably have acquiesced under it, had it been adopted, without much murmuring—certainly without any open and violent resistance. But things are now in a very different situation with them, and the whole subject has assumed a more serious and gloomy aspect.

The cultivation of cotton, encouraged by the very prosperity which has been just noticed, has been so prodigiously extended in this and other States, as well as in foreign countries, that, notwithstanding the unprecedented increase of the trade in England, every market in Europe is already glutted with it; and as the evil is every day growing with the growth of the new countries into which enterprise is pushing its adventures, there can be no doubt but that, in the course of a very few years, this commodity will, like all others where there is a free competition in trade, be reduced to the lowest possible price. In the mean time, the effects that have already been produced here, by this mighty revolution, are deplorable in the extreme. Property of all kinds is depreciated beyond example. A feeling of gloomy despondence is beginning to prevail every where in the lower country. Estates are sacrificed to pay the last instalments on the bonds given for the purchase money. Nobody seems disposed to buy what every body is anxious to sell, at any price. In short, it is manifest that the extraordinary prosperity which South Carolina, in common with the other Southern States, enjoyed some years ago, is gone by forever, and it will require all the skill and industry of our agriculturists,

in future, to maintain their place in the market, even at the most reduced prices of produce.

And is this juncture, your memorialists beg leave to ask, is this juncture, so critical and perilous at best, a seasonable one for the measure in question? Is it at this moment, when the cotton trade, upon which, not the prosperity alone, but the very existence of some parts of the Southern States depends, is sinking under its own weight; when an American statesman ought to be tasking his invention for expedients to protect and preserve that very lucrative portion of it which is at present enjoyed by the United States—is it at such a moment as this, that we are seriously discussing a measure like the tariff bill? When the people of the South are already apprehending the exclusion of their produce from foreign markets, by a fair competition, or by the partialities of the European colonial systems, shall we provoke our present customers to measures of retaliation, by ceasing to be their customers? Is it wise and politic to try experiments on such a vast scale? Is it prudent to hazard so much real and present good for the attainment of so little, and that, too, existing in mere vision and possibility?

Such is the language which your memorialists think ought to be addressed, and which they cannot but flatter themselves will be addressed with effect, to the wisdom and patriotism of your honorable body; but, the occasion is, in their opinion, so momentous and alarming, that they feel themselves warranted in declaring, as they now do, in the most emphatic manner, that they regard such a measure as the one under consideration, (if their view of its nature and probable consequences is correct,) as a violation of the spirit of the Federal compact. Your memorialists would remind the advocates of the tariff, that there is a wide difference between a confederacy of independent sovereignties or States, and a nation living under a single and consolidated Government. The relation of the parts to each other is much more intimate in the latter, than they can ever be in the former case, and as the interest of each individual part is, there, supposed to be identified completely with that of the whole, so it is generally understood that, whenever occasion may require it, great national objects must be promoted, whatever partial evils may be occasioned by the measures adopted for that purpose. But in a confederacy, although the States are united for certain purposes, yet, as to all others, they continue distinct and independent, and have, therefore, distinct and separate interests, and it is not possible to conceive any situation, in which one member of such a political union can be required to sacrifice itself, in order to promote the welfare or even to secure the existence of the rest. In a consolidated and single empire, if it were necessary to lay waste a whole tract of country and to keep it, for ever so long a time, desolate and in ruins, for the purpose of preventing the incursions of a foreign foe upon the rest of it, there can be no doubt that the individuals inhabiting that tract of country would be obliged to submit to the inconvenience, because requisite for the safety of the whole society of which

they would be members, and because their interests as individuals are supposed to be swallowed up and lost in their interests as citizens. But, in a confederacy, no such case as this could possibly arise, from the very fact, that it was a confederacy, and the giving up of a whole State, as in the case supposed, that is, not with a view to its ultimate interest, but professedly for the purpose of protecting the rest of the confederation as such, would be, as to it, a dissolution of the league.

Now, what is the fact here? We have united ourselves in a great National Government, which is indeed consolidated as to certain purposes, but is a mere league of independent States as to others. Congress has been invested with all the powers necessary to effect the former, and under what description of powers does that of protecting the manufactures of certain States, even at the risk of total ruin to others, come? It must be obvious to every one, that the right to regulate commerce with foreign nations, and the exclusive right to levy duties on exports and imports, were never given with any such view; and, although it is true that the words in which these are delegated, are very large and sweeping, and therefore it would be difficult to say of such a measure as the one in contemplation, that it is absolutely unconstitutional, yet, your memorialists do affirm that it is, nevertheless, inconsistent with the character and spirit of our confederated Government; and they respectfully, but seriously and emphatically call upon you, to whom the conduct of that very complicated polity is committed, because of your wisdom and capacity, to reflect maturely upon the consequences that will probably ensue upon the adoption of the tariff proposed. They certainly deprecate any thing like a difference between the Government and the people; they abhor the idea of disunion; they conscientiously believe that that event would be an era of calamity and downfall to the whole American family; but, it is for this very reason, that they reprobate measures which, for the mere shadow of some imaginary advantage to one or two districts of the country, for the mere private ends of some selfish individuals, expose the most important interests to the hazard of utter ruin; excite clamors and heart-burnings, perhaps open rebellion and sedition, among a people whose habits and inclinations are so peaceful and regular; and bring into jeopardy (for the fact cannot be disguised) a form of Government under which the nation has hitherto prospered so much, and which, with moderate councils, might be handed down to a remote posterity; measures, in short, which most preposterously sacrifice the greater to the less, and insure nothing but evils, much worse than any which they are intended to remove.

And when is it that this pernicious measure is attempted to be forced upon the nation? At a period when its finances are in a condition, beyond all former example, prosperous and flourishing; when there is in the Treasury (without a tax) a clear surplus of nine millions; and when the people are yet expressing their wonder at the singular phenomenon of statesmen devising ways and means, not how to raise, but how to get rid of money.

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There is, then, your memorialists beg leave to remark, no color or pretext to say that these additional duties are to be imposed with a view to revenue. The only object can be to put the theory of some speculative politicians to the test of experiment.

This State has a yearly income of seven or eight millions of dollars, which will be hazarded by such an experiment, without the most distant hope or possibility of her deriving any advantage from it.

Now, it is against this desperate gambling, in which the immense stake is not taken out of the gambler's own pocket, but that of a friend's, that your memorialists do, in the name of the people of South Carolina, as well as of all the agricultural States, utterly protest.

WILLIAM DRAYTON,
HUGH S. LEGARE,
SAML. PRIOLEAU,
WILLIAM SEABROOK,
Committee of the Citizens.

REMONSTRANCE

Of sundry merchants, manufacturers, and others, of the city of Boston and its vicinity, against the bill to amend the several acts imposing duties on imports and tonnage.—February 9, 1824.

To the Senate and House of Representatives of the United States:

The undersigned, merchants and manufacturers of Boston and its vicinity, impressed with a firm conviction that the system of impost duties contemplated in the Bill to amend the Tariff, if carried into effect, cannot but be productive of consequences equally important and injurious to all the various interests of the United States, and, at no distant period, to the manufacturing interest itself, would be wanting in duty to themselves, and in a proper regard to the interests of other classes of their fellow-citizens, like them depending on the immediate or indirect operations of foreign commerce for a support, were they to omit the renewed expressions of their decided disapprobation of the principles as well as details of the bill under consideration. Happily, at the present time, many intelligent individuals of the manufacturing class coincide with the undersigned in the opinion, that excessive duties on foreign articles will be a heavy burden on the agricultural, commercial, and mechanic interests, and indeed on every class of consumers, without any equivalent benefit to manufacturers; and, as we believe, to the injury and perhaps destruction of those very branches of industry, which it is the avowed design of the patrons of the bill to encourage and protect.

The undersigned will not occupy the time of Congress, by endeavoring to support their opinion either on acknowledged principles of public economy, or by elaborate illustrations of probable effects. The former are no doubt familiar to those who compose the concentrated wisdom of our nation, and the latter have been ably and frequently pre-

sented to them and the public; but, in no shape, as the undersigned believe, more ably or lucidly than in the memorial of merchants and others of this place, interested in commerce and agriculture, presented to your honorable body in the session of 1820-'21. This presents, in a candid and intelligent manner, the reasons which then, as well as now, induce the undersigned respectfully to remonstrate against "the passage of the bill to amend the several acts for imposing duties on imports, the tariff of duties it proposes, and the principles on which it is avowedly founded, as having a tendency, however different may be the motives of those who recommend them, to diminish the industry, impede the prosperity, and corrupt the morals of the people."

At a meeting of merchants, and others, interested in the prosperity of commerce and agriculture, at Boston, on the 17th day of August, to take into consideration a communication from the Chamber of Commerce at Philadelphia, on the tariff recommended to Congress at its last session, the following persons were chosen a committee to adopt such measures, in relation to the subject, as they should deem expedient:

William Gray,	Lot Wheelwright,
James Perkins,	Caleb Loring,
John Dorr,	Samuel A. Welles,
Nathaniel Goddard,	George Bond,
Benjamin Rich,	George Hallet,
Israel Thornkike, Jr.,	Samuel P. Gardner,
William Shimmin,	Josiah Knapp,
Thomas W. Ward,	Isaac Winslow,
William Harris,	Winslow Lewis,
Daniel Webster,	Thos. Wigglesworth,
Nathaniel Appleton,	John Cotton,
Abbott Lawrence,	John Parker,
Joseph Sewall,	William Sturgis.
Jonathan Phillips.	

The meeting was then adjourned to the 2d day of October, at which time, delegates from the principal seaports of Massachusetts, and farmers, manufacturers, and all others feeling an interest in the subject, were invited to attend.

The committee appointed seven of their number—Messrs. Perkins, Gardner, Webster, Welles, Shimmin, Sturgis, and Dorr, to prepare a report and resolutions, to be submitted at the adjourned meeting.

At the general meeting in Faneuil Hall, on the 2d of October, the following report, presented by Mr. Perkins, chairman of the committee last mentioned, was accepted, and the resolutions accompanying it adopted unanimously; and it was ordered that they be printed, and a copy sent to every member of Congress from this State.

WM. GRAY, *Chairman.*

WM. FOSTER, Jr., *Sec'y.*

REPORT.

Your committee beg leave to report, that we have examined the proposed tariff, and submit to you some remarks, relating to its probable opera-

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tion on the community, and to the principles on which it is professedly founded. We shall not enter into a minute discussion of its details, as the imposts which ought to be laid, depend, in every case, on a variety of considerations peculiar to itself, and as we do not consider it any part of the duty assigned to us to digest a code of revenue laws. Neither shall we invite your attention particularly to the effects of the measure on commerce, because we presume you wish to have it distinctly understood that the merchants in this vicinity neither expect nor desire any peculiar favors, nor any encouragement or protection whatsoever, which is not required by the interests of the public. They were not forward, therefore, to oppose the duties recently recommended, however pernicious to themselves as individuals, believing that it was their duty to acquiesce in them, if the public good required it, and that they would not be imposed, if it did not. But the influence which has been obtained by the zeal of private interest, admonishes us that those whose situation and experience enable them to judge of the operation of this new system, should exert themselves to diffuse such information as may tend to make its consequences rightly and generally understood. Its avowed object is to direct and control the occupations of men, by granting special privileges to those engaged in particular pursuits. This can be done (waiving the important question whether it can be done at all without violating the spirit of the Constitution) only at the expense of the community; for it is evident that legislation does not create wealth, but simply transfers it from hand to hand, and can enrich one class only by impoverishing others. It would surely be surprising that a system of restriction so unequal and so repugnant to all sound theory, should be adopted by a free and enlightened people, at a time when the greatest statesmen of Europe, after a long trial of it, are openly acknowledging its incorrectness, and whole nations suffering and lamenting the consequences of its adoption; and when our own unexampled success, under a more liberal policy, has given the sanction of experience to the deductions of reason.

This tariff would impose on certain foreign manufactures duties professedly and effectually prohibitory; and the question involved in its adoption is, not whether the consumer of those goods shall pay a higher price for them, but whether he shall be prevented from purchasing them at all; not whether the duty now levied on the importation of them shall be a little increased or diminished, but whether they shall be totally excluded. In one case, this is already done: From the most accurate information, founded chiefly on official documents, it appears that, from the year 1800 to the year 1812, both inclusive, the duties received on the importation of the coarse cottons of India, amounted to more than three millions nine hundred and thirty-six thousand dollars. But, in 1816, the duty was raised to six and a quarter cents on every square yard, about eighty-three and a half per cent. on their average cost, which, added to the necessary charges, equal to

twenty-seven per cent. more, has utterly excluded them; and the whole revenue once derived from this source is lost. Since the organization of our Government, there have been paid into the Treasury of the United States, from the customs alone, nearly three hundred and fifty millions of dollars, while the whole amount of internal revenue and direct taxes, has been little more than thirty-four millions.

To prevent the importation of manufactures, would, of course, deprive the Treasury of the impost now levied on them, and an equal sum must, therefore, in order to support the necessary expenses of Government, be raised by some other direct or indirect tax on the people.

The Committee on Manufactures, who prepared the tariff, did not overlook nor deny this consequence of its adoption, and, in order to remedy it, provided that an additional impost should be laid on all articles of general consumption or necessary use, which are not raised in our own country, such as spices, coffee, and many others, forming a large part of our imports. A new impost on such articles, by increasing their price, would have some tendency to diminish their consumption, and thus prevent an increase of the revenue proportionate to the increase of duty; but, making no allowance for this diminution, the additional duty on them would not nearly supply the deficiency occasioned by the loss of the imposts on manufactures. The chairman of the committee just mentioned, appeared to be well aware of this fact, and declared it to be another inevitable consequence of their system, that an excise should be imposed on domestic manufactures; and this, if our manufacturers are to have a monopoly secured to them, as seems to be contemplated, will be a new tax on the consumer. The first consequence, then, of excluding foreign manufactures by high duties, is to create a necessity for some other tax, equal to the whole sum now levied on them, and which will necessarily be lost by their exclusion.

Another consequence, and the only one which can benefit the American manufacturer, is, to enable him to raise the price of his productions in our market, by adding to it a sum equal to the difference between the present and the proposed prohibitory duty, which addition must be paid entirely by domestic consumers. No duty could enable him to manufacture for exportation; for, if he cannot, at home, enter into competition with foreigners, without being protected by an impost it is obvious that he cannot rival them abroad where there is no such discrimination in his favor and where he is burdened, as well as they, with the expense of transportation. Duties imposed for the mere purpose of revenue, give an advantage, equal to their whole amount, to our manufactures; but, by increasing them till they become prohibitory, the people suffer a two-fold injury—the price of the goods prohibited is raised, and the revenue, formerly collected from them, is lost. With the sole motive, then, of empowering the manufacturer to raise his price, and thus tax the public in this way for his emolument; another tax, from

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which he can derive no advantage, is, at once, to be laid on all articles of general use which we cannot produce, and hereafter, still a third, either on the consumption of domestic manufactures, or directly on property and labor. We should not object to any burden, equally apportioned, to raise the revenue necessary for administering the Government; but, to impose one tax, for no earthly purpose but to facilitate the imposition of another, seems to us, to be a policy as whimsical as it is alarming.

The burden occasioned by most of the particular duties recommended, would fall on all the community, but chiefly on those least able to bear it. In this country, the poor man, personally, consumes nearly as much tea, sugar, and coffee, as the rich; and though his clothing is not so fine, yet, its cost constitutes a much greater proportion of his whole expenses. Besides, this new tariff is so nicely adjusted, as to lay a far heavier impost on coarse cottons and linens, than on those of finer texture. It is obvious that an additional duty can have no effect, except in so far as it increases the price, or diminishes the quantity here, of the foreign merchandise on which it is imposed, and, consequently, can be of no service to any manufacturers but those with whose productions this merchandise now actually comes into competition in our own market. All who have no foreign rivals here at present, who now carry on their business successfully, and supply the country with the fruits of their labor, can derive no advantage, direct or indirect, from a further duty on such articles as they manufacture; since they have already the exclusive possession of the market, and their prices are regulated, not by foreign, but by domestic competition. An additional impost on such articles as are made by these, would be merely nominal, and have no effect, unless it were to blind them to their true interests, and induce them, by the offer of a protection, at once needless and futile, to bear, together with the rest of the community, a great and real burden, for the sole benefit of those classes who now have foreign competitors. Some manufacturers, as those of chocolate and refined sugar, would be greatly injured; and those of cordage, and some of iron, and distillers of molasses, still more so, by the duties proposed to be laid on the raw materials of their manufactures, the price of which must thus be increased, and their consumption lessened. The impost on iron is particularly injurious to industry. It is required for the machines of manufacturers themselves, for all the implements of agriculture, and all the tools of the mechanic arts; and nails, of which six thousand tons are annually made, and chiefly from foreign iron, are one of the very few of our manufactures now actually exported. A far greater number of men is employed in converting this material into articles of use, than in extracting it from the ore; and surely, the interest of the many ought not to be sacrificed to that of the few. The contemplated excise on domestic manufactures, will not be confined to those to which alone this tariff affords a real and efficient

protection, but extend to all. Let the manufacturers, then, who now carry on their business untaxed, and those who buy their productions, look to the end, and mark the double effect of such excise, in at once raising the cost, and diminishing the consumption of them.

The manufactures above mentioned must immediately suffer, together with farmers, and all other citizens, the double burden of a new tax, to supply the deficiency of the revenue, and an increase in the price of clothing, and of those little, innocent, social luxuries, which have hitherto been so generally enjoyed among us. And for whose emolument? Principally, in effect, for that of the manufacturers of cotton, woollen, iron ore, and glass, men whose business requires considerable capital. We have no means of determining, exactly, the number of workmen engaged in these pursuits; but those employed on cotton are far the most numerous; and the greatest establishment for working this material in America, that at Waltham, which has a capital of nearly half a million, and which makes its own machinery, and does not pay a man beyond its own walls, except the venders of its goods, requires two hundred and sixty persons, men, women, and children, to carry on its business. But, however the number thus employed be estimated, it is manifest that it must bear so small a proportion to our population that the rate of wages throughout the country would not be perceptibly increased, and therefore these workmen would receive no more than the present price of labor. The gain, then, would accrue to the capitalists who own the factories, and to them alone.

Thus, according to this new scheme, a great, certain, and immediate burden, falls on the public, most heavily on the poorer classes, and redounds to the exclusive emolument of a few, and those few the wealthy. Surely such a scheme can only be justified by showing, clearly, that some definite national benefit will ultimately result from it, fully equal to the present burden; and its advocates attempt to do this by urging, in the first place, that it is necessary for national independence. How is it necessary for national independence? In the elaborate defence of the system, by the chairman of the committee who invented it, we find it repeatedly asserted, that "we must command our own consumption." Happily for us, this phrase is interpreted in the same speech; and it means, as it seems, that we must have neither imposts nor importation—in plain English, that we must use nothing but our own productions.

In a certain sense, we may be said to depend on foreign nations for whatever we receive from them. But they equally depend on us for the

* "The nation must command its own consumption."

"This nation must command its own consumption and the means of defence."

"If the country commands its own consumption, importation and imposts cease."—*Speech of Mr. Baldwin, of Pennsylvania, in the House of Representatives, on the 24th of April.*

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equivalent which we pay them for it, and this dependence is voluntary and mutual. Nor is it any derogation from national dignity. A sovereign who receives tribute from a foreign country, depends on it for that tribute; yet he is not therefore its servant, but its master. If one country produces only labor, and exports only manufactures, and another, in return for these, provides it with the raw materials composing them; the former may, with most propriety, be called dependent; for, since every country has necessarily the capacity to labor in proportion to its population, that which produces the raw material may manufacture it whenever it chooses to do so; but the ability of the other to labor would be worthless, if it could not procure the material to which that labor may be applied. The exchange of raw cotton, then, for manufactures, makes Europe dependent on America, rather than America on Europe. Ask the planter of the South, which of the two is the dependant, himself of the Manchester spinner!

The farmer is the most independant man, because he produces the means of subsistence, and the materials for labor; and the nation which does this, holds, like him, in its own hands, the means of commanding the exertions of others. The capacity of providing for our own support constitutes independence, and this is not diminished by exchanging our superfluous productions for those of other countries. If the goods we receive are comforts, or mere luxuries, we can subsist without them; but this is no reason for depriving ourselves of them unnecessarily. If they are manufactures of materials raised by us, and we might, by prohibiting their importation, make them ourselves, at a higher price than they actually cost us: is it not equally true that, if the hostility of the nation which supplies us, or any other cause, should prevent their importation hereafter, we may make them, at the same additional expense, then? If so, we are not dependent. And why should we assume a burden now, because it may fall on us hereafter? or how does it remedy a future and contingent evil, to make it immediate and certain?

A wise nation, indeed, will not permit itself to be surprised by hostilities, without the means of defence, and will, beforehand, therefore, accumulate those munitions, which are little needed in peace, but immediately requisite in war; or, at least, provide the means of obtaining them. Food and clothing are also necessary for subsistence, and, of course, for defence; but the demand for these being constant at all times, affords, of itself, a constant encouragement to their production, without the special aid of Government. With regard to all the means of defence, however, it is enough for independence and security, if we have the ability to produce or procure them when they are wanted. As to munitions of war, they should receive whatever encouragement is necessary; as to food, we are burdened with it; as to clothing, the very proposal to prohibit, immediately, the importation of foreign manufactures used for this purpose, implies, of itself, a conviction that we

are already competent to supply all our wants. The quantity of naval stores, required in peace, being even greater than in war, the stock on hand for commercial purposes would, on a sudden eruption of hostilities, afford the means of protection until we could raise them. In thus considering the subject as it affects our means of defence, we have taken the case assumed by manufacturers as most favorable to their pretensions—that of a war with all mankind. It is obvious that, if there were any neutrals, most of our wants would be supplied as certainly, though not as cheaply, as at present. We have found this to be true in our own wars, and all history confirms it.

But, so far would the enormous tax proposed on hemp and iron be from contributing to national independence, that it would strike a severe blow at our freedom and security. By the existing treaty, American and British ships are placed on the same footing; and it is a subject of gratulation, that our countrymen now sustain the competition. The imposition of new and heavy burdens on our own shipping, would tend to give the British the monopoly of our trade, and to make them our sole carriers. When this is accomplished, there will be no lack of Orders in Council to regulate the trade of America, and the dependence which we shall suffer, unlike that of which we now complain, will be neither mutual, voluntary, nor terminable.

Another favorite phrase of the advocates of this system is, that it would promote national industry. What is national industry but the industry of individuals? And what encourages it like high wages? And what sustains the price of wages but the demand for labor? And what tends so much to increase and support this demand as the employment of our whole capital in those pursuits in which the most labor is required? The occupations, then, in which a given capital demands and maintains the greatest quantity of human labor, are most promotive of industry; and this is eminently true in a country where every thing else is more abundant than capital.

The price of manufactures involves the cost of the raw material, the sum paid the owner of the capital employed in working it, and the wages of the workmen. It is when the last are greatest in proportion to the whole price, that industry is best paid and most encouraged. Machines for multiplying the effects of labor may, indeed, produce a great profit, but it accrues to the owners of them, not to those employed in managing them. Should any one construct a machine so perfect that it would enable a single hand, by merely turning a crank, to supply the country with broadcloth, the possessor of this curious piece of mechanism would certainly make a fortune; but the laborer who put it in motion would receive not a cent more than the regular wages for turning a crank. The occupations in which money is laid out for complicated machinery, for lands, buildings, and fixtures, to accumulate the raw material, or the means of converting it to use, or keep on hand a great quantity of the articles manufactured, so as to dispose of them most beneficially in the market, may

afford a profitable investment for capital, but have no exclusive nor peculiar tendency to increase the price or the amount of labor. The factory at Waltham tends to raise wages no more than every other establishment, however small its capital, which employs the same number of hands; and it is difficult to conceive a case, in which industry or its reward can be increased by turning any number of men from one pursuit to another. The machines and implements for the aid of labor, which can be profitably employed with a very small capital, such as the tools of the mechanic, are most useful to the poor; those which require a large capital, to the rich; the former tend to diffuse wealth, the latter to concentrate it. Which is the most consonant to our institutions and character?

Those employments, such as household manufactures, which do not interfere with other business, but only occupy its intervals, do, indeed, increase the quantity of industry in a country. But these need the least encouragement. The labor devoted to them is an absolute gain to the individual, as well as to the public, and may be deemed to cost him nothing; hence, he is in no danger from the competition of those who must derive the means of support, however small, from making similar articles. The same may be said of those which afford occupation to children, and to the other classes, who now subsist with little or no occupation. The subsistence of these persons being already provided for, their wages, in such new employment, would be clear profit. They can really afford to work for nothing, and will be induced to do so for next to nothing.

It is incumbent on those who would give aid to one class of men, to be satisfied, by clear proof, that they shall not materially injure another class, who deserve, at least, protection. In the year 1810, the United States possessed 1,428,827 tons of shipping; and, as one seaman is required, on an average, for every twenty tons, more than 71,000 men must have been employed in that capacity. For every hundred tons four tons of iron are consumed, the price of working which is four cents a pound; hence the very labor of the blacksmith on the iron used in constructing those vessels, independently of subsequent repairs, was worth above four millions and a half of dollars. Among how many was this divided? The ship carpenters, valuing their labor at ten dollars a ton, one-third less than has sometimes been paid, received, for building these vessels, more than fourteen millions of dollars. It is a given rule, that, for every ton of shipping, a ton of timber is necessary; and for this, at nine dollars a ton, the farmer must have received nearly thirteen millions.

The average duration of our vessels, including losses at sea, is estimated, by competent judges, to be seven years. But, suppose it to be ten; then, in order to maintain the same quantity of shipping, these supplies must, every ten years, be repeated; and this, in addition to the whole amount necessary for repairs. Estimate the number of men thus supported, and add to them the ship-

joiners, the boat builders, the mast-makers, the block and pump-makers, the painters, glaziers, and plumbers, the anchor-smiths, the copper-smiths, the carvers, sail-makers, riggers, rope-makers, the bakers of ship bread, the butchers, and packers of provisions, the grocers, ship chandlers, tallow chandlers, the coopers, the lightermen, the truckmen, the stevedores and laborers, the gun smiths, the mathematical instrument makers, the wharfingers, the owners of wharves and warehouses, and all others who derive a subsistence from navigation, and their wives and children, and all dependent on them, and see how wide a ruin would follow the attempt to do, what we are pleased to call "commanding our own consumption."

The coasting trade, it may be said, will be left. But to what will this amount, after deducting all that portion of it which is employed in transmitting the goods received from other countries, or those destined to them, and in the vast traffic which ultimately results from foreign commerce?

It has been asserted that this new project will be beneficial to agriculture; that, though the farmer will pay a higher price for all he buys, and be taxed more than ever for the support of the Government, yet, that he will be compensated for this by the creation of another or better market for the produce of the soil. Is this true? That produce consists of articles of food, or of the raw materials of manufactures. How is it possible that manufactures should extend the demand for food? Surely it will not be pretended, in spite of our own experience, and that of all mankind, that manufacturing countries increase most rapidly in population, or that they require greater means of subsistence than others. The farmer feeds all the inhabitants of the country now, and here he can do no more. Since, then, the demand for food cannot be increased, the price can be raised only by diminishing the supply. If many now engaged in cultivating the soil are forced to quit the pursuit, the quantity of food raised may become less, and the price, of course, greater. Thus farmers are to be driven from their present employment to seek subsistence in another, and fields now under culture, and laden with plenty, are to be abandoned to desolation; and all this for the extension and encouragement of agriculture. Yet, though the domestic market for food could not thus be increased, the foreign market might and would be diminished; for, we cannot afford to export our productions to other countries, unless we will take what they can give us in return. Now, our farmer understands very well, that a foreign demand for his produce benefits him by advancing the price, not only of that which is exported, but of the whole quantity raised; he obtains more money for all that he sells, whether it is to be consumed at home or abroad.

The establishment of domestic manufactures would, indeed, create a demand at home for the materials of which they are composed, but, at the same time, would lessen the foreign demand to the same extent; because, the nation which now supplies us would cease to want that quantity of

the raw material which it converts into manufactures, for our market. And, besides, to increase the price of such manufactures, tends to diminish their consumption, and, consequently, the demand for them, and for their materials. It is the direct interest of the farmer that the raw materials raised by him should be manufactured as cheaply as possible, in order to increase this consumption and demand. It is also his direct interest, for this reason, that the smaller the portion of the price paid by the consumer, which the manufacturer takes for his share, the larger the proportion which the cultivator receives for his. The extent to which his productions are manufactured and used is all that affects him; no matter by whom it is done, or where. Some appear to imagine that our soil must always produce the same quantity, and that we have only to determine whether it shall be made use of at home or abroad. But this is not so. The productions of agriculture are created by the call for them. The existence of more grain and cotton than we actually use, is only the consequence of the demand for exportation. Destroy the cause, (as would be done by prohibiting importations,) and what will become of the effect?

There is, however, an argument in favor of encouraging particular employments by bounties or taxes, which merits a different consideration. It has been justly urged, that there may be occupations peculiarly adapted to our situation and character, and which, if once established, might be carried on here better than elsewhere, so as to afford their productions at a cheaper rate than is now paid for them. And yet habit, and indolence, and the natural attachment of men to the pursuits in which they have been educated, and the immediate expense of commencing the business, and the want of that skill which only time and experience can give, and a doubt how soon or how certainly the profit will be realized,—may deter individuals from engaging in these occupations, and induce them to persist in others less profitable to themselves and to the public; and that, if these difficulties can be overcome by a present tax, which will be more than compensated by the reduction of prices hereafter, it is good policy and economy to impose it. On this principle, encouragement has always been given by our Government to particular pursuits; and it should always be given, to the full extent that this principle will warrant. By its adoption, the whole subject is made a mere question of economy—of economy to consumers, who are all the people; and it becomes our duty, not how to make manufactures dear, but how to make them, on the whole, cheap and abundant. The best, and perhaps the only effectual mode of doing it, is to promote competition at the lowest prices.

There is a difference, in this respect, between navigation and manufactures. Our ships engaged in foreign trade derive no advantage, even in our own market, from being near it; for all vessels must make two passages, in order to carry goods from one country to another, and bring back the returns; and it makes no difference which country is the first starting place. Our ships, too, when

in the ports of a foreign nation, are liable to have a tax imposed on them, which shall prevent their entering into a fair competition with those of that nation in the trade between us. But our manufactures used at home (and these only are benefited by an impost) have an advantage over all foreign goods, equal both to the expense of transporting the latter, estimated by Mr. Hamilton at between fifteen and thirty per cent., and to the duty imposed on their importation here for the purpose of revenue.

Besides, no other nation can tax our manufactures, so as to prevent their entering into competition with its own in our market, or can give its own any advantage over ours, but by granting a bounty on their exportation from its dominions. This bounty is never, in fact, equal to the cost of transportation and the impost here; and should it in any instance be greater, an equality would be produced by laying an additional duty, equal to the difference, on importations from the single country which granted the bounty. The policy of producing equality by such means—of raising prices to produce competition at high rates, when competition is useful only as it lessens them—may well be doubted. But, on any ground, by what train of reasoning can it be shown, that, because a bounty is granted on the exportation of linens from England, it would promote a free and general competition to prohibit or tax those brought from Germany? Yet this is the motive assigned for imposing a duty of six cents and a quarter on every yard of German linen costing ten cents.

According to the principle above laid down, the reason for a tax increasing the price of goods for a time being to lessen it afterward, and the only motive for a present monopoly to create future competition, it follows as an invariable rule that such tax or monopoly ought never to be perpetual; for this would be sacrificing the end to the means. As the burden thus imposed on the public is certain and immediate, it follows also that those who call for it must show that a full equivalent will ultimately be received in the reduction of prices; otherwise, the bargain is a bad one. Again, since every benefit ought to be purchased as cheaply as possible, it follows still further that they must prove the present tax to be the smallest which is competent to effect their professed object; for all beyond this is a useless sacrifice. It is, in our opinion, an insuperable objection to the proposed bill, that its advocates make no attempt to show to what advantage which they expect will amount, or what amount of taxes is requisite for its attainment.

As a general rule, the employments which need the smallest encouragement are best fitted to our actual condition, and most conducive to our prosperity; and those which can be supported only by great bounties or taxes are shown by that very fact to be at least adapted to our character and circumstances, and least likely to occasion a reduction of prices hereafter, by sustaining a free and general competition at the lowest rates. The enterprise and activity of our citizens leave little doubt that the pursuits most appropriate to our

Tariff Memorial.—Boston and its vicinity.

situation will ultimately be established, without any extravagant aid from Government, so that the only effect of assisting them would be to hasten their establishment. Is this an advantage worth the price we are called on to pay for it? Those who assert the fact are bound to prove it clearly.

It is only in a very clear case that this principle should be put in practice; since, in the experience of nations, the failure of such attempts has been much more frequent than their success, and has always produced mischiefs not easily remedied. The encouragement of silk manufactures in England is a source of great distress among the people, and great embarrassment to the Government.

The other question is equally important. Is the immense tax proposed to be laid in favor of particular manufactures necessary for their protection? Since true economy requires the expense of protecting those articles only which become cheaper hereafter in consequence of this protection, no manufactures should be encouraged from this motive but such as can be afforded by the market at a lower price, after the difficulties of establishing them are surmounted; and these, of course, so long as they continue to maintain the price at which they can be sold at first, afford him a profit constantly increasing. Whenever, therefore, the encouragement granted to any manufacture is sufficient to occasion its establishment and existence, its extension, and the further emolument of those engaged in it, may safely be left, and ought to be left, to time, skill, and industry. Can, then, the manufacturers, for whose benefit the new tariff is chiefly designed, exist under our present system? Do they in fact exist? Their zeal, activity, and almost success, in the attempt to render their fellow citizens tributary to their wealth, seem to leave no room for such a question. The necessity of supporting cotton factories is most strongly urged. Now, the price at which the manufacturers in our vicinity can go and take the cotton from the wharf, and bring it back manufactured to the warehouse, is little more than the mere impost on the cottons of India, the only goods which would otherwise come into competition with it.

Though the advocates of the bill under consideration assume the name and the authority of the manufacturers of the United States, the great majority of our manufacturers would be directly and severely injured by its enactment. In this part of the country, those most deeply interested in the very pursuits to which it gives the greatest aid, desire, as we believe, no further encouragement, but understand their true interests, and are well aware that exorbitant taxes, imposed for their profit, could not be long in operation before their effect on other manufacturers, and on the community, would be known and felt; the natural consequence of which would be, to cause a reaction in public opinion, and induce the people, in their indignation, to withdraw the protection now afforded to our manufacturers, and to leave them to contend at once with foreigners in our market, without any other superiority than that derived

from being near the consumer, and from duties laid for the sole purpose of revenue.

We rejoice to see manufactures flourish, and deem their spontaneous growth an evidence of wealth and prosperity; but to them, and to all pursuits, the best protection is that which is permanent. The great excellence of laws, and especially of such as affect the employments of men, is stability. By this only, individuals are enabled to regulate their conduct beforehand, and to calculate the chance of success in the occupations which they may select, without danger of having the bread of their industry snatched from their mouths, by nice experiments and novelties in legislation.

We therefore recommend the adoption of the following resolutions:

Resolved, That we have regarded with pleasure the establishment and success of manufactures among us; and consider their growth, when natural and spontaneous, and not the effect of a system of bounties and protection, as an evidence of general wealth and prosperity.

Resolved, That, relying on the ingenuity, enterprise, and skill, of our fellow citizens, we believe that all manufactures, adapted to our character and circumstances, will be introduced and extended, as soon and as far as will promote the public interest, without any further protection than they now receive.

Resolved, That no objection ought ever to be made to any amount of taxes, equally apportioned, and imposed for the purpose of raising revenue necessary for the support of Government; but that taxes imposed on the people, for the sole benefit of any one class of men, are equally inconsistent with the principles of our Constitution, and with sound policy.

Resolved, That the supposition, that, until the proposed tariff, or some similar measure, be adopted, we are, and shall be, dependent on foreigners for the means of subsistence and defence, is, in our opinion, altogether fallacious and fanciful, and derogatory to the character of the nation.

Resolved, That high bounties, on such domestic manufactures as are principally benefited by that tariff, favor great capitalists, rather than personal industry, or the owners of small capitals, and therefore that we do not perceive its tendency to promote national industry.

Resolved, That we are equally incapable of discovering its beneficial effects on agriculture, since the obvious consequence of its adoption would be, that the farmer must give more than he now does for all he buys, and receive less for all he sells.

Resolved, That the imposition of duties, which are enormous, and deemed by a large portion of the people to be unequal and unjust, is dangerous, as it encourages the practice of smuggling.

Resolved, That, in our opinion, the proposed tariff, and the principles on which it is avowedly founded, would, if adopted, have a tendency, however different may be the motives of those who recommend them, to diminish the industry, impede the prosperity, and corrupt the morals of the people.

Tariff Memorial.—New York Chamber of Commerce.

MEMORIAL

Of the Chamber of Commerce of the City of New York, against the passage of the Bill to amend the several Acts for imposing Duties on Imports.—Presented February 9, 1824.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Chamber of Commerce of the city of New York, respectfully represents:

That, in common with their fellow-citizens in various parts of the Union, who have embarked their property in commerce and navigation, your memorialists have seen, with alarm and surprise, in the bill "to amend the several acts for imposing duties on imports," commonly called the Tariff bill, and now before your honorable body, principles and details which, if sanctioned by Congress, and embodied into a law, will deeply affect the rights and interests, not of your memorialists only, but of almost every other class of their fellow-citizens.

With the highest respect for your honorable body, but with the plainness and sincerity becoming freemen, we beg leave to lay before you, some of the numerous evils which would result from the proposed bill, should it become a law.

During the late war with Great Britain, much encouragement was given by the National Legislature to the manufactures of this country, and when the war terminated, it was deemed by Congress an act of justice, as well as a measure of policy, to establish a tariff of duties, which, while it should not operate severely on the other great interests of the community, would be a protection to those who had been induced to invest capital in manufacturing establishments. The tariff of 1816, which was then formed, has, with some alterations, continued to this time; and it so far fostered domestic manufactures, that they soon recovered from the embarrassments which followed the great influx of foreign goods in 1815, and have since, in most cases, when managed with skill and prudence, and aided by sufficient capital, been prosperous and profitable; and we do not hesitate to assert, that money vested in such establishments has yielded better returns than money employed in commerce, navigation, or agriculture. Since that tariff has been in operation, the charges on importing foreign goods, including duties and premium on exchange, have varied from 40 to 50 per cent. on the first cost of those which pay ad valorem duties, and a much higher rate on those charged with specific duties; the premium to our manufactures has consequently been, from two-fifths to one-half of the first cost of all foreign articles which come in competition with our domestic products. Though this encouragement to the industry of one class of the community is liberal, almost to excess, still the other classes, confiding in the equity of the Government, and knowing that further aid was required in its fiscal concerns, have patiently acquiesced, in the full belief, however, that heavier burdens would not be imposed, unless the necessities of the nation required them.

It was supposed that this ample protection would have satisfied the manufacturing interest, but the repeated demands which have since been made, show how delusive has been this expectation; and that the object aimed at, and constantly kept in view, is monopoly. We ought not and will not charge all this class of our fellow-citizens with this engrossing disposition. Among the manufacturers of the United States we see numbers of our wisest, most patriotic, and most deserving citizens, who carry on this branch of industry with profit to themselves and benefit to their country. Such as these wish not further duties for their own protection. They believe that sufficient encouragement has been already extended to the manufacturing class, and that the hot-bed stimulus of the proposed bill is not wanted to cherish the well-managed manufactories which now exist, or to rear up others of a similar description. Nor would we be understood to charge the mechanics of the United States with a disposition to promote laws to foster their exclusive interests. On the contrary, this numerous and respectable class of our fellow-citizens have the strongest motives to raise their voice in opposition to most of the provisions of the proposed bill. The shipbuilder, the carpenter, the blacksmith, the ropemaker, the dyer, the hatter, the shoemaker, the saddler, the machinist, with every other class of mechanics, and all the laboring classes of the community, are identified with the merchant and the farmer. Their interests cannot be promoted by an enormous duty on hemp, iron, and wool, or by laws which discourage commerce and navigation. They are the great consumers of the country; and it cannot be supposed that a statute which adds to the price of every article of their clothing, of every agricultural implement, every tool used in their various trades, should be acceptable to them, especially if intended to give still further benefits to a class of citizens which has already received its full share of the protection and patronage of Government.

Since the establishment of the tariff of 1816, and of the few changes subsequently made, the national revenue has gone on prosperously; and notwithstanding the universal depression of commerce in Europe and America, it has, since that period, been sufficient to provide for all the engagements and expenses of the Government, and to keep up and extend the great national institutions, and to leave a surplus in the Treasury so large, as we are informed from high authority, as to enable the Treasury Department to anticipate, by nearly twelve months, the reimbursement of many millions of the public debt.

We may fairly infer, therefore, that the necessity of a greater revenue will not be among the motives to pass the bill in question.

Your memorialists have always believed, that the true and legitimate object of taxation is revenue, and that the power "to lay and collect taxes, duties, and imposts," which is given to Congress by the Constitution of the United States, was not granted with the intention, nor will it bear the construction, that it may be so exercised, as to cherish and elevate one class at the expense

Tariff Memorial.—New York Chamber of Commerce.

of all the other classes of our citizens. The Constitution imposes on Congress the great duty of "promoting the general welfare." To lay taxes which will operate as prohibitions and restrictions on trade, which will promote exclusive interests at the national expense, which imposes heavy burdens on the many, and gives to the few the benefits of a monopoly, cannot be consistent with that sacred duty. Nor can we believe that the general welfare will be promoted by attempts to regulate the industry of individuals, by forcing them out of employments in which they have acquired skill and experience, into others, of which they are ignorant; or by laws inevitably leading to illicit trade and infractions of the revenue.

Popular sentiment with regard to evasions of the revenue laws has hitherto been on the side of Government, and the moral feeling of the people has been a greater security to the collection of the revenue, than all the oaths and regulations of the custom-houses. Establish prohibitory or extravagant duties, and the sense of injury which would arise from the belief that the burden is laid to promote a particular interest, superadded to the desire to profit by illicit traffic, would enlist public opinion in favor of the contraband dealer, and he would enjoy, from a large portion of the community, a degree of countenance, sympathy, and even protection, which he would now look for in vain.

Should the change of popular sentiment take place, where, it may be asked, is the security of the revenue? Would even a navy along our immense line of seacoast be a sufficient protection? We may guard against smuggling in the immediate vicinity of our principal ports, but what is to prevent it on our northern frontier, and in our numerous bays and inlets, from Maine to Florida? Besides, the diminution of the revenue which would arise from smuggling, there would be a still greater reduction in consequence of the enormous duties contemplated by the proposed bill. All the lower-priced cotton goods, flannels, and other coarse woollens, hemp, iron, alum, copperas, guns, most of the enumerated articles of hardware, and many other articles which now pay the Treasury large sums in duties, would either cease to be lawfully imported, or would be brought into the country in small quantities; and the Government would have to resort to some mode of taxation, bearing upon every part of the community, in order to supply the deficiency occasioned by exclusive encouragement to a particular interest.

The revenue would also decrease from a general decrease of commerce and navigation. If we prohibit or extravagantly tax foreign productions they cannot be imported into our country, and if we do not buy from other nations what they have to sell and what we want, can it be expected that they will take from us our commodities? If we do not buy, we cannot sell; for, on the supply of mutual wants is founded all the intercourse and all the commerce of nations, and when they cease to be mutual they cease to exist. Restrictive systems first operate on commerce, then on navigation and agriculture, and when those great inter-

ests are prostrated, they necessarily bring down with them the revenues of the Government.

But, perhaps it will be said that the great increase of American manufactures will make up not only the deficiency of supply, but the deficiency of the revenue; that period may be within our prospect, although we have not yet seen its approach; whenever it does arrive we will readily acknowledge that we have been mistaken in all the views which we have entertained; and will cheerfully yield to the manufacturing interest every encouragement which it demands.

A principle which runs through the proposed bill has particularly attracted the attention of your memorialists. The spirit of patriotism which proposes to tax the many for the benefit of a few, proposes also to lay the burden on the poor and to exempt the rich. Those articles which are consumed by the poorer and more laborious classes of our inhabitants, are loaded with enormous duties, while those used almost exclusively by the rich, are taxed at a comparatively low rate. A few instances will illustrate this position. The duties on low-priced cotton goods, on cheap flannels, and low-priced woollens, will, according to the proposed bill, be from 60 to 100 per cent.; and on low-priced guns, 140 per cent. on the first cost. These are almost exclusively used by the least wealthy part of our population; while the fine cottons which pay 25 per cent., fine broadcloths which pay 30 per cent., and elegant fowling pieces, which, by this unskilful project, will pay 6 per cent. only, are almost exclusively used by the rich.

Another feature of the bill before your honorable body is equally partial and impolitic. The Constitution of the United States was instituted, not only to "form a more perfect union," but to "establish justice," and "promote the general welfare." Hence, the burdens on the people should be as equally distributed as possible, and laws which impose taxes having a sectional bearing ought to be carefully avoided. It is well known that, in a number of the States of our Federal Union, there are few or no manufactories, and that the inhabitants of those States are almost exclusively agriculturists. Is it just, is it politic; will it contribute to promote those feelings of common interest, and mutual kindness, on which this Union was founded, and which are its strongest cement, to lay onerous duties on the consumption of the inhabitants of those States, in order to establish great workshops in other parts of our country? If this is done, it may not be the sole evil, or the least injury, which the bill in question will inflict on the citizens of the South. It may lead to results which will jeopardize the value of cotton, the great staple of that section of the Union.

The bill proposes duties which are nearly, if not quite, prohibitory on most of the manufactured cotton goods which are derived from Great Britain. If this should lead to countervailing duties on the part of that nation, their bearing and consequences may be imagined from a few important facts. In 1823, there was imported into Great Britain more than 420,000 bales of cotton from the United

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States. During the year 1822, the manufactured cotton goods, of every description, imported into the United States from Great Britain, after adding 20 per cent. for wastage on manufacturing, was equal in weight to 36,444 bales of cotton, of 300 lbs. each. In 1823, the quantity may amount to 40,000 bales. Great Britain is, therefore, our customer for 420,000 bales, and we are her customers for 40,000 bales. If we impose prohibitory, or very heavy, duties on her manufactured goods, may she not meet us by a countervailing duty on American cotton? The culture of cotton is extending in Spanish and Portuguese America, in India, and other parts of the world; and we may, by our own mistakes, raise up successful competition in the greatest staple our nation can boast of. A duty in Great Britain on American cotton, or a bounty on the cotton of her Asiatic dependencies, of two pence sterling per pound, would introduce annually into her manufactories many thousand bales of India cotton, to the exclusion of the cotton grown in the Southern and Western sections of this Republic.

It is painful to your memorialists to perceive, that, while the nation just alluded to is beginning to see the advantages of a free commerce, and the evils of restrictive laws, and her statesmen are about to form their systems of trade on the principles of true political economy, attempts are making in the United States to induce the National Government to adopt a narrow and retrograde policy, and to persuade our legislators that prohibitory regulations and laws, calculated to promote partial and exclusive interests, such as have disgraced Spain and China, are the most wise and politic. The old maxim, to sell dear and to buy cheap, is inverted; and it is now found that to pay high and to sell low, is the true road to national wealth and prosperity. It was formerly believed, that national industry consisted in the growing of cotton, rice, flour, tobacco, ashes, flaxseed, sugar, raising of beef and pork, the building of ships, navigating them, and in the numerous trades inseparably connected with commerce; now, *national industry* is ingeniously construed to mean labor in manufacturing establishments.

Your memorialists readily admit, that, on some articles of luxury, there may, without disadvantage, be an increase of duty, should the exigencies of the Government demand it; and that the existing tariff requires some modifications; but such modifications, to be useful, ought to be gradual, and to be founded on the wants and feelings of the various interests of the community. It is not to salutary changes that we object, but to a system of prohibition and exclusion; a system calculated to raise up one interest and to prostrate every other. We feel not the slightest hostility towards our fellow-citizens who are occupied in manufacturing; it gives us sincere pleasure to believe that they are now engaged in the most profitable branch of industry, and we hope they will continue to do well. These sentiments, while they are sincerely entertained, are, at the same time, perfectly consistent with the opinion, that the manufacturer has no more right to the favor and protection of

his Government, than the farmer, the mechanic, the navigator, or the merchant.

Your memorialists fully believe, that the bill now before your honorable body is unjust in its principles, and injurious in its details; that it is calculated to produce unhappy effects on the interests of a body of citizens, while it cherishes and elevates the interests of a particular part; that if it should, without material alterations, become a law, it will promote smuggling, impair the revenue, lessen confidence in Government, and prove injurious to commerce, navigation, and agriculture; and that it is contrary to the spirit of the Constitution under which we live. Sincerely impressed with the truth and importance of these opinions, we feel it to be our bounden duty to remonstrate against the said bill, and to pray your honorable body, that it may not become a law of the land.

WM. BAYARD, *President.*

JOHN PINTARD, *Secretary.*

NEW YORK, January 30, 1824.

MEMORIAL

Of the citizens of Richmond and Manchester, in Virginia, upon the subject of the proposed tariff, now before Congress.—February 17, 1824.

At a meeting of the citizens of Richmond and Manchester, at the Merchants' Coffee-House, in the City of Richmond, on Saturday, the 14th of February, 1824, called by the chairman of a former meeting, on the subject of the proposed tariff, now before Congress—

The committee appointed at that meeting to prepare a memorial to the Congress of the United States in opposition thereto, presented the same, which was read, and unanimously adopted by the meeting. Whereupon—

Resolved, That a copy of the memorial, just adopted, be signed by the chairman and secretary, and transmitted to the Representative in Congress from this district, and like copies be furnished to the editors of newspapers in this city.

The memorial of sundry merchants, and other citizens of Richmond and Manchester, to the Congress of the United States, respectfully represents:

That they have been much alarmed by the introduction of a bill to the House of Representatives, entitled "A bill to amend the several acts for imposing duties on imports."

Your memorialists have entertained the opinion that the present tariff is too high, and that its exorbitance has caused, in many instances, the consumers of manufactured articles to pay heavy bounties to our own manufacturers, whereby great benefits have accrued to that class, at the expense of the agricultural and commercial classes, which constitute the great bulk of our people. Your memorialists did entertain the hope that the manufacturers would have been satisfied with the

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great aid which these high duties have rendered to them; but in this they are entirely disappointed, and find that that small but persevering class of the community have, by their exertions, been enabled to lay before the assembled Representatives of the people a scheme, by which that people shall be compelled to submit to the alternative of paying still more exorbitant prices for articles of great necessity and convenience, or to buy similar articles of inferior value of domestic fabrication, at almost equally high prices, or to abandon the use of them altogether. And for what purpose is it, that this people are now required to submit to these heavy exactions? Is it to provide a revenue for a parental Government, which is charged with our defence? No such purpose is pretended.

The revenue appears, from the report of the Secretary of the Treasury, and from the last Message of the President, to be in a flourishing condition; and the motive which has been avowed for this new system is, that the manufactures of our own country may be fostered and protected.

Your memorialists do not mean to enter into an examination of the question, whether Congress have any Constitutional power to lay and collect imposts and duties, for the purpose of giving encouragement and protection to one class of the community, to the injury, and at the expense, of all other classes; they will merely venture to suggest, that this important power was granted by the Constitution for the express purpose of "paying the debts, and providing for the common defence and general welfare of the United States;" and they cannot perceive how this general object can be attained by fostering a particular class, to the prejudice of others.

Whenever it has been found necessary to increase the tariff for the purpose of raising a revenue, to be appropriated for the good of the whole, your memorialists have not complained, nor will they ever complain, when it shall be found necessary for such purpose; but they cannot believe that Congress are acting entirely within their legitimate sphere, when they depart from this great object, and put their hands into the pockets of the great mass of the people, for the purpose of transferring the money there found into the pockets of the favored few.

When we consider the progressive increase of duties which has taken place since the establishment of the Federal Government to this time, we must be convinced that our manufactures have, by the mere operation of laws intended principally for the raising a revenue, been fostered and protected to a prodigious extent. In consequence thereof, there are many articles of foreign manufacture that are now seldom, if ever, imported. How rarely do we hear of the importation of the manufactures of leather, lead, pewter, and tin; paper, stationery, hats, &c.; paints, twine, manufactures of iron, together with the coarser fabrics of cotton! These, and many others, may be almost considered as prohibited. Where, then, is the legislative encouragement to stop? As we advance, the point at which it is to terminate is

continually receding from us; we fear we shall never reach it, till we are barred by a total prohibition.

To this result we seem to be advancing gradually, but certainly. When a heavy duty is first imposed on foreign articles, the manufacturers seem, for a while, to be contented; because the encouragement, thus given to them, enables those whose capitals are already invested, or about to be invested, in manufactures, to realize great profits. These great profits, however, after a time, induce so much capital to be vested in those establishments, that a reduction in profits naturally takes place; instead of contentment, dissatisfaction again begins to show itself; they cry out that they want protection and encouragement; they harass Congress with their importunate clamor; they must have still higher duties, or their establishments will fall to decay. Thus, they require restriction upon restriction, until they succeed in destroying all competition, by prohibiting the introduction of such foreign goods as might interfere with goods of their own fabrication.

This seems, to your memorialists, to be the course of things, and against the disastrous and ruinous result of such course we trust that your body will save the nation.

Your memorialists have every reason to believe that the proposed tariff, if adopted, will operate oppressively on the agriculture, commerce, and navigation, of the country; that it will diminish the revenue, lead to direct taxes, and introduce a systematized plan of smuggling, the extent and effect of which cannot be foretold.

The oppressive character of this measure will be attempted to be shown by a few examples.

The first clause of the bill provides, that on all manufactures of wool, or of which wool shall be a component part, a duty of 30 per cent. ad valorem shall be imposed, until the 30th June, 1825, and after that, a duty of 33½ per cent. ad valorem; and it is provided, that those woollen goods, the original cost of which, at the place whence imported, with the addition of 10 per cent., shall be less than 80 cents per square yard, shall, with such addition, be deemed and taken to have cost 80 cents per square yard, and shall be charged with duty accordingly.

At the port of Richmond, for the year 1822, there were imported nearly 300 bales of a coarse woollen cloth, known by the name of napt cottons. This is an article peculiarly well adapted to the clothing of our laborers; and, although in the farming counties the existing high duties on coarse woollens have driven the farmers to the domestic manufacture of negro clothing, yet, in tobacco-making districts, the purchase of napt cottons has yet been found more advantageous than family manufactures. Each of these bales of napt cottons contains twenty pieces, and each piece twenty yards, of the width of twenty-seven inches. According to actual invoices, these bales, including packages at the place whence imported, cost, on an average, twenty-six pounds, nine shillings sterling each.

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Thus 300 bales then
cost - - - £7,935 00

Charges which are
now subject to duty
10 per cent. - 793 10

£8,728 10s. = \$38,793 33

The existing duty, of 25 per centum ad
valorem, gives to the Treasury - 9,698 33

Duty now proposed will be on 300 bales,
each containing 400 running yards,
or 300 square yards, is 90,000 square
yards which cost, with charges, about
32 cents per running yard, but are to
be taken as having cost 80 cents per
square yard, is - 72,000 00

A duty of 30 per cent. gives to the
Treasury - 21,600 00

A duty of 33½ per cent. after June,
1825 - 24,000 00

So that, by the operation of the proposed tariff,
the tobacco planters who trade with Richmond
will be compelled to pay, upon this single article,
in duties to the Government, until the 30th June,
1825, the sum of \$11,901 67; and after that time,
the enormous sum of 14,301 dollars 67 cents more
than they now pay!

According to the invoices before mentioned, the
average price of the said article, with the charges,
may be set down at 32 cents the running yard, at
the place whence imported, and the duty thereon
about eight cents. According to the proposed
tariff of 30 per cent. the duty will be about 18
cents, and at 33½ will be about 20 cents the run-
ning yard, that is to say, instead of the present
heavy duty of 25 per cent. ad valorem, the pro-
posed bill will levy upon the consumer of this ar-
ticle about 55½ per cent. in one case, and 62 per
cent. in the other, on the original cost of the ar-
ticle! What is the effect? Add to these enor-
mous duties the unusual expenses of purchasing,
shipping, insurance, freight, mercantile profit, &c.,
&c., and the article which now costs the consumer
from 33 to 55 cents per running yard, will proba-
bly cost him from 50 to 75 cents. He cannot af-
ford to pay it, he cannot purchase it from the mer-
chant, and the latter will cease to import it.

It amounts, then, to a prohibition. The com-
mercial capital heretofore employed in the procure-
ment of that article, must be thrown out of that
employment. The importing merchant loses his
profit, the sailors their wages, the ship owner his
freight, and the Government its revenue. But
the tobacco planter must still procure his coarse
woollens; and he has no other resort but the north-
ern manufacturer. The latter sells some substi-
tuted article, (most probably of inferior value)
only a little lower than the increased price of the
foreign article. The difference between the pres-
ent price of the imported article, and the price
which the northern manufacture will cost him, is
an entire loss to the planter. Let us suppose that
this difference is from 15 to 20 cents the running
yard, (and it cannot possibly be less,) and the
planter must pay his tribute annually to the
northern capitalist, without any equivalent to him-

self, and with great loss to the Government. And
here let us pause for a moment, and ask the repre-
sentatives of the people, for what reason this tre-
mendous exaction is required from the planter?
It is declared that the great object is to foster and
encourage national industry. What! is not the
planter a part of the nation as well as the manu-
facturer? And if you plunder one part of the
nation to enrich another, do you thereby encourage
national industry? No! This is an egregious
abuse of terms, by which we are to be gulled and
cheated. Whatever may be the object, the effect
of this measure will be to foster local industry,
and to give enormous profits to local capital. It
will impoverish the consumer, while it will enrich
the manufacturer.

We do most seriously protest against this strong
effort to compel the Southern planters to pay more
than an Algerine tribute to the Northern capi-
talists.

A review of many other parts of the proposed
tariff will display objections to it equally as for-
cible as those we have urged. Thus, it may be
proved, that the proposed duty on *plains* will be
an advance on the first cost of from 50 to 88 per
cent. according to the original cost. On cotton
goods, the minimum cost of which is fixed by the
bill at 35 cents the square yard, the duty will be
equally oppressive. Thus, on printed calicoes,
which cost from 4½d. to 7½d. sterling, the duty will
be from 40 to 64 per cent. on the first cost; on
cotton shirtings, cost price from 4½d. to 9d. ster-
ling, it will be from 49 to 70 per cent.; on cotton
brown Hollands, which cost 4d. it will be 72 per
cent.; on cambric muslins, which cost from 4d. to
12d., it will be from 50 to 95 per cent., and so on
with many others.

Your memorialists will state one other example
of the effect to be expected from excessive duties.
It is proposed by the present scheme to lay a duty
on wrought nails of five cents per pound. In 1817
the duty was three cents. At that duty there was
imported into Richmond, and chiefly in American
ships, 123,972 pounds, giving to the Treasury
\$3,699 16 duty. The duty was afterwards raised
to four cents, and the whole import of nails, during
the year 1822, into the same port, as entered at the
custom-house, consisted of

3,635 pounds in American vessels,
56,960 do in foreign do.

60,595, which, at 4 cents, is \$2,423 80.

This statement shows that three cents produced
more revenue, by 50 per cent., than four cents,
and gave employment to our own ships. That
the latter duty amounted to a prohibition, or nearly
so, is evident, since the ships by which they were
imported were chiefly chartered in Europe, to
load in Virginia with tobacco and cotton, and the
nails, serving as ballast, were conveyed free of
freight. Although the present duty of 4 cents is
so excessive, yet it is proposed by the bill to lay an
additional duty of 25 per cent. What can be
more obvious than this, that the point to be attained
is a total and complete prohibition?

Your memorialists believe that the proposed

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bill, if it becomes a law, will produce the following effects:

1. That it will greatly increase the burdens of the farmer, the planter, and other consumers. It will compel them to pay dear for those articles of necessity and convenience for which they now pay comparatively less. They will probably cease to purchase the foreign articles, but the home manufacturer will take care that the domestic article, substituted in its place, shall only cost a little less than the foreign. And, as he will have a monopoly of the article, without any foreign competition, his own price will be fixed on it.

2. It will injure the commercial interest, because, unless the merchant can meet with ready sales, and make a reasonable profit on his sales, he must cease to import.

3. It will injure the navigation and tonnage of the country, for, as our imports decrease, so must our shipping, our seamen, and our foreign trade.

4. It will diminish the revenue from imposts, which has heretofore been considered as the most convenient, the least expensive, and the most productive way of raising revenue. If this effect necessarily results, the Government will be compelled to resort to direct taxation, and to excises, whose odious character is so well known as not to require any remarks.

5. It will inevitably produce smuggling, and all of its train of evils, and it is certainly true that there is no country in which this business can be carried on with greater facility than along our wide spread coast.

There is another effect which your memorialists seriously apprehend will take place, and which, though it may not immediately ensue, yet will be attended with more extensive injury than all of the others. Is there no danger, that the Governments of Europe, seeing the restrictions which we impose on their productions, will, gradually, and as it suits their interests, retaliate our measures, and impose restrictions or prohibitions upon our raw materials? If tobacco is, indeed, so peculiarly adapted to our climate and our soil, that no other country can produce it so abundantly and so cheap, can the same thing be said of cotton? We apprehend not. There are many sections of the globe, besides our Southern and Southwestern States, in which cotton can be raised to the greatest advantage, and which will come into competition with our great staple. Already it has been announced, that the importations from Brazil into the port of Liverpool have increased to an alarming extent, notwithstanding the disturbed state of that country. We know that Great Britain is actively engaged in extending her commercial relations with all of South America, and, if she can find a ready vent for all of her cotton goods in that extensive region, is it not to be expected that she will hold forth every possible inducement to the cultivation of the raw material in that country? Will she not, as the supply increases, either impose heavy duties (now very light) on our cottons, or restrictions of some other description, that shall operate against us, while it favors the cottons of other countries? It has been asserted

that the cultivation of cotton has been commenced, with great success, on the fertile banks of the Nile. Egypt would be a most dangerous competitor, if she seriously turns her attention to this object.

If, then, there is danger that Europe can be supplied with this great staple, most abundantly, from other countries, is it not madness for our Congress to adopt a system of restriction on cotton goods, which will have the destructive and ruinous effect of inducing Europe to reject our supplies, and to get them elsewhere? Will Congress thus tamper with the very existence of our cotton-growing States? Will they not pause before they resort to a rash experiment which may bring ruin on the South, and shake our Confederation to the centre?

Perhaps it may be considered as intrusive in your memorialists to speak of these effects upon our cotton-growing States, and that it should be left to the wisdom and sagacity of those people to speak their own complaints to the Government. It is true, that in Virginia very little of that article is produced, when compared with that of our Southern neighbors; and it is also true, that they are able to state their own grievances, and we have no doubt they will do so. But we will beg leave to say, that the commercial and agricultural interests of Virginia are most intimately connected with those of the Southern and Southwestern States. Whatever affects their prosperity, is most sensibly felt by us. Let them be brought to ruin, and our bankruptcy is not far distant.

What is the great and general beneficial effect which the manufacturer insists will be produced by these restrictive measures? It has been said, that the protection of our manufactures, by protective duties, will render us independent of foreign nations. In common with our fellow-citizens throughout the United States, we cherish our political independence, and prize the right of self-government, as the greatest and highest earthly boon, bestowed upon us by the bounty of Providence. But, an entire commercial independence we consider as neither practicable nor desirable. Is it not obvious, that the various soils and climates of the globe are adapted to the growth of various products, and that it is more beneficial for a country to exchange with others its various productions, than to attempt to raise all of them itself? For what purpose did the Great Author of nature provide the great highway of nations, but to enable men reciprocally to exchange their products, and to hold communion with each other with facility?

It is obvious to us, that the independence on foreign nations, of which the manufacturers speak so much, is a misnomer. When rightly understood, it means a dependence on themselves.

It has also been said, that the establishment of manufactures will open a more extensive home market for our breadstuffs and provisions. It may be true, that the withdrawing a number of laborers from agriculture, and placing them in manufactures, may diminish, to a limited extent, the productions of the farmer; and though this may

Independence of the Greeks.

be beneficial to that class, in the immediate vicinity of such establishments, its benefits can never extend to remoter quarters; and, in the consumption of the raw material, it cannot exceed one-tenth of the quantity grown. A market such as this, the agriculturists do not ask for, the planter rejects it, and neither are willing to accept it as a boon from the manufacturers, for the great sacrifice they are called on to make, and the burdens it is likely to produce hereafter; they have to pay a most exorbitant price for it, independent of the hazard of being forever excluded from much better and more extensive markets, which we now enjoy at much less expense.

Your memorialists cannot but regret, that, at this day, when the wisest statesmen in England are regretting the pernicious effects of their prohibitory laws, and deploring the difficulties which exist against their removal, our politicians should anxiously wish to introduce that restrictive system into our code, the whole effects of which no man can foresee, and whose intricacy the greatest sagacity cannot unfold.

Your memorialists beg leave further to say, that the restrictions which have heretofore been imposed on the commerce of the country, have always been imposed for great national purposes. The embargo and non-intercourse laws, in all their various modifications, were intended to retaliate upon foreign nations their own injustice, or to defend us from hostility. Their object was, to compel other countries to do us justice; but the present scheme has no such object. At a time of most profound peace, we are called upon to shackle our commerce, to divert our capital from agriculture and from commerce, for the purpose of increasing the profits of the manufacturing capitalist. A deadly blow is aimed at one part of the community, for the sole purpose of benefiting another part of the same community.

Your memorialists, therefore, most earnestly request, that your honorable body will, in your wisdom, think it proper to ward off this evil from us, by rejecting the bill, promptly and decisively.

ROBERT POLLARD,
Chairman.

BERNARD PEYTON, Secretary.

MEMORIAL

Of a Committee appointed at a public meeting of the citizens of New York to take into consideration the situation of the Greeks.—December 29, 1823.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the committee appointed at a numerous and respectable meeting of the citizens of New York, assembled to take into consideration the situation of the Greeks, respectfully sheweth:

That the citizens whom they represent, have, in common with their fellow-citizens throughout

the United States, witnessed, with lively sensibility, the heroic efforts of the Greeks, to rescue themselves from Turkish bondage. It appeared to them that the Greek cause was not only entitled to the good wishes of this country, but, as far as might be done, consistently with the views of Government, to every possible assistance. In the opinion of the meeting, the independence of the Greek nation was a subject of the highest concern to the interests of the human race, and recommended itself to the approbation of every civilized people, by the most powerful considerations that could possibly be addressed, either to the judgment, or to the sympathy of mankind.

Your memorialists have accordingly been instructed to apply to Congress, with the request that the independence of the Greek nation might be recognised by the Government of this country. In undertaking to comply with this instruction, the committee conceive that they will have discharged their trust, when they make known to Congress the anxious desire of the citizens of New York, either that the independence of the Greeks may be speedily and formally recognised, or such steps preparatory thereto taken, as may, in the opinion of Government, be consistent with its interests, its policy, and its honor. The suitable time for the exercise of such a prerogative of the Government, must always rest in its sound discretion, and your memorialists repose with entire confidence in the wisdom of the application of that discretion. They would, however, respectfully suggest, that, in the opinion of their fellow-citizens, as far as they have hitherto thought proper to declare it, the Greeks have proved themselves competent to maintain their independence, and that, by their union, their political system, their organization, their strength, their successes, their intelligence, and their determined spirit, they have sufficiently vindicated their title to assume a separate and equal station among the nations of the world.

How far the case of the South American Governments, whose national existence was admitted by the United States some time since, may be deemed analogous, is respectfully submitted to the superior judgment of those to whom this application is addressed. It has, however, been supposed, that there are peculiar circumstances connected with the cause of the Greeks, which ought to awaken the most active concern for their welfare, and which require the application of every just precedent in support of their independence.

Your memorialists would deem it improper, on this occasion, to enlarge on this subject, or to do more than merely allude to the consideration of the barbarous dominion of the Turks, equally fatal to liberty, learning and taste, and under which the Greeks have been most cruelly oppressed for ages—to the spirit of the Mahometan superstition, presenting an insurmountable obstacle to the progress of civilization—to the ingenious, enterprising, free, and commercial character of the Greeks—to their language, their literature, their religion, and their eventful history, exciting the deepest interest in their favor, and endearing them to the Chris-

Independence of the Greeks.

tian world by recollections of their past sufferings, and of their ancient glory.

And your memorialists will ever pray, &c.

Marinus Willett,	Samuel Boyd,
Jno. P. Romeyn,	S. Jones,
Henry D. Sewall,	M. Clarkson,
Felix Pascalis,	Isaac Lawrence,
Hiram Ketchum,	Stephen Allen,
Cadw. D. Colden,	J. Morton,
J. R. Hurd,	Alex. McLeod,
Geo. Demarest,	J. G. Swift,
Jon. Goodhue,	Wm. Johnson,
Nath'l F. Moore,	R. Sedgwick,
Jno. Trumbull,	John G. Coster,
Philip Hone,	Charles King,
Wm. Bayard,	Robert McQueen,
James Kent,	Jos. O. Hoffman,
Richard Varick,	Thomas H. Merry,
Lynde Catlin,	Wm. Paulding, Jr.,
Henry Rutgers,	Wm. Johnson,
Henry Wheaton,	Russell H. Nevins.
John Pintard.	

MEMORIAL

Of the inhabitants of Boston, on the subject of the Greeks.—January 5, 1824.

To the Senate and House of Representatives of the United States, in Congress assembled:

The undersigned, a committee appointed for this purpose by a large number of the citizens of Boston and its vicinity, convened by public notification on the 19th instant, beg leave most respectfully to represent:

That they feel a deep interest in the political situation of the people of Greece; and rejoice in the information recently communicated by the Chief Magistrate of the United States, "that there is good reason to believe Greece will become again an independent nation."

That the contest of an oppressed and enslaved people for the invaluable blessings of self-government, and of a Christian people for the enjoyment of religious liberty, has a claim to the best wishes of this nation for its eventual success, and to whatever aid and encouragement, consistently with the primary duty of self-preservation, it may have the ability to afford.

No one who has duly reflected upon the consequences which have resulted from our own successful struggle in the cause of civil liberty, not as respects the interests of our nation only, but as it has affected also the condition of the whole civilized world, can hesitate to admit that the question of the erection of a new independent Christian State, is the most momentous that can occur in the progress of human affairs; and especially deserving the attention of the representatives of a free people.

Centuries, whose annals are filled with the common succession of wars and conquests, may pass away, without being attended with any important result to the great cause of civilization and humanity; but, the emancipation from a barbarous despotism of a gallant and enterprising and intel-

ligent people, must be followed by the most propitious consequences, and cannot fail to add to the security of all free governments, by increasing the number of those who are devoted to their common defence.

The extermination of the Turkish despotism on the coasts and islands of the Mediterranean sea, has justly been regarded as a more worthy object of concert and coalition among civilized Powers, than any which ever engaged their united attention. The existence of that despotism has reduced to a state of desolation several of the most fertile countries on the globe, and annihilated the commerce that might otherwise have been maintained. It has been attended with the grossest insults and outrages on the dignity of States, and the liberty of their citizens. The maintaining of a powerful marine force, expensive consular establishments, disgraceful tribute, slavery and war, have successively been among the evils to which this lawless domination has subjected the civilized world, and from which our own country has not been exempted.

It is, then, quite obvious that the erection of a new and free State, in the Mediterranean, possessing not only the coasts of Southern Greece, but the islands, particularly of Candia and Cyprus, would form a powerful check upon the barbarous dependencies of the Porte in those seas, and give facility to that commercial enterprise which now finds its way only to one port of European or Asiatic Turkey.

Your memorialists would not presume to make any suggestion as to the course which it may become the American Government to pursue, at this interesting crisis. They feel, in common with their fellow-citizens, generally, the just weight and obligation of that policy which hitherto has prohibited an interference with the internal concerns of any of the Powers of Europe, and content themselves, therefore, with expressing their assurance, that, if the peculiar and unprecedented condition of the Greeks, should, in the opinion of the Government of the United States, form a case of exception to that rule of policy, the measures which may be adopted shall receive their cordial support.

But, your memorialists, at any rate, cannot refrain from the expression of their earnest wish that the indignation and abhorrence which they are satisfied is universal throughout the United States, at the mode in which the Turkish Government is carrying on the war against Greece, should be distinctly avowed in the face of the world, and that other civilized and Christian nations should be invited to join, in a solemn remonstrance, against such barbarous and inhuman depravity.

The sale of forty thousand Christian women and children, (after the massacre of their husbands and fathers) in open market, in the presence of Christian Europe, and without one word of remonstrance from the surrounding nations, is a circumstance discreditable to the age in which we live. If older and nearer nations are silent on such a subject, there is the greater reason, and

Tariff Memorial.—Pennsylvania.

the more honor, in giving utterance to the feelings which are excited on this side the Atlantic, and of endeavoring to obtain the interference and combining the sentiment of all civilized nations, to put an end to such horrible scenes.

The just indignation of the world has recently been manifested by a simultaneous effort to humble and restrain the Barbary Powers. Every year has witnessed some new exertion among Christian nations, to abolish the horrible traffic in African slaves; an amelioration of the ancient laws of war with regard to private property, has recently been propounded as a subject worthy the consideration of the nations; and yet, no remonstrance has been made in behalf of Christian brotherhood and suffering humanity.

Your memorialists do, therefore, most earnestly commend to the constitutional representatives of the American people, an attentive consideration of the foregoing interesting and important subjects.

All which is most respectfully submitted, &c.

Thomas L. Winthrop,	Henry Orne,
George Blake,	S. Adams Wells,
H. A. S. Dearborn,	Edward Everett,
Samuel F. Jarvis,	John C. Warren,
James T. Austin,	Warren Dutton.
Samuel D. Harris.	

MEMORIAL

Of the Members of the House of Representatives and Farmers of Pennsylvania, praying a modification of the Tariff.—January 5, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the subscribers, members of the House of Representatives, and farmers, of the State of Pennsylvania, respectfully sheweth:

That your memorialists, wholly cultivators of the soil, and not otherwise concerned in manufactures than in their own families, are firmly persuaded that the solid interests of the nation require that an efficient protection be afforded to the manufacturing portion of our fellow-citizens who, with few exceptions, have been greatly depressed ever since the return of peace.

The depression of manufactures has had the effect to injure agriculture in a two-fold point of view:

1st. From the close of the late war, it has driven thousands of manufacturers and artisans, natives as well as emigrants, to agriculture: thus depriving the farmers of a considerable portion of the domestic market for the necessities of life, which those classes afford; and, moreover, converting customers into rivals, by the surplus produce, beyond their own consumption, created by those persons thus deprived of employment at their usual occupations, and compelled to resort, for support, to the cultivation of the soil; thereby perniciously increasing that glut in foreign markets,

to which may be fairly traced nearly the whole of the complicated distresses experienced by the farming interest, in the Middle States, in past years, particularly in 1820 and 1821.

2dly. The want of sufficient protection of manufactures greatly impairs the market for raw materials, hemp, flax, iron, hides, skins, &c., for which, at present, the demand is languid, and, in many cases, the price hardly adequate to the remuneration of the producer.

The idea which, in common with the majority of our agricultural brethren, we long entertained, of the advantages resulting from purchasing goods abroad, because they can be had cheaper than at home, has been proved, by experience, to be ruinously fallacious. The saving, supposing a saving really to be made, of a few dollars, in the expense on clothing and other manufactured articles, is but a poor compensation for the great diminution of the domestic market for raw materials, and for the loss of a quarter, or half a dollar, in the price of a bushel of wheat, and in that proportion, in other agricultural productions; which diminution and loss are necessary results of that policy, which so essentially and inevitably impairs the domestic market for those productions. But experience, which is an incomparably safer guide than theory, abundantly proves that even the poor saving which has been so speciously held out, to induce the agriculturists to oppose any further protection of manufactures, has no existence. Of this position, the event of the high duties imposed on coarse cotton goods, removes all possibility of doubt: as the American markets have been steadily supplied, for years, with those articles, very far superior to the imported, and at a much lower rate than we formerly had to pay for the worthless foreign article, for which they are a substitute.

It, therefore, clearly appears that high duties, in this instance, so far from proving injurious to the agricultural interest, have conferred on it a solid and substantial benefit: thus proving the utter fallacy of dogmas, hitherto received by the mass of our citizens with the most implicit confidence. And there is every reason to believe that the same results would follow the adoption of a similar course of proceeding in the case of woolen, iron, and other manufactures. If it were necessary to adduce foreign facts and experience, to prove this effect of domestic competition, both would be amply found in the case of Great Britain, which excludes, by duties nearly tantamount to prohibitions, almost all foreign manufactures, and is yet enabled to undersell, in manufactured goods, in their own markets, those nations which do not protect the industry of their people by adequate duties.

Whatever plausible arguments might be found for the refusal to afford adequate protection to manufactures, during the wars of the French Revolution, when we had abundant markets for all our agricultural productions, are totally inapplicable to our present situation, in consequence of the exclusion of our breadstuffs from nearly all the ports in Europe, unless when the failure of

General System of Bankruptcy.

crops produces a danger of famine. Thus, those nations, from which we receive such immense amounts of manufactured articles, refuse to receive the chief, indeed almost the only important productions, with which nature enables the inhabitants of the Middle States to pay for them. We might, therefore, as we have done in the case of our tonnage, without impropriety, reciprocate prohibition by prohibition. But this is not called for. Such an increase of duty as would prevent our manufacturers from being overwhelmed in our own markets by their foreign rivals, would be sufficient for the purpose.

The pernicious effect of the above exclusion is palpable, from the reduction in the amount and value of the flour exported from the United States lately, as follows:

	Barrels.	Dollars.
Average of 1811, 12, 13	1,383,149	13,980,000
1816, 17, 18	1,121,982	12,346,764
1821, 22, 23	879,743	4,819,506

Thus, it incontestably appears, that the fortunes and prosperity of those of your fellow-citizens engaged in the first and most important of all human pursuits, the raising of grain, and other necessities of life, are held by the precarious tenure of the seasons in Europe. If they are adverse, farming may be prosperous in the United States; but, if otherwise, our hopes of a fair remuneration for our labors are blighted and withered. This servile dependence on the state of the European markets is, we respectfully submit, unworthy of an enlightened age and an independent nation, blest with such transcendent advantages as Heaven has lavished on the United States. Such a state of things is destructive of the vital interests of above two-fifths of the white population of the Union, depending chiefly on farming; and, on every principle of justice, calls loudly on the national representatives for a prompt and decisive remedy.

The protection of that important portion of industry employed in manufactures, at all times a sound and necessary policy, and supported by the opinions of the wisest statesmen, and the example of the most prosperous nations, has become, at present, an imperious duty, the foreign demand for our staples having, as above stated, considerably decreased—the quantity about one-third, and the amount nearly two-thirds, since 1811, notwithstanding the increase of our population in the intervening period. Whereas, our demands for manufactured goods must increase with our increasing population. We, in consequence, buy more from than we sell to foreign nations; and this with nations is unerringly the road to ruin, as it is with respect to individuals.

Were there any doubt on the important subject thus respectfully presented to your view, it would be removed by a comparison of any two tracts of our country, in one of which manufactures are carried on extensively, and in the other, agricultural pursuits chiefly, or wholly, particularly when remote from the advantages of seaport towns, as is the case with one-half of our territories. In the one, agriculture and horticulture, certain of steady and increasing markets, are carried on with life

and spirit—lands are rising in price—every thing flourishes—and, what is of incalculable importance to the farmers, their females and children find valuable employment in and from the factories, for fragments of time which would otherwise be wholly lost. Habits of industry are thus acquired and rewarded, and public and private prosperity promoted. Whereas, in parts of the country destitute of manufacturing establishments, circulation is either arrested, or moves with a sluggish pace—money is rare, and difficult to be procured; there are no markets for horticultural articles; lands are of little comparative value; in a word, every thing languishes. To exemplify this position, and to place it beyond the power of contradiction, it is sufficient to refer to the neighborhood of Providence and Wilmington, on the one hand; and numerous districts in the interior of Pennsylvania, and in the fertile districts of Kentucky and Tennessee, on the other. The difference of soil, and some other natural advantages, is greatly in favor of the latter. But the contrast in prosperity is immensely in favor of the former; and the inference, in support of the system we advocate, irresistible.

We, therefore, respectfully request you will adopt such a modification of the existing tariff, as may afford complete protection to the manufactures of our common country.

[Signed by Jonathan Roberts, and numerous others.]

December 15, 1823.

MEMORIAL

Of the Chamber of Commerce of the City of Philadelphia, praying for a general system of bankruptcy.—
January 5, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Philadelphia Chamber of Commerce respectfully sheweth:

That the attention of your memorialists has been once more excited, in relation to the establishment of a system of bankrupt laws, throughout the United States, by observing that the subject has been again brought forward for legislative consideration. From the strongest impressions of the importance of this subject, your memorialists are led to reiterate the sentiments which they have heretofore expressed concerning it, and respectfully to submit them to the present Congress.

The experience of your memorialists has added strength to the conviction, that, not only the commercial, but the common and general interests of the country would be promoted by the establishment of a uniform system of bankrupt law. In the very nature of things, much of the business of the country is, and must be, transacted upon credit; and the consequence is, that, through adverse fortune, bad management, or some untoward cause, failures in business are constantly occurring. As the laws now stand, the complete and

Memorial of Samuel Slater and others.

MEMORIAL

Of Samuel Slater and others, a committee appointed by the manufacturers of cotton, and others interested in the manufacture of that article, in the State of Rhode Island, &c.—January 6, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the undersigned citizens of the United States, they being a committee appointed by and acting for, the manufacturers of cotton, and others interested in the manufacture of that article, in the State of Rhode Island, humbly sheweth:

That, by the fourth clause of the first section of the act of April 27, 1816, entitled "An act to regulate the duties on imports and tonnage," it was provided, that a duty of twenty-five per centum, ad valorem, should be levied, collected, and paid, on imported woollen manufactures of all descriptions, or of which wool was the material of chief value, excepting blankets, woollen rugs, and worsted or stuff goods; on imported cotton manufactures of all descriptions, or of which cotton is the material of chief value; and on imported cotton twist, yarn, or thread, to take effect on the 30th of June, then next, and continue till the 30th of June, 1819; and after the said 30th of June, 1819, an ad valorem duty of twenty per cent. on such woollen and cotton goods, excepting as before excepted. It was further provided, that all cloths of such cotton manufacture which, with the addition of ten or twenty per cent., should cost less than twenty-five cents the square yard, should, nevertheless be deemed and taken to have cost twenty-five cents the yard, and should pay duty accordingly; that unbleached or uncolored yarn, twist, or thread of cotton, costing less than sixty cents the pound; and bleached or colored cotton yarn, twist or thread, costing less than seventy-five cents the pound, should be valued, respectively, at sixty and seventy-five cents a pound, and should pay duty accordingly. That, by the act of April 20th, 1818, the provisions of the above clause were extended to June 30th, 1826. That, by the general provisions of the second clause of said first section of the act first mentioned, blankets and rugs of wool, and worsted or stuff goods, and all fabrics of linen imported, were subjected to a duty of fifteen per cent., ad valorem, without any minimum valuation. The provisions of the 4th clause, section 1st of the act of 1816, so far as they relate to imported manufactures of cotton, were intended, as will probably be recollected by many of your honorable body, to extend a reasonable protection to the domestic manufacture of coarse cotton goods—a manufacture which had been extensively commenced in this vicinity during the embargo, non-intercourse, and war, and which the return of peace, the restoration of our commercial intercourse with Europe, and the competition of European capital and manufactures with those of our own country, had greatly embarrassed. The wisdom of such a measure was seen and acknowledged by many of our wisest and most patriotic citizens. To save from destruction the great

absolute disposal of their property rests with the debtors, and they designate the trustees, distribute the funds, and coerce their creditors to a release, in such manner and upon such terms as they think proper to impose. It is easy to perceive that, where such is the law, there can be but little hope from the voluntary and partial assignments which are made, that the creditor will obtain his just proportion of the insolvent's effects; and, indeed, in cases of commercial failure, it is now scarcely a matter of expectation that any dividend will be made among the general creditors.

It is both seen and felt that, so far as regards the interests of creditors, such a change of the law as shall produce the certain and equal distribution of the debtor's estate, among all his creditors, is sincerely to be desired.

On the part of the honest and unfortunate debtor, this change is equally desirable. Such debtors experience the greatest difficulty in obtaining that release which a fair surrender of property should effect; and are often compelled to resort to the insolvent laws for a mere protection of the person, and are at last placed in a situation in which there is almost a prohibition of all future efforts. By the prevailing system, they have less favor and protection, or, at least, practically, they experience less, than the fraudulent bankrupt, who boldly imposes his own terms, and compels his creditors to submit to them.

Your memorialists may be suffered to remark, that the provision of the Constitution for a law on this subject, plainly manifests that it is a matter of national concern; and seems to call loudly for the exercise of the legislative functions in relation to it. It would seem that the States are indisposed to exercise the power which remains in them, individually, because the power may be exercised by Congress. The experience of all parts of the country appear to proclaim the insufficiency of the systems of insolvent law which prevail under different forms in the Union, many of which are only endured until a better system can be brought into action; and the sentiment, that a national bankrupt system is required by the interests of commerce and general business, is very extensively prevalent.

It is not the purpose of your memorialists to enter particularly into the discussion of a subject which has been so frequently and fully investigated; but they have thought that the interests which they represent demand that they should again submit their sentiments to Congress, and unite their voice to that of those of their fellow-citizens who are soliciting the enactment of a national bankrupt law. They therefore respectfully request that Congress will take this subject into its early consideration, and adopt such measures as may lead to the establishment of a uniform system of bankruptcy throughout the United States.

By order:

ROBERT RALSTON,
President of the Philadelphia
Chamber of Commerce.

PHILADELPHIA, January 1, 1824.

amount of capital already fixed in the establishments necessary to the prosecution of the manufacture—in the full persuasion, when so fixed, that it would be protected by Government; to promote the home manufacture of an article of indispensable use among the great majority of our population—to secure a home market, and one which might, thereafter, be increased to an indefinite extent, for the valuable staple of Southern agriculture which formed the raw material of that manufacture, and a home market, also, for our grains and provisions, in maintaining the laborers employed in working it up—to encourage the mechanic arts, which had become auxiliary to the manufacture, the commercial, and shipping interests, on which it was mainly dependent for supply and distribution—to meet, eventually, the demand of the domestic market, possibly to furnish, for exportation, a fabric of great exchangeable value—thus far to relieve our country from those exhausting drains of specie which had checked her industry, and reduced many of her merchants and moneyed institutions to great difficulties. These were the praiseworthy objects of those, who, in the session of 1815-16, advocated the clause in question. It has become the duty of your memorialists, most respectfully, to submit to the Legislature the results of their experience, during seven years, of the operation of legislative provisions which have been enumerated; and to suggest such modifications of, or additions to, the existing laws, as may, under present views and prospects, be deemed necessary to the further and effectual promotion of the objects aforesaid.

That the above mentioned modification of the tariff of duties has been productive of much benefit to the domestic manufacturer, and of incalculable advantage to the community, is readily admitted by those who have observed the course of events. The benefit enjoyed by the manufacturer, consisted, principally, in the comparative steadiness which it gave to the market price of the manufactured article. High profits were out of the question in a case where the number, the activity, and enterprise of competitors rendered all plans of monopoly impracticable. Enabled to calculate, with reasonable certainty, on steady and moderate profits, capitalists were induced to embark their money, and artisans their skill and experience. The mills which had been stopped by the difficulties of 1815 and 1816, were gradually put into motion, in some cases by the original founders, in others, by purchasers at sheriff's sales, or under assignments for the benefit of creditors. As the large stock of India and other imported coarse cloths on hand at the passage of the act, or imported before the expiration of the time limited by it, was taken from the market by the consumer, the demand for coarse American cloths increased; but the prices of those cloths were first prevented from advancing by the remaining foreign stock, and, eventually, suffered a reduction, by the rapid increase of the domestic manufacture and the competition among sellers.

In the years 1820 and 1821, the domestic article had occupied the market, to the almost entire

exclusion of similar fabrics of foreign manufacture. In the years 1822 and 1823, so great was the competition among manufacturers, and so large the importation of cheap stuff goods, admitted to entry at a duty of only fifteen per centum ad valorem, and of cheap linens admitted at the same rate, both free from any minimum valuation, that the coarse-cloth manufacture became once more embarrassed, and still labors under great difficulties. A brief view of the policy of the British Government, with regard to manufactures, of the manner in which it renders them subservient to the prosperity of its agriculture and the aggrandizement of its political power, and of the encouragement which it extends to the exportation of the above-mentioned goods, by its drawback and bounty laws, will account for their importation in such large quantities in this country, and indicate the proper measures to be taken by this country for the security of its own agriculture and manufactures.

By prohibiting, under penalties which in some instances touch the life of the offender, the exportation of the raw materials of these manufactures, thus giving to manufactures at home the monopoly at their own prices of those materials, the British Parliament has effectually secured to its own subjects the whole labor of preparing them for the market. The agriculturists are supposed, and with good reason, to be amply remunerated for this restriction on the exportation of those products of their industry, by the enhanced prices of all agricultural products which go to the immediate subsistence of labor. The truth of this remark is fully established by the high rents of lands. The general policy of the system, looking to the most profitable appropriation of the land and labor of the community, seems intended to restrict the production of raw material, for manufacture, to the actual demand—in some instances to less than the actual demand—of the manufacturer; and, by an abundant provision of food, to encourage population. The general effect of the system has been to confine grazing—a branch of agricultural labor, which is, when followed independently, the least profitable of all branches—either to land unfit by its natural surface for any other mode of improvement, or to lands which may be profitably appropriated to grazing, during some period of a regular routine of cultivation; and to prevent the cultivation of flax or other substances forming the raw materials of manufactures, except as intermediate crops. A numerous population may exist with comfort for a long time, although deprived of a full supply of the raw materials of its usual labors, but cannot exist in comfort a single day when deprived of a full supply of the food necessary to its subsistence. The first-mentioned deficiency may be supplied by importations from abroad, but to supply the last by such importations might be impracticable. Hence the wisdom of the above system.

The first grand principle of British policy, therefore, is to increase the individual number and positive physical power of the community. Its second grand principle is, so to regulate the exchanges

between that community and foreign communities as to enhance the relative power of the former by obtaining from the latter such articles of exchange as have been produced at a greater expense of human labor, in payment for articles of its own production, obtained at a smaller expense. This object is accomplished by supporting its own side of the exchange with the labor of human hands, assisted by labor-saving machinery; by obtaining raw material for manufactured goods. The use of labor-saving machines, which cost nothing but the expense of their construction and repair, enables one man to perform the work of fifty men, not using such machines. But the production of raw materials cannot be thus facilitated. It requires the actual expenditure of human strength to the amount of the production; and that strength must be maintained by a continual expense of food, of raiment, and lodging. The community, therefore, which exchanges such manufactured articles for raw materials, buys the labor of fifty men for the labor of one man, and enhances its own relative force, while it diminishes the relative force of all communities with which it exchanges on such terms.

In this view of the subject, the British Parliament has continued, from the time of Edward the Third, to restrict the domestic productions of the raw material of manufactures, for exportation, in the raw state; to encourage the home manufactures of the raw materials produced; and the exportation to foreign countries of the manufactured goods. In like manner, the importation of all manufactured articles, the raw materials of which could be produced at home or obtained abroad, or for which a substitute could be found among domestic manufactures, has been either prohibited or restricted by high duties. A modern instance of the adherence of the British Parliament to the policy of Edward may be found in the history of the British cotton manufacture, and is worthy of imitation in this country. One great branch of the trade of the British East India Company, from its first incorporation, to the rise of the cotton manufacture in England, consisted in the importation from India, and sale in England, and other parts of Europe, of India cotton cloths, of all descriptions. The condensed population, abundance and cheapness of provisions, and low rate of labor, in the Indian peninsula, enabled the company to purchase cloths in that country at prices which bid defiance to all competition, by manual labor alone, in every other country. Their profits, therefore, on the importation and exclusive sale of these goods in Great Britain were enormous. But the invention of labor-saving machinery for spinning cotton, first made by Arkwright, and afterwards improved by himself, and others, threatened to deprive the company of this source of profit. In the year 1787, one hundred and forty-three cotton mills had been constructed, or were in progress, at an expense of one million sterling. Those in operation employed a great number of people. The muslins, calicoes, and other cloths, produced, were more substantial than the India goods. The

Company became alarmed, and, in order to check this rising domestic manufacture, imported a very large amount of the Indian fabrics, which they sold at prices 20 per cent. less than those of the domestic manufacture. Though this was a contest entirely confined to British subjects, the British Parliament very promptly interfered in favor of the home manufacturer, and, that same year, imposed a duty of 50 per cent. ad valorem, on the wholesale prices of the imported goods in England. In 1798, this duty was raised to one hundred and twenty-two per cent. ad valorem. By such effectual protection has the manufacture of cotton in England been fostered, that cotton cloths, to a large amount, are now actually sent to India;* and no country, which does not protect its own manufactures by legislative enactments, can reasonably hope to compete with British fabrics in its domestic markets.

But, the monopoly at their own prices, of the raw materials of manufactures produced at home, and the exclusion, from the home and colonial markets, of all goods of foreign manufacture, are not the only encouragements extended by the British Government to the domestic manufacturer. The system receives a new impulse from the acts of Parliament, which allow drawbacks and bounties, on the exportation of certain manufactured goods. These inducements to exportation have a great effect on prices, when the domestic market is threatened with a glut, by redundant manufacture. By relinquishing, in nearly every instance, the excise on the manufacture when exported, or the import duty on the raw materials, of which the manufacture is composed, by paying, in many instances, a direct bounty on the exportation of goods, the raw materials of which are wholly, or in part, of domestic origin, they encourage the manufacturer to persevere in his business. With a reasonable certainty that the

* Extract of a letter from a merchant in Manchester, England, to a merchant in Providence, Rhode Island, dated August 23, 1823.

"In cottons, the supply of India, in 1815, under the ancient system of monopoly, by the Company, was, in value, £109,480. In 1821, the supply of the same article, under the existing system of free trade, was £880,881. In 1822, the value of the supply was, £1,020,325, that is, exceeding ten times the amount of the former average supply. In 1815, the quantity of printed cottons, exported from Great Britain into India, was 604,800 yards. In 1821, the quantity of the same export, was 7,602,245 yards. In plain cottons, the increase is equally astonishing, although it may be considered that they produce plain cottons themselves cheaper than any other fabric. In 1815, the quantity of plain cottons, exported from Great Britain into India, was 213,408 yards. In 1821, the quantity of the same manufacture, was 6,724,031 yards. In 1822, the quantity was 9,940,736 yards. If the English manufacturers can stop the spindle and the shuttle of the Hindoo, who is supported upon a handful of rice a day, in a climate where little is required for clothing or shelter, they may feel secure of those, and all other markets, where their goods are allowed admission for consumption."

Memorial of Samuel Slater and others.

drawbacks or bounties will enable him to export, or sell for exportation, without positive loss, he continues to add to the stock of exchangeable commodities. His laborers, with constant employment, consume and pay for the products of agricultural industry; his goods are distributed, and his supplies obtained, by the mercantile and shipping interest, and the country prospers by the united labors of all branches of its citizens.

The permanent effects of these drawbacks and bounties on the manufacture of other communities, form another object of the policy of Parliament. Whenever an article, entitled to drawback or bounty on exportation, has become accumulated in the hands of the manufacturer, he obtains a present relief, in the sum which he receives on the exportation of a part of his stock. The subtraction, from the domestic market, of only one-twentieth, or one-tenth of the whole, gives to the remainder a greater value in that market, than the whole would have commanded before. If the goods thus subtracted be suddenly thrown into the market of a foreign nation, whose domestic manufacture of similar goods is equal to its domestic consumption, or nearly equal, the market value of the whole domestic stock is suddenly reduced, perhaps twenty or twenty-five per cent. The domestic manufacturers of the nation in question are obliged to suspend their industry, perhaps to abandon their works altogether, while the British manufacturer sustains no loss, or a very trifling one, on his shipment, raises the price of his wares in the British market, and is enabled to keep his works in constant operation. He can repeat his shipments, with the certainty of a profit, until the partial revival of the foreign manufacturer compels him once more to make a temporary sacrifice. But the gains of the British, and the losses of the foreign manufacturer, by these transactions, are trifling, when compared with the gains and losses of the communities to which they respectively belong. In the former, the laboring classes are kept in constant employment, and supported on the products of agricultural industry. In the latter, they must be discharged from the factories, and contribute, by their labor on the land, to increase the quantity and diminish the market value of agricultural productions.

When we look at the amount of these drawbacks and bounties on the exportation of some of the manufactured articles in question, we are not surprised at their effect on the manufacture of coarse cotton cloths in this country; on brown and white linens, the cost of which, to the British manufacturer, does not exceed eighteen pence sterling the yard, a drawback of $1\frac{1}{2}$ pence is allowed. Some of these linens brought to this country cost no more than $4\frac{1}{2}$ d., and the great bulk of them do not exceed $7\frac{1}{2}$ d. The drawback on the former is $33\frac{1}{2}$ per cent., and the average about 20 per cent., thus paying the freight and duty to this country. Immense quantities of these goods are imported to discourage the manufacture in this country of coarse cotton cloths. They are highly finished, but of little real value, compared with the domestic goods. A new mode of evading the minimum

valuation on cotton goods has lately been found in the importation of mixed fabrics, checks, plaids, sheetings, &c., the webs of which are composed partly of linen and partly of cotton, cleared out from Great Britain, and entered in this country as cloths, of which linen is the material of chief value, they are entitled at the custom houses of Great Britain, to the bounty of $1\frac{1}{2}$ d. or $3\frac{1}{2}$ d. sterling the square yard, and pay in those of this country an ad valorem duty of fifteen per cent. This evasion enables those who practice it to introduce goods which interfere with our coarse cloths, at a cost here considerably less than their market price in Great Britain; and to defraud our revenue at the rate of ten per cent. on the whole amount of fine goods of this description imported. On coarse stuff goods, exported and admitted here on payment of fifteen per cent ad valorem, no drawback or bounty is, we believe, allowed; but such allowance is rendered unnecessary by the low price of the raw material, the natural effect of the acts of Parliament, restricting its exportation in the raw state. The qualities of wool, composing the raw material, are bought by the manufacturer at from 6d. to 9d. sterling the pound, and would, if they could be exported free of duty to this country, command from twenty-two to thirty-five cents the pound—thus giving, really and substantially, an advantage to the British over the American manufacturer, of one hundred per cent. in the cost of the raw material.

Printed cotton calicoes, vestings, and other wares of a like description, on which, when exported, the British Government pays a bounty or drawback of $3\frac{1}{2}$ d. the square yard, something more than the duty here, greatly embarrass also the sales of American plain and colored goods. If the coarser fabrics of this description were excluded by an adequate valuation and duty, the manufacture of plaids, checks, &c., now nearly ruined, as well as the printing of cottons, already began in several parts of this country, would be greatly encouraged. The works of our manufacturers peculiar to the manufacture of plaids and checks, would again become valuable, and the printing of cottons would create a new demand for their plain goods. It would be important to the manufacturer, in the steadiness of price which it would produce, to the revenue of the country in the duties on the additional quantities of dying drugs required, to the farming interest in the new demand which it would create for the necessities of life to a new class of manufacturers.

On the foregoing view of the cotton manufacture of this country; of the rivalships to which it is exposed; and the embarrassments to which it is subjected; your memorialists would respectfully suggest, to the wisdom of your honorable body, the following modifications of existing laws:

That the minimum valuation of twenty-five cents the square yard, and ad valorem duty of twenty-five per cent. be extended to all uncolored cloths imported, whether of worsted, cotton, or linen. That a minimum valuation of thirty-five cents the square yard, and an ad valorem duty of twenty-five per cent. be imposed on all colored,

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printed, or bleached goods imported, whether the same shall be of worsted, cotton, or linen.

That a minimum valuation of one dollar and thirty cents a pound, and an ad valorem duty of twenty-five per cent. be imposed on all imported cotton or linen thread, twist, yarn, or floss. That the aforesaid valuations and duties be made permanent; and that, in every instance of the importation of such goods, there be added to the said duty of twenty-five per cent. ad valorem, a sum equal to the amount of all drawbacks, bounties, or other payments, received from, or secured by, the custom-houses of the country whence said goods were imported, or otherwise secured or paid by the Government of said country.

A general revision of the tariff of duties, and a moderate enhancement of the duties on imported manufactures, the raw materials of which may be found at home, or are within the reach of our commerce, would, also, we are persuaded, greatly assist your memorialists, by the relief which it would soon afford the currency of the country, and the new incentives which it would offer to enterprise, to industry, and skill. In proportion as the rewards of labor are increased, will its ability and disposition to use the necessities, the comforts, and luxuries of life, be aided and stimulated.

Your memorialists are aware that many objections have been made to any modification of the tariff, whether general or partial, for the encouragement and protection of manufactures; and they are induced, by their respect for the public opinion, as well as for the talents and patriotism of many individuals, in and out of Congress, urging those objections, to offer their own views of these topics, which have been most frequently dwelt upon.

We are told that the regulation of the business of individuals is no part of the duty of Congress. To this, we reply, shortly, the express power of regulation given by the Constitution, and exercised by Congress for more than thirty years, in regulations, almost without number, and touching the trade and industry of the nation in almost every conceivable point.

Another objection, of more serious import, is found in the alleged reduction of the revenue, consequent upon any considerable check on the sale of foreign manufactures in our own markets. To this, we reply, that an exclusion of articles now taxed, will not diminish, but rather increase, the common fund from which taxes are paid—will increase the ability to buy and pay for other articles, still subjected to taxation, and that the consumption of a community is bounded only by its ability to purchase the articles consumed. In proportion as the country is relieved from the payment of the sums now sent abroad for manufactured articles, for which substitutes are provided at home, those sums will be appropriated to the purchase of raw materials or manufactured articles which cannot be produced here. The personal observation of your memorialists confirms this position. Since the rise of the domestic cotton manufacture, thousands of families, who,

before its rise, were unable to purchase imported luxuries of food and dress, have become able to do so; and the sales of sugars, teas, and coffee, of silks, crapes, and fine muslin, have been greatly increased, in the neighborhood of the cotton mills. If any reasonable apprehension is entertained on this point, a deficit of the revenue may be prevented by enhancing the duties on the above articles. Silks, in particular, which now pay only fifteen per cent. ad valorem, would bear a duty of twenty-five per cent. without any considerable diminution of their use.

Another objection, zealously urged against the legislative protection of manufactures, is, that the price of the articles on which increased duties are laid, will be materially enhanced to the consumer, who, it is said, will be obliged to pay the American manufacturer whatever price he may choose to set upon his fabrics, since there will be no foreign competition in the way. The same objection was urged against the act of 1815; but the event has fully proved its fallacy. In a very short time after the law was passed, the rapid increase and extension of the cotton manufacture caused such a competition among our own manufacturers, in the article of coarse, brown, and white cottons, the only fabrics protected by that act, that the country became, and still continues to be, fully supplied with the article, at a much less price than similar articles were formerly imported at, without taking into consideration the superior quality of the domestic cloth. This experience of the efficacy of a system of legislative protection to manufactures, affords, we believe, ample reasons for supposing, that were an effectual protection extended to all our manufactures, the rivalry of the American manufacturers, themselves, would prevent the advance of prices, and supply the country on as cheap as, perhaps on cheaper terms than similar articles from abroad now cost us.

The exclusion of an unsubstantial foreign fabric has been pronounced a tax on the poor, for the benefit of the rich. How can that be a tax which has substituted a more durable fabric, at half the price of that excluded—which has multiplied the demands for labor, and increased the reward which it receives, and, consequently, its ability to pay for the cheaper fabric? The accusation is untenable.

It has been stigmatized as an odious monopoly. As between the American community and all others, it is, indeed, a monopoly inculcated by a regard for our own interests, odious only to foreigners, who owe us no allegiance; whose interests we are not bound to consult, at the expense of our own citizens. As between citizens of the American community, it is no monopoly; for every citizen may participate in the benefits of the domestic manufacture, and all are mediately or immediately interested in its success.

It has been strenuously argued, that the legislative protection of manufactures, will annihilate commerce. If your memorialists believed this, they would hesitate, at least, before making the present appeal. Some of them, and very many of the persons whom they represent, are ship-owners

and merchants, deeply interested in every branch of foreign and domestic commerce. But their personal observation and experience convince them that this argument is one against fact, that since the rise of the cotton manufacture in Rhode Island, both the coasting trade and foreign commerce of the town of Providence, the principal focus of supply and distribution for it, have greatly increased. The former, in particular, has more than doubled. The aggregate of commercial transactions in Providence, has increased in the same ratio. The ports of Mexico and South America, no longer, as formerly, closed against foreigners, have already afforded markets for partial shipments of coarse cotton cloths, and will, it is hoped, hereafter receive more considerable quantities of these and of other products of our agriculture and manufactures. To send our cottons and other raw materials of manufactures to foreign countries, not in the crude state, as at present, but quadrupled in exchangeable value, by the labor of our own citizens, supported in that labor by the products of our own agriculture, would place our commerce on the most permanent footing, and render the fields of this country more productive, in every thing which constitute substantial wealth, than all the mines of Mexico and Peru. Such a result is certainly attainable, if we may be allowed to conclude from the experience of another nation.

We are persuaded, therefore, that there is no reason to apprehend any injury to our commercial interests, by the encouragement of domestic manufactures; and we believe that those interests will receive additional support from every measure calculated to assist them.

With still less reason can it be asserted, that the encouragement of manufactures, by restrictions on importation, is a tax on agriculture. The new value given to the crude products of the earth, in rendering them fit for use, consists entirely in the labor of man. If manufactures are to be created or extended in a country where they do not exist, or exist in very small numbers, the labor which is required for their prosecution must be maintained for all the essentials of life, on the products of domestic agriculture. If that labor be drawn from among the natives of the soil, then the number of persons employed in producing food must be diminished, as well as the amount of food produced. The prices of agricultural labor, and of its products, advance in proportion to the increased scarcity of both; and farming becomes a more profitable business than it was before; for a number of persons have ceased to be rivals of those who follow it, and have become their customers. If the additional labor required be imported from abroad, then the community gains an immediate addition to its strength, and the farmer an addition to the number of his customers, the prices of his corn and provisions, and the profits of his business.

But, the additional profits which the farmer reaps by the encouragement of manufactures in his neighborhood, are not the only advantage of the measure: while he sells dearer, he buys cheaper. Encouraged by the exclusion of foreign, or preference given to domestic manufactures, the

number of hands engaged in the latter is rapidly increased, and the profits of their business are gradually diminished, till, at length, that business becomes no better than other trades; and the farmer is enabled to buy his raiment without paying the expense of its transportation from a distant country.

Thus, mutually assisting and assisted, agriculture and manufactures enrich each other and the community at large. The surplus product of the land and labor of the country, beyond the demands of its population, goes to foreign communities, in the form of manufactured articles, in exchange for raw products or manufactures peculiar to the soil, the climate, or industry, of those communities. Commerce, the great chain of connexion between communities, is established on the firmest basis; and, ministering from the abundance of one to the wants of another, extends the bounds of civilization, of science, and of freedom, to the remotest habitations of the human family.

Samuel Slater,	Philip Allen,
James Rhodes,	Benj. Aborn,
William Harris,	Wm. Rhodes,
Samuel Greene,	Cyrus Butler,
Timothy Greene,	Geo. Jackson,
Walter Paine,	Edw. Carrington,
Hy. P. Franklin,	Abm. Wilkinson,
Ephm. Talbot,	Benj. Cozzens, Jr.,
Wm. Sprague,	John Slater,
Seth Wheaton.	W. E. Richmond.

MEMORIAL

Of sundry manufacturers, mechanics, and friends to national industry, of the State of Connecticut.—
January 19, 1824.

At an adjourned meeting of the friends of manufactures and national industry, held at the State-house in Hartford, Connecticut, on the 1st day of January, 1824, the following memorial, reported by a committee, consisting of two delegates from each county, was unanimously adopted, and ordered to be transmitted to our Senators and Representatives in Congress:

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of manufacturers, mechanics, and friends of national industry, citizens of the State of Connecticut, humbly sheweth:

That, while they duly appreciate, they are desirous to embrace the privilege guarantied by the Constitution, to assemble together, and petition Congress for a redress of their grievances. As a component part of a large and flourishing Republic, they sincerely hope their memorial will meet that attention which justice and policy alike demand.

Encouraged by the example of every nation, and by the proffered patronage of our own, your memorialists have, in many instances, embarked their whole property in manufactories calculated

to afford a decent livelihood, while they advanced the general good—some have unwisely borrowed capital, and pledged their establishments to creditors for advancements—and while creditors are pressing these demands, because they doubt the security, the unfortunate manufacturer is compelled to witness his certain ruin in the decay of machinery which he cannot use without a still speedier destruction. For, such is the lamentable condition of manufacturers generally, that some are stopped entirely, and others are barely kept in motion to preserve the property. Your memorialists, therefore, ask, with anxiety, if the hand of Government cannot be extended to their relief. The speculative statesman may view with rapture the foundation of our greatness, and boast of independence, while the manufacturer mourns over the preference indirectly shown, to foreign fabrics, and laments the indifference to the wants of legitimate children.

It is a fact, undisguised, that the hopes of the manufacturer must perish unless something effectual is done. The question is then asked, shall your memorialists be crushed by the artful designs of rivals abroad? Cannot Congress afford some protection without endangering the welfare of the country? Nay, can our independence in war and in peace be preserved unless the manufacturing interest is supported? How humiliating the reflection! what a stigma on national character, that, in war, we must smuggle from our enemies the comforts and necessities of life?

The last war has proved the weakness of our resources, when we could not supply a few blankets for the Indians. It was then that a patriotic ardor burst forth, and honesty and good faith were pledged, to cherish a benevolent intention to furnish supplies at home. Then it was that capitalists sought out the best location for manufacturing establishments, and, in the love of country, laid the foundation of future comfort or ruin. Soon after, Congress ventured, against the many predictions of some members, to grant a heavy duty on coarse cottons—an experiment which must satisfy the statesman of the policy of increasing the tariff on other articles.

Did your memorialists conceive that the interests of manufacturers were distinct from those of the nation at large; did they recognise them as laying claims to exclusive, or any protection than what is due to others; did they view them as men engaged in occupations and pursuits which, instead of promoting general prosperity, tended only to their individual emolument; they would unite with the enemy, and leave them to struggle unassisted against the calamities that befall them.

Your memorialists ask not for exclusive privilege to establish a monopoly. They only ask for a due share of protection. Nor, while they see millions expended to support a navy to protect the merchant; while thousands are voted to open new avenues to trade, and increase the splendor of Courts, by sending Ambassadors, Consuls, and agents, abroad, they offer no murmur or complaint: and while they cheerfully acquiesce in all just measures to advance the glory of our Repub-

lic, they confidently rely that the interests of your memorialists will not be forgotten.

But, inquiry may well be made, whether, extending our acquaintance and commercial intercourse with foreign ports to increase the influx of luxuries, will not prejudice internal economy, unless we can export something besides dollars to liquidate the balance of trade.

As the happiness of domestic life is frequently destroyed by cultivating too extensive an acquaintance with the great, may not our Republic, in their zeal for glory, overlook internal polity? The mechanic and manufacturer, sensible their vocations are confined to the humbler walks of life, and cannot gratify the ambitious by elevation from equality with other citizens, do not expect from the political adventurer any certain assistance; yet there are many, "whose hopes are our hopes," who practically feel the distress of their constituents, and are destined to suffer or enjoy with them alike in adversity or prosperity—from such is anticipated an honest zeal.

Your memorialists would respectfully ask, whether they have in vain placed their confidence in the help of Congress. The subjects of England and France, and, indeed, of almost every other nation but our own, are prosperous in their manufactures—and why? Because Government promptly tells them, "you shall be protected, and foreign fabrics excluded, so far as they come in competition." But, when the manufacturer here asks for assistance, the answer is, *no*; our revenue will be affected. The wheels of Government must stop, if duties on imports are diminished. And the Southern planter says, *no*; why should I be taxed, or why should one portion of the country be compelled to build up another? The manufacturer is directed to look for consolation to the "let us alone policy," and turned off with the chilling reflection that, although all is hazarded, he finds no relief. But, are the common objections substantial? If the duty on certain articles was increased, a smaller importation might afford equal or greater revenue.

The same clamor was made when the duty on coarse cottons was increased, and, notwithstanding the fearful forebodings of opponents, no evil then resulted to the Treasury. If, then, we seek a suitable time for the experiment, (if increasing the tariff can be deemed one,) what moment more auspicious than the present, when the Treasury is prosperous, and when a mite given in season, is better than thousands too late?

But will an increase of the tariff injure the Southern planter? He is now protected by a duty on tobacco and sugar, from 50 to 100 per cent., while the manufacturer of the Northern and Middle States is left to contend against every disadvantage.

Cotton is now the great remittance to liquidate the enormous debt due from citizens of the United States to Great Britain. But how soon will England supply her manufacturers of wool and cotton from her own colonies, the West and East Indies? How soon will the island of Jamaica change the culture of cane, at present unproductive, to

the culture of cotton? The time may not be far distant. In that event, where is the planter to find his market? Not in the Republics of South America. They have no manufactures. Should, however, the manufactures of the Middle and Northern States be extended, by suitable encouragement, how easily would the planter find a sure market, and the coaster employ, in transporting manufactured cottons to the new and important ports of the South? By supplying our markets with domestic fabrics, we diminish the demand for foreign cloths, and with it our vast indebtedness; and as the indebtedness diminishes, the demand for cotton for exportation will be proportionably lessened.

There is, however, some apology for former opposition from the South, to high duties to aid the manufacturer of the North. For it must be admitted, that, until lately, there was a moral inability to supply the demands for cloths, by domestic manufacture. A high duty, then, would have enhanced the price of bagging and clothing for the slaves. But that time is past. Whoever will examine the extent of our manufactures, a subject little understood by the Southern States, must admit a present ability within ourselves to furnish every article of clothing, fine linen and silk excepted. Your memorialists do not suppose their interest alone is to be promoted by a revision and increase of the tariff. The languishing prospects of the agriculturists rest upon the final decision of this question. Their granaries are full, domestic markets supplied, and foreign markets glutted. The farmer who, with the productions of his farm, pays the mechanic for the labor of his shop, affords a familiar example of the benefits of a domestic market. The latter, prevented by the nature of his employment from cultivating the earth, is dependent on the farmer for supplies; and, in exchanging for his labors, receives the surplus produce of the farm. This, with the extension of numbers, applies equally well to manufactories.

It is estimated that in 1820 the manufactories in Oneida county, New York, consumed \$110,000 of agricultural productions; and that more than \$40,000 worth of flour, and 200,000 bushels of corn, have been imported into Providence during the last year, and consumed principally by those interested in manufactories; whereas a market is not afforded for one pound of our flour, wool, flax, or hemp, by the British, who sell us manufactures to the amount of \$40,000,000, annually. The growers of these articles could not be injured by an increase of duty on imports, but benefited, since our home manufactories consume more of our breadstuffs than the whole continent of Europe, and, we might add, that of the East Indies.

Why, then, should not manufactures be encouraged by a higher tariff? Will patronage lead to an extravagant investment, or will fabrics advance in the hands of monopolists? The present suffering of the manufacturers will check any immediate ardor; and, so far as respects monopoly, it is justly remarked that the internal competition which takes place, does away every thing like monopoly, and by degrees reduces the

price of the articles to the minimum of a reasonable profit on the capital employed.

Your memorialists would further state, that the manufactories of iron, in this State, are suffering under their discouragements; that these important establishments will never flourish, while they have to compete with the Russian and Swedish nobility, who supply this country. We say nobility, for the iron factories, in Russia and Sweden, are carried on by the manual labor of an indigent peasantry, who are attached to, and transferable with, those vast estates, and who receive no further compensation than a bare subsistence; and while hemp is imported without duty, iron will continue to be brought to this country as ballast, at a very moderate freight. In 1820, it is supposed 32,000 tons of iron was consumed, three-fourths of which was imported. And it may further be remarked, on this point, that the depreciation in the price of iron in Russia and Sweden, within two years, has equalled nearly the present duty. And should our friendly relations cease with Russia, the leading member of the Holy Alliance, we should need from our enemy that important staple, iron, without which, we should be far from independence.

In addition to the facilities of importing British goods, the opportunity afforded the British manufacturer of sending his goods immediately to auction, with little or no comparative expense, will continue to discourage the fair merchant and manufacturer, who, while they vend their articles, are obliged to pay rent, taxes, and furnish their proportion for national support and defence. It cannot be concealed, that the British have regarded our commerce and manufactures with a jealous eye, and will adopt every measure to depress our manufactures while they crowd on us their fabrics. Already does the Cabinet of St. James contemplate further patronage, by allowing a drawback of twelve per cent. on foreign wool. Should this measure be adopted, our Government must extend still further encouragement by increasing the tariff, or our manufactures must inevitably fall; and the political axiom should be engraven on the heart of every statesman, that, while England and France are our friends in peace, they are our rivals in trade.

Your memorialists, therefore, pray that Congress would revise and increase the tariff, by such additional duty on woollens, fine cottons, and iron, and such duty on auction sales, as will encourage the manufacturer, and protect him from the greatest evil—the arts and designs of rivals abroad.

DAN'L BURROWS, *Chairman.*

Attest: HENRY L. ELLSWORTH, *Secretary.*

MEMORIAL

Of sundry merchants, manufacturers, &c., of Baltimore.—January 19, 1824.

To the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the subscribers, merchants,

manufacturers, mechanics, and property-holders of the city of Baltimore, respectfully sheweth:

That they, in common with their fellow citizens of the other commercial cities of the Union, being seriously affected by the extensive evils which have resulted, and which are still augmenting, from the change that has taken place in the prosecution of trade, from a regular system, under which its advantages were generally divided, to the management of it through extensive public auctions, whereby its profits are monopolized by a few; and relying upon the wisdom of the National Legislature to protect and foster the soundness of our institutions, beg leave to present for consideration some of the leading facts connected with this important subject, and to petition that such a tax may be imposed as will place the trade carried on through the medium of public auctions, and that which is prosecuted in a regular way, on an equal footing.

Your memorialists with confidence represent, that of all the public and private sales of manufactured goods made by auctioneers in the city of Baltimore, it is believed that full three-fourths of the amount is on foreign account.

From this fact alone, and considering that nearly all foreign business is done through them, clear of the usual expenses of a commercial establishment, your memorialists conceive it to be rendered evident, that they are the means of transferring from the resident merchants to foreigners, the superior advantages of a market, which is created and kept up by the concentration of our citizens, at a great expense, without contributing, in any material degree, to support the public burdens, or to maintain the market, by keeping the citizens and capital together, which constitute it. If the entire trade of one of our large commercial cities were forced through one great auction establishment, the consequences would be still more seriously felt; so your memorialists apprehend, in proportion as the trade verges into, and becomes embodied, and monopolized by a few, as it now is under the auction system, that the profits and emoluments of it, which are now carried off by the owners of foreign merchandise, residing abroad, will be rendered less beneficial to all other parts of the community.

If it be true that a division of capital, extending from a few to the many, increases the productiveness of it, it must be equally correct that the division of business and its emoluments operates in the same way, and with equal benefit. In some of the commercial cities, your memorialists beg leave to notice, that the auction business exists under the patronage of the State authority, and the number of auctioneers is limited entirely by the pleasure of it. From the heavy current of business which this eminent advantage secures to them, they are raised above the rivalry of other merchants in effecting also extensive private sales.

The whole expenses of resident merchants, together with all their surplus profits, being retained in the same community, contribute in return, and in a very considerable degree, to support the ar-

tists and laboring classes of our towns and to furnish the agriculturists of our country with the means of supplying themselves with such articles of foreign and domestic manufactured goods as are essential to their convenience, each deriving some benefit from the services and the expenditure of the other, and thus a general improvement results from the labor of all. But under the auction system of trade, nothing is felt but the commission of the auctioneer, and in some cities a small corporation tax; whilst all the profits which arise from that heavy proportion of it, done on account of foreign houses, become withdrawn as soon as they are realized. This class of profits, it is known to practical men, has proved to be very extensive.

When the business of a foreign house, having all the advantage of the market, is done at so much less expense than that of a resident merchant, who sustains the very same market, it may reasonably be apprehended that the auction system will continue to encroach upon the regular trade, until it shall ultimately extinguish it; and thus put out of employment, or continue to render unemployed, a vast amount of property, and with it a considerable number of merchants, and persons of other pursuits.

Turning from the direct pecuniary considerations of the case, your memorialists would also beg leave to place under your view some of the immoral consequences which are produced by the auction system of trade. Under it, great irregularity and artificial excitements are produced on the market, which lead our trading community, more especially the junior class of merchants, whose soundness of principle it would appear to be the true policy to foster, from the sober calculations of integrity, predicated upon the cost and regular consuming demand for commodities, into rash adventure and habits of chance, which bear a greater affinity to gambling than to commerce or trade. The most artful generally overcome the more honest in the operations of scheme and hazard; and when, under a corresponding depression of market, which generally follows a previous excitement, the weaker class become oppressed or broken down, and the strong become injured, the auction system offers its ready aid, to lead into depravity those who might otherwise, by a timely arrangement with their creditors, at least have retained their reputations for honesty.

Merchants, who become a little embarrassed from a course of trade so confused, and who, under a hope of recovering their strength, are allured to purchase on credit from regular houses, convey the goods secretly to auction, and pledge them for money at a heavy usurious interest, to be thus absorbed by expenses, or forced off at a sacrifice, without the presence of a fair demand; and if a commercial friend is to be secured for his endorsements at bank, or for his endorsements for purchases at auction of merchandise frequently owned abroad, the regular resident trader is here again exposed to the hazard of being defrauded in this way, by the inclination of the purchaser to satisfy what may be a foreign debt, and the auction

again lends its aid to carry on and cover the fraudulent operation.

These practices, when once begun, are frequently repeated; and, taken in connexion with the other destructive means of raising funds, convey more merchants to ruin, after the first stages of embarrassment, than all their losses on a regular trade; and exhibit, at one view, the principal cause why the commercial failures, in our large cities, are more frequent, more desperate, and involve more depravity, than in the country, where the operations of trading men do not admit of the same concealment. Thus, it appears, that the auction system derives a part of its sustenance from the victims of ruin produced by its own destructive operations.

Another great evil which your memorialists would urge, as growing out of this system, is the injury it occasions to the revenue. The American merchant, in making his purchases in Europe, is obliged to pay the manufacturer's profit, and, in many instances, the factor's profit; he must employ an agent, who charges a commission, and is subjected to various other expenses which the foreign manufacturer can avoid; upon all of which he pays a duty to Government: Whereas, there is too much reason to believe, that the foreign manufacturer does, in many instances, pass his fabrics through our custom houses at the net manufactured cost, and thus pays considerably less duty, than the resident importer pays on the same articles. By these means, he is actually enabled to vend his productions in the American markets, at less than the same goods could be imported by our own citizens, and yet secure a profit. The confidential and intimate connexion which exists between some of the auction establishments of this country and the manufacturers in Europe, facilitates these operations, and contributes, effectually, to drive the American merchant out of the market; while it also greatly affects the revenue of the United States, by reducing it much below what it would be, were the same goods imported by our own citizens. This course of business also throws the whole profits of the trade into the hands of foreigners residing abroad, to the great impoverishment of our own country, and increase of the balance against it.

Considering, therefore, as the auction system of business cannot, from its own nature, afford any peculiar profit or emolument, or any peculiar advantages to a trading community; but, on the contrary, that it must have a tendency to vitiate the commercial system, in various respects, by encouraging gambling in trade, and impairing the general benefit by its monopolizing effects; and that it does, as now conducted in the United States, most certainly transfer a great proportion of the advantages and profits of business from our resident merchants to foreigners; who, by withdrawing their profits, as soon as they are realized, leave an impression, to be felt on every other branch of interest in the community; and that the public revenue suffers materially, both in its amount and security; your memorialists respectfully pray your honorable bodies to impose a duty

of ten per centum on sales by auction, excepting the effects of bankrupts, and deceased persons, goods sold for the benefit of underwriters, shipping, and real estate.

MEMORIAL

Of the farmers, manufacturers, mechanics, and merchants, of the county of Rensselaer, in the State of New York, praying for a revision of the Tariff.—January 26, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the farmers, manufacturers, mechanics, and merchants, of the county of Rensselaer, in the State of New York, respectfully sheweth:

That the staple commodities of this district of country are, provisions, breadstuffs, wool, and flax; that the respective values of these commodities, in market, do not furnish a fair compensation to the producers; and, that the cause of this depression of prices is the limited demand, both at home and abroad, which, when duly supplied, leaves a great surplus on our hands. Now, if the labor of a country be the source of its wealth; and if that labor has been employed in producing a surplus which is without value, then has the country sustained an injury, by an unwise direction of its labor.

The great body of your memorialists are farmers. From the beginning of the separate, independent existence of this nation, until within a few years past, the condition of Europe was such, that the products of the land of this country found a ready market, and lucrative prices. During the long and wasting wars in that part of the world, the nations there had so large a portion of their population transformed from producers into consumers, that, after consuming the products of their own soil, they still required additional supplies, so extensive as to consume, also, the surplus products of American agriculture. The population of our country, moreover, was at that time thin; land was cheap; the augmenting numbers of the people found ample room, and easily spread over the surface of the territory; the new soil was fertile; little skill was requisite; and health, and robust habits, were nearly all the capital that was needed. The nation was, at the same time, neutral; and our merchants had full employment as carriers. In such a state of things, the labor of this country was profitably employed in two principal ways; and, in those two ways, that labor was sufficient to produce a degree of general prosperity never exceeded.

But that state of things has passed away. The general settlement of the affairs of Europe, by the peace of 1815, reconverted the nations there from consumers into producers.

The vast amount of labor disengaged from the operations of war, and directed to the cultivation of the land, together with the cheapness of that labor, and the skill with which it was directed,

produced such an abundance of supply as to drive our productions out of their markets, and, in some instances, to follow them to our own shores. There is, therefore, at this time, and there has been for several years, an over-supply of the products of agriculture—they have glutted the markets of the world. This want of a foreign market has not been supplied at home; for our own producers have increased in a far greater ratio than our consumers; and the consequences have been, in this part of the country, a universal depression of prices, depreciation of the value of land, a sluggish circulation, general embarrassment, frequent sheriff's sales, and ruin. These ill consequences, though experienced most extensively by our farmers, have not been confined to them. They have been felt by the mechanics, the laborers, the merchants, and the professional men. Farmers could not afford to hire laborers, to produce what could not be sold; and neither could afford to buy of the merchant commodities for which he could not pay. The spirit of enterprise was checked. No new houses and barns, and no new implements of tillage, were wanted. There were already more than enough of these; for, nothing could be done with them, except to produce, and to shelter, what had lost its value. New lands, to a great degree, ceased to be cleared; new contracts ceased to be made; and, from this general inaction, the mechanic lost his wages, and the professional man his fees. Such is, and has for some time been, the general situation of these Northern and Eastern States.

Now, the mode of removing these burdensome effects, to your memorialists appears perfectly plain. The condition of things among us calls for the introduction, and permanent establishment, of new departments of labor, in order to complete the organization of the social state, and open to the career of an ingenious people new objects of enterprise; new subjects for the beneficial exercise of their faculties, and employment of their means. In short, a *manufacturing population* is needed. A portion of the community, now engaged in producing, or to be so engaged as time advances, must be converted, exclusively into fabricators and consumers, or the country will be overwhelmed with an enormous mass of surplus, which it cannot throw off, and become palsied from a stagnant circulation. Human industry is naturally distributed, with the advancement of society, into certain great departments of labor; and such distribution cannot be long prevented, without essentially retarding that advancement. The ultimate, permanent order of nature is, the productions of the earth, "all-bearing mother," first; next, the modification of those productions, in such forms as may best adapt them to use and enjoyment; and, last, mutual exchanges of all. Connected with these great departments of industry, and dependent upon them, are the mechanical and professional occupations. In this country, owing to circumstances in the situation of the world already suggested, we have hitherto disregarded this order; and, for a time, we found benefit in merely producing and exchanging. But the

time has at last come—and it is indicated by the general cry for help, now rising from the great majority of those who are engaged in both these departments of industry—for the establishment of the other, completion of the machinery of society.

Your memorialists are aware that the main difficulties in the way of doing this are the prejudices, the habits of thinking and acting, which originated in the period of our history already referred to. The opinions then adopted, and which were then proper, have been reluctant to yield to the evidence that those times have forever passed away. But that evidence has now so accumulated that the most slow of faith begin to believe that a new distribution of the labor of the country must be made, or the prosperity of the country must be seriously impaired.

These truths are so plain—they have been forced upon your memorialists by such impressive experience—that your memorialists cannot but believe that your honorable body will listen, examine, and be convinced. This request of your memorialists is not the sinister prayer of a few individuals, nor of a small and distinct class, having only a petty stake in society; it is the united voice of the mass of the people, in all the callings of life; and it is occasioned by a community of embarrassment never known among us till the nations of Europe quitted war for work, and left us without a market.

A market, therefore, is our great want. How is this to be obtained? In the opinion of your memorialists, it is to be obtained only by such an increase of duties on the importations of those foreign fabrics of which the raw material is, or can be, easily and abundantly procured at home, as will encourage a diversion of a part of our own capital and labor to the manufacture of them. The old doctrine is, we are aware, that no nation is ready to manufacture until its population has so multiplied that there are more hands than lands. But this is fallacious. The true test of the fact whether a nation be ready to manufacture, is not drawn from the comparison of the number of its people with the quantity of its land, but from the comparison of its ability to produce with its opportunity to sell: or, in other words, the true test is, the relation of demand and supply. It may, indeed, happen, that, while there are fewer hands than lands, the cultivation of the latter will be the most beneficial appropriation of a nation's labor; but it may, also, be otherwise; so that the first mentioned comparison does not furnish the true criterion, and the example of our own country has now demonstrated both parts of this proposition. At first, our ability to supply was not as great as our opportunity to sell; and all that we could produce found a profitable market. Now, we cannot dispose of half that we can supply, and a general agricultural languor pervades the country. But to restore the country from this universal inanition, by the introduction of manufactures, requires the interposition of the Legislative power of the nation. This interposition is necessary, because, without protecting

duties, the manufacturers of Europe, with their enormous capital and exquisite skill, can manufacture so economically as to defeat our infant attempts by their competition. They can, and do throw such quantities of their fabrics into our markets, and force them upon us at such low prices, that our smaller capitalists, with their less skilful artisans, cannot establish their factories, and save themselves from ruin. This competition can never be sustained without protecting duties in the outset, nor until experience and skill shall have introduced economy, and the business of manufacturing shall have become so extensive that small profits shall make large amounts; because, no prudent man will hazard his property, under existing circumstances, in a contest with those who can wield means so much more extensive. Even if our domestic attempts should be made, in the beginning, with some prospect of success, yet they would soon be borne down by the foreign manufacturers; for, such is the state of society in the great manufacturing countries of Europe, every department of industry is so crowded, so much capital is invested in each, and the obstacles to a different investment are so insurmountable, that the manufacturer must continue to manufacture, at the most penurious prices, or go to ruin; for he cannot change his occupation, when every other department of labor is as much crowded as his own.

This state of things is necessarily growing worse, because the ability to manufacture is increasing in Europe in a far greater ratio than the demand for consumption, in consequence of the improvement and multiplication of machinery. It is, therefore, the interest of those manufacturers to sell at the lowest possible rates, and force their goods off, for the purpose of preventing competition, in every direction, though, at the same time, they cannot consume the tithe of the products which are supplied. The consequences of this state of things are, poverty among the agricultural nations, and wealth and power among the manufacturing ones. If our manufacturers could be protected from this overbearing competition until they should have acquired experience and skill sufficient for economy, they could then sustain the competition from abroad; and the competition at home would fast reduce prices to their present general standard, or lower. It is urged, we know, by those who oppose our views, that it is unjust to raise prices upon the majority of the community, by diminishing competition, through the medium of protecting duties, or in any other way, for the benefit of a small class. But this objection is deceptive and unsound. In the first place, though apparently true in terms, it is, nevertheless, substantially false. The great body of your memorialists, as has already been stated, are farmers, and, though the immediate benefit of the permanent and effectual protection of manufactures would be felt by those who are engaged in manufacturing, yet the ultimate, and by far the most important benefit would be experienced by society at large; and it is precisely for the sake of the latter that we ask protection for

the former. It is, moreover, a fact which cannot be questioned, that the low prices which at present form the great obstacle in the way of our domestic manufacturers are, in a great degree, caused by even the unskilful and hazardous attempts of those very manufacturers, with the present protection, to supply their countrymen; and we would seriously ask if they are not entitled to some consideration on that account? Take away this domestic attempt to manufacture; let foreign manufacturers know that there was no design in this country to engage in such business; and soon would the prices of imported goods rise to such a height as would be an ample remuneration to our manufacturers, if they could now receive them; because, the charges on foreign goods, for transportation, first of the raw material, then of the manufactured article, with a great variety of incidental charges, would be saved to our own manufacturers, and, consequently, to our consumers. But allow that prices would be raised; it would only be for a short time. Our artisans would soon acquire skill enough to reduce the expense of fabrication; and the adoption of those economical modes of conducting the business which experience would suggest, and to which domestic competition would urge our proprietors, would soon bring down prices; and the consumer would shortly be as cheaply supplied as he now is, with incalculable advantage of a permanent, steady, and increasing market open for his raw materials, his provisions, and his breadstuffs. Besides, if the prices paid to manufacturers were raised, so would be the prices paid to the farmers, and the mechanics, and all others; and high prices, both for buying and selling, are better than low prices, even if the same relative proportion obtains in the respective cases.

But, on this subject, we are not left merely to general reasoning, nor to the unsupported assertions of interested individuals. The experience of the country, in this respect, though not extensive, is perfectly decisive. In 1816, the minimum price, upon which duty should be charged, of a square yard of white cotton cloth, was fixed at twenty-five cents. The wholesome effects of this wise measure, which were, the investment of capital, the production of skill, and the excitement of competition in the manufacture, are too well known to need elucidation. Every man's experience has informed him that the coarse cottons now manufactured in this country, are both superior in quality, and inferior in price, to any similar article ever imported. The benefit of this result has been most extensively experienced by the grower of the raw material: for, while he has enlarged his market for his cotton, he has been able to procure a better and cheaper article for consumption. The extent of this benefit to the Southern cotton planter may be illustrated by the fact that, whereas, in 1810, there were purchased and wrought, in our Northern factories, only about three million pounds of raw cotton, there are now purchased, and manufactured, not far from thirty million pounds, or about one quarter of all the cotton produced in the country.

Now, confiding in experience as the great trier of truth, and impelled by the general depression of the agricultural, and, by necessary consequence, of all the other interests of the North, we ask, first, for an increase of duty on the importation of woollen fabrics.

All this northern section of the Union, especially the State of New York, is peculiarly well adapted, by nature, to the raising of sheep. Wool is a raw material that can here be supplied in abundance, and with ease; but there are none to buy it. We wish the establishment of woollen factories, so that we can convert some of our arable into pasture, and diminish the surplus of our breadstuffs and provisions; sell that diminished surplus for more than the whole original quantity would bring; and, by gradually raising up a body of consumers, in the shape of a manufacturing population, sell to those consumers an article that will bring us profit; that will furnish our countrymen, as well as ourselves, with cheaper and better clothing than they can now procure, and set all classes of society prosperously at work again. To do this, we respectfully ask the duty on imported woollen fabrics to be raised fifty per centum; and that a minimum price, on which duty shall be charged, be fixed at from eighty to a hundred and twenty cents for the square yard of woollen cloth. Upon similar principles, and relying upon experience for our guide, we also ask an increase of duty on imported iron. There are beds of iron ore, distributed in various parts of these Northern and Middle States, sufficiently extensive to supply all nations, and the ore is surpassed, in richness and quality, by none in the world. These ore-beds are found, for the most part, in hilly and mountainous regions, of little or no value for agricultural purposes, but abounding with fuel, and with water. Nature is waiting for us, the wants of the community are urging us, to appropriate these copious sources of wealth and strength to the public welfare. But here, again, as in the case of wool, foreign competition prevents the extension of those establishments, which would convert our vast bodies of ore, now wholly without value, into riches. Next to wool in importance, in this connexion, and in this part of the country, is iron. Besides its essential use as the great weapon of national defence, it is the great instrument of peaceful industry; and it is passing into use in many new forms. The improved ploughs, for example, are almost wholly made of iron; and this use of the metal has enhanced its importance to agriculture in an incalculable ratio. Though the first effect of protection in this case, as in others, would probably be an augmentation of the nominal price, yet the next and speedy effect would be, beyond a doubt, the reduction of that price to, at least, its present minimum amount, by the operation of competition and skill at home. Indeed, such is the abundance of our ore, and the natural facilities of the country for smelting and manufacturing it, that it would be reasonable to expect that an article, of which the transportation forms so large a part of its cost to the consumer, would soon be afforded, if manu-

factured at home, lower than foreign iron, and, at the same time, bring a lucrative compensation to the manufacturer. Besides its direct importance to agriculture, and to the various mechanical and household uses, to which iron is appropriated, the increased production of it among us would essentially benefit the community, through the medium of the woollen and cotton factories. The iron machinery of such establishments constitutes a large part of their expense, by diminishing the amount of which, the fabrics therein made could, plainly, be afforded at cheaper rates to the consumer. On imported bar-iron, therefore, we ask an increase of duty of ten dollars per ton; and such additional duty upon other heavy articles manufactured of iron, as shall furnish an equally effectual protection to the manufacturer of them at home.

The article of tallow, too, is one in which our farmers have an extensive interest. The average importation of tallow, for the three years ending with 1822, was upwards of 4,000,000 pounds. This was equal to the tallow produced by somewhat more than 80,000 head of cattle, averaging fifty pounds of tallow each. Thus, in pursuance of the policy, which, under pretence of avoiding monopolies, of not conferring peculiar privileges on one class, of protecting agriculture rather than manufactures, the farmers of the United States, with lands beyond their utmost ability to till profitably, have been purchasing pasture and corn abroad, for more than 80,000 head of cattle, and then buying the tallow which all those cattle could produce. Is it wise thus to pay to foreign graziers the money which should go to our own farmers? or should we thus encourage foreign industry, when our own is suffering?

Having experienced the good effects of protecting duties in the manufacture of coarse cotton fabrics, your memorialists believe the time has arrived for some additional duty on foreign cottons, so as to encourage the manufacture, at home, of the finer fabrics of this material; and, for this purpose, we would suggest that the minimum price, on which duty shall be charged, be fixed at 33 cents for the square yard of cotton cloth. In this connexion, we would also observe, that the printing of cotton goods is becoming an object of importance to the country. The South American market is about to be open to us, and the printed cottons are most valuable in that market. It would, therefore, be wise, in the opinion of your memorialists, to encourage that branch of the business.

Before concluding this application to your honorable body, we would also observe, that, in addition to our conviction of the sound policy of granting further protection to our domestic industry, in the modes above recommended, your memorialists cannot but think we have a strong claim upon the equal justice of your honorable body. The protecting duties hitherto laid by Government, as far as they have been connected with agriculture, have chiefly aided the agriculture of the Southern States. That such aid has been extended to our Southern brethren is gratifying to

us, as members of the same Confederacy; but, we think, at the same time, that it fairly authorizes the expectation that a similar paternal policy will be extended to the agriculture of the North.

BETHEL MATHER, *Chairman*.

GEO. M. TIBBITS, *Sec'y*.

MEMORIAL

Of sundry inhabitants of Petersburg, in Virginia, upon the subject of the proposed tariff.—February 20, 1824.

At a meeting of the citizens of Petersburg, held at the Courthouse, on Friday, the 13th February, 1824, called by the Mayor, to receive the report of the committee to whom had been referred, at a previous meeting, a letter from the Chamber of Commerce of New York, on the subject of the proposed tariff of duties at present under the consideration of Congress, John H. Brown, Mayor, in the chair, and Edward Pescud secretary—

Doctor Thomas Robinson, from said committee, presented the following memorial, which, after being read, was unanimously agreed to, and copies ordered to be transmitted to the Representatives from this district, as well as to each of the Senators and Representatives from Virginia in the Congress of the United States; and likewise to the Chamber of Commerce of the City of New York, and other principal cities of the Union:

Your memorialists, the merchants of Petersburg, Virginia, obtrude their sentiments on your honorable House a second time with reluctance, on the subject of the tariff duties; but the persevering selfishness of our manufacturing associations, demanding nothing less than the annihilation of the mercantile and agricultural interests of the nation, to promote their own schemes of rapid aggrandizement, leave us no other alternative than either to appeal to the wisdom of our representatives, or appear, by our silence, to acquiesce in a measure of the most ruinous tendency; for such we conceive the bill for the alteration of the tariff duties, now before your honorable body, to be. The ablest statesmen, both theoretical and practical, of the commercial nations of Europe, have acknowledged, nay demonstrated, that every interference of government to direct or regulate the employment of private capital or enterprise, has been attended with mischief. They deplore the evils in which those nations have been involved by pursuing a system of bounties, monopolies, and protecting duties, and are endeavoring to retrace their steps at the very moment our legislators are invited to involve themselves in the same labyrinth. But we do not object to the projected tariff merely on this general, though strong ground, the experience of other nations. We object, first, that the Congress of the United States did not, with the power of regulating, receive from our Constitution also the power of annihilating foreign commerce; such as is evidently the tendency, and such as, of course, we believe to be the intent of the bill in question. We believe that the power of regulating

foreign commerce was conceded for a different purpose, to wit, principally with a view to prevent the evils apprehended from a collision of interests among the independent sovereignties of which our Republic is composed, and also to supply a revenue for the support of the General Government, without the necessity of resorting to internal taxation. Retaliation, in certain cases, might have been thought of, but that any further restrictions, save such as might secure us the necessary munitions of war, were contemplated by the framers of our Constitution, we utterly disbelieve; and against the exercise of implied powers we solemnly protest. Nor can we see how the projected alterations of the tariff can be supported under the clause of the Constitution granting powers for regulating commerce, seeing that the bill is avowedly introduced for an object entirely distinct from the regulation of commerce, to wit, the establishment of manufacturing monopolies. We can scarcely doubt that the nations of Europe, who have hitherto been accustomed to receive our raw materials, will retaliate by encouraging the productions of other countries, to the exclusion of ours. The effect of such re-action would be fatal both to the mercantile and agricultural interests. That those nations will consent to send back our ships ballasted with dollars, few will be so visionary as to expect. Without reciprocity, commerce cannot exist, and therefore it is, that we consider the annihilation of foreign commerce as a necessary consequence of the projected alteration of the tariff. Secondly: The tariff, as it now stands, bears very unequally on different sections of our extensive country; and this inequality will be still more sensibly felt if the proposed alterations are adopted. It is always unjust and impolitic to tax the many for the emolument of the few; but it seems peculiarly dangerous, in a confederation like ours, to introduce the seeds of jealousy and discord among our independent States, by declaring one section tributary to another. This has already been partially effected, and will be completed by the passage of the bill in question. That the tax on every article is ultimately paid by the consumer, is universally understood, as well as that the great bulk of the consumers, particularly in this country, are agriculturists, on whom, of course, the principal weight falls; but, while the agricultural interest is thus generally taxed, the Southern agriculturists are to be particularly burdened by the enormous weight thrown on those coarse fabrics which constitute the clothing of our negroes. In return for this we are promised a Northern market for our produce. Will any one believe that the Northern manufacturers, who at present do not consume more than from 60,000 to 80,000 bales of cotton annually, will take off our hands, at the European prices, 600,000 bales? Or will he believe that the appetite of a ploughman, or turning weaver, will be so much improved that the surplus grain we have hitherto been accustomed to export to Europe, will be consumed at home? Thirdly: We believe that our manufacturers are most extravagantly protected already. In England it is calculated that every manufacturer pays two days' labor

MEMORIAL

Of the Chamber of Commerce of the City of Philadelphia.—February 26, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Chamber of Commerce of the city of Philadelphia respectfully sheweth:

That your memorialists, on behalf of the commercial community which they represent, beg leave to interpose their respectful remonstrance against a bill now pending in the House of Representatives, entitled "a bill to amend the several acts for imposing duties on imports."

The well known object of that bill—to stimulate the manufactures of the United States—and its tendency, in the judgment of a large portion of this people, to depress the agriculture and commerce of the country, form the inducements of your memorialists for asking the attention of Congress.

In a free country like the United States, all branches of lawful industry have a right to equal protection by the laws; there can be no inequality without favoritism, and no favoritism, without injustice. The Constitution of the Government having placed all the people on the same plane, its principles cease to operate, when the law elevates one portion, or depresses another; and whether the equality of the citizens be disturbed by distinctions of persons, or of property, is a matter of indifference.

That which might be a venial departure from those principles, in a small community, where the whole would sympathize with the prosperity of any considerable part, becomes otherwise in a confederation like this, whose members are large States, removed to a great distance from each other; destined, by nature, to different employments; incapable, under any legislation, of changing them; and subject, under a perverted legislation, to the extremity of distress in one State, while another is smiling in prosperity. In such a country, bounties to particular labor, are bounties to particular States, which other States pay, without partaking of the benefit. The design of the Constitution, and the obligation of Congress, being to provide for the common defence, and general welfare of the United States, and the duty of uniformity, in the laws of the Union, being emphatically and repeatedly enjoined in that compact, your memorialists have no doubt that Congress will never lose sight of it; and as little that they will perceive the destruction of all practical uniformity, even by a general law, if it be made partial, by the situation, the character, and the employment, of large portions of the country.

The universal opinion of well informed men, has now established it as a general rule, that the greatest degree of national wealth is to be obtained, by leaving every one to the unfettered use of his own labor, skill, and capital; for it is in this way that individuals, of whom nations are composed, attain to the greatest prosperity. Obvious, however, as this general truth now is, it has been long in coming to light; legislation has had its

in the week to his Government. This is at once a bounty of 33½ per cent. in favor of the American competitor. Add to this, freight, insurance, commissions, and the various other charges incident to transporting the commodities of one country to another, and you exhibit an aggregate sufficient to protect men who could be satisfied with moderate gains; but when we proceed to add to this the present heavy tariff duties, the protection is so enormous that we are surprised to find an individual so shameless as to ask for more.

The scheme of increasing national wealth by keeping our money at home is scarcely worthy of serious notice. Money is not wealth, but the mere representative of it. The farmer purchases every necessary with the produce of his land and labor. We would, therefore, respectfully suggest to your honorable body the policy of permitting him to send his produce to that market where he can obtain the highest price, and to purchase whatever necessities he may require, wherever he can obtain them on the cheapest terms. If the wealth of an individual is measured by the quantity of necessities and luxuries he can command, we have no doubt the wealth of every individual would be increased by this policy; and as national is but the aggregate of individual wealth, the national wealth would certainly be increased in the same ratio. We need not remark how congenial such a policy would be both to the letter and spirit of our Constitution, nor how adverse to both the project of compelling so large a portion of our citizens to abandon those pursuits for which education and experience have best qualified them, and annihilating by a single act a great part of the capital vested under the faith of former acts, and guaranteed by the letter of that Constitution now wrested to destroy it.

We find no powers, either expressed or implied, granted to Congress by our Constitution, to foster manufactures by ruining commerce and agriculture; and be it remembered that the project now before you is not a commercial regulation, but a manufacturing scheme. We find, however, that unequal taxation is expressly interdicted by the Constitution; and we unhesitatingly affirm that this interdict, so essential to the enjoyment of equal rights, and to the permanent duration of our Union, would be as directly violated by the projected alteration of the tariff, as by a law declaring, in plain language, that the States south of the Potomac should be annually taxed to the amount of six millions of dollars, to be distributed among the cities north of that river; and that the merchants universally should pay ten per centum on their capitals for the same purpose. With this view of the subject, your memorialists respectfully and earnestly pray that their Representatives will guard their interests and their liberties from the ruinous effects of the bill for the alteration of the tariff duties now before your honorable House—a measure pregnant with the most fearful consequences, being as incompatible with the principles of justice as it is with the spirit and letter of our Constitution.

JOHN H. BROWN, *Chairman*.

dark ages, as well as letters; and certainly they have continued longer to envelop the principles of national wealth, than they did to obscure the laws of science, or the beauties of literature. It is to be hoped that the dawn, which has tardily broken upon the world, in the department of trade, is not to be immediately overcast; and, particularly, that the clouds which are again to darken it, are not to proceed from a quarter where every thing else, in regard to government, lies in the broadest light. If legislation acts upon the subject of trade, which, after all, is more safely left to the law of man's nature, by which he is incessantly stimulated to do the best for himself, and therefore for his country, it should act for the removal of impediments and restrictions, not for the creation of them; so much more unerring, however, is this law of man's nature, than any political regulation, that it has been deemed the wisest course to abstain from public enactments altogether, and to leave the Hive to the industry and instinct of its laborers, without attempting to direct which cell shall be first filled, or to narrow the passage to one, or enlarge it to another, more than the wisdom of the laborers shall each for himself provide.

Whatever interference with the general freedom of trade is necessary for the purposes of revenue, and still further, whatever provisions have justly for their object to sustain the Government itself, by enabling it to withstand the shock of war, and with this view to promote, within its own bosom, the necessary resources for such a trial, all communities of men must submit to, and will submit to cheerfully. Laws enacted for these purposes, are necessary exceptions to the general rule—not exceptions to its truth, for it is true without exception—but exceptions to its application; they are the price which nations pay for their existence, as such; they tend to diminish the production of wealth, but they do what, in every condition of the world, has been found as useful as to produce, namely, to secure the product. But, beyond this, the danger of legislative interference with trade, becomes extreme. Be the wisdom, and impartiality, and foresight, of the legislature, what they may, they are at no time, and under no circumstances, perfectly adequate to the task. The subject is beyond the scope of human intelligence, except when it is individually and personally applied to that limited space within which the individual moves; and, in this particular, trade differs little from the thousand other interests of the great family, which it is the ordinance of Heaven should be wrought out by the separate wisdom and exertions of its members; with scarce a consciousness how the work is produced, and with an utter inability on their parts to contrive the result beforehand.

The practice of no foreign nation leads, as your memorialists submit, to a different conclusion. England has grown rich, in spite of her restrictions upon trade, and not by means of them: her wisest statesmen are desirous of removing them, and can trace with unerring certainty to their operation, a large part of the oppression under which the fundamental interest of that nation

languishes, and is doomed to languish. But the fetters have entered into her flesh, and they cannot be removed without tearing away the flesh with them. Does the history of England, with the light of the present day, furnish an argument to the United States for embarking in the same career of bounties, prohibitions, and excises? England is the great example of their mischief. She is emphatically the example of all that individual skill, enterprise, and intelligence, can achieve for the production of wealth, and of all that perverted legislation can do to make it fruitless of national happiness. Her wisdom has perhaps been developed too late for her own good; it may possibly be not too late for us.

It is, therefore, the sentiment of your memorialists, which they beg leave respectfully to press upon Congress, that, beyond the limits of a fair resort to trade for the purposes of revenue, and the case of public necessity, or high public exigency, to prepare the country for the event of war, restrictive legislation upon trade, whether it be in the shape of prohibitions of one branch, or bounties to another, are eminently dangerous; and, to a community as extensive and diversified as this, severely unequal.

In submitting to Congress their remarks upon the bill in question, your memorialists will not touch upon the controversy—upon which more has been written than has been understood—concerning the comparative value of the application of capital in different ways. The wealth of a nation is the combined result of its application in every way in which private interest is promoted by applying it. They are sincere well-wishers to the manufactures of this country. They will always be happy to see them prosper, under that due prosecution of them, to which individual skill and capital, in the present state of the law, are perfectly competent. If they are not desirous of seeing them suddenly enlarged by the aid of the new tariff, it is, in part, because the benefit to the manufacturers themselves is by no means so necessary a consequence as is supposed; but it is principally, no doubt, because your memorialists are of opinion that such a tariff is not wanted for the purposes of revenue, nor for the existing manufactures of the country, and, above all, because its influence will be pernicious to the commerce and to the agriculture of the nation, both of which are entitled to the equal protection of Congress.

It is not wanted for the purposes of revenue. This is almost the only undisputed point among the various topics which are connected with the bill. It is frankly conceded by its friends, that, if passed into a law, it must diminish the revenue derived from imposts, and that, from some other quarter, the Government must make up the loss. So far, therefore, its opponents go upon conceded ground; and almost the only ground on which legislation, in regard to trade, is safe, is thus given up. Your honorable bodies will then be pledged, by the enactment of this law, to resort to that mode of raising revenue to which this people have been uniformly opposed, and to which they

may be more justly opposed hereafter than heretofore. If the extent of duty prescribed by the tariff be essential to protect the manufacturer, and an excise be laid upon the manufacture equal to the duty which is lost, it seems to follow, necessarily, that the consumer must hereafter pay both the duty and the excise, one of which will remain in the pocket of the manufacturer, and the other, after an infinity of deductions for collection, reach the public Treasury.

The tariff is not wanted for the existing manufactures of the country. Under laws which, from time to time, have been passed for their aid, all of them operating, nevertheless, as restrictions upon commerce, and a tax upon the cultivator and consumer, they have prospered, and now prosper. How little they partake of the evils under which the commerce and agriculture of the country now suffer, need not be remarked. It is at present the most flourishing branch of American industry. If there are exceptions, they are the consequence of the bounty heretofore given by law, which has tempted into the business persons who have not the capital, nor the skill, nor the economy, to pursue the business with profit. Something more than public bounty is necessary to the gainful prosecution of trade of any kind. Habits of close attention to business; skill in the application of all the known processes; genius in the invention of newer ones less costly, or more efficient; vigilance in detecting and providing for the wants and caprices of the consumer; and, above all, frugality in expenditure; these are indispensable to thrift in any trade; and how much they melt away under the sunshine of legislative favor, or, rather, how often this sunshine warms into temporary animation those to whom it cannot give vigor for the constant struggles of trade, let those say who have watched the operation of bounty laws in Europe. If the existing bounty be not sufficient to protect American manufactures, what amount will do it? They are already encouraged by a duty on cotton goods of 25 per cent., with a minimum estimate for the basis of the duty of 25 cents per square yard, which, on cotton goods, similar to those manufactured in this country, amounts from 35 to 70 per cent. on the cost; of 25 per cent. on cotton twist; of 20 per cent. on cutlery and hardware; of 30 per cent. on cut glass; 20 per cent. on plain glass; and upwards of 20 per cent. on window glass; of \$15 per ton on Russia and Swedish iron, in bars and bolts; of \$30 per ton on rolled bars and bolts; and of \$50 per ton on hoop, sheet, and rod iron; of 20 per cent. on spades and shovels; of 30 per cent. on paper-hangings; of 25 per cent. on woollen goods, and of 30 per cent. on manufactures of leather; besides all the advantage arising from the charges on the foreign articles, from inland carriage, shipping expenses, freight, insurance, and exchange; amounting, in the article of Swedish iron, to about 75 per cent. of its cost at the mines.

The perfectly well known prosperity of some of the manufacturing establishments of this country, is, however, a better argument than any derived from the amount of duty and charges on the for-

eign fabric; for if, to refer to one case alone, a joint stock company in the vicinity of Boston, is, and for some time past has been able to make a dividend of annual profits, exceeding twice or three times the ordinary interest of money, maintaining and improving its capital at the same time, where is the necessity for further aid? Do others want their skill? Then it is skill that is wanted, and not public bounty. Are others deficient in their vigilance, their economy, their activity? Let these be acquired, and they will abundantly supply the place of a new tariff. Is capital wanting? How does this square with the allegation, that capital is lying dead to an immense amount, because it cannot be employed? What is done so regularly by one manufacturer, may be done, with similar means, by more; and the means are not to be given by the law, but by the manufacturer.

The influence of the tariff will be pernicious to the commerce of the country. This branch of industry has confessedly suffered more than any other by the events of recent years; it has borne its disasters patiently; they have been the inevitable consequence of events, which, although caused by man, man has neither, by action nor legislation, been able to prevent, and scarcely to mitigate. It is just now creeping again into life; and what is to be the effects of the new tariff? The effect is morally certain; so much so, as almost to infer the intention in those who promote the cause: it is to paralyze and deaden, by one blow, that portion of the commercial capital of this country, which is employed in the purchase, importation, and distribution of all that the new tariff shall exclude from the country; the ships which are built and navigated for its carriage—the numerous artisans who are employed in their equipment—the seamen who man them, and the fixed capital invested in wharves, warehouses, and other property, created as facilities to trade. Your honorable bodies will not look for a detail of these effects, in a memorial; it has already been given the public in various forms, and shown to be of immense magnitude; no cure, no alleviation, is suggested for this; one arm of the nation will either be cut off, or maimed forever, under the vain expectation of promoting a better circulation in the other.

But, above all, will the influence of the new tariff be prejudicial to the interest of the agricultural States. This interest is one with which your memorialists may be thought to have no intimate concern, since their personal relations are exclusively with commerce; but, the wealth, the harmony, the duration of this great Republic, are interesting to all its citizens: and they who wish, as your memorialists do, that it may be perpetual, must wish to see it administered upon principles of impartial justice to all, by which alone its perpetuity can be secured. What will be the effect of a prohibition of foreign merchandise, as extensive as that now to be effected, but an immediate reduction in value of the labor and capital of the cultivator, to the whole extent of the increased price that he must give for the American manufacture? The evil to him is without compensation; the value of his crops he loses, precisely to the extent in which the manu-

facturer gains; he has no means of warding off, or breaking the blow. His capital is unconvertible—it is fixed forever in the one employment of agriculture. He cannot participate in the golden harvest of manufactures, if it is to be a golden harvest. His habits, his situation, his working hands, are all unfit for the loom and the spindle. He has heretofore sold for as much as he could, and bought for as little as he could, and at such markets as he pleased, in the enjoyment of that liberty which was the great end of the Constitution. He is hereafter to buy in one market only, at such prices as a market without foreign competition will charge: and he may sell as he can, when foreign nations shall act upon the principle of taking no more from us, than we do from them.

Your memorialists have found themselves unable to assent to the reasoning by which these evils of the nonimportation system are obviated. They cannot conceive that it is for the interest of this community to give more for an American fabric, than for one that is made abroad; to pay a higher price for labor here, than they can purchase it for elsewhere. They cannot believe that the effect of the tariff is to raise the price only for a short time, and then to bring it down forever below its former range. There is no experience to justify the assertion. The reduction of low-priced cotton, since the last tariff, is well explained by other circumstances—the fall of the raw material, the diminution of the price of labor, improvements in machinery, stagnation of trade. And are not the manufacturers asking, by this very bill, for an increase of duty on the cottons, with which it is said they can compete with Great Britain in a foreign market! The history of our duty laws, since the adoption of the Constitution, shows that the aid of the tariff has been constantly asked by the manufacturers, and never given back. The duty on cotton goods, which, in 1790, was five per cent., in 1798 and 1800 became 12½; in 1804, by the Mediterranean duty, 15; in 1816 and 1818, after the war duties were at an end, 25 per cent. with a minimum valuation of 25 cents the square yard; and now, the proposition is to impose a duty of 25 per cent. with a minimum valuation of 35 cents the square yard. Certainly this has not the appearance of a temporary arrangement, to give American manufactures the opportunity for development. When have the manufacturers, here or in England, been contented, or able to part with a bounty which the law has once given them?

Your memorialists are also unable to comprehend how the country is to be benefited by enticing into manufactures that capital which it is said now lies unemployed. What difference is it to the country, whether the capital lies unemployed, or its employment is paid for by an additional charge upon the consumer? If it is unemployed, the capitalist bears the loss: if it is employed in manufactures, which are sold at an enhanced price, the consumer bears the loss. In the one case, the capitalist loses his interest; in the other, the consumer pays it, by paying just so much more than he would have paid if the capital had been unemployed, and he had purchased at a

foreign market. The country is in no respect a gainer by the employment. It is not intended by your memorialists to say that there is not much unemployed capital in the country. Much of it, however, is of a kind that cannot be converted into manufactures, and that part which can, can only be converted by that slow and healthful absorption which is made from day to day, in a system that is left to the care of nature.

But, if manufactures are to attract to themselves the capital which now lies unemployed, your memorialists would ask what is to be the fate of that capital now employed in commerce, and which the tariff is to displace? It certainly is not within the contemplated effects of the tariff to increase the consumption of manufactures by increasing their price. The quantity will, at all events, be no greater than heretofore; and, if this shall be the case, what the new manufactures take up, the present commerce must give out, with this advantage, that much of what it gives out must be lost, because it cannot be converted into any thing else.

So plain are these consequences, in the apprehension of your memorialists, that they cannot but presume they are in the contemplation of those who espouse the new tariff, and that it is intended, by this portentous bill, to change the relations of the United States with the whole world; to compel her to manufacture all she consumes; to depend for nothing upon a foreign country, which it is physically possible for her to make, and to withdraw her sanction from those mutual relations of dependence and exchange, upon which the refinement and the happiness of the world have been heretofore supposed to depend. If this shall be the work of the nation, acting without the control or guidance of the law, it may then be inferred to be the best thing for the nation; but, under the control of the law, your memorialists confidently believe that this effect will never be produced.

They cannot believe that commerce and agriculture are to sink into insignificance, and that manufactures, like Aaron's rod, are to swallow them both up.

If this unsocial independence is to become the idol of the United States, it is worthy of consideration how far foreign Powers, and particularly Great Britain, may think it expedient to practice upon the same principle. If we take nothing from her, she may take nothing from us. She will certainly take nothing from us if she can obtain the same thing from her own colonies, or from a friend that will, at the same time, become a customer. If the cottons of the United States average half a million of bags annually, beyond the domestic consumption, bringing to the cultivator upwards of twenty millions of dollars, at low prices; if not more than fifty thousand bales are returned upon us in manufactured goods, from all the world; if our tobacco amounts to nearly one hundred thousand hogsheds, beyond domestic consumption, producing to the grower eight or nine millions of dollars; if the returns for these values, now made in foreign fabrics, are not to

come hereafter in that shape, the United States must prepare not to see them come at all.—They must prepare to see the East Indies, the Black Sea, every quarter of the habitable globe, stimulated by bounty to itself, and by restriction upon us, to take our place in the markets of Europe, and to leave these commodities upon our hands; to leave in our docks, to perish, the two hundred thousand tons of shipping employed in their carriage; to lose the six or seven millions of dollars of freight which they earn; to turn over to beggary the ten thousand seamen employed in their navigation; and the ship-builders, boat-builders, blacksmiths, sailmakers, ropemakers, riggers, caulkers, joiners, and other artisans, employed in their construction. This day of downfall to the United States your memorialists do not anticipate; but it is because they do not anticipate the success of that policy which seems to lie at the foundation of the new tariff.

At the conclusion of these evils, your memorialists do not hesitate to mention the moral effect of the proposed tariff, as not being among the least of its disastrous tendencies to this community. It is unquestionably true, that so wisely, for the most part, have the Legislature of the Union proportioned the duties of the ability of fair trade, that in no nation upon earth is there less evasion of the law by smuggling. Yet, a coast and country better adapted for it are not to be found; and effectually to prevent it would require the supervision of a line of frontier amounting to more than three thousand miles. Man is, unhappily, such as circumstances make him; and there is a bounty under which crimes will flourish, as well as manufactures. Far less than the duties of the proposed tariff would, it is apprehended, give a munificent reward to the smuggler. Spain was, and is, a country of prohibitions, of restrictive duties, and monopolies. According to Bourgoanne, the Government lost, by smuggling, seventy per cent. of its imposts; and, notwithstanding the immense numbers employed to guard the revenue, a single neighboring nation carried on a contraband trade with that country to the enormous value of twenty millions of piastres annually.

In the late war between the United States and Great Britain, short as it was, and with but little time for the preparations which unlawful trade requires, even more than lawful, the introduction of contraband goods, from the Canada frontier, was open, notorious, and daring, notwithstanding it united almost the guilt of treason with that of smuggling. Your honorable bodies cannot but know how dangerous it is to enlist even a prejudice, if it be a general one, in favor of a violation of law; and how vain it is to legislate against the habits, the interests, and particularly the passions, of a large body of people.

Your memorialists cannot conclude, without submitting to Congress, that some of the provisions of the bill referred to, seem as if directly aimed at the existence of foreign commerce, by striking at its most important element—that of ship-building—as it raises the duty on foreign hemp from thirty dollars per ton, to two cents per

pound; and, consequently, the increased price of cordage will fall on the builder of ships, without a collateral advantage to any one. These charges, with the duties on duck, iron, chain cables, and ship-chandlery, are estimated to enhance the cost of building a ship of three hundred tons, from the sum of six hundred to one thousand dollars. The real effect of many of the provisions of the bill is, moreover, different from the apparent one; many calculations have been made to show this. Duties on woollen and cotton goods, which are nominally thirty and twenty-five per cent. extend from those duties to upwards of one hundred per cent.; and the cheaper the article is abroad, the heavier is the duty. The operation of the law must, consequently, fall with most severity on the poorer classes, who will pay a duty of from thirty to one hundred per cent., and more, on their coarse cottons and woollens, while the rich will pay the uniform duty of twenty-five and thirty per cent. on their finest cotton fabrics and broadcloths.

To the principle of the law your memorialists are, however, more opposed, than to its details. It seems to them to be a political theory, under the name of a duty bill; and that a theory, which both argument and experience have exploded—the theory, that Government knows better than an individual what is good for him, and can better employ his skill, his labor, and his capital; that it is wiser, and more economical, to buy dear of our own people, than cheap of foreigners; and that it is competent, in these times, for a nation to grow wealthy and happy, with her gates opening outwards to sell every thing, but to buy nothing.

Your memorialists, therefore, respectfully pray that Congress will not pass the tariff bill into a law.

By order of the Chamber,

ROBT RALSTON, *Pres't.*

Attest:

JOHN VAUGHAN, *Sec'ry.*

PHILADELPHIA, February 23, 1824.

REMONSTRANCE

Of the Chamber of Commerce of New Haven, against the Tariff Bill.—February 27, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Chamber of Commerce of New Haven, in the State of Connecticut, respectfully sheweth:

That, being impressed with a deliberate and decided conviction that the bill, now pending before Congress, proposing a great increase of duties on foreign imports, if passed into a law, will be productive of consequences extremely injurious to the best interests of the community, your memorialists cannot but view the manner in which this measure is pressed upon the attention of Congress with much surprise and regret.

Notwithstanding the great show of petitions from particular districts, and the excitement raised

by the great efforts of some ardent individuals, we are fully persuaded that a large majority of the citizens of the United States is decidedly opposed to an increase of duties on foreign imports.

Your memorialists are sincere advocates for the encouragement, protection, and support, of our own domestic manufactures. At the same time, we believe that the body politic, in order to be sound and healthy, must possess all its members in full vigor; that agriculture and manufactures cannot say to commerce: "we have no need of thee in disposing of our products;" and that nothing can be more inconsistent than for commerce to claim an existence independent of agriculture and manufactures. We believe that the interest of neither of these can flourish, in this country, without the aid of the other two; that these three great sources of the wealth of nations must grow up together; and with the growth of the nation. The oak which constitutes a ship's keel, derived its existence from an acorn; and no substitute can be found for the time that necessarily elapsed between its first germination and the period of its maturity. So it is in relation to manufactures. A portion of time, equal to the lapse of several generations, is inseparable for their general, successful, and permanent establishment, in any country. No regulations of Government; no amount of capital employed can obviate the necessity of its being a work of progression. Any attempt to build up manufactures, suddenly, must fail; and, although the attempt may subject the whole community to much embarrassment and inconvenience, there is no class of citizens that will suffer so severely, by such failure, as the manufacturers themselves.

But, waiving the many, and, as we believe, unanswerable objections, to the principle of the bill, your memorialists beg leave, respectfully, to state, that, in their view, the high specific duties proposed to be laid on some articles, will operate unequally, and therefore unjustly. Among these may be mentioned the proposed specific duty, amounting to more than forty per cent., on bar iron, an article on which we consider the duty, already imposed, to be altogether too high, and one which we believe produces a positive injury to agriculture, commerce, and manufactures.

About thirty thousand tons of bar iron are annually imported into the United States. A large proportion of this iron is used and consumed in the Northern States, including New England and the State of New York. The agriculture of this section of the country demands a large and constant supply of iron. At least ten times as much iron is made use of in cultivating a given quantity of land in New England, as is used in the cultivation of the same quantity of land in the Southern Atlantic States. The implements of the Northern farmer are chiefly of domestic manufacture, but are, to a great extent, made of foreign iron, and must, of necessity, continue to be made of foreign iron, even if the proposed duty should be laid, the iron from Russia and Sweden being better adapted to this purpose than that which is made in this country. The Middle States manu-

facture iron for themselves, and some for the States to the South.

The tiring and ironing of carts, wagons, ploughs, and harrows, of the Northern farmer, his chains, hoes, shovels, spades, scythes, &c., are made mostly of foreign iron. He cannot move in Winter, and no considerable distance in Summer, unless his horses and oxen are shod with iron, and coked with steel. The quantity of foreign iron used in the single item of shoeing horses and oxen, in this section of the country, is not inconsiderable. Is it not, then, unequal and unjust, that the Northern farmer should pay such an enormous tax on iron, which is to him an article of first necessity.

Much of the foreign iron, imported into the United States, is used in the construction of machinery, and in the manufacture of nails. Bar iron is emphatically a raw material to almost every other manufacturer, except the maker of bar iron. Iron and steel are the chief materials used in all manufactures of hardware, and in fabricating the implements used in all mechanical employments. These metals are principally used, and are, incomparably, more expensive than all other materials which are made use of in erecting the machinery employed in manufacturing cotton and woollen goods. In short, almost all tools, and a great proportion of all machinery, are made of these metals. Encourage other manufactures, by affording to every part of the country the greatest facility in obtaining bar iron, and you will create a demand for bar iron; but discourage other manufactures, by making bar iron scarce and dear, and you will, in a great degree, destroy the demand for bar iron itself.

A very considerable portion of the foreign iron brought into this country is used in ship-building. If such duties are imposed on iron and hemp, as will cause these articles to cost nearly twice as much in this country as they cost in other countries, how is the American merchant to compete with the merchants of other countries, in building and navigating ships, the former discriminating duty on foreign tonnage being almost entirely abolished?

In answer to all this, the wealthy proprietors of the iron mines in the interior of Pennsylvania will reply, and say—indeed, they have already said—"Let the New England people come to us for iron to shoe their horses, build their ships, and carry on their manufactures. We own ore enough to make a sufficiency of iron to supply all America, and it is a shame that it should lie dormant. We want an income from it. We will sell them as much ore for fifteen or twenty dollars as will make a ton of iron, provided they will come and dig it out of the earth and refine it. Let the Eastern people come here and make their iron, or employ somebody to do it. We have a fine productive soil, also, and can supply them with provisions while they are thus employed. In this way, a market will be created at home for our surplus produce, and we shall then be rich and independent. Then money will not be sent out of the country to purchase foreign iron, and encourage foreign manufactures." This the proprietor of

the iron mines, in the interior of Pennsylvania calls "a plain practical view of things as they should be." In reply to which, your memorialists respectfully ask permission to present a concise view of things as they are.

In the first place, money, to any considerable amount, is not sent out of the country to purchase iron. Ships employed in the Russian trade take from the United States to different ports in Europe fish, rice, and the cheaper kinds of ardent spirits—such as New England rum, whiskey, &c. and bring back cargoes of hemp and iron. Thus the labor of the fisherman results in the production of the substantial article of bar iron; and, in this way, a given quantum of labor produces to the country a much larger quantity of iron than could be produced by the same quantum of labor, applied directly to working the ores of our own country. Suppose the fisherman to be equally as skilful and expert in making bar iron as he is in taking fish; even in that case he could catch as many fish in one day as would pay a Russian or a Swede for as much iron as he could himself make in three days. Under these circumstances, can it be a wise regulation which shall compel the fisherman to relinquish his occupation, and go to making iron in Pennsylvania, in order that he may drink up the surplus whiskey which is made there, instead of exchanging whiskey and fish for iron and hemp; especially when it is considered that the exchange will produce to the country at least three times the quantity of iron that could be produced by the labor of the fisherman, aided by the strength of the whiskey?

The beneficent Creator has wisely placed mines of iron ore in the interior of Pennsylvania, which were undoubtedly designed for the supply of the inhabitants there; but it would be unreasonable and unjust to compel the inhabitants of other, distant States to go there for a supply of iron, when at the same time they have a much cheaper and more convenient resource. The same kind Providence who gave iron ore to the interior of Pennsylvania, supplies the Eastern waters with fish; and commerce, though it may not possess the full power of the philosopher's stone, of turning every thing into gold, has the power of converting fish and whiskey into iron, which is a much more useful metal to mankind than gold itself.

One feature in the bill now before Congress, which we think particularly unhappy, is the tax of six cents a bushel on coal. About one million of bushels of coal are annually imported into the United States, and the present duty of five cents a bushel pays into the Treasury about fifty thousand dollars. A tax upon coal raises the price of fuel in all our seaports. As fuel is consumed in very many of the manufactories of our country, and in every family, it seems to be consistent with good policy, and with a sincere desire to promote the prosperity of our manufacturing establishments, that it should be as cheap as possible. The inhabitants living on the whole seacoast of the United States, and to a considerable distance in the interior; all those who live in the vicinity of

our navigable rivers; and many who are concerned in manufactories where fuel is consumed,—are interested in having coal free from duty. To the ship-owner it is a subject of much importance that coal should be free from duty. Our ships are sent to Great Britain with the products of our soil, which are much more bulky than the manufactures which we receive in exchange; of course, many vessels must return empty or in ballast. If they can take in cargoes of coal and obtain a small profit, that useful article will be brought, instead of ballasting the ships with sand or stone. Hence, was coal admitted free from duty, much larger quantities would be brought into the country, and the ship-owner would be enabled to make a small freight on his return cargo, when he could not obtain goods with which to load his vessel. But, notwithstanding these reasons, it is taxed. We cannot conceive that any one is benefited by taxing it, unless it be a few individuals—perhaps from ten to twenty—who own coal-pits near the tide-waters. We would ask, is it wise, is it just, that the whole population of our seacoast, and many of our ship-owners, should be laid under contribution for the benefit of a few persons?

It has generally been considered that the owners of our manufacturing establishments, in order to be prosperous, must be able to purchase the raw material, which they work up at a low price. One article mentioned in the new tariff, now before Congress, as a proper object of taxation, is wool; and on this it is proposed to lay a tax, after the 1st of June, 1827, of fifty per cent. Now, as our country does not furnish sufficient quantities of wool to supply our own consumption, we are at a loss to discern how a duty of fifty per cent. on that raw material is to increase the prosperity of our manufactories.

We have mentioned these particular articles in the proposed tariff, not because they are the only ones on which a tax is objectionable, or because the absurdity of laying a heavy duty is more apparent on these than on others; but merely because we thought it necessary to specify some few, in order to show that our objections to the proposed law were well founded.

It has often been said, and said with truth, that the merchants of this country have been very fair and honorable in their dealings with the Government: they have entered their goods honestly, and discountenanced smuggling. But, if the proposed tariff is adopted, such heavy duties will be laid on some articles, that there is great reason to fear that unprincipled men, for the sake of the great gain held out to them, will be induced to smuggle their goods as a common thing; and, in this case, in order to effect the execution of the laws, a little army of custom-house officers will be required on our extensive seaboard, to the great injury of the revenue of the country.

Your memorialists have full confidence that the commerce of the United States, if placed under a few simple regulations, will flourish and increase; and if commerce prospers, the agricultural and manufacturing interests will regularly advance and strengthen; but if new tariffs are proposed every

Memorial of George Jones and others.

year or two, and our commerce is hampered by heavy duties, they fear that, although our nation in its youth has been athletic and vigorous, it will soon be hurried to a premature old age. If the plan of altering and increasing the duties every year or two is continued, they fear the next step will be, to grant monopolies to individuals; a system fraught only with mischief, and under which a considerable portion of Europe has groaned for centuries.

With these views, your memorialists take the liberty to remonstrate against the new tariff, which has been proposed to your honorable body; and they pray that it may never be adopted as a law of the land.

By order of the Chamber of Commerce,
G. TOTTEN, *President*.
T. DWIGHT, *Secretary*.
NEW HAVEN, February 24, 1824.

MEMORIAL

Of George Jones, and others, praying that no addition may be made to the existing Tariff.—March 3, 1824.

SAVANNAH, February 9, 1824.

At a large and respectable meeting of the merchants, planters, and citizens, of the city of Savannah, held this day, at eleven o'clock, at the Exchange, convened in pursuance of public notice, to take into consideration the propriety of sending a remonstrance to the Congress of the United States, now in session, against the new tariff bill, William B. Bulloch, Esq., was called to the chair, and William Gaston appointed secretary. The following resolutions were unanimously adopted:

Resolved, That the Chairman appoint a committee of seven, to form a memorial to Congress, remonstrating against the passage of the law proposing a new tariff, and now before that body, and that the said committee have the memorial ready for the signature of the citizens of this community, on Thursday next, at eleven o'clock, A. M., and that their attendance be requested at that period, to subscribe the same accordingly. The following gentlemen were appointed that committee: Judge Jones, General Harden, B. Burroughs, Alexander Telfair, Doctor Daniell, Joseph Cumming, and Thomas Young.

Resolved, That a committee of three be appointed by the chairman, to correspond with the interior towns of Georgia, communicating to their citizens the proceedings in this place, and soliciting a co-operation in the proposed remonstrance to Congress. The following were appointed by the chairman, to be a committee: Judge Wayne, S. B. Parkman, G. B. Cumming.

Resolved, That this meeting be now adjourned to Thursday next, at 11 o'clock, A. M.; to be held in the Exchange long room.

W. B. BULLOCH, *Chairman*.
WM. GASTON, *Secretary*.

SAVANNAH, February 12, 1824.

A meeting of the merchants, planters, and others,

of the city of Savannah, and its vicinity, was held at the Exchange, this day, in conformity with the adjournment from Monday last, to receive the report of the committee appointed to prepare a memorial to Congress, remonstrating against the passage of the law proposing a new tariff. The committee attended accordingly, and reported a memorial to the meeting: Whereupon, it was

Resolved, That the memorial be accepted and approved of, and that the same be forwarded, at as early a day as possible, to our Senators and Representatives in Congress; the same to be signed by the committee, and countersigned by the chairman and secretary.

W. B. BULLOCH, *Chairman*.

WM. GASTON, *Secretary*.

To the honorable the Senate and the House of Representatives of the Congress of the United States:

The memorial of the undersigned citizens of Georgia, residents in the city of Savannah, and county of Chatham, is respectfully submitted to your honorable body; in which we beg leave to represent our objections to a "Bill to amend the several acts for imposing duties on Imports," as reported by the Committee of Manufactures, at the present session of Congress.

We believe an increase of the tariff, on the principles of the bill referred to, will be oppressive to the great agricultural interests of the Union; injurious to the commercial prosperity of the nation, in its operation on every class of society, throughout the whole Republic; and of doubtful eventual advantage to the small proportion intended to be benefited.

Your memorialists have ever felt that the policy of our Government was, to afford to the consumers of the country the means of supplying their wants in the cheapest mode, whether the articles required are the products of foreign or domestic labor. If the domestic manufacturer can come into equal competition with the foreign, he must trust to the national feeling in his favor to insure him a preference. But, if the workshops of Europe can furnish the consumer at a lower rate, shall he be compelled to purchase of the home manufacturer, because he has not the talent, the skill, or enterprise, to compete with the foreign? Who, therefore, seeks from the Government a bounty, at the expense of the great body of the people?

The cotton, rice, tobacco, flour, &c., produced by agricultural labor, contend with the growth of other countries; and to us there appears no good reason that our manufactures should be exempted from the ordinary laws of trade, by receiving the benefits of the exclusion of foreign articles, which gives them the advantages of monopoly.

The power of Congress to "lay and collect taxes, duties, imposts, and excises," does not, in the opinion of your memorialists, delegate the right to lay duties and imposts in such an oppressive form as to make a resort to taxes and excises the necessary consequence; nor is the power given to levy them in such a manner, as to operate as a bounty

Memorial of George Jones and others.

to an inconsiderable few, to the injury of all the other interests of the Republic.

Your memorialists believe that the systems of monopolies and excessive imposts, long maintained by usage, had their origin in the ignorance, the struggles, and jealousies, of remote times; and such a state of affairs has been produced, that change is considered difficult, or impossible; and adherence to them the safest course. But in this country, this system of legislation, intended to benefit the few, and impoverish the larger proportion, has been found contrary to the spirit of our institutions, and, therefore, to the interests of the great body of the people; and we have acted on another, which has operated to produce a general distribution of wealth; and our past prosperity, and rapid growth, furnish the most unequivocal proofs of its excellence. Your memorialists conjure you not to depart from it.

Your memorialists know that the profits of agriculture are small; yet, if the bill to increase the tariff prevail, that interest will be called on to pay, in the form of a bounty to the manufacturer, the duty which it now pays to the Government; withdraw this duty from the Treasury of the Union, and the inevitable consequences are, a failure to meet the annual expenses of the Government, and a resort to direct taxation. We contend that the loss vastly outweighs the present proposed advantage. In the present state of commerce and agriculture, their interests are inseparable, and a measure injurious to one, will materially affect the prosperity of the other. Cut off from foreign nations the privilege of exchanging commodities with us, and you lessen the demand for the raw materials of agriculture, and you injure the commerce depending on it, and abstract from both the ability to bear the public burdens. Our commerce has, hitherto, with untrammelled energy, visited every portion of the earth, established our name among distant nations, and supported and nourished our seamen, from whom we derive much of our wealth, and the larger part of our distinction as a nation. We apprehend the spirit of the system proposed for encouraging manufactures, will exchange our seamen for the sickly unmanly population of manufactories.

Your memorialists believe the increased and increasing duties proposed by the tariff will produce measures of retaliation on the part of foreign Governments, by the imposition of additional imposts, on American cottons, and they will look to other countries for their supplies, where exchanges of commodities can take place. This important staple of the South must be lessened, and the capital employed in it by agriculture and commerce directed to other objects, or large supplies remain on our hands, unconsumed by the manufacturers of this country; and further, the profits of manufactures, fostered as proposed by this bill, present the prospect of profitable investment to those capitalists who shall first embark in the business. The example of these will be followed by others, and allurements will be held out, and the way opened for that wild speculation which the enterprising character of the nation is too prone to

yield to. Thus, your memorialists believe, that, by the rapid investment of capital in manufactures, a home competition will be produced, more dangerous in its consequences to manufactories already established than foreign rivalry, restrained by moderate duties.

The Southern States cannot participate the benefits or profits of manufacturing, being agricultural and commercial; and, for our own section of this State, and in behalf of the known interests of all the other districts, we, with the other nine millions not engaged in manufactures, demand an exemption from the excessive taxes, or imposts, for the benefit of less than four hundred thousand. They have voluntarily chosen to embark in this business, and they ought to have commenced under better calculations than those founded on wringing out contributions from the two other more important interests of the country.

Your memorialists cannot avoid again advert- ing to the large amount and value of the cotton produced in the Southern States, and the comparatively small consumption at home. About six hundred thousand bales were produced in the year 1822; and we compute the domestic consumption, in the year 1823, at not more than sixty thousand bales. What shall be done with the excess, if you should, by burdensome imposts on British manufactures, shut that market against us? We may be obliged with true Asiatic policy, to destroy one part that we may insure a market for the other.

Your memorialists perceive, by examination of the newly proposed amendments of the tariff, that, on many articles of the first necessity with us, the duties are to be increased. We particularly mention coarse woollens, osnaburgs, cotton bagging, and our chief implements of agriculture; and to these we would call your most especial attention.

Your memorialists had hoped that the gradual increase of duties heretofore made, would have been sufficient to satisfy the claims of manufacturers; but, as their demands increase with the protection afforded them, we pray that the proposed additions to the tariff be rejected by your body.

Your memorialists would sum up their remarks by expressing their belief that the proposed tariff will be oppressive, in its operation, to the great landed, agricultural, and commercial interests of the country; unjust, as calculated to force upon the people the burden of direct taxes, not warranted by a state of peace; doubtful in its ultimate advantages to that interest which is now asking encouragement; and certain only in being oppressive to the great body of the people. For these reasons we lay this memorial before you, and respectfully ask that no increase or modification of the existing tariff be made, except, only, with the single object of meeting the annual expenditures of the Government, and the gradual redemption of the public debt, the only legitimate causes of taxation in times of profound peace.

GEORGE JONES,

And Others.

WM. GASTON, *Secretary*.

Memorial of Merchants of Baltimore, &c.

MEMORIAL

Of sundry merchants, traders, and other citizens of Baltimore.—March 3, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the subscribers, merchants and traders, and citizens of Baltimore, respectfully represents:

That your memorialists have viewed with deep concern the progress of the bill now pending before your honorable bodies, which has for its object the establishment of a new tariff, or to amend the several acts imposing duties on imports.

The provisions of that bill, if carried into execution, your memorialists apprehend, will seriously affect their rights and interest, as well as the rights and interest of the largest portion of the community.

Under our free and happy Government every citizen is at liberty to employ his capital, labor, and resources, of every kind, in the way that he may deem most profitable, useful, or agreeable, to himself, provided it does not violate law or the rights and privileges of others. It is the great and important office of Government to give equal protection to all lawful occupations, and never to cherish or exalt one at the expense of others. A deviation from this principle cannot fail to work injury and injustice. The very heavy duties contemplated by the bill in question, on many articles of foreign production, amount to a prohibition of their importation, and in the same degree operate in a premium or bounty to the manufacturer of the like article in this country. By this operation the merchant is checked in the freedom of his pursuits, and the consumer is heavily taxed. One part of the community is likely to be exalted at the expense of all the rest, and of course the law would be partial and unjust. Our Government was instituted for the purpose of promoting the general welfare, and when it deviates from this course, it ceases to be useful. The citizen who has embarked his fortune in commerce, or navigation, or agriculture, is equally entitled to the protection and encouragement of Government with the manufacturer; nor ought the strong arm of Government to be ever extended for the purpose of elevating the one above the other. That this would be the result of the proposed new system, if carried into execution, may be demonstrated, and has been already shown by the memorials already presented to your honorable body, by the New York Chamber of Commerce, and others. It will interfere, too, with the exchange of commodities with other nations. If we do not buy their manufactures they will not be customers for the produce of our country. This abridgment of commercial rights is an immediate loss to the merchant, and will be an incalculable injury to the cultivators of cotton, rice, and tobacco, and commerce generally, provided a spirit of retaliation is exerted in other countries, and a system of countervailing duties is adopted by them, than which, no event in the womb of time is more probable.

A direct and certain effect of extravagant or excessive duties is to introduce smuggling. No evil is more to be shunned than this, in a country, and under a Government, constituted as ours is. If ever it is encouraged by a respectable portion of the community, however small, it will quickly grow into extensive practice, and will require more force than the Navy and Army of the United States to put it down. The immoral effect and the injury to the public revenue and to the fair traders, will be felt for ages. Our republican institutions rest, for support, on the virtue of the people, and wise legislators will deprecate every measure that has a tendency to corrupt them. The new tariff, your memorialists humbly conceive, is one of this character. If the object of the depending bill is not to exalt one occupation at the expense of all the others, your memorialists are at a loss to understand for what purpose it is introduced. It cannot be for revenue. The old order of things has filled the Treasury to overflowing. This result has been produced without oppression, and all rejoice in it. Why change a certainty for a doubtful experiment, with odious and alarming features? Such conduct, your memorialists humbly conceive, is not compatible with wisdom or policy. It certainly is not compatible with the spirit of our free Constitution. The manufactures of the country are amply protected at present. They flourish wherever they are conducted with skill and prudence, and are very able to stand alone. Your memorialists regret that they cannot say the same of our commerce and navigation. These languish, and are depressed to a degree that excites serious alarm, and are most worthy of the fostering care of Congress. They have been sources of wealth, and have yielded the means of support to Government.

Your memorialists might urge other and powerful arguments against the passage of the bill in question into a law. But the subject has been already so ably treated in the New York and other memorials, that more need not be stated at present. Your memorialists concur in the sentiments and opinions of these memorials, and believe, with their commercial brethren in other places, that the evils of the new system, if adopted, will preponderate over the good to be expected from it; that, in principle, it is unjust, and, in practice, will be oppressive to a great majority; that it will injure commerce, navigation, and agriculture. That it is calculated, in its operation, to benefit the few at the expense, and to the great injury, of the many; and that it will promote smuggling, impair the revenue, and destroy the fair trader.

Your memorialists, therefore, pray that the bill may not pass into a law. And they will pray, &c.

MEMORIAL

Of Sundry Farmers of the State of Pennsylvania.—March 3, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the subscribers, citizens of

Memorial of Farmers of Pennsylvania.

the city and county of Philadelphia, respectfully sheweth:

That the existing tariff requires an early and thorough revision, so as to remove the strong objections to which it is liable in its present form.

I. It is manifestly unjust and impolitic; as, contrary to the first principles of policy and justice, it imposes oppressive duties on necessities of life, some of them used wholly by the poor, and admits on low duties conveniences and luxuries, some of them used wholly, and all of them chiefly, by the wealthy. The duties on molasses is about 42 per cent.; on brown sugar 100 to 120; on bohea tea 120; on souchong 150; and on salt 180. Whereas gold and silver plate, jewels, lace and lace veils, watches, &c., pay but 7½; clocks, silks, satins, cambric linens, bombazets, gauzes, and Canton crapes, but 15—China, elegant cutlery, girandoles, and lustres, but 20—and plated ware, fine muslins, calicoes, kerseymere, broadcloth, cashmere, and merino shawls, Brussels and other carpets, but 25. To show the extreme violation of justice in this respect, it will be sufficient to state, that 100 dollars worth of salt, 180 dollars worth of brown sugar, 150 dollars worth of bohea tea, or 120 dollars worth of souchong, pay as much duty as 720 dollars worth of Brussels carpets, Cashmere or merino shawls, or broadcloth; 900 dollars worth of porcelain or girandoles; 1,200 dollars worth of silks, satins, gauzes, or Canton crapes; or 2,400 dollars worth of silver plate, jewels, lace, or lace veils. We feel confident that the most aristocratical or despotic Government in Europe cannot furnish a more shocking instance of partiality towards the rich and oppression of the poor.

II. The tariff is liable to objection on the score of partiality on another ground. It protects certain species of the productions of the national industry by exorbitant duties, and exposes to ruin, from foreign rivalry, those citizens employed on other productions, entitled, on every ground of justice, to equal protection. We have seen that the wealthy sugar planter is protected by a duty of one hundred per cent. The tobacco planter is protected by a duty on manufactured tobacco of 10 cents per lb., which, at the ordinary rates abroad, is also one hundred per cent. Both these articles are bulky, and subject to very heavy freight, averaging probably at least fifteen per cent.; whereas the poor stocking weaver has only a protection of 20 per cent.; the manufacturer of fine muslins and woollen goods only 25 per cent.; and the manufacturer of ironmongery, steel, copper, tin, brass, and lead, only 20 per cent. The freights on some of these latter articles are not above 2; on others 8, 9, or 10 per cent.

It is with strong feelings, which we will not express, but which may be readily conceived, that we have observed, whenever an attempt has been made to afford further protection, by an increase of the existing duties, for instance, on woollen and fine cotton manufactures from 25 to 33 per cent.; on manufactures of iron, steel, brass, copper, &c., from 20 to 25, that the tobacco and sugar planters, thus exorbitantly protected them-

selves, regardless of the equal rights of their fellow-citizens, have united in a solid phalanx, to vote down the proposition. On this extraordinary conduct, it would be wholly superfluous to offer the comments which will readily present themselves to your honorable houses.

The tariff is liable to strong objections on other grounds.

III. For the encouragement of national industry, the wise nations of Europe have almost universally admitted raw materials at low duties, or duty free. This principle is recognised in our tariff in many cases. But in others it imposes equal and sometimes higher duties on bulky raw materials, than on the articles fabricated of them.

Flax and wool pay a duty of 15 per cent. Hemp a duty equal to 33; cotton a duty equal to about 37½. Whereas linens—all other articles made of flax—camlets, and calimancoes, pay but fifteen. Hempen cloth, (except Russia and German linens, Russia and Holland duck,) pay but 20 per cent.; fine cottons 25, and cotton stockings only 20. Thus, in some cases, the raw material pays 50 and 60 per cent. more duty than the manufactured article.

We would observe that the bounty on British linens at five pence per yard is 20 per cent.—at six pence per yard is 25 per cent.—and on higher priced, from 10 to 25; whereas our duty, as above, is only 15. Thus the bounty on low priced linens pays not only the duty but the freight.

We have never objected, nor do we now object, to the liberal protection afforded to commerce, which has been guarded by every precaution that legislative wisdom could devise. We have never murmured nor repined at the enormous expense it entails on us, for fleets, armies, and ambassadors. But we must deeply regret, that whatever distress prevails among the manufacturers—(as, for instance, in the disastrous years 1819, '20, and '21, when ruin spread among them far and wide,) whenever any attempt has been made to afford them relief, the merchants have united their paramount influence with as much zeal to defeat the measure, and prevent the relief of their fellow-citizens, as if their own vital interests were about to be destroyed—or as if the manufacturers were not equally entitled to the protection of the Government with themselves.

We will enumerate some of the great advantages enjoyed by the merchants, and wish them contrasted with the additional protection for manufacturers proposed by Mr. Baldwin's bill.

1. Foreign vessels are absolutely prohibited, under penalty of confiscation, from carrying on the coasting trade; thus securing it to our own merchants exclusively.

2. Goods imported in foreign vessels pay an addition of ten per cent. on the duties charged on those imported in American vessels.

3. American vessels pay but six cents per ton on entry; foreign vessels, not on the most favorable footing, 50 cents. A difference of 700 per cent.

4. The duty on souchong and other black teas in American vessels is 25 cents per pound; on

imperial and gunpowder, 50; on hyson and young hyson, 40; and on hyson skin, and other green teas, 28: whereas, in foreign vessels, the duties are 34, 68, 56, and 38 cents; making a difference of duty in favor of the American merchant, of no less than 37 per cent.

These and other advantages early elevated the American tonnage to the second rank in the scale of nations—and would alone be sufficient to prove the necessity and immense advantage of protecting national industry from overwhelming foreign competition. Had the *let-us-alone* policy prevailed in regard to our shipping, we would never have attained the rank which we now hold.

Against the proposed measure a Constitutional objection has been raised. It is very confidently asserted, that Congress possesses no right to impose duties to protect manufactures, or for any other purpose than revenue. We respectfully conceive that this objection will not stand investigation. The high duty on manufactured tobacco, coeval with the Government itself, was intended for the protection of the tobacco planter. It has no reference whatever to revenue; as the whole amount collected from tobacco, since the Government was formed, would not pay the salary of a naval officer for a single year. The high duties on foreign spirits were imposed to aid the farmer, by protecting the distillation of American spirits, and thus securing him a market for his grain. The high duty on hemp was originally laid to enable the planters of South Carolina and Georgia, to cultivate that article, as at that time, [1789,] rice and indigo, their two leading staples, had sunk so low in price, as not to be worth cultivating.

Among the objections to the modification of the tariff, great emphasis is laid on its tendency to promote smuggling. The chief duties proposed by Mr. Baldwin's tariff, were those on woollens and fine cottons, 33 per cent. instead of 25; 25 per cent. on manufactures of iron, steel, brass, copper, tin, lead, &c., instead of 20; and, for sake of revenue, 25 per cent. on silks and linens. We respectfully conceive that it is sufficient to meet this objection, to state, that while we impose 120 and 150 per cent. on teas, 100 per cent. on pepper, 50 per cent. on pimento, 100 per cent. on spirits and sugar, 50, 60, 75, and 80 per cent. on wines, it is utterly inconsistent to allege the danger of smuggling, as a necessary result of imposing duties of 25 and 33 per cent.

We wish to meet one other objection to the protection of manufactures—the danger of extortion—after the example of the period of the war, in which prices were raised, as it is said, exorbitantly. It might be sufficient to repel this objection, to state, that the great rise of raw materials, wool for instance, from 75 cents to three and four dollars per lb., would have warranted a greater rise than actually took place. But we beg leave to observe that, in the year 1815, at the period of the enactment of the present tariff, when the clamor against extortion was first excited, and zealously urged, flour rose from eight to ten dollars; upland cotton from 13 to 20 cents—and

tobacco from ninety-six to one hundred and eighty-five dollars; and that on the declaration of war, most imported articles were raised at once 20, 30, 40, and 50 per cent. We trust that these plain facts, on which we forbear to dilate, will set this objection at rest forever, with all men who regard their character.

Hitherto we have considered the subject merely as regards the prosperity of our manufactures—and the equal claims of our manufacturers. We now wish to consider it on higher ground—in a grand national point of view.

We have been at peace for very nearly nine years. No great national calamity has visited us during that period. We have been blest with superabundance of all the fruits of the earth. Of one of the most valuable raw materials in the world, we produce, at least, three-fifths of the entire consumption of Europe and America. Our natural, moral, and political advantages, never were exceeded, perhaps never equalled, in the annals of the human race. Under a good system we could not possibly have failed to enjoy great prosperity—every order, condition, profession, and trade would thrive. Full employment would be had for every man, woman, and child, disposed to industry. The country would exhibit the appearance of a terrestrial paradise—and would really hold out "an asylum to the oppressed of all nations." But to the members of your honorable houses, coming from the East and the West, the North and the South, we appeal for the truth of the following facts:—that, with the exception of certain situations and occupations, enjoying particular advantages, depression pervades the land—that so much of the industry required to supply our wants, is performed in foreign countries, that almost every rank and condition in life, every trade, profession, and occupation, is crowded—that most of our great staples, although reduced in quantity since the year 1801, (notwithstanding an increase in our population of 87 per cent.,) are so far beyond the demand of the foreign markets, as to reduce the price below what affords a reasonable remuneration to the cultivator; in one word, that with all the blessings that could be desired to secure national happiness, the situation of the country is very far, indeed, from prosperous.

That a change of our system is requisite, must therefore be obvious to the most superficial observer. That nothing further can be done for commerce, is equally clear. For agriculture, which, with few exceptions, has the exclusive supply of the nation, little is within the power of Congress. But the department of manufactures affords ample scope for healing the wounds of the nation.

No country ever fully availed itself of its advantages, which devoted an over proportion of its industry to agriculture. Let us examine the case of Italy, Spain, Portugal, Ireland, and Poland, rich in the utmost profusion of the gifts of nature—and with vast surpluses of all the necessities of life, yet exhibiting, amidst boundless abundance, the most afflicting scenes of wretchedness and misery, in all its grades and forms. The bounties

of Heaven are lavished on them in vain. Their demands for the productions of the manufacturing nations are imperious and increasing—but the demands for their productions are fluctuating, and subject to the variations of seasons in the nations on which they depend. Of this the United States have had dear-bought experience during every period of their existence. It is probable that this fluctuation has caused losses to our citizens, within the last thirty years, to the amount of from one hundred to one hundred and fifty millions of dollars. On this all important subject, we present the luminous view of Alexander Hamilton:

"There are natural causes tending to render the external demand for the surplus of agricultural nations a precarious reliance. The differences of seasons in the countries which are the consumers, make immense differences in the produce of their own soils, in different years, and consequently in the degrees of their necessity for foreign supply. Plentiful harvests with them, especially if similar ones occur at the same time in the countries which are the furnishers, occasion, of course, a glut in the markets of the latter."

The proportion of the population of Great Britain employed in agriculture is about 33 per cent.; in Ireland, about 75; in the United States, about 84. If the proportion were reduced to 70 or 75, and the consumers of the produce of the soil proportionably increased, we should export less of our produce, and, reasoning by analogy, and from experience, receive 20, 30, 40, or 50 per cent. more for the reduced quantity than now for the whole. Our statistics furnish innumerable examples in proof of this theory. We shall quote only two. The export of flour in 1819, was only 750,660 barrels, of which the average price was \$8, and the amount \$6,005,280. The export of 1820, was 1,177,036 barrels, which so far glutted the foreign market, as to reduce the price to \$4 50, and the whole amount to \$5,296,664. The export of cotton in 1819, was 87,997,045 lbs., which produced \$21,081,771. The export of 1820, was 127,860,152 lbs., and the great increase so far reduced the price that the proceeds were only \$22,308,667. The general tenor of our export trade goes to establish this theory beyond all controversy.

Our system has had a fair trial for thirty-four years of peace, with the exception of a short war of two years and a half. After enjoying all the immense advantages of a neutral commerce for above seventeen years, it found us, at the commencement of a perilous warfare, totally unprepared for the emergency, in regard to finances, and the means of providing a large proportion of the articles most essential to human comfort and convenience; among which must be enumerated the great articles of clothing. The woollen manufacture had been so wholly neglected, and we were so dependent on European supplies, that we were unable to furnish a few thousand dollars worth of blankets for the Indians. Our cotton manufacture was at so low an ebb, that our whole consumption of the raw material, in 1810, was only 3,000,000 lbs., though in that year we exported 93,000,000 lbs. Whereas, by a proper

protection, both of those branches might have been raised to full maturity so as to have supplied our utmost wants. Our system inflicted on the nation, throughout the whole war, the most dangerous feebleness in regard to our fiscal resources. To meet the demands of the country for clothing and other necessary articles, for which we had depended on Europe, manufactories were hastily established, with slender capitals, great inexperience, deficiency of machinery, and under almost every other disadvantage which could militate against great undertakings. The energy and intelligence of our citizens overcame them all. In a few months they attained a perfection, without Governmental aid, which other nations required many years and great aid from Government to attain. Millions of money were invested in those grand establishments—but peace unfortunately blasted and blighted the flattering prospects; ruined probably two-thirds of the manufacturers; and sacrificed the same proportion of the capital thus invested. A timely aid at that period, such as the nations of Europe afford their manufacturers, would have averted the desolation that ensued.

With one other view of our affairs, so far as regards the interests and safety of the nation, we shall conclude this memorial. Great Britain and France, exhausted by a protracted and destructive warfare, of above twenty years, in which the former expended \$7,000,000,000, and the latter \$4,400,000,000, are now, by protecting the industry of their subjects in all its forms, reviving from the consequences of this state of things. They are rapidly paying off their national debts—reducing the amount of their taxes—wonderfully extending their manufactures and commerce—and increasing in wealth and resources. Great Britain has within the last year established an effective sinking fund of \$22,500,000. Our situation exhibits a melancholy contrast. Our debt is diminishing slowly—our sinking fund is annihilated—our manufactures, coarse cottons excepted, make slender progress—our commerce is generally depressed—property is reducing in value—and circulation is excessively sluggish. In a word, so far as regards this portion of the Union, to use the language of the directors of the Philadelphia Bank: "The mercantile embarrassments of the country for some years past have been so severely felt by persons of all ranks in society, and the miseries of poverty have invaded the firesides of so many of our respectable fellow-citizens," that to change a system, which has produced so many evils, is imperiously necessary. We, therefore, respectfully pray that the tariff may be so modified, as to afford that protection to manufactures which our Government affords to commerce.

PUBLIC SCHOOL LANDS.

Resolution and Memorial of the Legislature of the State of Ohio, upon the subject of the Lands set apart for the purpose of Public Schools.—March 10, 1824.
Resolved, That the following memorial be sub-

mitted to the Congress of the United States, during the present session, or so soon as may be practicable.

The Memorial of the State of Ohio, in General Assembly, respectfully represents:

That, by the act of Congress of the United States, passed the 30th day of April, in the year 1802, the following among other propositions were offered to the Convention to be assembled for the formation of a State Government for the people of the eastern division of the territory Northwest of the Ohio, including the State of Ohio; that is to say: that the section number sixteen, in every township, and where such section had been sold, other lands equivalent thereto should be granted to the inhabitants of such township for the use of schools.

Secondly, That the six miles reservation, including the salt springs, commonly called the Scioto salt springs, the salt spring near the Muskingum river, and in the military tract, with the sections of land which include the same, should be granted to the said State for the use of the people thereof: *Provided*, The said Legislature should never sell nor lease the same for a longer period than ten years.

That the foregoing propositions, when acted upon and considered in convention of Ohio, and by an ordinance passed the 29th day of November, in the year 1802, the aforesaid propositions were accepted: *Provided*, that the following modifications should be made thereto, that is to say: that, in addition to the first propositions securing the section number sixteen, in every township, within certain tracts to the inhabitants thereof for the use of schools, a like donation, equal to the one thirty-sixth part of the amount of the lands in the United States' military tract, should be made for the support of schools within that tract; and also that the like provision should be made for the support of schools in the Virginia Reservation, so far as the unlocated lands in that tract would supply the proportion, after the warrants issued from said State should have been satisfied; and also that a donation of the same kind, or such provision as Congress should deem expedient, should be made to the inhabitants of the Connecticut Reserve; and that out of all the lands which might thereafter be purchased of the Indian tribes by the United States, and lying within the State of Ohio, that the one thirty-sixth part should be given as aforesaid for the support of public schools; and that all lands before mentioned to be appropriated for the use of schools should be vested in the Legislature of said State of Ohio, in trust for said purpose.

That a certain proportion of the lands lying within the State of Ohio had already been disposed of by the United States; and by patent dated on the 13th day of September, in the year 1794, certain lands therein described were granted unto John Cleves Symmes, reserving to the United States out of each township within the same, lot numbered sixteen, for the use of schools, being one

thirty-sixth part of the whole tract granted as aforesaid.

That a certain tract had also been granted unto Manassah Cutler, and others, under the name of the Ohio Company, in which, lot number sixteen, being one thirty-sixth part, was also reserved for the use of schools; in addition to which are the appropriations for the Ohio and Miami University, but to which last appropriations to the Ohio and Miami University your memorialists have only adverted as not being intended to be embraced in the prayer of the memorial herewith submitted.

That the ordinances of the convention of Ohio, of November, 1802, gave rise to the act of Congress of the United States of the 3d day of March, in the year 1803, by which it was enacted more specifically—

Firstly. That certain quarter townships in the tract commonly called the United States' military tract, and in said act particularly described, amounting to the one thirty-sixth part of the estimated whole amount of lands within that tract:

Secondly. That certain other quarter townships in the same United States' military tract, and in said act particularly described, for the use of the tract of country commonly called the Connecticut Reserve, were also by said act granted or reserved.

Thirdly. So much of that tract within this State commonly called the Virginia Military Reservation, as would amount to one thirty-sixth part of the whole tract, was also granted, to be selected by the Legislature of the State of Ohio, out of the unlocated lands in that tract, after the warrants issued from the State of Virginia should have been satisfied.

Fourthly. There was also granted and secured by the same act, one thirty-sixth part of all the lands of the United States lying in the State of Ohio, to which the Indian title had not been extinguished, which might thereafter be purchased of the Indian tribes by the United States, which thirty-sixth part should consist of the sections number sixteen, in each township. The specified and declared object of the aforesaid grants and reservations were for the use of common schools within the several districts of country therein specified, and were, as your memorialists conceive, granted upon full consideration arising from the increased value of the remaining lands belonging to the United States, and also from the relinquishment on the part of the State of Ohio, of the right to tax the lands of the United States within the State of Ohio, until five years after the sale thereof; and that it was by the aforesaid act expressly declared, that the several appropriations for schools, made therein, were in conformity with and in consideration of the conditions agreed on by the State of Ohio, by the ordinance of the convention of said State, bearing date of the 29th day of November, in the year 1802, and hereinbefore particularly referred to.

That your memorialists conceive that it was the intention of the parties to the compact aforesaid, that one thirty-sixth part of all the lands within the State of Ohio, should be granted to the people

thereof, for the use of common schools, and should be placed under the control of the Legislature thereof; and that this construction is warranted by the spirit, and even by the letter, of the different acts of the Congress of the United States, when considered in relation to the ordinance of the State of Ohio, above referred to, and to which a direct reference is had by the aforesaid last recited act of the Congress of the United States.

That, when it was afterwards ascertained, that the grant aforesaid, in relation to the tract of country, commonly called the Virginia Military Reservation, would be rendered wholly inoperative in consequence of the limitation and condition thereunto annexed, by reason of the great and uncertain amount of warrants which had been issued by the State of Virginia, together with the extended period for locating the same, the Congress of the United States, in pursuance of the stipulations of the compact aforesaid, by the act passed the 2d day of March, in the year 1807, appropriated eighteen quarter townships and three sections, as are in said act described, for the use of schools, in that tract of land, in the State of Ohio, commonly called Virginia Military Reservation, which were, by the said act, also vested in the Legislature, in trust for the use aforesaid.

That, at the period when the act aforesaid, making an appropriation for the tract, commonly called the Connecticut Reserve, was passed, the Indian title had been extinguished to that part only which lies east of the Cuyahoga river, and the appropriation was made only in relation to that part to which the Indian title had been extinguished, and consisted of a tract equal to one thirty-sixth part of the reserve to which the Indian title had been so extinguished, since which time, the Indian title to that part of the reserve lying west of the Cuyahoga river, has been extinguished by the United States, for, and on account of, the State of Connecticut, who made the necessary appropriations for that purpose.

That, as your memorialists conceive it was in conformity with the spirit and intention of the compact aforesaid, and formed a material item of the consideration which induced the State of Ohio to make the concession they did make under that compact, that they should receive, in return, lands equal to one thirty-sixth part of all the lands within the State of Ohio, to be appropriated for the use of common schools within said State.

The Legislature of the State of Ohio, construing the terms and spirit of the compact, in the manner above set forth, do not hesitate to represent to the United States, that, when the Indian title was extinguished to the tract of country lying in the Connecticut Reserve west of the Cuyahoga, the terms aforesaid required of the United States, that a law should be passed, appropriating, from their unlocated lands within the State of Ohio, a tract equal to one thirty-sixth part of the Connecticut Reserve lying west of the Cuyahoga river, and that they, relying on the justice and good faith of the Government of the United States, confidently anticipated the passage of such an act in aid of the exertions of the State of Ohio in

establishing a system of common free schools throughout the State.

That, in relation to the lands already appropriated, as above described, the Legislature of the State of Ohio, in pursuance of the trust aforesaid, and in aid of the great and important object contemplated, have resorted to various methods of rendering them productive, and in particular that of leasing them to such individuals as have applied therefor; that experience, however, has fully demonstrated that this fund will be wholly unavailing, in their hands, in its present shape. That, in order that the beneficial and laudable objects contemplated by the grants aforesaid, may be secured to the people of the State of Ohio, it will, as your memorialists conceive, be necessary that the Legislature should possess the unlimited control over the lands aforesaid, with the power of disposing of them in fee.

The objections which are urged against the present mode of administering that fund, are, in the first place, that, by reason of the facilities which the State of Ohio affords of acquiring a property, in real estate, a necessity exists of leasing the lands in question to persons almost wholly destitute of pecuniary means, whereby the avails of those lands are rendered, at least, uncertain. In consequence, also, that, as these lands are detached over the whole State of Ohio, the expense which must necessarily be incurred, by creating a superintendence over them, render them much less productive than your memorialists conceive they might be rendered if the lands were sold, and the proceeds concentrated in one fund.

The fact, also, before adverted to, that these lands must necessarily be intrusted to the possession of those of the lowest class of the community, and who possess no permanent interest in the soil, has produced a waste upon these lands, of their timber, and otherwise, equal, perhaps, to the whole revenue which may have been derived from them. The fact, also, that, by holding them under the present tenure, your memorialists are compelled to offer, upon lease, so great a proportion of their soil, as will invite and retain a population within her boundaries, of a character not to be desired, and, in amount, so great as to create an evil which can only be conceived of, in a country where every individual, possessing a very moderate portion of industry and economy, may, within a single year, appropriate to himself, in fee, a quantity of land sufficient to furnish means of support for an ordinary family, is also a circumstance which your memorialists conceive is not undeserving of consideration.

While the State of Ohio, in common with her sister States, shall have her ordinary proportion of idle and unprofitable members, this great proportion of land which must be held by lease, must, of necessity, produce a corresponding feature in her population. Although many industrious and valuable citizens may be found among the lessees of school lands, yet it must be admitted that the great body of those who constitute the strength and basis of every Government, and who are to be considered as the friends of good order

and public improvement, are among those who are the owners as well as occupiers of the soil. These evils, as your memorialists conceive, arise wholly from the system of granting those lands upon leases, and are such as cannot be remedied by any course of legislation whatever, if, as some have supposed, the State have not the power, under the term of the original grant, of disposing of those lands in fee. Notwithstanding your memorialists may be of opinion that they already possess this right, yet, so long as the question shall admit of any doubt, it must, of necessity, have the effect to restrain its exercise. It is true, that, if the forms of proceedings established by States as the rule of action for its members, shall or can be brought to operate upon the States themselves, this question might, perhaps, be rendered still more uncertain; but your memorialists conceive, that the grants aforesaid being made to the people of the State of Ohio, through the medium of the Legislature, for the use of the people, that no limitations can have any operation, further than as it shall furnish an argument against diverting this fund from its original and legitimate object. The Legislature of the State of Ohio being, in all respects, sovereign, within the Constitution, their capacity to do any and every act in relation to property which its citizens hold in common, is, as they conceive, necessarily implied; nor can they acknowledge that any rule, other than the Constitution, can operate, with any obligatory effect, upon the power which has created the rules itself, except upon considerations of justice and policy towards those who may be affected by their acts. It may, it is true, be said, that these grants partake of the nature of a compact between the United States and the State of Ohio, and that, therefore, they are to be limited to their particular terms in relation to the State of Ohio. It is admitted that the grant exists in consequence of a compact; but, inasmuch as the United States have received a full and valuable consideration, which formed the inducement of the grant, and inasmuch as they have not reserved to themselves any beneficial interest in the land aforesaid, or possibility of reversion, or any title whatever, it cannot be supposed that they can possess any controlling power. It may be urged, also, that, inasmuch as there has been no method pointed out in respect of the manner in which this trust should be executed, that the Legislature of the State of Ohio have an unlimited discretion in this respect, and may avail themselves of every possible method of producing the greatest advantage to those whom they represent. This argument, they conceive, is powerfully supported by the fact, that the same act grants to the State as well the school lands in question, as the six miles reservation, including the Scioto salt springs; in respect of which latter the Legislature are expressly restrained from selling the same, or leasing them, for a longer period than ten years; and that the inference, from this circumstance, is direct, that it was the intention of the parties to that compact that no such restraint should exist in relation to the other lands which did not come within this

provision. While your memorialists have been thus particular in endeavoring to give the proper definition of the powers they possess, in order that no conclusions may hereafter be drawn unfavorable to their claim from having made this application; and have thereby, perhaps, shown that, in a particular point of view, this application is wholly unnecessary, they are of opinion that an act of the Congress of the United States, declaratory of the extent of the grants aforesaid, will be productive of much benefit, in case the Legislature of the State should hereafter determine to dispose of the same. That it will have the full effect of removing every doubt in the minds of the purchasers, and thereby enhance the price which will be obtained for the same.

Therefore, your memorialists represent that it would be of advantage, and conduce to the future prosperity of the State of Ohio, that a law of the United States be passed, declaring the authority of the State of Ohio to dispose of the said lands granted for the use of schools within said State in fee, and that the proceeds thereof be invested in some permanent fund, the proceeds of which shall be applied, under the directions of the Legislature, for the use of common schools within the townships or districts to which they were originally granted in said State, and for no other use and purpose whatever: *Provided*, That the sections numbered sixteen, granted as aforesaid for the use of schools, shall not be sold without the consent of the inhabitants of such original surveyed township; and that they may be authorized and empowered to sell and dispose of the aforesaid six miles reservation, including the Scioto salt springs, the salt springs near Muskingum river, and in the military tract, with the sections of land which includes the same, and apply the proceeds thereof to such literary purposes as the Legislature of the State of Ohio may hereafter direct.

Resolved further, That the Governor be requested to forward the foregoing memorial to the Government of the United States, and take such order and disposition of the funds as shall seem to him proper.

JOSEPH RICHARDSON,
Speaker of the House of Representatives.
ALLEN TRIMBLE,
Speaker of the Senate.

FEBRUARY 26, 1824.

PROTECTION OF AMERICAN INDUSTRY.

Memorial of the Pennsylvania Society for the Encouragement of American Manufactures.—Presented the 15th March, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Board of Managers of the Pennsylvania Society for the Encouragement of American Manufactures respectfully sheweth:

That they have read with attention a memorial presented to your honorable bodies by the Chamber of Commerce of this city, and feel themselves

bound to point out sundry material errors in point of fact—sundry erroneous inferences—which it contains, tending, unless corrected, to injure, not only their constituents, but the nation at large. They regret that the length of the document in question, and the great variety of its errors, will constrain them to be more prolix than they would wish. For this, they hope the importance of the subject will be a sufficient apology.

"In a free country, like the United States, all branches of lawful industry have a right to equal protection by the laws. There can be no inequality without favoritism, and no favoritism without injustice."

These maxims come with an ill grace from a class of citizens who, from the commencement of the Government to the present hour, have enjoyed every species of protection which could be devised, and who have been unceasing in their applications for what is now styled "favoritism" and "injustice." The manufacturers of this country require but half the protection which has uniformly been extended to commerce. By such protection they would prosper, and shed prosperity on the nation at large.

"The universal opinion of well-informed men has now established it as a general rule, that the greatest degree of national wealth is to be obtained by leaving every one to the unfettered use of his labor, skill, and capital; for it is in this way that individuals, of whom nations are composed, attain to the greatest prosperity."

This specious, but erroneous theory, accords but ill with the practice of our Government and the requisitions of our merchants. Had they been left to "the unfettered use of their own labor, skill, and capital," their tonnage never would have emerged from its insignificance. In the year 1789, it was only 201,562 tons. By an enormous extra tonnage duty on foreign vessels engaged in the foreign trade—700 per cent. more than on American vessels—by subjecting foreign vessels engaged in the coasting trade to pay 50 cents per ton on every entry, whereas American vessels paid but six cents once a year—by duties on teas imported in foreign vessels, which averaged 27 cents per pound, while those on teas imported in American vessels averaged but 12, being an advance of 125 per cent. in favor of American tonnage—by these and other directions of "labor, skill, and capital," enacted by the first Congress in 1789, the American tonnage rose in a few years to the second grade in the scale of nations—being in 1792, 564,437 tons, and 898,328 in 1798.

But, we respectfully ask, is the American manufacturer left to the "unfettered use of his own labor, skill, and industry," when he is expelled from his own market by floods of rival articles, introduced, to his destruction, by the American merchant, or by foreign merchants or manufacturers? Let his "labor, skill, and industry," be what they may, he is constantly "fettered," and too often ruined, by foreign rivals.

Your memorialists respectfully state, that they cannot conceive why, "in a free country, where," according to the Chamber of Commerce, "all

branches of lawful industry have a right to equal protection by the laws," the manufacturers and owners of ships should be protected from foreign rivalry in the coasting trade, and the manufacturer of woollens and cottons look in vain to the Government for a similar protection, when his prospects in life, and those of his children, are blighting and blasting by that rivalry. If this be "equal protection," then we are unacquainted with our own language.

"If legislation acts upon the subject of trade, which, after all, is more safely left to the law of man's nature, by which he is incessantly stimulated to do the best for himself, and therefore for his country, it should act for the removal of impediments and restrictions, not for the creation of them."

To be consistent with this doctrine, the Chamber of Commerce ought to have petitioned for a removal of all the "restrictions" in favor of commerce with which the statute books abound. Foreign vessels ought to be admitted to pursue the coasting trade—the discriminating duties on teas ought to be abrogated. In a word, all "impediments and restrictions," enacted at their instance, and for their benefit, ought to be removed.

"Beyond the limits of a fair resort to trade for the purpose of revenue, and the case of public necessity, or high public exigency, to prepare the country for the event of war, restrictive legislation upon trade, whether it be in the shape of prohibitions of one branch, or bounties to another, are eminently dangerous, and, to a community as extensive and diversified as this, severely unequal."

"It has been deemed the wisest course to abstain from public enactments altogether, and to leave the hive to the industry and instinct of its laborers, without attempting to direct which cell shall be first filled."

"Revenue is almost the only ground on which legislation, in regard to trade, is safe."

"The tariff bill is a political theory; that Government knows better than an individual what is good for him, and can better employ his skill, his labor, and his capital; that it is wiser and more economical to buy dear of our own people than cheap of foreigners; and that it is competent, in these times, for a nation to grow wealthy and happy, with her gates opening outwards to sell every thing, but to buy nothing."

These are repetitions of a trite idea, already advanced three or four times—and if correct, would be a pointed condemnation of the unceasing applications of the merchants for "legislation in regard to trade," and of the whole course of the National Legislature on that subject. We respectfully ask, when, in 1789, prohibitory duties were imposed on manufactured tobacco and snuff, six cents per pound on the former, and ten cents per pound on the latter—and in 1816, ten cents on the one, and twelve cents on the other, to exclude foreign tobacco and snuff, for the benefit of the tobacco planters, were these duties imposed with a view to "revenue?" When foreigners were by law excluded from the coasting trade, under penalty of confiscation, was that for

"the purpose of revenue?" Neither the Chamber of Commerce nor the tobacco planters, can maintain this doctrine. The whole revenue from snuff and tobacco, since the Government was organized, would not pay the salary of a single deputy collector. How then can it be asserted, that Congress has a right to impose prohibitory duties for the benefit of tobacco planters and merchants—and the right be denied with regard to another class, at least as useful? Is it not wonderful that a respectable body of citizens should advance doctrines so utterly untenable—so contrary to the uniform practice of our Government—and so completely condemnatory of their own unceasing requisitions on Congress?

"What will be the effect of a prohibition of foreign merchandise, as extensive as that now to be effected, but an immediate reduction in value of the labor and capital of the cultivator, to the whole extent of the increased price that he must give for the American manufacture?"

"One arm of the nation will either be cut off, or maimed forever, under the vain expectation of promoting a better circulation in the other."

"If we take nothing from Great Britain, she may take nothing from us, if she can obtain the same thing from her own colonies, or from a friend that will at the same time become a customer."

The high character of the respectable body from whom the memorial emanates, forbids the idea that they did not believe what is here asserted—but it required a high degree of excitement to entertain such apprehensions. That "an arm of the nation will be cut off," that we are "to take nothing from Great Britain," and that "a prohibition of foreign merchandise," are to be the results of imposing additional duties, which do not average ten per cent. except on one or two articles of worthless texture, is really so extravagant an idea, as to excite astonishment how it could ever have been entertained. The highest duty proposed by the new tariff, on all the leading articles, is lower than the lowest of the duties in Great Britain. Yet no one has pretended that the British have ever "cut off one of their arms" or legs. As well might we assert, that paring the excrescences of a man's nails, was cutting off his leg or his arm, as that the imposition of even double the duties contemplated by the new bill, would "cut off one arm of the nation."

"It is intended by this portentous bill to change the relations of the United States with the whole world—to compel her to manufacture all she consumes—to depend for nothing upon a foreign country which it is physically possible for her to make—and to withdraw her sanction from the mutual relations of dependence and exchange, upon which the refinement and the happiness of the world have been heretofore supposed to depend."

It is impossible to express the astonishment and regret we feel at the terrific picture thus drawn of the consequences of a bill, which, we beg leave to repeat, imposes additional duties of 5, 6, 8, and at most 10 per cent. except on a few articles, wholly

unimportant in themselves. To those who have not seen the bill, it might seem to be an absolute prohibition of foreign commerce altogether.

It is to be lamented, that the best measures ever devised have been frequently rendered unpopular and defeated, by ascribing to them consequences, to the last degree improbable. We appeal, on this point, to the sober sense of the respectable President of the Chamber of Commerce, and take the case of chintzes, silks, broadcloths, and Brussels carpets, in full disproof of the terrifying predictions thus hazarded. Will it be said, that a lady will forego the use of the fine chintz or silks for her gowns because, by the new duties, she will have to pay ten, fifteen, or twenty cents per yard more for them? Will a gentleman renounce the use of superfine imported broadcloth, because a coat, which requires two yards, at ten dollars per yard, will cost him a dollar and a half additional? Will he abandon the use of Brussels carpets, to ornament his rooms, because by the new duties they will cost 20 or 30 cents more per yard? We might thus go through all the details of this "portentous bill!" as it is ludicrously styled, against which all the angry passions of the nation are unjustly and causelessly excited, and expose the weakness of the objections—and the transcendent error of descending on "changing the relations of the United States with the whole world!" and—"withdrawing our sanction from the mutual relations of dependence and exchange, upon which the refinement and the happiness of the world have been heretofore supposed to depend!" but we forbear, trusting that the Chamber of Commerce, as soon as the present excitement has subsided, will deeply regret lending itself to such a hideous and unjust portrait of a salutary bill, calculated not merely to rescue their fellow-citizens the manufacturers, from distress and suffering, but for the benefit of the whole nation.

"The tariff is not wanted for the existing manufactures of the country. Under laws which from time to time have been passed for their aid, all of them operating, nevertheless, as restrictions upon commerce, and a tax upon the cultivator and consumer, they have prospered, and now prosper."

Here is an unqualified assertion, decidedly contradicted by the fact. We will confine ourselves to the cotton and woollen manufactures, though we might enumerate twenty more, which are languishing, and require additional protection. The coarse cotton manufacture, being protected by a high duty, has attracted so large a portion of capital and industry, which could not find other employment, in consequence of the want of adequate protection for so many others, that it now languishes extremely in this part of the country. Many of the establishments are either wholly or partially suspended. There are at this hour in the city of Baltimore, immense stocks of cotton goods, and 400,000 lbs. of yarn, for which there is no demand; and many of the spinners and weavers are obliged to suspend their operations. Bankruptcy threatens the proprietors, for want of a market for their productions. The woollen manu-

facture is in a still more drooping state. Many of the manufactories in this neighborhood are closed—the proprietors in depressed circumstances—and their work-people discharged. One-half of the woollen manufactories in Rhode Island are closed, and those that are still employed are continued in the hope of at length being adequately protected by the Government. The woollen manufactures of Massachusetts are likewise in a depressed state. And yet, in the face of these strong facts, the world is assured that the modification of "the tariff is not wanted for the existing manufactures!"

"The perfectly well known prosperity of some of the manufacturing establishments of this country, is, however, a better argument than any derived from the amount of duty and charges on the foreign fabric; for if, to refer to one case alone, a joint stock company in the vicinity of Boston is, and for some time past has been, able to make a dividend of annual profits, exceeding twice or three times the ordinary interest of money, maintaining and improving its capital at the same time, where is the occasion for further aid? Do others want their skill? Then it is skill that is wanted, and not public bounty."

"What is done so regularly by one manufacturer, may be done, with similar means, by more; and the means are not to be given by the law, but by the manufacturer."

We sincerely rejoice that an appeal is made to the case of the Waltham factory. It is an overwhelming one, and, if experience were allowed to prevail, ought to settle the question of high duties forever, without appeal. Nothing could be more unfortunate for the views, or more subversive of the theory of the Chamber of Commerce. The duties on coarse cotton goods, which form the great mass of the manufactures of Waltham, were from 50 to 100 per cent., and were liable to the objection now strenuously urged against the minimum duty on coarse woollens. Those articles, used wholly or chiefly by the poor, were subject to the above high duties, averaging 75 per cent. (and the lower the price, the higher the percentage of duty,) while the most splendid chintzes, calicoes, mull mulls, &c., were subject to only 25 per cent. We appeal to this entire nation, whether experience, the only true test of theory, has not most unequivocally, in this case, put down all the gloomy anticipations which were hazarded on the subject of "taxing the many for the benefit of the few," by high or prohibitory duties? Has not this duty conferred a solid benefit on "the many?"—has not the result been to furnish the poor with a strong, lasting article, as a substitute for a wretched, unserviceable one, and at about half the former price? And such has been the advantage of the powerful protection thus afforded—so completely is the manufacture established—so high is the reputation, and so reasonable the price of this species of goods, that the first East India merchant in this city, and one of the first in the United States, has recently declared that, if the duty were now repealed, the East India article could not be imported to com-

pete with our own substantial manufactures. Such has been, and such ever will be, the effect of duties sufficiently high to protect manufactures in their nascent state.

On the subject of "the annual profits exceeding twice or three times the ordinary interest of money," we only observe, if this were correct, it would prove nothing to the purpose—any more than the successful commerce of Mr. A., of Boston, Mr. B., of New York, or Mr. C., of Philadelphia, gentlemen possessed of enormous capitals, and of course enabled to carry on business to immense advantage, would prove that commerce in general is prosperous. The proprietors of the Waltham factory possess an immense capital, and enjoy all the advantages which such a capital insures its possessors. But the assertion is not warranted by the fact. A large proportion, probably one-half, of the profits of that establishment, we are assured, is derived from the manufacture of machinery. And it is much to be regretted that such very erroneous impressions on this subject, have been allowed to prevail so long uncontradicted.

To the query "where is the occasion for further aid?" we reply, that if the Waltham, and other factories of that description, prosper under duties averaging about 75 per cent., it affords no proof that the manufacturer of woollen goods, who has only a protection of 25 per cent.—or the manufacturers of iron, steel, brass, copper, tin, or lead, who have only one of 20 per cent., do not "want further aid." Dives, with his tables groaning under the choicest viands that plenty, with her cornucopia, could lavish on him, might as well ask why Lazarus "had occasion for further aid," as any inference lie from the case of Waltham, to bar the poor manufacturer of woollen blankets of any further protection than 15 per cent.—the manufacturer of cotton stockings anything beyond 20—or the manufacturer of linen, whose rival comes into the market with a bounty from his Government as high, and in some cases higher than the duty here. The British bounty on the exportation of linens, at six pence per yard, is one penny half penny, or 25 per cent. Our duty is only 15!

"They cannot believe that the effect of the tariff is to raise the price only for a short time, and then to bring it down forever below its former range. There is no experience to justify the assertion."

It is deeply to be regretted, that, in the discussion of subjects of such vital importance to the welfare and prosperity of the nation, facts are so very frequently overlooked, disregarded, or positively misstated. We are here informed, in the most unequivocal manner, that "there is no experience to justify the assertion," that adequate protection of manufactures by high duties, "brings down the price forever below its former range." It is wonderful that so respectable a body as the Philadelphia Chamber of Commerce should stand committed for such a declaration, in the face of the case of coarse cottons, on which we have already dilated sufficiently, and which might be

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regarded as deciding this question finally. Nails, of which immoderate quantities were formerly imported, at high rates, were, in 1817, burdened with a duty of four cents per pound, which was about fifty per cent. of the price in Great Britain. They are now manufactured here in superabundance, of superior quality, and sold at six cents per pound, which is cheaper, by thirty per cent. than formerly. This fairly disproves the assertion of the Chamber of Commerce. The observation may be extended to all kinds of chemicals—to manufactures of leather—to printing types—to books—and, in a word, to every article whatever, which, being fully protected, encourages the employment of adequate capital, and creates sufficient competition. On this all-important topic, we beg leave to quote the sound and irrefutable maxim of Alexander Hamilton:

"When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper. * * * The internal competition which takes place, soon does away every thing like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with the reason of the thing, and with experience."

"Above all, will the influence of the new tariff be prejudicial to the interest of the agricultural States."

This assertion is not founded. Agriculture languishes for want of a market for its surplus produce. Breadstuffs, the staple on which at least three or four million of our citizens (nearly half the agricultural portion of our population) depend for support, are absolutely prohibited in almost every part of Europe. With our export of tobacco, the growth in that quarter materially interferes. We export less in quantity and value, of tobacco, flour, rice, and the products of the forest, than we did in 1801, although our population has nearly doubled since that time. Our cotton has become so great a drug, that there were on hand in Great Britain, at the close of the last year, 199,745 bales, being not far short of half the import of that year from the United States, which was 448,164 bales—and sixty per cent. of the consumption of our cotton for the same period, which was only 334,415. There is scarcely a market in the world, in which our flour is received, where it is not very frequently a drug. And, as respects tobacco, Curwen & Hagerty, as intelligent merchants as any in Great Britain, under date of December 31, 1823, furnish the following melancholy statement for the planters of that article:

"Tobacco is very unsaleable, and lower than we have ever before known it. The exports from the United States have so overwhelmed every market in Europe, that there is absolutely no outlet for exportation from this country, and no prospect of the stock on hand being consumed in it. We have upwards of 31,000 hogsheds in Britain and Ireland, whilst the consumption does not exceed 14,000 hogsheds!

"The stock on the Continent is estimated at 44,000, making a total stock in Europe of 75,000 hogsheds, being 10,000 more than one year's consumption! Under such circumstances, immediate improvement in this article would appear impossible."

Under these calamitous circumstances of our three great staples, can it be "pernicious to the interests of agriculture," as the Chamber of Commerce asserts, to make a domestic market for that produce of the soil which the foreign world unkindly refuses in exchange for her manufactures, or which, if received by her, is shipped in such quantities as to glut all the foreign markets?

"We must prepare to see the East Indies, the Brazils, the Black Sea, every quarter of the habitable globe, stimulated by bounty to itself, and by restrictions upon us, to take our place in the markets of Europe, and to leave these commodities upon our hands."

As this threat, so degrading to the dignity of an independent nation, has been frequently held out and employed to terrify the Southern States, it is proper to examine it at length. This commercial hostility, painted in such strong colors, is as much as could possibly take place, in the event of a sanguinary warfare—indeed, more than did occur during our late war. We imported from Great Britain in the year 1822, to the amount of \$34,806,287, and exported only \$24,498,347, leaving a balance against us of \$10,400,000, which absorbed the proceeds of our commerce with the rest of Europe, and a large portion of that with the rest of the world. We supplied her with the produce of the soil in its rudest state, whereon she supported about 1,500,000 of her subjects. We received manufactures from her, highly elaborated, and increased in value three, four, five, and ten fold, which might have afforded employment to one million of our citizens. Notwithstanding the immense disparity of advantage in this commerce—a commerce more advantageous than any one nation ever carried on with another—far more advantageous to Great Britain than her mines to Spain, she will not, unless when in danger of famine, allow a single barrel of our flour to be consumed by those millions of people who are employed to supply us with manufactures. And yet, while we patiently submit to the exclusion of one of our great staples, to the impoverishment and severe depression of the farming interest, we are threatened with her resentment if we dare attempt to increase our duties on her manufactures, with restrictions upon our cotton and our tobacco, if we exercise the right of an independent nation.

Will any American, possessed of the spirit of independence, submit to the idea that Great Britain may and does exclude the grand staple of nearly one-half the nation, and that the United States must not dare to increase the duties on the manufactures of Birmingham, Sheffield, Leeds, and Manchester, lest she should prohibit or restrict the use of our tobacco or our cotton? The free mind revolts at such a degrading idea. Of tobacco, she consumes, as we have shown, only 14,000 hhds.

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per annum, and our cotton she can no more dispense with, than she could dispense with receiving our grain and flour in the event of a famine. Without any such daring offence as imposing extra duties on her manufactures, to protect our own, and to reduce our expenses within our income, she received, in 1817, 1818, 1819, and 1820, from the East Indies, 613,935 bales of cotton, whereby the price of our staple was reduced fifty per cent., which spread distress and embarrassment among our planters, and bankruptcy among the shippers. And should the crops in that quarter, in the Brazils, or Egypt, prove superabundant, her merchants will import the surplus into her markets, in the way of trade, without intending us any evil, and regardless whether we lay on new duties, or take off the old. These are considerations by which merchants are not affected. And it is a disparagement and outrage to the character and wisdom of the Government of Great Britain, to suppose that it would descend to such a step, in order to disable the best customer of the nation from being able to pay for her merchandise. Let it be observed, however, that notwithstanding the immense benefits Great Britain enjoys from our trade, she favors the cotton of the negro empire of Hayti, in preference to ours! Cotton from the dominions of Boyer, is imported into Great Britain duty free—whereas that from the United States pays six per cent.

"If the cottons of the United States average half a million of bags annually, beyond the domestic consumption, bringing to the cultivator upwards of \$20,000,000, at low prices; if not more than fifty thousand bags are returned upon us in manufactured goods from all the world," &c.

This, we respectfully represent, is one of those wayward arguments, which recoil on the authors with tenfold force.

We shipped of cotton, in 1822, to

Great Britain	-	-	-	450,686 bales.
Havre	-	-	-	73,328
To other ports of France, supposed	-	-	-	25,000
Total	-	-	-	549,014 bales.

The proceeds were, according to the Treasury returns, \$24,035,058. We imported in the same year about \$10,000,000, of goods, produced not from 50,000 bales, as stated, but about 35,000, according to estimates made by mercantile men of sound judgments. Thus it appears, according to the Chamber of Commerce, that less than one-tenth, but in reality one sixteenth part of our export of cotton, paid us for two-fifths of the whole. And this is the gainful trade, for the preservation of which such an ardent struggle is made! Can any thing prove more clearly the immense superiority of the European system over ours? Two-fifths of 549,014, or 219,000 bales, are paid for by 35,000, or at most by 50,000, leaving the balance to support the Governments, employ the capitals, enrich the capitalists, and feed the population of Europe, while many of our own are suffering intensely!

"If our tobacco amounts to nearly 100,000 hogsheds beyond domestic consumption, producing

"to the grower eight or nine millions of dollars—if the returns for their value, now made in foreign fabrics, are not to come hereafter in that shape, the United States must prepare not to see them come at all."

Where the means of information were so easily procured as in this case, this loose mode of argument ought to have been avoided. The export of tobacco is far from 100,000 hogsheds—and the amount far from eight or nine millions of dollars. The average of the four years 1819, to 1822, inclusively, (we have not the returns for last year,) was only 73,000 hogsheds, and value \$6,750,000. Great Britain and Ireland, in 1822, received from us only 28,000 hogsheds, amounting to \$2,690,000, of which a considerable part was for exportation. Their consumption, we once more repeat, is only about 14,000 hogsheds.

"How little they partake of the evils under which the commerce and agriculture of the country now suffer, need not be remarked. It is at present the most flourishing branch of American industry."

"This branch of industry [commerce] has confessedly suffered more than any other by the events of recent years. It has borne its disasters patiently. They have been the inevitable consequences of events, which, although caused by man, man has neither by action nor legislation been able to prevent, and scarcely to mitigate."

Nine years have elapsed since we closed our war, in a state of prosperity; every man, woman, and child in the country, able and willing to work, employed. We have advantages, natural, moral, and political, never exceeded, perhaps never equalled. Yet here is an open and precious confession, that two of the great branches of industry, agriculture and commerce, are in a suffering state. The third branch, manufactures, with some few exceptions, is also suffering, as we have already stated. We trust it cannot be denied that such a state of things must be produced by an unsound policy; for nothing but such a policy could have entailed on this country the variety of suffering and distress experienced since the close of the war—which are still severely felt—and to which nothing but a radical change of that policy, can apply a remedy. We respectfully represent, that there is a wonderful discrepancy in the statements of the opposers of any modification of the tariff. At one time it is asserted, with all the confidence that truth ought to inspire, that the country is, and has at all times been, prosperous and flourishing, and that it would be unwise to change such a happy state for the sake of experiments which might mar our prosperity! At another, as in the present case, the calamitous situation of affairs, which meets the eye in almost every quarter of the country, is, with equal confidence, alleged as a reason for adhering to a policy which paralyzes the industry of a nation as intelligent, as enterprising, and energetic, as any in the world—a nation which requires only a sound policy to rise to a level with the greatest nations of Europe, in point of "wealth, power, and resources."

"England has grown rich in spite of her restric-

tions upon trade, and not by means of them. Her wisest statesmen are desirous of removing them, and can trace, with unerring certainty, to their operation, a large part of the oppression under which the fundamental interest of that nation languishes, and is doomed to languish."

This is an assertion contradicted by the whole tenor of history, and has been refuted times without number. It is scarcely possible to produce a greater error. Previously to the reigns of Edward III. and Edward IV., England was feeble and poor, and dependent for her clothing on her neighbors, who purchased her wool, and sold it back again to her in a manufactured state, at three, four, five, and six fold advance. Those wise princes laid the solid foundations of her prosperity and greatness, by "restrictions" and bounties. To those "restrictions" of the interference of foreign rivalry—to the rigorous, undeviating, and unceasing protection of her domestic industry—to her collecting from all the nations of the earth raw materials to employ her people, and selling back those materials manufactured, as she does our cotton, at an advance of three, five, ten, and twenty fold, she owes her prosperity. By those restrictions alone she has fostered her manufactures to their present flourishing state. We instance that of cotton goods, thus brought to such extent and perfection, that it affords employment to five hundred thousand families, averaging four persons each. Out of a raw material, of which she does not raise one pound, and which costs her but \$22,500,000 per annum, she produces \$180,000,000, and thereby lays the whole world under contribution. Whereas, the United States, which raises more than two-thirds of the whole consumption of Europe and America, and exports nearly five-sixths of her crops, receives only about twenty, twenty-two, twenty-three, or twenty-four millions of dollars, for that portion! She produces out of what she manufactures only about \$25,000,000. We respectfully submit to your honorable Houses, that the history of the world can scarcely produce a greater sacrifice of the means of national prosperity and happiness. It might as well be asserted, that the earth brought forth its fruits, in spite of the sun or rain, as that the magnificent manufactures of Great Britain, allowed by all the world to be the basis of her transcendent "wealth, power, and resources," the birth of which was coeval with, and which owe their maturity to, restrictions, "flourish in spite of those restrictions."

That "her wisest statesmen are desirous of removing those restrictions," is not, we believe, by any means correct. If they had any such desire, they might easily accomplish their purpose. They have advantages beyond what any other nation ever possessed, in point of capital, machinery, and skill; and yet they dare not open their ports to foreign manufactures. Their tariff has been revised so lately as 1819, and published in 1820; and the old complicated duties consolidated; but no repeal or relaxation has taken place to admit the consumption, in Great Britain, of foreign manufactures. All non-enumerated articles, and nine-

tenths of the enumerated manufactures, are subject to 50 per cent. duty; those of cotton and leather to 75, glass to 80, linen sails to 104, and chequered or printed linen to 172. Here is fact against assertion. It is true, some of their theorists, like our own, hold out the idea of a relaxation of duties and unrestrained intercourse; but, until they act upon the system, their sincerity on the subject may be well doubted. It would not be extraordinary, if those plausible theories were urged with a view to affect the policy of other nations.

"She is emphatically the example of all that individual skill, enterprise, and intelligence, can achieve for the production of wealth, and of all that perverted legislation can do to make it fruitless of national happiness."

This is quite contrary to the facts of the case. Great Britain is "emphatically an example" of what a sound legislation "can achieve" by the protection of national industry; and what wild ambition and wasteful wars "can do to make it fruitless of national happiness." Her resources have exceeded, and now exceed, those of any other nation, ancient or modern—all the result of the consummate skill of her statesmen. Amassing wealth in every quarter of the globe by her manufactures, she was enabled, with ease, to raise \$4,630,000,000 by taxes, and to borrow \$2,070,000,000, during the wars of the French revolution. She is now paying off her national debt; has diminished her taxes to the amount of \$90,000,000 per annum; has had, notwithstanding this extraordinary reduction of taxes, a surplus of revenue beyond expenditure of \$22,500,000 in 1822, and the same in 1823; her manufactures, of every kind, as well as her imports and exports, are rapidly increasing; she abounds in wealth, so that her subjects are the general bankers of all the needy emperors, kings, and commonwealths, in the world; and has reduced the rate of interest to three per cent. What a heart-rending contrast the United States exhibited when in a belligerent state! What a heart-rending contrast she now exhibits! After a peace of thirty years, enjoying a most extensive commerce for nearly twenty, during a great portion of which time our merchants were the carriers for half the commercial world; the United States was unable to raise more than \$36,000,000 during a war of thirty months—had to eke out the residue of her expenses by exchequer bills, and loans procured with great difficulty—found herself in two years with a bankrupt Treasury, and in a state of extreme peril; and at present there is a general complaint of distress and embarrassment from every quarter of the Union, with few exceptions. Agriculture is suffering by the depression of some of her chief staples—commerce languishing—and manufactures, with few exceptions, drooping; parents not knowing what employments to provide for their children; a large portion of the capital of the country, although vastly reduced by our present system, lying idle; as, in the employment of it, there is no security against the overwhelming influence of foreign rivals. The Chamber of Commerce itself con-

fesses, as we have shown, that agriculture and commerce are both in a state of depression; yet the citizens of the United States possess as much "individual skill, enterprise, and intelligence," as the British, or any other people of ancient or modern times. Where, then, lies the immense, the incalculable difference between the state of the two nations? The answer is plain. On the one side, the ægis of Governmental protection is interposed to prevent the industry and the prosperity of the British manufacturers from being crushed by foreign rivals, and to save the country from being drained for the purchase of what it can itself supply. When a man in that country invests any sum, large or small, in any branch of manufactures, he has rarely any other than domestic competition to dread. Our citizens, on the contrary, have to encounter the competition of all the manufacturing nations of Europe, and thousands and tens of thousands of them have fallen in the struggle, in which millions of national wealth have been sacrificed. This is the true secret of the unemployed capital, the existence of which the Chamber of Commerce admits. The merchants, who have at all times strenuously opposed the protection of manufactures, have partaken largely of the distress produced by the policy which they so uniformly and zealously support.

"Foreign nations shall act upon the principle of taking no more from us than we do from them."

Why should they? We do not act thus. We receive from Great Britain \$10,000,000 per annum more than she "takes from us."

"When have the manufacturers, here or in England been contented, or able to part with a bounty which the law has once given them?"

Just exactly at that point of time when the merchants part with their powerful protection.

"Far less than the duties of the proposed tariff would, it is apprehended, give a munificent reward to the smuggler. Spain was, and is, a country of prohibitions, of restrictive duties, and monopolies. According to Bourgoanne, the Government lost by smuggling 70 per cent. of its imports."

We regret to find such an alarm sounded on the danger of smuggling; in consequence of a small addition to the existing duties, and are astonished that such an argument, so void of foundation, and so often refuted, should be again brought forward. While the existing tariff abounds with exorbitant duties, two, three, and four-fold the highest proposed to be imposed by the new tariff, as, for instance, an average of above 110 per cent. on teas—200 per cent. on spirits—75 per cent. on wines—50 per cent. on pimento—100 per cent. on pepper—180 per cent. on salt, we respectfully inquire of your honorable Houses, and the nation at large, with what propriety or justice these appeals can be made to the public prejudices, and whether any danger of smuggling can be seriously apprehended from duties of 30 per cent. on woollens—35 per cent. on cottons—or 25 per cent. on manufactures of iron, brass, copper, steel, tin, lead, &c. These are the principal

articles proposed to be subjected to extra duties. We are sorry to say that the frequent presentation of the danger of smuggling may operate as an encouragement to persons destitute of principle, to enter on the practice, when they find such a respectable body of citizens holding out this as a necessary consequence of a small increase of duties.

Reference to the case of Spain, the worst administered and most imbecile Government in Europe, is not calculated to aid the cause of the Chamber of Commerce. The same duty was there imposed on the transit of goods from one province to another, as on their importation from foreign nations. When 14 per cent. duty was imposed for conveying merchandise over an imaginary boundary line—when, by the alcavala, a tax of 14 per cent. was levied upon raw materials, and on the manufactures, every time they changed owners, and this regulated by the selling prices, and therefore constantly increasing—when salt-petre, gunpowder, tobacco, sulphur, wax, and quicksilver, were all royal monopolies—it was not wonderful that there were hosts of smugglers to bid defiance to the public authorities. But can this wretched, this abominable system, be for a moment compared with ours?

"Except whatever provisions are necessary for enabling the Government to stand the shock of war, the danger of legislative interference with trade becomes extreme. Be the wisdom, and impartiality, and foresight, of the Legislature what they may, they are at no time, and under no circumstances, perfectly adequate to the task."

This is an assumption not warranted. We have superabundance of coal and iron lying untouched in the bosom of the earth—water power in abundance, running to waste—and thousands of our people only partially employed. Plans, perfectly practicable, whereby those dormant riches of nature might be called into use, and activity given to the industry of our population, might be devised by almost any individual, possessed of a moderate share of "wisdom, impartiality, and foresight."

"Your memorialists are unable to comprehend how the country is to be benefited by enticing into manufactures that capital which it is said now lies unemployed. What difference is it to the country, whether the capital lies unemployed, or its employment is paid for by an additional charge upon the consumer? The country is in no respect a gainer by the employment. It is not intended by your memorialists to say that there is not much unemployed capital in the country."

There is no difficulty in comprehending the benefit of putting unemployed capital into circulation. It would give a spring to agriculture, by providing a market for its raw materials—afford profitable employment to thousands, who would otherwise be partially or wholly idle—and add to individual and national wealth.

"What is to be the fate of that capital now employed in commerce, and which the tariff is to displace?"

Protection of American Manufactures.

Supposing such a displacement to occur, there is an easy answer to this query. Commerce is admitted, by the Chamber of Commerce, to be in a state of depression, principally owing to there being too many engaged in it, as there have always been at every stage of our progress as a nation. If it were in the power of the Legislature of the Union to establish new manufactures, to extend the old, or to create any new employment for a third, or even one-half of the merchants in the country, it would be a blessing to the whole. There would be enough remaining for all the profitable business we can carry on. In whatever proportion new employment is created, in that proportion will the merchants be benefited. The small abridgment which the tariff would cause in the foreign trade, would be amply compensated by an increase in the coasting and export trade.

"The operation of the law must consequently fall with more severity on the poorer classes."

This sympathy for the poor might be well spared. The coarse woollen fabrics which are proposed to be subjected to high duties, and which may be thereby excluded, are to the last degree worthless, like the East India coarse cottons; and their place would, as in the latter case, be supplied by strong and durable fabrics of domestic manufacture, and at lower rates. If we feel for the poor, they may be easily relieved, and substantial benefit be conferred on them, by lowering the duties on molasses, brown sugar, bohea tea, and salt, which are about 45, 100, 120, and 180 per cent., while watches, clocks, time-pieces, tartan plaids, bombazets, damask table cloths, silks, satins, Canton crapes, Chambray gauzes, &c., pay but 15; girandoles, lustres, and porcelain, only 20; and plated ware, broadcloths, Cashmere and Merino shawls, Brussels, and other carpets, kerseymere, chintzes, and calicoes, only 25. We respectfully submit that this extraordinary discrepancy of taxation calls loudly for reform.

"The aid of the tariff has been constantly asked by the manufacturers, and never given back."

We state in reply, that "the aid" of the Government "has been constantly asked," by commerce, and uniformly granted, "and never given back." For eight years have the manufacturers, in their utmost distress, respectfully "asked the aid of the Government," but hitherto in vain.

"To turn over to beggary the ten thousand seamen employed in their navigation, and the ship-builders, boat-builders, blacksmiths, sailmakers, ropemakers, riggers, caulkers, joiners, and other artisans, employed in their construction."

The deprecation of these calamitous scenes ought to be postponed until such a result be proved or rendered probable; and it is a result which cannot, will not follow. It is the "day-dream" of a heated imagination. The American tonnage employed in the transportation of the articles intended to be subjected to additional duties, for the benefit of manufactures, is not much more than that employed in the trade to Hayti. And the whole of our tonnage employed in the commerce with England in 1822, was only 119,

202 tons, whereas in the trade to Cuba, we employed 118,405. There is no consideration of, or sympathy for, the thousands of manufacturers, whom our excessive importations have "consigned to beggary" since the war, nor of those who are daily consigned to the same calamitous state.

"They are sincere well wishers to the manufactures of this country. They will always be happy to see them prosper, under that due protection of them to which individual skill and capital, in the present state of the law, are perfectly competent."

It is painful to us to state, that we look in vain for the evidence of "well-wishing," in the ardent, systematic, undeviating, and unfortunately successful opposition constantly made, since the first organization of the Government, by the merchants of the United States, to every attempt to protect manufactures—even in the years 1819 and 1820, when at least 30,000 work-people were divested of employment; many of them reduced to pauperism, or to break stones on turnpike roads, at 25, 30, and 37½ cents per day, and when hundreds of the proprietors were involved in destruction, most of whom might have been rescued but for this opposition.

"The practice of no foreign nation leads, as your memorialists submit, to a different conclusion."

A slight view of history will prove that this assertion cannot be maintained. Frederick of Prussia regenerated his country, exhausted by long and sanguinary wars, and the destructive inroads of foreign armies, of which two were at once in possession of his capital, by a system of exclusion of foreign manufactures, and of bounties on those of his own country. France is regenerated after her long wars—her subjugation by, and subjection for three years to, hostile armies, and a military tribute of \$100,000,000. Russia tried the system of low duties and abolition of prohibitions for the years 1820 and 1821. Ruin spread over the face of the land. In a Government circular, signed by Count Nesselrode, the following melancholy picture of the state of the country is drawn: "Agriculture without a market—industry without protection—language and decline. Specie is exported, and the most solid commercial houses are shaken. The public prosperity would soon feel the wound inflicted on private fortunes, if new regulations did not promptly change the actual state of affairs. Events have proved that our agriculture and our commerce, as well as our manufacturing industry, are not only paralyzed, but brought to the brink of ruin." Early in 1822, taught wisdom by her intense distress, she enacted a new tariff, containing three hundred and forty prohibitions, which are daily reviving her prosperity. Holland, which adopted a low tariff in 1816, has ever since writhed under its operation. Her manufactures are blasted—circulation is sluggish—her revenue has failed—her real estate is sunk in value one-third—and one-ninth part of her population is reduced to a state of pauperism. In one word, we respectfully state,

Protection of American Manufactures.

that there is scarcely an instance on record, of a nation arriving at perfection in manufactures without the protection of Government; and that those nations which are principally devoted to agriculture, are almost universally impoverished, witness Poland, Italy, Spain, Portugal, and Ireland, notwithstanding their transcendent advantages. Whereas, those where manufactures are flourishing, are generally wealthy, and abound in specie—witness France and England. So true is the maxim of Alexander Hamilton—

"The importation of manufactured supplies seems invariably to drain the merely agricultural people of their wealth. Let the situation of the manufacturing countries of Europe be compared, in this particular, with that of countries which only cultivate, and the disparity will be striking."

"The effect is morally certain. So much so as almost to infer the intention in those who promote the cause—it is to paralyze and deaden, by one blow, that portion of the commercial capital of this country which is employed in the purchase, importation, and distribution, of all that the new tariff shall exclude from the country."

We regret, and are astonished at, the insinuation conveyed in these lines. It is not warranted; it is not generous. What! are we to be told that the manufacturers of the United States, depressed,

and many of them in danger of bankruptcy, by the overwhelming influx of foreign rival articles, and seeking of their Government that paternal protection afforded to this class by all the Governments of the old world, except Holland, and by all those of the new, have the barbarous "intention of paralyzing and deadening, by one blow, that portion of the commercial capital of the country which is employed in the purchase, importation, and distribution, of all that the new tariff shall exclude from the country?" We refrain from the expression of the acute feelings this very harsh insinuation is calculated to excite, and trust that its authors cannot fail, on reflection, to regret its use, and to wish it were possible to have it expunged.

The premises being duly considered, we respectfully request your honorable Houses will digest such a system as will secure to your manufacturing fellow-citizens a portion of the efficient protection which, from the dawn of the Government, has been paternally and wisely extended to commerce and tobacco planting.

Signed by order.

WM. TILGHMAN, *President.*

MATHEW CAREY.

Philadelphia, March 10, 1824.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE FIRST SESSION OF THE EIGHTEENTH CONGRESS, BEGUN AND HELD
AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 1, 1823.

An Act appropriating a certain sum of money for the relief of Daniel D. Tompkins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized to pay to Daniel D. Tompkins, late Governor of the State of New York, out of any money in the Treasury, not otherwise appropriated, the sum of thirty-five thousand one hundred and ninety dollars; being the amount reported in favor of the said Daniel D. Tompkins, by the accounting officers of the Treasury, in compliance with the act of Congress, entitled "An act to provide for the settlement of the accounts of Daniel D. Tompkins, late Governor of the State of New York," passed the twenty-first February, one thousand eight hundred twenty-three.

Approved, December 22, 1823.

An Act authorizing the Secretary of the Treasury to furnish, for the use of the Territory of Arkansas, an abstract of the Military Bounty Lands, lying within the same.

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury to cause a complete abstract to be made out and transmitted, for the use of the Territory of Arkansas, to the Governor of said Territory, of all the military bounty lands, which have been patented to the soldiers of the late army, or to their legal representatives, lying within the same, designating the tract, the name of the patentee, and the time when issued.

Approved, January 1, 1824.

An Act concerning discriminating duties of Tonnage and Impost.

Be it enacted, &c., That, from and after the first day of January, one thousand eight hundred and twenty-four, during the continuance of this act, and under the limitations hereinafter mentioned, so much of the several acts imposing duties on the tonnage of vessels in the ports of the United States, as imposes a discriminating duty between foreign vessels and vessels of the United States, is hereby suspended, so far as respects vessels truly and wholly belonging to subjects or citizens of the kingdom of the Netherlands; of Prussia; of the Imperial Hanseatic Cities of Hamburg, Lubec, and Bremen; of the dukedom of Oldenburg; of the kingdom of Norway, of the kingdom of Sardinia, and of the Empire of Russia.

SEC. 2. *And be it further enacted,* That so much of the several acts imposing duties on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty between goods imported into the United States in foreign vessels and in vessels of the United States, be, and the same is hereby suspended, so far as the same respects the produce or manufactures of the territories in Europe, of any of the abovementioned nations, or such produce and manufacture as can only be, or most usually are, first shipped from a port or place in the said territories in Europe, of either of them, respectively, the same being imported in vessels truly and wholly belonging to the subjects or citizens of each of the said nations, respectively, the vessels of each nation importing its own produce and manufactures as aforesaid.

SEC. 3. *And be it further enacted,* That the suspension of the discriminating duties of tonnage and impost, in the two preceding sections of this act prescribed, shall continue, in behalf of each of the abovementioned nations, on condition that, and so long as, the vessels of the United States, and truly wholly belonging to the citizens thereof, and all goods and merchandise, of the produce and manufacture of the United States, laden therein, and imported into any of the ports of the said nations in Europe, respectively, shall be exempted from all and every discriminating duty of impost or tonnage, direct or indirect, whatsoever, other or higher than is levied upon the vessels and merchandise therein imported, belonging to the subjects or citizens of each of the said nations, respectively. But if, in any of the territories in Europe, of either of the said nations, any such discriminating duty shall, at any time, be imposed or levied on vessels wholly belonging to citizens of the United States, or on the merchandise imported as aforesaid in them, then, and from that time, the said suspension herein prescribed shall cease and determine, so far as respects the vessels, and merchandise imported into the United States in them, of such nations; and all the provisions of the acts imposing discriminating foreign tonnage and impost duties in the United States, shall revive and be in full force, with regard to the said nation.

SEC. 4. *And be it further enacted,* That upon satisfactory evidence being given to the President of the United States, by the Government of any foreign nation, that no discriminating duties of tonnage or impost are imposed or levied

within the ports of the said nation, upon vessels wholly belonging to citizens of the United States, or upon merchandise, the produce or manufacture thereof, imported in the same, the President is hereby authorized to issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost, within the United States, are, and shall be, suspended and discontinued, so far as respects the vessels of the said nation, and the merchandise of its produce or manufacture, imported into the United States in the same; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and merchandise, as aforesaid, thereon laden, shall be continued and no longer.

Approved, January 7, 1824.

An Act supplementary to the act, entitled "An act for the relief of persons imprisoned for debt."

Be it enacted, &c., That the oath prescribed by the act, entitled "An act for the relief of persons imprisoned for debt," passed on the sixth day of January, Anno Domini one thousand eight hundred, may be, in all cases, administered to the person entitled to take the same, either by any judge of the Supreme Court, or by the district judge for the district within which such person may be, or by any person or persons commissioned by any judge of the Supreme Court, or the said district judge, for that purpose.

Approved, January 7, 1824.

An Act to authorize the surveying and making a road from a point opposite to Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint three commissioners, who shall explore, survey, and mark, in the most eligible course, a road from a point on the right bank of the river Mississippi, opposite to the town of Memphis, in the State of Tennessee, to Little Rock, in the Territory of Arkansas; the said commissioners shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approves of the said survey, shall cause the plats thereof to be deposited in the Office of the Treasury of the United States, and the said road shall be considered as established and accepted.

SEC. 2. *And be it further enacted,* That the said road shall be opened and made under the direction of the President of the United States, who is hereby authorized to employ the troops of the United States in the completion, or assisting in the completion, of said road.

SEC. 3. *And be it further enacted;* That the said commissioners shall, each, be entitled to receive three dollars, and their assistants one dollar and fifty cents, for each and every day which they

shall be necessarily employed, in the exploring, surveying, and marking, said road: And, for the purpose of compensating the aforesaid commissioners and their assistants, and for opening and making said road, there shall be, and hereby is, appropriated, the sum of fifteen thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, January 31, 1824.

An Act authorizing the Commissioners of the Sinking Fund to purchase the seven per cent. stock of the United States, in the year 1824.

Be it enacted, &c., That the Commissioners of the Sinking Fund be, and they are hereby, authorized to purchase, during the year one thousand eight hundred and twenty-four, any stock of the United States, bearing an interest of seven per centum per annum, not exceeding the sum of eight millions six hundred and ten thousand dollars, upon such terms as they may think proper, not exceeding the following rates above the principal sum purchased, that is to say:

For all such stock as they may purchase before the first day of April next, at a rate not exceeding two dollars for every sum of one hundred dollars, in addition to the interest which would have accrued on that day upon the said stock;

For all such stock which they may purchase between the first day of April and the first day of July next, at a rate not exceeding seventy-five cents on every sum of one hundred dollars, in addition to the interest which would have accrued on the day last mentioned;

For all such stock which they may purchase between the first day of July and the first day of October next, at a rate not exceeding, on every sum of one hundred dollars, the amount of interest which would have accrued on the day last mentioned; and

For all such stock which they may purchase between the first day of October next and the first day of January, one thousand eight hundred and twenty-five, at a rate not exceeding the principal and the interest which shall have accrued at the day of purchase.

SEC. 2. *And be it further enacted,* That the said Commissioners are hereby authorized to make such purchases, under the foregoing restrictions, at such times and places as they may deem most expedient, out of any moneys in the Treasury heretofore appropriated for the redemption of the public debt, or out of any money in the Treasury not otherwise appropriated.

Approved, January 22, 1824.

An Act making appropriation for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That the sum of two hundred and sixty-five thousand one hundred and forty dollars, be, and the same is hereby, appropriated, for the compensation granted by law to the Senate and House of Representatives, and to the officers, clerks, and servants, of both Houses of Congress, and for defraying the contingent expenses thereof;

and that the same be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, January 19, 1824.

An Act further extending the term of half pay pensions to the widows and children of officers, seamen, and marines, who died in the public service.

Be it enacted, &c., That, in all cases where provision has been made by law for five years' half pay to the widows and children of officers, seamen, and marines, who were killed in battle, or who died in the naval service of the United States, during the late war; and, also, in all cases where provision has been made for extending the term for five years, in addition to the first term of five years, the said provision shall be further extended for an additional term of five years, to commence at the end of the second term of five years, in each case, respectively, making the provision equal to fifteen years' half pay; which shall be paid out of the fund heretofore provided by law: and the said pensions shall cease, from the causes mentioned in the laws providing the same, respectively.

SEC. 2. *And be it further enacted,* That, from and after the passing of this act, the act, entitled "An act to amend and explain an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," passed March the third, one thousand eight hundred and seventeen, be, and the same is hereby repealed: *Provided, however,* That nothing in this act contained shall be construed to prevent the payment of any pension already granted, until the full expiration of the period thereof; nor to affect or impair the rights of any person or persons which may have accrued during the existence of the act hereby repealed as aforesaid.

Approved, January 22, 1824.

An Act to revive and continue in force an act, entitled "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, of the Clerks employed in their offices, and of the Librarian."

Be it enacted, &c., That an act, passed the eighteenth of April, one thousand eight hundred and eighteen, entitled "An act fixing the compensations of the Secretary of the Senate and Clerk of the House of Representatives, of the Clerks employed in their offices, and of the Librarian," be, and the same is hereby declared to be, revived and continued in force, until the first day of January, eighteen hundred and twenty-six.

Approved, February 20, 1824.

An Act for the relief of the legal representatives of John Michael, deceased.

Be it enacted, &c., That the Secretary of State be, and he is hereby, authorized and required to deliver to Jesse Mercer, administrator *de bonis non*, with the will annexed, upon the estate of John Michael, late of Hancock county, in the State of Georgia, deceased, or to the legally constituted

attorney in fact of the said Jesse Mercer, administrator as aforesaid, a certificate, numbered one thousand and ninety-five, issued by the New England Mississippi Land Company, in the name of Robert Williams, jr., for twenty thousand acres of land, which said certificate is annexed to a relinquishment executed by the said John Michael, by his attorney in fact, Bowling Hall, bearing date on the twenty-fifth day of February, eighteen hundred and fifteen, and is now on file in the office of the said Secretary of State: *Provided,* That before delivering said certificate, the said Secretary of State shall make and retain a copy of said certificate in his office, and shall also take the receipts of said Jesse Mercer, or his attorney in fact, for the same.

Approved, February 20, 1824.

An Act to extend the time limited for the settlement of private land claims in the Territory of Florida.

Be it enacted, &c., That the time limited for the settlement of private land claims in the Territory of Florida, by an act of the seventeenth Congress, entitled "An act amending, and supplementary to, the act for ascertaining claims and titles to land in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida," be, and the same is hereby, extended and enlarged, until the first day of January next, when the commissioners for ascertaining claims and titles to the lands aforesaid, shall make a return of their proceedings to the Secretary of the Treasury, to be laid before Congress.

SEC. 2. *And be it further enacted,* That the claimant or claimants shall not be required to produce, in evidence, a deraignment of title from the original grantee or patentee, but the exhibition of the original title papers, agreeably to the fourth section of an act, passed the eighth of May, eighteen hundred and twenty-two, entitled "An act for ascertaining claims and titles to lands within the Territory of Florida," with the deed or devise, to the claimant, and the office abstract or abstracts of the intermediate conveyances for the last ten years preceding the surrender of Florida to the United States, and, where they cannot be produced, their absence being satisfactorily accounted for, shall be sufficient evidence of the right of the claimant or claimants to the land so claimed as against the United States: *Provided,* That the claim be defined in quantity, and the amount does not exceed the quantity limited in the second section of the act which this is intended to extend: *And, provided,* The conditions required by the laws and ordinances of the Spanish Government, and the treaty between Spain and the United States, shall have been complied with.

SEC. 3. *And be it further enacted,* That no person shall be taken and deemed to be an actual settler, within the provisions of the "Act amending, and supplementary to, an act for ascertaining claims and titles to land in the Territory of Florida," passed on the third day of March, one thousand eight hundred and twenty-three, unless such person, or those under whom he claims title,

shall have been in the cultivation, or occupation, of the land, at and before the period of the cession.

SEC. 4. *And be it further enacted*, That so much of the act of which this is an amendment, as authorizes the Secretary of the said Commissioners to demand and receive from the claimants ten cents per hundred words for recording titles to land, be, and the same is hereby, repealed.

SEC. 5. *And be it further enacted*, That the former Secretaries, or those who may now be Secretaries, to the said Board of Commissioners, who shall have received their salary of one thousand two hundred and fifty dollars, from the Treasury of the United States, which is, by law, declared to be their full compensation, shall be, and they are hereby, required to pay over, respectively, to the Commissioners, conformable with the provisions of the original law, all such fees as have been demanded and received by them, which shall be appropriated to defray the expenses of the commission.

SEC. 6. *And be it further enacted*, That so much of the acts of which this is amendatory, as makes void all claims not filed before the first day of December, one thousand eight hundred and twenty-three, be, and the same is hereby, repealed; and it shall be lawful for claims to be filed any time previous to the first day of September next; but all and every claim not filed by that time, shall be held and deemed void and of none effect.

SEC. 7. *And be it further enacted*, That each of the Commissioners heretofore appointed, or who may hereafter be appointed, who has performed, and shall hereafter perform, the duties assigned him, shall receive, from the first Monday in February, until the first day in January next, at the rate of two thousand dollars per annum, in full compensation for his services.

Approved, February 28, 1824.

An Act to authorize the laying out and opening certain public roads in the Territory of Florida.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be opened, in the Territory of Florida, a public road from Pensacola to St. Augustine, commencing at Deer Point, on the Bay of Pensacola, and pursuing the Old Indian Trail to the Cow Ford, on the Choctawhatchy river; thence, to the Ocheese Bluff, on the Appalachicola river; thence, in the most direct practicable route, to the site of Fort St. Louis; thence, as nearly as practicable, on the old Spanish road to St. Augustine, crossing the St. John's river at Picolata; which road shall be plainly and distinctly marked, and shall be of the width of twenty-five feet.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to employ the troops of the United States, stationed in Florida, in such manner as he may think proper, in the completion, or assisting in the completion, of said road.

SEC. 3. *And be it further enacted*, That, for defraying the expenses of opening the said road, the sum of twenty thousand dollars be, and the same

is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

SEC. 4. *And be it further enacted*, That the President be, and he is hereby, authorized to cause to be surveyed and marked out, the most direct and practicable route for a public road from Cape Sable, passing by Charlotte Harbor and Bay of Tampa, to the point where the Suwaney river will be intersected by the road to be opened from Pensacola to St. Augustine, and to cause to be surveyed and marked out, the route for a public road from Cape Florida to St. Augustine.

SEC. 5. *And be it further enacted*, That, for defraying the expenses of the surveys aforesaid, the sum of three thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

Approved, February 28, 1824.

An Act to regulate the surveying of the public and private lands in the southern part of Alabama.

Be it enacted, &c., That all the lands in the State of Alabama shall be attached to the district of the Surveyor of the Public Lands in the State of Alabama, and the surveying of all public and private lands in the said State shall hereafter be made under his direction; and it shall be the duty of the principal Deputy Surveyor of the district east of the island of New Orleans, and east of Pearl river, to return the plats of all private claims within the State of Alabama to the office of the said Surveyor.

Approved, February 28, 1824.

An Act making appropriations for the Military Service of the United States, for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That the following sums be, and the same are hereby, respectively, appropriated for the military service of the United States, for the year one thousand eight hundred and twenty-four, to wit:

For pay of the Army, and subsistence of officers, nine hundred and ninety-four thousand four hundred and seven dollars and five cents, including the sum of one hundred and twenty-eight thousand one hundred and nineteen dollars, for the pay and subsistence of the officers and cadets belonging to the Military Academy at West Point;

For subsistence, in addition to an unexpended balance of twenty-one thousand six hundred dollars, two hundred and sixty-nine thousand three hundred and forty-seven dollars;

For forage for officers, thirty-six thousand one hundred and twenty-three dollars;

For the recruiting service, in addition to an unexpended balance of sixteen thousand dollars, thirteen thousand four hundred dollars;

For contingent expenses for the recruiting service, sixteen thousand eight hundred dollars;

For the Purchasing Department, in addition to the amount of clothing on hand, one hundred and forty-one thousand six hundred and twenty-seven dollars and fifty-nine cents;

For the purchase of woollens, during the year one thousand eight hundred and twenty-four, in advance for the year one thousand eight hundred and twenty-five, twenty thousand dollars;

For the Medical and Hospital Department, in addition to supplies on hand, and an unexpended balance, both amounting to twenty-two thousand seven hundred dollars, ten thousand dollars;

For the Quartermaster General's Department, in addition to an unexpended balance of thirty-five thousand dollars, two hundred and forty-nine thousand dollars;

For the purchase of Gridley's farm, ten thousand dollars: *Provided*, said farm shall not be purchased unless the said farm shall be procured for said ten thousand dollars;

For the contingencies of the Army, fifteen thousand dollars;

For the National Armories, three hundred and sixty thousand dollars;

For the current expenses of the Ordnance service, forty-two thousand dollars;

For pensions to the Revolutionary pensioners of the United States, one million two hundred and ninety-one thousand seven hundred and sixteen dollars and thirty-nine cents;

For the pensions to the invalids, to the commutation pensioners, and to the widows and orphans, three hundred and thirteen thousand one hundred and seventy-four dollars and forty-two cents;

For arrearages in the War Department, prior to the first of July, one thousand eight hundred and fifteen, twenty-six thousand dollars.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act, shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable: *Provided, further*, That nothing in this section contained shall extend to balances arising solely from the depreciation of Treasury notes, received by such person, to be expended in the public service; but, in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report forthwith to the Agent of the Treasury Department the balance due; and it shall be the duty of the said Agent, within sixty days thereafter, to order suit to be commenced against such delinquent, and his securities.

Approved, March 10, 1824.

An Act to repeal, in part, an act, entitled "An act to lessen the compensation for Marshals, Clerks, and Attorneys, in the cases therein mentioned."

Be it enacted, &c., That so much of the act passed on the eighteenth day of April, Anno Domini one thousand eight hundred and fourteen, entitled "An act to lessen the compensation for marshals, clerks, and attorneys, in the cases therein

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mentioned," as prohibits the allowance of daily compensation to marshals, clerks, and attorneys, in the districts in said act mentioned, be, and the same hereby is, repealed; and that there hereafter be allowed to the marshals, clerks, and attorneys, for said districts, the same daily compensation as is allowed to the same officers in other districts.

Approved, March 8, 1824.

An Act for the better organization of the District Courts of the United States within the State of Alabama.

Be it enacted, &c., That the State of Alabama shall be, and the same is hereby, divided into two districts, in manner following, to wit: That part thereof composing the counties of Jackson, Decatur, Madison, Limestone, Lauderdale, Franklin, Lawrence, Morgan, Blount, St. Clair, Jefferson, Walker, and Marion, shall compose one district, to be called the Northern District of Alabama; and the residue thereof shall compose another district, to be called the Southern District of Alabama.

SEC. 2. *And be it further enacted*, That there shall be two terms of the District Court for the Southern District, held at Mobile, in each year, to begin on the third Monday after the fourth Monday in March, and the fourth Monday after the fourth Monday in October; and one term at Cahawba, in each year, to begin on the third Monday in June; and one term of the District Court, for the Northern District, shall be held in Huntsville, in each year, to begin on the second Monday in July; and the District Judge of the United States for the State of Alabama is hereby required to hold the courts aforesaid, and furthermore, to hold one or more special terms, at Cahawba, and at Huntsville, in each year, if, in his opinion, the business of the court shall require it to be done.

SEC. 3. *And be it further enacted*, That the third Monday in December, in each year, shall be a return day for writs and executions, returnable to the said District Court at Cahawba; and the second Monday in January, in each year, shall be a return day for writs and executions returnable to the said District Court at Huntsville; and the parties to such suits as shall be so returned, shall make up their pleadings under such rules as the court shall prescribe, in order to have the causes so returned in a state for trial at the next regular term.

SEC. 4. *And be it further enacted*, That all causes pending in the said District Courts at Mobile and Cahawba, shall be adjourned and continued from the times heretofore prescribed by law for holding said courts respectively, to the times appointed by this act; and all recognizances and process of every description, made returnable to the former terms of holding said courts, shall be returned to the terms herein established, and be as valid as if the time of holding the same had not been changed.

SEC. 5. *And be it further enacted*, That all causes at law, or in chancery, pending in the said District Courts at Mobile and Cahawba, in which the defendant or defendants resided, in the Northern Dis-

trict, at the time of serving the process, shall be transferred to the District Court for the said Northern District, established by this act, and be proceeded in, adjudged, and determined, in the same manner as if originally commenced in said court; and it shall be the duty of the clerks of the said District Courts at Mobile and Cahawba, to transmit, by some safe conveyance, to the clerk of the District Court for the Northern District, the original papers in all such causes, together with a transcript of all proceedings had therein.

SEC. 6. *And be it further enacted*, That all suits hereafter to be brought, in either of the courts aforesaid, not of a local nature, shall be brought only in the district where the defendant shall reside; but if there be more than one defendant, and some of them reside in the Northern and some in the Southern District, the plaintiff may sue in either, and send a duplicate writ to the other, on which he shall endorse that it is part of a suit brought in the district from which it is sent; and the said writs, when executed and returned, shall constitute one suit, and be proceeded in accordingly.

SEC. 7. *And be it further enacted*, That the Judge of said courts shall appoint a clerk of the District Court of the Northern District, who shall reside, and keep his office, and the records and documents appertaining thereto, at the place of holding said court: be entitled to the same fees allowed by law to the clerks of the Southern District, and be subject to the same liabilities and penalties.

SEC. 8. *And be it further enacted*, That the District Attorney heretofore appointed for the District of Alabama shall be the District Attorney for the Southern District of Alabama; and there shall be a District Attorney appointed for the Northern District of Alabama, who shall hold his appointment for the same term, be subject to the same duties, and receive the same salary, fees, and emoluments, allowed to the District Attorney for the Southern District of Alabama.

SEC. 9. *And be it further enacted*, That should the Judge fail to attend at the time and place of holding any of the courts herein mentioned, before the close of the third day of the term, the business thereof shall stand adjourned to the next term.

Approved, March 10, 1824.

An Act to define the boundary line between the Edwardsville and Springfield Land Districts, in the State of Illinois.

Be it enacted, &c., That all that tract of country lying between the Illinois and Mississippi rivers, and south of the base line of the military surveys, be, and the same is hereby, attached to, and made a part of, the land district, the office of which is located at Edwardsville; and all the tract of country lying between the said rivers, and north of the said baseline be, and the same is hereby, attached to, and made a part of, the land district, the office of which is established at Springfield, in the county of Sangamo.

Approved, March 16, 1824.

An Act to change the terms of the District Court of the United States for the Kentucky district.

Be it enacted, &c., That, from and after the passage of this act, the sessions of the District Court of the United States, in and for the Kentucky District, shall commence and be holden on the first Monday of May and November, in each year, instead of the terms now appointed by law.

SEC. 2. *And be it further enacted*, That all motions, process, pleas, and suits, returnable to the term of said court heretofore appointed to be holden in April next, shall stand adjourned and continued over to the May term next appointed by this act, and shall be as effectual in law as if the said April term had not been abolished.

Approved, March 24, 1824.

An Act to authorize the employing of certain Assistants in the General Land Office.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to employ in the General Land Office, for a term not exceeding twelve months, one assistant draughtsman and two colorers, for the purpose of completing the maps directed to be made by a resolution of the Senate of the United States, passed on the twenty-eighth day of February, one thousand eight hundred and twenty-three.

Approved, March 24, 1824.

An Act making appropriations for the support of Government for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That the following sums be, and the same are hereby, respectively appropriated for the service of the year one thousand eight hundred and twenty-four; that is to say:

For compensation to Senators and members of the House of Representatives, their officers and attendants, including the sum of two hundred and sixty-five thousand one hundred and forty dollars, appropriated by an act making a partial appropriation for the year one thousand eight hundred and twenty-four, passed the nineteenth day of January last, four hundred and fifty-three thousand eight hundred and seventy-two dollars.

For expenses of fuel, stationery, printing, and all other contingent expenses of the two Houses of Congress, sixty thousand seven hundred dollars.

For expenses of the library of Congress, including the salary of the librarian, one thousand nine hundred and fifty dollars.

For compensation to the President of the United States, twenty-five thousand dollars.

For compensation to the Vice President of the United States, five thousand dollars.

For compensation to the Secretary of State, six thousand dollars.

For compensation to the clerks in the Department of State, per act of the twentieth of April, one thousand eight hundred and eighteen, fifteen thousand nine hundred dollars.

For compensation to the messengers in said Department, including the messenger in the Patent Office, one thousand four hundred dollars.

For the incidental and contingent expenses of the Department of State, including the expenses of printing the laws, and for extra copying of papers, twenty-seven thousand three hundred and fifty dollars.

For compensation to the Secretary of the Treasury, six thousand dollars.

For compensation to the clerks in the office of the Secretary of the Treasury, per act of the twentieth April, one thousand eight hundred and eighteen, ten thousand dollars.

For compensation to an additional clerk, as allowed per act of appropriation of one thousand eight hundred and twenty-three, one thousand one hundred and fifty dollars.

For compensation to messengers in said office, one thousand and fifty dollars.

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks in the office of the First Comptroller, per act of twentieth of April, one thousand eight hundred and eighteen, seventeen thousand eight hundred and fifty dollars.

For compensation to the messengers in said office, one thousand and fifty dollars.

For compensation to the Second Comptroller of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Second Comptroller, per act of twentieth of April, one thousand eight hundred and eighteen, nine thousand seven hundred and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars.

For compensation to the First Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the First Auditor, thirteen thousand two hundred dollars.

For compensation to the messenger in said office, seven hundred dollars.

For compensation to the Second Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Second Auditor, fourteen thousand four hundred dollars.

For compensation to the messenger in said office, seven hundred dollars.

For compensation to the Third Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Third Auditor, twenty-three thousand three hundred and fifty dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of allowances.

For compensation to the Fourth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Fourth Auditor, per act of the twentieth April, one thousand eight hundred and eighteen, fifteen thousand and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of allowances.

For an additional clerk in said office, for the

year one thousand eight hundred and twenty-four, one thousand dollars.

For compensation to the Fifth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the Fifth Auditor, per act of twentieth of April, one thousand eight hundred and eighteen, ten thousand five hundred dollars.

For two clerks, to complete the duties of the Commissioner of the Revenue, transferred to the office of the Fifth Auditor, two thousand five hundred and fifty dollars.

For one clerk, on the business of the agent of the Treasury, transferred to the office of the Fifth Auditor, one thousand one hundred and fifty dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the Treasurer of the United States, three thousand dollars.

For compensation to the clerks in the office of the Treasurer, per act of the twentieth of April, one thousand eight hundred and eighteen, five thousand two hundred and fifty dollars.

For compensation to an additional clerk, and also for an assistant to the chief clerk, as allowed since the first of January, one thousand eight hundred and nineteen, one thousand two hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks in the office of the said Commissioner, per act of the twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand five hundred and fifty dollars.

For compensation to such persons as may be employed to bring up the business in said office, three thousand dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For compensation to the Register of the Treasury, three thousand dollars.

For compensation to clerks in the office of the Register, per act of twentieth April, one thousand eight hundred and eighteen, twenty-two thousand three hundred and fifty dollars.

For compensation to the messenger, including the allowance for stamping ships' registers, eight hundred dollars.

For compensation to the assistant messenger in said office, three hundred and fifty dollars, in full of allowances.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For allowance to the person employed in transmitting passports and sea letters; for expense of translating foreign languages, in the office of the Secretary of the Treasury; for stationery, fuel, printing, and all other incidental and contingent

expenses, in the Treasury Department, and the several offices therein, including the expenses of stating and printing the public accounts, for the year one thousand eight hundred and twenty-four, twenty-six thousand one hundred and fifty dollars.

For allowance to the superintendent and four watchmen, employed for the security of the State and Treasury buildings; for the repairs of engines, hose, and buckets, one thousand and nine hundred dollars.

For compensation to the Secretary of War, six thousand dollars.

For compensation to the clerks in the office of the Secretary of War, twenty-two thousand and six hundred dollars.

For compensation to messengers in said office, one thousand and fifty dollars, in full of allowances.

For compensation to the clerks in the office of the Paymaster General, three thousand one hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of allowances.

For compensation to the clerks in the office of the Commissary General of Purchases, two thousand eight hundred dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For compensation to clerks in the office of the Adjutant General, two thousand one hundred and fifty dollars.

For compensation to clerks in the Ordnance Office, two thousand nine hundred and fifty dollars.

For compensation to the clerks in the office of the Commissary General of Subsistence, two thousand one hundred and fifty dollars.

For compensation to clerks in the office of the Chief Engineer, two thousand one hundred and fifty dollars.

For compensation to the clerk in the office of the Surgeon General, one thousand one hundred and fifty dollars.

For contingent expenses of the War Department, seven thousand dollars.

For compensation to the Secretary of the Navy, six thousand dollars.

For compensation to clerks in the office of the Secretary of the Navy, per act of the twentieth of April, one thousand eight hundred and eighteen, eight thousand two hundred dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For the contingent expenses of the office of the Secretary of the Navy, two thousand five hundred dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the Secretary of the Commissioners of the Navy Board, two thousand dollars.

For compensation to the clerks in the office of the Commissioners of the Navy Board, per act of

the twentieth of April, one thousand eight hundred and eighteen, three thousand five hundred and fifty dollars.

For compensation to three clerks and a draughtsman, as allowed by the acts of appropriation, since the first of January, one thousand eight hundred and nineteen, four thousand dollars.

For compensation to the messenger in said office, seven hundred dollars, in full of all allowances.

For the contingent expenses of said office, one thousand eight hundred dollars.

For allowance to the superintendent and four watchmen, employed for the security of the War and Navy buildings; and for the incidental and contingent expenses, including oil, fuel, candles, and labor, two thousand one hundred and fifty dollars.

For compensation to the Postmaster General, four thousand dollars.

For compensation to the two Assistant Postmasters General, five thousand dollars.

For compensation to the clerks in the General Post Office, per act of the twentieth of April, one thousand eight hundred and eighteen, twenty-two thousand seven hundred dollars.

For compensation to two clerks, as allowed per act of appropriation of one thousand eight hundred and twenty-three, one thousand six hundred dollars.

For compensation to the messengers in said office, one thousand and fifty dollars, in full of all allowances.

For the contingent expenses of said office, four thousand dollars.

For compensation to the Surveyor General, two thousand dollars.

For compensation to the clerks in the office of the Surveyor General, two thousand one hundred dollars.

For compensation to the Surveyor south of Tennessee, two thousand dollars.

For compensation to the clerks in the office of said Surveyor, one thousand seven hundred dollars.

For compensation to the Surveyor in Illinois, Missouri, and Arkansas, two thousand dollars.

For compensation to the clerks in the office of said surveyor, two thousand dollars.

For compensation to the Surveyor in Alabama, two thousand dollars.

For compensation to the clerks in the office of said Surveyor, one thousand five hundred dollars.

For compensation to the Commissioner of the Public Buildings in Washington City, one thousand five hundred dollars.

For compensation to the officers and clerk of the Mint, nine thousand six hundred dollars.

For persons employed in the different operations of the Mint, nine thousand four hundred dollars.

For incidental and contingent expenses, and repairs, cost of machinery, and for the allowance of wastage in the gold and silver coinage of the Mint, seven thousand seven hundred and seventy-five dollars.

For compensation to the Governor, Judges, and

Secretary, of the Michigan Territory, eight thousand seven hundred and thirty-six dollars and thirty cents.

For the contingent expenses of the Michigan Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Arkansas Territory, six thousand six hundred dollars.

For the contingent expenses of the Arkansas Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Florida Territory, seven thousand dollars.

For compensation to six Commissioners, to settle land claims in said Territory, twelve thousand dollars.

For compensation to the Chief Justice, the Associate Judges, and District Judges, of the United States, including the Chief Justice and Associate Judges of the District of Columbia, seventy-eight thousand and four hundred dollars.

For compensation to the Attorney General of the United States, three thousand five hundred dollars.

For compensation to the clerk in the office of the Attorney General, eight hundred dollars.

For compensation to the Reporter of the decisions of the Supreme Court, one thousand dollars.

For compensation to sundry District Attorneys and Marshals, as granted by law, including those in the several Territories, ten thousand one hundred dollars.

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, and for defraying the expenses of prosecutions for offences against the United States, and for the safe keeping of prisoners, sixty thousand dollars.

For the payment of sundry pensions granted by the late and present Governments, two thousand one hundred and fifty dollars.

For the support and maintenance of light-houses, beacons, buoys, and stakeages, including the purchase of oil, keepers' salaries, repairs and improvements, and contingent expenses, and including an unexpended balance of appropriation on the first of January, one thousand eight hundred and twenty-four, of seventeen thousand five hundred and eleven dollars and seventy-three cents; and, also, five thousand dollars in addition to the sum of three thousand five hundred dollars, heretofore appropriated for building a lighthouse near Fort Gratiot, in Michigan Territory, one hundred and nine thousand seven hundred and seventy-four dollars and thirty-three cents.

For payment of the salaries of the Registers and Receivers of the different Land Offices, thirty-nine thousand dollars.

For surveying the public lands, seventy-five thousand dollars.

For continuing the work on the centre building, eighty-six thousand dollars.

For alterations and repairs in the room occu-

ried by the Supreme Court, six hundred and forty dollars.

For improving the Capitol square, and painting the railing round the same, two thousand dollars.

For making a footway in front of the public grounds and open spaces between the Capitol and Navy Office, five thousand dollars.

For stationery and books for the offices of Commissioners of Loans, two thousand dollars.

For rent and repairs of the tenement formerly occupied as a temporary residence by the President of the United States, eight hundred and thirty-nine dollars, twenty-four cents.

For registers for ships and vessels of the United States, and for lists of crews, four thousand dollars.

For sick, disabled, and destitute seamen, in foreign countries, forty thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the Treasury, six thousand dollars.

For the salaries of the Ministers of the United States to London, Paris, St. Petersburg, Madrid, and Lisbon, the Chargé des Affaires at Madrid from the third of March to the fourth of November, eighteen hundred and twenty-three, and, also, for the Chargé des Affaires at Stockholm and the Hague, fifty-seven thousand five hundred dollars.

For the salaries of the Ministers or Chargés des Affaires of the United States who have been, or may be, appointed to the governments on the continent of America, thirty-six thousand dollars.

For outfits to the Ministers at Paris and Madrid, eighteen thousand dollars.

For salaries of the several Secretaries of Legation, eighteen thousand dollars.

For the contingent expenses of those missions, twenty thousand dollars.

For the salaries of the Agents of Claims at London and Paris, four thousand dollars.

For payment of the salaries of the Commissioner and Arbitrator under the first article of the Treaty of Ghent, and for one-half of the salary of the Secretary and half the contingent expenses of the commission, two thousand five hundred dollars, in addition to the unexpended balance of the appropriation for one thousand eight hundred and twenty-three, for the same object.

For expenses of carrying into effect the sixth and seventh articles of the Treaty of Ghent, including the compensation of the Commissioners, Agents, and Surveyors, and their contingent expenses, sixteen thousand dollars.

For expenses of intercourse with the Barbary Powers, thirty thousand dollars.

For contingent expenses of foreign intercourse, forty thousand dollars.

For compensation for extra clerks employed in the General Post Office during the last year, nine hundred and thirty-nine dollars and twenty-five cents.

For compensation of nine members of the Legislative Council of the Michigan Territory, at two dollars each per day, for sixty days, one thousand and eighty dollars.

For the contingent expenses of the Legislative Council, including the printing of the laws of said Territory, one thousand two hundred dollars.

For the salaries of the Secretaries of the Land Commissioners of East and West Florida, two thousand five hundred dollars.

For compensation and travelling expenses of the members of the Legislative Council of Florida Territory, and for contingent expenses of the Territory, including arrearages for the years one thousand eight hundred and twenty-two and one thousand eight hundred and twenty-three, six thousand six hundred and sixty-two dollars and sixty-four cents, being the unexpended balance of the last year.

For the completion of the medals voted by Congress to certain general officers; to purchase gold for the medals, and to replace General McComb's medal, two thousand three hundred and fifty dollars.

For a draughtsman and two colorers for the General Land Office, authorized by law, three thousand dollars.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no money, appropriated by this act, shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into, the Treasury, all sums for which he may be liable: *Provided, also*, That nothing in this section contained, shall be construed to extend to balances arising solely from the depreciation of Treasury notes, received by such person, to be expended in the public service; but in all cases, where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report forthwith, to the Agent of the Treasury Department, the balance due; and it shall be the duty of the said Agent, within sixty days thereafter, to order suit to be commenced, against such delinquent and his sureties.

Approved, April 2, 1824.

An Act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war.

Be it enacted, &c., That the pensions of all persons who now are in the receipt thereof, under the provisions of the following laws of the United States, or either of them, to wit: An act passed March fourth, one thousand eight hundred and fourteen, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States;" and an act passed April sixteenth, one thousand eight hundred and eighteen, entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or pri-

vate armed vessels of the United States," so far as regards persons receiving pensions from the fund arising from captures and salvage, made by the private armed vessels of the United States, be, and the same are hereby, continued, under the restrictions and regulations in the said acts contained, for and during the additional term of five years, from and after the period of the expiration of the said pensions, respectively: *Provided, however*, That the said pensions shall alone be paid from the proceeds of the privateer pension fund, so called, and without recourse to the United States for any deficiency, (should such occur,) which may hereafter arise thereon: *And provided, further*, That no pension shall be paid to any such widow after her intermarriage, nor to any orphan children of such officer, seamen, or marines, after they shall have attained the age of sixteen years.

Approved, April 9, 1824.

An Act confirming certain acts of James Miller, as Governor of the Territory of Arkansas, and for other purposes.

Be it enacted, &c., That the official acts and proceedings of James Miller, as Governor of the Territory of Arkansas, from the third day of March, A. D. one thousand eight hundred and twenty-two, to the third day of January, A. D. one thousand eight hundred and twenty-three, be, and the same are hereby, declared to have the same validity, force, and effect, as if the said James Miller had been duly appointed and commissioned, for and during the said term, by the President of the United States, as Governor of the Territory of Arkansas; and he is hereby authorized to have and receive the same salary, pay, and emoluments, as he would by law have been entitled, during the same period, to receive, if he had been so appointed and commissioned as aforesaid.

Approved, April 9, 1824.

An Act to amend an act, entitled "An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia."

Be it enacted, &c., That, during the continuance of the act, entitled "An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia," passed the twenty-first April, one thousand eight hundred and eight, the Washington and Alexandria Turnpike Company shall be entitled to demand and receive, by their proper agents, servants, or officers, at the bridge built by said company, over Four Mile Creek, between the town of Alexandria and the City of Washington, the sum of one cent for each and every person passing on foot over said bridge: *Provided always, and it is further enacted*, That, whenever the net proceeds of tolls collected on said road and bridge shall be sufficient to defray the expense of rebuilding the bridge on Four Mile Run, keeping the said bridge and road in a sufficient state of repair, and allow the stockholders dividends, at the rate of six per centum

per annum, then, and in that case, the circuit court of the District of Columbia for the county of Alexandria shall determine that the right of said Company to demand the tolls prescribed by this act, or any other tolls, from foot passengers, shall cease.

Approved, April 9, 1824.

An Act to change the terms of the Circuit and District Courts of the United States in the State of Ohio, and one of the terms of the Circuit Court in Kentucky.

Be it enacted, &c., That the circuit court of the United States within and for the district of Ohio, instead of the time now fixed by law, shall be held on the second Monday of July next; and thereafter on the first Mondays in January and June in each year; and the district court of the United States, in and for the said district, shall hereafter be held on the Mondays next succeeding the times herein fixed for holding the circuit court.

SEC. 2. *And be it further enacted*, That the next Fall term of the circuit court of the United States for the district of Kentucky be commenced and held on the second Monday in October next, in lieu of the first Monday in November; *Provided*, That this act shall not be construed to extend to, or embrace, any other or future term of the said circuit court, than the next November term aforesaid.

SEC. 3. *And be it further enacted*, That all recognizances, process, suits, and proceedings, of every kind, whether of a civil or criminal nature, commenced or pending in either of said courts, shall be returned to, proceeded in, and determined at, the terms herein provided for, in the same manner as if the time of holding said courts had not been changed.

Approved, April 22, 1824.

An Act giving the consent and sanction of Congress to a certain act of the Legislative Council of the Territory of Florida.

Be it enacted, &c., That the consent and sanction of Congress be, and the same are hereby, given to the act of the Legislative Council of the Territory of Florida, approved by the Governor of said Territory, on the fourth day of July, Anno Domini one thousand eight hundred and twenty-three, entitled "An act to provide for levying a poll tax."

Approved, April 22, 1824.

An Act to alter the times of holding the District Court of the United States for the District of Illinois.

Be it enacted, &c., That, in lieu of the times now appointed by law, the district court of the United States for the district of Illinois shall be hereafter holden on the third Mondays in June and November, in each year.

SEC. 2. *And be it further enacted*, That all writs, pleas, suits, recognizances, indictments, and all other proceedings of a civil or criminal nature, now pending in, or which are, or may be return-

able to, said court, shall be heard, tried, and proceeded with, by the said court, in the same manner as if no alteration of the times for holding said court had taken place.

Approved, April 22, 1824.

An Act supplementary to the act, entitled "An act supplementary to the act, entitled 'An act for the relief of persons imprisoned for debt.'"

Be it enacted, &c., That the person or persons who shall or may be commissioned, either by any Judge of the Supreme Court of the United States, or by any District Judge of the United States, to administer the oath prescribed by the act, entitled "An act for the relief of persons imprisoned for debt," passed on the sixth day of January, Anno Domini one thousand eight hundred, shall, and may have full power and authority to issue a citation, directed to the creditor, his agent or attorney, if either lives within one hundred miles of the place of imprisonment, requiring him to appear at the time and place therein mentioned, if he see fit, to show cause why the said oath or affirmation should not be administered.

SEC. 2. *And be it further enacted*, That if the creditor, his agent or attorney, lives within fifty miles of the place of imprisonment, only fifteen days previous notice by citation shall be required.

Approved, April 22, 1824.

An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That, for defraying the expenses of the Navy for the year one thousand eight hundred and twenty-four, the following sums be, and the same are hereby, respectively, appropriated:

For the pay and subsistence of the officers, and pay of seamen, eight hundred and forty-seven thousand one hundred and forty-two dollars and twenty five cents.

For provisions, in addition to the sum of twenty-five thousand one hundred and twenty-eight dollars and seventy-five cents, the balance of appropriation for provisions unexpended and provisions on hand, three hundred thousand dollars.

For medicines, hospital stores, and all expenses on account of the sick, twenty-five thousand dollars.

For pay, subsistence, and allowances, of every description, to all commissioned and warrant officers employed at the several navy yards and shore stations, also of naval constructors, store-keepers, inspectors, master workmen, clerks of the yards, of the check, and of commanders, and porters attached to the navy yards and store stations, two hundred and thirty-one thousand two hundred and ninety-three dollars and twenty-six cents.

For contingent expenses accruing in the present year, that is to say, for commissions, clerk hire, office rent, stationery, and fuel, to navy agents; premiums, and other expenses of recruiting, freight of provisions, stores, and materials, from one station to another, and from the United States to dis-

tant stations in other countries where our ships are employed; allowances to officers at the several navy yards and stations, for house rent, fuel, and candles; travelling expenses for officers, and transportation of seamen: freight of timber, wharfage, and dockage for vessels where there are no public yards; expenses, and a per diem allowance, for attending courts martial and courts of inquiry; compensation to judge advocates; cabinet furniture for vessels in commission; incidental labor at navy yards, which is not applicable to any other appropriation; pilotage of public vessels in the United States, and in foreign countries; printing naval registers, blank pay-rolls, receipt rolls, stewards' returns, seamen's allotment tickets, the proceedings of courts martial; storage of provisions and stores in foreign ports, and in the United States, where public stores are not provided; coals for blacksmiths and anchor-makers, and fuel for steam engines; purchase and maintenance of oxen, carts, large timber wheels, and workmen's tools; chamber money to officers in lieu of quarters, other than house rent; purchase of books, charts, nautical and mathematical instruments, chronometers, machinery, models, drawings, and all stationery, of every description, used throughout the naval service; expense of pursuing deserters; expense of officers in sick quarters; storage of powder; lighterage and scow hire; postage of letters on public service; for per diem allowance to officers engaged in extra service beyond the limit of their stations; for the purchase and repairs of steam and fire engines and machinery; for expenses of burying deceased persons belonging to the Navy; for taxes on navy yards and public property; and for accidents to the public vessels, and for no other object or purpose whatever, one hundred and ninety-five thousand dollars.

For contingent expenses for objects arising in the current year, and not hereinbefore enumerated, five thousand dollars.

For repairs of vessels, and for wear and tear, the sum of three hundred and fifty thousand dollars.

For the improvement in navy yards, docks, and wharves, slips, enclosures, and buildings, of every description, one hundred and fifty-seven thousand five hundred dollars, with authority to purchase, by and with the consent of the Commonwealth of Massachusetts, a slip of land, estimated to contain about nine thousand superficial feet, to straighten the back line of the navy yard at Charlestown, Massachusetts.

For ordnance and ordnance stores, including small arms, manufacture of powder, one thousand dollars, with the unexpended balances of former appropriations, estimated to amount to about nineteen thousand dollars.

For ships' houses, to repay the amount taken from the gradual increase, seventy-eight thousand five hundred dollars.

For pay and subsistence of the Marine Corps, one hundred and seventy-two thousand and ninety-four dollars.

For clothing for the same, twenty-eight thousand seven hundred and sixty-five dollars.

For fuel for the non-commissioned officers, musicians, and privates, six thousand dollars.

For military stores, including stocking arms, armorer's pay, armorer's tools, knapsacks, tents, camp equipage, accoutrements, and ordnance stores, five thousand dollars.

For medicines, hospital stores, and instruments for the officers and marines of the Marine Corps, stationed on shore, two thousand three hundred and sixty-nine dollars and seventy-one cents.

For contingent expenses—that is to say, fuel for commissioned officers, transportation, stationery, bed sacks, straw, extra rations to officers, and postage on public letters—nine thousand dollars.

For repairing barracks at the different stations, and for building new barracks at Portsmouth, ten thousand dollars.

SEC. 2. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated: *Provided, however*, That no money appropriated by this act shall be paid to any person for his compensation who is in arrears to the United States, until such person shall have accounted for and paid into the Treasury all sums for which he may be liable: *Provided, further*, That nothing in this section contained shall extend to balances arising solely from depreciation of Treasury notes received by such person to be expended in the public service. But in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officer, if demanded by the party, his agent or attorney, to report forthwith to the agent of the Treasury Department the balance due. And it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

Approved, April 29, 1824.

An Act making appropriations for certain Fortifications of the United States, for the year one thousand eight hundred and twenty-four.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to wit: For fortifications, to each specifically, as follows:

For Fort Jackson, at Plaquemine Turn, on the river Mississippi, one hundred and ten thousand dollars.

For the fort at Chef Menteur, one hundred thousand dollars.

For the fort at Mobile Point, one hundred and twenty-five thousand dollars.

For Fort Monroe, ninety-five thousand dollars.

For Fort Calhoun, ninety thousand dollars.

For topographical reconnoissance, repairs, and contingencies, twenty-six thousand dollars.

For the purchase of a site, and collecting materials for the projected work at New Utrecht Point, one of the works intended to defend the Narrows, in New York harbor, fifty thousand dollars.

For the purchase of a site, and collecting materials for the projected work at Brenton's Point, Narraganset Bay, Rhode Island, fifty thousand dollars.

Approved, April 29, 1824.

An Act to procure the necessary Surveys, Plans, and Estimates, upon the subject of Roads and Canals.

Be it enacted, &c., That the President of the United States is hereby authorized to cause the necessary surveys, plans, and estimates, to be made of the routes of such roads and canals as he may deem of national importance, in a commercial or military point of view, or necessary for the transportation of the public mail; designating, in the case of each canal, what parts may be made capable of sloop navigation. The surveys, plans, and estimates, for each, when completed, to be laid before Congress.

SEC. 2. *And be it further enacted*, That, to carry into effect the objects of this act, the President be and he is hereby authorized to employ two or more skilful civil engineers, and such officers of the Corps of Engineers, or who may be detailed to do duty with that corps, as he may think proper. And the sum of thirty thousand dollars be and the same is hereby appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, April 30, 1824.

An Act to alter the times of holding the District Court in the District of Missouri.

Be it enacted, &c., That the District Court, for the District of Missouri, shall hereafter be held on the first Monday in March and September, in every year; any thing in any act heretofore passed, to the contrary, notwithstanding.

SEC. 2. *And be it further enacted*, That all writs, pleas, suits, recognizances, indictments, and all other proceedings, civil and criminal, shall be heard, tried, and proceeded with by the said court, at the time fixed in the first section of this act, in the same manner as if no alteration in the times for holding said court had taken place.

Approved, April 29, 1824.

An Act to repeal an act, approved the third March, one thousand eight hundred and twenty-three, entitled "An act for the relief of John B. Hogan."

Be it enacted, &c., That the act approved on the third March, one thousand eight hundred and twenty-three, entitled "An act for the relief of John B. Hogan," be, and the same is hereby, repealed, and that the accounting officers of the Government be authorized to take such judicial measures or otherwise, as may be necessary to compel a settlement of his accounts.

SEC. 2. *And be it further enacted*, That the proper accounting officer of the Treasury Department be, and the same is hereby, directed to carry to the credit of the said Hogan, the amount paid by him, on account of clothing to the Tennessee militia volunteer gunmen.

Approved, April 22, 1824.

An Act rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States Navy.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to

have distributed, as prize money, to Lieutenant Francis H. Gregory, of the United States Navy, and the officers and crews of two gigs, or small boats, under his command, or to their legal representatives, the sum of three thousand dollars, for the capture and destruction of a British gunboat, called the Black Snake, in the river St. Lawrence, on the nineteenth of June, one thousand eight hundred and fourteen, and that the said sum of three thousand dollars be, and the same is hereby, appropriated, for the purpose aforesaid, out of any moneys in the Treasury not otherwise appropriated.

Approved, May 4, 1824.

An Act for enclosing the Burial Ground of Christ Church, Washington Parish.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to cause to be paid to the vestry of Christ Church, Washington Parish, in the City of Washington, the sum of two thousand dollars, out of any money in the Treasury, not otherwise appropriated, for the purpose of aiding in the erection of a substantial wall around the burial ground of said parish: *Provided*, That the said vestry shall execute a bond to the United States, to be approved by the Secretary of the Treasury, and deposited in his Department, conditioned in the penalty of four thousand dollars, for the faithful application of the money, and execution of the work, and securing to the United States the four hundred sites reserved in said burial ground, for the interment of members of Congress, and others, connected with the General Government.

Approved, May 4, 1824.

An Act declaring the consent of Congress to certain Acts of the State of Alabama.

Be it enacted, &c., That the consent of Congress be, and hereby is, granted to the operation of an act of the General Assembly of the State of Alabama, passed on the thirtieth of December, one thousand eight hundred and twenty-three, entitled "An act to improve the navigation of the Coosa river, and to aid in its connexion with the Tennessee waters;" and, also, to an act passed on the thirty-first of December, one thousand eight hundred and twenty-three, entitled "An act to improve the navigation of the Tennessee river."

Approved, May 13, 1824.

An Act altering the times of holding the Courts in the District of Columbia.

Be it enacted, &c., That the Circuit Court for Washington County, in the District of Columbia, shall hereafter commence and be held on the third Monday of December and first Monday of May, in each year, instead of the days now fixed by law; and the Circuit Court for Alexandria County, in said District, on the fourth Monday of April, instead of the days now established by law; and that all process whatsoever, now issued, or which may be issued, in the respective counties of Washington and Alexandria, in said District, returnable

to the days, respectively, now fixed, by law, for each of the said counties, shall be returnable, and returned, on the days prescribed by this act; and all causes, recognizances, pleas, and proceedings, civil and criminal, returnable to, and depending before, the said courts, at the respective times of holding the same, as heretofore established, shall be returned, and continued, in the same counties, respectively, in the same manner as if the said causes, recognizances, pleas, and proceedings, had been regularly returned or continued, to the said respective times appointed by this act for holding the said courts.

Approved, May 13, 1824.

An Act to provide for the extinguishment of the debt due to the United States, by the purchasers of public lands.

Be it enacted, &c., That, in all cases where the purchaser, or legal holder, of any certificate of purchase of any of the public lands of the United States, may have obtained a certificate of further credit, under the provisions of an act, passed second March, one thousand eight hundred and twenty-one, entitled "An act for the relief of the purchasers of public lands prior to the first day of July, one thousand eight hundred and twenty," or of the acts supplementary thereto, of the twentieth of April, one thousand eight hundred and twenty-two, and of the third of March, one thousand eight hundred and twenty-three, the person obtaining such certificate, or the legal holder thereof, shall be allowed, at any time prior to the tenth of April, one thousand eight hundred and twenty-five, to file, with the register of the land office, in the district where such land is situated, a relinquishment, in writing, of any section, half section, quarter section, or legal subdivision of a fractional section, made according to the provisions of the existing laws, in relation to the survey and sale of the public lands; and any payment made, on any tract of land so relinquished, shall be applied to the payment of the amount due on any tract retained by said purchaser, or legal holder of a certificate of purchase, which relinquishment shall be allowed only on condition that any such purchaser, or legal holder of a certificate of purchase, relinquish a sufficient quantity of land thereby to complete his or her payments due to the United States, or any lands retained, or pay the balance due, and which may afterwards become due, in money, before or at the time of such relinquishment; and, on the payment of such balance in money, there shall be allowed, on the amount so paid, a deduction of the rate of thirty-seven and a half per centum: *Provided*, That nothing herein contained shall entitle the person making such relinquishment to claim any repayment from the United States, on account of any lands so relinquished: *And provided further*, That nothing herein contained shall authorize any discounts upon payments made by relinquishment.

SEC. 2. And be it further enacted, That all purchasers, or legal holders of any certificate of pur-

chase, of any of the public lands of the United States, who may have obtained a certificate of further credit, under the provisions of the several acts above mentioned, or making complete payment, previous to the tenth of April, eighteen hundred and twenty-five, of every instalment now due, and which shall afterwards become payable, shall be allowed, upon the amount so paid, a deduction, at the rate of thirty-seven and a half per centum.

SEC. 3. And be it further enacted, That it shall be the duty of the registers and receivers of the land offices of the United States, immediately after the 10th of April, eighteen hundred and twenty-five, to return complete lists of the lands relinquished to the United States, within their districts; and such lands shall be exposed to sale, as other public lands of the United States.

SEC. 4. And be it further enacted, That the register and receiver of any land office shall be allowed double the fees given them by the act of the second of March, one thousand eight hundred and twenty-one, for like services, to be paid by the person or persons availing themselves of the provisions of this act.

SEC. 5. And be it further enacted, That the provisions of this act be extended to town lots and out lots reserved for that purpose, and sold by the United States on a credit.

Approved, May 18, 1824.

An Act providing for the appointment of an agent for the Osage Indians west of the State of Missouri, and Territory of Arkansas, and for other purposes.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint an agent for the Osage Indians west of the State of Missouri, and Territory of Arkansas, who shall receive for his compensation the sum of fifteen hundred dollars, in full, and that all rations or other allowances made to him, shall be deducted from the sum hereby allowed.

SEC. 2. And be it further enacted, That it shall be the duty of each Indian agent to reside and keep his agency within, or near the territory, claimed by the tribe or tribes of Indians for which he may be agent, at such place as the President of the United States may designate.

Approved, May 18, 1824.

An Act to provide for repaying to Bezaleel Wells a certain sum of money by him erroneously paid into the Treasury.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money, not otherwise appropriated, to Bezaleel Wells, of the State of Ohio, the sum of three hundred dollars, being the amount paid by him into the Treasury, on the twelfth day of October, in the year eighteen hundred and twenty-two, by mistake, on account of three several tracts of land, in the district of Vincennes, in the State of Indiana, which had been before that time relinquished by him to the United States, under the "Act for the relief of pur-

chasers of the public lands, prior to the first day of July, eighteen hundred and twenty."

Approved, May 18, 1824.

An Act to amend the several acts for imposing duties on Imports.

Be it enacted, &c., That, from and after the thirtieth day of June, one thousand eight hundred and twenty-four, in lieu of the duties now imposed by law on the importation of the articles hereinafter mentioned, there shall be levied, collected, and paid, the following duties, that is to say:

First. On sail duck, oznaburgs, burlaps, and ticklenburgs, a duty of fifteen per centum ad valorem.

On all manufactures of wool, or of which wool shall be a component part, except worsted stuff goods and blankets, which shall pay twenty-five per centum ad valorem, a duty of thirty per centum ad valorem, until the thirtieth day of June, one thousand eight hundred and twenty-five, and after that time, a duty of thirty-three and a third per centum ad valorem: *Provided*, That, on all manufactures of wool, except flannels and baizes, the actual value of which, at the place whence imported, shall not exceed thirty-three and a third cents per square yard, shall be charged with a duty of twenty-five per centum ad valorem.

Second. On all manufactures, not herein specified, of cotton, silk, flax, or hemp, or of which either of these materials shall be a component part, and on all manufactures of silk, or of which silk shall be a component material, coming from beyond the Cape of Good Hope, a duty of twenty-five per centum ad valorem; on all other manufactures of silk, or of which silk shall be a component material, twenty per centum ad valorem: *Provided*, That all cotton cloths whatsoever, or cloths of which cotton shall be a component material, excepting nankeens imported directly from China, the original cost of which, at the place whence imported, with the addition of twenty per centum, if imported from the Cape of Good Hope, or any place beyond it, and of ten per centum, if imported from any other place, shall be less than thirty cents per square yard, shall, with such addition, be taken and deemed to have cost thirty cents per square yard, and shall be charged with duty accordingly. And that all unbleached and uncolored cotton twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly. And all bleached or colored cotton yarn, twist, or thread, the original cost of which shall be less than seventy-five cents per pound, shall be deemed and taken to have cost seventy-five cents per pound, and shall be charged with duty accordingly: *Provided, also*, That the provisions of this act shall not apply to, or be enforced against, importations of goods from ports or places eastward of the Cape of Good Hope, or beyond Cape Horn, before the first day of January next ensuing.

Third. On wool manufactured, a duty of twenty per centum ad valorem, until the first day of June, one thousand eight hundred and twenty-five; afterwards, a duty of twenty-five per centum ad valorem, until the first of June, one thousand eight hundred and twenty-six; afterwards, a duty of thirty per centum ad valorem: *Provided*, That all wool, the actual value of which, at the place whence imported, shall not exceed ten cents per pound, shall be charged with a duty of fifteen per centum ad valorem, and no more.

Fourth. On all Leghorn hats or bonnets, and all hats or bonnets of straw, chip, or grass, and on all flats, braids, or plats, for making of hats or bonnets, a duty of fifty per centum ad valorem: *Provided*, That all Leghorn hats and bonnets, and all hats or bonnets of straw, chip, or grass, which, at the place whence imported, with the addition of ten per centum, shall have cost less than one dollar each, shall, with such addition, be taken and deemed to have cost one dollar each, and shall be charged with duty accordingly.

Fifth. On japanned wares, of all kinds, on plated wares, of all kinds, and on all manufactures, not otherwise specified, made of brass, iron, steel, pewter, lead, or tin, or of which either of these metals is a component material, a duty of twenty-five per centum ad valorem.

On bolting cloths, fifteen per centum ad valorem;

On hair cloth and hair seating, thirty per centum ad valorem;

On marble, and all manufactures of marble, thirty per centum ad valorem;

On all paper hangings, forty per centum ad valorem;

On coach laces, of cotton or other material, thirty-five per centum ad valorem; on all other laces, twelve and a half per centum ad valorem;

On lead, in pigs, bars, or sheets, two cents per pound;

On leaden shot, three and one half cents per pound;

On red or white lead, dry, or ground in oil, four cents per pound;

On Brussels, Turkey, and Wilton carpets and carpeting, fifty cents per square yard;

On all Venetian and ingrain carpets or carpeting, twenty-five cents per square yard;

On all other kinds of carpets and carpeting, of wool, flax, hemp, or cotton, or parts of either, twenty cents per square yard;

On oil cloth carpeting, and on oil cloths, of every description, a duty of thirty per centum ad valorem;

On all other carpets and carpeting, mats, and floor cloths, made of tow, flags, or any other material, a duty of thirty per centum ad valorem;

On hemp, at the rate of thirty-five dollars per ton;

On tarred cables and cordage, four cents per pound;

On untarred cordage, yarns, twine, pack thread, and seines, five cents per pound;

On cotton bagging, three cents and three-fourths of a cent per square yard;

On iron, in bars or bolts, not manufactured, in whole or in part, by rolling, ninety cents per hundred and twelve pounds;

On round iron, or braziers' rods, of three-sixteenths to eight-sixteenths of an inch diameter, inclusive; and on iron, in nail or spike rods, slit; and on iron, in sheets, and hoop iron; and on iron, slit or rolled, for band-iron, scroll-iron, or case-ment rods, three cents per pound;

On iron spikes, four cents per pound;

On iron nails, cut or wrought, five cents per pound;

On tacks, brads, and sprigs, not exceeding sixteen ounces to the thousand, five cents per thousand; exceeding sixteen ounces to the thousand, five cents per pound;

On iron or steel wire, not exceeding number eighteen, five cents per pound; over number eighteen, nine cents per pound;

On square wire, used in the manufacture of stretchers for umbrellas, twelve per centum ad valorem;

On anvils and anchors, two cents per pound;

On iron cables or chains, or parts thereof, three cents per pound; and no drawback shall be allowed on the exportation of iron cables, or parts thereof;

On mill cranks and mill irons, of wrought iron, four cents per pound;

On mill saws, one dollar each;

On blacksmiths' hammers and sledges, two and a half cents per pound;

On muskets, one dollar and fifty cents per stand;

On rifles, two dollars and fifty cents each;

On all other fire-arms, and on side-arms, thirty per centum ad valorem;

On cutting knives, scythes, sickles, and reaping hooks, spades and shovels, of iron or steel, thirty per centum ad valorem;

On screws of iron, weighing twenty-five pounds or upwards, thirty per centum ad valorem;

On screws of iron, for wood, called wood screws, thirty per cent. ad valorem;

On vessels of cast iron, not otherwise specified, one and a half cents per pound;

On all other castings of iron, not specified, one cent per pound;

On all vessels of copper, thirty-five per centum ad valorem;

On quills, prepared or manufactured, twenty-five per centum ad valorem;

On slates and tiles, for building, twenty-five per cent. ad valorem;

On black lead pencils, forty per centum ad valorem;

On tallow candles, five cents per pound;

On spermaceti candles, eight cents per pound;

On soap, four cents per pound;

On lard, three cents per pound;

On wheat, twenty-five cents per bushel;

On oats, ten cents per bushel;

On wheat flour, fifty cents per hundred weight;

On potatoes, ten cents per bushel;

On coal, six cents per heaped bushel;

On corks, twelve cents per pound;

On prunelle and other shoes or slippers, of stuff or nankeen, twenty-five cents per pair;

On laced boots or bootees, one dollar fifty cents per pair;

On linseed, rape seed, and hemp seed oil, twenty-five cents per gallon;

On castor oil, forty cents per gallon;

On ale, beer, and porter, imported in bottles, twenty cents per gallon; imported otherwise than in bottles, fifteen cents per gallon;

On beef and pork, two cents per pound;

On hams, and other bacon, three cents per pound;

On butter, five cents per pound;

On vinegar, eight cents per gallon;

On alum, two dollars and fifty cents per hundred weight;

On refined saltpetre, three cents per pound;

On blue or Roman vitriol, four cents per pound;

On oil of vitriol, three cents per pound;

On Glauber salts, two cents per pound;

On Epsom salts, four cents per pound;

On camphor, crude, eight cents per pound;

On camphor, refined, twelve cents per pound;

On copperas, two dollars per hundred weight;

On Cayenne pepper, fifteen cents per pound;

On ginger, two cents per pound;

On chocolate, four cents per pound;

On currants and figs, three cents per pound;

On plums, prunes, Muscatel raisins, and raisins in jars and boxes, four cents per pound;

On all other raisins, three cents per pound;

On window glass, not above eight inches by ten inches in size, three dollars per hundred square feet; not above ten inches by twelve inches in size, three dollars and fifty cents per hundred square feet; and if above ten inches by twelve inches in size, four dollars per hundred square feet: *Provided*, That all window glass, imported in plates, uncut, shall be chargeable with the highest rate of duties hereby imposed;

On black glass bottles, not exceeding the capacity of one quart, two dollars per groce; on bottles exceeding one quart, and not more than two quarts, two dollars and fifty cents per groce; over two quarts, and not exceeding one gallon, three dollars per groce;

On demijohns, twenty-five cents each;

On apothecaries' vials, of the capacity of four ounces, and less, one dollar per groce; on the same, above four ounces, and not exceeding eight ounces, one dollar and twenty-five cents per groce;

On all wares of cut glass, not specified, three cents per pound, and, in addition thereto, an ad valorem duty of thirty per centum;

On all other articles of glass, two cents per pound, and, in addition thereto, an ad valorem duty of twenty per centum;

On all books, which the importer shall make it satisfactorily appear to the collector of the port at which the same shall be entered, were printed previous to the year one thousand seven hundred and seventy-five; and also on all books printed in other languages than English, four cents per volume, except books printed in Latin or Greek; on

all books printed in Latin or Greek, when bound, fifteen cents per pound; when not bound, thirteen cents per pound;

On all other books, when bound, thirty cents per pound; when in sheets or boards, twenty-six cents per pound;

On folio and quarto post paper, of all kinds, twenty cents per pound;

On foolscap and all drawing and writing paper, seventeen cents per pound;

On printing, copperplate, and stationers' paper, ten cents per pound;

On sheathing paper, binders', and box-boards, and wrapping paper, of all kinds, three cents per pound;

On all other paper, a duty of fifteen cents per pound;

A duty of twelve and a half per centum ad valorem on all articles, not herein specified, and now paying a duty of seven and a half per centum ad valorem, with the exception of patent adhesive felt, for covering ships' bottoms, which shall be admitted free of duty until June thirtieth, one thousand eight hundred and twenty-six.

SEC. 2. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties hereby imposed upon the several articles aforesaid, which, after the said respective times for the commencement of the duties hereby imposed, shall be imported in ships or vessels, not of the United States: *Provided*, That this addition shall not be applied to articles imported in ships or vessels, not of the United States, entitled by treaty, or by any act of Congress, to be admitted on payment of the same duties that are paid on like articles imported in ships or vessels of the United States.

SEC. 3. *And be it further enacted*, That there shall be allowed a drawback of the duties by this act imposed upon the exportation of any articles that shall have paid the same, within the time, and in the manner, and subject to the provisions and restrictions, prescribed in the fourth section of this act, entitled an "Act to regulate the duties on imports and tonnage," passed the twenty-seventh day of April, one thousand eight hundred and sixteen.

SEC. 4. *And be it further enacted*, That the drawback allowed by law on plain silk cloths, shall be allowed, although the said cloths, before the exportation thereof, shall have been colored, printed, stained, dyed, stamped, or painted, in the United States. But, whenever any such cloths, so imported, shall be intended to be so colored, printed, stained, dyed, stamped, or painted, and afterwards to be exported from the United States, with privilege of drawback, each package thereof shall, before the same shall be delivered from the public stores, be opened and examined by an inspector of the customs, and the contents thereof measured or weighed, and the quality thereof ascertained, and a sample of each piece thereof reserved at the custom-house; and a particular account or registry of such examination, describing the number of pieces in each package, their weight or measure, and the samples thereof reserved, shall be entered

in the books of the custom-house; and, after such examination, said goods shall be repacked in the original package, and the said original package shall be marked with the custom-house mark. And, whenever any such goods, being thus colored, printed, stained, dyed, stamped, or painted, shall be entered at the custom-house for exportation and drawback, the same shall be so entered in the original package, marked as aforesaid, and not otherwise, unless the person, so entering the same, shall give satisfactory evidence to the collector or naval officer, or one of them, that such original package has been lost or destroyed by accident; and no such application for drawback shall be made, except on the contents of entire packages; and, upon application for such entry and drawback, the contents of the packages so offered, shall be examined by an inspector of the customs, and measured or weighed, and compared with the original entry, registry, and samples: and if, upon such comparison and full examination, the collector shall be satisfied that the contents of each package are the same identical goods imported and registered as aforesaid, and not changed or altered except by being colored, printed, stained, dyed, stamped, or painted, as aforesaid, then the person, so entering such goods, shall be admitted to the oath prescribed by law, to be used in cases of application for exportation of goods for the benefit of drawback, and shall, thereupon, be entitled to drawback, as in other cases: *Provided*, That the exporter shall, in every other particular, comply with the regulations and formalities heretofore established for entries of goods for exportation, with the benefit of drawback. And if any person shall present, for exportation and drawback, any colored, printed, stained, dyed, stamped, or painted silk, or nankeen cloths, knowing the same not entitled to drawback, according to the provisions of this act, or shall wilfully misrepresent or conceal the contents or quality of any package as aforesaid, the said goods, so presented or entered for drawback, shall be forfeited, and may be seized by the collector, and proceeded with, and the forfeiture distributed, as in other cases.

SEC. 5. *And be it further enacted*, That the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act, for the prosecution and punishment of all offences, and for the recovery, collection, distribution, and remission, of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing, to that effect, in the existing laws contained, had been inserted in, and re-enacted by, this act.

SEC. 6. *And be it further enacted*, That the provisions of the second section of the act of Congress, entitled "An act to regulate the duties on imports and tonnage," approved April twenty-seventh, one thousand eight hundred and sixteen, shall extend and inure to the benefit of the schools and colleges within the United States, or the territories thereof, in the same manner, and under the like limitations and restrictions, as is provided in said act, with respect to seminaries of learning.

Approved, May 22, 1824.

An Act to improve the navigation of the Ohio and Mississippi Rivers.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause the navigation of the Ohio river to be improved, over the following sand bars, or either of them, at his discretion, to wit: the sand bar which crosses said river, one mile and a quarter below Flint Island; the sand bar two miles above French Island; the bar just below Henderson; the bar below Straight Island; the bar below Willow Island, in the Mississippi bend; and the bar opposite to lower Smithland, below Cumberland Island; and, for the purpose of ascertaining and directing the best method of carrying the provisions of this act into effect, he may employ any of the engineers in the public service which he may deem proper: *Provided, nevertheless,* That two experiments shall first be made upon two of the said bars, and if in his judgment they shall be successful, then, and not otherwise, he is hereby authorized to cause improvements to be made upon the remaining bars.

SEC. 2. *And be it further enacted,* That, for the purpose of improving the navigation of the Mississippi river, from the mouth of the Missouri to New Orleans, and of the Ohio river, from Pittsburgh to its junction with the Mississippi, the President of the United States is hereby authorized to take prompt and effectual measures for the removal of all trees which may be fixed in the bed of said river; and, for this purpose, he is authorized to procure and provide, in that way which, in his discretion, may be most eligible, the requisite water craft, machinery, implements, and force, to raise all such trees, commonly called "planters, sawyers, or snags," as may be found in the current of said rivers at the lowest stage of water, and to saw or cut them off, as near as practicable to the bottom of the stream; and where trees are found upon sand bars, upon the points of islands, or near the bank of the river, which may, at the lowest stage of the water, endanger the safety of navigating said river, they shall, in like manner, be cut, removed, or sawed off: and all roots or limbs, belonging to those parts of said trees which are fastened in the earth, shall be carefully cut away.

SEC. 3. *And be it further enacted,* That, for the purpose of carrying into effect the provisions of this act, the sum of seventy-five thousand dollars be, and is hereby, appropriated. And the President of the United States is hereby authorized to draw, from time to time, on the Treasury, for such parts, or at any one time for the whole, of said sum, as he shall judge the service requires; which said sum shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted,* That the President be, and he is hereby, requested to cause to be laid before Congress, as soon as convenience will permit, after the commencement of each session, a statement of the proceedings under this act, that Congress may be enabled to adopt such further measures as may, from time to time, be necessary, under existing circumstances. [Ap. May 24, 1824.]

An Act to enable the President to hold treaties with certain Indian tribes, and for other purposes.

Be it enacted, &c., That the sum of ten thousand dollars be, and the same hereby is, appropriated to defray the expenses of making treaties of trade and friendship with the Indian tribes beyond the Mississippi; and that the said sum shall be paid out of any money in the Treasury, not otherwise appropriated.

SEC. 2. *And be it further enacted,* That, for the purpose of negotiating said treaties, on the part of the United States, the President shall be, and he hereby is, authorized to appoint suitable persons for commissioners, and to fix their compensation, so as not to exceed what has been heretofore allowed for like services.

SEC. 3. *And be it further enacted,* That the President shall be, and hereby is, authorized to appoint two sub-agents, to be employed among the Indian tribes, on the waters of the Upper Missouri, whose annual salary shall be eight hundred dollars each, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted,* That it shall be the duty of Indian agents to designate, from time to time, certain convenient and suitable places for carrying on trade with the different Indian tribes, and to require all traders to trade at the places thus designated, and at no other place or places.

SEC. 5. *And be it further enacted,* That the Superintendent of Indian Affairs at St. Louis, and his successors in office, shall possess all the powers, and be subject to all the duties of Governors of Territories when exercising the office of Superintendents of Indian Affairs, and shall exercise a general supervision of the official conduct and accounts of Indian Agents, within his superintendency.

SEC. 6. *And be it further enacted,* That the sum of ten thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, to enable the President of the United States to furnish a competent military escort to the Commissioners authorized to be appointed by this act, if, in his opinion, the same shall be necessary.

Approved, May 25, 1824.

An Act to authorize the creation of a stock to an amount not exceeding five millions of dollars, to provide for the awards of the Commissioners under the Treaty with Spain, of the twenty-second of February, one thousand eight hundred and nineteen.

Be it enacted, &c., That, for the purpose of providing funds to discharge the awards of the Commissioners under the Treaty with Spain, of the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President of the United States, to cause to be issued and sold to the Bank of the United States, or others, at a sum not less than the par value thereof, cer-

tificates of stock of the United States, to any amount not exceeding the sum of five millions of dollars, and bearing an interest of not exceeding four and one-half per centum per annum from the period of the sale thereof; which stock, so created, shall be redeemable at the pleasure of the United States, at any time after the first day of January, in the year one thousand eight hundred and thirty-two. And, upon the sale of such stock, in manner aforesaid, credit or credits to the proprietors thereof shall thereupon be entered and given on the books of the Treasury, in like manner as for the present funded debt; which said credits or stock shall thereafter be transferrable as other public stock of the United States.

SEC. 2. *And be it further enacted,* That the moneys which may be received from the issuing and sale of the aforesaid certificates of stock, shall, and the same are hereby directed to, be applied to the payment and discharge of the awards of the Commissioners under the Treaty with Spain, of the twenty-second day of February, in the year eighteen hundred and nineteen: *Provided, also,* That, in all cases where the person or persons, in whose name, or for whose benefit and interest the aforesaid awards shall be made, shall be in debt and in arrears to the United States, the Secretary of the Treasury shall retain the same out of the amount of the aforesaid awards, in the first instance, and a warrant or certificate, as the case may be, shall only issue for the balance.

SEC. 3. *And be it further enacted,* That a sum, equal to what will be necessary to pay the interest which may accrue on the said stock, to the end of the present year be, and the same is hereby, appropriated for that purpose, to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, May 24, 1824.

An Act providing for a grant of land for the Seat of Government in the Territory of Florida, and for other purposes.

Be it enacted, &c., That there shall be, and hereby is, granted to the Territory of Florida, one entire quarter section of land, or fractional section, not exceeding in quantity one quarter section, for the Seat of Government in that Territory, to be located previously to the sale of the adjacent lands, under the authority of the Governor thereof, at the point selected for the permanent Seat of Government for said Territory.

SEC. 2. *And be it further enacted,* That the Governor and Legislative Council of the Territory aforesaid, or a majority thereof, be, and they are hereby, authorized to adopt such measures as to them may seem expedient for the sale of said tract of land, or any part thereof, for the purpose of raising a fund for the erection of public buildings at said Seat of Government.

SEC. 3. *And be it further enacted,* That there shall be, and hereby are, reserved from sale, three entire quarter sections of lands of the United States, lying contiguous to, and adjoining, the quarter section granted by the first section of this act, to be located by the Governor of said Territory.

SEC. 4. *And be it further enacted,* That so much of the seventh section of the act of Congress of the third of March, one thousand eight hundred and twenty-three, entitled "An act amending and supplementary to the act entitled 'An act to provide for the survey and disposal of the public lands in Florida,'" as prevents the appointment of a surveyor for Florida, until the Commissioners shall have decided and reported on the private claims in said Territory be, and the same is hereby, repealed; and the Eastern and Western land districts in said Territory shall be divided and separated by the Suwaney river, and not by the ancient line of division between the provinces of East and West Florida, as prescribed by the eighth section of the act aforesaid.

Approved, May 24, 1824.

An Act concerning Invalid Pensions.

Be it enacted, &c., That the Secretary of War be and he is hereby directed to place the following named persons on the list of invalid pensioners of the United States, who shall be entitled to and receive pensions according to the rates and commencing at the times hereinafter mentioned—that is to say:

Andrew Gorril, at the rate of eight dollars per month; to commence on the third day of December, one thousand eight hundred and twenty-one.

James Wilson, at the rate of four dollars per month; to commence the first day of January, one thousand eight hundred and twenty-three.

William Parker, Rock, and Thomas, three Seneca Indians, residing at Buffalo, in the State of New York, at the rate of four dollars per month, each; to commence the first day of February, one thousand eight hundred and twenty-three.

Approved, May 19, 1824.

An Act supplementary to the several acts providing for ascertaining and adjusting the titles and claims to land in the St. Helena and Jackson Courthouse Land Districts.

Be it enacted, &c., That claimants of lands within the limits of the land district of St. Helena, as established by the act of the twenty-fifth of April, one thousand eight hundred and twelve, entitled "An act for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans," whose claims have been presented to the commissioner appointed to receive and examine claims and titles to lands in said district, or to the register and receiver, acting as commissioners, under the provisions of the act of the third of March, one thousand eight hundred and nineteen, entitled "An act for adjusting the claims to lands and establishing land offices in the districts east of the island of New Orleans, and which have not been reported to Congress, or whose claims have not been heretofore presented to the said commissioner, or to the register and receiver acting as commissioners, be allowed until the first day of January next to present their titles and claims, and the evidence in support of the same, to the register and receiver

of the said district, whose powers and duties in relation to the same shall in all respects be governed by the provisions of the acts before recited, and of the act of the eighth of May, one thousand eight hundred and twenty-two, entitled "An act supplementary to the several acts for adjusting the claims to land and establishing land offices in the districts east of the island of New Orleans."

SEC. 2. *And be it further enacted*, That the said register and receiver shall have power to appoint a clerk, who shall be a person capable of translating the French and Spanish languages, and who shall perform the duty of translator, and such other duty as may be required by said register and receiver; and the said register and receiver shall each be allowed, as a compensation for their services, in relation to the said claims, and for the services to be performed under the provisions of the several acts to which this is a supplement, at the rate of one thousand dollars a year; and the clerk at the rate of twelve hundred and fifty dollars a year; and the clerk employed by the said register and receiver, last year, shall be allowed, for the services then rendered by him, nine months' salary, at the same rate; which several sums of money shall be paid out of any moneys in the Treasury, not otherwise appropriated: *Provided*, That no more than two years' compensation be thus allowed to either the register and receiver, or their clerk; and the payment of the whole, or any portion of the aforesaid compensation, may be withheld by the Secretary of the Treasury, until a report shall have been made to him, of the performance of the services for which the same is allowed.

SEC. 3. *And be it further enacted*, That the clerk employed by the register and receiver of public moneys at St. Helena Courthouse, be allowed the sum of one hundred dollars for the services performed by him, as clerk to the said register and receiver of public moneys during the year one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three.

SEC. 4. *And be it further enacted*, That all donation claims which may be presented to the said register and receiver, under this act, and all claims founded on complete or incomplete titles, which may be so presented, not heretofore surveyed, shall be surveyed at the expense of the claimants.

SEC. 5. *And be it further enacted*, That the principal deputy surveyor of the United States for St. Helena district, shall reside at such place, in the said district, as shall be designated by the President of the United States.

Approved, May 26, 1824.

An Act explanatory of an act, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of the public lands, approved on the eighteenth day of May, one thousand eight hundred and twenty-four."

Be it enacted, &c., That the benefits and privileges of the act of Congress, entitled "An act to provide for the extinguishment of the debt due to the United States, by the purchasers of public

lands," approved on the eighteenth day of May, one thousand eight hundred and twenty-four, of which this act is explanatory, be extended to those persons who have obtained certificates of further credit, for any half quarter section, or for any fractional section of land, under the provisions of any of the several laws for the relief of purchasers of public lands, referred to in the said act, of which this is explanatory.

SEC. 2. *And be it further enacted*, That all relinquishments of land, which shall be executed under the provisions of the said act of the eighteenth day of May, one thousand eight hundred and twenty-four, or under the provisions of this act, shall be filed with the register of the land office at which the land was purchased; any thing in the said act of the eighteenth of May, one thousand eight hundred and twenty-four, of which this is explanatory, to the contrary notwithstanding.

Approved, May 26, 1824.

An Act changing the mode of surveying the public lands on any river, lake, bayou, or water course.

Be it enacted, &c., That whenever, in the opinion of the President of the United States, a departure from the ordinary mode of surveying land on any river, lake, bayou, or water course, would promote the public interest, he may direct the Surveyor General, in whose district such land is situated, and where the change is intended to be made, under such rules and regulations as the President may prescribe, to cause the lands thus situated, to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water course, and running back the depth of forty acres; which tracts of land, so surveyed, shall be offered for sale entire, instead of in half quarter sections, and in the usual manner, and on the same terms, in all respects, as the other public lands of the United States.

Approved, May 24, 1824.

An Act to amend an act, entitled "An act to amend an act for the establishment of a Territorial Government in Florida, and for other purposes."

Be it enacted, &c., That the judicial power of the Territory of Florida shall be vested in three superior courts, and in such inferior courts and justices of the peace as the Legislative Council of the Territory may, from time to time, establish. There shall be a superior court for that part of the Territory situated to the west of the Apalachicola, to consist of one judge; he shall hold his court on the first Mondays in May and November, in each and every year, at Pensacola, and at such other times and places as the Legislative Council may direct. There shall be a superior court for that part of the Territory, situated between the Apalachicola and Suwannee rivers, to consist of one judge; he shall hold his court on the first Mondays of April and October, in each and every year, at the seat of government in said Territory, and at such other times and places as the Legislative Council may direct.

There shall be a superior court for that part of the Territory situated to the east and south of the Suwannee river, to consist of one judge; he shall hold court on the first Monday in May and November, in each and every year, at St. Augustine, and at such other times and places as the Legislative Council shall direct. Within its limits, herein described, each court shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all capital offences, and original jurisdiction in all civil cases of the value of one hundred dollars, arising under the laws of the Territory now in force, or which may, at any time hereafter, be enacted by the Legislative Council, and shall have and exercise appellate jurisdiction over the inferior courts of said Territory. Each judge shall appoint a clerk, who shall reside, respectively, at the place where his said court is, or may, by law, be, directed to be held, and they shall keep the records there. Each clerk shall receive for his services, in all cases arising under the laws of the Territory, such fees as shall be established by the Legislative Council. And writs of error and appeal from the final decision of the said superior courts, authorized by this section of this act, shall be made to the appellate court of said Territory, hereinafter provided for, in such manner, and under such regulations, as the Legislative Council may direct; and, until the Legislative Council shall have made such regulations, writs of error and appeal from the decision of the said superior courts shall be made to the appellate court of the Territory, in the same manner that writs of error and appeals are taken, and prosecuted in the next adjoining State.

SEC. 2. *And be it further enacted*, That each of the said superior courts shall, moreover, have and exercise the same jurisdiction within its limits, in all cases arising under the laws and Constitution of the United States, which, by an act to establish the judicial courts of the United States, approved the twenty-fourth day of September, one thousand seven hundred and eighty-nine, and "An act in addition to the act, entitled 'An act to establish the judicial courts of the United States,'" approved the second of March, one thousand seven hundred and ninety-three, was vested in the court of Kentucky district. The first six days of each term of the said courts, or so much thereof as may be necessary, shall be appropriated to the trial of causes arising under the laws and Constitution of the United States. And writs of error and appeal from the decisions in the said superior courts, authorized by this section of this act, shall be made to the appellate court of said Territory, in such manner, and under such regulations, as the Legislative Council shall direct. The clerks, respectively, shall keep the records at the places where the courts are held, and no one clerk shall, by himself or deputy, officiate at more than one place for holding said courts; they shall receive, in all cases under the laws and Constitution of the United States, the same fees which the clerks of the district court of the next adjoining State receive for similar services.

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SEC. 3. *And be it further enacted*, That there shall be appointed, for each of the said courts, a person, learned in the law, to act as attorneys of the United States, as well as for the Territory, each of whom shall receive the same fees, both in civil and criminal cases, as are received by the district attorney of the United States, of the next adjoining State, for similar services; and shall, moreover, receive, as a full compensation for extra services, annually, the same salary as is provided, by law, for the district attorney of the district of Kentucky, to be paid, quarterly, by the Treasury of the United States. There shall, also, be appointed, for each of the said courts, a marshal, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, to which marshals, in other districts, are entitled for similar services; and shall, in addition, be paid the sum of two hundred dollars, annually, as a compensation for extra services; and shall, also, be subject to such regulations and penalties as the Legislative Council shall impose, while acting under, and in virtue of, the Territorial laws. Each judge shall receive a salary of fifteen hundred dollars per annum, to be paid, quarterly, by the Treasury of the United States.

SEC. 4. *And be it further enacted*, That there shall be organized in said Territory a court of appeals, to be composed of the judges of the superior courts of the said Territory, any two of whom shall be a quorum, and shall hold annually, at the seat of Government of said Territory, one session, commencing on the first Monday in January, in each and every year. The senior judge shall be the presiding judge of said court, and the other judges shall have precedence according to the date of their commissions, or, where their commissions are of the same date, according to their respective ages. That the said court may, by any one of its judges being present, be adjourned from day to day, until a quorum be convened; and, if no one of its judges be present, by the marshal of said court, until a quorum be convened; and the district attorney, marshal, and clerk, of the superior court of the middle district shall be officers of the said court of appeals; and writs of error and appeal from the decision of the said court shall be made to the Supreme Court of the United States, in the same manner, and under the same regulations, as from the circuit courts of the United States, where the amount in controversy, to be ascertained by the oath or affirmation of either party, shall exceed one thousand dollars.

SEC. 5. *And be it further enacted*, That so much of the act, of which this is an amendment, as requires the Legislative Council of said Territory to commence its sessions on the first Monday in May, in each and every year, be, and the same is hereby, repealed; and the said Legislative Council shall hereafter hold a session in every year, commencing on the second Monday in November, in each and every year, but shall not continue longer in session than four weeks after the first session, which shall not continue longer in session than eight weeks; to be held at the seat of Gov-

ernment in said Territory, or at such other place or places as the Governor and Council may from time to time direct.

SEC. 6. *And be it further enacted*, That so much of the act, of which this is an amendment, as requires that the Governor of Florida shall not leave the Territory without the permission of the President of the United States, be, and the same is hereby, repealed.

Approved, May 26, 1824.

An Act to authorize masters of vessels in certain cases to clear out either at the Custom-House of Petersburg or that of Richmond.

Be it enacted, &c., That any ship or vessel, owned by, or consigned to, any person or persons in the collection district of Richmond, and which shall be loaded, in whole or in part, in the district of Petersburg, by such owner or owners, consignee or consignees, may be cleared out by the Collector of the district of Richmond, on application of the owner, consignee, or captain, of such ship or vessel: *Provided*, That the entire cargo shall be bona fide taken or shipped from the district of Richmond.

Approved, May 26, 1824.

An Act to alter the times of holding the Circuit and District Courts of the United States for the district of South Carolina.

Be it enacted, &c., That instead of the times now established by law, the Circuit Court for the district of South Carolina shall annually be holden as follows, to wit: at Charleston on the second Tuesday of April, and at Columbia on the third Tuesday of November.

SEC. 2. *And be it further enacted*, That all suits, actions, writs, processes, and other proceedings, which now are pending in said Circuit Court, or which now are, or may hereafter be, commenced for, or returnable to, the said Circuit Court, at the times and places heretofore established, shall be returnable to, heard, tried, and determined, in the said Circuit Court, at the times and places hereby respectively established for the holding thereof.

SEC. 3. *And be it further enacted*, That, from and after the passing of this act, the times of holding the District Courts of the United States at Laurens Courthouse, South Carolina, shall be so altered that the said Court shall hereafter convene on the Tuesday next ensuing, after the adjournment of the Circuit Court of the United States at Columbia.

Approved, May 25, 1824.

An Act authorizing the employment of additional clerks, and certain messengers and assistants, and other persons, in the several Departments.

Be it enacted, &c., That it shall be lawful for the respective Departments, hereinafter mentioned, to employ the following clerks, in addition to those authorized by existing laws, that is to say:

In the Treasury Department, one clerk, whose salary shall not exceed the sum of one thousand one hundred and fifty dollars per annum;

In the office of the Treasurer, one clerk, whose salary shall not exceed the sum of eight hundred dollars, and one assistant to the chief clerk, whose salary shall not exceed the sum of four hundred dollars per annum;

In the office of the Fifth Auditor, one clerk, whose salary shall not exceed one thousand four hundred dollars, and two clerks, whose salaries, respectively, shall not exceed one thousand one hundred and fifty dollars;

In the Navy Department, one clerk, whose salary shall not exceed one thousand dollars;

In the office of the Navy Commissioners, three clerks, and one draughtsman, whose salaries, respectively, shall not exceed the sum of one thousand dollars per annum;

In the office of the Postmaster General, four clerks, whose salaries, respectively, shall not exceed the sum of one thousand dollars per annum; and two clerks, whose salaries, respectively, shall not exceed the sum of eight hundred dollars per annum;

In the office of the Commissary General of Subsistence, two clerks, whose salaries, together, shall not exceed the sum of two thousand one hundred and fifty dollars per annum;

In the Engineer Department, two clerks, whose salaries, together, shall not exceed the sum of two thousand one hundred and fifty dollars per annum;

In the office of the Surgeon General, one clerk, whose salary shall not exceed the sum of one thousand one hundred and fifty dollars per annum;

In the office of the Commissary General of Purchases, three clerks, whose salaries together, shall not exceed the sum of three thousand five hundred dollars per annum.

SEC. 2. *And be it further enacted*, That it shall be lawful for the officers of the Departments to employ, in their respective offices, messengers, assistants, and other persons, as follows, that is to say:

In the office of the Secretary of State, one messenger and assistant, at a compensation not exceeding one thousand and fifty dollars per annum;

In the Patent Office, one machinist, at a compensation not exceeding seven hundred dollars, and one messenger, at a compensation not exceeding four hundred dollars per annum;

In the office of the Secretary of the Treasury, one messenger and assistant, whose compensation, together, shall not exceed one thousand and fifty dollars per annum;

In the office of the First Comptroller, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Second Comptroller, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the First Auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Second Auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Third Auditor, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Fourth Auditor, one messenger, at a compensation, not exceeding seven hundred dollars per annum;

In the office of the Fifth Auditor, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Treasurer, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Commissioner of the General Land Office, one messenger, and laborer, at a compensation, together, not exceeding eleven hundred and fifty dollars per annum;

In the office of the Register of the Treasury, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Secretary of War, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Paymaster General, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Commissary General of Purchases, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Secretary of the Navy, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Commissioners of the Navy, one messenger, at a compensation not exceeding seven hundred dollars per annum;

In the office of the Postmaster General, one messenger, and assistant, at a compensation, together, not exceeding one thousand and fifty dollars per annum;

In the office of the Secretary of the Senate, one messenger, at a compensation not exceeding seven hundred dollars;

In the office of the Clerk of the House of Representatives, three clerks, at a compensation not exceeding one thousand five hundred dollars each; and one messenger, whose salary shall not exceed seven hundred dollars per annum.

SEC. 3. *And be it further enacted*, That the sum of five thousand nine hundred and thirteen dollars and seventy-five cents is hereby appropriated for one additional clerk in the Department of the Navy, and for four additional clerks in the General Post Office, including the sum of nine hundred and thirteen dollars and twenty-five cents, due for extra clerk hire in the General Post Office, during one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three.

Approved, May 26, 1824.

An Act in further addition to "An act to establish a uniform rule of Naturalization, and to repeal the acts heretofore passed."

Be it enacted, &c., That any alien, being a free

white person and a minor, under the age of twenty-one years, who shall have resided in the United States three years next preceding his arriving at the age of twenty-one years, and who shall have continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he shall have resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of the first section of the act to which this is [in] addition, three years previous to his admission: *Provided*, such alien shall make the declaration required therein at the time of his or her admission; and shall further declare, on oath, and prove, to the satisfaction of the court, that, for three years next preceding, it has been the bona fide intention of such alien to become a citizen of the United States; and shall, in all other respects, comply with the laws in regard to naturalization.

SEC. 2. *And be it further enacted*, That no certificates of citizenship, or naturalization, heretofore obtained from any court of record within the United States, shall be deemed invalid, in consequence of an omission to comply with the requisition of the first section of the act, entitled "An act relative to evidence in cases of naturalization," passed the twenty-second day of March, one thousand eight hundred and sixteen.

SEC. 3. *And be it further enacted*, That the declaration required by the first condition specified in the first section of the act, to which this is an act in addition, shall, if the same has been bona fide made before the clerks of either of the courts in the said condition named, be as valid as if it had been made before the said courts, respectively.

SEC. 4. *And be it further enacted*, That a declaration by any alien, being a free white person, of his intended application to be admitted a citizen of the United States, made in the manner and form prescribed in the first condition specified in the first section of the act to which this is in addition, two years before his admission, shall be a sufficient compliance with said condition; anything in the said act, or in any subsequent act, to the contrary notwithstanding.

Approved, May 26, 1824.

An Act explanatory of an act, entitled "An act for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians, passed the fourth of May, one thousand eight hundred and twenty-two."

Be it enacted, &c., That the proper accounting officer of the Treasury Department be, and he is hereby, directed to give such construction to the act of the fourth of May, one thousand eight hundred and twenty-two, as that its provisions shall extend to the claims of the volunteer, field, and staff officers, engaged in the campaign of eighteen hundred and eighteen, against the Seminole Indians, who lost horses or the necessary equipage thereof, in the manner mentioned in said act, and

also to the claims of all the volunteer officers or soldiers engaged in the campaign aforesaid, who, without any fault or negligence on their part, respectively, lost horses, or the necessary equipage thereof, in battle.

SEC. 2. *And be it further enacted*, That the proper accounting officer of the Treasury Department be, and he is hereby, authorized and directed to audit and settle the claims of all owners of wagons and teams, and others, for any horse or horses impressed into the public service during the said Seminole campaign: *Provided*, That such impressment, and the value of said horse or horses, be satisfactorily proved, and that it shall, also, be satisfactorily proved that such horse or horses were not returned to their owners, and that any compensation which may have been allowed and paid for the service of said horse or horses, after the time of their impressment, be deducted.

SEC. 3. *And be it further enacted*, That the amount of such claims, so audited and settled, when ascertained, shall be paid out of any money in the Treasury, not otherwise appropriated.

Approved, May 26, 1824.

An Act supplementary to an act, approved on the third day of March, one thousand eight hundred and nineteen, entitled "An act providing for the correction of errors in making entries of land at the land offices."

Be it enacted, &c., That, when any mistake, in relation to the correct numbers of any tract of land, not exceeding in quantity one half section, may have been heretofore made by any purchaser of the public lands of the United States at private sale, and where one or more payments shall have been made by the person making the entry, on any tract entered by mistake, and where such payment has not been forfeited, previously to the passing of this act, for a failure to complete the payments on such tract; and where the purchaser or purchasers may not, in relation to said tract, have in any way taken advantage of the provisions of the act of the second of March, eighteen hundred and twenty-one, entitled "An act for the relief of the purchasers of the public lands prior to the first day of July, eighteen hundred and twenty," or of the act supplementary thereto, or the act continuing in force said supplementary act, and where the person or persons making the purchase, has not, in any way, transferred his, her, or their right to the certificate of purchase, or the tract so purchased, and where no patent shall have issued for the tract so erroneously purchased; and, also, in all cases of an entry hereafter made, of a tract of land not intended to be entered, by a mistake of the true numbers of the tract intended to be entered, where the tract, thus erroneously entered, does not, in quantity, exceed one half section; and where the certificate of the original purchaser or purchasers has not been assigned, or the right of the original purchaser or purchasers in any way transferred, and where six months, from the time the entry shall have been made, may not have elapsed, or the patent issued

for the tract erroneously entered, the purchaser or purchasers, or, in case of his, her, or their death, the legal representatives, (not being assignees or transferees,) may, either in cases of entry before or after the passing of this act, and in any case coming within its provisions, file his, her, or their own affidavit or affidavits, with such additional evidence as can be procured, showing the mistake of the numbers of the tract intended to be entered, and that every reasonable precaution and exertion had been used to avoid the error, with the register and receiver of the land district within which such tract of land is situated, who shall transmit the evidence submitted to them in each case, together with their written opinion or opinions, both as to the existence of the mistake, and the credibility of each person testifying thereto, to the Commissioner of the General Land Office, who, if he be entirely satisfied the mistake has been made, and that every reasonable precaution and exertion had been made to avoid it, shall be authorized to change the entry, and transfer the payment from the tract erroneously entered, to that intended to be entered, if unsold; but, if sold, to any other tract liable to entry: *Provided*, That the oath of the person or persons interested shall, in no case, be deemed sufficient, in the absence of other corroborating testimony, to authorize any such change of entry: *And provided, also*, That nothing herein contained shall affect the right of third persons.

SEC. 2. *And be it further enacted*, That either the register or receiver may administer all oaths to be made under the provisions of this act; and every person knowingly, wilfully, and corruptly, swearing falsely on any oath administered to him, or her, under the provisions of this act, shall, on indictment and conviction for such offence, before any court having competent jurisdiction to try the same, suffer the pains and penalties of wilful and corrupt perjury.

SEC. 3. *And be it further enacted*, That, for every oath administered under the provisions of this act, the register and receiver shall be allowed the sum of twenty-five cents, and twenty cents for every hundred words of the evidence received and transmitted to the Commissioner of the General Land Office, to be paid by the party making application for a change of entry.

Approved, May 24, 1824.

An Act to compensate William Cocke for certain military services rendered the United States during the late war, and for the relief of John T. Johnson.

Be it enacted, &c., That there be paid to William Cocke, formerly of the Tennessee gunmen, out of the moneys of the Treasury, not otherwise appropriated, two months' full pay and emoluments, as a colonel in the infantry of the army of the United States.

SEC. 2. *And be it further enacted*, That the proper accounting officers of the Treasury Department be, and they are hereby, directed, in the settlement of the accounts of John T. Johnson, for services rendered in the late war against Great Britain,

during the time he acted as volunteer aid to Major General William H. Harrison, to allow him the pay of a Captain, with the additional pay and emoluments allowed by law to the aids of Majors General.

Approved, May 18, 1824.

An Act reserving to the Wyandot tribe of Indians a certain tract of land, in lieu of a reservation made to them by treaty.

Be it enacted, &c., That there be, and hereby is, reserved, for the use of the chiefs and tribe of Wyandot Indians, subject to the conditions and limitations of the former reservation, the northeast quarter of section numbered two, in township two, and range seventeen, south of the base line, of land, in the Delaware land district, in the State of Ohio, in lieu of one hundred and sixty acres of land, on the west side of, and adjoining, the Sandusky river, and which was reserved to said tribe of Indians, by a supplementary treaty between the United States and certain tribes of Indians, held at St. Mary's, in the State of Ohio, on the seventeenth day of September, eighteen hundred and eighteen, on condition that the chiefs of said Wyandot tribe first relinquish to the United States all the right, title, and claim, of said tribe, to the one hundred and sixty acres of land, reserved by said supplementary treaty.

Approved, May 26, 1824.

An Act to fix the Western boundary line of the Territory of Arkansas, and for other purposes.

Be it enacted, &c., That the western boundary line of the Territory of Arkansas shall begin at a point forty miles west of the southwest corner of the State of Missouri, and run south, to the right bank of the Red river, and thence, down the river, and with the Mexican boundary, to the line of the State of Louisiana, any law heretofore made, to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That the sum of two thousand dollars, to defray the expense of running and marking said boundary, be, and be expended under the directions of the President of the United States, be, and the same hereby is, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

SEC. 3. *And be it further enacted*, That so much of the appropriation of sixty-five thousand dollars, made by the act of the third of March, eighteen hundred and twenty-one, for carrying into effect the treaty of the eighteenth [eighth] of October, eighteen hundred and twenty, with the Choctaw Indians, as remains unexpended, shall, under the direction of the President of the United States, be employed for the purposes mentioned in the said act of third of March, eighteen hundred and twenty-one, any law to the contrary notwithstanding.

SEC. 4. *And be it further enacted*, That the sum of ten thousand dollars, to be paid out of any money in the Treasury, not otherwise appropriated, be, and the same is hereby, appropriated, to defray the expenses of treating with the Choctaw

Indians, to obtain a modification of the treaty of October eighteenth, [eighth] one thousand eight hundred and twenty.

Approved, May 26, 1824.

An Act to allow the bounty to vessels employed in the Cod Fisheries in certain cases.

Be it enacted, &c., That any vessel which shall be licensed according to law, for the cod fishery, and which shall have completed her fishing term, according to the provisions of law, and thereby become entitled to the allowance of bounty, shall, in returning to any port within the United States, be wrecked or lost, the owner or owners, and crew of such vessel, shall, on satisfactory proof being made to the Comptroller of the Treasury, of the wreck or loss of such vessel, be entitled to the same bounty as would have been allowed, had such vessel returned to port.

SEC. 2. *And be it further enacted*, That any vessel which shall have completed her fishing term, subsequent to the act entitled "An act in addition to, and alteration of, an act entitled 'An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowance to certain vessels employed in the fisheries,'" passed the third of March, one thousand eight hundred and nineteen, and which shall, in returning to any port in the United States, have been wrecked or lost, the owner or owners, and crew, of such fishing vessel, shall have extended to them the provisions of the first section of this act.

Approved, May 26, 1824.

An Act to allow further time to complete the issuing and locating of Military Land Warrants.

Be it enacted, &c., That the authority granted to the Secretary of the Department of War, by an act, approved the twenty-fourth day of February, one thousand eight hundred and nineteen, to issue warrants for the military land bounties, to persons entitled thereto, shall be revived, and continued in force for the term of five years.

Approved, May 26, 1824.

An Act to revive and extend the term of certain pensions, which have expired by limitation.

Be it enacted, &c., That the pensions heretofore granted, and paid out of the Privateer Pension Fund, to the widows and orphans of such officers, seamen, and marines, as were slain, or died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, and the terms for the payment of which had expired by limitation, before the ninth day of April, in the year of our Lord one thousand eight hundred and twenty-four, be, and the same are hereby, revived, and extended to such widows and orphans, with all the advantages, and in the same manner, as if their respective terms had not expired; subject to the provisions, restrictions, and limitations, of an act, passed on the ninth day of April, in the year of our Lord one thousand eight hundred and

twenty-four, be, and the same are hereby, revived, and extended to such widows and orphans, with all the advantages, and in the same manner, as if their respective terms had not expired; subject to the provisions, restrictions, and limitations, of an act, passed on the ninth day of April, in the year of our Lord one thousand eight hundred and twenty-four, entitled "An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war."

Approved, May 26, 1824.

An Act granting a tract of land to the inhabitants of Point Coupee, on certain conditions.

Be it enacted, &c., That the right of the United States, to a tract of land, forty arpens front, upon the Mississippi river, and running back the depth of forty arpens, at a remarkable bend on said river, be, and the same is hereby, granted to the inhabitants of the parish of Point Coupee, within which said land is situated, on condition that said parish shall, at all times, hereafter, keep a good and sufficient levee in front of said land, upon the river Mississippi; and if they should, at any time hereafter, cease to keep up such good and sufficient levee, the land shall revert to the United States.

Approved, May 26, 1824.

An Act for the relief of the representatives of John Donnelson, Stephen Heard, and others.

Be it enacted, &c., That the heirs and representatives of John Donnelson, Stephen Heard, William Downs, Joseph Martin, John Sevier, and Thomas Carr, or their heirs and representatives, respectively, be, and they are hereby, authorized and empowered, severally, to enter, under the direction of the Secretary of the Treasury, five thousand acres of land, at any time within two years from the passing of this act, in any land office in either of the States of Mississippi or Alabama; being the amount of a grant made to them, by a resolution of the Legislature of the State of Georgia, in the year one thousand seven hundred and eighty-six: *Provided,* That the said claim shall be satisfied out of the five millions of acres of land, set apart by the act of Congress, of the third of March, one thousand eight hundred and three, pursuant to the articles of agreement and cession, between the State of Georgia and the United States, entered into on the twenty-fourth day of April, one thousand eight hundred and two. *Provided, also,* That the acceptance of the grant hereby made shall be a discharge of all further claims against the United States by the persons herein named, or their heirs or legal representatives, under the said resolution of the Legislature of the State of Georgia, agreed to be paid by the United States, in satisfaction of "certain claims or pretended claims" on the part of the State of Georgia; and provided that this bill shall be a

discharge of any future claim against the United States.

SEC. 2. And be it further enacted, That said claims shall not be located or entered on any lands except those which may have been, previous to the making of said entry, offered at public sale, nor upon any lands forfeited or relinquished to the United States; nor shall any entry be made for a less quantity than a quarter section: *Provided,* Nothing herein contained shall prevent the entry of any fraction.

Approved, May 24, 1824.

An Act to authorize the issuing a register to the Brig William, of New York.

Be it enacted, &c., That there be issued, under the direction of the Secretary of the Treasury, a register to the brig William, a British vessel, lately called the Union, which vessel was stranded on the coast of the United States, and purchased by William Porter, a citizen of the United States, and by him repaired: *Provided,* It shall be proved, to the satisfaction of the Secretary of the Treasury, that the cost of the repairs made in the United States, after the purchase of the said vessel by the present owner, exceeds three-fourths of the original cost of building a vessel of the same tonnage in the United States.

Approved, May 21, 1824.

An Act for the benefit of the Columbian Institute.

Be it enacted, &c., That there be granted, during the pleasure of Congress, to the Columbian Institute, for the promotion of the arts and sciences, the use and improvement of the tract of public ground in Washington City, which is bounded on the east by the Botanical Garden, in the occupancy of the said Columbian Institute; on the north by the Pennsylvania Avenue; on the west by the Tiber and Canal; and on the south by the Maryland Avenue: *Provided,* That, whenever the said Columbian Institute shall be dissolved, or cease to exist, or to employ the said tract of land for the purposes aforesaid, all right, title, and interest, hereby granted to the same, shall revert to, and vest in, the United States.

Approved, May 26, 1824.

An Act making an appropriation for the payment of the claims of Daniel D. Tompkins, late Governor of the State of New York, against the United States.

Be it enacted, &c., That the sum of sixty thousand two hundred and thirty-nine dollars and twenty-four cents, shall be, and is hereby, appropriated, to be paid by the Secretary of the Treasury to Daniel D. Tompkins, late Governor of the State of New York, in full for the balance found due him, for his services, losses, and disbursements, for, or on account of, the United States, during the late war with Great Britain.

Approved, May 26, 1824.

An Act for the relief of the corporation of the Church of St. Anne, and to authorize the extension of Larned street, in the town of Detroit.

Be it enacted, &c., That it shall be lawful for the Governor and Judges of the Territory of Michigan, to cause Larned street, in the town of Detroit, to be continued, westerly, parallel to Jefferson avenue, until it intersects the street which runs northerly from said avenue, at right angles therewith, near the public barn, agreeable to the plan of the town; and to cause the public barn, and the pickets bounding the military reserve, to be removed to the north side of Larned street.

SEC. 2. And be it further enacted, That so much of the military reserve, lying south of Larned street, thus extended, as is included in the deed from the said Governor and Judges to the Corporation of the Catholic Apostolic and Roman Church of St. Anne, of Detroit, on the 11th day of January, one thousand eight hundred and seventeen, be, and the same is hereby declared to be, confirmed to the said corporation.

SEC. 3. And be it further enacted, That the residue of the said military reserve, between Larned street and Jefferson avenue, included within the pickets of the said reserve, and bounded west by said street, which runs from said avenue to the public barn, and east by the east bounds of the military reserve, be, and the same is hereby declared to be, vested in the said Governor and Judges, to be disposed of as, by the act of Congress, passed the twenty-first day of April, one thousand eight hundred and six, entitled "An act to provide for the adjustment of titles of land in the town of Detroit, and Territory of Michigan, and for other purposes," is directed.

Approved, May 26, 1824.

An Act to regulate the Fees of the Registers of Wills in the several counties within the District of Columbia.

Be it enacted, &c., That, from and after the passing of this act, there shall be allowed, and paid, (in lieu of the fees now allowed,) to each of the Registers of Wills, for the counties of Washington and Alexandria, in the District of Columbia, the following fees, that is to say:

For every probate of will, (where there is no controversy,) one dollar;

For granting letters testamentary, seventy-five cents;

Annexing will, for one hundred words, twelve and one-half cents;

Registering the same, for one hundred words, twelve [and] a half cents;

For granting letters of administration, seventy-five cents;

Every bond taken of executors, administrators, or guardians, and recording the same, one dollar and fifty cents;

For filing and entering renunciation of executors, or widow, twenty-five cents;

For exemplification of letters testamentary, or letters of administration, under seal, one dollar;

For issuing warrant, under seal, to appraisers, and warrant to swear them, fifty cents;

For notice of administrators to creditors, and orders thereon, fifty cents;

For entering caveat, twenty-five cents;

For issuing citation, under seal, fifty cents;

For administering every oath, or affirmation, six and one-fourth cents;

For filing list of articles appraised, twenty-five cents;

For filing list of articles sold at vendue, twenty-five cents;

For recording the same, (if ordered by the Court,) for every hundred words, twelve and one-half cents;

For stating, passing, and filing the account of an executor, administrator, or guardian, not exceeding seventy-five items, three dollars; every additional item, two cents;

For examining the vouchers, passing, and filing the account of an executor, administrator, or guardian, (not stated by the Register,) and not exceeding seventy-five items, two dollars; every additional item, two cents;

For copy of same, under seal, if demanded, not exceeding one hundred items, one dollar; every additional item, two cents; seal and certificate, thirty-seven cents and one-half;

For subpoena, thirty-seven cents and one-half. All witnesses to be put into one subpoena, unless separate ones are required by the party. For every name after the first, six cents and one-fourth.

For duces tecum, under seal, fifty cents;

For every search, where no other service is performed for which fees are allowed, eighteen cents and three-fourths;

For making out, and filing, the balance of distribution of deceased persons' estate, for each heir, one dollar;

For taxing all costs, in any one case, twenty-five cents;

For a writ of execution, on a definitive sentence, under seal, seventy-five cents;

For recording, and filing, each indenture of apprenticeship, including the Court's taking recognition for same, or its approval when done by the Justices of the Peace, seventy-five cents;

For drawing deposition of witnesses, for every hundred words, twelve cents and one-half;

For filing all other papers, (except as above required,) four cents each;

For entering appearance of party under process, twelve cents and one-half;

For entering return of process, twelve and one-half cents;

For every continuance or reference, chargeable to the applicants, twelve and one-half cents;

For commission to examine witnesses, or to auditors, under seal, one dollar;

For commission to value orphan's estate in the hands of guardians, under seal, one dollar;

For entering every order of court, twelve cents and one-half; if more than one hundred words, then at the rate of twelve cents and one-half per hundred;

For recording or copying any paper, for one hundred words, twelve cents and one-half; seal and certificate, thirty-seven cents and one-half;

For filing petition or report, and entering the same on record, (if necessary,) fifty cents; if more than one hundred words, at the rate of twelve cents and one-half per hundred;

For entering judgment, or rule of court, twenty-five cents; copy of same, if demanded, for every hundred words, twelve cents and one-half; seal and certificate, thirty-seven cents and one-half;

For entering every motion in court, twelve and one-half cents;

For entering appointment of guardian, with certificate and seal of said appointment, one dollar; every additional word included in the same certificate, twelve and one-half cents;

For issuing attachment and entering motion therefor, seventy-five cents;

For taking a recognizance, twenty-five cents; For warrant to marshal to summon jury, under seal, seventy-five cents;

For entering panel of jury, and swearing them, fifty cents;

For taking, filing, and recording, every bond, not above provided for, one dollar;

For passing an account against the estate of a deceased person, twelve and a half cents; to be paid by the applicant, and not to be refunded.

SEC. 2. *And be it further enacted*, That the respective officers, whose fees are by this act specified, are hereby required to make fair tables of their fees, agreeable to this act, and to set up the same, in their respective offices, within six months after the passing of this act, in some conspicuous part of their office, for the inspection of all persons who may have business in said offices, on pain of forfeiting, for each day the same shall be missing, through said officer's neglect, the sum of ten dollars, to be recovered as debts of the same amount are recoverable, one-half to the county, and the other half to the informer.

SEC. 3. *And be it further enacted*, That, if a Register of Wills, or any person for him, shall take greater fees than hereinbefore expressed, such officer shall forfeit and pay the party injured fifty dollars, to be recovered as debts of the same amount are recoverable; *Provided, always*, That the Judges of the Orphans' Court may allow to the Register of Wills, reasonable fees for any service he may have rendered, not specified in this act.

SEC. 4. *And be it further enacted*, That the Registers of Wills of the counties of Washington and Alexandria, in the District of Columbia, shall be allowed by the Levy Courts of their respective counties, for all record books and dockets necessarily furnished for their respective offices; which allowance shall be levied and collected as other county charges are.

Approved, May 26, 1824.

An Act to confer certain powers on the Levy Court of the county of Alexandria, in the District of Columbia, and for other purposes.

Be it enacted, &c., That the Levy Court of the county of Alexandria, in the District of Columbia, shall, from and after the passing of this act, have,

possess, and exercise, all the powers which the county courts of Virginia possessed and exercised on the twenty-seventh day of February, one thousand eight hundred and one, in relation to the laying of the county levies; and that the Marshal of the District of Columbia shall collect and account for the levies so laid by said court, in the same manner, and at the same time, as the Sheriffs of Virginia collected and accounted for the levies made by the aforesaid county courts of Virginia, on the aforesaid twenty-seventh day of February, one thousand eight hundred and one. The Marshal of the District aforesaid, shall pay over the amount, so collected, to the order of the Levy Court aforesaid.

SEC. 2. *And be it further enacted*, That any seven Justices of the Peace in the county of Alexandria aforesaid, who shall be duly qualified, shall be a quorum for the transaction of all business appertaining by law to the Levy Court aforesaid.

SEC. 3. *And be it further enacted*, That the Orphans' Court of the said county of Alexandria shall, hereafter, be held at the courthouse in the town of Alexandria, so soon as a suitable room shall have been provided on the public square on which said courthouse stands, for the safe-keeping of the records of said Orphans' Court. The said Orphans' Court shall hold its sessions on the first Monday of each month, and may adjourn from day to day, for the purpose of transacting the business of said court: *Provided*, That the whole number of days of the session of said court shall not exceed four in any one month.

SEC. 4. *And be it further enacted*, That the Register of Wills for the county of Alexandria aforesaid, shall, within two months from and after the passage of this act, give bond and good security, payable to the United States, in the penalty of five thousand dollars; which bond shall be conditioned for the due and faithful performance of the duties of his office, as prescribed by law; which bond shall be renewed once in every five years thereafter, and shall be approved by the Orphans' Court; and shall be recorded among the records of the Circuit Court of the District of Columbia, for the county aforesaid; an official copy of which bond, duly certified, shall have the force and effect of the original, in all suits brought on said bond.

Approved, May 26, 1824.

An Act to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia Military Land Warrants, lying between Ludlow's and Roberts' lines, in the State of Ohio.

Be it enacted, &c., That the President of the United States shall be, and he is hereby, authorized to ascertain the number of acres, and by appraisement, or otherwise, the value thereof, exclusive of improvements, of all such lands lying between Ludlow's and Roberts' lines, in the State of Ohio, as may, agreeably to the principles of a decision of the Supreme Court of the United States, in the case of Doddridge's lessee, against

Thompson and Wright, be held by persons under Virginia military warrants, and on what terms the holders will relinquish the same to the United States; and that he report the facts at the commencement of the next session of Congress.

Approved, May 26, 1824.

An Act making appropriations for deepening the Channel leading into the harbor of Presque Isle, and for repairing Plymouth Beach.

Be it enacted, &c., That the following sums of money be, and the same are hereby, appropriated, out of any moneys in the Treasury, not otherwise appropriated, and placed at the disposition of the United States, for the purpose of accomplishing the objects hereinafter mentioned, to wit: the sum of twenty thousand dollars, for making or deepening the channel leading into the harbor of Presque Isle, in the State of Pennsylvania; and the sum of twenty thousand dollars, to repair Plymouth Beach, in the State of Massachusetts, and thereby prevent the harbor at that place from being destroyed.

Approved, May 26, 1824.

An Act to allow a salary to the Collectors of the District of Nantucket and Pensacola, and to abolish the office of Surveyor of the District of Pensacola.

Be it enacted, &c., That, from and after the passage of this act, the following annual salaries be, and the same are hereby, allowed, to wit: To the collector of the port of entry for the District of Nantucket, in the State of Massachusetts, the sum of two hundred and fifty dollars; and to the collector of the port of entry for the District of Pensacola, in the Territory of Florida, the sum of five hundred dollars.

SEC. 2. *And be it further enacted*, That, from and after the thirtieth day of June next, the office of surveyor of the port of entry for the District of Pensacola, in the Territory above mentioned, be, and the same is hereby abolished.

Approved, May 26, 1824.

An Act to authorize the Secretary of the Treasury to exchange a stock, bearing an interest of four and one-half per cent., for certain stocks bearing an interest of six per cent.

Be it enacted, &c., That the President of the United States be, and he is hereby, empowered to borrow, on or before the first day of April next, on the credit of the United States, a sum not exceeding five millions of dollars, at a rate of interest, payable quarter yearly, not exceeding four and one-half per centum per annum, and reimbursable at the pleasure of the Government, at any time after the thirty-first day of December, one thousand eight hundred and thirty-one, to be applied, in addition to the moneys which may be in the Treasury at the time of borrowing the same, to pay off and discharge such part of the six per cent. stock of the United States, of the year one thousand eight hundred and twelve, as may be redeemable after the first day of January next.

SEC. 2. *And be it further enacted*, That it shall

be lawful for the Bank of the United States to lend the said sum, or any part thereof; and it is hereby further declared, that it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of stock signed by the Register of the Treasury, or by a Commissioner of Loans, for the whole, or for any part thereof, bearing an interest not exceeding four and one half per centum per annum, transferable and reimbursable as aforesaid, and to cause the said certificates of stock to be sold: *Provided*, That no stock be sold under par.

SEC. 3. *And be it further enacted*, That a subscription, to the amount of fifteen millions of dollars, of the six per cent. stock of the year one thousand eight hundred and thirteen, be, and the same is hereby, proposed; for which purpose books shall be opened at the Treasury of the United States, and at the several Loan Offices, on the first day of July next, to continue open until the first day of October thereafter, for such parts of the abovementioned description of stock as shall, on the day of subscription, stand on the books of the Treasury, and on those of the several Loan Offices, respectively; which subscription shall be effected, by a transfer to the United States, in the manner provided by law for such transfers, of the credit or credits standing on the said books, and by a surrender of the certificates of the stock so subscribed.

SEC. 4. *And be it further enacted*, That, for the whole or any part of any sum which shall be thus subscribed, credits shall be entered to the respective subscribers, who shall be entitled to a certificate or certificates, purporting that the United States owe to the holder, or holders thereof, his, her, or their assigns, a sum, to be expressed therein, equal to the amount of the principal stock thus subscribed, bearing an interest of four and one half per centum per annum, payable quarterly, from the thirtieth day of September, one thousand eight hundred and twenty-four, transferable in the same manner as is provided by law for the transfer of the stock subscribed, and subject to redemption, at the pleasure of the United States, as follows: One-half at any time after the thirty-first day of December, one thousand eight hundred and thirty-two, and the remainder at any time after the thirty-first day of December, one thousand eight hundred and thirty-three: *Provided*, That no reimbursement shall be made, except for the whole amount of such new certificate, nor until after at least six months' public notice of such intended reimbursement. And it shall be the duty of the Secretary of the Treasury to cause to be re-transferred to the respective subscribers, the several sums by them subscribed, beyond the amount of the certificates of five per cent. stock, issued to them, respectively.

SEC. 5. *And be it further enacted*, That the same funds which have heretofore been, and now are, pledged, by law, for the payment of the interest, and for the redemption or reimbursement of the stock which may be created or subscribed by vir-

tue of the provisions of this act, shall remain pledged, in like manner, for the payment of the interest accruing on the stock created by reason of such subscription, and for the redemption or reimbursement of the principal of the same. It shall be the duty of the Commissioners of the Sinking Fund to cause to be applied and paid, out of the said fund, yearly, and every year, such sum and sums as may be annually wanted to discharge the interest accruing on the stock which may be created by virtue of this act. The said Commissioners are hereby authorized to apply, from time to time, such sum and sums, out of the said funds, as they may think proper, towards redeeming, by purchase or by reimbursement, in conformity with the provisions of this act, the principal of the said stock; and such part of the annual sum of ten millions of dollars, vested by law in the said Commissioners, as may be necessary, and wanting, for the above purposes, shall be, and continue, appropriated to the payment of interest and redemption of the public debt, until the whole of the stock which may be created under the provisions of this act, shall have been redeemed or reimbursed.

SEC. 6. *And be it further enacted*, That nothing in this act contained shall be construed in any wise to alter, abridge, or impair, the rights of those creditors of the United States who shall not subscribe to the loan to be opened by virtue of this act.

Approved, May 26, 1824.

An Act making an appropriation for the use of the Library of Congress, and for furnishing rooms in the Capitol.

Be it enacted, &c., That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any unappropriated money in the Treasury, for the purchase of books, under the direction of the joint Library Committee, for the use of the Library of Congress.

SEC. 2. *And be it further enacted*, That the sum of fifteen hundred and forty-six dollars be, and the same is hereby, appropriated, out of any unappropriated money in the Treasury, for the purchase of furniture for the new Library.

SEC. 3. *And be it further enacted*, That the sum of three thousand two hundred and eighty-nine dollars and fifty cents be, and the same is hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, for furnishing the rooms in the centre building of the Capitol, under the direction of the Commissioners of the Public Buildings.

Approved, May 26, 1824.

An Act to authorize the surveying and making of a road from a point in the northwestern boundary of the State of Ohio, near the foot of the Rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint three Commissioners, who shall explore,

survey, and mark, in the most eligible course, a road from a point in the northwestern boundary of the State of Ohio, near the foot of the Rapids of the Miami of Lake Erie, to Detroit, in the Territory of Michigan; and said Commissioners shall make out accurate plats of such surveys, accompanied with field notes, and certify and transmit the same to the President of the United States, who, if he approve of said survey, shall cause the plats thereof to be deposited in the office of the Treasury of the United States, and the said road shall be considered as established and accepted.

SEC. 2. *And be it further enacted*, That the said road shall be opened and made under the direction of the President of the United States, who is hereby authorized to employ the troops of the United States in the completion, or assisting in the completion, of said road.

SEC. 3. *And be it further enacted*, That the said Commissioners shall, each, be entitled to receive three dollars, and their assistants one dollar and fifty cents, for each and every day they shall be necessarily employed in the exploring, surveying, and marking, of said road. And for the purpose of compensating the said Commissioners and their assistants, and for opening and making said road, there shall be, and is hereby, appropriated, the sum of twenty thousand dollars; to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, May 26, 1824.

An Act to authorize the State of Indiana to open a canal through the Public Lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie.

Be it enacted, &c., That the State of Indiana be, and is hereby, authorized to survey and mark, through the public lands of the United States, the route of a canal by which to connect the navigation of the rivers Wabash and Miami of Lake Erie; and ninety feet of land, on each side of said canal, shall be reserved from sale on the part of the United States, and the use thereof, forever, be vested in the State aforesaid, for a canal, and for no other purpose whatsoever.

SEC. 2. *And be it further enacted*, That, if the said State shall not survey, and direct by law said canal to be opened, and furnish the Commissioner of the General Land Office a map thereof, within three years from and after the date of this act; or, if the said canal be not completed, suitable for navigation, within twelve years thereafter; or, if said land, hereby granted, shall ever cease to be used and occupied for the purpose of constructing and keeping in repair a canal, suitable for navigation; the reservation and grant, aforesaid, shall be void, and of none effect: *Provided*, That nothing in this act contained, or shall be done in pursuance thereof, shall be deemed to imply any obligation on the part of the United States, to appropriate money to defray the expense of surveying or opening said canal: *And provided, likewise*, That the said canal, when completed, shall be, and forever remain, a public highway, for the

use of the Government of the United States, free from any toll or charge whatever, for any property of the United States, or persons in their service, on public business, passing through the same.

SEC. 3. *And be it further enacted*, That every section of land through which said canal route may pass, shall be, and the same is hereby, reserved from future sale, under the direction of the Commissioner of the General Land Office, until hereafter specially directed by law; and the said State is hereby authorized, without waste, to use any materials on the public lands adjacent to said canal that may be necessary for its construction.

Approved, May 26, 1824.

An Act to alter the Judicial Districts of Pennsylvania, and for other purposes.

Be it enacted, &c., That the following counties in the State of Pennsylvania shall cease to be a part of the Eastern Judicial District of Pennsylvania, and shall be added to, and form a part of, the Western District; that is to say: Susquehanna, Bradford, Tioga, Union, Northumberland, Columbia, Luzerne, and Lycoming: and that, besides the terms of the District Court directed by law to be held at Pittsburg, for the Western District, the Judge of said Western District shall hold two terms in every year, at William's Port, in the county of Lycoming, which shall commence on the first Mondays of the months of June and October, in each and every year, beginning in October next, and be continued and adjourned, from time to time, as the Court may deem expedient, for the despatch of the business thereof.

Approved, May 26, 1824.

An Act supplementary to "An act providing for the examination of titles to land in that part of the State of Louisiana situated between the Rio Hondo and Sabine river."

Be it enacted, &c., That the powers given to, and duties required of, the register and receiver of the land office south of Red river, in the State of Louisiana, by the act of the third of March, eighteen hundred and twenty three, entitled "An act providing for the examination of titles to land in that part of the State of Louisiana situated between Rio Hondo and the Sabine river," be extended to all that tract of country known and called by the name of the "Neutral Territory," lying east of the present western boundary of Louisiana, and west of the limits to which the land commissioners have heretofore examined titles and claims to land in said State; and in the examination of claims to land within the aforesaid limits, the register and receiver shall, in all respects, be governed by the provisions of the aforesaid act.

SEC. 2. *And be it further enacted*, That the register and receiver of said land office shall, severally, receive, as a full compensation for the duties required of them by this act, the sum of two hundred dollars, whenever they shall finish the business required to be performed by them, by this act, and the act to which this is a supplement, and

have forwarded their reports to the Secretary of the Treasury.

Approved, May 26, 1824.

An Act to authorize the building of lighthouses, light-vessels, and beacons, therein mentioned, and for other purposes.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, empowered to provide, by contract, for building lighthouses and light-vessels, erecting beacons, and placing buoys on the following sites or shoals to wit:

A lighthouse at Owl's Head, in the State of Maine;

A lighthouse at the mouth of Great Sodus, on Lake Ontario; and one on Verplanck's Point, in the State of New York;

A lighthouse at the mouth of Grand River, in the State of Ohio;

A beacon-light on Cape Henlopen, in the State of Delaware;

A lighthouse on Pool's Island, and one on Thomas's Point, in the Chesapeake Bay, in the State of Maryland;

A light-vessel at or near the Long Shoal, in Pamptico Sound, in the State of North Carolina;

A lighthouse on one of the Sambo Keys, and a light-vessel on the Careysfort reef, in the Territory of Florida;

A beacon on Castle Island, and five buoys near Bristol Ferry, in the State of Rhode Island;

A pier and three buoys at the mouth of Saco River, and a pier at the mouth of Wells' Harbor, in the State of Maine.

SEC. 2. *And be it further enacted*, That there be appropriated out of any money in the Treasury, not otherwise appropriated, the following sums of money, to wit:

For building a lighthouse in the State of Maine, on Owl's Head, four thousand dollars;

A lighthouse on Great Sodus, on Lake Ontario, in the State of New York, four thousand five hundred dollars; and for one on Verplanck's Point, in the Hudson River, in the same State, four thousand five hundred dollars;

A lighthouse at the mouth of Grand River, in the State of Ohio, eight thousand dollars;

For erecting a beacon-light on Cape Henlopen, in the State of Delaware, three thousand dollars;

For a lighthouse on Pool's Island, in the Chesapeake, in the State of Maryland, five thousand dollars; and for one on Thomas's Point in the same bay, and same State, six thousand five hundred dollars;

For a light-vessel, to be placed at or near the Long Shoals, on Pamptico Sound, in the State of North Carolina, ten thousand dollars;

For a lighthouse on the Sambo Keys, in the Territory of Florida, sixteen thousand dollars; for a light-vessel for Careysfort Reef, twenty thousand dollars; for the lighthouses directed to be built, one on the dry Tortugas, and one on Cape Florida, in the same Territory, including the appropriations already made by law, a sum, for each, not exceeding sixteen thousand dollars;

For a beacon and buoys between the dry Tortugas and the Coast of Florida, four thousand dollars;

For placing buoys on certain shoals at the mouth of Kennebeck River, in the State of Maine, one hundred and sixty dollars;

For placing buoys on shoals in Buzzard's Bay, and at or near the mouth of Aponeganset River, in the State of Massachusetts, one hundred and sixty dollars;

For placing buoys on Long Island Sound, near to Cornfield Point, and in Guildford Bay, one hundred and sixty dollars;

For placing a buoy at the mouth of Scuppernon River, in Albemarle Sound, in the State of North Carolina, forty dollars;

For placing a beacon on Castle Island, and five buoys near Bristol Ferry, five hundred dollars;

For a pier and three buoys at the mouth of Saco River, and a pier at the mouth of Wells Harbor, ten thousand dollars—five thousand dollars to each of those places.

SEC. 3. *And be it further enacted*, That the following annual salaries be allowed and paid to the keepers of light-vessels:

To the keeper of the Sandy Hook light-vessel, seven hundred dollars; and for a mate, three hundred and fifty dollars;

To the keeper of the Smith's Point light-vessel, in the Chesapeake Bay, five hundred dollars;

To the keeper of the Wolf Trap light-vessel, in the same bay, five hundred dollars;

To the keeper of the Willoughby Spit light-vessel, in the same bay, five hundred dollars;

To the keeper of the Craney Island light-vessel, four hundred and fifty dollars;

To the keeper of a light vessel to be placed at or near the shoals of Cape Hatteras, seven hundred dollars; and for a mate, three hundred and fifty dollars.

SEC. 4. *And be it further enacted*, That the President of the United States be and he is authorized and requested to cause a proper site at or near the mouth of the river Teche, in Louisiana, to be selected for a lighthouse, and proper places designated for placing buoys near the same. To enable the President to accomplish these objects, a sum of money, not exceeding five hundred dollars, be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Approved, May 26, 1824.

An Act granting to the Corporation of Tuscaloosa certain lots, and privileges over the reservations and commons in said town.

Be it enacted, &c., That the right and title of the United States to public streets and to certain lots in the town of Tuscaloosa, set apart for public uses, and designated in the plan of said town by the names of the "Court Square," the "Market Square," the "Jail Lot," the "Spring," the "Church," and the "Burial Ground," be and the same is hereby vested in the Corporation of said town forever. And also all the right of the Uni-

ted States to that tract between the lots and the river Tuscaloosa, called the "River Margin," and of that called the "Pond," and also of that called the "Common;" on condition, however, that the Corporation shall not lease or sell any portion of the last-mentioned tracts, but that the same be appropriated to the purposes for which they were designated and set apart, as well for the benefit of the inhabitants of said town as for that of those resorting to or visiting the same; and in case the same or any part thereof be applied to any other purpose, that it revert to the United States.

Approved May 26, 1824.

An Act supplementary to the act "to incorporate the inhabitants of the City of Washington," passed the fifteenth of May, one thousand eight hundred and twenty, and for other purposes.

Be it enacted, &c., That so much of the act, entitled "An act to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose," passed May fifteenth, one thousand eight hundred and twenty, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

SEC. 2. *And be it further enacted*, That public notice of the time and place of sale of all real property, for taxes due the Corporation of the City of Washington, shall be given in all cases hereafter by advertisement inserted in some newspaper published in the said city once in each week for at least twelve successive weeks; in which advertisement shall be stated the number of the square or squares; the number of the lot or lots, (if the square has been divided into lots;) the name or names of the person or persons to whom the same may be assessed on the books of the Corporation at the time of such advertisement; the amount of the tax due on each square or lot; the period for which the same shall be due; and the aggregate amount of taxes due on all real property assessed in the name of the same person or persons. But where a whole square is assessed to the same person or persons, although divided into lots, it may be assessed and advertised as if the same was not divided. And no sale of real property for taxes hereafter made shall be impaired or void by reason of such property not being assessed or advertised in the name or names of the lawful owner or owners thereof, provided the same shall be advertised as above directed, or by reason of the amount of taxes due thereon not being correctly stated.

SEC. 3. *And be it further enacted*, That in all cases of sales of real property, for taxes due the said Corporation, where such sale shall not have been made according to law, and void, it shall be lawful for the said Corporation, on the application of the purchaser, or other person entitled under him, to refund and pay to such person or persons, the amount paid by him or them, on account of such purchase; and, also, the subsequent taxes accrued and paid on the said property, and to reassess the amount of taxes so refunded, on the property on which the same shall have accrued,

which shall be collected in the manner as provided by law for the collection of other taxes, at any time after the first day of January next after the same shall be so re-assessed.

SEC. 4. *And be it further enacted*, That it shall be lawful for the said Corporation, where there shall be a number of lots assessed to the same person or persons, to sell one, or more, of such lots, for the taxes and expenses due on the whole; and, also, to provide for the sale of any part of the lot, for the taxes and expenses due on the said lot, or other lots assessed to the same person, as may appear expedient, according to such rules and regulations as the said corporation may prescribe.

SEC. 5. *And be it further enacted*, That in case of death, resignation, or inability to serve, of any Commissioner of Election, it shall be lawful for the Mayor, or in case of his absence, or inability to perform that duty, for the Register of the City, to make an appointment, in writing, to fill any such vacancy, which appointments shall be returned to the Register, with the return of such election.

SEC. 6. *And be it further enacted*, That the proprietor or proprietors of lots which may be sold under the provisions of this act, shall be allowed the right of redemption, in the same manner, and according to the like restrictions, contained in the act to which this is a supplement.

SEC. 7. *And be it further enacted*, That the public notice of the time and place of sale of any real property chargeable with taxes, in Georgetown or Alexandria, in all cases hereafter, shall be given, once in each week, for twelve successive weeks, in some one newspaper printed in each of said places, and in the National Intelligencer, in which shall be stated the number of the lot or lots, or parts thereof, intended to be sold, and the value of the assessment, and the amount of the taxes due and owing thereon.

SEC. 8. *And be it further enacted*, That if, before the day of sale, advertised as aforesaid, the owner, his agent, or attorney, shall not pay the amount of taxes, with all costs thereon assessed, said lots, or so many as may be sufficient to discharge the same, shall be sold, for cash, and to the highest bidder paying therefor; a certificate from the proper officer shall be issued, setting forth that he is the purchaser, and the amount paid by him; and if, at the expiration of twelve months from the day of sale, the owner shall not appear, and pay to the officer who sold the same, the Mayor, or the purchaser, the amount of the purchase money, and costs, and taxes accruing subsequent to the sale, and ten per centum interest per annum on the purchase money, it shall and may be lawful for a title in fee simple, at the expiration of said time, to be made to the purchaser: *Provided*, That no sale of real estate shall be made but where the owner or tenant of the property has not sufficient personal estate out of which to enforce a collection of the debt due; and where he has personal property, it shall be lawful to collect said taxes by distress and sale thereof.

SEC. 9. *And be it further enacted*, That, on or before the first day of April next, and every five years thereafter, each of the Corporations of Wash-

ington, Georgetown, and Alexandria, shall cause three respectable freeholders, resident in said City and towns, respectively, being previously sworn, to assess and value, and make return, of all and every species of property by law taxable, in said Corporations; and, in making their said valuations, they shall determine it agreeable to what they believe it to be worth, in cash, at the time of the valuation.

SEC. 10. *And be it further enacted*, That, where any taxes have fallen due, and yet remain unpaid, or where any real estate has been sold by the Corporation of Georgetown or Alexandria, which sale, from any defect of proceeding in relation thereto, has been declared, or is considered void, said Corporation may proceed, and are hereby authorized, to collect said taxes by sale of the real estate, liable, agreeably to the provisions of this act, in relation to other cases of collecting taxes, hereafter to fall due: *Provided*, That where any person, without notice of the outstanding taxes, has made a bona fide purchase from the legal owner of any real estate, previous to the fifteenth day of May, one thousand eight hundred and twenty-four, said real estate, so acquired, shall not be liable for the taxes due and owing previous to said purchase.

SEC. 11. *And be it further enacted*, That all titles to property, conveyed, as aforesaid, on sales for taxes, made in either of said places, shall be by deed from the Mayor, under the seal of the Corporation: which said conveyance shall be effectual, in law, to convey the title, the requisition of this act having been complied with.

SEC. 12. *And be it further enacted*, That, on any lot, or lots, or part of a lot, liable for taxes, as aforesaid, being sold, the amount, over and above the tax, cost, and charges, due upon the same, shall be paid over, on application, to the owner of said property.

SEC. 13. *And be it further enacted*, That, where the payment of any taxes shall be made or enforced against any tenant, it shall not be lawful for the owner of said property, so made liable for the taxes, to recover of the tenant any rent for the property; but the same shall remain in his possession a lien for the debt, until such time as the rent accruing shall have discharged the same; and the said tenant shall be entitled to charge twenty-five per centum against the landlord, on the amount of the taxes so paid or enforced against him, except where he may have been previously in arrears for his rent.

SEC. 14. *And be it further enacted*, That in all cases of any nuisance, affecting, in the opinion of the Board of Health, the healthiness of the City of Washington, or inhabitants contiguous thereto, which may exist on any lot belonging to the United States, it shall be lawful to have the same removed, in the same manner, and under the same rules and regulations, that nuisances on private property are removed; and the expense of such removal or correction shall be defrayed out of any moneys in the hands of the city commissioner, for the sale of the public property in said city.

Approved, May 26, 1824.

An Act granting a tract of land to the Parish of West Baton Rouge, on certain conditions.

Be it enacted, &c., That the right of the United States to a tract of land, of about eight arpens front, on the Mississippi river, be, and the same is hereby, granted to the inhabitants of the Parish of West Baton Rouge, within which said land is situated, on condition that the said Parish shall at all times keep, or cause to be kept, a good and sufficient levee on said land, in front of the river Mississippi; and if they should, at any time hereafter, cease to keep, or cause to be kept, a good and sufficient levee, the land shall revert to the United States.

Approved, May 26, 1824.

An Act to authorize the President to exchange five arpens of land, on the south side of the public lot at Baton Rouge, for an equal quantity of land on the north side of said lot.

Be it enacted, &c., That the President of the United States be authorized to exchange five arpens of land, on the south side of the public lot in the town of Baton Rouge, Louisiana, for an equal quantity of land on the north part of the said lot, which has been confirmed to the heirs of Eulogia de Casas; and to give and receive such titles as he may deem proper for perfecting said exchange.

Approved, May 26, 1824.

An Act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims.

Be it enacted, &c., That it shall be lawful for any person or persons, or their legal representatives, claiming lands, tenements, or hereditaments, in that part of the late province of Louisiana which is now included within the State of Missouri, by virtue of any French or Spanish grant, concession, warrant, or order of survey, legally made, granted, or issued, before the tenth day of March, one thousand eight hundred and four, by the proper authorities, to any person or persons resident in the province of Louisiana, at the date thereof, or on or before the tenth day of March, one thousand eight hundred and four, and which was protected or secured by the treaty between the United States of America and the French Republic, of the thirtieth day of April, one thousand eight hundred and three, and which might have been perfected into a complete title, under and in conformity to the laws, usages, and customs, of the Government under which the same originated, had not the sovereignty of the country been transferred to the United States, in each and every such case it shall and may be lawful for such person or persons, or their legal representatives, to present a petition to the District Court of the State of Missouri, setting forth fully, plainly, and substantially, the nature of his, her, or their claim, to the lands, tenements, or hereditaments, and particularly stating the date of the grant, concession, warrant, or order of survey, under which they claim, the

name or names of any person or persons claiming the same, or any part thereof, by a different title from that of the petitioner; or holding possession of any part thereof, otherwise than by the lease or permission of the petitioner; and also, if the United States be interested on account of the lands claimed, and the boundaries thereof, when the same may have been designated by boundaries; by whom issued; and whether the said claim has been submitted to the examination of either of the tribunals which have been constituted by law for the adjustment of land titles in the present limits of the State of Missouri, and by them reported on unfavorably, or recommended for confirmation; praying, in said petition, that the validity of such title, or claim, may be inquired into and decided by the said court: and the said court is hereby authorized and required to hold and exercise jurisdiction of every petition, presented in conformity with the provisions of this act, and to hear and determine the same, on the petition, in case no answer or answers be filed after due notice; or on the petition, and the answer or answers of any person or persons interested in preventing any claim from being established; and the answer of the District Attorney of the United States, where he may have filed an answer, according to the evidence which shall be adduced by the petitioner, by any person interested in preventing the decree of the court in favor of the title of the petitioner or petitioners, and by the United States, in conformity with the principles of justice, and according to the laws and ordinances of the Government under which the claim originated; and the copy of such petition, with a citation to any adverse possessor, or claimant, shall be served on such possessor or claimant, in the ordinary legal manner of serving such process in the State of Missouri, at least fifteen days before the term of the District Court of the United States, to which the same is made returnable; and, in like manner, on the District Attorney of the United States, where the Government is interested in the defence; and it shall be the duty of the United States' Attorney for the district in which the suit shall be instituted, in all cases where the United States are interested on account of the public domain, to take notice of each petition filed under the provisions of this act, in the said district, and to make defence, on all just and proper occasions, in behalf of the public interest.

SEC. 2. And be it further enacted, That every petition which shall be presented under the provisions of this act, shall be conducted according to the rules of a court of equity, except that the answer of the District Attorney of the United States shall not be required to be verified by his oath, and tried, without any continuance, unless for cause shown; and the said court shall have full power and authority to hear and determine all questions arising in said cause, relative to the title of the claimants, the extent, locality, and boundaries, of the said claim, or other matters connected therewith, fit and proper to be heard and determined; and, by a final decree, to settle and determine the question of the validity of the title,

according to the law of nations; the stipulations of any treaty, and proceedings under the same; the several acts of Congress in relation thereto; and the laws and ordinances of the Government from which it is alleged to have been derived; and all other questions properly arising between the claimants and the United States; which decree shall, in all cases, refer to the treaty, law, or ordinance, under which it is confirmed or decreed against; and the court may, at its discretion, order disputed facts to be found by a jury, according to the regulations and practice of the said court, when directing issues in chancery before the same court; and, in all cases, the party against whom the judgment or decree of the said district court may be finally given, shall be entitled to an appeal, within one year from the time of its rendition, to the Supreme Court of the United States, the decision of which Court shall be final and conclusive between the parties; and, should no appeal be taken, the judgment or decree of the said district court shall, in like manner, be final and conclusive.

SEC. 3. And be it further enacted, That the evidence which has been received by the different tribunals which have been constituted and appointed by law to receive such evidence, and to report the same to the Secretary of the Treasury, or to the Commissioner of the General Land Office, upon all claims presented to them, respectively, shall be received and admitted in evidence for or against the United States, in all trials under this act, when the person testifying is dead, or beyond the reach of the court's process; together with such other testimony as it may be in the power of the petitioner, the person or persons interested in the defence made against establishing any claim, or the United States' Attorney, to produce, and which shall be admissible, according to the rules of evidence, and the principles of law.

SEC. 4. And be it further enacted, That, in all cases in which evidence shall be offered by the petitioner, which has not been received by either of the tribunals constituted by law for that purpose, it shall be the duty of the Attorney of the United States for the district in which the suit shall be instituted, or any person interested in the defence may examine, or cause to be examined, the witnesses, whether examined in court, or by commission under the authority thereof; and it shall be the duty of the Commissioner of the General Land Office of the United States, or the keeper of any public records, who may have possession of the records and evidence of the different tribunals which have been constituted by law for the adjustment of land titles in Missouri, as held by France, upon the application of any person or persons whose claim to lands has been rejected by such tribunals, or either of them, or on the application of any person interested, or by the Attorney of the United States for the district of Missouri, to furnish copies of such evidence, certified under his official signature, with the seal of office thereto annexed, if there be a seal of office.

SEC. 5. And be it further enacted, That any claim to lands, tenements, or hereditaments, within the purview of this act, which shall not be brought by petition before the said courts, within two years from the passing of this act, or which, after being brought before the said courts, shall, on account of the neglect or delay of the claimant, not be prosecuted to a final decision within three years, shall be for ever barred, both at law and equity, and no other action, at common law, or proceedings in equity, shall ever thereafter be sustained in any court whatever, in relation to said claims.

SEC. 6. And be it further enacted, That, upon the final decision of any claim prosecuted under this act, in favor of the claimant or claimants, it shall and may be lawful for such claimant to demand, and receive from the clerk of the court in which such final decision is had, a copy of the decree in his, her, or their favor, under the official signature of the clerk, and the seal of the court, if any seal belong to it, and deliver the same to the surveyor of public lands for the State of Missouri, who shall, thereupon, cause the land specified in said decree to be surveyed at the expense of the party; and duplicate plats, and certificates of the survey, so made, to be returned into his office, one of which shall remain in said office, and the other, authenticated by the attestation and official signature of the surveyor of public lands, shall be delivered on demand, to the party interested therein, and the same being presented to the Commissioner of the General Land Office, in Washington City, shall entitle the party interested to a patent from the President of the United States.

SEC. 7. And be it further enacted, That in each and every case in which any claim, tried under the provisions of this act, shall be finally decided against the claimant, and in each and every case in which any claim, cognizable under the terms of this act, shall be barred by virtue of the provisions contained therein, the land specified in such claim shall, forthwith, be held and taken as a part of the public lands of the United States, subject to the same disposition as any other public land in the same district.

SEC. 8. And be it further enacted, That the clerk of said court shall be, and he is hereby, directed, when any petition of claim is filed, under the provisions of this act, before any proceedings thereon, to require good and sufficient security for all cost and charges which may accrue thereon in prosecuting the same to a final decree; and the District Attorney, Clerk, Marshal, attending witnesses, and jurors, shall severally be allowed such fees for their services and attendance as may be allowed by law for the like services and attendance in the District Court of the State of Missouri, to be paid by the party calling for such service or attendance, except where the petitioner or petitioners fail to prosecute his, her, or their suit, or claim, to a final decree, or to obtain a final decree in his, her, or their favor, or where any such title or claim may have been presented to the commissioner, or the register and receiver, acting as commissioners, for the examination of titles and claims to land in said district, and by them has been reported unfavorably

on; in all which cases, all cost, charges, and expenses, of such prosecutions, shall be paid by the petitioner or petitioners; that the clerk of the court, in which the final decree shall be had, shall be allowed one dollar and fifty cents for the official copy of such final decree; that the surveyor of public lands shall be allowed one dollar for each of the official certificates required of him; and the keeper of the records and evidence, taken under former acts of Congress, for the adjustment of land titles, shall be allowed at the rate of ten cents for every hundred words contained in any such written evidence of their claim, to be paid by the party applying therefor.

SEC. 9. *And be it further enacted*, That it shall be the duty of the attorney of the United States for the district in which the suits authorized by this act shall be instituted, in every case where the decision is against the United States, and the claim exceeds one thousand acres, to make out and transmit, to the Attorney General of the United States, a statement containing the facts of the case, and the points of the law on which the same was decided; and if the Attorney General shall be of opinion that the decision of the district court was erroneous, it shall be his duty to direct an appeal to be made to the Supreme Court of the United States, and to appear for, and prosecute, the said appeal in that court; and it shall be the further duty of the District Attorney to observe the instructions given to him by the Attorney General in that respect.

SEC. 10. *And be it further enacted*, That it shall be the duty of the Marshal of the State of Missouri, by himself or deputy, to attend the said court while in session, and to execute all process to him directed by the court, under this act.

SEC. 11. *And be it further enacted*, That if, in any case, it should so happen that the lands, tenements, or hereditaments, decreed to any claimant, under the provisions of this act, shall have been sold by the United States, or otherwise disposed of, or if the same shall not have been heretofore located, in each and every such case, it shall and may be lawful for the party interested, to enter, after the same shall have been offered at public sale, the like quantity of land, in parcels, conformable to sectional divisions and subdivisions, in any land office in the State of Missouri; and, if it should so happen, that, in making such entries, there should remain in the hands of the enterer a fractional excess of acres, of less number than the smallest sectional divisions authorized by law to be sold, it shall and may be lawful for the party interested, to enter, in virtue of such fractional excess, the quantity of one half-quarter section, upon paying one dollar and twenty-five cents for each acre contained in such half-quarter section, over and above the fractional excess to which he may be entitled by such confirmation.

SEC. 12. *And be it further enacted*, That, for the purpose of carrying into effect the provisions of this act, the judge of the District Court for the State of Missouri shall hold his sessions at the following places, viz: at the town of St. Louis, in the county of St. Louis, on the third Monday of

September next; at the town of St. Genevieve, in the county of St. Genevieve, on the third Monday of December next; and at the town of Jackson, in the county of Cape Girardeau, on the third Monday of April next; he shall appoint his own clerks; and, after the first and each of the said sessions, he shall thereafter sit upon his own adjournments, at the places aforesaid, until all the business before him shall be completed, or the time limited by this act shall have expired; of which said adjournments, and the time of holding the special sessions, aforesaid, public notice shall be given at each of the places aforesaid, and at such other places, in the State of Missouri, as he shall direct: *Provided*, That, at either of the places aforesaid, the court may take cognizance and jurisdiction of any claim within the limits of the State: *Provided moreover*, That, if there should be any person defending against the confirmation of such claim, in such case the trial, in case he shall request the same, shall be had at that place nearest the residence of such person defending against such confirmation: *Provided*, That none of the provisions of this act shall be applied to a claim of the representatives or assignees of Jacques Clamorgan, deceased, lying between the Missouri and Mississippi rivers, and covering parts of the counties of St. Charles and Lincoln, in the State of Missouri.

SEC. 13. *And be it further enacted*, That the District Judge for the State of Missouri shall, while in the discharge of the duties imposed by this act, be allowed at the rate of eight hundred dollars per annum, in addition to his salary as District Judge for the State of Missouri, which shall be in full for his services.

SEC. 14. *And be it further enacted*, That all the provisions of this act shall extend to, and be applicable to, the Territory of Arkansas; and, for the purpose of finally settling and adjusting the titles and claims to lands derived from the French and Spanish Governments, respectively, the Superior Court for the Territory of Arkansas shall have, hold, and exercise jurisdiction, in all cases, in the same manner, and under the same restrictions and regulations, in all respects, as by this act is given to the District Court for the State of Missouri; and the Judges for the Superior Court, Clerk of said Court, Marshal, and District Attorney of the United States for the said Territory, shall, severally, perform the same duties, and have the same powers, in relation to the claims to land presented and prosecuted in said Court, in the Territory of Arkansas, as is herein provided with regard to the titles and claims to land presented and prosecuted in the District Court for the State of Missouri; and the Judges of said Superior Court, the Clerk, Marshal, and District Attorney, shall, each, severally, receive the same fees, emoluments, and compensation, for their services, as is in this act provided, in regard to the District Judge, Clerk, Marshal, and District Attorney, in the State of Missouri; and the said Court shall commence its first session on the first Monday in October next, at Little Rock, in the Territory of Arkansas; and, afterwards, shall sit upon its own

adjournments, at the place aforesaid, until all the business before it shall be completed, or the time limited by this act shall have expired; of which, public notice shall be given, as is provided in this act, in relation to the District Court of the State of Missouri: *Provided*, That in all cases of a decree against the United States, for a greater quantity of land than five hundred acres, in the Superior Court of Arkansas, it shall be the duty of the Attorney of the United States to transmit to the Attorney General of the United States, as soon as may be, a like statement of the facts and points of law in the case, as is required of the District Attorney of Missouri; and the same right of appeal, from the decisions of the Court in Arkansas, shall be allowed to each party, that are prescribed in relation to decisions in the District Court of Missouri.

SEC. 15. *And be it further enacted*, That none of the provisions of the fourteenth section shall extend to claims of a larger amount than one league square.

Approved, May 26, 1824.

An Act to establish an additional Land Office in the State of Missouri.

Be it enacted, &c., That so much of the public lands of the United States, included in the present district of St. Louis, in the State of Missouri, as lies within the following boundaries, to wit: Beginning on the Mississippi river, between townships numbered forty-eight and forty-nine; thence, west, to the range line between ranges ten and eleven; thence, north, to the township line between townships numbered fifty-two and fifty-three; thence, west, to the range line between ranges thirteen and fourteen; thence, north, to the northern boundary line of the State of Missouri; thence, east, with the State line to the river Desmoines; thence, with the river Desmoines, and the State line, to the Mississippi river; thence, with and down the Mississippi river, to the place of beginning, so as to include all the islands within the limits of the State of Missouri, shall be formed into a new land district, to be called "the District of Salt River;" and, for the sale of the public lands within the district hereby constituted, there shall be a land office established at such place, within the said district, as the President of the United States may designate.

SEC. 2. *And be it further enacted*, That there shall be a Register and Receiver appointed to said office, to superintend the sales of public lands in the said district, and who shall reside at the place where said office is established, give security in the same manner and sums, and whose compensation, emoluments, duties, and authorities, shall, in every respect, be the same, in relation to the lands to be disposed of, at their offices, as are or may be, by law, provided, in relation to the Registers and Receivers of Public Moneys in the several offices established for the sale of the public lands.

SEC. 8. *And be it further enacted*, That all such public lands, embraced within the district created

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by this act, which shall have been offered for sale to the highest bidder, at St. Louis, pursuant to any proclamation of the President of the United States, and which lands remain unsold at the taking effect of this act, shall be subject to be entered and sold at private sale, by the proper officer or officers of the land office hereby created, in the same manner, and subject to the same terms, and upon the like conditions, as the sales of said lands would have been subject to, in the land office at St. Louis, had they remained attached to that office.

Approved, May 26, 1824.

An Act making further appropriations for the Military Service of the United States, for the year one thousand eight hundred and twenty-four, and for other purposes.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to wit:

For pay of a Superintendent of Indian Affairs at St. Louis, and the several Indian Agents, as allowed by law, twenty-six thousand five hundred dollars.

For the pay of Sub-Agents, as allowed by law, thirteen thousand one hundred dollars;

For presents to Indians, as authorized by act of one thousand eight hundred and two, ten thousand dollars;

For contingent expenses, ninety-five thousand dollars;

For making the surveys, compensation to the Commissioners, and other incidental expenses, under the act "for establishing a National Armory on the Western waters," in addition to the sum heretofore appropriated by the said act, four thousand one hundred and thirty-five dollars;

For the Quartermaster's Department, fuel, stationery, and contingencies of the Military Academy, eleven thousand five hundred dollars;

For the salaries of two Clerks in the second Auditor's Office, as authorized by the act of the twentieth April, one thousand eight hundred and eighteen, and not included in the letter of the Secretary of the Treasury, of the ninth of January, transmitting the annual estimates of appropriations for the present year, two thousand eight hundred dollars.

SEC. 2. *And be it further enacted*, That the sum of twenty thousand five hundred and twenty-five dollars and seventy cents, in addition to the unexpended balance of the appropriation of the act of the seventh of May, one thousand eight hundred and twenty-two, of twenty-nine thousand four hundred and twenty-four dollars and thirty cents, be, and the same is hereby, appropriated, out of any money in the Treasury, not otherwise appropriated, to enable the President of the United States to take the necessary measures for the extinguishment of the title of the Creek Indians to the land now occupied by them, lying within the limits of the State of Georgia.

SEC. 3. *And be it further enacted*, That the several sums hereby appropriated shall be paid out of any money in the Treasury not otherwise appro-

appropriated: *Provided, however*, That no money, appropriated by this act, shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable: *Provided further*, That nothing in this section contained shall extend to balances arising solely from the depreciation of Treasury notes, received by such person, to be expended in the public service; but in all cases where the pay or salary of any person is withheld, in pursuance with this act, it shall be the duty of the accounting officer, if demanded by the party, his agent, or attorney, to report, forthwith, to the agent of the Treasury Department, the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

Approved, May 26, 1824.

An Act granting donations of land to certain actual settlers in the Territory of Florida.

Be it enacted, &c., That the commissioners for ascertaining titles and claims to lands in Florida be, and they are hereby, authorized and required, within their respective districts, and in addition to their former duties, to receive and examine all claims that may be presented to them, and the evidence in support of each of such claims, founded on habitation and cultivation of any tract of land, town, or city lot, or out-lot, by any person, being the head of a family, and twenty-one years of age, who, on the twenty-second day of February, one thousand eight hundred and nineteen, actually inhabited and cultivated such tract of land, or actually cultivated and improved such lot, or who, on that day, cultivated any tract of land in the vicinity of any town or city, having a permanent residence in such town or city, in said Territory; and to grant certificates of confirmation for any tract of land thus inhabited and cultivated, or cultivated by any person of the above description, residing in any town or city in the vicinity of the tract so cultivated; which land shall be located in an entire body, as nearly as possible, in conformity to the surveys of the contiguous public lands, and so as to embrace the principal improvements then made on any tract so claimed, and shall not exceed in quantity six hundred and forty acres: And it shall also be the duty of said Commissioners to receive claims to land founded on habitation and cultivation, commenced between the twenty-second of February, one thousand eight hundred and nineteen, and the seventeenth of July, one thousand eight hundred and twenty-one, when Florida was surrendered to the United States, and evidence in support of the same; and to report an abstract of all such claims to Congress, and of the claims by them confirmed, to the Secretary of the Treasury; and the claims merely reported on shall be laid before Congress at their next session, with the evidence of the time, nature, and extent of such habitation and cultivation, in each case, and the extent of the claim: *Provided*, That no

claim shall be received, confirmed, or reported to Congress, by the said Commissioners, for confirmation, in favor of any person, or the legal representatives of any person, who claims any tract of land in said Territory, by virtue of any written evidence of the title derived from either the British or Spanish Governments.

Approved, May 26, 1824.

An Act granting certain lots of ground to the Corporation of the City of Mobile, and to certain individuals of said city.

Be it enacted, &c., That all the right and claim of the United States to the lots known as the hospital and bake-house lots, containing about three-fourths of an acre of land, in the city of Mobile, in the State of Alabama; and also all the right and claim of the United States to all the lots not sold or confirmed to individuals, either by this or any former act, and to which no equitable title exists in favor of any individual under this or any other act, between high-water mark and the channel of the river, and between Church street and North Boundary street, in front of the said city, be and the same are hereby vested in the Mayor and Aldermen of the said city of Mobile for the time being, and their successors in office, for the sole use and benefit of the said city, forever.

SEC. 2. *And be it further enacted*, That all the right and claim of the United States to so many of the lots of ground east of Water street and between Church street and North Boundary street, now known as water lots, as are situated between the channel of the river and the front of the lots known under the Spanish Government as water lots, in the said city of Mobile, whereon improvements have been made, be and the same are hereby vested in the several proprietors and occupants of each of the lots heretofore fronting on the river Mobile, except in cases where such proprietor or occupant has alienated his right to any such lot, now designated as a water lot, or the Spanish Government has made a new grant or order of survey for the same, during the time at which they had the power to grant the same; in which case, the right and claim of the United States shall be and is hereby vested in the person to whom such alienation, grant, or order of survey, was made, or in his legal representative: *Provided*, That nothing in this act contained shall be construed to affect the claim or claims, if any such there be, of any individual or individuals, or of any body politic or corporate.

Approved, May 26, 1824.

An Act to complete the Survey of the Southern and Western Boundary of the State of Missouri.

Be it enacted, &c., That the sum of fifteen hundred dollars, to be paid out of any money in the Treasury, not otherwise appropriated, and to be applied under the direction of the Secretary of the Treasury, be and the same is hereby appropriated, to complete the payment for surveying the southern boundary line of the State of Missouri, and so

much of the western boundary line thereof as lies south of the Missouri river.

Approved, May 26, 1824.

An Act making an appropriation towards the extinguishment of the Quaupau titles to lands in the Territory of Arkansas.

Be it enacted, &c., That a sum not exceeding seven thousand five hundred dollars be and the same is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to enable the President of the United States to negotiate a treaty with the Quaupau Indians, for the extinguishment of their title to lands in the Territory of Arkansas.

Approved, May 26, 1824.

An Act supplementary to an act of Congress, passed on the thirteenth day of June, one thousand eight hundred and twelve, entitled "An act making further provision for settling the claims to land in the Territory of Missouri."

Be it enacted, &c., That it shall be the duty of the individual owners or claimants of town or village lots, and common field lots, in, adjoining, or belonging to the several towns or villages of Portage des Sioux, St. Charles, St. Louis, St. Ferdinand, Villa à Robert, Carondelet, St. Genevieve, New Madrid, New Bourbon, and Little Prairie, in Missouri, and the village of Arkansas, in the Territory of Arkansas, whose lots were confirmed by the act of Congress of the thirtieth of June, one thousand eight hundred and twelve, entitled "An act making further provision for settling the claims to land in the Territory of Missouri," on the ground of inhabitation, cultivation, or possession, prior to the twentieth day of December, one thousand eight hundred and three, to proceed, within eighteen months after the passage of this act, to designate their said lots by proving, before the recorder of land titles for said State and Territory, the fact of such inhabitation, cultivation, or possession, and the boundaries and extent of each claim, so as to enable the Surveyor General to distinguish the private from the vacant lots, appertaining to the said towns and villages.

SEC. 2. *And be it further enacted*, That, immediately after the expiration of the said term allowed for proving such facts, it shall be the duty of the Surveyor General, within whose district such lots lie, to proceed, under the instructions of the Commissioner of the General Land Office, to survey, designate, and set apart to the said towns and villages, respectively, so many of the said vacant town or village lots, out lots, and common field lots, for the support of schools in the said towns and villages, respectively, as the President of the United States shall not, before that time, have reserved for military purposes, and not exceeding one-twentieth part of the whole lands included in the general survey of such town, or village, according to the provisions of the second section of the above mentioned act of Congress; of, [and] also, to survey and designate, so soon after the passage of this act as may be, the com-

mons belonging to said towns and villages, according to their respective claims and confirmations, under the said act of Congress, where the same has not been already done: *Provided*, That lots relinquished to the United States on account of damages done them by the earthquakes, and in lieu of which lands have been located elsewhere, shall neither be so designated or set apart, nor taken into the estimate of the quantity to which any town or village is entitled.

SEC. 3. *And be it further enacted*, That the Recorder shall issue a certificate of confirmation for each claim confirmed, and shall receive for the services required of him by this act the sum of one dollar for each lot so proved to have been inhabited, cultivated, and possessed, to be paid by the respective claimants; and, so soon as the said term shall have expired, he shall furnish the Surveyor General with a list of the lots so proved to have been inhabited, cultivated, or possessed, to serve as his guide in distinguishing them from the vacant lots to be set apart as above described, and shall transmit a copy of such list to the Commissioner of the General Land Office.

SEC. 4. *And be it further enacted*, That the provisions of this act, and of the aforesaid act of the thirtieth of June, one thousand eight hundred and twelve, be, and the same are hereby, extended to the village of Mine à Burton, and the right of filing their claims with the Recorder.

Approved, May 26, 1824.

An Act granting to the Counties or Parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice within the same.

Be it enacted, &c., That there be granted to the several counties or parishes of each State and Territory of the United States, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one-quarter section of land, in each of the counties or parishes of said States and Territories, in trust for said counties or parishes, respectively, for the establishment of seats of justice therein: *Provided*, The proceeds of the sale of each of said quarter sections shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same: *And provided further*, That the seat of justice for said counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

SEC. 2. *And be it further enacted*, That so much of such acts, heretofore passed, granting to States rights of pre-emption, for county or parish purposes, as require said seats of justice to be continued at or near the centre of each of said counties or parishes, be, and the same is hereby, repealed.

Approved, May 26, 1824.

An Act making appropriations for carrying into effect certain Indian Treaties.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, that is to say:

For carrying into effect so much of the fourth article of the treaty of the eighth January, eighteen hundred and twenty-one, between the United States, and the Creek nation, as relates to the compensation due to the citizens of Georgia, by the Creek nation; the appropriation heretofore made for that object being exhausted, the sum of twenty-three thousand dollars;

For the payment of the annuity to the Creek nation, as provided for by the same article of said Treaty, the sum of sixteen thousand dollars, annually, for five years, and the sum of ten thousand dollars, annually, for six years thereafter;

For implements of husbandry, and stock of cattle and hogs, agreeably to the stipulation contained in the third article of the treaty with the Florida Indians, of the eighteenth September, eighteen hundred and twenty-three, the sum of six thousand dollars;

For the payment of the annuity to the Florida Indians, as provided for by the third article of said treaty, the sum of five thousand dollars, annually, for twenty years;

For the expense of rations to be furnished to said Indians, agreeably to the fifth article of said treaty, the sum of sixty-five thousand seven hundred dollars;

For compensation for improvements that may be abandoned by said Indians, as provided for by the fifth article of said treaty, the sum of four thousand five hundred dollars;

For transportation of the different tribes to the lands assigned them by the said treaty, as provided for by the fifth article of the same, the sum of two thousand dollars;

For the establishment of a school, and the support of a gunsmith for said Indians, as provided for by the sixth article of said treaty, the sum of two thousand dollars, annually, for twenty years;

For running the line of the land assigned to said Indians, as provided for in the seventh article of said treaty, the sum of five thousand dollars.

SEC. 2. *And be it further enacted,* That the said sums be, and they are hereby, directed to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, May 26, 1824.

An Act to regulate the mode of practice in the Courts of the United States, for the District of Louisiana.

Be it enacted, &c., That the mode of proceeding in civil causes in the courts of the United States, that now are, or hereafter may be, established in the State of Louisiana, shall be conformable to the laws directing the mode of practice in the district courts of the said State: *Provided,* That the judge of any such court of the United States may alter the times limited or allowed for different proceedings in the State courts, and make, by rule, such other provisions as may be necessary to

adapt the said laws of procedure to the organization of such courts of the United States, and to avoid any discrepancy, if any such should exist, between such State laws and the laws of the United States.

SEC. 2. *And be it further enacted,* That petit jurors, for the trial of all causes, as well civil as criminal, shall be designated, summoned, and returned, in the manner that now is directed by the laws of the said State, with respect to jurors, to serve in the district courts of the said State of Louisiana; and that all the duties directed by such State laws to be performed by the sheriffs and clerks, in relation to the designation, summoning, and returning, such jurors, shall be performed by the Marshal of the United States and the clerk of the court of the United States, in the district where such court of the United States shall sit, and that the petit jurors to serve in such court of the United States, shall be taken from the parish in which said court holds its sessions, but, that the grand jurors may come from any part of the district, and may be summoned and empanelled by the Marshal, in the manner now prescribed; and the Marshal, for the purpose of designating such petit jurors, shall take the names of all persons liable to serve as jurors, from the list made by the sheriff, for the purpose of drawing jurors for the district court of the State; and such number of jurors shall be drawn for each term of such court of the United States, or for such portion of each term as the court may, by its rules, direct: *Provided,* That nothing herein contained shall be so construed as to prevent the judge of any of the said courts of the United States from directing a jury to be summoned from any other parish within the District, whenever it may be necessary to secure an impartial trial; but that, in all such cases, the names of the jury shall be also designated, by lot, in the manner directed by the laws of the State, for designating jurors to serve in the district courts: *And provided, also,* That special juries may be directed for the trial of any particular civil cause, by the consent of parties, but not otherwise.

Approved, May 26, 1824.

An Act for altering the time of holding the Circuit Court of the United States for the fourth circuit in the Maryland District.

Be it enacted, &c., That the terms of the Circuit Court of the United States for the fourth circuit in the district of Maryland, which are now directed by law to be holden on the first day of May and seventh day of November, in each year, shall be hereafter holden on the 8th days of May and December in each year, except where such days shall occur on Sunday, when the terms of the said Court shall commence and be holden on the next succeeding day.

SEC. 2. *And be it further enacted,* That the first session of the said Circuit Court, after the passage of this act, shall be held on the eighth day of December, in the year eighteen hundred and twenty-four.

SEC. 3. *And be it further enacted,* That all process which may have issued, or which may hereafter issue, returnable to the next succeeding terms, as heretofore established, shall be held returnable, and be returned, to those terms to which they are severally changed by this act.

Approved, May 26, 1824.

An Act authorizing an examination and survey of the harbor of Charleston, in South Carolina, of St. Mary's, in Georgia, and of the coast of Florida, and for other purposes.

Be it enacted, &c., That the Secretary of the Navy be, and he is hereby, authorized to cause to be made an examination and survey of the harbors of Charleston, in South Carolina, and St. Mary's, in Georgia, in reference to the expediency of establishing a navy yard at either of those places, for the building and repairing sloops of war and other vessels of an inferior class; and, also, to cause to be made and perfected, an examination and survey of the harbor of Pensacola, and the coast of Florida, in order to ascertain the expediency of establishing a naval depot at Pensacola, or at such place in the vicinity of it, as may be most advantageous to the United States; and that the sum of five thousand dollars be, and the same is hereby, appropriated, for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated.

Approved, May 25, 1824.

An Act further to regulate the inspection of flour in the county of Alexandria.

Be it enacted, &c., That, for the better regulation of the inspection of flour within the county of Alexandria, in the District of Columbia, the Common Council of the town of Alexandria shall be, and they are hereby, empowered and required to divide the said county and town into two inspection districts; that, to each of these districts, there shall be appointed a flour inspector, in the mode now authorized by law, to perform alternate duties in the said districts; each of the said inspectors shall be liable to removal from office at any time within the term for which he shall have been appointed by the court making the appointment; and, during his continuance in office, shall enjoy the same rights, and be subject to like duties and restraints, as the present inspector of flour in the said county of Alexandria.

SEC. 2. *And be it further enacted,* That the said Common Council be, and they are hereby, empowered to provide for a re-inspection of flour in store, whenever, in their opinion, it may require it, and to regulate the exportation and shipment thereof; to pass laws for the punishment of all persons who shall be guilty of fraud, or otherwise violate their regulations, and to alter or amend the present inspection laws, so far as may be necessary to effect that object.

Approved, May 26, 1824.

An Act to alter the Judicial Districts of Virginia, and for other purposes.

Be it enacted, &c., That the following counties

in the State of Virginia shall cease to be a part of the Eastern Judicial District of Virginia, and shall be added to, and form a part of, the Western District, that is to say: the counties of Botetourt, Rockbridge, Alleghany, Bath, Pendleton, Augusta, Rockingham, Shenandoah, Frederick, Jefferson, Berkley, Morgan, Hampshire, and Hardy; and that, in addition to the terms of the District Court, now holden in the Western District, the Judge of said Western District shall hold two terms in the each year, at Staunton, in the county of Augusta.

SEC. 2. *And be it further enacted,* That the terms of the courts in the said Western District shall be held on the days, and at the places, hereinafter mentioned, viz: at Staunton, on the second Mondays in April and September; at Wythe Court-house, on the third Mondays in April and September; at Lewisburg, on the fourth Mondays in April and September; and at Clarksburg, on the fourth Mondays in May and October, in each year.

SEC. 3. *And be it further enacted,* That, if the judge shall not attend on the first day of any court, such court shall stand adjourned, from day to day, for three days, if the same cause continue; after which time, if the judge still fail to attend, the court shall stand adjourned until the first day of the next term.

SEC. 4. *And be it further enacted,* That the judge of said court shall have power to hold special sessions, at his discretion, at either of the said places, for the trial of civil or criminal cases.

Approved, May 26, 1824.

An Act to provide for the sale of lands conveyed to the United States in certain cases, and for other purposes.

Be it enacted, &c., That the agent of the Treasury be, and he hereby is, authorized, in all cases where the estates of insolvent debtors have been, or hereafter shall be, assigned to the United States, under the act of the sixth June, seventeen hundred and ninety-eight, entitled "An act providing for the discharge of persons imprisoned for debts due to the United States," to sell such estates, whether real or personal, at such time, and in such manner, as, with the approbation of the Secretary of the Treasury, he shall think fit, for the best price that can be had therefor, and to make all needful conveyances, assignments, or transfers, of the same, to the purchaser or purchasers.

SEC. 2. *And be it further enacted,* That, at any and every sale on executions, at the suit of the United States, of lands or tenements of a debtor, it shall be lawful for the United States, by such agent as the agent of the Treasury shall appoint, to become the purchaser of such lands and tenements: *Provided,* That, in no case, shall such agent bid in behalf of the United States for a greater amount than that of the judgment for which such estate may be exposed to sale, and the costs; and it shall be the duty of the marshal of the district, in which such sale shall be held, in case such purchases shall be made, to make all

needful conveyances, assignments, and transfers, to the United States; and the agent of the Treasury is hereby authorized, with the approbation of the Secretary of the Treasury, to sell and convey the said lands and tenements, in the same manner as is directed by the first section of this act, in respect to lands and tenements assigned by insolvent debtors.

SEC. 3. *And be it further enacted*, That nothing herein contained shall be deemed or construed to take away or impair any other remedy which the United States may be now entitled to have against the person or property of debtors, to enforce the satisfaction of judgments obtained, or which may hereafter be obtained.

Approved, May 26, 1824.

An Act concerning the pre-emption rights in the Territory of Arkansas.

Be it enacted, &c., That every person, and the legal representative of every person, who was entitled to the right of pre-emption, in the Territory of Arkansas, under the provisions of the act of Congress of the 12th of April, one thousand eight hundred and fourteen, entitled "An act for the final adjustment of land titles in the State of Louisiana and Territory of Missouri," in that tract of country, north of the river Arkansas, ceded by the United States to the Cherokee nation of Indians, on the eighth day of July, one thousand eight hundred and seventeen, be, and they are hereby, authorized, in lieu thereof, and in full compensation for such right of pre-emption, to enter with the Register of the Land Office in the District of Lawrence, in said Territory, any tract within said District, on which they may have made improvements previously to the passage of this act, or any unimproved tract within said District, the sale of which is authorized by law: *Provided*, That no more than one quarter section of land shall be sold to any one individual, in virtue of this act; and the same shall be bounded by the sectional and divisional lines run, or to be run, under the direction of the Surveyor of the United States' Lands for the States of Missouri and Illinois, and Territory of Arkansas.

SEC. 3. *And be it further enacted*, That every person claiming a preference in becoming the purchaser of a tract of land, in virtue of this act, shall deliver a notice in writing to the Register of the Land Office for said District, stating therein that he was entitled to a pre-emption right, under the aforesaid act of Congress, in that part of the Territory of Arkansas ceded as aforesaid; and, also, particularly designating therein the quarter section he is desirous to enter, which notice the Register shall file in his office; and in every case, where it shall be proved to the satisfaction of the Register and Receiver of Public Moneys of the Land Office aforesaid, that any person, who has delivered such notice, was entitled to a pre-emption right under said act of Congress, in that part of the Territory of Arkansas, ceded as aforesaid, shall have a right to enter with the Register of said Land Office, at the minimum price for which

the United States' lands are sold, the tract of land designated in said notice, on producing his receipt from the Receiver of Public Moneys, for the purchase money of said tract, as in case of other public lands sold at private sale; and, as a compensation for their services, the Register and Receiver shall, each, be entitled to one dollar in every such case, to be paid by the claimant of such pre-emption right: *Provided*, That every such entry and payment shall be made at least two weeks previous to the time of offering the adjacent lands at public sale, unless the same be entered in such part of said District as shall have been offered at public sale at the time of the passage of this act; in which case, such entry shall be made within two years from the passage thereof.

Approved, May 26, 1824.

An Act providing for the disposition of three several tracts of lands in Tuscarawas County, in the State of Ohio, and for other purposes.

Be it enacted, &c., That the three several tracts of land, lying in the county of Tuscarawas, in the State of Ohio, lately retroceded to the United States by the Society of United Brethren for propagating the Gospel among the Heathen, shall be surveyed and laid off into such lots, having regard to the existing surveys and improvements thereon, as will best conduce to the sale thereof: *Provided*, That the lots and tracts which the United States are bound to convey to the said Society, shall be laid off according to the contract for retrocession: *And provided, also*, That a suitable number of in-lots and out-lots, in the town of Gnadenhutten, shall be laid off for said town, embracing the improved part thereof, and the fields adjoining, now occupied by the inhabitants, which shall be platted and numbered, and a copy recorded in said county, according to the laws of Ohio.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and is hereby, authorized to appoint an agent, who shall reside near the said land, whose duty it shall be to superintend and direct the survey of said land and lots; to receive and pay over to the Treasury the rents due, and to become due, on said lands; to take possession of such parts of said lands as may be forfeited by the tenants, by reason of non-performance of the covenants in their leases; to ascertain the actual cash value of each of the lots and town lots, with the improvements thereon, and, also, the value of each, subject to the conditions of the lease outstanding on it, by the aid of two disinterested appraisers, to be selected by the Secretary; to ascertain the award to be made to Isaac Simmers, Jesse Walton, Barzillai Walton, Jesse Hill, and Boaz Walton, according to their leases; to receive a surrender of such of the leases outstanding on such lands, as the holders thereof may be disposed to make, who have, or shall first comply with the conditions of their leases, up to the time of their surrender; to superintend the sale of said lands and lots, and to transfer to the purchasers who shall buy any of said land or lots, subjected to the leases thereon, the lease of the lot

or land so bought; and to do whatever else may be necessary to effect a speedy and advantageous disposition of said lands and lots.

SEC. 3. *And be it further enacted*, That a right of pre-emption shall be allowed to John Andreas, John Neigaman, Jacob Winsh, and Catharine Tschudy, at the real cash value of the lots occupied by them, according to the stipulations of the said agreement for retrocession, and to any of the lessees, for any of the remaining lots, or town lots, to an amount not exceeding the amount stipulated to be paid to them by the United States: *Provided*, That any of the persons entitled to pre-emption, who shall be desirous to avail themselves of such right, shall give notice to the said agent of such their intention, before the cash value of the lots is ascertained; and, in the case of the lessees, shall, at or before the time of giving such notice, pay all arrears of rent, and surrender their leases; and shall, immediately after the said cash value is ascertained, be entitled to a patent for the lot or land to which they are entitled as aforesaid, on paying the amount of such cash value; or, in the case of the Society, on the executing and delivering to said agent, a discharge to the United States, for so much as said lot or land, whereto a pre-emption is claimed, shall amount to, on account of any sum to become due them by reason of stipulations in said retrocession; and no right to such pre-emption shall be considered as extending beyond the time of commencing the sale of said lands, as hereinafter directed.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury may cause to be designated, and allowed for public use, the usual ground for streets and alleys in said town, for public ground and for schools; and may, moreover, cause to be designated and set apart, one lot in each of said tracts, not exceeding one thirty-sixth part of each, the title whereof shall be vested in the Legislature of the State of Ohio, and held in trust for the use of schools, in the same manner as other lands, granted by the United States for the use of schools, are held in that State.

SEC. 5. *And be it further enacted*, That, immediately after the said surveys shall be completed, the cash value ascertained, and the school lands designated, the said agent shall give notice, by advertisement in one newspaper in Washington City, and one in Steubenville, one in Zanesville, and one in New Philadelphia, Ohio, of the time, not less than sixty days from the first publication, when he will offer the said lands and lots for sale, at public vendue, at the courthouse in New Philadelphia aforesaid; and shall, at such time and place, proceed to offer for sale, to the highest bidder, any of said lands or lots, remaining undisposed of, in the manner hereinbefore provided for; and none of said lots or land, shall be put up at a less sum than the actual cash value, ascertained as aforesaid; and in case any of said lessees shall have failed, or refused, to surrender their leases, the sale shall be made subject to those leases; and each purchaser, who may purchase at such sale, shall immediately pay to the said agent the amount of his purchase, and take his receipt for the amount,

specifying the lot or land purchased; upon which the purchaser shall be entitled to a patent, as other purchasers of public lands are: but, in case any purchaser shall fail to make his payment as aforesaid, at or before the close of the sale, he shall be considered as having forfeited his purchase, and the land struck off to him shall be again offered for sale, in the same manner as if it had never been struck off; and the said agent, immediately after the close of such sale, shall pay over the money received at such sale, and for rent, to the United States, and report all his proceedings to the General Land Office; and the President shall be, and he is hereby, authorized, whenever the boundaries of the several lots stipulated to be conveyed to the said Society shall be ascertained, to issue patents therefor to said Society.

SEC. 6. *And be it further enacted*, That the agent herein provided for, shall take an oath of office, and give bond and security, in such sum and form as the Secretary of the Treasury may direct, and be allowed and paid, for his services, a salary at the rate of six hundred dollars per annum: *Provided*, That said office shall not continue longer than is necessary to perform the duties herein required, and not longer than one year; and said salary, together with the incidental expenses attending the said survey and sale, shall be charged to the fund to be raised by the sale of said lots and land. The said appraisers shall be allowed the sum of two dollars for each day actually employed in the appraisal aforesaid, and neither the said agent nor appraisers shall be at liberty to purchase any of the said lands or lots.

SEC. 7. *And be it further enacted*, That, if any such land or lots remain unsold at public auction, as aforesaid, the same shall be subject to entry and sale at the land office in Zanesville, in Ohio, at the actual cash price, ascertained as aforesaid, in the same manner that other lands of the United States are authorized to be entered; and it shall be the duty of the accounting officers of the Treasury Department to keep a separate account of the proceeds of the lots and lands aforesaid, and of all moneys received and disbursed on account thereof; and, after the expenses of survey and sale of said lots and land shall be reimbursed, it shall be the duty of the Secretary of the Treasury to pay to the said society the sums stipulated to be paid them, and for which they shall not have taken lands and lots as hereinbefore provided for; to pay the said Simmers, Hill, and Waltons, the sums awarded to them; and then to credit the residue of the proceeds of said lots and lands, as they shall be received, to the fund for raising the annuity for the Christian Indians, so called, in the manner stipulated in the agreement entered into with them on the eighth of November, one thousand eight hundred and twenty-three.

SEC. 8. *And be it further enacted*, That, whenever the said Christian Indians shall notify the President of the United States that they wish to remove from their present residence, on the river Thames, into the territory of the United States, it shall be lawful for the President to designate a reservation of not less than twenty-four thousand

Public Acts of Congress.

acres of land, to be held by the said Indians in the usual manner of Indian reservations, so long as they shall live thereon; and from the time said Indians shall remove on to said reservation the annuity shall cease.

Approved, May 26, 1824.

RESOLUTIONS.

Resolution in relation to an intended visit of the Marquis de Lafayette to the United States.

The Marquis de Lafayette having expressed his intention to revisit this country—

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be requested to communicate to him the assurances of grateful and affectionate attachment still cherished for him by the Government and people of the United States.

And be it further resolved, That whenever the President shall be informed of the time when the Marquis may be ready to embark, that a national ship, with suitable accommodation, be employed to bring him to the United States.

Approved, February 4, 1824.

Resolutions providing a place of deposit for the Portrait of Columbus, and directing the distribution of certain copies of the Declaration of Independence, now in the Department of State.

Resolved, &c., That the Portrait of Colum-

bus, presented to the nation by G. G. Barrell, United States Consul at Malaga, be placed in the Library of Congress.

Resolved, That the two hundred copies of the Declaration of Independence, now in the Department of State, be distributed in the manner following: two copies to each of the surviving signers of the Declaration of Independence; two copies to the President of the United States; two copies to the Vice President of the United States; two copies to the late President, Mr. Madison; two copies to the Marquis de Lafayette; twenty copies for the two Houses of Congress; twelve copies for the different Departments of the Government; two copies for the President's house; two copies for the Supreme Court room; one copy to each of the Governors of the States; and one to each branch of the Legislatures of the States; one copy to each of the Governors of the Territories of the United States; and one copy to the Legislative Council of each Territory; and the remaining copies to the different Universities and Colleges of the United States, as the President of the United States may direct.

Resolved, That the President of the United States be requested to cause the distribution of the said copies of the Declaration of Independence to be made, agreeably to the foregoing resolution.

Approved, May 26, 1824.

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Florida, Mr. Elliott submitted a resolution in relation to sums paid for lands in, prior to the treaty of 1783 - - - - -	75	read the third time, and passed - - - - -	779
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agreed to - - - - -	79	reported - - - - -	782
a bill from the House of Representatives for opening certain roads in, read - - - - -	87	ordered to the third reading - - - - -	786
read the second time - - - - -	92	read the third time, and passed - - - - -	788
reported without amendment - - - - -	153	Folsom, Jonathan, and Thomas Haven, Mr. Parrott presented the petition of, read and referred - - - - -	314
ordered to the third reading - - - - -	294	the committee discharged - - - - -	655
		Forbes, John, and Company, Mr. King presented the petition of, praying confirmation of title to certain land, read, and referred - - - - -	55
		a bill for that purpose reported, and read - - - - -	159
		read the second time - - - - -	162
		recommitted - - - - -	257
		a bill releasing to the heirs of, or to J. McAllister, a certain tract of land, reported and read - - - - -	291
		read the second time - - - - -	296
		laid on the table - - - - -	351
		ordered to the third reading - - - - -	420
		read the third time, and passed - - - - -	422

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Foreign Relations, the Committee on, appointed so much of the President's Message as relates to, referred to said committee - - - - -	30	Fry and Spalding—continued.	Page.
Mr. Mills appointed on the committee in the place of Mr. King - - - - -	48	bill referred to the Committee on Finance - - - - -	675
Forman, Robert S., a bill from the House of Representatives for the relief of, read and referred - - - - -	578	referred to the Committee on the Judiciary - - - - -	702
reported without amendment - - - - -	581	reported without amendments - - - - -	726
laid on the table - - - - -	745	ordered to the third reading - - - - -	749
ordered to the third reading - - - - -	749	read the third time, and passed - - - - -	752
read the third time, and passed - - - - -	752	G.	
Forrest, Joseph, Mr. Johnson presented the petition of, read and referred - - - - -	47	Gaillard, John, of South Carolina, attended - - - - -	9
a bill for the relief of, reported and read - - - - -	141	elected President <i>pro tempore</i> - - - - -	768
read the second time - - - - -	147	Gardener, Paul, and others, Mr. Lloyd presented the petition of, in relation to French spoiliations, read and referred - - - - -	108
laid on the table - - - - -	152	Garsed, Joshua, Mr. Findlay presented the memorial of, praying an increase of certain duties, read and referred - - - - -	151
ordered to the third reading - - - - -	772	Gaunt, John, and others, Mr. Lowrie presented the petition of, praying a modification of the tariff, read, and referred - - - - -	159
read the third time, and passed - - - - -	773	Gautrais, Harpin de la, a bill for the relief of the heirs of, reported, and read - - - - -	300
Fortifications, a bill from the House of Representatives, making an appropriation for certain - - - - -	566	read the second time - - - - -	306
read twice, and referred - - - - -	569	ordered to the third reading - - - - -	419
considered - - - - -	578	read the third time, and passed - - - - -	422
read the third time, and passed - - - - -	580	Gautrais, Marie Louise de la, Mr. Johnson presented the petition of, read and referred - - - - -	35
Fort St. Philip. (See <i>Road</i> .)		(See <i>Gautrais, Harpin de la</i> .)	
Foster, Roger, and others, Mr. Lowrie presented the petition of, praying a modification of the tariff, read, and referred - - - - -	159	"General Jackson," a bill from the House of Representatives concerning the ship, read twice, and referred - - - - -	574
Fountain, Garrett, a bill from the House of Representatives for the relief of - - - - -	114	reported without amendment - - - - -	577
read twice, and referred - - - - -	115	ordered to the third reading - - - - -	747
reported without amendment - - - - -	126	read the third time, and passed - - - - -	750
ordered to the third reading - - - - -	138	General Land Office, a bill to authorize the employment of assistants in the, reported and read - - - - -	233
read the third time, and passed - - - - -	141	read the second time - - - - -	242
Frank, John, Mr. Johnson presented the petition of, read and referred - - - - -	48	ordered to the third reading - - - - -	323
the committee discharged - - - - -	126	read the third time, and passed - - - - -	328
Franks, Samuel D., and others, Mr. Findlay presented the petition of, read and referred - - - - -	287	General Post Office, so much of the President's Message as relates to the, referred - - - - -	37
Frauds, Mr. Holmes submitted a resolution in relation to, on the revenue - - - - -	30	a report of the number of clerks in the - - - - -	294
read, and referred - - - - -	35	Georgia, a Message from the President with documents in relation to Indian reservations in - - - - -	462
committee discharged - - - - -	757	read and laid on the table - - - - -	471
resolution respecting, on public lands - - - - -	166	referred - - - - -	474
committee report the present laws sufficient to prevent, on public lands - - - - -	750	Ghent, Treaty of. (See <i>Fur Trade</i> .)	
French Spoiliations, Mr. Lloyd submitted a resolution concerning - - - - -	317	Giffin, David, and Samuel Hoag, a bill from the House of Representatives for the relief of, read twice, and referred - - - - -	574
agreed to - - - - -	320	reported without amendment - - - - -	581
memorials on the subject of, read and referred - - - - -	108, 111, 115	ordered to the third reading - - - - -	747
the committee discharged from numerous memorials in relation to - - - - -	780	read the third time, and passed - - - - -	750
Fur Trade, a bill to carry into effect the Treaty of Ghent, in regard to the Indian, reported and read - - - - -	353	Gilbert, Samuel, Mr. Barton submitted a resolution in relation to the claim of - - - - -	31
read the second time - - - - -	376	agreed to - - - - -	36
laid on the table - - - - -	429	a bill for the relief of, reported and read - - - - -	80
considered - - - - -	432, 449, 501, 505, 738	read the second time - - - - -	84
ordered to a third reading - - - - -	753	debated - - - - -	90
the title amended, and the bill passed - - - - -	762	postponed - - - - -	91, 112
amendments received - - - - -	773	Gold, Silver, and Jewels, Mr. Lloyd submitted a resolution in relation to the transportation of, in armed vessels - - - - -	48
agreed to - - - - -	779	amended and agreed to - - - - -	50
Fry and Spalding, a bill from the House of Representatives for the relief of the heirs of - - - - -	617	a bill regulating the transportation of, reported and read - - - - -	128
read twice, and referred to the Committee on Public Lands - - - - -	653	read the second time - - - - -	142
		postponed - - - - -	152
		laid on the table - - - - -	289

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Goldsmith, Morris, and Anthony Roderick, a bill from the House of Representatives for the relief of, read and referred	653	Gwynn, Charles, Mr. Smith presented the petition of, read, and referred	333
reported without amendment	726	a bill for the relief of, reported, and read	345
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read the third time, and passed	752	ordered to the third reading	428
Goodrich, James, and others, Mr. Edwards presented the memorial of, in relation to French spoliation, read and referred	109	read the third time, and passed	430
Gordon, William, and others, Mr. Dickerson presented the memorial of, praying an increase of duties, read and referred	119	H.	
Gove, George, a bill from the House of Representatives for the relief of, read twice, and referred	574	Hallam, George, and others, Mr. Edwards presented the memorial of, in relation to French spoliation, read, and referred	161
reported without amendment	577	Hall, John, Mr. Barton presented the petition of, praying release from imprisonment, read, and referred	55
read the third time, and passed	760	adverse report made	102
Government, a bill making partial appropriations for the support of, reported and read	109	agreed to	110
ordered to the third reading	112	Hall, William, bill from the House of Representatives for the relief of	582
read the third time, and laid on the table	116	read twice, and referred	593
a bill from the House of Representatives for the same purpose	114	reported without amendment	691
read twice, and amended	114	ordered to the third reading	749
read the third time, and passed	116	read the third time, and passed	752
a bill from the House of Representatives making appropriations for the support of, read and referred	346	Harris, Thomas, and others, Mr. Dickerson presented the petition of, praying an increase of duties, read, and referred	119
reported with amendments	421	Harrison, Henry, and others, Mr. Dickerson presented the petition of, praying an increase of duties, read, and referred	119
considered	422, 424, 429	Harrison and Sterret, Mr. Smith presented the petition of, in relation to auction sales, read, and referred	161
read the third time, and passed	430	Harvey, Henry, and others, Mr. Macon presented the petition of, in relation to French spoliation, read, and referred	161
the House disagrees to the amendment	446	Haven, Thomas. (See <i>Folsom, Jonathan.</i>)	
the Senate recedes	447	Hawkins, Mary H., bill from the House of Representatives for the relief of	592
Gracie, Archibald, Mr. Van Buren presented the petition of, read and referred	31	read twice, and referred	617
Gray, Henry, and William Gray, Mr. Lloyd presented the memorial of, stating losses sustained by them at Porto Rico, read and referred	29	reported without amendment	726
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considered, and the memorial referred to the Department of State	50	read the third time, and passed	752
Greece, Mr. Hayne communicated certain resolutions of the State of South Carolina, relative to the recognition of the independence of, read and laid on the table	80	Hayne, Robert Y., of South Carolina, attended remarks of, on proposed amendments to the Constitution	39, 326, 394, 413
Greener, John, and others, Mr. Lowrie presented the memorial of, read and referred	162	speech of, on the same	376
Green, Peter, Mr. Chandler presented the petition of, praying a settlement of his accounts, read and referred	233	on the bill for the relief of Francis Henderson	92
Greer, George, Mr. Smith presented the petition of, praying a pension, read and referred	51	remarks of, on the same	99
the committee discharged	305	on the resolutions in honor of Lafayette	143
Gregory, Francis H., a bill rewarding the officers and crew of two gigs under, reported, and read	128	speech of, on the bill for additional sloops of war	216
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Guichot, Maturin, bill from the House of Representatives for the relief of	617	Hemp. (See <i>Cordage.</i>)	
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		Henderson, Francis, Mr. Hayne presented the petition of, in behalf of himself and the heirs of Col. John Laurens, read, and referred	47
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Henly, Arthur H., bill from the House of Representatives for the relief of, read twice, and referred	574	on the Indian fur trade	460
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Henshaw, Andrew, Mr. King presented the petition of, read, and referred	54	a bill for the relief of, reported, and read	80
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Henshaw, D., Mr. Seymour presented the petition of, in relation to French depredations, read, and referred	08	ordered to the third reading	103
Hewes, Thomas, Mr. Johnson presented the petition of, read, and referred	328	read the third time, and passed	110
a bill for the relief of, reported, and read	428	Hooper, William, and Nathaniel Hooper, Mr. Mills presented the petition of, in relation to French spoliation, read, and referred	305
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Hill, William, Mr. Lowrie presented the petition of, read, and referred	28	read the second time	533
Hill, Peter, and others, Mr. Findlay presented the petition of, praying a modification of the Tariff, read, and referred	206	ordered to the third reading	746
Hoag, Samuel. (See <i>Giffin, David.</i>)		read the third time, and passed	750
Hobart, Peter, and Lewis Judson, Mr. Kelly presented the petition of, read, and referred	83	Huber, Tobias, Mr. Lowrie presented the petition of, praying an increase of duties on imports, read, and referred	375
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Hoff, Charles, and others, Mr. Dickerson presented the memorial of, praying an increase of duty on iron, read, and referred	136	read the third time, and passed	788
Hoffman, M., and others, auctioneers, Mr. King presented the petition of, read, and referred	242	Humphrey, Charles, a bill from the House of Representatives for the relief of	581
Hogan, John B., a bill from the House of Representatives to repeal the act for the relief of, read	446	read twice, and referred	593
read the second time, and referred	449	reported without amendment	616
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read the third time, and passed	522	Humphreys, Ann F. (See <i>Lincoln, Martin.</i>)	
Hogg, John, and others, Mr. Branch presented the memorial of, in relation to French spoliation, read, and referred	115	Humphreys, David. (See <i>Lincoln, Benjamin.</i>)	
Holliday, John, a bill from the House of Representatives for the relief of	582	Hunt, William, and others, Mr. Dickerson presented the petition of, praying an increase of duties, read, and referred	119
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reported without amendment	653	the committee discharged	147
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read the third time, and passed	787	Huson, Cornelius, Mr. Lanman presented the petition of, read and referred	127
Holling, John, and others, Mr. Smith presented the memorial of, in relation to French spoliation, read, and referred	55	the committee thereon discharged	300
Holmes, David, of Mississippi, attended	9	Huttleston, Henry, Mr. Mills presented the petition of, in relation to French spoliation, read and referred	528
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reported without amendments -	446	referred -	294
ordered to the third reading -	510	Indian Treaties, a bill from the House of Representatives making appropriations for -	773
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Imprisonment for Debt, Mr. Johnson submitted a resolution to appoint a committee to inquire into the expediency of abolishing -	26	ordered to the third reading -	785
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a bill to abolish, reported and read -	101	Innes, John, and others, Mr. Lowrie presented the memorial of, praying a revision of the Tariff, read and referred -	113
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read the third time, and passed -	484	a resolution granting the withdrawal of their papers reported -	322
Indiana, Mr. Noble presented a memorial of the Legislature of, praying the organization of an additional circuit, &c., read and referred -	49	agreed to -	329
Mr. Noble presented a memorial of, respecting a canal to unite the Wabash with Lake Erie, read and referred -	136	Jackson, Joseph, and others, Mr. Dickerson presented the petition of, respecting the Tariff, read and referred -	119
Mr. Noble presented a resolution of, respecting the Tariff, read and referred -	253	Jackson, Richard, and others Mr. Knight presented the memorial of, respecting French spoiliations, read and referred -	109
Mr. Noble communicated a preamble and resolutions from the Legislature of, in relation to the National Road, read and referred -	208	Jacobs, Cyrus, and others, Mr. Findlay presented the memorial of, in relation to duty on iron, read, and referred -	147
the committee discharged -	783	James, Morris, Mr. Barton presented the petition of, read, and referred -	37
Mr. Noble communicated a preamble and resolutions from, respecting the Indian title to lands in, laid on the table -	255	James, Mary, a bill from the House of Representatives for the relief of -	570
Mr. Noble presented a memorial of the General Assembly of, praying a revocation of an ordinance in relation to taxation of lands, read and referred -	295	read twice, and referred -	573
a report made, with a bill granting the petition in part -	323	reported without amendments -	581
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Mr. Noble presented a resolution of, expressive of sympathy with Greece, read and placed on file -	313	Jamieson, William, and others, Mr. Findlay presented the petition of, in relation to the tariff, read and referred -	233
Mr. N. presented a memorial in relation to purchasers of lands, read and referred -	325	Jenkins, Robert, and others, Mr. Findlay presented the memorial of, praying an increase of duty on iron, read -	107
Indians, a report from the Secretary of War, with an abstract of licenses granted to agents, &c., to trade with the, read and referred -	36	read and referred -	108
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Mr. Holmes submitted a resolution respecting the civilization of the, read -	124	Johnson, Henry, of Louisiana, attended -	9
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on the purchase of cannon, &c. -	332	read the second time -	339
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speech of, on the Tariff bill -	695	laid on the table -	577
Johnson, James, a bill for the relief of, introduced and read -	126	Mr. Talbot submitted a resolution to modify the 25th section of the Judiciary act of 1789 -	256
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Johnson, Henry, Mr. Eaton presented the petition of, read, and referred -	128	remarks of, on proposed amendments to the Constitution -	410
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Johnston, Josiah S., of Louisiana, attended remarks of, on the Tariff bill -	755	considered -	52
Jones, Banister, Mr. Hayne presented the petition of, read, and referred -	109	recommitted -	54
Jones, Benjamin, Mr. Dickerson presented the petition of, praying an increase of duties on iron, read, and referred -	88	report made -	125
Jones, Obadiah, Mr. King presented the petition of, read, and referred -	109	recommitted with instructions to bring in a bill -	127
adverse report made -	274	a bill for the relief of, reported, and read -	128
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Jones, George, and others, Mr. Elliott presented the petition of, against the tariff, read, and referred -	314	read the third time, and passed -	153
Jones, Nathaniel, a bill from the House of Representatives for the relief of -	582	Kendall, William, a bill from the House of Representatives for the relief of, read -	80
read twice, and referred -	593	read the second time, and referred -	84
reported without amendment -	655	reported without amendments -	96
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read the third time, and passed -	750	read the third time, and passed -	110
Journals, Mr. King submitted a resolution in relation to a correction of the -	117	Kennard, Samuel G., and others, Mr. Lloyd presented the petition of, read, and referred -	119
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Journals of the Old Congress, Mr. Johnson submitted a resolution to purchase certain, read twice, and referred -	448	read the second time -	288
reported without amendment -	513	ordered to the third reading -	318
laid on the table -	737	read the third time, and passed -	323
read the third time, and passed -	750	a remonstrance of the Legislature of, against the decision of the Supreme Court in the case of Green and others, read, and referred -	290
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		Kilton, James, and others, Mr. Findlay presented the petition of, read, and referred -	149
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on the bill to secure the accountability of public officers	241	reported without amendment	573
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remarks of, on the same	369, 375	a bill from the House of Representatives to provide for the sale of, conveyed to the United States in certain cases	570
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on the Indian fur trade	457, 460	reported without amendment	592
on the Tariff bill	615	ordered to the third reading	779
King, Benjamin, a bill from the House of Representatives for the relief of	617	read the third time, and passed	787
read twice, and referred	653	Mr. Benton introduced a bill for disposal of refuse	582
reported without amendment	690	read	583
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read the third time, and passed	752	reported without amendment	656
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Knight, Nehemiah, of Rhode Island, attended	9	Land Warrants. (See <i>Military Land Warrants</i> .)	
L.		Langdon, Henry S., late Navy Agent, Mr. Parrott presented the petition of, read and referred	339
Lafayette, Marquis de, resolutions from the House of Representatives in relation to the intended visit of, read twice, and referred	129	Langley, Hezekiah, Mr. Lloyd presented the petition of, read and referred	204
report made	143	a bill for the relief of, and Benjamin M. Belt reported and read	421
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Lake Superior, Mr. Benton submitted a resolution respecting the Indian title to land near	401	the third reading negatived	510
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Lamb, Clayton, and others, Mr. Melvaine presented the memorial of, praying an increase of duty on iron, read, and referred	353	on the bill to secure the accountability of public officers	239
Lambdin, Jonathan H., Mr. Lowrie presented the petition of, praying relief from imprisonment, read, and referred	28	Larche, Francis, Mr. Johnson presented the petition of, read and referred	96
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Lambert, James, Mr. Lowrie presented the petition of, praying a modification of the tariff, read, and referred	159	read twice, and referred	593
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reported without amendment	656	Law, Thomas, Mr. Talbot presented the memorial of, in relation to a national currency, read and referred	520
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Lands, Mr. Johnson submitted a resolution for the repeal of the act respecting settlements unauthorized by law on public	124	agreed to, and referred	56
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Mr. Barton submitted a resolution in relation to frauds in surveying public	16	Leightner, Henry, a bill from the House of Representatives for the relief of	593
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Leland, Joseph, and others, Mr. Holmes presented the petition of, praying the erection of a pier, &c., at the mouth of the Saco river, read and referred	51	speech of, on the pension bill for widows and orphans	104
L'Enfant, Peter Charles, Mr. Mills presented the petition of, read and referred to the Committee on the District of Columbia	307	remarks of, on the bill allowing drawback on cordage	251, 500
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Libraries, Mr. Johnson submitted a resolution to distribute documents, journals, &c., to incorporated, read	88	the committee discharged	502
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Library, the Committee on the, appointed	27	Lorman, William, Mr. Smith presented the petition of, praying an increase of duty, read, and referred	161
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reported with amendments	772	Mr. Johnson submitted a resolution respecting a report of all land claims filed in the Register's office at Opelousas in	142
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Lowrie, Walter, of Pennsylvania, attended remarks of, on the bill for the relief of Francis Henderson -	9	reported with amendments -	166
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M.		Maryland, Mr. Lloyd submitted a resolution respecting the claims of, for advances during the late war -	38
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Mears, Benjamin, and others, Mr. Findlay presented the petition of, in relation to duty on iron, read, and referred -	141	report made, and debated -	310
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Missouri, Mr. Benton presented the memorial of the Legislature of, praying the adjustment of land claims in, and a duty on lead, read, and referred	47	ordered to the third reading	319
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Montgomery, William W., Mr. Johnson presented the memorial of, praying that a balance in favor of Michael Reynolds be paid the memorialist, read, and referred	51	read the third time, and passed	773
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Moore, John, and others, Mr. Dickerson presented the memorial of, praying an increase of duty on iron, read and referred	107	a bill from the House of Representatives making appropriations for the, read, and referred	423
Moore, Phay, Mr. Seymour presented the petition of, read and referred	582	reported, with amendments	480
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Morgan, Jonathan, and wife. (See <i>Venable, William.</i>)		documents from the Secretary of the Navy in relation to the bill laid on the table	520
Morrow, James, Mr. Lowrie submitted a resolution to place, on the pension list	141	the bill ordered to the third reading	722
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postponed -	103	a motion to discharge the committee, laid on the table -	291
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reported with amendments -	140	Orgain, Sterling. (See <i>Moore, Alfred</i> .)	
laid on the table -	151	Orrery. (See <i>Planetarium</i> .)	
considered, and ordered to the third reading -	209	Osage Indians, bill from the House of Representatives to provide an agent for the -	499
read the third time, and passed -	231	read the first time -	502
Officers of the Senate, Mr. Eaton submitted a resolution respecting the election of -	54	read the second time, and referred -	504
modified and postponed -	75	reported without amendment -	508
debated -	78	ordered to the third reading -	722
postponed -	81	read the third time, and passed -	737
laid on the table -	85	Ottremare, J., a bill from the House of Representatives for the relief of -	657
		read twice, and referred -	675

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Ottremare, J.—continued.		the committee report a bill respecting the Florida coast -	716
bill reported with amendments -	709	(See <i>Florida</i> .)	
ordered to the third reading -	749	a bill from the House of Representatives to allow a salary to the Collector of Nantucket and, and to abolish the office of Surveyor at -	773
read the third time, and passed -	752	read twice, and referred -	776
disagreement of the House to their amendments -	766	reported -	782
the Senate recede therefrom -	768	ordered to the third reading -	786
P.		read the third time, and passed -	789
Palmer, William A., of Vermont, attended -	9	Pensions, the Committee on, appointed -	27
Parent, Charles, a petition of C. Parent in behalf of the heirs of, read, and referred -	83	a bill from the House of Representatives extending the term of half pay, to widows and children of officers, seamen, and marines, read twice, and referred -	56
a bill for the relief of the heirs of, reported, and read -	147	reported with amendments -	89
read the second time -	151	considered -	103
laid on the table -	254	postponed -	107
Parrott, John F., of New Hampshire, attended -	9	ordered to the third reading -	111
remarks of, on the bill for additional sloops of war -	138	read the third time, and passed -	112
Passau, George de, Mr. Johnson presented the petition of, praying confirmation to a tract of land, read, and referred -	42	Mr. Parrott submitted a resolution in relation to, for the widows and orphans of persons slain in the private-armed vessels -	114
adverse report made -	96	agreed to -	116
agreed to -	102	a bill extending, to persons disabled in, and the widows and orphans of those slain in, private-armed vessels, reported, and read -	162
Patent Office, a bill relative to the, reported, and read -	508	the report in full -	162
read the second time -	518	the bill read the third time -	167
ordered to the third reading -	722	ordered to the third reading -	254
read the third time, and passed -	737	read the third time, and passed -	256
Patterson, William, and others, Mr. Dickerson presented the petition of, read, and referred -	119	amendments received, and concurred in -	448
Paulus, Barbara, a bill from the House of Representatives for the relief of, read -	446	a bill from the House of Representatives concerning invalid -	127
read the second time, and referred -	449	read the first time -	129
reported without amendments -	284	read the second time, and referred -	133
ordered to the third reading -	520	reported with amendments -	513
read the third time, and passed -	523	laid on the table -	522
Peabody, Joseph, and others, Mr. Lloyd presented the petition of, relative to French spoiliations, read, and referred -	108	taken up, amended, and ordered to the third reading -	530
Pearce, William, and others, Mr. Lloyd presented the petition of, relative to French spoiliations, read, and referred -	108	read the third time, and passed -	533
Pennock, Abraham, and others, Mr. Findlay presented the petition of, read, and referred -	287	the House agrees to some and disagrees to other amendments -	691
Pennsylvania, Mr. Findlay presented several resolutions of the Legislature of, respecting the tariff, read, and laid on the table -	207	the Senate adhere to their amendments -	750
Mr. Lowrie presented a resolution of the Legislature of, against the bill imposing duty on auction sales, read, and laid on the table -	401	a bill from the House of Representatives to extend the term of certain, read twice, and referred -	745
a letter from the Governor of, with a resolution approving the declaration of the President in favor of liberty on the Western Hemisphere, read, and laid on the table -	481	reported without amendments -	751
a bill from the House of Representatives to alter the judicial districts of -	570	ordered to the third reading -	782
read twice, and referred -	573	read the third time, and passed -	788
reported with amendments -	592	Pensioners, Mr. Noble submitted a resolution respecting the names and amounts received by all -	709
ordered to the third reading -	779	laid on the table -	717
read the third time, and passed -	787	agreed to -	729
Pensacola, Mr. Johnson submitted a resolution respecting a naval depot at or near -	336	Perkins, James, and others, Mr. Holmes presented the petition of, in relation to French spoiliations, read, and referred -	108
agreed to -	339	Perley, Frederick, a bill from the House of Representatives for the relief of -	593
		read twice, and referred -	617
		reported without amendment -	653
		ordered to the third reading -	747
		read the third time, and passed -	750
		Persico, G., and others, Mr. Lowrie presented the memorial of, in relation to the tariff, read, and referred -	308

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Peters, Samuel, Mr. Lanman presented the petition of, read, and referred - - -	101	Postmasters, Mr. Knight submitted a resolution for additional compensation to, for stamping ship letters, read - - -	77
the committee discharged - - -	328	agreed to - - -	81
Petersburg and Richmond. (See <i>Vessels</i> .)		Post Roads, a report from the Postmaster General with a list of unproductive, read, and referred - - -	290
Petray, Lewis A., and Just Viel, Mr. Hayne presented the petition of, praying the remission of certain duties, read, and referred (See <i>Napier, &c.</i>)	42	Mr. Johnson submitted a resolution for a post road from Baton Rouge to Opelousas - - -	315
Peyster, Frederick de, and Co., Mr. Van Buren presented the petition of, read and referred	108	laid on the table - - -	318
Philadelphia, Mr. Findlay presented the memorial of a number of citizens of, praying a revision of the tariff, read, and referred -	41	Mr. Johnson submitted a resolution in regard to the nearest post route between New Orleans and Washington - - -	581
Mr. Lowrie presented the memorial of the Synod of, respecting the civilization of the Indians, read - - -	47	agreed to - - -	593
Mr. Lowrie presented a memorial of the Chamber of Commerce of, in relation to bankruptcy, read, and referred - - -	83	a bill from the House of Representatives to discontinue certain, and to establish others - - -	769
a memorial from the Chamber of Commerce of, in relation to an artificial harbor near the Capes, read, and referred - - -	113	read twice, and referred - - -	772
the committee discharged - - -	775	postponed indefinitely - - -	786
Mr. Lowrie presented a memorial of the Chamber of Commerce against additional duties on imports, read, and referred - -	308	Potter, Israel R., Mr. Knight presented the petition of, read, and referred - - -	136
Phipps, Thomas, and others, Mr. Lowrie presented the memorial of, praying a revision of the tariff, read, and referred - - -	113	the committee discharged - - -	289
Piatt, John H., a bill for the relief of the heirs of, read twice, and referred - - -	574	Potts, David, and others, Mr. Lowrie presented the petition of, praying additional duties on iron and steel, read, and referred - -	159
reported without amendment - - -	726	Potts, Samuel, Mr. Findlay presented the memorial of, praying additional duty on iron, read, and referred - - -	111
laid on the table - - -	749	Pre-emption, a bill from the House of Representatives granting, to all counties or parishes in which public lands are situated - -	566
taken up, and again laid on the table - -	759	read twice, and referred - - -	569
ordered to the third reading - - -	768	reported without amendment - - -	573
read the third time, and passed - - -	773	ordered to the third reading - - -	779
Planetarium, Mr. Smith presented the petition of Nathaniel Potter, and others, soliciting encouragement for a new, invented by Thomas Newell, read, and referred - -	448	read the third time, and passed - - -	787
the committee discharged, and the petition referred to the Secretary of War - - -	524	a bill from the House of Representatives granting, to settlers in the districts of St. Helena and Jackson Courthouse - - -	737
Plymouth Beach. (See <i>Presque Isle</i> .)		read twice, and referred - - -	744
Point Coupee, a bill from the House of Representatives granting land to the inhabitants of - - -	773	reported without amendment - - -	761
read twice, and referred - - -	776	postponed indefinitely - - -	784
reported - - -	782	a bill from the House of Representatives concerning, in Arkansas - - -	773
ordered to the third reading - - -	785	read twice, and referred - - -	776
read the third time, and passed - - -	788	reported - - -	782
Portugal, Mr. Lloyd submitted a resolution calling on the President for information respecting commercial relations with - -	508	ordered to the third reading - - -	785
considered - - -	515	read the third time, and passed - - -	788
agreed to - - -	518	President of the United States, a committee appointed to inform the, of the organization of the Senate - - -	10
a message in reply - - -	721	the Annual Message of the - - -	12
Ports of Delivery, a bill from the House of Representatives to establish Bowdoinham, Troy, Hudson, and Fairport, as, read twice, and referred - - -	777	President and Vice President, Mr. Eaton submitted a resolution to amend the act relative to the election of - - -	42
reported - - -	782	agreed to - - -	48
postponed indefinitely - - -	786	a bill in addition to the act respecting the election of, reported, and read twice -	317
Portsmouth, Mr. Parrott presented a memorial from the merchants of, in relation to French spoliation, read, and referred -	111	considered - - -	509, 514, 518, 519
Post Offices and Post Roads, the Committee on, appointed - - -	27	ordered to the third reading - - -	523
discharged - - -	786	read the third time, and passed - - -	524
		President of the Senate, the attendance of the declines further attendance during the session - - -	127
		John Gaillard elected, <i>pro tempore</i> - - -	766
		Presque Isle, a bill from the House of Representatives for deepening the channel of, and repairing Plymouth Beach - - -	737

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Presque Isle—continued.		Rawle, W., Mr. Lowrie presented the petition of, praying the abolition of slavery in the District of Columbia, read, and laid on the table - - -	375
bill read twice, and referred - - -	744	Rawlings, Rezin, and John Locke, executors of Daniel Rawlings, Mr. Eaton presented the memorial of, read, and referred - -	76
reported without amendment - - -	758	adverse report made - - -	132
ordered to the third reading - - -	782	postponed - - -	138
read the third time, and passed - - -	788	laid on the table - - -	142
Price, Chandler, and others, Mr. Findlay presented the petition of, read, and referred -	36	recommitted - - -	328
Pritchard, John, Mr. Brown presented the petition of, referred - - -	126	another report made - - -	532
adverse report made - - -	162	concurrent in - - -	558
agreed to - - -	166	Read, Samuel, and others, Mr. Dickerson presented the memorial of, praying additional duty on foreign iron, read, and referred - - -	124
Private Bills. (See <i>Rules</i> .)		Registers of Wills, a bill from the House of Representatives to regulate the fees of, in the District of Columbia - - -	737
Prout, Holden W., Mr. Kelly presented the petition of, read, and referred - - -	255	read twice, and referred - - -	744
the committee discharged - - -	295	reported without amendment - - -	748
Public Buildings, a message from the President transmitting a report of the Commissioner of, read, and referred - - -	49	ordered to the third reading - - -	780
Public Debt, a report from the Secretary of the Treasury respecting interest on the - -	25	read the third time, and passed - - -	787
Public Lands, the committee on appointed -	27	Revenue and Finances, so much of the President's Message as relates to the, referred -	32
discharged - - -	789	Revolutionary Pensioners, a letter from the Secretary of War with a statement of the number of, in each State, read, and ordered to be printed - - -	11
(See <i>Lands</i> .)		Reynolds, Michael. (See <i>Montgomery, William W.</i>)	
Public Money, a bill to provide better security for, in the hands of marshals, clerks, and attorneys, reported, and read - - -	160	Richardson, Landie, a bill from the House of Representatives for the relief of - - -	593
read the second time - - -	167	read twice, and referred - - -	616
recommitted - - -	291	reported without amendment - - -	675
reported with amendments - - -	305	laid on the table - - -	748
considered, and ordered to the third reading -	354	ordered to the third reading - - -	752
read the third time, and passed - - -	375	read the third time, and passed - - -	761
Public Officers, Mr. Holmes gave notice of a bill to secure the accountability of - - -	81	Riddick, Thomas F., Mr. Barton presented the petition of, read, and referred - -	109
the bill read, and referred - - -	82	documents relating to the claim of, referred -	125
reported with amendments - - -	141	a bill for the relief of, reported, and read -	162
postponed - - -	151	read the second time - - -	167
considered - - -	236	laid on the table - - -	275
ordered to the third reading - - -	241	leave given to withdraw his papers - - -	733
read the third time, and passed - - -	242	Riker, R., and others, aliens, Mr. Van Buren presented the petition of, read, and referred - -	233
Purchasers of Public Lands, Mr. King submitted a resolution for the extension of provisions for the relief of - - -	84	Riley, Justice, Mr. Lanman presented the memorial of, in relation to French spoliation, read, and referred - - -	108
agreed to - - -	90	Rio Hondo and Sabine rivers, a bill from the House of Representatives concerning land situated between the, read twice, and referred - - -	781
a bill to provide for the extinguishment of debt due by, reported, and read - - -	287	reported - - -	782
read the second time - - -	288	ordered to a third reading - - -	785
laid on the table - - -	337	read the third time, and passed - - -	788
considered - - -	471, 474	Ripka, Joseph, and others, Mr. Findlay presented the petition of, praying a modification of the tariff, read, and referred - -	233
ordered to the third reading - - -	475	Rist, Samuel, a bill from the House of Representatives for the relief of - - -	582
read the third time, and passed - - -	482	read twice, and referred - - -	593
amendments received - - -	737	reported without amendment - - -	747
concurrent in - - -	747	postponed indefinitely - - -	750
a bill explanatory of the act reported, and read twice - - -	773		
ordered to the third reading - - -	778		
read the third time, and passed - - -	779		
Pursers and Navy Agents, Mr. Williams submitted a resolution calling for a list of the names of, who are in arrears - - -	120		
agreed to - - -	125		
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Quincy, James, and others, Mr. Dickerson presented the petition of, read, and referred -	119		
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Roads, Mr. Johnson submitted a resolution calling for information as to the condition of the national road at Madisonville -	54	Rotch, William, and others, Mr. Mills presented the memorial of, read, and referred -	289
agreed to -	56	Rowland, James, and others, Mr. Dickerson presented the memorial of, read, and referred -	136
report in reply, read, and referred -	107	Rowland, M., and others, Mr. Dickerson presented the petition of, read, and referred -	136
Mr. Noble submitted a resolution for opening a road through Columbus, Indianapolis, &c. -	80	Rucker, Elliott, a bill from the House of Representatives for the relief of -	582
read and agreed to -	85	read twice, and referred -	593
a bill from the House of Representatives to make one from Memphis to Little Rock, read twice, and referred -	92	ordered to the third reading -	747
reported without amendment -	114	read the third time, and passed -	750
laid on the table -	118	Ruggles, Benjamin, of Ohio, attended -	9
considered -	129	remarks of, on the bill for settling claims -	479
ordered to the third reading -	130	on the bill allowing a drawback on cordage -	499
read the third time, and passed -	137	on the Tariff bill -	514, 659
a bill from the House of Representatives for opening certain, in Florida, read -	87	Rules, Mr. King submitted a resolution for a rule respecting the duties of the presiding officer -	117
considered -	291	agreed to -	134
ordered to the third reading -	294	the announcement of new, by the presiding officer -	140
read the third time, and passed -	296	Mr. Holmes submitted a resolution for a new rule respecting the yeas and nays, read -	295
a report from the Secretary of War respecting a military road from Fort St. Philip to the English Turn, read -	111	read the second time -	300
a bill to authorize said road, reported and read -	137	laid on the table -	351
read the second time -	142	a rule in relation to private bills, adopted -	744
debated -	152	Rush, John, and Samuel Conway, Mr. Barton presented the memorial of, read, and referred -	115
laid on the table -	153	the committee discharged -	127
considered -	203, 253	Russell, Isaac. Mr. Holmes presented the petition of, read, and referred -	418
ordered to the third reading -	254	Russell, William, and others, Mr. Dickerson presented the memorial of, read, and referred -	124
read the third time, and passed -	256	S.	
a bill from the House of Representatives to make a road from a point near Miami to Detroit -	769	Scott, Alexander, Mr. Ruggles presented the petition of, read, and referred -	528
read twice, and referred -	772	a bill for the relief of, reported, and read -	616
ordered to the third reading -	786	read the second time -	657
read the third time, and passed -	788	ordered to the third reading -	749
Roads and Canals, Mr. Brown submitted a resolution to appoint a select committee on amended and agreed to -	26	read the third time, and passed -	752
a bill from the House of Representatives to provide surveys, &c., for, read -	212	Seacy, Robert, Mr. Eaton submitted a resolution respecting the accounts of -	31
read the second time -	253	considered, and laid on the table -	35
referred -	253	Seamen, a report from the Secretary of State transmitting the returns by collectors of American, read -	233
reported without amendment -	336	(See <i>Pensions</i> .)	
considered -	419, 534, 558, 566	Seminole War, a bill for the relief of persons engaged in the, reported, and read -	109
ordered to the third reading -	569	laid on the table -	116
read the third time, and passed -	570	ordered to the third reading -	126
Robbins, Brintnel, a bill from the House of Representatives for the relief of, read twice, and referred -	56	read the third time, and passed -	127
reported without amendment -	95	amendments received -	783
ordered to the third reading -	102	concurrent in -	785
read the third time, and passed -	110	Senate Officers. (See <i>Officers of the Senate</i> .)	
Robinson, General Thomas, Mr. Van Dyke presented the memorial of T. Robinson in behalf of himself and other children of, read, and referred -	447	Senators, a list of, in attendance at the opening of the session -	9
a bill for the relief of the heirs of, reported, and read twice -	766	Seymour, Horatio, of Vermont, attended -	9
read the third time, and passed -	779	Shakers, Mr. Van Buren presented the memorial of the United Society called, read, and referred -	315
Roderick, Anthony. (See <i>Goldsmith, Morris</i> .)		the committee discharged, and the memorial laid on the table -	499
Roddy, James, Mr. Hayne presented the petition of the heirs of, read, and referred -	316		
the committee discharged -	757		
Ross, John. (See <i>Cherokee Indians</i> .)			

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Shaw, Robert, Mr. Johnson presented documents in support of the claim of, read, and referred -	79	Smith, Frederic W.—continued.	
Sharples, Abram, and others, Mr. Dickerson presented the memorial of, praying additional duty on foreign iron, read, and referred -	108	adverse report made -	75
Shields, Thomas, Mr. Johnson presented the memorial of, read, and referred -	51	considered, and concurred in -	85
a bill for the relief of, reported, and read -	448	Smith, Isaac A., and others, Mr. Johnson presented the petition of, praying a pre-emption right to certain settlers, read, and referred -	51
read the second time -	462	the committee discharged -	137
ordered to the third reading -	521	Smith, Colonel John, Mr. Johnson submitted a resolution for the adjustment of the claims of -	569
read the third time, and passed -	523	agreed to -	573
Sibley, Solomon, bill from the House of Representatives for the relief of -	593	Smith, Joseph, a bill from the House of Representatives for the relief of -	582
read twice, and referred -	617	read twice, and referred -	593
reported without amendment -	653	reported without amendment -	715
ordered to the third reading -	747	ordered to the third reading -	749
read the third time, and passed -	750	read the third time, and passed -	752
Sinking Fund, Mr. Smith submitted a resolution calling for information as to the amount due the Commissioners of the -	51	Smith, Moses, leave given, to withdraw his petition -	253
considered, and agreed to -	52	Smith, Noah, Mr. Holmes presented the petition of Comfort Smith, wife of, praying a pension for her husband, read, and referred -	47
a report of the Commissioners of the, read -	107, 233	a bill granting a pension to, reported, and read -	352
a bill from the House of Representatives authorizing the Commissioners of the, to purchase seven per cent. stock, read twice, and referred -	120	read the second time, and ordered to the third reading -	354
reported with amendments, and passed -	125	read the third time, and passed -	375
Skinner, I. L., Mr. Ruggles presented the petition of, read, and referred -	31	amendments received -	654
a bill for the relief of, reported, and read -	353	concurrent in -	656
read the second time -	276	Smith, Samuel, of Maryland, attended -	9
ordered to the third reading -	518	remarks of, on Mr. Barbour's resolution in relation to the claims of Virginia for certain advances -	33, 35
read the third time, and passed -	520	on the Tariff bill -	56, 612, 661, 738
Slater, Samuel, and others, Mr. Knight presented the memorial of, praying a revision of the tariff, read, and referred -	88	speech of, on the same -	738
the memorial ordered to be printed -	102	remarks of, on the bill for the relief of Samuel Gilbert -	90, 91
Sleeper, Nehemiah, and others, Mr. Findlay presented the memorial of, read, and referred -	161	on the bill for additional sloops of war -	139, 149
Slocum, Holden, Mr. Mills presented the petition of, respecting French spoliation, read, and referred -	314	speech of, on the same -	224
Sloops of War, Mr. Parrott submitted a resolution for building additional -	37	remarks of, on the bill to secure the accountability of public officers -	239
read, and agreed to -	43	on the bill allowing a drawback on cordage -	247
a bill to authorize the building of additional, reported, and read twice -	113	on the bill for the supply of cannon, &c. -	329
considered -	138, 148, 210, 231	on proposed amendments to the Constitution -	362, 394
ordered to the third reading -	233	speech of, on the same -	394
read the third time, and passed -	234	South Carolina, Mr. Hayne submitted a resolution calling for information in relation to the arms furnished by, to the United States during the late war -	528
Slough, Jacob, a bill from the House of Representatives for the relief of -	617	agreed to -	533
read twice, and referred -	653	report in reply, read, and referred -	569
reported without amendment -	674	the committee discharged -	775
ordered to the third reading -	749	a bill from the House of Representatives to alter the times of holding the Courts in -	766
read the third time, and passed -	752	read, and referred -	768
Smith, Calvin, Mr. Johnson presented the petition of, read, and referred -	120	reported without amendment -	768
the committee discharged -	233	ordered to the third reading -	774
Smith, Daniel, President of the Pennsylvania Insurance Company, Mr. Lowrie presented a memorial of, in relation to French spoliation, read, and referred -	50	read the third time, and passed -	779
Smith, Frederic W., Mr. Dickerson presented the petition of, stating inability to settle accounts, read, and referred -	29	Spain, Mr. Barbour submitted a resolution respecting relations with, read -	91
		agreed to -	96
		an amendatory bill to carry into effect the ninth article of the treaty with, reported, read twice, and referred -	529
		reported without amendments -	716
		ordered to the third reading -	771
		read the third time, and passed -	773

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Sprigg, Ann, Mr. Noble presented the petition of Israel Canby, executor of, read and referred -	31	adverse report made -	274
Standing Committees, Mr. Noble submitted a resolution to appoint the -	24	laid on the table -	287
read, and laid on the table -	25	referred to the Secretary of the Navy -	654
committees appointed -	27	report from the Secretary, read -	721
Staniford, Thomas, Mr. Lanman presented the petition of, read, and, and referred -	141	St. John's River, a bill from the House of Representatives to open a canal to unite the bay of St. Augustine with -	737
a bill for the relief of, reported, and read -	306	read twice, and referred -	744
read the second time -	307	reported without amendment -	758
ordered to the third reading -	420	postponed indefinitely -	784
read the third time, and passed -	422	St. Mary's and Patuxent Rivers, Mr. Smith submitted a resolution respecting fortifications on -	127
amendments received -	657	agreed to -	129
concurred in -	675	report in reply -	308
leave given to withdraw his papers -	702	Stock, a bill from the House of Representatives for the creation of, for the Commissioners under the treaty with Spain -	717
St. Anne, the church of. (See Detroit.)		read twice, and referred -	721
Staughton, Reverend Doctor, elected Chaplain -	30	reported, without amendments -	733
St. Augustine, the bay of. (See St. John's river.)		considered -	766
St. Charles, Missouri, Mr. Barton presented the memorial of the corporation of, respecting lots in, referred -	322	ordered to the third reading -	768
referred to the Committee on Public Lands the committee report a bill supplementary, making further provisions respecting lands in Missouri -	430	read the third time, and passed -	769
(See Missouri.)		a bill from the House of Representatives to authorize the Secretary of the Treasury to exchange certain, read twice, and referred -	777
Stearns, John. (See Bartlett, William.)		reported -	782
Stedman, William, Mr. Kelly presented the petition of, read, and referred -	520	ordered to the third reading -	783
Stetson, Amasa, Mr. Mills presented the petition of, read, and referred -	77	read the third time, and passed -	788
a bill for the relief of, reported, and read -	132	a bill from the House of Representatives to authorize the purchase of seven per cent., read twice, and referred -	120
read the second time -	138	reported, read the third time, and passed -	125
the documents ordered to be printed -	143	Stone, Banister, adverse report on the petition of laid on the table -	126
the bill laid on the table -	257	laid on the table -	129
recommitted -	288	Stone, William D., Mr. King presented the petition of, read, and referred -	333
reported with amendments -	290	Stone, Dorothy. (See Easton, Sarah.)	
considered -	335	Storer, Woodbury, and others, Mr. Holmes presented the petition of, read, and referred -	108
ordered to the third reading -	338	Strain, Robert, a bill from the House of Representatives for the relief of -	593
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Arkansas, Mr. Conway presented the memorial of the Legislature of, praying an appropriation for the extinguishment of the Quapaw title in, referred -	803	a bill changing the mode of surveying lands on any river, bayou, or water-course in, reported and read twice -	1807
the committee discharged, and the memorial referred to the Secretary of War -	826	ordered to the third reading -	2479
a report from the Secretary read and referred -	1023	read the third time, and passed -	2480
		amendments received and concurred in -	2712
		Armory, a letter from the Secretary of War with a statement of expenditures for the national, and of the arms made therein, laid on the table -	1893
		Mr. Reynolds submitted a resolution calling for information in relation to a site for a National, on the Western waters -	1893
		agreed to -	1905
		report in reply -	2397
		the Committee on Naval Affairs instructed to inquire respecting a National, on the Western waters -	2682
		Arms, Lemuel, a bill for the relief of, reported and read twice -	1319
		ordered to the third reading -	2496
		read the third time, and passed -	2500
		Arms, ammunition, &c., the Committee on Military Affairs directed to inquire into the expediency of authorizing sales of -	843

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a bill to authorize the sale of unserviceable, reported, and read twice -	1757	Ball, William Lee, of Virginia, attended -	794
Army, the Committee on Military Affairs instructed to inquire into the expediency of changing the mode of payment to the officers of the -	1164	the announcement of the death of -	1731
Mr. Floyd submitted a resolution calling for information respecting the pay, &c., of officers of the -	1762	Baltimore, a report from the Secretary of the Navy on sundry memorials of merchants and others of, praying compensation for certain damages, laid on the table -	2596
agreed to -	1763	Bankruptcy, the Committee on the Judiciary instructed to inquire into the expediency of an uniform system of -	815
message and report in reply, referred -	2294	the committee report it inexpedient -	895
Mr. Cocke submitted a resolution calling for information in relation to the brevet officers of the -	1762	report laid on the table -	896
agreed to -	1763	a memorial from the Chamber of Commerce in New York praying an uniform system of, laid on the table -	911
message in reply, laid on the table -	2595	Mr. Breck presented a similar one from Philadelphia, laid on the table -	931
Army Rules and Regulations, Mr. Floyd submitted a resolution calling for information respecting the, compiled by Gen. Scott -	1470	Mr. Little presented a similar one from Baltimore, laid on the table -	985
modified and agreed to -	1486	Mr. Webster submitted a resolution to establish an uniform system of -	2762
a message and report in reply, laid on the table -	1620	laid on the table -	2763
referred -	1733	Bank of the United States, Mr. Poinsett presented the memorial of sundry banking institutions, in relation to bills of the, referred -	836
Arsenal, the Committee on Military Affairs instructed to inquire into the expediency of erecting a National, on the Alabama, or Tombigbee river -	1894	Mr. Storrs submitted a resolution calling for statements of the affairs of the -	1528
Atset, Joseph, the Committee on Revolutionary Pensions instructed to inquire into the expediency of placing, on the pension list -	1680	agreed to -	1551
Auction Sales, the Committee on Manufactures instructed to inquire into the expediency of imposing duty on -	830	communication in reply, laid on the table -	1593
Mr. Cambreleng presented a memorial from New York praying duty on -	931	Mr. Cambreleng submitted a resolution calling for a report at the next session of the rate of interest at which the, will continue the United States loan -	2698
a bill laying a duty on, of merchandise, reported and read twice -	1398	agreed to -	2711
B.		Banks, copies of the correspondence between the Secretary of the Treasury and the, in which public money is deposited, laid on the table -	1873
Babbitt, Jacob, a bill for the relief of, reported and read twice -	836	Barber, Noyes, of Connecticut, attended -	793
ordered to the third reading -	891	Barbour, John S., of Virginia, attended -	794
read the third time, and passed -	895	speech of, on the bill for the survey of roads and canals -	1324
Bacot, Thomas W., a bill for the relief of, reported and read twice -	843	testimony of, in the case of Ninian Edwards -	2835
ordered to the third reading -	850	Barbour, Philip P., of Virginia, attended -	794
read the third time, and passed -	875	remarks of, on the bill for the survey of roads and canals -	999, 1000
Biggar, Captain James, adverse report made on the petition of Indiana in behalf of a company of rangers under, laid on the table -	1163	speech of, on the same -	1005
Bailey, John, of Massachusetts, attended -	793	remarks of, on the Tariff bill 1679, 1692, 1697	
election of, contested -	807	speech of, on the Tariff bill -	1916
speech of, on the report of the Committee of Elections in his case -	1793	remarks of, on the bill for the relief of Daniel D. Tompkins -	2678
(See Contested Election.)		Bartlett, Ichabod, of New Hampshire, attended -	825
Balances, a report from the First Comptroller respecting Treasury, laid on the table -	829	remarks of, on sending an Agent to Greece on the Address of Ninian Edwards -	1200, 2478
statements of, from the Third Auditor, laid on the table -	914	Bartlett, William, a bill for the relief of, John Stearns, Nathaniel Carver, and others, reported and read twice -	867
statements of, due more than three years, laid on the table -	943, 2606	ordered to the third reading -	891
the Committee of Ways and Means instructed to inquire into the expediency of paying, due to collectors of the internal revenue -	1680	read the third time, and passed -	895
a statement of, due by Receivers of Public Money, laid on the table -	2616	Bartley, Mordecai, of Ohio, attended -	794
Baldwin, Thomas, a report of the Secretary of War on the memorial of, laid on the table -	1681	Bascom, Henry B., elected Chaplain -	805
		Bassett, Burwell, of Virginia, attended -	828
		remarks of, on the bill for improving the Ohio and Mississippi rivers -	2582
		Baton Rouge, the Committee on Military Affairs instructed to inquire respecting the exchange of certain land in -	1894

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Baton Rouge—continued.		Boston, Mr. Webster presented a memorial from,	
a bill authorizing the exchange of said land		in relation to the islands around the har-	
reported and read twice - - -	2490	bor of, referred to the Committee on Roads	
read the third time, and passed - - -	2495	and Canals - - -	1427
the Committee on Public Lands instructed		said committee discharged, and the memo-	
to inquire into the expediency of relin-		rial referred to the Committee on Com-	
quishing a certain tract of land to West		merce - - -	1503
Baton Rouge - - -	2396	Bounty Lands, the Committee on Military Af-	
a bill for that purpose reported, and read		fairs instructed to inquire into the expedi-	
twice - - -	2551	ency of amending the laws in relation to	
ordered to the third reading - - -	2695	Bowdoinham. (See <i>Ports of Delivery</i> .)	
read the third time, and passed - - -	2699	Boyd, Joseph C., Senate bill for the relief of the	
Baudin, Nicholas S., a bill for the relief of, and		heirs of - - -	986
Joseph Chastang, read twice and referred	1292	read twice, and referred - - -	988
adverse report made - - -	1460	reported without amendment - - -	1232
the bill recommitted - - -	1750	ordered to the third reading - - -	2507
another adverse report made - - -	1913	read the third time, and passed - - -	2508
Baylies, Francis, of Massachusetts, attended	793	Brace, Stephen, a bill for the relief of, reported,	
speech of, on Mr. Webster's resolution to		and read twice - - -	1291
send an Agent to Greece - - -	1139	ordered to the third reading - - -	2496
remarks of, on the Tariff bill - - -	1690	read the third time, and passed - - -	2500
speech of, on the same - - -	1859	Bradford, Charles, a bill for the relief of, re-	
Beard, David, a bill for the relief of, reported and		ported, and read twice - - -	1470
read twice - - -	1774	ordered to the third reading - - -	2497
ordered to the third reading - - -	2500	read the third time, and passed - - -	2500
read the third time, and passed - - -	2504	Bradley, William C., of Vermont, attended	793
Beaulieu, Lewis Joseph de, Mr. Forsyth pre-		Brandywine Shoal. (See <i>Lighthouses</i> .)	
sented the petition of, referred - - -	803	Breck, Samuel, of Pennsylvania, attended	793
Beaumarchais Claim, the correspondence in rela-		remarks of, on his resolution calling for	
tion to the, referred to a select committee	830	information respecting commerce with	
the report made in full - - -	1530	Greece - - -	870, 801, 872
considered - - -	2507, 2588	remarks of, on the Tariff bill - - -	1736
laid on the table - - -	2597	Brent, William L., of Louisiana, attended	794
the Speaker presented the petition of Ame-		remarks of, on the Tariff bill 1515, 1521, 1543,	
lia Eugenia de la Rue, heiress of M. de		1565, 1590, 1612	
Beaumarchais - - -	2458	remarks of, upon a report in relation to a	
Mr. Tucker submitted a resolution to refer		sale of lots in Washington City - - -	2611
said petition to the President - - -	2630	Brooke, George, the Committee of Claims in-	
Mr. McDuffie submitted a resolution calling		structed to inquire respecting certain	
on the President to obtain and communi-		compensation to - - -	1399
cate further evidence in relation to the,		Brooks, James, Jehu and Nathaniel, a bill for	
negated - - -	2762	the relief of, or their heirs, reported and	
Beauregard, Gabrielle Emilie de, Mr. Forsyth		read twice - - -	2499
presented the petition of, referred - - -	800	ordered to the third reading - - -	2505
Beecher, Philemon, of Ohio, attended	794	read the third time, and passed - - -	2507
Belt, Benjamin M. (See <i>Langley, Hezekiah</i> .)		Bronson, Alvin, a bill for the relief of, reported	
Bennett, Joshua, a bill for the relief of, reported		and read twice - - -	943
and read twice - - -	1343	debated - - -	2486
ordered to the third reading - - -	2497	ordered to the third reading - - -	2486
read the third time, and passed - - -	2500	read the third time, and passed - - -	2486
Bermuda Hundred and City Point, the Commit-		Brotherton, Robert, a bill for the relief of, re-	
tee of Commerce instructed to inquire into		ported, and read twice - - -	2506
the expediency of amending the laws relat-		ordered to the third reading - - -	2509
ing to the districts of, respecting vessels - - -	1324	read the third time, and passed - - -	2510
Biddle, John. (See <i>Contested Election</i> .)		Brown, John, of Pennsylvania, attended	793
Blagrove, William, a bill for the relief of, reported		Brown, Samuel, a bill to issue letters patent to,	
and read twice - - -	1001	reported and read twice - - -	1000
ordered to the third reading - - -	2489	ordered to the third reading - - -	1470
read the third time, and passed - - -	2491	read the third time, and passed - - -	1471
Blair, John, of Tennessee, attended	794	Brush, Elijah, a bill for the relief of, reported	
Blean, Robert, a bill for the relief of, reported		and read twice - - -	1203
and read twice - - -	1873	ordered to the third reading - - -	2496
ordered to the third reading - - -	2504	read the third time, and passed - - -	2500
read the third time, and passed - - -	2506	Buchanan, James, of Pennsylvania, attended	793
Books, Maps, &c., Mr. Carter submitted a reso-		remarks of, on the bill concerning costs in	
lution respecting a duty on, negated - - -	815	patent cases - - -	933, 936
Mr. Sharpe presented the petition of sundry		remarks of, on his resolution to erect a mon-	
bookbinders and others praying an in-		ument to Washington - - -	1044, 1047
crease of duty on - - -	1808		

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remarks of, on the Tariff bill 1546, 1547, 1565,		bill ordered to the third reading - - -	2604
1590, 1678, 1696, 1709, 1792		read the third time, and passed - - -	2606
speech of, on the same - - -	1888, 2258	the Committee on Roads and Canals in-	
remarks of, on the bill for improving the		structed to inquire into the expediency of	
Ohio and Mississippi rivers - - -	2583	opening a, to connect the Illinois river	
on the resolution for adjournment - - -	2651	with Lake Michigan - - -	1914
Buck, Daniel A. A., of Vermont, attended	793	a bill for opening a, around the falls of the	
Buckner, Richard A., of Kentucky, attended	794	Ohio river near Louisville, reported, and	
speech of, on the bill for survey of roads		read twice - - -	1961
and canals - - -	1361	Cannon, Muskets, &c., Mr. Cocke submitted a	
Burch, Benjamin, appointed Sergeant-at-Arms	796	resolution calling for information in rela-	
Burch's Digest of Laws, the Clerk directed to		tion to contracts for - - -	836
procure fifty copies of - - -	2710	debated - - -	844
Burleigh, William, of Maine, attended	793	adopted - - -	846
Burns, Malachi, a bill for the relief of, reported		report in reply, laid on the table - - -	939
and read twice - - -	1292	referred to a select committee - - -	944
ordered to the third reading - - -	2496	a report from the Secretary of the Navy re-	
read the third time, and passed - - -	2500	specting, referred - - -	959
Burton, George, a report of the Secretary of		Senate bill for the gradual supply of, for for-	
War on the petition of, referred - - -	876	tifications - - -	1766
Burton, Hutchins G., of North Carolina, at-		read twice, and referred - - -	1769
tended - - -	797	reported without amendment - - -	2236
remarks of, on the Tariff bill - - -	1660	Cape Henlopen. (See <i>Lighthouses</i> .)	
C.		Capillano. (See <i>Washington</i> .)	
Cady, John W., of New York, attended	793	Capitol, a committee appointed to devise regu-	
remarks of, on the bill for the relief of Mrs.		lations for the police of the - - -	1488
Perry - - -	974	report made, read twice, and laid on the	
Call, Richard K., of Florida, attended	798	table - - -	1702
remarks of, on the bill for opening certain		ordered to the third reading - - -	2556
roads in Florida - - -	926, 927	considered - - -	2575
on the bill for a canal to connect the Wa-		laid on the table - - -	2576
bash and Miami rivers - - -	2585	report on a statement of William Lambert	
Calvert County. (See <i>Maryland</i> .)		in relation to the longitude of the, laid on	
Campbell, John W., of Ohio, attended	794	the table - - -	1661
remarks of, on the Massachusetts contested		a resolution to dispose of the building south	
election - - -	1840	of the, referred - - -	2682
Campbell, Robert, of South Carolina, attended	794	the execution of said resolution suspended	
remarks of, on the Tariff bill - - -	1676	until next session - - -	2708
Cambreleng, Churchill C., of New York, at-		(See <i>Accommodations</i> .)	
tended - - -	793	Carr, Thomas, the petition of, referred - - -	814
remarks of, on the bill for the relief of		documents in support of the claim of, re-	
Daniel D. Tompkins - - -	818	ferred - - -	826
on Mr. Breck's resolution in relation to com-		(See <i>Donnison, John</i> .)	
merce with Greece - - -	871, 872	Carroll, Daniel, of Duddington, a bill for the	
on the bill for pensions to widows and or-		relief of, and others, reported and read	
phans - - -	881	twice - - -	848
remarks of, on the Tariff bill - - -	1520, 1747	the third reading negated - - -	957
speech of, on the same - - -	1568	the vote reconsidered, and the bill recom-	
remarks of, on the bill to exchange certain		mitted - - -	959
stock - - -	2765	reported without amendment - - -	1680
Canal, the Committee on Roads and Canals in-		ordered to the third reading - - -	2500
structed to inquire into the expediency of		read the third time, and passed - - -	2504
opening a, between the Tennessee and		Carter, John, of South Carolina, attended	797
Coosa rivers - - -	812	speech of, on the Tariff bill - - -	2154
report made and laid on the table - - -	2630	Carter, John K., a bill for the relief of, reported	
a petition from Florida praying aid to open		and read twice - - -	2499
a, between St. Augustine and St. John's,		ordered to the third reading - - -	2505
referred - - -	1954	read the third time, and passed - - -	2507
a bill to authorize the opening of said, re-		Carver, Jonathan, Mr. Fuller presented a peti-	
ported, and read twice - - -	2171	tion of Joseph Stroud and wife, praying	
ordered to the third reading - - -	2602	that a petition heretofore presented by the	
read the third time, and passed - - -	2602	pretended heirs of, be disposed of - - -	1618
a bill to open a, from the Wabash to the		referred - - -	1619
Miami, reported - - -	829	Carver, Nathaniel. (See <i>Bartlett, William</i> .)	
memorials from the Legislature of Indiana		Cary, George, of Georgia, attended	794
praying the opening of said, committed to		remarks of, on Mr. Buchanan's resolution	
Committee of the Whole - - -	1083, 1318	to erect a monument to Washington - - -	1046
the bill under consideration - - -	2584, 2600, 2603		

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remarks of, on Mr. Webster's resolution in		Mr. Little submitted a resolution for the	
relation to an Agent for Greece -	1127	employment of a part of the Engineer	
Case, Loudon, a bill for the relief of, reported		Corps in surveying the ground for the -	837
and read twice -	848	laid on the table -	839
ordered to the third reading -	877	a letter from William H. Jones with Shri-	
read the third time, and passed -	887	ver's map of the country through which	
Cassedy, George, of New Jersey, attended -	793	the, shall pass, referred -	915
speech of, on the Tariff bill -	2139	Mr. Kent presented an act of the State of	
Castine, a bill for the relief of persons who have		Maryland, incorporating the company,	
imported goods into, reported and read		referred -	2430
twice -	1042	Chitwood, Sarah, a bill for the relief of, reported	
ordered to the third reading -	2489	and read twice -	868
read the third time, and passed -	2548	ordered to the third reading -	908
Castle Clinton, Mr. Cambreleng presented a		read the third time, and passed -	913
memorial of the City of New York, pray-		Claims, Committee of, appointed -	797
ing that, and the ground, &c. belonging		Clarke, Archibald, a bill for the relief of, report-	
thereto, be reconveyed to New York, re-		ed and read twice -	2463
ferred -	832	ordered to the third reading -	2505
report made, and laid on the table -	959	read the third time, and passed -	2506
Chandler, Walter S., Senate bill for the relief		Clarke, M. St. Clair, appointed Clerk of the	
of, and Samuel Ward, read twice, and		House -	796
referred -	1529	Clark, Lot, of New York, attended -	793
adverse report made -	1914	remarks of, on the New York contested	
laid on the table -	2509	election -	954, 956
Chaplain, Henry B. Bascom elected -	805	remarks of, on the Tariff bill -	2173, 2176
a message from the Senate informing the		Clay, Henry, of Kentucky, attended -	794
House of the election of Wm. Staughton	825	elected Speaker -	795
Chapman, Thomas, the committee discharged		remarks of, on taking the Chair -	795
from the petition of the executors of, and		remarks of, on the bill for the relief of Dan-	
the petition laid on the table -	1064	iel D. Tompkins, -	821
Charleston, Senate bill for the survey of the har-		on the bill for the relief of Mrs. Perry -	980
bor of, St. Mary's and the coast of Florida	2622	on the bill for the survey of roads and canals	999
read twice, and referred -	2630	speech of, on the same -	1022
referred to the Committee on Naval Affairs	2648	remarks of, in reply to Mr. Randolph's	
reported without amendment -	2710	speech on said bill -	1311
passed -	2765	on a resolution respecting aid to the Greeks	1113,
Charpentrie, Francois. (See <i>Myotte, Jacques</i> .)		1114	
Chastang, Joseph. (See <i>Baudin, Nicholas</i> .)		speech of, on the same -	1170
Cherokee Indians, Mr. Moore submitted a reso-		remarks of, on the Tariff bill, 1481, 1482, 1485,	
lution in relation to an act explanatory		1547, 1559, 1672, 1691, 1700, 1896, 1903	
of the treaty with the, read and laid on		speech of, on the same -	1962
the table -	1324	remarks of, on the bill to create stock for the	
the Committee of Ways and Means in-		Florida Treaty Awards -	2553, 2554
structed to inquire into the expediency		on the Occupying Claimant Law of Ken-	
of extinguishing reservations granted to		tucky -	2618, 2620
certain -	1869	on suspending his resolution in relation to	
Mr. Forsyth submitted a resolution calling		certain designs upon the Spanish provinces	2763
for information respecting negotiations by		Cleftan, William, a committee instructed to in-	
General Jackson with the, in relation to		quire into the expediency of compensa-	
cession of lands -	2212	ting, for certain losses -	2172
agreed to -	2237	Clerk of the House, M. St. Clair Clarke appointed	796
report in reply -	2397	Clerks, a bill to employ additional, in the sev-	
the Speaker presented a memorial of John		eral Departments, reported and read twice	1788
Ross and other delegates from the, re-		considered -	2695
ferred -	2395	read the third time, and passed -	2699
Chesapeake and Delaware Canal Company, Mr.		amendments received -	2759
Hemphill presented the memorial of the,		concurred in -	2760
referred -	848	an order to pay the engrossing, certain com-	
a bill authorizing the subscription of stock		pensation -	2766
in the, reported and read twice -	1503	Cleveland, Samuel, a bill for the relief of, re-	
Chesapeake and Ohio Canal, so much of the		ported and read twice -	2212
President's Message as relates to the,		ordered to the third reading -	2505
referred -	800	read the third time, and passed -	2506
Mr. Stewart submitted a resolution to de-		Cobb, Thomas W., of Georgia, attended -	794
vote the proceeds of sales of lots in the		remarks of, on the bill allowing pensions to	
District of Columbia, to the -	1789	widows and orphans -	880, 882
		on the bill for the relief of Mrs. Perry -	974
		on the Tariff bill -	1544

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Cocke, John, of Tennessee, attended -	794	Commercial Regulations, a message from the	
remarks of, on the bill for the relief of Dan-		President, transmitting a digest of the, of	
iel D. Tompkins -	817, 820	foreign countries, laid on the table -	1320
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on a report in relation to the sale of public		Condict, Lewis, of New Jersey, attended -	793
lots in the City of Washington -	2608, 2615	remarks of, on the Tariff bill -	2338
Cocke, William, a bill to compensate, for cer-		Congressional Burial Ground, Senate bill for	
tain services, reported and read twice -	2258	enclosing the -	2396
ordered to the third reading -	2505	read twice, and referred -	2431
read the third time, and passed -	2506	reported without amendment -	2471
Collins, Ela, of New York, attended -	793	ordered to the third reading -	2509
Collins, Johanna, Mr. Farrelly presented the pe-		read the third time, and passed -	2510
tition of, praying a divorce, referred -	1428	Conner, Henry, of North Carolina, attended -	794
adverse report made and concurred in -	1460	Conner, William, the Committee on Public	
Collins, Thomas, the committee on the petition		Lands instructed to inquire in relation to	
of, discharged, and the petition laid on		certain land for -	1215
the table -	1792	the committee discharged -	1808
Collier, Charles M., a bill for the relief of, re-		Contested Elections, the Speaker presented the	
ported and read twice -	814	petition of Parmenio Adams, contesting	
ordered to the third reading -	834	the election of Isaac Wilson, of New	
read the third time, and passed -	837	York, referred -	804
Collier, Isaac, a bill for the relief of, reported,		sundry documents in relation to the same,	
and read twice -	939	referred -	814
ordered to the third reading -	2481	the report in full -	897
read the third time, and passed -	2487	a copy of the memorial of P. Adams, and a	
Colored persons. (See <i>Amendment</i> .)		letter from J. Wilson -	899, 900
Columbia river, a select committee appointed to		a resolution to permit Mr. Adams to appear	940
inquire into the expediency of occupying	890	the subject considered -	941, 944
report made -	2345	P. Adams qualified -	945
copy of the report in full -	2345	Mr. Scott presented the petition of John	
a bill to authorize the occupation of, report-		Biddle, contesting the election of Gabriel	
ed and read twice -	1084	Richard, of Michigan, referred -	814
Mr. Floyd submitted a resolution calling on		report in full -	1001
the President for an estimate of expenses		leave given J. Biddle to withdraw his papers	1319
for transporting troops to the mouth of -	1178	a memorial from A. H. Powell, contesting	
modified and adopted -	1203	the election of Jared Williams, of Vir-	
a message in reply -	1622	ginia, referred -	829
referred -	1623	documents relating to the same, referred -	832
Columbian College, Mr. Kent presented a peti-		report made, and leave given the petitioner	
tion from the trustees of, referred -	1428	to withdraw his papers -	958
the committee discharged -	1733	a petition of sundry inhabitants of Norfolk,	
Columbian Institute, Mr. Campbell presented a		Massachusetts, contesting the election of	
memorial of the, praying a lot of ground		John Bailey, referred -	807
for a botanical garden, referred -	1429	report made -	887
a bill for the benefit of the, reported and		the report in full -	1594
read twice -	1661	considered -	1793, 1809, 1832
ordered to the third reading -	2500	decided that John Bailey is not entitled to a	
read the third time, and passed -	2504	seat -	1856
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Georgia, a Message enclosing a document relat-		referred -	887
ing to the compact between the United		Gray, William F., postmaster at Fredericks-	
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Mr. Cobb presented a memorial respecting		Greece, Mr. Webster submitted a resolution for	
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lands in, referred -	2151	laid on the table -	806
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State of, in relation to the boundary line		ing for certain information in relation to	
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Jenkins, John, a bill for the relief of, reported and read twice - - -	867	read the third time, and passed - - -	2508
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a report made recommending the indefinite postponement of the bill, laid on the table - - -	1100	ordered to the third reading - - -	908
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Jenks, Stephen, and Sons, a bill for the relief of, reported and read twice - - -	2586	Kennebunk. (See French Spoliations.)	
Jennings, Jonathan, of Indiana, attended - - -	797	Kenyon, Beverly, Lieutenant, Mr. Alexander submitted a resolution calling for proceedings of a court-martial on - - -	2471
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Jonathan, Francis, of Kentucky, attended - - -	791	a message in reply, laid on the table - - -	2632
Johnson, James, Senate bill for the relief of, read twice and referred - - -	1620	Kent, Joseph, of Maryland, attended - - -	793
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Johnson, John T., of Kentucky, attended speech of, on the Massachusetts contested election - - -	794	considered - - -	2514, 2618
Johnson, Joseph, of Virginia, attended - - -	1819	Senate bill to change the terms of the district court of, read twice and referred - - -	1758
Jones, Nathaniel, a bill for the relief of, reported and read twice - - -	1503	reported without amendment - - -	1788
ordered to the third reading - - -	2498	read the third time, and passed - - -	1793
read the third time, and passed - - -	2500	Senate bill to change the terms of the courts in Ohio and, read twice and referred - - -	2172
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reported with amendments - - -	2660	Mr. Moore presented a petition from the trustees of an institution for the deaf and dumb in, praying aid, referred - - -	2152
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Mr. Wickliffe submitted a resolution respecting the repeal of the 25th section of the act to establish judicial courts - - -	915		

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read the third time, and passed - - -	2506	Mr. Rankin submitted a resolution calling for information at the next session in relation to the number of - - -	1763
King, William, a bill for the relief of, reported and read twice - - -	1319	agreed to - - -	1774
Kingry, Joseph, the Committee on Pensions instructed to inquire into the expediency of placing, on the pension list - - -	2344	Lands, Mr. Owen submitted a resolution calling for a statement of the amount, &c., of the two per cent. and three per cent. funds out of sales of, in Western and Southern States - - -	833
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on the Appropriation bill - 1781, 1783, 1896		three statements in reply, laid on the table - - -	2318
on the Address of Ninian Edwards - - -	2473	a bill to provide for the sale of, conveyed to the United States in certain cases, reported and read twice - - -	985
Kreymborg & Hagedorn, quill manufacturers, Mr. Breck presented the petition of, referred - - -	931	laid on the table - - -	1216
L.		recommitted - - -	1762
Laducier, Jean Baptiste. (See Myotte, Jacques.)		reported without amendment - - -	2480
Lafayette, Mr. Mitchell submitted a joint resolution in relation to the intended visit of, laid on the table - - -	938	read the third time, and passed - - -	2487
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amendments received - - -	1233	postponed until the next session - - -	2765
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Lake Erie, Mr. Whittlesey submitted a resolution respecting the survey of the south shore of, laid on the table - - -	2595	Mr. Sandford submitted a resolution respecting certain benefits to actual settlers, negatived - - -	1680
Lambert, William. (See Capitol.)		Mr. Owen submitted a resolution respecting the privilege of settlers to gather their crops, agreed to - - -	1832
Land Claims, Mr. Owen submitted a resolution for appointing a committee on French, British, and Spanish - - -	847	Mr. Cook submitted a resolution in relation to laying and collecting taxes on, read twice and laid on the table - - -	2669
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Mr. Owen submitted a resolution to appoint a commissioner to adjust - - -	873	Langley, Hezekiah, Senate bill for the relief of, and Benjamin M. Bell - - -	2345
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Mr. Scott submitted a resolution calling for records of, &c. - - -	937	reported without amendment - - -	2556
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recommitted - - -	844	reported with a bill extending pensions to widows and orphans - - -	846
reported with amendments - - -	876	(See Pensions.)	
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read the third time, and passed - - -	2480	Le Courtois, Anthony, Mr. Poinsett presented the petition of, referred - - -	1954
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Mr. Rankin submitted a resolution calling for a list of defaulters in the - - -	833	Lee, John, of Maryland, attended - - -	793
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the committee instructed respecting the establishment of one, near the proposed canal to connect Lake Michigan with the Illinois river - - -	1324	Lenox, James, a bill for the relief of, Wm. Maitland, G. B. Abeel, Gulian Ludlow, and Hector Scott, reported and read twice - - -	2616
the committee directed to inquire into the expediency of establishing one, at Indianapolis - - -	1470		
Mr. Cocke submitted a resolution calling for a copy of the report of the register of the office in Louisiana - - -	1399		
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read the third time, and passed - - - - -	2510	reported without amendment - - - - -	2317
Letcher, Robert P., of Kentucky, attended - - - - -	794	ordered to the third reading - - - - -	2509
remarks of, on the Tariff bill - - - - -	1671	read the third time, and passed - - - - -	2510
speech of, on the occupying claimant laws of Kentucky - - - - -	2514	Lincoln, Enoch, of Maine, attended - - - - -	793
Levy, Moses Elias, documents relating to the claim of, referred - - - - -	2586	Litchfield, Elisha, of New York, attended - - - - -	793
Lewis, Curtis, Mr. Moore presented the petition of, referred - - - - -	889	Little, Peter, of Maryland, attended - - - - -	793
Lewis, Edward W., a report from the Secretary of War on the petition of, read and laid on the table - - - - -	814	Livermore, Arthur, of New York, attended - - - - -	793
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Library, Mr. Taylor introduced a joint resolution for the appointment of a joint committee on the, read twice, and ordered to the third reading - - - - -	825	on the bill extending pensions to widows and orphans - - - - -	880
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a bill making appropriations for the, reported and read twice - - - - -	1627	Livingston, Edward, of New York, attended - - - - -	842
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read the third time, and passed - - - - -	2696	on the resolution in relation to the visit of Lafayette - - - - -	1101
Lighthouses, Beacons, &c., the Committee on Commerce instructed to inquire respecting a beacon light near Cape Henlopen the committee instructed to inquire respecting a lighthouse near Brandywine shoal - - - - -	815	speech of, on the bill for the surveys of roads and canals - - - - -	1430
Mr. Gatlin presented a petition from Edenton, North Carolina, praying that the floating light near Shell Castle be removed to Nine-foot Shoal, referred - - - - -	829	remarks of, on the Tariff bill 1590, 1665, 1668, 1669, 1671, 1672	
Mr. Livingston submitted sundry resolutions calling for information in relation to lights on the Bahama Islands and the coast of Florida - - - - -	849	remarks of, on reconsidering the vote for adjournment - - - - -	2670
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Mr. Ten Eyck presented a petition from New York praying the erection of a light on the river St. Lawrence, referred - - - - -	1202	Long, John, of North Carolina, attended - - - - -	794
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the committee instructed to inquire respecting a buoy at the mouth of Scuppernon river, and a floating light on Pamptico Sound - - - - -	1757	Longfellow, Stephen, of Maine, attended - - - - -	806
the committee instructed to inquire respecting a light on Shell Island - - - - -	1770	Louderman, Catharine, a bill for the relief of, reported and read twice - - - - -	1470
Mr. Tomlinson presented the petition of certain owners of vessels praying buoys on reef of rocks in Long Island Sound, called the "Hen and Chickens" referred - - - - -	1787	ordered to the third reading - - - - -	2497
the committee instructed to inquire respecting a light on Poole's Island - - - - -	1954	read the third time, and passed - - - - -	2500
a bill to authorize the building certain, reported and read twice - - - - -	2471	Loughrey, William, a bill for the relief of, reported and read twice - - - - -	2595
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committed to a Committee of the Whole - - - - -	2760	Mr. Gurley submitted a resolution concerning pre-emption to certain actual settlers in, agreed to - - - - -	912
		Mr. Brent presented the petition of sundry inhabitants of, praying an alteration of the present mode of surveying lands, and asking pre-emption to certain settlers, referred - - - - -	1084
		the Committee on Public Lands instructed respecting the law limiting the time for suits for recovery of lands in, under French, British, and Spanish titles - - - - -	1203
		the above committee instructed to inquire respecting the confirmation of land claims in - - - - -	1461
		a bill conferring certain claims to lands in the western district of, reported and read twice - - - - -	1792
		Mr. Cocke submitted a resolution calling for the report of the Register of the land office in - - - - -	1399
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Louisiana—continued.		Mallory, Rollin C., of Vermont, attended - - - - -	793
the report received and referred - - - - -	1739	remarks of, on his resolution calling for information respecting Spain and the South American Colonies - - - - -	879
a bill supplementary to provide for the extinction of titles to lands between the Rio Hondo and Sabine rivers in, reported and read twice - - - - -	1807	speech of, on the bill for surveys of roads and canals - - - - -	1058
ordered to the third reading - - - - -	2708	remarks of, on the Tariff bill - - - - -	1488, 1693
read the second time, and referred - - - - -	2709	speech of, on the same - - - - -	1712
the Committee on the Judiciary instructed to inquire into the expediency of increasing the salary of the United States Attorney for the western district of - - - - -	1676	remarks of, on adjournment - - - - -	2599
Senate bill to authorize the Register of the land office in the western district of, to report upon certain land claims, read and referred - - - - -	1758	Maloy, Bartholomew, the Committee on Pensions directed to inquire into the expediency of placing, on the pension list - - - - -	832
reported without amendment - - - - -	1765	Mangum, Willie P., of North Carolina, attended - - - - -	794
Senate bill to enable the holders of French, British, and Spanish titles to lands in, to try the validity of their claims, read and referred - - - - -	1758	remarks of, on adjournment - - - - -	2654, 2659
reported with amendments - - - - -	2317	Manning, Jeremiah, a bill for the relief of, reported, and read twice - - - - -	836
a bill to regulate the practice of the United States Courts in, reported and read twice - - - - -	2629	ordered to the third reading - - - - -	850
ordered to the third reading - - - - -	2699	read the third time, and passed - - - - -	875
read the third time, and passed - - - - -	2700	Manufactures, the Committee on, appointed - - - - -	798
Senate bill for the sale of a warehouse near English Turn, and for the erection of a dwelling-house at Balize in - - - - -	2396	Manumission Society, of Tennessee, Mr. Blair presented the memorial of the, referred - - - - -	931
read twice, and referred - - - - -	2431	the committee discharged, and the memorial laid on the table - - - - -	1064
reported without amendment - - - - -	2463	Maps, Charts, &c., an order to furnish the Committee on the Chesapeake and Ohio Canal with - - - - -	939
Louisville. (See <i>Canals</i> .)		Mareschall, Joseph, a bill for the relief of, reported, and read twice - - - - -	1203
Lucas's Universal Atlas, a letter from William H. Jones accompanied with a specimen of, read and laid on the table - - - - -	814	ordered to the third reading - - - - -	2496
referred - - - - -	843	read the third time, and passed - - - - -	2500
Ludlow, Gulian. (See <i>Lenox, James</i> .)		Marine Corps, Mr. Whittlesey submitted a resolution calling for information respecting the number of non-commissioned officers and privates in the - - - - -	2288
Ludlow's and Roberts' Line. (See <i>Ohio</i> .)		a report in reply, laid on the table - - - - -	2344
M.		Mr. Whittlesey submitted a resolution respecting the amount paid to the Lieutenant Colonel of the - - - - -	2288
Machias, the Committee on the Judiciary instructed to inquire into the expediency of a district court in the town of - - - - -	1680	read and agreed to - - - - -	2294
Macy, Francis G. (See <i>General Jackson</i> .)		a report in reply, laid on the table - - - - -	2344
Mail, Mr. Livermore submitted a resolution for the transportation of the, in day time, only, unless by water, agreed to - - - - -	801	Markley, Philip S., of Pennsylvania, attended - - - - -	797
the committee directed to inquire into the expediency of repealing the act respecting the transportation of letters, &c., in conveyances not employed for the - - - - -	836	Marshals, Clerks, and Attorneys, a bill to amend the act to lessen the compensation of, in certain cases, reported, and read twice - - - - -	867
Mr. Herrick submitted a resolution calling for information respecting the extension of post routes, amount of postage, &c. - - - - -	849	ordered to the third reading - - - - -	894
adopted - - - - -	870	read the third time, and passed - - - - -	895
a statement in reply, laid on the table - - - - -	2681	amendments read and referred - - - - -	1665
part of the above resolution rescinded - - - - -	2711	reported, and agreed to - - - - -	1680
the committee instructed to provide further measures for punishing the robbery of the the committee instructed to inquire concerning a shorter and better route than that from Staunton to Washington - - - - -	877	(See <i>Public Money</i> .)	
(See <i>Post Office</i> .)		Martindale, Henry C., of New York, attended - - - - -	793
Maison Rouge, Marquis de, all the documents in reference to the claim of the, referred - - - - -	1127	remarks of, on the Tariff bill 1623, 1657, 1741	
a bill for the benefit of the heirs of, reported, and read twice - - - - -	1567	speech of, on the same - - - - -	1629
ordered to the third reading - - - - -	2695	Marvin, Dudley, of New York, attended - - - - -	793
read the third time, and passed - - - - -	2696	remarks of, on the Tariff bill 1527, 1555, 1694	
Maitland, William. (See <i>Lenox, James</i> .)		Maryland, an adverse report made on the petition of the levy court of Calvert county, in - - - - -	827
		recommitted - - - - -	844
		another adverse report made - - - - -	847
		concurrent in - - - - -	913
		Mr. Mitchell presented the petition of sundry inhabitants of, praying the erection of certain bridges, referred - - - - -	1953
		Mr. Plumer presented a memorial of the members of the bar in, praying an alteration in the times of holding the court for the fourth circuit, referred - - - - -	2586

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Maryland—continued.		Members, Mr. Randolph submitted a resolution	
a bill for altering the times for holding said		to lessen the per diem allowance of the,	
court, reported, and read twice	2595	laid on the table	1875
ordered to the third reading	2602	refusal to consider said resolution	2289
read the third time, and passed	2669	Memphis. (See <i>Road</i> .)	
Massachusetts, certain documents relating to the		Mercer, Charles F., of Virginia, attended	794
claim of, for militia services, laid on the		remarks of, on the bill for the surveys of	
table	1623	roads and canals	999
referred	2334	on the Tariff bill	1557, 1563
report in full	2511	on the Appropriation bill	1784
a bill to authorize the settlement of said		on the adjournment	2797, 2654
claims reported	2511	on a report in relation to a sale of lots in	
Matlack, James, of New Jersey, attended	793	the City of Washington	2613, 2614
Matson, Aaron, of New Hampshire, attended	793	Merchandise, a letter from the Secretary of the	
Mayhew, Thaddeus, a bill from the Senate for		Treasury with a statement of duties on	
the relief of	2345	imported and drawback on exported, laid	
read twice, and referred	2396	on the table	1343
reported without amendment	2464	Messengers, an order to pay an additional sum	
ordered to the third reading	2509	to each of the	2548
read the third time, and passed	2510	the Doorkeeper authorized to employ one of	
McAllister, John, a bill from the Senate for the		the, during the recess	2698
benefit of the heirs of, and John Forbes		Metcalfe, Thomas, of Kentucky, attended	894
read twice, and referred	1905	speech of, on the bill respecting the Su-	
an adverse report made	1913	preme Court	2635
McArthur, Duncan, of Ohio, attended	794	Mexican Provinces, Mr. Scott submitted a reso-	
remarks of, on the Appropriation bill	1780	lution calling for information respecting	
McCoy, William, of Virginia, attended	794	trade with the	2602
McCulloch, Hugh, a bill for the relief of, report-		agreed to	2602
ed, and read twice	1567	a message transmitting a communication	
ordered to the third reading	2500	in reply, laid on the table	2703
read the third time, and passed	2503	"Miami Purchase," Mr. Gazlay submitted a reso-	
McDuffie, George, of South Carolina, attended	794	lution calling for information respecting	
remarks of, on the bill for the relief of Mrs.		the	913
Perry	975	agreed to	914
speech of, on a proposed amendment to the		report laid on the table	1792
Constitution	1067	Miami River. (See <i>Canal</i> .)	
on the bill for surveys of roads and canals	1371	Michael, John, a bill for the relief of the heirs of,	
remarks of, on the Tariff bill	1482, 1495,	reported and read twice	1100
1552, 1556, 1677		ordered to the third reading	1215
speech of, on the same	2400	read the third time, and passed	1232
McKean, Samuel, of Pennsylvania, attended	793	Michigan, Mr. Richardson submitted a resolu-	
McKee, John, of Alabama, attended	794	tion to establish a district court, laid on	
McKim, Isaac, of Maryland, attended	793	the table	1663
McLane, Louis, of Delaware, attended	793	Michilimackinac, the Committee discharged from	
remarks of, on the bill for the relief of Dan-		the petition of sundry inhabitants of	1126
iel D. Tompkins	819	Midshipmen, the Committee on Naval Affairs	
on the bill to purchase certain stock	1048	instructed to inquire concerning provision	
speech of, on the bill for the surveys of roads		for the instruction of	937
and canals	1217	Milholland, John, the Committee of Claims in-	
remarks of, on the Tariff bill	1589, 1697, 1748,	structed to inquire concerning compen-	
on the Senate amendments to the appropri-		sation to, for certain losses	1461
ation bill	1916, 1947, 1951	Military Academy, the Committee on Naval	
on the address of Ninian Edwards	2474	Affairs instructed to inquire into the ex-	
on the bill to provide stock for the Florida		pediency of associating a naval school	
treaty awards	2552, 2554	with the	831
McLean, William, of Ohio, attended	794	Mr. Livingston submitted a resolution for	
McNair, Alexander, Senate bill for the relief of,		the increase of the, laid on the table	877
read twice, and referred	2607	Military Affairs, the Committee on, appointed	799
reported with amendment	2665	so much of the President's Message as re-	
read the third time, and passed	2696	lates to, referred to the above committee	799
Measurer, a bill to abolish the office of, reported		Military Establishment, a letter from the Secre-	
and read twice	1163	tary of War with a statement of the con-	
Mebane, John B., a bill for the benefit of the ex-		tingent expenses for the, laid on the	
ecutors of, reported and read twice	953	table	1164
ordered to the third reading	2026	Military Land Warrants, a bill to allow further	
read the third time, and passed	2100	time to locate, reported and read twice	1754
a bill authorizing the executors of, to collect		read the third time, and passed	2509
certain arrears, reported and read twice	2507	Military Roads. (See <i>Roads</i> .)	
read the third time, and passed	2508		

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Military Service, a bill making appropriations		Missouri—continued.	
for the, reported and read twice	1163	bill reported with amendments	1857
considered	2682, 2694	laid on the table	2712
ordered to the third reading	2695	Senate bill to alter the times of holding the	
read the third time, and passed	2696	district court in	2345
amendments received	2759	read twice, and referred	2396
concurred in	2760	reported without amendment	2457
a bill making further appropriation for the,		read the third time, and passed	2465
reported and read twice	1203	Senate bill supplementary for settling land	
debated	1591, 1616	claims in	2396
ordered to the third reading	1618	read twice, and referred	2431
read the third time, and passed	1620	reported without amendment	2505
a statement of appropriations and expendi-		ordered to the third reading	2765
tures for the, referred	1322	read the third time, and passed	2766
a bill further to amend the act for compen-		Senate bill to extinguish Indian claims to	
sation for property lost whilst in the, re-		lands in	2696
ported and read twice	2152	read twice, and referred	2697
Militia, a bill concerning the distribution of arms		reported with amendments	2710
to the, reported and read twice	1763	Senate bill to complete the survey of the	
the Committee on Military Affairs instruct-		southern and western boundary of	2699
ed to inquire into the expediency of re-		read twice, and referred	2700
ducing the term of service of the,	1470	reported without amendments	2710
Miller, Daniel H., of Pennsylvania, attended	911	passed	2765
Miller, James. (See <i>Arkansas</i> .)		Mitchell, Andrew, Senate bill for the relief of the	
Mims, Joseph, a bill for the relief of the heirs of,		heirs of, read and referred	1758
reported and read twice	958	reported without amendment	1769
ordered to the third reading	2488	ordered to the third reading	2508
read the third time, and passed	2491	read the third time, and laid on the table	2509
amendments received	2622	Mitchell, George E., of Maryland, attended	793
concurred in	2629	Mitchell, James S., of Pennsylvania, attended	793
Minifie, Charles, an adverse report on the peti-		Mitchell, James, the petition of, referred	807
tion of, concurred in	957	report made, with a bill concerning errors	
Mint, a communication from the Director of the,		in land offices	829
giving assays of certain foreign coin, read		(See <i>Land Offices</i> .)	
and referred	1084	Mitchell, John, a bill for the relief of, reported	
a report from the Secretary of the Treasury,		and read twice	2396
with statements showing the expenses of		ordered to the third reading	2505
the laid on the table	2682	read the third time, and passed	2506
Mississippi, a bill changing the mode of survey-		amendments read and referred	2712
ing lands on any river, bayou, or water-		reported and concurred in	2758
course in, and Arkansas, reported and		Mobile, a bill to alter the times of holding the Dis-	
read twice	1807	trict Court at, reported and read twice	811
ordered to the third reading	2479	read the third time, and passed	815
read the third time, and passed	2480	amendments received	1233
amendments received and concurred in	2712	read and referred	1263
Mississippi Land Company, Mr. Tyson present-		and reported with an agreement	1627
ed the memorial of James L. Belt, and		the Committee on Commerce instructed to	
others, of the, referred	814	inquire into the expediency of appointing	
Mississippi and Sabine rivers, the Committee on		a naval officer and surveyor for the port of	2288
Commerce instructed to inquire into the ex-		the Committee on Military Affairs instruct-	
pediency of providing for the survey of		ed to make inquiries respecting the work	
the coast along the	1127	on Dauphin Island, for the defence of the	
(See <i>Ohio and Mississippi rivers</i> .)		harbor of, and into the propriety of con-	
Missouri, a bill to enable claimants to lands in,		tinuing the, on Mobile Point	812
and Arkansas, to try the validity of their		a memorial of the Legislature of Alabama	
claims, reported and read twice	1064	on the subject of said fortifications, re-	
ordered to the third reading	2607	ferred	825
read the third time, and passed	2617	Mr. Owen presented the petition of the	
amendments received	2759	Mayor and Aldermen of, praying the	
concurred in	2760	grant of certain lots	825
Senate bill supplementary to the act to per-		a bill granting certain lots to, reported and	
fect locations and sales of lands in, read		read twice	958
twice and referred	1665	ordered to the third reading	2602
adverse report made	2026	read the third time, and passed	2606
Senate bill for the adjustment of land claims		Senate bill explanatory of an act confirming	
in, and Arkansas, derived from French		claims to lots in, read twice and referred	2491
and Spanish titles	1233	reported without amendments, and postpon-	
read twice, and referred	1263	ed indefinitely	2710

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Moffitt, John S., a bill for the relief of, reported and read twice - - - - -	1585	the committee discharged from said petition	1627
ordered to the third reading - - - - -	2500	bill from the Senate respecting an uniform rule of - - - - -	2696
read the third time, and passed - - - - -	2504	read twice, and referred - - - - -	2697
amendments received - - - - -	2631	reported without amendment - - - - -	2709
read and referred - - - - -	2632	passed - - - - -	2764
reported and agreed to - - - - -	2665	Naval Affairs, the Committee on, appointed - - - - -	799
Monongehala River, the Committee on the Cumberland Road instructed to inquire into the expediency of a bridge over the - - - - -	832	Naval Establishment, so much of the President's Message as relates to organization of the, and suppression of piracy, referred - - - - -	800
Monroe, an adverse report on the petition of sundry inhabitants of, laid on the table - - - - -	958	a bill to organize and fix the, reported and read twice - - - - -	1960
Montgomery, J. M. C., a bill for the relief of, reported and read twice - - - - -	1832	Naval Peace Establishment, Mr. Fuller submitted a resolution requesting the President to communicate a plan for the, laid on the table - - - - -	827
ordered to the third reading - - - - -	2500	agreed to - - - - -	830
read the third time, and passed - - - - -	2504	a Message in reply, transmitting a plan for the referred - - - - -	1292
Monument to Washington, Mr. Buchanan submitted a resolution to erect a, in the City of Washington, laid on the table - - - - -	1018	referred - - - - -	1296
Moore, Alfred, Senate bill for the benefit of, and Sterling Orgain, assignees for Morris Lindsey - - - - -	1766	Navarre, Duc de, the Speaker presented a memorial of, representing himself as heir to the French throne, laid on the table - - - - -	2629
read twice, and referred - - - - -	1769	Navy, Mr. Mercer, presented a resolution calling for a list of the officers of the - - - - -	831
referred to another committee - - - - -	2212	agreed to - - - - -	832
reported without amendments - - - - -	2258	a letter from the Secretary of the, in reply	1145
ordered to the third reading - - - - -	2509	the committee on Naval Affairs instructed to inquire concerning a change in the mode of compensating officers of the - - - - -	1161
read the third time, and passed - - - - -	2510	a bill making appropriations for the, reported and read twice - - - - -	1203
Moore, Gabriel, of Alabama, attended - - - - -	794	debated - - - - -	1875, 1879
remarks of, on the Tariff bill - - - - -	1580	ordered to the third reading - - - - -	1880
Moore, Thomas P., of Kentucky, attended - - - - -	794	the third reading suspended on account of an error in the engrossment - - - - -	1894
Moreau, Celestin, Senate bill for the relief of - - - - -	1203	passed - - - - -	1904
read twice, and referred - - - - -	1215	amendments received - - - - -	2026
reported without amendment - - - - -	1460	referred - - - - -	2099
ordered to the third reading - - - - -	2507	reported - - - - -	2152
read the third time, and passed - - - - -	2508	debated - - - - -	2153
Morgan, Jane. (See <i>Venable, Sarah</i> .)		a partial agreement - - - - -	2153
Morgan, John J., of New York, attended - - - - -	812	a conference requested and the committee appointed - - - - -	2213
Morris, Richard G., an adverse report on the petition of, read and agreed to - - - - -	2486	their report laid on the table - - - - -	2494
Myotte, Jacques, a bill for the relief of, Francois Charpentrie, Jean Baptiste Laducier, and reported and read twice - - - - -	1769	concluded in - - - - -	2498
ordered to the third reading - - - - -	2500	a letter from the Secretary with a statement of contracts for the, laid on the table - - - - -	1487
postponed indefinitely - - - - -	2507	a letter from the same with a statement of expenditures and appropriations for the, laid on the table - - - - -	1567
N.		Mr. Whittlesey submitted a resolution calling for a statement of the money spent for timber for the - - - - -	1529
Napier, a bill from the Senate, for the relief of, Rapleye, Petray, and Viel - - - - -	1857	agreed to - - - - -	1551
read twice - - - - -	1870	a message with a report in reply, laid on the table - - - - -	1675
ordered to the third reading - - - - -	2508	the committee instructed to inquire respecting the expenditure of two hundred and twenty thousand dollars appropriated last session for the - - - - -	1878
read the third time, and passed - - - - -	2508	the committee instructed to inquire into the expediency of providing that persons engaged in the, be exempted from militia duty, except in certain cases - - - - -	1662
National Armory. (See <i>Armory</i> .)		Navy Agents. (See <i>Prize Money</i> .)	
Naturalization, the Committee on the Judiciary instructed to inquire respecting the alteration of the laws respecting - - - - -	812	Navy Department, the Committee on expenditures in the, appointed - - - - -	799
Mr. Cassidy presented the petition of sundry aliens of New Jersey, praying the revision of the laws of - - - - -	1083		
Mr. Morgan presented a petition of aliens in New York, respecting - - - - -	1428		
Mr. Livingston presented the petition of aliens in Louisiana, praying a revision of the laws respecting, referred - - - - -	1528		
Mr. Cuthbert, presented the petition of sundry inhabitants of Georgia, praying revision of the laws of, referred - - - - -	1619		

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Navy Department—continued.		North Carolina, the Speaker presented the memorial of the Legislature of, in relation to certain land claims - - - - -	1732
the annual report of the names and salaries of clerks in the, laid on the table - - - - -	1001	referred - - - - -	1733
the committee instructed to report specially touching contingent expenses in the - - - - -	1144	O.	
Navy Hospitals, Mr. Tomlinson submitted a resolution calling for information respecting the sums received and expended for - - - - -	1065	O'Brien, Jeremiah, of Maine, attended - - - - -	793
agreed to - - - - -	1100	Officers of Congress, Senate bill to revive the act to fix the compensation of the - - - - -	1429
a report in reply, read and referred - - - - -	1774	read twice, and referred - - - - -	1462
the export in full - - - - -	1774	reported without amendment - - - - -	1470
the committee instructed respecting the repeal of the act concerning - - - - -	1163	read the third time, and passed - - - - -	1470
Senate bill in addition to the act establishing, read twice, and referred - - - - -	2607	Officers of Customs, the Committee on Commerce instructed to inquire into the expediency of amending the act respecting the compensation of, &c. - - - - -	1529
reported without amendment - - - - -	2622	Ogden, Thomas S., and others, a bill for the relief of, reported and read twice - - - - -	1788
Navy Pensions. (See <i>Pensions</i> .)		ordered to the third reading - - - - -	2500
Navy Yard, Mr. Hamilton submitted a resolution respecting a, either at Beaufort or Charleston, laid on the table - - - - -	890	read the third time, and passed - - - - -	2504
Neale, Raphael, of Maryland, attended - - - - -	797	Ohio, the Committee on the Judiciary instructed to inquire into the expediency of altering the times of holding the circuit and district courts in - - - - -	815
remarks of, on the bill for the surveys of roads and canals - - - - -	1424	Senate bill to change the terms of the courts in Kentucky and, read twice and referred - - - - -	2172
Nelson, Jeremiah, of Massachusetts, attended - - - - -	793	reported without amendment - - - - -	2317
New Bedford, Mr. Baylies presented a memorial of the citizens of, respecting the sperm-ceti whale fisheries, referred - - - - -	806	read the third time, and passed - - - - -	2334
the memorial ordered to be printed - - - - -	1756	Mr. Wright submitted a resolution respecting the provision necessary to secure the three per cent. from the sale of lands in, to said State - - - - -	916
New Castle, Mr. McLane presented a memorial of the inhabitants of, praying better security of their harbor - - - - -	1732	agreed to, and referred - - - - -	916
other memorials respecting the harbor of, referred - - - - -	1788, 2430	Mr. Wright presented a resolution of the Legislature respecting the three per cent. fund reserved from the sale of lands, referred - - - - -	1429
New Hampshire, the Committee on Military Affairs instructed to inquire respecting the settlement of the claims of, for militia services - - - - -	833	the Committee on the Judiciary instructed to inquire into the expediency of dividing, into two districts - - - - -	1178
New Orleans, the Committee directed to report concerning a more direct route between, and the City of Washington - - - - -	1215	Mr. Sloane presented the memorial of the Legislature of, upon the subject of lands set apart for schools in that State, referred - - - - -	1763
the Committee on Public Lands instructed to inquire respecting the expediency of vesting in, all right to streets, squares, &c., therein - - - - -	1765	a bill to sell and convey certain lands, reported and read twice - - - - -	2622
Newport, Senate bill for the relief of the Merchants' Bank of, read twice and referred - - - - -	1292	ordered to the third reading - - - - -	2709
an adverse report made - - - - -	1429	postponed until next session - - - - -	2765
Newspapers, the Clerk directed to supply the members with - - - - -	796	a committee appointed to inquire into the expediency of granting relief to purchasers of lands located under Virginia military warrants between Ludlow's and Roberts' line in - - - - -	2172
the Committee on Post Offices, &c., instructed to inquire respecting the transportation of, &c. - - - - -	1263	a bill reported and read twice - - - - -	2541
Newton, Thomas, of Virginia, attended - - - - -	794	Mr. Barbour presented a petition of the inhabitants of, respecting lands located between those lines, laid on the table - - - - -	2551
remarks of, on Mr. Breck's resolution calling for information respecting commerce with Greece - - - - -	870	the bill considered - - - - -	2576
New York, the Committee on the Judiciary instructed to inquire into the expediency of amending the act for the organization of the courts in - - - - -	1203	ordered to the third reading - - - - -	258
Nimmo, William P., a bill for the relief of, reported and read - - - - -	889	read the third time, and passed - - - - -	256
ordered to the third reading - - - - -	958	Ohio and Mississippi Rivers, a Message from the President with a report of the survey of the, referred to the Committee on Roads and Canals - - - - -	1323
read the third time, and laid on the table - - - - -	959	referred to a select committee - - - - -	1461
debated and passed - - - - -	2499	a detailed report made, accompanied by a bill to assist Ohio and Kentucky to open a canal around the falls of the Ohio river, read twice - - - - -	1916
Norris, James, the Committee on Pensions, &c., instructed to inquire into the expediency of a certain allowance to the widow of - - - - -	2237		

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Ohio and Mississippi Rivers—continued.		Patents and Patentees—continued.	
a bill to improve the navigation of the, re-		bill read the third time - - -	908
ported and read twice - - -	1702	recommitted - - -	910
the report in full - - -	1703	reported with amendments - - -	932
the bill considered - - -	2558, 2578	again recommitted - - -	937
amended by adding the Missouri river	2578	a letter from the Secretary of State with a	
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ving in part an act incorporating the, re-		into the expediency of granting bounty	
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Owen, George W., of Alabama, attended - - -	798	and to abolish the office of surveyor, re-	
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1586, 1600		ordered to the third reading - - -	2695
speech of, on the Massachusetts contested		read the third time, and passed - - -	2696
election - - -	1844	a bill granting certain lots to St. Augustine	
P.		and, reported and read twice - - -	1733
Partridge's Military Academy, Mr. Buck sub-		Pennsylvania, a bill to alter the judicial districts	
mitted a resolution respecting the issue		of, reported March, 1822, referred - - -	815
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a detailed report in full - - -	1733	the Speaker presented a resolution of the	
a memorial from Captain Partridge, read		Legislature of, approving the declaration	
and referred - - -	1873	of the President in favor of liberty in the	
Patent Office, Senate bill relative to the, and to		Western Hemisphere, laid on the table - - -	2509
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and read twice	1961	Steam Vessels. (See <i>Vessels.</i>)	
ordered to the third reading	2501	St. Helena Courthouse, a bill in relation to ti-	
read the third time, and passed	2506	tles and claims to lands in Jackson, re-	
Smith, Arthur, of Virginia, attended	794	ported and read twice	1319
speech of, on the Greek cause	1204	ordered to the third reading	2698
Smith, Joseph, a bill for the relief of, reported		read the third time, and passed	2709
and read twice	1291	Senate bill supplementary to the several	
ordered to the third reading	2496	acts respecting land claims in, and Jack-	
read the third time, and passed	2500	son courthouse	2026
Smith, Noah, Senate bill for the relief of		(See <i>Pre-emption.</i>)	
read twice, and referred	1857	Stephenson, James, of Virginia, attended	794
reported with amendments	1893	Sterling, Ansel, of Connecticut, attended	793
ordered to the third reading	2508	Stetson, Amasa, a bill from the Senate for the	
read the third time, and passed	2508	relief of	1770
Smith, William, of Virginia, attended	794	read twice, and referred	1774
speech of, on the Massachusetts contested		reported with amendments	2001
election	1825	ordered to the third reading	2509
Smyth, Alexander, of Virginia, attended	794	read the third time, and passed	2510
speech of, on the bill for the surveys of		Stevenson, Andrew, of Virginia, attended	794
roads and canals	1399	remarks of, on the bill for the relief of Mrs.	
remarks of, on the resolution for adjourn-		Perry	978
ment	2656	on the resolutions in relation to the intended	
Snow, Elisha, a bill for the relief of, reported		visit of Lafayette	1106
and read twice	2508	speech of, on the bill for the surveys of roads	
South American Colonies. (See <i>Spain.</i>)		and canals	1399
South Carolina, a bill to alter the times of hold-		remarks of, upon Mr. Martindale's speech	
ing the circuit court in, reported and read		on the Tariff bill	1656, 1657
twice	1291	Stewart, Andrew, of Pennsylvania, attended	797
ordered to the third reading	2669	speech of, on the bill for the surveys of	
read the third time, and passed	2675	roads and canals	1246
Mr. Poinsett presented a resolution of the		remarks of, on the Tariff bill	1500, 1613
Legislature of, in relation to the struggle		speech of, on the same	2271
of Greece for independence, laid on the		remarks of, on the bill for improving the	
table	916	navigation of the Ohio and Mississippi	
Spaight, Richard D., of North Carolina, attended	794	rivers	2583, 2587
remarks of, on the bill for the survey of roads		St. John's River, a bill for opening a canal be-	
and canals	1395	tween the bay of St. Augustine and, re-	
Spain, Mr. Mallory submitted a resolution call-		ported and read twice	2171
ing for information in relation to the de-		ordered to the third reading	2602
sign of foreign Governments to aid, in		read the third time, and passed	2602
regaining the South American colonies	868	St. Mary's River. (See <i>Charleston.</i>)	
agreed to	879	Stock, a bill to authorize the purchase of seven	
a message in reply, referred	986	per cent., reported and read twice	957
Mr. Clay submitted a similar resolution	1104	considered	1048
Mr. C. requests that said resolution be al-		ordered to the third reading	1053
lowed to remain on the table	2763	read the third time, and passed	1065
Senate bill to carry into effect the 9th arti-		amendments received	1100
cle of the treaty with	2696	read and concurred in	1101
read twice, and referred	2697		
reported without amendment	2698		

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Stock—continued.	Page.	Symmes, John Cleves—continued.	Page.
a bill authorizing the creation of, for the Florida treaty awards, reported and read twice - - - - -	957	Mr. Gazlay submitted a resolution calling for information respecting a township in Symmes's patent - - - - -	2213
considered - - - - -	2552	agreed to - - - - -	2237
ordered to the third reading - - - - -	2555	a message transmitting a report in reply, laid on the table - - - - -	2397
read the third time, and debated - - - - -	2559	Mr. Gazlay submitted a resolution respecting the appointment of a trustee to carry into effect an act respecting the grant of 2503 read and referred - - - - -	2556
passed - - - - -	2575	(See <i>Miami Purchase</i> .)	
a bill to authorize the exchange of, bearing an interest of five per cent., for that bearing interest of six per cent., reported and read twice - - - - -	1856	T.	
considered - - - - -	2705	Tait, Charles, the Speaker presented a petition of Edwin Lewis praying an inquiry into the official conduct of, laid on the table - - - - -	1202
ordered to the third reading - - - - -	2707	Taliaferro, John, of Virginia, attended - - - - -	2236
Stoddard, Ebenezer, of Connecticut, attended - - - - -	793	Tallow Chandlers, Mr. Cambreleng presented a memorial of the, of New York combatting the New Bedford petition respecting the sperm whale fishery - - - - -	807
Stone, John, a report from the Secretary of War on the petition of, laid on the table - - - - -	1619	Tanner's Atlas, a resolution from the Senate to furnish each American Minister and Chargé with a copy of - - - - -	2696
Storehouses, a bill to extend the right of deposit in, to other goods besides wines, teas and spirits, reported and read twice - - - - -	1551	read twice, and laid on the table - - - - -	2697
Storrs, Henry R. of New York, attended - - - - -	793	Tariff, so much of the President's Message as relates to a revision of the, referred - - - - -	799
remarks of, on Mr. Breck's resolution respecting commerce with Greece - - - - -	872	petitions praying a revision of the - - - - -	842, 843, 886, 1083
speech of, on the New York contested election - - - - -	946	petitions against the passage of the bill 1427, 1428 1487, 1551, 1593, 1628, 1675, 1681, 1738, 1739	
on the bill for surveys of roads and canals - - - - -	1282	Mr. Tod submitted a comparative statement of the present - - - - -	1084
on the Massachusetts contested election - - - - -	1832	Mr. Hamilton submitted a resolution for a detailed revision of the existing, by next session - - - - -	2333
Strain, Robert, a bill for the relief of, reported and read twice - - - - -	1567	read, and laid on the table - - - - -	2345
ordered to the third reading - - - - -	2500	(See <i>Duties on Imports</i> .)	
read the third time, and passed - - - - -	2503	Tattnall, Edward F., of Georgia, attended - - - - -	1945
Strong, James, of New York, attended - - - - -	793	Taylor, George, Mr. Mercer presented the petition of - - - - -	985
speech of, on the Tariff bill - - - - -	2118	laid on the table - - - - -	1064
Stroud, Joseph. (See <i>Carver, Jonathan</i> .)		Taylor, John W., of New York, attended - - - - -	793
Supplies, &c., Mr. Floyd submitted a resolution calling for information respecting the transportation of, and payment for - - - - -	2333	remarks of, on declining to be a candidate for the Speaker's chair - - - - -	794
agreed to <i>nem. con.</i> - - - - -	2344	on a resolution respecting a delegate from the District of Columbia - - - - -	1505
a message in reply laid on the table - - - - -	2606	on the Tariff bill - - - - -	1689
Supreme Court, Mr. Trimble submitted a resolution respecting a more speedy publication of the decisions of the, agreed to - - - - -	817	on the Address of Ninian Edwards - - - - -	2473
Mr. Webster submitted a resolution respecting suits in the - - - - -	2541	Ten Eyck, Egbert, of New York, attended - - - - -	793
read, and committed to a Committee of the Whole - - - - -	2542	Tennessee, Mr. Cocke presented a resolution of the Legislature of, in relation to property lost in the Seminole war, referred - - - - -	1126
a bill to alter the time of holding the sessions of the, reported - - - - -	2635	Mr. Alexander presented a resolution of the Legislature of, concerning lands for educational purposes - - - - -	1202
ordered to the third reading - - - - -	2648	laid on the table - - - - -	1754
read the third time, and passed - - - - -	2648	Tennessee and Coosa Rivers, the Committee on Roads and Canals instructed to inquire into the expediency of opening a canal between - - - - -	812
Surgeons and Surgeons' Mates, the Committee on Naval Affairs instructed to inquire as to the due apportionment of pay to - - - - -	831	a report thereon laid on the table - - - - -	2630
the committee instructed to inquire into the expediency of providing for the instruction of junior - - - - -	987	Test, John, of Indiana, attended - - - - -	794
Surveyor's Office, the Committee on Public Lands instructed to inquire into the expediency of establishing a, in each State and Territory - - - - -	833	speech of, on the bill to create stock for the Florida Treaty awards - - - - -	2559
Swan, Samuel, of New Jersey, attended - - - - -	793	remarks of, on the bill for a canal between the Wabash and Miami rivers - - - - -	2585
Sylvester, Nathaniel, a bill for the benefit of, reported, and read twice - - - - -	2605		
read the third time, and passed - - - - -	2617		

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	Page.	Trimble, David—continued.	Page.
Thomas, John, and Company, a bill for the relief of, reported and read twice - - - - -	1042	remarks of, on the bill for opening certain roads in Florida - - - - -	929
ordered to the third reading - - - - -	2489	remarks of, on Mr. Buchanan's resolution in relation to a monument for Washington - - - - -	1048
read the third time, and passed - - - - -	2491	remarks of, on the Tariff bill 1481, 1482, 1494, 1498, 1519, 1614, 1661	
Thomas, Philemon, the Committee of Ways and Means instructed to inquire into the expediency of providing payment for, Benjamin P. Thomas and Lewis Craig - - - - -	1664	speech of, on the occupying claimant laws of Kentucky - - - - -	2535
Thompson, Philip, of Kentucky, attended - - - - -	794	Tucker, George, of Virginia, attended - - - - -	794
Thompson, Wiley, of Georgia, attended - - - - -	794	remarks of, on the bill for surveys of roads and canals - - - - -	1332
Thooft, Bernard, a bill for issuing debentures to, reported and read twice - - - - -	1064	remarks of, on the Tariff bill - - - - -	2336
ordered to the third reading - - - - -	2490	remarks of, on the Address of Ninian Edwards - - - - -	2450, 2453
read the third time, and passed - - - - -	2491	speech of, on the Beaumarchais Claim - - - - -	2588
Tod, John, of Pennsylvania, attended - - - - -	793	Tucker, Starling, of North Carolina, attended - - - - -	794
speech of, on the Tariff bill - - - - -	1471	Tuscaloosa, a bill granting certain privileges to the corporation of, reported and read twice - - - - -	2616
remarks of, on the same 1498, 1513, 1516, 1526, 1544, 1546, 1589, 1669, 1691, 1740, 1741, 1742, 1751, 1752, 1868, 2175		read the third time, and passed - - - - -	2709
speech of, on the same - - - - -	2214	Tuscarawas County, a bill providing for the disposition of three tracts of land in, reported and read twice - - - - -	2026
remarks of, on the question of adjournment - - - - -	2599	ordered to the third reading - - - - -	2607
Tolar, Robert. (See <i>Robertson, Ica</i> .)		read the third time, and passed - - - - -	2617
Tomlinson, Gideon, of Connecticut, attended - - - - -	793	Tyson, Jacob, of New York, attended - - - - -	793
remarks of, on the Tariff bill 1483, 1506, 1900		U.	
Tompkins, Daniel D., a Message from the President in relation to the accounts of, referred - - - - -	804	Udree, Daniel, of Pennsylvania, attended - - - - -	793
a bill for the relief of, reported and read twice - - - - -	811	Unfinished Business, the Committee on, appointed - - - - -	2457
considered - - - - -	817	their report made and adopted - - - - -	2487
ordered to the third reading - - - - -	825	the Clerk directed to prepare a list of, and to send a copy to each member by mail - - - - -	2766
read the third time, and passed - - - - -	828	United Brethren, Mr. Wright submitted a resolution calling for information respecting the title of the, to land in Ohio - - - - -	1528
a message from the President in relation to the claims of, referred - - - - -	1906	laid on the table - - - - -	1552
a report made in full - - - - -	2334	agreed to - - - - -	1661
considered - - - - -	2398	a message in reply, referred - - - - -	1906
agreed to - - - - -	2400	a report made - - - - -	2026
another Message from the President in relation to the claims of, read - - - - -	2501	V.	
referred - - - - -	2503	Vaccination, the Speaker presented a memorial of Dr. James Smith respecting the appointment of a vaccine agent, referred - - - - -	1428
a bill making appropriations to pay a certain sum to, reported and read twice - - - - -	2507	a report made - - - - -	1739
considered - - - - -	2677, 2685	a bill to encourage, reported and read twice - - - - -	1740
ordered to the third reading - - - - -	2693	Vance, John, of Ohio, attended - - - - -	794
read the third time, and passed - - - - -	2697	remarks of, on a bill respecting costs in suits by patentees - - - - -	908
Top, John, a bill for the relief of, reported and read twice - - - - -	2457	remarks of, on the Tariff bill - - - - -	1696
ordered to the third reading - - - - -	2505	Vance, Robert B., of North Carolina, attended - - - - -	794
read the third time, and passed - - - - -	2506	Vandalia, Mr. Cook submitted a resolution calling for information respecting the robbery of the land office at - - - - -	828
Townley, John F. (See <i>Esclava, Don Miguel</i> .)		agreed to - - - - -	830
Townsend, William, a bill for the relief of, reported and read twice - - - - -	2675	report in reply, referred - - - - -	1165
Tracy, Albert H., of New York, attended - - - - -	832	a report made - - - - -	1550
remarks of, on the Tariff bill 1492, 1495, 1499 1693		committed to a Committee of the Whole on the bill for the relief of the heirs of John H. Piatt - - - - -	1661
remarks of, on the Appropriation bill - - - - -	1786	Van Rensselaer, Stephen, of New York, attended - - - - -	793
Treasury Department, the Committee on Expenditures in the, appointed - - - - -	799	Van Syckel, Elijah, a bill for the relief of, reported and read twice - - - - -	1551
a report from the Secretary of the, with an estimate of appropriations, referred - - - - -	959	Senate bill for the relief of - - - - -	2396
a letter from the Secretary of the, with a printed copy of receipts and expenditures, laid on the table - - - - -	2606	read twice and referred - - - - -	2431
Trimble, David, of Kentucky, attended - - - - -	794		
remarks of, on the bill for the relief of Daniel D. Tompkins - - - - -	823		

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Van Syckel, Elijah—continued.		Washington, Mr. Breck submitted a resolution	
bill reported without amendment	2464	for the purchase of Peale's portrait of,	
ordered to the third reading	2509	read	1762
read the third time, and passed	2510	read the second time	1763
Van Wyck, William, of New York, attended	793	referred	1765
Venable, Sarah, Senate bill for the relief of, and		amendments reported	1869
Jane Morgan	1766	the Committee on Public Buildings in-	
read twice, and referred	1769	structed to inquire into the expediency of	
reported without amendment	1793	purchasing three of Capellano's busts of	2480
amended, and laid on the table	2508	a report made and concurred in	2499
Vessels, the Committee of Ways and Means in-		Washington, City of, Mr. Mercer presented the	
structed to inquire into the expediency of		petition of the Corporation of, praying	
granting bounty to certain	2172	amendments to the act of incorporation,	
a bill to allow bounty to, employed in the		referred	985
cod fisheries, reported and read twice	2465	a bill supplementary to the act to incorpo-	
ordered to the third reading	2481	rate, reported and read twice	1960
read the third time, and passed	2487	ordered to the third reading	2504
the Committee on Commerce instructed to		read the third time, and passed	2507
inquire into the expediency of exempting,		amendments received	2712
employed in canals in New York, from		read and referred	2713
the necessity of being licensed	2295	agreement reported and adopted	2758
a report made that it is inexpedient	2464	Mr. Wright presented a memorial from the	
concurred in	2465	Provident Association of Clerks in, pray-	
a bill to authorize masters of, to clear out		ing a modification of the act incorporating	
at Petersburg or Richmond, reported and		said Association, referred	1428
read twice	2430	a select committee appointed to report con-	
read the third time, and passed	2481	cerning the sale of lots in	1739
amendments received and concurred in	2712	a report made	2602
Mr. Vinton submitted a resolution in rela-		considered	2607
tion to steam	2670	concurred in	2616
agreed to, and referred	2670	Washington Canal Company, a report of the,	
a report made, accompanied by a bill regu-		referred	2465
lating steamboats, read twice	2694	Wayne, Isaac, of Pennsylvania, attended	793
considered	2707	Ways and Means, the Committee of, appointed	798
postponed until next session	2709	Webster, Daniel, of Massachusetts, attended	793
Mr. Condict submitted a resolution in rela-		remarks of, on offering his resolution for	
tion to disasters on steam	2765	sending an Agent to Greece	805
agreed to	2766	speech of, on the same	1084, 1190
Vinton, Samuel F., of Ohio, attended	794	remarks of, in reply to Mr. Poinsett's motion	
remarks of, on his resolution respecting		to defer the consideration of said resolu-	
steam vessels	2670	tion	919
Virginia, a bill to alter the judicial districts of,		on Mr. Breck's resolution in relation to com-	
reported and read twice	1765	merce with Greece	871
read the third time, and passed	2676	on a bill concerning marshals' fees	893
a Message from the President in relation to		on the bill respecting costs in suits by paten-	
the claim of, for certain advances, referred	2295	tees	894, 932, 934
the committee discharged and the Message		on a report respecting a system of bank-	
laid on the table	2317	ruptcy	895
Virginia Military Land Warrants. (See Ohio.)		on submitting a resolution in relation to	
W.		bankruptcy	2762
Wabash and Miami rivers, a bill to open a canal		on the Tariff bill 1695, 1699, 1701, 1867, 1869,	
between the, reported and read	829	1888, 1904	
considered	2534, 2600, 2603	speech of, on the same	2026
ordered to the third reading	2604	remarks of, on the Address of Ninian Ed-	
read the third time, and passed	2606	wards	2451, 2473, 2475
Wade, Elisha, an adverse report on the case of,		on the Occupying Claimant laws of Ken-	
laid on the table	943	tucky	2619
War Department, the Committee on Expendi-		on the adjournment	2599, 2650, 2656
tures in the, appointed	799	Wells, Bezaleel, a bill for the relief of, reported	
a letter from the Secretary of the, transmit-		and read twice	1214
ting a statement of contracts, laid on the		ordered to the third reading	2496
table	1343	read the third time, and passed	2500
Ward Samuel. (See Chandler, Walter S.)		West Baton Rouge. (See Baton Rouge.)	
Warfield, Henry R., of Maryland, attended	797	West Florida. (See Florida.)	
remarks of, on the resolutions in regard to		Weymouth, Dean, Senate bill for the relief of	1770
the intended visit of Lafayette	1104	read twice and referred	1774
remarks of, on the Tariff bill	1678	reported without amendments	1893
remarks of, on the adjournment	2649, 2657	ordered to the third reading	2508

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Weymouth, Dean—continued.		Wood, Joseph, Senate bill for the relief of, read	
bill read the third time, and passed	2508	and referred	1043
the Senate disagree to the amendments	2631	reported without amendment	1064
the House recede therefrom	2632	ordered to the third reading	2505
a bill for the relief of, reported and read		read the third time, and passed	2507
twice	2344	Wood, Silas, of New York, attended	793
ordered to the third reading	2505	remarks of, on the bill for relief of Daniel D.	
read the third time, and passed	2506	Tompkins	824
Wharton, Samuel, a bill for the relief of, report-		remarks of, on Mr. Breck's resolution re-	
ed, and read twice	876	specting commerce with Greece	871, 872
ordered to the third reading	931	on Mr. Webster's resolution for sending an	
read the third time, and passed	932	Agent to Greece	1132
Wheat, the Committee on Commerce instructed		remarks of, on the bill for the surveys of	
to inquire into the expediency of impos-		roads and canals	1053
ing a duty on imported	831	speech of, on the Tariff bill	2068
Wheaton, Joseph, a bill for the relief of, reported		Woods, William, of New York, attended	793
and read twice	986	a certificate of the election of, presented and	
ordered to the third reading	2489	referred	814
read the third time, and passed	2491	Woollen Manufactures, Mr. Webster presented	
Wheeling. (See Road.)		a petition of the manufacturers of Massa-	
Whipple, Thomas, of New Hampshire, attended	793	chusetts, praying an additional duty on	
White, David, of Kentucky, attended	794	foreign, referred	803
White, John, Mr. Herrick presented the peti-		Mr. Eddy presented a similar petition from	
tion of	1787	Rhode Island, referred	828
White, Joseph M., a bill for the relief of, and		Wooster, General David, Mr. Tomlinson sub-	
William Davidson, reported and read		mitted a resolution calling for information	
twice	2551	respecting monument to	1528
ordered to the third reading	2699	agreed to	1551
read the third time, and passed	2700	Wright, John C., of Ohio, attended	794
White, Samuel, Senate bill for the relief of		remarks of, on the bill concerning costs in	
read twice, and referred	1857	suits by patentees	909
reported without amendment	1870	remarks of, on the Tariff bill	1502, 1745
read the third time, and passed	2713	speech of, on the bill for relief of Daniel D.	
Whitman, Lemuel, of Connecticut, attended	793	Tompkins	2686
Whittlesey, Elisha, of Ohio, attended	794	Wyandot Indians, a bill reserving a certain tract	
Wickliffe, Charles A., of Kentucky, attended	794	of land to the, reported and read twice	1792
remarks of, on the bill for the relief of Mrs.		read the third time, and passed	2696
Perry	973	Y.	
on the Tariff bill	1488, 1613, 1678	Yandes, Peter, a bill for the relief of, reported	
on the Senate amendments to the Appropri-		and read twice	1768
ation bill	1949	ordered to the third reading	2500
speech of, on the Occupying Claimant laws		read the third time, and passed	2504
of Kentucky	2527	Yeas and Nays, on the passage of the bill for	
remarks of, on the adjournment	2650	the relief of Jacob Schaeffer	888
Widows and Orphans. (See Pensions.)		on admitting Parmenio Adams to a seat	944
"William," a bill to authorize a register for the		on the engrossment of the bill for surveys	
brig, reported and read twice	1322	of roads and canals	1041
considered	1344	on a motion to recommit said bill	1463
ordered to the third reading	2506	on its indefinite postponement	1467
read the third time, and passed	2508	on the third reading	1468
Williams, Isaac, of New York, attended	793	on the bill making appropriations for the	
Williams, Jared, of Virginia, attended	794	military service	1617
(See Contested Election.)		on amending the thirty-first rule	1776
Williams, Lewis, of North Carolina, attended	794	on the Appropriation bill	1782, 1959
speech of, on the Tariff bill	2100	on the Massachusetts Contested Election	1855
Williams, Thomas, a bill for the relief of, re-		on amendments to the Tariff bill	2235,
ported and read twice	1502	2255, 2257, 2287, 2289, 2290, 2291, 2293,	
ordered to the third reading	2497	2294, 2310, 2311, 2313, 2314, 2316, 2327,	
read the third time, and passed	2500	2328, 2329, 2332, 2337, 2341, 2342, 2343	
Wilmot, John, a bill for the relief of, reported		on laying said bill on the table	2427
and read twice	1567	on its final passage	2429
ordered to the third reading	2498	on Senate amendments to said bill 2621, 2626,	
read the third time, and passed	2500	2627, 2628, 2633, 2634	
Wilson, Isaac, of New York attended	793	on agreeing with the report of the commit-	
(See Contested Election.)		tee of conference	2673, 2674
Wilson, James, of Pennsylvania, attended	793	on Mr. Owens' resolution respecting the	
Wilson, John, of South Carolina, attended	794	effect of the Tariff bill	1623, 1629, 1631
Wilson, Henry, of Pennsylvania, attended	835		
Wilson, William, of Ohio, attended	794		

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on striking out a certain appropriation in the Fortification bill - - -	2463	on the passage of said bill - - -	2574
on a motion to recommit said bill - - -	2469	on the passage of the bill for the improvement of the navigation of the Ohio and Mississippi rivers - - -	2596
on referring the joint resolution respecting the adjournment - - -	2470	on the passage of the Post Office bill - - -	2683
on the third reading of the bill for the relief of Daniel D. Tompkins - - -	2501	on amendments to the bill for Daniel D. Tompkins - - -	2693
on the passage of the bill for relief of certain persons who imported goods into Castine - - -	2548	on the passage of said bill - - -	2697
on the postponement of the bill to create stock for the Florida Treaty awards - - -	2555	on the passage of the bill to fix the western boundary of Arkansas - - -	2761

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an act for the better organization of the district courts in - - -	3202	an act for the survey of the harbor of, St. Mary, and the coast of Florida - - -	3273
an act declaring the consent of Congress to certain acts of - - -	3218	Clerks, an act to authorize the employment of an additional number of, in the several Departments - - -	3235
Alexandria, an act to confer certain powers on the levy court of - - -	3247	Cocke, William, an act to compensate - - -	3240
an act further to regulate the inspection of flour in - - -	3273	Cod Fisheries, an act to allow bounty in certain cases to vessels employed in the - - -	3242
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